

## The Historical and Political Context of State Formation and State-Building Process in Kosovo

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### Abstract

In the modern era, the state constitutes one of the most important factors in determining social processes and phenomena. Its mechanisms, which have gradually developed and become more and more complex, affect almost every sphere of social life. As a result, the central focus of all political ideologies of modernity is exactly this state dimension, the dimension of its relationship with the society, its expansion and limitations. Thus, the process of state building in essence is one of the most complex processes that a particular society might undergo.

The aim of this paper is to examine this process in the context of Kosovo society in order to identify the specifics and character of this process. The paper is structured in two basic parts. The first part will elaborate the modern concept of the state, as well as the general concept of state-building while the second part will conduct an analysis of the historical and political context, from which the process of state formation of Kosovo has derived.

The results of this paper are presented through the theoretical analysis which is based, *inter alia*, on the comparative method, content analysis, historical method, referring to well-known authors of the field, documents and historical processes that illustrate the context and process of state formation and state building in Kosovo, having as its main goal the addressing of a particular dimension of the state, namely the dimension of its relationship with the society.

**Keywords:** political ideologies of modernity, state-building process, historical and political context, Kosovo.

### Introduction

The concept of the state constitutes one of the most important concepts not only in sociological research and theory, but in all social sciences that study the organized relationships in society. Through this concept, social sciences and societies themselves express ways of organizing and distributing power in social life. Although the organization of power is deeply rooted in history and to the social groups of the Neolithic period, the term "state" is a relatively late term and relates to the beginnings of European modernity. Technically, the term *state* is used by scholars to describe forms of political organization in pre-modern societies, which do not recognize this term. According to the French philosopher Claude Lefort, modernity begins with the so-called "process of embodiment", a process of unraveling or separating the various spheres of human activity from one another and constituting them as autonomous spheres with their internal logic of functioning (Lefort, 1986). In this context, one of the most important separations is between the political and the social spheres, which sometimes also come as a separation between the public and civil spheres, which is a major feature of liberal political thought. It is this division that creates the conditions for the birth of the modern concept of the state, which refers to an

organized power structure that is clearly differentiated from society. This change is related to the author Niccolò Machiavelli, who in his works clearly develops the separation between politics and ethics, between state and religion, between society and the state.

Undoubtedly, the modern state is the result of a long period of developments in which the Western Europe was included in the first centuries of modernity.

During these centuries, the most widespread form of political regimes in Western Europe was the absolute monarchy, which for the first time was able to overcome medieval political separations and provincialism and create the form of centralized power under the control of a sovereign authority. This process is best expressed in the philosophical work *Leviathan* of the English philosopher Tomas Hobbes, where sovereign authority arises from the process of gathering and concentration of dispersed power, into the hands of a single ruler<sup>1</sup>. Max Weber would later call this concentration as "the monopoly on the legitimate use of violence" (Weber, 1994, p. 311). Various scholars give credit to the absolute monarchies in the process of historical creation of the modern state.

Among them are:

- The creation of a harmony between the territorial boundaries with a unique system of rule
- The creation of new mechanisms of lawmaking and their implementation
- The centralization of administrative power.
- The alteration and expansion of the fiscal management
- The formalization of relations between states through the development of diplomacy and its institutions,
- The creation of standing armies.

All these political and institutional innovations that were created in the context of absolute monarchies paved the way for the birth of the modern nation state. This was made possible at the time of political revolutions of modernity which overruled the principle of the legitimacy of power through the divine right of kings and instead established the principle of legitimacy through the right of the people to determine the form of government and its elected officials (Pierson, 1996, pp. 35-64).

As Habermas noted, this democratic principle emerged at the same time as the national principle, which instead of the divine throne established the supreme instance called "nation".

Thus, the nations were born precisely in the culmination of modernity to fill the vacant place from the destruction of the provincial feudal and universal imperial loyalties. In this way, the nation state emerged, being a political structure larger than the political provinces and smaller than an empire. In essence, it is a synthesis of the infrastructure of absolute monarchies with the political ideas of European Enlightenment. On the basis of this, scholars define the modern state as follows: "All modern states are nation states - a political apparatus that differentiates between the

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<sup>1</sup> This is the famous "social contract theory", which tries to re-establish the legitimacy of political authority, not on the basis of the divine right of the rulers, but on the agreement reached between the subjects of political authority, namely the citizens. Other thinkers who have developed different versions of the social contract are Locke, Spinoza and Rousseau.

ruler and the oppressed, endowed with a supreme jurisdiction over a demarcated territory that has the support of the monopoly claim on the repressive force and that enjoys a minimum degree of loyalty or support from its citizens" (Pierson, 1996, pp. 15-34).

In fact, this definition synthesizes the main features that characterize a modern state. First of all we have what we have mentioned above, the national principle. This means that modern states are based on the ideology of nationalism, which preaches loyalty to national affiliation as the most important loyalty of the citizen and, consequently, of the state.

According to nationalism, the state is created to serve the interests of the nation, its security, well-being and development.

The other element we encounter in the aforementioned definition is that the modern state constitutes a political apparatus that is clearly differentiated from the society on which it exercises its functions. The state is a separate structure, which enters into contractual relations with the society. Social contract theories point out exactly this element.

The other element that characterizes the modern state lies on the fact that its jurisdiction is a final jurisdiction and is exercised in the entire defined territory. This is the well-known doctrine of sovereignty, which states that the state has the highest authority within its territory and this power is recognized by other states. The whole model of international relations, known as the Westphalia Model, which was created at the end of the thirty-year wars between European monarchies in the 17th century, was based on this doctrine (Morgenthau H. J., 2008).

The principles of this model emphasize that the political world is divided into sovereign states that do not recognize any other higher authority than itself, and that the lawmaking processes, dispute resolution, law enforcement are in the hands of individual states that are subject to the logic of competitive war for power.

Another principle of the Westphalia model is that dispute resolution between states is largely based on the use of force, therefore this pattern of relations between modern states attaches great importance to the idea of a balance of forces through which peace is guaranteed between them.

Another essential element of the modern state, referring to the definition used in this paper, is the monopoly over the repressive force. The modern state emerges precisely when it reaches the fulfillment of this monopoly, which implies that only the state is legitimately authorized to use the apparatus of violence, while all citizens are excluded from this right. Consequently, this also implies a monopoly on the administration of justice. With the birth of the modern state, the practice of self-justice widely encountered in customary law codes, comes to an end. Being that it pretends the monopoly over the administration of justice, the modern state is also characterized by the element of loyalty or loyalty of its citizens, since loyalty and justice are two categories closely related to one another. In the context of the modern state, its legitimacy implies the degree of acceptance by the citizens on the side of the state and this acceptance depends on the idea that the state equally administers justice for all its citizens. This legitimacy is not a divine acceptance, but an expression of general will. The modern state is therefore not a mediation instance between the

people and God, but an apparatus equipped with some exclusive rights, which are justified through the state being in the service of guaranteeing the basic rights of citizens, rights called by John Locke as natural rights, the most important of which were the right to life, liberty, property and the right to object to arbitrary power (Locke, 2003).

Another feature of the modern state is the so-called "impersonal structure of power". This means that power in the modern state is impersonal, implying that it is not identified or personalized in a person's figure, but functions as an impersonal legal order. Individuals exercise this power, but do not possess it as their own quality or property (patrimonialism) (Swedberg, 2005, pp. 196-97).

When making the typology of political authority, Max Weber considers that the formula of legal/rational authority dominates in the modern state, namely a formula where rational-legal authority is the supreme instance, rather than individuals exercising its functions. In the Anglo-Saxon liberal political theory, this is known as the "rule of law", or sometimes called the sovereignty of the law, while in continental political theory it is known as the state of law, the legal state or the constitutional state. In German political theory, it is known as "*Rechtsstaat*", while in French as "*Etat de droit*" (Costa & Zolo, 2007, pp. 3-149).

The impersonal structure of power in the modern state is inseparably linked with the democratic principle and that what Claude Lefort sees at the core of this principle as the empty seat of power. In modern democracy, the place of power is an ontologically vacant place in the sense that it is not embedded or identified in any particular figure (Lefort, 1986). In another aspect, this is also related to the observation of Carl Schmitt in his analysis of the modern state, pointing out that the impersonality of the modern state has to do with the fact that the main religious view that stays behind the modern, liberal and democratic state is a deistic viewpoint, which posits that God is the creator of the world, but rejects direct intervention of God after its creation, so the world functions under its laws without God's intervention (Schmitt, 1986, pp. 36-54). In the political sphere, this implies the situation when the monarch is formally sovereign, but the state has its own laws under which it exercises its functions. These laws are impersonal products and function as such.

Another equally important feature that characterizes the modern state is what Foucault calls "governance" (Lemke, 2000). The modern state is distinguished from the pre-modern forms of the exercise of power by the fact that this exercise is more understood as governance rather than domination.

In this case, governance means that power is used in the function of administering the general economic welfare of the citizens of a state, whereas the rule has to do with the exercise of power in function of the arbitrary will of the ruler or the group that is in power. On the basis of this, Foucault concludes that in the modern state, an unprecedented form of power emerges, which he calls "biopower", implying a form of power that targets the life of the population, growth, cultivation, development and its economy<sup>2</sup>.

Foucault considers that biopower and governance emerge when the economy

<sup>2</sup> . Foucault develops the concept of biopolitics in his Works: *The Will to Knowledge*, the first volume of his trilogy *The History of Sexuality*, and in the work *The Birth of Biopolitics*.

becomes a major political issue. It is no coincidence that the science that dealt with the administration of the economy during the XIX century was called a political economy. As regards the typology, the modern nation state is either a constitutional, liberal and democratic, or a party state.

In the first case, there is the state that bands together within a political order the constitutional principle or the sovereignty of law with the liberal principle of the sovereignty of the individual in his rights and the democratic principle of the legitimacy of power through the political representation of the governed, while in the second case, there are authoritarian or totalitarian states, or mixed variants of them.

### **Contemporary transformations of the nation state**

The last two centuries were the centuries of the great bloom and multiplication of nation states. Under the influence of the nationalist principle which says that every culture should find its expression in the form of a sovereign state (Gellner, 1983), in the western hemisphere were created a large number of nation states until the twentieth century as a consequence of the collapse of colonial empires and even in other parts of the world, the same phenomenon occurred. As a result, today we have what is known as the international community of states, which numbers about two hundred of such.

The overwhelming technological, economic and political developments that characterized the history of the twentieth century affected the nature of the nation states. Regarded by the Westphalian model as the supreme organism within its territory, the nation state seems to have lost a number of qualities associated with this definition as a result of the effects of these developments, which in their entirety are recognized as processes of globalization.

Incorporated in social sciences during the second half of the twentieth century, the concept of globalization expresses the process of continued intensification of the increase of structural interdependence between societies and states. This interdependence is related to the fact of creating a global market whose dynamics develop beyond the parameters of national governments. Trends in the national economies of individual states are already determined by the dynamics of the global market. This means that local crises are accompanied by global effects. In this way, the nation state has ceased to be a closed monad which is not affected by events that occur outside it or far from it. As a result, the state has lost an important part of its determining power. Its main rivals now are the multinational corporations, which through the international labor and production market are able to influence the political agendas of nation states. As a consequence, this has led to the fall of the doctrine of the absolute sovereignty of the state and instead has encouraged the development of the limited or relative sovereignty doctrine. Thus, from being the ultimate judge, the state has become an intermediary between the national economy and the global market.

This kind of change is also reflected in the field of ideological perception, where the tendency of weakening nationalism in favor of multiculturalism is noted, which according to the Slovenian scholar Slavoj Žižek is an ideological expression of the

domination of multinational corporations (Žižek, 1997).

Not only internationally but also internally, the national state has lost much of its determining and controlling power.

The complexity of social and economic life has led to the government, the exclusive prerogative of the national state, to begin to be decentralized and disseminated in numerous networks of state and non-state agencies, thus transformed into a socio-political process influenced by plurality of centers. Governance is no longer a flow of collective decisions stemming from the heights of a political hierarchy to later be applied throughout the social body, but a whole set of decisions that are the product of many social and institutional influences. In this regard, J.Pierre and B.G.Peters in their study "*Governance, Politics and the State*" write: "Governance - namely the issue of the formulation of effective and binding collective decisions for a particular political community – is becoming less and less a matter only for the state and its agencies (including law enforcement) and more and more of decision-making negotiations (and for implementation) between state actors (of different levels) and the interests of society, a process mediated through both official and informal channels" (J.Pierre & B.G.Peters, 2000, p. 207).

Thus, we are dealing with a new situation in which we can barely refer to governance in its traditional sense as an exclusive attribute of governments.

There is a broad debate on what are the factors that have determined such a development. In their well-known study Pierre and Peters list several key factors.

The first factor, according to them, is the so-called "state overload".

After the Second World War, especially in the Western Hemisphere, but also in the communist world, the state assumes multiple roles, especially in the area of public and social services, the extent of which then overcomes its functional capacities. The state of social welfare has become an enormous burden to carry. As a consequence, this has caused the reinstatement of neoliberal ideology in the last decades of the twentieth century, which promotes a reduction of state functions and the restoration of the minimal state formula which was strongly desired by classic liberalism. Significantly, the current economic crisis involving the European Union countries is also related to the "overloaded state".

The second factor concerns the increase of complexity of contemporary societies.

The contemporary society has become structurally far more complex by the staggering technological developments. This complexity in many cases overcomes the existing capacities of states to make decisions and provide governance, and as a result, governments are forced to transfer their governing competencies to non-governmental mechanisms and agencies, so in some way they are forced to have their power shared with these mechanisms and agencies.

The third factor relates to the fact that the state of social welfare crisis, and then the final collapse of communist systems all over the world, have created the climate for the prevalence of neoliberal concept for the state and society. Under the effect of this prevalence, the trust shifted from "the visible hand of the state" to the "invisible hand of markets". In this situation, the state started to be seen more as a cause of problems rather than their solution. Ronald Reagan, under whose leadership the powerful reinstatement of neoliberal politics occurred, on one occasion said "government is

not the solution to our problem; government is the problem" (Saad-Filho & Johnston, 2005).

A fourth factor is the impact of economic globalization, which has weakened the state's internal authority through the strengthening of international agencies, which have become inevitable participators in policy-making and decision-making processes.

It seems that we have moved from a centralized hierarchical model of governance to a polycentric and horizontal model of governance. Regarding this, Christopher Pierson in his famous study "The Modern State" writes: "In older government models, it was assumed that governing was the product of a hierarchy in which authoritative decisions taken at the peak of government cascaded downwards to the various levels at which they were to be implemented. A number of critics insist that this is quite inadequate as an (even quite approximate) way of modelling how government works now. Central to contemporary forms of government (and thus of governance) is the idea of networks – that is, the idea that policy is made and implemented not by a governing authority independent of social actors but in the context of ongoing exchange of information, resources and opportunities between elements in the governing apparatus and more-or-less organized interests in society. Relationships within the networks thus created are not uni-directional and hierarchic but based on negotiation and exchange, in a web of relationships which is consciously maintained across time" (Pierson, Shteti Modern, 2009, p. 211).

This view is similar to the analysis of governance and institutions found in the studies of Michel Foucault, who considers that in modern societies the model of the Sovereign power has lost ground in relation to new forms of exercise of power. In these new forms, power has ceased to be an attribute of a Sovereignty body and has become a multifaceted, polycentric, and multi-directional network of influence that permeates all social reality. In his famous work "The Will to Knowledge," Foucault points out that "Power is not something that is acquired, seized, or shared, something that one holds on to or allows to slip away; power is exercised from innumerable points, in the interplay of non egalitarian and mobile relations... let us not look for the headquarters that presides over its rationality; neither the caste which governs, nor the groups which control the state apparatus, nor those who make the most important economic decisions direct the entire network of power that functions in a society (and makes it function)" (Foucault, 2008, p. 128). According to this view, the state has lost the monopoly over governance. It has ceased to be the sole actor and thereby has accepted the joint game with many other actors.

### **The process of state-building and nation-building**

The concept of state-building is one of the most important concepts in contemporary studies of political sociology and political science. Such a thing seems to be conditioned by the fact that during the XX century, the process of forming new states and vice versa, the destruction of many other states, has been a very dynamic process.

The introduction of this concept into social science studies is attributed to the American political sociologist Charles Tilly, who used it in the work "*The formation of national states in Western Europe*", a joint study with a group of authors (Tilly, 1975).

According to the authors of this classic study, the process of state-building in the modern era involves a process in which at least five political, cultural and institutional criteria are met.

Being that the modern state is defined as a territorially defined population, which recognizes a joint high authority of government, this constitutes the first step in the process of state-building, namely the designation of a clearly defined territory within which the central political authority centralized into a unique governing body has been built, whose decision-making is applied to the point where the territorial boundaries lie.

Another step in this process foresees the functionalization of centralized political authority through the creation of a specialized civil service to administer decision-making and a military service, which, when it is necessary, may be able to use the force to protect the state association from other similar associations. This military service in modern times takes the form of a regular and permanent army.

Another feature that needs to be fulfilled in the state building process is the acceptance of political authority over the defined territory by other, now constituent and independent states. This acceptance makes the state equal in international relations and at the same time enables it to enter into diplomatic transactions in these relations. A fourth feature in the state-building process has to do with the creation of a collective sense of communion, community followed by the consciousness of the members of the state that they belong to a national community of common origin.

This sense of national communion is related to the idea of common duties and benefits, which, according to the authors of the aforementioned study, constitutes a fifth feature of the state-building process.

Thus, what can be noticed in the last two features is that the process of state-building often implies another process, the nation-building process.

Nations are born where the citizens of a newly formed state accept an image of cultural and historical communion, which is distinguished from the imaginations of the citizens of other neighboring states.

Throughout history, various forms of nation-building processes have emerged, but two of them may be considered to be the most frequent. The first is the process in which an already existing state produces a sense of communion, that what Benedict Anderson calls "the imagined community" (Anderson, 1991), namely the nation, while the second is the situation when this feeling, this imagined community, is created prior to the formation of the state. In the first case we are dealing with what are known as "political nations", where the state and the nation constitute an indistinguishable unit, while in the latter case we are dealing with what are known as "ethnic nations" which have emerged from the fusion of ethnic groups and then this fusion has been raised to the level of a modern nation state.

In a sense, the process of nation-building fully complements the process of modern state-building, because through nation-building, the material unity of the state takes the form of a spiritual and symbolic unity. In this way, the state gains sustainability on time. Different scholars call this symbolic unity as "identity creation", while other authors, such as Eric Hobsbawm, identify it as "invention of tradition" through which the modern nation gives itself historic legitimacy. Tradition serves the community to

create the sense of being rooted in history (Hobsbawm, 2000, pp. 1-14).

Even one of the most important contemporary connoisseurs of state-building processes, Francis Fukuyama insists on the idea that nation-building is the final fulfillment of state-building. In this regard, he writes: "State-building must eventually rely on the foundation of the nation-building, that is, in the creation of common national identities that serve as the foundation of loyalty, which cuts all ties with the family, the tribe, region or the ethnic group" (Fukuyama, 2012, p. 27).

Nevertheless, the state-building process is not a mechanical process - on the contrary, it is a highly complex social engineering because it implies changes in all aspects of social life. As a consequence, this brings objections, ambiguities, resistance or disobedience from various groups which in their entirety may create hazards or the threat of state-building failure. In case these hazards are encountered, we are consequently in a situation when weak or failed states are created.

According to authors Armin von Bogdandy, Stefan Haubler, Felix Hanschmann and Raphael Utz, a failed state is the state that loses its ability to guarantee public services through public institutions to its citizens, which is followed by the loss of legitimacy and the threat of existence of the state. The inability to offer these services means powerlessness to guarantee citizens' security, legal system administration, economic provisions, communication infrastructure and participation opportunities in political processes. The factors behind this situation, according to the authors concerned, are factors such as the division between the communities that make up the population of the state, the inability to exercise control over the borders and the entirety of the state territory, the rise of criminal violence, institutions and destruction of infrastructure (Bogdandy, Häußler, & Hanschmann, 2005).

Relying on the terminology of Weber's political sociology, Fukuyama identified patrimonialism as another factor that results in the failure of the state-building process. It is a political phenomenon where the elites privatize state resources through its capture practices with a view to extending the power of persons in family or tribal affiliation. This ruins the efforts towards building a modern state, which, as Fukuyama writes, is "not personal" because "the relationship of the citizen to the ruler does not depend on personal ties, but on the status of each citizen. The state administration does not consist of the family and friends of the ruler, but, on the contrary, recruitment to the administration positions is based on objective criteria such as merit, education or technical knowledge" (Fukuyama, 2012, p. 8). This is the fundamental principle of the modern state, its impersonality that is, not being identified with certain individuals regarding its existence and functioning

### **The historical context of the creation of the State of Kosovo**

The state of Kosovo is the result of a long historical process through which Kosovo's political problem has gone through. This problem originates in the second decade of the twentieth century, where as a consequence of political developments and diplomatic compromises, the region of Kosovo remained outside the Albanian state borders, proclaimed on November 28, 1912 in Vlora and internationally recognized by the great powers of the time in the summer of 1913 after a border-determination

process. Kosovo left outside of this state became part of the Serbian state. This reality was reconfirmed after the end of the World War I at the Peace Conference in Paris in 1919. After this year, a national movement that aspired to Kosovo's secession from Serbia and its unification with Albania began to take form. This was the so-called Kachak (outlaw) Movement, which operated in accordance with the political and ideological platform of the Kosovo National Protection Committee based in Shkodra and which united politicians and intellectuals, mainly Kosovars, who had found refuge in Albania. Among them, the best-known were Hasan Prishtina, Bajram Curri, Hoxhë Kadri Prishtina and others. Being that this committee was on the side of Noli's government, Zog's rise to power in the end of 1924 practically led to the destruction of the Committee, and after the assassination of Azem Bejta in Kosovo, every effort to attain liberation from Serbian rule came to an end (Malcolm, 2000).

Kosovo remained part of Yugoslavia even after the end of World War II. The National Front, known as Balli Kombëtar, a nationalist organization that aspired to unite Kosovo with Albania, lost the political battle with the Albanian Communist Party, and the fact that some of its segments cooperated openly with Nazism caused the unification platform to almost completely lose its power in the new circumstances. To this must be added the fact that the newly emerging communist regime in Albania was really under the tutelage of the Yugoslav communist regime and consequently a reconsideration of the Kosovo issue was far from being addressed. The two communist governments treated the issue as closed (Malcolm, 2000).

In the two decades after the end of World War II, the nationalist movement in Kosovo was almost inactive, except for small groups of intellectuals, such as the group of Adem Demaçi that sought to promote a new position of Kosovo in relations with Albania and Yugoslavia through cultural and semi-illegal activities.

Kosovo's political history under communist Yugoslavia can generally be viewed in three stages. The first stage includes the years 1945-1966, when in fact the political rights of Albanians in Kosovo were to their minimum. This is the so-called period of Rankovic, the Yugoslav minister of internal affairs and the political police, who in fact had established in Kosovo a regime of systematic repression over the Albanian population.

The fall of Rankovic, as a result of the internal wars for power within the Yugoslav nomenclature, resulted in the beginning of a new period of developments in Kosovo. This happened after 1966. The repressive regime was abolished and a host of reforms began to be implemented. These reforms foresaw capital investments in economy, education and culture. As a result, an industrialization process started in Kosovo, along with the establishment of a massive network of primary and secondary schools, which culminated in the foundation of the University of Prishtina in the early 1970s (Judah, 2002, pp. 59-62).

Constitutional restructuring of the Yugoslav Federation in 1974 reflected changes in Kosovo. A new drafted constitution significantly improved the political status of Kosovo within the federation. Kosovo formally remained the Autonomous Province within the Republic of Serbia, but its political powers were almost equal to those of the republics that constituted the federation (Judah, 2002, pp. 61-62).

The 1970s were not just years of considerable economic, educational and cultural

development. They were also the years in which Kosovo's relations with Albania, certainly with the permission of the central Yugoslav authorities, became more open and intensive. A host of exchanges, mainly of cultural and educational nature, took place between Pristina and Tirana (Syla, 2017, pp. 233-274). All of this naturally created the social conditions for a renaissance of the national movement in Kosovo. Initially, this movement had the form of small illegal groups that were essentially nationalist since they aspired to the unification of Kosovo and Marxist-Leninist Albania and considered that this must be achieved within the communist regime of Enver Hoxha. These groups mainly engaged in propaganda activities, distribution of anti-Yugoslav, nationalist tracts as well as Marxist literature, where Enver Hoxha's works that entered Kosovo through illegal channels occupied the central place (Malcolm, 2000, pp. 327-372).

Thus, during those years, the political thought in Kosovo was diversified in two main waves:

- The conservative legal wave, and
- The illegal revolutionary wave

Conservatives, that in this case was the ruling Albanian political class, considered that Kosovo had reached the maximum as regards the political rights of Albanians in the Yugoslav federation, while Enverist revolutionists considered that the Albanian people in Yugoslavia were discriminated and as a result the only solution was the secession of Kosovo from the federation and the unification with socialist Albania.

The death of Tito, the charismatic leader of the Yugoslav Federation, created a huge vacuum of political authority in the federation. Tito was the icon that symbolized the ideology of fraternization-unification, which aimed to overcome and resolve the divergences between the nations that made up Yugoslavia through the egalitarian communist internationalism. After his death, this symbol lost its real power, and the nationalist forces that Tito had successfully managed to keep under control, now began to believe that the time had come for their voices to be heard (Judah, 2002, p. 62).

In the spring of 1981, demonstrations of the students of the University of Kosovo broke out, initially with social demands which quickly evolved into political demands. The basic political idea of these demonstrations was an idea that seemed to be positioned between the conservatives and the revolutionaries' position. That was the idea that sought the status of the Republic of Kosovo. It demanded that Kosovo's status be further advanced from an autonomous province to a republic entirely equal to other republics (Malcolm, 2000, pp. 348-349). The implication of this demand was that through this advancement, Kosovo would cut the special ties with Serbia and this naturally prompted the reactions of nationalist circles in Serbia. These circles, which after Tito's death gradually managed to establish discrete hegemony within Serbia's political establishment, began to design a platform for regaining Serbian control over Kosovo. In view of this goal, an entire narrative of victimization of Serbs in Kosovo by the Albanian majority was fed (Malcolm, 2000, pp. 352-355).

At the same time, the old myths about Kosovo as the holy land of the Serbian nation, as the cradle of this nation, were resurrected (Anzulović, 2017). Among these myths, the most distinguished was the myth of the Battle of Kosovo of 1389. In fact, this

myth condensed all the mythology of Serbian nationalism that was reviving on the gradual collapse of communist Yugoslavia. Through this battle, Serbian nationalism fed the myth of the territory: Kosovo was a Serbian territory; Serbs have fought and fallen for the protection of this territory. This battle also fed the other myth of Serbian nationalism, the myth of falling and suffering. According to the ideologists of this nationalism, the loss of the Kosovo battle marked the beginning of an era, that of the fall and suffering of the Serbian nation in Kosovo under Ottoman rule. In the Serbian national mythology, the myth for the battle of Kosovo is also the myth of the civilization mission of the Serbian nation. According to this mythology, Serbs in Kosovo did not only defend their land, but also Christian civilization against the Ottoman Asian invasion. As is often the case, the myths of the fall are followed by myths of rebirth and revival (Schopflin, 2000, pp. 90-98). The latter are usually narratives of the present. In the 1980s of the last century, Serbian nationalism projected the Serbian nation revival at two levels: at the first level is Kosovo's recapture and at the second level is the unification of all Serbs of Yugoslavia into a common Serbian state. This project actually served as a starting point for the collapse of the communist Yugoslavia. Thus, in 1989 under the police force and political pressure, Serbia overthrew the 1974 Constitution of Kosovo by returning its political status of the previous year, which was in fact the status of a southern province of Serbia (Malcolm, 2000, pp. 358-360). This was the first step of Serbian nationalism in the 1980s.

The global crisis in the communist system after the fall of the Berlin Wall in 1989 and the final dissolution of the Soviet Union in 1991 made it almost impossible for the Yugoslav multinational federation to survive, because the ideology that kept the federation alive was dead<sup>3</sup>. Serbian nationalism interpreted this situation as an opportunity to realize the second goal: the unification of all Serbs living in Yugoslavia within a single Serbian national state. This was the main cause that led to bloody wars initially in Croatia and then in Bosnia and Herzegovina (Judah, 2002, pp. 83-86).

The violent overthrow of the 1974 Kosovo Constitution by Serbia triggered a huge popular reaction in the form of mass demonstrations and union strikes.

Under the pressure of these popular actions, the Kosovo Assembly in July 1990 announced the Constitutional Declaration which advanced the status of Kosovo from a province to a republic within the federation. Ironically, what the students demanded in 1981 was being met nine years later, but in circumstances that would quickly invalidate this constitutional declaration, because the dissolution of Yugoslavia left only two options: agreeing to become part of Serbia or creating the independent state of Kosovo.

This led to the political idea that would massively unite Kosovo Albanians in the 1990s, the idea of independence.

It raises questions about why independence and not unification with Albania dreamed for so many years.

The reason for this lies in the fact that Kosovo Albanians, already politically organized

<sup>3</sup>. Yugoslav Communism was based on two ideological pillars: the idea of fraternization, which built the unity and cohesion of the state made up of many nations and the idea of self-governing socialism, which built the economic system trying to avoid the faults of Stalinist economic centralization, but without breaking away from the general paradigm of the socialist economy. See: *Self-Governing Socialism: A reader* (Horvat, Marković, & Supek, 2016).

by the Democratic League of Kosovo, took the warning of the great international powers seriously, which, on the eve of the outbreak of the former Yugoslavia war, made it clear that they would not accept any change to its external borders. Kosovo needed international support and the intention to join Albania came into conflict with this need. On the other hand, Albania itself completely destroyed by a brutal totalitarian regime like the Hoxha regime, did not meet any preconditions to support such an intention.

While Kosovo's independence as a goal united all political forces in Kosovo, their separation began at the moment they started discussing about the way of accomplishing this goal.

The Democratic League of Kosovo, which united the country's intellectuals and the communists converted to Democrats, considered that this goal was to be achieved by means of peaceful resistance, where the most known was the creation of a civil disobedience system, a network of parallel institutions that would function until the intervention of the international community (Judah, 2002, pp. 87-100).

The main rival of LDK, the People's Movement of Kosovo, which mostly operated in the diaspora and united mainly former Marxist-Leninist activists, considered that Kosovo's independence could only be achieved through an armed uprising.

In view of this, the PMK in the mid-1990s created the first groups of what would later be known as the Kosovo Liberation Army, a guerrilla organization that would lead the armed rebellion (Judah, 2002, pp. 135-142).

The KLA failed to become a factor until 1998 when after some armed confrontations with the Serbian police followed by massacres on the civilian population, Kosovo Albanians abandoned the platform of peaceful resistance to embrace the liberation of the country through war.

Learning from the passivity shown in the Bosnian conflict, where the biggest massacres in Europe since the end of World War II took place, such as the Srebrenica Massacre, the International Community immediately got involved in the Kosovo crisis, trying to mediate between the conflicting parties. This involvement produced the winter talks in Rambouillet, France, which concluded an agreement offered by Western states to end hostilities between the two parties. Milosevic's government did not accept the agreement, and Western countries were forced to use military intervention against Serbia to end the reprisals of the Serbian army in Kosovo. After 72 days of bombardments, Serbia was forced to accept an even less favorable agreement, which foresaw the complete withdrawal of Serbian government structures from Kosovo. All this was formalized by the Security Council Resolution 1244, which placed Kosovo under UN administration, known as UNMIK.

This international administration was projected as a transitional stage until finding a final solution to the status of Kosovo.

Negotiations between Kosovo and Serbia began in Vienna in 2005 with the UN mediation attempting to resolve this issue. After two years, the UN as a mediating body came to the conclusion that the most appropriate agreement that could be reached between Kosovo and Serbia on the status of the former was an agreement recognizing a "conditional independence for Kosovo" including an advanced package of rights for the Serb minority in Kosovo. Once again, the Serbian government rejected the

proposed agreement, the so-called Ahtisaari Plan, while Kosovo with the support of the Western countries in February 2008 declared independence from Serbia becoming an independent and sovereign state, but without the right to unite with other states. This clause, though not explicitly, implied that it prevented the unification of Kosovo and Albania.

## References

- Anderson, B. (1991). *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. London - New York: Verso.
- Anzulović, B. (2017). *Serbia Hyjnore: Nga miti te gjenocidi*. Prishtina: KOHA.
- Bogdandy, A. v., Häußler, S., & Hanschmann, F. (2005). *Max Planck Institute*. Retrieved from <http://www.mpil.de>: [http://www.mpil.de/files/pdf2/mpunyb\\_bogdandyua\\_9\\_579\\_613.pdf](http://www.mpil.de/files/pdf2/mpunyb_bogdandyua_9_579_613.pdf)
- Costa, P. Z. (Ed.). (2007). *The Rule of Law History, Theory and Criticism*. Springer.
- Costa, P., & Zolo, D. (2007). *The Rule of Law History, Theory and Criticism*. (P. Z. Costa, Ed.) Dordrecht: Springer.
- Foucault, M. (2008). *Vullneti per Dije, Historia e seksualitetit 1*. (K. Meta, & O. Azizi, Trans.) Prishtina: Dukagjini.
- Fukuyama, F. (2012). *Fillesat e rendit politik*. (. S. Çuçka, & J. Qirjako, Trans.) Tirana: Ais Tirana Times.
- Gellner, E. (1983). *Nations and Nationalism*. Ithaca, NY: Cornell University Press.
- Hobsbawm, E. (2000). *The Invention of Tradition*. (E. Hobsbawm, & T. Ranger, Eds.) Cambridge: Cambridge Univeristy Press.
- Horvat, B., Marković, M., & Supek, R. (2016). *Self-Governing Socialism : A reader*. (B. Horvat, M. Marković, & R. Supek, Eds.) Abingdon-on-Thames: Routledge.
- J.Pierre, & B.G.Peters. (2000). *Governance, Politics and the State*. New York: St. Martin's Press.
- Judah, T. (2002). *Kosova: Luftë dhe Hakmarrje*. Prishtina: Koha.
- Lefort, C. (1986). *The Political Forms of Modern Society: Bureaucracy, Democracy, Totalitarianism*. Cambridge: Polity Press.
- Lemke, T. (2000). *Thomas Lemke*. Retrieved from <http://www.thomaslemkeweb.de>: <http://www.thomaslemkeweb.de/engl.%20texte/Foucault,%20Governmentality,%20and%20Critique%20IV.pdf>
- Locke, J. (2003). *Two Treatises of Government*,. (P. Laslett, Ed.) Cambridge: Cambridge University Press.
- Malcolm, N. (2000). *Kosova: Një histori e shkurtër*. (A. Karjagdiu, Trans.) Prishtina: Koha.
- Morgenthau, H. J. (2008). *Politika ndërmjet kombeve, Lufta për pushtet dhe paqe*. (T. Beçi, Trans.) Tirana: Tirana Times.
- Morgenthau, H. J. (2008). *Politika ndërmjet kombeve, Lufta për pushtet dhe paqe*, . Tirana: Tirana Times.
- Pierson, C. (1996). *The Modern State*. London: Routledge.
- Pierson, C. (2009). *Shteti Modern*. (E. Shehi, Trans.) Tirana: Tirana Times.
- Saad-Filho, A., & Johnston, D. (2005). *Neoliberalism: A Critical Reader*. London: Pluto Press.
- Schmitt, C. (1986). *Political Theology*. (G. Schwab, Trans.) Cambridge: MIT Press.
- Schopflin, G. (2000). *Nations, Identity, Power*. London: HRUST & COMPANY.
- Swedberg, R. &. (2005). *The Max Weber Dictionary: Key Words and Central Concepts*. Stanford: Stanford University Press.
- Syla, S. (2017). *Shteti shqiptar dhe çështja e Kosovës*. Prishtina: Instituti i Historisë.

Tilly, C. (1975). *The Formations of National States in Western Europe*. Princeton, New Jersey: Princeton University Press.

Weber, M. (1994). *Political Writings*. Cambridge: Cambridge University Press.

Žižek, S. (1997). Multiculturalism, Or, the Cultural Logic of Multinational Capitalism. *New Left Review*, 1-24. Retrieved from <https://newleftreview.org/I/225/slavoj-zizek-multiculturalism-or-the-cultural-logic-of-multinational-capitalism>