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CULTURAL REVOLUTION AT SERBIA'S UNIVERSITIES

Abstract. In the article the author gives a critical review of the University Law of Serbia that was adopted in May 1998. This law belongs to the group of repressive laws and abolishes the autonomy of the university. This law, *inter alia*, provides that the university is placed under the direct control of the Serbian Government. The Law abolishes the possibility of the university and faculties to autonomously decide on the election of the rector and deans, as the rector and deans are appointed by the Government without consulting the academic community. The rectors and deans now have authority of a company director and the possibility to hire and fire professors and assistants on grounds of discretionary authority and political opportunism. The adoption of this law was accompanied by numerous public protests.

Key words. University Law (1998). Serbia. University autonomy. Repressive legislation.

I

The Constitution of the Republic of Serbia (1990) guarantees "...freedom to create and publish scientific works and works of art..." (Art. 33). The previous *University Law* – passed in 1992 and abolished in the meantime – stipulated, *inter alia*, that: "The University is an autonomous institution of science, arts and education" (Art. 2). In order to ensure that the university remains outside of party politics as a prerequisite for a genuine academic autonomy and full respect for the freedom of scientific and artistic creativity, this Law provided that "*political and religious organizations and activities at the university are not allowed*" (Art. 4).

The Serbian *Law on Political Organizations* (1990) stipulates explicitly that "political organizations can be set up and base their activities *only* on the territorial principle" (Art. 4). This Law explicitly forbids all forms of party and/or political organizations and activities outside of the political parties them-

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selves. This refers particularly to the establishment and activities of various "party cells" (e.g. committees, boards) according to the so-called functional principle, i.e. in public enterprises, government agencies, universities, etc.

Contrary to these explicit provisions, however, some political parties put their political interests (as well as those of their leaders) above the university's academic, scientific and educational mission. With the establishment of its "*University Committee*", JUL (*New Yugoslav Left*) has placed itself in the forefront of this illegal and illegitimate practice.

II

Without giving any announcement, the Government of Serbia abruptly came up with a draft of a new *University Law in May 1998*, and subsequently adopted it in an emergency parliamentary procedure on May 26.¹

Legally speaking, this Law transformed the university from an *autonomous scientific and educational institution* into a *state-owned public enterprise* managed by "rectors" and "deans" who do not act on behalf of their faculty or academic colleagues, but are literally *high-ranking state officials appointed by government decree*. According to this Law, the authority of the rectors over the university and the deans over the faculties that of an appointed government "governors" and equals directors of state-controlled public monopolies. Instead of the university electing its rector or the faculty members electing their deans, the rectors and deans can now *hire and fire* professors and assistants at will.

In political terms, however, the new University Law seems to herald a remake of the Chinese "cultural revolution", but this time at Serbia's universities. Universities in Serbia seem to be approaching Mao Dze-Dong times when "all those wearing eye-glasses are suspicious". This new cultural revolution in Serbia is "directed" by the governing red-black political triumvirate consisting of (Slobodan Milošević's wife) Mira Marković's *New Yugoslav Left* (JUL), the extreme nationalist Vojislav Šešelj's *Serbian Radical Party* (SRS) and Slobodan Milošević's *Socialist Party of Serbia* (SPS).²

1 *University Law* (Zakon o univerzitetu), Official Herald of the Republic of Serbia (Službeni glasnik Republike Srbije), No. 28/98, May 28, 1998.

2 The *University Law* was passed in May as a result of a harmonious collaboration within the red-black coalition. 10,000 signatures by professors and teaching and non-teaching personnel were collected under a petition against this Law with the aim to stop the legislative procedure and prevent the adoption of what turned out to be the most restrictive law in Belgrade University's history. The petitioners requested that the Government postpone the adoption of the Law until fall and that a new draft be elaborated publicly and in cooperation with representatives of the academic community". (S. Ast, *Belgrade University – Purges, Persecution, Threats*", Helsinki Charter, No. 10, September 1998, p. 18).

Those behind this anti-civilization endeavor seem to have decided to activate their “fifth column” at the University, personified – above all – in the members of Serbian Government who at the same time have the status of university professors. There is no other way to explain the fact that this infamous Law was introduced and passionately defended by no less than three deputy prime ministers, as well as the education minister – *ALL* of whom are both high-ranking government officials and university professors. It is obvious that these “politicians-professors” subordinated the interests of their *alma mater* – i.e. University's benefit and prosperity – to the interests of their *alter mater*, i.e. to the political interest of the red-black SPS-JUL-SRS coalition.

Although it is quite clear to everyone that JUL chairwoman *Mira Marković* (professor of Marxism and later Sociology) inspired and set in motion this new cultural revolution against the university, the red-black coalition's political spearhead was professor *Milovan Bojić* of the Belgrade Medical School and Deputy Prime Ministers of Serbia's Government (also chairman of the illegally established *JUL University Committee*). His public statement that *the new Law introduces autonomy to the university*, although autonomy is in fact totally abolished by it – is self-explanatory. After all, how can one talk about autonomy if government officials hire and fire professors and scientific staff as they please and not on merits of their scientific work which can be assessed only by experts? ³

A statement made by professor *Ratko Marković*, another Deputy Prime Minister who is also a professor of Law at the Belgrade University (a member of SPS and Milošević's “personal” constitutional expert) is also self-explanatory. Professor Marković said: since the Government finances the University, it has the same *property and disposition rights* over the University as any other owner (e.g. over his or her car or house).

Political statements made by *Dr Vojislav Šešelj*, the third Deputy Prime Minister, do not deserve a comment. The fact that at an appointed discussion with him on this issue none of the more than thirty professors even wanted to talk to him, testifies to the level of his credibility.⁴

3 (...) Employees' participation in the management process at the university and its departments is not just limited: it is wholly eliminated. This can be seen in numerous provisions of the University Law. E.g. the Government can appoint and dismiss rectors and deans without any participation of the university and its departments (Art. 108, 123 /2); the university staff have no right to put up candidates for management and supervisory boards – they are all appointed by the Government (Art. 128, 131)...“ (V. Rakić-Vodinelić, *What Legal Consequences for the Position of the University and its Teaching and Other Staff Will the New University Law Have*, „Naša Borba“, June 17, 1998, p. 5).

4 “I perceive the University Law as turbo-folk's triumph in the higher education sphere“ (Z. Ivošević, *Turbo-folk in Higher Education*, „Naša Borba“ Sunday Edition, June 27-28, 1998, p. XV).

Finally, professor *Jovo Todorović*, the education minister, has been involved in this operation since the 1996-97 citizens' and students' winter protest. It is then that he turned his back on the university and sided with the regime.⁵

The fifth column has prepared itself well for this strike against university autonomy.⁶ For example, Art. 109 of the new University Law stipulates that: "The rector is the management executive of the university. The rector has rights and duties of a *company manager* (...). The university rector (...) is appointed and dismissed by the Government". The deans dispose of similar authority.⁷

III

It is not widely known that this anti-academic political platform legally rests on the opinion of several legal experts who explicitly argued that deans should have the same authority and powers in relation to professors, as managers have in relation to employees in a company, factory or farm. According to their opinion, (first among equals) in relation to the professors on the faculty; a dean represents rather a "*managing and commanding instance*" authorized to appoint and dismiss professors and other scientific workers at his will and without explanation. The most persistent advocate of this concept emphasizes: "...In other words, no legal document can deny an employer – or a manager, and in this case *a dean* – the right to decide (...) to hire or fire an employee a university teacher – or to prolong his or her work contract.⁸ These legal experts have also deserved their "bonuses" for having thrown the ball to the politician-professors of the red-black coalition in their plot to turn university autonomy and freedom of scientific and artistic creation into administrative obedience of

5 The university's history is a history of totalitarian power which aims to subordinate it: it is a history of police-mindedness, inquisition, of burned books and human lives". (S. Pihler, *Law Against University*, „Naša Borba“, June 12, 1998, p. 7).

6 There is absolutely no doubt that the May 26 passing of the University Law meant Serbian Parliament's decision to introduce authoritarian rule to the university, which will inevitably lead to its total degradation." (S. Turajlić, *The Last Defense or Defeat*, „Naša Borba“, June 2, 1998, p. 7).

7 After all, this Law can not be called a law in the legal sense of the word. It is rather a *directive* issued to clerks by the Government, containing instructions on how to manage human and material resources entrusted to them. It is in this way that a decades-long negation of the rule of law in Serbia is consequently continued, and bureaucratization of the society and concentration of authoritarian power is given a new impetus. This Draft represents another step toward a closed society with a growing number of post-communist totalitarianism, tyranny, dictate and thought control". (I. Vujačić, *A Contribution to the Non-Existent Debate on the University Law Draft*, „Naša Borba“, May 19, 1998, p. 7).

8 This opinion is formulated by professor Zoran Tomić (Compare: Zoran Tomić, *Minister's Power and Retirement of University Professors*, Naša Borba“, Nov. 5, 1997, p. 8).

wage workers to political dictates of the Serbian Government and repression of the bureaucrats in the ministry of education.⁹

Many public protests against the University Law have been addressed to the Serbian authorities.¹⁰ The university never was, nor will it ever be a company dedicated to producing profits. The university is an institution that produces knowledge and culture and is not the property of the state, let alone the government and its ministers. The university works for the benefit of all citizens and society as a whole. The state is there only to secure the means for the activity of the university and monitor that it is carried out in a legal manner. Thus, the message of the university, the professors and students in defense of their autonomy must be loud and clear: this Law must end up the dump-yard of Serbia's history. To achieve this, apart from general solidarity of the academic community and the democratic public, it is necessary for university professor to pass the most rigid academic standards of scientific research.¹¹

9 The basic aim of manipulation in the university environment boils down to political control over the university (...) Roles played by rectors and deans in this process are very important: they should represent a transmission between state administration and university institutions." (S. Petković, *Manipulation in the University Environment*, Naša Borba, June 3, 1998, p. 7).

10 The following *Memorandum* was, *inter alia*, sent to Mirko Marjanović, the Prime Minister of Serbia: Mr. President, Extremely concerned over the new University Law and consequences it has already produced, we turn to you as Prime Minister of the Republic of Serbia (...) with the following proposal and request to, having in mind the long academic tradition in Serbia that this Law so flagrantly has derogated, and with the goal of realizing and defending the general interest of the Republic of Serbia and its reputation in the field of university, scientific, cultural and educational endeavors, as well for the protection of the Constitutionally guaranteed academic and artistic freedom, to use your constitutional prerogatives to initiate the procedure of rendering this Law that your government has adopted invalid and, in order to brigade the crisis its implementation has caused, to initiate procedure for adopting a new one. (Signed: *Dr. Slavoljub Popović*, professor emeritus, University of Nišu; *Dr Vida Ognjenović*, University of Arts, Novi Sad; *Dr Momčilo Grubač*, full professor of law, University of Novi Sad – former Federal Minister for Human Rights; *Dr Zagorka Golubović*, professor emeritus, University of Belgrade, *Dr. Dragoslav Avramović*, professor emeritus, "Braća Karić" University – former Governor of the National Bank of Yugoslavia; *Dr Dragoljub Mićunović*, professor emeritus, University of Belgrade – member of Federal Parliament; *Dr Stevan Lilić*, full professor of law, University of Belgrade – Secretary general of the Lawyers Association of Yugoslavia. Source: *A Law Out of This World*, "Danas", October 1-2, 1998, p. 7).

11 Stevan Lilić, *JUL's Cultural Revolution at the University*, "Danas", May 25, 1998, p. 7.

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