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Liberal and Conservative Political Thought in Nineteenth-century Serbia Vladimir Jovanović and Slobodan Jovanović

Abstract: Two very influential political philosophers and politicians, Vladimir Jovanović and Slobodan Jovanović, differed considerably in political theory. The father, Vladimir, offered an Enlightenment-inspired rationalist critique of the traditional values underpinning his upbringing. The son, Slobodan, having had a non-traditional, liberal upbringing, gradually — through analyzing and criticizing the epoch's prevailing ideas, scientism, positivism and materialism — came up with his own synthesis of traditional and liberal, state and liberty, general and individual. Unlike Vladimir Jovanović, who advocated popular sovereignty, central to the political thought of his son Slobodan was the concept of the state. On the other hand, Slobodan shared his father's conviction that a bicameral system was a prerequisite for the protection of individual liberties and for good governance. Political views based on different political philosophies decisively influenced different understandings of parliamentarism in nineteenth-century Serbia, which in turn had a direct impact on the domestic political scene and the manner of government.

Keywords: political philosophy, state, liberalism, tradition, parliamentary system, bicameralism, political prejudice, morality

Introduction: Father and son

The lives and works of a father and his son, Vladimir Jovanović and Slobodan Jovanović, spanning a period of nearly one hundred and fifty years, are inseparable from the history of Serbia of the period. While their political activity coincided with some of the most important events in the history of modern Serbia and Yugoslavia, some of their most relevant works were first published as late as the 1970s and 1980s.

Vladimir Jovanović (1833–1922)¹ was an economist and political philosopher. He was the leading ideologist of the United Serbian

¹ Vladimir Jovanović, born in 1833 in Šabac — a town in what then was the Principality of Serbia, an autonomous province under Ottoman suzerainty — was grandson of a local Serbian notable (*vojvoda*), Ostoja Spuž (c. 1770–1808), who had moved there from Spuž in modern-day Montenegro. Ostoja is known to have taken part in the First Serbian Uprising (1804–13) against Ottoman rule, notably in the liberation of Šabac in 1804 and of Belgrade in 1806, and later on was member of the Šabac Magistrate. The Jovanović family was related to several distinguished families in nineteenth-century Serbia, including those of Jovan Ristić (1831–1899), twice member of the body

Youth² and of Serbia's Liberal Party. He served as Serbia's minister of finance, president of her National Audit Office, deputy president of the State Council, senator, and member of Parliament. He was president of the Serbian Learned Society, honorary member of the Royal Serbian Academy, university professor of political economy. He was a politician with many international connections, founder and editor of newspapers, and author of several books, essays and articles in Serbian, English and French.

Slobodan Jovanović (1869–1958),³ his son, was a renowned Serbian scholar and statesman, political philosopher, lawyer, historian, literary critic and writer, professor of public and constitutional law. He was president of the Royal Serbian Academy, rector of Belgrade University, dean of Belgrade University's Law School, president of the Serbian Cultural Club.⁴

of regents, prime minister, minister of foreign affairs, leader of the Liberal Party and a historian, or the family of Dimitrije Matić, a Hegelian philosopher, minister of education and justice, etc. See V. Jovanović, *Uspomene* [Memories], ed. V. Krestić (Belgrade: BIGZ, 1988), 19–21.

For more on Vladimir Jovanović, see G. Stokes, *Legitimacy through Liberalism: Vladimir Jovanović and the Transformation of Serbian Politics* (Seattle: University of Washington Press, 1975); A. Pavković, *Slobodan Jovanović: An Unsentimental Approach to Politics* (New York: Columbia University Press, 1993), 1–4; A. Stojković, *Filozofski pogledi Vladimira Jovanovića* [Philosophical Views of Vladimir Jovanović] (Novi Sad 1972). Before the publication of V. Jovanović's *Uspomene* in 1988, the most extensive manuscript version of his memoirs was in private ownership, see V. Krestić, preface to V. Jovanović, *Uspomene*, 7–8, and the bibliography therein of the studies and articles on Vladimir Jovanović published until 1988. Of the relevant texts on Jovanović published after 1988, see D. T. Bataković, "Vladimir Jovanović — apostol liberalizma u Srbiji" [Vladimir Jovanović — the apostle of liberalism in Serbia], in *Liberalna misao u Srbiji — Prilozi istoriji liberalizma od kraja XVIII veka do sredine XX veka*, eds. J. Trkulja and D. Popović (Belgrade: CUPUS, 2001), 148–149; D. Basta, "Liberalni patriota Vladimir Jovanović" [Vladimir Jovanović, a liberal patriot], *Samopoštovanje i puzavost 2, Noviji tekstovi s povodom* (Belgrade: Službeni glasnik, 2010), 35–48.

² A South-Slavic patriotic youth organization inspired by Giuseppe Mazzini and his Young Italy. See S. Jovanović, "Madame, C'est seulement..." [1917], in vol. 3 of *Mazzini's Letters to an English Family*, ed. E. F. Richards (London and New York: J. Lane Comp. Ltd, 1922), 67.

³ On Slobodan Jovanović, see D. Djordjević, "Historians in politics: Slobodan Jovanović", *Journal of Contemporary History* 3:1 (January 1973), 2–40; M. B. Petrovich, "Slobodan Jovanović (1869–1958): The career and fate of a Serbian historian", *Serbian Studies* 3:1/2 (1984/85), 3–26; Pavković, *Slobodan Jovanović*; D. T. Bataković, preface to S. Jovanović (Slobodan Jovanovitch), "Sur l'idée yougoslave: passé et avenir (1939)", *Balcanica XXXIX*[2008] (2009), 285–290.

⁴ The Serbian Cultural Club was a leading Serbian political and cultural organization in the Kingdom of Yugoslavia on the eve of the Second World War. For more detail, see Lj. Dimić, "Srpski kulturni klub između kulture i politike" [The Serbian Cultural Club

He served as prime minister and deputy prime minister of the Kingdom of Yugoslavia. He died in 1958 in London, where he had acted as prime minister of the Yugoslav government-in-exile during the Second World War. In post-war Yugoslavia, in a political trial held in 1946, he was sentenced to twenty years' hard labour, confiscation of property and deprivation of civil rights. He was rehabilitated in Serbia in 2007, as a victim of post-war communist judiciary.

Both Vladimir and Slobodan Jovanović considerably influenced the development of political ideas and political institutions in Serbia and Yugoslavia of the time, the father mainly as the ideologist of the Liberal Party and the United Serbian Youth, and the son, through an almost fifty years' long career as university professor, through his prolific writing, as well as through his presidency of the Serbian Culture Club, and subsequently as a senior member of the Yugoslav government both in the country and in exile in London. Even though both shared a commitment to a parliamentary system and political liberty, the theoretical assumptions underlying their political views and convictions differed considerably.⁵

Theoretical differences in understanding parliamentarianism had their implications for political practices in Serbia, where a parliamentary system was for the first time introduced by the 1888 Constitution.⁶ The differences in theoretical positions, of course, were to a greater or lesser extent due to the historical circumstances and to the different needs of political parties. However, what generally distinguished both Vladimir and Slobodan

between culture and politics], *Kulturna politika Kraljevine Jugoslavije* [Cultural Policy of the Kingdom of Yugoslavia 1918–1941] (Belgrade: Stubovi kulture, 1996), 506–561.

⁵ For a view that the difference between their basic theoretical premises was “unexpected”, see S. Žunjić, *Istorija srpske filozofije* [The History of Serbian Philosophy] (Belgrade: Plato, 2009), 311.

⁶ According to S. Jovanović's periodization of Serbia's nineteenth-century political history, the period of constitutionalism (1869–89), when “we had a constitution but no parliamentary system”, was followed by a parliamentary period: in 1888, a year before his abdication, King Milan Obrenović and the Constituent Assembly enacted a new constitution, which was aimed at securing the throne for his minor son and provided for a parliamentary system (1889–93). There followed the “period of reaction” (1893–1903) under King Alexander Obrenović, who in 1894 restored the 1869 Constitution, and after that ensued the “period of the restored parliamentary system” (1903–14) under King Peter I Karadjordjević and a Radical cabinet. See S. Jovanović, “The Development in the Serbian Constitution in the Nineteenth Century”, *Yugoslav Documents*, (London: Yugoslav Information Department, 1942), 2, 48–54; S. Jovanović, “Periodi srpske ustavne istorije” [Periods of Serbia's constitutional history] [1929], in vol. 11 of *Sabrana dela Slobodana Jovanovića* (hereafter *SD*) [The Collected Works of Slobodan Jovanović], eds. R. Samardžić and Ž. Stojković (Belgrade: BIGZ, Jugoslavijapublik and SKZ, 1991), 468–470.

dan Jovanović from others was the fact that their political philosophies were least dependent upon practical party needs, but rather upon their respective theoretical rationales and political principles. This is not to say that their theoretical positions were rigid and inflexible, but rather that they both, making a distinction between political efficiency and mere pragmatism, believed, each in his own way, that political virtue was inseparable from moral virtue.⁷

1. *The liberalism of Vladimir Jovanović*

Vladimir Jovanović had been raised in a family holding onto *traditional values*,⁸ which he subsequently, influenced by liberal ideas, came to criticize harshly. He dismissed religiosity as superstition, along the lines of the ideas propagated by the leading Enlightenment figure among the Serbs, Dositej Obradović.⁹ As a student in Belgrade, Vladimir Jovanović adopted the liberal political outlook of a relative of his, Dimitrije Matić, professor of public law, later minister of education and justice, who belonged to liberal-minded intellectual circles. What most impressed him in that outlook was the belief that rule by force was unacceptable and that governments should promote and support popular education.¹⁰ While he came to share Matić's sense of

⁷ This may best be seen from S. Jovanović's portrait of Arthur Balfour (*SD* 2, 681). In his opinion, Balfour had nothing in common with the typical contemporary politician, who "combines his lack of general culture with a fierce ambition and a quick grasp of the situation in hand. Balfour was a highly educated man who engaged in politics out of a sense of duty rather than ambition, and who thought not only of the situation in hand, but also about what was yet to come".

⁸ Under Ottoman rule (from the late fifteenth until the early nineteenth century), the medieval culture created in the period of Serbia's independence was mostly perpetuated in a frozen state as it were. The Serbian Orthodox Church acted as the spiritual and political representative of the Serbian people, safeguarding not only the Byzantine-inspired theological, philosophical, literary and artistic legacy of medieval Serbia, but also the idea of the state. See D. Bogdanović, *Istorija stare srpske književnosti* [The History of Old Serbian Literature] (Belgrade: SKZ, 1991), 51; B. Milosavljević, "Basic Philosophical Texts in Medieval Serbia", *Balcanica XXXIX*[2008] (2009), 79–101; Žunjić, *Istorija*, chap. "Filozofija u srednjovekovnoj Srbiji" [Philosophy in medieval Serbia], 27–74.

⁹ S. Jovanović, "Vladimir Jovanović" [1948], *SD* 11, 82.

¹⁰ Dimitrije Matić (1821–1884) studied law and philosophy in Belgrade, and then continued his education in Germany, where he received his doctoral degree in philosophy (Heidelberg, 1847). While in Berlin, he attended the lectures of F. W. J. Schelling, but the most powerful influence was that of K. L. Michelet, a right-wing Hegelian. For more, see Žunjić, *Istorija*, 123–124; B. S. Marković, *Dimitrije Matić, lik jednog pravnika* [Dimitrije Matić: The Portrait of a Lawyer] (Belgrade: SANU, 1977); *Ustavi i vlade Kneževine Srbije, Kraljevine Srbije, Kraljevine SHS i Kraljevine Jugoslavije* (1835–1941)

patriotism, his liberalism as well as his enthusiasm about Switzerland's libertarianism and democratic institutions, Hegel's speculative philosophy that underlay Matić's ideas of the state and law, had little appeal to him.

Vladimir Jovanović had a positivist faith in the overall progress of human society. Unlike Matić, who relied on the Hegelian synthesis for resolving the earlier dilemmas concerning the foundations of the state, he believed that the state originated from a social contract in order to ensure prosperity and freedom.¹¹ During his studies in Germany,¹² Vladimir Jovanović embraced the prevailing materialist view of the world and the firm belief in the infallibility of natural sciences. As a positivist, he appreciated Herbert Spencer's theory of evolution, organic interpretation of society and analogy between the natural and social domains, according to which social sciences should be given a scientific basis. As a liberal, Vladimir Jovanović was a follower of J. S. Mill's, and he translated his *Considerations on Representative Government* into Serbian only six years after it was first published in 1861.¹³ Under Mazzini's influence he made a synthesis of liberalism and nationalism, providing an entirely different, liberal, theoretical basis for his traditionalist patriotism. For Vladimir Jovanović, the most respected politician was W. Gladstone. He was left with the best possible impression after their meeting in London: "Gladstone, Jovanović said, spoke with the enthusiasm of a man committed to the freedom, justice and wellbeing of humankind:

[Constitutions and governments of the Principality of Serbia, Kingdom of Serbia, Kingdom of SCS and Kingdom of Yugoslavia], ed. Dušan Mrdjenović (Belgrade: Nova knjiga, 1988), 66, 93, 95, 99; J. Milićević, *Jevrem Grujić, Istorijat svetoandrejskog liberalizma* [Jevrem Grujić: The History of St. Andrew's Day Liberalism] (Belgrade: Nolit, 1964), 34; S. Jovanović, "Vladimir Jovanović", 82.

¹¹ In this he follows the Hobbesian view of the state of nature, or the state of war, as preceding the formation of the state. The goal of progress is to overcome the distinction between the state and society. Cf. V. Jovanović, *Osnovi snage i veličine srpske* [The Foundations of Serbian Strength and Greatness] (Novi Sad: Platonova štamparija, 1870), 15; Č. Popov, "Liberalne ideje" [Liberal ideas], in vol. VI-1 of *Istorija srpskog naroda* [History of the Serbian People] (Belgrade: SKZ, 1983), 314.

¹² Vladimir Jovanović completed two-year philosophy studies (1850–1852) and three years of law studies (1852–1854) in Belgrade, as well as two years of economics and natural sciences in Germany (1854–56), where he undertook a Grand Tour of Germany (Westphalia, Hanover, Saxony, Schleswig-Holstein, Prussia), Holland, Austria (Bohemia, Moravia and Hungary), and Belgium, and visited Paris at the time of the 1855 Universal Exposition. See V. Jovanović, *Uspomene*, 72.

¹³ Džon Stjuart Mil, *O predstavničkoj vladi* (Belgrade 1867). Mill's *On Liberty*, first published in 1859, appeared in Serbian in 1868; it was translated by Prince Peter Karadjordjević (1844–1921), who lived in exile in France, Switzerland and Montenegro until his return to Serbia in 1903 and coronation as King of Serbia in 1904.

listening to him, one could not help being convinced of his greatness of mind and nobleness of heart.”¹⁴

A distinctive feature of Vladimir Jovanović’s biography is that the first half of his life was spent in an incessant political struggle: from St Andrew’s Day Assembly,¹⁵ the founding of the United Serbian Youth, his polemics with Svetozar Marković,¹⁶ his role as editor of journals published at home and abroad and criticizing Prince Michael Obrenović’s government, his unremitting effort to make Serbia’s cause understandable in Britain, France, Switzerland and Italy, to his serving as minister in the government under which Serbia waged war against the Ottoman Empire (1876–78), leading to her independence, internationally recognized at the Congress of Berlin in 1878. Apart from his student days in Germany, he often travelled and lived abroad (the longest in Geneva), where he made friends and acquaintances with a number of prominent politicians, scholars and revolutionaries of nineteenth-century Europe. He maintained contacts with Mazzini in particular. In various circumstances and on various occasions, he met a whole range of politicians, statesmen, parliament members, scientists, priests and publishers in Britain (W. Gladstone, Lord John Russell, T. Gibson, Somerset A. Beaumont, R. Cobden, E. Potter, J. Stansfeld, Lord Alfred Hervey, N. E. A. Tait, W. Denton, A. Macmillan), France (J. Barni, E. Quinet, Ch. Floquet, H. Martin, Saint-Marc Girardin, J. Ferry, J. Favre), Switzerland (J. Fazy), Italy (G. Mazzini, M. Minghetti), Hungarian revolutionaries (L.

¹⁴ S. Jovanović, “Gledston” [Gladstone] *SD* 11, 39; S. Jovanović, “Vladimir Jovanović”, 113. As can be seen in *Mazzini’s Letters*, 65–67, the meeting of “Mr. Iovanovitch, a Serbian gentleman and a friend of mine [...] instructed by the Liberal Serbian Party to visit Mr Gladstone” was arranged “in the line of introduction” by Mazzini’s friend, cabinet minister Thomas Milner Gibson.

¹⁵ On the significance of the meeting of the Assembly held on St Andrew’s Day in December 1858 (*Svetoandrejska skupština*), see Milićević, *Jevrem Grujić*.

¹⁶ Svetozar Marković (1846–1875), Serbia’s leading socialist and the spiritual father of the Radical Party, exerted a powerful influence on the Serbian intelligentsia in the nineteenth century. He championed an atheist materialist philosophy, but unlike Marxists, who saw industrial labour as the only potential revolutionary force, he subscribed to the Russian socialists’ view that the peasantry might be such a force as well. It was from the circle of Marković’s followers that the Radical Party emerged, relying mainly on the peasantry, in accordance with Marković’s programme. Cf. S. Jovanović, “Vladimir Jovanović”, 105; S. Jovanović, “Pera Todorović”, *SD* 2, 172; S. Jovanović, “Jovan Skerlić, Svetozar Marković, njegov život, rad i ideje, Beograd, 1910” [Jovan Skerlić, Svetozar Marković, his life, work and ideas, Belgrade 1910] *SD* 2, 164. On Nikola Pašić, leader of the Radical Party, see S. Jovanović, “Nicholas Pašić, after ten years”, *The Slavonic (and East European) Review* 15 (1936/37), 368–376.

Kossuth, F. Deak) and Russian emigrants (M. Bakunin, A. Herzen etc).¹⁷ By contrast, he spent the latter part of his ninety years of life quietly with his family, most of the time in the same house in downtown Belgrade.

The unity of science, freedom and nation, viz. positivism, liberalism and nationalism, as well as his belief in two fundamental principles — freedom and justice, were the two lodestars and credo of his entire political work and his view of life. His multivolume *Political Dictionary*, a “system of freedom principles”, may be seen as inspiring and expressing the strivings of Serbian liberal youth.¹⁸ He profoundly believed that “freedom, brotherly equality and mutuality, and science” were the milestones marking the road to the progress of humankind, and thus of the Serbian nation.¹⁹ Slobodan Jovanović suggested that his father’s generation had glued these concepts together by means of rationalist philosophy: “Those people lived in an age of transition. By then, scientific positivism had already begun to spread due to a great success of natural sciences, but the influence of rationalist philosophy could still be felt. The basic yardstick for truth resided more in that philosophy than in science itself. For instance, when the topic of debate was conflict between religion and science, science was recognized as winner for the same reasons as it had been in Voltaire’s times, when everything had been subjected to criticism by our reason, cleared of all prejudice.”²⁰ Liberal intellectuals derived the human right to freedom from the conception of man as a rational being, which then meant that there could be no freedom unless reason was enlightened, i.e. purged of prejudice. By extending the thus posited concept of individual freedom and the right to freedom to the whole nation, they also posited nationalism. In the mid-nineteenth century, nationalism was associated with the idea of the right of fragmented nations under alien rule to freedom, independence and unification. It was in Germany that Vladimir Jovanović first saw liberalism combined with the idea of a nation’s unification into a single state, and then he embraced Mazzini’s fusion of liberalism and nationalism.²¹

¹⁷ See V. Jovanović, *Uspomene*, 89, 112–179, 259, 289 and 292.

¹⁸ Four volumes of the *Politički rečnik* [*Political Dictionary*], from ‘A’ to ‘Dj’ [b] were published (1870–72). The entries from ‘T’ [т] to ‘F’ [ф] remained in manuscript and are kept in the Istorijski arhiv Beograda [Historical Archives of Belgrade], 1a, ZPO, k-XVIII/2. See Žunjić, *Istorija*, 172–173.

¹⁹ V. Jovanovitch, *The Serbian Nation and the Eastern Question* (London: Bell and Daldy, 1863), 44 (the same year the English text saw two editions in Serbian, in Novi Sad and Belgrade respectively: *Srbski narod i istočno pitanje*); V. Jovanović, *Osnovi snage*, 145.

²⁰ S. Jovanović, “Vladimir Jovanović”, 114.

²¹ *Ibid.*, 86. Both Vladimir and Slobodan Jovanović were highly critical of the “Bismarckian” type of imperialist nationalism of the late nineteenth and early twentieth

Vladimir Jovanović believed a republic to be closer to the ideal of freedom and to the mentality of the Serbian people, and saw the monarchy as an alien institution adopted from Byzantium.²² Judging by the 1859 political programme of the Serbian Liberals, he hailed the constitutional monarchy established by the St Andrew's Day Assembly.²³

A liberal in the Millian tradition, Vladimir Jovanović made a distinction between the principle of liberty and that of equality. Hence his consistent advocacy of the rights of the political minority, which could only be exercised by the division of the legislature into two houses: "Vladimir argued for the Upper House, but an Upper House composed of the intelligentsia and independent of the Crown."²⁴ To understand the parliamentary system as conceived of by the Liberal Party, whose ideologist Vladimir Jovanović was, one should bear in mind that the Liberals were for liberty, but an "enlightened" rather than unqualified one. According to them, the people should be governed by the intelligentsia, or, more precisely, the intelligentsia should govern the people with the people's consent: "The Liberals were more liberal than democratic: a genuine, full-fledged democracy, where all, the intelligentsia included, should acknowledge the authority of the current majority no matter how unreasonable the latter might be, such a democracy was not the Liberals' political ideal."²⁵ That is why Vladimir Jovanović advocated a bicameral system, as it ensured not only that the votes were counted but also, as he used to say, that they were "measured".²⁶

2. *Slobodan Jovanović's theory of the state*

Slobodan Jovanović lived with his father for almost half a century. It may not be far-fetched to say that all formative influences on him were mediated, in one way or another, by his father. Some of it came as a result of the education programme that Vladimir Jovanović had designed for his chil-

centuries. See Vladimir Yovanovitch, *The Near-Eastern Problem and the Pan-German Peril* (London: Watts & Co, 1909); S. Jovanović, "Bismark" [Bismarck] [1898] *SD* 12, 209–214.

²² V. Jovanovics, *Les Serbes et la mission de la Serbie dans l'Europe d'Orient* (Paris: Librairie internationale, A. Lacroix, Verboeckhoven et C^{ie}, 1870), 11–12; V. Jovanović, *Osnovi snage*, 39, praised the domestic institutions of popular self-government. On various interpretations of Vladimir Jovanović's republicanism, see Basta, "Liberalni patriota", 45–46.

²³ V. Jovanović, *Serbian Nation*, 25.

²⁴ S. Jovanović, "Vladimir Jovanović", 108.

²⁵ *Ibid.*, 109.

²⁶ V. Jovanović, *Uspomene*, 498.

dren, and some was an inadvertent result of their long life together.²⁷ Just like his father, Slobodan Jovanović began his education in Serbia and then continued it abroad,²⁸ where he followed his father's programme and, having graduated in law from the University of Geneva, carried on with his studies at the prestigious *École libre des sciences politiques*, today popularly known as "Science Po".²⁹ His very name, Slobodan (meaning "free"),³⁰ was a sort of the father's political message to his son. By choosing that particular name for his son, he appears to have wished to associate him indissolubly with his own deepest belief in liberal ideas. A dedication of 1870, "To my son, Slobodan", sums up in just a couple of phrases all that Vladimir Jovanović wholeheartedly believed in — "the triad of science, freedom and nation",³¹ which was also the basic tenet of the Serbian Liberals' ideology.³²

Slobodan Jovanović embraced some of Vladimir Jovanović's ideas, and criticized some other. Since he did not share his father's unqualified faith in positive sciences, or in rationalist philosophy which perpetuated it, he could not accept the underlying idea of the unity of science, freedom and nation either. He acknowledged the obvious fact that scientific achievements had indeed been changing the world, but without sharing his father's faith in progress as a universal natural process.³³

²⁷ Ibid., 115; Pavković, *Slobodan Jovanović*, 3–4.

²⁸ The Jovanović family lived abroad for several periods. The son of a political emigrant, Slobodan was born in Novi Sad (then in the Habsburg Monarchy) in 1869, and died as a political emigrant in London in 1958. He made his first steps in 1870 in Italy, in Pompeii to be exact! (Ž. Stojković, "Slobodan Jovanović", in *SD* 12, 721) His studies abroad were somewhat like a Grand Tour. The family first lived in Munich, then in Zurich and Geneva, where Slobodan Jovanović completed his studies, and from where he moved to Paris. As a student in Geneva, he attended the lectures of professors H. Brocher, F. Gentet, A. Martin, L. Bridel, A. Gautier, M-E. Richard. Full documentation of S. Jovanović's education in Geneva as a state scholarship holder is kept at the Archives of Serbia (AS), MPS-P 1890, XXVI 100 and XXIX 2.

²⁹ *École libre des sciences politiques* in Paris was founded in 1872 by E. Boutmy and a group of prominent French intellectuals such as Hippolyte Taine, Ernest Renan, Albert Sorel, Pierre Paul Leroy-Beaulieu and François Guizot.

³⁰ The name 'Slobodan' was his father's invention and it must have sounded strange to contemporaries. Nonetheless, it soon became quite common, unlike the name his father chose for his daughter: Pravda (Justice).

³¹ S. Jovanović, "Vladimir Jovanović", 114.

³² V. Jovanović, "Mom sinu Slobodanu" [To my son, Slobodan], *Osnovi snage*, 1.

³³ "It is erroneous to speak of human progress as a natural process. No tendency towards progress is observable in nature. The idea of progress is a human contrivance." See S. Jovanović, *Osnovi pravne teorije o državi* [Foundations of the Legal Theory of the State] (Belgrade: D. Obradović, 1906), 44–45.

Analyzing his father's fundamental views, Slobodan Jovanović emphasizes that Vladimir Jovanović and his contemporaries were convinced of their standpoint being scientifically proven, i.e. that their scientific, political and national convictions were positive science itself. As a result, they tended to reject everything they deemed not to be science. Positivism and materialism, however, were not science, but philosophical movements. Consequently, the triad of science, freedom and nation was not grounded in science, but in philosophy. And without a scientific basis, there could be no empirical science, only philosophical thought.³⁴ Slobodan Jovanović suggests that his father's generation was not aware of the philosophical rather than scientific basis of the "triad of science, freedom and nation", and adds that: "At the time, the misconception was quite common in Western Europe, too."³⁵

Slobodan Jovanović was true to his father's legacy of freedom, and shared his belief in the parliamentary, and bicameral, system as a prerequisite for the protection of individual freedom and good governance. He also shared his father's inclination for the British political institutions. On the other hand, his patriotism was not grounded in liberalism, i.e. rationalism, but stemmed from his own understanding of history and tradition. In all that, both had an extremely negative opinion of the "realistic" imperialist nationalism of the late nineteenth and early twentieth centuries.³⁶

The greatest theoretical difference between the two was in that the central concept of Slobodan Jovanović's political thought was that of the state, to which his father, on the other hand, paid little attention.³⁷ Unlike the father's adherence to the popular sovereignty theory, the son adopted Bluntschli's theory of state sovereignty.³⁸ Furthermore, the evolution of their thought differed in that the father had been *raised with traditional values*, which he came to criticize over time, while the son received an un-

³⁴ S. Jovanović, "Vladimir Jovanović", 114.

³⁵ Ibid.

³⁶ See V. Jovanović's caveat against imperialism in his *Near-Eastern Problem*, esp. chap. "The 'Drang nach Osten', or the Pan-German Peril", 21–27; S. Jovanović, "Bismark", 209–214.

³⁷ On Vladimir Jovanović's contractualism, see Popov, "Liberalne ideje", 314.

³⁸ On the historical place of Bluntschli's theory, see M. Stolleis, *Public Law in Germany, 1800–1914* (Oxford and New York: Berghahn Books, 2001), 427. Bluntschli later published the *General Theory of the State* (*Allgemeines Staatslehre*, 1852) as the first part of his three-part book *A Theory of the Modern State* (*Lehre vom modernen Stat*, 1875). It was published in English as *The Theory of the State*, Authorised English translation from the sixth German edition, transl. D. Richie, P. Matheson, R. Lodge (Oxford: The Clarendon Press, 1895), which became compulsory reading at Oxford and Cambridge. See H. Sidgwick, "Bluntschli's Theory of the State by R. Lodge", *The English Historical Review* 1/2 (Apr. 1886), 378–382.

traditional, liberal upbringing, and then gradually, criticizing and analyzing it, came up with his own views of the relationship between traditional and liberal.

With his theory of the state, Slobodan Jovanović made a sweeping synthesis of the theories of his predecessors. In doing so, he did not simply revisit the main ideas in the history of political philosophy and law, but came up with systematically developed and thoroughly thought-out propositions. During his long-standing concern with the concept and organization of the state, he studied traditions of ancient and modern political philosophy, from Plato, through Hobbes, Bodin, Machiavelli, Locke, Montesquieu, Rousseau and Burke, to Kant, Hegel, Tocqueville, Mill and Marx. Of course, he was not content to interpret the basic theoretical tenets of the most prominent political philosophers. The subject of his careful analysis were also their disciples and followers, the most prominent German legal and political philosophers and *theoreticians of the state* such as J. Bluntschli, P. Laband, G. Jellinek, H. Kelsen and C. Schmitt,³⁹ the British and American political thinkers and statesmen, such as W. Bagehot, W. E. Gladstone, A. Balfour and W. Wilson, and French philosophers, lawyers and historians such as H. Michel, H. Taine, L. Duguit. As a result, Jovanović's theory of the state may be said to constitute a synthesis of classical and modern political theories of the state, of the German general theory of the state (*Allgemeine Staatslehre*) and the British political experience.⁴⁰

³⁹ J. Bluntschli, *Lehre vom modernen Stat* (Stuttgart: J. G. Cotta, 1875–76); P. Laband, *Das Staatsrecht des Deutschen Reiches* (Tübingen and Leipzig: JCB Mohr, 1901); G. Jellinek, *Allgemeine Staatslehre* [1900] (Berlin: O. Häring, 1914); H. Kelsen, *Allgemeine Staatslehre* (Berlin 1925); C. Schmitt, *Verfassungslehre* (Berlin: Duncker & Humboldt, 1928) etc.

⁴⁰ Just as the German *Staatslehre* was centred on German institutions, so the English studies on constitutional and parliamentary systems were almost exclusively devoted to the English political and legal tradition. There were few scholars who sought to analyze and synthesize German, British, French, Swiss and American political and legal theories. Jovanović, *Osnovi snage*, 6, points to an exception, A. Dicey's comparative analysis of the British and continental constitutions in the latter's *Introduction to the Study of the Law of the Constitution* (London: Macmillan and Co, 1885), and points to the relevant American authors he drew from: J. W. Burgess, *Political Science and Comparative Constitutional Law* (Boston and London: Ginn & Company, 1890) and T. W. Wilson, *The State: Elements of Historical and Practical Politics. A Sketch of Institutional History and Administration* (Boston: D.C. Heath & Co, 1889), and he also refers to W. W. Willoughby, *In Examination of the Nature of the State: A Study in Political Philosophy* (New York and London: Macmillan & Co, 1896). On French philosophers and historians, notably Alfred Fouillée, and their recognizable or potential influence on S. Jovanović, see M. Ekmečić, "U potrazi za filozofijom istorije Slobodana Jovanovića" [In Quest of Slobodan Jovanović's Philosophy of History]

Jovanović's very cautious use of dialectics⁴¹ amounts to the view that the tension between a thesis and its negation may be resolved in a synthesis or, in other words, that it is preferable not to completely reject the principal points of the negated thesis but, rather, to produce a new unity, which is amenable to further development. Accordingly, changes in government and society should involve carrying over that which makes the cornerstone of the state into the next stage of its existence. For example, a change from absolute monarchy to a different system of government should not entail the utter abolition of the monarchy, but rather what was good in it should be preserved and combined with what is positive and indispensable about the new ideas, such as the imposition of limits on absolute power. In other words, it is not monarchy as such that should be abolished, but only the absolute one. The new unity or synthesis thus generated would be a constitutional monarchy. It would be able to ensure greater strength and stability to the government than the former absolute monarchy, because it would be able to build up cohesiveness in the society by distributing its attention evenly to all of its ranks.

Jovanović's studies on Plato and Burke offer examples of how to arrive at a synthesis between tradition and individualism, or between the concepts of the state and freedom. In his study on Plato, Jovanović emphasizes that before the advent of democracy in ancient Athens, the individual lived, much like the individual in any other Greek polis, in accordance with the customs and traditions he had been brought up with.⁴² However, the rise of individualism and the resulting freedom to criticize social authority, as well as the precedence of self-interest over that of the community, led to a break with ancient Greek culture and customs. Jovanović points out that, until Socrates, Sophist individualism was perilous to the Athenian state, because, in its subjectivism, it proclaimed personal success and pleasure as the highest value, which, if consistently taken further, becomes devastating for the state. Jovanović demonstrates, however, that Socrates "objectivized individualism" and found a basis for reconciling it with the state. He points out

dan Jovanović's philosophy of history], in *Slobodan Jovanović, Ličnost i delo* [Slobodan Jovanović: Man and Work], ed. M. Jovičić (Belgrade: SANU, 1998), 81–96.

⁴¹ Although Jovanović's use of dialectics goes beyond the level of formal logic, he applies it very cautiously and does not make it the basis of his entire theory, believing that attempts at totality, such as Hegel's, are far too ambitious: "Using dialectics, Hegel created a new logic, more supple and dynamic than the ordinary formal logic was — but this logic of his, operating with moving rather than fixed concepts, was a logic nonetheless, and had its permanent laws (thesis, antithesis, synthesis). Hence Hegel believed it possible to predict the course of history by deductive means — or pure reasoning." See S. Jovanović, "Marks" [Marx], *SD* 9, 253.

⁴² S. Jovanović, "Platon" [Plato], *SD* 9, 83.

that Socrates used rationalism to provide individualism with a state-building dimension.⁴³ He thinks of Plato as an individualist in Socratic terms, striving to reconcile the aristocratic notions of tradition and virtue, passed down within the family, with individualism, which proclaimed the freedom of thought and self-determination.⁴⁴

It does not seem difficult to draw an analogy with the situation Slobodan Jovanović found himself in.⁴⁵ As we have already said, Vladimir Jovanović was raised with traditional values, but he came to embrace individualism and liberalism during his education abroad. His bond with his nation and tradition was that of patriotism such as he embraced abroad together with liberalism. Just like Socrates had left it to Plato to resolve the tension between freedom and the state, Vladimir Jovanović left his liberalism, an integral part of his ambitious education programme for his children, to his son to reconcile it theoretically with the state and tradition. Slobodan Jovanović passed through his father's liberal and positivist education programme, but he also had a strong sense of state and tradition. His earliest treatise resonates with individualism.⁴⁶ Later on, his *State (Država)*⁴⁷ gives precedence to the state over individualism, but without letting freedom lose definition and dissolve in the larger state framework. As Plato, through Socrates, had made a synthesis of tradition and liberal individualism from traditionalism, so Slobodan Jovanović, through Vladimir Jovanović, made a synthesis between state and freedom.

There is a certain similarity between Jovanović and Burke, as they both moved, or so it seems at least at first sight, from the initial liberal premise towards a conservative one. According to Jovanović, far from seeking to dismantle the state for the sake of freedom, Burke had simply wanted to hinge the two together where purposeful and necessary. Thus, he had advocated freedom for the sake of a stronger state, not because he had been

⁴³ Ibid., 17–18.

⁴⁴ Ibid., 21.

⁴⁵ Cf. S. Vračar, "Uzorno jezgro opusa Slobodana Jovanovića" [The exemplary core of the oeuvre of Slobodan Jovanović], in *Delo Slobodana Jovanovića u svom vremenu i danas*, ed. S. Vračar (Belgrade: Pravni fakultet, 1991), 43, draws an analogy between Plato and S. Jovanović.

⁴⁶ S. Jovanović, *O demokratiji* [On Democracy] [1889], *SD* 12, 795–811.

⁴⁷ S. Jovanović first published the study under the title *Osnovi pravne teorije o državi* [Foundations of a Legal Theory of the State] in 1906, and its revised editions titled *O državi, osnovi jedne pravne teorije* [On the State: Foundations of a Legal Theory] in 1914 and 1922. The final version, titled *Država* [The State], appeared in two volumes in 1936, and it is that version that has been included in vol. 8 of his *Collected Works* published in 1990.

a champion of freedom for all and at all costs. Jovanović uses the example of Burke to demonstrate the meaning of political conservatism, which is to maintain the existing system but to remove its abuses.⁴⁸ On the other hand, Jovanović suggests, radical politicians, being inclined to radical changes, as soon as they notice abuse in an institution, they apply themselves to dismantling the whole institution. Criticizing the French Revolution, Burke pointed out that its ideologists and leaders discarded traditions and historical legacies as prejudice, and began to build a state from scratch, following the “metaphysical” ideas of the *philosophes*.⁴⁹ Long-lasting polities extend beyond the lifetimes of individuals, and even beyond their comprehension, which is why it is erroneous to take “the individual with his ‘rights’ and his ‘freedoms’ as the supreme measure of social institutions. The individual must not forget that his ‘rights’ only exist if they can be brought into agreement with the rights of the other members of a society, just as his ‘freedom’ exists only so long as there is a social organization that safeguards it from private abuses.”⁵⁰ Burke held that individuals ought to understand that they were but a part of a higher entity, and that their rights and liberties were only possible if conjoined with their duties and obligations towards the higher entity (state). However, Jovanović raises the question as to why Burke was unwilling to allow that at least the introduction of a constitution, i.e. the limits of royal power, was an acceptable idea of the French Revolution; in other words, why did Burke reject what had already been there in Britain and what he himself consistently advocated?⁵¹ This is why Jovanović finds the French revolutionary leader Mirabeau closer to his own views, as his project envisaged a constitutional monarchy on the model of Britain.⁵²

Jovanović emphasizes that Burke was right in claiming that individual rights and liberties provided too narrow a basis for social morality, because democracy, in its further development, had to expand the ideology of personal rights to include that of social duties, which became the basis for the theory of social solidarity. Jovanović shares Burke’s, and generally British, notion of politics, according to which politics, as a technique, is not a mere contrivance of the human mind, because what it needs are our moral qualities rather than intellectual. Jovanović points to utilitarianism as play-

⁴⁸ S. Jovanović, “Berk” [Burke], *SD* 9, 182.

⁴⁹ S. Jovanović, “Berk”, 200. S. Jovanović, “Jedna kritika francuske revolucije” [A Critique of the French Revolution] [1933], *SD* 12, 303, suggests that Taine, too, followed Burke’s argumentation.

⁵⁰ S. Jovanović, “Jedna kritika”, 306.

⁵¹ See S. Jovanović, “Berk”, 192–201.

⁵² See S. Jovanović, *Vodji francuske revolucije* [Leaders of the French Revolution], *SD* 1, 57, 76.

ing a very important role in the British notion of politics. He emphasizes, however, that Burke's viewpoint, not altogether free of utilitarianism itself, is typically British. On the other hand, Bentham's utilitarianism, according to Jovanović, is practical rationalism qualified by the principle of utility, and is not as typically British as Burke's way of thinking.⁵³ For Burke, politics is an empirical science which is not to be learnt *a priori*: "The science of constructing a commonwealth, or renovating it, or reforming it, is, like every other experimental science, not to be taught *a priori*. Nor is it a short experience that can instruct us in that practical science; because the real effects of moral causes are not always immediate: but that which in the first instance is prejudicial may be excellent in its remoter operation: and its excellence may arise even from the ill effects it produces in the beginning. The reverse also happens; and very plausible schemas, with very pleasing commencements, have often shameful and lamentable conclusions."⁵⁴ Politics needs a special moral discipline that makes man moderate in his use both of his power and of his freedom.⁵⁵ A nation that allows not its government to decline into tyranny, or freedom into disorder, has no need to change its institutions all too often; it is able to progress even with its old institutions, however they may appear to the judgement of pure reason. Jovanović concludes that Burke is a truly British politician, insomuch as the British understanding of politics entails resolving social issues on the basis of experience and customs rather than speculation and theory. He points out that W. Bagehot,⁵⁶ in the nineteenth century, and A. Balfour, in the twentieth

⁵³ These strains of thought may be said to have enjoyed greater popularity in continental Europe than English mainstream political thought precisely because they had already been incorporated into the continental Enlightenment and rationalism. Benthamism was "completely concrete and practical" rationalism, but rationalism nonetheless. See S. Jovanović, *Primeri političke sociologije: Engleska, Francuska, Nemačka 1815–1914* [Examples of Political Sociology: England, France, Germany] [1940], *SD* 10, 28.

⁵⁴ E. Burke, *Reflections on the Revolution in France. A Critical Edition*, ed. J. C. D. Clark (Stanford: Stanford University Press, 2001), 220.

⁵⁵ According to S. Jovanović, "Berk", 212: "This equation of morality with practicality is not specific to Burke, it is common to all of Anglo-Saxon Protestantism. This Protestantism has brought together two contradictory things: the ability of self-control, to the point of asceticism, and the need for incessant activity, to the point of greed for material goods."

⁵⁶ The words of the English poet Arthur Hugh Clough quoted by Bagehot appear to condense what may be described as characteristic of English political experience: "Old things need not be therefore true, O brother men, nor yet the new; Ah, still awhile the old thought retain, And yet consider it again." See W. Bagehot, "Physics and Politics", in vol. IV of *The Works of Walter Bagehot*, ed. Forrest Morgan (Hartford, Conn.: The

century, base their views on Burke.⁵⁷ What is most acceptable to Jovanović is that government decision-making should be experience-based, because the state, longer-lasting than any one individual, relies for its law on its own traditions rather than on the changing will of its members.

Rather than a mere compiler or a skilful eclectic, Slobodan Jovanović was a synthetic thinker capable of arriving at his own conclusions through scrupulous considerations. The result of his entire work, therefore, is a theory of the state which is distinctly his own despite its similarities to the earlier theories: “He resembles some English authors who, embracing the Hegelian conception of the state, suggest that it is within the state that the individual achieves freedom and protection.”⁵⁸ Although his state is not a utopian ideal, he does sketch an ideal state envisaged as sustainable and well-balanced. The idea is old, but he elaborates it in a new way. He envisages a mixed government, i.e. parliamentary monarchy, which would introduce universal suffrage and bicameralism in order to combine, on the model of the ancient Greek theories, elements of monarchy, aristocracy and democracy, as well as control mechanisms for maintaining the balance among the real historical forces — tyranny, oligarchy, plutocracy and tyranny of the majority. The state is seen as a complex and insufficiently harmonious group where there is an incessant struggle among different social ranks, parties, etc. This is why the state — as a neutral force that takes care of its interests and whose very organization is a “guarantee of the neutral exercise of power” — has to maintain a balance between the centripetal and centrifugal forces.⁵⁹

3. *Vladimir Jovanović and Slobodan Jovanović: two conceptions of parliamentarianism*

The major difference between Vladimir and Slobodan Jovanović in the notion of parliamentarianism is based on the different philosophical foundations underlying their political convictions. Vladimir Jovanović’s notion of parliamentarianism, unlike that of his son, is based on the continental reception of the phenomenon, the one mediated by the ideas of Rousseau and the French Revolution. Although he favoured the Westminster system, his liberalism was based on French Enlightenment rationalism, and “he was most susceptible to the French left-wing ideas. According to these ideas,

Travelers Insurance Company, 1891), 568. For a Serbian edition, see *Postanak i razvitak naroda*, transl. by Dr Drag. T. Mijušković (Belgrade: SKZ, 1903), 171.

⁵⁷ S. Jovanović, “Artur Balfur”, 679.

⁵⁸ Dj. Tasić, “Pravnik” [The Lawyer], in *Savremenici o Slobodanu Jovanoviću*, eds. J. Trkulja and M. Vučinić (Belgrade: Pravni fakultet and Službeni glasnik, 2009), 224.

⁵⁹ S. Jovanović, *Država*, 87.

which the poetry of Victor Hugo's exile disseminated throughout Europe, it only takes to rid peoples of their kings and to give them education, and everything will be just fine".⁶⁰

Slobodan Jovanović preferred the British political experience over the continental.⁶¹ His first published theoretical paper is a critique of the widespread political prejudices grounded in Rousseau.⁶² He thoroughly analyzes, interprets and criticizes the theory of natural rights, contractualism and the concept of popular sovereignty. In his opinion, continental political philosophies misinterpreted the original English institutions, notably in their understanding the division of powers as the division of sovereignty, which led to the institution of the National Convention, which before long

⁶⁰ S. Jovanović, "Vladimir Jovanović", 93.

⁶¹ S. Jovanović analyzes the political system and experience in Britain in a number of studies: "Les origines du régime parlementaire par Slobodan Jovanovitch", *Revue d'histoire politique et constitutionnelle* 1 (Janvier–Mars 1937), 153–157; "Engleski parlamentarizam" [English Parliamentarianism] [1902, revised ed. 1933], *SD* 2, 611–649; "Engleska ustavnost" [English Constitution] [1928], *SD* 12, 416; "Engleski federalizam" [English Federalism] [1920, 1933], *SD* 2, 650–654; "Engleski parlamentarizam posle rata" [English Parliamentarianism After the War] [1922], *SD* 12, 251–254; "Engleski socijalizam" [English Socialism] [1936], *SD* 12, 317–320; *Primeri političke sociologije*; "Sidni Lo, Engleski parlamentarizam" [Sidney J. M. Low, English Parliamentarianism] [1929], *SD* 12, 419–422; "Političke ideje savremene Engleske" [Political Ideas of Contemporary England] [1927, 1935], *SD* 9, 409–416; "Pluralizam" [Pluralism] [1931], *SD* 9, 401–408; "Savremeni politički problemi s engleskog gledišta" [Contemporary Political Problems from the English perspective] [1933, 1935], *SD* 9, 417–424; "Gledston" [Gladstone] [1894] in *Nepoznati radovi* (Belgrade: Filip Višnjić, 2005), 192–200; "Gledston" [Gladstone] [expanded and amended ed. 1938], *SD* 12, 17–114; "Džon Morli" [John Morley] [1901, 1933], *SD* 2, 682–687; "Artur Balfur" [Arthur Balfour] [1903, revised and expanded ed. 1930, 1933], *SD* 2, 673–681; "Toma Karlajl" [Thomas Carlyle] [1904, 1933], *SD* 2, 655–672; "Berk" [Burke], *SD* 9, 151–212, etc.

⁶² S. Jovanović, "O društvenom ugovoru" [On Social Contract], *SD* 12, 175, emphasizes that Rousseau's ideas had the greatest impact on the political education of the public: "In nine cases out of ten, the writing intended for a broader public, especially in newspapers, takes for definitive the truths that the social science has arrived at, as if it were possible for science to ever reach such truths. In Europe, more or less everywhere, the public takes them so much for granted [...], that they indeed can be taken as a sort of social prejudice". He also points out that Rousseau was an inheritor of the classical tradition and that he understood freedom in ancient Greco-Roman terms. V. Stanovčić, "Apsolutna vladarska vlast", in *Slobodan Jovanović, Ličnost i delo*, ed. M. Jovičić (Belgrade: SANU, 1998), 641, points to the fact that at the time of the publication of Jovanović's *O društvenom ugovoru*, a Serbian edition was published in Belgrade of Fustel de Coulanges's book *La Cité antique* (Paris: Durand, 1864), which "shattered misconceptions harboured by many French revolutionaries of the century, by showing that the so-called free man in ancient Greece at the peak of her democracy was a slave to the state".

ended up as the absolutist tyranny of an individual (at first Robespierre and then Napoleon). Slobodan Jovanović believes the English model to be a well-working one. As he deems the original better than its copies, he believes it necessary to understand the original rationale of the Westminster system. His view may thus be described as a call for a return to the original. This, of course, does not mean that one should blindly imitate the original down to the smallest detail, but rather that one should gain a profound understanding of the meaning of political experience as construed from Burke's philosophy, which he demonstrates to be the mainstream of British political thought. This is why Jovanović advocates "integral parliamentarism", by which he means a bicameral parliamentary monarchy with the lower house members elected through universal suffrage. He is convinced, and often seeks to demonstrate in his writings, that the absence of these basic principles of parliamentarism inescapably leads to an anomalous parliamentary life and, at the end of the day, costs dearly.

Slobodan Jovanović's formal education equipped him well with logic as the *organon* or instrument for rational thinking. Therefore, he was well aware that false premises could lead to a true conclusion. Even though he did not accept his father's form of positivism, or of liberalism, or, consequently, his conceptions of patriotism and parliamentarism based on such liberalism, he was aware that there was little difference between his father's views and his own when it came to their translation into practice. Although greatly attached to the French radical left-wing ideas, Vladimir Jovanović never allowed emotions to blur his profound conviction, based on Mill, that liberty was the right of political dissent the exercise of which must not be blocked out by the ideal of equality, and that it was necessary to ensure political rights for the educated and well-to-do minority, who would be unfailingly outvoted should universal suffrage be understood as a sheer majority rule.⁶³ Slobodan Jovanović suggested that it was erroneous to treat the majority as the whole, because it was only majority and minority taken together that constituted a whole. This is why both Vladimir and Slobodan Jovanović favoured a bicameral parliament over unlimited majority rule. As for the question of monarchy, Vladimir was a republican in theory, but a monarchist in practice. Both Vladimir and Slobodan Jovanović advocated a parliamentary system for Serbia.⁶⁴ The difference in their views almost

⁶³ Criticizing Mill's view that proportional representation makes the upper chamber redundant, Jovanović points out to the position of Leslie Stephen, "Value of Political Machinery", *Fortnightly Review* (Dec. 1875), that the centre of resistance must be outside the body being resisted to, not within it.

⁶⁴ In addition to general theoretical and historical reasons, Jovanović, "Sur l'idée yougoslave", 294, is convinced that a parliamentary system best suits the mentality of the

disappears when compared to the notion of parliamentarianism entertained by the then predominant parliamentary party, the Radicals. The Radical Party was founded by the Socialist disciples of Svetozar Marković, the main opponent of Vladimir Jovanović in the period of the United Serbian Youth, but its theoreticians eventually “came to read Western liberals more than the Russian socialists Chernyshevsky and Pisarev, namely Constant, Bagehot, Bluntschlie, and the socialist Lassalle, who instructed his followers how to carry out their programme through universal suffrage instead of revolution”.⁶⁵ The Radicals saw parliamentarianism simply as a vehicle for expressing the will of the majority, or Rousseau’s *volonté générale*. Slobodan Jovanović found such a view particularly debatable, because it tended to nurture the widespread misconception that democracy necessarily meant direct democracy, even though such a form of government was nowhere to be found.⁶⁶ The Radical notion of parliamentarianism was markedly simplified and reduced to the right of the majority government to run its affairs unimpeded until the next election. Any interference of the Crown and any Opposition’s filibustering was immediately understood as an aberration from the correct form of parliamentarianism. Unlike the Radical understanding of parliamentarianism, the British majority government was limited both by the Upper House and by public opinion. The Radical theoreticians, however, made it seem as if “the majority government in England is completely unlimited, and that therefore our struggle for the constitution should end with replacing the monarch’s omnipotence with the majority government’s omnipotence”.⁶⁷

Slobodan Jovanović considered the bicameral system, as integrated into his political theory, universally applicable.⁶⁸ He did take into account

Serbs, finding that personal regimes “have never been popular with the Serbs”. Cf. also S. Jovanović, “Serbia Traditionally Land of Democracy”, *The American Serb* 4/1 (Chicago, Nov. 1947), 2.

⁶⁵ S. Jovanović, “Nikola Pašić”, *SD* 12, 145. Jovanović particularly emphasizes (*ibid.*, 206) that Bagehot’s great impact in the Balkans could be given an entire study.

⁶⁶ S. Jovanović, “O demokratiji”, 797. J. Talmon, *The Origins of Totalitarian Democracy* (London: Secker and Warburg, 1952), thought of Rousseau’s idea of the general will as leading to a totalitarian democracy given that the state subjected its citizens to the supposedly infallible, tyrannical, will of the majority. S. Jovanović, “O totalitarizmu [On Totalitarianism] [1952], *SD* 12, 167–172, finds Talmon’s analysis useful for developing “a better understanding of totalitarianism and the French Revolution”. On Jovanović’s understanding of totalitarianism, see his “On the New Machiavellism”, *The Eastern Quarterly* 4/3 (July 1951), 2–6.

⁶⁷ *Ibid.*, 206, esp. p. 153.

⁶⁸ In 1899, Slobodan Jovanović joined the debate over the division of Serbia’s legislative body with a polemic paper, “The bicameral system”, the goal of which was to offer

particular circumstances and customs specific to particular countries, but generally believed that the bicameral system was an essential and integral part of the legislative body. In addition to offering theoretical arguments, he supported his proposition with the fact that unicameral parliaments were rare, unlike the bicameral system, which was only absent in Balkan and Latin American countries.⁶⁹ The political parties in Serbia occasionally changed their attitude towards the bicameral system, depending on changing political circumstances, but on the whole, the Liberals and Progressives supported it and the Radicals opposed it.⁷⁰ The Liberals and the Progressives shared the same basic political principles: “Neither the Progressives nor Liberals advocated unlimited popular rule, but rather wanted that the intelligentsia should participate in government along with the people.”⁷¹ The Progressives were “more libertarian than the Liberals themselves”,⁷² but less democratic.⁷³ Under the Radical administration, although not without intellectuals in the cabinet, the Radical parliamentary group with peasant spokesmen calling the tune was frequently more powerful than the government itself. What Slobodan Jovanović saw as the main weakness of Serbia’s parliamentary system on the eve of the First World War was not that the monarch practically renounced his constitutional powers,⁷⁴ or that the gov-

all general and particular, theoretical and practical, arguments for introducing an upper chamber. The upper house was introduced by the 1901 Constitution and abolished in 1903. See “Dvodomni sistem” [The bicameral system] [1899, 1910, 1932], *SD* 2, 231–271.

⁶⁹ *Ibid.*, 249.

⁷⁰ Even so, the Radicals made a concession and endorsed the introduction of a bicameral system in Serbia by the 1901 Constitution. See S. Jovanović, vol. 2 of *Vlada Aleksandra Obrenovića* [The Reign of Alexander Obrenović], 208–214.

⁷¹ *Ibid.*

⁷² “Their pro-Western position gave their libertarianism a somewhat anational flavour.” See S. Jovanović, vol. 2 of *Vlada Milana Obrenovića* [The Reign of Milan Obrenović], *SD* 5, 67.

⁷³ *Ibid.*, 68.

⁷⁴ Commenting on Ž. Perić’s criticism of the decision of King Peter I Karadjordjević to abstain from his constitutional powers, Jovanović emphasizes that a distinction should be made between monarchs who do not perform their duties because they lack a sense of duty (e.g. Queen Victoria’s widowhood) and those who, exercising their right to free judgement (discretion), decide not to wield their constitutional powers in given circumstances: “His inaction was no less of a political act than his action would have been. It is a political act, because it originates from political motives and may result in incontestable political gain. In politics, inaction is sometimes more useful than action.” See S. Jovanović, “Perić o vladalačkoj vlasti” [Perić on monarchic government] [1938], *SD* 11, 636.

ernment was run by parties and amateurs, or the fusion, common in parliamentary systems, of legislative and executive powers, i.e. concentration of power in the hands of the leader of the majority party, but rather the almost unlimited power of the parliamentary majority and the government, i.e. prime minister. It was this lack of balance, caused by the implementation of an oversimplified version of parliamentarianism, that accounted for some of the weaknesses of government and political life in the period between 1903 and 1914, which could have been avoided or at least lessened.

Even if the “period of the restored parliamentary system”, with a monarch “who wished to be a strictly parliamentary ruler”, with its political liberties and freedom of speech, was not a “golden age” in Serbian constitutional history, it certainly was a successful one. Had the bicameral system not been abolished by reinstating the 1888 Constitution, the government would have proceeded more cautiously and some outcomes would not have been as damaging as they were. But: “What the development of the Serbian parliamentary system would have looked like, we cannot know, since the constitutional question in the common Kingdom of Serbs, Croats and Slovenes assumed a completely different perspective and significance.”⁷⁵

UDC 329.11/.12]Vladimir Jovanović/Slobodan Jovanović

321.01:172

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⁷⁵ S. Jovanović, “Periodi”, 470.

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