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## LEGAL CULTURE IN CONTEMPORARY SERBIA: STRUCTURAL ANALYSIS OF ATTITUDES TOWARDS THE RULE OF LAW

*The article analyzes the support for the rule of law among Serbian citizens. The research data show that support for the rule of law depends on the structural socio-economic position of respondents and their position on the transition winners-and-losers scale i.e., the level of fulfilment of their interests in the new system. There is differentiation among better educated respondents. Those who benefited from the new system recognize the importance of the rule of law. Others, due to their knowledge and understanding of the functioning of the system, are more disappointed and more critical towards it.*

Key words: *Serbia. – Legal culture. – Rule of law. – Post-socialist transition. – Values.*

### 1. INTRODUCTION: WHY STUDY LEGAL CULTURE?\*\*\*

The causal relations of values and value changes on one hand, and on the other, structural features and changes in a given society, have attracted considerable academic attention.<sup>1</sup> On a very general level, indi-

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<sup>1</sup> Talcot Parsons, *Societies. Evolutionary and Comparative Perspectives*. Englewood Cliffs, NJ: Prentice-Hall Inc., 1977; Ronald Inglehart, *Modernization and Postmod-*

vidual values are seen as reflections of social and political processes and institutions while at the same time constituting their social foundations. For example, liberal and democratic values are seen as a social foundation of democracy and a barrier to anti-democratic ideologies and politics, but also as part of the political culture nurtured by democratic regimes. As Inglehart and Welzelsay say, “democracy is not simply the result of clever elite bargaining and constitutional engineering. It depends on deep-rooted orientations among the people themselves. These orientations motivate them to demand freedom and responsive government – and to act to ensure that the governing elites remain responsive to them. Genuine democracy is not simply a machine that, once set up, functions by itself. It depends on the people”.<sup>2</sup> This conclusion was reinstated particularly strongly in the analysis of the second and third wave of democratization, and of the process of democratization and democratic consolidation of the former socialist countries.<sup>3</sup>

A similar argument is often applied when discussing *Rechtsstaat* – certain values are simply the outcome of the functioning of the *Rechtsstaat*, but, nonetheless, also constitute its societal foundations.<sup>4</sup> *Rechtsstaat* is perceived as a political and legal system which depends on the prevailing values and attitudes of ordinary citizens. *Rechtsstaat* can exist only when an appropriate culture exists, a “culture of the rule of law” that actively supports the *Rechtsstaat* and resists violations of laws,

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ernization. Cultural, Economic and Political Change in 43 Societies. Princeton: Princeton University Press, 1997; Mladen Lazić and Slobodan Cvejić, “Post-Socialist Transformation and Value Changes of the Middle Class in Serbia”, *European Sociological Review* 27 (6), 2011, 808–823.

<sup>2</sup> Ronal Inglehart and Christian Welzel, *Modernization, Cultural Change and Democracy. The Human Development Sequence*, Cambridge: Cambridge University Press, 2005, 2.

<sup>3</sup> Lehnard J. Cohen. and John R. Lampe, *Embracing Democracy in the Western Balkans. From Post-conflict Struggles toward European Integration*, Washington, D.C. and Baltimore: Woodrow, 2011; Bojan Bugarčić, “Populism, liberal democracy and the rule of law in Central and Eastern Europe”, *Communist and Post-Communist Studies* (41) 2008, 191–203; David J. Galligan, and Marina Kurkchyan, (eds.), *Law and Informal Practices: The Post-Communist Experience*, Oxford: Oxford University Press, 2003; Hand-Dieter Klingemann, Dieter Fuchs and Jan Zielonka (eds.), *Democracy and Political Culture in Eastern Europe*, London: Routledge, 2006; Richard Rose and Don Chull Shin, “Democratization Backwards: The Problem of Third-Wave Democracies”, *British Journal of Political Science* 31 (2), 2001, 331–354.

<sup>4</sup> Notions of *Rechtsstaat* and the rule of law have emerged in two distinct academic, political and legal traditions. Some authors think there is a conceptual equivalence between the two concepts (e.g. Danilo Zolo, “The Rule of Law: A Critical Reappraisal” in Pietro Costa and Danilo Zolo (eds.), *The Rule of Law: History, Theory and Criticism*, Dodrecht: Springer, 2007, 3–73), while others emphasize differences (e.g. Gianluigi Palombella, “The Rule of Law and its Core” in Gianluigi Palombella and Neil Walker (eds.), *Relocating the Rule of Law*, Oxford and Portland, Oregon: Hart Publishing, 2009). For the sake of simplicity, we will use them as synonymous.

arbitrariness or corruption.<sup>5</sup> In a similar vein, Brian Tamanaha states that, “for the rule of law to exist, people must believe in and be committed to the rule of law [...]. When this cultural belief is pervasive, the rule of law can be resilient, spanning generations, surviving episodes in which the rule of law is flouted by government officials. When this cultural belief is not pervasive, however, the rule of law will be weak or non-existent”.<sup>6</sup> He also adds that, “pervasive societal attitudes about fidelity to the rule of law [...are] the mysterious quality that makes the rule of law work”.<sup>7</sup> Since democracy and the rule of law are closely intertwined, at least in the sense that equality before the law, predictable, efficient justice, and public power respectful of fundamental rights imply a pre-existing democracy<sup>8</sup>, then the societal foundations for democracy and *Rechtsstaat* are based in the same set of individual values.

However, the idea that the success of a particular state in establishing the rule of law depends on a conducive political or legal culture has drawn sharp criticism.<sup>9</sup> Following Unger, we interpret the *Rechtsstaat* primarily as a result of the interaction of social interests supported subsequently in the day-to-day operations of an appropriate legal culture.<sup>10</sup> We also believe that legal culture is not endogenous; it is a reflection of social and institutional factors and it influences the application of law and the rule of law itself. For these reasons, studying values and attitudes towards the rule of law contributes to our understanding of the functioning and legitimacy of the legal and political system. In this article we offer an account of legal culture in contemporary Serbia as well as a structuralist explanation of its features. We analyze attitudes towards *Rechtsstaat* as

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<sup>5</sup> James L. Gibson, Jeffrey Sonis and Sokhom Hean “Cambodians’ Support for the Rule of Law on the Eve of the Khmer Rouge Trials” *The International Journal of Transitional Justice* 4/2010, 377–396.

<sup>6</sup> Brian Tamahana, “A Concise Guide To The Rule Of Law”, St’Johns University School of Law, legal studies research paper series paper No.07-0082/2007, 10.

<sup>7</sup> Brian Z. Tamanaha, *On the Rule of Law: History, Politics, Theory*, Cambridge: Cambridge University Press, 2004, 141.

<sup>8</sup> Leonardo Morlino “The two ‘rules of law’ between transition to and quality of democracy” in Leonardo Morlino and Gianluigi Palombella (eds.) *Rule of Law and Democracy: Inquiries into Internal and External Issues*, Leiden: Brill, 2010, 40; cf. Jose Maria Maravall and Adam Przeworski (eds.), 2003. *Democracy and the Rule of Law*, Cambridge: Cambridge University Press; Berry R. Weingast, “The Political Foundations of Democracy and the Rule of Law”, *American Political Science Review* 91 (2), 1997, 245–263.

<sup>9</sup> E. g. Adam Pzeworski “Why Do Political Parties Obey Results of Elections?” in Jose Maria Maravall and Adam Przeworski (eds.). *Democracy and the Rule of Law*, Cambridge: Cambridge University Press, 2003, 114–147.

<sup>10</sup> Roberto Mangabeira Unger, *Law in Modern Society*, New York: The Free Press, 1976; for the Serbian context cf. Danilo Vuković, “Društvene osnove pravne države: Slučaj Srbije”, *Sociološki pregled*, 45 (3), 2011, 421–451.

part of the legal culture embedded in the social stratification pattern of contemporary Serbia and we argue that attitudes towards the law are strongly dependent on the socio-economic position of individuals.

The article has four sections. After this introduction, in part two we introduce the concept of legal culture and its operationalization. In the third part of the article we provide the analytical background for our research. The characteristics of contemporary legal culture in Serbia are the subject of the fourth part of the article. The final section summarizes our analysis of empirical data.

## 2. EMPIRICAL ANALYSIS OF THE LEGAL CULTURE

Empirical analysis of legal culture calls for different approaches to operationalization of the concept. Lawrence Friedman defines legal culture as a network of values and attitudes regarding the law. The legal culture is composed of those elements of general culture, customs, opinions, ways of doing and thinking that bend social forces towards or away from the law.<sup>11</sup> Legal culture, among other things, explains when, why and where people tend to use legal procedures, when they use other institutions and when they do nothing.<sup>12</sup> For David Nelken, “legal culture, in its most general sense, is one way of describing relatively stable patterns of legally oriented social behavior and attitudes. The identifying elements of legal culture range from facts about institutions such as the number and role of lawyers or the ways judges are appointed and controlled, to various forms of behavior such as litigation or prison rates, and, at the other extreme, more nebulous aspects of ideas, values, aspirations and mentalities”.<sup>13</sup> Friedman makes a distinction between “internal” and “ex-

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<sup>11</sup> Lawrence M. Friedman, *The Legal System: A Social Science Perspective*, New Yourk: Rasel Sage Foundation, 1975, 15.

<sup>12</sup> L. M. Friedman, *The Legal System: A Social Science Perspective*, New Yourk: Rasel Sage Foundation, 1975, 76.

<sup>13</sup> David Nelken, “Using the concept of legal culture”, *Australian Journal of Legal Philosophy* 29 (1), 2004, 1–26. Rodger Cotterrell criticized Friedman for discussing the legal culture in an “often avowedly impressionistic” manner (Roger Cotterrell, *Law, Culture and Society. Legal Ideas in the Mirror of Social Theory*, Ashgate, 2006, 88). Cotterrell emphasizes the power of the professional community and doctrine in the broader contextual environment, as opposed to Friedman, who deals with the wider aspects of the social environment in which law operates, that is, the culture as a determinant of the law. His critique of the concept of legal culture is based on the idea that socio-legal studies shift from a strict scientific explanatory framework to a more interpretative framework. At the same time, he is willing to admit that studying legal culture is important as it indicates the complexity of the social environment in which modern legal systems operate (R. Cotterrell, *Law, Culture and Society. Legal Ideas in the Mirror of Social Theory*, Ashgate, 2006, 88–95; cf. Roger Cotterrell, “The Concept of Legal Culture”, in David Nelken, (ed.)

ternal” legal culture. Internal culture refers to the ideas and practices of lawyers, while external legal culture refers to the values, ideas and attitudes of citizens. This aspect of legal culture – external legal culture – will be the subject of our analysis.

The concept of legal culture has been operationalized more exactly, through several dimensions such as attitudes towards the rule of law, the neutrality of the law and the relative importance attached to individual freedom.<sup>14</sup> This approach has been applied in a series of explorations of legal cultures across Europe and the world<sup>15</sup> and in our research as well. As a result, we were able to perform a rudimentary cross-country comparison and, more importantly, to propose an explanatory model that enabled us to interpret the data in the particular Serbian social context.

Gibson and Caldeira operationalize legal culture through three dimensions: (1) attitudes towards the rule of law, (2) perceptions of the neutrality of law and (3) relative valuation attached to individual liberty.<sup>16</sup> Attitudes towards the rule of law were measured through the level of agreement with a series of three groups of declarative statements. The first group of statements measures strict adherence to the law and unwillingness to tolerate deviations. Gibson and Caldeira acknowledge that this is only a partial conceptualization of the notion of the rule of law, but state that other aspects will probably receive unanimous support (e.g. whether the government ought to be allowed to govern arbitrarily, setting law aside whenever necessary or expedient). They start from the hypothesis that individuals differ in the rigidity with which they believe the law ought to be adhered to.<sup>17</sup> The second group of statements deals with the societal grounds of the law. The law is depicted as a result of the interests of dominant groups and interests, on one side, and as the result of social consensus, on the other side. The assumption is that those who view the law as more neutral will be more willing to accept absolute compliance

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*Comparing Legal Cultures*, Darmouth Publishing, 1997; David Nelken, “Three Problems in Employing the Concept of Legal Culture” in Fred Bruinsma and David Nelken (eds.), *Exploration in Legal Cultures*, Amsterdam: Elsevier, 2007).

<sup>14</sup> James L. Gibson, and Gregory A. Caldeira, “The Legal Cultures of Europe”, *Law & Society Review* 30 (1), 1996, 55–86.

<sup>15</sup> J. L. Gibson, and G. A. Caldeira, “The Legal Cultures of Europe”, *Law & Society Review* 30 (1), 1996, 55–86; Kathryn Handley “Who Are the Legal Nihilists in Russia?” *University of Wisconsin Law School Legal Studies Research Paper Series Paper No. 1187*, 2012; Iwon Jakubowska-Branicka, “Expectations Regarding Law and the Emerging Concept of Legality in the Process of Democratic Transformation”, European Network on Law and Society Virtual Series, 1996, available at <http://www.reds.msh-paris.fr/publications/collvir/kourilski/kourilski4.htm>.

<sup>16</sup> J. L. Gibson, and G. A. Caldeira, “The Legal Cultures of Europe”, *Law & Society Review* 30 (1), 1996, 59.

<sup>17</sup> *Ibid.*, 60.

with the law. Finally, the valuation of individual liberty was chosen as the third dimension, because the issue of individual liberty, i.e., the struggle over the extent of individual liberty, rests at the core of most modern legal systems. Gibson and Caldeira hypothesize that those who value liberty more are more likely to favor universalistic application of the rule of law and are less likely to view law as an instrument of repression and social control.<sup>18</sup>

A series of empirical investigations of legal culture across the western world and Central and Eastern Europe have led to inconclusive results. The first one of these, conducted by Gibson and Caldeira in 1996, reveals that “nation-of-residence” is *not* an especially strong predictor of attitudes.<sup>19</sup> Although there are considerable within-country variations, Gibson and Caldeira were able to distinguish countries such as Greece, Belgium, Luxembourg, Portugal and territories of the former East Germany where regard for the rule of law was not strong, support for individual liberty was weak and alienation from law fairly common. At the opposite end of the continuum were Denmark, The Netherlands, West Germany and Great Britain.<sup>20</sup> Other cross-country comparisons indicated that citizens of former socialist countries were less inclined to support the rule of law.<sup>21</sup>

When it comes to within-nation variations, Gibson and Caldeira found that differences in legal values are mainly rooted in social class or education. “To some extent, it is those who profit from the existing socio-economic structuring of the society who tend to view law as a beneficent institution”.<sup>22</sup> Gibson’s more recent analysis of Russian legal culture indicates that better educated Russians tend to express more positive evaluations of the rule of law, although not much more. The level of education was the strongest predictor, while age was also significant, though less so. Positive attitudes towards the rule of law also correlate, to a degree, with positive attitudes towards democratic institutions. Gibson concludes that attitudes towards the rule of law are an integral part of the democratic belief system in Russia.<sup>23</sup>

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<sup>18</sup> *Ibid.*, 61.

<sup>19</sup> *Ibid.*, 68 (emphasis in original).

<sup>20</sup> *Ibid.*, 70.

<sup>21</sup> I. Jakubowska-Branicka, “Expectations Regarding Law and the Emerging Concept of Legality in the Process of Democratic Transformation”, European Network on Law and Society Virtual Series, 1996; Ase Berit Grødeland and Aadne Aasland, “Fighting corruption in public procurement in post-communist states: Obstacles and solutions”, *Communist and Post-Communist Studies* 44 (2011), 17–32.

<sup>22</sup> J. L. Gibson, and G. A. Caldeira, “The Legal Cultures of Europe”, *Law & Society Review* 30 (1), 1996, 73.

<sup>23</sup> James L. Gibson, “Russian Attitudes towards the Rule of Law: An Analysis of Survey Data” in Denis J. Galligan and Marina Kurkchiyan (eds), *Law and Informal Practices: The Post-Communist Experience*, Oxford, Oxford University Press, 2003, 89–90.

Although Gibson found that economic well-being was a poor predictor of attitudes towards the rule of law, Kathryn Hendley found that those who see themselves as being either at the top or the bottom of the economic pyramid are less likely to support the rule of law. This, in her opinion, “provides confirmation of two seemingly contradictory pieces of common wisdom about contemporary Russia. The nihilism of the rich supports the popular belief among Russians that the wealthy view law as an inconvenience rather than as a constraint on their behavior [...] Those who are struggling to provide for their families also tend to be nihilistic”.<sup>24</sup> She also found a strong relationship between democratic values and support for the rule of law and an even stronger relationship between trust in public institutions and support for the rule of law.<sup>25</sup> In her research, the relationship between a lack of trust in state institutions and a rejection of the culture of the rule of law was even stronger than for the rejection of democratic ideas. On the other side of the scale, those who voiced firm trust in institutions were much more likely to be committed to abiding by the law, but those in the top quartile of the scale for support of democratic principles were not noticeably more law abiding than the rest of the sample.<sup>26</sup> Finally, she also returns to the “winners and losers of the transition” explanation, claiming that those who were able to take advantage of the chaotic 1990s might not necessarily have much respect for the law. Perhaps they attributed their lot in life, Hendley suggests, to the manipulability of the rules of the game. Among those who benefited from this, positive attitudes to legal nihilism are understandable. When it comes to the losers, she suggests that they were more inclined to “resign to the perceived reality [and] blame the ability of more powerful actors to manipulate the system for their misfortune”.<sup>27</sup>

In the following chapters we try to offer a sound theoretical explanation of who, in the Serbian post-socialist context supports the rule of law, and why. First, we will present the analytical background for the analysis of the Serbian data, and then proceed with the presentation and explanation of the research data.

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<sup>24</sup> K. Handley “Who Are the Legal Nihilists in Russia?” *University of Wisconsin Law School Legal Studies Research Paper Series Paper No. 1187*, 2012, 13.

<sup>25</sup> For the relationship between political beliefs and law obedience cf. Tom R. Tyler, “Public Mistrust of the Law: A Political Perspective”, *University of Cincinnati Law Review* 66, 1998, 847–876.

<sup>26</sup> K. Handley “Who Are the Legal Nihilists in Russia?” *University of Wisconsin Law School Legal Studies Research Paper Series Paper No. 1187*, 2012, 15.

<sup>27</sup> K. Handley “Who Are the Legal Nihilists in Russia?” *University of Wisconsin Law School Legal Studies Research Paper Series Paper No. 1187*, 2012, 21.

### 3. POST-SOCIALIST TRANSFORMATION AND *RECHTSSTAAT* IN SERBIA

During the last decade of the 20<sup>th</sup> century, while Central European countries were more or less successfully undergoing post-socialist transformation, Serbia and other post-Yugoslav countries were in a state of civil war, political strife and economic crisis. In the Serbian context, this period was designated ‘blocked’ or ‘delayed’ post-socialist transformation. This notion is used to describe the blocking of changes towards a market economy and political pluralism. In Serbia, stagnated reform was held up by the political elite in order to capture public economic resources and to remain in power as long as possible.<sup>28</sup> This was a period of institutional breakdown, modest democratization and a lack of the rule of law. The legitimization of the political system rested on the values of social and national solidarity in times of crisis and external threat (ranging from UN sanctions to NATO bombing) and the fight for Serbian national interests after the dissolution of the former Yugoslavia.

During the 90s political and social changes were to a great extent backed by urban, highly educated segments of the middle classes, while workers, farmers and the rural population did not start to switch allegiance to political forces for change until 1999.<sup>29</sup> This was not enough to bring such change about. It was only after the peak of the conflict with the international community (the NATO bombing of Serbia and Montenegro) and the breakdown of the political program and legitimization formula that rested on misuse of the idea of the Serbian nation state and social solidarity, that the then opposition parties managed to overthrow the authoritarian government and initiate social and economic changes. These reforms took place in a society burdened by severe economic scarcity, deep poverty and institutional breakdown, in an international environment marked by the prolonged effects of the wars and political crises

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<sup>28</sup> Slobodan Antonić, *Zarobljena zemlja: Srbija za vlade Slobodana Miloševića*, Beograd: Otkrovenje, 2002; Silvano Bolčić, “Ownership Transformation and the Problems of Redistribution of the Social Power in the Post-Socialist Societies”, *Balkan forum* 1997, 5 (2), 221–240; Mladen Lazić (ed.), *Račji hod. Srbija u transformacijskim procesima*, Beograd: Filip Višnjić, 2000; Mladen Lazić and Slobodan Cvejić. “Stratificational changes in Serbian society: A case of blocked post-socialist transformation”, in Anđelka Milić (ed.), *Transformation and Strategies*, Belgrade: ISI FFB, 2005.

<sup>29</sup> Marija Babović, “Akteri blokade društvenih promena i akteri transformacije” in Silvano Bolčić and Anđelka Milić (eds.), *Srbija krajem milenijuma: razaranje društva, promene i svakodnevni život*, Beograd: Institut za sociološka istraživanja Filozofskog fakulteta u Beogradu, 2002; Slobodan Cvejić, “General Character of the Protest and Prospects for Democratization in Serbia”, in Mladen Lazić, (ed): *Belgrade in Protest: Winter of Discontent*, Budapest: CEU Press, 1999.



of the 90s.<sup>30</sup> On the macro-political and societal level, these factors continue to influence the pace and the course of political change in the new millennium, which can be categorized as lagging post-socialist transformation. A new democratic capitalist system has, nonetheless, managed to emerge and develop against this social and political background, as have a new legitimization formula and normative framework (i.e., publicly acclaimed values) which promote democracy and the rule of law.<sup>31</sup> The new normative framework was developed in line with the interests of elites and segments of the middle classes that would become the key societal ground for the new social and political system. Democracy, rule of law and a free market economy provide these groups with economic prospects<sup>32</sup> but also correspond to the dominant values and ideologies of this segment of Serbian society.<sup>33</sup>

The last thirteen years of social and political change have yielded mixed results. The annual growth rate until 2007 was 5.4%, but GDP has managed to reach only 68% of the 1989 level. Salaries, in contrast, increased much faster, 13.7% annually or twice as fast as productivity growth.<sup>34</sup> This has evidently led to an increase in living standards that was not backed up by economic growth. Not only was there an imbalance between the increase in living standards and economic growth, but the growth itself was not sustainable in the long run. Two thirds of economic growth is attributed to growth in the non-tradable parts of the economy (financial services, wholesale and retail trade, transport and telecommunications).<sup>35</sup> The domestic currency (dinar) was and still is strong, making exports expensive and imports cheap and thus imported goods more accessible. This has often been interpreted as an economic policy shaped by the interests of emerging domestic economic elites or

<sup>30</sup> These were primarily the political pressure to cooperate with the International Criminal Tribunal for the Former Yugoslavia, dissolution of the federation of Serbia and Montenegro, and Kosovo and Metohija's proclamation of independence.

<sup>31</sup> Mladen Lazić and Slobodan Cvejić, "Class and Values in Post-Socialist Transformation in Serbia", *International Journal of Sociology*, 2007, 37 (3), 54–74.

<sup>32</sup> These range from the control and conversion of state and public resources for the elites to better market position in a free and open economy for some segments of the middle classes, though less for those whose socio-economic position is dependent on the state.

<sup>33</sup> Slobodan Vuković, *Čemu privatizacija?*, Beograd: SDS-IKSI, 1996.

<sup>34</sup> Edvard Jakopin, Sonja Radosavljević, and Danica Jovanović (eds.) (2009), *Izveštaj o razvoju Srbije*, Beograd: Republički zavod za razvoj, 2010, 20.

<sup>35</sup> Dušan Vasiljević, "Serbia's Economic Growth and International Competitiveness", *Quarterly monitor*, 2009/18, 85. Growth was also based on increased domestic demand financed from foreign resources. From 2000 to 2008 Serbia received EUR 3 billion in international development aid and 1.8 billion in loans (*Bilten javnih finansija, januar 2011*, Beograd: Ministarstvo finansija Vlade Republike Srbije, 2011). The trade deficit increased from 2.5% of GDP in 2001 to 22% in 2009.

tycoons<sup>36</sup> and has led to an increase in the fiscal deficit and foreign debt, having a devastating effect on domestic industry and its competitiveness.<sup>37</sup>

At the beginning of this period, poverty rates were high. However, they soon began to fall with the increasing efficiency of redistributive mechanisms (welfare policies, fast growth of salaries, monetary policy etc.).<sup>38</sup> There has also been a slight increase in inequality. In 2000 the Gini coefficient was 0.28 but as soon as 2002 it had risen to 0.33 and, with certain fluctuations, has remained the same ever since. As can be seen, this period has been marked by unsustainable economic growth and redistributive policies that increased the living standards of certain social groups, while leaving others at the bottom of the social hierarchy with even fewer resources than in the previous period.

Channels that led to the increase in living standards and social position have varied across social groups and classes. The elites benefited from the transformation more than other groups through the conversion of resources, i.e., the political power and privileged social position of the former socialist elites, into economic capital.<sup>39</sup> In the case of the middle class, these were primarily (1) an increase in public sector employment and (2) growth in the number, size and relative strength of foreign firms that employ skilled and qualified labor. This is important, as our previous research indicates that two thirds of the middle classes in Serbia actually work in the public sector.<sup>40</sup> Other non-targeted redistributive mechanisms

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<sup>36</sup> Danica Popović, “Privredna aktivnost i makroekonomska politika u tranziciji”, in Boris Begović et al., *Četiri godine tranzicije u Srbiji*, Beograd: Center for Liberal-Democratic Studies, 2005; Dragovan Milićević, “Pošast zvana devizni kurs”, <http://www.makroekonomija.org/0-dragovan-milicevic/posast-zvana-devizni-kurs/>, 2009.

<sup>37</sup> Dušan Pavlović and Mihail Arandarenko. “Serbia: Equity and Efficiency – Hand in Hand” in Predrag Bejaković and Marc Meinardus (eds.), *Equity vs. Efficiency: Possibilities to Lessen the Trade-Off in Social, Employment and Education Policy in South-East Europe*, Sofia: Friedrich Ebert Foundation, 2011, 163–177; D. Popović, “Privredna aktivnost i makroekonomska politika u tranziciji”, in Boris Begović et al., *Četiri godine tranzicije u Srbiji*, Beograd: Center for Liberal-Democratic Studies, 2005.

<sup>38</sup> In 2000, the absolute poverty rate was 36.5%, it fell to 14.5% in 2002 and to 7.9% in 2009 and with the expansion of economic crisis rose again to 9.2% in 2010. However, the at-risk-of-poverty rate (EU adjusted relative poverty rate) is high, amounting to 18.3% in the general population. It is much higher again in vulnerable groups: 33.9% among the unemployed and 38.6% among the rural population (the first two figures are from official statistics; the last one is from an independent source: Slobodan Cvejić, Marija Babović, Mina Petrović, Natalija Bogdanov, Olivera Vuković, *Socijalna isključenost u ruralnim oblastima Srbije*, Beograd: Program Ujedinjenih nacija za razvoj, 2010, 38).

<sup>39</sup> M. Lazić and S. Cvejić. “Stratificational changes in Serbian society: A case of blocked post-socialist transformation”, in A. Milić (ed.), *Transformation and Strategies*, Belgrade: ISI FFB, 2005.

<sup>40</sup> Household Coping Strategies, research conducted in 2007 by the Institute for Sociological Research, Faculty of Philosophy, Belgrade University, original data set.

also contributed to the improvement of the social and economic position of the middle classes during the post-socialist transformation, including subsidized prices for distant heating and electricity, availability of public services etc.<sup>41</sup> Finally, these groups, characterized by higher education, urban residence and a better labor market position, were able to influence numerous public policies that were shaped according to their socio-economic interests<sup>42</sup> and they ultimately became the winners of the Serbian post-socialist transformation.

As in other post-socialist countries, the workers were the principal losers of the transformation. During socialism their position was protected (*inter alia* because the whole system was legitimized through the new social role and position of the working class) and this continued in the 90s (e.g. layoffs in state-owned enterprises were banned). After 2000 their overall socio-economic position started to depend solely on their market position. The policy of protected employment was abandoned and there were major layoffs in privatized companies. The labor market was not vibrant and the unemployment rate has risen to 24.3% with a constant decrease in the activity rate (49.3% in 2012). Two thirds of the unemployed are long term unemployed and the vast majority of them have elementary and secondary education (19.1% and 67.2% respectively). Altogether, the economic and political (ideological) changes led to deterioration in the economic position of workers. The trade unions have failed to make successful organizational changes during the last two decades and they are unable to actively protect workers.<sup>43</sup> Finally, the post-socialist transformation has led to stratification among the rural population. While a small number of entrepreneurs in agriculture have managed to improve their economic position, the majority of the rural population employed in agriculture remain at the bottom of the social hierarchy.<sup>44</sup>

<sup>41</sup> UNDP (2004), *Stuck in the Past: Energy, environment and poverty in Serbia and Montenegro*, Belgrade, United Nations Development Programme.

<sup>42</sup> Danilo Vuković and Marija Babović, “Social Interests, Policy Networks and Legislative Outcomes: The Role of Policy Networks in Shaping Welfare and Employment Policies in Serbia”, *East European Politics and Societies*, February 2014, pp.5–24; Marija Babović and Danilo Vuković, “Shaping Social Policies in the Western Balkans: Legal and Institutional Changes in the Context of Globalisation and Post-Socialist Transformation” in Margo Thomas and Vesna Bojičić-Dželilović (eds.), *Public Policy Making in the Western Balkans: Case Studies of Selected Economic and Social Policy Reforms*, London, Springer, 2015, 17–43.

<sup>43</sup> Apart from the public sector, they have low membership rates and hence seek legitimization in politics (*cf.* Zoran Stojiljković i Srećko Mihailović, *Stanje socijalnog dijaloga u Srbiji posle dvadeset godina tranzicije*, Beograd: Swiss Labour Assistance, 2010).

<sup>44</sup> Slobodan Cvejić, *Korak u mestu. Društvena pokretljivost u Srbiji u procesu post-socijalističke transformacije*, Beograd: Institut za sociološka istraživanja Filozofskog fakulteta u Beogradu, 2006.

Development of the rule of law was also ambiguous and inconsistent.<sup>45</sup> The World Bank Rule of Law Indicator for 2011 was –0.33 and Serbia is performing worse than all European countries apart from Russia, Belarus, Albania, Bosnia and Herzegovina, and Moldova.<sup>46</sup> One aspect of the *Rechtsstaat* is of particular importance for our discussion: a legal and political system in which public officials and citizens are bound by the law. Public officials are bound by the law in two senses: first, they must abide by the positive law and second, they can change the law only in accordance with the prescribed procedures.<sup>47</sup> Laws limit the discretionary power of state officials and provide mechanisms for holding them *accountable*, while in power, and after leaving office. The laws themselves ought to be such as to lead to certainty, predictability and security in relations between the state and the citizens and citizens to citizens.<sup>48</sup>

The Serbian context is characterized by strong state involvement in the economy and society, powerful political and economic elites that control huge public and state resources and are often not accountable for their actions, along with a weak civil society and other control mechanisms.<sup>49</sup> Therefore, one aspect of the rule of law has been constantly highlighted as problematic – control of corruption and economic crime. Post-socialist societies are themselves susceptible to crime and corruption because of the massive privatization and prominent role of the state in the economy and society.<sup>50</sup> Privatization of state owned enterprises provided a basis for the development of new economic and political elites and represented a massive administrative, economic and political endeavor to convert state owned into privately owned resources. It was also a huge

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<sup>45</sup> For an overview cf. L. J. Cohen. and J. R. Lampe, *Embracing Democracy in the Western Balkans. From Post-conflict Struggles toward European Integration*, Washington, D.C. and Baltimore: Woodrow, 2011 and Slobodan Antonić, *Elita, građanstvo i slaba država*, Beograd: Službeni glasnik, 2006).

<sup>46</sup> The index can range from –2.5 indicating weak to 2.5 indicating strong performance.

<sup>47</sup> The limits to lawmaking are: 1) constitutionally imposed limits, 2) transnational or international legal limits, 3) human rights limits, and 4) religious or natural law limits. In modern societies, the key limiting factor is the list of widely accepted human rights (Brian Z. Tamanaha, *On the Rule of Law: History, Politics, Theory*, Cambridge: Cambridge University Press, 2004, 115ff).

<sup>48</sup> William E. Scheuerman, (ed.), 1996, *The Rule of Law under Siege: Selected Essays of Franz L. Neumann and Otto Kirchheimer*, Berkeley: University of California Press, 1996, 116; Friedrich von Hayek, *The Road to Serfdom*, Chicago: Chicago University Press, 1994, 80).

<sup>49</sup> For an overview, cf. Danilo Vuković, “Društvene osnove pravne države: Slučaj Srbije”, *Sociološki pregled*, 45 (3), 2011, 421–451.

<sup>50</sup> Presently, 40% of Serbian GDP is produced in the public sector which is higher than in other more successful transition countries such as Slovakia and Hungary (20%) or Slovenia and Croatia (30%) (data from [www.ebrd.com](http://www.ebrd.com)).

administrative and political challenge<sup>51</sup> burdened with many problems, from the breaking of contracts to the violation of laws.<sup>52</sup> The last decade has been marked by numerous cases of financial and economic crime and corruption, many of which were a byproduct of privatization or other forms of redistribution of public goods (issuing various licenses, public procurement and the like).<sup>53</sup> This led to the emergence of a “predatory elite”<sup>54</sup> and “state capture”<sup>55</sup> and contributed to a shared belief that corruption and economic crime are among the most important social and political problems in contemporary Serbia.<sup>56</sup> In spite of the fact that researching corruption is a complex endeavor<sup>57</sup>, various social and political factors have been identified as the roots of widespread corruption and economic crime. We can only briefly indicate them here, but they include political pressure on the judiciary and the failure to establish a professional and independent judiciary<sup>58</sup>, the dominant role of political parties in politics and society, the system of party financing<sup>59</sup>, and the broader

<sup>51</sup> Between 2002 and 2011 2,397 enterprises with 340,000 employees were sold.

<sup>52</sup> Altogether, 25% of privatization contracts were canceled due to the non-fulfillment of the obligations on behalf of the buyers.

<sup>53</sup> Cf. S. Antonić, *Elita, građanstvo i slaba država*, Beograd: Službeni glasnik, 2006; *Crime and its Impact on the Balkans and Affected Countries*, Vienna: United Nations Office on Drugs and Crime, 2008; for investigative media reporting cf. [www.cins.org.rs](http://www.cins.org.rs), for a series of case studies of the Anti-Corruption Council cf. <http://www.antikorupcija-savet.gov.rs>.

<sup>54</sup> Ivan Krastev, *Zamka nefleksibilnosti: frustrirana društva, slabe države i demokratija*, Beograd: UNDP i BFPE, 2004; Karla Hoff and Joseph E. Stiglitz, “After The Big Bang? Obstacles To The Emergence Of The Rule Of Law In Post-Communist Societies,” *American Economic Review* 94 (3), 2004, 753–763.

<sup>55</sup> Dušan Pavlović, “Zarobljena država” in Srećko Mihailović (ed.) *Pet godina tranzicije*, Beograd: Friedrich Ebert Stiftung, 2006.

<sup>56</sup> Cf. Boris Begović and Boško Mijatović, *Corruption in Serbia-Five years later*, Belgrade: CLDS, 2007; *2012 Serbia Progress Report*, Brussels: The European Commission, 2012; *European Parliament resolution on the European integration process of Serbia*, 2012 <http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=B7-2012-0188&language=EN>; Leslie Holmes, “Crime, organised crime and corruption in post-communist Europe and the CIS”, *Communist and Post-Communist Studies* 42, 2009, 265–287; *Crime and its Impact on the Balkans and Affected Countries*, Vienna: United Nations Office on Drugs and Crime, 2008.

<sup>57</sup> Petrus C. van Duyne, Ellena Stocco, Vanja Bajović, Miroslava Milenovic, Elizabeta Lojpur, 2010. “Searching for Corruption in Serbia”, *Journal of Financial Crime* 2010, 17 (1), 22–6.

<sup>58</sup> Ratko Marković, “Sudstvo – Ahilova peta države Srbije”, *Pečat*, 28.4.2010; Vesna Rakić-Vodinić, “Kojim putem do ka vladavini zakona”, *Republika*, 2010, No. 476–477.

<sup>59</sup> Vanja Bajović and Savo Manojlović, “Corruption and Financing of Political Parties – Case of Serbia”, OBEGEF Working Papers No21, <http://www.gestaodefraude.eu/wordpress/wp-content/uploads/2013/01/wp021.pdf>; Vesna Pešić, “State Capture and Widespread Corruption in Serbia”, CEPS Working Document No. 262/March 2007, <http://aei.pitt.edu/11664/1/1478.pdf>.

issues of weak institutions and independent regulatory bodies,<sup>60</sup> and weak societal grounds (including civil society) for the development of the rule of law.<sup>61</sup> State capture has been sharply criticized by the European Commission and international organizations (WB, UN bodies, etc.) and apparently widely explained by the national academic community. Finally, the issue of corruption and clientelism was crucial to the political campaign for the last national elections held in spring 2012, which contributed to a shift in political power in Serbia.

To summarize, post-socialist transformation in Serbia has been marked by an unsustainable increase in the living standards of elites and the middle class, and a deterioration in the socio-economic position of workers and a majority of farmers. This is the basic line of division between the winners and losers of transition. On the other side, the new normative framework and the legitimizing formula of the new social and political system lie in sharp contrast with the realities of the *Rechtsstaat*, especially in relation to the white collar crimes of corruption and state capture by political and economic elites. With the national elections of 2012 this issue became the most emphasized normative and value problem in Serbia.

#### 4. ATTITUDES TOWARDS THE RULE OF LAW IN SERBIA

In this part of the paper we will present the methodology and the results of our analysis of the attitudes of the citizens of Serbia towards the rule of law. The analysis is based on data collected through a survey in November-December 2012. Face to face interviews were conducted with a nationally representative multi-stage sample of 1057 respondents<sup>62</sup>.

As stated earlier, we applied a standard methodology, focusing on one of the dimensions of political culture relevant to a successful democratic transition in Serbia. Attitudes towards the rule of law were measured using the following statements:

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<sup>60</sup> Dejan Milenković, “Nastanak, razvoj i problem kontrolnih tela u Srbiji posle 5. oktobra” in Grupa autora, *Razvoj demokratskih ustanova u Srbiji – deset godina posle*, Beograd: Fondacija Heinrich Böll, 2010; Slaviša Orlović, “Nezavisna tela – četvrta grana vlasti ili kontrolor vlasti” in Dušan Pavlović and Zoran Stojiljković (eds.), *Savremena država, struktura i socijalne funkcije*, Beograd: Konrad Adenauer Stiftung i Fakultet političkih nauka, 2010; D. Pavlović, “Zarobljena država” in Srećko Mihailović (ed.) *Pet godina tranzicije*, Beograd: Friedrich Ebert Stiftung, 2006.

<sup>61</sup> D. Vuković, “Društvene osnove pravne države: Slučaj Srbije”, *Sociološki pregleđ*, 45 (3), 2011, 421–451.

<sup>62</sup> As usual for samples of this size, members of elites appeared in extremely small numbers.

1. It is not necessary to obey a law you consider unjust.
2. Sometimes it might be better to ignore the law and solve problems immediately rather than wait for a legal solution.
3. If you don't particularly agree with a law, it is all right to break it if you are careful not to get caught.

Serbian respondents demonstrated a rather strong commitment to the values of the rule of law. Only between 8.3% and 11.6% of respondents agree with the idea of breaking the law if it is in one's interest or breaking a law one does not agree with. Approximately one third of the sample agrees with breaking an unjust law and statements suggesting that it is alright to bend or ignore the law.

Compared to other EU countries from the Gibson and Caldeira 1995/1996 sample, Serbian citizens demonstrate a high level of commitment to the values of the rule of law. In table 2 we have compared Serbian scores with countries low on the support to the rule law (Greece, Belgium, Portugal and territories of former East Germany) and those at the opposite end (The Netherlands and Germany). Obviously, contemporary Serbia is somewhere in between. It is not necessary to point out that 2012 and 1995/1996 data are not easily comparable, and that one could have expected an increase in support for the rule of law with the strengthening of democratic institutions and diffusion of democratic values. The particularity of the 2012 pre-electoral political propaganda contributes to such an outcome as well.

Table 1: Attitudes towards the rule of law, Serbia 2012 and selected EU countries 1995/1996<sup>63</sup>

It is not necessary to obey a law you consider unjust.				
	Agree & Strongly agree	Don't know	Strongly disagree & Disagree	WB Rule of Law indicator at the time of research
Greece	37.1	22.6	40.3	0.98
Belgium	28.0	13.4	58.8	1.31
Portugal	33.5	25.8	40.7	1.23
East Germany	18.3	19.6	62.1	–

<sup>63</sup> All data except Serbia from J. L. Gibson, and G. A. Caldeira. "The Legal Cultures of Europe", *Law & Society Review* 30 (1), 1996, 55–86.

The Netherlands	18.4	4.7	76.9	1.65
Germany	24.2	12.6	63.2	1.57
Serbia	29.2	16.5	64.2	-0.33
Sometimes it might be better to ignore the law and solve problems immediately rather than wait for a legal solution.				
Greece	37.9	18.8	43.3	0.98
Belgium	55.4	7.3	37.3	1.31
Portugal	32.3	15.7	52.0	1.23
East Germany	37.3	25.9	36.8	–
The Netherlands	48.1	7.4	44.6	1.65
Germany	46.2	14.7	39.1	1.57
Serbia	33.9	16.6	49.6	-0.33
If you don't particularly agree with law, it is all right to break it if you are careful not to get caught.				
Greece	17.9	20.8	61.3	0.98
Belgium	25.0	6.4	68.6	1.31
Portugal	20.4	18.4	61.1	1.23
East Germany	6.2	16.0	77.7	–
The Netherlands	15.4	3.2	81.4	1.65
Germany	11.6	7.6	80.8	1.57
Serbia	11.6	13.4	75.0	-0.33

Having looked at the World Bank rule of law indicators, we were unable to identify a direct relation between the level of development of the rule of law and attitudes towards the rule of law. Clearly, there are some intermediary variables that need to be taken into account. Furthermore, there are also significant variations within the sample that need to be explained. Since we can only deal with the second task – explanations of variations within the sample – we formulated a general hypothesis that is based on the consideration we presented above: *due to the blocked and postponed post-socialist transformation the rule of law was not established in due time and in an effective manner, and the new normative*



*framework was abused by the new political and economic elites in order to essentially legitimize capture of the state, which provoked mistrust in political institutions and localized low appreciation of the rule of law among the 'transition losers'.*

We derived several specific hypotheses out of this general hypothesis.

1. Mistrust in political institutions is highly correlated with low acceptance of the rule of law.
2. Prevalence of authoritarian and traditionalistic values, dominating in the socialist system, decreases support for the rule of law.
3. Younger and more educated people, who have greater opportunities in the labor market vacancies, show a higher appreciation of the rule of law.
4. Due to the biased transformation path of post-socialist Serbia, economically better off people show greater support for the rule of law

To test our hypotheses, we derived several variables to construct a multiple regression model. Our initial model contained a scale of the rule of law as a dependent variable and six predictors: the scale of trust in political institutions, the scale of authoritarianism, the scale of traditionalism, age, education and the scale of wellbeing.

The scales of the rule of law, authoritarianism, traditionalism and trust were confirmed by PCA factorial analysis and tested for reliability using Crombach's Alpha. The scale of the rule of law consists of 7 attitudes/statements, the scale of authoritarianism of 6, the scale of traditionalism of 4 and the scale of trust of 6 attitudes/statements.

To adequately cover the prevailing issues of the rule of law in the Serbian context and ensure comparability with other research, we have added the following two statements to the abovementioned Gibson and Caldeira's list of 3 statements:

4. It's alright to bend the law as long as we do not break it.
5. It's alright to break the law if it is in our interest.

The factorial analysis could not distinguish between the scales of the rule of law and legal alienation as used in the Gibson and Caldeira research. Through principal component analysis (PCA) we derived a single factor based on seven statements. Therefore, to the abovementioned five we added the following two:

1. Law is rarely on my side, usually I find laws to be restrictive and against my interests.
2. My interests are rarely represented in the law, usually the law reflects the interests of those who want to control me.

The scale of authoritarianism consists of the following statements:

1. Collective interests must be more important than individual ones.
2. Without a leader, a nation is like a man without the head.
3. Everyone has all he/she needs if the country is strong.
4. Homosexuals are no better than criminals and they should be severely punished.
5. There are two main groups of people in the world: the weak and the strong.
6. The most important thing is to teach children to be obedient to parents.

The scale of traditionalism consists of the following statements:

1. If one spouse is employed it is natural it should be the man.
2. The majority of domestic jobs are more suitable for women.
3. Men should do more domestic jobs than they do now.
4. Public functions are more suited to men and private activities to women.

Finally, we measured the level of public trust in the following institutions: the state, the President of the Republic, the police, the Prime Minister, the Government and the National Assembly.

The education variable is the ordinal one distinguishing between 5 levels of education: primary or less, vocational secondary, general secondary, lower university and university education (including PhD level). The age variable is a standard numeric variable. The well-being scale is an ordinal variable distinguishing between three levels of sufficiency of income: those who have serious difficulties in providing basic living necessities (food, housing, utilities) or cannot pay at all, those who have some difficulties or are late with some bills, and those who don't have any problems at all.

The results for our initial regression model are presented below.

Table 2: Regression model 1, scale of the rule of law as dependent

Model		Standardized Coefficients	t	Sig.	Collinearity Statistics	
		Beta			Tolerance	VIF <sup>64</sup>
1	(Constant)		17.572	.000		
	Trust	.242	7.783	.000	.874	1.144
	Authoritarianism	-.178	-5.218	.000	.729	1.372
	Traditionalism	-.113	-3.324	.001	.730	1.370
	Education	.037	1.125	.261	.779	1.283
	Well-being	.118	3.945	.000	.953	1.049
	Age	.059	1.864	.063	.845	1.184

Our first, second and fourth hypotheses were confirmed and the third one was rejected. The more people trust in political institutions, the more they support the rule of law. The more authoritarian and patriarchal/traditional people are, the more they are inclined towards rejecting the rule of law; the higher their wellbeing, the higher they value the rule of law. Education and age, however, showed no statistical significance in the model.

To check for more nuances in our analysis and find explanations for the results of the education and age variables in our model, we introduced two interactions into the analysis, namely interactions of well-being with age and education. While the first interaction didn't turn out to be significant, the revised model proved to be fruitful for bringing education back into the explanation, but also revealed an unexpected finding. The results of the second model are presented below.

<sup>64</sup> Variance inflation factor.

Table 3: Regression model 2, scale of the rule of law as dependent

Model		Standardized Coefficients	t	Sig.	Collinearity Statistics	
		Beta			Tolerance	VIF
2	(Constant)		22.067	.000		
	Trust	.257	8.501	.000	.922	1.085
	Authoritarianism	-.167	-4.959	.000	.742	1.348
	Traditionalism	-.113	-3.344	.001	.733	1.363
	Education	-.163	-2.756	.006	.241	4.144
	Education X well-being	.247	4.276	.000	.252	3.961

There was a slight increase in  $R^2$  from .120 to .122. Education and interaction of education and well-being suffer from higher collinearity, but show statistical significance. The respective regression coefficients indicate that those who live better thanks to their education show higher support for rule of law values. But, surprisingly, with such an effect of the interaction it turns out that among those who failed to make their education pay off, those with higher education are more resistant to the values of the rule of law!

With the last finding we actually had to refine our third hypothesis to better fit our initial theoretical explanations: even among the better educated, only those who benefited from the newly established institutional and economic arrangements recognize the importance of the rule of law in current social relations. Those who couldn't benefit probably have more knowledge and understanding of the functioning of the system, but are also more disappointed, and therefore more critical towards it. We believe that 2012 electoral campaign biased answers of all our respondents towards higher scores on the scale of the rule of law, but structural determinants apparently kept their effect and produced differences between winners and losers of transition, even splitting the most educated along the fulfillment of their interests (i.e., along emanation of their class position). It could be said that the *part* of the tentative middle class (approximated in this analysis through higher education) that *benefits* from the state of affairs that the post-socialist transformation brought about are those who have the highest appreciation of the new normative framework that rests *inter alia* on the ideals of the rule of law.

## 5. CONCLUSION

Our analysis of legal culture in contemporary Serbia focused on attitudes towards the rule of law, and it has led us to a set of theoretical and practical conclusions. We will first present our theoretical conclusions and then proceed to the practical ones.

The data revealed significant variations, and our analysis primarily aimed at explaining these variations. We analyzed data in a social context marked by post-socialist transformation and we tried to explain the variations using a general hypothesis that relied on a brief exploration of the two features of post-socialist transformation: (1) changes in the socio-economic position of social groups and (2) establishing the *Rechtsstaat*. We hypothesized that in the course of blocked and postponed post-socialist transformation the new normative framework was built around the values of the rule of law and democracy. However, the new normative framework was abused by the new political and economic elites in order to essentially legitimize capture of the state, which provoked mistrust in political institutions and low appreciation of the rule of law among the ‘transition losers’.

The analysis confirmed the general hypothesis. The support for the rule of law is quite widely accepted, but it depends on the structural socio-economic position of respondents, while in a severe economic situation it depends on the level of fulfillment of interests, too. For the later finding it was crucial that we have identified a differentiation among the better educated respondents. Those who were able to improve their socio-economic position were more supportive towards the rule of law, while those whose socio-economic position did not improve were far more critical of it. The winners of the transition were able to adjust their values to the new normative framework as long as the new system that rests on them was beneficial to their interests.

Our explanation rests on an elaborated understanding of the process of post-socialist transformation (the shift from a command economy to a free market economy and from an authoritarian to a democratic political regime; integration into global political and economic processes), its drivers (the interests of national political and, later, economic elites) and the role of various social classes (support from parts of the middle class and reluctance on behalf of workers and farmers) in the specific Serbian context (marked by a recent past of ethnic conflict and international military interventions and a vigorous authoritarian regime). We believe this contributes to our understanding of the role of the law in post-socialist societies and the place it holds in the values of citizens. This analysis confirms that attitudes towards the rule of law are strongly dependent on their structural position in a given social and economic sys-

tem. In a post-socialist context these attitudes are heavily dependent on the individual's position on the transition-winners-and-losers scale. Therefore, on the practical side, we argue that a shift of values towards the rule of law will appear as a by-product of the improvement of the socio-economic position and fulfillment of the interests of the middle and lower social strata, rather than through a direct appeal to values and attitudes e.g. through awareness-raising campaigns.