Mladen Ostojić


In his very well-researched and thoroughly engaging book, Mladen Ostojić offers a novel contribution to, at this point, almost exhausted literature on the promises and pitfalls of the role the International Criminal Tribunal for the former Yugoslavia (ICTY) played in domestic politics of post-Yugoslav states. Specifically, Ostojić is interested in the ICTY’s impact on Serbian politics and the role it played in Serbia’s troubling and inconsistent democratic transition.

The book’s principal argument is that cooperation with the ICTY was not only profoundly shaped by Serbian domestic politics, but that the ICTY itself directly shaped and influenced Serbian domestic political debates. This is an interesting argument about the mutual constitution of structure and agency in the realm of international intervention in domestic politics, and one that contributes significantly to our understanding of international justice institutions, Serbian politics, but also broader comparative understanding of how international interventions actually work and what effects they produce.

Organized into five detailed chapters followed by a conclusion, *Between Justice and Stability* begins by presenting a theoretical framework for understanding the linkages between international justice and transitional democracy, and sampling the now extensive literature on transitional justice in general, and the ICTY in particular. Chapter 2 provides an important overview of the major political developments in Serbia during, but especially after the Milošević era. Ostojić makes an important argument here about Serbia’s protracted transition and the problem of its unresolved, “precarious stateness,” structural problems which have severely hampered Serbia’s transition and transitional justice as an integral part of it. Chapters 3 and 4 offer a detailed account of Serbia’s difficult, and often stalled cooperation with the ICTY. The principal argument here is about the mutual feedback mechanism between the ICTY agenda and domestic Serbian political needs. Because their focus was primarily on preserving domestic political stability, Serbian elites reluctantly complied with ICTY demands and presented those as necessary international concessions and not issues necessary for Serbian political development itself. This, in turn, argues Ostojić, seriously damaged ICTY legal agenda and its legitimacy going forward. Chapter 5 deals with domestic transitional justice institutions, namely domestic war crimes trials, to explore the extent to which these were organic developments or, instead, were reflections of international justice expectations. Ostojić then evaluates the work of the domestic War Crimes Chamber and speculates on its long term political and legal effect in the country.
The book is based on extensive fieldwork over a number of years, which included elite interviews, media and document analysis, and process tracing. The result is a rich narrative of political push and pull, bureaucratic wrangling, and international interventions into a state and society still deeply in transition, and probably not quite ready for a radical transformation transitional justice requires.

*Between Justice and Stability* provides a very useful corrective to the larger transitional justice literature, which has often assumed a certain teleological path of international justice interventions: states undergoing democratic transitions will naturally want to adopt international models of justice on their way to a consolidated democracy. Instead, as Ostojić demonstrates, international justice interventions encounter profound domestic political obstacles that shape and change both the nature of transitional justice and the nature of the democratic transition itself.

While the book is a very valuable addition to the scholarship on the ICTY and on Serbia’s recent political developments, there are a few issues Ostojić could have explored with a deeper empirical treatment. For example, there is a tension in the book between a strong criticism of the ICTY for disregarding political realities on the ground and further destabilizing the already fragile democracy in Serbia post-Milošević, and an opposing view, which suggests that the ICTY did what it was supposed to do, but the Serbian elites usurped the process. Was there an alternative path the ICTY could have taken to avoid the domestic politicization of the process? Could Serbian political elites have acted more audaciously and tried to create a true break with the past, while still maintaining domestic stability? As Ostojić himself frames his theoretical contribution, there is a real debate in the literature between the “stability” vs. “justice” views, but Ostojić does not leave the reader with a clear view of where, exactly, he positions his argument between these different views.

Similarly, Ostojić is critical of many domestic nongovernmental organizations and their hard-line approach to transitional justice. But if they have not been as adamant about the importance of Serbia facing its past, would we have then criticized them for being co-opted and complacent? What is the middle ground here? Is there one? What are the lessons learned, if any, from this disappointing transitional justice experience?

These criticisms, however, are not meant to distract from the overall value of the book but, instead, to ask for more analysis from an author with a clearly excellent grasp of the issues and a commanding analytical toolkit to present the full complexity of Serbia’s ICTY problem in an easily accessible and approachable language. *Between Justice and Stability* will be an essential reading for scholars of the Western Balkans, transitional justice, and international