

EUROPEJSKI PRZEGLĄD PRAWA I STOSUNKÓW MIĘDZYNARODOWYCH

nr 3

(38) lipiec-wrzesień 2016 r. - Warszawa



EUROPEJSKA
WYŻSZA SZKOŁA
PRAWA I ADMINISTRACJI

EUROPEJSKI PRZEGLĄD PRAWA I STOSUNKÓW MIĘDZYNARODOWYCH

ISSN-2081-0903

WYDAWCA

Europejska Wyższa Szkoła
Prawa i Administracji,
Warszawa ul. Grodzieńska 21/29

KOMITET REDAKCYJNY

Przewodniczący

Jerzy J. Wiatr

Członkowie

Andrzej Bierć
Dariusz Czajka
Roman Sowiński
Tadeusz Szymanek
Roman Wieruszewski

REDAKCJA

Sekretarz redakcji

Tadeusz T. Nowacki

Redaktor graficzny

Małgorzata Głuszcak

ADRES

03-750 Warszawa
ul. Grodzieńska 21/29
tel. +48 22 619 9011
fax +48 22 619 5240

Tekstów niezamówionych redakcja nie zwraca. Zastrzega się możliwość zmiany tytułów i dokonywania skrótów w artykułach. Redakcja nie ponosi odpowiedzialności za treść ogłoszeń.

PRENUMERATA

Informacji udziela dziekan
Europejskiej Wyższej Szkoły
Prawa i Administracji

Od Redakcji

Zawartość jesiennego numeru kwartalnika odzwierciedla przede wszystkim dorobek naukowy dwu konferencji, które odbyły się pod auspicjami EWSPA jeszcze przed wakacjami – w Warszawie i Brukseli. Ta ostatnia konferencja, zatytułowana „Prawo–moralność–polityka”, koncentrowała się na badaniu trudnych wzajemnych relacji między tymi pojęciami; warszawska zaś powróciła do tematu bezpieczeństwa, który zresztą już wcześniej przewijał się także na łamach EPPiSM. Tytuł konferencji tegorocznej to „Prawne aspekty przekraczania granic wewnętrznych Unii Europejskiej i ich wpływ na bezpieczeństwo w Europie”. Ponowne podjęcie tych zagadnień wynikało nie tylko z rosnącego nimi zainteresowania, lecz również stąd, że nasza uczelnia planuje niebawem otworzyć nowy kierunek studiów, poświęcony właśnie problematyce bezpieczeństwa. Tego tematu dotyczył też niedawny wykład inaugurujący nowy rok akademicki EWSPA (który wydrukujemy w następnym numerze).

Dodajmy, że ze względów objętościowych także część referatów z obu rzeczonych konferencji znajdzie się w ostatnim tegorocznym numerze kwartalnika.

Obecny przynosi ponadto inne teksty o prawie i polityce, w tym kolejny artykuł zagranicznego profesora EWSPA Antona Beblera – o sytuacji na Bałkanach i potencjalnych zagrożeniach konfliktu.

Jerzy J. Wiatr , Moralność i polityka: w kręgu inspiracji Weberowskich	5
Adam Snarski , Ochrona pracownika przed dyskryminacją w UE – obowiązek moralny	13
Beata Hamdorf , Moralność-polityka-prawo	26
Anton Bebler , Turkey's imperial legacy and the conflict potential in the Balkans	30
Jerzy Kuciński , Ministrowie jako organy podlegające kontroli sejmowej (w świetle regulacji normatywnych)	45
Waldemar Gontarski , Z wokandy europejskiej. Luksemburg. Obowiązek notyfikowania projektów przepisów technicznych	57
Waldemar Gontarski , Z wokandy europejskiej. Luksemburg. O nadużyciu nadużycia prawa podatkowego	63
Małgorzata Zarychta-Surówka , Rozwój ustawodawstwa wypadków przy pracy w Polsce i Europie	66
Urszula Staśkiewicz , Nielegalny obrót bronią na terenie Unii Europejskiej	73
Ewa Olejnik , Drogi i sposoby przemytu substancji narkotycznych do Polski	81

Recenzje

Tomasz R. Aleksandrowicz, Terroryzm międzynarodowy; Zbigniew Ścibiorek, Bernard Wiśniewski, Rafał Bolesław Kuc i Andrzej Dawidczyk, Bezpieczeństwo wewnętrzne (Jerzy J. Wiatr)	87
Henry Kissinger, Porządek światowy (Jerzy J. Wiatr)	91

Beata Hamdorf

Moralność-polityka- -prawo

Na powyższy temat, który towarzyszy ludzkości od czasu pojawienia się prawa pozytywnego, w ciągu wieków napisano dużo. Związki, relacje między prawem, polityką i moralnością stanowią przedmiot zainteresowania wielu dyscyplin: etyki, filozofii prawa, teorii prawa, historii doktryn polityczno-prawnych, nauki o polityce itd. – budząc wiele kontrowersji. Rozważając kwestię tych relacji, należy najpierw sprecyzować określenie „moralność”. Nie tylko w mowie potocznej, ale nawet i w większości tekstów filozoficznych, słów „moralny” czy „etyczny” używa się zamiennie, odnosząc je do ludzkich dzieł i zachowań postrzeganych w perspektywie dobra i zła. Moralność jest więc ogółem norm, zasad, ocen, wzorów – zmierzających do regulowania stosunków pomiędzy ludźmi. Jest to całokształt zachowań jednostki lub grupy społecznej oceniany według

funkcjonującego systemu norm czy zasad moralnych. Tym samym pozostają ze sobą w ścisłej relacji. Jednakże każde pokolenie, co więcej – każdy myślący człowiek, musi na nowo określać swoje stanowisko co do wkraczania prawa w sferę etyki i obyczajowości konkretnej społeczności, motywowanej zwłaszcza religijnie.

Moim zdaniem prawo i moralność, mimo istniejącej relacji, ani nie pokrywają się całkowicie ze sobą, ani też nie można ich od siebie oddzielić. Myślenie i postępowanie w dużej mierze określone jest przez nasze indywidualne poczucie i wewnętrzne przekonanie, mówiące nam o tym, co jest prawdziwe, a co fałszywe, oraz co jest dobre, a co złe. Również nasze głębokie przekonania moralne, które częściowo są nam wrodzone, a częściowo są wynikiem wychowania, wykształcenia oraz osobistych życiowych doświadczeń, odgrywają ogromną rolę w ocenie relacji. Należy widzieć i oceniać te relacje z perspektyw doświadczeń ludzkich, co niejednokrotnie ujawnia konflikt zachodzący pomiędzy prawem

a moralnością. Np. niektórzy ludzie żyjący w ustroju totalitaryzmu komunistycznego, a działający wówczas w opozycji, doświadczali niszczenia osobowości, kariery, życia małżeńskiego i rodzinnego przez agentów tajnych służb. Działania takich służb nie były bynajmniej samowolne; podejmowano je zgodnie z zarządzeniami wydawanymi i obowiązującymi w danych instytucjach.

Jednocześnie wyraźne rozdzielenie prawa i moralności nie jest jednak możliwe i powodowało już w pradawnych czasach ostre, czasem nawet tragiczne konflikty, niedające się rozwiązać. Klasycznym przykładem konfliktu prawa z moralnym zachowaniem jest bohaterka tragedii Sofoklesa Antygona (ponosząca karę śmierci za pochowanie ciała swego brata, Polinejesa, uznanego i skazanego przez króla Teb, Kreona za zdradę kraju).

Tą różnicę, a nawet całkowitą odrębność prawa od moralności postulował twórca normatywizmu Hans Kelsen. Ten austriacki uczony prawoznawstwo traktował jako naukę przyrodniczą, a nie humanistyczną, ponieważ jego zdaniem prawo pozytywne jest wyłącznie sumą norm, a tym samym sumą faktów. Wszelkie treści, których nie można wprost przyporządkować prawu, a więc treści z zakresu psychologii, socjologii, etyki itd., zdaniem Kelsena nie powinny być w nim w ogóle uwzględniane.

Kolejnym przykładem możliwego konfliktu prawa z moralnością jest stanowienie ustaw odnoszących się do kontrowersyjnych kwestii: aborcji, eutanazji, badań nad komórkami macierzystymi, a także aktów prawnych limitujących określone zachowania, wypowiedzi lub używanie określonych symboli (np. zawieszanie krzyży w salach lekcyjnych, noszenie krzyżyków bądź islamskich chust w szkole czy innych miejscach publicznych [Francja] albo poka-

zywanie się publicznie w sutannie, w habicie lub z koloratką [Meksyk]).

Ważnym zadaniem jest dać państwu i społeczeństwu podstawowy porządek prawny, który uwzględni ważne w danym czasie dla danej społeczności wartości moralne. Nie jest to jednak sprawa prosta. Wybitny filozof niemiecki Wilhelm von Humboldt napisał w 1799 roku następujące słowa:

„Konstytucji wydawanych przez państwa nie da się zaszczepić w ludziach tak, jak zaszczepia się obce zrazy na drzewach. Konstytucja musi odpowiadać położeniu kraju i przekonaniom ludzi w nim żyjących”.

Celem każdej dobrej konstytucji w krajach europejskich jest więc zagwarantowanie przynajmniej minimalnego stanu norm prawnych, zakorzenionych w tradycji judeo-chrześcijańskiej, takich jak nietykalność osoby ludzkiej i jej godność czy dotrzymywanie układów i słowa, a także poszanowanie ludzkiego prawa do: życia, wolności, pokoju, małżeństwa; to ponadto hołdowanie zasadom demokracji, z jej przekonaniem o równości każdego człowieka wobec Boga (sięgające Dekalogu) – bez względu na rasę, stanowisko społeczne, majątek, wiek, narodowość czy płeć. Konstytucja wymaga zagwarantowania trwałego stanu prawnego, zarówno w danym czasie, jak i na przyszłość. To odwołanie do Boga i sił nadprzyrodzonych znajduje się w wielu konstytucjach europejskich (np. irlandzkiej, portugalskiej);

obecne jest również w preambule obowiązującej polskiej konstytucji, będącej zresztą owocem politycznego kompromisu, gdzie czytamy między innymi:

„My Naród Polski – wszyscy obywatele Rzeczypospolitej, zarówno wierzący w Boga, będącego źródłem prawdy, sprawiedliwości, dobra i piękna, jak i niepodzielający tej wiary, a te uniwersalne wartości wywodzący z innych źródeł, równi w prawach i w powinnościach wobec dobra wspólnego – Polski [...]”.

Chrześcijanie stanowią zdecydowaną większość wśród obywateli europejskich, ale jest to tylko większość liczebna. Nie mają oni bowiem takiego znaczenia w organach władzy politycznej ani w mediach czy najważniejszych instytucjach naukowych, kulturalnych i gospodarczych UE – przynajmniej w stopniu odpowiadającym ich liczebności. Jest coraz więcej przykładów, że ich obecność jest zaledwie tolerowana, jeżeli nie wprost odrzucana, jako nieprzystająca do współczesnej kultury*; przykładem może być casus Rocco Buttiglione, niedopuszczonego do ważnego stanowiska we władzach Unii Europejskiej.

Osobiście jestem jednak przekonana, że prawo pozytywne potrzebuje religii, a religia potrzebuje siły świeckiej i jej prawa, aby ustrzec się od zwyrodnienia, które mogą prowadzić do zbrodni w imię re-

ligii, czego przykładem była dawniej inkwizycja i wojny religijne, a obecnie jest terror islamskich fundamentalistów. Świat potrzebuje moralności, częściowo opartej na niezależnym od woli ludzkiej kodeksie niezmiennych wartości. Trzy władze państwowe: parlament, rząd i sądownictwo mają liczne możliwości, by działać w obronie moralności. Ład prawny jest bowiem pewnego rodzaju szkieletem życia społecznego, który musi być wypełniony treściami moralnymi, by społeczeństwo mogło należycie funkcjonować. Takie wartości, jak: wiarygodność, obowiązkowość, szacunek dla bliźnich, skromność, rezygnacja z zemsty, wybaczenie i wiele innych podobnych – są nie mniej ważne dla życia społecznego, niż obowiązujące prawo. Gdyby ludzie w swoim postępowaniu z innymi trzymali się tylko kurczowo litery prawa i odrzucili moralne wartości, to społeczeństwo rozpadłoby się w bardzo krótkim czasie. Znaczenie tych ostatnich jest więc zasadnicze dla trwałości demokracji.

Tak więc politycy mają za zadanie stać na straży tych wartości. Jak wiadomo, ujęcie polityki jako dziedziny na wskroś etycznej zawdzięczamy filozofom antycznej Grecji. Zwłaszcza dwa dzieła Arystotelesa: „Etyka nikomachejska” oraz „Polityka” – stanowią po dziś dzień istotny wzorzec i punkt odniesienia dla etycznej refleksji nad polityką. Według Stagiryty to nie etyka, lecz polityka zajmuje się najwyższym dobrem człowieka. Ta ostatnia, mając za przedmiot i cel dobro całej wspólnoty, jest wiedzą ogólniejszą i bardziej podstawową; etyka stanowi zaś

* Co jednak, przynajmniej, dotyczy bardziej reprezentantów wysoce konserwatywnych odmian chrześcijańskiej religijności; zresztą odnosi się to również właśnie do wymienionego przez autorkę Buttiglione, który nie objął unijnego stanowiska m.in. z powodu swych ultrakonserwatywnych poglądów, m.in. na rolę kobiety w rodzinie czy kwestię homoseksualizmu (*przyp. red.*).

jedynie część polityki odnoszącą się do dobra jednostki, czyli dobra człowieka, który jest z natury istotą społeczną – jako członek jakiejś wspólnoty. Indywidualny wysiłek człowieka wymaga wsparcia ze strony wspólnoty, a polityka powinna spełniać funkcję wychowawczą. Wspólnota polityczna – czyli państwo – różni się nieco od innych wspólnot etycznych, dysponuje bowiem skutecznymi środkami pozwalającymi wyegzekwować poszanowanie wartości, zwłaszcza aparatem przymusu, a więc możliwością zastosowania fizycznej przemocy wobec opornych.

Nieco śmielej można stwierdzić, że głównym zadaniem państwa jest wcielenie siłą dobra wspólnego. Droga ta jest jednak zgubna, ponieważ każda próba wymuszenia za pomocą aparatu państwowego jedności opartej na wartościach uznawanych tylko przez część obywateli wzbudza opór pozostałych i prowadzi prosto do wojny domowej – do chaosu, który niszczy wszelki porządek. Aby do tego nie doszło, należy oddzielić, odgrodzić od siebie jednostki, wyznaczając każdej z nich nienaruszalny obszar prywatności, gdzie każda samodzielnie będzie określała wartości, wedle jakich pragnie żyć. Przestrzeń tę powinny wyznaczać elementarne prawa chroniące szeroko rozumianą własność: życie, nietykalność cielesną, majątek. Najważniejszym zadaniem takiego państwa jest stać na straży owych praw.

Dzięki temu każdy jego członek otrzymuje gwarancję bezpieczeństwa własnej osoby, zachowując jednocześnie możliwość wyrażania wyznawanych przez siebie wartości w sposób, który nie narusza bezpieczeństwa pozostałych obywateli. W ramach takiego państwa muszą oczywiście istnieć instytucje ochronne – w przypadku łamania praw, kierując się i gwarantujące

ogółowi sprawiedliwość. Sprawiedliwość – rozumiana dokładnie w antycznym sensie tego słowa, jest to oddawanie każdemu tego, co mu się słusznie należy – w sposób istotny określa funkcjonowanie nowoczesnego państwa. Wątek demokracji, przejawiający się bardziej w państwie nowożytnym, porusza istotną sprawę, ważną w czasach współczesnych, mianowicie wątek autonomii jednostek. Jednostka, której zapewniono autonomię w sferze prywatnej, może słusznie domagać się prawa do decydowania nie tylko o swej prywatności, lecz także o sprawach ogólnych, dotyczących całej wspólnoty politycznej. To prawo należy się jej na mocy samej zasady sprawiedliwości. W świecie autonomicznych jednostek nikt nie powinien być pod tym względem ani upośledzony, ani uprzywilejowany.

Powyższe rozważania wskazują na nieusuwalność etycznego wymiaru polityki w społeczeństwie. Każdy porządek polityczny zbudowany jest na wartościach. Dotyczy to również porządku, który reguluje międzyludzkie stosunki w ramach współczesnej wspólnoty politycznej – demokratycznego państwa prawa. Etyczny charakter tego porządku wyraża się przede wszystkim poprzez jego instytucje, a wartości są właśnie w nie wcielone, określając cel i sens działania tych instytucji. W ich ramach mogą się wprowadzić pojawić niemoralni funkcjonariusze państwowi, jak np. nieuczciwy sędzia czy przekupny policjant, ale osobista niemoralność urzędników jest jednak czymś zupełnie innym, niż etyczny wymiar ich urzędów.

Anton Bebler

Turkey's imperial legacy and the conflict potential in the Balkans

All great empires leave in their dependencies deep imprints which last long after the demise or withdrawal of imperial rule. This has been true of the Roman and “Holy Roman” empires, Arab Caliphates, “Golden Horde”, Mughal, Ming and Qing Empires, Spanish, Portuguese, British, French, Russian Empires etc. and also of the Sublime Porte, as the Europeans started to call the Ottoman Empire. The imperial legacies have differed in the quality of their demographic, social, cultural, religious and other aspects. The durability of imperial legacies have depended, i.a., on the violent or peaceful mode of withdrawal and on the collective memory of imperial rule among its former subjects. These circumstances have influenced subsequent relations between the successor of the former imperial master and the successor states of former dependencies. In his seminal study of Western European powers’ colonial empires David Abernethy summarized their legacies in former colonies and dependencies, in the metropolises themselves and their global impact.¹

In 1923 Turkey has been internationally recognized as the successor of the Ottoman Empire by the Treaty of Lausanne. Ottoman rule had produced on the Empire’s periphery numerous consequences which are still politically relevant. The wide array of affected lands spans from Algeria, through the Near East, to South Eastern Europe and Transcaucasia. In the Balkans Ottoman rule lasted in Bosnia 396, Herzegovina 396, Serbia 440, Macedonia 542, Bulgaria 483, Moldavia 325, Greece 374, Cyprus 307 years etc.²

This article will examine the specificity of Ottoman imperial legacy in the Balkans as compared with the legacies of Western European colonial empires. Particular attention will be paid to the part of Ottoman legacy related to the intercommunal and interstate conflict potential in the region and to one important aspect of European security today.

¹ David B. Abernethy (2000), *The Dynamics of Global Dominance. European Overseas Empires*, Yale University Press, New Haven and London.

² Brown, L. Carl, ed. (1996), *Imperial Legacy. The Ottoman Inprint on the Balkans and the Middle East*, Columbia University Press, New York, p. XIII.

The nature and policies of the Ottoman Empire

Since 1354 when the Ottomans established at Gallipoli their first European stronghold, they kept expanding their possessions on the European continent for about three hundred years. The religious-cum-ideological justification for the Ottomans' conquests, in Europe was the *Gaza* (Holy War). Its ultimate geopolitical objective had been to expand the realms of Islam until, ideally but unrealistically they would cover the entire world.³ Following this geopolitical objective, considered as a religious and moral duty, the Ottomans implanted Islam as state religion in their European possessions. In this respect they followed the pattern of Arab conquests about six centuries earlier on the Iberian Peninsula, Sicily and Crete. According to the Islamic religious authorities, the objective of the Holy War was not to destroy but to subdue the "infidel" world, the *Darülharb*. The declared promise of protecting the Christians in conquered territories greatly helped the Ottomans to expand their possessions to South Eastern Europe.

The Ottomans had developed their, originally Central Asian tribal militocracy into a formidable war-fighting machine and a huge feudal multi-ethnic, multicultural and multiconfessional empire striding across three continents. The Ottoman Em-

pire also assumed the character of a Sunni Islam theocracy in which the Sultan became simultaneously the *Caliph*, Protector of the Holy places, patron of all Muslims and head of Sunni clergy. After the capture of Constantinople the Ottomans claimed to be the rightful successors of the (Eastern) Roman Empire. They absorbed to a considerable extent Byzantine legal regulations and administrative practices and employed numerous Greek **Phanariots** as officials and proxies, particularly in financial and diplomatic services. In the Balkans the Ottomans coopted also a considerable part of local elites and warriors. The conquest of Arab lands had reinforced the influence of Islam and Arab culture on the functioning of the Ottoman Empire. The historic legacy of Ottoman rule thus contains a complex symbiosis of Turkish, Islamic, Byzantine and local traditions.⁴

The state policy of steady Islamization in conquered non – Islamic lands and in vassal states logically followed from the theocratic dimension of the Empire. It should be noted that the Ottomans had been long much more tolerant toward other confessions than the rulers in contemporary European Christian states. The Ottomans generally had not coerced the "infidels" to convert into Islam, with some exceptions, such as prisoners of war and male children taken from Christian families. The Ottomans' policies provided however considerable incentives for conversion – material, status, personal security and social mobility advantages. The general thrust of this policy had been combined with and softened by tolerating and providing for religious-cum-cultural autonomy to some, but not

³ Halil Inalcik (1998), *The Ottoman Empire. The Classical Age 1300-1600*, Phoenix, London, pp. 6-7.

⁴ Maria Todorova (1996), »*Ottoman Legacy in the Balkans*« in Brown, L. Carl, pp. 48-49.

all other religious communities (*millets*) – to the Orthodox and Catholic Christians, Armenians and Jews. These conditions attached to official tolerance were that the “infidels” unquestionably obey and submit themselves to the Ottomans. The conditions gave the imperial authorities and provincial governors the licence to repress and persecute the “infidels” at will, under the pretexts of disobedience or treason e.g. when they revolted against the abuse, injustice or corruption of Ottoman officials. The degree of tolerance or intolerance toward other confessions varied widely depending chiefly on the religion of principal external adversaries of the Empire. As long as the Ottoman Empire waged wars with Venice, Genova, Spain and the Holy Roman Empire, the Catholics had been suspected to be the “fifth column” and treated accordingly while the Orthodox Christian clergy had enjoyed numerous privileges. When, on the other hand, the Russian Empire became the principal external threat while France, Great Britain and Austria acted as friendly powers, the treatment of Orthodox Christians by Ottoman authorities dramatically worsened.

Originally the Ottoman state consisted of two basic classes. The ruling elite contained the warriors (*askeri*) who were exempt from state taxes. The second class had been the tax-paying productive population called *raya*. In the early period the latter included also the non-warrior Muslims but later, in the Balkans the term *raya* became to be applied solely to Christian peasants and urban commoners. One of the fundamental principles applied by the Ottomans

was the inequality between the Muslims and non-Muslims in social status, legal and political terms. The Muslims had enjoyed a privileged legal status according to the traditional code *kanun-i-**raya***. Although some obedient Christian landlords for more than a century retained their properties and were made Ottoman knights (*spahis*), most “infidels” for long time had been clearly discriminated against. They were not allowed to ride horses, carry weapons and wear the same type of dress as the Muslims, to build or repair their churches, etc. The “infidels” were also prohibited to sue the Muslims in courts or give testimony against a Muslim.

There had been another important economic difference as most “infidels”, unlike most Muslims had to pay a poll tax (*cizye* or *harac*). Outside the border areas the Christians were generally exempt from military duties. However, the Ottomans extracted from families of “infidels”, particularly in Bosnia, Albania and Abkhazia, a child tribute (*devsirme*), taking healthy male children to be trained and later serve in the standing imperial army (*Janissaries*) or in central Imperial administration. This and other practices gave the Muslims a monopoly among the Ottoman military elite, most positions in the central administration and in the judiciary, also at the level of provincial and local government. At their retirement the *Janissaries* and civil administrators were usually given grants of income derived from the *Timar* (state-owned) land.

The long-term consequences of Ottoman rule in the Balkans

As time passed on the privilege based on a religion developed into private ownership by the Muslims of the best arable land. By 1895 about a half of arable land in Rumelia was owned by the Turks. In Bosnia, by the end of Ottoman rule all 40 biggest private landowners were Bosniak Muslims or Turks. By a stipulation in the peace treaty of Kuchuk Kaynarjia (1789) the Russian Empire forced the defeated Ottomans to grant it the status of a protector of all Christians on the territory of the Sublime Porte. This concession allowed the Russian diplomacy and later, in a similar manner also the British, French and Austro-Hungarians officials to interfere in the Sublime Porte's internal affairs, on the pretext of protecting the Christians. In the Reform Edict of 1856 the Ottomans promised to abolish the legal inequality of the Muslims and non-Muslims. This promise had been very unpopular among the Muslims and the Ottoman officialdom and the Sublime Porte had not kept it.⁵ **The status inequality based on religion and the systematic legal discrimination of the "infidels" had thus produced durable social stratification. Legal, social and income inequality had been often combined with ethnic, language and cultural differences between various communities in the Ottoman realm.**

With these incentives at work, for instance in Bosnia, it took more than 150 years of Ottoman rule until the Muslims became a ma-

jority among the local population. The steady conversion to Islam had unevenly affected urban and rural population as well as various ethnic groups in conquered European lands and thus deepened social divides between some of them. These divides were solidified by the Ottomans' policies of legal discrimination of non-Muslims. This differential had been clearly visible in the areas of mixed habitation of Slavs, Albanians, Vlachs, Greeks and Romanians. In Bosnia, the centuries of Ottoman rule had contributed significantly to the development of distinct "confessional ethnicities" from three religious communities – the Muslims, the Orthodox Christians and the Catholic Christians, which absorbed various groups of Slavic and non-Slavic origin. These communities had coalesced into the nationalities of Muslim Bosniaks, Bosnian Serbs, Herzegovan and Posavina Croats.

Several centuries of Ottoman rule had produced a visible Oriental cultural impact on the way of life also among those ethnic groups which resisted conversion to Islam. These transmitted Oriental cultural legacies are still present in the Balkans, Transcaucasia and on Cyprus and reflected in many toponyms, architecture, popular diet, drinks, music, some habits, in first and family names, etc.

Another important long-term consequence of developments during the long centuries of Ottoman rule was the demographic change due to migrations within, to and from the Ottoman Empire to neighbouring states. Some migrations

⁵ Selim Deringil (2007), *The Turks and »Europe«: the argument from history*. Middle Eastern Studies, vol. 43, no. 5, pp. 717.

were due to external developments, for instance, to the flight of Sephardic Jews from Spain and Portugal. Some migrations resulted from the Ottomans' wars with other powers and from the suppression of rebellions and uprisings, often related to interstate wars. However the most important population movements from the 15th century on were accomplished through organized or facilitated transfers of population and outright colonization. The Ottoman authorities' clear strategic objective was to secure their control of major towns, key road junctions and transportation routes. This imposed demographic change has been most evident in the Balkans. All major old and new towns in the Balkans became by the 18th century inhabited in majority by Muslims, mostly Turkish speakers, with some non-indigenous minorities, such as Jews and Armenians. In addition to soldiers, civilian officials and religious functionaries the colonists, mostly from Anatolia these colonists were used to create a firm Muslim base for the projection of Ottomans' power in Europe. The colonists consisted of peasants, artisans, merchants and pastoral peoples (Yörüks, Turkomans), Tatars from Crimea et. al. Following the Russian conquest of Northern Caucuses in the early 19th century over a million Caucasian Muslims (Circassians, Chechens and Abkhazians) fled to the lands still under Ottomans rule. In addition to organized or facilitated migration the Ottomans practiced also deportation from Anatolia of various undesirable elements and rebellious tribes. Due to numerous wars with the Venetians, Hungarians and Austrians, accompanied by uprising, rebellions and mass exodus of Christians, many areas in the Balkans became devastated and depopulated. The Ottoman authorities deliberately,

for strategic reasons transferred to these areas large numbers of already islamized Slavs, Albanians and Vlachs. Thus North-Western Bosnia, Sandzhak and a good part of Southern Serbia received numerous new, predominately Muslim settlers.

A notable demographic change had occurred also due to Ottoman security policies in border areas. Thus the originally Romanian-speaking half-nomadic Vlachs were resettled on purpose along the Northern and Western frontier of the Bosnian *pashaluk* with Hungary and Austria. This defence-motivated policy created areas with local communities ethnically and socially different from those in the plains of Central Bosnia. Following the Byzantine practice the Ottomans accorded these Vlachs a special status of *martolos* and several privileges in exchange for military service on call. With their centuries-long warrior traditions the Vlachs continued for a considerable time enjoying reduced taxes, the right to bear arms and to plunder on enemy territory. Their commanders received as compensation grants of income from the *Timar* land. Most Vlachs joined subsequently the Orthodox Christian community and became gradually assimilated into the Serbian confessional nationality.

The almost two centuries-long military confrontation of the Ottomans with Hungarian and Austrian armies and the termination of their privileges by the Ottomans led the migration of many Orthodox Vlachs and Serbs from Bosnia. From around 1530

on a good part of them settled on the other side of the Ottoman border.⁶ This long, previously devastated and depopulated strip of land, twenty to sixty miles wide and a thousand miles long, became the new homeland for mostly Orthodox Christian refugees of Slavic and non-Slavic origin. Between 1527 and 1630 this special zone, officially called the Military Border (*Militärgrenze*), was established and fortified by the Austrian imperial authorities. Its peasant-cum-warrior male population was accorded a status similar to that enjoyed previously on the Ottoman side of the border - no feudal obligations in exchange for military service when needed, the freedom of religion, the right to elect their own captains (*Vojvode*) and magistrates (*Knezovi*) etc. Armed and equipped by imperial authorities this population became, in some respects a privileged cast of *Kraishniki*, by religion and culture different from the Catholic Croats. Administratively separated from Croatia this military borderland was placed under direct rule from Vienna. In time from this originally warrior population a Serbian minority has developed on the territory of Croatia and Slavonia.

The internal conflict potential created and/or strengthened by Ottoman rule had been more or less successfully managed by the authorities as long as the Sublime Porte effectively controlled and ruled its domains. Intercommunal tensions and localized rebellions had been resolutely and ruthlessly suppressed either by provincial governors and/or by central au-

thorities. The Ottomans' wars with adversarial powers (Persia, Genoa, Venice, Spain, Hungary, Austria, Russia) often generated flare-ups of internal conflicts, mass disorders and uprisings, usually followed by terrifying repression. In suppressing the unrest and uprisings of Christians the Ottomans had widely used not only their regular military and security forces but also islamized Slavs, Albanians, Vlachs et.al. This imperial policy poisoned, with a lasting effect, their relations with Christian neighbours and increased the intercommunal conflict potential. Particularly the last century of the decaying Empire, marked by excesses of abusive provincial *pashas* and of corrupt *Phanariot* proxies has remained in the collective memory of the Balkans Christians as a dark period of "Ottoman yoke".

The Christian "*Reconquistas*" in the 17th–19th centuries had been generally accompanied by the flight of Muslims, often by cruel revenge, retribution, expulsion and in some areas by sheer extermination. Numerous atrocities against the Muslim population were committed by the armies of new conquerors. The objective was to cause a mass exodus of the Muslims and ethnically thoroughly cleanse conquered lands. The destruction of mosques, madrasas and other institutions of Islamic religious and cultural heritage followed. This was true in most of today's Hungary, parts of today's Croatia and Serbia, of Crete and several other Greek islands. An old Ottoman stronghold on the Danube Belgrade was fully ethnically cleansed of its majority

⁶ Ignac Voje (1994), *Nemirni Balkan (The Turbulent Balkans)*, DZS, Ljubljana, pp. 228–229.

Muslim population after the Ottoman garrison left the Kalemegdan citadel in 1877. Out of about 260 mosques and other Islamic monuments in today's Serbia's capital, only the citadel and one mosque still stand. And even that mosque was burned by a crowd of Serbian nationalists in 2004. It is estimated that between 1876 and 1912 about 120 thousand Albanian and Turkish refugees fled from the Kingdom of Serbia to Kosovo and Macedonia which were then still under the Ottomans. Many of their descendants as well as many other Muslims from other Balkan countries were later forced to migrate to Turkey.

The Republic of Turkey as the successor state has inherited and with a varying success managed a good part of the controversial imperial legacy. An important part of this legacy in former Ottoman Europe have been the Turkish minorities in four Balkan states. The biggest one, in Bulgaria counts about 600 thousand members and has been represented in parliament and coalition governments. There are innumerable personal and family ties between the Turkish society and the societies also in some other Balkan states. Turkey's former Foreign and later Prime Minister A. Davutoglu wrote: "There are more Bosniaks in Turkey than in Bosnia and Herzegovina, more Albanians than in Kosovo, more Chechens than in Chechnya, more Abkhazians than in... Georgia... These conflicts... have a direct impact on domestic politics in Turkey."⁷ In some respect Turkey has "returned" to the Balkans but in a very different role than the one played in the past by the Ottomans. Turkey's support to cultural activi-

ties and education of Turkish minorities and of some other Muslims has been legalized and regulated in relations with other Balkan states. There is also a network of educational, media, professional and other institutions and activities in the Balkans maintained and carried out by the Gülen Movement led by Turkish Muslim preacher Fethullah Gülen, an opponent of President R. Erdogan. Considerable investment and other activities of Turkish companies – a tool of Turkey's soft power – are present and important today in several Balkan states.⁸ Since 1999–2000 a contingent of the Turkish army has made part of the NATO – led peace-keeping force on Kosovo (KFOR).

The relevance of Ottoman social and cultural heritage in the Balkans has been on a number of occasions evoked by high Turkish officials, including President R. Erdogan. In 2011 A. Davutoglu elaborated five operational principles of Turkey's foreign policy. One of them were to be more cooperative relations and "zero problems" with the country's neighbours. These objectives however have not been attained and the proclaimed policy proved to be a failure. Turkey's external (and internal) situation under its current Erdogan leadership has appreciably worsened. Turkey today is the only Euro-Asian state surrounded almost in a full circle by acute hot or "frozen conflicts", at least, one of them spilling over into Turkey in

⁷ Ahmet Davutoglu. *Turkey's Zero-Problems Foreign Policy*. Foreign Policy. May 20, 2010, pp. 3-5.

⁸ Kreci Veli, Sahin, Selver. *Soft Power and Turkey's Foreign Policy Influence in the Balkans*, paper at the 24th World Congress of Political Science, Poznan, July 2016, pp. 6-9.

the form of international terrorism. Turkey has strained to hostile relations with most of its neighbours. It has been deeply involved in the current civil wars in Syria and Iraq, has a partly contested border with Greece and a closed border with Armenia. Since the 1974 the Turkish army has occupied more than a third of the Republic of Cyprus, where in 1983 an internationally unrecognized "Turkish Republic of Northern Cyprus" was proclaimed. Turkey's support to the Crimean Tatar leaders who oppose Crimea's separation from Ukraine and its re-incorporation into Russia remains one of the conflictual points in relations between Turkey and the Russian Federation. Turkey has played, at best, dubious roles in relation to radical Islamic movements and groups in Egypt, Palestine and Syria, to the so-called "Islamic State" and in 2015 – 2016 to a huge wave of refugees and illegal migrants from Turkey through the Balkans toward Northern and Western Europe. Following an aborted military coup in July 2016 President R. Erdogan has reversed some of Turkey's policies in the region trying to mend its relations with some neighbours, the Russian Federation and Israel.

The conflict potential in the Balkans in the 20th–21st centuries

The three to five centuries-long Ottoman rule had greatly increased the demographic heterogeneity of the South-East European semi-peninsula for which German geographers invented a name derived

from a Turkish word *Balkan* (mountain). This name for the European possessions of the Ottoman Empire survived after the Ottoman officialdom vanished from most of the area. Later it became the name for the entire peninsula. **The Ottomans' salient legacy in the Balkans has remained in the form of an extraordinarily colourful conglomerate of cohabitating ethnic groups, languages, religions and cultures. At the time of the Ottomans' departure in the late 19th–early 20th century the degree of this multifaceted heterogeneity was, most probably, by far the highest among all European regions.** Unlike the colonization policies pursued by Austrian, Hungarian and Russian authorities in Voivodina, Transylvania and the Black Sea area the Ottomans transplanted in and to the Balkans predominately Muslims. The resulting heterogeneity of population has remained high in parts of the Balkans in spite of several waves of subsequent ethnic cleansing and genocide. It has featured spatially overlapping groups speaking different languages, practicing different religions and living differently, often combined with distinct social and income inequalities.

The multifaceted heterogeneity of the population and the post-Ottoman authorities' deliberately divisive policies had provided fertile ground for perennial intercommunal tensions and conflicts. The degeneration, weakening and recession of Ottoman rule, coinciding with the rise of nationalism in all Balkan lands in the 19th–20th centuries freed this suppressed conflict potential. Since the assassination in 1831 of the first elected head of liberated Greece, Count Ioannis

Kapodistrias, the Balkans have become and remained for more than a century one of the most virulent hotbeds of politically motivated terrorism. The tally of its prominent victims included a score of kings, princes, prime ministers, interior ministers, governors, generals, deputies and other officials and politicians, in practically all Balkan states.

While the positive elements of imperial heritage became quickly forgotten or erased, the negative collective memories of Ottoman rule have remained. They were widely exploited by politicians in post-Ottoman states to incite hatred and retribution not only toward the Turks but also toward all Muslims. Some post – Ottoman rulers managed to contain and manage this conflict potential while others intentionally exacerbated intercommunal tensions. **By the end of Ottoman dominance in the region, Balkans had become Europe's "powder keg".** In 1909 the Ottoman Empire finally ceded Bosnia to Austro-Hungary and by 1913 lost most of its European possessions. Only about a year later, Austro-Hungarian Crown Prince Franz Ferdinand von Habsburg was assassinated in June 1914 in Sarajevo. Although the perpetrator of the terrorist act Serb Gavrilo Princip was motivated by his opposition to Austro-Hungarian rule in Bosnia & Herzegovina, the Ottoman ingredient was clearly discernible in the sparking of a regional crisis, which provoked the outbreak of the First World War. The Balkans became one of its bloody theatres.

Tensions and conflicts between ethnic and religious communities, marked by Ottoman legacy have punctuated the political history of the Balkans in the 20th century. The bloodiest outbreaks of violence have taken the form of interstate and civil wars, partly coinciding with two continental wars and reflecting geopolitical shifts in relations between great powers and their respective alliances. **The last wave of mass violence in the Balkans was stimulated by the end of the "Cold War" in Europe and by the breakdown of Yugoslavia.** The biggest number of victims in the wars of Yugoslav succession in 1990–1995 was caused by armed conflicts related to interstate borders and administrative divisions inherited from the Ottomans. Most notable among them have been Bosnia's Western and Northern borders – one of the oldest in Europe. They were fixed in 1699 by a peace treaty signed at Sremski Karlovci as the borders between the Ottoman and Habsburg Empires. Prior to the proclamation of Bosnia & Herzegovina's independence in February 1992 these borders became contested and immediately afterwards were forcefully violated by Serbian and Montenegrin separatists, followed by Croatian separatists, all supported either by the Federal Republic of Yugoslavia or by the Republic of Croatia. Another former Ottoman border, this time with the Kingdom of Serbia, became in the late 1990's the venue of armed

conflicts between the Federal Republic of Yugoslavia, Albanian Kosovar separatists and NATO. After 2008 the somewhat modified bor-

der was central in a political conflict between the Republic of Serbia and the self-proclaimed Republic of Kosova/Kosovo.

Table I.: Intrastate and interstate conflicts in South Eastern Europe with ingredients of Ottoman legacies

Years	Participants	Developments and their outcome
1908	Austro-Hungarian occupation authorities vs. Muslim Bosniaks, Orthodox Serbs	Suppression of resistance followed by unrest and terrorism culminating in the assassination of Archduke Franz Ferdinand von Habsburg.
1912 – 1913	Serbian, Montenegrin, Bulgarian and Greek armies vs. Ottoman army, Muslims	First Balkans war and partition of most Ottoman possessions in the Balkans.
1913	Serbian army vs. Bulgarian army	Second Balkan war and reappportioning of the conquered Ottoman territory.
1914 – 1918	Ottoman, Austro-Hungarian, German armies vs. British, French, Russian, Serbian and Greek armies	First World War in the Balkans. Dismemberment of the Ottoman Empire.
1918 – 1919	Serbian army vs. Muslim Albanian Kosovars	Suppression of the resistance and subjugation of the Albanian Kosovars.
1919 – 1921	Turkish army vs. Greek Army	Interstate war followed by the exchange of population, removal of most Muslims and Turks from Greece.
1942 – 1944	Serbian "Chetniks" vs. Muslim Bosniaks in Bosnia and Sandzhak	Bloody armed clashes.
1944 – 1945	Yugoslav (mostly Serbian) partisans vs. Albanian Kosovar "Dashnaks"	Armed clashes during the retaking ("liberation") of Kosovo and separating it from Albania.
1964 – 1989	Bulgarian communist regime vs. Turkish minority and Bulgarian Muslims	Repression of the Turks and <i>Pomaks</i> , police violence and massive forced name changes.

1980 – 1981	Serbian police, Yugoslav Army vs. Albanian Kosovar youth demonstrators in Prishtina	Suppression of demonstrations carrying the slogan “Kosovo republic” and “Kosovo for the Kosovars”.
1988 – 1999	Serbian police, Yugoslav Army vs. Albanian Kosovars rebels	Police repression, guerrilla warfare and mass expulsion of Albanian Kosovars and Turks to Macedonia and Albania.
1990 – 1994	Moldovan nationalists vs. Gagauz autonomists	Mostly non-violent political conflict, Gagauz autonomy established.
1992 – 1996	Bosnian Serb separatists vs. Muslim Bosniaks	Terror against and expulsions of Bosniaks from Eastern Bosnia, blockade of Sarajevo and civil war.
1992 – 1994	Croatian separatists vs. Muslim Bosniaks	Armed attacks on the Bosniaks in Central Bosnia and Herzegovina, civil war
1991 - 2004	Adjarian Muslims vs. central Georgian authorities	Tensions and numerous conflicts since the 1920's; forced submission of the autonomous Republic of Adjara to Tbilisi's control
2004 – 2008	Albanian Kosovars vs. Kosovar Serbs and Serbian nationalists in Serbia proper	Clashes with some victims, destruction of religious buildings and other property
2014 –	Crimean Tatars vs Russian authorities	Tensions and protestation against Crimea's reincorporation into Russia

Conclusions

The Ottomans' imperial legacy, particularly in the Balkans, has been in a number of respects similar to the legacies of Western European colonial powers: a very considerable demographic change and an increase in cultural and religious diversity in colonies and dependencies; a great change in social stratification; new external and internal administrative borders many of which later became borders of successor states; the creation of a superiority and partly a guilt complex among the dominant nation etc. There is, however, a number of differences between the Ottoman

and Western European legacies: no racial stratification brought to the Balkans; no introduction of representative institutions and of modern bureaucracy; no retention of the former imperial language by successor states; no stimulation to modern economic development; no enhancement of domestic political stability etc.⁹ The biggest contrast, however, between these legacies concerns their religious dimension. Spreading their faith has been much more important as

⁹ David Abernethy, op.cit., pp. 363–386.

motivation and justification for Ottoman conquests in Europe than for the Western European powers prior and during their colonial expansion overseas. To a lesser extent, it has been true also of the subsequent imperial policies of the latter in their colonies and dependencies, particularly by the British, French and Dutch. The Ottomans had purposefully implanted and spread their state religion in the Balkans not only for spiritual and cultural but also for geo-strategic reasons. The impact of their proselyting policies in the Balkans had been strong and comparable with the Spanish and Portuguese colonial policies after their conquests. However, the Ottomans' Islamic impact has remained geographically limited and globally much less important than the Christianization implanted and promoted by the Western European colonial powers in the two Americas, Australia, Africa and also in Asia.

Largely for the reasons mentioned above the Balkans for a long time used to differ in one important respect from both the rest of Europe and from the Near East. Only in the Balkans and Transcaucasia there are today (four) European states whose believers are mostly Muslims. In Albania the Muslims constitute about 80 percent while in Kosovo about 90 percent of the total population. In one more Balkan country the Muslims make a 60 percent majority in the entire state and a still stronger majority in its biggest entity called the Federation of Bosnia & Herzegovina. It is not accidental that the sharpest intercommunal clashes in the Balkans in the 20th century have taken place along the Muslim-Christian divide in ethnically mixed areas. As noted by Dennison Rusinow **the bloodiest conflicts during the wars of Yugoslav succession in 1990s occurred in areas where the**

mixes of ethnic, religious and cultural communities changed most under Ottoman rule.¹⁰ In the rest of Europe, the opponents in practically all religiously colored intercommunal and interstate conflicts for centuries had belonged on both sides to Christian denominations (Catholic, Protestant or Orthodox). The Near East has experienced some sharp conflicts between the Muslims and the Christians (Lebanon, Syria, Iraq, Egypt). However the bloodiest confrontations with, by far the biggest number of victims have involved as opponents the Sunni and Shiite Muslims.

In the last five decades, the difference between the Balkans and Western Europe in religious coloration of existing or potential intercommunal conflicts has greatly diminished. It was due to the mass influx to Western Europe of Muslim migrants, mainly from North Africa, the Near and Middle East and also the Balkans. With new migrants crossing the Mediterranean the total number of Muslims in Western Europe is approaching twenty million having exceeded almost three-fold the corresponding number in the Balkans. The populations of Germany, Belgium, Austria, Sweden, Switzerland and Netherlands contain today Muslims at levels between five and ten percent of the total. Moreover, the intercommunal conflict potential along the Muslim – Christian divide has been enhanced by urban concentrations of Muslims, their marginalized social and political status, below-the-average income, lower education level and higher unemployment rates, particularly among the young. The influence of Islamic fundamentalism, the

¹⁰Dennison Rusinow, »Yugoslavia's disintegration and the Ottoman past« in L. Carl Brown »Imperial Legacy« (1996), pp. 94-96.

growth of domesticized Jihadism in some Western European states among the second or third generation of Muslim migrants and their connections with international Islamist terrorism has increased this conflict potential. It is estimated that out of about 27.000 volunteers to the “Islamic State” in December 2015 about 5.000 came from Western Europe, chiefly from France, United Kingdom, Germany and Belgium. This contingent exceeded roughly tenfold the corresponding number of volunteers from the Balkans.¹¹ And so will be probably with the number of returnees. This threat to the security of some European states was brutally displayed in terrorist attacks in Madrid, London, Paris, Brussels, Nice, several German towns and elsewhere. Arson and attacks on Muslim migrants in Germany and the growth of anti-Islamic extremism in several Western European countries have confirmed the potency of this challenge. So far no state has tried to act as an external protector of Muslim minorities in Europe, with an exception of Turkey on Cyprus.

Among Muslim migrants in Western Europe there is a sizeable, hundred thousands-strong minority of Shiites from Iran, Iraq, Syria and elsewhere. In the areas of their urban concentration there is thus a potential for Shiite – Sunni intercommunal conflicts. Since the 1960s-1970s there have been also other imported intercommunal cleavages in Western Europe. The cleavage between the Muslim Arabs and the Jews, largely brought from Algeria and Palestine, has expressed itself in numerous terrorist attacks against the Jews, including

on the Israeli sportsmen at the Olympic games in Munich, as well as the desecration of Jewish cemeteries, attacks on Judaic schools and Jewish shops, particularly in France. Another cleavage is between the Turks and the Kurds, who count altogether over three million persons. It has already produced some violence in Germany and might well further escalate if the original conflict in Turkey reaches the level of an outright civil war.

While a good part of Western Europe has become thus, in some respect “balkanized”, former Eastern Europe has been largely spared of this phenomenon. This has been due to very different and restrictive demographic and immigration policies pursued since 1945 by its communist regimes and also by subsequent post-communist governments. The four states of the Visegrad group have openly and actively resisted the pressure of migration from the Near East and opposed the policy adopted by the German federal government and the measures proposed by the European Commission.

In the Near East the importance of the Muslim – Christian divide as a source of intercommunal conflicts has diminished due to the dwindling or outright disappearance of often persecuted Christian minorities. The Christians’ outmigration to other countries has increased the difference between the Near East and Western Europe and contributed to the recent influx of Syrian and other Near Eastern refugees and migrants to Europe.

¹¹2015 *Strategic Survey*, International Institute of Strategic Studies, London 2016, pp. VIII-IX; Florence Gaub. »The cult of ISIS«, *Survival*, vol. 58, no. 1, p. 166.

The residual Ottoman legacy, supplemented and partly modified by the impact of post-Ottoman rule has remained an important to notable ingredient in intercommunal and interstate conflicts in the Balkans in the 20th century. The Muslim – Christian divide still remains the most troublesome legacy of Ottoman rule on Cyprus. However, since the end of the “Cold War”, and the dissolution of the Warsaw pact the Balkans ceased to be one of Europe’s “powder kegs”. Since the termination of wars of Yugoslav succession the Balkans are also not anymore a hotbed of European terrorism. In several former Ottoman possessions

in Europe intercommunal cleavages have become intermixed with interstate conflicts. This partly hidden conflict potential still exists but its importance as a threat to European security has been greatly reduced, particularly following NATO’s interventions in Bosnia & Herzegovina (1995) and in Kosovo (1999). The imposition and maintenance of two international protectorates in the Balkans have assured the results of regional pacification. One of the challenges to Europe’s security in the form of Islam-related terrorism comes today primarily from Western Europe.

GENERAL BIBLIOGRAPHY

- David B. Abernethy (2000), *The Dynamics of Global Dominance. European Overseas Empires*, Yale University Press, New Haven and London.
- Kinross, Lord (2002), *The Ottoman Centuries. The Rise and Fall of the Turkish Empire*, Perennial, London.
- Halil İnalcık (1988), *The Ottoman Empire. The Classical Age 1300-1600*, Phoenix, London.
- Hammer, Joseph von (1979), *Historija Turskog Osmanskog carstva* (in Croatian), N. Smailagić, Zagreb, pp. 411-414, 416-420.
- Saharov, Andrei, ed. *Istoria Rossii* (2010) (in Russian), Prospekt, Moscow.
- Malcolm, Noel. *Bosnia – A Short History* (1994), Papermack, London.
- Bojić, Mehmedalija (2001), *Historija Bosne i Bošnjaka* (in Bosnian), TKO Šahinpašić, Sarajevo.
- Malcolm, Noel. *Kosovo – A Short History* (1998), Papermack, London.
- George Cioranescu (1993). *Bessarabia. Disputed Land Between East and West*, Editura Fundatiei Culturale Romane, Buchrest.
- Luchinski, Petr (2011). *Moldova and Moldovans* (in Russian), Biblion, Chisinau.
- Štavljanin, Dragan (2009). *Hladni mir. Kavkaz i Kosovo* (in Serbian), Radio Slobodna Evropa, Prague/Belgrade.
- Bebler, Anton, ed. (2015). *“Frozen Conflicts” in Europe*, Barbara Budrich Publishers, Op-laden/Berlin.

Abstract

Turkey is the only Eurasian state surrounded in almost a full circle by acute hot or "frozen conflicts", ranging from low-intensity violence, terrorism to full-fledged wars. The prevailing pattern of intercommunal and interethnic conflicts on the continental Balkans and on Cyprus have been long different from those in the rest of Europe and in the Near East. The intercommunal conflict potential in the rest of Europe used to differ substantially, but the difference has been greatly reduced as Western Europe has in one respect become "balkanized".

Keywords:

Turkey, Ottoman legacy, Balkans, Muslims, intercommunal conflicts

Faculty of Social Sciences
University of Ljubljana, Slovenia
anton.bebler@fdv.uni-lj.si

Piszą w numerze:

Anton Bebler – emerytowany profesor zwyczajny Uniwersytetu w Lublanie i profesor zagraniczny EWSPiA, były ambasador Słowenii przy ONZ

Waldemar Gontarski – dr nauk politycznych, dziekan Wydziału Prawa EWSPiA w Londynie oraz Wydziału Administracji EWSPiA w Brukseli

Beata Hamdorf – studentka EWSPA

Jerzy Kuciński – profesor zwyczajny dr hab. nauk politycznych, Społeczna Akademia Nauk w Warszawie

Ewa Olejnik – magister mediacji i negocjacji w sytuacjach kryzysowych, doktorantka Akademii Obrony Narodowej

Adam Snarski – absolwent EWSPA, obecnie doktorant KUL

Urszula Staśkiewicz – magister prawa EWSPA oraz magister socjologii, doktorantka Akademii Obrony Narodowej

Jerzy J. Wiatr – profesor zwyczajny dr hab. socjologii, rektor honorowy EWSPiA, były minister edukacji narodowej (1996–1997)

Małgorzata Zarychta-Surówka – radca prawny, mediator Sądu Okręgowego w Warszawie

Cena detal. – 23 zł (z 5% VAT) • nr indeksu 388602

