Parallel States, Public Services, and the Competition for Legitimacy in Kosovo

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Abstract

Recent work has illustrated how 'non-state actors' can be active and effective governance providers, often at the expense of a state. This has expanded our understanding of the *supply side* of non-state governance. However, there remains little work on the *demand side*. How do the people navigate between these different providers? Why do they choose the services of one over another?

I argue that the answer rests on two factors: the level of *group solidarity* individuals are subject to and the unique *characteristics* of the services they are receiving. Groups are an important part of our social lives, but the extent to which we depend on them varies. I argue that external threats increase group solidarity, which then constrains how individual members decide between providers. Second, public services have different characteristics that influence how people relate to them. Education is collectively delivered and tied to a national identity; decisions depend on social norms. Healthcare is individual and immediate; decisions are rooted in trust. Justice varies between discreet civil cases where people can 'shop' between authorities to gain the 'best' outcome, and criminal cases, which can comprise highly visible, collective events with significant social pressure. Understanding how the factors of group solidarity and service characteristics *intersect* is key to understanding the demand-side of non-state governance.

Drawing on extensive fieldwork, this thesis examines these factors across two periods of *competitive governance pluralism* in Kosovo. During the first period, from 1989 to 1999, an Albanian 'parallel state' formed in opposition to Serbia and provided education, healthcare, and access to justice in 'parallel' to the services of Serbia. Following the 1999 war and the beginning of the UN administration, parallel authorities were then established in Kosovo's remaining Serb-majority enclaves. Again, education, justice, and healthcare were provided in parallel to the formal Kosovar state.

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A doctorate is often likened to a 'journey'. We set out with little idea what awaits us, face the triumphs and tribulations of the research process, and presumably learn a great deal along the way—with all the bumps and scratches to prove it. Mercifully, it's been a journey where I've never felt alone.

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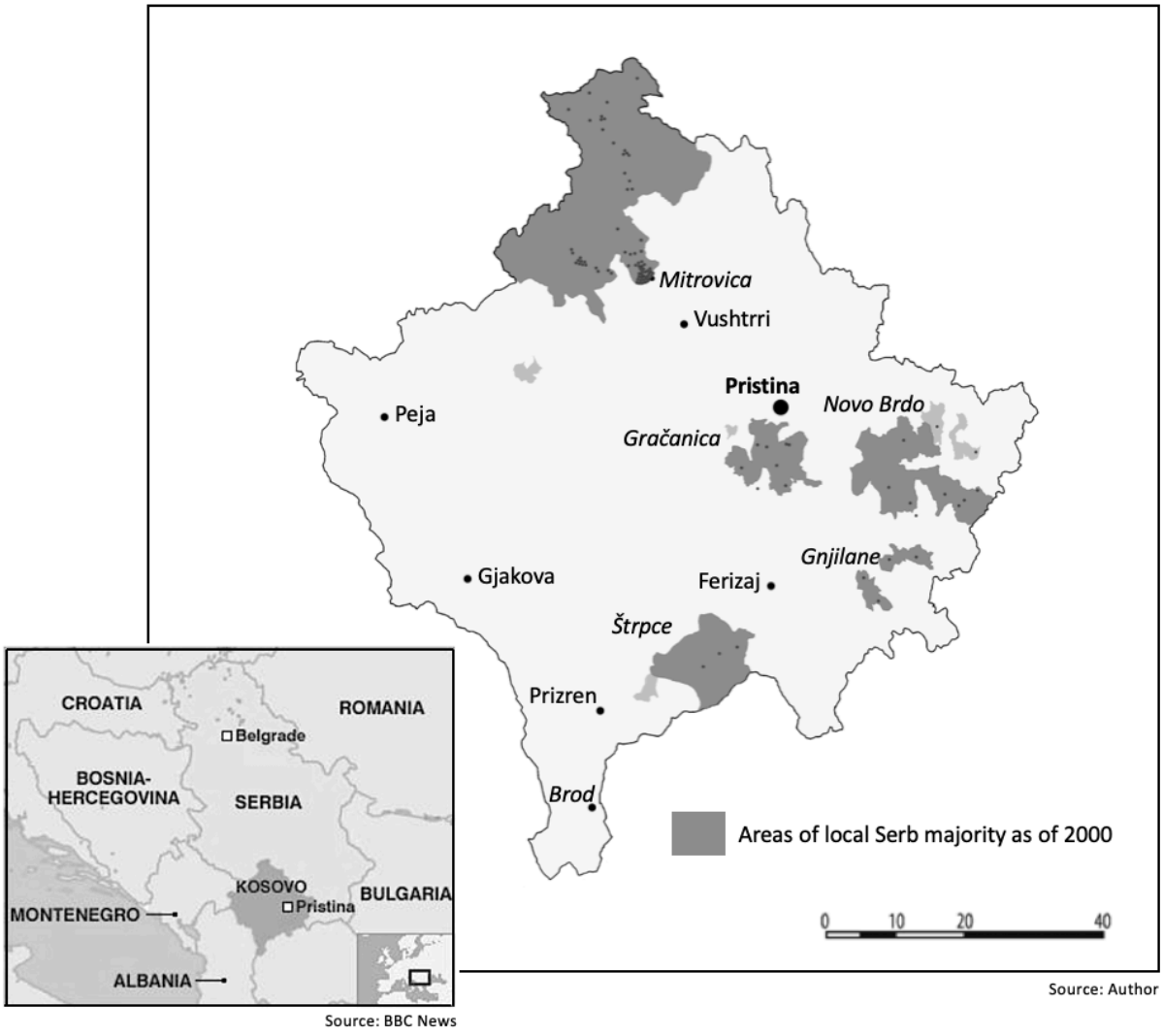
A Note on Terms

The focus on this study is on the geographic area of *Kosovo,* a standard name for the region in English-language usage and largely seen as politically neutral. When referring to Kosovo, Serbian officials and those sympathetic to Serbian claims use the name *Kosovo and Metohija* (or *Kosovo-Metohija,* or *Kosmet* for short). Some Kosovo-Albanian officials use the name *Kosova* or *Kosovë.* For the sake of clarity, when referring to Serbia without Kosovo this study uses the term *Serbia proper.*

The terms *Kosovo Albanians* and *Kosovo Serbs* refer to Albanians and Serbs living in Kosovo, though this study often uses *Albanian* or *Serb* as shorthand. When referring to *Serbs* living in *Serbia* or *Albanians* living in *Albania,* it specifies as much. *Kosovar* or *Kosovars* refers to anyone from Kosovo, regardless of ethnic identity. The term *Serb* signifies the ethnic group, while *Serbian* signifies the state of Serbia or officials working for it. Hence, *Serbian Police* refers to police working for the state of Serbia, while *Serb Police* refers to police who identify as ethnic Serbs.

Place names within Kosovo can be different depending on the language used, such as *Ferizej* (Albanian) versus *Uroševac* (Serbian). They can also be almost the same, such as *Mitrovica* (Serbian) versus *Mitrovicë* (Albanian). Rather than use both spellings throughout, this study uses the name of the majority language (e.g. *Gjakova* rather than *Đakovica*; *Štrpce* rather than *Shtërpcë*). It uses both spellings where appropriate: *Peja* for the Albanian-majority city, the nearby Serbian Orthodox monastery is the Patriarchate of *Peć.* Anglicized names are used where possible. For the main urban centre, *Pristina* is the common English-language spelling, rather than *Prishtina* (Albanian) or *Priština* (Serbian). Similarly, *Trepca* is used for the main mining site, rather than *Trepča* (Serbian) or *Trepça* (Albanian). None of these choices are meant to reflect a position on the language policy or the political status of Kosovo.

Map of Kosovo



Source: Author

Source: BBC News

Chapter 1: Introduction

In early September the school year begins in Kosovo's upper Dragash Valley. Children from villages high in the southern Sharr Mountains walk along animal paths or dirt tracks to the school building in the village of Brod. On their way they pass faded posters and flags from the last municipal election, a tiny post office, and a one-room police station; flickering reminders that the remote valley is connected to the plains below. At the school they shuffle into two separate classrooms, indistinguishable apart from the different flags perched by the teacher's desks and different maps on the wall. They sit down, open their books, and begin a quotidian experience just like countless other students around the world. Except that in Brod—a village of 1,000 people at the end of a dirt road—the two classrooms represent two entirely different curricula, taught by employees of two different educational systems, and developed by two states that resolutely deny the other's existence.

What happens in Brod has been taking place across Kosovo for thirty years. At the end of the Cold War, just as the Berlin Wall ceased to represent the division of one country, cracks that had appeared throughout the Yugoslav edifice split Kosovo in two. In the first case, from 1990 to 1999, a non-violent Kosovar Albanian movement organized a "parallel state" to resist the revocation of Kosovo's self-governing status within Serbia. This "state" provided key public services to Albanians such as education, healthcare, and access to justice in "parallel" to the services of the Serbian state. Underground clinics in Pristina delivered thousands of babies from Albanian mothers who chose not to go to the state hospitals. University students took their classes in basements or disused factories rather than faculty buildings and lecture halls. Rural neighbours reconciled age-old disputes through informal mediation rather than involve the state police. Meagre salaries were either raised locally or donated by a growing Albanian diaspora and smuggled in cash across porously guarded mountain passes.

Ten years later the situation had flipped. At the end of the 1990s attacks against Serbian authorities by the Kosovo Liberation Army (KLA) were leading to an increasingly bloody cycle of violence that was catching the world's attention—particularly Western capitals still in the shadow of Bosnia's atrocious civil war. Slobodan Milošević, president of the ailing Federal Republic of Yugoslavia, pushed for a robust counter-insurgency. Western politicians sensed an impending humanitarian catastrophe. A subsequent 78-day NATO bombing campaign wrested Kosovo from Belgrade and placed it under United Nations control.

The Albanian parallel state came to an end. Those who had worked in underground schools and clinics now returned to take up positions in the new system. But another, different parallel state now emerged. In the postwar violence, remaining Serbs either coalesced into an archipelago of rural enclaves or retreated across the Ibar River to northern Mitrovica, where Belgrade still maintained a vestige of control under NATO protection. Once again institutions provided education, justice, and healthcare in parallel to the formal Kosovar authorities: first the UN, then an aspirant Republic of Kosovo after it declared independence in 2008. Rather than nearby Albanian-speaking clinics, Serb women now opted to travel under NATO escort to the Serbian-administered hospital in Mitrovica—an irony not lost on people who were only recently sheltering from NATO bombs. Enterprising lawyers skilled in both Serbian and UN legal codes promised to use whichever system might bring their clients the best result. And children in villages across Kosovo like Brod must make a choice: to sit in classrooms under Kosovo's blue and gold flag or the Serbian tricolour.

These choices are inconspicuous but important. Living in a state generally means you acquiesce to the whole package. What choice do you have? The saying, "there are only two certainties in life: death and taxes" implies that one has just as little option over

financing a bureaucratic state as one does over 'choosing' to be immortal. Yet the role of individual choice has been fundamental to state authority ever since Thomas Hobbes argued that people would happily decide, through the free choice of contract, to give their compliance to a sovereign in exchange for collective security (Hobbes, [1651] 2003, pp. 91-100). The opposite is also true. Social movements, rebel groups, tribal leaders, and a panoply of other "non-state actors" have tried to persuade individuals to use their choices against state policies, or even the state itself. Gaining popular compliance can be a powerful resource for these actors. People who feel loyalty towards their state are more likely to defend it in times of war, pay their taxes, and contribute to the common weal. Normally this loyalty also entails getting something in return, such as security, the rule of law, or other goods and services. As political relationships go these tend to be monogamous affairs. After all, as our epigrammatic saying implies, we often have little choice over the matter. But what if there were an alternative?

Kosovo is an example of where these alternatives exist. There are no rebel-held areas to signify that a contest over sovereignty is underway, no shifting front lines or pockets of guerilla government. Today, Kosovo's state apparatus wields the monopoly of physical force; its police—along with NATO peacekeepers—hold sway within its borders, just as the Serbian police and military did through most of the 1990s. Apart from some dramatic exceptions, outright violence is rare. For parallel authorities this is a constraint. No longer can "political power [grow] out of the barrel of a gun", as Mao Tse-Tung (1965, p. 224) emphasized. Instead, claims to public authority rely on persuasion and consent. As Jean-Jacques Rousseau observed, "The strongest man is never strong enough to be always master unless he transforms this power into right, and obedience into duty" (Rousseau, [1762] 1998, p. 8). This means convincing people that one authority is more appropriate, more effective, more generous, more trustworthy, more deserving of support, or simply

more *just* than the other. This in turn depends on authorities providing people with the things that are part of the modern state package: public goods and services that touch the lives of virtually every citizen and give shape and meaning to a social contract. Services like education, healthcare, justice, social welfare, and security are the core institutional foundations without which any contemporary claim to statehood falters. In Kosovo, the competition over legitimacy is fought with governance, not guns. How people on the receiving end navigate between these competitors and the services they offer is the subject of this study.

Governance from the Demand Side

Competing forms of public authority present a critical challenge to the consolidation of Kosovo's statehood, the stability of the region, and to the accession of both Kosovo and Serbia into the European Union. Given that Kosovo remains the site of one of the world's most comprehensive state-building interventions—"The most ambitious project the UN has ever undertaken" according to one writer —it warrants investigation for these reasons alone (Ignatieff, 2003, p. 51). But Kosovo offers a much broader opportunity as well. It gives us a glimpse into a compelling political phenomenon affecting countries across the world: that states and statebuilders often face competing forms of authority.

Contemporary statebuilding is usually driven by outside actors such as the US military, the United Nations, or international development agencies. One of its core tenets involves the provision of public goods and services to local populations, winning over "hearts and minds" by rebuilding a social contract between citizen and state. Indeed, the international community now spends close to $50 billion per year in 'fragile states' doing just that (OECD, 2018; Slater & Carpenter, 2012). Yet statebuilding is also an endogenous process, long driven by home-grown actors. Consider European history, a rogues' gallery of

princes, feudal lords, and bandits who over centuries of violent competition cobbled power into the centralized, territorially bounded nation-states of today (Mann, 1993; Thomson, 1994; Tilly, 1992). Just like their contemporary successors, public services played a central role in the way these nascent states penetrated their societies (Mann, 1984; S. Van De Walle & Scott, 2011). Education turned a peasantry Karl Marx dismissed as a "sack of potatoes" into self-conscious citizens willing to fight for their country (Marx, [1852] 2005). Centralized courts and their attendant judges and lawyers replaced traditional mediators with a uniform legal code (E. Weber, 1976). Healthcare laid the groundwork for welfare states bound together by ideas of social citizenship and national solidarity (Porter, 1994).

True to form, today's non-state authorities also use services to win over the "hearts and minds" of those they aim to govern. Even more vexing for the policymakers in Washington or Brussels is that despite significant investments, it is often the non-state actors on shoestring budgets that are stubbornly *popular*. It is increasingly clear that the adage "if you build it, they will come" does not necessarily hold in fragile or conflict-affected states.[1] New schools or hospitals do not automatically generate legitimacy. Yet *why* local populations come to support one side or the other remains a black box for systematic empirical research. Gaining a better understanding of these processes is important. In a world where ideal-typical forms of statehood are increasingly viewed as the exception, not the rule, it is all the more pressing to understand how alternative forms of authority work.

As I will illustrate in the rest of this chapter, research into non-state authority has progressed by leaps and bounds in recent years. We now know that non-state governance is highly diverse. We also know that many non-state actors are supplying public goods and services to consolidate their authority. What we *don't know* is why people on the receiving end engage with these actors. Why might they use one provider over another? How do they

[1] To paraphrase Kevin Costner in the 1989 film *Field of Dreams*

navigate between the alternative services being offered? And what can this tell us about the nature of political authority from the bottom up?

I argue that the answer rests on two key factors: the specific characteristics of the services that people are receiving, and the degree to which individuals are bound into a cohesive collectivity—what I refer to as solidarity. The first factor focuses on the technical and socio-political characteristics of public services. Different services impact people in different ways. They vary in how they are produced, delivered, and consumed. But they also vary in the normative meanings and values they communicate to a population. Some, like education, are collectively delivered and are important for fostering a national identity. Others, like healthcare, take place on a more individual level and involve higher degrees of trust, a key building block of any social contract. Justice is a core element of any state's claim to legitimate authority, part of the reason that few states tolerate competing sources of law and order. But multiple, overlapping legal systems are a fact of life in much of the world, often allowing people creative scope to 'shop around' (Tamanaha, 2008).

The second factor of solidarity adds nuance to this. Social groups are an important, everyday element of our social world. They provide us with a sense of identity and common purpose. But during periods of what I call *competitive governance pluralism*—where overlapping and competing authorities are providing functionally equivalent public services—their importance can become critical. In Kosovo, these groups were sharply defined along ethnic lines. I argue that seeing the service-providing, ethnically defined "parallel states" in Kosovo as a type of group—what economists call 'clubs'—is an important first step. But ethnicity as such does not explain much. The crucial step is to understand *how* ethnicities are constructed as salient social groups, the ways their cohesiveness can vary, and how this impacts the agency of their members.

I argue that there are two sides to solidarity that influence decision-making. On the one hand, solidarity has a *psychological* side, one that imbues people with a shared sense of agency and enables them to act in unison towards common goals—important elements in civil resistance campaigns and social movements around the world. Yet solidarity also has a *structural* side. The more people *depend* on their groups for important services, and the more that these groups can *control* their members with sanctions like gossip, exclusion or ostracism, the more individual decision-making becomes constrained. I argue that to understand how people choose between service-providing authorities in cases of governance pluralism, we need to focus in on how the factors of service characteristics and group solidarity intersect.

The two periods of competitive governance pluralism that shaped Kosovo over the past thirty years can help us understand this. During the parallel state of the 1990s, group solidarity among Albanians was extremely high. This was because the parallel state formed 'below' the formal Serbian state. Services needed to be organized, provided, and received covertly, out of sight of an ever-present and highly repressive state security apparatus. Those seen using Serbian state services were branded as "traitors". This was most pronounced in education. Widely seen as an issue of national identity, people opted for the parallel system's inferior conditions out of a sense of rightfulness. Yet thanks to the collective, co-produced nature of education, which involved both providers *and* recipients in the creation and delivery of the service, anyone who made the "wrong" choice was also highly visible and thus open to sanctioning. Healthcare was different. Given the discreet nature of the service, people could better weigh up costs and benefits. Some opted for the expertise and equipment of state hospitals, even travelling to Belgrade if they could. Yet rumors of state-sponsored poisonings fuelled Albanian distrust of Serb medical staff, meaning that many saw the underground clinics of the parallel state as the only trustworthy

choice. Finally, justice often involved the greatest scope for shopping around. Getting official paperwork from the state authorities over more mundane disputes was often a pragmatic choice. Yet with one case in particular—the bloodfeud reconciliation—justice was, much like education, dramatically propelled into the national consciousness as a symbol of Albanian solidarity.

Like Albanians, Serbs could turn to their own "parallel institutions" following the 1999 war. Yet the salience of group solidarity among Serbs was lower. This was for two reasons. First, these institutions took shape 'beside' the formal state rather than 'below' it. Apart from the anarchic violence in the war's immediate aftermath and the 2004 riots, Serb communities live with more security than Albanians did in the 1990s. Parallel institutions were organized and delivered largely in the open, thanks to the protection offered by NATO troops, police drawn either from the 'international community' or from co-ethnic Serbs, and a strong international commitment to minority rights in post-Milošević Kosovo.

Second, and again unlike Albanians during the 1990s, Serbs have a viable 'exit' option: they can move to Serbia proper. As a result, the parallel state exercises less control over the population. It must focus on quality instead. Education is still a matter of national identity yet graduates who suffer from credentials unrecognized by the Kosovo state often pursue employment in Serbian cities like Niš or Belgrade. Healthcare is still affected by trust, but patients are attracted more by the higher standards in Mitrovica's hospital (just as they are dissuaded by Kosovo's crumbling health infrastructure). Justice is plural; people opt for the system that works best for a given case—both parties of a dispute may even seek redress through different systems. Given the lower level of group solidarity, the language of "treason" and "betrayal" matter less, as do the harsh sanctions that went with them. Threats and intimidation still occur, but they are directed at influential business or

political leaders of the Serb community and are more indicative of intra-Serb divisions than a common national cause.

These two factors can help us better understand how individuals navigate between competing authorities. The constraints of group solidarity and the characteristics of certain services matter. They structure and constrain how people decide, often to the point where people felt that had 'no choice'. Yet people still supported their groups and opted for parallel services out of a sense of citizenship, collective resistance, or because it was the 'right thing to do'. This challenges the assumption that providing services leads to public compliance in a straightforward manner. Rather, individual's exercise their agency in variegated ways. This study helps us understand why.

In this introductory chapter I outline my approach to studying the following research question: *why do individuals in contexts of competitive governance pluralism choose one source of governance over another?* I begin by situating my case study in the relevant social science scholarship to provide academic context, identify important gaps in the literature, and set some key parameters of the present work. After reviewing the literature, I develop a theoretical framework that forms the backdrop to the historical and empirical chapters that follow. In the methodology section, I detail the specific methods I used to conduct this study.

Literature Review

Political maps fool us with a common misconception. Their irregular checkerboards and solid borders resemble the abstract cubism of Piet Mondrian: clean geometric shapes filled with primary colours and separated by solid black lines. The analogy is clear. The map's colours equate to sovereignty, a quality assumed to be monopolized by states. It is an illusion that recent scholarship has increasingly dispelled. Rather than clean lines and solid colours, they suggest something more akin to Jackson Pollock's 'messier' expressionism, where the state is "only one organization in a mélange within the boundaries in which it seeks to rule" (Migdal, 1988, p. 39). Tribal leaders, secessionist movements, rebel groups, and a host of informal institutions complicate the solid colors by laying claim to populations ostensibly under the state's control. Research into these alternative forms of governance has proliferated over the past two decades. It is no coincidence that the phrase "non-state actor" and "non-state governance" have both risen over ten-fold since 1990 according to Google's Ngram viewer.[2] Since the end of the Cold War, state retrenchment across the developing world has coupled with increased anxiety that "new wars" now involve criminal networks or terrorist groups (Kaldor, 1999). Gone were the "old" state adversaries easily found on a map.

Expanding research into non-state governance often took a normative stance towards its subject. Analysts and policymakers worried that anything 'non-state' was coming at the expense of 'state' and that this carried serious implications for global security. Development agencies pushed for more investments in building 'capacity' and fostering 'good governance' within state bureaucracies. The President of the World Bank succinctly captured both logics in a 2008 paper, writing how "The disease, outflows of desperate

[2] Google's Ngram viewer charts the frequencies of any set of comma-delimited search strings found in sources printed between 1500 and 2009.

people, criminality and terrorism that can spawn in the vacuum of fragile states can quickly become global threats. Moreover, they represent a terrible loss to the world: leaving one billion people in destitution represents a tragic waste of human energy, creativity, invention and possibility" (Zoellick, 2008, p. 68). Being governed by a state, the assumption went, was better for 'them' and safer for 'us'.

Scholars have increasingly sought to qualify this assumption. A host of studies now highlight how non-state actors are key providers of governance to millions of people around the world—sometimes alongside the state, sometimes at odds with it, but often in ways that are a critical part of everyday life. This section surveys the key literature that deals with the phenomenon of non-state governance. It highlights how, starting with the failed states debate, recent approaches have become much more inclusive of non-state actors. Their various modes of governance, the range of services they provide, and the reasons they do so in the first place have all come under scrutiny. However, despite the advances in our understanding of the *supply side* of non-state governance, we still have little understanding of the *demand side*. We know much more about the providers and provision than we do about how such governance is *received* by its supposed beneficiaries.

In other words, inclusivity has come at the expense of specificity. We know that a host of non-state actors are routinely providing a range of goods and services, from social welfare to law and order. We also know that gaining some form of voluntary consent from 'the governed' is often crucial for any authority. But we know much less about how and why people 'on the ground' interact with these services. Finally, this section introduces some important scope conditions for the remaining study. Not all situations of non-state governance entail the same scope for individual choice. As such, this study introduces a particular mode of non-state governance it calls *competitive governance pluralism,* where people have a degree of choice between competing providers.

Intellectual Baseline: The Failed States Paradigm

In 1992, two writers for *Foreign Policy* gave a bleak synopsis of the post-Cold War order. "From Haiti in the Western Hemisphere to the remnants of Yugoslavia in Europe, from Somalia, Sudan, and Liberia in Africa to Cambodia in Southeast Asia, a disturbing new phenomenon is emerging: the failed nation-state, utterly incapable of sustaining itself as a member of the international community" (Helman & Ratner, 1992, p. 1). The concept of state failure— "a situation where governmental structures are overwhelmed by circumstances"—resulted from one of the first attempts to understand the widespread political breakdowns following 1989. It came at a germane moment. Liberal triumphalism at the end of the Cold War meant that the economic and security institutions of the international order were up for redefinition. Gone was the massive spending to deter conventional adversaries and win over allies in the Third World. Instead, as the foreign policy advisor to Tony Blair wrote, "disintegrating societies and failed states with their civil conflicts and destabilizing refugee flows have emerged as the greatest menace to global stability" (Attwood, 1994).

The failed states paradigm became both enormously influential and widely critiqued amongst policymakers and the academic community alike. It remains relevant to this study because it forms the backdrop of many key developments in the literature on public authority and statebuilding that followed. Crucial here are two core assumptions. First, it takes the Western state as both an analytical and normative point of departure, viewing a consolidated state as a *fundamental prerequisite* for peace, stability, or development. Building on the Hobbesian tradition, individuals living without the state are presumed to be in a situation of 'war' and would thus voluntarily give up their absolute 'freedom' in exchange for peace, security, and sundry other benefits assumed to fall under a state's prerogative

(Woodward, 2017). The list varied on what those benefits were, though a consensus influenced by Max Weber (1978, pp. 217–220) usually rested on three key areas: the monopoly over the legitimate use of violence, a functional legal system, and a bureaucracy that undertook a healthy provision of public goods and services to its population (Fukuyama, 2004; Rotberg, 2002; Zartman, 1995). For Robert Rotberg, an especially influential voice, the stable and effective delivery of services was key. They formed the foundation of political legitimacy, giving "content to the social contract between ruler and ruled" (2004, pp. 2–3). Accordingly, any state that is not delivering public goods or has lost its grip on the monopoly of force stopped qualifying as a state at all.

The second assumption was that anything that fell outside of the key unit of analysis—the state, or at least the ideal-typical notion of what a state ought to look like—was inherently threatening. This was clear in the very definition of 'fragility' and 'failure'. According to the Crisis States Research Center, a 'fragile state' was where "institutional arrangements are vulnerable to challenges by *rival institutional systems*, be they derived from traditional authorities, communities, warlords, or other non-state power brokers" (Di John, 2008, p. 9). Rotberg echoes the sentiment. "A nation-state fails," he writes, "when its nominal borders become irrelevant and autonomous control passes to groups within the national territory of the state" (2003, p. 9). True, achieving high levels of human security outside a well-functioning state is rare. But viewing "rival institutional systems" as antithetical to development precluded an appreciation that they could also provide governance. They were instead subsumed into an anarchic-sounding "ungoverned spaces", a feature of post-ideological "new wars" or, more luridly still, a "coming anarchy" (Clunan & Trinkunas, 2010; Kaldor, 1999; R. Kaplan, 1994). These intellectual foundations cleared the way for significant political investment, especially in the aftermath of the 9/11 attacks. Government-backed initiatives like the CIA's State Failure Task Force sought to identify

and predict states at risk of failure (Adler, 2001). "Where there is no state," the basic argument went, "there is chaos and there are terrorists" (Hagmann & Hoehne, 2009, p. 45).

The policy response was clear. "Fixing" failed states required filling those "ungoverned spaces" with state capacity, 'good governance', and institutional development (Ghani & Lockhart, 2008; Grindle, 2004; S. Kaplan, 2008; Paris & Sisk, 2009). A growing consensus shared by development organizations such as DFID (2010) or the OECD (2010) argued that *public services* were central to this equation. As the World Bank put it (2008, p. 73):

> Legitimacy must be earned… It needs to be earned by delivering basic services, especially visible ones. Clean up the garbage. We build institutional capacity by doing things: supplying clean water and sanitation; creating simple roads to connect territories that may have been cut off from one another; providing electricity for at least part of the day; offering basic preventative health care such as immunisation; getting boys and girls into school quickly.

The underlying assumption was that the relationship between the delivery of services and state legitimacy was almost mechanical. It was up to statebuilders, NGOs, national ministries, or international organizations to get it done. In other words, it was primarily the *supply-side* that mattered. The *demand-side,* the intended citizen-recipients that statebuilders sought to reach and 'win' over, was largely left out of the picture.

Bringing the Non-State Back In

To say that the failed states concept has met with criticism would be an understatement. Scholars have taken it to task for being teleological, essentialist, and a-historical; for reifying and homogenizing the 'Western' state while ignoring alternative arrangements provided by informal systems (Di John, 2008; Hagmann & Hoehne, 2009; Hameiri, 2007; Woodward, 2017). Yet its apparent demise has resulted in an academic equivalent of creative destruction. Against its guiding assumptions came a flurry of work

across a range of disciplines. One strand attacked the notion that the non-state was *necessarily* threatening or pathological. That states rubbed shoulders with a host of non-state actors was the norm, not the exception (Migdal, 2001). The challenge was what to do with them. For statebuilders, the focus shifted away from 'fixing' states and towards fostering sufficiently inclusive "political settlements" (Di John & Putzel, 2009; Khan, 2010). This meant buying-off potentially troublesome non-state elites with access to rents—not exactly 'good governance', but a recognition that for states "in the shadow of violence," stability could be more important than capacity (North, Wallis, Webb, & Weingast, 2013). Could these arrangements ever be popular locally? Scholars more critical of liberal peacebuilding thought so. They strove to show the "positive potential rather than the negative features of so-called fragile states" to bring attention to "hybridity, generative processes, innovative adaptation and ingenuity" (Boege, Brown, Clements, & Nolan, 2008, p. 16). Non-state forms of governance were part of indigenous 'hybrid political orders.' Not only were they not pathological, they were often more resilient and appropriate than Western-imposed alternatives (Boege et al., 2008; Mac Ginty, 2011).

Another strand attacked the premise of *state*-centric development. This rested on the notion that delivering public goods was what states and *only* states did. For instance, based on a cross-sectional sample of over 150 countries, one study found little correlation between levels of state capacity and levels of service delivery. Even in low-capacity states they consistently found that public services were getting provided—just not by the state in question (Lee, Walter-Drop, & Wiesel, 2014). Instead, as Thomas Risse and colleagues have shown, in "areas of limited statehood" it was often much-maligned non-state actors that were filling in (Draude, Börzel, & Risse, 2018; Krasner & Risse, 2014; Risse, 2011). Others have followed in a similar vein, tracing out the distinct ways that non-state actors provided infrastructure, security, or social welfare (Batley & Mcloughlin, 2010; Cammett & MacLean,

2014; Hoffmann & Kirk, 2013). The key focus of this work has been to document and analyze the various actors and modalities involved in non-state governance, questions primarily related to *who* governs and *how* they do it. The resulting rich eco-system of actors and institutions undeniably improves our understanding of governance beyond the state.

However, some core assumptions remained unexamined. First, the *supply-side* continued to receive most of the attention. Non-state actors may be deeply involved in everyday forms of governance and service delivery, but the agency of local recipients remained elusive. The gap is all the more puzzling given its implications. Non-state inclusive work has cracked open the presumed monopoly of the state to show the plurality of governance existing underneath, alongside, and even beyond its authority. This variety of governance 'options' would plausibly show just how important the agency of the 'end-user' is. For instance, welfare economists model individuals as discerning recipients of public services. For this literature choice is a prophylactic. More choice and competition amongst providers—whether it be school vouchers in Sweden or for-profit providers in British healthcare—not only empowers end-users but also breathes efficiency into the staid, rent-seeking monopolies of the public sector (Besley & Malcomson, 2016; Le Grand, 2003, 2007). Yet a comparable emphasis on the end-user is missing in work on non-state governance.

Second, much of this research now risks undermining its own analytical precision. Defining something by what it is not tends to obfuscate more than clarify, and there is *a lot* that is swallowed up by the term "non-state" governance. An example from the "areas of limited statehood" group illustrates its expansive approach. Wartime South Sudan, where the Sudanese state hardly existed beyond the capital, takes its place alongside relatively consolidated South Africa, while Somali warlords rub shoulders with rather more drab

public-private partnerships (Risse, 2011). Such a breadth of focus risks coming at the expense of depth.

Scope Conditions

One way to sort through the range of non-state governance 'pluralism'—where there are multiple, co-existing, and functionally equivalent sources of governance—is to identify the type of relationship between the state and the non-state.[3] In this vein, Gretchen Helmke and Steven Levitsky (2004) outline four possibilities. Non-state governance may be *complementary, accommodating, substitutive,* or *competing* vis-à-vis formal state functions. For example, Jewish diamond merchants in New York City use a non-state form of dispute resolution to resolve industry-specific problems arising within relatively homogenous networks (Bernstein, 1992). This would be a *complementary* form of informal arbitration, used because it is more efficient and discreet than the state legal system, not because the state legal system is non-existent or dysfunctional. In parts of sub-Saharan Africa, corrupt informal governance arrangements are *accommodating* if, by facilitating a particular 'political settlement' or 'hybrid political order', they help it "work" (Chabol & Daloz, 1999). In Somalia, non-state governance is often the only game in town; hence, it is *substituting* for the lack of equivalent functions from the state. ISIS, however, was explicitly *competing* with the Iraqi and Syrian states, as was clear in the group's aspirational name.

The role of individual choice is more salient with some forms of governance pluralism than others. *Complementary* governance—exemplified by our diamond merchant courts above—is primarily about achieving efficiency gains through informal routes, rather than a fundamental challenge to the legitimacy of the state. Individuals choose the

[3] This use of 'pluralism' draws on the well-established field of legal pluralism, or the study of the multiple systems of legal obligation that exist in the same social field, such as the state (Merry, 1988).

complementary option because it is Pareto superior to the established regime in advancing their self-interest (Bernstein, 1992, p. 117). By this logic, if the efficiency gains of the courts were to disappear, so would the courts. On the other hand, forms of *substitutive* governance, by definition, offer little prospect for choice between governance providers. They only offer the choice of whether to use the service or not. The healthcare interventions provided by NGOs in Somalia, for example, filled a genuine governance gap rather than step on the government's (non-existent) healthcare toes (Schäferhoff, 2014).

Cases of *competing* governance involve more consequential choices. Now, non-state actors are no longer just filling the gaps and their relationship with the state is no longer one of peaceful co-existence. *Competing* governance ranges from tribal institutions quietly subverting central state structures to upstart organizations that aim to eclipse the state and become the sole legitimate public authority. These cases of multiple, co-existing, and functionally equivalent governance providers competing for compliance and authority are examples of *competitive governance pluralism.* This is an important distinction for the people on the ground who must navigate between them. The stakes are higher than the *complementary* efficiency gains or non-threatening practices of *accommodation.* But unlike the singular *substitutive* on the one hand there is the possibility of real, and consequential, choice.

Rebels and Resisters

Much of the literature above has focused on questions of *order*—of how stable constellations of non-state governance arise and function. Cases of competitive governance pluralism, however, focus our attention on questions of *consent.* Rather than view power as akin to a resource—something that a state or actor *possesses* in terms of its ability to enforce sanctions and apply repression, much of this literature argues that power is inherently *relational.* In other words, the power of any authority depends on the consent of a civilian

population, consent that can ultimately be withdrawn or reassigned to more legitimate or compelling parties.

This line of thought has a long lineage. Classical social contract theorists like John Locke and Jean-Jacques Rousseau thought individual consent was the key mechanism through which the state came into being. For others, this also implied that removing consent could topple the state, an idea forcefully articulated by the 16th century French jurist Étienne de la Boétie. In his *Discourse on Voluntary Servitude* Boétie writes,

> Resolve to serve no more, and you are at once freed. I do not ask that you place hands upon the tyrant to topple him over, but simply that you support him no longer; then you will behold him, like a great Colossus whose pedestal has been pulled away, fall of his own weight and break in pieces (de la Boetie, [1552] 1975, p. 48).

Hannah Arendt (1970, p. 4) reiterated the point some four centuries later, writing that "when we say of somebody that he is 'in power' we actually refer to his being *empowered* by a certain number of people to act in their name". Without the consent of subjects—either in the form of active support or passive acquiescence—a ruler has little basis for rule. Even Max Weber emphasized the subjective element of authority. "If the state is to exist," he wrote, "the dominated must obey the authority claimed by the powers that be" (Weber, [1919] 1991, p. 78). The view of power as rooted in some form of voluntary compliance sets it in sharp relief to classic theorists such as Clausewitz and Machiavelli,[4] or from Marxist thought and practice, which view the state apparatus as a pinnacle of power to be captured through force if necessary (Skocpol, 1979).

The public authority-as-consent view continues to be influential today. Margaret Levi (1997) has shown how citizens in modern democratic states will routinely consent to sending their children off to war, but only 'contingently'. That is, only if their government

[4] To wit: "Since there cannot be good laws without good arms, I will not consider laws but speak of arms" (Machiavelli, 1965, p. 47); and "War is the continuation of politics by other means" (Clausewitz, 1984, p. 87)

and their fellow citizens are perceived to be acting fairly. Similarly, in his accounts of the 'moral economies' underlying labour relations in southeast Asia, James C. Scott (1976, 1985) describes a repertoire of choices he calls 'weapons of the weak'. These highlight how even people barred from formal political organization can still partake in a range of individualized noncompliance and dissent. Yet for understanding how *non-state* authorities might win or lose consent, two approaches warrant mention. These are the 'rebel governance' approach and the 'civil resistance' approach.

Rebel Governance

One of the key distinguishing features of the above approaches has been their respective units of analysis. The state was key for the failed states debate; interaction between the state and non-state actors was key for studies of political settlements, hybrid political orders, and "areas of limited statehood". For scholars who fall under the 'rebel governance' approach, the focus in squarely on the non-state—the rebel group—or its conceptual equivalents: the 'quasi-state', 'de facto state', or 'pseudo-state'.[5] These entities arise during civil war or following the collapse of a larger parent state. They may exist by dint of external support or through the profits generated by illicit economies. But 'rebel governors' may also focus on building up a base of domestic support by forging a social contract with those they rule. As a consequence, the question of consent receives much greater attention.

This literature comprises two strands. The first strand focuses on rebel governance *during* civil war. Rebels are usually interested in *replacing* the state, either outright, or in part

[5] The term 'quasi-state' as it is used here is distinct from the way it was used by Robert Jackson (1990) in his seminal work, *Quasi-States: Sovereignty, International Relations, and the Third World.*. For Jackson, a quasi-state was one that had international recognition but lacked internal sovereignty. Though it was written a decade before the failed states debate took off, this definition would place Jackson's quasi-state squarely under the 'failed states' category today.

through secession (Mampilly, 2011, pp. 50–58). Some among them—what Mancur Olson called 'roving bandits'—are uninterested in winning over local hearts and minds, thanks to an external source of finance or the lure of pillage. After plundering one place they simply move on to another (Olson, 1993). Others, however, must rely on local populations for financing their insurgency. These 'stationary bandits' invest more in the supply of governance, both to facilitate taxation and ease the tension between coercion and consent in occupied territories (Arjona, 2016; Olson, 1993; Weinstein, 2007). As Mao and Che Guevara argued, public goods provided by rebels could build loyalty amongst a population, part of any strategy that sought "to destroy the legitimacy of [an enemy] government and establish a rival regime through the creation of 'parallel hierarchies'" (Ahmad, 1982, p. 244). This could give the people on the ground significant scope for choice.

One example in this vein is Timothy Wickham-Crowley's (1987) early work on guerrilla governments in Latin America. He explored how civilians could choose between two governments: the official one "down below" (*de abajo*) or the rebel counter-state in the hills "up above" (*de arriba*). Increased incomes, healthcare, basic education, and rural land reforms often pulled civilian support away from the former and towards the latter by offering an alternative social contract. His later work (2015) shows how civilians can also choose to go *back* to the state, so long as it out-competed the rebels by providing schools, roads, and inoculations during its civic action campaigns.

Shane Joshua Barter's (2014) work in Southeast Asia also keeps his focus on civilian agency. Taking his cue from Albert Hirschman's (1970) famous troika of *Exit, Voice, and Loyalty*, Barter argues that people have three choices during civil war: they can flee; they can speak up to influence the combatants; or they can actively support one side or another. Why support might win out is less examined, but Barter highlights non-state efforts in providing "women's organizations, youth groups, writer's guilds…farmer's

cooperatives…schools and charities" as key elements (S. J. Barter, 2012, p. 560). Investing in poplar consent may even yield a sense of what Annette Idler and colleagues call "shadow citizenship" between non-state actors and the people they seek to govern (Idler, Mouly, & Garrido, 2018). This work brings us closer to understanding how these implicit social contracts can take shape in the midst of conflict.

The second strand of the 'rebel rulers' approach focuses on non-state governance *after* civil war or state collapse. This literature draws on the range of entities with "less-than-real statehood" that exercise de facto control over their territories yet lack international recognition (Caspersen & Stansfield, 2011; Kingston & Spears, 2004; Kolstø, 2006, p. 725). Many are the fragments of two collapsed multinational communist federations in particular: The Soviet Union and Yugoslavia. For instance, from the Soviet Union came Transnistria (from Moldova), Nagorno-Karabakh (from Azerbaijan), Abkhazia and South Ossetia (from Georgia), and—briefly—Chechnya (from Russia). From Yugoslavia came the Republika Srpska (from Bosnia, though this became a recognized entity after 1995), Republika Srpska Krajina (from Croatia), and post-1999 Kosovo (from Serbia). Some of these entities, like Srpska Krajina and Chechnya, were subsumed back in to the parent state through force of arms. Others sought to transform themselves, "creating de facto countries whose ability to field armies, control their own territory, educate their children, and maintain local economies is about as well developed as that of the recognized states of which they are still notionally a part" (C. King, 2001, p. 525). Some even did a better job. Unrecognized Somaliland has arguably reached a higher degree of civil liberties, democratic institutions, and economic freedom than any country in the region, let alone the Somalia it is trying to leave (Bradbury, 2008).

Excluded from international recognition, investing in a domestic social contract is often the only strategy available for these rebel rulers. In the breakaway republic of

Abkhazia, for instance, local perceptions around the legitimacy of rebel rule are positively associated not only with the provision of safety and security but also public services and economic development (Bakke, O'Loughlin, Toal, & Ward, 2013) If increased popularity results in higher rates of compliance and consent, taxes are easier to collect and power easier to hold on to (Levi, 1988). Investing in a social contract can, quite literally, pay off.

The literature on rebel governance both during and after civil conflict makes a crucial contribution to our understanding on non-state governance. However, they are still concerned more with the *provision* of governance than its receipt. This is still valuable. It pushes the conversation away from the widespread view that rebellion is motivated only by greedy, avaricious actors with little interest in civilian well-being. Many rebels are deeply involved in building locally appropriate social contracts, and the provision of public services is a key tool with which to achieve this (Arjona, Kasfir, & Mampilly, 2015). Yet despite some notable exceptions—particularly work by Wickham-Crowley and Barter—the guiding question still tends to be *how* rebels govern civilians, not the interactions between civilians and rebel-provided services.

There is some justification to this. Literature spanning humanitarianism, peace studies, and civil war suggests that civilians are the victims of conflict, rarely the agents or subjects of it (Dorff, 2019). Rebel governance during civil war often involves enormous amounts of coercion, meaning that "ordinary people caught in the whirlwind of violence and war are, more often than not, less than heroic: they seek to save one's job, house, family, and, above all, life" (Kalyvas, 2006, p. 45). Constant violence, as many authors note, is a serious constraint on individual agency, commonly leading to the impassiveness of populations and individual "withdrawal, immobility [and] submission" (Koonings & Kruijt, 1999; LeDoux, 1996, p. 134). The 'fear of death' that Thomas Hobbes saw as the root of all human behavior can mean there is "no other way out" but to support insurgent governance

(Goodwin, 2001; Kasfir, 2005; Weinstein, 2007).[6] Even after the violence ends there may be little scope for individual choice. Civilians living in the various 'de-facto' states that have arisen following war or state collapse may face few alternatives, especially if the latter have achieved a measure of territorial monopolization. People in Somaliland or Abkhazia may not get to choose between the unrecognized state and its formal parent, particularly if none of the latter's institutions are available. Governance in this sense is no longer competitive; it is substitutive.

Civil Resistance

Thucydides may have had scholars of rebel governance in mind when he wrote that "The strong do what they will, the weak suffer what they must" (1982, p. 351). Work on non-violent civil resistance, by contrast, shows us that the weak often have more power than they get credit for. As with work on rebel rulers, this literature maintains a focus on public authority as rooted in consent. Questions of individual agency, however, are front and center.

Consent is an axiomatic element in the work of Gene Sharp, one of the most influential theorists of nonviolent action. "The most important single quality of any government, without which it would not exist," Sharp wrote, "must be the obedience and submission of its subjects. Obedience is the heart of political power" (Sharp, 1973, p. 16). Sharp drew on a long lineage of thinkers, including Henry David Thoreau, Leo Tolstoy, Gandhi and Martin Luther King. Yet rather than see nonviolence as a *moral* principle, Sharp argued that it could be effective on a purely *instrumental* level. If state power was based on obedience, then getting enough people to withdraw their obedience could topple a state.

[6] This is evident in the scope conditions adopted by its scholars, who define rebel governance as "the production of government for civilians during the *protracted violence* and *high levels of coercion* produced by civil war" (Arjona et al., 2015, p. 15, emphasis added).

Attracting a broad base of participation was a strategy particularly well suited to non-violent resistance. As one study argues, the reason that nonviolent movements have been almost twice as successful as their violent counterparts over the past century is because they can attract far more participants (Chenoweth & Stephan, 2011). The costs of taking part in non-violent actions are often—though not always—much lower and available to a larger demographic than joining a violent insurgency.

One way of draining the state's legitimacy and fostering participation long favored by these movements was through building an alternative. In pre-1947 India, Gandhi went so far as to call the Congress Party a 'parallel state', a key part of the civil disobedience campaign that sought to deny the British Raj of legitimacy (Migdal, 1988, p. 164). In the waning communist regimes of 1980s Eastern Europe, several opposition movements adopted similar strategies. Czechoslovak dissidents formed a "parallel polis" that encompassed uncensored information, unofficial education, popular music and the black market economy (Benda et al., 1988). Dissident strategies during Poland's "quiet revolution" involved "the construction of parallel social, educational, cultural, and even scientific institutions and structures that would slowly sap the communist system of its power" (S. Ramet, 2005, p. 39). These experiences all played a role in Kosovo during the late 1980s and 1990s. Ibrahim Rugova—'president' of the Albanian parallel state and the "Gandhi of the Balkans"—was a vocal proponent of non-violent resistance and took the various velvet revolutions across Europe as a template. Parallel services—as well as strikes, boycotts, and underground elections—were meant to deny the Serbian state of its legitimacy. This was a page taken directly out of Gene Sharp's recipe book for overthrowing authoritarian regimes (H. Clark, 2000).

Civil resistance scholars take the *demand-side* of governance seriously. After all, coordinated shifts in demand from a non-compliant citizenry can overthrow regimes.

Public services are an important part of this. Civil resistance scholars often see public services as part of a broader counter-state strategy amongst non-violent social movements, one that aims to facilitate high levels of participation and support. The agency of local populations is thus fundamental. It is up to the people to switch their allegiance from a repressive state to a civil resistance movement, a choice made easier by lower levels of outright violence. After all, attending an underground school or clinic is much less consequential than joining a violent insurgency.

Yet the core assumption behind *why* people choose is strategic. Gene Sharp (1973) lists a total of 198 options for non-violent action, ranging from protests and non-cooperation to the creation of "dual sovereignty and parallel government". The driving force behind all of them is the overarching goal of the resistance: toppling an unjust government. But just because hindsight may show us the benefits of a grand political goal like revolution does not mean we can deduce the individual motivations of actual participants to that outcome. As Gordon Tullock (1971, p. 93) put it, "each participant or observer is interested in that part of the total situation which is of maximum importance for him. That part which is important for the observer is rarely important for the participant and vice versa." People have a range of quotidian, everyday motivations. Whether sweeping political change is one of them remains an empirical question.

Discussion

Research into non-state forms of governance has undergone considerable evolution since the failed states debate. Scholars have shifted away from viewing non-state authorities as necessarily threatening or indicative of declining state capacity. A host of work has since shown the manifold varieties with which non-state governance takes place, often in ways that are more locally appropriate than the internationally imposed alternatives. The

approaches reviewed here all help us better understand the dynamics of non-state governance. They also suggest some ways that this research can be pushed forward.

First, a common theme of all the approaches is the way they frame public services as a core ingredient of authority (Hoffmann & Kirk, 2013). For the failed states paradigm, much of which informed—and continues to inform—statebuilding and peacebuilding operations, this undergirds the idea of a direct relationship between the provision of public services in gaining popular consent and establishing a legitimate social contract (Carpenter, Slater, & Mallet, 2012; OECD, 2011). A state that delivers services in line with citizens' expectations is rewarded with increased compliance with its rules and laws, particularly regarding taxation. Over time, this increases state capacity to deliver more effective services, which in turn generates more legitimacy: the "virtuous circle" of statebuilding (DFID, 2010; OECD, 2008; Sacks, 2011). Even those approaches that are more inclusive of non-state actors fall back on this assumption. Scholars of political settlements argue that local compliance is largely a function a ruling clique's supply of patronage. Those focused on hybrid political orders suggest that indigenous or traditional governance arrangements are legitimate by definition. The rebel governance school posits that both insurgents and *de facto* statebuilders can use services to forge alternative social contracts with civilian populations at the expense of an enemy combatant—"welfare as warfare", as one author put it (Grynkewich, 2008). The civil resistance school takes a similar, albeit non-violent approach. Constructing service-providing parallel governments, they argue, is a key strategic method with which to drain legitimacy away from the state.

Yet the virtuous circle lacks empirical foundations. Based on a comprehensive review, Claire Mcloughlin (2014) argues that several factors work to complicate the assumption that delivering services automatically results in the widespread public acceptance and compliance of states by local populations. For instance, shifting

expectations of what the governance supplier *should* provide means that the level of provision will vary depending on pre-existing patterns of state practice. T. H. Marshall famously ([1949] 1992) argued that Europeans should expect healthcare, education, unemployment insurance and pensions to be provided by states as a right of social citizenship. But Marshall's argument does not travel well in sub-Saharan Africa (Stel, Boer, & Hilhorst, 2012) or Iraq (Brinkerhoff, Wetterberg, & Dunn, 2012), where patterns of community reliance, weaker state capacity, and a lack of trust in state institutions have been the norm.

Similarly, the technical or political characteristics of different services may mean that people interact with them in different ways. Much of the literature reviewed here focuses on the broad categories of governance being provided by non-state actors. This includes the delivery of public goods, social welfare, or public services in the aggregate. Yet not only are different services organized, financed, and delivered in unique ways, they also depend on varying levels of demand from those they serve. Schooling, for instance, is based on the near-universal demand of a particular segment of the population: youth. Healthcare, by contrast, is based on the demand from those in need—the sick or injured—and takes place under vastly different circumstances. Technically, both involve different information asymmetries and vary in how people see, experience, and appreciate them—doctor's offices and operating tables versus classrooms or lecture halls. Politically, both carry with them different normative appeals. Services can embody a range of ideals, from lofty notions of universal citizenship and national identity to the prosaic matters of efficiency and sanitation inherent in garbage removal. If services are so different, it would be logical that the ways people interact with and decide between them would also be different.

Finally, what unites the approaches reviewed here is the tendency to adopt a *supply side* perspective on the politics of public service delivery. What is missing is the *demand-side*:

the details around the interrelationships between providers and end-users, or the various opportunities and constraints faced by those within these arrangements. As a consequence, individual agency is minimized; people are portrayed as passive recipients, whether the provider is a developmental state, predatory leader, or 'hybrid' non-state authority. Public services are cast as elements of state "infrastructural power" that allow it to penetrate a society and implement its decisions (Mann, 1984; S. Van De Walle & Scott, 2011). In his book *Seeing Like a State,* James Scott famously argued that modern states strive to make their populations "legible", to be "seen" (Scott, 1998). But this can go both ways. Just as public services allow states to "see" their citizens, they also allow citizens to "see" right back at the state. Stuart Corbridge's (2005) account of village bureaucracy in India does just that when it flips Scott's formula around. He illustrates how local services and seemingly banal administrative acts like photocopying, queuing, or filing a complaint are one of the main ways that people encounter the otherwise abstract notion of the state. It is through these "sightings" that people craft expectations and interpretations around their broader rights and obligations. Low-level, quotidian practices like the use of public services can tell us a great deal about the effects of the state on people's everyday lives (Anand, 2017; Gupta, 1995). But it can also tell us a great deal about the ways that people themselves might affect the state in return.

Public services are material bundles of actors, institutions, and resources, but they are also symbolic bundles of beliefs, norms, and expectations—all factors that give shape and substance to the implicit social contract and ideological consensus within a given society. Yet we have little understanding of how this plays out in relation to processes of statebuilding, let alone in contexts of non-state governance. This thesis aims to contribute to this by asking why, in a context of competitive governance pluralism, do people choose to receive services from one provider over another? What are the effects of these different

services on those who depend on them? And how can this contribute to our understanding of non-state governance? In the sections that follow it begins to lay the groundwork to help answer these questions.

Theoretical Framework

I argue that understanding how people navigate between different service-providing authorities depends on two key factors. The first factor relates to the technical and socio-political characteristics of the services being provided. This includes the way different services are structured and delivered and the norms and values they communicate to their recipients. Based on these characteristics I propose a typology that distinguishes core public services of education, healthcare, and justice from one another. I argue that individual decision-making will vary depending on different services.

The second factor relates to the level of group solidarity amongst the population. 'Solidarity' here broadly refers to the ties in a society that bind people together, both in the positive sense—an individual's voluntary willingness to sacrifice for their group's welfare—and in the negative sense, the degree to which groups can exercise control over their members. The groups examined here are primarily defined along ethnic lines, largely—though not exclusively—either Albanian or Serb. Though I find that it is the characteristics of specific services that explain *whether* individuals chose one service provider over another, I argue that solidarity can help explain *why* they made this decision.

The rest of this section expands on this argument. First, I lay some groundwork around individual choice in contexts of governance pluralism, highlighting the 'menu' of options available. Second, I develop a heuristic grid of individual decision-making. This lays out various reasons along two axes: whether choices are free or forced, and whether motivations are based on consequences or appropriateness. This grid serves as a reference point for the remaining theoretical argument. Third, I develop the factors of service characteristics and solidarity. This provides the theoretical groundwork for the remaining chapters.

What's on the Menu: Choice under Governance Pluralism

The first step is to illustrate what the options are. Governance pluralism implies the overlapping provision of functionally equivalent services by competing authorities and targeted towards a particular population. One of these authorities is a formal state, the other a parallel state. The basic 'menu' would thus involve choosing between the service provided by the formal state or the service provided by its parallel competitor. This does not rule out shopping around or switching providers down the road, but the assumption is that at the point of use, a person either uses one service *or* the other.

However, a third option is also on the menu: exit, or the option of using neither formal nor parallel services. We can further break exit down into three separate categories. Faced with undesirable options at home, individuals can respond by migrating out of the region. They can do without the service. Or, subject to availability and financial means, they can seek alternative *private* providers on the market— 'private' being the operative word because it implies no contest over public authority. Exit may not strictly be about the choice *between* competing providers, but it remains an important alternative strategy, nonetheless.

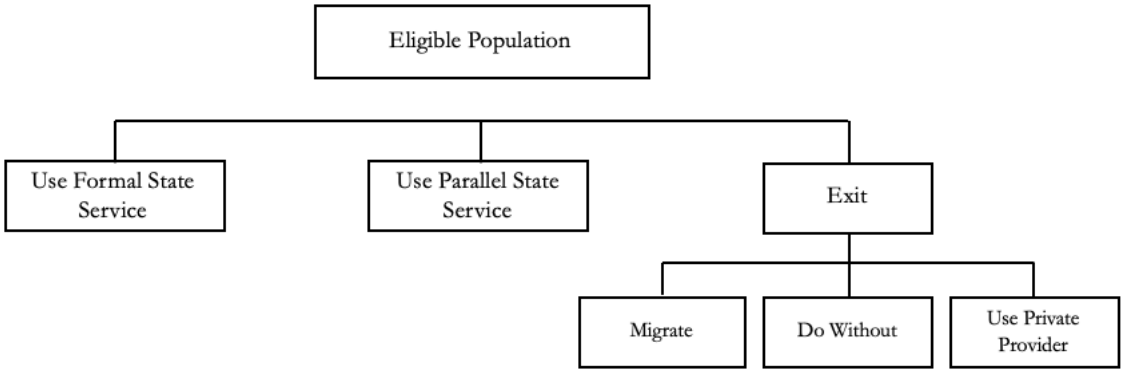


Figure 1. The 'Menu' of Available Options

Finally, the choice between services may not be available to the entire population of a territory. Scholars of state-formation have illustrated that both states and parallel states have distinct, historically rooted norms and practices of social inclusion and exclusion in the delivery of services, meaning that only certain people may be eligible to have the full menu (Mylonas, 2013; Wimmer, 2002). This is important in the context of non-state governance. Service delivery is often framed as a 'public good'. Strictly speaking, this implies that access to services is both non-rival and non-excludable: my consumption of a service does not prevent you from also consuming it and preventing non-contributors from accessing services is not possible. Clean air and national defense are two classic examples. However, many writers adopt a looser definition of a public good, usually referring to "goods funded and directly provided by the state to improve the welfare of citizens" and which are "nominally available to all citizens" (Lieberman, 2015, pp. 3–4).

Two points need to be raised here: one related to supply and one to demand. First, non-state actors rarely strive to provide services to *all* citizens. Some may be egalitarian and rooted in ideas of universal social citizenship. Many, however, take a more particularistic view of citizenship and favour certain categories of in-group belonging over others—whether based on ethnicity, class, religion, partisanship, or other forms of social stratification. For instance, sectarian groups like Hamas, Hezbollah, and the Egyptian Muslim Brotherhood provide healthcare, schooling, welfare, disaster relief, and community services to religiously defined communities in Lebanon, Gaza, and the West Bank—communities that do not encompass all the citizens of their respective states (Berman & Laitin, 2008; Cammett, 2014). Only members of these communities were eligible to choose between the state and non-state provider. This was also the case in Kosovo, where ethnicity was the key eligibility criterion. During the 1990s, Albanians were the eligible population,

meaning that it was largely—though not exclusively—Albanians who faced the full menu described here. Similarly, Serbs in Kosovo were the eligible population during the 2000s.

Second, this raises an important demand side question: can people in an ethnic conflict *actually* make a choice at all? Chaim Kaufmann (1996), for instance, differentiates between "ideological" conflicts primarily fought for the loyalties of a population, and "ethnic" conflicts, which depend on the control of territory. The distinction, he argues, is because individual loyalties in ethnic conflicts are rigid and transparent. If winning the hearts and minds of other ethnicities is impossible, better to focus on controlling land. But Kaufmann overstates the distinction. Ethnicity is important, but it does not *necessarily* predict political behaviour (Brubaker, 2006). Moreover, the historical record has several instances of ethnic "defection" during ethnic civil wars, where individuals chose loyalty to a state rather than their co-ethnics (Kalyvas, 2008). Groups can certainly exercise a powerful influence over individual behaviour. But ultimately it is individuals who decide, not groups.

Explaining Individual Choice

The next step is to outline the various *reasons* a person chooses one provider or another. This gets onto some of the most contentious terrain in the social sciences. Do people have the capacity to act independently and make their own free choices, or is their freedom buffeted and constrained by overarching structures? Are people rational actors aiming to maximize their utility, or are they influenced more by prevailing norms, beliefs, and identities? *Figure 2* lays out some of these potential explanations across two axes, creating four ideal-type explanations.[7] The resulting diagram is not intended to be exhaustive, nor does it privilege one explanation over another. Rather, it aims to act as a heuristic device for understanding individual choice.

[7] This figure is adapted from similar conceptualizations used in Barter (2014) and Schmelzle (2011).

On the 'Y' axis is the degree to which people have agency in a situation, represented here as ranging from choice being entirely the product of free-will to it being entirely constrained. The 'X' axis reflects the motivations at play for an individual's choice. This draws on James March and Johan Olsen's (1989, 1998) discussion of different 'logics' of action. Broadly speaking, these are processes by which political actors define goals and decide how to behave. Decisions under the logic of 'consequences' are pragmatic, analysis-based, forward looking, and derive from subjective estimates of being punished or rewarded. Action is motivated by assessments of the 'best' thing to do. In contrast, decisions falling under the logic of 'appropriateness' are rule-based and guided by the imprints of prior action. They revolve around what people believe to be just or moral—of how to 'do the right thing' in a context where norms, identities, and institutions all have their part to play (Granovetter, 1992; J. G. March & Olsen, 1998, p. 951).

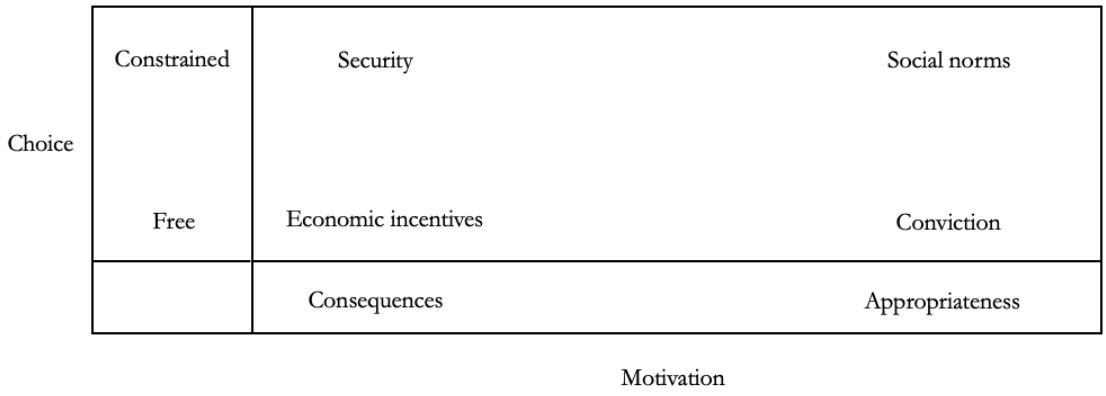


Figure 2. Explaining Individual Choice

Combining these axes creates four ideal-type explanations. In the upper left corner is *security*, classically represented by Thomas Hobbes. It was extreme vulnerability—the fear of death—pervading the Hobbesian state of nature that drove individuals to consent to a "common power": a Leviathan that could control individual desires for power and provide

its constituents with security (Hobbes, [1651] 2003, p. 188). There is little room for an individual to manoeuvre here; threatened with harm, the denial of needed goods, or otherwise lacking in options, people have 'no other way out' but to support an authority (Goodwin, 2001). For Stathis Kalyvas it comes down to a question of how dominant an authority is, leaving little to 'free' individual agency. "The higher level of control exercised by an actor," he writes, "the higher rate of collaboration with this actor" (2006, p. 132). To the extent that they can, people choose (or are *pushed* to choose) between competing providers for reasons related to personal survival, perceived vulnerability, or outright coercion.

In the lower left corner is *economic incentives*. Edging out Hobbes is Adam Smith, John Locke, and a long line of literature rooted in rational choice. Instead of being driven primarily by fear and the overwhelming desire for security, individuals have much 'freer' agency and are primarily motivated by the prospect of personal gains like wealth, resources, power, or prestige. These ideas also have found significant traction in work on non-state authority. 'Greed' is the key motivation for 'rational peasants' to join an insurgency (P. Collier & Hoeffler, 2004; Popkin, 1979), while rebel rulers can bleed support away from the state by out-competing it with quality social services (Grynkewich, 2008). Indeed, winning "hearts and minds" through the provision of effective public services is the foundation stone of contemporary state-building practice, one that rests on an assumption of recipients as rational actors who are swayed by factors of quality and cost (Carpenter et al., 2012; Gordon, 2012; Mcloughlin, 2014; OECD, 2010). Accordingly, successful missions are a matter of "carrots" and "sticks"—they depend on shaping behaviour through the expenditure of sufficient resources and the careful calibration of incentives (Doyle & Sambanis, 2006).

While forward-looking assessments of profit or security dominate the left-hand side of the diagram, shifting towards the right-hand side brings a more sociological focus. In the upper right corner are *social norms,* the socially enforced rules around which there is some consensus. Norms are constituted by the expectations that others in a society have of an individual's behaviour in a situation. They may conflict with individual desires, at least initially. But over time norms can become internalized frameworks of behaviour, including roles, habits or conventions, which people follow even in the absence of external authority. At the extreme, norms may become so internalized that choices are neither perceived nor recognized, corresponding to the idea of "my station and its duties" (Hoffman, 1977; Tyler, 2006). Because people look to their groups for information on what is appropriate behaviour, norms can exert considerable pressure and can be a significant constraint on action. They can also be affected by ebb and flow of normative climates created by others. As classic experiments on the power of group conformity attest, people may not believe in or agree with a social norm, but because it can be dangerous to go against one's community they behave according to their strictures (Asch, 1951; Sherif, 1935). This may be motivated partly by a logic of consequences—that is, our fear of social rejection impacts our individual preferences through a cost-benefit calculation. Social sanctions would then be akin to a tax, and there is little reason to feel guilty or ashamed of a tax. But social norms are driven less by responses to external situations than by an internal sense of obligation or appropriateness (Hargreaves Heap, Hollis, Lyons, Sugden, & Weale, 1992, pp. 62–65). People may feel guilty or ashamed about breaking a social norm, or they may feel a sense of elation or justice in sanctioning those who do. Both imply much more than the cold calculations of a tax.

The final explanation, in the lower right corner, is *conviction.* Actions motivated by conviction are voluntary and based on intrinsic notions of duty or justice, ideological

affinity, or a sense of moral outrage. These may be negative, arising from a sense of 'grievance' (Gurr, 1970; Stewart, 2001), injustice (Moore, 1978), various degrees of 'resentment formation' (Petersen, 2001), or a contravention of the 'moral economy' (Scott, 1976; E. P. Thompson, 1963). But they may also be positive. Elizabeth Wood's (2003) work on Salvadorian insurgents found members motivated less by material considerations than by the "pleasure of agency" linked to the intrinsic values of increased self-esteem, collective pride, and a sense of making history. Similarly, social movement scholar Doug McAdam (1982) found that activists of 1960s civil rights campaigns took part out of a sense of "cognitive liberation", whereby they felt they could change an illegitimate system for the better.

We often see the range of choices outlined here as rival accounts. For instance, the "greed vs. grievance" debate in the literature on civil wars can seem like the defence of one over another (e.g. Abdullah, 2006; Bodea & Elbadawi, 2007). Similarly, perspectives on whether choice is free often depend on discipline. As the classic saying goes, "Economics is all about how people make choices; sociology is all about why they don't have any choices to make" (Edeling, 1998, p. 728). The point here is not to privilege one explanation over another, but to accept that decision-making is multi-faceted. Choices can be for a range of reasons that may even blend together. A heuristic can thus serve as a guide in thinking about how individual decision-making may vary for a variety of reasons.

Group Solidarity and Individual Choice

One key element missing from the above heuristic is the role of groups. Groups can play a crucial role in influencing individual behaviour and decision-making. We are, after all, social animals—a point often obscured in abstract theories of an atomized "state of nature". Groups range from small-scale families, hunting bands, or voluntary associations

to large-scale organizations, religions, ethnicities, or nations.[8] Definitions vary on what makes a group a group, but most specify a collection of individuals who interact with some frequency, are engaged in a mutually oriented activity, and share a sense that their identities are somehow aligned. The degree to which this definition holds—that is, the 'groupness' or 'entitativity' of a group—also varies (Brubaker, 2006; Lickel et al., 2000). This variation is important. Groups that hold more power, influence, or affection with their members can influence their decision-making to a greater degree than those with less (Deutsch, 1949; Forsyth, 2010; Kanter, 1972). Below, I use the term 'solidarity' to capture this variation.

Solidarity refers to the binding and melding of individuals into a cohesive group or collectivity (Hechter, 2001). It is a powerful facilitator of social order and a precondition to non-spontaneous collective action, as scholars of social movements are well aware. "Leaders can create a social movement only when they tap into deep-rooted feelings of solidarity or identity," Sidney Tarrow (1998, p. 11) writes, noting that some identities are more conducive to building solidarity than others. "This is almost certainly why nationalism and ethnicity … have been more reliable bases of movement organization in the past than the categorical imperative of social class".

Solidarity impacts individual choice both structurally and psychologically. In terms of structural aspects, people's obligation to their group—that is, the extent to which they are bound to it—relates to how much they *depend* on it for things they value. The more dependent you are on a group, the higher a 'tax' in obligations you are willing to bear and the more 'costly' it is to exit (Hechter, 1987; Hirschman, 1970). Groups can provide several benefits to their members, ranging from collegiality to social services, but protection—the classic state-provided 'public good'—is an apt example. If a multi-ethnic state is providing

[8] There are a variety of definitions for the term 'nation', but the core elements tend to involve "a relatively large group of genetically unrelated people with high solidarity" (Hechter, 2000, p. 11).

protection to all of its citizens as a *public* good, then the incentive to get a similar service from a smaller ethnic group declines (Desch, 1996). After all, you still get the benefits even if you do not contribute to its provision (Olson, 1965). But if that state collapses or becomes embroiled in civil war, it may no longer be able to provide its population (or parts of it) with protection. Now assume that a sub-state ethnic group raises a local militia to provide its *members* with protection. Rather than a non-excludable 'public good', protection becomes what economists call a 'club good'—one that is non-rival for members but *excludable* from non-members and non-contributors (Buchanan, 1965). A context of heightened insecurity means that protection becomes a valuable commodity. People will depend more on their ethnic group for access to it. And because people now also face the threat of exclusion, they have strong incentives to contribute to the groups and comply with its rules to maintain access (Congleton, 1995; Fearon, 1998; Posen, 1993).

Ethnic membership is not entirely voluntary in the same way that belonging to a private club is; you cannot be 'kicked out' of an ethnic group. However, you can still be sanctioned for being 'disloyal'. In this sense, dependence on its own is not enough; groups also need the ability to *control* their members through monitoring and sanctioning—a key element in any group's capacity for collective action (Hardin, 1982; Lichbach, 1995; Olson, 1965). If groups can tell when their members are shirking, they can persuasively threaten to discipline them. Ethnic groups are well-placed for this. They often share a common language, communal traditions, or other forms of social capital that help them monitor individual behaviour and generate in-group trust (Asal, Nagar, & Rethemeyer, 2014; Humphreys & Weinstein, 2008). For example, the wave of nationalism that swept Eastern Europe in the late 1980s dramatically increased the salience of ethnic group norms, demanding clear, visible allegiances to national identities and building pressure to emulate and conform (Beissinger, 2002; Kuran, 1998). Regions once marked by high levels of

interethnic marriages, such as Bosnia, became sharply segregated.[9] A journalist captured this by describing one Bosnian man's decision to join an ethnic paramilitary: "the situation in Mostar caught up with him, labeled him, made him choose: stand with your own or leave your city like a dog and a traitor" (Block, 1993). Choice becomes forced, reduced into either leaving the community altogether or identifying with it altogether.

The second way that solidarity impacts individual choice is psychological. According to social identity theory (Hogg, 2006; Tajfel, 1974; Tajfel & Turner, 1979), group solidarity is an important component in how people come to have a *social* identity, rather than an individually derived *personal* identity. A social identity is the knowledge that an individual "belongs to certain social groups, together with some emotional and value significance to him [*sic*] of this group membership" (Tajfel, 1972, p. 292). Once a person shifts to thinking in terms of a social identity, their sense of well-being and self-esteem becomes tightly linked to the group. They then base this esteem on comparisons between their "in-group" and relevant "out-groups".

The extent to which group membership influences behaviour varies. When group solidarity is low, interactions between people depend on their personal characteristics rather than the overarching social groups they might belong to. But when group solidarity increases, the interactions between members of different groups are determined by their respective memberships in those groups (Tajfel & Turner, 1979, p. 277). People are seen less in terms of their individual attributes, like 'neighbour' or 'friend', and more in terms of the group's attributes, usually positive in the case of the in-group and negative in the case of the out-group. A 'neighbour' becomes an 'Albanian neighbour', then simply an 'Albanian'. Less salient group attributes like 'doctor' get superseded by the more salient 'Serb doctor',

[9] In the late 1980s, just before the outbreak of its civil war, 30 percent of all marriages in urban Bosnia were ethnically mixed and ethnic tolerance was remarkably high by the standards of the region (Malcolm, 1994, p. 222).

then just 'Serb'. The more salient group attributes become, the more individuals are likely to behave according to injunctive group norms, or "prototypes", that specify how group members are expected to behave. Less prototypical deviants who threaten the integrity of group norms are treated harshly (Hogg, 2006). Finally, and of particular pertinence for ethnic conflict, questions of group status become paramount (Petersen, 2011). In his exhaustive study of ethnic conflict Donald Horowitz found that historically rooted questions of group status and dominance were nearly universal. Reflecting on a range of cases, he concluded that "Everywhere the word *domination* was heard. Everywhere it was equated with political control. Everywhere it was a question of who were 'the real owners of the country' and who would rule over whom" (Horowitz, 1985, p. 189).

The final point to note is *how* solidarity increases. For classical social psychology and sociology, the key mechanism is an external threat that either unites previously conflicting groups (Coser, 1956; Simmel, 1955) or instigates intergroup conflict and subsequent in-group identification (Sherif & Sherif, 1953). Threats lead to a decline in an individual's perceived security, both physically and economically. This brings support for "tight societies"—high levels of in-group solidarity, rigid conformity to group norms, and a low tolerance of deviant behaviour to enhance the social coordination needed to deal with the threat (Gelfand, 2011; Inglehart, 2018). In the words of Émile Durkheim,

> Great social disturbances and great popular wars rouse collective sentiments, stimulate partisan spirit and patriotism, political and national faith, alike, and concerting activity toward a single end, at least temporarily cause a stronger integration of society.... As they force men to close ranks and confront a common danger, the individual thinks less of himself and more of the common cause" (Durkheim, [1897] 1951, p. 208).

Historians and anthropologists have highlighted how calamities such as war, repression, disasters, communal violence, or even crime have driven societal transitions thanks to the solidarity they engender, pushing chieftaincies into states, or weak states into strong states

(Carneiro, 1970; Choi & Bowles, 2007; Diamond, 1999; Morris, 2014; Tilly, 1985). Groups themselves are often well aware of this. Writing about the U.S. civil rights movement, Doug McAdam and Ron Aminzade note the conscious "baiting of authorities into acts of official violence, which tends, unless the repression is extreme, to reinforce group solidarity, and the shared resolve to "fight another day" (Aminzade & McAdam, 2001, p. 44).

This thesis argues that group solidarity plays a powerful role in how individuals navigate between competing authorities. People will encounter and engage with non-state actors differently depending on whether they are doing so as relatively 'free' individuals or as members who feel strong moral or social obligations to their group. The ways that this solidarity impacts the choice heuristic outlined above in Figure 2 may be multifaceted. For instance, *structural* solidarity may result in decision-making outcomes rooted in *security,* while *psychological* solidarity may result in outcomes more rooted in *social norms*. Equally, the emotional attraction of participating in collective action may entail decisions based on *conviction*. More importantly for this thesis, however, are two broad points. First, that solidarity is subject to change. Second, that the ways that solidarity impacts choice around competing service-providing authorities will also depend on the particular characteristics of the service. It is to this second point that it now turns.

Seeing (like) a Service: Individual Choice and Service Characteristics

Public services vary in ways that impact how people interact with them. This is for two key reasons. The first reason is that public services differ in the technical aspects of how they are structured and delivered. Some require vast organizational capacity and the support of an army of "street-level bureaucrats" to facilitate their delivery, from teachers in classrooms to police on the beat (Lipsky, 1980). Others depend on significant amounts of expertise and discretion of the provider, contributing to wide information asymmetries that

make it difficult for people on the receiving end to value or judge them. Some, like a new transit system in a Colombian slum, are experienced collectively, are highly visible to a population, and are clearly attributable back to the state rather than a drug gang—all key factors in the ability of an authority to generate legitimacy and build trust (Guerrero, 2011). Others, like 'informal' water lines in Mumbai, are more hidden, shaped by individual encounters rather than shared experience (Anand, 2017). Some services, like a post office, are best organized hierarchically and delivered from the top down (Andrews, Pritchett, & Woolcock, 2017, p. 112). Others, like primary education, must be "co-produced"—depending not only on providers but also on the active participation and effort of recipients (Ostrom, 1997).

The second reason is that public services also vary in their social and political characteristics, including the ways they communicate key values and norms to a society. Different services carry different *meanings* for recipients. Economic anthropologists argue that consumption not only satisfies an individuals' wants and needs; it also enables them to construct a social world. People assign meanings, both collective and social, to the world of goods and services they live their lives through (Douglas & Isherwood, 1979). Political sociologists add that it is through services that people come to form an "idea of the state" through its "main myths and symbols" (Gupta, 1995; Holsti, 1996, p. 83). Because they reach into people's everyday lives, services can be concrete nation-building tools "grounded in the *idea* of national solidarity" (Béland & Lecours, 2008, p. 200). This adds an important element to a service's purely technical characteristics. "Societies are not, and cannot be bound only through material and instrumental relations," Joel Migdal (2001, p. 6) argues. They also require the "relational glue" of shared rules and meanings. Services may communicate these shared meanings in different ways. As one commentator recently declared, "I am a citizen of the National Health Service"—just one indication of how

services like healthcare can "embody values of tolerance, inclusiveness, and compassion" to the people who consume them (Self, 2016).

Below I put forward a typology of services based on their combinations of the above technical and socio-political characteristics. These characteristics alone do not necessarily determine choice outcomes. I argue that understanding how service characteristics *intersect* with levels of group solidarity can result in variations in individual decision-making.

Education: Social Norms and National Identity

Of all the public services, education is perhaps the most closely linked to processes of state- and nation-building. Nationalism is the idea that nations and states "were destined for each other; that either without the other is incomplete and constitutes a tragedy" (Gellner, 1983, p. 6). But nations are rarely lying around waiting to be discovered. Instead, they must be constructed. Education is central to the construction and maintenance of a national identity, giving populations the requisite linguistic and historical foundations needed to sustain an "imagined community" (Anderson, 1991). On this point scholars of nationalism—whether they are so-called 'Perennialists' (nations have existed in some form or another long before the modern era) or 'Modernists' (nations are socially constructed products of industrialization and nationalism)—tend to agree. In the words of the Perennialist, Anthony Smith (1991, p. 16),

> Today [the socialization of 'nationals' and 'citizens'] is achieved through compulsory, standardized, public mass education systems, through which state authorities hope to inculcate national devotion and a distinctive, homogenous culture, an activity that most regimes pursue with considerable energy under the influence of nationalist ideals of cultural authenticity and unity.

Similarly, the Modernist Ernest Gellner argues that public education systems are crucial tools with which to instill citizen loyalty to the nation and to sustain the high cultures necessary for industrial societies (Gellner, 1983). Through standardized textbooks and courses, education can endow modern citizens with a sense of self-respect and identity. More specifically, the cultivation of a common national language through mass schooling could produce a more cohesive and homogenous population (Darden & Grzymala-Busse, 2006; Laitin, 1998; R. Smith, 2001). And because such a heightened, homogenous national identity also "inoculates the population from external agitation and ensures resistance to alien rule", states were especially eager to drive the process—especially if they lived under the constant threat of war (Darden & Mylonas, 2016, p. 1447).

This is a supply side form of nationalism driven by the state to legitimate its authority and achieve social control (Hobsbawm, 1990; E. Weber, 1976). But nationalism also has a demand-side, particularly when it becomes a widely accepted cultural script. These are situations where, for instance, the national framing of history, geography, literature, or music curricula are widely accepted as core elements of the school system, not to mention key vehicles with which to safeguard the national story (Billig, 1995; vom Hau, 2008). As the economist Lant Pritchett argues (2003), regimes have incentives to provide education directly because it is the only feasible way to monitor something so intangible and discretionary as the inculcation of a patriotic ethos. But it is the demand-side of education that makes it so politically salient. It is citizens, not just authorities, who care deeply and directly about the beliefs and values that their schools seek to promote.

Beyond fostering a sense of national identity, education also involves several quotidian technical characteristics that influence how people experience it (Batley & Mcloughlin, 2015; Harris, Batley, Mcloughlin, & Wales, 2013). For instance, as a public service it is highly *visible*. Participating in a physical classroom means that students and

teachers can monitor who is there, as well as clearly attribute the service back to the authority providing it—giving those authorities a strong political incentive to organize its delivery (Mani & Mukand, 2007). Adding to its visibility is how education is also *frequent, durable,* and *predictable.* Students and teachers are involved for significant portions of the year, for a period that can last well over a decade—particularly if it continues on to university, and in a routinely predictable manner. Finally, education is a *collective* endeavour. Students participate with other students and teachers in groups of individuals who are all going through the same collective experience together, giving them the opportunity to routinely interact with each other, share information, and organize (Batley & Larbi, 2004, p. 63). This, combined with the role of the education curriculum as a potential vehicle for a national identity, means that the service can become a focal point of civic resistance campaigns. Moreover, education is 'co-produced' to a significant extent—both teachers and students must actively collaborate in its provision. How these factors influence decision making can be significant for mutual accountability. One study highlights a key distinction with other services. "If a teacher does not show up regularly, a class full of pupils, and potentially their parents, will know about it. On the other hand, it is much harder for patients, who presumably come to health care centers irregularly, to know if a particular health care worker is absent frequently" (Chaudhury, Hammer, Kremer, Muralidharan, & Rogers, 2006, p. 97).

The combined technical and socio-political characteristics of national services mean that decision-making around education will fall under a logic of appropriateness. People will have deeply held, collectively shared beliefs around the role of education in protecting and propagating a national identity. Education can also facilitate the use of sanctions due to its political salience and the way its collective delivery can aid mutual monitoring and co-production. However, a key variation will depend on whether education takes place under

conditions of *high group solidarity* or not. When solidarity is high, social norms will be predominant, and choices will not be entirely 'free'. When solidarity is low, individuals will face less social pressure; instead, a personal sense of conviction will be predominant. In neither case does this mean that education is necessarily a service determined by norms of national identity. Liberal states such as England, for instance, never placed the same emphasis on education as a vehicle for constructing national consciousness as did France or Prussia (Green, 2013). But if education becomes linked to the defense of a group's identity, particularly a group under threat, it can rapidly *become* a national service.

Healthcare: Between Prudence and Trust

Where education is salient to projects of nationalism and the fostering of national identity, healthcare is more closely associated with the rise of the welfare state and ideas that governments ought to play a role in social insurance. First articulated as an obligation of the state and part of the social contract by French revolutionaries in 1792 (Porter, 1994), healthcare was a key part of Bismarck's social programmes in the latter 19th century and was soon incorporated into public systems across Europe (Baldwin, 1990; de Swaan, 1988). This was also the case inside the Iron Curtain where public healthcare formed a major part of the 'Socialist social contract' in Eastern Europe and the Soviet Union (L. Cook, 1993).

Like public education, healthcare is often part and parcel of the modern state 'package'—meaning that there are strong citizen expectations around norms of state provision. But perceptions of who the provider *ought* to be can vary. In parts of Sub-Saharan Africa people continue to have higher trust in traditional healers over modern medicine (Cammack, 2012). Even OECD countries can vary widely. Although both are exemplars of "liberal" welfare regimes, the UK has a strong culture and expectation of public provision while the USA has a strong aversion to state involvement (Esping-

Andersen, 1990). Yet public provision can be an enticing prospect for an authority. Healthcare has been more closely associated with building support for incumbent governments than any other service thanks to its significance to ordinary citizens (Sacks, 2011). Its legitimizing potential is part of the reason that healthcare has been a key plank in many 'hearts and minds' statebuilding strategies (Eldon, Waddington, & Hadi, 2008; Gordon, 2012; Kruk, Freedman, Anglin, & Waldman, 2010). It may not be as tightly associated with fostering and safeguarding a particular national identity, but healthcare still plays an important role in communicating values of equality and universality to its recipients.

However, unlike education, healthcare is a much less uniform experience in both its provision and receipt. One key distinction is between curative and preventative healthcare. *Curative* health services are those supplied in hospitals and clinics. They involve relatively simple, visible, and measurable outputs that depend on a direct connection between a specific provider and a targetable patient with a recognized need. Consider the mending of a broken leg at the hospital: the leg cast, the doctor applying it, and the hospital itself are all highly tangible to patients. In contrast, *preventative* health services such as a public health campaign involve more externalities to a broader population. Because benefits accrue to those other than the user, preventative services are less direct and less visible, making them less attributable back to the provider (Harris, Batley, & Wales, 2014). This has supply side implications. Public authorities will probably put more effort into delivering curative care over preventative care. A new hospital brings more political 'bang for the buck' than an immunization campaign (Eldon et al., 2008, p. 21).

A second distinction reflects the demand-side. People using curative health services have widely different time horizons. *One-off* cases such as mending a broken leg typically have very short time horizons, often being *unpredictable*, *irregular*, and used in moments of

urgent need. They are also highly *individual*. Treatments are a response to particular needs and will vary from case to case. A patient suffering from a ruptured appendix will not usually appreciate a leg cast. But patients will often not know what they *should* receive. Not receiving medication may mean a patient does not need it. But it may also mean that doctors are unwilling to treat them due to discriminatory attitudes or malevolent intent. One-off cases are thus at the sharp end of the wide information asymmetries that characterize healthcare. Medical professionals have years of specialized training and significant amounts of discretion in providing treatments, making it difficult for individuals to act like informed consumers, 'shop around' for a better service, or hold their providers to account (Harris et al., 2014). *Chronic* cases, on the other hand, have longer time horizons. Patients with chronic conditions, like cardiovascular disease, cancer, respiratory disease, or diabetes experience healthcare more frequently and predictably than one-off cases. Similarly, birthing arrangements, post-natal care, or end-of-life care for the aged are all relatively more predictable and less urgent, allowing more time to consider one's options and make informed choices. Treatments may even be experienced more collectively. As medical anthropologists have documented, when patients with chronic conditions like HIV or cancer come to know one another, they can exercise "biological citizenship" by making collective demands on the state in the name of their conditions—demands that are much more difficult to make in *one-off* cases (Nguyen, 2010; Petryna, 2002).

These distinctions all matter for individual decision-making. People will likely interact with healthcare *discreetly*—an adjective that describes careful and prudent action, a desire for confidentiality, and a context of perceived vulnerability. Rather than the appropriateness of education, people's motivations will lean towards the logic of consequences. Beyond that, however, will depend on what they need it for. The urgency and irregularity of one-off cases will 'push' decision-making away from free choice and

towards whichever provider appears more *trustworthy*. The higher predictability and lower immediacy of chronic cases will 'pull' decision-making towards free choice, offering more scope for the individual agency needed to make informed decisions about alternative providers.

In contrast to education, the impact of group solidarity on healthcare will likely be more muted due to its characteristics. Given the individual nature of the patient-provider relationship and short time horizons for many cases, it is much more difficult for social groups to collectively monitor and enforce healthcare interactions. Moreover, healthcare largely sidesteps questions of national identity to a much greater degree than history or geography curricula, meaning that it is less obviously a rallying point for collective resistance.[10] Social sanctions for 'defectors' will be lower, and the language of 'treason' or 'betrayal' markedly less. Decision-making will instead remain relatively stable. Whether during periods of high or low group solidarity, individuals will frame their interactions with healthcare providers in terms of consequences. The key variation will be whether choice is seen as free or constrained. During periods of political instability or violence, *security* will likely take precedence as people seek out providers they can safely trust. Under more secure conditions, calculations of *incentives* will become more prominent as people will have more 'freedom' to weigh up issues of cost, quality, and access.

Justice: Between Pragmatism and Solidarity

Legal institutions, understood here as both civil and criminal dispute resolution services as well as policing, are constitutive elements of modern states. Without them, "the

[10] This can vary, though. Consider the case of Cuba. Following the collapse of its Soviet patron, the Cuban healthcare system was not only able to sustain high standards but also to become an exporter of medical services. Other transitioning systems, such as Russia's, suffered steep declines. One reason it was able to do avoid Russia's fate was because the Cuban system was reframed as a symbol of *national* pride, a matter of Cuban identity that helped motivate collective top-down and bottom-up activities to ensure its maintenance (Borowy, 2011).

state's authority vis-à-vis its citizens is unclear, and government is characterized by arbitrariness and a lack of accountability." Hence, as one scholar puts it, "a functioning legal order is necessary for the establishment of sovereign authority" (Zaum, 2007, p. 144). There are clear supply side incentives for aspiring authorities to provide a consolidated legal order to those they govern. For instance, the provision of justice can be an important source of "output legitimacy" for statebuilding missions, so long as the population perceives it as fair (Krasner & Risse, 2014). Similarly, Ana Arjona (2016, p. 51) argues that rebels usually seek to set up and administer justice services thanks to the "aura of legitimacy" they can provide. Yet from the demand-side perspective, scholars of legal pluralism have long noted that multiple forms of legal authority exist in a given territory or society (Merry, 1988). This can give people significant scope for choice, enabling them to "select dispute resolution forums based on accessibility, efficiency, legitimacy, jurisdiction, and cost, as well as the state and nonstate systems' respective abilities to make binding decisions and sanction individuals that choose other systems" (Swenson, 2018, p. 3).

I refer to justice as a 'pragmatic service', one that involves decision-making closer to the 'economic incentives' end of our heuristic. The technical characteristics of justice can vary. For instance, the police are often the most visible arm of a government; the way they behave directly impacts a citizenry's view of the state and their acceptance of its authority (Wiatrowski & Goldstone, 2010). Courts, meanwhile, are less visible. They are also individually oriented, episodic, and involve the opportunity to exit with relatively low cost. Yet unlike healthcare they rarely involve the same information asymmetries. This gives much more agency to people on the receiving end of the service, allowing them to weigh up the options before them and encouraging providers to make more effort to 'persuade' potential recipients. One classic account of this comes from Keebet von Benda-Beckman's (1981) analysis of "forum shopping" in rural Sumatra. Villagers living under multiple legal

orders could 'shop' for the legal institution that, to them, offered the best chance of a favorable outcome for their dispute. But different 'forums' were also shopping for disputants, trying to persuade them to use their services over others, especially if they thought they could gain a political advantage in doing so. Forum shopping has since been used to analyze a range of legally plural contexts, ranging from land tenure disputes in Niger (Lund, 1998), religious inheritance law in South Asia (Singh, 2014), or village-level politics in Benin (Bierschenk & de Sardan, 2003). People's ability to 'freely' choose can be important. When those normally disadvantaged under one legal system, such as women or ethnic minorities, have access to an 'exit' option in the form of an alternative system, the very possibility of forum shopping may be individually empowering. It may even have a 'magnet effect' in pulling a non-state system in a direction more favorable to marginalized groups (Aldashev, Chaara, Platteau, & Wahhaj, 2012).

Yet the 'pragmatic' side of justice needs to be qualified with its socio-political characteristics. Establishing a rule of law is more than a question of state or non-state action. "The rule of law is as much a culture as a set of institutions, as much a matter of the habits, commitments, and beliefs of ordinary people as legal codes" (Stromseth, Wippman, & Brooks, 2006, p. 310). Asking *Why People Obey the Law,* Tyler (2006) similarly argues that respect for the law ultimately rests on a widely shared social belief that the law is basically fair and legitimate. Evidently, social norms and a sense of conviction also play their part in decision-making.

I argue that accounting for this difference will largely depend on the *type* of justice service involved. Just as the characteristics of justice can be individually oriented and less visible, it can also be highly visible and collective, as with lynch mobs, some forms of vigilante justice, or public humiliations. Michel Foucault's graphic description in the opening pages of *Discipline and Punish* of the torture and quartering of a prisoner in 18th

century France is a case in point. Where the punishment of criminals had been a spectacle primarily meant for public edification, it would soon transform into one of the most hidden aspects of the justice system (Foucault, 1979). Similarly, like healthcare, justice can also rely on trust—a factor particularly salient in fragile or conflict-affect states, where trust in state institutions to be impartial arbiters or deliver just punishments has likely been undermined.

Because of this variation, the intersection of group solidarity with the characteristics of justice will likely result in decision-making outcomes that toggle between a range of reasons. I argue that services concerned with civil cases involving business or family disputes, for instance, will be more 'pragmatic'; choice will be relatively free and motivated by the logic of consequences, and the impact of group solidarity will be lower. Criminal cases will be less free and more concerned with issues of trust and vulnerability, falling into the 'security' part of our heuristic. Finally, justice that is delivered in a collective and highly visible manner, represented here by the unique case of the Kosovo Albanian bloodfeud reconciliation, can be thrust into the realm of a 'national service'. In these cases, high group solidarity will exert a strong influence on individual decision-making and sanctions for non-participation will be high, thanks in part to the ease with which this can be monitored and enforced.

Conclusion

This section has laid out the key analytical and theoretical concepts that will be used in the chapters to come. It introduced two heuristic frameworks with which to understand individual choice during periods of governance pluralism. First, it explored what are the *options* available are, and highlighted that only the 'eligible population' will have the ability to choose from the full 'menu'. Second, it developed a heuristic for understanding the various *reasons* for individual choice. On one hand is the degree to which choice is free or

constrained, on the other is the degree to which choice is motivated by considerations of consequences or appropriateness. The resulting table helps to map out choice, ranging from economic incentives and security to social norms and conviction.

The section then introduced the two key factors used in this thesis to explain individual choice: service characteristics and group solidarity. Services, it argued, comprise both technical and socio-political characteristics. These characteristics influence not only how they are delivered and received but also the normative meanings and values that they convey—both of which influence how people engage with them. I highlight a typology of three service categories: national services, represented by education; discreet services, represented by healthcare; and pragmatic services, represented by justice. The second factor is group solidarity, understood here as comprising both structural and psychological aspects.

	Group solidarity	
Service	*High*	*Low*
Education	Social norms & conviction high levels of sanctions	Incentives & conviction, low levels of sanctions
Healthcare	Security & incentives, low levels of sanctions	Security & incentives, low levels of sanctions
Justice	Social norms & incentives, variable sanctions	Incentives, low levels of sanctions

Figure 3. Outcomes of Decision-making based on Combinations of Service Characteristics and Level of Group Solidarity

This thesis argues that understanding how individuals decide between state and non-state providers in a context of governance pluralism requires understanding how these factors *intersect.* As Figure 3 illustrates, the intersection of services with solidarity yields six decision-making outcomes. When the characteristics of education, a national service, intersect with high group solidarity, the predicted outcome will be choices made on the

basis of strong social norms and high levels of sanctioning. With low group solidarity outcomes shift to lower sanctions and calculations of incentives. Though being a national service means that a normative element will remain, this will be expressed more individually as a 'free' choice rooted in conviction. When healthcare, a discreet service, intersects with high solidarity, choices are determined more by considerations of security and achieving the best outcome. Because of the individualized characteristics of the service, sanctions have less traction, and choices under low solidarity will be similar. Finally, justice as a pragmatic service will entail low levels of sanctions under both high and low solidarity—but primarily for less visible civil matters. Criminal matters, by contrast, may become more akin to national services under conditions of high group solidarity.

Methodology

The research question driving this study is *why do individuals in contexts of competitive governance pluralism choose one source of governance over another?* I understand "governance" as "the various institutional modes of social coordination to produce and implement collectively binding rules or to provide collective goods" (Börzel, Risse, & Draude, 2018, p. 9). This narrows the field of inquiry away from wider-reaching concepts that concern *any* coordination of social action in human society, including the market (Hayek, 1973; Williamson, 1973), or Michel Foucault's expansive definition of governance as the "conduct of conduct" (Burchell, Gordon, & Miller, 1991, p. 48). Specifically, and in line with the literature on 'failed states', it focuses on the provision of public services as a subset of these broader governance functions. However, rather than see the state as the sole legitimate provider of governance, it assumes that 'non-state' actors may also be involved. 'Public' services are thus those goods funded and directly provided by a claimant to public authority—either state or non-state—to improve the welfare of its constituents. "Competitive governance pluralism" refers to situations where public services are being provided by multiple, competing, and overlapping authorities—the state being one of many contenders.

Research Design and Analysis

Understanding the different reasons and logics behind how individuals navigate between competing service-providing authorities is pursued here through a qualitative, exploratory, and empirically grounded in-depth case study. It is exploratory because it does not aim to refute existing hypotheses, but to propose new ones—otherwise known as a "building block" procedure of theory development that seeks to fill a "space" in existing accounts of non-state governance (George & Bennett, 2005, p. 78).

This thesis examines individual decision-making as it relates to these three public services across two distinct periods of competitive governance pluralism in Kosovo: the 'Albanian' parallel state (1989-1999) and the 'Serb' parallel institutions (1999-present). Strictly speaking, this is not a comparative case study as the two periods examined here are not independent of each other. Serb parallel institutions shared characteristics with their Albanian predecessors, and Serb respondents often compared their own situations to that of Albanians during the 1990s. However, there can still be comparative lessons gleaned from a within-case comparison (Flyvbjerg, 2001, p. 66). In this vein, I use Kosovo as a single unit of study within which are multiple observations at discrete points in time and across different sectors. These observations are constructed both *diachronically* (by observing the how the different Albanian and Serb parallel systems varied across time) and *synchronically* (by observing within-case variation in decision-making across different services at a single point in time). These two periods are clearly bounded with dramatic phases of institutional flux called "critical junctures" (Capoccia & Keleman, 2007; R. B. Collier & Collier, 1991). In the first instance, this was the revocation of Kosovo's autonomous status, the imposition of martial law, and mass public sector dismissals. In the second instance it was the 1999 NATO bombing campaign, withdrawal of Yugoslav forces, and subsequent ethnic violence.

I selected Kosovo as a case study for reasons related to theoretical interest and practical feasibility. Kosovo is unique because it provides an opportunity to examine two forms of governance pluralism that occurred sequentially across a geographically bounded area and in a context marked by relatively low levels of violence. This distinguishes Kosovo from related contexts of competitive governance marked by much higher levels of violence, such as rebel-held areas during an insurgency. Theoretically this mattered; one assumption undergirding this study is that high levels of violent coercion will significantly constrain

individual agency, making violent contexts less suitable for a study concerned with agency. Kosovo is also unique in the continuity of its parallel service provision. Both the Albanian and Serb parallels systems saw the competing provision of the three services in question: education, healthcare and justice, which allowed for the examination of how decision-making varied between each service and across the different periods. This also had practical implications. For one, it made fieldwork more logistically straightforward. I could travel across the region in a day, if needed, and could cover multiple field sites for interviews, helping to account for regional variation amongst parallel providers. It offers a safer environment in which to carry out what were often politically sensitive interviews. Kosovo has certainly witnessed levels of violence that indelibly marked many of my respondents. However, these periods were relatively brief and the current security situation in the region is stable.

The approach described above aims to provide a "theoretically explicit narrative" that traces out a sequence of events and captures the "unfolding of social action over time" (Falleti, 2006, p. 10). This follows the 'process-tracing' (George & Bennett, 2005) or 'historical narrative' (Büthe, 2002) approach, which use in-depth case studies in order to "understand the actors' preferences, their perceptions, their evaluation of alternatives, the information they possess, the expectations they form, the strategies they adopt, and the constraints that limit their actions" (Bates, Grief, Levi, Rosenthal, & Weingast, 1998, p. 11). Some of the above are more closely associated to a particular model of decision-making than others. However, all emphasize the identification of key historical events, processes, and decisions that link hypothesized causes with outcomes.

Generating Data

Data for this study was generated during five separate periods of fieldwork in Kosovo, lasting just under nine months in total. Altogether I carried out 91 semi-structured interviews and two focus group discussions, as well as multiple informal conversations, visits to relevant institutions and field sites, and an examination of primary and secondary materials. My interviewees were divided across different communities in Kosovo to ensure a balanced ethnic and geographical representation. Some interviewees could speak to all three services; others had a particular insight or experience into only one. My primary focus was on individuals with experience interacting with these services. However, I also interviewed representatives of local and international organizations such as the United Nations (UN), European Union (EU), North Atlantic Treaty Organization (NATO), Organization for Security and Co-operation in Europe (OSCE), governments of Kosovo and Serbia, political parties such as the LDK, PDK, Lëvizja Vetëvendosje, and Srpska List, and several Non-Governmental Organizations such as the European Centre for Minority Issues in Pristina and NGO AKTIV in North Mitrovica. Similarly, I met with several activists, journalists, and academics working on issues related to politics or social movements in Kosovo, including the Alter-Habitus Institute at the University of Pristina and the American University in Kosovo. Other primary and secondary sources include testimonies from the International Criminal Tribunal for the Former Yugoslavia, the Kosovo Oral History Initiative, and from relief workers stationed in Kosovo.

I collected and interpreted my data iteratively according to the principles of "grounded theory", which uses systematic, inductive procedures to generate insights 'grounded' in the perspectives expressed by the study participants (Glaser & Strauss, 1967). After identifying key participants through my existing contacts or through relevant institutions, my interviews subsequently "snowballed" to other interviewees well-placed and

willing to take part. The Central University Research Ethics Committee at the University of Oxford gave ethical clearance to this study and all interviewees were asked for their consent—either verbally or in written format—prior to participating. In most cases, I recorded interviews with a digital device. For both recorded and unrecorded interviews, most of which lasted close to two hours, I took detailed notes in my fieldwork diary. I transcribed all of my interview data and coded the transcripts manually into different categories that served as the basis for subsequent analysis. I have mostly anonymized the identity of participants; only where it is relevant and with consent do I include names.

I began my interviews with broad, open-ended questions relating to the period in question. The purpose was to elicit a narrative perspective of 'their' parallel-state period, i.e. the 1990s for most Albanians and the 2000s for most Serbs, though many interviewees could also speak about both periods. Beyond providing a 'warm up' to establish rapport, these narrative overviews often brought up unexpected points that could then be explored further. Following this initial overview, I would then explore the issues they highlighted as salient to them and relevant to my research questions. More structured questions dealt with specific aspects around education, healthcare, and justice; more open-ended questions dealt with broader political or personal issues. Where appropriate, I offered contradictory or contrasting views from other informants or media reports. This proved to be a productive strategy through which to gain an understanding of competing interpretations.

Challenges and Limitations

"The best laid plans of mice and men often go awry", warned the Scottish poet Robert Burns—though perhaps less appreciated is just how quickly. After my first interview my field diary simply read: "I think I'm asking the wrong questions". The entry following my second interview the next day was equally brief: "I think I might be biased".

Both entries illustrate some conceptual and reflexive challenges I encountered during my fieldwork. In the first case, I began my fieldwork with a structured set of interview questions and quickly realized that a checklist format would be inappropriate. Simply asking why someone "chose" a service often elicited the response: *we had no choice*. What I wanted to understand was the various influences that shaped a respondent's decision-making process and how they might shift according to service. But framing my questions as a matter of "choice" seemed to imply a moral equality between providers and downplay what was a highly charged political context. Often people had a choice, in the sense that they consciously weighed up the various factors involved in receiving one service or another. Yet understanding how these subtle factors came into play required a less structured, more bespoke interview strategy that emphasized more the *experience* of interacting with different services rather than a binary decision.

In the second case, I had assumed that when it came to the Kosovo conflict, my political convictions were neutral. As Secretary of State James Baker quipped about US involvement in the Balkans, I had "no dog in that fight" (Gellman, 1999). Kosovo occupies a relatively low amount of emotional bandwidth in Western academic and popular culture compared to other regions. However, English language accounts of the conflict routinely have a 'pro-Albanian' bias, as does—arguably—some influential academic work (Djilas, 1998; Seaton, 1999; Vincent, 2000). My background reading strove to include both perspectives where competing interpretations exist (e.g. Bataković, 2007). Yet my preliminary contacts and first interview were all with Albanian participants, all of which posed the challenge of pulling my sympathies in one direction. To counter this, I sought to balance out my interviews across different ethnic communities as much as possible and to maintain a healthy skepticism when dealing with my data. Over time, as I was more exposed to the range of accounts from respondents on both sides, this task became easier.

The aim here is not to present a 'story' with 'good' protagonists and 'bad' antagonists, but to try to do justice to both sides of a complex, multifaceted conflict that is far from clear cut.

Other challenges relate to this study's emphasis on oral histories. An interview is inevitably an act of memory, an imperfect thing vulnerable to processes of telling and retelling. Three difficult methodological considerations stand out in particular: the accuracy of a respondent's initial memories; the subsequent shaping of those memories through social and cultural processes; and the respondent's own objectives in the context of the interview (Wood, 2003, p. 33). These are all relevant in this study. Interviews often dealt with events that took place almost thirty years ago and have inevitably been shaped by the current political context in Kosovo. There were also curious differences across periods. Albanian respondents, who were often recalling events that took place before the 1999 war, usually adopted a structured narrative arc with a beginning, middle, and end. They also had a clear sense of what their 'story' was 'about'. Serb respondents lacked this structure and focused more on specific, 'messier' instances. Perhaps because there has been no 'end', no widely shared 'official' account of what the parallel institutions ought to represent has taken root. Wherever possible interviews were assessed for their reliability and verifiability, often with the help of post-interview de-briefs with my translators or corroboration with written documents. Yet the various myths or inventions that cropped up were also important components of individual recollections that "lead us through and beyond facts to their meanings" (Portelli, 1991, p. 2). Rumours about poisonings, conspiracies, or political machinations were especially rich sources, revealing *social* truths and imaginaries crucial to respondents' decision-making, regardless of their *factual* truth or falsity (White, 2000).

Finally, many of the interviews conducted for this study depended on translators as I speak neither Serbian nor Albanian. In this sense I was spoiled for choice. After twenty

years of international presence there is a relatively large number of students and professionals—both Serb and Albanian—who speak fluent English. I ended up hiring several translators based in different locations across Kosovo (Gjakova, Mitrovica, Štrpce, and Pristina). All were immensely valuable to the study—not only for translation but also as fixers, gatekeepers, and guides. Yet the exposure many of them had to Kosovo's international presence meant some care had to be taken to avoid preconceived ideas of what I may have wanted to hear. I explained the purpose of the study as primarily concerned with understanding the complexities of individual historical experience. I held de-briefings with each translator following an interview, helping to clarify certain points or develop others into future lines of inquiry. Inevitably, however, some nuance is lost in the process.

Chapter 2: Historical Background

In his magisterial work *The Mediterranean and the Mediterranean World in the Age of Philip II,* Fernand Braudel argues for the division of history into three movements: "what moves rapidly, what moves slowly, and what appears to not move at all". Braudel preferred the structural, almost imperceptible motions of the *longue durée.* In contrast, much of this thesis concerns itself with the rapid, eventful disjunctures that shaped Kosovo over the past three decades, a time span within living memory for most of its participants. The present section focuses on the middle category— "what moves slowly". Its aim is to outline the historical and historiographical contours of nation-building in Kosovo, partly over the past centuries, but primarily during the first and second iterations of Yugoslavia. This history is very much present. Throughout my interviews respondents easily summoned ancient dates and historical figures as justification for relatively recent political developments. For many of the people who are the subject of this study, "what moves slowly" is part of a cultural script that remains immensely important. In Kosovo, Tim Judah (2000, p. 9) writes, "history is war by other means".

This section aims to provide a historical overview of the period prior to 1989. It has three main objectives. First, it aims to trace out the key historical arguments that continue to be used by both Serb and Albanian populations to justify their parallel systems. These arguments—often referred to as 'myths'—are important for understanding not only how the two parallel state periods unfolded but also for understanding the ways that people framed their decisions; certain services such as education became a battleground of competing historical interpretations. Second, it highlights the history of governance pluralism in the Balkans. Understanding the range of authorities involved in governing different communities is a key step in understanding the rise of nationalism and ethnic identities that came later. Finally, it describes the institutional landscape of Socialist

Yugoslavia. The evolving federal structure of the country was both a source of anxiety to its constituent 'nations' and 'nationalities', but also a source of institutional capacity building—particularly for Kosovo's Albanians following 1974. Understanding how the 'national question' influenced Yugoslav politics is crucial for understanding the developments that followed 1989.

Distant History, Modern Consequences

Myths have long been a powerful political resource in constructing the Albanian and Serb "imagined communities"—'imagined' because "regardless of the actual inequality and exploitation that may prevail in each, the nation is always conceived as a deep, horizontal comradeship" (Anderson, 1991, p. 7).[11] Myths are important elements of any national project. Through their telling and remembering they help define our identities as individuals and as members of groups, even if they frustrate efforts to isolate and verify their factual accuracy. More importantly, myths have social *functions*. Stories of ancient origins or past glories are powerful boundary-defining mechanisms separating 'us' from 'them'. They distinguish various communities from each other, endow groups with a sense of historical continuity, and "help to create order in an untidy cultural landscape" (Kolstø, 2005, p. 4).

A full appreciation of the historical myths underpinning both Albanian and Serb national projects is beyond the scope of this study. But a brief sketch can help clarify those most relevant to the modern conflict. The first concerns the question of 'who came first'. Beginning in the late 19th century, Albanian historiography has pointed to an unbroken connection between the Dardani tribe of the Illyrians, some of the earliest known

[11] There is a vast scholarship on myths and nationalism in the Balkans. Most relevant to Kosovo are Anzulovic (1999), Fischer & Schwandner-Sievers (2002), Judah (1997), and Mertus (1999).

inhabitants of the Balkan Peninsula, and present-day Albanians. The implication was that Albanians were autochthonous "sons of the soil" firmly part of European civilization prior to the both the Slavic migrations of the 6th Century or Ottoman conquests of the 14th Century (Gorani, 2011). Such myths of antiquity are rooted in contemporary claims for legitimate control over specific territory. Ibrahim Rugova, the leader of the Albanian parallel state and first post-war President, even entertained renaming Kosovo 'Dardania', while the current flag of the President of Kosovo has 'Dardania' emblazoned under the Albanian black-and-red double-headed eagle (Judah, 2008, p. 31). Whatever their lineage, what is clear is that the Albanian tribes scattered throughout the mountainous region never coalesced into a state. Illyrians provided a sense of *cultural* antiquity, but for subsequent nationalists there was little in terms of a "Golden Age" of *political* antiquity to look back to (Ducellier, 1984; A. Smith, 1997).

In contrast, the Slavic-speaking tribes that settled in the area—and would become known as the Serbs—formed a kingdom. Under Tsar Stefan Dušan (1308-1355), this kingdom dominated the Balkans from the Danube in the north to the Gulf of Corinth in the south. During this period the Serbian Orthodox Church was raised to the status of patriarchate, on par with Constantinople or Jerusalem, and the Monastery of Peć in western Kosovo became a seat of ecclesiastical jurisdiction. For Serbs, Kosovo was "Old Serbia", the core of their medieval polity (Banac, 1984, p. 38). Yet the kingdom was short-lived. Three decades after the death of Tsar Dušan, one of his successors met the Ottoman Sultan in what would become immortalized as the Battle of Kosovo Polje (1389). The battle itself was not a decisive Ottoman victory. Both leaders were killed, both sides suffered heavy losses, and the Serbian kingdom would totter on for another seventy years. Yet the myth became one of the most powerful in the Serbian national canon. It formed part of the nation's commemorative calendar, established a historical continuity between

modern Serbia and the 'Serbs' of the middle ages, and laid a territorial claim to Kosovo as the core of Serbia's medieval kingdom irrespective of demographic distributions or subsequent historical developments (Bieber, 2002). Serbs were the "defenders of Christian European civilization", heroic "guardians of the gate" providing a bulwark first against the advancing Ottomans, then later against Albanian 'terrorists' (Antić, 2005, p. 191; Laffan, 1918).

The Ottoman System

Kosovo was an epitome of governance pluralism in the centuries of Ottoman rule that followed. Local rulers paid tithes to the Ottomans in exchange for tax farming privileges, while governance was organized on the basis of villages, guilds, and most famously religious communities called *millets*. Under these institutions, public infrastructure, religious schooling, charitable societies and hospitals were all organized according to communities of faith—Orthodox Christians, Armenians, Roman Catholics, Jews—that offered their members considerable latitude in their day-to-day affairs. Muslims, meanwhile, came under direct authority of the Empire. So long as everyone involved belonged to the same community, disputes relating to family law (marriage, divorce, inheritance, etc.), private law, and even criminal law were mediated through the *millet*s, Islamic *sharia* courts, or local customs such as the Albanian tribal codes known as *Kanuns* (Barkey & Parikh, 1991; Todorov, 1983; Vickers, 1998, pp. 19–21). Ottoman subjects faced a degree of choice that would be reflected once again during the parallel state period. For example, Orthodox men and women sometimes used *sharia* courts even when no Muslims were involved. "I sold my son a cow," a Christian peasant complained before an Islamic judge in one case. "I want the money. He is stalling. I want it in accordance with *sharia*" (Mazower, 2000, p. 69).

The Orthodox *millet* gave the Serbian Church a powerful role in preserving a state tradition and produced a strong link between national and religious identity. Albanians had no equivalent institution. Instead, three separate organized religions—Catholic, Orthodox, and Islamic—would hold sway in Albanian-inhabited lands, all with distinct alphabets that helped to inhibit a national consciousness (Vickers, 1999). Yet ethnicity was not an organizing principle of Ottoman politics. Local identities were more significant than abstract ideas of 'nation'; salient cleavages included urban vs rural, land-owners vs tenants, tribal loyalties, religion, and gender (Duijzings, 2000; Malcolm, 1998). Both Albanian and Serbian myths highlight the Ottoman period as the antithesis of their national projects, little more than "500 years of oppression" (Mazower, 2000, pp. 15–16). In reality, both communities often enjoyed a significant degree of social mobility and held key positions at the very top of the Ottoman elite (Glenny, 2012, p. 152).

Populations fluctuated during this period. Many inhabitants converted to Islam; others fled from the cyclical pattern of invasions, rebellions, and warfare. For Albanians, it was the rebellion of 'Skanderbeg' that held particular resonance. The son of an Albanian feudal lord, Gjergi Kastrioti—known as Skanderbeg to Albanians—was taken in the Ottoman *devşirme* and raised in Constantinople.[12] After a military career in the Sultan's army he defected while on campaign, whereupon he returned to 'Albania', renounced Islam, and led a revolt against the Ottomans until his death in 1468. Revived during the 19th century among Albanian intellectuals, Skanderbeg is today central to the Albanian myth of a united, coherent, and self-aware nation as a bulwark against a clearly defined 'other'. As with the Serbian myth of Kosovo, who this 'other' is can be flexible; first the "invading Turks", second the 'barbaric' Serbs (Kolstø, 2005; Nixon, 2010).

[12] The *devşirme* ('collection') was the practice of taking Christian boys to serve the Ottoman state, usually in the civil service or military units such as the *Janissaries*.

For Serbs, it was the movement of populations during this period that mattered. Crucial among these was the Great Migration of 1690. Led by the Patriarch himself, some 40,000 families fled to Hungary after supporting a failed Hapsburg invasion (Lampe, 2003, p. 26). In their wake, Ottoman authorities supposedly encouraged Albanian migration. Albanian historiography often claims that this migration was minimal, that most Albanians were already there. Serbian historiography claims it was transformative, arguing that Albanians were brought in by the Ottomans to change the region's demographic balance (Bataković, 1992, pp. 35–52; Malcolm, 1998, pp. 113–114). What is clear is that by the end of the nineteenth century Albanians were the demographic majority in Kosovo. Two claims for sovereignty that would define the next century were now apparent. Serbs could appeal to the existence of a historical state of *political* antiquity, an outpost of civilization that continues to be preserved in Kosovo's ecclesiastical architecture, as well as their 17th century 'exodus'. Albanians could appeal to contemporary demographic realities, but also to the *cultural* antiquity of an ancient and continuous presence.

Ottoman Decline and the New Nation-States

The Ottoman system secured a degree of relatively harmonious rule through indirect governance that lasted for centuries. Yet the growing pressures of European state formation meant that elites were forced to centralize their polities, abolish communal self-government, and increasingly penetrate their societies with techniques of administration, observation, and control (Mann, 1993; Tilly, 1975, 1992). Ottoman efforts at modernization began with the *Tanzimat* reforms of 1836, increased under the Sultan Abdulhamid (1876-1909), and arguably reached their apogee following the Young Turk revolution of 1908 (Barkey, 2008, pp. 264–270). The system of *millets* was centralized; loyalty was to be toward not only the Sultan but also the Ottoman state. Formerly stratified legal provisions were

replaced with rudimentary concepts of citizenship and equality before the law. Most prominently, the educational system was expanded. Secondary schooling was introduced into the provinces, breaking the monopoly of the religious schools (Karpat, 1973, p. 99).

The shift towards a centralized state led to friction on the Balkan frontier. Principles of the modern nation state and its ideals of a congruence between citizenry, sovereign, and nation were getting overlaid onto the Ottoman mosaic of institutional life, criss-crossing identities, and fissiparous loyalties (Karpat, 1973). And as the Ottoman Empire decayed and retreated, it was leaving new nation-states behind. Serbia was a preeminent case. The first Serbian insurrection against the Sublime Porte took place in 1804. In 1817, the Ottomans conceded self-governing status on the new Serbian principality. By 1833, a succession of revolts increasingly framed in nationalist terms had resulted in *de facto* autonomy (Ćirković, 2004, p. 191). Finally, a decisive Ottoman defeat in the 1878 Russo-Turkish War established Serbia's full independence.

Albanian nationalism lagged behind. Cultural, linguistic and religious cleavages had long hindered nation-building. This changed in 1878. Fearing designs on Albanian-inhabited lands, a group of notables met that year to establish the League of Prizren and usher in the *Rilindja Kombëtare*—a literary and cultural 'national rebirth' that included the adoption of a standardized written form of Albanian in the Latin alphabet (Gawrych, 2006; Malcolm, 1998, p. 223). In 1912, Albanians with a newfound national confidence began to revolt. This was in response to Istanbul's increasing efforts to centralize and reform the Empire following the rise of the Young Turks, particularly their efforts to increase taxes, raise conscription, and disarm the population. The revolt succeeded; Istanbul caved into the rebel's demands for the return to their formerly autonomous status. Yet success was short-lived. The First Balkan War broke out one month later. Serbia, Montenegro, and Bulgaria,

soon followed by Greece, invaded and drove the Ottoman army out of the Western Balkans.

The Kingdom of Yugoslavia

When Serbian armies entered Kosovo in the fall of 1912, soldiers sensed they had realized a historical mission (Vujačić, 2015, p. 152). The occupation, however, was both brutal and eerily prescient of events to come almost a century later. As an international commission noted:

> Houses and whole villages were reduced to ashes, unarmed and innocent populations massacred *en masse,* incredible acts of violence, pillage and brutality of every kind—such were the means which were employed and are still being employed by the Serbo-Montenegrin soldiery, with a view to the entire transformation of the ethnic character of regions inhabited exclusively by Albanians (Carnegie Endowment for International Peace, 1914, p. 151)

Leon Trotsky, then a foreign correspondent, reiterated the demographic nature of the hostilities. "The Serbs in Old Serbia, in their national endeavour to correct data in the ethnographical statistics that are not quite favourable to them, are engaged quite simply in systematic extermination of the Muslim population" (Malcolm, 1998, p. 253). Yet the occupation was short-lived. After unexpectedly dogged Serbian resistance following the outbreak of the First World War, an Austro-German attack in late 1915 finally broke the Serbian army. The remnants made a cruel winter retreat through Kosovo, harried by the very Albanian guerrillas they had sought to stamp out only years before.

With the establishment of the Kingdom of Serbs, Croats and Slovenes after the war, Kosovo was again firmly under Serbian sovereignty. A large-scale 'colonization' program settled 60,000 Serb colonists on land seized by Albanians (Vickers, 1998, p. 105). In a pattern that would repeat itself, schools were closed or converted to Serbian-language instruction on the assumption that Albanians could be integrated into Serbia as loyal

subjects—so long as they were 'properly' educated (Roux, 1992, p. 181). By 1930 there were no Albanian-language schools left, nor a single Albanian-language publication (S. Ramet, 2006, p. 48). Only the Ottoman-era system of religious education was allowed. Yet in a foreshadowing of the 1990s, Albanian political parties developed 'underground' Albanian-language schools to disseminate the "knowledge of nationhood" (Banac, 1984, pp. 377–378; Malcolm, 1998, pp. 269–272). Even the ostensibly apolitical religious schools began to promote the use of Albanian rather than Turkish or Arabic, becoming "formidable centres of underground national education and opposition activity" in the process (Banac, 1984, p. 299; Kostovicova, 2002).

Many Serbs thought the devastating sacrifice of war meant that the new state should rightfully be an extension of the pre-War Serbian state. After all, *half* of the country's male population between the ages of 18 and 55 is thought to have perished (Lampe, 2003, p. 109). Twenty-years later, figures show how entrenched this dominance had become (Rothschild, 1974, pp. 278–279). On the eve of the Second World War, ninety-eight percent of Yugoslav generals were Serb, as were eighty-six percent of military cadets. Serbs held all the positions in the Office of the Premier, and the vast majority of Ministry positions: 113 out of 127 in the Ministry of the Interior, 180 of 219 in the Foreign Ministry, 150 of 156 for Education, 116 of 137 in for Justice, and 196 of 200 in the State Bank. Despite making up only thirty-six percent of the Yugoslav population, Serbs held ninety percent of its government positions. "To make matters worse," argues Ivo Banac,

> [They] often had few or no qualifications for the tasks they were expected to undertake. In large part, the concentration of Serbians in the bureaucracy was a result of the patronage dispensed by the Serbian political parties, and as these parties became entrenched, the bureaucracy grew larger and larger and rife with corruption. By the 1930s the state bureaucracy numbered some 350,000 people, or roughly every ninth citizen (1984, p. 220).

Bureaucratic offices were increasingly becoming instruments with which to placate key segments of the population. It was a trend that would become instrumental in Kosovo during the 1990s and 2000s.

Unsurprisingly, the 'national question' bedevilled the new state (Banac, 1984). Serbian political parties pulled the state in a centripetal direction, aiming to fuse its constituent parts more tightly to an image akin to France. Others pushed for decentralization along the lines of the Swiss federation. In 1929, after a Croatian politician was assassinated on the floor of Parliament, King Alexander sought to impose his own solution through a complete administrative overhaul. The Kingdom of Serbs, Croats and Slovenes changed to Yugoslavia—ostensibly a more inclusive 'South Slav Land' though notably omitting the country's sizable non-Slav minorities. Administrative districts were renamed after rivers to avoid ethnic or national preference. National symbols were removed from the government. The reforms had little chance to build a common civic identity. A Croatian extremist group called the Ustasha assassinated King Alexander in 1934. Six years later the country was invaded by Nazi Germany.

'Brotherhood and Unity': Socialist Yugoslavia

The Second World War devastated Yugoslavia. Approximately one million people died out of a total population of thirteen million while resistance armies fought both the Nazi occupation and each other across the country. In Kosovo, however, resistance was muted. Other than the north, which was administered by Germany due to its crucial Trepca mines, and a sliver of the east that fell to Bulgaria, most of the region was attached to Albania and put under Italian control. The Italians appealed to Albanian nationalism and encouraged Albanian-language education and publications (Malcolm, 1998, p. 292). They also turned a blind eye to the forcible evictions of tens of thousands of Serb colonists.

Resistance, when it took place, was largely split along ethnic lines. Albanians supported movements that sought unification with Tirana. Serbs supported the monarchist *Četniks*. In the end the Communist Partisan guerrilla movement led by Josip Broz (Tito) prevailed. Seeking to win over Serbs to the new communist government, Tito 'reattached' Kosovo to Serbia proper (Vickers, 1998, p. 142).

Tito initially attempted to revive a centralized state structure under a re-forged Yugoslav identity. This was meant to transcend the Serbian ethnic identity of the interwar period. But he faced two problems. Bitter fratricidal warfare had left a legacy of mutual mistrust across the country, compounded by the extreme concentration of wealth in its northern areas. Tackling the latter problem involved an ambitious program of redistribution from north to south, including the proliferation of unprofitable factories in the least industrialized areas. Tackling the former problem was a longer-term undertaking. Initially, national equality was to be institutionalized in a federal structure. Over time, the assumption went, economic development would replace formerly antagonistic national identities with new social bonds (Cohen & Warwick, 1983, p. 141).

Tito attempted to resolve the nationalities question by importing the Soviet model of ethno-federal statehood. The six major "nations" of Yugoslavia each received a republic—Slovenia, Croatia, Bosnia-Herzegovina, Serbia, Montenegro, and Macedonia. On top of this, the 'nationalities' of Hungarians and Albanians—so named because their national states were presumed to already exist outside of Yugoslavia—received lesser powers in two autonomous provinces in the Serbian Republic: Vojvodina and Kosovo. "Ethnic pluralism and federal forms," according to Tito's logic, "were meant as lightning conductors for national emotions until Communism had managed to do away with them" (Pavlowitch, 1988, p. 71). But experience lagged far behind expectation. Even as growing numbers of citizens started to identify as 'Yugoslav' on the federal census there was no

recognized territorial unit to champion their cause. And any hint of ethnic transcendence was virtually absent from Kosovo, where only 0.1 percent of the population declared themselves 'Yugoslav' and inter-ethnic marriage was negligible (Sekulic, Massey, & Hodson, 1994).

The ethno-federal system served more as an incubator of nationalism than a means to eradicate it. From 1945 to 1966, power was centralized in Belgrade. Yugoslavia broke from the Soviet Union, helped to establish the Non-Aligned Movement, and received substantial aid from the United States and other Western countries. Development was also strong. In the period between 1953-64, GDP growth surged at over 8 percent annually (Cohen, 1993). But it varied dramatically across the country. Slovenia and Croatia raced ahead; despite transfers to the poorer south the wealth gap only widened.[13] Centralization shifted first with the Brioni Plenum in 1966, which did two things. First, it transferred the locus of the Communist Party's power to the regional level. This ensured that regional leaders could maintain autonomy from Belgrade. Second, the Plenum stripped the hard-line centralizer Aleksander Ranković of his powers. Ranković was a high-ranking Communist Serb who took a particular interest in stamping out subversion to Yugoslav rule in Kosovo. As Vice President of Yugoslavia he oversaw an oppressive system of disarmament and control throughout the province, fuelled by the suspicion that the region's ethnic Albanians sympathized with the Stalinist policies of Albania's Enver Hoxha (Vickers, 1998, p. 162). Yet his ousting did not satisfy proponents of decentralization. The growing centrifugal trend was enshrined most prominently in the country's new constitution.

The 1974 constitution was the fourth and final attempt of Socialist Yugoslavia to solve the 'national question'. It gave the Kosovo Autonomous Region the powers of a full-fledged Republic in all but name—a level of autonomy unknown since the Ottoman days.

[13] By 1989, median per capita income was six times higher in Slovenia than in Kosovo.

Pristina could veto legislation put forward at the Republic level in Serbia, yet the Serbian Republic could not do the same at the lower federal level. Kosovo was equally represented at the federal level with the other republics and enjoyed the right to create its own constitutional structure. Powers over the police, judiciary, and economic policy, including a national bank passed to Pristina, leading to the anomalous situation where the province was not integrated into the legal system of the Serbian federal unit to which it was officially a part of (Guzina, 2003, p. 33).

The effects were particularly strong in Kosovo's educational system. Albanian was given equal footing with Serbian and all school children were entitled to receive education in the language of their choosing, be it Albanian, Serbian, or Turkish (Bellamy, 2000, p. 107). Moreover, just prior to the 1974 constitution, a subsidiary of the University of Belgrade had re-opened as the University of Pristina with classes in both Serbian and Albanian. Within the decade, the proportion of Albanian students rose from 38 percent to 78 percent—roughly 30,000 students studying under more than 1,000 lecturers. This was a remarkable achievement. A survey conducted in 1948 found that only a quarter of the Albanian population could read (Malcolm, 1998, p. 318). Within decades literacy had flourished and Albanians were well represented at all levels of education. By 1980, every third inhabitant in the province was enrolled either in school or at the university. This led to a rise in Albanians working in Kosovo's local administration and increased representation among the professional classes, including healthcare, the judiciary, and higher education (Malcolm, 1998, p. 326). Newfound powers to craft a distinctly Kosovo-Albanian curriculum coupled with increased cross-border cooperation with Albania resulted in the unprecedented rise in the awareness and celebration of Albanian culture and identity in the years after 1974 (Kostovicova, 2005, p. 51). However, it also meant "Serbian historiography teaching one thing and Albanian quite another", especially with their

respective national canons (Kostovicova, 2005, p. 58). Serbian political leaders and intellectuals increasingly perceived Albanian historiography to be little more than irredentist nationalism (Costa, 1987; Nelles, 2005).

Provincial autonomy and an increasingly educated workforce meant jobs that had traditionally gone to Serbs were now going to Albanians (Pettifer, 2002, p. 6). The percentage of Albanian employees in the public sector was 58 percent in 1974, the year of the new Yugoslav constitution. Four years later it was 83 percent. By 1980, Albanian employees staffed fully 92 percent of public sector positions in Kosovo. This was at a time when, according to the 1981 census, Albanians made up 77 percent of the provincial population to the Serbs 13 percent. Albanians had gone from being under-represented to over-represented in six years. Serbs underwent the opposite. For the same years, Serb employment in the public sector went from 31 percent to 9 percent to 5 percent (S. Ramet, 1992, pp. 192–193). As Hugh Poulton and Miranda Vickers write:

> In the early 1980s, the Kosovo Albanians were not suffering cultural repression. Kosovo was in effect an Albanian polity with the Albanian language in official use, Albanian television, radio and press, and an ethnic Albanian government leadership. Even the courts which were used to persecute those calling for a republic of Kosovo had ethnic Albanian judges (Poulton & Vickers, 1997, p. 152).

Albanians had significantly improved their position, but many now demanded even greater political rights. On 11 March 1981, demonstrations began over conditions at the University of Pristina that soon transformed into wider political demands for full republic status for Kosovo, even unification with Albania. The university, which specialized almost exclusively in Albanian literature, history, and art at the expense of modern technical disciplines, was more of a "social valve" for the bulging youth demographic than a preparation for employment. The dramatic expansion of students attending university was not matched by

a comparable rise in resources.[14] It was condemned—with some justification—as a "hotbed of Albanian nationalism" by the Yugoslav authorities while the protests put down by federal police and military units (Guzina, 2003, p. 32).

Yet the most severe grievances lay with the increasingly insecure population that saw itself as the loser of the 1974 constitution. As Federal units like Kosovo gained the basic features of nation states, Serbs paradoxically felt they had been reduced to the status of a national minority in a part of their own Federal unit, but without enjoying genuine minority rights. For decades Serbs had been leaving Kosovo, dropping from 23.6 percent of the population in 1961 to just over 13 percent in 1981 (Judah, 1997, p. 152).[15] Economic reasons are plausible. Unemployment rose steadily throughout the 1970s and 1980s, reaching 57 percent by the end of the decade. By 1987 the province was Yugoslavia's poorest region, with indicators more on par with Ivory Coast and Honduras than its regional neighbours, leading one analyst to call Kosovo the "Third World in Europe" (Roux, 1992, p. 238). Yet economic pressures were frequently being downplayed in favour of another explanation. In a sign of the deteriorating ethnic relations in the province, Serbs frequently reported that they left because of growing intimidation by Albanians (Mertus, 1999, pp. 43–46; Petrovic & Blagojevic, 1992; Vladisavljević, 2002). Vuk Drasković, a key voice of the Serbian nationalist renewal, echoed this perception with a 1986 speech:

> Can we remove the knowledge that one whole nation, the Serbian nation in Kosovo and Metohija, are being subjected to a campaign of organized terror by their Albanian neighbours and the government in that area, which is now only formally considered part of Serbia? Can we remove the knowledge of the soothing words and the promises of consolation that have been offered to Kosovo Serbs so that we tolerate the most primitive outpouring of hatred and fascism? (Thomas, 1999, p. 39)

[14] Kosovo's ratio of students was 274.7 per 1,000 inhabitants, compared with the Yugoslav national average of 194.9 (Vickers, 1998, p. 197).
[15] The decline was both absolute and proportional. The Serb population in Kosovo dwindled from 209,000 in 1981 to roughly 180,000 in 1997 (ICG, 1998).

It was a view that was also gaining increasing traction in Serbian media and government.

Developments in Kosovo during these years was leading to "a fundamental realignment of politics in Serbia and the growth of a dangerous, defensive, populist, and officially sanctioned nationalism" (Denitch, 1994, p. 116). Overblown events were seized by an increasingly intolerant media and held up as examples of ethnically motivated abuse. Racially tinged images of Albanian 'rapists' that stalked Serbian broadsheets were as menacing as they were unsubstantiated (Mertus, 1999). A 'Memorandum' written by members of the Serbian Academy of Sciences and Arts, leaked to the press in 1986, outlined a list of grievances. Notable among them was the description of how demographic pressure from Albanians in Kosovo was tantamount to a "genocide" (Pavlovic, 2009, p. 64; S. Ramet, 2006, p. 321). Powerful allusions were made to the Serbian 'exodus' of 1690. The Serbs of Kosovo were being "chased by violence and a physical, moral, and psychological terror," it argued, and was now "preparing for the final exodus" (Anzulović, 1999, p. 108). Essentially a compendium of Serb fears, the memorandum marked the first time that the very validity of Yugoslavia as a guarantor of Serbian security was questioned. In the eyes of many Albanians, the 1974 constitution was an unfulfilled step towards republic status within the Yugoslav federal system. To many Serbs it represented "nothing less than a betrayal by Tito" (Bellamy, 2000, p. 108).

Milošević and the End of Autonomy

The Yugoslav system increasingly unravelled over the course of the 1980s. The leverage it had enjoyed by being a neutral Communist state outside the Soviet orbit had disappeared. GDP growth had ground to a halt, dropping from over 8 percent in the 1960s to 0.4 percent in the period 1980-84 (Cohen, 1993). The state was heavily indebted, and its creditors were becoming increasingly insistent. In January 1987, faced with a growing crisis,

federal institutions undertook to make constitutional changes that might pave the way for economic reform (Woodward, 1995, pp. 82–83). Wealthier Slovenes and Croats pressed for an even looser confederation. Serbia sought recentralization. The politician who benefited most from the growing fissures was Slobodan Milošević.

Milošević was buoyed to power between 1987 and 1989 on the idea that he would pursue a thorough "reorganization of Serbia and Yugoslavia" (Janjić, Lalaj, & Pula, 2006). The first step in this process was the re-subjugation of Kosovo—not only for its symbolic resonance but also for its voting powers at the federal level.[16] Bold measures were on the table. "Where Kosovo is concerned", Milošević told a communist party session, "we have been hearing appeals for six years already to keep a cool head. That policy has, in the event, been shown to be entirely erroneous" (Pavlakovic & Ramet, 2003, p. 85). Once in power he moved quickly. In February 1987 came the first proposal to reduce Kosovo's autonomy. Two months later, while visiting officials in Pristina, local Serbs waiting outside began to quarrel with the police. Milošević stepped outside to address them, declaring to the crowd that "Nobody will beat you anymore. You must stay here. This is your land, your gardens, your memories… Otherwise you will disgrace your predecessors and disappoint your descendants" (Janjić et al., 2006, p. 277). It was a turning point. Milošević had presented himself as a defender of Serbs in Kosovo, one of the first times an ostensibly Yugoslav leader had so consciously taken up a national cause. Key to this cause was addressing a major grievance that united Serbian officials, academics, and media behind their new leader: the 1974 constitution.

Steps were now being taken to achieve this. Azem Vllasi, the Albanian head of Kosovo's autonomous government, was forced to resign in 1988 after he refused to get

[16] In late 1988 the leadership of Montenegro and Vojvodina were replaced by Milošević allies. By controlling the votes of these federal units, as well as Serbia and Kosovo, Milošević only needed one more republic to gain a controlling majority on the federal presidency.

behind Belgrade's policy. Albanian miners responded by emerging from their pits and beginning a protest march to Pristina. By the following day the march had attracted over 100,000 people and set a powerful example of non-violent resistance (H. Clark, 2000, p. 48). Belgrade took notice. From now on, "all political, administrative, and compulsory means" were to be used in the fight against Albanian "separatism" (Janjić et al., 2006, p. 280). Adding muscle to the measures was the imposition of martial law in February 1989. 15,000 military and police personnel deployed throughout Kosovo with supporting armour. In early March strikes were outlawed and a curfew imposed across the province. Finally, on 23 March 1989, the Kosovo Assembly convened to approve the reduction of its own autonomy. Each deputy had been interrogated by police prior to the vote while tanks surrounded the building. Thousands of Albanians protested the vote outside. By the end of the month, twenty-one demonstrators had been killed by police (Malcolm, 1998, p. 346).

Increased pressure on Kosovo's autonomy was coupled with a growing celebration of Serbian national symbols. Town and street names were changed to reflect Serbia's historic patrimony, as were educational TV programs. This reached a symbolic crescendo on St. Vitus Day, 28 June 1989—the 600th anniversary of the battle of Kosovo. Over one million Serbs took part in the powerful spectacle, rich with all the tropes of treachery and betrayal, heroism and victimhood that laced the battle's myth. Joined by the Serbian Orthodox Church at Gazimestan, the site where Medieval Tsar Lazar was martyred, Milošević gave a speech to justify his political agenda. Ever since their epic defeat, he warned, Serbs had been stricken by disunity and betrayal. Unity was now needed. "We are again engaged in battles and are facing battles. They are not armed battles, but such things cannot be excluded," he added presciently (Sell, 2002, p. 89). The ceremony's mythical connotation was clear. Milošević was a new Lazar on the field of battle, the leaders of

republics that defied him were the new traitors, while the Albanians were the Turks, again threatening the Serb people in Kosovo (Bieber, 2002).

The ground was set for a series of new measures passed by the Serbian Assembly in early 1990 that would have monumental consequences for Kosovo. First was the "Program for the Establishment of Peace, Liberty, Equality, Democracy and Prosperity in Kosovo". It provided for the immediate replacement of Albanians who had been dismissed for striking with Serbs, declared Serbian the only official language throughout the Republic, called for a uniform educational system throughout Serbia, the reduction of the Albanian birth-rate, and the strengthening of a Serb police presence (Mertus & Mihelić, 1994, p. 107). Shortly after came the "Law on Labour Relations in Special Circumstances"—more commonly known as the "temporary measures". Albanian directors of state-owned enterprises were replaced with Serbs who had new powers to impose disciplinary measures on employees. Management teams had workers sign oaths of loyalty that stated their acceptance of the Serbian state. Refusing provided grounds for dismissal. Approximately 100,000 Albanians were expelled from their jobs within a year of the new measures.[17] Public sector positions were especially hard hit, including clerks at state-run enterprises and government offices, telephone operators, journalists at state-run media, doctors in state hospitals, and school teachers and university professors. Albanians in the police and judiciary were dismissed and replaced with Serbs. Even Albanian ballet dancers at Pristina's theater were declared to be "technological excess" and laid off. That Serbian law did not grant welfare benefits to anyone dismissed from their jobs, nor by extension to their dependants, only compounded the situation. By 1994, an estimated 500,000 people were without social or health insurance (Mertus & Mihelić, 1994, p. 110).

[17] Sources differ on the exact number. Malcolm (1998, p. 347) cites 80,000; the Kosovo Helsinki Committee (1994, p. 108) cites between 112,000 and 115,000; Clark (2000, p. 74) cites 150,000

In August 1990, the Serbian Parliament adopted a new constitution that fully subordinated Kosovo to Belgrade, finishing what had begun in March 1989. The constitution repealed the entire body of legislation passed by Kosovo's Assembly and introduced new uniform school curricula for the entire Republic. Although the autonomous status of Kosovo was not abolished altogether—just reduced to a *de jure* technicality—the status of Albanians as a "nationality" was, leaving them with the lesser title of "national minority" in what was now to be a "democratic state of the *Serbian people*" only (Weller, 1999, p. 48, emphasis added).[18] Milošević, it appeared, had done what he had promised. Serbia was united. At least on paper.

[18] The pervious constitution's formulation had been a "state of the Serb nation *and parts of other nations and nationalities*, which live and exercise their sovereign rights in it" (Cited in Weller, 1999, p. 48. Emphasis added)

Part One: The Albanian Parallel State, 1989-1999

Introduction

Competitive governance pluralism began in Kosovo in 1989. As the Serbian state moved to consolidate the constitutional re-absorption of Kosovo under Belgrade's control, Kosovo's Albanian majority moved to establish their own parallel government. Both involved a dramaturgical element, a theatrical *performance* of sovereignty based on each system's constituent actors. Albanians lived 'as if' Kosovo was independent. Thousands of people enacted daily forms of resistance to what was almost universally perceived as an illegitimate and oppressive Serbian regime—all while their parallel 'government' lobbied foreign states for recognition and their elected leader drove around Pristina in a 'Presidential' Audi. Serbs, meanwhile, lived 'as if' Kosovo had been reunified under Belgrade. The hostile, post-1974 Albanian-dominated administration with separatist tendencies had been put to rights. Serbian police and military patrolled the streets, Belgrade called the shots, and Serbs were getting their jobs back—jobs many felt they had lost in the years of autonomy. It was a period of "sovereignties in collision", when competing visions of political authority split Kosovo's population into irreconcilable halves, each demanding the unwavering loyalty of its constituents (Cohen, 1993, p. 121). But loyalty was neither automatic nor unthinking. Underneath the performance of sovereignty was "everyday life"—the quotidian, surreptitious practices people pursued to manage and secure their existence in what were highly uncertain times (de Certeau, 1984). Schooling, sickness, and disputes with neighbours still required attention. Daily life was not always amenable to overarching political goals.

The following sections focus on decision-making during the Albanian parallel state. First, it introduces the relevant background context to the period, particularly the rise of the

LDK, a Kosovo Albanian political party at the forefront in establishing the parallel state after 1989. Crucially, these institutions formed 'beneath' the formal Serbian state. Activities had to be carried out covertly, out of sight of a repressive state apparatus. I argue that high levels of repression help account for the section's second part, the overarching structural and psychological aspects that drove high levels of solidarity during the period. This solidarity mattered both for the financing of the parallel state and for the ways it impacted individuals. Decision-making was framed as a matter of 'survival'. Choice was constrained, and 'defectors' met with strong social sanctions. Yet the influence of solidarity was mediated by specific public services. In the third section, I illustrate *how* individual decision-making varied across these services according to their technical and socio-political characteristics. Education was framed as an issue of national identity and carried out in a manner that facilitated mutual monitoring and sanctioning. Decision-making was shaped by social norms. Healthcare involved more 'free' choice, yet widespread distrust following an alleged state conspiracy to poison schoolchildren meant trustworthiness was often the most important factor. Justice varied between urban and rural populations. For the latter, justice was marked by the bloodfeud reconciliation—a series of highly visible, collective events that, like education, became a symbol of solidarity shaped by social norms. For the former, a parallel alternative to the state took longer to become established. Once it had, however, it was marked by much less visible, consequentialist decision-making. After all, disputes among Albanians during a time of national unity were best hidden away.

The Rise of the LDK

The Democratic League of Kosovo (LDK) was the political backbone of the Albanian parallel state. Founded on 23 December 1989 by a group of 23 intellectuals from the Writers' Association and the daily newspaper *Rilindja,* it became the first non-

communist political party in Kosovo since its incorporation into Yugoslavia. It found rapid support in the wake of widespread disenchantment at the Communist Party's failure to protect Kosovo's autonomy. Within months the party claimed to have 700,000 members—likely an exaggeration, but indicative of the extent to which the LDK was the only major political platform through which Albanians would formulate their demands (Krasniqi, 2014, p. 129). It was also a big tent. Former Communists rubbed shoulders with diehard nationalists, feminists, and political activists, all under the hesitant leadership of the literary critic Ibrahim Rugova (Finger, 2008, p. 275). The LDK initially stood for an equal Kosovo republic within Yugoslavia, declaring as much in the summer of 1990 and issuing a new constitution shortly afterwards from the town of Kaçanik. Yet with the secession of Slovenia and Croatia in the summer of 1991 the LDK's position changed to outright independence, a move that gained overwhelming support following a clandestine referendum that September. In May 1992, following underground elections, the LDK obtained 96 of the 143 seats in its parallel parliament, while Rugova became president of the "Republic of Kosova" with 99 percent of the vote (Pula, 2004, p. 807). The new 'government' then promptly decamped to Germany, where it remained in exile lobbying foreign governments and raising funds from the Albanian diaspora for the rest of the 1990s.

The LDK became synonymous domestically and internationally with both the parallel state and the non-violent resistance to Milošević. However, it instigated neither. The example of non-violent resistance had already been set in late 1988 and early 1989, when Albanian miners had organized marches and a hunger strike in opposition to the proposed constitutional changes to Kosovo's autonomy (H. Clark, 2000). This triggered a series of actions throughout Kosovo to support the miners, culminating in a general strike that "united the entire Albanian population as one political force" and showed the

participatory potential of non-violent resistance (Reitan, 2000, p. 74). Similarly, the first parallel school began in Peja municipality in September 1990 as an initiative of the schoolteachers themselves (H. Clark, 2000, p. 96). The bloodfeud reconciliation movement was initiated by a small group of female students; senior party members only became involved later (Luci, 2014, p. 92). Parallel health clinics did not open until 1992 and were officially under the control of a separate NGO called the Mother Teresa Society, not the LDK.

With the election of Rugova in 1992, the LDK consolidated its position as the "government" of the parallel state and brought an end to a dynamic, spontaneous, and grassroots period of *active* non-violent resistance against the Serbian government. For the next three years resistance was to be *passive*. Large-scale demonstrations and other provocations were minimized. Every Friday Rugova reiterated over the radio that patience and fortitude was being recognized and would be rewarded by the international community, a kind of *deus ex machina* that would eventually materialize and resolve everything. The aim was to establish the trappings of statehood upon which the West could recognize the legitimacy of Kosovo's claims (Seymour, 2017). After all, following the Badinter Commission's opinion that Yugoslavia was in the process of dissolution, European capitals were recognizing the former republics of Slovenia, Croatia, Macedonia, and Bosnia-Herzegovina (Caplan, 2005a, p. 70). Yet despite considerable *de facto* autonomy after 1974, Kosovo lacked *de jure* republic status. In the eyes of the West it remained a constituent part of Serbia. Only isolated and dysfunctional Albania recognized Kosovo's 'independence'.[19] To the Pristina-based publisher Veton Surroi it was a case of "cognitive dissonance":

[19] In October 1991, shortly after winning the underground elections, Rugova sent a letter to Lord Carrington, the chair of the EC Conference on Yugoslavia which oversaw the Badinter Commission, asking him for his "full and immediate consideration" that the Republic of Kosovo be recognized as a sovereign and independent state (Weller, 1999a, p. 81). Both Carrington and Badinter ignored the request (Bellamy, 2002, p. 26).

Kosovo was heavily occupied by Serbian state security forces, yet Rugova was establishing "relations" with other countries and issuing orders to his "government" (Pavkovic, 1997, p. 189; Surroi, 2016).

The hope that international powers would intervene came to naught in 1995.[20] After considerable diplomatic and military pressure, Milošević agreed to sign the Dayton Accords that brought an end to the Bosnian war. Yet Kosovo was conspicuously absent. As Timothy Garton Ash put it, "so long as Rugova kept the lid on his own people, and so long as we felt we had to deal with Milošević over Bosnia, we weren't going to push [Milošević] on the matter" (Garton Ash, 1999). Overshadowed by the Bosnian war, Kosovo was just "not bad enough" (Russell, 2009, p. 498). Moreover, Bosnia set a disturbing precedent for what the LDK's strategy could even hope to achieve. Ethnic self-determination had been balanced with the right of a sovereign state to protect its territorial integrity. Bosnian Serbs may have been awarded their own entity within a federalized Bosnia and Herzegovina, but they were denied outright secession. It seemed like Kosovo could at best be elevated to a constitutive part of Yugoslavia. It was a far cry from independence.

After Dayton, chinks appeared in the LDK armor. Passive resistance was increasingly seen as hopeless. Belgrade's liberal press and educated middle class largely ignored the quietly restive province, thereby ceding the narrative to more nationalist media (Pettifer, 2012, p. 70). In Kosovo, more people were reading newspapers like *Koha Ditore* that dissented from the LDK line. The depressing lesson of Dayton, its editor wrote, was that "international attention can only be obtained through war" (Surroi, 1996, p. 25). More militant options—still anathema to the LDK—were now seriously considered. Over the

[20] On December 24, 1992, President George Bush had offered some hope to Albanians with his "Christmas warning" to Milošević. It stated that, "In the event of a conflict in Kosovo caused by Serbian actions, the U.S. will be prepared to employ military force against Serbians in Kosovo and Serbia proper" However, this was quickly followed by a secret message to Rugova that the US did not support Kosovo's secession and would not come to their aid in the event of violent secession (Judah, 2008, p. 71).

next year, sporadic small-scale guerilla attacks struck Serb civilians and police, indicating a faltering adherence to non-violence. In the fall of 1997, *active* resistance returned when university students organized large-scale demonstrations in Pristina in defiance of Rugova. One month later, at a funeral for a teacher killed by Serbian police, a little-known group called the Kosovo Liberation Army issued their first public statement (Rogel, 2003, p. 175). Their popularity and recruitment soon soared, as did their capacity for violence. In a fortuitous turn of events, a vast network of pyramid banking schemes in neighboring Albania collapsed in early 1997, resulting in the widespread breakdown of order across the country (Vickers, 1999, pp. 244–248). Army and police units deserted, armories were opened, and the haul of looted weaponry soon found its way into the hands of the KLA, transforming the organization from a tight-knit group of radicals into a guerrilla army capable of seizing and holding territory (Bellamy, 2002, p. 64). The KLA sought to achieve its aims through a strategy altogether different from the LDK. As one author summarized,

> The KLA recognized that international fears of a bloodbath in Kosovo could be strengthened only by objective facts reifying the fears. There actually had to be some violence. Even before Dayton, the most obvious difference between Croatia and Bosnia, where the international community was heavily engaged, and Kosovo, where it was not, was that there was a war in Bosnia and there was none in Kosovo. The KLA intended to erase that difference (Perritt, 2008, p. 143).

"One day," a former student recalled, "instead of filling our backpacks with things like books, we filled them with things we needed to be in the mountains. We went to join the KLA."[21] By the winter of 1998-99, non-violence had ended.

Solidarity and Survival

People understood that either they survived all together, or they died all together.[22]

[21] Author interview, former student and female KLA veteran, Gjakova, 30 Oct 2015
[22] Author interview, Pristina, 28 June 2016

Though Rugova's "parallel government" was declared illegal by Serbia, remained unrecognized internationally, and operated in exile for much of the period, it nevertheless supported thousands of teachers, doctors, nurses, traditional mediators, tax collectors, theatre directors, sports coaches, and numerous other 'officials' in the parallel system. It provided critical services to over a million people and fostered a powerful sense of social solidarity for almost a decade. This solidarity was enormously influential on individuals, shaping how many of them interacted with the newly established parallel services. In this section I trace out the factors behind this solidarity—defined here as the binding and melding of individuals into a cohesive group or collectivity. First, I argue that high levels of state repression necessitated the covert formation and operation of the parallel state 'below' the formal Serbian state. This, together with the shocks provided by widespread dismissals, drove the *structural* element of solidarity. People came to depend on the parallel state for access to valued services, just as the parallel state was increasingly able to monitor and control them. Similarly, *psychological* elements of solidarity saw individuals increasingly defining themselves as Albanians engaged in resistance against Serbs. Strong in-group norms meant those who were not sufficiently supportive of the parallel state were labeled "traitors" and often dealt with severely. This high level of solidarity formed an important backdrop to individual decision-making throughout the parallel state period and a key difference with the Serb parallel institutions that took shape after 1999.

Repression, Insecurity, and Symbols of Solidarity

One core proposition behind the rise of solidarity can be summed up as the following: personal insecurity leads to a demand for collectively organized social security. What leads to personal insecurity may be varied, but one common route is as a

consequence of an external threat or crisis. In the case of the Albanian parallel state the threat was clear: an increasingly repressive state apparatus that, through widespread dismissals, had deprived a significant proportion of Albanians of their material security and access to key social services. Julie Mertus (2009, p. 467) argues that the shock created from the events during 1989-1990 was the key driver, writing that "The creation of this [parallel state] was not guided by a single calculated plan. Rather, it occurred in response to the pressure exerted by the Yugoslav state—the mass dismissals of Albanians, the requirement for loyalty oaths and so on. Action," she highlights, "came about spontaneously". In a similar vein, Denisa Kostovicova (2005, p. 115) argues that the "unprecedented national homogenization" that took place amongst Albanians in Kosovo "was triggered by actions of the Serbs as a national foe". This was a point of consensus amongst interviewees. Many viewed the events of 1989 and 1990 in existential terms, a matter of collective survival. As one man recalled, "The war for survival, for existence, was emotional for all of us. Back then we were more organized because of our enemy; the risk that we had in front of us. The aim was to stay alive."[23]

Repression itself was not new. Since the 1981 riots, military checkpoints and an increased police presence on the streets had been the norm while thousands of Albanians were charged in the wake of the riots for "irredentist" activities (Amnesty International, 1985; Malcolm, 1998, p. 335). Yet at the time, many of the state personnel involved were Albanian; even the courts used to prosecute students calling for a "Republic of Kosovo" were staffed by ethnic Albanian judges (Vickers, 1998, p. 217). The key divisions at the time were still to a degree political or ideological, between communists and 'counter-revolutionaries'. This changed with the clear ethnic divisions that defined post-autonomy Kosovo. The police, military, and judiciary were now almost entirely Serb while those being

[23] Author interview, former lawyer, Gjakova, 28 Oct 2015

confronted by them were almost entirely Albanian. Police numbers had also surged; Rugova (1994, p. 115) estimated that there were 40,000 in the province by the early 1990s.

Police harassment became an everyday experience for many Albanians. In 1994, the Pristina-based Council for the Defense of Human Rights reported over 19,000 cases of police abuse. The next year the figure rose to over 27,000 cases, 11,000 of which allegedly involved torture or cruel, inhuman and degrading treatment (Poulton & Taji-Farouki, 1997, p. 159). "They did whatever they wanted," one respondent explained. "If the police [was] a Serb citizen in Kosovo, he just felt himself privileged and attacked the Albanian people. They didn't even respect the laws."[24] Formal state personnel were reinforced by paramilitaries. Željko Ražnatović—popularly known as "Arkan"—was a former bank robber, assassin, and accused war criminal from conflicts in Croatia and Bosnia. His "Tigers" periodically made Štrpce and Ferizaj their bases, while Vojislav Šešelj, president of the ultranationalist Serbian Radical Party and leader of the "White Eagles" occupied Prizren.[25] Beyond the official police and military, and semi-official paramilitaries, Serb civilians were also widely reported to have been freely given weapons by state authorities; after Yugoslav military trucks visited his village, one man recalled that "They just knocked on your door and left a gun" (Mertus & Mihelić, 1994, p. 94). Needless to say, official attitudes to Albanian gun ownership differed. Police routinely carried out residential raids to search for weapons. Intimidation, illegal detentions, harassment, and physical abuse became commonplace. One Serbian police officer later recounted,

> If there was anyone who did not want to beat the old people, spill their hay onto the road or their wheat across the courtyard, while searching for arms, or who did not want to break into houses at three o'clock in the morning and smash everything in the way with rifle butts, people's heads, televisions, even remote controls, or if there was anyone who happened to take pity on these people, he was immediately branded as an inadequate Serb

[24] Author interview, Štrpce, 7 March 2016

[25] Both men were given official roles in the province. Šešelj was made—of all things—a lecturer of law at the University of Pristina, while Ražnatović became Pristina's representative to the Serbian National Assembly (Vickers, 1998, p. 259).

> and a poor patriot, and the other policemen would turn on him with contempt (Kostovicova, 1996, p. 61).

Police repression gained increasing international attention. The US State Department described police violence as "routine and capricious" while reports on human rights abuses in Kosovo from international organizations proliferated throughout the 1990s (Mertus & Mihelić, 1994; U.S. State Department, 1997). Human Rights Watch described Kosovo as a "police state" run by "brute force and intimidation"; Amnesty International stated that "thousands of ethnic Albanians have witnessed police violence or experienced it at first hand" (Traynor, 1994). In December 1996, the UN General Assembly adopted a resolution condemning human rights abuses in Kosovo.

It was under a context of intense police attention that the parallel state came into existence. Interviewees commonly invoked metaphors like 'survival', Kosovo as a giant 'prison', or Serbian polices of 'Apartheid' or 'Colonialism' when recalling the period, all of which attest to a common struggle amid oppression. Virtually any gathering of Albanians such as weddings or football games would attract official scrutiny and often arrests. Between 1989 and 1992 an estimated 20,000 Albanians served 30 to 60-day prison sentences (Rugova, 1994, p. 102). Faced with such a threat, the orchestration of events like voting for the referendum on independence had to be carefully planned and executed, with polling stations in private homes to avoid police attention (H. Clark, 2000, p. 82). Parallel state teachers, students, and tax collectors were of particular interest to the police. Interviewees commonly recounted the need to adapt their behavior to evade the police or military. Students walked alone or in pairs, never in groups, and frequently changed their routes so that police would not follow them to class. Even school bags were avoided; "We were afraid that the police would intercept us on the way to school," one student explained "so we tucked our notebooks under our jackets" (Kostovicova, 2005, p. 101). Teachers

routinely changed classroom locations for the same reason. University students signed up for classes in specific cafes spread by word of mouth. Tax collectors had to take special care. Getting caught with suspiciously large amounts of Deutschmarks sown inside one's jacket would mean confiscation and often a beating.[26]

Solidarity and Decision-Making: Structural and Psychological Factors

Heightened solidarity impacted the way people made decisions along two pathways: one structural, the other psychological. Structural solidarity increased in the wake of the mass dismissals, as individual Albanians came to depend more on the parallel state system. This was partly because of barriers in accessing formal state services. Healthcare no longer free at the point of use for those who had been laid off, meaning that those who could not pay had little alternative than the parallel state clinics. Meanwhile, police periodically guarded the entrance to schools to ensure that students and teachers had signed oaths of loyalty to the new curriculum. Not signing meant no longer being able to access the formal educational system, leaving little option beyond the parallel schools. Yet access to the parallel schools was also conditional. Initially, the parallel system relied on persuasion to get parents to pay 'taxes' to the service, but this had proven ineffective. In response, attendance was made conditional on parents fulfilling their financial obligations. Proof that one had paid 'taxes' was now required for certificates, diplomas, and other related documents (Kostovicova, 2005, pp. 124–125). Education was increasingly becoming a 'club good'. Not only could those who did not contribute be excluded from the parallel service, strong social norms against using the formal system meant there were precious few alternatives.

Along with increased dependence, people involved in the parallel state system also began to put more effort into monitoring and sanctioning to ensure that everyone toed the

[26] Author interview, former tax collector, Gjakova, 31 October 2015

line. One's personal adherence to the cause of independence was difficult to determine. Actions, however, could be much more visible. Parallel institutions like the media facilitated sanctions by spreading information about suspected "collaborators". "They were humiliated," a former journalist explained,

> They would go away and leave with their whole family. This was from the propaganda that we used. We would publicly inform people that this guy or that guy is working for the Serbs and that he's a spy. We would start spreading out rumors, in the newspaper or by word of mouth, that this person is a tool of the Serbs and is against us. It would warn the people not to do that […] The purpose was to create fear among the Albanians so that they wouldn't work for the enemy, and to tell them that if you were, we would find out and would tell the people.[27]

Ostracism was the most common punishment, one that found a traditional justification in Albanian customary practice as the concept of *leçitje,* or social banishment.[28] A person could be sanctioned "if they did not close their shop when everyone went on strike… voted in the elections boycotted by his co-nationals… joined a party that Albanians boycotted… or accepted and implemented the measures of the forced organs of the Serbian state" (Kostovicova, 2005, p. 118). Wrongdoers were not greeted in the street or their apartment block by their neighbours. The aim was public edification around the parallel state's new injunctive norms. People learned what they could and could not do through the example of how others were treated, and the fear of bringing similar treatment upon themselves. "Of course, we considered them as traitors," one man recalled of those known ironically as 'honest Albanians'. By signing loyalty oaths to the Serbian state, these people could keep their jobs and salaries. Milošević called them trustworthy, Albanians thought otherwise. "We didn't want to have a relationship with them; we didn't want to have conversations

[27] Author interview, Pristina, 17 Dec 2015
[28] See Gjeçov & Fox (1989), § 1179

with them. Even when they had daughters who were engaged with us or with our boys, we just broke it up. We didn't want to have anything to do with them."[29]

Dependence on the parallel state was not total, however. 'Exit', primarily through migration, was still a viable option, particularly for young men who wanted to avoid being conscripted for military service in Croatia or Bosnia. Within the first five years following the revocation of autonomy, approximately 300,000 Albanians had left, mostly for Germany, Switzerland, and the Scandinavian countries. As the decade moved on, sending young men to Europe to find work became an important livelihood strategy for families. One Albanian demographer explained that "the first wave was mostly young men who wanted to avoid the draft. The latest wave has been people trying to make a little money to send home to their families" (Mertus & Mihelić, 1994, p. 110).

The psychological element of solidarity became increasingly evident in Kosovo during the late 1980s and 1990s as well. Ethnic identities had been salient in the province for decades; sociological surveys consistently showed the greatest "social distance" between Yugoslavia's ethnic groups to be in Kosovo. However, by the parallel state period Albanians in particular perceived ethnic relations to be a matter of 'us' and 'them'. One survey in the early 1990s found that Albanians characterized Serbs in sharply categorical terms; they "disliked of other nations", and were seen as "sly", "selfish", and "rough mannered" (Nikolić, 2003, p. 53). Revealingly, the same survey found that the most common characteristic that Kosovo Serbs ascribed to Albanians was "united", albeit followed shortly after by "hating other peoples". Surveys carried out in Serbia reinforced the tendency to view ethnic groups as monolithic wholes. Over half of the respondents in one poll agreed with the statement that "all Albanians are primitive and uncivilized" (Nikolić, 2003, p. 53). More ominously, another found almost half of those polled believing

[29] Author interview, Štrpce region, 6 March 2016

that the "solution" to Kosovo lay in the expulsion of Albanians from the province (Reitan, 2000, p. 80).[30]

Increased distrust of the Serb out-group was matched by a sense that the identity of the Albanian community was more salient than any individually-derived *personal* identity. Reflecting on the period, one Albanian man recalled, "We were unified; we were all together, and we had a purpose. We went years without getting paid. It was our mission in a way, our duty. It was like our national consciousness."[31] Serbs and Albanians now faced each other not as individuals but entirely as members of one group or the other. As one lecturer from a mixed Croatian-Albanian marriage who stayed working at the university said, "everything here is black and white. There are no shades" (Kostovicova, 2005, p. 118). The language used to describe those who lacked the adequate display of loyalty to the group was almost uniformly that of 'treason', 'treachery', and 'betrayal'. "We all knew who they were, the traitors—we all knew," one man explained. "We didn't hurt them. But we completely ignored them."[32] The pronouns used are indicative. A common theme running through interviews with Albanian respondents was the use of 'we' rather than 'I' or 'they'—highlighting the extent to which collective norms around what constituted appropriate behavior had been internalized.

Heightened solidarity also provided more prosaic and measurable outcomes in the form of crucial financial support. Remittances from abroad, community money and in-kind donations, and "informal" tax revenues collected at the municipal level helped keep the

[30] The increased salience of ethnic categories was also a common feature in Serbian media. In 1990, the most influential newspaper, *Politika*, routinely presented Albanians as 'wild', 'enemies of all colours', 'separatists and terrorists', 'fanatics', 'rapists of Serbian women', 'selfish and egotistical' and endowed with the 'virus of insanity' (Guzina, 2003, p. 45).
[31] Author interview, Gjakova, 2 March 2016
[32] Author interview, Štrpce region, 7 March 2016

system afloat (World Bank, 2001, p. 32).[33] Teachers, the largest constituency of parallel state employees, had at first gone unpaid; only for "hardship cases" did the local community or the teachers' union scrape money together. But by 1993 the LDK established an underground taxation system. These were the 'Central Council for Financing in Kosovo' (KQFK in its Albanian initials[34]) and the "3 percent Fund". The KQFK was "voluntarily" levied on households and private business throughout Kosovo. Employed citizens were meant to pay 5 percent of their income to the KQFK, while agricultural land was taxed by the hectare. Families that had members living abroad were expected to pay a flat fee of 15 Deutschmarks every month—Yugoslav dinars were avoided thanks to world-record beating levels of hyperinflation.[35] Seasonal workers and renters were also expected to give a percentage of their income. The "3 percent Fund", established by the Kosovo government in exile, focused on fundraising from the significant Albanian diaspora in the United States and Europe. Money raised overseas was transferred to a bank in Albania, withdrawn as Deutschmarks, and smuggled across the border for distribution (Hockenos, 2003; Koinova, 2013). Altogether 1 billion Deutschmarks were collected to support the parallel state between 1991 and 1999 (ICG, 2001, p. 8). Remarkably, the majority was raised *inside* Kosovo and hardly any funds were 'lost' (H. Clark, 2000, p. 103; Demi, 2018).

The funds helped, particularly for the parallel school system that received over 90 percent of the budget (Demi, 2018). But even at their peak in 1997, when over 25,000 teachers were receiving around 150 Deutschmarks at schools and 180 at the University per

[33] The International Monetary Fund estimated that remittances from the diaspora ranged between 800 million DM to 1.2 billion DM annually by the late 1990s, peaking at over 40 percent of Kosovo's GDP in 1999/2000 (Corker, Rehm, & Kostial, 2001, p. 5)

[34] *Këshilli Qendror për Financim në Kosovë*

[35] In December 1993, rates of Yugoslav hyperinflation reached an astounding 363 million percent (Judah, 1997, p. 267), surpassing the worst episode of hyperinflation experienced in Weimar Germany by a factor of four (Hanke, 2007).

month, it still wasn't enough to support a family (H. Clark, 2000, p. 102).[36] Many people contributed out of a sense of conviction, but social pressure was also a powerful motivator. As mentioned above, the method of *persuading* Albanians—and parents of schoolchildren in particular—to contribute to the parallel schools was not always successful. In an interview with the LDK-aligned paper *Bujku* in late 1992, the head of the KQFK stated that "for those who can generate an income, it is a *moral debt* to pay to support teachers and the families that have no means to go through this tough winter" (Demi, 2018). Others put it more bluntly. "The LDK brooked little dissent and those that challenged it were howled down in LDK publications and could even be ostracized from the tight-knit Albanian community," wrote Tim Judah. "Woe betide any Albanian family or shop-owner or businessman who did not pay his dues to Kosova's [*sic*] tax collectors" (Judah, 1997, p. 314).

Conclusion

The 1990s was as a period of extremely high group solidarity amongst ethnic Albanians in Kosovo. Widespread perceptions of insecurity rose with the initial shocks associated with the revocation of Kosovo's autonomy. Mass dismissals, the repressive police presence, and the crackdown on institutions of Albanian social life such as the educational system rapidly contributed to a sense of economic, physical, and social insecurity. As a response, the formation of the parallel state took place 'below' the formal institutions of the Serbian Republic and the Yugoslav state. Elections, schooling, and tax collection—among other activities—all needed to be coordinated and carried out covertly. Following this initial rupture, solidarity was maintained through both structural and

[36] 180 Deutschmarks is approximately 50 euros today. These payments had also risen considerably over the years. Human Rights Watch reported that in 1993 teachers were paid only 40DM a month, while professors got 100DM (Mertus & Mihelić, 1994, p. 115).

psychological mechanisms. Structurally, Albanians increasingly *depended* on the parallel state. Many services were no longer "public goods" in the sense that they were no longer intended, either explicitly or implicitly, for *all* of Kosovo's citizens. Albanians were excluded to varying degrees, while a system of monitoring and sanctioning ensured that the costs of remaining 'loyal' to the formal state were severe. Ostracism meant being excluded from the only community that offered acceptance and support. Psychologically, growing ethnic animosities—captured by surveys and media reports—meant that people were perceived first as members of an ethnic group and second as individuals. Strong social norms prescribed behaviour, while deviants risked being branded as "traitors" or "collaborators", indicating the emotional salience of group membership.

Solidarity permeated the lives of those who lived through the parallel state period. Ideas of a population united in resistance against a well-defined, threatening foe helped people make sense of the daily sacrifices and voluntary contributions asked of them. Maintaining an underground system for close to a decade would likely have been impossible without it. Yet solidarity, though important, did not *entirely* motivate individual decision-making. What mattered was how high solidarity *intersected* with the characteristics of parallel public services. People interacted with different services in different ways. For each service they faced specific constraints, drew upon unique motivations, and justified their actions for different reasons. Education, the most visible and politically salient service, was marked by powerful social norms of collective resistance and high levels of sanctions; *not* opting for parallel schools could carry serious consequences. Healthcare was much more discreet. Perceptions of security and trustworthiness took priority. People often calculated their options based on expected outcomes, while social pressure was rarely a factor. Justice split along two lines. The bloodfeud reconciliations were a powerful and highly public symbol of national solidarity; decision-making for those affected was motivated by social

norms. Like education, *not* opting to reconcile for such a 'national service' was akin to treason. Civil issues, however, were a much more pragmatic matter. The invisibility and relative lack of enforcement capacity meant that opting for the parallel service was based on prudence, not on the 'national cause'. The chapters that follow explore how individual decision-making played out across education, healthcare, and justice during the 1990s.

Chapter 3: Education, 1989-1999

The organization and delivery of a functioning educational system was the crown jewel of the Albanian parallel state. The vast majority of funding raised by underground tax collectors and diaspora contributions went to paying teachers and providing classrooms, sustaining the system for nine cohorts of schoolchildren. For those involved, it was a matter of national identity. Schools were a vehicle for the protection of Albanian culture across the generations and an incubator of a national ethos. The sense that education was a service of particular salience mattered for decision-making. Social norms rooted in what was considered appropriate behaviour were a powerful motivation. The option between the formal and parallel educational systems was also constrained by external factors—police surveillance, fixed quotas limiting Albanian participation, the necessity to sign oaths of loyalty. Even if "choice" existed for some people, particularly certain teachers, professors, or university students, it was rarely framed as such. Rather, the decision was widely perceived as forced; anything less was "betrayal".

This section lays out the technical and socio-political characteristics inherent in the parallel education system. In the previous theoretical section, I argued that education is closely associated with nationalism and national identity, and that the technical elements in its delivery—its visibility, frequency, durability, and the nature of co-production between students and teachers—help account for this. We would expect to find people's decision-making sharply inflected by considerations of nationality, powerful social norms, and strong sanctions for deviants, particularly under conditions of high group solidarity. The argument proceeds in the following steps. First, it lays out the historical context of dismissals and the setting up of the parallel system as it related to education. Second, it highlights the 'menu' of options available for teachers, parents and students. Finally, it explores the dominant

modes of decision-making, highlighting the powerful influence of social norms, solidarity, and national identity.

Education after the Revocation of Autonomy

The 1989 school year began three months after Milošević's speech marking the 600th anniversary of the battle of Kosovo, in the charged atmosphere of constitutional change and an ominous portent of what lay ahead for pupils, parents, and teachers. In a clear break from the Yugoslav socialist ideal of "brotherhood and unity", ethnic segregation was introduced into formerly mixed schools based on the demands of Kosovo Serb parents and teachers (Kostovicova, 2005, pp. 70–73). Often this meant that Serb-speaking students would be taught lessons in a classroom for the morning shift while the Albanian-speakers would carry on in the afternoon shift. At times it manifested as an actual physical barrier: Serbs on one side of the class, Albanians on the other, and a brick or concrete partition separating them (H. Clark, 2000, p. 96). By early 1990 the creeping segregation had moved to the University. Serb-speaking students demanded to be accommodated in a separate dormitory, driven, they argued, by the abuse and intimidation they had received from their Albanian classmates (Kostovicova, 2005, p. 66).

In July 1990, the most important Kosovar Albanian cultural institutions were shut, including the Kosovo Academy of Science and Arts, the Kosovo Institute for History, the Institute for Albanian Studies, and the Kosovo Bureau for Textbooks (Guzina, 2003, p. 36). In August the Serbian Parliament adopted a new constitution that fully subordinated Kosovo to Belgrade, finishing what had begun in March 1989. Along with a unitary state came a unitary educational system. Despite official attempts at reassurance—Albanian language education would remain "differentiated" in order to "respect the national identity of the given national minority"—it was Serbs who were now in charge of "protecting"

Albanian national identity (Kostovicova, 2005, p. 80). Stipulations included an increased number of hours to be spent on teaching Serbian history and culture. Instruction in Albanian language, music, history, and literature was reduced to a minimum (H. Clark, 2000, p. 96). Albanians saw a curriculum that "contained nothing that would protect the national Albanian culture" and seemed to aim for the "assimilation of Albanians" (Kostovicova, 2005, p. 80).

Educators Dismissed

What gave the new laws their teeth were the initiation of the "temporary measures" that allowed for unprecedented intervention into Kosovo's institutions by Serbian authorities. Hundreds of school directors were replaced with Serbs, while the Serbian authorities began demanding that teachers sign loyalty oaths and recognize the newly unified curriculum. Thousands of Albanian teachers who were deemed to be incompetent in the Serbian language were removed, while anyone who refused to sign the oaths or teach the new "Serb-oriented" curriculum were "deemed to have resigned" (Alva, Murrugarra, & Paci, 2002, p. 7; Mertus & Mihelić, 1994, p. 113).

Most Albanians at the time recall that they were dismissed or forced to resign. Yet rather than being simply pushed out, many describe the events as part of a principled *choice*. They may have been 'forced' to resign, but it was because they refused to teach the Serbian curriculum. Serb respondents emphasized this aspect of choice, viewing what happened as "voluntary resignations" that were part of a larger "Albanian boycott" of Serbian institutions.[37] Albanian-run institutions had become bastions for counterrevolution and resistance, the official explanation went, and teachers were indoctrinating their pupils (Bellamy, 2000, p. 114). "They bring up their children with separatist ideas", the Secretary

[37] Author interview, Mitrovica, 13 July 2016

of Education, Marinko Božović, explained at the time. "They teach them… to merge with Albania. We've seen their programs. They teach only Albanian language, history, and traditions; nothing Serbian. The fifth-grade text says that Serbia occupied Kosovo. In Geography classes they give Albanian names to all the towns" (Mertus & Mihelić, 1994, p. 119). The aim of the formal system's changes, according to one official, was clear: "to decisively influence… the educational content with the aim of developing the feeling of permanent membership in the Socialist Republic of Serbia and the Socialist Federal Republic of Yugoslavia" (Kostovicova, 2002, p. 164). Controlling Kosovo's education was tantamount to controlling Kosovo's territory.

Along with changes to the curriculum, new regulations for enrolment into secondary schools were passed that introduced preferential quotas to the Serb population. Albanians could not enroll in secondary school unless they passed entrance exams in Serbian language and literature, which only a small percentage managed to do. By the end of 1990 armed soldiers were stationed at the entrances of Kosovo's secondary schools to ensure that no Albanian students or teachers could enter unless they agreed to follow the new curriculum (Vickers, 1998, p. 248). Approximately 6,000 teachers had already been sacked that year for taking part in protests (Malcolm, 1998, p. 349). The rest, including the principals and deputies of 115 elementary schools, followed when they refused to comply with the imposed curriculum.[38] In January 1991, the Serbian government stopped paying Albanian secondary school teachers. This extended to elementary school teachers in April. In May, they announced their intention to abolish half of the secondary schools in the province. New quotas for places at secondary school came into effect determining how

[38] Before the academic year 1990-1991, primary education in Kosovo was provided by 964 schools in three languages—Serbian, Albanian, and Turkish. There were 304,836 pupils attending classes in Albanian, 42,388 in Serbian, and classes in 1,890 Turkish. Secondary education was provided by 83 high schools for 69,221 Albanians, 14,678 Serbians, and 389 Turkish pupils. University education was provided by six two-year post-secondary schools and 13 university schools for 6,960 Albanian, 2,322 Serbian, and 26 Turkish students (Vickers, 1998, p. 248).

many pupils from both Serb and Albanian communities could continue with their education. With the new quotas in place, only 28 percent of Albanians finishing elementary school could continue at the secondary level (H. Clark, 2000, p. 96).

This proved legally complicated. The Yugoslav constitution both guaranteed elementary schooling and made it compulsory, and within a few months 90 percent of the closed elementary schools were re-opened. Though teaching among Albanians continued with the former curricula, classes remained segregated, teachers were not paid, and Albanian classrooms were left with worse facilities, less space, and at times were even denied heating. Even when pupils from both communities were in the same building, there was little contact between them. Students at secondary schools faced an even starker choice. Unprotected by any constitutional guarantee, it was either acquiesce to the Serbian curriculum, keep protesting the changes and keep getting beaten by the police, or find an alternative. Due to the lack of Albanian teachers in the formal system—hence a lack of instruction in their own language—as well as restricted quotas, the first option was becoming difficult for most. Yet the second option was also becoming untenable. In the last large-scale protests before the LDK moved to passive resistance, demonstrations over schooling had erupted across Kosovo on 12 and 13 October 1992, with perhaps a quarter of the population attending (H. Clark, 2000, p. 98). They were suppressed with tear gas, widespread arrests, and army units clearing the streets.

As with elementary and secondary schools, the University also felt the effects of the new measures. The University of Pristina had come to be seen as "the nest of Albanian nationalism" since the widespread student revolt of 1981 (H. Clark, 2000, p. 100). In August 1990, Serbian authorities passed a law that imposed a new curriculum at the university and required that all instruction now take place in Serbian. The same month, they purged the Medical Faculty of its 251 Albanian lecturers (out of a total of 342). To many

Serb doctors working there, Albanians had, in an act of 'disloyalty', preferred treating their wounded co-ethnic demonstrators to Serb police officers. The Gynecological and Maternity Clinic received special attention as the center of the alleged Albanian 'plot' to use high birth rates as a vehicle for the "demographic conquest" of Kosovo (Kostovicova, 2005, p. 83).

Like the secondary schools, police blocked university faculties at the beginning of the 1991-1992 academic year. By December 1991, 984 university instructors and other employees had been sacked. One history professor was fired for refusing to administer a Russian oral exam, despite her speaking no Russian. Another for having too many students sign up for a course (Gessen, 1994). Many experienced violence or intimidation. A lecturer described a faculty meeting where "policemen arrived in riot gear and beat all of us." Later, he continued, "My son bragged at his school that I was beaten by the Serb police and survived" (Sommers & Buckland, 2004, p. 44). The new Serb rector, Radivoje Papović, justified the dismissals as part of a long-needed realignment at the University. "The first task," he declared, "was to remove the hatred for all that is Serbian and which has accumulated here for decades" (Pax Christi International, 1995, p. 28). Where equality used to be understood as the opportunity to study in one's own language, it was now seen as an issue of 1:1 ethnic parity in what was an overwhelmingly Albanian province. An equal number of university places (1,580) was provided to both Serbian and Albanian students, despite the fact that around 14,000 students were graduating from Albanian-speaking secondary schools compared to some 3,000 in Serbian (Kostovicova, 2002, p. 165). Albanian students were officially welcome to apply to the University as long as they were willing to study in Serbian. Unofficially, by the end of 1991 the University had, "to all intents and purposes, become a Serbian-only institution" (Judah, 2000, p. 63). The official story was different. As late as 1998, the Serbian government would claim that "about 1,200 ethnic Albanians continue to study at the University of Pristina" (Weller, 1999, p. 40).

The Rise of Parallel Education

The first parallel school began spontaneously in Peja in 1990. After a local Serb-majority school declared that they would no longer teach in Albanian, students and teachers staged a two-month long protest in the schoolyard. It was to no avail, and by November they had shifted to holding classes in a private home, despite the principal being arrested and sentenced to 31 days in prison for "inciting civil disobedience" (H. Clark, 2000, p. 96). Apart from these isolated cases, by the end of 1991 a sense of depression had settled on the Albanian community in Kosovo. Parents were out of work following the mass dismissals, and children were out of school. Then there was the prospect that an entire school year would be lost. This would only get compounded the following year, when there would be double the number of students in the first grade while those beginning their second grade after a year off "would have forgotten how to write, and everything else they had learnt" (Kostovicova, 2005, p. 98). The teachers' union began an inventory of alternative sites to carry out instruction, including warehouses, basements, mosques, churches, or empty houses. By January 1992, education had largely resumed in these locations, albeit in a clandestine form.

The parallel university opened on 17 February 1992. Students needed to register at different places and at different times depending on their faculty, spread by word of mouth and a coded broadcast from Radio Zagreb's Albanian program; an administrative act organized "like a ballet, in minute detail" (H. Clark, 2000, p. 101). One former architecture student recalled,

> I applied for my place at a café close to the university that was owned by a professor. We'd been informed that registrations for architecture would happen there; I don't know how other faculties did it. We didn't even know where the lectures would happen or how they would happen, but they said they'd inform us. In the meantime, they managed to find a place on the first floor of a private home that someone had given to the faculty of

> architecture. In the beginning, we only had lectures once a week, on Mondays, because of the risk that Serbian police would find us.[39]

Classroom locations would often change at a moment's notice depending on whether there were police nearby or not (Gessen, 1994). In total, 13 departments and seven training colleges would have to depend on facilities in 250 private homes and buildings spread out across Pristina.

The situation had normalized to some extent by the end of 1992. In the 1993/94 school year, approximately 300,000 elementary school students were attending classes with teachers who were no longer paid by the state, while 60,000 high school students took classes in private homes (Mertus & Mihelić, 1994, p. 114). Over the next six years 41 out of 441 elementary schools and 60 out of 66 secondary schools were held in makeshift classrooms (H. Clark, 2000, p. 98). Gradually the number of sites used declined, from constantly shifting between locations in the early days to a more stable situation later on.

Students attending the parallel system were now learning from new curricula that emphasized Kosovo's national aspirations. Serbian was no longer taught. The geography of the former Yugoslavia was replaced by the geography of Kosovo in primary schools and of all the Albanian-inhabited lands in secondary schools. Albanian national figures adorned school names, while classrooms hung portraits of the 15th century national hero, Skanderbeg, as a symbol of pan-Albanian national unity. School diplomas bore the official-looking stamps of the 'Republic of Kosovo' (Kostovicova, 2002, p. 169). Subjects that did not touch upon a sense of nationhood, like philosophy or sociology, were left the same as the Serbian curriculum. Though morale was high, conditions were far from adequate. Parents and teachers helped make improvements to the shortage of equipment and supplies from their own pockets. Most people assumed that the best that could be done was to

[39] Author interview, former university student, Pristina, 19 Dec 2015

prevent children from forgetting what they had already learnt. Few thought the situation would persist longer than a year or two.

Attendance at all levels of the parallel system suffered over the years as people increasingly opted for the 'exit' option. Parents and teachers confronted the choice of not just to go to the parallel schools or stay in state schools, but whether to continue working in or attending school at all. By the end of 1997, 18,000 teachers and 330,000 students were in the parallel elementary and secondary system (H. Clark, 2000, p. 99). This was a decline from the 376,000 students in attendance before 1991, but nonetheless impressive. After all, teachers had remained working despite high levels of police intimidation. According to the Albanian Teachers Association, 3,300 teachers were detained and interrogated by the police and at least two school directors were killed in the first two years of parallel education (Gessen, 1994). But the situation had taken its toll. By 1997, around 20 percent of the teachers were not formally qualified to teach, while many who were had decided to migrate abroad. A quarter of pupils did not complete elementary school; fewer still enrolled in secondary school. Girls were disproportionately affected. Patriarchal norms were increasingly prevalent in Albanian society and rural families in particular were favouring male education as the surest way to produce breadwinners (Mertus, 1996, p. 269). Moreover, many parents simply did not want their daughters to continue making what was often a long journey to a class that could come under the attention of the police at any given moment (H. Clark, 2000, p. 99).

Enrolments in the parallel university also suffered, dropping from 19,620 at the start of the 1991-1992 school year to 13,805 for the 1996-1997 school year (ICG, 1998b, p. 23). In contrast to the elementary and secondary levels, at the university level there was a particular pressure on young men to drop out. Many preferred to go abroad to avoid conscription into the Yugoslav Army, or else to earn money for their families. For others,

the switch to private houses made it too difficult for them to get to class, particularly if they had to commute into cities from smaller villages.[40] For those who stayed in the university, widespread unemployment and an economic crisis made little incentive to complete their studies and degrees often dragged on for years.[41] Some professors found the situation too difficult to continue. A professor of German explained that she quit teaching due to the miserable conditions: "The students have the desire to study, but they don't have books. They don't have a library, so they have to order books from Germany, but they're too expensive" (Gessen, 1994). Yet in other ways the University flourished. Professors could teach what they wanted. Despite being entirely an underground operation, the university could also launch an academic press and two new departments. By 1997, 156 new textbooks for the university and the schools had been produced and printed, often outside the country, and then smuggled in and distributed illegally (H. Clark, 2000, p. 99).

Decision-Making in Education

People faced different choices in the education system depending on their relation to it. Teachers, university lecturers, and administrators faced choices over whether to continue working in state institutions or resign in protest; whether to keep teaching in parallel schools or to retire, find alternative work, or flee Kosovo; and whether, once they had started, to continue teaching in what were often miserable conditions and under pressure from the police. Private, fee-paying schools were virtually non-existent. Elementary and secondary students and their parents were confronted with whether to follow their teachers into the parallel system or to remain in the state system, and whether to remain in the parallel system despite official intimidation and poor-quality facilities.

[40] Author interview, former university student, Ferizaj, 6 March 2016
[41] Author interview, former university student, Pristina, 19 Dec 2015

Finally, there was the option of simply not going to school at all. University students had to decide whether their studies were worth it in a system where their degree would go unrecognized everywhere except Albania. Ultimately, many felt as if they had been pushed into a corner. "We did not want to set up parallel education but were forced to," an education official explained. "We did not want [to do it]. We wanted to carry on as before" (Kostovicova, 2005, p. 94).

Once the schools were established, decisions made by various actors to use them helped legitimize the parallel system in the eyes of much of the population. They made these decisions under significant constraints and there were strong normative pressures to conform. In part, this was a result of education's powerful sociopolitical resonance as an issue of national identity. Albanian media in Kosovo had early on marked the curriculum changes in national terms. *Bujku* called it "an attempt at a reduction of the Albanians' national identity"; *KOHA* railed against "denationalization" and what was seen as an "insult to Albanian national dignity"; *Zëri* appealed for resistance to the Serbian educational policies as paramount to "the defense of national identity" (Kostovicova, 2002, p. 165). These appeals did not fall on deaf ears. For many respondents, the parallel education system developed into something more than a public service. It was an expression of national solidarity, moral superiority, and civil resistance. The technical characteristics of education helped reinforce these national undertones. Its collective nature gave both students and teachers a sense of mutual responsibility in the 'co-production' of the service. Both were participating in a form of resistance. More prosaically, both also knew on a daily basis who was attending class and who was not.

Decision-Making for Teachers

Teachers were the classic "street-level bureaucrats" of the parallel state (Lipsky, 1980). It was through teachers that tens of thousands of students and parents directly and routinely experienced the 'independent' state they had implicitly constructed. As providers of the parallel state's flagship service, their decisions were doubly important. Few Serb teachers spoke Albanian, meaning that the 'upstream' decisions of Albanian-speaking teachers would decisively impact the 'downstream' choices available to students. They needed to decide whether to accept the new Serbian curriculum, whether to switch to the parallel system, or whether to 'exit' from teaching altogether.

The decision whether or not to accept the Serbian curriculum was not only a genuine option for some teachers, but one that involved significant economic incentives. As one teacher from the south of Kosovo remembered,

> I was teaching from the 1st to the 5th grade [at the time]. Then the police officers came and said, would you accept the Serbian curriculum, and you will be paid, we will offer you a pay of what today is the equivalent of 900 euros a month. It was a lot of money then; it still is. Otherwise, they said I would have to leave the school within five minutes. But I didn't accept that, so I had to leave the school. That happened on Thursday. On Friday, they brought a letter that said that I should go to the police station. They just tried to keep me under pressure, asking me the same questions. Why don't you accept; you'll have a better salary. I was the only Albanian teacher in that school. All the others were Serbian. They offered me more money than the others, just to say that there is a complete school that is working with Serbian curriculum, to tell the world that this school had accepted the Serbian curriculum and that other school should, too. They would use that as an example for other schools.[42]

Another explained how at his school, the new director "told us that we had to sign a paper saying that 'I recognize the State of Serbia'. Only one [Albanian] guy signed. In January they stopped paying us. But that January they gave us a lump payment of 3,000 Deutschmarks each. They tried to bribe us to come back with promises of increased pay. The teachers that remained got excellent money" (Mertus & Mihelić, 1994, p. 113).

[42] Author interview, teacher, Štrpce region, 7 March 2016

Despite the cash incentives, most Albanian teachers at the primary and secondary levels opted to refuse the new curriculum—a decision many felt to be making not on their own but as a unified group. "We were all together," one teacher remembered. "It was a decision from all of us, so it was not individual. All of us we decided not to accept these laws."[43] Most framed this as an obligation or a duty, one undertaken in the face of significant economic *disincentives*. As another former teacher described, "It was a general decision that everyone left the school. We were completely united; we had a purpose. Teaching for us was like a mission in a way; we went years and years without getting paid. It didn't matter."[44] As teachers they had a special role in forming and safeguarding a national consciousness. This point was driven home by the content of the new curriculum and the way it threatened Albanian history in Kosovo. As one teacher recalled,

> They made changes in the history books. They would write that the Albanian people were being assimilated and all that. We didn't want to teach this to Albanian students; it wasn't right. So, this was one of the things that made us not accept it, one of the things. They changed our books, our texts, and they changed the historical facts. We couldn't accept to teach all of these things that they changed… [W]e had to explain about [medieval Serbian kings] Czar Dušan, Czar Lazar, all of them. Maybe I would accept some important things, and yes, I would still explain some things about Serbia as a state, but not all of these things they wanted.[45]

Choices were often framed in positive terms. It was factors related to the moral legitimacy of parallel education that mattered. Yet "push" factors also clearly existed. The LDK aimed to exert just as much control over the education system as the Serbian state. The newspaper *Bujku* had, along with details of the start of the parallel system's first school year in 1992, made it clear that "Teachers should return to work [in the parallel system], or else they will lose their jobs", (Kostovicova, 2005, p. 99). As one teacher recounted,

[43] Author interview, teacher, Štrpce region, 7 March 2016
[44] Author interview, former teacher, Gjakova, 2 March 2016
[45] Author interview, teacher, Štrpce region, 7 March 2016

> The real reason for me leaving was that they [the Serbian authorities] sued me for not accepting the curriculum… we started to teach in private houses, in basements, in very miserable conditions. We were very anxious and under pressure because we didn't accept the curriculum. But it was pressure from our side too, for us to teach in those conditions. Everyone was under a lot of pressure.[46]

The irony that this mirrored the Serbian ultimatum to teachers regarding the curriculum seems to have been lost.

Education as a service uniquely responsible for the protection and propagation of a national identity was a powerful sociopolitical factor in the way teachers perceived their options and justified their decisions. Others, however, noted its technical aspects. For them it was less the *content* of the curriculum that mattered, but the idea of providing a visible, routine example to their pupils. "Being a teacher is really important," one former teacher explained,

> I didn't feel that I should let the students down, because if I stopped then someone would see that I didn't go to school and then they would stop. You just had that responsibility that you should just go and not leave the students to be uneducated. That was my motivation. We wanted the other generations to be educated; to know their history. If we teachers stopped one by one, the education of Albanians would just cease to exist.[47]

Many highlighted the co-productive nature of education, one that depended on both teachers and students jointly contributing to the provision of the service. The emphasis on mutual provision also carried a sharp edge, one that illustrates how the collective experience of education could play a crucial role in holding both teachers and students to account for their behaviour. "It was about coming and being educated and not stopping," one man recalled. "If a teacher didn't come to teach one day, his students would say that he was a coward… that he was afraid of the Serbs, and that's why he didn't come to work. So, the teacher had no other choice. He had to come to work. It was his duty."[48] Similarly, the

[46] Author interview, Gjakova, 2 March 2016
[47] Author interview, Štrpce region, 7 March 2016
[48] Author interview, Gjakova, 15 Dec 2015

owners of the homes where classes were held received public praise for their cooperative efforts in providing education. They were the "front-line of the survival of Albanian education" and had their names published in newspapers (Kostovicova, 2005, p. 113).

The ease of mutual monitoring that came from education's visibility helped with sanctioning. There were consequences for teachers and professors who made the 'wrong' decision. "No Albanians continued using the state schools; they all went to the houses," one former pupil remembered, before adding, "Well, it was a very small number that continued to work for the Serbs, but those people, they had a different… not status, but they were looked differently from the Albanians. We looked down on them… it would not be such a good feeling."[49] Albanians did overwhelmingly move to the parallel system, but not entirely. For instance, of the nearly 800 full-time Albanian professors and lecturers at the university, and nearly 300 part-time assistants, just over twenty remained working at the formal state-run institution (Kostovicova, 2005, p. 119). Names of those seen to be "collaborating" with the Serbian state were spread through Albanian media. In early 1991 the parallel university's student paper named Albanian lecturers who had willingly "embraced forced measures" and opted to stay in their positions as employees of the formal state, while *Bujku* published in bold font the names of the lecturers who continued to teach in Serbian (Kostovicova, 2005, p. 115). Those who were exposed often fled Kosovo; those who did not faced ostracism. "Everybody ignored them," one teacher explained. "Also, their families. We didn't socialize with them or their family members. Because if someone saw me hanging out with them, they would think I was the same as them."[50]

[49] Author interview, Gjakova, 29 Oct 2015
[50] Author interview, former teacher, Gjakova, 31 Oct 2015

Sanctions could play out differently for Albanian employees who chose to remain working in schools yet in roles not directly related to teaching, such as maintenance and administration. Albanian teachers, and the Albanian community more broadly, usually described them as poor, underqualified, and having to care for large families. That they 'needed' the job usually gave them an excuse unavailable for teachers and professors whose work was tied to the 'appropriateness' of maintaining a service linked to national identity.[51] Yet even amongst administrative staff, the threat of community disapproval or exclusion hung over their heads. "You know that people try to sell themselves as patriots," one former administrative worker recalled, "but most of them exaggerate. The main reason I stayed [working for the formal state system] was my family. If I were forced to do something against my own people, I would have left my job. But as long as I helped my own family, that was the best I could do." Still, he continued, working for the Serb-controlled municipality "was like being between two fists: an Albanian fist and a Serbian fist."[52]

Decision-Making for Parents and Students

The 'menu' of options for parents and students was constrained at the outset by the actions of teachers. With little prospect of instruction in their native language given that most Albanian teachers had left the formal system, continuing in the state schools was off the table for most elementary and secondary students. The choices available were often perceived as whether to continue going to school rather than which system to attend school under. "We had no choice; we had to do it," a parent of a former pupil recalled. "In the regular schools, people were expelled from education; we had no other alternative". Yet he

[51] Author interview, former student, Gjakova, 10 Dec 2015
[52] Author interview, former municipal administrator, Gjakova, 15 Dec 2015

later qualified this in terms of a choice situation inflected with national markers. "In Serbian schools the lectures always dealt with chauvinism and politics. They taught those things. So, Albanians had to choose. If they were going to send their kids to the Serbian schools, then they would have to deal with their kids going through the Serbian ways, the curriculum."[53] Like the teachers, parents and students framed their decisions in terms of resistance to the Serbian regime—an attitude widely shared in Kosovo. Fehmi Agani, the deputy head of the LDK, said that he considered all the 350,000 pupils, students, teachers, and professors in the parallel system as "protesting the Serbian state each day they attended their classes" (Gashi, 2010, p. 124). In the words of the writer and journalist, Shkelzen Maliqi:

> The parallel school system has successfully preserved and improved its function of socialization of generations of pupils and students who have experienced a series of enormous political and social shocks… This several-year long experience of such schooling, which is itself the result of repression (children in lower grades in fact do not even know what 'normal school' is), must have become a unique life school of resistance. The quality of knowledge acquired is less significant than the accelerated maturing of character that occurs as a result of the need to constantly defend personal dignity and threatened national and human values. These will not, after all, be 'lost generations' (Maliqi, 1998).

Choosing the parallel system was part of the broader non-violent movement. As another parent explained, "Yes, parents could continue sending their children to state schools, but nobody wanted to do that. Not only was the curriculum changed, but also different aspects were changed. You had to be okay that there was no more autonomy, with all the Serbian political influence, with everything that the Serbs were doing in Kosovo."[54]

Like the teachers, parents and students also viewed education as a key component not only of the history and culture of the Albanian nation but also as a core public service of an embryonic Kosovar state. The collective, visible nature of education was an important factor. Going to the underground schools was about *showing* other Albanians, the Serbian

[53] Author interview, Gjakova, 29 Oct 2015
[54] Author interview, former teacher, Gjakova, 30 Oct 2015

authorities, and the outside world that the system worked. This was especially so with university students who perceived the parallel state as a form of active resistance based on principled choice. Politically engaged and motivated students were the vanguard of setting the normative rules around parallel education. Confronting an illegitimate Serbian regime was the overriding objective. "At that time, we knew for sure that the main aim for you as a student was not to study, but to be part of this Albanian system we are creating," a former university student explained. "So, you are a soldier in a way, that's what you do. You go to university to prove that you're Albanian in Kosovo; and we can do it, we don't need Serbia to prove that we can function in Kosovo."[55] As another former student put it, "We needed to prove to everyone that we could be a state by *acting* like a state."[56]

As with teachers, strong social sanctions were levelled against students who were observed to be making the 'wrong' decision. At the university, students who sat their exams in Serbian—indicating an implicit acceptance of the formal system—were exposed by name. Those who continued attending lectures in Serbian were, in the words of an Albanian medical student, "acting in an irresponsible manner and against the will of the entire Albanian population, which was confronting the measures of the Serbian occupier with great sacrifices" (Kostovicova, 2005, p. 115). This even went as far as the elementary schools. One student from a mixed Croatian-Albanian family recalled that she used to chat to her Serb friends on the school grounds in Serbian. Yet once her Albanian classmates overheard her, they started calling her "Shkia", a derogatory term for Serbs in Albanian.[57] Such social pressure exerted on a young student could be highly effective. "I never spoke [to my Serb friends] again", she remembered (Jouffre, 2016).

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[55] Author interview, former university student, Pristina, 11 Dec 2015
[56] Author interview, former university student, Pristina, 3 Nov 2015
[57] Albanians are often referred to offensively as "Šiptars" by Serbs and the Serbian media, rather than "Albanci", which is preferred by Kosovo Albanians as it stresses a national rather than purely ethnic self-identification. Meanwhile, Albanians and Albanian-language papers often called Serbs a similarly offensive term, "Shkia". Both terms were commonly used during the 1990s and are still frequently used today.

The overriding perception for Albanian students was that no realistic alternative existed. This continued despite official attempts to resolve the issue. In November 1993 Yugoslav officials proposed that individual Albanian students could transfer their credits from the parallel school system to the formal state system. The offer included increased Albanian language instruction in music, arts, history, and geography subjects. Yet the vast majority of Albanian students refused. "We could have gone back [to the state schools]", one person recalled. "But nobody wanted to. Nobody would do that if we had our own underground schools teaching our underground curriculum… it would have been a betrayal."[58] The few pupils who opted for the deal tended to be from the very small number—about 0.2 percent of the population in 1981—of mixed Serb-Albanian marriages[59] (Igric, 1997). Three years later another deal seemed to be on the horizon. In 1996 the LDK and the Serbian Ministry of Education reached an agreement brokered by the Community of Sant' Egidio, a Catholic charity, that would have allowed Albanians to return to state secondary schools and the university (ICG, 1998, pp. 21–22).[60] That the fundamental issues around education—funding and curricula—were not addressed did not stop both sides from claiming a victory. The Yugoslav news agency *Tanjug* stated that "Albanians undertook to accept the curricula in use in schools throughout Serbia", while the LDK representative Fehmi Agani pointed out that the agreement did not mean the acceptance of the Serbian curriculum. "We shall remain in our system", he declared—but only that the Albanian education would continue in proper school buildings (Vickers, 1998,

[58] Author interview, parent, Klina, 19 March 2013

[59] By way of comparison, the percentage of marriages between partners of different ethnic background in Yugoslavia as a whole for the 1981 census—Albanians largely boycotted the final 1991 Yugoslav census—was 13 percent, while the percentage of people who identified as 'Yugoslav' (i.e. not affiliated with any ethnic group) was 5.4 percent, on average, and as high as 8 percent in Bosnia Herzegovina. Kosovo had the lowest rates of mixed marriages and self-identified 'Yugoslavs' in the country (Botev, 1994).

[60] The religious element is worth noting. Though Milošević purportedly used the negotiations as a way to rehabilitate Serbia's image and try to have sanctions lifted, others claim that it was part of the "traditional Serbian strategy, going back many years, of strengthening Kosovo Catholics to reduce as far as possible the political leverage of the Muslim majority" (Pettifer, 2012, p. 94).

p. 306). In any case, the Education Accord was never implemented; both sides wanted to stall while being seen as open to gestures towards peaceful settlement. Serb students for their part saw any concessions toward Rugova as an appeasement to the LDK's separatism. Albanians continued to be refused access to university facilities (Judah, 2000, p. 135).

Decision-Making for Minority Communities

Throughout the parallel state period of the 1990s, the 'eligible population'—that is, the primary population that faced a choice between competing service providers—were mostly the Albanians. However, other minority groups in Kosovo also faced the difficult decision of which system to support. For them the stakes were different. Levels of group solidarity were significantly lower. Rather than the overriding motivations of resistance and the role of education in preserving a national identity, these groups were often acutely aware of their potential weakness and the corresponding need to *prudently* navigate the gulf between the Serb-Albanian split.

One such group were the Serbian-speaking Bosniak and Gorani communities in Kosovo. Both communities are Muslim, though the Gorani—pastoralists from the southern Sharr Mountains—also have an unwritten dialect. Both chose the state schools primarily for language reasons: there was no Serbian provided in the parallel schools. Hence, little realistic 'menu' of options was available.

Turks, like Albanians and Serbs, had the freedom to use their own curriculum prior to 1990. Yet despite the shared religious orientation with most Albanians, Turks often accepted the curriculum designed for them in Belgrade, which had been updated and translated into Turkish and included history and culture sections adapted specifically for Turkish students (ICG, 1998, p. 21). Because of their smaller resources and numbers—around 20,000 in 1991—this may have resulted from a need to negotiate the delicate ethnic

balance in Kosovo. But it varied geographically. In Prizren, a town 80kms south of Pristina with the largest Turkish concentration in the province, Turkish students organized a strike in a show of solidarity with Albanian students, and Turkish political parties took part in the parallel elections held by the Albanian majority, all while Turkish pupils continued attending the formal school system.[61] As Denisa Kostovicova (2005, p. 95) argues, this was hedging behaviour. "By leaving their children in the state system, but with a Turkish party participating in the Albanian parallel elections, minority Turks tried to overcome the awkwardness of their position".

The remaining minority groups of Roma, Ahskali, and Egyptian communities, which together make up around 2 percent of Kosovo's population, aligned themselves to whichever nationality was dominant in the area (H. Clark, 2000, p. 98). "We are being sandwiched between two nations," goes a minority saying in Yugoslavia, "and it is well known that a sandwich is always being swallowed" (Duijzings, 2000, p. 146). These categories of identity underwent considerable flux during the 1990s. The ethnic category of 'Egyptian' was only first included in the 1991 Yugoslav census, and may reflect the efforts of what were formally considered Albanians or Roma Gypsies to re-align themselves with the new provincial balance of power. Later, in 1999, the category of 'Ashkali' was created in an effort by its Albanian-speaking claimants to distance themselves from the Roma, who were widely perceived by Albanians to have 'collaborated' with the Serbian state (Elsie, 2011, p. 35). Ethnicity, in other words, was also a 'choice' to a certain degree. Following the sacking of Albanians from public sector employment, many "loyal" Egyptians and Roma could fill these positions, while Serbian officials welcomed any 'divide and rule' opportunity

[61] Author interview, Pristina, 3 Nov 2015. According to Mertus and Mihelić (1994, p. 116), Turkish leaders apparently did create five parallel high schools based on a structure similar to the Albanians in the early 1990s, but later reports indicate that these schools were no longer in operation (ICG, 1998, p. 21). See also Kostovicova (2005, p. 95).

to weaken the numerical position of Albanians (Duijzings, 2000, pp. 147–148). These minorities would suffer tragically following the withdrawal of their Serbian patrons in 1999.

Conclusion

Education during the Albanian parallel state symbolized far more than the sum of its parts. It was the bedrock of a principled, non-violent resistance towards the nationalizing policies of the Milošević regime, a collective enactment of Albanian self-determination and national solidarity, and a vivid example of the parallel state's organizational capacity. Yet the success of the parallel education system ultimately rested on thousands of decisions, undertaken on an almost daily basis, for a period of nine years. As this chapter has argued, the Albanian parallel state was able to achieve such high levels of popular compliance not simply because education *per se* was an important service—though undoubtedly it was. Rather, it was the way that the highly visible and highly politicized characteristics of education *intersected* with the high levels of group solidarity during the 1990s that resulted in such high rates of participation.

Education provided by the Albanian parallel state was inherently political. From the oaths of loyalty that teachers were presented with to the content of 'national' subjects like history or geography, the choices people faced were starkly black and white. One either supported the cause of independence or one implicitly opposed it. The technical characteristics of education made assessing which side of this line people fell on relatively easy. Classrooms provided a daily roll-call among both students and their teachers of who were in attendance and thus, implicitly, who supported the broader political goals espoused by the LDK. Education in this sense was more than simply a matter of 'supply' and 'demand'. Rather, the provision of education depended on both teachers the as public agents nominally charged with its delivery *collaborating* with the private citizens receiving it:

students and to a lesser degree their parents. If either end of this co-productive relationship stopped participating, the other would know it. Thanks to the politicized role of education—"schools of resistance" protecting Albanian history and culture for future generations—non-compliance would be met with stiff sanctions, such as ostracism or social exclusion and accusations of 'treason' or 'betrayal' (Maliqi, 1998). University students in particular were on the vanguard of framing their education in warlike metaphors—of being 'soldiers' by attending underground classes.

High levels of group solidarity compounded the political salience of education. More than any other service, education was seen as delivered and received 'beneath' the formal Serbian state; a collective experience that was carried out 'underground' both figuratively and often literally as well. Evading the police was even a daily practice in the early years. While high group solidarity was instigated by the actions of a repressive state, it was maintained through two pathways. Psychologically, education was a powerful marker of an in-group identity. Albanians almost exclusively referred to their actions through the use of collective pronouns—'we' decided to use 'our' schools, not 'theirs'. Structurally, Albanians became increasingly dependent on the parallel system for access to education. As the parallel state consolidated, the 'excludability' of education was further enhanced through the requirement of contributions to underground tax collectors. Not paying meant not receiving diplomas or other records. More broadly, however, not participating in such a politically salient service implied being ostracised from one's social network.

The parallel education system during the 1990s achieved remarkably high rates of participation and managed to sustain those high rates for almost a decade. This chapter has argued that this depended on the particular ways that education intersected with the high levels of group solidarity among Albanians. But this solidarity did not guarantee participation; indeed, achieving similar rates of participation for the other services provided

by the parallel state would be more difficult. As the next chapter demonstrates, public services that were less politically salient and more individually-oriented, such as healthcare, could allow a measure of choice that education could not.

Chapter 4: Healthcare, 1989-1999

On March 14th, 1990, Albanian schoolchildren in the town of Podujevo began complaining of flu-like symptoms. After some children collapsed in spasms, they were rushed to hospital in Pristina. Rumors circulated about a substance that had been placed in the classroom "by someone of Serbian nationality" (Hay, 1991, p. 1196). Days later, several students and staff fainted after they "experienced a strange odor in the school" (Radovanovic, 1996, p. 103). On March 20th, a teacher in another school evacuated a classroom after three children had collapsed—allegedly after touching a mysterious white powder. Soon after following the children out of the school, the teacher was overcome with a severe headache and collapsed. Panic began to spread. Two days later, another pupil in the school became ill. Again, students evacuated the building, but as they reached an open-air courtyard, many of them collapsed. Already frightened by seeing their unconscious classmates, students on the opposite side of the courtyard were evacuated. Several of them collapsed shortly afterwards.

220 students ended up being taken to hospital in Pristina that week. The Zagreb daily *Vecernji List* quoted a doctor from the Medical Faculty in Pristina as saying that "what's happening is poisoning with neurotoxic effects, and the cases are quite serious" (Mertus, 1999, p. 188). News travelled fast throughout Kosovo. Over the coming days, hundreds more were treated in hospital with the mysterious symptoms, including dizziness, hyperventilation, tachycardia, and loss of consciousness. By the end of March, over 3,000 people had been rushed to hospital complaining of stomach pains, nausea, and headaches. By the end of April, the number had risen to 7,000 (Vickers, 1998, p. 244). A Serbian conspiracy was widely suspected. As one person explained, "We panicked, we didn't know what was happening. We worried about our kids, but I worried about myself too, because

the water could be poisoned, the food could be poisoned, because all the food came from Serbia. There could be a poison that could make men infertile."[62]

Most observers at the time, including international toxicologists, concluded that the likely explanation was "collective hysteria" (Hay, 1991).[63] Rumors among the Serb community in Kosovo took the view that the whole event was faked and part of a larger Albanian plot, a sentiment reflected in parts of the Yugoslav press. "An acquaintance who I went to school with called me up to say congratulations," one person remembered. "I asked for what? They said for our Albanian acting skills; that we should get an Oscar for the performance".[64] Yet the Albanian physicians and psychiatrists who had observed the symptoms stood firm in their diagnoses of poisoning. In Podujevo, the site of the outbreak, some sought retribution. Newspapers reported that young Albanians in the city had attacked Serb and Montenegrin students after accusing them of poisoning their friends. According to a Serbian-language daily, at least fifty attacks against Kosovo Serbs took place following the incident (Mertus, 1999, p. 189). Rather than address the issue head on, medical authorities from the Serbian Academy of Sciences and Art dismissed it as part of a plan by Albanian separatists to use their own children as a way to fight the constitutional changes that were then taking place. The Serbian Secretariat of Health issued a statement that found "no causes…to indicate poisoning", soon followed by the Military Medical Academy in Belgrade (Mertus, 1999, p. 197). Serbian and federal authorities never invited a formal international investigation, nor did they allow Kosovo Albanian doctors access to blood samples. In the febrile public mood many Albanians became convinced that it was

[62] Author interview, Gjakova, 31 Oct 2015
[63] In 1995, a United Nations toxicologist concluded that Sarin or Tabun were in fact present in blood samples taken from children in Kosovo. This made the poisoning hypothesis somewhat more plausible, given that the highly potent nerve agents were both used by the Yugoslav Army in the manufacturing of chemical weapons (Malcolm, 1998, p. 345; Mertus, 1999, p. 196). This is not to take a position on the event, but rather to indicate that there is some official grist for both sides of the controversy.
[64] Author interview, Pristina, 11 Dec 2015

Serbian doctors, if not the whole medical establishment, who were attempting to sterilize or poison Albanian children (Rich, 1993).

The alleged poisoning, regardless of whether it was "true" or not, was symbolic on a number of levels.[65] Albanians thought that their children had been poisoned, leading them to attack the homes of local Serbs. This provided the authorities with reason to crackdown. 200 Albanian police officers were immediately dismissed and replaced with Serbs (A. March & Sil, 1999, p. 4), while 25,000 Serbian policemen were sent to the province—to Albanians a visible reminder of the increasing repression underway, to Serbs a welcome sign of protection (Malcolm, 1998, p. 345). Serbian media mocked the idea that a poison could "choose a nationality" (Mertus, 1999, p. 190). Albanians contended that the only reason that the victims were all Albanian schoolchildren was because the recent segregation of schools had made such a selective poisoning possible, highlighting the increased separation of public institutions. Then it appeared that Serb doctors were not taking the issue seriously or were even actively obstructing others from investigating. Blood samples sent to Belgrade all came back negative, reinforcing the notion that Serbian medical authorities were attempting to cover the story up (Radovanovic, 1996). The mistrust of Serb doctors became measurable with the refusal of Albanian parents to have their children vaccinated on the suspicion that this was a 'plot' to sterilize the nation (Rich, 1993). Newborn mortality increased. Albanian women increasingly chose to have births at home, due in part to an inability to pay for hospital services and a growing mistrust of Serb medical staff (Mertus & Mihelić, 1994, p. 133).

Finally, the poisoning occurred at the same time as the Serbian assembly decreed a series of measures called the "Program for the Realization of Peace and Prosperity in

[65] In 1983 a remarkably similar 'mass-hysteria' poisoning had occurred among Arab schoolgirls in the Palestinian West Bank. Like in Kosovo, the case easily mapped onto a broader political conflict; Palestinians accused Israel of using chemical weapons to drive them from their lands and sterilize their youth, while Israeli doctors accused the girls of faking their symptoms (Hefez, 1985).

Kosovo" that in effect further buttressed the position of Serbs in the province. The program aimed to build new homes for Serbs, concentrate investment in Serb majority areas, and would annul retrospectively the sale of property from Serbs to Albanians. It also introduced 'family planning' for Albanians, a sensitive issue considering the Serbian refrain that Albanian women were using their wombs for a "demographic conquest" of Kosovo (Malcolm, 1998, p. 346). Only two years before, 60,000 Serbs had signed a petition alleging a demographic "genocide" against Serbs by local Albanians (A. March & Sil, 1999, p. 3). The events that took place during the spring of 1990 saw the formal healthcare system in Kosovo rapidly losing credibility in the eyes of the Albanian majority. What was about to take place that summer ensured it would be effectively lost.

Medical Staff Dismissed

Prior to the summer of 1990, Kosovo had 57 hospitals and clinics, employing 8,547 healthcare workers. These included 1,897 physicians, 414 dentists, and 112 pharmacists. Over the course of July and August that year, healthcare in the province came under "emergency management" from Belgrade. Serbian authorities began dismissing more than half the Albanian doctors and medical staff in Kosovo—a total of 1,855 employees, including 403 physicians (ICG, 1998a, p. 25). Reasons given for the dismissals ranged from the alleged mistreatment of Serb patients by Albanian healthcare workers to insubordination. According to the Kosovo Ministry of Health, Albanian doctors were using their positions to advocate for a greater Albania. The poisoning was used as evidence. In the words of Dr. Radomir Božović, the Kosovo health minister, "In 1990, propaganda entered hospitals that prevented doctors from doing their job. They spread the rumor that someone had poisoned Albanian children. A commission of experts looked into this and

found absolutely no evidence. It was all made up. This forced the government to enact special measures on health care" (Mertus & Mihelić, 1994, p. 126).

The first dismissals took place at the Gynecological Clinic in the Medical Faculty of the University of Pristina. Police beat the dean of the faculty in front of his students, while other professors were arrested (Dobreci, 1991). Thirty-eight clinics were soon shut down in Pristina alone, with more in the towns and villages throughout Kosovo (Rich, 1993). Though economic cuts were the official reason behind the dismissals, perceived 'disloyalty' clearly played a role. Doctors who remained members of the Communist Party were made to sign 'loyalty pledges', though this was not a guarantee that they would keep their jobs.[66] Those that refused were dismissed. Medical staff unassociated with the Communist Party were not given the option.

Treating demonstrators, offering aid to striking or dismissed workers, or writing prescriptions in Albanian—the official language of Yugoslav health services was now Serbian written in the Cyrillic alphabet—were all used as a pretext for firing medical staff (H. Clark, 2000, p. 106). Psychiatrists who had diagnosed patients involved in the poisoning incident as showing signs of actual physical intoxication—rather than the "political diagnoses" of hysteria favored by Belgrade—were dismissed for malpractice (L. Jones, 1993, p. 113). Other times, little justification was given. A nurse at the Pristina Gynecological Clinic remembered, "[I] was in the workplace and someone just came and said to me, you are not doing your job, so you should go home. I did this for 9 years! I have the paper they gave me at home, it says [her name] wasn't doing her job, and she is fired from the hospital." The same method was used for her Albanian colleagues. "They just photocopied [the dismissal slip] and then wrote their names on it afterwards. Within one week we saw everyone leaving. We couldn't believe it. We thought that, okay, they fired

[66] Author interview, former pediatrician, The Hague, 12 Nov 2016

everyone but after two or three months they will come back. But it was nine years."[67] Some cases bordered on the absurd. In one instance, a pediatrician was examining a two-week-old infant when the police entered her clinic. They presented her with a notice stating that because she was not at work when they arrived, she was hereby dismissed. When she attempted to return to work later that week, police forcibly prevented her from entering the building.[68]

Unlike the teachers, few Albanian doctors willingly left their state jobs in 1990. The imposed curriculum had tapped into the nerve of national identity; teachers who ignored this risked being labeled "traitors" or "collaborators". The national stakes with healthcare were not as high, and social sanctions for doctors were limited. Even if they remained working in state-run hospitals, they were still "helping their fellow Albanians"[69]. Still, many were fired. Doctors who managed to keep their jobs were barred from specializing or holding management positions. Their dismissed colleagues often tried to set up private clinics, many which offered free services to certain categories of the population such as teachers and miners (H. Clark, 2000, p. 106). In contrast to education, the flourishing of private practices provided more of a 'menu' of options for people than a binary choice. There was also substantial regional variation in the pattern of dismissals. In areas with mixed Serb and Albanian populations, such as Pristina, Peja, or Mitrovica, dismissals were more far-reaching, and Serbs filled positions vacated by Albanian staff. In Gjakova, 80km southwest of Pristina, Albanians made up the majority of both the city and the hospital staff. Dismissals were restricted to the replacement of the hospital director and a few ranking administrators with Serbs, while the Albanian medical staff remained largely

[67] Author interview, MTS nurse, Pristina, 20 July 2016
[68] Author interview, former pediatrician, The Hague, 12 Nov 2016
[69] Author interview, Gjakova, 30 Oct 2015

untouched. Even here the impact of the poisoning was felt. As one Gjakova resident explained,

> It was much safer here [in Gjakova] for us. We had Albanian doctors; it wouldn't be dangerous, like when they [the Serbs] poisoned us. We couldn't trust the Serbian doctors. If you had to be in the hands of a Serbian doctor, it would be horrifying; it would be fatal. Even if the Serbs wanted to change the system of healthcare, they couldn't because there were only three Serbs working in the hospital. They didn't have the doctors.[70]

That Gjakova's hospital remained largely an Albanian institution had an especially large impact in terms of childbirth. Serbian media had been particularly strident about the high birth rates among the Albanian community, calling Albanian women "baby factories" and hinting that there was a "war of the womb" for the future of Kosovo (Mertus, 1996). After the dismissal of 41 Albanian doctors from the obstetrics and gynecology department in Pristina, deliveries dropped from 30 per day to fewer than two per day (L. Jones, 1993, p. 113). It was in this context that pregnant women traveled from across the Kosovo to the remaining Albanian-majority hospital to give birth. Registered births in the city spiked, giving Gjakova a skewed demographic profile for the early 1990s. In the words of a local woman, the city "served the whole of Kosovo for maternity, for giving birth, because Albanian women didn't find it safe to go to other hospitals that were ruled by the Serbs."[71]

Healthcare options were limited in the first two years following the poisoning. People would visit newly established private clinics if they could afford to, or else travel to the hospital in Gjakova.[72] Despite being run by a Serb director and being funded by the Serbian state, the hospital was staffed predominantly by Albanians "who could be trusted", making it seem like part of the parallel system even if it was neither organized nor funded

[70] Author interview, Gjakova, 28 Oct 2015
[71] Author interview, Gjakova, 30 Oct 2015
[72] Private healthcare facilities were officially allowed under Serbian law, so long as they were formally registered with the state. However, Albanian physicians reported that these official permits were issued in a selective and discriminatory manner. As a result, many private clinics operated illegally (Mertus & Mihelić, 1994, p. 129).

by the parallel state. Beyond Gjakova, however, people often put aside questions of national struggle and resistance when their health, or the health of their family member, was at stake. Instead of weighing the 'rightfulness' of using services provided by the Serbian state—and as opposed to choices around education—what mattered was where the 'best' service could be obtained. Those who had the resources and required specialized treatments, such as CT scans, went further afield, even to Serbia proper. In the words of one of the subsequent organizers of the parallel healthcare system, "We can tell lies but the truth is that people who had money and needed special treatment went to Belgrade."[73] Yet for the vast majority of the population, suffering from the effects of 50 percent unemployment, hyperinflation and economic crisis in Serbia, and the increased health risks in Kosovo that were compounded by economic strain, this was not an option.

The combined impact of the poisoning and the mass dismissals shattered trust in the formal healthcare system. It wasn't long until the impacts were felt in public health terms. Polio, despite officially being eradicated in 1983, reappeared in 1990. Neonatal tetanus, dysentery, whooping cough, and tuberculosis cases shot up, as did child mortality rates from diarrhea. Epidemics of measles and other contagious diseases became more frequent and fatal, yet vaccination rates fell as parents refused to believe that the doctors administering them had anything but malign intentions. By the end of 1991 Kosovo had the worst health indicators in Europe, precisely at the time when safe access to healthcare was more difficult for the majority of Kosovo's inhabitants (Dobreci, 1991; S. Jones et al., 2006; Rich, 1993; World Health Organization, 2000). Thousands of Albanians were not only losing their jobs but also their employment-based medical insurance. During the 1990s, more than half the Albanians living in Kosovo lacked a social insurance card needed to access the public health system free of charge (Percival & Sondorp, 2010).

[73] Author interview, Pristina, 19 July 2016

The Rise of Parallel Healthcare

The Yugoslav health system was based on the 'Semashko model' used throughout the Soviet Union and Eastern Europe (Percival & Sondorp, 2010). Named after the architect of the Soviet healthcare system, the planned model guaranteed equitable and universal access to healthcare on the basis of citizenship. Hierarchical, centralized, and with emphasis on specialist secondary care over generalist primary care, it was credited with the early Soviet advances in life expectancy and served as a template for Eastern European healthcare systems after 1945. Yugoslavia adapted the Semashko model to reflect its own version of 'self-managing' socialism. Healthcare continued to be delivered by specialists, but decision-making for the system was decentralized to hospitals and "health houses". In Kosovo, these centres were organized along the lines of several practitioners linked to one of the 30 municipal polyclinic health houses, five district hospitals, and a tertiary care facility at the university hospital in Pristina. The whole system was financed by the state through social insurance. This linked free health services to one's employment and meant that becoming unemployed—as many Albanians did in 1990—would introduce user fees. Community-based primary care services were rare. Depending on what patients thought they needed determined which specialist they would visit (S. Jones et al., 2006, p. 151).

The first large-scale organization that offered free primary care medical services outside of the formal state system was the Mother Teresa Society (MTS).[74] The MTS began in November 1990 as an officially registered NGO under Yugoslav law. At its head was Anton Çetta, a venerated cultural anthropologist from the University of Pristina who was simultaneously the leader of the bloodfeud reconciliation campaign. After Çetta's death in 1992, Don Lush Gjergi, a Catholic priest, succeeded the role. The religious connotation is

[74] The organization was officially called The Charity and Humanitarian Society of Mother Teresa

significant. Mother Teresa was born Anjezë Gonxhe Bojaxhiu to a Kosovar Albanian family in Ottoman Skopje (Alpion, 2007). Despite her Catholicism, the use of her name was primarily as a symbol of *national* unity. This was often perplexing to outside observers, given that 90 percent of the Albanian population in Kosovo identified as Muslim. "It was difficult even for us to explain our religious harmony to foreigners" one person recalled (Oral History Kosovo, 2016a). A popular saying states that "The religion of Albanians is Albanianism," illustrating how national priorities apparently took precedence over confessional ones.[75] The idea that Albanians might even renounce their Islamic heritage and collectively convert to Roman Catholicism was seriously, albeit briefly, entertained as a "move towards Western civilization" via "the faith of our ancestors" (M. Thompson, 1992, p. 141). More prosaically, however, there was a clear strategic value in her international status. As a former volunteer with the MTS explained, "The name Mother Teresa really helped our organization. Even when the Serbs would beat people, they couldn't touch this organization. It would really bring the attention of the media and the world because it was a humanitarian organization called Mother Teresa. We were lucky to have her."[76]

The initial aim of the MTS was humanitarian assistance. As a parallel 'Ministry of Welfare' it provided food and clothing to the burgeoning ranks of newly unemployed and impoverished people. By 1993 it was distributing between 400 and 600 tons of food every month to around 46,000 families (Mertus & Mihelić, 1994, p. 111). Healthcare was initially beyond its ambit. However, this changed on March 30th, 1992, when the first small-scale MTS primary care medical clinic, or *ambulanta,* opened in Pristina. This was on the initiative of Gani Demolli, a recently dismissed doctor and MTS activist in Pristina's poor Vranjec neighborhood. According to a friend, inspiration for the alternative service literally knocked

[75] The saying comes from the *Rilindja*-era poet, Pashko Vasa. In his 1878 poem 'Oh poor Albania' [*O moj Shqypni*] he famously used the quip to dismiss the role of religion as a necessary unifying factor for a national consciousness (Elsie, 1999).
[76] Author interview, former MTS volunteer, Pristina, 17 Dec 2015

on his door after a local man accidentally shot himself in the leg. Not wishing to bring attention to the rather clear evidence of gun ownership at the state-run hospital—Serbian authorities were strenuously cracking down on Albanians with weapons of any sort—the man instead came to Dr. Demolli for help.[77]

In its early days the clinic relied entirely on the support of local businesses for both the location and the equipment while staff volunteered their services (H. Clark, 2000, p. 107). Later, foreign NGOs and increased support from the Kosovar Albanian diaspora improved the financial situation. In 1994, Médecins sans Frontières and Catholic Relief Services began supporting the medical arm of the MTS, allowing work to be scaled considerably upwards. In 1996, a maternity clinic opened in Pristina with support from a diaspora organization in the United States. Despite being in a private house with only seven beds, over 13,000 babies would be successfully delivered at the clinic over the next three years, taking some pressure off the hospital in Gjakova.[78] By 1998 there were 98 MTS clinics across Kosovo, supported by 120 small private pharmacies, and staffed by 239 general practitioners, 140 specialists, and 423 nurses, all of whom worked voluntarily (ICG, 1998a, p. 26). Each clinic was normally run by one doctor and served a population of around 2,000 people (Mason, 2000). These services operated at an impressive scale. MTS medical clinics recorded over one million admissions in 1996 alone (ICG, 1998a, p. 26).

Along with medical care, the MTS supplied food, medicine, hygienic materials, school supplies, and humanitarian aid to some 350,000 people throughout Kosovo, supported through a network of over 7,000 non-medical volunteers (H. Clark, 2000, p. 107). All of this required meticulous organization. There were 636 organizational 'sub-branches' in towns and villages across Kosovo, each comprising five or six volunteers.

[77] Author interview, MTS nurse, Pristina, 20 July 2016
[78] Author interview with Don Lush Gjerji, Pristina, 19 July 2016

These reported up to 44 municipal branches, which then reported to headquarters in Pristina.[79] The structure provided significant capacity to monitor the population. Each sub-branch volunteer made regular household visits to identify local families in need. Ostensibly this was to provide targeted assistance to a vulnerable population. However, members of the organization knew that it was also a way to ensure that people steered clear of the formal state. As one former leader put it, the household visits meant that families "wouldn't need to go into public as beggars, but it also meant that they wouldn't go to the Serbs for help".[80]

Because the MTS was a registered NGO, it was not technically a case of competitive governance pluralism. After all, it was a legally recognized organization regulated by the formal state and had a strong interest in maintaining a measure of 'neutrality', both to continue working with international organizations and avoid incurring the wrath of the Serbian authorities. Yet Albanians overwhelmingly *perceived* the MTS as an arm of the parallel state. Its 'volunteer' doctors had been dismissed from the formal system and its leadership was closely connected to the LDK, even to the extent that the LDK was understood to be secretly organizing the service behind the scenes. Describing the situation in Gjakova, one person recalled:

> Some doctors continued to work in the Gjakova hospital with the Serbians because they got a message from the LDK, in Gjakova, to continue working and in no circumstances to leave the job. This because they had to ensure the health for the Albanians; 98 percent of the population in Gjakova was Albanian, and it would be much safer for us to have Albanian doctors working there.[81]

Another respondent reiterated this sentiment: "Everyone knew that it was Rugova behind the Mother Teresa Society. It was only the LDK. Before the KLA it was only LDK here. 90

[79] Author interview, former member of the MTS leadership committee, Pristina, 12 July 2016
[80] Author interview, former leader of the MTS, 28 June 2016
[81] Author interview, former teacher, Gjakova, 30 Oct 2015

percent of us were with the LDK because we didn't have anything else."[82] The notion that Ibrahim Rugova and the LDK were behind the parallel health service similarly fed into the perception that what had formed was indeed a parallel state, complete with all the expected functions of government. "It happened as a result of [the Albanian healthcare workers] being fired," one person explained. "As a result, there were some ministries that were formed—not actual ministries, but they functioned like that. There were ministries for health, finance, education, culture, and sport. This was the beginning of the parallel system."[83]

The parallel health service came to operate side-by-side with the formal state-run system. The difference was in the interventions each system could provide. Following the dismissals of Albanians from the formal health system and the establishment of the MTS clinics, an alternative, neighborhood-level primary care system as the first point of contact for patients took shape. Where this new primary care level was largely operated through the parallel system, the existing secondary and tertiary care levels, made up of five district hospitals and a tertiary hospital in Pristina mainly staffed by Serbs remained in the state system. Gjakova's formally run, but Albanian-staffed hospital remained an exception. Decisions thus needed to consider the level of treatment a patient expected. For minor treatments or access to basic pharmaceuticals there were the parallel health clinics. For more advanced treatment, such as surgery or the use of sophisticated diagnostic equipment, there was little option beyond the formal system—at least for those who did not have the resources to go to a private clinic or abroad. This was especially the case for urgent, one-off matters that demanded immediate attention. "You would still need to go to the hospital," one respondent emphasized. "You would need to trust the doctors there. You would need

[82] Author interview, librarian, Gjakova, 31 Oct 2015
[83] Author interview, former university student, Pristina, 17 Dec 2015

to trust that they'd taken their Hippocratic oath, even if they were Serbian. What choice do you have if it's life or death?"[84] Echoing this, another respondent explained, "In cases when you had to undergo surgery, if you couldn't leave Yugoslavia, then you had no other choice; you had to go in the hospitals here run by Serbs." Yet less urgent issues meant more scope for carefully selecting an alternative provider, often by 'exiting' Kosovo altogether. "Whoever had the opportunity went to Slovenia," one man explained, "where there were no Serbs."[85]

Part of the problem for Albanian patients was the poor quality of staff training in the parallel system. The Mother Teresa Society was an important vocational element in the system of parallel education, specializing in the training of the next generation of Albanian medical practitioners. Between 1990 and 1999, an estimated 500 to 800 medical students and 1,200 nurses graduated from this system and worked as primary care providers in MTS clinics throughout Kosovo (Morikawa, 2003, p. 441; World Health Organization, 2000, p. 7). Yet the training these graduates received was widely seen as substandard. Faculty members of the parallel medical school had to give lectures and examinations to students in their own homes rather than operating theaters or labs. Many graduates were not familiar with basic medical procedures and equipment, nor had they developed adequate clinical judgment for making diagnoses given the lack of access to developed healthcare facilities. This left a generation of Albanian medical professionals with uncertain expertise and unrecognized qualifications. Given that many were subsequently absorbed into the post-war healthcare system, this continues to affect the abysmal perceptions of Kosovo's public healthcare to this day (UNDP, 2015, p. 8). It is an apt example of the broader differences between the two services. Albanians saw the parallel *education* of doctors as part of a

[84] Author interview, Pristina, 3 Nov 2015
[85] Author interview, former university student, Pristina, 17 Dec 2015

national obligation; yet the actual *healthcare* expertise they provided their patients was, and continues to be, seen as a liability.

Decision-Making and Healthcare

Albanians navigated between a broader 'menu' of healthcare alternatives than they did with education or justice. As with education, dismissals of Albanian medical staff from the formal system created a cadre of skilled, yet unemployed professionals. As with education, many of these would go on to form the backbone of the parallel system. However, unlike the powerful national role assigned to students, teachers and professors, healthcare did not carry the same social markers. The cultivation and preservation of a national identity took place in schools, not hospitals or clinics; doctors and nurses were not the bedrock of resistance or sovereignty that teachers were. As a result, charges of "treason" or "betrayal" carried less weight. Medical staff rarely felt the enormous social pressure to resign in protest with their colleagues that teachers experienced, nor did they feel the same pressure to participate in the parallel system. As one former volunteer with the MTS recalled,

> In Lipjan [a town 15kms south of Pristina] there were 32 doctors that were without work; they'd been dismissed by the Serbs. But they refused to work with the MTS because they didn't support Rugova. They thought the organization was political, that it was pro-Rugova, that it would just be trouble. And they were Albanians! But there were citizens there who also wanted to get our services, so they organized themselves to bring a doctor from Pristina to Lipjan for one day a week, because the doctors there didn't want to be part of Rugova's organization.[86]

Not being on the front-lines of a national cause meant that those doctors who were sacked were free to set up private practices. Hundreds did. Private, fee-paying clinics—both legal and illegal—sprouted across Kosovo, giving people a much more viable 'exit' option

[86] Author interview, former MTS volunteer, Pristina, 20 July 2016

between the parallel clinics on the one hand and the formal hospitals on the other. Under normal circumstances, such a range of options might have been seen as an advantage, at least to free-market advocates. Users of the service could weigh up the relative costs and benefits of each provider; markets could efficiently allocate resources; competition could even be 'healthy'.

But these were far from normal circumstances. Just as the high levels of repression and widespread dismissals heightened solidarity throughout Albanian society, the alleged poisoning did much the same with healthcare specifically. This was primarily through psychological mechanisms. The reaction to the poisoning in the Albanian community was a case of a vicious form of distrust that can develop in intergroup relations. Drawing on social identity theory, Roderick Kramer refers to this as "collective paranoia", or "the response to collectively held beliefs, either false or exaggerated, that cluster around ideas of being harassed, threatened, harmed, subjugated, persecuted, accused, mistreated, wronged, tormented, disparaged of vilified by a malevolent out-group or out-groups" (R. Kramer, 2004, p. 141). As a result, both the source of the threat (the out-group) and the object of the threat (the individual's in-group) come to be defined almost exclusively in categorical terms. *Social* identities become far more salient than *personal* identities; "them against us" rather than "him against me". The process is exacerbated when the structural relations between groups are hierarchically arranged, with one group wielding power over another. In this respect, the hierarchical characteristics of healthcare—its wide asymmetries of information, patient vulnerability, and reliance on professional discretion and expertise—mirrored with an uncanny resemblance Kosovo's wider ethnopolitical anxieties. The overwhelming feeling among Albanians was that "they" (Serb doctors, the Serbian government) were not taking "us" (the victims of poisoning, Albanians more broadly) seriously; that "they" might even be behind it. It wasn't the competence of the medical

establishment or individual Serb doctors that was the issue. It was a newfound suspicion over their intentions.

As a result, *trust* was the critical commodity in decisions around healthcare. Trust already plays a central role in the manifold aspects of effective patient-physician relationships, not least because it depends on "an accepted vulnerability to another's possible but not expected ill will" (Baier, 1986, p. 235; K. Cook, Kramer, Thom, & Cooper, 2004). But thanks to the poisoning, the referent object of that trust was motivated by highly consequentialist considerations of individual *security*. Thomas Hobbes saw the fear of death at the root of human action, and of all the modern public services, perhaps none comes as close to that fear as healthcare. Normally, this fear is mitigated by trust. However, for patients already attuned to worsening intergroup relations it only amplified their perceived vulnerabilities. In these situations, as David Hume writes, "Tis impossible to separate the chance of good from the risk of ill" (Hume, [1740] 1978, p. 497). For Albanians seeking healthcare, risks of ill were demonstrable.

Because of the high stakes involved, the widespread perception was that choice was more constrained than free. Respondents consistently reported feeling little scope for 'free' choice when recounting healthcare decisions during the 1990s. However, this should be distinguished from the "no choice" narrative that people remember regarding education. In education, for individual students and parents at least, the 'option' of remaining with the Serbian system was highly unrealistic. Schooling, even if it were done in better quality facilities with more adequate supplies, would likely have been entirely in Serbian as very few Albanian-speaking teachers remained. The 'costs' that individuals would incur from acquiescing to the Serbian curriculum, thereby 'betraying' the nation, were severe. For healthcare, however, "no choice" was more akin to "no reasonable person would have chosen differently".

Decision-making in healthcare was based on consequentialist considerations of individual security rather than any normative sense of appropriateness or conviction, part of which included whether the doctor could be trusted. If the doctor was not trusted—and following the alleged poisoning many Serb doctors were not—then this affected the expectations of care that would be received. During the intergroup tensions of the 1990s, ethnic markers became a rule of thumb. One respondent from Gjakova described the feeling that it was less a choice between parallel and formal health services as it was between whether the health provider was Serb or Albanian. "I went to who I trusted, that's how it was for me, for everyone. Every time I chose the Albanians; the Albanian doctors, the Albanian teachers."[87] For some, the shift from using the formal system to using the parallel system did not happen immediately. For example, one man recalled his decisions around the birth of his children:

> In 1990, my first daughter was born, and I sent my wife to a public hospital where 90% of the workers were Albanian and still worked there. In 1993, my son was born, and I still sent my wife to the public hospital—where, by that time, many of the Albanian doctors had been dismissed. My second son was in 1995. Now I sent my wife to a private house. Not to the public hospital, because when I first tried to go to the public hospital in Peja they didn't accept us, with the pretext that my wife wasn't ready to give birth yet. But that wasn't the reason; the real reason was that we were Albanian, and they didn't care that much if this lady would give birth in the hospital or anywhere else.[88]

His recollection illustrates two things. First, there is an apparent disregard for the equivalent social pressure that existed in decisions around education; there was no normative constraints or sanctions put upon him or his wife for going to the public hospital. Second is the evident distrust. The medical staff at the hospital may well have held discriminatory attitudes towards Albanians, but they may also have had legitimate medical reasons for their decision. Patients are rarely well-placed to judge which is at work, given the wide

[87] Author interview, Gjakova, 30 Oct 2015
[88] Author interview, Klina, 19 March 2016

asymmetries of expertise. That he attributed their decision to the former and not the latter is indicative, once again, of the effects of growing distrust.

Fear for one's physical safety was a major constraint on choice, even if both systems were technically available. Asked whether Albanians would have been barred from the formal healthcare system, one former nurse replied, "No, no, no; it was their [Albanians] own choice. Nobody said to them you couldn't go to the hospital, no. It was their own choice. I used to work there, and even I didn't feel safe enough to go there."[89] Even in remote areas of Kosovo where no MTS clinics existed, people still felt suspicious of visiting a Serb doctor. One woman in a hamlet close to the Serb-majority village of Štrpce emphasized, "We know the people who went [to the health center]. They just kept saying that they [the Serb staff] poisoned all the children and were killing all of the people; we couldn't go there."[90] Yet these considerations of safety shifted depending on whether it was an immediate, urgent, and one-off case at hand, or a longer-term chronic case. Another respondent described a similarly constrained choice for a relative's chronic condition, but this time regarding the formal system. "We didn't trust them [Serb medical staff]; we weren't equal as a patient. But we didn't have another choice for my uncle's cancer. These private [MTS] clinics couldn't afford the same facilities. We had to go there. We knew there were cases when people went to the Serb hospitals and never came back. But we didn't have a choice."[91] What is notable here is that given a longer time horizon and a better understanding of the level of care required by a cancer patient, people were now taking a *calculated* risk in going to the state-run facility.

Quality was a concern cited by several respondents for their apprehension over using the MTS clinics for anything more than basic procedures. Facilities were substandard

[89] Author interview, MTS nurse, Pristina, 20 July 2016
[90] Author interview, Štrpce region, 6 March 2016
[91] Author interview, Klina, 19 March 2016

and the competence of the volunteers was questionable, especially when there was increased reliance on the poorly equipped parallel education system to train doctors during the later 1990s. However, aside from the *perceptions* of quality based on trustworthiness, to say that there were major quality differences in real terms between the parallel and state level systems would be incomplete. State-run hospitals may have had relatively advanced operating theatres, but were often short on essentials like syringes, needles, and sutures, forcing physicians to avoid giving injections and delay operations (Saric & Rodwin, 1993). Even the quality of pharmaceuticals available through the state system was often inferior to the MTS clinics. International support meant that the parallel health system had access to high-quality Western drugs and the medical expertise of international organizations like Médecins Sans Frontières (Binet, 2013, p. 15; Mason, 2000). Paradoxically, this meant that Serbs also sought to use the services of the MTS, both for medicine and humanitarian aid. This could bring the competitive nature of public service provision to light. Volunteers working for the MTS envisaged their ersatz organization as out-competing the Serbian state on its own terms, by providing its citizens with the welfare support that a 'proper' state *ought* to provide. A former driver for the MTS described one example:

> I was driving to a village near Pristina, which had around 10 Serb families living there. I was going there with my truck to help people in the village, with food and medicine in the back. Just before entering the municipality, there was a Serbian police checkpoint. 'Where are you going?' they asked. I'm going to my [local MTS] branch. 'What are you doing?' I'm going to distribute food. 'Ahhh,' the police say, 'you are a terrorist, and you're only helping Albanian people.' No, I say, I'm helping Serb people, too. The police officer challenged me to prove it. So, I took out my list and show them the 10 families with Serb names that I was delivering to. They were in shock. After that, they went to the families and shouted at them, 'Never again do you take from Mother Teresa! We are a rich government and we are the ones that will help you'. And the Serb families say, 'Yes, if you are a rich government then help us. Then I don't have to go to them [the MTS]. But you never come to help us.[92]

[92] Author interview, Pristina, 12 July 2016

Even if examples of individual Serbs using the parallel service were useful propaganda stories, the exchange was never intended to be reciprocal. On this, the attitudes of the leadership of the MTS at the time are revealing. Don Lush Gjerji, the leader of the MTS, outlined one of the key reasons for the extensive public services offered by his organization was to maintain the ability of Albanians to remain separate from the Serbian state:

> The main thing [we provided] was food, clothes, and hygiene. We did this because we didn't want to make a social conflict… But the second thing—as a consequence of the conflict that might happen—is that people who were starving might go and cooperate with the Serbians, with the enemies. In order to prevent that we had to do something so that people would be well fed and well dressed, so that they wouldn't go to the Serbians for help.[93]

At times, however, the MTS itself would cooperate with the formal state healthcare system. Serb directors of the sanction-starved state hospitals would request drugs, such as paracetamol, that the MTS was relatively well supplied with thanks to international support. In return, according to one of the founding members of the Society, MTS patients would sometimes get access to the state hospital for special treatments, or occasionally even be provided with transport to hospitals in central Serbia.[94]

Cooperation would also extend to public health issues. Preventative healthcare had suffered in the years after 1990. According to the Kosovo Ministry of Health, vaccination rates for children dropped from 90 percent coverage rates to less than 50 percent two years later. Half of the children in school had lice; almost a quarter had scabies (Mertus & Mihelić, 1994, p. 133). The effects of poverty and unemployment were key drivers, but the widespread mistrust of state healthcare amplified the situation. For instance, during an outbreak of chicken pox in 1995 many Albanian mothers were refusing, out of fear, to register the birth of their children to the authorities, hampering efforts to quell its spread.

[93] Author interview, Pristina, 25 May 2017
[94] Author interview, MTS official, Pristina, 12 July 2016

In a rare instance of cooperation, The MTS agreed to assist the Serbian government. By the end of the year they had managed to identify and register 50,000 undocumented children.[95] They did it by acting as a mediator between the vilified Serbian state and the broader Albanian population. In other words, they did it by brokering *trust*. For the MTS this was a balancing act. Albanians saw the Society as part of the parallel state, a perception that enabled the public health campaign. "We assured the mothers of these children it was okay to be registered through us. We are a parallel institution, we would say, not the [Serbian] government".[96] But good relations with the Serbian government were necessary if they wanted to maintain their status as a "neutral" NGO. "Legally we are also a part of Yugoslavia. Not of Serbia, but of Yugoslavia. That's how we justified our cooperation with the Serbian government."

Conclusion

Like education, healthcare was explicitly linked to ideas of what a modern state ought to provide its citizens. Respondents took pride in recounting the various "ministries" of health, education, etc. that the parallel state was perceived to have managed. Yet as this chapter has argued, decision-making varied considerably from education. Instead of the choices around schooling, underscored by a collective sense of resistance and the severe sanctions to those who made the 'wrong' choice, healthcare decisions were made on a more personal basis. Trust was destroyed by the alleged poisoning. But a lack of trust did not necessarily result in the boycott of state healthcare, as it did with education. Rather, trustworthiness factored into individual decision-making by informing expectations over the care people thought they could expect. At times the nature of the patient's condition

[95] Author interview, MTS official, Pristina, 11 July 2016
[96] Author interview, MTS official, Pristina, 11 July 2016

was severe enough to 'risk' going to a Serb-run hospital or visiting a Serb doctor. Other times, an Albanian doctor was preferable, even if they worked in a state hospital. For many, however, the trust calculation meant that visiting the state health service was too much. For them, the MTS clinics offered a 'safer', cheaper, or 'better' service.

The puzzle is that while group solidarity remained high throughout the 1990s, its effects were much more muted on decision-making than other services. As this chapter has sought to illustrate, the reason is due to the particular *intersection* between solidarity and the characteristics of healthcare. Education is a *national* service; both inherently political and highly visible. Healthcare is inherently less political and less visible. Hence, healthcare could be engaged with much more *discreetly*. Psychologically, solidarity still influenced individuals through entrenched 'in-group' and 'out-group' distinctions. But the leverage of structural solidarity on individual choice was hampered by the characteristics of healthcare. Albanian workers in state-run hospitals did not face the same sanctions that teachers did because healthcare was less wrapped up in the idea of national self-determination than education was. Moreover, there was little to be done to enforce behaviour when patients seeking treatment could do so quietly, in the privacy of a clinic. The result was a relatively 'freer' scope for choice. Granted, the fear of abuse, rumours of poisoning, and widespread distrust certainly contributed to decision-making outcomes rooted in a perceived need for *security*. But for the significant number of respondents who did opt to use the formal healthcare system, the social barriers to access were much lower than with a service like education. For them, the decision often came down to a careful calculation—where could one get the best result.

Chapter 5: Justice, 1989-1999

On May 1st, 1990, on a dusty plain 20 kilometers south of Peja called Verrat e Llukës, one of the largest restorative justice meetings ever recorded took place. Estimates on the number of participants varied. The official Yugoslav news agency *Tanjug* reported a crowd of 100,000. Local sources put the number much higher, ranging from 350,000 to upwards of 500,000—the latter of which would have made up a quarter of the Kosovo's population and the largest Albanian gathering in history (H. Clark, 2000, p. 63; Pritchard, 2014, p. 251). The date was symbolic. On the same day in 1910, local notables had met to affirm a *besa,* or truce, among the region's warring clans to continue an armed insurrection against the Ottomans. The purpose of this meeting was again a matter of national unity. Faced with a repressive Serbian state, organizers spoke of the need for Albanians to reconcile their divisions to counter the new threat. What was dividing people was clear: a centuries-old practice rooted in customary law called the *Gjakmarrja,* or bloodfeud—violent vendettas that could last decades and held thousands of Albanians in fear for their lives. One by one, families that had travelled from across the region stepped up onto a purpose-built stage and pledged to forgive feuds that had often lasted for decades. The Washington Post reported how:

> Usually boisterous village boys were entranced, their eyes locked onto a rostrum bedecked with crimson Turkish rugs, red roses and the Albanian emblem, a black, two-headed eagle. Old men wearing the traditional white Albanian cap leaned forward on their sticks, tears glistening on some of the weather-beaten faces, as another blood feud was brought to an end (Fish, 1990).

To onlookers across Kosovo, the ceremony articulated what the parallel "Republic of Kosovo" could achieve. Compared to the arbitrary coercion, harassment, and unfairness that characterized the formal legal system after 1989, it seemed as if Albanians had formed a method of dispute resolution entirely separate from the Serbian state.

The meeting at Verrat e Llukës was one of many similar, albeit smaller meetings organized by the *Pajtimi i Gjaqeve*, or bloodfeud reconciliation movement, that took place across Kosovo between 1990 and 1992. The movement differed from the parallel services of healthcare and education. Instead of choosing between 'state' and 'parallel state' justice provision, affected individuals faced an often-agonizing choice. On the one hand was the *Kanun* of *Lekë Dukagjin,* a traditional code that regulated feuding according to customary law and without interference from an outside authority. On the other hand, there was the parallel state's system of reconciliation, which though it used practices and precedent that were to some extent drawn from the *Kanun,* was not 'traditional' in any sense; it was spearheaded by young women and urban intellectuals who explicitly framed reconciliation as progress away from "backward" customs and towards "Europe". Gradually, the movement also established an alternative to the state system. An institutionalized network of dispute resolution services arose for a host of legal issues normally adjudicated by formal courts. Although used much less than parallel healthcare and education, and lacking any enforcement capacity aside from social sanctions, this 'parallel justice' service still constituted itself as an alternative, both to state courts and the customary code.

This section examines the different technical and sociopolitical characteristics of justice available to Albanians in Kosovo during the 1990s. I argue below that the justice available through the bloodfeud reconciliations shared a resemblance to the other key 'national' service of the period: education. Events were highly visible, infused with the rhetoric of national identity, and framed as a question of either supporting the national cause or implicitly betraying it. However, cases beyond the reconciliation normally dealt with through civil courts, such as property disputes, were much more of a pragmatic affair. Decision-making was more consequentialist; the formal state system could offer the 'better' choice than the parallel alternative, particularly as the latter lacked any real enforcement

capacity and did not have access to the cadastral register. The primary factor came down to the different 'menus' of options available to different segments of the population. Rural populations more accustomed to the *Kanun* were overwhelmingly persuaded to use the parallel state's reconciliation services thanks to its visibility and the powerful social norms it engendered. Urban populations, however, used the parallel system for resolving 'civil' cases much less. For many people in cities and towns across Kosovo, the most viable option was simply to 'do without'.

Judges and Lawyers Dismissed

The judiciary, like education and healthcare, came under Serbian control following the revocation of Kosovo's autonomy in 1989. Since 1974, Kosovo's civil law-based judicial system was made of a Supreme Court, five district courts, two commercial courts in Pristina and Gjakova, and eighteen municipal and lower-level courts (USAID & OSCE, 2001, p. 3). Following the revocation of autonomy in 1989, most Albanian members of the judiciary apart from private attorneys were gradually excluded, either through being sacked, voluntarily resigning, or boycotting the system. By 1993, over 300 of the 500-plus Albanian judges, district attorneys, and other senior officials in the legal system had been dismissed and replaced predominantly by Serbs. Of the 168 replacement judges appointed to Kosovo by the Serbian parliament, only twenty-five were Albanian, and of these only sixteen were actually willing to take up office (Vickers, 1998, p. 274). As with in healthcare and education, Serbian became the official language for legal practice and a requirement for all legal proceedings and publications. Albanians were effectively barred from attending the University of Pristina law school. The parallel underground law school, staffed by former Albanian law faculty, continued to teach and award diplomas, although these were not recognized by Serbian authorities and graduates could not take the bar exam or practice law

in Kosovo. Those who had graduated prior to 1989 could technically still sit the bar exam. However, it was no longer possible to do so in Kosovo, meaning that applicants now had to travel to Belgrade and sit the exam in Serbian. Few did (USAID & OSCE, 2001, pp. 3–4).

A similar process was unfolding with Kosovo's police service. In 1990, 3,500 Albanian staff of the provincial police were dismissed, bringing an end to any meaningful Albanian presence in the state security services (Pula, 2004, p. 811).[97] The next year, a group of former defense employees attempted to form an underground defense organization to complement the parallel system. The effort quickly failed. The underground 'Defense Minister' and 'Chief of General Staff' were arrested in 1993 and charged with preparing an armed uprising, while another thirty-four former Yugoslav army officials were charged with attempting to establish a parallel 'Ministry of Defense' (Poulton & Taji-Farouki, 1997, p. 160). During the same period, a group of dismissed police officers briefly operated as a parallel police force under the cover of their trade union. Yet their efforts were brought to an end in 1994, when around 200 of them were arrested by Serbian authorities and charged with attempting to establish a parallel 'Ministry of the Interior' (Judah, 2000, p. 87).

These efforts to establish an alternative enforcement or defense agency ran contrary to official LDK policy. Rugova remained adamant that the party should attempt no armed organization or resistance and stuck to the doctrine of non-violence. More curiously, however, was the Serbian response in cracking down on certain aspects of the incipient parallel state that were related to the monopoly of violence yet leaving other aspects such as health and education in place. This live-and-let-live policy could have a surreal quality to it. Rugova maintained an office roughly 100 meters away from the Serbian state security

[97] The 1974 Yugoslav Constitution had also created Territorial Defense militias for the Republics and the Autonomous Provinces that, along with the police, provided a provincial security apparatus in Kosovo. In the wake of the 1981 protests, however, Kosovo was stripped of its Territorial Defense.

offices in Pristina, while traveling—on a Yugoslav passport—to various countries to press for international recognition of the "Republic of Kosova". Yet allowing the parallel state to survive, albeit 'declawed' of any capacity for violence, served Milošević's interests, particularly during the years when his attention was focused on conflicts in Croatia and Bosnia. According to Tim Judah, it was a "grotesque symbiosis between Belgrade and Pristina"; the LDK effectively "pacified the province, which was exactly what the Serbian authorities wanted" (Judah, 2000, p. 74). Other critics took aim at the LDK's stubborn unwillingness to coordinate with Serbian opposition parties. Had over one million Albanians not boycotted the 1992 Yugoslav elections, they argued, Milošević may well have been ousted as President of Serbia in favour of Milan Panić, a man much more amenable to negotiating a compromise for Kosovo (Bellamy, 2002, p. 41).[98] This argument neglects one crucial point: Milošević was a rather useful enemy for the LDK. As Miranda Vickers writes, "Unless Serbia continued to be labelled as profoundly evil—and they themselves, by virtue of being anti-Serb, as the good guys—they were unlikely to achieve their goals" (Vickers, 1998, p. 267). Had Panić won, the restoration of Kosovo's human rights—even autonomy—would have been a disaster for the Albanian leadership. Without Milošević's repression, LDK demands for independence would have seemed even more far-fetched to the already skeptical international community. If the parallel state had to make do without its 'ministries' of security or defense, so be it. Lacking them could even bolster Rugova's non-violent credentials.[99]

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[98] Milan Panić had defected to the Netherlands in 1956 while representing the Yugoslav national cycling team. After making millions in the US pharmaceutical industry he was appointed Prime Minister of Serbia by Milošević in the summer of 1992. The assumption was that he would present a moderate and easily controlled image (Thomas, 1999, pp. 121–129). Panić confounded this assumption by running against Milošević in the Presidential elections later that year.

[99] The LDK did eventually make steps toward building a parallel defense service towards the end of the 1990s, called the Armed Forces of the Republic of Kosovo (*Forcat e Armatosura të Republikës së Kosovës*, or FARK). However, it never provided any enforcement capacity to the parallel state justice system. It was also quickly overshadowed by the KLA and eventually absorbed into it (Bekaj, 2010, p. 20).

By the early 1990s, Albanians lacked any meaningful presence in the formal justice system. As with healthcare and education, many had been dismissed against their will. Some had resigned out of conviction, others under considerable social pressure from their ethnic peers. Unlike healthcare and education, these dismissed personnel did not have a functionally comparable parallel service to shift into. Teachers and doctors could pick up in the parallel state where they had left off in the formal system, albeit without the income or facilities. Dismissed judges or police officers had no equivalent 'home' in the parallel system. Embryonic 'ministries' of the 'interior' or 'defense' had been rapidly swept aside. Even if judges were to adjudicate according to a parallel legal system, they would have no agencies to enforce their decisions.[100] Rather, an altogether different quasi-legal institution arose, first in the rural hinterlands of Kosovo but soon spreading into the towns and cities. This was the bloodfeud reconciliation movement, a hybrid institution that grafted elements of 'traditional' Albanian customary law onto an explicitly nationalist framework. For many people in the villages or mountain valleys, the reconciliation movement came to offer an alternative to both the customary system and the state. Gradually, however, it also came to offer a rudimentary legal alternative for urban dwellers, people for whom the customary codes were more of a curiosity that the comprehensive normative system.

The Reconciliation of the Blood Feuds

Among the panoply of empires and states that have held sway in the south-western Balkans, few could extend their writ into the mountainous areas of northern Albania and Kosovo. Yet even though the 'highlanders' living there may well have lacked a government, they did not lack for *governance* (Hasluck, 1954). Informal modes of customary law across

[100] Neither the FARK nor the KLA took on the role of enforcement agency for the parallel state justice system. The former was too small and organized too late; the latter often viewed the LDK as little more than collaborators with Serbia.

the region had long been underscored by strong traditions of self-sufficiency and a segmentary social system. The family or the clan (*fis*) was the main guarantor of individual security. As in societies across the Mediterranean, honor was the most valuable social currency; its deficit could have very real practical implications including the loss of political leadership, restricted access to resources, ostracism, exile, or death (Schneider, 1971). "The state"–often manifested as the tax collector or the captain in search of conscripts—was considered an obtrusive and dangerous impediment to local autonomy; the "public sphere" was considered insecure and to be avoided unless necessary (Mustafa & Young, 2008).

Rules were enshrined in a system of codes called *kanuns* after the Ottoman term for local customary self-governance. The most well-known in Kosovo is the *Kanun of Lek Dukagjin,* named after a compatriot of the 15th Century national hero Skanderbeg.[101] Although written down by a Franciscan Priest in the 1920s, many adherents of the *Kanun* continue to learn its precepts orally, while local or individual interpretations of the rules could vary considerably from the written document and have shifted over time (Gjeçov & Fox, 1989; Schwandner-Sievers, 1999). The *Kanun* dealt with virtually every aspect of life. But its most famous sections were those that detailed instructions regarding crime and punishment. This included the management and practice of the bloodfeud, a "deliberately limited and carefully counted killing in revenge for a previous homicide, which takes place between two groups based on specific rules for killing, pacification, and compensation" (Boehm, 1987, p. 194). Far from a historical curiosity, by 1989 bloodfeuds among families across rural Kosovo held thousands of people under the threat of death.

[101] Other *Kanuns* include *Kanuni i Skënderbeut*, *Kanuni i Maleve të Dibrës*, and the *Kanuni i Lekë Dukagjinit në Variantin e Mirditës* which, though similar to the more common *Kanuni i Lek Dukagjin*, offer slightly different textual representations of the codified law dealing with feuding (Mustafa & Young, 2008, p. 97).

Custom versus the State: Efforts to Abolish the *Kanun*

Customary legal codes like the *Kanun* were historically a form of substitutive governance pluralism. The Ottomans initially played little role in the governance of village communities. So long as they paid tribute, matters were generally left to local leaders, customary authorities, and the *millet* system of religious self-governance (Schmidt, 2008, p. 31). However, as the demands on state capacity increased in the latter half of the 19th century, so too did the first efforts to displace customary law. The first concerted attempt to abolish the *Kanun* came from one of the leading reformist Ottoman governors of the *Tanzimat* era, Midhat pasha, who launched an ambitious program of public works projects by building schools, hospitals, state granaries, roads and bridges. Yet when he attempted to form a special commission to end the blood feuds in 1861, he was rebuffed. A system of fines was established instead (Malcolm, 1998, p. 191). Ten years later, the Governor of the *Vilayet* (province) of Prizren documented the widespread use of the *Kanun* in the area. Published later in an Ottoman-language periodical, he appealed to the Albanians the shortcomings of the customary system they "followed blindly" and urged them to turn instead to Islamic *sharia* courts and Ottoman law as the very "expression of civilization" (Pritchard, 2014, p. 125).

Following the Second World War, the newly socialist Yugoslav state sought to modernize Kosovo. Religious legal institutions came under particular pressure. S*haria* courts were closed in 1946. In 1950, Koranic schools were shut and the teaching of children in Mosques was prohibited. Yet the state system had a harder time enforcing an end to customary practices and never completely invalidated the *Kanun,* unlike in neighbouring Albania, where the hard-line regime abolished the practice after 1950 (Schwandner-Sievers, 1999). Harsh punishments for feuding in the formal judicial system underscored the state effort to bring it to an end. Murder resulted in a twenty-year sentence under the Yugoslav

Penal Code. Yet death as a result of feuding was premeditated murder, a charge that would involve capital punishment as a result (Luci, 2014, p. 100). This applied equally during the period between 1974 and 1989, when Kosovo's judiciary was *de facto* independent from Serbia's and educated Albanians increasingly took up positions as lawyers and judges. From 1977 to 1989, the Penal Code of Kosovo specifically incriminated acts that were deemed related to feuding, which, beyond bloodfeud killings themselves, included assisting a minor in committing a murder or limiting freedom of movement out of revenge (Kostovicova, 2005, p. 116). Throughout the 1970s and 80s Yugoslav authorities were still trying to stamp out customary law with the help of a specialized agency and a concerted propaganda campaign supported by local Communist organizations, the media, and educators. But the effort to bring an end to the "backward" practice had little effect. On the contrary, evidence suggested that rates of feuding had steadily *increased* throughout the post-war years (Andeson, 1972; Boehm, 1987, p. 114). Despite the historically unprecedented availability and reach of state courts, people were nevertheless continuing to opt for customary forms of justice.

At least 2,000 families were involved in bloodfeuds by the end of the 1980s. Such a relatively small number belies a much larger impact. Rules of feuding stipulated that where blood vengeance was required, the claimant could extract it from *any* member of the offending family, not just the initial perpetrator. The only acceptable recourse was for families to imprison themselves in traditional fortified stone house called a *kulla,* effectively closing themselves off from society. As a 1972 article put it, "Fields and vineyards go untended. Workers in new factories dare not go to their jobs and teen-age boys hesitate to go to school. Families suffer from long confinement, malnutrition and lack of medical attention as well as nervous strain" (Andeson, 1972). Due to the size of many of the rural families involved, the figure of 2,000 families effectively meant that around 20,000

individuals were confined to homes and *kullas* across Kosovo (Elsie, 2001, pp. 43–45; Vickers, 1998, p. 248).

Building an Alternative: The Rise of the Bloodfeud Reconciliation Movement

Paradoxically, the movement to reconcile what was a profoundly patriarchal institution was initiated by three female political activists from Peja (Luci, 2014, p. 92). The movement's organizers had their roots in the widespread student protests of 1981, when various underground groups—known as the *ilegalja,* or "illegals"—formed under a pot-pourri of political ideas ranging from republic status for Kosovo to unification with Enver Hoxha's Albania (Schwandner-Sievers, 2013). Imprisoned for their views, many of the *ilegalja* activists were released from prison at the same time in 1988, just as Kosovo was about to be immersed in protest once again. That year, thirty-two Albanian soldiers serving in the Yugoslav Army had been killed, allegedly the result of feuds that had followed them into the service (Luci, 2014, p. 95). Then in January 1989, police were accused of killing three Albanians during a demonstration in Peja. "That night," according to a mediator who knew the female activists, "The Serb Minister of Internal Affairs shows up on TV and declares that three Albanians got killed in Peja today, but [that it wasn't] true that our police killed them. They [were] killed because they have a blood feud, that's why... Albanians are using the protests in order to cleanse accounts among themselves" (Oral History Kosovo, 2016a). The combination of the tragic loss of lives due to feuding and the Serb Minister's use of the feud as an excuse mobilized the recently released female activists to approach the Pristina-based Council for the Defense of Human Rights and Freedoms (CDHRF) with a proposal to begin a reconciliation campaign. "Our statement of purpose was 'when the occupier is killing us, we shouldn't harm one another,'" one founder recalled. "But we were very young, and we didn't know the rules of the *oda*. We needed a leader who knew the

traditions" (Pritchard, 2014, p. 224).[102] The CDHRF knew just the person: a renowned scholar of Albanian folklore, Anton Çetta.

Çetta headed the Albanological Institute at the University of Pristina. Since being founded in the 1950s the institute had carefully cultivated networks of trust throughout Kosovo's countryside as ethnographers and writers had fanned out from Pristina to collect and document "traditional" heritage.[103] Around 500 student activists under Çetta now followed in their footsteps. Spreading out across rural Kosovo, students documented families that were 'in blood' to prepare for a later visit by a 'Council of Elders'. The Councils, made up of high-status men such as senior LDK representatives or religious leaders, would then sit in the victim family's *oda* to work towards resolving the feud. The campaign was explicitly based on the concept of forgiveness, but not for its own sake. What mattered was strategically reframing the traditional referent unit of the feud—the 'we' of the family—towards the 'we' of the nation (Pritchard, 2014, p. 233). Rather than inquire about the specific reasons for a feud, arguments related to the Serbian revocation of Kosovo's autonomy were employed to explain why the feud should end. "Aren't you aware of the situation", Çetta would ask, or "Isn't it important to have our population living and unified" (H. Clark, 2000, p. 62). Other times he would appeal to Kosovo's international image. "If we want to become part of Europe, do you think Europe will accept such barbaric and mediaeval practices?" Although the reconciliation movement was not officially driven by the LDK, there was substantial support and involvement from the party, creating the impression that the two were the same. "Even the blood feud reconciliation was a part

[102] The *oda* was the front room of a traditional Albanian house where guests were received and matters of local importance discussed. It was also where reconciliations and other discussions relating to the *Kanun* commonly took place.

[103] The intellectual flavor of the Institute was heavily influenced by 18th and 19th Century German Romanticism, particularly the ideas of J. G. von Herder (1744-1803). Herder linked the nation to its folk cultures, implying that understanding the latter would then allow one to better 'know' the national character (Spencer, 1997).

of the LDK," one man explained. "It was managed by them, so it all starts with the LDK as a political organization in order to separate from Serbia."[104]

The cases dealt with by the reconciliation movement blurred the boundaries between 'civil' and 'criminal'. Disputes comprised three categories (Pritchard, 2014, pp. 238–239). First was "blood", cases where feuding had reached the level of reciprocal homicide. The second was "wounding," which involved physical assaults with a gun or knife. Finally, there were "disturbances". These ranged from physical assaults (just not with a gun or a knife), to land and boundary disputes, ownership and access to resources like pasture or water, engagements and divorce, or business disagreements like loans and repayments. However, cases were not categorized according to seriousness—with "disturbances" akin to civil or tort law and "blood" or "wounding" falling under criminal law. They were rather different points along the same path. Disputes may begin trivially; an argument over a debt, or a neighbour's sheepdog. But it was the insult to honor that propelled it forward along a 'path' that ultimately led towards "blood". Seen this way, a "disturbance" was both a discrete instance in its own right and a homicidal bloodfeud waiting to happen.[105]

The movement achieved it first reconciliation in early February 1990. It spread rapidly thereafter, buoyed along by students, former political prisoners, and the media (Pritchard, 2014, p. 241). Over 3,000 people attended a reconciliation between two large families in central Drencia on the 23rd. By the end of February successful meetings had taken place in villages across western Kosovo. In May came Verrat e Llukës, the first of the large-scale public ceremonies where families would openly declare to those present that

[104] Author interview, Gjakova, 10 Dec 2015

[105] Margaret Hasluck's classic work in Northern Albania often highlights how feuds that had lasted for fifty years, cost hundreds of lives, and nearly torn tribal confederations apart often began because someone had accidentally killed another's sheepdog (Hasluck, 1954).

they had "pardoned the blood".[106] The ceremonies were highly charged emotive experiences, but not only for those who forgave the blood. "Everyone saw the reconciliations", one urban respondent explained. "Whether on TV or in the news, or from people talking about it. Everyone knew what was happening."[107] Following its last public event the Assembly of Bloodfeud reconciliations was formally closed on May 17, 1992. Altogether it had reconciled 2,952 feuds (Luci, 2014, p. 101). The message was clear: there were to be no more internal divisions in the nation. By extension, anyone taking up a feud with another would be interpreted as 'anti-national', something most Albanians were anxious not to appear.

Expanding the Alternative: Reconciliation Councils and State Law

After the movement officially ended in 1992, a Kosovo-wide 'Council of Reconciliation' was nevertheless established as a potential stop-gap, were any further disputes to arise. Gradually, the remit of these councils expanded to cover a broader array of disputes than the original movement. The Council was supported with 23 municipal councils and hundreds of sub-councils in various towns and rural districts (A. March & Sil, 1999, p. 9). These were local structures of dispute resolution that could arbitrate not only future bloodfeuds—should they arise—but also lesser criminal cases such as abuse, theft, or minor quarrels that would have fallen to civil courts. Rather than strictly dealing with cases related to the *Kanun,* which offered an alternative to the prevailing customary practice, the parallel state was now beginning to offer an alternative to the formal state as well. As a former member of the Gjakova Reconciliation Council described, "Even if someone had an argument and wanted to reconcile, not just the bloodfeud but different kinds of

[106] The functional purpose of the meeting was to mark the conclusion of 90 separate disputes. Yet due to the enthusiasm that it generated, onlookers would spontaneously offer their forgiveness as well, bringing the total up to 106 by the end of the day (Pritchard, 2014, p. 250).
[107] Author interview, Pristina, 5 Dec 2015

arguments, they could come to us." [108]As with the bloodfeud campaign, it was justice largely based on reconciliation as opposed to arbitration; legal issues were to be forgiven rather than adjudicated. Beyond compensation, which was applied in disputes over business debts and divorce, no other formal types of punishments were included in the process. Much of its cases were driven by the continuing sense of distrust directed towards the official legal system's capacity to reach a decision that was impartial and legitimate. "I don't trust in institutions of justice," one mediator emphasized. "I trust them as much as I trust a snake. They are not working as they should" (Morina, 2016).

Each Council had an extensive reach in its respective area and was organized in a manner similar to the neighborhood-level structure of both the LDK and Mother Teresa Society. For example, the Reconciliation Council of Mitrovica was established in 1991 with fourteen permanent members, including a miner, farmer, teacher, trade union leader, and lawyer. Within a short time it had established eighty sub-councils throughout the entire district of Mitrovica that were engaged in reconciliation (A. March & Sil, 1999, p. 27). Councils were even established in the United States and Europe to help reconcile feuds among the Albanian diaspora.[109]

Some Councils even appeared to be more effective than the former Yugoslav courts in "solving" the cases being brought before it. The Gjilan Reconciliation Council, for example, reported in 1998 that out of the 778 disputes brought before it over the previous six years, 541 had been settled (Muenzal, 1998). By the end of 1997, the Mitrovica Council had claimed to have 'resolved' 1,766 cases, ranging from criminal cases of murder, assault, and battery to civil issues of divorce, theft, and debt. Moreover, people were increasingly making use of it. Cases had risen year on year; from 110 in the Council's first year, to 387,

[108] Author interview, Gjakova, 10 Dec 2015
[109] Author interview, Gjakova, 10 Dec 2015

435, and 467 in successive years, showing that the Councils were increasingly being used as effective dispute resolution mechanisms (A. March & Sil, 1999, p. 27) By 1998, Reconciliation Councils across Kosovo claimed to have resolved over 23,000 cases, based on an average of around 1,000 per municipal Council (A. March & Sil, 1999, p. 10).

An analysis of the Shtime Reconciliation Council between 1992 and 1997 indicates how the Councils had diverged away from their roots in the bloodfeud reconciliations, which effectively only offered an alternative to customary law, and towards an alternative to the state law as well (Pritchard, 2014, pp. 261–271).[110] Councils were now catering to a more urban, educated, and 'modern' population. Of 88 documents describing the disputes brought before it, none dealt with the traditional category of "blood". The majority were disagreements about debt; the rest comprising disputes around the ownership of land, such as the rights and procedures to sell, buy, or lay new paths and roads, marriage and engagement issues, physical fights, and a death in a traffic accident. Whereas before the options were limited to either approaching the state system or doing nothing, now people were actively seeking the councils as an alternative. For instance, people reported incidents to the Council to quell a potential dispute before it started, as when a mysterious wallet was discovered full of money. Other times they approached the council hoping it would investigate an issue. Unlike the oral reconciliations, proceedings were now being faithfully transcribed; even the written documents it produced resembled those of the Yugoslav court system. The reason was both practical and quixotic. Some disputes could not be resolved, such as land ownership issues that required access to the Cadastral Register—still firmly under control of the Serbian state. For these cases the Council documented and "froze" the dispute until, as one Council member put it, "it would be handed over to the competent

[110] The town of Shtime has just over 7,000 inhabitants (27,000 for the municipality) and is about 30km southwest of Pristina.

court of the Republic of Kosovo for a decision" (Pritchard, 2014, p. 318). In other words, disputes would be put off until Kosovo had achieved its independence, whereupon they could be 'dusted off' and resumed with all the necessary information.

Decision-Making and Justice

Unlike education and healthcare, decision-making with justice involved a more variegated 'menu' of options. These can be divided into two types. First were what I refer to here as 'rural' populations—people who faced a realistic choice between a system of highly localized customary law that had been practiced for centuries and the parallel state's reconciliation service.[111] The formal state courts were, theoretically, a third option; a family who had a member killed in a feud could always approach the formal system to apprehend the suspect and seek justice. In practice, however, formal avenues were considered inappropriate for handling issues related to feuding. Courts could make legal decisions but were less adept at solving disputes that required the satisfaction of honor. Similarly, the legal system of the modern state is structured on the basis of relationships between the state and its individual citizens. In contrast, the social context of the bloodfeud the basic constitutive unit was the patrilineal family, and customary practices regulating a dispute were structured according to the relationships between families, not individuals. Finally, customary practice was highly proscribed under formal law, adding a deterrent for potential users. The fourth option was 'exit'. People could migrate away from Kosovo hoping the feuds would not follow them. Indeed, a number of asylum applications are made every year in Britain from people allegedly fleeing bloodfeuds in Albania and Kosovo (Home Office,

[111] Of course, the use of customary law was not strictly a rural phenomenon. However, it was much more prevalent in rural parts of Kosovo and widely seen as a 'traditional' practice of the countryside. I use rural here more as shorthand to distinguish between those who would likely have had the option of using customary practices and those for who it was less realistic, i.e. urban residents with fewer ties to traditional ways.

2018). Or they could 'do without' any recourse to justice. However, if the case at hand was part of a longer-running dispute related to customary practices, there would inevitably be strong social pressure to avoid this option. Men who did not satisfy what honor demanded faced humiliation; often they would be openly mocked and their families forced to adopt symbols of low status (Schwandner-Sievers, 1999).

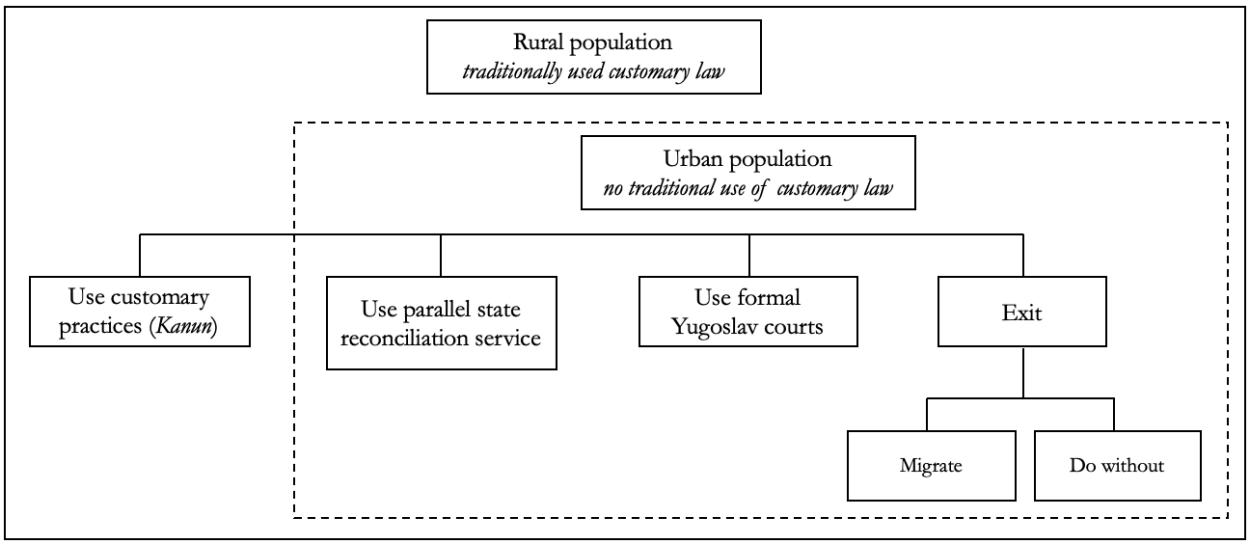


Figure 5: The 'menu' of options facing urban and rural Albanian populations

The second menu was that faced by what I refer to as the 'urban' population. For these people, customary law and the *Kanun* were more a curiosity than a realistic option for solving disputes. The parallel state's bloodfeud reconciliation campaign may have been an emotive symbol of Albanian solidarity. But it offered little of the concrete benefits that it did to the rural populations who, thanks to a mediated reconciliation, could now live without the fear of retaliation outside of the confines of their homes. It was not until after 1992 and the establishment of Reconciliation Councils in towns and cities that urban populations faced an equivalent range of choice. The parallel state's reconciliation services were handling cases that would otherwise have gone to the formal court system. Exit

remained viable, particularly doing without any recourse to justice. Urban respondents commonly explained that "we just stopped having problems with each other. Nobody wanted to go to the police, to Serbian judges; people here *needed* to get along, to put their problems behind them."[112]

Decision-Making between the *Kanun* and Reconciliation

The parallel state reconciliation campaign was, much like the parallel education system, explicitly framed as a 'national' concern. This applied across both its technical and sociopolitical characteristics. First, from a technical perspective, it was a profoundly *visible* affair. The campaign sought to orchestrate large-scale public events to broadcast the acts of forgiveness that took place. These events were powerfully emotive experiences for those watching, leading to members of the crowd being swept up in the moment and spontaneously forgiving other feuding parties. Even smaller-scale reconciliations that took place in the household *oda* were highly visible for those in attendance. The tension created by having a large number of people in one house was actively leveraged by council members. For instance, traditional forms of hospitality towards guests were inverted when invited council members refused food or drink until forgiveness was achieved.[113] Moreover, council members were specifically chosen on the basis of the influence they had over the families—senior LDK members for those families who had party membership, senior religious leaders for those families who regularly attended the Church or Mosque. In a final act of visibility, councils ensured that both the process and outcome of a reconciliation attempt were written down, meaning that the potential obduracy of parties who refused to reconcile would be publicly recorded for posterity (Pritchard, 2014, p. 258). The show of

[112] Author interview, Gjakova, 30 Oct 2015
[113] Author interview, Don Lush Gjergi, Pristina, 25 May 2017

bureaucratic formality contributed to a sense that what was being done was "national" and "official". The result was a powerful 'gaze' of social pressure leveled on disputing families.

Visibility was also an important factor for the sociopolitical salience of the reconciliations. Large-scale events such as Verrat e Llukës were not only experienced by disputants. They were also televised, photographed, and reported. Images of the proceedings were disseminated to Albanian language media abroad before being broadcast back into the homes of Kosovars, bypassing the Serbian censors, or onto the TV sets of the Albanian diaspora. This effort at projecting an "imagined community" through powerful media images and accounts an indelible experience for those who witnessed them—literally 'seeing' the state and 'seeing' solidarity in action. One person from Pristina explained that "it was the first time we saw all of us united in that way; literally, everyone at those places, standing together, watching this happen at the same time. It gave us resolve, made us feel strong."[114] Another urban respondent highlighted how "Everyone saw the reconciliations. Whether on TV or in the news, or from people talking about it. Everyone knew what was happening."[115]

The primary sociopolitical characteristic of the reconciliations was their 'national' aspect, an element that was further compounded by the high levels of group solidarity at the time. The overwhelming motivation for people faced with a choice between the *Kanun* on the one hand and reconciliation on the other were social norms linked to the national cause. Images of inclusion and exclusion were explicit; mediators explained that "you are either on this side of the river, or that side".[116] Others carried a white book to record the names of families who had reconciled and a black book for those who did not—a reference to how dishonoured people were considered "blackened" according to the *Kanun* (Gjeçov

[114] Author interview, Pristina, 17 Dec 2015
[115] Author interview, Pristina, 5 Dec 2015
[116] Author interview, former reconciliation leader, Malisheva, 29 May 2017

& Fox, 1989, pp. 101, 111; Schwandner-Sievers, 1999). Those who refused faced social exclusion. "We called them traitors," one campaign leader remarked, "for not overcoming their selfish desires for the sake of national unity against Serbia."[117] A former member of the Council of Elders charged with mediating disputes in Gjakova recalled the manner with which persuading disputants to forgive played out:[118]

> On the exact day, the whole group—the council with our leader, the youth—around twenty or thirty people—would go to the house. The [disputant] would gather some people from his family to his house as well. The leader would then describe the problem between the families, and there would be a discussion and a debate. He would argue that the blood reconciliation should be in the name of the flag, in the name of national unity; that this [blood feuding] is very primitive, and we should leave this to the justice system; that we should not act from the *Kanun;* that liberating ourselves from this practice was the first step in liberating ourselves from Serbia.[119]

His account indicates how concepts of 'national' were being balanced with 'modern'. Mediators routinely balanced appeals to overtly national symbols, like the flag, the soil, or the martyrs with a more civic notion that disputes should be left "to the justice system" (of an independent Kosovo judiciary) and not to the "primitive" customary practices.

Persuading a family to forgive could be a delicate, frustrating task. One mediator recalled a case that required sixty-three separate visits involving six teams to reconcile (Oral History Kosovo, 2016b). It was themes of national solidarity and the threat of war that drove the arguments used by mediators, though these were often linked to more traditional themes such as *besa,* a solemn word of honor. This could be an agonizing decision for those involved. Often the nature of the original crime was such that the victim had given their *besa* to seek vengeance. Backing down could involve a humiliating loss of face; some parties never reconciled for this reason. It was up to the mediators, volunteers, and family members to persuade the individual to make the decision, even if it meant breaking a *besa.*

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[117] Author interview, Former council leader, Pristina, 26 May 2017
[118] Author interview with former Council of Elders member, Gjakova, 10 Dec 2015
[119] Author interview, former Council of Elders member, Gjakova, 10 Dec 2015

"Kosovo's youth is asking for the blood to be forgiven", one woman said, whose father had been killed in a feud. "And Kosovo's interest seems to be greater than the given *besa"* (Oral History Kosovo, 2016a).

The participation of women was often the crucial factor in pushing a decision. "We lived with the illusion that men with moustaches forgive the blood," another mediator explained, "But that turned out not to be true" (Oral History Kosovo, 2016a). Echoing this sentiment, Nita Luci argues that the reconciliation movement in effect transformed "traditional" notions of manhood that prized patriarchy and honor above all else into a new form of masculinity, where instead of self-seeking vengeance it was forgiveness for the sake of the nation that became "manly" (Luci, 2014). The role of women—and youth more broadly—in spearheading the reconciliation campaign was a key factor that distinguished it from traditional practice. Mediators were predominantly highly educated urban intellectuals. They were not interested in a temporary truce, but in a permanent termination of customary law in favour of the acceptance of a "European" law across an independent Kosovo. Although concepts from the *Kanun* were readily invoked during reconciliations, it was more because the *Kanun* became modified and 'nationalized', rather than the parallel state becoming 'customary'. Once they had been 'nationalized', concepts like *besa* were used to "ensure contracts outside the legal routes, to enforce a code of silence towards interest-group outsiders and to justify murder of those defined as "traitors" (or contract breakers) to the group interest" (Schwandner-Sievers, in Kostovicova, 2005, p. 117). During the period of non-violence, sanctions meted out to dissenters or "collaborators" could be justified based on the customary punishments of ostracism and social isolation (Kostovicova, 2005, p. 118). With the rise of the KLA in the later 1990s, however, sanctions became much more severe; hundreds of "collaborators" were murdered using

language drawn from customary law, such as the "betrayal" of honor, as an excuse (ICG, 2000b, pp. 5–6).[120]

Crucially, forgiveness involved the recasting of personal understandings of honor into a concept related to the honor of the nation. The group that was under threat had to take precedence over the individual. "It was about freeing the individual,' one mediator explained. "Because there were no longer individual interests. We would say 'you are not a coward if you forgive the blood. You're not just forgiving the person who did it, you're forgiving the whole nation'. He wouldn't reconcile for being afraid, for his own benefits, but only for the interests of the nation." Once forgiveness had been achieved, that was the end of the dispute. Further criminal proceedings were unnecessary. "They wouldn't bother with the court system. The given word was all that was needed."[121]

Decision-Making between Parallel Councils and the Formal State

Once the judiciary and police had been largely—though not completely—purged of Albanian staff, the formal organs of law and order ceased to be independent in the eyes of much of the population and the concept of a fair trial became something of an oxymoron. People rarely trusted the judicial system after the early 1990s, particularly as it related to criminal proceedings and if it would involve the police. "Even if you had the biggest problems or conflicts," a former lawyer explained, "you couldn't go there [to the state court] to express your problems. You couldn't go there and complain, because the person you were complaining about might be killed, or even you".[122] International witnesses backed up Albanian concerns. Elizabeth Rehn, the Special Rapporteur of the United Nations High Commission on Human Rights, noted in 1997 that "trials failed to meet

[120] Author interview, Humanitarian Law Centre, Pristina, Dec 12, 2015.
[121] Author interview with former Council of Elders member, Gjakova, 10 Dec 2015
[122] Author interview, Gjakova, 30 Oct 2015

minimum guarantees for fair trial provided in UN standards, notably the International Covenant on Civil and Political Rights and the Convention against Torture, which the Federal Republic of Yugoslavia was bound to uphold" (Trix, 2005, p. 321).

The growing distrust of the judiciary was amplified when it came to the police. Despite the egregious behaviour of the now ethnically homogenous force against the Albanian population, practically no Serb police were ever punished. Reporting a crime to the police, let alone even approaching them, was increasingly unrealistic. Seeking redress against police actions in the courts provided little respite. Serbian officials in the judiciary often dismissed the actions of the police as necessary, given the threat of 'separatists' or 'terrorists' in the province. They were also remarkably blunt about what Albanians could expect should they fall foul of the state's legal institutions. When questioned by representatives of Human Rights Watch, the head of the District Court of Kosovo, Vojislav Živić, stated that not only were Albanians in custody beaten, but it was *routine*. "When someone is accused of violating the territorial integrity of Yugoslavia," he continued, "we can beat them and even kill them" (Mertus & Mihelić, 1994, p. 63).

Yet there were variations based on the seriousness of the issue at hand. As one respondent from Pristina explained, when it came to civil issues like property disputes, debt, or divorce, "there was enough trust that those working in the [civil] courts would still follow some system of due diligence and maintain some standard of professionalism".[123] Another responded, "For smaller things, we did use the courts, even if they were run by Serbs. Compared to the police—we all thought the police were dangerous—the courts still had some kind of professionalism that people trusted to some extent".[124] Civil cases continued to be legally binding and enforceable, something that the parallel state could not

[123] Author interview, Pristina, 3 Nov 2015
[124] Author interview, Pristina, 1 Nov 2015

provide given the absence of any parallel enforcement agency, courts, or jails, and the lack of formal recognition by the Yugoslav state.

This was not for lack of effort. In Klina, a town 60km west of Pristina, a tentative 'parallel municipality' tried to provide a legal alternative for locals. But, as one person recalled, "They couldn't give documents and provide everything that a normal municipality could give because these were not valid, they would not be valid for Serbian institutions so they would be useless in a sense."[125] The 'municipality' soon confined itself to administering the parallel schools instead. Moreover, Albanian private attorneys continued to work representing clients in the Serbian system, a sign that formal legal services were still in demand. Those who remained working in the state often justified it in terms of helping their fellows navigate what was by then a distinctly unfriendly state to obtain official tax receipts or other legal documentation.[126] In this sense, it was the formal quality—the "professionalism"—of the service provided by the civil courts that motivated people to continue using it, even if it was to a more limited degree. The state justice system may have broadly lost legitimacy in the eyes of Albanians, but the formal documents and decisions it issued still had their uses.

The establishment of the Reconciliation Councils across Kosovo after 1992 presented 'urban' populations with the first viable alternative to the state. Rather than dealing with customary codes or reciprocal patterns of honor-based homicide, the Councils dealt primarily with civil concerns. The increasing 'informalization' of Kosovo's economy during the 1990s meant that more disputes were falling outside the formal remit of the state (ICG, 2001). For instance, business disputes could only be brought to the state system if both parties were fully registered with the state (many were not), if either party might have

[125] Author interview, Klina, 19 March 2016
[126] Author interview, former employee in municipal financial authority, Gjakova, 15 Dec 2015

submitted incomplete or inaccurate tax returns (many had), or if the parties concerned may be involved in smuggling goods (which many were). Similarly, cases of debt repayments were by definition excluded from recourse to state law if an illegal private loan was the subject of the dispute. For Albanians struggling to make ends meet, all the 'illegal' reasons above were considered legitimate practice. One respondent recalled that she funded her studies by "driving to Macedonia every weekend to buy counterfeit cigarettes. We'd fill the back of the car with them, cover them in a blanket, and drive back to Pristina to sell them at a profit. We don't even smoke! But we needed to do it to survive."[127] Despite a strong post-war narrative that the 1990s was a period of harmonious national solidarity and that "people just didn't have problems with each other", the fact remained that business disputes inevitably arose. With the legal system off limits for much of these 'informal' economic activities, the resulting demand for a system of justice could only be met through the parallel state.

Dealing with these disputes was more politically enigmatic and far less visible than the bloodfeud reconciliations were. Councils were small affairs; only a few members would pass decisions on a case. The ambiguous 'national' stakes of civil disputes made it difficult to persuade parties with appeals to "the flag, the martyrs, and the nation". Being unable to locate the national salience of a failed business, an unpaid loan, or a broken marriage meant that a hard-headed, consequentialist approach was the primary motivation for approaching the Councils and the primary logic through which cases were resolved. Compared to the emotionally moving, and widely televised reconciliation events, the Council's work was grey, bureaucratic, and decidedly unglamorous. But mere boredom was not the only reason they failed to capture the public's attention. Reconciliation events were visible manifestations of national solidarity. A Council's caseload was precisely the *opposite*—a daily

[127] Author interview, Pristina, 25 May 2017

reminder of the fissiparous, quotidian, banal disputes that Albanians—just like any other community—still dealt with on a daily basis. Rather than seek to make their work visible and national, there was an interest to keep them *invisible*. They were used more frequently and for a longer duration than the two-year reconciliations, but today they are remembered less. The vast majority of 'legal documentation' produced by the parallel state Councils—written testaments, in other words, to the innumerable divisions among the Albanian community—has since 'disappeared' from the archives of the Albanological Institute. (Pritchard, 2014, p. 259).

Conclusion

As this chapter has illustrated, the intersection of high group solidarity with the characteristics of justice during the 1990s resulted in split decision-making outcomes. The bloodfeud reconciliations were, perhaps even more than education, a symbol of Albanian national solidarity. They were a visible manifestation of coming together, of literally overcoming intra-Albanian divisions for the sake of presenting a united front against Serbian repression. They were also organized in a manner that facilitated collective monitoring and enforcement. Disputants reconciled in front of a group, at times even in front of crowds of thousands of people. Refusing to reconcile inevitably brought powerful sanctions. As with education, a language of 'treason' and 'betrayal' was common. Decision-making under these conditions was clear-cut for those who were 'eligible' and was largely motivated by strong social norms.

On the other hand, civil matters fell into a different category. Once the Reconciliation Councils expanded to cover civil matters, their relative invisibility meant that the effects of group solidarity were more muted than with their criminal counterparts. Moreover, whereas the bloodfeud reconciliations had provided a powerful symbol of

national solidarity in the face of a deepening inter-ethnic conflict, civil disputes falling under the purview of the Councils were an everyday reminder of *intra*-Albanian divisions. Keeping such divisions quiet was politically expedient. However, it also provided people seeking out the best forum for their dispute with a measure of 'free' choice.

Unlike education and healthcare, justice provides us with a glimpse at how the intersecting effect of solidarity can be mitigated *within* a service, not just *across* different services. Solidarity exerted a tremendously powerful influence on the participants of the bloodfeud reconciliation—from the student volunteers and elders to those who ultimately forgave the blood. Even the traditional concepts used during reconciliations, such as the *besa,* explicitly drew on the notion of solidarity in the face of a threat. The political stakes were also extremely high. Albanians across Kosovo viewed the movement as a crucial step in presenting the Serbian 'enemy' with a united front. But as powerful as the 'gaze' of group solidarity was for the reconciliations, it largely failed to influence the subsequent civil Councils.

Part Two: The Serb Parallel State, 1999-2018

Introduction

Kosovo was NATO's first war and the last European conflict of the 20th century. It resurrected the ghost of Woodrow Wilson: self-determination as a principle of action, but equally the respect of international borders and law—a "circle that no one has been able to square" since the first jets took off for their sorties over Belgrade (Hirsh, 1999). Is a war that is "illegal" yet "legitimate" still justified? Was Kosovo the harbinger of an iconoclastic new order in which state sovereignty was no longer inviolable? The global implications were many, but in Kosovo the result was shattering. Despite the arguable efficacy of NATO's high-altitude bombing campaign, the Western alliance had essentially cleared the way for the KLA, a rag-tag group of ill-trained men whom the US Balkan Envoy had called 'terrorists' only one year before (Sebak, 1998). As the Yugoslav Army and police withdrew from the province in June 1999, these victorious, vengeful fighters filled the vacuum—followed by 850,000 Albanian refugees returning home. It was a remarkably rapid, and tragic, reversal of fortune for Kosovo's formerly privileged Serb community.

The war marked the most decisive and wrenching critical juncture in Kosovo's post-1989 history. At its start, in February 1998, the LDK still maintained a parallel state apparatus across Kosovo providing healthcare, education, and justice services to Albanians who sought—with varying degrees and motivations—to avoid Serbian state services. Following the entry of NATO troops into Pristina on 12 July 1999, the 'state' ceased being Serbian, at least in any meaningful way. The *de jure* stipulations of the United Nations Security Council may have held the territorial integrity of Yugoslavia as sacrosanct. Yet the violent inter-ethnic retribution now unfolding across Kosovo, plus an overwhelming demographic preponderance, ensured that the new 'state' would be *de facto* Albanian, albeit

with international supervision. Thousands of dismissed teachers, doctors, nurses, police officers, and lawyers 'surfaced' from years in the parallel system and wanted their old jobs back. Serb employees were informed that "if they had been hired after 1990 they [were] not legally employed" anymore (S. Ramet, 2006, p. 542). Most did not wait to be told. Tens of thousands of Serbs followed the departing Yugoslav forces. Those who stayed coalesced into an archipelago of Serb-majority enclaves, guarded, in another ironic reversal, by NATO soldiers (Dahlman & Williams, 2010).

By the end of 1999 the parallel state had 'flipped'. Serb-majority settlements became the focal points of a new parallel system. Like its Albanian predecessor, the Serb parallel state was 'illegal' but legitimate—at least in the eyes of its constituents. Unlike its Albanian predecessor, the Serb parallel state was essentially an extension of neighbouring Serbia. Albanians may have felt that 'their' parallel state was the legitimate remnant of the pre-1989 autonomous province of Kosovo—much as Serbs did about 'their' post-1999 system as the continuation of the pre-1999 Serbian state. But the organization, financing, and delivery of the Albanian institutions was carried out either completely 'underground' or through LDK representatives in Germany and Switzerland. For the Serb parallel state Belgrade called the shots. Parallel institutions were part of a broader claim on Kosovo's territory and state policy ensured they were well supported. Where the Albanian system depended on volunteerism and group solidarity to motivate and discipline individual behaviour, the Serb system deployed incentives. 'Public' employees were paid double what their counterparts made in Serbia proper and vastly more than employees in the Kosovo state (OSCE, 2007b). Services were justified pragmatically: it was outputs, quality, and competence that mattered, not the symbolic repertoire of collective resistance that defined the Albanian system.

Part two of this thesis proceeds in the following way. First, it sets the stage by examining the preeminent critical juncture in the development of the Serb parallel state: the

1999 War and ensuing wave of ethnic violence that erupted over the summer of 1999. Decisions and reactions that unfolded in the early days of post-War Kosovo left a durable imprint for the emergence of a parallel system. Rather than take shape 'below' the formal state, as the covert Albanian system did during the Milošević years, the Serb parallel state formed 'beside' the UNMIK-run (but primarily Albanian staffed) Kosovo 'state'. International administrators certainly found the parallel system inconvenient. But disapproval was a far cry from the systematic, repressive coercion that marked the 1990s. UNMIK's competition with the parallel state relied on *persuasion,* not force; significant "carrots" of economic incentives were deployed to win Serb populations over but very few "sticks". As a result, the organization and delivery of parallel services could take place in the open. Only the security arm of the Serbian state required a measure of covert organization—epitomized by plainclothes MUP officers in Mitrovica. Later critical junctures such as the 2004 riots and Kosovo's 2008 declaration of independence consolidated these institutional foundations but did not alter them in any fundamental sense. Whether the 2013 Brussels Agreement will ultimately bring the parallel system under Kosovo's sovereign oversight remains to be seen. As it stands, parallel institutions of education, healthcare, and justice continue to operate outside the remit of Pristina.

Second, it continues by exploring how and why individuals decided between competing services. Mirroring the analysis of the Albanian parallel state, it examines choices related to education, healthcare, and justice. I argue that there was—and continues to be—significant variation in choice not only *temporally* between the Albanian and Serb cases but also *sectorally*. Decision-making varied partly because of the broader temporal distinctions between how the two parallel systems formed. I argue that the key explanation for this distinction was that levels of solidarity among Kosovo Serbs post-1999 have been qualitatively different than their Albanian predecessors. In-group and out-group

distinctions were still wide, thanks in part to the categorical nature of post-war ethnic violence. Structurally, however, dependence on the parallel state and its ability to control its constituents has been lower. Serbs face little repression from Kosovo authorities and few barriers in migrating to Serbia proper. Exit is less costly than it was for Albanians; choice is much freer. Compliance is less a matter of duty and defection less an act of 'betrayal' or 'treason'. But decisions also depend on the sociopolitical and technical characteristics of specific services. Here we find commonalities with the 1990s. Education is still rooted in ideas of national identity—especially in subjects like history, geography, and literature. Healthcare is still a matter of trust. Justice—lacking the unifying spectacle of the bloodfeud reconciliation—allows a measure of 'shopping around' based on expected outcomes. However, the way in which lower group solidarity intersects with these service characteristics means that decision-making outcomes have been qualitatively different. The power of social norms in particular has been much less salient. I further explore decision-making in these services in the following empirical sections.

The Kosovo War and Aftermath

The Kosovo War contained two dimensions of conflict. First was the 'local', internal armed conflict that played out on the ground in Kosovo. The Yugoslav military engaged in counter-insurgency operations in response to the hit-and-run guerrilla tactics used by the KLA, both of which involved widespread human rights violations (Human Rights Watch, 2001). This conflict lasted from February 1998 to June 1999, though it escalated significantly in March 1999 with the beginning of the NATO bombing campaign. The second level of conflict was 'international'. This was between NATO and Yugoslavia and lasted 78 days, from 24 March 1999 to 10 June 1999. A full account of the Kosovo War in both dimensions is outside the scope of this work. In particular, the 'international'

dimension will largely be left aside; it has attracted much more thorough attention elsewhere. Not that the international dimension to the Kosovo conflict and subsequent developments in the region are peripheral. However, the 'local' dimension has a much more central role in the history of the Serb parallel state. Two issues in particular played a crucial role: the rise of the Kosovo Liberation Army in the mid-1990s and its role in the subsequent conflict; and the post-war ethnic reprisals against Serbs in Kosovo.

The Rise of the KLA

In 1996 and 1997 there was a growing consensus in Kosovo that non-violence was not working (Hamzaj, 2000; Maliqi, 2000; Marsavelski, Sheremeti, & Braithwaite, 2016; Reitan, 2000). The Dayton Accords had cast a shadow across the LDK's strategy. Long-promised international support never materialized, and the party was hemorrhaging authority. But Ibrahim Rugova remained obstinate, like "a blind man in a dark room" in the face of the developing conflict (Pettifer, 2012, p. 96). Filling the void was the *Ushtria Çlirimtare e Kosovës*—more commonly known by their English acronym as the KLA, or Kosovo Liberation Army. By 1997, flush with cheap weapons from the collapse of neighboring Albania, the guerrilla group had begun hit-and-run attacks on police posts. A turning point came in early 1998 when Yugoslav forces launched a major counter-insurgency operation against KLA strongholds, one of which was the large family compound of KLA leader Adem Jashari. Over three days in early March, an anti-terrorism unit of the Serbian police shelled the compound while snipers shot those who fled. In total, 58 people of Jashari's extended family died, including Adem. The police had eliminated the man but produced a martyr: Jashari and the "Prekaz massacre" became a potent rallying point for KLA recruits, both in Kosovo and abroad (Di Lellio & Schwandner-Sievers, 2006).

Yugoslav counterinsurgency operations had largely uprooted the KLA by the summer of 1998, after the group proved incapable of protecting civilians and holding territory during early offensives, and the group had soon melted away into the mountainous borderlands between Kosovo and Albania (Perritt, 2008, pp. 56–57; 70). Yet opportunity knocked with the Milošević-Holbrooke ceasefire in the fall, thanks partly to the alarm raised by the approximately 300,000 Kosovo Albanian who had been displaced from their homes by August and subsequent pressure on Milošević by the UN Security Council.[128] The ceasefire agreed that Yugoslav troop numbers would decrease across the province. As the troops pulled out, the KLA simply moved in to replace the redeployed soldiers (Perritt, 2008, p. 57). By Christmas, tit-for-tat killings, kidnappings and arrests had again escalated on both sides (Bellamy, 2002, pp. 110–112).

In January 1999 the Yugoslav military and Special Police units deployed into Kosovo once again, this time paying special attention to the porous borderlands both to cut KLA supply lines and simultaneously deter a possible NATO ground attack. On January 15, Serbian forces attacked the village of Račak and executed 45 Albanian civilians, "a crime very much against humanity," said the head of an OSCE monitoring mission, William Walker, who was at the scene shortly afterwards (BBC, 1999). The incident further aggravated international opinion against Milošević (OSCE, 1999a, p. 354). Compounding the matter, an estimated 200,000 Kosovo Albanians had been forced from their homes between January and March 1999 (The Independent International Commission on Kosovo, 2000, p. 82).

As late as 1998 US Defence Secretary William Cohen had declared "We are not going to become the air force for the KLA" (Hirsh, 1999, p. 64). On 24 March 1999,

[128] Whether all of these refugees and IDPs had at this point left their homes in order to avoid conflict, or due to a coordinated campaign of expulsion, remains a debated topic (The Independent International Commission on Kosovo, 2000, p. 74). This was, however, *before* the ethnic cleansing campaign, the alleged 'Operation Horseshoe', had begun.

NATO reconsidered and launched a bombing campaign against targets across Yugoslavia. Its intentions, ostensibly, were to show Milošević that NATO was serious in its response to aggression and that a short campaign would bring the Yugoslav president back to the negotiating table at Rambouillet, the French chateau where Western powers had sought a last-minute peace deal.[129] US Secretary of State Madeleine Albright had barely got the Albanian delegation to sign the agreement, only to have Milošević's representatives refuse (Weller, 1999b).[130] However, Serbian anti-aircraft guns kept NATO bombers above 15,000 feet. On the ground, 40,000 Yugoslav troops, along with paramilitary and police battalions, faced an Albanian resistance numbering between 8,000 to 10,000 lightly armed and poorly trained men, with another 5,000 to 8,000 in training camps across the border in northern Albania (Mulaj, 2008). But numbers only told half the story. The Yugoslav army was demoralized; the country's financial crisis meant troops were paid late, irregularly, or not at all. Its ranks "constantly leaked weapons and ammunition through cash sale by deserting or disillusioned soldiers," often to the very organization they were meant to be fighting (Pettifer, 2012, p. 126). Even the notorious paramilitary groups from the Croatian and Bosnian wars were a pale reflection of their former selves, more roving gangs of armed men than coherent forces.

What Yugoslav forces lacked in morale they made up for in scope. In the words of the Independent Commission on Kosovo (2000, p. 88),

> There is widespread agreement that FRY forces were engaged in a well-planned campaign of terror and expulsion of the Kosovar Albanians. This campaign is most frequently described as one of "ethnic cleansing," intended to drive many, if not all, Kosovar

[129] The Rambouillet Accords, signed on 18 March 1999 by American, British, and Albanian delegations, called for NATO administration of Kosovo as an autonomous province within Yugoslavia; a force of 30,000 NATO troops to maintain order in Kosovo; unhindered rights of passage for NATO troops on Yugoslav territory—including Kosovo; and immunity for NATO from Yugoslav law. These were steep demands. Henry Kissinger (1999) called the Accords "a provocation, an excuse to start bombing ... not a document that even an angelic Serb could have accepted."

[130] The Albanian delegation was made up of the KLA and LDK; another party called the LDB, which had broken away from the LDK following the Dayton failure; and Veton Surroi, publisher of the influential *Koha Ditore* newspaper.

> Albanians from Kosovo, destroy the foundations of their society, and prevent them from returning.

Whether this campaign was an official military plan—the alleged "Operation Horseshoe"—or not remains a debated point, though the extent to which Albanians were forced from their homes implies some planning and preparation.[131] What is clear is that over the 78-day bombing campaign approximately 863,000 civilians sought or were forced into refuge outside of Kosovo while an additional 590,000 were displaced internally (The Independent International Commission on Kosovo, 2000, p. 90). Yugoslav forces may not have been entirely to blame; the bombings also likely contributed to the numbers of displaced. Yet evidence suggests that its impact was much smaller than some critics have argued.[132]

Diplomatic efforts to end the war bore fruit by June 1999. NATO halted its air operations on June 10th. On the same day, the UN Security Council passed Resolution 1244. This provided for the deployment in Kosovo of an international civil and security presence, supervised by a Special Representative of the Secretary General (SRSG) who, as Kosovo's legal head of state would enjoy "virtually unlimited powers" (Mertus, 2003, p. 28). Along with the demilitarization of the KLA and the safe return of refugees, the SRSG was to oversee the development of "provisional democratic self-government institutions" pending a political settlement and laid the groundwork for how the United Nations Mission in Kosovo (UNMIK) would administer the province. Yet UNSCR 1244 contained ambiguities. On the one hand, it affirmed the continued "sovereignty and territorial

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[131] For instance, the Independent International Commission on Kosovo (2000, p. 88) does not claim that a plan called 'Operation Horseshoe' existed, but does refer to the systematic nature of the expulsions as exhibiting elements of 'planning'. The name comes from German Foreign Minister Joshka Fischer, who claimed on 7 April 1999 that Milošević had implemented a 'Horseshoe Plan' (German *Hufeisenplan*) that entailed the ethnic cleansing of Kosovo. See Bellamy (2002, p. 164).

[132] A study from the *American Association for the Advancement of Science* found that refugee flow patterns did not correlate positively with NATO bombings (Ball, Betts, Scheuren, Dudukovich, & Asher, 2002). However, the bombing may have provided cover for the expulsions. As Vladimir Stambuk, Milošević's Vice President of Yugoslavia, observed during the Milošević trial at The Hague, "a small scale bombing would be a great pretext and alibi for us to continue with the persecution of the Albanians, and the Serb opposition as well, because in times of war nobody can ask anything" (Pettifer, 2012, p. 209)

integrity of the Federal Republic of Yugoslavia" (of which Serbia is, after the secession of Montenegro in 2006, the legal successor). On the other hand, it granted "substantial autonomy" to Kosovo and required that the 1999 Rambouillet Accords be respected, which in turn speak of determining a final settlement "on the basis of the will of the people". Given that the overwhelming majority of 'the people' were Albanian, that 'will' invariably meant independence from Serbia (Judah, 2008, p. 94). This contradiction would come to haunt future negotiations around the status of Kosovo.

Post-War Ethnic Cleansing and 'Enclavization'

In the meantime, more immediate problems were present on the ground. Yugoslav forces had left, but approximately six-weeks passed before NATO's KFOR (Kosovo Force) troops could fill the resulting security vacuum. UNMIK's civil administration—including the international police—took months longer. And the sight that greeted the first to arrive was grim:

> Empty streets. Shattered shops. No water. No work. Smoking ruins. Murders in the open streets. Dead bodies and piles of garbage. Not a newspaper to buy, not even a loaf of bread. Not a child in school. No fields safe to plough. Most of the livestock lost. No one in charge (The Independent International Commission on Kosovo, 2000, p. 120)

KFOR's primary task was to oversee the withdrawal of Serbian forces from Kosovo and provide a "safe and secure environment"—though what this meant in practice remained vague. The main contingency troops had prepared for was the Yugoslav army reneging on its withdrawal, which meant guarding the boundary with Serbia proper (I. King & Mason, 2006). It was a misunderstanding that was quickly revealed by two developments. First, the potential for a civil war between the main Albanian political movements, the LDK and the KLA, was rapidly escalating. Second, the anarchic conditions that engulfed Kosovo over

the summer were having tragic consequences for Serbs and other ethnic minorities in the province.

Both the LDK and the KLA had quickly established separate organizations to replace the post-war power vacuum. The "Government of the Republic of Kosova"—largely based on the 1990s parallel government headed by "President" Ibrahim Rugova of the LDK—could claim legitimacy based on unofficial elections held in 1992 and 1998. It maintained a residual, but still substantial grassroots network developed over a decade. The "Provisional Government of Kosova" under "Prime Minister" and KLA commander Hashim Thaçi, had authority derived from the Albanian delegation at Rambouillet as well as widespread popular authority from its role fighting the Serbian military and police (Mulaj, 2008). Both were marked by sharp animosities towards the other. Hundreds of LDK activists were assassinated immediately after the war, allegedly by members of the KLA's "Ministry of Order" who perceived the leaders of the non-violent resistance as little more than collaborators with the Serbian regime (Garton Ash, 2000; S. Ramet, 2006, p. 542). According to the publisher Veton Surroi, it was to the credit of UNMIK and KFOR—once they arrived—that Kosovo avoided slipping into a civil war (Judah, 2008, p. 96).

An even larger disaster unfolding at the time was the spate of killings, looting, and violence against remaining Kosovo Serbs and suspected Roma and Albanian "traitors". Behind the departing Yugoslav forces—and far in front of KFOR or UNMIK—streamed hundreds of thousands of formerly displaced Albanians, at once "the biggest refugee return in modern history" as well as "the quickest role reversal" (Judah, 2000, p. 287). The once vulnerable Albanian population was now dominant. Many wanted revenge. In the first four months the OSCE reported 348 murders, 116 kidnappings, 1,070 lootings, and 1,106 cases of arson. One month later, KFOR recorded a tally of over 400 murders that had taken place on their watch, slightly less than half of which had Serb victims. Given the much

smaller percentage of the Serb community in Kosovo's overall population, this represented a disproportionately high number of ethnically targeted killings (ICG, 1999). Altogether some 600 to 800 Serbs were estimated to have been killed during the first year of international administration (I. King & Mason, 2006, p. 53). Even more disproportionate victimization was targeted against Kosovo's minority community. Roma, Gorani, Bosniaks and Turks—together making up approximately 1 percent of Kosovo's population—experienced 26 percent of all murders in late 1999 (Boyle, 2010, p. 200).

These data are sketchy and do not cover the period immediately after the war when the worst violence occurred. They also mask the terrifying impact the killings were having. On 9 July 1999, for example, a Serb man was decapitated in a market during the midday shopping period just outside of Pristina. Two weeks later, 14 Serb farmers were executed in the village of Staro Gracko, outside of Gjilan (Boyle, 2010, p. 202). According to one account it was a "sinister pattern of violence and intimidation" where "Serb houses are bombed and set ablaze", tantamount to a "systematic ethnic cleansing" (Philadelphia Inquirer, 18 Nov 1999, W. O'Neill, 2002, p. 71). Soldiers wearing KLA uniforms executed men in public near Peja, while coordinated grenade attacks against Serb and Roma homes and businesses became routine during the last half of 1999 (OSCE, 1999b). Names of alleged "collaborators"—regardless of actual evidence—circulated in Albanian media and was often a death sentence for those named (I. King & Mason, 2006). Veton Surroi, one of the few dissenting voices, wrote that "The organized and systematic intimidation of all Serbs simply because they are Serbs" exemplified the same shameful "fascism" that Kosovars had fought against over the past ten years (Surroi, 1999). Local violence was made worse by international inaction. Neither NATO nor UNMIK was configured at the time to protect minorities. KFOR was busy guarding against a Yugoslav attack that never came. "Our mission," one military advisor later recalled, "was not really to protect Serbs…

our rules of engagement would have made that difficult anyways" (I. King & Mason, 2006, p. 55). Bernard Kouchner, the charismatic co-founder of Médecins Sans Frontières and first SRSG, lamented his inability to stop the violence: "I've been a human rights activist for 30 years and here I am unable to stop people from being massacred" (I. King & Mason, 2006, p. 53).

The violence and pervasive insecurity prompted thousands of Kosovo Serbs to flee and reinforced an emerging ethnic partition (Human Rights Watch, 1999). On 24 June 1999, 3,200 Serbs were escorted out of Rahovac by KFOR. Of the 6,000 pre-war residents, 2,000 remained in the city's protected Serb-quarter, while 1,200 Serbs remained in an enclave around the nearby Velika Hoča monastery complex. Both were guarded by KFOR. Serb-inhabited areas near Peja were not so lucky, with residents reportedly driven out of their homes in mid-June 1999. In Gjakova the small Serb community of 700 living along 'Serb Street' fled, leaving only six elderly Serb women living in isolation and under protection for Italian KFOR soldiers.[133] In Pristina, the pre-war Serb population of 40,000 decreased to 120, all confined to a single, heavily guarded apartment building in the city's downtown (Dérens, 2006, p. 214). By early 2000 practically the entire urban population of Serbs had left from Peja, Prizren, Gjakova, and Ferizaj. By late 2001, ex-KLA fighters had seized nearly 100,000 Serb-owned, businesses, homes, and apartments in their wake (S. Ramet, 2006, p. 538).

According to Serbian Government figures, during the first three months of UN administration approximately 250,000 Serbs and other non-Albanians were displaced (Bataković, 2012), a figure approximated by the UNHCR as well (Halili, 2004). This is likely an exaggeration; the 1991 census of Kosovo showed there to be only 214,235 Serbs and Montenegrins in the province, and it soon became clear that approximately 100,000 had

[133] Italian KFOR later evacuated these women during the March riots of 2004.

remained there following the end of the war (Judah, 2008, p. 101). Subsequent research based on primary school enrollments showed that in 2004 there were nearly 130,000 Serbs living in Kosovo, "representing two-thirds of the pre-war Serb population" (European Stability Initiative, 2004, p. 2). Still, within five months of the war's end, approximately 100,000 people had left the province, reducing the pre-war Serb population by around 50 percent (ICG, 1999).

UNMIK and KFOR eventually imposed some order on the situation. Whether it was ultimately through their actions or simply because ethnic cleansing had reached its logical conclusion remains debatable. However, they did manage to demilitarize the KLA. Many of the fighters were absorbed into the Kosovo Protection Corps. This 5,000-strong civilian organization was meant to be a "civil emergency force" in the eyes of UNMIK, even if its members viewed it as the nucleus of an independent Kosovo's future army (I. King & Mason, 2006, p. 58). CIVPOL, the international police service, was established to help fill the security void and train a new police force. UNMIK was also able to eventually dismantle the KLA's parallel structure of government that had taken shape in the post-war interregnum and had orchestrated many of the coordinated attacks against Serbs and the LDK (O'Neill, 2002, pp. 63–73). By February 2000, the KLA parallel executive, legislative, and judicial structures had largely been dissolved—at least formally. Considering how few administrators were actually on the ground this was a remarkable feat. As late as October 1999 there was only one UN official in each municipality (Baskin, 2006). What made the job easier was their keenness to establish a close relationship with the former KLA leaders, all of whom were potentially serious "spoilers" of any post-war order. Few international administrators wanted to pick a fight in a province awash at the time with almost half a million small arms (Khakee & Florquin, 2003). This was a pragmatic choice, but one with problematic implications; it meant placating those most opposed inter-ethnic tolerance

rather than those supportive of it—a lesson not lost on the Serb population (I. King & Mason, 2006, p. 80).

The geography of Kosovo rapidly changed in the wake of the war and subsequent population movements. Throughout most of the region the Cyrillic alphabet disappeared from street signs, public documents, television, and radio. Albanian flags replaced Serbian ones, the Deutschmark, and then the Euro, replaced the dinar. Serbian print media vanished, as did Serbian-registered vehicles and government agencies providing state services. In its stead, the UNMIK administration had by 2002 created a full legal system for Kosovo, supervised the establishment of governmental, legal, police, and municipal authorities, and issued identity cards, license plates, and travel documents. It had also overseen the beginning of a democratically elected Assembly with guaranteed seats for minorities.[134] The institutional imprint of Serbia was rapidly disappearing. In its wake was a symbolic near-monopoly held by the Albanian majority. UNMIK may have ultimately had executive authority, but Albanians overwhelmingly staffed the new administration—and most of them saw Kosovo as a new state-in-waiting (Krasniqi, 2012). Only pockets of the former Serbian presence remained, often little more than tiny communities huddled around the region's scattered Orthodox churches and monasteries. Over time, these pockets gained parallel structures and services of their own. Much as Albanians had a generation before, this new parallel 'state' made possible a new form of politics 'as if'—just one where, rather than independence, Kosovo remained firmly under Serbian sovereignty.

[134] The Assembly was established under the Constitutional Framework for Provisional Self Government by UNMIK in 2001. Of the 120 seats, 100 are directly voted into the Assembly while 20 seats are reserved for minorities—10 of which are Serb. Certain legislation requires a two-thirds approval from these 20 reserved seats, giving Serb members significant veto powers.

The Rise of the Parallel State

Tens of thousands of Serbs fled their homes in the summer of 1999, but not all of them fled Kosovo. Instead, faced with intense communal hostility they coalesced into geographically distinct communities that soon came under the protection of KFOR troops. Mitrovica in particular became a safe haven for Serbs from around the province. French NATO soldiers took control of Mitrovica at the end of the war. The city of 60,000 had always been mixed, but during the anarchic post-war period Serb populations in the southern half of the city rapidly fled northwards, while most of the Albanians in the north fled south. Between them was the River Ibar, a natural barrier that became a defensive line held by beleaguered Serbs in the summer of 1999 (Karon, 2000). It effectively became an internal border when a French checkpoint on the city's main bridge blocked Albanians from returning to their homes in the north (O'Neill, 2002, p. 68). KFOR's reluctance to backtrack consolidated the division (Judah, 2008, pp. 100–101). The *de facto* acceptance of a divided city drew on past peacekeeping experience in Bosnia, where separation was viewed as key to maintaining security (Fawn & Richmond, 2009; Papacosma, 1996). Once implemented, the strategy was difficult to reverse (Jenne, 2009).

Further entrenching the division were the groups of young Serb men that had formed during the chaotic summer of 1999 to 'protect' the main approach to North Mitrovica from the central bridge. These 'Bridgewatchers' claimed to consist of over 5,000 volunteers, with a core of between 100 to 400 men allegedly paid by the Serbian Ministry of the Interior—a direct violation of UNSCR 1244 (ICG, 2002c, p. 3; Matveeva & Paes, 2003, pp. 29–30). On a day-to-day basis their activities were normally confined to around 8 men sitting at the *Dolce Vita* café directly opposite the bridge, monitoring UNMIK activities and watching for "unwelcome visitors", usually Albanians trying to cross into the north (J. N. Clark, 2014, p. 533). International NGOs alleged an involvement with organized crime

through smuggling and prostitution, while UNMIK refused to call them anything other than the 'bridge-gangs' to delegitimize the group (ICG, 2002c). Yet local Serbs often saw the Bridgewatchers as a form of 'life insurance'—a thin line of defense should the KFOR troops ever disappear (Matveeva & Paes, 2003). As one UNMIK official admitted, "If Serbs had not been stubborn and defended that bridge, they would not be here today" (Pinos, 2016, p. 137).

In the meantime, KFOR troops were increasingly providing Serb-majority areas across Kosovo with the protection that they had desperately lacked during the immediate aftermath of the war. This was most obvious in Mitrovica. However, for the 60 percent of Kosovo's Serbs who lived *south* of the Ibar it was crucial (Rossi, 2014, p. 871). Troops began to be stationed around southern enclaves and provided convoy protection to their residents (I. King & Mason, 2006, p. 111). The security needs of local Serbs often took troops by surprise. German troops around the southern enclave of Štrpce were at first unaware that there were any Serbs even living in the area. It was only after investigating why several people venturing out of the enclave to buy food were being killed that they began providing escorts and checkpoints (Matveeva & Paes, 2003, p. 23). Isolated churches and monasteries across Kosovo received guarded perimeters to stop them being vandalized. The few remaining apartments inhabited by Serbs in Pristina received 24-hour protection by British soldiers (O'Neill, 2002, p. 66). Isolation was the new normal for Kosovo's remaining Serbs. As one man described life in his enclave, "our world is this little valley of twenty kilometers along the river, from the first village with a KFOR watchtower to the last" (Matveeva & Paes, 2003, p. 23).

Eventually, KFOR also established itself in the northern areas between the River Ibar and the border with Serbia. The administrative apparatus of UNMIK, however, was less successful. The failure of UNMIK to penetrate north of the Ibar marks the beginning

of the "parallel institutions"—public services run either directly or indirectly by Belgrade. Many Serbs in North Kosovo dispute the qualifier "parallel". For them, these were the legitimate institutions of Serbia, and they were still Serbian citizens living on Serbian sovereign territory, if only in the *de jure* sense. However, under UNSCR 1244 the existence of public services coordinated and administered by Belgrade and completely excluding UNMIK was illegal.[135] Some Serbian institutions recognized this, leading the approximately 400 MUP officers stationed in Mitrovica to avoid wearing uniforms as a tacit nod to their 'covert' status and official denials of their existence by Belgrade (ICG, 2009b, p. 5). According to one observer, another 360 'plainclothes' MUP officers were stationed in enclaves south of the Ibar as well.[136]

KFOR's security gave one crucial support to the Serb parallel state. The second support came from Belgrade. Because Serbia had withdrawn its original state institutions in the aftermath of 1999, it needed to develop an institutional proxy if it were to channel resources back into Kosovo to underwrite its parallel institutions. The name of this proxy has changed over the years. In 2000, the Yugoslav Committee for Kosovo and Metohija was established, only to be transformed into the Coordination Center for Kosovo and Metohija (CCK) in 2001. In 2007 the CCK was upgraded into a full Ministry for Kosovo and Metohija, then in 2012 it changed into the Office for Kosovo and Metojiha. Despite the changing name, the body has been the primary channel through which funding and employment opportunities are disbursed to a highly dependent Kosovo Serb population. This has given the political party controlling it significant leverage, making the opaque

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135 The powers in question came from UNMIK Regulation No. 1999/1, stating that "all legislative and executive authority with respect to Kosovo, including the administration of the judiciary, is vested in UNMIK and is exercised by the SRSG" (UNMIK, 1999b, sec. 1). Similarly, UNSCR 1244 stated that the Security Council "Demands... that the Federal Republic of Yugoslavia…begin and complete verifiable phased withdrawal from Kosovo of all military, police and paramilitary forces according to a rapid timetable…" and "Authorizes…relevant international organizations to establish the international security presence in Kosovo" (UN, 1999)

136 Author interview, international consultant, Pristina, 29 May 2017

financial flows highly susceptible to political influence (van der Borgh, 2012; van der Borgh & Lasance, 2013). It has also meant that changes in Serbian politics have had far-reaching impacts on how the parallel state is run. Much of this comes down to the varying positions adopted by Serbia's main political parties. First are the conservative Democratic Party of Serbia, or the DSS (*Demokratska stranka Srbije*), and the ultra-nationalist Serbian Radical Party, known as the SRS (*Srpska radikalna stranka*). They have traditionally seen cooperation with Pristina as akin to treason and reject any political solution other than Kosovo's inclusion in the Serbian state. Second are the more moderate parties, like the Democratic Party, known as the DS (*Demokratska stranka*). They take a pragmatic view; Kosovo's self-government is accepted so long as Serb majority areas have special arrangements. Finally, the Serbian Progressive Party, or SNS (*Srpska napredna stranka*), has tacked between both positions since gaining power in 2012. The mix of party-based patronage with the flux of Serbian politics has produced a volatile situation for Kosovo Serbs.

The Early Years: 1999-2003

Serbia's support of the parallel state depends on the political landscape in Belgrade. As a strategy, this support varied between maintaining Serbia's sovereign obligations to a temporarily wayward province, placating nationalist parties in Serbia proper, and improving Belgrade's bargaining position vis-à-vis the international community regarding the province's final status (Ker-Lindsay, 2012, p. 78; Matveeva & Paes, 2003, p. 37). Milošević was still in power for the first fifteen months of UNMIK's mission. His government adopted an intransigent policy towards the international authorities and "ordered Serbs not to cooperate with UNMIK, threatening to cut 'collaborators' off from pensions and other benefits" (I. King & Mason, 2006, p. 70). It was also Milošević's government that began to fund the delivery of public services like education and healthcare to the remaining Serb-

majority areas of North Kosovo (ICG, 2000a, pp. 4–5). Local defense organizations like the Bridgewatchers were also supported (OSCE, 2007b). The idea was that creating unrest in Serb-majority areas would show that KFOR and UNMIK were incapable of providing a secure or stable environment for non-Albanians in Kosovo. Belgrade could then push for the Yugoslav Army and MUP to be allowed to return and restore order (ICG, 2002c, p. 7).

Milošević was ousted in the 'October Revolution' of 2000. Afterwards, the Democratic Opposition of Serbia (DOS) coalition of 18 anti-Milošević parties took power under a DS Prime Minister, Zoran Djindić. It marked a significant shift in Serbian political engagement with the West, including in Kosovo. On the one hand, funding for the parallel state increased. In 2002, parallel institutions expanded south of the Ibar and into the scattered Serb-majority enclaves. In September of that year, one health center in Gračanica was unilaterally taken over by the parallel administration, followed by another in Kosovo Polje in the summer of 2003 (ICG, 2004, p. 7). Under Serbia's Deputy Prime Minister Nebojša Čović, Belgrade's Coordination Center (CCK) soon opened new offices in Serb enclaves throughout Kosovo. These offices developed specialized departments and soon became hubs of the parallel structures. Yet on the other hand, the new Serbian government's stance was far more cooperative with the international administration that its predecessor. The result was a tacit deal. UNMIK would endorse the opening of CCK offices and allow their Serbian-funded provision of public services. In exchange, Belgrade agreed to have Kosovo Serbs take part in Kosovo's first elections in November 2001 (van der Borgh, 2012, p. 37). The results put the Kosovo Serb party 'Coalition Return' (*Povratak*) in third place. It would even join the new Kosovo government. It seemed like UNMIK's idea of a multi-ethnic power-sharing system might work after all.

The CCK had other ideas. Rather than contributing to UNMIK's ideal of a multi-ethnic state, the CCK's core strategy rest on the formal geographic segregation of the Serb

and Albanian populations into ethnic, "self-ruling" cantons (Batt, 2005, p. 46). Major cities would be under joint Serb-Albanian control, while northern Mitrovica—and the valuable mining assets of Trepca—would be under exclusive Serbian control (Krstić, 2001, 2004). Two weeks before being gunned down, Serbian Prime Minister Zoran Djindić had called for ethnic partition, proposing a "civilized and peaceful transfer of populations" between the two sectors of Kosovo as an alternative to SRSG Michael Steiner's notion of a multi-ethnic polity (Qirezi, 2003). In support of this Belgrade kept creating 'facts on the ground' at the municipal level, establishing a presence in the everyday lives of Kosovo Serbs and consistently out-manoeuvring UNMIK in the process (ICG, 2005). Within the first eight months of 2001 a cash-strapped Serbian government pumped over €50 million into the parallel structures through salaries, pension payments, and direct budgetary support (ICG, 2002c, p. 97). It was a powerful illustration of how the parallel state had taken shape 'beside' the formal institutions of Kosovo. If Serbs could not live *among* Albanians, the reasoning went, they would have to live *alongside* but apart from them. Parallel structures tried to turn this policy into a reality.

Prime Minister Djindić's assassination in 2003 brought an end to the early period of cooperation. Later that year a DSS-led government formed with a more conservative nationalist stance towards Kosovo that would last until 2008. Kosovo's status was an overriding issue for Serbian Prime Minister Vojislav Koštunica, eclipsing everything including EU membership. Čović was sacked as head of the CCK and replaced with the daughter of a former wartime Serb leader in Croatia. Relations with UNMIK ground to a halt. Any participation of Serbs in Kosovo's institutions was rejected. Local Serb strongmen upheld the DSS position in Kosovo. In particular was Marko Jaškić, a former leader of the Bridgewatchers and now director of North Mitrovica's hospital. Jaškić placed DSS members in key institutions such as schools and medical centers, while the Bridgewatchers

were hired as 'security' for the hospital (ICG, 2005). The patronage system created by Čović passed to the DSS, which expanded its network throughout Serb areas of Kosovo (ICG, 2009b, p. 6). Jaškić's power was measured by his ability to attain and direct investment from Belgrade. Where and how it was being spent remained opaque, though the north was clearly taking precedent over the southern enclaves, such as Gračanica or Štrpce. For Kosovo Serbs who depended on the parallel state for access to benefits, services and jobs, it was becoming clear that party membership in the DSS would be a distinct advantage (van der Borgh, 2012).

The 2004 Riots

By 2004 the Serb parallel state had consolidated north of the Ibar and extended into the enclaves to the south. Meanwhile, Serbs who had fled during the war were slowly returning to their homes in Kosovo.[137] It may have seemed like things were getting back to 'normal'. Then, on 16 March 2004, three Albanian boys drowned in the Ibar River close to the town of Zubin Potok, 20km west of Mitrovica. A surviving boy claimed that a group of Serbs and their dogs had chased them into the river.[138] The boy's claim was broadcast uncritically across Kosovo's Albanian-language media that night and the following morning, roundly blaming "Serbian bandits" for the deaths (ICG, 2004, p. 14; OSCE, 2004b). Protests began the next day in south Mitrovica.[139] By the early afternoon, a group of Albanian demonstrators broke through the KFOR security barrier on the bridge dividing

[137] According to the UNHCR, there were just over 11,000 minority returns to Kosovo between 2000 and the 2004 riots (Colville & Tan, 2004)

[138] A subsequent investigation by a senior international prosecutor based in Mitrovica did not find sufficient evidence to either identify or indict those allegedly involved. Only two bodies were recovered, and both local and international observers noted inconsistencies in the boy's account on TV (ICG, 2004, p. 14; Weller, 2008, p. 661)

[139] There is some debate as to whether the March riots were spontaneous or not. Chris Patten, the EU's Commissioner for External Relations at the time, stated that there was evidence "that prominent Albanian politicians in the crisis province had plotted the attacks on Serbs, Roma, and KFOR troops" in advance (S. Ramet, 2006, p. 550). For the opposing view, that the riots were "a sudden, runaway, self-reinforcing moral collapse and hysteria," see (ICG, 2004, pp. 15–18).

the town and crossed into the northern side. In Pristina, demonstrators set fire to UNMIK and KFOR vehicles. By the end of the day almost all Serb-majority villages in Kosovo were under attack by an uprising of over 50,000 people (Baskin, 2006, p. 76).

In the three days it took until KFOR could re-establish control, 19 people were killed, 954 injured, 4,100 displaced, and 550 homes and 27 Orthodox churches and monasteries destroyed (OSCE, 2004a, p. 4). For Serbs, the 2004 riots rekindled the widespread sense of insecurity of the post-1999 period. The experience deeply alienated them from Kosovo's institutions. UNMIK police lost the little trust it had with the Serb population; some members of the Kosovo Police Service had even taken part in the riots. Local initiatives to cooperate with Pristina—already scaled back with Belgrade's new DSS government—ground to a halt, even in enclaves that had been unaffected by the violence (ICG, 2009a). As in 1999, another wave of Serbs left their homes south of the Ibar River (Humanitarian Law Center, 2004).

The March 2004 riots made it clear to the international community that progress would need to be made towards resolving Kosovo's future status. They also brought an end to UN Special Representative Michael Steiner's "Standards before Status" approach adopted in mid-2002, which promised a review of Kosovo's final status if the territory met a series of benchmarks on governance and the inclusion of minorities. The mission had been well-supported. The West was pumping money into Kosovo at a per capita rate twenty-five times higher than into Afghanistan (I. King & Mason, 2006, p. 21). Yet it was clear that both the Albanian and Serb communities saw the status issue as far more important than issues around governance. Albanian politicians and the vast majority of the Kosovar Albanian population demanded nothing short of independence. Serbs in both Serbia and Kosovo hoped for some kind of enduring sovereign relationship with Belgrade—a position reflected in the 2006 Serbian Constitution's claim that Serbia was the

kin-state of all ethnic Serbs, regardless of where they lived (Stjepanović, 2015). What united them was a suspicion that the UN was trying to undermine each community's aspiration.

The status process was set in motion by the end of 2005, under the direction of former Finnish president Martti Ahtisaari.[140] On March 2007, three years after the riots, Ahtisaari submitted his proposal to the UN Security Council. Kosovo, he advised, was to be granted independence, albeit "supervised" for a period by the international community, including KFOR and a European Union rule of law mission. To some, independence had been a forgone conclusion in the mind of Ahtisaari that biased the process and constrained any chance of finding a mutually acceptable solution (Ker-Lindsay, 2009). Belgrade wholeheartedly rejected what it saw as a contravention of international law. Russia stymied any Security Council agreement by citing Belgrade's stance. Optimism that the UN could exit Kosovo quickly evaporated.

Kosovo's Declaration of Independence

Kosovo's parliament voted overwhelmingly for independence from Serbia on 17 February 2008. The United States and 22 of the 27 EU states—including France, Germany and the UK—immediately recognized the declaration, a move predicated on Kosovo upholding Ahtisaari's emphasis on Kosovo as a multi-ethnic society with guaranteed representation from all of its communities. Much of Ahtisaari's plan was shifted word-for-word into the subsequent Kosovo Constitution (Weller, 2009, p. 250). Partly to appease Kosovo's Serbs, Pristina now sought a *de facto* recognition of the parallel state in two ways. First, following Ahtisaari's recommendations, it created several new Serb-majority municipalities that were contiguous with the prevailing enclaves. Second, it decentralized a

[140] This in turn had followed a report calling for a status process issued by Kai Eide, a senior Norwegian diplomat appointed by the UN in the wake of the 2004 riots.

wide-array of power and oversight to these new municipal units across Kosovo (Bieber, 2015). As a final sweetener, the new Serb municipalities were to be given asymmetric competencies and could maintain relations with each other *and* with Belgrade (ICG, 2007, p. 8).

But Kosovo Serbs were not appeased. Immediately after Kosovo's declaration of independence protests erupted across Serb-majority areas. Locals attacked customs posts along the Administrative Boundary Line with Serbia, forcibly seized UNMIK's North Mitrovica courthouse and incited riots in response to any attempt to take it back (ICG, 2009b, p. 5; UN, 2008). Serbia further enacted the *de facto* partition of north Kosovo by extending parallel structures and severing contact between Serb officials and the UN administration. Belgrade and the CCK put pressure on Serbs to leave institutions run by Pristina. Some did. However, many remained and continued receiving salaries from both Belgrade and Pristina (Robinson, 2008b). An exception was the Kosovo Police, the multi-ethnic "jewel in the crown" of the international community's statebuilding effort (Dugolli & Peci, 2005). Told that those who stayed would be considered "enemies of the state," 342 Serb staff promptly left the force (Balkan Insight, 2008; ICG, 2009b, p. 14). For those who resigned, Marko Jašić demanded that "Belgrade must pay those people. If they are not paid by Belgrade, they will be paid by Hashim Thaçi. The police belong to the one who pays it" (Helsinki Committee, 2008, p. 9). It was a revealing statement; a perception that economic incentives were key for securing the loyalty of Kosovo Serbs.

Prior to 2008, the Serb parallel state comprised education, health, and skeleton justice and security institutions—all operating without a municipal umbrella.[141] Kosovo's independence added a political thrust to the erstwhile administrative bodies. Belgrade created new parallel municipalities with elected officials in direct competition to Kosovo's

[141] Author interview, international organization-local employee, Štrpce, 25 November 2015

municipal structure, much to the consternation of the international community (Robinson, 2008b). Despite the centrist, pro-Western DS party winning the 2008 elections in Serbia, their conservative and nationalist foes in the DSS and SRS swept the Serbian municipal elections in Kosovo. The rift between Belgrade and the hardline parallel municipalities was only resolved when entire local councils run by the latter were sacked and replaced (van der Borgh & Lasance, 2013, pp. 199–201). It was an illustration of how volatile the relationship between Serbia and its Kosovo enclaves could get. Despite this, Belgrade still pursued its strategy of providing generous incentives to maintain a presence in the breakaway province. The CCK was upgraded to a full ministry and continued its existing patronage system; its positions throughout Kosovo were stacked with political allies (ICG, 2009b). One party even floated the idea of paying local Serbs €200 a month simply to stay in Kosovo (Zejak, 2008).

Belgrade simultaneously launched a diplomatic offensive. In October 2008 it referred Pristina's declaration to the International Court of Justice (ICJ). The resulting ICJ opinion, in 2010, confirmed that the Serbian gamble had not paid off. Though the court did not declare Kosovo's secession as legal, it confirmed that its declaration of independence was not contrary to international law (Caplan, 2010). The ruling buttressed the decisions many states had already made to recognize Kosovo, even if some—such as the United States—had promised that their recognition would stand regardless of the ICJ ruling (Crook, 2010). Yet the United Nations Security Council, its permanent members Russia and China, and several EU countries refused to recognize Kosovo as an independent country.

Serbia's Kosovo policy tested Pristina's patience. Belgrade blocked any goods marked with Kosovo stamps from entering the territory and refused to allow anyone with Kosovo documents into Serbia. Meanwhile, the north had developed into a lawless frontier zone where neither Kosovo nor Serbia could effectively exercise control and a flourishing

illicit economy had taken root (Friesendorf, 2011).[142] In July 2011, Kosovo sent armed special police units to secure two of the region's 'border' crossings. One officer was killed in the resulting clashes before KFOR took control. In protest, Serbs in Mitrovica erected barricades on the north side of the main bridge crossing the Ibar, while all roads leading to the border posts were blocked. Masked men, allegedly members of north Kosovo's thriving mafia underground, burnt the border post to the ground (ICG, 2012). EULEX responded with an airlift of Kosovo officials to the border. KFOR attempts to dismantle the barricades met with resistance, including pipe bombs, grenades, and live rounds. Several Serbs were shot; two people died (BBC, 2011).

The Brussels Agreement

Despite the tensions both Kosovo and Serbia were about to turn an important corner, driven less by a genuine desire to reach a compromise on Kosovo's status than by the prospect of EU candidate status. The EU made the road to accession conditional on 'normalization.' Serbia was to shut down its parallel institutions in Kosovo; Brussels and Berlin saw them as working towards partition—not the 'normal' they had in mind. In April 2013, Kosovo and Serbia signed the Brussels Agreement.[143] The agreement aimed to give Pristina *de jure* control over the enclaves in exchange for limited autonomy of the Serbs living there. The main vehicle for this autonomy was to be an "Association/Community of Serb majority municipalities in Kosovo"—the ambiguity being over whether this organization would be a loose structure similar to the existing Association of Kosovo Municipalities (Pristina's preference), or whether the 'community' would have fairly

[142] This was not unique to the north. By Kosovo's declaration of independence in 2008, the revenues from organized crime are estimated to have equalled more than one quarter of Kosovo's GDP (Friesendorf, 2011).
[143] The "First agreement on principles governing the normalization of relations" is the official name, though it soon came to be known as the "Brussels Agreement". EU accession was a major carrot in the Agreement. Serbia was allowed to open accession talks in January 2014, while Kosovo—despite not being recognized by five EU countries—signed a Stabilization and Association Agreement in October 2015.

significant autonomy (Belgrade's preference). Other features of the agreement sought to bring the parallel state under Kosovo's ultimate sovereignty, including the integration of the police and judiciary, mutual recognition of school and university diplomas, and normalizing public utilities like energy and telecoms. Healthcare and education would be allowed to continue receiving funds from Serbia, though these funds would now need clearance from Pristina first.

The Brussels Agreement has yet to be fully implemented, but its potential impact may be tectonic: Serbia is ceding its authority to Kosovo. It may even be an implicit recognition of the Kosovo state. Ramifications for Kosovo Serbs will be manifold. As of late 2015 there were over 5,100 elected or appointed people on the Serbian payroll working in local government or public enterprises in 29 parallel municipalities across Kosovo, costing the Serbian government approximately €2.18 million every month for their salaries alone (BIRN, 2015, p. 31). This pales in comparison to what the Serbian government spends on Kosovo in total, including infrastructure spending, social benefits, and pensions.[144] Estimates differ, ranging from €634 million per annum in 2012 and 2013 (an average of €867,000 every day) to a more modest €200 million per annum.[145] Serbian government spending using the lower estimate works out to €3,636 per person for north Kosovo alone. The EU, in contrast, spent a paltry €37 per capita in 'Investment for Pre-accession Assistance' funding to Kosovo (ICG, 2011, p. 4). Given the enormous difference in funding it is doubtful that there will be room for many of the paid positions enjoyed in the parallel system under a Kosovo budget, a fact that contributes to the extreme

[144] The ICG reported that in 2011, much of Belgrade's funding went to the salaries and pensions of some 19,500 Serbs in Kosovo (ICG, 2011, p. 6).

[145] The higher figure comes from a 2014 investigation by the Serbian broadcaster B92 (2014, p. 28). The lower figure comes from the ICG, based on interviews with Serbian officials and Western diplomats (2011, p. 4). The Serbian government has resisted calls to clarify its spending in Kosovo. A 2014 Serbian parliamentary inquiry found that Serbia spent €2.83 billion in Kosovo between 2000 to 2012 and estimated spending peaked at about €350 million in 2008, dropping to about €250 million from 2009 to 2012, though some of the decline is due to the Serbian dinar's drop against the Euro (Prelec & Rashiti, 2015, p. 18).

pessimism around the Brussels Agreement among Serbs. According to one survey, fewer than 10 percent support the deal (National Democratic Institute, 2014).

As part of the Brussels Agreement, Serbia agreed to dismantle its parallel municipal structures in Kosovo that had existed since 2008. In November 2013, the OSCE organized the first elections in the north to take place under the Kosovo system since 2008. Over the ensuing rounds of elections, one mayoral candidate was killed, another was indicted for war crimes, and only 15 percent of the eligible population bothered to vote. Yet new municipal governments were formed. They were dominated by a new political formation called the 'Serbian Civic Initiative', or *Srpska Lista* (Serbian List), as it was more commonly known. This is the party most preferred by the new SNS coalition government in Belgrade, which did not want the formerly DSS-controlled satrapy of north Kosovo to jeopardize its EU accession process with obstinate protests against Pristina. Instead, Serb employees of the parallel state were pressured to vote for *Srpska Lista*.[146] Those who declared their intention to boycott the process were reportedly beaten up or threatened by "criminals and thugs who were bussed in from Belgrade."[147] This trend continued for the subsequent general elections in Kosovo in June 2014 and June 2017 (B92, 2017).

Politics on Life Support: Solidarity and the Serb Parallel State

> *If they touch our hospitals, our schools, that's it; that's my red line—that's when I'll leave for Serbia. Why would I want to live in a failed state?* [148]

The Serb parallel state took shape along a different trajectory to its Albanian predecessor. First, it was no longer a demographic *majority* that was withdrawing from the

[146] Author interviews, international consultant, Mitrovica, 23 March 2016; NGO employee, Mitrovica, 16 November 2015
[147] Author interview, NGO employee, Mitrovica, 10 November 2015
[148] Author interview, Mitrovica, 26 May 2017

formal system. Instead, it was a dispersed and depleted *minority* that suddenly found itself unprotected in a hostile post-war society. The demand for security drove remaining Serbs into ethnically homogenous, geographically distinct territorial entities—either the isolated enclaves south of the Ibar or the region abutting Serbia proper in North Kosovo (Dahlman & Williams, 2010). Ethnic segregation also characterized the Albanian system of the 1990s. The difference is that during the 1990s segregation was more social than territorial: Serbs dominated the state, police, and public sector 'above'; Albanians were predominant in the private sector 'below', and parallel services were covertly organized 'beneath' the state. Communities were socially polarized but remained spatially mixed. For example, the *korzo*—the nightly promenade along Pristina's main street—was still done by both Serbs and Albanians, just with a studied avoidance of each another. After 1999, segregation became *both* social and territorial.

Crucially, these territorial enclaves were protected by KFOR troops. KFOR protection was partly a pragmatic response to the ethnic violence that marked the early phase of the international administration. However, it also reflected a powerful normative commitment to multi-ethnicity from the international actors now in charge (Caplan, 2014; Landau, 2016). After all, the intervention in Kosovo was premised on the protection of minorities. UNSCR 1244 (1999, sec. 9c) mandated that the international security presence "establish a secure environment in which refugees and displaced persons can return home in safety", while prominent NGOs proclaimed that "international action is needed to defend multi-ethnicity" (European Stability Initiative, 2004, p. 14).

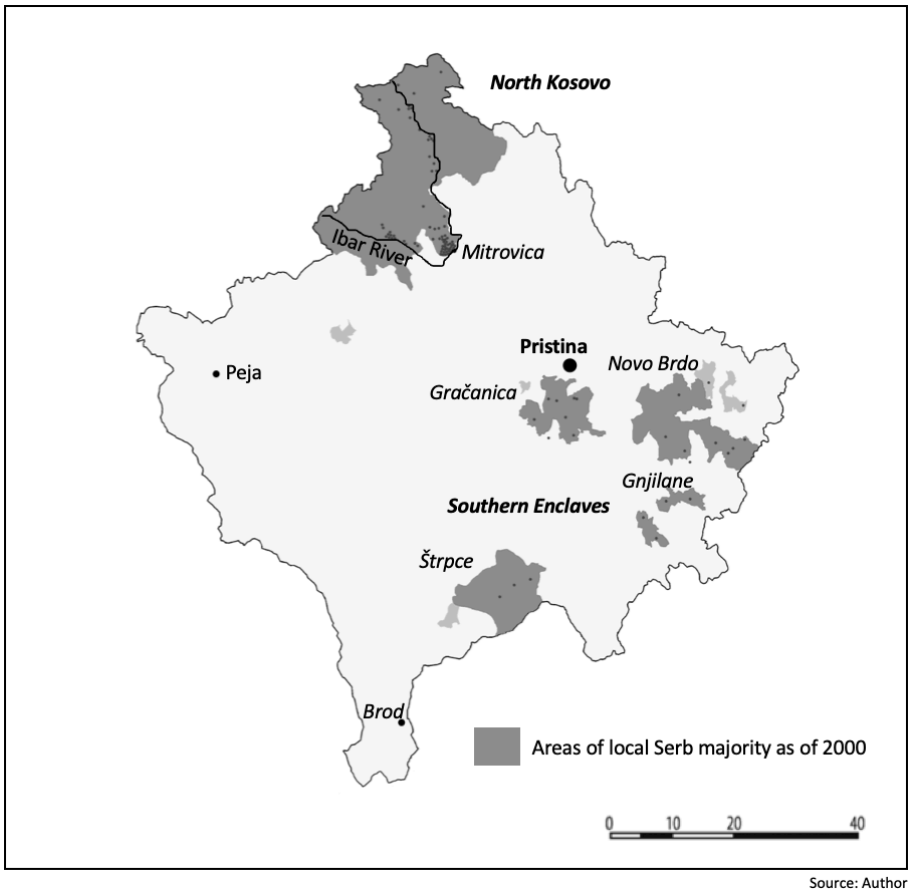


Figure 6. The Geography of the Serb Parallel State

The territorial segregation of the Serb community into ethnic enclaves was far from the ideal of a multi-ethnic Kosovo. UNMIK administrators justifiably worried that the creation of ethnically homogenous territories would give Belgrade a pretext for partition (I. King & Mason, 2006, p. 208; Yannis, 2001, p. 42). The UN Refugee Agency even made a point to welcome displaced people back to Kosovo, but only if they returned to their original homes and *not* to the new enclaves which, with their KFOR guardians, seemed to be "contributing to a siege mentality among the Serb community" (ICG, 2002b, p. 18).[149] The pretense was dropped after the violence of 2004. The riots, according to an influential

[149] As the UN administration (UNMIK, 2002a, p. 2) put it, "The concept of relocation, including proposals for clusters of new settlements, is not conducive to the long-term goal of promoting a multi-ethnic society in Kosovo, and will not be endorsed by UNMIK".

UN report, showed that inter-ethnic relations in Kosovo were "grim" and that the "atmosphere in many places is not conducive to return" (Eide Report, 2005, p. 4). As a result, minorities were to be supported in returning to "where they *can* live and not only to where they *have* lived" (Eide Report, 2005, p. 4). It was a subtle shift towards the acceptance of the 'facts of the ground' presented by Serb-majority enclaves (Landau, 2016, p. 182). The Ahtisaari Plan then reorganized and decentralized Kosovo's municipal structure, further institutionalizing the territorial basis of ethnicity in Kosovo.

Beyond the demand for security, a second core difference is the political *disunity* that characterizes the Serb parallel state. The LDK dominated Albanian politics in Kosovo during the 1990s. Kosovo Serbs, in contrast, live in a system that is geographically and politically fractured. The key geographic divide remains the Ibar River. Those living north of the river could move with relative ease both across the region and into Serbia proper. Apart from French troops guarding Mitrovica's bridge they also relied much less on KFOR for their everyday protection. Parallel public services in urban Mitrovica—including a hospital and university—are well developed and operate at high capacity. As a result, the region has integrated the least into Kosovo; both residents and international observers see it more as Serbia *lite*. "It is Serbia," a UN official remarked in 2005. "The UNMIK and PISG presence there is a skin graft, only kept in place by massive doses of immune-suppressants" (ICG, 2005, p. 5).

The North's geography contributes to its distinctive politics. Politicians affiliated with conservative or radical parties like the SRS or DSS regularly called for the boycott of Kosovo's elections and a halt to any participation with Kosovo's institutions. The policy has some contradictions. On the one hand it is based on an outright denial of Kosovo's separation from Serbia; on the other it aims for the complete isolation of Kosovo Serbs from Pristina, followed by a partition—ideally with the North going to Serbia (Helsinki

Committee, 2008, p. 3; Matveeva & Paes, 2003, p. 31). Enormous sums of money channeled into the region have allowed a resilient system of political clientelism to take shape, especially under the DSS government of 2004-2008. Thanks to the Bridgewatchers, the North's strongmen have also been able to promote 'in-group' policing and intimidation to prohibit individual cooperation with Kosovo institutions (van der Borgh, 2012).

South of the river the situation changes. People living in the southern enclaves have little freedom of movement beyond their villages, largely lack the amenities of an urban centre like Mitrovica and depend on KFOR to a much greater, even existential degree. Gračanica, the largest of the enclaves, includes the eponymous town—its center of gravity being a UNESCO-listed 14th century Serbian Orthodox monastery—and a string of villages around the southern flank of Pristina. Other larger enclaves include Štrpce, on the mountainous southern border with Macedonia, Goraždevac, near Peja, and the mixed villages around Gjilan, Kamenica, and Novo Brdo—most with a Serb population of around 1,000 that are served by primary and secondary schools and health clinics.[150] Finally, there are the micro-enclaves dotted across Kosovo, villages of around 50 people often with little more than a tiny parallel school, though they have connections to larger enclaves or Mitrovica.

Geographic constraints bring with them a different politics, and the southern enclaves have trod a more delicate line than the North's hardline position. Lacking any land connection to Serbia proper, its political leaders know that calls for partition would set them adrift in Kosovo. They have adopted a more pragmatic approach of cooperation with Pristina as a result (Beha, 2013). For instance, locals have acquired documents and ID cards issued by Pristina, and drive cars with Kosovo license plates (van der Borgh & Lasance,

[150] The region of North Kosovo consists of four municipalities with a combined population of 80,500 (of which an estimated 65,000 are Serbs). Gračanica has a population of 12,500, while Štrpce has 9,000 (ECMI, 2013b).

2013, p. 201). The enclaves are still heavily reliant on parallel institutions and large amounts of money still flow into their institutions. But local leaders have not established a comparably clientelist system akin to the northern strongmen (van der Borgh, 2012, p. 40). There is no equivalent of the Bridgewatchers south of the Ibar. Enforcing compliance through intimidation is much more difficult. The resulting divide between the north and south became clear in the 2010 Kosovo elections. Politicians north of the Ibar called a boycott, resulting in a combined turnout of around 2.3 percent. Politicians in the south did not. Turnout among Serbs south of the Ibar reached a relatively impressive 46.2 percent—a figure even higher than the general turnout of Kosovo's entire population (Bieber, 2015, p. 195).

Finally, the costs of 'exit' for Kosovo Serbs on both sides of the Ibar are relatively low. Those dissatisfied with their situation often migrate, continuing a contentious but historic trend of Serb emigration. One sign of this is in the data on the returns of displaced people following the war. Approximately 65,000 Serbs fled Kosovo after June 1999.[151] According to the UN, between 1999 and 2012 only 24,387 people belonging to a minority returned to Kosovo (UNHCR, 2014, p. 4). Of these, only 42 percent were Serbs. Roma, in contrast, only made up 13 percent of those displaced by the war yet comprise 41 percent of returnees. Why the disparity? One likely reason is that it is far fewer obstacles for Serbs to integrate into the places where they resettled—mostly Serbia proper and Montenegro. Integration for displaced Roma, one of the most marginalized populations in the region, was much more difficult—hence the higher returns. Of course, relocating to Serbia proper was still often a traumatic experience for Serbs. Many had lost their homes in Kosovo, others had experienced violence or intimidation. Yet they arrived in Serbia proper as

[151] This is based on estimates from the European Stability Initiative, using data from the former Yugoslav census, Serbian government figures, and school enrollments in Serbian language schools in Kosovo (European Stability Initiative, 2004, p. 7).

citizens, spoke the same language, and carried with them qualifications that were recognized and accepted. Again, the comparison with the 1990s is instructive. When Albanians fled Kosovo, they became refugees or asylum seekers in the countries that hosted them, not citizens—an insecure existence that, paradoxically, often increased their sense of a collective identity (Kostovicova & Prestreshi, 2003).

Comparing the Albanian and Serb Parallel States

These differences had consequences for the subsequent development of group solidarity. The psychological foundations for solidarity were still present. For instance, social identity theory highlights how violence, group stigma, and status reversals can all contribute to a 'hardening' of group identities—each of which Serbs experienced after 1999 (Hogg, 2006; Horowitz, 1985). Similarly, Roger Petersen (2011) has shown how violent conflict can leave an emotional 'residue' behind. This residue can then be a resource for further violence towards an 'out-group', especially if pre-existing levels of in-group solidarity are high. He argues that in post-war Kosovo hatred and resentment were the most powerful emotional residues, allowing hostile out-group perceptions to become locked-in. For instance, during 1999's violent summer a common trend was that

> perpetrators targeted elderly Serbs unable to flee. These old people had not committed crimes against Albanians. They were targeted because they were Serbs. Serbian homes were indiscriminately torched. Graveyards were desecrated. The purpose of these actions was to eliminate the very presence of Serbs in Kosovo (Petersen, 2011, pp. 165–166).

Even after the early violence, surveys conducted by the UNDP consistently showed how the salience of ethnic categories remained high. Serb respondents overwhelmingly cited inter-ethnic relations as tense, and that Albanian hostility presented the most threatening factor to their stability in Kosovo (UNDP/Riinvest, 2003, pp. 19–21). Another sign of the hostile inter-group situation came with the Serbian presidential elections in the fall of 2002.

Though the moderate, pro-European DS party led in Serbia proper, over 57 percent of Kosovo Serbs voted for the leader of the ultra-nationalist SRS, Vojislav Šešelj—a man who had just been indicted for war crimes and a consistent advocate of the forced removal of Albanians from Kosovo (ICG, 2003). International efforts under UNMIK and the Ahtisaari Plan sought to blur the boundaries between Albanians and Serbs into a workable "multi-ethnic state" with at least a minimum of civic belonging (ICG, 2007, p. 8). However, critics pointed out that it was UNMIK that adopted the existing ethnic categorizations as legitimate political cleavages, then hard-wired them into Kosovo's political system (Blumi, 2000; Hehir, 2006).

As the years went by the salience of psychological solidarity gradually eased. One example of this came from the enclave of Staro Gracko, 15 km southeast of Pristina. The village was the site of one of the worst single episodes of violence in the post 1999 period when 14 farmers were killed on their way home from harvesting wheat (Bird, 1999a). The perpetrators were never caught, but members of the KLA were widely suspected. One-third of the village left for Serbia shortly afterwards, with more fleeing after two more villagers were murdered in 2004. The village was garrisoned-off from surrounding Albanian society as a result. Yet by 2008 there were indications that the local siege mentality was lifting. An initiative by a visiting Helsinki Committee (2008) team from Serbia gives a glimpse at how psychological solidarity may decline. After taking a group of 59 students from the enclave to visit nearby Prizren, the team observed that "When they stepped down from the bus, most of them seemed anxious. That was the first time they had ever left their enclave." Fearing being overheard speaking in Serbian, "They said nothing and kept together." Gradually, however, the sense of fear receded. The group relaxed, split into smaller groups and began speaking to each other in Serbian. The team's assessment at the end of the trip is revealing:

> The team was strongly impressed by the change in the villagers' perception of the difficulty facing them, and the ways to solve these difficulties. Generally speaking, when compared with earlier meetings in Serb enclaves, the 'topic' of discussion was now individualized. By referring to 'we', villagers no longer imply Serbs in general but residents of their enclaves… the term 'they' no longer refers to Albanians in general but to people with names, who have usurped their property… or to concrete individuals violating their rights… All in all, they were more straightforward, less anxious and did not leave the impression of helpless people looking up to Belgrade, as they had before (Helsinki Committee, 2008, pp. 52–53).

After returning to the enclave, one woman from the village approached the team to say, "I would be lying if I said life here is the same as it was in 1999 or 2004. Everything changes. Slowly, but it changes. People feel a bit more at ease, though they still live in fear that someone might kill them. Fear has become a reflex we cannot get rid of" (Helsinki Committee, 2008, p. 49).

The key difference between the Albanian and Serb parallel systems was structural. In contrast to the 1990s the Serb parallel state was being supported through *exogenous* forces. Security was being provided by KFOR under an international administration that was actively encouraging displaced Serbs to return to Kosovo. Similarly, parallel public services were being organized and financially supported by the Serbian state. Despite both being external to the Serb community in Kosovo, these were the only way the parallel institutions could survive. The small, predominantly rural, and economically marginalized Serb population in Kosovo could not raise sufficient funds on their own to support the delivery of schools, a university, health clinics, welfare benefits, and a relatively sophisticated hospital. As such, there is little of the same imperative as there was during the 1990s to raise taxes *domestically*. There was no need for the social pressure to make 'voluntary' contributions, and no need to publicly sanction those who did not as 'traitors'.

KFOR provides security, Belgrade provides services; Serbs are dependent on both, seeing them as a lifeline for their existence. Removing either would seriously undermine the survival of the parallel system. This gives the providers leverage, especially if what they are providing are 'club goods' that can be effectively directed away from those who do not toe

the line. Belgrade has shown its willingness to do just that. Dissenting individuals who fall out of step with the Serbian government have since faced the sudden withdrawal of aid, as have their families (Kostovicova, 2008, p. 641). During discussions on Kosovo's future status in 2006, the Serbian government pointedly asked all Kosovo Serb staff to choose between their Serbian and Kosovar salaries (ICG, 2009b, p. 7). As international manager of Kosovo's electrical utility illustrated, "We would virtually reach local agreement" in negotiating power supply agreements with Serb enclaves. "Then Belgrade's CCK would always step in and intimidate them, saying they would stop their welfare payments from Serbia, they would be bad Serbs, etc." (ICG, 2006, p. 28). As a resident of Mitrovica explained,

> 70 per cent of the people [in northern Mitrovica] work in the state institutions, they have a state salary, and have to be on the barricades since it is their job, their duty. Nowhere does it say that they have to do this, but nobody dares to speak up. Officially they will not say anything but unofficially you will lose your job... [the idea is that] you live in Serbia, you work for Serbia, you are paid by Serbia, and then you defend the interests of Serbia (Gusic, 2017, p. 194)

These are serious threats. In 2011, around 40,000 Serbs were receiving government support from Serbia, either through social welfare benefits or employment in public sector jobs, meaning that the livelihoods of almost one-third of Kosovo's Serbs directly depend on Belgrade (Bieber, 2015, p. 197).

Yet the dependency Serbs have on resources provided by the Serbian state also means they are *less* dependent on the core social group at the heart of their parallel state: Kosovo Serbs. The contrast with the 1990s is telling. Albanians were highly dependent on *each other* for their continued access to the 'club goods' being provided by their parallel system, both for raising taxes but also monitoring and sanctioning activities. These goods included education, healthcare and justice—but they also included continuing social relations with other members of the group. All of these goods were 'excludable'. Those

who transgressed powerful group norms faced ostracism. For people with few realistic alternatives, the prospect of losing access to crucial, everyday goods—not to mention being shamed by former friends and colleagues—was a key constraint on individual agency.

The key actor that Serbs in Kosovo must comply with, in contrast, is Belgrade. This reliance on Belgrade undercuts group solidarity for three reasons. The first relates to the political nature of this relationship. Belgrade has shifted its policy on Kosovo several times throughout the years. Between 2001 and 2003 it actively encouraged Serb participation in Kosovo's institutions; in 2004 it switched to a boycott of Kosovo; in 2013 it tentatively supported Serb integration once again. Second, different governments and political parties have different ideas around Kosovo, ranging from avowedly nationalist to moderately pragmatic. These strategies and positions all play a role in the support Belgrade gives to the parallel state, but they depend little on what Kosovo Serbs think. Rather, what matters is domestic politics in Serbia proper and the international context. Finally, this political relationship is mediated in Kosovo through a system of clientelism. This mode of governance depends on the exchange of resources between political patrons such as Marko Jašić and Kosovo Serb residents, usually through votes for parties in exchange for public sector jobs or benefits. A consequence of what has been dubbed a "partocracy" is a system in which political parties are the major factor in the social life of Serbs in Kosovo (Helsinki Committee, 2008, p. 9; van der Borgh, 2012). Yet unlike the 1990s when the LDK dominated social life, the system for Kosovo Serbs is highly divisive and volatile, routinely shifting as different parties gain ascendency in Kosovo and Serbia. For individuals caught in the middle, this adds an additional consideration to the ways they navigate between the Kosovo state and Serbian parallel institutions.

Conclusion

The similarities of the Serb parallel state to its Albanian predecessor are striking. What arose in the wake of the Yugoslav withdrawal from Kosovo, and deepened after 2008, offered Serbs essentially the same services that Albanians had been receiving during the 1990s. More fundamentally, the Serb parallel system was also premised on a similar strategy: the denial of political legitimacy to Kosovo's ostensible rulers. But the differences between the two systems are important, particularly for how they either engendered group solidarity or undercut it. Albanians constituted a demographic majority within Kosovo when they established their parallel system. Serbs were a dispersed minority, fragmented along geographic and political lines. Where the Albanian parallel system demanded covert organization and depended on domestic, 'voluntary' taxation to survive, Serb institutions were well-funded by Belgrade and could operate in the open. And where Albanians faced high exit costs through an uncertain existence as refugees and asylum-seekers, Serbs could relocate outside of Kosovo while effectively remaining within their own country.

The way that low levels of group solidarity intersect with the characteristics of parallel services yields a distinct set of decision-making outcomes. Social pressure to conform to group norms will be lower for a national service like education. Individuals will instead opt for schools based more on consequentialist *incentives*, or out of an individual sense of *conviction*. A discreet service like healthcare will, however, be less affected given its technical and sociopolitical characteristics. Consequences will continue to take priority, ranging from calculations of *security* to *incentives* based on expected outcomes, quality, or trust. Finally, lacking a 'national' event such as the bloodfeud reconciliation, justice will be based primarily on *incentives*. This introductory section to Part Two has surveyed some of the key critical junctures that marked the Serb parallel state. Along with unpacking the historical contours of the post-1999 period, its core argument has been that levels of group

solidarity among Serbs in Kosovo is qualitatively different than it was among Albanians during the 1990s. As the empirical chapters that follow will illustrate, this difference in solidarity had an impact on how individuals interacted with competing service providers.

Chapter 6: Education, 1999-2018

At the University of Pristina's main campus stands a brooding relic to the Milošević years. Construction on the Serbian Orthodox *Sveti Spas* (Christ the Saviour) church began in 1995, shortly after the University had been purged of Albanian staff and students. Building work was interrupted by the war and never resumed. Today the unfinished, vandalized structure sits on four acres of land that officially belong to the Serbian Orthodox Church. For many Albanian students who now attend the University and must walk past *Sveti Spas* on their way to and from classes, it is a stark reminder of the Serbian state's use of urban planning as "domination of the population through religious objects" (Demolli, 2012). Despite the formal and illicit attempts to have it destroyed, it still stands; a physical reminder of the former Serbian presence at the heart of a university that no longer has classes in Serbian nor any Serb students.

Sveti Spas is emblematic of the institutional pendulum swing that occurred after the war. The reversal of fortune that befell Serb students and educators following June 1999 was closely analogous to what took place to their Albanian predecessors 10 years before. "Our roles have been switched," one Serb teacher explained. "Albanians have become the same as us before, or worse. Our parallel system of education is just like theirs before" (Sommers & Buckland, 2004, p. 34). Education rapidly came to be seen as vital to maintaining a Serb presence in Kosovo and proof that Kosovo remained part of Serbia as stipulated by UNSCR 1244. As part of this politics 'as if', Belgrade remained in charge of providing a Serbian-language curriculum in a network of schools and a university throughout the territory, safeguarding its "power to sculpt Serbian identity in Kosovo" from either Albanians or UNMIK (Kostovicova, 2005, p. 208).

But the *Sveti Spas* church is more than a monument to the pendulum swing of Kosovo's history. As with their Albanian predecessors, the Serb parallel education system is

the most polarized of all the parallel institutions, thanks to its virtual monopoly over Serbian-language schools. It also has the highest stakes. Often this gets expressed by respondents through the use of metaphors relating to *lifelines* and *thresholds*. For Serbs, the lifeline metaphor hinges on the perceived importance of the connection to Belgrade, primarily through financing its delivery. Unlike their Albanian predecessors, people depend less on each other than they do on the Serbian state for their schools. Instead of 'voluntary' taxation to sustain the underground "schools of resistance", Belgrade's support is fundamental to ensuring the schools of the Serb parallel state remain. This reliance is underscored by an anxious sense among Kosovo Serbs that Belgrade will eventually "abandon" them (Tabak, 2013).

Yet opting for Kosovo's schools is less a matter of treason than simply a bad deal. This gets expressed through the threshold metaphor—particularly the image of the *red line*. Parents and children perceive being absorbed into the Kosovo system as tantamount to cutting Serb children off from opportunities in Serbia proper. Teachers see it as a pay cut, a smaller pension, and possibly even a layoff. A frequent response to "integration"—the absorption of Serb institutions under the remit of Pristina, as called for in the Brussels Agreement—often gets expressed as: "If they touch our schools, that's my red-line—that's when I leave for Serbia."[152] The red-line is akin to 'the last straw'—a final, unbearable breach. As with their Albanian predecessors, Serbs also see education as a matter of national identity; it "makes Serbs know who we are and why we're here."[153] But in contrast to the 1990s, the constraints of group solidarity are lower, and sanctions are rare. People are driven more by a logic of consequences. Decisions are shaped by incentives, particularly considerations of the different 'opportunities' for pupils provided by each system. But these

[152] Author interview, local consultant, Mitrovica, 26 May 2017
[153] Author interview, small business owner, Štrpce, 20 November 2015

opportunities are safeguarded by Belgrade's 'lifeline'—something many see as increasingly fragile and uncertain. As children learn from their history textbooks, Kosovo is the "Serb Jerusalem… Given by God to the Serbs as an eternal pledge" (B92, 2018). The repeated attempts to destroy the *Sveti Spas* church is a message, wrapped in religious imagery, of just how precariously close many Serbs are to their threshold.

This section explores the technical and socio-political characteristics of the Serb parallel education system. Being a collectively delivered and relatively visible service tightly linked to ideas of national identity, we would expect decision-making to involve considerations of social norms. However, under conditions of lower *structural* solidarity, individuals depend less on each other for the continued access to a service. As a result, they face lower levels of group-based monitoring and sanctioning. 'Excludability' from the group will be less severe. *Psychological* solidarity will be strong after violent episodes, such as the immediate post-war period or the 2004 riots. But the more time that goes by without violence, even the sharp 'us-them' distinctions will fade. The argument proceeds in the following steps. First, it lays out the historical context of education in Kosovo following the 1999 war. Second, it highlights the 'menu' of options available for teachers, parents, and students. Finally, it explores the dominant modes of decision-making, focusing on the greater emphasis placed on economic incentives balanced with notions of national identity and historical right.

Educators Relocated and the Rise of Parallel Education

The NATO war left Kosovo's education system in ruins. Almost half of the province's schools were either damaged or destroyed, not to mention the wider damage caused to Kosovo's basic infrastructure that impacted the lives of students and teachers (Nelles, 2006, p. 99). Yet Albanians saw this as a moment to celebrate. The headmaster of

'Hasan Prishtina' primary school in Pristina symbolically marked the return of Albanian students into the formal system by knocking down the "Berlin Wall"—a barrier running down the centre of the school that was built to separate Serb and Albanian schoolchildren eight years before (Holley, 1999). Now it was up to Serbs to find alternative facilities. Sharing was out of the question. One Albanian student captured the prevailing mood: "Let them go to school in basements like we did; let them suffer like we did. Why should they have special buildings?" (Agovino, 1999). Thousands of Serbs fled to enclaves around the city or further afield, cramming into whatever buildings they could to prepare for the upcoming school year. After the fall of Pristina's "Berlin Wall," a village school in nearby Gračanica became the closest alternative. Not only was it to begin the year as an elementary school, it was now the temporary home for two displaced high schools as well—its students and teachers had been uprooted only weeks before (Holley, 1999).

As Serb-majority enclaves emerged across Kosovo, so too did a new education system. At times it used whatever school buildings were available. If there were none, then classes took place in private homes, just as they had done for Albanians during the 1990s (Kostovicova, 2005, p. 204). Neither option was available for those who had fled to rural areas from the city. The only alternative was to travel to Serb schools in larger enclaves. It was quickly apparent that these journeys could only happen with KFOR escorts, though even the escorted convoys were routinely pelted by rocks as they drove through Albanian villages (S. Ramet, 2006, p. 549; UNHCR, 2004, pp. 18–24). Examples of Serbs and Albanians sharing a school—even in different shifts, as was sometimes the case during the 1990s—were rare. In some cases, Serb teachers were the focus of violent attacks. In others, it was students on their way to school (Agovino, 2000). Both had the effect of driving students and teachers to attend schools in complete separation to the Albanian-dominated society in which they now lived.

Responsibility for Kosovo's post-war education system fell to UNMIK, but the new administration followed a disjointed strategy. Immediately after the war, UNMIK's capacity to act was extremely limited; only one official was responsible for Kosovo's entire education policy and the summer violence meant everything had to be done "slowly and cautiously" (Sommers & Buckland, 2004, p. 20). In March 2000, education fell under the control of Michael Daxner, an energetic Austrian professor and official in UNMIK's Department of Education, Science and Technology. Daxner outlined the task ahead, hinting at the transformative role education could have in resolving the deeply embedded conflict: "We are not here for the school directors, the ministers or the bureaucrats. We are here for the teachers and the students. We have to de-politicize and democratize the system. Because in the end, it is education which will play the key role in peace-building" (Bache & Taylor, 2003, p. 289). Education, particularly at the university level, was promoted as a vehicle for developing a democratic, multi-ethnic citizenship in the new Kosovo. Daxner declared that "The rationale of [the new] curriculum is civil education in a civil society" (UNMIK, 2001, p. 7). It was an idealistic vision backed up by real political concern. "We came to Kosovo to protect human rights," SRSG Michael Steiner reminded his staff, "and we cannot allow this country to become mono-ethnic" (UNMIK, 2002b).

In reality, international efforts to reform the educational system in Kosovo were muted. Bernard Kouchner, the first SRSG, often visited schools, but UNMIK rarely used other means to inculcate the next generation of multi-ethnic Kosovar citizens. Under Kouchner, "there was no systematic effort to prevent inter-ethnic hatred fermenting in the education system, or distorted versions of history being taught in schools" (I. King & Mason, 2006, p. 85). The lack of effort was surprising. Educational reform had been a cornerstone of post-war nation-building since Germany and Japan (Dobbins et al., 2003). However, in Kosovo education was seen as a success of the non-violent Albanian parallel

state, and international staff voiced concerns over "interfering too much in local culture" (I. King & Mason, 2006, p. 222). Rather than use schools as a vehicle for progressive change, as Daxner had intimated, UNMIK's more pressing priority was rather to get them back to work as quickly as possible. The result was that education became one of the first areas turned over to local control after the PISG was established in 2002. It was an encapsulation of the tensions inherent within modern peacebuilding missions: an "international dictatorship" whose enormous authority could re-shape institutions, but one that was simultaneously driven by the ultimate objective of "local ownership" (Narten, 2008; Paris, 2004; Yannis, 2004).

Split Systems: Primary and Secondary Education

Parallel education quickly consolidated in the years after the war. By 2003, there were over 20,000 pupils in parallel primary and secondary schools across Kosovo (Matic & Stojanovic, 2003).[154] As an incentive to keep the system running Belgrade was paying local teachers double what they would earn in Serbia proper, which was three to four times more than their colleagues paid by Kosovo's Ministry of Education (OSCE, 2007a, p. 36). Pensions were similarly high, and employees of Serbia's ministry of Education enjoyed extensive job security thanks to the duration of their positions being open while teachers under Kosovo's system needed to renew their contracts every five years (Božić, 2010). On top of this already generous package, teachers in the Serbian system were *also* getting paid by Kosovo. UNMIK was keen to show that the long-term plan was to bring the parallel school system under Pristina's control, and part of this meant including wayward teachers on the state payroll (OSCE, 2007a). Allowing teachers to sign contracts with both

[154] Fifteen years later, the European Centre for Minority Issues calculated a slight decline in enrollments, with approximately 17,456 pupils attending 69 primary and 34 secondary schools, as well as 141 smaller satellite branches located in the scattered micro-enclaves (ECMI, 2018, p. 14).

systems—even if they only taught under one—was politically useful for both sides. For Belgrade it meant that it still exercised authority in Kosovo; for Pristina it was proof that Serbs were "integrating" (Božić, 2010, p. 295). The windfall only ended with Kosovo's declaration of independence, after which both systems demanded that their employees maintain exclusive contracts.

There were also signs that there were more teachers in the Serb system than necessary, many of whom lacked proper qualifications for the job. As the Serbian official in charge of the parallel education system put it, "If no qualified applicants apply for the job when applications are invited, whoever applies gets the job, regardless of whether the applicant is qualified for the position" (Matic & Stojanovic, 2003). The result was pervasive over-staffing. While the European average for student per teacher is 14:1 for primary schools and 12:1 for secondary schools, fully half of the parallel primary schools and almost three-quarters of secondary schools have an average of *less than* five students per teacher (ECMI, 2018; ICG, 2011, p. 5). These numbers are skewed by the extent to which even micro-enclaves will often have a small schoolhouse with a teacher on staff—*even if there were no students*. In areas with little Serb-majority settlement, such as around Peja or Ferizaj, and ECMI report found it "not uncommon" to find primary schools with "on average less than one student per teaching staff" (ECMI, 2018, p. 18). Despite the investment in personnel through staffing and salaries, there is less investment in facilities. The same report found many technical schools without a computer room and medical schools without a science lab. Meanwhile, teachers receiving double salaries often worked part time and commuted from their homes in Serbia proper, earning them the derisive nickname "weekenders" by local Serbs (Helsinki Committee, 2008, p. 10).

Changes in curricula solidified the separation of the two educational systems. Differing interpretations of recent history were especially salient (OSCE, 2009). Albanian

textbooks dwelt on events that were now part of the nationalist canon. Prominent examples were the "Prekaz massacre," where the "Legendary Commander" Adem Jashari and his family were killed and which set off the violence that led to war, and Račak, where the killing of 45 Albanians by Serbian police units had helped push NATO into conflict (Di Lellio & Schwandner-Sievers, 2006). The KLA took pride of place: an ultra-masculine panoply of new "martyrs" that had "made the Serbian occupier leave Kosovo and brought freedom awaited for centuries" was now part of Kosovo's history curriculum (Kostovicova, 2005, p. 209). The parallel state was relegated to an afterthought—an example of "failure" and weakness at odds with the martial "liberation" narrative (Gashi, 2019). The significant role of women during the period was almost entirely neglected. Few students are aware of it today.[155]

Serbian textbooks were also rewritten, but these new interpretations were conspicuously brief. Textbooks portrayed Kosovo as simply a "flash point" that required "significant police and military force"; neglected to mention Milošević at all; stated that the "bombing took many lives" without specifying whose; and reiterated that the UN presence in Kosovo "did not bring into question the integrity" of Serbia (Kostovicova, 2005, p. 210). Rather than coming to terms with the past, one scholar argued that the new textbooks instead glorified "Chetniks, Serb nationalists, generals, and wars, plays down culture, demeans women… leading young readers in the direction of rejecting cultural pluralism…[and the] rehabilitation of nationalism" (S. Ramet, 2006, p. 533). An OSCE's mission statement in 1999 proclaimed "the importance of bringing about mutual respect and reconciliation among all ethnic groups in Kosovo."[156] Ten years later it lamented: "the existence and practices of two separate school systems is not conducive to the creation of a

[155] Author interviews and observations while attending "Memory Mapping Kosovo: The Rise and Fall of Peaceful Resistance", University of Pristina, December 2015
[156] OSCE Permanent Council Decision No.305, 1 July 1999.

system of inter-cultural education where the identity of each group is preserved, the identity of other groups is learned and acknowledged, and mutual understanding, acceptance and tolerance is promoted." Instead, separate systems had only "contributed to entrench the chasm which divides communities in Kosovo" (OSCE, 2009, p. 18).

It was also a "chasm" that neither community was keen to bridge. Kosovo's locally controlled Ministry of Education, the University of Pristina, and the Assembly of Kosovo were much less eager to integrate the Serb system than UNMIK was (den Boer & van der Borgh, 2011). Even though UNMIK regulations mandated that Serbs and Albanians both be supported by educational reforms and the language of UNMIK's Department of Education and Science stressed 'inclusive' education, Serb teachers were ignored.[157] They were not represented during a 2002 meeting in Geneva to discuss a new curriculum framework in Kosovo due to "security reasons." Meanwhile, the Kosovo Ministry of Education's first report after its founding in 2001 referred only to the Albanian 'Kosova' throughout, despite UNMIK mandating that it stick to the more neutral 'Kosovo' (Nelles, 2006, pp. 101, 105).

Kosovo's declaration of independence seemed to signal a way out of the educational impasse, at least technically. In 2008, Kosovo introduced legislation setting out comprehensive educational rights for non-majority communities and the use of languages.[158] Key among these were that Albanian and Serbian were to be equal as official languages and that Kosovo now had a legal responsibility to provide primary, secondary,

[157] The Department stressed that its function was "The promotion of a single unified, non-discriminatory and inclusive education system so that each person's right to education is respected and quality learning opportunities are available to all, irrespective of their ethnic or social origin, race or gender, disability, religion, or political opinion" (UNMIK, 2000).

[158] These are Law No. 03/L-047 (the Law on the Protection and Promotion of the Rights of Communities and their Members in Kosovo), Law No. 02/L-37 (the Law on the Use of Languages), and Law No. 03/L-068 (Law on Education in the Municipalities of the Republic of Kosovo).

and tertiary curricula in Serbian. Parents could send their children to schools in whichever of the two state languages they preferred. Meanwhile, minority languages could have official use at the municipal level, meaning that communities with local majorities—including Bosniaks, Gorani, Croats, Turks, Ashkali, Roma, and Egyptians—now had the right to education in their mother tongue. Textbooks issued by Serbia's Ministry of Education could even be used in Kosovo's curricula, so long as Kosovo's Ministry of Education had cleared them first.

But the devil was in the details. Rather than heralding the integration of the Serb parallel education system under Pristina's regulatory roof, Kosovo's home-grown provision of Serbian-language curricula has remained conspicuously absent, leaving little alternative to the parallel system for Serb students. And although there are now curricula in other languages such as Turkish and Bosnian, Kosovo's ministry of education struggled to follow up with textbooks in those languages due to a lack of translators, strapped finances, and uneconomically small print runs (Božić, 2010). There was even a key loophole in the allowance of textbooks from Serbia to be used: the law stipulated that none of the textbooks could refer to Kosovo as anything but the "Republic of Kosovo". This effectively blocks textbooks supplied by the Serbian state, given its constitutional claim that Kosovo is an "integral part of Serbia". A lack of books does not just affect the possibility of Serbian-language provision under Kosovo's system. It has recently affected the parallel system as well. Kosovo authorities now routinely confiscate Serbian textbooks intended for parallel schools at the border. Because North Kosovo effectively has no border, this means that the southern enclaves suffer disproportionately (ECMI, 2018, p. 22).

A Temporary Exile: The Parallel University in Mitrovica

Just as the Serb population largely fled Pristina at the end of the war, so too did the Serb-dominated university. Following the murder of three Serb academics in late June, almost 1,500 professors and administrators and approximately 16,000 students began to flee to temporary facilities in Serbia's southern cities (den Boer & van der Borgh, 2011, p. 75). A radical group of Albanian staff and students encouraged their departure by taking a hard-line position: all university buildings were to be returned to Albanians; no special arrangements were to be made to accommodate Serbs. "We made a mistake," the Albanian dean of Pristina's Business School recalled, referring to the intimidation of Serb students and staff. "We didn't open our doors to them. We've treated them like they treated us" (Bollag, 2003, p. 44). In the meantime, Belgrade sought to quickly re-establish the institution on Kosovo's territory. Doing so would send a strong signal to both Pristina and Kosovo's remaining Serbs that Serbia was committed to maintaining its claim over the province (Kostovicova, 2005, p. 208).

UNMIK now faced a predicament: either tolerate the existence of a parallel institution on territory it was administering or establish a multi-ethnic education system with an equal provision for Kosovo Serbs. UNMIK had initially entertained reopening the University in Pristina as "two institutions under one roof", but this was soon dropped as a "practical alternative to the moot idea that Serb students would be welcome in Pristina" (Kostovicova, 2005, p. 208). In 2001 Belgrade and UNMIK agreed that the Serbian-language University of Pristina could open in North Mitrovica, albeit with widespread autonomy and a policy of minimal cooperation with UNMIK, lest it be misconstrued as a tacit acceptance of Albanian rule over Kosovo. To drive the point home, the institution was renamed "The University of Priština *temporarily* settled in Kosovska Mitrovica". However, with the 2004 election of Koštunica's nationalist DSS government came the end to any

pretence that the university would be a bridging institution. The University had opened its dormitories to some 3,000 Serbs who fled the March riots that year (Bollag, 2004a). Cooperation with UNMIK was halted; Belgrade even appointed Radivoje Papović as the University's new rector, the same man that had overseen the expulsion of Albanian students from the University of Pristina in 1991 (ICG, 2005, p. 19). It was a loud and clear message to UNMIK and Pristina. As a UN expert put it, "Bridges were being built, now everything has been cut" (Bollag, 2004b, p. 52).

For its early life both staff and over 11,000 of its students considered the institution to be a "university in exile" that was merely waiting to return to its original premises (European University Association, 2002, p. 4). Like with their Albanian predecessors, the institution's survival was linked to broader political claims. A Serb professor in Mitrovica explained that "Serbs have the profound feeling that Kosovo is on the road to independence and one way to oppose that is to keep hold of institutions for which they legitimately have responsibility" (Sanford, 2005, p. 8). The temporary sense may have helped justify the lack of Internet connection, a library, sports facilities, laboratories, or many other typical features of an institute of tertiary education that plagued the university in its early years. By 2010, however, its purpose-built facilities were superior to many of its larger counterparts in Serbia proper, thanks to a generous €35 million annual budget (ICG, 2011, p. 4). Like the "weekenders" teaching at primary and secondary schools, many professors preferred not to live in Kosovo. 70 percent of Mitrovica's academic staff commuted from Serbia, with some travelling from as far as Belgrade to hold classes (Bataković, 2007, p. 87; ICG, 2011, p. 5). Against these incentives, Kosovo's higher education system gave a pittance. Full professors in Pristina made around €250 per month, barely enough to live on. Some took second jobs; others took bribes for enrollment or good marks (Geoghegan, 2014). "When the university was underground, the motivation of

everyone—teachers and students—was at a higher level than it is now," recalled the Albanian head of Pristina's sociology department. "We all understood we had to resist the [Milošević] regime. My salary is now $230 per month. You can see why I'm not very motivated" (Bollag, 2003, p. 44).

While financial disincentives help keep Serb academics away from Kosovo's system, the lack of Mitrovica's legal recognition does the same for students. A diploma from the university is valid and recognized in Serbia proper, as well as the states that continue to refuse to recognize Kosovo's independence. But Pristina refuses to recognize any credentials issued by what it sees as an illegal institution on its territory. Any state that recognizes Kosovo does the same (BIRN, 2014; OSCE, 2007a, p. 33). This means that graduates are not eligible for roles in the Kosovo public service that require a university credential, a serious constraint for Serbs seeking work in Kosovo's public sector. Of course, this goes both ways; graduates of Kosovo's university system are not recognized by Belgrade, a tradition stretching back to the rise of the underground university in the 1990s. Yet few Kosovo Albanians seek to work in Serbia. In contrast, many Kosovo Serbs do, giving them yet another incentive *not* to attend university under the Kosovo system. As one medical student in Mitrovica close to graduation explained,

> I can work in Serbia with my degree, but in Serbia there is no work for doctors. Croatia and the other countries of the European Union have a shortage of doctors. However, my degree is recognized only in certain countries that have not recognized Kosovo. My parents invested a lot in me. I've invested a lot of effort into my education. Years and years of learning… Why? For nothing (BIRN, 2014, p. 40).

Few of the young Serbs who attend university either in Mitrovica or at universities in Serbia proper return to Kosovo. There is little economic demand for qualified graduates in rural enclaves. The North of Kosovo offers more opportunity, yet this is mitigated by the perception that jobs are provided more through political connections than merit (Helsinki

Committee, 2008; ICG, 2011). For many young Serbs, the opportunities offered by higher education only lead away from Kosovo.

Decision-Making in Education

The 'menu' of parallel education options rapidly inverted after 1999. For Serbs and other non-Albanian minorities in Kosovo who now became the eligible 'deciding' population, it was an uncanny reflection of what Albanian teachers and students had just emerged from. Albanians, however, had strength in numbers. After the tumultuous events of 1989 and 1990, many were pushed out of the formal schools and into a clandestine informal equivalent, but there were no *geographic* movements of populations. In contrast, Serbs and other minorities, particularly the Roma, had little choice *but* to move. Those that stayed in Kosovo re-located into defensible, ethnically homogenous enclaves and their schools went with them. The result was a distinctively spatial element to the menu of options. After French troops lay razor wire across Mitrovica's main bridge, North Kosovo effectively became an institutional appendage of Serbia. Schools carried on much as they had prior to the war. A university was built, and the population north of the Ibar saw little reason—and much to fear—from venturing south.

South of the river the situation changed, albeit not entirely. Large, relatively self-contained enclaves such as Gračanica or Štrpce also had a spatially determined menu or options for their residents. Few people felt safe beyond the KFOR checkpoints in the period after the war. Security improved over the years, but many still saw little reason to attend Kosovo's schools. Nor could they. Despite being guaranteed by law, there remains an absence of Serbian-language curricula in the Kosovo system. Meanwhile, teachers employed in the Serb system saw little point in losing double salaries and pensions from Belgrade for the sake of integration. In the micro-enclaves the menu of options was more

open, if mostly for pragmatic reasons. Students faced long bus rides to larger enclaves or Mitrovica to attend school, inspiring some residents to try to set up schools shared with Albanians nearby.

The section below examines decision-making in education along two tracks. First, it explores how the 'eligible', largely Serb population living in the enclaves justified their decisions under conditions of *lower group solidarity*. It largely finds a logic of consequences at work. In the post-war period, *security* concerns were pre-eminent. Later, as the threat of violence diminished, individual considerations shifted to those of quality, access, and *incentives*—either in the form of payments for teachers or 'opportunities' for children. National identity remains an important characteristic of education. Yet its salience is muted by pragmatic concerns and is less tightly linked to the morally charged issue of collective resistance. National identity in this sense is more a matter of *conviction* than *social norms*. However, the 'menu' of options remains limited in larger enclaves.

The second section explores where choosing between formal and parallel education is an everyday reality. It uses the case of the Gorani minority in the southern Dragash mountains. Gorani teachers, parents and children face a choice of school systems, often in the *same* school building. However, unlike Serbs and Albanians, language is not a determining feature. The Kosovo curricula is delivered in Bosnian, a recognized ethnic community with language rights under Kosovo law. The Serbian system is delivered in Serbian. Both languages are practically identical and were considered the same language for most of the 20th century. Thus, choice for the Gorani is neither geographically nor linguistically constrained. Nor is it obviously a matter of national identity, since neither system is specially catered to or representative of the Gorani community. Yet most Gorani still opt for the Serbian system as a matter of incentives and 'opportunity'—despite

effectively cutting themselves off from employment in Kosovo because of their unrecognized credentials.

Decision-Making in the Enclaves

Education forms what many Serbs in North Kosovo view metaphorically as a "red line," a threshold over which they would neither countenance crossing nor negotiate on shifting. The "red line" issue is becoming particularly salient since the 2013 Brussels Agreement. This foresees the gradual integration of Serbian-funded public services into the remit of Pristina, with the proviso that these funds would continue going to Serb-majority municipalities (ICG, 2013). However, many Serbs view integration as threatening these services in the long run, and with them the viability of the Serb community in Kosovo. Asked if he saw the re-directing of funding for Serb-language schools through Pristina as a threat, one parent from Zubin Potok responded,

> Absolutely. I mean, that is my red line. My boys can't get a Kosovo diploma, for their elementary or high school, [and] as soon as that Serbian diploma will stop, that will be my red line to move to Serbia. I will not condemn them to the future that they might lose due to having a poor education system that is not recognized in the world. That is my red line. You can do anything else; I can even accept the [Kosovo] healthcare system. I have good earnings, so that I can pay for private insurance. I can live with that.[159]

Another respondent from Mitrovica voiced concerns over the perceived threat of integrating education into the Kosovo system. "[Education] is going to be the hardest part to integrate." He explained. "That will harm the most people. Mitrovica is a Student city – we have a lot of students from Serbia [attending the university], and half of those will leave immediately. Then people will send their children to Serbia, to Belgrade; that's going to be an issue."[160]

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[159] Author interview, North Mitrovica, 9 March 2016
[160] Author interview, North Mitrovica, 27 June 2016

Similarly, another Mitrovica resident explained the threat of integration. "Here we use the metaphor of the boiled frog," he explained. "If education and health is under the Kosovo system—even with the Serb curriculum—they would slowly, but for sure, take the systems under their control." He continued, citing the key problem, in his perspective, of having two communities under one educational system.

> I'm a historian. There is a difference in the Albanian and Serb education systems. For example, in Serbian history books there was the [medieval] Nemanjić dynasty, which built Gračanica. Two years ago, in Albanian history books, they said that this dynasty was actually Albanian! So, there is a difference. The monastery [of Gračanica] is Orthodox, and the Albanians are Muslim. It's not true. If I work under the Kosovo system, I would have to say that.[161]

Like many other respondents, he referred back to the Albanian parallel state schools from the 1990s:

> It's not the same to say that the Serbs aren't working with the Albanian system; it's not the same as the [1990s Albanian] boycott. Albanians had their schools, as minorities, in their own language, on the territory of Serbia. There was repression from the Serbian authorities, yes, but it's not the same as how the Albanians are forcing the Serbs now. The repression of the Serbs now is much greater than it was [for Albanians] then. Albanians have this great plan for independence, and it has come true. The Albanians use this repression for their plan for independence.[162]

South of the River Ibar, decisions to use the parallel education system come with more of a cost than it does in the well-provisioned North. For instance, a micro-enclave close to the Albanian-majority city of Klina is home to approximately 50 people. There is a small village school in a local house that is run under the Serbian system, but no high school. Instead, children are bussed to North Mitrovica every Sunday, where they stay in dormitories for the rest of the week before bussing back home for the weekends. "Every week I pay €12 for both [of my daughters] to catch the bus" says one man from the village,

[161] Author interview, teacher, North Mitrovica, 29 June 2016
[162] Author interview, teacher, North Mitrovica, 29 June 2016

indicating that the expenses, including rent for his children in Mitrovica, are not insignificant.[163] As for the village primary school, only about 12 pupils in total attend at any one time—the most there has been since the war. However, "it doesn't fulfill the conditions and isn't well furnished inside" he admits. "In 2004, there were only four kids here. To make it easier for them, and for everyone, I went to talk to my old teacher in [a village 2kms up the road], to organize a way to have all the local kids go to school together."

He explained that his aim was to have local Serb and Albanian children attending the same school. They would still have their separate curriculums and would have to work out a system of shifts where the Albanians would take one half of the day and the Serbs the other, but the idea was to have them all sharing the same facility. Only four years after the war, and the same year that riots had erupted across Kosovo, that children from both communities would share a school was bold. But it did not happen. "Some 'patriotic' people around here stopped it," he said sarcastically. "A former teacher, a Serb, didn't agree that the kids should go to school together." Frustrated, he still ended up choosing to send his children to the village school due to its proximity and the importance of being able to continue on to high school in the Serbian system. Pointing to the school he said, "That's where I sent my kids because that's what we finally decided: to send the kids from [the micro-enclave] to the private house, not to send them to the other school with Albanian kids."

This was an emotional issue. He had raised the issue in the village, worried because teachers at the private house, who all normally lived in Serbia, would only commute to the village three days a week to hold classes. It was also, he felt, an issue of supervision. "The teachers wanted to be able to do whatever they wanted," he explained. "They were paid by

[163] Author interview, farmer, micro-enclave [anonymized], 20 March 2016

the Serbian budget, not the Kosovo state," and there was nobody who would check up on them in such a small village. "There was no principal there, so if they [the teachers] weren't at school they would have no evidence," he explained. "There were some Albanian teachers who told me, 'listen, you have to bring your kids to our school [in a nearby village], not the private house; they're going to be fine. They'll get a better education here [in the school] than they will in that house.'" Yet without the community's backing there would be little point in sending his kids to this school. There were no Serb teachers willing to work there, and no Albanians willing to teach in Serbian.

His willingness to voice concerns over the haphazard way the local school was being run won him no friends among the local Serb teachers. "My kids here were being discriminated against with bad grades because of these things I said," he explained. "And now that they are in high school, they are getting the best grades, and the other kids [from the village] are not getting grades as good as they are." Not everyone in the village agrees with him. Not even his friend, whose wife is a teacher in the private house and receives a good salary in Serbian dinars. "This private house is helping the kids in the community a lot. This is the way they get to go to Mitrovica after [for high school], so it plays an important role in getting the Serb community together here. It is helping them a lot. If the school wasn't here, then we wouldn't have education for our kids; then we wouldn't be here."[164] Even though nobody framed the possibility of integration into the Albanian system as a threat, the 'lifeline' metaphor was still resonant. Belgrade still played a key role in allowing the community to survive.

In the large enclave of Gračanica there is a relatively better-provisioned educational infrastructure serving a population of around 10,500 (OSCE, 2015). Yet the burden on facilities is high. For a part-time elementary school teacher born and raised in Gračanica,

[164] Author interview, retired police officer, micro-enclave [anonymized], 20 March 2016

not a lot had changed in the education system before and after the war. The local school remained under the Serbian curriculum throughout the period. Yet logistically things had been transformed. "A lot of [Serb-speaking] high schools in Pristina were moved to Gračanica," he explained,

> Moved in an administrative way—they couldn't move the building. So now we have a situation where in our elementary school we actually have four different schools, all working in three different shifts. In the early morning there is a traffic school and a medical school using the building, then the second shift is our elementary school, but only from First to Fourth grades. Then the third shift is Fifth to Eighth grade students. It's really a pain… we can't have separate cabinets for [the students]. Conditions for work are pretty bad.[165]

Still, what all respondents agreed was that an even bigger challenge was the emigration of Serb youth out of the enclave. The director of one local NGO pointed to a picture of a local summer camp for teenagers hanging on the wall of his office. "Do you see there are like 50 or 60 young people in this picture? It was [taken] five years ago. I know for a fact that 50 percent of them are not here now. Why would they stay?" He asked rhetorically, "What are they going to do here?"[166] As with the micro-enclaves, he explained that many local children attend elementary school in the Gračanica area, yet for high-school many parents try to send their kids either to Mitrovica or to Serbia proper, "because the schools are much better there". However, in most cases they never come back, he explains. "Especially if they go to university in Serbia."

Even though he no longer received a double salary from both Kosovo and Serbia, one teacher still maintained that the financial incentives were much more attractive in the Serbian system. Without these salaries, he doubted that people would stay in Gračanica. Again, the 'lifeline' metaphor is prominent. "The main thing for maintaining the Serb community here," he explained, "is that these parallel structures here are providing financial

[165] Author interview, teacher, Gračanica, 25 July 2016
[166] Author interview, NGO manager, Gračanica, 25 July 2016

help in terms of employment, salaries, and that kind of thing. So that is their most important role; they allow us to be here. They pay much more for teachers like me, but they also give lots of other people jobs to do." These salaries, he continued, were basically a "bribe" to keep people in the enclave—but one that he thought was still worthwhile. "Most people are leaving [Gračanica] because they don't have a job. Most that have a job don't have the intention to go. I don't have any intention to go. I have a good salary, working only one or two hours a day."[167]

The choice situation for Serbs in Gračanica is constrained. The two education systems are sharply defined along linguistic lines and Serbian-speakers face few realistic alternatives to the system that is delivered in their language. Yet education was also characterized by its power to safeguard and foster a national identity, particularly in what virtually all respondents considered being a region not only part of Serbia, but one that held an important place in Serbia's history and national character. The language of instruction was seen as an obvious but not an insurmountable obstacle. What mattered was the *content* of the curriculum, particularly in 'national' subjects like literature, history, art, or geography. "It's not about the provision of the Serbian language," a man in Gračanica explained. "It's that you would be forced to learn things they wrote about our history; about everything. They've changed the history that I learned when I was a kid." He continued,

> …They change the names of people who did huge things, and they say that he is Albanian, not Serbian. Or Albanians were fighting the Turks in 1389, not the Serbs; they are doing that, they are changing that. They are trying to represent the monastery of Gračanica as being built by Albanians and not by Serbs. You can take Ulpiana [a nearby Roman and early Christian archaeological site] they are claiming that it was an Albanian site, not Serb. And they found a church and it had the words 'Father Sava' written in old Cyrillic—so it's a Serbian name and everything, so they are trying to fabricate that. It's understandable; history is written by the winners.[168]

[167] Author interview, teacher, Gračanica, 25 July 2016
[168] Author interview, NGO employee, Gračanica, 30 May 2017

Even if Kosovo began to offer a Serbian-language curriculum, he doubted that it would reflect what he considered "proper" history.

Historical misrepresentation was a serious issue. However, its effect on decision-making was primarily understood as a matter of individual *conviction*. One man in Štrpce explained, "Look, I know history isn't everything. But for me it's important. It's important for me that my kids learn about their [Serbian] history and what Kosovo is all about for Serbs. How else would they understand why they're here? Some people don't care so much—that's fine. It's not important for everyone. But for me it's important."[169] National identity was commonly cited as an issue that was "important" or meaningful. But when describing the decision between systems, respondents often justified their choices in *personal* terms. There was no sign that others around them would treat them differently if they opted for the Kosovo system, other than mild incredulity, given the widely shared understanding that the Serbian system was better. Terms like "treason" or "betrayal" were absent, in stark contrast to the 1990s. Lower group solidarity meant that ultimately it was the prosaic, personal reasons that mattered. Asked whether he would reconsider if, as the Brussels Agreement promises, he could have his diploma recognized by the Kosovo system, a teacher in Gračanica maintained his position. "Okay, today I live here, and maybe I can get that diploma recognized by Kosovo. But what happens tomorrow if I transfer to Serbia? What if my kids want to live in Serbia and not Kosovo? They will be discriminated against because of their degree."[170] The prospect of limiting opportunities for his children in Serbia—even if it would improve their opportunities in Kosovo—was a step too far.

[169] Author interview, small-business owner, Štrpce, 20 November 2015
[170] Author interview, teacher, Gračanica, 25 July 2016

Minority Communities and Education

As with the 1990s, many minority communities in Kosovo are stuck between the two systems. The Bosniak community in North Kosovo, due largely to language considerations, aligns itself to the Serbian curriculum. Similarly, the Roma, Egyptian, and Ashkali communities, collectively making up around 2.3 percent of the population, choose the Serbian school system if they live close by. For example, people living in the Roma *Mahala*, or settlement, in South Mitrovica get bussed to Serbian schools across the River Ibar every day. One Roma man explained the rationale behind this. "For the Roma community there is positive discrimination [in the Serbian system], so if they apply for university, even though they have scores that aren't so great, they still get enrolled. And there are scholarships for them, so they don't pay tuition. The Roma people know that this educational system is better for them."[171] More cynically, perhaps, is the fact that Roma in Kosovo suffered disproportionate levels of ethnic violence perpetrated by Albanians after the 1999 conflict because of their perceived 'collaboration' with Serbian authorities. It is partly for this reason that levels of Roma in Kosovo's education system remain low (Olldashi-Berisha, 2008).

One of the minority communities in Kosovo with the most scope for choice is the Gorani community. Living in the mountainous Dragash valley at the southernmost point of Kosovo, the approximately 11,000 Muslim Gorani speak an unwritten Slavic dialect closely related to Macedonian (ECMI, 2013a). Given the linguistic affinity with Serbian, Gorani used the Serbian curriculum prior to 1999. Many continue to do so today, as there are several parallel schools operating throughout the region. Village of Dragaš or Brod, for example, have some of the few schools in post-1999 Kosovo where both systems operate under one roof.

[171] Author interview, Small business owner, North Mitrovica, 20 July 2016

Yet it is not the existence of the parallel system that is striking. Rather, it is the Kosovo system's provision of a curricular alternative in essentially the same language, removing one of the major barriers to using the Kosovo system faced by Serbs: the lack of schooling opportunities in Serbian. The Kosovo system has offered schooling to Gorani in Bosnian—virtually the same language as Serbian. Because Bosniaks (Bosnian Muslims) are a recognized minority in Kosovo, the Kosovo education system provides a Bosnian-language curriculum in Dragaš as an alternative to the Serbian parallel system, employing both Bosniak and Gorani teachers. The choice between the two systems is much more equal than in North Kosovo or the Serb-majority enclaves. But there are consequences. Going through the parallel system means getting a diploma that is not recognized by Kosovo. This may not be an issue in Mitrovica, a city close to Serbia proper where Serbian credentials are widely recognized. Yet the Gorani are as far away from Serbia as it is possible to get while staying in Kosovo. The closest city, Prizren, is an Albanian-majority center firmly within Pristina's orbit. Having unrecognized diplomas is a serious hindrance to gaining employment.

Despite the seemingly strong 'pull' towards the Kosovo system, many Gorani nevertheless choose the parallel schools. As one woman explained, this choice was not without friction. "The Albanians have a prejudice against the Gorani community–they say that you supported the Serbs during the war. I don't want to generalize and say that they hate us, but they don't like that we always choose Serbian institutions and language."[172] And the alternative on offer, she continued, was not as unproblematic as it may seem. "If we go to school in the Bosnian language, then we choose the Kosovo system. We need to identify ourselves as Bosnians, but we are not Bosnians. If we choose the Serbian system, we are still Gorani. In the Bosnian [Kosovo] system…. we see this as indirect assimilation." There

[172] Author interview, NGO employee, Mitrovica, 26 May 2017

is some justification for this. Bosniak politicians in Kosovo see the Gorani as merely a sub-category of Bosnian, just one that has not yet developed the appropriate "national consciousness" (Božić, 2010, p. 273). However, not all Gorani see education as a matter of national identity. Like Kosovo Serbs for much of the post-1999 period, *group solidarity* among the Gorani is low. State-sponsored repression is virtually absent. A substantial minority still opt for Kosovo's educational system, indicating a relative lack of strong social norms driving their decisions. Rather, the decision to choose the Serb system was framed in terms of *conviction.* "Personally, I feel closer to [the parallel system]," she continued, "because the Serbs think of the Gorani as their citizens, and they don't want to abandon them."

There are also serious *economic incentives* undergirding these decisions. Gorani teachers in the parallel system receive salaries and pensions that are three to four times higher than their colleagues who are paid by Kosovo's Ministry of Education. They also enjoy greater job security (Božić, 2010, p. 294). Integrating into the Kosovo system—even as 'Bosnians'—would put these benefits at risk. Parents also face important incentives. Those who oppose the Gorani use of Serbian education portray parents as being manipulated by self-interested teachers seeking to protect their own privileges (Božić, 2010, p. 294). Yet parents sending their children to the parallel schools receive free textbooks for primary and secondary education, a benefit not even enjoyed by Kosovo Serbs, who must spend around €60 on textbooks every year. Similarly, the quality of the materials is much higher than the poorly translated equivalents in Kosovo's Bosniak curriculum (OSCE, 2009, p. 4). Finally, parents receive a monthly allowance from Serbia for every child sent to a parallel school (Božić, 2010, p. 295). Beyond these short-term considerations, longer term calculations of 'opportunity' are also important. "Parents want their kids to go through the Serbian system," a Gorani woman explained. "Personally, I would always choose for my

kids to go through the Serbian system. Kids will have better opportunities though the Serbian system."[173] The 'opportunities' she refers to are not the ones on offer in the valley, Prizren, or even Pristina. Rather, they are in Serbia proper. 'Opportunity' in this sense is about maintaining an ability to stay connected with a larger Serbian job market and higher education sector, even if that means cutting oneself off from Kosovo's national economy. The consequence is steady out-migration. "People in my village have mostly left," she explained. "They mostly live in Belgrade now."

Conclusion

Decision-making in education for Serbs and other minorities in Kosovo since 1999 has differed significantly from what it involved for Albanians during the 1990s. Yet in terms of the basic characteristics undergirding the service, much remains the same. In terms of its socio-political nature, education is still seen as a fundamental element in fostering a Serbian national identity. Ensuring, for example, that the historiography of the medieval Serbian empire or the 19th century rise of the modern Serbian state continue to shape generations of Serbs remains a core function of education in Kosovo. And its technical characteristics are also the same: classes still allow a degree of visibility; students, parents, and teachers can *see* the parallel schools as a concrete commitment by Belgrade to Kosovo. Students can *see* their teachers and classmates during their lessons.

The core difference is the level of group solidarity. As this section has demonstrated, few Serbs or minorities in Kosovo face the conditions that engendered such high levels of cohesion during the 1990s. Instead of being a matter of 'survival' or a symbol of collective and principled resistance, education since 1999 is framed more as a 'lifeline' for

[173] Author interview, NGO employee, Mitrovica, 26 May 2017

a continued Serb presence in Kosovo, albeit a presence that exists 'beside' the formal Kosovo state rather than 'beneath' it. This intersection of education with lower group solidarity produced discernable choice outcomes. In the early period following the war, *security* was the key consideration for many Serbs. Students, teachers and professors were intimidated or assaulted in their former facilities, ensuring that most would either leave Kosovo altogether or relocate into Serb-majority enclaves. As security improved, new calculations took its place. On the one hand, the role of *incentives* was a powerful motivation. Not simply in terms of more money, though this was an important factor for many teachers. But incentives also mattered for 'opportunity'—a term that goes a long way in capturing a more consequentialist understanding of choice. Yet 'opportunity' has a somewhat paradoxical effect, if the purpose of parallel education is meant to keep Serbs in Kosovo. By committing to credentials that remain unrecognized in Kosovo, graduates from the parallel schools are also committing to moving to Serbia if they are to find work. On the other hand, however, many parents also see the role of parallel education as a matter of *conviction*—that our children ought to learn 'our' history. Yet the absence of social sanctioning for people who choose the Kosovo system illustrates that this remains a relatively 'free' choice. Education during periods of lower group solidarity is still imbued with national features, but, as this section has demonstrated, its importance remains a largely personal matter.

Chapter 7: Healthcare, 1999-2018

The 1999 war and violent aftermath transformed Kosovo's healthcare landscape. As with schools and universities, formerly Serb-run facilities were rapidly replaced by Albanian staff and patients, while their Serb counterparts fled north to Mitrovica or to Serbia proper. Yet unlike education, healthcare involved the inherent vulnerability of the patient-provider relationship. Patients needed to trust that staff would stay true to their Hippocratic oath. Their fear was justified; more than a few Albanian doctors saw an opportunity to take revenge. As one doctor said, before refusing to give painkillers to a Serb woman in need of stitches, "they treated us like dogs, now we treat them like dogs" (O'Neill, 2002, p. 67).

Fear, mistrust, and the pervasive insecurity and widespread violence that marked the early summer of 1999 drove the ethnic polarization of healthcare. At the end of the war in June the majority of staff and patients at Pristina's main hospital were Serb. By August, they were exclusively Albanian—virtually all Serbs at the hospital had fled. The next month saw Albanian staff and patients expelled from North Mitrovica's hospital. The Serbian-run parallel healthcare system developed to fill the resulting confidence gap. Neither 'side' trusted that the other could provide professional, objective treatment—particularly in the immediate post-war climate. As it became established, the parallel healthcare system began to fulfill multiple functions. Apart from relatively high-quality and accessible care, thousands of Kosovo Serbs depended on health clinics and hospitals for employment. Positions at the over-staffed facilities became a key tool for local political leaders to maintain loyalty.

Perhaps more than any other service, healthcare lived up to the 'lifeline' metaphor used by Kosovo Serbs to describe Serbia's maintenance of the parallel state. Many Serbs saw 'their' system as a tangible reminder of the benefits that Serbian citizenship entailed. Institutionally it provided jobs and a constant reminder of the superiority of Serbian public

services over Kosovo's dilapidated and corrupt system. On a more existential level, Serb-run facilities and staff offered a trustworthy alternative for people seeking life-saving treatment. Over the years decision-making in healthcare varied. In the early post-war days, the preeminent issue was *security*—particularly for emergency treatments. That Albanian-run hospitals could not be trusted became a rule of thumb, even if it meant travelling significant distances to reach a Serb-run facility. As the years passed and the security situation in the region improved, considerations of *quality* began to take precedence. Although rumours of organ harvesting and other forms of abuse perpetrated against Serb victims persist (Schmidle, 2013), most Serbs now justify their healthcare decisions in terms of the higher-level of care, cheaper access, or more professional training. Curiously, many Albanians make the same assessment of the Serb parallel system. Even though the high solidarity of the 1990s did not affect how Albanians interacted with healthcare in the same way that it did education or justice, today many decry the poor professional standards and widespread corruption of Kosovo's health system—a legacy, ironically, of the underground medical schools and clinics operated by the parallel state. A significant minority quietly opt to use the Serb-run parallel system instead.

The Rise of Parallel Healthcare

The immediate post-conflict healthcare situation in Kosovo was grim. 70 percent the region's healthcare infrastructure lay in ruins, their medical supplies looted (Physicians for Human Rights, 2009, p. 35). The population was also deeply traumatized. A survey of Albanian refugees in Macedonia and Albania during the 1999 war found that half of the respondents had seen their homes burned; 14 percent had witnessed Serbian soldiers or police killing people; and one-third reported that a member of the household had been subjected to violent acts, including rape, beatings, torture, and gunshot wounds (Physicians

for Human Rights, 2000). Another survey conducted shortly after the war found almost half the sampled population to be displaying symptoms of "nonspecific psychiatric morbidity" while 20 percent were suffering from Post-Traumatic Stress Disorder (Cardozo, Vergara, Agani, & Gotway, 2000). More worrying still, almost 90 percent of surveyed Albanians expressed "strong feelings of hatred" toward Serbs, while 35 percent of men and 23 percent of women admitted to "fantasizing all the time" about taking revenge against Serbs (Cardozo et al., 2000, p. 572).

It was not only the Albanian population suffering. A survey conducted four months after the war in Gnjilane, a Serb-majority enclave in eastern Kosovo, found that levels of psychiatric morbidity amongst the Serb population was of similar magnitude to those reported among Albanians. A reflection, the authors concluded, of "the hostile conditions, absence of hope for the future, fear of deportation, loss of assets and employment, and uncertainty about the whereabouts of family members" (Salama, Spiegal, Van Dyke, Phelps, & Wilkinson, 2000, p. 583). The same survey found that Serbs were avoiding the health facilities nearest to them because of a lack of confidence in Kosovo Albanians providing care (Salama et al., 2000, p. 582). Security concerns also meant that seeking treatment at 'safe'—i.e. Serb-run—secondary and tertiary healthcare was becoming both necessary and more difficult. Travel exposed Serbs to considerable risk and required protection. KFOR troops escorted ambulance services from enclaves until 2003, only to be reintroduced after the 2004 riots (Bloom, Hoxha, Sambunjak, & Sondorp, 2007). Escorts were gradually phased out once again shortly afterwards, once the security situation had improved. Yet even then few patients opted to use Albanian-run clinics.

The insecurity of the immediate post-war environment also affected Serb healthcare staff. Doctors and nurses reported feeling anxious when travelling in Kosovo. Many were frequent targets of violence. For example, in July 1999, 10 Serb physicians and nurses were

assaulted in a medical clinic outside of Pristina (S. Ramet, 2006, p. 542). The next month, a prominent Serb paediatrician was shot in his office while another was kidnapped, both from Pristina's central hospital. Others reported receiving physical threats or being driven from their offices by the large KLA presence at health facilities across Kosovo (Physicians for Human Rights, 2009, p. 37). Larger medical centres often ended up being 'managed' by former KLA fighters, few of whom tolerated a continued Serb presence.[174] By the end of August 1999, virtually all Serb physicians and patients had left Pristina hospital. Serb-run facilities across Kosovo also emptied as fearful staff and patients fled. They often ended up in Mitrovica, the Serb-majority beachhead then emerging out of the violent transfer of populations. Initially the city's health facilities appeared to be a beacon of multi-ethnic co-existence. Bernard Kouchner, the first SRSG, had called the city's hospital a "symbol of hope" in August 1999 because Albanian and Serb doctors had continued treating all patients throughout the summer regardless of ethnicity (UNMIK, 1999a). His optimism was premature. Only a month later Albanians were forced out, thanks mostly to "the belligerence of certain key doctors" who orchestrated a number of violent incidents and a blockade (UNMIK, 1999a).

One of the "certain key doctors" singled out was Marko Jaškić, a man then positioning himself as the main powerbroker in North Kosovo's political landscape. Along with his colleague, Milan Ivanovic, the two men were key figures in the Serb National Council (SNC), a political body closely aligned to Serbia's conservative-nationalist DSS party and often in competition with the CCK.[175] Mitrovica's hospital became central to their system of patronage. The facility is one of North Kosovo's few major employers. Staff are kept on renewable short-term contracts to ensure obedience. Former Bridgewatchers are

[174] Author interview, Mother Theresa Association nurse, Pristina, 20 July 2016
[175] When the DSS gained power in Serbia in 2004 it cut funding for the CCK and sacked its head, Nebosja Cović. The new government instead opted to fund parallel institutions through government ministries and effectively gave the SNC control over Belgrade's spending in north Kosovo (ICG, 2005, p. 10).

employed as security guards.[176] Ambulances have even been used to raise alarms across Mitrovica to ensure that crowds would gather to protest unauthorized actions by the UNMIK (ICG, 2011, p. 5). During the DSS government of 2004-2008, Serbian Prime Minister Kostunica gave Jaškić wide scope over appointments. Yet because of the Serbian Ministry of Health's inability to provide much supervision over where and how its funding for the parallel services in Kosovo was being spent, money was routinely misappropriated or went missing (OSCE, 2003, p. 36). Residents of North Mitrovica widely suspected that the hospital was central to the city's thriving black market and networks of organized crime (ICG, 2005, p. 16). Still, people supported Jaškić, the SNC, and the Bridgewatchers as the only ones willing to defend Kosovo Serbs.[177] For UNMIK the stakes were clear. As a 2002 media release put it:

> Mitrovica hospital is no longer just a hospital, but a potent political symbol embodying two starkly different visions for the future of Kosovo. The hospital, on the north side of the Ibar River, is a symbol of Serb sovereignty—a last barricade against the Albanisation of Kosovo. For many in the south the hospital is a painful reminder of the loss of the northern half of the city and a clear obstacle to the goal of reunification (quoted in Egleder, 2012, p. 122).

The connections to Serbia remained relatively consistent in North Kosovo after 1999. Milošević had continued funding Serbian institutions in the region and encouraged a hardline stance of non-cooperation with the international administration. South of the Ibar there was more of a rupture. For instance, Gračanica was now the home to thousands of Serbs expelled from Pristina. Its sleepy health clinic was incapable of providing sufficient treatments, meaning that until a new facility was built Serbs had to either visit a nearby Russian military hospital or travel outside Kosovo (Mertens, 2000). After the Milošević regime fell the new Serbian government reached an agreement with UNMIK: in exchange

[176] According to the OSCE (2003), Mitrovica hospital at one time had more Bridgewatchers on their security payroll than actual staff for the entire hospital.
[177] Author interviews; Lawyer, Washington DC, 17 May 2017; Students, Mitrovica, 27 May 2017

for encouraging Serbs to participate in Kosovo's elections, UNMIK would endorse the CCK opening offices south of the Ibar. These offices became the nuclei of the parallel healthcare system. In 2002, parallel authorities took over the recently built hospital in Gračanica. By the end of 2003, parallel healthcare had reached into enclaves across Kosovo (ICG, 2004, p. 7). Four years later, the OSCE counted over fifty parallel healthcare facilities in operation south of the Ibar River, ranging from relatively well-equipped hospitals in Štrpce and Gračanica to tiny one-room clinics scattered across the thinly populated micro-enclaves (OSCE, 2007b, p. 43).

Parallel Healthcare Today

The Serb parallel health system involves three levels. Primary care treatments are dispensed at the *ambulanta* (clinic), the lowest level. These clinics are the most numerous facilities available to Kosovo Serbs south of the Ibar. They are often staffed with only one doctor and a handful of nurses, and at times are located in private houses. Patients who require secondary or tertiary care are referred to Gračanica, Mitrovica, or Serbia proper. The secondary level is the 'health house' or polyclinic, which often support and manage the *ambulanta* clinics around them. These employ a much larger staff than the clinics and can handle a much broader range of treatments. Štrpce's health house, for instance, employs around 300 people to serve a population of around 9,000—a ratio of 1:30 that stands in sharp contrast to the Kosovo average of 1:291 (ESI, 2004; OSCE, 2003, p. 35). Finally, the tertiary level of healthcare comprises Mitrovica hospital, a large, well-equipped and over-staffed facility with around 1,600 employees—double what a hospital with its catchment area would normally require and one that costs the Serbian government €16.5 million per

annum (ICG, 2011, p. 5).[178] It is an advanced institution representing the pinnacle of the parallel system, equipped with multiple operating theatres that can handle anything outside of cardio- and neurosurgery. A smaller hospital in Gračanica provides support to the enclave population. Because the parallel system is integrated into the larger Serbian healthcare system, complex cases get referred to one of Serbia's four university clinical centers. Given the disproportionate number of healthcare workers in the North, resident doctors often travel to the Serb-majority enclaves around once per week to see patients. Doctors from Serbia proper also visit enclaves such as Gračanica to carry out operations (Prelec & Rashiti, 2015, p. 43).

There are serious economic incentives offered by working in the parallel system. After the war, Milošević introduced the "Kosovo supplement" *(kosovski dodatak)* as an incentive for Serbs working in public institutions to remain in Kosovo.[179] Salaries paid by the Serbian Ministry of Health are often at twice the amount that a healthcare worker with equal qualifications would receive in Serbia proper, and far higher than an equivalent salary paid by Kosovo's Ministry of Health (OSCE, 2007a, p. 49). Several clinics and health houses also have staff paid by the Kosovo healthcare budget, *on top* of their Serbian-provided salary. For example, Kosovo's budget provides funding for 225 salaries at North Mitrovica's Serb-run hospital. These are not extra positions; they represent 225 Serb staff receiving additional payments to their already-high Serbian-funded salaries (BIRN, 2014, p. 28). As with education, UNMIK and Pristina saw this as a matter of successfully integrating Serb employees onto Kosovo's state payroll. This is just what the Serbian government wanted to avoid. From 2005 Belgrade increasingly pressured parallel employees to renounce

[178] To put this in perspective, during the 1990s Mitrovica's hospital serviced a much larger area consisting of Kosovo and parts of neighbouring Serbia with only 670 staff (ESI, 2004).
[179] The legal act that established the supplement took the form of a government "recommendation" and appears never to have been published in the Serbian official gazette. This may explain why it is inconsistently applied. Not all officials receive the supplement. For those who do it varies between 40 and 100 percent of their base salary (ESI, 2004).

their Kosovo-system salaries, threatening the pensions and other benefits of non-compliers. This reduced, but did not eliminate, the number of Serb employees receiving salaries from both systems (OSCE, 2007a, p. 47).

Generous funding has contributed to a sense among Serbs that the parallel healthcare system is much more professional, efficient, and of higher quality than Kosovo's alternative. This assessment has some justification. While the Serbian government was offering double payments and more positions than necessary for its parallel system, UNMIK was pursuing a rapid healthcare reform program known as the "big bang" (Campbell, Percival, & Zwi, 2003, p. 179). It aimed to pull Kosovo's health system away from the previously centralized 'Semashko' model of polyclinics and health houses that privileged specialists over general physicians and towards a system based on primary care, with GPs as gatekeepers to specialist services (Burkle, 2010; Buwa & Vuori, 2007). The new level of primary care was targeted to address 80 to 90 percent of health problems (Physicians for Human Rights, 2009, p. 43). 'Co-payments' were introduced, partly as a strategy to control demand on the healthcare system, but also to help subsidize the state budget. Though small, these charges to patients presented a barrier to access, and were augmented by 'informal' payments for drugs or treatments that were ostensibly free of charge (Campbell et al., 2003).

Kosovo's healthcare system today is hobbled by corruption. 95 percent of Albanians continuously report buying healthcare services that should be provided free of charge, a practice that includes giving 'gifts' to providers (Percival & Sondorp, 2010). Compounding the matter is the proliferation of privately provided healthcare services. This is partly a legacy of the 1990s, when doctors dismissed from public hospitals responded by setting up their own practices. It was later consolidated in the post-war restructuring of healthcare delivery. The difference is that today doctors in public hospitals often *also* have

private practices where they offer similar services. The result can be a form of extortion. Patients needing surgery will be kept in public hospitals for interminable amounts of time with little information other than that the procedure will eventually take place. Of course, it could be arranged to happen immediately if the patient wished to go through the doctor's private practice.[180] Thanks to the ubiquity of 'informal' payments, an unregulated public/private divide, and widespread concerns over poor educational standards for medical professionals, Kosovo's health services are consistently rated the least trusted and most corrupt of any institution in the country (Bartlett, Bozikov, & Rechel, 2012; UNDP, 2015). Given the disparities between both systems in terms of perceptions of quality, use of end-user fees, levels of staff pay, and numbers of employee position, Kosovo's healthcare system can do little in the way of 'winning over' those who prefer the Serb system. Rather, it has focused on squeezing the parallel system where it can by refusing to allow medications and medical equipment that has not been cleared with Pristina to be imported into Kosovo. Given that Serbia's Ministry of Health is constitutionally barred from coordinating with Pristina—this would imply recognition of Kosovo, which according to Serbia's constitution is still an 'integral part of Serbia'—many health centres are at the mercy of the periodic impounding of supplies (B92, 2008, 2013).

Decision-Making and Healthcare

Given its technical characteristics of wide information asymmetries and individual-level treatment, we would predict little normative pressure to opt for one healthcare provider over another. This should be particularly the case under conditions of *low social solidarity* that mark the Serb parallel state. Instead, healthcare decision-making for Serbs in Kosovo has been motivated by a logic of consequences; choices based on expected

[180] Author interview, Mother Theresa Association nurse, Pristina, 20 July 2016

outcomes trump those based on a sense of duty. Where variation occurs is between whether choice is perceived as being free or constrained. This variation has taken place across two dimensions. The first is temporal, shifting from the insecure period after the war, when choices were based on issues of trust and *security*, to the relatively more secure period that replaced it. As people felt more secure, choices were increasingly justified in terms of quality or ease of access—broadly falling under the category of *economic incentives* in the theoretical framework. The second dimension is geographical. Serbs living in North Kosovo face a more restricted 'menu' of healthcare options than those living south of the Ibar.

In the weeks following the June 1999 withdrawal of Yugoslav forces from Kosovo, the overwhelming decision-making factor for Kosovo Serbs was their personal security. High levels of ethnically motivated attacks, forced relocations, hospitals and health centres taken over by the KLA, and widespread fear and mistrust of the newly Albanian-run institutions meant that Serbs who remained in Kosovo chose whatever Serb-provided healthcare they could. This entailed significant risks. A Serb Assistant Director of one enclave's health center recounted to Médecins du Monde shortly after the war that

> All our patients say they want to go to the Mitrovica hospital. I myself had two urgent cases, cases of life or death. The Norwegian KFOR wanted to take them to [the Albanian-run hospital in] Pristina. The patients were afraid, they said, 'for us it's the same thing, to die a natural death or to go to the Pristina hospital' (Médecins du Monde, 2000)

As one Serb woman explained to the same interviewers, fear was a major constraint:

> I myself have never been in an Albanian hospital. I have never heard of anyone who has tried to go to one. I'd never go myself because I'm afraid. And I think that the others [Serbs] would never go either, because they are afraid (Médecins du Monde, 2000)

In both instances, fear acted as a major 'push' factor away from Albanian-run facilities.

The choice to bypass the closest health facility in favour of a Serb-run facility came with obvious consequences. A group of Serb men injured in a drive-by shooting in Pristina chose not to go to the city's well-equipped and nearby hospital, but a Serb-run clinic 20km away. Thanks in part to the delay in receiving medical attention, one of the four victims died while another lost the use of his arm (Physicians for Human Rights, 2009, p. 38). Many Roma faced similar experiences. They faced discrimination and ill treatment from Albanian administered healthcare throughout Kosovo on the widespread view that they had 'collaborated' with the Milošević regime. The perception was that Serb-provided healthcare was the safer option, and one that was worth traveling for. One official from the OSCE gave an example from Gnjilane following the war:

> They are about 150 meters from the [ethnic Albanian] hospital, which is in the town, but they prefer to go 6 km to one of the Serbian enclaves for their health care. So again, in the case of emergencies, it can be very complicated. They are afraid to go to this hospital and they prefer to go to the Serbian enclave (Bloom et al., 2007, p. 433).

Gradually the security situation improved for Serbs. Violent population transfers were largely complete. North Kosovo settled into resembling an extension to Serbia. New clinics were built in the newly formed enclaves; locals no longer had to risk long trips to other Serb-run facilities. However, significant differences emerged across the Serb parallel state's geographical divide. People living north of the River Ibar perceived little real choice with healthcare. The Serb parallel system was virtually the only option, unless one purposefully traveled south—an option most respondents greeted with a mixture of incredulousness and derision. Rather than security concerns, justifications for using parallel healthcare—even if it is effectively the only game in town—revolves around matters of perceived quality and access. Serbian healthcare is free at the point of use, whereas Kosovo's system requires user payments. As one person from Zubin Potok explained, "why would I spend money to travel south, to pay for their fees, to be treated by doctors

with fake degrees, in a crumbling hospital? Nothing works over there. Things aren't perfect here, but at least things work. Doctors are trained, and the medicine they give is real. And it doesn't cost me anything. Why would I do anything different?" For him, the inherent superiority of the parallel system was beyond question, part of the reason that 'integrating' the two systems under the 2013 Brussels Agreement was seen as more of a threat than a way to resolve Kosovo's contested status. "It's crazy to ask me to integrate into that [Kosovo] system; it's like being asked to join a failed state—why would anyone do that?"[181]

For people living south of the river, the 'menu' of healthcare options between the two systems remains much more realistic than in the North. Many enclaves have limited healthcare capacity. Large enclaves like Štrpce and Gračanica have relatively well provisioned health centres, but for certain treatments patients must be referred to Mitrovica or to Serbia proper—a long drive that bypasses several Kosovo-run facilities on the way. For those who live close to a parallel facility the decision is easier. For example, many Roma prefer to travel from south Mitrovica or other areas in Kosovo to North Mitrovica's hospital for treatment.[182] One Roma man from North Mitrovica described how his extended family, straddling both sides of the River Ibar, frequently faces this choice thanks to his uncle's chronic condition:

> [My] uncle has diabetes, and he is living on the other side [of the River Ibar, in South Mitrovica], and when he needed to go to the doctor, he always comes to this side, because on this side there is a big hospital, a proper hospital, with better doctors. It's the doctors we know. They are Serbs, but we know them.[183]

The key justification for him and his uncle was trust, a perceived lack of capacity in Albanian-run facilities, and cost. "My uncle lives there, but he doesn't trust the [Albanian] doctors. They aren't good, and there are too many people in one room. Here it is good, not

[181] Author interview, local consultant, Mitrovica, 23 March 2016
[182] Author interview, NGO manager, Mitrovica, 20 July 2016
[183] Author interview, small business owner, Mitrovica, 7 June 2016

perfect, but good." Asked if he would ever consider going to the hospital south of the river, he laughed and shook his head. "Never. You have to pay to go there. Here, it is free for us. So, it's pretty simple."

For Kosovo Serbs living in rural enclaves with limited healthcare provision, the choice can be more difficult. In a micro-enclave close to the city of Klina, in central Kosovo, there is a one-room parallel health center to look after smaller issues. As one respondent there pointed out, "there is a private house here in the village with two people working there, both paid by Belgrade. It doesn't really fulfill all of our needs but it works."[184] If they need something more sophisticated than that, he continued, "we either go to the [Kosovo-run] hospital in Klina, or another [parallel] one in Osojan [a Serb enclave with a health centre 20km away], where they have Serb doctors." The decision came down to who people knew. "People who have connections with Albanians go to Klina, and people who don't have any connections with Albanians go to Osojan." Because he had some Albanian friends, he had visited the closer Klina hospital when he fell ill twice over the past years. But this was not entirely without incident. "When I went to see the doctor in the hospital in Klina," he recounted, "the first doctor I saw was female and she didn't accept me. The second one didn't either. But the third one did, and he was Albanian. The reason they said they couldn't see me was that 'we are not working anymore.' But the other doctor told me, 'do you know how many family members they lost during the war? They would surely not accept you.'" His experience illustrates how ethnic divisions can still result in discrimination against Serbs in Kosovo's healthcare system.

Others in the village displayed more inhibitions around the prospect of visiting a Kosovo-run health centre. For instance, one man spoke with pride about how when his wife fell ill in 2006, she was "one of the first people in our community to go to the

[184] Author interview, retired police officer, anonymized micro-enclave, 20 March 2016

[Kosovo-run] hospital in Peja," rather than make the journey to Mitrovica hospital as most would have done. But it wasn't without warnings from others in the community. "There were other Serbian people here who said don't go there [to the hospital in Peja], you'll get threatened. Specifically, they said that you'd get cut into pieces and brought to Serbia."[185]

The prospect of getting 'cut into pieces' taps into a more specific sense of paranoia that many Serbs feel about being in the hands of Albanian doctors. This is rooted in what is commonly known as the 'Yellow House' case—an alleged wartime story of kidnapped or imprisoned Serbs being sent across the border to a house in Albania to be killed and have their organs harvested for the black market (Schmidle, 2013). The 'Yellow House' was the subject of an international war-crimes investigation in 2004 that ultimately came to naught. The former Prosecutor at the International Criminal Tribunal for the Former Yugoslavia (ICTY), Carla del Ponte, then rekindled allegations in a book published in 2008. Two years later, Swiss politician Dick Marty released a report for the Council of Europe that seemed to back up many of del Ponte's allegations, along with highlighting the role of Kosovo politician and former KLA spokesman, Hashim Thaçi (P. Lewis, 2010). Whether the report is true or not is outside the scope of this work. Suffice to say that enough 'evidence' was available to blur the lines into conspiracy.[186] Much like how rumours of the alleged poisoning had flourished among Albanians during the 1990s, the 'Yellow House' works in a similar way for some Kosovo Serbs. Whatever its veracity, it acts as a shorthand for fears around the apparent inhumanity of 'the other side'.[187]

The main justifications used in healthcare decision-making relate more to quality and trust than fear based on rumour or suspicion. One healthcare employee explained that it was a matter of cost-benefit analysis. "If I asked you, why would you want to go to work

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[185] Author interview, farmer, anonymized micro-enclave, 20 March 2016
[186] For example, the head of the War Crimes Unit of EULEX in Kosovo has challenged the 'Marty Report' for a lack of evidence. See (Thrope, 2010).
[187] Author interview, Serb anthropologist, Pristina, 20 October 2015.

in a system that is worse than yours? And doctors [in the Kosovo system] work for only €120 [per month]. Look, we are all seeking a better life, so nobody here wants to do that."[188] Yet the quality of the parallel services went beyond providing its employees with a better life. "It is very dangerous for these services to integrate," another person explained, drawing on the 'lifeline' metaphor. "we consider them vital for those Serbs who remain, for the survival of the community. Those structures, they provide survival to people, their existence."[189] As another put it, "The Serbs want to save those institutions. If the Albanians take them, then everything is gone, just gone. Education and healthcare are the most fundamental. We don't trust the Albanians at all in this case." This lack of trust was compounded by the continuing tension over Pristina's unwillingness to recognize the Serbian parallel institutions on its territory. For example, Kosovo authorities periodically confiscate shipments that are posted to areas in Kosovo but maintain Serbia as the listed country. "We have a hospital in Gračanica, and Pristina is blocking the transport of medicine into this hospital because they are under the Serb system… it isn't good for the community."[190]

Prudence, trust, and quality are all important decision-making factors. But respondents also appealed to broader ideas of what the Serbian state *ought* to provide its citizens in Kosovo. For instance, a retired healthcare worker drew on ideas of citizenship and a sense of an implicit social contract when she described the role of Serb-run healthcare:

> These [Serbian-run] institutions are better for everything, for the whole standard of living. Hospitals and healthcare, they were the same before the war and they are the same now. Belgrade is still ensuring that Serbs [in Kosovo] get a good quality of life. My colleagues and I do not feel threatened, because I'm an old worker and it was the same guarantee from

[188] Author interview, retired healthcare worker, Mitrovica, 13 July 2016
[189] Author interview, local consultant, Mitrovica, 23 March 2016
[190] Author interview, NGO employee, Mitrovica, 29 June 2016

> Belgrade—that I'll stay in my job and have the same standards of labour, same pension, same everything.[191]

She then highlighted what, in her view, was a justification for Serbian jurisdiction over Kosovo. "Kosovo was Serbian for centuries, then the Albanians came, but they did nothing to improve the quality of healthcare or anything." It was by providing effective services, she thought, that a state could lay legitimate claim to a territory—something that the Kosovar Albanians had failed to do since gaining 'their' system. The comparison is interesting. Given the proximity in time to the Albanian 'parallel state' of the 1990s, many respondents explicitly compared the current situation to the one faced by Albanians before. As one retired medical laboratory manager explained, referring to the dismissals of Albanian healthcare staff as a strategy of their own doing instead of imposed upon them,

> Their boycott was unrealistic and unfair. Before [the 1990s] we all had the same rights. We had healthcare, pensions. I just didn't understand why they wanted to leave the system—just to keep it Albanian? There was never a case when Serbians were like 'okay get out of here, you can't work here.' They were never threatened. They had the same rights, the same salary… same everything.[192]

This account is vastly different to that of many Albanians, who report being both threatened and forcibly pushed out of work. More than anything it shows the social chasm that had opened between the two communities in the 1990s, marked as it was by mutual incomprehension and suspicion. In her experience, many Albanians had continued to use Serb-run hospitals since the war.

> I was working in the [North Mitrovica] hospital after 1999, and even then, Albanians were coming up here to go to the hospital. At a certain point I had to ask: 'why are you coming here and not in the south'. They said, 'they are not real doctors [south of the Ibar]; we don't have faith in them'. Doctors here were very open from the beginnings to accept Albanians, because they made the Hippocratic oath. They don't care about color or race.

[191] Author interview, retired healthcare worker, Mitrovica, 13 July 2016
[192] Author interview, retired healthcare worker, Mitrovica, 13 July 2016

She highlighted the costs that Albanians, in her view, now faced for breaking away from a more generous welfare system.

> They don't get the Serbian healthcare system: they don't get free medication. When they work in hospitals, they have all of these private clinics, which is the opposite of Serbia. And now 80% of Albanians won't have their pension because they won't have the right. They just privatized all the hospitals. Serbian pensions are like around €250 [per month], the regular ones, and the Kosovo ones are only €75 up to €100… their system isn't truly developed; it's a mess.

Many Albanians share her assessment of the poor state of Kosovo's healthcare system. There has been a small but steady number of Albanians seeking treatments at Serb-run facilities rather than through 'their own' system. For instance, in 2010 hospital staff in Mitrovica reported that 871 Albanians received treatment at the centre, and a further 587 who visited clinics in other areas of the North (ICG, 2011, p. 5). So long as they maintain a current Serbian social insurance number, Albanians face the same set of incentives to use the Serb-run alternative as Serbs: cost-free access at the point of use, high quality facilities, and—curiously—*trust* in the professional training of staff. "The problem with our system," one Albanian man explained, "was that we were more focused on resistance. So, the doctors we trained were not trained very well; how could they be? What mattered was that we were resisting. Today we have the consequences."[193] Part of these consequences was the perception that Albanian doctors and staff had received substandard training during their 'underground' education in the 1990s. As a result, some Albanians "quietly continue to see the Serb doctors who used to treat their families before the war", while others seek tertiary healthcare in Serbia proper (Bloom et al., 2007, p. 431). Even in the southern enclaves, Albanians are using the parallel system. In a village close to Štrpce, for example, an

[193] Author interview, Albanian academic, Pristina, 25 May 2017

Albanian respondent routinely chose the Serb-run facilities over an Albanian-run clinic. As she explained, quality and cost were important factors:

> The [Serb] doctors [in Štrpce] are better educated than Albanian doctors, and they have the check-ups for free, and also the medicine and pills that we need. They can get them for free, and they're safe. They really do a good job. My daughter had a sore throat and all the doctors took care of her, like maybe the Albanian doctors wouldn't have done… I feel they [Serb doctors] are safer than going to an Albanian doctor.[194]

Cases of Albanians using Serb-run healthcare are significant for several reasons. But perhaps most interesting is the lack of costs for 'defectors', either from among their own community as could be the case during the 1990s, or from the Serb doctors as staff treating them. Solidarity amongst Albanians is much lower today. The overriding threat provided by Milošević is gone; political, social and economic cleavages all divide people in ways largely absent twenty years ago. Yet being seen as "supporting" Serbian parallel structures would almost certainly carry some lingering sanctions. This is where the technical characteristics of healthcare play in people's favour. Accessing it remains a relatively discreet undertaking, one that is difficult for others to monitor in the same way that education is. For Albanians seeking cheap, good quality care, the ability to discreetly navigate alternatives and 'freely' choose the 'best' one may be an unintended benefit of the Serb parallel system.

As with education, Kosovo Serbs often referred to healthcare as a 'red-line' issue, by which they mean that tampering with the services—that is, integrating under Pristina—would be unacceptable under any circumstance. Yet a key aspect of the 'red-line' is the socio-economic impact that the services have on people by providing a generous source of employment and revenue. "Many people are employed in the [healthcare] sector," one respondent said.

> So, if you cut them and have people with no job, then you'll have people going to Serbia. A Serb can't find a job in Pristina. There are too many unemployed people there, so it is very

[194] Author interview, Štrpce region, 6 March 2016

> dangerous for these services to integrate. We consider them vital for those Serbs who remain, for the survival of the community here.[195]

To him this applied not only with individuals but the wider community. "Serbia funds 95 percent of the needs of Serbs in Kosovo," whereas "Kosovo is poor; it can hardly provide anything even to the majority [Albanian] community." Any hypothetical situation where Kosovo took over the provision of healthcare but maintained the level of resources that Serbia was spending was ridiculous. "It would be too expensive for Kosovo. Because it is very expensive: Serbia invests double just to keep people here. You know, this is kind of a strategic approach by Serbia to keep people here. But it is cheaper than having 100,000 displaced [Serbs from Kosovo] in the shelters [in Serbia]." Another respondent, highlighting the difference in quality, explained:

> The Serbian system that we have is just better; it's a fact. We have healthcare; we don't pay—we have health insurance that we don't pay for, so why would we integrate into Kosovo when you don't have to pay for anything [in the Serbian system]. Here you can get a prescription for medication, for everything, examination, you don't have to pay. The system is better; why should we integrate into a system inferior to our system?[196]

Again, the 'red-line' metaphor: "Willingly we will never integrate those two parts, healthcare and education, into Kosovo—forcefully maybe, but willingly never. You can ask anyone. Any Serb. If they integrate, that's when I'm leaving Kosovo. Why would anyone stay?"

Conclusion

The intersection of healthcare's characteristics with relatively low group solidarity produced a distinct set of choice outcomes for Serbs in Kosovo, outcomes that had much more in common with their Albanian predecessors than other services. Unlike education, the ways that people interact with healthcare is much more difficult to monitor. The

[195] Author interview, local consultant, Mitrovica, 23 March 2016
[196] Author interview, NGO employee, Mitrovica, 27 June 2016

patient-provider relationship is individual, not collective. Services are delivered irregularly in the privacy of a doctor's office or the relative anonymity of a hospital room as opposed to the predictable regularity of a classroom. And perhaps most importantly, the political salience of healthcare is manifestly different. Education is imbued with cultural, historical, and national connotations. Healthcare is much more transactional—factors of quality, trust, and effectiveness place decision-making firmly within a logic of consequences. Conviction and social norms play relatively little role. Ultimately, it was the service characteristics that influenced individual choice to the greatest degree.

But low group solidarity does not imply that solidarity was entirely absent. As with the Albanian parallel state of the 1990s, *psychological* solidarity had been evident through the wide ethnic distance between Serbs and Albanians. For instance, in the immediate aftermath of the 1999 conflict, fear of violence or death drove Kosovo Serbs and minorities to seek any remaining Serb-run healthcare in Kosovo as a rule of thumb, often in the face of significant costs to their health. The need for *security* was the most prominent factor, one that was compounded by a widespread mistrust and suspicion of an identifiable out-group, in this case Kosovo's Albanian-run healthcare that developed during the months after June 1999. Gradually, however, the overarching need for security eased in the years that followed. *Incentives* became more prominent. The most common justification Serb respondents had for their decision of healthcare provider focused, ostensibly, on issues of quality and capacity. What choice is there if the alternative is a 'mess,' staffed with ill-educated, poorly paid, and under-qualified doctors? Why pay for a system that has no comparative advantage to the one that is free, better equipped, and professional? However, the 'quality' account is important but not sufficient. Even when viewed on its own terms, quality can be reasonably expected to diminish rapidly in importance if accessing that quality means travelling for hours in a deteriorating condition.

Yet under the surface, 'quality' can also be seen as shorthand for 'legitimate'. The continued existence of the Serbian financed healthcare system on Kosovo's soil stakes an administrative-bureaucratic claim to a land seen—in the eyes of Kosovo Serbs—as rightfully Serbian. More than education or justice, healthcare is a public service based on expertise. It depends on well-qualified individuals, medications and treatments that are professionally certified and approved, and all taking place in sanitary facilities with sophisticated, expensive equipment. The *ability* and *capacity* of a state to provide a public service to a population that reaches these standards gives it a 'right' to govern(Krasner & Risse, 2014)(Krasner & Risse, 2014)(Krasner & Risse, 2014), what scholars call "output legitimacy"—at least in the eyes of many Serbs (Scharpf, 1999). Kosovo's quasi-privatized, poorly regulated and financed health care system epitomizes the consequences of allowing such a dismally performing system to take root. The Serbian government enthusiastically backs this notion. Despite the double salaries and artificial employment inherent in the parallel healthcare system, as long as the alternative is so much worse the investment is worth it.

Chapter 8: Justice, 1999-2018

A few years ago, an unhappy marriage came to an end in Gračanica. A dispute erupted over custody: should the couple's only child live with his mother or his father? Both parents vigorously pursued the case through the civil court system. The allegations were serious. The mother claimed she had experienced domestic abuse at the hands of her estranged husband. The father alleged that his former wife was an irresponsible mother incapable of raising their child. Like custody battles the world over, the proceedings have been bitter and acrimonious. But there is a key difference. In this case there is a distinct possibility that *both* parties might win.

The reason is that the mother has opted to pursue the case through the parallel Serbian court system while the father has used Kosovo's civil courts. The crux came down to a key detail. The mother had once fainted while holding their child, resulting in light injuries to both. The reason she claimed was because of medication she had been using to treat post-partum depression. There was medical paperwork to prove it: prescriptions issued by her doctor; a record of treatment for injuries sustained after her fall. Perhaps most damning of all were the pictures taken at the hospital of her bruises, the result—she claimed—of her husband's abuse. It was compelling evidence, save for one crucial factor. All the documents were issued by Gračanica's parallel hospital. "They aren't relevant in the Kosovo system," a man familiar with the case explained. "If those documents say 'Republic of Serbia' on them they are useless in Kosovo, and her husband knows it".[197] Excluding the medical documents benefits the father's custody case in the Kosovo system; including them benefits the mother's case in the Serbian system. That both may win in their respective systems is illustrative of the complex reality of overlapping justice in Kosovo.

[197] Author interview, Gračanica, 30 May 2017

Justice is the service most linked to the issue of sovereignty that remains at the heart of the Kosovo conflict. Other parallel services like healthcare and education are even permitted under Kosovo's constitution—provided they be coordinated with Pristina, which they currently are not. Justice, however, is a threat to Kosovo's integrity that represents more than the sum of its parts. For the international administration, public order and internal security were crucial metrics through which the success of the mission would be evaluated. The establishment of a post-war police service was meant to be a symbol of a new, democratic Kosovo governed by a commitment to human rights, while a refurbished court system was the embodiment of UNMIK's claim to have established the rule of law according to principles of non-discrimination and ethnic integration. For Belgrade, these new institutions were a symbol of foreign domination on Serbian territory. Maintaining its police and courts sent a message to both local Serbs and international administrators that Serbia had not abandoned Kosovo. After 2008, UNMIK yielded its authority to an EU rule of law mission and Pristina. Meanwhile, Kosovo's newly independent police and court system became a barometer of the new state's territorial authority: patchy but tolerated in the Serb enclaves south of the Ibar; absent in the North.

Despite the headway made after the 2013 Brussels Agreement both systems today follow a policy of mutual non-recognition. For civil cases—like the custody case above—this has allowed a significant degree of choice between the two systems. On the one hand, individuals seeking legal resolutions go "forum shopping"—seeking the venue they see as being in their best interest. On the other hand, each competing justice system is also "shopping" to a degree, by actively seeking disputants as a way to acquire or maintain relevance, or to gain political advantage (von Benda-Beckman, 1981). Criminal cases are different. Consent plays less of a role, and the presumption of state authority is more prominent. The prospect of Kosovo Serbs being arrested by Serbian plainclothes police

and tried by Serbian law for crimes committed in Kosovo present a direct challenge to Pristina's authority. Compounding the matter are fears that Serbian courts suffer from partiality and political decision-making. Yet the lenience with which Kosovo courts have treated Albanians suspected of war crimes has done little to persuade Serbs that Pristina's justice system is free of ethnic favoritism, either.

This section proceeds in the following way. First, it outlines the rise of the Serb parallel justice system in Kosovo. This did not take place in a vacuum, but alongside the internationally led reconstruction of Kosovo's courts and police. The shifting balance of power between the two systems over the years has had important consequences for the range of realistic options people had to pursue dispute resolution. Second, it highlights the key distinction in decision-making in the Serb parallel system between *civil* and *criminal* cases. Where the former has developed significant capacity and offers individuals a real, albeit constrained alternative, the latter was more a symbol than an everyday alternative. As a result, the capacity of the parallel courts to prosecute criminal cases never developed to the same degree and has diminished markedly since the Brussels Agreement.

I argue that justice in the Serb parallel state's civil courts approximates a 'pragmatic service', one that involves decision-making closer to the 'economic incentives' end of our heuristic. Like the technical characteristics of healthcare, justice tends to be individually oriented, episodic, less visible, and involves the opportunity to exit with relatively low cost. Yet unlike healthcare, it rarely involves the same information asymmetries. This gives much more agency to people on the receiving end to pursue cases in the forum best suited to their circumstances, whether that be the Kosovo system or the Serb parallel system. Criminal cases, in contrast, may tap into much more salient political characteristics than civil cases do, particularly if the matter at hand can be mapped onto broader ethnic divisions. For instance, the 1990s bloodfeud reconciliation movement was an example of an

aspect of criminal justice being re-cast as a highly politicized national service, replete with severe sanctions for defectors, high visibility, and powerful social norms to motivate behaviour. Yet the same has not occurred in the period after 1999. Unlike the 1990s, the intersection of group solidarity with the characteristics of criminal justice has been qualitatively different. Solidarity has been much lower, and there was no traditional practice of collective reconciliation available to be politicized and thrust into a symbol of national unity. The result for many Serbs is an unpalatable scope of options. For criminal issues, many see themselves as caught between the 'rock' of Kosovo's biased court system, and the 'hard place' of weak Serbian capacity.

The Rise of Parallel Justice

Like the staff at both the university and hospitals, Kosovo's justice institutions during the Milošević era were an almost entirely Serb-dominated affair. When Serbs fled in the chaotic summer of 1999 they took their institutions with them—not just their judges, lawyers, and administrative staff, but also troves of legal documents such as the property cadastral records and the records of births, deaths, marriages, and divorces (Baylis, 2007). Anything immovable was ransacked: "court buildings looked as if a plague of heavily armed locusts had swept through, scouring the grounds for anything valuable and leaving broken windows and ripped out electrical sockets in their wake" (O'Neill, 2002, p. 75). Higher level district courts resettled in Serbia proper. In southern cities like Niš and Kraljevo they continued to assert jurisdictional competence over Kosovo while safely beyond the reach of KFOR or UNMIK (OSCE, 2003). Once Serb-majority areas north of the Ibar River and the enclaves to the south had consolidated, lower level municipal courts then re-emerged as a parallel service. Much like the parallel healthcare system, the parallel justice system was more an institutional continuation—albeit punctuated by war—than an *ex nihilo* creation.

Like the judiciary the Serbian police also evaporated; the Albanian population widely reviled and feared them—much more than even the military, which still had a nostalgic element of Yugoslavism and familiarity to it (Pettifer, 2012, p. 85). Like the judiciary, parallel police services soon re-established themselves in Serb-majority areas of Kosovo. To avoid unnecessarily antagonizing KFOR, Serbian Ministry of Interior (MUP) Police officers kept a low profile, adopted plainclothes, and were largely unable to carry out any enforcement activities—though in the early years they had periodically bundled suspects across to border to district courts in Serbia proper (OSCE, 2003, p. 14). Their ambiguous role was limited to reporting on the activities of suspected criminals to their superiors in Serbia proper.[198] With the establishment of the Kosovo Police Service, several MUP officers even joined the new service, all while keeping their links to the MUP (OSCE, 2003, p. 13). In 2005, an estimated 70 MUP officers were stationed in Mitrovica alone, vastly outnumbering the 10 remaining international police officers and about matching the local KPS detachment (ICG, 2005, p. 26). In the early 2000s around 40 percent of criminal complaints were going through Mitrovica's MUP, alongside more banal tasks like processing passport applications and driving licences. Because MUP officers filtered complaints to decide which ones to forward onto UNMIK or the KPS, the figure was likely even higher (ICG, 2005). The MUP presence continued until the 2013 Brussels Agreement. From a total ranging between 200 to 360 officers in Kosovo[199] numbers have since dropped considerably (BIRN, 2014, p. 34; ICG, 2011).

Alongside Serbia's MUP stood an indigenous Kosovo Serb organization called the Bridgewatchers. These groups of men gathered at crossings of the Ibar River during the summer of 1999 to prevent Albanians from returning to their homes in North Mitrovica

[198] Author interview, Local employee in international organization, Štrpce, 25 November 2015
[199] Author interview, International consultant, Pristina, 29 May 2017

and to 'protect' Serbs who had fled to the city. As the Bridgewatchers became more organized they adopted two additional functions: monitoring the activities of KFOR and the UNMIK police; and gathering information on the few Albanians who remained in the North (OSCE, 2003, p. 12). By the end of 1999 the group had become a de facto security, paramilitary, and policing service equipped with radios and an organized chain of command. Their wages came through a variety of sources. The Serbian Ministry of Health paid hundreds of them as 'security' via Mitrovica hospital's inflated budget (OSCE, 2003). The MUP were also suspected of keeping a number of Bridgewatchers on its payroll for "state security" purposes (ICG, 2002c). Other sources of income were 'voluntary' donations, such as the routinely solicited 'protection' fees from local shops or the proceeds from apartments that had been seized from fleeing Albanians. To de-legitimize the group, UNMIK referred only to the "so-called bridge gang", while international media reports often saw them as little more than criminalized thugs (UN, 2002, p. 5). Yet they maintained a stubbornly persistent popularity in the North. Attempts by UNMIK police to detain Bridgewatchers often led to demonstrations or riots in Mitrovica (Popham, 2008).

Importantly—and in sharp contrast to the Albanian parallel justice system during the 1990s—the Bridgewatchers came to resemble an enforcement agency of North Kosovo's parallel system during their early years, though one more concerned with the political orientation of local Serbs than with enforcing judgements handed down by the parallel courts. Any Serb seen as overly friendly to UNMIK or KFOR would receive thinly veiled threats at first. Later these threats could escalate. Intimidation, assault, or using bombs to destroy vehicles or other property were all tactics associated with failure to 'toe the line'—the 'line' being widely seen as drawn by Belgrade (Gusic, 2017, p. 192; Matveeva & Paes, 2003, pp. 38–39).

The political of the Bridgewatchers has sharply diminished over the years. Today their presence is primarily felt in the criminal underworld. One recent example comes, curiously, from their former leader, Oliver Ivanovic. After leveraging his role in the Bridgewatchers to launch his own political career, Ivanovic unexpectedly went on to become a constant thorn in Belgrade's side given his pragmatic approach to Pristina, a willingness to accept Kosovo's independence, and his inability to be controlled by the Serbian government. In January 2018, Ivanovic was assassinated outside his party headquarters in Mitrovica. Shortly before his death Ivanovic had alluded to the "dark rule" of "informal centres of power" in North Kosovo, implicating many of his former Bridgewatchers in the process (Radonjic & Andric, 2018). "Fear is pervasive in Mitrovica," he said. "[N]ot of Albanians anymore but of Serbs, local criminals who ride around in SUVs without license plates. Drugs are sold on every corner. And the police only watch. It is obvious that they are afraid of the perpetrators or the perpetrators are part of the security structures themselves" (Joseph, 2018). These criminal elements are undoubtedly intimidating. However, their primary interest is not the enforcement of group solidarity amongst Serbs, but rather maintaining their interests in Kosovo's illicit economy, interests which tend to involve significant inter-ethnic *cooperation* with their Albanian counterparts (Carvajal, 2011).

Rebuilding Kosovo's Justice System: The Judiciary

Just as the Serb parallel institutions were taking shape, Kosovo was having an entirely new judicial system created. KFOR had stepped into a void of law and order in the summer of 1999. Revenge attacks were carried out with impunity, while any vestige of law enforcement had collapsed. KFOR was charged with providing security, but low troop numbers made it hesitant to engage wholeheartedly in policing—a matter it saw as best left

to civilians (I. King & Mason, 2006, p. 54). It was even warier of acting as a stand-in judiciary (Strohmeyer, 2001). Yet UNMIK was unprepared to deal with the judicial void. New judges, lawyers, and administrative staff needed to be recruited for a system that had been eviscerated during the war (Caplan, 2005b, p. 61). But unlike the provision of security, there was ambiguity around whether internationals should replace locals. UNMIK was sensitive that too many international judges would leave it open to charges of neo-imperialism, especially since the SRSG already held executive and legislative power (I. King & Mason, 2006, p. 63). UNMIK appointed 55 local judges and prosecutors instead. Questions of ethnic bias and intimidation were played down while local capacity was played up. As one senior UN diplomat put it, "This is not the Congo, you know" (Chesterman, 2004, p. 167). But it quickly became clear that local capacity was missing. Albanians who had worked in the formal legal system during the 1990s were shunned as collaborators, meaning that the pool of experienced staff had not worked since 1989. Kosovo Serbs were unwilling or afraid to take their positions; one recently hired judge had been evicted from his apartment and threatened with death if he returned (ICG, 2002a, p. 4). The result was a mono-ethnic Albanian judiciary that lacked equipment and experience.[200]

The new judiciary immediately faced a crisis. Which law should apply to Kosovo? UNMIK's first regulation stipulated that the law of the land would be the same was in place on the day before to start of the NATO campaign (UNMIK, 1999b). This caused an uproar among the Albanian judiciary. They insisted on applying the Kosovo Criminal Code and other provincial laws dating back to March 1989, asserting that because Belgrade had illegally revoked them, they were still legitimate. UNMIK backed down in December 1999. The law that had been in effect on 22 March 1989—the day before Kosovo's autonomy

[200] Local judges were eventually supplemented with international counterparts. After serious riots broke out in Mitrovica in February 2000, SRSG Bernard Kouchner assigned international judges and prosecutors to work in conjunction with the local judiciary as an effort to address the perceived ethnic bias in the application of the law (Hartmann, 2003; Wilson, 2006, p. 162).

was revoked—would be the new legal framework. It may have been a prudent compromise, but it lowered hopes that Serb judges would return to a UN administration that was seen as overly partial to Albanian political concerns (Chesterman, 2004, p. 166). Meanwhile, concerns over bias were almost immediately justified. Albanian judges routinely convicted Serb defendants on flimsy evidence while Albanians caught red-handed were routinely released. KLA veterans in particular could carry out crimes with brazen impunity (O'Neill, 2002, pp. 84–88). Judicial bias was not only a matter of co-ethnic favoritism. Both KFOR and UNMIK worried that prosecuting ex-KLA could endanger the stability of the mission and put the lives of their staff at risk (I. King & Mason, 2006, pp. 59–61). Their unwillingness to confront the organization sent a clear signal to both Serbs and Albanians that Kosovo's new strongmen were beyond the law.

Building a new judicial system from scratch took time. In the meantime, Serbian courts were the only ones available, whether they were in Kosovo or had been moved to Serbia proper. These courts carried out the full range of competencies they held prior to UNMIK's arrival: criminal and civil cases, including family matters, all manner of litigation, and—significantly—the affirmation of contracts for the sale of property (Baylis, 2007, p. 12). At this point there was little choice available. Both Serbs and Albanians had to use the parallel courts. The balance between the Serbian and Kosovo systems shifted as UNMIK courts were established. In the southern enclaves, Serb courts were relegated to private homes or offices as UNMIK took over the formal court buildings. In the northern municipalities, where courts were more of a symbolic point of contention, UNMIK failed to establish itself until the end of 2002. Thanks to the Bridgewatchers, who excelled at rapidly mobilizing large crowds of protesters, efforts to do so sparked riots (ICG, 2002c). Even when it managed to open a court building, getting Serb judges and prosecutors to transfer across to UNMIK was difficult. Serbian positions offered significantly better

salaries and benefits, but social pressure not to cooperate with UNMIK also played a role (OSCE, 2007a, p. 20). A 2005 survey showed that UNMIK had yet to make much of an impact amongst Kosovo Serbs. 80 percent said they followed Serbian law, not Kosovo law. This was especially the case for matters internal to the Serb community, such as contracts, marriages, and litigation in which both parties were Serb. 41 percent reported that they "do not recognize the UNMIK courts in Kosovo" (Baylis, 2007, p. 15).

Rebuilding Kosovo's Justice System: The Police

UNMIK's efforts to re-establish a police presence got off to an equally shaky start as with the judiciary. The first priority was the establishment of a contingent of international police, called CIVPOL. This would allow time for the gradual establishment of an indigenous police force called the Kosovo Police Service (KPS) (Dugolli & Peci, 2005). Yet the international effort was agonizingly slow. A full year after the war ended the international police force had only reached 77 percent of its authorized strength (UN, 2000, p. 22). Those who showed up were often ill-prepared for the task and were being posted to Pristina at the expense of the rest of Kosovo. By mid-September 1999, 500 CIVPOL officers were stationed in Pristina, but only 49 were sent to North Mitrovica—all to watch over some 12,000 Serbs (The Independent International Commission on Kosovo, 2000, p. 110). By the fall of 1999, the editor of the Albanian daily *Koha Ditore* asked, "Why can NATO bring in 30,000 troops while the UN cannot bring 1,000 policemen?" (The Independent International Commission on Kosovo, 2000, p. 110).

In contrast to CIVPOL's missteps, the KPS was an early success story of the international administration. The service that took shape only months after the war was remarkably multi-ethnic. The OSCE, the lead organization for UNMIK's institution building pillar, aimed for a minority participation rate of 15 percent. By 2002, they had

attained a rate of 17 percent, thanks in part to an intensive outreach campaign targeted minority enclaves (O'Neill, 2002, p. 112). Despite a limited backlash in North Kosovo against Serbs "collaborating" with UNMIK and the Albanians, the prospect of a "secure job with decent pay" attracted several applicants.[201] Those who were afraid to travel to the new police academy in Vushtrri, by now a completely Albanian town, received KFOR escorts. Once they arrived, all the trainings were unsegregated. The first 200 graduates of the four-week KPS program finished in September 1999 (S. Ramet, 2006, p. 539). By 2001, over 4,000 candidates had completed training and were conducting patrols in tandem with CIVPOL mentors. Despite the multi-ethnic representation and training program, the KPS was not in practice a multi-ethnic police force. Assignments were strictly done according to ethnic identity—Albanians police Albanian areas; Serbs police the enclaves and north of the Ibar.

The March Riots in 2004 dispelled some of the optimism surrounding the KPS. Coordination between the service and KFOR and CIVPOL broke down entirely and over 100 officers were charged with misconduct—many for taking part in the riots themselves (ICG, 2004). A more serious rupture occurred with Kosovo's declaration of independence in 2008. Encouraged by Belgrade, Serb police officers across Kosovo refused to accept Pristina's authority over the KPS (Robinson, 2008a). Hundreds boycotted in the southern enclaves while in the North officers refused to report to Pristina. Dissenting officers were promptly suspended from duty, only to be presented with contracts and salaries by Serbia's MUP (Dursun-Ozkanca & Crossley-Frolick, 2012, p. 247). However, Serbian elections in May 2008 saw the hardline DSS replaced by a pro-EU DS coalition government more skeptical of Serbian profligacy in Kosovo. International pressure on Belgrade by the EU

[201] Author interview, Local employee in international organization, Štrpce, 25 November 2015

bore fruit; MUP contracts were cancelled, and by the end of 2009 the vast majority of Serb officers had returned to their posts in the KPS (ICG, 2010).

Since the Brussels Agreement the Kosovo Police has again been lauded as one of the most successful institutions due to its success in recruiting ethnic minorities, avoiding corruption, and relative effectiveness and honesty compared to neighbouring counterparts in the region (Dursun-Ozkanca & Crossley-Frolick, 2012). Serbia's withdrawal of the MUP from Kosovo has also limited the alternatives. By July 2013, all nine MUP offices that had operated in Kosovo had closed. By May 2014, 285 former MUP officers had integrated into the Kosovo Police, bringing Serb representation in the force to 12.6 percent, notably more than the estimated 7.8 percent that Serbs make up in Kosovo's total population (BIRN, 2014, pp. 34–35; ECMI, 2013b). Because police reflect local populations, the incidence of ethnically motivated police harassment is relatively rare. Few Serbs report the sense of fear that defined the Albanian experience of the 1990s—at least in the areas where they live. Serbs travelling in Albanian-majority areas of Kosovo or living in Pristina continue to report feeling uncomfortable when dealing with the authorities.[202] Yet gaining the trust of Serbs remains an issue for the KPS. Prior to the thawing of relations in 2013, fewer than 10 percent of Serbs in North Mitrovica reported trusting the Kosovo Police, although virtually all the police they encounter are ethnic Serbs. In contrast, 84 percent of Albanian residents in South Mitrovica had trust in the institution. Only 3.4 percent of Serbs saw it as their main source of security (ICG, 2011).

The Parallel Justice System Today

The extent to which the parallel justice system has been successful in providing its services varies from the small, isolated micro enclaves south of the Ibar to the well-

[202] Author interviews, NGO employees, Pristina (20 Oct 2015) and Mitrovica (16 Nov 2015)

established institutions in the North. Neither the MUP nor the Serbian courts have had any concrete enforcement capacity in post-war Kosovo. Since the Brussels Agreement, both institutions have been scaled back. Instances of criminal cases being heard in parallel courts are few; those that do mostly occur in Serbia proper (Baylis, 2007, p. 54). Yet judgments are valid and enforceable across the border in Serbia and may also impact individuals living in Kosovo if they are either employed by Serbian institutions—such as healthcare, education, or municipal offices—or are receiving Serbian social welfare payments.

Kosovo Serbs now have the option of approaching a court run by the European Union's Rule of Law mission in Kosovo (EULEX). EULEX judges and prosecutors have jurisdiction over a trickle of high profile war crimes, organized crime, or politically sensitive corruption cases (ICG, 2011, p. 19). However, the larger number of 'normal' criminal cases does not fall under EULEX's remit. Because the Serbian system's criminal courts have been largely disbanded, this means that in the present interregnum there are no functioning criminal courts in the North. Adding to the deficit in capacity, EULEX suffers from a serious deficit in trust among local Serbs. According to one recent poll, only 6.5 percent of respondents expressed trust in the mission (Jovic & Nesovic, 2015, p. 29). Perceived bias appears to play a large role. Many Serbs see international organizations in Kosovo as favoring the Albanians, particularly in prosecuting war crimes. As one man explained, "People here think EULEX is only helping the Albanians."[203] Another said, "I would not call EULEX if I had a problem. I would call the Kosovo police. Or when there were Serbian Police, I would call them. I think there is more trust because there are people you know working there, rather than internationals."[204]

[203] Author interview, Mitrovica, 29 June 2016
[204] Author interview, Mitrovica, 27 June 2016

This perception is reinforced by a continued lack of Serb representation in Kosovo's judiciary. Only about 5% of the lawyers registered under the Kosovo Bar Association are from non-Albanian communities (ICJ, 2016). This gap will probably widen. There are few lawyers and law students in the Kosovo system who speak Serbian because of the non-recognition by Kosovo of diplomas issued by the 'parallel' university in Mitrovica and a reciprocal non-recognition of Kosovo universities in North Kosovo and Serbia. As a student in Mitrovica recalled, "I talked to a friend who is studying law and asked her, 'So what are you going to do about work?' And she said, 'I'm going to work here'. And I was like, 'How?' We won't have a Serbian legal system anymore and you're going into a Serbian [legal] education. She doesn't have an answer; she doesn't know what's going to happen."[205] As for the court, following Kosovo's 2008 declaration of independence, riots forced Kosovo's district and municipal courts in North Mitrovica to move to the city of Vushtrri, some 14km south of Mitrovica, where it operates out of a single seven-square-meter office space: nine judges and administrative staff are squeezed into a space with no room for case files (OSCE, 2010, p. 10). The new location presents an additional constraint for Serbs. They must travel into "Albanian Kosovo" to reach the court. Many fear being overheard speaking Serbian as they walk to the entrance.[206]

Despite elements of two overlapping justice systems, North Kosovo is often referred to by the Kosovo government as an 'anarchic' space—with the implication that the dismantling of the parallel system is a necessary condition before the Kosovo state might provide order (Aliu, 2011). Residents also point to a perceived gap in the rule of law in the North. As one respondent explained, "for 15 years there has been a void in the legal

[205] Author interview, Student, Mitrovica, 27 June 2016
[206] Author interview, International consultant, Washington DC, 22 May 2017

framework, in the rule of law. Some people say that it is a black hole in the North." And yet, he continued, this did not necessarily equate to anarchy.

> You don't have any legal framework to tell someone that they can't build a hotel in the middle of the square. There is no police or judge that will say you can't do this. But yet again that is not happening. People are not throwing trash out of their windows. It is a self-policing system. Not only am I not locking my car at night; I'm not even locking my house. And I still live in a safer environment, void of any legal framework, and I feel much safer than people in the south [of Kosovo].[207]

In his view, many of the disputes that people needed to resolve were being done quietly and informally. "There are disputes over property, over many issues, and you don't have a legal framework that you will pursue through the courts, or as a plaintiff or defendant; you see the resolution of the issues at a very pragmatic level." Still, he found the informal system to be effective. "Sometimes it is severe, even [resulting in] deaths. But it is not so much as the statistical error of what you see in Kosovo [as a whole]. You see all the data saying that there is all this violence in the North, but it is far less than in Gjakova or Pristina."

Decision Making in Justice

As with healthcare, fear and the need for *security* motivated justice-related decision-making following the war. Few residents of the newly formed Serb-majority enclaves south of the Ibar cared to risk traveling beyond the protection of KFOR. Some still recalled gruesome cases of people being murdered simply for speaking Serbian on the street (Bird, 1999b). Access remained a constraint even after UNMIK courts had been established in all of Kosovo's districts. Unless courts were physically located in the enclave itself, few Serbs bothered to approach what was still an unfamiliar and distant institution. UNMIK's difficulties in hiring Serb staff—often for the same security concerns—meant linguistic and

[207] Author interview, local consultant, Mitrovica, 9 March 2016

cultural barriers only increased the constraints on access. These constraints also applied to Albanians; few will travel into Serb enclaves or to Mitrovica for the same reasons. Albanians only used Serbian courts for issues that UNMIK could not do, such as if a case depended on cadastral records held by Serbian authorities (OSCE, 2003, p. 18). A small cottage industry soon sprang up. Albanians afraid of traveling to Serbian courts for required documents could pay resident Serbs to do it for them.[208]

As the years past and security improved, *incentives* began to gain greater traction. Serb judges and prosecutors were still being paid much more than comparative courts in Serbia as an inducement to stay in Kosovo. But in 2002, UNMIK reached an agreement with Belgrade whereby Serb judges who transferred across to UNMIK could keep their Serbian state pensions (Baylis, 2007, p. 21). This improved both the ethnic representation and geographic reach of UNMIK courts, making access less of an issue for Serbs. People began navigating between the two systems based on what they required. UNMIK courts were functioning within Kosovo, meaning that Kosovars of any ethnicity could technically accomplish any legal or bureaucratic task that needed enforcing *inside* Kosovo. This included seeking a civil judgement, a divorce, taking part in a criminal trial, or gaining UNMIK travel documents and license plates (Baylis, 2007, p. 16).

However, these judgements or documents were not always effective *outside* Kosovo. Serbia's refusal to recognize UNMIK court decisions meant approaching the Serb parallel courts was necessary in order to enforce a civil judgement against a Serbian defendant; drive one's car in some neighbouring states; have a property sale, divorce, or inheritance recognized in Serbia; get a Serbian 10-year passport recognized by all states rather than UNMIK's two-year 'travel document'; or to have a criminal conviction or acquittal recognized as final in Serbia (ICJ, 2016; OSCE, 2003). The only way for any resident of

[208] Author interview, International consultant, Washington DC, 22 May 2017

Kosovo—whether Albanian or Serb—to have their judgement or document recognized everywhere was to pursue the matter through *both* systems. Not only is the 'menu' of options much less binary or mutually exclusive than it is in other services, but there are real incentives to pursue legal duplication.

However, the menu of options has also varied geographically. For Serbs north of the Ibar it has fluctuated. By 2003 the OSCE reported that parallel courts were no longer hearing criminal cases (OSCE, 2003, p. 20). Then in March 2008, Serbs protesting Kosovo's declaration of independence forcefully seized the North Mitrovica's courthouse to block Kosovo from exercising its jurisdiction. Since then, there has been no effective criminal justice system in operation in North Kosovo; the only barrier to crime is community pressure (ICG, 2011). Civil cases, however, continue to be heard in both parallel and formal courts. The distinction between the two is important. Much of the substance of civil and family law relates to private business and personal disputes. Because of the separation of Serb and Albanian communities, few of these civil cases cross ethnic lines. In contrast, criminal judgements, when they occurred, and sensitive civil issues like property disputes touch upon some of the key catalysts of the conflict, such as inter-ethnic killing and assault or the unlawful seizure of property. In these politically-sensitive cases, questions of inter-ethnic discrimination and sham proceedings are central concerns for participants from opposing sides.

Decision Making in Justice: Civil Cases

Many Serbs in both the southern enclaves and the north continue to use the parallel court system as their first option, particularly for cases where both parties are Serb individuals, or if a plaintiff employed in a public sector position sought money from the Serbian state. Reasons for this are often more prosaic than political, though decisions are

also partly for the security concerns that come with travelling outside the enclaves and into large Albanian-majority centers. One man explained that "People with civil cases, like divorces, they used the Serbian system, because you had better benefits in the Serbian system. So, people are really pragmatic; they use both systems; they seek the benefits of both systems."[209] Another man in Gračanica explained the factors that went into civil decisions:

> It depends on the problem. If it is an administrative issue, like let's say about property rights, they are referred to the Serbian system, because that's the older one and that's how it needed to be done. If there is a conflict with an Albanian neighbour, then you are referred to the Kosovo system. And now, what is very funny is that people are going to both systems. For instance, if you want to transfer some property, you need to do it both in the Serbian court and the Kosovo court, so you have double certificates: one from Kosovo [saying] that it is your land and one from Serbia [saying] that it is your land… you never know, you might need both.[210]

Both UNMIK, and later Kosovo, did not recognize the parallel system, so to have all the above recognized by the UNMIK administration, KFOR, the Kosovo Police, or post-2008 Kosovo state institutions, both Albanian and Serb residents must work through the Kosovo system. But when a matter requires pre-1999 Kosovo records, such as confirmation of a pre-1999 legal document or a criminal record statement required to get a visa, there is little alternative to the parallel system; pre-1999 records were taken to Serbia or destroyed, limiting the effectiveness of the Kosovo system. Both systems have since operated in tandem to certify land sales, creating separate cadastral records for the same territory and sowing significant confusion in the process. Conflicting claims of ownership are common (D. Lewis, 2004).

For savvy legal professionals, overlapping laws have presented an opportunity of sorts. One lawyer in Mitrovica, for instance, is licensed to represent clients in both systems.

[209] Author interview, local consultant, Mitrovica, 23 March 2016
[210] Author interview, local consultant, Gračanica, 25 July 2016

He explained that each system has its benefits and drawbacks depending on his client's needs. The Kosovo system can enforce civil decisions, yet many Serbs continue to lack the required documents—such as ID cards or property documents recognized and notarized in the Kosovo system—to access it. Moreover, the Kosovo judicial system has at times even pursued a policy of *de facto* recognition of civil proceedings from the parallel system, for example, in cases of divorce or alimony (Baylis, 2007, pp. 25–26). This makes using the Serb system for civil issues easier in the eyes of many. The Serb system has no 'hard' enforcement capacity; neither the Bridgewatchers nor the plainclothes MUP have involved themselves in enforcing parallel court decisions. However, the system does have the ability to exclude its 'members' from the broader benefits provided by the parallel state. As the lawyer explained, he might still approach the Serbian public prosecutor "because they can sometimes have influence:"

> For example, in an alimony case, if someone is refusing to pay alimony payments to their spouse, I can go to the Serbian prosecutor. They can then enquire into the Serbian social service institutions here—so many people here are using them—and may be able to get any social welfare payments stopped to the person in question.[211]

Given the extent to which people in the North depend on the parallel state's welfare provision, this leverage provides an effective form of enforcement.

For individuals seeking a favourable outcome in a civil case, having two systems can play to their advantage. Recall the example used in the introduction: a custody battle between two Serbs in Gračanica, each party using a different system, and each with the possibility of winning. Because Kosovo can enforce the decision there is a good chance that if this happens, custody will nonetheless go to the husband. Yet if he ever travels to Serbia proper—as most Serbs in Kosovo often do—he risks being stopped at the border and

[211] Author interview, Lawyer, North Mitrovica, 24 May 2017

having his custody revoked under accordance with the Serbian court ruling. Equally, any applications he makes for social assistance under the Serbian system would likely be denied.[212] As such, pursuing the case through both systems offers a pragmatic strategy.

Similar examples of hedging behaviour based on calculations of *incentives* are common for Serbs faced with a legally plural context, especially since normative controls in the form of community-level social sanctions are few. Unlike the case of the highly visible, politically salient bloodfeud reconciliations of the 1990s, people who make the 'wrong' choice are rarely punished with ostracism or social isolation by members of their social networks. The decision of which civil court system to approach remains a relatively discreet matter of utility, convenience, or prudence. Pressure is still exerted on Serbs who are seen to be 'influential' in the community such as higher-ranking municipal employees or consultants working for international organizations to 'support' Serbian institutions, and by extension Serbian sovereignty over Kosovo. These were cases where the Bridgewatchers supplied the necessary intimidation, particularly in the early days. But this pressure gets directed *vertically,* through hierarchical political networks linked to Belgrade, not *horizontally* via one's social group, as was the case for Albanians in the 1990s.

Even here, the operative word is "*seen".* Civil cases are difficult to monitor and largely take place under the radar of other community members. With civil issues like divorce, very few Serbs not directly affected seem to care which justice system is being used. There is no comparable effort or stigma, as there was with the Albanian reconciliation councils, to hide the fact that there are intra-Serb disputes. This *intersection* of the characteristics of a low visibility service with low group solidarity has resulted in considerable scope for individuals to 'freely' navigate between providers. Choosing justice is a pragmatic affair, one that may involve a degree of "forum shopping", as literature on legal

[212] Author interview, Gračanica, 30 May 2017

pluralism has found in other contexts (von Benda-Beckman, 1981). Social pressure still gets exerted on Serbs in Kosovo. However, this pressure tends to be directed at public sector employees either working for Serbian "parallel state" institutions or for Serbian public corporations in Kosovo. Because of their dependency on public employment, these workers are especially vulnerable to pressures to support a particular political party. In the June 2017 elections in Kosovo, for example, the Serbian government made it clear in a thinly veiled threat that voting for their preferred party was a matter of "crucial importance for the survival and fate of our people in the southern Serbian province… because in this election it also means continued support of the Serbian state to the institutions in Kosovo" (B92, 2017). Threats of being excluded from the benefits of the parallel system muster support of political parties. However, there is little sign that they exert these pressures to influence people's choice of legal systems.

Decision Making in Criminal Cases

For criminal issues such as theft, murder, or assault, Serbs today often choose the Kosovo system because of the availability of an enforcement. Prior to the 2013 Brussels Agreement, when MUP officers were more widely available, Serbs would also go to them because "they trusted that they'd get the job done" rather than any sense of moral rightfulness or legitimacy.[213] Yet the MUP lacked the power to pursue violent criminals and would often arrive at crime scenes after the Kosovo Police had already worked them over, having removed evidence in the process and thus hampering their investigations (ICG, 2011, pp. 19–20). As one respondent in Mitrovica explained, "There was no force to implement the decision. You had the Serbian courts, in Mitrovica, but they were involved

[213] Author interview, International consultant, Pristina, 29 May 2017

in civil law. In criminal cases… they didn't have Serbian police to implement the decision. So, they were existing, but they weren't really functional, these structures."[214]

Yet there is more evidence that solidarity plays a role in influencing decision-making for politically salient criminal issues. For instance, many Serbs are reluctant to get the Kosovo Police involved in certain criminal issues, particularly when the motivations behind the crime may have been linked to forms of social or political pressure. In one case, a man working for a "parallel" [Serbian] municipality had his car set on fire one night. The reasons behind the incident, he suspects, had to do with local powerbrokers sending him a message to not cooperate with Kosovo institutions. He was convinced it was a case of mistaken identity, but his experience is revealing. "Some people here decide who is the actual traitor and who is not… And me, I did not report [it to the Kosovo police], and I felt good about it… it would be bad branding, like I could be a traitor or something."[215] The implicit threat of being branded a 'traitor'—a notion that by definition presumes much more political salience—stopped him from pursuing the case through Kosovo's justice system. For him, paying the damages for the car out of his own pocket was preferable to pursuing the case, either legally or on his own terms. "It is not in my interest to take a gun and walk around to find out who did this... the damage in money terms was €3,000 or a little less. I mean I'll pay the damage. Just don't let my kids see, I don't want them to have a trauma. My willingness to pay stretches that far, if it is for a Serbian cause." Curiously, when asked about a hypothetical incident of theft or a car accident that lacked any political intent, he did not hesitate: "of course I'd go to the Kosovo Police; they're the only ones that can do anything about it."

[214] Author interview, local consultant, Mitrovica, 23 March 2016
[215] Author interview, North Mitrovica, 9 March 2016

In most instances, criminal cases do not involve the same scope for individual choice as civil cases do. Rather than being the outcome of a litigant's choice, criminal cases are inherently an exercise of authority by the state that claims sovereign jurisdiction in the territory, from the police who claim to jurisdiction to make an arrest, to the courts that try them, to the prisons that lock them up. As such, Serbian claims of criminal justice competencies posed a direct challenge to both UNMIK and Kosovo's sovereignty as an independent state. More practically, a plural criminal justice system presents the prospect of serious cases being subject to "double jeopardy" (OSCE, 2003, p. 20). This principle that a defendant cannot be charged for the same crime twice is affirmed under both the European Convention on Human Rights, which has been incorporated into Kosovo's constitution and the criminal code of the Republic of Serbia (OSCE, 2007a, p. 22).

However, this principle rubs up against another common principle: the right to a fair and impartial trial. Reports of ethnic discrimination and sham proceedings are fairly common in the parallel system for highly sensitive war crimes accusations and other criminal cases (Baylis, 2007). If someone commits a crime in Kosovo, flees to Serbia, and is captured and convicted there, they face the possibility of a more lenient sentence. That is, if they are caught at all. Several defendants indicted by UNMIK or Kosovo on serious charges, ranging from murder to genocide, have fled to Serbia proper and evaded arrest (Cosic, Bailey, Haxhiaj, & Gashi, 2018). Concerns over the impartiality and fairness of Serbian court proceedings are a central concern from the perspective of Pristina. After all, the Milošević-era Serbian justice system was blatantly biased along ethnic lines, supplying—among other things—one of the core reasons for the international intervention in Kosovo.

Conclusion

The case of justice represents one of the widest disjunctures between the 'top-down' and 'bottom-up' perspectives. For statebuilders, justice is the service most closely associated with the territorial sovereignty of a state. The *exclusive* provision of the rule of law, security, and public order are among the top priorities of modern states, even forming the bedrock of Max Weber's ([1918] 1991) venerable definition of the state as the "monopoly of the legitimate use of physical force within a given territory". For aspiring statebuilders justice would likely not be 'pragmatic' at all, but rather a deeply 'national' service.

Yet from the bottom-up, plural forms of justice can provide individuals with significant scope for choice. As this section has illustrated, this is due to the ways that the factors of group solidarity and service characteristics have come together in post-1999 Kosovo. Unlike the higher levels of social pressure and sanctions that animated the Albanian parallel system, and the bloodfeud reconciliation in particular, Serbs in Kosovo face few social constraints on their behaviour. This is not to say they do not face constraints in other areas. Geography has been an especially important factor; not all Serbs faced the same 'menu' of options, and there is a grain of truth in Pristina's claims that North Kosovo is a hotbed of anarchy given the region's lack of functioning criminal courts. Similarly, certain individuals do face a form of pressure—albeit one that tends to threaten them only when they cross Belgrade or local powerbrokers. And finally, although the range of choices between the two systems is relatively free, this does not mean it is ideal. Confusion over property claims, conflicting judgements, and the needless duplication of documents and records all contribute to an already precarious existence for the region's inhabitants. Whether the Brussels Agreement eventually reveals a path out of this situation remains to be seen.

In the meantime, decision-making around justice has fallen into two general categories depending on whether the matter at hand is civil or criminal. For civil cases, the intersection of low group solidarity and the 'pragmatic' characteristics of justice has resulted in what is arguably the 'freest' scope for individual choice among all the services examined here. Thought it varied across time—for the period immediately following 1999 there was little alternative to the Serbian system—the 'menu' of options has been remarkably open. Some decisions are fairly clear-cut: getting any documents recognized in Serbia proper, or resolving any issues with one's Serbian state pension, meant using parallel courts; property disputes with Albanian neighbours was an issue for Kosovo's courts. Others allow more leeway to hedge one's bets based on what seemed to be the 'best' provider for the given circumstances, or simply involve pursuing the matter through both systems. The divorce proceedings in the opening paragraphs of this chapter are a case in point. Such an overlap fosters confusion, adds cost, and has the potential to result in contradictory decisions. The crucial point, however, is that as sub-optimal as it is, low group solidarity has meant few Serbs worry about the threat of social sanctions for their decisions.

Criminal cases involve slightly different calculations and a much more restricted 'menu' of options. First, there is a distinct lack of parallel police capacity. Though the MUP had plainclothes police stationed throughout Kosovo, particularly in the years following 1999, they had little to do with carrying out investigations or making arrests, let alone other enforcement activities. This lack of capacity put the Serb parallel system at a distinct disadvantage in Kosovo. The Kosovo Police, on the other hand, have been relatively effective in establishing themselves in the enclaves and in North Kosovo—meaning that they offer a much more viable option on the 'menu' than the Serb system. Yet there is some hesitation to bring *certain* matters to the attention of the Kosovo Police, lest it brand one as a 'traitor'. The case of one man's car being set alight as a 'message' for him to stop

cooperating with the Kosovo authorities is an apt example. As a result, the only viable option is often to do without any recourse to justice—or, as the man in question explained, to rely on the community to carry out a measure of self-policing.

Chapter 9: Conclusion

In 1999, just weeks before the Kosovo war began, a Norwegian filmmaker was in Montenegro finishing up a documentary. The film followed a meeting of Serb and Albanian students from Kosovo who had travelled to a seaside town. Facilitated by a peacebuilding NGO, the purpose was to talk, share experiences, and—possibly—try to understand what the 'other side' thought. The bombing began before the film was complete; in the upheaval the filmmaker lost touch with the participants. Ten years later, shortly after Kosovo had declared independence, he tried again. Eventually he was able to track down most of the original participants and convince them to return to the same Montenegrin hotel and have the same discussion. The former students have aged and begun careers. Some live abroad. But the exchanges are just as heated. Many have stories of violence, of fleeing their homes or being expelled at gunpoint. It seems like there is little chance that there will be any common ground. Then, on the final night of the program, they sit together and watch the original film from 1999. They laugh at their youthful enthusiasm and fashion sense, but by the end the mood in the room is somber. "Nothing has changed," A Serb man comments,

> The roles are switched, that's all. Now we are in the same position that you [Albanians] were in eleven years ago. You didn't accept to live under the Serbian roof, now we don't accept to live under the Kosovo roof. We are back at the beginning. It's almost like déjà vu" (Haukeland, 2011).

Everyone in the room reflects on what the man said. Then someone adds, "We're going to need another bombing".

The film is a testament to the complexities of the Kosovo conflict, of the difficulties in bridging an ethnic divide marked by animosity and suspicion. Thousands of people died over the course of the war; hundreds more in the months leading up to it. And in the years before, millions of people endured a highly uncertain, insecure existence—in part because Albanians "didn't accept to live under the Serbian roof" while today Serbs

"don't accept to live under the Kosovo roof", but also in part because both Albanians and Serbs had an alternative "roof" that many chose to live under instead. The core contribution of this study is its exploration of these complexities from the perspective of those who have lived through it. In this concluding chapter, I present a summary of the main findings and arguments arising from the thesis, before moving on to draw implications and lessons arising from them.

Summary of Findings

The question framing this study was: *why do individuals in contexts of competitive governance pluralism choose one source of governance over another?* This thesis has argued that understanding how people choose between competing authorities rests on two key factors: the specific characteristics of the services that people are receiving, and the degree to which individuals are bound by group solidarity.

The first factor emphasized the technical and socio-political characteristics of public services. Education, healthcare, and justice are all crucial elements of a contemporary social contract, but each of these services varies significantly in how they are produced, delivered, and consumed. Some, like education, are collectively delivered and are important for fostering a national identity. Others, like healthcare, take place on a more individual level and rely more on factors of quality and expertise. Justice is a core element of any state's claim to a monopoly of legitimate authority. But justice can vary depending on whether it deals with civil or criminal issues; while the former is a relatively pragmatic matter hidden from public view, the latter may become a highly visible symbol of national unity. The key point is that the different characteristics inherent in these services shape and structure the ways that people interact with them. This helps us disaggregate the monolithic notion of

governance and gain a better understanding of how individuals engage with the services they are receiving.

The second factor of group solidarity adds nuance to this. Where the provision of services is usually seen as a vertical relationship between authorities and recipients, solidarity draws our attention to the *horizontal* relations among the recipients. Social groups are important for all of us. Among other things they provide a sense of identity and common purpose. However, this thesis argues that during periods of contentious politics, where people feel a heightened sense of insecurity or uncertainty, one's membership in a social group can become critical. On the one hand, solidarity has a *psychological* side that imbues people with a shared sense of agency and collective identity. On the other hand, solidarity has a *structural* side. The more people depend on their groups for access to services, and the more that these groups can control their members with sanctions, the more individual decision-making becomes constrained. I argued that during the 1990s, Albanians lived under conditions of *high* group solidarity, thanks in part to the repressive nature of the Serbian regime and the covert, underground practices of the parallel state. After 1999, however, group solidarity was much *lower*, due to the Serb parallel state forming 'beside' the Kosovo state, increased security, and the ease with which Serbs could 'exit' to Serbia proper.

The key argument put forward by this thesis has been that to understand how people choose between service-providing authorities in cases of governance pluralism, we need to focus on how the factors of service characteristics and group solidarity *intersect*. Different combinations of group solidarity and service characteristics result in different choice outcomes. Education is collectively produced, highly visible, and highly politicized—what I refer to as a 'national' service. Conditions of *high* group solidarity will result in decisions based on social norms and conviction. People will participate in education out of

a sense of collective purpose, of it being 'the right thing to do', but its characteristics will also facilitate the social monitoring and sanctioning of those who choose 'wrong'. Conditions of *low* group solidarity, however, will reduce the collective stakes. Sanctions will be muted. People will still select education out of a sense of conviction, but there will be more freedom to take account of incentives as well. For instance, during the high group solidarity of the Albanian parallel state, people overwhelmingly opted for the provider seen as the guardian of an Albanian national identity and a symbol of resistance; those who failed to support such a national service were both highly visible to the community—such as Albanian professors at the University of Pristina who kept teaching in Serbian—and severely sanctioned for it. During the low group solidarity that has marked the Serb parallel state, sanctions are much lower. Still, education is perceived as a national service—just one that people opt for out of a sense of individual conviction or incentive-based notions of 'opportunity', rather than a sense of collective resistance.

Unlike education, healthcare's characteristics are much more individually-oriented and marked by wide information asymmetries. Given the discreet, less-politicized nature of the service, the effects of group solidarity—whether high or low—will be muted. Instead, questions of security will be pre-eminent, particularly in contexts of mutual distrust. Rumors of state-sponsored poisonings during the early 1990s fueled Albanian distrust of Serb medical staff, meaning that many saw the underground clinics of the parallel state as the only trustworthy choice. Albanian doctors who kept working in the state system never faced the sanctions that teachers did. The discreet nature of health even saw people travelling to Belgrade for treatments—a 'risk' that was worth it for better quality care, given that it could be done quietly. Similarly, healthcare for Serbs has been a matter of quality and expertise. Indeed, many Serbs attribute a significant amount of "output legitimacy" to the Serbian state for its efforts in providing numerous well-paid positions, relatively advanced

facilities, and access to services that are free at the point of use. These attractions also appeal to the growing number of Albanians who use the Serbian healthcare system.

Finally, group solidarity intersected with justice in variegated ways. High group solidarity combined with the Albanian bloodfeud reconciliation—a form of collective, highly visible criminal justice—to produce decision-making rooted in powerful social norms. Symbolic concepts like *besa,* traditionally a matter of custom, were nationalized. This meant that for rural populations accustomed to the *Kanun,* refusing to reconcile was now akin to treason. Yet the impact of solidarity was attenuated when it came to civil matters. Not only were these intra-Albanian disputes less visible, but they were actively covered up. Coupled with the parallel state's lack of enforcement capacity, this meant that Albanians could go about civil matters pragmatically—at times using the parallel system, at times using the state. Serbs, however, had no equivalent customary institutions to 'nationalize'. Serbian police were present in Kosovo after 1999 but wore plainclothes and largely avoided making arrests. Serbian criminal courts operated, but only from Serbia proper. Meanwhile, UNMIK and EULEX courts have struggled to fill the vacuum—though the Kosovo Police Service has managed to extend its reach into the Serb enclaves. In rare cases, defendants have played two systems off one another—as with cases of 'double jeopardy'. More common is simply to 'do without' proper access to criminal justice. Civil matters have been more pragmatic. People feel little social pressure to opt for one system over another. Instead, they "forum shop" for the system best suited for their circumstances—even if it means pursuing civil cases through both systems at the same time.

Understanding the ways that group solidarity intersects with the characteristics of different services helps us better understand a compelling political phenomenon that applies far beyond the borders of Kosovo. Across the world, people navigate between competing authorities—whether it be states, non-state actors, or traditional authorities.

How and why they do this has serious consequences for how states and others gain compliance and build authority. This thesis has argued that understanding governance from the 'demand side' can shed light on some of these larger processes. Services and solidarity structure and constrain how people decide, often to the point where they felt they had 'no choice'. Yet people still supported their groups and opted for parallel services out of a sense of citizenship, collective resistance, or because it was the 'right thing to do'. By exploring how this takes place, this thesis has sought to challenge the assumption that providing services leads to public compliance in a straightforward manner. Rather, individual's exercise their agency in variegated ways. This study has sought to help us understand why.

Implications and Lessons

Kosovo represents both a pivotal event and crucial precedent for global politics. The 1999 war marked NATO's first use of humanitarian intervention as a justification for hostilities, one that redefined the post-Cold War international order by re-casting state sovereignty as contingent upon upholding human rights. It also marked the United Nations' first comprehensive territorial administration; an unprecedented, highly ambitious effort at statebuilding, albeit one that echoed older notions of trusteeship (Bain, 2003). Such monumental developments seemed to justify Tony Blair's assessment in April 1999—as NATO sorties still flew over Belgrade—that "[w]e are witnessing the beginnings of a new doctrine of international community" (Blair, 1999). Only nine years later Kosovo was again setting a major precedent in global politics, this time through its declaration of independence and its controversial recognition by Western powers (Fabry, 2012). For good reason these events have spawned an enormous literature. Before 1999 there were the lessons of inaction like Rwanda and Srebrenica; after 1999 came the hubris of "responsibility", particularly in Afghanistan, Iraq, and Libya. The repercussions are still with

us today. Russian president Vladimir Putin even conjured the Kosovo war when he decided to invade Ukraine and annex Crimea in order to "protect" its Russian-speaking population (Vasile & Troncota, 2017).

Despite punching far above its weight in terms of global implications, Kosovo's domestic politics have gained far less attention. Yet the implications arising from this study demonstrate that domestic politics in Kosovo hold lessons as well. One implication arises from this study's focus on public services. As illustrated in the literature review, a widely held assumption is that the effective delivery of public goods and services is a necessary, or even *sufficient* condition for the establishment and maintenance of state legitimacy. However, analyzing the ways that people interact with different services demonstrates that some services carry more 'bang for the buck' than others—adding important nuance to the "virtuous circle" of delivery, legitimacy, and capacity. For authorities, high visibility is an important characteristic. Services like education are already tightly linked to fostering a collective identity and sense of nationhood. Being *seen* as guardians of a nation's history through schools staffed with teachers can bestow authorities with a powerful sense of purpose. Conversely, education is also an important way for authorities to *see*. Indeed, the way education is delivered also makes it particularly amenable to the monitoring and enforcement of behavior in ways that other visible goods, like roads or street lights, may not. Like education, the delivery of healthcare can convey important normative commitments to a population. Hospitals and clinics may even be the concrete embodiments of a social contract, as many Serbs in Kosovo might argue. But visibility is compromised by the individual nature of the healthcare experience and the difficulties arising from asymmetries of information.

Equally important, however, is the perspective from the 'bottom-up'. Contexts of governance pluralism allow people a significant, and highly variable, scope for decision-

making. For scholars of revolutions, social movements or other forms of contentious politics, this can be an important insight. This study brings an element of everyday life into the story of contentious politics. Civil resistance is about the grand acts and movements of political life. Revolutions, the toppling of dictators, or other profoundly *democratic* events all demonstrate just how powerful the action of a unified populace can be. Such critical junctures animate this study. The upheavals of 1989 or the wrenching change that occurred over the summer of 1999 were pivotal, life-changing events for those who lived through them. But seen through the prism of everyday decisions-making, these junctures tend to play more of a background role. Individual-decision making around particular services is not always a matter of overarching political strategy. It can also be tactical, based on complex factors that may or may not serve "the cause". For instance, In his book *The Practice of Everyday Life,* Michel de Certeau (1984, p. 14) sees a "surreptitious reorganization of power" in seemingly banal practices of walking, eating, or reading. The 'everyday', to de Certeau, lowered the sights of political action; creative or marginal acts of subversion could take the place of revolution. Similarly, James Scott illustrates how even apparently dominated actors can manipulate events and turn them into opportunities—foiling the rules of the game imposed by others in the process (Scott, 1985, 1990). This study has offered a more contingent account of the everyday. People have agency and use it in ways that manage and secure their existence as best they can. But there are also conditions under which doing what is individually best is difficult or dangerous.

These individual-level considerations are typically hidden by work that is overly focused on resistance as a political *strategy*. The case of Kosovo demonstrates that resistance is not necessarily binary—that one either completely resists or not. Instead, individual choices play out in a complex context, where one's political desires and ideals rub up against apolitical calculations and tactical considerations. The Albanian parallel state was

premised on an avowedly political goal: independence. Yet for people who lived through it, the parallel services it provided were also part of the more mundane but equally important task of securing one's existence during highly uncertain times. Sometimes opting for the parallel services was a matter of national purpose and conviction. Other times it was a case of prudently navigating what was best for one's family, even if it meant using services provided by the 'enemy'. The Serb parallel state was also a matter of upholding a political claim over Kosovo. Yet again, even in the face of significant incentives, using Kosovo's services can be an important part of one's livelihood strategy.

Broader implications can also be drawn from a study of Kosovo's domestic politics over the past thirty years. One relates directly to the literature on governance pluralism and statebuilding that frames this study. The latter often takes a 'top-down' perspective, privileging the state, the government, or even the key individuals within a government as the locus of governance control. Consider Charles Tilly's (1975, 1985, 1992) seminal work on state formation. Tilly posits prospective rulers as "racketeers" who, by both fabricating the threat of war and offering the protection against that threat, gradually build capacities to extract resources—men, material, and money—from a population at the expense of rivals. The capacity to successfully extract resources and repress rivals in turn creates military, financial, and administrative structures: that is, the state. Governance emanated from and was directed by the top; something that was 'given' to a passive populace. "Providing services…and assuring citizen's welfare," Tilly writes, "began as byproducts of rulers' efforts to acquire revenues and compliance from their subject populations" (1992, p. 31). How "subject populations" engaged with this governance is largely neglected.

Though Tilly takes a long view, literature on contemporary statebuilding often mirrors the top-down perspective. As illustrated in the literature review, two core assumptions are evident: that the Western state model was a prerequisite for development;

and anything that fell outside the state's remit was inherently threatening. Unlike Tilly, war is less of a causal mechanism. But services are still a tool for gaining compliance from 'subject' populations—only this time rather than simply the tools of pacification, services are also tools with which to foster the widespread belief on behalf of a population in the rightfulness of state institutions (Lemay-Hébert, 2009). In other words, services are tools of *legitimacy*.

One analytical riposte to the top-down perspective of governance comes from scholars advocating for an appreciation of the 'bottom-up' or 'end-user' (Hoffmann & Kirk, 2013). Not only are non-state actors not necessarily as threatening as the failed states debate often made out, but they were also frequently providing important services in these "areas of limited statehood"—all examples of "governance without the state" (Risse, 2011). With inspiration from Michel de Certeau or James Scott, authors writing on "hybrid political orders" or legal pluralism examine—and even celebrate—cases where top-down perspectives get blindsided by local custom or practical knowledge. People seek out services that are appropriate and legitimate to *them*, whether that means engaging with the state or not. The locus of governance control is explicitly local, not national.

One core takeaway from this study is that governance is best approached as neither a strictly top-down phenomenon, nor purely a bottom-up one. Rather, effective and legitimate governance is a *relational* process that depends on the active participation of both public agents and private citizens in the provision of services. In the words of Elinor Ostrom (1997), governance is a matter of *co-production*. Each 'side' depends on the other, whether it be the service-providing authority or the citizen-recipients that choose to receive them. The education provided by the Albanian parallel state is one example. Underground and poorly financed it may have been, but the co-productive relationship between the LDK organizers, teachers and staff on the one hand, and students and parents on the other,

ensured the effective provision of a complex service for nearly a decade. A corollary is that when governance is not being co-produced by actors that are providing services and actors that are receiving them, the outcomes are hollow, dysfunctional, and arguably illegitimate. Simply setting up EULEX courts in North Kosovo, to take one example, did little to convince local Serbs to use them. Any co-productive relationship is missing. As a consequence, the outcome has been lackluster.

The importance of a relational perspective on governance taps into a growing body of literature. Lily Tsai's work on *complementary* governance pluralism in China is one example. Tsai found that local state bureaucrats viewed collaboration with community groups and NGOs in delivering infrastructure services as a key way in increasing citizen trust and compliance in state policies (Tsai, 2007). But not all groups are alike. What mattered, Tsai found, was whether the non-state groups involved in co-production engendered dense norms and obligations amongst their members. By enmeshing themselves in local solidary groups, state officials stand to gain moral standing within a community. But they are also subject to the group's standards of informal accountability. Like Tsai, this study also lends support to the view that the social contract can be articulated through service delivery, but that the "relational glue" holding citizens and states together goes beyond a simple supply-demand transaction (Migdal, 2001, p. 6). This thesis adds two additional points. First is that the "relational glue" can be just as important for governance outcomes when it holds *citizens* together in the form of group solidarity; and second, that this group solidarity—and its impact on individual agency—can be highly variable, with certain services tapping into or even contributing to a group's solidarity more than others. This adds a dynamic, temporal perspective to studying governance.

A final point arising out of this study cuts across an age-old philosophical dispute rooted in different interpretations of individual agency. Two perspectives tend to hold

sway. One sees individuals as autonomous, acting rationally and largely free from constraint. People act purposefully in accordance with their intentions; they weigh up possible alternatives and choose according to some expected future reward attached to each course of action. This model of the 'free' individual has long been championed by political theorists in the liberal social contract tradition. Contractarians tend to collapse social reality into two ontological poles consisting of the individual and the state. Consenting individuals are then presumed to come together to form and sustain a state in exchange for certain collective goods. From the classic works of Hobbes, Locke and Rousseau to the more modern iterations of John Rawls and Robert Nozick, it is *voluntary* engagements, commitments, and affiliations that are roundly celebrated over ascribed status. Intermediary associations like families, communities, ethnic groups, or nations are neglected (Van Dyke, 1977). "If the general will is to be truly expressed," Rousseau writes, "it is essential that there be no subsidiary groups within the State…". Each citizen was to "voice his own opinion and nothing but his own opinion" (Barker, 1962, p. 194; J.-J. Rousseau, [1762] 1998, Chapter 3).

This model of the individual has been pre-eminent among statebuilders, policy-makers, and scholars who view statebuilding as a matter of building connections to individual citizens (Doyle & Sambanis, 2006; Krasner & Risse, 2014). Because they are dealing with rational individuals, interventions are a matter of carefully calibrated "carrots and sticks" intended to shape the preferences of both the wider population and potential spoilers. Elegant, parsimonious models certainly have their attractions. But as Roger Petersen argues, such a narrow view of human nature has often resulted in an equally narrow—and often unsuccessful—set of policies on behalf of Western interveners (Petersen, 2011, p. 23). He goes on to use Kosovo to illustrate how international statebuilders neglected to account for the powerful emotional factors linked to ethnic group

membership and belonging that undergird the conflict. Local actors, in contrast, often appealed to these emotions in order to outmaneuver and frustrate international aims. Of course, related examples of the gulf between the expectations and experience of intervention can be found in Iraq and Afghanistan.

In contrast, communitarian critiques of liberalism have long argued for "a view that gives fuller expression to the claims of citizenship and community than the liberal vision allows" (Sandel, 1984, p. 5). They argue that group affiliations and ethnic attachments are fundamental constituents of social life, the 'sources of the self' that often give our individual lives meaning and value (Taylor, 1989). These are important insights that both allow for and celebrate a richer view of the individual. But taken too far they also have their problems. In particular, they can lead to a view of the individual as subsumed under group affiliations, to the point where it is discrete, bounded groups that are now the basic constituents of social life and fundamental units of analysis (Brubaker, 2006). This is often a kind of common-sense shorthand for journalists—'Albanians' wanted revenge; 'Serbs' hated Albanians. But it risks portraying groups as unitary, collective actors with common purposes and goals, a move that "fails to match the vast complexity, fluidity and ambiguity one encounters on the ground" (Kalyvas, 2006, p. 10).

This study has sought to add nuance to both of these models of the individual. One of its key implications is that the strength and meaning of group affiliations is certainly important, but also highly variable. At times it is "carrots and sticks" of incentives that matter, and the relatively 'free' choice this implies for individual actors can be empowering to a degree. At other times it is the powerful sense of collective unity and solidarity that drive individual behavior, but what can be a euphoric feeling for one can be a socially repressive, stifling situation for another. Understanding the ways that these different factors

affect decision-making for people in politically uncertain contexts may help us toward a fuller appreciation of individual agency.

Conclusion

In 1989, sovereignty in Kosovo effectively split into two irreconcilable halves—each competing with the other to establish itself as the sole authority of the land. Against the Serbian nationalizing policies of the Milošević regime, an Albanian parallel state organized and delivered a range of public services to a population that saw it as a non-violent vehicle for independence. Then, following the 1999 NATO intervention, the situation inverted. In a dramatic reversal of fortune, Albanians became the new state-bearing nation. Underground employees of the Albanian parallel state 'surfaced' while Serbs either fled Kosovo or retreated into enclaves protected by NATO troops. Unwilling to relinquish control over a province that was still, technically, under its sovereignty, the Serbian state now endeavored to provide Kosovo Serbs with the same services they had prior to the war. Both periods differed in important ways, yet they also shared a remarkable symmetry with each other. Both sought to deny the legitimacy of the other, both sought to establish themselves as the sole political authority, and both pursued these goals through the provision of public services.

This study has sought to examine how the people who have lived through the competition for legitimacy in Kosovo navigated this complex situation. As described above, it introduced two factors that help us understand how people on the demand side of governance pluralism decide between authorities. On the one hand, group solidarity binds and melds people into collectives to different degrees, and higher group solidarity compels support for certain services over others. On the other hand, the characteristics of services shape the ways that individuals interact with them. Combining these factors can highlight

different variations of decision-making—ultimately helping us to understand the question that has guided this study: why people in contexts of governance pluralism choose one service providing authority over another.

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