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Review of "For and Against the Constitution: A Comparison of American and Bosnian and Herzegovinian Politics" — Book by Nermina Mujagić

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Book reviews on the occasion of the 30th anniversary of the Dayton Peace Agreement should carry significant symbolic and social value, as they open space for a critical reassessment of the legacy of a peace that simultaneously ended the war and institutionalized deep ethnic, political, and social divisions. This anniversary prompts reflection on how Dayton, in its thirty years, has shaped everyday life, political culture, education, culture, memory, and power relations in Bosnia and Herzegovina. Different angles of critical reflection allow for the articulation of experiences and analyses that often remain outside dominant political narratives and media superficiality. In this sense, Nermina Mujagić's book *Pro et Contra Ustava (Comparison of American and Bosnia and Herzegovina Politics*), authored by a tenured professor at the University of Sarajevo Faculty of Political Science, represents a public act of responsibility toward both the past and the future of society. Such an act contributes to a culture of dialogue, which is sorely needed in Bosnian and Herzegovinian society, reminding us that peace is not a finished project but a process that requires continuous reassessment and civic engagement. On the thirtieth anniversary of Dayton, this book can serve as a space for strengthening resistance to the ongoing normalization of injustice and stagnation, as well as a call to imagine different political and social possibilities beyond the framework set three decades ago as a temporary solution, which has since transformed not only into a permanent political structure but also into a way of life for all people in Bosnia and Herzegovina.

Although published and promoted in 2022, this book remains highly relevant today precisely because our academic and scientific space lacks sufficient comparative studies and their contextual premises across different social science fields. Nermina Mujagić's *Pro et Contra Ustava* arrived at the right time, considering that in 2022, we witnessed abrupt changes to the Constitution of the Federation of Bosnia and Herzegovina imposed by the High Representative, Christian Schmidt, changes that most of us neither understood nor fully realised the implications of. We are also witnesses to daily attacks on the Constitution of Bosnia and Herzegovina, which manifest in multiple interconnected forms—political, institutional, legal, and symbolic. Politically, these attacks often appear as public challenges to the constitutional order, secessionist rhetoric, the relativization of state institutions, and constant attempts to

portray the state as ‘impossible,’ temporary, or an ‘imposed creation.’ Such discourses produce concrete political practices such as institutional blockades, boycotts of decision-making, parallel power structures, and selective adherence to Constitutional Court decisions. The Constitution is therefore not attacked directly but systematically undermined from within, through the normalization of its optional nature and by turning the constitutional order into an object of continuous political negotiation and conflict. Institutional and legal attacks appear as attempts to transfer competencies from the state to the entities or other levels of government, enact laws directly contradicting the Constitution, or ignore or challenge Constitutional Court decisions. A particularly dangerous form is the legal and administrative erosion of the state: the creation of “entity sovereignty” through regulations, practices, and narratives that gradually alter the real balance of power.

Symbolic attacks through education, media, culture, and public discourse also contribute to delegitimizing the constitutional framework, producing generations of young people who perceive the state as foreign, imposed, or hostile. In this sense, attacks on the Constitution of Bosnia and Herzegovina are not isolated incidents but a long-term process in which law, politics, and culture intertwine in attempts to redefine the very idea of a common state. Given all this, it is no surprise that there is a pervasive feeling that someone else controls our state and, consequently, our lives. After all, as we know, the constitution of a state is its highest legal act and the foundation of its existence, the guarantor of the state itself.

It is important to emphasize that the Dayton Peace Agreement ended the armed conflict in Bosnia and Herzegovina, yet to this day, it has proven to be almost the first and last success of this agreement. From Nermina Mujagić’s analysis in this study, it can be concluded that the urgent need to stop the war shaped both the content and scope of the agreement. One could say that it halted the war, killing, destruction, and displacement, but it did not provide firm foundations for building a modern, contemporary democratic state. In other words, long-term political and life experience has shown that the Dayton Agreement, as a framework agreement, did not and, as Mujagić argues in different contexts, could not answer all the questions that continue to arise daily in our country. Today, everything is still measured in national and nationalist terms: in assemblies, governments, ministries, educational and cultural institutions, enterprises, and essentially in the hearts of people, in families, in cultural and political socialization, in the codes of everyday communication.

Is this current state, with Dayton still in effect, a basis for reigniting conflicts over national territories and influence, or is the agreement simply one of many possible solutions? Even the author finds it difficult to give a precise answer, as she emphasizes that in the political game in and around Bosnia and Herzegovina, regarding its present and future, multiple ‘equal’ domestic and international actors have no interest in a final, let alone just, constitutional solution that would end the agony of the state. Reading Mujagić’s critical observations and interpretations, it becomes clear that the Dayton Peace Agreement serves as a reference for those who believe that the absence of a clear victor means everyone writes their own history individually. Treating the compromise to end armed conflict as an exclusive weakness of the newly established system is reflected in the state structure itself, in the continued striving and fighting for ethnically pure territories, in constant discussions

of redrawing borders, and in the dysfunctional state of Bosnia and Herzegovina and its institutions, taken to absurd extremes.

From a cultural perspective, an important thesis consistently emerging in Mujagić's manuscript is that the author does not forget the significance of understanding the past, if we fail to understand it, we increase the risk of its repetition, the risk of what we collectively fear most the return of violence and war. By deconstructing the Dayton past and present, Mujagić's reflections are also relevant to the impact of Dayton on the culture of memory in Bosnia and Herzegovina, particularly in confronting or denying the past. Unlike the general interpretation of responsibility for blocking various processes, including reckoning with the past, which is often attributed to political elites, it is crucial to recognize how denial of crimes and mythologizing instead of facing facts, has filtered down from positions of power into communities, among citizens across all parts of Bosnia and Herzegovina. It would be a mistake to claim this is purely a product of politics confined to the elite. The shaping of collective memory in Dayton's Bosnia and Herzegovina within the framework and the traps of the Dayton Agreement is the work of political elites and centers of power, yet their life is enabled by the community, group, or collective for whom it is intended. Historical narratives form the structural basis of community and societal life, and the Dayton Peace Agreement significantly influences these narratives.

Memory, as a construct, is shaped to support a vision of the present and future, suppressing elements that do not align with the hegemonic sense of the collective and its purpose. As the prominent memory studies theorist Todor Kuljić notes, and in the context of Mujagić's reflections in Pro et Contra Ustava memory is life, always transmitted by living people, and is therefore in constant evolution, open to the dialectic of remembrance and forgetting, unconsciously subject to distortion, sensitive to appropriation and manipulation, and prone to dormancy and sudden revival. The Dayton Peace Agreement cemented strong ethnic groups as collectives, allowing only one version of memory, truth, and history. To survive, these narratives are transmitted, imprinted, materialized, contested, and clashed. In the struggle for survival, criminal justice and facts in Dayton's Bosnia and Herzegovina are subordinated to alarming warnings of danger to the collectives. Dayton's Bosnia and Herzegovina, I dare say, offers only controlled memory. Rather than promoting reconciliation, criminal justice, shrouded in the 'Dayton' legacy, is condemned as disruptive, fuelling animosities and tensions. Bosnia and Herzegovina society continues to live in parallel interpretations of truths, opposed and exclusive. In this way, it continues to exist, what Mujagić describes in her book as a "devalued society." She explains this term analytically and normatively as a state in which fundamental social values such as the dignity of each individual, solidarity, truth, justice, and public accountability are systematically undermined, relativized, or instrumentalized.

In such a society, values no longer function as moral and symbolic guides but as rhetorical resources of power, used selectively according to political, ethnic, or economic interests. In this sense, devaluation applies not only to moral order but also to knowledge, culture, institutions, and public discourse, where expertise is equated with opinion, facts with narratives, and responsibility with loyalty. From a sociological perspective, the result is a society that loses a shared normative horizon, where cynicism becomes the dominant form of social consciousness.

Dayton's "devalued society" is further reinforced through the normalization of violence, denial of suffering, corruption as a cultural pattern, and ethno-nationalism as a substitute for ethics. Such a society is not based on active consensus but on fatigue, fear, and adaptation, where devaluation is no longer perceived as a 'scandal' but as 'reality.'

I am confident that this book will serve our students in the social sciences, whose task is to constantly reflect on Bosnia and Herzegovina reality and politics, which inevitably influence all aspects of our lives. Furthermore, it should serve as a reference point for other researchers in political science and related disciplines, media professionals, and curious minds.

For all these reasons, I believe and hope that *Pro et Contra Ustava* will continue to reach not only the academic community but also the broader professional public and anyone interested in constitutional issues, which are among the most crucial for the survival of Bosnia and Herzegovina. Well-intentioned, knowledgeable, and well-founded positions regarding Bosnia and Herzegovina, like those of Nermina Mujagić in her book, are urgently needed in public discourse today.

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