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Mélanges en l'honneur de Slobodan Milacic, Démocratie et liberté: tension, dialogue, confrontation

(ed. Jean du Bois de Gaudusson et al.), Bruylant 2007, p. 1148.

There is a fine tradition among French scholars to prepare collections of papers (*Mélanges*) in honour of great professors, regarding the academic areas they were engaged in, and in which they left a lasting and significant trace. Somewhat older generation of public law professors speak with special respect of exquisite collections which were published in honour of legal science doyens, such as Carré de Malberg, Maurice Hauriou and Georges Burdeau.

In 2007 such collection of papers was prepared in honour of Slobodan Milačić, professor of the Faculty of Law in Bordeaux. Milačić was born in Belgrade, and he acquired legal education at the Faculty of Law in Bordeaux, where he was appointed Assistant Lecturer in 1968. Since 1975, Slobodan Milačić has been professor at this influential law school. He is the author and co-author of numerous studies on constitutional law and related areas, particularly of *L'intégration européenne et la révolution de l'Europe de l'Est* (1992), *La démocratie représentative devant un défi historique* (2006), as well as the writer of almost fifty articles and several prefaces, participant in numerous of international conferences, renowned lecturer and a member of the International Academy of Constitutional Law.

Review of professor Milačić's papers shows his versatile interests. He was not concerned only with constitutional law issues, but he also covered the topics which refer to the political theory and political philosophy. Further to classical themes on constitution, elections, separation of powers, rule of law, various forms of democracy and obstacles which modern democracy encounters, Milačić gave full attention to issues of establishing constitutional democracy in the so-called post Communist

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states in a great number of his papers. Title of the collection dedicated to him confirms this fact: *Slobodan Milačić – Democracy and freedom: tension, dialogue and confrontation*.

This collection of papers leaves a strong impression not only for its volume, but also for its contents. The collection is divided into three considerable parts. The first bears the title „Constitutionalism, democratic structure and freedoms“ (*Le constitutionnalisme, la construction démocratique et les libertés*); the second part is „Spaces of Democracy“ (*Les espaces de la démocratie*), and the third one is named „Democracy, times and politics“ (*La démocratie, le temps et le politique*).

Many authors whose names and work has significance in the recent constitutional law theory, have contributed to this volume by writing in honour of Professor Milačić. Francis Delpérée writes on freedom, Antal Adam on fundamental legal values, Phillip Lauvaux contributes on evolution of modern parliamentarism in Europe, together with nearly forty other authors (colleagues, friends and former students of Professor Milačić). There are two Serbian authors among them – Professor Pavle Nikolić, retired professor of the University of Belgrade Faculty of Law and Dragoljub Popović, judge of the European Court of Human Rights, and a former professor at the same Faculty. Nikolić offers the analysis of judicial review of laws in the system of the rule of law (*Le contrôle juridictionnel de la constitutionnalité des lois dans le système de l'État de droit. Esquisse pour une approche globalisante*), whereas Popović examines the issue of strengthening judicial power in the new democracies (*La raison comparatiste et la liberté. Problème de renforcement du pouvoir judiciaire dans les nouvelles démocraties*).

This collection of papers is considerably diverse. It is a sheer mixture (a real *mélange*) of constitutional law, political theory, political philosophy and political sociology. There are papers dealing with classical issues such as separation of powers, parliamentarism, the British constitution; some of them are analyzing significant and somewhat new issues, such as protection of human rights and constitutional courts (comparatively and by giving examples of particular countries); also, there are papers devoted to present and future structure of the European Union, changes in hierarchy of legal norms, etc. One may particularly recommend the paper of Professor Kostas Mavrias to the experts on parliamentary law, relating to evolution of democratic principle in Greek parliamentary law. To those who (do not) know that a good Constitution presents much more than just a constitution wording, one should point to the paper by Professor Jean du Bois de Gaudusson, regarding reasons for relative failure of modern constitutionalism and the importance of constitution culture (*Constitution sans culture constitutionnelle n'est que ruine du constitutionalisme*). As often, there are some papers with titles more

interesting than their content, which is, to the certain extent, an expression of contemporary tendencies in legal (and not only legal) science, as a part of academic marketing. As the brand sells goods on the market, the title and the author's name may deceive many readers, but not the thoughtful ones.

The greatest value of this collection of papers rests in the fact that it confirms the actuality of certain universal topics, which do not lose their significance, but ask for constant care and elaboration. Democracy and freedom, as well as their relation, present lasting questions and challenges. The answers to these issues may be brilliant at certain level; however, they are usually temporary and imperfect, always subject to criticism and re-examination. Several very important innovative answers are offered in some contributions, raising the rank of the collection as a whole very high, and making it an important literature for readers of different orientation.

In addition to this general intellectual and scholarly virtue of the book, it offers two extra messages to the Serbian academic community. Firstly, it should warn younger colleagues that top-class professors, whose fruitful academic and public work was lasting for several decades, deserve to be crowned by a similar collection of papers. Unfortunately, this became a forgotten practice in the last decades at the University of Belgrade Faculty of Law. Secondly, this collection of papers may encourage young scholars to work hard and follow the way of Professor Milačić, starting from a small country like Serbia, up to the brilliant career of a distinguished professor of Constitutional Law in France, a country which has been the cradle of modern European constitutions.