The Art of the Possible

I do not think many would fault Emir Suljagic, a survivor of the Srebrenica massacre and the author of "Postcards from the Grave," when he resigned as education minister for the Sarajevo Canton. A threatening message accompanied by a bullet got the better of the former minister

The episode began with a policy decision by Suljagic to discontinue the counting of children's grades in primary school religion classes as part of their annual average grade, it was intensified by criticism and protest from leaders of the Muslim community, including Grand Mufti Mustafa Ceric's charge that Suljagic's decision would terminate religious education for Muslims, and ended with the minister's resignation. On the face of it, the crux of the dispute seemed simple enough: fairness versus a perceived right by the Muslim community for "their own" religious education. However, there was more to it as there usually is in matters pertaining to religion in Bosnia. Those too close to this dispute, who are stalwarts of one camp or the other, tend to "think inside a certain box." They are conventional thinkers who are in a chronic defensive posture, giving "a standard answer" for every question as part of their defense of some large abstraction, unerringly convinced that they are correct. Each clings fast to the following: "Since I am right about these issues, those who hold views contrary to mine clearly must be wrong. And if I am serious about these matters, I have a duty to point out to the others how right I am and how wrong they are." As a result, an identity exists between the polemics of those who propose and oppose public policy.

**Equality**

As a philosopher, however, I am required to chisel away at my thinking box, make a new box, or climb into someone else's box and make it my own. Part of this tinkering includes becoming comfortable with using counterfactuals because "what ifs" allow us to break from convention and to explore options and angles that may otherwise go unnoticed. So it is with this in mind that I follow in the footsteps of such notable philosophers as John Rawls and Sari Nusseibeh in proposing a thought experiment to assist Suljagic, Ceric, and the rest to "think outside certain boxes," to consider the art of the possible, thereby spurring on conversation and collaboration.

The following possible world will suffice. Suppose God decides to mix things up and tells humankind that the world will be different in some unexpected ways. As people go to sleep that night, they will no longer be sure which religion they subscribe to when they wake up. Although the ratios of each faith community will remain the same, an individual's religious identity may not. The following are possible permutations: An Orthodox Christian may wake up as a Roman Catholic, a Roman Catholic may become a Muslim, and a Muslim may take on the identity of an Orthodox Christian.

But there is a catch. God adds that he will allow each one of us to vote for three goods (for example, equality and liberty) that will make up the bare minimum of shared goods in this pending new world. There will be two rounds, the first will have one winner, the second round will have two winners. Only the top three vote gatherers will comprise the shared goods God will give us tomorrow. (Let us further suppose that God is in a giving mood and decides to grant religious education as an additional good.) Although this is a possible world, one disconnected from the actual world in which people do actually vote or have voted, it is reasonable to think that serious deliberation would lead many voters to be relatively conservative in their selection. Of course, there will always be wild-eyed risk takers, but those well-off in the past know what they would miss and would be less willing to gamble it all away, whereas those who were less fortunate would feel lucky just to have some of what the others had. Because each would not want to lose out on what were selected or granted in round two, such as their own religious education, in the event that they found themselves on the short end of the stick, they would choose equality (that is, equality of treatment by social institutions and of consideration in the distribution of social goods) as their choice in round one.

**Fairness**

But what does this thought experiment have to do with either Suljagic's concern with fairness or Ceric's interest in Muslim religious education? Nothing and everything. On the one hand, it means nothing because this "brave new world" is only possible and not actual, thus telling us nothing about whether anyone would actually choose equality as their "primary" good above all others. And for some people, knowing such choices is what matters.

On the other hand, it means everything because Suljagic's and Ceric's choice of equality could be seen as a "moving toward" or a "moving away from" their respective actual choices. If it is a "moving toward," then the actual and "this" possible converge. Once the actual choice is acknowledged as having something to do with equality, which is itself identified with fairness or justice in the minds of many, that choice becomes even more credible. If it amounts to a "moving away," then it may be cause for concern. This is because questions of inequity or injustice arise anytime one person is treated differently from another. It is a failure of the principle of impartiality. Of course, fairness can still be achieved without a strict adherence to equal treatment, but only if a person's voluntary actions warrant such a departure. Barring this to be the case here, I suspect that the actual choice would be one of undeserved favoritism towards the group to which he belongs, and thus unjust in the grand scheme of things.

**Advantage**

So which is it: a movement to or from each of their respective concerns? As I see it, Suljagic's concern about fairness was timely, though somewhat misplaced. If we take fairness to be equated with "equal treatment," as I think Suljagic does, then it does seem on the face of it to be a movement toward his actual choice. However, if some students voluntar-
**The Best Road**

Overall, I feel disappointment because this sort of rhetoric is contrary to what Mustafa Ceric is best known for outside of Bosnia - interfaith dialogue (recipient of a Sir Sigmund Sternberg Award). In a time when many Bosnians are in need of working through the past, many have turned to intellectuals and religious leaders for cues as to who they might become and how they are to live. Perhaps the American sociologist C. Wright Mills got it right when he noted that the absence of the good society is none other than the failure of the intellectuals. Immersed in their own ideologies, intellectuals are bound to get it wrong more times than not. Perhaps this is one of those times in which Suljagic, Ceric, and the rest should strive to become a little more philosophical and prone to the art of the possible, thereby enhancing the prospects for conversation and collaboration. Sometimes the best road is the one least traveled because it can make all the difference, so says the hyperintellectual.

---

**Federation Risks Mass Lawsuits of Illegal Homeowners**

Experts say a new law on expropriation is unfair to citizens of the Federation of Bosnia and Herzegovina and could open the government budget to big losses from lawsuits

The law which the FBiH Parliament's House of Representatives passed last month allows the owners of illegally built buildings along Corridor 5C and the highways of Tuzla-Breko-Onasje and Tuzla-Zepce, to seek remuneration if their buildings are knocked down. The remuneration is to be paid respective to the cost of construction. Other citizens of FBiH would not be able to claim that right. The remuneration is to go only for buildings put up illegally prior to Dec. 31, 2010. The owners of business facilities cannot count on it. The law also said that this right will be granted to home owners who have reported the address along one of these routes as their official residence. The FBiH government's rationale is that many refugees and displaced persons have built buildings along this line during and after the war. The government also reiterated how there was no efficient response from the authorities at the time which is why they made an exception and decided to remunerate those persons.

Goran Brkic, the deputy director of the Federal Administration for Geodetic and Real Property Affairs, who took part in developing the technical side of the law told the Center for Investigative Reporting in Sarajevo, that the government tried addressing this problem so that it could proceed with the highway construction. However, he said that the resulting law has been criticized because owners of other illegally built buildings across the FBiH can complain that they have been discriminated against.

Director of the Public Corporation of FBiH Highways Ensad Karic, proposed payment in order to speed up construction. The corporation has taken out loans from the European Bank for Reconstruction and Development and for the European Investment Bank totaling € 255 million. Karic said that at the time of signing the loan contracts, the government pledged to pay remuneration to home owners whose houses were slated for demolition, even though no law allowed for the remuneration at the time.

"We lost four years because everyone said that it could not be done," said Karic. He added that he was shocked when he realized that loan proceeds have gone unused since 2008. However, experts do not support this way of solving problems. Adil Lozo, a lawyer specializing in property law and a Member of FBiH Parliament, voted against the ideal. He said every citizen who sued could win and the state budget would suffer if the law gets off the ground. Besim Mehmedic, a member of the Sarajevo Cantonal Assembly and the former FBiH Minister of Traffic and Communication, told CIN that the law was counter-productive because it helped one group of citizens, not the whole population.

The current Minister Enver Bijedic was not available for comment. The law awaits signature by the FBiH Parliament speaker Denis Zvizdic and publication in the Official Gazette to be entered into force.