

S *tudia*
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Studia Historica Slovenica

Časopis za humanistične in družboslovne študije
Humanities and Social Studies Review

letnik 21 (2021), št. 3



ZGODOVINSKO DRUŠTVO
DR. FRANCA KOVAČIČA
V MARIBORU

ZRI DR. FRANCA KOVAČIČA V MARIBORU

MARIBOR 2021

Izdajatelj / Published by

ZGODOVINSKO DRUŠTVO DR. FRANCA KOVAČIČA V MARIBORU /

HISTORICAL SOCIETY OF DR. FRANCO KOVAČIČ IN MARIBOR

<http://www.zgodovinsko-drustvo-kovacic.si>

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Žiro račun / *Bank Account*:

Nova KBM d.d.

SI 56041730001421147

Prevajanje / *Translation*:

Knjižni studio d.o.o.

Lektoriranje / *Language-editing*

Knjižni studio d.o.o., Ana Šela

Oblikovanje naslovnice / *Cover Design*:

Knjižni studio d.o.o.

Oblikovanje in računalniški prelom /

Design and Computer Typesetting:

Knjižni studio d.o.o.

Tisk / *Printed by*:

Itagraf d.o.o.

<http://shs.zgodovinsko-drustvo-kovacic.si>

Izvirne prispevke v tem časopisu objavljata 'Historical – Abstracts' in

'America: History and Life'.

Časopis je uvrščen v 'Ulrich's Periodicals Directory', evropsko humanistično bazo ERIH in mednarodno

bibliografsko bazo Scopus (h, d).

Abstracts of this review are included in 'Historical – Abstracts' and

'America: History and Life'.

This review is included in 'Ulrich's Periodicals Directory', european humanistic database ERIH and

international database Scopus (h, d).

Studia historica Slovenica, Časopis za humanistične in družboslovne študije,
je vpisan v razvid medijev, ki ga vodi Ministrstvo za kulturo RS, pod zaporedno številko 487.

Izdajo časopisa je omogočila Agencija za raziskovalno dejavnost RS.

Co-financed by the Slovenian Research Agency.

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Historica
Slovenica

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DOI 10.32874/SHS.2021-19
1.01 Original Scientific Paper

Serbia and Changes in the Concept of Citizenship in the Era of the First World War

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Abstract:

This article examines changes in the concept of citizenship that occurred during and after the First World War resulting from Serbia's enlargement and unification with other South Slav nations in the Yugoslav state. As the consequence of unification with former Habsburg territories and the stipulations of peace treaties with Austria, Hungary and Bulgaria, Serbia's liberal concept of citizenship was changed by the introduction of *Heimatrecht* or *pertinenza* and by the creation of a certain hierarchy among ethnicities that gave preference to South Slavs and Slavs in general. With the passing of the 1928 Law on Citizenship it became clear that the Yugoslav concept of citizenship had become more regressive relative to the notion of citizenship that had existed in the pre-war Serbian Kingdom.

Keywords:

Serbia, Yugoslav state, citizenship, *pertinenza*, Balkan Wars, First World War, Civil Code, volunteers, naturalization

Studia Historica Slovenica

Časopis za humanistične in družboslovne študije

Maribor, 21 (2021), No. 3, pp. 695–726, 66 notes, 3 pictures

Language: Original in English (Abstract in English and Slovene, Summary in Slovene)

Introduction¹

The question of citizenship in belligerent countries during the First World War has attracted much academic attention in recent years thanks to the centenary of the first global conflict. While the focus of this scholarship has been mainly on Great Britain, France, the German Reich and the Ottoman and Russian Empires, the cases of other participants, particularly smaller countries have been largely overlooked.² This paper addresses one such gap in our knowledge by examining the case of Serbia. It begins by highlighting the significance of the Balkan Wars of 1912–1913 in Serbian understandings of citizenship on the eve of the Great War, and then considers the impact of specific wartime experiences on said understandings. The paper details in particular the importance in Serbia, and in the Balkans more generally, of different violations of existing international norms concerning the recruitment of enemy citizens. Such wartime violations added extra complexity to the already complicated task of bringing together victorious and vanquished populations in the first multinational Yugoslav state (the Kingdom of Serbs, Croats and Slovenes of 1918), and, as this paper shows, also profoundly influenced the concept of citizenship that came to prevail in the kingdom over the course of the 1920's. Restrictive, and in many ways regressive, relative to the norms of the prewar Kingdom of Serbia, this new concept of citizenship mirrored similarly retrograde steps in relation to citizenship that were being taken by other war-torn countries across the world in the 1920s. Yet it also reflected the specific historic path that Serbia and the wider region had taken since the Balkan Wars of 1912–1913, and indeed the even longer historic process of Yugoslav unification. Changes in the concept of citizenship in Serbia in the era of the Great War were far from being atypical of wider global developments, but neither were they typical.

¹ This research benefited from the grant funded by the Italian Ministero dell'Istruzione, dell'Università e della Ricerca (PRIN-MIUR2015 – 945-2015FWW9H7) as part of the research project *War and Citizenship: Redrawing Boundaries of Citizenship in the First World War and its Aftermath*, as well as from the institutional support of the Philosophical Faculty, University Hradec Králové.

² More on this see: Daniela L. Caglioti, "Subjects, Citizens and Aliens in a Time of Upheaval: Naturalizing and Denaturalizing in Europe during the First World War", *The Journal of Modern History* 89, No. 3 (2017), pp. 495–530 (hereinafter: Caglioti, "Subjects, Citizens and Aliens in a Time of Upheaval: Naturalizing and Denaturalizing in Europe during the First World War"). Also see: Daniela L. Caglioti, *War and Citizenship. National Belonging from the French Revolution to the First World War* (Cambridge: Cambridge University Press, 2021); and: Nicoletta F. Gullace: "Citizenship (Great Britain)", in: *1914-1918-online. International Encyclopedia of the First World War*, eds. Ute Daniel, Peter Gatrell, Oliver Janz, Heather Jones, Jennifer Keene, Alan Kramer and Bill Nasson, issued by Freie Universität Berlin, Berlin 2014-10-08, DOI: 10.15463/ie1418.10783.

Serbian Concepts of Citizenship and the Balkan Wars

The question of citizenship and its role in Serbia's experience of the First World War cannot be understood without first considering the broader context of inter-Balkan relations at the beginning of the century. Of particular importance are the origins and consequences of the Balkan Wars of 1912–1913. These wars marked the end of the presence of the Ottoman state in most of Europe as well as the division of its territorial possessions. However, differences related to the distribution of these former Ottoman territories, as well as the active involvement of the Great Powers after the First Balkan War 1912–1913, caused such enormous dissatisfaction among the erstwhile Balkan allies that a short inter-allied conflict, known as the Second Balkan War, broke out in 1913. This war further exacerbated tensions, leading some scholars to argue that every conflict that followed in the region could be considered an extension of the Balkan Wars of 1912–1913, with the First World War one such example.

While this argument has its pros and cons, what is clear is that when the First World War began in July 1914, Serbia had not resolved many of its legacy issues from the Balkan Wars. First and foremost was the challenge of creating a legal framework to address issues of property rights and citizenship resulting from Serbia's post-war territorial expansion. The country's territorial and demographic gains had been substantial; its territory had nearly doubled while its demographic gain had been around 50%. Serbia's population had risen from around 3 million to 4.5 million. In the so-called newly associated regions, immediately after the Second Balkan War, Belgrade initiated a slow and gradual introduction of some of its existing legislation. In practical terms this meant that these regions were ruled through decrees and the introduction and implementation of selected segments of Serbia's constitution. This kind of approach did not satisfy everyone, however, causing a serious crisis in early 1914 that led to the fall of government and the calling of new parliamentary elections. The outbreak of the First World War then postponed this process until further notice.³ This provisional period finally ended in 1922 with the passing of the *Law on extending of validity of all Serbian legislation on liberated and annexed territories in the course of the Balkan Wars*.⁴

Issues between Serbia and the Ottoman state that came as results of the Balkan Wars also needed to be regulated by a peace agreement. The peace agreement between Serbia and Ottoman state, better known as the Conven-

³ For more on this, see: Miloš Jagodić, *Novi krajevi Srbije (1914–1915)* (Beograd: Filozofski fakultet, 2013).

⁴ "Zakon o proširenju važnosti svih zakona Kraljevine Srbije na oslobođene i prisajedinjene oblasti u toku Balkanskih ratova", *Službene novine Kraljevine Srba, Hrvata i Slovenaca*, 30 June 1922, No. 142.

tion of Constantinople, was signed in March 1914.⁵ Here, we had two closely connected issues, those of property rights and citizenship. According to the convention, signatories had a period of three years during which their subjects (besides a considerable number of former Ottoman subjects in the territories that belonged to Serbia, there was also a certain number of Serbian subjects living and working in the Ottoman empire) could opt for one of the two citizenships. During that period, they were allowed to sell their properties as well. According to their wishes, they could keep their possessions although relocation to the state of their choosing was mandatory. They were allowed to appoint individuals and authorize them to administer their properties. In addition, Muslims from Serbian newly-associated regions would be exempted from conscription or any other military contribution during the three years period.

However, the Convention of Constantinople remained a dead letter. The outbreak of the Great War and the Ottoman Empire's alignment with the Central Powers in the autumn of 1914 prevented its ratification and practical implementation. The Kingdom of Serbia and the Ottoman state were once again in a state of war and once again on opposing sides. The task of peacefully resolving questions of Serbian citizenship that had been provoked by the Balkan Wars would have to wait.

The Great War – Defending the Country

When on 28 July 1914 war broke out, a certain number of foreign, that is to say enemy, subjects already lived in Serbia. The most numerous group was composed of the subjects of Austria-Hungary. However, their overall number was relatively low and most of them were of Serbian origin or Slavic origin in general (Czechs, Slovaks, Poles, Croats, Bosnian Muslims and Slovenes). According to the 1910 census, out of 2,911,701 people living in Serbia at the time 12,123 were subjects of Austria-Hungary while 6,060 were subjects of the Ottoman state.⁶ Four years later, on the eve of the Great War, the situation was slightly different, primarily due to Serbia's absorption of almost 1.5 million new subjects' from newly associated regions that contained a considerable number, besides Slavic-speaking Muslims, of ethnic Turks and Albanians.

⁵ Momir Stojković (ed.), *Balkanski ugovorni odnosi 1876–1996*, Vol. I (1876–1918) (Beograd: Službeni list SRJ, 1998), pp. 409–415.

⁶ *Prethodni rezultati popisa stanovništva i domaće stoke u Kraljevini Srbiji 31. decembra 1910*, knj. 5, Izdanje uprave državne statistike (Beograd, 1911) / *Résultats préliminaires du dénombrement de la population et des animaux de fermes dans le Royaume de Serbie le 31 décembre 1910*, Tome cinquième, Publié par la direction de la statistique d'état (Belgrade, 1911), p. 5.

At that time Serbian legislature regarding citizenship was regulated by the Civil Code from 1844. The template for this law came from the contemporary Austrian civil code with some further provisions coming from Serbian customary law as well as a medieval code authored by St. Sava (the founder of the autocephalous Serbian orthodox church). Taking in mind the early 19th century position of Serbia as an autonomous tributary principedom within the Ottoman Empire, the 1844 code was relatively liberal and progressive. For example, article 18 stated: "There is no slavery in this country, that is to say, no one can have such an authority over the other man to willingly treat him and own him as an object."⁷

According to its Article 44, all inhabitants of Serbia were automatically entitled to Serbian citizenship and it could be acquired both by birth and by naturalization:

A Serbian resident is entitled to full enjoyment of his civil rights. Serbian residency, however, that is to say citizenship, is acquired either by birth or by naturalization; and according to that all Serbian residents, who are enjoying their civil rights, are considered as born or naturalized Serbs. In the case of Serbs that are born, the right of citizenship automatically passes from parents to children, naturalization is acquired after a foreigner has spent seven years in state service, working in crafts or farming, or performing any other useful occupation, and during this entire period lived honestly and according to the laws of the land, without committing any sort of crime. Before the designated period the right of citizenship can be acquired only by the personal permission of the Prince and in agreement with the Council [government].⁸

In general, the code was relatively liberal concerning aliens who expressed a desire to live and work in Serbia. Outside of private entrepreneurship, foreign citizens could also pursue their careers in in-demand occupations such as physicians, mining workers and civil engineers. They were also allowed to enter state service and work as teachers, university professors and even army officers. After seven years of civil-obedience, they could apply for Serbian citizenship on the grounds of naturalization.

⁷ *Gradanski zakonik Kneževine Srbije (1844) sa kasnijim izmenama*, Član 18. (Serbian civil code from 1844 with later amendments, Article 18), available at: www.overa.rs/gradanski-zakonik-kraljevine-srbije-1844-god-sa-kasnijim-izmenama.html, accessed on: 11 August 2018.

⁸ *Gradanski zakonik Kneževine Srbije (1844)*, Član 44. (Serbian civil code from 1844 with later amendments, Article 44), available at: www.overa.rs/gradanski-zakonik-kraljevine-srbije-1844-god-sa-kasnijim-izmenama.html, accessed on: 27 July 2018.

While in France, Great Britain, Russia and Italy, the practice of naturalization effectively ceased after the outbreak of the war,⁹ in late 1914 (the second half of December) Serbia inaugurated a wave of naturalization that was officially announced in the Serbian State Gazette. In the preceding months, only fifteen foreigners had been awarded Serbian citizenship on the grounds of fulfilling the basic requirements – that they ceased being subjects of other states by providing the necessary documents, the so called "discharge from previous citizenship". Another nine, among whom three were former Austro-Hungarian officers (one Serb, one Pole and one Czech) and one Serbian family of six, had been awarded citizenship by royal decree, at that moment from Prince Regent Alexander Karađorđević.¹⁰ Yet in the six editions after December 1914, the Serbian State Gazette announced the naturalization of 1096 foreign subjects.¹¹

Who were these people and what were their occupations?

The overwhelming majority of naturalized citizens were former subjects of Austria-Hungary, that is to say the Austrian Empire or Hungarian Kingdom as stated in every individual example. There were two categories: individuals and families. The second category was divided between couples and families with children (both minors and of adults). Fathers or husbands were awarded the titular rights of citizenship and beside his name and surname in majority of cases it is stated where he and his family resided, his place of birth and whether or not he was a subject of the Austrian Empire or the Hungarian Kingdom, or in a very few cases other states such as Montenegro or the German Reich.

Ethnic Serbs were the most numerous category; 596 out of the total of 1096. They consisted of eighty individuals and 136 families (45 couples and 91 as families with between one and eight children). The second largest group were the Czechs; among 187 naturalized citizens there were thirty families with between one and six children, nine couples and 36 individuals. Third were the Croats – of whom there were seventy people grouped into fifteen families with between one and six children, seven couples and 13 individuals. Germans were the fourth group, with 63 people and they represent a specific case because they consisted of two groups depending on their citizenship. The larger group of 45 were so-

⁹ Caglioti, "Subjects, Citizens and Aliens in a Time of Upheaval: Naturalizing and Denaturalizing in Europe during the First World War", pp. 509–517. The exception was Germany where, because of the specific stipulation that Germans would automatically lose their citizenship if they reside abroad for more than ten years continuously, many Germans re-acquired their citizenship through readmission. This was especially the case for many Russian Germans or non-German Jews who joined ranks of the German army.

¹⁰ *Srpske novine*, 2 October 1914, No. 228, p. 1; and *Srpske novine*, 13 December 1914, No. 300, p. 2.

¹¹ *Srpske novine*, 17 December 1914, No. 304, p. 2; *Srpske novine*, 18 December 1914, No. 305, pp. 1–2; *Srpske novine*, 19 December 1914, No. 306, p. 1; *Srpske novine*, 20 December 1914, No. 307, p. 1; *Srpske novine*, 21 December 1914, No. 308, p. 1; and *Srpske novine*, 23 December 1914, No. 309, pp. 1–2.

called *Donnau Schwaben* or Germans that lived in southern Hungary, especially the region of Banat. They were all subjects of the Hungarian Kingdom. There were seven families with between one and five children, one couple and seven individuals. Austrians or Germans from the Austrian Empire were represented with 52 persons grouped into ten families with between one and five children, two couples and one individual. The smaller group were Germans from the German Reich and there were eighteen of them grouped into four families with between one and three children, one couple and two individuals. Slovenians accounted for thirty people: eight families with one or two children and eight individuals. There were thirty Jews in four families with between one and three children, four couples and four individuals. Ethnic Hungarians counted 26 in total, made up of five families with between one and four children and five individuals. There were thirteen Bosnian Muslim cases – one individual and three families. There was one Italian family of eight as well as one Romanian family of six. Seven Slovaks consisted of two families and one individual. Four Poles were exclusively individuals. There was one Roma family of three and one Montenegrin individual. There were slightly more Hungarian subjects – 647, compared to the number of Austrians – 473, together with one Montenegrin.

Their occupations were categorised as either skilled and non-skilled. However, what today could appear non-skilled or at least a basic occupations, such as miners, electricians, or steam engine operators, at that time these were very much in-demand occupations that required serious training. Besides teachers, high school lecturers, banking accountants, engineers, and clerks, there were also farmers, simple labourers, merchants, waiters, shop owners, stone masons, brick layers, mechanics, blacksmiths, and barbers. Only four applicants are stated as industrialists (one Czech, two Serbs and one ethnic Hungarian). Also, only three women are stated individually. One was a midwife, another a bank accountant and the third was stated as without an occupation.

What were the motivations and intentions of the people awarded Serbian citizenship? And what motives prompted the Serbian state to do this in the midst of war?

It is very difficult to answer these questions primarily because existing records do not provide information on individual cases. Besides patriotic reasons, at least in the case of ethnic Serbs who came from Austria-Hungary, one could also suggest many practical reasons for individuals to apply for citizenship. For example, former Austro-Hungarian army officers could avoid being tried and sentenced for high treason if they were awarded Serbian citizenship. Citizenship meant that such officers would have to be treated as prisoners of war. The same went for civilians who otherwise might not have went through the inconvenience of the application having taken in mind Serbia's aforementioned liberal concept of citizenship. Also, from analyses of the names of spouses

es and their children it can be concluded that many marriages were mixed (a foreign husband and a Serbian wife for example) which meant that if the male head of the family did not opt for Serbian citizenship, his wife and children would automatically assume their husband or father's citizenship. Many of them had long lived in Serbia and war became the perfect opportunity for them to disassociate themselves from the country of their birth. In addition, many parents with obvious non-Serbian first names had children with Serbian names, a fact that spoke of their determination to stay and live in Serbia.

There are several reasonable motives for the Serbian state to naturalize so many foreign subjects in one instance; first was the need for new fighting forces because initial battles, although victorious for Serbia, had caused serious losses in human lives. Naturalization of so many Austro-Hungarian subjects could prove an effective propaganda tool as well. Finally, in a way it also represented a reward for loyal service or lawful and obedient behaviour in the previous years. Naturalization as a way of preserving someone's property in this particular case can be dismissed simply because Serbia in general was a predominantly agricultural country with an industrial sector in its infancy, meaning that just a few wealthy foreign entrepreneurs, especially enemy subjects, were present in Serbia in general. At the beginning of the First World War Serbia had only 544 industrial facilities¹² Although Serbia, as was the case for all belligerent countries in Europe during the First World War, introduced legislation in August 1915 related to properties of enemy subjects,¹³ it was never implemented due to the tripartite invasion of Serbia in October 1915 by the joint forces of Germany, Austria-Hungary and Bulgaria.

Another issue that Serbia was facing from the outbreak of the war was the question of volunteers, more precisely citizens of enemy states who expressed a willingness to join the Serbian army.¹⁴ Such volunteers were predominantly subjects of Austria-Hungary, and not only of Serbian ethnicity. Beside prisoners of war (PoW) there were also those who defected to Serbian side; those who were already in Serbia and decided to stay there as well as Serbs Austro-Hungarian subjects coming from the USA and other overseas countries and territories,

¹² Đorđe Stanković, "Kako je Jugoslavija počela", in: Milan Terzić (ed.), *Prvi svetski rat i Balkan – 90 godina kasnije* (Beograd: Institut za strategijska istraživanja, 2011), pp. 232–246, here 236.

¹³ "Zakon o postupanju sa imovinom podanika država koje su u ratu sa Srbijom (*Law on dealing with properties of subjects of those states that are in war with Serbia*), 17. avgust 1915", *Srpske novine*, 24 August 1915, No. 233, pp. 1–2; and "Pravilnik za izvršenje Zakona o imovini neprijateljskih podanika (*Rulebook for the enforcement of Law on properties of subjects of enemy states*), 19. avgust 1915", *Srpske novine*, 24 August 1915, No. 233, p. 2.

¹⁴ For more on volunteers in Serbia and elsewhere during the WWI, see: Srđan Rudić, Dalibor Denda and Đorđe Đurić (eds.), *Dobrovoljci u Velikom ratu 1914–1918* (Beograd–Novi Sad: Istorijski institute, Institut za strategijska istraživanja, Matica Srpska, 2018).

such as Canada, Australia and Argentina.¹⁵ The Serbian state and its armed forces earned considerable experience engaging with volunteers during the Balkan Wars of 1912–1913. The war against the Ottomans attracted considerable attention both in the Serbian diaspora and among Austro-Hungarian South Slavs. This phenomenon was repeated with the outbreak of the Great War when more and more Austro-Hungarian Serbs and other South Slavs began to appeal to Serbian authorities to accept them as volunteers. While in 1912 it was easy to send them to fight the Ottomans, in 1914 the situation was more complicated as the Hague Convention of 1899 was strict concerning the engagement of PoWs as combatants against their own state.¹⁶ Serbian authorities did not want to violate existing international legal framework but at the same time still wanted to give volunteers a chance to fight for Serbia. Also, this was one way to compensate for casualties that occurred during 1914. All volunteers had to sign their consent to voluntarily join the ranks of the Serbian army and also had to explicitly acknowledge their awareness of the fact that if captured Austro-Hungarian authorities would consider them traitors and punish accordingly.¹⁷ By the autumn of 1915 more than 3500 volunteers joined the Serbian army, among them 1000 Austro-Hungarian Serbs who came from Russian captivity. These volunteers were primarily used on the southern front against Albanian outlaws and Bulgarians. In this way Serbian authorities avoided sending volunteers against the country of their origin and averted a situation that might have had serious repercussions for both the volunteers and their families.¹⁸ In August of 1915 around 800 volunteers came to Serbia from USA, all of them ethnic Serbs citizens of Austria-Hungary.¹⁹ After the fall of Serbia in 1915 and withdrawal of its army across Albanian mountains to Greece volunteers became the only source of new soldiers for depleted ranks of the Ser-

¹⁵ Milan Micić, "'Duga mobilnost' dobrovoljaca srpske vojske iz Prvog svetskog rata (1914–1945)", in: Srđan Rudić, Dalibor Denda and Đorđe Đurić (eds.), *Dobrovoljci u Velikom ratu 1914–1918* (Beograd–Novi Sad: Istorijski institute, Institut za strategijska istraživanja, Matica Srpska, 2018), pp. 373–387, here 374.

¹⁶ Convention (II) with Respect to the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 29 July 1899. Section I – On Belligerents; Chapter II – On Prisoners of War, Article 12: "Any prisoner of war, who is liberated on parole and recaptured, bearing arms against the Government to whom he had pledged his honor, or against the allies of that Government, forfeits his right to be treated as a prisoner of war, and can be brought before the courts." (Available at: ihl-databases.icrc.org/ihl/INTRO/150, accessed on: 12 October 2021).

¹⁷ Milan Micić, *Srpsko dobrovoljačko pitanje u Velikom ratu (1914–1918)* (Beograd–Novo Miloševo: Radio-televizija Srbije, Banatski kulturni centar, 2014), pp. 34–35 (hereinafter: Micić, *Srpsko dobrovoljačko pitanje u Velikom ratu*).

¹⁸ Micić, *Srpsko dobrovoljačko pitanje u Velikom ratu*, pp. 47–48.

¹⁹ Predrag M. Vajagić, "Srbi iz Sjedinjenih američkih država – dobrovoljci u Velikom ratu", in: Srđan Rudić, Dalibor Denda and Đorđe Đurić (eds.), *Dobrovoljci u Velikom ratu 1914–1918* (Beograd–Novi Sad: Istorijski institute, Institut za strategijska istraživanja, Matica Srpska, 2018), pp. 245–266, here 252.

bian army. With the assistance of Russian military authorities an entire division had been formed consisted of 16,000 volunteers – Austro-Hungarian PoW's of South Slav origin, mostly Serbs, but also a certain number of Croats, Slovenes and Czech as well. They suffered heavy casualties during the 1916 campaign in Dobruja as part of Russian forces sent there to assist the Romanian army.²⁰ In 1918 after strenuous journey across Siberia, the South China Sea, Singapore, Ceylon, the Indian Ocean and the Suez Canal their remnants joined the Serbian army in a successful breakthrough of Macedonian front. Here, together with the other volunteers from overseas, they fought as members of the Yugoslav division.

The Great War – Occupation and Exile

However, volunteers as well as belated and limited allied assistance could not withstand the massive offensive launched by the combined forces of Germany, Austria-Hungary and Bulgaria in the autumn of 1915. The result was the occupation and division of Serbia while its sovereign, government, parliament and army refused to surrender. They withdrew across Albanian mountains to the Adriatic coast and, with Allied assistance, went to the Greek island of Corfu. After recovering, the Serbian army joined other Allied troops on the Macedonian or Salonika front in the summer of 1916. There they fought until September 1918 and that month's successful offensive.²¹

During the period of occupation from 1915 to 1918, the Austro-Hungarians organized the northern part of Serbia as a Military Governorate (*Militärgeneral-gouvernement*). The Bulgarians in their part organized two administrations – the Morava military-inspectorate (east and south Serbia) and the Military-inspectorate of Macedonia (the territory of today's Northern Macedonia). In terms of territorial gains, Bulgaria's new possessions were larger than those of the Austro-Hungarians.²² Although both Austria-Hungary and Bulgaria did not introduce

²⁰ For more on volunteer question in Serbian army during the WWI, see: Blaž Torkar, "Slovenian Volunteers in the Serbian Army Between 1914 and 1918"; Jaroslav V. Višnjakov, "Srbi u borbi za Dobrudžu 1916–1917. Godine"; Aleksandar Životić, "Crna ruka i Srpski dobrovoljački korpus"; Miljan Milkić, "Stvaranje multikonfesionalne vojske. Dobrovoljci rimokatolici i protestanti u srpskoj vojsci na Solunskom frontu"; Đorđe Đurić, "General A. M. Zajončkovski, biografija i komandovanje srpskim dobrovoljcima u Dobrudži", all in: Srdan Rudić, Dalibor Denda and Đorđe Đurić (eds.), *Dobrovoljci u Velikom ratu 1914–1918* (Beograd–Novi Sad: Istorijski institute, Institut za strategijska istraživanja, Matica Srpska, 2018).

²¹ For more on Serbia's participation in the First World War, see: Andrej Mitrović, *Serbia's Great War 1914–1918*, (London: Hurst&Company, 2007) (hereinafter: Mitrović, *Serbia's Great War 1914–1918*); also, see: Frédéric Le Moal, *La Serbie, du martyre à la victoire (1914–1918)* (Paris: 14–18 éditions, 2008).

²² Andrej Mitrović, *Ustaničke borbe u Srbiji 1916–1918* (Beograd: Srpska književna zadruga, 1987), pp. 34–40 (hereinafter: Mitrović, *Ustaničke borbe u Srbiji 1916–1918*).

any measure regarding the citizenship of local population during the occupation, some of their actions spoke clearly of their future intentions.²³ Serbia was exposed to systematic policies of denationalization and economic exploitation. Economic exploitation took the usual forms of taking control of factories, mills, and mines; the requisition of tools, clothes, livestock and grain; mass deforestation; the seizure of valuables from private owners, as well as the forced devaluation of Serbia's currency.²⁴ The policy of denationalization, however, had special features aimed at first weakening Serbian national spirit and then pushing a policy of gradual assimilation. Both Austro-Hungarian and Bulgarian occupation authorities decided to abolish all national cultural institutions and associations, the Cyrillic alphabet was banned (in territories under Bulgarian occupation it was replaced by Bulgarian Cyrillic orthography), artifacts were confiscated from museums, libraries, church treasuries and archives. In addition, books of "suspicious content" were removed from public and private libraries, and school curricula were similarly purged of Serbian national content. In the Bulgarian zone, representatives of the Serbian elite such as civil servants, teachers, and clergymen, were especially targeted. Bulgarians replaced all civil servants, including the clergy, while many of them died or have been brutally killed on their way to internment camps.²⁵ Both Austro-Hungarian and Bulgarian occupation authorities extensively used internment, and they considered it a preventive rather than a punitive measure.²⁶ One particular illegal Bulgarian measure led to open resistance. When Bulgarian occupation authorities announced the military conscription of local Serbian youths, the response was a full-scale mass uprising in the spring of 1917. This uprising, known as Toplica Uprising, named after the region of Toplica in south Serbia, was brutally quelled over the following months.²⁷

²³ For more on Austro-Hungarian occupation regimes throughout Europe during the First World War, see: Tamara Scheer, "Forces and force: Austria-Hungary's occupation regime in Serbia during the First World War", in Milan Terzić (ed.), *Prvi svetski rat i Balkan – 90 godina kasnije* (Beograd: Institut za strategijska istraživanja, 2011), pp. 161–79; and in: Tamara Scheer, *Zwischen Front und Heimat: Österreich-Ungarns Militärverwaltungen im Ersten Weltkrieg* (Frankfurt am Main–Berlin–Bern–Bruxelles–New York–Oxford–Wien: Peter Lang, 2009); on Bulgarian occupation of Serbia see: Martin V'lkov, *B'lgarskoto voennoadministrativno upravljenie v Pomoravieto, Kosovo, i Vardarska Makedonija*, Ph.D. thesis (Sofiya: Sofia University St. Kliment Ohridski, Faculty of History, 2015).

²⁴ Milan Ristović, "Occupation during and after the War (South East Europe)", in: *1914-1918-online. International Encyclopedia of the First World War*, eds. Ute Daniel, Peter Gatrell, Oliver Janz, Heather Jones, Jennifer Keene, Alan Kramer and Bill Nasson, issued by Freie Universität Berlin, Berlin 2014-10-08, DOI: dx.doi.org/10.15463/ie1418.10481 (hereinafter: Ristović, "Occupation during and after the War (South East Europe)").

²⁵ Ristović, "Occupation during and after the War (South East Europe)".

²⁶ Bogdan Trifunović, "Prisoners of War and Internees (South East Europe)", in: *1914-1918-online. International Encyclopedia of the First World War*, eds. Ute Daniel, Peter Gatrell, Oliver Janz, Heather Jones, Jennifer Keene, Alan Kramer and Bill Nasson, issued by Freie Universität Berlin, Berlin 2014-10-08, DOI: dx.doi.org/10.15463/ie1418.10132. According to post-war analyses some 82,000 Serbian civilian internees died in captivity in Austria–Hungary, Germany and Bulgaria.

²⁷ For more on the Toplica Uprising and armed resistance in Serbia during the First World War, see: Mitrović, *Ustaničke borbe u Srbiji 1916–1918*.

The Austro-Hungarians, on the other hand, following their traditional pro-Albanian and in general pro-Muslim policies, begin with the enlistment of Albanians and Slavic-speaking Muslims from Kosovo and the Sanjak region. Despite formally being Serbian citizens, these conscripts were used to fill the ranks of the Ottoman Army as well as Austro-Hungarian auxiliary formations. Although Austro-Hungarians had their own agenda behind this conscription, they also allowed the Ottomans to act accordingly. Ottoman justification for such an action was that the defeat and occupation of Serbia annulled the aforementioned 1913 Convention of Constantinople thus permitting the Ottomans to enlist their former subjects. All in all, the number of enlisted Serbian subjects of Muslim faith, both by the Ottomans and Habsburgs, was considerable. From Habsburg-occupied Serbia between 1916 and 1918, some 30,000 men were mobilized both for the Austro-Hungarian and Ottoman armies, as well as between 4000 and 6000 from Habsburg-occupied Montenegro.²⁸

The End of War and Unification

The end of the war, especially the series of turbulent and dynamic events in the Balkan war theatre that followed the successful breakthrough on the Macedonian front in September 1918, led to the creation of a new state – the Kingdom of Serbs, Croats and Slovenes. Its creation was from the beginning Serbia's officially proclaimed war aim.²⁹ When it finally happened, its framework constituted of two entities: the territories of Serbia and Montenegro and the parts of former Austria-Hungary that were predominantly inhabited by South Slavs, who in a series of decisions and declarations by local councils and peoples assemblies agreed to join the new state and recognize the Serbian sovereign as their own. Although the new state was struggling for international recognition and its precise borders had not yet been determined, it was clear that one of the biggest challenges would be the harmonization of the multiple different

²⁸ Ristović, "Occupation during and after the War (South East Europe)". See also: Jovo Miladinović, *Heroes, Traitors and Survivors in the Borderlands of Empires: Military Mobilization and the Local Communities in the Sandžak (1900's–1920's)*, Ph.D. thesis (Berlin: Humboldt-Universität, Philosophische Fakultät, 2021), pp. 375–380.

²⁹ On 7 December 1914 during a session in the Serbian war capital of Niš, parliament passed a short official declaration stating that Serbia's war aim was the liberation and unification of "all our brother Serbs, Croats and Slovenes who are not free", see: Mitrović, *Serbia's Great War 1914–1918*, p. 96. Later on, in June 1917, during their stay in Corfu, the Serbian government passed a joint declaration with the Yugoslav Committee (a group of South Slav dissident politicians from Austria-Hungary) stating that the future state would be named the Kingdom of Serbs, Croats and Slovenes and that it would be a "constitutional, democratic and parliamentary monarchy", see: Mitrović, *Serbia's Great War 1914–1918*, p. 293. The Niš and Corfu declarations represent two key documents that preceded Yugoslav unification.

legal traditions present in the new Kingdom's territory.³⁰ There were six legal domains in the new state. Beside Serbian and Montenegrin there were four others coming from former parts of Austria-Hungary: Slovenian-Dalmatian, former Hungarian, Croatian-Slavonian and Bosnian-Herzegovinian.³¹ Legal traditions of the Ottoman state were also present in the territories Serbia acquired after the Balkan Wars 1912–1913.

One of the biggest concerns was how to transfer former Austro-Hungarian subjects from the status of vanquished enemy to that of subjects of the victorious side. The new sovereign, Prince Regent Alexander Karadorđević, passed the first legal document related to the issue of citizenship in November 1920. It was *The regulation of acquiring and losing the citizenship of Kingdom of Serbs, Croats and Slovenes through opting and request*.³² This regulation was intended to secure citizenship rights for those individuals coming from the former Austro-Hungarian territories (both those which belonged to the Kingdom of Serbs, Croats and Slovenes and those which did not). The foundations for this regulation were the stipulations of peace agreements with Austria and Hungary (Saint-Germain and Trianon).³³ It was needed primarily because the peace agreements had already been signed and because the Constitution of the new Yugoslav state had not yet been passed – which was the necessary precondition for the passing of the relevant law. The regulation introduced several categories of people eligible for the Yugoslav citizenship as well as laying down the necessary requirements. Following Austro-Hungarian legal tradition, a new term was introduced, the so-called right of domicile (*Heimatrecht* or *pertinenza*),³⁴ which did not exist in Serbian legal tradition related to the question of citizenship and which, in practical terms, became the main criteria or precondition for acquiring Yugoslav citizenship for former subjects of Austria-Hungary.

³⁰ Branko Petranović, *Istorija Jugoslavije 1918–1988*, I (Beograd: Nolit, 1988), pp. 32–33.

³¹ Ivan Kosnica, "Odnos državljanstva i nacionalne pripadnosti u Kraljevini SHS/Jugoslaviji", *Zbornik Pravnog fakulteta u Zagrebu* 68, No. 1 (2018), pp. 61–83, here 64–65 (hereinafter: Kosnica, "Odnos državljanstva i nacionalne pripadnosti u Kraljevini SHS/Jugoslaviji").

³² "Uredba o sticanju i gubitku državljanstva Kraljevine Srba, Hrvata i Slovenaca putem opcije i molbe", *Službene novine Kraljevine Srba, Hrvata i Slovenaca*, 6 December 1920, No. 271, pp. 1–2.

³³ "Ugovor o miru sa Austrijom (Sen Žermenski ugovor)", in: Gojko Niketić (ed.), *Zbirka zakona*, sv. 61 (Beograd: Izdavačka knjižarnica Gece Kona, 1927); and: "Ugovor o miru sa Ugarskom (Trijanonski ugovor)", in: Gojko Niketić (ed.), *Zbirka zakona*, sv. 64 (Beograd: Izdavačka knjižarnica Gece Kona, 1927). Also see: Ivan Kosnica, "Primjena mirovnih ugovora sklopljenih sa Austrijom i Mađarskom u pravnom poretku Kraljevine SHS: odredbe o državljanstvu", *Zbornik radova Pravnog fakulteta u Splitu* 56, No. 2 (2019), pp. 469–483.

³⁴ *Pertinenza* – "affiliation of particular individual to certain territory" in practical terms was associated with a particular municipality, and it meant the "right to citizenship", in: "Zakon o uređenju zavičajnih odnošaja u Kraljevini Hrvatskoj i Slavoniji od 30 travnja 1880" (published in: *Zbornik zakona i naredaba za Kraljevine Hrvatsku i Slavoniju*, 1880, kom. IX, No. 49), cited in: Andreja Metelko Zgombić, *Slučajevi sukcesija države na državnom području Republike Hrvatske od 1918 do danas i njihov učinak na državljanstvo fizičkih osoba* (Zagreb: Diplomatska akademija, 1998), p. 7.

Those former subjects of Austria-Hungary who since the 1910 enjoyed the right of domicile in the territories that after the war belonged to the Kingdom of Serbs, Croats and Slovenes; and in 1920 were still enjoying it, were automatically awarded Yugoslav citizenship [this is where we can observe a terminological shift from being a subject towards becoming a citizen].³⁵ Those who earned the right of domicile after 1910 were entitled to Yugoslav citizenship only with the approval of the Kingdom of Serbs, Croats and Slovenes authorities. If they did not request it or if they were rejected by the Yugoslav state, they would obtain citizenship of the state where they had the right of domicile at that moment.³⁶ The deadline for their requests was 15 July 1921. Together with the request, all applicants had to submit: a certificate of domicile, birth certificates (both for themselves and for minor members of their families) and a certificate of their moral and political conduct. A period of one year to opt for Yugoslav citizenship was given to all those who according to the peace agreements became Romanian, Czechoslovakian, Polish or Italian citizens but had their right of domicile in former Austro-Hungarian territories that belonged to the Kingdom of Serbs, Croats and Slovenes. They could submit their requests both to the Yugoslav diplomatic-consular missions and to the local authorities in Yugoslavia where they had the right of domicile.

The regulation furthermore provided special rights to those individuals who in a "tribal and linguistic" sense were deemed Serbs, Croats and Slovenes, to opt, within a six-month period, for Yugoslav citizenship even if they did not have the right of domicile in now Yugoslav territories.³⁷ Besides the usual documentation, they needed to submit any kind of evidence that proved they were of Serbian, Croat or Slovenian ethnicity, such as school certificates, certificates of membership of any national/church associations or testimonials by credible individuals who could guarantee the applicant's ethnicity. In practical terms already in 1919, that is to say, before first legal provisions related to the question of citizenship, ideological foundation of the new concept of citizenship was the concept of united nation composed of three tribes.³⁸

Also, a period of one year was given to all those who became citizens of the Kingdom of Serbs, Croats and Slovenes but who had the right of domicile in the

³⁵ In accordance with the Article 61 of the peace treaty with Hungary, see "Ugovor o miru sa Ugarskom (Trijanonski ugovor)", in: Gojko Niketić (ed.), *Zbirka zakona*, sv. 64 (Beograd: Izdavačka knjižarnica Gece Kona, 1927), p. 42.

³⁶ In accordance with the Article 62 of the peace treaty with Hungary, see "Ugovor o miru sa Ugarskom (Trijanonski ugovor)", in: Gojko Niketić (ed.), *Zbirka zakona*, sv. 64 (Beograd: Izdavačka knjižarnica Gece Kona, 1927), p. 43.

³⁷ In accordance with the Article 64 of the peace treaty with Hungary, see "Ugovor o miru sa Ugarskom (Trijanonski ugovor)", in: Gojko Niketić (ed.), *Zbirka zakona*, sv. 64 (Beograd: Izdavačka knjižarnica Gece Kona, 1927), p. 43.

³⁸ Kosnica, "Odnos državljanstva i nacionalne pripadnosti u Kraljevini SHS/Jugoslaviji", p. 68.

territories that belonged to other successor states to opt for citizenship in their respective countries. They simply needed to submit the necessary documents and certificates that would support their application. A period of six months was left to all those non-Serbs, Croats and Slovenes who had a right of domicile in the Yugoslav territory to opt for the "citizenship of the state of their nationality": Poles for Poland, Czechs and Slovaks for Czechoslovakia, Germans for Austria, Hungarians for Hungary, Romanians for Romania and Italians for Italy.³⁹ They again needed the above-mentioned documents together with proof of their nationality.

The case of Italy was a bit different because of the ongoing process of border demarcation between Italy and the Kingdom of Serbs, Croats and Slovenes. It was thus stated that final decisions on the opting for one or another citizenship would only be implemented after the establishment of a definite demarcation between the two states. Only those Yugoslav subjects whose parents (father or mother if father was unknown) had the right of domicile in the former Austro-Hungarian territories that belonged to Italy or who during the First World War had fought in the ranks of the Italian army or whose ancestors were fighting in Italian army were allowed to opt for Italian citizenship. They were allowed to keep Yugoslav citizenship if they did not opt for Italy or if the Italian state refused their application.⁴⁰

The first Yugoslav constitution was proclaimed on 28 June 1921, day of St. Vitus (Vidovdan) – a day with great symbolic value.⁴¹ Article 4 of so-called St. Vitus constitution (Vidovdanski ustav) stated: "Within the Kingdom there is only one citizenship," while Article 19 introduced new elements to the prewar Serbian notion of citizenship and rights. It stated that:

All titles in the state service are equally accessible, under the legal regulations, to all citizens by birth as well to those by naturalization that are of Serb-Croat-Slovene ethnicity. Other naturalized citizens can enter state service only after having domicile in the Kingdom for ten years; it can be allowed earlier with the special approval of the State Council [government] and with the explanation of the responsible minister.⁴²

³⁹ In accordance with the Article 63 of the peace treaty with Hungary, see "Ugovor o miru sa Ugarskom (Trijanonski ugovor)", in: Gojko Niketić (ed.), *Zbirka zakona*, sv. 64 (Beograd: Izdavačka knjižarnica Gece Kona, 1927), p. 43.

⁴⁰ "Uredba o sticanju i gubitku državljanstva Kraljevine Srba, Hrvata i Slovenaca putem opcije i molbe", *Službene novine Kraljevine Srba, Hrvata i Slovenaca*, 6 December 1920, No. 271, p. 2.

⁴¹ On that day in 1389 (better known as Vidovdan, i.e. St. Vitus day) happened the Battle of Kosovo that resulted in the fall of the Serbian medieval state under Ottoman rule.

⁴² "Ustav Kraljevine Srba, Hrvata i Slovenaca [Vidovdanski ustav] from 28 June 1921", in: *Ustavi i vlade Kneževine Srbije, Kraljevine Srbije, Kraljevine Srba, Hrvata Slovenaca i Kraljevine Jugoslavije (1835–1941)*, (Beograd: Nova knjiga, 1988), pp. 209 – 230 (hereinafter: "Ustav Kraljevine Srba, Hrvata i Slovenaca [Vidovdanski ustav]").

This article definitely represents a step backwards compared to the interpretation of the 1844 Serbian Civil Code regulations related to citizenship. Here, we can clearly see a new moment, which came as a result of the post-First World War settlements. Nationhood, understood broadly in terms of ethnicity, became the main criteria, and in the new Yugoslav state, as elsewhere in new Europe, a certain hierarchy of nationalities was established. This hierarchy gave precedence to Serbs, Croats and Slovenes.

Other articles of the constitution related to the question of citizenship reflected more traditional interpretations: Article 20 stated that the state would provide protection to every citizen while abroad, and that every citizen could only renounce his citizenship after completing all his obligations towards the state [all articles are written in male gender] and that extradition was forbidden.⁴³

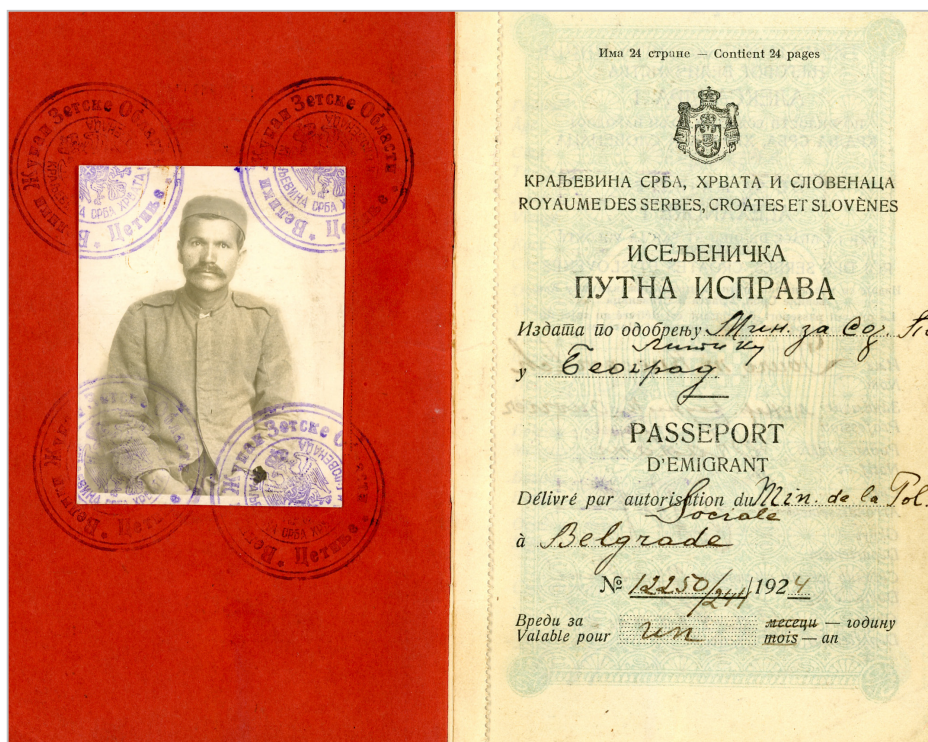
Towards the Law on Citizenship

Appropriate laws on citizenship were not adopted before 1928 despite the fact that the constitution had been formally passed. The fact that, in practical terms, stipulations of the peace agreements as well as slight differences between former Hungarian and Croatian-Slavonian regulations related to domicile right or *pertinenza* regulated the question of citizenship, allowed Yugoslav authorities during this period to conduct sort of selection of desirable citizens as well as to deny Yugoslav citizenship to certain number of settlers from Hungary. While former Hungarian rules regarding *pertinenza* didn't demand newly arrived settlers to officially register at particular municipality, Croatian-Slavonian rules required mandatory registration in the municipality in which they planned to settle. Many of people from Hungary who arrived to Croatian lands by the end of 19th and beginning of 20th century, primarily civil servants and employees of the state railways, following their own rules didn't register, so formally they didn't acquire domicile right before the 1 January 1910. Since according to the *Law on regulating domicile rights* from 1880 they could acquire domicile right only if they are appointed as local civil servants they automatically became foreign subjects after the dissolution of Austria-Hungary.⁴⁴

Meanwhile, during the 1920s, several disputes over the rights of citizenship emerged with former enemies Bulgaria and the Ottoman state/Turkish republic.

⁴³ "Ustav Kraljevine Srba, Hrvata i Slovenaca [Vidovdanski ustav]", pp. 209–230.

⁴⁴ Ivan Kosnica, "Definiranje državljanstva na hrvatsko-slavonskom području u Kraljevini SHS/Jugoslaviji", *Zbornik Pravnog fakulteta sveučilišta u Rijeci* 68, No. 2 (2018), pp. 809–832, here 819–823.



Emigration passport of the Kingdom of Serbs, Croats and Slovenes (Arhiv Jugoslavije, Biblioteka – Varia)

Yugoslav relations with Bulgaria during the inter-war period were burdened by strong revisionist claims related to the outcome of the Balkan Wars and the First World War as well as with security challenges caused by frequent armed incursions and terrorist attacks by the Internal Macedonian Revolutionary Organization's (IMRO)⁴⁵ The foundation for this new era of Yugoslav – Bulgarian relations had been the 1919 Peace treaty of Neuilly. However, in 1923 Bulgaria and Kingdom of Serbs, Croats and Slovenes agreed and signed two additional proto-

⁴⁵ The Internal Macedonian Revolutionary Organization's (IMRO) was founded during 1890s as a secret and revolutionary organization whose main aims were the introduction of necessary reforms in Ottoman Macedonia and achieving its autonomy. The history of the IMRO was marked by a strong reliance on the Bulgarian state, extreme anti-Serbian and anti-Greek feelings and actions, and near-continuous internal strife. For more on the IMRO and the Macedonian question see: Nadine Lange-Akhund, *The Macedonian Question, 1893–1908, from Western Sources* (New York: East European Monographs, 1998); Zoran Todorovski, *Autonomističката VMRO na Todor Aleksandrov 1919–1924* (Skopje: Makavej, 2013); Dimitar Tyulekov, *Obrecheno rodolyubie. VMRO v Pirinsko 1919–1934* (Blagoevgrad: Univ. izd. "Neofit Rilski", 2001), available at: www.promacedonia.org/dt/dt1_2.html, accessed on: 31 May 2018.

cols. Their intention was to regulate these issues more precisely and both protocols were signed on 26 November as part of the *Convention on extradition, legal aid and free treatment of poor patients*. In reality, these protocols covered more issues than what can be seen from their mere titles – *Protocol for the restitution of items and valuables taken from Serbia during the war*⁴⁶ and – *Convention for the reimbursement of requisitioned and confiscated goods from Yugoslavia*.⁴⁷

One of the biggest questions addressed by these protocols was that of refugees, because many people from Yugoslav Macedonia sought refuge in Bulgaria during the Balkan Wars of 1912–1913 as well as during the First World War, primarily to avoid conscription or because they objected to becoming Serbian/Yugoslav subjects. It was agreed that these refugees could return to the now Kingdom of Serbs, Croats and Slovenes, however not without certain preconditions. Those who wanted to return were expected to oblige themselves to become loyal and obedient subjects of the Yugoslav state. In lieu of any agreement over the issue of dual citizenship, all refugees from Serbia who sought refuge in Bulgaria after the signing of the 1913 Treaty of Bucharest (those which in the meantime had not become Bulgarian civil servants and sworn allegiance to the Bulgarian state) would be considered Yugoslav subjects. Those who arrived in Bulgaria before the 1913 Treaty of Bucharest were considered Bulgarian subjects.⁴⁸

Equally complicated were relations between the Kingdom of Serbs, Croats and Slovenes and the Ottoman state/its successor Republic of Turkey. The Yugoslav state was not among the signatories of the Treaty of Sèvres on 20 August 1920 because of the so-called "Ottoman debt" issue – the public debt that the Ottoman state created by taking out different lines of credit before 1912 (mainly from France, Great Britain and Belgium). The Yugoslav representatives appealed to leading Western Powers in an attempt to achieve a more equitable distribution of the overall debt between the Ottoman successor states and territories. However, because their suggestions were rejected, the delegation of the Kingdom of Serbs, Croats and Slovenes refused to sign the treaty.⁴⁹

⁴⁶ Tsentralen derzhaven istoricheski arhiv (CDIA), Collection No. 284k, description no. 2, archival unit 204, Protocol on restitution of items and valuables taken from Serbia during the war, concluded on 23 November 1923.

⁴⁷ CDIA, Collection No. 284k, description no. 2, archival unit 205, Convention on reimbursement of requisitions and seizures from Yugoslavia. Besides the issues stated in the titles of these protocols, the two governments also agreed on: an end to sequestration measures imposed on the properties of Bulgarian subjects in the Kingdom of Serbs, Croats and Slovenes and the return of said properties to their rightful owners or their warrantees; compensation to Yugoslav subjects whose properties were confiscated under the provisions of the post-Great War land reform in Bulgaria; and the return of confiscated houses belonging to Yugoslav subjects in Bulgaria.

⁴⁸ CDIA, Collection No. 284k, description no. 2, archival unit 204.

⁴⁹ Vladan Virijević, *Jugoslovensko – turski ekonomski odnosi 1918–1941* (Kosovska Mitrovica: Univerzitet u Prištini sa privremenim središtem u Kosovskoj Mitrovici, Filozofski fakultet, 2018), pp. 46–49 (hereinafter: Virijević, *Jugoslovensko – turski ekonomski odnosi 1918–1941*).

However, the peace agreement signed at Sèvres proved to be a stillborn as those who signed it were not capable of executing its stipulations. The power of the Turkish national movement led by Mustafa Kemal was constantly rising relative to the Ottoman government in Constantinople. Despite the fact that the Kingdom of Serbs, Croats and Slovenes and Ottoman state were officially in the state of war, the Yugoslavs continued to maintain their mission in Constantinople. Already during the 1919 mission became overwhelmed with several thousand requests coming from Muslims originating from different parts of the Kingdom of Serbs, Croats and Slovenes. They all asked for permission to return to their homeland. These applicants included:

1. Emigrants who before 1912 came from the territories that after the Balkans Wars belonged to Serbia;
2. Refugees that left the Balkans as a consequence of the Balkan Wars of 1912–1913;
3. Those who emigrated during the period between the Balkan Wars and the First World War;
4. Those who emigrated before Serbia's withdrawal across Albania (winter 1915/1916);
5. Those who emigrated after the Serbian withdrawal and who by rule claimed they were deported;
6. Bosnian Muslims who came to the Ottoman Empire before and after Austro-Hungarian annexation of Bosnia and Herzegovina in 1908.

Among those demanding repatriation were the approximately 4000 Muslims from Sanjak region who the Austro-Hungarians had mobilized for the Ottoman Army, and who faced immense suffering awaiting repatriation without income or material support after being released from captivity by British forces. The policy adopted by the Yugoslav mission was that only the last category – the Bosnian Muslims – should be allowed to return to the Kingdom of Serbs, Croats and Slovenes, albeit not to their homeland in Bosnia but to Macedonia where, being native speakers of Serbian, they would be given the task of spreading the Serbian language and in that way influencing the local population.⁵⁰ However, the Ministry of Foreign Affairs went even further, suggesting that only those male individuals from Sanjak who served in the Ottoman Army should be allowed to return to their homes. Bosnian Muslims more generally, however, should not be allowed to return at all.⁵¹ At that moment, the possible return of Muslim refugees and immigrants collided with state intentions

⁵⁰ Archive of Yugoslavia (AJ), Collection No. 370, Mission of the Kingdom of Yugoslavia in Turkey – Constantinople, File 6 (370-6), Report from 13 October 1919, Ankara, pp. 1–3.

⁵¹ AJ, 370-6-29, Ministerial instruction, 4 December 1919, p. 29.

to simultaneously execute colonization and land reform because a considerable amount of land for distribution derived from so-called "abandoned land", that is to say land which was abandoned by their (primarily Muslim) owners in the course of the Balkan Wars.⁵² Local authorities in Macedonia spoke of disturbances resulting from the return of some Muslim landowners reclaiming properties with official documents – rural land which often had already been handed over to former serfs, and urban properties which had been sequestered. This led the Ministry of Land Reform to compose a memo for the Ministry of Foreign Affairs (which was forwarded to the Head of Mission in Constantinople) in which it openly expressed Yugoslav attitudes toward any eventual return of Muslim refugees and immigrants and toward the question of granting them Yugoslav citizenship. The memo stated that Ottoman returnees were considered a "proven enemy of our state" because they were endangering ongoing land reform which saw former serfs become free owners of the land that they cultivated, and as "danglers" they were impeding progress. In addition, they were complicating the already difficult work of police and local authorities. The conclusion of the Ministry was that they should not be allowed to return and that in cooperation with Ministry of Interior all those who expressed a desire to return should be registered and the timing and motivation of their leaving their land, their destination, and their subsequent marital status among other topics investigated.⁵³ Nevertheless, some of these so-called "Ottomans" did manage to overcome official obstacles and obtained documents – either through bribery or by applying for repatriation documents elsewhere, such as in Greece, in Salonika or in the consulates of other states, in particular Spain. During an interrogation in the Bitola municipality, one returnee named Teffik-pasha (a former General in the Ottoman army) stated that he had paid a Yugoslav official to insert his name in the list of Ottoman prisoners of war (of Yugoslav origin) released from British custody. By doing this, he managed to obtain a repatriation passport. Another tried to obtain repatriation documents by presenting certificates issued by Yugoslav municipalities from which their families originated (a kind of *pertinenza* certificates), which they obtained through personal intercession.⁵⁴ In one moment two ministries clashed over the question of prioritizing the repatriation of former PoWs, with the Ministry of Foreign Affairs in favor and the Ministry of the Interior opposed: The latter wrote that:

⁵² "Uredba o naseljavanju u novooslobodenim i prisajedinjenim oblastima Kraljevine Srbije", *Srpske novine*, 23 February 1914, No. 44, p. 1.

⁵³ AJ, 370-6-37, Ministerial instruction, 29 December 1919; and AJ, 370-6-39, Ministerial instruction, 31 December 1929.

⁵⁴ AJ, 370-6-43, Ministerial instruction, 17 February 1920; AJ, 370-6-52, Report from the delegate in Smyrna, 1 May 1920; AJ, 370-6-73, Report from the delegate in Constantinople, 18 August 1920; and AJ, 370-6-70, Report from the delegate in Smyrna, 23 September 1920.

These people who never gave Caesar what belongs to Caesar – and God what belongs to God, and if they ever gave it, they gave it when forced to, and who are forming 60% of those living in Southern Serbia, will completely suppress our people, if we start allowing them to return from immigration and to spread around over properties already taken from them /.../ Muslim people have already returned in sufficient quantity, so that rise in number was already noticed, and in the same time we can feel their predominance over our population which is not in our favor.⁵⁵

Yugoslav authorities were able to act like this as long as the Ankara government and its leader Mustafa Kemal were still preoccupied by war at home. Yet even as the war in Anatolia was ongoing, the Kingdom of Serbs, Croats and Slovenes had opened some lines of contact with Ankara and despite being in a state of war managed to establish regular and intensive contacts.

In 1923, the Treaty of Lausanne, the last First World War-related peace treaty was signed. It marked the end of the long-lasting Eastern Question as well as the final recognition of the Turkish national state. However, the Kingdom of Serbs, Croats and Slovenes again refused to sign it. Again, as in the case of the Sèvres treaty, the reason was the distribution of Ottoman debt. In the following years, together with the issue of sequestered properties of Ottoman/Turkish subjects in the Yugoslav state, the issue of Ottoman debt became an important instrument of diplomatic pressure. Turkish representatives demanded the abolition of the sequester on Turkish-owned properties in the Yugoslav kingdom, that is to say, they demanded permission for their citizens to have free disposal of their properties, with the argument that Turkish authorities were not preventing Yugoslav subjects full rights over their assets in Turkey. Yugoslav authorities found themselves in an awkward position. Their argument was that there were not real parallels between these two cases because the measures of sequestration were introduced only in relation to the houses and other urban possessions of Ottoman/Turkish subjects. Cases involving abandoned agricultural land was much more complex because these properties were mostly feudal possessions cultivated by tenants or serfs who according to the anti-feudal character of the Yugoslav constitution should become their legal owners. On the other hand, the possessions of Yugoslav subjects in the Ottoman state/Turkey were mostly real estate, which Yugoslav subjects never willingly abandoned.⁵⁶ According to the records of the Yugoslav consulate, there were 3500 Yugoslav citizens in Turkey (with around another 1000 non-registered).⁵⁷

⁵⁵ AJ, 370-6-109, Ministerial instruction, 3 April 1921.

⁵⁶ Virijević, *Jugoslovensko – turski ekonomski odnosi 1918–1941*, pp. 59–61.

⁵⁷ AJ, 370-6-372, Yugoslav consulate request, 12 August 1924.

However, step-by-step, the two states were getting closer to reaching a final agreement. First, by the beginning of 1925 the issue of Ottoman debt was resolved with the Yugoslav concession to agree to pay 5.25%.⁵⁸ Finally, on 25 October 1925 in Ankara, an *Agreement on peace and friendship between Kingdom of Serbs, Croats and Slovenes and Republic of Turkey*, was signed, thus ending eleven years of the state of war between the two countries.⁵⁹ However, the two states continued to have unsolved property issues. In 1927, as an expression of goodwill, the Yugoslav authorities agreed to terminate the sequestration of properties of Ottoman/Turkish subjects. Six years later, in 1933, on 27 November by signing the *Agreement of friendship, non-aggression, judicial regulation, arbitration and conciliation*, the two states entered a new phase in their relationship.⁶⁰ With the signing of the additional *Agreement on the regulation of mutual complaints between the Kingdom of Yugoslavia and the Republic of Turkey*, the two states resolved all complaints resulting from the confiscation of real estates regulated by the Yugoslav laws on land reform, colonization and abandoned lands.⁶¹ It was concluded that Yugoslav compensation exceeded that owed to Turkey by 17 million Yugoslav dinars. Yugoslavs agreed to pay this sum partly in cash (7 million) and partly in state bonds (10 million) in the following three years. From that moment onward the Yugoslav government was obliged to cease the confiscation of goods, rights and the interests of Turkish citizens and would leave it to their free disposal, as the Turkish government would do with the properties of Yugoslav citizens in Turkey. In comparison this is something that did not happen to the survivors of the 1915 Armenian Genocide.⁶²

The 1928 Law on Yugoslav Citizenship

The law on Yugoslav citizenship was finally passed in 1928, under the title *Law on Citizenship of the Kingdom of Serbs, Croats and Slovenes*.⁶³ It also marked

⁵⁸ Virijević, *Jugoslovensko – turski ekonomski odnosi 1918–1941*, p. 61.

⁵⁹ "Ugovor o miru i prijateljstvu između Kraljevine SHS i Republike Turske", *Službene novine Kraljevine Srba, Hrvata i Slovenaca*, 16 February 1926, No. 35, p. 1.

⁶⁰ "Zakon o Sporazumu o prijateljstvu, o nenapadanju, o sudskom raspravljanju, o arbitraži i koncilijaciji između Kraljevine Jugoslavije i Republike Turske", *Službene novine Kraljevine Jugoslavije*, 28 January 1935, No. 21, pp. 31–41.

⁶¹ "Zakon o Sporazumu o regulisanju uzajamnih reklamacija između Kraljevine Jugoslavije i Republike Turske", *Službene novine Kraljevine Jugoslavije*, 28 January 1935, No. 21, pp. 42–45.

⁶² For more on this, see: Taner Akçam and Umit Kurt, *The Spirit of the Laws. The Plunder of Wealth in Armenian Genocide* (New York: Berghahn books, 2015). In the case of Armenian survivors, the Turkish state was determined not to allow their return as well as to block any attempts at reclaiming their properties. Through various legal provisions and practices the Turkish state made it almost impossible for Armenians not only to claim their properties but also to return to Turkey.

⁶³ "Zakon o državljanstvu Kraljevine Srba, Hrvata i Slovenaca", *Službene novine Kraljevine Srba, Hrvata i Slovenaca*, 1 November 1928, No. 254, pp. 1289–1294.

the end of the designated ten-year period for the legal harmonization between Serbia and Montenegro and the former Austro-Hungarian territories. One of the first articles of the Law repudiated the notion of dual citizenship. Also, the law introduced the right of domicile or *pertinenza* to the entire kingdom (Serbia and Montenegro as well). Every citizen was assumed to have the right of domicile in any particular municipality. Each municipality was obliged to maintain evidence of *pertinenza*. Foreigners, of course, could not have the right of domicile, although they were guaranteed rights of domicile in any municipality of their choice should they obtain Yugoslav citizenship.

According to the new law, citizenship could be acquired by birth (ancestry), by birth in the territory of the Kingdom, by marriage and by naturalization. Both legitimate and illegitimate children of Yugoslav citizens were entitled to Yugoslav citizenship regardless of their place of birth. Also, children born in Yugoslav territory from unknown parents were considered Yugoslav citizens until proven otherwise. A woman could acquire Yugoslav citizenship by marrying a Yugoslav citizen unless she decided to keep her citizenship under the sworn statement and legal provisions of her native country.

In comparison to Serbian practice before the Great War, acquiring Yugoslav citizenship by naturalization was somewhat more complicated. Priority was clearly given to applicants of Serbo-Croatian-Slovene ethnicity. They only needed to apply and to be older than 21. Other conditions were: place of residence in the Kingdom for three years, law-obedient behavior and the ability to support themselves. Other foreigners beside that needed to: reside in the Kingdom for 10 years, possess a guarantee from a Yugoslav municipality that their domicile would be registered, and also have discharge from their previous citizenship. In three cases, foreigners could obtain citizenship earlier: if one of the universities in the Kingdom hired them as professors; if state interests required their admission to citizenship; and if they had merits for the state. All naturalized citizens would have to swear allegiance to the King.

Special categories of foreigners who were entitled to Yugoslav citizenship before the mandatory period of 10 years included:

1. Foreign subjects who during the previous wars served in the civil or military service in Serbia and Montenegro or in Yugoslav volunteer units;
2. Citizens of Russian Empire of Slavic origin who were living in the Kingdom of Serbs, Croats and Slovenes as refugees.⁶⁴

This second category is just another stipulation prioritizing certain national, racial or ethnic groups, because among Russian refugees who during the 1920's

⁶⁴ Ibid. p. 1294.



Front cover of the passport of the Kingdom of Yugoslavia (Arhiv Jugoslavije, Biblioteka – Varia)

arrived to Yugoslavia were other nationalities as well. Standing out in particular was a large group of Kalmyks, a traditionally Buddhist tribe of Mongol origin, whose members came to Serbia together with other Russian refugees and for whom these naturalization rules obviously did not apply.⁶⁵

The law itself clearly speaks about the contemporary legal inequality of men and women. According to the common practice at the time, a woman

⁶⁵ On Russian refugees in Yugoslavia, see more: Miroslav Jovanović, *Doseljavanje ruskih izbeglica u Kraljevini SHS 1919–1924* (Beograd: Stubovi culture, 1996); and Miroslav Jovanović, *Ruska emigracija na Balkanu (1920–1940)* (Beograd: Čigoja, 2006).

would automatically lose her citizenship in the case of a marriage to a foreign subject unless she decided to keep it according to a marital agreement or in line with her husband's state legislation. Needless to say, the law itself is written in the male gender. Most of its articles cannot be applied in case of married or under-aged women, and it is often explicitly hostile to women's rights. For example, married woman who was former Yugoslav citizen could only reapply for her Yugoslav citizenship upon the death of, or divorce from, her husband. Like all other applicants, she was obliged to submit the relevant official statements and then permanently move to the Kingdom of Serbs, Croats and Slovenes. However, her children, even born in wedlock with a foreign subject, were not entitled to this right.

Citizenship could also be denied by: discharge, marriage, legitimation, renunciation, deprivation and absence. Everyone was free to ask for a discharge from citizenship, however those who were under police investigation, were serving a prison sentence, had not completed their national service, or did not pay taxes were denied this right. Applicants also had to have evidence of the intent to acquire foreign citizenship.⁶⁶

Yugoslav citizens could also be deprived of their citizenship if they entered the civil or military service of a foreign state without the permission of the Yugoslav Ministry of Interior and if they refused to quit that service. However, in this particular case, individuals who lost their citizenship were not exempted from national service. Naturalized citizens could lose their citizenship if it turned out that they had been involved in harmful activities against Yugoslav state, such as espionage or if they had left the Kingdom in order to avoid national service or any other official duty. After that they would permanently lose the right to obtain Yugoslav citizenship through naturalization. Yugoslav citizens over the age of 21 who permanently resided abroad but did not fulfill their obligations towards the state (such as national service) over a period of thirty years would lose their citizenship. Family members, wives and children could lose their citizenship only if they followed their father (head of family) in obtaining new citizenship. Otherwise they would remain Yugoslav citizens until they left Yugoslav territory for good.

Former Yugoslav citizens could apply for Yugoslav citizenship like every other foreigner. For example, those individuals who had lost Yugoslav citizenship by following their fathers in naturalization for foreign citizenship could apply for Yugoslav citizenship again after the age of 21 if permanently resident in Yugoslavia.

⁶⁶ "Zakon o državljanstvu Kraljevine Srba, Hrvata i Slovenaca", *Službene novine Kraljevine Srba, Hrvata i Slovenaca*, 1 November 1928, No. 254, pp. 1290–1291.



Certificate of Yugoslav citizenship (Arhiv Jugoslavije, Poslanstvo Kraljevine Jugoslavije u Čehoslovačkoj – Prag, 391, fascikla 7)

Those individuals who immigrated to Bulgaria were given a three-year period from the passing of this law to return to the Kingdom of Serbs, Croats and Slovenes and assume Yugoslav citizenship.

Most of the above-mentioned stipulations were related to former Austro-Hungarian subjects. The situation with former Ottoman citizens was simpler. For them it was simply stated that all those who on the 25 August 1913 lived in territories that belonged to Serbia and on 8 November 1913 lived in the former Montenegrin territories automatically became Yugoslav citizens. However, non-Slavs from these territories [it is not said explicitly but implicitly referred to ethnic Turks and ethnic Albanians], would lose any automatic right to Yugoslav citizenship should they fail to officially confirm their acceptance of Yugoslav citizenship by 1 November 1933. In case they decided to renounce their Yugoslav citizenship they had one year to leave the country with their moveable possessions after which time they would be erased from municipal and military conscription records. Local authorities were ordered to facilitate the emigration process and the selling of their properties. The text of the law practically encouraged them to leave. In this particular case, and in a departure from the principles of citizenship espoused by the pre-1914 Serbian Kingdom, it was clear that the Yugoslav state, like most of the successor states after the First World War, had prioritized one group of citizens (in the Yugoslav case, Slavic citizens) over all others.

Conclusion

The dissolution of old European continental empires during the Great War was followed by the creation of national states, which, as it turned out proved to be equally complex and diverse as their predecessors. For example, within Czechoslovakia there were more Germans than Slovaks; the Kingdom of Serbs, Croats and Slovenes encompassed considerable communities of Germans, Hungarians, Albanians and Turks, while in Poland, for example, around 30% of the population belonged to different minorities – Ukrainian, Jewish, German and others. As a direct consequence of the Great War and the subsequent peace treaties various hierarchies of nations were established. Bringing together within one state framework former Serbian, Montenegrin, Habsburg and Ottoman subjects demanded the harmonization of different legal traditions and practices which in practical terms meant abandoning some of the existing laws and norms and the introduction of new ones. For Serbia it meant the introduction of some new legal institutions, such as *pertinenza*, as well as the institution of harsher and more demanding conditions for naturalization that gave preference to members of the South Slav nations. By complying with existing models within the post-Great War European order, Serbia distanced itself from its own liberal and egalitarian 19th century foundations. Paradoxically, it looked like the new multi-national successor state had become more nationalist than its single-nation predecessor.

Dmitar Tasić

SRBIJA IN SPREMEMBE V KONCEPTU DRŽAVLJANSTVA V OBDOBJU PRVE SVETOVNE VOJNE

POVZETEK

Med številnimi temami, povezanimi s sodelovanjem manjših držav v prvi svetovni vojni, ki so pritegnile akademsko pozornost, je vprašanje državljanstva, se pravi, na kakšen način je vojna sama vplivala na pravne prakse in interpretacije te pomembne institucije. Primer Srbije govori o drastičnih premikih v razumevanju državljanstva, ki so nastali kot posledica dveh vojnih spopadov. Prva je balkanska vojna 1912–1913, ki je prinesla ozemeljsko in demografsko širitev Srbije, druga pa sama velika vojna, ki se je končala z združitvijo z drugimi južnoslovanskimi narodi. Enako pomembne izkušnje so bile vprašanje naturalizacije, ki v nasprotju s preostalimi evropskimi udeleženci velike vojne v srbščini ni bila postavljena pod moratorij, pa tudi vprašanje prostovoljcev – zlasti tistih, ki so prihajali iz sovražnih držav – in kako je bila ta kršitev obstoječih mednarodnih norm obravnavana. Največji izziv je predstavljalo združevanje zmagovitih in premaganih prebivalcev v prvo večnacionalno jugoslovansko državo (Kraljevino Srbov, Hrvatov in Slovencev iz leta 1918). To srečanje med etnično, versko in geografsko raznolikimi ozemlji je zahtevalo potrpežljivost in pripravljenost na kompromis. Poleg obstoječih zakonov sta bila prva pravna dokumenta, ki sta v praktičnem smislu napovedovala, kakšna bodo vodilna načela pri oblikovanju novega razumevanja državljanstva, mirovni pogodbi z Madžarsko in Avstrijo. Omenjeni pogodbi sta močno vplivali na koncept državljanstva, ki je v kraljestvu prevladal v dvajsetih letih prejšnjega stoletja. Z dokončnim sprejetjem *Zakona o državljanstvu* leta 1928 je bila med drugim uvedena institucija *pertinenza*, ki v predvojnem srbskem razumevanju državljanstva ni obstajala, hierarhija narodov, zaželenih in primernih za naturalizacijo, ter dajanje prednosti južnim Slovanom in Slovanom nasploh, pa tudi v splošnem strožji in zahtevnejši pogoji za naturalizacijo. Določbe tega zakona so spodbujale in olajšale tudi izseljevanje neslovanskih muslimanov (Turkov in Albancev). Ta novi koncept državljanstva, ki je bil restriktiven in v marsičem regresiven glede na norme predvojnega Kraljevina Srbije, je odražal podobne retrogradne korake v zvezi z državljanstvom, ki so jih v dvajsetih letih prejšnjega stoletja izvajale druge od vojne raztrgane države po svetu. Odraža pa tudi specifično zgodovinsko pot, ki sta jo ubrali Srbija in širša regija od balkanskih vojn 1912–1913, in pravzaprav še daljši zgodovinski proces združevanja Jugoslavije. Spremembe koncepta državljanstva v Srbiji v času velike vojne še zdaleč niso bile netipične za širša svetovna dogajanja, a tudi tipične niso bile.

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Naslov: **SRBIJA IN SPREMEMBE V KONCEPTU DRŽAVLJANSTVA
V OBDOBJU PRVE SVETOVNE VOJNE**

Studia Historica Slovenica

Časopis za družboslovne in humanistične študije / *Humanities and Social Studies Review*

Maribor, letnik 21 (2021), št. 3, str. 529–568, 66 cit., 3 slike

Kategorija: 1.01 Izvirni znanstveni članek

Jezik: angleški (izvleček angleški in slovenski, povzetek slovenski)

Ključne besede: Srbija, jugoslovanska država, državljanstvo, *pertinenza*, balkanske vojne, prva svetovna vojna, civilni zakonik, prostovoljci, naturalizacija

Izvleček: Članek obravnava spremembe v konceptu državljanstva, ki so se zgodile med prvo svetovno vojno in po njej zaradi širitve in združitve Srbije z drugimi južnoslovanskimi narodi v jugoslovansko državo. Zaradi združitve z nekdanjimi habsburškimi ozemlji in določil mirovnih pogodb z Avstrijo, Madžarsko in Bolgarijo se je srbski liberalni koncept državljanstva spremenil z uvedbo domovinske pravice (*Heimatrecht* ali *pertinenza*) in z ustvarjanjem določene hierarhije med etničnimi skupinami, ki so dajale prednost Južnim Slovanom in Slovanom nasploh. S sprejetjem zakona o državljanstvu iz leta 1928 je postalo jasno, da je jugoslovanski koncept državljanstva postal bolj regresiven v primerjavi s pojmom državljanstva, ki je obstajal v predvojnem srbskem kraljestvu.