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Continuities and Discontinuities: the Constitutional and Political Development of Bosnia and Herzegovina to 1990

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Constitutional and political history of Bosnia-Herzegovina clearly shows that it has lost its statehood during 15th century. Since then it was always part of large state entities and all important political decision were made outside Bosnia-Herzegovina. It only regained some elements of statehood during World War II as a federal unit of future socialist Yugoslavia. Such development made it unable to function as an efficient and independent political unit after it declared independence in 1992.

Key words: Bosnia-Herzegovina (B-H), government organization, statehood, cultural and administrative identity, federalization, Ottoman Empire relations with B-H, Austro-Hungarian relations with B-H, Muslims, Croats, Serbs

The Bases for the Development of Bosnia and Herzegovina as a State in the Modern Era

Without historical perspective, it is not possible to discuss the claims to statehood and the political legitimacy of Bosnia and Herzegovina, nor is it possible to understand the position of Bosniaks, Serbs and Croats within Bosnia and Herzegovina and their relationship to one another.

This chapter will outline and discuss the constitutional and administrative position of Bosnia and Herzegovina in the various, distinct constitutional orders through which the area passed before the proclamation of independence. It will also analyze the legitimizing basis of these constitutional orders. Special attention will be paid to the elements of statehood, to the anomalous position of Bosnia and Herzegovina compared to neighboring countries (Croatia, Serbia, and Montenegro) while the ways in which Bosnia and Herzegovina deviates from the "regular" pattern of state-building and nation-building in Central and Eastern Europe will be indicated.

Before discussing Bosnia-Herzegovina's claim to statehood, it is necessary to determine the significance of individual periods of the area's his-

tory, because they differ in their importance to the question of statehood for Bosnia and Herzegovina.

Austria-Hungary occupation and administering of the region of Bosnia and Herzegovina in 1878 was the beginning of the process that led toward its statehood. Direct roots of the contemporary statehood of the Republic of Bosnia and Herzegovina are laid in the events of 1943 when the communist regime made the region a republic within the Yugoslav federation. However, the tendency of building up of the republic's more independent position in the Yugoslav federation - on equal with the other republics - speeded up in the 1960s, coinciding with the definition of Muslims in Yugoslavia as a separate nationality.

So the evolution toward statehood was rather late in Bosnia-Herzegovina, given that the period from the late eighteenth to the early twentieth century was the critical formative period for modern statehood for most of Europe. During this hundred year period, modern European nations were developed as the Europe's eighteenth century estate order that evolved from feudal and medieval institutions gave way to a more modern socio-political organization. The new order was based on the legal equality of citizens and their increasing participation in the political sphere, as feudal institutions were transformed or discarded in favor of modern institutions. The modern states that emerged were as a rule national states whose citizens possessed broad civil and political rights based on the assumption that all individuals, not just particular estates had such rights. During the 1900s, these assumptions and political forms provided the basis for a restructuring of the international order and a further development of the new nation-states and their institutions. The process was complex and controversial, and its history was shaped and characterized by competing ideologies, various economic circumstances, constant internal tension, repeated wars, and an increasingly sophisticated international diplomacy. It is in such a complex and often confusing context that one must chart the course of Bosnia and Herzegovina's evolution from the Ottoman province, Austria-Hungary administrative zone into a communist republic and finally a liberal state.

Unlike most European states, especially those in Central and Eastern Europe, which evolved into nation-states from medieval political entities during the 18th and 19th centuries, Bosnia-Herzegovina did not do so. So its history from the early Middle Ages to 1878 has no special relationship to its modern statehood. Unlike Britain, France, Spain, and other states, which transformed or resurrected such medieval institutions as national monarchies and parliaments, there was no continuity of institutions from the early medieval Bosnian kingdom that succumbed to the Ottomans in 1463, nor were any of the institutions of the early Christian kingdoms resurrected, even in an altered form, after 1878. Not only the fact, but the very idea of medieval Bosnian statehood was completely shattered by the Ottoman occupation, which replaced earlier customs and institutions with a new set of social customs, laws, religious practices, and political institutions, all grounded on a different set of assumptions

about reality and derived from an opposing historical tradition. Moreover, the Ottomans failed to lay the foundations for a Bosnian state because they neither recognized nor allowed Bosnia-Herzegovina to develop as a unified, administrative entity with its own constitutional identity.

Bosnia-Herzegovina's lack of continuity with medieval institutions and the fractured collective memory of the region's religious and ethnic groups is a matter of considerable importance. It marks the area's historical development as distinct from that of its neighbors, which had some form of continuity with earlier traditions, whether Serbia's Orthodox Church, Hungary's constitution, or Croatia's Sabor (Diet). The break between medieval Bosnia and early modern Bosnia reflected a division among its population, two of whom (Serbs and Croats) looked to the earlier period for the roots of their national identity, and one of whom (Muslims) could define themselves only as members of a religious group. The impact of these differences cannot be overstated, because they defined how each of the region's three groups conceived of themselves and of Bosnia-Herzegovina as a state in the modern era.

Nineteenth century national movements in Central and Eastern European countries developed their own national languages and could look back to, and identify with, their own "golden age" when their historical states and constitutions existed. It could be used as a base on which modern national institutions, culture, literature and church could be developed - but, as Mark Pinson has noted, the Bosnian Muslims had no similar historical period and no comparable institutions on which to base a modern culture and state.¹

Although the period of medieval statehood has no direct link to the modern Bosnian state, it is important because of its relationship to the idea of Bosnian statehood as an argument that seeks to assert the constitutional particularity of the region and delimit its territory. But, as noted above, Bosnia-Herzegovina entered the nineteenth century with its political and cultural continuity severed, without a constitution and other indigenous institutions, without political independence or autonomy, and without any homogeneous collective memory of the medieval kingdom on whose precedent Bosnian statehood might be claimed and build.

The Period of Medieval Statehood

In the 7th century, as the South Slavs began to arrive in the Balkan Peninsula, the area that comprises present-day Bosnia and Herzegovina found under the Byzantine Empire, whose power oscillated wildly, owing to pressure from a variety of sources. Some of the newly arrived South Slav established independent principalities under the nominal control of larger political entities. The power and the territory of these principalities changed frequently,

¹ Mark PINSON, "The Muslims of Bosnia-Herzegovina Under Austro-Hungarian Rule, 1878-1918," in M. PINSON, ed., *The Muslims of Bosnia-Herzegovina*, Cambridge MA, 1996, pp. 89-90. For a more general view, see Peter F. SUGAR, "External and Domestic Roots of Eastern European Nationalism," in P. F. SUGAR and Ivo J. LEDERER, eds., *Nationalism in Eastern Europe*, Seattle and London, 1973, pp. 9-10, 22.

depending on various internal and external factors, including the strength of other political formations in the area. The rise and fall of larger polities in the Adriatic-Balkan region enabled the more successful principalities to develop into kingdoms, with all the attributes of medieval states. But their continued existence always depended on their stronger neighbors, and often was quite brief. Among the new kingdoms were the Croatian, Serbian, and Montenegrin states.

The Croatian kingdom was recognized in 925. At its largest, this early kingdom encompassed the regions of Slavonia, Dalmatia, Bosnia, and a number of other regions. But Croatia was confronted with a much stronger Hungarian neighbor, whose kings meddled in the fight for the vacant Croatian throne in the late 11th century. The fight ended with a deal between the Croatian nobility and the Hungarian Arpad dynasty in 1102 which accepted the Hungarian dynasty as kings of Croatia, but guaranteed the Croats their own aristocracy with certain specific rights. On this basis developed Croatian distinct constitutional personality and the right of Croatian aristocracy to govern themselves through the institution of the Sabor (Diet) while Hungarian monarchy ruled in Croatia through Ban, yet another Croatian political institution.

The extent of Croatian rights waxed and waned according to political circumstance, just as the territory under the administration of the Ban and the Sabor increased and decreased with military advances by the Turks, the Venetians, the Hungarians, and the Austrians. But the Croats maintained their constitutional and political personality and an integrated, well developed domestic institutional infrastructure until 1918. They expressed their constitutional personality and exercised limited self-government through the Sabor (Diet), which initially was based on estates, much like those of Western Europe. The Sabor had legislative competence within Croatia, and the Ban functioned both as viceroy and Croatia's chief executive. These institutions both symbolized and preserved Croatia's special position, and served as the vehicles through which Croats exercised various degrees of autonomy into the 19th century, as traditional feudal institutions evolved into modern political institutions. Although Croatia disappeared as an independent kingdom after 1102, it continued to display the features of a state and to exercise various degrees of self-rule through institutions that could be traced back to the early medieval times. In this sense, the Croatian state survived and evolved, even though it was not independent. By the mid 1800s, its medieval institutions had evolved to the point that they could be successfully adapted to the requirements of a modern state, a process that occurred between 1848 and 1880.²

The Serbian kingdom was established in 1217, following a period of Serbian principalities. Although its first rulers were Catholic, the Serbian state came under the influence of the Byzantine empire, which shaped Serbian culture,

² For a review of Croatian medieval history see: Ivan BEUC, *Povijest institucija državne vlasti kraljevine Hrvatske, Slavonije i Dalmacije (pravno-povijesne studije)*, Zagreb 1985, pp. 3-230; Tomislav RAUKAR, *Hrvatsko srednjovjekovlje*, Zagreb 1998, *passim*; Ferdo ŠIŠIĆ, *Povijest hrvatskog naroda*, Zagreb 1984, *passim*.

politics, and religion. Serbia reached its maximum extension under the Stefan Dušan, who expanded his state into Greece to the South and into Bosnia to the West, aspired to conquer Byzantium, and proclaimed himself emperor of the Serbs and the Greeks in 1346. By this time, the Orthodox Church had prevailed in Serbia, binding itself closely to the state. Over time, the Serbian Orthodox Church became so closely identified with the Serbian state, that religious affiliation and state allegiance became synonymous. Indeed, members of the Nemanjić dynasty, which is associated with the rise of the medieval Serbian state, figure prominently in the Orthodox list of saints.

Between 1371 and 1459, the Ottomans defeated the Serbs militarily, absorbed the medieval Serbian state, and obliterated all Serbian institutions except the Orthodox Church. As a result, Serbs identified even more strongly with their church, a process reinforced by the *millet* system, which left non-Muslims a certain degree of autonomy within their religious groups. Following a Serbian uprising in 1804, the Ottomans accepted an autonomous Serbian principality within the empire. Gradually, the Serbs managed to transform their autonomous status into a de facto independence within the Ottoman Empire. But not until 1878, when the Berlin Congress forced the Porte to allow Serbia full independence, were the Serbs able to create a truly independent kingdom. In spite of high rates of illiteracy, a largely peasant population, a largely agricultural economy, and little experience in self-government, the Serbian kingdom adopted the basic institutions of a modern constitutional system in 1869.

The modern reincarnation of the Serbian state was made possible by three factors. One of these was the Ottoman decision to create Serbian princes to look after local government in their areas. These men later became the leaders of the Serbian revolution and the autonomous principality in the 1800s. Another was the Ottoman decision to arm the Serbs to police their areas and act as local militia. This allowed the Serbian leaders Karadjordje and Obrenović to stage their successful rebellion in 1804. The third, and perhaps most important, factor was the great latitude enjoyed by the Serbian Orthodox Church, which experienced a golden age during the autocephalous, Peć patriarchate (1557 – 1766) and managed to keep the Serbian people together. Like the Greek, Bulgarian, and Romanian Orthodox churches, the Serbian sought hegemony over the Christians in its area. So it not only safeguarded and propagated the memory of Serbia's medieval state, it sought to extend its own area of dominance. It consequently exerted a strong political influence on the Serbian people and became a major force promoting Serbia's national revival and emancipation in the 1800s.³

Montenegro began as the mountainous feudal state of Zeta in the early Middle Ages. It was temporarily absorbed by the Serbian state in the 1100s, but was again independent by the 1300s. The Montenegrin state has always been

³ For Serbian medieval history, see Sima Ćirković, ed., *Istorija srpskog naroda*, Beograd 1981, Vol. I, *passim*; Sima ĆIRKOVIĆ, *Srbi u srednjem veku*, Beograd 1997, *passim*; John V. A. FINE, *The Early Medieval Balkans*, Ann Arbor, 1994, *passim*.

relatively inaccessible owing to its location in the mountains. It has also been relatively difficult to conquer and control, owing both to the terrain and to strong tribal organizations. Indeed, Montenegro maintained a *de facto* independence within the Ottoman Empire. Unable to introduce their feudal system into Montenegro, Istanbul imposed only one flat tax on the country, and depended on the local authorities to collect it. In effect, Ottoman authority was so weak in Montenegro as to be nonexistent. The transition to full independence was therefore a relatively easy one, although, like Serbia, Montenegro did not attain full independence until granted it by the Congress of Berlin in 1878.⁴

The history of Bosnia and Herzegovina followed a completely different course. In the ninth century, Serbian rulers established themselves in Herzegovina and Montenegro, and after the death of the Croatian king Tomislav in 928 they seized major parts of western and northern Bosnia that had been Croatian. Bosnia was mentioned as a separate territory for the first time in 958. At that time, Bosnia encompassed a considerably smaller territory than it does today. It derived its name from the river Bosnia, which formed one of its boundaries. Control over the areas of Bosnia and Herzegovina, which were considered distinct regions, changed regularly, as first the Croats, then the Serbian, then the Byzantines, and then a Hungarian-Croatian consortium occupied, settled, and administered them. Owing to its proximity to the medieval Serbian state, Herzegovina tended to fall under the sway of Serbia, while Bosnia, further to the West, was more closely linked to Croatia, whose cultural and political influence was dominant by the 1100s. Religiously, there was little difference between Bosnia and Croatia in the high Middle Ages. When Bosnia stabilized politically in 1180, it was ruled by Kulin, who used the title *Ban*, yet another indication of Croatian influence.

Bosnia became a kingdom in 1353, when the powerful Bosnian ban, Tvrtko I, proclaimed himself king. Prior to this time a loose feudal organization existed in Bosnia while increasingly schismatic church organization displayed a great many autochthonous features. Serbia was too weak to control the area while the Hungarian-Croatian kings tried to impose themselves as the nominal overlords of Bosnia, but despite several attempts to subjugate Bosnia militarily, they had little success. By the 13th century, northern Bosnia was divided among members of the Hungarian royal family, and Bosnia proper was ruled by the members of the Croatian Šubići family, whose heads simultaneously held the office of Croatian Ban and took the title of Bosnian Ban. In 1322, Ban Mladen Šubić was replaced by a local nobleman, Stjepan Kotromanić, who first appropriated the office of Ban, then expanded the territory of Bosnia. It was Kotromanić who, for the first time, forged Bosnia and Hum (Herzegovina) into a single political entity. After a period of struggle for power, his son, Stjepan Tvrtko, tightened his grip on power in Bosnia, backed by a Hungarian ruler too busy with problems at home to pay much attention to Bosnia.

⁴ For Montenegro's medieval history, see Jovan KOVAČEVIĆ, *Istorija Crne Gore*, Titograd 1974-1975, Vols. I, II, *passim*.

Stjepan Tvrtko consolidated his power and again expanded the Bosnian state, to the South and Southeast. In 1377, he proclaimed himself the king of Bosnia and Serbia, a somewhat misleading title, since he was merely alluding to this family links to the Serbian Nemanjić dynasty. Exploiting a period of anarchy in Croatia, Tvrtko seized the greatest part of the coastline between Bosnia and the Adriatic, as well as parts of northern Croatia and Slavonia. Shortly before his death, he declared himself King of Croatia and Dalmatia. His reign marked the height of Bosnian power and the furthest extension of Bosnia's boundaries. However, the newly acquired regions were lost immediately after Tvrtko's death in 1391, and Bosnia was under Turkish pressure and convulsed by domestic quarrels, leaving its new ruler no choice but to become a Hungarian vassal. Although the Bosnian state endured a while longer, it was ruled by feudal lords who expelled King Ostoja and installed Tvrtko II in 1404. At this point, the Hungarian monarchy became involved in the struggle for the throne, as did the Ottoman Sultan, who had already become the lord and protector of the region's Serbian rulers by 1392. Bosnia's continued to unravel, as internal struggles for power and raids and military operations by both Hungary and Turkey devastated the area. Period of peace were rare and brief.

Utilizing Bosnia's disintegration, Stjepan Vukčić, the ruler of Hum proclaimed himself *Herzeg* (Duke). The name *Herzegovina* therefore refers to this period and has become customary for the area. The Bosnian state finally disappeared in 1463, when the Turks conquered it and killed the last Bosnian king, Stjepan Tomaš. So ended the Bosnian state and Bosnia's unique constitutional personality.⁵

Bosnia and Herzegovina during the Ottoman Period (1463-1878)

The expansion of the Ottoman Turks into the South-Slav regions radically changed the existing political relations there. The Turks absorbed the medieval kingdoms of Bosnia and Serbia, pushed into Hungary and Croatia, and twice put Vienna under siege, in 1529 and 1683.

Throughout the Balkans, including Bosnia, the Ottoman administration displayed certain characteristics. Practically, the Empire melded military and administrative functions, following the traditions of oriental despotism and Islamic concept of the state. With its capital in Istanbul, the Ottoman Empire displayed all the characteristics of a unitary and strictly centralized state in which the lower echelons of administration were strictly subservient to the central power. Ottoman authorities erased all memories of earlier political arrangements, dissolved the former public-law institutions of the conquered areas they administered and introduced Ottoman institutions whose uniformity and centralized character guaranteed maintenance of the integrity

⁵ For the medieval history of Bosnia and Herzegovina, see Mladen ANČIĆ, *Putanja klatna. Ugarsko-hrvatsko kraljevstvo i Bosna u XV. stoljeću*, Zadar and Mostar 1997, *passim*; Sima ČIRKOVIĆ, *Istorija srednjovekovne bosanske države*, Beograd 1964, *passim*; Krunoslav DRAGANOVIĆ, et al. *Povijest Bosne i Hercegovine*, Sarajevo 1983, Vol. I, *passim*.

of the large empire. Newly conquered lands were "merged" with the unitary empire losing their political identity and their territorial shape. Their administrative standing and territorial extension within the Empire were contingent on the needs of the Ottoman state.

Spread over two continents, Ottoman Empire included a smorgasbord of nations, each with its peculiar political and religious traditions but, save for a few vassal states, the Empire was ruled from the Istanbul in a form of rigid centralism. The Sultan sat atop the imperial structure and detained all power within the empire. Regional centers of power were not tolerated, because they might challenge the central government. But the empire was organized regionally. *Pashaluks* (*beglerbeylik*, *eyalet*) – or provinces -- were the largest units. Headed by a *beglerbey* (*vizier*, *valya*), they included the *sandzak*, a term derived from the Turkish word for the "flag" flown by military detachments. The *sandzaks* were administrative regions in which members of the local warrior class – the *spahija* -- could be quickly mobilized with their vassals under their "flag" in the event of war. The Ottoman administration therefore rested on a military base at its local level but all vassals owed allegiance to a single ruler who embodied both secular and religious functions. In the Ottoman Empire, religious and secular authority was inextricably intertwined until Kemal Atatürk unraveled the knot in the 1920s.

Judicial organization in the Empire derived from Arab practice and was distinct from the military-administrative system. It was organized into administrative-judicial units called *kazas* or *kadiluks*, in which *kadijas* based their decisions on religiously-based *sharijat* law, custom (*aadet*), and the Sultan's decrees on which Empire's "civil" law was based (*kanun*). The decisions were binding and could not be appealed. Because *sharijat* law was religious, there was no substantial difference in the education of the *kadija* and a religious official. *Kadijas* belonged to *ulemas*, "servants of law and faith." Administratively, they were subordinated to one of two *kazaskers*, or "military judges," one for Rumelia and a second for Anatolia, who oversaw the judges in their area. Over time, *muftis* also began to interpret the law. While they did not directly intervene in judicial procedures, on the request of a participant in a complicated case, they would issue *fetvas*, legal opinions based on the *Sharija* that were binding on the *kadijas*.

Members of non-Muslim religious communities within the Empire were grouped according to *millet* (their particular confessional community) and enjoyed religious autonomy as well as legal autonomy and jurisdiction in matters of private-law relations among members of the *millet*. However, their relations with members of the Islamic creed were subsumed under Islamic or rather Turkish law.⁶ By allowing some local institutions, like the parish, to survive, the Ottomans unwittingly left intact instruments that would be used to develop modern nationalism among non-Muslim groups.⁷ So, the system

⁶ Josef MATUZ, *Osmansko Carstvo*, Zagreb 1992, pp. 74, 81; Avdo SUČESKA, *Istorija države i prava naroda SFRJ*, Sarajevo 1981, pp. 98-99, 123.

⁷ P. F. SUGAR, *ibid.*, pp. 27-28.

of power in the Ottoman Empire highly differed from the one in the Western Europe.

The social and economic matrix of the Empire was a system of land ownership that provided the Sultan with both a strong integrative link to local populations and a means of supervising them. The Sultan owned all land in the Empire, and distributed estates, together with the peasants (*raya*) on them, to military staff and civil servants as payment or rewards for services rendered to the Empire. All *raya* in Bosnia and Macedonia, regardless of religion, paid taxes, but Christians paid higher rates than Muslims.⁸

Although Bosnia and Herzegovina were typical of other Ottoman provinces in Europe, they were rather unique in two respects. One was the acceptance of Islam by a large number of the indigenous population. The major consequence of this massive conversion was that a large part of the local population enjoyed full rights as *Muslim* subjects of the Empire. Bosnia and Herzegovina developed as an area in which much of the population was fully integrated into the political life of the Empire and the spiritual life of the larger Islam community. Their religion led many Bosnian Muslims to identify with the Islamic community as a whole and to subscribe to the imperial ideology. In addition, Bosnia and Herzegovina were situated on the most important border region of the empire. This gave the areas a military and political significance they otherwise would not have had, and assured regular, albeit often hostile, contacts with their Christian neighbors.⁹

Nonetheless, the uniqueness of Bosnia and Herzegovina should not be exaggerated. As Collin Heywood has pointed out, viewing the region's acceptance of Islam as a result of a wholesale conversion from Bogomilism is an erroneous interpretation first made by Bosnian-Muslim late nineteenth-century scholars. Such conversions did occur elsewhere, as did the apparently linked processes of islamization and urbanization, and the creation of a Muslim society speaking an indigenous language, in this case, a Slavic dialect. Since all of these phenomena can be found elsewhere in the Empire, Heywood concluded that Bosnia and Herzegovina were special cases, but only "somewhere between 'to some extent', 'at least' and 'not much'."¹⁰

These relatively unique characteristics were reflected in the territorial position of Bosnia and Herzegovina within the Empire. The Ottomans initially divided the area into *sandzaks* within the Rumelian *pashaluk*, which then encompassed the European part of the Empire. Some of the *sandzaks* were later reassigned to the Budapest *Pashaluk*. Around 1580, a special Bosnian

⁸ Šefko KURTOVIĆ, *Opća povijest prava i države*, Zagreb 1992, pp. 266 ff; J. MATUZ, *ibid.*, pp. 69-75; A. SUČESKA, *ibid.*, pp. 98 ff.

⁹ Ivo BANAC, *The National Question in Yugoslavia. Origins, History, Politics*, Ithaca and London 1984, p. 66; A. SUČESKA, "Elementi koji su uticali na posebnost Bosne u doba osmanlijske turske vladavine", *Godišnjak Pravnog fakulteta u Sarajevu*, 24, 1976, p. 309; Hazim ŠABANOVIĆ, *Bosanski pašaluk*, Sarajevo 1959, pp. 39, 77, 79.

¹⁰ Colin HEYWOOD, "Bosnia Under Ottoman Rule 1463-1800," in M. PINSON, ed., *The Muslims of Bosnia and Herzegovina*, pp. 39-40

pashaluk was established, covering all of Bosnia and Herzegovina and newly conquered Croatian lands in Dalmatia, central Croatia, and Slavonia -- an area considerably larger than any ever held by Bosnia's medieval rulers. The Bosnian pashaluk had the same administrative organization as the other thirty-nine Turkish pashaluks in the late 16th century, but it had been organized largely because it was an important border region, and its geographical position and military function gave the new pashaluk some features commonly found only in a military camp. Over time, as Ottoman power declined and the Christian states to the north made inroads on the Empire, the borders of the Bosnian pashaluk contracted until they were stabilized by the Treaty of Karlovci in 1699. The treaty established a border to the north, west, and south with Austria-Hungary that roughly coincides with the present-day frontiers of Bosnia-Herzegovina. However, in the east, the pashaluk's internal border was quite different than it is today, because it comprised the Novi Pazar sandžak, which today is in Serbia and Montenegro. From 1833 to 1865, the Bosnian pashaluk was divided into two eyalets (Bosnian and Herzegovinian), which were later reconnected in the Bosnian vilayet.¹¹

After 1580, all local Muslims were incorporated in the military and, consequently, all enjoyed special privileges. In the course of time, two new local military officials emerged *ayans* (distinguished persons) and *kapudans* (captains). The ayans gradually came to dominate the region, and grew powerful enough to challenge the power of the vizier, the Sultan's direct representative. In the 1800s, this group led an armed rebellion to protest the military and administrative reforms decreed by Mahmud II, because they would have broken power of the ayans. The rebels demanded that ayans be given a hereditary military office that would carry with it their rights and that the Bosnian vizier be appointed from among local ayans. In effect, the revolt was aimed at overthrowing the reforms and retaining the existing privileges of certain classes within Bosnia's Muslim community. But the rebellion had no hope of success. Similar uprisings were suppressed in Bulgaria, southern Albania, and Anatolia, and in 1833, a Herzegovinian ayan, Ali-bey, crushed the Bosnian rebellion for the Sultan. The Bosnian pashaluk was then divided in two and Ali-bey appointed pasha of Herzegovina. When he began to display signs of independence, Omer-Pasha Latas removed him in a bloody campaign and then broke the power of the remaining Bosnia-Herzegovinian ayans in 1851.¹²

The history of Bosnia and Herzegovina demonstrates that there was no territorial, political, or administrative continuity between the medieval kingdoms and the region as it was defined after the Treaty of Karlovci in 1699. Indeed, while that treaty stabilized the area's northern, southern, and western borders, it did not do so in the east, and Bosnia and Herzegovina were gerrymandered within the Empire for internal political reasons through the mid 1800s.

¹¹ A. SUČESKA, "Elementi koji su uticali na posebnost Bosne", pp. 303, 309; A. SUČESKA, *Istorija države i prava naroda SFRJ*, p. 114; H. ŠABANOVIĆ, *ibid.*, pp. 77-81.

¹² A. SUČESKA, "Elementi koji su uticali na posebnost Bosne", pp. 311-312; A. SUČESKA, *Istorija države i prava naroda SFRJ*, pp. 119-120.

Bosnian borders were in fact the subject of significant changes up to the Austrian occupation. Hazim Šabanović, whose study of the Bosnian pashaluk has become a standard, concluded that "the territory of Bosnia as Turkish pashaluk was never identical, and especially not in the 16 and 17 centuries, either with territory of the kingdom of Bosnia or with the territory of Bosnia after the peace of Karlovci (1699) and especially not with the territory of Bosnia and Herzegovina after the occupation of 1878."¹³ When we speak of Bosnia's borders, especially in the Ottoman period, it is crucial to have in mind that they coincided for the most part with the international borders of the Ottoman Empire. They were not Bosnian, but Ottoman borders, and they were determined by the logic of military events, not set according to some distinctly Bosnian factors. With the exception of its internal borders to the east, Bosnia's borders were drawn to reflect the relative balance of military power between the Ottoman Empire and the Habsburg Monarchy, not to maintain the putative shape of previous Bosnian states. With the Treaty of Karlovci, itself a practical reflection of a radical change in that balance of military power, a Bosnian "triangle" appeared for the first time, the product of Austrian successes against the Ottoman Empire, not a recognition of Bosnia's natural or historic borders. Bihać, an ethnically mixed area whose population is now two-thirds Muslim, is typical of how military events have determined territorial holdings and shaped our impression of national borders. Part of Croatia until 1592, when it was conquered by the Turk, today many consider it as an traditionally integral part of Bosnia-Herzegovina.¹⁴

The survey also shows that in the case of Bosnia and Herzegovina within the Ottoman Empire it cannot be spoken in any way of any public-law particularity or of an administrative autonomy. It was a matter of a province in a centralized system of authority whose legal, judicial, and administrative systems were imperial, not indigenous, with extremely limited autonomy. Nor was this surprising, since the region was never more than a frontier province within a very large, very complex, and highly centralized empire. The province's uniqueness resided in the social and political privileges of certain sectors of the local Muslim population who acquired these privileges *via facti* over time. But these privileges did not change the administrative structure or position of the province within the empire. Local resistance to central authority did not indicate a movement aimed at creating autonomy, but rather the conservative and narrowly self-interested resistance of a small privileged elite defending *their* privileges against the modernist reforms of the Sultan. The legal historian Avdo Sućeska in his paper dealing with emphasizing this particularity of Bosnia during the Ottoman period, seek for this particularity in the first place in the position (privileges) of the domestic population that converted to Islam, while he refuses to point out to such particularities in the administrative or constitutional spheres; also, he points expressly to the ayans' autonomistic efforts as illusive. Indeed, his characterization of efforts

¹³ H. ŠABANOVIĆ, *ibid.*, p. 80.

¹⁴ Trpimir MACAN, *Povijest hrvatskoga naroda*, Zagreb 1992, pp. 115, 195.

by Bosnia's ayans to achieve autonomy as illusive might lead to the conclusion that even those privileges that were unique to the region could not achieve very important historical outcomes.¹⁵

Anyway, given the region's history and the radical territorial changes it underwent after 1463, it is difficult to accept Dr. Donia's assertion that Bosnia and Herzegovina after 1463 existed "as a distinct administrative unit" for four centuries. Nor is it possible to accept Dr. Donia's assertion that, "Bosnia's boundaries have been more stable and long-lasting than those of neighboring Croatia or Serbia."¹⁶ The comparison is at best forced because Croatia and (after 1804) Serbia enjoyed high degrees of autonomy within the Hungarian Kingdom/Habsburg Monarchy and the Ottoman Empire, respectively, while as a province – and, on occasion, two provinces – of the Empire, Bosnia and Herzegovina had little autonomy, given the Empire's highly centralized administrative system. Donia's comparison suggests that Bosnia was on the same level of autonomy as Croatia and Serbia and that, like them, it had a political identity defined by specifically Bosnian institutions. But this was not the case. When the Ottomans absorbed new lands, they incorporated them as provinces, often changing their historic borders. This occurred with Bosnia and Herzegovina. When the Habsburgs annexed new lands, they absorbed them whole, maintaining their historic boundaries and, depending on circumstances, constitutional, administrative-historical, constitutional, ethnic and religious identities and peculiarities. The Sultan ruled as Caliph and leader of the Ottoman Turks, whose empire included Bosnia and Herzegovina; the Habsburg Emperor accrued titles to existing political entities and ruled as Austrian Emperor, King of Hungary, Bohemia, Dalmatia, Croatia etc. as well as King of Jerusalem, Archduke of Austria or Grand Duke of Toscana and Cracow etc. – some of the many titles he carried even being only virtual i. e. only of historical significance. In short, while the comparison between Bosnia-Herzegovina and Serbia has some relevance, since Serbia was obliterated and was part of the Ottoman Empire, the comparison with Croatia is forced, because legal and institutional identity of Croatia within the Habsburg Empire was radically different from that of Bosnia within the Ottoman Empire.

Finally, it is obvious that the Ottomans obliterated the medieval Bosnian state, severing all continuity with past political entities. The population that accepted Islam and the Ottoman Empire's customs, values, and authority necessarily rejected its medieval heritage and its identity with earlier Bosnian states in order to do so. To have done otherwise would have meant recanting their conversion to Islam, affirming their Christian heritage, and obstructing the idea of the imperial Ottoman state. The Orthodox population, influenced by the Serbian Orthodox Church, sought its identity in the religio-statist cults of the Nemanjići and the medieval Serbian state. The Catholic population was

¹⁵ Compare, A. SUĆESKA, "Elementi koji su uticali na posebnost Bosne", p. 312.

¹⁶ See page 117 in this volume.

held its religion close, encouraged by the Franciscans, and looked to Croatia and the West for its identity.¹⁷

Bosnia and Herzegovina during the Austrian-Hungarian Rule, 1878-1918

Foreign relations in the Balkan Peninsula were temporarily stabilized by the Treaty of Karlovci, but the events of the nineteenth century undercut the basic assumptions of the peace of 1699. Of primary importance was the continued, and increasingly obvious, decline of the Ottoman Empire, which displayed both international and domestic weakness. The central government had increasing difficulty protecting its borders and maintaining peace within the Empire itself, especially in those regions distant from the capital. It was the decay of central authority and Ottoman power that allowed the Serbs and Montenegrins to challenge the central government and win autonomy, albeit within the framework of the Ottoman state, which still exercised formal sovereignty over the two new principalities in the early 1800s. As noted earlier, not until 1878, when the Western European powers imposed their will on the Porte and an aggressive, but still relatively weak, Russia did Serbia and Montenegro – along with Romania and Bulgaria – achieve full independence.

Serbs considered all Muslims in the European parts of the Ottoman Empire to be "Turks," regardless of whether they had emigrated to the region or were indigenous converts to Islam. During the course of the creation of the Serbian state in the nineteenth century, Serbians conducted a protracted and bloody eradication of local Muslims.¹⁸ They firmly rejected their Ottoman heritage in favor of resurrecting a narrowly construed medieval tradition which had been primarily preserved by the Serbian Orthodox Church, and their national ideology developed an exclusivist bias that viewed non-Serbs in the area as either apostates or inferior. On the other side, Croatian national ideology developed in the conditions of relative stability of Austria-Hungary where Croatia-Slavonia enjoyed stable autonomy with elementary parliamentary life but where traditional parts of Croatia (particularly Dalmatia and Military Border) were separated and ruled directly from Vienna. Both Serbian and Croatian national ideologies considered Bosnia and Herzegovina to be an integral part of their historic inheritance, but their attitudes toward the region's Muslims differed.

By the 1840s, Serbia had developed an official expansionist ideology aimed at establishing a Greater Serbia that would incorporate all the territories even briefly occupied by the medieval Serbian state, as well as all the areas where

¹⁷ Vasa ČUBRILOVIĆ, "Istorijski osnovi republike Bosne i Hercegovine," in *Naučni skup "Istorijske pretpostavke republike Bosne i Hercegovine, Prilozi 4*, Sarajevo 1968, 4, 28; C. A. MACARTNEY, *The Habsburg Empire 1790-1918*, London 1969, pp. 747-748.

¹⁸ The struggle between Serbian and Turk is a recurring theme in Serbian and Montenegro folklore. See Mirko GRMEK, Marc GJIDARA, and Neven ŠIMAC, *Etničko čišćenje. Povijesni dokumenti o jednoj srpskoj ideologiji*, Zagreb 1993, pp. 17-26.

Serbian emigrants had fled during the Ottoman occupation. To realize their goals, the Serbs needed to occupy Bosnia, Herzegovina, and those Ottoman and Austrian-Hungarian regions inhabited by South Slavs – whom extreme Serbian nationalists claimed as their own, regardless of religious confession or ethnic affiliation. In 1844, Ilija Garašanin, then Serbia's foreign minister, laid out a detailed plan to create a Greater Serbia. He sought to "liberate and unify" all "Serbs" within a Great Serbian state and, like subsequent Great Serbian proponents, he viewed the Serbs of Serbia as superior to the others in region.¹⁹

In order to justify the creation of a Greater Serbia, it was first necessary to discover evidence that the South Slavs were of Serbian origin. The first phase of that ideology was centered around religious (orthodox) concept of Serbian nationhood. It was soon replaced with the stage centered around linguistic concept of Vuk Karadžić who argued that everyone who spoke the *štokavian* dialect was a Serb. This dialect was wide-spread in the area and was spoken by all Muslims and large part of Croats. In fact, the *štokavian* dialect had been adopted by Ljudevit Gaj and the generation of Croatian intellectuals involved in the Illyrian Movement – a precursor to Croatian nationalism. The use of a single linguistic measure of ethnicity enabled Karadžić and subsequent Serbian nationalists to claim both the Croats and the Muslims as linguistically ethnic Serbians. But the Serbian nationalist attitude toward Muslim was not simply assimilationist but – following from the experience of Ottoman rule – antagonistic and insisted on their "return" to Orthodox religion.²⁰

During the 1860s, Ante Starčević formulated the most comprehensive theoretical Croatian response to Karadžić and other proponents of a Greater Serbia. Starčević rejected Serbian claims to Croatian areas, arguing that Croats had a legal and historical right to these lands because the Croatian "political nation" had acquired them first. He defined Croatia to include Bosnia and Herzegovina and Serbia. These areas, he argued, were inhabited by a Croatian people who formed "a historical -- indeed a moral -- community, not a community of blood". Indeed, he "viewed Bosnian Muslims as the best Croats and was expressly Turcophilic" and based his opposition to an Austrian occupation of Bosnia and Herzegovina on the grounds that the Ottoman state was more religiously tolerant than Christian states and Ottoman feudalism more tolerable than its Western counterparts.²¹ His writings provided the basis for a Croatian ideology grounded on the concepts of historical right and political community rather than linguistic identification. Although he shared some integrative ideas with other Croatian nationalists, Starčević was never a

¹⁹ I. BANAC, *ibid.*, pp. 83-84; Noel MALCOLM, *Povijest Bosne*, Zagreb and Sarajevo 1995, p. 172; I. J. LEDERER, "Nationalism and Yugoslavs," in P. F. SUGAR and I. J. LEDERER, Eds., *Nationalism in Eastern Europe*, p. 405. For the text of Garašanin's "Načertanije," see Petar ŠIMUNIC, *Načertanije*, Zagreb 1992, pp. 91-108, or M. GRMEK, M. GJIDARA, and N. ŠIMAC, *ibid.*, pp. 44-53.

²⁰ For Serbian nationalism, I. BANAC, *ibid.*, pp. 79-85, and 101 ff., esp. 105, 106-107, 362. For Karadžić's "Serbs all and everywhere" see M. GRMEK, M. GJIDARA, and N. ŠIMAC, *ibid.*, pp. 29-35.

²¹ I. BANAC, *ibid.*, p. 364.

"Yugoslav" like Josip J. Strossmayer and those Croats who either advocated a reorganization of the Habsburg monarchy that would create a Slavic polity equal to the Austrian and Hungarian, or a unification of the region's "South Slavs" (Yugoslavs) outside the Habsburg monarchy. This "Yugoslav" line thought about Bosnia and Herzegovina as belonging to Croatia as well, but it proposed solution for that problem in the Yugoslav unification.²²

Among Austria-Hungary's concerns during the 1800s was pan-slavism, an ideology manipulated by Russia to extend its influence. Because pan-slavism attempted to create an alliance of Slavic Orthodox states, by extending its influence over Bulgaria, Serbia and Montenegro Russia threatened to form a ring to the south of the Dual Monarchy. Should Serbia and Montenegro manage to "liberate" Bosnia-Herzegovina, the ring would have closed on Austria-Hungary, with a powerful Russia to the East and greatly enlarged and strategically placed Slavic states to the South. So, in the 1860s the Austrian military began to consider the possibility of taking Bosnia and Herzegovina from an Ottoman Empire increasingly seen as "the sick man of the Bosphorus" who could not maintain its hold on its European provinces. The purpose was both expansionist and defensive. Possession of Bosnia and Herzegovina assures strategic control of the Dalmatian hinterland, then an Austrian possession, and Slavonia, a Hungaro-Croatian area. With its eastern border on the Drina River, it effectively bottled up Serbia and checked Montenegro, forcing Russia to move through Turkey rather than take a short cut to the Adriatic through the Balkans. The Austrian assessment also saw an expanded Serbia as the core of a future Yugoslav state that would pose a military threat and prove an attractive alternative to the Slavs within the Dual Monarchy. Leaving Bosnia and Herzegovina in the Ottoman Empire not only risked its loss to Serbia and Montenegro, both highly militarized and aggressive states with a powerful Russian patron, but also risked the spread of rebellion against the Porte there to the Slavs of Austria-Hungary. However, occupying Bosnia and Herzegovina was also risky, because doing so would add a large Slavic population to an Empire whose dominant nationalities were in danger of becoming minorities, and reinforce the position of those arguing for a reorganization of the monarchy along trialist lines.

The Ottoman authorities had suppressed the rebellion of the Christian *raya* against their Muslim overlords (*agas*) in 1859, but the tension between *raya* and *aga* once more turned violent in 1875. Although the upheavals were the result of increased burdens placed on the peasantry of Bosnia and Herzegovina, the clashes between Christian peasant and Muslim lord soon turned into a large-scale guerrilla war that pitted one religious community against the other.²³ In 1876, more rebellions erupted in other Ottoman provinces and spread to

²² On Croatian national ideologies, see *ibid.*, pp. 75-79, 85-101, 104ff; Mirjana GROSS and Agneza SZABO, *Prema hrvatskome građanskom društvu*, Zagreb 1992, pp. 157-170. For the development of Starčević's ideas and their continuation in the HSP (Croatian Party of Right), see M. GROSS, *Povijest pravaške ideologije*, Zagreb 1973, *passim*.

²³ Justin McCARTHY, "Ottoman Bosnia, 1800 to 1878," in M. PINSON, ed., *The Muslims of Bosnia-Herzegovina*, p. 79.

Bulgaria, leading some to forecast the dissolution of the Ottoman Empire.²⁴ Serbia and Montenegro, who had encouraged and aided the rebels in Bosnia and Herzegovina, declared war on Turkey, hoping to seize Bosnia and Herzegovina. But their forces were quickly defeated and saved from annihilation only thanks to Russian intervention and ultimatum to Turkey. Although Serbia had lacked the muscle to take Bosnia and Montenegro had proven too weak to seize Herzegovina, it was clear that Turkey would be defeated by Russia and would lose most of its remaining European possessions, including Bosnia and Herzegovina. Allowing Russia and its Balkan satellites to absorb the region was unpalatable for the other Great Powers, so at the Congress of Berlin in 1878, they obtained Turkish consent to an Austrian occupation of Bosnia and Herzegovina for the express purpose of imposing and maintaining law and order there. The Croatian Sabor cheered the "liberation" of Bosnia and Herzegovina and requested that the region gradually be annexed to Croatia to enjoy its freedoms. But Croatian request only elicited condemnations from the King Franz Joseph and denunciations from the Austrian and Hungarian press. The Sabor's actions did nothing to reassure Budapest, which had originally opposed the occupation because the Hungarians feared that it would change the monarchy's demographic balance to their detriment.²⁵

The occupation itself proved considerably more difficult than anticipated, owing to the resistance of the local Muslim population. So Austrian troops entered to Sarajevo in August 1878, after three weeks of military operations. The last Muslim resistance was not eliminated until 20 October.²⁶

Austria did not occupy all of Ottoman Bosnia and Herzegovina because the Congress of Berlin had left open the question of who would control the Sandžak of Novi Pazar, owing to its strategic importance. Sandžak of Novi Pazar separated Serbia and Montenegro and represented a potential military and commercial corridor to the East for Austria-Hungary. In 1879, Turkey and Austria-Hungary signed the Istanbul Convention, which gave both powers the right to garrison the region. Austrian troops subsequently entered Novi Pazar, but Vienna soon violated most of the obligations it had incurred with the 1879 accord.²⁷

After 1878, Turkey retained a nominal sovereignty over Bosnia and Herzegovina, but the introduction of an Austrian administration effectively ended Turkish authority. However, administering Bosnia and Herzegovina

²⁴ F. R. BRIDGE and Roger BULLEN, *The Great Powers and the European States System 1815-1914*, London and New York 1980, p. 120; Milorad EKMEČIĆ, "Istorijski značaj ustanka u BiH 1875-1878", in *Međunarodni naučni skup povodom 100-godišnjice ustanka u BiH, drugim balkanskim zemljama i istočnoj krizi 1875-1878. godine*, Sarajevo 1977, pp. 72, 78; J. MATUŽ, *ibid.*, p. 144; A. J. P. TAYLOR, *Borba za prevlast u Evropi 1848-1918*, Sarajevo 1968, p. 234.

²⁵ M. GROSS and A. SZABO, *ibid.*, pp. 462-463.

²⁶ Mustafa IMAMOVIĆ, *Pravni položaj i unutrašnje-politički razvitak BiH od 1878-1914*, Sarajevo 1976, p. 16; C. A. MACARTNEY, *ibid.*, pp. 741-742.

²⁷ M. IMAMOVIĆ, *ibid.*, pp. 17-20; Hamdija KAPIDŽIĆ, "Položaj Bosne i Hercegovine za vrijeme Austro-Ugarske (državno-pravni odnosi)", in *Naučni skup "Istorijske pretpostavke republike Bosne i Hercegovine*, pp. 59-60; C. A. MACARTNEY, *ibid.*, p. 592; A. J. P. TAYLOR, *ibid.*, p. 244.

was anything but easy; the region had the reputation of being even more backward and uncontrollable than any other area in European part of Turkey, including even parts of Anatolia.²⁸ Jurisdiction over Bosnia and Herzegovina was shared by Austria and Hungary; it was exercised through the Joint Ministry of Finances, which set up a Bosnian Bureau. Local governance was the responsibility of a centralized administration (Land Government), headed by a Chief who exercised both military and civilian powers, and was later joined by an assistant responsible for civil affairs.²⁹

Introduction of Austrian-Hungarian rule in Bosnia and Herzegovina improved the position of the region's Christian population and the standing of their churches and clergy, who gained an equal footing with the Muslim religious institutions and officials. The Western European administration introduced by Austria-Hungary included both modern regulations based on Austrian models and imperial officials who came from other parts of the Monarchy. But despite such radical changes, the local Muslim elite continued as the dominant social and political group in the region. In fact, other than civil administration and some legal and judicial institutions, the new authorities did not change the existing feudal system and the agrarian relations in Bosnia and Herzegovina. This meant that the agrarian question, which had been the major cause of the social and political tensions in the area, continued to fester. Austria-Hungary tread softly because it feared that a radical overhaul of agrarian relations would trigger extensive economic, demographic and political dislocations that might undermine the region's stability and jeopardize its position there. As a result, save for Turkey, Bosnia and Herzegovina remained the only country in Europe with an essentially feudal economy. According to the 1910 census, Muslims made up 91,15% of landowners whose lands were tilled by tenants (*kmets*, or serfs); and the latter were overwhelmingly Christian 73,92% Orthodox and 21,49% Catholic. So maintaining the existing economic system reinforced the privileged social position of a predominantly Muslim landowning class and kept their mostly Christian serfs in a subservient position socially and politically. The absence of agrarian reform created resentment against Austria-Hungary among the region's Christian peasants and probably played a role in their refusal to pay feudal levies in 1918, as Austria-Hungary crumbled under the pressure of military defeats.³⁰

Austria-Hungary used the occupation to prepare the ground for its annexation of Bosnia-Herzegovina in 1908. Although Vienna carefully prepared the diplomatic ground for the annexation, compensated Turkey for its loss of the territories, and withdrew its troops from the Sandžak of Novi Pazar, its incorporation of Bosnia and Herzegovina earned it international censure. Four years later, Serbia and Montenegro divided up Novi Pazar after occupying it during their war against Turkey. The Sandžak briefly reappeared as a partisan

²⁸ C. A. MACARTNEY, *ibid.*, p. 740; J. McCARTHY, *ibid.*, pp. 54, 81.

²⁹ M. IMAMOVIĆ, *ibid.*, 29-30; A. SUČESKA, *Istorija države i prava naroda SFRJ*, p. 190.

³⁰ I. BANAC, *ibid.*, p. 367; M. IMAMOVIĆ, *ibid.*, p. 50; N. MALCOLM, *ibid.*, p. 192; C. A. MACARTNEY, *ibid.*, p. 746; A. SUČESKA, *Istorija države i prava naroda SFRJ*, p. 191.

polity between 1943 and 1945, but was again split between the Serbian and Montenegrin republics in the former Yugoslavia after World War II.

The basic structure of Bosnia and Herzegovina did not fundamentally change under Austria-Hungary, despite the signature of an agreement with Turkey and concession in 1910 of a statute that served as the region's constitution, the *Zemaljski ustav Bosne i Hercegovine (Statut)* or *Land Constitution of Bosnia and Herzegovina (Statute)*. The new constitution was in fact a unilateral act of the Austrian emperor that he could amend or revoke at any time.

The new constitution established a Sabor in Bosnia and Herzegovina with an elite membership elected by a minority of the population. The Sabor had no autonomy and very limited powers, and its President and vice-president were appointed by the Emperor. It could "participate" in legislative procedures, but the Emperor retained the real legislative power. The Sabor could not influence the administrative bodies of the Land Government, which was not responsible to the Sabor. Nor did the Sabor have the right of legislative initiative, which belonged to the Land Government. Indeed, draft laws had to be approved by the Austrian and Hungarian Governments prior to their submission to the Sabor, and laws passed by the Sabor had to be approved by the Emperor, to whom they were submitted by the Joint Minister of Finance after previous approvals of Austrian and Hungarian governments were obtained.³¹

In other words, Bosnia and Herzegovina was not a constitutional entity under the Habsburgs, because its parliament (Sabor) could only exercise a very limited degree of administrative autonomy and remained under the control of the Austrian and Hungarian Governments and joint imperial ministries. The region's constitution was a concession, a way to gradually introduce parliamentary institutions into a political and cultural backwater.³² Its autonomy was not comparable to that enjoyed by Croatia, and it remained considerably below the level of self-government granted to some newly established Austrian lands, despite official explanations to the contrary.³³ The constitutional position Bosnia and Herzegovina occupied as a joint imperial entity has been described as an Austro-Hungarian "condominium," because Bosnia and Herzegovina was neither an independent political unit nor part of any other part of the Dual Monarchy.³⁴

³¹ M. IMAMOVIĆ, *ibid.*, pp. 212-215, 217-219; H. KAPIDŽIĆ, *Bosna i Hercegovina u vrijeme austro-ugarske vladavine*, Sarajevo 1968, pp. 80-85; H. KAPIDŽIĆ, "Položaj Bosne i Hercegovine za vrijeme Austro-Ugarske (državno-pravni odnosi)," pp. 72-75; Eugen SLADOVIĆ plem. Sladoevički, *Upravna nauka i upravno pravo Bosne i Hercegovine. Za šerijatsku sudačku školu*, Sarajevo 1916, pp. 81-91, 96ff.

³² M. IMAMOVIĆ, *ibid.*, p. 213.

³³ M. IMAMOVIĆ, *ibid.*, p. 220; H. KAPIDŽIĆ, *Bosna i Hercegovina u vrijeme austro-ugarske vladavine*, p. 85-86.

³⁴ Jean BERENGER, *A History of the Habsburg Empire 1700-1918*, London and New York 1994, p. 256; Ibrahim FESTIĆ, "Osnovne karakteristike razvoja uprave u Bosni i Hercegovini," in *Godišnjak Pravnog fakulteta u Sarajevu* 35, 1987., 76; H. KAPIDŽIĆ, "Položaj Bosne i Hercegovine za vrijeme Austro-Ugarske," pp. 60 ff.; C. A. MACARTNEY, *ibid.*, p. 742.

For political reasons, the position of Bosnia and Herzegovina was provisional. Austria-Hungary had occupied Bosnia and Herzegovina to prevent its annexation to Serbia and Montenegro, not to integrate it into the Monarchy. Its occupation was preemptive and its control of the area essentially reactive and defensive. Once his forces had occupied the area, the Austro-Hungarian Emperor had to maintain it in an administrative limbo, because he could not assign it to either half of his empire without incurring the criticism from the other half and seriously disturbing the demographic balance in the half which receive it. Nor could he give Bosnia and Herzegovina autonomy, lest it slip from his control and become a countervailing *Slavic* focus within the empire. So even after annexation, administering Bosnia and Herzegovina was a political high-wire act, requiring a deft touch and a sure sense of balance to assure imperial control and insulate the region from the political and ideological currents in neighboring countries *and* in the Dual Monarchy itself.³⁵

Caught between competing Slavic nationalisms, Austria-Hungary sought to extricate itself by promoting a new national group in Bosnia-Herzegovina, the Bosniaks. Benjamin Kállay, who headed the Austro-Hungarian administration between 1882-1903, spent his years in the region trying to stem the development of Serbian and Croatian nationalism while developing a Bosniak nation whose identity was derived not from ethnic or religious affiliation, but strictly from being domiciled in Bosnia and Herzegovina. The use of ethnic or religious names for institutions was prohibited, as were the use of traditional ethnic symbols. At the same time, Austro-Hungarian administrations and historians were busy promoting a separate Bosniak language, a distinct Bosniak flag, and a historic Bosniak coat-of-arms.³⁶ But the massive effort to create the new nationality foundered badly and was abandoned after Kállay left.

The reasons for the failure were complex, but there is no question that the well-developed national identities of the region's Serbs and Croats made creating a new Bosniak identity problematic. Although not a national identity, the Muslims had a strong religious and imperial identity associated with their superior position in Bosnian society, and they found it difficult to accept Christian *raya* as equals. Nonetheless, many Muslims did adopt the new Bosniak identity because it was politically useful to do so. Consequently, it tended to become associated with the local Muslim community and take on Muslim characteristics. Over time, it became a device employed by the Muslim gentry to parry the claims of Christian national movements.³⁷ Donia

³⁵ Robert J. DONIA, *Islam Under the Double Eagle: The Muslims of Bosnia and Herzegovina, 1878-1914*, New York, 1981, p. 17; M. IMAMOVIĆ, *ibid.*, p. 27; Dževad JUZBAŠIĆ, "O problemu utvrđivanja i ozakonjenja osnovnih principa upravljanja Bosnom i Hercegovinom na početku austro-ugarske okupacije" in *Naučni skup "Istorijske pretpostavke republike Bosne i Hercegovine"*, pp. 4, 83-84; H. KAPIDŽIĆ, *Bosna i Hercegovina u vrijeme austro-ugarske vladavine*, pp. 61-62; C. A. MACARTNEY, *ibid.*, p. 742; A. J. P. TAYLOR, *ibid.*, p. 229.

³⁶ M. IMAMOVIĆ, *ibid.*, pp. 64-65, 71; Tomislav KRALJAČIĆ, *Kalajev režim u Bosni i Hercegovini (1882-1903)*, Sarajevo 1987, pp. 214, 230-272; C. A. MACARTNEY, *ibid.*, p. 747.

³⁷ I. BANAC, *ibid.*, pp. 360-361; M. IMAMOVIĆ, *ibid.*, pp. 73, 78-79; T. KRALJAČIĆ, *ibid.*, pp. 227, 275, 276.

illustrates this tendency in his discussion of Sarajevo's *Bošnjak*, a newspaper established in 1891, whose "primary purpose [...] was to defend the interests of the Muslims against those who would lure them into the folds of the Croatian and Serbian national movements". The paper was "born of the close alliance between Sarajevo's Muslim elite and the Austrian regime" and the editor of the newspaper and his collaborators were "adherents of *bosanstvo*, a notion that advocated a common nationality for Bosnians of all confessions".³⁸

Donia compared Kállay's failure to inculcate a Bosniak identity to Tito's failure to create a Yugoslav national identity.³⁹ Donia's portrayal of the Bosniak identity as a failed attempt to impose an artificial nationality reflects the conclusions of most scholars who deal with Bosnian history. So it is hard to see why in his report, Donia ignored the failure to construct a Bosniak identity in the late 1800s, although the failure does undercut the position of those who have depicted the region as an ethnic paradise in which tolerance reigned. Austria-Hungary's abortive attempts to create a Bosniak identity also indicated strong, well-developed Serbian and Croatian identities, which are arguments for a Bosnia that was ethnically divided, not united by an allegiance to a non-existent political entity. In short, it would seem that Donia avoided discussing the failure to create a Bosniak identity because to do so would be to undermine his basic argument regarding Bosnia-Herzegovina's historical development as a tolerant, ethnically mixed area.

The abortive attempt to create a separate Bosnian nation also suggested that in the late 1800s, Bosnia and Herzegovina was not viewed by its residents as an entity which had sufficient historical legitimacy for its own and distinct constitutional position.

For this reason, any attempt to forge a separate territorial Bosniak nation was purely artificial. This, of course, did not matter to Austria-Hungary, which sought to create some sort of separate socio-political base that would inculcate the local population against Serbian and Croatian strains of nationalism, and thereby preclude any movement among the area's inhabitants to collaborate with their ethnic cousins in Croatia and Serbia. By severing all identification with Serbian and Croatian history, Kállay hoped to denature the area's Croats and Serbs, prepare the way for annexation to Austria-Hungary, and guarantee an easy assimilation of the area's inhabitants as *Habsburg subjects*, not Croats, Serbs, and Muslims. The effort of creating a Bosnian nation was also stimulated by the rapid growth of the Serbian national movement in Bosnia and Herzegovina which caused fear for the destiny of Muslims.⁴⁰

The Austrian politics in Bosnia-Herzegovina considering the national question is well represented in the complex *curia* system used to elect Bosnia-Herzegovina's Sabor. This electoral system was used throughout Austrian half

³⁸ R. J. DONIA, *ibid.*, p. 52; M. IMAMOVIĆ, *ibid.*, pp. 74-80.

³⁹ R. J. DONIA and John V. A. FINE, *Bosnia and Herzegovina: A Tradition Betrayed*, New York, 1994, p. 177.

⁴⁰ T. KRALJAČIĆ, *ibid.*, pp. 76-77, 224-225.

of the empire, however it had certain specific issues in Bosnia-Herzegovina. The system divided male population (with one excuse, women were deprived of electoral right) into *curiae* based on their social standing and profession, and each group elected a given number of representatives. Because the *curiae* tended to coincide with ethnic affiliation, by assigning a set number of representatives to a particular *curia*, any given ethnic group could be politically privileged or disadvantaged. In Bosnia and Herzegovina, each of the *curiae* were granted confessional mandates as well, one for each of the three major religions. In practice, this system could enable certain ethnic group to dominant and effectively bound that group to the imperial government who was the sole guarantor of its privileged position. In Bosnia and Herzegovina, "landowners and officials" accounted for only one or two percent of the population, but were allotted 18 seats. "Citizens" made up three to four percent of the population, and held 20 seats. "Peasants," who accounted for 85% of the population, had 34 seats – four less than the other two groups combined.⁴¹ In the first *curia* women of Muslim confession also had right to elect if they owned a land and paid considerable taxes on it. The system's bias not only worked against the poor and dispossessed, it also worked in favor of the Muslims, who made up the bulk of the first two *curiae*. Although privileging the Muslim landowners, officials, and businessmen alienated the peasantry, especially the Christian peasants who worked on the large Muslim-owned estates, the hope in Vienna was that the "realization of their [Muslim] wishes for grants of their traditionally privileged position would incline them to become conservative elements faithful to the state."⁴² Croatian historian, Ivan Beuc, emphasized that this system created an artificial Muslim majority within the Sabor that was, if necessary, backed by members of Sabor appointed by Land Government.⁴³ However the Muslim historian, Mustafa Imamović, concluded that the system achieved balance and parity between the national groups.⁴⁴ It thus seems that interpretations vary with the nationality of the scholar. However, there is no question that the system was highly biased. Hamdija Kapidžić, a Muslim historian, noted, Bosnia's constitution was based on confession and class, and so became for the Austrians a "useful means for political struggle in the region and for pitting one religion against the other."⁴⁵ Like Imamović, he also believed that "a kind of balance" had been achieved, but he saw the privileged position of Muslim landowners in the Sabor as a continuation of Kállay's policy of supporting the Muslim elite in order to control the rest of the Muslim population.⁴⁶

⁴¹ For a review of the "curia" system in Bosnia and Herzegovina see Eugen SLADOVIĆ plem. Sladoevički, *ibid.*, pp. 91-94.

⁴² H. KAPIDŽIĆ, *Bosna i Hercegovina u vrijeme austro-ugarske vladavine*, p. 89.

⁴³ Ivan BEUC, *Povijest država i prava na području SFRJ*, Zagreb 1989, p. 126.

⁴⁴ M. IMAMOVIĆ, *ibid.*, pp. 215-217.

⁴⁵ H. KAPIDŽIĆ, *Bosna i Hercegovina u vrijeme austro-ugarske vladavine*, p. 75.

⁴⁶ *Ibid.*, pp. 91-92.

But Dr. Donia has ignored the *curia* system, just as he ignored Austria's failure to create a Bosniak nationality. This is all the more remarkable in that he compared the elections in Bosnia-Herzegovina in 1990 to those in the period between 1910 and 1914, noting that "...the winners of these elections [of 1910-1914] were aligned much like the victors of the 1990 elections."* Such a comparison is risky at best, because it is based on a methodological error that compares disparate historical eras, distinct political systems, and radically different electoral systems. The elections of 1990, in which every individual adult cast a vote for candidates in political parties differed fundamentally from the *curia* system, which excluded and included citizens according to their sex, profession, and property holdings and arbitrary distributed seats to *curias* which were further subdivide according to religious affiliation.

Austria-Hungary tried to establish a distinct national, political and territorial subjectivity of Bosnia and Herzegovina, avoiding at the same time to give this land a separate constitutionality or elements of statehood. The efforts to construct and emphasize the distinctive elements of Bosnia and Herzegovina until the end of the Monarchy had no visible effects - their significance was rather in the fact that they were the beginning of the attempt to build modern political and constitutional features of that land. Regarding the constitutional position, Bosnia and Herzegovina was under "joint ownership" of Austria and Hungary. Regarding the internal administration, it had elements of expanded self-government - but this self-government was in reality very restricted by influence and supervisory powers of Austrian, Hungarian and joint ministry which held the actual power.

The beginning of the WWI was also the beginning of the end for Austrian rule in the region. The event that triggered the WWI was assassination of crownprinz Ferdinand in 1914 committed by an activist of the organization "Young Bosnia". This organization had its root in the movement of the Serbian nationalist youth but it evolved toward movement for unification of all Yugoslavs and was supposed to include various enemies of Habsburgs, including Croats and even some Muslims. It is still not clear whether the assassination was a consequence of Serbian nationalism or Yugoslavism but in Sarajevo the assassination was followed by demonstrations against Serbs. Today it is certain that Serbian government was not involved in the assassination but still it is indicative that the main assassins studied in Belgrade where they got bombs as well as help from a collaborator of the chief of the Serbian secret service.⁴⁷

Although the Serbian government did not necessarily agree with the assassins, like most Serbs, they did believe that Bosnia and Herzegovina must form part of Serbia. Serbian nationalism was also widespread in the region by the 1870s. Serbian irredentism and Serbian terrorism had their roots in the expansionist policies of those Serbian military leaders and politicians who

* See page 117 in this volume.

⁴⁷ N. MALCOLM, *ibid.*, pp. 207-209, 213; C. A. MACARTNEY, *ibid.*, pp. 806-807; A. J. P. TAYLOR, *ibid.*, pp. 467-468.

viewed Yugoslavism as a way to realize Serbia's destiny as the Piedmont of the South Slavs.⁴⁸ Irredentism was reinforced after the pro-Austrian Obrenović dynasty was overthrown by the pro-Russian house of Karadorđević in 1903. From this point, the Serbian military and the young Prince Aleksandar began to move Serbia away from cooperation with the Dual Monarchy and toward a panslavic identification, making Serbia into a center and exchequer for various ultra- and pan-nationalist revolutionary and terrorist groups.⁴⁹

Bosnia and Herzegovina under the Yugoslav State, 1918-1941

At the end of WWI, Bosnia and Herzegovina joined the State of Slovenes, Croats and Serbs, created on 29 October 1918 from those areas of Austria-Hungary where South Slav were the majority. Founded with the purpose of uniting with Serbia and Montenegro, the new state was absorbed by Serbia on 1 December 1918, when Regent Aleksandar unilaterally proclaimed the creation of the Kingdom of Serbs, Croats and Slovenes in Belgrade. The new Yugoslav (South Slav) state was ruled by a Serbian dynasty and hold by a Serbian army, which had already overseen the absorption of Montenegro. Serbs were the largest ethnic groups in the new state, and their choice of allies in 1914 had given them diplomatic leverage abroad. The combination of these advantages created a Serbian hegemony that continued through 1941. The new state's leaders agreed - not without weak opposition of a few Croatian parties, some Montenegrins, the Albanians of Kosovo, the Macedonians, and the Hungarians and Germans - that the new state had only three constituent ethnic groups, namely the Serbs, Croats, Slovenes, who were generally seen as a single South Slav people with three branches or "tribes" (a linguistic usage peculiar to Serbian and Croatian that tends to mislead English speakers). Accordingly, few political leaders raised objections to the organization of the new state as unitary and centralist, because doing so seemed one way to override and neutralize existing cultural and historical differences between the state's major ethnic groups. This organization was favored by the provisional government in Belgrade which was dominated by Serbian leaders, notably the Radical Nikola Pašić from Serbia proper and the Democrat Svetozar Pribićević from Croatia. The Serbian Radical and Democratic parties emerged as the strongest parties in the elections for the Constitutional Assembly in 1920. There was no Macedonian party, the Muslim were split between Bosnia's JMO (Yugoslav Muslim Organization) and the *Džemijet*, which represented the Albanian Muslims and Turks of Kosovo and the Sandžak. The Socialists had been outlawed, and the Croatian and Slovenian parties were too small to represent a viable opposition. Even so, the Radicals and Democrats needed 27 votes to achieve even the simple majority necessary to

⁴⁸ I. BANAC, *ibid.*, p. 110; Robert A. KANN, *The Multinational Empire. Nationalism and national Reform in the Habsburg Monarchy 1848-1918*, New York, 1950, Vol. I, p. 292; I. J. LEDERER, *ibid.*, pp. 424-425. On Young Bosnia's ties to the Serbian government see Dragoslav LJUBIBRATIĆ, *Mlada Bosna i sarajevski atentat*, Sarajevo 1964, pp. 33 ff.

⁴⁹ R. A. KANN, *A History of the Habsburg Empire 1526-1918*, Berkeley, Los Angeles and London, 1980, p. 446; I. J. LEDERER, *ibid.*, pp. 427-428; C. A. MACARTNEY, *ibid.*, p. 786.

adopt their constitutional proposals. When the Serbian Farmers party made its support conditional at the very last moment, the Radical-Democratic coalition scrambled to buy and coerce votes from Slovene, JMO, and *Džemijet* representatives. In effect, the JMO was a crucial swing party in 1920, and it would to some extent play this role into the 1930s.

The JMO was formed in 1919 by landowning, professional, and middle class Muslims as a political organization to represent and protect the Muslims of Bosnia and Herzegovina. Its appeal was confessional because "Muslims were not aware of their 'tribal' name."⁵⁰ Indeed, the notion of a distinct Bosnian Muslim people was as inconceivable to the region's Muslims as it was to its Serbs and Croats.⁵¹ Most educated Muslims declared themselves to be either Croats or Serbs in the first half of the twentieth century, with ten times as many opting for a Croat identity. A large number of intellectuals and most ordinary Muslims opposed such "nationalization" because it split their community and drew it into the struggle between Croats and Serbs.⁵² The JMO reflected these views. Although it protected the interests of Muslim landowners, it also represented broader Muslim religious, cultural and political interests. Consequently, it was extremely influential among the Muslims of Bosnia and Herzegovina and regularly obtained their support in local and national elections. The JMO also tried to reach Muslims in the Sandzak and other regions, but it remained a Bosnian party. It also remained Muslim, because it never represented the area's Serbs and Croats.

Although a confessional party, the JMO supported a unitary Yugoslav state, because a Yugoslav identity offered some protection and a unitary state prevented Croats and Serbs from divvying up Bosnia and Herzegovina, whose existence was essential to preserve some degree of Muslim demographic cohesiveness and religious autonomy. A medium-sized confessional party, during the 1920s the JMO played the role of a swing party, precariously poised between centralists and federalists. An insignificant force on its own, until 1941 the party repeatedly adjusted its position to protect its interests in a tense and rapidly shifting political environment. It both joined and opposed governments, dropping in and out of various coalitions. Its leader, Mehmed Spaho, appeared to be an opportunistic politician who changed sides in the efforts to protect Bosnia-Herzegovina's Muslims.⁵³ His successes were limited, but the JMO survived into 1941 in some form, while the *Džemijet*, which adopted policies and positions similar to those of the JMO, disappeared following a poor showing in the 1925 elections.⁵⁴

⁵⁰ Atif PURIVATRA, *Jugoslavenska Muslimanska Organizacija u političkom životu Kraljevine Srba, Hrvata i Slovenaca*, Sarajevo 1974, p. 79.

⁵¹ I. BANAC, *ibid.*, p. 371.

⁵² *Ibid.*, p. 366.

⁵³ For a complete study on JMO see A. PURIVATRA, *ibid.*, *passim*. Also see: I. BANAC, *ibid.*, pp. 368-377.

⁵⁴ I. BANAC, *ibid.*, p. 377.

In return for voting in favor of the Radical-Democratic constitution in 1921, the JMO received a promise that Muslim landowners would be compensated for land lost through the agrarian reform that had finally ended the feudal system in Bosnia and Herzegovina. Article 135 of the Constitution also stated that Bosnia and Herzegovina would be divided into administrative units *within* its existing borders. Consequently, when the new state was gerrymandered into 33 administrative *oblasti* (each was supposed to have c. 800,000 people), Bosnia and Herzegovina was divided into six *oblasti* corresponding to those from the Austrian-Hungarian period and the *sandžaks* of the Ottoman Empire. But not a single district chief was Muslim, there was little interaction between *oblasti*, and local government was severely limited in the highly centralized Yugoslav state administration. So Bosnia and Herzegovina may have kept its shape, but it was a congeries of six small, distinct *oblasti* dominated by officials loyal to the central government, not a cohesive ethnic or national political or administrative unit. Opposition to this organization was so strong within the JMO that the party split in 1922. The core of the party continued as the JMO and demanded real autonomy for Bosnia and Herzegovina.⁵⁵ In other words, there seems little substance to Dr. Donia's assertion (p. 14) that Bosnia continued to exist as a distinct administrative unit containing a "small cluster of units," given that the *oblasti* that made up the "cluster" had no autonomy, no cohesiveness, no common identity, and no administrative unity. So joining the new Yugoslav kingdom and voting for the 1921 constitution merely guaranteed another discontinuity in the disjointed history of Bosnia and Herzegovina.

The constitutional and administrative-territorial organization of Bosnia-Herzegovina lasted until 1929, when King Aleksandar, who had already scuttled a score of governments, seized open control of the state and imposed a royal dictatorship that gradually took on the trappings of the Italian fascist regime. He justified his imposition of a personal dictatorship by arguing that it was necessary to end the unrest political stalemate that had followed the shootings of Croatian deputies, including the head of the Croatian Peasant Party, Stjepan Radić, by a Montenegrin with close ties to the Court during a session of the Yugoslav parliament in June 1928. Radić had recently formed a powerful coalition with the leader of Croatia's Serbs, Svetozar Pribičević, who had earlier been a staunch supporter of a unitary Yugoslav state. The coalition created a solid front that seriously threatened the political hegemony of the old Serbian elite. Pribičević survived Radić and led the opposition until his internment in late 1929, dying in exile in 1936. He became one of the most vocal and vociferous of the regime's critics, opposing Greater-Serbian politics and censuring Aleksandar and his government for practicing tyranny in the name of ethnic harmony. He insisted that Yugoslavia be reorganized to guarantee basic political rights and freedoms.⁵⁶

⁵⁵ *Ibid.*, p. 135; A. PURIVATRA, *ibid.*, pp. 150 ff.

⁵⁶ On Svetozar PRIBIČEVIĆ, see Ljubo BOBAN, *Svetozar Pribičević u opoziciji (1928-1936)*, Zagreb 1973, pp. 1-44.

But Aleksandar and the Serbian elite whose interests he represented preferred to trust their interests to the police and the military rather than the voters and parliament. The King abolished all political parties and the parliament. He suspended the Constitution and civil liberties, made regular use of a political court established in the early 1920s to rid himself of political opponents, attempted to create a one-party state, and effectively arrogated all power to himself. Repression was widespread and brutal, as the government used the police, the army, and paramilitary groups to intimidate, imprison, and eradicate its political opponents.⁵⁷ In effect, Aleksandar created a police state in which torture and political murder were normal, and he adopted the fashionable fascist institutions and practices of the era.

The new government undertook a radical administrative reorganization, ostensibly to create a more modern state and leave ethnic differences behind. In reality, it secured a Serbian hegemony that had been threatened by Pribičević's defection and the creation of a unified opposition in Croatia. The dictatorship officially adopted the name "Yugoslavia" for the state and all ethnic activity was forbidden; but the state helped the Serbian Church proselytize in non-Serb areas and its administration was overwhelmingly Serbian. Aleksandar reduced the number of administrative units from 33 *oblasti* to nine *banovina*, each named for a river, and their boundaries were designed to fragment ethnic populations and historic boundaries. Many saw the territorial reorganization as an effort to create a truly Yugoslav polity, but in reality it was a massive gerrymandering of Yugoslavia that guaranteed the Serbs majorities in six of the nine *banovina*, even though they were less than half the population of the country. Only in the *Dravska banovina*, an almost purely Slovenian region hundreds of kilometers from Serbia, were Serbs an insignificant factor. Bosnia and Herzegovina were divided into four *banovina* – the *Vrbaska*, *Drinska*, *Primorska*, and *Zetska*. Of these, only the *Vrbaska* was comprised exclusive of territory from Bosnia and Herzegovina; the *Primorska* was joined to Croatian Dalmatia; the *Drina* and *Zetska* were combined with nearby Serbian areas.⁵⁸

Despite its harsh, brutal character, the dictatorship had wide support among Western and Central European countries, whose leaders saw it as the most effective means of stabilizing Yugoslavia and, by extension, the Balkans.⁵⁹ Only after it became clear that the dictatorship could not solve the ethnic and economic problems plaguing Yugoslavia and the regime's use of torture and murder became an embarrassment was international support gradually withdrawn. Even then, withdrawal of support was slow and grudging, and many in the academic community continue to rationalize or defend the dictatorship. But by 1931, it was clear that Aleksandar had blundered, and

⁵⁷ Nedin ŠARAC, *Uspostavljanje šestojanuarskog režima 1929.godište sa posebnim osvrtom na Bosnu i Hercegovinu*, Sarajevo 1975, pp. 206-207.

⁵⁸ I. BANAC, "From Religious Community to Socialist Nationhood and Post-Communist Statehood," in M. PINSON, ed., *The Muslims of Bosnia-Herzegovina*, p. 139.

⁵⁹ N. ŠARAC, *ibid.*, p. 254.

pressure from abroad convinced him to decree a new constitution. However, the Constitution of 1931 effectively left the King in control of the political system, and the Electoral law of 1931 was drafted to guarantee the dominance of the government party, not free multi-party elections.⁶⁰ Like other projects undertaken by the regime, the constitution and government party both failed. But, in many ways, that was beside the point, because they continued both the dictatorship and, with it, Serbian hegemony.

The imposition of the dictatorship, the complete ban of political activity, and the repression and terror practiced by the regime created martyrs and radicalized the opposition. Vladimir Maček, who succeeded Stjepan Radić as head of the Croatian Peasant Party (HSS), initially welcomed the dictatorship as an opportunity to begin anew, but rapidly changed his mind when it became clear what Aleksandar's real goals were. The Croat leader continued to collaborate with Pribičević, and joined him in calling for a federal reorganization of the Yugoslav state. However, radical wing of the Croatian opposition went into exile and evolved into fascist direction. Organization of "Ustaše - Croatian freedom movement" founded support in Italy, Germany and Hungary. They set up camps in Italy and Hungary, where as many as 450 men, mostly recruited from workers in Germany and Belgium, received military training. A few Ustaše harassed the Yugoslav regime by mounting small-scale revolts, such as that in Lika in 1932, and sabotaging Yugoslavia's rail system.

The Ustaša did target Aleksandar and the more bloody-minded Yugoslav police officials. After an unsuccessful attempt on the king in Zagreb in December 1933, Ustaše operatives working with VMRO (Internal Macedonian Revolutionary Organization) killed Aleksandar in Marseille in October 1934. The actual assassin was a member of VMRO, which had been fighting for Macedonian independence since the 1880s. Aleksandar's heir, Petar, was a minor, so a Royal Regency Council took over until Petar came of age. Foremost among the regents was the king's brother, Pavle, who began to look for ways out of the dictatorial *cul de sac* Aleksandar had created.

Crucial to any solution was the need to placate the Croats. As tension in Europe mounted during the late thirties, Pavle and the less intransigent among the Serbian elite decided to make concessions to the Croats in order to stabilize Yugoslavia's internal situation. But the Serbs were not ready to give up areas they saw as part of Serbia's core, like Kosovo, a region populated largely by Albanians. In Kosovo, Vasa Čubrilović, who later joined the communist party and become a leading member of the Serbian Academy of Sciences and Arts, suggested the use of systematic harassment and pressure to force the region's Albanians to leave.⁶¹ However, solution for the "Croatian question" should have been different.

Although Pavle had allowed Milan Stojadinović to create pseudo-fascist regime between 1937 and 1939, as Yugoslavia moved closer to Italy, by 1939

⁶⁰ Ferdo ČULINOVIĆ, *Jugoslavija između dva rata*, Zagreb 1961, V. II, pp. 40-42.

⁶¹ For Vasa ČUBRILLOVIĆ's 1937 "Displacement of Arnauts", see M. GRMEK, M. GJIDARA, and N. ŠIMAC, *ibid.*, pp. 109-123. "Arnaut is a pejorative Serbian name for Albanians.

strong-arm methods and amputation were no longer options in Croatia. So the Regency replaced Stojadinović with Dragiša Cvetković, who immediately initiated talks with Maček to explore the possibility of the establishment of a separate, autonomous, Croatian political entity. Doing so was a compromise on both sides – the Serbs renounced their hegemony, the Croats their desire for an independent state. The goal was prevent the dissolution of Yugoslavia and provide a model for future decentralization by resolving the “Croatian question.”

The first Cvetković-Maček agreement was signed on 27 April 1939 and gave Croatia the existing *Sava* and *Primorska* banovina as well as the town of Dubrovnik. It also provided for a plebiscite “in the remaining parts of Bosnia and Herzegovina and Srijem” on whether or not to join the new political entity. But the Regency rejected the plan, probably for tactical reasons and certainly owing to strong opposition from the Serbian military, the Serbs living in Bosnia and Herzegovina, and Mehmed Spaho and the JMO.⁶² Consequently, a definitive agreement was not reached and approved by the Regency until 24 August 1939. The final agreement provisionally defined the territory of the Croatian Banovina as the *Savska* and *Primorska* banovina, parts of the *Vrbaska* and *Dunavska* banovina, and the town of Dubrovnik (then in the *Zetska* banovina). The setting of final boundaries was to take into account economic, geographic and political considerations whenever an overall reorganization of the Yugoslav state was undertaken.⁶³ Like many popular writers, Dr. Donia confounded the first Cvetković - Maček agreement of 27 April 1939 with the second of 24 August 1939. He therefore erroneously noted that plebiscites “would be held in certain areas to determine which Banovina would they belong. Those plebiscites were never held.”* In fact, the provision for plebiscites belonged to the first agreement; the second agreement did not include a provision for plebiscites.

The Cvetković-Maček agreement of 24 August 1939 was quickly followed by the organization of the Croatian Banovina, which was officially formed by the Decree on the Croatian Banovina proposed by the Government and issued by the Royal Regency on 26 August 1939.⁶⁴ The new law was part of a complex constitutional process that effectively revised the Constitution of 1931. Dr. Donia also confused this Decree with the earlier Cvetković-Maček agreement. In his report for the Kordić case and in his expert statement in the Blaškić case (ICTY, Case No IT-95-14, 24 June 1997, p. 138), he stated that “the agreement created a large Croatian Banovina,” an assertion at variance with the book he co-authored with Dr. Fine (Donia - Fine, *Bosnia and Herzegovina: A Tradition Betrayed*, 1994, 132).

Although apparently trivial, the mistake is actually quite serious. A political agreement cannot change a state's constitution, nor can it create an admin-

⁶² Lj. BOBAN, *Sporazum Cvetković-Maček*, Beograd 1965, pp. 164, 166.

⁶³ For the Cvetković - Maček agreement of 24 August 1939, see *ibid.*, pp. 403-404; for the Croatian Banovina, including a map, see Ljubo BOBAN, *Hrvatske granice od 1918. do 1922. godine*, Zagreb 1992, pp. 39-43.

istrative unit. The Cvetković-Maček agreement and the decree creating the Croatian Banovina differ in legal quality and substance; the former outlined the agreement, the later implemented it. They each imply different political processes and contexts. Evidently, Dr. Donia was not familiar with the decree nor the constitutional process by which it was enacted. But the process is of great constitutional and political importance because it elucidates and specifies the character and legal standing of the Croatian Banovina within the political and constitutional system of the Kingdom of Yugoslavia. In other words, it is crucial, if we are to grasp *what* the Croatian Banovina was and what it represented, to understand and discuss it in terms of the Yugoslav constitutional and political system, not simply as the automatic product of a political deal.

The Decree on the Croatian Banovina was passed pursuant to the constitutional provision in Article 116 of the 1931 Constitution on special powers which the King (or Royal Regency) may exercise in case of special circumstances (among others, when “public interests were endangered”). The Regency chose to use this provision to create the Banovina because it wanted to avoid amending the Constitution, fearing that it could not obtain the support it would need to do so in the National Assembly and the Senate. However, any decree passed on the ground of Article 116 had had to be approved by the National Assembly and the Senate. Because it expected both of these bodies to oppose the formation of a Croatian Banovina, the Regency also used article 116 to dissolve the National Assembly and revoke the mandates of the Senators, concurrently issuing the Decree on the Croatian Banovina.⁶⁵ Since there were no elections before the outbreak of the war and new representatives to the National Assembly had not been elected, the regulations defining the establishment and the status of the Banovina retained only a provisional value.⁶⁶

The decree establishing the Croatian Banovina stipulated its territory, internal organization, and jurisdiction. The new entity had considerable autonomy, but legal scholars disagree as to whether it had the attributes of a state or simply a high degree of self-government.⁶⁷ A definitive answer is unlikely because the war stopped the development of the Banovina's institutions because the Banovina was absorbed into the NDH (Nezavisna Država Hrvatska, Independent State of Croatia). Not even elections for the Croatian Sabor had been held before war broke out in 1941.

⁶⁴ For the “Decree of Croatian Banovina,” see Lj. BOBAN, *Sporazum Cvetković-Maček*, pp. 404-407.

* See page 121 in this volume.

⁶⁵ For the “Decree on Political Laws and Ordinance of the Royal Regency from 26 August 1939,” see *ibid.*, pp. 408, 409.

⁶⁶ For an analysis of the constitutional dimensions of the establishment of the Croatian Banovina, see *ibid.*, pp. 193-208.

⁶⁷ For various interpretations regarding the constitutional character of the Croatian Banovina, see *ibid.*, pp. 214-217.

The formation of the Croatian Banovina was to be the first step in a thorough federal reorganization of Yugoslavia. Discussions were underway, but the Croatian question was received priority, owing to importance and its sensitive nature. But the intent was to continue to form other federal units, the *Decree on the Croatian Banovina* was accompanied by a *Decree on the transfer of the regulations of the Decree of Croatian Banovina to other banovina*, also based on Article 116 of the 1931 Constitution. The second decree explicitly stated that the Banovina's regulations could be transferred to other banovina and their territories altered by royal decree.⁶⁸ But this process was also cut short by the outbreak of war in 1941, so it is impossible to know what might have occurred, although it is likely that Slovenian and Serbian banovina would have been established.⁶⁹ Dr. Donia's failure to discuss this makes the creation of the Croatian Banovina a unique event, whereas it was part of a larger plan to decentralize Yugoslavia. It did not so represent the success of Croatian separatism, but rather the failure of attempts to build a centralized Yugoslav state and the rejection of Serbian hegemony within that state by all of Yugoslavia's nationalities.

That Dr. Donia's discussion of Banovina is seriously flawed is crucial, because he has made the Banovina a central part of his discussion of contemporary events, even though he and Dr. Fine gave it a mere half page in their book on Bosnia (Donia - Fine, 1994, 132). Dr. Donia then compounded his methodological shortcomings by citing Lord Owen, who asserted that "because the 1939 agreement Cvetkovic-Macek [sic] had given the Croatian nation control over substantial parts of Bosnia-Herzegovina, many Croats, not least Franjo Tudjman, never in their hearts accepted the 1945 boundary between Croatia and Bosnia-Herzegovina."* Not only is Lord Owen not an expert on Yugoslav history, it is very unlikely that he was able to poll the hearts of contemporary Croats. At best, this statement reflects the bias of a professional politician involved in a process, Methodologically, such a citation would ordinarily be subjected to close scrutiny and compared to more objective data, the contemporary media, and the memoirs of other participants.

The Territory of Bosnia and Herzegovina in the NDH, 1941-1945

On 10 April 1941, as German and Italian troops occupied Yugoslavia, Slavko Kvaternik, a former member of the Habsburg General Staff and a close collaborator of Ante Pavelić, declared the creation of the Independent State of Croatia, the NDH. Established under Italian and German protection, the NDH became the political instrument of the Ustaše movement. According to Dr. Donia, the Ustaše had been active in Croatia and "came to power with some degree of popularity with the Croatian population." (p. 20.) This is true

⁶⁸ For the "Decree of transfer of the regulations of the Decree of the Croatian Banovina on other banovina," see *ibid.*, p. 408.

⁶⁹ On the question of the further reorganization of the Kingdom of Yugoslavia, see *ibid.*, pp. 303-319.

* See page 122 in this volume.

in part, however, the reality is that the Ustaše were primarily an émigré movement. The group that accompanied Pavelić on the way to Croatia – about 250 émigrés – had spent the previous seven years in confinement, either on a group of volcanic islands off Sicily or in the interior of Calabria. This small group of individuals from abroad and sympathizers and collaborators who had returned after 1937 formed the core of the NDH's political leadership. They appealed to members of the HSP (Croatian Party of Right) and HSS for support and collaboration, but often found that the latter were no more anxious that their leader to collaborate. As a result, leader of HSS, Maček was detained in the infamous concentration camp at Jasenovac from October 1941 to March 1942, then sent into internal exile in the village where he was born.

The NDH was therefore born politically crippled, because it was the HSS, not the HSP or the Ustaše who controlled the Croatian electorate from 1918 to 1941. Its Italian, German, and Hungarian godfathers further handicapped the new state by claiming large chunks of the Dalmatian coast and all of Medjimurje, the area between the Drava and the Mura rivers. In compensation, the NDH received all of Bosnia and Herzegovina, which was absorbed as an integral part of the new state. Put another way, Bosnia and Herzegovina had no distinct administrative identity within the NDH. Indeed, part of the NDH Government was briefly located in Banja Luka. Although nominally part of the NDH, the region was regularly raided by Serbian Chetniks, occupied by Axis troops, and home to a Partisan movement that set up the rudiments of a state in Jajce in 1943. The short, confused period between 1941 and 1945 therefore marked yet another discontinuity in Bosnia and Herzegovina checkered history.

In NDH Ustaše committed extreme atrocities, particularly against Serbs, Jews and Gypsies. However, in Bosnia and Herzegovina, the NDH did its utmost to win over the Muslims. The Ustaše viewed them as Croats of Islamic faith, following Starčević's characterization of them as "najčisći hrvati" – the purest Croats. Ivan Meštrović's Art Pavilion in Zagreb, an imposing structure near the old historic center, was transformed into a mosque, and Muslims were integrated into the NDH's armed forces and civil administration. The new state's Deputy Premier was a Muslim (Džafer Kulenović), Ademaga Mešić occupied a high Ustaše office, and eleven Muslims were appointed to the NDH's Sabor.⁷⁰ Muslim politicians, the Muslim clergy, and the general population were mainly in favor of Croats over Serbs.⁷¹ Most Muslims appear to have accepted the NDH, but remained somewhat wary.⁷² In 1943, a group of leading Bosnian Muslims even asked the Germans to create an autonomous Bosnia-Herzegovina, claiming they could no longer tolerate Ustaše crimes, and also urged the Germans to establish a Muslim SS division, arguing that Bosnia's Muslims were of Gothic origin.⁷³

⁷⁰ Fikreta JELIĆ-BUTIĆ, *Ustaše i NDH*, Zagreb 1977, p. 199; N. MALCOLM, *ibid.*, p. 250.

⁷¹ N. MALCOLM, *ibid.*, pp. 249, 250.

⁷² F. JELIĆ-BUTIĆ, *ibid.*, p. 198.

⁷³ Rasim HUREM, "Konceptije nekih muslimanskih građanskih političara o položaju Bosne i

Thousands of Muslims served in the Croatian and German armed forces, including the Muslim youth who underwent special training in France and Germany for the infamous SS Handzar Division, which was formed in 1943. Few Muslims served in Partisan units, despite efforts to attract them. A Muslim Brigade was formed in 1943, and the number of Muslims in partisan increased, but Muslim participation in the Partisan ranks was always much lower than desired and expected.⁷⁴ There were no Muslims among the Serbian Chetnik formations, because the Chetniks considered them an enemy people and carried out massacres of Muslim villages and otherwise sought to "cleanse Bosnia of everything that is not Serb." The worst massacres occurred in Eastern Herzegovina.⁷⁵ During the war, the leading Chetnik ideologue, Stevan Moljević, enunciated a major Chetnik goal to be the "cleansing" – a euphemism for murder and expulsion -- of over a million Muslims and Croats in areas claimed by Serbs. The area Moljević hoped to cleanse and to annex to Serbia roughly coincided with that taken by the JNA in 1991 and 1992. His ideas reflected earlier Serbian goals of "amputating" Croatia and creating a rump Croatian state stripped of Slavonia, Krajina, Srijem, and Dalmatia.⁷⁶ As Ivo Banac noted, Moljević's ideas "can easily be detected in the ideas of Milošević, Šešelj, or other ideologists of Serbian nationalism in the 1980s and 1990s."⁷⁷

Bosnia and Herzegovina in the Period of Socialist Constitutionality, 1945-1992

The constitutional framework of the federal state created by the Yugoslav communists derived its conceptual roots from the ideological positions of the Yugoslav and Soviet Communist Parties during the inter-war and post-war periods. It received its institutional skeleton from the Partisan movement during World War II when the constitutional bases for communist Yugoslavia were laid down. Both the underlying concepts and the constitutional framework complied with Lenin's ideas regarding the rights of nations and corre-

Hercegovine u vremenu od sredine 1943. do kraja 1944. godine" in *Naučni skup "Istorijske pretpostavke republike Bosne i Hercegovine"* (1968), pp. 539-541; N. MALCOLM, *ibid.*, pp. 251, 254.

⁷⁴ Dušan LUKAČ, "Prilog izučavanju nacionalnog pitanja u Bosni i Hercegovini u periodu NOR-a," in *Naučni skup "Istorijske pretpostavke republike Bosne i Hercegovine"*, pp. 485-486; A. PURIVATRA, "Stav KPJ prema nacionalnom pitanju Muslimana u toku narodnoslobodilačkog rata," in *ibid.*, pp. 519-521.

⁷⁵ I. BANAC, "From Religious Community to Socialist Nationhood and Post-Communist Statehood," p. 143; R. J. DONIA and J. V. A. FINE, *ibid.*, p. 152; N. MALCOLM, *ibid.*, pp. 251-252. For orders by Draža Mihailović, the commander-in-chief of the Chetnik units which "cleansed" Muslims, Croats, and other non-Serbian minorities during the war, see M. GRMEK, M. GJIDARA, and N. ŠIMAC, *ibid.*, pp. 144-146.

⁷⁶ For Moljević's plan to create a "Homogenous Serbia," see M. GRMEK, M. GJIDARA, and N. ŠIMAC, *ibid.*, pp. 127-131.

⁷⁷ "Separating History from Myth: An Interview with Ivo Banac," in Rabia ALI and Lawrence LIFSCHULTZ, eds., *Why Bosnia? Writings on the Balkan War*, Stony Creek, 1993, pp. 157-158.

sponded to the federal organization of the Soviet Union, albeit with distinctly Yugoslav features.⁷⁸

Lenin's early ideas on the resolution of national question were theoretical and derived from the rights of nations to self-determination, to secession, and to their own state. When the revolution of February 1917 made the question a practical and a pressing one, Lenin proposed to resolve it by including the numerous nationalities in the Russian empire in a federal structure and guaranteeing them the right to secede, but only as a means to protect themselves against the hegemony of another nationality. The precondition for such a reorganization was that the people in question be led by a class-conscious movement of workers who would exercise the option of secession only if it became necessary. The multi-ethnic communist state was to be held together by the class interests of the workers which Lenin saw as common, regardless of the national borders.⁷⁹

Lenin was a revolutionary who believed in an international communist order and saw the national question as peripheral and transitory. He also favored powerful unitary state and opposed federalism and national particularism.⁸⁰ In 1924, the KPJ (Communist party of Yugoslavia) rejected its previous unitary concept and adopted the Leninist concept of the right of nations to self-determination. This meant that they supported the secession of Croatia, Slovenia, and Macedonia from Yugoslavia and their transformation into independent states.⁸¹ Organizationally, this meant that the KPJ became a party with national branches. It established the KP of Croatia and the KP of Slovenia, and acknowledged the need to form a KP of Macedonia. But after Tito took over as the leader in 1937, the KPJ abandoned the position that Yugoslavia should be dissolved and adopted a new policy of struggling for national "equality based on the revolutionary democratic transformation of Yugoslavia" and for "self-determination including secession, but not in every situation."⁸² Although the Yugoslav communists saw Serbs, Montenegrins, Croats, Slovenes, and Macedonians as peoples with a national identity and the right to their own republics, they did not see Yugoslavia's Muslims as a nationality and they grouped Bosnia and Herzegovina with the other multinational regions of Vojvodina and Kosovo.⁸³

⁷⁸ The term nation, as is clear from the enumeration of Yugoslav nations in 1918 and 1943 (Serb, Croat, Macedonian, Montenegrin, Slovene) was used interchangeably with peoples, because the South Slav word, *narod*, means both. This tends to cause confusion in English translations. This is also true of the word tribe or clan (*pleme*), whose meaning in South Slav languages is much broader and more inclusive than Scottish or English usage.

⁷⁹ Juraj KOLAKOVIĆ, *Historija modernih političkih teorija (od 1848. do danas)*, Čakovec 1972, vol. II, pp. 287-288; Dragan MEDVEDOVIĆ, *Nastanak sovjetske federacije*, Zagreb 1980, p. 104.

⁸⁰ D. MEDVEDOVIĆ, *ibid.*, pp. 95, 105.

⁸¹ Dušan BILANDŽIĆ, *Historija Socijalističke Federativne Republike Jugoslavije. Glavni procesi 1918 - 1985*, Zagreb 1985, p. 31; *Povijest saveza komunista Jugoslavije*, Beograd 1985, pp. 95, 107.

⁸² D. BILANDŽIĆ, *ibid.*, p. 35; *Povijest saveza komunista Jugoslavije*, pp. 95, 144, 150.

⁸³ Nikola BABIĆ, "Komunistička partija Jugoslavije i pitanje položaja Bosne i Hercegovine," in

During World War II, the KPJ formed a partisan resistance movement and began to build the institutions necessary to a postwar communist government. They intended to reconstruct Yugoslavia, which had been partitioned into several areas, and to preserve the country's unity after doing so; but they also intended to reorganize Yugoslavia on a federal basis. In 1943, AVNOJ (Antifašističko vijeće narodnog oslobođenja Jugoslavije, Anti-fascist Council of the People's Liberation of Yugoslavia) was formed to serve as the central representative, legislative, and executive body of the embryonic Yugoslav state. NO (Narodni odbori, People's Councils) and the ZAVNO (Zemaljska antifašistička vijeća narodnog oslobođenja, Land Anti-fascist Councils of the People's Liberation) were created in each major Yugoslav region (Croatia, Slovenia, Montenegro and Boka, Sandžak, Bosnia and Herzegovina, Macedonia, and Serbia). These were to be the highest regional representative, legislative and executive bodies, the basic units of the future federalist state, each a separate constitutional entity. These bodies reflected the communist theory, but were tactically necessary in any event, because to advocate a centralist state after the inequitable treatment non-Serbs had experienced under the Serbian-dominated state would have been political suicide.

The status of Bosnia and Herzegovina proved to be a unique and difficult problem. The first mention of the region in equal status with the other Yugoslav lands occurred in the Resolution of the First Session of the ZAVNO of Croatia in the summer of 1943.⁸⁴ The KPJ regional committee for Bosnia-Herzegovina supported this position, but some in the central leadership of the KPJ rejected federal status for the region and argued that Bosnia and Herzegovina must be an autonomous province, because there could only be "as many federal units as there are nations." But if the region was an autonomous province, not a republic, the problem then became where to put it. To attach it as an autonomous province to either Serbian or Croatia would have generated tension between the two and was not in line with Soviet practice.⁸⁵ Tito finally resolved the matter on 26 November 1943 by approving the arguments of the KPJ regional committee for Bosnia and Herzegovina and throwing his support behind the idea that it be equal to other republics.⁸⁶

The federal organization of Yugoslavia and its federal units was established six days later, at the 2nd session of AVNOJ in Jajce with the "Decision on the Building of Yugoslavia on a Federal Model." The Decision was based on the "the right of every nation to self-determination, including the right to secession." Yugoslavia would be rebuilt as a federal state in order

Naučni skup "Istorijske pretpostavke republike Bosne i Hercegovine", pp. 233 ff.; N. MALCOLM, *ibid.*, pp. 243-244.

⁸⁴ Drago BOROVIČANIN, *Izgradnja bosansko-hercegovačke državnosti u uslovima NOR-a*, Sarajevo, 1979, p. 170.

⁸⁵ Hamdija ČEMERLIĆ, "Položaj Bosne i Hercegovine u jugoslavenskoj zajednici od ZAVNO BiH-a do Ustava SR Bosne i Hercegovine," in *Naučni skup "Istorijske pretpostavke republike Bosne i Hercegovine"*, pp. 338-339.

⁸⁶ D. BILANDŽIĆ, *ibid.*, p. 67; D. BOROVIČANIN, *ibid.*, pp. 171-172.

"to insure the principle of sovereignty of the nations of Yugoslavia and to insure that it will never again be domain of any hegemonic [ethnic] group [...] Yugoslavia is being built and will be built on a federal principle that will insure the full equality of Serbs, Croats, Slovenes, Macedonians and Montenegrins, that is, the nations of Serbia, Croatia, Slovenia, Macedonia, Montenegro and Bosnia and Herzegovina."⁸⁷

By giving Bosnia-Herzegovina the status of a republic, Tito headed off a Croat-Serb clash over ownership of the region. But he did so at the price of creating an anomalous republic with no constituent nationality. Its residents included Croats and Serbs, both recognized as official nationalities, but the Muslims were not an official nationalities, an indication that the communists showed that they did not consider them to be a national group. This meant that Muslims constituted a purely religious category; ethnically they must be one of the official nationalities, either Croats or Serbs. Bosnia and Herzegovina therefore was established as a *regional*, not a national, federal unit.⁸⁸ That Muslims were not a nationality was generally accepted at the time. In 1942, Veselin Masleša, a Partisan theoretician, had also elaborated a theoretical justification for denying Yugoslavia's Muslims a distinct ethnic or national identity.⁸⁹ A similar phenomenon occurred with Yugoslavia's Albanians; after the 2nd session of AVNOJ, Albanian leaders in Kosovo complained because ethnic Albanians were also omitted from the list of official nationalities.⁹⁰

In Yugoslav constitutional and political theory and practice it was generally accepted that the decisions of AVNOJ's 2nd session represented the constitutional foundations of the contemporary Yugoslav state; and 29 November 1943 was officially observed in the former Yugoslavia as the Day of the Republic (i.e., Constitution Day). Soon after the session, the individual ZAVNO were convened and proclaimed the highest representative, legislative and executive bodies of their respective lands, thus completing the federal framework of the future state. In constitutional terms, because the federal government had been created before the governments of the federal republics and autonomous provinces, it could be argued that the federal government federal interests had priority and took precedence over republican government and republican interests.

The sensitive issues of delimiting the borders of the federal units and determining the status of Sandžak (which had its own ZAVNO), and the multiethnic regions of Vojvodina and Kosovo were not discussed at AVNOJ's 2nd

⁸⁷ For the "Decision on the Building of Yugoslavia on the Federal Principle," see Slobodan NEŠOVIĆ and Branko PETRANOVIĆ, *AVNOJ i revolucija. Tematska zbirka dokumenata, 1941-1945*, Beograd 1983, pp. 452-453. Also see D. BILANDŽIĆ, *ibid.*, p. 67, and *Povijest saveza komunista Jugoslavije*, pp. 273-274.

⁸⁸ H. ČEMERLIĆ, *ibid.*, p. 339.

⁸⁹ I. BANAC, "From Religious Community to Socialist Nationhood and Post-Communist Statehood," p. 144; A. PURIVATRA, "Stav KPJ prema nacionalnom pitanju Muslimana," pp. 522-526.

⁹⁰ B. PETRANOVIĆ, *Istorija Jugoslavije, 1918-1988*, Beograd 1988, v. II, p. 294.

session in 1943. They were only resolved after the war. In 1945, the Presidency of AVNOJ and the Sandžak's ZAVNO agreed that there was no reason to preserve the region's autonomy, so Sandžak reverted to the borders established as a result of the Balkan wars, in 1913. So Sandžak ceased to exist as a distinct regional entity and its territory and population, the latter mostly Muslim, were divided between and annexed by Serbia and Montenegro. Vojvodina and Kosovo were joined to Serbia as autonomous provinces within the Serbian federal republic, following decisions by their respective regional "boards of people's liberation."⁹¹ Vasa Čubrilović, who in 1937 had proposed a plan for the cleansing of Albanians from Kosovo, in 1944 proposed a broad plan for the cleansing of national minorities to the communist authorities.⁹² Although his plan was not accepted, the German minority in Vojvodina was the object of massive reprisals and expulsions so that it largely disappeared and was replaced by Serbian colonists.⁹³

So, with the exception of Bosnia and Herzegovina, all federal republics were established using ethnic and historical criteria. Bosnia and Herzegovina's constitutional subjectivity thus differed because it was not considered a national unit like the other republics as it lacked its own particular nation.

The formal organization and practical application of Yugoslav federalism need to be studied within the framework of the global political and diplomatic environment. Of crucial importance for the country were its differences with the USSR in 1948, which resulted in a break with Moscow and the expulsion of Yugoslavia from the Cominform. This break forced the KPJ to find a middle way in the Cold War. Internationally, Yugoslavia sought to steer a non-aligned course between East and West. Domestically, the KPJ formulated a theory of "self-management of the working people" which encouraged a good deal of local control, albeit always under the guidance of the communist party. Yugoslavia's road to communism therefore increasingly diverged from the Russian Soviet model of a planned economy and rigid centralism at home and socialist internationalism under the guidance of the USSR abroad. This change radically altered Yugoslavia's social and political systems, despite the communist party's continued monopoly on power and the pervasive role of communist ideology.

The break with the supranational Cominform was reflected in Yugoslav foreign policy and a gradual opening to the West, particularly during the 1960s. From the mid 1950s, Yugoslav communists were active in developing "a third way" in international relations -- the movement of non-aligned nations that was formally launched at Bandung in 1955. Non-alignment not only defined Yugoslav foreign policy, it had an impact on domestic politics as well. Once free of Soviet tutelage, Yugoslavia experimented with different economic and political forms, based on increasingly unorthodox interpreta-

⁹¹ D. BILANDŽIĆ, *ibid.*, pp. 68-71; B. PETRANOVIĆ, *Istorija Jugoslavije*, v. II, pp. 282-283.

⁹² Čubrilović's proposals are discussed in M. GRMEK, M. GJIDARA and N. ŠIMAC, *ibid.*, pp. 152-153.

⁹³ M. GRMEK, M. GJIDARA and N. ŠIMAC, *ibid.*, p. 154.

tions of communist ideology and the exclusive role of the communist party in society and government. The KPJ's changing concept of what Yugoslav society and government should be was reflected in the country's four constitutions of 1946, 1952, 1963, and 1974. The KPJ itself underwent fundamental changes; the party was renamed the League of Communist in 1952 to express the new "spirit" of self-management and to underscore that the party was not a monolithic centralized organization. The KPJ's evolution can be followed in its own documents, especially those from the party congresses.⁹⁴

Yugoslav federalism was still formally based on the Soviet model, but evolved its own peculiar features. Yugoslav federalism was based on the right of self-determination of the nations that included the right of the federal republics to secede, a right "corrected" by the KPJ's monopoly of power in the republics. As the only political power in Yugoslavia, it had complete control of the country's political organs and institutions. Theoretically, the relationship of the republics to the federal government was reflected in the formation of parties in each republic as independent branches of a single federal party. In practice, the KPJ was a single, highly centralized organization in which the principle of "democratic centralism" was strictly enforced. As a result, decisions made at the federal level and those taken by those at higher levels were binding on all lower levels. Put another way, the communist parties in the republic put the decisions of the central leadership into effect through their control of republican governments. So, in spite of a formal federal structure, all important decisions were made by the party's leaders in Belgrade, and the rest of the party, and the republican governments controlled by the party, conformed. Yugoslav theoreticians called this model the "party and state regime" because party and state structures were so intertwined in terms of organization and cadre that in effect they formed a single organism that used state bodies to effect political decisions made within the party.⁹⁵

Initially, Yugoslavia's federal structure was primarily of formal importance, because decisions at all levels were made within the KPJ, which controlled the federal organs and practiced "democratic centralism." Among communist party members and within the military, the country's two most crucial institutions, Serbs dominated owing to their numbers and the positions that they occupied (see below). They therefore wielded a great deal of power and had a privileged place within the Yugoslav political system, even though the country had been reconstructed with the express purpose of precluding the Serbian "hegemony" that had characterized the prewar state. Aleksandar Ranković, the powerful head SDB (the Yugoslav secret police) was the linchpin of this system. But in 1966 he was removed from office, as were a number of officials, mostly Serbian, for having usurped power and encouraging centralist and

⁹⁴ The 1963 constitution was amended in 1967, 1968 and 1971. On the constitutional development of Yugoslavia and the Constitution of 1974, see Veljko MRATOVIĆ, Nikola FILIPOVIĆ, and Smiljko SOKOL, *Ustavno pravo i političke institucije (SFRJ i komparativno)*, Zagreb, 1986, pp. 115 ff. For the official history of the political development and role of KPJ in this period, see *Povijest saveza komunista Jugoslavije*, 1985, pp. 272 ff.

⁹⁵ Eugen PUSIĆ, *Upravni sistemi*, Zagreb 1985, vol. I, pp. 195-197.

unitarist tendencies. This “purge” marked a turn toward the economic and political liberalization of the country, with a concomitant decentralization and democratization of the party and governmental organizations.⁹⁶ Nonetheless, the party remained firmly in control of government at the federal and republican levels, and a strict hierarchy characterized party relations, with all important decisions still being made at the highest levels. In effect, Tito oversaw a liberal authoritarian regime, held together by his charisma, which also served to dampen competing Serbian and Croatian pretensions. But after Tito’s death in 1980, power was splintered among a revolving presidency and began to devolve on the republics, whose parties became more powerful than the fragmented federal leadership, and who began to follow the interests of their respective republics rather than hew to a party line elaborated in Belgrade.

Given the center role of a supranational working class in communist theory, national interests were seen as retrograde, divisive, illegitimate, and transient. Consequently, national interests were not openly expressed or represented in Yugoslavia’s political system. But the purge of Ranković and other proponents of a highly centralized state in the mid 1960s, and the political and constitutional reforms of the late 1960s and 1970s opened political space in which the interests of Yugoslavia’s republics could be expressed. Since most republics were in fact national entities, republican interests were essentially identical with national interests. But nationalism, given the ethnic rivalries that had tormented the country and finally torn it apart before 1945, were considered the greatest danger to Yugoslavia’s survival, and even modest expressions of religious or ethnic (i.e., national) programs were legally prohibited and vigorously prosecuted.⁹⁷ The official solution to competing national interests was represented in the formula *bratstvo i jedinstvo*, “brotherhood and unity,” which became the mantra to keep ethnic conflicts at bay.

Bratstvo i jedinstvo posited the “brotherly” relations of Yugoslavia’s peoples as the foundation on which Yugoslav “unity” rested. This formula provided an easily understood benchmark against which all political, social, and economic activities could be measured. It was in the name of “brotherhood and unity” that factories and administrative organs of Yugoslavia’s republics exchanged visits. These visits were highly organized, followed protocols to assure friendship, and finished with a “spontaneous” singing of revolutionary songs that glorified “brotherhood and unity.” At state and communist festivities, speeches, recitals, or songs all expressed the wonders of “brotherhood and unity.” The Yugoslav Peoples Army, which included people from all republics and nations, was “the forge of brotherhood and unity,” and conscripts received an ideological indoctrination explaining the essence and importance of “brotherhood and unity,” whose guardians and guarantors were the Communist Party and Yugoslav Peoples Army. Opponents of the regime were often cas-

⁹⁶ D. BILANDŽIĆ, *ibid.*, pp. 323, 354; Hrvoje MATKOVIĆ, *Povijest Jugoslavije (1918-1991). Hrvatski pogled*, Zagreb 1998, pp. 350-353; B. PETRANOVIĆ, *Istorija Jugoslavije*, v. II, pp. 385-386.

⁹⁷ D. BILANDŽIĆ, *ibid.*, p. 356.

tigated as opposing “brotherhood and unity.” Those who expressed national feelings were stigmatized as endangering “brotherhood and unity,” and they were often prosecuted for doing so. So everything from singing national songs and anthems to criticizing the use of Serbian as the official standard for “Serbo-Croatian” or historical and sociological research on national topics that reached “improper” conclusions (e.g., the real number and identity of victims during the war, difference in the economic development of republics and regions, inequitable distribution of income) – all these activities could easily become political crimes, violations of “brotherhood and unity.”⁹⁸

One means to short-circuit potential ethnic conflict and assure political stability was to promote the formation of a supranational Yugoslav identity. But the emergence of Yugoslav institutions and an increasing number of Yugoslavs in censuses masked a Serbian influence that permeated federal (i.e., Yugoslav) institutions, especially the military. Serbs were over-represented within the League of Communist of Yugoslavia, making up 44% of the party in 1988, even though they were only 38.4% of the total population. Montenegrins, with only 2.5% of the country’s population, accounted for 5.5% of LCY’s members. “Yugoslavs,” who were 5.6% of the population, made up 10.6% of the LCY’s membership. Muslim membership (7.6%) in the LCY roughly reflected their percentage of the population (7.6%). But Croats and Slovenes were seriously underrepresented; the former was 20.5% of the population, but accounted for only 12.6% of the LCY’s membership; the latter was 8% of the population, but had an LCY membership of only 4.8%.⁹⁹ “Yugoslav” expressions introduced into Serbo-Croatian were largely derived from Serbian and embedded in a Serbian cultural matrix. A growing number of Muslims in Bosnia-Herzegovina took the opportunity to declare themselves “Yugoslav, undetermined” in censuses, just as many had declared themselves Yugoslavs in the 1920s – at least in part to escape getting involved in the competition between Serb and Croat for their allegiance and to be able more easily to survive in a Yugoslav state run by its Serbian component. Indeed, as Donia noted in his book, “the hope that a Yugoslav identity might emerge around a Bosnian Muslim core is reminiscent of Benjamin von Kállay’s aim [...] to create a supranational loyalty to Bosnia,” although he considered Tito more moderate than Kállay, who “sought to repress all contending political expressions.”¹⁰⁰ Whether Austrian methods were harsher than communist blandishments, the results were the same. As Donia observed, “like their Austrian precursors...the Party leaders quietly abandoned their efforts without renouncing them.”¹⁰¹

Despite a federalist organization, the system of government in Yugoslavia was an authoritarian and repressive. The communist party’s monopoly of power precluded respect for civil and political freedoms and rights. However,

⁹⁸ H. MATKOVIĆ, *ibid.*, pp. 353-354, 373.

⁹⁹ Iraj HASHI, “Regional polarization in Postwar Yugoslavia and the Impact of Regional Policies,” in R. ALI and L. LIFSCHULTZ, eds. *ibid.*, p. 325 (Table 9).

¹⁰⁰ R. J. DONIA and J. V. A. FINE, *ibid.*, p. 177.

¹⁰¹ *Ibid.*, p. 177.

the break with the USSR in 1948 and increasing contact with the West, including a certain amount of reliance on Western states for loans and trade, gradually led to a some liberalization and a considerable level of personal freedom, especially compared to those countries under Soviet domination. Nonetheless, apart from constitutional changes in Yugoslavia, the main characteristics of the Yugoslav system remained unchanged up until 1974.

The trend that became increasingly visible during the 1970s was toward a devolution of power and authority to Yugoslavia's republics and autonomous regions, accompanied by some economic and political liberalization. As republics and autonomous regions became more powerful and more important, there was an upsurge of nationalism and an increase in the prosecution of crimes against "brotherhood and unity." The trend toward increased power within republics relative to the federal government coincided with a "federalization" of the LCY as well, as republican and regional organizations took on more responsibilities and more authority. The 1974 Constitution gave extensive rights to federal units and transformed the process of decision-making at the federal level. Rather than receiving orders from the party leadership, republican leaders now haggled over policy, each looking to the interests of their republic more than that of Yugoslavia. In 1974, Tito became president for life and the collective presidency of twenty-three members established in 1971 was replaced by a nine-member federal presidency comprising Tito one representative from each of the six republics and the two autonomous provinces of Vojvodina and Kosovo. The presidency was supposed to diffuse political power and make it impossible for any nationality to gain the upper hand after Tito's death. Its remaining eight members were to rotate leadership of the Presidency annually. The LCY had already begun its decentralization at its 9th Congress, in 1969. Yet the formal changes were misleading, because Yugoslavia was held together not by consensus, but by Tito's charismatic authority and intermittent "purgues."¹⁰²

Tito's death in 1980 therefore acted as a trigger that released the centrifugal forces in Yugoslavia and opened the first stages of its inevitable dissolution.¹⁰³ That the mere death of a political leader, no matter how revered, could trigger the dissolution of the country was telling evidence of the fragility of the political system and the artificiality of "brotherhood and unity." The cruelty that marked the conflicts in Yugoslavia during the early nineties simply confirmed the strength of ethnic loyalties and the lack of attraction that Yugoslavia had for large part of its inhabitants.

The federal system began to unravel after 1980 as republic organizations challenged the federal government for political and economic control of the country. As it was not possible to articulate national interests as such within

¹⁰² D. BILANDŽIĆ, *ibid.*, pp. 348 ff; H. MATKOVIĆ, *ibid.*, p. 373; V. MRATOVIĆ, N. FILIPOVIĆ and S. SOKOL, *ibid.*, pp. 475 ff; B. PETRANOVIĆ, *Istorija Jugoslavije*, v. III, pp. 412 ff.

¹⁰³ Branka MAGAŠ, "The Destruction of Bosnia-Herzegovina," in R. ALI and L. LIFSCHULTZ, eds., *ibid.*, p. 247.

the existing political system, communist parties within republics became promoters of the interests of their own federal units, and by doing so they transformed themselves into national parties. At the same time, the Yugoslav economy fragmented into a congeries of semi-closed republican systems. As the LCY unraveled and the republics protected their economies, the supports of the Yugoslav regime were undermined. To a large extent, this process was unconscious, natural, and spontaneous. Submerged national identities reemerged, as did the differences and disputes that were integral to them. The media were also released from their constraints and became the mouthpieces for those opposed to the central government, communism, and rival national groups. Exposés and scandals, especially in other republics, proliferated, further discrediting the LCY, the federal government, and ethnic rivals. In other words, the Yugoslav media used their new freedom to destroy "brotherhood and unity," attack communism, and stoke ethnic animosities.¹⁰⁴

Central to Yugoslavia's dissolution were events in Kosovo, especially the 1981 riots, the result of demands by the province's Albanian majority that it be granted the status of a republic. Thousands of ethnic Albanians, who made up over 80% of the region's population, took part in mass demonstrations and protest that were suppressed by the army. A state of emergency was declared and Kosovo was effectively sealed off from the media for three months as the Serbian police and the JNA systematically suppressed Albanian dissidents. But rather than pacify the region and preserve "brotherhood and unity," Serbia's brutal response to popular discontent radicalized the Albanians and encouraged a virulent form of Serbian nationalism. The latter was most eloquently expressed in the Memorandum of the Serbian Academy of Arts and Sciences, which argued that the Serbian people was threatened with extinction by Yugoslavia's other nations, including the Albanians in Kosovo and the Croats and Slovenians in their respective republics. It demanded the unification of Yugoslavia's Serbs, regardless of where they lived in Yugoslavia. As part of that unification, it urged the recreation of a centralized political system.¹⁰⁵

This aggressive strain of Serbian nationalism quickly found political expression. Serbian politicians declared that Serbia and the Serbs had been intentionally shortchanged by the "parceling out" of the country among non-Serbs, and they complained that their republic had been purposely weakened by giving more autonomy to Kosovo and Vojvodina in the 1974 Constitution. They demanded the abolition of the autonomous status of the two provinces and their absorption by Serbia, as well as amending the federal Constitution to bring back a powerful central government. They extolled the Serbs and

¹⁰⁴ B. MAGAŠ, *The Destruction of Yugoslavia. Tracking the Break-up 1980-92*, London and New York, 1993, pp. 116, 263.

¹⁰⁵ For the Memorandum of the Serbian Academy of Arts and Sciences, see M. GRMEK, M. GJIDARA and N. ŠIMAC, *ibid.*, pp. 160-179.

¹⁰⁶ For the exacerbated nationalistic attitudes of the leaders of the Serbian Orthodox Church and high-ranking Serbian intellectuals see M. GRMEK, M. GJIDARA and N. ŠIMAC, *ibid.*, pp. 184-196.

Serbia as the core and guardians of Yugoslavia. Among those who espoused such positions was Slobodan Milošević, who took control of the Serbian party in 1987. By appealing to bruised national feelings and promising a resurrection of Serbian dominance, Milošević received the support of millions of Serbs. As an astute politician, he understood that by organizing mass rallies, he could intimidate his opponents, consolidate his hold on power, and attract the support of those Serbs who lived outside Serbia proper. Indeed, this lackluster banker soon became the darling of Serbian nationalists and the great hope of the Serbian people.

Milošević began his march to power in the summer 1986, quickly gaining the support of extreme nationalists, leaders within the Serbian Orthodox Church, and many of Serbia's most prominent intellectuals.¹⁰⁶ His control of the Serbian media and his manipulation of mass demonstrations by nationalist mobs, often bussed into a region to support his policies or cow the leaders of a neighboring region, resulted in the overthrow of the governments of the autonomous provinces of Vojvodina and Kosovo. In 1989, the Serbian republic unilaterally abolished the autonomous status of these two provinces – thereby shredding the 1974 Constitution and effectively dissolving Yugoslavia. That same year, Milošević used similar tactics to overthrow Montenegro's government and replace it with a more compliant one. By 1990, he was exporting his policies and his tactics to Croatia and Slovenia. In the former, Serbians from Serbia joined local Serbs to agitate for secession from Croatia, but in the latter, efforts to hold "meetings of truth" were blocked by Slovene authorities.¹⁰⁷

The most determined opposition to Milošević's leadership and policies in fact came from Slovenia's League of Communists, supported by Croatia's League of Communists. The clash between the Serbs on the one side, and the Slovenes and Croats on the other, was global – political, ideological, cultural, social, and economic. It was also extremely bitter, with the media of the respective republics faithfully mirroring the positions of party leaders in each. The conflict came to a head at the 14th Congress of Yugoslavia's League of Communists, held in Belgrade in January 1990. Slovene and Croat delegates advocated the transformation of the federal League of Communist into a union of republican organizations, while Serbian and Montenegrin delegates insisted on a centralized party organization. After a series of bitter Serbian attacks, the Slovenes walked out of the Congress; the majority of Croatian delegates followed. Although not formally dissolved, the LCY no longer existed as a viable political organization.

With the LCY defunct, the federal government was the only Yugoslav political organization left, but Milošević used his four votes in the Presidency (Serbia, Vojvodina, Kosovo, and Montenegro) to block the accession of Stipe Mesić, a Croat, to its leadership, thereby paralyzing the Presidency and leaving Yugoslavia without an operational central authority. At the same time, political

¹⁰⁷ D. BILANDŽIĆ, *ibid.*, pp. 495-499; R. J. DONIA and J. V. A. FINE, *ibid.*, pp. 205, 217; B. MAGAŠ, "The Destruction of Bosnia-Herzegovina", pp. 199, 207, 244, 249, 250; H. MATKOVIĆ, *ibid.*, pp. 391-397, 405-406.

changes in the republics increased their pace. Within a month, new political parties were legalized in all Yugoslavia republics. In Slovenia, Croatia, Bosnia-Herzegovina, and Macedonia, newly formed national parties won majorities in local parliamentary elections; in Serbia and Montenegro, communist leaders retained power, albeit with renamed parties.

From December 1990 to January 1991, as Yugoslavia's federal institutions ground to a halt or collapse, the presidents of the six republics met repeatedly in an effort to find some way to save Yugoslavia by reorganizing it. Kučan and Tudjman, the presidents of Slovenia and Croatia, proposed a loose federation, but Milošević rejected their proposal and threatened to dismember Croatia and Bosnia-Herzegovina, then annex those areas with Serbs to Serbia. Such behavior led Noel Malcolm to conclude that Milošević's real intention was to change the borders between republics, leaving Tudjman little choice; the Croatian president could either resist dismemberment by Serbia, try to negotiate with the Serbian leader, or accept a Yugoslav state reorganized along Serbian lines.¹⁰⁸

Unfortunately (but logically), the summits between the leaders of Yugoslavia's republics did not produce any results. At the same time, the JNA was arming and training Serbs in Croatia who from August 1990 in a "timber-revolution" (because they were using timbers to block roads to the areas they inhabited) started to deny the authority of Croatian organs in the Croatian regions inhabited by Serbs and to organize themselves as political power with its own armed forces. As early as January 1991, a direct clash between Serbian irregulars and Croatian police broke out, triggering intervention by the Yugoslav army, ostensibly to restore order, but in fact to help consolidate Serbian control of regions marked off for annexation by Serbia. Such attacks and interventions become increasingly frequent, and proved to be a model for creating a "Serbian" zone in Croatia and laying the foundations for a war against Croatia intended to dismember the republic. By this point, it was clear that, barring a miracle or foreign intervention, the Yugoslav state would not survive the summer. Having failed to persuade the other republics to accept a confederated Yugoslavia, on 25 June 1991 Slovenia and Croatia declared their independence. Macedonia followed on 9 September, and Bosnia and Herzegovina on 15 October. Although international recognition of the new states was delayed until the first half of 1992, Yugoslavia had effectively ceased to exist, the victim of internal problems whose resolution was blocked by Serbian efforts to realize either a Serbian-dominated Yugoslav state or a Great Serbian state built on Yugoslavia's ruins.¹⁰⁹

For a variety of reasons, including central control over the economy and exploding debt, by the late 1980s Yugoslavia was in the midst of an economic crisis whose symptoms had begun to appear at the beginning of the decade. Ante Marković, Yugoslavia's Prime Minister, attempted to remedy the situation

¹⁰⁸ N. MALCOLM, *ibid.*, p. 290.

¹⁰⁹ R. J. DONIA and J. V. A. FINE, *ibid.*, pp. 207, 212-213; B. MAGAŠ, *ibid.*, pp. 243, 287; *ibid.*, p. 253; H. MATKOVIĆ, *ibid.*, pp. 408-413.

by introducing a market economy. He was attacked for doing so by Milošević, as Serbia launched a boycott of Slovene goods and other republics scrambled to protect their economic interests. The result was a further fragmentation of Yugoslavia's economy and a worsening of the crisis after a brief period of improvement. By the end of the decade, the monetary system was in a shambles, as inflation wiped out savings and weakened the economy further.¹¹⁰

At this point, with the Prime Minister helpless, the republics in disarray, Serbia trying to manipulate the federal government, and economic collapse a distinct possibility, the JNA (Yugoslav Peoples Army) became the key to Yugoslavia's future. One of the guarantors of the country's unity, the Army saw its role as defending the state from external and internal threats. Indeed, a radical restructuring of Yugoslavia would have doomed both the Yugoslav state and the JNA to much reduced roles, if not extinction.¹¹¹ The collapse of the LCY and the paralysis of the federal Presidency left the Army without the two organizations that might have moderated its behavior. With interests that coincided with those of the federal government, military traditions inherited from Serbia, and a preponderantly pro-Serbian leadership¹¹², the JNA was inclined to protect the Serbian interests and the central government than it was the amalgam of Yugoslavia. As a result, there was some initial resistance against Milošević, whom the top-brass saw as a threat to the survival of the country, and to themselves. But it quickly became clear that the Army would take the Serbian side because was expressed as an effort re-centralize Yugoslavia and resuscitate the communist party by imposing an authoritarian central government. Ironically, disintegration became inevitable after the communist bloc crumbled, because Milošević and the JNA could no longer count on outside intervention to help them to impose their version of Yugoslavia on the country's other nationalities. Serbia's goals then changed, from recreating a Serb-dominated Yugoslav state, to creating a Greater Serbia under a Yugoslav rubric by allowing Slovenia to slip away, thereby isolating Croatia and putting pressure on Bosnia and Herzegovina to remain within a rump, Serb-dominated Yugoslavia. JNA plans to support secession by Croatia's ethnic Serbs were already drawn up by the summer of 1991, when the first overt actions to dismember Croatia got underway.¹¹³

¹¹⁰ R. J. DONIA and J. V. A. FINE, *ibid.*, pp. 195, 198-199, 203; B. MAGAŠ, *ibid.*, pp. 276-277.

¹¹¹ H. MATKOVIĆ, *ibid.*, p. 382.

¹¹² In 1971, 70% of the JNA's officers were Serbian; in 1991, 60% were Serbs. Despite the drop, with only 36% of Yugoslavia's population, Serbs were grossly overrepresented, especially if Montenegrins are added to their number. With 3% of the population, they made up 6% of the officer corps. "Yugoslavs" accounted for another 7% of the JNA's officers, but were only 5% of the general population. Croats, who were 20% of the population, were only 13% of the officer corps; respective numbers for Slovenes were 8% and 3%, for Muslims, 9% and 2%. In short, Serbs, Montenegrins, and Yugoslavs made up 44% of the population, but 73% of the JNA's officers. I. HASHI, *ibid.*, p. 325.

¹¹³ D. BILANDŽIĆ, *Hrvatska moderna povijest*, Zagreb 1999, pp. 787-789, 797, 800; Stojan CEROVIC, "Letter from Serbia: 'Greater Serbia' and Its discontents," in R. ALI and L. LIFSCHULTZ, eds., *ibid.*, p. 261; Bogdan DENITCH, "A Personal report: The Last days of Yugoslavia," in *ibid.*, pp. 292-293; R. J. DONIA and J. V. A. FINE, *ibid.*, pp. 209-210, 218-219; M.

Like Russia, the United States and most members of the European Community tried to contain the conflict in Yugoslavia and treat it as an internal war. Doing so allowed them to maintain the fiction of Yugoslavia until 1992. But their policy of containment proved tragic for Croatia and almost fatal for Bosnia and Herzegovina, where Serbia's occupation of the country was tolerated until revelations of large-scale Serbian atrocities embarrassed the international community to impose sanctions on Serbia.¹¹⁴ Even then, the international community did little concrete to stop Serbian aggression.

It is difficult to understand why the world allowed the Serbs such incredible leeway. Some countries – Greece, France, Great Britain – certainly sympathized with Serbia as an old historical ally and dismissed Croatia as a neo-fascist reincarnation of the NDH. Deep concern about influence of the united Germany on Slovenia and Croatia and worries about strengthened German role in European politics had considerable presence. But it is more likely that American and Western European policies were premised on fears that the dissolution of Yugoslavia might become a model for, or stimulus to, a similar disintegration of the Soviet Union, which would have wide-ranging and unpredictable consequences. A distinct distaste for small states was also evident among the great powers, and there appeared to be a general belief that an intact Yugoslavia was crucial for the stability of the Balkans. Russia also remained an active Serbian supporter, and Moscow has continued to block or mitigate international initiatives against Serbia.¹¹⁵ It also seems that fears that the war would spread played a role in deciding to contain, rather than intervene to end it; some evidently saw an enlarged Serbia as an acceptable replacement for Yugoslavia and a state that would stabilize the region. Although the reasons for the passive policies adopted by the major states will remain the subject of speculation until archives are opened, the consequences of their actions were very quickly clear – facing nothing more serious than sanctions and verbal condemnation, Serbia felt free to do as it pleased on the territories of the former Yugoslavia.

In July 1991, the JNA mounted a brief, and unsuccessful, offensive against the Slovene territorial defense forces who had taken over Slovenian border crossings. After ten days and EC mediation, the JNA agreed to withdraw; in return, Slovenia agreed to delay its formal secession from Yugoslavia. Within days, Serbian paramilitary formations, with JNA support, had begun to seize areas in Croatia. A pattern was quickly established, in which Serbian separatists would attack Croatian police, provoking intervention by the JNA to restore order; the JNA would then disarm the Croats and install the Serbs in positions of power, effectively sealing off the areas to Croatian forces while the Croats were killed, incarcerated, and chased from the occupied ter-

GRMEK, M. GJIDARA and N. ŠIMAC, *ibid.*, pp. 198-199; B. MAGAŠ, *ibid.*, pp. 247, 260, 276, 296, 306, 332-333, 341-342; N. MALCOLM, *ibid.*, pp. 298, 304.

¹¹⁴ R. J. DONIA and J. V. A. FINE, *ibid.*, pp. 232, 257 ff.

¹¹⁵ I. BANAC, "From Religious Community to Socialist Nationhood and Post-Communist Statehood," pp. 145-146, 147-148; B. MAGAŠ, *The Destruction of Yugoslavia*, p. 242.

ritories. These were the first instances of ethnic cleansing, and they resulted in hundreds of thousands of Croatian refugees and thousands of Croatian dead, the victims of Serbian, and JNA, aggression. A similar pattern was followed in Bosnia and Herzegovina after March 1992. Prior to then Bosnia and Herzegovina had been used as staging areas by Serb forces and the JNA to attack Croatia. Indeed, the first town destroyed by the JNA in Bosnia and Herzegovina was the Croatian village of Ravno, occupied and leveled in 1991. The JNA subsequently shelled the Croatian town of Dubrovnik from Bosnia and Herzegovina.¹¹⁶

As noted above, Bosnia and Herzegovina became a federal unit only in 1943. This is crucial, because the decision of the 2nd AVNOJ Congress laid the foundation for the region's statehood, as did the 2nd session of the ZAVNO BiH in Sanski Most from 30 June to 2 July 1944, which confirmed the area's status as a republic within a future Yugoslav communist state. The 2nd ZAVNO session also made the ZAVNO BiH the "highest body of the state authority of Bosnia and Herzegovina, [on] an equal federal unit in a Democratic Federal Yugoslavia." This was done in accordance with "the freely expressed will of the people of Bosnia and Herzegovina and in accordance with the decisions passed at the Second Session of the AVNOJ."¹¹⁷ The ZAVNO session also passed the "Declaration on the rights of citizens of Bosnia and Herzegovina," which guaranteed the "equality of Serbs, Muslims and Croats of Bosnia and Herzegovina, which is their common and indivisible homeland."¹¹⁸ However, the declaration was not a recognition of Muslims as a national group, because the "Decision to Build Yugoslavia on a Federal Model" passed at the 2nd session of AVNOJ did not recognize Muslims as a distinct nation and was invoked by the "Decision to Constitute the ZAVNO BiH into the Highest Legislative and Executive Body." But the creation of the ZAVNO BiH did mark the beginning of a process in Bosnia and Herzegovina that marked yet another discontinuity in the country's history – that of taking on a new constitutional identity within the Yugoslav federation.

Dr. Donia's presentation of the facts is highly selective and misleading, especially his quote from First Session of the ZAVNO BiH of 25-26 November 1943 that Bosnia and Herzegovina was "Serbian and Croatian and Muslim." Dr. Donia is not right when he states that "such a notion of Bosnia and Herzegovina as a home to all three constituent nations, was the basis for wartime appeals, the postwar [...] socialist order in Bosnia [...]"* The Muslims

¹¹⁶ R. J. DONIA and J. V. A. FINE, *ibid.*, p. 226; N. MALCOLM, *ibid.*, p. 301.

¹¹⁷ For the "Decision to Constitute the Regional Anti-fascist Council of the People's Liberation of Bosnia and Herzegovina into the Highest Legislative and Executive Body of Federal Bosnia and Herzegovina," see *Zemaljsko Antifašističko Vijeće Narodnog Oslobođenja Bosne i Hercegovine. Dokumenti 1943-1944*, Sarajevo, 1968, vol. I, p. 232; also see A. SUČESKA, *Istorija države i prava naroda SFRJ*, p. 266.

¹¹⁸ For the "Declaration on the rights of citizens of Bosnia and Herzegovina," see *Zemaljsko Antifašističko Vijeće Narodnog Oslobođenja Bosne i Hercegovine. Dokumenti 1943-1944*, Sarajevo, 1968, v. I, pp. 233-234; also see A. SUČESKA, *Istorija države i prava naroda SFRJ*, p. 267.

* See page 123 in this volume.

were recognized as a group in Bosnia-Herzegovina, but the constitutional documents did not recognize them as a nation, a reality that Dr. Donia and Dr. Fine noted in their remarks on the Constitution of 1946. They concluded that it fulfilled Tito's wartime commitments, because it "specifically recognized five Yugoslav nationalities: Serbs, Croats, Slovenes, Macedonians and Montenegrins"; and they noted that the Bosnian Muslim were not included in this list, because the KPJ "held that the Muslims were a separate group without a national identity."¹¹⁹ It was the unique constitutional position of Bosnia-Herzegovina -- the only federal republic without a corresponding nationality -- that determined the federal position of the region and its internal political peculiarities until 1992.¹²⁰

Bosnia and Herzegovina suffered a lower status than other republics, and its indicators or development were also lower. Muslim politicians thought this was so because the region was not home to a single nation, but belonged to two official nationalities and a "non-nation" – the Muslims. In other words, Muslim politicians interpreted the absence of the Muslims on the official postwar lists of Yugoslav nationalities as a deviation from the KPJ's wartime policies.¹²¹ The Serbs - who dominated Bosnia-Herzegovina's political elite while Muslims were seriously underrepresented in KP BiH¹²² - were extremely servile toward Belgrade and treated the republic as a Serbian province while federal officials discreetly rejected all Muslim claims to nationhood.¹²³ But Croats suffered the most discrimination, and the Catholic Church was harassed after the war, owing to the association of some clergy with the Ustaše. The region's Serbs did not lose their stranglehold on the region until the mid 1960s, after Aleksandar Ranković fell from power, and Djuro Pucar was forced to resign his position as head of the Bosnia and Herzegovina communist party.

Even then, the status of Bosnia and Herzegovina remained anomalous and complex. It was clearly a federal republic, and therefore had the attributes of statehood; but its claim was the only one that was not founded on the principle of distinct and "matrix" nationality. Then again, its mix of nations made Bosnia-Herzegovina a unique and vulnerable republic whose tenuous claim to territorial integrity could, in case of internal or external interethnic conflicts, be disputed by both Serbs and Croats thus endangering the survival of the entire federal state.

¹¹⁹ R. J. DONIA and J. V. A. FINE, *ibid.*, p. 161.

¹²⁰ R. J. DONIA and J. V. A. FINE, *ibid.*, pp. 162, 175, ignored ZAVNO BiH and focused instead on AVNOJ, but in his report, R. J. Donia emphasized ZAVNO BiH.

¹²¹ N. MALCOLM, *ibid.*, p. 270; A. PURIVATRA, "Stav KPJ prema nacionalnom pitanju Muslimana", p. 528.

¹²² In the 1940s, Muslims comprised 20% and Serbs 60% of the KP BiH membership. N. MALCOLM, *ibid.*, pp. 262, 267, 271, 273.

¹²³ I. BANAC, "From Religious Community to Socialist Nationhood and Post-Communist Statehood," pp. 144-145; D. BILANDŽIĆ, *Istorija Socijalističke Federativne Republike Jugoslavije*, p. 416.

The internal political consequences of such a sensitive situation were many. Priority was given to maintaining inter-ethnic peace and preserving the façade of “brotherhood and unity” because doing so was basic to the republic’s survival. Its political elite therefore cooperated closely with federal organizations, which were guarantees against the potential divisiveness of Bosnia and Herzegovina’s disparate religious and ethnic groups. On its own, Bosnia and Herzegovina lacked a distinct political personality, whereas the inclusion in a common state enabled the links between the Croats and Serbs of Bosnia and Herzegovina with their relatives in other republics, thus attenuating possible Croat-Serbian tensions concerning the affiliation of the republic. So the republic’s political elite embraced the political tenets underlying Yugoslavia’s constitutional order and political and social systems. Given communist rule and the republic’s underdeveloped political culture, adherence to federal values was manifested in an exacerbated dogmatism by the region’s elite, and an acute sensitivity to expressions of national identity or national interest that threatened to escape official control. From the sixties through much of eighties, these attitudes shaped the intellectual and political life of Bosnia and Herzegovina, whose dogmatism and high level of political repression were more extensive than elsewhere¹²⁴.

The logic of the Yugoslav federal system stressed the correspondence between the legitimacy of a republic and its possession of a single, dominant nationality. In Bosnia and Herzegovina, this logic was expressed through the gradual emergence of a Bosniak-Muslim nationality during the 20th century, not through the existing Serbian and Croatian nationalities that had been crystallized during the 19th century. The new Bosniak nationality sought to make Bosnia-Herzegovina its own, not only because it could do so as the most numerous nation, but also because to do so was to gain recognition as a nation and guarantee its survival as a nationality.

In other words, the internal logic of the system required finding a distinct nation for each federal republic because the legitimacy of each republic and each Yugoslav nationality were reciprocally validated by the identification of a given republic with a given nationality. Serbs and Croats already had their own federal units, so Bosnia-Herzegovina could not belong to either of them as a whole, although they could lay claim to parts of it. As a whole, the republic could only belong to the Muslim, who sought to construct their territorial identity as separate nation by defining themselves as the core national community of Bosnia and Herzegovina. In short, the Muslims were in search of a state and Bosnia-Herzegovina was in search of a nationality.

This process began well before 1991, and the questions of the national affiliation of the Muslims and of a distinct Muslim nation became the hot potatoes of Yugoslav politics. The progress of the Muslims from religious affiliation to national consciousness and legally recognized national community, like the ambivalence of their position, were clearly visible in the legal definition of

¹²⁴ D. BILANDŽIĆ, *ibid.*, pp. 416-417, 435; R. J. DONIA and J. V. A. FINE, *ibid.*, p. 182; B. MAGAŠ, *The Destruction of Yugoslavia*, p. 227.

their religious and national status. In 1961, a new category, “Muslims in the ethnic sense,” was introduced in the description of the population. In 1963, the formula “Serbs, Croats and Muslims” was included in the preamble of the republic’s Constitution. In 1965, the ethnic categories of Serb, Croat, and Muslim were listed during elections of local officials. In 1968, despite some resistance, the republic’s communist party leadership declared its support for the concept that Muslims were a separate nation. This was accepted by the federal government and in 1971 for the first time listed “Muslim, in the ethnic sense” in the census. In the 1981 and 1991 censuses, Muslims could state that they were Muslims, Serbs or Croats. These changes corresponded with a growth in *both* secular Muslim nationalism and a religiously defined nationalism during the 1960s and 1970s.¹²⁵

Both movements emphasized the importance of politics, although they differed in their interpretation of what constituted politics. The basic tenets of the religious movement can be found in Alija Izetbegović’s *The Islamic Declaration*. Mr. Izetbegović stated that “Islamic renewal cannot be initiated without a religious, and cannot be successfully continued and concluded, without a political revolution.”¹²⁶ There can be, he wrote, no “incompatibility of Islam and non-Islamic systems” because “there can be no peace or coexistence between the ‘Islamic faith’ and non-Islamic societies and political institutions [...] Islam clearly excludes the right and possibility of activity of any strange ideology on its own turf. Therefore, there is no question of any laicistic principles and the state should be an expression and should support the moral concepts of religion [...]”¹²⁷

The transformation of the Muslim religious-cultural identity into a national identity was certainly strongly dependent on the foregoing features of the statehood of Bosnia and Herzegovina and the “distinct” position of the Muslims. But, beginning in the 1960s, the importance of the external policy of non-alignment that bound Yugoslavia to the Islamic countries also favored a positive attitude toward its own Muslims by Yugoslav leaders at the same time that it affected the consciousness and shaped the evolution of Yugoslavia’s Muslims.¹²⁸

During the 1970s and 1980s, the federal standing of Bosnia and Herzegovina and that of its communist leaders gradually improved, but the latter remained cautiously conservative and steadfastly loyal to the official communist ideology. After Tito’s death, as economic and social crises loomed, political control was relaxed and previously suppressed national sentiments began to surface, despite an effort to eradicate it after an “outburst” of national feeling in the early 1970s. The rise in national feelings was often the function of inter-republican grievances and disputes that officially sought to improve

¹²⁵ R. J. DONIA and J. V. A. FINE, *ibid.*, p. 178; N. MALCOLM, *ibid.*, pp. 267-268, 270.

¹²⁶ Alija IZETBEGOVIĆ, *Islamska deklaracija*, Sarajevo, 1990, p. 32.

¹²⁷ *Ibid.*, (1990), p. 22.

¹²⁸ R. J. DONIA and J. V. A. FINE, *ibid.*, p. 172.

the position of each republic or nationality. The most prominent of these were the manifestations of Serbian nationalism in Serbia proper. Serb nationalists focused their attacks on Croats and Muslims, and they aimed to reintroduce centralization so as to enable Yugoslavia's Serbs to regain their privileged, politically dominant position in the state. Bosnia-Herzegovina communist leaders tried to avoid favoring any of the emerging nationalisms; they rejected both Serbian and Croatian claims at the same time that they suppressed growing expressions of Muslim nationalism and meted out exemplary punishment to Muslim activists.¹²⁹

The region's leaders tried to remain neutral as ethnic tension increased during the 1980s with the rise of Milošević and the general acceptance of Serbian nationalism among Yugoslavia's Serbs. However, when Serbian nationalism became the official policy of Milošević's Serbia, Bosnian leaders basically opposed Milošević's policies because they jeopardized the survival of Bosnia-Herzegovina.

The processes of liberation of repressed national energies was general throughout Yugoslavia, but it was Serbian nationalism that proved the radical catalyst that determined the rapid rate and violent nature of the process of disintegration in Yugoslavia. The effects of exacerbated Serbian nationalism were particularly evident in Croatia and in Bosnia and Herzegovina, where it caused a geometrical increase in ethnic tension, owing to Serbian claims to large areas of both republics and to the arming and inciting of local Serbs by the JNA, the Serbian media, and Serbia's intellectual and political leaders. But it is worth stressing that *all* groups turned to ethnic parties for protection in this charged atmosphere, including Bosnia and Herzegovina's Muslims. In the 1990 elections, the latter voted overwhelmingly for Izetbegović's SDA (Party of Democratic Action), which appealed to the republic's Muslims on the basis of their religious affiliation. The SDA was yet another sign that Bosnia and Herzegovina's Muslims were entering the final stages of their consolidation as a distinct nationality that would seek recognition, rights, and privileges concomitant with those enjoyed by other Yugoslav nationalities, and try to transform Bosnia and Herzegovina into their national state.

But Muslim ambitions would not be easy to realize. Yugoslavia's Serbs were quite frank regarding their intentions to dismember Bosnia and Herzegovina and annex at least half of its territory to a Greater Serbia. There were also proponents of a Greater Croatia, others who favored a recreation of the Croatian Banovina. Carried on a wave of nationalist exuberance, the Muslims hoped to transform Bosnia and Herzegovina into their state, given their high percentage in the population. Since the political leadership of all three groups tended to be relatively intransigent, it was clear that a negotiated solution was unlikely, making the survival of Bosnia and Herzegovina unlikely as well. Nonetheless, negotiations regarding the form that a Bosnian state would assume were already underway months before the EU-mandated plebiscite on independence, and the actual declaration of independence. It was their failure, and the

¹²⁹ Ibid., pp. 200-202; N. MALCOLM, *ibid.*, pp. 277-278.

aggressive nature of Serbian nationalism, that made armed conflict inevitable. All three nationalities were feeling their way in a chaotic and historically unprecedented situation, and if the Serbian aspirations represented the most obvious and direct threat, the Muslims were the major obstacle to Serbian ambitions in Bosnia-Herzegovina. The Croats, as the smallest nationality, were particularly in a position to prepare to and adapt for all possibilities in regard to secure its existence and equal position in Bosnia and Herzegovina.

Conclusions

The constitutional and political history of Bosnia and Herzegovina clearly shows that after the loss of statehood in the 15th century, this country regained some of the attributes of a state only in 1943-1944, as a federal unit in socialist Yugoslavia. From the fifteenth century, the distinguishing constitutional and political characteristic of Bosnia and Herzegovina was its inclusion as a sub-unit of larger political entities. Unlike most Western European countries, as well as countries in the Balkans, Bosnia and Herzegovina lacked a continuous tradition of statehood; it had neither institutional forms that survived, nor a collective historical memory of a common state, nor an evolution of the peoples on its territories as a single Bosnian nationality, owing to the break with its past and the fragmentation of its population occasioned by Ottoman conquest and rule from the 15th to the 19th centuries. The territory of Bosnia and Herzegovina had only a cultural and administrative identity during through 1943, not a constitutional personality, a continuous autochthonous institutional structure, nor a national identity.

Through 1991, the identity of Bosnia and Herzegovina developed within the framework of larger political entities, whether as an Ottoman province, a Habsburg possession, a congeries of royal Yugoslav districts and provinces, or a communist republic. Numerous, complex, internal social, religious and national tensions were always resolved within the larger political frameworks and parameters wholly or predominantly dependent on external authority. After 1943, the internal situation and status of Bosnia and Herzegovina in relation to other administrative or federal units were stabilized only because it belonged to a larger political structure. During most of its history, because its internal situation and status depended directly on external centers, Bosnians were not used to resolving their own problems; instead, they appealed to outside authorities who, *de iure* or *de facto*, made the crucial decisions that pertained to Bosnia and Herzegovina.

There is obviously an important link between the nature Bosnia and Herzegovina's statehood and the question of the national identity of its Muslim population. The process of strengthening the republic's institutions and assuring it full status as an autonomous political and constitutional unit coincided with a general federalization of Yugoslavia; the strengthening of Muslim national identity was in turn influenced by the status of Bosnia and Herzegovina as a self-governing republic. These processes entered their final stage before the proclamation of independence of Bosnia and Herzegovina,

as, increasingly aware of their national identity, the republic's Muslims began to emphasize their religious, cultural, and political distinctiveness.

As noted, Bosnia and Herzegovina never developed internal institutions and political traditions to allow it to resolve internal conflicts and make crucial decisions relating to its internal structure. In other words, institutions through which inter-ethnic interests could be satisfied and inter-ethnic conflicts resolved did not exist. It lack of real political autonomy and the failure to develop internal decision-making and mediating institutions left the republic with a political culture, a political elite, and a general populace without the knowledge, skills, and habits needed to make the kinds of decisions necessary to run a state. Accustomed to appealing to outside authorities, neither elites nor the average Bosnian were used to compromising with other ethnic groups.

Some steps in that direction could be observed at the time when Bosnia and Herzegovina was organized as a federal republic, but the positive advances of that period were never developed fully because Bosnia and Herzegovina remained a weak republic, with the system of "people's democracy" limited to the political elite. Crucial decisions continued to be made outside Bosnia, and the stability and time needed to develop institutions and habits of compromise were both lacking. Indeed, during the communist period, the mechanisms that might have guaranteed the resolution of inter-ethnic disputes could not be built because the whole system of the communist government was by definition oriented towards class interests and treated national interests as archaic problems that could be exorcised through economic and social development. Despite efforts to preserve an ethnic balance among the political elite, the resolution of ethnic disputes in Bosnia and Herzegovina (as in Yugoslavia generally) was achieved through incrimination and repression. Neither the effective mechanisms nor a climate conducive to enduring resolutions of these disputes existed. The extent of Bosnia-Herzegovina's internal instability and its dependence on external factors to stabilize it became obvious as Yugoslavia became to disintegrate and Bosnia and Herzegovina's proved unable to answer to challenges from outside and inside.

The most consistent theme in Bosnia and Herzegovina's history was the powerful influence of external religious and ethnic interests on the region's religious and ethnic communities. In the period of the Ottoman Empire, Islam was dominant and the local Muslims were privileged. Under Austria-Hungary Christian and Western values dominated, but the Muslim elite retained its privileged political position, economic power, and high social status. In the Yugoslav kingdom, Greater-Serbian interests dominated, as did greater-Croatian interests during the NDH although the latter, unlike the former, adopted a policy of attraction and cooperation toward Muslims. The communist era brought an affirmation of class interests and a harsh suppression of national interests and institutions; but the communists also created an opportunity for the Muslims to develop as a national community. Institutional mechanisms and their legitimizing foundation were in reality intertwined with

the mentioned features of the religious-cultural and/or ethnic supremacy. The Bosnian "multiculturalism" was in reality built within the framework in which different ethnic groups took precedence, depending on what outside power controlled Bosnia and Herzegovina. As a result, all of Bosnia-Herzegovina's nationalities nursed bitter historical memories or irredentist and hegemonic aspirations that shaped their behavior as Yugoslavia disintegrated.

The breakup of Yugoslavia imposed independence on Bosnia and Herzegovina, whose nationalities suddenly found themselves, at least formally, in control of their own destinies – something that had not occurred there since the early Middle Ages. But they lacked the experience, the mediating institutions, and the coping mechanisms necessary to enable them to organize a state that could reconcile the interests and aspirations of three distinct national communities. Consequently, a feeling of uncertainty overwhelmed all national groups, each of which tried to create mechanisms that would provide them with security and stability. This became particularly important as the crisis came to a head and exploded into violence. The Serbs in Bosnia and Herzegovina found their sense of security and stability in realizing a Greater Serbia – with the backing of Belgrade and the JNA, both powerful outside actors, able to act with impunity thanks to the passivity of the international community. For the Serbs, secession from Bosnia-Herzegovina and annexation to Serbia constituted their political goals. Their actions further complicated the situation for the Muslims and the Croats, both of whom voted in favor of a unified, sovereign Bosnia-Herzegovina. But both Muslim and Croat had to plan for a contingency in which the Serbs successfully seceded, leaving a shattered and moribund Bosnia-Herzegovina behind them. The Muslims also worried that the Croats planned to resurrect a Greater Croatia, and the Croats worried that a unitary state in which ethnic rights were not guaranteed would be dominated by the Muslims, owing to their numerical advantage. Therefore, on the eve of the outbreak of war in Bosnia and Herzegovina, all the options were open, this making a position of Croats as the smallest nation in BiH particularly complex and sensible.

SAŽETAK

Kontinuiteti i diskontinuiteti: ustavnopravni i politički razvoj Bosne i Hercegovine do 1990. godine

Ustavna i politička povijest Bosne i Hercegovine jasno pokazuje da je ta zemlja izgubila državnost u 15. stoljeću. Tek 1943.-1944. BiH zadobiva određene oblike državnosti kao federalna jedinica u Jugoslaviji. od 15. st. naglašena osobina BiH je njezina pripadnost većim političkim jedinicama i ovisnost od odluka koje se donose izvan te zemlje. Za razliku od većine zapadnoeuropskih zemalja te susjednih zemalja, BiH nije imala kontinuiranu tradiciju državnosti, razvoj državnih institucija ni zajedničko povijesno sjećanje na nekadašnju državu. Do toga je došlo zbog osmanskog osvajanja, koje je dovelo do prekida tradicije bosanske državnosti i fragmentacije identiteta stanovništva, a neuspješnima su ostala i nastojanja austro-ugarskih vlasti na razvijanje posebnog političkog i nacionalnog identiteta BiH. U tom razvoju BiH nije razvila unutrašnje institucije i političku tradiciju koji bi omogućili razrješavanje konflikata i donošenje ključnih odluka o unutarnjem uređenju bez izraženije ovisnosti o činiteljima izvana ili pak izvan autoritarnog tipa vlasti. Izostanak tradicije stvarne i razvijene političke autonomije i odsutnost razvijenih unutrašnjih mehanizama i navika razrješavanja konflikata i donošenja odluka doveli su u kriznom razdoblju devedestih godina 20. st. tu zemlju u položaj u kojemu ni na razini političkih elita ni u širim društvenim strukturama nije postojala krična količina navika, spremnosti i znanja za donošenje odluka potrebnih za redovito i stabilno funkcioniranje kao samostalne i cjelovite političke zajednice.