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Language policies in Croatia in a diachronic perspective

This paper will present the preliminary results of research that is being carried out within the framework of the project “Legal and Linguistic Aspects of Multilingualism”. The aim of the research is to explore language policies in a historical and comparative perspective, spanning different historical periods and political systems, from Austria-Hungary, the Kingdom of Serbs, Croats and Slovenes, the Kingdom of Yugoslavia, the Independent State of Croatia, socialist Yugoslavia, and the Republic of Croatia. Because such a wide scope of research cannot be presented in a single paper, we will focus primarily on language policies in Austria-Hungary, providing a brief outline of other periods for the sake of comparison. The paper is based on different types of normative documents, from constitutions and legislation to executive orders, decrees, rules and regulations.¹

Key words: language policy and planning; Croatia; legislation; judiciary; education.

1. The Habsburg Monarchy

Following the periods of absolutism and neo-absolutism, characterised by tensions and conflicts between the deeply conservative, centralized, multi-ethnic Habsburg state and emerging nationalist movements, the dual monarchy was established in 1867, as a constitutional union between the Austrian Empire and the Kingdom of Hungary, where Austrian and Hungarian lands had equal status. The Slavic population of the Empire, however, was left out of the arrangement. The

¹ I would like to thank Dr. Andrea Horić, Head of the Library of the Faculty of Law, University of Zagreb, for her expert guidance and invaluable help in tracing the sources on which this article is based.



Monarchy included what was officially called “The Kingdoms and Lands Represented in the Imperial Council”, or Cisleithania and the ‘Lands of the Crown of St. Stephen,’ or Transleithania. All laws had to pass parliamentary procedures in both Vienna and Budapest² and were published in the respective official journals. The Austrian *Reichsgesetzblatt* was published in eight languages: German, Italian, Czech, Polish, Ruthenian, Slovene, Croatian and Romanian.

In the text of the Austro-Hungarian Compromise, Croatia is referred to as the ‘Kingdom of Dalmatia, Croatia and Slavonia’, which changed to ‘Croatia, Slavonia and Dalmatia’ in 1873. The country was actually divided between two parts of the Monarchy, Croatia and Slavonia belonging to the Hungarian, and Dalmatia to the Austrian part. Hungary’s leaders were generally less willing than their Austrian counterparts to share power with their subject minorities, but they granted considerable autonomy to Croatia in 1868, paralleling to some extent their own arrangement within the Empire. Thus, according to the Croatian-Hungarian Compromise of 1868, Croatia and Slavonia had full autonomy with respect to administration, judiciary and education. On the other hand, the army, the monetary system, taxes, banks, commerce and railways constituted joint affairs, where Hungary had a dominant role (Steindorff 2006: 114-115).

For a long time, Latin was the official language of the Habsburg Monarchy. In 1784, Joseph II introduced German as the language of the judiciary, but Latin was soon re-introduced. In 1854, a regulation was introduced according to which the language of instruction in all grammar schools, with the exception of Venice-Lombardy, should be German. It was revoked by a ministerial order of 1858, according to which German had to be a compulsory subject, but school authorities could decide about the language of instruction themselves.³ In spite of its actual dominance, German was never proclaimed the official language of the Empire. Thus, ‘although there was no corresponding law, Vienna, its representatives, political allies and supporters considered German to be the language of the empire, the state and the dynasty’ (Rindler Shjerve 2003: 138). The right to use other languages in primary education and local administration was incorporated in a number of laws. Thus, the short-lived Pillersdorf Constitution of 1848 granted each national group the undeniable right to preserve its national

² Until 1872 only Buda.

³ Naredba ministra za bogoštovlje i nastavu od 6. kolovoza 1859. In: *Zemaljsko-vladni list za kraljevine Hèrvatsku i Slavoniju 1. Razdel. Komad XIV izdan i razposlan dne 10. Rujna 1859. Landes Reierungs Blatt für die Königreiche Kroatien und Slawonien. I. Abteilung. XIV. Stück. Ausgegeben und versendet am 10. September 1859, p. 423.*



identity and language. On the one hand, there was a rather theoretical constitutional promise of equal national rights, while on the other, there was the everyday struggle of different ethnic and social groups for power and influence in the legislative and executive bodies, an important basis of political hegemony over a certain territory and its domains of public life (Rindler Shjerve 2003: 157-160).

The language policies of Austria-Hungary were defined in the Constitution of 1867. The most important in this respect was Article 19, granting equality to all nationalities and all languages in the fields of education, administration and public life. Furthermore, in multi-ethnic regions, the educational institutions of the state had to be organised in such a way that each of these nationalities could be instructed in its own language, under no pressure to learn a second regional language (Rindler-Shjerve 2003: 78). Under paragraph 3, the prohibition of language coercion was formulated, according to which no nationality should be forced to learn any other language spoken within the crownlands (Rindler-Shjerve 2010: 45). In the Austro-Hungarian Monarchy, fourteen languages were officially recognized, including Croatian, Czech, German, Hungarian, Italian, Lithuanian, Polish, Romanian, Ruthenian, Serbian, Slovak, Slovene, Ukrainian and Turkish (Maracz 2010: 55).

Nationalist movements within the Monarchy often defined nation in terms of language use. When Hungary made a compromise with the dynasty in 1867 one of the first acts of the restored Parliament was to pass a Law on Nationalities (Act Number XLIV of 1868). The law specified the Hungarian language as the language of the state, but it also granted individual and collective rights to use the languages of the nationalities in offices, schools, courts and municipalities (Maracz 2010: 68).

The following table shows the linguistic composition of the Croatian territory between 1880 and 1910 according to the Statistical Atlas of the Kingdom of Croatia and Slavonia 1875-1915 (Signjar 1915: 8). The number of speakers according to their mother tongue is indicated:

Year	Croatian or Serbian	German	Hungarian	Czech	Slovakian	Slovene
1880	1,712,353	83.139	41.417	14.584	9.078	20.102
1890	1,921,719	117.493	68.794	27.521	13.614	20.987
1900	2,089,734	134.000	90.180	31.588	17.342	19.789
1910	2,269,734	132.150	103.405	31.252	21.485	15.686



As for other languages, in 1890 in Croatia and Slavonia there were 3,606 persons whose mother tongue was Ruthenian, 3,828 persons whose mother tongue was Italian, 2,826 persons whose mother tongue was Romanian and 4,893 Roma speakers (Rimac 2007: 271-274).

According to Paragraph 57 of the Croatian-Hungarian Compromise of 1868, Croatian was the official language in Dalmatia, Croatia and Slavonia. Paragraph 58 stipulates that documents written in Croatian and submitted to the joint ministry had to be accepted and answers had to be written in the same language. According to Paragraph 59, Croatian representatives in the joint parliament were entitled to speak Croatian. According to Paragraph 60, laws for the Kingdom of Dalmatia, Croatia and Slavonia had to be written in Croatian.⁴

In general terms, however, it could be said that Hungarian language policies differed in some respects from those of their Austrian counterpart, where German functioned as a *lingua franca*, the language of culture and the language of upward social mobility, so that the multi-ethnic and multi-lingual population was proficient in German to varying degrees. On the other hand, the non-Hungarian population of the lands of the Crown of St. Stephen was not proficient in Hungarian at all: when the census of 1900 showed that 40% of Hungarian citizens could not speak Hungarian, Magyarisation pressures increased (Kampuš 1995: 149-150). In 1907, a law was introduced requiring the use of Hungarian as the official language on all Hungarian railways, including those in Croatia and Slavonia, which constituted a breach of the Croatian-Hungarian Compromise and provoked a wave of protests. The law was revoked in 1913 (Steindorff 2006: 122-123).

In the text that follows, we would like to show how the above mentioned constitutional provisions were reflected in normative documents in Croatia and Slavonia. Furthermore, we will try to explore regulations concerning language use in the main public domains: legislation, the judiciary and education.

1.1. Legislation

Before the mid-nineteenth century, laws for Croatia and Slavonia were written in German, while Latin remained the language of the Croatian parliament until

⁴ *Hrvatsko-ugarska nagodba 1868* (www.crohis.com).



1848, when Croatian was introduced as the official language to be used in public life. In the 1850s, German editions of laws were first replaced by bilingual Croatian-German editions, and then by monolingual Croatian editions.

In 1870, a law was passed by the Hungarian-Croatian Parliament according to which all laws had to be written both in Hungarian and Croatian. Laws for Croatia and Slavonia had to be published in the Croatian edition of the statute books.⁵

The language in official use was referred to as the Croatian language. Starting from the 1880's, the language used in public domains came to be referred to as Croatian or Serbian.

1.2. *The Judiciary*

In 1873, a new criminal code for Austria-Hungary came into force which laid down, among other things, that documents which were produced in a language other than that used in court had to be translated by a chartered interpreter. Witnesses who could not speak the language of the court were to be assisted by an interpreter or by the judge or the clerk of court, if they were proficient in this language (Rindler Schjerve 2003: 79). This was transposed into the Croatian criminal code in 1875.⁶ Thus, if a witness, or a defendant, was not familiar with the official language of the court, they could only be examined without an interpreter if the investigating magistrate or the clerk of the court were proficient in their language. The court records in such cases had to be written in the language of the hearing, accompanied by a certified translation into the language of the court. In other cases, a witness, or a defendant, had to be examined with the help of a court interpreter who could also keep records, which had to be written both in the language of the hearing and the language of the court. Court interpreters were to be chosen among clerks of court wherever possible. If an interpreter who could write in the language required could not be found, records were kept in the language of the court with a note explaining that this was done due to the lack of a competent interpreter.

⁵ *Sbornik zakonah i naredbah valjanih za kraljevinu Hrvatsku i Slavoniju*. Godina 1870. (Komadi I-XVII. Br. 1-162. U Zagrebu: Brzotiskom narodne tiskarnice dra. Ljudevita Gaja, 1871, p. 28-29.

⁶ *Zakon od 17. Svibnja 1875. O kaznenom postupku, o porabi tiska, o sastavljanju porotničkih listinah i o postupku u poslovih tiskovnih. Službeno izdanje*. U Zagrebu: Tiskara „Narodnih Novinah“, 1875, p. 74-88.



If a witness, or a defendant, was deaf, they had to be given questions in writing and if they were mute, they had to answer in writing. If this was not possible for any reason, a person proficient in sign language was to be called to assist; these persons also had to be chartered interpreters. The fees for court interpreters, with provisions for their daily allowances and travel expenses, were specified within the criminal code. The form of records of criminal proceedings was also prescribed in detail, stating among other matters that if a court interpreter was present at the hearing, questions had to be written in the language of the court, followed by a literal translation. The answers had to be recorded first in the language of the witness, or defendant, followed by a literal translation into the language of the court. This was in keeping with the traditional view according to which legal translation had to be literal (cf. Šarčević 2000: 23-53).

Language competence was one of the requirements for court personnel who had to be proficient in the official language of the court, while proficiency in additional languages was also examined in the admission procedure.⁷

Other language regulations concern the language of communication between courts both within and outside the Monarchy.⁸

Thus, Croatian courts were not entitled to send summonses or other official written communications to parties residing in Hungarian territory directly, but via a Hungarian court. The same applied to written communications sent to Croatia by Hungarian courts. Summonses or decisions in criminal proceedings from Hungarian courts had to be accompanied by a Croatian translation before they were sent to the party in question, while summonses and decisions in civil cases could be sent to a party in Hungarian, together with a Croatian translation at the request of an interested party. In order to speed up the procedure, parties in civil proceedings could provide a Hungarian translation of a document by a chartered court interpreter at their own cost.

Concerning the use of language, the general rule was that documents sent by Croatian to Hungarian courts were to be written in Croatian, whereas those sent

⁷ *Građanski sudovnik od 16. Veljače 1853. i Zakon o nutarnjoj uredbi i o poslovnom redu vlasti sudbenih od 3. Svibnja 1853. S naknadnim zakonima i naredbama, tičućim se pojedinih ustanova, i u to prvi tumačen najnovijim rješidbama vrhovnoga suda u Beču* /uredio Adolfo Rušnov.- 2. Popunjeno izdanje/ uz sudjelovanje Josipa Mudrovčića, uredio Edo Lovrić. Zagreb: Tisak i naklada Knjiž. L. Hartmana (Kugli i Deutsch). p. 135-141.

⁸ *Ibid.*, p. 108-109; 243-249.



by Hungarian to Croatian courts had to be written in Hungarian. The court to which a document was addressed had to provide the translation and cover the translation costs. The principle applied equally to Croatian and Hungarian courts, showing that the constitutional provision on the equality of languages was respected in this domain.

Applications and official documents sent by Croatian courts and administrative bodies to courts of the Lands Represented in the Imperial Council (i.e. the Austrian part of the Monarchy), with the exception of Dalmatia, first had to be sent to the Royal Land Government's translation office to be translated into German and subsequently to the appropriate court. In order to save time, administrative bodies and courts were advised to write such documents in German or provide the German translation together with the Croatian original and send both to the appropriate court directly. For their part, courts in the Austrian part of the Monarchy were not entitled to send back a document written in Croatian without a translation into German or into the official language of the court. Such documents had to be sent to the Royal Land Government of Croatia and Slavonia's translation office which would then send the translation to the appropriate Austrian court. Documents sent by Dalmatian courts to those in Croatia and Slavonia had to be written in Croatian, while those sent by other courts from the Austrian part of the Monarchy had to be in German. Answers by Croatian courts to courts in the Austrian part of the Monarchy could be written in Croatian, and the receiving courts had to provide translations into German themselves. Croatian courts could also write their answers in German or provide a German translation. No refund demands for translation costs were allowed between Croatian courts and administrative bodies on the one hand, and courts in the Austrian part of the Monarchy, on the other.

As opposed to relations with Hungary in judicial matters, this shows a certain asymmetrical relationship between Croatia and Slavonia with respect to the Austrian part of the Dual Monarchy.

Regarding the language of communication with courts outside the Monarchy, court documents sent to the Kingdom of Serbia had to be accompanied by a German or a French translation, thus using either the lingua franca of the Dual Monarchy or the international language of diplomacy at the time. This was not necessary if the documents were written in the Cyrillic script. Croatian documents in the Latin alphabet had to be accompanied either by a translation or by a Cyrillic transcript. The transcript could be provided by the Royal Land Govern-



ment's translation office.

In correspondence with Italian courts, if Hungarian or Croatian court documents in civil or criminal matters were sent without a translation, they had to be accepted and the costs of translation had to be covered by the Italian government. The same applied to documents sent by Italian courts, ensuring full reciprocity. Courts belonging to the Hungarian crown whose official language was Italian⁹ (those in Rijeka in the first place, since Rijeka was a Hungarian port at the time), had to send their communications to Italian courts in Italian.¹⁰

The correspondence in criminal matters sent by Croatian and Slavonian courts to Russian courts had to be accompanied by a French translation, which also applied to documents sent by Russian courts to Croatian and Slavonian courts.¹¹

1.3. Education

Very detailed statistical reports on schools in Croatia and Slavonia were published every year in the Official Journal of the Royal Land Government of Croatia, Slavonia and Dalmatia, Department for Theology and Education (1883-1922). They are a very valuable source of information on language use in schools at the time.

For instance, in 1882/3, there were 1169 Croatian, 47 German, 14 Hungarian, 2 Ruthenian and 2 Slovak primary schools. In addition, there were four French schools: two in Zagreb, one in Osijek and one in Varaždin, and three German schools, two in Koprivnica and one in Križevci, where French and German were

⁹ The Lands of the Crown of St. Stephen included Hungary proper, the Principality of Transylvania, Croatia-Slavonia and the free royal city of Fiume (Maráčz 2010: 57) (present-day Rijeka, which was a multilingual city where Italian, Croatian, Slovene and German were used).

¹⁰ *Kazneni postupnik od 17. svibnja 1875. O porabi tiska, o sastavljanju porotničkih imenika i o kaznenom postupku u poslovih tiskovnih sa zakoni i naredbami koji se na nje odnose i sa rješitbami kr. Stola sedmorice vrhovnoga sudišta u Beču. 2. Izdanje/ uredio Josip Šilović. Agreb: Tisak i naklada Lav Hartmana (Kugli i Deutsch), 1893, p. 22.*

¹¹ *Uredovna zbirka naredaba pravosudne struke/. izdaje Kr.hrv.-slav.-dalm.zem. vlada, Odjel za pravosudje. sv VIII, brojevi 961–1196. Zagreb: Kralj. zemaljska tiskara, 1913, p. 387.*



taught as foreign languages.¹²

In 1884, the first private school where English was taught as a foreign language was opened in Zagreb, run by Natalija Wickerhauser.¹³ In the same year, English began to be taught in the Nautical school in Bakar, where the language of instruction was Croatian, while only some specifically nautical subjects were taught in Italian.¹⁴ In schools where Croatian was not the language of instruction, it had to be taught as a compulsory subject.

There were Jewish primary schools in Ludbreg, Koprivnica, Križevci and Bjelovar where the language of instruction was German.¹⁵

Municipalities with a predominantly Orthodox population were entitled to establish autonomous Serbian primary schools and teacher training colleges at their own expense.¹⁶

The law, of 31 Oct 1888, which regulated the organization of primary schools and teacher training colleges in Croatia and Slavonia¹⁷ stipulated that the language of instruction in primary schools should be Croatian or Serbian. However, in municipalities where another language was used, the mother tongue had to be the language of instruction, while Croatian or Serbian had to be taught as a compulsory subject. On the other hand, if Croatian or Serbian was used in such municipalities, it could be the language of instruction, while the mother tongue had to be a compulsory subject.

According to the same law, the curricula of teacher-training colleges contained Croatian or Serbian with the history of literature, German, and calligraphy among compulsory subjects. Whenever possible, students also had to learn how to teach blind, deaf, and mute children. If teachers were trained in a lan-

¹² *Službeni glasnik kr.hrv.-slav.-dalm. Zemaljske vlade, odjela za bogoštovje i nastavu.* U Zagrebu: Tiskom Ign. Granitza i dr. 1884, p. 75, 85.

¹³ *Ibid.* p. 164.

¹⁴ *Službeni glasnik kr.hrv.-slav.-dalm. Zemaljske vlade, odjela za bogoštovje i nastavu.* U Zagrebu: Tiskom Ign. Granitza i dr. 1885, p. 85.

¹⁵ *Službeni glasnik kr.hrv.-slav.-dalm. Zemaljske vlade, odjela za bogoštovje i nastavu.* U Zagrebu: Tiskom Ign. Granitza i dr. 1887, p. 51.

¹⁶ *Službeni glasnik kr.hrv.-slav.-dalm. Zemaljske vlade, odjela za bogoštovje i nastavu.* U Zagrebu: Tiskom Ign. Granitza i dr. 1888, p. 262.

¹⁷ *Ibid.* p. 249.



guage of instruction other than Croatian or Serbian, they had to pass an exam in this language. If the language of instruction at a school where a prospective teacher was to be appointed was not Croatian or Serbian, they had to take an exam in that language.

In 1883/4 there were 16 secondary schools in Croatia and Slavonia.¹⁸ The language of instruction is not indicated in the statistical data, but it can be concluded from the detailed curricula for different types of secondary schools that it was prevalently Croatian. Croatian and German were compulsory subjects in all secondary schools.

By the Order of the Royal Croatian-Slavonian-Dalmatian Land Government¹⁹ of 30 August 1886,²⁰ a unified curriculum was adopted for all grammar schools in Croatia and Slavonia to enable student mobility at the time. Languages which were compulsory at classical grammar schools included Latin (6 hours a week), Classical Greek (5 hours a week), Croatian (4 hours a week) and German (3 hours a week). In other grammar schools, Croatian and German were compulsory from the first year, while French was introduced in the fifth year. Calligraphy was also compulsory and it included the Latin, Cyrillic and Gothic scripts.

Among rules on the validation of school certificates, we could mention the order of the Royal Croatian-Slavonian-Dalmatian Land Government, according to which certificates issued by the grammar school in Sarajevo for Muslim pupils could be accepted even if Arabic was taught as a compulsory subject rather than Greek.²¹

The curriculum for Greek-Eastern (i.e. Orthodox) religious education at teacher training colleges in Croatia and Slavonia contained Old Church Slavonic

¹⁸ *Službeni glasnik kr.hrv.-slav.-dalm. Zemaljske vlade, odjela za bogoštovje i nastavu*. U Zagrebu: Tiskom Ign. Granitza i dr, 1885, p. 69

¹⁹ The autonomous Royal Land Government (Croatian: *Kraljevska zemaljska vlada*, historical term), or Land Government (*Zemaljska vlada*, normative term), was established in 1868 with its seat in Zagreb. At the head of the Land Government in Croatia-Slavonia stood the Ban, who was responsible to the Croatian-Slavonian-Dalmatian Diet. The term 'land' refers to the fact that a country belonged to the sphere of power of a crown (Rindler-Schjerve 2010: 36), Croatia and Slavonia belonging to the sphere of power of the Hungarian crown.

²⁰ *Službeni glasnik kr.hrv.-slav.-dalm. Zemaljske vlade, odjela za bogoštovje i nastavu*. U Zagrebu: Tiskom Ign. Granitza i dr, 1886, p. 131-139.

²¹ *Službeni glasnik kr.hrv.-slav.-dalm. Zemaljske vlade, odjela za bogoštovje i nastavu*. U Zagrebu: Tiskom Ign. Granitza i dr. 1889., p. 147.



as a compulsory subject.²²

Both Latin and Cyrillic scripts were taught in primary schools. The Orthodox church administration and schools were entitled to use the Cyrillic script in their communication with public administration bodies and courts in Croatia and Slavonia. Both terms: 'Eastern-Greek' and 'Orthodox' were officially accepted.²³

The department for Croatian language and literature was founded at the Faculty of Philosophy of the Franz Joseph I Royal University in Zagreb on 14 June 1886.²⁴ The instruction was public and free of charge.

Thus, in spite of national tensions that Austria-Hungary was unable to withstand, different normative documents, school statistics and curricula leave the impression of a well-organized state with liberal and tolerant language policies based on respect for different ethnic groups and their languages.

Such policies were partly restricted at the beginning the First World War. Thus, according to the Royal Land Government order of 3 Oct 1914,²⁵ all children in primary schools in Croatia and Slavonia were to learn the Latin script only. Starting from the second class, only Orthodox children could learn the Cyrillic script for their religious instruction. Otherwise, all textbooks were to be published in the Latin script. The Cyrillic script was not to be used for school certificates and other official documents. It was also abolished in secondary schools, and specialist and teacher training colleges in Croatia and Slavonia. All written assignments had to be in Latin script. Cyrillic script was excluded from calligraphy classes. If we take into account that at this point Austria-Hungary was entering a war with the Kingdom of Serbia following the assassination of Archduke Ferdinand of Austria, this change in the language policy could still be

²² Ibid., p. 348.

²³ *Službeni glasnik kr.hrv.-slav.-dalm. Zemaljske vlade, odjela za bogoštovje i nastavu*. U Zagrebu: Tiskom Ign. Granitza i dr, 1887, p. 112; Okružnica kr. banskog stola od 2. studenoga 1904. br. 18.833, in: *Uredovna sbirka naredaba pravosudne struke*/. izdaje Kr.hrv.-slav.-dalm.zem. vlada, Odjel za pravosudje. sv.vii brojevi 803d- 957 (960). Zagreb: Kralj. zemaljska tiskara , 1905, p. 309.

²⁴ *Službeni glasnik kr.hrv.-slav.-dalm. Zemaljske vlade, odjela za bogoštovje i nastavu*. U Zagrebu: Tiskom Ign. Granitza i dr, 1886, p. 90.

²⁵ *Zbirka zakona i naredaba koje su u savezu sa ratom izdane u kraljevinama Hrvatskoj i Slavoniji*. Službeno izdanje. I svezak/ izdaje Predsjedništvo kr.hrv.-slav.-dalm. zemaljske vlade. Zagreb: kr. Zemaljska tiskara: 191, p. 595.



regarded as fairly tolerant. The language policies characterising other states and regimes established on the same territory were quite different.

2. The Kingdom of Serbs, Croats and Slovenes and the Kingdom of Yugoslavia

The Kingdom of Serbs, Croats and Slovenes was constituted as a unitary centralist state, which abolished the constituting national entities even at the level of administrative territorial divisions. According to Article 3²⁶ of the Constitution of 1921, the official language was Serbo-Croato-Slovenian, which meant a complete identification between language and state and a disregard for linguistic realities. Article 16²⁷ granted the right to primary education in the mother tongue to minorities under conditions prescribed by law.

The Constitution of the Kingdom of Yugoslavia of 1931 retained the provision on the official language, but the provision on linguistic rights of minorities was left out.

The constitutional provisions regarding the official language encountered considerable difficulties when they had to be applied in practice. In legislation, the problem was solved by using Serbian as the actual language of normative documents. In the domain of education, however, the problem could not be solved so easily, which can be seen both from oscillations in the use of the name of the language, and from provisions on the language of instruction in Slovenia.

Thus, the language was variously referred to as: the popular literary language (which is a contradiction in terms),²⁸ the popular (Serbo-Croato-Slovenian) language, the state language,²⁹ the Serbo-Croatian (Slovenian) language,³⁰ the

²⁶ *Ustav Kraljevine Srba, Hrvata i Slovenaca* (Obnarodovan u br. 142a „Službenih Novina“ na Vidovdan 28. Juna 1921. God. U Beogradu). Beograd: Državna štamparija Kraljevine Srba, Hrvata i Slovenaca, 1921, p. 4.

²⁷ *Ibid.*, p. 8.

²⁸ *Privremeni nastavni program I., II., II. i IV. razreda osnovnih škola Kraljevina Srba, Hrvata i Slovenaca*. Beograd: Državna štamparija Kraljevine Srba, Hrvata i Slovenaca, 1927, p. 9.

²⁹ *Zakon o narodnim školama u Kraljevini Jugoslaviji od 5. Decembra 1929. god s objašnjenjem u vezi sa Zakonom o činovnicima od 31. VII 1923. Sa najpotrebnijim postojećim naređenjima, propisima i uredbama za njegovu primenu i s potpunim stvarnim kazalom/* priredio Nikola Bačić. Zagreb: Tisak i naklada knjižare St. Kugli, 1930, p. 22, 24



popular language (Serbocroatian and Slovenian).³¹ Both the Latin and Cyrillic scripts were taught in primary schools.

According to the unified curriculum for Yugoslav primary schools of 1933, the language of instruction in the Banovina ('province') of Drava (i.e. Slovenia) was Slovenian, while Serbo-Croatian was taught as a compulsory subject, which shows that languages with completely different dialectal bases (Slovenian being Kajkavian³² and Serbian and Croatian being Štokavian) could not possibly function as one and the same language.³³

Croatian reappeared as the language of normative documents after the political agreement between the Yugoslav Prime Minister Dragiša Cvetković and the leader of the Croatian Peasant Party Vladko Maček in 1938, granting a great deal of autonomy to Croatia. During this short period, the official language was consistently referred to as Croatian or Serbian in all normative documents.³⁴ Minorities were granted the right to education in their own language.³⁵ New methods of foreign language learning, such as direct, inductive and audio-visual methods, were developed. Foreign language curricula included German, Italian, French and English.³⁶

³⁰ *Zbirka zakona i uredaba*. godina 1935. sv. I.-XII. broj 1.-332. godište IX/ urednik Ante Marčac. Zagreb: Naklada zaklade tiskare Narodnih novina, 1935, p. 122.

³¹ *Nastavni plan i program za osnovnu i višu narodnu školu sa zvaničnim propisima i objašnjenjima i sa metodskim uputstvima za nastavni rad*/ Vujica Petković. Beograd: Izdavačko i knjižarsko preduzeće Geca Kon A.D., 1937.

³² The names of the dialects: Štokavian, Kajkavian and Čakavian are based on different forms of the interrogative pronoun *što*, *kaj* and *ča* meaning 'what'.

³³ *Ibid.*, p. 6.

³⁴ *Zbirka zakona i uredaba*. godina 1940. sv. I.-XII. broj 1.-659. godište XIV/. uredili Božidar Firšt; Miroslav Šantek. Zagreb: Naklada zaklade tiskare Narodnih novina, p.326.

³⁵ *Ibid.*, p. 634.; *Banovina Hrvatska, Zakoni, uredbe, naredbe itd.* objavljene od 18. lipnja do 3 kolovoza 1940. knjiga VI (sv. XL-XLVI) /uređuje A.Mataić.- Zagreb: Tisak i naklada knjižare St. Kugli.

³⁶ *Nastavne osnove za strane žive jezike u srednjim, učiteljskim i građanskim školama*. In: *Banovina Hrvatska, Zakoni, uredbe, naredbe itd.* objavljene od 21 rujna 1940 do 23 listopada 1940, knjiga VIII, sv LIV-LX (54-60)/ uređuje A.Mataić.- Zagreb: Tisak i naklada knjižare St. Kugli, p. 1-60.



4. The Independent State of Croatia

This relatively democratic period was disrupted by World War II, during which Croatia became deeply divided between the antifascist movement which started in its territory, and the Independent State of Croatia which was established as one of the German puppet states, ceding the largest part of its coast to Italy. During this infamous period, the Croatian parliament met on very few occasions and had practically no power at all. There was no constitution, and all “laws” were made by the *poglavnik*, the Croatian equivalent of the German *Führer*, and his ministers. The Independent State of Croatia joined the Axis Pact between Italy, Japan and Germany on 15 June 1941. The pact was written in Italian, Japanese, German and Croatian, all language versions being equally authentic.³⁷ The official language in the Independent State of Croatia was Croatian.

A very large bulk of regulations concerning language were issued during this period, mostly in the form of prohibitions and orders. Among the first was the prohibition to use the Cyrillic script in public and private life. All Cyrillic inscriptions were to be removed without delay.³⁸

All Serbian confessional primary schools were abolished, as well as all Czech schools and classes with Czech as the language of instruction. Slovak schools were retained.³⁹

A new Croatian orthography based on etymological principles was introduced by a ministerial order of 23 June 1941, replacing the former phonetic orthography.⁴⁰

A Law on the Croatian Language, its Purity and Orthography was passed,

³⁷ *Nezavisna Država Hrvatska, Zakoni, zakonske odredbe, naredbe i t.d.* proglašene od 27. svibnja do 30. lipnja 1941. knjiga II. (sv. 11.-20.)/ uredjuje A.Mataić.- Zagreb: Tisak i naklada knjižare St. Kugli, p. 185-186.

³⁸ „Zakonska odredba o zabrani ćirilice“ and „Provedbena naredba ministarstva unutarnjih poslova zakonskoj odredbi o zabrani ćirilice. In: *Nezavisna Država Hrvatska, Zakoni, zakonske odredbe, naredbe i t.d.* proglašene od 11. travnja do 26. svibnja 1941. knjiga I (sv. 1.-10.)/ uredjuje A.Mataić. - Zagreb: Tisak i naklada knjižare St. Kugli, p. 60-61.

³⁹ *Nezavisna Država Hrvatska, Zakoni, zakonske odredbe, naredbe i t.d.* proglašene od 27. svibnja do 30. lipnja 1941. knjiga II. (sv. 11.-20.)/ uredjuje A.Mataić.- Zagreb: Tisak i naklada knjižare St. Kugli, p. 217.

⁴⁰ *Ibid.* p. 260-261.



emphasizing the uniqueness of the Croatian language, which is “not a dialect of any other language and cannot be used in conjunction with any other language” (this was a reaction to Serbo-Croato-Slovenian as the official language of the Kingdom of Yugoslavia). A special committee was established to control the purity of the language and prescribe punishments for those who jeopardized it in any way.⁴¹ Only pure Croatian was to be used in courts, disregarding legal terms, which were often of Latin origin. Loanwords were to be replaced by Croatian words.⁴² Non-Croatian company names were banned.⁴³ The Croatian State Office for Language was established in 1941.⁴⁴

The German population in Croatia was granted the status of a legal entity with very extensive powers. In all municipalities with over 20% of German population, both Croatian and German were official languages with an equal status.⁴⁵ Special schools were established for German children where German was the language of instruction and Croatian was a compulsory subject.⁴⁶ The only foreign languages to be taught at Croatian schools were German and Italian; other

⁴¹ *Nezavisna Država Hrvatska, Zakoni, zakonske odredbe, naredbe i t.d.* proglašene od 1. do 21. kolovoza 1941. knjiga IV. (sv. 31.-40.)/ uredjuje A.Mataić.- Zagreb: Tisak i naklada knjižare St. Kugli, p. 254-256.

⁴² Zakonska odredba o izricanju osuda, o nazivima sudova i sudaca i o upotrebi čistoga hrvatskog jezika kod sudova. In: *Nezavisna Država Hrvatska, Zakoni, zakonske odredbe, naredbe i t.d.* proglašene od 11. travnja do 26. svibnja 1941. knjiga I (sv. 1.-10.)/ uredjuje A.Mataić.- Zagreb: Tisak i naklada knjižare St. Kugli.

⁴³ Odredba o usklađenju tvrdki odnosno imena poduzeća, društava, zavoda i ustanova s propisima o hrvatskom jeziku, o njegovoj čistoći i o pravopisu. in: *Nezavisna Država Hrvatska, Zakoni, zakonske odredbe, naredbe i t.d.* proglašene od 21. srpnja do 12. kolovoza 1944. knjiga XLVII. (sv. 461.-470.)/ uredjuje A.Mataić.- Zagreb: Tisak i naklada knjižare St. Kugli, p. 80-83.

⁴⁴ *Nezavisna Država Hrvatska, Zakoni, zakonske odredbe, naredbe i t.d.* proglašene od 11. travnja do 26. svibnja 1941. knjiga I (sv. 1.-10.)/ uredjuje A.Mataić.- Zagreb: Tisak i naklada knjižare St. Kugli, p. 71-72; *Nezavisna Država Hrvatska, Zakoni, zakonske odredbe, naredbe i t.d.* proglašene od 1. do 31. srpnja 1941. knjiga III. (sv. 21.-30.)/ uredjuje A.Mataić.- Zagreb: Tisak i naklada knjižare St. Kugli, p. 109-112.

⁴⁵ Zakonska odredba o porabi njemačkoga jezika, njemačke zastave i njemačkih oznaka u Nezavisnoj Državi Hrvatskoj. in: *Nezavisna Država Hrvatska, Zakoni, zakonske odredbe, naredbe i t.d.* proglašene od 30. listopada do 20. studena 1941. knjiga VIII. (sv. 71.-80.) uredjuje A.Mataić.- Zagreb: Tisak i naklada knjižare St. Kugli, p. 13-15.

⁴⁶ Zakonska odredba o njemačkom školstvu u Nezavisnoj Državi Hrvatskoj, in: *Nezavisna Država Hrvatska, Zakoni, zakonske odredbe, naredbe i t.d.* proglašene od 11. do 30. rujna 1941. knjiga VI. (sv. 51.-60.)/ uredjuje A.Mataić.- Zagreb: Tisak i naklada knjižare St. Kugli, p. 188-194.



foreign languages were prohibited.⁴⁷

All changes of Jewish family names after 1918 had to be abolished, and the original names had to be used and entered into all the official records. Company names had to indicate clearly that the owner was Jewish.⁴⁸

A number of place-names were changed in this period, some of which were replaced by German names (e.g. *Vinkovačko Novo Selo* > *Neudorf*, *Hrastovac* > *Eichendorf*, *Bosanski Aleksandrovac* > *Adolfstal*).

In the pragmatic sphere, the form of greeting was strictly prescribed, as the Croatian adaptation of the model *Heil Hitler*.⁴⁹ Swearing was forbidden and punishable by thirty to sixty days in prison.⁵⁰

⁴⁷ Učenje njemačkog i talijanskog jezika u svim srednjim školama. in: *Nezavisna Država Hrvatska, Zakoni, zakonske odredbe, naredbe i t.d.* proglašene od 27. siečnja do 19. veljače 1942. knjiga XII. (sv. 111.-120.) /uredjuje A.Mataić.-Zagreb: Tisak i naklada knjižare St. Kugli, p. 299.; Obuka živih stranih jezika u završnom razredu srednjih škola. in: *Nezavisna Država Hrvatska, Zakoni, zakonske odredbe, naredbe i t.d.* proglašene od 13. kolovoza do 2. rujna 1942. knjiga XXII. (sv. 211.-220.) / uredjuje A.Mataić. Zagreb: Tisak i naklada knjižare St. Kugli, p. 228-229.

⁴⁸ Zakonska odredba o zaštiti arijske krvi i časti Hrvatskog naroda. In: *Nezavisna Država Hrvatska, Zakoni, zakonske odredbe, naredbe i t.d.* proglašene od 11. travnja do 26. svibnja 1941. knjiga I (sv. 1.-10.) / uredjuje A.Mataić.- Zagreb: Tisak i naklada knjižare St. Kugli, p. 114.; Naredba o promjeni židovskih prezimena i označivanju Židova i židovskih tvrtka. in: *Nezavisna Država Hrvatska, Zakoni, zakonske odredbe, naredbe i t.d.* proglašene od 27. svibnja do 30. lipnja 1941. knjiga II. (sv. 11.-20.) / uredjuje A.Mataić.- Zagreb: Tisak i naklada knjižare St. Kugli, p. 54-59.

⁴⁹ Zakonska odredba o njemačkom školstvu u Nezavisnoj Državi Hrvatskoj, in: *Nezavisna Država Hrvatska, Zakoni, zakonske odredbe, naredbe i t.d.* proglašene od 11. do 30. rujna 1941. knjiga VI. (sv. 51.-60.) / uredjuje A.Mataić.- Zagreb: Tisak i naklada knjižare St. Kugli, p.223-224.Uputa o pozdravljanju državnih službenika. in: *Nezavisna Država Hrvatska, Zakoni, zakonske odredbe, naredbe i t.d.* proglašene od 27. siečnja do 19. veljače 1942. knjiga XII. (sv. 111.-120.) / uredjuje A.Mataić.- Zagreb: Tisak i naklada knjižare St. Kugli, p. 223.

⁵⁰ Naredba o zabrani kletve, in: *Nezavisna Država Hrvatska, Zakoni, zakonske odredbe, naredbe i t.d.* proglašene od 1. do 31. srpnja 1941. knjiga III. (sv. 21.-30.) / uredjuje A.Mataić.- Zagreb: Tisak i naklada knjižare St. Kugli, p. 167.



4. Federal Republic of Yugoslavia

After World War II, the Federal People's Republic of Yugoslavia was constituted on federal principles, granting equality to all constitutive nations. The constitutive nations, however, were not specified in any of the Yugoslav constitutions. The right to self-determination, including the right to secession, was enshrined in all Yugoslav constitutions, starting from the Constitution of 1946.

The rights of minorities to use their language were defined in Article 13 of the Constitution of 1946.⁵¹ The official language, however, was not specified. Article 65 stipulated that laws and regulations were to be published in the languages of the people's republics. According to Article 120, court proceedings had to be carried out in the languages of the republics and autonomous provinces. Citizens who were not proficient in the language of the court could use their own language and were entitled to an interpreter.

The official language was not specified in the Constitution of 1963 either.⁵² According to Article 41, citizens had the right to express their nationality and culture, and the right to use their language. According to Article 42, all languages and scripts were equal, and citizens had the right to education in their own language. The same article stated, as an exception to this general principle, that the language of command, military training and army administration in the Yugoslav army was Serbo-Croatian.

According to the Constitution of 1974, equality of all national languages and scripts was granted also in the Yugoslav Army (Article 243). All federal laws were to be published in the Official Journal in all national languages, including those of the autonomous provinces (Vojvodina and Kosovo), i.e. in Hungarian and Albanian (Article 269). International agreements were to be concluded in the national languages of Yugoslavia which enjoyed equal status (Article 271). Official languages were to be defined in the constitutions of individual republics.

Article 137 of the Croatian Constitution of 1974⁵³ enshrined for the first time

⁵¹ *Ustav Federativne Narodne Republike Jugoslavije*. Dano u Beogradu, glavnom gradu Federativne Narodne Republike Jugoslavije 31 januara 1946. godine.

⁵² *Ustav Federativne Socijalističke Republike Jugoslavije*, 1963.

⁵³ *Ustav Socijalističke Republike Hrvatske*. Zagreb: Narodne novine, 1974.



the right of each nation to call its language by its name. Article 138 for the first time rather ambiguously stipulated that “the language in official use in the Socialist Republic of Croatia is the Croatian literary language—the standard form of the national language of Croats and Serbs in Croatia, which is called Croatian or Serbian.” According to Article 293, texts of federal laws were to be published in the Official Journal in the Croatian literary language and the Latin script.

The sensitivity of linguistic issues is revealed by the extreme reluctance to name the official language or languages explicitly. On the other hand, linguistic rights were granted to all constitutive nations and minorities. These rights, however, were not fully respected and the period was riven with conflicts between the proclaimed national equality and strong hegemonic aspirations.

5. The Republic of Croatia

After the war of 1991, Croatia gained its independence and international recognition. According to the Constitution of the Republic of Croatia,⁵⁴ the Croatian language and the Latin script are in official use (Art.12). In individual municipalities, a different language and the Cyrillic or other script may be introduced under conditions specified by law. The right of minorities to use their language is guaranteed (Article 15), as well as the right to translation and interpretation in court proceedings (Article 29).

The Constitutional Act on the Rights of National Minorities⁵⁵ defines a national minority as ‘a group of Croatian nationals whose members traditionally inhabit the territory of the Republic of Croatia, its members having ethnic, linguistic, cultural and/or religious characteristics different from other citizens and are led by the desire to preserve these characteristics’ (Article 5). According to the Amendments to the Constitution of the Republic of Croatia of 16 June 2010,⁵⁶ ‘the Republic of Croatia is established as the national state of the Croatian people and members of national minorities: Serbs, Czechs, Slovaks, Italians, Hungarians, Jews, Germans, Austrians, Ukrainians, Ruthenians, Bosniacs, Slo-

⁵⁴ *Ustav Republike Hrvatske*. VIII izdanje/priredio Mato Arlović. Zagreb: Narodne novine, 2005.

⁵⁵ Ustavni zakon o pravima nacionalnih manjina, 19. prosinca 2002, *Narodne novine*, br. 51/00.

⁵⁶ Promjena Ustava Republike Hrvatske, 16. lipnja 2010, *Narodne novine* 76/2010.



venes, Montenegrins, Macedonians, Russians, Bulgarians, Poles, the Roma, Rumanians, Turks, Vlachs, Albanians and others who are its citizens, and who are guaranteed equality with citizens of the Croatian nationality and the realisation of national rights in accordance with the democratic standards of the United Nations and countries of the free world' (Art. 2).

According to the Constitutional Act on the Rights of National Minorities, members of national minorities have the right to use of their own language and script, in private and in public, and they are entitled to education in the language and script they use (Article 7). Moreover, members of national minorities have the right to use their family name and first name in their own language, and this right is officially recognised by entering names in a minority language into registers of births, marriages and deaths and other official documents. In addition, members of national minorities have the right to have the identity card form printed and filled out in the language and script they use (Article 9). Members of national minorities are entitled to display signs, inscriptions and other information in their language and script (Article 10).

Co-official use of a minority language and script can be realised in the area of local self-government where members of a national minority make up at least one third of the population (Article 12). Measures are stipulated enabling the preservation of traditional names and signs, by giving traditional names to places, streets and squares and names of persons and events of historical and cultural significance to the national minority in Croatia in areas traditionally inhabited by members of a national minority or areas inhabited by a significant number of national minority members (Article 13). Radio and television stations at the national, regional and local level should promote understanding for members of national minorities by broadcasting programmes aimed at informing members of national minorities in their language (Article 18).⁵⁷

According to the Act on Education in the Language and Script of National Minorities (11 May 2000),⁵⁸ national minorities in the Republic of Croatia are entitled to education in their language and script (Article 1). Educational institutions for national minorities can be established even if the number of pupils is

⁵⁷ *Ustavni zakon o pravima nacionalnih manjina*, 19. prosinca 2002, *Narodne novine*, br. 51/00.

⁵⁸ *Zakon o odgoju i obrazovanju na jeziku i pismu nacionalnih manjina*, 16. svibnja 2000, *Narodne novine* broj 51. od 19.05.2000. i broj 56. od 06.06.2000.



lower than that which is necessary to establish an educational institution where Croatian is the language of instruction (Article 3). The Act, however, does not define the minimum number of pupils required to establish a school where a minority language is the language of instruction. The name and stamp of a minority school should be written both in the Croatian language and the Latin script and in a minority language and script (Article 5). School curricula for national minorities should contain a minority language, literature, history, geography and culture (Article 6). Pupils attending a school where a minority language is the language of instruction should learn Croatian and the Latin script as a compulsory subject (Art. 8). In municipalities where a minority language is co-official with Croatian, pupils attending Croatian schools should be able to learn the language and script of the national minority (Article 9). Teachers in minority schools should be proficient in a minority language (Art. 10).

The State Pedagogical Standard for Primary Schools⁵⁹ provides three models for the education of minorities. According to A model, complete instruction is carried out in the language and script of a national minority. The model is applied in minority schools, but it can also be realized in Croatian schools with special departments for national minorities. According to B model, education is bilingual. Natural sciences are taught in Croatian, while the humanities and social sciences are taught in a minority language. The model is applied in Croatian schools with special classes for national minorities. According to C model, the instruction is carried out in Croatian, with two to six hours devoted to the language and culture of a national minority. Additional five hours a week are devoted to the language and literature of a national minority, its geography, history, music and arts. Special seminars, summer schools etc. are organized for pupils who cannot follow the regular curricula according to the three models. The same model is applied in secondary schools (Article 43).⁶⁰

6. Conclusion

Language policies in Croatia reflect the very turbulent history of the region, with tensions between nationalism, centralism and pluralism in the political sphere,

⁵⁹ Državni pedagoški standard osnovnoškolskog sustava odgoja i obrazovanja, 16. svibnja 2008. *Narodne novine*, broj 63/08 i 90/10.

⁶⁰ Državni pedagoški standard srednjoškolskog sustava odgoja i obrazovanja, *Narodne novine* broj 63. od 02.06.2008. i broj 90. od 21.07.2010.



and between monolingualism and multilingualism in the linguistic sphere. As is well-known, language contact always implies language conflict, and linguistic equality may seem to be an impossible ideal since even in the most democratic arrangements, some languages tend to be 'more equal than the others'.

This paper has tried to provide a general outline of language policies in Croatia based on primary historical sources, primarily legislation and government orders. Further research will focus on the implementation of the language policies in the domains of legislation, the judiciary, administration and education, and will analyze individual historical periods in greater detail.

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JEZIČNA POLITIKA U HRVATSKOJ U DIJAKRONIJSKOJ PERSPEKTIVI

U članku se iznose preliminarni rezultati istraživanja koje se provodi unutar projekta „Pravni i lingvistički aspekti višejezičnosti“. Cilj je istraživanja proučiti jezičnu politiku na teritoriju Hrvatske u povijesnoj i komparativnoj perspektivi, od razdoblja Austro-Ugarske do danas. Detaljnije će se prikazati prvenstveno jezična politika u doba Austro-Ugarske u domenama zakonodavstva, sudstva i obrazovanja, uz kratak pregled ostalih razdoblja radi usporedbe. Članak se temelji na primarnim izvorima koji uključuju različite tipove normativnih tekstova, od ustava i zakona do uredbi i pravila.

Ključne riječi: jezična politika i planiranje; Hrvatska; zakonodavstvo; sudstvo; obrazovanje.