
The Making of Democracy in Croatia

UDC 321.7 (497.1) "1918/1980"

**The Concept of Democracy in the Development of
Yugoslavia 1918 - 1980**

ZVONKO POSAVEC*

*Faculty of Political Science, University of Zagreb**Summary*

In the development of Yugoslavia from 1918 to 1980 the concept of democracy was determined more by the need to establish firm political unity than by constituting a state based on the rule of law and respect for individual rights. Democratic substance was first sought in the idea of the single nationality of all Yugoslav nations, then in the domination of one nation, then in different variants of proletarian internationalism. The author considers that the absence of traditions of liberal democracy and the lack of institutions of the *civil society* may again move the focus of the development and concept of democracy into political homogenization instead of into the development of liberal tendencies, which are in his opinion the only thing that gives real value to a modern political constitution.

The history of Yugoslavia from 1918 to 1980 is an example of an unsuccessful attempt to create a transnational state, which has today come to a definite end. *National conflict*, more or less hidden, existed in all the phases of its development, and I consider this is what completely determined the concept of *democracy* in the region.

To show this I will give a short sketch of Yugoslav development from 1918 to 1980, accepting the usual division into five periods: the *first* from 1918 to 1928, when Yugoslavia was the Kingdom of Serbs, Croats and Slovenes (it was proclaimed Yugoslavia 3 October 1929); the *second* the period of authoritarian rule, 1928-1941; the *third* the time of fascist dictatorship, 1941-1945; the *fourth* the dictatorship of the proletariat, 1945-1965 (the time of "the people's democracy") and the *fifth* the period of "federalization of the federation", 1965-1980.

First period; the Kingdom of SCS (1918-1928)

In the *first phase (1918-1928)* the idea of the Yugoslav state was derived from the concept about *South Slav unity*. It was widely accepted that the Slovenes, Croats and Serbs were one and the same people, and the idea of *Yugoslav statehood* was based on this unity. However, the *South Slavs* are the *Croats, Serbs and*

Slovenes, i.e. peoples of different cultures and religions, who experienced differing courses of historical development and have different languages and scripts. From the very moment when Yugoslavia was created there was controversy about whether the Yugoslav peoples were *associating* or *uniting*. *Association* was taken to mean respect for the independence and national identity of each member of the new state, whereas *unity* meant to acknowledge the leading role of one nation.

Serbia, which was already a constituted political entity, was interested only in the extension of its own political unity or a role of hegemony in the creation of a new political entity of South Slav nations. Croatia, which had its own culture and historical tradition of statehood, could not agree to this. In this conflict Slovenia sided now with one now with the other side, guided by its own interests. Thus the very act of creating Yugoslavia was more a case of attempts to outmanoeuvre others rather than any democratic consensus about the basic principles of the future political entity. Later this had far-reaching consequences. Add to this the situation in the world and the course of history, which was not kindly disposed towards losers, and it is clear that the new state did not result from any *long-lasting and gradual development of the common will* of the south Slav peoples, but that their unity was forced on them because of the existing world situation. These unsuccessful initial steps in creating a common state resulted in opposition which finally developed into strong national homogenization and the defence of national interests.

Therefore, in spite of the fact that a *single and common state* had been created, the political struggle was based on *political unions* that were clearly profiled by *national* boundaries. The Kingdom of Serbia had prepared two variants: either an independent and enlarged, i.e. *greater Serbia*, or a common state with a *position of hegemony for Serbia*. This political concept was accompanied by great propaganda and ideology, which has still not ended today and which has had ominous results in spreading national intolerance. Myths were consciously created that have nothing to do with a critical attitude towards history.

Second period; the Kingdom of Yugoslavia (1928-1941)

In the *second phase* (1928-1941), since consensus about the character of the newly-established state could not be reached, a period of open dictatorship began in Yugoslavia. The king abolished parliament and proclaimed that "there can and must be no intermediary between sovereign and people", and (on 6 January 1929) made himself the exclusive bearer of power in the land. The Law on Royal Rule and Supreme Government of 8 January 1929 made his might absolute. He performed all state functions, "made and proclaimed laws; appointed state officials and bestowed military commissions". The king was also "supreme military commander" and represented the "state in all its relations with other states"; he "proclaimed war and signed peace" (Article 4). The person of the king was sacrosanct, which meant that "he was not accountable for anything, nor could the king be sued". Hodimir Sirotković described the situation that arose as follows: "The dictatorship of King Alexander was a monarchic dictatorship of the Balkan type based on the army and the police force, without any ideology, which guarded the acquired privileges and positions of the Serbian middle class by the naked force of the bayonet and police terror" (*Francuska revolucija - ljudska prava i*

politička demokracija nakon dvjesto godina /The French Revolution - human rights and political democracy two hundred years later/, Globus, Zagreb, ed. Eugen Pusić, p. 541).

On 3 September 1931 the so-called Octroyed Constitution sanctioned Yugoslav unitarism. Article 1 of this Constitution defined the Kingdom of Yugoslavia as a "hereditary monarchy", leaving out the designation "parliamentary". The king's power was not limited by the constitution, and the rights of individuals and groups were not protected. Several important acts were passed (*Decree*, 30 December 1920, and the *Law on the Protection of Public Security and State Order*, 2 August 1921) aimed both against the communists and against Croatian demands for a federal state. This was an attempt by one nation to seize a dominant role in Yugoslavia, which had to lead to the resistance of the other nations.

Third period; period of fascist dictatorship (1941-1945)

This was a time when pure national states were formed that wanted to radically remove all foreign elements through national homogenization and thus definitely solve the national question. Attempts were made to resolve the bad solutions of the common state by using even worse methods.

Ethnic cleansing of all elements foreign to one nation led to a terrible pogrom. This crazed and terrible method has not yet been discarded. The liberation war in Yugoslavia, which began during the occupation, was not only a war against the occupying forces but a new attempt to arrive at a just solution of the national question.

Fourth period; period of the "dictatorship of the proletariat" (1945-1965)

In the formation of a new Yugoslavia previous negative experiences in solving the national question were born in mind. At the second session of AVNOJ (Antifascist Council of the National Liberation of Yugoslavia) on 29 and 30 November 1943 in Jajce, Yugoslavia was established as a *federal* state (this form was chosen to solve the national question) with a *republican* form of government, and AVNOJ was proclaimed the supreme body of the new state. Federalism was the only way to overcome Yugoslav national unitarism, which had made possible the hegemony of the largest nation. Federalism included the demand for a specific form of dual statehood according to which *two categories of states* were to be formed: one *federal*, a joint state based on the equality and equal rights of the members that had united to form it, and *six member states* with their own statehoods, but which were also parts of the federal state. Thus the *states of the individual countries* (republics) were formed parallel with the establishment of the *federal state*, and they instituted their own supreme bodies of government. The *duality of statehood* immediately led to the problem of where sovereignty was vested. Some theoreticians considered that only the federal state was sovereign, which would lead to the abolition of the federation members' sovereignty. Nonetheless, each federal unit had the attributes of statehood (state territory, political nation and organized government). There were no explicit regulations concerning the strict division of competence between the *federal state* and its *member states*. It was considered that whatever concerns all the members belongs

to the federal state, and whatever is specific for each individual member belongs only to it. Therefore, in spite of factual and legal duality of statehood, there was no clear division of competence between the two instances. This ambivalence was resolved by the strong cohesive force of the Communist Party and the National Liberation Army, later the YPA, which were the two basic integrating forces of Yugoslav unity. Legitimacy was derived from the classical Marxist justification for the dictatorship of the proletariat, coupled with its messianic role of liberating the entire human race. This was the period of the dictatorship of the Communist Party in the name of the people, and the people were paradigmatically represented by the working class. In that period national relations and problems were pushed into the background, but not solved.

Fifth period; period of the "federalization of the federation" (1965-1980)

The legitimacy of government based on classical Marxist ideology did not long outlast the clash with the Soviet Union in 1948. A new political system began to be developed in an effort to replace classical political rule with the principle of the *selfrule of the working class*. Already in 1950 the rigid form of state government, led by the Communist Party, was abandoned in favour of the rule of direct producers, i.e. the working class. The CPY congress held from 2-7 November 1952 in Zagreb opted for the introduction of selfmanagement. The CP was to relinquish its position of a classical party of the Communist type and justify its leading role in the production process itself. Because of its new role, the CP got a new name - the League of Communists of Yugoslavia. The Constitutional Law of 1953, which fundamentally changed the legal organization of the state, was sanctioned by the 1963 Constitution. Leading theoreticians of the history of state and law consider that the tendencies desired did not materialize and that instead tendencies of state rule grew stronger, in spite of verbal support for selfmanagement.

In the 1965-1980 period efforts were made to repulse anti-selfmanagement and hegemonistic inclinations and affirm *federal* and *democratic* elements. This was an attempt to create a new principle of homogeneity for Yugoslav society on the basis of Marxism, which would allow the diversification of cultural-political unity. The 1967, 1968 and 1971 amendments led to fundamental constitutional changes, which were completed in the new *1974 Constitution*. Resolution IX of the LCY Congress, emphasizing "that the interests of associated labour can influence all the levels of selfmanagement and political decision-making", provided the dominant guideline for further political development.

An essential novelty of the 1974 Constitution was the introduction of the delegate system. This political model was styled on the Paris Commune and Lenin's Soviets and similar modes of thought. Delegations were formed between voters and members of state bodies, and these delegations delegated their representatives into higher bodies (elections were held in places of work, in the local community and in sociopolitical organizations). Accordingly, there were three councils on the level of commune and republic. The political orientation was such that many economic prerogatives were transferred from the federation to the republics, the communes and local communities.

Edvard Kardelj's statement (at the Third Plenary Session of the LCY - Central Committee, held on 12 April 1976) describes this political solution. He said: "Our

democratic system can rest neither on *the parliamentarism of the bourgeois political state* nor the *variant of one party*, but only and exclusively on the *selfmanagement democracy of associated labour* in which the League of Communists and other factors in the organized socialist, social, scientific and cultural fields and other conscious forces organize and constitute themselves as the creative part of the community of free producers". At the 30th Session of the LC Presidency (30 June 1977) Kardelj explained a new concept of Yugoslav "democratic pluralism" that had the form of "selfmanagement pluralism". It was based on the *delegate system* as the "expression of plurality of selfmanagement interests". In such a system the organized forces of social consciousness, in the first place the League of Communists, would lose "political power". Kardelj considered that the LCY would not lose in importance in this way, but that its role "of leading and ideological-political force" would increase and gain depth, because society is not made up only of a mass of partial interests and aspirations, but also of the entirety of the conceptual, political, scientific and cultural superstructure". The LCY's task should be to direct selfmanagers towards this entirety and thus avoid the fragmentation of society. In Kardelj's opinion this LCY role was a precondition for the successful development of the political system of selfmanagement democracy. However, this enlightening LC role, which was geared towards guarding the homogeneity of a political community, did not succeed. As the possibility of identity based on the socialist-communist ideal gradually lost its integrating force, and integration on the basis of mass had never been developed, substitutes were sought for the lost ideocratic legitimacy of the party and with them Yugoslavia moved towards its end.

The integration of Yugoslav society thus did not succeed as the idea of a *single nationality of South Slav peoples*, nor as the *hegemony of one nation* over others, nor as either of the postwar variants of *proletarian internationalism*, once with an accent on the *dictatorship of class*, i.e. party and then with emphasis on *associated labour*. None of this developed into a newly *cohesive Yugoslav society*, and the *national* principle of political homogenization moved in with full force. Yugoslavia is, thus, an obvious example of how difficult it is to constitute a multinational state. Throughout its history there was a constant struggle to achieve relevant political unity and this had a crucial effect on the concept of democracy.

How did this influence the concept of democracy?

It is a well-known fact that all political movements from the end of the nineteenth and the beginning of the twentieth century have declared democracy to be fundamental. In that sense C. Schmitt is right when he says that "no state of the West-European cultural circle could resist developing democratic ideas and institutions. Progress was equated with the development of democracy, and antidemocratic resistance was considered purely defensive" (*Die geistesgeschichtliche Lage des heutigen Parlamentarismus*, Berlin, 1969, pp. 30-31). Considering the global and historic power of democracy, no political movement could allow itself the luxury of refusing *its services*.

The model of democracy most frequently used in the development of Yugoslavia was brilliantly elucidated by Carl Schmitt. In political science his concept of democracy is known as *identitary democracy*, and it rests on two basic principles: on the principle of national homogeneity and on the identity of the ruling and

the ruled (sovereign and subject). Therefore, while the *liberal* principle emphasizes the principle of freedom, expressed through the plurality of basic individual rights and special interests, this democratic ideal emphasizes the principle of national unity and the identity of nation and ruler. This dual identity is expressed in the belief that "all power is vested in the people, which has the same meaning as the belief that all power comes from God" (*Ibid.*, p. 20). Thus dynastic legitimacy was transformed into democratic legitimacy. This made Schmitt conclude that "today the democratic principle must demand the same significance that the monarchistic principle had earlier" (*Ibid.*, p. 39).

This way of thinking considers that as a form of government democracy has no political content of its own but "can be militaristic or pacifist, absolutist, centralistic or decentralistic, progressive or reactionary, and anything else at different times, without ceasing to be democracy" (*Ibid.*, p. 39). How stretchable it is can be seen from the fact that it made the most varied of alliances: with liberalism, socialism, conservatism, Caesarism, even with Fascism and Bolshevism. Thus Schmitt concluded that "dictatorship is as little the opposite of democracy as democracy is the opposite of dictatorship" (*Ibid.*, p. 41).

The main struggle in Yugoslavia constantly revolved around differentiating between the competence of the *federal state* and *its members*, and this in fact meant a *struggle about national interests and rights*. The federal state, which was the prolongation of the party leadership, opposed the centrifugal force of each individual member of the federation. Resistance to the federal top usually converged around national interests. There was no neutral mechanism to successfully resolve these conflicts, nor was there any architecture of the constitutional state that saw democracy as the only possible element for its make-up. We may even exaggerate and say that Yugoslavia was never a constitutional state, at all. If we understand constitution to mean the "entirety of political unity and order" (Carl Schmitt, *Verfassungslehre*, Berlin, 1984, p. 3), and the *constitutional state* a lawmaker who makes laws as if they were an expression of the united will of the whole nation and as if every citizen had approved them (free formulation of Kant's stand from *Über den Gemeinspruch: Das mag in der Theorie richtig sein, taugt aber nicht für die Praxis*), then Yugoslavia was never a constitutional state.

Democracy took the form of supporting decisions of the federal top or national leaders. Political organizations activated the masses, who then approved the moves of the authorities. All this ran according to the old rule: authority from the top, confidence from the bottom.

The constant vacillation of the "entirety of political unity" prevented internal political competition which is the only thing that can accomplish the legal and state architecture of a political community. When political unity is constantly threatened it is easy to foil the formation of an inner constitution, and this has direct repercussions on the concept of democracy.

After much fluctuation, the members of the Yugoslav state returned to the national as, it seems, the inescapable component of the constitution of a modern state. The *modern state*, according to Ernst Gellner, began with the upsurge of *nationalism*. He then adds: "the socioeconomic processes that contributed to the establishment of a more liberal consumer society produced nationalism because people can live comfortably only in political entities founded on maintaining a culture that is the same as theirs" (*Merkur*, Heft 8, 46. Jhrg., August 1992, p. 653).

On one hand, the modern *state* produced national homogenization and thinking (as in France, for example), and on the other, *nationalism* often preceded the creation of a state and statehood.

In any case, there is close *kinship* between the *nation and the state*. Today all states try, with more or less luck, to achieve coincidence between the state and the nation. In this *coincidence* they see a necessary condition for their security, stability and freedom. The greatest unhappiness that can today befall modern man is to remain stateless. Stateless people are today an example of rightlessness, poverty and slavery.

We can obviously fight for a social and democratic state based on the rule of law only where we already have a state based on unquestioned political unity. Only in the framework of a developed *constitutional state* can we nurture *constitutional patriotism* that quells the primitive aggression of ethnic exclusiveness. Only within the framework of a constitutional state can we become citizens with developed individual rights, which is a condition for becoming citizens of the world. Since Croatia is now in the phase of creating statehood, democracy is usually understood as unquestioned support for the leading political orientation. This is, of course, very far from true democracy. Thus it is not by chance that Schmitt's model of *identitary democracy* closely describes the political and democratic process in Croatia.

Finally, allow me to mention one more very essential element for understanding *modern democracy*, an element that was not a part of socialist societies. It is the field called the *civil society* formulated by Charles Taylor as "a network of autonomous associations independent of the state that link citizens in matters of common interest and whose existence or activities can influence politics" (Krzysztof Michalsky, *Europa und Civil Society*, Klett-Verlag, Stuttgart, 1991, p. 52).

It is, thus, a wide concept that should in the final issue neutralize and limit the totalitarian effects of politics and reduce them to a completely determined field. In many socialist countries processes of democratization began with the rehabilitation of that concept. Although it is true that the relative independence of this field contributes to the stability of modern society, it cannot solve its political problems.