Hrvoje MATIĆ: Peace treaties and citizenship in the 1920's

University of Zagreb, Faculty of Law

DOI 10.21862/siaa.8.9

1. Introduction

In the work, I will focus on the process of acquisition of citizenship in the Croatian part of the Kingdom of Serbs, Croats, and Slovenes [Kingdom of SCS]. The paper relates to the period from signing of several peace treaties, including the *Treaty of Trianon* and *Saint-Germain*, up until the final stabilization of the citizenship acquisition process in 1928, with the enactment of the Law of citizenship for the Kingdom of SCS. Special focus will be given to the former lands of the Kingdom of Croatia-Slavonia.

In general, citizenship can be defined as membership and allegiance to a sovereign state. The concept of full citizenship encompasses civil, political, and social rights, so it is an important legal institution for every individual.

2. Situation before the peace treaties

What consists of today's Croatia, was before the end of World War I part of the Austro-Hungarian Monarchy. Croatia was divided into areas under Austrian administration (Istria and Dalmatia) and Hungarian administration. There was also the Kingdom of Croatia-Slavonia, which even though was in the Hungarian part of the Monarchy, enjoyed significant autonomy. Since the Austrian and Hungarian parts of the Monarchy were in many ways independent from each other, they enjoyed the right to regulate the acquisition of citizenship. This means that in Austria-Hungary there were two citizenships: Austrian and Hungarian.

3. Peace treaties and regulation of citizenship

After the defeat of the Central Powers in World War I, the Austro-Hungarian Monarchy collapsed. In this collapse, new states emerged in the lands of the former Monarchy. One of

these states was the Kingdom of Serbs, Croats, and Slovenes, which encompassed the vast majority of what is now Croatia.[1] This resulted with the end of the Austrian and Hungarian citizenships in Croatian lands. This meant that the new citizenship of the Kingdom of SCS had to be established.

After the end of World War I, the newly founded Kingdom of SCS signed treaties with several countries: Germany, Austria, Hungary and Bulgaria. The most important treaties were the one signed with Hungary, known as the *Treaty of Trianon*, and with the newly founded Republic of Austria, known as the *Treaty of Saint-Germain*. Treaties are important because several of their provisions regulated the acquisition of citizenship. These provisions became the main legal source for the acquisition of citizenship in parts of the Kingdom of SCS which were once under the Austro-Hungarian rule.[2]

In addition, the Kingdom of SCS enacted several complementary decrees which regulated certain treaty provisions. These were the *"Uredba o stjecanju i gubitku državljanstva Kraljevine SHS"*, which can be translated as the *Decree on the acquisition and loss of Citizenship of the Kingdom of Serbs, Croats, and Slovenes*. This *Decree* implemented the provisions of the *Treaty of Saint-Germain*. There was also the similar *"Naredba"*, a *Decree* which implemented the *Treaty of Trianon*.[3] By 1921 both treaties came into force and the acquisition of citizenship was legally regulated by the treaties and aforementioned decrees. The main principle of acquisition of citizenship by both treaties was the principle of *"zavičajnost" (Heimatrecht)*.

4. Zavičajnost (*Heimatrecht*)

Zavičajnost as a system does not exist in the English-speaking world, so there is no official English name for this term. The rough translation can be *"Local citizenship"*, which will be used in this work. Local citizenship can be defined as an individual's affiliation to a particular municipality which also establishes broader rights and obligations between the individual

[1] Istria, several Dalmatian islands and Zadar became part of the Kingdom of Italy.
[2] KOSNICA, Ivan: Primjena mirovnih ugovora sklopljenih s Austrijom i Mađarskom u pravnom poretku Kraljevine SHS: odredbe o državljanstvu [Application of peace treaties concluded with Austria and Hungary in the legal order of the Kingdom of SHS: provisions on citizenship]. *Zbornik radova Pravnog fakulteta u Splitu [Proceedings of the Faculty of Law in Split]*, No. 2, 2019, pp. 469–470. https://doi.org/10.31141/zrpfs.2019.56.132.469
[3] *Ibid.*, pp. 470–471.

and the municipality. The document that proves an individual's affiliation with the municipality is called *"Domovnica"*.[4]

This legal term is in no way like *domicile*, as the local citizenship is harder to be obtained. For example, in Croatia-Slavonia, an individual who wanted to obtain local citizenship had to prove moral conduct and adequate income or wealth. Local citizenship could be obtained by birth, based on local citizenship of parents who are local citizens of a certain municipality. Furthermore, an individual can obtain local citizenship by having a special connection to the municipality. These situations include getting married to a person from a municipality and being accepted by a municipality in a special procedure.

Local citizenship granted a lot more rights than regular residence. It granted people the right to municipal vote and created a proto-social state in the municipality. For example, in Croatia-Slavonia, the municipality supported poor members of the municipality who had local citizenship. Furthermore, people with the right of local citizenship in one of Croatian-Slavonian municipalities also had the right to subsidized hospital stays in Croatia-Slavonia.[5] Crucially, a *"Domovnica"* was an indirect proof of Hungarian citizenship.[6]

The fact is that many people who lived in Croatia-Slavonia did not have a *"Domovnica"* in any Croatian municipality. This was mainly a problem for national minorities, especially Hungarians and Jews, and this greatly affected their right to citizenship in the 1920s.

Another problem is that local citizenship was differently regulated in former Austro-Hungarian lands which became part of a Kingdom of SCS. There were three legal regimes of local citizenship on the territory of today's Croatia: former Austrian regime (Slovenian-Dalmatian area), former Hungarian legal area, and legal area of Croatia-Slavonia. Each of these areas had its laws that regulated local citizenship differently, which confused people living in different legal areas.

---

[4] ČEPULO, Dalibor: *Hrvatska pravna povijest u europskom kontekstu [Croatian Legal History in the European Context].* Zagreb, 2023, Pravni fakultet Sveučilišta u Zagrebu, p. 188.
[5] ČEPULO, *op. cit.*, pp. 188–189.
[6] KOSNICA, Ivan: Definiranje državljanskog korpusa na hrvatsko-slavonskom području u Kraljevini SHS/Jugoslaviji [Defining the citizen corps in the Croatian-Slavonian zone of the Kingdom of SHS/Yugoslavia]. *Zbornik Pravnog fakulteta Sveučilišta u Rijeci Proceedings of the Faculty of Law in Rijeka],* No. 2, 2018, p. 812. https://doi.org/10.30925/zpfsr.39.2.4

5. The four ways to obtain citizenship

The treaties of Trianon and Saint-Germain both regulated four main ways to acquire citizenship in newly formed states of the former Monarchy. As the Kingdom of SCS was one of these states and was also a signatory of the treaties, these provisions obliged the Kingdom.

5.1. Acquisition of citizenship based on local citizenship

The first way to acquire citizenship was by being a local citizen of the municipality that was once part of the Austro-Hungarian Monarchy and became part of the Kingdom of SCS. Only individuals who possessed local citizenship before 1st January 1910, under the condition that they retained it until the peace treaties entered into force, had the right to obtain citizenship with this procedure. This was by far the simplest way to acquire citizenship. In this case, an individual had to prove that he possessed *"Domovnica"* before 1st January 1910 in a municipality of the Kingdom of SCS, which was once part of the Austro-Hungarian Monarchy. That *"Domovnica"* had to be valid in 1921 when the peace treaties entered into force.

Although this was the simplest way to obtain citizenship, problems still arose. One of the problems was the fact that the records of people having local citizenship were poorly kept in some municipalities.[7] This meant that some people who had all the rights of a local citizen during the existence of the Monarchy, didn't become citizens of the new Kingdom because they were never officially written as a local citizens in the municipal records.

There was also a case of poor, uneducated Hungarian immigrants whose acquisition of local citizenship was hindered because they often did not explicitly declare their intention to settle in a municipality to the municipal authorities and therefore many of them did not acquire local citizenship in a Croatian-Slavonian municipality. This occurred due to differences between the Croatian and Hungarian systems of rules of local citizenship. Hungarian law provided a relatively liberal way to acquire local citizenship where an individual could settle without notifying the municipality. To obtain local citizenship, it was enough for an individual to live continuously in that municipality for four years. The

[7] KOSNICA, Ivan: *Primjena mirovnih ugovora sklopljenih s Austrijom i Mađarskom u pravnom poretku Kraljevine SHS: odredbe o državljanstvu*, p. 472.

Croatian-Slavonian law did not include such a possibility.[8] This meant that there were thousands of Hungarians living in Croatia, who lived there for decades, but never obtained local citizenship because of their ignorance of different legal regulation of local citizenship in Croatia-Slavonia. This is just one of many different examples where the already mentioned legal areas caused mass confusion for many people.

These people were forced to prove in other ways that they possessed local citizenship before 1st January 1910. These procedures sometimes took years and some people never managed to prove their local citizenship.

5.2. A request

The people who acquired local citizenship after 1st January 1910 had possibility to acquire citizenship of the Kingdom of SCS based on a request. Institution of request was a special procedure created for people who obtained local citizenship relatively late. Firstly, these individuals, as the ones who had obtained it before 1910, had to prove the validity of their rights, usually by proving that they had obtained *"Domovnica"*.

But unlike the first method, there was an extra step. An individual was obliged to prove to the local administration, which approved the requests, that they acculturated, and that their moral and political conduct was satisfactory. This meant that it was much more difficult to obtain citizenship in this way as it took more time and money. There were many ways to prove the aforementioned conditions. There is an example of Mr. Birnbaum, who acquired local citizenship in the city of Karlovac, Croatia, in 1911. He highlighted his high degree of acculturation by mentioning the fact that he lived in Croatia for 30 years, that he speaks Croatian fluently and that he considers himself a Croat.[9] It should be mentioned that this method was especially difficult for national minorities as many of them, unlike Mr. Birnbaum didn't speak Croatian or felt Croatian. This meant that there was a solid chance that their requests would be denied. The request is similar to the *institution of naturalization*. *Naturalization* is the act of making someone a legal citizen of a country in which they were

[8] KOSNICA, Ivan: *Definiranje državljanskog korpusa na hrvatsko-slavonskom području u Kraljevini SHS/ Jugoslaviji,* p. 821.
[9] KOSNICA, Ivan: *Primjena mirovnih ugovora sklopljenih s Austrijom i Mađarskom u pravnom poretku Kraljevine SHS: odredbe o državljanstvu*, p. 473.

not born.[10] The similarity with the institution of request is the fact that the applicant of naturalization in the process usually needs to prove his knowledge of the country's language, his moral conduct and his level of integration.

5.3. Option based on former local citizenship

Most of the people who were born in what is now Croatia had local citizenship. However, there were also people who were born in Croatia and who had local citizenship but eventually lost it. People usually lost their local citizenship due to moving to another part of the Monarchy. This movement of the people was not a particularly big problem during the existence of the Monarchy, as there was a customs union, and the citizens who left their homeland could relatively easily return. After World War I the Monarchy collapsed and so did the customs union. This meant that many people who were born in Croatia were now resident in a different country.

To these people, the Kingdom of SCS gave the option to acquire citizenship based on former local citizenship. This possibility was granted to an individual who *previously* had local citizenship in one of the municipalities of the former Austro-Hungarian Monarchy that *eventually became* part of the Kingdom of SCS. In this case, an individual had to submit an application that would be approved or denied by the administration. The admissibility would be based on the individual's ability to prove that he had local citizenship in one of the municipalities.

This option was particularly useful for two groups. The first group consisted of the officials and clerks. These people, due to the nature of their work, moved a lot, so they often lost their local citizenship of birth. The second group consisted of women who, due to marriage and moving, lost their local citizenship.

A good example of how this option was useful for women is the example of Mrs. Altschul-Berger. Before getting married, she had local citizenship in the city of Karlovac, Croatia. However, due to her marriage to an Austrian citizen, she lost her local citizenship in Karlovac and gained local citizenship in Austria. After the collapse of the Monarchy, Mrs. Altschul-Berger became a foreign citizen and was not a citizen of the Kingdom of SCS as she lost her local citizenship in a Croatian municipality. To gain citizenship, Mrs. Altschul-Berger used an

[10] For the meaning of naturalization in English see: Cambridge Dictionary, https://dictionary.cambridge.org/dictionary/english/naturalization [Access on November 26, 2024]

option based on former local citizenship and successfully gained citizenship of the Kingdom of SCS in 1921.[11] This institution is very similar to what is known today as *repatriation*, an act or process of returning an individual to their country of origin, allegiance or citizenship.

5.4. Option based on nationality

The last option available for those who wanted to obtain citizenship was the option based on nationality. This option gives a right to an individual of a certain nationality to gain citizenship of his country of origin. For example, this provision entitles a Czech who lives in Hungary to gain Czechoslovak citizenship, since that is his country of origin. The common practice of newly formed countries of the former Monarchy was to declare to which nationalities they were the country of origin.

The Kingdom of SCS did the same and gave the rights to all Serbs, Croats, and Slovenes who had local citizenship in other parts of the former Austro-Hungarian Monarchy to gain citizenship of the Kingdom. This *de facto* meant that the Kingdom declared itself a country of origin to only Serbs, Croats and Slovenes. This was a problem for many people, as these ethnic groups made up approximately 83% of the country's population.[12] This meant that national minorities were unable to gain citizenship using this option. Minorities could only opt for their country of origin. For example, a Hungarian living in the Kingdom of SCS who was unable to gain citizenship using the previous three methods, which are mentioned and explained above, would only be able to gain Hungarian citizenship. This caused a population decline for several national minorities. For example, the number of Germans in parts of the Kingdom that make up modern-day Croatia fell from 119,587 in 1910 to 99,808 in 1921. The Hungarian population experienced the sharpest decline, with its number nearly halving in 20 years. Their numbers fell from 121,408 in 1910 to 69,671 in 1931.[13] It must be said that not all people left because they had no other choice. Many people gained citizenship in the

---

[11] KOSNICA, Ivan: *Primjena mirovnih ugovora sklopljenih s Austrijom i Mađarskom u pravnom poretku Kraljevine SHS: odredbe o državljanstvu*, pp. 477-478.

[12] CALIC, Marie-Janine: *History of Yugoslavia*. Project MUSE, https://muse.jhu.edu/pub/60/oa_monograph/chapter/2505028, p. 71. [Access on November 26, 2024]

[13] KOCSIS, Karoly – KOCSIS-HODOSI, Eszter: *Ethnic geography of the Hungarian minorities in the Carpathian basin*. Geographical research institute research Centre for earth sciences and Minority studies programme, Hungarian academy of sciences, http://www.mtafki.hu/konyvtar/kiadv/Ethnic_geography.pdf, p. 171. [Access on November 26, 2024]

new Kingdom, but for political, cultural or any other reasons. Since they did not want to live there as a minority, they moved to their country of origin. It must be mentioned that the Jews were by far the worst affected by this regulation. The Jews legally did not have a country of origin. This meant that if a Jewish person had no local citizenship in a Croatian municipality, he/she would be able to gain citizenship neither in the Kingdom of SCS, nor elsewhere. Because of this, many Jews in the Kingdom of SCS never gained citizenship or gained it years later, despite living in these territories for decades.

For those people who were Serbs, Croats and Slovenes or considered themselves as such, they had to prove that they were indeed one of these three nationalities. This was usually done by proving four facts. First, they had to prove that they were of Serb, Croat or Slovene origin. Second, that their parents are of Serb, Croat or Slovene nationality. Third, they speak Serbian, Croatian or Slovenian. Lastly, that they feel like a Serb, Croat or a Slovene. An individual who was unable to prove all four of these facts would usually be unable to gain citizenship.

However, there were exceptions, as there were people who acquired citizenship even though they had not proven all four facts. A good example is the situation concerning Emil Beck. Emil Beck was a citizen of Czechoslovakia, had local citizenship in the municipality of Sered (in Slovakia), and was born in Osijek, Croatia. He applied to become a citizen and based his application on the fact that he was of Croatian nationality. He justified his nationality on the fact that he was born in Croatia, attended Croatian school (learning Croatian in school), and was raised as a Croat and he considered himself a Croat. He never mentioned or proved that his parents were Croats, but was still granted citizenship.[14]

There were also other exceptions, such as serving in the Kingdom's army. Many proved their national heritage based on the fact that they served in the army. This approach sometimes worked, but it was usually arbitrary. For example, there was a situation where a Czech, a Pole and a Jew served in the Kingdom's army. Despite all of them serving in the army, only a Jew, named Emil Weinstein, was not granted citizenship.[15] This can be attributed to the possible prejudice of the Slavic population of the Kingdom and the existence of antisemitism in the

[14] KOSNICA, Ivan: *Primjena mirovnih ugovora sklopljenih s Austrijom i Mađarskom u pravnom poretku Kraljevine SHS: odredbe o državljanstvu*, pp. 478–479.
[15] *Ibid.*, p. 479.

administration and state organs, as there was no factual reason for denying Mr. Weinstein, except for the fact that he was Jewish.

6. Conclusion

Citizenship in the Kingdom of Serbs, Croats and Slovenes was established very quickly, right after World War I, and its acquisition was not very clearly defined. There were many legal loopholes, administrative biases toward certain ethnic groups, and a lot of confusion when determining certain institutions, such as local citizenship. The way the acquisition was legally regulated and enforced generally favored the Slavic population of the Kingdom, especially Serbs, Croats and Slovenes. Therefore, lots of non-Slavic people were unable to gain citizenship, making many of them leave. This left this part of the former Austro-Hungarian Monarchy more ethnically homogenous and a lot more Slavic-dominated.