Deprivation of Citizenship Status in Croatia and Yugoslavia in the Aftermath of the Second World War

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Abstract

The paper deals with deprivation of citizenship status in Croatia and federal Yugoslavia, in which Croatia was one of federal units, in the aftermath of the Second World War. The main questions the author refers to are regulations and practice of deprivations and its implications on the concept of citizenship. The author concludes that in Croatia and Yugoslavia in the aftermath of the Second World War existed and were implemented wide deprivations of citizenship. According to the author, this situation reflected different definition of citizenship which was now defined more in republican and communitarian way.

Keywords: *Croatia; Yugoslavia; citizenship; deprivation; revocation.*

1. Introduction

Deprivation of citizenship, in the literature and regulations also named as deprivation of nationality,[1] denationalization[2] or citizenship revocation,[3] is one of modes of losing citizenship status that often coexists in a specific legal order with other ways such as marriage, dismissal, renunciation, absence and emigration. Specific of this way of losing citizenship status is that the state authority terminates citizenship of a person unilaterally, in principle independently of the will of a citizen.

Historical and comparative analysis indicates that limited normative possibilities of citizenship deprivations existed already during 19th century[4] while large-scale deprivations occurred during 20th century. Notable are examples of mass deprivations after the communist revolution in the Soviet Union in 1921,[5] mass deprivations in Nazi Germany before and during the Second World War,[6] deprivations in Vichy France during the Second World War,[7] and deprivations of citizenship in the aftermath of the Second World War.[8] Mass deprivations of citizenship were often part of totalitarian or authoritarian regimes, but the problem itself does not end within the realm of totalitarian or authoritarian states. This because many states, which we typically perceive as democratic ones like the United Kingdom, Canada and Australia, provide in their legal orders

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1 Cf. GROOT, R., BÜCKEN, L., Deprivation of nationality under article 8 (3) of the 1961 Convention on the reduction of statelessness. In: Maastricht Journal of European and Comparative Law, vol. 25, nr. 1, 2018, p. 38-51; Cf. BRANDVOLL, J., Deprivation of nationality. Limitations on rendering persons stateless under international law. In: EDWARDS, A, WAAS, L., Nationality and Statelessness under International Law. Cambridge University Press, 2014, p. 194-216.

2 Cf. ALEINIKOFF, A. T., Theories of Loss of Citizenship. In: Michigan Law Review. vol. 84, nr. 7, 1986, p. 1471-1503, p. 1473.

3 Cf. PÉLABAY, J., SÉNAC, R., Citizenship revocation: a stress test for liberal democracy. In: Citizenship Studies, vol. 23, no. 4, 2019, p. 388-405.

4 Cf. art. 20 of the German Law on the Acquisition and Loss of Confederative and State Citizenship of 1870 which prescribed possibility of citizenship deprivation in the case of war to Germans residing abroad if they refuse to return home and art. 22 of the same law about possibility of deprivation of German citizenship to a German citizen employed in a service of a foreign state it he refuse to leave the office. Cf. the Law on the Acquisition and Loss of Confederative and State Citizenship of 1870. Cf. the Law in: Gesetz über die Erwerbung und den Verlust der Bundes- und Staatsangehörigkeit<fn>29</fn><E> (ghi-dc.org) (accessed, 27 April 2021).

5 The authorities of the Soviet Union by the decree of 1921 launched mass deprivations of citizenship to Russian emigrants who escaped during the Communist revolution. Cf. RÜRUP, M., Lives in Limbo: Statelessness After Two World Wars. https://www.ghi-dc.org/publication/bulletin-49-fall-2011 (accessed: 19 March 2021), p. 113-134, p. 122; According to some estimations, the Soviet Union deprived of citizenship around one and a half million citizens. Cf. ARENDT, H., The Origins of Totalitarianism. Cleveland and New York, 1962, p. 277.

6 The authorities of Nazi Germany conducted mass deprivations that affected Jews already in 1933. Cf. ARENDT, *op. cit.,* p. 277.

7 Vichy France in 1940 introduced possibilities of deprivation of citizenship to those "who had left France without government authorization between 20 May and 30 June 1940" and, inspired by the Nazi law, reviewed naturalizations given by French authorities since 1927. In addition, they made possible deprivation of citizenship to citizens placed outside the metropolitan territory if "betrayed by his actions, speeches or writings the duties incumbent upon him as a member of the national community". WEIL, P., How to be French: Nationality in the Making since 1789. Durham and London, 2008, p. 87-88.

8 Cf. RÜRUP, *op. cit.*, p. 124.

although limited possibilities of citizenship deprivations.[9] Actuality of the issue nowadays is mostly result of war on terror and efforts of many countries to tackle this problem.[10]

This essay aims to deal with the historical dimension of the concept of citizenship deprivation as defined in Croatia and Yugoslavia[11] in the aftermath of the Second World War. The new regulations but also to some extent practice of deprivations of citizenship status[12] are of central interest in this paper. Therefore normative analysis and to some extent practical repercussions are taken into consideration. The paper however does not end with the normative analysis and practical repercussions but aims to go beyond the legal norm and to provide insights about significance of the regime of citizenship deprivations for the concept of citizenship in Croatia and Yugoslavia in the aftermath of the Second World War.

Therefore, in the first part of the paper we reflect about deprivation of citizenship and its significance for the concept of citizenship. In addition, we analyze deprivation of citizenship in the Kingdom of Serbs, Croats and Slovenes/Yugoslavia in the period from 1918 to 1941. This part represents tradition and to some extent possible point of reference for analysis of the regulations and practices of citizenship deprivations in Croatia and Yugoslavia in the aftermath of the Second World War. Then follows an analysis of regulations and practices of citizenship deprivations in Croatia and Yugoslavia in the aftermath of the Second World War. The normative and to some extent practical dimensions of deprivations are included while at the same time we reflect about deeper implications of the regime of citizenship deprivations on the concept of citizenship in Croatia and Yugoslavia.

2. Deprivation of citizenship and its significance for the concept of citizenship

The issue of citizenship deprivation is of huge importance for political and legal position of an individual. This because a person deprived of his citizenship cease to be a member of political community[13] and becomes a stranger. Sensitivity of the issue reflect the fact that in the case of deprivation the state authority in most cases unilaterally takes away citizenship of a person independently of his will.

The aforementioned observation obviously indicates exclusionary effects of citizenship deprivations. Building his argument on this notion, Ben Herzog concluded that not just naturalization but also denaturalization (deprivation of citizenship) can give us valuable insights about the concept of citizenship in a specific state.[14] In other words, the concept of deprivation of citizenship, its normative but also practical dimensions, indicate which persons the authorities of a specific state do not want to recognize as citizens anymore. Therefore studying the concept of deprivation of citizenship can provide us with valuable insights about ›desirable‹ and ›undesirable‹ citizens, and values that all or some groups of citizens (n.b. naturalized citizens) had to comply with. Beyond the notions about ›desirable‹ and ›undesirable‹ citizens, hidden are conflicts between different visions of the concept of citizenship.

By taking into consideration general interconnections between citizenship deprivations and the concept of citizenship, Pélabay and Sénac went a step further and developed in our opinion useful matrix that can be used for analysis of these relations. Pélabay's and Sénac's argument approaches to the problem of these interconnections in a way that takes into account different dimensions of citizenship. They rely on rich literature about citizenship as multidimensional concept and indicate that citizenship means "legal status with a focus on individual rights", then "political participation as a civic virtue" and lastly focus on "collective identity".[15] According to Pélabay and Sénac each dimension of citizenship reflects different approaches to citizenship. The first approach that underlines citizenship as legal status and focuses on individual rights reflects liberal doctrine about citizenship, the second approach that focuses on "political participation as a civic virtue" reflects republican approach while the third approach, which focuses on "collective identity", reflects communitarian approach to citizenship.[16]

For each approach, there is specific set of arguments that is used for elaboration of the concept of citizenship and answering the question what citizenship should mean and what it has to be like. Prevalence of liberal, republican or communitarian arguments also indicates strengthening one dimension of citizenship be it liberal, republican or communitarian.

On the level of specific regulations about citizenship deprivation one can therefore notice different arguments that are included in or are hidden behind specific legislative solutions. For instance, speaking in the terms of *ideal types,* there are two

[9] Cf. PILLAI, S., WILLIAMS, G., Twenty-first Century Banishment: Citizenship Stripping in Common Law Nations. In: International & Comparative Law Quarterly, vol. 66, nr. 3, 2017, p. 521-555, p. 532-550; Data for the United Kingdom for the period between 2006 and 2015 indicate that there were 81 deprivations of citizenship. Among these, in 36 cases reasons of deprivations were "public good" and in 45 cases deprivation followed because these citizens achieved registration or naturalization based on "fraud, false representation and concealment of a material fact". UK Visas and Immigration, Home Office. https://www.whatdotheyknow.com/request/318785/response/827666/attach/3/CCWD%20FOI%2038734%20Final%20Response.pdf (accessed: 19 March 2021).

[10] Cf. FARGUES, É., WINTER, E., Conditional membership: what revocation does to citizenship. In: Citizenship Studies, vol. 23, no. 4, 2019, p. 295-303, p. 295; Cf. https://www.migrationpolicy.org/article/foreign-fighters-will-revoking-citizenship-mitigate-threat (accessed: 26 April 2021).

[11] Since at that time Croatia was one of federal units in the communist Yugoslavia, the paper relates to Yugoslavia as well.

[12] The paper relates to deprivations of citizenship status and not to deprivations of citizenship rights n. b. deprivations of civil and political rights that played significant role in the Croatian and Yugoslav post-war period as well.

[13] Cf. HERZOG, B., ADAMS, J., Women, Gender, and the Revocation of Citizenship in the United States. In: Social Currents, vol. 5, nr. 1, 2018, p. 15-31., p. 15.

[14] HERZOG, B., Revocation of Citizenship in the United States. In: European Journal of Sociology / Archives Européennes de Sociologie / Europäisches Archiv für Soziologie, vol. 52, no. 1, 2011, p. 77-109, p. 78, 83.

[15] Cf. PÉLABAY, SÉNAC, *op. cit.*, p. 391-392.

[16] Cf. PÉLABAY, SÉNAC, *op. cit.*, p. 391-392.

possible situations, one in which unilateral termination of citizenship by the state authority is not possible at all and the other in which unilateral termination of citizenship by the state authority is always possible. Each of these situations reflects prevalence of liberal, republican or communitarian arguments.

Speaking about the first *ideal type* one can argue that in this situation an individual and his rights are the central point of reference. His conduct, even dangerous one for the interests of a state and of a community would not result in termination of citizenship. Such situation emphasize an individual and his rights while does not take into account possible interests of a state or of a community. Speaking about the concept of citizenship one can argue that this situation reflects liberal dimension of citizenship. As Aleinikoff put it, keywords of liberal theory are freedom, choice and consent.[17] Therefore, deprivation of citizenship taken by the state authorities without citizen's consent would be unacceptable.

On the other end of the spectrum, there is situation when ideally speaking state authorities could always terminate citizenship. This *ideal type* emphasize republican and communal arguments over liberal ones. Prevalence of republican and communal arguments also means prevalence of republican and communitarian dimension of citizenship. As an important aspect of republican argumentation, Pélabay and Sénac point out "the pursuit of the public good over that of private interests, and the fulfilment of duties and responsibilities over that of individual rights and preferences".[18] Together with republican views goes communitarian argumentation that emphasizes collective identity as a central point of reference.[19] As Aleinikoff put it, communitarian doctrine defines citizenship as "an organic relationship between the citizen and the state".[20] Such organicist understanding of citizenship negates individualist position of a citizen in a society and means defining of a citizen primarily as a member of the community. To sum up, while republican and communitarian approach slightly differ, they both "converge" since for the republican and for the communitarian approach bottom line is giving priority "to membership of a body of citizens whose (…) collective identity is shaped by a particular way of life and historical legacy".[21] Such value-defined citizenship also enables much easier justification of citizenship deprivations to specific citizens or groups of citizens.

In sum, the tension between liberal and republican/communitarian arguments manifests as a tension between a right of a citizen to keep its citizenship no matter of his conduct and interests of a state authority and of a community to strip citizenship of a person in a case when citizen's conduct endangers interests of a state or of a community. The statement about right of a citizen to keep its citizenship no matter of his conduct is backbone of liberal doctrine, while the statement about right of the state or of the community to strip citizenship to persons when they infringe interests of that state or of the community is backbone of republican/communitarian doctrines of citizenship law.

3. Deprivation of citizenship in the Kingdom of Serbs, Croats and Slovenes/Yugoslavia – tradition

In the Kingdom of Serbs, Croats and Slovenes after its formation on 1 December of 1918 on each of six legal areas valid were six different regulations about citizenship status.[22] Among these regulations, only the Law on acquisition and loss of Hungarian citizenship of 1879 contained rules about deprivation of citizenship.[23] The law provided one mode of citizenship deprivation by stating that state authority can deprive a citizen of his citizenship if the citizen works in an office of a foreign state without approval of state authority.[24] Before enactment of a decision, administrative authority had to call involved citizen to leave foreign office and an involved citizen had to refuse to leave the office.[25] Aforementioned mode of deprivation was limited on relatively narrow circle of state and other public servants and it was dependent on the will of a citizen. What is more, although the Law on acquisition and loss of Hungarian citizenship of 1879 was formally still valid in Croatian-Slavonian legal area and in the former Hungarian legal area of the Kingdom due to political and constitutional changes application of this law was limited and state authorities could apply the norms of that law only *mutatis mutandis*.[26] Therefore, one could say that the concept of deprivation of citizenship did not play an important role in legal practice after 1918.

Nevertheless, significant changes bring the first Citizenship Law of the Kingdom of Serbs, Croats and Slovenes, enacted on 21 September 1928.[27] The Law defined the citizenship as one for all the Kingdom and prescribed rules for determination, ac-

[17] ALEINIKOFF, *op. cit.*, p. 1494.
[18] PÉLABAY, SÉNAC, *op. cit.*, p. 392.
[19] Cf. PÉLABAY, SÉNAC, *op. cit.*, p. 392.
[20] ALEINIKOFF, *op. cit.*, p. 1494.
[21] PÉLABAY, SÉNAC, *op. cit.*, p. 393.
[22] Cf. KOSNICA, I., Odnos državljanstva i nacionalne pripadnosti u Kraljevini SHS/Jugoslaviji. In: Zbornik Pravnog fakulteta u Zagrebu, vol. 68, no. 1, 2018, p. 61-83, p. 64-67.
[23] Cf. the Law on acquisition and loss of Hungarian citizenship of 1879. In: Sbornik zakonah i naredabah valjanih za kraljevinu Hrvatsku i Slavoniju. Nr. VII, 1880.
[24] According to the letter of the law official state authority was Hungarian minister of internal affairs (for the area of Hungary) and Croatian-Slavonian-Dalmatian Ban for the area of Croatia-Slavonia. Cf. art. 11 and 30 of the Law on acquisition and loss of Hungarian citizenship of 1879.
[25] Cf. art. 30 of the Law on acquisition and loss of Hungarian citizenship of 1879; Cf. KOSNICA, I., Gubitak državljanstva u Hrvatskoj i Slavoniji od Bachovog apsolutizma do raspada Monarhije. In: Pravni vjesnik, vol. 29, Nr. 3-4, 2013, p. 61-79, p. 70.
[26] For the argument about application of that law *mutatis mutandis* cf. elaboration of the Professor Ladislav Polić on the Second conference of lawyers of the Kingdom of Serbs, Croats and Slovenes. POLIĆ, L., Pitanje državljanstva – referat. In: DOLENC, M., SAJOVIC, R. (ed.), Spomenica na drugi kongres pravnika Kraljevine Srba, Hrvata i Slovenaca. Ljubljana, 1927, p. 209-216, p. 212.
[27] For the Law on citizenship of the Kingdom of Serbs, Croats and Slovenes of 21 September 1928 with commentary: cf. PIRKMAJER, O., Zakon o državljanstvu sa tumačenjem. Beograd, 1929, p. 37-135.

quisition and loss of citizenship. As modes of losing citizenship, the law prescribed dismissal, absence, marriage, legitimation, renunciation and deprivation.[28] Related to deprivation of citizenship, the Law defined two possibilities of citizenship deprivations. One possibility that already existed on Croatian-Slavonian and on the former Hungarian legal area was deprivation of citizenship of persons hired in offices of foreign states. The Citizenship Law of 1928 in its article 32 stated that citizenship "lose (…) citizens who without permission of state authority enter foreign military or civil service and who stay in the service no matter of call of the minister of internal affairs to leave the office". For completing the procedure, it was necessary that the minister of internal affairs of the Kingdom of Serbs, Croats and Slovenes call this citizen twice to leave the foreign office.[29] The doctrine of citizenship law of that time considered that issuing a call to a citizen is dependent on the will of state authority. If state authority refused to issue such a call, the doctrine considered that the authorities tolerate such service.[30] However, in case when a minister of internal affairs issued such call and upon the assumption that a citizen did not leave the office of foreign state, the minister was obliged to issue an act about deprivation of citizenship.[31]

The authorities partly changed the aforementioned regime by the Law on the structure of the military and the navy of 6 September of 1929.[32] According to this law, a citizen lost his citizenship if entered foreign military service without prior approval of the Council of Ministers.[33] In such a case, a citizen lost his citizenship *ex lege* and no additional procedure of the minister of internal affairs was necessary.

Comparison of the new regulation about deprivation of citizenship contained in the Citizenship Law of 1928 with the regulation contained in the Hungarian Law on acquisition and loss of Hungarian citizenship of 1879 indicates important similarities in the assumptions and procedures of deprivation of citizenship in cases of hiring a citizen in civil foreign office. This because in both cases deprivation of citizenship happened only if the executive branch of state authority issued an act about deprivation. What is more, in both regimes competent authority could deprive of citizenship only those citizens who refused to leave an office of a foreign state.[34] Therefore, one can argue that in both cases authorities had to take into account the will of a citizen. On the other hand, difference between two regimes was in more strict position of the minister of internal administration of the Kingdom of Serbs, Croats and Slovenes. Specifically, the minister of internal affairs of the Kingdom of Serbs, Croats and Slovenes had to issue an act on deprivation of citizenship if officially asked citizens to leave the office. On the other hand, according to the Hungarian Law on acquisition and loss of Hungarian citizenship of 1879 even after the official call had been made the state authority could but was not obliged to issue an act on deprivation. Differences were also significant in the matters of foreign military service. After 1929, as already elaborated above, a citizen lost his citizenship *ex lege* so no decision of minister of internal affairs was necessary in this case. In sum, we can conclude that the new regulation that provided possibility of citizenship deprivation in case of service in an office of a foreign state was more authoritarian in comparison to earlier model. Nevertheless, an important feature about consent of a citizen for deprivation of citizenship still played important role in the new regime.

Another possibility of deprivation of citizenship, regulated by the article 33 of the Citizenship Law of the Kingdom of Serbs, Croats and Slovenes of 1928, was denaturalization in case of war. According to the rule, the authorities could deprive of citizenship citizens who were before the naturalization citizens of the state with which the Kingdom of Serbs, Croats and Slovenes is in war. Denaturalization was possible in three cases. The first case was when a citizen "committed a deed that violated legal order and infringed internal or external security of the Kingdom". The second case was when a citizen had "left the state with an intention of avoiding military service or some other public duty in the Kingdom" and the third was when a citizen "spied for interest of foreign state or if helped efforts directed against rights and national interests of the state".[35] Decision about deprivation of citizenship enacted the minister of internal affairs, based on the decision of the Council of Ministers.[36] In addition, altogether with three aforementioned cases of denaturalization, there existed the concept of annulment of naturalization in cases when a person achieved naturalization based on false presentation of facts.[37]

Introduction of the possibility of denaturalization in the Yugoslav legal order to some extent correlated with comparative developments in citizenship law of many states during and after the First World War. For instance, French authorities already during the First World War introduced similar possibility of deprivation of citizenship to naturalized French who were before the naturalization citizens of enemy states.[38] Moreover, the concept of denaturalization introduced England, Belgium,

[28] Cf. art. 21 of The Law on citizenship of the Kingdom of Serbs, Croats and Slovenes of 1928.
[29] Cf. art. 32 para. 2 of The Law on citizenship of the Kingdom of Serbs, Croats and Slovenes of 1928.
[30] Cf. PIRKMAJER, *op. cit.,* p. 90.
[31] Cf. art. 32 par. 2 which states: „If during next two months a citizen does not respond, the minister of internal affairs will enact a decision on deprivation of citizenship".
[32] Some rules of the Law related to citizenship had been published in: FLOURNOY, R. W., HUDSON, M. O., A Collection of Nationality Laws of Various Countries as Contained in Constitutions, Statutes and Treaties. New York, 1929, p. 402-404.
[33] Cf. KAVALJERI, C., Komentar Zakona o državljanstvu Kraljevine Jugoslavije. Zagreb, 1935, p. 97.
[34] Cf. art. 32 par. 1 and 2 of the Law on citizenship of the Kingdom of Serbs, Croats and Slovenes.
[35] Cf. art. 33 of The Law on citizenship of the Kingdom of Serbs, Croats and Slovenes of 1928.
[36] Cf. art. 33 of The Law on citizenship of the Kingdom of Serbs, Croats and Slovenes of 1928.
[37] In such cases the minister of internal affairs issued an act about annulment of naturalization. Cf. art. 62 of the Decree of minister of internal affairs for implementation of the Law on citizenship of the Kingdom of Serbs, Croats and Slovenes. For the Decree cf. PIRKMAJER, *op. cit.*, p. 137-211.
[38] WEIL, *op. cit,* p. 61, 107; ARENDT, *op. cit.*, p. 279.

United States of America and Romania. The later one served as a role model for regulation of denaturalization in the Citizenship Law of the Kingdom of Serbs, Croats and Slovenes in 1928.[39]

Introduction of the concept of denaturalization in the Yugoslav legal order meant significant departure from previously established patterns. The fact that the state authorities could unilaterally deprive a naturalized citizen of his citizenship indicated different balances within the citizenship relationship in favor of state authority. The new regime obviously had significant implications for the position of naturalized citizens whose citizenship status was kind of "conditional membership".[40] In addition, the new regulations about denaturalization incriminate "violation of legal order", "infringement of internal or external security of the Kingdom", "avoidance of military service or some other public duty", "espionage" and "helping efforts directed against right and national interest of the state" as behaviors that could result in citizenship deprivation. Aforementioned incriminations indicate at the same time core values that naturalized citizens had to comply. What is more, the values also indicate departure from liberal argumentation related to the concept of citizenship and inclination towards republican and communitarian arguments. Emphasizing duties towards the state and "civic virtues" that mean compliance of ones behavior with the legal order reflect republican argumentation. On the other hand emphasizing "national interests of the state" as a reason for citizenship deprivation indicates communitarian arguments. The shift and inclination towards different understanding of citizenship affected some legal practitioners of that time too. One of them, Celso Kavaljeri, the very prominent one that was dealing with the issue of citizenship, in mid-thirties in his commentary on the Citizenship Law of the Kingdom of Yugoslavia despite mentioning some criticism about the concept of denaturalization, strongly argued for the concept. In doing so, he used typical republican argument in favor of denaturalization by arguing that *salus rei publicae maxima lex esto*.[41]

4. Citizenship in Croatia and Yugoslavia in the aftermath of the Second World War

Development of the concept of citizenship in Croatia and Yugoslavia in the aftermath of the Second World War characterizes the shift from unitarian towards federal model. The first citizenship law, officially called the Citizenship Law of Democratic Federal Yugoslavia of 1945, clearly pointed that by providing a rule on federal and republican citizenship.[42] The federal model affirmed the Citizenship Law of Federal People's Republic of Yugoslavia of 1946 (hereinafter: Citizenship Law of FPRY)[43] and republican legislation about Croatian citizenship as well.[44]

In parallel with conceptual transformation of citizenship from unitarian towards federal, Yugoslav authorities enacted important rules about determination, acquisition and loss of citizenship. The rules about determination of citizenship indicated to some extent continuity of citizenry with that of pre-war Yugoslavia. For instance, the Citizenship Law of FPRY stated that citizens of FPRY are all persons who were citizens of FPRY on 28 August 1945 according to "valid regulations".[45] In addition, the rule of the Citizenship Law of FPRY about presumption of Yugoslav citizenship to "all persons who belong to one of nations of FPRY if born or raised in FPRY and reside in the state" eased the process of determination of citizenship significantly.[46]

What is more, the authorities eased acquisition of Yugoslav and republican citizenships to specific categories of persons. Example is policy of giving citizenship to "Istrian emigrants", mostly Croats and Slovenes, who immigrated into the Kingdom of Yugoslavia, mostly on Croatian and Slovenian territories, during the interwar period. The Law on amendments of Citizenship Law of FPRY of 6 December 1947 enabled those settlers to acquire Yugoslav citizenship and citizenship in one of Yugoslav republics by giving simple statement in front of authorities.[47]

Previously indicated inclusiveness and openness of the concept of Yugoslav citizenship and consequently of republican citizenships contaminated other citizenship rules, which indicated possible restrictions and closure. First, determination of Yugoslav citizenship based on "valid regulations" was unspecified and left room for interpretation. Therefore, one needed to consult some other rules for determination of citizenship status. Specifically, the most important were a rule that determined citizenry of FPRY based on republican citizenship and a rule that determined republican citizenship based on local citizenship

[39] KAVALJERI, *op. cit.,* p. 102; Cf. the art. 41 of the Rumanian Law of February 23, 1924. The english version of the Law had been published in: FLOURNOY, HUDSON, *op. cit.,* p. 497-508.

[40] Cf. FARGUES, WINTER, *op. cit.*, p. 295-303.

[41] KAVALJERI, *op. cit.,* p. 102.

[42] Cf. KRBEK, I., OCOKOLJIĆ, N., Zakon o državljanstvu s komentarom. Beograd, 1948, p. 7.; Cf. the Citizenship Law of Democratic Federal Yugoslavia. In: Službeni list DFJ, 64/1945.

[43] Cf. The Law on citizenship of the Federal People's Republic of Yugoslavia. In: Službeni list FNRJ, 54/1946; Cf. the Law on amendments of the Law on citizenship of the Federal People's Republic of Yugoslavia. In: Službeni list FNRJ, 104/1947; The Law on amendment of the art. 37 par. 2 of the Law on citizenship of the Federal People's Republic of Yugoslavia. In: Službeni list FNRJ, 88/1948; The Law on amendments of the Law on citizenship of the Federal People's Republic of Yugoslavia. In: Službeni list FNRJ, 105/1948.

[44] Cf. The Law on citizenship of People's Republic of Croatia. In: Narodne novine, Službeni list Narodne Republike Hrvatske, Vol. 6. (1950), nr. 23.

[45] Cf. art. 35 par. 1 of the Citizenship Law of FPRY.

[46] Cf. MEDVEDOVIĆ, D., Federal and republican citizenship in the former SFR Yugoslavia at the time of its dissolution. In: Croatian Critical Law Review, vol. 3, nr. 1-2, 1998, p. 21-56, p. 26; Art. 25 par. 1 of the Citizenship Law of FPRY.

[47] Similar mode of acquistion of citizenship based on the new regulations of citizenship existed for members of Yugoslav nations who before 10 June 1940 emigrated from Italy (from the territories that after the Second World War became part of the FPRY) to other countries. Cf. KRBEK, OCOKOLJIĆ, *op. cit.,* p. 51-52; Cf. ĐERĐA, D., Problematika državljanstva na području tzv. Slobodnog Teritorija Trsta. In: Zbornik Pravnog fakulteta Sveučilišta u Rijeci, vol. 24, Nr. 3, 2003, p. 423-444, p. 436-437.

(*zavičajnost, općinska pripadnost*).[48] The criteria of local citizenship was however interpreted very restrictively in a way that according to the mandatory interpretation given by the Presidium of the People's Assembly of FPRY of 1946 only local citizenship of a person on 6 April 1941 was relevant. This consequently meant that all changes in local citizenship of a person emerged after that date were of no importance.[49] In addition, the authorities made difficult acquisition of citizenship to some categories of foreigners, including Russian emigrants that came on Yugoslav territory during the interwar period.[50] What is more, Yugoslav authorities enacted significant rules and implemented practice of deprivations to a great number of citizens, the issue we elaborate further in the paper.

5. Regulations on deprivation of citizenship in Croatia and Yugoslavia in the aftermath of the Second World War

Citizenship Law of FPRY defined deprivation of citizenship together with absence, dismissal, renunciation and rules of international agreements as modes of losing federal citizenship.[51] These modes functioned as well as modes of losing republican citizenship since a person when lost federal citizenship also lost republican citizenship.[52]

Analysis of the Citizenship Law of FPRY indicates that the Law prescribed three possibilities of deprivations. The first possibility was deprivation of citizenship to „members of those nations whose states were in war against peoples of the FPRY".[53] Basic assumption for deprivation was citizen's conduct. According to the letter of the law the federal ministry of internal affairs could deprive of citizenship those citizens „who during the war or who before the war, acted disloyal towards national and state interests of the people of FPRY and in this way failed to fulfil citizen's duties".[54]

Another possibility of citizenship deprivation was denaturalization. There were two types of denaturalization. The first type was annulment of naturalization of a citizen "who had been naturalized based on false statements or who consciously had not mention important circumstances".[55] The second type of denaturalization related to citizens who were „during five years from naturalization judged for dishonorable act or an act against national and state interests".[56]

Third way of citizenship deprivation affected citizens living abroad who "work, or had been working during the war against national and state interests of the FPRY, or did not fulfil civic duties".[57] Based on this rule the authorities n.b. courts or the Presidium of the People's Assembly of the FPRY could deprive of Yugoslav citizenship all citizens no matter of their ethnic origin and no matter of the way in which they acquired citizenship.[58]

In addition, to some extent specific legal basis for deprivation of citizenship, which represented further elaboration of the third way of deprivation, was deprivation of citizenship to military personnel and citizens who at the end of the Second World War emigrated from Yugoslavia. For the purposes of striping citizenship to these persons, the authorities enacted the Law on deprivation of citizenship to officers and sub-officers of former Yugoslav army who do not want to come back in the homeland and to members of military formations who served to occupiers and emigrated abroad. The aforementioned law entered into force already on 28 August 1945[59] and had been approved with minor modifications after enactment of the Constitution of FPRY of 1946 on 23 October 1946. Official name of the new law was the Law on deprivation of citizenship to officers and sub-officers of former Yugoslav army who do not want to come back in the homeland and to members of military formations who served to occupiers and emigrated abroad as well as to persons emigrated abroad after liberation (hereafter: The Law on deprivation of citizenship).[60] As members of military formations that served to occupiers the Law on deprivation of citizenship specifically mentioned the Yugoslav army in the homeland, chetniks, ustasha and Croatian home guards (military formation of the Independent State of Croatia).[61]

In addition, a citizen could had been deprived of his citizenship based on the rules contained in the Law about criminal offenses against people and the state if committed a crime against people and the state and if resided abroad.[62] The Law on types of penalties of 5 July 1945 followed this rule and in addition prescribed a ban to those deprived of citizenship to come back

[48] Cf. art. 37 par. 1 of the Citizenship Law of FPRY.
[49] For the mandatory interpretation given by the Presidium of the People's Assembly of FPRY Cf. KRBEK, OCOKOLJIĆ, *op. cit.,* p. 54-55.
[50] Cf. HR Hrvatski državni arhiv, Predsjedništvo vlade Narodne Republike Hrvatske [Presidency of the government of the People's Republic of Croatia], opći odjel-opći spisi, the box 87, nr. 18515/1948, Lihterov, Olga, citizenship, and the box 96, nr. 5953/1949, Omeljčenko, Fedot, citizenship.
[51] Cf. art. 14 of the Citizenship Law of FPRY.
[52] Cf. art. 21 para. 1 The Law on citizenship of People's Republic of Croatia.
[53] Cf. art. 16 par. 1 of the Citizenship Law of FPRY.
[54] Cf. art. 16 par. 1 of the Citizenship Law of FPRY; Cf. art. 17 par. 1 of the Citizenship Law of FPRY.
[55] Cf. art. 16 par. 2 of the Citizenship Law of FPRY.
[56] Cf. art. 16 par. 2 of the Citizenship Law of FPRY.
[57] Cf. art. 16. par. 3 of the Citizenship Law of FPRY.
[58] Cf. art. 17 par. 3 of the Citizenship Law of FPRY; According to the article 44 of the Order on enforcement of the Citizenship Law of FPRY, a court which enacted a judgment about deprivation of citizenship had to send a copy of this judgement to the ministry of internal affairs of people's republic for further enforcement. Cf. the Order on enforcement of the Citizenship Law of FPRY. In: Službeni list FNRJ, 98/46.
[59] Cf. Službeni list DFJ, 64/1945.
[60] Cf. Službeni list FNRJ, 86/1946.
[61] Cf. art. 1 par. 2 The Law on deprivation of citizenship.
[62] Cf. art. 5 of the Law on confirmation and amendments of the Law on criminal offenses against people and the state of 15 August 1945, In: Službeni list 59/1946.

in their former homeland.[63] The possibility of deprivation of citizenship to emigrants followed the first Criminal code of 1947 too.[64] Bottom line of all aforementioned regulations was emigration and commitment of an act against people and the state. Therefore, based on these provisions the authorities could not deprive of citizenship citizens who stayed in the country. Instead, for these cases they provided possibility of deprivation of political and civil rights.[65]

Aforementioned elaborations indicate that in the legal order of the FPRY existed much wider possibilities of citizenship deprivations. These possibilities, as Igor Štiks noted reflected intentions of state authorities to „revoke citizenship from internal ideological wartime enemies who either collaborated with occupiers or had emigrated abroad".[66] Beyond these intensions however, more complex shift was happening in relations between state authority and a citizen in a way that position of state organs in this relation had been strengthened significantly. The changes indicated deeper restructuring of the concept of citizenship. Specifically, mentioning of non-fulfilment of civic duties as a reason for citizenship deprivation reflected strengthening of republican dimension of the concept. In addition, using phrases "national interests of the people", "state interests of the people" as a reason for citizenship deprivation reflected strengthening of communitarian dimension of citizenship. One could see the shift in the legal doctrine as well. Krbek and Ocokoljić, in the commentary of the Citizenship Law of FPRY published in 1948 strongly approved legislative solutions related to citizenship deprivation by arguing about the right of the state authority to "deprive of citizenship persons who acted hostile or treacherous against the state".[67]

6. Deprivation of citizenship in Croatia and Yugoslavia in the aftermath of the Second World War in legal practice

Normative possibilities of citizenship deprivations were in significant measure realized in the legal practice of the post-war period. As part of this, the Presidium of the National Assembly deprived of citizenship the king Petar II Karađorđević and the members of the royal family on 8 March of 1947.[68] In the case, the decision was done based on the rule of the Citizenship Law of FPRY about deprivation of citizenship to citizens living abroad who "work, or had been working during the war against national and state interests of the FPRY, or did not fulfil civic duties".[69]

Furthermore, many Yugoslav citizens lost Yugoslav and republican citizenship because they did

not return in the homeland during the process of repatriation. Reasons for not coming back were of ideological nature. Some citizens also feared of repression, since the process of repatriation included check of returnees by the Yugoslav secret service.[70] Legal perquisite for formal deprivation of citizenship in the process of repatriation was an official act of the state authorities on the end of repatriation. The federal ministry of internal affairs issued such acts for Germany, Sweden, Norway and Denmark, on 11 January 1946, although due to transport and material difficulties prolonged the repatriation for Germany and Norway until 20 April 1946.[71] Furthermore, the federal ministry of internal affairs proclaimed end of repatriation for Poland on 14 February 1946,[72] for Hungary on 28 February 1946,[73] for Switzerland on 29 March 1946[74] and for Egypt on 29 May 1946.[75] Repatriation for Portugal ended on 12 November 1946[76] and for Italy on 18 January 1947.[77] After decision about the end of the repatriation, the federal minister of internal affairs instructed Yugoslav diplomatic missions to announce the end of repatriation. After this, two months term started to run. During this term, Yugoslav citizens who remained abroad had to declare an intent about retaining Yugoslav citizenship to diplomatic mission. In case they did not declare such intent, they ceased to be Yugoslav citizens and citizens of one of republics based on the rule of the Law on deprivation of citizenship.[78] According to views of some legal scholars of the period, these emigrants lost citizenship *ex lege* and therefore no specific

[63] Cf. art. 4. of the Law on confirmation and amendments of the Law on types of penalties of 5 July 1945. In: Službeni list: 66/1946.
[64] Cf. art. 35 para. 1 of the Criminal code of 1947. In: Službeni list: 106/1947.
[65] Cf. art. 4. of the Law on confirmation and amendments of the Law on criminal offenses against people and the state of 15 August 1945; art. 8 and 9 of the Law on confirmation and amendments of the Law on types of penalties of 5 July 1945; art. 37 of the Criminal code of 1947. A specific case of deprivation of political and civil rights see in: HR Hrvatski državni arhiv-306 Zemaljska komisija za utvrđivanje zločina okupatora i njihovih pomagača Narodne republike Hrvatske [the Republican commission of Peoples Republic of Croatia for determination of crimes committed by occupiers and their supporters], GUZ 2611/45, the box 23, Okružni sud Daruvar KZ 164/45.
[66] ŠTIKS, I., Nations and Citizens in Yugoslavia and the Post-Yugoslav States: One Hundred Years of Citizenship, London – New York, 2015, p. 62.
[67] Cf. KRBEK, OCOKOLJIĆ, *op. cit.,* p. 150.
[68] Cf. Službeni list FNRJ 64/1947.
[69] Cf. art. 16. par. 3 of the Citizenship Law of FPRY.
[70] The returnees were officially sent to secret service centers for interrogations. Cf. HR-Hrvatski državni arhiv-1522 Zemaljska komisija za repatrijaciju Hrvatske [The republican commission for repatriation of Croatia], box 4, document nr. 98/1947.
[71] Cf. Official announcement on the end of repatriation from Germany, Sweden, Norway and Denmark. In: Službeni list, 6/1946; Cf. A decision about end of repatriation from Germany and Norway, In: Službeni list, 34/1946.
[72] Cf. An order about end of repatriation from Poland, In: Službeni list, 16/1946.
[73] Cf. An order about end of repatriation from Hungary, In: Službeni list, 19/1946.
[74] Cf. An order about end of repatriation from Switzerland, In: Službeni list, 29/1946.
[75] Cf. A decision about end of repatriation of Yugoslav citizens from Egypt, In: Službeni list, 46/1946.
[76] Cf. An act about end of repatriation of citizens of FPRY from Portugal, In: Službeni list, 92/1946.
[77] Cf. A decision about end of repatriation of citizens of Federal People's Republic of Yugoslavia from Italy, In: Službeni list, 9/1947.
[78] Cf. art. 3 par. 1 The Law on deprivation of citizenship.

decision of state authority on the issue was necessary.[79] Consequence of such deprivations of citizenship was statelessness of these emigrants that were at that time part of large community of stateless persons that grew significantly after the Second World War.

Finally, the authorities deprived of their Yugoslav citizenship significant number of Yugoslav citizens of German nationality. Strictly legally speaking, legal basis for deprivation of citizenship to these persons was a rule of the Citizenship Law of the FPRY on deprivation of citizenship to „members of those nations whose states were in war against peoples of the FPRY".[80] Based on this rule deprived of citizenship could had been Yugoslav citizens of German nationality if „during the war or before the war, acted disloyal against national and state interests of the people of FPRY and in this way failed to fulfil citizen's duties".[81] Following this rule, the authorities enacted an amendment of the Citizenship Law of the FPRY in 1948. The amendment denied Yugoslav citizenship to citizens of German nationality who were at that time abroad and who during the war acted disloyally and offended duties of Yugoslav citizens.[82] According to the rule, these citizens were deprived of Yugoslav citizenship and were not recognized as citizens by Yugoslav authorities anymore. What is more, Zoran Janjetović argues that except providing legal deprivations of citizenship, Yugoslav authorities applied policy that blocked return of Yugoslav citizens of German nationality to Yugoslavia on the one hand and eased emigration of remained Germans abroad on the other.[83] To support this policy the Yugoslav authorities in the beginning of 1950-ties reached agreements with Germany and Austria that eased dismissal from Yugoslav citizenship and possibility of acquisition of German and Austrian citizenships.[84] Therefore, one should not that some Yugoslav citizens of German nationality lost Yugoslav citizenship in the procedure of dismissal based on these agreements and not because of formal citizenship deprivation.

7. Conclusion

The possibility of citizenship deprivation existed on Croatian territories already in the second half of 19th century. The possibility regulated the Law on acquisition and loss of Hungarian citizenship of 1879, which provided deprivation of citizenship to a person hired in an office of a foreign state without approval of state authority. This possibility was however very limited since it could affect only citizens hired in offices of foreign states and what is more, could affect only citizens who refused to leave this office after formally asked to do so. The concept of deprivation, which was dependent of the will of a citizen, reflected liberal values and emphasized strong position of a citizen in the citizenship relationship.

Significant changes related to regulation of citizenship deprivation happened in the interwar period. At first, on Croatian-Slavonian legal area and on the former Hungarian legal area still partly valid the Law on acquisition and loss of Hungarian citizenship of 1879 replaced the Citizenship Law of the Kingdom of Serbs, Croats, and Slovenes of 1928. This new regulation about citizenship status reflected different values and partly stepped away from liberal model. This Law and the Law on the structure of the military and the navy of 6 September of 1929 regulated deprivation of citizenship to a person hired in an office of a foreign state more authoritatively. What is more, the Citizenship Law of the Kingdom of Serbs, Croats, and Slovenes of 1928 provided possibility of denaturalization, which was not dependent on the will of a naturalized citizen. This argument as well as definition of assumptions for denaturalization support an argument about strengthening of republican and communitarian dimensions in the concept of citizenship.

Furthermore, important changes related to possibility of citizenship deprivations happened in the Croatian and in the Yugoslav legal order in the aftermath of the Second World War. The new regulations of citizenship law and of criminal law prescribed various possibilities of citizenship deprivations that could affect wide range of citizens. These regulations made possible deprivation of citizenship to naturalized citizens but also to citizens who acquired citizenship in other ways, including origin. They also made possible deprivation of citizenship to members of national minorities but also to members of Yugoslav nations. As a reason for deprivation, the rules often prescribed acts against national and state interests together with non-fulfilment of citizen's/civic duties.

In our opinion, defining reasons for citizenship deprivation that in considerable measure takes into account republican and communitarian arguments means strengthening of republican and communitarian dimension in the concept of citizenship. What is more, the new regulations and practices of citizenship deprivations after the Second World War indicate that Yugoslav authorities in the aftermath of the Second World War defined citizenship as "conditional membership" and to some extent not as a permanent bond but as a kind of precarious relationship.

[79] Such oppinion advocated Ivo Krbek, a professor of administrative law at the Faculty of Law in Zagreb. For his views cf. MEDVEDOVIĆ, *op. cit.*, p. 34; Later on similar opinion advocated Ivo Borković, a professor of administrative law at the Faculty of Law in Split. Cf. BORKOVIĆ, I., Prestanak državljanstva oduzimanjem u jugoslavenskom pravu. In: Pravna misao, Nr. 7-8, 1976, p. 44-52, p. 46.
Cf. p. 46.

[80] Cf. art. 16 par. 1 of the Citizenship Law of FPRY.

[81] Cf. art. 16 par. 1 of the Citizenship Law of FPRY.

[82] Cf. art. 1. of The amendment of the Law on citizenship of FPRY of 1948. In: Službeni list Federativne Narodne Republike Jugoslavije, 105/1948.

[83] Cf. JANJETOVIĆ, Z., O državljanstvu jugoslovenskih Nemaca. In: Tokovi istorije, vol. 1-2, 2002, p. 25-35, p. 33-34.

[84] Cf. JANJETOVIĆ, *op. cit.*, p. 34; Cf. GEIGER, V., Nijemci u Đakovu i Đakovštini, Zagreb, 2001, p. 191-192.