

THE NAME OF THE LANGUAGE IN THE CONSTITUTION ó A REFLECTION OF REALITY, OR UNREALISTIC DESIRES?

(Based on examples from Croatia, Bosnia and Herzegovina, and Montenegro)

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Introduction

Within a country's constitution, even though this is not obligatory, there may be texts defining the so-called official language of the respective country. These language texts put into constitution articles are not a mandatory prerequisite for the formalisation of a certain language in a certain country. The use of a particular language in the public sphere can also be regulated by the respective laws which are much broader and much more detailed in comparison to the strict and formal articles of the constitution. In our report, we want to focus on how, in certain years, the languages have been defined in the constitutions of some of the former Yugoslavia countries, namely Croatia, Bosnia and Herzegovina, and Montenegro. Our interest in this issue was caused by the fact that during the times of communist Yugoslavia and after the country's disintegration, the relevant articles of the Constitution didn't mention only one language, but the so-called glossonyms changed, or different explanations and additions were added to (or removed from) them. In view of our limited time, I will only focus on some atypical formulations which appear in the Constitution of the Kingdom of Serbs, Croats and Slovenes / of Yugoslavia (1921, 1931), the Socialist Republic of Croatia (1974), Montenegro (2007) and Bosnia and Herzegovina 1990s, 2002).

But first let's go back to the time when Yugoslavia was a monarchy.

Constitution of the Kingdom of Serbs, Croats and Slovenes (1921), Kingdom of Yugoslavia (1931)

From the perspective of the concept of the common language of Croats and Serbs from the first half of the 20th century, it is significant that this orientation was scientifically supported as early as the period before the emergence of the common Yugoslavian state, by the work of Serbian linguists Vuk S. Karadžić and Djura Daničić, Croatian philologist Vatroslav Jagić, and mainly by the scientific work of Croatian followers of the Vuk Karadžić language concept (the so-called Vukovians): Tomislav Maretić, Ivan Broz, Franjo Iveković, etc. The creation of the common South Slavonic state in December 1918 was the logical statesmanly

and political result of the previous social, cultural and language aspirations. In the Constitution of the Kingdom of Serbs, Croats and Slovenes of June 1921 (the so-called Constitution of the Day of St. Vitus, orig. *öVidovdanski ustavö*), which remained in effect until January 1929, as well as in the next Constitution of the Kingdom of Yugoslavia of September 1931, as regards the language it was stated that it was Serbo-Croatian-Slovenian (*ösrpsko-hrvatsko-slovena kiö*) (Yugoslavian Constitution, 1921, Article 3). The name of the language corresponded to the ideas of the united nation, unified under three names, but the linguistic and philological reality was quite different: Slovenes cultivated their Slovenian language, and the proclaimed Croatian-Serbian unity was so unstable that it was difficult to say whether such a unity existed at all. That is why this three-member formation of the common state or political language of Yugoslavia can be counted towards the category of empty ideologemes, of the kind of the *öCzechoslovakö* language known from the period between the two World Wars in Czechoslovakia.

**Declaration on the Name and Status of the Croatian Literary Language (1967),
Constitution of the Socialist Republic of Croatia (1972, respectively 1974)**

The political thawing of the second half of the 1960s, as well as the dissatisfaction of a significant part of the Croatian scientific and cultural community with the position of the Croatian language in Yugoslavia were reflected in the writing and the promulgation of the *Declaration on the Name and Status of the Croatian Literary Language* (*öDeklaracija o nazivu i položaju hrvatskog književnog jezikaö*, March 1967). Its main objective was a constitutional change, which would make it clear right away that in Yugoslavia there were four official languages: Serbian, Croatian, Slovenian, and Macedonian. This was how destroying the unity of the Serbo-Croatian language began; it was declared and specified in the so-called *Novi Sad Agreement* (*öNovosadski dogovorö*) of 1954. The theoretical considerations which supported the right of the Croatian language to an independent existence were prepared by Dalibor Brozovi (1970). The aspirations for Croatian language's emancipation were also manifested in the change of the then Croatian constitution. In a supplement to the 1972 Constitution, and later on in the new Constitution of the Socialist Republic of Croatia of 1974, it was already stated that for official communication (*öu javnoj upotrebiö*) *öCroatian literary language ö* a standard form of the national language of Croats

and Serbs in Croatia, which is called Croatian or Serbian¹ would be used (Croatian Constitution, 1974, Article 138).

Article 293 clarified that the authentic texts of federal laws and other regulations were promulgated in the SFRY State Gazette *õna hrvatskom knjiflevnom jeziku, latinicomö* (Ibid.). The new Constitution of the Republic of Croatia of December 1990 defined the official language as Croatian, with the Latin alphabet being the official one (Croatian Constitution, 1990, Article 12). It was added that in official communication, in the individual municipalities, in addition to Croatian and the Latin alphabet, another language and the Cyrillic alphabet or any other alphabet could also be used under the terms laid down by law.² With the new constitution, the Croats became the first Yugoslav people to finally reject the Novi Sad Agreement. Bosnia & Herzegovina and Montenegro approved new constitutions only after the breakup of socialist Yugoslavia.

Declaration on the Constitutional Status of the Montenegrin Language (1994), Constitution of Montenegro (2007)

The preparatory phase of the separation and creation of the Montenegrin literary language took place in the 1990s and was related to the voluminous, but also to a certain degree amateurish publications by Vojislav Nik evi (1935ö2007). In 1994 a group of Montenegrins led by the Montenegrin PEN Centre adopted a *Declaration on the Constitutional Status of the Montenegrin Language*, which title is *Language as a Homeland* (*õJezik kao domovina. Deklaracija Crnogorskog PEN centra o ustavnom položaju crnogorskog jezikaö*), because the Montenegrins were the only nation on the territory of the former Serbo-Croatian language whose mother tongue bore the name of a foreign nation (see Neweklowsky, 2010, p. 122). The declarersø objective was that in the Montenegrin constitution the glossonym *Serbian* be replaced with *Montenegrin*. At that time, in 1995, there was also remarkable international support in the form of the *Resolution of the International PEN Center on the Montenegrin Language* (*õRezolucija Me unarodnoga PEN centra o crnogorskom jezikuö*), which was prepared during the 62nd Congress of the International PEN Club held in Perth, Australia (see

¹ Orig.: õU Socijalisti koj Republici Hrvatskoj u javnoj je upotrebi hrvatski knjiflevni jezik ó standardni oblik narodnog jezika Hrvata i Srba u Hrvatskoj, koji se naziva hrvatski ili srpskiö. This is one of the most complicated definitions of an official language which we encounter in our material. There is an obvious desire to keep both sides in a dispute satisfied, at all costs.

² Orig.: õU Republici Hrvatskoj u sluffbenoj je uporabi hrvatski jezik i latini no pismo. U pojedinim lokalnim jedinicama uz hrvatski jezik i latini no pismo u sluffbenu se uporabu mofle uvesti i drugi jezik te irili no ili koje drugo pismo pod uvjetima propisanima zakonomö.

https://hr.wikipedia.org/wiki/Crnogorski_jezik). The final phase of the Montenegrin linguistic separation coincided with the emergence of an independent Montenegro, i.e. after 2006. The new Constitution of Montenegro of October 2007 states that the official language is Montenegrin, but it is added that Serbian, Bosnian, Albanian, and Croatian can also be used in official communication (Montenegrin Constitution, 2007, Article 13).³ Traditionally, the two alphabets are declared equal, there is no mention of a pronunciation version, but in Montenegro, however, only Ijekavian is spoken, and there is no longer any real risk of a Belgrade-pushed Ekavian pronunciation. Serbian linguist Milošević (2015) indicated a problematic moment, namely the fictitious difference between *official language* (šluflbeni jezik) and *language in official communication* (jezik u sluflbenoj upotrebi).

The name Montenegrin language appeared in the draft Constitution of the Kingdom of Montenegro of 1941, prepared by the Italian occupation authority. It stated in Article 3 that the official languages were Montenegrin and Italian (Burzanović, 2010).⁴ But this constitution never came into force. However, this formulation documented the rejection of Serbia and anything Serbian of the time, and was not the result of a sociolinguistic development or of a scientific linguistic activity.

The Bosnia and Herzegovina Constitution on the Issue of Language (1992–2002)

The first constitution of independent Bosnia and Herzegovina (B&H) was from 1992, amended in March 1993, and its Article 4 stated that the official language of the Republic of B&H was Serbo-Croatian, respectively Croato-Serbian language with Ijekavian pronunciation. It also stated the equality between Latin and Cyrillic (Bosnian Constitution, 1993, Article 4).⁵ A law of August 1993 redefined the official language, which remained ša literary language with Ijekavian pronunciation, called by one of the three names: Bosnian, Serb, Croatian. The international recognition of Bosnian language dates back to the Dayton peace talks and the Paris talks of 1995, although the new constitution of Bosnia and Herzegovina, which came into force after the signing of the General Framework Agreement for Peace in Paris in December 1995, does not explicitly speak of languages, this issue is left to the constitutions of the various constituent parts of B&H (so-called entities): the Federation of Bosnia and Herzegovina and the Republic of Srpska. The Federation's parliament approved

³ Orig.: Šluflbeni jezik u Crnoj Gori je crnogorski jezik. irilno i latini no pismo su ravnopravni. U sluflbenoj upotrebi su i srpski, bosanski i hrvatski jezik.

⁴ Orig.: Šluflbeni jezici Drflave su crnogorski i italijanski.

⁵ Orig.: ŠU Republici Bosni i Hercegovini u sluflbenoj upotrebi je srpskohrvatski, odnosno hrvatskosrpski jezik ijekavskog izgovora. Oba pisma, latinica i irilica su ravnopravna.

a constitution in March 1994, which stated among others, that the official languages of the Federation are Bosnian and Croatian and the official alphabet is Latin (FB&H Constitution, 1994, Article 6).⁶ Paragraph 1, which defined Bosnian and Croatian as the official language, is significant. For the very first time, Bosnian language was indicated in a constitution.

The Constitution of the Republic of Srpska of December 1992, supplemented in 1995, contained the following wording: the official language of the Republic is Serbian with Ijekavian and Ekavian pronunciations, and Cyrillic alphabet; the official use of Latin is regulated by a special law (Bosnian Serb Constitution, 1992, 1995, Article 7).⁷ The similarity to the Constitution of the Socialist Federative Republic of Yugoslavia (SFRY) of the time is more than obvious, only the Ijekavian version comes first, which is only understandable having in mind the language of the Bosnian Serbs. But as early as the winter of 1993 an attempt was made to eliminate this dualism from the official language of Bosnian Serbs. It was initiated by Srpska's Parliament Chairman Momilo Krajić, who was aspiring to formalize only the Ekavian version with the motivation that every ethnic that wants to be a nation must have united standard language (Brborić, Vuksanović and Gašević, 2006, p. 217).⁸ This political move was also confirmed by a 1996 Law on the Official Use of Language and Script (Zakon o službenoj upotrebi jezika i pisma – for more details see Board Decision No. 38 – Ibid., pp. 216–221), but it did not receive support even in Serbia. The Board for Standardization of the Serbian language stated in 1997 that in any case both phonetic versions of pronunciation were Serbian. In 1998 the Parliament of the Republic of Srpska formalized again the Ijekavian pronunciation. The issue of phonetic dualism remained topical. At this point, we want to recall that the Ekavian pronunciation is typical of Serbia alone (and not even of the entire territory). Serbs in Bosnia and Herzegovina, Croatia and all of Montenegro speak Ijekavian.

As a result of the ruling of the Constitutional Court of Bosnia and Herzegovina of 2000, stating that the Constitution shall ensure equality of all three languages throughout Bosnia and Herzegovina, the Constitution articles were amended. Thus, the following supplement was

⁶ Orig.: (1) Službeni jezici Federacije su bosanski jezik i hrvatski jezik. Službeno pismo je latinica. (2) Ostali jezici se mogu koristiti kao sredstva komunikacije i nastave. (3) Dodatni jezici mogu se odrediti kao službeni u većinom glasova svakog doma Parlamenta Federacije, uključujući i većinom glasova bosnijskih delegata i većinom glasova hrvatskih delegata u Domu naroda.

⁷ Orig.: U Republici je u službenoj upotrebi srpski jezik ijekavskog i ekavskog izgovora i cirilno pismo, a latinsko pismo na područjima određena zakonom. Na područjima gdje žive druge jezičke grupe u službenoj upotrebi su i njihovi jezici i pisma, na područjima određena zakonom. The first constitution of the Serbian state formation within Bosnia and Herzegovina was the Constitution of the Serbian Republic of Bosnia and Herzegovina of February 1992, whose Article 7 was identical to that of the later Constitution of the Republic of Srpska.

⁸ Orig.: Švaki narod koji hoće da bude nacija mora imati jedinstven jezički standard.

included in the Federation's Constitution in April 2002: "Službeni jezici Federacije Bosne i Hercegovine su: bosanski jezik, hrvatski jezik i srpski jezik. Službena pisma su latinica i cirilica. (2) Ostali jezici mogu se koristiti kao sredstvo komunikacije i nastave" (FB&H Constitution, 2002, Article 6). The proposal for amendment of the Constitution of the Republic of Srpska was as follows: "Srpski, hrvatski i bošnjački jezik, cirilica i latinica su službeni jezici i pisma u Republici Srpskoj. Na in takve službene upotrebe jezika i pisma uređuje se zakonom." However, Wolfgang Petritsch, then High Representative for Bosnia and Herzegovina, did not agree with this wording as he found calling Bosniaks language *bošnjački* (i.e. Bosniak) problematic. Bosniaks themselves preferred the term *bosanski* (i.e. Bosnian). The updated wording of April 2002 was as follows: the official languages of the Republic of Srpska are: the language of Serbian nation, the language of Bosniak nation, and the language of Croatian nation. The official alphabets are Cyrillic and Latin (Bosnian Serb Constitution, 2002, Article 7).⁹

Bosnian language is currently present in the constitutions of the Federation of Bosnia and Herzegovina, Montenegro, and the constitution of independent Kosovo as Article 5 (2) of the Kosovo Constitution states: Turkish, Bosnian and Roma languages have the status of official languages at the municipal level or will be in official use at all levels as provided by law (Kosovo Constitution, 2009, Article 5).¹⁰ The Constitution of the Republic of Srpska consciously avoids the adjective *bosanski* "Bosnian" and replaces it with the phrase *jezik bošnjačkog naroda* ("language of Bosniak nation").

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⁹ Orig.: "Službeni jezici Republike Srpske su: jezik srpskog naroda, jezik bošnjačkog naroda i jezik hrvatskog naroda. Službena pisma su cirilica i latinica."

¹⁰ Orig.: "Turski, bosanski i romski imaju status službenih jezika na općinskom nivou ili će biti korišćeni kao službeni na svim nivoima, u skladu sa zakonom."

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Abstract

The paper analyzes the constitutional articles about languages of selected Yugoslav and post-Yugoslav countries, former šSerbo-Croatianš federal republics: Croatia, Bosnia & Herzegovina, and Montenegro. During the Yugoslav monarchy the constitutional article declared the official language idealistically as Serbo-Croatian-Slovenian. At the time of World War II, in occupied Montenegro, there was the first attempt to constitutionally enshrine the glossonym Montenegrin language. After the so-called Novi Sad Agreement (1954) the literary forms of the language of Serbs, Croats and Montenegrins were unified in the framework of one pluricentric standard language with a mandatory two-part name (Serbo-Croatian) with two variants (šEkavianš written in Cyrillic and šIjekavianš written in the Latin alphabet), which is reflected in the respective constitutional articles. After the Croatian šDeclaration on Croatian languageš (1967), the Novi Sad arrangement began to be disturbed, which culminated in the language article in the Croatian Constitution of 1990. The new Montenegrin constitution from 2007, on the other hand, for the first time officializes the glossonym šMontenegrin languageš. The most complex national and language situation was in Bosnia & Herzegovina, and this situation naturally also affected the problems connected

with the constitutional articles about language in the constitutions of B&H, the Federation of B&H and the Republic of Srpska.

Key words

Constitutional Articles on Language; Yugoslavian Constitutions (1921, 1931); Croatian Constitution (1974); Bosnian-Herzegovinian Constitutions (1990s, 2002); Montenegrin Constitution (2007)

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