

UDC 341.218(497.5)"1941/1945"; 94(497.5)"1941/1945"

CERIF: H 300, S 115, S 140

DOI: 10.51204/Anali_PFBU_24305A

Miloš ZDRAVKOVIĆ, PhD*

ELEMENTS OF STATEHOOD OF THE INDEPENDENT STATE OF CROATIA (1941–1945)**

The historical phenomenon of the Independent State of Croatia (NDH) is subjected to a basic legal theory analysis, which showed that this Nazi creation, at least to a minimal extent, possessed all the elements of statehood. On a large part of its territory, the Ustasha regime had a monopoly of physical force and was able to implement its basic political purposes. In this regard, the organization of terror against a large number of its inhabitants, which implied a completely new legislation, the formation of new judicial, police and other authorities, the organization of the camp system and railway transport, etc., proves a sufficient measure of the efficiency and regularity of the actions of the NDH state government. Such action produced wartime chaos, which eventually resulted in the loss of elements of statehood, with the creation of a new Yugoslav state in its territory.

Key words: *Independent State of Croatia (NDH). – Elements of statehood. – International recognition. – Functions of the state. – Legitimacy.*

* Assistant Professor, University of Belgrade Faculty of Law, Serbia, *milos.zdravkovic@ius.bg.ac.rs*, ORCID iD: 0000-0002-8096-5149.

** This paper results from research conducted within The Horizon Twinning project „Advancing Cooperation on The Foundations of Law – ALF“ (project no. 101079177). The project is financed by the European Union.

1. INTRODUCTION

Postwar Yugoslav constitutionalists and historiographers unanimously refused to consider the Independent State of Croatia (NDH) phenomenon as a state. The statehood of the NDH was explicitly denied also in its designation, with the official name of the state being preceded by „so-called“, with the addition of the qualification „Ustasha“, or the word „state“ was written in lowercase, in contravention with the rules of capitalization. There is no doubt that such a unison opinion by different authors was dictated by the official position of the Yugoslav authorities. They denied the statehood of the NDH for various political, international, ideological and other reasons, which consequently led to a lack of academic freedom.

The arguments used to back the position that the NDH was not a state differ greatly and can roughly be classified into four theses: on crimes, on resistance, on protectorate, and on illegality. Many authors provided arguments supporting the thesis that the NDH cannot be considered a state because it continuously carried out crimes against its own population. The thesis about resistance is presented by authors who claim that the National Liberation Movement was a key internal factor that unambiguously indicated that the NDH never had its own support, but that it was solely the artificial creation of the occupying forces. The third thesis is presented by authors who point out the argument that the NDH was merely the protectorate of Germany and Italy, without elements of statehood, while the fourth thesis, on illegality, is defended by constitutionalists, claiming that the NDH was created through the occupation by foreign powers, in violation of current international and internal rules, and therefore its statehood cannot be recognized (Marinkovic 2017, 78–81).

Even without the burden of ideology, the conceptual defining the state is rather problematic. The complexity of the state, as the highest level of political organization of human communities, as well as their diversity, has led to the absence of a common definition. For this reason, state theorists have sought its definition in its various aspects: form, organization, functions, enforcement ability, the sovereign position it assumes in the international system, the power to orient political action, instrument of the ruling classes, etc. (Jessop 2008, 112). However, despite this diversity, there is an undivided opinion in general legal theory that every state consists of three basic elements: territory, population, and state authority, because without the existence of all three elements one cannot discuss the existence of the

state.¹ Therefore, the state is created when all three elements are achieved, and it dissolves when it loses one of them. The necessary and minimum condition for the existence of the state is the existence of a state authority that has monopoly on use of physical force in its territory, which allows it to efficiency its effective enforcement over the population that inhabits the territory.

Primitive forms of state authority, present in pre-modern state forms such as during Antiquity (e.g., ancient Greece and Rome) or the Middle Ages (various duchies, counties, marches, etc.) are reflected precisely in power based on the threat or actual application of enforcement. More developed forms of state authority, characteristic of the modern state, imply its application based on the predefined general legal rules implemented through its extensive bureaucratic apparatus, which makes the state a genuine defined political community. In addition to the legality, the state authority also features legitimacy, which is concisely defined as its acceptance by the majority of the population over which it is exercised. Finally, in order for an authority to be labelled as state, it must be sovereign. Sovereignty is a dual feature of state authority – in addition to the inner supremacy, expressed in its monopoly on use of force; it is also independent externally, in relations with other states.

In addition to the three basic elements of the state, authors studying the state from the position of theory of international law also include a fourth element of statehood – the ability of the state to enter into relations with other states (see Bobbitt 1996, 103–105; Jonjić 2011, 670–675; Krstić, Jovanović 2017, 197–203). Two fundamental theoretical principles on the emergence of the state have crystalized as part of the international law doctrine. According to the first one – the declaratory theory or the theory of effectiveness – the creation of the state was only a fact, which as such cannot be reduced to the legal framework. Its creation, therefore, depends solely on fact, i.e., whether there is an organized effective authority within a given territory, regardless of whether the act of its creation was illegal or not. The founding of the state therefore is not subject to legal assessment, i.e., it does not depend on international recognition, since international law does not stipulate the rules on the creation of new states, nor do the acts of recognition by other state have a constitutive effect – but rather only a

¹ In addition to the usual reasons for the dissolution of a state, such as breakup or war conquest, it can also dissolve due to rising sea levels, such as the island state of Tuvalu, which is in danger of losing territory.

declaratory one. Unrecognized states certainly exist just as recognized ones do; the only difference is that recognized states can enter into international legal relations, while unrecognized states cannot.

In contrast to the classic theory of effectiveness, new constitutive theory does not reject the legal assessment of the creation of new states, i.e., it does not perceive the creation of a new state solely as a matter of fact, but requires that such a situation is created in accordance with the norms of international law. Since international law does not prescribe the conditions for the creation of a state, this additional condition is actually expressed negatively, meaning that the state cannot be created if the act of its creation „represents the flagrant violation of international law, and especially its cogent norms“ (Krstić, Jovanović 2017, 200, all references in Serbian and Croatian were translated by the author). This implies that the acts of recognition by other states do not have only a declaratory, but also assume a constitutive effect, without which the newly-emerged creation could not qualify as a state. The best-known example of such an unrecognized state is the Turkish Republic of Northern Cyprus. Its creation through Turkey’s military invasion of the part of the territory of Cyprus with a Turkish population in July 1974, as well as its proclamation of independence in 1983, were condemned in UN Security Council Resolutions 353 and 541. This state has not been recognized by any other state (with the exception of the Republic of Türkiye), since it was created through serious violations of norms of international law, i.e., aggression.

Unlike Northern Cyprus, which was denied international recognition on account of its illegal creation, there are many cases of internationally recognized states that were also created through flagrant violations of the norms of international law. This proves that to this day international law has not laid down indisputable criteria for the assessment of whether an entity is a state or not, furthermore – no clear and grounded rules on the creation and recognition of states can be identified with certainty. At the same time, this also provides arguments that international law can only be discussed conditionally as a legal order in the common meaning, because it sometimes levitates between the sphere of law and international relations of power and force (Bobbitt 1996, 103, 111).

2. INTERNATIONAL RECOGNITION OF THE NDH

When Slavko Kvaternik proclaimed the Independent State of Croatia on Radio Zagreb, on 10 April 1941, he very clearly and with full rights emphasized that it was the will of the Ustashas’ allies, i.e., Germany and

Italy, rather than „the centuries-old struggle of the Croatian people and the great sacrifice of our *Poglavnik* Dr. Ante Pavelić, and the Ustasha movement“, that was decisive for the establishment of Croatian statehood (according to Horvat 1942, 625). At the same time, the Ustashes' allies were the occupiers that had used military force to take over the Yugoslavian space, and it was their will that decided Croatia's statehood, the degree of its independence and its position within „the new European order“, as was also the case with the borders of the new state, which at that moment had not yet been established.

The unprepared solutions regarding the new Yugoslav situation, which had been created by the state coup, required improvisation, which revealed certain collisions of the interests of Germany and Italy. The previously established division of spheres of interest between the Axis powers defined Italy's primacy in the Adriatic region. However, at that specific time Hitler was especially angry with his Italian partner. As had been the case previously in the Great War, the Italian military might had proven unreliable and he was no longer prepared to cede the entire Croatian area to the Italian side. He therefore made decisions on his own, and simply notified Mussolini about the more important ones. It was only after Hitler had told him about his decision to break up Yugoslavia that Mussolini summoned Pavelić, with the idea of using him to achieve his ambitions in connection with the Adriatic region.

At the same time, independently of the Italians, the Germans were counting on Vladko Maček, the leader of the Croatian Peasant Party (HSS), as the indisputable Croatian leader. However, Maček turned down the Germans' arrangements despite significant pressures, so they turned to far-right groups. The idea to take advantage of the Croatian independence aspirations in order to break up Yugoslavia more easily and go through former Austro-Hungarian officer Slavko Kvaternik and a relatively small group of Ustashes in the country, at the very inception meant less support among the Croatian population for the future state leadership.

The disagreement between the Germans and Italians regarding the status and borders of the NDH were greatly resolved on April 14, when Pavelić stopped in Karlovac enroute to Zagreb. Mussolini insisted that Pavelić once again – in official form – confirm the previously accepted obligation to cede Dalmatia to Italy. Following some friction between Germany and Italy, it was agreed that the issues of recognition and borders of the NDH would be separated, which was the condition for Italy to recognize the NDH as a state. In accordance with this agreement, Pavelić sent telegrams from Karlovac to

Hitler and Mussolini, requesting that they recognize the NDH (Colić 1973, 112). He received both answers already on the following day, April 15. Hitler wrote

„Dr. Ante Pavelić, Zagreb. I thank you for your telegram and dispatch from General Kvaternik, notifying me of the proclamation of the Independent State of Croatia, in accordance with the will of the Croatian people, requesting that the German Reich recognize the Independent State of Croatia.

„It is my special joy and pleasure to be able to inform you that the German Reich recognizes the Independent State of Croatia at an hour when the Croatian people have found their long-desired freedom through the victorious onslaught of the forces of the Axis powers. The German government will rejoice reaching an agreement with the Croatian people regarding the borders of the new state in the free exchange of ideas. I send you and the future of the Croatian people the best wishes“ (according to Čulinović 1970, 230).

Mussolini's answer to Pavelić read

„Dr. Ante Pavelić, Zagreb. I have received the dispatch in which you inform me of the proclamation of the Croatian state, in accordance with the will of the Croatian people, asking me for the recognition of the Independent State of Croatia by Fascist Italy. It is with the greatest pleasure that I welcome the new Croatia, which has today won its long-desired freedom, when the Axis powers destroyed the artificially created Yugoslavia. I am glad to be able to inform you that the fascist state recognizes the independence of the Croatian state. Fascist Italy looks forward to reaching an agreement with the Croatian people on defining the borders of the state, which the Italian people wish all the best“ (according to Čulinović 1970, 231).

Even before the NDH was recognized by its creators, Hungary hurried to be the first to do so, announcing already on April 10 that it was recognizing the new state. Its consul general in Zagreb travelled to Karlovac on April 14, where Pavelić was at the time, to personally convey his government's message regarding the recognition (Jelić-Butić 1977, 95; Colić 1973, 113). The reason for such haste was the bilateral treaty on „eternal friendship“ between Hungary and Yugoslavia, which was concluded in December 1940. For the Hungarian side the proclamation of the NDH meant that Yugoslavia had ceased to exist, and consequently so did the obligations towards it. This was the justification for the occupation of part of the Yugoslavian territory, since Hungarian troops had crossed the border with Yugoslavia the day after the NDH was proclaimed. Further recognition of the NDH came from Slovakia and Bulgaria, which recognized it in April, and in the following months it was recognized by Romania, Japan, Spain, Denmark, Finland, Manchukuo and the

National Government of the Republic of China. All the states that recognized the NDH *de jure*, a total of twelve, were signatories to the Tripartite Pact or the Anti-Comintern Pact, which the NDH joined following its establishment.

In addition to the *de jure* recognition, the NDH entered into legal relations with several other states, and such relations can be understood as *de facto* recognition by these states. The NDH made special efforts aimed at gaining recognition by the Vatican. In May 1941 Pavelić personally visited Pope Pius XII, however, during the entire period of existence of the NDH, the Vatican officially recognized Yugoslavia and maintained diplomatic relations with its government in exile through its mission to the Vatican. On the other hand, it exchanged permanent representatives with the NDH, and sent Benedictine Abbot Giuseppe Ramiro Marcone as its apostolic delegate while the NDH government established the Office of the Extraordinary Plenipotentiary at the Vatican, who did not have any formal ties to the NDH mission in Rome (Krstić, Jovanović 2017, 215). The extent to which the NDH cared about relations with the Vatican being portrayed at the highest official level is illustrated by the fact that the Vatican delegate, Abbot Marcone, despite his formal status, was included in the list of accredited diplomats, and frequently attended public events in Zagreb with other diplomats (Matković 1994, 61; Colić 1973, 113).

In addition to the Holy See, the NDH government strived to gain *de jure* recognition from neutral Switzerland, which never transpired, primarily due to opposition from British and American diplomats. During the war, the Yugoslav mission was active in Bern, because Switzerland had continued to recognize its government in exile, however, it also maintained its consulate in Zagreb. As was the case with the Holy See, the NDH treated the Swiss consul as a diplomatic and not a consular representative. Switzerland also concluded two trade treaties with the NDH, and as the depository of certain international treaties, it responded affirmatively to the request of the NDH government to join the Universal Postal Union (Jonjić 1999, 271). Based on the concluded trade agreements, Switzerland allowed the establishment of the NDH Permanent Trade Representative. As the Embassy of the Kingdom of Yugoslavia continued to operate in Bern, the Swiss seated the Office of the NDH Permanent Trade Representative in Zurich, which conducted diplomatic and consular, as well as intelligence tasks, with tacit consent from the Swiss (Jelić-Butić 1977, 96; Jonjić 1999, 272–278). In addition to Switzerland, the NDH also concluded trade agreements with Vichy France in 1942 and the French consulate functioned in Zagreb. Furthermore, the NDH established Permanent Missions for Commercial Affairs in Paris and Lyon, and a Croatian cultural mission was established in Vichy (Jonjić 2011, 697; Krstić, Jovanović 215). All things considered, there were seven

missions (embassies) of Axis and satellite countries in Zagreb. On the other hand, during his address to the Croatian State Assembly in 1942, Foreign Minister Mladen Lorković „summarized the first months of the existence of the Ministry of Foreign Affairs: five departments with twenty sections and subsections were established, embassies were opened in Rome, Berlin, Bratislava, Budapest, Sofia, Bucharest, Madrid, and Helsinki, and consular missions of various levels in Zadar, Milan, Vienna, Prague, Munich, Graz, Rijeka, Ljubljana, Maribor, Belgrade, and Florence“ (Trifković 2016, 38).

3. DEFINING THE BORDERS OF THE NDH

The first more explicit plan regarding the dismemberment of the Yugoslavian state territory was determined by Hitler as part of the Interim Guidelines for Dividing Yugoslavia, i.e., Directive 27, dated 12 April 1941. Among other things, the document states that Croatia „will become an independent state within its national borders. Germany will not interfere in its internal political situation“ (Jelić-Butić 1977, 84). Based on the Interim Guidelines, it appears that Germany was not counting on Bosnia and Herzegovina being part of the Croatian national borders, because the political shaping of the BiH space had been ceded to Italy. With certain divergences, these guidelines would be confirmed in direct talks between the German and Italian ministers of foreign affairs, Joachim von Ribbentrop and Count Galeazzo Ciano, who discussed the division of interests in Yugoslavia in Vienna on April 20–21. The difference in the interests of the two Axis partners would define the future statuses of the dismembered parts of the Yugoslav kingdom. The greatest part, slightly more than two fifths of the Yugoslav territory, was to go to the NDH. Despite the fact that Germany had formally recognized the independent status of the new Croatian state, the Italian interests were given priority.

The border with the Third Reich was established based on the agreement signed on 13 May 1941, which actually demarcated the NDH from the part of Slovenia that was absorbed by Germany. Since the southern part of Slovenia was annexed by Italy, the remainder of the western border of the NDH was established through the exchange of notes in July 1941. The border that extended from „the tripoint of the NDH, German and Italy at Žumberačka Gora, along the river Krupa through Gorski Kotar, to the Bay of Bakar“ (Matković 1994, 64). Pavelić proclaimed the eastern border toward occupied Serbia in a unilateral act, the Legal Decree on the Eastern Border of

the Independent State of Croatia, which was adopted on 7 June 1941 – with Germany's previous consent, of course.² In the Legal Decree Pavelić drew the eastern border of the NDH as

„1. from the confluence of the Sava into the Danube, up the Sava to the confluence of the Drina into the Sava;

2. from the confluence of the Drina, up that river, to along its most eastern branches, with all the islands in the Drina belonging to the Independent State of Croatia, to the confluence of the Brusnica stream into the Drina, east of the village of Zemlica;

3. from the confluence of the Brusnica stream into the Drina the border of the Independent State of Croatia goes overland, east of the Drina, along the old border between Bosnia and Serbia, as it had existed prior to 1908.”³

While the demarcation with Germany and with the territories occupied by it proceeded rather smoothly, significant problems appeared in the demarcation with Hungary and Italy. At the very beginning of the invasion of Yugoslavia, Hungary occupied the territories of Bačka, Baranja, Medjmurje and Prekomurje. The occupation of Medjmurje, which had a majority Croatian population, was carried out by the Hungarian armed forces under the pretext of military strategic reasons, while recognizing Croatia's sovereignty over that region. Despite the promises of the Hungarian consul general, who already on April 14 in Karlovac had told Pavelić that Hungary recognized Medjmurje as an integral part of the NDH, in spite of its military occupying the territory, the delegation that came to Zagreb in June 1941 resolve the demarcation of the two states, proposed the border that had existed prior to 1918. The old border separated Medjmurje from Croatia, and the Hungarian delegation cited its historical rights, regardless of the fact that the Croats constituted the majority of the population in the territory. Following a series of unsuccessful talks on the status of the disputed area, the Hungarian side proved unquestionably stronger, and in several moves it achieved its full sovereignty over Medjmurje (Jelić-Butić 1977, 94).

² German administration also extended to the territory of eastern Sarmia, which according to the internal division of Austria-Hungary belonged to the territory of Croatia, but in early October 1941 the German government decided that the eastern Sarmia and Zemun should be ceded to the NDH. That same month, Pavelić passed the Legal Provision on Extending the Legal Regulations to the Territory of the City and District of Zemun, as well as the Remaining Area of Eastern Sarmia.

³ The NDH laws and legal provisions are cited according to the official publication Mataić, A. (ed.). 1944. *Nezavisna Država Hrvatska – Zakoni, zakonske odredbe i naredbe (knjiga I – L)*, Zagreb: Tisak i naklada knjižare St. Kugli.

The demarcation and relations with Italy proved to be the most problematic ones for the young NDH state. While acting in exile, its Ustasha ideologists advocated the idea of an independent Croatia whose territory would extend to its entire ethnic and historic area.

The Ustashes were not the only ones who objected Croatia's crescent shape and they believed that for a better geostrategic shape and position, Croatia required the „belly“, i.e., Bosnia and Herzegovina. Even though the 1939 internal division of the Kingdom of Yugoslavia, when the Banovina of Croatia was established, to some extent changed this crescent shape (by shortening the ends and widening the middle), the Ustashes considered such a solution to be a national betrayal, because their national conception considered Bosnia and Herzegovina a Croatian area. This territory had never been part of „historical Croatia“, but the Ustashes considered it a Croatian ethnic area. Since Catholics represented the third largest confession in BiH, the Ustashes pointed out the rather senseless thesis that the Muslim population in Bosnia actually represented the ethnically purest Croats, the so-called „flowers of the Croatian people“. Guided by this nonsense, the Ustashes also proclaimed the Sandžak area as their ethnic area, since Muslims represented the largest portion of the Sandžak population.

Due to their collaboration with the Italian fascist government, which had provided them sanctuary while in exile, the Ustasha ideologists consciously remained silent about notorious facts – because there was much more reason to claim that the Istria and Rijeka regions, which had a majority Slavic Catholic population, were Croatian ethnic space, rather than BiH and Sandžak. However, not only did the Ustashes not point this out – they were almost completely quiet about the very poor position of this population within the borders of the Kingdom of Italy, where they were denied the right to their national identity and language, and also underwent forced Italianization during the entire period of fascist rule. Pavelić was even prepared to cede indisputable parts of the Croatian state territory to the Italians, for the sake of his personal power and in contravention with Croatian national interests.

Since Germany had not counted on the Bosnian territory being part of the NDH state area at the time of its conception, the issues of the status and demarcation of the NDH primarily entailed an agreement with Italy, while the new Ustasha government was only a second-rate factor in this respect (Jelić-Butić 1977, 84). It was precisely during this period, following the ignominious campaigns in 1940–1941, that Mussolini endured significant pressure at home. Consequently, the absorption of Dalmatia into Italy represented an urgent matter that the entire Italian public expected, and which was supposed to improve his dictatorial reputation. This only placed the newly established Ustasha regime in a graver situation. It was necessary,

on the one hand, to fulfill the previously accepted obligations towards fascist Italy,⁴ and on the other, to prevent the loss of Dalmatia from undermining the thin foundations of the Ustasha rule. Pavelić chose a waiting policy, hoping that the Italian occupation and its appetites would weaken over time. Mussolini did not feel like waiting and the issue of demarcation and arranging the relations with the NDH was an urgent one for him. For this reason, the Italian occupation forces did not allow for bodies of the new Croatian state to be established in the territory that it controlled, pending the resolution of the fundamental issues.

At the meeting in Vienna on April 20–21, Ribbentrop and Ciano finally agreed that the entire Yugoslav area would remain in a state of occupation, regardless of the proclamation of the NDH. Many differences between the Italian and German interests emerged during this meeting. Germany were primarily interested in the new Croatian state becoming independent as quickly as possible so that the German military would not have to remain in it, and so that the German government could exploit the Croatian area as much as possible, through economic and trade agreements. On the other hand, Italy did not want the NDH to become independent, because it fostered ambitions of gaining territory at Croatia's expense, and to tie the rest of the country to itself through personal, monetary, customs and other unions (Jelić-Butić 1977, 87). The conflicts between the German and Italian interests were ultimately resolved through agreement, although the friction between the Axis partners continued until Italy's capitulation in 1943. The Yugoslavian occupied space was divided between German and Italy, and the demarcation line was finally established on 23 April, dividing the NDH territory into the northern part, which was occupied by the Germans, and the southern, which was under Italian occupation. The demarcation line extended from the tripoint of Germany, Italy and the NDH at Žumberačka Gora, to the northern border with Montenegro (continuing on to Kosovo and Metohija), approximately 200–250 kilometers parallel with the Adriatic coast. The large cities were predominantly in the German occupation zone,

⁴ Pavelić had established contact with the Italian fascist as early as June 1927, when he was received in Rome by high-ranking officials of the National Fascist Party, to whom he complained about the horrific position of Croatia within the Kingdom of Serbs, Croats and Slovenes, and expressed his desire to create his own state within the Italian sphere of interest. At the time Pavelić submitted a memorandum in which he pointed out that „the Croats are prepared to adapt to the sphere of Italian interest, politically and economically, as well as militarily.“ By monopolizing the interpretation of Croatian national interests, Pavelić acted *longi manu* in his memorandum, pointing out that the Croats „are prepared to carry out the ultimate consequences even further than the limitations from the Treaty of Rapallo“ (according to Matković 1994, 29).

and Germany exercised the right of the stronger and ensured its economic interests also within the Italian occupation zone, primarily ore mining, which its war machine was dependent on.

Pavelić's waiting strategy, which also had been supported by Germany, for its own interest, proved to be a failure (Krizman, 1978, 459). For Mussolini the issue of demarcation and regulation of relations with the NDH could not be delayed, so Pavelić was forced to immediately resolve it. Barely two weeks after the NDH had been proclaimed, Ciano invited Pavelić to a meeting – which was held already the following day, on 25 April, in Ljubljana. At the meeting the Italian side presented its maximal territorial demands, but Pavelić could not agree to the entire Adriatic coast, from Rijeka to the Bay of Kotor, go to Italy. In essence, he did not dispute the Italian imperialist ambitions, which had helped him rise to power, but he tried to preserve Croatian interests in this disputed region to some extent.

Since the meeting in Ljubljana had not yielded a concrete solution, further negotiations proceeded through regular diplomatic means. Being much more powerful in the negotiations, Italy continued to pressure Pavelić, who would not give in. He deviated from his position regarding the territorial demarcation, which he had defended at the meeting in Ljubljana, asking only for the city of Split with the immediate hinterland, but he softened even this view, demanding only joint administration in Split. He agreed for the NDH to enter a personal union with the Kingdom of Italy, but he managed to avoid the creation of a customs and monetary union, and he also did not give in to the demand that the NDH military be placed under the direct control of its Italian counterpart (Jelić-Butić 1977, 88).

Since the views of the two unequal sides were brought very close, with the Croatian side agreeing to most of the Italian demands, a final meeting between Mussolini and Pavelić was held in Monfalcone, near Trieste, on May 7. Mussolini was correct in judging that the territorial loss of Dalmatia would represent a great blow to the new Ustasha government, which is why he prepared to cede most of the Bosnian territory to his proteges from their days in exile, as a form of compensation, so that they might be able to soften the loss of Dalmatia in the eyes of the Croatian public.⁵ He also showed the willingness to make concessions to Pavelić regarding certain smaller territories in the Adriatic. Italy's backing down from demands for

⁵ During the negotiations on arranging relations between Italy and the NDH, even Count Ciano was aware that excessive Italian territorial ambitions could lead to Pavelić's downfall, which would jeopardize Italy's interests (see Krizman 1980, 20–37). On the other hand, the NDH propaganda covered up the loss of the majority of Dalmatia with the fact that Croatia had never been larger territorially.

direct control of the NDH armed forces was resolved through the significant demilitarization of the Croatian-controlled Adriatic area, where the NDH was allowed to maintain only symbolical forces.

At the meeting in Monfalcone it was agreed that the entire arrangement would be properly formalized, so the delegations of the two governments, headed by Mussolini and Pavelić, concluded three bilateral treaties on 18 May 1941 in Rome: the Treaty on Determining the Borders between the Kingdom of Croatia and the Kingdom of Italy, the Treaty on Matters of Military Importance Pertaining to the Adriatic-Litoral Area, and the Agreement on Guarantees and Cooperation between the Kingdom of Croatia and the Kingdom of Italy. This set of international treaties is known as the Treaties of Rome. The former was the most important in regard to defining the state territory of the NDH, defining its southern border, which annulled the Croatian national interests in Dalmatia that had previously been successfully defended within the Kingdom of Yugoslavia.

4. THE POPULATION OF THE NDH

In addition to territory, the second basic element that comprises a state is its population. The population are all the people located in the state territory, its citizens, foreigners and stateless persons. The legal order of the state applies to all of them – those permanently residing in its territory, as well as persons only temporarily residing there. This principle of the territorial, i.e., spatial application of law is characteristic of modern states, while during previous periods, in premodern states, the personal principle was also applied to a significant extent.

The greatest portion of the population of a state are its citizens, while foreigners and stateless persons are fewer in number.⁶ Citizenship is defined as the personal, permanent and public legal connection between a person and a state, creating a system of mutual rights and obligations. On the one hand, citizens enjoy certain rights that other members of the population do not have, such as active or passive voting right, the right to political participation, certain social rights, the right to work at state institution, etc., while on the other hand, they have special obligations, primarily the obligation to defend the state. Furthermore, the state has the obligation to

⁶ There are exceptions to this rule, such as Qatar and the United Arab Emirates, which, due to economic development policy, have accepted a large number of foreign citizens, and they presently constitute the majority of the population.

protect its citizens even when they are not located on its territory, i.e., when they have the status of foreigner, which it does through its diplomatic and consular missions.

In ancient slave and medieval feudal states, the difference between members of the population were much greater than they are today. Those who permanently resided in the territory of a state at the time were divided into free and unfree, and there were difference between free persons in their status. In the course of development of the state, from its premodern to its modern and contemporary forms, there has been a notable tendency for the citizens to have equal rights, which could be claimed to be achieved only in liberal democratic states, but also the reduction of the differences between citizens on the one hand, and foreigners and stateless persons, on the other. Contemporary liberal democratic states provided equal political rights to women only in the 20th century, while one of them, the United States of America, was implementing racial segregation policies at the same time. The most populous country in the world still has a caste system, while the legal position of women in many Islamic countries is not equal to that of men.

The development of the state as a political community can therefore be observed as a general history of human inequality. Perceived in this framework, especially taking into account the space and time of the creation of the first South Slav country, the 1921 Constitution of the Kingdom of the Serbs, Croats and Slovenes was progressive in many respects. It abolished numerous legal inequalities that had previously existed in its territory. The state was defined as lay, democratic, liberal and social, annulling the previous privileged position of the clerical, aristocratic and large landowner minority. Therefore, following its adoption, the noble titles retained only a symbolic, but not status significance, and it abolished serfdom, which had still existed in some regions. The Kingdom of SCS abolished the property threshold in the parts of the territory previously included ion the Austria-Hungary, which significantly expanded the population that enjoyed political rights. This was a factor that led to the sudden development of the Croatian Peasant Party, which the rural population massively supported. The political emancipation of women did in fact occurred only in the postwar Yugoslavia, and it should also be pointed out that under pressure from Nazi Germany, in 1940 the Kingdom of Yugoslavia to a certain extent curbed the rights of its citizens of Jewish origin.

The dismemberment of the Yugoslavia led to the creation of the NDH. For the largest portion of the former Yugoslav citizens this meant a significant civilizational downfall. The Constitution and Principles, adopted by the Ustasha Croatian Revolutionary Organization (UHRO), in 1932 and 1933

envisioned the NDH as an exclusively Croatian state space. Since the Ustasas formed the NDH with the help of the Third Reich and Italy, they could carry out the basic principles of state organization that they had shaped previously. The type of national exclusivism promoted by the Ustasas directly led to the establishment of different types of inequalities unknown in the previous Yugoslav state. Furthermore, the complete discrepancy from the party program of the Croatian Party of Rights from late 1918, whose drafting Pavelić took part in as the Party's secretary and later president, is evidence of Pavelić's hypocrisy. According to this program, the Croatian citizens were guaranteed „state security, completed personal freedom, private property, freedom of thought in speaking and writing, freedom of assembly, agitation and organization, protection of domestic peace and confidentiality of correspondence, freedom of conscience and absolute equality of all citizens before the law, as well as all other human rights and liberties“ (according to Horvat 1942, 27). The establishment of the NDH therefore did not mark only the return to *l'ancien régime*, characteristic of absolute monarchies where political rights were nonexistent (see Marinković 2017, 100–104); this was the establishment of a state that was incomparable to any previous state form. The creation and functioning of the NDH, as an epigonic variant of the totalitarian state, was a phenomenon of the 20th century, an innovation in the general history of human inequality.

The territory of the NDH covered an area of more 100,000 square kilometers,⁷ with a population of 6 million. The last census of the population in the Kingdom of Yugoslavia was conducted in 1931, therefore the precise population in the territory of the NDH at the time of its creation cannot be determined. According to official data from the 1931 census, the territory that ten years later comprised the NDH had a population of 5,657,085. Based on natural increase, on 31 December 1941 this number should have been 6,663,157, which was still slightly higher than the official statistics of the NDH, which were carried out for the purpose of military and economic needs of the new state (Jelić-Butić 1977, 106). According to these statistics, published in *Brojtbene izveštaji*, at the end of 1941 the NDH had a total

⁷ According to official records, the territory of the NDH was 115,133 square kilometers, but this included territories where the NDH did not have sovereignty. German sources claim that the territory of the NDH was around 100,000 square kilometers (Marjanović 1963, 22–23), and similar facts are presented by the majority of historians.

population of 6,547,400, of which 3,286,800 were women and 3,266,600 were men, with the total area of the 22 great parishes and the City of Zagreb covered by the statistics being 101,889 square kilometers (Colić 1973, 184).⁸

In addition to the problem of determining the exact population of NDH, because many residents had been taken prisoner, a significant number went to work in the Third Reich in 1941 (officially 80,000, but the figure was likely higher), the constant migrations (immigration of the Slovenian population into the NDH, emigration of the Croatian population to Serbia), the large number of casualties in the regions affected by war, etc., determining the structure of the population represented an additional problem. Since a large number of ethnic Croat Catholics represented a thin majority in the NDH, the official statistics included the Muslim population in BiH as Croats, while the number of Serbs was intentionally reduced.

The calculation of the approximate number and ethnic structure of the population of the NDH, which was carried out by the Ministry of Foreign Affairs of the Third Reich in May 1941, indicated that there were 3,300,000 Croats, 1,925,000 Serbs, 700,000 Muslims, 150,000 Germans, 75,000 Hungarians, 65,000 Czechs and Slovaks, 40,000 Jews, and 30,000 Slovenes (Marjanović 1963, 22–23). Significantly different data was presented by Ustasha publications, and according to one from 1942, there were a total of 4,868,831 Croats, 1,250,000 Serbs, 170,000 Germans, 69,000 Hungarians, 44,000 Czechs and Slovaks, and 37,000 Slovenes. Due to the Ustasha ideology, Muslims were not mentioned as a separate group, while no information was given for Jews (Pekić, 1942, 97). Historians also do not fully agree on the number and makeup of the population of the NDH, but the discrepancies are far smaller than between the Nazi statisticians and Ustasha ideologues. There were roughly more than 3 million Croats, slightly less than 2 million Serbs, around 700,000 Muslims, 150,000–170,000 Germans, 35,000–40,000 Jews, and around 30,000 Romas.

Citizenship, as the public-private relationship between the individual and the state that creates a system of mutual rights and obligations, was defined by the Legal Decree on Citizenship, adopted on 30 April 1941. Unlike the legislation of the Kingdom of Yugoslavia, which stipulated in Article 4 of the 1931 Constitution that „citizenship in the entire Kingdom is one and the same. All citizens are equal before the law. All enjoy equal protection by the government. Neither aristocracy nor titles are recognized, nor any privilege

⁸ By province: Croatia and Slavonia (including Srymia) – 3,360,000, Bosnia and Herzegovina – 2,850,000, and Dalmatia without the annexed parts – 360,000. Most historians agree that around 6 million people lived in the NDH.

by birth“, the NDH legislation represented a civilizational step backwards. The NDH Legal Decree on Citizenship divided the population that had enjoyed citizenship of Yugoslavia prior to the creation of the NDH into two categories: citizens and state nationals. The Legal Decree itself was very scant, as was the great majority of Ustasha general legal acts, intentionally leaving space for extreme arbitrariness in their application. It defined a state national as a person that is protected by the NDH, while Article 2 stipulated that „the citizen is a state national of Aryan origin who by his actions has shown that he did not work against the liberation aspirations of the Croatian people and who is willing to readily and faithfully serve the Croatian people and the Independent State of Croatia“. Based on this legal decree, only citizens, but not state nationals, could be bearers of political rights.

Article 1 of this Legal Decree stipulated that state nationality was gained according to the regulations of the legal provision on state nationality, which was neither adopted together with the Legal Decree on Citizenship, as required by the usual rules of nomotechnics, nor was this legal decree adopted at any later date. Consequently, it is legally not possible to determine who was a state national, and it is equally impossible to determine who was a citizen, since Article 2 of the Legal Decree on Citizenship was prescribed so vaguely that it could be interpreted in any way. However, Article 3 of the Legal Decree stipulated that only citizens could be bearers of political rights. As political rights (active and passive voting rights, right to political association and action, freedom of speech and public assembly, freedom of the press, etc.) did not exist in the NDH, there were no status differences between state nationals and citizens in this respect, i.e., both categories were actually subjects.

The Legal Decree on Citizenship guaranteed the protection by the NDH to both categories, however, since it did not define any specific criteria for citizenship and state nationality, only the will of the Ustasha officials would decide who was under the protection of the NDH. The NDH legislation, which was full of platitudes, left much free space to all forms of arbitrariness and abuse, because just as the citizenship criteria was unclear – so clear was the Ustasha intention to make it thus.

The basic direction of developing the Ustasha ideology during the 1930s was aimed at fighting against the Serbs in Croatia and the Greater Serbian policies of the Belgrade regime, and not against the Jewdom, which was only later added in order to attract German sympathies. In any case, Pavelić was the secretary and later the president of the Croatian Party of Rights, while Josip (Joshua) Frank, after whom the party’s members and supporters were called *Frankovci* and who laid down the direction of anti-Serbian policy –

was a Jew who had converted to Christianity.⁹ It was not possible to establish racial criteria for Serbs, since only religion set them apart from the Croats, while their origin and language were the same (or at least very similar), therefore the criteria for citizenship was intentionally very vague.¹⁰

What Ante Pavelić, as the exclusive Ustasha legislator, „failed“ to regulate on 30 April 1931, by adopting a legal decree that would define the criteria for gaining state nationality, was made up for in establishing the criteria defining who could not be a citizen. Borrowing from the Nazi legislator, Pavelić passed two more legal decrees on the same day: the Legal Decree on Racial Origins, and the Legal Decree on the Protection of Aryan Blood and the Honor of the Croatian People. Both the legal decrees were modeled after the 1935 Nuremberg Laws in the Third Reich (see Blašković, Alijagić 2010; Whitman 2017). Since Article 2 of the Legal Decree on Citizenship stated that only a state national of Aryan origin could be a citizen, the Legal Decree on Racial Origin excluded Jews and Romas from the circle of citizens.

According to Article 1 of this legal decree, a person of Aryan origin is one who „comes from ancestors who are members of the European racial community or who come from descendants of this community outside of Europe“. Aryan origin was proven by „the baptismal (birth) and marriage certificates of the first and second generation (parents and grandparents)“. Considering the state of the official records in the territory of BiH, in order to prove Aryan origin Muslims who could not provide the necessary documents needed „written testimony of two credible witnesses, who knew their ancestors, that there were no persons of non-Aryan origin among them“. Article 2 of the legal decree equates Aryans and persons who „in addition to Aryan ancestors have one ancestor twice removed who is Jewish or of other European non-Aryan race are equated to persons of Aryan origin

⁹ Jews contributed significantly to the triumph of the Ustasha movement „they were not quite rare among Pavelić’s intellectual supporters“ (Hori, Broscat 1994, 136).

¹⁰ „What were the liberation aspirations of the Croatian people? Was it liberation from the Habsburg Monarchy (from Germanization and Magyarization) or only from Yugoslavia (i.e., from Serbia and the Serbs) or both? Next, what would be the actions directed against those liberating aspirations? For example, was a person of Aryan origin working against the liberating aspirations of the Croatian people because of their possible affection for the common state of the South Slavs? One would expect that persons of Serbian nationality – who were to a great extent majority members and voters of the Independent Democratic Party, which since 1927 had been in coalition with the Croatian Peasant Party, the main representative of Croatian interests in the state – were certainly candidates for citizenship. However, subsequent events completely repudiated this entirely reasonable expectation.“ (Mirković 2017, 48).

in regard to gaining citizenship“. Persons who also had two ancestors twice removed who were Jews „can also be equated to persons of Aryan origin with regarding to citizenship, provided Article 3 does not stipulate otherwise“.

Unlike the Legal Decree on Citizenship, which established quite vague conditions for gaining citizenship and none regarding state nationality, Article 3 of the Legal Decree on Racial Origin defined rather precise rules on who is considered a Jew.¹¹ Article 4 stipulated the restrictive criterium for Romas regarding the determination of Aryan origin, and the law defined a Roma as a person who „comes from two or more ancestors twice removed who are Gypsies by race“.

Based on Article 5 of the Legal Decree on Racial Origin, on 4 June 1941 Minister of Interior Andrija Artuković passed the Order on the Establishment and Scope of Work of the Racial Political Commission, which was to implement the ideology of racial intolerance. Pavelić, as the Poglavnik of the NDH, kept for himself the exclusive of right of life or death, and in Article 6

¹¹ In the sense of this legal provision, the following persons shall be considered as Jews:

1. persons who come from at least three ancestors twice removed (grandparents) who are Jews by race. Grandparents are considered Jews if they are of the Mosaic faith or were born into that faith;
2. Persons who have two ancestors twice removed who are Jews by race, in the following cases:
 - a. if they were members of the Mosaic faith on 10 April 1941 or if they later converted to that religion;
 - b. if they have a spouse who is considered a Jew in the sense of item 1;
 - c. if, after the entry into force of this legal provision, they entered into a marriage with a person who has two or more ancestors of the second generation of Jews by race, and the descendants from such a marriage;
 - d. if they are illegitimate children with a Jew in the sense of item 1, and were born after 31 January 1942;
 - e. if the ministry of internal affairs, on the basis of the submitted proposal of the racial political commission, decides that they are considered as Jews;
3. persons born outside the territory of the Independent State of Croatia, to parents who do not originate from the Independent State of Croatia, if they were of the Mosaic religion on 10 April 1941, or have at least two ancestors twice removed who are Jews by race, or are considered Jews according to the laws of the country from which they originate;
4. persons who, after the entry into force of this legal provision, entered into a prohibited marriage bypassing the legal provision on the protection of Aryan blood, and their descendants.
5. persons who are illegitimate children of Jewish women in the sense of item 1.

of the Legal Decree he stipulated that „[p]ersons who prior to 10 April 1941 proved themselves worthy of the Croatian people, primarily for its liberation, as well as their spouses, whom they entered into marriage prior to this legal stipulation coming into effect, and the descendants from such marriages, in the case that this order could apply to them, may be recognized all the rights that belong to persons of Aryan origin by the state poglavar“.¹²

The position of the Ustasha regime regarding the Muslim population the region of Bosnia and Herzegovina was defined approximately at the same time as the Ustasha organization. Relying on Ante Starčević's notion regarding the Greater Croatian space, which also included BiH, they also adopted his idea on Muslims being ethnic Croats. Starčević's notion did not significantly differ from other greater national ideas that thrived in the 19th century. As the rounding out the living space that would include BiH could not be justified by the concept of Croatian state rights, since Bosnia had never been part of it, the Ustasha ideologues presented the thesis of the Muslim population as the ethnically purest part of the Croatian ethnic body. The „flowers of the Croatian people“ platitude was also supposed to strengthen the thin majority that actual Croats had within the population.

When the Ustasha took over power in Croatia, they carried out a widespread campaign in order to win over the Muslim population. As Poglavnik of the NDH, Pavelić had no qualms about having his picture taken while wearing a fez, so that photos could be handed out in the form of postcards to the Muslim members of the Home Guard and Ustasha militias. He included in his first government Bosnian politician Osman Kulenović, and later also Džafer Kulenović, a prominent Bosnian politician and president of the Yugoslav Muslim Organization (JMO). The significance of the Bosnian region for the Ustashas is also reflected in the proclamation of Banja Luka as the capital of the NDH, although it was in essence always Zagreb. Also, the promise made at the beginning of the existence of the NDH regarding the construction of a mosque in Zagreb was fulfilled in 1944, when the Meštrović Pavilion was refurbished for religious service, with three minarets erected around the round building, with the interior undergoing minor changes.

Ustasha officials emphasized the significance of the members of the Muslim community for Croatia in their public speeches, as did the Ustasha press. For example, in a speech in Banja Luka on 25 May 1941, Minister Jozo

¹² According to historical records, official recognition of Aryan rights was granted to around a hundred Jews, and since this also extended to their families, this applied to nearly 500 Jews in the NDH (Bartulin 2014, 154–155).

Dumandžić said that „with the same love as Starčević, our Poglavar also kisses Muslim brothers,“ and other slogans were promoted „The national harmony of the Croats is not and must not be upset by religious difference,“ „Bosniakdom is none other than preserved Croatia,“ etc. In a speech in the Assembly in February 1942, Pavelić said „The Muslim blood of our Muslims is Croatian blood. It is Croatian faith, because on our lands its members are Croatian sons“ (according to Jelić-Butić 1977, 197–198). Despite the strong words, the Ustasha policies were aimed at winning over wealthier Bosnian landowners (*begs*) who were promised a revision of the agrarian reform that had been carried under the Kingdom of Serbs, Croats and Slovenes.

All these political measures yielded rather meager results. With the exception of a small circle of the Muslim population who directly benefited from active participation in the life of the NDH, the majority remained passive and with reservations towards the idea of Greater Croatia. Furthermore, on several occasions Muslim intellectual circles even publicly opposed the Ustasha policies, through several resolutions, and requested that the German government grant BiH an autonomous status within the NDH. The German official field reports indicate the same, and one of them, sent to the High Command of the German Armed Forces (*Oberkommando der Wehrmacht* – OKW) notes that „Muslims would have surely acted the same way towards the Croats as the latter are now do towards the Serbs, of course – if only they could gain power. The greatest misapprehension is that there is a feeling of common national affiliation between the Muslims and Croats“ (according to Kazimirović 1997, 114).

The legislation regarding the status of different groups that comprised the population of the NDH indicates certain features that deviate from the common definitions of citizenship as a public law link between the individual and the state. Members of the German national community, who could not even be citizens of the NDH, enjoyed greater rights than ethnic Croats „who had proven themselves with their demeanor“ and were recognized citizenship. The position of the Germans in the NDH, who could also be foreign citizens, deviated from the standard definition of citizenship, which entailed that citizens of a given state have the greatest rights and obligations. This was just one of many aberrations from the usual notions developed by legal theory. The position of the German national group was defined in June

1941, through the Legal Decree on the Interim Legal Position of the German National Assembly in the Independent State of Croatia, and the extent of the rights was only expanded further on.¹³

In addition to full cultural autonomy, the German national group was granted decisive influence in the local self-government of areas inhabited by Germans, regardless of whether they were the majority, and they were even allowed to establish their own military units.¹⁴ Furthermore, the NDH legislation also enabled unimpeded relations with military and civilian institutions of another state, i.e., the Third Reich, while its leader Branimir Altgayer was made state secretary within the government, with the right to issue orders, and they were guaranteed two representative seats in the NDH Assembly. Later the NDH government also approved that the *Volksdeutsche* could do their military service in SS units, and such a privileged position of the national group „gave cause for the official government of the Reich, SS and Department for Filling the SS Military Detachments act independently and administer according to their will.“ (Hori, Broscat 1994, 106). Therefore, the NDH legislation proved to be extremely distinct also regarding the issue of the population of the NDH and prescribing the position of the people who are located in the territory of the state and constitute its population.

¹³ Article 1 of this legal provision stipulated that:

„The German national group in Croatia shall include Germans who live in Croatia, are not German citizens, and are under the leadership of the leader of the German national group.

„The German national group shall form a special constituent part of the Independent State of Croatia. For its work, within the framework of general legal regulations, it shall enjoy the unrestricted right of activity in the political, cultural, economic and administrative-social fields.

„The final position of the German national group in the Independent State of Croatia shall be regulated by special regulations“ (translated by author).

¹⁴ The Legal Decree on Organizing the Militia of the ‘German National Group’ Within the Croatian Ustasha Militia in the Independent State of Croatia stipulated that „In recognition of the merits of the ‘German National Group’ for maintaining order and creating a new order, and for the disarmament of the former Yugoslav army during the establishment of the Independent State of Croatia, one battalion (Einsatzstaffel) with a strength of three companies and a headquarters guard (Stabswache) shall be formed from the ‘German Team’ (‘Deutsche Mannschaft’) of the ‘German National Group’ in the Independent State of Croatia“.

5. THE NDH STATE AUTHORITY

In addition to the territory and population, the third element of statehood is the state authority. As previously mentioned, in order for an authority to be designated a state, in addition to monopoly on use of force, it also must be legitimized by the population over which it is exerted, as well as be sovereign, i.e., independent of other states.

Prior to the introduction of King Aleksandar's dictatorship in early 1929, extreme Croatian nationalists, known as Frankovci, were active within the Croatian Party of Rights.¹⁵ Even though they did not recognize the new state, considering it the end of Croatian statehood, they took part in parliamentary elections in order to remain politically visible. In the elections for the Constitutional Assembly of the Kingdom of Serbs, Croats and Slovenes their ticket won 0.7% of the votes, i.e., 10,880 votes (3,321 in Zagreb) and two seats. As a comparison, Stjepan Radić's Croatian Peasant Party (HSS) won the votes of 230,590 voters. Already in the next parliamentary elections in 1923 they won significantly fewer votes, only 6,469 (4,709 in Zagreb) and lost their parliamentary status. Two years later they fared even worse, winning a total of 3,191 votes (912 in Zagreb). Radić's HSS won 367,846 votes in 1923, and 376,414 in 1925, confirming its dominant position among the Croatian voters, especially in rural areas. The results of the elections clearly indicated that at the time the Croatian people did not accept the extremist views of the Frankovci and supported Radić, with the exception of larger urban areas, where the policy orientation of the HSS towards the problems of the

¹⁵ The Croatian Party of Rights (HSP) was created by the unification of the former Party of Rights with the Independent People's Party in 1903 and operated until 1918. Starting in 1905 it was part of the Croatian-Serbian coalition. Its representatives directly participated in the creation of the Yugoslav state. After the Great War, Croatian nationalists founded a party under the same name. To make the confusion complete, the two parties with different program orientations and the same name, also include two namesakes with different political views. As a right-wing deputy in the Croatian Parliament from 1906 to 1918, in the latter years of the Great War, Ante Pavelić advocated for the unification of the Yugoslav peoples. Later, he was also the president of the Senate of the Kingdom of Yugoslavia, while a large number of former members of the HSP joined the ranks of the Democratic Party. He personally read to regent Alexander the Address of the National Council (of which he was vice president) requesting unification with Serbia. In order to avoid confusion in the historiographical literature, he is referred to as Ante Pavelić (senior), because he was born 20 years before his better-known namesake, or as Ante Pavelić (dentist), because he practiced dentistry in Zagreb. In order to avoid confusion about the namesake parties, the abbreviation HSP-F (Croatian Party of Rights – Frankovci) is often used for the Croatian Party of Rights that was created after the Great War.

village and rural population did not attract many voters. With the aim of returning his party to the parliament of the state that he did not recognize, Pavelić ran in the 1927 elections together with Ante Trumbić's federalists. United into the Croatian Bloc, as a coalition they won enough votes to cross the threshold and gain two seats in parliament, one of which was held by Pavelić. Both seats were won in the City of Zagreb, where they won more votes than any other party (9,795).¹⁶

Following the introduction of the dictatorship, Pavelić went into exile, where he formed the Ustasha Croatian Revolutionary Movement (UHRO). In addition to leaving the country, he also abandoned the framework of legal political activity and continued the struggle for achieving Croatian independence using terrorist means. During the interwar period, especially following the assassination of Puniša Račić in parliament, this idea gained increasing support among the Croatian population, as opposed to the idea of the joint Yugoslav state. When war came to its borders in 1941, the idea of Croatian independence seemed plausible, even easily achievable, and it was precisely the great support for this idea by the Croatian leadership and people that represented the foundation from which the new Ustasha government derived its legitimacy.¹⁷ The Ustasha government immediately took over the institutions of the Banovina of Croatia, continuing their work in the newly created circumstances. The relatively easy creation of the NDH can be explained by the wartime circumstances in 1941, when the Axis powers appeared invincible, as well as the desire of the Croatian political elite to achieve the idea of Croatian autonomy, i.e., independence.

The Ustasha government enjoyed two main lines of institutional support. The first line, the political one, came from Maček, as the most influential Croatian leader. At the time that the NDH was proclaimed, Maček was first deputy prime minister of the Yugoslav putschist government, which he had accepted at Simić's invitation but with some hesitation. He rejected the German plans that he – as the undisputed Croatian leader – should become the dominant figure in the new state, since at the core he was not a fascist. Under great pressure, as well as fearing destruction similar to what Belgrade had already suffered as a warning to others, Maček was swayed to, perhaps hastily, call on the Croatian people to accept the new Ustasha authority, which was done in a radio address (Goldstein 2013, 301). Consequently,

¹⁶ In the elections for alderpersons in Zagreb, held on 4 August 1927 (parliamentary elections were held on 11 September), the Croatian Block won 9,749 votes out of the total of 19,563 (Radonić Vranjković 2008, 268–270).

¹⁷ Around 100,000 new members joined the Ustasha movement already in May 1941 (Goldstein, 2013, 303).

regardless of the motives and circumstances that influenced his decision, Maček „ensured the legitimate transfer of power to the Ustashas“ (Marinković 2017, 96).

The second direction of institutional support came from the Catholic Church, which readily supported the creation of the new state. Already on 12 April, Archbishop Aloysius Stepinac sent Slavko Kvaternik official congratulations on the creation of the NDH, *Te Deum* was performed in churches in honor of the new state, and several days later Stepinac also officially visited Pavelić, upon his return from twelve years in exile. Many significant representatives of the Catholic Church in Croatia, as well as „a large portion of the lower clergy and members of certain orders (Franciscans) embraced the Ustasha movement entirely, including the application of genocidal measures. Very few individuals (Bishop A. Mišić, Archbishop J. Ujčić) distanced themselves from the physical destruction of people“ (Živojinović 1994, 12).

The initial legitimacy of the Ustasha authorities was in essence derivative, however it is necessary to examine the ways that this regime was further legitimized after taking over power in Croatia. For this purpose we will use Weber's approach (Weber 1964, 328). For explaining the forms of power and authority, Weber differentiates between three types of authority. The first is the legal authority with its bureaucratic and administrative system, the second is the traditional authority, and third is charismatic authority. It should be kept in mind that Weber's models are of an ideal type, i.e., their analysis is defined by in „ideal-typical terms that are more suited for heuristic purposes of conceptual modelling than for describing particular historical realities“ (Kallis 2006, 25). In reality it is nearly impossible to find pure types as defined by Weber, rather it is usually a specific combination or overlapping. For example, in the Kingdom of Yugoslavia, the state government primarily featured traditional authority, embodied in King Aleksandar, but it also had elements of the other two, e.g., the royal family „it had allure, its charm, and for the Croats the king had a mystical charm – the only one among Serbian politicians“ (Ramet 2009, 135).

The creation of the NDH saw the return of Ustasha exiles, to Yugoslavia, headed by Pavelić and alongside the military units of the Axis powers. On the road to Karlovac, the returning Ustashas were greeted in many towns, and the gathered people openly commented „There's no war, yet we have a state“ (Goldštajn 2012, 12). In the wartime circumstances, the support to the new authorities cannot be expressed differently (e.g., in elections), but through certain acts of active and passive support. „The exhilaration that followed the proclamation of the independent Croatian state, on Holy Thursday, 10 April 1941, was so sincere and so comprehensive that one could rightly claim that the great majority of the population in the Croatian

region accepted the new state as the attainment of their political will. That April there was no formal referendum, but had it been possible to carry out, the results would have hardly differed from the referendum where in the present the Croatian people declared in favor of the independence of its current state“ (Kusić 1996). Many of them would join the Ustasha ranks in the following months, often for opportunistic reasons.¹⁸

During the entire war, significant portions of the Catholic Church and numerous dignitaries, headed by Archbishop Aloysius Stepinac, continuously provided support to the NDH authorities and its leader, Ante Pavelić. The position of Archbishop Stepinac towards the Ustasha authorities was followed by other church dignitaries, such as Archbishop Ivan Šarić of Vrhbosna, Bishop Antun Akšamović of Džakovica, Bishop Petar Čule of Mostar, Bishop Josip Garić of Banja Luka, Coadjutor Bishop Janko Šimrak of Križnjevci, etc. They and many other Catholic priests „spoke and wrote in favor of it, supported its decisions, justified actions or stood up in its defense and preservation. [...] It appeared that the symbiosis between the Catholic Church and the regime had become the foundation of its survival, its support in the masses of believers“ (Živojinović 1994, 14–15).¹⁹ The right wing of the HSS, as well as the entire so-called peasant and civic defense, as the party's paramilitary formations, would be placed under the Ustasha authority. Also, intellectual circles that were active within the Matica Hrvatska, headed by Filip Lukas, accepted and supported the authorities of the new state, which in the sense of Weber, would represent traditional grounds of authority.

However, the organization of the NDH authority and the position that Pavelić enjoyed within it, indicate that in addition to traditional legitimacy (support of the church, political and intellectual circles, the population's customary obedience, etc.), it attempted to significantly base its legitimization on the personality of the leader of the Ustasha movement, i.e., his charismatic authority. Almost all relevant authors, including those who were active in the NDH, are unanimous in their assessment of the nature

¹⁸ Historians estimate that during this period between 80,000 and 100,000 people joined the Ustasha organization (Hori, Broscat 1994, 126–127; Goldstein 2008, 226).

¹⁹ The 11 May 1941 issue of the Sarajevo-based weekly *Katolički tjednik*, edited by Archbishop Šarić, stated that „[o]ver our new, young and free Croatia a sign has appeared in the sky, as an image of the Virgin Mother of God. The Virgin is coming to visit Croatia. She wants to wrap in her motherly clothes the young reborn Croatia, precisely on the thousandth jubilee of Catholicism in Croatia. She descends again on the banner of our freedom, to take her old place on it... The Lord and Mary's Croatia from ancient times has been resurrected“ (according to Kazimirović 1987, 109–110).

of the state regime and organization of authority in the NDH. The fact that the Ustasha regime was a type of neoabsolutism is confirmed also by Eugen Sladović, who defined the NDH as „the leader’s state“ in which there was no separation of powers, since they were all in his hands. „The Poglavnik, as the leader and head of state, is the master of the state administrative authority, and at the same time also the highest-ranking legislator, head of government, and therefore the master of state institutions. He is also the leader of the Ustasha movement and supreme commander of the armed forces“ (according to Hori, Broscat 1994, 121). However, the neoabsolutistic type of constitutionality did not imply only „returning to the old regime (*l’ancien régime*) of absolute monarchies. It was no longer the authoritarian authority of the ruler or the church, but a societal Caesarism“ (Marinković 2017, 101). This thesis is supported by the conclusion of the Treaties of Rome, in which Pavelić gave up part of the territory to Italy, implying that he disposed of the land as an absolute monarch, as though it was his private property.

The NDH was modelled after the then current type of political orders characteristic of many countries in interwar Europe, primarily Germany and Italy. This form of political regimes was not based on a constitution in the way that constitutionality is commonly understood today. In the NDH, as was the case in Fascist Italy and Nazi Germany, the constitution consisted of uncodified organic laws of a constitutional nature (Marković 2018, 74). Such an authoritarian type of constitutionality is not based on the consent of the people, i.e., confirmation by the electorate; this type of legitimacy is substituted by collective depictions of the leader’s exaltedness and his historic mission.

Weber defines charismatic authority as „a certain quality of an individual personality by virtue of which he is set apart from ordinary men and treated as endowed with supernatural, superhuman, or at least specifically exceptional powers or qualities. These are such as are not accessible to the ordinary person, but are regarded as of divine origin or as exemplary, and on the basis of them the individual concerned is treated as a leader“ (Weber 1964, 358–359). Weber notably argues that charisma originates from the individual who is considered to have special gifts or powers, that he has been chosen, and as such he becomes worthy of admiration in every sense and deserves unquestionable trust, which represents the foundation authority. According to Weber, a special personality and their power is not enough to create charismatic authority, but rather the crucial factor is precisely the recognition of its existence by those who are susceptible to the person’s authority.

The development of the charismatic authority was greatly aided by Catholic circles, citing divine providence, e.g., in late 1941 Archbishop Ivan Šarić published the *Ode to the Poglavnik*. The right-wing intellectual circles acted in the same direction, as did the Ustasha ideologues. In a text titled *What the Poglavnik Was to Us Before the Liberation and Now*, which was published in the *Hrvatski Narod* magazine on 12 December 1941, Danijel Crljen wrote „The previously invisible, mystic leader, the source of our strength, the eagerly awaited avenger, the good knight from stories, the pride of the Ustasha fighters, the only hope of the oppressed Croatia, the spirit that floated above our fields and meadows, forests and barren lands... Today: ruler, the true leader of the people, the pillar of the state, protector and bastion of freedom and independence, the spirit and strength of the Ustasha movement, father to the small, protector of the oppressed, restorer of the glorious past, builder of the bright future, foreman and vanguard [...] Calling him the restorer of the Croatian state is an understatement. He is the savior and restorer of the Croatian people, which is much more – because the Croatian state could not exist without the Croatian people“ (according to Miljan 2013, 141).

Pavelić himself expressed the affinity towards irrational representations of his own historical mission. His speech to the members of the Croatian State Assembly (HDS) was especially impressive. The only item on the agenda for the last, twelfth session of the HDS, held on 28 December 1942, was the Poglavnik's address. In the speech Pavelić said „I cannot resign, I cannot refuse, I cannot also impart on anyone responsibility – as Mr. Kovačević said in the committee – that it seemed to him, that it happened on several occasions, that the government wanted to impart responsibility on the members of this Assembly – no, I protest against that! I bear responsibility for everything. I do not demand responsibility of any of the ministers before the people. The minister is here to serve the cause and no one shall demand responsibility of them later. I gladly accept it. I also take all responsibility for the military; I take responsibility also for food and for politics and for lives! That is why I don't demand and don't want to share responsibility with anyone, but I demand to share with all of you the work and tasks and successes“ (Brzopisni zapisnici Hrvatskog državnog sabora 1942. – Shorthand records of the HDS, 187)

Despite the elements of traditional authority, it would be incorrect to conclude that Pavelić's authority, around which the system of NDH authority was developed, had in essence been charismatic. Had he truly been a charismatic personality, it would not have been necessary to point out that charism and impose it through great addresses and propaganda, especially not through the creation of special security bodies whose basic purpose

was to intimidate people based on organized violence. In this respect, the Ustasha regime resembles totalitarian orders, whose epigonic variant it was, where authority is legitimized through „metarational and emotional appeals that are cast in strongly rational terms“ (Friedrich, Bzezinski 1956, 42), and could rather be labelled as pseudo-charismatic (Marinković 2017, 99).

Finally, as the third element of state authority, in addition to monopoly on use of force and legitimization, is the sovereignty as a specific feature. Sovereignty is based on two expressions, internal and external. The former indicates that the state authority is the highest of all authorities or institutions (church, school, sports, etc.) and that as such it enjoys supremacy, i.e., it is not subordinate to any other authority and all others are subordinate to it. The latter, external element implies that the state authority is independent, i.e., free of all foreign interference when passing decisions, i.e., „it is not required to comply with orders of any foreign authority that is outside of the state territory“ (Marković 2018, 154).

In the radio address proclaiming the NDH on 10 April 1941, Slavko Kvaternik pointed out that divine providence, the will of the allies (Germany and Italy), as well as the dedication of leader Ante Pavelić and the Ustasha movement determined the creation of the new Croatian state. Clearly, without the breakup of the Kingdom of Yugoslavia, the NDH could not have been created; its statehood came armored in the steel of the tanks of other states. However, when the structures of the old authority fell apart, the Croatian people recognized the Ustasha movement as the organized group of people that, with assistance from the German and Italian militaries, as well as the peasants' protection of the HSS, which placed itself under their authority, was capable of carrying out the idea of creating the new Croatian state. This idea, already rooted in the prewar period, and supported by church, political and intellectual circles, led the Croatian population to actively or silently accept the Ustashes as the bearers of new authority. The cost of this acceptance meant joining the fascist camp, with all the consequences that came with such a choice.

Nazi Germany and Fascist Italy formally recognized the independence of the new Croatian state. All the arrangements that essentially limited and even annulled Croatian independence were concluded with the consent of the Ustasha authority, embodied in Ante Pavelić as its bearer. Through a series of extremely unfavorable international treaties, this authority demonstrated the readiness to willingly forfeit the national interests that the state authority should primarily protect, which even entailed giving up part of its territory. In return, the Ustashes could implement the main goals of their policies – one of the main ones being the creation of an ethnically pure space, in which they had support, especially from the Germans. Also,

the NDH was capable of entering into legal relations with other states, which indicates that in some respect it was internationally recognized. However, under conditions of a world war, when chaos existed in many countries and the consequences and impacts of the conflict could be felt in every corner of the planet, the issue of international recognition becomes irrelevant, due to the uncertain outcome of the war. None of the Allies recognized the NDH; moreover, the NDH even declared war on Britain and the USA and sent its legions to the USSR – yet it was these countries that would develop the postwar international community on new principles and establish the United Nations.

6. CONCLUDING REMARKS

The ideological similarity with the fascist and nazi regimes, their military support, the institutional support of the Croatian political and Church circles, as well as the support of a great portion of the Croatian people for the idea to establish their own state, represented the pillars of the NDH authority. The Ustasha regime was reminiscent of the Nazi regime in many respects: all the state power was concentrated in executive, headed by Pavelić and his closest associates. Pavelić controlled the entire legislative authority,²⁰ as well as other dictatorial authorities. Borrowing from the Nazis, the Ustashes initiated a legislative endeavor already in the first days of their government, in order to provide a legal framework for the planned terror actions. The most important among the newly-adopted legal solutions was the very brief Legal Decree on the Defense of the People and State, dated 17 April 1941, after which Pavelić passed a series of legal decrees that situating a great portion of the NDH population outside any legal framework and protection. The new legislation also consolidated the Ustasha authority and established its foundations consisting of the „militia, army, secret police, special courts and more than twenty concentration camps“ (Čalić 2013, 172).

The way that the Ustashes exercised power in the NDH led to the initial support for their regime to quickly subside. From the viewpoint of the Croatian political elite and people, the signing of the Treaties of Rome in May

²⁰ Article 1 of the Legal Decree on the Names of Legal and Other Regulations and Regional Solutions, dated 20 October 1941, stated „Decrees shall be issued only by the Poglavnik of the Independent State of Croatia. The decrees shall be: 1) legal, which have the nature of law; 2) general, which regulate issues of a general nature and do not have the nature of law, and 3) special, which regulate specific (individual) issues, which by law shall be resolved only by the Poglavnik“ (translated by author).

1941 represented the first significant step towards their delegitimization. High inflation, corruption and embezzlement by state and party officials, irregular supply of basic provisions, malnutrition of the population, lack of healthcare and social protection, general legal insecurity, in addition to numerous other associated phenomena only accelerated this process. On the other hand, among the large population that was not ethnically Croat, the delegitimization of the Ustasha authority occurred primarily as the consequence of its brutal governance. Prior to the first larger actions aimed at deporting and eradicating the Serbs, Jews and Romas, there was no armed resistance to the new authorities. Resistance appeared only as the direct consequence of the existential threat to the Serbian population. Its trust in the NDH authorities was permanently shattered after the first organized crimes.

The number of victims of the Ustasha regime proves the exceptional scope of the organized crimes. The scope of the terror that the Ustashas were able to carry out, especially during 1941 and 1942, implied the adoption of an entirely new legislation, where numerous categories of population were completely disenfranchised, creation of a network of permanent and mobile military tribunals, establishment of special security services, organizing a system of camps and rail transport, engaging the state apparatus beyond its regular purview, creating Ustasha militias, etc. This mechanism was used to achieve an ethnically pure state, which was the main objective of the Ustasha movement, going back to its founding in Italy in 1932. The performance – which was measured in the number of converted, imprisoned, exiled or slain members of the population who were Serbs, Jews, Romas, as well as disloyal Croats – proves that the Ustasha regime, at least during the first half of its existence, enjoyed the monopoly on use of force. Therefore, it could be said that the NDH possessed all the attributes of statehood, i.e., that in addition to territory and population it also had an internationally recognized state authority, which possessed the power to carry out the main objectives of its policy.

Viewed from the opposite angle, the threatened population had no reason to accept such a state. Its functioning threatened the survival of many people, and survival represents the minimum purpose that people have in associating with each other within states, as political communities (Hart 2013, 251). In those parts of the NDH territory where the existentially threatened population was large enough (which were predominantly areas inhabited by Serbs), the motivation for survival led to disobedience of the NDH authorities, as well as the creation of a new order that would ensure that survival. Since the NDH authorities acted with the aim of threatening the existence of many of residents, the People's Liberation Movement (NOP)

emerged as the main competitor. Due to its supernational nature and high degree of organization, people of all different ethnicities and denominations came together in it; originally it was primarily Serbs, who were at the highest risk, but as the war progressed (especially following the capitulation of Italy) the movement was also joined by large numbers of ethnic Croats.²¹

Over time, the loss of legitimacy indirectly affected the effectiveness of the functioning of the NDH bodies, which led to the SS authorities taking over execution of police authority. German Reichsführer-SS Heinrich Himmler personally came to Zagreb on 5 May 1943, in order to arrange for the German police trustee to be given nearly unlimited police authority in the NDH, while the creation of mixed German–Croatian units and armed (gendarmarie) services placed a large portion of the state executive under control of the SS (see Kovačić 2014, 201–228). In early 1943, Pavelić's regime was worth to Hitler only as much as it was able help in the struggle against Germany's enemies. Consequently, „the history of the Ustasha state nearly completely lost its actual subject in 1943. What determined events on the Croatian stage from then until the end of the war could only insignificantly be linked to the effectiveness of the NDH. [...] The surging partisan strength and growing arbitrariness of the German military, police and political bodies and different special trustees shattered Croatian sovereignty into increasingly small pieces“ (Hori, Broscat 1994, 238).

Following the unsuccessful military campaigns in the winter of 1942/43, undertaken with the aim of breaking the partisan resistance, elements of a new state-legal order started appearing in significant parts of the NDH territory, created on the ruins of the previous one. The new order was formally constituted at the Second Session of the Anti-Fascist Council for the National Liberation of Yugoslavia (AVNOJ), held in Jajce on 29 November 1943, which de facto already had a clear structure of authority, effective control of all the territories that it had gained by means of arms, and a population of around 2 million. Adding to this the fact that the Allies recognized the partisan movement at the Teheran Conference, which was held at the same time as the Second Session of the AVNOJ, it is easy to notice the seed of the new Yugoslav state, created in the midst of the NDH, and which over the next year-and-a-half would achieve all the elements of statehood, while at the same time the NDH would lose them.

²¹ In the spring of 1944, the partisan military consisted of 44% Serbs, 30% Croats, 10% Slovenes, 4% Montenegrins, 2.5% Bosnian Muslims, etc. (Čalić 2013, 207).

In the postwar scientific literature, the unanimous rejection of the idea of the NDH statehood was also supported by the thesis of crimes that the Ustasha authorities carried out in an organized manner against their own population. This thesis is in many ways close to legal reasoning, which is accustomed to defining the state as the highest political organization whose basic function is to protect the people and territory. However, if this thesis about crime were to be accepted, one would have to challenge the statehood of the Third Reich, the ideological beacon of the Ustasha movement, which no one serious has done. Other theses and arguments supporting this same position on disputing NDH statehood have been dismissed in more recent literature (see Jonjić 2011; Krstić, Jovanović 2017; Marinković 2017, Zdravković 2019).

In this brief analysis, the thesis on crime is used oppositely – precisely to prove that the NDH possessed all elements of statehood, because then the scope of their undertaking aimed at carrying out the main political goals would not have been possible had the Ustasha authorities not had monopoly on use of force (stemming from its initial legitimacy) in the given territory. However, in the functional respect, this same thesis can easily dispute the statehood of the NDH, since it did not fulfill its basic functions – it did not protect its territory or population.²² By producing the a chaos of war (resembling Thomas Hobbes’s description of a pre-state condition) in the territory where it exercised authority, hundreds and thousands of kilometers away from the main front lines, and by voluntarily forfeiting historical Croatian regions and binding itself in perpetuity to the fate of the Third Reich, the Ustashes directly proved that the state exists in order to fulfill its functions. The state creation where they assumed the helm failed in two main respects: instead of internal integration it created grave divisions, widespread resistance and war, while in external policy it aligned itself with the losing side. The chaos that existed in its space was overcome by the NOP, which delegitimized the Ustasha regime, because, in addition to its greater military might and international recognition, it fulfilled the basic functions that otherwise encourage people to collaborate and which is the foundation for any political organization.

²² „The Treaties of Rome, which were published yesterday evening, were like a slap in the face of all of Croatia [...] The Government, which already was not firmly established in the public, lost even more footing.“ (according to Hori, Broscat 1994, 102).

REFERENCES

- [1] Balen, Šime. 1952. *Pavelić*. Zagreb: Biblioteka Društva novinara Hrvatske.
- [2] Bartulin, Nevenko. 2014. *The Racial Idea in the Independent State of Croatia – Origins and Theory*. Leiden Boston: Brill.
- [3] Blažević, Robert, Amina Alijagić. 2/2010. Antižidovsko i rasno zakonodavstvo u fašističkoj Italiji, nacističkoj Njemačkoj i ustaškoj NDH. *Zbornik Pravnog fakulteta u Rijeci* 31: 879–916.
- [4] Bobbitt, Philip. 1996. Public International Law. 96–112 in *A Companion to Philosophy of Law and Legal Theory*, edited by Dennis Patterson. Oxford: Blackwell Publishing.
- [5] Brzopisni zapisnici Hrvatskog državnog sabora. 1942. Zagreb: Hrvatska državna tiskara.
- [6] Colić, Mladen. 1973. *Takozvana Nezavisna Država Hrvatska 1941*. Belgrade: Delta Press.
- [7] Čalić, Mari-Žanin. 2013. *Istorija Jugoslavije u 20. veku*. Belgrade: Klio.
- [8] Čulinović, Fedro. 1970. *Okupatorska podjela Jugoslavije*. Belgrade: Vojnoizdavački zavod.
- [9] Friedrich, Carl J, Zbigniew K. Brzezinski. 1956. *Totalitarian Dictatorship and Autocracy*. Cambridge: Harvard University Press.
- [10] Goldstein, Ivo. 2008. *Hrvatska 1918 – 2008*. Zagreb: EPH Liber.
- [11] Goldstein, Ivo. 2013. *Hrvatska povijest*. Zagreb: Novi Liber.
- [12] Goldštajn, Slavko. 2012. *1941. Godina koja se vraća*. Belgrade: JP Službeni Glasnik; Sarajevo: Synopsis.
- [13] Hart, Herbert. 2013. *Pojam prava*. Belgrade: Pravni fakultet Univerziteta u Beogradu; Belgrade: Službeni glasnik.
- [14] Hori, Ladislaus, Martin Broscat. 1994. *Ustaška država Hrvatska 1941–1945*. Belgrade: DBR International Publishing.
- [15] Horvat, Rudolf. 1942. *Hrvatska na mučilištu*. Zagreb: Kulturno-historijsko društvo „Hrvatski rodoljub“.
- [16] Jelić-Butić, Fikreta. 1977. *Ustaše i Nezavisna Država Hrvatska 1941–1945*. Zagreb: Liber – Školska knjiga.

- [17] Jessop, Bob. 2008. The State and State-Building. 111–130. *The Oxford Handbook of Political Institutions*, edited by R. A. W. Rhodes, Sarah A. Binder and Bert A. Rockman. Oxford New York: Oxford University Press.
- [18] Jonjić, Tomislav. 2/1999. Pitanje priznanja Nezavisne Države Hrvatske od Švicarske Konfederacije. *Časopis za suvremenu povijest* 31: 261–278.
- [19] Jonjić, Tomislav. 3/2011. Pitanje državnosti Nezavisne Države Hrvatske. *Časopis za suvremenu povijest* 43: 667–698.
- [20] Kallis, Aristotle A. 1/2006. Fascism, Charisma and Charismatisation: Weber's Model of Charismatic Domination and Interwar European Fascism, *Totalitarian Movements and Political Religion* 7: 25–43.
- [21] Kazimirović, Vasa. 1987. *NDH u svetlu nemačkih dokumenata i dnevnika Gleza fon Horstenau 1941–1944*. Belgrade: Nova knjiga; Belgrade: Narodna knjiga.
- [22] Kovačić, Davor. 2014. *Oružništvo Nezavisne Države Hrvatske: Redarstveno tijelo i vojna postrojba 1941–1945*. Zagreb: Zvonimir Despot; Zagreb: Hrvatski institut za povijest.
- [23] Krizman, Bogdan. 1978. *Ante Pavelić i ustaše*. Zagreb: Globus.
- [24] Krizman, Bogdan. 1980. *Pavelić između Hitlera i Musolinija*. Zagreb: Globus.
- [25] Krstić, Ivana, Miloš Jovanović. 2017. Međunarodnopravni status Nezavisne Države Hrvatske. 195–232. *Pravni poredak Nezavisne Države Hrvatske*, edited by Boris Begović and Zoran Mirković. Belgrade: Pravni fakultet Univerziteta u Beogradu.
- [26] Kustić, Živko. 1996. *Iskreno oduševljenje na veliki četvrtak 10. travnja 1941*. Panorama 102. Zagreb: Panorama 102.
- [27] Marinković, Tanasije. 2017. „Takozvana“ Nezavisna Država Hrvatska. 75–109. *Pravni poredak Nezavisne Države Hrvatske*, edited by Boris Begović and Zoran Mirković. Belgrade: Pravni fakultet Univerziteta u Beogradu.
- [28] Marjanović, Jovan. 1963. *Ustanak i narodnooslobodilački pokret u Srbiji 1941*. Belgrade: Institut društvenih nauka – Odeljenje za istorijske nauke.
- [29] Marković, Ratko. 2018. *Ustavno pravo*. Belgrade: Pravni fakultet Univerziteta u Beogradu.

- [30] Matković, Hrvoje. 1994. *Povijest Nezavisne Države Hrvatske*. Zagreb: Naklada P.I.P. Pavičić.
- [31] Miljan, Goran. 1/2013. „Karizmatični“ Poglavnik? Poglavnik i formiranje karizmatičke zajednice – primjena i korisnost Weberova koncepta karizme. *Historijski zbornik* 46: 121–147.
- [32] Mirković, Zoran. 2017. Rasno zakonodavstvo u Nezavisnoj Državi Hrvatskoj. 45–74. *Pravni poredak Nezavisne Države Hrvatske*, edited by Boris Begović and Zoran Mirković. Belgrade: Pravni fakultet Univerziteta u Beogradu.
- [33] Pekić, Petar. 1942. *Postanak Nezavisne Države Hrvatske: Borba za njeno oslobođenje i rad na unutrašnjem ustrojstvu*. Zagreb: Hrvatska knjiga.
- [34] Radonić Vranjković, Paulina. 2008. Gradski i parlamentarni izbori u Zagrebu 1927. *Zavod za hrvatsku povijest* 40: 249–274.
- [35] Ramet, Sabrina. 2009. *Tri Jugoslavije: Izgradnja države i izazov legitimacije: 1918–2005*. Zagreb: Golden marketing; Zagreb: Tehnička knjiga.
- [36] Trifković, Srđa. 2016. Diplomacija NDH. *Politeia* 11: 27–54.
- [37] Weber, Max. 1964. *The Theory of Social and Economic Order*. New York: The Free Press.
- [38] Whitman, James. 2017. *Hitler's American model: The United States and the Making of Nazi Race Law*. Princeton: Princeton University Press.
- [39] Zdravković, Miloš. 1/2019. Ustavnopravni temelji NDH. *Annals of the Faculty of Law in Belgrade* 67: 113–139.
- [40] Živojinović, Dragoljub R. 1994. *Vatikan, Katolička crkva i Jugoslovenska vlast 1941–1958*. Belgrade: Prosveta; Belgrade: Tersit.

Article history:

Received: 27. 2. 2024.

Accepted: 5. 9. 2024.