

eventual transfer of the crown to King Koloman of Hungary in the Zagreb Treaty of 1102. He is very careful to emphasize that Croatia continued to exist as an independent kingdom, maintaining its own crown. Throughout the ages, the Croatian position deteriorated as subsequent rulers attempted to weaken and divide her sovereignty. In 1526 after the Battle of Mohács the Croats looked to the Habsburgs for a king. Omrčanin contends that Croatian loyalty oscillated between the Hungarians and the Habsburgs in order to better protect their own state rights. When such diplomacy failed, the writer states that the intelligentsia, especially the clergy, fostered Croatian state interests. This statement makes one doubt whether, despite the documented historical confirmation for Professor Omrčanin's account, his measurement for the existence of a concept of Croatian consciousness as a national state is valid. The vast majority of the state's population was comprised of the peasantry whose attachment to national state ideas is questionable. It would appear that the strong nationalist sentiments would be found among the literate upper classes, the intellectuals and the clergy, rather than the common people. It is well known that as late as World War I the Croatian peasant was a loyal soldier and defender of Franz Joseph. Omrčanin himself, on the other hand, possesses the characteristics of a Croatian national.

Despite the author's prejudices this account sheds light upon the modern day Croatian nationalist movement. The lengthy bibliography and references open the way for an examination of possible explanations as to how the intense Croatian nationalism was inherited by the present-day youth of Croatia who were born in post-World War II Yugoslavia. My major reservation concerning Ivo Omrčanin's *Diplomatic and Political History of Croatia* is that it tends to be more of a polemic than a history and polemics should be left to Zagreb.

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A. G. Chloros, *Yugoslav Civil Law, History, Family Property, Commentary and Texts*, Oxford, Clarendon Press, 1970, pp. xiv + 285.

This unique volume by a Professor of Comparative Law at King's College, the University of London, provides a unique and useful summary of the post-war period and includes as well some historical background. The study is based on research conducted during 1963-64 at the Institute of Comparative Law in Belgrade. Given its relative brevity, the complexity of the subject and the involved historical antecedents, the treatment is summary rather than definitive.

A brief historical background is given in the forty-two pages of the first section. Included here are brief references to the Byzantine background, the Code of Dušan, the Austrian Civil Code, the Serbian Civil Code of 1844, and codification in Montenegro with interspersed references to the Turkish civil codification in the nineteenth century, Moslem customary law, and the early medieval codes of Dalmatian cities. These sparse notes will not be particularly satisfying to readers of this journal.

Professor Chloros does, however, provide the more general reader with a feel for the overall complexity and problems faced by the prewar Yugoslav state in merging the various traditions under a unified legal tradition. This situation is exemplified by the variation in the legal regulation of marriage, which ranged from accepted civil ceremony to a variety of required religious observances. For example, in the Vojvodina, Medjumurje, and Prekomurje, where Hungarian law was the system, civil marriage was mandatory, while in Slovenia, Dalmatia and Istria, where the Austrian Civil Code was in force, civil marriage was possible under certain

conditions. In Serbia, Macedonia, Croatia and Slovenia religious ceremonies prevailed. In the first two areas the Orthodox adherents were subject to the original nineteenth century Serbian Civil Code and the rules of the Orthodox church, which were revised in the inter-war period. These regulations also applied to Serbian minorities in Croatia. In Montenegro the Code of Daniel was applicable. Catholics in Croatia and Slovenia were subject to the Canon Law of the Catholic Church (elsewhere, as in Serbia, the provisions of the Concordat were applicable). The Turkish *Mejelle* of 1869-76 governed the Moslem populations. This extended example, while it does not exhaust the complexities controlling marriage regulation, is illustrative of the background of the situation which faced the new post-war Marxist state when it began to introduce unitary codes in 1945 and 1946.

In evaluating the post-war reforms in family law, Chloros points out that some of the changes introduced are similar to those alterations brought about in the West subsequent to the French Revolution, e.g. the secularization of marriage and widening of the possibilities for divorce. On the latter topic some statistical data is given and a comparison is made with England and Wales, but the reader is not provided with any significant social context for evaluating changing value patterns and their attempted legal regulation.

On the relationship between parents and children the author finds that, similar to the situation in Western Europe, the Yugoslav state has modified the power of parents and assigned to the courts considerable discretion in regulating family relationships. Perhaps most specific to Yugoslav legal regulation is a provision for equivalent status for legitimate and illegitimate children.

Of greatest general interest is the section on property. Paralleling the case of marriage regulations there were four different legal systems: Austrian, Serbian, Montenegrin, and Hungarian. In reforming and unifying these systems the Yugoslavs were influenced by their heritage of Roman law overlain with Marxist doctrine and the results of the Soviet experience, the latter being subsequently rejected, at least in part. Significant are questions which deal with limitations on private property and the conception of social property as opposed to state property. Both of these matters, of course, reflect the experimental inclinations of Yugoslav Socialism and the continuance of a large private sector, notably in peasant agriculture. Defining the limits for private agriculture has seemingly been a relatively uncomplicated undertaking although representing a major policy departure (10 hectares for farmers and a 5 hectare limit for rural based non-agriculturalists, with most arable land remaining in private hands). By contrast, limitations on the diversity of private home and (or) apartment ownership, or the status of permissible small scale business, are complex because of the obvious desires of the state to restrict and control private ownership.

The matter of social property is central to the nature of the productive sector. Chloros properly gives detailed attention to this question. He feels that this concept is extremely difficult to define in a positive sense; negatively, it is neither State, private or personal property but is, however, closely linked to the concept of self-management of enterprises. Since this is an evolving system the constitution purposely does not define social property. However, the idea of social property as a unit indicates that, according to the author, «there are persons who enjoy its use to the exclusion of the State». But, «the rights of the users of social property are subject to the residual rights of the State». Chloros suggests that Common Law concepts, while they cannot be equated with the rights of social property, can nevertheless help in the understanding of how social property can be both state property and the «property» of economic organization. There is thus the analog, «we may say that social property is carved out of state property as a leasehold estate is carved out of the freehold estate».

Aside from these theoretical issues, the nature of workers' self-management and related

concepts of social property raise practical questions with regard to foreign investment in Yugoslav enterprises. Although a new law was passed in 1967 to facilitate foreign investment, Professor Chloros concludes that large scale foreign investment may not be compatible with self-management as it presently exists.

In sum, despite its brevity this is a useful and important book.

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Istorija na Macedonskiot Narod (=The History of the Macedonian Nation), vol. I, Skopje 1969, pp. 346.

From the Institute of National History in Skopje appeared, in 1969, a publication in three volumes entitled «History of the Macedonian Nation» which, beginning from prehistoric times, recounts historical events in Macedonia until 1945. The first volume is especially concerned with pre-history, ancient and Roman history as well as with events until the 18th century. The second volume is concerned with the period beginning from the start of the 19th century until the end of World War I and the third with the period 1918-1945¹. From the first volume we shall turn our attention to several points in the second chapter which deals with the ancient history of Macedonia, leaving the remaining chapters of this volume to be reviewed by specialists². From the remarks about this chapter the reader will be able to form an appropriate picture of the scholarship, and even more, of the «objectivity» — boasted in the Prologue — with which the whole of the first volume was written!!

The second chapter, which concerns us, was written by Dušica Petruševska. It is entitled «The Formation and Development of the Macedonian Nation» (pp. 33-48 in the History of Skopje) and is divided into seven subchapters which, for each, we have the following observations to make:

a) «The Formation of the Nation. Early History (7th-6th Cent. B. C.)» (pp. 33-34).

1) Although mention is made of the settlement of different races in Macedonia (Thracians, Phrygians, Mygdonians, Bisaltians, Paionians, etc.), the very important Dorian settlement is omitted. This is certainly intentional for otherwise it would be difficult, if not impossible, to dispute their Hellenism.

2) Despite the «investigations» into such questions as the formation of the language and the nationality of the ancient Macedonians, in the end it is not made clear which language was or what was their nationality. This is left to be «derived» by the reader from the sequence of the narration in which, «to exhaustion», distinction is made between the terms «Macedonia» and «Greece» or «Macedonians» and «Greeks». The writer's intention is to emphasise that the Macedonians had a completely separate nationality with their own language, Macedonian!!

To the present, a large number of Greek and foreign specialists have been decidedly concerned with the «problem» of the language and the nationality of the ancient Macedonians. Their Hellenism has by now been so convincingly proved³, that any discussion of the afore-

1. A. Angelopoulos has published an excellent review of the main points the 2nd and 3rd volumes in *Македоника* 11 (1971) 459-79.

2. For a better understanding of the Slavonic text I was greatly assisted by J. Papadrianos, research scholar at The Institute for Balkan Studies, to whom I express my gratitude.

3. Hatzidakis G., *Du caractère hellénisme des anciens Macedoniens*, Athens 1896. Idem, *Zur Abstammung der alten Makedonier. Eine Ethnologie studie*, Athen 1897. Idem, «Zur Ethno-