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## **ILLEGAL CONSTRUCTION UNDER SOCIALISM: AN EXPRESSION OF NECESSITY, OPPOSITION OR CULTURAL NORMS?**

*ABSTRACT: The paper focuses on different expressions of the subculture of illegal construction under socialism in the area of Ljubljana and its rural surroundings. Through this example, it tries to show the discrepancy between state-enforced rules, that is housing policy and people's plans to achieve their particular interests within the socialist ideal of appropriate housing for everybody. The reasons for illegal construction were numerous, ranging from lengthy procedures and high costs for obtaining a building permit to inefficient spatial planning and insufficiency of state-built housing. However, it can also be considered as a cultural phenomenon. The authorities were aware of the multifaceted situation, both of illegal construction arising from necessity and of those arising from the pursuit of lower construction costs. They blamed the citizens for non-compliance with building regulations, but on the other hand, exercised ineffective control themselves.*

**KEYWORDS:** Socialism, Illegal Construction, Housing Policy, Urbanisation, Ljubljana, Slovenia, 1960s-1980s

My interest in the research of everyday life under socialism began around 2010, when the economic recession prompted many public discourses, ranging from nostalgia to focusing on the totalitarian nature of the former regime. For me, the most interesting were the ones emphasizing socialist "legacy", in other words mentalities and habits deeply embedded in post-socialist society and hindering Slovenia's economic development. By no means are these discourses specific to Slovenia,<sup>1</sup> the question remains why this cultural determination is attributed to socialism and not (to such an extent) to other historical experiences.

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<sup>1</sup> Michał Buchowski, "Anthropology in Postsocialist Europe", in: *A Companion to the Anthropology of Europe*, ed. Ullrich Kockel, Máiréad Nic Craith and Jonas Frykman (Oxford, Chichester, Malden: Wiley-Blackwell, 2012), 69–72.

This paper addresses the functioning of a socialist society, focusing on a small segment of everyday life under socialism. We will explore different expressions of the subculture of illegal construction in the area of Ljubljana and its rural surroundings. Through this example, we will observe the discrepancy between state-enforced rules, that is housing policy, and people's plans to achieve their particular interests within the socialist ideal of appropriate housing for everybody. But first, let us take a glance at some of the aspects of cultural determination.

## 1. Socialism and beyond

In Slovenia, cultural determination in the form of remnants of socialist mentalities and habits gained momentum with the economic crisis of 2008, although it existed even before that. Some public discourses saw socialism and socialist practices as the source of poor economic development. According to them, the workers and society were permeated with “bad” socialist practices, and the existence of corruption was also associated with socialism.<sup>2</sup>

In researching everyday life under socialism, I found that people many times relied on networking, cooperation and mutual exchange, solidarity, care for family members or informal transactions. Networking included family, friends, colleagues and mere acquaintances. The League of Communists and other socio-political organizations can also be understood as part of social capital. Positioning in the local environment was also of great importance. Although these practices were strengthened in times of necessity and scarcity, we can see that people also used them in areas where there was no shortage, for example when searching for employment. We can safely assume they were not specific only to socialism but were part of a broader culture, where family is important, trust and cooperation valued. On the other hand, politics was seen as something foreign. There is a divergence between politics and its set of rules on the one hand, and everyday cultural norms on the other. Even now, for many people, the term socialism is an abstract concept that they associate with universally valid characteristics of a political system, rather than with their daily experiences.<sup>3</sup>

This can be compared with other Mediterranean or Balkan societies, where we can observe a gap between public and private life, created during long-term historical experiences. Public life, represented by the state and the law, is considered as foreign, whereas family members, acquaintances and sponsors are counted on for support and security. Furthermore, there is a con-

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<sup>2</sup> Nina Vodopivec, *Labirinti postsocializma: Socialni spomin tekstilnih delavk in delavcev* (Ljubljana: ISH publikacije, 2007), 29–56; Mateja Habinc, “Ukinjanje praznikov in socialistična (ne)delovna mentaliteta”, in: *Države praznujejo: Državni prazniki in skupnosti na območju bivše Jugoslavije*, ed. Božidar Jezernik and Ingrid Slavec Gradišnik (Ljubljana: Znanstvena založba Filozofske fakultete Univerze v Ljubljani, 2017), 277–280.

<sup>3</sup> Jelka Piškurić, “Bili nekoč so lepi časi”: *Vsakdanjik v Ljubljani in okolici v času socializma* (Ljubljana: Inštitut za novejšo zgodovino, Študijski center za narodno spravo, 2019).

flict between the law and what is culturally accepted as legitimate, arising out of embedded distrust of the authorities.<sup>4</sup>

## 2. Socialist housing – policy and practice

The first modernization processes in Ljubljana as Slovenia's capital took place soon after the end of World War II. The city started inviting new citizens under its wing, offering new opportunities, such as diverse employment or educational opportunities, but was also trying to develop residential infrastructure early on, thereby significantly improving the quality of living. As the number of residents grew, the demand for housing increased as well and exceeded supply throughout the socialist period. On the other side, Ljubljana's rural surroundings lagged in housing and other infrastructure development. This turned out to be the area of the biggest differences between urban and rural areas.

Increasing migration of the workforce to larger cities became a significant factor in the urban housing policy. In the first post-war period, housing construction was driven by the shortage and new social and economic circumstances. From the very beginning, the state was set on ensuring its housing supply, but soon realised that it lacked resources and that new housing construction could not keep up with the demand. Thus, in the early 1950s, the authorities started encouraging work organizations to actively address the housing problems of their employees. Starting from the mid-1950s, state-appointed urban planners were tasked with creating spatial and housing plans, first for Ljubljana and other Slovene cities, then gradually also for surrounding rural areas. But it was not until 1966 that Ljubljana finally adopted its first comprehensive urban document after World War II, the General Plan for the Urban Development of Ljubljana. It served to regulate and guide the intensive expansion of the city. In the design of new urban neighbourhoods, architects often used Scandinavian models as inspiration.<sup>5</sup> The rise in housing construction in the 1960s was also due to the Act on Nationalization of Leased Buildings and Construction Land that was adopted in 1958 and gave the state access to large stretches of undeveloped construction land.<sup>6</sup> The housing reform of 1965 brought further changes,

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<sup>4</sup> Christian Giordano, „Pravna država i kulturne norme, Antropološka interpretacija političkih fenomena u sredozemnim društvima”, *Etnološka tribina*, 26, no. 19, (1996), 43–59; Saša Nedejković, „Organizovani kriminalitet kao višeznačna potkultura: Hajdučija između građanske i nacionalne ideologije, i između narodne i nacionalne kulture”, *Glasnik Etnografskog muzeja u Beogradu*, no. 70, (2006), 235–269.

<sup>5</sup> David Petelin, “Stanovanjske razmere v Ljubljani v letih 1945–1965”, *Kronika*, 65, no. 1, (2017), 78–91; Martina Malešič, “Nastanek in rast ljubljanskih stanovanjskih sosesk”, *Arhitektov bilten, mednarodna revija za teorijo arhitekture*, 45, no. 203–204, (2015), 63–66; J. Piškurić, “Bili nekoč so lepi časi”, 78–82, 286–296.

<sup>6</sup> Jože Prinčič, “Nacionalizacija najemnih zgradb in gradbenih zemljišč na ozemlju LR Slovenije (1958–1962)”, *Prispevki za novejšo zgodovino*, 33, no. 1–2, (1993), 193–201; Jože Prinčič and Zdenko Čepič, “Urbanizacija in življenjska raven”, in: *Slovenska novejša zgodovina, Od programa Zedinjena Slovenija do mednarodnega priznanja Republike Slovenije, 1848–1992*, ed. Jasna Fischer et al. (Ljubljana: Mladinska knjiga, 2005), 1011.

notably the permission to construct housing for the market. Banks thus started offering commercial housing loans, whereas work organizations provided low-interest housing loans for their employees.<sup>7</sup>

The new socialist neighbourhoods were supposed to meet the workers' needs for quality of life and offer them specific communal services. Due to limited resources and the lengthy political decision-making process, the construction of neighbourhoods often stopped before it was fully completed. Organization and spatial design were there, and often the neighbourhoods had green areas, kindergartens, schools and shops, but they never fully developed into social hubs with educational, health and other communal services. Nevertheless, they still meant a huge change in the quality of life, whereas in rural communities housing was not systematically developed.<sup>8</sup> Rapid housing growth in connection with growing budget deficits also brought a delay in construction of utilities and other infrastructure. Here, the difference between urban and rural communities was also particularly visible.<sup>9</sup>

Although the improvement of housing conditions was one of the Yugoslav social development priorities,<sup>10</sup> it soon became apparent that this policy generated inequalities in access to state-built housing, meaning flats owned by companies, municipalities or the Republic. There were not enough affordable state-built units for all; therefore, priority regarding access to this type of housing was often given based on status, such as type of employment and work position, education and, last but not least, membership in socio-political organizations.<sup>11</sup> Others could resort either to buying or building their home, or to a lesser extent also to renting. Often, building on their own proved to be the only option for many, especially in rural areas. Thus, they did not have to pay for the workforce (using the help of family, neighbours and friends), or raise financial resources all at once. Favourable loan conditions, introduced in the second half of the 1960s, only served to intensify this practice. The period of the most intensive housing construction was the 1970s, when many big urban complexes and individual houses were built. In the 1980s, when the economic conditions deteriorated, activity slowed down considerably.<sup>12</sup>

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<sup>7</sup> Marta Rendla, "Stanovanjska politika v socialističnem obdobju – vloga države in samoodgovornost", in: *Pomislj na jutri, O zgodovini (samo)odgovornosti*, ed. Andrej Studen (Ljubljana: Inštitut za novejšo zgodovino, 2012), 209–222; Srna Mandič, *Stanovanje in država* (Ljubljana: Znanstveno in publicistično središče, 1996), 137.

<sup>8</sup> M. Malešič, "Nastanek in rast ljubljanskih stanovanjskih sosesk", 63–66; Mario Bara, „Socijalistička modernizacija grada: iskustvo Hrvatske“, in: *Moderno lice grada: O urbanizaciji i izgradnji komunalne infrastrukture na području Hrvatske u 19. i 20. stoljeću*, ed. Lidija Bencetić and Marino Manin (Zagreb: Hrvatski institut za povijest, 2020), 50.

<sup>9</sup> Jelka Piškurić, "Hiše, vrtni, šole, ceste, Gradnja hiš v Občini Ljubljana Vič – Rudnik", *Kronika*, 65, no. 1, (2017), 99–106.

<sup>10</sup> Marta Rendla, "Stanovanjska gradnja v Sloveniji v času socializma, enodružinske hiše v primerjavi z družbeno usmerjeno večstanovanjsko blokovsko zazidavo", *Zgodovinski časopis*, 74, no. 1–2, (2020), 127–129.

<sup>11</sup> Srna Mandič, "O distribuciji stanovanjskih virov v Sloveniji", *Družboslovne razprave*, 3, no. 4, (1986), 59–71.

<sup>12</sup> J. Piškurić, "Bili nekoč so lepi časi", 294–381; M. Bara, „Socijalistička modernizacija grada“, 55.

At the same time, we can observe an increase in illegal construction. In the early 1970s, the problem was already so significant that it often drew the interest of the local authorities.<sup>13</sup> They were concerned especially with the lack of adequate water and sanitation infrastructure for these settlements and non-payment of utility charges by the inhabitants, as well as social problems in some of these settlements. In addition, unregulated settlements often sprang up on land that the authorities had reserved for other infrastructure.

### 3. The multifaceted interests leading to illegal construction

From the mid-1960s, the state started encouraging individual agency in building housing, additionally facilitated by a favourable loan policy. However, it soon felt the negative consequences, as the phenomenon of illegal construction started to flourish. Archival documents show that the authorities detected illegal construction as early as in the 1950s, and to a greater extent from the mid-1960s up to the 1980s. The reasons for illegal construction were numerous, ranging from lengthy procedures and high costs for obtaining a building permit (some reports stated that the costs for utilities fees and charges were twice as high for individual houses as those for apartments), insufficiency of state-built housing and poor rental opportunities, to inefficient spatial planning (some areas were not included in plans as building areas for a longer period of time), lower prices of privately owned land in non-building areas and areas unregulated by spatial plans that was much easier to buy, and last but not least, in greater freedom in designing and building a house.<sup>14</sup>

Without doubt, some of the illegal construction can be linked to social problems, including those of the lower-paid workers from other Yugoslav republics.<sup>15</sup> Nonetheless, this type of construction also had its advantages, mainly demonstrated in lower construction costs and greater freedom in choosing the

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<sup>13</sup> "Iz leta v leto bolj črna Ljubljana", *Naša komuna, glasilo OK SZDL Ljubljana Vič – Rudnik*, 25. 9. 1972, 3; J. Piškurić, "Hiše, vrtci, šole, ceste," 102–103.

<sup>14</sup> Zgodovinski arhiv Ljubljana (ZAL), SI\_ZAL\_LJU/0079 Občinski ljudski odbor Ljubljana Vič, 1955–1961, technical unit 89, archival unit 219, Poročilo o stanju stanovanjske izgradnje in o izvajanju predpisov za njeno usmerjanje na območju Občine Ljubljana Vič za obdobje od 20. 6. 1959 do 31. 12. 1959, 1–2; ZAL, SI\_ZAL\_LJU\_0080/1 Skupščina občine Ljubljana Vič – Rudnik, 1955–1994 (SI\_ZAL\_LJU\_0080/1), technical unit 4, archival unit 7, Poročilo sveta za urbanizem OBLO Ljubljana – Vič – Rudnik za leto 1962, 4; ZAL, SI\_ZAL\_LJU\_0080/1, technical unit 18, archival unit 41, Obravnava problematike nedovoljenih črnih gradenj, 19. 11. 1970; Problematika nedovoljenih gradenj in predlogi, 11. 11. 1970; ZAL, SI\_ZAL\_LJU\_0080/1, technical unit 27, archival unit 58, Problematika nedovoljenih gradenj na območju občine Ljubljana Vič – Rudnik, 19. 2. 1975; Opredelitev nedovoljenih gradenj v ljubljanskem prostoru, December 1974; Poročilo o problematiki z delovnega področja Oddelka za gradbene in komunalne zadeve, 14. 3. 1975; ZAL, SI\_ZAL\_LJU\_0080/1, technical unit 39, archival unit 83, Informacija o nedovoljenih gradnjah v občini s stalnišči izvršnega sveta, 28. 10. 1981. See also: Marjan Ravbar, "Črne gradnje – stalnica ali epizoda v sodobni slovenski urbanizaciji?", *Teorija in praksa*, 30, no. 5–6, (1993), 466–471.

<sup>15</sup> Maša Filipović, "Stanovanjski vidik izključenosti migrantov v Sloveniji", *Annales, anali za istrske in mediteranske študije*, 15, no. 1, (2005), 100–105.

method and type of construction. The practice was also widespread in the construction of holiday cottages of the upper and upper-middle classes.

### *a. Necessity*

In terms of necessity, we need to distinguish between illegal construction in urban and rural areas. In Ljubljana, larger neighbourhoods of illegal constructions arose in the less urbanized areas on the outskirts of the city. In addition to the general reasons given above, illegal construction was also chosen by people with lower incomes and lower education, those who could not apply for state-built housing or obtain a loan. Individual cases of illegal construction were accompanied by economic hardship and social exclusion, something that certain immigrants from other Yugoslavian republics were unfortunately also familiar with.<sup>16</sup>

Those who built illegally risked having such a house demolished, but this only happened in a smaller scale.<sup>17</sup> The local authorities were aware of social and sometimes even health problems that arose from unregulated and poorly built housing conditions, thus striving to tear down the shacks inappropriate for living and relocate their inhabitants. In most of the cases however, they tried to legalize illegally built houses, being aware, firstly, that they would not be able to remove all of them, and secondly, they did not intend to, especially if they found the houses to be technically properly built.<sup>18</sup>

One of the biggest residential areas of illegal construction in Ljubljana was Rakova Jelša, providing residence to many immigrants with lower social status. The houses there were of varying quality, ranging from well-built to roughly built ones.<sup>19</sup> The neighbourhood remained a challenge for the municipal authorities until the end of socialism. It was densely built up, partly on a flood plain, without proper utilities, the sewage flowing into open canals. In the 1980s, the number of inhabitants in this community was growing rapidly. Only 20 per cent of them were Slovenes; the rest were migrants from other Yugoslav republics. 60 per cent of the inhabitants lived as tenants or subtenants. Some of them were living in poor housing conditions, sometimes as many as ten people in one room, according to newspaper reports. At one time, the local authorities also feared the threat to public health, as they detected a growing number of pulmonary tuberculosis cases. They repeatedly tried to legalize the area and

<sup>16</sup> Ibid.; Josip Mihaljević, *Komunizam i čovjek: Odnos vlasti i pojedinaca u Hrvatskoj (1958.-1972.)* (Zagreb: Hrvatski institut za povijest, 2016), 265.

<sup>17</sup> J. Piškurić, "Bili nekoč so lepi časi", 314–316; J. Mihaljević, *Komunizam i čovjek*, 261–264.

<sup>18</sup> ZAL, SI\_ZAL\_LJU\_0080/1, technical unit 18, archival unit 41, Problematika nedovoljenih gradenj in predlogi, 11. 11. 1970, 2–9; ZAL, SI\_ZAL\_LJU\_0080/1, technical unit 23, archival unit 50, Poročilo upravnih organov skupščine občine Ljubljana Vič – Rudnik za leto 1972, junij 1973, 26–27; "Zopet te nesrečne črne gradnje", *Naša komuna, glasilo OK SZDL Ljubljana Vič – Rudnik*, 13. 1. 1981, 2; "Črnograditelji so izsilili priključke", *Naša komuna, glasilo OK SZDL Ljubljana Vič – Rudnik*, 14. 3. 1989, 4; J. Piškurić, "Hiše, vrtci, šole, ceste," 102–103.

<sup>19</sup> M. Filipovič, "Stanovanjski vidik izključenosti migrantov v Sloveniji", 102–103.

build appropriate utilities to improve the living conditions.<sup>20</sup> In 1980, when Rakova Jelša was finally approved as a building area for housing development within the General Plan for the Urban Development of Ljubljana, there were 163 illegal constructions there.<sup>21</sup> But even in later years, they did not find common ground with the inhabitants, who were unwilling to legalize their houses and pay the costs for building permits and utilities, even though the possibility was there. Attempts to tear down some of the illegal constructions were also met with resistance of the inhabitants and sometimes even of the employees of the public utility company, who lived there.<sup>22</sup>

In rural areas, where illegal construction also grew, the reasons were slightly different. People had to wait six to eight months for planning permission and at least a year for a building permit, which was one of the main reasons for illegal construction. The authorities were late in providing spatial planning for rural communities, thereby additionally hindering already long procedures related to obtaining a building permit. Namely, issuing a building permit was only possible if the property was included in spatial plans. Even though rural communities remained poorly developed in terms of utilities and other infrastructure, and were initially losing population to the city because of this, they became interesting for housing development by the late 1960s. Gradual abandoning of agricultural activity made the land available for building.<sup>23</sup> Spending spare time in nature was also growing popular and from the 1970s, more and more people decided to move to the countryside, as owning a house with a garden was becoming increasingly popular. The desire to build exceeded the authorities' abilities to prepare spatial planning, so people often started building without permits on then still agricultural land, which they bought or obtained from their families. Most of the builders, however, were prepared to procure building permits during or after construction. The authorities, on the other hand, were more likely to tolerate illegal construction in rural areas, even though they also saw it as the source of many problems, especially regarding utilities infrastructure.<sup>24</sup>

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<sup>20</sup> "Tuberkuloza v KS Rakova Jelša", *Naša komuna, glasilo OK SZDL Ljubljana Vič – Rudnik*, 9. 2. 1982, 7; "Kanalizacija že, ampak...", *Naša komuna, glasilo OK SZDL Ljubljana Vič – Rudnik*, 15. 10. 1985, 4.

<sup>21</sup> ZAL, SI\_ZAL\_LJU\_0080/1, technical unit 36, archival unit 77, Uvodno poročilo k predlogu odloka o sprejemu zazidalnega načrta za območje VS-102/2 Rakova jelša, 16. 7. 1980.

<sup>22</sup> "Zopet te nesrečne črne gradnje", *Naša komuna, glasilo OK SZDL Ljubljana Vič – Rudnik*, 13. 1. 1981, 2; "Kanalizacija že, ampak...", *Naša komuna, glasilo OK SZDL Ljubljana Vič – Rudnik*, 15. 10. 1985, 4; Piškurić, "Bili nekoč so lepi časi", 143–144; M. Filipović, "Stanovanjski vidik izključenosti migrantov v Sloveniji", 103.

<sup>23</sup> See: e.g. Jelka Piškurić, "'Kot primestni se čutimo večkrat zapostavljene': urbanistični in infrastrukturni razvoj Iga, 1961–1989", *Kronika*, 70, no. 2, (2022), 422–429.

<sup>24</sup> ZAL, SI\_ZAL\_LJU\_0080/1, technical unit 18, archival unit 41, Problematika nedovoljenih gradenj in predlogi, 11. 11. 1970, 1–2; ZAL, SI\_ZAL\_LJU\_0080/1, technical unit 27, archival unit 58, Problematika nedovoljenih gradenj na območju občine Ljubljana Vič – Rudnik, 19. 2. 1975, 1–2; Opredelitev nedovoljenih gradenj v ljubljanskem prostoru, December 1974, 2–11;

The authorities were more concerned about illegal construction on the outskirts of the city, as we can see from the following passage from a 1970 document: *“In the case of illegal construction we do not address individual houses, garages or holiday cottages, but mainly larger settlements of illegal construction on building and non-building land on the outskirts of the city, because the problems and consequences there are much larger, both in terms of urban development as utilities infrastructure. /.../ Illegal construction appears in areas otherwise planned for construction purposes by the General Plan for the Urban Development of Ljubljana, but at present under general ban of building and land subdivision by order of the City Assembly of Ljubljana until the adoption of a building plan. /.../ This land is privately owned. It is being sold without hindrance, illegally subdivided and built on despite the general ban of building and land subdivision. This land is only partly equipped with utilities. There is no sewage system, only minor water supply and electricity network – and investors are connected to them by municipal utilities companies despite the fact that they do not have building permits. Furthermore, illegal constructions are appearing in non-building areas /.../ The rural areas are currently less affected by illegal construction of residential houses, and more by the construction of weekend cottages.”*<sup>25</sup>

#### *b. Opposition (non-compliance with regulations)*

In the previous passage we can also identify the first category of non-compliance with regulations. Namely, the regulations did not restrain either private landowners from selling their non-building land or interested buyers from buying. Sometimes it also happened that the land was subdivided illegally by the very same employees of the surveying and mapping authorities, who were supposed to perform it officially.<sup>26</sup> The second category relates to building without permits. In this regard, the authorities themselves saw the lengthy and complicated procedures for obtaining a permit as one of the major reasons for illegal construction, as many applied for a permit but began to build without it due to lengthy procedures.<sup>27</sup> However, the authorities were unable to solve this problem.

For them, one of the major problems stemming from illegal construction was the non-payment of public fees and charges, but also sanitary reasons

ZAL, SI\_ZAL\_LJU\_0080/1, technical unit 37, archival unit 78, Obravnava in sprejem planskih dokumentov občine, 19. 11. 1980, 21.

<sup>25</sup> ZAL, SI\_ZAL\_LJU\_0080/1, technical unit 18, archival unit 41, Problematika nedovoljenih gradenj in predlogi, 11. 11. 1970, 1–2.

<sup>26</sup> ZAL, SI\_ZAL\_LJU\_0080/1, technical unit 18, archival unit 41, Obravnava problematike nedovoljenih črnih gradenj, 19. 11. 1970, 19.

<sup>27</sup> ZAL, SI\_ZAL\_LJU\_0080/1, technical unit 18, archival unit 41, Problematika nedovoljenih gradenj in predlogi, 11. 11. 1970, 1–9; “Otroci brez šole in vrtecev”, *Naša komuna, glasilo OK SZDL Ljubljana Vič – Rudnik*, June 1971, 5; “Zazidava Vintarce”, *Naša komuna, glasilo OK SZDL Ljubljana Vič – Rudnik*, 26. 6. 1972, 12.



due to lack of appropriate utilities, growing traffic and growing awareness of the environmental impact of increased residential construction. In addition, illegal construction often expanded on land reserved by the authorities for other infrastructure, like roads and bypasses or state-built housing, or there simply was no building plan for the area yet.<sup>28</sup> Houses built without permits were often not connected to the public water supply or electricity network or were connected illegally, which posed a further problem.<sup>29</sup> One of the official complaints from 1974 was as follows: *“Illegal builders, who did not need appropriate building documentation for the bank and were instead building with their own resources, do not want to pay for public utility charges. They say they will not pay because they do not have a building permit. Their buildings are on building land, some are interested in procuring appropriate permits and others are not because their houses and utilities are already built, but they did not pay fees and charges like people who built legally.”*<sup>30</sup> Prevalence of this practice shows that non-compliance with the regulations was seemingly culturally accepted as legitimate. It frequently served to fulfil particular individual interests and needs.

Lowering the construction costs was one of the biggest advantages of illegal construction, not only by non-payment of the fees and charges and connecting illegally to the utilities, but also by buying land in non-building areas and building gradually over a longer period. Long procedures and high costs for obtaining a building permit were also a contributing factor. The authorities were aware of that by the late 1960s, as we can see from one of the local newspapers: *“It is difficult to raise 10–15 million all at once for an apartment in a block of flats. It is better to gradually build your home, which can also be cheaper. But people have also grown tired of waiting endlessly for planning permissions, which until recently, due to complicated or inadequate regulations, were difficult to obtain. That is also the reason for booming illegal construction.”*<sup>31</sup>

Many people were speculating that their properties would eventually become part of building land. Garages, adaptations or agricultural buildings were also part of the illegal construction. Even more widespread was non-compliant construction, meaning construction displaying discrepancy between design documents and building permits on the one hand, and actual construction on the other. Namely, it was cheaper to buy a ready-made plan than to hire an architect. These plans were often adapted by the individuals to their needs, like

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<sup>28</sup> ZAL, SI\_ZAL\_LJU\_0080/1, technical unit 18, archival unit 41, Problematika nedovoljenih gradenj in predlogi, 11. 11. 1970, 1–8; ZAL, SI\_ZAL\_LJU\_0080/1, technical unit 27, archival unit 58, Problematika nedovoljenih gradenj na območju občine Ljubljana Vič – Rudnik, 19. 2. 1975, 1–2; Opredelitev nedovoljenih gradenj v ljubljanskem prostoru, December 1974, 4–10; Poročilo o problematiki z delovnega področja Oddelka za gradbene in komunalne zadeve, 14. 3. 1975, 4–8.

<sup>29</sup> J. Piškurić, “Hiše, vrtci, šole, ceste,” 103.

<sup>30</sup> ZAL, SI\_ZAL\_LJU\_0080/1, technical unit 25, archival unit 55, Vprašanja delegatov, 14. 10. 1974, 23.

<sup>31</sup> “Črne gradnje”, *Naša skupnost, glasilo SZDL Ljubljana Moste – Polje*, November 1968, 1.

building a bigger house and adding extensions.<sup>32</sup> A special type of illegal construction were holiday cottages of the upper and upper-middle classes, who did not resort to it because of money issues but because they built on non-building land in the middle of unspoiled nature. In the vicinity of Ljubljana, such cottages appeared in larger numbers in picturesque destinations.<sup>33</sup> In the 1970s, we can detect the first criticism from the local authorities directed towards these constructions, as they were slowly becoming aware of their environmental impact.

Archival documents show that local authorities were aware of the multifaceted issues, both of illegal constructions arising from necessity and of those arising from the pursuit of lower construction costs. They blamed the citizens for non-compliance with building regulations, but on the other hand, exercised ineffective control themselves. They took down only a small part of illegal construction and tried to legalize the rest, attempting to motivate the owners to regulate their construction permits.

### c. Cultural norms

Illegal construction can also be considered as a cultural phenomenon, as we can find discrepancy between state-enforced legislation, in this case building regulations, and what was culturally accepted as legitimate. This is by no means limited to socialism and can be connected with the way of life, as well as with the progress of urbanization in Slovenia.<sup>34</sup>

Throughout socialism, illegal construction grew in importance and became a significant part of the building culture, even more so non-compliant construction.<sup>35</sup> Cultural determination in the form of “bad” practices existed, it seems, even during socialism. In 1970, the local authorities in Ljubljana believed that citizen misconduct and non-compliance with regulations was one of the major problems related to illegal construction, as it was also utilized by those who otherwise would not really need to. At the same time, the authorities were aware that non-compliance with regulations was facilitated by insufficient oversight exercised by the inspection services. Even then, they did not expect to be able to remove the phenomenon of illegal construction in building areas, but

<sup>32</sup> Martina Malešič, “Slovenska stanovanjska gradnja v času socializma”, *Radio Študent*, (2014), <https://radiostudent.si/dru%C5%BEba/delavsko-punkerska-univerza/slovenska-stanovanjska-gradnja-v-%C4%8Dasu-socializma> (accessed December 1, 2022).

<sup>33</sup> ZAL, SI\_ZAL\_LJU\_0080/1, technical unit 18, archival unit 41, Problematika nedovoljenih gradenj in predlogi, 11. 11. 1970, 2; ZAL, SI\_ZAL\_LJU\_0080/1, technical unit 27, archival unit 58, Opredelitev nedovoljenih gradenj v ljubljanskem prostoru, December 1974, 2–5; ZAL, SI\_ZAL\_LJU\_0080/1, technical unit 31, archival unit 66, Informacija o počitniških hišicah v občini Ljubljana Vič – Rudnik, 22. 11. 1977, 1–5; “Vikendi na Visokem”, *Naša komuna, glasilo OK SZDL Ljubljana Vič – Rudnik*, 27. 3. 1972, 4.

<sup>34</sup> Peter Fister, “Črne gradnje kot dediščina časa, prostora in družbe”, *Teorija in praksa*, 30, no. 5–6, (1993), 459–460; Pavel Gantar, “Črnograditelji proti državi”, *Teorija in praksa*, 30, no. 5–6, (1993), 436, 440–443.

<sup>35</sup> J. Mihaljevič, *Komunizam i čovjek*, 261–264; J. Piškurič, “Bili nekoč so lepi časi”, 282–316; M. Bara, „Socijalistička modernizacija grada”, 52–53.

were aware it would have a negative impact on land use, urbanisation and construction of sufficient utilities and other infrastructure.<sup>36</sup> In 1974, the local authorities already assumed that illegal builders belonged to the middle class, having an average income and qualifications, and were neither socially endangered nor wealthy. Moreover, the local authorities believed illegal construction could not be prevented solely through improving regulations and procedures, as they saw it as a part of a widespread practice.<sup>37</sup> They even stated: “*Illegal construction for residential purposes can be seen as an illegal manifestation of the legal and constitutional right of the working people for appropriate housing.*”<sup>38</sup>

For many people, it would seem, building regulations were not something that was always necessary to consider or comply with. They rather felt it was legitimate for them to build according to their own needs. The failure of the authorities in providing housing, spatial plans, shortening procedures for building permits or executing efficient control certainly gave them additional legitimacy. People were very active in their quest for improving their living conditions. Building and owning a house may have started out of necessity, but it also became a value. Moreover, avoiding state-imposed requirements, costs and time-consuming procedures was often perceived as a virtue, not as a vice or a classic unlawful act. Even though the state had the law on its side and the means to enforce it, it generally lost in this conflict.<sup>39</sup>

It is nevertheless interesting to note that many turned to the authorities anyway, to provide for their other needs. Archival documents show that a number of people who built illegally to lower construction costs still expected that the corresponding infrastructure (roads, utilities, public services) would be built by the municipality. Due to increasing economic hardship and budget deficits in the late 1970s and in the 1980s, municipality officials occasionally criticized people for this. Upon adoption of annual plans at the end of 1980, one of the officials said: “*80 per cent of our administrative bodies’ work is solving problems caused by the illegal activities of our citizens and activities that don’t comply with administrative norms. Mainly because our citizens do not follow the regulations or act according to established social norms. Next thing you know, however, they turn to the society to solve their problems. The mistake therefore lies in understanding what society is and what it should solve. We cannot invest municipality funds in saving someone who wilfully violates the rules. /.../ In our municipality we have 1,500 illegal constructions. Therefore, there are 1,500 violators of our system, because they do not submit to the norms accepted by society.*”<sup>40</sup>

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<sup>36</sup> ZAL, SI\_ZAL\_LJU\_0080/1, technical unit 18, archival unit 41, Problematika nedovoljenih gradenj in predlogi, 11. 11. 1970, 6–8.

<sup>37</sup> ZAL, SI\_ZAL\_LJU\_0080/1, technical unit 27, archival unit 58, Opredelitev nedovoljenih gradenj v ljubljanskem prostoru, December 1974, 4–10.

<sup>38</sup> *Ibid.*, 11.

<sup>39</sup> See also: P. Gantar, “Črnograditelji proti državi”, 436

<sup>40</sup> ZAL, SI\_ZAL\_LJU\_0080/1, technical unit 37, archival unit 78, Obravnava in sprejem planskih dokumentov občine, 19. 11. 1980, 21.

This corresponds with the findings of my more general study of everyday life under socialism. Political system did not completely prevent the freedom of its citizens' activities or permeate all the spheres of public and private life. People adapted to it and went on with their lives. They did not resist and become dissidents, and they did not become members of the League of Communists en masse. Instead, they preferred to focus on their private lives and the improvement of their standard of living. The quality of their free time meant a lot to them, they actively managed their lives and were prepared to do a lot in order to improve their living environment. Accordingly, they responded to restrictions by creatively finding ways to reach their goals and also exhibited a certain degree of pragmatism. On the surface, they accepted the state symbols, ceremonies, narratives, economic conditions, regulations and administrative procedures, and at the same time adapted them to their needs. Everyone took advantage of the possibilities in accordance with the established cultural norms. That also meant looking for grey areas that the state or the legislation tolerated or rather did not supervise, in order to achieve their goals. At the same time, they trusted and expected that the state would ensure their physical and social security.<sup>41</sup>

Even though, nowadays, many people associate socialism with better social security and the possibility to solve housing issues, during socialism, they perceived anomalies in the distribution of housing, were aware of political and economic restrictions and were critical of them. However, they reacted to them by using the strategies of networking and informal economy. Interestingly, the limitations did not only stimulate competition between individuals. Especially notable is the solidarity between people who found themselves in a similar position. In the case of illegal construction, we can see the latter in a report from 1970: “*The inspectorate has difficulties identifying illegal builders, because neither the construction workers nor other citizens know or, more commonly, do not want to reveal their name and address.*”<sup>42</sup>

#### 4. Conclusion

The prevalence of illegal construction demonstrates a gap between the state and society, and a conflict between legal regulations and practices considered legitimate by a substantial part of the population. It also shows that people actively pursued their goals by not relying on the political system or worrying too much about state-enforced rules. Instead, they creatively avoided the regulations in order to solve their housing issue easier, faster or cheaper. They built without the necessary permits mainly due to long and expensive procedures for

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<sup>41</sup> J. Piškurić, “*Bili nekoč so lepi časi*”; see also: Alexei Yurchak, “Soviet Hegemony of Form: Everything Was Forever, Until It Was No More”, *Comparative Studies in Society and History*, 45, no. 3, (2003), 480–510.

<sup>42</sup> ZAL, SI\_ZAL\_LJU\_0080/1, technical unit 18, archival unit 41, Problematika nedovoljenih gradenj in predlogi, 11. 11. 1970, 6.

obtaining building permits and lack of formal spatial planning, but also driven by the desire to reduce construction costs, the conviction of investors that they can build in non-building areas, the lack of funds to buy or rent state-built housing, as well as the inefficiency of inspection services. Illegal construction also arose out of necessity, however, it also seems to be a part of the broader culture, as it was used by different social strata, even if there was no immediate economic necessity.

Until the end of socialism and beyond, the municipalities of Ljubljana fought against illegal construction or tried to legalize it.<sup>43</sup> Although the method of construction has gradually changed since the end of socialism, meaning there are less self-built houses, illegal construction still occurs for similar reasons as under socialism. Slovenia has tried to legalize such buildings in various periods and to simplify legalization procedures, but has failed to prevent the phenomenon. In 2013, there were 8,724 cases of construction in inspection procedures, of which 2,794 cases were related to illegal construction. It was estimated that the actual number of illegal constructions was, however, three times higher and amounted to around 9,000 cases. A larger share is supposedly attributed to non-compliant construction (not in line with the conditions determined by the building permit), and a smaller share to illegal construction (without a building permit). Illegal construction in rural areas and on agricultural land is a particular problem, with the number estimated to be even higher, however, in many of the cases these are auxiliary buildings.<sup>44</sup>

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<sup>43</sup> See e.g. “Zopet te nesrečne črne gradnje”, *Naša komuna, glasilo OK SZDL Ljubljana Vič – Rudnik*, 13. 1. 1981, 2; “Črnograditelji so izsilili priključke”, *Naša komuna, glasilo OK SZDL Ljubljana Vič – Rudnik*, 14. 3. 1989, 4; SI\_ZAL\_LJU 0080/1, technical unit 56, archival unit 109, Vprašanja in predlogi delegatov, 10. 5. 1989, 7–9.

<sup>44</sup> P. Gantar, “Črnograditelji proti državi”, 437–439; „Politika reševanja problematike nedovoljenih gradenj“, *Vlada Republike Slovenije*, (2013), [http://www.vlada.si/fileadmin/dokumenti/si/projekti/2013/urejanje\\_prostora/politika\\_resevanja\\_problematike\\_nedovoljenih\\_gradenj.pdf](http://www.vlada.si/fileadmin/dokumenti/si/projekti/2013/urejanje_prostora/politika_resevanja_problematike_nedovoljenih_gradenj.pdf) (accessed April 4, 2017); Nina Zeilhofer and Janez Blažič, *Legalizacija črnih gradenj: Primerjalni pregled* (Ljubljana: Državni zbor, Raziskovalno-dokumentacijski sektor, 2016), [https://fotogalerija.dz-rs.si/datoteke/Publikacije/Zborniki\\_RN/2016/Legalizacija\\_crnih\\_gradenj.pdf](https://fotogalerija.dz-rs.si/datoteke/Publikacije/Zborniki_RN/2016/Legalizacija_crnih_gradenj.pdf) (accessed December 1, 2022), 3–4.

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## ILLEGAL CONSTRUCTION UNDER SOCIALISM: AN EXPRESSION OF NECESSITY, OPPOSITION OR CULTURAL NORMS?

### *Summary*

The paper focuses on a small segment of everyday life under socialism – illegal construction in the area of Ljubljana and its rural surroundings. Through this example, it attempts to show the functioning of a socialist society and the discrepancy between state rules, i.e. housing policy, and people's plans to achieve their particular interests within the socialist ideal of appropriate housing for everybody. Starting from the mid-1950s, urban planners were tasked with creating spatial and housing plans, first for Ljubljana and then gradually also for surrounding rural areas. Although the improvement of housing conditions was one of the Yugoslav social development priorities, it soon became apparent that the housing policy generated inequalities in access to state-built housing. Building an individual house on their own proved to be the only option of housing solution for many. This practice intensified in the second half of the 1960s. At the same time, we can observe an increase of illegal construction. In the early 1970s, the problem was already so significant that it often drew interest of the local authorities. They were concerned especially with lack of adequate infrastructure for these settlements, non-payment of utility charges by the inhabitants, as well as social problems in some of these settlements. In addition, unregulated growth of settlements often occurred on land reserved by the authorities for the construction of other infrastructure. The reasons for illegal construction were ranging from lengthy procedures and high costs for obtaining a building permit, lack of formal spatial planning that would enable legally permissible construction, to lower prices and quicker acquisition of privately owned land in non-building areas and areas unregulated by spatial plans. Some of the illegal construction can be linked to social problems, nonetheless, this type of construction also had its advantages, mainly demonstrated in lower construction costs and greater freedom in choosing the method and type of construction. The practice was also widespread in the construction of holiday cottages. Local authorities were aware of the multifaceted situation, but exercised ineffective control. They took down only a small part of illegal construction and tried to legalize the rest.

**KEYWORDS:** Socialism, Illegal Construction, Housing Policy, Urbanisation, Ljubljana, Slovenia, 1960s-1980s