HANDBOOKS PREPARED UNDER THE DIRECTION OF THE HISTORICAL SECTION OF THE FOREIGN OFFICE.—No. 1

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AUSTRIA

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FOREIGN POLICY OF AUSTRIA-HUNGARY

LONDON:
PUBLISHED BY H.M. STATIONERY OFFICE.

1920

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Editorial Note.

In the spring of 1917 the Foreign Office, in connection with the preparation which they were making for the work of the Peace Conference, established a special section whose duty it should be to provide the British Delegates to the Peace Conference with information in the most convenient form—geographical, economic, historical, social, religious and political—respecting the different countries, districts, islands, &c., with which they might have to deal. In addition, volumes were prepared on certain general subjects, mostly of an historical nature, concerning which it appeared that a special study would be useful.

The historical information was compiled by trained writers on historical subjects, who (in most cases) gave their services without any remuneration. For the geographical sections valuable assistance was given by the Intelligence Division (Naval Staff) of the Admiralty; and for the economic sections, by the War Trade Intelligence Department, which had been established by the Foreign Office. Of the maps accompanying the series, some were prepared by the above-mentioned department of the Admiralty, but the bulk of them were the work of the Geographical Section of the General Staff (Military Intelligence Division) of the War Office.

Now that the Conference has nearly completed its task, the Foreign Office, in response to numerous enquiries and requests, has decided to issue the books for public use, believing that they will be useful to students of history, politics, economics and foreign affairs, to publicists generally and to business men and travellers. It is hardly necessary to say that some of the subjects dealt with in the series have not in fact come under discussion at the Peace Conference; but, as the books treating of them contain valuable information, it has been thought advisable to include them.

It must be understood that, although the series of volumes was prepared under the authority, and is now issued with the sanction, of the Foreign Office, that Office is not to be regarded as guaranteeing the accuracy of every statement which they contain or as identifying itself with all the opinions expressed in the several volumes; the books were not prepared in the Foreign Office itself, but are in the nature of information provided for the Foreign Office and the British Delegation.

The books are now published, with a few exceptions, substantially as they were issued for the use of the Delegates. No attempt has been made to bring them up to date, for, in the first place, such a process would have entailed a great loss of time and a prohibitive expense; and, in the second, the political and other conditions of a great part of Europe and of the Nearer and Middle East are still unsettled and in such a state of flux that any attempt to describe them would have been incorrect or misleading. The books are therefore to be taken as describing, in general, *ante-bellum* conditions, though in a few cases, where it seemed specially desirable, the account has been brought down to a later date.

G. W. PROTHERO,
General Editor and formerly
Director of the Historical Section.

January 1920.

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AUSTRIA

I. POLITICAL HISTORY

Chronological Summary

showing the Historical Growth of Austria-Hungary

768–814. The 'Ostmark' of Charlemagne: a defence against the Barbarians.

c. 950. The Mark reconstituted by Otto I as barrier against Magyars.

1156. Under Frederick Barbarossa it becomes a Duchy; extends from Passau to River Leitha, and includes the region between Inn and Enns.

1192. The Austrian Duke inherits Styria and Upper Austria.

1229. Carniola acquired from Bishop of Freising.

1246. On extinction of Babenberg line of Dukes, Austria reverts to Emperor Frederick II.

1253. Ottokar, King of Bohemia, succeeds to the Duchy and acquires Carinthia.

1278. On death of Ottokar, Duchies of Austria and Styria pass to Rudolph of Habsburg.

1363. Tirol incorporated with Austria by family arrangement.

1382. Trieste included at its own request.

c. 1450. The elective Imperial Crown virtually becomes hereditary in the House of Habsburg.

1440–93. Emperor Frederick III. Invasions of Ottoman Turks.

1438. Albert II. Hungary and Bohemia temporarily united with Austria.

1453. Austria becomes an Archduchy.

1493–1519. Maximilian I consolidates his western dominions—Austria, Styria, Carniola, Carinthia, Tirol, Fiume, and Trieste—and by inheritance acquires Gorizia and Gradisca.

1526. The Archduke Ferdinand claims the crowns of Bohemia and Hungary in right of his wife, on death of King Louis.

The Estates of Hungary and Bohemia acknowledge the claim, but reserve their independence.

1556. Ferdinand succeeds Charles V. Union of Austria, Hungary, and Bohemia with the Imperial Crown.

1619. Accession of Ferdinand II, leader of the Catholic Reaction. Revolt of Bohemia.

1626. Bohemia acknowledges legislative and administrative authority of Austria and becomes part of the hereditary dominions.
1657–1705. Attempt of Leopold I to centralize all administration successfully resisted by Hungary, which secures religious freedom (Diet of Edensberg).
1699. Peace of Carlowitz: Austria regains the lost lands of Croatia, Slavonia, Hungary, and Transylvania.
1711–40. Charles VI. Prince Eugene completes work of reconquest from the Turk and recovers the Banat of Temesvár with Belgrade and north of Serbia.
1718. Treaty of Passarowitz.
1724. Pragmatic Sanction proclaimed at Vienna.
1772. At partition of Poland, Austria obtains Galicia, which becomes a Crown land under title of Kingdom of Galicia and Lodomeria.
1777. Under pressure Turkey cedes Bukovina to Austria.
1805. The Emperor Francis II takes the title of Emperor of Austria, and resigns that of Holy Roman Emperor (1806)
1815. At Treaty of Vienna, Austria surrenders the Netherlands and obtains territories of the Venetian Republic.
1846. By arrangement with Russia and Prussia, Cracow (held by Austria 1795–1809) is recovered.
1860. (Oct. 20) The October Charter or Diploma granted.
1861. (Feb.) The 'Patent' re-establishes centralized administration.
1866. Austria loses Venice, but retains Istria and Dalmatia, together with Ragusa.
1867. The Ausgleich or Compromise.
1878. Treaty of Berlin makes Austria administrator of Bosnia and Herzegovina.
1908. Austria annexes these territories without reference to the Signatory Powers.

Prime Ministers from 1867

1867. Count Taaffe.
1867 (December). Prince Carl Wilhelm Auersperg.
1868. Count Taaffe.
1870. Count Hasner.
1870 (April). Count Potocki.
1871. Count Hohenwart.
1871 (November). Prince Adolf Auersperg.
1879. Count Taaffe.
1893. Prince Alfred Windischgrätz.
1895. Count Kielmansegg.

1895 (October). Count Badeni.
1897. Baron Gautsch.
1898. Count Thun.
1899. Count Clary.
1899 (December). Count von Wittek.
1900. Dr. Ernst von Körber.
1905. Baron Gautsch.
1906. Prince Hohenlohe.
1906 (May). Baron von Beck.
1908. Baron von Bienerth.
1911. Baron Gautsch.
1911. Count Stuergkh.
1916. Dr. Ernst von Körber.

General Sketch. (*a*) Austrian Domestic History before 1867

(1) The Pragmatic Sanction

The Pragmatic Sanction (first published in 1712-13 and promulgated as law in 1724) may be taken as the starting-point of any sketch of Austrian domestic history. It was the outcome of the fact that the Emperor Charles VI had no son and of the belief that the Habsburg territories could not be held together in the hands of a woman unless the dynastic link were strengthened by what may be reckoned in effect as a first step towards federalism. In its first article it affirmed that Austria was an indivisible unit; and this was ultimately of more consequence than the two more famous articles of succession which, in default of male heirs, settled the Austrian inheritance upon the Emperor's daughter, Maria Theresa. Charles VI spent his best energies in getting the Pragmatic Sanction accepted by the different Estates of Austria and by the States of Europe. The acceptance proved of value in the first case, but not in the second. Maria Theresa was recognized by her subjects, but she had to fight with France and Prussia to keep them. With her reign, therefore, Austria came to self-consciousness, at any rate in a fuller sense than when it opposed the Turks as the champion of Christendom;[1] and her domestic policy

[1] The first use of the term 'Austrian Monarchy' to designate the collection of Habsburg estates occurs in connexion with the

responded to the new conditions by increasing centralization. The centripetal process began in 1749 with the absorption of the Austrian and Bohemian Chanceries into a directory of the Interior, or, as it was subsequently called, the United Chancery of the Imperial and Royal Court. A Council of State to supervise the general administrative policy of the Cis-Leithan provinces followed in 1760. Local administration, which had furnished examples both of mediaeval feudalism and advanced democracy, was co-ordinated by the establishment of a body of local magistrates. The substitution of the State for the clergy as the educational authority, the establishment of primary schools, the removal of feudal burdens, the introduction of conscription and of a uniform fiscal system, from which Hungary was excluded, were all steps in the same direction.

(2) Josephism

Joseph II (1780–90) followed his mother's policy, but in a doctrinaire spirit. He was, least of all men, fitted to govern the Habsburg territories, for his idol was symmetry, and symmetry was impossible in his dominions. 'Josephism', implying ubiquitous state control in place of local autonomy and ecclesiastical privilege, was illustrated in the compulsory use of the German language for official purposes in Hungary and Bohemia and in a uniform system of taxation. Calculated to alienate many classes of his subjects, this policy of centralization was abandoned by his brother and successor, Leopold II, but not before it had sown the seed of the Czech and Magyar national movements.

(3) Francis II

The reign of Francis II (1792–1835) is notable for his adoption in 1805, when the Holy Roman Empire was finally disappearing, of the title of Emperor

Pragmatic Sanction. Eisenmann, Louis, *Le Compromis austro-hongrois*, p. 21; H. I. Bidermann, *Gesch. d. österreichischen Gesammt-Staats-Idee*, ii. 257.

of Austria. Modern Austria, therefore, dates technically from the Pragmatic Patent of this year. The Emperor held to his new title when Europe was reconstituted in 1815, and entered the Germanic Confederation as its President. The decision to maintain his interest in Germany, and to perpetuate the Imperial traditions of his House, was momentous. In order to obtain a preponderant weight in the counsels of the Confederation, it became important that he should increase by every means the German element in his dominions. The effect of this was to lead the Austrian Government to try to Germanize the Austrian Slavs, and to divert it from the pursuit of a purely Austrian policy.

The Emperor, both from experience and education, was a kindly but uncompromising despot; and Metternich, the Imperial Chancellor, stood in his day for the personification of an absolutist minister. The Austrian Constitution consisted in an omnipotent State Conference, which contained two archdukes, and the two Chancellors, Metternich and Kolowrat, the one responsible for foreign and the other for domestic affairs. Beneath them there lay a bureaucracy and Provincial Estates, which the Emperor dismissed like naughty children if they disclosed a will of their own. Against this system, and the suppression of civil and religious liberty which it involved, the Revolution of 1848 was a fierce protest. Metternich fell almost without a struggle, and the Emperor then granted the liberties he dared not refuse. A Diet from the non-Hungarian territories of the Empire was eventually assembled at Vienna to decide upon a Constitution. There were three possible solutions of the constitutional problem in Austria—centralization, federalism, and dualism. The Diet worked out a scheme on the federal principle. The Government had its reasons for preferring a centralized system. The German Constitution happened to be at the moment in the melting-pot, for the Frankfort Parliament had begun to sit. Federalism in Austria would logically have led to the exclusion of the Austrian provinces from the Germanic Confederation. While

the Diet debated, the Imperial Generals retrieved the situation for their master. Felix Schwarzenberg, a minister of cool calculation and iron resolve, was placed in power. The Emperor Ferdinand resigned in favour of his nephew, Francis Joseph. The Assembly was dissolved. A new Constitution, granted by Imperial decree on March 4, 1849, proclaimed the Austrian Empire indivisible, established the theoretical equality of the various provinces, and reduced their Diets to the level of local councils. The grant of freedom of the press and of religious belief thinly veiled the resumption of autocratic power by the Emperor. On January 1, 1852, the emasculated Constitution was withdrawn without further pretence.

The simultaneous revolutionary movement in Hungary, which is associated with the name of Kossuth, met with a similar rebuff, the Jugo-Slavs and Russia lending their aid to suppress it. Hungary was deprived of its Constitution as well as of its independence, and fell for a time under direct Austrian control.

(4) The Bach Period and after

The decade (1849–59) which followed has received the descriptive title of Bach's period. Bach had seceded from Liberalism to Autocracy; and his policy, as Minister of the Interior, consisted in centralizing and 'Germanizing' the Austrian dominions. The defeat of Austria at the hands of France and Italy in 1859 brought this régime to a close. Attacked on all sides, Bach fell, and his system with him. Once more the Austrian Government stood at the crossways, and had to decide between a federal and a centralized Constitution. The 'October Charter', or Diploma, which appeared on October 20, 1860, was conceived on federal lines; but it was the federalism of 1847—a triumph rather for the old Aristocracy than for the new spirit of Nationality. It restored the local institutions prevalent before 1848, but ignored the constitutional concessions of that year. This was fatal to its success in Hungary, where the laws of 1848 were regarded as

a charter of liberties. Discontent and passive resistance produced administrative anarchy. The Emperor veered round and put himself in the hands of the centralizers. The result was the Patent of 1861. The chief features of this Constitution were an Imperial Diet, empowered to raise taxes and pass legislation, and Provincial Diets charged with the election of members to the Imperial Diet. It was claimed for the new Constitution that it secured the representation of all the interests of the Empire in proportion to their importance. The representation was not, however, based on numbers, and was so regulated as to secure a constant majority for the German element in the population. Under the appearance of constitutional reform the bureaucracy was reinstated; the representative body was not a Parliament but an Imperial Council, the organ of an absolute administration which was secured by the alliance of the Government with the Austro-German upper and middle classes. Foreign policy and the control of military affairs were outside the range of the Reichsrat and reserved for the Ministers and the Court. The scheme, which was universally accepted in Austria, outraged Hungarian national pride, and produced determined resistance in that country. The disastrous defeat of Austria at the battle of Sadowa (1866) gave Hungary a fresh opportunity to assert its independence; and Deák, the Hungarian leader, pressed his case with great moderation. The Emperor gave way; and the principle of Dualism—the third possible solution of the Austrian problem—was adopted in the Ausgleich, or Compromise, of 1867. This scheme was negotiated by Beust, Deák, and Julius Andrássy, the first being responsible for Austrian, the two latter for Hungarian interests. The fall from power of Belcredi, the opponent of Dualism and the champion of the Slavs, was significant of the fact that the German and Magyar races of the Empire had come to terms at the expense of the Slavs. The Germans were to dominate Austria, the Magyars Hungary; and injustice to the other nationalities became almost a principle of government.

(5) The Ausgleich

'Dualism' was precisely a compromise. The Kingdom of Hungary, unlike that of Bohemia or Croatia, was placed on a par with the Cis-Leithan dominions of the Empire of Austria, which now received recognition as a separate State.[1] Hungary was in other words admitted to federal, or more than federal, privileges which were denied to the other and more loyal Habsburg territories. In this anomalous fashion arose the Dual Monarchy, between whose members the River Leitha is assumed to form a boundary line. At the basis of the Ausgleich is the recognition of three common services—foreign policy, finance, and war. A minister common to both countries is appointed to control each of these three departments, and is made responsible to the Delegations, or Imperial Representative Assembly elected annually by the two Parliaments of Austria and Hungary. Other matters of common interest are arranged either between the Austrian and Hungarian Cabinets or by special deputations; and the legislation necessary to give effect to their decisions is passed by each Parliament separately.

The Delegations have worked tolerably well, though it seems certain that the policy of the Triple Alliance would not have been endorsed by the Austrian people, as it was only sustained in the Delegations by the aid of the delegates from the Upper House. The Austrian Constitution has worked ill.

(6) The Austrian Constitution

The Patent of 1861 which, with some modifications, formed the basis of the Constitution of 1867, had set up in Austria a Parliament (Reichsrat) consisting of two Chambers, the members of the Upper determined by heredity, merit, or office, those of the Lower selected by the Provincial Diets (Landtage). These local assemblies were elected on a register which, under the curial arrangement, gave unequal representation to different nationalities and to different class interests. The curiae

[1] Eisenmann, Louis, *Le Compromis austro-hongrois*, p. 494.

represented four elements—the cities, rural districts, chambers of commerce, and great landowners. This system of indirect election lasted until 1873, when the principle of direct election was introduced, though the curial basis remained; further changes in 1882 and 1896 prepared the way for universal suffrage, which was carried in 1907. A lasting source of friction was the effective supersession at the Emperor's will of the Reichsrat's legislative powers, by the provisions of Article 13 of the Patent (or, as it subsequently became, Article 14 of the Ausgleich), which enabled the Cabinet in cases of urgency, when Parliament was not sitting, to legislate by imperial decree. Legislation passed under this rule might not, however, impose a permanent charge on State revenues, alienate national property, or alter constitutional law, and must, to retain its force, be submitted to Parliament within four weeks of its next meeting and be approved by one of the two Chambers. Thus the Emperor, empowered to dissolve or adjourn Parliament and to nominate and direct the executive, retained a large measure of sovereign power, with but slight limitations, of which the chief was, perhaps, the obligation to summon Parliament annually. It was also his duty to take an oath, on his accession, to maintain the Constitution, but should he omit this guarantee there was no provision for enforcing it. In fact, as will be seen, the unscrupulous application of the law produced in practice something like absolutism.

(*b*) Austrian Domestic History since 1867

The domestic history of Austria and of Hungary between 1867 and 1914 is a commentary on the issues which have been indicated in the preceding pages—the rivalry between the two monarchies; the legislative authority to be enjoyed by the Government in the absence of Parliament; above all, the question of the subject races; and, intimately connected with this, the questions of suffrage extension and federalism. Ministries were almost always challenged to deal with one

or other of these matters in some form or shape, and were constantly wrecked upon their attempts to do so. The German element in Austria, unduly powerful at the polls, could rely, not only upon the moral support of the Magyars, but upon that of the newly-created German Empire. This influence was a permanent factor with which all Premiers, however equitably minded, had to reckon. It would be out of place to trace in detail the fortunes of the various administrations; only the principal men and measures can be indicated.

(7) The Potocki and Hohenwart Ministries

Potocki in 1870 was the first to define a conciliatory nationalist and federalist policy. He wanted a Reichsrat chosen by direct election, an Upper Chamber chosen by the provincial diets, and a measure of local autonomy. He pleased neither side in the controversy. The Slavs criticized what was centralist, the Germans what was federalist in his project; and he fell almost directly. The Emperor, alarmed at the growth of Pan-German sentiment, decided in 1871 to throw himself upon a Nationalist, Clerical, and Conservative combination under the leadership of Hohenwart, who proposed a lower franchise, increased autonomy, and equal treatment for the different nationalities. He was defeated rather by the national pride of the Czechs, who would be content to obtain nothing less for Bohemia than the Magyars had obtained for Hungary, than by the opposition of the German Liberals.

(8) The Auersperg Liberal Ministry (1871–9)

The Emperor then tried a Liberal Administration under Prince Adolf Auersperg, in which the Minister of the Interior, Lassor, was the central figure. Various internal reforms were successfully carried out, but once more the question of nationalities brought the ministry to an end. The passage of the Law of 1873 introducing

direct election to the Reichsrat was, however, a check for the Federalists. Under this arrangement the Reichsrat representatives were elected independently of the diets, and the policy of passive resistance in the diets was, therefore, precluded, whilst a disproportionate increase of representation granted to the municipal and commercial curiae (which were doubled, the rural curia being only augmented by two-thirds) gave a further advantage to the German middle-class element.

(9) The Universal Suffrage Movement

The balance at the next general election swung the other way. Taaffe's long administration (1879–93), which owed much to the Premier's perfect acquaintance with parliamentary artifice, rested increasingly on the support of the Catholic centre, the Poles, the Czechs, the Socialists, and the Christian Socialists—in fact all the elements antipathetic to the German Liberals. Although he included at different times Liberal, Conservative, and Nationalist elements in his Cabinets, his main policy was to strengthen the authority of the Emperor and to be above all the 'Minister of the Crown'. His proposal of October 1893 to extend the suffrage to all who could read and write, had a sufficient knowledge of one of the national languages, and could prove a residence of six months in the place where they were employed, showed a larger and more sympathetic vision, and was probably inspired by the Emperor, who, after the disaster of 1866, desired to curtail the Pan-German influences in Austria-Hungary by the elevation of the subject races. Taaffe's policy was, however, unacceptable to the Conservatives of the Right and to the Polish Nationalists as well as to the German Liberals. His administration fell; and his successor, Badeni (1895–7), carried universal suffrage in an attenuated form by the addition of a fifth curia to the other four (1896). Out of 425 seats, 72 fell to 5,500,000 voters, while the 1,700,000 voters in the privileged curiae held the other 353. This scheme

naturally afforded no permanent basis of settlement; and ten years of unrest followed its passage into law. It was during this period that use was first made of Article 14 (legislation by imperial decree) of the Ausgleich. But the attempt of Körber (Prime Minister 1900–4) to govern on non-contentious lines failed entirely. The racial issue, of which the suffrage question was the immediate expression, could not be shelved. Körber fell; and, a year later, Beck carried universal suffrage. The Electoral Law of 1907 abolished the curiae and gave the right of voting to all Austrians over 24 years of age who were not subject to obvious disqualifications—bankruptcy, criminal conviction, restraint, &c. The rival nationalities problem was met by the creation of racial registers and constituencies, so that election contests lay, not between candidates of rival nationality, but between candidates of the same nationality and rival opinion. The Germans were still the gainers under this system. They were estimated to have 45 per cent. of seats with just over 35 per cent. of population. The Czechs, on the other hand, received 20 per cent. of seats with a population of over 23 per cent.; the Ruthenians were represented to the amount of just over 6 per cent. with a population of just over 13 per cent.

The effect of the Electoral Law was to mitigate the spirit of nationalism, and to this extent to weld Austria into a more homogeneous State than it had been before. This was shown in the new Reichsrat by the preponderance of the economic over the racial parties. The Social Democrats (85) and the Christian Socialists (67) had the largest following; and it will be necessary later to say a few words about these two important factors in Austrian politics.

(10) Later Administrations (1906–16)

Beck's Ministry of officials, which was responsible for the Universal Suffrage Act, was responsible also for the negotiation of the decennial commercial Ausgleich with Hungary, which is treated of in the economic section. It

has been said that Austria bought economic advantages —free trade within the Empire, a commercial court of arbitration, &c.—at the price of political concessions in the form of a fuller recognition of Hungarian independence; and the commercial Ausgleich was therefore nicknamed the Compromise of Separation. The other notable feature of Beck's administration was the skilful management of Parliament by backstairs intrigue, as to the ultimate effect of which procedure the Premier showed himself cynically indifferent. The racial conflict in Bohemia proved fatal to his administration; and in November 1908 he was succeeded by Baron von Bienerth (1908–11), whose Ministry, formed almost entirely from permanent officials, was regarded at first as provisional, though subsequently the inclusion of some members of Parliament gave it a more permanent character. Racial feeling did not subside, and parliamentary history consisted mainly in the obstructive tactics of the Slav Nationalists. Finally, on November 26, 1909, a motion to appoint a committee to deal with racial questions and bills involving racial questions was carried with good results. Another bill empowering the President of the Chamber to suppress obstructive motions completed the work, and the session closed in a businesslike fashion. Obstructive tactics were little resorted to during 1910, until in December the Poles suddenly caused a crisis on the canals question, and the Ministry resigned. A reconstructed administration and a new Parliament, however, gave no better prospects; and Bienerth finally retired in June 1911.

Baron Gautsch's Ministry was not long-lived. Before the end of the year Count Stuergkh had established himself in office with a working majority. He was in power when the war began, and was assassinated (21 Oct. 1916) during its continuance. His administration was characterized by the usual racial agitations, culminating in the crime of Sarajevo; but these are more conveniently treated in the books dealing separately with the Austro-Hungarian states.

II. SOCIAL AND POLITICAL CONDITIONS

(1) Religious

Austria is predominantly Catholic. In 1910 the Roman Catholics numbered 22,530,169, the Greek Catholics 3,417,223; and there were also 2,235 Armenian Catholics, so that the Papacy had about 26,000,000 adherents out of the total population of 28,571,934. Though no new religious orders or societies can even now be established without State sanction, religious toleration in Austria is commonly dated from the Toleration Edict of Joseph II in 1781: it was not, however, completely established until the *Protestantenpatent* of 1861 gave full civil rights to the Protestants. The members of the Orthodox Church in Austria, excluding Bosnia-Herzegovina, numbered some 666,000 in 1910. They are mostly to be found in the Bukovina and Dalmatia and belong partly to the Slav and partly to the Vlach race. The Metropolitan See is at Czernowitz. The Orthodox community in Bosnia-Herzegovina in 1910 numbered 825,418.

The Lutherans in 1910 numbered 444,307 and the Calvinists 144,379. The Evangelical Church (that is, the Augsburg and Geneva Confessions) is under the control of an Imperial Royal Evangelical or Church Council in Vienna.

There are 1,313,687 Jews in Austria. The Lippowaner, a sect of Rumanians and Ruthenes, number 3,270, and are to be found mostly in the Bukovina. Joseph II did his best to make the Catholic Church no more than a department of the State; and it was not until 1849 that it recovered the right to manage its own affairs and to maintain free intercourse with the Vatican. Its fortunes rose in 1855, when a Concordat

gave it large authority in educational and matrimonial matters, but fell again after 1867, when education was placed under State control, civil marriage was legalized, and religious bodies placed upon an equality. Church property, however, which in Austria is officially estimated to amount at the present day to approximately £34,000,000, remained and remains practically unaffected; that is to say, the Church continues to possess administrative freedom on condition that an abstract of Church accounts is presented annually to the Government by the ecclesiastical authorities. The proclamation in 1870 of the dogma of Papal Infallibility was, however, made the occasion of a Rescript invalidating the Concordat on the ground that under the dogma its provisions had been rendered violable at the arbitrary will of the Pope; and in 1874 the Concordat was formally annulled and the respective provinces of Church and State defined. Under this new arrangement the Emperor, in almost every case, appointed to vacant bishoprics. The position of the Catholic Church in Austria was not seriously affected by the *Los von Rom* Movement, which was started by Schönerer in the last decade of the nineteenth century as an auxiliary to the Pan-German Movement. Schönerer's programme was to 'break the chains which bind us to a Church hostile to Germanism'; and Protestant societies countenanced and aided it. It is estimated to have attracted in the first ten years of its existence some seventy thousand converts. Opposition took effective shape in the Societies of St. Boniface and St. Raphael, and in the Christian Socialist party, which was strongly supported by the Archduke Franz Ferdinand. Both these organizations aim at combining sentiments of German nationality with Catholic principles; but, broadly speaking, the Catholic clergy of Austria tend to sympathize with the Slav national movements and show themselves antipathetic to Germanism, which is distasteful to them on account of its Liberal and Socialist tendencies. The regular clergy—i. e. the

religious Orders—in Austria have a bad name. They are very wealthy and their partial subjection to the State, which was one of the achievements of Joseph II, has done them no good. The vigorous efforts of the Vatican have been unsuccessful, at any rate until recently, in procuring any reformation of the prevailing laxity in religious houses. An exception to the general condemnation must be made in favour of the Jesuits and the Redemptorists, who are largely responsible for what genuine religious feeling exists. The members of these Orders are, however, mostly drawn from the Catholic parts of Germany.

The secular clergy and the Episcopate include a considerable number of persons of good family, whose personal characters are above reproach and who discharge their duties conscientiously. But the fact remains that the moral standard in Austria, if measured by the statistics of illegitimate births, is low, these being actually estimated in the case of Carinthia at the figure of 41 per cent.

The political influence of the Catholic Church is exercised principally through three organizations: (1) the Christian Socialist Party; (2) the Catholic School Association, which is designed to oppose secularism in the schools; and (3) the *Piusverein*, a society formed to subsidize the clerical and Catholic press (e. g. the *Reichspost*, the *Vaterland*, the *Deutsches Volksblatt*, and the *Kronenzeitung*) as a counterblast to the active Jewish and anti-clerical organs.

(2) Political—(*a*) Form, Character, and Methods of Government

The Executive.—Under the Constitution of 1867 the Dual Monarchy is united by the person of the Emperor-King. His prerogative includes the right to make war and peace, and to exercise the administrative functions of government through ministers, who, though appointed by him, are so far responsible to Parliament that his right of pardon is limited in the case of ministerial

impeachments. Control of the ministers entrusted with the common services of the Dual Monarchy—War, Foreign Affairs, and Finance—is secured through the Delegations. These two bodies, consisting of sixty members each, chosen by the Austrian and Hungarian Parliaments, two-thirds of them from the Lower and one-third from the Upper House, are summoned by the Emperor alternately to Vienna and Budapest, to vote the common Budget, which they discuss and approve separately, or, in the case of disagreement, vote upon in common but without discussion.

The Parliaments can only consider the Budgets from the point of view of the imposition of taxes.

The Legislature.—The Austrian Parliament (Reichsrat) is concerned with all legislative matters relating to the provinces of Austria. The Emperor, at his accession, takes the oath before it to observe the Constitution, which obliges him to summon it annually. He has the power to convoke, adjourn, and dissolve it; but, in case of dissolution, a general election must be held within six months. The natural life of a Parliament is six years. The Upper House contains, besides members of the Imperial Family: (i) hereditary nobles possessed of large landed estates; (ii) nine archbishops and eight prince-bishops; (iii) life members, not less than 150 or more than 170 in number, nominated by the Emperor for distinguished service and including representatives of art and science. The Lower House is elected by universal male suffrage on the part of Austrian subjects twenty-four years of age, and resident for at least a year in the electoral district concerned, who are not disqualified by bankruptcy, crime, tutelage, or the receipt of public relief. Registers are compiled on a nationality basis—Czech, German, or Polish, as the case may be. Candidates, who must be thirty years of age, are by this arrangement opposed to one another, not on the score of nationality, but on the score of political opinion. The representation of the different parts of the Empire is thus arranged:

Bohemia	130
Dalmatiá	11
Galicia	106
Lower Austria	64
Upper Austria	22
Salzburg	7
Styria	30
Carinthia (Kärnten)	10
Carniola (Krain)	12
Bukovina	14
Moravia	49
Upper and Lower Silesia	15
Tyrol	25
Vorarlberg	4
Istria	6
Görz and Gradisca	6
Trieste and district	5
	516

It is perhaps worth noting that of these deputies less than half are of German nationality.

The members of the Lower House in Austria are paid ten florins (16*s.* 8*d.*) a day during the session. Money and Recruiting Bills must originate in the Lower House: other Bills can originate in either House. In the event of disagreement between the Houses a conference between delegates from each is held. In spite of the attempt to check racial hostilities by grouping the electorate in racial registers as above described, the quarrels between different nationalities in the Lower Chamber have so impeded public business that Paragraph 14 of the Constitution, authorizing legislation by Imperial decree where the matter is urgent and where no change in constitutional law, alienation of State property, or new permanent financial charge is involved, has been freely used to meet the situation.

There are eight Ministries—the Interior, Justice, Public Instruction, Commerce, Agriculture, Finance, Public Defence, Railways, and, in addition, two ministers without portfolio for Galicia and Bohemia.

Provincial administration is carried on through

a Governor. Beneath the province is the circle (*Bezirk*) with its captain (*Bezirkshauptmann*), and beneath the circle is the commune, an autonomous body.

(*b*) Political Parties

It is difficult to overestimate the parliamentary arts required in the leader of a government in the Austrian Chamber. It was estimated that the first universal suffrage Parliament contained thirty-five groups, representing complex combinations of race and opinion such as no other State in the world has to face and before which genuine attempts at equitable legislation are almost bound to succumb. Two of the most important of these groups require a word of comment, viz. the Social Democratic and the Christian Socialist parties.

The Social Democratic Party.—Labour first came to self-consciousness in Austria about the time of the Ausgleich (1867), when a Liberal Government had authorized to a limited degree the right of public meeting and combination. It was then that the ideas of Marx's manifesto began to affect the minds of the more educated members of the Austrian proletariate. These were found principally among the German section of the population who had maintained their intellectual intercourse with Germany in spite of the political severance of 1866. Hence the Labour Movement in Austria had its source in the ideas of a German-Jewish writer, filtered through the minds of Austrian Germans, and was exploited by Austrian Jews. The Jewish control is visible in the fact that all the principal Social Democratic leaders—Adler, Ingwer, Ellenbogen—were Jews. The Labour Movement, which began on the basis of a mutual improvement society, rapidly developed political tendencies, and as early as 1869 direct and universa suffrage was demanded in a petition presented by a mass meeting of workmen in Vienna. The presence of Schäffle, one of the so-called *Katheder-Sozialisten*, in the Hohenwart Ministry (1871) raised expectations not destined at that time to be realized.

In 1878 there occurred a party split, one-half of the party, under the title of the *Arbeitervolkspartei*, associating themselves with the Federalists and the Clericals against the German Liberals; but in 1886 the party breach was healed. At the important Hainfeld Conference in 1889, which was attended by Slav as well as German representatives of the labour party, a Socialist programme was framed which denounced the existing structure of society, particularly the slavery of the working classes involved in private ownership of the instruments of labour, national and class privilege, and the maintenance of a standing army as distinct from a militia; it declared also for universal suffrage, freedom of opinion, labour legislation, and for free and secular education with the consequent separation of Church and State. At this stage the party declared itself international and in favour of parliamentary action. A strong Socialist organization was subsequently evolved, of which the effects were made visible in Count Taaffe's proposal in 1893 to extend the suffrage, and also in the addition of the fifth Curia in 1896. In 1897 the Socialist organization was decentralized and recast on racial lines. This marked a breaking away from the German influences which had hitherto controlled the movement. At the same time a strong element of anti-clericalism began to appear in the counsels of the party. This was no doubt the result of the rise of the Christian Socialists. At the first election after the introduction of universal suffrage the Social Democrats were the largest single party and held 85 seats. In 1911 they won only 81 seats, but some of these were of great importance. One of the ablest leaders of this party, Dr. Victor Adler, threw all his weight on the side of constitutional as against revolutionary methods: he even discouraged political agitation outside the Reichsrat, which body he believed offered the best means of carrying out the revolution desired by the workers. He was the chief supporter of the *Arbeiterzeitung*, which was the organ of the party. The impossibility, however, of reconciling racial differences has

obstructed the parliamentary programme of both the Socialist parties.

The Christian Socialists.—The foundation of the Christian Socialist Party originated in an attempt to oppose the Semitic influences, which directed Austrian Socialism, by a programme not less attractive to the working classes, but grounded on Christian principles. The first association was founded in 1887. The personality of Dr. Lueger, the then Burgomaster of Vienna, whose truculent and overbearing manners did not prevent him from enjoying immense popularity among the masses, early dominated the movement. He disliked Jews and Magyars; and his great talents of political organization gave him a power in Vienna and Lower Austria somewhat similar to that exercised by Chamberlain in and around Birmingham. The Christian Socialist Party grew by leaps and bounds. In 1907 it commanded 67 seats in the Reichsrat which was elected on universal suffrage; and a subsequent amalgamation with the German Clericals raised its numbers to 96 and gave it a majority over the Social Democrats. Though the party did not bear a clerical stamp, and has in fact been viewed with anxiety and even hostility by Catholic ecclesiastics, the suspicion of clerical influences in its counsels produced in 1896 a secession led by Schoenerer and Wolf, who formed a Pan-German nationalist movement with 'Los von Rom' as its motto. Dr. Lueger's famous resolution proposed at the Catholic Congress in 1907, to the effect that the conquest of the Universities was the object to which the Christian Socialists would devote all their energies, was commonly, though perhaps hastily, regarded as conclusive proof of the triumph of clerical influence. The aims of the Christian Socialists, however, extend far beyond education. Without attempting minute definition, one may affirm generally that the Christian Socialist Party stands for an Austria in which the Germans would be dominant. In the early years of the movement a more sympathetic treatment of the Slavs was contemplated; but latterly

the German Nationalist spirit came to predominate, largely owing to the growth of the Czech element in Vienna, the head-quarters of the party. Another of the Christian Socialist aims was the establishment of guilds (*Gewerbegenossenschaften*), which by encouraging small industries with the aid of protection would tend to undermine the capitalist and co-operative systems. The Christian Socialists are in theory not a religious but a political party, though of Christian affinities, and cannot properly be described as Catholic in the sense in which this title is applied to the Centre Party in Germany, though in practice the difference is not great. A leading Christian Socialist in the person of Dr. Gessman entered the Cabinet as Minister of Public Works in 1907. As the new Ministry was entrusted with social legislation relating to mines and factories, the appointment had more than ordinary significance. In 1911 the Christian Socialists lost ground heavily, especially in Vienna. Dr. Lueger had died the previous year; and this circumstance, taken in conjunction with charges of corruption and the unpopularity of the Archduke Franz Ferdinand, whose patronage the party had enjoyed, may account for their downfall. The *Reichspost* is the organ of the Christian Socialists. In regard to foreign affairs, their leader in 1906 supported the Austro-German alliance as the basis of policy.

The Deutschnationalverband.—Next in importance was the *Deutschnationalverband*, a fusion of the three German Liberal groups (Progressives, Radicals, and Nationalists), which was effected in 1910. All these groups were drawn from the German districts of Austria. They commanded seventy-seven votes in the first universal suffrage Parliament, and in 1911 increased their numbers to ninety-nine. The Agrarians form yet another parliamentary group, of whom twenty-one were German and twenty-seven Czech.

(3) Educational

There are two classes of elementary schools—the *Volks-* and *Bürgerschulen*, of which the former teach the first principles of religion, reading, writing, arithmetic, natural science, history, geography, and drawing, and the latter carry the instruction in these subjects farther and add to them such subjects as bookkeeping, geometry, and, in certain cases, music and modern languages. Attendance is obligatory on all from the ages of six to fourteen, or in some provinces from six to twelve. As regards religious teaching, which occupies the chief place in the curriculum, the ecclesiastical authorities of the various recognized denominations have access to the schools, and the clergy are bound to give a certain modicum of religious instruction in the *Volksschulen* without payment; but, if remuneration becomes due, it is drawn from public funds. As regards the language question, the rule is that the provincial school council, which is presided over by the Governor of the province and includes educational experts, clergy, and representatives of the local diet, should determine what language or languages are to be taught in any school. An opportunity is always afforded to learn German.

The immediate local educational authority is the District School Council, a body representative of the ratepayers and the parish. Between this and the Provincial School Council is another body, the County School Council, which, besides determining questions respecting the building and staffing of schools, regulates the affairs of private elementary schools and kindergartens.

Secondary education is carried on by the *Gymnasia* and the *Realschulen*, which may be public or private. The former furnish a classical, the latter a modern education. There are also 4,000 technical institutes in which the knowledge of different trades and professions can be pursued. Technical high schools for instruction in agriculture, architecture, chemistry, and

engineering are also open to those who have obtained certificates for proficiency in secondary education. At the summit of the educational structures are the eight universities of Vienna, Graz, Innsbruck, Prague (2), Czernowitz, Lemberg, and Cracow.

GENERAL OBSERVATIONS

(*a*) Public Opinion

Public opinion, in the sense in which it can be spoken of in other countries, can hardly be said to exist in Austria. Austrian Germans speak of their 'nation', and include in this term the Germans of Bohemia, Tirol, Upper and Lower Austria, Moravia, Styria, and Carinthia; and there appears to be some realization of intellectual and moral solidarity among them which draws them together.

The Austrian Germans have, of course, certain other obvious sources of strength. They have kept their predominance in the administration, and have maintained their language as the leading though not the exclusive language of the State; they still form a strong group in Parliament, though since the Law of Universal Suffrage (1907) they are no longer numerically the strongest, and their influence as a national party has been further weakened in connexion with the 'Los von Rom' and Pan-German movements. In Parliament they have been chiefly occupied in keeping in check the separatist tendencies of other national groups, and, except in so far as their views are expressed by the Socialists, they have not shown any constructive policy. As an instance of the inconsistencies and cross-currents which are found in Austrian politics, it may be noted that the *Neue Freie Presse* claims to be the organ of Austrian-German opinion. This paper is probably the most influential though not the most respectable representative of the press, and it has been said that most of what passes for public opinion in Austria is

manufactured by it; it is, however, owned, edited, and written by Jews, though the Austrian Germans, whose mouthpiece it claims to be, are violently anti-Semitic.

The educated middle classes, from whom are drawn the civil servants, the officers of the army, and the professors, are the chief supporters of the German party; and it remains to be seen whether the race dominance for which it stands will prove stronger than the Socialist movement of the industrial workers, which is anti-bourgeois, anti-capitalist, and anti-militarist.

(*b*) The Language Question

The Germans in Austria have urged that the predominance of their race is necessary for the preservation of the State—for them a higher conception than that of nationality—and that this justifies the policy of Germanizing the other peoples of the Empire to the extent of making the knowledge of German a necessity for the full exercise of citizenship. By the Constitution of 1867 the rights of the subordinate languages were formally safeguarded. Clause 19 of the Ausgleich runs as follows: 'All the peoples of the State are placed upon an equality, and each people in particular has the right to a guarantee of the inviolability of its nationality and of its language. The equality of all the languages used in the Empire, in schools, administration, and public life is recognized by the State. In the countries where different nationalities exist, public educational institutions ought to be organized in such a way that, without being compelled to learn a second language, every citizen may acquire all the necessary means of instruction.'

The application of the law has, however, presented many difficulties and contradictions. In a country of so many nationalities as Austria, a language may be 'usual' (*landesüblich*) in a district, and yet not be the language of the people (*Landessprache*). It was possible, for example, for the Germans to claim that, since their

language was that of the central administration, it was 'usual' everywhere, and for the Czechs, on the other hand, to maintain that their vernacular was 'usual', even in those parts of Bohemia most thickly populated by Germans; and similar difficulties presented themselves among other subordinate nationalities. An attempt to find a compromise between the 'maternal' language and the 'official' language has resulted in the adoption, for statistical purposes, of the language most commonly spoken (*Umgangssprache*)—a method which facilitates the collection of information as regards the population, but does not pretend to secure its accuracy from the point of view of the nationalities in the district. For the purpose of business or employment German is often used, even by people whose mother tongue may be Ruthenian or Slovene, and who, for the sake of convenience, may range themselves as German-speaking.

Hence, statistics made by the administration in regard to population on the *Umgangssprache* basis must not be too hastily accepted as giving an actual census of nationalities.

The rapid development of national sentiment in recent years has forced this question of language into the first place in Austrian Cis-Leithan politics. Although German is no longer the exclusive official language, except in the Italian-speaking districts and in certain parts of Galicia, it is used in all the internal public services, including the administration of the railways since they became State property, and is the language of command, though not necessarily of instruction, in the Army and Navy; in this latter service, however, the officers must also have a knowledge of Serbo-Croatian.

It was inevitable that the last paragraph of the 19th Clause of the Ausgleich, referring to language of instruction in 'public educational institutions', should have given rise to the greatest difference of opinion. The Germans could argue that, if carried out literally in bilingual districts, it would tend to hamper rather than

facilitate intercourse among the people; and except in Bohemia no attempt has been made to apply it. In addition, the Germans have felt, not unnaturally, that their own language was on a much higher plane of 'Kultur' and had greater educational value; they have accordingly been reluctant to accede to the persistent demands of the Slavs for the recognition of their vernacular in all grades of instruction. In regard, however, to primary instruction the 'usual' (*landesüblich*) language of the scholars has, generally speaking, received recognition, even in polyglot communities.

(For further discussion of this very involved question reference may be made to A. Fischel, *Das österreichische Sprachenrecht*, pp. 382 and 389, where a summary of local usages will be found.)

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MAPS

For the geography of Austria, see notes on Maps in the books on *Bohemia and Moravia* (No. 2), *Austrian Silesia* (No. 4), *Bukovina* (No. 5), *Carniola, Carinthia, and Styria* (No. 9), *The Austrian Littoral* (No. 10), *Dalmatia* (No. 11), *Bosnia and Herzegovina* (No. 12), of this series.

For ethnography, see the Ethnographical Map of Central and South-eastern Europe, issued by the War Office in four sheets (G.S.G.S. 3703 *a*) ; Maps, vol. 4, in this series ; and *L'Europe ethnique et linguistique: Atlas descriptif en trois cartes*, published by De Agostini's Geographical Institute, Novara (1917).

HUNGARY

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I. POLITICAL HISTORY

Chronological Summary.

c. 890 The Coming of the Magyars.
1000 Coronation of St. Stephen.
1222 The Golden Bull.
1308 The Angevin Kings replace the Arpad Dynasty.
1526 The Battle of Mohács. The Habsburgs established.
1608 Religious toleration partially adopted by the Emperor Matthias.
1699 Peace of Carlowitz; Hungary mostly recovered.
1724 The Pragmatic Sanction.
1848 The Revolution.
1867 The Ausgleich or Compromise.
1868 The Law of Nationalities.
1904-5 The Universal Suffrage Crisis.

Domestic History to 1867

Origins.—Hungary occupies a central position in Eastern Europe, divides the northern from the southern Slavs, and is dominated by a non-Aryan race. The Magyars, according to the earliest documents, had their home in the Ural Mountains, not far from the Volga. Summoned by the Eastern Roman Emperor to aid him against the Moravian Empire, they moved eventually westwards, about 890, under the leadership of Arpad, within whose family the monarchy became elective. Victorious at first, they occupied Buda, but were signally defeated by the Emperor Otto I at Augsburg in 955. Their advance westward was checked, and they settled down, choosing, as was natural in the case of a nation of horsemen, the plains (the greater and lesser Alföld), and leaving the mountain regions to the Slavs and Rumanians. By the close of the tenth century the extent of their territories approximated to that of modern Hungary. By the year 1000 they had been converted to Christianity,

largely through the efforts of their chief, Stephen. He was created a king and subsequently a saint by the Popes; the expression "Apostolic Kingdom" originated in these circumstances. The religious connection with Rome had a more important political result. It drew the Magyars, Turanians though they were, into the orbit of the Western Powers, and tended to alienate them more and more as time went on from the Orthodox Slavs, with whom they might otherwise have been expected to make common cause. St. Stephen deliberately encouraged the influence of Western thought. His advice to his son is on record, and moulded the policy of his successors: "Treat newcomers well and hold them in honour. . . . A country where only one language and one custom prevails is weak and fragile." St. Stephen's domestic policy left permanent traces in another direction. A development took place in the *comitat*, which formed, and still forms, the foundation of the system of national defence and administration.

The Golden Bull (1222).—The incapable government of King Andrew II (1205—1235), the contemporary of King John of England, produced the Magna Charta of Hungary. The Golden Bull contains thirty-one articles, of which the last, giving the bishops and nobles the right of resistance without incurring the penalties of high treason should the Sovereign violate the Charter, is perhaps the most important. For the rest, the Bull provided for the holding of an annual Diet of the nation at the town of Székes Fejérvár (Stuhlweissenburg), for the trial of the nobility and gentry by the Palatine, for their immunity from extraordinary taxation, and against the inheritance of public offices. It was in the main a charter for the benefit of the gentry, whom it erected into a privileged class, and was apparently designed to strengthen the hands of the King against the tyranny of the magnates. The large number of the gentry, or "sandal-nobles"—they were no more than freemen—and the equal rights which they enjoyed with

the Magyar magnates in the National Assembly are vital features in Hungarian history. Only so late as 1608 were the gentry formally separated from the greater nobility by their exclusion from the Diet, which was then divided into two Chambers.

The German Plantation.—The invasion of the country by the Mongols in 1241 took place in the following reign. King Bela IV (1235—1270) was defeated, and though the invaders were ultimately repelled they left behind them a devastated land. It was in these circumstances that German colonies, for which the cities of Szepes (Zips) formed a nucleus, were planted. The colonists were induced to come by the promise of grants of land and extensive local autonomy.

The Mediæval Kings.—In 1301 the Arpad dynasty died out, and, thanks in part to the Pope, Charles Robert of Naples (1308—1342), one of the Angevin line, was recognised as King of Hungary. His claims were contested both by the King of Bohemia and in Northern Hungary by Matthew Csak of Trencsén, whom the Slovaks have now idealised as a national hero, but he triumphed over his opponents. His son, Louis the Great (1342—1382), embarked upon an enterprising foreign policy, and secured for himself the crown of Poland, and for his country a seaboard by the occupation of Dalmatia. His daughter married the son of Charles IV of Bohemia, who became known in history as the Emperor Sigismund, and who succeeded Louis on the throne of Hungary. Sigismund was the first to combine the possession of the kingdom of Hungary with that of the imperial crown. His daughter, Elizabeth, married Albert of Austria; and the kingdom of Hungary came for the first time, though only for a few years, under the control of the House of Habsburg. The new King, however, had to make his terms with the Magyars. These included the consultation of the Diet in regard to the appointment of the Palatine, a functionary who, from being the chief Court official, thus became the judicial guardian of

the constitution, and remained until 1848 the intermediary between king and people. Albert only reigned two years (1437—9), and his son, Ladislaus Postumus, was set aside in favour of the King of Poland, Wladislaw Jagellon, who was thus put in a position to use the forces of Hungary and Poland in a common effort to stay the onset of the Turks. These were the days of John Hunyady, whose victories and defeats in the Turkish War there is no occasion to follow. His fame secured the election to the throne of his son Mathias Corvinus, ten years after Wladislaw had fallen at the disastrous battle of Varna (1444). The reign of Mathias, in spite of wasteful wars with Austria and Bohemia, is generally regarded as the apogee of the independent Hungarian kingdom; and his policy of strengthening the hands of the gentry against the magnates for the work of county self-government was of lasting consequence. Under his successor, Wladislaw II (1490—1516), the country was united with Poland and Bohemia by the possession of a common sovereign. The reign of Wladislaw II is notable for (i) the law of 1504 which made the Diet the sole source of any grant of revenue to the sovereign, to the exclusion under heavy penalties of any grants from local bodies; (ii) the law of 1514 (passed after a peasant revolt) which deprived the peasantry of the right of migration, and consequently had the effect of permanently embittering class relations; and (iii) Verböczy's codification of Hungarian constitutional law, under the title of *Jus Tripartitum*, which was solemnly ratified by Wladislaw. The King's position as defined in this document has been described as that of " a life-president of a semi-oligarchical State in which the mass of the peasants had no influence whatever, and the trading population little or none."[1] The real sovereign was the whole body of Magyar freemen, whose consent was

[1] Knatchbull-Hugessen, *Political Evolution of Hungary*, I, p. 63.

necessary to legislation, and who could, if they would, take the initiative in proposing it.

The Turkish Conquest.—The constitution failed notably to provide an army adequate to meet the rising power of the Turks; and the kingdom declined in strength under Louis II (1516—1526) and came to a catastrophic end at the Battle of Mohács (1526). The Turks overran the greater part of the country; and, under the influence of a wish to combine the forces of Eastern Christendom against the Moslems, some of the Magyars invited Ferdinand of Austria, who had married the sister of Louis II of Hungary, to be their King. The precise title of the Habsburgs to the throne, which, after a contest with John Zapolya, the Voivode of Transylvania, Ferdinand succeeded in occupying, remains in dispute. A form of election was gone through; the King confirmed by oath an undertaking to observe the Constitution; and in the *corpus juris Hungarici* the record says "Ferdinandus in Regem Hungariae rite eligitur"; but the circumstances were sufficiently casual to make plausible a claim of conquest. The Habsburgs now held Western Hungary, and in Transylvania an independent principality was created with the consent of the Turks by John Sigismund Zapolya. From this time until 1699 there were three Hungarys—Austrian (or Royal) Hungary, Turkish Hungary, and Transylvanian Hungary.

The Struggles for Emancipation and Toleration.—The dismemberment of the country promoted the cause of the Reformation, which spread from Bohemia to Hungary. Calvinism obtained a great hold, especially among the gentry, who associated Catholicism with the Habsburgs. Transylvania, where the Prince was a Protestant, afforded strong support to the Magyar and Protestant cause. In 1608 the Emperor Mathias, under Transylvanian pressure, admitted the principle of toleration in Hungary by conceding to the nobility, the towns and the villages, but not to feudal vassals, the right to choose their own form of faith. At the

same time he undertook that the country should never be left without a Palatine. The subsequent choice of a Protestant as Palatine embodied the spirit of these two concessions. Feudal vassals only obtained religious liberty in 1657. Meanwhile Cardinal Pázmány, the Hungarian Primate (1616—1637), had initiated an extensive counter-Reformation, which affected rather the magnates and their serfs than the gentry, and owed some of its success to the skill with which Catholicism was presented as the genius of Hungarian nationalism. Leopold I (1657—1703) reverted to a policy of absolutism and religious persecution, with the result that in 1681 Emerich Tököli led a Magyar revolt in Northern Hungary, which was suppressed with cruelty. In 1687 Leopold coerced the Diet into making the monarchy, hitherto elective, hereditary in the male line of the Habsburgs, and into abolishing the right of resistance accorded by the Golden Bull. Discontent came to a head in Transylvania under Francis Rákóczy II in 1703. The Treaty of Szatmár (1711), which closed Rákóczy's revolt, secured Hungary for the time in her political and religious liberties. Meanwhile Prince Eugene and Louis of Baden brought the Turks to their knees; and at the Peace of Carlowitz (1699) Hungary was recovered for the Magyars; with the exception of the Banat of Temesvár, which remained in Turkish hands until 1718, and Croatia-Slavonia, which continued to be partially under military control.

The Serbs and Germans of Southern Hungary.—Two by-products of the Turkish wars proved to be of lasting importance. One was the plantation by Charles VI and the Empress Maria Theresa of the recovered districts of Southern Hungary with Germans from Swabia. The other was the immigration into Hungary from Turkey of a refugee Serb population, who were welcome to the Emperor Leopold, as they furnished his armies with excellent recruits. The refugees settled on the banks of

the Maros, in Syrmia and in Slavonia. They were promised religious toleration and something like autonomy. In 1723, however, the Hungarian Diet reduced their status to that of serfs tied to the soil. They learnt, therefore, to look to the Emperor and not to the local assembly for protection. The Imperial Government on its side was not slow to act or pose as the protector of minorities both racial and religious. Thus the creation, or rather extension, of the Military Frontier Province was designed not only to afford a bulwark against the Turks, but also to give the soldierly Serbs a more acceptable form of government. The administration was vested in a German military governor under imperial control. When in 1750 Maria Theresa agreed to the Hungarian demand for the reincorporation in the government of Hungary of the region between the Tisza (Theiss) and the Maros, which now forms the counties of Temes, Krassó, and Torontál, a hundred thousand Serbs migrated to Russia.

The Reign of Joseph II (1780—1790).—Joseph II's symmetrical system of government was peculiarly calculated to offend the susceptibilities of the Hungarians. His attempt to substitute German for Latin as the official language was keenly resented, and provoked the Magyar literary movement. His attack upon privilege, which effected the abolition of serfdom and the introduction of peasant proprietorship, aimed at more than was feasible; and the attempt to enforce uniformity by the suppression of the counties, the division of the country into ten circles *(Kreise)*, and the rigorous application to recruiting of a census provoked fierce resentment, which was increased by the removal of the crown of St. Stephen to Vienna. Just before his death the Emperor was compelled to rescind his reforming ordinances, except those partially emancipating the peasants and re-establishing the religious toleration which had lost ground during the Austro-Prussian wars. His brother and successor, Leopold II, one of the wisest of the Habsburgs, pursued a liberal and conciliatory

policy. The constitution was reaffirmed at the Diet of 1790—1. Hungary was to be administered "according to its own laws and customs, and not after the manner of the other provinces," that is, by collaboration between the Sovereign and the National Assembly. The King, in order to obtain his constitutional rights, must be crowned, and the right of taxation was to be vested in the Diet, which was to be assembled every three years.

The National Movement.—The Hungarians, in spite of Napoleon's calculated appeals to their national sentiment, held to their Sovereign during the Napoleonic Wars. It was not until later that the new ideas began to penetrate the country. The Diets of 1825, 1833, and 1843 have an important place in Hungarian history. It was there that Paul Nagy and Francis Deák made their mark by vindicating the liberties of the country against the absolutist tendencies of the Emperor Francis I (1792—1835). The traditional Hungarian rights over territories such as Dalmatia, which by the extinction of the Venetian Republic had fallen into the hands of the Emperor, were ineffectively asserted, and, which was much more important, the Magyar tongue was forced into official use in parliamentary debates. In 1830 the knowledge of Magyar became a compulsory qualification for an advocate's diploma or a public post, and in 1843 Magyar was declared to be the exclusive language of the Government and Legislature. The artistic and literary movement which attended the Nationalist agitation and gave birth to a national theatre and the Hungarian Academy was, in fact, an extremely important factor in promoting the national cause; and this epoch is reckoned the Augustan age of Hungary. The literary advocacy of liberal economic doctrine by Count Stephen Széchenyi was especially influential. As a result of such efforts the peasants were freed in 1833 from feudal jurisdiction and arrest, and placed in a position to buy their holdings or transfer their labour. First steps towards equality of taxation were also taken.

The Revolution and Laws of 1848.—The National Movement strengthened under the influence of Deák and Kossuth during the years that followed. In the Diet of 1840 the Liberals secured the official use of Magyar in financial, ecclesiastical, and royal concerns. Meanwhile the protection accorded by Austria to the Croatians, and generally to the Slav dependents of Hungary, coupled with an Austrian attempt to place imperial nominees at the head of the counties, widened the breach between the Austrian Government and the Hungarian Nationalists. Wesselényi, one of the group of Hungarian aristocratic Liberals, was advocating in 1843 a federal union with five groups, consisting of: (1) the German provinces in the west, including Carinthia and Carniola, in which the Slavs were to obtain the same privileges as the Transylvanian Saxons; (2) the Adriatic provinces; (3) Hungary and the parts annexed; (4) Galicia; (5) Bohemia and Moravia. The Paris Revolution of February 1848 found Kossuth ready. The Hungarian Diet was sitting at Pressburg, and resolutions in favour of popular education, religious equality, liberty of the press, trial by jury, annual parliaments, and the suppression of feudal dues and privileges were carried. A demonstration at Pesth enforced the Pressburg decisions. The Emperor-King (Ferdinand V) yielded. A Magyar Ministry, with Batthyány as Premier, Kossuth, Deák, and Eötvös as Ministers of Finance, Justice, and Public Instruction, was formed by the Palatine. Deák's moderation and sagacity were admittedly of the utmost importance in shaping the new constitution. The *Grundrechte* of the laws of 1848 were the responsibility of Ministers, the abolition of feudal servitudes, the extension of taxation to all classes and of the suffrage for the Diet from the nobility to every Hungarian twenty years of age and possessed of real property of the value of £30 in towns, or comprising some ten acres in the country. Other features were the double-chamber system, annual diets, Pesth as the seat of government, and liberty of the press. Kossuth further

insisted upon the transfer of the control of the army from the Imperial to the Hungarian Government—a measure in which Deák rightly detected the seed of future trouble.

The Magyars gloried in their own national feeling, but disdained that of others. Simultaneous demands for fuller national autonomy on the part of the Croats and for national recognition on that of the Rumanians of Transylvania incensed them. They refused the claims of the Rumanians, only to find themselves at war with the Serbs and Croats as well. The Emperor, no friend to Magyar independence, was gradually drawn into the quarrel on the side of the Slavs. An imperial constitution was framed in March 1849, which contemplated the separation from Hungary of Croatia, Slavonia, and Transylvania, and the constitution of a federal empire. The Palatine then withdrew from Hungary; the deposition of the Habsburgs and a declaration of independence were solemnly proclaimed by the Magyars; and a committee of defence was formed under Kossuth, who became Governor-President. The Magyars had challenged at once the principle of monarchy, the Court at Vienna, and the non-Magyar races of Hungary. Russia united her forces to the Imperial Austrian army and the Croatian levies. The Magyars were defeated; Görgei capitulated at Világos; Kossuth fled; Batthyány was shot. The racial conflict had been marked by outrages on the part of most of the races concerned, but amongst the excesses the maltreatment of the Slovaks by the Magyars,[1] who were intent on suppressing Slav nationalism, appears the most inexcusable.

In the years that followed the collapse of the rebellion, Deák maintained an opposition on constitutional lines to the Austrian centralising policy. Arguing that national independence and autonomy were essential to the political life of Hungary, he

[1] See on this subject Seton-Watson's *Racial Problems in Hungary*, p. 100.

declined to surrender these rights by sending deputies to the Imperial Parliament at Vienna, which Schmerling had created by the Patent of February 1861. The defeat of Austria in 1866 at the hands of Prussia gave him his opportunity. Beust, who had been Foreign Minister to the King of Saxony, and who was totally devoid of Slav sympathies, had been charged after that disaster with the direction of Austrian affairs. He was willing to concede what Deák required, because he believed that in Austria German interests could only be protected by an alliance with the Magyars. "Keep your hordes, and we will keep ours," was the phrase in which he is said to have defined to Deák the relations of the two dominant races towards the Slavs. The result was the *Ausgleich* of 1867, under which the Magyars received exceptional treatment denied by the Austrian Government to the Czechs, and by the Magyars themselves to the Slovaks, the Rumanians, and even to the Croats. The Compromise was, in short, a compact between German and Magyar based on the principle of racial inequality.

The Ausgleich of 1867.—The provisions of the Ausgleich have been dealt with in detail elsewhere (see above, p. 8). It is important to notice, however, that the assent of Hungary to it is based upon the maintenance of the Hungarian constitution and of constitutional government in Austria. In regard to foreign policy, the effect of the Ausgleich was to increase Hungarian influence in the Dual Monarchy. As "an instrument of common and united defence" foreign affairs were entrusted to a common Foreign Minister; in so far as they lie outside this sphere Hungary can theoretically negotiate separately with foreign Powers, though commercial matters have been rather illogically placed in the hands of the common Foreign Minister. Hungary retains, therefore, the right to ratify treaties; and these, so far as Hungary is concerned, are embodied in a separate law (e.g., the Treaty of Berlin). As Emperor of Austria, the Sovereign can control foreign affairs; as

King of Hungary, he is controlled by the Hungarian Diet.

Domestic History since 1867

The Law of Nationalities.—The subject-races of Hungary are the Rumanians, the Serbs, the Slovaks, the Ruthenians, and the Germans. The Ausgleich constituted for Hungary a charter of Magyar supremacy; and an attempt to assimilate the non-Magyar races was its obvious corollary. Two methods of accomplishing this were possible—the coercive and the persuasive. The Andrássy Ministry of 1867, which had Eötvös, the disciple of Deák, as its Minister of Education and Religion, embodied the latter principle in the Law of Nationalities of 1868.[1] At the basis of the Act, indeed, was the belief that Hungarian national unity could only be maintained by the predominance of one language, and that this language must be Magyar; but Eötvös, convinced that in any competition Magyar would win on its intrinsic merits, endeavoured to give fair play to the culture of the other Hungarian nationalities, subject to these conditions. Under the Law, Magyar is recognised as the official language, and is required in the Diet. In the local assemblies or jurisdictions, however, whilst it remains the official means of communication, some other tongue, acceptable, at any rate, to one-fifth of the members, may be used collaterally in the minutes; and in debate every member is permitted to employ his own language. In legal proceedings similar principles were applied. Magyar was to prevail exclusively in the upper courts. In communal courts a party was given the right to use his own language; and in the district courts he might use that of the minutes of his communal records. The judge was to see that the more important documents used were translated where this was necessary; and other obvious facilities were afforded for the better hearing of a case. In churches

[1] For text see Appendix II, p. 115.

and in ecclesiastical concerns generally, the congregations enjoyed complete freedom of choice in the matter of language; in church schools their rights in this respect were modified by the Education Act. State schools were placed under the control of the Minister of Education, but he was expected to provide for the instruction of children of the different races, where their numbers were sufficient, in their own tongue. Lectures at the National University were to be given in Magyar, but chairs were to be set up for the study of the language and the literature of other nationalities. Much depended on § 27 of the law, which prescribed the appointment to administrative and judicial offices, and notably to that of High Sheriff, of persons belonging to the nationalities locally interested, " so far as possible."

The application of this and other provisions of the law has, according to Dr. Seton-Watson (*Racial Problems in Hungary*, pp. 149—159), been grossly defective. In counties, for example, where Slovaks and Rumanians are in a great majority, no Slovak or Rumanian has for many years past been appointed to fill the post of High Sheriff, which was not the case before the union with Hungary. Again, in 90 per cent. of the State elementary schools, and in all the State secondary schools (*gymnasia*), except that of Fiume, Magyar is exclusively employed.

Forcible Magyarisation.—The spirit of Deák, which inspired the Law of Nationalities, was sympathetic, and stands in violent contrast to that of Coloman Tisza, who in 1875, after Deák's death, became the head of a strong Magyar Government. His followers, among whom some of Deák's former supporters were to be found, constituted the new Liberal Party, and justified their title to some extent by reforming the Upper Chamber in 1885. Magyar influences, however, predominated. These were established upon a corrupt but effective electoral law, and were manifested in racial policy in general, and in particular by the Education Acts of 1879 and 1883, which made the Magyar lan-

guage a compulsory subject in primary and secondary schools respectively. Tisza's forcible administration lasted fifteen years, and fell only because it trenched upon Magyar sentiment by forcing through a Law of National Defence which required Hungarian officers to pass an examination in German, on the ground of the necessity of a common language to the proper command of an army. His fall brought the Clericals momentarily into power; but secularism found its exponents in Dr. Wekerlé, who became Minister-President in 1892, and subsequently in Bánffy, who succeeded him in 1895. Under their administrations civil marriage was legalised and the registers were placed in lay hands; the effect being not merely to deprive the Catholic Church of opportunities of propaganda, but to restrict the racial activities of the Slav and Rumanian priests which had been carried on under cover of the functions of registration. Bánffy made no secret of his policy of Magyarisation, declaring for a Magyar unitary state founded "on the most extreme Chauvinist lines." The methods used in suppressing the subject-races of Hungary were various. A nationalities section, charged with the study of the political activities of the subject-races at home and abroad and with the control of their press, was added to the Premier's department. The elections of 1896 were conducted under the supervision of the military and police authorities, and freedom of assembly and speech severely restricted. By a circular of 1898 from the Ministry of the Interior pressure was brought to bear upon Government officials to take Magyar names. In the vote for the elementary schools it was made a condition that Magyar should be the sole language of instruction.

The threatened races, or at least the Rumanian, Slovak, and Serb members of them, had meanwhile drawn up their programme of defence. Professing loyalty to the Sovereign, and taking their stand upon the Law of Nationalities, they demanded, besides freedom of speech and association, universal and secret

suffrage and the appointment of Ministers charged with the concerns of the different nationalities on the Croatian model.

The Crisis of 1904–5.—Bánffy, whose strong but unconciliatory policy as Minister-President had raised a formidable opposition, left office in 1899 upon the commercial Ausgleich issue. The Government of his successor, Széll, was wrecked in 1903 on the military problem. The Opposition, which possessed a large majority in Parliament, then made the use of the Magyar language for the word of command in the Hungarian army a condition of taking office. The King refused to give way, and in 1905 put in power a Cabinet of officials, with Baron Féjerváry at their head. The Opposition declined to recognise a Government without a majority, loudly declaimed against the violence done to the constitution, and made the transaction of parliamentary business impossible. It was in these circumstances that the King confronted the Opposition with the menace of the subject-races. Josef Kristóffy, the Minister of the Interior, foreshadowed a measure of universal suffrage and secret voting. The Opposition leaders took alarm. An understanding was reached between them and the Crown. It was agreed that Dr. Wekerlé should take office, that the army question should be shelved for two years, and that in the meanwhile a measure of universal suffrage should be introduced.

The Wekerlé Ministry.—The new Government was of so comprehensive a character as to eliminate all opposition. The Party of Independence, which had itself alone a majority in the Chamber, was represented by Count Albert Apponyi and Ferencz Kossuth; the Constitutional Party by Dr. Wekerlé and Count Julius Andrássy, and the Catholic People's Party by Count Aladár Zichy. To Count Julius Andrássy, as Minister of the Interior, fell the duty of introducing the Suffrage Bill. The new scheme, though it more than doubled the electorate, was conceived on Conservative lines, consideration being given to property and educa-

tion. Every male Hungarian over twenty-four and able to read and write was to have a vote, subject to a twelve months' residential qualification, but the illiterate were reduced by a complicated process from the ranks of the direct to those of the indirect electors. The Radicals and the various subject-races alike took exception to a measure which was prejudicial to the objects of both. Shortly afterwards the burning question of the establishment of a separate state bank for Hungary at the termination of the concession to the Austro-Hungarian Bank was taken up by a section of the Independence Party under Justh, and produced a critical situation for the Ministry. Kossuth separated from Justh, and founded in conjunction with Apponyi the Independence 1848 Kossuth Party. With the Independence Party split in two, yet commanding a parliamentary majority, no Government could be stable.

The Tisza Administrations.—The problem was ultimately solved by the virtual resuscitation of the Liberal Party in 1910 under the title of the Munka or "National Work" Party. The leading personalities of the new Administration were the Emperor-King's friend, Count Khuen-Héderváry, as Minister-President, and Lukács as Finance Minister; but the Ministry owed much to the support of Count Stephen Tisza. In the corrupt election which followed, the Munka Party swept the country. The Magyar-Austrian issues took the first place in their programme. The Bank question was eventually shelved till 1917, when the Commercial Ausgleich was due to come up for consideration. Meanwhile the Austro-Hungarian Bank was required in theory to make cash payments for its notes, but a suspensory article removed the obligation in practice.

In regard to army matters, the obstruction of the Independence Party eventually produced the fall of the Government. The specific point at issue was the right of the King on his own initiative to call out the reserves, and to prolong the term of service of the troops already enlisted, in the event of Parliament requiring to provide

for a new contingent of recruits. Count Khuen-Héderváry was succeeded in April 1912 by Lukács. The change seems to have been the result of representations to the Archduke Franz Ferdinand by the German Emperor to the effect that, unless the Austro-Hungarian military establishment was reformed and increased, the Alliance would become unpopular in Germany.

In other respects the new Administration did not imply any considerable change of policy. Count Tisza still represented the power behind the Government; and a programme including the passage of the Army Bill and a conservative measure of suffrage reform, safeguarding the interests of education and Magyar supremacy, reflected his views. His election at this time to the Presidency of the Chamber of Deputies proved of great importance, in view of the continued obstructive tactics of the Opposition. On June 4 he initiated what was virtually a *coup d'état*. Appealing suddenly to the House to know whether they voted the Army Bill in general and in detail, he secured a majority for it by acclamation, and subsequently caused the turbulence of the dissentient minority to be repressed by forcible ejection. Efforts were made by the Opposition leaders to rouse public opinion against this procedure, but the country as a whole seems to have been tired of parliamentary obstruction. In the Chamber, however, tactics of the most violent kind were pursued by the minority; and the Premier retorted by introducing a Bill to establish a body of parliamentary police. The Government gained little advantage from their Electoral Reform Bill (introduced on December 31, 1912), with which the more advanced of their supporters were dissatisfied. The chief features of the Bill were: (i) an addition to the electorate of 600,000 voters; (ii) the abolition of plural voting; (iii) property, educational, occupational, and age qualifications for the suffrage; (iv) a secret ballot in towns possessing municipalities, and an open ballot in other districts. The main line of cleavage was clear. The Opposition desired a vote for every man over twenty-four able to

read and write, and having lived in a constituency for a year. The Government was intent on Conservatism and Magyar supremacy. They were able to carry their Bill, but not without certain concessions.

At this point a charge of misapplying public money for electioneering purposes was established against Lukács in the Désy libel case. Count Tisza, whose strength and incorruptibility gave him a strong hold upon the country, replaced him as Minister-President. On the initiative of Count Michael Károlyi, the Opposition thereupon began to close up its ranks; and the followers of Justh, Kossuth, and the Independent Free Lances became the "United Independence and Forty-Eight Party." Count Julius Andrássy, Count Tisza's other personal opponent, subsequently founded the National Constitutional Party. These two Opposition parties agreed in hatred of Tisza and of Tisza's coercive parliamentary standing orders, but differed on a practical question of policy; the Independence Party, unlike the National Constitutionalists, being unwilling to take office without reducing the relations of the two monarchies to a purely personal union through a common sovereign.

Count Tisza was in office when the Great War broke out. He enjoyed the King's confidence, and possessed a secure parliamentary majority. His fine intellect and cold, determined character, with its Calvinistic basis and its reputed integrity, promised a policy of a range and depth altogether outside the grasp of the average type of Austrian politician. His legislation in 1913 had included a provision for a large and increasing military establishment.

II. SOCIAL AND POLITICAL CONDITIONS

(1) Religious

The Catholic Church.—Since 1848, when religious bodies were placed upon an equality, the Catholic Church has possessed little more privilege than that of precedence. The Roman Catholics in Hungary proper numbered 9,010,305 and the Greek Catholics 2,007,916 at the census of 1910.[1] The Primate of Hungary (Archbishop of Esztergom) is the constituting officer of the National Synod, which plays an exceptionally important part in the management of ecclesiastical affairs. The Sovereign, owing in part to his position as Apostolic King, enjoys very large powers in the creation of sees, in the appointment of the episcopate and the higher clergy, and in the administration of Church revenues; but the concurrence of the Pope, or of the Nuncio or Primate as the Papal representative, is, at least nominally, required.

The Greek Catholics (Uniats) of Hungary proper fall into two branches—the Ruthenes, who accepted the Papal Supremacy in 1595, and the Rumanians in Transylvania, who submitted in 1698.

The Orthodox Church.—The members of the Orthodox Church in Hungary proper, who numbered 2,333,979 at the census of 1910, are grouped under two metropolitans—a Serbian and a Rumanian—and enjoy autonomous rights, which are exercised through congresses. The Patriarch of Karlowicz is the head of the Eastern Serbian Church, and the Archbishop of Hermannstadt (Nagyszeben) of the Rumanian.

[1] For the figures for Croatia-Slavonia, see the special paper, No. 8 of this series.

The Protestant Churches.—Religious toleration in Hungary advanced by stages, which have been indicated. The free public exercise of religion dates from the edict of Joseph II in 1781.

The Reformed Churches of Hungary are two—the Lutheran and the Reformed Calvinist. (1) The Lutheran Church in 1910 contained some 1,306,384 members in Hungary proper. Its constitution, which was elaborated in the last decade of the nineteenth century, is episcopal and autonomous. There are parish. district, and diocesan assemblies. At the summit of the structure is a General Assembly, which is convoked by the King. The Lutheran Church in Northern Hungary contains Slovaks, Magyars, and Germans. It must be distinguished from the Saxon Lutheran Church of Transylvania, which is practically conterminous with the Saxon community there. (2) The Reformed Calvinist Church is composed almost wholly of Magyars, and has its centre at Debreczen. It contains 2,333,979 members. Hungary has also 74,275 Unitarians (all Magyars) and 911,227 Jews. The latter play a great, though in some ways obscure, part in the life of the country.

(2) Political; Form, Character, and Methods of Government

The relations between Austria and Hungary and the system of common services under the Ausgleich of 1867 have been already described (*see* above, p. 8). There remains the important difference between the two partners, that in Austria the Sovereign divested himself of certain rights in favour of the people; whilst in Hungary the people divested themselves of certain rights in favour of the Sovereign. The King chooses the Prime Minister and appoints the members of the Cabinet on the proposal of the Prime Minister.

Legislature.—There are two Houses in Hungary—the Chamber of Magnates, containing 300 members, and

including Catholic, Orthodox, and Protestant ecclesiastics, hereditary peers, and some 75 or more other members, of whom about two-thirds are nominated by the King and one-third by the Chamber itself; and the Chamber of Deputies, which contains 453 members chosen for three years, inclusive of over 40 representatives of Croatia-Slavonia. The franchise is very complicated, and rests upon considerations of property, profession, and position. The King nominates the President of the Chamber of Magnates, but the Chamber of Deputies selects its own.

Executive.—The Hungarian Cabinet consists of nine Ministers appointed by the Sovereign—the Ministers of the Interior, Justice, Public Instruction, Commerce, Agriculture, Finance, Public Defence, Croatia-Slavonia, and a Minister attached to the Sovereign. The Minister-President is sometimes without portfolio, in which case he makes a tenth.

Local administration is carried on by the county assemblies, which consist of anything from 120 to 600 members. One half of these are elected under the parliamentary franchise; the rest consist of the persons paying the highest taxation and of county officials, who are members *ex officio*. The same system applies in the case of the communal assemblies. The powers of the local assemblies are very much curtailed by the control of the Minister of the Interior.

(3) Educational

The educational system in Hungary has been mainly developed by the Churches, Catholic and Protestant, and is thought to have gained considerably from the rivalry between them. In modern times primary education has been the natural instrument of Magyar statesmen intent upon effecting a closer unity amongst the component elements of the State. The laws dealing with primary schools must be viewed in connection with the policy of Magyarisation, which has been dealt with above.

Under the Law of Nationalities of 1868 all citizens were to be able to obtain instruction in their mother-tongue up to the point where the higher academic course began. This provision (Section 17) has not been honoured, though it remains on the Statute Book. Meantime, by the Law of 1879, Magyar was to be taught in all primary schools; by the Law of 1891, kinder-garten schools were established for children between the ages of three and six who stood in need of supervision and physical development, with the purpose, frankly admitted in a manual published by the Ministry of Public Instruction,[1] of furthering Magyar interests; and, by the Law of 1907, teachers were declared to be State officials, and their salaries fixed at a higher figure, which it was improbable that the denominational school authorities would be able to provide without State assistance. Under this last Act, in the event of a subvention being received from the State, a limited measure of State control follows. The principal effects of this are that the selection of teachers is controlled by the Minister of Education, and that compulsory instruction in the Magyar language has to be given in accordance with State regulations. Although this is calculated to interfere considerably with the autonomous rights guaranteed to denominational schools under the Law of 1868, primary education in Hungary remains in appearance largely in the hands of the Church. In 1905 the Roman Catholic Church schools amounted to 5,296, the Greek Catholic schools forming an additional 1,987. The Orthodox Church had 1,728 schools; the Calvinists, 1,917; the Lutherans, 1,331. As against these, schools maintained by the State numbered only 1,993. Attendance at school is obligatory on all children between the ages of 7 and 16; but daily attendance is only required up to the age of 11, and the requirements are not always enforced. In over 70 per cent. of the primary schools the language of instruction is Magyar. The Education Act of 1868

[1] *L'Enseignement en Hongrie*, p. 53.

provides further instruction in schools known as civic (*bürger*) and higher primary schools.

As regards the effect of the instruction, although, as Dr. Seton-Watson pointed out in 1908, the actual number of illiterates in the nation, which is approximately 8,000,000, appears to have rather increased during the last thirty years, the proportion has fallen. The illiterates are far more numerous among the subject-races than among the Germans and Magyars. According to such statistics as were available in 1907, 67 per cent. of the Germans and 61 per cent. of the Magyars, but only about 20 per cent. of the Rumanians and 14 per cent. of the Ruthenians, could both read and write.

Secondary education is effected through the *Gymnasia* and the *Realschulen*; the former based on the study of the classics and the latter upon that of modern languages. There are about 200 of these so-called middle schools. Some are state-supported, others are endowed and in the hands of the religious orders and bodies. The *Gymnasia*, of which there are 168, predominate considerably over the modern schools, of which there are 32. In the vast majority of the middle schools the Magyar language is used. Besides the middle schools there are special schools for the study of agriculture, viticulture, forestry, commerce, industry, and art.

Hungary possesses four universities—Budapest (founded in 1635), Kolozsvár (Klausenburg) (1872), Pozsony (Pressburg), and Debreczen (1912). The Croatian university of Zagráb (Agram) was founded in 1874. All are state-supported. The two first have faculties of medicine; the three first faculties of theology, law, and philosophy. Another institution which deserves mention is the Polytechnic School of Budapest, which gives instruction to students of engineering, architecture, &c.

There were reckoned to be 2,067 newspapers and journals in Hungary and Croatia in 1912, of which 1,550 were printed in Magyar.

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MAPS.

For the geography of Hungary, see notes on maps in the books on *Slovakia* (No. 3), *Transylvania and the Banat* (No. 6), *Hungarian Ruthenia* (No. 7), of this series. For Hungarian ethnography, see note above, p. 28.

FOREIGN POLICY OF AUSTRIA-HUNGARY

FOREIGN POLICY OF AUSTRIA-HUNGARY

Chronological Summary

1718. Treaty of Passarowitz between Austria and Turkey.
1726. The Austro-Russian Entente.
1749. Kaunitz's Memorandum on Austrian Foreign Policy.
1756. The 'Diplomatic Revolution'—Austria and France allied against England and Prussia.
1772. The First 'Greek Project'.
1781. The Second 'Greek Project'.
1792. Retirement of Kaunitz.
1815. The Holy Alliance.
1838. Anglo-Austrian Agreement respecting shipping and commerce on the Danube and the Black Sea.
1848. The Revolution in Germany and Austria-Hungary. Accession of the Emperor Francis Joseph.
1850. The Conference of Olmütz.
1854. Defensive Alliance between Austria and Prussia in respect of their interests on the Danube. The Vienna Note.
1856. The Peace of Paris. The lower Danube is brought under the control of International Commissions.
1859. Peace of Villafranca by which Austria loses Lombardy to Sardinia.
1865. The Convention of Gastein.
1866. The Austro-Prussian War. Battle of Königgrätz. (August) Treaty of Prague with Prussia. (October) Treaty of Vienna, under which Austria surrenders to Italy Venetia and the Quadrilateral.
1870. The Franco-Prussian War.
1872. The *Dreikaiserbündniss*.
1873. The Austro-Russian 'Arrangement' at Schönbrunn.
1876. The Meeting at Reichstadt between the Russian and Austrian Emperors.
1878. The Berlin Congress. Austria is authorized to occupy Bosnia and Herzegovina.
1879. The Austro-German Alliance, which becomes in
1882. The Triple Alliance.

1884. The First Reinsurance Treaty (Germany, Russia, and possibly Austria).
1885. Bulgaria annexes Eastern Rumelia.
1887. The Secret Reinsurance Treaty (Germany and Russia).
1888. Accession of the German Emperor, Wilhelm II.
1890. Fall of Bismarck.
1891. The Franco-Russian Alliance.
1897. Austro-Russian Agreement, defining spheres of influence in the Balkans.
1903. The Muerzsteg Programme.
1905–6. The Conference of Algeciras.
1908. (September 16) The Buchlau meeting between Isvolsky and Aehrenthal. (October 6) Bulgaria proclaimed an independent kingdom. (October 7) Annexation of Bosnia and Herzegovina.
1912 (October). The Balkan League declares war on Turkey. The Peace of Lausanne between Turkey and Italy.
1912 (December). The Ambassadors' Conference at London

Austrian Foreign Ministers in the Nineteenth and Twentieth Centuries

1792–1801. Baron Thugut.
1801–5. Count Cobenzl.
1806–9. Count Stadion.
1809–48. Prince von Metternich-Winneburg.
1848–52. Prince Schwarzenberg.
1852–9. Count Buol-Schauenstein.
1859–64. Count Rechberg.
1864–6. Count Mensdorff-Pouilly.
1866–71. Count Beust.
1871–9. Count Andrássy.
1879–81. Herr Haymerle.
1881–95. Count Kalnoky.
1895–1906. Count Goluchowski
1906–12. Baron Aehrenthal.
1912–14. Count Berchtold.

(1) Leading Motives in the Foreign Policy of the Habsburgs

Three leading motives after the close of the Middle Ages powerfully influenced the foreign policy of the Austrian Habsburgs: the recovery of European soil from the Turks; the hegemony of the Holy Roman Empire or of its later territorial equivalents, the states

of Germany and Italy; and the defence of the *ancien régime*, or at least of its legitimist traditions, against the Revolution with its liberal and nationalist conception of the State. A common interest in such causes tended of course to bring the Habsburg Empire into close relationship with the Papacy. The Court of Vienna became at once the champion of Christendom against the Infidel, the focus of Catholicism among the Germanic peoples, and, after the fall of Charles X of France, the last embodiment of the principle of the Altar and the Throne amongst the greater Powers of Europe. But it would be difficult to show that these romantic considerations in themselves ever seriously deflected Austrian policy from the pursuit of its obvious mundane interests. The Emperor of Austria, indeed, never consented to visit a king of Italy in Rome; but at the Congress of Vienna Metternich had been ready enough to deprive the Papacy of the Legations (Bologna, Ferrara, and Ravenna); and it was upon France, not upon Austria, that the Pope depended, in the critical years between 1860 and 1870, for the maintenance of the temporal power. And it might probably be true to say that during the nineteenth century the desire to dominate the Danube and, later, the compulsion of the Mittel-Europa idea affected the conduct of the Ballplatz as powerfully as any of the traditional conceptions. These, however, remained, and, being directly in conflict with the spirit of nationality, progressively weakened the hands of Austrian diplomacy in proportion as nationalist theories took possession of the Austrian subject races. Thus of the three great Austrian Foreign Ministers of the nineteenth century, Metternich may be said to be dominant in European politics, Andrássy forcible, but Aehrenthal no more than effective.

(2) The Basis of Austrian Foreign Policy

(*a*) *In the East.*—The modern history of Austrian foreign policy properly begins in the earlier half of the eighteenth century, when the rise of Russia and

Prussia produced a new situation both in the East and West of Europe. In the East the Treaty of Passarowitz (1718), which has been described as 'the apogee of the territorial extension of the House of Austria', finally concluded the struggle for supremacy between Turk and Christian. The military issue was decided; Turkey took its place upon a sick-bed; and in the Near East a period of diplomacy diversified by war succeeded to a period of war diversified by diplomacy. The new epoch was inaugurated in 1726 by an understanding, directed against the Turks, between Austria and Russia, which developed into a tradition, though by no means an unbroken tradition, of Austrian policy. Austria had been quick to see that Russia, thanks to Peter the Great, had become a state of the first magnitude; that the two Powers in conjunction could bring irresistible pressure to bear upon the Porte; and that it was to their mutual advantage to agree beforehand upon a distribution of the Turkish spoils, which might otherwise form the subject of dispute. The so-called Greek Project of 1772, which was further elaborated in 1781 by the Emperor Joseph II, exhibits this policy in its most definite form. Russia was to have Moldavia, Wallachia, Bulgaria, Rumelia, and Thrace; while Austria was to take Serbia, Bosnia, and Herzegovina. In the Project of 1781 the notion of a Greek empire under a Russian prince with its capital at Constantinople was balanced by that of an Austria comprising Little Wallachia so far as Olt (Aluta), Dalmatia, Bosnia and Herzegovina, Widin, Orsova, and Belgrade. It ought not to escape notice that, about the same time, the Partitions of Poland (1772–95) drew Austria into the unholy association with Russia and Prussia which foreshadowed the Holy Alliance and the League of the Three Emperors. From the consequences of the commitments thus contracted Austria never afterwards escaped. She had more conscience than her confederates. 'Elle pleurait mais elle prenait toujours' might have been said of her as well as of her ruler. Her policy in regard to her subject

races never recovered from the taint of the original acquisitive selfishness which inspired it.

(*b*) *In the West.*—The modern history of Austrian foreign policy in the West can be more precisely dated. The seizure of Silesia by Prussia and the insufficiency of the English alliance to enable Austria to recover it were the direct cause of the famous memorandum of Kaunitz, which inaugurated the so-called 'diplomatic revolution' of 1756 and the Franco-Austrian alliance. Kaunitz did not contest the view of the old school of Austrian diplomatists that England, Holland, Russia, and Saxony were the natural friends, Prussia, France, and Turkey the natural foes, of Austria-Hungary; but he maintained that France alone could give the requisite assistance against Prussia. The significance of his memorandum was that it marked down Prussia as the greatest foe of his country; and in fact during the next hundred years Austria was engaged in a more or less lively struggle with her rival.

(3) The Napoleonic Interlude and the Holy Alliance (1813–48)

In this conflict the Napoleonic wars form an interlude, though an interlude in which the events of 1805–6 show the existence of a fatal underlying jealousy, which only the complete disasters of Austerlitz and Jena could overcome. The two Powers were forced into temporary alliance until Napoleon was overthrown; but at the Congress of Vienna their hostility became once more apparent in regard to the fate of Saxony, which Prussia wished to swallow, and whose independent existence England and France united with Austria to maintain. Austrian territory and Austrian prestige were advanced by the issue of the Congress; but the domination of northern Italy and the championship of the cause of the *ancien régime*, which Metternich left to his country, was a *damnosa haereditas*. Austrian interests in Italy proved a fatal stumbling-block in the middle of the nineteenth century to the understanding

with France which alone could have held Prussia in check; while the legitimist or dynastic theory of the State tended to force the Dual Monarchy into dependence upon the neighbouring autocracies of Prussia and Russia, and ultimately into a conflict with her own numerous racial groups. The Holy Alliance, formed in August 1815 between the Emperors of Austria and Russia and the King of Prussia, theoretically in order to promote peace and to establish Christian principles in international as well as domestic relations, and the Quadruple Alliance between Great Britain, Austria, Russia, and Prussia, formed in November 1815 against any renewal of French aggression, gave birth to a Concert of Europe, whose first care was the suppression of revolutionary tendencies. Thus at Laibach in 1820, and at Verona in 1822, the Powers interested agreed to intervene to protect the sovereigns of Naples and Spain from their subjects; and in 1849 the appearance of Russian armies on Hungarian soil to suppress the Magyar rebellion furnished a fresh demonstration of governmental solidarity.

(4) The Revolution of 1848 and its Consequences in regard to Foreign Policy

The Revolution of 1848, however, which thus threw Austria upon the support of Russia, intensified her acute rivalry with Prussia in Germany, where the issue ultimately depended upon which of the two Conservative Governments at Berlin and Vienna would be the first to take its courage in both hands and lead the nationalist movement among the German peoples. The revolutionary assembly, which met at Frankfort to draw up a new Constitution for Germany, was confronted with the vital question whether Austria was to remain inside the Germanic Confederation or not. The division of opinion on this point gave birth to the Great German and Little German parties. The former, who were recruited amongst the Austrian, Bavarian, and South German deputies, were jealous of

Prussian domination, and had the support of the German democrats on this account. Owing probably to the failure of Schwarzenberg (who had succeeded Metternich in the management of foreign affairs) to place himself at the head of the German national movement, the Little Germans got the better of their opponents; and the Imperial crown of an hereditary but limited monarchy was offered to the King of Prussia in April 1849. Frederick William IV would not consent so far to violate the principles of the Holy Alliance as to accept the gifts of the Revolution; but in May he started a scheme of his own, under which Prussia was to have the presidency of a federal college to the complete exclusion of Austria from the intended German 'Union'. Hanover and Saxony for a time sustained this project, forming with Prussia the *Dreikönigsbund*; but, when Bavaria withdrew her support, the other kingdoms followed. Prussia then made a bid for popular sympathy by the issue of a new Constitution; and at one moment, after a constitutional conflict had arisen in Hesse-Cassel, it looked as if, with the assistance of the German Liberals, she would control a 'Union' of the smaller States in opposition to Austria and the greater monarchies. But Prussian statesmen were more conservative and more cautious than the Prussian King; and in the end Prussia fell back into the orbit of the Holy Alliance. At the Conference of Olmütz (1850) between Manteuffel and Schwarzenberg, representing Prussia and Austria respectively, the former suffered a severe diplomatic defeat at the hands of the latter. The 'Union' was dissolved, and, with the approval of the Russian Emperor, the loose and ineffective German Constitution of 1815 was restored.

But diplomacy, however dexterous, could not maintain the old state of things; and the inability of Austria to adapt her foreign policy to new conditions became increasingly apparent during the administrations of Buol and Beust, while Bismarck was completely alive to the value of opportunism. There can be no doubt

that the situation called for a revival of the combination between Austria and France against Prussia; but differences about Italy, where Napoleon III's nationalist policy came into direct conflict with the dynastic policy of Austria, prevented this *rapprochement*. The negotiations which preceded the Crimean War, when the French were willing to see the transfer to Austria of the Danubian Principalities in exchange for the cession of Lombardy to Sardinia, marked the definite point of cleavage; and the War of 1859 widened the breach, with the result that in the critical hours of 1866 and 1870 each Power in turn failed to come to the assistance of the other, and Prussia was able to deal with her two rivals separately.

(5) The Conflict with Prussia in Germany

Meanwhile Austria continued more and more to lose ground in Germany, where her independent agreements with Prussia about Schleswig-Holstein and Hesse-Cassel offended the minor States. A state of unstable equilibrium continued until 1861, when under Schmerling's influence the Austrian Emperor advanced what proved to be an abortive project of federal reform. In another project of 1863 Schmerling designed the creation of a directorate of five princes, with the Emperor and his successors as hereditary presidents. Austria thus hoped to secure through the presidency the use of the military forces of the Confederation for the protection of the Austrian dominions outside the Confederation, and to this end proposed that, in the event of war between a member of the Confederation having exterior possessions and an alien State, the confederate army should be used on the orders of a majority of the directorate. Prussia took advantage of the disclosure to wreck the scheme. In 1865 the second phase of the Schleswig-Holstein question gave Prussia her opportunity of ousting Austria from the Confederation. Bismarck was more than a match for both Rechberg, whose Prussian sympathies had embarrassed Schmerling's

federal schemes, and for Mensdorff, who had succeeded him as Austrian Foreign Minister in 1864. At the Convention of Gastein (1865) the Austrian Government was induced to agree that Austria and Prussia should deal with the Duchies by a policy of joint occupation, Austria occupying Holstein and Prussia Schleswig. When Austria subsequently attempted to associate herself with the German Confederation in pressing the candidature of the Duke of Augustenburg to the throne of the Duchies, her action was represented by Prussia, who intended to retain possession of the occupied country, as a violation of the agreement at Gastein. War followed. Austria had no powerful allies. Her sympathetic attitude towards the Poles under Russian tyranny had separated her from Russia; and Napoleon III fancied, as Bismarck hoped, that a policy of neutrality would enable him to extract valuable pickings out of the struggle between the two German Powers, of whom he wrongly supposed Austria to be the stronger. The lesser rulers of Germany equally misjudged the situation. Though the fact that the Austrian policy in the affair of the Duchies was also the policy of the Confederation compelled them to support Austria, they really desired peace and independence from Austria and Prussia alike; and so, when it came to war, the aid they gave was below their ability. In the event Austria was decisively defeated at Königgrätz. Bismarck, recognizing that the German element in Austria would, if added to Prussia, have weakened the forces of Protestantism, while in Austria it strengthened the opposition to the Slavs, was careful to effect his purpose of expelling Austria from the German Confederation without taking any Austrian territory for Prussia. The Treaty of Prague (1866) made Prussia the head of a North German Confederation; and the gradual absorption of the Southern States within the German Empire, which was completed in 1871, was not seriously disturbed by the clever but ineffective diplomacy of Beust, the Saxon minister whom the

Austrian Emperor placed at the head of foreign affairs. A month or two later the Austrian Government renounced its claim to all but a strategic frontier on the south by the cession of Venetia and the Quadrilateral to Italy.

(6) The *Drang nach Osten*

It was now apparent that Austria, if she was to obtain any extension of influence, must expand eastwards; and it was naturally Bismarck's policy to give her every assistance in a direction where success would tend to remove the memory of defeat in the west. The possibilities of expansion, if Albania be excluded, lay along the Danube and through Bosnia and Herzegovina; the ultimate objectives were respectively the Black Sea and Salonika. The complexion of the former project was commercial, of the latter political. The ambition of Austria to reach the sea by a route over which she had undisputed control was doubtless stimulated by the rise of Italy and the desire of that Power to dominate the Adriatic.

(*a*) *The Black Sea Project*

The question of international rivers had received attention at the Congress of Vienna, where the principle that they should be free from burdens and open to all had been affirmed; but, as Turkey was not held to be a member of the community of European nations, the Danube was not immediately affected. As trade developed, however, the position in the Black Sea, whence Austrian merchandise was fetched in British bottoms, became increasingly interesting to Austria and Great Britain; and in 1838 these Powers concluded an agreement according mutual advantages to their Danubian and Black Sea shipping and commerce. In 1840 a treaty with Russia, which by the Treaty of Adrianople (1829) between Russia and Turkey had extended its frontier from the Kilia to the St. George mouth of the Danube, gave Austria the right of free navigation to

the Black Sea; but in practice Russia failed to afford the facilities promised to a dangerous commercial rival, and it was not until the Crimean War that Austria saw her way to realize her objects.

The menace to the German Confederation involved in the occupation by Russia of the territories on the lower Danube became the basis of the defensive alliance between Austria and Prussia in April 1854; and the substitution of an international for a Russian protectorate of the Danubian provinces and the freedom of the navigation of the Danube form two of the four points in the Vienna Note of August 1854, which embodied the views of England, France, and Austria. The negotiation, however, failed owing to further demands by Turkey and their refusal by Russia; and the Crimean War ensued. Austria, under Buol's guidance, kept clear of the fighting, but secured her aims at the Congress; thus, as Friedjung thinks, sacrificing Russian friendship for domination over the lower Danube. Russia admitted the independence of the Danubian Principalities under Turkish suzerainty, and restored the strip of territory between the Kilia and St. George mouths of the Danube to Turkey; while the cession of a strip of Bessarabia to Moldavia deprived her of her hold upon even the northern bank of that river. The Treaty of Paris formally included the Danube under the Act of the Vienna Congress relating to international rivers, and set up a European and a Riverain Commission to deal with the problems involved. The European Commission, which was intended to be only temporary, represented the greater Powers of Europe—Austria, Prussia, France, Great Britain, Russia, Sardinia, and Turkey, and was charged with dredging and constructive operations at the mouths of the river. The Riverain Commission, on the board of which sat representatives of Austria, Bavaria, Württemberg, and Turkey, besides commissioners, approved by the Porte, from Serbia, Wallachia, and Moldavia, was entrusted with the regulation of police matters, the abolition of local impositions inconsistent with the free navigation of the river, the

construction of works required above the river mouths, and ultimately, after the intended dissolution of the European Commission, with the continuation of its work.

Austria, thwarted in the attempt to reserve all the rights over the upper part of the river to the Riverain Powers, and apprehensive of the effect upon her interests of European interference, attempted to play off the one Commission against the other. At her instigation the Riverain Commission carried in 1857 a resolution excluding vessels not belonging to the Riverain Powers from 'interior' navigation (i.e. navigation from river-port to river-port) while allowing to non-Riverain Powers freedom of navigation in respect of sea-going vessels. At the same time the Riverain Powers reserved to themselves the right to levy dues for river improvements and to prohibit the passage of specified commodities. The Powers rejected the resolution; and the effect of the Austrian move was to excite the suspicion of the Greater Powers and to produce a prolongation of the life of the European Commission. By the Treaty of Berlin (1878) the plenary powers of that Commission were extended as far as Galatz; and authority was entrusted to it, in conjunction with delegates from the Riverain States, to elaborate and harmonize the navigation and police regulations for the region between Galatz and the Iron Gates so as to make them correspond with those in force between Galatz and the mouths. Austrian sympathies induced an *ad hoc* committee of the Commission to propose that these latter functions should be entrusted to a new Commission of the Riverain Powers presided over by an Austrian delegate. The Rumanian Government strongly objected to the constitution of this Commission, but Austria, to whom Germany lent her full support,[1]

[1] Speaking in the Reichstag on February 19, 1878, Bismarck indicated the free navigation of the Danube by Germans as the greatest of German interests in the East. But compare his statement on July 4, 1878, at the Berlin Congress, *British and Foreign State Papers*, vol. lxix, p. 1008.

threatened to oppose the prolongation of the existence of the European Commission, unless the proposed Mixed Commission were created. The special and dominant interest of Austria in the control of the River Danube was emphatically asserted by Baron de Haan, the Austrian Commissioner; and the British proposal to allow an appeal in every case from the Mixed to the European Commission was effectively opposed by the Central Powers. Russia, whose interests lay at the mouths, was, perhaps, as anxious to check the influence of the European Commission in this direction as to promote it higher up where it would be inconvenient to Austria. It was in these circumstances that M. Barrère, the French delegate, proposed that to the Austrian President and the representatives of the three Riverain Powers—Serbia, Bulgaria, and Rumania—a member of the European Commission, selected in rotation and changed every six months, should be added. By this means the Austrian President was deprived of a casting vote, which under the original project would have been his. Whether Austria, whose territory did not abut on the Danube between the Iron Gates and Galatz, had any right to a seat on the Mixed Commission, was a point open to question. M. Barrère's compromise was accepted, but was not carried into effect. The execution of the works designed to clear away the obstacles presented to navigation by the Iron Gates and the cataracts was committed to the Austro-Hungarian Government; and the States adjoining this part of the river were required to afford facilities.

It is convenient to complete the sketch of the Danubian policy of Austria at once.[1] The prolongation of the existence of the European Commission came up for discussion again in 1883, when Lord Granville presided over a Conference in London, from whose decisions, however, Rumania and Serbia were excluded, while Bulgaria obtained only such representation as her suzerain, Turkey, chose to give her. The life of

[1] See the article *Danube* in the *Encyclop. Brit.* Also the books on *Rumania* (No. 23) and *International Rivers* (No. 151) of this series.

the European Commission was extended for twenty-one years. England secured the extension of the region under the Commission's control as far as Braila; Russia procured full control over the Oksakov mouth, and the right to administer the left bank of the Kilia mouth in accordance with the regulations prevailing at the Sulina mouth; while Austria saved the Mixed by admitting its dependence upon the European Commission. In the attempt to set the Mixed Commission on foot the hostility between the Austrian and Rumanian Governments, however, developed so considerably as gravely to prejudice the working of the scheme; and the efforts of Count Aehrenthal to attract the Serbian and Bulgarian Commissioners into a closer alliance appear to have met with little success. The actual administration of the region between Moldova and Turnu-Severin was entrusted by the Imperial to the Hungarian Government, which, in spite of adverse criticism from the Vienna Chamber of Commerce, levied unauthorized and discriminative dues on the cargoes of ships passing through Kazan and the Iron Gates, as well as the lawful charges on the ships themselves, and put in force, without asking the consent of the Riverain Powers, certain pilotage and police regulations.

The position, then, in 1914 was that Austria and Russia alike were jealous of the European Commission; that each had secured an influence more or less independent of it upon the Danube; and that the Commission was in practice acting as a buffer between their rival ambitions. It was also true that the considerable diplomatic successes attained by Austria had depended upon the support of Germany, which had thus placed its ally under an obligation.

(*b*) *The Salonika Project: the Occupation of Bosnia-Herzegovina*

In the advance towards Salonika, which resulted first in the occupation and ultimately in the annexation of Bosnia and Herzegovina, the German factor was more

conspicuous and more decisive. The visits of the Emperor William I to Salzburg in 1871 and of the Emperor Francis Joseph to Berlin in 1872 were the intimation of a *rapprochement* between the Central Powers, which strengthened the hands of Austria in the Balkans. Russia was naturally sympathetic with states in which the monarchial principle was strong and the opposition to Radical tendencies uncompromising; and the Russian Emperor, who was nephew to the Emperor William, took part in the Imperial meeting at Berlin, where the so-called *Dreikaiserbündniss* between the three emperors was arranged. The *entente*—for it was rather an *entente* than a league—between the German, Russian, and Austrian Empires recalled the Holy Alliance and revived the Austro-Russian diplomatic understanding in respect of Turkish affairs. Andrássy and Gorchakof, who were conducting the foreign policy of their respective countries, appear to have been agreed not to interfere with the domestic affairs of Turkey, not to assist the Porte to suppress rebellion, and only to effect fundamental changes in Balkan affairs by slow degrees. A year later (1873) an 'Arrangement' at Schönbrunn confirmed these sentiments of mutual confidence; and at a meeting at Reichstadt on July 8, 1876, between the Austrian and Russian Emperors, to discuss the situation created by the rising in the Balkans, where the Austro-Russian understanding had excited hopes of intervention by the Christian Powers against Turkish authority, their common policy was apparently embodied in pencilled memoranda interchanged between the Austrian and Russian ministers.[1] In the event of reconstruction in Turkey—and some reconstruction seems to have been contemplated, even if Turkey defeated its rebellious subjects—the interest of Austria in preventing the acquisition of Bosnia and Herzegovina by the Serbs and Montenegrins was recognized, and, were these nations to achieve independence or were the Turks to prove incapable of maintaining order in those pro-

[1] Hanotaux, *Histoire de la France contemporaine*, iv. 364.

vinces, Austria was to be allowed to occupy them herself. For the rest Russia renounced any intention of taking Constantinople or any land on the right bank of the Danube, of violating the integrity of Rumania, marching troops into Serbia, or constituting a Bulgaria in which she would provide the dynasty or enjoy special privileges. The Andrássy Note[1] of December 30, in which the German and Russian Governments concurred, was an attempt on the part of the Dreikaiserbund to pacify the Balkans without territorial changes.

The terms of the Reichstadt agreement, however, constituted a diplomatic victory for Andrássy; and presently it became the object of Russia to cover her defeat by means of joint armed intervention in Turkey. To this end the Emperor Alexander II on October 26, 1876, proposed the occupation of Bulgaria by Russian, and of Bosnia and Herzegovina by Austrian, troops. Austria declined the proposal. But the Central Powers were by no means opposed to intervention by Russia alone, as Bismarck intimated in October 1876 in reply to a fishing inquiry from Russia; and, after the failure of the Constantinople Conference in December, secret conventions were concluded between Austria and Russia giving Russia a free hand in the Balkans, subject to an engagement to make a free city of Constantinople and not to create a big state in the Balkans, while Austria was to maintain neutrality and occupy Bosnia and Herzegovina at the conclusion of peace. On this basis Russia intervened, and, with the Russian troops in view of Constantinople, compelled Turkey to sign the Treaty of San Stefano. The treaty provided for the creation of a 'big' Bulgaria, which appeared to be calculated to increase Russian influence in the Balkans and would incidentally have blocked the Austrian path to Salonika. It thus provided a common basis for action for England and Austria, to which Powers it was almost equally disagreeable. Under

[1] Dealt with more fully in *Bosnia and Herzegovina* (No. 12 of this series), p. 17.

pressure from them the matter was referred to a European Congress, which met at Berlin (June 1878) under Bismarck's presidency. Such auspices were extremely favourable to Austria, who, with England and Germany behind her, was more than a match for Russia; and, in the end, she was put in charge of Bosnia and Herzegovina. This was not all. The right to garrison and to construct military and commercial roads across the Sanjak of Novi Bazar, the possession of which at once separated effectually the Slav States of Serbia and Montenegro and brought the push to Salonika a stage farther, was conceded to her; and, by virtue of a subsequent convention with Turkey, Austria stationed troops in Priboy, Priepolye, and Plevlye. To measure the full extent of the Austrian diplomatic success it is necessary to remember that these additions were obtained without a blow, while Russia, for all her victories, only acquired southern Bessarabia at the expense of her own ally, Rumania. The Magyars, however, disliked the results, for they involved, like the rest of the *Drang nach Osten* policy, an addition to the Slav element in the Dual Monarchy.

(7) Andrássy's Administration; the Triple Alliance

The issue of the Congress weakened the conception of the *Dreikaiserbündniss* and drew an expression of veiled hostility from the Russian Emperor. In the following year (October 7, 1879) Bismarck, convinced that an Austrian connexion would give Germany greater influence and independence than a Russian one, and not the less because a good understanding with Austria's old ally, England, was entailed, re-adjusted his foreign policy by the conclusion with Austria of a defensive alliance against an attack by Russia, or any Power supported by Russia.[1] Though Bismarck's figure was dominant, the alliance owed something to the fact that the Austro-Hungarian

[1] See Appendix III, p. 120.

Foreign Minister, Andrássy, was a Magyar. So far as the Dual Monarchy was concerned, it must be regarded as embodying Hungarian as distinct from Austrian ideas. The Austro-Germans would have made the alliance closer; the Austro-Slavs would not have had it at all. It seems to have resulted from a coincidence between the Magyar and Habsburg interests in the foreign relations of the Austro-Hungarian Empire. To Andrássy, who had been largely responsible for the Ausgleich of 1867, it probably appeared in the light of a guarantee for the maintenance of that arrangement, so peculiarly advantageous to the Magyars; to the Emperor it possibly seemed to furnish a means of allaying any German anxiety in respect of the Slavophil direction of his domestic policy. It was decisive of one thing only—the abandonment by Austria of any idea of revenge upon Prussia. Not until after Bismarck's fall did it become an instrument of the *Drang nach Osten* policy.

In 1882 the vexation of Italy at the French occupation of Tunis offered a favourable occasion for the inclusion of that country in the Austro-German Alliance; and after a meeting at Vienna between the Austrian and Italian sovereigns this was arranged. The Triple Alliance was renewed in 1887, 1891, 1896, 1902, and 1912, though, as we now know, Italy in 1902 consummated a *rapprochement* with France which had developed from 1898 onwards, by an agreement under which each Power undertook not to support an aggressive attack upon the other. The provisions of the Triple Alliance, which are believed to have been varied at the dates of renewal, have never been published in their entirety.[1] In reply to an interrogation in 1905 or 1906 as to the exact obligations of Austria under the treaty, Count Goluchowski, the Austrian Foreign Minister, stated that, when either Germany or Austria was attacked on two sides, the intervention of the other party was promised, but that no exact definition of the meaning of an attack on two sides

[1] See, however, Appendix IV, p. 122.

could be given. He also said that the operation of the treaty was not limited to Europe, though Austrian papers under his influence took the line during the Morocco crisis of 1905 that the Alliance did not bind Austria in transmarine affairs. His critics made the point that, whilst the liabilities of Germany and Austria were nominally equal, the fact, that Germany pursued a world-policy and that Austria did not, involved a grave difference in the treaty obligations of the two Powers.

(8) Austro-Russian Relations, 1881–1906; the Muerzsteg Programme

The Austro-German Alliance did not at its inception destroy the conception of the *Dreikaiserbund.* The Emperor William I, who was strongly attached to the Russophil traditions of his house, communicated the contents of the secret agreement with Austria to his nephew, the Emperor (Alexander II) of Russia.[1] In March 1884 Bismarck concluded the first 'Reinsurance' Treaty with Russia. Whether Austria was also a party to this is doubtful. The treaty in any case seems to have pledged the other signatory, or signatories, to a benevolent neutrality in the event of one being attacked.[2] In the autumn the three Emperors met at Skiernevice, where a verbal endorsement, intended especially to eliminate the danger of Russian intrigue on the Balkan frontier of Austria, appears to have been given to the treaty.

Meanwhile events in Serbia and Bulgaria were affording diplomatic opportunities for the repression of the Jugo-Slav and 'big' Bulgarian ideals, which threatened the conservative policy of Austria. In Serbia King Milan, of the Obrenović family, was frankly Austrophil, and, in exchange for the title of king and promises of expansion in Macedonia and Bulgaria, was content in 1882, by a secret six years' Convention, to renounce

[1] Oncken, in the *Cambridge Modern History*, xii, p. 144.
[2] C. Grant Robertson's *Bismarck*, Appendix B.

Pan-Serb propaganda in the Austrian Empire and the right to conclude treaties without authority from the Austrian Government, and to engage, in the event of war in the Near East, to give the Austrian armies free passage through Serbia and to place Belgrade and Nish in Austrian hands. When, in 1885, the nationalist pressure at home led Prince Alexander of Bulgaria, without the leave of the Russian Emperor, to annex Eastern Rumelia, Austria effectively exploited the anger of the Tsar against his nephew and the jealousy of the Serbs at Bulgarian aggrandizement. The declaration of war by Serbia against Bulgaria was prompted by Austria; and it was Austria which, in the interest of the Obrenović dynasty in Serbia, prevented Prince Alexander from gathering the fruit of his victory over the Serbs at Slivnitsa and Tsaribrod. Then, when the Prince abdicated in face of his uncle's continued displeasure, the Austrian Government changed its tactics and countenanced the Bulgarian Nationalists under the leadership of Stambuloff; and it was as a compliment to Austria that the Bulgarian crown was conferred on Prince Ferdinand of Saxe-Coburg-Gotha, an officer in the Austrian army. The Prince was clever enough not to let the fall of Stambuloff, which was partly a result of his own desire to improve his relations with Russia, impair the good relations between Bulgaria and Austria which had brought him to a throne and were later to make him a king.

So long as Bismarck remained in power, the uneasy relations between Austria and Russia were prevented by German diplomacy from developing. In 1887 the Reinsurance Treaty between Germany and Russia was renewed (see App. V. p. 123), but without the knowledge of Austria. Three years later, when the treaty is believed to have come up afresh for renewal, the determination of Bismarck to continue to hold the balance between Austria and Russia, whereas the Emperor William II and the *Drang nach Osten* school of German thought favoured a whole-hearted support of Austrian policy in the Balkans, contri-

buted largely to the German Chancellor's downfall. The treaty was not revived; and two consequences followed. The guarantee for peace between Austria and Russia, which had been furnished by Bismarck's secret diplomacy, disappeared; and Russia, finding herself isolated in Europe, concluded in 1891 a defensive alliance with France. The tradition of the Austro-Russian accord, however, persisted, mainly owing to the fact that Russian statesmen had turned their attention from the Near to the Far East, but partly because the growing strength of Liberalism still continued to draw the autocracies together for self-protection. Austrian pique at the revelation to the public in 1896 of the Russo-German 'Reinsurance' Treaty of 1887 must also be taken into account. In the spring of 1897 the Russian and Austrian Emperors met; and their common interest was formally recognized by an agreement in April of that year. The circumstance that Count Goluchowski, a Pole, was then Austro-Hungarian Foreign Minister and the Slav element generally potent in Austrian counsels was not unimportant. The effect of the agreement was to define the spheres of influence of the two Powers in the Balkans. Austria was to exercise complete control over Serbia, Russia over Bulgaria. A more restricted influence was allowed to the former over Macedonia, Salonika, and Albania, and to the latter over the remainder of Turkey. Within their spheres of influence the contracting Powers might suppress agitation, even by the use of arms. Count Goluchowski, speaking in 1902, repudiated the notion that Austria desired to pursue a selfish policy, still less to make annexations in the Near East, and expressed a hope that the distrust entertained by the two Empires for one another would presently disappear. A current of mutual goodwill, countenanced especially by the Archduke Franz Ferdinand in Austria and the Grand Duke Michael in Russia, ran through both countries.

The Muerzsteg Programme.—In 1903, when the disorders in Macedonia had compelled the interference

of the European Powers, the Russian and Austrian Emperors met at Muerzsteg (October 22) and forced upon the Porte the scheme of reform for the vilayets of Kosovo, Monastir, and Salonika, which goes by the name of the Muerzsteg Programme. The underlying principle of the scheme was the introduction of reforms in conjunction with, not over the head of the Sultan; but the plan involved, besides the formation of an international financial commission, the creation of an international police with national spheres of administration, and Austria took the opportunity to demand control over the Sanjak of Üsküb (in the Kosovo vilayet), which lay in the direct line between the Sanjak of Novi Bazar and Salonika. The encirclement of Serbia, which this arrangement involved, was not the less acceptable to Austria that the substitution of the Karageorgević for the Obrenović dynasty, which followed the murder of King Alexander of Serbia in June 1903, had destroyed Austrian influence in that country. The new King represented the nationalist movement, which had its eyes fixed upon Skoplje (Üsküb), the old capital of the race. The issue of the tariff war, better known as the 'pig-war', inaugurated in 1905, proved that the economic coercion of Serbia was no longer possible.

The events of 1904–5 contributed further to produce a new orientation in the Balkans, for the Russo-Japanese War had the double effect of reducing Russian prestige in that region, and at the same time forcing Russia back upon a Near Eastern policy, in view of the defeat of her plans in the Far East. It was in these circumstances that Prince Ferdinand of Bulgaria began to lean again towards Austria, who appeared to have become a more powerful protector than Russia.

(9) Aehrenthal's Administration; the Annexation of Bosnia-Herzegovina

In the autumn of 1906 Baron Aehrenthal succeeded Count Goluchowski as Foreign Minister and embarked upon an ambitious policy in the Balkans, the progress of which largely contributed to produce the Triple Entente. Aehrenthal's first idea seems to have been to develop the Muerzsteg agreement into a quadruple understanding between Austria, Germany, France, and Russia, so as to undermine the incipient *entente* between England, France, and Russia, and at the same time enable the four Powers interested to afford one another mutual support in regard to their respective ambitions in the Balkans, Mesopotamia, Morocco, and the Dardanelles. Some such project was actually suggested by Aehrenthal and rejected by Isvolsky, the Russian Foreign Minister, in May 1907.[1] Upon its failure Aehrenthal entered upon a negotiation with the Turkish Government, the issue of which gravely affected the good relations between Austria and Russia, where Isvolsky was felt to have suffered a diplomatic defeat. In return (as is alleged by his enemies but as he denied)[2] for the abandonment by Austria of the Muerzsteg reforming policy, what Aehrenthal described as the inauguration of a new route from Central Europe to Egypt and India was agreed to by Turkey. On June 27, 1908, the announcement was made that Austria had obtained permission from the Turkish Government to make a preliminary survey with a view to the construction of a railway line between Uvatz and Mitrovitsa through the Sanjak of Novi Bazar. This concession, if carried into effect, would have resulted in linking Sarajevo and Salonika, and consequently would have thwarted both the Serbian push westwards and the Italian push eastwards through Albania. In point of fact, however, the project appeared on closer inspection to be valueless from

[1] Steed, *The Hapsburg Monarchy*, p. 230.
[2] *Fortnightly Review*, Nov. 1909, p. 782.

a military, prohibitive from a financial, and exacting to the last degree from an engineering standpoint. The Austro-Hungarian General Staff are said to have reported that the proper line of advance upon Salonika was by the valley of the Morava, while the route to Egypt and India *via* Novi Bazar would be at once longer than that through Belgrade and Nish and would involve a vast expenditure of money and of technical skill if the connecting line through Sarajevo to Uvatz were to be given a normal gauge.

The Turkish political situation had not, however, been fully exploited. With the Government of Abdul Hamid tottering to its fall, the moment seemed propitious for the formal annexation of Bosnia and Herzegovina to the Austrian Empire. An *aide-mémoire* on June 19 from the Russian Foreign Minister suggesting, so far as is known, that Austria-Hungary and Russia should make a bargain for the annexation to the former of Bosnia and Herzegovina and the settlement in favour of the latter of the Dardanelles question, fell into line with Austrian policy. Before, however, it could be put into effect the Young Turks, whose headquarters were at Salonika, and with whom Aehrenthal had, it is thought, incautiously attempted to come to terms, had brought about the fall of Abdul Hamid in the hope of saving the integrity of the Turkish Empire. Aehrenthal, meanwhile, continued to negotiate with Isvolsky; and his policy had now the justification that, in the expected event of constitutional reform in Turkey, the constitutional question in Bosnia-Herzegovina would inevitably be raised and could not be conveniently resolved while the status of the provinces remained as indefinite as it had been since 1878. In the middle of September, 1908, the two Foreign Ministers met at Count Berchtold's country house (Buchlau) and discussed a programme of mutual compensations. Isvolsky, in return (so the apologist of Aehrenthal alleges)[1] for 'a clear waterway for Russia through the Dardanelles into the Mediterranean',

[1] *Fortnightly Review*, Nov. 1909, p. 788.

appears to have agreed, at least in effect, to the annexation of Bosnia and Herzegovina, but to have stipulated that he should receive notice of the date at which this was intended to take place, and that a European Conference should be summoned to approve the transaction.

Aehrenthal, however, gave no warning. On October 6, just after Prince Ferdinand of Bulgaria, as he then was, had visited Vienna, Bulgaria declared herself independent of Turkey; and on the following day, October 7, a proclamation was issued by the Austro-Hungarian Government announcing the annexation of Bosnia and Herzegovina to the Austro-Hungarian Empire, in contravention of Article XXV of the Treaty of Berlin, which provided against the alteration of that settlement by one Power without the concurrence of the other signatories. The procedure or neglect of procedure was, perhaps, more objectionable than the deed itself, for the Berlin Congress had created a situation in the provinces which had eventually to be cleared up at the Turkish expense; but a diplomacy far beyond Aehrenthal's range would have attempted to use the occasion to make the Jugo-Slavs look towards Austria for the realization of their still limited expectations and still unconsolidated ideals.

One or two points in the actual transactions deserve attention. In the first place, there is reason to believe that Aehrenthal had conceived his policy, not under German inspiration, but rather in the hope of reversing the German Emperor's description of Austria at the Algeciras Conference of 1906 as a 'brilliant second', and, perhaps, also with the idea that he might play such a part in Europe as Metternich had played. Italy was probably earlier acquainted with what was in contemplation than Germany; and Italian assent to the annexation is alleged to have been bought at the cheap price of the abandonment of the Sanjak of Novi Bazar by Austria.[1] A closer understanding between Vienna and Rome to the prejudice of Berlin was in fact one of

[1] Steed, *The Hapsburg Monarchy*, p. 276.

the cardinal features of Aehrenthal's diplomacy. Thus Germany, in order to save the solidarity of the Central Powers, supported but did not apparently anticipate the Austrian move. The Austro-Bulgarian understanding was essentially anti-Turkish and out of line with the pro-Turkish policy of Germany in the Near East. The Salonika project, which involved Turkish enmity, cut across the Berlin-Bagdad project, which required Turkish co-operation.

In the second place, the annexation of the two provinces with their Jugo-Slav population was calculated to rouse feeling in Serbia to fever pitch ; and the possibility of war breaking out between Austria and Serbia became the preoccupation of Europe in the early months of 1909. The practical question, however, was whether Russia would take up arms to protect the Serbs against the violation of the Berlin Treaty. The German Government, on their own initiative, forced this issue upon the Russian Government in its most acute form. Russia was not prepared to face war with both the Central Powers ; and, once this was clear, British mediation became effective and the crisis passed away.

Aehrenthal, however, was not in a position to maintain a hostile attitude against both Serbia and Turkey ; and it was no doubt to German satisfaction, if not upon German initiative, that an Austro-Turkish Convention was concluded on February 20, 1909. By this instrument Austria-Hungary renounced all the rights acquired in respect of the Sanjak of Novi Bazar through the Berlin Treaty ; guaranteed the free exercise of the Moslem religion in Bosnia and Herzegovina, the mention of the Sultan's name in the public prayers of the Moslems, and the payment to the Ottoman Government of an indemnity of £T2,500,000 as an equivalent for *vakuf*[1] held by Turkey in Bosnia and Herzegovina ; promised to approve a treaty of commerce involving an addition to Turkish custom-duties and monopolies ; and finally undertook to support a Turkish demand for the replacement of the capitu-

[1] Moslem religious property.

lations by international law. In the following year Austria, in conjunction with Germany, financed a Turkish loan. In the main, however, Aehrenthal's policy remained detached and independent. This course was in accordance with the feelings of the Emperor Francis Joseph, who desired the preservation of peace, and was probably accentuated by Aehrenthal's resentment at the recent high-handed action of Germany at Petersburg, which had at once put Austria under an unwelcome obligation and deprived him of the credit of his diplomatic skill. Neither in regard to the Morocco question, which Germany stirred afresh by sending the *Panther* to Agadir in July 1911, nor in regard to the Berlin–Bagdad and Persian railway projects, did Austria afford her ally effective support; and in 1911 Aerenthal declined to follow the German lead in condoning Turkish atrocities in Albania, where the Catholicism of part of the population aroused Austrian sympathies. Friction between Berlin and Vienna on this account, as well as on that of the Agadir incident, was in fact so considerable in 1911 as to induce Aehrenthal on two occasions to address the French Ambassador in the following terms: 'Après tout, nous sommes pour le moment les alliés de l'Allemagne; peut-être malheureusement nous ne sommes pas les vôtres.'

(10) Berchtold's Administration

After frustrating the wish of General Conrad von Hötzendorf and the high military command to attack Italy during her struggle with Turkey, Aehrenthal died on February 17, 1912, and was succeeded by Count Berchtold, who had been naturalized as a Hungarian on account of his wife's property in Hungary. The new Foreign Minister's policy was based, like that of his predecessor, upon a desire to maintain the *status quo* in the Balkans and the Mediterranean—a principle of foreign policy increasingly imposed by the growth of domestic differences in the Austro-Hungarian Empire. He was, however, sensible of the growing urgency of the problem

of the subject races of Turkey, particularly in Macedonia and Albania. In the hope of averting war, and, after having vindicated at Berlin earlier in the year the principle of the superior claim of Austrian over German policy in the Near East where any difference appeared, he proposed in August 1912 that the Porte should deal with the subject races of Turkey on the Austrian, as opposed to the Hungarian model, that is by the grant of linguistic freedom in the schools, law courts, and deliberative assemblies and by the appointment of officials in each locality belonging to the nationality interested. The proposal does not seem to have amounted to a suggestion of local autonomy in Albania and Macedonia, and met with little support among the Powers.

On October 18, 1912, the Balkan League (Bulgaria, Serbia, and Greece) declared war on Turkey. During the First Balkan War Count Berchtold, besides desiring to restore peace and avert the disruption of the Turkish Empire, was particularly concerned to defend Austrian interests in the Adriatic and Catholic interests in northern Albania. The two other Powers affected by events in this region were Italy and Serbia. Austria could not afford to be at issue with both; and Count Berchtold, like Aehrenthal before him, preferred a good understanding with Italy. The Italian declaration of war against Turkey on September 29, 1911, which was followed by the fall of General Conrad von Hötzendorf, the leader of the militant anti-Italian party at Vienna, precipitated the *rapprochement*. Austria showed a friendly disposition towards her unsympathetic ally during the war for Tripoli. Her calculation appears to have been that the acquisition of a North African colony would bring Italy into collision with France over Tunis; that territorial differences on the Austro-Italian frontier would fall into the background, as Italy developed her ambitions in the Mediterranean; and that the substitution of Austrian for German influences at Rome might gradually follow. Count Berchtold consequently used such influence as he had at Constan-

tinople to induce Turkey to conclude the Peace of Lausanne with Italy on October 18, 1912, and, three days later at San Rossore, discussed the future of Albania with San Giuliano, the pro-Austrian Italian Foreign Minister. The conversations at San Rossore are understood to have resulted in a scheme for the introduction of reforms into Albania under Austrian supervision in the north and Italian in the south, and in a common agreement for the maintenance of the integrity of Albania against occupation by any other Power. This decision was directed against the political aspirations of Serbia and Montenegro in Albania. Austria feared the effect upon her maritime interests of the possession by Serbia of a port on the Adriatic, and not the less because Russian influence was dominant at Belgrade. She was also concerned to safeguard the religious interests of the Catholics of northern Albania from the Slav propagandists of the Orthodox Church, whose subsequent activities at Djakovo in 1913 did something to justify anxiety on this score. Austria professed her readiness to give Serbia commercial facilities on the Adriatic and, as Serbian ambitions developed during the successes of the First Balkan War, suggested in November 1912 the adoption of one of the following compromises: (i) the construction of a trunk line with unrestricted facilities for Serbian transport from the Serbian frontier to a Dalmatian free port; (ii) the construction of a Serbian railway through Montenegro to Antivari; (iii) the construction of a Danube–Adriatic railway to a neutralized port through Albania; (iv) an outlet for Serbia on the Aegean. The refusal of these offers and an intimation that Serbia desired to divide Albania with Greece led Austria to declare in favour of an autonomous Albania. Count Berchtold, who, to avoid complications with Italy which might have resulted in the Italian occupation of Albania, had tolerated the presence of Serbian troops in the Sanjak of Novi Bazar and in Albania while warlike operations against Turkey were in progress, made it clear that Austria would go to war rather than permit a permanent

Serbian occupation of Albania. At the Ambassadors' Conferences, which opened in London in December 1912, the Austrian delegate was instructed to renew the November offers to Serbia. The Albanian negotiations proved extremely difficult, Austria standing out against Russia for an autonomous Albania and for the inclusion in it of Djakovo and Dibra. She gained the first point, but surrendered the second. The capture of Scutari by the Montenegrins produced another complication; but eventually, under the pressure of the Powers, they agreed to its inclusion in Albania. Serbia with equal reluctance was compelled, by an ultimatum from Austria, to withdraw her troops from Albanian territory. An International Commission, in which Austria and Italy were the active and the Triple Entente the sleeping partners, was set up to preside over the formation of the new State, which was ultimately constituted under Prince William of Wied.

Meanwhile Count Berchtold's opportunist policy had not been sufficiently forcible to avert the Second Balkan War. Rumania, which had drawn away from the Triple Alliance and made approaches to the Entente group in March 1913, dominated the Balkan situation in the summer and placed Bulgaria, which had fallen out with Serbia over the Turkish spoils, at a military disadvantage. It subsequently transpired that Austria-Hungary made proposals to Italy for a joint attack on Serbia; but Italy refused to recognize a *casus foederis*, and on the eve of the Conference of Bucarest Count Berchtold instructed Prince Fürstenberg to work for a frontier settlement on ethnographical lines, and for the retention by Bulgaria of at any rate part of central Macedonia, as well as Kavalla and a coast-line on the Aegean. This project was not realized in the actual settlement. Both Austria and Russia desired that the Great Powers should exercise their claim to a revision of the treaty, but failed to overcome the opposition of France and Italy. Count Berchtold, in a telegram to St. Petersburg, foretold that Bulgaria would not accept

permanently the conditions which had been forced upon her. Austrian diplomacy was equally active to assist Bulgaria in her peace settlement with Turkey, but with equal ill success. Serbia was hardly less dissatisfied than Bulgaria. While she had gained in power and prestige, and not less in self-confidence, she had been thwarted in her main ambition, and her hostility to Austria had been intensified. Hence the situation at the opening of 1914 contained grave elements of instability, and it was improbable that a catastrophe could be long averted.

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APPENDIX

I.—AUSTRIAN FUNDAMENTAL LAWS[1]

LAW OF DECEMBER 21, 1867, No. 141, IMPERIAL STATUTE BOOK, WHEREBY THE FUNDAMENTAL LAW OF THE REPRESENTATION OF THE EMPIRE, OF FEBRUARY 26, 1861, IS AMENDED.

(*As amended by the Laws of April* 2, 1873, *and November* 12, 1886)

WITH the consent of both Houses of the Reichsrath, I decide to amend the Fundamental Law of February 26, 1861, on the Imperial Representation, and the same is to run as follows :

1. The Reichsrath is convened for the common representation of the Kingdoms of Bohemia, Dalmatia, Galicia, and Lodomeria, with the Grand-Duchy of Cracow, of the Archduchy of Austria, below and above Enns, of the Duchies of Salzburg, Styria, Carinthia, Carniola, and Bukowina, of the Margravate of Moravia, of the Duchy of Upper and Lower Silesia, of the County Palatine of the Tirol, and of the territory of Vorarlberg, of the Margravate of Istria, of the County Palatine of Goritz and Gradisca, and of the town of Trieste with its district. The Reichsrath consists of the House of Lords and the House of Deputies.

No one can be a member of both Houses simultaneously.

2. The Princes of the Imperial House who have attained their majority are members of the House of Lords by birth.

3. Having attained their majority, the heads of those indigenous noble families who by reason of extensive landed property are prominent in the kingdoms and territories represented in the Reichsrath, and on whom the Emperor confers the hereditary dignity of membership of the Reichsrath, are hereditary members of the House of Lords.

4. All Archbishops and those Bishops to whom princely rank belongs by virtue of their high ecclesiastical dignity in the realms and territories represented in the Reichsrath, are members of the House of Lords.

5. It remains reserved to the Emperor to appoint as life-members of the House of Lords distinguished men—from the

[1] Reprinted from Drage, G., *Austria-Hungary*, London, 1909.

realms and territories represented in the Reichsrath—who have rendered service in State or Church, Science or Art.

6. Three hundred and fifty-three members are elected to the House of Deputies, and the number is fixed in the following way for the separate kingdoms and territories, to wit :

For the Kingdom of Bohemia	92
For the Kingdom of Dalmatia	9
For the Kingdom of Galicia and Lodomeria, with the Grand-Duchy of Cracow	63
For the Archduchy of Austria below the Enns .	37
For the Duchy of Austria above the Enns .	17
For the Duchy of Salzburg	5
For the Duchy of Styria	23
For the Duchy of Carinthia	9
For the Duchy of Carniola	10
For the Duchy of Bukowina	9
For the Margravate of Moravia . . .	36
For the Duchy of Upper and Lower Silesia .	10
For the County Palatine of Tirol . . .	18
For the territory of Vorarlberg . . .	3
For the Margravate of Istria	4
For the County Palatine of Goritz and Gradisca	4
For the town of Trieste with its district . .	4

Note.—Sections 6, 7, 15, and 18, were amended by Law of April 2, 1873, No. 40, Imperial Statute Book.

To the above section Article 1 of the Law of June 14, 1896, No. 168, Imperial Statute Book, adds the following provision :

To the 353 members who are to be chosen for the House of Deputies from the electoral classes contained in the Orders of the Country, on the basis of Sections 6 and 7 of the Fundamental Law on the Representation of the Empire (Laws of April 2, 1873, No. 40, Imperial Statute Book, or November 12, 1886, No. 162, Imperial Statute Book), are added 72 members who are elected from a general electoral class to be designated by the letter E.

The fixed number of members for this electoral class is distributed among the several kingdoms and lands, and from this electoral class are to be chosen :

In the Kingdom of Bohemia	18
In the Kingdom of Dalmatia	2
In the Kingdom of Galicia and Lodomeria, with the Grand-Duchy of Cracow . . .	15
In the Archduchy of Austria below the Enns .	9
In the Archduchy of Austria above the Enns .	3
In the Duchy of Salzburg	1

In the Duchy of Styria	4
In the Duchy of Carinthia	1
In the Duchy of Carniola	1
In the Duchy of Bukowina	2
In the Margravate of Moravia	7
In the Duchy of Upper and Lower Silesia . .	2
In the County Palatine of the Tirol . . .	3
In the territory of Vorarlberg	1
In the Margravate of Istria	1
In the County Palatine of Goritz and Gradisca .	1
In the town of Trieste with its district . .	1

The distribution of the members of the House of Deputies—to be elected according to this—among the single electoral districts is fixed by a special law.

Note.—See below, Section 7 (A), the Reichsrath's Election Ordinance.

7. (A) The number of members fixed for each country is divided among the electoral classes contained in the regulations for the country: (*a*) Of the great landed proprietors (registered in the land or feudal court), of those most highly taxed in Dalmatia, of the great proprietors among the nobles, together with the persons in Tirol indicated in Section 3 (1) of the Regulation of the Country; (*b*) of the towns (towns, market towns, manufacturing places, localities); (*c*) of the chambers of trade and manufacture; (*d*) of the country communes; and there are to be chosen—

In the Kingdom of Bohemia:

23 members from the electoral class *a*.
32 members from the electoral class *b*.
7 members from the electoral class *c*.
30 members from the electoral class *d*.

In the Kingdom of Dalmatia:

1 member from the electoral class *a*.
2 members from the electoral classes *b* and *c*.
6 members from the electoral class *d*.

In the Kingdom of Galicia and Lodomeria, with the Grand-Duchy of Cracow:

20 members from the electoral class *a*.
13 members from the electoral class *b*.
3 members from the electoral class *c*.
27 members from the electoral class *d*.

In the Archduchy of Austria below the Enns :

8 members from the electoral class *a*.
19 members from the electoral class *b*.
2 members from the electoral class *c*.
8 members from the electoral class *d*.

In the Archduchy of Austria above the Enns :

3 members from the electoral class *a*.
6 members from the electoral class *b*.
1 member from the electoral class *c*.
7 members from the electoral class *d*.

In the Duchy of Salzburg :

1 member from the electoral class *a*.
2 members from the electoral classes *b* and *c*.
2 members from the electoral class *d*.

In the Duchy of Styria :

4 members from the electoral class *a*.
8 members from the electoral class *b*.
2 members from the electoral class *c*.
9 members from the electoral class *d*.

In the Duchy of Carinthia :

1 member from the electoral class *a*.
3 members from the electoral class *b*.
1 member from the electoral class *c*.
4 members from the electoral class *d*.

In the Duchy of Carniola :

2 members from the electoral class *a*.
3 members from the electoral classes *b* and *c*.
5 members from the electoral class *d*.

In the Duchy of Bukowina :

3 members from the electoral class *a*.
2 members from the electoral class *b*.
1 member from the electoral class *c*.
3 members from the electoral class *d*.

In the Margravate of Moravia :

9 members from the electoral class *a*.
13 members from the electoral class *b*.
3 members from the electoral class *c*.
11 members from the electoral class *d*.

In the Duchy of Upper and Lower Silesia :

3 members from the electoral class *a*.
4 members from the electoral classes *b* and *c*.
3 members from the electoral class *d*.

In the County Palatine of the Tirol :

5 members from the electoral class *a*.
5 members from the electoral classes *b* and *c*.
8 members from the electoral class *d*.

In the Territory of Vorarlberg :

1 member from the electoral classes *b* and *c*.
2 members from the electoral class *d*.

In the Margravate of Istria :

1 member from the electoral class *a*.
1 member from the electoral classes *b* and *c*.
2 members from the electoral class *d*.

In the County Palatine of Goritz and Gradisca :

1 member from the electoral class *a*.
1 member from the electoral classes *b* and *c*.
2 members from the electoral class *d*.

In the Town of Trieste with its District :

3 members from the electoral class *b*.
1 member from the electoral class *c*.

(B) The appointment of the members of the House of Deputies to be chosen in each electoral class in the single electoral divisions and electoral bodies is fixed by the Reichsrath's Election Ordinance.

(C) In the electoral class of the country communes, and in the electoral districts of the general electoral class formed exclusively from the judicial circuits, the deputies are chosen by electors chosen by those who are entitled to vote ; but in the other electoral classes and in the remaining electoral districts of the general electoral class, they are chosen directly by those entitled to vote.

However, in territories in which the direct election of the deputies of the Provisional Diet is fixed by statutory decrees of the county in the electoral class of the country communes, the members of the House of Deputies are also to be elected directly by those entitled to vote in the electoral class of the country

communes, as also in all the electoral districts of the general electoral class.

The choice of the electors and of the deputies has to be arrived at by means of an absolute majority of votes.

If this majority of votes is not attained at one, or even, inasmuch as several deputies are still to be chosen, at a continued second ballot, if the votes are equally divided, it is decided by lot.

(D) Every Austrian citizen who has passed his twenty-fourth year, is his own master, and fulfils the other requirements laid down by the Reichsrath's Election Ordinance, or by the Law of June 14, 1896, No. 169, Imperial Statute Book, is entitled to vote.

Note.—This version of Subsections C and D was enacted by the law of June 14, 1896, No. 168, Imperial Statute Book.

(E) All persons of the male sex in each of the territories specified in Section 6, who have possessed Austrian civil rights for at least three years, and have passed their thirtieth year, are eligible and are entitled to vote in one of these territories, according to the directions of Subsection D, or are eligible in the Provincial Diet.

Note.—This wording of Section 7, Subsections A, B, and E, was enacted by the Law of April 2, 1873, No. 40, Imperial Statute Book, and of November 12, 1886, No. 162, Imperial Statute Book.

8. The public officials and functionaries elected in the House of Deputies need no leave of absence for the exercise of their mandate.

9. The Emperor appoints the President and Vice-President of the House of Lords from its members for the duration of the session.

The House of Deputies elects the President and the Vice-Presidents from its midst. Each House has to elect the remaining functionaries itself.

10. The Reichsrath is convened annually by the Emperor, in the winter months if possible.

11. The province of the Reichsrath embraces all affairs which relate to rights, duties, and interests, which are common to all the realms and territories represented in the Reichsrath, in so far as the same will not, in consequence of the Agreement with the Lands of the Hungarian Crown, be treated as common between these and the remaining territories of the monarchy. Therefore there belong to the province of the Reichsrath—

(*a*) The examination and ratification of the commercial treaties and of those treaties which burden the empire or part of the same, or lay obligations on individual citizens, or involve

a territorial change of the realms and territories represented in the Reichsrath.

(*b*) All affairs which relate to the method and manner, as well as to the order and duration, of military service, and in particular the annual granting of the number of the men to be levied, and the general directions relative to furnishing of relays, the maintenance and quartering of the army.

(*c*) The fixing of the estimates of the Budget, and in particular the annual granting of the taxes, imposts, and duties, to be raised; the examination of the settlement of the State accounts, and the results of the financial policy and the issue of the absolutorium.

The contracting of new loans; the conversion of existing State debts; the alienation, conversion, and burdening, of immovable public property; the legislation on monopolies and royalties; and, generally, all financial affairs which are common to the realms and territories represented in the Reichsrath.

(*d*) The settlement of the monetary, mint, and bank note system, of the Customs and commercial affairs, as also of the telegraphic, postal, railway, navigation, and other imperial systems of communication.

(*e*) The Credit, Bank, privileges and industrial legislation, exclusive of the legislation on licensing (*Propinationsrechte*); further, the legislation on weights and measures, on patents and trade mark protection.

(*f*) Public Health (medicinal) legislation, as also legislation for protection against epidemics and cattle plagues.

(*g*) The legislation on civic rights and naturalization, on police regulation of foreigners and the passport system, as also on the taking of the census.

(*h*) On the relations of religious denominations, on the right of association and meeting, on the press, and the protection of intellectual property.

(*i*) The fixing of the principles of public instruction with regard to the elementary schools and grammar schools (*Gymnasien*); further, the legislation as to the Universities.

(*k*) Legislation concerning criminal law and police-court law, as also civil law, exclusive of legislation on the internal organization of the public registers and on such subjects as belong to the province of the Provincial Diets, on the basis of the provincial ordinances and of this fundamental law; and, further, the legislation on commercial law and the law as to bills of exchange, maritime law, mining law, and feudal tenure.

(*l*) The legislation on the chief features of the organization of the office of the Court of Justice and of the administration.

(*m*) The laws to be enacted, and there cited for the execution

of the fundamental laws of the State, on the general rights of the citizens, on the Supreme Court of the Empire, on the judiciary power, the governmental power, and the executive power.

(*n*) The legislation on those subjects which concern the duties and relations between the single territories.

(*o*) The legislation relative to the form of the treatment of the affairs designated as common through the agreement with the territories belonging to the Hungarian Crown.

12. All other subjects of legislation which are not expressly reserved to the Reichsrath in this law belong to the province of the Provincial Diets of the kingdoms and lands represented in the Reichsrath, and are settled constitutionally in and with these Provincial Diets.

Should any Provincial Diet resolve, however, that one or another subject of legislation given over to it should be treated and settled in the Reichsrath, then such a subject passes over in this case, and with regard to the Diet in question, to the province of the Reichsrath.

13. Bills come to the Reichsrath as Government proposals. The right to propose laws on subjects within its province belongs to this body also.

The agreement of both Houses and the sanction of the Emperor is necessary for every law.

If, in spite of repeated deliberation, no agreement can be arrived at between the two Houses in a financial law as to single items of the same, or in the law regarding recruits as to the numbers (*höhe*) of the contingent to be levied, then the smaller figure is taken as granted.

14. If the pressing necessity of ordinances, for which constitutionally the assent of the Reichsrath is necessary, arises at a time when it is not assembled, the same can be enacted, under the responsibility of the whole Ministry, by means of an imperial ordinance, in so far as these have in view no alteration of the fundamental law of the State, relate to no lasting burdening of the State Treasury and no alienation of public property. Such ordinances have provisionally the force of law, if they are signed by the whole of the Ministers and are promulgated with express reference to this provision of the fundamental law of the State.

The legal force of these ordinances lapses (*erlischt*) if the Government has failed to submit the same for approval to the next Reichsrath, meeting after the proclamation thereof, and moreover, in the first place to the House of Deputies within four weeks after this meeting, or if the same do not receive the ratification of one of the two Houses of the Reichsrath.

The whole Ministry is responsible for this, that such ordinances, as soon as they have lost their provisional legal force, be immediately annulled.

15. For a valid decision of the Reichsrath, the presence of 100 members in the House of Deputies and of forty in the House of Lords, and in both an absolute majority of the votes of those present, is necessary.

Alterations in this fundamental law, as also in the fundamental laws of the State with regard to the general rights of the citizens for the kingdoms and territories represented in the Reichsrath, with regard to the institution of a Supreme Court of the Empire, with regard to the judicial power as well as with regard to the exercise of the governmental and executive power, can only be decreed in a valid manner with a majority of at least two-thirds of the votes of those present, and only in the House of Deputies if at least half of the members are present.

Note.—This wording of Section 15 was enacted by the Law of April 2, 1873, No. 40, Imperial Statute Book.

16. The members of the House of Deputies must take no instructions from their constituents.

The members of the Reichsrath can never be brought to account for the votes given in the exercise of their calling, and for the expressions used in that calling only by the House to which they belong.

No member of the Reichsrath can, without the assent of the House, be arrested, or have legal proceedings taken against him, during the duration of the session, on account of a criminal action, except in the case of being taken in the very act.

Even in the case of being taken in the very act, the Court of Justice has immediately to notify the arrest which has taken place to the President of the House.

If the House demand it, the arrest must be quashed, or the prosecution must be postponed for the entire period of the session. The House has the same right with regard to an arrest or an examination which has been adjudged concerning a member of the same, after the period of the session.

17. All members of the Reichsrath must exercise their right of voting personally.

18. The members of the House of Deputies are chosen for the period of six years.

After the expiry of this period of election, as well as in the event of the dissolution of the House of Deputies, new General Elections follow.

Those who have been deputies can be chosen again.

During the continuance of the period of election, by-elections are to be held, if a member is no longer eligible for election'

dies, resigns his mandate, or ceases to be a member of the Reichsrath on any other legal ground.

Note.—This wording of Section 18 was enacted by the Law of April 2, 1873, No. 40, Imperial Statute Book.

19. The prorogation of the Reichsrath, as well as the dissolution of the House of Deputies, takes place at the decree of the Emperor.

In the event of dissolution, there is to be a new election within the meaning of Section 7.

20. The Ministers and heads of the central offices are entitled to take part in all deliberations, and to bring forward their proposals personally or by means of a deputy.

Each House can demand the presence of the Ministers.

They must always be heard at their request. They have the right to take part in the voting in so far as they are members of one House.

21. Each of the two Houses of the Reichsrath is entitled to question the Ministers in all that its province requires, to subject the administrative actions of the Government to examination, to demand information from the same about petitions which come in, to appoint Commissions to which the necessary information is to be given on the part of the Ministry, and to give expression to its opinions in the form of addresses or resolutions.

22. The exercise of the control of the national debt by means of the representative bodies is fixed by a special law.

23. The sittings of both Houses of the Reichsrath are public.

To each House pertains the right to exclude the public in exceptional cases, if it is demanded by the President or at least ten members, and is resolved upon by the House after the dismissal of the audience.

24. The law concerning the standing orders of the Reichsrath contains the more precise instructions as to the communication of both Houses with each other and with the outside world.

FUNDAMENTAL LAW OF THE STATE OF DECEMBER 21, 1867, No. 142 OF THE IMPERIAL STATUTE BOOK: ON THE GENERAL RIGHTS OF THE CITIZENS FOR THE KINGDOMS AND TERRITORIES REPRESENTED IN THE REICHSRATH.

With the consent of both Houses of the Reichsrath, I enact and ordain the following fundamental law of the State on the general rights of the citizens as follows:

1. A general Austrian citizenship exists for all who belong to the kingdoms and territories represented in the Reichsrath.

The law determines under what conditions Austrian citizenship is acquired, exercised, and lost.

2. All citizens are equal before the law.

3. Public posts are equally accessible for all citizens.

Admission into the same for foreigners is made dependent upon the acquisition of Austrian citizenship.

4. Freedom of settlement [lit. migration] of person and property within the territory of the State is subject to no limitation.

The right to be elected and the right to vote for the communal (*Gemeinde*) representation belongs to all citizens who live in the commune and pay taxes there—from their real property, their earnings, or their income—under the same conditions as to those who belong to the commune.

Freedom to emigrate is only limited by the State through the obligation to military service.

Taxes on emigrants (*Abfahrtsgelder*) can only be levied on practice of reciprocity.

5. Property is inviolable. An expropriation against the will of the proprietor can only take place in the cases and in the manner which the law determines.

6. Every citizen is entitled to take up his abode and residence at any place in the territory of the State, acquire real estate of every kind, and dispose of the same freely, and can also exercise every industry, under legal conditions.

Limitations of the right of corporations (holders in mortmain) to acquire real estates and to dispose of them are admissible by law on the ground of the public welfare.

7. Every tie of serfdom and bondage is abolished for ever. Every indebtedness or service attached to real estate by reason of the division of property may be redeemed, and in future no real estate may be encumbered with such an irredeemable burden.

8. The freedom of the individual is guaranteed. The existing Law of October 27, 1862, No. 87 of the Imperial Statute Book, for the protection of personal freedom, is hereby declared as an essential part of this fundamental law of the State.

Every illegally decreed or prolonged arrest lays the State under the obligation to compensate the injured person.

9. Domiciliary right (*Hausrecht*) is inviolable.

The existing Law of October 27, 1862, No. 88, Imperial Statute Book, for the protection of domiciliary right, is herewith declared as an essential part of this fundamental law of the State.

10. The privacy of letters may not be violated, and confiscations of letters, except in case of a legal arrest or domiciliary

visit, are only undertaken in cases of war or on the ground of a judicial order in conformity with the existing laws.

Note.—Cf. the Law of April 6, 1870.

11. Every one has a right to petition.

Petitions under a collective name may only proceed from legally recognized corporations or associations.

12. The Austrian citizens have the right to assemble and to form associations. The exercise of these rights is regulated by means of special laws.

Note.—Cf. the Law of November 15, 1867, Nos. 134 and 135, Imperial Statute Book, on the right of association and assembly.

13. Every one has the right to express his opinion freely within legal bounds, by word, in writing, in print, or by pictorial representation.

The press may neither be subjected to censorship nor be restricted by the system of concessions. Administrative postal prohibitions do not apply to home printed matter (*inländische Druckschriften*).

14. Full liberty of belief and of conscience is guaranteed to every one. The enjoyment of civic and political rights is independent of religious creed; yet civic duties may not be prejudiced through religious creed. No one can be forced to an ecclesiastical act or to take part in an ecclesiastical ceremony, in so far as he is not subject to the power of another, hereto entitled according to the law.

15. Every legally recognized Church and religious society has the right of exercising common public worship; orders and controls its internal affairs independently; remains in possession and enjoyment of its institutions, foundations, funds, designed for purposes of worship, instruction, and benevolence; but is, like every society, subject to the general laws of the State.

16. Domestic religious worship is permitted to the adherents of a religious creed not legally recognized, in so far as the same is neither illegal nor morally injurious.

17. Learning and teaching are free from restriction. Every citizen who has shown his capacity thereto, as the law directs, is entitled to found institutions for instruction and education and to impart instruction thereat.

Domestic instruction is subject to no such limitation.

Religious instruction in the schools is to be cared for by the Churches or religious societies concerned.

The right of the supreme direction and supervision of the whole system of instruction and education belongs to the State.

18. Every one is at liberty to choose his profession, and to train himself for the same, how and where he will.

19. All the races of the State have equal rights, and each race has an inviolable right to preserve and foster its nationality and language.

The equal rights of all languages customary in the country, in school, official, and public life, are recognized by the State.

In the lands in which several races dwell, the institutions for public instruction must be arranged in such a way that each of these races obtains the necessary means for education in its own language, without being compelled to learn a second local language.

20. A special law will decide as to the admissibility of the temporary and local suspension of the rights contained in Articles 8, 9, 10, 12, and 13, through the responsible Government authority.

FUNDAMENTAL LAW OF THE STATE OF DECEMBER 21, 1867, No. 143 OF THE IMPERIAL STATUTE BOOK: ON THE ESTABLISHMENT OF A SUPREME COURT OF THE EMPIRE.

With the consent of both Houses of the Reichsrath, I enact and ordain the following fundamental law of the State as follows:

1. A Supreme Court of the Empire is instituted for the kingdoms and lands represented in the Reichsrath, for decision upon disputes as to competence and in controversial matters of public law.

2. The Supreme Court of the Empire has to decide finally upon disputes as to competence—(*a*) Between judicial and administrative officials on the question whether an affair is to be dealt with by course of law or administratively, in the cases fixed by the law; (*b*) between a Local Diet (*Landesvertretung*) and the supreme administrative officials, if each of the same claim the right to order or decide in a matter of administration; (*c*) between the autonomous local organs of different territories in the affairs assigned to their management and administration.

3. The final decision pertains to the Supreme Court of the Empire, further—(*a*) As to the claims of individual territories of the kingdoms and lands represented in the Reichsrath against the whole of the same, and conversely; then as to the claims of one of these kingdoms and lands against another of the same; finally, as to claims which are put forth by communes (*Gemeinden*), corporations, or single persons, against one of the said kingdoms and lands, or the whole of the same, if such claims are not such as can be decided in the ordinary course of law.

Note.—The Minister of Justice decides as to the claim raised for damages for a sentence illegally passed, and fixes the amount of the compensation. A respite of sixty days from the delivery of the decision of the Minister of Justice till the raising of his claim before the Supreme Court of Justice is open to the plaintiff. The term cannot be prolonged, and the claim cannot be raised a second time on the ground of the lapse of the term. (Law of March 16, 1892, No. 64, Imperial Statute Book, Sections 7, 8.)

(*b*) As to the complaints of the citizens on account of infraction of the political rights guaranteed to them by the constitution, after the affair has been decided in the administrative way prescribed by law.

4. As to the question whether the decision of a case pertains to the Supreme Court of the Empire, the Supreme Court of the Empire itself decides solely and alone. Its decisions exclude every further appeal, as also the initiation of legal proceedings. If a case is referred by the Supreme Court of the Empire to the regular Judge or to an administrative official, the same cannot decline to give a decision on the ground of incompetence.

5. The Supreme Court of the Empire has its seat in Vienna, and consists of the President and his Deputy, who are appointed by the Emperor for life ; then of twelve members and four substitutes, whom the Emperor appoints also for life on the proposal of the Reichsrath—to wit, six members and two substitutes from the persons proposed by the House of Deputies ; and six members and two substitutes from those proposed by the House of Lords.

The proposal is made in such a manner that three experts are designated for each of the places to be filled.

6. A special law will fix the more precise instructions as to the organization of the Supreme Court of the Empire, as to the procedure before the same, and as to the execution of its decisions and orders.

Note.—The special law here held in prospect was enacted on April 18, 1869, No. 44, Imperial Statute Book.

FUNDAMENTAL LAW OF THE STATE OF DECEMBER 21, 1867, No. 144 OF THE IMPERIAL STATUTE BOOK : ON THE JUDICIAL POWER.

With the consent of both Houses of the Reichsrath, I enact and decree the following fundamental law of the State on the judicial power as follows :

1. All jurisdiction in the State is exercised in the name of the Emperor.

The judgements and sentences are executed in the name of the Emperor.

2. The organization and competence of the courts is determined by laws.

Exceptional courts are only admissible in the cases fixed beforehand by the laws.

3. The sphere of activity of the courts-martial is fixed by special laws.

4. The jurisdiction relative to the minor offences of police law and the laws with regard to rates and taxes is regulated by laws.

5. The Judges are appointed by the Emperor or in his name, finally and for life.

6. The Judges are independent and free from control in the exercise of their judicial office.

They can only be removed from their office in the cases prescribed by the laws, and only in virtue of a formal judicial sentence. The temporary suspension from office of the same can only be effected by order of the Judicial Committee or the Upper Court, subject to simultaneous reference of the affair to the proper court. Removal to another position or involuntary retirement on a pension can only be effected by means of a judicial decision in the cases and forms fixed by the law.

Note.—Cf. the Law of May 21, 1868, No. 46, Imperial Statute Book, on the disciplinary treatment of judicial officials, and the enforced removal to another position or enforced retirement of the same.

These decisions, however, do not apply to the removals (from office) and retirements on a pension which are necessitated by changes in the organization of the courts.

7. The examination of the validity of laws properly published does not pertain to the courts. On the other hand, the courts have to decide on the validity of ordinances in legal succession of appeals.

8. All judicial officials have to swear in their oath of office to keep inviolable the fundamental laws of the State also.

9. The State or its judicial officials can be sued on account of the legal injuries occasioned by the latter in the exercise of their official activity by plaint, besides the legal remedies indicated in the judicial procedure.

This right of plaint is regulated by a special law.

Note.—This special law is the Law of July 12, 1872, No. 112, Imperial Statute Book.

10. The proceedings before the awarding (*Erkennende*) Judge are verbal and public in affairs of civil and criminal law.

The law determines the exceptions. In criminal matters the procedure is by bill of indictment (*Anklageprocess*).

11. A jury decides as to the guilt of the accused in felonies threatened with severe punishments which the law has to indicate, as also in all felonies and misdemeanours, whether political, or perpetrated by the contents of a publication.

Note.—Cf. the Introductory Law to the Code of Criminal Procedure.

See also the Law of June 25, 1886, No. 98, Imperial Statute Book, and the Law of May 23, 1873, No. 120, Imperial Statute Book.

12. The Supreme Court of Justice and Court of Cassation in Vienna is for the kingdoms and territories represented in the Reichsrath.

13. The Emperor has the right to grant a general pardon, and to remit or mitigate the punishments which were pronounced by the courts, as also to revise the legal consequences of the sentences, with reservation of the limitations contained in the law with regard to the responsibility of the Minister.

The regulation of the right to decree that criminal proceedings on account of a punishable action should not be instituted, or that the criminal proceedings instituted should be stayed, is reserved to the rules of the Code of Criminal Procedure.

14. The Administration of Justice (*Rechtspflege*) is separate from the Administrative Government (*Verwaltung*) in every instance.

15. In all cases in which an administrative authority has to decide according to existing laws, or laws to be enacted in the future, upon conflicting claims between private individuals, the party whose private rights have been injured by this decision is at liberty to seek redress against the other party in due course of law.

If, besides this, any one maintains that his rights have been violated by a decision or order of an administrative authority, he is at liberty to assert his claims against a representative of the administrative authority before the Court for the Administration of Justice, by public verbal proceedings.

The cases in which the Court for the Administration of Justice has to decide, the composition of that court, and also the procedure before the same, are determined by a special law.

Note.—See, further, the Law of October 22, 1875, No. 36, Imperial Statute Book for 1876, relative to the establishment of a Judicial Court of Administration.

FUNDAMENTAL LAW OF THE STATE OF DECEMBER 21, 1867, No. 145 OF THE IMPERIAL STATUTE BOOK: ON THE GOVERNMENTAL AND EXECUTIVE POWER.

With the consent of both Houses of the Reichsrath, I enact and decree the following fundamental law of the State on the exercise of the governmental and executive power as follows:

1. The Emperor is sacred, inviolable, and irresponsible.

2. The Emperor exercises the governmental power through responsible Ministers and the subordinate officials and appointees of the same.

3. The Emperor nominates and dismisses the Ministers, and appoints to all offices in all branches of the service of the State, on the proposal of the Ministers in question, unless the law otherwise directs.

4. The Emperor confers titles, orders, and other State distinctions.

5. The Emperor has the supreme command over the armed forces, declares war, and concludes peace.

6. The Emperor concludes the State treaties.

The consent of the Reichsrath is necessary to the validity of commercial treaties and of those State treaties which burden the Empire or part of the same, or lay single citizens under obligations.

7. The right of coinage is exercised in the name of the Emperor.

8. The Emperor, on accession to the throne, takes the solemn oath in the presence of both Houses of the Reichsrath:

'To keep the fundamental laws of the kingdoms and lands represented in the Reichsrath inviolable, and to rule in harmony with the same and the general laws.'

9. The Ministers are responsible for the constitutionality and legality of the acts of the Government falling within the sphere of their taking official province (*Amtswirksamkeit*).

The responsibility, the composition of the Court of Justice to give judgement on the impeachment of a Minister, and the proceedings before the same, are regulated by a special law.

10. The publication of the laws is effected in the name of the Emperor, with a mention of the consent of the constitutionally representative bodies, and subject to the co-operation of a responsible Minister.

11. The Government authorities are entitled to enact ordinances and give orders—within their official province—on the basis of the laws, and to enforce the observance of these

latter, as well as the statutory ordinances even against those under obligation thereto.

Special laws regulate the executive right of the administrative authorities, as also the powers of the armed forces which are permanently organized for the public security, tranquillity, and order, or are called out in special cases.

12. All the State servants are responsible within their official province for the observance of the fondamental laws of the State, as also for the direction of business in keeping with the imperial and local laws.

Those organs of the executive power to whose disciplinary power the State servants in question are subject are in duty bound to enforce this responsibility.

The liability at civil law of the same for the legal injuries arising through orders contrary to duty is regulated by a law.

13. All organs of the State administration have also to swear to the inviolable observance of the fundamental laws of the State in their oath of service.

LAW No. 146 OF DECEMBER 21, 1867: REGARDING AFFAIRS COMMON TO ALL THE LANDS OF THE AUSTRIAN MONARCHY, AND THE MANNER OF THEIR TREATMENT.

With consent of both Houses of the Reichsrath, I enact the following law to supplement the fundamental law with regard to the representation of the Empire:

1. The following affairs are declared as common to the realms and lands represented in the Reichsrath, and to the territories of the Hungarian Crown:

(*a*) Foreign affairs, including diplomatic and commercial representation in relation to foreign countries, as well as the dispositions that may be necessary with regard to international treaties, whereby, however, the ratification of the international treaties in so far as such ratification is constitutionally necessary remains reserved to the representative bodies of both halves of the Empire (to the Reichsrath and to the Hungarian Parliament).

(*b*) Military affairs, including the navy, with the exception, however, of the granting of recruits, and of the legislation as to the method and manner of the fulfilment of the obligation to serve in the army; of the orders relative to the moving and maintenance of the army; further, of the regulation of the civic relations, and of the rights and duties not connected with military service, of the members of the army.

(*c*) Finance with regard to the expenses to be defrayed in

common, particularly the fixing of the budget relating thereto and the examination of the accounts referring to the same.

2. Furthermore, the following affairs should not, indeed, be administered in common, yet they are dealt with according to similar principles to be agreed upon from time to time.

(1) Commercial affairs, especially the Customs legislation.

(2) The legislation about the indirect taxes, closely connected with industrial production.

(3) The fixing of the coinage system and the money standard.

Note.—By Law of August 2, 1892, No. 127, Imperial Statute Book, the Ministry of the kingdoms and lands represented in the Reichsrath was empowered to conclude a coinage and standard agreement with the Ministry of the lands of the Hungarian Crown.

This agreement was concluded by Proclamation of the Minister President of August 11, 1892, No. 132, Imperial Statute Book, in the version fixed by the Law of August 2, 1892, No. 127, Imperial Statute Book, and August 11, 1892, was agreed upon as the day of the promulgation and of the commencement of the legal force thereof.

(4) Orders relative to those lines of railways which affect the interests of both halves of the Empire.

(5) The fixing of the system of defence.

3. The costs of the common affairs (Section 1) are to be borne by both parts of the Empire according to a proportion which will be fixed from time to time by a mutual agreement of the representative bodies (the Reichsrath and the Hungarian Parliament) to be sanctioned by the Emperor. Should no agree ment be arrived at between the two representative bodies, then the Emperor determines this proportion—*only, however, for the duration of one year.*

The defraying of the expense of the services falling on each of the two parts of the Empire according to this provision is, however, exclusively the affair of each side.

A common loan can also, however, be incurred for the defraying of the expenses of the common affairs, in which case also all that relates to the contracting of the loan, and the means of its application and repayment, is to be treated in common.

The decision on the question whether a common loan is to be incurred remains reserved, however, to the legislature of each of the two halves of the Empire.

4. The contribution of the quota to the burdens of the present State debt is regulated by means of an agreement to be arrived at between both halves of the Empire.

5. The administration of the common affairs is provided through a common responsible Ministry, which is not allowed,

however, to conduct the special governmental business of one of the two parts of the Empire also along with the common affairs.

The orders relative to the management, command, and internal organization of the joint army pertain to the Emperor exclusively.

6. The right of legislation belonging to the representative bodies of both halves of the Empire (to the Reichsrath and to the Hungarian Parliament) is to be exercised by the same—in so far as the common affairs are concerned—by means of delegations which are to be despatched.

7. The delegation of the Reichsrath numbers sixty members, of whom one-third are taken from the House of Lords and two-thirds from the House of Deputies.

8. It devolves upon the House of Lords to choose the twenty members of the delegation from their midst by means of an absolute majority of votes.

The forty members devolving upon the House of Deputies are chosen in such a manner that the deputies of the separate Diets despatch the delegates according to the following mode of distribution, whereby they are at liberty to choose the same either from their midst or from the full session of the House.

The deputies have to choose by means of an absolute majority of votes.

From the Kingdom of Bohemia . . .	10
From the Kingdom of Dalmatia . . .	1
From the Kingdom of Galicia and Lodomeria, with the Grand-Duchy of Cracow . . .	7
From the Archduchy of Austria below the Enns	3
From the Archduchy of Austria above the Enns	2
From the Duchy of Salzburg	1
From the Duchy of Styria	2
From the Duchy of Carinthia	1
From the Duchy of Carniola	1
From the Duchy of Bukowina	1
From the Margravate of Moravia . . .	4
From the Duchy of Upper and Lower Silesia .	1
From the County Palatine of the Tirol . .	2
From the territory of Vorarlberg . . .	1
From the Margravate of Istria . . .	1
From the County Palatine of Goritz and Gradisca	1
From the town of Trieste with its district . .	1
	40

Note.—The number of delegates and substitutes falling to

each land, according to Subsections 2 and 3 of this section, and according to the following Section 9, is to be elected at present by the elected members of the House of Deputies in the lands concerned (concluding sentence of Article II. of the Law of April 2, 1873, No. 40, Imperial Statute Book).

9. In like manner, each of the two Houses of the Reichsrath has to choose substitutes for the delegates, the number of whom amounts to ten for the House of Lords, and twenty for the House of Deputies.

The number of the substitutes to be chosen from the House of Deputies is distributed in proportion to the delegates to be despatched from the same, so that there is one substitute for one to three delegates, two substitutes for four and more delegates. The choice of each substitute is to be considered separately.

Note.—See the note to the preceding section (8).

10. The choice of the delegates and their substitutes is renewed annually from both Houses of the Reichsrath.

Until then the delegates and substitutes remain in their function.

The retired members of the delegation can be re-elected in the same.

11. The delegations are convened annually by the Emperor. The meeting-place is fixed by the Emperor.

12. The delegation of the Reichsrath chooses from its members the President and Vice-President, as also the Secretary and remaining functionaries.

13. The province of the delegations comprehends all subjects which concern the common affairs.

Other subjects are excluded from the competence of the delegations.

14. Government proposals reach each of the two delegations separately by means of the common Ministry.

The right to make proposals on subjects within their province pertains also to each delegation.

15. For all laws concerning the affairs within the province of the delegations, an accord between both delegations is requisite, or, failing an accord, a resolution framed and agreed to in a common full session of both delegations and in every case the sanction of the Emperor.

16. The right to call the common Ministry to account is exercised by the delegations.

On the violation of a constitutional law existing for the common affairs, each delegation can move the impeachment (which is to be communicated to the other delegation) of the common Ministry or of a single member.

The impeachment is legally valid if it is resolved upon by each delegation separately or in a common full session of both delegations.

17. Each delegation proposes twenty-four Judges from the independent citizens learned in the law of those lands which it represents—not, however, from its own midst—of whom the other delegation can reject twelve.

The accused also, or if there are several, all the accused have in common the right to decline twelve of those proposed—only, however, in such manner that an equal number of those proposed in this way by means of either delegation are declined.

The remaining Judges left after this form the court of justice for the lawsuit under discussion.

18. A special law on the responsibility of the common Ministry will fix the more precise instructions as to the impeachment, the procedure, and the sentence.

19. Each of the two delegations negotiates, deliberates, and resolves for itself, in separate sittings.

Section 31 contains the exceptional case.

20. The presence of at least thirty members besides the Chairman is requisite to enable the delegation of the Reichsrath to come to a decision, and the absolute majority of votes of those present is necessary for the validity of the resolution.

21. The delegates and substitutes of the Reichsrath must accept no instructions from their electors.

22 The delegates of the Reichsrath must exercise their right of voting personally.

Section 25 fixes when a substitute has to enter office.

23. The delegates of the Reichsrath enjoy in this capacity the same inviolability and irresponsibility which belong to them as members of the Reichsrath, by virtue of Section 16 of the Fundamental Law on the Imperial Representation.

The rights relating to the delegates, granted to the House in question of this paragraph, appertain to the delegation in so far as the Reichsrath is not assembled at the same time.

24. Withdrawal from the Reichsrath involves withdrawal from the delegation also.

25. If a member of the delegation or a substitute resign, then a new election is to be proposed. If the Reichsrath is not assembled, then his substitute has to take the place of the retiring delegate.

26. If the House of Deputies is dissolved, then the competence of the delegation of the Reichsrath also expires.

The newly convened Reichsrath elects a new delegation.

27. The session of the delegation is closed by the President of the same, after the termination of the business, with the approval or on the mandate of the Emperor.

28. The members of the common Ministry are entitled to take part at all councils of the delegation, and to advocate their proposals personally or through a deputy.

They must be heard every time on demand. The delegation has the right to address questions to the common Ministry or to a single member thereof, and to demand answer and explanation therefrom; further, to appoint Commissions to which the information required is to be given on the part of the Ministry.

29. The sittings of the delegation are public as a rule.

By way of exception, the public can be excluded if it is demanded by the President or by at least five members, and resolved upon by the Assembly after the departure of the audience.

A resolution can only be taken, however, in a public sitting.

30. Both delegations communicate their resolutions to each other, as well as the reasons thereof, when necessary.

This communication is carried on in writing, in German on the side of the delegation of the Reichsrath, in the Hungarian language on the side of the delegation of the Hungarian Parliament, and on both sides with the enclosure of an authoritative translation in the language of the other delegation.

31. Each delegation is entitled to move that the question be decided by means of common voting, and this motion cannot be refused by the other delegation as soon as a threefold exchange of letters has remained unsuccessful.

The Presidents of both sides agree upon the place and time for a full session of both delegations for the purpose of common voting.

32. The Presidents of the delegations preside alternately in the full session.

It is decided by lot which of the two Presidents has to preside the first time. In all following sessions the President of that delegation whose President has not presided at the session immediately preceding presides at the first full assembly.

33. The presence of at least two-thirds of the members of each delegation is requisite in order that the full assembly may be competent to make resolutions.

The resolution is made by an absolute majority of votes.

If more members are present on the side of one delegation than on the side of the other, then on the side of the delegation in a majority as many members have to refrain from voting as must fall out to restore the equality of number of those voting

on both sides. It is decided by lot who has to refrain from voting.

34. The full sessions of both delegations are public.

The minutes are kept in both languages by the Secretaries of both sides, and attested in common.

35. The more precise instructions as to the course of business are regulated by means of the standing orders, the settlement of which is to be effected through the delegation.

36. The agreement in relation to those subjects which are not indeed treated as common, but are, however, to be regulated according to common principles, is effected either in this way—that the responsible Ministry elaborate a Bill in common understanding, and lay it before the representative bodies concerned or both sides for their decision, and the decisions agreed upon by both representations are laid before the Emperor for his sanction; of that the two representative bodies choose, each from its midst, equally large deputations which elaborate a proposal under the influence of the Ministry concerned. which proposal is then communicated by the Ministry to each representative body, and treated regularly by the same, and the corresponding resolutions of both representations are laid before the Emperor for his sanction. The second precedent is to be observed specially at the agreement as to the proportion of the contributions to the costs of the common affairs.

Note.—(1) A deputation of fifteen members is to be despatched from the Reichsrath for the negotiation by deputation which takes place in conformity with Section 36 of the Law of December 21, 1867, No. 146, Imperial Statute Book, with a view to agreement as to the relative proportion of the contributions to the costs of the common affairs of the monarchy.

(2) In this deputation five members are to be elected from the House of Lords, ten members from the House of Deputies (Law of March 28, 1877, No. 23, Imperial Statute Book).

37. This law comes into operation together with the law relating to the alteration of the Fundamental Law of February 26, 1861, as to the imperial representation, and with the fundamental laws of the State on the general rights of citizens, on the administrative and executive powers, on the power of Judges, and on the installation of a Supreme Court of the Empire.

II

STATUTE 44 OF THE YEAR 1868: THE HUNGARIAN LAW OF NATIONALITIES[1]

Since all citizens of Hungary, according to the principles of the constitution, form from a political point of view also one nation, the indivisible unitary Hungarian nation, of which every citizen of the fatherland is a member, no matter to what nationality he belongs;

Since, moreover, the equality of right can only exist with reference to the official use of the various languages employed in the country, and can only fall under special rules so far as is rendered necessary by the unity of the country and the practical possibility of government and administration:

The following rules will serve as a standard with regard to the official use of the various languages, while in all other respects the complete equality of the citizen remains untouched:

1. Since by reason of the political unity of the nation the State language of Hungary is Magyar, the language of deliberation and business in the Hungarian Parliament is also in future Magyar. The laws will be promulgated in the Magyar language, but are also to be published in an authentic translation in the languages of all other nationalities inhabiting the country. The official language of the Government in all branches of the administration is in future also Magyar.

2. The minutes of the county assemblies (*Jurisdictionen*) are to be kept in the official language of the State, but they can also be kept at the same time in that language which at least one-fifth of the members of the body or commission representing the jurisdiction desires to be the language of the minutes.

If divergencies occur between the different texts, the Magyar text is authoritative.

3. In the assemblies of the jurisdictions, every one who possesses the right to speak in them can speak either in Magyar or in his mother tongue, if that tongue is not Magyar.

4. The jurisdictions, in their communications with the Government, employ the official language of the State, but they can also employ in a parallel column one of those languages which they use in their minutes. In communicating with each other, however, they can employ either the language of the State or one of those languages which has been adopted under Section 2 for the conduct of the minutes by that jurisdiction to which the communication is directed.

[1] Reprinted from Drage, G., *Austria-Hungary*, London, 1909.

5. In the conduct of internal business the officials of the jurisdictions employ the language of the State. But in so far as this involves practical difficulties with regard to one or other jurisdiction or official, the officials in question can in exceptional cases employ one of the languages used for the minutes in their jurisdiction. Whenever, however, considerations of State supervision or administration demand it, their reports and official documents are to be submitted in the official language of the State also.

6. The officials of the jurisdictions, within the limits of their jurisdiction, in their official intercourse with the communes, assemblies, associations, institutions, and private individuals, employ, so far as possible, the language of the latter.

7. Every inhabitant of the country, in those cases in which, without the intervention of an advocate, he personally or through an attorney claims, or can claim, as plaintiff, defendant, or petitioner, the protection of the law and the help of the Judge, can employ—

(*a*) Before his own communal court, his mother tongue.

(*b*) Before any other communal court, the language of business or of the minutes of the commune in question.

(*c*) Before his own district court, the language of business or of the minutes of his own commune.

(*d*) Before any other courts, whether they belong to his own or to another jurisdiction, the language of the minutes employed by that jurisdiction to which the court in question belongs.

8. In cases to which Section 7 applies, the Judge deals with the charge or the petition in the language of the charge or the petition. He conducts in the language of the parties at law or the parties cited both the hearing of parties and witnesses, the examination in court and other legal functions of the Judge, both in civil cases, whether contested or not, and in criminal proceedings ; but he conducts the reports of the trial in the language which the parties at law choose by mutual understanding from among the languages in which the minutes are conducted in the jurisdiction. Should an understanding not be reached in this connection, then the Judge can conduct the report of the trial in one of the languages used for the minutes in the jurisdiction, but is bound to declare its contents to the parties, if necessary, even by the help of an interpreter.

In the same way, the Judge is bound to declare or to get interpreted to the parties the most important documents of the trial, if these should be written in a language which one or other of the parties does not understand.

The writ of summons is, in the interests of the party to be

summoned, to be drawn up in his mother tongue, if this can at once be ascertained ; but otherwise in the language used for the minutes in the commune in which the party to be summoned dwells, or else in the official language of the State.

The decision of the Judge is to be pronounced in the language in which the reports of the trial were drawn up ; but the Judge is bound to announce or publish it to each individual party in the language which the latter desires, in so far as the language is one of the languages used for the minutes by the local body (*Municipium*) to which the Judge belongs.

9. In all those civil and criminal actions which are to be conducted subject to the intervention of an advocate, the hitherto prevailing practice both as to the language in which the trial is to be conducted and as to the language in which the verdict is to be pronounced will be everywhere maintained in courts of first instance so long as the legislature does not come to any decision regarding the final organization of the courts of first instance and the introduction of oral proceedings.

10. The Church courts themselves prescribe their language of business.

11. In the land registration offices, the business language of the particular court is to be used for the conduct of their business ; but, if the parties demand it, both the decision and the abstract (*Auszug*) are to be given in the official language of the State or in one of the languages used for the minutes of the local body (*Municipium*) in whose territory the registration office is situated.

12. In appealed cases which were not conducted in the Magyar language, or in which certain of the documents are not Magyar, the Court of Appeal gets the records of the trial and the documents, so far as is necessary, translated into Magyar by those accredited translators who are to be appointed at the expense of the State at the Courts of Appeal, and brings up the action for trial in this attested translation. The Court of Appeal will always draw up its decrees, resolutions, and judgments, in the official language of the State.

When the case has gone down (*herabgelangt*) to the competent court of first instance, the latter will be bound to announce or publish the decree, resolution, or judgment, to each party in the language in which the latter demands it, provided that this language is the business language of the court or a language of the minutes in the local body (*Municipium*).

13. The official language of all courts which are appointed by the Government is exclusively Magyar.

14. The Church congregation can, without infringement of the legal rights of their ecclesiastical superiors, prescribe,

according to their pleasure, the language in which the registers are to be drawn up and in which the Church affairs are to be conducted, and, further, within the limits of the Education Act, the language of instruction in their schools.

15. The higher Church corporations and authorities themselves determine the language of deliberation, of the minutes, of the conduct of business, and of intercourse with their parishes, If this should not happen to be the official language of the State, then, from consideration of State supervision, the minutes are to be submitted in an authentic translation in the language of the State also.

When the different Churches or higher ecclesiastical authorities communicate with one another, they employ either the official language of the State or the language of the Church with which they are communicating.

16. The upper and supreme Church authorities, in their memorials to the Government, can make use either of their business language or their language of minutes, adding in parallel columns the official language of the State. In their memorials to the local bodies (*Municipien*) and their organs they can use the language of the State, or, when the minutes are in several languages, one of these ; but the Church congregation, in their official intercourse with the Government and with their own jurisdictions, can use the official language of the State or their own business language, while in their intercourse with other jurisdictions they can employ one of the languages used for its minutes.

17. So far as the law does not make provision, the right of deciding the language of instruction in those schools which have already been erected by the State or the Government, or which may be in future erected as need arises, forms part of the duties of the Minister of Education. But since from the standpoint of general culture and the commonweal the success of public instruction is one of the highest objects of the State also, the State is bound to insure that citizens, of whatever nationality, living together in considerable numbers, shall be able to obtain instruction in their mother tongue in the neighbourhood of the district where they live, up to the point where higher academic education begins.

18. In the secondary and higher educational institutions belonging to the State which at present exist, or may in future be erected in districts where more than one language is in general use, chairs of languages and literature are to be established for each of these languages.

19. In the National University the language of the lectures is Magyar. At the same time, chairs are to be established for

the languages employed in the country and for their literatures, in so far as such chairs have not already been established.

20. The communal assemblies themselves choose the language of their business and minutes. The minutes are also to be kept in that language which one-fifth of the voting members regards as necessary.

21. The communal officials are bound in their intercourse with persons belonging to the commune to use the language of the latter.

22. In its memorials to its local body (*Municipium*) and the latter's organs, and to the Government, the commune can employ the official language of the State or its own business language ; in its memorials to other local assemblies and their organs, either the official language of the State or one of the languages in which the local body in question keeps its minutes.

23. Every citizen of the country can submit his memorials to his own commune, to his ecclesiastical authorities, to his local body (*Municipium*) and its organs, and to the Government, in his mother tongue.

In his memorials to other communes or local bodies (*Municipien*) and their organs, he can employ either the official language of the State or the language of the minutes, or one of the languages used for its minutes by the commune or local body in question.

The use of languages in the administration of justice is regulated by Sections 7 to 13.

24. In communal and Church assemblies, those who have the right to speak can freely use their mother tongue.

25. When private persons, Churches, private societies, or educational institutions and communes lacking autonomy, do not, in their memorials to the Government, employ the official language of the State, the Magyar original text of the document dealing with such memorials is to be supplemented by an authentic translation in the language of the memorial.

26. As hitherto so in the future, both individual citizens, communes, Churches, and congregations, of whatever nationality, shall have the right to erect by their own exertions, and in the way of association, both elementary, secondary, and higher educational institutions. With this object, and for the erection of other institutions which advance the cause of language, art, science, agriculture, industry, and commerce, the individual citizens can, subject to the legal control of the State, join together in societies and leagues, can draw up statutes, and, after the Government has sanctioned these statutes, can act in accordance with them ; they can also collect money funds, and can, subject to Government control,

administer these funds in conformity with their lawful national claims.

Educational and other institutions which have been founded in this manner enjoy equal rights with State institutions of a similar character, but the schools only in the event of the provisions of the Law of Public Instruction being observed.

The language of private institutions and societies is prescribed by the founders.

The societies and the institutions founded by them communicate with one another in their own language ; in their intercourse with others, the provisions of Section 23 are decisive with regard to the use of language.

27. Since in future, also, personal capacity will be the decisive factor in the filling of offices, a person's nationality cannot be regarded as an obstacle to his appointment to an office or dignity in the country. On the contrary, the Government will take care that, in the judicial and administrative offices of the country, especially in the office of Lord Lieutenant, persons of the various nationalities shall, so far as possible, be employed who possess the necessary linguistic knowledge to a full degree, and who are also otherwise qualified.

28. The provision of the older laws which conflict with the above regulations are hereby annulled.

29. The provisions of this law do not extend to Croatia, Slavonia, and Dalmatia, which possess a special territory and form politically a special nation ; for these (countries) the decision in matters of language will depend upon the agreement which has been reached between the Hungarian Parliament on the one hand, and the Croato-Slavonian Parliament on the other hand, by right of which the deputies of these countries may, in the joint Hungaro-Croatian Parliament, speak in their mother tongue also.

III

THE AUSTRO-GERMAN ALLIANCE, 1879[1]

[This Treaty was published officially by Bismarck in 1888.]

Whereas their Majesties the German Emperor, King of Prussia, and the Emperor of Austria, King of Hungary, must regard it as their unavoidable duty as monarchs to take care, under all circumstances, of the safety of their realms and the quietude of their peoples ; whereas, further, the two monarchs will be able, as in their former relation as members of the German Confederation, to perform this duty more easily and effectively by the firm co-operation of the two Empires ; and

[1] Reprinted from the *Annual Register*, 1888, p. 284.

whereas, finally, a cordial co-operation of Germany and Austria-Hungary can menace no one, but is calculated on the contrary, to fortify the European peace created by the Treaty of Berlin, their Majesties the German Emperor and the Emperor of Austria, King of Hungary, solemnly promise one another that they will never give to their purely defensive agreement an aggressive tendency in any direction, and have resolved to conclude an alliance of peace and mutual defence. To this end . . . their Plenipotentiaries . . . have agreed as follows :

Art. I.—Should, contrary to the hope and the sincere wish of the two illustrious contracting parties, one of the two Empires be attacked by Russia, the illustrious contracting parties are bound to assist one another with the whole military power of their Empires, and, as a consequence of this, to conclude peace only in common, and in agreement.

Art. II. Should one of the illustrious contracting parties be attacked by another Power, the other august party hereby binds himself not only not to assist the aggressor against his august ally, but to observe at least an attitude of friendly neutrality towards the latter. If, however, in such a case the aggressor should be supported by Russia either in the form of active co-operation or by military measures threatening the party attacked, the obligation stipulated in Art. I of this Treaty, to assist one another with full military strength, at once becomes binding, and the conduct of the war by the two august contracting parties then becomes common till a common conclusion of peace.

Art. III. This Treaty shall, in accordance with its peaceful character, and in order to exclude every misinterpretation, be kept secret by both august contracting parties, and communicated to a third Power only by consent of both. The two august contracting parties, in view of the sentiments expressed by the Emperor Alexander at the meeting in Alexandrovo, cherish the hope that the Russian military preparations will not really prove threatening to them, and have, therefore, no occasion at present to make any communication on the subject ; but should this hope, contrary to expectation, prove erroneous, the two august contracting parties would regard it as a duty of honour to inform the Emperor Alexander, at least confidentially, that they must regard an attack on one of them as an attack on both.

As witness whereof, the Plenipotentiaries have signed this Treaty with their own hands, and attached their seals.

Done at Vienna, 7th of October, 1879.

HENRY VII, REUSS.
ANDRÁSSY.

IV

PARTIAL TEXT OF THE TRIPLE ALLIANCE, 1882

[Austrian White Paper, published in *Vossische Zeitung*, May 27, 1915.]

CLAUSE III.—In case one or two of the high contracting parties, without direct provocation on their part, should be attacked by one or more Great Powers not signatory of the present Treaty and should become involved in a war with them, the *casus foederis* would arise simultaneously for all the high contracting parties.

CLAUSE IV.—In case a Great Power not signatory of the present Treaty should threaten the State security of one of the high contracting parties, and in case the threatened party should thereby be compelled to declare war against that Great Power, the two other contracting parties engage themselves to maintain benevolent neutrality towards their Ally. Each of them reserves its right, in this case, to take part in the war if it thinks fit in order to make common cause with its Ally.

CLAUSE VII.—Austria-Hungary and Italy, who have solely in view the maintenance, as far as possible, of the territorial *status quo* in the East, engage themselves to use their influence to prevent all territorial changes which might be disadvantageous to the one or the other of the Powers signatory of the present Treaty. To this end they will give reciprocally all information calculated to enlighten each other concerning their own intentions and those of other Powers. Should, however, the case arise that, in the course of events, the maintenance of the *status quo* in the territory of the Balkans or of the Ottoman coasts and islands in the Adriatic or the Aegean Seas, becomes impossible, and that, either in consequence of the action of a third Power or for any other reason, Austria-Hungary or Italy should be obliged to change the *status quo* for their part by a temporary or permanent occupation, such occupation would only take place after previous agreement between the two Powers, which would have to be based upon the principle of a reciprocal compensation for all territorial or other advantages that either of them might acquire over and above the existing *status quo*, and would have to satisfy the interests and rightful claims of both parties.

V

PARTIAL TEXT OF THE 'REINSURANCE' TREATY, 1887

Published in *Allgemeine Zeitung*, Sept. 12, 1919. The following is a translation of the passage in the *A. Z.* as given in *The Times*, Sept. 13, 1919.]

The Treaty is dated June 18, 1887; and, as an inseparable part of this Treaty, there was created on the same day a quite secret supplementary protocol which was also signed in Berlin. The Treaty was signed on the Russian side by Count Paul Schuvaloff (then Russian Ambassador in Berlin), and on the German side by the son of the State Chancellor, Count Herbert Bismarck, who at that time was State Secretary for Foreign Affairs. The treaty was concluded for three years. The most important stipulations say:

ARTICLE 1.—In case one of the high contracting parties should find itself in a state of war with a third Great Power, the other will observe a benevolent neutrality and make every effort to localize the struggle. This stipulation shall not apply to a war against France or Austria in case such a war is brought about by an attack of one of the high contracting parties upon one of these two Powers.

ARTICLE 2.—Germany recognizes the historically-acquired rights of Russia to the Balkan peninsula, and especially the legitimacy of her predominant and decided influence in Bulgaria and Eastern Roumelia. Both Courts pledge themselves not to permit any alteration in the territorial *status quo* of the peninsula mentioned without previous agreement, and in case of necessity to oppose every attempt to prejudice this *status quo* or to alter it without their consent.

ARTICLE 3.—The two Courts recognize the European and mutually binding character of the principle of the closing of the Straits of the Bosphorus and of the Dardanelles, which is founded on international law, confirmed by treaties, and comprised in the declaration made by the second plenipotentiary of Russia at the sitting of the Berlin Congress of July 12 (protocol 19). They will together take care that Turkey shall not make any exceptions to this rule in favour of any Government whatever, or abandon that part of her Empire which is formed by the Straits for the military operations of a Power at war. In case of violation, or in order to prevent a threatened violation, the two Courts will declare to Turkey that, if such a case should arise, they would consider her as being at war with

the violated parts and look upon the guarantee of safety to her territorial *status quo* in the Berlin Treaty as having become valid.

The secret supplementary treaty states further that Germany, as heretofore, will assist Russia in order to re-establish in Bulgaria an orderly and regular Government, and promises not under any circumstances to give her approval to the reinstatement of the Prince of Battenberg. Germany furthermore promises benevolent neutrality and moral and diplomatic support to the measures which Russia might consider necessary in order to retain the key to its Empire in its own hands, in case Russia should be brought by necessity, for the sake of upholding her rights, to undertake the task of defending the entrance to the Black Sea.

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