



Barbara Haider. *Die Protokolle des Verfassungsausschusses des Reichsrates vom Jahre 1867*. Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 1997. 288 pp. DM 81 (paper), ISBN 978-3-7001-2634-8.

Reviewed by Harry Ritter (Western Washington University)

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Semi-Heroic Liberalism in Habsburg Austria

Barbara Haider characterizes her new book as a contribution to Austria's "constitutional and parliamentary history as well as a small piece of the puzzle known as the 'history of liberalism in Austria'" (p. 11). From 1918 until the 1970s, the values and achievements of nineteenth-century central European liberalism were often considered (as Mussolini once scoffed) a "parenthesis" in the region's history—faltering steps on the way to something else, usually something worse. The presumed failure of liberal idealism in the revolutions of 1848 was imagined as "the turning point when German history failed to turn." English- and French-language historiography depicted German and Austrian history as the triumph of militarist despotism (which it was, in 1917 and 1918), and, after World War II, West Germany's own *Sonderweg* historiography plotted the tale as the triumph of illiberalism (which it emphatically was between 1933 and 1945).

But in some respects the historiography of *Vergangenheitsbewältigung* went too far. Thanks largely to David Blackbourn and Geoff Eley,[1] the radically exceptionalist view of German history is today in remission. The enduring accomplishments of the liberal *Buergertum* are taken more seriously, although Blackbourn and Eley themselves had no interest in rehabilitating the middle class.

On the world stage, moreover, following Soviet Marxism's collapse in the late 1980s and social democracy's earlier, gradual transformation into de facto neoliberalism, liberalism in one guise or another sometimes seems to be "the only ideology still afloat"—as a headline in *The Times Literary Supplement* lately declared.[2]

Of course, conservatives would stoutly contest the *TLS* headline, though many of them—in America, at least—are really classical liberals; it also overlooks the resurgence of illiberal nationalism now underway in various corners of the world. Yet liberalism has demonstrated vastly more staying power than pundits predicted in the troubled aftermath of World War I and the Great Depression, or even in the more hopeful wake of World War II. Nowhere, in those days, did liberalism's future look more bleak than in Germany and Austria. Today, self-styled "Liberal" parties remain weak sisters in the middle European political game (the FDP, the FPÖ). But who could deny that, at the end of our short twentieth century, neoliberal structures govern the limits of the possible in central Europe and free market rhetoric controls global political discourse. In central Europe, to be sure, native liberalism's final victory came only after native illiberalisms were crushed by foreign powers, and following a decade of alien occupation.

Over the past quarter century, growing appreciation of this situation, coupled with a fresh sense of the links between liberalism and nationalism, sparked by burgeoning interest in political culture, civil society, and social "identity," has encouraged a revival of interest in middle class culture and the history of nineteenth-century liberalism in Germany and, more slowly, in Austria. Barbara Haider's useful footnotes and bibliography cite many of the more important titles,[3] although her book was completed too early to include the new overview of late Habsburg German liberalism by the American scholar Pieter Judson, *Exclusive Revolutionaries*,[4] and

overlooks Lothar Hoebelt's equally significant study of Austro-German national progressivism, *Kornblume und Kaiseradler*.^[5]

Haider's own book, a contribution to the original documents series of the Austrian Academy of Sciences's Historical Commission, is a significant addition to this literature of reassessment. It is a careful edition of the protocols of the Austrian Reichsrat's constitutional committee during the last half of 1867, when Austro-German liberalism completed one of its chief tasks: the transformation of the Habsburg monarchy's western half into a parliamentary *Rechtsstaat*. As Haider points out, the 1867 catalog of basic rights was the backbone of Austria's first republican constitution in 1920, and underpins the Second Republic's constitution of today. She appreciates the fact that, despite its manifold shortcomings from present perspectives, mid-nineteenth century liberalism created the foundations of a civil society and political culture that would, though often submerged, endure and become part of a liberal strain of deep structural continuity in modern Austrian history.

A glance at Robert A. Kann's analysis of the same 1867 reform will show how past assessments of the reform could easily depict the story as one of a glass that was more half empty than half full.^[6] Looking back from the present, and without minimizing the powerful illiberal strands of Austrian history (one would be a blind fool to do so), the story of Austria between 1848 and 1998 looks less like one of liberalism's eclipse than of its survival, with a spectacular illiberal hiatus between the Dollfuss dictatorship of 1933 and annihilation of the *Anschluss* dystopia in 1945. Or, perhaps, it is a roller coaster with more or less significant liberal upturns: 1848-49, the late nineteenth century, the first republican ordeal of the twenties, the post-1945 period.

The 1867 protocols themselves are preceded by Haider's judicious 157-page introduction. Here she offers no startling new facts or conclusions, but presents a simple, straightforward model of critical balance and healthy, old-fashioned *Verstehen*, situating the protocols firmly in their own time and in a broad context stretching from 1848 to the present. She underscores one especially glaring gap in our knowledge of late Habsburg liberalism: we know very little in detail about most of the liberals themselves. It may seem odd, but in this age of tropes, turns, discourse analysis, and social memory mania there is a crying need for some old-fashioned biographical spade work on the founding fathers of Austrian constitutionalism—which is not to say that the spade

work cannot be combined with newer theoretical and methodological approaches. It is a little like trying to explain the birth of America's constitution without knowing the personal lives of Jefferson, Franklin, etc. Haider supplies biographical sketches of some leading members of the constitutional committee, like the body's chairman, Adolf von Pratobevera, but they are only directional signs for further research. Even such a person as Eduard Herbst is much maligned but little known.

The liberals' achievement, culminating in the "December Laws" (whose importance was noted years ago by Haider's mentor, Gerald Stourzh^[7]) was marked by many limitations and compromises. Civil freedoms were not heroically wrested from the court, which had unsuccessfully tried to rule as a hybridized divine-right absolutism and Bonapartist dictatorship in the 1850s. Instead, the Reichsrat grudgingly authorized by the crown in the February Patent in 1861, following defeat to France in 1859 and ensuing fiscal crisis, then cavalierly prorogued in 1865, was rudely presented with a *fait accompli* in the *Ausgleich* with Hungary that was made urgent, in turn, by a more devastating defeat in 1866. The German liberal majority was granted the chance to revise the 1861 constitution in the monarchy's western half mainly because Beust, the new Saxon chancellor, thought concessions to German liberals would ease implementation of the *Ausgleich* and speed Austria's recovery as a great power. Still, semi-heroically, liberals made the most of the opportunity. The protocols reveal the range of opinion within the liberal camp, from pleas for direct democracy voiced by Karl Rechbauer to the more pragmatic positions of the majority. What was possible was quite a lot, viewed, as Haider always stresses, in the specific circumstances of the time.

The laws adopted on December 21, 1867 established, among other things, equal citizenship before the law for all Austrian subjects, including the classic freedoms of conscience, religious practice, press, and educational opportunity. Free assembly was proclaimed, though it was qualified by the need for state approval of association statutes and the requirement that police attend public meetings. As for nationality, equal language rights were declared, following the Kremsier draft constitution of 1849; German liberals of Bohemia, however, insisted that language minorities in the crownlands could not be compelled to learn a second tongue and were guaranteed funds for their own schools. The lack of a true principle of ministerial responsibility was indeed a weakness, and the laws did not alter the undemocratic franchise. Nevertheless legal reforms, including the creation of an

imperial supreme court, ensured a judiciary independent of bureaucratic power.

Thus, with this edition, a set of important documents relating to the history of liberalism has been made readily available to students of Austria's past and present. Even more significant, perhaps, is the way an Austrian scholar such as Haider explicitly conceptualizes her work as a contribution to the history of central European liberalism. For various reasons, even quite recent Austrian historians have not been anxious to acknowledge a significant liberal strain in their own history. Ernst Hanisch's brilliant new synthesis of twentieth century Austrian history, for instance, does not attribute much importance to liberalism.[8] Hanisch highlights many themes that make this lack of emphasis seem compelling: the pronounced German-national swerve that Austrian progressivism took amidst the rise of nationalist *Interessenpolitik* in the 1880s and 1890s; residual traditions of the bureaucratic *Obrigkeitsstaat*; the persistence of deferential thought and behavior patterns; Catholic tradition, piety, and politics; and the popular roots of anti-Semitism. Ironically, Hanisch gives his account of Austrian *Zeitgeschichte*, in the end, a liberalizing twist; he emplots it as an arduous, dialectical expansion of individual "life chances."

Earlier, a book such as Haider's might have been presented as something more abstract, primarily a contribution to the *Staats-und Reichsproblem*, the history of the Habsburg state's presumed terminal dysfunctionality, the nationality problem, or the political dregs of the *Ausgleich*. That she chooses to present her book not only as a contribution to Austria's "constitutional and parliamentary history" but a "small piece of the puzzle known as the 'history of liberalism in Austria'" is historiographically significant.

If the "puzzle" of liberalism ever does become a major organizing theme for research in Austrian history, a key area to explore might be the specific relationship of liberalism to Austrian traditions of cameralism and social corporatism, right down to today's "social partnership." Corporatism and its relevance to modern society is a subject that political scientists have thus far done more to explore than historians.[9] The profound bureaucratic cast of eighteenth and nineteenth Habsburg culture is of course generally appreciated, as well as the related fact that legal training was the old monarchy's greatest growth industry. The specific relationship between this juristic and premodern communitarian/collectivist heritage and the Austrian variant of liberalism has, how-

ever, been little explored.[10] These traditions rendered nineteenth and twentieth-century Austrians ill-prepared for pluralist democracy and autonomous individualism, yet in the long run eased the path to the late twentieth-century social partnership and today's social-liberal welfare society and regulatory state.

One way to broadly emplot modern Austrian history since 1848 might be in terms of a counterpoint between liberal and non-liberal variations on the corporatist theme. There is nothing overt in Haider's introduction to take us down this path. But a few markers point in this direction, such as her stress on the juristic backgrounds of the 1867 reformers, and several footnote references to writings by the economist and sociologist Friedrich von Wieser. The latter was a prime case of late Habsburg society's unique mix of bureaucratism, cameralist heritage, corporatist sensibility, and classical liberal economic ideas.

Notes

[1]. David Blackburn and Geoff Eley, *The Peculiarities of German History: Bourgeois Society and Politics in Nineteenth Century Germany* (New York: Oxford University Press, 1984).

[2]. *The Times Literary Supplement*, Jan. 16, 1998, p. 6.

[3]. Karl Vocelka, *Verfassung oder Konkordat? Der publizistische und politische Kampf der oesterreichischen Liberalen um die Religionsgesetze des Jahres 1868* (Vienna: Verlag der oesterreichischen Akademie der Wissenschaften, 1978); Wilhelm Wadl, *Liberalismus und soziale Frage in Oesterreich. Deutschliberale Reaktionen und Einflüsse auf die fruehe oesterreichische Arbeiterbewegung (1867-1879)* (Vienna: Verlag der oesterreichischen Akademie der Wissenschaften, 1987); Harm-Hinrich Brandt, "Liberalismus in Oesterreich zwischen Revolution und Grosser Depression," in Dieter Langewiesche, ed., *Liberalismus im 19. Jahrhundert: Deutschland im europaeischen Vergleich* (Goettingen: Vandenhoeck und Ruprecht, 1988).

[4]. Pieter M. Judson, *Exclusive Revolutionaries: Liberal Politics, Social Experience, and National Identity in the Austrian Empire, 1848-1914* (Ann Arbor: University of Michigan Press, 1996). A review on HABSBUERG is forthcoming.

[5]. Lothar Hoebelt *Kornblume und Kaiseradler: Die deutsch-freiheitlichen Parteien Altoesterreichs 1882-1918* (Munich: Verlag fuer Geschichte und Politik, 1993).

[6]. Robert A. Kann, *A History of the Habsburg Empire, 1526-1918* (Berkeley: University of California Press, 1974), pp. 330-342.

[7]. Gerald Stourzh, "Die oesterreichische Dezem-berverfassung von 1867," *Oesterreich in Geschichte und Literatur*, 12 (1968), 1-16.

[8]. Ernst Hanisch, *Der lange Schatten des Staates: Oesterreichische Gesellschaftsgeschichte im 20. Jahrhundert* (Vienna: Ueberreuter, 1994).

[9]. See Guenter Bischof and Anton Pelinka, eds., *Austro-Corporatism: Past, Present, Future*. Contemporary Austrian Studies, 4 (New Brunswick, N. J.: Transaction Publishers, 1996; HABSBERG review

at <http://www.h-net.msu.edu/reviews/showrev.cgi?~path=13121856914499>.

[10]. But see Paul Silverman, "The Cameralistic Roots of Menger's Achievement," *History of Political Economy* 22 (1990), supplement, 69-91; also, on the importance of legalism for Austria's liberal economic theorists, see Silverman's 1984 University of Chicago doctoral dissertation, *Law and Economics in Interwar Vienna: Kelsen, Mises, and the Regeneration of Austrian Liberalism*.

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