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Squaring the Constitutional and Political Circle in the Habsburg Monarchy

Writing a history of the evolution of constitutions and parliamentary practices in the Habsburg Monarchy of the second half of the nineteenth century is a daunting undertaking, something akin to trying to square the circle, given the many obstacles to be overcome and the irreconcilable forces at work in the monarchy. The complexity of peoples and lands, of widely varying historical experiences, of quite different social compositions, with great disparities in economic development, during a time of growing national aspirations, entertaining ambitions that were mutually negating, poses problems that could bring despair to the most stalwart of editors seeking to marshal a company of historians to accomplish the task. But the editors of these two hefty tomes have succeeded admirably in bringing together a stellar array of scholars and in organizing their work so that the complex is made intelligible and the mass of information is presented in portions that enable the reader to manage and understand it.

With a body of information so massive and complex, the organization of its presentation becomes a matter of very great importance. These two books are logically organized, the first being concerned with the development of constitutions and parliaments through the period at the state level, first in Cisleithanian Austria and then in Hungary. The second book treats the development of representative bodies and their constitutions at the various provincial levels, again, first in Cisleithania and then in Hungary.

In an introductory essay on the limits of democracy in the multi-national state, Helmut Rumpler points out that constitutional reform and parliamentary institutions failed in Austria because of the underdevelopment of the bourgeoisie and the failure of liberalism that might have been expected from that class. What growth the bourgeoisie enjoyed was turned from liberal political programs to the pursuit of national goals at the expense of all else. Parliament served not to unify the government of the *Reich*, but became rather a forum for compromise among factions and nationalities, a task for which it was not suited and

was unable to perform. When Anton von Schmerling remarked that, constitution or no, he who has the power uses it, he reflected the tenor of the representatives of the government, the provincial diets, the various nationalities, and the classes. And when it was not possible to gain and exert power for one's own purpose, the resort was to obstruct others' use of power. Stefan Malfer notes that obstruction was the salient characteristic of the constitutional crises of the late nineteenth century, especially by the Czechs and Germans over the national issues in Bohemia. Nevertheless, a great deal of civil legislation was enacted on the basis of the lowest common denominator of interests, legislation that had influence which extended well beyond the demise of the Empire.

Wilhelm Brauner completes the study of constitutional development in Cisleithania, proposing a division of three periods: the constitutional monarchy of 1848 to 1851; the neo-estates limitation of monarchy from 1852 to 1867; and the constitutional monarchy of the December Constitution from 1867 to 1918. Whatever its faults or weaknesses, the December Constitution would remain largely unchanged to the end of the Monarchy because it had, at the least, established a *Rechtsstaat*. Changes in the electoral laws, however, would alter its function. In 1873 the representatives to the *Reichsrat* were no longer elected from the provincial diets, but were elected directly, and when the General Voter Class was created in 1890, the balance of influence shifted to peoples' representatives rather than residing in the representatives of interests, even before the electoral laws of 1907 extended the franchise and made the *Reichsrat* more nearly democratic.

In the next three hundred pages, Laszlo Peter reviews the antecedents to constitutionalism in Hungary, noting that before the mid-nineteenth century Hungary had been governed by accumulations of common laws and the actions of the county assemblies dominated by the nobility. The Crown of St. Stephen symbolized the nation of

Hungary - but the Slovaks in northern Hungary, and the lands of Transylvania and Croatia-Slavonia, peopled by Romanians, Serbs, Croats, and Muslim Slavs, were also subject to the Crown, and that would pose problems in the atmosphere of perfervid nationalism of the late nineteenth century.

From the first, with the April Laws of 1848 until the end of the Dual Monarchy, Hungarians held their land to be unitary, Magyar, and independent from the lands "beyond the Leitha," only sharing their monarch, he being the King of Hungary while also being the Emperor of Austria. During the rest of the life of the Monarchy, the Hungarians spent as much thought and energy in debating their constitutional relationship with Austria as they did making dispositions for their domestic governance. Even after the *Ausgleich* of 1867, there was much to-do over the nature of the "imperial-royal" and the "imperial and royal" description of the relationship.

It was the Hungarian position that they had contracted the *Ausgleich* with the person of the monarch, not with the government of Austria. Nevertheless, the Hungarians would have been happy to require, if they could, that the German-speaking Austrians keep a stern, close rule over the (mostly Slavic) other nationalities in Cisleithania. A tight rein held on the subject peoples on the other side of the Leitha would serve as a justifying parallel to their own domination over the Romanians, Serbs, Croats, and Slovaks residing in the Lands of the Crown of St. Stephen. An essential characteristic of a liberal constitutional system is the ability to accommodate to differing social and political elements. But the Hungarians could not bring themselves to accommodate the varying aspirations of the other nationalities of the kingdom. If the Hungarian parliamentary experience had seen a swifter, more sophisticated growth of parties, there might have been a more favorable climate for conciliatory adjustments, but the growth of parties was too slow. In any case, what-

ever the liberal enactments that might flow from the central parliament, they were likely to be blunted in effect at the local level by the county assemblies, which remained captives of the gentry.

The balance of Part I is devoted to the evolution of parliamentary theory and practice in each of the two halves of the Monarchy, with much less emphasis on theory and much more on practice. After an essay by Berthold Sutter reviewing generally the problems besetting the Austrian parliamentary experience from 1848 to 1918, an experience that was demoralizing during the years of the Badeni language controversy and which inspired Mark Twain to make the *Reichsrat* an object of ridicule, there follow three sections of detailed description of parliamentary development in Cisleithania. Andreas Gottsmann treats the *Reichstag* of 1848-1849 and the *Reichsrat* of 1861-1865. Helmut Rumpler examines the relations between the government and the parliament after the December Constitution of 1867 to the demise of the Monarchy, recounts how the intransigence of German and Czech national demands so lamed the *Reichsrat* that it never recovered to become an effective parliamentary institution. Lothar Hoebelt traces the conduct of parties and factions in the Viennese parliament from the Liberal Era (1873-1879) to the end of Taaffe's Iron Ring (1879-1891), calling those years the flowering of constitutionalism. With the advent of the Badeni government came the era of obstructionism, which, despite electoral reforms that tended to make the parliament more broadly and evenly representative, debilitated the *Reichsrat* until the end.

The late Laszlo Revesz writes of the Hungarian Parliament, emphasizing the electoral laws and processes that determined its composition and, therefore, strongly influenced its acts and accomplishments. Adalbert Toth describes the socio-economic classes that were represented in the parliament: the magnates, whose influence

waned over the years, the gentry and the bourgeoisie whose influence waxed with time. Other interests could hardly gain foothold, so the intent of the gentry and bourgeoisie to use parliament to maintain the current social order and to insure the territorial integrity of the Lands of the Crown of St. Stephen went largely unchallenged.

The developments of the complex formulas for the composition and functions of the *Delegationen* that served as the connection between Austria (Cisleithania) and Hungary (Transleithania) are the subjects of Eva Somogyi's attention. She discusses the establishment of the institution of delegates in 1867, recites what the Hungarians expected to gain by the institution, and how the Austrians recognized the *Delegation*. The Hungarians' purpose for this institution was to defend the wall separating Austria from Hungary, but, wherever possible, to control that which was common to them (foreign affairs, finance, for example), and to exert influence on internal Austrian affairs of government, if they feared that those affairs might have repercussions in Hungary.

Gerald Stourzh (to whom, incidentally, volume VII is deservedly dedicated) offers the word "parity" as the key to understanding Hungary's perception of the state and its people in the Dual Monarchy. Hungarians insisted, into the most minute details, that there be parity between the two. This led not only to contests on substantive issues but also to such things as how to refer to the two, Austria and Hungary. Was it to be "Hungary and Austria" as two quite separate entities, or was it to be "Austria-Hungary," a combined concept. The issue not only bedeviled domestic relations between the two but also brought awkwardnesses in international relations and the signing of treaties. In the event, practices varied, and there seemed not to have been a definitive resolution to the problem.

Part I ends with an extensive appendix that describes and analyses the election and the resulting Reichsrat of 1897. There is an excellent expla-

nation by Peter Urbanitsch of the significance of the tables, charts, and the superb map supplements, with most welcome guidance in how to read and interpret the data to be found in them. There are delineations of the electoral districts, descriptions of the electoral curia through which voters cast their ballots, and explanation of the assignment of seats in the Reichsrat. One finds the numbers and social status of the population voting in each of the electoral curia and what qualified a voter to a given curia. There is a listing of the composition of the Reichsrat after the elections, according to party, nationality, political inclination (right, moderate, left), in which house (Lords or Representatives) and for what terms they sat. It is a treasure trove of information about this election and the Reichsrat that was to be so fateful in the course of Austrian parliamentary experience.

Part II of the volume is concerned with the unfolding of constitutionalism and parliamentary evolution in the regional representative bodies, the *Landtage* (provincial diets), first in Cisleithania and then in Hungary. The first three sections deal with: the general composition of the bodies and the right to the franchise; their structure, instruments, procedures, and their achievements; and, finally, their problems of finance in both the raising and the disbursing of funds. Although the central government tried to prohibit the *Landtage* from congregating or acting in concert - there was fear of impediment to the full and direct exercise of governmental power at the lower reaches of society - the provincial parliaments nevertheless found areas of common interest and did cooperate often in Cisleithania.

The representative body of each province of Cisleithania is examined in turn, with more detailed discussion of the peculiarities in history, the distinctive issues and problems, and the manner in which each one overcame - or failed to overcome - its problems. Uniquely in the Tirol, for example, the prelates constituted a separate curia,

and the representatives of the large land owners could come only from the nobles and clergy. After Vorarlberg was incorporated into Tirol, the watchword was "los von Tirol," and overshadowed all other considerations before them, both for Liberals and for Catholics.

Outside the Danubian and Alpine lands, the issue of language and national assertion was an abiding distraction and cause for division that often cast a shadow over proceeding, sometimes even rendering the bodies unable to meet their legislative obligations. An example of the disabling result of the language and national clashes was the Bohemian diet, in which by about the turn of the century there was equality of representatives of the Czechs and Germans of the land. That balance might have been a cause for hope that some arrangements could be made between the equal sides. But the Czechs soon split into conservative and progressive factions and the Germans boycotted the assembly. The effectiveness of the Bohemian *Landtag* was nowhere near what one would expect from the representatives of such a sophisticated, economically advanced land.

For Hungary, the Croatia *Sabor*, the diets of Klausenburg and Hermannstadt in Transylvania, and the municipal administrations of the inner kingdom are described relatively briefly, for they did not play as significant a role in the constitutional and parliamentary life of Hungary as did the *Landtage* of Cisleithania. The national parliament resisted acknowledging the acts of the Croatian and Transylvanian diets. The members of the town councils and the county assemblies were not vitally interested in political activism because, among other things, the national parliament was doing what seemed most important to be done: It kept the territorial integrity of the Lands of the Crown and maintained the supremacy of the Magyar language and culture.

The treatment of Bosnia-Herzegovina is brief and rightly so, for it was an area that was administered from the capital by agents of the central

government and did not contribute to the constitutional or parliamentary development of the Monarchy. It is true that the government began increasingly to employ locals in the administration, but any thoughts of further political evolution were cut short by the assassination of Archduke Ferdinand on 28 June 1914, the event that touched off the Great War.

A final chapter by Hans Peter Hye discourses upon the issue of centralism versus federalism, central state and provincial assemblies in the history of the Monarchy. Although the Monarchy was a Joseph's coat of peoples and historical experiences, and national demands exerted strong centrifugal forces on the body politic just when it needed to wrestle with great social and economic changes, it seemed that the Monarchy was on the way toward becoming a modern confederation of lands and peoples, was near to the formula for squaring the circle, when the Great War brought everything to a close.

There is a voluminous and exceptionally valuable bibliography of 110 pages that lists the items alphabetically without separate listings for sources, secondary literature, books, articles, or other distinctions. It might have been more useful if the editors had made those distinctions and afforded the reader separate listings of the various forms of information given. The alphabetical order recognizes the definite article as leading, so there are long series of "Das ...," "Die ...," and "Der..." titles that help little in finding a particular item. There are three separate indices, one for persons, one for places, and one for subjects; all of them are well done and very useful. The charts, tables, and diagrams, of which there are 115, are exceedingly well done and highly informative. The map supplement, comprising thirteen maps, is especially well done.

These are not books that one reads from cover to cover, following a monographic thesis. But they are books that one will return to again and again for the rich lode of information that they of-

fer in a very commodious vehicle. The authors exhibit high standards of scholarship as they refer to earlier work on the subjects, note current scholarship, and deliver their own well reasoned judgments and evaluations. They and the editors have succeeded in convincing fashion, in lucid prose and comprehensive range, to furnish a history that will for a long time set the standard for the subject. In that respect it holds to the standard that informs the entire series thus far on the *Habsburg Monarchy, 1848-1918*.

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