The Legacy of the Habsburg Empire in the Constitutional Traditions of Successor States

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ABSTRACT

The states established in the territory of the former Austro-Hungarian Monarchy after World War I opened a new chapter in the history of the region. However, the problems arising from the heterogeneous ethnic composition remained the same as before 1918. The question was: can a state organization be formed in which all nations can preserve their own identity? This was also the main goal of the Habsburg Empire after the "spring of the peoples" of 1848. The study reviews the reform efforts of these 70 years, and what particular steps and reform plans were taken after 1848 to resolve ethnic tensions. The most important issue was to establish the internal division of the empire, along historical or ethnic boundaries. The starting point was how historical boundaries could be transformed into ethnic ones. The nations of the empire may agree with each other, but if they do not, the ruler must make that decision. This formed the second essential question: is the reform of the empire based on popular sovereignty or monarchical legitimacy? The third problem was the model of state organization formed by the interior of the empire. They should either form a loose federation of states, or a federal state with a closer relationship.

The most significant reform implemented was the 1867 Compromise, which followed historical boundaries, rested on the principle of popular sovereignty, and created a loose state union. However, many nations of the empire were dissatisfied with this. Subsequent internal reforms (the Croatian compromise on the Hungarian side and the Moravian or Galician compromise on the Austrian side) could not solve this properly either.

KEYWORDS

historical boundaries, ethnic boundaries, popular sovereignty, monarchical legitimacy, federal states, federation of states, compromise.

1. Introduction

The emergence of newly independent states following World War I and the collapse of Austria-Hungary marked a new chapter in the history of Central Europe, although the difficulties stemming from the region's ethnic heterogeneity did not disappear after 1918. The most pressing question was whether a constitutional design respecting the national aspirations of all ethnicities was conceivable. This was also the aim

of the Habsburg empire since the 'spring of nations', a series of revolutions in 1848. The national movements intertwined with these revolutions had made it apparent that if an ethnic group was unsatisfied with its prospects within the empire, it would seek separation. Thus, the inability to reconcile the ethnic tensions could lead to the collapse of the empire – as was the case in 1918. Nevertheless, the solutions proposed before 1918 to overcome this threat still deserve to be examined.

This chapter summarises the reforms and unimplemented reform plans developed in the seven decades between 1848 and 1918, which attempted to ease ethnic tensions and to hold the empire together. The most notable is the 1867 Austro-Hungarian Compromise and the subsequent inner reforms it entailed in the two constituent states of the dual monarchy. In Austria, these were the compromises in Moravia, Bukovina and Galicia, and in Hungary, the compromise with Croatia in 1868. Additionally, since the Austro-Hungarian Compromise left most nationalities disgruntled, this chapter delineates alternative reform proposals to replace the Compromise, although, since Austria-Hungary lasted until the collapse of the Habsburg empire, these suggestions never materialised.

Two terminological issues require clarification. First, the term 'compromise' refers to several constitutional reforms, as illustrated in the previous paragraph, and it was also invoked in several unrealised reform ideas. Likewise, the German term '*Ausgleich*' is used in Austrian literature. Notwithstanding, this notion does not have a uniform legal definition; e.g. while the 1867 Austro-Hungarian Compromise established a new confederation of states, the Hungarian-Croatian Compromise only granted territorial autonomy to Croatia. Thus, since all these so-called 'compromises' aimed to resolve ethnic tensions, the notion carries sociological connotations. The second terminological issue concerns the meaning of 'Habsburg empire' or 'empire' without adjective: whether the empire was a state, a confederation, or merely a personal union remains contested. In the present chapter, these terms apply to territories and provinces under the rule of the Habsburg dynasty in a geographical rather than constitutional sense – in other words, they describe a geographical area, not a state.

2. Historical background

The idea to consider nations as the constituent elements of states appeared in the eighteenth century. Earlier, statehood had been connected to dynasties, with the cohesive force being the sovereign, and state territory was determined by the area that the ruling dynasty could acquire through occupation, strategic marriages, and inheritance. By the nineteenth century, the Habsburg empire was the only dynastic state (see Section 6), although the desire for nationhood – and consequently, statehood – was growing among its peoples. Ethnic groups differed in how developed their claim for an independent nation state was. Some nationalities had previously existed as states and thus already had some constitutional traditions. The difference in how nations became parts of the empire also set them apart; the inner borders of the empire had been determined and preserved since the dynastic age, preceding

nationalist considerations (see Section 3.1), and the region had seen significant inner migration, contributing to its ethnic heterogeneity.

Parts of the empire with pre-existing constitutional traditions were striving to reestablish their statehood. These states, existing since the Middle Ages, were not predicated on the idea of the nation state. Nevertheless, by the nineteenth century, the intention to uphold constitutional traditions also included the wish for a homogenous nation state. Consequently, nationalities with previous constitutional frameworks were in a more advantageous position to achieve national independence. The most successful was Hungary with the Austro-Hungarian Compromise in 1867, which recognised the country's historical constitution and restored the state's territorial integrity (which had been disrupted since the sixteenth century) within a new nation state framework. The Czechs harboured similar – albeit unsuccessful – ambitions as the idea to create a tripartite monarchy remained unrealised. Other nationalities, lacking historical precedents of statehood, were falling behind in the struggle for national independence while also cherishing nationalist ambitions.

After the 1848 revolutions, attempts of centralisation appeared in the 1849 constitution, issued by the emperor, and later, in the 1860 and 1861 constitutions, which established a central parliament with the power to introduce universally binding legislation in subjects falling within its competence, while the remaining issues were to be addressed in regional parliaments. The emperor – especially with the division of Hungary – sought to create separate provinces for the nations of the empire; however, due to the numerous ethnically heterogeneous areas, this goal could not be fully implemented. In these regions, the aim was to prevent a majority-minority dynamic between ethnic groups instead (i.e. to not allow the dominance of one nationality over the others) as this incentivised the separatist tendencies of national minorities.

The Austro-Hungarian Compromise of 1867 superseded this model of state building with regards to Hungary, and the country became a nation state. Conversely, the Austrian Empire remained a dynastic monarchy. The reform plans examined in this chapter were born within this framework: some accepted the Compromise of 1867, while others aimed to revise it – albeit, as mentioned, without success.

3. The main pillars of the reforms

3.1. Internal borders within the empire: Historic precedent vs. ethnic composition

The Habsburg empire had always consisted of multiple states (provinces), and thus, a multi-state framework was the starting point of each reform proposal. Within this framework, the most important questions were the number of constituent states and whether their borders should respect historical precedent or ethnic composition. These were the primary factors to determine the ethnic homogeneity of the regions. As mentioned in the introduction, all suggested reforms aimed to reconcile ethnic tensions and restrain separatist intentions by permitting ethnic groups to further their national identity within the empire.

The idea to redraw borders along ethnic lines carried the advantage of allowing most ethnic groups to establish their own nation state, and it appeared to be a more efficient solution to interethnic peace than ensuring minority rights in multinational states. Nevertheless, forming borders along ethnic lines entailed the empire's transformation into a federation of nation states. According to Aurel Popovici, the best-known proponent of this reform,

> the two most important principles are the need for federal state structure and the importance of the regional division of different ethnic groups. In other words, nationalities shall be emancipated in the Monarchy, by creating separate nation states on the territories populated by them.[1]

Popovici's reform plans will be reviewed later (see Section 4.2).
While this concept might have been tempting in theory, it could have hardly been implemented without resistance. Even after the collapse of Austria-Hungary, unceasing struggles to determine borders in the region persisted throughout the twentieth century. The Polish-Ruthenian border in Galicia, the Ruthenian-Romanian border in Bukovina and the Serbian-Croatian borders in the Western Balkans all illustrate the difficulties of separating territories based on ethnic composition.

In Hungary, autonomy could have only been granted to ethnic groups by tearing apart the territory of the state. It was a particularly delicate issue as Hungarian territorial integrity had just been achieved by the 1867 Compromise, after more than three centuries of fragmentation. Consequently, in the case of each suggested reform plan, it was a watershed issue whether the concept concerned the empire as a whole or only the territory of Austria, and the idea of a tripartite monarchy primarily based on historically crystallised borders had both versions (see Section 4.1). Popovici's concept concerned the whole empire, including Hungary. The Manifest issued by Emperor Karls I (King Charles IV of Hungary) on 16 October 1918 also proposed national borders – but only with regards to Austria.[2]

The question of historical vs. ethnic borders was also addressed by the peace negotiations of World War I, although quite inconsequently. The prevailing principle was determined by the power of the concerned parties in each instance; e.g. the new Republic of Austria wished to establish its borders according to ethnic composition. While its claim was unsuccessful against the newly established Czechoslovakia, it could assert this principle against Hungary. Therefore, on the one hand, the Austro-Czechoslovak border was drawn in line with the historical provincial borders (the Bohemian Kingdom, the Margraviate of Moravia); on the other hand, the predominantly German northwestern regions of Hungary became part of Austria.

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1 Popovici, 1906, p. 304.
2 Völkermanifest, 1918, Wiener-Zeitung.

3.2. State structure

The models of state structure can usually be defined by the relationship between the federal/central and state/regional levels, how competences are shared among them, and more importantly, which body is empowered to determine how these competences will be shared.[3] This latter power is the competence of competences (*Kompetenz-Kompetenz*).

Three combinations can be deduced with regards to who is endowed with this power: (i) *Kompetenze-Kompentenz* solely belongs to the federal/central level; (ii) the federal state and the member states exercise this power jointly; and (iii) member states have the competence of competences. The first model is a decentralised unitary state, the second creates a federal state, and the third constitutes a confederation. In the last case, the statehood of the higher level is uncertain since the relationship of the member states and their agreements to share competences are governed by international law.

When examining the possibility to transform the structure of the empire, another angle to consider is the level empowered to make constitutional changes. Can reforms be initiated by the federal/central level exclusively, or should the consent of the member states/provinces be obtained? Alternatively, is it merely an international agreement between member states? Unlike the former two, this latter version does not attribute statehood to the higher federal level.

In the case of the Habsburg empire, the issue of ethnic vs. historical borders must also be re-examined when debating models of state structure. The constituent states of the empire had historically set borders; therefore, establishing new territorial units based on ethnicity could have only been imagined at the federal/central level, which presupposes the model of the decentralised unitary state. In any other model, redrawing borders according to the principle of ethnicity – and consequently dividing already existing states – would have required the consent of said states. This was, of course, highly improbable.

Nevertheless, the idea of structural reforms led by constituent states was destined to fail for another reason, namely because it was uncertain which provinces should be considered constituent states. Following the 1867 Compromise, these were Austria and Hungary, while other nationalities in the empire did not accept this status quo.

3.3. The source of legitimacy for reforms: Popular sovereignty vs. monarchy

Apart from the structure of the empire, the source of constituent power implementing the reforms was also a point of contention. The question was whether it should stem from monarchic traditions or popular sovereignty; the first presupposes a sovereign monarch, while the latter is predicated on the existence of an elected body.

As previously discussed, proposing a reform plan both acceptable for every nationality and bearing the consent of constituent states was practically impossible. Thus, the only viable option for structural reform was through a decision at the

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3 Meyer and Anschütz, 1919, pp. 45–54.

central level. The question of popular sovereignty or the monarchy was concerned with whether this central body should be an imperial constituent assembly or the emperor.

Since it is tempting to associate the former institution with democracy and the latter with dictatorship, this question might seem redundant, and it might appear to inquire whether reforms should have been realised by democratic or dictatorial means. From this perspective, the answer seems to be self-evident. However, considering the unique political and constitutional structure of the Habsburg empire, the answer was opaque because it was far from clear that its peoples could reach a unanimous consensus on reforms.

Concerning the realisation of his reform plans, Aurel Popovici suggested the following:

> The question arises whether the Austrian and Hungarian Parliaments would ever vote for such a constitutional reform. It seems certain that such a transformation cannot be achieved this way. Even if Austria and Hungary had the fairest franchise laws, and even if these statutes were conscientiously enforced in all respect, it is still uncertain whether a just constitution respecting every well-founded ambition of all nations was adopted.[4]

Therefore, Popovici proposes another solution: "The age-old discord among the nations of the empire can only be resolved – justly and equitably for all parties – by an impartial arbiter. This arbiter shall be, must be the Emperor".[5]

Consequently, the leading role of the emperor was necessary for structural transformation, and not only because of the absence of a legislative body properly representing every nationality of the empire. According to Popovici, whether nationalities – all with well-founded claims for nationhood – could reach a satisfying agreement was also uncertain.

Having reservations about the viability of structural reforms through national legislatures cast a new light on the legitimacy of the monarch. Nationalities who did not achieve their desired status by the 1867 Compromise regarded the power of the emperor as the best means to fulfil and protect national aspirations.

As to the previous point, as the only model where federal transformation can be realised at the central level, monarchic legitimacy presupposed a unitary state. In practice, this model was not in line with the constitutional framework of the 1867 Austro-Hungarian Compromise adopted by the parliaments of the two constituent states.

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4 Popovici, 1906, p. 304.
5 Popovici, 1906, p. 328.

4. Unrealised reforms

The previous three points were the most important pillars for resolving the challenges of the Habsburg empire, which stemmed from its ethnic heterogeneity. They were also at the foundation of the reforms introduced by the Austro-Hungarian Compromise. However, before embarking on the examination of accomplished reforms, a few unrealised reform proposals deserve to be mentioned.

4.1. 'Tripartite' instead of 'bipartite' monarchy

Multiple concepts were introduced on transforming the 'dual' monarchy (consisting of Austria and Hungary) to a 'trial' one (trialism). One plan, propagated by the Czech territorial diets since 1871, separated three hereditary lands of the Habsburg dynasty (*Erblandes*) – the Kingdom of Bohemia, the Margraviate of Moravia and the Dutchy of Silesia – from the Austrian Empire to form the third state of the monarchy. At the beginning of the twentieth century, another idea came to light, supported by Archduke Ferdinand, to form the third part of the 'trialist' model from the South Slav region of the empire.[6]

The Czech concept would have followed historical borders. Dividing the region along ethnicity required the division of Bohemia and Moravia and was thus fervently opposed by the Czechs. Conversely, German nationals in the territory opposed the 'trialist' model since it threatened to cast them in a minority role in the newly established state. For them, living in the Austrian monarchy, with its heterogeneous ethnic composition, was favourable to being the minority in an otherwise homogenous nation state. The Czech 'trialist' model respected the framework of the Austro-Hungarian Compromise, transforming the empire into the personal union of three independent states, and rendering the problems of ethnic minorities to the internal affairs of each state. As for the source of legitimacy of the proposed changes, parliamentary reforms were unlikely as they would have required the consent of the Imperial Council in Vienna, the Hungarian Diet in Budapest and the diets of the three Erblandes. Hungary did not support the trialist transformation, and the similarly averse German minority also had substantial influence in the Moravian diet; consequently, the concerned parties had their hopes in the emperor. Franz Josef was in the crossfire of the Czechs, who wanted an independent statehood, and the Germans, who wanted to remain a part of the empire.

The two best-known concepts of South Slavic trialism are the maps of Heinrich von Hanau from 1909 and Nikola Zvonimir Bjelovučić from 1910,[7] which envisioned roughly the same territory as the possible third constituent state of the empire. Both maps were to set out ethnic borders between Austria and the new south-eastern state

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6 Brauneder, 2003, p. 163.
7 Brauneder, 2003, p. 163.

instead of the existing borders of the Erblandes; moreover, they both included the annexation of Croatia, affecting the territory of the Kingdom of Hungary.

Neither version of the trialist model could create ethnically homogenous states. While the Southeast European version would have created a state inhabited for 90% by Croats, Slovenes, Serbs and Bosnians, this did not solve the issue of ethnic heterogeneity in the remaining two constituent states. In the Czech/Bohemian version, the problem persisted in all three states; consequently, whether the delicate issue of national minorities fell within the power of the constituent states or the empire remained a pressing question in both solutions. In the Czech version, this issue fell under the competence of the states. In the case of the South Slavic versions, on the map made by Bjelovučić, an autonomous Italian territory was indicated. This solution necessarily presupposed the power of the monarch to create such a territory. Hanau's plan also set out 21 autonomous provinces within the tripartite empire, mostly along ethnic lines. This latter plan evidently excluded the possibility of a confederate structure since it bestowed the power to create these provinces upon the monarch rather than the legislative bodies of the constituent states. The likelihood of its parliamentary acceptance was correspondingly small.

4.2. The subdivision of the empire along ethnic lines (Grand-Austrian United States)

Apart from the plans of a tripartite empire, Aurel Popovici's proposed reforms are also worth examining. As presented earlier, he envisioned the future empire as a federation of states created along ethnic, rather than historically crystallised, borders. He considered the realisation of this plan via the emperor and not the national legislatures. Nevertheless, while he recognised 11 constituent nationalities in the empire, he envisioned 15 member states, with Germans living in three, and Magyars and Italians living in two separate states each. Therefore, his reform proposal did not aim to unite every member of a particular nationality into one independent nation state, but rather, it gave statehood to every ethnically homogenous territory. In this framework, a nationality living in more than one part of the empire would have had more than one state. This concept also required nationalities with existing nation states outside the empire, (Serbs, Rumanians, Italians and Germans) to abandon the ambition to unite their people into one country.

Popovici's concept allowed for a more centralised and bureaucratic administration than the Austro-Hungarian Compromise, positing the emperor as head of state in both the empire and in the member states. Competences between the federal and state levels were to be shared by an imperial parliament and the national diets/parliaments. The federal level had wider competences than the foreign, defence and financial policies set out in the Austro-Hungarian Compromise,[8] and it resembled the 1849 constitutions issued by the emperor. In sum, this reform proposal would have restored the pre-1867 constitutional framework while creating new, autonomous nation states.

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8 Popovici, 1906, pp. 317–327.

5. The constitutional framework of the Austro-Hungarian Compromise of 1867

Focusing on the realised reforms when examining the Compromise of 1867 reveals the following characteristics within the dimensions outlined in Section 3: (a) the empire comprised two constituent states with historical borders; (b) the two states formed a personal union where the monarchy itself did not have statehood; and (c) the constitutional framework rested on parliamentary legitimacy, which was confirmed by the legislative bodies of both constituent states.

These characteristics lead to the following conclusions: (a) due to the historically determined borders, the two constituent states remained ethnically heterogeneous; (b) due to the confederal constitutional framework, the issue of nationalities (and the possibility to create autonomous provinces for them) remained within the competence of each state, without the possibility of central intervention; and (c) due to the parliamentary foundations, the emperor did not have the power to decide on the nationality question.

As previously delineated, the unrealised reform proposals sought to change these three pillars: achieving ethnic borders, giving the competence of determining these borders to the central level, and entrusting the monarch with the power to make the decisions pertaining to nationalities. In fact, the dissatisfaction following the Compromise sparked the subsequent – fruitless – reform plans, and these three elements formed the constitutional pillars of these concepts.

6. Typological analysis of the constituent state

As mentioned, the issue of nationalities fell within the competence of each state. These two parts had different structures: Austria with a federal structure and Hungary a unitary state one. Furthermore, Austria was a dynastic state, while Hungary had the characteristics of nation states.

As delineated, the stability of dynastic states did not rest on the homogeneity of the nation but on the nimbus of the dynasty; therefore, achieving ethnic homogeneity was less of a priority. Accordingly, no nation in the Austrian Empire represented a 'majority' casting the other nations in a minority role. Tensions arising from ethnic heterogeneity were more salient at the provincial level, and consequently, their resolution required regional compromises rather than holistic solutions.

Since Hungary was a unitary state, ethnic questions concerned the central, rather than the regional, level. The most this state structure could have offered to nationalities was some degree of territorial autonomy. Otherwise, minority protection only amounted to linguistic rights – a significantly weaker means to protect national identity.

7. Compromises within the Austrian Empire

7.1. General characteristics

The Austro-Hungarian Compromise merely suspended the effect of previous constitutions with regards to Hungary. Nevertheless, they remained in force in Austria, although with certain amendments. Similarly, the '*Landesordnung*' (Provincial Regime) of 1861, issued by the emperor, remained in effect in every region as the Provincial Constitution, and subsequent provincial compromises were implemented by their amendments. In substance, these compromises aimed to reach an agreement between nationalities living in the same area, to ensure the mutual protection of their national culture. They reflected the dynastic characteristics of the Austrian Empire: there was no central movement to create a nation state, which threatened the national identity of ethnic minorities and compelled them to strive for autonomy. On the contrary, in Hungary, the main initiative of the Croatian-Hungarian negotiations was Croatia's desire for autonomy.

Since the provincial constitutions of 1861 were created by the emperor and not the provincial diets, they were, in large part, uniform; the provincial diets were all similarly organised, with representatives elected in three 'Curias'[9] and with a limited franchise, and the nationality of the elected representatives often did not reflect the ethnic composition of the people they represented. Therefore, the most common element of regional compromises was to create ethnic parity in the provincial diets, which was usually achieved by setting a quota for each nationality in the diet and establishing separate voting lists for all ethnic groups, allowing them to vote their own representatives. In this way, while the possibility of multiple parties was maintained, it did not disrupt the proportionate participation of nationalities.

7.2. The Moravian Compromise

The Moravian Compromise of 1905 granted half of the seats in the diet to German representatives and the other half to Czech ones.[10] Correspondingly, the provincial Election Act[11] created an equal number of constituencies similarly divided between the two nationalities. While most of the population was Czech (72% in the early twentieth century), the previous election system favoured German nationals, allowing them to take control of the first curia, comprising of landowners, and to have the majority in the second curia as well. In time, more and more Czech representatives gained seats in the second chamber, and the 1905 Compromise also largely assisted in appeasing ethnic disagreements. In addition to ensuring ethnic parity in the diet, the Compromise guaranteed linguistic rights, i.e. the equality of the Czech and German

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9 The three curias encompassed the representatives of the great landowners, the chamber of commerce and designated towns, and the rural communities.
10 LGVBI. für die Markgrafschaft Mähren 1906/1.
11 LGVBI. für die Markgrafschaft Mähren 1906/2.

languages[12] and equal opportunity to national education for both ethnic groups.[13] In practice, the Moravian Compromise was created by four acts of the Moravian diet (equal allocation of parliamentary seats, new election procedure, linguistic rights and right to education).

The linguistic rights act recognised two official languages in Moravia; this had the most palpable effect in public administration, where two parallel bureaucratic systems operated, allowing everyone to participate in proceedings in their native language. The right to national education also resulted in separate educational systems for the two nationalities.

7.3. The Compromise in Bukovina

The Bukovinan Compromise in 1910–1911 also created ethnic parity in the legislative body, although it required balance among four nationalities: Ruthenian, Rumanian, German and Polish.[14] The solution was to create four separate systems of electoral districts by a new Election Act.[15]

7.4. The Galician Compromise

In Galicia, the Compromise was brokered by Poles and Ruthenians only weeks before the start of World War I. Similar to the Germans in Moravia, the past centuries in Galicia had allowed Poles to enjoy an advantageous position, having almost total control in the province. Consequently, the first order of the Compromise was to rearrange the ethnic composition of the diet, allocating 166 seats to Polish and 62 to Ruthenian nationals.[16] The proportion of 73% to 27% still did not reflect the ethnic composition of the region, which comprised 58% of Polish and 40% of Ruthenian nationals. Nevertheless, this allocation was a major advancement in representation, although it also meant that this advancement was slow and organic rather than abrupt and radical. Apart from the allocation of seats in the diet, the Compromise included educational reforms, by providing for the creation of a Ruthenian university, and a system of Ruthenian secondary education.[17]

8. The Hungarian Kingdom

8.1. The Croatian-Hungarian Compromise

Croatia became a part of the Kingdom of Hungary in the eleventh century, with the Hungarian king as its sovereign; nevertheless, it always maintained a certain degree of autonomy, the framework of which was finalised by the Croatian-Hungarian

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12 LGVBl. für die Markgrafschaft Mähren 1906/3.
13 LGVBl. für die Markgrafschaft Mähren 1906/4.
14 Landes-Ordnung für das Herzogthum Bukowina, RGBl 98/1861, 3.§.
15 Landtags-Wahlordnung für das Herzogtum Bukowina erlassen wird, GVBl. 24/1909.
16 Kuzmany, 2013, p. 130.
17 Kuzmany, 2013, p. 125.

Compromise in 1868. The Compromise set out the subjects of legislation reserved to the Hungarian Parliament and left the power to legislate any further subjects to the Croatian National Assembly. In Hungary, Croat members of the Hungarian Parliament only took part in legislation that had force in Croatia, while refraining from the debate on proposals that did not affect the region.

Religion and education, justice, and internal affairs were the most important issues in which Croatia had autonomy. Moreover, the Compromise recognised the Croats as an independent political nation, Croatian as the official language of the region, and the equal use of Croatian and Hungarian national symbols. In practice, autonomy in education allowed the independent organisation of the Croatian education system. Autonomy in justice and home affairs included the possibility to determine Croatia's public administration (territorial units, status of local government), establish an independent police force, and maintain a separate justice system; moreover, it also allowed significant legislative autonomy since many pieces of Hungarian legislation (such as the criminal code) were no longer in force in Croatia.

Croatia exercised its autonomy through its own government and legislative body, the *Sabor*. The head of government was the *banus* (the traditional name of the head of Croatia-Slavonia), appointed by the king and accountable to the *Sabor*. However, as the *banus* was nominated by the Hungarian prime minister, the Hungarian government had significant influence over this position.

8.2. Other nationalities within the Kingdom of Hungary

Similar to the Austro-Hungarian Compromise, the Hungarian-Croatian Compromise of 1868 had a historical foundation as Croatia had maintained a special status within Hungary since the Middle Ages. This traditional status proved to be a significant advantage to its nationalist endeavours.

Other nationalities in the Kingdom of Hungary did not have similar historical privileges and thus could not achieve autonomy; they were only guaranteed linguistic rights, which was far from a satisfying solution.

In time, the inclination to grant autonomy to other nationalities strengthened as well. For example, a proposal to create a Ruthenian autonomous territory in the north-east of Hungary was considered, although it was only implemented in the weeks following the empire's 1918 defeat in World War I.[18]

9. Conclusions

The last part of the chapter compares the lessons learned from reforms and reform proposals in the last decades of the Habsburg empire to the post-World War I solutions. The problem remained the same: respecting the language, culture and identity of each nationality in the region.

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18 People's Act No. X. of 1918: On the autonomy of Ruthenians living in Hungary.

9.1. The impossibility to create contiguous nation states for each nationality

The most pressing problem of the Central European region was the impossibility to grant every nationality a contiguous territory since most nationalities lived in separate areas throughout the region; therefore, when one ethnic group attempted to create a single nation state, it simultaneously enclosed areas with predominantly different ethnic groups. Moreover, creating state borders along ethnic lines was not a uniformly accepted solution as some nationalities wished to respect historical borders.

This problem reappeared in the last decade of the twentieth century, after the Yugoslav Wars, when the newly emerging states in the territory of the former Yugoslavia were established. Previously, member states of Yugoslavia had been created along historical borders. The international community did not support their reinvention after the wars as it threatened to lead to endless, unresolvable disputes. It was nearly impossible to determine where to draw the borders in the multi-ethnic regions of Croatia and Bosnia and Herzegovina, and maintaining the status quo was more convenient.

The problem appeared earlier as well, during the peace negotiations of World War I. The Compromise of 1867 favoured Magyars in Hungary, allowing the Magyar ethnicity to live in its own state after 300 years of division. Other nationalities pursued the same goal during the peace negotiations, which separated many Magyars from the territory of Hungary.

Aurel Popovici's above-examined solution (see Section 4.2) proposed another approach: instead of uniting ethnic groups in one nation state, if an ethnic group lived in more than one geographically separate territory, each of them should be granted independent statehood. While the fate of certain multi-ethnic regions remained problematic, this proposal seemed to be the closest to a just solution. Nevertheless, as this concept was always supported by nationalities in a disadvantageous minority role within another nation state, it always remained the hope of the weaker side.

9.2. Can nationalities in the region reach compromises?

In the early twentieth century, Aurel Popovici's answer to this question was determinedly negative. According to him, the only appropriate arbiter in ethnic disputes was the emperor (see Section 4.2). On one hand, the compromises reached in the Austrian Empire (see Section 7) contradicted this scepticism as these were all reached on a local level by the nationalities concerned. On the other hand, reaching a similar compromise that was applicable to the entire empire seemed unlikely, which justified Popovici's doubts.

The prospect of compromise did not improve after 1918. While local agreements between nations were possible, a compromise suitable for the whole region was not. The almost uniformly negative evaluation of the Habsburg monarchy by historians from successor states is also noteworthy. The dynasty is overwhelmingly described as a restrictive force, impeding nationalities on the road to nationhood. In reality, the monarchy did not seek to favour one nationality over the others. Since allowing

one ethnic group to further its nationalist goals was simultaneously discerned as prejudice by the others, the grievances perceived by one nation were gains granted to the others. Even if the parties were able to settle certain issues by finding the middle ground, a compromise was also easily perceived as harmful to the efforts to sustain national culture and identity. The inability to reach balance indicated the absence of a universal compromise.

9.3. How to act in the absence of multinational consensus?

In the Habsburg empire, the emperor served as an evident answer to this question, as confirmed by Popovici's proposal. Endowing the emperor with the power to adjudicate the issue appeared to be the only way to reach a just – albeit probably dissatisfying – resolution.

After the collapse of the empire, this ceased to be a viable option. The function of the sovereign monarch was replaced by international law, and the Entente powers attempted to resolve the situation of national minorities by international peace treaties. Nonetheless, these instruments were constructed on the premise of multi-ethnic states comprising an ethnic majority group and several ethnic minorities; they did not intend to minimalise the number of minorities within the new states but only to ensure certain rights for these groups. Consequently, the decisions made at the international level did not permit territorial autonomy or independent nation states in most cases.

9.4. The number of states and the appropriate state structure in the region

While some concepts were proposed to create a federal state without the Habsburg dynasty, these were all extremely unlikely since, for most nationalities, the desire for separation was stronger than the desire for unity. The second half of the nineteenth century showed that in the absence of compromise, the nations of the region did not have incentives to remain united without external force, and these external incentives only existed before the collapse of the empire. Following World War I, independent states were formed in Central Europe, and organising them into federation was not a realistic possibility.

The number of new states was also a point of contention. At the time of the empire's collapse, most nationalities attempted to form independent states; however, it mostly ended in conflict. The new states created by the peace treaties were also volatile, and later, both Czechoslovakia and the Serb-Croat-Slovenian Republic (Yugoslavia) collapsed. In the case of Yugoslavia, the number of successor states has not yet been settled.

9.5. Ethnic vs. historical borders

The empire's collapse did not solve the dilemma of ethnic vs. historical borders either as each nation applied the principle that benefitted them in the given situation. For example, the borders of Yugoslavia were historical, and the Czech territory also had historical borders to preserve the integrity of the Bohemian Provinces. On the

contrary, Hungary did not have the power to protect its historical borders and lost territories even to Austria – a likewise losing party in the war.

Consequently, the new territory of Hungary was determined along ethnic lines. The neighbouring states attempted to incorporate every territory from the former Kingdom of Hungary, where members of their ethnic group lived, even if it involved the annexation of predominantly Hungarian areas. Due to these attempts, many Magyars became national minorities in other states.

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