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NEW GOVERNMENTS OF CENTRAL EUROPE

BY

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PREFACE

THIS book is the product of necessity. It is designed to fill a very obvious lacuna in the literature on comparative government. It is, in part, the product of a course of lectures which the author gave at the University of Missouri in 1922, in part, the result of research in the Hoover War Library at Stanford University.

It has been thought necessary to treat the new states in Europe, with their new governments, new policies, new institutions, in accordance with the geographical area which they occupy, and in relation to the empires of which they are the successors. Obviously, a full treatment of the new governments involves a discussion of the Succession States of the German, Austro-Hungarian, Russian and Ottoman Empires. In this volume, however, only the successors of the first two have been dealt with. The Baltic States, Poland, the Ukraine, and the Caucasus demand a separate treatment, one wholly inseparable from a study of the territorial policies of the Russian Soviet Government. The revival of a nationalist Turkey, its rehabilitation in the eyes of the world, its attempts to formulate policies and devise institutions compatible with the religious and political aspirations of Moslem peoples likewise furnish an entirely new and separate development. For these reasons it has been thought advisable to deal with the governments of Central Europe *en bloc*.

The method of approach adopted embraces an understanding of the preëxisting scheme of government and a study of the progressive breakdown of empire and the realization of nationality. Only the historical background deemed necessary to an understanding of the actual forces at work in the various states has been included. The constitutional organization of the German and Austro-Hungarian Empires has therefore been sketched with the object of outlining the various political tendencies and forces at work rather than in any endeavor to ac-

quaint the student or reader with the more intimate details of now extinct political organizations. With this background complete, the study of the actual processes of revolution and reorganization has been attempted. No finality can be claimed for any governmental structure: it is, however, necessary to understand the structure as it now exists, and more particularly, to grasp the forces, military, economic, racial, psychological, that are at work attempting to modify, amend, adapt, restore, the constitutional mechanism. These the author has attempted to evaluate and interpret.

The sources utilized in the preparation of this work have been many, and exceedingly varied. Whenever possible, the primary sources have been those officially sponsored by one government or another. Particularly is the author indebted to the unrivaled facilities afforded by the Hoover War Library at Stanford University. The chief sources for the political history of the various countries covered have been the British *Enemy Press Supplement* to the *Daily Review of the Foreign Press* for the period ending August 31, 1919, the French *Bulletin Periodique de la Presse Allemande* and the similar bulletins dealing with the political developments in Austria-Hungary and in Austria and Hungary following the breakup of the Dual Monarchy. For Czechoslovakia, the *Gazette de Prague,* a semi-official publication, has been freely consulted for the period 1919-1922, as well as the files of the *Prager Tagblatt* for the latter part of 1918. The Allied press reviews form invaluable digests of the matters of political import transpiring in the various countries covered, and are in themselves authentic, but afford no easily verifiable citations, hence references to them have been deliberately omitted. As a convenient manual the author has found indispensable the brochure published in 1917 by the French Foreign Office, entitled *Repertoire des Partis Politiques,* which contains an accurate analysis of the factions and groups represented in and out of almost every European parliament. With these officially verified party lists and programs as the bases for the subsequently formed parties, an authentic starting point for party history in the new states is obtained.

The documents which accompany the text proper are given

both for their constitutional worth and for their usefulness in tracing certain political movements of great importance in themselves, but which utterly fail to affect the fundamental laws of the country concerned. Thus the Kapp Coup documents in Germany, the Archduke Joseph's manifestoes in Hungary, serve to illustrate movements which failed, *per se*, to effect a fundamental constitutional change, but which left their impress on subsequent political events.

The programs of various ministries assume an unusual importance in this connection, as they are intended to convey, not merely flamboyant promises to party groups, but also the intentions of the governments in respect of domestic and international policies. A ministerial declaration in pre-war times might have been regarded as a superfluous formality; to-day it is the essence of political reality, and often the fate of a nation hangs in the balance while such a declaration is made. Throughout it has been the aim to give full and free play to party influences, attitudes and opinions, because of the peculiar impetus which the war gave to the crystallization of political opinion, and because of the sudden and drastic changes which existing parties were called upon to face on the morrow of the Revolutions. In the new states, in particular, party activities have become, in a very real sense, the indices to the capacity of given groups to participate effectively in the democratic national self-government which war and revolution opened to them.

Finally, there are included certain documents of very real constitutional importance which are not to be found in collections of European Constitutions. Thus the constitution of the Hungarian Soviet, Preuss' project for a republican constitution for Germany, etc., while they may have had but a transitory, ephemeral vogue, represent, none the less, very important viewpoints on the problems of governmental organization, and are distinct landmarks in constitutional evolution.

A word or two with reference to the "Time Charts," so called. The idea involved, and here applied, is believed to be a new one, with not merely a general tendency toward accuracy in the charting of political events, but with what may be considered an objective, scientific system evolved out of the necessity for

graphic portrayal of political occurrences. The idea of tracing party oscillations received its modern form at the hands of President Lowell; the attempt to portray such oscillations graphically received a further impulse in Mr. Wells' *Outline of History*. In addition, the emphasis laid by modern economists on the recurrence of economic cycles furnished a clue, in view of the supposititiously close connection between economics and politics. Thus the endeavor to portray political events in terms of cyclical recurrences is not a modern adaptation of the Aristotelian norm; it is a scientific approach to the influence of economic and other conditions on the stability of government. The value of the time charts is believed to lie in their factual objectivity and their mathematical accuracy in portraying in concrete, measurable terms the tensile strength, and the duration of strains which a modern government can endure.

University of Texas,
Austin, Texas,
May 27, 1923.

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CHAPTER I

THE ESTABLISHMENT OF REPUBLICANISM

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THE HISTORICAL DEVELOPMENT OF GERMANY

THE establishment of a republic in Germany at the end of the Great War marked the culmination of centuries of political

development. In the course of these, migratory Germanic tribes under the successive influences of Latin Christianity, the Wars of Religion, and the dynastic control of the Austrian and Prussian Imperial Houses, developed into a united people struggling against autocratic authority and class domination for the realization of democratic national self-government. Throughout the centuries different political and economic systems made themselves masters of the German people, feudalized, proselyted, divided and despoiled them, and forces, religious, military and dynastic, retarded the development of national feeling and the evolution of political liberty. Only tardily, in the last days of dynastic authority, in the final hour of military collapse and economic exhaustion, did these release their hold and make possible the consummation of democracy.

The unification of Central Europe under Charlemagne laid the foundations for the Holy Roman Empire of the German Nation, which, "neither holy, nor Roman, nor an Empire," was still less the embodiment of true national feeling. Nevertheless, the political structure which was founded by the papal consecration of Otto the Great was destined for almost nine centuries to mold and guide the political evolution of Central Europe. From the creation of that Empire in 962 till its final dissolution by Napoleonic decree in 1806, it served, under Franconian, Hohenstaufen and Habsburg Emperors, as the only visible embodiment of German unity. The feudalization of Germanic Europe into minute principalities and fiefstates, each of which claimed the rights of sovereignty and independence, left the Empire little control over the peoples whom it embraced. The paternal Emperor was in reality little more than a high dignitary, the powers of the Imperial Diet were few and its functions, whether executive, legislative or judicial, exceedingly circumscribed.

With the Wars of Religion the small vestige of authority that the Empire possessed over its constituent parts practically disappeared, and the North German princes, freeing themselves at one stroke from both ecclesiastical and political superiors, took unto themselves as defenders of the faith the attributes of divine authority and political absolutism. It was from their

ranks that the enlightened despots of the seventeenth and eighteenth centuries sprang—Frederick the Great, Maria Theresa and Joseph II are but typical—and these, by trickery, villainy and deceit, by force and fraud, consolidated their domains and strengthened their positions till the time when the French Revolution fanned the flames of Republicanism in every despot-ridden land. The advent of Napoleon, his humiliation of Prussia at Jena, Austerlitz and Tilsit had compensating advantages. With iron ruthlessness he extinguished the life of nine-tenths of the petty German States and left in his wake some thirty-eight fragments for the Congress of Vienna to reorganize from the Confederation of the Rhine.

Thus at last was the cause of German confederation brought to the sound bases of geographic and economic unity. The opening up of the arterial waterway of the Rhine to international commerce, and the creation of the Zollverein, drew together states whose interests had hitherto kept them apart. Thenceforth from the Meuse to the Memel and from the Etsch to the Baltic, Germany was to be an economic entity. Nor were the political factors in abeyance. Political Liberalism, despite the iron system of suppression fostered by Metternich in Austria and abetted by autocrats in the other German states, found its home in the German universities and other circles of intellectuals. Latent there during the decades of repression, it flamed forth in the Revolution of 1848 with the demand for further political unification.

Unfortunately, the Frankfort Parliament of that year was composed of idealists and dreamers and failed to find means of unification acceptable to the obstinate Frederick William IV, King of Prussia, with the result that the movement for political unity was once more entrusted to conservative hands. In 1860, Prince Otto von Bismarck became the Prussian Minister of State for William I. Bismarck's unconstitutional rule in Prussia, his preparation of the Prussian army for political use against Denmark, Austria and France need but be mentioned to show that the man of action, of "blood and iron" had come upon the scene, to effect in a decade what others had failed to accomplish in centuries.

By the Danish War Bismarck acquired for Prussia and Austria the duchies of Slesvig, Lauenburg and Holstein; by the defeat of Austria at Königgrätz he compassed her expulsion as the rival of Prussia for the hegemony of the German Confederation. By the incorporation into Prussia of Austria's allies in the short and decisive war, he cleared the way for the formation of the Norddeutscher Bund, whose constitution was of his own dictation, whose structure was of his own fashioning. It remained for the conflict with France, precipitated by his deceit, to arouse the patriotic ardor of the South German States and make possible, through the November treaties, the proclamation of the German Empire at Versailles, under the rumble of the cannon that assaulted Paris.

The Imperial Constitution

Once Prussia had attained the position of leadership she coveted, Bismarck proceeded to reconstruct the outworn German Confederation on the basis of a thoroughgoing revision of its former constitution and laws. The structure which he brought forward as Prussian Prime Minister had as its guiding principle the hegemony of Prussia because of her numerical preponderance, her military dominance and her political paramountcy, and provided merely for consultation of the sovereigns of the member states of the Bund. In the federation thus created there was no equality of states, of rights, of representation, or of influence. States of republican character like the city republics of Hamburg, Bremen and Lübeck were joined with bankrupt principalities, charterless duchies, progressive Grand Duchies and reactionary kingdoms to form a new polyarchy, a *Fürstenbund,* which acknowledged the princes of the realm as the source of its authority.

Heedless of Liberal pleas for a fundamental law granting political liberty, Bismarck dictated the constitution of the Bund at a single sitting, and sedulously omitted any mention of guarantees of individual liberty. What he sought was the safeguarding of Prussia as the foremost military power in Europe, and to that end armies and finance, railroads, posts and tele-

graphs were taken under the ægis of the Norddeutscher Bund. One concession to Liberal opinion Bismarck did, however, make, and that was provision for a Federal Assembly akin to the one which had been chosen in the Liberal fervor of 1848; but he carefully withheld from it any real power by vesting the supreme authority in legislation and administration in the hands of an assembly of princes, to be known as the *Bundesrat.* For himself he was content to take over the office of Chancellor, the *Bundeskanzleramt* of the old German Confederation, and to centralize there the responsibility for federal administration.

Though the South German States were not included in the Bund, Bismarck was confident of their ultimate adhesion. With singular finesse he negotiated secret offensive and defensive treaties with them to elicit their coöperation in the common war against France which, he foresaw, was to be the last link in the process of unification. He furthermore left the door open for their entry by special provisions in the Constitution. Thus it was that during the high tide of patriotism which accompanied the outbreak and successful prosecution of the Franco-Prussian War in 1870, Bismarck was able to persuade the South German States—Baden, Bavaria, Hesse and Württemberg—to drop their opposition to the formation of a united Germany, and obtained their adhesion to the Bund.

With the treaties an accomplished fact, it needed only the dramatic setting of the Hall of Mirrors in the palace of the French Kings at Versailles to complete the formal process of unification by the proclamation of the German Reich with William IV of Prussia as William I, German Kaiser.

The Kaiser

In the person of this monarch, to whom, as the commander in chief of the victorious forces of the German States, the title of German Emperor had been offered at the instance of Bavaria, were united the powers of military and political leadership. As commander-in-chief, William I held the *Bundesfeldherrschaft;* as *primus inter pares* among the German princes, he held the presidency (*præsidium*) of the Federation. These two func-

tions were the sole legal sources of his power. But when it is remembered that the præsidium was vested hereditarily in the royal House of Hohenzollern as heads of the Prussian State, the enormous potential influence of the monarch who ascended to the Imperial throne can be more carefully estimated. The præsidium might have been an office almost republican in character; it might have fallen, had such succession been possible, to the burgomaster of Hamburg, and become republican in reality, but irrevocably linked to the fortunes of the House of Hohenzollern, the imperial office was predestined to be autocratic.

So long as Bismarck was Chancellor, little danger accrued to the Empire from the autocracy of the Kaiser. William I, a bluff, military man, was content to rely absolutely upon the Chancellor to manage the affairs of the Empire. Had Frederick III lived long enough to dispute Bismarck's authority it is possible that a more liberal view of the monarchy and its attributes might have prevailed. But with Frederick's death the liberalism of the Hohenzollerns passed away, and when William II "dropped the pilot," he became for all practical purposes his own Chancellor, in that his Chancellors, Caprivi, Hohenlohe-Schillingsfürst, von Bülow and Bethmann-Hollweg, were merely servile defenders and protectors of the Kaiser and always amenable to his wishes. Bismarck had placed the responsibility for the public and private acts of the Kaiser in his own hands, but when less dominant personalities entered the Chancellorship, the Kaiser became practically, as well as theoretically, irresponsible.

The Chancellor

Bismarck created the Chancellorship under the Empire out of the relatively inconspicuous office under the old Confederation, and he developed it to suit his own proportions and capabilities as a statesman. All acts of the Kaiser, in his capacity as holder of the præsidium, had to be countersigned by the Chancellor who thereby assumed responsibility for them. But the Chancellor claimed to be responsible only to the Kaiser and to no

other political authority. Thus the vicious circle of irresponsibility was completed.

As head of the imperial administration the Chancellor was presumed to be responsible for all the administrative departments. Practically the duties of office were so numerous that vice-chancellorships had to be created to take care of the work of various departments. In addition there were various secretaries and undersecretaries of State who were all responsible to the Chancellor for the conduct of their respective departments. None of these officials were accountable to the Reichstag or any political authority other than the Chancellor. In general, they occupied places as delegates of Prussia to the Bundesrat, and only rarely were they solely Imperial officials. But always they were subject to the orders of the Chancellor.

As the spokesman for the Imperial Government in the Reichstag the Chancellor, either directly or through representatives, appeared to be a responsible minister, accountable to the majority of the Reichstag, but in reality this appearance was without substance. Interpellations by the Reichstag were left unanswered, and resolutions of censure were without avail. The Chancellor, as representative of the Kaiser, held the threat of dissolution perennially over the Reichstag, without any effective counter-weapon in the hands of that submissive body except the extreme measure of refusal of credits. All Imperial projects (*Präsidialanträge*) came from his hands to the Reichstag; every committee of the Reichstag was under his immediate control and supervision; every department of administration underwent his scrutiny.

It was as head of the Prussian delegation in the Bundesrat, however, that the Chancellor spoke with the greatest authority. Here he had power to cast the vote of Prussia against any political innovations, and in all such matters Prussia cast the deciding vote. Any proposition could be defeated by his mandate to his colleagues from Prussia; indeed, his joint control of Prussian and Imperial affairs made him absolutely the dominating figure in the Bundesrat, over which he presided. Not until the administration of Prussia and that of the Empire were lodged in different persons was this omnipotence of the Chan-

cellor invaded. All in all, Bismarck created in the Chancellorship a source and an embodiment of tremendous, autocratic power, a thing unique in political annals and an institution unparalleled in any other modern civilized government.

The Bundesrat

The Federal Council of the Empire was another of Bismarck's distinctive creations. As constituted by him it was a peculiar body, representative of the States of the Empire, or, more accurately, of their rulers. It partook of the nature of several bodies but was anomalous in having no body like itself in any other country. The explanation given for its creation was that it was necessary in such a federation as the German Empire, to establish a central gathering-place for representatives of the States and their governments. The peculiar position assumed by the Bundesrat serves, therefore, to illustrate the character of the Federation.

Unlike other Federal States in which equality of the constituent members has always been a cardinal principle, the German Empire was an unequal, an imperfect federation in which Prussia was predestined to play a paramount part. In the Swiss Federation not only was the equality of the cantons preserved in the *Ständerat,* or Council of the States, but the principle of parliamentary government was combined with it, to admit of legislative control over the executive. In the United States, the doctrine of judicial supremacy, asserted early in the history of the Federal Government, placed the final authority in the Supreme Court. In Germany, however, the final locus of authority was neither in the Reichstag nor in *Reichsgericht,* the Imperial Supreme Court, but in the Bundesrat, a body of representatives of the German Princes, acting under instructions from their masters, deriving their authority only from the heads of states who often acknowledged no earthly accountability. In this council of diplomats, which sat under the presidency of the Imperial Chancellor, was vested the supreme authority.

The continuity of its sessions, their secrecy, the facility for

interchange of views between the representatives of the various states, the superior position compared to the Reichstag, the commanding position of Prussia through the person of the Chancellor and his fellow delegates acting as a unit, were all factors of very great importance in giving to the Bundesrat a plenitude of power, influence and importance in the Imperial Constitution. While almost bereft of judicial authority save in its functions as a supreme administrative Court, its combination of the functions of a Senate with those of the Council of State in many other countries, its possession of almost unlimited ordinance power, the dictatorship of Prussia in the Council, all gave the Bundesrat an overwhelming preponderance of power over the Reichstag. Unlike the latter body, its tenure and life were not dependent upon the Imperial Crown; it enjoyed the privileges of secrecy and efficiency while the Reichstag was doomed to the barren publicity of impotent debate. Being independent of other control than that exerted by each individual sovereign, the Bundesrat combined in ways oftentimes admirable the highest administrative efficiency and executive leadership with legislative capacity of a very high order.

The Reichstag

The Reichstag, on the other hand, was created as an impotent representative body with all the attributes of a modern parliament except actual political power. To this body, elected by universal manhood suffrage from districts originally equal, but never redistricted, neither Chancellor nor Bundesrat bowed; its censures of the Imperial Chancellor and his subalterns and its deprecations of the Bundesrat were without consequence. It possessed but the uncertain residue of fiscal power, and only through its budgetary control—in which the Bundesrat left it little initiative—was it able, and that rarely, to make itself felt.

In its composition party lines were drawn, and party ties were closely kept, but the only object attained by a partizan or coalition majority was to elect a presiding officer. Secretaries of State or their underlings came before it with reports but their accountability was only to the Chancellor. Bureaus might be allotted, committees might discuss and agitate, but

without the approval of the Chancellor, whose all-seeing eye kept the entire purview of the Reichstag's actions ever before him, little opportunity for effective political pressure was afforded. Its members could not penetrate the recesses of the Bundesrat while those of the latter body were always afforded free access to the Reichstag chamber and committeerooms and could express their views, oppose amendments and menace, threaten or even cow into submission the abject popular body.

Such was the status occupied by the Reichstag. True enough, Bismarck had given it the form of popular origin and mandate. He counted, however, on the innate conservatism of the rural population to curb radical tendencies in it, while the socialist leader, Lasalle, regarded it as the seminarium for radical ideas of urban deputies. Both were correct. As party lines developed during the course of the Empire's evolution, they showed a concentration of Socialism in the urban areas and the maintenance of staunch conservatism in the rural districts; the religious elements, being more evenly distributed, never assumed a definitely regional character.

German Political Parties

In Germany, as in other countries, the political groups organized into parties appeared in the Reichstag from right to left, as they faced the presiding officer, in the order of their radicalism. The parties on the right in the Reichstag comprised the *Conservatives, Progressives* and the *Economic Union.* The balance of power was held in the chamber by the *Catholic* or *Center Party,* while on the left the *National Liberals,* the *Radical Liberals* and the *Social Democratic Party* made up the opposition.

The Conservatives, as their name implies, formed the group furthest to the right, and embraced the large landowners and capitalists known as the Junkers. Regarding themselves as the special protectors of landed property, their chief endeavor was to promote agriculture and high protective tariffs. Into their ranks were gathered the landed nobility, whose political theories have always been based on authority, both temporal and spirit-

ual. The Prussian State Church and German Lutheranism in general gave their support and influence to the Conservatives, thinking thereby to curb radicalism and irreligion. Anti-Semitism, frequently very strong in Germany, has been expressed principally through the ranks of the Conservatives. The ruling classes in Prussia and other Protestant states, all supporters of the monarchy as of divine right, believers in a large army, navy, and an aggressive colonial policy, gathered under the ægis of conservatism.

The Free Conservatives, having split off from the main group, emphasized the importance of overseas commerce, large industrial enterprises, and the rights and privileges of Big Business. Next came the representatives of the Economic Union, favoring agrarian and social legislation. Essentially bourgeois, it represented the viewpoint of the conservative middle classes seeking to maintain their station rather than that of the definitely capitalistic elements making up the other two parties.

The Center or Clerical party was one of the largest in the chamber, well organized and skilfully led by adroit politicians taking their orders from the Vatican. Despite their denial of direct representation of Catholicism, their primary endeavor has been to support the interests of the Catholic Church. Born of the successful resistance of German Catholics to the persecution inflicted upon them by Bismarck during the Kulturkampf, the discipline thus acquired made the Center party easily the holder of the balance of power between Conservatives and Radicals. In its parliamentary program the Center party promoted social reform, fought for economy and decried colonial adventures and naval expansion. It regarded itself as the champion of the rights of the Reichstag against the extreme Conservatism of the Bundesrat.

Next to the Center in the Reichstag was found the National Liberal party, more nationalist than liberal in character. Historically the party of nationalism, its members became middle-class defenders of imperialism and national economic and political expansion, content with the plutocratic and aristocratic régime under which they lived. Generally protectionist in character, the party found common ground with the Conservatives in

support of economic imperialism and Pan-Germanism, and lost touch, in the period before the World War, with the Liberal movement in other countries, or the really Liberal movement in Germany itself, represented in the Reichstag by a handful of Radical Liberals. The latter were insistent in their demand for abolition of class distinctions, reform of the suffrage, the redistricting of Reichstag constituencies, the introduction of parliamentary government, and greater autonomy in local government. Their policy toward education involved the independence of the public schools from religious control.

Last came the various sections of the Social Democratic party. These, organized separately by Marx, Liebknecht and Lasalle, fused at Gotha in 1875 into a compact unit, ably led and well disciplined from its years of chastening under the Bismarckian scourge. William II had shown enough moderation on his advent to power to withdraw the various decrees against Socialists, and the marvelous growth of the party, despite stringent hindrances, made it a power to reckon with politically previous to the war. Despite the apparent reverses which it suffered in 1907, the party displayed new vigor in the elections of 1912 and all but captured the presidency of the Reichstag.

Such, in brief, ignoring the details of current party programs, as well as the factional strife over "revisionism" among the Social Democrats, was the position of the leading parties in the Imperial Parliament on the eve of the World War. It is to be noted that the German Social Democracy was at the time in a strong strategic position and on the verge of attaining ascendancy in the Reichstag, despite the antiquated system of electoral districts which worked strongly to the party's disadvantage. Whatever might be the differences as to policy within the Social Democratic Party, it was prepared to stand against Conservatism on the one hand and against Clericalism on the other.

Political Issues During the War

The internal political history of Germany during the World War reveals a progressive breakdown of the unity of the parties

in support of the war and an insistent demand for political reforms leading up to the outbreak of revolution and the collapse of the old order.

The initial test of loyalty for the various political parties came at the time of the voting of the first war loan. The difficulty which troubled the Opposition parties—and particularly the Social Democratic Party, whose principles pledged it against war—was the question whether the war was really offensive or defensive. By careful obliteration or suppression of incriminating evidence, however, and by virtue of a strict censorship, the Government managed to present all the appearances of being on the defensive when it appealed to the Reichstag to grant the necessary war credits. In consequence, the vote on the first war loan revealed unanimity of opinion that the war was defensive, save for the opposition of an intransigeant faction of the Social Democratic Party, led by Karl Liebknecht.

Thus, the main group of the Social Democratic Party adhered to the war as defensive, and so matters stood until a split occurred on the occasion of the third war loan, when a minority, led by Eduard Bernstein and Hugo Haase, withdrew their support from the Government and voted against the loan. Convinced of the aggressive character of the war, the Minority Socialists gradually separated from the rest of the party and formed the Independent Socialist Party, in continuous opposition to the war and to the existing governmental régime. The remainder of the party, taking the name of the Majority, continued its support of the Government, because no other political expedient seemed possible, until the beginning of 1918, at the time of the seventh war loan. Thenceforth, until the collapse of the old Imperial Régime, the Socialist Party, as a whole, opposed a continuance of the war and sought to further a peace of conciliation and compromise. Then it reentered the lists in an endeavor to secure control of the Government at the moment when revolution began.

The position occupied by the Center Party during the war was peculiar. As Ultramontanists its members maintained the closest affiliations with the Vatican and were Catholics first and

Germans last. The Party's support of the war was largely due to the desire to uphold Austria as the leading Catholic Power and to the hope of creating a new Catholic State in Poland, if it should be liberated from the Russian yoke. This favorable attitude toward the war lasted until the failure of the attempt of the Central Powers to make peace in December, 1916. Thereafter the German Government leaned toward the Papacy to obtain support for its peace endeavors, and the Center was cultivated assiduously by the other Government parties.

In the desire of the Papacy to forestall the impending collapse in Russia by its mediatory offer of peace of July, 1917, the Center Party and the German Government heartily concurred. The coincidence of the Papal peace move and the summoning of the Stockholm Socialist Congress together with the influence of the Russian Revolution evoked a vigorous debate in the Reichstag on the issues of the war. The outcome was the passing of the Reichstag Resolution of July 20, 1917, in favor of peace without annexations and without indemnities, which brought together the two irenic forces of the masses of the people, Socialism and Catholicism, and so paved the way for the downfall of Chancellor Bethmann-Hollweg.

Thereafter, on the basis of peace negotiations, the Socialists and the Catholics, while otherwise utterly antagonistic, found common ground. With the accession of the Catholic Von Hertling to the Chancellorship in the autumn of 1917, the Center Party followed him in his aggressive policy toward Russia, but ultimately returned to a policy of conciliation in the hour of defeat. Thus, in brief, the Center Party always played with the side that was winning, and through its affiliation on peace issues with the Social Democrats was able to take sides for the Revolution when it came in 1918. Thenceforth, changing its name to the Christian People's Party, the Center Party has remained faithful to the Republic, knowing that a reaction to Monarchy would bring the Lutheran Junkers again into power.

The Effect of Foreign Influences on German Policy

The beginning of the breakdown of German morale and of an awakening of the German people to the defects in their

political system dates from the outbreak of the Russian Revolution and the entry of the United States into the World War. Thereafter the infiltration of revolutionary ideas from the east and of democratic ideas from the west caused, in increasing measure, a modification of the policies of the Imperial Government. From the beginning of the Russian Revolution propaganda came across the eastern frontier into Germany and created a profound impression on the laboring classes. The advent of Kerensky to power and the inauguration of a régime of constitutional socialism in Russia caused the Socialist element of Germany to respond favorably, and fraternization took place at the front.

Coincident with the Center-Socialist move for peace there took place an incipient naval revolt at Kiel, in which the Socialist deputy Haase was admittedly involved. The immured German High Seas Fleet, definitely defeated at sea, served as an excellent hotbed for revolution, and the German sailors of the Baltic Fleet learned revolution from the example of the Russian sailors at Kronstadt. The year 1917 passed, and the prospects of peace with Russia staved off the tidal wave of Revolution that was gathering. The armistice and the peace negotiations at Brest-Litovsk were but a sham, however, and the selection of Von Hertling as a pacificator did not prevent the invasion of Russia and Finland in the last high tide of German militarism. But revolutionary propaganda worked deviously and made its appearance, though tardily, both at home and in the field, in the shape of the Workers' and Soldiers' Councils.

Meanwhile the influence of America became more telling. The Wilsonian political crusade against Germany was decidedly effective in breaking down the morale of the German people from within. The long-range debate over peace issues which was forced upon the German Chancellor by the issuance of the Fourteen Points brought the stakes in the war clearly before the people. Only by pitiless publicity could the democratic reforms demanded by the Western Powers be made apparent to the people as a whole, and in this task of elucidation Mr. Wilson was aided by Liberal and Socialist elements in Germany whose own political program he was furthering.

The discussion of democratic reforms proved very depressing to Imperialist leaders, and the growth of a belief in political democracy was in direct proportion to the pressure of the Allied armies on the West. The agitation for political reform went on from within, unabated. As a result, the movements in Germany were of a dual character, those seeking a solution of political difficulties by reform from above through devolution, and those seeking reform from beneath by revolution. The slowness, docility, and respect for religion and authority on the part of Germans prevented a more rapid spread of revolutionary propaganda. The conventions of the Center, Social Democratic and National Liberal parties in the summer of 1918 all put forth their programs of remedial measures, including demands for reform of the franchise in Prussia, for woman suffrage, proportional representation, and for redistricting of Reichstag constituencies throughout the Empire. These were the articulate expressions from the war-weary masses. The concessions they extorted from the upper classes were the direct result of political and military defeat.

The Collapse of Monarchy

The prelude to the overthrow of the Imperial Régime in Germany came about through the defection of Bulgaria from the ranks of the Central Powers. The subsequent collapse of the Turkish Government and the disruption of Austria-Hungary made it necessary for Germany to conclude peace. The failure of Germany to sustain her Balkan Ally caused a profound reconsideration of war policies, and the Imperial Government decided to put on a democratic front, if possible, in order more advantageously to face the Allied Governments when peace must inevitably be discussed. The initial result was a change in the chancellorship, when Von Hertling was replaced by Prince Maximilian of Baden, a man of pronounced Liberal sympathies. The new chancellor at once outlined his policies, both as to constitutional reform and proposals for peace.

In accepting the resignation of Von Hertling, the Kaiser had expressed the wish that the German people should be taken

into confidence in future selections for the Chancellorship. To fulfil this ideal two articles in the Imperial Constitution had to be changed to permit the Chancellor to be a member of the Bundesrat and the Reichstag simultaneously (Article 9) and to permit Reichstag members to accept salaried Imperial offices, (Article 21). One further Constitutional amendment was pushed through the Bundesrat in the hope of giving a more democratic appearance to the old Imperial Régime; it stipulated that the consent of both the Bundesrat and the Reichstag must be obtained for the declaration of war unless the war were defensive. This did not, of course, alter such a situation as that under which the World War was commenced and gave only a semblance of democratic control over war policies.

The confession of faith of the new chancellor, in which he alleged that the German Empire had undergone a basic alteration of its political leadership, set forth the ideal of political regeneration as follows:

> "In accordance with the governmental method now introduced, I submit to the Reichstag, publicly and without delay the principles upon which I purpose to conduct the grave responsibilities of the office. These principles were firmly established by the agreement of the Federated Governments and the leaders of the majority parties in this honorable House before I decided to assume the duties of Chancellor. They contain, therefore, not only my own confession of political faith, but that of an overwhelming portion of the German people's representatives, that is, of the German nation, which has constituted the Reichstag on the basis of a general, equal, and secret franchise and according to its will. . . . Only if the people take an active part, in the broadest sense of the word, in deciding their destinies; in other words, if responsibility also extends to the majority of their freely elected political leaders, can the leading statesman confidently assume his part of the responsibility.
>
> "Prominent leaders of the laboring class have found a way in the new Government to the highest offices in the Empire. I see therein a sure guarantee that the new Government will be supported by the firm confidence of the broad masses of the people, without whose true support the whole under-

taking would be condemned to failure in advance. Hence, what I say to-day I say is not only in my own name and those of my official helpers, but in the name of the German people. . . . I am convinced that the manner in which Imperial leadership is now constituted, with coöperation of the Reichstag, is not something ephemeral, and that when peace comes a Government cannot again be formed which does not find support in the Reichstag and draw its leaders therefrom. . . .

"This development necessitates an alteration of our Constitution's provisions along the lines of the Imperial decree of September 30, which shall make it possible that these members of the Reichstag who entered the Government will retain their seats in the Reichstag. A bill to this end has been submitted to the Federal States and will immediately be made the subject of their consideration and decision. . . .

"Political developments in Prussia, the principal German Federal State, must proceed in the spirit of these words of the Emperor, and the message of the King of Prussia promising the democratic franchise must be fulfilled quickly and completely. I do not doubt also, that those Federal states which still lag behind in the development of their constitutional conditions will resolutely follow Prussia's example."

The foregoing principles were the ones to which the new Government was committed, and it took office with the support of the Social Democrats, the National Liberals, and the Clericals. The move simultaneously made for peace through the mediation of President Wilson, led to a protracted correspondence between the German and American Governments, due to Mr. Wilson's desire for an open avowal of the adoption of a constitutional, responsible Government based upon popular mandate. In reply to Mr. Wilson's demand for the destruction of every arbitrary power that could separately, secretly, and of its own single choice disturb the peace of the world, the German Government replied:

"Hitherto the representation of the people in the German Empire has not been endowed with an influence on the formation of the Government. The Constitution did not provide for a concurrence of the representation of the people in de-

cision on peace and war. These conditions have now undergone a fundamental change. The new government has been formed in complete accord with the wishes of the representation of the people, based on the equal, universal, secret, direct franchise. The leaders of the great parties of the Reichstag are members of this Government. In future no government can take or continue in office without possessing the confidence of the majority of the Reichstag. The responsibility of the Chancellor of the Empire to the representation of the people is being legally developed and safeguarded. The first act of the new government has been to lay before the Reichstag a bill to alter the Constitution of the Empire so that the consent of the representation of the people is required for decisions on war and peace. The permanence of the new system is, however, guaranteed not only by constitutional safeguards, but also by the unshakable determination of the German people, whose vast majority stands behind these reforms and demands their energetic continuance. . . . The offer of peace and an armistice has come from a government which, free from arbitrary and irresponsible influence, is supported by the approval of the overwhelming majority of the German people."

In reply, the United States Government pointed out that it did not appear that the principle of a government responsible to the German people had as yet been fully worked out, or that any guarantees of the permanency of such changes were in evidence. The German people had no means of commanding the acquiescence of the military authorities of the Empire in the popular will; the power of the King of Prussia to control the policy of the Empire was unimpaired, and the determining initiative still remained with the military masters and monarchical autocrats of Germany, with whom no peace negotiations could be entertained. It was only upon explicit assurance from the German Government that the peace negotiations were being conducted by a government of the people, in whose hands rested, both actually and constitutionally, the authority to make decisions, and to which the military authorities were subordinate, that the armistice negotiations were begun. These demands on the part of the United States, as spokesman for the Allied

Governments, were tantamount to an insistence upon the abdication of the Kaiser and of the other German princes. That final act of deposition came about, however, not by the action of the Allied Governments but by that of the German people themselves.

The outbreak of revolution was simultaneous with the departure of the armistice commission for the Western Front. The whole Fürstenbund of which the Empire had been composed tottered and fell. The collapse of the Imperial Régime was due, in the last analysis, to military pressure from without and disruption from within. The political reforms which took place in the last days of the Imperial Régime were jointly extorted from the German rulers by Allied arms and German mass movements of a revolutionary character. The final act of the debacle was the flight of the Kaiser and the Crown Prince into Holland, leaving to Prince Maximilian the onus of turning over to Socialist hands the destinies of the Empire. The exhortation of Prince Maximilian to the other German states to follow the lead of Prussia in constitutional reforms was thoroughly obeyed, and within a fortnight from the outbreak of revolution all the German princes had ceased to reign. Thereafter the reorganization of the Reich assumed a distinctly new aspect, the monarchical basis for the Empire having entirely disappeared. It was left to the leaders of the Revolution to determine the actual character which that development should take.

The German Revolution

The actual outbreak of the Revolution began with the mutiny of the sailors of the German Navy at Kiel and their march on Berlin, November 4, 1918. Revolution next appeared in Bavaria on November 5, and, spreading like wildfire all over Germany, burst out in Berlin November 9. In the brewing of revolution the Majority and Independent Socialists had a very significant part. According to their own admission, they had kept closely in touch with the unrest and dissatisfaction prevalent among the working classes in Berlin and looked to those groups to take action at the appropriate time. The Inde-

pendent Socialists, under the leadership of Hugo Haase, were much influenced by the example of the Russian Revolution and covertly organized the Workers' and Soldiers' Councils along Russian models. In addition, the outbreak was timed to coincide with the anniversary of the Bolshevik Revolution in Petrograd the year before.

The revolution passed off bloodlessly on the afternoon of November 9. Announcement was made of the abdication of the Kaiser, of the assumption of the Chancellorship by Friedrich Ebert, who acknowledged his dependence on the people, and a promise was at once made that a National Constituent Assembly would be summoned. Ebert accepted, in addition, the presidency of the Berlin Workers' and Soldiers' Council in order to control more perfectly the revolutionary movement of which this body had become the apex.

Negotiations were immediately entered into between the executives of the Social Democrats and the Independent Socialists for the purpose of formulating a common program. The problem faced by triumphant Socialism after its long years of waiting for power was, essentially, whether the political or the social revolution should have precedence. The Majority Socialists, having already participated in the Government and found the paths of parliamentary life agreeable, showed a preference for the consummation of the political revolution; the Independent Socialists thought the time ripe for completing the social revolution. The more extreme elements in the party tended toward Communism and desired a proletarian class dictatorship such as existed in Russia. Certainly Communism lured the extremist leaders such as Karl Liebknecht into utter opposition to collaboration with the bourgeois groups and complete repudiation of parliamentary methods.

With wise moderation, the executive of the Social Democratic Party made every possible compromise to secure the adhesion of the Independent Socialist Party to the new Government, so long as its demands did not violate the principle of majority rule. The question of the form which the government was to assume permanently was relegated to a National Constituent Assembly, the general provisions for the election of which were immediately

announced. The doctrine of a dictatorship of the proletariat was thus summarily rejected, but temporary coöperation between the two parties was agreed to on a basis of complete equality, each party having equal representation in the new government.

The constructive program of the new revolutionary Government was announced November 12. The state of siege was at once abolished and the unlimited right of association and assembly was proclaimed. Censorship was done away with and freedom of the press, of speech, and religion were assured. Compulsory service laws were annulled and labor laws suspended during the war were again brought into force. Measures providing for compulsory adjustment of labor disputes were, however, retained. Unemployment, housing, sickness, insurance, and food supply regulations were announced, and the government pledged itself to maintain ordered production, to protect property against private interference, and to guarantee individual liberty. The electoral arrangements for the selection of all public bodies were to be based on equal, secret, direct, and universal suffrage on the basis of proportional representation for all male and female persons of not less than twenty years of age.

Prompt recognition was given to the Soldiers' Councils in the field, but their inferior rôle was acknowledged. The new Government enjoined the troops in the field to establish mutual confidence by willing submission of the ranks to the officer and comradely treatment by the officer of the ranks. The Soldiers' Councils, as organized in the field and composed solely of soldiers, were given an advisory voice in maintaining confidence between officer and rank and file in questions of food, leave, and the infliction of disciplinary punishments. Equal allowances of food, equal bonuses, equal field service allowances, were accorded to officers and men.

With this as a constructive program, a Council of the People's Commissaries, composed of three Independent Socialists and Three Social Democrats with the Chancellor as *primus inter pares,* assumed control of the administration of the government. Its main tasks were to conclude peace with the Allied Governments, secure food from abroad, demobilize the army,

accentuate production at home, and prepare for the meeting of the Constituent Assembly.

Spartacism

In an industrial country such as Germany, the theory of rapid socialization of land and industry, and still further the theories of communism, the dictatorship of the proletariat, and the expropriation of private property, proved inviting only to the propertyless, the hungry, and those politically oppressed under the old régime. To the more conservative bourgeoisie, as well as to the great group of Social Democrats in the Reichstag, the idea of class warfare, and a dislocation of the existing economic order was exceedingly distasteful. Communism might prove alluring to an agricultural country like Russia, but for a highly industrialized state such as the German Empire any extreme measures of socialization, or any attempts to impose a Communist régime were sure to be disastrous to the proletariat as to the bourgeoisie. Indeed, the rigorous effects of the blockade, the shortage of foodstuffs and raw materials proved so great a menace that even the members of the Independent Socialist Party, though infected with Russian revolutionary ideas, counseled caution in any widespread endeavor to dislocate the economic organization of the country.

Nevertheless, serious rifts in the Socialist coalition soon began to appear as the program of the social revolution receded from the forefront of the Majority Socialist platform. In addition, the extreme zealots of international proletarian revolution began to show their heads once the censorship and restrictions on freedom of assembly and expression were removed. Most important among these was the erstwhile Socialist leader, Karl Liebknecht, preëminently a pacifist, an anti-militarist, and a humanitarian, who during his wartime imprisonment repudiated his high ideals of Constitutional Socialism and became the lionized champion of the Communists. Taking the name of Spartacus, he called upon the German proletariat to rise in arms against the upper classes and the bourgeoisie, to attack even the German Social Democrats who had supported the

war. In stirring manifestoes, flaming with revolt against the existing economic order, the Spartacus group claimed that the hour had struck for a settlement with capitalist class rule.

"The imperialism of all countries knows no 'understanding,' it knows only one right—capital's profits, it knows only one language—the sword, it knows only one method—violence. And if it is now talking in all countries about the 'League of Nations,' 'disarmament,' 'rights of small nations,' 'self-determination of the peoples,' it is merely using the customary lying phrases of the rulers for the purpose of lulling to sleep the watchfulness of the proletariat . . . If representatives of the proletarians of all countries stretch out their hands to each other under the banner of socialism for the purpose of making peace, then peace will be concluded in only a few hours . . . Then there will be only one people: the toiling human beings of all races and tongues. Then there will be only one right: the equality of all men. Then there will be only one aim: prosperity and progress for everybody. Humanity is facing this alternative: dissolution and downfall in capitalist anarchy, or regeneration through the Social Revolution. The hour for decision has struck. Proletarians of all countries, . . . remember that your victorious capitalists stand ready to suppress in blood our revolution which they fear as their own . . . If your ruling classes succeed in throttling the proletarian revolution in Germany as well as in Russia, they will turn against you with redoubled violence . . . Therefore, the proletariat of Germany is looking toward you in this hour. Germany is pregnant with the social revolution, but socialism can be realized only by the proletariat of the world. And, therefore, we call to you 'Arise for the struggle! Arise for action! . . . The hour of action has struck for the international!' We ask you to elect Workers' and Soldiers' Councils everywhere that will seize the political power, and together with us, will restore peace."

The Spartacus group pinned their faith on the adhesion of the various Workers' and Soldiers' Councils to their program. Seeking through these bodies to seize control of the government and overthrow the existing Socialist coalition, they armed them-

selves and their proletarian following and in short order were ready to measure their strength with the Government. The first conflict came on Christmas eve, and its bloody suppression by troops loyal to the Social Democratic Party led to the resignation of the Independent Socialist members of the Council of the People's Commissaries.

From that time on, the breach between the Social Democrats and the Independent Socialists who sympathized with Spartacism, grew continually wider. Three new Social Democrats, among them Gustav Noske, who became Minister of Defense, now entered the Cabinet and a more vigorous policy replaced divided counsels. With a concerted program of defending the Reich against all internal disorder, the Ebert Government successfully put down the armed resistance begun by the Spartacus group after the elections to the Constituent Assembly and again in the middle of March, 1919, when a second uprising, less menacing than the first, threatened the security of the Constituent Assembly at Weimar. The military dictatorship of Noske was brutal, but it successfully ended Spartacism as an immediate political force, and relieved both the Government and the Constituent Assembly of any fear of widespread social revolution.

The Weimar Assembly

The elections to the National Constituent Assembly were held on January 19, 1919, and the Constituent actually assembled on February 6, 1919, at Weimar.[1] The electoral ordinance provided for the choice of members of the Constituent Assembly by universal, direct, equal, and secret suffrage on the basis of

[1] The choice of Weimar as the place for holding the National Constituent Assembly was commendable, as Weimar was associated with the early religious liberalism of Luther, the romantic, political liberalism of Goethe and Schiller, and the earliest constitutionalist movements in Germany. Despite the difficulty of accommodating there the members and their secretarial staffs, despite the attempts of the Spartacists to hem in the Assembly and cut communications with Berlin, the Assembly continued its work uninterruptedly till July 31, when it was prorogued, later to assemble as a provisional Reichstag.

proportional representation.[2] The age of eligibility both for membership in the Constituent and for voting was reduced to twenty years, and all persons still with the colors were permitted to vote, while special provision was made for giving the franchise to prisoners of war returning from captivity. Only indigents and criminals were not permitted to exercise the franchise. The endeavor was made to select members on the basis of one member to every 150,000 electors, and the country was divided into thirty-eight large electoral districts choosing from six to sixteen members apiece. Provision was made for the election of 433 members, twelve of whom were to have been elected from Alsace-Lorraine. Actually no representatives were elected from the former *Reichsland* so there were but thirty-seven districts and 421 members. Candidates must have been German citizens for at least a year; and parties were permitted to form blocs within a district to unify their strength, if they so desired.

The election revealed an enormous relative increase in the Social Democratic vote and an absolute increase in the votes polled by all parties when compared with those cast at the Reichstag elections in 1912. The Spartacist element, having repudiated the ways of political democracy, abstained from the elections, but endeavored to overthrow the results by their armed demonstrations a week later.

The Social Democrats captured 165 seats in the Constituent, the Center or Christian People's Party, 90, the German Democratic Party, successor to the old *Fortschritt* and Radical Parties, 75, while the Conservative element, now known as the National People's Party, obtained only 42 seats. The Independent Socialists and the People's Party—successor to the National Liberals—came next with 22 seats apiece while four seats fell to the

[2] The introduction of proportional representation on a large scale was an entirely new departure in Germany. The object of proportional representation in this instance was to permit the various party groups to be represented in the Constituent Assembly according to their numerical strength; and as a strict party list system was adopted, the result of the electoral ordinance was to make the campaign more one of parties than of individuals. Furthermore, no second elections or by-elections were necessary to decide disputes or ties.

South German agrarian element forming the Bavarian Peasants' Union. It will readily be seen that a profound change in the strength of parties had come about, and that with the exception of the Social Democratic Parties, a change in nomenclature had also taken place. Even the most extreme Conservatives catered to the new democratic propaganda by choosing the name of the National People's Party.

It was obvious that the Social Democratic Party could not continue to run the government single-handed; hence on the assembling of the Constituent at Weimar a coalition ministry of Social Democrats, Clericals and Democrats was formed under the presidency of Ebert and the premiership of Phillip Scheidemann. Count Brockdorff-Rantzau, a prominent Democrat, became Minister for Foreign Affairs. This coalition controlled 330 votes in the Assembly and thus comprised about eighty per cent of the total membership. With this effective majority behind it, the Government proceeded to carry out its work with despatch.

The tasks of the Assembly as the repository of power were two, to frame a permanent constitution for the Reich and to make peace with the Allied Governments. Endeavors on the part of certain elements in Allied countries to question the authority of the assembly to speak or act for the German people were never taken seriously, as the fairness and orderliness of the elections, their democratic basis and result were fully recognized by the Allied Governments.

The work of the assembly may be divided into the periods: February 6—May 8; May 8—July 10; and July 10—31. In the first of these, the formative period, a temporary constitution was passed, as an ordinary law, to regulate the organization of the Government and its relationship to the Assembly. The Chancellor was to continue, under this arrangement, as the head of the executive, and was to be chosen by a President elected by the Assembly; the Chancellor and his colleagues were, furthermore, to be collectively responsible to the Assembly. Under this scheme, Scheidemann formed the first ministry. In this first period there were laid before the Assembly the different plans for draft constitutions which had been worked up re-

spectively by the Council of the People's Commissaries and by Dr. Hugo Preuss, who now became Minister of the Interior.

From February to May, therefore, the Constitution was discussed, either by the Assembly as a whole or in committee; thereafter the discussion and debate over peace terms took place, ending with the ratification of the Treaty of Versailles on July 10, 1919. The last period embraced the final discussion and passage of the Constitution. No provision was included in it for any referendum to the people, or any means of popular ratification, hence it was promptly put in force by executive order on August 11, 1919.

The Problem of Imperial Reconstruction

The question of the reorganization of the Reich raised numerous fundamental problems. The old Reich had been a polyarchy of monarchs but the republican character of the various new state constitutions had completely altered that scheme. No Bundesrat such as Bismarck had created to preserve the power of the federated German princes was now possible. Furthermore, no purely federal scheme of organization, such as obtains in the United States, was possible, due to the preponderance of Prussia in the Reich.

With a view to destroying that dominance Dr. Preuss proposed the division of Prussia into nine states or provinces which should enter the Reich as individual units. Although the plan had much to commend it, and was undoubtedly based on sound principles of national administration, it was destructive of the territorial unity and historic traditions of Prussia and hence ran counter to the whole Nationalist tradition built around Prussian achievements in consummating the political unification of Germany. It is true that the territorial structure of Prussia as created by the House of Hohenzollern was a patchwork of conquests, escheats and forfeitures, partitions, annexations and incorporations, while numerous enclaves were found within its territory, and various portions of Prussia were separated from each other. In characteristic defense of Prussia, however, it was urged that she served as an excellent cement to hold to-

gether the German nation, that she united in her archaic governmental structure the agrarian east and the industrial west; that she leveled the barriers of nationality and so gave a common unity to the great portion of northern Germany. Yet it is true that the whole of Prussia represented not only territorial but religious and ethnographic divergencies of a marked character. To understand Prussia, in her relation to the whole Empire, the polyglot possessions of the House of Hohenzollern as rulers of Prussia can best be compared to those of the House of Habsburg comprising Austria, in their relation to the territorial compass of the Dual Monarchy. And if it was said with cogency of Austria that her *raison d' être* had ceased to exist after the Revolution, so it was argued that Prussia could no longer be of service to the Teutonic world. Thus the demand frequently made in Allied countries, for the destruction of Prussia in the name of international democracy, was equaled by the demand at home for the destruction of Prussia for the sake of national republicanism.

In the demand for the reduction of the influence of Prussia several motives and factors revealed themselves. Primarily, the German people's tardy awakening to the disastrous consequences of Prussian policy in Imperial affairs gave rise to the cry: "Los von Berlin!" But this was not the sole cause for the centrifugal tendency which manifested itself on the morrow of defeat. Reassertion of vanished or suppressed States' Rights, the desire of subject portions to realize their nationality, latent religious issues submerged during war time, all operated to accentuate the trend toward dissolution. Thus, Hannover demanded its original autonomy; Slesvig called for reunion with Denmark; Memel sought to rejoin the Lithuanian State and Posen desired union with Poland. Furthermore, the industrial, Catholic Rhineland revived its particularism in view of the odium into which agrarian Prussia had fallen and the movement for the creation of a Rhenish Republic—on the model of the Confederation of the Rhine—was promptly launched.

Notwithstanding the plausibility of these separatist movements, the sense of national solidarity under the stinging scourge of defeat operated forcefully to check them. It is true

that the portions of Prussia in which an alien population predominated were excised by the painful surgery of the Treaty of Versailles, but beyond losing what the Allied Governments could amputate in the name of self-determination, Prussia suffered no particular reduction in size or importance. Prussia still constituted a large, preponderating member of a community of small republics. Her numerical preponderance she still kept; her industrial leadership in a socialized commonwealth was assured; but her constitutional backwardness and her military menace were removed. Henceforth there was to be no fear of Prussia due to her privileged military or political position. The Imperial crown was gone; the Prussian and Imperial administrations were entirely dissociated, while both the Reich and Prussia had undergone political conversion to Republicanism. Thus, the only problem presented was essentially that of the administrative reorganization of the Reich. Could a federal basis be posited for a union of the various republican states, or must a unitary state emerge from the chaos of war and revolution?

The reduction of the power of Prussia was not the only question involved; it was obvious that many of the minor principalities, whose sole cause for existence had been the perpetuation of a royal lineage, were now, in the floodtide of republicanism, ready to merge their interests. The Thuringian principalities began with the union of the two states of Reuss in December, 1918, to which Altenburg added its strength in short order. The process of unification was in full swing at the time the Weimar Assembly met; hence it was foreseen that numerous alterations in the territorial composition of the Reich might take place. In the interests of simplification and orderliness, therefore, provisions were ultimately laid down in the constitution for the change of territorial limits of the Reich at a later date, and Prussia was insured immunity from partition for at least two years. The critical period of the Weimar Assembly passed and any immediate reorganization of the Reich, and particularly of Prussia, was postponed until normal conditions should have reasserted themselves. But with the decreasing number of states came also the impossibility of any truly perfect federa-

tion, while the enormous load of responsibilities to foreign powers which the terms of peace involved, forced acknowledgment that a strong government must be created. In the end, regardless of particularist protests, the old centralizing forces of nationality and tradition reasserted themselves to produce what may be called, with fair accuracy, a unitary state —the German Commonwealth.

CHAPTER II

THE FOUNDATIONS OF NATIONAL SUPREMACY

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The Nature of the Reich

The Weimar Constitution is the product of numerous compromises. In its final form it was a compromise between the desire for effective centralization, needed for the reconstruction period, and thoroughgoing federalization, needed for the establishment of a democratic equalitarianism among the German states. Thus it is that the leading constitutional lawyers in Germany disagree as to the nature of the Reich, some claiming it to be a federal union, while others regard it as unitary, though decentralized. In the words of Preuss himself, "whether the German Republic should now be called a federation of states (*Bundesstaat*) with strong national central authority, or a unified state (*Einheitsstaat*) with strong territorial decentralization, is hardly more than a theoretical controversy about terminology."

Some writers emphasize the power of the Reich to prescribe territorial changes for the states even against their will, and see in its financial reorganization the death-knell of separate existence for the states. In the opinion of others, the Reich could disappear and the territory, administration, and population would still be those of individual states. Consequently the opinion of experts is of little avail. Even the Weimar Assembly took no definite stand in the matter. The Preuss project regarded the Reich as composed of "republics"; the counter-project of the Government spoke of the "member-states," while in the final text of the Constitution the Reich was declared to be made up of "*Länder*" or territories.

It is, furthermore, difficult to determine exactly what new connotation must be given the word "Reich." Under the old régime it meant the Empire, and all things connoted by the concept of Imperialism; under a republican régime the words "realm" and "commonwealth" have been most commonly employed as translations. The retention of the term Reich was found necessary in order to satisfy the wishes of the German people, and its use in the midst of Republican terminology is not inconsistent. "Reich" as used in the Weimar Constitution, is not intrinsically opposed to republican government nor is re-

publican government opposed to the structure thereby created. In Preuss' words, again: "after all, our historical development is precisely in the words 'Reich' and 'German Reich', with which are associated the efforts of the German people toward unity and the reëstablishment of national unity. I believe that to keep the word 'Reich' is entirely compatible with the marked emphasis on republican character with which the whole of the Constitution is impregnated."

The New Reich: Land and People

Politically, the Reich is Republican; constitutionally, it is unitary; and its component decentralized portions are also republican in character. Whereas, before the war, there existed a polyarchy consisting of three free city republics, four kingdoms, five duchies, six grand duchies, and seven principalities, now there is but one commonwealth, subdivided into eighteen Länder, all reduced politically to a common level.

Territorially, too, Germany to-day differs very materially from the Germany which existed before the World War. By the terms of the Treaty of Versailles, the territory of the German Republic was considerably reduced through the severance of those portions of the Empire in which there was a preponderant foreign population, and their allocation to the adjacent states. In the north, the Kingdom of Denmark, following a plebiscite, acquired a part of the old duchy of Slesvig; on the west, minor rectifications of the frontier were made on behalf of Belgium at Eupen, Malmedy, and Moresnet; Luxemburg was excised from the German Customs Union, while Alsace and Lorraine were returned outright to France.

In addition, the important coal mining region of the Saare was placed under the control of the League of Nations for a period of fifteen years awaiting a popular decision at the end of that period as to whether it is to remain with Germany or go to France. To the south, the frontier was unchanged, save that special provision was made to prevent the union of Austria with Germany, while to the east a fragment was lost to the new Czechoslovak Republic and to Lithuania, and great por-

tions of territory theretofore regarded as German were restored to the resurrected Polish State. This involved the separation of East Prussia from the rest of Germany to afford Poland access to the sea at Danzig, which was made a Free City and placed under the administrative control of the League of Nations.

All told, of an empire which had embraced 540,857.5 square kilometers before the war, there remained only 473,314.9 square kilometers, while a population of nearly six millions was lost under the provisions of the peace. As thus reconstituted, the German Reich is a country of about sixty-one million inhabitants, among whom, as a result of war casualties, there are approximately three million more women than men.

For this people the Weimar Constitution created a governmental structure much more in keeping with their political development than that which had functioned up to the Revolution. It had been a commonplace in Germany that her industrial and commercial development had taken place at the expense of the political. Von Bülow, as Chancellor, admitted it; the Democrat, Dr. Preuss, commented on it in retrospect. It was the cardinal feature of the old régime that the political ascendancy and supremacy of the ruling sovereigns was the keystone of the Empire. Quite otherwise is it with the new Reich. Popular origin, popular sanction is given to the Constitution, from the preamble to the enabling clause. "The German people, united in all their branches,[1] and inspired by the determination to renew and strengthen their Commonwealth in liberty and justice, to preserve peace both at home and abroad, and to foster social progress, have adopted the following Constitution." The first precept of the Constitution recognizes the fundamental character of the change effected by the Revolution. "The German Commonwealth is a republic. Political authority is derived from the people." This marks the break between the old régime, with its avowedly monarchical character and its scorn of the people, and the full acknowledgment of the doctrine of popular sovereignty.

[1] The preamble was not modified when the agreement to exclude Austria was forced upon the Weimar Assembly.

Similarly, in regard to the selection of the Reichstag and the choice of a President, it is explicitly specified that the former is composed of delegates of the German people who are to be representatives of them as a whole while the latter is chosen by the whole German people, swears to protect them and preserve the Constitution, and is removable from office at their mandate. Thus, the acknowledgment of popular sovereignty is imperative throughout the Reich. Furthermore, "Every Land must have a republican constitution," while "the governments of the Länder must have the confidence of the representatives of the people." This constitutes the surest bulwark of republicanism, as the restoration of an Imperial monarchy would be impossible as long as the states possessed their republican character.

The Reich and the Länder

"The territory of the Reich," states the Constitution,"[2] consists of the territories of the German Länder. Other territories may be incorporated into the Reich by national law, if their inhabitants, exercising the right of self-determination, so desire." This initial statement describes the endeavor of the Weimar Assembly to devise a legal method for the accession of German Austria to the Reich. The movement for union, which is described elsewhere,[3] was frustrated by the decision of the Peace Conference to make the independence of the Republic of Austria inalienable without the consent of the Council of the League of Nations. No other state of Germanic origin or affiliations has evinced any desire to unite with the Reich.

As previously noted in connection with the movement for the destruction of Prussian territorial unity, the final compromise[4] in regard to the territorial organization of the new Reich accepted the principal of the mobility of frontiers and provided for the division of the Reich into Länder in such way as should serve the highest economic and cultural interests of the people

[2] Article 2.

[3] See p. 147 infra.

[4] Art. 18.

after thoroughgoing consideration of the wishes of the population involved. For the alteration of territorial boundaries and the creation of new Länder within the commonwealth, the passage of a constitutional amendment is necessary, unless the territories directly affected consent, in which case ordinary legislation suffices. A loophole for the possible partitioning of Prussia was left through the proviso that the ordinary processes of legislation would suffice for the alteration despite the opposition of any one territory, if the change of boundaries or the creation of a new Land was desired by the population concerned and was also required by a preponderant national interest. A plebiscite is necessary if demanded by one-third of the qualified electorate, in which case three-fifths of the votes cast, or at least a majority of the qualified voters, must be in favor of the change.

Even portions of the smallest administrative districts, if desirous of separating, are accorded the privilege of a plebiscite. In the case of enclaves, i. e., regions belonging to one Land within the territory of another, their vote may be pronounced final by national law without further ado. This provision is intended to wipe out the anomalous condition of the numerous enclaves and to promote unification. In every case of a plebiscite the national Government must submit a confirmatory bill to the Reichstag.

For the decision of all possible conflicts over territorial changes or concerning the interpretation of the Constitution, for the settlement of conflicts between different Länder, or between a Land and the Reich there was created, by a prescription of the Constitution [5] to be carried out by law, a new court in addition to the old Supreme Court, the *Staatsgerichtshof.* Provisionally its functions have been exercised by a senate of seven members, two nominated by the Supreme Court and four by the Reichstag, the presiding member being appointed by the president of the Reich. Due to the impartial character with which it is constitutionally endowed, it has been made the tribunal competent to take cognizance of actions instituted against the President, Chancellor, or Cabinet by the Reichstag.

[5] Art. 19.

The Powers of the Reich

The powers wherewith the Weimar Constitution endows the Reich mark a distinct advance over those given it in the Imperial Constitution of 1871 and illustrate abundantly the change from the federal nature of the Hohenzollern Empire to the unitary character of the Republican Reich. In the old instrument the Reich was endowed explicitly with only those powers which Bismarck had thought essential for securing to Prussia Imperial hegemony. When, after the Revolution, it was seen that the economic future of Germany was likely to be imperiled by the terms of the peace, the members of the Weimar Assembly turned to the strengthening of the Reich by the broadening of its powers.

Under the old Imperial Constitution, the powers accorded the Federal Government were limited, specifically enumerated grants, while the remaining powers were left to the States; under the new system of national republicanism, the great preponderance of power is vested in the Reich. In consequence, the Constitution specifically defines the respective spheres of the political authority of the Länder and the nation, each being exercised in accordance with the respective Land or National Constitution.

In this distribution of powers, the subjects over which the Reich is given exclusive jurisdiction are those of primary importance.[6] These embrace foreign relations, colonial affairs, citizenship, immigration and emigration, extradition, national defense, coinage, customs, posts, telegraphs and telephones, waterways and all aids to navigation, especially lighthouses, lightships, buoys, floats and beacons. All these are placed directly under national administration. In this way a marked step towards unification has been taken. The former rights of the South German States to send and receive diplomatic envoys have disappeared, and all except the most unimportant frontier regulations are conducted by the Reich. Separate treaties, therefore, cannot be made by the Länder. The special privileges of the South German States acquired under the November

[6] Arts. 6, 97-101.

treaties are gone, and the Länder are on a plane of complete equality. The army, too, is a directly national institution, and not a series of separate state contingents.

The second category of powers enumerated in the Constitution [7] is that by which the Reich is given the right of priority in legislation along various lines, without preventing similar legislation by the Länder, so long as it is not in conflict with that of the Reich. The field of this concurrent jurisdiction in legislation is widespread and embraces civil and criminal law, judicial procedure, passports and the supervision of aliens, the press, associations and public meetings, sanitary police, trade, weights and measures, banking, and internal communications. These, in general, were powers formerly entrusted to the concurrent jurisdiction of the Empire and the States.

Illustrative of the increase of the authority of the National Government is the fact that in addition to the foregoing the Reich has been given precedence in jurisdiction over two important groups of subjects. The first of these relates to social wellbeing, as protected by the fundamental rights of the individual and the community,[8] while the second deals with unfettered jurisdiction over enterprises likely to undergo socialization. Thus, poor relief and vagrancy, problems of population, protection of maternity, infancy, childhood and adolescence, protection of plants from disease and pests, provision for war veterans and their surviving dependents, and control over theaters and cinematographs come under the eleemosynary burdens which the Reich has assumed as a part of its humanizing program for the regeneration of the social order in Germany. A further part of the social program embraces the subjects of social insurance, the rights of labor, and the protection of wage-earners, other employees, and employment bureaus.

The Reich's jurisdiction over the law of expropriation, industry, mining, insurance, ocean navigation, deep sea and coast fisheries covers the fields utilizable by the State in pursuance of policies of socialization. To give legal effect to such policies provision is made for giving the National Government control

[7] Art. 7.

[8] That is, power to enforce the new Bill of Rights.

and jurisdiction over the socialization of natural resources and business enterprises, as well as the production, fabrication, distribution, and price fixing of economic goods for the use of the community. This jurisdiction also extends to commerce in foodstuffs, other necessaries of life, and luxuries. It is inescapable that the powers of the Reich are exceedingly broad, and that they were deliberately extended for the purpose of giving effect to wholesale socialization.

By comparison with the powers allotted to States and Empire under the old Constitution the lapse of certain powers found there is noticeable. There is no longer need for provisions with respect to the accrediting of public documents by the "states," neither does the Reich have to request the "states" to honor each other's requisitions or execute each other's judgments. Here the full breakdown of the old federal régime is seen, and the essential unity of the new Reich appears.

It is in the field of finance that the dominance of the Reich is most clearly seen. To meet reparations payments under the Treaty of Versailles it was necessary that the national government be legally unincumbered in seeking out sources of revenue. Accordingly it is given [9] jurisdiction over taxation and other sources of income for its purposes. Thus fiscal omnipotence has passed to the Reich, although it is required to have consideration for the financial requirements of the Länder when tapping the sources of revenue that are ordinarily theirs. Even so, the Länder are fiscally at the mercy of the National Government and their former initiative and independence in these matters is gone.

For the sake of securing uniformity in legislation, the National Government is given jurisdiction over the promotion of social welfare and the protection of public order and safety. It is given, in addition, the right to lay down fundamental, normative principles concerning the rights and duties of religious associations, public officers, education and libraries, land distribution, housing, disposal of the dead, etc.[10] These principles are to guide the Länder in the carrying out of their

[9] Art. 8.

[10] Art. 10.

tasks, to insure harmonious action throughout the country in these matters which pertain, essentially, to local government. In addition, the Reich may lay down fundamental principles to be followed in the imposition and collection of taxes in order to prevent injustice, whether to individuals or to the Reich, through double taxation, the imposition of burdens in restraint of trade, tax discriminations favoring locally used articles, etc.

Finally,[11] it is provided that so long and in so far as the Reich does not exercise its jurisdiction, such jurisdiction remains with the Länder, excepting in regard to matters under the exclusive jurisdiction of the Reich. If the Länder, in undertaking socialization projects, injure the general welfare of the Reich, the national government may object.

The principle of national supremacy is further developed through the provision[12] that the laws of the Reich are supreme over the laws of the Länder which conflict with them. This, however, does not necessarily imply that the Staatsgerichtshof, before which such issues would come for settlement, has the power, as does the Supreme Court of the United States, of holding laws of the Länder unconstitutional. It remains to be seen whether the duty, sometimes onerous, of interpreting the phraseology of the new constitution will fall to the newly created court, for no explicit provision of the constitution can be summoned to determine the competence of the court in such matters.

The Principles of National Administration

It was characteristic of the structure created by Bismarck, that it disturbed the existing arrangements for administration as little as possible and so permitted the Empire to carry on its work with little duplication of administrative agencies. Imperial officials were few, while the state officials entrusted with the administration of Imperial law were numerous. Thus Bismarck failed to create the perfect federal structure which is seen in the national administration of the United States of

[11] Art. 12.

[12] Art. 13.

America. Indeed, it was not his purpose to put into operation a symmetric machine operating in a federation of equals. Rather did the onus of administration fall back upon the member states of the Fürstenbund, among whom Prussia held the leading position.

In the creation of new administrative machinery for the democratized, revolutionized Reich, the encroachment upon the Länder again appears, and the change from the former federal towards a unitary structure in the organization of the state, is once more revealed. Before the Revolution Imperial legislation was enforced in the states on the ground that by receiving the sanction of the Bundesrat it had, in principle, received the assent of the individual sovereigns. Their plenipotentiates had given their approval; laws were therefore agreements between the various States, and were, for convenience, administered either by the state officials or by Imperial Officials if necessary.

But under the new Reich it is dependent territories (Länder), not sovereign states, that signify their approval in the Reichsrat —the structure created to give expression to the views of their responsible representatives. In the new upper chamber, further, members do not cast their votes *en bloc,* as in the Bundesrat. Inasmuch as half the Prussian votes are cast by the provincial administrations, it is clearly to be seen that the Reichsrat is no longer the council chamber of the sovereigns of independent states; rather is it a forum for the airing of particularist or provincial views. No ordinance power, such as was given to the Bundesrat, attaches to the Reichsrat; and, apart from its mild initiative in legislation, only the cold comfort of being informed and consulted and of protesting belongs to the residuary legatee of the Bundesrat.

The superior position of the Reich as regards the national administration can be seen from the provisions of the Constitution that "in so far as the laws of the Reich are to be carried into effect by the authorities of the Länder, the National Cabinet may issue general instructions. It has the power to send commissioners to the central authorities of the Länder, and with their consent, to the subordinate authorities, in order to supervise the execution of national laws." It is, furthermore, made

the duty of the territorial authorities, at the request of the National administration, to correct any defects in the execution of national laws. On the other hand, officers charged with administration of national affairs are, if possible, to be citizens of the territory in which they are stationed. Similarly, the officers, employees, and workmen of the national administration are, if they so desire, to be employed in the districts where they reside, as long as their training and the requirements of the service permit.

The New Reichstag: Election and Organization

The new régime had begun by dissolving the old Reichstag and electing the Constituent Assembly. When the functions of that body in peace- and constitution-making had been discharged, the normal course would have been to dismiss or dissolve the Assembly, and forthwith to elect a new National Assembly to carry out the duties intrusted to it under the Weimar Constitution. In fact, however, the political situation did not permit the holding of another election when the Constituent Assembly was not yet seven months old; hence that body fulfilled for the ensuing ten months the duties of a National Assembly, or Reichstag. Ebert took the oath of office as president before it, in its last session at Weimar; and, after a prorogation of six weeks, the ex-Constituent Assembly met in the Reichstag palace in Berlin to begin its work as an ordinary legislative assembly.

The return to the old Reichstag chamber, in which many members of the Constituent had sat under the old régime, facilitated the resumption of the functions of the old Reichstag by the new. The veteran president of the old body, Konstantin Fehrenbach, was likewise the presiding officer of the new; the rules of procedure of the old Reichstag, which had been in force during the sessions at Weimar, were resumed; indeed, the abolition of the former allotment into Committee panels [13] marked the

[13] Under the old régime, committees were picked by drawing one member from each of seven panels or *Abteilungen* into which the entire membership of the chamber, regardless of party affiliations, was divided. This did not by any means secure uniform or proportional representation of parties, as this was unnecessary in view of the lack of ministerial responsibility. Now, under the republic, it has become imperatively necessary to have a government majority on every committee.

only important change in procedure. Henceforth, in view of the multiplicity of party groups, and of the experiment then being made in France, the committees of the Reichstag were to be chosen by the party groups in the house in proportion to their own numerical strength in that body. Thus each committee became a miniature of the whole house, and the particular coalition of parties temporarily in power could depend upon its followers to support it in all the committees. This feature of the new Reichstag organization has undoubtedly been of peculiar importance in assuring to ministries the support of the Reichstag.

The business before the Reichstag was of an unusually urgent character, for many of the most important provisions of the Constitution still required national legislation to carry them into effect. The Reichstag confined itself to this work throughout the fall of 1919 and the winter of 1920. The program of legislation before it promised to occupy the rest of the year, and no prospect of an election before autumn of 1920 was in evidence. In March, 1920, however, there came the monarchist uprising led by Kapp and Lüttwitz, and the Government and Reichstag fled to Stuttgart until the *Putsch* collapsed. On the heels of this came the communist revolt in the Ruhr and the Franco-Belgian occupation of the right bank of the Rhine. Thus, assailed at once from the right and from the left, the government saw that nothing save an immediate consultation of the people would suffice to give it the authoritative mandate required by the perils of the hour. Hurriedly, an electoral law altering the constituencies and the application of proportional representation was passed on April 27, 1920; the National Constituent Assembly adjourned in May, and the new Reichstag was elected June 6, 1920.

The electoral law of November 30, 1918, under which the Constituent Assembly was chosen, did not meet with wholesale popular approval. In particular, the possibility of the formation of blocs by various parties was bitterly criticized by the intransigeant groups, who stood aloof from political combinations as giving electoral majorities to the venal and corrupt. In addition, the redistricting of the Reichstag constituencies

had been hurriedly and illogically done; and the territorial changes in the country, both by fusion of minor states and by cession of territory to adjacent foreign countries, necessitated a further alteration of the districts.

As a result, the electoral law of April 27, 1920, adopted the so-called Baden system of proportional representation and discarded the D'Hondt plan. It provided for the election of deputies on a strict party list system, and divided the Reich into 35 electoral districts, to conform to the new territorial arrangements. Provision was made, however, for their combination into 17 groups of districts, within the limits of which parties might associate their lists and reckon jointly their remainders. The districts are accordingly still large; but their representatives depend not on any arbitrary allotment of seats to a region, but upon the total number of votes cast within the district. Hence the total membership of the Reichstag is left indeterminate.

Votes are cast for the party list and not for the individual candidates, and candidates are elected in the order in which they appear on the list. Sixty thousand votes suffice as an electoral quotient, and any party ticket receiving that many votes is entitled to one deputy. The party is also entitled to an additional deputy if its remainder is over thirty thousand. The further votes remaining, here and there, after local constituencies are totaled, are pooled into what is known as a *Reichslist* of the particular party, and 60,000 of these scattered votes suffice to elect one additional deputy, while 90,000 or more serve to elect two.

With the wide franchise prevalent in Germany, very few persons fail under this arrangement to make their votes count. The limited power of party combination allowed under the new law affords protection to groups merely within districts but prevents the formation of powerful national blocs. Essentially, then, the new electoral law establishes proportional representation with *scrutin de liste.*

Under the foregoing arrangements, the Reichstag members are elected by universal, equal, direct, and secret suffrage by all men and women over twenty years of age. Elections must take place on a Sunday or a public holiday, in order to insure

the widest possible exercise of the franchise. Only those under guardianship or legally deprived of their rights are not privileged to vote. Soldiers, who were given the franchise for the Constituent Assembly elections, are, however, disfranchised while with the colors, but political prisoners are permitted to vote, even while in jail.

An ingenious system of registration of voters by card was devised to permit the electorate to aid in their own registration. A triplicate card is employed, one card being returned to the elector and the other two sections being kept as authentic electoral lists. Thus, the presentation of the elector's card serves at once as a method of identification and as a proof of eligibility to vote. In addition, electoral certificates are issued to all who are not permanently established in a given community. These permit the elector to vote in any constituency in the Reich.

The age of eligibility for membership to the Reichstag was raised by the Constituent assembly from 20—the age limit for its own membership—to 25 years, to conform to the requirements for the old Reichstag. Over this change there was no controversy. Over the question of the term of the Reichstag, however, controversy raged. It appeared that a two-year term, such as is enjoyed by the American Congress, was too short, while the former term of five years was too long to admit close contact between the electors and the Reichstag; hence a four-year term was chosen as a compromise. This does not imply, however, that the Reichstag must, like the American Congress, be permitted to finish its term without interruption, for the President of the Reich is permitted to dissolve it at any time, but only once for the same cause.

Whether the life of the Reichstag is normally or arbitrarily terminated, a new election must ensue within sixty days and the new body must convene thirty days thereafter. Annual sessions, beginning on the first Wednesday in November, must be held, but either the President of the Reich or one-third of the members may demand an earlier or extraordinary session. Once convened, the power of adjournment and reassembly is purely within the jurisdiction of the house, as is also the election of its President, Vice-president, and secretaries, and the regulation

of its procedure. Special safeguards are provided in the Constitution for the policing and care of the Reichstag Building, which is strategically important and was the scene of turbulent encounters at the time of the Revolution. In fulfilment of these, a law was passed May 8, 1920, for the protection of the Reichstag palace and the Prussian Landtag building. A specified area is prescribed which armed troops may not enter, while other measures are designed to safeguard the buildings from sudden assault.

Under the old régime, the Reichstag was the judge of its own membership and passed upon the validity of elections and the qualifications of members. That unfairness existed under such conditions was admitted; hence, when the passion of revolution and reaction were both strong, it was thought inadvisable by the Weimar Assembly to allow a purely political body to decide such matters. It might have appeared desirable to follow British precedent and appoint an impartial judicial tribunal to determine such matters; but a compromise was reached whereby a special body, known as the Electoral Commission, was set up, consisting of members of the Reichstag chosen by it for the period of its life, and members of the National administrative court appointed by the *Reichspräsident* on nomination of the president of the court. Pending the creation of this court, members of the Staatsgerichtshof officiated. A quorum of three Reichstag members and two judicial members is necessary for the Electoral Commission to act. It must hold public hearings, and may regulate its own procedure, although proceedings are in charge of a national commissioner who may conduct independent investigations. The elaborate machinery thus provided is hardly likely to be of particular importance, however, in view of the working of the system of proportional representation, which obviates by-elections.

The New Reichstag: Procedure and Powers

The proceedings of the Reichstag are open, although at the request of fifty members the public may be excluded by a two-thirds vote. A careful record of proceedings is kept, as in the old Reichstag, but no newspaper is legally accountable for the

reproduction of true and accurate reports of the Reichstag or Landtag sessions or of those of their committees. Thus it is no longer an offense against the government to record what happens in the Reichstag buildings.

In ordinary matters of legislation, the Reichstag requires a majority vote, although under certain circumstances provided for in the constitution, a three-fifths or two-thirds vote is necessary for effective action. The rules of procedure provide for the necessary quorum to do business. Bills are introduced by the Cabinet or by private members of the Reichstag, or by the Reichsrat. They are referred, after reading, to either the appropriate standing committee or to a special committee, if the Reichstag so decides.

Eight permanent committees of importance exist at present: those on procedure, petitions, commerce and industry, finance and customs, justice, budget, foreign affairs, and on protection of the rights of popular representation. The last two are innovations, provided for under the Constitution, to afford publicity,[14] or at least legislative acquaintance with the conduct of the nation's foreign affairs, and to accord the Reichstag protection against cabinet encroachments during its recesses. These two committees are endowed with the right to investigate anything within their competence.

In addition, the Reichstag may, on proposal of one-fifth of its members, appoint investigating committees on any subject, to whose command the judicial and administrative authorities—presumably of Reich and Länder alike—must bow. These committees undertake inquiries in conformity with the Reichstag's rules, as regards internal procedure and organization, and in conformity with the code of criminal procedure, as regards outside investigation. Compliance of the authorities with requests for information may not, however, violate the secrecy of postal, telegraph, and telephone services.

When committees report, through their spokesman at the tribune, a vote is taken on the measure in question. Voting may be by rising, by roll-call, or by a division, in which case

[14] Sessions, however, are not public unless so decided by a two-thirds vote of the Committee.

members leave the hall and reënter by particular doors, according as their vote is affirmative or negative. Vote by roll-call, or more strictly speaking, by name, implies merely that the name of each deputy is recorded, with his vote. This vote is by ballot and the color of the ballot of itself indicates affirmation, negation or abstention, thus permitting an exact record to be kept.

Explicit provision is made for the immunity of the members of the Reichstag from legal process. "No member of the Reichstag or of a Landtag shall at any time whatsoever be subject to any judicial or disciplinary prosecution or be held responsible outside of the house to which he belongs, on account of his vote or his opinions uttered in the performance of his duty."[15] Similarly, Reichstag members are immune from investigation or arrest, unless caught in the act or apprehended not later than the following day. Only with the consent of the house can such immunity be withdrawn, and the demand of the house serves to quash, for the remainder of the session, proceedings begun against a member.

Reichstag members may refuse to give evidence against public officials or private citizens in whom they have confided, and are exempt from seizure or search. In the Reichstag building searches and seizures are permissible only with the consent of the presiding officer. Special provision is made to permit civil servants and members of the armed forces to enter the Reichstag or the Landtags, as members, by giving them the requisite leave to prepare for their election. Reichstag members are given free transportation over all German railroads and also receive compensation amounting to 1500[16] marks a month, while those who serve on Reichstag committees between sessions receive a per diem of fifty marks in addition.

A brief statement of the relations between the Cabinet and the Reichstag as regards legislative procedure is necessary. The Reichstag and its committees may require the presence of the Chancellor and of any national minister, while these or their substitutes have the right to be present at the sessions of the Reichstag and its committees. The Länder are further en-

[15] Art. 36.

[16] This figure was established in 1919.

titled to send their "plenipotentiaries" to these sessions to submit the views of their governments on matters under consideration. This provision smacks of the powers of the former Bundesrat members to appear and urge their views on the Reichstag or its committees. Now, however, such representatives come as the pleaders for client "states" of the Reich, and have no legal status other than accredited representatives of the Länder. They do not, as such, represent the Reichsrat, for no provision is made for the representation of the views of the Reichsrat upon the floor of the Reichstag. Thus, the peculiar sway formerly held by the Bundesrat over the Reichstag has been removed, and there is actually nothing to take its place. Furthermore, the action of the Chancellor and the ministers in keeping informed of the proceedings of the Reichstag is no longer an inquisitorial superfluity; it is an essential element in their political responsibility to the house.

Parliamentary Control in the New Reich

The introduction of parliamentary government, it has already been pointed out, was one of the last steps taken under the old régime by the cabinet of Prince Maximilian of Baden. The principle of responsible government was acknowledged by Ebert in assuming the Chancellorship and declaring his dependence upon popular confidence.[17] On his elevation to the provisional Presidency, political responsibility to the Constituent Assembly passed into the hands of Scheidemann, as the first legitimately appointed republican Chancellor.[18]

The parliamentary procedure followed under the provisional Constitution passed on, essentially unchanged, into the definitive constitution of the Reich. As there stipulated,[19] the national cabinet consists of the National Chancellor and the national ministers, who are appointed and dismissed by the National President. They require for the administration of their offices the confidence of the Reichstag, and must resign if the Reichs-

[17] November 9, 1918.

[18] February 10, 1919.

[19] Arts. 51-58.

tag by formal resolution withdraws its confidence. It is worth noting, however, that of the cabinets existing under the Republic none as yet has been compelled to resign through a vote of lack of confidence on the part of the Reichstag, a fact which is due to the practice of consulting the party groups before seeking the approval of the chamber as a whole. Under the circumstances, the decisions in these caucuses have taken the place of the formal appeal for the downright expression of the opinion of the house. With the result of such an appeal fully determined in advance, a ministry has either nothing to fear, or else it cringes and resigns.

"The ministry, therefore," says Rene Brunet,[20] "is never overthrown; it retreats, or more correctly, it does not retreat, but changes." This, too, is due to the necessity of retaining, in each instance, a portion of a previous coalition in order to command a majority. So long as the Republic is menaced by monarchism on the one hand and by communism on the other, the locus of authority will be found in the parties of the center, which have hitherto been in power.

The position of the Chancellor under the new régime is indicated in the constitution as follows: "The National Chancellor presides over the National Cabinet and conducts its affairs in accordance with rules of procedure which will be framed by the National Cabinet and approved by the National President. The National Chancellor determines the general course of policy and assumes responsibility therefor to the Reichstag. In accordance with this general policy each national minister conducts independently the particular affairs entrusted to him and is held individually responsible to the Reichstag."

The ministers submit to the Cabinet for consideration all drafts of bills and other matters prescribed by the Constitution, and allow it to pronounce upon questions which concern more than one ministry. The Cabinet decides by a majority vote, the vote of the Chancellor being decisive in case of a tie. The countersignature of the Chancellor or the appropriate minister is required to give validity to all orders and directions of the President. By the countersignature responsibility is assumed.

[20] *The New German Constitution*, p. 184.

The Chancellor also takes the place of the President of the Reich in case of the latter's disability or removal. Finally, the Chancellor, President, and ministers are all subject to impeachment by the Reichstag before the Staatsgerichtshof for violation of the Constitution or laws of the Reich. Impeachment proposals must be signed by one hundred members of the Reichstag and approved by a two-thirds vote of a quorum of two-thirds the entire membership of the chamber.

As thus outlined in the Constitution, the position of the Chancellor and the ministers represents a compromise between the bureaucratic system prevailing under the old régime and the pure system of collegiate responsibility. An endeavor has been made to find a half-way point between the absolute subservience of the ministers, as under the old régime, and the principle of absolute equality with the Chancellor. The ministers are no longer a set of administrative servants, taking their orders from an unquestioned superior, but they cannot dictate to him what the government's policies shall be; cabinet policies are formulated by a majority, but it must be the Chancellor's majority, else he resigns and the cabinet must be reconstituted. In the main, collegiate responsibility exists, but it is wholly political and not administrative. The Chancellor alone determines the general outlines of national policy, while the ministers conduct the affairs of their departments along lines laid down by him.

The Chancellor is nominated, after party consultations, by the President. Here the National Executive is given little discretion, as the head of his cabinet must be a man possessing the confidence of a majority of the Reichstag, and it is difficult for many men, at a given crisis, to command it. But the Chancellor, under the Republic, is not the minion of the titular executive. He no longer shields an imperial ruler; he stands in no relation to the President except for receiving his commission of authority; thereafter he is a free agent in the appointment and selection of his colleagues. In theory, these are chosen by the President, but actually only upon nomination of the Chancellor. These may be dismissed in a similar manner, but the Chancellor cannot be recalled. Where von Bethmann-Hollweg, von Bülow

or von Hertling fell, because they came under Imperial displeasure, the Republican Chancellor stands unafraid, and bows only to the will of the majority of the Reichstag.

In general, the government under the new Constitution has endeavored to divide the acts of the Chancellor and ministry into political and administrative ones. Presidential acts which are countersigned by the Chancellor are regarded as political; those which are countersigned by an individual minister, as administrative. Again, some decisions of an administrative character, if they assume political importance, are collective, while others are purely individual. As regards responsibility to the Reichstag, that of the Chancellor is entire and complete, while it is held that the ministers are not necessarily collectively responsible. In fact, however, this contention is highly legalistic, as the overthrow of the Chancellor would entail the resignation of the whole ministry. Finally, the Chancellor and ministers are given the power of issuing ordinances in conformity with national laws, though the consent of the Reichsrat is sometimes required.

The general conclusions to be drawn from this study of the workings of cabinet government in the new Reich are in substance as follows: (1) There is no question whatever that the introduction of a thoroughly responsible ministerial system has been consummated. (2) The responsibility of the Chancellor and ministers has been somewhat circumscribed by the attempt to draw a distinction between their political and administrative responsibility. (3) The instability of ministries, thus far, under the Republic, is the product of peculiar conditions at home and abroad, which give little opportunity for the parliamentary system to function normally. (4) Political responsibility is directly pivoted and concentrated on the Chancellor.

The endeavor made at Weimar to reduce to writing the rules under which cabinet government is to be conducted constitutes a unique development in constitution-making. Lacking all traditions of the operation of responsible government either in the Reich or the Länder, the Constituent Assembly was obliged to set down for the new Reich the ironclad rules

of constitutional government in ways which may not function perfectly for many years, and which may require profound modification. They serve, however, as a norm for the parliamentary system, and the example of the Weimar Constitution has been explicitly followed—and even surpassed—in the constitutions of other new states lacking even the beginnings of the traditions of democratic national self-government.

The Reichsrat

The Weimar Assembly furnished the model for the revivified Reichstag; the Commissaries of the People formed the nucleus for the Cabinet; the selection of a Chief of State offered no particular problem. In the creation of a body to take the place of the old Bundesrat, however, very fundamental problems were raised. The Fürstenbund had disappeared, and the organization of a monarchical chamber was impossible. The creation of a House of Peers was incredible under the Republic. If a Senate were to be created—if, in fact, any second chamber was to exist—sound reasons for its existence must be furnished. On the other hand, the champions of Social Revolution favored a Parliament of Labor created alongside of the Parliament of all the classes. The governments of the Länder wanted some form of representation, yet it was obvious that the powers concentrated in the old Bundesrat had passed into new hands. The Commissaries of the People were administering the realm, issuing ordinances, and conferring with the representatives of the Workers' and Soldiers' Councils from all over Germany. What, then, was to be the nature of the second chamber?

The rejection of the idea of a Conciliar Republic by the Social Democrats eliminated the possible solution through a Supreme Council of Workers and Soldiers. In the democratized Reich there was to be no class dictatorship. Simultaneously, the plan for a Parliament of Labor was discarded, although the idea of vocational representation was accepted in principle and later given attention. Any other basis of organization must seek, not revolutionary institutions, but some compromise with the old order, some half-way house between the revolutionarily

unattainable and the constitutionally obsolete. Such was the compromise effected in the creation of the Reichsrat.

Could the federal nature of the new Reich have been posited, there would have been no difficulty in keeping the name of the old Bundesrat and thereby emphasizing the federal character of the union between states and the national Government. But the failure to partition Prussia in the interests of equalitarian federation excluded the possibility of creating a purely federal Senate, and opened the way to a compromise between strict federalism and centralized Government. This was found in the Reichsrat, as the body representative of the Länder. "That body," says Preuss, "is composed of members of the governments of the different territories or of substitutes appointed for them, who speak and vote in the name of those governments." Originally, Preuss proposed the creation of a Chamber of States composed of delegates of the German Republics, chosen from among the citizenry, much as the First Chamber of the States-General is chosen in the Netherlands by the provincial Governments. The failure of the project to receive the approval of the Weimar Assembly arrested the process of centralization and threw back the Reichsrat to a quasi-federal foundation. In appearance, its composition does not differ greatly from that of the old Bundesrat, but its fall from the former's high estate can be measured by its relative impotence and by the allocation to the Cabinet of powers exercised by the old Bundesrat.

In the Reichsrat,[21] each of the Länder has at least one vote and, in the case of the larger Länder, one vote is accorded to every million inhabitants. Any excess, if equal to the population of the smallest Land, gives an additional vote, but it is prescribed that no Land shall possess more than two-fifths of all the votes. This provision was inserted in order to make sure of the subordination of Prussia. The total number of votes in the Reichsrat is determined by the body itself after each general census. The Länder are represented by members of their Cabinets, who are now, as they were not under the old Bundesrat, politically responsible to the popularly chosen Land-

tag in every instance. Nor are the votes cast by the Länder necessarily *en bloc* or subject to instructions from the home Government.

The Länder have the right to send as many representatives to the Reichsrat as they have votes, but not more than one representative from any Land can serve on any one committee of the Reichsrat. As at present constituted, the Reichsrat consists of fifty-five members, of which Prussia controls 22, Bavaria 7, Saxony 5, Württemberg and Baden 3 each, Hesse and Thuringia 2 each, and the remaining states one each. Constitutional provision was made for the casting of half the votes of Prussia by the Prussian provincial administrations—thus more clearly revealing the non-federal character of the Reichsrat.[22]

The Reichsrat is presided over by a Cabinet member,[23] and is convoked ordinarily by the Cabinet, although on the demand of one-third the members it must be convoked. Similarly, Cabinet members must preside over the Reichsrat Committees. Of these there are eleven, created by the Reichsrat itself, and comprising nine members each. The rules of procedure are of the Reichsrat's own making.[24] They provide for permanence of the Reichsrat, i. e., for continuous session, and for the assent of the Cabinet to any interruption of its sessions. As a body, it keeps in close touch with the ministry of the Interior in the conduct of business, as does the Central Bureau of the Reichstag.

Plenary sessions are summoned by the government, on specified days of the week, at a definite hour. A majority constitutes a quorum except in case of proposed constitutional amendments. Bills must come up for a vote within three weeks of their introduction, and are twice subjected to investigation by committees; final vote on a bill can be postponed on the demand of one-third the members. Reichstag bills must be put on the calendar within a week of their engrossment by that body, and a vote taken at that time as to whether the Reichsrat will enter a protest. Such protests, to be valid, must be brought

[22] Until July 1, 1921, however, the Prussian Cabinet was empowered to cast all the votes for Prussia.

[23] Art. 65.

[24] Art. 66.

before the Cabinet within a fortnight. Plenary sessions are public—to passholders—but committee meetings are not. Even plenary sessions may be closed to the public under the rules of procedure. For the passage of bills, either by the whole Reichsrat or by its committees, a simple majority suffices.

The Cabinet has the right and, on request of the Reichsrat, the duty, to participate in its proceedings, and Cabinet members must be heard on their demand at any time during the deliberations of the body. Both the Cabinet and Reichsrat members are entitled to lay proposals before the Reichsrat. When these have been passed, they normally go to the Reichstag, where the objections of dissenting parties are made known. If the Reichstag passes by a two-thirds majority a bill against which the Reichsrat has protested, the bill becomes law unless the Reichspräsident chooses to put the matter to a referendum.

In the domain of national administration the Reichsrat has but a vestige of the authority formerly possessed by the Bundesrat. It is stipulated by the Constitution [25] that the Reichsrat shall be kept informed by the national departments of the conduct of national business, and that, at deliberations on important subjects, the appropriate Reichsrat committees shall be taken into consultation. Only in the case where execution of national laws is delegated to the administrative authorities of the Länder, is the Reichsrat legally given any share in national administration. In these instances, it must give its assent to make such laws or ordinances valid.

What rôle the Reichsrat will ultimately assume in the new Reich depends entirely upon its vigilance in the public welfare, upon its broad-mindedness and freedom from excessive particularism, upon the caliber of its members. If it possesses these qualities, it will undoubtedly earn for itself the esteem of all the citizenry and prove a valuable ancillary feature to a country unaccustomed to the paths of responsible government.

The National President

The Weimar Assembly faced no particular problem in creating the office of National President. In adopting a Republican

[25] Art. 67.

form of Government, it was to be expected that a presidential office would follow. The question that primarily concerned the framers of the German constitution was that of the powers which should be associated with the office. If a parliamentary régime was to be instituted in Germany, there could not be a strong and independent executive as in the United States. A collegiate body, on the model of the Swiss executive, in which the President is chosen by Parliament for a term of a single year, was deemed unsuited to the importance and dignity of the Reich and rejected. Again, a President elected by a constituent body, as in France, and utterly dependent upon the will of the Chambers, was distasteful to Germans in the hour of military defeat and international impotence. A strong personality, a strong office, was needed for the Reich executive, with sufficient independence of action to permit respect, yet without the autocracy that accompanies irresponsibility. This being the dilemma, a popularly chosen executive was decided upon in order to endow him with democratically derived power and make him directly accountable to the German democracy for the conduct of his office.

In France, the abject impotence of the Presidency was the result of the attempt of men on horseback to ride into a dictatorial office; but in Germany it was thought that a president, deriving his mandate from the war-wearied people, would seek neither a monarchic restoration nor the usurpation of parliamentary authority. Unfortunately no outstanding personality for whom to build the office presented itself, and the office created by the Constitution has not been occupied by any man fully qualified for it. In the hands of Ebert, it was realized that the Presidency would at least be innocuous; at most it might be democratic.

As finally constituted,[26] the Presidential office was opened to any German over thirty-five years of age. Like the French Presidency, it was made a septennate, for the sake of continuity in the Constitution, and reëligibility for office was provided. The details of the method of election were left to be settled by law. In consequence, although no election has as yet

[26] Arts. 41-59.

taken place,[27] the law of March 4, 1920, regulates with precision the method of election. The electorate is the same as that which chooses the Reichstag, and the election is therefore direct. To be elected, a candidate must receive more than half of all the valid votes. Failing this, a second ballot is taken, in which case a plurality serves to elect. In case of a tie, the election is decided by lot.

The unrestricted freedom of the people to elect is coupled with an equal freedom on their part to remove the President, if removal is proposed by a two-thirds vote of the Reichstag. In the event of such a recall, the President is suspended from further exercise of his office. A refusal by the people to remove the President after a recall is instituted has the effect of a new election and entails the dissolution of the Reichstag. The reason for this provision is obvious: a conflict between two political forces both issuing from the same electorate must be decided by the people themselves, in which case the side adjudged in error must bow to the popular will. On assuming office the President takes before the Reichstag the oath to devote all his energy to the welfare of the German People, to increase their prosperity, to protect them from injury, to preserve the constitution and the laws of the Reich, to perform his duties conscientiously and to deal justly with all. The Constitution[28] sets up no obligatory religious affirmation, although the addition of such is permitted.

The powers of the President are not unlike those found in many other constitutions. In the first instance, the President represents the Reich in matters of international law. The treaty-making power is in his hands, but all treaties have to secure the consent of the Reichstag. Declarations of war, peace,

[27] Since the Monarchist elements in the Reichstag kept continually urging the election of a president the issue had to be faced squarely during the last days of the Wirth ministry in its campaign for the defense of the Republic. To frustrate monarchist efforts to precipitate a crisis, the Reichstag, on October 24, 1922, passed by a vote of 310 to 77—practically on monarchist vs. republican party lines—a bill extending the term of office of Ebert to June 30, 1925. This temporarily stopped the prospects of a presidential election.

[28] Art. 42.

and amnesty are made only by national law, hence the power of the President in these fields is definitely circumscribed. The President accredits and receives ambassadors, appoints and dismisses the civil and military officers of the Reich if not otherwise provided by law, and may delegate this authority.

The President further has supreme command over all the armed forces of the Reich, and may, if a Land does not perform the duties imposed upon it by the Constitution or laws, compel performance by the use of the armed forces. Again, if public safety and order are materially disturbed or endangered in the Reich, the President may take the necessary measures to restore them through military intervention. The Constitution [29] permits him under such circumstances temporarily to suspend the fundamental rights of freedom from arrest, search, and seizure; of secrecy of postal, telegraphic, and telephonic communication; of freedom of speech, press, assembly, and association, and the right to own private property.

It will thus be seen that the military powers of the President are very broad. The constitution makers thought it essential to endow the head of the state with such authority during the troublous times through which Germany was passing, and their exercise has not been infrequent. In any event, however, the President must inform the Reichstag of all measures taken for the preservation of public order and safety, and the revocation of such acts by order of the Reichstag is imperative. Thus the state of siege proclaimed on the eve of the elections to the Reichstag in 1920 was revoked at the demand of the Reichstag. The Länder are also given authority to take their own measures, under similar circumstances, subject to revocation on the demand of the President or the Reichstag. Constitutional provision was made for the regulation of details on this matter by national law. The constitution gives the President considerable discretion in determining when to institute military measures of coercion of the population, and the exercise of this authority by the President has not been infrequent. When delegated to the minister of war, the measures taken have in some instances been particularly severe; otherwise, the procla-

[29] Art. 48.

mation of a state of siege has been in many instances a mere formality, to permit the government full liberty of action in coping with internal disorders.[30]

The Constitution does not explicitly provide for the presence of the Reichspräsident at Cabinet meetings, or for reports from the Cabinet to the President, but, as these are inseparable from the satisfactory working of a parliamentary system, both ac-

[30] The passage of a law for the defense of the Republic was not undertaken until July, 1922, when the assassination of Walther Rathenau, the foreign minister, revealed the existence of a widespread organization for the assassination of republican leaders, including the President of the Republic. In virtue of his constitutional prerogatives, President Ebert, on June 30, 1922, issued a decree making it a criminal offense to belong to, or support, monarchist organizations, and providing the death penalty or long term imprisonment for the violation of the decree. This decree further provided for the eventual expulsion of any pretenders for local thrones or for the crowns that fell on the proclamation of the Republic, November 9, 1918.

A decree of June 25, 1922, issued immediately after the assassination of Rathenau, proscribed meetings, processions, or proclamations contrary to law or inciting to the destruction of the Republican Constitution, to any acts of violence against incumbent or past members of the Republican Government or tending to rouse the country to approve such acts as might bring into contempt Republican institutions in such a way as to disturb the internal peace of the country. Unions and associations involved in such machinations were made subject to dissolution by the Ministry of the Interior, on request of the Cabinet. Furthermore, a tribunal for the defense of the Republic was provided for, to be composed of three members nominated by the Staatsgerichtshof and four members nominated by the President of the Republic, before which all cases arising under the laws for the defense of the Republic were to be tried. Persons convicted of actual incitation to violence, conspiracy, or complicity therein, or of receiving compensation for such acts, were made liable to imprisonment and fines up to 500,000 marks. Calumny of the Republic or any attempts at its subversion were provided for according to the existing criminal code, but were also made amenable to the new law. Outright confiscation of newspapers urging or inciting to violence was permitted.

Not content with the simple decreeing of such measures, the Wirth Cabinet staked its existence on their incorporation into the Constitution. To this end, the consent of the various party groups was sought and the amendments were hurriedly rushed through the Reichsrat and the Reichstag. In addition, the integration of the national police forces under the direct control of the Reich was attempted, under pretext of defense of the Republic, despite the protests of Bavaria, in view of the inefficacy of police inquiries made through the Landesregierungen. It is further proof of the utter breakdown of the former federal structure that the creation of such a unified police organization should have been possible.

tions take place. Thus the Reichspräsident is continually kept aware of the action of the Cabinet, and may require the opinion of the Cabinet on any matter of importance. Ebert has made it a custom to preside at Cabinet meetings if he is so inclined, although very naturally he has no vote in the proceedings. The relations of the President to the Reichstag and the Reichsrat are less intimate; he rarely invades the precincts of Parliament, and then only on important state occasions, as when Ebert delivered the funeral oration over the body of Rathenau in the Reichstag.

In connection with legislation, the President is under obligation to compile the laws constitutionally enacted and to publish them, within a month, in the *Reichsgesetzblatt,* if no objection has been made against them,[31] whereupon they take effect in a fortnight. Promulgation of laws may be deferred for two months on the demand of one-third the Reichstag, unless both the Reichstag and the Reichsrat have declared them urgent, in which case they enter into effect immediately. Promulgation may also be deferred by action of the President himself, who may order a referendum on the law.[32]

Direct Legislation

It will be noted that the German democracy has been vested with the power to recall the chief executive. In addition, the other instruments of direct legislation, the initiative and referendum, are provided for in principle by the Constitution, the details being left to national law for development. Referenda may, as has already been instanced, originate with the President; they may also originate with the people, the Reichstag, and the Reichsrat. Initiative acts, of course, originate in popular petition, but need not under all circumstances come to a popular vote. "A law enacted by the Reichstag shall be referred to the people before its promulgation, if the Reichspräsident so orders within a month. A law whose promulgation is deferred at the demand of at least one-third of the Reichstag shall be

[31] Arts. 70, 71.

[32] Arts. 72-73.

submitted to the people if one-twentieth of the qualified voters so petition." "A popular vote may be taken on the budget, tax laws, and laws relating to the classification and payment of public officers only by authority of the Reichspräsident." "An Act of the Reichstag may be annulled by a popular vote only if a majority of those qualified take part in the vote." [33]

These constitutional provisions explain simply the operation of normal legislative referenda. It is to be noted that the power of the Reichsrat to order legislative referenda is not explicitly stated, and that its power extends solely to constitutional referenda, shortly to be discussed. The only way in which the Reichsrat may indirectly bring about a legislative referendum is by persistent refusal to come to accord with the Reichstag on a legislative matter on which the Reichstag cannot command a two-thirds majority, in which case the law is nullified unless the President subjects it to popular decision. If the Reichstag can command a two-thirds majority in such matters, the decision as to promulgation or popular referendum is left entirely to the President.

Constitutional referenda,[34] on the other hand, require a distinct procedure. To begin with, constitutional amendments are beyond the power of popularly initiated referendum, or of dissenting Reichstag minorities, in view of the extraordinary majorities [35] required for their passage. If, however, the Reichstag, even with its extraordinary majorities, is not able to come to accord with the Reichsrat, the latter body may appeal within a fortnight to the people for their decision on the matter.

The initiative is provided for in the constitution as follows: "A popular vote shall further be resorted to on a measure initiated by the people if one-tenth of the qualified voters so petition. A fully elaborated bill must accompany such petition. The National Cabinet shall lay the bill, together with a

[33] Arts. 73, 75.

[34] Art. 76.

[35] A two-thirds vote of a two-thirds quorum in the Reichstag, a two-thirds vote in the Reichsrat.

statement of its attitude, before the Reichstag. The popular vote does not take place if the desired bill is enacted without amendment by the Reichstag." "If an amendment to the Constitution is to be adopted by the people by popular initiative, the assent of a majority of the qualified voters is required." [36]

The detailed application of the initiative and referendum provisions of the Constitution has not yet been consummated, although government proposals to that end have been made. Their main tenor has been to endeavor to curtail so far as possible all purely frivolous initiatives, while affording the best possible consideration to both initiative and referendum measures of a serious character. All told, the Constitution itself, and the government of the Reich, in practice, have been cautious in the extension of the principle of direct democracy, although the Constitution for the first time extends the principle of recall to the head of the State. In a country where revolutionary ideas were rampant, where the paths of parliamentary government were being trod with trepidation, it was not to be expected that, either in principle or in practice, attempts would be made to substitute direct democracy on an extended scale for the principles of representative government. As it is, a wholesame balance has been struck without weakening either the power of the chief executive, or menacing the inevitable supremacy of Parliament.

The Judiciary

The Revolution left the judiciary essentially untouched. Whatever the crying evils of the old régime may have been, they were chiefly political and economic, and the courts carried out the law unflinchingly as it stood upon the books. Moreover, German legal talent had spent itself prodigally on the codification of all kinds of law, so that little need existed for the revision of the laws on the morrow of the Revolution. What changes have transpired in the ordinary procedure of justice, apart from considerations of administrative law, have

[36] Arts. 73, 76.

been chiefly the results of affording the German citizenry a bill of legal rights applicable in the courts and binding thereon.

Therein it is specified that persons who are deprived of their liberty shall be informed, at latest on the following day, by what authority and on what grounds such deprivation has been ordered and that they shall, without delay, receive an opportunity to present objections against such loss of liberty.[37] Furthermore, no *ex post facto* laws may be passed,[38] no German may be extradited,[39] and no one may be removed from the jurisdiction of his lawful judge.[40] The provision abolishing extradition was inserted in order to prevent the surrender of war criminals to the Allied Governments. Whether, in view of the war-psychology in Allied countries, anything would have been gained by an attempt to punish these—or the Kaiser, had the Netherlands Government permitted his extradition—in Allied countries, is extremely problematic.

Ordinary jurisdiction is exercised throughout the Reich by the Reichsgericht and the courts of the Länder. The previous integration of the judiciary served the purposes of the new Reich sufficiently well to make any change in the manner of its organization superfluous. Judges are independent, therefore, and subject only to law. Judges of ordinary jurisdiction are appointed for life, but may, against their wishes, be permanently or temporarily removed from office, transferred to another position, or retired, though only by virtue of a judicial decision and for the reasons and in the forms provided by law.[41] Age limits may be legally fixed, at which judges may be retired. This does not prevent temporary suspension, as provided by the existing laws. Transfers from one court to another or removals from office in case of reorganization of the judiciary are possible but only with the allowance of full salary to the judges affected. Commerce court judges, minor magistrates, and jurymen are not subject to this provision. Extraordinary courts in general are made illegal, although military courts and courts martial, created in conformity with

[37] Art. 114.
[38] Art. 116.
[39] Art. 112.
[40] Art. 105.
[41] Art. 104.

the existing law, are not affected; military courts of honor are abolished.[42] Military jurisdiction is abolished except in time of war and on war vessels. Finally, provision is made for the creation of a series of administrative courts in the Reich and the Länder and for the Supreme Judicial Court or *Staats-gerichtshof*, as the ultimate arbiter between the Reich and the Länder.[43]

The only trace of judicial authority conferred upon the Reichspräsident has been the right of pardon,[44] which is accorded him, although for general national amnesty the action of the Reichstag is required.

The Fundamental Rights and Duties of Germans

It has previously been pointed out that the constitution of the old Reich had no bill of rights. What legal safeguards there were for the subjects of the Empire, against either personal or property injuries, came through the constitutions of their respective states. Though citizenship in the Empire was scrupulously defined, no corresponding definition of the rights of citizenship was to be found. Hence, in the creation of any bill of rights for the new Reich, the Weimar Assembly had no older Imperial model to work upon. Perhaps it is this very freedom from hampering precedent that permitted the framing of a wider set of fundamental rights and guarantees than appears in any other modern constitution. The Constitutional Committee in the Assembly, it is true, examined other notable charters of liberty, such as the American Declaration of Independence and the Bill of Rights in the Constitution, the French Declaration of the Rights of Man and the Citizen, and lastly, the proposed Bill of Rights in the Liberal Constitution elaborated by the Frankfort Parliament of 1848.

But the spirit which actuated the Weimar Assembly was not that which pervaded the bodies which produced these documents; in lieu of the doctrines of natural rights, which en-

[42] Art. 105.

[43] Arts. 107-8.

[44] Art. 49.

gendered the bills of rights of the American and French Revolutionary periods; in lieu of the Liberal doctrines of laissez-faire which dictated the precepts of 1848, there was set forth the doctrine of social solidarity, of the individual's duty of service for the collective group—in short, a radically different social philosophy, based upon the ideals of the joint social-political revolution of 1918.

Certain tone and color is given to the bill of rights by an understanding of the party alignments which produced it. If the principles of political democracy, in their highest sense, were contributed by the Democrats, the economic principles were the work of the Social Democratic and Independent Socialist parties, whose views, says a competent critic, make the new Constitution vibrate with the tramp of the proletariat; finally, the sections on education and religion were fashioned only after compromises insisted upon by the avowedly religious parties, both Lutheran and Catholic. Especial emphasis is laid on the correlation of rights and duties: whereas, in a genuine Liberal Constitution of the mid-Victorian era, nothing is required but a catalogue of self-abnegations on the part of the State, the Weimar Constitution demands the fulfilment of social duties by the citizen as a compensation for the enjoyment of both individual and social rights. It is true that criticism has been made of the indiscriminate grouping of political precepts, economic theories, and legal commands into an integrated bill of rights, and the equal legal validity of the various clauses has been questioned, but no decision has come, from either a constituent or a judicial body, on the matter, hence the equally binding powers of the various clauses may be posited, until a contrary decision has been rendered.

Among the individual rights[45] guaranteed to the citizens of the new Reich is that of equality before the law. No discrimination is made between men and women in their civic rights and duties; privileges or discriminations due to birth or rank are abolished; henceforth, titles of nobility are regarded as merely appendages to the name of a person. Professional titles remain, but no orders or honorary insignia are to be conferred

[45] Arts. 109-118.

by the state and no German may accept foreign titles or decorations. Honorary offices, titular in character, are not, however, affected by these provisions; neither are the titles granted as decorations for service during the World War.

In consequence of the equality of all before the law, equal rights and privileges and duties are possessed by the citizens of the individual Länder, in all the parts of the Reich. Every citizen of a Land is, therefore, at the same time a citizen of the Reich. No change has been effected in the Delbrück Law of July 22, 1913, in regard to the acquisition and loss of German nationality, except that in view of the abolition of compulsory military service in Germany, no loss of citizenship ensues from the fact of non-fulfilment of this hitherto binding duty. Freedom of choice of residence, of travel, of ownership of land, of choice of vocation, of emigration, are all guaranteed, and diplomatic protection abroad is assured. In compliance with the provisions of international treaties, guarantees are furnished to racial minority groups against administrative interference or legislative discriminations, particularly with regard to the use of the languages of such nationalities. In addition to the legal guarantees against illicit arrest, search, and seizure, previously discussed, the rights of free assembly, association, suffrage, and petition are guaranteed.

Among the rights of the individual in his relation to the community [46] in which he lives, is that of active participation in local self government. Protection is especially accorded to civil servants, in their appointment, security of tenure, and their official responsibility, the State assuming the full responsibility for the administrative acts of its officers. It is characteristic of the social philosophy of the Constitution that marriage, maternity, the family, illegitimate children, and all youth are placed under the special protection of the state. All citizens are given full opportunity for education, work without exploitation, and sane amusement, but, on the other hand, they are obliged legally to render personal services to the state and the municipality, and to contribute according to their means to the support of the State. Here the socialistic state strikes the

[46] Arts. 119-134.

balance between state aid given and the compensating return through the individual's social service.

The transition from the Hohenzollern Empire, backed by the organized force of the Prussian State Church, to the democratic republic with religious liberty and complete toleration, was not consummated without difficulties and compromises. The net result of the party alignments and pronouncements along these lines is found in the section of the Constitution devoted to religion and religious societies.[47] Complete liberty of belief and conscience is assured under these provisions. Without altering the existing laws, the principle of the free exercise of religion is assured and is placed under public protection. A careful endeavor to lay down principles of policy with regard to the treatment of religions declares that civil and political rights and duties are neither conditioned upon, nor limited by, the exercise of religious liberty. No religious test is required for eligibility or admission to office, nor is any one under obligation to reveal his religious convictions, though religious affiliation may be ascertained for the purpose of statistical information. The abolition of a state church is left to the Länder, which are to carry out, in their jurisdiction, the principle that "there is no state church."

Religious societies are guaranteed freedom of association and internal autonomy; new societies may be incorporated according to the existing law, if they give guarantees of permanence. Union of religious associations is fully permitted, and ethical culture societies are given the same status as any other religious organizations. Furthermore, the property of religious associations is guaranteed—ostensibly against any scheme of expropriation for social purposes. The Reich reserves to itself, however, the right to regulate the bases on which religious societies, organized by special grant, may receive contributions from the Länder. The most striking evidence of functional devolution on the part of the Reich is seen in the provision that duly incorporated religious societies are entitled, on the basis of the civil tax rolls, to raise taxes according to the laws in force in the various Länder. Such levies are, of course, in almost all

[47] Arts. 135-141.

cases, confined strictly to those affiliating with the particular organization.

The sphere of education and the extent of state control over it was another battle-ground fought over by the Center Party and the Social Democrats at Weimar. The Center Party, determined to secure, if possible, the recognition of the supremacy of religious over secular influences in regard to education, faced an equally determined group in the Social Democrats, traditionally supporters of non-sectarian education. When, in addition, the two parties fortuitously became allies in the political coalition that signed the Treaty of Versailles and the Weimar Constitution itself, it was obviously necessary to come to a compromise. That compromise, or series of compromises, is of singular interest in view of the similar factious controversies of Clericals and Socialists in Belgium, with a resulting decline in the standards of education and a tightening of party lines by bitter controversy. The principles developed in compromise reveal in the educational field, also, the new philosophy of reciprocal social services by state and individual.

The fundamental principles in public education as enunciated in the constitution [48] are, that it is free, compulsory, systematically organized, and under state control, subject to participation by municipalities and Länder in the general common school system. To safeguard scientific teaching against any possible limitations, it is placed, along with art, under the specific protection and patronage of the state. The training of teachers, their treatment as state officers, as regards rights and duties, the inauguration of systematic correlation of the school system under skilled technical experts, are all provided for specifically. An innovation in regard to the length of the compulsory school attendance is found in the provision that education is to be freely furnished until the student's eighteenth year, and must include eight years in common schools and three years in continuation schools. Public assistance to parents in straitened circumstances, in order to permit the higher education of their children, is to be provided.

Another aspect of this social equalization is shown in the

[48] Arts. 142-150.

principle that acceptance of children in particular schools is dependent upon their qualifications and inclinations, and not upon the economic and social position or the religion of their parents. The specialization of training in view of its vocational application—a common principle in German education—is to be considered along with the needs of higher education and preparation therefor. "All schools shall inculcate moral education, civic sentiment, and personal and vocational efficiency in the spirit of German national culture and of international conciliation."

Such is the spirit of the democratized Reich towards those in its care as regards the international position of the Reich. It is perhaps the most wholesome evidence of the moral and spiritual regeneration of Republican Germany which could be demanded. Civics and manual training, the compulsory study of the Constitution and the Republican institutions which it establishes, are now integral parts of the school curriculum. In agreeing to such a definite political training for German youth, the founders of the Republican Reich sought to bring to the assistance of the Republic the bulwarks of popular education as defenders against the recrudescence of monarchism.

It is in connection with the administration of religious education that the departure from features generally accepted as liberal in other countries is most noted. A system of denominational religious instruction, under State auspices, is established in municipalities at the wish of those who are desirous of receiving instruction. For the application of this principle to the primary schools national legislation has already made provision. Religious instruction is imparted in accordance with the principles of the religious organization concerned, the State retaining the right of supervision. Teachers are at liberty to coöperate in this instruction or not, as they desire, while the participation of pupils in religious study is left to those legally controlling their religious education. As regards higher education, the Reich guarantees the continuance of theological faculties in the universities.

Although public schools are the main avenue of education, private teaching is not excluded. The approval of the state

and compliance with the regulations in force in the Länder, and maintenance of standards equal to those of the public schools are required for the establishment of private schools. If, however, their maintenance tends to the segregation of students according to the economic status of their parents, or if the economic and legal status of the teachers therein is not sufficiently assured, permission for their creation must be withheld. In the interests of pedagogical experiment, or segregation on a basis of capacity, or for the sake of appeasing an aggressive religious minority, private elementary schools may be authorized; other private preparatory schools are abolished.

In the reorganization of Germany's educational administration provision for student self-government and parental supervision has been made by law, both bodies being organized on the conciliar basis. The students' councils are direct democracies, intrusted with disciplinary functions for the most part, and without actual executive power, while the parents' councils are representative bodies, endowed with powers of investigation and inquiry, and a revisionary interest in cases of extreme discipline.

CHAPTER III

SOCIAL DEMOCRACY IN THEORY AND PRACTICE

THE CONSTITUTIONAL PRINCIPLES OF A SOCIAL DEMOCRACY: *The Wartime Labor Movement—Effects of Wartime State Socialism—The Arbeiterräte—The Arbeitsgemeinschäfte—The Conciliar Compromise—The Trade Unions—Conciliar Organization—The National Economic Council—Factory Councils Law—General Provisions—Forms of Factory Councils—Powers of Factory Councils—Actual Rôle of Factory Councils—Rôle of the Reichswirtschaftsrat.* SOCIALIZATION: *Effect of the Revolution on Socialist Policies—Division of Counsels as to Socialization—Action of the Constituent Assembly—The Doctrine of Economic Maturity—Constitutional Provisions as to Economic Life—The Bourgeois Guarantee—Constitutional Socialization—"Complete Socialization"—"Partial Socialization"—Socialist Cartels—Flexibility of Socialization Schemes—Socialization in the Coal Industry—The National Coal Council—Practical Results.*

THE CONSTITUTIONAL PRINCIPLES OF A SOCIAL DEMOCRACY

THE fruits of the Revolution of 1918 are not confined to the establishment of a political democracy in Germany. In many respects, the constitutional provisions organizing in a new manner the economic life of the country are innovations of peculiar import in the annals of government. The incorporation into a fundamental charter of the principles of economic organization, which are inseparable from a social revolution as generally conceived in modern times, marks the Weimar Constitution as a most important document in establishing the fundamental principles of industrial and economic organization in the socialized state.

It is true that Imperial Germany had advanced even further than was generally supposed along the paths of state socialism before the World War; the necessity for a skilful correlation of national forces in the gigantic enterprise of prosecuting the war further integrated the tendencies already manifest before its outbreak. With the advent of compulsory labor for national defense, it became necessary in Germany, as in England,

to extend the scope of the limited opportunity for self-expression theretofore given to industrial workers. The immediate consequence was the widespread organization of shop councils in all essential industries or all connected with the work of national defense in order to permit the workmen to pass judgment upon matters of immediate concern to them, such as the decision of differences between employers and employees. Under various captions, either as workers' committees, joint arbitral committees, or committees on decision, these groups were organized to iron out the differences between the employing state and the employed group.

The entering wedge in the invasion of the vested rights of the employers had been driven, and by the covert organization of the *Arbeiterräte* during the last months of the war, there was laid a firm basis for the assumption by the workers of economic power, if not of political control, on the outbreak of the revolution. Mention has already been made of the conflicting tendencies in the Social Democratic groups on the morrow of the revolution. The decision ultimately made to postpone the consummation of the social revolution until the political revolution had been completed, naturally led to the postponement of the problems of economic organization until the Weimar Assembly should take action.

Meanwhile, the workers endeavored to consolidate their economic power apart from the conciliar system which would have brought them immediate political authority. The labor unions, by direct negotiation with the employers' associations, laid the cornerstone for the new democratic control of industry by constituting formally the boards for the determination of labor questions on a basis of complete equality between employers and employees. As thus constituted, the *Arbeitsgemeinschäften* became the recognized agencies for the determination of the mutual relations of employers and workers, and the solution of their common problems. Without actively competing with the Workers' Councils organized for the securing of political power, the Arbeitsgemeinschäften rapidly produced an integrated pyramidal national organization with a central Council and a central executive committee charged with the fulfilment of the

Council's decisions. In this task the employers and employees were assisted by a decree of the Revolutionary Government,[1] formally continuing the shop councils organized during war time, and confirming the powers granted to such bodies. These boards were to be organized in all industries and to coöperate in the maintenance of industrial peace.

With the advent of Spartacism and the endeavor of the Räte[2] to grasp political control, a conflict ensued between the Räte and the Gemeinschäften, closely parallel to that between the Minority and the Majority among the Socialists. The trade unions, regarding themselves as the organizations traditionally championing the cause of labor, refused to recognize the right of abortive organizations seeking political control to deprive them of their time-honored economic function in the industrial community. The Räte, on the other hand, claimed for themselves superiority to mere trade unions, and rallied large numbers of the disheartened working classes to their support. While certain groups, such as the Christian Trade Unionists, sought a common ground between the claims of the Räte and Gemeinschäften advocates, the cabinet and the Social Democratic party, as a whole, stood firmly against the entire conciliar system, and admitted the validity and usefulness of only the Arbeitsgemeinschäften. Political pressure of the Independents and the Trade Unions soon forced the Scheidemann cabinet to abandon this viewpoint, and, in the end, the conciliar principle, much weakened in its application by the amendments suggested by the various parties, received its sanction in the Constitution.

As finally incorporated into the Constitution,[3] the principle of conciliar organization of wage workers and salaried employees together with employers on terms of complete equality, is recognized. The purpose of the councils is to regulate wages, working conditions, and the entire economic development of the productive forces. Recognition of the legitimacy of organizations on each side and of the binding effect of agreements between them is expressly stipulated. Two phases of the con-

[1] Issued December 23, 1918.

[2] I. e., the Workers' and Soldiers' Councils.

[3] Art. 165.

ciliar organization are then set forth, first, that of workers' councils, representing the wage earners and salaried employees, organized locally in factories, districts, regions (denominated "economic areas"), and finally into a single national body, called the National Workers' Council. Second, the district, and national bodies, when assembled together with representatives of the employers and other interested classes, constitute a National Economic Council, entrusted with joint performance of economic tasks and coöperation in the execution of measures of socialization. To safeguard these economic councils from the dominance of any one class, it is provided that they shall be so constituted that all substantial vocational groups are represented therein, according to their social and economic importance.

The *Reichswirtschaftsrat* or National Economic Council thus created is endowed not only with economic functions, but also with supervisory and administrative functions over industries undergoing regional or national socialization. Such organizations as coöperative societies may also voluntarily submit themselves to this type of economic control. Lastly, the Reichswirtschaftsrat is endowed with sufficient political power to place it on a parity with the Reichsrat in matters of legislation. Drafts of laws of fundamental importance relating to social and economic policy, before introduction into the Reichstag, must be submitted by the Cabinet to the Reichswirtschaftsrat for consideration, and that body also has the power to initiate legislation in the Reichstag. If the Cabinet does not approve the Council's measures, it must submit them to the Reichstag with the reasons for its dissent. In any event, the Council may introduce a bill directly into the Reichstag through one of its members.

The functions of the Councils, the limitations on their authority, and their relationship to other autonomous bodies, were all left to be defined by national law. By postponing the application of the principle of conciliar government in economic affairs, the Assembly permitted the elaboration of the project at a time when political conditions were more settled than during its sessions at Weimar. After the ratification of the

Treaty of Versailles, however, the Cabinet declared that the symmetrical organization of autonomous economic bodies was an urgent necessity, and forthwith introduced a bill to give the shop Councils legal status, lest their anomalous position endanger their development. This settled the dispute, then extant, as to whether the economic organization should begin from above downwards, or should be built from the bottom up.

The project submitted by the Cabinet looked to the expansion of the powers theretofore given to committees of workmen and salaried employees, and was thoroughly in accord with the trade union ideals of evolutionary development. From the employers there immediately rose strong objection to any scheme which would admit of democratic control, however small, of any part of the processes of production or management. On the other hand, the advocates of the conciliar system, as the embodiment of both political and economic power, decried the equal participation of employer and employee in such a system and demanded conciliar bodies solely representative of labor, with unlimited power to control both production and management.

As finally enacted, on February 4, 1920, the law provides a supple mechanism for the representation of the workers. All workers, over eighteen years of age, regardless of sex, are electors, and all workers over twenty-four who have been engaged in the industry at least three years and in the local factory for at least six months are, if past the apprentice stage, eligible to membership on the councils, as honorary officials without pay.

The forms which the Factory Councils may take are varied. There may be, in very small shops employing less than twenty workers, a shop steward, or *Obmann,* elected by the workers as their representative. Where both salaried workers and wage earners are found in the same factory in sufficient numbers, they organize separate councils and jointly constitute a *Factory Committee* in proportion to their respective numbers. Where large allied industrial plants are found in a limited area, a *General Factory Workers' Council* for all the plants may be formed by the request of the individual councils either to

coöperate with them or to replace them altogether. The last element in the conciliar organization is the *Factory Assembly* of all the workers, which is convoked by the *Factory Council* president on the demand of either the employer or one-fourth of the employees.

The powers of the Factory Workers' Councils extend to the supervision of the execution of wage contracts, of conditions of work in the various plants, and to the furthering of workers' welfare agencies, pension funds, etc. They are given the power to fix wages, in coöperation with the employers, so long as the agreements reached do not violate the principles of trade union organization. They are given a measure of supervision in regard to the hiring of new workers, for, although, in principle, the freedom of the employer in this respect has suffered no diminution, in cases of discharge the employee may appeal to the council to maintain his rights. Failing agreement between the council and the employer under such circumstances, appeal is made to an arbitration committee if the discharge appears to have been without cause, or due to violation by the employer of the labor contract, or due to the political, military, or religious affiliations of the worker.

In essence, the function of the councils is one of conciliation and harmonization of the ideals of the workers and the employers, with a view to increasing thereby the technical efficiency of production. This goal is attained by the participation of the worker, as already indicated, in the determination of the conditions regarding his employment and welfare. In addition, there is the much more important field of participation in the management of the industry, the assumption of democratic control. It is in this particular field that the institution of Workers' Councils has made distinct progress.

A necessary counterpart to the knowledge of the conditions surrounding employment is the acquisition of knowledge of the conditions prevailing in the industry. This the Factory Councils Law aims to supply by providing that the employer shall furnish the Factory Councils with all necessary records of the economic aspects of the factory's activity. Quarterly reports by the employer as to the trade situation, the progress of the

factory, its output and the probable future developments of its activity are required by the law, while annual reports of loss and gain must be submitted to the workers. It would appear that no essential economic information can be withheld from the workers if they call for it, unless and until judicial bodies determine otherwise.

In addition, it is provided that delegates from the Factory Councils shall be accorded a voice in the meetings of administrative councils, where such exist. The Cabinet's proposal to grant them equal powers with the other members of administrative councils was rejected by the Reichstag, hence the measure of direct administrative control by the Factory Councils is decidedly circumscribed, and amounts in practice to little more than a deliberative part. It does mark, however, a step from mere codeliberation towards the ultimate goal of codecision in the management of industry.

In actual operation, the Factory Workers' Councils have exhibited certain very important tendencies. Instead of veering toward Sovietism, the ideal of the Communists and Independent Socialists, the conciliar structure has played into the hands of the trade union movement, which has reaped practically all the benefits from its institution. Since the Councils were to give precedence in their actions to the agreements previously reached between employers and the trade unions, the dominating impulses in their activity have continued to emanate from trade union sources. Thus insured against any activity that might militate against their privileged position, the trade unions have not hesitated to accord their moral and financial support to the conciliar system, which is in reality enhancing their own power.

A further brake against illicit activity on the part of the councils is found in the explicit reservation to the government of any powers in connection with socialization. Very naturally, it has been the endeavor of the State, in effecting any socialization measures, to undertake them integrally and not sporadically, as would have followed from any immediate conciliar action along such lines. Thus the conciliar system has been deprived, in practice, of any communistic and socialistic tendencies, and has, without being emasculated, been permitted to adjust

itself to the fluid conditions of industry operating in a democratic atmosphere. In connection with the widespread educational movement among the laboring classes in Germany, the conciliar system assumes an importance hitherto unanticipated. With the raising of the intellectual level of the workers and their acquisition of the capacity for industrial autonomy by these means, far greater consequences in the way of increased democratic control and intelligent management may be expected. Such seems to be the immediate effect of the institution of the councils.

The introduction of the conciliar system halted with the institution of the Workers' Councils in the factories, and the scheme of organization upwards proved too cumbersome to be undertaken at the time. However, the government did not despair of completing the economic organization already begun, and reverted to the plan of organization downwards, in constituting forthwith the Reichswirtschaftsrat on a provisional basis with a membership of 326. The only difference between the council, as now constituted, and the definitive body lies in the inability of members at present to submit bills in person to the Reichstag. This right of initiative which the Reichswirtschaftsrat shares with the Reichsrat has led to considerable speculation as to the utility of the latter body. If both have merely advisory capacities and are not indispensable to the enactment of legislation, it would seem that one or the other body must presently be found superfluous. The growing tendency of centralization in the Reich is consistently encroaching upon the limited rights still accorded the Länder in the Reichsrat, while, on the other hand, the Reichswirtschaftsrat has assembled a great variety of exceptional talent among its members. If, therefore, an expert advisory body is desired in legislative matters, the Reichswirtschaftsrat will undoubtedly assume preëminence and leave the Reichsrat an impotent body. If, on the other hand, the National Economic Council becomes a political body, and represents political parties instead of industrial groups, its advisory capacity will have little value. As a third chamber, it would undoubtedly hamper the workings of parliamentary government and possibly end in the reduction of

Parliament to a unicameral body. So long, however, as its members display unusual ability and talent, and are able to remain aloof from the intrigues of party politics, the National Economic Council is destined to play an important part in the economic restoration of Germany.

Socialization

The revolution brought into power overnight the parties which had been urging the adoption of Socialism for over half a century. The German Social Democratic Party, organized by Karl Marx, Wilhelm Liebknecht and Lassalle, had been the steady advocate of socialism since the legitimacy of its existence was recognized on the accession of William II. Though quarrels existed within the party before the World War as to the methods for arriving at Socialism, it was the goal toward which all factions in the party were pledged to work. When, therefore, the victory for which all sections of the party strove actually arrived, the method of inaugurating the new régime of socialism became the critical problem. It has already been pointed out that the Independent Socialists and the Majority Socialists split over the question as to whether the social or the political revolution should be given precedence and that the majority awaited the mandate of the Constituent Assembly to pronounce definitely on the form of government. In addition, that body was to decide as to the extent of socialization which should be undertaken by the Reich. Once in power, the Social Democratic party realized all too keenly the responsibility it had assumed in pledging itself to the realization of socialization, and in the Weimar Assembly it looked upon complete, immediate socialization with considerable trepidation. In point of fact, the advocates of socialization were divided among themselves as to the exact content of the concept.

The principle of collective ownership of the instruments of production ranks among the oldest tenets of socialism, but the immediate means of realizing such collective ownership or collective economy (*Gemeinwirtschaft*) has meant varying things to eminent socialist leaders, who have approached the settle-

ment with a capitalistic organization of society from different angles. It is obvious that the assumption of complete control of the German economic machine by the proletariat would have produced complete chaos after the depletion of the nation's resources in war-time; hence the conciliar organization of the country for both economic and political purposes—the Spartacist solution—was rejected by the parliamentary leaders of the Social Democratic Party. Apart from the appointing of a committee of experts headed by Karl Kautsky, the People's Commissaries did nothing towards arriving at a solution of the problem of socialization. When the Independent Socialist members left the cabinet at the end of December, 1918, a solution seemed farther off than ever, and the overthrow of Spartacism by armed force eliminated any possible endeavor to effect socialization overnight.

With the meeting of the Weimar Assembly and the organization of the provisional Government on a constitutional basis, the question of socialization came up for debate both in the cabinet and in the Assembly itself. The influence of the latter body went toward the incorporation of certain fundamental principles into the Constitution, whereas the responsibility of the Cabinet for political developments led it to adopt policies determined more by their immediate political effect than by their economic results. While the phrasing of the Constitution was being debated by the Assembly, the Cabinet found itself under the compulsion of meeting the demands of a hungry, striking populace. In consequence, two important laws were passed on March 23, 1919, the first outlining the forms for socialization and the conditions for operation of socialized industries, and the second specifically applying these general principles to the coal industry. Subsequent laws of April 29, and December 31, 1919, applied the fundamental principles to the potash and electrical industries.

This rough and ready action, forced upon the Cabinet by popular unrest, led to the resignation of the Committee on Socialization, whose work was thus infringed upon by political necessity. Similarly, the timidity of the Cabinet in its actual measures, its fear of going too far or too rapidly in its socializa-

tion program, led to the rejection of the more drastic proposals of Wissell, then Minister of Public Economy, and to his resignation. In lieu of comprehensive, coördinated measures for the transformation of the existing economic order, Wissell held, the Cabinet was of necessity forced to issue fragmentary, compromise measures which could not be thoroughly effective. This operated to substitute mere State Capitalism for the private capitalism under which industry had previously been operating, and simply exchanged, in his opinion, one exploiter for another.

The Cabinet took the view that economic development was not uniform, and that industries could be socialized only as their organization or development had "matured" sufficiently to enable them to be transformed integrally into socialized units. This, therefore, demanded continuous vigilance on the part of the Government, to determine when industries were sufficiently matured for socialization. The program of socialization, under these circumstances, might have been postponed until normal economic conditions reasserted themselves, had not the political aftermath of the Kapp Putsch of March, 1920, forced the Government to agree to the reconvening of the Socialization Committee. It was intrusted with the preparation of projects for immediate socialization of natural resources and power development industries, and a critical study of industries already socialized was imposed upon it. Finally, it was ordered to make the recommendations it saw fit, as the result of its studies.

Meanwhile the Weimar Constitution had laid down the broad principles governing the economic life of the nation, which, together with the provisions creating the Economic Councils, complete the Economic Constitution. Like many other portions of the Constitution, it was the result of compromise, and its elaboration produced, as far as possible, an economic consensus, to which the great majority of the Constituent Assembly subscribed.

The regulation of economic life, according to the Constitution,[4] must conform to the principles of justice, with the object of assuring humane conditions of life for all. Within these

[4] Arts. 151-155.

limits the economic liberty of the individual, such as the freedom of contract, right to inheritance, and to the fruits of intellectual labor, is guaranteed. Legal compulsion against the individual is, therefore, permissible only for safeguarding the common welfare. When the relation of the individual to property comes under discussion, the limitations on the nature and exercise of the rights of private property are carefully outlined, and left to be filled in by law. Expropriation can take place only through due process of law and only for the benefit of the community, with just compensation, unless otherwise provided by law. The expropriation of landed property for community benefit is to be undertaken whenever necessary to prevent its misuse. Cultivation and utilization of the soil is regarded as a prime duty of the owner to the community. Increase of land values arising fortuitously, and not through the application of capital or labor thereto, is regarded as belonging to the community as a whole. In anticipation of the early socialization of mining industries, it is provided that all mineral resources and all economically useful forces of nature are subject to state control.

Labor is assured special protection by the Constitution.[5] Uniform labor laws, equal to a minimum to be set by international action, are promised, and the Reich commits itself to the furtherance of international social and labor legislation. Comprehensive insurance schemes, in which the insured shall have predominant managing power, are further provided for, to safeguard public health, ability to work, motherhood, old age, and guard against accident and invalidity. The right of combination for the protection and promotion of labor and economic conditions is guaranteed against legal or other infringement.

In addition, a special guarantee against the oppression or exploitation of the independent agricultural, industrial, and commercial middle classes, whose welfare is to be fostered by legislation and administration, is laid down as a bulwark of bourgeois as well as of proletarian liberties. The significance of this bourgeois guarantee in an otherwise socialistic constitu-

[5] Arts. 157-164.

tion cannot be overemphasized, as it is the fundamental provision against a proletarian dictatorship.

It is in Article 156 that the principles governing socialization are laid down. The Reich may, by law, without impairment of the right to compensation and with a proper application of the regulations relating to expropriation, transfer to public ownership private business enterprises adapted for socialization. The Reich itself, the Länder, or the municipalities may take part in the management of business enterprises and associations, or secure a dominating influence in them in any other way. Furthermore, in case of urgent necessity, the Reich may, in the interests of collectivism, combine by law business enterprises and associations on the basis of administrative autonomy—a provision already noted in connection with the National Economic Council. The purpose of such combinations is to insure the coöperation of all producing elements, to give to employers and employees a share in the management, and to regulate the production, preparation, distribution, utilization, and pecuniary valuation, as well as the import and export, of economic goods upon collectivistic principles. Provision is made, finally, for the voluntary incorporation of coöperative societies of consumers and producers into the system of collectivism.

The effect of Article 156 is to prescribe various means of socialization, or collective ownership, under the auspices of the Reich. Thus, in the first place, whole industries or private business enterprises may be taken over and run directly by the State. This has been termed "complete socialization," and may be illustrated in the Reich's control over the railroads, many of which it formerly owned, and some of which it has acquired by action of the Länder since the Weimar Constitution went into effect. Although not commonly regarded as "socialized" enterprise, it is obvious that the railroads really fulfil this rôle in their present condition.

By delegation of this authority, Länder or municipalities may share in management or actual ownership and control of similar enterprises. This procedure lends itself to either complete municipal ownership or only partial "socialization." It is well known to students of municipal government that many public

service enterprises of an extremely varied character have in times past been taken over by the German municipalities and run as municipal enterprises. The constitutional provisions are, therefore, merely amplifications of the previously established practice. In the government project of a law of municipalization, cities have been empowered to take over such public services as are thought necessary, subject to full indemnification. Thus, where municipal baths and theaters are conducted in addition to the ordinary heat, light, and water enterprises, municipalization, either in whole or in part, of these industries is not an innovation or a radical departure from established practice.

Since "complete socialization" requires, in essence, the application of the principles of public ownership to the enterprise socialized, and since it has been the stated policy of the Government to effect this socialization in integral units of industries, it would appear that this step was wholly unprecedented. This is not, however, entirely the case, for the integration of industry, legally or otherwise, into huge cartels has been a conspicuous, if not the outstanding, feature of German industrial organization for the last two decades. Therefore, the integration and correlation of industries which were already taking place on such an extensive scale in pre-war days continue to obtain under the schemes of socialization now being undertaken by the German Government. All allied productive factors in an industry are, in so far as possible, incorporated in the socialization scheme, to enable production to be maintained under the most efficient conditions. Thus the form of "trust" organization, familiar under a capitalist régime, bids fair to be kept under the caption of a socialist cartel in the new collective economy.

It is difficult on the one hand to see the borderline between private organization and private management in which the workers' council and district economic council, and the Arbeitsgemeinschäften all have control, and on the other hand the partially socialized enterprise in which private hands keep a fair degree of management and control. Still harder is it to find the borderline between simple private organization

with its conciliar appanages and the nationalization of industry into public service corporations collectively managed as "autonomous bodies." It would appear that the provisions of Article 156 envisage a flexible application of the principle of public ownership to all kinds of enterprises, so that, from the small private shop with few workers, in which employees have a small share in management, and where a municipality shares in ownership, to the gigantic coal industry, with its full accompaniment of Workers', Economic, and National Coal Councils, there are many indistinguishable steps of transition. Two broad underlying principles may be found in any of the manifold forms which the collective economy may assume: (1) The application of the net proceeds of the enterprise to the community's betterment; and (2) the participation, in greater or lesser degree, of members of that community in both management and proceeds.

The form and structure which socialization has taken in those industries thus far placed under collective ownership varies. The coal industry, the first to be socialized,[6] was given three main organs, a Colliers' Association in each of the eleven districts into which the Reich was divided, a National Coal Association and a National Coal Council. The colliers' associations are formed by mine owners, either voluntarily or under governmental compulsion, and are required to have administrative councils in which the workers are represented. The same organization applies to coke and coal-gas producers. Collectively, these colliers' associations and the States owning mines directly form the National Coal Association, which likewise has an administrative council.

The National Coal Council, composed of sixty members, representing all the parties interested in coal production and consumption, is the guiding body in the whole enterprise. To its committees are intrusted the care of the construction of mines, the utilization of combustibles and the social conditions prevalent among miners. The entire expense of its activities is borne by the colliers, through their Associations. The Colliers are given only discretionary authority in the application of

[6] By the law of March 23, 1919.

the general principles laid down by the National Coal Council and the National Coal Association. Their associations therefore are purely administrative bodies. The National Coal Association is put in charge of the general execution of the policies formulated by the National Coal Council. Its main tasks include price fixing, authority to export and import coal—a very important matter in view of coal reparations—and the insuring of equal treatment to all consumers. The National Coal Council is the policy-making body, supervising the organization of the subordinate bodies, endeavoring to systematize and render efficient coal production, and directing, in general, the coal industry. It is empowered to collect all necessary information in regard to the state of the industry and its committees prepare technical reports on which it passes. In brief, the National Coal Council is the keystone of the structure.

In practice, the workings of this system have not been an unqualified success, as the complexity of the structure created, together with the power reserved to the Ministry of Public Economy to alter the decisions of both the National Coal Council and the National Coal Association, gave no finality to the action of any one organ. Accordingly, in May, 1920, an arrangement was made to procure collaboration between the Council and the National Coal Association through a Grand Committee of the former. The Council itself was to be the ultimate deciding factor in case of inability of the committee to agree with the National Coal Association. It appears to be recognized that the existing arrangement is but transitory, and that a newer and more centralized organization, vesting the power of decisive action in the hands of some small executive committee of the National Coal Council, will take the place of the present cumbersome arrangement.

A demand for the abolition of the National Coal Association has also arisen, but no plan of organization to take its place has as yet been adopted. Opinion in Germany meanwhile fluctuates between the desire for immediate and complete nationalization, on the one hand, and the retention of private ownership, in theory, without any possibility of profit accruing to the mineowners. What the ultimate form of organization of the

various branches of the industry will be, and what their powers will amount to, is as yet a matter of speculation. It does not appear that the rapid socialization of all industries is to be expected in the very near future, unless a radical change in the composition of parties, or a radical alteration of Government policy occurs. For the present, at least, Germany will tread the paths of wholesale socialization with caution.

CHAPTER IV

PARTIES AND POLICIES UNDER THE REPUBLIC

POLITICAL PARTIES UNDER THE REPUBLIC: *Parties and Constitutions—Influence of Political Parties Under the Old Régime—Their Rôle in the New Reich—Factors Causing Party Regroupings—The German National People's Party—The German People's Party—The Christian People's Party—The German Democratic Party—The Social Democratic Party—Its Responsible Rôle in the Revolution—The Independent Socialist Party—The Spartacus Group—The Scheidemann Coalition—Reasons for Its Downfall—Debate on the Treaty of Versailles—Bauer's Coalition—Constitutional Enforcement—Demand for New Elections—Foreign Demands—The Kapp-Lüttwitz Putsch—Its Failure—Müller Ministry—French Policy—The Reichstag Elections—Fehrenbach Ministry—Foreign Policy—Domestic Policy—Reparations and Internal Policy—Fall of Fehrenbach; First Wirth Ministry—Disarmament—The Orgesch—Party Realignments—Fall of Wirth Ministry—Cuno Ministry—Its Policy of Resistance.* SUMMARY: *The Victory of Republicanism—Democratic Institutions—Changes in Parties and Social Status—Importance of the Economic Constitution—Direct Democracy—The Future of the Reich.*

POLITICAL PARTIES UNDER THE REPUBLIC

IT is a characteristic of Parliamentary governments that their constitutions rarely, if ever, take into account the existence of parties. In many cases they are unknown to the Constitution, though they may be indispensable to its effective operation.

In Germany, for the most part, political parties have not had a real opportunity to prove their worth. Under the old régime, it is true, political parties of every shade of opinion were found in the Reichstag from the extreme Junker Conservatives on the Right to the irreconcilable Socialists on the Left, but their function, in a body politically impotent, was relatively unimportant. A party majority, at most, secured a chairmanship, but though the Social Democrats possessed a greater numerical quota than any other group in the old Reichstag on the eve of the war, the other parties refused to permit the chairmanship of that body to fall to a Socialist,

and the office went to a compromise candidate of another party. Only in the limited period before the Revolution, when the Government of Prince Maximilian assumed the vestments of ministerial responsibility, was any political power effectively within the reach of the House, yet even then no Parliament could exercise a decisive influence on issues that were being decided by mass movements and military defeats.

It was in consequence of the Revolution, therefore, that political parties for the first time acquired effective political authority, yet it was not until the meeting of the Constituent that they possessed the legal instruments for exercising their pressure on Government policies. Long before the elections to the Constituent, the old party lines were shattered, and with the passing of the old régime, the old party programs and nomenclature had to be discarded. Thus it was only a fortnight after the revolution had been consummated that the new party organizations crystallized and the new party labels were put forward, each with the appearance of democracy emblazoned upon it. In the campaign preceding the election to the Constituent, as again in the Reichstag electoral campaign of 1920, the parties set forth their programs and nominated their candidates, seeking by all the legitimate means of action to influence the newly enfranchised electorate, the sovereign German people.

It was to be expected that in a country where class feeling was so bitter, where the rumble of Social Revolution could be heard, party groupings would assume a class character, but, in addition, the century-old religious alignments made themselves felt. In consequence, the party groups that emerged from the Revolution can be said to be based either on economic or racial or class issues or any combination of the three.

To begin with, the supporters of the old régime appeared under the escutcheon of the *German National People's Party*, as supporters of the Federal character of the Empire, of the hegemony of Prussia, of the Divine Right of Kings, of the restoration of the old régime, and of the maintenance of a Lutheran State Church. The glories of the Hohenzollern Empire unforgotten, the members of this party became the deter-

mined antagonists of the republican régime, and blamed the loss of the war, the breakdown of morale, not on the armies of the Allied Governments or the effects of the blockade, but on the underhanded machinations of revolutionary Socialism and weak-kneed Clericalism. Finally, the party was avowedly anti-Semitic and, on account of the racial constitution of the *German Democratic Party,* to which certain capitalist elements had rallied regardless of racial or religious lines, opposed the latter vehemently. Militarist, intolerant, reactionary—such was the National People's Party.

A close kinsman of the German Nationalists was the *German People's Party.* As a successor to the *Free Conservatives* and the bourgeois *Economic Union,* it took a very moderate stand in regard to the form of Government, pleading neither for a restoration of the monarchy, nor openly allying itself with Republicanism. If the National People's Party found its support in the landed nobility, the army, and the State Church, no less did the German People's Party seek the support of the industrial magnates, the bourgeois conservative press, and the lesser lights of the army. Similarly Nationalist, it opposed Socialism ruthlessly and was equally as anti-Semitic as the National People's Party. The difference in nomenclature alone served to distinguish those avowedly monarchist in sympathy from those who could reconcile themselves to parliamentary Republicanism.

The successor of the former Clerical, Center Party was the *Christian People's Party,* whose republicanism was donned in opposition to the monarchism of the Nationalists, and whose program, as ever, remained Clerical. Seeking to model the Republic on bases that would guard childhood from evil and permit freedom of religious instruction in the schools, it sought to make its strength felt against both monarchism and Socialism, and to commit itself strongly to the idea of a League of Nations, of which its chief leader, Mathias Erzberger, was a prominent advocate. Its social policies were necessarily broad, to catch the votes of the enfranchised proletarian women, in whose ranks it expected to find its strongest support. Thus the Christian People's Party came back into the political field,

after the Revolution, with merely a change of name and not of policy. Always an opportunist party, it sought for itself the rôle of mediator between the opposing camps of capitalists and socialists, endeavoring thereby to obtain all the possible spoils for its own benefit. With shrewder sense than the French Clericals under the Third Republic, the party at once professed its conversion to Republicanism and has since that time steadfastly held to it. There has been no endeavor to trifle with the ideals of democracy, but the party has adopted them with as much grace as possible.

The party which most resembled a typical parliamentary Liberal group was the *German Democratic Party,* the successor to the Progressives and the Radical Liberals. Composed of the leading intellectuals of Germany, whether of noble or humble origin, of Protestant or Jewish faith, the Democratic Party gathered to itself the genuine republicans and believers in parliamentary democracy. As an essentially non-religious party, it stood for the purest concepts of democracy, unentangled with either capitalist tactics or proletarian sycophancy. The party was immensely influential in the formative period of republican institutions due to the dominant personality of Hugo Preuss, the chief exponent of its doctrines and projects. In its composition—the intellectuals—the Democratic Party found at once the source of its greatest strength and its greatest weakness, in that its appeal reached groups of tremendous influence and importance, but gained little support from the masses of workingmen and women who were more attracted by the appeals of the *Social Democratic Party.*

The *Social Democratic Party* was responsible for bringing about the Revolution. In this, the culminating act of its long serfdom under the Imperial régime, it had realized its hopes of dominance. It was for the moment the sole force with any definite program and power to execute it. In its commanding position it was able to decree what it willed and have the will of its representatives—the People's Commissaries—carried immediately into effect as law. Yet its training in the school of parliamentarism had made its republicanism, its democracy, its socialism, all the work of political majorities, and the

party found itself bound by its practices under the old régime, when it was seeking for power, to accept the doctrines of majority rule as the leading tenets in its constitutional and social program.

With the administration of a bankrupt and defeated Empire on its hands, the Party was placed on its mettle and demanded the support of all who believed in the Republic, in the freeing of the working classes, and in a peace of justice. Unfortunately, however, the crises which had confronted the Social Democratic Party in the Reichstag during the war had operated to tear it asunder and undo the unifying work that the leaders of its earlier divisions had consummated when the party came under Bismarck's fire. With the *Independent Socialists* opposing them, and looking to Moscow for their policies, the Social Democrats faced enemies not only in the ranks of the bourgeois, but also among the proletariat.

The position of the *Independent Socialists* was cruelly clear. In their intransigeance, they refused to act in solidarity with the bourgeois parties or submit to the will of a bourgeois majority. Definitely repudiating the policy of the majority, they sought to place the social revolution before the political one, and thought the time ripe for direct action. In this they both lent to, and received aid from, Spartacism.

The irreconcilables forming the Spartacus group, headed by Karl Liebknecht, had lost, in the hour of victory, the sense of realities, and determined upon a forceful coup d'etat to accomplish, in a flourish, the advent of the Communist International State. As advocates of open violence and class warfare, they dared not conform to the means chosen by Parliamentarism to effect its will. For them there could be no Constituent Assembly; for them there could be only the arming of the proletariat, and the contest from behind barricades. Thus the genuinely communist element in Germany either refrained from participating in the elections to the Constituent, or else voted with the Independent Socialists against the policy of majority rule for which the Social Democrats stood.

The result of the Constituent Elections is a commonplace. Power fell to no one hand, and thereby made a course of com-

promises necessary and the formation of a coalition indispensable. This being the case, it fell to the Social Democrats to take the initiative and to form, with the aid of the Center and Democratic Parties, a common bloc in defense of Republican ideals. It was this bloc, in support of the Scheidemann Cabinet, that molded for Germany her republican constitution and set therein the rudiments of the conciliar system already described. This achievement, in the face of opposition both at home and abroad, will always be considered by the student of politics as a remarkable performance, and one worthy of study and emulation by statesmen.

The coalition formed at Weimar for the purpose of organizing the Republic on a constitutional basis was broken by the Treaty of Versailles. The ministry of Scheidemann had set forth its commitments as to foreign policy in no uncertain terms, and Count Brockdorff-Rantzau, as Foreign Minister, fought against the peace terms laid down by the Allied and Associated Governments with a reasonable degree of skill. Finding that his policy was of no avail in ameliorating the conditions of the Peace Treaty, he resigned on the eve of the final signature, and his resignation was the signal for the retirement of Scheidemann as well.

The debates at Weimar over the acceptance of the Treaty of Versailles aroused the most bitter feelings and elicited statements from the conservative parties that breathed forth threatenings and slaughter. The National People's Party and the People's Party alike regarded the treaty as a surrender of national honor; the Democratic Party, after a caucus, decided that it must withdraw from the Government coalition, and the brunt of accepting responsibility for the treaty fell upon the Christian People's Party and the Social Democrats.

To form a new Cabinet that must traverse this Via Dolorosa, Gustav Bauer was summoned by President Ebert, and the new coalition in support of the treaty was formed of Socialists and Clericals, but not before the latter had extorted from their colleagues in the coalition a pledge to permit denominational schools and religious instruction to be established as a part of the educational system. Even in the hour of national ad-

versity and distress, the Christian People's Party bargained the fate of the Reich for its own clerical interests. There being no choice left in the matter, Bauer and his party yielded and the new cabinet was composed of approximately equal numbers of Centrists and Socialists. Thus constituted, the Cabinet signed the Treaty of Versailles on June 28, 1919, and returned to the task of Constitution making.

The proclamation of the Weimar Constitution, the transfer of the seat of Government back to Berlin, the active preparation for further socialization, the reconvoking of the Reichstag, and the completion of legislation in fulfilment of the peace treaty occupied the time of the Bauer Cabinet during the summer and fall of 1919. In September, the Democrats, whose colorless neutrality could no longer be maintained in the face of renewed monarchist demonstrations, returned to the coalition and strengthened the precarious foundation on which the government then rested.

With the passing of the winter of 1919-1920 and the entry into force of the Treaty of Versailles [1] a demand for the speedy calling of elections for the Reichstag arose from both extremes. The reactionaries hoped to profit by forcing a general election before the Government was prepared to submit its achievements to popular review; the Independent Socialists hoped to gain at the expense of the Social Democrats. Thus propaganda for the calling of elections was pressed upon the government, and Hindenburg was put forward as a Presidential candidate.

At the same time, there came the Allied demand upon the Netherlands for the extradition of William II, a similar demand on the German Government for the handing over of war criminals to Allied tribunals, and a demand for the demobilization of further contingents of the German army. This made a profound impression upon the German nationalists, who strenuously resisted all three projects, and when the Government endeavored to dissolve certain reactionary contingents, like the Naval Brigade of Ehrhardt and the remnants of the Baltic Army of von der Goltz, they refused to disband.

Monarchist leaders thought this an opportune time to act,

[1] January 10, 1920.

and on March 13, 1920, a coup d'etat was attempted by General von Lüttwitz and Dr. Wolfgang Kapp, with the aid of these monarchist military detachments. The constitutional Government fled from Berlin to Dresden and then to Stuttgart, where it hastily convoked the Reichstag and issued proclamations denouncing the *"Putsch"* as an enormous crime committed by the Baltic pirates. Kapp, meanwhile, proclaimed himself Chancellor, made von Lüttwitz Minister of Defense, and endeavored to organize a cabinet of reactionaries.

The whole scheme was abortive, and the Nationalist parties declined, as did the army authorities, to have any dealings with either Kapp or Lüttwitz. In addition, the working classes throughout Germany regarded the coup as as endeavor to return to the old régime and suppress their liberties; hence, in response to the urgings of the Socialist members of the coalition, they instituted a general strike. It succeeded in paralyzing all industry and transportation, and after a brief tenure of four days Kapp fell and fled ultimately to Sweden. The effect of the coup was to weaken the prestige of the Government, to necessitate a change of cabinet, and to hasten the elections to the new Reichstag. All thought of a presidential election at the same time was discarded.

On its return to Berlin, the Bauer Cabinet resigned and Hermann Müller, then foreign minister, took over the Chancellorship and rid the cabinet of Noske (Minister of Defense), whose tactics had aroused both the Independents and the Communists, and of Erzberger (Minister of Finance), whose financial activities had greatly incensed the reactionaries. The distrust of the Government's ability to deal with the monarchist reaction led to numerous Communist revolts, particularly in the mining region of the Ruhr, where an attempt was made by the striking miners to proclaim a Soviet republic.

In an endeavor to put down the uprising, Germany despatched a number of troops into the unfortified region to the east of the Rhine, with the result that France at once occupied the towns opposite her zone of occupation as a guarantee for Germany's good behavior. The impasse to which this precipitate action of France led was solved by the Allied conference

at San Remo, which prescribed the conditions for French withdrawal. The French withdrew in the middle of May, and the crisis was past. The National Assembly wound up its work on May 21, 1920, and active preparation for the Reichstag elections began.

The elections took place on June 6 and led to the popular repudiation of the Coalition, to enormous gains for the conservative parties and the radical extremists. The Social Democrats felt the heaviest losses, since many votes that had gone to them in 1919 were in reality those of Independent Socialists, who now were considered a constitutional party and were not suspected of revolutionary tendencies. The Independent Socialists therefore made the greatest gains at the expense of their Social Democratic comrades. The Democrats, who had incurred the anti-Semitism of the Conservative parties, lost also to the People's Party and the National People's Party, which made remarkable gains, while the Center Party, though split into a Christian Federalist and a Bavarian group, in addition to its main body of supporters, really came out of the elections with little change in its aggregate strength. Once more, in the face of a weakened coalition, the Center Party held the balance of Power. It was obvious that a new alignment of forces must come about, in response to the people's verdict on the Socialist-Democratic-Center Coalition.

Müller and his cabinet resigned, on learning the outcome of the elections, and it became obvious that the new alignment must include the more conservative parties. By the end of June, Konstantin Fehrenbach, a veteran Centrist, formed a new coalition which for the first time since the Revolution definitely excluded the Socialists. Power had passed into the hands of the parties on the Right and Center, and a new development of policy, both domestic and foreign, had begun.

The outstanding figure in the Fehrenbach Coalition was Dr. Walter Simons, who held the portfolio of the Foreign Affairs. Easily the most able man in the cabinet, he conducted the first direct negotiations with the Allied Governments on Reparations, first at Spa and later at Brussels and London, and was successful in the long run in scaling down the amount of repara-

tions demanded, although the Allied Governments imposed additional "sanctions" on Germany in the spring of 1921 in a futile endeavor to collect more reparations. The resumption of formal diplomatic relations with former enemy countries (except the United States), and the settlement of the various boundary questions by plebiscites all came within the period of the Fehrenbach-Simons ministry.[2]

In its internal policy, the Fehrenbach ministry departed considerably from the course of its predecessors. The last important act of the Müller ministry had been the completion of the nationalization of railroads, and further schemes of socialization were in prospect. But the finances of the Reich, taken from Erzberger's hands and placed in those of Dr. Joseph Wirth, were already in the process of reconstruction according to Centrist rather than Socialist models. The financial program of the Fehrenbach ministry was one of economy and involved the withdrawal of government subsidies from certain favored industries controlled during war-time, particularly from the ones supplying breadstuffs. The financial reforms now furthered by Wirth were the chief source of the strength of the Fehrenbach cabinet. A policy of economic concentration and retrenchment—within the limits possible under the menace of reparation arrangements for control—was accordingly pursued and all attempts at further socialization ended. With the Social Democrats and Independent Socialists in opposition, no schemes for nationalization or socialization were to be expected, and the current of policy tended rather in the direction of Hugo Stinnes and the great industrialists than in that of continued socialization.

The subsequent course of political history in Germany has shown an increasing interrelationship between constitutional and international problems as concerns reparations. The necessity for regulating customs tariffs in agreement with the Reparations Commission or its experts, the control maintained over imports and exports, deliveries, bank issues, all the actions of the Government even remotely connected with reparations,

[2] The decision of the Allied Governments as to the Silesian boundary was postponed until October, 1921.

caused the Reparations Commission to assume a peculiarly significant and important part in the management of the internal financial and economic policies of the Government.

As the Treaty of Versailles was directly responsible for the overthrow of the Scheidemann ministry, its reparations appanage was no less responsible for the retirement of Fehrenbach and Simons. What that Government flatly declared to be an impossible undertaking was demanded of Germany by the Allied Governments in May, 1921, and a new ministry headed by Wirth, composed of Democrats, Socialists, and Centrists, came into office explicitly pledged to a "policy of fulfilment." That policy Wirth clung to with somewhat unjustifiable optimism, and pursued relentlessly until his fall in November, 1922, despite the rapid depreciation of currency and the continued rise of prices. Under such circumstances no amount of economic retrenchment could be expected to accomplish the impossible, and it presently became generally evident that a moratorium, or a change in the scheme of reparations payment was inevitable.[3]

Among the other problems confronting the German Government after the accession of Fehrenbach, that of the disarming of communists, bourgeoisie, and royalists was the most difficult. Covert acquisition of arms by the middle classes during 1919-1920, when general communist uprisings were feared, made it extremely difficult for the Government to obtain possession of the arms secretly kept by private citizens for their own defense. Nevertheless, under the terms of a law for the disarma-

[3] Despite the general consensus among the Allied Powers that a new basis for a reparations settlement must be sought, no agreement could be reached by them as to the means of effecting payment. By the end of 1922 France and Belgium, having grown extremely restive under the restraints imposed by Great Britain on their reparations demands, parted in policy with their wartime ally and instituted, on January 10, 1923, a new series of "sanctions" by the occupation of the greater portion of the Ruhr area. This action the German Government regarded as violative of international law, hence it protested against the "invasion." It would appear that the use of such territorial sanctions, however reprehensible in practice, was entirely legal under the provisions of the Treaty of Versailles, provided the unanimous consent of the Allied and Associated Powers was first obtained. In this instance, however, Great Britain explicitly refused her consent, although pressure in another quarter, due to

ment of the civil population,[4] over 2,000,000 rifles were confiscated and destroyed.

Even more difficult was the disarming of the Bavarian Orgesch, an organization more royalist in its tendency. If Bavaria had come close to communism in 1919, the political pendulum had gone to the other extreme by 1921, and the royalists found their chief rallying center in Bavaria. Hence it took unrelenting persistence on the part of the National Government to force Bavaria into compliance with the terms of disarmament. It appeared obvious by the end of 1921 that all danger of widespread communism in Germany was dead, and as Communism receded, the last vestige of excuse for a wholesale arming of the middle classes passed away. Thereafter such armament could be used only to the detriment of the Republic by the monarchist groups.

By the middle of 1922 communist disturbances were materially on the decline, as one half of the Communist Party had accepted, at least temporarily, the paths of parliamentary agitation, grouping itself alongside the left wing of the Independent Socialists, who formally attached themselves to the Third Internationale of Moscow. The right wing of this party, disapproving of the extremist tendencies of the other branch, came closer and closer to the Social Democrats in policy and tactics till they fused in September, 1922, to form the Unified Social Democratic Party. The Christian People's Party opened its ranks to non-Catholics, while the People's Party tended, informally, to draw nearer to the coalition; the Democratic Party remained practically unchanged.

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the defiant attitude of Turkey, prevented an open rupture between Britain and France.

The effect of the occupation of the Ruhr was to cause a renewed depreciation of German currency, and a general weakening of the economic life of the country. In the Ruhr region the populace as a whole adopted a policy akin to that pursued by the Belgians under German occupation, while sabotage was increasingly practised by individuals against the occupying authorities. The renewed growth of communism in the region was manifested in bloody encounters between workmen and the authorities, civil or military, while in the non-occupied portions of Germany monarchist agitation grew increasingly menacing. Meanwhile the economic outcome of the French occupation remained extremely doubtful.

[4] Passed July 31, 1920.

Only the Nationalists remained defiant, braggart, yet politically impotent. In consequence, with the aid of secret organizations, they devoted themselves to a policy of political assassination. The use of assassination by frenzied and impotent minorities had been revived from desuetude in the beginning of 1919, when Kurt Eisner, the Bavarian premier, fell a victim to a counter-revolutionary plot, but the use of widespread political assassination did not become menacing until June, 1922, despite the previous disappearance of Haase and Erzberger as the victims of the Monarchist mafia. Then, with the sudden assassination of Rathenau, and attempts on the life of Ebert, Scheidemann, and Maximilian Harden, the brilliant journalist, the nation felt aroused against monarchism and rallied around Wirth in a campaign for the defense of the Republic.

The passage of the law for the defense of the Republic was the fruition of this endeavor to bolster republicanism, and it appeared for a time that the desire of Wirth to strengthen the coalition immediately, by rallying the Independents' Right wing and the People's Party to the defense of the Republic, might be forthwith consummated. But in view of the strenuousness of the reparations crisis a compromise was reached, and the matter of strengthening the Coalition was left to the party conventions while the Reichstag was prorogued, to assemble again in the autumn.

The fate of the Wirth ministry was decided in the interim. The party conventions produced platforms and programs which rendered utterly impossible that strengthening of the Coalition on which Wirth had staked his whole career. Most important among these party activities was the series of delicate negotiations between the Social Democrats and the Independent Socialists, which finally led to their fusion on September 25, 1922. Thereafter the support of the party was lukewarm, as the Independents, though sobered by their wanderings in the political wilderness after their dalliance with Spartacism and Communism, could not bring themselves to coöperate wholeheartedly in a coalition of which the People's Party was a member. Thus, after the Unified Party had managed to enact the important constitutional law extending the powers of Ebert for another

triennium, to avoid the imminent presidential election, Wirth lost the support of the entire group and was forced to resign.

Since the Socialists were now in open opposition, it was to be anticipated that the new Cabinet would shift again to the Right as had that of Fehrenbach, in an attempt to rally the industrialists behind it. The time had come, in the belief of Clerical and Conservative leaders, for a new ministry of experts, non-partizan in character, to rehabilitate, politically and economically, the shattered fortunes of the Reich. The formation of a new Cabinet under Wilhelm Cuno, preëminently a big business man, marked a renewed trend toward the entry into power of the industrial leaders. In its domestic policy the Cuno Cabinet pledged little more than an endeavor to ameliorate conditions after a reparations settlement; in foreign affairs it held out every offer of coöperation alike toward Russia and England, hoping to find new markets in the East, and a relief from the burden of reparations in the West. In neither policy was it successful.

After the French occupation of the Ruhr, the Cuno Cabinet, finding the nation wholehearted in its support of a policy of resistance, clung tenaciously to the hope that economic stagnation would ensue in the occupied areas, while financial inflation was deliberately pursued at home. Under such circumstances the times seemed most inauspicious for any economic experimentation, any vital functioning of democratic institutions, any return to political normalcy or national wellbeing. Nevertheless, despite the renewed clamor of the Monarchists on the one hand and the Communists on the other, there has been no question of the loyalty of the masses to the existing order, parliamentary Republicanism. The danger of a return to Monarchism, despite the royalist coteries in Munich, appears remote, and the spontaneous loyalty of the masses to the Republic has been repeatedly made manifest. As regards Communism, the laboring classes, with the example of the economic disintegration of Russia before them, have repudiated the idea of a class dictatorship, while accepting, both in principle and in practice, the conciliar form of organization to which the Russian Revolution has given vitality. The feasibility of such

a type of organization in a time of economic chaos, and the possibility of adapting purely representative bodies as efficient administrative agencies are still unsettled, or at least open to considerable question.

It would appear from this survey of current political development in Germany that the tasks of the German democracy are by no means simple, that problems of an extremely complex character, both foreign and domestic, still stand unsolved, and that the path of the nation is apt to be a Via Dolorosa so long as economic sanctions and military occupations beset every ministry, whatever its political complexion. If, in the end, the German Reich collapses and undergoes partition or disintegration, it will not be attributable to the nature of either its political or its economic constitution.

AUTHOR'S NOTE: Since this work has gone to press certain political developments have taken place which require mention. The policy of unlimited inflation, in which the Cuno Ministry indulged, lasted exactly eight months after the occupation of the Ruhr before it brought down the ministry on August 13, 1923. In the face of fierce attacks by the Communist deputies and a threat of want of confidence from the United Socialist Party, Cuno resigned and was succeeded by the parliamentary leader of the People's Party, Dr. Gustav Stresemann, who was successful for the moment in forming "the Great Coalition" of the Socialist, Democratic, Clerical and People's Parties—the cherished but inexecutable project of Wirth. Once in office, Stresemann was forced gradually to abandon the policy of resistance inaugurated by his predecessor, and sought to reach a parliamentary truce with the Socialists, in order to pursue a reconstructive policy much like that successfully attempted by Seipel in Austria. The greater strength of the Socialist groups in Germany prevented him, however, from accomplishing this, and after a futile endeavor to form a non-parliamentary cabinet, Stresemann returned (October 5, 1923) to "the Great Coalition" and received in return from the Reichstag majority dictatorial powers wherewith to attempt to meet the pressing national emergency.

SUMMARY

The principal effects of the German Revolution, as described in these pages, have been to substitute a democratically organized republic for the oligarchic autocracy of the Hohenzollern Régime. The fundamental nature of the State has been altered. Germany to-day exists as a unitary state with large powers of local self-government as contrasted with the

imperfect federal union of sovereigns under the old régime. Power is to-day vested in the people, in whose hands lies the final word in legislation and administration.

Politically, democracy has been achieved in Germany so far as the mere founding of the necessary institutions for its successful operation can avail; the adaptability of the people as a whole to the new political conditions may be questioned, but such a query is superfluous in view of the probable physical—not to say psychological—impossibility of returning to the old régime. Any return to pre-war conditions would be politically impossible, due to the republican nature of the new Länder created under the Weimar Constitution; furthermore, the utter docility of the German proletariat seems to have been shaken off.

The new Constitution has striven to endow the German populace with every form of liberty, political and economic; it has introduced a new theory of social duties owed by the citizen, to which the masses of the population seem eager to conform. The general economic breakdown has operated to reduce to a common standard of living the middle classes and the proletariat, so that economically the fortified caste position of the nobility, landed gentry, and the bureaucracy has been irretrievably ruined, and an economic democracy has been enforced on the hitherto privileged classes. Party alignments have altered, and the avowedly republican groups constitute the overwhelming majority of the people. Thus the democratic influences have pervaded the social and political forms of organization.

It is in the economic sphere, in the idea of an economic control by the people through the various conciliar bodies, that the German people have made the most signal advance on a scientific basis. Building on preëxisting foundations, and assembling in the higher conciliar bodies an array of unusually high talent, the conciliar structure anchored in the Weimar Constitution appears to rest on solid foundations, capable of systematic development. The old political structure of parliaments and courts and cabinets, familiar to every country in which constitutional government has been practiced, is incorporated into the Constitution without perceptible change,

but the economic constitution and the bill of rights and duties is new. Therein the German Democracy has writ large its vision of a new social order, which may perhaps be realized when conditions return to normalcy. The attempts, thus far made, in the face of overwhelming economic obstacles, to remodel the social economy on collectivistic principles, have been thwarted largely by the fortuitous alignments of parties, so that no final judgment on the actual workings of socialization can as yet be made.

All the devices by which a modern democracy seeks to afford the people the right to act directly, apart from representative bodies, by means of plebiscites, are incorporated in the new Constitution. It was inevitable that this should be so at a time when "self-determination" was a captivating phrase for every restive minority, and when popular sanction, in this direct and simple manner, appeared to be the easiest solution for any controversy. Actually, no use has been made of these instruments of direct democracy, and even the ordinary forms of Parliamentary responsibility have been frequently avoided by the introduction of the extra-legal party caucus to determine the fate of a ministry. This, too, is an inescapable consequence of a coalition ministry, yet the caucus is an established institution among modern democracies, and its use in connection with a parliamentary republic is not inappropriate.

What of the future of the Reich? Will the Republic endure? Will the existing régime become permanent? The answer to these natural queries may perhaps best be given by way of a historical analogy, despite the risks with which all analogies are fraught: In 1870, when the French Empire fell and the Emperor was taken at Sedan, there arose a "vacancy of power." The group of ardent Republicans, faced by overwhelming defeat and invasion, were confronted with the choice between desperate resistance and subjection to the terms of an onerous peace. The latter course prevailed, even though civil war and barricade fighting in a famished capital between capitalists and communists was the result. The Constituent was summoned, though Alsace and Lorraine were not permitted a

free choice in the matter. Hurriedly a provisional set of laws established a temporary Republic; the Monarchists overawed by their blustering the timid minority of Republicans. France, humiliated beyond description, forced to sign the ignominious peace of Frankfort, was made to pay an enormous indemnity, while armies of occupation stalked her lands . . . and yet the Republic survived.

It would appear incredible that the wholeheartedly Republican majority of the people in the new German Reich—a republic arising under similar circumstances, faced with substantially the same problems of Communism and Monarchism and Militarism, and humiliated by the burdens of an onerous peace—should fail to maintain their faith in the new-found democracy, and should permit a return to the monarchy. Only the strain on the economic structure of the Reich, the nature of the demands made on a Republican Government for "fulfilment," for "guarantees," for "sanctions" for its conduct, can determine whether the Reich will collapse politically because of economic annihilation; otherwise, fundamentally, the German Republic is well-grounded.

CHAPTER V

THE DUAL MONARCHY

AUSTRIA-HUNGARY: GENERAL CHARACTERISTICS: *Uniqueness of the Habsburg Domain—Its Strategic Importance.* RACIAL COMPOSITION OF THE DUAL MONARCHY: *Races in Austria—In Hungary.* THE DUAL MONARCHY AND THE HOUSE OF HABSBURG: *The Policy of Hausmacht—Influence of Nationalism on the Monarchy—Autocratic Character of Habsburg Administration—Constitutionalism: (a) in Austria, (b) in Hungary.* THE CONSTITUTIONAL BASIS OF THE DUAL MONARCHY: *The Ausgleich—General Characteristics of the Dual Régime—Bosnia and Herzegovina—The Framework of Government—Political Parties in Hungary—Political Parties in Austria—German Parties—Czech Parties—Polish Parties—Minor Parties.* THE DOWNFALL OF THE MONARCHY: *Wartime Repression of Nationalist Movements—Suppression of Political Life 1914-1917—Effect of the Convocation of the Reichsrat on the Nationalities—The Assault on the Ausgleich—Activities of the Nationalities Abroad—The Last Phase of the Policy of Hausmacht—Federalization—Defection of the Germans—The Other Nationalities Follow Suit—The Federalization Manifesto of October 16th—Hungarian Independence—Revolution—The Liquidation Cabinet—End of the Reichsrat.*

AUSTRIA-HUNGARY: GENERAL CHARACTERISTICS

No correct understanding of the states which have arisen out of the ruins of the Habsburg Monarchy is possible without at least a background knowledge of the polyglot empire from which they sprung. It is traditional to speak of the Austro-Hungarian Dual Monarchy as a "museum of political curiosities," a "maze of dissident nationalities," etc., terms more frequently those of reproach than of understanding. Suffice it to say, that the country over which the House of Habsburg held sway was a structure *sui generis,* in which the concept of Empire clashed, as in no other, with the principle of nationality. The lands over which the dynasty ruled had come into its possession in a variety of ways: by conquest, by the successful marriages of earlier monarchs, or by the election of some Habsburg to a vacant throne.

The strategic importance of the Habsburg possessions lay in the fact that the Empire embraced the geographical area connecting Western Europe with the Southern and Eastern portion of that continent. Held together by pressure from without, rather than by internal cohesion, Austria-Hungary was the barrier between Western and Balkan civilization, the meeting point of Slavic, Germanic, Magyar, and Latin races and languages, and of the Orthodox, Uniate, Roman Catholic, and Reformed confessions. A feudal survival of medieval monarchical and political institutions, Austria-Hungary overlaid with a veneer of modern constitutionalism the varied traditions of national consciousness long submerged in its constituent parts. Though of recent origin as a Dual Monarchy, Austria-Hungary represented a historical development of national cultures of over a thousand years.

Racial Composition of the Dual Monarchy

Various racial elements entered into the composition of the Dual Monarchy. The principal races holding political power were, in Austria, the Germans, and in Hungary, the Magyars. In each half of the Monarchy there existed other racial constituents, whose fate was bound up, economically and politically, with that of the races in ascendancy.

In Austria, the Czechs presented the highest level of culture of all the non-German races, due to the renaissance of Czech nationalism during the nineteenth century. Possessing a talent for political organization, the Czechs, with the Slovaks, constituted a distinct racial group, second in number to the Germans, incapable of amalgamation and actively asserting their national consciousness. The Poles, annexed to Austria in consequence of the partitions of Poland, formed a compact racial group in Galicia, and ranked next to the Czechs in numerical and cultural importance. East of the Poles, in Galicia, the Ruthenians, or Ukrainians, formed an important racial element closely affiliated in sympathies to the larger number of their kinsmen in Little Russia. To the south of the Germanic population of Austria were groups of "unredeemed" Italians and about two million Jugoslavs—Slovenes and Croats.

In Hungary, besides the Magyars comprising half the population, there were Germans inhabiting the territory bordering on the Austrian crownlands, Slovaks bordering on Bohemia and Moravia, approximately three million Jugoslavs south of the Drave, and three million unredeemed Rumanians in Transylvania. Jointly held by the two halves of the monarchy were still more Jugoslavs in Bosnia and Herzegovina, along with a Moslem minority, the remnant of the days of Ottoman ascendancy.

All told, the Dual Monarchy contained within its confines several well-defined racial groups which, during the course of the nineteenth century, had awakened to national consciousness and were struggling either to maintain ascendancy or to demand autonomy or independence. In the Germanic population existed the nucleus for the formation of the Austrian Republic; in the Northern Slavs, the basis for the Czechoslovak State and for a portion of the Polish and Ukrainian Republics; in the Southern Slavs (Jugoslavs), the constituent elements of the Serb-Croat-Slovene State. The unredeemed Rumanians and Italians formed elements whose loyalty and political affiliation were with the states on which they bordered.

Thus, united only by a common allegiance to the Emperor-King, the racial elements of the Dual Monarchy were kept together solely by the pressure exerted by foreign nations from without, and by the cohesive force of the Germanic and Magyar populations from within. In the words of Bismarck, Austria-Hungary was "a house of bad bricks kept together by an excellent cement—the German (and Magyar) population."

The Dual Monarchy and the House of Habsburg

Regardless of its composition, Austria-Hungary was indeed a House, the House of Habsburg. With the House of Habsburg the destinies of Austria and Hungary were inseparably bound up from the time they came into its control until the final dissolution of the monarchy in 1918. The rôle of the House of Habsburg as the unifier of Western Christendom through its control of the Holy Roman Empire endowed it,

as the Imperial House, with the attributes of dynastic authority and religious absolutism. Once Rudolph of Habsburg had received the crown of the Empire, the policy of dynastic expansion—of *Hausmacht*—became Imperial also and the world-wide influence of the Empire, its interest in the whole of Western Christendom, made the influence of the House of Habsburg equally Imperial in character.

The character of the Holy Roman Empire, on the other hand, served to impart to Habsburg policies an international, or rather a non-national, character, and the Habsburg Empire continued, throughout its course, to ignore or forget the influence of nationality. Having come to power in an age that knew not nationality, its policy of *Hausmacht* concerned itself little with the racial character of new subjects, fortuitously or deliberately acquired; in its expansion lines of language, race, or religion for a long time played no part. The lands of the Austrian Crown might be many, their inhabitants varied, yet so long as they owned allegiance to the Crown, the House of Habsburg was satisfied.

The limits to Habsburg expansion were set preëminently by the rise of nationalism. It was Swiss nationalism that blocked the policy of the Habsburgs at Morgarten and Sempach; it was Dutch nationalism that lost the Netherlands to the Austrian Crown; it was the Risorgimento that thwarted Habsburg control of an awakened Italy; it was German nationalism, seeking a closer union of the German States, that overthrew Austrian hegemony. In the end, it was the culmination of irrepressible nationalism of Poles, Czechs, Hungarians, and Jugoslavs that brought about the disruption of the monarchy. Napoleon lighted the fires of nationalism in Italy and Illyria, which, though smouldering long in the stagnant atmosphere of reaction under Metternich, burst into flame in the conflagration of 1848, and finally consumed the structure of the monarchy in the holocaust of the World War. Stronger than the ties of loyalty, of religion, of economic interest, the cultural atavism of subject races proved the undoing of the House of Habsburg.

Expansion and growth, loss and contraction—these were the cycles through which the policy of Hausmacht was pursued.

If Switzerland was lost, the Lands of Saint Wenceslas' Crown in Bohemia made good compensation; if the Netherlands were lost, Hungary was added to the Austrian Crown; if Silesia were lost to the Habsburgs, Galicia became a new possession; if Italy passed beyond control, the Balkans furnished a new field for expansion. Thus ever the policy of Hausmacht stretched forth its octopus arm for whatever territory lay within reach, only to find in the end that forces greater than it could control undid its work.

The phases of that expansion need concern us little here. The acquisition of Bohemia and the bloody suppression of its national culture in the course of the Thirty Years' War, the reconquest of Hungary and the annexation of Transylvania and the South Slav lands as a result of the wars against the Turk, the addition of Galicia to the crownlands of the Habsburgs after the partitions—these are but steps in the territorial expansion of a defunct state. It is rather to the system of administration, to the political institutions developed under the Habsburg rule that attention must be directed. It was to be expected that any Royal House would administer its affairs autocratically; and Monarchy of the absolute type, prevalent in Europe after the Wars of Religion, maintained itself longer, and with greater success, in Austria and Hungary than in any other part of Europe.

Even the French Revolution did not alter the status quo of the Empire, and Metternich, in the period of reaction, kept the awakening nationalities in a moral vacuum lest they should breathe the fresh air of liberty. It was not until 1848 that Austria took the first steps toward establishing a modern Constitutional Government. When the fervor of revolution was over, Constitutionalism ceased to worry the young Emperor Francis Joseph, until defeat in the Franco-Austrian War caused renewed demands for a liberal government. Even then, the Constitutional Diploma of 1860 did not complete the necessary rearrangements. It required the final *Ausgleich* or Compromise, with Hungary, in 1867, to insure the maintenance of Parliamentary Government, at least in form, in the Austrian half of the monarchy. This, too, was the direct product of the de-

feat of Austria by Prussia, and showed, once again, that nothing short of military disaster served to alter the policy of Hausmacht.

In Hungary, a much longer tradition of Constitutional Government existed, and the Magyar statesmen looked back to the Golden Bull of 1222 as the Magna Carta of Hungarian liberties. Despite the dubious character of the Habsburg acquisition of the Hungarian throne, the wearers of the iron crown of Saint Stephen took care not to violate the conventions of the Hungarian Constitution until after the Revolution of 1848. Then, in revenge for the proclamation of a Republic, Austria administered Hungary as a conquered province until 1861, and only tardily, after the defeat at Königgrätz, came to terms with the irrepressible Magyars.

The Constitutional Basis of the Dual Monarchy

The Ausgleich of 1867, whereby the Dual Monarchy was created, was the result of negotiations between Francis Deák, the leader of Hungarian Liberalism, and Baron Beust, the imported Chancellor of Austria. It raised Hungary from the plane of a dependency, or an ordinary province, to a status wellnigh approximating independence. By establishing certain joint organs of government, it enabled the hitherto conglomerate crownlands to be divided into the two halves of the new structure. The lands of the Austrian Crown were permitted to have their own internal administration, as were those of Hungary, but for Foreign Affairs, War, and Finance, Joint Ministries were created, responsible to no parliament for their actions, but only to the person of the Emperor-King. A semblance of a Joint Parliament was provided by the creation of Delegations, bodies of sixty representatives from the parliament of each country, forty being chosen by the lower and twenty by the upper House, in each instance. In these bodies, the German and Magyar languages were both made official and equally valid legally for all purposes.[1] In practice, each delegation sat

[1] When in joint session, only equal numbers of members could participate in voting.

separately and guarded with the utmost jealousy the rights allowed it under the Ausgleich.

In the Dual Government thus created, the competence of the Delegations was materially restricted; the ministers were irresponsible, and the will of the joint sovereign could make itself felt only through the exercise of the power of appointment, the command of the army, and the issuing of Imperial ordinances in affairs affecting the two states in common.

Popularly, the arrangement was regarded by Austrians as a concession to Hungary, whose inferior status was still implied; in Hungary, the Ausgleich was looked upon as a solemn compact between two sovereign states, revocable at will by either. In practice the operation of the Ausgleich inured to the benefit of Hungary, as the solidarity of her representatives in the Delegations, due to the fact that they were wholly Magyar, enabled them to carry the day against the Austrian Delegations, which were of a varied racial composition and had no concerted policy.

The Dual Government further controlled, until 1910, the administration of Bosnia and Herzegovina, which had been committed to its protection by the Congress of Berlin, in 1878. After their annexation in 1908, the existing arrangements were continued, save that local autonomy, subject to constant supervision by the separate and joint governments of the Dual Monarchy, was accorded to these Slavic provinces, which were thus admitted into the charmed circle of Austro-Hungarian Constitutionalism.

The chief importance of the régime thus created lay in the irresponsibility which it deliberately favored. With the power of command of the joint armies unrestricted, and the ability to keep the foreign relations of the monarchy hidden in the recesses of the Ballplatz, the Joint Government, no less than that of Germany, remained autocratic in character and politically irresponsible for the main lines of imperial policy, primarily those affecting international affairs.

Back of the Dual Government, however, lay the separate governmental structure and administration of each half of the monarchy, each an incrustation of custom and tradition. Each

half of the monarchy had its ruler, who was Emperor in Austria and Apostolic King in Hungary; each had its own parliament, bicameral in character, the upper house hereditary or appointive, and the lower elected by complicated electoral laws, based on class voting and property holding, and lastly, each government was in theory carried on through a responsible ministry.

In Hungary, the theory of responsible government was translated into a concrete fact, but all races other than the Magyar were practically deprived of political power. In Austria, however, there was such a mélange of races in the *Reichsrat*, that a stable coalition of racial groups in support of a ministry was often found impossible, and government was carried on for long periods without the aid of Parliament, solely through the ordinance power of the Crown and the counter-signature of a *quondam* ministry.

In Austria, administration had been organized on feudal bases until well into the nineteenth century, and the authority of the monarch made itself felt in the various provinces in which local legislative bodies often acknowledged him as the immediate ruler, represented by a *Statthalter* or other Imperial official. Over the provincial diets the Emperor held the perennial whip of dissolution, while their functions were increasingly encroached upon by Imperial legislation. In the Austrian half of the monarchy, therefore, the tendencies toward centralized administration under Imperial auspices were increasingly in evidence. In matters of local government, however, a larger measure of communal self-government was assured to the people than in many European States.

In Hungary the county was, as in England, the traditional unit for local government and administration, yet no element of democratic control in local government was ever in evidence, as the county assemblies were entirely in the control of the Magyars—Landlords and the highest taxpayers—and none of another race might secure power. Royal administration in the lands of Saint Stephen's Crown was direct, conducted by a lord lieutenant over each county to carry out the orders of the Crown and supervise the deliberations of the Magnates. Under

such an arrangement, the possibility of any popular participation in government, even in the most restricted manner, was practically excluded. From the ministry to the county assemblies, the way was barred to all except the Magyar, and of Magyars, in practice, only the landowners were endowed with political authority.

Party lines were drawn, as was inevitable, in each half of the monarchy, and particularly in Austria. In Hungary, the non-Magyar groups, being excluded in practice from participation in political life, were left to shift for themselves or else to gravitate into racial groups or groups of the same religious belief.

Within the Hungarian Parliament the Magyars divided into definitely organized parties. Of these, the most important, and the one in power on the outbreak of the World War, was the *National Party of Work,* the successor to the *Liberal Party* fathered by Deák and made notable by the elder Tisza. A definite partizan of the existing régime, it stood steadfastly for the maintenance of the Ausgleich, of a close economic and political affiliation with Austria, and was the defender of the interests of the agrarian Magnates. Largely composed of Calvinists, it found in direct opposition to it the small but significant *Popular Catholic Party,* in whose ranks Istvan Rakovsky was the leading spirit, and which stood, as much as any party, for the interests of the non-Magyar population. Though originally Liberal in name, the National Party of Work became, under the leadership of the younger Tisza, arbitrary and reactionary, as the exponent of Magyar upper-class nationalism, rampant and undisillusioned.

An offshoot from the old Liberal Party comprised the group of *Constitutionalists* led by the younger Andrassy [2] and his brother-in-law, Batthyanyi. Ardent defenders of the Triple Alliance and of Hungarian coöperation with Germany, they laid stress on the necessity of changing the constitutional arrangement of the monarchy to constitute a Trial State in which the Polish lands of the Austrian Crown, when united with

[2] The elder Andrassy, with Francis Deák, negotiated the *Ausgleich* in 1867.

either German-Polish or Russian-Polish territories, or both, should serve as a counterpoise State to Austria. In such a triple arrangement, Hungary and Poland could coöperate against any Austrian encroachment. This facile solution of the racial problem appealed to the Magyar mind, for it involved no loss of any Jugoslavs from the lands of the Crown of Saint Stephen.

The Party of Independence and of 1848 was, par excellence, a particularist party, recognizing only a personal union between the Austrian and the Hungarian States and demanding complete economic separation from Austria. Divided on the outbreak of the World War in its sympathies, the rank and file of the party, led by Count Apponyi, remained faithful to the ideal of the alliance with Germany, while the more democratic members, led by Count Michael Karolyi, founded the *Karolyi Party* in July, 1916.

Karolyi managed to gather behind him Ententophil elements and produced a program of a distinctly democratic character, which secured the support of Socialists outside the Hungarian Parliament. Claiming to be the political and spiritual heir of the ideals of Kossuth, the party stood for a separate Hungarian Army, universal suffrage, and immediate agrarian reform. It savagely opposed any economic or military alliance binding the fate of Hungary to that of Germany. In this program Magyar particularism reasserted itself amid democratic verbiage. The voice was the voice of Karolyi, but the hands that would shape policy, were they to come to power, were Magyar.

Analysis thus shows that hope of democratic progress in Hungary lay only in the strengthening of the elements which had rallied around Karolyi, and in breaking the power of the Magyar *boiars,* or landlords.

In the Austrian Reichsrat, a far different picture presented itself. There, in lieu of the exclusion of racial minorities and the securing of a pure Germanic ascendancy, the converse had been the result. After decades of struggle for universal suffrage, an electoral law of 1907 had divided the Austrian Crownlands into racial compartments in which the various racial ele-

ments were left to fight out the contests for supremacy among their own kinsmen, with the result that a motley variety of political opinions was represented in this heterogeneous body.

The one outstanding result of the electoral arrangements obtaining for the Reichsrat was that, instead of enfeebling racial bitterness by factional quarrels within racial groups, they operated to acquaint the groups with their leaders and thus lay the basis for future concerted action by nationally conscious, organized, racial groups. Whatever the genius that prompted the passage of the electoral law of 1907, it was an evil genius for Austria, as it set in motion the forces that led to her ultimate destruction. In the Reichsrat, therefore, were found distinct racial parties, Czech, German, Polish, and Jugoslav, besides the minor groups of Italians, Rumanians, and Ruthenians. Their apprenticeship of a decade in the octuple-tongued Babel that was the Reichsrat made easy the approach to militant national separatism.

Of the German parties, the *Christian Socialist Party* was the strongest. The counterpart, in Austria, of the Center Party in Germany, its Clerical tone was evidenced by its extreme loyalty to the Habsburg House, in whose court it found its leading retainers, and by its strength in the rural regions, among the devout peasantry. Its liberalism was affected, and the social reforms which it sponsored were intended to lure the working classes away from Socialism and back to the fold of the Church.

Opposed to the Christian Socialists were the *Social Democrats*, the second in numbers of the German parties. Despite their endeavor to maintain an appearance of internationalism, their close affiliation with German Socialism gave them a distinctly racial cast, and, after the elections of 1907, the various Socialist elements in the national groups were unable to act in concert with any degree of regularity. Hence the Social Democrats found their leadership among Germans, and rallied around Viktor Adler, the able editor of the Vienna *Arbeiter-Zeitung*, and Karl Seitz, later to become the first President of the German-Austrian Republic. An irreconcilable group within the party, led by the younger Adler, protested, as did the Liebknecht group in Germany, against the extreme militarism of the governing

class which had plunged Austria into war, but the rank and file of the party, following the lead of the Majority Socialists in Berlin, supported the war as a defensive one. The domestic program of the party favored the democratization of the government, and the transformation of the conglomerate Crownlands into a Federal State, to which the Balkans and a reconstructed Poland might adhere. As to foreign policy, the party was divided between the advocates of a League of European Nations to keep the peace, and the supporters of the German plan of a Mittel-Europa.

Various minor parties, Agrarian, Labor, and Radical, with no concerted program but with a larger total membership than either the Social Democrats or the Christian Socialists, completed the groups of distinctively German parties. In peace time they worked together in harmony under the caption of the *German National Federation,* but, after the outbreak of war, they differed in tactics. The purely Austrian groups favored the convocation of the Reichsrat and the continuation of parliamentary government, while the groups from Bohemia and Moravia, knowing the temper of the Czech population, strenuously opposed the resumption of parliamentary government, fearing the consequences of a lifting of the ban on the political activity of the minor nationalities.

The Czech groups in the Reichsrat were divided before the outbreak of the war into nine groups, all nationalist in character, but differing both in the extent of their national feeling, and in regard to party tactics. After the outbreak of the war they combined, before the convocation of the Reichsrat, into a *National Czech Federation* comprising 107 of the 516 deputies in the Chamber, and pledged themselves by written agreement to act in concert and undertake no separate political action. This outstanding feature of their tactics illustrates aptly the capacity of the Czechs, as the dominant non-German nationality, to organize effective political action against Austria.

Of the various Czech groups, two had ceased, by the outbreak of the war, to have any representation in the lower house of the Reichsrat, and were content to exercise their influence in-

directly on the people. These were the *Feudal Party,* composed of the high landed nobility of Czech origin, and the *National Party,* more familiarly known as the *Old Czechs.* Both these groups clung to the ancient traditions of the Bohemian Constitution and had held the leadership in the early phases of the Czech nationalist movement. Represented only in the upper House at the outbreak of the war, their political views were naturally conservative, although both defended the federal principle as the solution for the problems of Austria and Bohemia. The Feudal Party assumed temporary importance during the war, due to the arrangement which brought its leader, Count Clam-Martinic, into power after the dismissal of von Koerber. But the day of the Old Czechs, who had looked kindly on participation in Austrian affairs, had passed, and the day of the *Young Czechs* had begun.

Two other parties on the Right were the *Agrarian Party* and the *National Catholic Party,* the latter clerical in character and having substantially the same aims as the Christian Socialists among the German Parties. Formerly composed of Czech Christian Socialists, it gathered to its support on the outbreak of the war all the other distinctively Clerical elements in Moravia, where its influence was greatest, and assumed the new name as indicative of its distinctly national character. The Agrarian Party was the strongest of the Czech parties in the Reichsrat and represented the rural conservative middle classes. An offshoot of the *Young Czech Party,* it was opportunist on occasion before the war, but found it easy to coöperate with them after the war began.

The *Young Czechs* represented the capitalist bourgeoisie, the industrial and mercantile classes and, being opportunist in character, sought to achieve the independence of the lands of Saint Wenceslas' Crown by slow reconquest of Czech rights at every opportunity, while awaiting the day when independence might be regained by more revolutionary methods. Once the war began, the Young Czechs, under the leadership of Karel Kramař put on a bold front and made increasingly radical demands. As a reward for his activities, Kramař, though a deputy, was sentenced to death and held for a long period in

prison. Thus it was the Young Czechs who assumed, for the most part, the leadership at home in the task of national liberation.

Among the avowedly radical parties, the *National Socialist Party,* led by Klofac, found supporters for its Slavic socialism in the lesser lights of the bourgeoisie, the Czech peasantry, and working classes. In the Reichsrat, it pursued an unyielding obstructionist policy and openly demanded Czech independence.

Two other party groups, the *Progressive Party,* whose sole representative was Masaryk, and the *Party of Czech State Rights,* led by Hajn, formed the "Independence Club" in the Reichsrat and shared with the Young Czechs in the task of procuring independence for the Czech Nation. The Progressive Party embodied the gist of practical political action in a skilled and dignified manner, and sought to regain the rights of Bohemia and Moravia, with Austrian assistance, if possible, or without it, if Austria should refuse. Certainly, in the course of the war, the path chosen by Masaryk for the liberation of the Czech nation proved, with the collaboration of the defenders of State Rights, to be the most effective way of securing Czech aims.[3]

The *Czech Socialist Party,* originally closely affiliated with international Socialism, and professing, as did the German Socialists, a sympathy for a federal solution of the Czech question, came, during the war, to an appreciation of the nationalist viewpoint of the large majority of Czechs, and based its claim for Czech independence, not on any finespun constitutional theories or on any reliance upon the ancient rights of the Bohemian Crown, but rather on the inherent right of the Czech people to independence. It was not to be wondered at that in the end, the Young Czechs, the Progressives, the Party of State Rights, and the Socialists all united in the formula of self-determination as the remedy for the evils of Habsburg misrule.

[3] It will be noted later that the able leadership furnished by the Independence Club was signally instrumental in acquiring true constitutional development for the Czechoslovak State after the successful culmination of the Revolution.

The Polish parties[4] in the Reichsrat comprised the *Conservatives, Democrats, Progressives, Populists, National Democrats,* and *Social Democrats,* apart from the Ruthenian groups. The Polish *Conservatives* counted among their following three principal groups: the pro-Government conservatives, on whom Vienna had occasionally relied for a government majority, the groups from Eastern Galicia, desirous of a more complete autonomy for Galicia, and a group of clericals, conservative by tradition, who threw in their lot with the foregoing.

The *Democrats* and *Progressives,* composed of bourgeois, intellectual, and Jewish elements, strove for sweeping reforms and tended to affiliate politically with the Socialists. The *Populist Party,* led by Vincent Witos, later premier of Poland, was the holder of the balance of power in the "Polish Club" and a jealous guardian of the rights of the working classes, both rural and urban. The *National Democrats,* the strict counterpart in the Reichsrat of their namesakes in the Russian Duma, were uncompromising nationalists, demanding the reconstitution of Poland with as large a territory as possible. The leader of this group in the Reichsrat was Stanislas Grabski, also later premier of Poland. Finally, the *Social Democratic Party,* led by Daszynski and Moraczewski, both of whom later assumed considerable importance in the constituting of the Polish State, completed the Polish groups represented in the Austrian Reichsrat.

The other party elements in the Reichsrat included nineteen Italian deputies forming party ties much like those of their Italian kinsmen across the frontier. A handful of Rumanian Nationalist deputies from Bukowina, the solid bloc of thirty-seven Jugoslav members of the National Croat-Slovene Union, and the twenty-eight Ruthene deputies from Eastern Galicia completed the party alignments in this unique Parliamentary body. On the outbreak of the war, the Jugoslav deputies formed a "Jugoslav Club" to foster common action, while the Ruthenes, whose protests against being joined with the Poles into a Gali-

[4] For the sake of completeness, the Polish parties are here treated, although Poland's liberation is primarily involved in the treatment of Russia and thus does not come within the scope of this volume.

cian province were perennial, constituted themselves as a "Ukrainian Representation to the Parliament," and demanded the formation of an autonomous Ukraine, under the Austrian Crown, to compensate for their separation from Galicia. Hereditarily the enemies of the Poles, they desired a Ukrainian renaissance no less heartily than did the Poles a restoration of Poland.

All told, the Reichsrat was an ominous body, ominous because it represented the centrifugal tendencies within the Austrian Empire. The outbreak of the war served in every instance to solidify national opinion, to cause petty issues dividing the racial groups to be dropped. Out of the mélange, there crystallized definite German, Czech, Polish, Jugoslav, Rumanian, Italian, and Ruthene national groups. It is small wonder that the Austrian Government hesitated to convoke such a heterogeneous body during the course of a war in which the duality—indeed, the very existence—of the Habsburg Monarchy was at stake. The war-clouds that were manufactured in the Ballplatz broke upon Austria when the Reichsrat had been conveniently adjourned by the autocratic Francis Joseph and his premier, Count Stuergkh, while in Budapest the Magyar deputies and Magnates debated at leisure. This too was an evil omen, for the Hungarian parliament existed only for the dominant race. In Austria, no chance was given for popular expression of opinion; in Hungary, only the blatant voice of the Magyar was heard. Brutal repression of separatist and nationalist tendencies became the program of the Government from the beginning of the war, but repression was not equivalent to suppression, and the logical outcome of such a Government policy was revolution.

The Downfall of the Monarchy

The policy of repression instituted against all openly avowed nationalist sentiments in both Austria and Hungary was primarily dictated by the military authorities of the Monarchy. Before the commands of the Austro-German military commanders, both the Austrian and Hungarian premiers had to bow.

so that not even the existence of Parliamentary life operated to stay the hand of the military arm of the Government. The policy of terrorization, familiar in occupied enemy territory, became the order of the day for the non-German races in Austria. Repression was merely an aspect of the psychology of militarism, and the measures taken by the military authorities spared none of the various nationalities. Whether in Galicia or Bohemia, whether in Bosnia or Bukowina, the hand of the military authorities fell heavily on the manifestations of nationalism. There was but one manifestation of loyalty—unquestioning support of the army; there was but one test of allegiance—silence, and thus the same policy that made revolution slow in revealing itself and devious in its method of organization in Germany, retarded appreciably the assertion of irrepressible national consciousness.

The opening months of the war witnessed an outward show of complete harmony, in which rival races fought with equal zeal for the sake of the Monarchy, each alleging its loyalty to the State, despite its hostility to other races. Then, with the joint conquest of Poland, came a promise of the Emperor, just before his death, to constitute a Polish State, and the other races at once questioned as to their fate. With the outbreak of the Russian Revolution, the symptoms of war-weariness became increasingly obvious, and the new Emperor, Karl, was compelled, in Austria, to summon the Reichsrat, and, in Hungary, to make special concessions to the Magyars. Political expression on the part of the subject nationalities was impossible in Hungary, hence no outward manifestation occurred, but with the convocation of the Austrian Reichsrat on May 30, 1917, the long pent-up national feelings of the various racial elements exploded in the form of national manifestoes with carefully elaborated demands which menaced the very existence of the monarchy.

The various party clubs had met before the assembling of the Reichsrat and drawn up their political and national programs individually. The attempt to press these demands upon the Government produced a profound sensation. The Poles announced as their maximum program the creation of a reunited

and independent Poland with free access to the sea, while the minimum program of the most conservative elements insisted on control of the entire administration of Galicia, so as to overawe the Ruthenes, and on acquisition of as much of the conquered territory of Russian Poland as was possible.

The Jugoslavs followed with a declaration by Father Korošeč, demanding "the unification of all territories of the monarchy inhabited by Slovenes, Croats, and Serbs in one independent political body free from all foreign domination and founded on a democratic basis, under the scepter of the Habsburg dynasty." This demand was based on the principles of nationality and Croatian State Rights.

Next came the Czechs, with a demand for the transformation of Austria-Hungary "into a federal State of free and equal national states" in addition to their main claim for independence. Coupled with this was their demand for the union of all Czechs and Slovaks "in a single democratic Bohemian State." Similar declarations were made by other national groups, particularly the Ruthenes.

It was obvious that the structure of the Monarchy must collapse in the face of these demands. The Polish claims might well be conceded by Hungary, as they did not affect her territorial integrity, but those of the Czechs and the Jugoslavs were directly aimed at the dismemberment of Hungary. All that the Austrian Government could promise in the face of this rising flood of nationalism was national autonomy for the various provinces of Austria, as it was beyond her power to demand the modification of the frontiers of Hungary, and Budapest would not hear of it. By December, the tidal wave of nationalism had reached the Austrian Delegation, and the various national groups practically insisted on the disruption of the Dual régime. No national liberation was possible on the existing basis, and if the structure of the Ausgleich prevented the realization of national self-Government, it was obvious that the Ausgleich must go. Theretofore, protest had been directed against the constitutional arrangements in Austria only; now the assault was directed against the Ausgleich as well.

Thenceforth, the campaign of the subject nationalities was

waged abroad, in the attempt to secure recognition of their national States or National Councils by foreign powers. The appearance of Polish, Jugoslav, and Czechoslovak legions in the ranks of the Allied armies, the meeting of the Congresses of Oppressed Nationalities in Rome and Philadelphia, all bore striking testimony to the fact that the internal political structure was crumbling.

The tasks of the governments of both halves of the Dual Monarchy were not lightened by these happenings. An imperial rescript in Austria was issued providing for the separation of German from Czech districts in Bohemia and Moravia. This was but another manifestation of the policy of dividing and ruling, but it was obvious that, as a general principle, it was wholly inapplicable. If applied in Bohemia, it might leave the Germans in ascendancy; if applied in the Jugoslav lands of the Austrian Crown, it would leave Germans under Croat control, which would be intolerable.

Meanwhile the monarchy, in its peace negotiations with the Ukraine, bartered portions of Galicia and Bukowina in return for food. This further enraged both the Poles and the Ukrainians and made future reconciliation impossible. These bargainings of the Habsburgs in their relentless policy of Hausmacht also enraged the purely German elements, now becoming, in the hours of adversity, keenly conscious of their German nationality, while the Magyars, fresh from the negotiations at Bucharest that had netted them more Rumanians, were willing to listen to the acquisition of all Poland by Austria if only the Austrian Jugoslav lands[5] were added to the Hungarian Crown.

As the process of dissolution became more evident, the Dual Monarch had but one recourse compatible with the dignity of his position. He proposed the Socialist panacea for the Austrian problem, and a committee was appointed, under his direction, to investigate the possibility of federalization. The sum-

[5] It was thus, perhaps, that Hungary thought to thwart the execution of the published Treaty of London, whereby the gains of Italy in the war were to be made at the expense of Austria only, and not at the cost of the lands of the Hungarian realm.

mer passed while the Reichsrat was prorogued, and the last sands slipped slowly out of the hour-glass of the House of Habsburg.

On October 1, the Reichsrat reassembled to hear the news of the proposed federalization from the Austrian Premier, Hussarek. In reply to his offer of a future federalization, the German-Austrian Social Democrats laid down the program that paved the way for the liquidation of the monarchy. The national groups in the Reichsrat were to constitute separate national assemblies to draw up their own internal constitutions, and consult, as before, in common, what the future form of the Empire should be. The solution thus offered was but partial, as it ignored the nationalities also included in the crownlands of Saint Stephen; yet it laid down the basic principle of action, that the deputies from the particular regions were the only ones in whose hands lay any mandate for action which could be construed as at all constitutional.

The German-Austrian groups agreed upon such a plan of action by October 5, and discarded all thought of a united Austria in consequence. The day of federalization passed rapidly, and the hour for revolution had begun. The German-Austrians, first to act for national solidarity on the outbreak of the war, were the first to withdraw from the Reichsrat, discard the monarchy, the Empire, even the antiquated thought of "Austria," to seek refuge in the concept of self-determination, and ultimately in the thought of union with the German Fatherland. Germans and Austrians, parted in the day of Prussia's exaltation, were to find their fundamental unity in the hour of her humiliation.

The solution proposed by Hussarek proved equally unacceptable to the other nationalities, which spoke in strong terms against any settlement that did not involve a reckoning with Hungary. None of the other nationalities followed the lead of the German-Austrians in withdrawing from the Reichsrat and establishing a separate National Assembly. The Jugoslavs, however, did not hesitate to hold a conference at Zagreb on October 5 and 6, in which all the Jugoslav territories of

the Dual Monarchy were represented, and to elect a Jugoslav National Council to defend their national interests.

On October 7, at Warsaw, the Poles, seeing that both Germany and Austria had accepted the Fourteen Points of Mr. Wilson as a basic peace program, issued a manifesto hailing a reunited Poland and promising a national Government and a freely elected Diet. The Ruthenes, meeting in Vienna on October 10, summoned a conference at Lemberg and elected forthwith a Ukrainian National Council, while the Czechs, then negotiating in Switzerland with their leaders in the Allied countries, deferred their withdrawal from the Reichsrat until October 14, when, by a skilful coup d'etat, they formed their National Council in Prague and secured formal recognition abroad simultaneously. When Hussarek announced Austria-Hungary's acceptance of the Fourteen Points as a basis of negotiation for peace, he was forced to acknowledge the change in the status of the monarchy, as acceptance was practically a commitment to the recognition of Polish, Jugoslav, and Czech independence.

On October 16, the long-heralded policy of Federalization was definitely announced by a manifesto of Emperor Karl; Austria was to become a Federal State in which every nationality within its own territory became a commonwealth. No obstacle was to be raised to the formation of a Polish State, but the lands of the Hungarian Crown were in no way to be affected. The transformation was to be accomplished immediately by legislation, but "the existing arrangements for the safeguarding of the general interests"—i.e., the structure created under the Ausgleich—was to remain unaltered. The people were accordingly summoned to form National Councils from the Reichsrat deputies of each nationality to coöperate in the mutual settlement of differences both with the other national groups and with the Imperial Government.

This was regarded in Hungary as a tearing up of the Ausgleich, and rightly, for such a step would involve the revolutionary breakup of Hungary, and Wekerle, the Hungarian premier, stated that, with the issuing of the Federalization Manifesto, Hungary regained her own freedom of action,

though she still acknowledged Karl as King. This statement was answered in the Hungarian Parliament by an assertion of the right of the Rumanians of Transylvania and the Slovaks to self-determination. On October 18, the answer of President Wilson to the Austro-Hungarian peace proposals recognized the independence of the Czechoslovaks and the Jugoslavs and bade the Dual Government make its peace with them. Thus at last the Ausgleich was irretrievably shattered; what neither Karl nor his ministers would permit, what neither Hussarek nor Wekerlé dared essay, had been accomplished by a stroke of the pen in the White House.

The effect of this destruction of the Ausgleich, as soon as it became known, was to cause the various nationalities to follow the course outlined in the Federalization Manifesto, ignoring, however, the existence of a common Government. The control assumed over Eastern Galicia by the Ukrainian National Council at Lemberg on October 19, was followed on the same day by the Slovene-Croat Council at Agram, on the 20th, by the Czechs in Prague, on the 21st, by the Germans at Vienna, on the 25th, by the Magyars at Budapest. The Ruthenes and Rumanians in Hungary, where the dissolution was less rapid, followed suit about a fortnight later, when their National Councils took over control of their own territories.

The procedure, of course, was irregular, and, in Hungary, was in no wise assisted by the Government. The break between the old allegiance and the new came quietly, however, except for the relations between the Poles and the Ukrainians. In Austria proper, the termination of the relationship of the various national groups to the Imperial and Joint Governments was facilitated by the establishment of the Ministry of Liquidation, under Professor Lammasch, whose federalization projects, long entertained, had been adopted too late to save the Monarchy and the Dual Régime. When the Reichsrat met to accept his official program, October 30, the tasks of liquidation had already been fulfilled, and no business lay before it, hence it adjourned to meet November 12.

When that day arrived, every state in the Austrian half of the Monarchy had proclaimed its independence and established

a functioning National Government, and Karl had withdrawn from the affairs of Austria, on the advice and responsibility of Lammasch. A bare handful of members of non-German nationality met with the German delegation in the halls of the Reichsrat to take formal note of the fact that the House had no further duties to perform, since "Austria" had ceased to exist, and adjourned *sine die.* The Liquidation Cabinet had fulfilled its task; the Joint Ministries no longer existed; the Ausgleich was an empty formula and the Joint Monarch had released all Austrian, Hungarian, and Joint officials from their oaths and relinquished all participation in the affairs of State. Austria-Hungary, whose claim to permanence had rung down the centuries, *Austria Erit In Orbe Ultima,* had perished.

CHAPTER VI

THE BIRTH OF THE AUSTRIAN REPUBLIC

THE BIRTH OF THE AUSTRIAN REPUBLIC: *Rôle of the National Councils—The Revolution in Austria—The Provisional National Assembly—The Constitution of October 30—The Council of State—Provisional Administrative Organization—Why the Republic was not Immediately Proclaimed—Results of Liquidation—Austria at the Crossroads—The Withdrawal Manifesto of Nov. 11, 1918—The Republican Constitution—Electoral Laws.* TERRITORIAL EXTENT OF THE NEW AUSTRIA: *Results of the Proclamation of the Republic—Territorial Claims—"Austria Neutra"—Irresponsibility of Succession States—Proposals for Neutralization—Allied Views on State Succession and Responsibility.* INTERNAL REORGANIZATION: *The Problem of Democratizing Administration—Provisional Territorial Reorganization—The Legal Bases of Political and Economic Separatism—Introduction of the Conciliar Principle—Judicial Reorganization.* THE CONSTITUENT ASSEMBLY: *Need of a Constituent—The Constituent Elections—Their Results—The First Renner Coalition—Internal Organization of the Constituent—The March Laws.* DOMESTIC POLICY: *Program of the Coalition—Socialization—Effect of the Hungarian Soviet on the Program of Socialization—Why Austria Repudiated Bolshevism—Factory Councils Law—Expropriation of Land.* FOREIGN POLICY: *Attitude of Allied Powers Toward Austria—Union with Germany Blocked—The Treaty of Saint Germain—The Second Renner Coalition.*

THE BIRTH OF THE AUSTRIAN REPUBLIC

THE pathway towards national self-determination had been opened by the Federalization Manifesto; each National Council was to participate, in conjunction with the Reichsrat, the Imperial Ministry, and the Crown in the prompt elaboration of legislation in conformity with the provisions of the fundamental laws of 1867, which would transform the monarchy into a federal state in a constitutional manner. When, however, National Councils were formed, they were bodies already recognized abroad as the nuclei of the new Governments that were arising out of the old Monarchy, and these bodies claimed forthwith sovereign rights as the governing bodies of the new States.

In German-Austria, however, no "National Council," as

such, was formed; rather did the deputies in the Reichsrat at once constitute themselves into a Provisional National Assembly, a legislative body, to whose executive committees power of decision and administration was intrusted. The legal break, then, between the constitutional procedure laid down in the Federalization Manifesto, and the course actually chosen by the Provisional National Assembly constitutes, from a juridical viewpoint, the Austrian Revolution. For revolution, when viewed by the constitutional lawyer, merely implies a departure, formal or informal, from the legally valid procedure for governmental change, and the institution of a new order on the basis of the irregular procedure taken. It has thus been pointed out that the procedure of the Constitutional Convention in Philadelphia in 1787, in departing from its instructions merely to revise the Articles of Confederation, and fashioning instead a constitution of an entirely different character, was in fact a second revolution, whereby the American Union changed from a loose league of amity and perpetual friendship, a pure confederation of sovereign states, into a more perfect union of a federal character.

If, then, this procedure in America constituted a revolution, the Austrian Revolution, at law, was no more drastic. Never was a revolution carried out more peacefully and with more devout intentions. The resolution of the German deputies, taken on October 17, to meet in the hall of the Lower Austrian Provincial Assembly on October 21, was at once recognized, both by themselves and by the public at large, to mean the convening of a German-Austrian National Assembly. When the appointed day came, the presiding officer of the meeting declared the task of the assembly to be the open proclamation of Austria's right to self-determination and independent statehood, and the passing of the fundamental resolutions to establish a Constituent Assembly for the State of German-Austria.

In accordance with the program thus outlined independence was declared, and there were chosen three Presidents, representing the Social Democrats, the Christian Socialists, and the German National Party, respectively, to head the body, which forthwith declared itself to be the Provisional National Assem-

bly. It elected an Executive Committee of twenty to which was entrusted the task of preparing for the National Assembly proposals for a constitution, and pending the constituting of a German-Austrian Government, the representing of German-Austrian interests abroad and in the Joint and Imperial Governments. Finally, it was empowered to prepare Austria's claims at the Peace Conference.

In addition, the Assembly elected a Constitutional Committee, to prepare an ordinance for the election of the National Constituent Assembly, and an Administration Committee to prepare a communal electoral ordinance and submit proposals as to the organization of the internal administration of German-Austria. In view of the critical condition of the country, due to the scarcity of food, a committee was appointed to secure foodstuffs from all available sources, while another committee was intrusted with the transfer of industry from a wartime to a peacetime basis. These committees were entitled to summon experts to their assistance, issue loans, etc. Finally, the deputies pledged themselves to coöperate in maintaining economic life on the basis of the existing constitution, until the administration of the entire country was taken over by the people. These resolutions having been passed, the Provisional Assembly adjourned to meet again on October 30.

When the Assembly resumed its sessions, it found an entirely changed aspect of affairs. The ministry of Lammasch had undertaken the liquidation of Austrian Affairs and the Joint Government, for all practical purposes, had ceased to exist. Separate governments were duly constituted in Jugoslavia, Czechoslovakia, Poland, and the Ukraine, and the events taking place on the battlefronts gave every evidence of the disruption of the Austro-Hungarian armies as well. The time was ripe for establishing a provisional constitution, yet the Monarch had not abdicated nor left the realm.[1]

Ignoring this circumstance, the Assembly passed a law on the Fundamental Relations of the Public Powers, and declared that, until such time as a National Constituent Assembly should decide otherwise, the Provisional National Assembly, elected by

[1] The Emperor did not withdraw from the realm until November 11.

the franchise of all citizens (i.e., composed of representatives to the Reichsrat), should exercise the sovereign power in the State of German-Austria in legislation. The exercise of the powers of administration was to fall to the Executive Committee of the Assembly (thenceforth to be known as the *Council of State*), chosen from its midst on the basis of proportional representation.

The Council of State, meeting with the three National Assembly Presidents, was to choose from its membership a Chancellor, and a Recorder, to publish its decisions. The three Presidents, the Chancellor, and the Recorder thus comprised the *Directory of the Council of State.* The Council of State was empowered formally to prepare legislative proposals, certify to the acts of the National Assembly, publish them and give whatever additional instructions were necessary for the carrying out of their provisions.

For the administration of affairs, the Council of State was empowered to appoint Secretaries of State responsible to itself and to the National Assembly, jointly and severally. The provisions of the Constitution of 1867 with regard to the legal responsibility of the Austrian Ministry before the State Judicial Court were made applicable, save that a parliamentary committee of twenty was substituted for the court.

Further provisions of this temporary constitution described the relationship of the Secretaries of State to the Council of State, while the details of departmental organization were left for subsequent law. Division or fusion of administrative departments was within the competence of the Council of State, as was the dismissal of administrative agents. Finally, all laws and ordinances of the old Empire, in so far as not modified by this law, were left in force.

The effect of this provisional constitution was to give a definite, legal sanction for the acts of the hitherto unrecognized Council of State, and to provide a framework for the coöperation of the various parties in Austria's reconstruction. The directory thus established, in which the various party leaders exercised the presidency in rotation, was definitely recognized as transitory, and was found in practice to lead to considerable

difficulty. But not until the Emperor had withdrawn from public life could the definite form of the government be proclaimed. None the less, revolutionary excitement, largely the work of the Social Democrats, headed by Adler, Karl Renner, and Seitz, led to republican demonstrations as soon as the law on the organization of the Austrian State had been voted. The old Imperial flag was hauled down from the public buildings in Vienna, and the tri-striped flag of the new Austria was hoisted. The Revolution had come, and the people of Vienna settled back to a normal life—so far as a normal life was possible in a bankrupt, starving country. Indeed, in separating from the rest of the new states, Austria at last breathed an air of new freedom: she no longer had a problem of nationalities.

The dissolution of the empire had broken both political and economic ties, and now Austria, her territory diminished, landlocked, surrounded by hostile states which disclaimed, for their part, any responsibility for the actions of the old Imperial Government was left to decide her own fate. Economically isolated—since the Czechs and the Hungarians had practically blockaded her—Austria called to the Allied Nations for help in the crisis, while the Liquidation Cabinet endeavored to delimit her frontiers with the neighboring states peacefully. It is a tribute to the irenic old Lammasch that whereas all the other Succession States fought battles for the establishment of their new frontiers, Austria alone came out of the dissolution without armed conflict. Henceforth predestined in her new confines to an innocuous rôle in Europe, Austria was left to play the part of a second Switzerland.

Two courses lay open to the new Austria: she might either endeavor to reconstitute a Danubian Confederation which should preserve from the ruins of the old Dual Monarchy the economic unity of the realm, and thereby avoid, in this period of industrial and economic stagnation, the dangers of isolation, or she might throw in her fate with that of Germany, now on the eve of revolution. The first course, in view of the racial hatreds that had disrupted the Empire, seemed impossible; the other seemed both natural and easy.

If Austria claimed the right of self-determination, what ob-

stacle was there to her reunion with Germany? If the Allied Governments had sanctioned that principle and the Succession States of Czechs and Jugoslavs had acted upon it, who should gainsay to Austria a similar adventure—plus reunion with Germany? There were still living those who had seen Austria as a member state of the German Bund before Sadowa; why should not the first step in the reconstruction of Europe be the reëntry of Austria into the democratized Reich? These and other questions raised themselves in men's minds as the military catastrophe of the Central Powers neared its consummation.

Furthermore, there were not wanting legal grounds whereon to build a case for the reunion of Germany and Austria. The fourth Article of the Treaty of Prague had explicitly forbidden the reëntry of the whole Imperial Austrian State into the Bund or the Reich that followed it; what was there to prevent a reunion of the purely German portions of Austria? Thus the movement for the reëntry of Austria into the German Reich began, not to be stopped by internal difficulties, but only by the imperative dictates of the Allied Powers at Paris.

Meanwhile the failure of the Succession States to come to any new economic agreements left each at the mercy of the tariff exactions of its neighbors, so that the isolation that had begun as the logical consequence of nationalist feeling was perpetuated by the raising of economic barriers. Austria was to be the heir of the Empire, but its only legacy was to be hatred, exhaustion, isolation, bankruptcy, and disorganization.

On the day of the German Armistice, November 11, Lammasch persuaded the Emperor to withdraw from public affairs and retire to Eckartsau. This did not mean, in principle, an abdication of the Imperial throne, but it implied a recognition that such a throne no longer existed, and that German-Austria, at least, was to be free to make her own choice as to her form of Government. Very respectfully, the Social Democratic leaders of the Revolution had waited to be rid of this encumbrance, and when Charles withdrew from the Realm, the Council of State at once prepared to proclaim the Republic. The German Republic had been proclaimed on the ruins of the Hohenzollern Empire, hence Austria must follow suit. On No-

vember 12 the Council proposed to the National Assembly a draft constitution which was immediately passed. That day completed the orientation of Austria's political future. The Republic was proclaimed as an integral part of the German Republic, and the whole populace rejoiced.

The Constitution of November 12 was a brief document, supplementing, so far as possible, the provisions of the organic law of October 30. German-Austria was declared to be a democratic republic in which all authority emanated from the people. As the successor to part of the old Austrian Empire, the German-Austrian State inherited the prerogatives of the Imperial Crown within its own domain. All the Emperor's powers were transferred to the Council of State, until the Constituent should have determined definitely the new order of things. The Royal and Imperial ministries were dissolved, and their powers and duties vested in the various ministries of State as established under the law of October 30. The rights of the other Succession States were guaranteed—a unique survival of the Imperial idea. Finally, provision was made for the summoning of a Constituent Assembly to be elected in January, 1919.

The elections were to be conducted on the principles of proportional representation and equal and direct franchise for all electors, regardless of sex. It was left to the Provisional National Assembly to determine the method of holding the elections for both the Constituent and for the provincial and communal assemblies. These provisions were promptly completed by a law of December 18, which fixed the elections for January and accorded the franchise to all electors over twenty years of age on January 1, 1919. The Constituent was to run for two years and to be governed by the rules of procedure of the Provisional National Assembly.

Territorial Extent of the New Austria

Two important legal consequences of the proclamation of the Republic cannot be overlooked. The Council of State knew well that it had no legal grounds for claiming legislative powers

over the territories of the various German-speaking provinces of the old Austrian Empire, hence it awaited the results of the proclamation of the Republic. On learning that the provincial authorities had acclaimed its proclamation, it heralded the fact, in a resolution of the Provisional National Assembly, as constituting a legal recognition of the binding force of the acts and the sovereign powers of that body.

The second legal consequence of the proclamation, the Council of State held, was that it entitled the Austrian Government to prescribe the territorial content of the new State. This it did in a Law of November 22, 1918, and an accompanying declaration of the Provisional National Assembly. These laid claim to the German-speaking territories of the old Empire, including German Bohemia and the Sudetic lands along the Carpathians, German-speaking West Hungary and the enclaves of Germans in Transylvania. They further set forth the novel doctrine that the industrial areas in Eastern Silesia, claimed by both Czechs and Poles, constituted an interstate possession, and were entitled to an interstate administration, tripartite in character. Self-determination was the primary claim to territorial areas, in that Germans residing in parts of the old Empire *ipso facto* should have the right to belong to the new republic; yet when economic interests threatened to fall, by the same token, into alien hands, the doctrine of interstate possession was put forward.

All these were official actions, but they did not lack unofficial supporters. The constitutional jurists of the old Empire, accustomed to the unusual in legalistic theories, such as abounded in the Dual Régime, at once took up the doctrines of State succession and twisted them to suit an Austrian purpose. German-Austria had territory, population, government, and sovereignty; German-Austria had declared no wars, had entered into no entangling alliances, had concluded no armistice; all that had been the work of the defunct Dual Monarchy and the armistice had brought peace to the whole monarchy. Hence, if now the Czechoslovaks and the Jugoslavs were regarded as Allied nations, obviously German-Austria and Hungary must be regarded as neutral.

This naïve argument was carried further: there was no single state responsible for either the political conduct or the fiscal responsibilities of the old régime; if in the disruption of the empire, Czechoslovakia and Jugoslavia and Rumania had emerged free, Austria and Hungary must be free likewise from both political and fiscal accountability. Their participation at the Peace Conference would involve merely a courteous deference to the Great Powers. Politically, German-Austria claimed, she was at peace with all the world and could resume her relations with neighbor states at discretion.

Then, too, it might be possible to secure for herself the same assent of the Great Powers to a policy of permanent neutrality that Switzerland had obtained at the Congress of Vienna. No longer a menace to the safety of Europe, the new Austria might well disarm, be neutralized, submit to the territorial guarantee of either a League of Nations or a group of interested powers, and maintain her population of Germanic origin intact. No Italian territorial claims to a strategic frontier need be recognized any more than were recognized by the Swiss Republic, in determining the southern boundaries of the Ticino. Austria, innocuous, might well embrace all her Germanic kinsmen in Bohemia.

But the faith of the Allied and Associated Powers in treaties of guarantee, such as had protected Belgium and Luxemburg, was strangely wanting, and no official project for Austria's neutralization was ever sponsored. Further, the Allied Governments held distinct views as to the political successors to the irresponsible Habsburg Monarchy, and Austria and Hungary were not to escape the vengeance of accumulated wrath by a mere change in nomenclature, or a subtle distinction as to their international status. Austria and Hungary had made their peace militarily through the Joint High Command; they had dealt officially with the Armies of Occupation; they were in no wise neutral; they were merely conquered, and therefore must bear the political consequences of defeat.

Such was the Allied contention as to the status of the two culprit states, and that contention was to be subscribed to, by humiliated and chastened statesmen, in the halls of Saint Ger-

main and the Grand Trianon. The carving out of the new territorial limits of the Succession States was not to be the work of national assemblies, but the task of the closeted Great Powers at Paris; the right of self-determination was to be measured against the psychological necessity for militarily defensible frontiers. Thus, the decisions of the Austrian Provisional National Assembly were to be but ineffectual resolutions, having neither legal value nor political significance. Even in the election of the Constituent, they were disregarded, and it was tardily borne in upon German-Austria that union with Germany was more than a purely national concern.

Internal Reorganization

The problem of internal reorganization of the new state involved two important tasks: the democratization of local administration, and the correlation of local and national activities. Under the old régime, as it has already been pointed out, there was a considerable sphere of local self-government, in which direct popular participation, subject to franchise restrictions, was permitted. But the hierarchy of administrative officials, organized under control of the *Statthalter,* was separate and distinct from the provincial assemblies and executive committees, and not responsible to them. This difficulty the new régime desired to obviate, as it was essential in a democratic state to secure both efficient and democratic administration, and a measure of political accountability.

Accordingly,[2] the existing Provincial Diets were constituted into Provisional Territorial Assemblies, empowered to choose, in lieu of the former provincial executive committee, a Territorial Council as an administrative body. In lieu of the Lieutenant-Governor (*Statthalter*) appointed by the Crown, the Provisional Territorial Assemblies were to elect by majority vote a Head of the Territory (*Landeshauptmann*) to be assisted by from two to four deputies chosen by proportional representation. This little group was to form the Territorial Government

[2] By a law of November 14, relative to the taking over of political authority in the territories, (formerly known as crownlands).

(*Landesregierung*) and to be intrusted with the supervision of the work of the Territorial Assembly and Council in each instance.

The Landeshauptmann, in particular, was to be the direct representative of the national government. In the subordinate officials, all personally responsible to the Territorial Administrative Director (*Landesamtsdirektor*), chosen by the Territorial Council, all of the duties of both former local and Imperial officials were vested. The new officials were entrusted with the property and offices theretofore occupied by the officials of the old régime. Wherever changes in official title were necessitated to conform to the exigencies of a republican régime, these were authorized. In so far as possible, the personnel of local government offices was to be retained, pending a reorganization under future ordinances. Meanwhile the prescriptions of former laws forbidding negotiations between separate provincial administrations were abolished, thus permitting collaboration between local administrations in the prompt reorganization of the state.

The abolition of all distinctions between former crown and local government, and the vesting of authority in democratically selected administrative officers, was an important step. However, the permission given to separate provincial administrations to collaborate was almost destructive of the very existence of the Austrian State, as the looseness of organization thus permitted strengthened the forces tending toward dissolution. Collaboration of the Territorial Council with the Territorial Government was prescribed, to permit flexibility of organization, and the Territorial Government was made responsible to the National Administration through the Minister of the Interior. In practice, however, the Territorial Governments depended almost entirely upon the Territorial Assemblies for their support, and the National Government was practically bereft of direct authority over the territorial administrations.

A further modification of the existing scheme of local government, and one bearing the earmarks of the tendencies toward social revolution, was that brought about by a circular of instruction to the administrative authorities, dated December 4,

1918. This dealt with the temporary increase of existing communal assemblies by the addition of a specified proportion of workingmen as representatives of labor interests. This enlargement of the communal assemblies was intended by the extreme Socialist factions as the initial step in incorporating the system of workmen's councils into the fundamental structure of the new state; in practice, it was found that the administrative authorities or the executive committees of the communal assemblies exercised these powers at their own discretion, and succeeded in moderating any subversive tendencies by the selection of the conservative representatives of the working classes as communal coadjutors.

The executive and legislative branches of the government having been at least provisionally organized by the laws of October 30, and November 12, it remained for further legislation to safeguard the interests of the Austrian judiciary. In consequence, there was passed on November 22, 1918, a fundamental law dealing with its reorganization. This specified clearly that judicial power inhered in the State and no longer in the Austrian Crown; furthermore, judgments were to be rendered in the name of the German-Austrian Republic. Thus, any attempt to leave the old Imperial Courts uninstructed was obviated. Extraordinary courts—of which Austria had seen numerous examples during the war—were abolished, although courts martial were to be regulated by further legislation. Criminal courts were to be reorganized.

Judges were to be nominated by a Judicial Senate, and, on the proposal of the Secretary of State for Justice, to be selected by the Council of State. When thus chosen, the judiciary was to be independent and irremovable, except through due legal process. Similarly, only through compliance with the forms of law, could a judge be transferred to another court against his will, or retired before reaching sixty-five years of age (after January 1, 1920).

Safeguards for the securing of prompt action by the courts were provided in the clause permitting cases to remain on the court's docket no longer than one year. The courts were forbidden to inquire into the validity of passage of duly pro-

claimed statutes, and all judges were to be sworn to obey both the Constitution and the laws of the National Assembly. The usual safeguards of open public hearings and jury trials in cases of grave crimes were included in the statute, and a High Court of Justice was named as the court of last resort. Promise of the creation of an administrative court for the hearing of claims against public officers was made, with the assurance that the court would be modeled on that existing under the old régime. Finally, the Council of State was given full power to intervene to mitigate the severity of sentences, while the power of granting amnesty was reserved to the National Assembly.

The further judicial reorganization promised was undertaken by a series of separate acts of the Provisional and Constituent National Assemblies, creating a Court of Accounts,[3] a National Administrative Court, and a National Constitutional Court, the latter to replace the temporary body of old Reichsrat deputies that had assumed these functions since the Revolution. The functions of the first of these bodies were to be discharged by a President and as many other officials and assistants as necessary. Its responsibility for the fiscal transactions, which it supervised, was solely and directly to the National Assembly; the officials were to be appointed by the Council of State and were removable only by the action of the National Assembly. In its internal administration and organization, the Court of Accounts was left free to organize itself according to the desire of its officials, the National Assembly wisely refusing to enter into so intricate a technical field in its legislation. For the guidance of the court, the rules of procedure of the old Imperial Court of Accounts were laid down. In substance, the reorganization of the judiciary, as undertaken by the new régime, meant democratic control, parliamentary appointment, and internal autonomy.

By another law of the same date, the Provisional National Assembly created a German-Austrian Administrative Court to take the place of the old Imperial one. The powers of the old court descended integrally upon the new, yet the internal administration and organization were left to the new court, sub-

[3] Constitutional Law of February 6, 1919.

ject to the approval of the Council of State. The Court was to be composed of a President and the necessary number of Senate Presidents and Councillors, at least six of whom were essential for the transaction of business. These members were to be named by the Council of State, on proposal of the Chancellor, from a list of eligible administrative officials. All decrees of the Court must, as those of other courts, be made in the name of the Republic.

It was left for the Constituent Assembly, by a law of April 3, 1919, to complete the reconstitution of the judiciary through the creation of a Constitutional Court to decide controverted constitutional questions. It was to be composed of a president, deputy president, twelve associates, and six substitutes named, on proposal of the National Cabinet, by the presidents of the National Assembly. To hear a case, the president and six other judges must be present; if the case involved the rights of popular assemblies, at least eight associates must be on hand, and all decisions of the court were made explicitly binding on all State Officials.

These fundamental laws constituted the sole changes in the judicial organization of the country until the definitive Constitution was passed. Its provisions dealing with the judiciary follow the same general lines, except that the federal nature of the new state rendered some modifications necessary.

The National Constituent Assembly

In every one of the Succession States the calling of a Constituent Assembly was a fundamental constitutional precept. No sooner was revolution over than schemes were pushed forward for a consultation of the people in the fullest possible manner, to determine by their mandate the future form of organization of the state. In Germany, pressure, internal and external, forced the early summoning of the Constituent, so that Germany became the leader among the constitution-makers in the new States. German-Austria, no less, had sought to parallel her arrangements to those of the Reich, but as no internal political or popular pressure made an advancement of the elections

necessary, they took place as originally scheduled, February 16, 1919, and the Constituent met in Vienna sixteen days later.

As in Germany, the elections were held on a Sunday, to insure the maximum vote, and the twenty-year age limit made the franchise the broadest possible. The Provisional National Assembly had laid out thirty-eight election districts, but eight of these were in Czech hands, while in seven others the Jugoslavs were in control, and the elections were not permitted to take place. Hence, only twenty-three of the thirty-eight districts returned members to the Constituent. The full number of deputies planned for was 225, but in fact only 170 were elected. Due to the application of proportional representation in the elections, no party obtained a majority. Seventy-two Social Democratic deputies were elected, giving the Socialists a plurality, while the Christian Socialists followed closely, with a block of sixty-nine votes. The German National Federation secured only twenty-six deputies, while the remaining three included a Zionist, a Czech from Vienna, and a Bourgeois Labor representative, Count Czernin, who sought by this party label to demonstrate his conversion to political democracy. Among the clerical votes must be counted those going to the Styrian Peasants' League—the forerunner of a definite agrarian party—which elected three deputies.

A comparison with the last Reichsrat elections in 1911, as given out by the Vienna *Arbeiter-Zeitung,* showed the enormous increase in the vote in the German parts of Austria, due primarily to the extension of the suffrage to women, and also to the lowering of the age limit and the abolition of any property qualifications. Thus the contrast runs:

	1911		*1919*		
PARTY	*Votes*	*Deputies*	*Votes*	*Deputies*	*Inc. %*
Social Democrats	307,156	41	1,210,000	72	394 %
Christian Socialists	538,635	73	1,039,300	69	193 %
German Parties	165,000	105*	593,000	26	360 %
TOTAL VOTE	1,010,781		2,842,300		281.3%

* Including deputies from Bohemia and Jugoslavia.

The position of the great parties left the balance of power in the hands of the German party organizations, which could capriciously side with one, and then the other, to create and overthrow ministries. Such caprices were unwelcome to the main parties, and it became necessary for them to enter into a coalition, under the leadership of the Social Democratic Chancellor, Renner.

This coalition, formed on the eve of the assembling of the Constituent, served, for all practical purposes, to govern the country throughout the period of the Constituent Assembly, save for a short time after the main work of the body had been completed. Like every other Constituent Assembly of the period, the Vienna Constituent was faced with the dual problem of making peace with the neighboring states, formerly hostile, and of reordering the internal structure of the State. With Austria, as with Germany, these problems came concurrently, and the tasks of the Constituent Assembly were divided between peace negotiations and constitution making. The Constituent at once started its task of internal organization. It was confronted by the fact that only a part of the total membership outlined for it in the electoral law had been chosen, and that[4] the Provisional National Assembly had attempted to lay down rules of procedure for its guidance. In the minds of some, it followed from these facts that the Constituent was not endowed with full legal competence to act, first, because its membership was incomplete, and second, because its competence had been outlined in advance by the Provisional National Assembly. In order to clear itself of these reproaches, the Constituent Assembly therefore passed a law, on March 5, regulating its own internal procedure, although the wording of this law was almost identic with that passed by the Provisional National Assembly in February. This was the first formal act of the National Constituent Assembly in its full capacity, as such, and shows that it was determined to exercise its powers independently of any other body. In this it set an excellent precedent.

Not content with this law, it passed another, on March 12,

[4] By a resolution of February 6, 1919, not published by the Government.

proclaiming German-Austria a democratic republic in which all power emanated from the people, and declaring that German-Austria was a constituent portion of the German Reich. By so doing, the Constituent merely reiterated the provisions of the Constitution of November 12, 1918, but gave them legal sanction because it was itself a body emanating directly from the people. A further law of the same date dealt with the status of occupied territory. It recognized the portions of German-speaking Austria, occupied by troops of the Italian, Jugoslav, and Czech armies, as constituent portions of the Austrian Republic on the ground of their expressed declarations and the right of self-determination. The Constituent Assembly claimed for itself the right to name representatives from these regions, where elections had been prevented, and declared that its competence as a constituent body was in nowise infringed upon by these illicit proceedings of the Allied Governments.

Obviously, these laws were more political than juridical in character and were clothed with the authority of the Constituent for the purpose of establishing its right, politically, to act as the custodian of national sovereignty. In point of fact, no such enlargement of the Constituent Assembly was made, and the law simply recorded the protest of the nation in legal verbiage. It was impossible for Austria to delimit her own frontiers, and the Government knew it, but it served the ends of publicity for Austrian claims thus to assert these rights.

The internal procedure of the Constituent Assembly was not unlike that of the lower house of the old Reichsrat. The law of March 5 prescribed the method of verification of the election of deputies, provided for their induction into office and then laid down the rules for the conduct of business, in which government measures were naturally given precedence. Consideration of government measures was compulsory, though the government might freely amend, reintroduce, or withdraw measures, even while under consideration. The sessions of the Constituent were to be public, unless declared otherwise on the motion of the President or twenty-five members. For ordinary business, a quorum of fifty members sufficed, but, for all constitutional laws, half the legal membership of the house must be

present, and a two-thirds majority was required. Sittings might be closed or suspended in the absence of a quorum.

The President was intrusted with the conduct of the relations of the House to the government, and with the management of the House's property, while the order of procedure was to be determined by the triumvirate of presidents, who also appointed all functionaries of the House. The members of the government were assured the opportunity of addressing both the Assembly and its committees, and of voting, in case they were members of the body. Their presence might be required by the House or its committees, which could address questions to the government and institute investigations on their own initiative. Questions addressed to the government were made part of the public proceedings of the House, transmitted to members, for their perusal, and the time for reply was set by the President of the House. The answers given might be oral or written, or the Government might refuse to answer "with reasons."

The sole language authorized in the Assembly was German, and no deviation from the established rules was permitted. The members received a specified compensation, while the presidents received extra allowances, official residences, and carriages. As in other continental countries, free passage over State and private railways was accorded to deputies. It was provided that the President of the Assembly should hold office until the convening of the new legislative assemblies. Finally, it was prescribed that this law should be incorporated into the standing orders of the House, to be binding until modified by resolution of the House.

Having taken these preliminary measures to regulate its internal procedure, the Constituent Assembly turned forthwith to the task of constitutional reorganization. It was recognized that not until Germany had been disposed of at the Peace Conference, would Austria have the opportunity to secure a hearing. Hence, preliminary constitutional organization was essential. The steps taken by the Constituent Assembly along these lines are found in two important constitutional laws bearing the date of March 14, 1919, the first dealing with the organization

and powers of the National Constituent Assembly, and the second with the powers of the National Administration. These laws, supplementing the fundamental laws of October 30, 1918, and November 12, 1918, sufficed to govern Austria until the adoption of the Federal Constitution in October, 1920.

The National Constituent Assembly, as the representative of the will of the nation, declared itself vested with supreme executive power; with power to wage war, conclude peace, and draw up a permanent constitution for the German-Austrian State. It forthwith abolished the presidential triumvirate which had governed the Provisional National Assembly, and substituted a single President, with Second and Third Presidents to act in his absence. The arrangements for procedure in the Assembly and for the publication of laws were unchanged, save for the opportunity given to the Cabinet—the successor to the Council of State—to protest within fourteen days of their passage against laws of the Assembly. If the Assembly revoted the law, the Cabinet must submit.

To further safeguard its members, the Assembly provided the usual Parliamentary immunities, which are almost identical with those provided in the Weimar Constitution. Particularly did it follow the principles there laid down regarding its independent power of investigation of the actions of the government. As a general utility body, it created a Main Committee, composed of the President, the Second and Third Presidents, and eleven other members selected by proportional representation; no member of the Cabinet, however, was permitted to belong to the committee.

The Constituent further attempted to regulate the relations between the National and Territorial Governments. This was a pressing need, as the degree of autonomy assumed by, rather than granted to, the various territories (*Länder*) was already appalling. In consequence, the Constituent, while freely acknowledging the competence of the territorial legislatures in all matters traditionally, or by the revolutionary constitutions, reserved to them, demanded of the Territories that they inform the National Government of all their legal decrees, in order to permit it to give assent to such legislation. How weak the

National Government really was at this time, may be seen from the provision that if the Territorial Assembly, on reconsidering its action in view of a protest from Vienna, should reënact the obnoxious measure, it must be published by the Territorial Government. The Vienna Government might assert a paper claim to the loyalty of the territories and to its own supremacy over them. In practice, it found itself well-nigh impotent.

Territorial laws, in any event, required the signature of the Landeshauptmann, and publication in the official gazette of the territory, while laws involving coöperation between national and territorial authorities must be signed either by the Chancellor or a permanent Secretary of State. In case the National Government found itself unable to sign territorial ordinances, it must communicate the fact, on behalf of the whole Cabinet, to the territorial authorities within a fortnight, or contest them in the Constitutional Court, which must render a decision within a month. In the event of a decision favorable to the territory, the publication of such laws or ordinances must take place immediately. Only in a country rapidly undergoing dissolution from a unitary into a Federal or Confederal State could so placid an attitude on the part of the central authorities be expected.

The other law of immense constitutional significance dealt with the position and powers of the Cabinet and the National Administration. Executive power was to be vested in the National Government, composed of the Chancellor and the Secretaries of State, chosen by the Constituent Assembly on nomination of the Main Committee. Should the Constituent not be in session at the time of the resignation of the government, the Main Committee was empowered to make temporary appointments.[5] The principle of collective responsibility of the Cabinet to the House was explicitly laid down, and safeguards placed around the use of motions of want of confidence.

In view of the introduction of the Cabinet, the Council of

[5] To provide for the transitory period, between the enactment of this law and the actual assumption of power by the Cabinet, a flexible scheme of responsibility was permitted, whereby either the old Chancellor and his colleagues, or a corps of administrative officials, or some specially designated official might assume control.

State was abolished, and its powers were transferred to the Cabinet, with the exception of appointments to the Court of Accounts, which were in future to be made by the President of the Constituent Assembly, and countersigned by the Chancellor or a member of the Cabinet. The entire internal administration was consolidated into six departments while Foreign Affairs, Military Affairs, Transport, and Food Supply were left temporarily, until the projected union of German-Austria with the German Reich should have been consummated. Consolidation of departments by executive orders was permitted and provision was made for ministers without portfolio to serve during the period of transition.

Having outlined the form of administrative organization that was to serve during the period of peace-making, the Constituent Assembly formally recognized the Cabinet, previously formed under Chancellor Karl Renner, as the nation's new executive, and temporarily suspended its sessions on March 15, 1919.

Domestic Policy

The work thus far accomplished by the Constituent had been strictly of a constitutional character, and had given to Austria, in the opinion of the *Arbeiter-Zeitung,* the most democratic constitution in the world. Meanwhile, the parties had formulated their programs and announced their general attitude toward the Constituent and the new government. Both Socialists and Clericals had to justify their entry into a coalition, the former welcoming their opportunity of governing because of the establishment of Constitutional Socialism to which it would lead, and the latter defending their entry into the government on the ground of safeguarding the spiritual and cultural interests of the nation against the extremes of policy to which a Socialist Administration might go singlehanded. Renner, in submitting his program to the Constituent, had laid special emphasis on the national solidarity of the Austrian Germans, on the need of union with Germany, and had pointed out that a policy of socialization, liberal administrative and fiscal reforms, must follow, to bring war profiteers and landed magnates

down to the level of the war-weary middle and laboring classes.

Following the general outlines of Renner's program, the Cabinet submitted to the Constituent a detailed proposal for socialization. In many respects, the Austrian project closely parallels that of the German Government, made almost simultaneously. A National Committee on Socialization was to be created, composed of a President, Vice-President, and three members chosen by the National Assembly on the proposal of the Main Committee, the President to enjoy all the prerogatives of a Secretary of State. This committee was to summon, as members of the Commission on Socialization, representatives of public officials, corporations, labor leaders expert in their own field, employees, capitalists, and other specialists. The President was to possess full power of inquiry into the conditions of industry and to secure relevant data for the Commission to work with.

Meanwhile, the essential principles underlying socialization were announced in a program, outlined by Friedrich Adler, which does not differ from the German projects sufficiently to require further detailed explanation. The mere announcement of the project of Socialization served, however, to evoke a spirited pamphlet warfare on the subject between partisans of Socialism and Clerical or German opponents.

On top of this, came the Hungarian Revolution, bringing a Soviet Organization into active control of that country's affairs. Its direct reverberation on the working classes in Austria was enormously effective. The promise of including the workingmen in schemes for popular representation was regarded by the Communist element as the entering wedge for the reorganization of the whole state, whose provincial or territorial administrations were now so weakened, on the conciliar basis. The formation of Soldiers' Councils had taken place immediately after the armistice, and Workmen's Councils had soon followed. Now, both conservative Germans and Clericals advocated, as a counter-remedy, the organization of Peasants' Councils, as their clericalism and conservatism could be readily counted upon to counteract the radicalism of the masses in the cities. Public opinion, confused by the simultaneous introduction of the conciliar idea

from abroad and the socialization projects at home, appeared to regard the one as the mechanism through which the other should function.

The attitude of the government in this respect was significant. German-Austria might have dallied with Bolshevism and catastrophic change had she been self-contained and self-supporting, but any attempt at revolution would have shattered the last hopes of reunion with Bohemia and the other German lands, and would immediately have subjected the country to the rigors of a renewed blockade at a time when the supply of food was entirely drawn from outside sources. The advent of Bolshevism in Hungary, therefore, steeled the Government unflinchingly against a dictatorship of the proletariat, and Austria passed through the months of Hungarian Bolshevism and Bavarian Communism unscathed, thanks to the food sent from abroad and to the sanity of Bauer and Renner in handling the foreign relations of the young republic.

When the Constituent reassembled, in the beginning days of April, the Commission on Socialization was appointed, with Bauer at its head, and in a plenary session on April 10, the outlines of the government's policy were laid before the full Commission. The most important part set forth was the Factory Councils Law, following the same lines as that ultimately adopted in Germany.

In Austria, however, the right of labor to bargain collectively had never received the degree of recognition, even during the war, that it received in Germany, hence the introduction of the Factory Councils, with their right to fix wages by agreement between the employer and the employees, was a distinctly new departure for Austrian labor. The projects for expropriation were coupled with a program for the socialization of banks, particularly savings banks, in order that their resources might be used for the indemnification of interests losing property through expropriation. Other parts of the socialization projects provided for municipal ownership of certain public enterprises in forms already familiar.

The Assembly acted quickly on the factory councils law and passed it on May 15, after altering its provisions to exclude

agricultural workers from its scope. This was a triumph for the Christian Socialists, in preventing the agrarian population from becoming acquainted with socialistic ideas, but it served to offer the Socialists an opportunity for putting their ideas into practice in urban and industrial areas. A fortnight later, other laws on expropriation, amended to provide for complete indemnification, were passed by the Constituent Assembly. With the passage of these laws the period of socialistic experimentation had begun. Austria turned forthwith to Paris, to learn what the terms of peace must be, which the Allied Governments had prepared for her.

Foreign Policy

The attitude of the Allied Powers had been rather uncertain as regards Austria, although they were quick to resume informal diplomatic relations shortly after the armistice, principally through semi-military, semi-diplomatic missions. France paved the way for the renewal of formal relations by sending to Vienna an ambassador, but the other Allied Powers lagged in sending permanent representatives. Germany, of course, had renewed her bonds of intimacy with the German-Austrian Republic from the first. With Italy occupying the Southern Tyrol, and the Czechs the cherished lands of German Bohemia, there was hardly ground for a friendly attitude toward these powers. Of the other Allied Powers, France was the most pronounced in her attitude, for her policy from the beginning was to prevent the union of Austria and Germany at all costs. Thus, while the campaign for reunion proceeded merrily in Vienna and Berlin, the French Foreign Office waited its time, and, on the eve of the publication of the peace terms with Germany, made known to the Austrian Government the fact that the Allied and Associated Powers had decided that no union of the two countries could take place.

The news stunned Vienna. The thought of union with Germany had been the guiding light of Austrian foreign policy since the Revolution, and all thought of a reconstruction of the

economic union promoted by the Ausgleich had been given up. Now that racial, political, and tariff barriers hemmed Austria in on every side, the tidings came as a sentence of political and economic death.

Immediately thereafter came the news that the Allied and Associated Powers awaited an Austrian Delegation at Paris. With assurances of the support of the National Assembly, Renner went to Paris, to hear the terms of peace at Saint Germain, June 4. The preliminary outlines of the treaty were presented at that time, but the full import of its economic and reparations clauses was not yet known, as the Succession States quarreled among themselves over the spoils, and claimed their share of all reparations while unwilling to acknowledge their part as the fiscal successors to the defunct Dual Monarchy.

After the receipt of the treaty a wordy correspondence between the Allied Governments and Austria took place in which Austria tried to disclaim its status as the inheritor, with Hungary, of all the ills of the old régime. The observations made by the Austrian Government were disregarded, for the most part, by the Allied Governments, but some minor concessions were made, although Austria was required to drop the word "German" from the official designation of the Republic. Peculiarly enough, when the Allied and Associated Powers endeavored to incorporate as parts of the fundamental law of the land the clauses in the peace treaty regarding nationality and racial and religious minority guarantees, Austria did not object, but accepted the situation with good will.

The signature of the peace treaty on September 10, 1919, ended the discussions, and Austria, humiliated and with her future entirely mortgaged, turned back to domestic problems, to assume an innocuous rôle, a pathetic one, among the nations. Throughout the long negotiations Renner had borne the brunt, as Bauer, the Foreign Minister, had resigned on learning the decision of the Allied Powers to exclude Austria from membership in the German Reich. On October 17, 1919, the Treaty of Saint Germain was ratified by the Constituent and Austria made her formal peace with the Allied Governments. On the

same day, an understanding in regard to domestic issues was reached between the Christian Socialists and the Social Democrats, and a new ministry, the second under Renner, assumed office.

CHAPTER VII

THE AUSTRIAN CONSTITUTION

THE PROBLEM OF PERMANENT ORGANIZATION: *Political Disintegration—Separatism and Communism—Federalism as a Panacea—The Christian Socialist Project—Inaction of Constituent Assembly—Mayr's Synthetic Constitution—The Salzburg Convention—The Linz Convention—The Constituent Draft—Unsettled Questions.* THE AUSTRIAN FEDERAL CONSTITUTION: *The Triumph of Federalism—Legislative Procedure—Executive Duties of Legislature—The President—The Ministry—The Army—Territorial Administration and Legislation—The Problem of Vienna—Local Government—General Federal Courts—Special Federal Courts—Bill of Rights—Transitory Provisions—Characteristics of the Constitution—Federal Structure—Swiss Principles Followed—Judicial Supremacy—Parallelism of American and Austrian Constitutional Development.*

THE PROBLEM OF PERMANENT ORGANIZATION

ONCE peace had been made with the Allied Powers, the problem of the permanent constitutional organization of the Austrian Republic arose again. It was not a problem of the extent of the state—that had been solved by the Treaty of Saint Germain—nor of its Republican Constitution, for the Habsburgs had been deposed and nobility abolished before the Constituent thought of the peace terms, but of the fundamental form which should best serve the interests of the new republic. The summer of 1919 had been devoted to the making of peace abroad, but difficulties had meanwhile multiplied at home. Communism, imported from Hungary, made itself felt during Easter, and raised the Red Flag in the streets of Vienna in mid-June, when the armies of the Hungarian Soviet were rapidly reconquering Slovakia. The army wilted away into nothingness and the National Guard, recruited on a volunteer basis, was uncertain in its loyalties. The provinces, furthermore, started tariff wars upon the republic, all but isolating Vienna from the rest of the world, and stubbornly refused to obey the instructions issued by the Central Government in

Vienna. Elsewhere the Workers' and Soldiers' Councils were assuming sovereign authority and preparing for the dictatorship of the proletariat. "Yesterday," wrote the *Neues Wiener Tagblatt,* "Austria was called a State without a government; today it can be called a government without a State."

It was in the midst of these circumstances that the leaders in the Social Democratic Party had to maintain their hold on the State. By persuasion, by promises, by cajolery, by personal intervention of the Secretaries of State, everything possible was done by the Vienna Government to hold on to the reins of power. The Chancellor promised the incorporation of the Workers' and Soldiers' Councils into the structure of the State; the other ministers, like Bauer, pled with these organizations not to take the desperate course followed by the extremists in Hungary, while the Vienna Prefect of Police, Johann Schober, watched with a vigilant eye the subversive movements by which the city seemed menaced.

One great relief came at the beginning of August with the overthrow of the Soviet régime in Hungary; from the menace of a Red Terror, Austria was free, but the political consequences of a restoration of a reactionary, if not monarchial, régime loomed large. With Archduke Joseph as a close neighbor on a Hungarian throne, Austria would fare ill, regardless of her territorial claims. Some formula must be sought to stop the intense particularism and separatism of the provinces, else the Austrian State would totally collapse. It was at this juncture that the movement for a Federal Union of the provinces came into prominence and evoked popular discussion and comment.

The Christian Socialist Party on the morrow of the announcement of the Peace Conference that Austria would not be allowed to join Germany,[1] put forth a draft of a Federal Constitution for the Constituent Assembly to consider. The project was Republican in character, hence the loyalty of the Christian Socialists—erstwhile supporters of the Habsburg Dynasty—could not be challenged. Taking as its point of departure the idea of Renner that federalism had shown itself from the outset even in the framework of the November Constitution, the project

[1] On May 5, 1919.

boldly declared itself to be a "Federative Constitution of the Republic of German-Austria."

In order to cope with the facts of the existing political situation, the Christian Socialist project reserved to the provinces the powers of sovereign states. While the division of legislative competence between the assemblies of the Länder and the National Legislature did not differ essentially from that made in the March Laws by the Constituent Assembly, the relation between the Central and the Territorial Governments was reversed. Whereas, previously, powers not exclusively reserved by the provincial constitutions to the Provincial Diets were within the competence of the Reichsrat, now, the project intended to transfer to the provinces all powers save those specifically delegated to the Federal Government. If, previously, powers had been delegated to the provinces, now the Federal Government was to be the holder of limited, enumerated powers.

Nevertheless, the Christian Socialist program did not intend to strip the Federal Government of all power. In its competence were left foreign affairs, war and peace, political and commercial treaties, military organization, the Federal budget, Federal debts and monopolies, the definition of property to be taxed in the Länder, the securing of the rights of citizens to assemble freely and unite for furthering their political or economic ends. To it were assigned the police powers of regulating the movements of both the native population and of foreigners, immigration and emigration, higher education, labor legislation, judicial organization, control of money and banking, commercial law, customs, transportation, and the issue of military commissions. Thus, authority was given the Federal Government over foreign affairs, defense, and matters essential to the enforcement of the treaty of peace.[2] All other legislation, including that on primary and secondary education, was to be left to the Länder.

The necessary consequence of this proposed federal system

[2] The latter included *finance*—to insure reparations payments; *education*—to give sanction to the minority guarantees clauses; and lastly, *labor legislation*—to permit fulfilment of the clauses of the Labor Covenant included in Part XIII of the Peace Treaty.

was the adoption of a bicameral legislature. In the Länder, this was to consist of a popularly elected assembly, as a lower House, and of a professional chamber, chosen partly by the lower House and in part by the Workers', Soldiers', and Peasants' Councils, which were thus to be incorporated into the framework of the Constitution. For the Federal Government, the same idea was to be put into practice, and the National Assembly was to comprise the lower House, while the upper House was to be composed of representatives from each province, plus representatives of professional organizations, chosen by the Councils. Thus the Christian Socialists conceived the idea of joint territorial and vocational representation by means of this upper chamber. Both chambers, sitting in joint session, were to choose a President and a Vice-President for a term of two years, though not necessarily from among their own members. The term of the Federal Assembly being six years, it was provided that during the life of one Assembly no President must be twice chosen from the same province or territory.

The final outstanding features of the project were the recognition of the plebiscite as a source of popular sanction for the passing or rejecting of laws and amendments to the Constitution. Furthermore, a referendum must be taken in case of conclusion of new political alliances, entry into the League of Nations, the division of the country into territories, and the entry of new territories into the federation. Referenda were to take place on other matters on the initiative of the Federal President, or either of the chambers, or on the demand of a certain number of electors. Initiative measures might be proposed by the President, the Cabinet, either House of the Federal Legislature, any member of the Federal Legislature, any territorial legislature, or by the people themselves.

It is obvious that the Christian Socialist project had borrowed heavily from the Swiss Constitution both in the Federal structure and in the use of means of direct legislation. The French Constitution had lent itself as a model for the choice of the President, while the American Constitution had furnished the idea of a Vice-President. The idea of a Parliament of Labor had come half out of necessity, half in imitation of

the Weimar Constitution, then being drafted. The project had the merit of according satisfaction to the provinces, whose tie had always been a personal one through the fact that the Emperor of Austria was also Archduke, Duke, Count, etc., of the various provinces. They now acquired a new footing of equality and were to be relieved from the excessive centralization of the Government at Vienna, and from the control of the Viennese bureaucracy.

Immediately on the publication of the project, there had arisen a discussion of the rôle to be played by Vienna in the new Federation, and the idea of making Vienna a free city, or a special province, came promptly into the foreground of the discussion. To be granted full autonomy would be satisfactory to the Capital, it was argued, while to be free from central control was highly pleasing to the refractory provinces. Was not Berne itself a Canton in the Swiss Confederation? Why should not Vienna enjoy as happy a rôle? On the other hand, the Socialists, who saw, in the weakening of the power of the Central Government, the doom of the broad exercise of powers needed for socialization, opposed the federal scheme as meaning the "Helvetization of Austria" and running counter to every historic tradition.

The only action immediately taken by the Constituent Assembly as to the future organization of the state was an imperative one: to change the name of the State from the "German-Austrian Republic" to the "Austrian Republic," and to give formal assent to the territorial extent of the country as outlined in the Treaty of Saint Germain, while promising to safeguard the racial, religious, and linguistic minorities of the Republic. No action was taken for several months with regard to the framing of the new Constitution. This was in part due to the necessity of legislating on matters connected with the army, labor, and social welfare, and partly due to the recalcitrant attitude of the Länder, which refused to recognize the authority of the Vienna Government.

At length, after detailed negotiations with the various provincial administrations, Dr. Michael Mayr, Secretary of the Interior, obtained from them their individual views as to Aus-

tria's constitutional needs, and issued, on February 10, 1920, a draft constitution in which the gist of the proposals of the provinces was incorporated. This was clearly an attempt to draft a constitution outside the halls of the Constituent Assembly, and when Mayr called a conference of the provinces at Salzburg on February 15-17, the Provincial Assemblies sent their representatives as though to a second Constituent Assembly, while the Constituent in Vienna sat idly by, engaged in petty factional quarrels. Obviously, the tide of party politics was turning; in the rural areas, especially in the Alpine lands, particularism was strong, and with it clericalism was heartily in sympathy.

Thus the work of Mayr, himself a Clerical, in going over the head of the Vienna Constituent to the provincial administrations, showed that the strength of the Social Democrats was daily weakening, while their domestic program of socialization was rendered remote and illusory by the drastic financial stipulations of the Treaty of Saint Germain. Plainly, the Coalition was breaking up.

In these provincial meetings, the projects of federal or unitary organization were intimately discussed, and the Salzburg Convention definitely decided at its first session for the federal form of Government. In this vote, the Socialists of Vienna and Lower Austria committed themselves to the Federal idea, providing the interests of the capital city were perfectly secured, and tariff warfares were abolished, while the Upper Austrian and Styrian Socialists acceded to the idea without reservations. On the other hand, the Socialists from Salzburg, Tyrol, Vorarlberg, and Carinthia, where separatism had been strongest, voted against the project of a federal union and clung to the ancient Austrian concept of a unitary state. This fundamental principle having been decided upon, despite the limited Socialist opposition, the Convention turned its attention to the constitutional projects submitted to it, that of Dr. Mayr and a counter-project fathered by Dr. Falser, representative of Tyrolese opinion.

The Mayr project was divided into seven captions, dealing with the general competence of the Federal Government, legis-

lation, the executive, army, courts, provincial administration, and rights of citizens. The new state was to be called a confederation, and the powers allotted to the Federal Government were strictly limited. The Legislative assembly was to be composed of the *Bundestag* and the *Bundesrat,* the former a popularly chosen body, the latter a body directly representative of the provinces, although Vienna, Lower Austria, and Upper Austria were given greater representation than the other provinces. The Federal President was to be at the same time the president of the Bundesrat, and the Chancellor and Cabinet were to be subordinate to him. A professional army was to be created on the basis of voluntary enlistment. Military courts and the death penalty were to be abolished. Provincial Government was to be carried out by a diet (elected by a provincial electoral law), a governor, vice-governor, and provincial cabinet chosen by the diet. The only control left to the Federal Government was the power of dissolution of the Diets, which required the assent of the Bundestag. A bill of rights, such as existed under the old Austrian Constitution, was appended.

The Falser project differed in that it gave wider powers to the provinces, prescribed equality for all provinces in the "Chamber of Provinces," and endowed the Bundesrat, which was to be a copy of the Swiss body, with full executive powers. In essence, it embodied a typically Swiss viewpoint of extreme local self-government on a confederate basis.

The Salzburg Convention, having once settled the principle of federal organization, next elicited declarations from the parties as to the composition of the Bundesrat. The Germans and Clericals favored the "Chamber of Provinces," while the Socialists clung to the idea of a unicameral parliament. The president of the Confederation, the German Liberals held, should be elected by the whole people in accordance with the precedent laid down in the Weimar Constitution; the Socialists desired the President of the Federal Assembly to be the Federal President, while the Christian Socialists wished to separate the two officers. The question of the army was hardly touched, but it was decided that the army should be organized "according to the general principles of the Constitution." The parties agreed

that the territorial governments should have assemblies elected by universal suffrage, and that the Federal Government should be competent to declare whether their acts contravened the Federal Constitution or not; their decrees must be submitted to it for approval.

Finally, as to the basis of division of powers between the Federal and Territorial Governments, the Socialists declared it a matter of finances, and inseparable therefrom, while the German Liberals and the Christian Socialists, borrowing from the Weimar Constitution, agreed in principle that, in certain cases, the Federal Government should have exclusive jurisdiction both for legislation and administration; in others, its jurisdiction should be legislative only; in still other fields, it might merely lay down the general rules or principles to be followed. Once these issues were decided, the Salzburg Convention adjourned, to meet at Linz, April 21-22, for further discussions.

At Linz, the contrast between Socialist and Clerical views again appeared, but this time along different lines. Mayr himself had several compromises to suggest in the delimitation of the powers of the Federal and Territorial Governments, as well as modifications in the method of choosing the President and the Bundesrat. His proposals involved the election of the President by vote of the people for a five-year term, with re-eligibility, and responsibility to the Bundesrat. The Bundesrat must be based upon the population of the various provinces, save that no province should have over one-fifth the total number of seats. The Socialist proposals included strengthening of the power of the Federal Government and the abolition of the Bundesrat, as well as the election of the President by the Bundestag.

There ensued a discussion of the control of education, the Clericals seeking to take it out of the hands of the Confederation, while the German Liberals and Socialists endeavored to place it entirely under Federal control. The Socialist program in regard to education was drawn almost integrally from the provisions of the Weimar Constitution.

The next step in the evolution of the federal constitution came in the preparation, by the Constituent's sub-committee

on the Constitution, of a compromise project completed August 26, 1920. Differing from both the Falser and Mayr projects, it provided for a bicameral federal legislature, the *Nationalrat*, or lower house, to be elected by universal suffrage and the *Bundesrat*, or upper chamber, to be elected by the various Diets, no province having more than twelve representatives nor less than three in the body. Like the Reichsrat in Germany, the Bundesrat was given a right of suspensive veto on legislation subject to reënaction of such laws by the lower house.

The Socialist viewpoint that the President of the Confederation should be elected by the joint session of the Federal legislative bodies appeared in this draft, but the president's powers were to be no greater than those of the President of the Constituent Assembly. The division of powers between Federal and Territorial Governments was maintained as in the revised Linz draft. In case of objection by the Federal Government to territorial legislation, it must be reënacted by the diet to give it validity, but in case of a question of unconstitutionality, the Constitutional Court must be asked by the Federal Government to decide.

There remained unsettled the question of educational control, on which neither Clericals nor Socialists were able to find common ground. Power of food control and utilization of hydroelectric energy [3] were denied to the Federal Government, in conformity with German and Clerical wishes. Police affairs were intrusted to local authorities, while labor and social legislation (except as concerns agriculture) were left to the Federation. In view of the inability of the Constituent to command a two-thirds majority on these controversial matters, it was left to party conferences to iron out the difficulties between the groups.

In the end, the parties, after protracted negotiations, held their ground, and could come to no agreement on many points. This being the case, the Constitution Committee of the Assembly approved the compromise project, and the Assembly itself,

[3] This was, of course, one of the enterprises to be socialized. The Clericals, by preventing the Federal Government from exercising control effectively frustrated the possibility of further socialization.

after a hurried discussion, passed the new Constitution on October 1, 1920.[4]

The Austrian Federal Constitution

In the end, the Federal principle had triumphed. What the Federalization Manifesto had half intimated in 1918, two years of economic dislocation and war weariness had completed. Austria, once highly centralized under the control of the Imperial bureaucracy, turned to the federal structure of the new fundamental law as the last recourse of an exhausted nation. In the new document the powers of the Nation and of the territories were divided along lines that the Salzburg and Linz Conventions had laid down. The exclusive competence of the Federation was posited for some spheres of state action,[5] while others were left exclusively to the territories.[6] Intermediately were left the spheres of legislation where the Federal Government might pass the laws but must depend upon the territories for their enforcement,[7] and also the domain where the guiding principles of law might be set forth by the Federal Legislature for the Länder to fulfil by their ordinances.[8]

The Federal Government was not, indeed, without powers, as the control of essentials to the conduct of international relations and defense were left in its hands, while the necessary fiscal powers to permit the fulfilment of international financial obligations were accorded it. The matters of common interest to the Federation were comprehensively included in the sixteen broad categories of subjects exclusively left to the Federation to administer. The regulations needed to avoid confusion arising from separate territorial legislation were left to Federal legislation. The vast field of social and labor legisla-

[4] It is extremely interesting to note the extent to which the final draft of the Federal Constitution conforms to the main outlines of the Christian Socialist draft of May 5, 1919. Save for the elimination of the schemes for vocational representation, it would appear that little of fundamental importance was altered, the modifications being only in matters of detail.

[5] Art. 10.

[6] Art. 15.

[7] Art. 11.

[8] Art. 12.

tion, agrarian reform, control of natural resources, etc., was left to the territories to administer through ordinances of their own making. Education was left untouched, as no compromise could be reached by the Constituent, and further constitutional laws on the subject were promised.

The definite incorporation into the Constitution [9] of the principles of Federal and territorial administration is a unique feature. The principles of parliamentary government and the responsibility of the Federal and territorial executives to their respective legislative bodies are first among these. The principle of Judicial Supremacy is next emphasized in the provision that members of territorial and Federal Governments may be held accountable for their actions, so far as the respective constitutions provide for it, by the Federal Constitutional Court. Administrative, as contra-distinguished from political officials, are responsible to their political superiors for their actions, but Federal and Territorial Governments are themselves responsible for the official acts of their administrative forces. In the reorganization of the administrative services allowance is made for the functioning of bodies of representatives of the personnel of the administration.[10] Strict faithfulness in the collaboration of local, territorial, and federal officials is enjoined by the constitution.

The Legislative organs under the new Constitution are closely akin to those created by the Weimar Constitution in Germany. The lower house of the Federal Assembly, known as the *Nationalrat* [11] or National Council is composed of members elected by equal, direct, and secret suffrage of men and women according to proportional representation. All over twenty years are eligible to vote and all over twenty-four, to run for office, provided, in each instance, that no legal abridgement of their civil rights has occurred. Elections are held on Sunday or a holiday. The mandate of members lasts for four years.

The Nationalrat is summoned by the Federal President to meet within thirty days after its election, and the date of meet-

[9] Arts. 18-23.

[10] This incorporates the conciliar principle in diluted form.

[11] Arts. 24-33.

ing must be the day following the expiry of the old body. Prorogation of the Nationalrat is possible only by its own resolution, and the reassembly is ordered by the president of the chamber, on the demand of the cabinet or one-fourth the total membership of the body. The Nationalrat can likewise decree its own dissolution by an ordinary law. The house chooses its own officers, and regulates its internal procedure in conformity with a general constitutional statute which it is called upon to pass by a two-thirds majority of a quorum of half its full legal membership. Otherwise, for ordinary business, a third the total membership constitutes a quorum and a simple majority of these suffices to pass a law. The sessions of the Nationalrat are public, though they may be closed on proposal of the presiding officer or a fifth of the members of the house. No one may be held to account for reproducing accurate accounts of the transactions of the National Council.

The upper house of the Federal Assembly is the *Bundesrat*,[12] or Federal Council, representative of the Territories. No territory may have more than twelve nor less than three members in the Bundesrat. The members are chosen by the Territorial Diets by proportional representation to permit the party polling the second highest number of votes in the preceding territorial election to have at least one representative. In case of equal claim of several parties to the seat, the matter is decided by lot. Members of the Bundesrat may not be members of the Landtag electing them, but must be eligible for membership in that Landtag. The mandate of Bundesrat members lasts until the election of new members by a newly elected Landtag. The constitutional provisions regarding the Bundesrat can be changed only by initiative of the representatives of at least four territories.

The Bundesrat is presided over for half a year by the leading representative of each territory, in the alphabetical order of the territories. Deputy presidents are provided for by the rules of procedure of the Bundesrat. The presiding officer summons the Bundesrat to meet at the seat of the Nationalrat, and must do so without delay, on the demand of either the

[12] Arts. 34-37.

cabinet or one-fourth the total membership. A simple majority of a one-third quorum suffices to pass a resolution of the body. The rules of procedure, publicity, and privileged character of the proceedings are governed by the same rules as obtain for the National Council.

Jointly, the National and Federal Councils comprise the Federal Assembly,[13] and meet for the purpose of electing and inaugurating a president or declaring war. Except in case of impeachment of the Federal President, or in case of a vacancy in the presidency, the Federal Assembly is convened by the Federal President and presided over alternately by the presidents of the National and Federal Councils. The rules of procedure applicable to the Federal Assembly are those of the National Council. The two Councils may deliberate separately before voting; the decision of the Federal Assembly is announced by the two presidents and countersigned by the Federal Chancellor, who is under obligation to publish it officially.

Ordinary legislation[14] may emanate from four sources: members of the Government or individual deputies may introduce in the Nationalrat measures of their own devising, or the Bundesrat may transmit through the Cabinet proposals which it has sponsored, or on the petition of 200,000 voters, or half the voters of three territories, fully drafted bills may be laid before the Nationalrat by the Cabinet.

Bills passed by the Nationalrat are forthwith transmitted by the presiding officer to the Federal Chancellor for submission to the Bundesrat. If the latter raises no protest within eight weeks, it is published and becomes law. If, however, the Bundesrat protests against the bill, repassage by an absolute majority of the Nationalrat is essential to make it law. The right of veto, of even this suspensive character, is denied the Bundesrat in the case of money bills, bills changing the order of business in the Nationalrat, or dissolving it.

Referenda on bills before their publication may be resorted to, if the Nationalrat orders it, or if half its members demand

[13] Arts. 38-40.

[14] Arts. 41-49.

it. Constitutional laws or laws containing provisions of a constitutional character require a two-thirds vote of an absolute majority of the members of the lower chamber for passage, and must be specifically entitled "Constitutional Laws." Wholesale changes in the constitution must be submitted to a referendum before publication. Partial constitutional changes require the same procedure, if one-third the members of the Nationalrat demand it. Further details as to direct legislation are left for future laws. Properly passed laws are published by the Chancellor over his countersignature and that of the minister concerned. They are thereupon put into force on the day of their publication.

Certain executive duties[15] are also entrusted to the Federal Legislature. Political treaties, and those changing the Constitution, require ratification by the Nationalrat, which may, if it desires, order a plebiscite to be taken on the question of ratification. The supervision of the budget is another onerous duty placed upon the Nationalrat. The ministry is required to submit the budget for the ensuing year and the accounts for the current year to that body eight weeks before the expiry of the fiscal year. The Cabinet, too, is subject to the questioning and investigation of the Parliament, which may, as in Germany, freely appoint investigating committees to examine the conduct of the administration.

The collaboration of the Nationalrat in the fixing of railroad, postal, telegraph, and telephone rates is further required by the constitution. Much of this work is entrusted to the main committee, which works in close coöperation with the Cabinet.

To safeguard the rights of the Nationalrat, the ordinary parliamentary immunities are accorded the members;[16] the Bundesrat members are accorded whatever immunities the members of the Landtags of their respective territories enjoy. Membership in both houses is forbidden, but the holding of other public office is no bar to membership in the National or Federal Councils.

[15] Arts. 50-55.

[16] Arts. 56-59.

The Federal president[17] is elected by the Federal Assembly by secret ballot for a term of four years, and may be once re-elected. Any one possessing the qualifications for an elector to the Nationalrat, and over thirty-five years of age, is eligible, but members of ruling houses or those previously ruling are forever excluded. The President must devote his whole attention to his office and is required to take a simple oath without any religious qualifications. He may be prosecuted only with the consent of the Federal Assembly during his term of office, and, in case of prosecution, the National Council must decide whether the Federal Assembly is to be convoked. In case of illness or disability, the President is represented by the Chancellor, but if this illness or disability continues, the Chancellor is obliged to summon a meeting of the Federal Assembly to elect a new President.

The President represents the Republic in its international relations, receives and accredits ambassadors, ratifies the exequaturs of foreign consuls, commissions consular representatives of the Republic to foreign countries, and concludes international treaties. He has the power of appointing Federal officials, although this may be delegated to members of the ministry, and he may empower the ministers to conclude certain types of treaties not requiring parliamentary ratification. He may pardon convicted persons or commute their sentences, quash legal proceedings, and legitimate illegitimate children on the request of their parents.

All his acts are taken upon the recommendation of the Cabinet, or of some minister appointed by it, and must be countersigned by the Chancellor or the appropriate minister. The President is responsible to the Federal Assembly for all his actions, and the latter must be convoked, if necessary, by the Chancellor, on the resolution of either of the Federal Chambers. The Federal Assembly may, by a two-thirds vote of an absolute majority of the members of both Chambers, impeach the President before the Constitutional Court, which is alone competent to hear the case. In case of conviction, the Presi-

[17] Arts. 60-68.

dent is removed from office and may, in addition, temporarily lose his political rights.

The work of carrying on the Federal Administration [18] is intrusted to the Chancellor, Vice-Chancellor and other ministers in so far as not specifically reserved to the President. These officials comprise the Cabinet, under the presidency of the Chancellor. The ministry is chosen, as under the provisional constitution, by the National Council, on proposal of its Main Committee. The Cabinet must be composed of persons eligible to membership in the Nationalrat, but not members of it. This is a peculiar feature of the Austrian Constitution, in that it departs radically from the traditional connection between the ministry and the legislative body in a Parliamentary Government. It is copied from the Swiss model, in which the executive, while chosen by and from Parliament, does not continue to belong to it.

Similar provisions to those contained in the March Laws govern the carrying on of the administration between the formation of cabinets. In case of temporary disability of a minister, the President may intrust his office to another minister, or to a high official in the particular department, who thereupon assumes the political responsibility for the conduct of the department. The provisions of the March Laws are also carried over integrally into the new constitution as regards questions to the ministry, resignations, and votes of want of confidence.

Ministers may participate in the deliberations of either Chamber, or its committees, but only upon invitation in the proceedings of the Main Committee of the Nationalrat. Their presence may be demanded by these bodies, and, in any event, they have the right to be heard. Ministers may be impeached by a simple resolution passed by a majority of the Nationalrat. The remaining provisions of the constitution dealing with the ministry cover the relations between the ministers and their subordinate officials, and provide for emergency situations.

A few simple clauses were inserted in the constitution [19] to

[18] Arts. 69-78.

[19] Arts. 79-81.

govern the position of the Federal Army, which was placed under the protection and control of the Nationalrat. Its duties are prescribed as being the defense of the frontiers, the maintenance of law and order, and the lending of assistance, in so far as it is able to coöperate with the civil authorities, in case of disaster or accident. Further regulations by the military service law are envisaged.

The territories [20] legislate through the Territorial Diets, whose members are chosen by equal, direct, and secret suffrage and proportional representation by the electors in each territory. The qualifications of electors are determined by the electoral ordinances of each territory. A limit is set on these by the provision that the suffrage may not be more restricted than that for the National Council, and that electors may not vote in more than one district. Members of the Territorial Diets enjoy the same immunities as the members of the National Council, and the same rules as to publicity and publication of proceedings apply.

Territorial Diets are unicameral, as, in the end, the idea of a separate professional chamber was discarded by the Constituent Assembly. The resolution of the Diet, passed by the necessary majority and countersigned and published by the Landeshauptmann, suffices to enact a territorial law. If the coöperation of Federal authorities is required in its enforcement, the law must be submitted to the ministry for approval, and, in any event, all territorial laws must be communicated to the Ministry for its information. Territorial laws affecting Federal interests adversely may be protested by the Federal Government within eight weeks of their receipt, in which case they must be repassed by an absolute majority of the Diet before taking effect. Publication of territorial laws within the period allotted for Federal protests is permissible only by the express consent of the Cabinet.

The Territorial Constitutions can be changed by territorial law in so far as they do not thereby infringe upon the Federal Constitution; for the passage of such laws a two-thirds majority of the Diet is required. The Federal Government may protect

[20] Arts. 95-107.

itself against the arbitrary action of a Territorial Diet by dissolving the Diet, with the consent of the Bundesrat. In this event, the members of the Bundesrat elected by the Diet in question are not permitted to vote, and a two-thirds vote of at least half the other members is required to give validity to the order of dissolution. New elections must be held within three weeks of such dissolution and the new Diet convened within a month after the elections.

The Territorial Administration is entrusted to a Cabinet chosen by the Diet from among those eligible to membership in that body, but not actually members. In the territories, therefore, the same separation between the executive and the legislature which prevails in the Federal Government is carefully maintained. The Landeshauptmann, who heads the territorial administration, is sworn into office by the Federal President, and the other members of the Landesregierung are in turn pledged by the Landeshauptmann to observe the Federal Constitution.

This official is the direct link between the Federal and Territorial Administrations and has a peculiar importance. In so far as the Federal Government does not administer its powers in the territories directly through its own officials, the administration of Federal functions is entrusted to him. This gives him an enormous power, comparable to the power of a prefect in France or Italy, and, in addition, the Landeshauptmann acts as the official representative of the territory in its relations with the Federal Government and is politically responsible to his Territorial Diet. His parliamentary immunity does not prevent his strict accountability to the Federal Government for his discharge of the functions wherewith the Federal Government has entrusted him.

Thus, the Landeshauptmann must serve two masters, the Diet which elects him, and the Federal Government, whose mandates he must execute. The constitution explicitly provides, however, that the Landeshauptmann is to follow explicitly the instructions of the Federal Government. In this respect, therefore, he is left little personal initiative, and no policy is his to formulate in his capacity as a Federal officer. In his capacity

as the head of the Territorial Administration, it is his function, in connection with his colleagues, to determine a government policy for the territory, and defend it before the Territorial Diet. Briefly, this unique official is administratively responsible to the Federal Government, and politically responsible to the Territorial Diet. Territorial administration is entrusted largely to the Territorial Administrative Director, who collaborates with the Cabinet in the indirect administration of Federal affairs.

To safeguard Federal interests, it is provided that inter-territorial agreements must concern matters within the sole competence of the territories, and must be immediately notified to the Federal Government. This resembles strongly the provisions made in the Swiss Constitution for the conclusion of *concordats* between the various cantons.

The peculiar rôle occupied by Vienna in the new Republic [21] was an object of considerable agitation, both in and out of the Constituent Assembly. In the Constitution, therefore, a special section was devoted to the relations between the two. It was provided that the Lower Austrian Diet should be divided into two curiæ, one of which was to be composed of the deputies from all the territory except the city of Vienna, while the other was to be made up of the City Council of Vienna. Jointly, these bodies meet to deliberate concerning the matters of common interest, as laid down explicitly in the Lower Austrian Constitution.[22] Each curia is governed by the constitution adopted for its territory, and each may legislate separately on matters not of common concern. Joint expenditures are provided for by the Joint Constitution, and the affairs of Lower Austria are administered by an Administrative Commission chosen from the Joint Landtag by proportional representation.[23] The Burgomaster of Vienna and the Landeshauptmann of

[21] Arts. 108-114.

[22] This is not unlike the situation in France, where the city of Paris has its Municipal Council, which, with the councillors from the other districts, outside the city limits, makes up the General Council of the Department of the Seine.

[23] Note the survival of the old Dualism of the defunct monarchy in this arrangement.

Lower Austria preside alternately over the deliberations of the Commission. Provision is made for the separation of the two curiæ into two territories by identic legislation on the part of each curia.

For administrative and local government[24] purposes the territories are divided into local communes (*Ortsgemeinden*) and districts (*Gebietsgemeinden*) subordinate to the Territorial Governments. Communes containing more than 20,000 inhabitants are permitted, on their own initiative, to be formed into districts, thus consolidating the communal and district administrations. Cities with local autonomy under the old régime are regarded as urban districts under the new constitution. Both local communes and urban districts are permitted to undertake various business enterprises in so far as they do not, in their municipalization, conflict with the territorial or Federal Governments or Constitutions. The organs of local government are the Communal and District Assemblies and their respective magistrates. Elections to these assemblies are based on essentially the same electoral qualifications as for the Landtag, except that residence within the prescribed districts is necessary. Judicial districts are used as precincts for elections to the District Assembly. The assemblies select, for the various branches of their respective administrations, administrative committees chosen from among their own members by proportional representation. These may be enlarged, if the occasion demands it, by the addition of representatives of professions or vocations. In this respect, at least, the communal and district assemblies are given slight leeway for the introduction of vocational representation, although the Landtag and the Federal legislative bodies were denied such representatives at the last moment.

The competence of the local government bodies is determined by both Federal and Territorial law, in which case the Federal law may determine the general principles of local administration and leave the details to be regulated by the territorial authorities. The local communes are assured full competence to take the necessary measures relative to public safety (*Sicher-*

[24] Arts. 115-120.

heitspolizei), charity and public assistance, maintenance of roads, streets, parks and bridges, traffic regulation, fixing of communal boundaries, and the issuance of public health, building, and fire regulations. The conduct of communal administrations is left to other officials of recognized standing, who are chosen as magistrates or burgomasters by the communal or district assemblies.

The new Constitution [25] provides for the creation of an independent judiciary by federal law, for the abolition of military courts in time of peace, for the abolition of the death penalty and of extraordinary courts, save in a few special cases provided for by law. Judges are named, on the proposal of the Federal Cabinet, by the Federal President, or on his authorization, by the appropriate Federal Minister. Proposed names are sent to the Cabinet, or Minister, by the body heretofore called the Judicial Senate, and at least three names must be submitted if a single vacancy is to be filled; otherwise, twice as many names as there are vacancies.

Further provisions detail the competence of judges, their transfer, retirement, or removal, and prescribe that in case a judge believes a law unconstitutional, he may transfer the case to the Constitutional Court for trial. The use of a jury in trying political offenses and crimes is made compulsory. Amnesty can be declared only by Federal Law. Strict separation of ordinary and administrative courts is maintained in the new constitution, though recourse to the ordinary courts may be had for injuries caused by public officials acting in a private capacity. For the settlement of contentions arising out of land reform measures, special tribunals composed of judges, administrative officials, and expert commissioners are established.

The Federal Constitution took over the Court of Accounts, the Administrative Court, and the Constitutional Court created under the March Laws with little fundamental change. The Court of Accounts was to be removed from political influences and every endeavor was made to keep it a strictly technical body, charged with auditing the national accounts and presenting them to the Nationalrat. No members or officials of this

[25] Arts. 82-94.

body may engage in private enterprise while in office, unless that be a humanitarian undertaking.

The Federal Administrative Court[26] is permitted to review the cases of injury to private persons by public officials, and the decisions of territorial administrative authorities, but the cardinal principle of strict separation of judicial from administrative cases is preserved. The court possesses the power of interpreting the laws governing the competence of public officials, and its decisions are binding on all administrative officers. The court is appointed by the President by and with the advice and consent of the Cabinet, the Main Committee of the Nationalrat (as to the presiding officer and half the members) and the Bundesrat (as to the Vice-President and the remaining members).

The Constitutional Court[27] is empowered to hear all cases not otherwise provided for, against the Federation, territories or Communes, to settle all disputes between ordinary and administrative courts and authorities, as well as between the Administrative Courts and itself, and to decide cases between Territories or between a Territory and the Federation. It also has the power to pass on the constitutionality of Federal or territorial ordinances on the request of the ordinary courts, or of the territorial or Federal authorities respectively. The two latter can also ask the Court to pass upon the constitutionality of laws. In such cases the Court may inquire into the circumstances of the passing of the law as a part of its investigation. Decisions as to unconstitutionality must be published by the competent authorities and take effect immediately unless otherwise provided by the Court.

The Constitutional Court is further made the arbiter of contested elections to Federal, territorial, or local government assemblies. It also acts as a court for the impeachment of the highest Federal or territorial officials and as a court of appeal in administrative cases for which no remedy has been found by administrative tribunals. Finally, the court is empowered,

[26] Arts. 129-136.

[27] Arts. 137-148.

through special legislation by the Federal Government, to decide cases of violation of international law. The Federal President is entrusted with the execution of the decisions of the Court. The President and Vice-President of this Court, as well as half the members and their alternates, are chosen by the Nationalrat for life, while the other half are chosen by the Bundesrat.

The Constitution [28] establishes as a bill of rights the relevant provisions of the old Imperial Constitutional laws, the guarantees established by the Revolutionary laws deposing the House of Habsburg and abolishing nobility, and, finally, concludes by incorporating the minorities guarantee clauses of the Treaty of Saint Germain.

The transition from the Revolutionary and Constituent Régime was made by a Constitutional Law of the same date as the Constitution, which provided, in detail, for the taking over of the various Federal and Territorial functions by the competent authorities.

The Federal Constitution can properly be said to be a logical result of the forces operating at the time of its formation. While the revolution began with considerable enthusiasm, with the prospect of an easy escape from the burdens of the old monarchy, the Austrian people's national ardor cooled, in the course of two years of political and social unrest and economic enervation. The forces that would have made for national unity and the continuance of centralized government were checked by the official ban of the Peace Conference on a union with Germany. The utter economic dependence of Austria on other countries for her food supply made her submit passively to the demands of the Allied Powers for reparations, for territorial changes, for strict good behavior. Austria acquiesced without raising any difficulties for the Allied Governments. Under Allied pressure, she had refused to make advances toward Bolshevism, but equally, under Allied pressure, the internal structure of Austria weakened perceptibly.

The structure thus weakened could be held together only by a federal union, and this the Constitution accomplished. The

[28] Art. 149.

Constitution itself is extremely "liberal" in the powers it accords the territories, but Liberalism of this character is an index to weakness, if not impotence. It is democratic, in that it enables the people to participate freely in the government, but the political constitution has left little leeway for any economic constitution, such as the German Reich firmly incorporated at Weimar.

Probably the underlying thought, whether consciously or unconsciously present in the minds of the drafters of the Vienna Constitution, was that Austria, as a land-locked, compact, impoverished state, could best draw its constitutional principles from the Swiss Confederation, whose divergent and particularistic interests have been best served by the Federal structure. The old Austrian terminology has, in the main, been retained for local administration, but the model is obviously Swiss. The Federal Assembly is distinctly based on its Swiss prototype, and the Landeshauptmann is taken from the *Landamman* of the cantons. The instruments of direct democracy, the initiative and referendum, are taken from both the Swiss and German Constitutions, but the Vienna Constitution excludes the recall. Perhaps the most distinctive contribution to democratic federalism is the creation of the peculiar office of Landeshauptmann, with its dual responsibilities and functions. Without explicitly providing that the Territorial Constitutions shall be republican, the structure created by the Vienna Constitution prevents any other type of government from being adopted.

Finally, the doctrine of judicial supremacy is raised to a higher degree in the Austrian Constitution than in any other extant. This does not seem to have been an accident, but a deliberate endeavor on the part of the framers. Crown Government, arbitrary and irresponsible, had antagonized both the conservative Clericals and the democratic Socialists; hence executive supremacy was to be feared as the forerunner of an imperial restoration of "Caesarism"; legislative omnipotence had proved uncertain in view of the experiences of the Constituent Assembly in its relations with the provinces; to an impartial and high-minded judiciary the ultimate authority could

well be relegated. It is in this respect that Vienna actually borrowed heavily from *The Federalist.*

In following the model of the Congress of the Confederation as its prototype for the Provisional National Assembly, the Austrian Government had found the same pitfalls that confronted the American Confederation; in entrusting to its Committees the levying of taxes and the furnishing of supplies, it had failed; tariff wars and petty jealousies had rendered the national government impotent, and only in a Federal structure did it at last find strength. The parallelism between the American and Austrian revolutions is significant, save that the Washingtons and Hamiltons have been lacking in Vienna; it remains for the Austrian judiciary to consolidate, legally, as did Marshall in America, the tenuous structure of authority which war, revolution, and exhaustion have bequeathed to the struggling democracy of Austria.

CHAPTER VIII

AUSTRIAN POLITICS SINCE THE REVOLUTION

THE SOCIAL DEMOCRATS AND THE REVOLUTION: *Foreign Policy—Party Realignments—The Second Renner Coalition—First Mayr Ministry: The Proporzkabinett—The Electoral Campaign of 1920: Parties and Issues—Election Results—Second Mayr Ministry—Election of Hainisch as President.* THE CRITICAL PERIOD, 1920-1922: *Renewed Separatism—The Tyrol and Salzburg Plebiscites—First Schober Ministry—Efforts at Financial Reform—Second Schober Ministry—The Conference of Porto Rosa—The Treaty of Lana—Third Schober Ministry.* THE FINANCIAL RECONSTRUCTION OF AUSTRIA: *Importance of Austrian Financial Reform—The Clerical-German Coalition—Seipel's Pleas for Austria—Difficulties Encountered—Beneš' Rôle in the Rehabilitation of Austria—The League's Plan of Reconstruction—Constitutional Effect of the League Scheme—The Law of Full Powers—Administrative Reforms—Second Seipel Ministry—Foreign Policy—Party Regroupings.* THE FUTURE OF AUSTRIA: *Clerical Influences—Nationalism—Socialism—Economic Federation.*

THE SOCIAL DEMOCRATS AND THE REVOLUTION

THE Revolution of 1918, as has already been pointed out, was the work of the Social Democrats. As men hitherto untrusted with office, as the strongest single element professing democratic ends, the members of the party came into power at the time of the dissolution of the empire without incriminating records behind them, on the basis of which the Entente Powers might seek to brand the Austrian Republic as an artifice, or a subterfuge. The revolutionary leaders of the Social Democratic Party were men accustomed to play a conciliatory part between the rival national groups in the tumultuous Reichsrat. Behind them there was the skilfully edited *Arbeiter-Zeitung,* whose influence became dominant among the war-wearied working classes. No outstanding genius engineered the revolution; rather was it the work of a handful of devoted leaders: Bauer, Adler, Seitz, and Renner, the Landsberg, Haase, Ebert, and Scheidemann of Vienna.

Once in power, the Social Democrats were the driving force in the formulation of government policy during the weeks before the meeting of the Constituent. Of the four leaders of the party, Renner was clearly the most able, and to him the care of the foreign relations of Austria was confided. This task Renner did not lay down [1] until the Constitution of 1920 was finished. Thus the early foreign policy of the young republic represents a continuous guiding influence which has shaped the course of Austria's development markedly.

After the Revolution the old party presidents had, by agreement, rotated in office in the Provisional National Assembly so that not until the Constituent met can party lines be said to have been clearly drawn. The results of the elections to the Constituent having failed to give any party a majority, the Christian Socialists and the Social Democrats entered into a coalition to govern the country during the period of the peace negotiations. Although the party sentiment of each was strong and there were many occasions when the coalition of such strange partners proved a strain to all members, the necessary constitutional measures and such financial and administrative reforms as were imperative, were consummated. The socialization measures passed were relatively colorless and innocuous, and were rendered nugatory by the intransigeance and opposition of the provinces. Thus, the coalition weathered the summer of 1919, weakened only by the loss of Bauer, who resigned the Foreign Office portfolio on being thwarted in his plans for union of Austria with Germany.

On the ratification of the Treaty of Saint Germain,[2] the coalition was reorganized, and a working program was laid out for the ministry in a "treaty of peace" between the Christian Socialists and the Social Democrats. To this program the parties adhered, in the main, until June, 1920, when an acrimonious controversy between the major parties over the rôle to be played by the Workers' and Soldiers' Councils in the new

[1] To this there is one exception—the period from March 4-May 5, 1919, when, on Renner's elevation to the Chancellorship by the Constituent, Bauer was temporarily given nominal control of the Foreign Office.

[2] October 17, 1919.

constitution brought forth charges of bad faith on both sides and Renner and the ministry resigned.

Thereupon, a compromise was entered into, whereby a cabinet of representatives of all the parties was formed in accordance to their strength in the Constituent Assembly. This so-called *Proporzkabinett,* which conducted the government between June and October, 1920, while the elections for the new Federal Parliament were pending, found its leading spirit in Doctor Michael Mayr, to whose efforts at conciliating the provincial administrations the success of the Federal Constitution was largely due. Following the rather colorless, irresponsible period of the Proporzkabinett, the Federal Elections took place on October 17, 1920, just a year after the ratification of the Treaty of Saint Germain.

The electoral campaign, launched in August, brought out the policies and attitudes of the various party groups with great clearness. The German parties, theretofore divided among themselves, united on a common program and formed the Great German Union (*Grossdeutscherverband*). Standing for a thoroughly national rather than a class policy, the party took its stand on a union with Germany at all hazards, and proposed a "solemn national referendum" on the subject. It pledged itself to the maintenance of a democratic régime and the support of the Republic, and promised social justice to the working classes. Finally, it attacked both the Social Democrats for their incompetence and the Clerical Christian Socialists for their covert monarchism and Gallophilism.

The Social Democrats pledged themselves to defend the Republic against counter-revolutionary measures engineered in Hungary, against Clerical moves for a monarchical restoration of either Habsburgs or Wittelsbachs, and against the fomenters of separatism both in Germany and Austria. Like the German Nationalists,[3] the Social Democrats pledged themselves to secure, if possible, a union with Germany. The domestic program of the Social Democratic Party involved the taxation of incomes, particularly those of capitalists, fiscal reforms to stop inflation,

[3] I. e., members of the Great German Union.

social legislation providing for insurance against illness or old age, secular education, socialization of industry, mines, and banks. The party was attacked by its own adherents who accused it of surrendering too much to the Christian Socialist Party and of being too "bourgeois." The Social Democrats had, in fact, in stressing their aim of uniting Austria and Germany, appealed for support from the bourgeois German Nationalists.

The Communist Party, after resolving to refrain from active participation in the elections, finally determined, on instructions from Moscow, to enter the lists with a frankly revolutionary program. One new group came forward in the campaign as a *Democratic Party,* consisting of the *Bourgeois Labor Party,* whose sole representative was Count Czernin, and the *Democratic Party* proper represented in the coalition by Professor Hoffmeister. This new group, like the German Nationalists and the Social Democrats, stood for the union of Austria and Germany; it also stood for resumption of production on ordinary bases as a means of recuperation from hasty socialization, and emphasized particularly the importance of religious education in the schools.

The Christian Socialists, criticizing the Coalition, opposing its continuation and claiming the right to religious instruction in, or control of, the public schools, attacked the Social Democrats, on whom they blamed the economic distress of the country. Socialization they had favored only mildly, while the Federal Constitution, just promulgated, was largely the fruit of their own endeavors. The Christian Socialists offered no detailed constructive program, but counted on the general dissatisfaction with the Socialist régime to defeat the other parties in the national elections. In view of the hostility of the German Nationalists to the Socialists, and their general anti-Semitism, it was thought best not to direct the campaign against them but against the Socialists. The Democrats and Clericals had, in reality, no conflict in aims. Thus, at the elections, the Social Democrats, harassed by their own following, and attacked by the other three parties, went down to defeat.

Party	1919 Votes	1919 Deputies	1920 Votes	1920 Deputies	Gains
Social Democratic	1,211,814	70	1,037,638	66	—16.78%
Christian Socialist	1,068,382	69	1,198,780	82	11.54%
Great German Union	422,279	26	332,613	20	—37.09%

The outstanding fact of the elections was the return of the Christian Socialists to power with an overwhelming numerical majority over the Socialists. Under the system of proportional representation, however, they did not command a majority in a house with 175 members, hence it was obvious that they must depend on some other party or parties for support. The Peasants' Party,[4] which had obtained three seats in the elections to the Constituent, gained four more seats, while the sole representatives of Czech and Zionist minorities were not returned. Count Czernin, however, was elected as the one representative of the Democratic Party. If controlling all minor groups, the Christian Socialists might command a majority, but it was hardly possible to count on so small a margin for the life of a ministry. Thus an entente was reached with the Great German Party within a month after the elections, and Mayr, assured of their support, agreed to form a Cabinet.

The result was a Cabinet of bureaucrats. Significant of the situation was the refusal of the leading men in either party to collaborate with Mayr, due to their desire not to be exploited by a professional politician. Under the circumstances, the dearth of men of caliber made a constructive policy impracticable, and Austria was left to flounder out of her economic situation as best she could. A gleam of hope came through the admission of Austria to the League of Nations by the First Assembly in December, 1920, but a half year elapsed before the League could begin any measures for her economic rehabilitation. Bankrupt politically and economically, Austria faced, in the winter of 1920-1921, the hardest lot of any European

[4] This party, the outgrowth of the Styrian Peasants' League, was both Clerical and Agrarian, much as is the case with the Bavarian Farmers' Party, which is purely a local and not a national party in Germany.

country save Russia. The Mayr ministry did endeavor, however, to execute an economic program aimed at relieving the poorer classes from absolute misery, and at increasing agricultural production. It also reached a compromise agreement between the Nationalists and Clericals with regard to the control of education.

Shortly after the second Mayr ministry entered into office, the elections to the Bundesrat took place,[5] resulting in the acquisition of twenty-two seats by the Christian Socialists, twenty by the Social Democrats, and four by the Great German Party. The logical consequence of the election of the Bundesrat was the election of the Federal President by the joint meeting of the National and Federal Councils as a Federal Assembly. This took place on December 9, 1920, and resulted in the election to the presidency of Dr. Michael Hainisch, a bourgeois and a Clerical, the son of a noted feminist agitator. Hainisch was chosen as a compromise, when none of the party candidates had been able to secure a majority. The Social Democrats, as the opposition, voted strictly against Hainisch as a matter of principle.

The Critical Period: 1920-1922

The annals of 1921 yield a story of economic ruin and chaos in Austria, lightened by hope of aid from the League of Nations and darkened by the endeavors at monarchical restoration. The year was further marked by the continuation of internal disintegration, by the consolidation of the territorial position of Austria, by the improvement of commercial relations with the Succession States, and by renewed efforts at separatism—a strange variety of tendencies comparable only to the cross currents of party politics in the National Council. The achievements of the Mayr cabinet at economic reconstruction, working in an atmosphere of despair, were necessarily small, and due less to the nature of the men in office than to the force of economic conditions beyond their control. Austria faithfully endeavored to comply with the provisions of the Treaty of Saint Germain as to the disarmament of her population and the delimitation

[5] November 25-26, 1920.

of her frontiers. In an atmosphere of apathy, the Mayr ministry submitted passively to the requirements of the Reparations Commission and those of the Inter-Allied Commission of Control, while the Austrian crown daily sank lower in value until it became the laughing-stock of all Europe.

Meanwhile the territories, ignoring the Federal Constitution and the provisions of the Treaty of Saint Germain, renewed their separatist tendencies. If Austria, as a whole, was forbidden to join Germany, it could not be alleged that separate territories were prevented from doing so. Hence the Tyrol, schooled by the Clericals in separatism, resolved upon and held a plebiscite in the opening days of April, 1921, and voted overwhelmingly for union with Germany. Not to be outdone, Salzburg followed a month later, amid the plaudits of the Pan-Germans. When Styria prepared to follow in June, and to declare itself a constituent part of the German Republic the comedy became tragedy, and Allied protests caused a crisis which brought about the fall of the Mayr ministry. Flaunted openly by the Pan-Germans, attacked by groups within the Christian Socialist Party, the Mayr ministry, which was essentially non-parliamentary in character, was forced to resign. Patently, a country imploring aid from the League of Nations, could not flout the decisions of that body with impunity. A crisis was at hand in the Christian Socialist Party; it must either abandon its encouragement of separatism or stake its whole future on the uncertain results of a national election.

Two things intervened to clear the situation: the Christian Socialist Party, in a National Convention, repudiated the efforts of the territories to circumvent the treaty of peace, and the Styrian Diet, under heavy political pressure from Vienna, annulled its decision to hold a plebiscite. The crisis, which had lasted from June 1-21 was over, and Schober, a man of law and order, took the chancellorship, to head another ministry of bureaucrats, on a platform repudiating plebiscites and pledging collaboration with the League of Nations. On this basis, Schober secured the support of the German Nationalists, the Christian Socialists, and the Democrats, represented by Czernin.

The new cabinet was hailed by the party press as a ministry of regeneration through service and work, but the opposition claimed Schober to be the champion of foreign capitalism and the foe of the working classes. It was obvious that the Pan-German elements, disdainful of the vacillations of a politically composed cabinet, preferred the submissive bureaucrats and functionaries associated with Schober to a truly Parliamentary Government. Once the crisis was past, the National Council, at the behest of the ministry, hurriedly rushed through a series of laws relative to industry, diametrically opposed in tendency to the program of the Renner ministry. In practice, all that had been attempted by way of socialization was rendered nugatory.

The summer passed in discussions of financial measures to cope with the desperate economic and monetary crisis, and ended with the passage of the fundamental laws liquidating the affairs of the Austro-Hungarian Bank, creating the Anglo-bank (in which British capital was heavily interested), and the Länderbank, wherein the territories might deposit their funds. This done, a recasting of the cabinet followed and new war and finance ministers were appointed.

With the program of domestic legislation cleared, the Schober ministry turned its attention to foreign affairs, realizing that Austria's fate was inseparable from that of the other Succession States of the Dual Monarchy. All were impoverished; all had lost heavily by the war; and all had, in their excessive nationalism, fought each other commercially in tariff wars. In this emergency, Eduard Beneš, the Czechoslovak Minister for Foreign Affairs, came to the rescue, and a conference was summoned to meet at Porto Rosa at which all the Succession States should settle their commercial and economic affairs. In no wise a political gathering, the conference was productive of excellent results, particularly in removing tariff barriers between the various states and securing preferential railroad, telegraph, telephone, and postal rates for them as compared to other foreign nations, while according the privileges of the most favored nation to all the participating states.

These steps toward improving freedom of commerce resulted

in further negotiations between the Czechoslovak and Austrian delegates at Lana, in December, 1921, where Czechoslovakia made an open bid for an alliance with Austria, defensive in character, pledging neutrality in case of war, and extending a credit of 500,000,000 Czech crowns to Austria as a basis for the resumption of ordinary commercial intercourse.

The announcement of the Treaty of Lana came at a time of national depression over the loss of the Burgenland region to Hungary by plebiscite after irregularities which the Austrians could not bring themselves to accept as legal. The treaty aroused violent protest on the part of the Pan-Germans, because it indicated the outstanding tendencies in the policy of Austria—away from union with Germany and toward the creation of a democratic Danubian Confederation. Such was not the avowed intent of Beneš, but the German Nationalists saw clearly that it was a step opposed to the consummation of union with Germany. To the Social Democrats, it was a vindication of the policy of Renner, hence they approved the treaty. With their aid, the Schober ministry secured the ratification of the treaty in spite of the violent opposition of the Pan-Germans. Austria was thenceforth to acknowledge a new master, not the League, not the Reparations Commission, but the Czechoslovak Republic, under whose financial protectorate she had taken shelter. The Treaty of Lana, then, marked a definite orientation of Central European politics, and was a direct challenge to the Italian Government, which had endeavored to claim paramountcy over the other powers in dealing with the Succession States. Henceforth, it was obvious that any political moves in the territory of the defunct Dual Monarchy must be clearly in consonance with the wishes of Prague.

The revolt of the German Nationalists against the Treaty of Lana necessitated a break with them, and Schober opened his third ministry without their support, staking the chances of success on the loyal coöperation of the Peasant and Democratic parties with the Christian Socialists. Partly because the Allied Governments put pressure on Austria to keep Schober in power, partly because no other political combination was

for the moment possible, Schober remained in office until May, 1922, when a parliamentary reversal on the budget caused him to resign.

The Financial Reconstruction of Austria

From this point on, the financial aspect of the nation's life became the dominant issue in both domestic and foreign policy. In the long period of masterly inactivity, of "watchful waiting" which had marked the Schober ministries, no vital action toward a rehabilitation of the nation's finances had been undertaken, yet it was universally realized that an end to the intolerable financial condition of the country must come, sooner or later. A man of indomitable courage was required to handle the great national emergency. In this crisis the Christian Socialists turned toward Ignatz Seipel, a young Jesuit priest, whose extraordinary vigor and ability were as undoubted as his Clericalism. Scarcely had Schober resigned when Seipel announced a vigorous program of ruthless, pitiless reduction of national expenditure, and definite appeal for foreign aid in the reconstruction of Austria's finances. Such a policy found a hearty welcome in the Federal Assembly, and Seipel forthwith assumed the Chancellorship.

The first prerequisite for a parliamentary majority was a reconciliation of the Christian Socialists and the German Nationalists. Seipel assured the Nationalist leaders that, under his statesmanship, Austria would not surrender her independence to foreign powers, and thus secured their firm adhesion to his projects. This ended the parliamentary tension of the Schober régime, and permitted a freer discussion of proposed remedies for Austrian finance.

Seipel forthwith set out on an eventful pilgrimage looking for assistance in every quarter. In Prague he canvassed the possibilities of Czechoslovak aid, and secured Beneš' promise of assistance wherever possible. Proceeding to Berlin, he negotiated with the Clerical Chancellor Wirth to ascertain what assistance Germany might offer. By this move he further disarmed the opposition of the Nationalists at home to his projects,

although scant hope of financial aid from the Reich was to be expected. London and Rome formed his next objectives, and by September, when the Third Assembly of the League met at Geneva, Seipel had come to terms with Austria's creditors and found the means of rescue from national bankruptcy—through the assistance of the League of Nations.

The protocols of Geneva, which marked the final triumph of Seipel's endeavors, were not signed without preliminary diplomatic battles. In the early stages of discussion between the various powers and Austria, numerous difficulties were encountered. Britain, growing daily more desirous of extricating herself from continental complications, was reluctant to finance the League's project of reconstruction. Italy claimed a right to priority of consultation and advice in any move made by the bankrupt country. There were not lacking those who favored the inclusion of Austria in the Italian customs union, thereby reducing the republic to economic vassalage to Rome. Count Czernin even urged a political union with Italy. Finally, the Italian Government warned Austria against any attempts to overthrow the Treaty of Saint Germain either by annexation to Germany or by adhesion to the Little Entente, which Facta, the Italian Premier, regarded as a *casus belli.*

Beneš, on the other hand, clearly understood that the whole future of Central Europe was at stake: either Italy would become the dictator for the Succession States, or a political combination to resist Italian hegemony must quickly be consummated. Immediately the members of the Little Entente took counsel and reaffirmed their solidarity, while planning every means of coöperation in restoring Austrian national well-being. With this plan clearly formulated, the Czech premier met the Italian Foreign Minister at Verona, and an understanding as to the aims of each government was reached. The way was entirely cleared for action by the League, and the decisions made at Geneva enabled Austria to continue her independent existence without fear of foreign domination.

The plans laid down for Austria's rehabilitation by the League of Nations include an agreement between Great Britain, France, Italy, and Czechoslovakia to respect the political inde-

pendence and territorial integrity of Austria and not to attempt to secure any undue commercial or economic advantages which might compromise the sovereignty and independence of the republic. In return for these guarantees, which merely reinsure the status of Austria as a member of the League and extend the Open Door doctrines to her, Austria engages to comply with the terms of the Treaty of Saint Germain as regards the inalienability of her independence, thus guaranteeing that she will not permit other foreign control. The adhesion of other powers to this first protocol was specifically provided for.

Once the territorial integrity and political independence of Austria were reinsured, the signatory powers by a second protocol guaranteed a gold loan of 650,000,000 crowns, under conditions carefully prescribed. This external assistance was to be furnished in part by other powers, such as Sweden and Switzerland, which had indicated their approval of the protocol. Lastly, by a third protocol, certain internal administrative reforms were made mandatory upon Austria, and a Commissioner General of the League, to reside in Vienna, was to collaborate with the Austrian Government in the execution of the protocols. Such, in outline, was the scheme propounded.

Seipel's first difficulty in executing these plans lay in securing the assent of the Federal Assembly to the protocols. This was accomplished only after heated debate along strict party lines between the Christian Socialists and German Nationalists on the one hand, and the Social Democrats on the other. The latter denounced the whole scheme as tending to hand Austria over to foreign capitalists, but found no constructive counter-proposals to make. Final sanction having once been given, Austria stopped her printing presses, which were issuing almost two hundred billion paper crowns a week, and started back on the path towards fiscal normalcy. The passage of laws to carry out the stipulations of the League protocols was next undertaken, and the creation of a Bank of Issue, free from all government control, and endowed with the exclusive power of issuing money for the government, marked the second important step in the fundamental financial reforms.

Funds for the founding of the Bank of Issue were to be raised by private subscription, and none were to be utilized by the Austrian Government except with the approval of the Commissioner General appointed by the League. Finally, a Committee of Control composed of representatives of the signatory powers was to supervise the administration of the needed reforms. The rights of both the Commissioner General and the Committee of Control were, however, carefully defined to prevent infringement of the sovereignty of Austria.

It was obvious that if such a definite program were to be subject to legislative caprice, the very stability of the proposed reforms would be compromised, and all hope of progress toward normalcy would be checked. Some definite guarantee of compliance with the dictates of the League and its agents was necessary, and this was embodied in the so-called Law of Full Powers giving the ministry almost undivided authority up to the end of 1924 to execute the obligations arising under the protocols of Geneva. The law further created an Extraordinary Council of State composed of the Chancellor, Vice-Chancellor and the Federal ministers to which twenty-six members, chosen by the Nationalrat by proportional representation, were added.[6] The government was to submit all measures relative to the execution of the financial program to this Council, which was to act on them within from three to eight days. In case of failure to act, the government might forthwith take the necessary measures by Federal ordinances which were declared by the law to be sufficient for the purpose.

One of the first effects of the Law of Full Powers was the wholesale reduction of the number of state functionaries, including those to whom the Socialist Government under Renner had issued petty pensions. The drastic dismissal of government employees tended, quite naturally, to add to the total number of the unemployed, but it was instrumental in starting an appreciable lowering of prices and a decided rise in the value of the Austrian crown. But the concentration of duties

[6] This Council, as finally constituted, was made up of 12 Christian Socialists and 12 Pan-Germans, 10 Social Democrats and 1 Agrarian.

upon a smaller personnel was not confined to the various government departments, and in April, 1923, the Extraordinary Council of State assented, on Seipel's proposal, to the reduction of the portfolios in the Federal Ministry. Thus the Cabinet was reduced to seven, the ministries for Foreign Affairs, Justice, and Interior being consolidated with the Federal Chancellery, the other six portfolios—Public Instruction, Social Welfare, Finance, Agriculture, Commerce and Communications, and War—being left as they were. The Social Democrats, in particular, opposed the suppression of the Ministry of War as it would leave the war-making power in the same hands as controlled foreign affairs. In the Nationalrat, however, the Socialists proposed the reduction of the War Office to a civil commissariat, provided the Workmen's and Soldiers' Councils were retained.

To effect this reduction formally Seipel resigned and the ministry was reconstituted on the following day, with Christian Socialists holding four portfolios, the German Nationalists two, and the former foreign minister, Gruenberger, remaining non-partizan.

The newly reconstituted ministry, having solved in principle and begun in practice, financial reconstruction, was faced with the necessity of a loyal adherence to the dictates of the League in its internal as well as its external affairs. The continued supervision of finances, with the aim of balancing Austria's budget by the end of 1924, practically left the government at the mercy of the Commissioner General of the League, and pledged every penny of its taxes toward the liquidation of its debts.

In all the history of modern Europe no orderly country had ever sunk into such a quagmire of wretchedness because of fiscal inflation, yet in no other has international financial reconstruction been so successfully attempted. The fiat money of the Republic, reaching the staggering sum of over three trillions, will have to be retired as rapidly as it was issued in order for Austria to recover normalcy, yet under the auspices of the League this bids fair to be accomplished without difficulty. Under its impartial experts it has been possible to preserve the sovereign rights of Austria in ways which would have been

impossible under the financial protectorate of a single power, and the country, after its holocaust of war and famine, revolution and ruin, may yet rear its democratic institutions under international guidance and achieve a place of respect among the land-locked states of Europe.

Meanwhile, this temporary tutelage imposes upon Austria certain restraints as to its foreign policy. So long as Italy is a powerful and jealous neighbor, Austria will not be able to adhere to the Little Entente. Rather will it be her part to remain pacific and neutral in Central Europe, like Switzerland, without adhering to any European group or political combination. Under these circumstances, Seipel has endeavored to achieve a new rapprochement with Austria's neighbors, by visits to Budapest and Belgrade for the liquidation of the outstanding problems with the respective countries. This endeavor to settle Austria's affairs sanely, once finances have been cared for, betokens a new era of economic rapprochement between all the Succession States, and the peaceful reknitting of the economic bonds sundered in wartime.

While no elections are in prospect in Austria before the end of 1924 and the Christian Socialists are increasingly in authority, the growth of factions of a royalist or legitimist character has tended to become a possible future menace. The birth of the *Oesterreichische Staatspartei* was coincident with the formation of the first Seipel ministry, and since that time royalist organizations under various captions have endeavored to recruit for their ranks in Vienna and the provinces. The *Staatspartei* professes to desire the restoration of the Habsburgs to both the Austrian and Hungarian thrones but aims to secure its ends, not by a revolution but by "legal ways and legitimate means." Thus far, fortunately, no secret organizations such as have plagued both Bavaria and Hungary, have infested Austria. "Contrary to Hungary, she has, despite her distress, neither succumbed to Bolshevism nor dreamed of revenge, nor suffered from the action of secret societies, nor turned to hatred of foreigners. She is the first of the vanquished unreservedly to adapt herself to the exigencies of reality." Thus, despite the fact that Seipel is "a monarchist by conviction and a republican

by resignation" the prospect of a return to monarchy, in Austria, as in Germany, is decidedly remote.

The Future of Austria

Prophecy is dangerous in politics, and nowhere more so than in the discussion of the politics of a newly founded state. Nevertheless, certain fundamental characteristics of the new Austrian Republic and its policies are already in evidence, and their future development is predictable. It is difficult to separate these from the economic influences with which they are interrelated, yet there can be no doubt that many of the influences in Austrian politics are entirely dissociated from economics.

In the first place, Austria has emerged as the inheritor of the largest section of the Catholic parties of the old régime. In the other Succession States, the Clerical Parties are strongly nationalist in character and have subordinated their clericalism to their patriotic fervor. In Austria, however, the strictest relations continue between the Christian Socialists and the Vatican, and many of the policies of the party are influenced by the attitude of the Holy See. In Germany, the Ultramontanists are instructed to be wholly republican, lest the Prussian Lutheran Junkers return to power; in Hungary, the Catholics are ardent legitimists; in Austria, the ardor of the clericals for the Republic may be questioned.

Clericalism, as in Germany, manifests itself further with reference to the control of education. Thus far, the contest has been a drawn battle, the Socialists being unable to secure thoroughly secular education, and the Clericals unable to secure a wholesale subjection of the schools to the control of the Church. The German Nationalists, thoroughly imbued with the spirit of the Kulturkampf, are against clerical control of education, or any participation in it, yet are unwilling to side with the Socialists lest they be committed to Socialist economic doctrines. Clericalism pervades the question of agrarian reform, also, as all agrarian interests affect the most loyal supporters of the Church.

From the fact that the provinces were Clerical, while Vienna was the hotbed of radicalism, the Clericals drew the conclusion that a Federal State would secure them predominance. So long as Vienna was the center of the Court and the Court was Clerical, the state might well be unitary; when the Red Flag was hoisted in Vienna, the Christian Socialists became immediate converts to Federalism. Finally, the Clericals have been lukewarm toward union with Germany because of the uncertainty that their influence would be in the ascendency. While Socialism was rampant at both Berlin and Vienna, the cry for union came from Socialists on both sides; when Clericalism held the reins in Germany, the movement for union weakened; when Clericalism gained power in Austria, the pendulum swung towards Prague and a Danubian Confederation. Perhaps this coincided with economic necessities; perhaps it was dictated by the hope of international reconciliation; but in any event, Clericalism has not assumed the leadership in the movement toward union with Germany.

A second important factor in Austria's development is that of nationalism. Previously a heterogeneous state, Austria has become, since the revolution, the most homogeneous, racially, of any state in Central Europe. Hitherto encumbered by the problems of divers nationalities, Austria to-day has practically no racial minorities of importance. She has lost Germans to Hungary, to Italy, to the Jugoslavs, and to Czechoslovakia. Austria may be irredentist at heart, but she possesses no power to assert her desires for national reunification. Rather is the problem of racial minorities in the Succession States forgotten in view of the project of union with Germany.

Here it is nationalism, pure and simple, that is the dominating factor. Clericals and Socialists may wax warm or grow cold on the projects of union, according to their supporters' success in the Reich, but the German parties, closely united in this one purpose, never deviate from their aim of national reunion. The passion of the Austrian Nationalists makes them politically incapable of pursuing a policy acceptable to all the nation, hence they are doomed to be a vigorous minority, pas-

sionate yet impotent, so long as they base their program on this cardinal principle.

It is possible that union may take place upon the recommendation of the League of Nations. In that event the Nationalists would in all probability affiliate with the *Volkspartei*, or affiliate individually with other parties. Short of that consummation, they will continue to be an intransigeant, militant minority, disturbing to the continuity of policy of whichever party may be in power. It is extremely unlikely that the Nationalists will espouse monarchism, as any return of a monarch to Austria would only retard the day of reëntry into the German Republican Reich.

Socialism, in Austria, has proved a failure. It was predestined that this should be the case, irrespective of the policies of socialization adopted. No government, least of all a government of mediocre caliber, could be expected to carry through a program of so far-reaching a character under the difficulties to which the Renner ministries were subjected. In Germany, socialism had infinitely greater prospects from the beginning, for the war left the economic structure of the Reich weakened, but intact. In Austria, on the other hand, economic exhaustion had already come, economic blockade continued, due to the jealousies of neighbor states and the separatism of the Länder, and the very foundations of national economy, on any basis whatever, were destroyed. Austria must needs fail where the Reich at least partially succeeded.

The failure of socialization was therefore predestined; it was aided by the exactions of the Allies and the rancor of partizan strife. In the end, the Social Democratic Party, driven from power by the conservatism of the agrarian classes, was placed in a position from which it will find it difficult to extricate itself. The day of Socialization has come and gone in Austria, and no immediate prospect of the reconstruction of the bankrupt country by another Socialist Government is in evidence. Only in one respect has the Social Democratic policy left a permanent impress—in foreign policy. The policy of reconciliation, happily initiated by Renner, has been followed by the other parties, and the orientation toward Prague, given to

Austrian policy in the latter part of the Renner régime, is likely to continue so long as Czechoslovakia occupies the strategic position she now holds in world politics.

The consummation of a Danubian Confederation is not an impossibility; it may not, in fact, be remote. But the concept of a Danubian Confederation as one of Empire, entertained in the days of the Habsburgs by visionaries, is not the one that is being slowly realized. The future of Austria lies with that of the great Central European group of nations just awakening to national life, but the interests are economic, not political or nationalistic. In a way, the old Ausgleich provided the economic basis which held the Dual Monarchy together; it was the centripetal force that prevented the monarchy from disrupting. When, however, the national needs of the various races of the Danube basin were not satisfied, the economic bonds of the Ausgleich could hardly be expected to hold. To-day, after a period of economic separatism, coincident with the realization of nationality, the old economic bonds are being reknit. These new forces no longer clash with the principle of nationality; rather are they the manifestations of the existence of a great, democratic, mid-European community. Slowly, almost imperceptibly, at Porto Rosa, at Lana, at Genoa, at Prague, the process of economic unification has begun again. It is with forces such as these that Austria must cope, and neither the flexibility of a federal structure nor the ardor of Clerical or Nationalist can long thwart the forces of economic reunification, which no treaty can abolish, nor nationalist aspiration long subdue. Even if a reunion with Germany becomes possible, the economic interest of Austria in the Danube area will continue. It cannot be abolished without the abolition of Austria herself. It is on such bases, and such only, that the reconstruction of Austria can really begin.

CHAPTER IX

HUNGARY UNDER KAROLYI

HUNGARY: THE END OF THE DUAL RÉGIME: *The Nationality Problem in Hungary—Lack of Democratic Reform—Lack of a Substantial Middle Class—Blindness of Parliamentary Leaders—Effect of the Federalization Manifesto on Hungary—Hungarian Independence—Wekerle and the Coalition—The Rôle of Karolyi—Karolyi and the National Council—Hadik—Karolyi as Premier—The Military Convention of Belgrade—The Karlist Manifesto—The Republic Proclaimed.* THE RÉGIME OF COUNT KAROLYI: EXTRA-CONSTITUTIONAL REPUBLICANISM: *Bases of the Republican Régime—Karolyi's Domestic Program—Foreign Policy—The Ministry of Nationalities—Internal Difficulties—Weakening of the Karolyists—Agrarian Reform—Failure to Hold Constituent Elections—Karolyi as President—Socialists vs. Communists—Reasons for Karolyi's Failure—The Second Revolution.*

HUNGARY: THE END OF THE DUAL RÉGIME

IN the processes of disintegration of the Dual Monarchy Hungary was not spared. The changes that took place in the Austrian half of the monarchy were paralleled, in general, in the Hungarian domain. The same problem of reconciliation of the subject nationalities, whose intransigeance grew daily stronger as the defeats of the armies of the Central Powers foreshadowed their ultimate collapse, bore as heavily upon the Magyars in Budapest as it did upon the Germans in Vienna. Though Vienna had to contend with the clubs in the Reichsrat that daily grew more menacing, while Hungary did not, the very absence of different nationalities from the Hungarian Chamber was as ominous as was their presence in Vienna.

In vain had the democratic elements in Hungary appealed to the Magyar deputies for electoral reform—for the veneering of the Magyar régime with the semblance of Western democracy—but the Magyar magnates, who knew too well that enfranchisement of the other nationalities would mean their own downfall, had stubbornly resisted every attempt to widen the

franchise. The far-sighted Count Tisza had fallen on this issue in May, 1917, albeit his contempt for democracy was proverbial, and Alexander Wekerle, who succeeded him, had failed to enact such a reform in April, 1918.

Hence, as the months went by and the monarchy began to disintegrate, no opportunity for a transfer of power to any class constitutionally represented in the Hungarian Parliament was possible. In Austria, at least, the enactment of universal suffrage had made possible the transfer of authority, when the crash came, to the National Councils consisting of the members of different nationalities in the Reichsrat. Even the Imperial Federalization Manifesto had outlined the means for the devolution of Imperial authority, but in Hungary no representation of the great, unfranchised, minor nationalities was possible. The Magyar majority, craftily acquired by the grouping of all possible Slavs into the subordinate Kingdom of Croatia-Slavonia, with its separate Diet, would not be yielded to Slovaks, Rumanians, or Ruthenes by any voluntary action on the part of the Magyar landlords and industrialists.

In Austria, furthermore, there was a respectable bourgeoisie, which intervened between the court and the imperial functionaries, on the one hand, and the urban and rural proletariat on the other; but in Hungary there was a great gulf fixed between the landed aristocracy and the peasantry, which no middle class could bridge, because there was none. Reforms initiated from above were not forthcoming, because of the innate conservatism of the Magyars; the only alternative was revolution from below. The party leaders in the Hungarian Parliament were, however, utterly blind to this fact, and their projects for the formations of new cabinets, for the formulations of policies to cope with the impending catastrophe, took into account only the select group of the Magyar nobility, and the possibility of realignments of partisan factions. Only tardily, when the situation had become irremediable, and the separatism of the subject nationalities had come close to the declaration of independence, was there any thought of strengthening a cabinet by the addition of ministers representing the party forces outside the halls of parliament.

Thus, the tenacity of the Parliamentarians to their artificially acquired position, their constant factional bickerings and personal jealousies, their complete blindness to the larger issues of race and nationality, persisted to the very end of the Dual Régime, and made necessary a complete transfer of authority to other classes if a constitutional reorganization of Hungary along democratic lines was to be initiated. Parliament had had its hour for reconstruction, and had failed, and the day of the revolutionist had come. Thus, with the breakdown of the Ausgleich, the forces of revolution were unleashed.

It is unnecessary to trace the various impossible projects of Constitutional reorganization that flitted through the minds of Magyar statesmen on the eve of the Dual Monarchy's collapse. Various proposals for the incorporation of the Jugoslavs of both halves of the monarchy into a subordinate Kingdom of the Hungarian Crown, for a settlement with the other nationalities, all came to naught, because none of the Magyars had the candor or the temerity to attempt their execution, and because the nationalities now claimed a right to determine their own fate independently of what Budapest might decide.

Thus the last six weeks of the monarchy witnessed a prolonged ministerial crisis, during which Wekerle continued in office because no successor could be found. All the party leaders were consulted by the monarch; none could offer a solution for the problems of the monarchy, yet all recognized that the Dual Régime could last no longer. Even the veteran Tisza, the staunchest defender of the Ausgleich, declared that the maintenance of Dualism was impossible.

It required the Federalization Manifesto to complete the constitutional change necessary for the abolition of the Dual Régime. While that manifesto explicitly declared that nothing contained therein should affect the integrity of the lands of the Hungarian Crown, Wekerle knew that wholesale federalization in Austria must inevitably be accompanied by a similar dislocation in Hungary. He therefore announced, on its publication, that Hungary declared her independence of Austria and could acknowledge no connection with Austria except through the person of the monarch.

The first constitutional step had been taken, and the Kingdom of Hungary emerged, as a unit, from the ruins of the Dual Monarchy. Thenceforth, it was to be the task of every cabinet, regardless of its political complexion, to safeguard the integrity of the lands of the Hungarian Crown; to maintain unimpaired the economic unit formed by the Danube-Theiss-Szamos valleys, the Hungarian Alföld and the encircling Carpathian-Transylvanian ranges. From this point on, a separate Hungarian policy emerges, a separate diplomacy, a separate military command, and a separate constitutional development. For a fortnight longer the Joint ministries functioned, but Hungary had begun a career of her own.

The declaration of Hungary's independence by Wekerle, on October 16, received the tacit sanction of all parties. It remained for him, in view of the fundamental change that had just taken place, to constitute a new ministry, a coalition of all parties, if possible, to support the new position which Hungary had assumed. To do this, Wekerle was forced to come to an agreement with Tisza's powerful Party of Work, even at the expense of the support of Apponyi, who could not bring himself to enter a coalition in which Tisza was a leading factor. Karolyi and Apponyi therefore remained in opposition, but all parties agreed on the separation from Austria, which involved separate administration of all affairs, and separate representation at the Peace Conference. By consent of the parties nothing was to modify the provisions of the Pragmatic Sanction, regarding the succession to the Hungarian Crown. The Coalition was, however, short-lived, for with the publication of Wilson's reply to the Dual Monarchy, in which the independence of the Czechoslovaks and the Jugoslavs was recognized, revolution broke out in Croatia, and Wekerle resigned, only twenty-four hours after resuming office.

Peace was in sight for both Austria and Hungary, but it was a peace that involved disruption, and acceptance of the viewpoint of the Allied Governments. In this extremity there was but one statesman in Hungary who had constantly been friendly to the Entente. Michael Karolyi, *boiar* though he was, had remained a thoroughgoing Liberal in thought throughout

the war, and had entertained pacifist views which, he believed, represented the conciliatory tendencies in Allied countries. During the war he had played a double rôle, preferring an administrative position in the army to one at the front, and had undertaken negotiations with French defeatists at various times, according to Prince Windischgrätz.

In any event, Karolyi had the cleanest hands in Hungary for undertaking both constitutional and diplomatic changes of front, and it was his belief that, if he could secure office, the wrath of the Allied Governments would not fall so heavily on Hungary. Of all the men in the Hungarian Chamber, he alone foresaw, from the beginning of October, how swift and complete the collapse would be. With a view to gaining all possible support for himself, he undertook to strengthen his following in the Chamber by understandings with the non-Magyar deputies, while openly negotiating with the Social Democrats outside of Parliament.

The latter, on learning of Austria's peace offer, had announced their program on October 8, containing demands for the replacing of Wekerle's cabinet by a cabinet including all democratic classes in the country. They proposed the convocation of a Constituent Assembly on the basis of universal and equal suffrage, and the settlement of the problem of nationalities by the enforcement of guarantees for the cultural rights of minorities and the exercise of self-determination. Radical agrarian reform, social and labor legislation, and democratization of national administration completed the program. Clearly, Karolyi could expect to find support for his views in their ranks. In addition, Karolyi cultivated the support of Oscar Jaszi, a man of rather visionary ideas, a lifetime believer in national autonomy for the different racial groups. Around these moderately radical groups Karolyi hoped to draw larger numbers of war-wearied people, for whom he could provide a way of escape from the intolerable evils of the old régime and the war.

After the publication of the Federalization Manifesto, Karolyi undertook covertly to organize a Hungarian National Council, on the model recommended for Austrian nationalities, and

sought the support of the other parliamentary leaders for such a movement. These assured him of their approval, although they would not promise to participate therein.

It was now October 24, and the crisis created by Wilson's reply had overthrown Wekerle's Coalition. The King sent for Karolyi to see if he could form a ministry. Karolyi demanded the constitution of a Cabinet which should exclude any supporters of the Alliance with Germany. "We need a radical Cabinet," he said, "to prove that we have broken with the past, and, unless the extremists are won, Bolshevism will enter the country with the enemy. A strong government, friendly to the Entente, will proclaim independence, settle the nationality question in accord with Wilson's principles, and secure us separate representation at the Peace Conference." The King was not yet ready for such a bold change of policy, and decided to let the Archduke Joseph act as his representative in the selection of a Premier.

Meanwhile Karolyi, on October 24-25, organized formally the National Council, comprising his own following in the Chamber and the representatives of Radical and Social-Democratic groups outside of Parliament. The National Council, thus organized, was essentially a revolutionary body, since it was constituted without the consent of parliament, and had no legal basis. It marked, legally, as did the organization of the Provisional National Assembly in Austria, a break with the old régime. But it was, under the circumstances, the only vehicle for prompt and proper organization and representation of the Hungarian people as a whole—certainly of those elements which had been excluded from Parliament under the restricted franchise.

While Karl and the Archduke each negotiated, disagreements between Andrassy and Karolyi prevented the latter's selection, and on the 26th Count Hadik, a colorless personality, thought he commanded a cabinet and accepted the tasks of office on the 30th, having received his appointment from the Archduke the preceding day. When he addressed himself to the executive of the Social Democratic Party, he was promptly referred to the National Council for an answer. At last the situation was

clearing. Parliament no longer was recognized as the sovereign authority endowed with the power to accept or reject cabinets. Power had passed into the hands of the National Council. Hadik was left impotent. The National Council demanded Karolyi's appointment, and the Budapest Garrison, without any disturbance, passed over to Karolyi and put itself at the disposal of the National Council. This was facilitated by the fact that the returning soldiers, streaming back into Budapest by the thousands, had formed their Soldiers' Councils, in imitation of those formed in the Austrian and German armies, and were practically beyond the control of the military authorities, which threatened to dissolve these irregular assemblies. The Soldiers' Councils marched upon the government buildings on October 31 and occupied them, thus placing the government in Karolyi's hands. Simultaneously, the King telephoned to the Archduke to appoint Karolyi premier.

Thus Karolyi derived his constitutional position as head of the new government, *de facto*, from the hands of the National Council and, *de jure*, from the King. A fundamental constitutional change had taken place, a revolution, in fact, but the legal thread of continuity had not been broken, and Karolyi was still constitutionally the Premier. All the formalities had been complied with, but they were already meaningless. Karolyi swore fealty to the King, but, on November 2, requested to have the members of his government released from their oath. The King, wishing to avoid civil war and disturbance in an already distracted country, complied without demurring. Henceforth, fealty was to be sworn to the nation, not to the dynasty. In essence, Hungary had become a republic, although the republic was not formally proclaimed for a fortnight longer.

The reason for this was obvious. Hungary regarded herself as politically separate from Austria, and hence refused to recognize the provisions of the Austro-Hungarian armistice of Villa Giusti as binding upon her. The action of the Allied Armies—particularly the Serbian Army and the French Armée de l'Orient—had not been stopped by the Armistice of November 3, and it was only when Count Karolyi, accompanied by two simple peasants, met General Franchet d'Esperey at Bel-

grade, November 13, that a military convention was drawn up, establishing the territories that were to be held by the Allied Powers. This definitely put an end to hostilities between the Allies and Hungary and made possible the beginnings of internal reconstruction.

On November 13, King Karl issued a rescript to be transmitted to Karolyi, whereby he renounced all participation in the affairs of Hungary, and declared himself willing to recognize, in advance, whatever decision Hungary should make as to the future form of the State. It was never countersigned, as was the Austrian manifesto of November 11, of similar tenor, to which Lammasch affixed his signature. Hence the statement was actually meaningless, although it was taken by implication to mean an abdication. The difference in the matter of the countersignature is of the utmost significance, as it permitted Karl to return to Hungary as King, while it precluded him from attempting a like adventure in Austria.

With Karl out of the way, Karolyi proclaimed the Republic on November 16th. The old régime, with its close-corporation parliament, its aristocratic parties, its direct royal administration, its suppressed nationalities, was gone. It had failed dismally to cope with the problem of the franchise, of the democratization of parliament and administration, of the liberation of the nationalities. It had tried to govern aristocratically, and had failed. The avenue was open for a democratic government to come to the rescue under a republican régime. Such was the opportunity before Karolyi.

The Régime of Count Karolyi: Extra-Constitutional Republicanism

Karolyi came into power with royal approbation and soldier support, but, when Karl had withdrawn from the realm, the Government of the Hungarian People's Republic came to rest upon the tenuous bases of support by the National Council, which had no legal standing, and similar support from the Soldiers' Councils, primarily in Budapest. The ministry over which Karolyi presided was composed of his following in the

old Chamber, and of Social Democrats and Radicals, neither of whom had any legal representation in Parliament. Thus, while the forms of ministerial Government were adhered to, the Government of the Republic rested on extra-legal bases.

The Republic had been proclaimed by Karolyi at the instance of the Workers' and Soldiers' Councils, on November 16; if Ebert, having received the Chancellorship of the Empire from the hands of Prince Maximilian, at once acknowledged his dependence on the Workers' and Soldiers' Councils of Berlin, no less did Karolyi in Budapest. In Berlin, however, the Commissaries of the People were, initially, Parliamentarians, while in Budapest the ministry was necessarily of varied composition, and had to include representatives of the parties outside Parliament. Furthermore, just as the Berlin Government owed allegiance to the Social Democratic and Independent Socialist Parties, from which the Commissaries also took instructions, so the Karolyi Government, drawn from the midst of the National Council, attempted to serve it and the Workers' and Soldiers' Councils also.

On the proclamation of the Republic, the National Council passed a resolution announcing that the future constitution of Hungary would be determined by a Constituent National Assembly, to be summoned with all speed on the basis of election by universal, secret, equal, and direct suffrage extending to both sexes. This suffrage law, later to be enacted in detail, was to be the basis for election to all governmental bodies in the communes and counties. At the same time, the National Council declared the Table of Magnates and the Chamber of Deputies to be dissolved.

Speedy enactment of press laws, laws guaranteeing jury trial, freedom of association and assembly, and laws detailing agrarian reform was promised. On this platform Karolyi came into power. This comprised the domestic program of the ministry. In addition, there was the foreign policy of the government, which aimed at reconciliation with the neighboring states, an equitable settlement of the problem of nationalities, now rapidly grown from a national into an international one, and

the conclusion of a separate peace with the Allied and Associated Governments.

In his foreign policy, with the Allied Governments, Karolyi was no more successful than was Oscar Jaszi, Minister of Nationalities, in endeavoring to secure a satisfactory solution of the problems confronting him. Karolyi had begun by declaring to General Franchet d'Esperey at Belgrade that Hungary was neutral—the same argument that had been advanced by German-Austria—but was told abruptly that Hungary was conquered. He endeavored to claim strict friendship for the Allies and firm adhesion to Wilsonian principles, but found Allied feeling not in sympathy with a supporter of defeatism. Finally, the encroachments of the Rumanian Army on the lands of Eastern Hungary—acts which the Allies could not stop, but sought to legalize—so discredited Karolyi's policy of friendship for the Allies that he was forced to resign, and "turn from the Paris Conference to the Proletariat of the World for support."

In conciliating the nationalities, Karolyi and Jaszi had no greater success. There was no question in regard to the Jugoslavs in Croatia-Slavonia, as they were already independent, by the declaration of the Croatian Diet, when Karolyi came into office. What few Serbs remained in Hungarian territory had passed under the Serbian-French occupation which came up to the banks of the Drave, and took in the Bačka, the Baranya district, and the Banat of Temesvar.

To the Slovak National Council Karolyi sent greetings on his entry into office, early in November, but the Slovaks replied that they desired independence; a fortnight later, they were participating in the Government at Prague, and the Allied Governments presently authorized the Czechoslovak forces to occupy Slovakia.

The Rumanians, having formed a National Council at Arad, demanded control of the twenty-six eastern counties. Jaszi offered to apply the Law of Nationalities of 1868, which had lain on the statute books unenforced, although it guaranteed the utmost liberty to the racial and cultural minorities. He further promised to turn over to the Rumanian National Council all the

towns in which the Rumanian population formed a majority—a relatively innocuous proposition since the Rumanians were chiefly concentrated in the rural areas. The Council refused the offer and seized control of the government. On the morrow, the Rumanian Army entered Transylvania, proclaiming that it came in response to the demand of the Rumanian National Council. Finally, on December 1, a Rumanian National Assembly met at Alba Julia and declared the union of Transylvania with Rumania.

The Ruthenes alone appeared to desire a continuance of their relations with Hungary, partly because they had experienced no other political relationship, and partly because the troubled conditions in the Ukraine, the home of the Russian Ruthenes, gave no ground for desiring a political union with a state that was the plaything of Germany, Russia, and Poland. Here an arrangement was made in the middle of November whereby the sub-Carpathian Ruthenes should accept the cultural autonomy promised them by the Ministry of Nationalities. When, however, the Allied Governments authorized the occupation of Slovakia, the possibility of executing these arrangements ceased, and the ministry of nationalities came to an end. In January, 1919, Jaszi, thwarted at every point in his plans for the creation of cultural units organized on a federal basis, resigned from the Cabinet.

With no support from abroad, Karolyi was forced to work against increasing obstacles at home. As in Germany, Communism grew with the return of the defeated armies from the front; in addition, the return of Hungarians and Russians from Russia served to spread the doctrines of Communism among the working classes on whom the pressure of defeat weighed heavily. Hungary further suffered from the continuance of the blockade, which was not raised until March. Foodstuffs might have been plentiful in November in the rural areas, but by March Budapest had drawn heavily on the countryside, and its two millions of people, largely parasitic refugees and unemployed demobilized soldiers became fertile ground for the growth of Communist doctrines.

In the cities, too, there had congregated many Jews, whose

rôle had been hitherto a purely economic one, and whose participation in politics was precluded under the old régime. Under the inspiration of the example of Russia, in which the leading spirits of the Soviet Government were of Semitic origin, they hoped to seize political control as well as to institute an economic dictatorship. These were the forces which sapped the foundations from the Karolyi Government on the Left, while others, operating less actively, undermined the government from the Right. When the process had gone far enough the collapse of the bourgeois Karolyi Republic was inevitable.

The first steps taken by the Karolyi ministry alienated some of its supporters. The Radical Party—a group of Fabian intellectuals—were interested in political democracy and stood for socialistic reforms as well, but the rank and file of Karolyi's following—the rump of the old Independence and 1848 Party—were in no mood for experiments in socialization. In consequence, these took affront at the announced agrarian reforms and the faction of the party headed by Lovaszy, a trusted lieutenant of Karolyi, withdrew their support from the government. Lovaszy sought to reconstitute a purely bourgeois party, which, he thought, would be more in keeping with the conservative temper evidencing itself in Allied countries.

With the resignation of Jaszi, in January, began the exodus of the Radicals, all of whom, except Szende, withdrew from the government and gave their support to the Social Democrats in order to avoid class warfare between the intelligentsia and the proletariat. All these accretions to the Socialist Party added to its influence, and it became evident that the swing of policy towards the Left—which Lovaszy and his group had hoped to check—had merely been accelerated by their exodus from the Cabinet.

The only way in which Karolyi could expect to make any headway against the swing to the Left—caused both by foreign and domestic conditions—was to win to his support the agrarian population. This he attempted to do by promising the peasantry, hitherto practically bound to the soil in the service of the boiars, the ownership of the land as a result of the breaking up of large estates. The agrarian law, as finally passed, February

15, 1919, provided for the reduction of all estates to a maximum of seven hundred acres (500 cadastral yokes), and the repartition of the land among the peasantry on a fifty year amortization scheme. The pre-war value of the land was taken as the basis for calculations, and aid from the state to the peasantry in the provision of ready purchase money was contemplated. Interest on the amortized sums was to be five per cent., while the government retained the authority to withdraw the land from the possessor, in case it were not cultivated to eighty per cent. of its area for three successive years.

That this was the most far-reaching and constructive measure of the whole Karolyi Régime seems fairly evident. Unfortunately, however, the collapse of Karolyi came too soon to permit the adequate application of the law. The peasantry were not wholly satisfied with the scheme, as the more magnanimous—or far-sighted—landlords had, in some instances, freely offered part of their lands to their tenants, others had made better terms than prescribed by law, while in still other instances, the peasantry had taken the land outright. The law was opposed by the Socialists because it prevented the operation of large estates by forced labor for the anticipated Socialist State while the boiars regarded the land law as confiscatory, since the state was bankrupt to begin with. Thus the contemplated agrarian reform was not without opponents from its inception.

The first promise of the National Council had been the election of a Constituent Assembly. Had that promise been effectively and promptly carried out, Hungary might have been spared many of the difficulties which later overwhelmed her. As it was, only an electoral law was passed; the elections to the Constituent were never held. What the Spartacists failed to accomplish in Germany, the Hungarian Communists effectively managed to carry out. The Spartacists knew that if the Constituent ever met at Weimar, the Social Revolution was doomed. The Communists in Vienna were too weak and too slow to learn the lesson. But in Hungary, as in Russia, Communism prevented the calling of the Constituent through regular channels, and not even the elections took place.

It is true that an electoral law was enacted, as the First People's Law of 1918, by the National Council, conferring the franchise on all men over twenty-one and all literate women over twenty-four, who had been Hungarian subjects for six years (i. e., since 1913). All over twenty-four of either sex were made eligible to membership in the National Assembly, the elections to which were to be based on direct and secret voting. This ordinance was also to apply to municipalities and communes for local elections. Although sound enough in its principles, the law was never put into force. It was found impossible, due to party squabbles, to set a date for the Constituent elections. The first difficulty was encountered when Lovaszy broke with Karolyi and refused to follow a policy whose radicalism tended toward open class warfare. Karolyi forthwith postponed the elections, alleging that it was necessary, for reasons of internal and external policy, to do so.

When the National Council next met, on January 11, Karolyi was chosen President of the Hungarian People's Republic, and Dionysius Berinkey, a colorless figurehead, assumed the premiership. At the same time, the ministry was reconstructed and the Social Democrats claimed four places, one of the new men in the Cabinet being Julius Peidl, later the man to rescue Hungary from the clutches of Bela Kun by providing a transitional ministry. The temporary character of this Berinkey ministry was recognized from the beginning, as it marked a strong radical trend in policy—whither, no one could tell. Plainly, an endeavor had been made to shelve Karolyi by elevating him to an innocuous position. None knew it better than Karolyi himself. The end of his régime would probably come with the meeting of the Constituent.

Karolyi announced, on assuming the presidency, that it was essential to the negotiation of peace with the Allied Governments that such an election should forthwith be held. When party agreements on this seemed impossible, the Social Democrats came forward, on January 28, with an announcement that they were determined to secure full control of the government. To further that end and gain support in moderate circles they cut loose from the Communists, much as the German

Social Democracy had been forced to do just a month before.

Now the Communists turned their venom on the Socialists and attacked their newspaper offices, just as the Spartacists attacked the offices of *Vorwärts*. For two months the contest lasted, and Socialists fought Communists in press, platform, and public encounter. Finally, the Berinkey Ministry set the date of the elections to the constituent for April 10, and the date for the assembling of that body for April 20. In vain—!

On March 20, came the Allied ultimatum as to the Rumanian frontier line; Karolyi and the National Council refused to accept it; the Workers' and Soldiers' Council of Budapest resolved that Socialists and Communists must act in concert in this emergency. So there was formed, according to plans which Sigmund Kunfi, a member of the government, had drawn up in concert with Bela Kun, the Communist leader then in prison, the "International Revolutionary Hungarian Socialist Party" and Karolyi handed over to this new grouping the destinies of Hungary.

The Social Democratic Party had been working, covertly and openly, for support to enable it to gain power. It had pronounced against the Red Revolution to gain the support of the bourgeoisie; it had inveighed against the Black Counter-Revolution to secure the votes of the proletariat. Yet the Social Democratic Party had made a qualifying reservation in its electoral manifestoes. "The Red Counter-Revolution,"[1] it claimed, "wants to rescue the country from its misery by robbery, murder and plunder. This is a barbarous method, and the Social Democratic Party refuses to adopt it, *unless it should prove that it cannot gain its end by means of its own program.*" When the chance came through the resignation of Karolyi, the Hungarian Social Democracy, thirsting for political power and prestige, did not scruple about throwing its principles to the winds, if only it could secure office, and, in this crisis, it covenanted with Communism.

Karolyi had made one last sincere attempt, following the endeavor to conciliate the peasantry, to meet the Socialists half way. He pronounced in favor of the nationalization of great

[1] I. e., against the Karolyist régime.

industries in January, and in March the first of the decrees authorizing nationalization was issued. While regarding private property as an established institution, Karolyi and his retainers did not consider it sacrosanct. In the advent of Constitutional Socialism Karolyi recognized the beginning of a great world order. But the same factors needed for the successful prosecution of socialization in Austria—economic quiet, the resumption of ordinary enterprise, the raising of the blockade and the will to work—were equally lacking in Hungary. Any measure which Karolyi might decree was foredoomed by economic conditions to be a failure.

It was not Karolyi's fault that he was called to power at a time when superhuman efforts would have been in vain. Karolyi was sincere and honest; he made a noteworthy example of his magnanimity in giving to the state 50,000 acres of his own estates for distribution to the peasantry without compensation; but no man could stem the tide of Communism nor build up the economic structure of Hungary single-handed. Hence Karolyi, at once deserted by his friends and maligned by his enemies, was left to exit from the stage of Hungarian politics a beaten and humiliated man. It was inevitable that he must go. The swing to the Left carried him with it until he became a dead weight and was dropped unceremoniously. It was only when Moscow, instead of Paris, became the guiding light of Hungarian politics, that he gave over the helm of the ship of State to those who had sailed in Russian waters.

The First Revolution was over; the Second Revolution had begun. Both were the products of military defeat and economic disorganization; both brought to power the extremist groups on the Left; both drove out of power governments whose policy, domestic and foreign, was completely discredited. Just as the old parliament had failed to enact franchise reform and to consult the country, so the National Council had failed to convoke the Constituent; just as the Germanophil policy of Wekerle had proved ruinous, so the Ententophil policy of Karolyi had courted disaster. "The old parliament had met the crisis by surrendering its power to a National Council composed of a coalition of the extreme Left of the Chamber with elements

outside of Parliament; now the National Council surrendered its power to a coalition of its Social Democrats with elements outside of the Council, and disappeared from sight." A new experiment in government was coming, and the world watched the Hungarian Revolution with bated breath.

The Second Revolution was practically bloodless, as the first had been. Karolyi had brought into his Council the Socialist element, whose policies gradually gained the upper hand and drove out the more moderate elements. So the new constellation of Socialists and Communists assumed power, and the moderates in it quickly sank into lights of lesser magnitudes while the Communists, bursting into dazzling splendor, became the center of attraction. Theirs was the heyday of glory, to last until their red glare vanished in the blackness of reaction.

CHAPTER X

THE HUNGARIAN SOVIET

THE RÉGIME OF BELA KUN: *Kun—Socialization—Agrarian Reform—Soviet Banking—Housing—Religion and Education—Public Welfare—Courts—The Army—Rôle of the Red Army in the Second Revolution—Strategic Importance of The Trade Unions—Soviet Organization—Electoral Laws—Provisional Constitutional Structure—Elections Under the Soviet Régime.* THE SOVIET CONSTITUTION: *Fundamental Principles—Workers' Bill of Rights—Powers of the Soviets—The Hierarchy of Soviets—Technical Bodies—Electoral Arrangements—Principles of Soviet Finance—Organization of Racial Minorities—General Characteristics of the Soviet Constitution—Foreign Policy.* COUNTER-REVOLUTIONARY MOVEMENTS: *Reactionary Character of the Szeged Government—The Red Terror—Its Reaction on the Szeged Government—Collapse of the Soviet.*

THE RÉGIME OF BELA KUN

IF Michael Karolyi had been the leader of the first revolution, there could be no doubt that Bela Kun was the leader of the second. In him Communism found a doctrinaire exponent, capable of interpreting with immense enthusiasm the Russian theory of communistic organization to the Hungarian proletariat.

For such a task Kun was thoroughly equipped. He had been an instructor at the University of Koloszvar before the war, became an officer in the Austro-Hungarian Army, and after his capture in 1915 by the Russians bided his time till the revolution came in Russia. Under Kerensky he became the head of the bureau of propaganda, and, watching his opportunity, came into close contact with Lenin and Trotsky on the outbreak of the November revolution.

Once the war was over, he returned from Russia to Hungary as the evangel of Communism and became the leader of the communist factions among disaffected soldiers and idle workmen. These he rallied around him and organized in conciliar groups wherever he went. In due time he was arrested by the

Karolyi authorities, and spent his time in prison until the outbreak of the second revolution. While in jail, he had negotiated with Kunfi for participation in the government on the advent to power of the Socialist-Communist coalition.

When released by his confederates on the resignation of Karolyi, he at once came to power as the People's Commissar for Foreign Affairs, and became the idol of the Budapest proletariat, just as Liebknecht had received the ovations of the Berlin mob on his release from imprisonment. The two Communist leaders were of different types, however. Liebknecht had been a lifelong parliamentarian and logothete; Kun was preëminently a man of action, though as an orator, he was regarded by the Communists as unexcelled. As a diplomat, he was a keen and shrewd negotiator. Coming into power on the collapse of a régime which had failed to obtain the friendship of the Allies, he turned toward his mentors in Moscow to assure them of the identity of interests between Hungarian and Russian Communism. Hungary and Russia, both the victims of military disaster and of the inability of the Allies to cooperate, gravitated toward each other by the force of their common misery. Kun openly hailed Russia as an ally, and sought to rescue Hungary from the imperialism of the Entente by recourse to the methods of Bolshevism.

The organization of the People's Commissars, which had been secretly perfected, was based on the same structure of Workers' and Soldiers' Councils that had made the November Revolution successful in Russia. A Soviet Republic was proclaimed, and the dictatorship of the proletariat inaugurated. The response of Hungary to the Allied demand for the evacuation of the Theiss Valley in the face of the Rumanian invader, was the assumption of power by the Communists. The Magyar Republic of Karolyi was transformed overnight into the Hungarian Republic of Soviets.

The immediate acts of the new government were sweeping. The first was to decree death to all armed resistance offered to its commands. Revolutionary courts of justice, from which there was no power of appeal, were immediately instituted to try all political offenders. The next act was to prohibit the

supply, sale, or consumption of alcoholic liquors. It was a drastic step, but one needed to awaken the proletariat from the drunken inertia of defeat. Immediate socialization of large estates, mines, banks, large industrial concerns, and means of transportation was ordered. The creation of a proletarian army, to defend the Conciliar Republic, and to safeguard the food and coal supply was decreed. By a series of drastic ordinances, the Revolutionary Governing Council took over control of housing, theaters, education, social welfare, and separated Church and State. The elections for the various local, regional, and national Soviets were forthwith ordered and an electoral ordinance enfranchising all laborers was promulgated. In sharp, drastic fashion the Second Revolution proceeded to internal organization by decree. A commission of five members was appointed to prepare for the elections, while a new directory of three was placed in control of the Workers', Soldiers' and Peasants' Councils. Thus, Communism entrenched itself in Hungary, and turned away from the path of Constitutional Democracy.

Socialization, undertaken with timidity in Germany and Austria, was attempted drastically in Hungary by the immediate establishment of workers' control in all enterprises employing over twenty-five persons, the grouping of all related industries under the central control of the Commissariat for Social Production, and the establishment in each plant of direct representatives of the Central Commissariat to take the place of the former capitalist-owner. It was declared to be the aim of the Soviet Government to employ all former owners and employers as socialist experts and technicians, and thereby to conserve their ability for the service in which they were engaged, while inducements were to be offered to inventive genius, that it might flourish under socialistic management.

Increased mass production for the support of the proletarian army was the direct object to which socialized enterprise turned. It must be conceded, however, that, under the arbitrary and severe discipline imposed upon the proletarian army, and the army of workers behind it, the aim of increased production was by no means successful. In the case of mining and other key

industries, production was diminished, and this had its inevitable effect on subsidiary industries, so that by June individual production in factories had fallen from 25 to 75 per cent. below normal. This, the government explained, was due to the abolition of piece-work, the cessation of "capitalist" discipline, the scarcity of food, and the military training of the workers, which had destroyed their initiative. After three months of experimentation the Communist Government felt obliged to return to the piece-work system, and tacitly acknowledged the failure of its discipline in promoting production. The central organizations, whose proper function was strictly disciplinary, fell into bureaucratic habits, and either hindered production or actively intervened in technical work.

All told, the processes of socialization, though pushed further in three months in Hungary than in three years in Russia, had failed, due principally to war-weariness, the insufficiency of raw materials, and the lack of individual initiative in a class of workers from whom the possibility of profit-making had been taken.

Land reform, undertaken leniently enough by Karolyi, became a thoroughgoing policy under the Soviet Régime. Where Karolyi had proposed land reform by a fifty year amortization, the Soviet expropriated land overnight without compensation. The boiars had protested against Karolyi's measures; they were mute under the threats of the Red Guards. Thus, at the height of its power, in June, 1919, the Hungarian Soviet had socialized 2,000,000 *jochs* of land out of a total of 6,300,000 under cultivation, or capable of productive use. It was the policy of the Soviet to leave undisturbed such small proprietors as controlled directly land which they themselves tilled for their own benefit; there being no other "exploiter" than the farmer himself, he was entitled, according to Communist economics, to the profits of his enterprise. In fact, this apparent mildness towards the peasantry was due to a realization on the part of Kun and his comrades that the passive resistance of the Russian peasantry to the Soviet Régime had been one of the greatest drawbacks to the successful establishment of communism. If

the urban proletariat was to keep alive the spirit of the revolution, it must in nowise antagonize the peasantry.

This original ideal the Soviet found it hard to cling to, as the need of food for the armies, for the refugee population of Budapest, made it necessary to requisition foodstuffs, cattle, poultry, and the like, till the peasantry ultimately refused to respond to the levies of the Red Guards. With the socialization of land came the correlative institution of compulsory labor on the socialized estates, a form of patriotic service under the supervision of the Red Guards that the peasantry found to differ but little from the enforced labor under the old régime. Thus, resentment against the foreign, Semitic tyranny of the Budapest Soviet grew in the rural regions, however much the urban proletariat might rejoice in the dictatorship that it held over the bourgeoisie. The initial policies of the Soviet toward the small landholders were, however, sufficiently gratifying to enable their party, headed by Stephen Szabo, to enter the Hungarian Socialist Party and support the Bela Kun Régime.

Progressively the nationalization of industries continued until well into July, before the prestige of the Soviet began to weaken both at home and abroad. Foodshops were socialized, and every enterprise connected with the feeding of the population was placed under direct Soviet control. The finances of the government were met by two measures, the requisitioning of gold and jewels, and the printing of *White* money, in contradistinction to the *Blue* banknotes of the old régime. It was a policy borrowed directly from Russia, and could lead, in the end, only to bankruptcy. The gold in the vaults of the Austro-Hungarian Bank Kun gave to Italian hands in return for munitions shipped into Hungary from Italy, while the paper money was forced upon an unwilling public in lieu of specie. No attempt was made to balance a budget, or even to prepare one.

Housing was provided for by stringent ordinances of the Commissars, forcing the bourgeois population to admit the proletariat to their homes. The necessity for this was urgent, as the population of Budapest had almost trebled during the war, and it was difficult, if not impossible, to find homes for the refugees from the regions occupied by the Rumanians, or

from the Ukraine and Galicia, whence large numbers of Jews had fled on account of the *pogroms*. The housing ordinances occasioned considerable inconvenience to the bourgeois population, but mitigations were offered through the provisions that bourgeois families should flock together, lest they contaminate the class-conscious proletariat.[1]

One of the first tasks undertaken by the Soviet Government was the reorganization of education, to place it upon a strictly proletarian basis, and separate it from ecclesiastical control. Religious instruction in the schools was stopped, and teachers were ordered to instruct children in the principles of the revolutionary spirit. It had been the endeavor of Kunfi, even before the Second Revolution, to secularize education and put it on a radical basis. To this end he had declared: "We wish to revolutionize souls, to overthrow the dominion of old legends and dogmas, and to educate a free-thinking generation." Thus it was that in lieu of the reading or repeating of prayers in the schools, there were to be used "rhythmically clarified expressions of the proletarian spirit."

The religious properties of church orders were seized and the buildings were put to public service. Priests were forbidden to preach sermons, unless they rallied to the support of the Soviet Régime, and it became the open policy of the Soviet to crush every endeavor to use the churches other than for a purely religious purpose. The religious orders were impressed into humanitarian services, in caring for the sick and wounded in hospitals and elsewhere, and were made to discard their distinctive insignia. All educational institutions were immediately taken under the protection of the state and declared to be public property. No religious functionaries would be permitted to teach unless they renounced their religious character, and permanent permission to teach was made dependent upon orthodoxy in regard to the *Credo* of the Social Revolution.

Provision was to be made for poor students and for the giving of medical attention and dental service to school children. Women students in the University were given equal privileges

[1] This, in a measure, facilitated counter-revolutionary activities among the bourgeoisie.

with the men, the theological faculties were dissolved, and the Students' Unions were recognized as the governing bodies. The government further ordered the foundation of Workers' universities and the preparation of courses on Socialism for propaganda purposes. Courses were instituted in Budapest University in Sociological administration, with a view to studying the technique of scientific communism. Provision was made insuring the fullest freedom in the teaching of science. This was undoubtedly a reaction to the endeavor of the old régime to mold education on conservative religious lines.

Finally, an elaborate system of propaganda by public lectures and circulation of literature, by the use of the theaters for public instruction, oral and visual, was initiated. The Soviet summoned to its service the artist and the writer, and acknowledged them as co-workers in the education of the proletariat. Art collections in private homes were gathered together and opened to the public for its information and instruction.

The zeal of the Hungarian Commissars did not stop with the children; it extended its program to include the whole proletariat. Special accident, sickness, maternity, and other types of social insurance were put in force by decree, and stringent measures were taken to safeguard public health. The notification of infectious disease of whatever character, the opening of public baths freely to the proletariat, were but the outward indications of the provision to be made for the health of the sovereign working class. Multifarious administrative regulations were issued to carry out the broad lines of policy announced. Finally, as a phase of public welfare, the Soviet decreed the legitimation of illegitimate children and provided for the prompt and simple legalization of marriage and divorce. This was, in fact, a very salutary measure, in view of the laxity with which family relationships had been conducted under the old régime with its stringent marriage and divorce laws.

In Germany and Austria the revolution did not displace the judiciary, for which the greatest respect was entertained by the parliamentarians who conducted the revolution. In Austria, as has already been shown, the first acts of the Provisional and

Constituent National Assemblies were to insure the integrity of the judiciary and to provide new vehicles whereby it might assert its supremacy. In Hungary also the judiciary was untouched by the Karolyi Régime, but the Second Revolution put all power, judicial included, into the hands of the Soviets.

The new tribunals were of two kinds, ordinary and political. The ordinary courts, formed of a president and two other members, chosen from each Workers', Soldiers', and Peasants' Council, were empowered to try all civil cases arising under the decrees of the Soviet, and also all non-political criminal cases. Each court was to name its assessor, and to decide cases by majority vote of the judges. No qualifications, other than eligibility for membership in the Councils from which they were chosen, were laid down for the members of these ordinary tribunals. Preliminary inquiries and indictments were abolished, and trials were to take place immediately after the arrest of the accused. Accused persons were afforded the right of employing counsel, or the court might assign counsel for the accused in case he failed to designate his defender. Procedure was simplified to the utmost, and the accused was given the right to the last word. Unanimity of the judges was required for the passing of the death sentence, which must be immediately carried out, as there was no appeal. No power of pardon or amnesty was reserved to the Commissars, and the functions of the courts were thus supposed to be freed from political control.

A later ordinance, issued after the height of the Red Terror, provided that in case death sentences were not executed within two days, an automatic commutation of the sentence to life imprisonment ensued. This was obviously intended to apply to the revolutionary tribunals, whose task was essentially different, but was so worded as to include the ordinary courts in its application. The only authority of a supervisory nature given to the Commissariat of Justice was that of dismissing judges and advocates and replacing them, for legally valid reasons.

The Revolutionary Courts for trying political cases were organized somewhat similarly, except that their procedure was

even more summary, and their sentences more drastic. Shooting or hanging became the prescribed penalties for indulgence in anti-revolutionary or counter-revolutionary tactics, and the courts were merciless in their action. The *Cheka* of the Russian and Ukrainian Communist Régime was imported, without change, into Hungary, to stamp out counter-revolution from within.

The foes of the revolution were not only the adversaries of Communism within; they were also the adversaries of Hungary, whether Nationalist or Communist, without. The Karolyi Régime had fallen due to its inability to withstand Allied encroachments upon Hungarian territory; to stand at all, to win the confidence of the populace, the Soviet Régime must prove its mettle in the field. Accordingly, the Red Legions were promptly enrolled in Budapest and elsewhere, and the Red Army, well organized and disciplined after a few weeks' active service, succeeded in vindicating its mission in defense of the Second Revolution when it defeated the Czechoslovak legions and reconquered Slovakia for Hungary in June.

The organization of the Red Army was made possible only through iron discipline, utter suppression of the Conciliar bodies of soldiers, and through the enrolment of former officers of the *Honveds* to assume command of the levies that had fought for the Habsburgs in the World War. With the impedimenta of the armies of von Mackensen at their disposal, and fresh munitions smuggled through from Italy, the international proletarian army went forth to conquer for Magyar nationalist ends. It was only when the Red legions menaced the very existence of the Czechoslovak Republic that the Entente became tractable and consented to deal with the Red Régime. Karolyi had fought for the integrity of Hungary with purely spiritual weapons, as Brockdorff-Rantzau and Bauer had fought against the dismemberment of Germany and Austria, and all had failed; it was only when militant, aggressive, internationalist communism took the field that Hungary, now heedless of the guiding principle of Magyar policy—the maintenance of her territorial integrity—was able inadvertently to vindicate it. The armies of the Hungarian Soviet fought, not for the recovery of Hungarian soil,

but to spread the gospel of communism, in Slovakia and elsewhere, by the sword; yet, where the evangels of political democracy had failed to secure self-determination, the legions of the proletariat succeeded in arresting attention, and forcing the Allied governments to make good their military demarcations.

For Bolshevist Hungary the army was the first line of foreign policy; the spreading of the revolution was its mission; if it failed, if it collapsed, nothing but ruin remained for the proletariat of Hungary. Hungarian Bolshevism must be militant to live; if it should cease to struggle against foreign foes, it must collapse from internal weakness. Boldly, Bela Kun phrased the issue: "Democracy is impossible in Hungary, since the class warfare is so acute that there must either be a dictatorship of the proletariat or of the bourgeoisie." If the proletarian dictatorship should fail, the blackest of reactions must ensue.

On the entry of the Hungarian Communists into power all the other parties disbanded. Nothing had been heard of formal party organizations, on the old parliamentary basis, under the Karolyi régime: there were only the journals that had represented Tisza, Andrassy, and Apponyi, now firmly republican in their sentiment, for reasons of political expediency, to voice the opposition to Karolyi, the Radicals, and the Party of Independence. When, however, Lovaszy and Jaszi repudiated the Karolyist coalition, they had been left in open party opposition. Under the Soviet they, too, disappeared. There remained in the communist state no strong organization to match its strength against the International Revolutionary Hungarian Socialist Party except the Hungarian trade unions.

As the Trade Unions opposed Communism and the conciliar régime in Germany, and proved the bulwark of the Austrian Government against Communism, so the Trade Unions in Hungary were the groups that, from first to last, sought under the Communist Régime, to preserve their identity as units separate from the Socialist-Communist Party. There were not lacking zealots in the Communist ranks who would have dissolved the trade unions and forced their members to affiliate directly with the Socialist-Communist Party, but both Kun and Kunfi saw the danger in antagonizing the veteran defenders of the rights of

labor by too drastic measures. The small land owners had been conciliated; the peasantry was passive, but if hostility were to break out between the Trade Unions and the Socialist-Communist Party, communism would be doomed regardless of all other circumstances.

Accordingly, the separate identity of the Trade Unions was preserved, and they were left to weather the storm of communism as best they might. Ultimately, it was their resentment against communism, together with the exasperation of the peasantry, that permitted the overthrow of the Soviet. It was left for allied counter-revolutionists to deal with the unions as the sole force able to cope single-handedly with the revolutionary commissars. By the sheer irony of fate, the Soviet authorities were left in this dilemma: they must conciliate the Trade Unions at all hazards, for if the Trade Unions were dissolved, they would undermine the authority of the Soviet; if they were allowed to exist, and were not given satisfaction, they would overthrow the Soviet by the refusal of their coöperation. The first alternative would have been suicidal; in the other there lay the only hope, hence the Soviet authorities followed it, only to be disillusioned in the end, when the Trade Unions brought about their downfall.

The machinery of Soviet Government had been created from the Workers' and Soldiers' Councils without a mandate, or any general election. On the collapse of the Karolyi régime, the Commissars had come into power as the result of party negotiations. No legal basis for the seizure of power by Kun and his colleagues existed. The mere resignation of Karolyi and his bestowal of authority upon the Hungarian proletariat did not operate as a valid mandate; some popular expression must be sought.

In consequence, the Soviet Commissars issued an electoral decree on April 2, 1919, providing for the election of local, regional, and national Workers', Soldiers', and Peasants' Councils. The franchise was given to all workers, regardless of sex, who had completed their eighteenth year. All those not contributing to the common weal by their labor—particularly employers, those living off unearned income, merchants, clergy, members

of monastic orders, lunatics, and criminals—were disfranchised. This automatically eliminated the nobility and the bourgeoisie. The franchise was, however, given to the soldiers in the Red Army, because of their influential rôle as protectors of the Republic. Elections for town and village councils were to be held April 7, those for the County or District Councils on April 12, and finally, the elections to the National Congress of Soviets on April 14.

Although no formal constitution of the Hungarian Soviet Republic was adopted until June, 1919, the electoral ordinance of April 2 served in the main to outline the functions and powers of the Soviets. In doctrinnaire terms the decree stated the fundamentals of the Communist doctrine: "The means to attain the aim of the Soviet Republic is the securing of the rule of the workers over the exploiters. In the Workers', Soldiers', and Peasants' Councils the working people makes the laws, the working people executes them, and judges those who transgress them." This was the Hungarian codification of the famous dictum: "All Power to the Soviets."

"The highest authority is exercised by the National Congress of Workers', Soldiers', and Peasants' Councils . . . which in conjunction with the local Workers', Soldiers', and Peasants' Councils exercised the dictatorship of the Proletariat." This decree, therefore, set up the pyramidal structure of conciliar organizations, typical of a communist régime, and enabled the national body at the apex of the structure to control its actions. The only recognition of the principle of nationality by the Soviet Régime was contained in the provision that "every nation in Hungary living in an extensive, compact territory forms a National Council and an executive committee of its own. The Republic will ultimately be organized by the National Congress on a federal basis." Here the ideals of Jaszi, with his plans for a Magyar Switzerland, a federal union of racial cantons, were finally to be realized, although the federal principle, familiar alike to the German and the Slavic mind, had for a thousand years been alien to the principles of Hungarian administration. Obviously, Hungary was copying Russian models wholesale; the hands that wrote the decrees might be the hands

of Budapest, but the voice that spoke the orders was the voice of Moscow.

The remaining provisions of the electoral ordinance related to the selection of village councils, with one deputy for every hundred inhabitants; of town councils, with one deputy for every five hundred inhabitants; of district and National Councils, on the same basis, proportionately. In each instance the election of executive committees for the respective conciliar bodies was provided for, while special arrangements were made to safeguard the interests of Budapest, in which the supporters of the Soviet Régime were most numerous. The rôle of the Councils in all instances was of a dual character, both administrative and legislative. As autonomous bodies endowed with original jurisdiction, the local councils enjoyed full right to act upon any matter not within the competence of the National Congress, to which were vaguely reserved "all the most important questions of public character." Thus the Soviet structure, both because of its territorial organization and its distribution of powers, was bound to be federal in character.

The elections were duly held as scheduled, and resulted, of course, in a majority for the Socialist-Communist coalition. The only party which dared show its head in opposition, was the Christian Socialist Party among the peasants in the rural regions, where urban communism had not thoroughly penetrated. Once elected, the Soviets, local, district, and national, assembled and acted within their own competence, or took orders from the Commissars in Budapest. On the assembly of the National Congress of Soviets in June, the provisional structure created by the hurriedly passed electoral law was made permanent by the passing of the definitive Constitution. It differed in its structure but slightly from the creature of the electoral decree, principally in the regard it paid to nationalities, and in the federal basis which it consecrated.

The Soviet Constitution

The first section of the Soviet Constitution [2] is devoted to an

[2] Arts. 1-3.

enumeration of the fundamental principles of Soviet organization—the dictatorship of the proletariat, the disfranchisement and disarmament of the bourgeoisie, the furthering of world-wide social revolution, peace without annexations and without indemnities, the federation of free peoples into an international Republic of the Soviets of workers. These were the principles advocated to usher in "a social order which recognizes no classes and in which there ceases also to exist the power of the State, the essential instrument of class domination."

There follows a bill of the rights and duties of workers under the new régime.[3] These include the right to work as the prerequisite to the right to life. The duty to work is prescribed to the individual as the first obligation to the Republic of Soviets; in default of work for willing hands, the State provides for the worker. The right of the workers to be armed, to fight in defense of the international proletarian revolution, is regarded as the corollary of the right to work. Freedom of thought and expression is guaranteed to the proletariat, and a guarantee of the dissemination of revolutionary thought is made by the Government. Freedom of assembly, parading, and demonstrating is guaranteed. Freedom to learn, that the proletariat may rise to a higher level of culture, is next in the bill of rights. Liberty of conscience is protected by the separation of Church and State and the divorcing of the schools from clerical control. Thus no opinion or belief is to be imposed on the sovereign proletariat by State or Church. In their narrowly restricted sphere of purely religious endeavor, religious institutions are guaranteed perfect freedom of action. Protection is given, moreover, to foreign proletarians and revolutionists. Thus the right of asylum is vindicated in the proletarian state. No discrimination is made by reason of race or nationality. Thus racial and linguistic minorities suffer no oppression and the Soviet authorities are commissioned to see to it that no abridgment of rights of language or culture occurs.

The third main division of the Soviet Constitution[4] deals with the organization of the central power of the Soviets. Here

[3] Arts. 4-14.

[4] Arts. 15-37.

the principle of federal union is clearly carried out. Supreme power is vested in the General Congress of Soviets, to which are definitely assigned the care of the constitution, the frontiers of the country, war, treaty and peace-making power, the power to borrow money on the credit of the State, control of internal and foreign policy; general direction of economic life, the monetary system, the budget and taxation, organization of the army, establishment of courts, private, public, and criminal law; protection of the rights of citizens, and—a second thought concession—the right to grant amnesty. In consonance with the principles of proletarian control of foreign policy, the General Congress of Soviets decides directly questions of war and peace and the frontiers of the country. No secret diplomacy is permitted, in principle.

The General Congress of Soviets stands at the apex of the Soviet System,[5] being composed of delegates chosen from the Soviets of the autonomous cities and the Counties. These, in turn, are chosen by delegates from the wards or the districts of their respective units. Below the rural districts there stand the village Soviets directly chosen by the vote of the majority of the workers, on a basis of one delegate to every 100 inhabitants. The basis of representation rises proportionately until the delegates to the General Congress of Soviets represent 50,000 inhabitants. Thus a pyramidal structure is created, in which each lower body serves as an electoral college for the next higher, and as an administrative unit for carrying out the orders of its superiors.

In each instance, except in the villages, there is an executive Commission, fairly large in numbers, which has a smaller directory or committee as its driving force. In the villages the directory alone exists. A limited ordinance power is given to the local soviets and their executives, with the provision that, in case these exceed their authority, the higher Soviet authorities can overrule and issue new ordinances of a wider scope. Each executive is responsible to its Soviet, hence the Central Executive Committee, its sub-committees and finally the Commissars, comprising jointly the Revolutionary Government of

[5] Arts. 38-61.

Soviets, are responsible to the General Congress for their policy and must render an account thereto at fixed periods.

Beside this pyramidal structure there was created a unique body, the People's Soviet for Economic Life, strangely akin in its composition and powers to the *Reichswirtschaftsrat,* save for its proletarian character, to have control, as the name implies, of the main features of economic life. In this body special provision was made for the representation of the Trade Unions on the Executive Committee, whose ordinance power was very broad. This was the means constitutionally chosen by Kun and Kunfi to conciliate the influential Trade Unions.

Special technical commissions of a purely administrative character were provided for, from the lowest to the highest Soviet, though villages were forbidden to form sub-committees, in order to avoid vesting too much control in the hands of one or two men in each locality. A modicum of leeway was permitted each Soviet in its administrative organization, but its accountability to the higher Soviets for its transactions was not impaired thereby. Explicit rules with regard to public hearings in cases of an administrative character were laid down. Far from separating ordinary and administrative courts, the Soviet Constitution combined both in a court of purely administrative character.

The constitution embodied [6] the arrangements of the electoral decree of April 2 almost without modification, but added thereto provisions regarding the verification and certification of election returns by the higher Soviet authorities. Uniquely, it was provided that the Soviets might recall their delegates to the higher Soviets on demand of one-third the membership of the electing body.

The constitution declared the sole aim of the Republic of Soviets in its financial operations [7] to be that of covering the necessary expenses incurred in caring for the workers. Budgets were prescribed, however, for every Soviet, which must not exceed its outlined expenditures except with the explicit consent of the higher authorities. For the general supervision of Soviet

[6] Arts. 66-77.

[7] Arts. 78-83.

finances, a Central Commission of Control of three members was created with power to make recommendations as might be found necessary for the proper conduct of affairs. As regards local expenses, these were to be met from the sums allocated by the Central Soviets to the local ones either in cash or credit. No attempt, in fact, seems to have been made to balance the Soviet budgets.

Finally, the Soviet Constitution [8] provided for the organization of national regions in case racial minorities desired to affiliate through their soviets. This could be constitutionally arranged; the Commissars of the People provided a new Commissary or a deputy to care for the interests of the nationality as expressed through its National Council. It is of interest to note that these changes were made at the very time when the Soviet armies had practically reconquered Slovakia, and the opportunity for reorganizing a Slovak National Council on the Soviet basis was at hand. In fact, however, the much heralded Slovak Republic of Soviets, once constituted, promptly collapsed, and the only two commissariats for racial minorities which were ever set up under the Soviet régime were those for the Ruthenes —later to come under Czechoslovak control—and for the Germans, in Burgenland.

The Soviet constitution of Hungary is an excellent example of the constitutional aspects of Communism, as the Soviet régime was at its best when this instrument was drafted. It emanated from a General Congress of Soviets, elected by a larger number of voters than had ever participated in any Hungarian election, and bore the distinct marks of the zeal of thoroughgoing revolutionaries. It embodies, in a more perfect form than does the Russian Soviet Constitution, the principles of federalism, and is far more systematic in its outlines. Despite its endeavors to repudiate State power, its hierarchy of conciliar bodies fastened upon the Hungarian proletariat a topheavy administrative machine, under pretext of giving it the fullest opportunity of deliberative action. By weighting the cities more heavily than the rural areas, the constitution sought to retain proletarian control more effectively. This was done be-

[8] Arts. 84-89.

cause the urban proletariat, most in misery under the old régime, could salvage most out of the general ruin of Hungary by supporting the Soviets.

The rigid machinery of the Soviet structure further provided an excellent means of securing, on an apparently democratic basis, the supremacy of the majority party. If a dissident minority appeared in the lower units, majority rule excluded it from representation in the higher soviets. Thus there came to the highest counsels of the Republic of Soviets none but simon-pure communists, ardently in sympathy with the new régime. No machinery could have been more efficient for keeping the directing minds of the Communist movement in complete control. It would seem a peculiarity of extremist groups that they devise with strict mathematical precision a rigid scheme for maintaining control once they get into power; it was so with the directory in France; it was so with the Soviets in Russia, Finland, the Ukraine, and Hungary. The pyramidal structure of organization has always been the most effective in maintaining discipline, centralizing administrative control, and assuring strict adherence of the party following to the dicta of its leaders. For Hungary, the well-disciplined Magyar boiars had devised a system which excluded the proletariat and permitted the nobles and magnates exclusive control; small wonder was it that Hungary passively submitted to the proletarian control when exercised as rigidly and as exclusively.

In its foreign policy, the Hungarian Soviet Government departed radically from Russian models. Bela Kun threatened Paris initially with the formation of an alliance with Russia—an alliance never formulated nor consummated, yet sufficiently plausible to intimidate Paris. There were exchanges of fraternal greetings with Lenin, but no definite coördination of Russian and Hungarian military or diplomatic policy ensued. Bela Kun, the leading spirit in foreign affairs, treated all foreigners with consideration, disarmed the representatives of the Allies, and quietly conducted them to the frontier. The relations of the Soviet with Austria were strained almost to the breaking point, but no break actually came; it would have profited Kun nothing to add a military frontier on the west

to the three already surrounding Hungary on the north, east and south. Only Austria, Russia, and the Peace Conference entered into consideration, and the Soviet Government, tolerant to the first, intimate with the second, staked its existence on forcing the third to come to terms. Kun refused the proposal of General Smuts for a compromise frontier arrangement with the Czechs, Rumanians, and Jugoslavs; when hard pressed in May, he secretly offered the Rumanians an armistice, while he prepared the Red Army for use in Slovakia in June.

Then, when he had conquered Slovakia and severely endangered the Czechs, he accepted the decision of the Peace Conference as to the Rumanian and Czech frontiers. He had used the army as a fulcrum with which to move Paris, and had rallied Magyar nationalism to his support; when he fell back from Slovakia in obedience to Paris, his cause was discredited both at home and abroad. From that time, in mid-June, the army lost its morale, and counter-revolution crept forth from its hiding places. The fatal mistake of a proletarian republic which had turned its face eastward to Moscow was to come to terms with Paris. No government could endure that tried to serve two masters; Paris quickly discovered this and set about to crush the Soviet.

Counter-Revolutionary Movements

Counter-revolution had not been long in hiding when it emerged, and established, under Allied banners, its headquarters and army, first at Arad, on Rumanian-occupied soil, and later at Szeged, where, on May 5, Count Julius Karolyi, a half-brother of Michael, raised the standards of revolt against the Soviet. Thither there flocked all the representatives of the old régime, not the followers of Karolyi or any liberal movement. The Soviet Government scorned these as military adventurers, remnants of a feudal aristocracy, blind agents of high finance and reactionary imperialism, who would force back the old social order on the Hungarian proletariat, and claimed they would find no following. The Szeged Government, said Kun, was made up to please Paris; it sought refuge under the

tricolor of the French Armée de l'Orient; it secured approval of its cabinet from the Peace Conference.

This was undoubtedly true, but more than mere Allied bayonets backed up the Szeged Government. It represented exasperated Magyar nationalism seeking to return to its old haunts, and willing to accept any means that would gain this objective. The program of the Counter-Revolutionaries as issued on May 5, was essentially one of law and order, and the government was composed "of all the Hungarian political parties united in a sacred alliance." It recognized its function to be transitory but defined its guiding principles as the annihilation of Bolshevism; the restoration of order, and personal and property rights; the annulling of all the institutions and decrees of the Revolutionary Governments. Clearly the Szeged Government meant to undo the work of both Michael Karolyi and Bela Kun. "We desire," declared the Proclamation, "to give the country a form of government corresponding both to our national traditions and to the democratic spirit of the Great Powers of Europe." This was so vague as to be meaningless.

The time was not yet ripe for the Counter-Revolutionary Government to act; its agents must still remain in hiding until the opportune moment came. Quietly the men of the old order repaired to Szeged, and presently Vice-Admiral Nicholas Horthy, a favorite of King Karl, was put in command of the counter-revolutionary troops. Plotting went on in Budapest and Vienna, until an open attempt was made on June 25 in Budapest to overthrow the Soviet régime by an armed uprising engineered by Stephen Friedrich. The plot was nipped in the bud by the Soviet authorities, but not before some fighting took place.

The Soviet, having lost diplomatically what prestige it had gained in the field, now turned to the methods of terrorism to stamp out counter-revolution. If hitherto the Soviet authorities had been economic brigands, pillaging under the guise of requisition, they now became red-handed murderers and openly instituted wholesale hangings and killings, under the bloodthirsty Tibor Szamuelly. The Red Terror spared no classes,

and even the peasantry became the victims of the "Children of Lenin" as the terrorists called themselves.

This frenzy on the part of the most extreme Communists naturally lent prestige to the Szeged Government, and Bela Kun foresaw that an equally rapacious White Terror would ensue if ever Bethlen and Andrassy came back to power. Stephen Bethlen had now emerged from exile and added his strength to the Szeged Government. He announced a program, on July 1, which, while making a clean sweep of the revolutionary régime, at least went further in promises of constitutionalism than the Szeged Government had theretofore gone. He promised to stand for the right of self-determination of nationalities, the restoration of constitutional liberties, and the early convocation of a National Assembly.

It was plain that Paris could no longer continue to deal with Bela Kun, now that the extremists had gotten the upper hand. Knowing that definite military action against Kun was impossible, the Peace Conference decided to renew the blockade of Hungary, hoping thereby to starve the Soviet Government into subjection. Allied agents in Vienna promised the trade unions food if the Soviets were overthrown, while Bela Kun, hoping to revive the prestige of the Soviet by military action, went into the field, only to be roundly beaten by the Rumanians, who thereupon started an advance that brought them to the gates of Budapest. In panic, Kun fled from the country to Vienna, declaring in a parting manifesto that he was returning to the proletariat the powers with which the commissars had been endowed. It was now the turn of Communism to seek cover, and the hour of reaction had begun.

CHAPTER XI

RESTORATION AND REACTION

THE THIRD REVOLUTION: *Peidl—Beginning of the Revolution—Program of Peidl's Ministry—"The Critical Period"—The Coup of August Sixth—Rise and Fall of Archduke Joseph—The Friedrich Régime—Advent of Horthy.* THE WHITE TERROR: THE RÉGIME OF HORTHY: *Party Regroupings—New Parties—Restoration of the Political Consensus—The Constitutional Basis of Legitimism—Program of Huszar Ministry—The Constituent Elections—The Constituent Assembly—The "Constitution of 1920"—Simonyi-Semadam Ministry—Party Realignments—The Regency—Reaction and Repression—First Teleki Ministry—Domestic Program—Constitutional Problems—Agrarian Reform—Second Teleki Ministry One of Experts—First Karlist Coup—Fall of Teleki—First Bethlen Ministry—Domestic Program—Foreign Policy—Second Karlist Coup—Second Bethlen Ministry—Its Program—Recrudescence of Monarchism—Bethlen's "Government Party"—Legitimist Dissensions—End of the National Assembly—Difficulties as to New Elections—Electoral Reform—Effects of the Law—Electoral Campaign—The Elections of 1922—Defeat of the Legitimists—The Legitimists and Secret Societies—Possibilities of Legitimist or Republican Restoration—Third Bethlen Ministry—Foreign and Domestic Policy—Hungary and the League of Nations.* SUMMARY AND CONCLUSION: *Defects in Constitutional Development—Revenge, Reaction, and Restoration—The Problem of the Ultimate Democratization of Hungary.*

THE THIRD REVOLUTION

ON the retirement of Kun, Julius Peidl, a Social Democratic minister under Karolyi, who had clung to the fringes of the Soviet régime, now endeavored to emerge as gracefully from Communism as he had gone into it, and on August 2, 1919, formed a purely Social Democratic Cabinet, which guaranteed the protection of private property. Recognizing the political collapse of the Soviet Régime, Peidl undertook to return to a quasi-constitutional Republic.

It cannot be said that there was any legal basis for the devolution of authority into Peidl's hands. Just as the stage-play of Karolyi in turning over his powers to the Hungarian proletariat did not obviate the break in the legal continuity of Gov-

ernmental authority, so the desperate act of Bela Kun in handing back the powers he had acquired merely marked another break and paved the way for a third revolution. Peidl was destined, however, to play as insignificant a rôle after the revolution as Hadik had played just before Karolyi. Budapest accepted him quietly, with no more disturbance than when it had accepted Bela Kun, but the counter-revolutionary current could not be stemmed for long. Peidl issued three important decrees on entering office. The first change the administrative designation of the State to the Hungarian People's Republic and formally acknowledged that the republic was the form of government which he represented; the second retained all the decrees of the Soviets provisionally in force, and the third suspended all judicial sentences.

It was obvious that no radical change from the Soviet régime was immediately contemplated, although the decrees evidenced the already obvious "vacancy of power." Peter Agoston, formerly under Kun in the Commissariat for Foreign Affairs, went into the Peidl Cabinet as Foreign Minister, and announced a policy of peace at any cost. The convocation of a National Assembly was promised, but no time was set for its election; socialization was to be continued, but under the auspices of the National Assembly. Meanwhile food supplies were the chief concern of the Government. It was obvious that the blockade had worked effectively.

Hungary had now entered an exceedingly critical period, due to internal exhaustion, the bitterness of political feeling, Rumanian occupation, and endeavors at monarchic restoration. The Peidl ministry proved too weak to stand against the reaction that was inevitable, and the inclusion in it of men who had served under the Kun régime made it impossible for the Szeged Government to come to any terms with it. On August 6, while the Peidl Ministry was holding a cabinet meeting, the Budapest Chief of Police, accompanied by leading army officers of the old régime, invaded the national palace and placed the cabinet under arrest, alleging that it had no right to represent the country.

Peidl resigned forthwith and the Archduke Joseph, who, as

the *homo regius,* had been intrusted by Karl with the power of appointing premiers in Hungary, before the latter withdrew from the realm, reasserted the authority which he claimed to possess, and named Friedrich as premier, while he himself assumed the title of Administrator of the State. Friedrich formed a cabinet of officials and party representatives—primarily clericals and nationalists. The program outlined by the Archduke embraced elections to a Constituent Assembly after the withdrawal of the Rumanians from Budapest. All persons over twenty-four were to have the franchise for the Constituent elections. Friedrich promised amnesty for all political prisoners of the Communist régime, and negotiations with the parties of a moderate or conservative character were resumed.

The return of Archduke Joseph was viewed with alarm by the Austrian and Czechoslovak Governments, and these made representations to the Peace Conference to secure his withdrawal from the Government. The public proclamations of the Archduke contained his title, as well as his rank of Field Marshal, and it was obvious that Citizen Joseph Habsburg of the Karolyi régime had changed his coat of many colors for the imperial purple again.

The month of August, 1919, was consumed with negotiations between the Allied Governments and the Archduke. An attempt was made on August 15 to form a more liberal cabinet under Lovaszy, but this failed, and it was not until August 29, after the Archduke had withdrawn from the Government with a flamboyant proclamation to the people, that a cabinet of decidedly reactionary character was formed under Friedrich.

The ensuing period of three months, until the formation of the ministry of Karl Huszar on November 27, 1919, was one of considerable confusion, due to the endeavor of the various conservative groups to secure office at the expense of other factions. The outstanding fact of the period is the renewal of royalist agitation. Friedrich declared when he entered office that the Peidl Cabinet had been Bolshevik in all but name, and that he was determined to make a clean sweep of it. With the open change in policy under the joint régime of the Archduke and Friedrich, various projects of monarchical restora-

tion came forward, and all the apologists for the Karlist régime were noisy. Others, who did not desire King Karl, sought the restoration of the throne to Archduke Franz or Archduke Otto, the children of Karl, and thus thought to tide over the period through a regency. Still others proposed different candidates from the Italian, Rumanian, and British royal families. Obviously the restoration was temporarily impossible and some one must head the Government, some strong, conservative hand guide the State until peace was made and the monarchy came back. The more closely the various party leaders were questioned as to the restoration, the vaguer became the replies. It must be left to the Constituent, said some; others held that it depended on the initiative of the monarch.

Friedrich remained in office during his period with practically no constructive measures of a constitutional character. The Rumanian occupation was plundering the country and the hands of the Cabinet were tied. Meanwhile, the leading Communists, who had not gone to cover or who had been apprehended, were brought to trial for their crimes. Finally, on November 14, when the Rumanian forces of occupation had withdrawn from Budapest, Admiral Horthy, in command of the revivified National Army, entered the city from Szeged. The Szeged Government had made its approaches to Friedrich, and the fusion of the conservatives was complete. A new hand had come to the helm, that of an Admiral. If Karolyi, Kun, and Peidl had sailed through stormy and uncharted seas, there had now come a crafty pilot, a shrewd master of the technique of political navigation, to steer the derelict Hungary into the Maelstrom of reaction.

The White Terror: The Régime of Horthy

The inevitable result of a plunge into communism was, for Hungary, a return to the opposite pole politically—to monarchist reaction. The experiences of the Karolyi and Bela Kun régimes sufficed thoroughly to disintegrate all the political parties. After the collapse of the Hungarian Soviet there were no longer revivifications of the Party of Work, or the Party of

Independence, of 1848, or any other parties known to the old régime. The reason for their disappearance was obvious. They had lost their *raison d'être.* As Tisza and the Constitutionalists had stood for the Ausgleich, the collapse of the Ausgleich had made their position politically absurd. Thus Wekerle's Coalition had collapsed because it had no foundation for its structure. The Party of Independence and of 1848 had sought to detach the Crownlands of Saint Stephen from the Dual Monarchy; with the collapse of the Monarchy, its program had become obsolete.

After the period of socialistic and communistic experimentation, new party groups had to come about, and the confusion that followed upon the overturning of the Peidl ministry was merely incidental to this psychological change, this endeavor of the people to orient themselves anew in accordance with the changed position of the New Hungary racially, culturally, and politically.

There were various foci around which forces centered. Economic issues were primarily at stake in a country that had wellnigh been wrecked by communism: on the one hand, the trade unions, which played as innocuous a part as possible under the Soviet, endeavored to voice their ideas as to the economic reconstruction of Hungary; on the other, the agrarian elements, led by Szabo, looked upon the problems of Hungary from a distinctly provincial, agrarian viewpoint. The Magyar Nationalists, defenders of the economic class-superiority of the nobility under the old régime, reasserted themselves to consummate, if possible, a return to the rule of landed aristocracy.

Religiously, there were issues at stake, for a preponderant part of the Magyar Nationalists had been Calvinists, while the Clerical Parties—once alien nationalities had been removed from oppression—could assert their aims more deliberately and openly. The Clerical parties had been the spokesmen in the old Parliament for the disfranchised minor nationalities; now they were privileged to don the regalia of Legitimism.

The outlining of an advanced "liberal" program of social reform—a common enough trick in the older days—could not meet with any approval on either economic or humanitarian

grounds. The necessities of the hour seemed, to the Magyar nationalists, to call for stern and decisive action, for a Government of Law and Order. Repression of all radical movements, anti-Semitism, restoration of things to their former economic position—these were the guiding thoughts of Hungary during the days of crystallization of the new parties. If, as Agoston declared at the close of the Kun régime, economic, psychological, and moral inhibitions had been placed on Communism, causing it to fail, so now these very forces of conservatism operated to facilitate reaction.

But perhaps the most signal force tending towards conservatism was the desire to restore the old territorial order—to restore the Old Hungary, with her subject races. The ardor of all classes for the preservation of the economic integrity of Hungary was notorious, and this helped in the formation of parties. It was an idea productive of union, where economic, religious, or dynastic interests meant division. Hence there was a political consensus within all parties, that the territorial integrity of Hungary must not be sacrificed.

Out of this conflicting, chaotic set of ideas and principles there emerged politically (1) a Clerical group known as the *Christian Party,* (2) a Liberal-Bourgeois party forming the *National Party of the Country* under Heinrich and Lovaszy, (3) the *Social Democrats,* who refused in any way to merge their identity with that of any other party, and (4) an *Agrarian Party,* under the leadership of Szabo. It was with these parties that the new Government and the Allied Governments had to deal, in attempting to reach an internal and external settlement of Hungary's affairs.

The negotiations undertaken by the new party groups with Friedrich and with Sir George Clerk, the emissary of the Peace Conference to Budapest, were for the purpose of reaching an understanding on the fundamental policies to be pursued by a ministry of concentration, in which all parties should be represented. The breakdown of the political consensus that had accompanied the Second Revolution was so complete that it required long negotiations to bridge the differences between the

monarchists on the one hand and the Social Democrats on the other.

Typical of the situation was the program put forward by the National Party as the basis of reconstruction. Its "Six Points" were (1) The impartial exercise of Governmental Powers; (2) The use of the laws to stop provocations against classes and confessions; (3) The protection of individual liberty; (4) Impartial use of the armed forces; (5) Reëstablishment of social peace by understandings with the small landowners and the working class; (6) Cessation of political agitation by parties, by utilizing the State's organs and means of action. This party program is highly valuable as revealing the constitutional theories prevailing in this time of chaos before the election of a constituent assembly, and, as illustrating the gradual reëstablishment of a political consensus.

The Hungarian statesmen of the post-revolutionary period never attempted to disclaim any of the responsibilities of Hungary, as did the Austrians, by claiming that Hungary was a new state, and that the personality of the old Hungary had ceased to exist. Such would have been tantamount to an abdication of the claims of millenary Hungary to her territorial integrity. Hence the parties and their leaders, despite the political cataclysms that had overwhelmed the country, were content to affirm the continuing personality of the State as a fundamental axiom.

It followed, in their opinion, that nothing that Revolution might do—were revolution subsequently overthrown—would change the Hungarian Constitution, unless such change were confirmed by the action of a Constituent Assembly. The very appeal of the parties for the application of the laws of the old régime showed that in so far as they were concerned, there had been no lapse of the old Constitution—one as revered, as sacrosanct, and as intangible as that of Great Britain. If the statute law could still be claimed to exist, how much more could be said for the customs, the conventions, of that millenary constitution? Thus Hungarians appealed to the guarantees of their liberties, to the power of their laws, to the inherent power of

the organs of Government created by the Constitution. Chief among these was the Crown.

The powers of the Crown had not been abolished by any constituent assembly, hence they must be held to survive; the King might have left the realm, but the Archduke, the *homo regius*, was still accessible. It would be his task to represent the Crown in the truncated Kingdom. If Friedrich's ministry had received his approval, any ministry in which Friedrich had a part would be representative of the Royal Will, until the Will of the Nation decided otherwise. Thus it was that the Hungarian delegation to the Peace Conference, in protesting against the use of the term "Republic of Hungary" in the Peace Treaty, declared it "to say the least, premature. It is true that—in consequence of well-known events—the functions of the Royal power have been suspended, but this material fact cannot change the legal fact of the ancient Constitution of the Country which can only be modified by the will of the nation, expressed in its National Assembly, elected by universal suffrage. As this act has not yet taken place, we beg you to use, according to established usage, the name of 'Hungary' and we beg the substitution of this name for that of 'Republic of Hungary' in all the sections of the Treaty of Peace and in all official documents." In brief, after the deep disturbances caused by the Revolution, the only common ground on which the parties of the nation could stand was the ancient Constitution, which no transitory revolutionary governments could modify.

In appealing to the Constitution as a basis of agreement, the parties provisionally dropped personal politics, hence the names of Apponyi, of Bethlen, of Lukacs, and Lovaszy as candidates for the premiership were discarded in the selection of the Huszar ministry. As finally formed, Huszar's concentration cabinet was pledged to the prompt holding of democratic elections, properly safeguarded, to freedom of the press and public opinion, to the granting of legal equality to all citizens, to the maintenance of law and order and of respect for the provisional boundaries of Hungary.

The Huszar ministry fulfilled its pledge to hold free demo-

cratic elections for a National Assembly by ordering them for January 25, 1920. For these elections an ordinance established the right of franchise for men and women, with secret ballot and compulsory voting. It was presumed that all the political parties would participate in the election, as all were represented on the Cabinet, but, when the avowedly monarchist character of the Government came to light, the Social Democrats, acting upon orders from their party, withdrew from the concentration cabinet and refrained from voting. A remnant of the Karolyi party emerged to vote, but failed to elect any candidate.

The Christian National Union (Clerical-Nationalist) and the Small Landowners decided to form a bloc for the elections and came to an understanding on January 10, as to the unification of their forces in some sixty odd constituencies, hence it was to be expected that they would sweep the country overwhelmingly. Apponyi and Andrassy, as non-partizan candidates, were elected on their reputation, particularly as Apponyi had assumed the task of the peace negotiations with the Allied and Associated Governments. The Social Democrats, of course, received no seats. Approximately 95% of the votes cast were for members of a monarchist hue. As no system of proportional representation was used, by-elections were employed in approximately one-fifth of the districts to decide contests. These took place on February 10. Only 164 election districts of the old 453 for the national Parliament were left by the provisional delimitation of frontiers, so that the results, as published by the Ministry of the Interior, were as follows:

National Christian Union	68
Christian Socialist Party	5
Economic Christian Socialist Party	4
National Christian Party of Small Landowners	3
Christian Party of Small Landowners	4
National Party of Small Landowners	71
National Democratic Party	6
Non-partizan	3

It can easily be seen that Clericals, Nationalists, and Agrarians were the only groups effectively represented.

The result of the elections was to give no one party a ma-

jority, and hence to leave the several small groups in a position to overthrow the ministry. Friedrich regarded the situation as a serious repudiation of the Concentration Cabinet and thought that, once the union of all parties had been broken by the secession of the Social Democrats, the Cabinet ought to be reconstructed. Huszar, on the other hand, regarded his pledge to the Allied Governments to convoke the Constituent still binding upon him, and refused to make any change in the Cabinet, whereupon Admiral Horthy issued an Order of the Day to the Army announcing that he accepted the responsibility for sustaining the concentration cabinet. On January 29, Huszar openly declared for a restoration of the monarchy. This was followed by a similar pronouncement on the part of the Archduke Joseph on January 30. The Peace Conference, however, in a note of February 2, stated that it regarded the return of the Habsburgs as a matter of international concern, and would not permit a restoration. Hence nothing of any constitutional import occurred until after the meeting of the Constituent National Assembly, on February 16, 1920.

At the opening of the Constituent, Premier Huszar made a formal pronouncement of a policy of repression of revolutionary movements and of punishment of those who participated therein. In the result of the elections he saw the firm will of the nation to punish all those who, by their nefarious actions, had contributed to the ruin of the country. He determined to prosecute pitilessly all the guilty, whether Jews or not. This was but the beginning of the White Terror which was to attract attention to Hungary in the ensuing months. While dependent upon the goodwill of the Peace Conference for his office, Huszar had been content to allow irregular detachments of troops to conduct small scale pogroms in Budapest and elsewhere, disclaiming any knowledge of the existence of such conditions. Once the Constituent was duly assembled and backed by the National Army under Horthy, the blessings of heaven were invoked on its labors and the program of Jew-baiting began.

Other tasks, however, awaited the Constituent. The Huszar domestic program included measures of agrarian reform—obvi-

ously necessitated by the presence of so many agrarians in the Assembly—and measures to sustain the interests of Labor, which had been led astray by demagogues. These blanket promises were followed by an announcement of the urgent program of the Constituent as the signing of peace, the political organization of the State, the new constitution, the electoral law, and, finally, the election of a Governor, into whose hands the Government would entrust its power.

The problem of political organization, and of creating a new constitution was not as important for Hungary as it was for the other Succession States of the Dual Monarchy, because of the character of the Hungarian Constitution, already described. In consequence, what was needed was merely a series of conventions to be added to the Constitution, with regard to the exercise of the powers of the provisional head of the State. This was arranged by conferences between Huszar and the party leaders in which the desires of Admiral Horthy, whose choice for the Governorship was a foregone conclusion, were taken as a basis of agreement.

A document was drawn up and signed by the various party leaders, providing for a clear delimitation of the powers of the Governor in relation to the National Assembly. It provided for the promulgation by the Governor, within sixty days of all laws passed by the Assembly although the Governor was given a right of suspensive veto. In exercising this right, he must see to it that the Assembly had sufficient time left to pass such a bill over his veto, else the power could not be exercised. The right of dissolution of the National Assembly was given the governor subject to a compulsory warning of dissatisfaction with its labors. In case of dissolution, elections must be ordered, either by a new ordinance or on the existing basis of electoral law, and the new assembly must meet within ninety days from the dissolution of the old. The question of the Crown was not touched upon in this agreement and was left expressly to the Constituent to settle.

On the basis of this agreement, Admiral Horthy was chosen Governor on March 1, 1920, by a vote of 131 to 7 for Count Apponyi. On Horthy's elevation to the Governorship, Huszar

resigned, and after a fortnight of negotiations, a new Agrarian-Christian Nationalist Cabinet was formed under Alexander Simonyi-Semadam, to continue the policy of its predecessor. Count Paul Teleki, a Transylvanian magnate, was chosen to head the Foreign Office during this period of the peace negotiations.

The Constituent had not been in session long before party realignments began to take place. The discussion of a law on Ministerial responsibility served, during April, to stir up a feud between the apologists for Karolyi and his opponents. In turn, this provoked a discussion of the monarchy and the Christian National Union took its stand on a frankly legitimist basis, while the agrarian element, not without backing from the supporters of Horthy, declared for a National Monarchy. Presently Friedrich and a coterie of extreme nationalists formed a *Christian National Party* and engaged in the most ferocious polemics against the Jews. They endeavored in particular to drive all Jews out of the journalistic world by permitting Jewish journals only under rigid restrictions, and with only ten percent of the total printpaper to be allotted to them.

Despite this apparent split of the bi-party group, the elections held in the regions evacuated by the Rumanians returned an overwhelming majority for the small landowners and practically repudiated the Friedrich group. The Christian Nationalists now openly assumed a pro-Habsburg attitude, while the Agrarian party frankly advocated a national monarchy. These were the outward evidences of the constitutional realignments.

On March 23 an order from Governor Horthy had formally declared Hungary to be a Monarchy, and had ordered all official documents to describe the Ministry as the "Royal Hungarian Ministry." In addition, the Royal Arms were again to be used as the arms of the State. With the publication of this order all doubt ceased as to the actual nature of the Hungarian Government. Forthwith, Horthy dropped the title of Governor and assumed that which the Archduke had used the preceding year—*Reichsverweser,* or Administrator of the Realm. The step caused no outward demonstration, but was clearly timed by the Kapp-Lüttwitz coup in Germany.

Thereafter, the passage of the law with regard to a responsible ministry completed the ordinary structure of constitutional monarchy.

The legislation carried through the National Assembly during the Simonyi-Semadam ministry was essentially reactionary, including a law depriving Budapest of its municipal autonomy, and providing for the constituting of the Municipal Council so as to include 48 bureaucrats. The Minister of the Interior was likewise given power to dissolve the Council. It was thought by the National Assembly that the restriction of the franchise, the filling of the Council with civil servants, etc., would operate as a check to the evils brought about by universal suffrage.

Meanwhile, the White Terror, which Huszar had unleashed when he became a constitutional premier, went so far that the country was boycotted by international labor organizations. Simonyi-Semadam was forced to take extraordinary measures in an attempt to restrain the White Guards—rank reactionaries of the nobility and the army—who rounded up Jews into concentration camps or else set out on nightly forays of murder, pillage, and devastation. But it was plain that the formal endeavor of the Government to stop the White Terror, which had had its tacit sanction, was futile. After various interpellations in the National Assembly, after the reverses to the Christian Nationalists in the June elections in occupied territory, after the signature, on June 4, of the Treaty of Trianon, whereby Hungary made her peace with the Allies, Simonyi-Semadam resigned, to be succeeded by a reconstructed cabinet under Count Paul Teleki. The new premier won to his support the Unified Party of Christian Nationalists and Small Landowners, a fusion which was the product of Count Bethlen's negotiations.

In its foreign policy the Teleki ministry proposed understandings with France to fight Bolshevism,[1] as Hungary now

[1] It will be recalled that the Russo-Polish war in the summer of 1920 occupied the center of the political and diplomatic stage in Europe. France, as the leading anti-Bolshevik Power, incited the Poles, as her allies, into what proved to be a disastrous military venture. To reinforce them in the field, France sought aid from Hungary, promising Teleki a revision of the Treaty of Trianon in return for this military assistance. When the secret Treaty of Gödöllö was made public, France formally denied its existence.

saw in this rôle of savior of civilization from Bolshevism a way of ingratiating herself with the western powers. These plans were discovered opportunely by Beneš, the Czechoslovak minister for Foreign Affairs, and shortly before the negotiations with France for a military alliance were concluded by Teleki at Gödöllö, Beneš was able to form the Little Entente between the Czechoslovak Republic and Rumania and Jugoslavia, to thwart any effort at a Habsburg restoration in Hungary or at an overthrow of the Treaty of Trianon.

In its domestic program, the Teleki Government sought to continue the law and order of its predecessor, promised rewards to soldiers, repeated the statements of earlier ministries as to agrarian reform, and threatened to exclude the trade unions from politics. The actual legislation under the Teleki régime was not of any considerable importance in itself, but served to show the reactionary character of the entire ministry and of the National Assembly as well. By a law of September 1, corporal punishment by bastinado was reintroduced for use in cases of political prisoners, and insubordinations in the army. Despite the protests of the liberal members of the National Assembly, the law was passed without amendment. On September 22, a law was passed excluding all but a set number of Jews from educational institutions of higher learning, such as the University of Budapest. This establishment of the "numerus clausus" was likewise regarded by liberals at home and by the foreign press as a distinctly reactionary measure.

The only measure of particular constitutional import was a law of August 6, 1920, defining more clearly the powers of the Regent [2] in dissolving the National Assembly. By its terms, the power to adjourn or dissolve the assembly was left practically without limitation in the hands of the Regent. The organization of various nationalist and monarchist societies also marked the early part of the Teleki ministry. The repression of disorders occupied the ministry for the greater part of the summer and fall, and the only noteworthy event was the ratification of the Treaty of Trianon on November 13, 1920, two years, to a day, since Karolyi had capitulated to General d'Esperey at

[2] I. e., the Administrator of the Realm, Horthy.

Belgrade. Once ratification was over, Teleki offered his resignation, but was asked by Horthy to remain. For the first time since the formation of a constitutional Government, the discussion of fundamental problems, such as the decision as to a monarchy and the creation of a second Chamber, came to the fore in the Assembly.[3]

By a law of November 12, 1920, provision was made for a more just distribution of landed property in Hungary, by facilitating the purchase of land for those most able to cultivate it but unable, under the old régime, to acquire it. The law provides for purchase of land by the state, either by negotiation with the landowner, or by expropriation, if necessary. As, in many other countries, settlement of soldiers on the land has been resorted to as a panacea for all social evils, so, in Hungary, preference was to be given under the law to soldiers, to trained agriculturists, etc. The law was so framed, however, as to exclude from its benefits most indigents, criminals, and all participants in the Karolyist and Communist revolutions. For the enforcement of the law, a special tribunal of thirty-six members, half named by the Ministry of Agriculture and half by the Regent, was created to pass upon land expropriation and all other matters connected with the enforcement of the law.

The Teleki Ministry had barely begun to touch the problems of constitutional and financial reform, when it was suddenly and unexpectedly defeated on a finance bill, December 1, 1920. The immediate resignation of the Cabinet led to its reconstruction within a fortnight, and Teleki returned to power with a ministry of financial and other experts and a new program of reforms. The granting of general amnesty to Karolyists and Counter-Revolutionaries imprisoned during the Soviet Régime was the outstanding event at the end of 1920. But the decree, while couched in benevolent terms, expressly excluded Communists from its operation. Meanwhile, the trial of the Communist leaders not previously sentenced took place and four of the Commissars of the Hungarian Soviet, including Agoston, were condemned to death. Under pressure of reprisals against Hungarians held prisoners by the Soviet Government of Rus-

[3] This agitation, however, produced no change in the status quo.

sia, Teleki capitulated to the demands of Moscow and commuted the sentences.

A break in the ranks of the Christian Nationalists, whereby a group went into active opposition to the Government, and supported a national monarchy, was an indication of the looseness of party ties supporting the Christian Nationalist bloc. After the beginning of 1921, the agitation of parties centered around the constitutional question of the monarchy, and a certain disruption in the ranks of the Agrarians set in. This was accentuated by the adhesion of Count Julius Andrassy to the Christian Nationalists, who now became avowedly legitimist by electing him the head of the party. In opposition to these, members of the Democratic, Agrarian, Economic Christian Socialist, Liberal, 1848, and Social Democratic Parties formed a new Radical-Liberal bloc in the Assembly, with a program of an essentially liberal character, protesting against suppression of popular liberties and pledging itself to the securing of a revision of the Treaty of Trianon by the League of Nations. That the formation of this bloc in nowise influenced the policies of the Teleki ministry may be seen in the passage by the National Assembly, shortly thereafter, of a rigid and drastic law for the more effective defense of the State—aimed at combating every form of liberal thought. Thus, a return to normalcy was being delayed.

Into this petty deadlock of parties a veritable bombshell burst when King Karl returned from Switzerland at Easter, 1921. Going at once to Horthy, he demanded a return of the throne, but the Regent refused, alleging that he could not comply without violating his oath to the National Assembly. Horthy and Teleki together besought Karl to leave the country and obtained a safe conduct from the Austrian Government to enable him to return to Switzerland.

The crisis produced, occurring during a recess of the National Assembly, caused it to be convoked April 1, on the demand of its members. The Government defended its course in the crisis ably, and the Assembly voted its confidence in Horthy by a laudatory resolution. When Teleki, however, published the farewell message of Karl to his countrymen without the

knowledge of the other members of the Cabinet, he entirely discredited himself and was forced by his colleagues to resign. After a period of fruitless negotiation, Count Stephen Bethlen, long a powerful figure in the background of the Government parties, assumed the premiership on April 15, 1921.

The Bethlen Cabinet came into office with no illusions. Its immediate duty was to calm national feeling after the King's coup d'etat, and to prescribe effective remedies for the economic condition of the country. In announcing his program, the new premier for the first time acknowledged the realities in Hungarian politics which the chauvinism of Teleki had prevented him from seeing. Recognizing that the old order of Tisza was gone forever, Bethlen pleaded for a preservation of the best traditions of constitutional Government, recognition of the outstanding faults of the old Magyar régime, a frank facing of the fact that the economic class superiority of the Magyar nobility could never be regained completely, and a resolve to conduct politics seriously.

Standing for social order of a constructive character, Bethlen pledged himself to the building up of a strong middle class capable of withstanding revolutionary efforts. To this end, he proposed to collaborate with the small landowners, the backbone of national unity, and sought, by eliciting the coöperation of the upper classes with this middle class movement for self-emancipation, to found a democratic order capable of sane political action. In his opinion, true democracy meant the exclusion of the incompetent and the privileged. Safeguarded use of public liberties alone could furnish the means toward national reconstruction. Electoral reform, administrative overhauling, and the creation of a second chamber formed a further part of his domestic program.[4] Finally, the army was to be reconstructed in accordance with the Treaty of Trianon and a new law to regulate press abuses was proposed. This last item brought out most of the criticism leveled at the Bethlen program. It was plainly to be seen that Bethlen was no Liberal,

[4] In foreign policy and its relation to the monarchy, Bethlen made no deviation from the path laid down by Count Teleki.

but at least the Conservatism pervading his policies was healthy, and no longer a symbol of extreme reaction.

With the advent of Bethlen to power, anti-Semitism started to decline and a definite parliamentary reaction against the White Terror and its methods became evident. For the first time since Bela Kun's régime, Labor was permitted to celebrate on May Day without molestation, and Labor movements, though still closely watched by the Horthy régime, were given freer scope, so long as they did not exert political pressure.

The summer of 1921 was devoted to attempts to stabilize exchange and to enter into more friendly relations between Hungary and her neighboring States. Progress had already been made in regard to relations with Austria, although the dispute over Burgenland, as yet unsettled, hindered official friendliness. Meanwhile Beneš, the Czech foreign minister, through direct conferences with Gratz, Teleki's foreign minister, at Bruck in April, and later conferences at Marienbad with Count Banffy in June, secured agreements for transit traffic through Hungary to Jugoslavia and Rumania and in regard to commercial, tariff, financial, and racial minority questions. The peaceful evacuation of the Baranya district by the Jugoslavs and the negotiation of an agreement at Venice for the evacuation of Burgenland pending a plebiscite were further fruits of diplomatic negotiations modifying the various clauses of the Treaty of Trianon.

The settlement was almost complete when, on October 21, 1921, King Karl returned for the second time to Hungary, this time by airplane. Landing at Oedenburg (Sopron), in West Hungary, he was met by former court devotees and military officials, while several armed bands operating in the district placed themselves at his disposal. In this crisis, as in that of April, Horthy showed a firm hand, sent members of the Government to negotiate with Karl for his immediate departure, and, failing to obtain this, ordered the National Army to attack the insurgents. When they refused a liberal armistice offer, coupled with amnesty, a final battle resulted in the annihilation of the Royalist detachments, and Karl was made a prisoner. Forthwith, the Allied Governments demanded the immediate

deposition of the King and the handing over of his person to them on pain of intervention of the neighboring states, for which the Allies disclaimed, in advance, all responsibility. The Hungarian Government quickly complied with this demand, passed, on November 4, a Dethronement Act, and gave Karl into the custody of the British Government, which exiled him to Madeira, where he remained till his death on April 1, 1922.

The split produced by the second Karlist coup d'etat in the ranks of the Government Party (composed of both legitimists and national monarchists), led to the resignation of Count Bethlen's ministry a fortnight after Karl's departure from Hungary. It was obvious that the Dethronement Act, passed under pressure of the intervention of the Little Entente,[5] sufficed to settle the question of the monarchy without further ado. Legitimism was no longer permissible.

In view of this, Bethlen desired to make way for some regrouping of the parties in the National Assembly that would give the National Monarchists more of an opportunity. The Agrarians being anti-Habsburg in principle, Bethlen tried to arrange for an expansion of their bloc to secure a majority. But the Agrarians, while desirous of increasing their influence, were not willing to lose their identity as an essentially middle class party, hence Bethlen failed in this endeavor. Returning to the Christian Nationalist bloc, he succeeded in forming a new ministry of a decidedly more conservative character in outward appearance, at the head of which he presided, and in which he was still the dominating influence. The Agrarian leader, Szabo, was definitely excluded, and men of avowedly legitimist opinions filled the Cabinet. It is only fair to say, however, that Legitimism was considered for the moment as being dead, hence the party alignments came about on other issues.

The announced program of the first ministry was adhered to with a definite avowal that amnesty, freedom of the press, and abolition of censorship would be granted, and that anti-Semitic activities would stop. A new electoral law, reforms of local administration, and reduction of the army were promised. The

[5] The members of the Little Entente, under Beneš' guidance, mobilized instantly upon learning of Karl's arrival in Oedenburg.

electoral law was placed foremost in the government's program, it being recognized that the Karolyi law was not in keeping with existing circumstances and that the Friedrich decree had no legal standing. Furthermore, in Count Bethlen's opinion, Hungary had had a surfeit of democracy and was ready for a more moderate, middle course.

With the beginning of 1922 there was a pronounced resurgence of monarchism which divided the parties into Karlists and anti-Karlists. Bethlen had hoped to keep the issue of the monarchy a subsidiary one while the various needed reforms were attempted by his ministry, but, when the deputies in the National Assembly continually raised the question of the monarchy, in one fashion or other, there was bound to be a discussion and a realignment of parties. For the third time since the Kun régime, party lines had shifted: once, when Friedrich came into power and the reactionaries crept forth from their hiding places; again, during the electoral campaign and after the meeting of the National Assembly; and now, once more, when the Assembly was about to terminate its labors. Bethlen was farsighted enough to sense the impending change and hence sought at Christmas time to conciliate the Socialists by a new amnesty measure pardoning the Karolyists almost indiscriminately and extending amnesty to individual Communists as their cases might be examined by the Government.

In the ensuing weeks, Bethlen went back to the Agrarians for support and finally succeeded in forming, on February 2, 1922, a "Christian and Bourgeois Party of Small Landowners and Agrarians," in whose ranks he was the political leader, although Szabo kept the presidency of the party. This produced a strong anti-legitimist and semi-democratic group which was regarded, by intellectuals, as likely to play the same rôle that Tisza's Party of Work had played under the old régime. In each case, the premier was the dominant personality, and it is not too much, perhaps, to say that Bethlen and Tisza were not unlike in their perspicacity and their tenacity to a clearly defined program.

The formation of this anti-legitimist bloc led to the realignment of forces in the ranks of the legitimists, after Andrassy

had endeavored in vain to form a unified Legitimist Party. This failure caused him to resign from the leadership of the Christian National Party, which at once broke up into three groups, a Christian-Agrarian faction, led by Huszar, a Christian-Socialist group led by Haller, and a Christian National Party of Farmers and Bourgeois, which represented the ultra-legitimist groups. In this, Friedrich and Andrassy were content to play the leading parts. The only other political party appearing on the scenes before the adjournment of the National Assembly on February 16 was the Revisionist Socialist Party, formed in September, 1921, under the leadership of Gabriel Wiesinger. The attempts of the leaders of the Independence Party, such as Count Theodore Batthyanyi, to arouse general interest in its program, failed entirely.

The National Assembly came to an end, after two full years of life, without accomplishing any of the main tasks before it except the signing and ratifying of peace with the Allied Governments. It had failed to find a constructive solution of the problem of the monarchy; it had failed to enact needed administrative reforms; it had failed to settle definitely the new constitutional principles along which the government must act; it had failed, as had Wekerle and Karolyi, to enact needed suffrage reform. Its mandate had come from the most democratic electorate Hungary had ever known; its members, however, had been politically inexpert, and hence were condemned by the leaders of the old régime as typical products of the equalitarian mediocrity of democracy. It had left undone its principal tasks and had continuously meddled in constitutional and other questions that were not germane to its province. "From its birth," wrote an opposition paper, with keen insight, "it has been fatally predestined to become the instrument of national decadence."

Whether the electoral arrangements not consummated by the National Assembly merely chanced to have been retarded, or whether they were deliberately kept in the background is an open question. From the subsequent actions of the Bethlen Government, it would appear that the delay was clearly premeditated, in order to permit the restriction of the franchise

after the National Assembly had ceased to exist. Accordingly, when no electoral law had been provided for the election of a new national assembly, it devolved upon the Government to take some necessary action to bring into being a new representative assembly, although not a definite, permanent parliament.

The Bethlen Government was aware that the Constitutional Law I of 1920, which had established the Administratorship for Horthy and had provided for his powers, had made no provision for the election of a Second National Assembly in case the first had not passed a permanent franchise and electoral law. The government, therefore, found itself confronted with a possibility of choosing between Wekerle's Law, voted by the Hungarian Parliament but never put into effect, Friedrich's decree which had been used in convoking the National Assembly, and the project fathered by Count Kuno Klebelsberg. To avoid all controversy in the matter, the Bethlen Government convoked a council of jurists, clericals, and university professors to obtain their advice as to the line of conduct to be followed in seeking a legal solution to the problem. This body was asked to decide whether the new National Assembly should be elected by the old Friedrich decree, whether that decree could be legally modified by the Bethlen Ministry, whether Friedrich's ordinance could be used for convoking a parliament in lieu of a national assembly, and whether a Parliament could be elected if the Wekerle Law of 1918 were put into force. The Council decided that no parliament could be elected, but that the Friedrich decree was not a statute, and hence could be repealed by a later governmental decree. In view of this, the Cabinet forthwith decided to put the Klebelsberg project in force by decree.

The law enacted by decree was essentially reactionary and was fitly described by the Socialist press as being an exact copy of Tisza's electoral law with some insignificant democratic retouching. Its main provisions gave the vote to all men of Hungarian birth or of naturalization of ten years' standing, if they were twenty-four years of age, residents for two years in the given locality, and graduates of a primary school (four grades). All soldiers decorated for bravery or given the Military Medal of Karl and all graduates from institutions of

higher education were given the vote even if not yet twenty-four years old. All those who would have been electors under the Wekerle Law of 1918 were expressly included. In addition, women, thirty years of age, possessing Hungarian nationality for at least ten years and graduates of a primary school of six grades were given the franchise if they satisfied any of the following qualifications: (1) If they were mothers of three living children; (2) if they earned an independent livelihood; (3) if they possessed a diploma from an institution of higher learning—in which case the vote was granted regardless of age; (4) if they were wives of graduates of institutions of higher learning. Members of the army (except those unfitted for service), the police and customs officers, bankrupt, insane or incarcerated persons—including those imprisoned for participation in revolutions—were denied the ballot.

All electors over thirty years of age able to read and write Hungarian were made eligible to the National Assembly. Voting was to take place in single-member constituencies, with the exception of Budapest, whose twenty-two wards were united into two districts electing eleven deputies and three substitutes each on a general ticket. Communes were made precincts and voting was to be secret in the cities and open in the rural communes. For Budapest, a system of proportional representation was decreed.

Nominations were to be made by eight to ten per cent. of the voters of a district, or by a maximum of 1,000 voters, but signature of a nomination petition was not made to involve a vote for that candidate. All sale of alcoholic liquors was forbidden during the elections, as was any electioneering on election day. Finally, the term of office of the deputies elected was to be five years.

It was estimated that the result of this decree was to reduce the electorate by about 600,000, or about twenty-four per cent. This restriction of the franchise was condemned by both radicals and conservatives. Andrassy considered it as furnishing dangerous weapons for revolutionary propaganda, and as tending to break the equilibrium of classes. "One cannot," he said, "accord political rights to the people for a short period and

then withdraw them," hence he considered the measure illegal. On the other hand, the Agrarians, long champions of the secret ballot, claimed to have been deceived by Bethlen's promises. The Socialists, declaring themselves openly against the law, were conciliated by Bethlen's promise to substitute proportional representation in the cities for single-member constituencies.

Once the electoral decree was promulgated on March 4, parties began their electoral campaign, although the date of the elections was not decided until later. To help insure the outcome of the elections in the government's favor, it was decided to hold them in the rural communes on May 28, and in the cities, where secret franchise prevailed, on June 1.[6] The result of the elections in rural areas was at once made known, but the result of the urban elections was kept secret until June 10. By a rescript of April 29, Horthy set the date of meeting of the new National Assembly for June 16, hence there was a period of four months during which the Government ruled without any legislative body.

The electoral campaign was heated, and as high as eighteen distinct groups revealed themselves during its course. Very naturally these made political bargains with each other to secure mutual support, but the strength of the parties could not easily be estimated beforehand. There was a plain division between the government and the opposition parties on the principle of Legitimism and National Monarchy. The monarchic issue was dominant until April 1, when the death of King Karl, in exile, caused a temporary party truce. The Crowned King of Hungary being no longer alive, the question of his successor now became a choice between Archdukes Otto and Franz, the ardent legitimists favoring the former, and Horthy the latter.

Shortly after the death of the King, a banquet of the National Democratic Party was turned into a shambles by a bomb thrown by the anti-Semitic mafia whom the government was "unable to discover." It was, however, the only untoward incident

[6] Since the Government was backed by the Agrarians, the tendency of the open, oral voting in the country, which could immediately be announced, was to prejudice the result in the cities in the Government's favor.

of the campaign, although pressure was put on certain candidates not to go near their constituencies, and a decree forbade all Hungarians not living in the country, or those implicated in revolution, to stand for election. Thus the Social Democratic Party, most of whose leaders were in exile or proscribed, had to depend on mediocre or unknown persons for its candidates. Despite these obstacles, the Social Democrats gained twenty-five seats in the election and returned as the largest opposition group in the new Assembly. This was a happy augury, as all shades of public opinion found expression in the new body after a biennium of repression. The Second National Assembly, therefore, despite the truncated franchise and the oppressive tactics of the Horthy Régime in the conduct of the elections, was a remarkable improvement upon the old body of anti-Semitic, ultra-conservative, terroristic deputies.

The results of the elections marked an outward victory for Bethlen and his Government Party, which secured 165 out of 245 seats, 140 going to Bethlen's personal following while 15 seats fell to the coalition of the Party of Christian Unity and the Christian National Party, represented by Huszar and Ernszt.[7]

The outstanding fact in the election was that the extreme conservatives, both Clerical and Legitimist, were overwhelmingly defeated and driven to cover. Legitimism in particular was struck low, as the Christian National Party of Farmers and Bourgeois—the following of Friedrich and Andrassy—secured only twenty seats in the new body. Outwardly, therefore, Horthy and Bethlen were successful in curbing the strength of the supporters of the Habsburgs. Whatever the character of their methods—for their tactics are not above reproach—the Government Party succeeded in preventing the increase in power of those elements whose triumph would undoubtedly lead to foreign complications and intervention.

On the other hand, the Legitimists, though diminished in numbers in the legislative body, have resorted to extra-legal methods to gain their ends and, having failed to win in the elections, have given their support to secret societies not unlike

[7] In addition nine independents allied themselves with the Government Party.

the Fascisti in Italy. These groups—the "Awakening Hungarians," the "M. O. V. E.," and the terrorist bands of the notorious Lieutenant Hejjas—received, after the elections, the support of Friedrich, Andrassy, and Haller[8] and their coteries, showing the similarity of monarchist movements in Hungary and in certain portions of the German Reich. The triumph of the Fascisti movement in Italy in the fall of 1922 only gave added encouragement to the Magyar secret societies, which thereupon planned, with the assistance of Bavarian royalists, numerous abortive schemes for attacks on the territory of the neighboring Succession States. These plans drew down upon the Legitimists the wrath of Horthy—whose tenure was thereby menaced—and caused Bethlen, like Wirth, to seek from the National Assembly full powers to curb such plots under the terms of a Defense of the Realm Act. Thus, by a paradox, Bethlen was forced to the enactment of strenuous measures to save the Royal Hungarian Government from the chief upholders of the powers of the Crown!

The enemies of Bethlen, both within and without the country, denounced these measures taken to insure the public order as being, in essence, mere legalizations of the White Terror, and legal ways to prevent opposition to Horthy, whose aim to usurp the throne of Hungary would thus be facilitated. It is certain that the Legitimists have, in the main, gathered around them the core of the opposition to Horthy, it being alleged by those hostile to the existing régime that any government, whether legitimist or not, would be better than the present one. Such statements, in view of the activity of the Legitimist secret societies, are, however, open to grave question. The return of the Legitimists to power would not be possible, under existing circumstances, without violence, and a thoroughgoing restoration would endeavor to undo both the peace settlement under the

[8] Haller, it will be recalled, withdrew from the Legitimist bloc after the failure of Andrassy to form a united party. The fraction of the party following him, calling itself the Party of Christian National Unity, returned five deputies and claimed to find additional support among the Independents. Apart from these, minor parties included six deputies of the Independence Party, now under the leadership of Rassay, and two Karolyists.

Treaty of Trianon and the agrarian reform so necessary to the upbuilding of the middle classes. It has been urged, in other quarters, that if the restricted franchise were abolished and governmental oppression removed, the republican element would at once return to power. Such views, reflecting the Karolyist standpoint, appear to be equally devoid of foundation. For the present, apparently, the rule of Bethlen and the Agrarians, however obnoxious their régime may be to the Legitimists and the Karolyists, is a national necessity.

The necessary result of the altered political balance following the elections was the recasting of the cabinet, so Bethlen redistributed the portfolios among his supporters, awarding to the Clerical Rakovszky the post of the Interior and to Count Klebelsberg—the author of the restricted franchise law—that of Public Instruction. General Belitska, a minion of Horthy, retained the Ministry of National Defense, and Count Banffy, as before, received the Foreign Office portfolio.

The premier's program, after the formation of the new Cabinet, pledged the exertion of every effort to prevent any Habsburg Restoration and to free Hungary from the interventionist policy, so-called, of the Little Entente, by the use of "skilful tactics" in diplomacy. To a certain extent these aims have been successful, as Hungary gained, at the Third Assembly of the League of Nations, full recognition of her pacific intentions and was admitted to the League. By assuming the obligations of membership Hungary effectively pledged herself to refrain from aggression toward her neighbors, but also succeeded in limiting their activities. Henceforth it will be impossible for the Little Entente to act precipitately in ordering any intervention in Hungary, and the country will gain the advantages of an international guarantee of her territorial integrity and existing political independence.

Nevertheless, membership in the League carries its solemn responsibilities, and neither Horthy nor Bethlen will rashly attempt to revise the territorial clauses of the Treaty of Trianon extra-legally by an appeal to arms, so long as the sanctions of the League are operative against law-breakers. It is no longer possible for Hungary to achieve her irredentist ends by brute

force. Henceforth appeal must be made to a world tribunal or to the mediatory agencies of the League, in seeking an adjustment of the country's territorial frontiers, or any other international grievances. The effort of Banffy to settle the difficulties with Czechoslovakia on these points by appealing to the League gives evidence that the existing régime in Hungary will not again endanger the security of Central Europe.

Summary and Conclusion

The unfinished tasks of the present Hungarian Government lie along two lines, domestic and international. Among the domestic duties which it has as yet failed to fulfil have been the determining of the definite constitution and form of the state, the reform of the internal administration—largely dependent upon the form of the state—and the guarantee of individual rights. It has depended upon obsolete provisions of the fabled millenary—and hence feudal—constitution to meet the needs of the era of national reconstruction, and has found these to hold the nation strictly to the paths of reaction. The Constitution has not been changed, the courts have not been changed, the Magyar system of upper class domination has not been changed, and if ever a return to the old parliament is made, it can safely be predicted that its structure will not have been changed. The proposals for the reconstruction of the upper chamber—the Table of Magnates—purpose to fill it with the effete nobility and the higher bureaucracy and clergy.

Peculiarly, out of the war and the disruption of the Dual Monarchy, Hungary has learnt nothing. There remains, after the losses of territory brought about by the humiliating Treaty of Trianon, a fierce irredentism, not of peoples but of territory. From the desire to oppress subject nationalities, Hungary has turned to the desire to regain her lost territory at any cost. So long as there continues such a spirit, Hungary's relations with her neighbors are apt to be exceedingly strained. It was the Magyar impulse to revenge, reaction, and restoration, that made necessary the creation of the Little Entente. Until the forces that brought it into being have disappeared, Hungary is likely

to be virtually an outcast in Central Europe. Only slowly, and through the most painful necessity, has Hungary come to terms with Czechoslovakia and Rumania for her economic salvation. Bethlen, however, has definitely realized that Hungary must turn toward free trade as her only economic hope, since it is only through the freedom of commercial intercourse that she can break down the barriers of tariff walls that hedged her about on her attaining independence.

Hungary, of all the nations in Central Europe, has gone through the cycle from reaction through revolution to reaction again. Her experience is unique. Just as Wekerle failed to maintain upper class rule because of pressure from without and within, so Karolyi failed to establish republicanism because of the lack of an active, intelligent, middle class with democratic traditions. The failure of Karolyi threw the government into the hands of an untutored and extremist proletariat, led on by visionaries preaching Social Revolution. When Hungary, exhausted by war, blockade, and internal economic and social enervation, passed into the hands of Horthy and his reactionary collaborators, it became obvious that a long interval must pass before the nation could approach modern democracy. Constitutionalism may be observed in empty forms by a reactionary régime, but there is no promise in Hungary of political salvation or economic betterment except through the gradual creation of an educated, moderately liberal, middle class of small landowners and peasants. So long as there are landed estates and semi-servile peasants, so long will the boiars rule. The Hungarian revolution is but half-consummated; it will not be completed until an emancipated middle class has been trained in the ways of free government, and the innate Republican Tradition of 1848 is again given full opportunity for free expression and development.

CHAPTER XII

THE ACHIEVEMENT OF CZECHOSLOVAK INDEPENDENCE

THE CZECH RENAISSANCE: HISTORICAL BACKGROUND: *Bohemian Political Development—Suppression of Bohemian Liberties—Germanization of Bohemia—The Beginnings of Czech Nationalism—Czech Obstructionism Under the Ausgleich—Taaffe and the Young Czechs—The Formation of a National Consensus.* SLOVAK NATIONALISM: *Magyarization of the Slovaks —War Time Suppression.* THE CZECHOSLOVAK MOVEMENT DURING THE WAR: *Impossibility of Open Activities Within the Dual Monarchy—The Triumvirate of Leaders—Internal Difficulties—External Difficulties—Recognition of Czechoslovak Belligerency—Rôle of the National Councils—Revolution—The National Assembly—The German-Bohemians—The Magyars in Slovakia.* THE MINISTRY OF KARL KRAMAŘ, OCTOBER, 1918-JULY, 1919: *General Characteristics—Anti-German Tendencies—Principal Achievements—Constitutional Development—National Council's Legislative and Administrative Rôle—Constitutional Basis of the National Assembly—Composition—Provisional Constitution—The Agrarian Problem—Governmental Pledges—Expropriation Bill—The Land Office—Effects of the Agrarian Revolution—Education—Electoral Arrangements—Party Programs —Fall of Kramař—General Estimate of His Achievements.* MINISTRY OF VLASTIMIL TUSAR, JULY, 1919-NOVEMBER, 1920: *Franchise Law—Foreign Policy—Nationalities and the Tusar Ministry—Ruthenia—Concessions to Slovakia—Slovak Grievances—Father Hlinka—Beginnings of Slovak Parties—The German Bohemians—Appeal of the Germans to Tusar—Constitutional Importance of the German Appeal.*

THE CZECH RENAISSANCE: HISTORICAL BACKGROUND

THE Czech National movement, which culminated in 1918 in the establishment of the Czechoslovak National Council and the proclamation of the Czechoslovak Republic has a long history behind it. In that history there is a considerable lacuna, covering the period between the Thirty Years' War and the Revolutions of 1848, during which Czech Nationalism slumbered, and the existence of a Czech nation could scarcely have been proven.

The historic connection of Bohemia, the Czech homeland,

with the Crown of Austria dated practically from the middle of the thirteenth century, but no direct personal union between Austria and Bohemia existed until 1526, when a Habsburg came to the throne of the lands of Saint Wenceslas' Crown. The Bohemia of the sixteenth century represented the highest development to which any branch of the Slavic race had yet attained, and the Czechs, having developed a national language and the beginnings of a national literature, were the leaders of thought in Central Europe. Czech nationalism manifested itself through the followers of John Hus, and the Protestant Reformation found an early welcome in Bohemia, which became the single Slavic nation to accept it and look toward Western Europe for its intellectual guidance. By 1618, the whole of Bohemia, from her nobility to her peasantry, had become Protestant, and her cities and universities had carried Czech culture to a high point of development.

With the outbreak of the Thirty Years' War, Bohemia felt the effects of a forcible counter-reformation, undertaken by the Habsburgs for the furtherance of their policy of Hausmacht. After the military subjugation of Bohemia and Moravia, following the battle of the White Mountain, the Habsburgs endeavored to stamp out the Czech nation by the murder of the nobility, the confiscation of their estates, the crushing of Protestantism, and the reduction of the political liberties of the people by the suppression of the Bohemian Constitution. Nevertheless, the Habsburgs recognized, in the Renewed Ordinance of May 10, 1627, which restored that constitution in abridged form, the existence of a separate Bohemian State.[1] In this truncated form, the Bohemian Constitution survived, and Bohemia was recognized, until the dissolution of the Holy Roman Empire, as a separate electorate.

With the formation of the Empire of Austria, Bohemia became merely one of the Kingdoms of the Austrian Crown, with its separate Diet and no other connection with the Empire than

[1] It was upon the basis of the ancient Bohemian Constitution, it will be recalled, that the Old Czechs and the Party of Historic States Rights made their claim in the old Austrian Reichsrat for special considerations to the Czech nation.

that furnished by the person of the monarch. During the two centuries elapsing between the Thirty Years' War and the collapse of the Metternichean régime, Bohemia and Moravia were thoroughly Germanized by every method known to the ruling House of Austria. Yet the Czech language and culture and the Protestant faith covertly survived, despite the admixture of German cultural and religious influences. To a certain extent, racial amalgamation took place during the two centuries of suppression, and the Czechs became differentiated from the other Slavic races by their partial assimilation of German stocks. Thus, through their long period of tutelage, the Czechs derived from contact with Western European culture their capacity for national political organization and solidarity of action.

The revival of Czech national culture dates from the beginning of the nineteenth century, with the philological studies of Dobrovsky and Jungman, the archæological researches of Šafarik, the historical writings of Palacky and others. It was not until 1848, however, that active racial consciousness asserted itself, in the conflict between Slavic and Germanic ideas as to the reconstruction of the German Confederation. When Czech leaders were invited to send their representatives to the Frankfort Parliament, they refused and, instead, called a Pan-Slavic Congress at Prague. From that time on, Czech nationalism entered the paths of political activity.

The Old Czechs, seeking merely to restore the ancient rights of Bohemia, would have been satisfied with a federal reorganization of Austria in which the Crownlands of Saint Wenceslas would be admitted to equal enjoyment of states' rights with any other portion of the Austrian possessions. But, with the formation of the Ausgleich, all hope of autonomy disappeared, and the Czechs, opposed by both the Germans and the Magyars, refused to take their seats in the Reichsrat.

It was not until the ministry of Count Taaffe, in 1879, that the Czechs could bring themselves to participate in parliamentary life. Taaffe offered a special ministry without portfolio to the Czechs to enable them to safeguard their interests, and permitted their deputies to take the oath required of them with

reservation of their States Rights. This declaration was repeated with each new parliament, and all Czech deputies accepted membership in the Reichsrat only under distinct recognition that Bohemian rights were not to be regarded as waived thereby. Taaffe further conciliated the Czechs by appointing many to posts of authority in the administrative services during his long tenure of office.

In the Reichsrat, it was the Young Czechs, believers in active bargaining with the other nationalities to secure their own ends, that received the necessary parliamentary training to enable them, when the time for revolution came, to assume the active leadership of affairs. While the Czechs, in general, pursued an obstructionist policy in the hope of securing their interests thereby, they nevertheless formulated, within their parties, constructive programs, and, after the electoral reform law of 1907, arrived at a consensus of opinion as to a national political program.

As has already been noted, the outbreak of the war brought all the Czech parties together for concerted action against the oppressive measures of the Vienna Government. The groundwork for the formation of a national representative body had been prepared by this action, and the formation of the Czech National Council was but the logical consequence of the processes of national understanding that had been in progress since 1907.

Slovak Nationalism

In Slovakia, a national consciousness had awakened almost concurrently with that in Bohemia and Moravia, but the Slovaks were hardly in a position to take the lead in the fight for political liberation. Through their small intelligentsia they were able to furnish great scholars and leaders in the Czech movement in Bohemia, but their rôle in Hungarian political life was necessarily restricted.

The Slovaks had come under Magyar control following the overthrow of the Moravian Empire by the Magyars in the tenth century, and had been forced, in consequence, to accept the status of serfs on the feudal domains of the boiars. Excluded

from the trades crafts by the German guilds in the cities, forcibly Magyarized in religion, language, education, etc., they had no avenue of progress left them except in agriculture and trading in the smaller towns. The evidences of national feeling at the time of the revolution of 1848-9 in Hungary had brought upon them the vengeance of even the Hungarian Liberals, and Kossuth was typically Magyar in his repression of the Slovak nationalist movement.

After the conclusion of the Ausgleich, the hand of the Magyar fell more heavily than ever upon the Slovaks and their schools were virtually abolished, while German was made compulsory for religious services among those of the Lutheran faith. The Slovaks were excluded from the courts and the administrative offices in Hungary; their press was continually repressed; the right of assembly and association virtually abolished. With true Magyar cunning, the electoral system was so arranged as to exploit the Slovaks to the full and deprive them, so far as possible, of political representation in the Hungarian Parliament. Under these circumstances, the sole means of advancement for ambitious Slovaks was either to emigrate to America or Bohemia, or else to repudiate their nationality. Under the pressure of Magyar domination, an increasing number of the younger generation were becoming Magyarones on the eve of the war, but the main bulk of the population, racially and culturally in affinity with the Czechs, followed their lead politically.

During the war, however, political agitation in Hungary was impossible, and the Slovaks, in their isolation, without the parliamentary immunity afforded the Czech deputies in the Reichsrat, were practically inarticulate. It was not until the collapse of the monarchy was in sight that they were able to take effective political action, although their nationals had entered into the Czechoslovak legions with as great avidity as had the Czechs. When the final collapse came, they were able to assert their claims to independence, not, as in the case of Bohemia and Moravia, on the basis of historic states' rights, but purely and solely on the basis of nationality, of self-determination. Despite the difference in the basis of their claims,

the Slovaks showed a consistent solidarity with the Czechs, and followed resolutely their political leadership.

The Czechoslovak Movement During the War

The activities of Czechoslovak leaders during the war period fall into two broad categories, those of action within the confines of the Dual Monarchy, and action abroad. To begin with, the Czechs and Slovaks deplored the war as an attack on Serbia, a near-kinsman of the Austrian Slavs. The Reichsrat not being in session, no parliamentary immunity was given the Czechoslovak leaders, and several deputies soon found themselves arrested for sedition or treason, and several were sentenced to death, among them Karl Kramař, later to become premier. In view of the difficulties of political action from within, the leaders of the nationalist movement went abroad to continue their activity.

Three of these leaders deserve especial mention, Masaryk, Beneš, and Štefanik. This triumvirate was the heart and soul of the Czechoslovak movement in the allied countries. Masaryk escaped first to Italy, then went to England, where he interested the British Government in the aims of his countrymen. He then went to Russia, where he helped form the Czechoslovak legions, and finally to America, where he was instrumental in securing recognition, on the part of the United States, of the belligerency of the Czechoslovaks. Beneš, escaping into Switzerland, thence to France, became the leading diplomatic figure of the Czechoslovak movement. He established his headquarters in Paris and presently secured the inclusion of the liberation of the Czechoslovaks among Allied war aims. It was his task to keep up communication through the Czech secret service with the movement inside the Dual Monarchy. To Štefanik fell the task of directing the military activity of the various contingents of Czechoslovaks in the Allied armies. In the end, these three constituted the first cabinet of the Provisional Government of the Czechoslovak Republic, in which Masaryk acted as Premier and Minister of Finance, Beneš as Minister for Foreign Affairs, and Štefanik as Minister for War.

The national movement was not brought to a successful culmination without external and internal difficulties. The Czechs had been divided among themselves before the war in regard to the leadership to be followed. Kramař had been typical of those desiring to follow Russian leadership in organizing a pan-Slavic movement, which might procure national independence for Bohemia, Moravia, and Slovakia; Masaryk and Beneš, on the other hand, looked for leadership to the democracies of Western Europe and America. Masaryk was, preëminently, the man to lead in the national movement. A profound thinker and philosopher, he was nevertheless a realist in politics, a believer in orderly political evolution and unqualifiedly the moral leader of the Czech nation. Fortunately, the utter collapse of Russia prevented any dissension within the ranks of the Czechoslovak leaders, as it removed the only obstacle to a united program of action.

The difficulties which the Czech national movement met abroad were, primarily, the reluctance of the Allied Governments to pledge themselves to the destruction of Austria-Hungary and their unwillingness to believe that the Czechoslovaks were wholeheartedly in sympathy with them. It was the willingness of the Czechoslovaks to enter the Allied Armies, with their own flags, against the Central Powers, that finally convinced the Allies, in the spring and summer of 1918, that the Czechs were deserving of recognition.

Once recognition had been accorded abroad, it was impossible for the Dual Monarchy to avoid recognition of the Czechs within, hence the Federalization Manifesto expressly acknowledged the right of the Czechs to form a National Council and acquire statehood. Almost concurrently, on October 14, 1918, the Czechoslovak National Council at Paris formed the provisional Government, appointed its plenipotentiaries abroad, and sent Beneš to Switzerland to meet the Czech leaders from Austria. On October 18, Czech independence was formally proclaimed and the work of acquiring recognition abroad was virtually completed.

Meanwhile the Czech National Council at Prague, formed early in the war and dissolved, had come into being again on

July 13, as "an informal, extra-legal committee which defended the nation at large," under the leadership of Kramař. A flexible organization, it soon coöpted Slovak members, and after the issue of the Federalization Manifesto, included in its membership all the Czech deputies in the Reichsrat. The two National Councils having gotten into touch with each other in Switzerland, a common program was formulated and preparations were made for the meeting of the first National Assembly.

Thanks to the vigilance of the Czech secret service which Beneš had organized, the revolution which took place in Prague on October 28, whereby the administration passed into Czech hands, was bloodless. On the following day, the Slovak National Council, meeting at Turciansky Sv. Martin, declared for the union of the Czechs and Slovaks into a single state and appointed Dr. Vavro Šrobar as its delegate to deal with the National Council at Prague. That body forthwith coöpted 55 Slovak members, on the advice of the Slovak National Council, and constituted itself the Provisional National Assembly with 256 members.

In this body every shade of public opinion was represented in proportion to the strength of Czech party groups at the 1911 elections to the Reichsrat. None except Czechs and Slovaks were represented, the German population of Bohemia preferring to hold aloof in the hope of being thereby permitted to join Austria. Nevertheless, the committees appointed by the National Assembly consulted with them from time to time in regard to their particular interests. The Assembly, as thus constituted, met on November 14 as the first truly representative assembly of the Czechoslovak nation and, unanimously proclaiming the Republic, elected Masaryk President and Kramař Premier, with Beneš as Foreign Minister. The Revolution was complete and the new Republic had been brought into being without bloodshed or disorder.

The German population of Bohemia, however, once the possibility of securing independence seemed closed, was distinctly refractory up to the end of 1918, and, when Czech armies came to occupy the various towns with German majorities, bloody encounters and skirmishes ensued. Nevertheless, once Masaryk,

in a Christmas message, had promised equality of treatment to Germans and Czechs, German-Bohemian agitation died down and only a noisy minority in Vienna kept up the struggle.

Difficulties were also encountered in Slovakia. Hungary was loath to part with her Slovak territories, and it was necessary for the Czechs to use military force to clear the region of the Hungarian *Honveds* detachments. The reluctance of the Hungarians was manifested throughout the Karolyi régime, although both Karolyi and Jaszi were desirous of settling with the Czechs on as friendly terms as possible. When a bogus Eastern Slovak National Council was set up in January, 1919, the Slovak deputies at Prague repudiated it and it promptly passed out of existence. With the advent of Bela Kun in Budapest, the endeavors of the Magyars to detach Slovakia from the new state were renewed, but only in June, when Kun actually invaded Slovakia, was there any real danger. Czech legions, however, soon cleared Slovakia of the Magyars,[2] the ringleaders of the separatist movement were interned, and peace was restored. It is to be noted that the Czechs were extremely careful to avoid anti-Semitic activities, despite the fact that the leaders of the separatist movement were Hungarian Jews in the pay of Bela Kun.

The Ministry of Karl Kramař, October, 1918-July, 1919

The foundations of the internal structure of the Czechoslovak Republic were laid during the first, and exceedingly important, ministry of Kramař. While Czechoslovak independence had been gained, and recognition obtained, through the work of Masaryk, Beneš, and Štefanik abroad, Kramař was the outstanding leader of the Czechs within Austria and had all but come to martyrdom for his views. It was inevitable that he should be chosen as the premier of the first Czechoslovak Cabinet. It was he who had resurrected the National Council; it was he who had taken over the Government. The group of

[2] The proclamation of a Slovakian Soviet by stragglers from the Red Armies, after the withdrawal of the Magyars, was in reality a blind to cover Bela Kun's defeat, as the populace in nowise supported Communism.

men he now stood with were the National Democrats, zealously nationalist and opposed to Socialism. The Kramař cabinet, however, was a concentration cabinet in which all the leading men of the various parties were incorporated. Undoubtedly, it represented exceedingly high talent, but it had all the weakness of a coalition, in that none of its members were prepared to give way when a critical moment came.

Its outstanding achievements, later to be noted in detail, were the maintenance of order throughout the country at a time when Bolshevist propaganda was rampant, and the establishment of the various administrative organizations on a firm foundation. Notable among the legislative acts passed in this period were the eight hour law, of very liberal tendencies, and the agrarian reform bill of April 16, 1919. Unfortunately, the preëminent tendency of the ministry was anti-German, a policy which gratified the more ardent Nationalists but hardly served to conciliate the population of German Bohemia, which naturally resented the rule of a people hitherto regarded as of inferior political ability.

After the elections to the communal councils, in June, 1919, and after the signature of the Treaty of Versailles, Kramař resigned, as it was obvious that a strongly socialistic policy and one of reconciliation with Germany was preferred by the large majority of the electorate. Kramař and Beneš had served the nation well at the Peace Conference, in securing the territorial claims of the country with as few concessions as possible, and, when Kramař and his cabinet resigned, it was generally recognized that he and his colleagues had done exceptionally well, in a period of unusual political difficulties.

The Constitutional organization of the Czechoslovak State presents as interesting a development of "constitutional revolution" as does the Magyar attempt at meticulousness in the formation of the Hungarian People's Republic. It is worthy of note that, despite the utterances of deputies and the flysheets issued by the various party organizations, the National Council, which had been in session at intervals since July, did not undertake any formal transactions until after the Federalization Manifesto had been issued and Austria had expressly recognized,

in her correspondence with Mr. Wilson, the idea of an independent Czechoslovak State. It then was clear that if the Czechoslovak State had received recognition from both Austria and the Allies, and if its deputies in the Reichsrat had been authorized by the Federalization Manifesto to form a National Council, that body was the logical possessor of sovereignty. Accordingly, when the Czechs took over the administration, executive and judicial, in Prague and other places, on October 28, the National Council was *de facto* the sovereign. "To keep up the continuity of the legal order hitherto in force with the new circumstances, to prevent excesses, and to regulate the undisturbed transition to the new political life," the National Council declared itself to be the repository of the sovereignty of the nation until the meeting of the National Assembly.

The Council thereupon proclaimed that the existing laws of the Reichsrat and of the Bohemian Diet would continue in force, and declared all the administrative authorities subject to itself. The administrative officials promptly recognized the *de facto* situation, continued in their posts, and took their orders from Prague, instead of Vienna. However, a considerable number of the civil servants were removed arbitrarily from their posts, on account of their German nationality, and their positions given to Czechs. In the main, however, the transition was effected harmoniously.

The creation of the National Assembly, in the fashion already indicated, was necessary because political conditions had changed altogether too much to allow merely the Reichsrat representatives to act for the nation, and also because, on that basis, the Slovaks would have been granted no representation at all. The use of the Bohemian and other Diets as the basis for constituting a national assembly would have seriously compromised the territorial claims of the Czechs, while new elections were impossible, due to the uncertainty of the frontiers. Hence the method of voluntary expansion of the National Councils on the basis of party representation in proportion to voting strength, was adopted.

Thus, the National Assembly that met on November 14 was composed of 256 members who sat in the hall of the Bo-

hemian Diet and formed their groups as follows: The Left of the Diet chamber was filled by the Social Democrats, 46 strong, next to whom the 28 Czech National Socialists took their seats. With the Left, nearest the Center, sat 4 Centralist Socialists—obviously a Christian Socialist rump. The Center bloc was made up of 40 National Democrats, chiefly followers of Kramař, 6 Progressists, or devotees of Masaryk, and 4 Old Czechs. The Right was represented by 54 Agrarians, 28 Catholics, and 40 Slovaks, en masse. The Cabinet, chosen by the Assembly immediately after the proclamation of the Republic and the election of Masaryk to the Presidency by acclamation, was one whose composition had been determined upon at the meeting of the Czechs from Prague and Paris at Geneva. Kramař's cabinet was, therefore, composed of 16 members, 3 being National Democrats, 3 Social Democrats, 3 National Socialists, 4 Agrarians, while the Slovaks and Catholics each had one, and Beneš, as Foreign Minister, kept himself above party labels. A Social Democrat became president of the Assembly. The Assembly, under the Law of October 28, was to remain the sole locus of National sovereignty until further action was taken. In determining upon the form of the state and electing a President, it fulfilled all the immediate obligations imposed upon it and was thus left free to arrange its internal organization as it listed.

Weimar, Vienna, and Budapest had each enacted a provisional Constitution, either as an ordinance or as a body of rules of procedure for the provisional or Constituent Assemblies. So Prague, by a similar instrument, organized the National Assembly, and bestowed upon it legislative power and the power of supervision of the Executive until the meeting of a constitutionally chosen assembly. For ordinary business, a quorum was made to consist of one-third the total membership. By a two-thirds majority of a two-thirds quorum the Assembly gave itself the power of amending the provisional constitution. The same procedure held for amendment of the bill of rights, or the law on parliamentary immunities, and for the election of a president or a declaration of war.

The President of the Republic was to serve until a new head

of the state was elected under the permanent Constitution. Provision was made for the carrying on of his office by the ministry in case of his absence from the country. This was rendered necessary by the temporary absence of Masaryk in France. The President was empowered to represent the State in its international relations, command the army, receive and accredit diplomats, declare war, with the consent of the National Assembly, and submit treaties of peace for its approval. He was given full powers of appointment of army, state, and higher judicial officials, could pardon criminals and reduce sentences, and might quash proceedings in the courts by his order. For all "ministerial acts" which he executed, the counter-signatures of the Premier and the appropriate minister were required, thereby insuring the political responsibility of the ministers. Personally, the president might not be prosecuted in the courts. Finally, he was empowered to return to the National Assembly, within eight days of their passage, laws which, in his judgment, should be reconsidered. In case of repassage, they must forthwith be promulgated. Thus the Presidential veto was only suspensive.

The provisional Constitution explicitly established the responsibility of the ministry to the National Assembly. Ministers might be recalled by the Assembly through a vote of want of confidence, in which case at least half the total membership of the house must be present. Restrictions were placed on the personnel of the ministry in that no one connected with public service corporations might be a minister. At least ten ministers—including the premier or vice-premier—must be present at a cabinet meeting to arrive at a binding decision. For decision on matters of considerable importance, the Cabinet must consult with the National Assembly and obtain its advice. For the validity of laws the signatures of the President, Premier, and the proper minister were required. The signatures of the Premier and nine other ministers were required for ordinances.

The brevity of the provisional constitution, in not making further provisions for the relations between the President and the ministry, and between the President and the Assembly led later to certain disputes over the right of presidential initiative,

and the right of individual ministers to resign and oppose the Government's policy. To clarify the situation, an amendment was passed in May, 1919, permitting the determination of the size and the composition of the ministries by the President. The provisional constitution had not endowed the President with as great powers as might have been expected in the case of a man of such force and personality as Masaryk; hence the amendment marked a natural step in the direction of endowing the Presidency with greater powers.

The provisional constitution left the judiciary practically intact, but, shortly after its adoption, laws were passed creating at Prague a Supreme Court and an Administrative court of last resort, to replace those formerly appealed to in Vienna. Otherwise, the administrative system did not undergo any perceptible changes save those incidental to the transfer of authority from the Austrian to the Czech régime.

One of the most important tasks before the Kramař ministry was that of securing thoroughgoing agrarian reform. The agrarian problem in Bohemia was the direct result of the action of the Habsburgs in confiscating the estates of the vanquished Czech nobility after the Thirty Years' War and allotting them to the feudal supporters of the Austrian court. Thus, in the course of three centuries, there had grown up large allodial possessions or latifundia, amounting to over 150,000 hectares [3] in Bohemia, and sometimes comprising estates of from 3000 to 5000 hectares. Meanwhile, the Czech peasantry was compelled to toil on these estates of the Viennese nobility or else eke out a meager existence on small plots of land that they had managed to acquire with great difficulties. To continue these conditions after the creation of the Czechoslovak state was unthinkable, but the method of solving the problem did not appear the same to all the parties. When the situation in Slovakia was considered, it was found that even larger quantities of land were available there for the peasantry if the estates of the Magyar landlords were broken up. The estimates given placed the land available in the whole country at almost 2,000,000 hectares, or sufficient land to colonize satisfactorily 430,000 families.

[3] A hectare is approximately equal to 2½ acres.

In view of the fundamental character of the necessary agrarian reforms, the Government pledged itself, in announcing its domestic program to the National Assembly on January 9, to summon a commission of inquiry under the auspices of the Ministry of Agriculture. When delays occurred and the Government did not fulfil its promise promptly, the Social Democrats, backed by the National Socialists, demanded on March 12, 1919, the passage, within fourteen days, of a law expropriating the large landed estates and taking them over provisionally, so that the 1919 crops might be harvested by the Government. Laws to provide for the colonization of these latifundia were to be passed later. This precipitate action on the part of the Socialists was an effective means of drawing public attention to the importance of the question. When the Government had promised to make expropriation an accomplished fact by law, the Socialists rallied once more to its support, especially in view of the Communist Revolution in Hungary, which might prove attractive to a landless Slovakian peasantry.

On April 16, therefore, the National Assembly passed the expropriation bill, rather hurriedly, but not until the principles had been thoroughly discussed by the various parties. By its terms, land was to be distributed to small farmers, small holders, petty traders, and those without land; to ex-service men, singly or in coöperative partnerships, as well as to building and coöperative societies, parishes, and public associations of general utility. Finally, scientific and humanitarian institutions were to receive their share of lands.

That expropriation of land might well be expected, had been intimated by the National Council on November 9, through its resolution that transfers of large estates could not take place without the consent of the minister for agriculture. The law, as passed, provided for the expropriation, *ipso facto,* of all large estates over 250 hectares, in case of mixed arable and non-arable land, and of all estates over 150 hectares of arable land. In the case of the estates of the Crown and of the nobility, complete expropriation was to be effected without compensation, while, in other cases, the government would have due regard for the owners, and permit them to keep the minimum amount. In

case of litigation over succession to estates, each heir might receive the minimum amount, up to 500 hectares for the whole estate, but no more. The State pledged itself to take care of mortgages or encumbrances on the land, save that cessions or alienations of territory after the revolution were regarded as invalid, unless satisfactory evidence was given that such division of an estate was necessary to its proper management.

For the execution of this stupendous project, there was created a Land Office, subordinate to the ministry. Its presiding officer was to be appointed by the President of the Republic; its administrative board by the National Assembly. The Office was endowed with enormous powers for the expropriation of estates. The law, therefore, accomplished expropriation at one stroke, but left the administration of its details to the Land Office, which was not appointed until Tusar came into power. Once the Land Office was created, it was decided to start expropriation of all estates over 5000 hectares and thus proceed to put the measures into force on an organized and systematic scale. Long term credits are given to landless individuals desiring to purchase the land, although not more than fifteen hectares will be given to any one individual under the existing arrangements.

The outcome of these reforms remains to be seen. In principle, the distribution of the land and the breaking up of the large estates of the nobility seem to have met with the favor of all parties. If agrarian reform succeeds in raising the level of the peasant classes in Bohemia and Slovakia, in creating a new middle class, an agrarian democracy, it will remove the causes of a social revolution and assure permanent stability to the Czechoslovak state.

Another problem faced by the Kramař ministry was that of the education of the Slovaks. In Bohemia and Moravia, the literacy of the population was very high, but in Slovakia the Magyars had deliberately kept the non-Magyar population illiterate and suppressed their endeavors at self-betterment as being hostile to Magyar supremacy. Hence it became the task of the new Government to establish school facilities. In this task the Government succeeded notably, as it established over

2000 elementary and 120 high schools in the first three years of its existence. In addition, four universities are maintained, three Czech—those at Prague, Brno and Bratislava—and the German university at Prague, while numerous libraries have been opened.

From the inception of the Republic, there was no question as to the franchise conditions that the new Government would establish. The idea of equal, secret, universal suffrage was set forth in the Czechoslovak proclamation of independence, and it was to be expected that the spirit of the founders of the constitution would be carried out to the last detail as regards the equal participation of both men and women in the organization of Czechoslovak democracy. Knowing the needs of minorities—such as the Czechs had themselves lately been—the promise of proportional representation to guarantee minority rights was also freely made.

In January, the ministry introduced a bill for the reform of the electoral arrangements in communes and the bill received throughgoing discussion. The age for voting was placed at twenty-one, and men and women were given the franchise without distinction. No property or fiscal requirement was made for voting, and proportional representation was inaugurated on the basis of a strict party list system.

After the passage of the bill, the communal elections were set for June, and were held in the regions which had been formally assigned to Czechoslovakia by the Peace Conference. Necessarily, on the eve of the elections, there was a realignment of parties and these issued detailed programs elaborated in their conventions. The National Democrats, whose policies were dominant in the Kramař Cabinet, issued a program demanding separation of Church and State, a strong President, a bicameral legislative body, complete State control of education, and the separation of church and school. They stood for the Czech language as the only official state language, although desirous of doing justice to the other nationalities in educational and administrative affairs. Their social policy demanded the heavy taxation of the incomes of non-producers and definitely rejected Socialism. They further advocated a policy of intervention in

Russia and Hungary. The Agrarians were primarily interested in the pending expropriation measures and were largely in sympathy with the program of the Social Democrats.

The Socialist groups in Czechoslovakia were deeply torn by dissensions, some turning towards Bolshevism, while others clung to the nationalist ideal. At the beginning of May, a Working People's Party was formed under the leadership of Modraček. Its frank rejection of both the older socialistic doctrines and the tenets of Russian Bolshevism made it particularly noteworthy. Its emphasis on the necessity of training the people in economic self-government and in slow, evolutionary means of realizing their ends sharply differentiated it from the Reformist Socialist Party (formerly the National Socialists) and from the Social Democrats. These two groups, intent upon active socialization of the coal and metal-producing industries, as well as of hydro-electric power and all monopolistic enterprises, received the support of the working classes.

When the elections took place for the communal councils, it was clearly evident that the National Democrats, who had had the support of the country in October, as the leaders against Austrian oppression, had lost favor with the electorate on account of anti-German measures. Thus, after the signature of the Treaty of Versailles and the presentation of the peace terms to Austria, Kramař resigned on July 9, and was succeeded by a Coalition cabinet of Agrarians, Social Democrats, National Socialists, Slovaks and Progressives, headed by Vlastimil Tusar, who had been the Czechoslovak High Commissioner in Vienna, and therefore had kept aloof from party struggles in the National Assembly.

The achievements of the Kramař ministry, its constructive program of constitutional measures for effecting the necessary transition to an orderly Republic, were marred by the policy of suppression of German schools, and the vengeful treatment of Germans. It was recognized by the country at large that a ministry of reconciliation was necessary, and Tusar, who had done his best to straighten out relations with Austria, seemed well fitted for the place of premier. Nevertheless, the financial reforms initiated by Rašin under the first administration had

succeeded in stopping the printing of paper money, partially balancing the budget, securing credits for Czechoslovakia in Allied countries, and maintaining the value of the Czech crown in contrast with the steady depreciation under Bolshevik rule in Budapest and extreme socialist rule in Vienna. Unwieldy as the Coalition had been, harmful as might have seemed some of its policies, it had succeeded in planting democratic institutions firmly, and in keeping thoroughgoing order in the newly established country.

Ministry of Vlastimil Tusar, July, 1919-November, 1920

The Tusar ministry is chiefly important for the fact that the permanent constitution of the Republic was framed during its tenure of office. Much that entered into the final draft of the Constitution can be traced to influences operating during this period.

It was the aim of Tusar to secure the drafting of the final constitution by the existing National Assembly without the summoning of a special constituent body, since, there being no Magyars or Germans in the Assembly, it was thought that this would operate more truly in the interests of the Czech nation. Thus with his entry into office all thought of the holding of immediate elections for the Parliament was dropped, while the preliminary and necessary measures of social reform were first undertaken.

Nevertheless, the franchise law for the national elections was submitted to the National Assembly in July, shortly after the ministry was constituted. The only differences between this law and that applying to the communal elections lay in the lengthening of residence qualifications and the requiring of an oath of loyalty to the republic. According to the terms of the draft law, voting was to be compulsory, and in consequence of the use of proportional representation, all the country was divided into large districts, electing from 12 to 43 deputies. The principal features of the scheme of proportional representation introduced were those admitting the pooling of all votes for minor parties all over the country, in order to secure parlia-

mentary representation for minorities as low as one-third of one percent of the population. Members of Parliament must be thirty years of age and must accept their election.

The foreign policy of the republic remained in the same hands under the Tusar as under the Kramař ministry. Beneš, still in Paris, succeeded in presenting the claims of Czechoslovakia so successfully that no thought of his recall could be entertained. The country assented without demur to the Minority guarantees treaty imposed upon her by the Allied Powers, and agreed to re-pay them 750,000,000 gold francs—the price of her liberation through her legions, which had been financed throughout by the Allies.

Just as the foreign policy of the Tusar Government aimed to maintain peace with its neighbors, so it was necessary for domestic policy to turn to the conciliation of the nationalities within the new Republic. The Ruthenes, after dallying with the Karolyi Government until its fall, had expressed themselves in favor of union with Czechoslovakia, and had not demurred at Czech action in their behalf.

With Slovakia, the case was different. The Magyarone population was easily amenable to the appeals, whether Clerical or Magyar, that issued from Budapest, and contrived to incite the remaining Slovaks to discontent with their position in the new Czechoslovak state. The Czechs, content with the fervent expressions of loyalty of the Slovak National Council, had granted the Slovaks representation in the National Assembly at Prague, and had permitted Dr. Šrobar, as minister for Slovakia, to have a subordinate administrative cabinet at Bratislava, from which point he was to administer the country.

Despite these concessions to Slovak particularism, the measures applied in common to Bohemia, Moravia, and Slovakia did not fail to arouse the feeling of the Slovaks. Their sons were conscripted into new armies for the defense of the frontiers or the occupation of German Bohemian towns, while the German and Magyarone population, whose loyalty could not be counted on, went free; their stores of food were subject to requisition for the needs of Bohemia, whereas during the war Hungary—and Slovakia—had both been chary in their support of the Dual

Government. The Slovak Clericals painted the Czechs as usurpers, as irreligious, as atheists (because of their Protestantism); Magyar voices called out warnings against yielding to Czech imperialism and capitalism.

Finally, the action of a Catholic priest, Father Hlinka, in fleeing to Warsaw for forged passports to permit him to present the case for an autonomous, if not independent, Slovakia at the Peace Conference, greatly embittered the Czechs against the Slovak Magyarones and against the Poles, whose rough-shod methods in settling border disputes they had already experienced. Once Father Hlinka had made his plea for self-determination at Paris and returned, the Government promptly arrested him, and exposed the Polish and Magyar sources of anti-Czech propaganda. Slovak opinion, once aroused, rejected the beguiling doctrines preached by the extreme nationalists, and parties regrouped themselves on the issue of loyalty to the Czechoslovak Republic.

It was obvious that the Slovaks must sooner or later form parties and take some definite stand on constitutional questions. The first to take shape were the Slovak People's Party (Clerical), the Slovak Social Democrats, and the united Slovak National and Agrarian Party. While the Social Democrats, with the Government at Prague in their control, naturally favored a centralized state organization and a prefectoral administrative system, the new fusion of Nationalists and Agrarians clung to the separate ministries for Slovakia. It stood for an indivisible state—thus repudiating the doctrines of Father Hlinka—and uniform legislation, but also for constitutional guarantees of Slovak autonomy in educational, religious, economic, and administrative questions. The Clerical party, whose views were partially represented in the pronouncement of the more conservative Nationalists and Agrarians, took no aggressive stand on constitutional matters.[4] Thus the Slovak question, agitated

[4] Once these demands of the parties had been clearly formulated, Šrobar, the Minister for Slovakia, made open endeavor further to stabilize Slovak political life by appealing to the Jews to cast in their lot with the existing political parties and not to keep up their separate political organizations unless forced to do so. In the mergence of racial lines in

at Budapest and in Slovakia for over a year, came to a satisfactory solution in the general rallying of the newly formed political parties to a support of the existing Republican régime.

With the German population, which looked to Vienna for guidance, when Berlin was no longer a mentor, the problem of a settlement was undoubtedly more complex. Under Dr. Lodgmann, the moving spirit among the German nationalists, German Bohemia, after forming a National Council, went through the empty forms of calling a Constituent Assembly to draw up a constitution for the independent state of German Bohemia. The resentment against Kramař's treatment of the German population led to demands upon the Tusar Government for the amelioration of their conditions. Plainly, if Beneš wished to improve political and diplomatic relations with Austria, on his return from the Peace Conference, there was but one way of accomplishing this end—through the conciliation of the Germans in Bohemia. This was the *sine qua non;* once accomplished, healthy political and economic relationships with Austria might be established.

What the motive was which led the hitherto intransigeant Dr. Lodgmann and the German Social Democrats suddenly to reverse their separatist tactics and turn to Tusar openly, formally, in December, 1919, is perhaps inscrutable; certainly they forced the issue by a direct appeal to the head of the government, and all the German parties made their pleas to Tusar. The Social Democrats visited him first, in hopes that the generally similar trend of their views would appeal to the premier. Their complaints were numerous, and were largely concerned with economic conditions. Failure of the Government to provide food, clothing, fuel, failure to reduce the high cost of living, to relieve unemployment, to permit free association of workmen—these made up the catalogue of complaints along economic lines.

But the political complaints were even more severe. The

party groups he foresaw the only method of securing permanent racial peace in the new State. It is a high tribute to Šrobar's influence in Slovakia that, as a result of his suggestion, no definite Jewish parties have been formed.

drastic supervision and treatment of German schools, the attempt to force the Czech language upon Germans, as the official State language, the removal of German administrators in purely German districts to make room for a Czech bureaucracy, all left the German people "without defense and without rights in the Czechoslovak State. No Constituent, no national representative body gives it a voice in affairs. The German people lives in the Czechoslovak State like a people of pariahs without culture or history, without political or social conscience. . . . 'Neither democracy nor autonomy'—these are the characteristics of the political development of the Czechoslovak State after the Revolution."

The German Socialists, therefore, demanded the summoning of a Constituent Assembly in which all the classes and all the races of the State should be represented, in order that political institutions capable of assuring the workers the means of subsistence might be created. The complaints, thus enumerated by the German parties, were not without foundation, for Tusar had found the paths of socialization very difficult to travel in a period of economic stagnation, and it could not be gainsaid that the recalcitrant Germans had been denied every opportunity of legally effecting a change in existing conditions. The claims of the bourgeois German parties reiterated the complaints made by the Socialists concerning the use of Czech as the official State language, and added complaints against the Czech bureaucracy. They further demanded communal elections in German districts not previously consulted, removal of restrictions on commerce, abolition of discriminations between Germans and Czechs in regard to food supplies, and freedom of German schools from Czech control.

While this list of grievances represented a serious indictment of Czech administration, it nevertheless had the virtue of recognizing the Prague Government as the one officially the sovereign, and marked the full abandonment of the Germans' plans of separatism, which had prevailed theretofore. The German idea of "packing" a constituent Assembly, of imitating the tendency then current in Austria to adopt a loose federal form of Government, was thereby abandoned, and in the elaboration of

a constitution, it might now be fully taken for granted that a unitary type of state would prevail. Czechoslovakia had come to the critical point of political orientation, and it was due to the good sense of both Tusar and the Germans that the necessary concessions, which permitted the framing of the permanent constitution without much further delay, were made on both sides.

CHAPTER XIII

THE CZECHOSLOVAK CONSTITUTION

Eclectic Character of the Constitution—Preamble—Enabling Act—General Provisions—Popular Sovereignty—Separation of Powers—Republican Form of Government—Indivisibility of Territory—Special Provisions for Ruthenia—Nationality—Influence of the Minority Guarantees Treaties—Minority Guarantees—Bill of Rights—Merits and Demerits of the Bill of Rights—The National Assembly—Chamber of Deputies—Senate—Qualifications, Privileges, and Immunities—Sessions—Procedure—Limited Use of Referendum—Its Real Purpose—Interpellations—The Main Committee—The President—The Ministry—Administration—Local Government—The Judiciary—General Character of the Constitution—Compromise Administrative System—Safeguards for Parliament—Lack of Development on the Economic Side—The Constitution the Product of Circumstances.

THE answer of the Government to the requests of the Germans, and, to a lesser extent, to the demands of the Slovaks and the Ruthenes, is contained in the provisions of the permanent constitution. That Constitution was the product of the mature deliberations of the Constitutional Committee appointed by the National Assembly shortly after its inception. The Committee deliberated for practically a year, and took note of the constitutional changes in progress in all the surrounding countries. It is not known to what extent the influence of Masaryk made itself felt in the framing of the instrument, for nowhere has a fundamental law of such importance been framed with as little popular discussion as in Czechoslovakia. Nevertheless, the Constitution met with the full approval of the National Assembly, which passed it on February 29, 1920.

The preamble to the Enabling Act and to the Constitution itself is of peculiar interest due to its similarity to that of the American Constitution, from which it was obviously borrowed. It runs:

"We, the Czechoslovak Nation, in order to form a more perfect union of the nation, establish justice and order in the Republic, insure tranquil development of the Czechoslovak home-

land, promote the general welfare of all the citizens of this state and secure the blessings of liberty to future generations, have adopted in our National Assembly on the 29th day of February, 1920, a Constitution for the Czechoslovak Republic, the text of which follows. On this occasion we, the Czechoslovak Nation, declare that we shall endeavor to have this Constitution and all laws of our land carried out in the spirit of our national history as also in the spirit of modern principles contained in the word self-determination; for we desire to join the League of Nations as an enlightened, peaceful, democratic, and progressive member." It is well to note that American and French models have played an important part in the framing of the Czechoslovak Constitution, the former in regard to the judiciary and the separation of powers, and the latter in regard to the organization of Parliament.

The Constitution was accompanied by an Enabling Act of the same date, containing the necessary provisions for putting it into force and carrying on the Government in the interim. In this respect Czechoslovakia departed from German practice and set an example for the Austrian Government to follow. The important feature of the Enabling Act is its thoroughgoing insistence upon the supremacy of the Constitution and the laws in conformity with it. The power of holding laws unconstitutional is vested, by the Enabling Act, in a Constitutional Court, for which the provisional one in Austria undoubtedly served as a model. Just as Austria added the Constitutional Court to its Supreme Court and Supreme Administrative Court, so Czechoslovakia added a Constitutional Court, composed of two members chosen by the Supreme Court, two chosen by the Supreme Administrative Court, and three, including the President, named by the President of the Republic.

The Constitution itself is divided into six main headings, under the first of which [1] the general broad provisions on which the State is based are given. Political power emanates solely from the people, and is exercised through the organs laid down in the Constitution. Thus the Constitution permits the sovereign people to give itself laws, execute them, and administer

[1] Arts. 1-5.

justice, but prescribes the limits which the executive, legislative, and judicial branches shall not exceed, "in order not to infringe the civic liberties which the Constitution guarantees." The principle of the separation of powers is laid down *ab initio,* and consistently carried out.

In view of the previous proclamation of the Republic, the Constitution does nothing more than to reiterate the fact that Czechoslovakia is a democratic republic with an elected president at its head. The territorial unity of the Republic is strongly emphasized, as a principle of constitutional law. This represents very definitely the triumph of the ideal of the indivisibility of the whole State, as against the separatist tendencies in German Bohemia and Slovakia.

Special provisions govern the relationship of Sub-Carpathian Ruthenia to Czechoslovakia, in view of its voluntary union with the latter.[2] The principle of maximum autonomy compatible with the unity of the Republic is laid down, and a separate Diet and President are accorded the Ruthenes. The legislative competence of the Ruthenian Diet extends to local government, education, religion and language, and to such other subjects as may be intrusted to it by the Parliament at Prague. The President of the Republic must, however, sanction all legislation passed by the Diet before it takes effect. The existence of a separate Diet does not deprive the Ruthenes of representation in the Parliament at Prague.

In this respect, Czechoslovakia has fallen back to its own experience with the former Austrian Reichsrat. Although Bohemia might have its own Diet, it sent deputies to the Reichsrat; now Ruthenia must be represented at Prague in much the same manner. Despite the collapse of the old Austria, the force of the Austrian tradition remains in the new democratic constitution. This is further shown with regard to the position of the Governor of the Ruthene districts, who is appointed by the President of the Republic on the advice of the Cabinet, from among Ruthene officials, if possible. He is given a position

[2] The constitutional provisions governing Ruthenia are largely verbatim reproductions of the clauses of the Minority Guarantees Treaty signed with the Allies September 9, 1919.

analogous to that of the Landeshauptmann in Austria, by being made responsible politically to the Ruthenian Diet, and administratively to the Cabinet at Prague.

In every one of the Succession States the question of nationality has been of paramount importance, due to the necessity of regulating explicitly the status of individuals who formerly belonged to the Dual Monarchy. The Czechoslovak Constitution is very explicit on this point: Nationality must be uniform throughout the Republic, and no dual nationality is permitted. This was a provision necessitated by the presence of so many Germans whose allegiance was with Vienna and Berlin. If dual nationality were permitted, the problem of controlling Czechoslovak nationals in either Germany or Austria would be particularly grave and capable of raising many international difficulties. The same reasoning applied to the case of the Magyarone population of Slovakia, and only made the necessity for such a rule more obvious.

Furthermore, the provisions of the peace treaties had made all the rules of determining nationality mandatory upon the defeated powers, while the so-called Minority Guarantees Treaty concluded at Saint Germain between Czechoslovakia and the other Allied and Associated Powers had provided certain rules for the settlement of disputes over nationality, which were stated, in the treaty, to be equally binding with any constitutional law. For this reason, the constitutional provisions in regard to nationality are abbreviated, and the fuller details, which are as much a part of the fundamental law as the constitutional charter itself, are found in the Treaty of Saint Germain. These give to all inhabitants of Czechoslovakia of German, Hungarian, or other nationality, who were residents in the confines of the Republic on its inception, Czechoslovak nationality *ipso facto*, although the right of option is carefully safeguarded for specified cases.

This Bill of Rights for National Minorities comprises the sixth and last part of the Constitution,[3] but may be dealt with most conveniently at this point. All nationals of the Czechoslovak Republic are guaranteed absolute equality in the eye of

[3] Arts. 128-134.

the law, and enjoy the same civil and political rights without distinction of race, language, or religion. These differences are no bar to admission to public office, employment, or profession. Free use of any language whatsoever in private business, trade, religion, press, or public assemblies is guaranteed within the limits laid down by general legislation, but the rights of public authorities in regard to law and order, public safety, or the "efficiency of public control" are not to be impaired by claims arising under this right. Further legislation of a constitutional character is promised for safeguarding language rights. The right to create, direct, and control charitable, religious, and social institutions or schools under private auspices is guaranteed to all nationalities alike, and the particular language of such nationalities may be freely used in the institutions they create. Where a considerable proportion of Czechoslovak nationals speak a language other than Czech, the right of children to receive education in their mother tongue is guaranteed, within the limits laid down by general educational legislation, but instruction in Czech may be made obligatory at any time. In such places where linguistic, racial, or religious minorities reside, and public funds are to be expended for educational, religious, or charitable purposes, the national minorities are entitled to a fair apportionment of such funds in ways to be determined by law. Any acts discriminatory toward any nationality, or tending to denationalize persons by force, are explicitly forbidden and regarded as criminal acts.[4]

The bill of rights of all Czechoslovak nationals immediately precedes the Minority guarantees clauses and forms the fifth chapter of the Constitution.[5] By its terms all special privileges of citizens are abolished. No privileges attaching to sex, birth, or profession are recognized by the law and only professional or academic titles may be conferred. The life and liberty of all persons, whether nationals or not, is guaranteed by the constitution in so far as such guarantee does not infringe the provisions of international law. No personal service may be required of citizens except as defined by law. No guarantees

[4] Arts. 106-127.

[5] Cf. Judiciary, infra.

against arrest or any legal guarantees such as are customary in Anglo-Saxon countries are prescribed in the constitution.

Free choice of domicile, ownership of land, and carrying on of business except where such is contrary to public interest and where limitations are prescribed by law, is specifically guaranteed. No limitation of rights of private property, except as enacted by law, is permitted. Expropriation can only be enacted by law, subject to compensation, "unless and except legislation shall have been passed positively refusing compensation then or at a future date." This provision is obviously intended to safeguard the agrarian reform law of 1919. Freedom of emigration, subject to restrictions laid down by law; inviolability of domicile, under similar conditions, and secrecy of postal communication are all guaranteed. Levying of taxes or imposition of fines must also be in conformity with legal prescriptions. The right of petition is practically unrestricted, save that corporate organizations and associations are entitled to petition only in connection with their immediate activities.

Freedom of the press is guaranteed, so that by constitutional principle, no preliminary censorship, such as existed under the Austrian Régime, may be imposed. Peaceful and unarmed assembly and association are likewise guaranteed, their exercise being regulated by law. No association can be dissolved unless it menaces public peace and order, or contravenes the criminal law. However, restrictions may be placed by law on meetings in the public thoroughfares, on the constitution of societies working for profit, and on the membership of aliens in political organizations. These, in general, were intended to prevent public disorder and the last clause was obviously aimed at Bolshevik agitators sent from Russia to create disturbances. It is expressly provided, however, that similar restrictions can be placed on the press, assembly, and association, either during war-time or during civil insurrection. The right of association, with a view to securing and improving the economic conditions of the workers and employees, is guaranteed, and all acts of either individuals or corporations tending to infringe this right of collective bargaining are made illegal.

The final sections of the bill of rights deal with liberty of

teaching, conscience, and opinion. Freedom of expression in either written, spoken, graphic, or other forms is guaranteed within limits laid down by law, and is explicitly extended to corporations, save that their activities must not prejudice the interests of workers. This would appear to be in principle a very wide extent of freedom, as compared with that in other countries.

Art, scientific research, and the publication of its results are all free when not contravening the criminal law, and public education must be so organized as not to be in contradiction to scientific research. This represents a very high order of educational guarantees—probably the highest in all Europe, if not in all civilized countries, and is a welcome evidence of the liberality of Czech public opinion. The control and supervision by the State of all educational institutions, both public and private, is explicitly laid down, and private educational institutions may only be organized in conformity with national laws.

Freedom of conscience and religion are guaranteed, and any religion whatever may be practised by any individual, whether a national or not, so long as such religious practices are not in conflict with the regulations for public order and morality. All religions are recognized as equal. No one who is not under parental or other recognized authority may be required to perform any religious act. Every national of the Czechoslovak State is bound to submit to military duty and to obey the summons to defend the country. Apparently, in Czechoslovakia, as in Switzerland, religious beliefs do not operate to free an individual from military duty. Finally, marriage, the family, and motherhood are placed, as in Germany, under the special protection of the law.

All told, the bill of rights in the Czechoslovak constitution is most creditable, and thoroughly in keeping with the highest ideals of political liberalism; it is, however, lacking on the economic side, which the Weimar Constitution first essayed to round out. The provisions with regard to family life, education, and religion are not dissimilar, but apart from the mere safeguard of the right of collective bargaining, within narrow limits, the Czechoslovak Constitution makes no departures along

lines of economic experimentation or theory. It is therefore, in its conception of the fundamental rights and duties of individuals, a relatively conservative document. A similar conservatism pervades its arrangement of the various organs of government, and the strict structure of parliamentary government is tenaciously adhered to.

In creating a parliament, Czechoslovakia turned to France for a model. The National Assembly, which governed France through the critical period of peace-making in 1871, had been a prototype for the Czechoslovak Provisional National Assembly, and the name and functions of that body were carried over for the new parliament in the definitive constitution. Accordingly, the new National Assembly, composed of a Chamber of Deputies and a Senate, is endowed with the sole and exclusive legislative power over the whole republic, as the old Diets of Bohemia, Moravia, and Silesia are abolished.

The Chamber of Deputies is composed of 300 members elected for a six-year term by universal, equal, direct, secret suffrage and proportional representation. Elections are held on Sundays, and all citizens over twenty-one fulfilling the statutory regulations are permitted to vote. Candidates must be electors over thirty years of age. The Senate, composed of 150 members, is similarly elected by all voters over twenty-six, for a term of eight years. Candidates must be over forty-five years of age and must comply with certain statutory regulations.

No one may belong to both chambers. Government officials, with the exception of departmental prefects and district governors, are entitled to membership in the National Assembly, in which case they are given leave of absence, and may return to their positions, after fulfilling their mandate, without loss of seniority. The same regulation applies to university professors. Members of the Constitutional Court of Appeal, assessors of the Court of Election Appeal, and members of the Departmental Councils cannot be members of the National Assembly.

Members must exercise their mandate in person, and are under no instructions from any one. They are not permitted to lobby for special interests, but may present the cases of their constituents to the competent public authorities. No reserva-

tions are permitted in the taking of the simple oath "to be faithful to the Czechoslovak Republic, to keep its laws, and to fulfil . . . duties as deputy . . ." In this respect, the Czechs were not oblivious of their own intent in entering the Reichsrat with the full reservation of their rights under the ancient Bohemian Constitution. Failure to take the oath forfeits the mandate of a member.

The ordinary parliamentary immunities obtain for members of the National Assembly: they may not be prosecuted for their official actions, and may be disciplined only under the regulations of the house to which they belong. Consent of the House is necessary to the prosecution of a member, even if caught *in flagrante delicto.* As editors, however, members may be prosecuted for their editorial utterances. Members may not be compelled to divulge information confidentially given them, even after their term of office expires. In case of trial for solicitation to the misuse of their mandates, this provision does not apply. Members are paid a compensation for their services, which varies according to the financial condition of the country.

Two regular sessions annually, at the summons of the President of the Republic, are required of the Chambers. One session is to be in March, the other in October. Extraordinary sessions may be resorted to, either at the summons of the President or of a majority of the Deputies or Senators. In the latter cases, the President of the Republic must act; should he fail to do so within a fortnight, the houses assemble at the call of their own presidents. The same provisions apply in case of a lapse of four months between sessions, in which case the request of two-fifths of the members of either house suffices. Sessions of the two houses begin and end simultaneously, and the President of the Republic closes the sessions. The Chambers may also be adjourned by him, but only for one month, and not more than once within a year, and may be dissolved by him at any time except during the last six months of his term of office. In the event of the end of the mandate of the Chambers, or in case of dissolution, new elections must be held within sixty days, but dissolutions do not affect the proceedings of the Senate as a High Court of Justice.

The net effect of these provisions is to guard the chambers against the arbitrary action of a "strong" President who might seek to overawe them. Such had been the experience of the Czechs in the Reichsrat, when Franz Josef and Premier Stuergkh refused to convoke it for three years during the war; hence it was determined that no leeway for arbitrary suppression of parliamentary life would be permitted.

For both Chambers, one-third of the total membership constitutes a legal quorum, and a majority vote suffices, in such cases, to pass laws, but for the passage of declarations of war or constitutional amendments a three-fifths majority of all the members of both Chambers is required. In cases of impeachment of the President, Premier, or Cabinet members by the Deputies, a two-thirds majority of a two-thirds quorum is necessary. Each house is permitted full freedom in selecting its own officers, and each chamber regulates its own proceedings by Parliamentary Orders in conformity with a general Constitutional statute fixing the methods of deliberation, the relations of the Chambers to each other, and to the government and public.

The sessions of both houses are public, and secret sessions may take place only in cases defined by the Parliamentary Orders. In case of a joint session as a National Assembly, the rules of the Chamber of Deputies are used; the session is convoked by the Premier, and presided over by the President of the Chamber of Deputies, with the President of the Senate as a Vice-Chairman. In this respect, the procedure of the French National Assembly has been practically reduplicated. Ministers are, as usual, permitted to address and be present at any session of either house or its committees; ordinarily, they may send substitutes to represent them, but if their personal appearance is demanded, they have no choice but to comply.

Legislative initiative belongs only to the two houses and to the government, there being no initiative petitions. Bills may be either privately introduced or put forward as government bills. All bills must estimate the financial expenditures involved in their enforcement and must propose the means to be used to cover such expenditures. Budget or National Defense

bills must be first introduced into the Chamber of Deputies, as is the general rule. Laws must be passed in identic form by both Chambers.

The Senate is given a suspensive veto, in that it must decide on ordinary bills within a period of six weeks and on budget bills within a month. In case it fails to disagree within that time, its assent is taken for granted. The same procedure applies to Senate bills in the Chamber, save that a three month interval is allowed for their discussion. If the Senate rejects a measure, a repassage by the Chamber of Deputies by an absolute majority, suffices to make it law, unless the rejection has been by a three-fourths vote of the Senate, in which case, a three-fifths majority of the deputies is required to repass the measure. In case of rejection of a Senate measure by the Chamber, a repassage by the Senate by an absolute majority forces a vote on it again by the Deputies. Should the measure fail to receive the assent of an absolute majority of the Deputies it fails to become law, and a year must elapse before measures thus rejected in either chamber may be again proposed. In any event, passage of a measure with amendments is regarded as equivalent to rejection.

In the case of a rejection of a government bill, a striking departure from British practice is made. In lieu of the resignation of the Cabinet, an appeal to the country is, of course, possible, but in Great Britain this implies a General Election; under the Czechoslovak Constitution, an alternative expedient is adopted, in order to give the Parliament a greater security: The government, i. e., the Cabinet, may resolve unanimously to hold a plebiscite to decide whether the bill shall become law. In such case, the electors for the Chamber of Deputies are permitted to vote in the manner prescribed by law. No constitutional amendments, however, may be referred to the people. This restriction appears at first sight to be a very reactionary one, as the constitutional referendum—itself the most conservative of all types of popular legislation—is the one most universally accepted. It appears, however, to have been the desire of the framers of the Czechoslovak Constitution not to hazard

the amendments to the constitution to the caprices of a popular vote.[6]

At best, therefore, the so-called referendum in the Czechoslovak Constitution must be regarded, rather as a stabilizer of a parliament than as a tendency toward democratic, direct legislation. Within the framework set for it, under the Constitution, it was desired to leave Parliament almost as absolutely the sovereign, untrammelled authority as human ingenuity could devise, and it is largely due to this attitude that the Czechoslovak National Assembly has attained, in its short existence, a stability such as characterizes only the British Parliament.

In case of a presidential veto, repassage of a bill by an absolute majority of both houses or by a three-fifths majority of the Deputies suffices for the enactment of ordinary measures, which must thereupon be promulgated. In case of other measures, ordinarily requiring higher majorities, these majorities must be commanded by both houses in order to pass measures over the President's veto. A law must be duly promulgated within eight week days of its passage, and must be countersigned by the President, the Premier and the appropriate minister designated in the law as responsible for its execution. In case of the disability of the President, the Premier signs in his behalf, and the designated proxy, for the Premier.

Both houses are given the right of interpellating the ministry on all topics falling within their competence, of controlling, i. e., supervising, the administrative acts of the government, electing committees to gather information, even from the ministry itself, and voting addresses and resolutions. All interpellations must be answered. Thus, the unlimited right of interpellation, characteristic of French politics in the earlier days of the Third Republic, is still present here; the committees of investigation are borrowed directly from the

[6] It is altogether likely that, in the event of the rejection of a constitutional amendment sponsored by the Government, the ministry would either resign or invoke a dissolution in hopes of settling the controversy in that manner.

Weimar Constitution, while the privilege of voting addresses and resolutions is relatively common and innocuous.

These constitutional provisions are the direct consequence of the endeavor made in the Weimar Constitution to reduce to written and rigid form the system of Cabinet Government and ministerial responsibility, theretofore unknown to the letter of most constitutions. It has been a practice imitated in other recent constitutions, and has not been without hazards to the smooth working of parliamentary government in the new states. On the other hand, this tendency may be regarded as salutary in laying down the hard and fast rules, proven of value in parliaments of other countries to guide the conduct for new and politically immature states. The value of such regulations, of such constitutional precision, lies only in the degree of conformity which these are able to procure. If they should result in departures from the letter of the law in order to meet the exigencies of practical politics, their wisdom may well be questioned.

Another constitutional institution common to Germany, Austria, and Czechoslovakia is a main committee, whose rôle, as the custodian of the rights of the National Assembly in the periods of its recesses, has become noteworthy. In Czechoslovakia, this Committee assumes a peculiar importance as a miniature of the whole National Assembly. It is composed of twenty-four members, sixteen chosen by the Deputies and eight by the Senators, from among their members, for a year term. In case of dissolutions, the committee is immediately reconstituted on the convening of the new National Assembly. Furthermore, the principle of proportional representation is used in the election of the committee, to insure that all parties in the two houses of Parliament shall be represented in proportion to their strength. Substitutes are chosen for each member of the committee, but no member of the Cabinet can be either a member or a substitute on such a committee. A President and second Vice-President are chosen from among the Deputies, while a first Vice-President is selected by the Senators.

The duties of the Committee are to take the necessary measures to meet emergencies arising during the adjournment of the

Chambers, including the passing of provisional laws, and the supervision of the acts of the ministry. The committee enjoys all the immunities of Parliament and is competent to undertake any act of which the National Assembly is capable, short of electing the President, amending the constitution, changing the competence of public authorities, adopting permanent taxation, extending the obligations of national defense, mortgaging national finances, alienating national property, or declaring war.

An absolute majority must approve resolutions having the force of law, and expenditures or payments not included in the budget. Generally half the membership constitutes a quorum and a majority of these can act legally. The presiding officer can vote only in case of a tie. Urgent decisions can be made only on the proposal of the President and Cabinet, must state that they are taken under the emergency clauses, and must bear the signature of the President and at least half the ministers. In case the President refuses his assent, such measures cannot be promulgated. All such emergency measures must be communicated to the Constitutional Court for its inspection. The court is then competent to determine whether they are unconstitutional or not, with reference to the limitations placed on the acts of the Main Committee by the emergency clause. Reports of the action taken by the Main Committee must be given to the Deputies and the Senators at their next meeting. The approval by the two chambers of the acts of the Main Committee must be given within two months, else the measures lose their validity. General government ordinances, however, when issued in execution of a definite law and subject to its provisions, require no legislative confirmation.

The President of the Republic is elected for a seven year term by a three-fifths vote of an absolute majority of the members of both houses, sitting as a National Assembly. Any citizen qualified for membership in the Chamber of Deputies is eligible, if over thirty-five years of age. In case no candidate is elected on the second ballot, a third ballot is taken on the names of the two highest candidates. The one then receiving the largest number of votes is elected, otherwise, decision is made by lot. Elections must take place within the last month of the

president's term. Reëligibility extends for but one term, as no one, except Masaryk, can serve more than two consecutive terms. A third term is possible, however, in case of an interval of seven years between the second and third terms.

In case of the death or resignation of the President, the National Assembly is summoned within a fortnight to elect a new President, during which interval, as well as during the incapacity of a President, the Cabinet acts on his behalf, the Premier being empowered to carry out the presidential duties. In case of a serious illness of the President extending over six months, or in case of other like incapacity, the National Assembly may elect a proxy, on the request of at least three-quarters of the Cabinet, but such a proxy must fulfil all the requirements for eligibility to the presidential office. Neither the President nor his proxy can be at the same time members of the National Assembly.

The President represents the State in its international relations,[7] concludes and ratifies treaties, although the consent of the National Assembly is required for all commercial treaties, those imposing military or financial burdens, and those alienating national territory or rectifying the frontiers.[8] The President further receives and accredits ambassadors, declares a state of war to exist, declares war with the previous consent of the National Assembly, and submits peace treaties to the National Assembly for its declaration of consent. He summons, adjourns, and dissolves the National Assembly, and closes its sessions; returns bills with his veto, signs all laws both of the National Assembly and of the Diet of Sub-Carpathian Ruthenia, as well as all emergency resolutions. He gives to the National Assembly reports on the condition of the country and makes necessary or convenient recommendations. In this respect, in particular, the Czechoslovak Constitution has copied an American precedent and the messages sent to the National Assembly by President Masaryk have been noteworthy state documents, setting forth at length his viewpoint in regard to national problems.

[7] Art. 64.

[8] The latter require a constitutional law for their validity.

The amendment to the provisional constitution whereby the President was empowered to name and dismiss ministers and determine their number is incorporated in the definitive constitution, and the President is given, in addition, the power to name university professors, judges, and higher State officials. On recommendation of the Cabinet, he distributes awards and pensions. Finally, he is commander-in-chief of all the armed forces, and has the right of pardon, amnesty, and quashing of legal proceedings against all except members of the government.

The President is not legally responsible for his acts, as all his official statements and actions, as well as those of his proxy, are presumed to be vouched for by the ministers, by whom they are countersigned. He is bound to fulfil his oath to observe the laws and work for the welfare of the Republic, but is responsible only for high treason, and then to the Senate, in case of impeachment by the Chamber of Deputies. Conviction extends only to the removal from office and disqualification from ever holding the office again.

All executive powers of government not expressly confided to the President are vested in the ministry, appointed and dismissed by him. The Premier heads the ministry and determines what departments shall be administered by his colleagues. In case of inability of the Premier to act, his proxy, designated by the ministry from its own number, acts on his behalf. In his absence, the eldest minister acts. The ministry may not have as a member any person connected with any commercial enterprise or corporation. Its members take their oath to the President to fulfil their duties conscientiously and impartially, and to observe the constitution and laws. Their policies are collectively formulated, and a majority of the ministers must be present, in addition to the Premier or his proxy, in order to constitute a valid quorum.

Collectively, the Cabinet is called upon to decide on government bills and ordinances, requests to the President to veto bills, all business of a political nature, and nominations to office. The President is entitled to attend Cabinet meetings and preside, if he so desires, as well as to request written reports from the ministers in regard to their departments. Again,

the President may invite the Cabinet to sit in council with him. President Masaryk has added to these constitutional provisions an extra-constitutional practice of worth, consisting in the writing of a letter to each newly appointed minister outlining what the President thinks are the duties he ought to perform and the services he can best render the department, the Cabinet, and the country. This has proved of considerable value in orienting an inexperienced minister in the way he should conduct his department. Finally, government decrees must be signed by the Premier or his proxy, and at least half the ministers. Laws, it will be recalled, require the signature of the President, as do emergency measures, but, for decrees, solely the signature of the ministers is required.

The political responsibility of the Cabinet is to the Chamber of Deputies, which may, by a simple majority of half its membership, declare by roll-call vote its want of confidence in the government. Such a resolution, however, must be signed by at least one hundred Deputies, referred to a committee and reported within a week, but, if the Government demands a vote of confidence, no such formalities are required. In case of a defeat of the government by such a vote of want of confidence, the ministry is under a constitutional obligation to resign. In case of disability of both the President and his proxy at a time when the ministry resigns, the Main Committee makes the arrangements for the managing of affairs. Legally, the ministers are subject to impeachment by the Chamber of Deputies and trial by the Senate.

Several articles in the Constitution [9] are devoted to the enunciation of guiding principles with regard to the national administration. The public is to be as fully represented as possible in the administrative services, and all public interests are to be protected by them. In principle, no administrative officer may hold two administrative positions, one of which may be called upon to review the acts of the other. To assure citizens legal protection against abuse of administrative authority, a supreme administrative court, composed of independent judges, is established for the whole country.

[9] Arts. 85-93.

Standard civil service regulations are to be laid down by law, to be supplemented by detailed administrative regulations issued by the particular departments. The Ministry may establish certain administrative departments concerned with economic matters without giving these departments any opportunity to formulate their policies; in such cases the departments are presumably of a non-political character, but subject to the supervision of the ministry. Public service corporations are to be regulated by special laws. Special laws will also govern the extent of the State's responsibility for injuries inflicted by its illegal exercise of authority.

Nothing in the constitution deals with the question of territorial administration or local government. This was settled by a Constitutional Law passed at the same time as the Constitution itself. This law provided for the division of the country into twenty-two *zupni* or administrative districts, each embracing from 511,000 to 800,000 inhabitants. At the head of each district is a prefect, or *zupan,* appointed by, and directly responsible to, the central government at Prague. Local government is in the hands of democratically elected parish, district, urban, and communal councils, chosen under the franchise law previously described.

The administrative departments functioning under the constitution comprise fifteen ministries, those of foreign affairs, interior, finance, commerce, labor, food supplies, railways, health, social welfare, justice, agriculture, public instruction, national defense, posts and telegraphs, and unification of laws. The last is a ministry of peculiar importance as it has been intrusted with the onerous task of codifying and simplifying the laws to be used throughout the republic. The heritage of laws bequeathed by the defunct Dual Monarchy was very complex, as there were Joint Government regulations, Austrian Imperial laws, the laws of the Diets of Bohemia, Moravia, and Silesia, in addition to the laws passed by the Hungarian Parliament. Under the circumstances, the unification of law is of the utmost importance in welding together the various elements

in the Czechoslovak State, and it has rightly been undertaken as a serious and necessary national enterprise.[10]

The fourth main division of the Constitution[11] is devoted to the judicial system. It prescribes that all justice is to be meted out by national courts, as organized by national law. Special courts are permitted for criminal cases only, and then may be established for but a limited time. The only guarantees afforded the individual are the right to demand a hearing before the competent court and the privilege of a jury trial in some cases, although this may be suspended, in cases to be defined by law. The endeavor to keep proceedings at law clearly distinct from administrative proceedings is made throughout, and disputes as to conflicting jurisdictions remain to be settled by law. In case an administrative decision affects private rights, the party affected thereby is entitled to redress through the ordinary courts.

Justice in civil cases is exercised by civil courts, ordinary or extraordinary, and by courts of arbitration; in criminal cases, by the criminal courts of the civil judicature unless specially assigned to military tribunals, or unless they fall within the competence of police or treasury prosecutions. The previously created Supreme Court at Prague is confirmed in its existing status by the Constitution. One explicit provision states that the civilian population shall not be legally amenable to be tried by the military courts except during a war or for crimes other than those committed in the course of such a war. This would

[10] After the adoption of the Constitution, it was found that the arrangement for a separate ministry on the Unification of Laws was altogether too complex, and that it tended to thrust a purely juridical problem into the forefront of party politics. Arrangements were made, therefore, in the spring of 1923 to abolish the ministry and to intrust the work of codification to one or more experts, thus taking the entire matter out of politics. It would appear that the Czech leaders have here followed a German precedent in the drafting of a common code. The reconciliation of the different kinds of Germanic law in the Reich required years of arduous work by experts under the old régime. Czechoslovakia, however, found a task which none had theretofore attempted. In the hands of experts, the work of codification should progress rapidly in wiping out legal anachronisms.

[11] Arts. 94-105.

appear to be a lesson drawn by the constitution makers from the experience of civilians in occupied Belgium, as well as from their own experiences under Habsburg misrule.

Judges are independent and are appointed for life. They may not be transferred or removed from office against their will, unless a reorganization of the courts renders this necessary, or unless they are being disciplined according to the law. Retirement on a pension is permissible, but only on the attainment of legally specified age. Judges of the lower courts must remain in office throughout the year, and professional judges are forbidden to do remunerative work except as may be permitted by law.

The ordinary courts are forbidden to pass on the constitutionality of laws; only the legality of the promulgation of laws is within their competence. Judgments are rendered in the name of the republic, and proceedings and verdicts are oral and public. The public may only be excluded from court proceedings in accordance with law. Procedure in the courts is instituted by either a plaint or charge or indictment. Numerous laws with regard to the functioning of juries and the determination of procedure, etc., are yet to be enacted.

Such is the Constitution of 1920. Its main achievements are to set up a workable parliamentary republic with a clearly responsible ministerial form of government. The President is by no means a figurehead, as he is in France. Rather has Czechoslovakia endeavored to remedy the defects of the French Parliament and Presidency by borrowing heavily, from Great Britain and America, respectively. The President has practically the same powers as in the United States, in determining the policies of the administration; in his power to dissolve Parliament, he has even greater authority. The careful endeavor of the framers of the constitution to provide an escape from every possible deadlock between judicial and administrative authorities, between Parliament and President or Cabinet, is highly commendable. It has already proven its worth in the stability which it has helped procure for the republic.

The administrative system, in essence, is a compromise between the topheavy bureaucracy of the German system and the

extreme centralization of the French prefectoral system. The working of the entire system of local administration is made dependent upon the functioning of the zupan, although it is hardly likely that any excess autocracy will obtain under the new régime. The defects of the Constitution proper, in regard to legal safeguards for the citizen, may yet be remedied by the additional laws intended to fill out the skeleton judicial system introduced by it.

The Parliament, although bicameral, is a model of its kind, and is constituted with every possible safeguard against menaces from above, by suppression, prorogation, or frequent dissolution, as well as from below, by the withdrawal of its competence through measures of direct legislation. In the elaboration of definite rules for the action of the ministry, the constitution goes further than any other in systematizing parliamentary government and ministerial responsibility.

On the economic side, however, little progress, if any, is shown in the constitution. It has sacrificed the economic constitution so carefully formulated at Weimar for a more perfect political structure borrowed from England, France, and America. It was not strange that Czechoslovakia should look to the governments of the Allied States for guidance, as her whole campaign for political liberation had been in consonance with the ideals of the Western democracies.

It would be saying too much to declare the Prague Constitution a reactionary one, for it represents the highest development of constitutional parliamentary republicanism, but it is also true that agencies of direct democracy and radical departures along economic lines have been strictly circumscribed. When compared with the instrument drafted at Weimar, the Prague Constitution seems pygmy-like, in its concept of the economic foundations of modern society and government. But the explanation may be found in the circumstances of the day: For Germany, salvation lay in the widest possible departure from monarchism without throwing herself into the arms of communism; for Czechoslovakia, all hope of recognition, of progress, lay in a strict adherence to the ordinary norms of constitutional government, not in any dangerous ex-

perimentation along economic lines. When the Weimar Constitution was first drafted, there was no Soviet in Budapest, and separatism had not wrecked Austria; when Czechoslovakia was called upon to decide her future, Hungary was beaten and cowed into reaction, and Austria was prostrate. Thus the Czechoslovak Constitution shows the marks of the labor of men who had witnessed both Red and White Terrors at Budapest, and who were determined to preserve their country from the perils of economic separatism. It is the apotheosis of political, but not of economic, parliamentarism.

CHAPTER XIV

CONTEMPORARY POLITICS IN CZECHOSLOVAKIA

SECOND TUSAR MINISTRY, APRIL-SEPTEMBER, 1920: *Parliamentary Elections—Analysis of Results—New Party Alignments—The First National Assembly—Attitude of Germans and Slovaks—Split in Social Democratic Ranks—Domestic Program of Tusar—Fall of Tusar.* THE MINISTRY OF JAN ČERNY, SEPTEMBER 15, 1920-SEPTEMBER 26, 1921: *Ministries of Experts—Character of the Černy Ministry—Absence of Parliamentary Life—Achievements of the Ministry of Experts—Return to Parliamentary Life.* THE MINISTRY OF EDUARD BENEŠ, SEPTEMBER 26, 1921-OCTOBER 7, 1922: *A Ministry of Fulfilment—Foreign Policy—The Little Entente—Expansion of the Little Entente—The Conference of Porto Rosa—The Conference at Genoa—Russian and Ukranian Treaties, 1922—Beneš the Creator of a New European State System—Domestic Policy—Legislative Achievements—Financial Policy—Retirement of Beneš.* THE MINISTRY OF ANTHONY ŠVEHLA, OCTOBER 7, 1922: *Defense of the Republic—Party Regroupings—Švehla's Domestic Program—Agricultural Chambers Bill.* SUMMARY AND CONCLUSIONS.

SECOND TUSAR MINISTRY, APRIL-SEPTEMBER, 1920

WITH the passing of the Constitution and the necessary enabling acts, the work of the Provisional National Assembly came to an end. The Assembly was dissolved April 15, 1920, and the Tusar Ministry formally resigned, to show its complete willingness to yield its place, should the elections result in a repudiation of its work. The elections for the Chamber of Deputies were set for April 18, and took place without incident, resulting in a decided victory for the Social Democrats. The same was true of the elections for the Senate, a week later. In both instances, the Deputies from Ruthenia and from the plebiscite areas at Teschen and Hlucin were not elected, due to unsettled conditions. Throughout the country the Czechs and Slovaks polled 67.9 per cent of the votes, while the combined German, Magyar, and Jewish vote was only 32.1 per cent. While the election demonstrated the acceptability of Tusar's policies, the change in the strength of parties evidenced at the elections made it necessary

to alter the composition of the Tusar Cabinet, which was reconstituted with a much larger representation of Social Democrats. The strength of parties after the elections to both the Senate and Chamber is shown in the following table:

ANALYSIS OF RESULTS

PARTY	*Seats in Chamber*	*Seats in Senate*
A. Czechoslovak Parties:		
Social Democrats	74	41
People's Party (Catholic)	33	18
Republicans (Agrarians)	28	14
National Socialists	24	10
National Democrats	19	10
Slovak Nationalist and Agrarian	12	6
Tradesmen's Party	6	3
Coöperative Socialists (Modraček)	3	0
Total	199	102
B. German Parties:		
Social Democrats	31	16
Bourgeois Fusion Ticket	15	8
Peasant Union	11	6
Christian Socialists (Catholic)	10	4
Democrats	5	5
Total	72	37
C. Magyar Parties:		
Magyar and German Christian Socialists	5	2
Magyar and German Socialists	4	0
Magyar Agrarians	1	1
Magyar Nationalists	0	0
Total	10	3
D. Undistributed Seats:		
Carpathian Russia	9	4
Territory of Teschen	9	4
Territory of Hlucin	1	0
Total	19	8
GRAND TOTAL	300	150

(Figures officially given in the *Gazette de Prague*, April 28, May 5, 1920)

It would appear that the success of the Social Democrats was largely due to the unsettled economic conditions and the belief of the people that the party promising the most drastic economic reforms would be able to make life most tolerable. The evolution of the other parties can easily be traced at this point. The National Socialists, later calling themselves Czechoslovak Socialists, had turned, since the revolution, from their former purely negative and critical attitude toward the old Austrian Régime—in which they were supported by many middle-class citizens—to a positive, clear-cut Socialistic program. This caused a defection of the bourgeois elements from their ranks, to form the Tradesmen's Party. The Modraček group of progressive Socialists also helped to lessen the influence of the Czechoslovak Socialists. The National Democrats, whose influence was paramount at the time of the formation of the Provisional Assembly, had lost prestige when the Kramař ministry fell, but rallied to their standard in the parliamentary elections the force of the commercial and capitalist classes opposed to the socialistic program of Tusar. The gains made by the National Democrats were largely at the expense of the Republican Agrarians, who also lost some of their adherents to the Czechoslovak People's Party, the avowedly Clerical group insistent upon its program of religious control of education.

The German parties were divided into two hostile camps, with the Social Democrats on the one hand and the Clerical, bourgeois, and nationalist groups on the other. The former, while deeming a further social revolution eventually necessary, accepted the Republic in principle, while the other groups still maintained a sullen opposition to the existing régime and accepted it only as a temporary expedient, until world conditions should change and afford them an opportunity to realize their national aspirations. The Slovak parties returned to their full allegiance to the Republic, after flirting with the idea of nationalist separatism, and revealed their strongly republican character in the freest election which Slovakia had ever known.

The National Assembly met on May 26, 1920, to begin its work and, in joint session, elected Masaryk President on the following day. This was a pure formality, as Masaryk's term

was safeguarded by the provisions of the Constitution. Nevertheless, at his request, the formal election was held, and Masaryk received 284 votes to 61 for Professor Naegel, the rector of the German university at Prague. Needless to say, the Germans did not cast their votes for Masaryk. Meanwhile, Tusar had reconstructed his cabinet on May 24, with five Social Democrats, two National Socialists, four Agrarians, two National Democrats, one Slovak and Beneš, who remained nonpartizan. Masaryk took occasion, on the opening of Parliament, to amnesty all political prisoners, including Magyars and Bolshevik emissaries, as a sign of national clemency.

The opening of the National Assembly was marked by the first appearance of the Slovak and German Deputies in the Chamber and in the Senate. It being required by the Constitution that they take their oath of allegiance to the Republic without reservation, the Deputies went through the form prescribed, and all would appear to have been settled. Nevertheless, the German Deputies and Senators, despite their pledge of loyalty, assumed the same attitude that the Czechs had taken in the old Reichsrat, and, save for the German Social Democrats, consistently opposed the government, showing occasional violence. The very leaders of the Bohemian separatist movement reappeared in the National Assembly, and continued intermittently to harass, interpellate, and abuse the government.

For the most part, however, the German population has been content to recognize the existing situation and abide by it. The census taken in 1920 resulted in showing the real percentage of Germans in the country as slightly under thirty percent, in contrast with the former Austrian census figures. On the other hand, even the Magyarone Slovaks have continually given evidence of their entire loyalty and support of the government, and Father Hlinka, the leading autonomist deputy, has come to a thoroughgoing support of the new régime.

As was the case in Hungary, the meeting of the first elected legislative body was the signal for the realignment of parties; and parties such as they existed in the Assembly before the drafting of the Constitution regrouped themselves during the Tusar and Černy ministries in accordance with the new issues

that arose. The process of party adjustment to the parliamentary situation was not easy, and revealed the difficulties within the leading group, the Social Democrats, which was torn, as in Austria, between revisionism and communism. This made the second Tusar ministry, which was largely Socialist in its complexion, weak in its policies because of the divided loyalty of its supporters, and the final resignation of the ministry was due more to the outright split of the Social Democrats into conservative and radical wings than to any failure of its own program.

That program was a thoroughly progressive one, and intended to work toward the social reconstruction of Czechoslovakia. The prime necessity of the government being that of securing food, the crops for 1920 were commandeered, and every effort was made to stimulate agricultural production. The government officially pledged itself to the balancing of the budget, the raising of all necessary revenues without appeal for foreign loans, and the establishment of government savings banks, as means of securing revenue. It pledged itself to enact social legislation fully in conformity with the standards of the International Labor Office under the League of Nations. This embraced sickness, old age, and unemployment insurance, extension of public health measures, furtherance of the expanded educational program, establishment of juvenile courts, the socialization of coal and other mines, furtherance of agrarian reform, and plans for the participation of labor in the control of industry. Finally, it pledged itself to the administrative reorganization of Slovakia into departments, and to the separation of church and state.

In the execution of this program, the Tusar ministry was fairly successful, as it managed to balance the budget, complete the administrative reforms in Slovakia, rehabilitate the railroads, improve the postal service, and apply the agrarian reform laws through the final creation of the Land Office. To satisfy the holders of former Austro-Hungarian war bonds, it pledged itself to repayment at seventy-five per cent. of their face value. This undertaking was largely influential in caus-

ing the continual depreciation of the Czech crown, which did not recover its stability until the spring of 1921.

The crisis which finally overthrew the Tusar ministry was an outgrowth of Czechoslovakia's relations to the Russo-Polish war in the summer of 1920. The country was against any intervention in the struggle, and Beneš proclaimed, and maintained effectively, a policy of neutrality. This, however, did not satisfy the extreme Socialists, who, partly out of kinship of feeling with the Russian Government and partly from nationalistic resentment against Poland over the partition of the Teschen district, desired coöperation with Russia and formally joined the Third Internationale. It was obvious that Tusar could not remain in office, if he were supported by a divided party, a faction of which was pledged to communism; hence he resigned on September 15, 1920, and was succeeded by a ministry of experts under Dr. Jan Černy, himself a National Democrat, but long engaged in the Moravian administrative service.

The Ministry of Jan Černy, Sept. 15, 1920-Sept. 26, 1921

The ministry of experts has become a political institution of the utmost importance in the reconstruction of post-war Europe. The appearance of such a ministry is an index to the political situation of the country and an indication of its return toward normalcy. Peculiarly, it becomes necessary, at times, for the ordinary working of parliamentary government to be suspended, in order that the economic reordering of a country may take place under the most auspicious circumstances.

In post-war Europe, the ministry of experts played its part in almost every country, and almost concurrently. With a peculiar periodicity, which conformed largely to economic movements, the war-time governments were succeeded by those of extreme nationalistic tendencies among the victors, and by those of extreme internationalist tendencies among the defeated. In both cases these ministries were in turn succeeded by those undertaking great innovations in economic life—innovations which in some instances led the countries almost to the brink of disaster. From these governments of economic ex-

perimentation, only ministries of concentration or ministries of experts have been able to lead the countries back toward political normalcy and economic stability. Even where ministries have not completely changed, the same tendency has been true within the ranks of a Cabinet. Thus, whether England, France, or Italy be investigated, or Germany, Austria, Hungary, or Czechoslovakia come under inquiry,[1] the presence of the concentration ministry, or the ministry of experts, is to be found. The joint rôle played by the experts and by a coalition, or a bloc, is of peculiar importance, for it has been essential to economic recovery, in every instance, that political issues be temporarily pushed into the background while the experts take control. Thus, the dual principle of coalition and expert guidance has been utilized, almost without exception, and as by a prearranged schedule, in the processes of national reconstruction.

Such, in Czechoslovakia, was the rôle played by the Černy ministry. It was made up without consideration as to the political affiliation of its members, and without any high-sounding announcement of a ministerial program. Sufficient had been the pronouncements of Kramař and Tusar; the Černy ministry must be one of work. Černy himself described it as "a Cabinet of officials, as contrasted with the former Cabinet of party leaders." Under the party system, continual haggling over the distribution of ministries took place between the parties, and every resignation of a Cabinet post produced an inevitable "crisis." Hence, Černy took the stand that his ministry should be non-political in the sense that it must hold aloof from all party questions and pursue a policy solely and wholly in the interest of the State. For its existence it depended only on a "working majority" such as Parliament might be expected to accord to a disinterested group of administrators; it did not stake its existence on votes of confidence or interpellations. In fact, Parliament was not in session when the ministry was formed, and only the main committee was informed of its constitution and of its intention to pursue the policies to which the National Assembly had already given its adherence under Tusar.

[1] See General Time and Party Chart showing cycles, opposite p. 397.

Hence, the year covered by the Černy ministry was devoid of political crises, despite growing dissatisfaction at the lack of healthy parliamentary life. At the outset, the advent of a body of administrative experts relieved the tension existing in the National Assembly, as no one party felt that it would be held accountable for the actions of the ministry. Later, however, this became an attitude of political indifference, and the absence of the ordinary parliamentary discipline led to great political disorganization and the disintegration of party groups. A sort of parliamentary steering committee of representatives of the five main parties sufficed, however, to organize the legislative program of the non-partizan ministry, and the presidents of the two Chambers assumed the rôle of temporary spokesmen for the Cabinet, by announcing its program to the Chambers, and adjourning the Chambers, as found convenient.

In this way, a considerable amount of fundamental financial legislation was passed by the National Assembly, and, with its sanction, the Railway Councils became a new economic institution, and a Shop Councils law, affecting the industries left intact by the Mine-Councils act, was put into effect. During this period an interministerial commission was constituted to regulate the relations between Church and State. This thorny problem was approached tactfully, and in a non-partizan way, by the introduction of a few strictly administrative reforms, transferring to the care of the State the keeping of the civil register of births and deaths, and making compulsory the recording of marriages, whether performed under civil or religious auspices. The reorganization of the dioceses to conform to the new boundaries of the State marked a further approach to a peaceful dissolution of the bonds existing between Church and State.

Despite these constructive measures, enacted at a time when the country was endeavoring to recover its economic equilibrium by arduous work and ordered production, party feeling continued strong, and active protest against the restraint put upon parliamentary activity arose in the spring of 1921. The main parties, Social Democrats, National Socialists, Clericals, Republican Agrarians and National Democrats, all held their party

conventions in May, 1921, and resolved to return to the regular parliamentary life as soon as pressing matters were finished by the Černy ministry. Concurrently, the extreme Left Socialists definitely reorganized as a Communist Party and appeared as such in Parliament. In June, the Social Democratic Deputies demanded the convocation of Parliament, which forthwith renewed its sessions, but the return to the ordinary parliamentary régime did not come about until September. On September 26, after long negotiations between the parties, a new Cabinet was formed under the premiership of Beneš (who retained the portfolio of Foreign Affairs) and comprised three Agrarians, three Social Democrats, two National Socialists, and two Clericals. Beneš remained non-partizan.

The Ministry of Eduard Beneš, Sept. 26, 1921-Oct. 7, 1922

The Beneš Cabinet came into office promising a return to true parliamentary life and its record was an accurate fulfilment of that promise. The legacy which the Ministry of Experts left was a complex one. The relation of municipal to State finances and taxation was unsettled; the administrative change to the prefectoral system was but half completed; the social legislation in regard to insurance remained to be put in force; the codification of laws, the reform of the penal code, the regularization of the judicial system had not been completed. Finally, the actual separation of Church and State had not been consummated. To these problems, Beneš was forced to give his attention.

The program of the Cabinet was one of fulfilment, rather than of new promises. Beneš pledged to keep the budget balanced, to issue no paper money, to arrange a satisfactory tariff, to complete the network of commercial treaties between Czechoslovakia and the other states—a policy long before initiated by him. Assurances of a plentiful food supply, of the carrying out of the social insurance program, the housing and unemployment relief measures, and the policy of agrarian reform were given, and faithfully kept. The question of relations between Church and State, which Beneš had attempted to solve in part

by conferences in Rome with the Papal Secretary of State, Cardinal Gasparri, remained unsolved, largely due to the pressure of other tasks, although the problem of separation was still an acute one. The policy of peace and pacific reconstruction, which Beneš pursued more consistently than any other statesman in Europe, was throughout the dominant characteristic of his ministry.

No account of Czechoslovakia's political and constitutional development is complete without a mention of the more outstanding features of the foreign policy of Beneš—a policy which has remained distinctively his, since the establishment of the National Council in Paris. It was Beneš' insistence upon the democratic and open character of Czech endeavors for independence and self-government that won for Czechoslovakia prompt recognition by the Allied and Associated Powers during the closing months of the World War; it was his thorough mastery of international affairs, his astuteness as a diplomat, that secured strong guarantees of friendship and protection for Czechoslovakia at the Peace Conference. All in all, the territorial claims of Czechoslovakia were practically accepted without hesitation by the Great Powers, and the willingness to furnish more than the minimum guarantees asked for, in regard to national minorities, placed Czechoslovakia in an enviable light. It was Czech policy to secure the internationalization of the arterial waterways to the Baltic and to the Black Sea, and this Beneš was instrumental in effecting.

Returning from Paris to direct affairs at home, Beneš undertook to reëstablish the ties of commercial intercourse and political solidarity with the neighboring states. Temporary agreements were entered into immediately, and, one by one, the various neighbor states were drawn closer to Czechoslovakia by the treaties of friendship and alliance. Austria was the first to accede to Beneš' wishes, and from the beginning of 1920, the two countries were drawn together by treaty in close ties of economic interest. This has proved the best means of preserving friendly relations between the German and Czech population of Czechoslovakia.

The second great constructive work of Beneš was the creation

of the Little Entente—an act occasioned by the recalcitrance of Hungary in executing the Treaty of Trianon. The Little Entente consists of a series of defensive alliances between Czechoslovakia, Rumania, and Jugoslavia, pledging them to neutrality in case of attack by third parties, and to collective action against any violation of the Treaty of Trianon, particularly in the event of an attempt at a Habsburg restoration. The utility of these treaties was put to a test within a month after Beneš assumed the premiership, by the second Karlist coup d'état in October, 1921. The prompt and effective action of the Little Entente in mobilizing against Hungary was sufficient in itself to indicate the strength of the treaty ties binding the allied states, and they were able, by their ready action, to persuade the Great Powers that the Habsburg menace must be ended once for all. The Hungarian Dethronement Act was the reply, and the Little Entente was satisfied.

The third step in Beneš' system of economic reconstruction was evidenced by the resumption of friendly relations with Poland and an informal expansion of the Little Entente to include her. This was an exceptionally difficult feat for Beneš, on account of the ill will shown by the Chauvinist Cabinets previously in office in Poland. With the advent of Skirmunt to the Polish Foreign Office, Beneš saw his opportunity and secured, by treaty, Poland's adhesion to his principles. In so expanding the Little Entente, he laid the basis for the successful culmination of the Porto Rosa economic conference of the Succession States at the end of 1921.

This first gathering of the Succession States was a logical step in the development of the relations established previously by Beneš. When the conference met, the economic barriers between Czechoslovakia and Hungary had already been leveled, despite the Karlist coup, and the further agreements between all the states for the renewal of economic intercourse were but the simple rounding out of the fragmentary agreements previously uniting the various Succession States.

The fourth phase of Beneš' policy was revealed in connection with the Genoa Conference, at which for the first time, all Europe sat around the common council board. At Genoa, the

Little Entente acted as a unit. The reason for this solidarity of action was Beneš. A preliminary conference of the states of the Little Entente reached a complete agreement as to the policy to be pursued in common—a policy the exact counterpart of that adopted by the Baltic States. At Genoa, Beneš was a leading figure, and presented to the conference views sustained by practically the whole of Southeastern Europe. Out of that conference, despite its failure to reach a fundamental settlement on many of the larger issues of European concern, Beneš emerged with new laurels for himself and Czechoslovakia.

The chief gains were a renegotiation of the Little Entente and a formal adjustment of the relations of Czechoslovakia with Russia on the one hand, and the Ukraine on the other. These countries, with which the rest of the European world refused to deal, readily consented to negotiate with Beneš, and the treaties consummated at Genoa bore excellent evidence of the spirit actuating the Czech premier. "Since 1917," he told the Parliament on his return from Genoa, "we have never deviated from a policy of non-intervention, of non-isolation of Russia, a policy of gradual evolution and economic coöperation—a policy calculated to render practical and immediate aid to Russia while leaving questions of principle to theoretical discussion. It is in this spirit that we negotiated . . . with Russia." By the treaties Beneš pledged both countries to mutual declarations of neutrality in case of war between third parties, to full recognition of the rights of property and persons, while reserving for future discussion the subject of the *de jure* recognition of Russia and the Ukraine.

It is extremely interesting to compare the policies of Beneš with American policies. In the dealings between Czechoslovakia and her former mentor, Russia, Beneš has adopted the same fundamental principles laid down for the guidance of America by Washington—*de facto* recognition, neutrality, and non-intervention, but, in his opinion, these conflict neither with special alliances, such as make up the Little Entente, nor with effective coöperation with the League of Nations.

The renegotiation of the Little Entente was planned at Genoa, but not immediately consummated. Beneš there per-

suaded the Polish Government to come to closer terms with the other members of the alliance, and when it was renewed on August 31, 1922, the binding character of Poland's engagements with Czechoslovakia was explicitly recognized.[2] Agreements with other members of the Baltic group are still pending, and negotiations for a new orientation of the Little Entente to include Bulgaria are not unlikely. In the expansion of the treaty system thus initiated, Beneš sees the creation of a new political order in Europe, conditioned solely upon "the recognition of the peace treaties as bases of further action" and not upon any plans for an overthrow of the territorial settlement reached at Paris. The economic clauses may be modified or regulated by "a new system of commercial treaties" but no questioning of the territorial settlement is contemplated.

For that reason, Beneš frowned, during the Near Eastern crisis in the fall of 1922, upon the numerous suggestions for the formation of a new Balkan Confederation to reënact the tragedy of its predecessor in 1912. The only legal adjudication of the new territorial order which is possible under existing circumstances is that furnished by the machinery of the League of Nations. That is why the difficulties in frontier delimitation between Czechoslovakia and Hungary have finally been liquidated by appeal to the League.

It is entirely in consonance with Beneš' policy that Czechoslovakia should support the League. In its Assemblies he has played a dominating part; its obligations he assumes for Czechoslovakia without hesitation, and loyal compliance with every dictate of the League has become an integral part of the nation's policy. The treaty-system which Beneš is fashioning is carried on openly, and entirely in the spirit of the Covenant.

But Beneš' policy is not completed; it is still in an incipient stage. It is developing from an individual policy of an in-

[2] In commenting on this Beneš stated: "While Poland, because of her peculiar problems and geographical position, cannot exactly form part of the Little Entente, a very tacit agreement exists between that country and the three Central European Associates and a strong trend of solidarity and coöperation has been established since the Genoa Conference." Count Skrzynski, the Polish Foreign Minister, has been quoted in a similar vein.

dividual minister into a political system for the whole of Europe. It includes the idea of a wholesale pact of non-aggression, or a series of pacts and covenants between individual states. These treaty relationships, based largely on the same principles as underlie the Covenant of the League of Nations, are regarded by Beneš as the sole means of reëstablishing pacifically the ordered political and economic life of Europe. For Czechoslovakia, they are an imperative necessity; for the rest of Europe they are destined to prove equally helpful.

The year covered by the Beneš ministry, while spectacular in the achievements in the field of foreign affairs, was no less noteworthy on its domestic side. The burdens of the Foreign Office, in addition to the premiership, were such that to a large extent Beneš was forced to rely upon a steering committee of the party leaders—a relic of the Ministry of Experts—to push through legislation. The coalition that supported the premier nominally included all the parties except the Germans, the Magyars, and the Communists.

In the course of 1921-1922 the National Assembly passed three outstandingly important pieces of legislation, defining, first, the methods of procedure in enforcement of the Agrarian Reform Law of 1919; second, the regulations for religious instruction in the schools, and third, the permanent military policy of the country. While other countries, such as Jugoslavia, continued to increase their military budgets and kept a considerable proportion of their nationals under arms, Czechoslovakia by this third measure made provision for the shortening of the military service law to six months for those who were sole supporters of a family, and granted a general exemption to those essential to agriculture.

Meanwhile, the economic recovery of the country by the retirement of certain classes of Austro-Hungarian notes, beginning with those of lowest denomination, appreciably reduced the total circulation of money and the revenues raised sufficed to pay off, in specie, the first internal loan of 1919. Once this had been accomplished as proof of Czechoslovakia's stability, gold loans were contracted in London and New York and the

value of the Czechoslovak crown almost trebled. Despite the immediate economic discomfort caused by this, the Government refused to interfere, and waited for the natural reaction to come before attempting any stabilization. Once this point had been reached, the crown was officially stabilized, and became for the first time since the war, the monetary standard for central Europe. Finally, in consonance with similar measures in other of the Succession States, plans were made for the establishment, after October 28, 1923, of the *ducat* as the gold standard for Czechoslovakia.

Toward the end of 1922 party realignments began to take place in view of the results of the municipal elections, which had shown a clear trend away from the Social Democratic Party toward the People's Party (Clerical). It became obvious that a recasting of the cabinet, to conform to the spirit of the country at large, would presently become necessary, but no endeavor was made to hamper Beneš in his conduct of foreign affairs. In Parliament the steering committee of party leaders voiced its desire for active participation in the administration, hence as soon as Beneš' tasks at the Third Assembly of the League of Nations were completed, the Cabinet resigned, and was followed by one under the premiership of Anthony Švehla, the leader of the Agrarian Party. In the new Cabinet Beneš retained the foreign office. The end of his ministry came without dissension or any ministerial crisis, and it was universally recognized that he had acted ably in a period of unusual international importance.

The Ministry of Anthony Švehla, October 7, 1922-

The rise of the Agrarian leader to the premiership was not unexpected. As the dominant figure in the Big Five that conducted the legislative program of the Beneš ministry, Švehla had attained a preëminent position in domestic politics in virtue of his ability to reconcile differences between rival factions in the National Assembly. His elevation to office was marked by the simultaneous entry of the other four parliamentary

leaders into the cabinet.[3] For the first time since Kramař, the country was to have a "Ministry of all the Talents," with men of the highest caliber, and this time without the drawbacks occasioned by war-psychology.

To the Ministry of Finance—the pivotal post in the period of deflation—Rašin returned, to pick up the threads of financial policy and carry them forward with renewed energy. His task was, however, but half consummated, when he was assassinated by a young Communist in the opening days of 1923. This act, like the assassination of Rathenau in Germany and Drasković in Jugoslavia, led to the introduction in Parliament of stringent measures for the safeguarding of the State, and a law not unlike the German Law for the Defense of the Republic was enacted, not, however, before an unsuccessful attempt on Beneš' life had been made. Every section of public opinion condemned these outrages, and no evidence of concerted endeavors at political assassination was shown. Hence, despite the apparent danger, the condition of the country remained peaceful.

This crisis over the defense of the Republic, as in Germany, threw party affiliations into clear relief, and resulted in negotiations between the Socialist parties looking toward a fusion. Not only was this true among the Czech Socialist parties—which had eliminated their Communist elements during Tusar's régime—but, in addition, the German groups in the National Assembly began to disintegrate, and the German Social Democrats coöperated with their Czech brethren. The Germans further developed two new groups, German Democrats and German Agrarians, in their endeavor to rally to the support of the republic. This left in the existing National Assembly only a rump of Pan-German nationalist malcontents to pursue an obstructionist course. To all appearances, the Communist Party, too, appeared to be disintegrating. These party realignments serve to demonstrate the stability of the new régime, and the importance attaching to republican institutions.

The predominance of Agrarians and National Democrats in the Švehla Cabinet gave evidence of a healthy conservatism in

[3] Thus, the Big Five having entered the Cabinet, a new steering committee of five senators and ten deputies was created.

Czech national policies, and of a deep-rooted desire to carry agrarian reforms to completion. Like Beneš, Švehla pledged himself to a policy of fulfilment of previous party pledges, emphasizing that there existed no essential difference in program between him and his predecessor. Particular stress was laid, however, on the importance of enacting the old age insurance and pension program and of liquidating the relations between Church and State. In the interests of more efficient administration, the separate ministry for Slovakia was discontinued and the new prefectoral divisions there came into being January 1, 1923.

Of greater constitutional and political importance, however, was the Agricultural Chambers bill, enacted in April, 1923. The creation of the bodies therein provided for is undertaken with a view to aiding agrarian reform, and stimulating agricultural education, production, and coöperation. In a country where agriculture is so vital, and where the peasantry are for the first time acquiring their own land, the government regards it as a fundamental duty that the new peasant democracy shall receive adequate training along all agricultural lines.

In consequence, there will be created agricultural associations in every Department, in which membership will be compulsory for all agriculturalists. These associations are to be supported by government subsidy and a surtax of 5-10 percent on the assessments levied on each farm. The agencies of common coöperative action are to be a general assembly of the farmers in each Department, and an executive committee of twelve, to conduct necessary business between meetings. Finally, as a safeguard to agrarian interests, the Agricultural Chambers will have the right of legislative initiative, their proposals being submitted, like any other bills, to the National Assembly.

In this new compass, therefore, the farming classes are to be educated into the ways of democracy, and taught the virtues of coöperative action. Among a people as practical as the Czechs, this initial step in economic self-determination and self-government ought to prove of unusual value in coming years. The economic and political reconstruction of Czechoslovakia, par-

ticularly in its agrarian phases, cannot be completed in a day, but its progress is being accelerated by astute statesmanship.

Summary and Conclusions

Of all the Succession States of the Austrian Empire, Czechoslovakia has enjoyed the most ordered development and the greatest prestige. The men who founded the Republic were realists, democrats, constructive in their ideals. A contrast has been pointed out between Poland, which chose a General as Chief of State, and Czechoslovakia, which chose a philosopher. While the life of Poland has been extremely turbulent, the political evolution of Czechoslovakia has proceeded in peace. Alone, of all the Succession States, Czechoslovakia has returned to a healthy parliamentary life, to ordered production, to a balanced budget, and to friendly relations with all countries. Such a situation is not fortuitous; it is the work of constructive statesmanship.

Alone, of all the Succession States, Czechoslovakia has seriously and honestly endeavored, without violence, to conciliate the racial, linguistic, and religious minorities. The constitution adopted for the Republic is a model mechanism for insuring judicial supremacy, executive leadership, and parliamentary stability. If that constitution has not been developed on its economic side, it has been due to the desire of Czechoslovakia to go slowly in the paths of economic experimentation. Nevertheless, outside the confines of the Constitution, there have been created conservative conciliar bodies to give counsel and to share in the responsibilities of industry. The laws for miners' councils have been followed by laws creating railway and factory councils—the latter almost identic with those in Germany. The policy of socialization, conservatively applied, has redounded to national benefit in the case of hydro-electric power and still more so in the case of the nationalization of land. Through this means the avenue has been opened toward the building up of a new agrarian democracy, a middle-class, self-respecting citizenry, freed from landlordism and feudal oppression. The

solid support given by all parties to this fundamental reform indicates that it will be of lasting benefit.

Finally, in social policies, the Czechoslovak Republic is progressing admirably in consonance with the most up-to-date ideals of public health and social welfare. Free in its political institutions, democratic in its social and educational system, broadminded in its treatment of races and religions, pacific in its international intercourse, Czechoslovakia, though occupying the same lands as the Habsburgs, though bearing the same problems of nationality, is building soundly, constructively, tolerantly, her own house of peace from the ruins of the House of Austria.

CHAPTER XV

THE JUGOSLAV RENAISSANCE

JUGOSLAVIA: THE NATIONAL MOVEMENT: *Early Manifestations of Nationalism—The Intellectual Renaissance—Political Subjection of the Jugoslavs—The Rôle of Serbia in Jugoslav Unification—The Rôle of Montenegro—Italian Influences—Arbitrary Divisions of the Jugoslavs—The Odium Theologicum—Proposed Solutions: 1. Repression—2. Trialism—3. Greater Serbia—4. Jugoslavia.* THE JUGOSLAV MOVEMENT DURING THE WAR: *Action Outside the Monarchy—The Jugoslav Committee—Baleful Effects of the Treaty of London—The Jugoslav Legions—Action Within the Monarchy—The Union of Internal and External Forces—Declaration of Corfu—Pact of Rome—The Jugoslav National Council—Revolution—The Problem of Forming a Unified Government—The Declaration of Geneva—Final Unification.*

JUGOSLAVIA: THE NATIONAL MOVEMENT

FOR a century after the organization of the Illyrian Republic by Napoleon, the Jugoslav movement was, for the most part, confined to the intelligentsia of the Southern Slav countries of Austria-Hungary. The fires of nationalism, which the French Revolution kindled in the Slavic populations of the ramshackle empire, smoldered under the régime of Metternich and burst forth in the Revolutions of 1848 showing itself in two distinct ways: the first, the summoning of a Pan-Slav Congress at Prague; the second, the agitation for a union of the Slavonic population of Illyria, led by the brilliant military leader Jelačić. But the time for a Jugoslav union had not as yet come, and the Imperial Government, mustering the Croatian nationalists against the Hungarian Republic of Kossuth, utilized them to further its policy of Hausmacht, and then suppressed by its absolutist régime the nascent nationalism of the Southern Slavs.

For approximately half a century thereafter, the forces working for Jugoslav unity worked covertly, emerging into prominence but rarely, yet with an uncanny definiteness both within and without the Dual Monarchy. The South Slav renaissance

worked along the same intellectual lines as did that of the Czechs, and manifested itself in the revival of Slavonic studies in philology and secular and ecclesiastical history. The work of unification of Slavonic orthography by the parallel work of Ljudevit Gaj and Vuk Karadzić formed the basis for a fuller national understanding on the part of the South Slavs who had been trained under Roman and Byzantine influences respectively. Thus, by the creation of a unified language, distinguished only by the employment of the Cyrillic and Latin alphabets, the medium for satisfactory interchange of thought between the politically divided peoples was created. A period of revival of general education and arts ensued, accompanied by the founding of a Southern Slav academy in 1867 at Zagreb and a Croatian University there seven years later.

Yet despite the progress of national feeling shown in these ways, the political subjection of the Southern Slavs to the German-Magyar combination that created the Dual Monarchy was absolute. Not only were the Southern Slavs divided between the Dual Monarchy and the principality of Serbia, but within the Dual Monarchy itself the Slavs were apportioned between Austria and Hungary, while the later acquisitions of Bosnia and Herzegovina were placed under the control of the Joint Government. Thus, at the outbreak of the World War, the term "Jugoslavia," like "Italy" a century earlier, was merely a geographical expression. But just as the evolution of a united Italy came about through the leadership of Piedmont, so the evolution of a Jugoslav State was destined to come about through the leadership of Serbia.

In the Serbian State, whose fight against the Ottoman Empire for liberation had begun under Kara George in 1804, there centered the hopes of the more ardent Russophil Slavs of the Balkan peninsula. It was Russia that had stood for the creation of an independent principality of Serbia at Adrianople in 1829, and had given protection to the young principality until forced to relinquish her protectorate by the Treaty of Paris in 1856. Finally, the nominal ties of suzerainty which the Ottoman Empire maintained over Serbia were severed and the country attained nominal independence, by the provisions of the

Treaty of Berlin in 1878. Thereafter, Serbia would appear to have been free, but in fact her entire evolution, political and economic, was guided, if not openly dictated, by the wishes of either Petrograd or Vienna. Thus Serbia's divided allegiance, her dependence upon the Dual Monarchy for her economic development, combined with her desire to cultivate closer ties of culture and religion and political intimacy with Russia, made her singularly unable, for over a score of years, to assume the aggressive leadership among the Jugoslav nationalities.

Another group of the Jugoslavs, whose traditions of independence ran back throughout the entire period of Ottoman domination of the Balkans, were the inhabitants of Montenegro. This little mountain-fastness country, on feeling the urgings of nationalism, managed to secure for itself the status of a principality under the Treaty of Berlin, in 1878, and, with Italian dynastic and economic support, was raised to a Kingdom in 1910. Of all the countries inhabited by the Jugoslavs, Montenegro was unquestionably the most backward, partly on account of the natural barrenness and unproductiveness of the country, and partly because of its moral and social retardation during the centuries of war against the Turk. It maintained a paternal, or more truly absolutist government until the outbreak of the World War, with scarcely a semblance of democracy, as the monarch, ruling with the aid of a National Council, practically appointed the whole of that body, half directly and half through election by the army.

Dependent upon Italy in its international relationships, Montenegro existed as an outpost of Italian influences, which sought, by the cultivation of the Montenegrin tradition of independence, to satisfy the stolid peasantry and prevent the further evolution of a Jugoslav national feeling. In this, Italy was aided by the tactics of the King, Nicholas I, who outwardly kept up an appearance of friendship and solidarity with the states of the Triple Entente, and secretly favored the designs of the Triple Alliance through the Austrophil acts of his son, Prince Mirko. At best, then, Montenegro could be but a questionable and relatively insignificant factor in the processes of Jugoslav unification.

Within the confines of the Dual Monarchy little encouragement towards national development was furnished the Jugoslavs. Everywhere the policy of *divide et impera* was manifested. Thus, Hungary partitioned off Croatia-Slavonia from her "millenary kingdom" and maintained a Magyar majority in Hungary proper, while conceding to Croatia-Slavonia a packed Diet and meager representation in the houses of Parliament. Austria made more complex the division of her Jugoslavs and governed some through the Dalmatian Diet, while others in Styria, Istria, and Carniola found their sole representation in the provincial Diets. Only thirty-seven South Slav deputies appeared in the lower house of the Reichsrat. Finally, the concession of a separate Diet for Bosnia and Herzegovina in 1910 served merely to place the newly acquired provinces in a political vacuum, lest they disturb the complicated racial arrangements in either half of the monarchy. The whole position of the South Slavs was ominous, for it was obvious that if ever national feeling should overstep the highly arbitrary bounds that had been placed around the several groups, the unity of Austrian control would thereby be broken, and the very existence of Austria and of the Dual Monarchy imperiled.

But not only were administrative boundaries employed to keep the Jugoslavs apart; every endeavor was made to utilize the *odium theologicum,* the religious feud between Orthodox and Roman confessions, and between these and the Moslem faith, as a basis for political separatism. The Roman Catholic Croats and Slovenes were played off against the Orthodox Serbs, and these in turn against the Bosnians, while the Imperial Governor of the Joint Provinces endeavored to cultivate a separate Bosnian national feeling on the basis of loyalty to the House of Habsburg. Such were the ramifications of the nationality policies of Hausmacht.

Manifestly the political situation of the Jugoslavs could not be ignored permanently by the monarchy, lest it lead to its downfall, hence the Austrian Government envisaged various solutions—solutions which by the very nature of things could only be partial and not permanent or lasting. The Austrian

policy, par excellence, and the only one ever practiced, was that of repression. To maintain the ascendency of the Germans in Austria and the Magyars in Hungary, the enforced denationalization of the Jugoslavs, as well as the other nationalities, was necessary, and this was carried out with thoroughness in the period immediately preceding the World War. The placing of Serbia in economic vassalage to the Triple Alliance, the prevention by Austria-Hungary of any extensive territorial gains by Serbia in the Balkans, the annexing of Bosnia-Herzegovina, the creation of an independent Albania under the political auspices of the Triple Alliance, the fostering of Bulgarian separate national development, all played their part in the Austro-Hungarian scheme for repression of Jugoslav feeling. But the political persecution of her own Jugoslavs was paramount.

After the outbreak of the World War, the policy of repression by every legal and illegal means available was brutally pursued. Austria, no less than Hungary, suppressed the Jugoslav press, interned persons suspected of disloyalty, tortured, dispossessed, and deported them, left them to die of famine and disease in prison, or else massacred them outright by summary military methods. Such was the solution of the Jugoslav problem by repression.

The second solution proposed was that of Trialism—the idea of organizing all the Southern Slavs into a single State attached to the Habsburg monarchy through a common ruler and the Joint Government. It was to be created by an instrument analogous to the Ausgleich that built up the Dual Monarchy. Yet the "Triple Monarchy" found few supporters in fact. Such a creation would mean the disruption of millenary Hungary, hence Hungary was loath to part with the Jugoslavs of Croatia and Slavonia. It would mean the separation of important parts from the Austrian domain, and would result in shutting off both halves of the Dual Monarchy from direct access to the Adriatic. Hungary envisaged a Greater Croatia; Austria a union of all the Jugoslavs within the Austrian crownlands. But in any event the Jugoslavs outside the Dual Monarchy remained to be considered and no solution which ignored them could be complete. Popularly supposed to be the cherished project of Franz

Ferdinand, the murdered Archduke, the idea of Trialism had in fact little support from him, or from Serbia, or from the Jugoslavs within the monarchy itself. Further difficulties in the way of its realization were found in the religious antagonisms of the Orthodox and Roman Catholic Slavs. Trialism meant the definite abandonment of the leadership of Serbia in the Jugoslav movement. It was a repudiation of existing facts, and an artificial idea at best.

The third solution possible was that of the creation of a Greater Serbia. It was thoroughly in consonance with the spirit of Pan-Slavism, a spirit that, following Russian leadership, sought its expression in the unification of all the Slavs of the Orthodox faith. While this solution was complicated by problems arising in connection with Bulgaria, its most grievous fault lay in its overlooking of the fact that the Southern Slavs of the Dual Monarchy were half Catholic, affiliated with the Roman Church, and half Orthodox, owning allegiance to Byzantium. Any project of unification that was not sufficiently comprehensive to embrace the entire Slavic population of the Balkans must necessarily be rejected.

Every endeavor of the Old Serbia to gain access to the sea was an expression of the ideal of Pan-Serbism, and the Serbian statesmen were inclined to view such a process of national expansion, wherein Serbia should play the leading rôle, as the sole possible solution of the problem. Its realization would have meant the stamping of a distinctively Serbian nationalism upon all the Jugoslavs included within the compass of Greater Serbia; that its influence is even now not completely dissipated, is witnessed by the character of Jugoslav action in regard to Albania, where attempted denationalization has been most noticeable.

Lastly, there was the ideal of a real Jugoslavia, of the union of all the branches of the South Slav race—a union in which even the Bulgars would find their place. Actually propounded but by a few intellectuals, it was a solution distinctly anti-Russian in spirit, because it rejected both Austrian and Russian domination or hegemony, and substituted therefor a spirit of real nationalism. At the beginning of the World War, it was an ideal held only by a few individuals; it was repudiated by

the Serbian Government; it was never envisaged by the Southern Slav leaders within the governing circles of the Dual Monarchy and much less so by the general populace. Yet such was the influence of the war upon national feeling that at its end a united Jugoslavia had become the normal, natural ideal of all the Jugoslavs, and its realization was achieved with remarkable celerity.

The Jugoslav Movement During the War

The policy of repression, reinaugurated during the war, did not permit any open propaganda in behalf of a national unification of the Jugoslavs to be conducted within the confines of the Dual Monarchy. Hence, as in Czechoslovakia, propaganda had to be carefully carried on under cover within the monarchy while contact was kept with the forces outside of it making for the realization of Jugoslav national aspirations.

The Jugoslav National Committee, formed by the two Dalmatian leaders, Trumbić and Supilo, and largely financed by contributions from the Jugoslavs in America, was constituted first at Rome, and later at Paris and London, when Rome did not give an ardent welcome to the workers for Jugoslav unity. The action of the Committee was not unlike that of the Czech National Committee in Paris, and consisted in bringing to the attention of the Allied Governments and the Allied public the claims of the Jugoslavs. Thus various bulletins and pamphlets were published from time to time reporting the acts of the Jugoslav leaders and recording the progress of their campaign for liberation. In all these endeavors the members of the Jugoslav Committee moved along the same lines as the Serbian Government, but no organic connection between the aims of the two was reached until July, 1917.

Meanwhile, the discovery by Supilo of the secret Treaty of London which transferred large numbers of Jugoslavs to Italy, with Russia's explicit approval, gave the movement a considerable backset. It enabled Austria to plead a war of self-defense in appealing to her Jugoslav troops, which fought with considerable distinction against the Italians, whom they conceived to

be their enemies. It also tended to make the Jugoslavs look askance at Serbia's connection with Russia. Serbia, indeed, was obliged by Russia to confine her claims to territories inhabited by Serbs, and Pašić, the Serbian premier, remained to the last rather an exponent of Pan-Serbism than a genuine believer in Jugoslav national unification.

Nevertheless, in Russia, Jugoslav legions were formed to fight against the Dual Monarchy, although the attitude of Italy effectually prevented the formation of Jugoslav legions on the Italian front. In contrast with the action of the Poles and the Czechoslovaks in America, where large contingents were raised after the entry of the United States into the war, the Jugoslavs met with but meager success along these lines, and the rôle of the Jugoslav legions as the defenders of the ideal of national unification is a much smaller one than that played by the Polish and Czech legionaries.

Within the Monarchy, agitation began with the convocation of the Reichsrat in May, 1917, and the Jugoslav Deputies formed there a Jugoslav Club akin to the Polish and Czech clubs that also agitated for their respective national aims. The sole line of agitation possible within the Reichsrat was for the union of all Jugoslavs within the monarchy under the Common Crown of the House of Habsburg and this was demanded formally, the loyalty expressed to the House of Habsburg being merely a blind to the Government. The declarations made in the Croatian Diet—the only other political body in which the Jugoslavs had any representation—were of like tenor, but did not have equal significance. The demands of the Jugoslav Club grew more insistent with the passing months, until in September, 1918, they actually included independence and self-determination. Thus it merely required the union of the Jugoslav forces within and without the monarchy to consummate the task of political liberation.

The union of the forces without was the direct product of the Russian Revolution and the American entry into the war. The collapse of the Czarist régime prevented Pašić from fulfilling his plans for a Greater Serbia under Russian leadership, and the same cutting loose from the Russophil tradition which

proved so potent a factor in the liberation of both Poland and Czechoslovakia operated to give the Jugoslav movement a more substantial basis. If such a national state were thereafter to be created, it would be neither an appanage of Austria—as the Central Powers dreamed—nor a Balkan tail to the Russian kite. The liberation of subject nationalities was a declared Allied war aim, and the refashioning of the world according to democratic principles had become a necessity.

In this crisis, Pašić, representing the Serbian Government, and Trumbić, representing the Jugoslav National Committee, came to an agreement known as the Declaration of Corfu, on July 20, 1917. That document declared the Serbs, Croats, and Slovenes to form a single nation and invoked the right of self-determination in their behalf. It demanded complete national unification under the Karageorgević not under the Habsburg, dynasty. It promised "a constitutional, democratic, and Parliamentary monarchy," and the equality of Moslem, Orthodox, and Roman faiths, of the three national names and flags, and of the Latin and Cyrillic alphabets. Equal rights for all citizens, universal suffrage, for both parliamentary and local elections, local autonomy in so far as compatible with existing social and economic conditions, and the freedom of the Adriatic to all nations were proclaimed. Lastly, it was provided that after the conclusion of peace a Constituent Assembly, elected by universal suffrage, should determine upon the future form of the State, which was to include Montenegro. This practically laid down the bases for the constitutional organization of the future State, and pledged both the Serbian Government and the Jugoslav National Committee to the recognition of democratic principles. The Declaration of Corfu can therefore be taken as a document of signal importance to the Southern Slavs in the history of their national unification.

A further declaration, more frequently regarded as a "pact," was that signed on March 7, 1918, between the Jugoslav Committee in London and Signor Torre, an influential Italian politician, ostensibly on behalf of the Italian Government, and published at the Congress of Oppressed Nationalities in Rome on April 8, 1918. This noteworthy declaration recognized the

fact that both nations, the Jugoslavs and the Italians, were equally interested in the completion of each other's national unity and in the liberation of the Adriatic. It was agreed to settle territorial questions amicably after the war on the basis of the principle of nationality and self-determination. Finally, both nations mutually guaranteed the rights of their respective national minorities.

This so-called Pact of Rome is significant chiefly for the honest endeavor of the Jugoslavs to come to an agreement with the Italians on fundamental principles of policy, and also for the fact that it was recognized by foreign powers, such as the United States, as officially binding upon the signatory powers. In fact, it was officially disregarded in practice, and seems never to have been taken seriously by the Italian Government. Italy, at any rate, strenuously objected to the attainment of national unity by the Jugoslavs, sought after the armistice to effect territorial settlements by military occupation, and finally, refused to give any guarantees as to the cultural welfare of the Jugoslav minorities that came into her hands. Nevertheless, the pronouncement made at the Rome Congress was instrumental in arousing the Jugoslav population of the Dual Monarchy to the support of their leaders. After the Rome Congress a Slav Congress was held at Prague in May, 1918, and one in Ljubljana in August. The latter was important as an expression of the Jugoslav power of organization, for there, under the leadership of a Slovene Clerical parliamentarian, Father Korošeč, the Jugoslav National Council was founded.

It was to this extra-legal body, which rejected promptly, in the last weeks of the monarchy, the vain projects and solutions proposed by the German-Magyar partnership, that the governing power finally fell. Regional National Councils were founded in Dalmatia, Bosnia, Slovenia, and other portions of the Jugoslav territories, but it was the main body, the National Council of all the Jugoslavs, that played the most important rôle. As constituted by Father Korošeč, this body was composed of eighty-five members, chosen in much the same manner as were the members of the Czechoslovak National Council, with the addition of five members each from the Parliament at Zagreb, the Jugoslav

Club and the Bosnian Diet. This informal Committee of 100 was the body that claimed to represent the nation; in fact, its actions were largely those of an executive committee of six, headed by Father Korošeč.

On October 21, when Wilson's reply to the peace offer of Count Andrassy indicated that the Dual Monarchy must settle with the Jugoslavs directly, the Dalmatian and Bosnian National Councils took control; on the 28th, the military authorities at Zagreb ceded their powers to the Central National Council. On October 29, Croatia declared her independence of Hungary, renounced any and all connections with the Dual Monarchy, and proclaimed the union of the Slovene, Croat, and Serb lands. On October 31, the Joint Government handed over the Austro-Hungarian fleet to the Jugoslav National Council, in an attempt to salvage it from the naval clauses of the coming armistice. By this act both the Imperial and Joint Governments recognized the new state as a separate entity; the processes of unification were left to the Jugoslavs themselves to consummate.

De facto the Jugoslavs possessed political authority; *de jure* no one could find a united Government to recognize. In vain had the able statesmen of the Entente, Venizelos of Greece and Take Jonescu of Rumania, endeavored to persuade Pašić to form a coalition cabinet with Trumbić in the turbulent days of October, and now Jugoslavia was to pay the penalty. Trumbić could not enter a purely Serbian Cabinet without sacrificing the interests of the Austro-Hungarian Jugoslavs; Pašić's pride, in the hour of Serbia's exultation, prevented him from making the necessary concessions; thereby the incentive and decisive moment was lost, and the international position of the new state was seriously jeopardized. Italy stepped in where Pašić and his colleagues had faltered, and her occupation of territory claimed by the new State proved a disillusioning and disheartening humiliation.

At the crucial hour in which the Czechs from Prague were negotiating at Geneva with their National Council in Paris, the Jugoslav National Committee came to terms with the Serbian Government, also at Geneva. In the Declaration of Geneva,

embodying the accord there reached, the creation of a new Serb-Croat-Slovene State "as an indivisible state unit and as a member of the Society of Free Nations" was declared and the economic and political frontiers formerly separating its constituent portions were declared to be abolished. The Serbian ministers abroad were instructed to secure recognition for the new state, and Trumbić was made the ranking diplomatic representative to the Allied Governments. This eleventh hour bid for recognition came too late, however, and it remained for the Peace Conference formally to recognize the Serb-Croat-Slovene State when including it among the negotiators of the Treaty of Versailles.[1]

Meanwhile, a joint ministry was formed, not to supersede either the Jugoslav National Council or the Serbian Government but to act as a joint Serbo-Jugoslav Federal Cabinet dealing with war, joint finance, communications, reconstruction, prisoners of war, and preparations for a Constituent Assembly. The portfolios in this cabinet were equally divided between Jugoslavs and Serbs. Finally, Montenegro was invited to unite with the new State.

On November 23, the Jugoslav National Council proclaimed formally the union of the territories inhabited by Slovenes, Croats, and Serbs and invited the Prince Regent of Serbia, Alexander, to assume the regency of the new State, effective December 1. Meanwhile the ex-premier of Montenegro, Radović, summoned hastily a National Assembly of Montenegro—largely self-appointed, as were all the National Councils—which deposed King Nicholas, overthrew the dynasty, and proclaimed its union with the Serb-Croat-Slovene State, November 26. This practically ended the separate existence of Montenegro, although King Nicholas endeavored in vain to prove to the Peace Conference that he had been illegally deposed.

Finally, on December 16, 1918, a joint Assembly of the Serbian *Skupshtina* and the Jugoslav National Council, sitting as a provisional parliament, ratified the selection of the Regent and the union of the Serbs, Croats, and Slovenes into a single State. It was not until January 2, 1919, however, that the first

[1] May 7, 1919.

Cabinet following the organic union was constituted. The premiership was taken by Stoyan Protić, Serbian Old Radical, while Father Korošeč was made Vice-Premier and Trumbić Foreign Minister.

CHAPTER XVI

TOWARD A PERMANENT UNION

THE SERB-CROAT-SLOVENE STATE: INTERNAL AND EXTERNAL PROBLEMS: *Provisional Organization—The December (Zagreb) Constitution—Program of the New Government—The Provisional Skupshtina—Conservative Parties —Radić and the Croatian Peasant Party—Parties of the Left—The Jugoslav Democrats—Problems Before the Provisional Skupshtina—Form of the State—Influence of Serbian Constitution—Agrarian Reform—Centralization vs. Decentralization—Transitory Ministries—End of the Period of Transition.* THE CONSTITUENT SKUPSHTINA AND THE CONSTITUTION: *Results of Constituent Elections—New Groups—The Constitution: Projects—Federal Proposals and Arguments—Arguments Against Federalism—Need of National Supremacy—Final Passage of the Constitution.*

THE SERB-CROAT-SLOVENE STATE: INTERNAL AND EXTERNAL PROBLEMS

ONCE independence had been declared, diplomatic recognition remained to be accorded; while political unification had been consummated, the constitutional structure of the new State must yet be erected. In consequence, the problems of the new State were double: to obtain abroad recognition, food supplies, peace, satisfaction of territorial claims; to consolidate the internal structure at home, recast outgrown political parties and formulas, adapt the administration of the State to the new circumstances under which it had come into being. Far more than in either Austria, Hungary, or Czechoslovakia, the breakdown of the old régime had bequeathed a legacy of legal conflicts and political disunity which the Jugoslav statesmen had to face. The first task was much more spectacular, and succeeded, as is well known, in arraying the Great Powers against each other in regard to the delimitation of the frontiers between Italy and the new State; the quarrel over the strategic command of the Adriatic attracted world attention; the fantastic history of Fiume needs no repetition. The much more

arduous work of internal constitutional organization and reconstruction, however, needs elucidation.

The provisional organization of the new State, once the union of all the Jugoslavs had been proclaimed, was intrusted to a committee of twenty-eight members to act until the Regent, on assuming his office, should appoint a State Council. This executive committee was to prepare the work for the first meeting of the State Council, which thereupon should take over its powers. The State Council, summoned by the Regent to Sarajevo, instead of Belgrade, was to consist of all members of the Jugoslav National Council at Zagreb, of fifty representatives of the Kingdom of Serbia, and of five representatives each from Montenegro and the Voivodina (the region in Southern Hungary occupied by Serbs). From the members of this State Council a ministry was to be chosen, to cover the branches of administration such as existed in the old Dual Monarchy, and a special ministry for maritime affairs was to be created. "Joint Affairs"—i. e., those things previously left to the Joint Ministries, were expressly reserved to the State Council. The Ministry was made responsible to the Council for the administration of the "provinces." The actual local administration was to be carried out by seven Governors appointed by the Regent.[1] A Secretary of State was also to be appointed by the Regent in each instance to connect the ministry with the Provinces. These Secretaries were also to have a voice in ministerial deliberations. This régime, which was recognized as purely transitory, was the first scheme of government provided for the new State. It was fully recognized that at some later date, within six months after the conclusion of peace, a National Constituent Assembly would have to be summoned to decide on the future constitution for the Serb-Croat-Slovene State.

This idea was put into more definite form by the resolutions of the National Council at Zagreb on December 3, 1918, which provided that such a Constituent Assembly must represent all

[1] These were to administer the provinces from Belgrade for Serbia, from Cetinje for Montenegro, from Ljubljana for Slovenia, from Novi Sad for the Voivodina, from Sarajevo for Bosnia and Herzegovina, from Split for Dalmatia, and from Zagreb for Croatia-Slavonia.

the branches of the Serb-Croat-Slovene peoples, and must determine the final organization of the State by a two-thirds majority vote in all instances. Its work was declared to be the decision as to whether the final form of the State was to be monarchic or republican; it was to settle the form of administrative organization, the principles of constitutional law to be followed, the emblems to be used for the State, and the location of the State's seat of Government.

The December Constitution gave a more definite form to the framework of Government already established. It defined the composition and functions of the State Council, the powers of the Regent, and the delimitation of jurisdiction between the provinces and the central Government. The State Council was thenceforth to be composed of all members of the Jugoslav National Council, supplemented by five members of the Jugoslav National Committee in London, a proportionate number of representatives chosen by the Serbian Skupshtina in agreement with the local political parties, and similarly, representatives of Montenegro. The Regent was made irresponsible; he was to take the oath of loyalty before the State Council, and, in accordance with parliamentary forms, to appoint a ministry responsible to that body. Finally, he was given the right to initiate and sanction legislation. To safeguard its liberty of action, the State Council could not be adjourned except by its own resolution nor dissolved previous to the calling of the elections for the Constituent Assembly, which were to be conducted on the basis of universal, equal, direct, proportional and secret voting with provision for the representation of racial minorities.

In administration, the arrangement provisionally set up was perpetuated and the position of the intermediary Secretaries of State was clarified by defining their province as that of representing provincial interests, submitting provincial proposals to the State Government, and seeing that such proposals did not injure private interests. The provinces were to have their executives, responsible in each case to the provincial assemblies, which were to be summoned by party agreements or by the State Government. The head of the provincial administration

was to be a President,[2] appointed by the Regent on the recommendation of the provincial assembly.

No changes in either the provincial laws, courts, or administrative personnel were effected by this document, but assistance to the provinces through the State budget was promised. The scope of the provincial administrations was purposely left undefined, whereas the rights of the State Government were clearly delimited. They embraced foreign, military and naval affairs, finance, railways, posts and telegraphs. That was all. The autonomous provinces, however, must carry on their business in accordance with the instructions of the central Government and under its supervision.

Under this constitution, the first ministry was formed, led by Pašić, but he had made so many political enemies that it was found advisable for him temporarily to drop out of office. Thereupon, Protić, whose career as Serbian Old Radical roughly paralleled that of Pašić, assumed the premiership. Both men had clung to the Greater Serbia idea, and both favored the creation of a centralized, unified Serb-Croat-Slovene State. Thus it was expected that Protić would pursue a policy not unlike that of Pašić, and continue Serbian influences in the evolution of the new State.[3]

One of the most important developments arising out of the new constitution was the promulgation of the accepted political program of the new ministry in the form of a Royal proclamation, since there was as yet no formally constituted parliament to which a speech from the throne might be read. In this proclamation, the Regent emphasized the responsible and democratic character of his government, inasmuch as all provinces in the Kingdom, and all faiths and races were represented in the cabinet. The convocation of a provisional Skupshtina fully authorized to act for the people was promised. This National Assembly was to be composed of delegates of the Serbian Skupshtina, of Old Serbia and Macedonia, of a proportionate number of mem-

[2] Croatia, to satisfy its particularism, was permitted to retain the title of *Ban* for this official.

[3] This statement remains true regardless of their subsequent political animosity.

bers of the National Councils, and of representatives from the Voivodina and Montenegro. Further, the Bill of Rights of the Serbian Constitution of 1903 was to be declared immediately effective throughout the realm. Thereby all class privileges were abolished, equality before the law established for all, and freedom of conscience and religious equality guaranteed. Lastly, a just solution of the agrarian problem by the abolition of the last vestiges of serfdom and the partition—subject to equitable compensation—of the great estates of the nobles and *begs* (Moslem magnates) was promised.

The National Assembly, as finally created, was not in fact as wholly representative as might have been wished, for the Serbian deputies had held their mandates since before the World War, as had those from Croatia, while the representatives from Montenegro were elected by a revolutionary assembly and the Bosnian and other members were really without a mandate. It contained 84 members from Serbia, 24 from Macedonia, 86 from the former Hungarian half of the Dual Monarchy, 42 from Bosnia and Herzegovina, 12 from Montenegro, and 48 from the former Austrian domains.

In this body the party lines drawn were very difficult to follow, and the terminology of party groups changed frequently. In the main, the lines of division were between the *Serbian Old Radicals,* who sought a certain amount of Clerical affiliation in this Assembly, and the Conservative, Radical, and Socialist groups forming the Opposition bloc. Of all the parties, the Serbian Old Radicals (who were conservative in all but name), the *Slovene Clericals,* and the Serbo-Croat coalition from the former Croatian Diet at Zagreb had the best discipline, largely because they had all had experience, in the Skupshtina, the Reichsrat, and the Diet respectively, while the other groups had not had such thorough political training.

Among these was Stjepan Radić's *Croatian Peasant Party,* which refused the seats offered it and remained aloof, agitating for a republic. The intransigeance of Radić was largely due to his opposition to the formation of a united State, as he had hoped to be able to declare a Croatian Republic, of which he might become president. It seems indisputable that he sub-

sequently asserted his separatist tendencies with the fiscal support of Italy, an attitude popularly regarded throughout the country as treasonable. Failing to conciliate him by offers of membership in the National Assembly, the Protić government laid hold of the peasant leader and threw him into prison, after suppressing his newspapers. This only made him an implacable foe of the new order.

The only other group that refused to coöperate in Parliament was composed of extreme Left Socialists who formed a *Communist Party* in the spring of 1919 and steadfastly repudiated parliamentary methods. The other *Social Democrats,* having purged the party of its communist element, were content to participate in the National Assembly, and would willingly have entered the ministry, had the governing coalition acceded to their demands. Their attitude was typically liberal, and their program was strictly along constitutional and not revolutionary lines.

The two other important groups were the *Starčević Party of Rights* and the *Jugoslav Democratic Party.* The former embodied the Croatian autonomists who desired wide degrees of decentralization for the various provinces of the new Serb-Croat-Slovene State, while the Jugoslav Democratic Party, founded by Svetozar Pribichević in February, 1919, attempted to gather together all the Serbian Opposition parties along with other Liberal elements to form a really national party. The Jugoslav Democrats gathered into their program various far-reaching social measures and pledged themselves to secure agrarian reform. The action of the Jugoslav Democrats in attempting to organize on a nationwide basis was the first taken among the various parties in Jugoslavia, although all recognized the advisability of a strong national organization. Once the National Assembly met, three main Clubs were organized, the Democratic Club, occupying the Center of the Chamber, and the Nationalist and Socialist Clubs occupying the seats toward the Left, while the Old Radicals sat on the Right.

It is obvious that the difficulty in forming party alignments in the first two years of the existence of the new State was accentuated by the political ineptitude of a large portion of

the liberated people, who had previously had little effective opportunity to express themselves freely in matters of government. The ineptitude was partly an aftermath of the war, an inability to assimilate the new order of things, a recrudescence of parochial and provincial feeling, after the exhausting tension of the fight for national survival. Thus the Austro-Hungarian Jugoslavs could not overcome entirely the separatism that had been artificially created and fostered by the Dual Monarchy. Furthermore, regional feeling was accentuated by the economic conditions in each portion of the country. In the newly acquired regions, formerly Hungarian, agrarian interests were uppermost; along the Dalmatian coast, the problems of mercantile shipping were of great concern. Industry had flourished in the Austrian Jugoslav lands, while it had been stagnant in Serbia, and had never existed in Montenegro. Thus, different economic conditions made a complete agreement and a rise to national uniformity of opinion peculiarly difficult.

Nevertheless, the national ideal triumphed over the forces of particularism, and the pressure of foreign occupation, of immense interests at stake, of war losses, sobered the population and made it desirous of following the path of national unity with the least friction possible. Deputies might come to Belgrade as Bosnians, or Dalmatians, or Montenegrins; in Parliament, they acted as Jugoslavs. Nevertheless, the activity of the National Assembly during the two years before the Constituent came into being was singularly barren and unproductive of significant results. This initial period of legislative life proved, however, an exercise-ground for the powers of the new nation, and made possible party agreements on many fundamental problems.

Discussion early arose as to the future form of the Government and of the State. The Declaration of Corfu had pledged the Jugoslavs to a democratic, constitutional monarchy under the Karageorgević dynasty, and that pledge was ultimately fulfilled. None the less, considerable agitation for a republican form of government arose, both immediately after the October Revolution and after the rise of the Hungarian Soviet.

In the first period, there were elements among the Austro-

Hungarian Jugoslavs that desired to follow the tradition and precedent established by Vienna, Budapest, Warsaw, and Prague, and it would have appeared a normal step from the National Council to the National Assembly, and to the proclamation of a republic. Nevertheless, none could forget that Serbia had been largely instrumental in the liberation of the Jugoslavs, that she had blazed the way to freedom, and that her Government was as liberal as any that had attempted a republican form. The Serbian Constitution furnished an ægis for the development of political liberty, hence the Jugoslavs naturally turned to the leader in the fight for national unification and chose a constitutional monarchy, in which the monarch, owning his allegiance to the National Assembly, would promise to govern in a responsible parliamentary manner. The selection of the monarchy was, under the circumstances, the logical thing, and resulted in giving an additional measure of stability to the new state.

Thereafter republican agitation was confined to elements of a separatist or an avowedly revolutionary character. Radić, the protagonist of a Croatian Republic under Italian protection, and the Communist leaders seeking to imitate the example of the Hungarian Soviet, were the only standard-bearers of Republicanism.

The problem of agrarian reform was, without question, the most pressing one which the new Government was called upon to face. Agrarian reform was promised when the Prince Regent announced the program of the Protić cabinet, but some steps had already been taken. The provisional Government at once looked into the question of the expropriation of large estates and their subdivision, while the Social Democratic Minister for Social Welfare, Korach, soon evolved a scheme for the confiscation of the lands of the begs, or Moslem landlords, for distribution to the *kmets,* or peasants. The peasantry were to keep what lands they were already farming, but all additional lands were to be distributed to the landless.

The significance of this reform may be seen in the fact that in all Serbia no estates exceed one hundred acres in size, and that the land is almost wholly in the hands of small proprietors.

The sharp contrast in matters of land tenure between Serbia and the other Jugoslav lands operated, therefore, to keep Serbs and other Jugoslavs on different economic planes. To secure uniformity in the distribution of land, and to create a free peasantry throughout the country, the general expropriation program became an admitted aim of all parties. The serious divergences of views between the parties arose only in regard to the question of compensation for the land, some claiming that no compensation should be given, while others, especially among the conservatives, contended that the land should be paid for in full. Such a situation naturally led to heated controversy.

In the scheme propounded by Korach cash compensation was to be paid by the Government to those whose estates were expropriated, except that lands owned by the Habsburgs or members of dynasties of enemy states, or lands acquired by war profiteers, were to be taken without compensation. In addition, provisions were made for the nationalization of forests, while the right of peasants to pasture their flocks therein, and to take annually their toll of wood was guaranteed. This scheme failed to win the approval of the cabinet, and in April, 1919, Korach and several others resigned from the Protić ministry, which was forthwith reorganized. After its reconstruction the cabinet started land reforms on a limited scale, with a promise of compensation to the expropriated landlords. The problem of agrarian reform, however, was not settled until the passing of the permanent constitution, at which time the policy of compensation, sponsored by Pašić, finally prevailed.

A further cause of considerable agitation was the question of the extent of central control in the new State. There were not lacking dissident voices, clamoring for such wide regional autonomy under the caption of self-determination as practically to amount to a federalizing of the state. To a great extent, this federalist separatism was found to center in the former Austrian Crownlands. The Starčević Party of Rights was the strongest advocate of this wide autonomy while its urgent opponents were the Serbian Radicals. Half way between, the Jugoslav Democrats took their stand for centralization in legis-

lation and decentralization in administration. The other parties lined up at intervening points between the two poles and the median line solution, with the exception of Radić, who refused to recognize the fact of Jugoslav union, and the Communists, who desired to reorganize the country on a Soviet basis. It can readily be seen that to satisfy such opposing claims would be a difficult task for any government, particularly one fighting its battles in foreign affairs as well. The Protić ministry strove to conciliate its opponents by promising a measure of decentralization, but the issue actually hung fire until the close of the Constituent Assembly in 1921, when it was settled practically along the lines laid down by the Democrats.

It is not surprising that in the midst of such divided opinions as to party principles ministries were short lived. The Second Protić Ministry was forced to resign due to dissensions, and also to the factional quarrels in the National Assembly. It was succeeded by that of Ljubomir Davidović, composed of Jugoslav Democrats and Socialists, who were strongly in favor of centralization. This ministry, with two reconstitutions,[4] covered the period to February, 1920. Despite their weaknesses, the Davidović ministries had represented a certain progress toward liberal ideals. Protić returned to office on the overthrow of the third Davidović ministry, but could maintain himself in power for only two short months.

It was only after a pact between the various party groups that the ministerial crisis was settled in May, 1920, by the calling of Vesnić—long the Serbian minister in Paris, and an accomplished diplomat—to the premiership. Two cabinets under his leadership carried the country through the concluding stages of the Adriatic crisis, and managed to secure an agreement on the franchise for the forthcoming elections to the Constituent Skupshtina. It was the firm policy of the Regent throughout this period not to convoke any constituent assembly nor to hold

[4] During the Fiume crisis, the Regent was unwilling to call elections for the Constituent Assembly, hence Davidović resigned, but was persuaded to withdraw his resignation. The ministry again resigned when confronted with the necessity of signing the Minority Guarantees Treaty forced upon Jugoslavia by the Peace Conference, but was reconstituted.

any elections until the frontiers of Jugoslavia were definitely settled. When Vesnić at last came to terms with Italy by the Treaty of Rapallo, Alexander consented to hold the elections and they were set for November 28, 1920. A month later, Vesnić, believing he had tided the country over the critical period of its international negotiations, retired, and left to the veteran Pašić the guidance of the country under the control of an elected Constituent Assembly.

The period of transition was passing, and with the enacting of the electoral law for the Constituent, the old improvised and rather unrepresentative National Assembly, so long the scene of factional wrangles, passed out of existence. Its critics have pronounced its work barren and unfavorable by contrast with the first assemblies in the other Succession States, and the best that can be said of it is that its work was at least as good as that of the Hungarian Constituent. It remained for the elections to bring to light the real temper of the country and the issues that must be faced in the drafting of a new constitution. When comparison is made of the length of ministries before and after the Constituent elections, it is highly enlightening, as there were four changes in premiers, and eight changes in cabinets within the first two years of independence, whereas Pašić holds the record for ministerial longevity.

The Constituent Skupshtina and the Constitution

The elections to the Constituent Assembly were based on universal manhood suffrage, instead of the equal suffrage that had been promised in the Declaration of Corfu. The results of that election were surprising to all, as they gave marked evidences of a change in party alignments and public opinion. Previous to the election there had been two main groups, the Serbian Old Radicals and the Jugoslav Democrats, who controlled a majority of the National Assembly between them, but after the election they ceased to control the Constituent, hence party bargainings to secure a majority had to be made by Pašić. The minor groups—the Clericals and National Club—lost over half their representation, while large gains were made by the

Peasant Party[5] which secured 40 seats. In addition, Radić's Croatian Peasant Party obtained 50 seats, the Communists 58 seats, and the Moslems 24.

The appearance of the new elements in the assembly was not unexpected, as the electoral law provided for proportional representation, but their growth was far beyond general expectation. The Communist Party,[6] rallying to Parliamentary tactics, now included in its ranks all the non-Jugoslav elements (Turks, Albanians, Germans, and Magyars) and no distinctly national minorities existed because the franchise law had been drafted expressly to exclude such nationals as had, under the peace treaties, the right to opt their nationality. The adherents of Radić refused to take their seats in the Constituent, as they did not recognize its authority in fact, although they claimed to do so in theory.

It was in such an Assembly, with weakened forces, that Pašić was called upon to engineer the passage of a Constitution. The creation of a working majority was the chief problem before him. Commanding only 190 votes in a Chamber with 419 members, it became necessary for him to add to his Radical-Democrat coalition the votes of a fraction of the Peasant Party and the 24 votes of the Moslems. This was accomplished by a liberal promise of 100 million dinars as compensation to the Moslem landlords and to the Slovene Agrarians; by the aid of this coalition against the combined opposition of the Communists, the Clericals, the Republican Croats, the remaining Agrarians, the Socialists and the National Club, Pašić was enabled to push through his constitutional project.

As early as June, 1919, that project, in its broad outlines, had been published, setting forth in eleven parts the proposed content of the new Constitution. The debate between Federalists and Centralists had continued heated in the country at

[5] The *Peasant Party*, largely Croatian, was for all practical purposes the political successor to the Starčević Party of Rights.

[6] The Communists later—after the passage of the Constitution—had their mandates revoked by act of Parliament, in view of their complicity in the assassination of the Minister of the Interior, Drasković. The laws passed for this purpose was regarded by even Protić as wholly unconstitutional.

large, and the opponents of the centralized constitution reverted, in the Constituent Assembly, to tactics not unlike those frequently practised in the Reichsrat or in the Bosnian or Croatian Diets—persistent obstructionism, desertion of the legislative halls en masse, etc.

The proponents of a federal constitution lacked a concerted idea of the logical consequences of the adoption of their principle, as it was obvious that a true federal organization must mean a federation of equals. To create new "States" out of regions that had never known independence and had in actuality been under rigid central control would involve almost insuperable difficulties. It is true that Serbia, Montenegro, Bulgaria, and Croatia-Slavonia had known quasi-independence, and Dalmatia, Bosnia and Herzegovina, could form separate administrative entities, but the new acquisitions from Hungary, the Bačka, the Banat, and the Voivodina, and other possessions once in Hungarian control, were hopelessly backward politically, as the result of their tutelage, and incapable of being effectively organized as parts of a true federation.

The federal plan commended itself to the minds of those Jugoslavs who had lived in America and the American experiment was adduced as proof of the stability of the federal form more than once in the debates on the constitution. But there were factors not found in the American situation tending to the overthrow of the federal concept. One of the most obvious needs in order to make a federal state perpetuate and express true national feeling was the creation of great national parties. The existence of so many distinct groups, representing, in the case of the Communists and the followers of Radić, essentially malcontent elements, showed that any attempt to formulate a truly national policy under a federal plan would be doomed to failure. Furthermore, in the fervor of the spirit of self-determination, the populace of the Jugoslav lands of the Austrian Crown would regard the concession of a federal form of government as tantamount to a permission to secede at will—such had been the traditional Jugoslav attitude toward Austrian proposals for federal reorganization. Federalism, moreover, would perpetuate the artificial lines of division which Aus-

tria had bequeathed to the new régime. With the machinery of the state largely in the hands of the more experienced Serbs, any federation would have tended to be brought under Serbian hegemony.[7]

National reconstruction, national unification, demanded the mobilization of all the resources of all the portions of the state with a view to the solution of the most pressing problems. The retention, by the states of a federal union, of absolute control over many matters would have meant little less than anarchy and chaos in the endeavor to promote national projects. Steady, certain control was essential to reconstruction, and obviously, federalism could hardly assure the evolution of a strong national government.

Nowhere was this more true than in regard to economic matters. The Jugoslav lands of the Austrian Crown had suffered little from the war by way of devastation, and the repressive measures taken by the Austrian authorities had been annulled on the advent to power of the Jugoslav National Council, but Serbia and Montenegro had all but been annihilated economically during the war. The utilization of the resources of the well-developed industrial areas of Austria to compensate for the losses of production in Serbia proper was required, and a stupendous program of economic mobilization to develop the latent resources of the Serb-Croat-Slovene State was involved. For this, the creation of a system of highways and railways, the nationalization of forests and water power, were all essential. The shouldering of the heavy war debt, both Serbian and Austrian, the equalizing of exchange rates, the complete rehabilitation of the financial system, were all essential to the establishment of credit abroad. Thus any scheme with wide financial powers left to the constituent parts of the nation under a federal constitution would strike at the very foundations of national recovery.

For all these reasons, whether consciously appreciated in every instance or not, the establishment of central, in lieu of

[7] Certain elements hoped ultimately to include Bulgaria in such a federation, thus weakening the power that must inevitably fall into Serbian hands.

federal, control was finally determined upon. It has been alleged that Pašić's motives were not above suspicion, that he came to the Constituent fully empowered to secure support for the centralist constitution by fair means or foul, with a free hand and an open purse and with the might of the court and the army behind him. In any event, it remains a fact that Pašić—the Giolitti of Jugoslav politics—succeeded in securing the passage of the centralist constitution. More was involved in this action than a mere academic choice between rival schemes; it meant the perpetuation of Jugoslav nationalism and the unity of the Serb-Croat-Slovene State. As such a stabilizing force, the nation accepted it, despite the abstention of 158 members of the Constituent on the final roll-call and the protest-withdrawal of Protić, temporarily, from parliamentary life. Nevertheless, a scheme preserving all the advantages of centralization had been tempered by several concessions of considerable autonomy to the various parts of the country. Once the principle of national unity had been vindicated, Pašić could afford to be generous.

CHAPTER XVII

THE BELGRADE CONSTITUTION

THE JUGOSLAV CONSTITUTION OF JUNE 28, 1921: *The Dynasty—Regencies—Powers of the King—Military Affairs—Courts Martial—Constitutional Limitations on Army—Relations of the King to the Skupshtina—Composition and Powers of the Skupshtina—Influence of Serbian Models on Jugoslav Institutions—Electoral Procedure—Candidates—Sessions—Ministerial Responsibility—Administration—Administrative Courts—Local Government—Organization—Administrative Agencies—Miscellaneous Duties—Ordinance Power—Rôle of the Departmental Committee—The Council of State—The Ordinary Courts—The Court of Cassation—The Bill of Rights—Citizenship—Judicial Safeguards for Individuals—Religious Freedom—Church and State—Freedom of Expression—Educational Guarantees—Minority Guarantees—The Economic Constitution—The Bill of Economic Rights—Social Legislation—Agrarian Reform—The Industrial Council.*

THE JUGOSLAV CONSTITUTION OF JUNE 28, 1921

Two years had elapsed since the Serb-Croat-Slovene State had been formally accorded recognition by the family of nations at Versailles when the Constitution was finally signed, and on the morrow of its signature the Prince Regent Alexander took the oath of office on the anniversary of the historic Battle of Kossovo. By that act the definite consummation of the plan laid down in the Declaration of Corfu had been realized and the Karageorgević dynasty assumed a definite control of the fortunes of the new State.

Under the terms of that Constitution,[1] the State of the Serbs, Croats and Slovenes was denominated a constitutional, parliamentary and hereditary monarchy vested in the house of Karageorgević. Provision was made[2] for King Peter of Serbia to be the first monarch, but actually Prince Alexander assumed the regency and, on the death of his father, the throne. Suc-

[1] Art. 1.

[2] Arts. 55-59.

cession to the throne is through the male offspring of legal marriage by the right of primogeniture. If, however, the King has no male offspring, he may appoint an heir from the indirect line with the consent of an absolute majority of the Skupshtina. The status of the royal family is defined, as are also the relations between members of the family, by a statute "which shall be extra-legal," i. e., which it is beyond the power of the courts to annul. The only limitations placed upon members of the royal household are that none may serve as ministers or members of the Skupshtina. In addition, the King may not, without the consent of the Skupshtina, accept the crown of another country, under penalty of losing his own throne. In case of absence of the King from the country, the heir apparent represents him, if of age,[3] otherwise, the ministry represents the King. This provision equally covers such illness of the King as may temporarily incapacitate him. In case of protracted illness or absence of the King (more than six months), the constitutional provisions for the creation of a regency come into force automatically. These rules apply equally to the heir apparent.

Regencies[4] may be created in the case of the minority or the incapacity, physical or mental, of the king, by secret vote of the Skupshtina, on representations from the ministry together with the opinion of three physicians selected from the National Medical Faculty. If the heir to the throne is unable to act as regent, in lieu of the King, the Skupshtina selects by secret vote three persons over 45 years of age, citizens of the Serb-Croat-Slovene State, who have had a higher education, and these act as regents for a quadrennial period. In case such regency must last more than five years, a reëlection is resorted to at the end of the fourth year. Meanwhile, it becomes the duty of the regents to rule constitutionally, according to their oath, to educate the minor king and guard his estates. Just as the Skupshtina fixes the King's civil list during his lifetime, so it also fixes the amount to be expended by the Regents during their tenure.

[3] I. e., over 18 years.

[4] Articles 60-68.

In the event of the incapacity of one of the regents, the other two act without him. In any event, if regents are to be selected, the Ministry acts as head of the Government until regents are chosen. Similarly if there is no heir, or if one is expected, the Ministry must summon the Skupshtina to apprise it of the existing situation and permit the selection of a new monarch, or the creation of a regency, should that be necessary.

Legislative, administrative, and judicial authority emanates from the Crown.[5] Thus the King and the National Skupshtina together constitute the law-giving authority; the King and his responsible ministers the administrative authority, while judgments of the Courts are carried out in the King's name, on the basis of the laws to which the monarch has himself given sanction. In his capacity as Commander-in-chief, the King heads the military forces, gives out decorations, issues commands, and pardons or amnesties military prisoners. For all such acts the Minister of War and Marine is held responsible.

The King represents the nation in all its relations with foreign states and declares war and concludes peace, save that previous approval of the Skupshtina is necessary for declaration of an offensive war. This consent is not needed when war is declared on the Serb-Croat-Slovene State or its territory is attacked. The importance of these provisions lies chiefly in the historical justification for their existence. Whereas other of the Succession States owe their national existence to the intervention of the Allied Powers, Jugoslavia gained national independence mainly by the might of the Serbian army. Hence a recognition of the rôle played by the army was instrumental in framing the provisions incorporated into the permanent constitution.

The eleventh part of the Constitution[6] is devoted exclusively to military affairs. Military obligation is made universal, but the organization and size of the army and the fleet depend upon the laws, within the limits of which the King prescribes the necessary formations on the advice of the Minister of War and

[5] Arts. 45-52.

[6] Arts. 119-124.

Marine. The portion of the recruits to be kept under the colors is determined by the annual budget. In this respect, the framers of the Constitution were restrained by the economic conditions of the country and by the realization that the heaviest item in national expenditure was—and still is—that for the military establishment. The aims of the Serb-Croat-Slovene State as a maritime state, either navally or in the merchant trade, have by no means been surrendered due to the temporary advantage of Italy through her control of the Adriatic, and hence a constitutional opening for mercantile and naval expansion is afforded the country, subject to its financial position.

The Constitution attempts to safeguard the independence of the military, as well as the civil, tribunals, and permanence is given to the judges of the Military Appellate Court, who are competent to decide whether subordinate officers of military tribunals can be held accountable. They themselves are accountable only to the judges of the Court of Cassation. While civil tribunals take cognizance of cases involving civilians attached to the army in peace time, in war time, such cases are constitutionally placed under the control of military tribunals. Fulfilment of military service is prerequisite to entry upon an official career for public office. Persons properly excused from the performance of military duty are not, however, disqualified from holding office.

The constitutional limitations on the use of the army are but two: First, in connection with the suppression of internal disorder, a request for the use of troops comes from the competent civil authorities in order to be valid; otherwise the troops cannot be used. Secondly, the army cannot, by virtue of a treaty of alliance with a foreign power, be placed at its service and hence removed from the country, unless the Skupshtina consents, and no army of a foreign power can be taken into the service of the State without parliamentary permission.

The military powers thus conferred upon the King are extremely wide, and few limitations are imposed upon their exercise, so long as the King and the ministry work in agreement. As the financial restrictions are the only ones of importance, and as the ministry has a definite control of the budget, within

the limits of revenue-raising, the constitutional possibility of a military government is not excluded. In fact, however, the extreme moderation shown by the Jugoslav military leaders has given evidence that no undue use will be made in ordinary times of the large powers thus vested in the monarch and his ministers.

The King's relations to the National Assembly or Skupshtina are clearly outlined in the Constitution.[7] He summons the Skupshtina for either ordinary or extraordinary sessions, the latter being necessary in the event of a declaration of war upon the country, or of an attack on it. He opens and closes the sessions of the Skupshtina in person, with a speech from the throne, or else summons the assembly by a decree or message sent by the ministers. All such documents bear the countersignature of the ministry. Decrees closing the session of the Skupshtina must set the date for the new session, but the King may convene the body in time of necessity regardless of the date set for its reassembly. Finally, the monarch may, on his own initiative, dissolve the Skupshtina, but the *ukas*, or decree of dissolution, must call for new elections within three months and for the assembling of the newly elected body within a month thereafter. All ministers must countersign such an act, and no royal act is counted valid unless the countersignature of an appropriate minister is appended. Even for oral utterances of the King "a competent minister shall be responsible." When the Ministry collectively acts in lieu of the King, the dissolution of the Skupshtina is impossible.

The treaty-making power intrusted to the King[8] finds its limitations in the necessity for provisional confirmation of treaties by the Skupshtina. The King may, however, by purely "political agreements," if they are not contrary to the Constitution or the laws of the State, act freely without the necessity of further action by the Skupshtina, although such "political agreements" do not cover the occupation of, or transit through, national territory by foreign armies, nor the disposi-

[7] Arts 52-54.

[8] Art. 79.

tion of any State territory. The proclamation of the laws by the King through a ukas signed by all the ministers and officially published marks the final relationship of the King to the Skupshtina. In this respect, the action of the Skupshtina is mandatory upon the King and he may not refuse to promulgate legislation duly passed.

In creating its parliamentary institutions, the Serb-Croat-Slovene State looked largely to Serbian models, as it did, in fact, for most of its national institutions. That this was practically inevitable does not appear strange, as the hegemony of Serbia in Jugoslav unification made its institutions rank high in popular estimation. While there were differences of opinion as to where the new capital of the country might be most conveniently located, while Sarajevo, Zagreb, Split, and other places claimed special consideration, it was to Belgrade that Jugoslavs instinctively turned for their institutions. Here, surely, would be found those that did not bear the stamp of the policies of the House of Habsburg.

From Serbia, then, the Jugoslavs took the form for their National Assembly and, while all the other Succession States established bicameral parliaments,[9] decided upon a single-chambered body, the Skupshtina, as the sole repository of the power of the nation at large. The Declaration of Corfu had pledged the nation to democratic national self-government, hence no further mention of the ultimate sovereignty of the people was made in the Constitution. The redemption of the pledge given at Corfu was sufficient, and the Constitution assumes, but does not state, popular sovereignty as its basic principle.

Accordingly, it is provided[10] that the National Skupshtina shall be composed of representatives freely chosen by the nation in a general, direct, and secret election, held on one day, and on the basis of proportional representation. Essentially, this means that the Skupshtina is chosen by universal manhood suffrage, as all males over twenty-one are given the vote without

[9] Hungary denies the legal extinction of the Table of Magnates, despite her present single-chambered National Assembly.

[10] Arts. 69-89.

any property qualification. Thus the franchise, previously exercised in Serbia under a higher age limit and a property qualification, and in the Dual Monarchy under galling class restrictions, became thoroughly democratic. As the Constituent Assembly was unable to come to agreement on the question of woman suffrage, decision as to this matter was left to the Skupshtina itself, in passing a general electoral law. According to the Constitution, therefore, the question of woman suffrage is an open one. Those definitely excluded from the exercise of the franchise include persons imprisoned for crime, or under guardianship, or mentally incompetent. Officers and men under the colors are, furthermore, disfranchised. The term of the Skupshtina is four years, unless a dissolution should terminate its life sooner.

Candidates for the Skupshtina must be electors, either native-born citizens or citizens having a naturalization of ten years' standing. They must speak and write the national language and must be at least thirty years of age. No persons acting as purveyors or contractors under the service of the state may be members of the Skupshtina. Neither may political, financial, or forest officials, or those engaged in administering the promised agrarian reforms, become candidates unless they give up office at least a year before the election at which they stand. Other officials with duties of an administrative character may not seek seats in the legislative body from districts under their official control. Such officials, if elected from other districts, are given leave of absence from their offices—"shall be placed in official retirement," says the Constitution—while their term of office lasts.

Once elected, members are supposed to represent the nation at large and not merely their constituencies, hence they are under no instructions. Annual sessions of the Skupshtina are held, ordinarily beginning in October, and lasting at least until the passage of the budget. Provision is made in the Constitution for the assembling of the Skupshtina elsewhere than at Belgrade in case the capital is changed in the event of war. This is rendered necessary by the exposed position of Belgrade, near the frontiers of Hungary and Rumania. It will be re-

membered that Belgrade was evacuated during the early days of the World War.

In wartime, the Skupshtina is to be constantly in session unless it decides otherwise. The need for this provision was obviously felt by the Austro-Hungarian Jugoslavs who had experienced, both in Austria and in Hungary, the plight of those who cannot make their wishes known with impunity during the course of a war. In the Serb-Croat-Slovene State, if constitutional government is to mean anything, it will mean that no period such as elapsed between the outbreak of the war and the summoning of the Reichsrat in 1917 can ever again occur.

The Skupshtina is made the judge of the credentials of its members, and is given the right of determining its own rules of procedure. It elects its own officials from among its members. These are the custodians of the Skupshtina building and its adjacent courtyards, and no armed forces may be admitted thereto without the express permission of the President, neither can state officials perform any acts of authority in the Skupshtina without his consent. The usual parliamentary immunities obtain for members of the body, such immunity beginning as soon as the member is elected. Furthermore, no member can be held to account except by the Skupshtina for utterances or actions while in the exercise of parliamentary duties. To the Skupshtina is intrusted the power of making electoral and administrative investigations, in addition to the purely legislative functions which form its primary field of activity.

The legislative procedure for the Skupshtina was borrowed directly from Serbia, the rules obtaining in the Serbian parliament being adopted for the provisional national assembly in 1919 as well as for the Constituent Assembly. Thus the traditions of Serbian parliamentary life have been ingrafted into the life of the new Skupshtina. The usual privilege of introducing bills is accorded each member, although administration measures backed by the King must be introduced by the Ministry either jointly or through one of its members. Procedure on legislation is minutely regulated in the constitution, it being explicitly provided that after introduction a bill must first be referred to a competent committee before being voted on in a

legal manner. To be legally enacted, each bill must be twice voted on and passed in the same session, although no limitation is set by the Constitution as to the interval between such votes. Voting is open, as secret ballot is used only for elections, and a majority of a quorum comprising one-third the members of the body must be obtained for a bill to become law. In case of a tie, no casting vote is accorded the president of the chamber; the bill is simply lost.

As in the other new states, the principles of Cabinet Government and of ministerial responsibility are incorporated in the Constitution.[11] The right of questioning and of interpellating the ministry is explicitly provided for, being borrowed practically literally from the Serbian Constitution of 1903. All interpellations and questions must be answered "in the course of the same session at the time which the order of business fixes." Ministers are responsible to both the King and the Skupshtina, and may be impeached by the King and the Skupshtina in case of their official infringement of the Constitution and laws. Ministers may be impeached not only while in office, but within the five years following their retirement. Impeachment charges must be written, and must be voted by a two-thirds majority of the members present before action can be brought before the State Court, composed of six members of the Council of State and six judges of the Court of Cassation, under the presidency of the head of the latter court. A further law on Ministerial Responsibility defines procedure and the extent of responsibility in detail.

The ministers head the administrative system and have it in their power to name subordinate state officials, according to the provisions of the law. Under-secretaries of State may be named from among members of the Skupshtina, without thereby forfeiting their mandates, as they did under the Serbian Constitution. They thereby serve to represent the interests of their respective departments in the Skupshtina. The ministers are empowered to organize their respective departments by means of executive orders and ordinances in pursuance of the general principles of action laid down by law. This ordinance power

[11] Arts. 90-93.

is exercised in substantially the same manner as in France, but ordinances may, by resolution of the Skupshtina, be either wholly or partially nullified.

The Constitution recognizes the responsibility of the state for the acts of its officials, committed during the exercise of their authority, hence special administrative courts are created to adjudicate claims against the State along such lines. The competence, location, and organization of such courts is defined by a special law. Finally, the Council of State, a body much like that in France, acts as the highest administrative court. It has the power to decide, in first and last instance, complaints against a ukas or against ministerial decrees, conflicts of competence between State administrative authorities or between State and local governmental authorities. A detailed law on officers is provided for in the Constitution to determine their salaries, pensions, rights, and duties. Attempts at illicit use of public office for partizan aims are punishable according to the provisions incorporated in the draft of the Constitution. State officials are reminded thereby that they are officials of the whole state and shall work for the general interest.

Previous to the World War, Serbia was organized geographically for administrative purposes into departments, arrondissements, and communes. In Hungary, the Jugoslavs know county government; in Austria they experienced the thorough-going bureaucracy of Vienna, and the Landvogt, the Landeshauptmann, the Landesausschuss, and all the other paraphernalia characteristically incidental to the paternalistic German system of administration. Regional local government was loudly demanded by separatist forces at the Constituent, but due to this diversified background it was thought foolhardy to entrust the new state, with its unity found in a common suffering, to the mercies of regionalist propaganda and traditions. Hence, in the final determination of the scheme of local government, the federal proposal for a loose national union was thwarted, and the centralized type of Government, with its inevitable prefects and national functionaries came into being. It was intended to apply to all parts of the country equally, and to abolish local-

isms in order to accelerate the disappearance of regional differences.

Thus, the Constitution [12] provides that administration in the Kingdom shall be conducted by departments, circuits, districts, and communes. It prescribes that the country shall be divided into departments "on natural, social, and economic bases," in such way that no department shall have over 800,000 inhabitants. If small departments desire to unite, their departmental assemblies have final decision in the matter, but no such union can include more than the maximum number of inhabitants set by the Constitution. Parliamentary action is required for the first division of the country into such areas.

The Constitution promises local autonomous civil government on an elective basis to cities, communes, districts, and departments. Thus the people choose directly their own local officials who in the conduct of their offices are subject to national supervision exercised by the Minister of Finance, and the prefects or Great Zupans appointed by him. The Constitution makes little specific provision for local government agencies below the Department. There are district Skupshtinas, which choose their respective executive committees, but their competence is not outlined, while communal and municipal organization, as well as the relations subsisting between communes, cities, districts, and departments, are left to be determined by law. The varied conditions throughout the kingdom doubtless led the framers of the Constitution to refrain from too great a degree of detail in such matters. As outlined in the Constitution, the chief organs of departmental administration are the Departmental Skupshtina and the executive committee chosen from its midst. To these authorities are intrusted the care of departmental finances, such as making up the budget, disposition of public taxes to cover departmental expenditures, and any other financial duties delegated to them by law.[13]

Permission is given the central authorities by the Constitu-

[12] Art. 95.

[13] Special regulations on procedure are to be laid down by law to provide for national supervision of the departmental budget.

tion[14] to subsidize local administration, when local revenues are insufficient to cover the expenditures prescribed in the constitution. This provision was doubtless well intended, in view of the ability of well-developed regions, unaffected by the war, to raise their necessary quotas of taxes, while others, thoroughly devastated, were in an inferior position financially and unable to bear in full their share of the financial burdens of local government. If continued on a large scale, such a policy of subsidy could become a real evil in Jugoslav public life, whereas it is now a national necessity. Whether it will be used to circumvent sectionalism and separatism is an open question.

Other duties of the departmental elective authorities are connected with departmental public works and buildings, the administration of public property, care for public health and social welfare, humane institutions, and education, both cultural and vocational. Likewise the upkeep of ways of communication, the care for agriculture, stock raising, viticulture, horticulture, forestry, lake and river fisheries, hunting and "technical improvement of the land" i. e., fertilization, etc., are placed within the competence of the departmental Skupshtina and its executive committee. In addition, the departments may establish and maintain seed stations, touring clubs, and mutual loan and insurance institutions, and handle any other matters which may be assigned to them by national legislation.

Finally, the departmental Skupshtina and executive committee are compelled to reply to requests of the National Government for information or opinion as to any matter which the latter deems of importance. No information to the National Government is required under other circumstances, and it is altogether likely that, in the departmental Skupshtinas, discussion of national issues will not be allowed to take place except in so far as it may relate to departmental affairs. To permit fuller and freer discussion would be to make each departmental assembly a miniature national parliament.

The departmental Skupshtina makes departmental regulations governing matters within its competence,[15] which, when

[14] Art. 96.

[15] Art. 99.

proclaimed by the Great Zupan, have the force of law. In case the Great Zupan feels the ordinances to be contrary to the constitution or national law, he may challenge their validity before the Council of State, which must decide the matter. If no decision is rendered by the Council of State within two months, the decision of the Great Zupan prevails.

In like manner, the detailed application of the decisions of the departmental Skupshtina is left to the departmental committee,[16] which, in certain matters, transacts its business independently, and, in others, consults with the Great Zupan. In case the administrative regulations issued by the departmental committee are deemed in conflict with the constitution or laws, they are brought before the Council of State as are the ordinances passed by the departmental Skupshtina. Finally, corporations are controlled by the Great Zupan and expert officials appointed by the Government for that purpose. In case these "autonomous business authorities" transgress either the constitution, or laws, or departmental ordinances, their hand may be stayed by the Great Zupan, but his decision can be challenged, under circumstances similar to those enumerated above, before the Council of State.

Administrative courts are to be organized by law, but the Constitution[17] lays down rigidly the provisions governing the highest of these, the Council of State. Its members are appointed on recommendation of the premier, half of them being chosen by the King from a list prepared by the Skupshtina and containing twice as many names as there are to be nominees, while the other half are chosen by the Skupshtina from a similar list prepared by the King. University education or ten years of public service are prerequisites for membership in the Council of State and two-thirds of the members must have had legal training and must possess a law diploma. Once named, the members of the Council of State are irremovable except by law, and they must be pensioned when disabled or when they reach the age of seventy.

The functions of the Council of State are judicial and super-

[16] Art. 100.

[17] Arts. 102-3.

visory. In its judicial capacity, the Council of State acts as the highest administrative court and decides administrative cases involving the liability of the state for the actions of its officials, conflicts of competence between public authorities, and appeals against ministerial or royal decrees; in the last two cases, it possesses original and final jurisdiction. In conformity to the terms of certain laws, it exercises a supervisory authority over the various agencies of local government. Further details as to the powers of the Council of State are left to be determined by a special law.

In addition to making provision for the administrative courts, the Constitution[18] makes general provisions for the ordinary judiciary and for the settlement of conflicts between the ordinary and the administrative courts. The judiciary is made independent; judges are not to defer to any authority in their interpretation of the law. Furthermore, as a protection to the judiciary against the withdrawal of its competence, it is expressly stipulated that no extraordinary judges or commissions may be established for investigations.

While the organization of the various courts is left largely to later legislation—the provisional courts holding their authority from their original jurisdictions under Serbian, Hungarian, or Austrian law—great care is taken to provide for the proper method of selection of judges. Thus judges of the highest courts (Courts of Appeal and the Court of Cassation) are appointed by royal decree, on the recommendation of the Minister of Justice, from lists drawn up from judges of those courts. Once appointed, the tenure of judges is permanent, and they may not be removed from office without due process of law, involving disciplinary action by the judges of the Court of Cassation. Furthermore, judges cannot be held to account for their conduct in office without the consent of the court next above them; they may not be required to perform other duties, nor can they be transferred without their own consent. Finally, ordinary judges are pensioned at sixty-five and retired, while judges of the highest courts are, as previously noted, retired at seventy, unless, in either instance, physical or mental disability

[18] Arts. 109-112.

makes the earlier relinquishment of office necessary. In that event, the Court of Cassation passes judgment on the merits of the case.

It will be noticed that the Court of Cassation occupies a pivotal point in the judicial system, as it is intended to reconcile the conflicting systems of law obtaining previously in various portions of the Serb-Croat-Slovene State. Its location at Zagreb was a concession to Croatian national feeling, but its competence is far wider than that of any courts previously existing in the Jugoslav lands. Its jurisdiction is to replace that of the highest courts previously in existence in Belgrade, Zagreb, Sarajevo, Podgoritsa, and Novi Sad. This, according to the constitution, extends to "the settlement of conflicts between administrative, civil, or military authority and judicial authority" and to "the settlement of conflicts between administrative and regular courts." It thus improves upon the Italian system in consolidating the national judiciary, and upon the French in endowing the highest court with the powers now possessed by the Tribunal of Conflicts.

A notable feature of the Jugoslav Constitution [19] is the Bill of Rights, which was largely copied from the Serbian Constitution of 1903. The intimate relation of the Bill of Rights to the judiciary is seen in the endeavor to place in the Constitution, in so far as possible, the detailed procedure as to legal safeguards of the individual against the arbitrary action of the Government. Thus the bill of rights is presented with greater fullness than in any other of the new constitutions.

The first stipulations of the section on the "basic rights and duties of citizens" deal with citizenship. Citizenship is uniform throughout the Kingdom and all citizens are equal before the law. All previous legal discriminations on the basis of birth, title, or other favored status are abolished. This change is felt most in the regions formerly under Austro-Hungarian rule, as such inequalities had been done away with in Serbia before the war. Personal freedom is guaranteed and no one may be arrested, or otherwise deprived of his freedom, or held to account except in conformity with legal prescriptions. Special detailed

[19] Arts 4-21.

procedure for the effective use of the writ of habeas corpus is provided, in order to prevent arbitrary and illegal detention. Officers violating the constitutional provisions are made amenable to the law, although the constitution does not indicate whether punishment is to be secured through the ordinary or the administrative courts.

The right of trial before a competent judge, the right to give testimony in self-defense, in due form, during a legal trial, are also guaranteed. Punishment is fixed by law, although the constitution provides that capital punishment is not to be inflicted for purely political crimes, except for attempts on the life of the monarch or his household, or for crimes so punishable under military law. Banishment from the State is impossible, although banishment from one's native locality may be provided for by law. The inviolability of domicile is safeguarded by the provision that a written warrant, from which there is appeal to the courts, must be presented by officials in making a search. Appeal does not avoid the search, which must be conducted in the presence of two competent citizens, but does afford legal redress against illicit actions. In case of seizures, a certified list of articles taken by the authorities must be furnished their owner.

A very important section of the Bill of Rights is devoted to the freedom of belief and conscience. All different confessions may openly practise their religion and are on a plane of legal equality. The constitution separates civil and political rights from religious ones, and makes each independent of the others.[20]

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[20] It will be noted that no leeway for the refusal to perform military service has been granted in the new constitutions. Thus the utter separation of political from religious obligations is insisted upon in practically all the new states. Jugoslavia states: "No one can be exempt from his civic and military duties and responsibilities upon the grounds of his religious belief" (Art. 12). Czechoslovakia guarantees "liberty of conscience and religious creed" (Art. 121), but states that "every able-bodied citizen of the Czechoslovak Republic shall undergo military training and shall obey the summons when called upon for the defense of the state." In Austria "Privileges based upon religious belief are abolished" (Art. 7, sec. 1), while in Germany "Civil and political rights and duties shall be neither conditioned upon nor restricted by the exercise of religious freedom" (Art. 136). Those who entertained the illusion that

Therefore, no one may be freed from civil and military duties in virtue of his religious beliefs. Legal recognition is given to the existing Orthodox, Roman Catholic, and Moslem confessions, but other religious organizations—which are granted internal autonomy—may obtain recognition under the general terms of the law, and may, accordingly, communicate with their several religious superiors outside the State.

Ecclesiastical functionaries may not abuse their spiritual authority for partizan aims outside their houses of worship, nor go beyond prescripts of a religious character in the fulfilment of their official duties. This rather drastic provision was inserted in an endeavor to do away, so far as possible, with the *odium theologicum* ever present in the Balkans, whereby religious animosities have subserved political purposes. The constitution lays no one under the obligation of revealing his religious convictions. "No one is obliged to take part in religious acts, celebrations, rites and practices, except on State holidays and celebrations and in so far as the law enjoins this upon persons who are subject to paternal, guardian's, or military authority." This marks a distinct advance over previous practices but in all probability will not prevent occasional use of the army in semi-religious demonstrations, particularly in Serbia proper.

A broad spirit of religious toleration has enabled a solution of the financial aspect of the question of religious equality, by permitting the State budget for religion to be divided among the various faiths in proportion to their adherents, and their clearly shown needs. The necessity of such a financial arrangement was obvious even before the meeting of the Constituent Assembly, because Catholicism, officially recognized in Austria, Orthodoxy, in Serbia, and the Moslem faith in the Imperial territories and in certain portions of Serbia, each claimed a share of State support. To have separated Church and State entirely would have aroused religious acerbities essentially antagonistic

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conscription would be constitutionally abolished after the war in the countries occupied by the defeated powers need but look at the ironclad provisions of these constitutions—borrowed largely from Switzerland—to realize that such expectations have in no wise been realized.

to national unity; hence, by recognizing regional religious self-determination, a happy formula was found whereby State support would not amount to a partizan subsidy of a single faith.

The rights of freedom of the press, of assembly, and of petition are elaborated in considerable detail, provision being made against the suppression of newspapers, and against censorship, except during war time or time of mobilization. However, the printing of matter abusing the monarch, the royal house, the National Skupshtina or heads of foreign states, or of matter inciting to forcible change of the fundamental law, is cause for suppression of such publication, if the decision of the authorities is upheld within two days by a court. Secrecy of private correspondence, and telephonic and telegraphic communications is assured, except in case of criminal investigation, mobilization, or war. The right of the citizen to redress through administrative courts is acknowledged; the right to hold office is opened to citizens and to foreigners resident for ten years on State territory. The right of emigration and expatriation is recognized, but the State is forbidden to surrender its own citizens for extradition,[21] while it assures all Serb-Croat-Slovene nationals abroad of its protection.

An interesting section of the bill of rights deals with education, and guarantees the unrestricted teaching of science and art, which enjoy State protection and support. The state has control of education, which is free, general, and obligatory. While the State claims a prerogative as to education, and furnishes it for all, in cases provided by law private educational institutions may operate either on a secular or religious basis. A uniform plan of education is contemplated by the Constitution, beginning with primary schools and continuing up to those of a university grade. General education is presumed to be for cultural purposes, but special provision is made for the creation of technical schools. All schools must aim at moral instruction to inculcate civic consciousness and develop thereby national unity and religious toleration.

Only one clause in the Bill of Rights is devoted to the subject of the rights of minorities—a point on which the Serb-

[21] Note the similar provision in Art. 112 of the Weimar Constitution.

Croat-Slovene State proved peculiarly sensitive during the peace negotiations at Paris. It provides that "to minorities of other race or language elementary instruction shall be given under conditions which the law shall prescribe." Such provisions must, of course, be in conformity with the provisions of the Minority Guarantees Treaty signed by the Serb-Croat-Slovene State with the Allied and Associated Powers.

In every constitution emerging out of the post-war period of reconstruction, the economic clauses have had special significance. In the Jugoslav constitution [22] this is peculiarly true. It recognizes certain fundamental economic duties owed by the State to its population and the influence of the war thereon is most significant. Thus the State subsidizes permanent exhibits of economic products, stimulates interest in economic production, and guarantees special subsidy to indigent school children. It places the working class under its protection, in endeavoring to raise the standards of living to the minimum prescribed by the League of Nations Covenant and the International Labor Office. The State recognizes it as its duty to intervene, in public interest and on the basis of law, in the economic relations of its citizens, in order to promote justice and avoid social friction. That involves the prohibition of extortion, the recognition of freedom of agreement in trade relations so far as conformable to social interests, and like recognition of the right of collective bargaining.

The State further assumes the burden of extensive public health measures, the necessity for which has been imperative since the conclusion of the World War. Thus the official ministrations of relief agencies like the American Red Cross have been continued with Government support and have received official recognition in the Constitution, looking toward their permanent establishment. In addition, the State undertakes a comprehensive scheme of social insurance for workmen and seamen in the event of accident, illness, unemployment, incapacity, old age, and death, along with promises of remedial measures for invalids, war widows, war orphans, and indigent parents of soldiers who died in the World War. Thus, throughout this

[22] Arts. 22-44.

section on measures for national public welfare, the effect of the war is clearly evident. Promises, rather than effective stipulations, are made with regard to the development of fisheries and the construction of means of intercommunication. The need of these is evident, but the Constitution does little more than commit the country in advance to such a policy.

The agrarian problem, already noted, is covered by various stipulations of the Constitution with regard to property in land. Property may not be employed for purposes detrimental to the public welfare, although possession is guaranteed, subject to the right of the State to expropriate for public purposes, with just compensation. The insertion of this principle in the constitution marked the triumph of Pašić's policy of compensation for the expropriated landlords or begs. Thus, forest lands may be expropriated if such action is necessary for the country's protection against deforestation. All claims to timber lands under grants made by the occupying Austro-German authorities are null, and such properties revert to the local government bodies in whose territorial competence they are situated.

Entail is abolished, as are all fief relationships. Every vestige of feudal land tenure is done away with, and the constitution makes these provisions retroactive, to date from the actual time of national liberation. Thus the serfs hitherto bound on the land are automatically freed from all restrictions upon them and become owners of the soil whereon they previously worked. All properties of the Austrian and Hungarian Crown are confiscated outright. Soldiers are to be given preference in the distribution of lands acquired by the State through forfeiture or expropriation. In this there is manifest justice, although the scheme is by no means a new one either in Europe or in the Balkan peninsula. The carrying out of agrarian reform, to equalize social ranks and to do away with the glaring injustices of the semi-feudal period preceding the World War is practically assured by the Constitution, although many years must elapse before the policy shall have been carried out completely.

The economic constitution closes with the provision for the creation of an Industrial Council for the working out of social

matters and the formulation of industrial laws. This is the only new body of any peculiarly distinctive character that is created by the Constitution. It is the external manifestation of the economic structures that are paralleling the political machinery in most of the new states.

But Jugoslavia's Industrial Council will never assume the importance of a Reichswirtschaftsrat, because of the backwardness of Jugoslavia industrially. Politically, the Serb-Croat-Slovene State has done little more than emerge from the structure of feudalism as an agrarian democracy; its programs, under the constitution, look toward national development and betterment, it is true, but the establishment of an industrial democracy is as yet a distant prospect, to be attained only after decades of peaceful, stable, internal reconstruction. Meanwhile the Serb-Croat-Slovene State, trusting to its new found political institutions, and holding fast to the land which is at last the peasants' own, must pursue the paths of toleration, discipline, widespread national education, and peace. Therein lies national progress.

CHAPTER XVIII

JUGOSLAV FOREIGN AND DOMESTIC POLITICS

PARTIES AND MINISTRIES UNDER THE CONSTITUTION: *Elimination of the Communists—Moslem Problems—Third Pašić Ministry—The Problem of Croatian Separatism—Radić—His Policy of Abstention—Fourth Pašić Ministry—End of the Coalition—Defection of the Democrats—The Electoral Campaign—The Elections of March 18, 1923—Triumph of the Radicals—Appearance of Racial Minorities—Fifth Pašić Ministry.* FOREIGN POLICY: *Toward Italy—Toward Albania—Toward Greece—Toward Bulgaria—Toward Rumania—Toward Hungary—Toward Austria—Toward Czechoslovakia—Unfinished Tasks.*

PARTIES AND MINISTRIES UNDER THE CONSTITUTION

ONCE the Constitution was passed, the Constituent Assembly resolved itself, as did the Weimar Assembly, into a regular Skupshtina, and set about enacting the necessary enforcement legislation. The Constitution, despite the numerous transitory clauses providing for a change to the new régime, left to the Skupshtina much in the way of law-making, and that task is as yet far from complete. The division of the country into 26 provinces or zupni in accordance with the provisions of the Constitution, was one of the first achievements, although it met with considerable opposition in the Skupshtina. A second important piece of legislation was the electoral reform bill, which reduced the membership of the Skupshtina to 313 in lieu of the larger and clumsier assembly of 419 members that had drafted the Constitution. A third measure of no little importance from the financial standpoint was the Loan Bill authorizing an international loan in an endeavor to stop the depreciation of the dinar. These three acts of constructive legislation were among the outstanding achievements of the first Skupshtina. Its other acts were more intimately connected with party politics and will be treated in that connection.

The Constitution, it will be recalled, was passed under Pašić's shrewd engineering by the coalition of Old Radicals and Jugoslav Democrats. In the final vote these commanded but a narrow majority, due to the opposition of the other parties and the abstention of the Slovene Clericals, the Communists, and the members of the Croatian Peasant Party, under Radić's leadership. When, upon the proclamation of the Constitution, the Constituent Skupshtina became a regular legislative body, these groups—with the exception of Radić's following—all returned to the fold, thereby recognizing the constitution as an accomplished fact, and revoking their previous semi-irreconcilable attitude. No factions, therefore, remained politically unrepresented in Parliament, as Radić fully recognized his right to be heard in the Skupshtina, though he did not act upon it.

The aim of these various Opposition groups—with which Protić finally cast his lot—was to form a united bloc with the single object of securing a revision of the Constitution. It was obvious that revision would be impossible unless concerted action was followed, yet from the first the various Opposition groups, because of rivalries and lack of harmony on other points, failed to unite on a common program and thus, temporarily at least, defeated their own ends.

Of these groups the 58 Communists were the first to disappear from the political scene. In consequence of police revelations that the assassination of Drasković, the influential minister of the Interior, had actually been planned within the halls of the Skupshtina by the Communists, the Prince Regent summoned that body to take drastic action against those who would abuse their parliamentary immunity to plan the violent overthrow of the Government. A special Defense of the Realm Act was passed which deprived the Communist deputies of their mandates and subjected them to imprisonment. Despite the provision of the constitution abolishing the death penalty for political crimes, it was reënacted in order to punish the slayers of Drasković.

In this extra-constitutional procedure the nation at large acquiesced, primarily because it was found that the communistic propaganda was directed from Hungary, Austria, and Russia,

and financed in certain quarters by royalist, pro-Habsburg Legitimists as well. Against such subversive influences all the nation stood united, and the repression of communism was given popular approval when the parties forming the National bloc (Democratic, Radical, Agrarian, and Moslem) were victorious in the 58 by-elections necessary to fill the vacant Communist seats. Thereafter, communism ceased, in Jugoslavia, as in Switzerland, America, and Finland, to exert any active political force, and the Jugoslav Socialists recoiled from extremist doctrines.

The Moslem population of the new state also created certain problems for the veteran premier Pašić. The constitutional provisions recognizing the appointment of Moslem, Orthodox Greek, and Roman Catholic representatives in the ministry for the purpose of safeguarding the interests of religious groups made necessary a reorganization of the Cabinet immediately after the Constitution went into effect. It was this second cabinet under Pašić's leadership that was called upon to pass the anti-communist laws, and the ferreting out of the slayers of the Minister of the Interior consumed the greater part of the government's time. Meanwhile the other duties of administrative overhauling, the enforcement of the provisions of the new constitution, kept the ministers busy with primarily Jugoslav interests, to the neglect of racial and religious minority questions. The Moslem population bided its time till December, 1921, when, at a time of Turkish victories in Asia Minor, demands were made on the premier for the granting of cultural autonomy. It was but natural that the resurgence of Turkish nationalism should affect the Ottoman population of the new state, though its fundamental loyalty to the new régime had been and continued to be steadfast.

The demands now put forward, while embarrassing to the Democratic-Radical coalition over which Pašić presided, cannot be regarded as disloyal or, indeed, as wholly inappropriate. They included the establishment of separate Turkish schools, with instruction in Turkish, as well as Serbian, the creation of a Moslem University, and the employment of Turkish-speaking officials in districts where a Moslem majority resided. The

other demands were primarily for equality before the law, political equality, and freedom of commerce with adjacent countries. Minor claims of a miscellaneous character were added to the foregoing, and the Moslems insisted upon the granting of all these as the price of their continued support of the coalition.

The first claims came naturally within the purview of the racial, religious, and linguistic minority guarantees treaty which the Serb-Croat-Slovene State had been reluctantly compelled to sign at Saint Germain; the others were more properly questions of internal policy. That the Constitution granted equal rights of citizenship was clear, but the consolidation of the laws theretofore in force in the various portions of the triune Kingdom had not yet been fully accomplished; accordingly, it was with a view to the removal of such discriminations as existed under former laws in Bosnia and Herzegovina, as well as in Serbian Macedonia, that such demands were put forth.

These came at a psychological moment, when the initial differences in policy between Democrats and Radicals were asserting themselves, and Pašić was forced to resign and reconstruct his cabinet in order to meet in full the Moslem demands. Thenceforth the equality of Democrats and Radicals was broken and the Radical-Moslem coalition group started on its way to supremacy.[1] The Moslem leaders were by no means irreconcilable in their attitude, and it would appear that Pašić was extremely wise in acceding to their wishes and thereby tying up the otherwise dissident population of Turkish origin or inclinations to the political fortunes of the new state.

In the subsequent development of Jugoslav politics the Moslem elements have clung ever closer to the Radicals, and though not ceasing to be a racial group, have come to be identified as Radicals, rather than as Democrats or Agrarians. Despite the return of the Ottomans to Constantinople and the very close relation which such a readjustment of the political fortunes of the Moslem world must have on countries with Moslem minori-

[1] The Third Pašić cabinet was composed of 7 Radicals, 6 Democrats, 2 Moslems, and 1 Slovene Agrarian. It was formed on December 3, 1921, and lasted a little over a year, till December 12, 1922.

ties, these have not caused any immediate difficulty for the Serb-Croat-Slovene State. The tranquillity of such populations is the best index to their attitude toward the new régime, and in Jugoslavia, at least, there is no appreciable nationalist problem. The Moslems have their material interest—that of unexpropriated land or Government indemnity—at stake in their adherence to the new state and would hardly forego the advantages to be derived from compensation for the illusory benefits of a share in the Turkish Nationalist and Ottoman debt.

The Republican problem in Croatia is one that is by no means as simple of solution as was that of the Moslems. The Croatian Diet at Zagreb was, during the last years of the Dual Monarchy, the main forum for the development of Jugoslav nationalism, despite every precaution taken by Budapest. The ideal of republicanism, as a direct challenge to the dynastic system of the monarchy, seemed, therefore, an attractive one to the Serbo-Croat Coalition in the Diet. When the final crash came, the Jugoslav National Council, voicing its pleas for Jugoslav self-determination, naturally tended to emulate the example of Prague, Vienna, and Budapest. Karolyi, seeking by an open gesture to erase the memories of hostility that had existed between Hungarians and Croats after 1849, hailed the Jugoslav National Council in the friendliest terms, and sent to it, on his accession to power, the fraternal greetings of the Hungarian People's Republic. If all that was of the old régime was to go, the Croats could well afford to discard the monarchy—whether under the Habsburgs or the house of Karageorgević.

In this crisis the Croatian peasantry found their feelings expressed by Stjepan Radić, formerly a member of the Croatian Diet and the spokesman for the peasantry. Radić promised his followers an independent Croatian Republic, a Greater Croatia, freed alike from Habsburg and from Serbian control. The ignorant peasantry, but recently delivered from the class-rule of the Magyar boiars, acclaimed him as their leader and Croatian national feeling, in so far as a separatist feeling could be said to exist, rallied around him.

What Radić's plans were, how he sought from time to time to realize his ambitious program by rebellion, by inflaming the

peasantry against the rule of Belgrade, and finally by abstention from the Constituent Skupshtina are not germane here; the outstanding fact remains that after disappointment and frustration in his aim to create a federal state in which Croatian autonomy would be ample, Radić refused to face accomplished facts and recognize the Constitution as binding upon him. The expulsion of the Communists from the Skupshtina furnished an opportunity for Radić, yet the formation of a National bloc by all the other parties contesting for the seats vacated by the Communists prevented the Croatian Peasant Party from gaining any additional representatives. Only the Croatian municipal elections, where the Party won an overwhelming victory, gave Radić consolation. In consequence, the separatist leader kept away from Belgrade until an opportune moment should come for him gracefully to abandon his policy of abstention.

That opportunity came with the advent of Fascismo in Italy. If the Croatian leader had dallied with the various post-war cabinets in Italy and found them lukewarm or mildly favorable to his projects, there could be no question that Fascismo, with its announced policy of aggressiveness, could bode only ill for the Jugoslav state—and for Croatia. Radić was equal to the occasion. In view of the joint menace of Italy, Hungary, and Turkey to the Serb-Croat-Slovene State, through the triumph of Ottoman Nationalism and the open-threats of the Italian and Magyar Fascisti, he sent emissaries to the capital to find ways and means for the Croatian bloc to abandon its policy of isolation and accept the rule of Belgrade. In the face of a common danger, he declared, Serbs and Croats must remain united. There might be fundamental differences of principle and of policy separating them, but the integrity of the State could not be sacrificed. The Croats were willing, under grave reservations, to forego their republicanism, and return to the chamber. Such action produced a profound sensation, as it appeared to mark the end of a period of peculiarly aggravating obstructionism on the part of the Croatian bloc.

The immediate effect of the action of Radić was to cause a defeat of the Pašić ministry on December 4, 1922, and its resignation a week later. In this emergency the King con-

sulted the various other party leaders, none of whom could guarantee a majority, hence Pašić was requested by the monarch to form an "electoral cabinet" which should proceed, as soon as possible, to new elections in order to clarify the existing political situation. In thus giving the veteran premier free rein to make such political realignments as might be necessary, the King paved the way for the second endeavor of Pašić to eliminate from the Government the thoroughly Jugoslav Democratic Party and substitute therefor a cabinet almost exclusively Serbian in character though tinged slightly with Croat and Slovene affiliations. It marked a definite trend toward a policy of Serbian paramountcy.

The breakup of the Democratic-Radical Coalition had been impending throughout 1922 for it was evident after the Moslem crisis at the end of 1921 that the divergence in policies between Radicals and Democrats was becoming chasmic. The outward stability of the parties was maintained by the shifting of members from one party group to another in the Skupshtina, but inwardly the coalition was weakening. The prime purpose of the Coalition had been to pass and enforce the constitution; now new issues were arising making a party realignment necessary. Though the crisis had been deferred by the King's wedding in June, 1922, and by the renegotiation of the Little Entente, it had been gradually approaching as the Democratic Party had weakened in its attitude toward Radić.

In October, 1922, Davidović, as head of the Democratic Party and a supporter of the Coalition, attempted by private understandings and public conference to reach an agreement with Radić and find a basis for a sincere and final reconciliation with the Croatian leader. In so doing he admitted the necessity of amending or revising the Belgrade Constitution. This essentially pledged Davidović to Revisionism, and created a rift in the party; the Croatian bloc, not knowing whether or not to accept the proposals ventured by the Democrats for a national understanding, also divided into several factions; in the Radical Party, the dissenters from Pašić on the question of abiding by the Constitution, rallied around Protić and favored ample political and economic decentralization. The Coalition was

plainly being discarded. Since no fundamental agreement could be reached between the Democrats and Radicals, Pašić was forced to ally the Moslems with the Radicals to maintain a majority until the elections. As a result of this realignment, the cabinet represented only Serbs and Moslems, while the non-Serb representatives were gathered into the Opposition. Besides assuming this distinctly regional and racial realignment, the parties also clashed vigorously on a Constitutionalist and Revisionist basis.

Once the ministerial crisis was over, the party groups prepared for the first elections for a Skupshtina under the new Constitution and electoral laws. All the parties frankly welcomed the opportunity for a change, as the old Skupshtina, in which the Government parties had been almost equal in size, had been compelled to collaborate in order to avoid a deadlock. An election, therefore, was regarded as wholesome, if only because it would clear the air and end a biennium of masterly inactivity on account of divided leadership.

The Democrats entered the contest under most unfavorable circumstances, having left the coalition too late to escape the responsibility for its sins and too soon to keep the prestige of power in their appeal to the electorate. Furthermore, the party suffered from internal bickerings which tended to discredit it in the public eye. The Agrarian or Peasant Party entered the lists with a program encumbered by proposals of an extremist character, such as a class parliament and the introduction of direct legislation, which were beyond the range of practicality.

On the other hand, the Radicals appealed vigorously to the electorate because of their decisive, clear-cut program of support of the constitution and orderly government, utter repudiation of communism and separatism and staunch support of the unity of the country. Within their ranks, however, both Protić and Trumbić stood for a compromise between Serbian Conservatism and Croatian Separatism, in an endeavor to arrive at a peaceful solution of the existing difficulties between the two racial groups. Thus matters stood on the eve of the elections.

TABLE OF ELECTION RESULTS IN THE SERB-CROAT-SLOVENE STATE

Party	*1920 Constituent Elections*	*1923 Skupshtina Elections*	*Gain or Loss*
1. Radicals	92	109	+12.87%
2. Jugoslav Democrats	91	52	—5.10%
3. Croatian Peasant Party	50	70	+10.44%
4. Bosnian Moslems	24	18	+.02%
5. Serbian Moslems (Radicals)	8	13	+2.24%
6. Slovene Clericals	27	22	+.58%
7. Agrarians	39	9	—6.43%
8. Socialists	10	3	—1.62%
9. Republicans	3	0	—.72%
10. Communists	58	0	—13.84%
11. German Minorities	0	7	+2.24%
12. Montenegrin Federalists	0	2	+.64%
13. Scattering	15	8	—1.04%
Total	419	313	—25.30%

The elections marked a sweeping victory for the Radicals, and not only for that party as such, but particularly for Pašić's supporters. Both Protić and Trumbić were defeated and the Democratic Party was very materially reduced. The Moslem and Slovene Clerical Parties were returned with little appreciable change but the Agrarians and Socialists suffered most heavily. In addition, no Communist or Republican deputies were elected. This was attributable not only to anti-communist strictures but to wrangles and dissensions in their own ranks. It will be recalled that in reality these elements in the old Skupshtina had represented Germans, Magyars, and Moslems, who now appeared for the first time in their true guise. Thus the true successors to the Communists have been the representatives of ethnic, regional, or religious nationalism.

Their entry into the Skupshtina has been due to (1) the application of proportional representation, and (2) the fulfilment of the Minority Guarantees Treaty. The other minor parties have been reduced practically to impotence. As a keen French observer put it, "Advocates of change and defenders of the

Constitution—or, more properly speaking, of unitary government—will henceforth meet face to face on ground from which the smaller groups, whose perpetual oscillations only embroiled things, have been weeded out." The triumph of the Radicals, he continues, "represents on the one hand the cult of the national tradition, the maintenance of unity and attachment to public order, on the other, an unshakable fidelity to the alliances which guarantee the new status of Europe." Only the rôle to be played in the new Skupshtina by the Croatian Peasant Party, which is second to the Radicals in strength, was yet to be determined. Otherwise the position of the parties was definite and the general situation clarified.

Once the election results were made known, Pašić's return to office was inevitable. Nevertheless, the old Serbian statesman did not rest on his victory but endeavored to reach a settlement with Radić, who had again been alienated by his failure to gain control at the elections. During the interval between the elections and the assembling of the new Skupshtina every phase of the situation was canvassed, yet the premier failed to reach any agreement which would bring Radić back to the Skupshtina. Accordingly the new session opened on April 16 with the Croatian leader absent. In view of this action, and the failure of the endeavors at conciliation, Pašić resigned, but was immediately ordered by the King to reconstruct his cabinet on a strong anti-revisionist program. Whether such negotiations as were undertaken before the assembling of the Skupshtina would bear fruit remained uncertain. It appeared obvious that no great crisis in Serbo-Croat relations was impending, but rather that with the good will of the revisionist bloc, Pašić would be able to postpone immediate revision and attempt solely administrative reforms and rearrangements in Croatia.

Foreign Policy

The foreign policy of the Triune Monarchy, if less successful, has been no less distinctive than that of Czechoslovakia. Both countries have played an enormous part in the settling of the foreign affairs of Eastern Europe, but the Serb-Croat-Slovene

State had far greater problems to face than did its Northern Slav neighbor. Thanks to the joint skill of Masaryk and Beneš, the Czechoslovak Republic early won its fight for recognition; thanks to the absence of implacable enemies at the peace table, it was granted its major territorial claims without difficulty. With the triune monarchy, however, the situation was different, and almost every frontier was contested.

To begin with, under the terms of the Secret Treaty of London of April 26, 1915, the Italian Government claimed considerable territory inhabited by Jugoslavs, but not including any lands belonging to the Hungarian Crown. Not content with having utilized its authority as an occupying power to menace Jugoslav interests, Italy, through connivance with the dashing D'Annunzio, struggled diplomatically and militarily to obtain possession of Fiume. In this battle Italy met her greatest antagonist, not in Vesnić or Trumbić, the Jugoslav deputies, but in Mr. Wilson. So long as Wilson was in power, therefore, the Triune Monarchy had a friend in the councils of the victorious powers. When, however, the elections of 1920 indicated a reversal of American foreign policy, the Jugoslav statesmen were compelled reluctantly to make terms with Italy.

This was done by the Treaty of Rapallo, which settled the Italo-Jugoslav frontier in principle. It will be recalled that the Prince Regent had refused to convoke a Constituent Skupshtina until peace had been made with Italy, so that all internal reconstruction really awaited the adjustment of Jugoslavia's frontier with Italy. The latter's evasions and procrastinations made a wait of approximately two years necessary before a protocol for the full execution of the treaty was negotiated. This was signed less than a week before the Fascisti took Rome, and again the Jugoslav statesmen were made to wait. Such incidents have rendered a rapprochement of Italy and Jugoslavia peculiarly difficult and it is safe to say that so long as Pašić remains in power a gratuitous approach on the part of Italy is hardly to be thought of. Furthermore, Italian intrigues in Montenegro and Albania have done much to widen the breach between Belgrade and Rome. Serbia, once a despised principality with assassins on her throne, has become the greatest

obstacle to Italian expansion eastward, and nothing can make Rome forget this.

Toward Albania, as an outpost of Italian civilization—whatever she may claim on her own account—the Serb-Croat-Slovene State has shown marked hostility and little moderation. The belligerent attitude of Jugoslav forces, their invasion of the country and their destruction of numerous villages in the course of illicit operations which led to the intervention of the League of Nations, has hardly served to add luster to the Triune Kingdom.

The attitude of the new state toward Greece, despite the failure of the latter to fulfil her duty in 1914 under the Serbo-Greek treaty of alliance, has been formally correct, and, whether Venizelos was in or out of power, Vesnić and Pašić have endeavored to settle the claims of the respective countries to Northern Epirus without a breach. Particularly in the Near Eastern crisis of 1922 Jugoslavia took a decided stand in favor of a policy of non-intervention when there was danger of the spread of the Anatolian War into Europe. In this respect Jugoslavia has but followed the guiding lines of policy laid down by Beneš, but her rôle as the guardian of the peace of the Near East has been no secondary one.

The relations between Jugoslavia and Bulgaria have, since the war, been guided almost entirely by the terms of the Treaty of Neuilly. The thorough defeat of Bulgaria left her relatively weak and innocuous as a neighbor, but did not prevent border warfare between irregular bands. It has necessitated cool and far-sighted statesmanship on the part of Pašić to prevent local irregularities from growing into more aggressive activities of *comitadjis*. Execution of the treaty provisions relative to repatriation of prisoners, settlement of reparations, and renewal of commercial intercourse have therefore been the most important parts of the general resumption of amicable relations. Jugoslavia had nothing to fear from the agrarian dictatorship which Premier Stambulisky established in Bulgaria;[2] rather

[2] As this work is in press, word comes of the overthrow of the Stambulisky régime. This change, however, has involved no deviation in Jugoslavia's policy toward her eastern neighbor.

must it remain the objective of her statesmen to reach an understanding with her eastern neighbor with a view to the possible inclusion of Bulgaria in an enlarged Jugoslavia.

The relations between Rumania and Jugoslavia, though strained at the Peace Conference over matters such as the disposition of the Banat of Temesvar, claimed by both countries, have been remarkably friendly since the conclusion of the Little Entente in 1920, and the marriage of King Alexander to a Rumanian princess fully paved the way for the renegotiation of that combination by Beneš in 1922. So long as the Little Entente exists for the preservation of the Peace Treaties, Jugoslavia will stand with Rumania in defense of common interests. At present their relations are most cordial and intimate.

In her relations to Hungary, Jugoslavia has had as little success in establishing good feeling as have the other Succession States. To begin with, the Allied occupation of the southern part of Hungary, whither all the black reactionaries of the old régime returned when Karolyi and Kun ruled in Budapest, made the new state an unwilling partner in Allied policies toward weakened, revolutionary Hungary. With the fall of Karolyi, matters were made worse, as the White Government established itself at Arad under Serbo-French auspices. When Kun fell, Jugoslavia became the asylum for communist and republican refugees from the crownlands of Saint Stephen. Karolyists, in particular, came to Jugoslavia, and attempted in midsummer of 1921 an ill-fated movement to found a "Serbo-Magyar Republic of Baranya," which was crushed by the Allied Governments. The Karlist coups further prevented any friendly relations. Hence Hungary remains particularly isolated on her southern frontier. Not until Magyar chauvinism and mutual war-hatreds die, can Hungary and Jugoslavia be on terms of genuine friendship. It is hardly to be expected that those who felt Magyar oppression under the old régime can rejoice at the triumph of the Magyar reactionaries.

With Austria, on the other hand, Jugoslavia is at peace. There is good will between the two countries because both have resolved to live in compliance with the spirit of the new treaty-law of Europe. Austria is no longer a menace, and Jugoslavia

holds that the peace treaties have settled the historic score between Austrians and Jugoslavs; hence Austria, once the greatest oppressor, the greatest enemy, has become the most loyal of Jugoslavia's neighbors.

No mention of Jugoslav foreign policy would be complete without recalling the intimacy of the bonds between Czechoslovakia and Jugoslavia. These two have formulated in common, a policy for Central Europe in regard to every subject of common concern to the Succession States. Both prepared for Porto Rosa and Genoa; both have shared in facilitating the rehabilitation of Austria; both have prevented the development of new Balkan conflagrations out of the Near Eastern mélange. So long as Jugoslavia follows alertly and decisively the policies formulated by Beneš, the Little Entente will be the arbiter of the political and international relationships of Eastern Europe.

The unfinished tasks of Jugoslav foreign policy embrace the renewal of friendly relations with Hungary, the modification of the settlement with Italy, maintenance of due respect for the frontiers of Albania, and the reaching of ententes with Bulgaria and Greece. Meanwhile, reluctance to draw the sword on the slightest provocation, reduction of armaments and armies, friendly coöperation in every enterprise sanctioned by the League of Nations, will do much to gain prestige for the Triune Kingdom. It is true that the valor of the Serbian army saved the Jugoslav nation from destruction and made possible the creation of the new state from the ruins of the Dual Monarchy; the temptation to make use of it again to liquidate complicated problems is great, but such a course is not the one for Jugoslavia to pursue. Her future lies in internal development rather than in the forming of military combinations, and it will require all the energy and good faith of the coming generation of Jugoslav statesmen to repair, during the coming decades, the internal losses that were the price of independence and unification.

CHAPTER XIX

CONCLUSION

UNDERLYING UNITIES: *Time Charts and the Periodic Table of Political Cycles: I. Revolution and Liberation—II. Economic Experimentation—III. The Ministry of Experts—IV. The Return to Normalcy.* REVOLUTIONARY AND RECONSTRUCTIVE LEADERS: *Parties and Programs After the Revolutions—Influence of Dominant Personalities.* THE VATICAN AND THE NEW STATES: *Clericalism in Germany—In the Dual Monarchy—In Austria—In Hungary—In Jugoslavia—In Czechoslovakia—In Central and Eastern Europe Generally.* FORMS OF FREE GOVERNMENT: *Republicanism and Monarchism—Federalism vs. Centralization.*

UNDERLYING UNITIES

IN the foregoing pages the processes of national liberation through revolution and the consequent reëstablishment of an orderly government have been studied in detail. What is their general import? Are there common underlying factors operating in all instances and giving a harmony, a real unity to apparently widely diversified political phenomena? It is believed that such factors can be found, and that they harmonize with an appreciable degree of accuracy.

For each of the countries the course of political events has been graphically portrayed in the accompanying time-chart, illustrating the rise and fall of ministries, the general trend of a nation's attitude, and the strength of the various political forces at work. Their import is dependent upon the fact of majority rule as the basis for ministerial responsibility and upon the duration of parliamentary confidence. Thus the life of a ministry is measured in objective time and party terms and the strength or weakness of a government, its durability or transitory character, are determined with a fair degree of accuracy; the evolution of a policy, its success or failure, the welfare or misfortune of the country, can be ascertained with reasonable certainty.

It is distinctly interesting to note that the charts, considered in their relation one to the other, tend to show a reasonable degree of conformity in the reactions of the countries studied to the various psychological and economic forces to which the people have been subjected by war, blockade, revolution, and reaction. The forces present do not always assume the same external form, as they act, not by some predetermined formula, by some prescribed gospel, but by the necessities of a national psychology. Yet there is a marked interrelation. The movements, constitutional and otherwise, in Germany, reflect themselves in the policies of Vienna; communism inflames Hungary and Bavaria at the same time; monarchism raises its head simultaneously in Berlin and Budapest; the political orientations in Belgrade, Vienna, and Bucharest are inseparable from the lines of policy laid down in Prague.

Finally, the necessity of establishing an economic solidarity among all the Central European states leads to the adoption of essentially identic measures to restore, under a régime of political liberation, the economic freedom which was enjoyed under the political bondage of the Ausgleich. When placed side by side, then, the tables form a new grouping—a periodic table of political elements which illustrates with reasonable clarity the outstanding phases of the political cycle from revolution to normalcy through which the respective countries have passed.

In every country defeat threw the governing power into the hands of extremists on the Left, who actually engineered the Revolutions. These radical forces, not fully fitted by long tenure in office to cope with the needs of the countries, formulated, on the morrow of the respective revolutions, drastically extreme economic policies tending to wholesale socialization in industrial centers, and to the breaking up of large landed estates and the distribution of land to the peasantry in agricultural areas. Thus it is clearly to be seen that the fundamental character of the reforms demanded by revolutionary parties has varied with the particular economic status of a given region. Land reform is not shouted from the housetops in Berlin, Vienna, or Budapest, neither is socialization called for by the peasantry in East Prussia, the Tyrol, the Alföld, Slovakia, or

the Banat. But the cry for reform of a drastic character is raised equally in industrial and agrarian districts and the demand must be met by the ministry of the day, if it hopes to prolong its tenure in office. Hence, in approximately the same manner in each country, agrarian reform and industrial socialization have been demanded and, in varying degrees, realized.

This period of economic experimentation has been brought to a close in each country, under substantially similar conditions, by the advent of what may be best described as the ministry of experts—a body which drops parliamentary lines and gathers into its membership financial and economic experts to rescue the country from the results of excessive socialistic experimentation. During this period the country suffers from the suppression of ordinary political life—the cessation of parliamentary combats—but it recovers, more or less, from the excesses into which it has been plunged. That this phenomenon is almost omnipresent in Europe seems inescapable. It is seen in the recasting of the ministry under the Coalition in Great Britain, in the Millerand ministry in France, in the Černy cabinet in Czechoslovakia, in the Mayr and Teleki Cabinets in Austria and Hungary, in the Fehrenbach-Simons cabinet in Germany, and, to a lesser extent, in the Vesnić ministry in Jugoslavia.[1] Forces of economic pressure, general discontent and disillusion, force upon reluctant administrators the task of "carrying on" in the face of almost insuperable difficulties. In the measure of success attending this financial and economic reconstruction is to be found the explanation of the duration, change, recasting, and justification for these ministries.

An unwilling parliament chafes at last all too openly under the restraints to which such a ministry subjects it, revolt breaks out on the Left, and the parliamentary truce—not the *Union Sacrée* of wartime but the *Union Forcée* of near-bankruptcy—breaks down, party issues reassert themselves and the pathway towards political normalcy, toward the renewal of parliamentary life, opens. With the return to this political equilibrium, which

[1] In this instance the delay in completing the Constitution causes a slight deviation from the cycle.

is practically conditioned upon the equilibrium of the national balance sheet, the cycle of political change has swung around and a new normalcy, i. e., comparative freedom from war-time psychology and influences, has been reached. Here, then, is the completed phenomenon, the upward curve of the cycle, complemented by a rise toward economic equilibrium.[2]

Just as economic cycles are inevitably the result of material conditions and national psychological reactions, so the political cycles, as expressed quantitatively in the time charts, are the products of political theories, racial consciousness, war psychology and economic enervation, interplaying, interacting at the beginning (the end of the war) and gradually giving way to dominant nationalism, economic experimentation, constitutional reconstruction, and a return to a more rational order of national and international thinking.

Revolutionary and Reconstructive Leaders

It has long been a favorite remark among political scientists that the men most suited to start a revolution are seldom the ones best fitted to complete it. In many ways, this has been borne out by the experience of Central Europe since the war. During the war period there were many ardent spirits at work undermining the power of the monarchies, sapping the sources of constitutional authority, playing on the spirit of nationality and leading their dissatisfied fellow citizens to ever more radical steps in opposition to the constituted authority in their respective states. These firebrands of political revolution served their purpose nobly, but their mission was one of destruction, of inveighing against inherited abuses, of preaching against royal

[2] In Germany, it is to be noted, the pressure of the reparations question has led to a deviation from the trend in the other countries. Under Wirth's "policy of fulfilment," Germany tended strongly upward towards "normalcy." "But following the sudden collapse of the mark in the latter months of 1922, a new period of retrenchment, a new ministry of experts, was called for in a futile attempt to save the country from economic ruin. This may be seen in the advent of the Cuno ministry. To a lesser extent this is true of Austria, where the Seipel ministry was forced to new extremities to save the country, under the guidance of the financial experts of the League of Nations.

tyranny or dynastic absolutism. They were seldom the ones to take the constructive part in the establishing of the new order that was to follow the war. Yet peculiarly enough, these men and women were not often the prophets of a social revolution as well as the political, for only an extremist minority was willing to burn all bridges behind it in breaking with the traditional past. The apostles of political revolution almost invariably preached an evolutionary gospel as concerns the internal program of the nation that was yet to be. In this respect, men of all races and religions were alike in their vision of national emancipation, and clerical and socialist, nationalist and internationalist, in each country coöperated for the moment in achieving national liberation.

Thus, since few of the most ardent spirits had thought beyond the day of the realization of freedom, leadership was almost invariably taken out of the hands of those who had consummated the overthrow of the old order, and passed to more and more conservative elements. In each case, as political power threatened to escape forever from the hands of the apostles of social revolution, frantic efforts were made to grasp it. In Germany, Spartacism menaced the fruits of the Revolution, and it took the stern measures of a Noske to down it, while in Vienna, Slovakia, and Zagreb even Socialists lent a hand in curbing a Red conflagration such as swept over Hungary.[3] In that unhappy land alone did Communism, as the philosophy of despair embraced by a hungering, maddened proletariat, burn the bridges of Constitutionalism behind it and spread the ruin of

[3] Bolshevism, as attempted in Hungary, was, in fact, carried further into practice during the short course of the Bela Kun régime than in Russia under Lenin and Trotski, and remains strangely significant as the one example of experimental communism carried through relentlessly by experienced leaders, and brought to a very definite and sudden end. It is believed, therefore, that the study of the single closed chapter on Bolshevik rule written in the annals of Hungary furnishes a valuable basis for comparison with the forms which the same movement has taken in various other European countries. In Finland, Bolshevism was broken by the German invasion, in Poland and the Baltic States by the might of the people themselves; in the Caucasus, it is yet an experiment in virgin soil. In Hungary, Bolshevism broke down both because of the pressure exerted by the Allies and because of the passive resistance of the peasantry and the trade unions.

all economic order in its wake. But even in the proletarian environment which it created for itself, Bolshevism went too far, and overstepped the possible forced achievements of a milder régime by its own inherent brutality. Hence, when the collapse came, political power passed at once into the hands of the most extreme reactionaries, instead of striking a balance such as was gradually reached by the other countries.

In the end, every revolutionary movement repudiated the extreme claims of its leaders, and passed on the constructive leadership of peacetime to abler men, more alive to the issues of post-war days, and able to solve them with greater wisdom than the purely destructive leaders could provide. Thus leadership passed from Liebknecht and Haase and Ledebour to Scheidemann and Ebert and Müller, from Adler and Renner and Seitz to Hainisch and Seipel and Schober; from Kramař to Masaryk, from Karolyi (after the lurid interval of Bela Kun) to Friedrich and Bethlen, from Father Korošeč and Radić to the veterans, Vesnić and Pašić.

With every change in leadership, in whatever country, came changes in tactics, and as the normal party lines asserted themselves after the immediate crisis of the Revolution, the old issues of pre-war days, whenever possible, revived in some new form, under some new caption, to plague the parliamentary leaders, and decided, in many instances, the fundamental bases of the constitutions. States' rights, minority rights, clerical rights, workers' rights, were all claimed as cardinal points in the fundamental constitutional adjustments to be made. The modernization of party programs following the armistice facilitated these somewhat, yet no constitutional convention created a final document out of hand. In every instance it was, of necessity, a compromise, yet frequently the views of outstanding men influenced materially the vote and the outcome of the deliberations of a constituent.

Formally or informally, such men made themselves felt and became the outstanding personalities. Such were Preuss at Weimar, Mayr at Linz, Pašić at Belgrade and Masaryk at Prague. The guiding note to many a constitutional question is to be found not in the abstract reasons alleged, but in the

concrete advice and wisdom of a single man. The influence of Horthy or Bethlen on the Hungarian National Assembly in its decisions upon the monarchy, the regency, the dethronement, the franchise, goes far beyond the abstract merits of the several issues. Just as Tisza, whether in power or out of power, was the life of the old Hungarian Chamber, so Bethlen has become the master of the new in all its deliberations. It is around the new strategists that all the constitutional questions range themselves, and the problems of reconstruction are solved in the end only by constructive, not destructive minds. They may build upon a Conservative or Clerical foundation according to the purpose which is nearest to their hearts, yet they build with energy, if with caution. Peculiarly enough, such men are almost invariably men of cautious reserve and modest demeanor; there is no place for the demagogue in the constructive efforts of post-war statesmanship, and no great national idol has held the premiership in any Central European country.

The Vatican and the New States

The problem presented to the Vatican by the breakup of the Central Empires was a most unique one and its varying solutions, for each of the Succession States, noteworthy. In Germany, Catholicism had been intimately connected with States' Rights, with the fostered separatism of the South German States; the *Sonderrechte* recognized by the Imperial Constitution were essentially concessions to states prevailingly Ultramontanist in sentiment. But the future attitude of the Church to the dynasty was really determined when Bismarck pursued the *Kulturkampf*. Thenceforth, for the Catholic Church, there could be no fundamental agreement with the House of Hohenzollern and all the Lutheran Junkers. When Republicanism came as an alternative to Protestant dynastic dominion, the Vatican accepted the Revolution as final. If to-day monarchism raises its head in the Reich, even if Bavaria becomes a headquarters for royalist sympathizers, the *Christliche Volkspartei* remains steadfast in its adherence to the Republic, for the Vatican can scarce afford to sacrifice its present fiscal and edu-

cational position under the Weimar Constitution in any attempt at restoration which is bound to be, under existing circumstances, a fiasco.

Quite otherwise is the position of the Vatican with regard to the Succession States of the Dual Monarchy. The House of Habsburg was the most loyal supporter that the Vatican ever had. The Church, no less than the Court at Vienna or Budapest, had believed implicitly in the permanence of the House of Habsburg in its ancestral domain. *Austria Erit In Orbe Ultima* had become a *Credo* in the foreign policy of the Holy See. Then suddenly, overnight, the Habsburg domain had disappeared into thin air, the monarchy was gone, and rabidly anti-clerical Socialism was regnant at Vienna and Budapest, if not entirely so at Prague and Zagreb. Under the circumstances, the Vatican was forced to formulate anew its policies toward the Danubian States in order the better to preserve its interests in the face of the new forces opposing it.

In Vienna Catholicism went great lengths in preaching democratic equalitarianism, but in the provinces separatism was cultivated, the agrarian reform programs of the day were heartily sponsored, and the federal framework of government was proposed as the means for salvaging as much as possible for the Church from the ruins of the House of Austria. In the end, in Austria, as in Germany, clerical forces gained the control of finance and education, and the regulation of local taxation and education was left, as far as possible, in the hands of the Länder. Catholic support of the Republic has been lukewarm; monarchism, so far as it has shown its head in Austria, has had clerical protection, but Catholicism dare not risk a restoration, lest foreign intervention ensue. In any event, Catholic influences have operated to create a firm working majority in the Federal Parliament, and so long as these dominate the newly enfranchised women, as seems to have been the case both in Germany and Austria, the balance of power, if not always an active political majority, will remain in Catholic hands.

In Hungary, Catholicism has not changed its tactics. Firm in its support of the Habsburg dynasty in pre-war days, the Vatican has seen no fundamental reason for conversion from

monarchism to republicanism. Hence the Legitimists and the advocates of a National Monarchy (since the Dethronement Act went into effect) have rallied clerical sentiment around them, and the only program that savors of a socially liberal character is that propounded by the Church. Under its ægis of law and order modest ameliorative legislation may well be advocated, but a purely socialistic platform is beyond the pale. Not even under Karolyi did Catholic forces evince any material support of the Revolution; under Horthy—once a Calvinist, but now from political necessity a Romanist—the Vatican has been a chief sponsor of reaction. This open support of the monarchy is in part necessitated by the general policy which Benedict XV initiated as regards reconciliation with the Quirinal in Italy. Support of the national monarchy there could only be coupled with support of the national monarchy in the lands of Saint Stephen's Crown, hence this friendly attitude of the church helped to accentuate the inevitable rapprochement between Italy and Hungary.

As regards the Serb-Croat-Slovene State the policy of the Vatican has not had so clear a definition. It was not to be expected that special claims on behalf of the Roman Catholic Church could be effectively asserted in a country with Moslem and Orthodox Greek faiths numerically preponderant, but the constitutional recognition of the parity of all faiths, of the need of state support for each, was for the Vatican a satisfactory equivalent for its recognition of the union of the three kindred Slavic peoples. It became evident very shortly after the proclamation of the Union that any attempt at separatism, at the creation of a Catholic peasant republic in Croatia—the cherished project of Radić—could only meet with foreign opposition, and endanger the status of the Triune Kingdom. Hence it would appear that the Vatican adopted a policy of non-interference in the internal affairs of the new state, and accepted the situation of parity for Catholicism with other faiths with the best graces possible.

In the Czechoslovak Republic, however, the Vatican's policy became very difficult due to the secession of a large part of the clergy and the foundation of a Czech national church. The

fundamental reason underlying this more or less spontaneous movement would appear to have been the nationalistic resentment of the Czechs against the Vatican for its support of the repressive measures of the Austrian Monarchy during the days when parliamentary life was in abeyance and the Czechs were without a spokesman anywhere. This secession was more immediately prompted by the desire of the Czechs to use a Slavic liturgy and revive the medieval traditions of a national church. It was checked only when the Vatican reconsidered its policies toward the various Slavic states in Europe and recognized the legitimacy of a nationalistic concession—a truly Slavic liturgy. How far this need, felt in Poland, the Ukraine, in Ruthenia, Slovakia, Moravia, Slovenia, and Croatia modified the policies of the Vatican may be seen in the fact that it was Mgr. Ratti, Papal Nuncio at Warsaw in the days when the problem of Slavic liturgies vexed the late pontiff, who was elevated to the Holy See on the death of Benedict XV.

Certainly, if little progress appeared possible for the Church in Western Europe, a new orientation of Vatican policy toward the Slavic and Germanic states was necessary after the peace, and to this task, primarily that of supporting the social order against enemies from within and from without, it is evident that the Vatican has applied all its energies in the new countries. If in one country it has chosen republicanism as the vehicle for its regulative mission in ordering society and law, it has not hesitated to adopt extreme monarchy in others as the means whereby to attain its end. It would appear difficult to determine whether the Vatican has endeavored to oppose or advocate the spread of republicanism throughout Europe; its aim has been a broader one than that of forms of government and means have been made subservient to the end. The social policies of the Catholic Church in the new Europe have remained practically uniform, but the means chosen for their accomplishment have varied with the internal political conditions in each case. In Germany and Czechoslovakia it would be insensate to challenge the republican régime; in Hungary and Jugoslavia, the national monarchy has appeared to be

the vehicle of national progress. In Austria alone has any vacillation, any duality of attitude, been possible.

Forms of Free Government

It is difficult to draw general conclusions as to the external forms which political reorganization has assumed in the new states. What was sought as a result of the war was, in the main, national liberation, self-determination in accordance with deep-rooted racial or national tradition, not the artificial imposition of a republican régime upon peoples as yet unfitted for the practice of democratic national self-government in a republican framework. It is significant, of course, that the national monarchy has survived in only two instances, those of Hungary and Jugoslavia. Elsewhere the republican principle triumphed. This triumph is explainable in terms of the forces that brought revolution to its consummation. In Germany and in Austria the chief forces working for the overthrow of the dynasty were socialistic and nationalistic in character, but the real national leadership, in the case of the Jugoslavs, lay outside the confines of the Dual Monarchy. It lay in the Kingdom of Serbia, and the repudiation of the Karageorgević dynasty as the nominal heads of the Jugoslav state would have meant the undoing of all that Serbia had done for the cause of Jugoslav unification. In Hungary the perversion of Karolyist republicanism by the Hungarian Soviet, the establishment of a dictatorial ergontocracy under the ægis of republicanism led to the absolute repudiation of the "republican" régime and to a return to the sole tradition of orderly government—that of the monarchy.

Thus the monarchies in Hungary and Jugoslavia can in nowise be represented as abnormal, but rather as the resultants of forces acting both within and without the nation. Self-determination is consonant with both monarchical and republican forms, provided free government is the result.[4] It is

[4] The aims of avowed dynastic restoration are different from those of constitutional national monarchy, for they imply a restoration of the *ancien régime*. Of all the political groups in Central Europe the mon-

unwise, therefore, to argue narrowly as to form, since the best framework of government for any nation is that which is the outgrowth of its peculiar conditions and its national psychology.

The same may be said of internal structure. In Germany, the sense of national solidarity in the face of defeat operated to break down the barriers that had separated Germans in the North and in the South, and an *Einheitsstaat*—not without vestigial reminders of the former imperfect federal system, it is true—resulted. In Austria, the ban on union with Germany—the goal of the *Gross Deutscher Verband*—produced the cry "Los von Wien" and a federal constitution was the result. In Hungary, the ardent irredentism of the upholders of millenary Hungary, whether Legitimist or Bolshevik, admitted no change in the centralized structure of national government. Finally, in Czechoslovakia, as in Jugoslavia, the movement for national unity culminated in the substitution of fully centralized government for the diverse regions, in lieu of the policy of *divide et impera* which had subjected these lands to Habsburg misrule. Such were the imperative necessities of realized nationality.

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archist groups seem to be the ones which have learned nothing. Finding, as they do, most of their support among the nobility and pensioners of the departed courts, they continue noisily to boast of the former prowess of dynastic autocrats, and have nothing to offer by way of a remedy for existing political unrest except the panacea of absolutism which has been tried and found wanting.

PART II

SELECT DOCUMENTS ON THE NEW GOVERNMENTS OF CENTRAL EUROPE

A. GERMANY.

1. Speech of Prince Maximilian of Baden, October 5, 1918.
2. Imperial Order subjecting the Military to Civil Authority, October 15, 1918.
3. Imperial Decree amending the Federal Constitution, October 28, 1918.
4. Manifesto of the Imperial Government, November 5, 1918.
5. Proclamations to Germans Abroad and at Home, November 7, 1918.
6. Social Democratic Ultimatum to Imperial Government, November 8, 1918.
7. Proclamation of Workers' and Soldiers' Council, November 9, 1918.
8. Proclamation announcing the Republic, November 9, 1918.
9. Speech of Philip Scheidemann to Berlin Crowds, November 9, 1918.
10. Majority Socialist Reply to Independent Socialist Questionnaire, November 9, 1918.
11. Revolutionary Government Proclamation, November 9, 1918.
12. Imperial Decree turning Chancellorship over to Ebert, November 9, 1918.
13. Statement of People's Government, November 9, 1918.
14. Proclamation of Chancellor Ebert, November 10, 1918.
15. Program of Revolutionary Government, November 12, 1918.
16. Telegram of Revolutionary Government to Army High Command, November 12, 1918.
17. Proclamation of Revolutionary Government to the Returning Soldiers, November, 1918.
18. Resolution of Delegates of the Federal States, November 25, 1918.
19. Act of Abdication of William II, November 28, 1918.
20. Electoral Law for the Reich, November 30, 1918.
21. Renunciation of Imperial Succession by Crown Prince, December 1, 1918.
22. Manifesto of the Spartacus Group, December 26, 1918.
23. Withdrawal of Independent Socialists from Government, December 28, 1918.
24. Spartacist Proclamation, January 6, 1919.
25. Anti-Spartacist Manifesto, January 11, 1919.
26. Provisional Constitution of the German Reich, February 10, 1919.
27. Program of the Scheidemann Cabinet, February 13, 1919.
28. Preuss' Proposal for a Constitution of the Reich, January-February, 1919.

29. Draft of the Program of the German Democratic Party, May 1, 1919.
30. Appeal of Independent Socialists to Working People, June 18, 1919.
31. Anti-Treaty Manifesto of Conservative Parties, June 21, 1919.
32. Program of Gustav Bauer Ministry, June 22, 1919.
33. Government Proclamation on Signature of Treaty, June 25, 1919.
34. Nationalist Manifesto on Signature of Treaty, June 30, 1919.
35. Domestic Program of the Bauer Cabinet, July 1, 1919.
36. Conservative Manifesto against Ratification, July 4, 1919.
37. Kapp Proclamation assuming the Imperial Chancellorship, March 13, 1920.
38. Political Program of Kapp Government, March 13, 1920.
39. Anti-Kapp Manifesto urging General Strike, March 13, 1920.
40. Manifesto of Government of Saxony, March 14, 1920.
41. Anti-Government Manifesto issued by Kapp, March 15, 1920.
42. Party Manifestoes during Kapp Coup, March 16, 1920.
43. Manifestoes announcing Failure of Kapp Coup, March 17-18, 1920.
44. Program of the Müller Cabinet, March 29, 1920.
45. Program of the Fehrenbach Cabinet, June 28, 1920.
46. Program of the Wirth Cabinet, May 10, 1921.
47. Program of Social Democrats on entering Wirth Cabinet, May 10, 1921.
48. Declaration of Democratic Party, May 10, 1921.
49. Declaration of People's Party, May 10, 1921.
50. Declaration of National People's Party, May 10, 1921.
51. Proclamation of Wirth Government against Counter-Revolutionaries, August 29, 1921.
52. Excerpt from Ordinance against Seditious Activities, August 29, 1921.

B. AUSTRIA.

1. Imperial Manifesto Federalizing the Austrian Crownlands, October 16, 1918.
2. German-Austrian Declaration of Independence, October 21, 1918.
3. Speech of Dr. Viktor Adler, October 21, 1918.
4. Proclamation of the State Council, October 30, 1918.
5. Appeal of State Council to Soldiers in Vienna, November 1, 1918.
6. Manifesto of Emperor Karl withdrawing from Austrian Affairs, November 11, 1918.
7. Austrian Constitution of November 12, 1918.
8. Austrian Electoral Law of December 18, 1918.
9. Program of the Christian Socialist Party, March, 1919.
10. Program of the Social Democratic Party, February 19, 1919.
11. Domestic Program of the Renner Ministry, March 15, 1919.
12. Manifesto of the Workers' Councils to Hungarian Proletariat, March 23, 1919.
13. Statement of Renner relative to Austro-German Union, May 8, 1919.
14. Basis of the Federal Constitution of Austria, May 16, 1919.

15. Protest of Christian Socialist Party against Peace Treaty, June 8, 1919.
16. Appeal of Workmen against a Dictatorship of the Proletariat, June 15, 1919.
17. Communist Appeal to Soldiers for a Proletarian Dictatorship, June 17, 1919.
18. Program of Second Renner Ministry, October 17, 1919.
19. Law changing German-Austrian Republic to Austrian Republic, October 17, 1919.
20. Program of the Christian Socialist Party, November 11, 1919.
21. Anti-Habsburg Law, April 14, 1921.

C. HUNGARY.

1. Manifesto of Social Democratic Party, October 8, 1918.
2. Statement of Count Michael Karolyi, October 9, 1918.
3. Resolution of the Radical Party, October 14, 1918.
4. Address of Karolyi to the King, October 16, 1918.
5. Karolyi Program, October 22, 1918.
6. Proclamation of Archduke Joseph, October 28, 1918.
7. Rescript of King Karl IV, withdrawing from Hungarian Affairs, November 13, 1918.
8. Appeal of National Council, November 15, 1918.
9. Resolution of National Council proclaiming the Republic, November 16, 1918.
10. Hungarian Electoral Law of November 23, 1918.
11. Regulations for the National Councils, December 3, 1918.
12. Press Law of the National Council, December 8, 1918.
13. Law on Ruthenian Autonomy, December 21, 1918.
14. Karolyi Party Manifesto, February 15, 1919.
15. Extract from Social Democratic Election Manifesto, March 13, 1919.
16. Karolyi's Resignation Manifesto, March 21, 1919.
17. First Decrees of the Hungarian Soviet, March 21-22, 1919.
18. Appeal of Bela Kun to Czechoslovak and Rumanian Proletariat, March 22, 1919.
19. Proclamation of the Program of the Hungarian Soviet, March 22, 1919.
20. Electoral Law for the Hungarian Soviets, March 30, 1919.
21. Proclamation of Soviet Government to the Army, April 4, 1919.
22. Manifesto of the Counter-Revolutionary Government at Arad, May 5, 1919.
23. Constitution of the Hungarian Soviet Republic, June 24, 1919.
24. Program of the Peidl Cabinet, August 3, 1919.
25. Proclamation of Archduke Joseph on assuming Power, August 8, 1919.
26. Proclamation of Archduke Joseph on leaving the Government, August 23, 1919.

27. Manifesto of Admiral Horthy to the Nation, March 1, 1920.
28. Anti-White Terror Manifesto, June 5, 1920.
29. Program of Second Teleki Ministry, December 18, 1920.
30. Decree of Amnesty to Political Prisoners, December 25, 1920.
31. Manifesto of the Liberal-Radical Bloc, February 19, 1921.
32. Resolutions of the Hungarian National Assembly, April 1, 1921.
33. Declaration of King Karl on leaving Hungary for the Second Time, April 2, 1921.
34. Karlist Proclamation, October 21, 1921.
35. Horthy's Proclamation to the Army, October 22, 1921.
36. Horthy's Proclamation (Second Karlist Coup), October 24, 1921.
37. Allied Ultimatum relative to Karl, October 27, 1921.
38. Dethronement Act of November 4, 1921.
39. Program of Legitimist Party, January 21, 1922.
40. The Electoral Law of 1922: the Juridical Aspect.
41. Declaration of Government Party, March 5, 1922.
42. Social Democratic Election Manifesto, March 19, 1922.
43. Legitimist Program (Count Andrassy), March, 1922.
44. Rescript of Horthy regarding Hungarian Elections, March, 1922.

D. CZECHOSLOVAKIA.

1. Socialist Proclamation at Prague, October 14, 1918.
2. Czechoslovak Declaration of Independence, October 18, 1918.
3. Manifesto of the Czechoslovak National Council, October 28, 1918.
4. Proclamation of the National Council, October 28, 1918.
5. Slovak Declaration of Union with the Czech Nation, October 30, 1918.
6. The Declaration of Geneva, October 31, 1918.
7. Provisional Constitution of the Czechoslovak Republic, November 13, 1918.
8. Social Democratic Manifesto, March 12, 1919.
9. Proclamation to the Ruthenes of Hungary, May 1, 1919.
10. Messages from President Masaryk to the Tusar Cabinet, July 9, 1919.
11. Mine Councils Law of February 25, 1920.
12. Program of the Černy Cabinet, September 22, 1920.
13. Manifesto to the Army after the Second Karlist Coup, November 8, 1921.
14. Domestic Program of the Švehla Ministry, October, 1922.
15. Foreign Policy of Czechoslovakia; Statement of Foreign Minister Beneš, December, 1922.

E. JUGOSLAVIA.

1. Jugoslav Attitude toward Austrian Peace Move, September 24, 1918.
2. Constitution of National Council of Zagreb, October 21, 1918.
3. Proclamation of Jugoslav National Council, October 22, 1918.

4. Proclamation of a United S. H. S. State, November 24, 1918.
5. Resolutions of Jugoslav National Council, December 4, 1918.
6. Proclamation of Prince Regent Alexander, January 6, 1919.
7. Principles of Jugoslav Political Parties, February, 1919.
8. Act of Union between Montenegro and the S. H. S. State, April 20, 1919.
9. Outline of Provisional Constitution of the S. H. S. State, June 14, 1919.
10. Manifesto of the Jugoslav Communist Party, October 12, 1920.
11. Jugoslav Constitutional Projects, April 17, 1921.
12. The Croatian Program, March 28, 1923.

SELECT DOCUMENTS ON THE GOVERNMENT OF GERMANY

No. 1

SPEECH OF PRINCE MAXIMILIAN OF BADEN ON ASSUMING THE IMPERIAL CHANCELLORSHIP, OCTOBER 5, 1918

(*New York Times*, October 7, 1918)

In accordance with the Imperial decree of September 30, the German Empire has undergone a basic alteration of its political leadership.

As successor to Count George F. von Hertling, whose services in behalf of the Fatherland deserve the highest acknowledgment, I have been summoned by the Emperor to lead the new Government.

In accordance with the new governmental method now introduced, I submit to the Reichstag, publicly and without delay, the principles upon which I propose to conduct the grave responsibilities of the office.

These principles were firmly established by the agreement of the federated Governments and the leaders of the majority parties in this honorable House before I decided to assume the duties of Chancellor. They contain, therefore, not only my own confession of political faith but that of an overwhelming portion of the German peoples' representatives, that is, of the German Nation, which has constituted the Reichstag on the basis of a general, equal and secret franchise, and according to their will. Only the fact that I know the conviction and will of the majority of the people are back of me has given me strength to take upon myself conduct of the Empire's affairs in this hard and earnest time in which we are living.

One man's shoulders would be too weak to carry alone the tremendous responsibility which falls upon the Government at

present. Only if the people take active part, in the broadest sense of the word, in deciding their destinies, in other words, if responsibility also extends to the majority of their freely elected leaders, can the leading statesman confidently assume his part of the responsibility in the service of folk and Fatherland.

My resolve to do this has been especially lightened for me by the fact that prominent leaders of the laboring class have found a way in the new Government to the highest offices of the Empire. I see therein a sure guarantee that the new Government will be supported by the firm confidence of the broad masses of the people, without whose true support the whole undertaking would be condemned to failure in advance. Hence, what I say to-day I say is not only in my own name and those of my official helpers, but in the name of the German people.

The program of the majority parties, upon which I take my stand, contains, first, an acceptance of the answer of the former Imperial Government to Pope Benedict's note of August 1, 1917, and an unconditional acceptance of the Reichstag resolution of July 19, the same year. It further declares willingness to join a general league of nations based on the foundation of equal rights for all, both strong and weak.

It considers the solution of the Belgian question to lie in the complete rehabilitation (Wiederherstelling) of Belgium, particularly of its independence and territorial integrity. An effort shall also be made to reach an understanding on the question of indemnity.

The program will not permit the peace treaties hitherto concluded to be a hindrance to the conclusion of a general peace.

Its particular aim is that popular representative bodies shall be formed immediately on a broad basis in the Baltic provinces, in Lithuania and Poland. We will promote the realization of necessary preliminary conditions therefor without delay by the introduction of civilian rule. All these lands shall regulate their constitutions and their relations with neighboring peoples without external interference.

In the matter of international politics I have taken a clear

stand through the manner in which the formation of the Government was brought about. Upon my motion leaders of the majority parties were summoned for direct advice. It was my conviction, gentlemen, that unity of Imperial leadership should be assured, not only through mere schismatic party allegiance by the different members of the Government. I considered almost still more important the unity of ideas. I proceeded from this viewpoint, and have, in making my selections, laid greatest weight on the fact that the members of the new Imperial Government stand on a basis of a just peace of justice, regardless of the war situation, and that they have openly declared this to be their standpoint at the time when we stood at the height of our military successes.

I am convinced that the manner in which Imperial leadership is now constituted, with coöperation of the Reichstag, is not something ephemeral, and that when peace comes a Government cannot again be formed which does not find support in the Reichstag and does not draw its leaders therefrom.

The war has conducted us beyond the old multifarious and disrupted party life, which made it so difficult to put into execution a uniform and decisive political wish. The formation of a majority means the formation of a political will, and an indisputable result of the war has been that in Germany, for the first time, great parties have joined together in a firm, harmonious program and have thus come into position to determine for themselves the fate of the people.

This thought will never die. This development will never be retracted and I trust that, so long as Germany's fate is ringed about by dangers, those sections of the people outside the majority parties and whose representatives do not belong to the Government will put aside all that separates us and give the Fatherland what is the Fatherland's.

This development necessitates an alteration of our Constitution's provisions along the lines of the Imperial decree of September 30, which shall make it possible that these members of the Reichstag who entered the Government will retain their seats in the Reichstag. A bill to this end has been submitted to

the Federal States and will immediately be made the subject of their consideration and decision. . . .

Political developments in Prussia, the principal German Federal State, must proceed in the spirit of these words of the Emperor, and the message of the King of Prussia promising the democratic franchise must be fulfilled quickly and completely. I do not doubt, also, that those Federal States which still lag behind in the development of their constitutional conditions will resolutely follow Prussia's example.

For the present, as the example of all belligerent States demonstrates, the extraordinary powers which a condition of siege compels cannot be dispensed with, but close relations between the military and civilian authorities must be established which will make it possible that in all not purely military questions, and hence especially as to censorship and right of assemblage, the attitude of the civilian executive authorities shall make itself heard and that final decision shall be placed under the Chancellor's responsibility.

To this end the order of the Emperor will be sent to the military commanders. With September 30, the date of this decree, began a new epoch in Germany's internal history. The internal policy whose basic principles are therein laid down is of basic importance on the question of peace or war.

The striking force which the Government has in its strivings for peace depends upon whether it has behind it the united, firm and unshakable will of the people. Only when our enemies feel that the German people stand united back of their chosen leaders—then only can words become deeds. . . .

Supported by the consent of all duly authorized persons in the Empire, and by consent of all our allies acting in concert with us, I sent on the night of October 4-5, through the mediation of Switzerland, a note to the President of the United States, in which I requested him to take up the bringing about of peace and to communicate to this end with all the belligerent States.

. . . . . .

No. 2

Imperial Order Subjecting the Military to Civil Authority, October 15, 1918

(*Enemy Press Supplement,* October 31, 1918, p. 873, from the *Reichsanzeiger,* October 16)

We, Wilhelm, etc., etc., ordain on the basis of the law regarding the state of war of December 4, 1916, in the name of the Empire, as follows:

The Order regarding the execution of the law referring to the state of war of December 4, 1916, is altered as follows:

1. Paragraph 1 receives the following sub-section 2: The officer commanding can issue orders binding military officers.

2. The following paragraph 3 is added: The officer commanding must make all his orders and decisions in agreement with the Imperial Chancellor or the latter's appointed representative.

Given at G. H. Q., October 15, 1918.

Wilhelm.
Max, Prince of Baden.

No. 3

Decree of Kaiser Wilhelm II at the Publication of an Amendment to the German Constitution, October 28, 1918

(*New York Times,* November 4, 1918, p. 1)

Your Grand Ducal Highness: I return herewith for immediate publication the bill to amend the Imperial Constitution and the law of March 17, 1878, relative to the representation of the Imperial Chancellor, which has been laid before me for signature.

On the occasion of this step, which is so momentous for the future history of the German people, I have a desire to give expression to my feelings. Prepared for by a series of Govern-

ment acts, a new order comes into force which transfers the fundamental rights of the Kaiser's person to the people.

Thus comes to a close a period which will stand in honor before the eyes of future generations. Despite all struggles between invested authority and aspiring forces, it has rendered possible to our people that tremendous development which imperishably revealed itself in the wonderful achievements of this war. In the terrible storms of the four years of war, however, old forms have been broken up, not to leave their ruins behind, but to make a place for new, vital forms.

After the achievements of these times, the German people can claim that no right which may guarantee a free and happy future shall be withheld from them.

The proposals of the Allied Governments which are now adopted and extended owe their origin to this conviction. I, however, with my exalted allies, indorse these decisions of Parliament in firm determination, so far as I am concerned, to coöperate in their full development, convinced that I am thereby promoting the weal of the German people.

The Kaiser's office is one of service to the people. May, then, the new order release all the good powers which our people need in order to support the trials which are hanging over the Empire and with a firm step win a bright future from the gloom of the present.

WILHELM I. R.

Berlin, October 28, 1918.
(*Countersigned*)
MAX, PRINCE OF BADEN.

No. 4

MANIFESTO OF THE GERMAN GOVERNMENT, NOVEMBER, 5, 1918

(*New York Times*, November 7, 1918, p. 2)

The burden of the present time is weighing heavily on the world and the German nation. We must overcome these hard days and their consequences. We must begin working for the happier times to which the German nation has a right.

The new Government is engaged on this important work. Equal suffrage is assured in Prussia. The new Government is made up of representatives of the majority parties in the Reichstag. The military administration has been placed under the responsibility of the Imperial Chancellor, a far-reaching amnesty has been granted, and freedom of the press and the right of assembly have been guaranteed. There still remains, however, much to do.

The transformation of Germany into a People's State second to no other country in respect of political freedom and care for the welfare of the masses will be continued resolutely. The reorganization can only exercise its beneficial effects if it encounters among administrative and military authorities a spirit which recognizes and promotes its aims. We expect from our countrymen who serve the Commonwealth in official positions, willing coöperation.

In all parts of the State and Empire we need the maintenance of public safety by the nation itself. We have confidence in the German people. It has proved its brilliant qualities during four terrible years of war and will not allow itself to be driven senselessly and uselessly into new misery by visionaries. Self-discipline and order are needed. All lack of discipline will most seriously endanger the conclusion of a speedy peace.

The Government and the commanders of the army and fleet want peace. They want it honestly and they want it soon. Until that time we must protect our frontiers against invasion by the enemy. The troops who for weeks have been engaged in severe fighting must be relieved and rested. It is for this reason, and no other, that more men have recently been called up.

Men of the Army and Fleet: Our especial thanks are due to you, as well as to your leaders. By your defiance of death and your discipline you have saved the Fatherland.

One of the most important tasks is economic reconstruction, so that soldiers and sailors returning home from the front may find the possibility of assuring existence for themselves and their families. All large associations of employers have declared themselves ready to reëmploy immediately their former

employees and workmen now serving the colors. Provisions for employment, the support of the unemployed, and for housing and other measures with the same object are in preparation or have been carried out.

With the conclusion of peace will come an improvement in food and all other conditions of existence.

No. 5

Proclamations of Chancellor Maximilian to Germans Abroad and at Home, November 7, 1918

(*New York Times*, November 11, 1918, p. 1)

A. To Germans Abroad:

In these difficult days the hearts of many of you, my fellow countrymen, who outside the frontier of the German Fatherland are surrounded by manifestations of malicious joy and hatred, will be heavy. Do not despair of the German people.

Our soldiers have fought to the last moment as heroically as any army has ever done. The homeland has shown unprecedented strength in suffering and endurance.

In the fifth year, abandoned by its allies, the German people could no longer wage war against the increasingly superior forces.

The victory for which many had hoped has not been granted to us. But the German people has won this still greater victory, over itself and its belief in the right of might.

From this victory we shall draw new strength for the hard time which faces us and which you also can build.

B. To Germans at Home:

For more than four years the German nation, united and calm, has endured the most severe sufferings and sacrifices. If at this decisive hour, when only absolute unity can avert from the entire German people great dangers for its future, internal strength gives way, then the consequences are unforseeable.

An indispensable demand in these decisive hours, which must be made by every people's government, is the maintenance of

the hitherto existing calm, under voluntary discipline. May every citizen be conscious of the high responsibility toward this people in the fulfilment of their duty!

No. 6

Announcement of an Ultimatum to the Bourgeois Government Issued by the Socialist Majority Party, Expiring at Midnight on Friday, November 8, Demanding the Kaiser's Abdication

(*International Conciliation,* April, 1919, Pamphlet No. 137, p. 538)

Peace is assured—in a few hours the armistice will have begun. Only let there now be no thoughtless acts, such as would cause the bloodshed which has ended at the front to reappear again at home. The Social Democratic Party is exerting all its power to get your demands fulfilled as quickly as may be!

Therefore, the Executive of the Social Democratic Party and the Social Democratic Parliamentary Party have put the following final demands to the Imperial Chancellor:

1. Permission to hold the meetings forbidden to-day.
2. Instructions for extreme caution to police and military.
3. Abdication of the Kaiser and Crown Prince by Friday mid-day.
4. Strengthening of the Social Democratic elements in the government.
5. Conversion of the Prussian Ministry to conform to the program of the Majority parties of the Reichstag.

If no satisfactory answer is given by Friday mid-day, then the Social Democrats will resign from the government.

Expect further news from us in the course of Friday afternoon.

The Executives of the Social Democratic Party and of the Social Democratic Parliamentary Party.

No. 7

NOTICE, CALLING THE GENERAL STRIKE, PUBLISHED IN AN EXTRA EDITION OF VORWAERTS, AT 1 O'CLOCK ON SATURDAY, NOVEMBER 9

(*International Conciliation*, April, 1919, Pamphlet No. 137, p. 539)

GENERAL STRIKE

The Workers' and Soldiers' Council of Berlin has decided to call the General Strike. All factories are to stop. The necessary feeding of the population will continue. A large part of the garrison has put itself at the disposal of the Workers' and Soldiers' Council in units armed with machine guns and rifles. The movement is to be led jointly by the Social Democratic Party of Germany and the Independent Party of Germany. Workers and soldiers! See to it that quiet and order are maintained! Long live the Socialist Republic!

WORKERS' AND SOLDIERS' COUNCIL.

No. 8

FLYSHEET ISSUED IN BERLIN ON THE AFTERNOON OF SATURDAY, NOVEMBER 9, ANNOUNCING THE SUCCESS OF THE REVOLUTION

(*International Conciliation*, April, 1919, Pamphlet No. 137, p. 540)

WORKERS! SOLDIERS! FELLOW CITIZENS!

The Free State has come!

Emperor and Crown Prince have abdicated!

Fritz Ebert, the chairman of the Social Democratic Party, has become Imperial Chancellor and is forming in the Empire and in Prussia a new government of men who have the confidence of the working population in town and country, of the workers, and of the soldiers. Herewith public power has passed into the hands of the people. A National Assembly to settle the Constitution will meet as quickly as possible.

Workers, soldiers, citizens! The victory of the people has been won; it must not be dishonored by thoughtlessness.

Economic life and transport must be maintained at all costs, so that the people's government may be secured under all circumstances.

Obey all the recommendations of the people's government and its representatives. It is acting in the closest union with the workers and the soldiers.

Long live the German People's Republic.

THE EXECUTIVE OF THE SOCIAL DEMOCRACY OF GERMANY.
THE WORKERS' AND SOLDIERS' COUNCIL.

No. 9

SCHEIDEMANN'S SPEECH TO THE PEOPLE FROM THE BALCONY OF THE REICHSTAG ON THE AFTERNOON OF NOVEMBER 9

(*International Conciliation*, April, 1919, Pamphlet No. 137, p. 541)

WORKERS AND SOLDIERS!

The German people have won all along the line. What is old and corrupt has yielded. Militarism has yielded. The Hohenzollerns have abdicated. Long live the German Republic! Ebert has been proclaimed Imperial Chancellor. Comrade Ebert is thereby commissioned to form a new government. All Social Democratic groups will belong to this government. Now our task is not to let this glorious victory, this complete victory of the German people, be besmirched. Therefore, I beg you to see to it that there is no disturbance to the public safety. We must be able to be proud of this day forever. Nothing must happen which might later be thrown in our teeth.

Quiet, order and security, these are what we need now. The General commanding in the marches and the War Minister Scheuch, will each receive an adviser. Deputy Göhre will sign all statements of the War Minister as well as Scheuch. It is, therefore, your duty now to respect all statements signed by

Ebert, Scheuch and Göhre. See to it that the new German Republic which we are setting up is not interfered with by anything. Long live the German Republic!

No. 10

Answer of the Majority Socialist Party to the Demands of the Independent Socialists Concerning the Basis on Which They Should Both Agree to Form One Government, Issued at 8:30 p. m., on November 9

(*International Conciliation*, April, 1919, Pamphlet No. 137, pp. 544-545)

To the Executive of the Independent Social Democratic Party:

Guided by the sincere wish to achieve a union, we must make clear to you our attitude to your demands. You demand:

1. *That Germany is to become a Socialist Republic.* Answer: This demand is the goal of our own policy; nevertheless, it is for the people and the Constituent National Assembly to decide.

2. *In this Republic the whole executive, legislative, and judicial power is to be exclusively in the hands of chosen men of the total laboring population and the soldiers.* Answer: If this demand means the dictatorship of a part, a class, without the majority behind it, then we must reject this demand, because it would run counter to our democratic principles.

3. *Exclusion from the Government of all bourgeois members.* Answer: This demand we must reject, because to accede to it would seriously endanger the feeding of the people, if not make it impossible.

4. *The participation of the Independents shall only be valid for three days, as a temporary measure, in order to create a government capable of concluding an armistice.* Answer: We hold that a coöperation of the Social Democratic groups is necessary at least until the meeting of the Constituent Assembly.

5. *The Department Ministers shall count only as technical*

assistants to the Cabinet, which alone shall take decisions. Answer: We agree to this demand.

6. *Equal powers to the joint Presidents of the Cabinet.* Answer: We are for the equal powers of all members of the Cabinet; nevertheless, the Constituent Assembly will have to decide on this.

It is hoped from the good sense of the Independent Social Democratic Party that it will achieve a union with the Social Democratic Party.

THE EXECUTIVE OF THE SOCIAL DEMOCRATIC PARTY OF GERMANY.
(Signatures)

No. 11

DECREE ISSUED BY THE NEW REVOLUTIONARY GOVERNMENT ON THE EVENING OF NOVEMBER 9

(*International Conciliation,* April, 1919, Pamphlet No. 137, pp. 543-544)

COMRADES!

This day has completed the freeing of the people. The Emperor has abdicated, his eldest son has renounced the throne. The Social Democratic Party has taken over the government, and has offered entry into the government to the Independent Social Democratic Party on the basis of complete equality. The new government will arrange for an election of a Constituent National Assembly, in which all citizens of either sex who are over twenty years of age will take part with absolutely equal rights. After that it will resign its powers into the hands of the new representatives of the people.

Until then its duties are:

To conclude an armistice and to conduct peace negotiations; to assure the feeding of the population.

To secure for the men in the army the quickest possible orderly return to their families and to wage-earning work.

For this the democratic administration must begin at once

to work smoothly. Only by means of faultless working can the worst disasters be avoided. Let each man, therefore, realize his responsibility to the whole. Human life is sacred. Property is to be protected against illegal interference. Whoever dishonors this glorious movement by vulgar crimes is an enemy of the people and must be treated as such. But whoever cooperates with honest self-sacrifice in our work, on which the whole future depends, may say of himself that at the greatest moment of the world's history he joined in to save the people.

We face enormous tasks. Laboring men and women in town and country, men in the soldier's uniform and men in the workman's blouse, help, all of you!

EBERT, SCHEIDEMANN, LANDSBERG.

No. 12

IMPERIAL DECREE TURNING CHANCELLORSHIP OVER TO EBERT, NOVEMBER 9, 1918

(*New York Times,* November 11, 1918, p. 1)

DECREE OF THE IMPERIAL CHANCELLOR

The Kaiser and King has decided to renounce the throne.

The Imperial Chancellor will remain in office until the questions connected with the abdication of the Kaiser, the renouncing by the Crown Prince of the throne of the German Empire and of Prussia, and the setting up of a regency have been settled.

For the regency he intends to appoint Deputy Ebert as Imperial Chancellor, and he proposes that a bill shall be brought in for the establishment of a law providing for the promulgating of general suffrage and for a constitutional German National Assembly, which will settle finally the future form of government of the German Nation and of those peoples which might be desirous of coming within the Empire.

THE IMPERIAL CHANCELLOR.

No. 13

Statement Issued by the People's Government, Nov. 9, 1918

(*New York Times*, Nov. 11, 1918, p. 1)

In the course of the forenoon of Saturday the formation of a new German People's Government was initiated. The greater part of the Berlin garrison, and other troops stationed there temporarily, went over to the new Government.

The leaders of the deputations to the Social Democratic Party declared that they would not shoot against the people. They said they would, in accordance with the People's Government, intercede in favor of the maintenance of order. Thereupon in the offices and public buildings the guards which had been stationed there were withdrawn.

The business of the Imperial Chancellor is being carried on by the Social Democratic deputy, Herr Ebert.

It is presumed that apart from the representatives of the recent majority group, three Independent Social Democrats will enter the future Government.

No. 14

Proclamation of Chancellor Ebert, November 10, 1918

(*New York Times*, November 11, 1918, p. 1)

Citizens:

The ex-chancellor, Prince Max of Baden, in agreement with all the Secretaries of State, has handed over to me the task of liquidating his affairs as Chancellor. I am on the point of forming a new Government in accord with the various parties, and will keep public opinion freely informed of the course of events.

The new Government will be a government of the people. It must make every effort to secure in the quickest possible time peace for the German people and consolidate the liberty which they have won.

The new Government has taken charge of the administration, to preserve the German people from civil war and famine and

to accomplish their legitimate claim to autonomy. The Government can solve this problem only if all the officials in town and country will help.

I know it will be difficult for some to work with the new men who have taken charge of the Empire, but I appeal to their love of the people. Lack of organization would in this heavy time mean anarchy in Germany and the surrender of the country to tremendous misery. Therefore help your native land with fearless, indefatigable work for the future, every one at his post.

I demand every one's support in the hard task awaiting us. You know how seriously the war has menaced the provisioning of the people, which is the first condition of the people's existence. The political transformation should not trouble the people. The food supply is the first duty of all, whether in town or country, and they should not embarrass, but rather aid, the production of food supplies and their transport to the towns.

Food shortage signifies pillage and robbery, with great misery. The poorest will suffer the most, and the industrial worker will be affected hardest. All who illicitly lay hands on food supplies or other supplies of prime necessity or the means of transport necessary for their distribution will be guilty in the highest degree toward the community.

I ask you immediately to leave the streets and remain orderly and calm.

No. 15

Program of the New Revolutionary Government, Announced by the Berlin Cabinet of Six

(*International Conciliation*, April, 1919, Pamphlet No. 137, p. 545-6)

To the German People!

The Government which the Revolution has produced, whose political convictions are purely Socialist, is undertaking the

task of realizing the Socialist program. They now make the following announcements, which will have the force of law:

1. The state of siege is abolished.
2. The right of association and meeting is subject to no limitations, not even for officials and State workers.
3. The censorship ceases to exist. The censorship of plays is abolished.
4. Expression of opinion, whether by work of mouth or in writing, is free.
5. Freedom of religious practice is guaranteed. No one shall be compelled to perform any religious act.
6. An amnesty is granted for all political punishments. Trials now proceeding for such crimes are quashed.
7. The Law of (compulsory) National Auxiliary Service is abolished with the exception of the provisions referring to the settlement of disputes.
8. The Domestic Services Decrees become null and void; also the Exceptional Laws against rural workers.
9. The laws protecting Labor, which were abandoned at the beginning of the war, are herewith restored. Further orders of a social-political nature will be published shortly. On January 1, 1919, at latest, the Eight-Hour Day will come into force. The government will do all that is possible to secure sufficient opportunities of work. An order *re* the support of the unemployed is ready. It divides the burden between the Empire (Federal), state and municipality. In the sphere of sickness insurance, the insurance obligation will be increased beyond the present limit of 2,500 marks, (£125). The housing difficulty will be dealt with by the building of houses. Efforts will be made to secure regular feeding of the people. The government will maintain ordered production, will protect property against private interference, as well as the freedom and security of individuals. All elections to public bodies are immediately to be carried out according to the equal, secret, direct, and universal franchise on the basis of proportional representation for all male and female persons of not less than twenty

years of age; this franchise also holds for the Constituent Assembly, concerning which more detailed orders will follow.

Berlin, November 12, 1918.

EBERT, HAASE, SCHEIDEMANN, LANDSBERG, DITTMANN, BARTH.

No. 16

TELEGRAM OF THE PEOPLE'S GOVERNMENT IN BERLIN TO THE HIGH COMMAND, DEFINING THE RELATIONS OF SOLDIERS TO OFFICERS AND REGULATING MILITARY DISCIPLINE; ISSUED BY THE WOLFF BUREAU ON NOVEMBER 12

(*International Conciliation,* April, 1919, Pamphlet No. 137, p. 548)

The People's Government is inspired by the wish to see each of our soldiers return to his home as quickly as possible after his unspeakable sufferings and unheard of deprivations. But this goal can only be reached if the demobilization is carried out according to an orderly plan. If single troops stream back at their own pleasure, they place themselves, their comrades and their homes, in the greatest danger. The consequences would necessarily be chaos, famine and want. The People's Government expects of you the strictest self-discipline in order to avoid immeasurable calamity. We desire the High Command to inform the army in the field of this declaration of the People's Government and to issue the following orders:

1. The relations between officer and rank and file are to be built up on mutual confidence. Prerequisites to this are willing submission of the ranks to the officer, and comradely treatment by the officer of the ranks.

2. The officer's superiority of rank remains. Unqualified obedience in service is of prime importance for the success of the return home to Germany. Military discipline and army order must, therefore, be maintained under all circumstances.

3. The Soldiers' Councils have an advisory voice in maintaining confidence between officer and rank and file in questions

of food, leave, the infliction of disciplinary punishments. Their highest duty is to try to prevent disorder and mutiny.

4. The same food for officers, officials, and rank and file.

5. The same bonuses to be added to the pay, and the same allowances for service in the field for officers and rank and file.

6. Arms are to be used against members of our own people only in cases of self-defense and to prevent robberies.

(Signed)
EBERT, HAASE, SCHEIDEMANN,
LANDSBERG, BARTH.

No. 17

THE REVOLUTIONARY GOVERNMENT TO THE RETURNING SOLDIERS

(*International Conciliation*, April, 1919, Pamphlet No. 137, pp. 549-550)

TO THE RETURNING SOLDIERS!

Comrades! The German Republic heartily bids you welcome home! You went forth for a country in which you had no say, in which a handful of men in authority had shared out between themselves power and possession. You were but allowed to be silent and die before your eyes.

Today you return to your own country in which no one in future has anything to say or to decide except the people itself, which is now receiving you once more as members. The revolution has broken the spell: you and we are free, Germany is free. Our Socialist Republic is to enter the League of Nations as the freest of all. And you are not only to find all the political rights of which hitherto you have been deprived; your country is also to become your possession and your inheritance in an economic way, in that no one shall any more with our consent exploit you and enslave you.

The Imperial Government which has been created and is being supported by the confidence of your comrades and of the workers, will get you work, protection while you work, and higher wages from your work. The eight hour day, insurance for unemployment, creation of employment, development of

sickness insurance, the solution of the housing question, socialization of those industries which are ready for it: everything is in process, is already partly law.

Come and be welcomed as the men who are to carry on the new Republic and its future. It is true you will find scarcity among us in foodstuffs, in all economic materials; there is distress and deprivation in the country. We can only get help from work in common, from action taken together. Only a Germany which has a government secured and anchored in the workers and soldiers can get from our previous opponents what you have fought for and longed for during four years—peace!

Council of the People's Commissaries,

EBERT, HAASE, SCHEIDEMANN, DITTMANN,
LANDSBERG, BARTH.

No. 18

RESOLUTION OF DELEGATES OF THE FEDERAL STATES, NOVEMBER 25, 1918

(*London Times,* November 27, 1918, p. 8)

1. For the maintenance of Germany's unity it is absolutely necessary that all the German peoples should work in a spirit of unity for the Empire and should fight all separatist movements.
2. The proposal that a National Assembly should be summoned as soon as possible meets with general approbation.
3. Until the meeting of the National Assembly the Workers' and Soldiers' Councils represent the people's will.
4. The administration of the Empire is requested to work for the obtaining of a preliminary peace as soon as possible.

No. 19

ACT OF ABDICATION SIGNED BY THE EMPEROR WILHELM II AT AMERONGEN, IN HOLLAND, ON NOVEMBER 28, 1918

(*International Conciliation,* April, 1919, Pamphlet No. 137, pp. 541-542)

I hereby renounce forever the rights to the Crown of Prussia

and the rights to the German Imperial Crown therewith bound up. At the same time I release all officials of the German Empire and of Prussia, as also all officers, non-commissioned officers, and rank and file of the navy, the Prussian Army, and the troops of the Federal contingents, of their oath of loyalty, which they took to me as their Emperor, King, and Commander-in-Chief. I expect of them that until the German Empire is ordered anew they will help those men who hold the actual power in Germany to protect the German people against the threatening dangers of anarchy, famine and foreign domination.

Given by our own hand and under our own seal,
At Amerongen, November 28, 1918.

WILHELM.

No. 20

ELECTORAL LAW OF THE REICH OF NOVEMBER 30, 1918

(*Enemy Press Supplement,* December 19, 1918, pp. 362-363, from *Frankfurter Zeitung,* December 1, 1918)

Sec. 1. The members of the German Constituent National Assembly shall be elected by universal, direct and secret franchise, on the principle of proportional representation. Each elector shall have one vote.

Sec. 2. All German men and women who have completed their twentieth year on the day of the election shall be entitled to vote.

Sec. 3. Soldiers shall be entitled to vote and to take part in political associations and meetings.

Sec. 4. Persons excluded from the franchise are:

(1) Those under age or under temporary guardianship.
(2) Those who have been deprived of civil rights as a result of a valid sentence.

Sec. 5. All persons entitled to vote who have been Germans for at least one year on the voting day are eligible for election.

Sec. 6. The distribution of electoral districts, and the num-

ber of deputies to be elected in the individual districts, is shown in the schedule. It is based on the principle of one deputy to an average of 150,000 inhabitants, according to the 1910 census, and where provincial or administrative district boundaries have to be taken into consideration in dividing the electoral districts, a surplus of at least 75,000 inhabitants will be reckoned as a full 150,000.

Sec. 7. Each electoral district will be divided into voting districts approximating as nearly as possible to the communes. Larger communes may be divided into several voting districts, smaller ones may be united with neighboring communes to form one voting district.

Sec. 8. A returning officer shall be appointed for each electoral district, and a deputy for the authorities which belong to them, according to the franchise regulation (Sec. 22). The presiding officer shall nominate three to six assessors and a secretary from amongst the electors in the voting district. Presiding officer, assessors and secretary shall constitute a managing electoral committee.

Sec. 9. An electoral register shall be drawn up for each voting district, in which those persons resident in the district who are entitled to vote shall be entered. The registers shall be open to inspection by the general public, at latest from .....[1] till the expiration of the period within which objections may be raised. The place and time shall be publicly notified beforehand, and the period indicated within which objections may be raised. Objections to the register shall be lodged with the communal administrative authorities up to ..... 1919 and be disposed of before the ..... 1919. The lists shall then be closed.

A franchise regulation will be issued with regard to the subsequent admission of members of the army and navy who return from the campaign in January, 1919.

Sec. 10. The right of voting can only be exercised in the voting district where the person entitled to vote is on the

[1] Since these dates were to be fixed by the Secretary for the Interior they were not specified in the text of the law.

register. No one shall be entitled to vote in more than one place.

Sec. 11. Lists of candidates must be handed to the returning officer at the latest on the ....., 1919. The lists must be signed by at least a hundred persons who are entitled to vote in the electoral district. They must not contain more names than the number of deputies to be elected in the electoral district. A declaration by each proposed candidate that he agrees to be adopted must be appended to the list. A candidate shall only be nominated once in the same electoral district.

Sec. 12. Several lists of nominations may be combined together. A written declaration of the combination must be lodged with the returning officer by the signatories or their agents, in agreement, on the ..... 1919, at latest. Combined lists can only be withdrawn jointly. The combined lists shall count as one list as against the other lists.

Sec. 13. An election committee, consisting of the returning officer and four assessors, shall be formed for each electoral district to examine the nominations and their combination. The committee shall carry its decisions by a majority of votes. The lists which have been allowed cannot be withdrawn after their publication, and their combination cannot be annulled.

Sec. 14. The voting papers must be furnished with the names of the candidates for whom the elector wishes to vote, outside the voting rooms either in printing or in manifold. The names on the individual voting papers must only be taken from amongst the publicly notified lists.

Sec. 15. The business of voting, and of ascertaining the returns, shall be public.

Sec. 16. The voting shall be carried on with a covered paper. Absentees can neither vote by proxy nor take any other part in the election.

Sec. 17. The election committee shall decide by a majority as to the validity of the voting papers, subject to revision in the event of a scrutiny. If the voting is equal, the presiding officer shall have the casting vote. The invalidated voting papers shall be appended to a special report. Those which are valid shall be

kept sealed up by the presiding officer until the election is declared valid.

Sec. 18. For the purpose of ascertaining the result of the voting the electoral committee (Sec. 13, paragraph 1), shall establish how many of these have been given for each list and for the combined lists jointly.

Sec. 19. The theoretical maximum (*die allgemeine Sätze*) shall be distributed among the lists in the proportion of the votes which they have received (see Sec. 18). The method of calculation shall be settled in the franchise regulation (Sec. 22).

Sec. 20. For the distribution of the seats allotted to a list among the individual candidates, the order of the names on the list shall be the guide.

Sec. 21. If a deputy declines election or subsequently resigns from the German Constituent National Assembly, his place shall be taken without a by-election, by the candidate named on the same list (or, if this is exhausted, a list combined with it) who, in accordance with the principle of Section 20, appears to be next in order to the deputy. If there is no such candidate, the deputy's seat shall remain unoccupied.

Sec. 22. The electoral procedure will be more closely regulated on the basis of the present enactment by a special decree to be issued by the Secretary for the Interior.

Sec. 23. The costs of the preliminary printing for the electoral reports and of ascertaining the returns in the electoral districts shall be borne by the Federal States; all other costs of elections by the communes.

Sec. 24. The elections to the German Constituent National Assembly will take place on February 16, 1919.[2]

DR. PREUSS, *Secretary of the Interior.*

No. 21

RENUNCIATION OF RIGHT TO SUCCESSION BY THE CROWN PRINCE

(*New York Times Current History,* January, 1919, p. 59)

I renounce formally and definitely all rights to the Crown

[2] As a matter of fact, in virtue of an ordinance of December 6, 1918, the elections were set forward to January 19, 1919, and took place on that date.

of Prussia and the Imperial Crown, which would have fallen to me by the renunciation of the Emperor-King, or for other reasons.

Given by my authority and signed by my hand; done at Wieringen, December 1, 1918.

FRIEDRICH WILHELM.

No. 22

MANIFESTO OF THE SPARTACUS GROUP

(Reprinted from *New York Times,* Jan. 24, 1919, in *International Conciliation,* April, 1919, Pamphlet 137, pp. 552-557, *Times* quotes *Berner Tageblatt,* Dec. 26, 1918)

PROLETARIANS! MEN AND WOMEN OF LABOR! COMRADES!

The revolution has made its entry into Germany. The masses of the soldiers who for four years were driven to the slaughter-house for the sake of capitalistic profits, the masses of workers, who for four years were exploited, crushed, and starved, have revolted. That fearful tool of oppression—Prussian militarism, that scourge of humanity—lies broken on the ground. Its most noticeable representatives, and therewith the most noticeable of those guilty of the war, the Kaiser and the Crown Prince, have fled from the country. Workers' and Soldiers' Councils have been formed everywhere.

Proletarians of all countries, we do not say that in Germany all power has really been lodged in the hands of the working people, that the complete triumph of the proletarian revolution has already been attained. There still sit in the government all those Socialists who in August, 1914, abandoned our most precious possession, the International, who for four years betrayed the German working class and at the same time the International.

But, proletarians of all countries, now the German proletarian himself is speaking to you. We believe we have the right to appear before your forum in his name. From the first day of this war we endeavored to do our international duty by fighting that criminal government with all our power and branding it as the one really guilty of the war.

Now at this moment we are justified before history, before the International, and before the German proletariat. The masses agree with us enthusiastically; constantly widening circles of the proletariat share the knowledge that the hour has struck for a settlement with capitalist class rule.

But this great task cannot be accomplished by the German proletariat alone; it can only fight and triumph by appealing to the solidarity of the proletarians of the whole world.

Comrades of the belligerent countries, we are aware of your situation. We know very well that your governments, now since they have won the victory, are dazzling the eyes of many strata of the people with the external brilliancy of the triumph. We know that they thus succeed through the success of the murdering in making its causes and aims forgotten.

But we also know something else. We know that also in your countries the proletariat made the most fearful sacrifices of flesh and blood, that it is weary of the dreadful butchery, that the proletarian is now returning to his home, and is finding want and misery there, while fortunes amounting to billions are heaped up in the hands of a few capitalists. He has recognized, and will continue to recognize, that your governments, too, have carried on the war for the sake of the big money bags. And he will further perceive that your governments, when they spoke of "justice and civilization" and of the "protection of small nations," meant the profits of capital just as did ours when it talked about the "defense of the home"; and that the peace of "justice" and of the "League of Nations" amounts to the same base brigandage as the peace of Brest Litovsk. Here, as well as there, the same shameless lust for booty, the same desire for oppression, the same determination to exploit to the limit the brutal preponderance of murderous steel.

The imperialism of all countries knows no "understanding," it knows only one right—capital's profits; it knows only one language—the sword; it knows only one method—violence. And if it is now talking in all countries, in yours as well as ours, about the "League of Nations," "disarmament," "rights of small nations," "self-determination of the peoples," it is merely using the customary lying phrases of the rulers for the

purpose of lulling to sleep the watchfulness of the proletariat.

Proletarians of all countries! This must be the last war! We owe that to the 12,000,000 murdered victims, we owe that to our children, we owe that to humanity.

Europe has been ruined through the infamous international murder. Twelve million bodies cover the gruesome scenes of the imperialistic crime. The flower of youth and the best man power of the peoples have been mowed down. Uncounted productive forces have been annihilated. Humanity is almost ready to bleed to death from the unexampled blood-letting of history. Victors and vanquished stand at the edge of the abyss. Humanity is threatened with the most dreadful famine, a stoppage of the entire mechanism of production, plagues, and degeneration.

The great criminals of this fearful anarchy, of this chaos let loose—the ruling classes—are not able to control their own creation. The beast of capital that conjured up the hell of the world war is not capable of banishing it again, of restoring real order, of insuring bread and work, peace and civilization, justice and liberty, to tortured humanity.

What is being prepared by the ruling classes as peace and justice is only a new work of brutal force from which the hydra of oppression, hatred, and fresh bloody wars raises its thousand heads.

Socialism alone is in a position to complete the great work of permanent peace, to heal the thousand wounds from which humanity is bleeding, to transform the plains of Europe, trampled down by the passage of the apocryphal horseman of war, into blooming gardens, to conjure up ten productive forces for every one destroyed, to awaken all the physical and moral energies of humanity, and to replace hatred and dissension with fraternal solidarity, harmony, and respect for every human being.

If representatives of the proletarians of all countries stretch out their hands to each other under the banner of socialism for the purpose of making peace, then peace will be concluded in a few hours. Then there will be no disputed questions about the left bank of the Rhine, Mesopotamia, Egypt, or colonies.

Then there will be only one people: the toiling human beings of all races and tongues. Then there will be only one right: the equality of all men. Then there will be only one aim: prosperity and progress for everybody.

Humanity is facing this alternative: dissolution and downfall in capitalistic anarchy, or regeneration through the social revolution. The hour for decision has struck. If you believe in socialism, it is now time to show it by deeds. If you are Socialists, now is the time to act.

Proletarians of all countries, when we now summon you to a common struggle, it is not done for the sake of the German capitalists who, under the label "German Nation," are trying to escape the consequences of their own crimes; it is being done for our sake as well as for yours. Remember that your victorious capitalists stand ready to suppress in blood our revolution, which they fear as their own. You yourselves have not become any freer through the "victory," you have only become still more enslaved. If your ruling classes succeed in throttling the proletarian revolution in Germany, as well as in Russia, then they will turn against you with redoubled violence. Your capitalists hope that victory over us and over revolutionary Russia will give them the power to scourge you with a whip of scorpions and to erect the thousand-year empire of exploitation upon a grave of socialism.

Therefore the proletariat of Germany is looking toward you in this hour. Germany is pregnant with the social revolution, but socialism can only be realized by the proletariat of the world.

And therefore we call to you: "Arise for the struggle! Arise for action! The time for empty manifestoes, platonic resolutions, and high-sounding words has gone by! The hour of action has struck for the International!" We ask you to elect Workers' and Soldiers' Councils everywhere that will seize political power and, together with us, will restore peace.

Not Lloyd George and Poincaré, not Sonnino, Wilson, and Erzberger or Scheidemann, must be allowed to make peace. Peace is to be concluded under the waving banner of the socialist world revolution.

Proletarians of all countries! We call upon you to complete

the work of socialist liberation, to give a human aspect to the disfigured world, and to make true those words with which we often greeted each other in the old days and which we sang as we parted: "And the International shall be the human race."

KLARA ZETKIN,
ROSA LUXEMBURG,
KARL LIEBKNECHT,
FRANZ MEHRING.

No. 23

DOCUMENT ILLUSTRATING THE REASONS FOR THE WITHDRAWAL OF THE INDEPENDENT SOCIALISTS FROM THE PROVISIONAL GOVERNMENT

A. QUESTIONNAIRE OF THE INDEPENDENT SOCIALISTS TO THE BERLIN WORKERS' AND SOLDIERS' COUNCIL, DECEMBER 28, 1918

(*Berliner Neuste Nachrichten,* December 30, 1918, from *Die Freiheit* of the same date, in *Enemy Press Supplement,* January 16, 1919, p. 584)

(1) Does the Central Council approve that the members of the Cabinet, Ebert, Scheidemann and Landsberg, in the night of December 23-24, should have given the Minister of War the in no way limited instruction to proceed against the People's Naval Division in the Schloss and Marstall with military forces?

(2) Does the Central Council approve the ultimatum of only ten minutes' grace given by the troops of Lequis' command on the morning of December 24, and of the bombardment of the Schloss and the Marstall?

(3) Does the Central Council declare for the immediate strict execution of the resolutions taken by the Congress of Workers' and Soldiers' Councils concerning the abolition of insignia of rank and the prohibition to bear arms when off duty for officers in the home army?

(4) Does the Central Council approve of the Supreme Command having declared in a confidential telegram to the Ober

Ost Army Group that it does not recognize these decisions of the Workers' and Soldiers' Councils?

(5) Does the Central Council approve the transference of the Government from Berlin to Weimar or another place in mid-Germany proposed by Ebert, Scheidemann and Landsberg?

(6) Does the Central Council approve of a mere reduction of the army to a peace footing with the retention and possible completion of Classes 1897 and 1898 instead of complete demobilization?

(7) Does the Central Council accept our standpoint that the Government of the Socialist Republic cannot support itself in the military sense on the generals (Generalität) and the remains of the standing army based on corpse-obedience (Kadavergehörsamkeit), but only on a People's militia to be formed of volunteers on democratic principles?

(8) Does the Central Council support the demand that socialization of industries ripe for it should be immediately begun by legislative act?

B. The Reply of the Central Council

(1) The People's Commissaries merely gave the instruction that what was necessary to liberate Comrade Wels should be done; moreover, they only did that after the three People's Commissaries had been informed by telephone by the leader of the People's Naval Division that he could no longer guarantee Wels' life. The Central Council approves this.

(2) The Central Council answers the second question with No.

(3) The standpoint of the Central Council is that the resolutions made at the Congress should be carried through. The Council of the People's Commissaries is requested to lay before it details of their execution as soon as possible.

(4) The reply to the fourth question is No.

(5, 6, 7) The Central Council cannot answer these questions without previous exhaustive discussion with the Council of People's Commissaries.

(8) The Central Council desires to hear a report from the Commission appointed for socialization on the work done. It

is of opinion that the Socialization Commission carrying out the resolutions of the Congress of Workers' and Soldiers' Councils should without delay make positive proposals concerning the socialization of industries ripe for it, in particular, the mining industry.

Further, the Central Council puts the following question to the Council of the People's Commissaries: Are the People's Commissaries prepared to protect public peace and security, and in particular public and private property against attacks by force? Are they also prepared to defend their own possibility to work and that of their executive organ against violence, no matter from which side it comes?

C. The Retirement of the Independent Socialist Commissaries

(*Berliner Tageblatt,* December 30, 1918, morning, *Enemy Press Supplement,* January 16, 1919, p. 584)

We resign from the Government and give the following reasons for our action:

1. The blame for the bloodshed of December 24 rests upon Commissaries Ebert, Scheidemann, and Landsberg, who gave the War Minister the unlimited instruction to make use of military force. Such an instruction was neither necessary nor expedient in order to liberate Commandant Wels. Indeed, Wels' life was endangered in the extreme by a bombardment of the building in which he was. Moreover the military attack took place seven hours after the instruction was given to the War Minister, therefore at a time when, if Wels' life was really threatened, it was impossible to reckon upon his still being alive.

Commissaries Ebert, Scheidemann and Landsberg during all this time took no step to supervise the execution of their instruction, which was equivalent to *carte blanche.*

We cannot take the responsibility for handing over to a representative of the old system of force the disposition of the lives of his fellowmen at his pleasure. The method of negotiation which finally led to the desired end should at no stage of the proceedings have been abandoned.

In opposition to our view, the Central Council approved the behavior of Ebert, Scheidemann and Landsberg in this matter.

2. How dangerous the instruction given to the War Minister really was is shown by the fact that the Central Council in its reply to question 2 is forced to disapprove of the way in which the instruction was carried out.

3. Similarly, the reply to question 3 does not satisfy us, because it does not demand the immediate and strict execution of the resolutions taken by the Congress of the Workers' and Soldiers' Councils. It merely contains the demand that details as to the execution should be submitted.

4. Our questions 5, 6, and 7 are of decisive importance for the conduct of home and foreign policy in the spirit of the Revolution. Since the Central Council avoids answering these fundamental questions, in spite of the exhaustive discussion which they received in the negotiations, in our conviction the achievements of the Revolution are thereby endangered.

5. The answer to the question concerning the immediate socialization of industries ripe for it demanded by the Central Congress of the Workers' and Soldiers' Councils absolutely fails to secure the execution of the views of the Congress.

6. Since we herewith retire from the Government, we no longer have to answer the questions put to us as People's Commissaries.

No. 24

SPARTACIST MANIFESTO, JANUARY 6, 1919

(*New York Times Current History*, Vol. 9, Part 2, February, 1919, p. 225)

COMRADES! WORKMEN!

The Government of Ebert and Scheidemann has made itself impossible. It is hereby declared deposed by the undersigned Revolutionary Committee and representatives of the revolutionary workmen and soldiers, (Independent Social Democratic Party and Communist Party). The undersigned Revolutionary Committee has temporarily taken over the Government's affairs.

Comrades and workmen, give your support to the measures of the Revolutionary Committee.

The Revolutionary Committee,
per LEDEBOUR, LIEBKNECHT AND SCHOLZE.

Berlin, January 6, 1919.

No. 25

ANTI-SPARTACIST MANIFESTO OF JANUARY 11, 1919

(From German papers, in *Enemy Press Supplement*, January 23, 1919, p. 661)

Spartacus sees that its bloody game is lost. They have already telegraphed to Moscow to say that the struggle must be broken off as soon as possible because the Berlin workers are not yet ripe for the dictatorship of the proletariat. In other words, the Berlin workers indignantly reject terrorism and civil war.

Now the "cry for unity" is raised. Comrades, the Government has negotiated day in, day out, to achieve this unity and avoid bloodshed. Meanwhile, the Spartacus men and their particular friends, the Independents, have attacked and blackguarded the Government and rejected all negotiation. The Government and the Central Council only put forward one condition for negotiations—the restoration of the freedom of the press; and the robbers of the Berlin newspaper offices could not bring themselves even to that, the simplest demand of any demand. Yesterday, the workers of the A. E. G. and Schwarzkopf recognized the demands as just, and declared that they, belonging in part to the Communists, would support its fulfilment in order to make agreement possible. That was yesterday evening. Up to this afternoon nothing has been heard of them, and no one knows whether their mediation proposal has met with the same willingness among the other parties as it has with the Government and the Central Council.

Is the cry for unity really genuine? Can you obey the appeal for a general strike which is signed by the revolutionary Obleute, the Central Committee of the Independents, and the

Spartacus League? Can we believe that they want to come to an understanding with us whom they call in this appeal "traitors to the proletariat, miserable tools of the capitalist bloodsuckers, the incarnation of the counter-revolution"? They are shameless enough to assert that "murderers condemned by the judgment of the people will not drop their accursed game." They should be sent to prison and the gallows. Their Cæsarmania longs for fresh blood. They call to their supporters: "Out of the factories; to the general strike. To arms! Into the street for the last struggle for victory!" Is that the language of unity—the language of people who wish to negotiate and attain peace? No; it is still the call for civil war. It is the Spartacus spirit, which does not shrink from murder and robbery, which again calls to arms stained with workmen's blood; which threatens your representatives in the Government with the gallows and the garotte, and will win a "victory" on the ruins of all our country.

Comrades, the new demand of these false apostles of unity is, "Away with Ebert and Scheidemann!" Do you not recognize the old lying appeal? Is it not the old mad battle-cry of the Spartacus men? They have screamed for weeks against your comrades, and now they are trying to achieve their old revenge under the cloak of unity. They want first to remove the elected leaders of the party in order to deal more easily with the party itself.

Comrades, we, your comrades in the Government, declare that we are no hindrance to unity. On the contrary, we gave the Independents half the Government for six weeks, although their strength did not entitle them to a third of it. We negotiated with the insurgents in Berlin, although these occupied public and private buildings by force of arms. We are ready for any negotiations which, honorably conducted, can lead to a union of the Socialist parties, but we are on our guard, and do you be on your guard as we are. Always remember this: all the prisoners who took part in the occupation of the Imperial Printing Office and other official buildings were found to possess cards of membership showing that they belonged to the Independent Party, and yet the Independents propose them-

selves as neutral mediators. The workers of the A. E. G. and Schwarzkopf spoke in the name of the Independent and the Communist parties, and yet these two parties have issued a summons for a general strike in the words "Show the scum your strength! Arm yourselves! Use your arms against your deadly enemies, Ebert and Scheidemann!" Is that straightforward? Is that the way proletarians fight? Is confidence in place here? Answer yourselves. We desire the unity of the working class, but an honorable unity, without intrigues and without arms. Help us to achieve it. We can only achieve peace and Socialism if we are and remain your men of confidence.

The Imperial Government,
EBERT,
SCHEIDEMANN,
LANDSBERG,
NOSKE,
WISSEL.

No. 26

THE PROVISIONAL CONSTITUTION OF THE GERMAN REICH

(*Enemy Press Supplement,* February 13, 1919, p. 819, citing *Deutsche Allgemeine Zeitung,* January 29, 1919, evening)

1. It will be the business of the Constituent German National Assembly to pass the future Imperial Constitution as well as other urgent Imperial Laws.

2. The bringing of Imperial Government proposals before the National Assembly shall require the consent of the States' Committee without prejudice to Article 4. The States' Committee (*Staatenausschuss*) is composed of representatives of those German Free States whose Governments rest on the confidence of a popular Assembly, elected by general, equal, secret, and direct voting. Until March 31, 1919, other German Free States as well can send representatives with the consent of the Government of the Empire. Each independent German State shall have at least one vote in the States' Committee. In principle, one vote shall be allotted to a million inhabitants in the

large independent States, a surplus which equals at least the number of inhabitants of the smallest State being reckoned as equivalent to a million. According to this, Prussia will be represented in the States' Committee by nineteen, Bavaria by seven, Saxony by five, Württemberg and Baden each by three votes, Hesse by two, and the remaining Federal States each by one vote. A member of the Imperial Government shall preside over the States' Committee.

If German-Austria joins the German Empire, it shall be entitled to take part in the States Committee, with a representation to be fixed by Imperial law. Until then, it will take part as a consulting voice in the deliberations.

If an agreement is not reached between the Imperial Government and the States' Committee each part of its plan must be submitted severally to the National Assembly for decision.

3. The members of the Imperial Government and of the States' Committee shall be entitled to take part in the proceedings of the National Assembly.

4. The future Imperial Constitution shall be decided by the National Assembly. The territorial position of the independent States can, nevertheless, only be altered with their consent.

5. For the rest the Imperial laws shall be made by agreement between the National Assembly and the States' Committee. If such an understanding cannot be reached, the Imperial Prime Minister must obtain the decision by a referendum. Articles 21-23 and 26-32 of the former Imperial Constitution shall apply correspondingly to the National Assembly.

Soldiers as well as officials do not need leave of absence for business in connection with membership in the National Assembly.

6. The business of the Empire shall be conducted by the Imperial President. The Imperial President must represent the Empire internationally and enter into treaties with foreign powers on behalf of the Empire, as well as accredit and receive envoys.

Declarations of war and conclusions of peace shall be made by Imperial law. As soon as the German Empire shall have joined the League of Nations with the aim of excluding all

secret treaties, all treaties with the States allied in the League of Nations shall require the consent of the National Assembly and the States' Committee.

The Imperial Prime Minister shall be bound to announce the Imperial laws and treaties decided on in accordance with Articles 1 to 4 and 6, in the *Reichsgesetzblatt.*

7. The Imperial President shall be elected by an absolute majority vote of the National Assembly. The office shall continue till the new President elected on the basis of the new Imperial Constitution shall enter on office.

8. The Imperial President shall appoint the Imperial Ministry for the conduct of the Imperial Government. All the Imperial authorities and the highest Army Command shall be subordinate to this ministry. The ministers shall require the confidence of the National Assembly for their official conduct of business.

9. All civil and military orders and instructions by the President shall require the countersignature of a minister to make them valid. The Imperial ministers shall be responsible to the National Assembly for the conduct of their business.

10. This law comes into force on its acceptance by the National Assembly. From that date onwards, laws and ordinances which, according to the former constitution, needed the consent of the Bundesrat and the Reichstag can only be made according to Article 4 of this law.

February 10, 1919.

No. 27

Extract from Scheidemann's Speech Before the Weimar Assembly, Outlining the Policy of the Government, February 13, 1919

(A text compiled from that of the *Enemy Press Supplement,* February 27, 1919, p. 915 and the *Manchester Guardian,* February 15, 1919)

Our task in the immediate future can be summed up under the following essential heads:

The unity of the Empire is to be consolidated by a strong central authority.

Immediate conclusion of peace, maintenance of the principles of President Wilson, a peace of violence to be rejected. Reconstitution of a German colonial sphere. Immediate return of the German prisoners of war. ("Hear! Hear!") Equal rights of participation in the League of Nations, simultaneous and mutual disarmament, compulsory arbitration to prevent war, abolition of secret diplomacy.

Democratic Government, abolition of all preference in filling official posts, women to be employed in public services. Increase of the standard of education by development of school instruction. Every child to have an opportunity of attending (sic) the highest standards according to its capacities, without regard to financial standing. Creation of a national army on democratic lines to defend the Fatherland. The period of service to be materially reduced. Each unit elects a representative committee to coöperate in food questions (canteens), in leave and housing questions, and complaints. The soldiers in barracks, including the 1899 class, to be discharged. Military officials created only for the war and superfluous peace officials to be dismissed. Former active officers and N. C. O.'s to be cared for. For the period of transition, the leaders already elected by the soldiers to be retained if they have proved satisfactory. War cripples and dependents of those killed to be looked after. Reconstruction of economic life, especially as regards means of communication. The small and medium businesses damaged by the war are to be assisted. Rationing and maximum prices to continue until supply and demand balance. Imports only to be limited as far as the nation's finances demand. Representatives of the trade and consumers to work with the Food Control bodies. Branches of trade which have assumed the character of private monopolies are to be placed under public control. So far as they are suitable and ripe for public control (socialization), especially mines and electric current reducing works, they are to be taken over by public or mixed control, or by the Empire, towns, communal associations or communes. Freedom to combine is guaranteed.

Wages and conditions of work are to be arranged between the employers and employees' organizations, and representatives of the employees are to see that they are carried out. Labor laws are to be adjusted to the new circumstances. There is to be improvement of the national health, better housing and protection of mothers, infants and children. The unemployed are to be provided for. The officials are to have the rights of citizens and of their profession and better pay and pensions. Increase of agricultural production, coöperation to be encouraged and internal colonization to be provided for by proper use of large estates, if necessary, by confiscating them. War profits to be taxed and a super-income tax to be raised. Capital to be taxed, excluding the smallest, so as to lessen the national indebtedness. Income tax to be standardized. Inheritance duties chiefly for large estates. Freedom of individual, of conscience, of religious exercises, of opinion, verbal or written, of the Press, of science and art, of assembly and association.

No. 28

Preuss' Proposal for a Constitution of the Reich

(*Enemy Press Supplement*, February 6, 1919, pp. 761-763, citing *Frankfurter Zeitung*, January 27, 1919)

Draft of the General Portion of the Future Constitution of the Empire

Section I. The Empire and the German Free States

1. The German Empire consists of its former component states and of districts whose population desires to be taken into the Empire under the right of self-determination, and which are received by a law of the Empire.

2. All constitutional power (Staatsgewalt) is vested in the German people.

It is exercised in matters concerning the Empire by the existing organs in virtue of the authority given them by the Constitution of the Empire, and in matters concerning the

states by the German Free States according to their State Constitutions.

The Empire recognizes the Law of Nations (Völkerrecht) now in force as a binding integral part of its own law.

3. Matters concerning the Empire, which appertain exclusively to the legislation and administration of the Empire are: (1) Foreign relations. (2) The defense of the Empire on land, sea and in the air. (3) Customs. (4) Trade, including banking and exchange, and coinage, weights and measures. (5) Public means of communication, i e., railways, so far as they were previously railways of the Federal States, internal shipping on the waterways common to the various German Free States, posts and telegraphs, and motor traffic on land and in the air.

4. The following matters are subject to the legislation of the Empire: (1) Nationality (Staatsangehörigkeit), freedom of movement (Freizügigkeit), the care of the poor, passports, control of foreigners, immigration and emigration. (2) Civil law, criminal law, and legal procedure. (3) Labor laws, especially the insurance and protection of workers. (4) Commercial law (Gewerberecht). (5) Sea-going shipping. (6) Land legislation according to subsection 28. (7) Taxes and contributions to be levied by the Empire and the erection of factories for the purposes of the Empire. (8) The right of expropriation for the purposes of the Empire. (9) Matters concerning the Press, associations and meetings. (10) Sanitation. (11) Insurance. (12) Churches and schools within the limits of Subsections 19 and 20.

5. The law of the Empire supersedes the law of a Free State (Reichsrecht bricht Landesrecht).

6. The former laws of the Empire remain in force, in so far as they are not controverted by this Constitution. The powers, which were given to the German Emperor by the former laws of the Empire, pass to the President of the Empire with the responsible coöperation of the Ministers of the Empire; the executive powers of the Federal Council (Bundesrat) pass to the respective ministries of the Empire, who exercise them after hearing the advice of Imperial Councillors (Reichsräte).

The powers previously held by the Reichstag pass to the Volkshaus and Staatenhaus.

7. Laws of the Empire come into force fourteen days after the copy of the Reichsgesetzblatt containing them is published in Berlin, unless in the law itself another date is fixed for the commencement of its enforcement.

8. In so far as the execution of the laws of the Empire is not in the hands of the officials of the Empire, the officials of the States are bound to obey the instructions of the Government of the Empire.

The Government of the Empire has the duty and the right to supervise the execution of the laws of the Empire, and for this purpose can send to the German Free States commissioners to whom the documents are to be shown, and all the desired information must be given.

In cases of contraventions of this paragraph, the guilty local officials can be proceeded against according to the disciplinary rules in force for officials of the Empire.

9. A law of the Empire regulates the powers and procedure of the Executive in questions of the law of the Empire and also regulates the creation of administrative courts of the Empire.

10. A State Court of Justice (Staatsgerichtshof) will be created for the German Empire in accordance with a law of the Empire.

Until such a law comes into force, its powers are exercised by a Senate of seven members, elected from its midst by the Plenum of the Imperial Court of Justice (Reichsgericht). Procedure before this senate will be regulated by the Plenum of the Imperial Court of Justice.

11. The German people are free, without regard to former State Boundaries, to create new German Free States inside the Empire, so far as the racial characteristics of the population, the economic conditions and the historical relations support the formation of such States. Newly created Free States should comprise at least two million inhabitants.

The combination of several individual free states to form a new Free State is accomplished by a State treaty between them,

which needs the consent of their popular assemblies and of the Government of the Empire.

If the inhabitants of a district desire to cut themselves loose from their present State in order to unite with one or more other German Free States or to form an independent Free State within the Empire a referendum is necessary. The referendum will be decreed by the Government of the Empire at the request of the competent district governments or of the representatives of one or more self-governing corporations which represent at least a quarter of the inhabitants directly affected. The referendum will be carried out by the competent district authorities.

If, in the transference or amalgamation of German Free States, differences arise on the partition of their property, the State Court of Justice (Staatsgerichtshof) of the German Empire decides, if one of the parties makes application to it.

12. Every Free State must have a State Constitution based on the following principles: (1) There must be a popular assembly of one Chamber elected by general, direct, equal and secret ballot, women included, on the proportional principle. (2) The Government of the State must be responsible to this Popular Assembly and dependent on its confidence. (3) The communes and communal associations have the right of self-government of their own affairs. Their chairman will be elected either directly (according to subsection 1 above) or by a representative assembly so elected. The supervision of the State is limited to the legality and correctness of their administration and to the principles of their financial transactions. (4) The Popular Assemblies and the representative corporations of the communes and communal associations have the right, and upon the demand of one-fifth of their members are bound, to set up committees for public investigation of facts, when the legality or correctness of executive or administrative measures are doubted. (5) The local police is in principle a matter for the communes or communal associations. (6) Every inhabited plot of ground must belong to a commune.

13. Constitutional disputes inside a German Free State, or disputes not of private law between various German Free

States, are decided on the application of one of the parties by the State Court of Justice (Staatsgerichtshof) of the German Empire. If necessary, the judgment of the State Court of Justice (Staatsgerichtshof) will be executed by the President of the Empire.

14. The Governments of the German Free States have the right of sending representatives to the Government of the Empire.

15. If required, Imperial Councils, (Reichsräte) are to be formed in each of the ministries of the Empire out of the representatives of the Free States. Their consent will have to be obtained before the introduction of bills in the Reichstag and before the issue of general administrative regulations required for carrying out the laws of the Empire.

16. The representatives of the Free States are empowered to make clear in the Reichstag the views of their Government on the subject under discussion, and for this purpose must be heard at any time during the debate on their so demanding.

17. The members of every German Free State have in all other German Free States the same rights and duties as the members of those States.

Section II. The Fundamental Rights of the German People

18. All Germans have equal rights before the law. All privileges or legal disadvantages of birth, position, profession or creed are abolished. Their restoration by law or administration is a breach of the Constitution.

19. Every German has complete freedom of creed and conscience. The free practice of religious exercises within the bounds of decency and good order is guaranteed. No one may be compelled to attend an ecclesiastical exercise or ceremony. No one is bound to make known his religious convictions or his membership in a religious body. The authorities have no right to ask him to do so.

Every religious society orders and administers its affairs independently but is subject to the general laws. No religious

society receives privileges from the State above others. The principles of the relations between the Church and the State will be laid down in a law of the Empire, the carrying out of which is an affair of the German Free States.

20. Education and the means of imparting it are free. Instruction is to be available for all Germans equally according to the measure of their abilities.

21. Every German has the right of freely expressing his opinion by word of mouth, by writing, by printing, or by picture, in so far as no penal regulations exist to the contrary.

There is no censorship.

22. All Germans have the right of assembling or forming associations, peaceably and without arms, without special permission.

The freedom of the right to combine may not be limited in any way.

23. Every German has the right of making requests or complaints in writing to the Popular Representative Assembly or to the authorities competent to deal with it.

24. Personal freedom is inviolable. A German may only be arrested on a written warrant for arrest from a judge, containing the grounds for arrest. If he is caught red-handed, he is to be brought within 24 hours before a judge competent to deal with the case, who will decide as to his arrest.

25. A dwelling house is inviolable. House searches may only be made under the prescriptions of a law of the Empire.

26. Property is inviolable. Expropriation can only take place on a legal basis for the good of the community.

27. The secrecy of the post is inviolable. Exceptions can only be permitted by a law of the Empire.

28. For the repopulation of country districts, for the increase of agricultural labor, and for the raising of agricultural production the present distribution of landed property is to be altered by means of extensive internal colonization in the districts where a sound admixture of large, medium, and small estates does not yet exist. Large estates, which are uneconomically run, especially entailed estates, are to be split up, if necessary, by expropriation, for the founding of country home-

steads. Medium and small estates are to be strengthened by protection against exhaustion and misuse.

29. The portions of nations within the Empire who speak a foreign language may not be interfered with in their own peculiar development either by legislation or administration, especially as to the use of their mother tongue in education or in the internal administration and legal uses within the districts inhabited by them.

Section III. The Reichstag

30. The Reichstag consists of two Houses, the Volkshaus and the Staatenhaus.

31. The Volkshaus consists of the delegates of a united German People.

The delegates are elected according to an electoral law of the Empire by general, direct and secret ballot of all men and women over twenty years of age on the proportional system, each voter having only one vote. The provisions of the electoral law of the Empire also apply to the election of the President of the Empire and for referenda, in so far as the latter do not differ owing to their special circumstances.

32. The Staatenhaus consists of the delegates of the German Free States.

The delegates are elected by the assemblies of the German Free States from amongst the subjects of their states according to the laws of the States.

33. The formation of the Staatenhaus is based on the principle that every million inhabitants of a state have one delegate.

No German Free State may be represented by more than one-third of the total number of delegates.

Free States which have less than a million inhabitants must, unless overwhelming economic reasons demand independent representation, combine for the election of a common delegate, with other States which are near them or which are connected with them by the racial characteristics of their inhabitants or by economic relations. If several Free States are represented

by common delegates, the delegates will be elected by a combined sitting of their assemblies or by identical resolutions.

34. Changes in the composition of the Staatenhaus, arising from the combination or division of German Free States, are decreed by a law of the Empire.

35. Until the new German Free States have been created, a provisional Staatenhaus will be set up (according to provisions yet to be decided on).

36. Officials and military persons do not need any leave of absence in order to take part in Reichstag sittings. Suitable leave of absence is to be given them in order that they may make preparations for their election.

37. Both houses of the Reichstag are elected for three years.

38. No one can simultaneously be a member of both houses.

39. The members of the Reichstag may not be bound by instructions.

40. The calling, adjournment, closing, and dissolution of the Reichstag rest with the President of the Empire. Repeated dissolution for the same reason on each occasion is not permissible.

41. The Reichstag assembles at least once a year at the seat of the Government of the Empire.

The President of the Empire must call the Reichstag if at least one-third of the members of the Volkshaus or of the Staatenhaus demand it.

42. The adjournment of the Reichstag or of one of the two Houses for more than a month requires the consent of the Reichstag or of the House affected. The Reichstag, or either of the two Houses, can adjourn itself for a period up to a month.

43. The sessions of the two Houses of the Reichstag are of equal duration.

44. In the event of dissolution, the Reichstag is to reassemble within three months.

The dissolution of one House entails the simultaneous adjournment of the other until the Reichstag is reconvened.

45. Each of the two Houses regulates its own business and discipline by rules of procedure and elects its own President,

Vice-President and Secretary. The business relations between the two Houses are regulated by agreement between them.

46. The sittings of the Reichstag are public. Discussion on the relations of the Empire to foreign states can take place in non-public sittings.

47. The administration of each House is under the President of the House. He has control of the income and expenditure of the House according to the provisions of the budget of the Empire and represents the Empire in all business and disputes of the Empire which affect such administration. During the period between two sessions, the business of the administration is carried on by the last President, and between two of the periods for which the Reichstag is elected by the Imperial Minister for Home Affairs.

48. For the purpose of investigating elections and for examining the question as to whether a member of the Reichstag has lost his right of membership, an Election Investigation Court of the Reichstag will be formed. It consists of the necessary number of members of the Reichstag, who are elected by each of the two Houses from their midst for the duration of the Reichstag period of election, and of the necessary number of members of the Imperial Administrative Court (Reichsverwaltungsgericht), or until its formation, of the Imperial Court of Justice (Reichsgericht), who are appointed by the President of the Empire on the recommendation of the presiding board of that court.

The quorum for the pronouncement of the decision of the Election Investigation Court is three members of the Reichstag and two judicial members. In these proceedings, if elections to the Volkshaus are being investigated, the party which has won in the contested election, and the party which, according to the result of that election, has the greatest interest in the reversal of the election, are each to be represented by one of their members.

The carrying through of the proceedings, apart from the procedure before the Election Investigation Court, are intrusted to an Imperial Commissary for Election Investigations to be appointed by the President of the Empire. The rest o

the proceedings are regulated by the Plenum of the Election Investigation Court.

49. For a resolution of either House of the Reichstag the participation of at least half of the legal number of its members and a simple majority of the votes cast is necessary, in so far as the Constitution of the Empire does not prescribe some other proportion of votes. The rules of procedure can make exceptions for elections which have to be carried out by the two Houses of the Reichstag.

50. A resolution of the Reichstag can only be produced by unanimity between the two Houses.

51. For a law of the Empire, identical resolutions passed by majority of each House are necessary, and with the reservations of Section 60, sufficient.

Changes in the Constitution can only be made if in both of the Houses of the Reichstag at least two-thirds of the legal number of members are present, and at least two-thirds of those present vote in favor. After the expiry of five years from the coming into force of this Constitution, every change in the Constitution requires confirmation by a referendum.

The Volkshaus, the Staatenhaus, and the Government of the Empire have the right of introducing laws.

52. Each House of the Reichstag has the right, and on the demand of a fifth of its members is bound, to create committees to investigate facts when the legality or correctness of executive or administrative measures of the Empire are doubted. These committees collect by public proceedings the evidence which they or the investigators consider necessary.

All courts or administrative officials are bound to comply with the requests of these committees for the collection of evidence. All official documents are to be laid before these committees on demand.

53. No member of the Reichstag may at any time be subjected to legal or disciplinary proceedings for his manner of voting, or for any utterances made in the exercise of his calling, nor may be otherwise called to account outside the Assembly.

54. True reports of the proceedings in the public sittings of the Reichstag are free of any liability.

55. No member of the Reichstag can be summoned for investigation of a punishable offense or arrested during a session without the permission of the House to which he belongs, unless he is caught in the act or in the course of the following day.

Similar permission is necessary for any other limitation of personal freedom which affects the exercise of a delegate's calling.

Every criminal proceeding against a member of the Reichstag, and every arrest or other limitation of his personal freedom, will be stopped on the demand of the House to which he belongs.

56. The members of the Reichstag are empowered to refuse to give evidence regarding persons who have confided facts to them in their character of delegate, or to whom they have confided facts in the exercise of their calling as delegates, or regarding the facts themselves. Also as regards confiscation they stand on the same footing as persons who have a legal right to refuse to give evidence.

57. The members of the Reichstag have the right of traveling free on all German railways and the right to a remuneration fixed by a law of the Empire.

Section IV. The President of the Empire and the Government of the Empire

58. The President of the Empire is elected by the whole German people.

Whoever is thirty-five years of age and has been a German for at least ten years is eligible.

Whoever receives the majority of all the votes given in the German Empire is elected. If no such majority results, a further election must take place between the two candidates who have obtained the most votes. If the number of votes is equal, the decision is by lot.

59. The President of the Empire has to represent the Empire according to the Laws of Nations (Völkerrechtlich), to enter into alliances and other treaties with foreign powers in

the name of the Empire, and to accredit and receive ambassadors.

Declarations of war and conclusions of peace are made by a law of the Empire.

Treaties with foreign States which touch the legislation of the Empire require the consent of the Reichstag.

As soon as a League of Nations with the object of the exclusion of secret treaties is formed, all treaties with the nations united in the League require the consent of the Reichstag.

60. The President of the Empire publishes the laws decided on by the Reichstag within a month in the Reichsgesetzblatt.

If no unanimity between the two houses of the Reichstag on a bill is obtainable, the President of the Empire is empowered to cause a referendum to be held on the subject causing the dispute.

61. The President of the Empire appoints the officials of the Empire and the officers, so far as no other course is laid down by law. He is empowered to permit other authorities to exercise the right of appointment.

62. When German Free States do not fulfil the duties laid upon them by the Constitution or laws of the Empire, the President of the Empire can compel them with the aid of armed force.

63. The President of the Empire can, when in a German Free State the public safety and order are disturbed or endangered to a serious extent, interfere with the aid of armed force and take the necessary steps for the restoration of the public safety and order. He is bound immediately to obtain the consent of the Reichstag to his action and to cancel such steps if the Reichstag refuse its consent.

64. In so far as the Empire has a right of pardon, it is exercised by the President of the Empire. Amnesties require a law of the Empire.

65. All civil and military measures and orders of the President of the Empire require for their validity the countersignature of the Chancellor or one of the ministers of the Empire, who thereby undertakes the responsibility.

66. In case he is prevented (disabled) the President of the

Empire is represented by the President of the Staatenhaus. If the prevention (i. e., disability) is likely to last more than three months, representation is to be settled by a law of the Empire.

67. The period of office of the President of the Empire lasts seven years. His reëlection is permissible. Before the expiry of this period the President of the Empire can, on a motion of the Reichstag, be deposed by a referendum. For this resolution of the Reichstag the same rules apply as for changes in the Constitution. After the resolution the President is prevented from exercising his office. The rejection by the referendum of the proposal for deposition counts as reëlection.

68. The Government of the Empire consists of the Chancellor of the Empire and the necessary number of Ministers of the Empire.

69. The Chancellor and, on his recommendation, the Ministers are appointed by the President of the Empire.

70. The Chancellor and the Ministers require the confidence of the Volkshaus for the conduct of their office. Any one of them must resign if the Volkshaus withdraws its confidence from him by an express resolution.

71. The Chancellor is responsible to the Reichstag for the general lines of the policy of the Empire, and every Minister is independently responsible for the conduct of the department entrusted to him.

72. Each House can demand the presence of the Chancellor and the Ministers.

The Chancellor and the Ministers must be heard in the Reichstag at any time on demand.

73. The Volkshaus and the Staatenhaus are empowered to impeach the President of the Empire, the Chancellor, and the Ministers before the State Court of Justice (Staatsgerichtshof) for wilfully violating the Constitution or laws of the Empire. The motion for impeachment must be signed by at least one hundred members of the Volkshaus or twenty-five members of the Staatenhaus, and requires the consent of two-thirds the legal number of members.

A memorandum on the future regulation of the defense of

the Empire (Wehrverfassung) and also the following special sections of the draft Constitution are reserved to a later date:

(a) Communication Ordinance (Railways, Post, and Internal Shipping).
(b) Customs and Trade.
(c) The Finances of the Empire.
(d) Law.
(e) The Regulation for the Period of Transition.

No. 29

Draft of the Program of the German Democratic Party

(*Berliner Tageblatt,* May 1, morning, in *Enemy Press Supplement,* May 22, 1919, p. 167)

The Party leaders of the German Democratic Party present for public criticism the draft of the party program elaborated at the instance of the chief committee.

I. Political

1. *Form and Extent of the State.*—The party recognizes the German Republic, and aims at the incorporation of all German races—making due allowance for justifiable peculiarities—into one united State. The rights of foreign minorities are to be safeguarded. The party refuses to recognize: (a) the separation of Alsace-Lorraine or other component parts of the former German Empire, unless by the free consent of the population, and (b) the seizure of the German colonies.

2. *Domestic Politics.*—The German Republic is to be democratic, and all public power is to derive from the will of the sovereign people. The President is to be elected by the people, and the Ministers require the confidence of the people's representatives, elected by general, equal, secret, and direct vote. A referendum is reserved for special cases. No form of dictatorship is to be tolerated, and all citizens without distinction are to be equal before the law. All are to have the right of union in speech and writing.

3. *Foreign Policy.*—The party demands a foreign policy based on the consciousness of German dignity and German rights. The relations between nations must be dictated by considerations of right and justice in the general interests of peace and progress. The party advocates a League of Nations with equal rights, abolition of secret treaties, international courts of arbitration, uniform limitation of armaments, and the freedom of the seas. The foreign policy is to be such as to encourage and protect German economic interests, and the appointment of public servants in the Foreign Office or for Consulates and Embassies abroad, is to be made with this end in view. The protection of the interests of Germans in other countries and the maintenance of their German character is a national duty.

4. *Position of Officials.*—The party desires changes in public offices to meet the needs of the times. Promotion to the highest offices is to be open to approved officials; appointment is to be made for life; hours of work and leave are to be legally fixed; salary scales are to be simplified and standardized; a charter of rights is to be drawn up for all officials and special chambers created to protect their interests; the disciplinary ordinances are to be revised.

5. *Army and Navy.*—The military power is to be subordinate to the civil power. The party desires a People's Army strong enough to maintain order at home and to protect the frontiers, and a fleet for the protection of the coasts and of trade. All are to be liable for service in the defense force. Promotion is to be made on a recommendation and qualification only, and the military disciplinary regulations are to be revised according to principles of humanity and justice.

II. Religion and General Culture

1. *Religion and Church.*—The party demands for all freedom in profession of faith and corporate religious organization; it rejects the Established Church but recognizes that disestablishment must be gradual and that ecclesiastical property and right of taxation must be safeguarded. After disestablishment,

the religious communities are to be supported by the State according to their cultural value and importance. Each child is to receive at school instruction in his own faith, but not against the conscience of parents and teachers.

2. *Arts and Science; Education.*—The party demands complete freedom in academic research and teaching, in art, and in the Press. The aim of education is to be intellectual and moral training, as well as the acquisition of knowledge. The foundation of the school system is to be a common compulsory elementary school, followed by secondary, higher-grade, and high schools. Private schools, when permitted as following the elementary schools, are to be subject to State approval and supervision, and to the general regulations for public schools. Instruction at school is to cover eight years, and if these are spent entirely in the elementary schools, specialized instruction and continuation schools must follow up to the completion of eighteen years of age. Elementary, technical, and continuation schools are to be free, and provision is to be made also for the support of gifted scholars without means during further training. The State is, in addition, to take steps to encourage appreciation of scientific research and artistic activity.

3. *Legal Matters.*—The party demands a thorough reform of the legal system. Judges are to be independent and qualified in their own profession, but increased use is to be made of the lay element in judicial decisions and legal administration.

III. Economic

1. *Encouragement of Economic Interests.*—The party recognizes that general precedence of individual interests, and the economic policy is to be democratic and Socialist. The principle of private property is recognized. The party opposes the handing over of the entire means of production to the State and only advocates socialization if necessary for the riddance of monopolistic ownership or for increased production. The nationalization of all industries connected with products which are indispensable and limited in quantity, and of industries of especial economic importance for the community is required.

Where socialization takes place the interests of private persons are to be considered, and every inducement and opportunity for efficiency is to be offered to employers as well as to workers.

2. *Financial Matters.*—The party advocates general seizure of war profits, and approves the payment of a single sum from the revenue to meet war debts. In income-tax and death duties small fortunes are to be left free, and the family interests and earning capacity of taxpayers are to be considered. Unearned increment is to be taxed higher than earned increment.

3. *Social Matters.*—The party requires an extensive reform of the provisions for social welfare, and demands especially protection for all workers, prohibition of child-labor, protection of the interests of children and young persons, and care of public hygiene. Men injured in the war, and dependents of the slain, are to receive especial consideration. Measures are to be taken to provide adequate and healthy dwelling-houses and to solve the land-question. The eight-hour day is to be generally recognized, and for the promotion of German interests in world-competition, an inter-State social-political minimum program is to be drawn up.

4. *Labor Questions.*—The party requires a free democratic system in economic as in political matters, and demands a charter of rights for united labor which shall give equal rights to employers and employed. Industrial organizations are to be legally recognized; industrial disputes are to be settled by arbitration; work in essential industries is to be continuous, and the interests of workers in these industries are to be especially safeguarded. Unemployment insurance is to be instituted. Women are to receive the same pay as men for equal work. Workers' Councils are to represent labor, regulate general conditions of production, and hand in to the legislative bodies requests or proposals of a social-political nature, and coöperate in the execution of such laws. Representation of political interests in industrial bodies is forbidden. Employees are to have a special charter of rights, and special representatives, and special Boards of Employees are to be instituted.

5. *The Middle Class.*—Small independent industries injured

by the war are to be restored by the help of credit commissions and raw material, and are to receive every possible encouragement. Matters relating to public contract are to be regulated anew on the principle of proportionate prices and consideration of the economic position of artisanship; the capacity for production of the artisan and the representation of the crafts in technical and continuation schools is to be increased.

6. *Agriculture.*—A large and independent peasant class is desirable. State property and private property is to be used for an extensive scheme of settlement. All feudal rights are to be null and void. The old system of property classification is to be revised and land of the same quality to be equally taxed in small and large holdings. The great public and private forests are to be available for public uses, and the life of agricultural communities is to be developed to the utmost.

No. 30

The Party Leaders of the Independent Party Issue an Appeal to the Working People

(*Enemy Press Supplement,* July 3, 1919, p. 497, citing *Die Freiheit,* June 18)

Although we protest, in accordance with our Socialist principles, against the violence being done to us by the Entente, we consider that, in view of the consequences of non-signature, Germany has no choice. But the Government, under the influence of the old policy of prestige and the old nationalism, is trying to get out of signing. The people are in danger of being sacrificed to the militarists and capitalists. The future of the German working class cannot be made to depend on the methods of an obsolete diplomacy and on military considerations. We are confident that in its victorious advance the proletarian revolution will abolish the Treaty of Versailles and that International Socialism will have the last word in making peace.

No. 31

THE GROUPS OF THE GERMAN NATIONAL PEOPLE'S PARTY AND THE GERMAN PEOPLE'S PARTY HAVE ISSUED THE FOLLOWING DECLARATION:

(*Kreuzzeitung*, June 21, morning, in *Enemy Press Supplement*, July 3, 1919, p. 497)

In this hour of utmost national peril, the groups of the bourgeois parties not represented in the Government, the German National and the German People's Parties, have resolved to publish the following joint declaration:

TO OUR ELECTORS

We have examined with a full sense of responsibility all the consequences of the rejection of the Treaty which has been presented to us, and we are unanimously convinced that they are, in spite of their gravity, a burden incomparably lighter than the permanent enslavement of Germany, to which we shall otherwise be committed. The acceptance of this Treaty means national disgrace. We shall lose by it the last friends we have in the world. A dismembered Germany is threatened by economic, financial, political and moral death! The choice faces us: either to confirm by our signature the monstrous lie of Germany's guilt, or to protect Germany's honor which is dragged in the dust, above all, by the demand that the German Emperor and other Germans shall be brought before a foreign tribunal. We are resolved, for the sake of our dead brothers, and in the interests of the future of our German youth, to defend to the utmost of our strength our last possession—Germany's unstained name in the eyes of the world. Therefore, we reject this Treaty.

On behalf of the group of the German National People's Party,

POSADOWSKY.

On behalf of the group of the German People's Party,

DR. HEINZE.

No. 32

STATEMENT OF HERR GUSTAV BAUER, ON ASSUMING THE CHANCELLORSHIP OF THE GERMAN REICH, WITH REFERENCE TO THE PROGRAM OF THE NEW CABINET

(*Enemy Press Supplement*, July 3, 1919, p. 507, citing proceedings of the National Assembly at Weimar, in its session of June 22)

The retirement of the Scheidemann Cabinet took place in consequence of lack of unanimity among its members with regard to the peace proposals. There was not merely lack of unanimity; the views of the various ministers were even in sharp conflict on the question. The cleavage of opinion was not on party lines, but was determined by the responsibility felt by each minister individually. The split went right through the middle of the Government Parties. The answers given to the question, which would be more unbearable for the German nation, acceptance or refusal, were quite divergent within the Party groups themselves. It was infinitely difficult for all of us to decide to join a new Government, whose first and most pressing duty it must be to conclude this Peace of Unrighteousness. We stand here out of the consciousness that it is our bounden duty to save what can be saved. We exceedingly regret that the German Democratic Party could not reconcile it with the attitude of the majority of its members to take part in the Government. The Government over which I now have the honor to preside is composed of the Zentrum and the Social Democrats. The program of the new Cabinet will be the same as that of its predecessor. The Cabinet is made up as follows: President, Bauer; Foreign Affairs, Hermann Müller; Home Affairs, Dr. David; Imperial Minister of Finance, Erzberger; Public Economy, Wissell; Labor, Schlicke; Treasury, Mayer-Kaufbeuren; Posts, Giesberts; Communications, Bell; Defense, Noske; Food, Schmidt.

No. 33

Government Proclamation on Signature of Treaty, June 25, 1919

(*Enemy Press Supplement*, July 3, 1919, p. 504)

To the German People!

The Imperial Government, with the approval of the National Assembly, has declared its resolve to sign the Treaty. It has reached this decision with a heavy heart, under the pressure of ruthless force, with the sole object of protecting our defenseless people from the sufferings and starvation entailed by renewed war.

Peace is concluded! Now guard and secure peace!

The first requirement is fulfilment of the Treaty. Every effort must be made to carry out the terms; in so far as it is possible to fulfil them, they must be fulfilled. We shall never forget those who are threatened with separation. They are flesh of our flesh; we shall support their cause, whenever possible, as our own. They may be torn from our State, but not from our hearts. The second requisite is work. We can bear the burdens of this war only if no hand is idle. The enemy can answer with advance, occupation or blockade, any failure to perform our promises. He who works, protects his native soil. The third requisite is faithful observance of our duty. As we have remained at our posts, despite all distress of mind, so must each one of you. The soldier, officers, non-commissioned officers, and men, the official, every one, must, for the sake of the whole community, remain true to his duty in these darkest of dark days, as before. We are forced to deliver up Germans to foreign tribunals. We strove against it to the utmost. We have every sympathy with the deep and bitter feelings of our brave troops; but, if officers and men do not assist, with firmer determination than ever, to maintain order at home, we shall deliver up, not merely a few hundreds, but millions of our compatriots, deliver them up to occupation, annexation and terror. Germany must remain able to live. Without internal order no work! Without work no fulfilment of the Treaty!

Without fulfilment of the Treaty no peace, but renewed war!

If we do not all help, the signature below the Treaty is worthless. In that case there can be no alleviation, no revision and no final discharge of our crushing burdens. Days that we lose by negligence may cost our children years of bondage. Nation and Government must begin to work this very day—there must be no delay and no indifference. There is only one way of escape from the blackness of this Treaty—maintenance of Empire and nation through unity and labour! Men and women, help us to accomplish this purpose!

The Imperial President, EBERT.
The Imperial Government: BAUER, ERZBERGER, HERMANN MÜLLER, DR. DAVID, DR. MAYER, WISSEL, ROBERT SCHMIDT, NOSKE, GIESBERTS, DR. BELL, SCHLICKE.

No. 34

MANIFESTO OF GERMAN NATIONAL FRAKTION OF THE NATIONAL ASSEMBLY AFTER THE SIGNING OF THE TREATY OF VERSAILLES

(*Enemy Press Supplement*, July 17, 1919, citing *Kreuzzeitung*, June 30)

The fight for Germany's freedom and honor is lost. We desire that this humiliation should be remembered from generation to generation. This peace sows nothing but hatred. Its conditions are impracticable: it will never bring true peace. German brothers and sisters in the East and West, you do not part from us; we do not part from you. The language of blood can do more than the letters of a peace treaty. We belong inseparably together. The enemy may oppress you—we forget nothing! We will take care of that! Our country needs order, a sense of honor and duty, we must not sit down and fold our hands. Hard work is the duty of all: it is only through it that we can recover. We thank officers, non-commissioned officers, and men for their self-sacrificing service. Your heart and ours belong to the Fatherland, not to a changing Government. We stand in unswerving loyalty by those who have been re-

sponsible for leading our nation in the hard times of war. No true German will be found to give himself up in peace times. We look back with a clear conscience. We unanimously opposed the signing of the Peace Treaty to the last. We must now be doubly united, and concentrate all the forces of discipline and honor. At a hopeless time we do not give up hope. Bismarck's spirit will attract fresh followers. The Revolution has disarmed and unnerved the people; this peace is the fruit of the Revolution. Its unbearable pressure should harden the character of our people and rouse all right minds. That is our sole hope. With gratitude and courage we gather round the old black, white, and red German banner.

No. 35

The Domestic Program of the Bauer Cabinet

(*Enemy Press Supplement*, July 17, 1919, citing *Deutsche Allgemeine Zeitung*, July 1, morning)

When requesting me to form the new cabinet, the Chancellor took especial care to give understanding of the reorganization of labor and the social reconstruction of the State precedence above all political considerations. The reason for this lies in the fact that the condition in which our public affairs have been left by the war and its consequences can only be improved by achieving a maximum labor output in the social states and by endeavoring, while eliminating all unproductive extravagance, to make good all that we have lost in human material, merchandise or territory.

We shall require to collect every ounce of energy, all available inventive talent for technical work, and all skill in organization in order with smaller means to increase our former labor output, which is necessary to meet the enormous demands of our obligations under the peace, and create a new foundation for our social well-being.

This I consider to be the principal task of my Ministry, and the work will make calls on the laboring powers and tenacity of generations. It is for us now for the first time in history

to make all policy center on the idea of giving the State a social form. This is no case for party politics. We want the coöperation of the whole nation, including those economic interests and parties which differ fundamentally from Social Democracy in theoretical views on economic principles. They, too, will have to realize that in our present situation there is no other means open to us than that of permanently mobilizing, so to speak, the whole economic and social resources of the State.

Formerly, everybody in Germany worked on his own account; but in future the importance of the State will be so enormous that the primary object of every one's labor will be to maintain the State as a living force.

The politico-economic ideas underlying the labor struggles of the old State, its wage wars, its strikes and lock-outs, all take on a new meaning from this point of view. Thus a means must be found of authoritatively settling all economic disputes by arbitration.

This is one of the most pressing needs of the coming times, and I hope that both workmen and employers will have sufficient intelligence not to place obstacles in our path. The eternal strikes must cease. Of course, we have no desire to deprive the workmen of their right to improve their economic condition; much less do we wish to leave the employer free to exploit his people. Our desire, rather, is to combine a just compromise between wages and labor with the interests of the State so that work shall be maintained. If we are successful, we shall be working for the economic and politico-social development of the works, for there can be no doubt but that other States, which have suffered through the universal exhaustion and the various social problems arising out of the war, are finding themselves in a similar position. They will soon realize that it is more to their economic advantage to form a great national army of workers than a large army of soldiers. We shall seek to convert our present disarmament into an economic armament, and we hope to succeed in inducing our opponents to follow our example. This would bring us many steps nearer to the great world peace, while the idea of a League of Nations would find its firmest basis in the social labor State.

No. 36

Conservative Manifesto in Regard to the Ratification of the Treaty of Versailles, July 4, 1919

(*Die Kreuz*, July 4, 1919, in *Enemy Press Supplement*, July 17, 1919, p. 617)

The German Conservative Party, like the German National Volkspartei and the German Volkspartei, can never agree to a peace treaty which imposes servitude and sacrifice on our people to an intolerable and impracticable extent for an incalculable length of time, which deprives us of free political self-determination, severs purely German portions of territory from the Fatherland, seeks to destroy our defensive power for ever, and proposes to surrender to trial those who have led our people in this most difficult of wars and the one richest in victories.

We regard it as an intolerable demand that we should take on ourselves the blame for this war, which attaches exclusively to our opponents, and offer up the wearer of the German and Prussian Crowns as atonement.

The Conservative Party has no share in the policy which led to this unhappy and shameful issue of the war. Rather have all our warnings been thrown to the winds, all our entreaties neglected. With scorn, ridicule, and contempt our coöperation has been rejected. If we stood up for the will to victory, and for the confidence of victory in people and army, we were charged with being anxious to prolong the war.

The responsibility for the pass to which we have come rests solely with those who have broken the will to victory of our people since the unhappy Reichstag resolution of July 19, 1917, who step by step have encouraged our enemies by continual peace offers, and by so doing have prolonged the war; who through rousing the masses, through undermining all authority, through making capital out of the discontent over the desperate economic situation in the country, have destroyed all order and discipline in the land, have brought the army to decay and finally have driven the people into revolution.

This revolution is responsible for our misfortune, and before history we accuse its instigators and upholders of rendering us unarmed and defenseless, and by their weakness and credulity of making easy for our malicious foes the furtherance of their annihilating designs, and of condemning our people to internal and external perdition.

Only a parliamentary Government which as such has no personal responsibility could be in a position to consent to a peace, which, in addition to robbing us of our existence as a State, also robs us of our national honor. This would never have been possible for any monarchy.

We challenge this revolutionary Government, which has ruined us, to battle. We are striving for the restoration of the Monarchy under the scepter of the Hohenzollerns, who were able to procure for us prestige, prosperity, freedom, and Kultur, as opposed to the wretchedness of the present poverty, misery, and contempt, which the democracy and the rule of the masses have brought about.

We shall, for our part, endeavor unremittingly to strengthen the sound foundations of our national life, and lead our Fatherland to new and better times. We beg our friends in the country not to fail us, and not to despond, but to continue to work energetically for our aims, and not to despair of the future of our nation.

THE EXECUTIVE COMMITTEE OF THE
GERMAN CONSERVATIVE PARTY,
v. HEYDEBRAND, COUNT WESTARP.

No. 37

PROCLAMATION OF DR. WOLFGANG VON KAPP ASSUMING THE IMPERIAL CHANCELLORSHIP

(*New York Times,* March 14, 1920, Sec. 1, p. 1, c. 8)

The overthrow of the Government must not be taken as reactionary. On the contrary, it is a progressive measure of patriotic Germans of all parties, with a view to reëstablishing law, order—discipline and honest government in Germany. It

is an overdue attempt to lay the foundations for the economic resuscitation of Germany, enabling her to fulfil those conditions of the Peace Treaty which are reasonable and not self-destructive.

Inspired by zeal and a desire for the benefit of all the German people, the new Government invites heartily the acceptance and coöperation of the Independents for the creation and elaboration of laws for the betterment of the working classes.

The Socialist Government has overburdened the people with taxation, failed to create conditions for an increase of production in all lines, and suppressed papers which criticize it. It has interfered with personal liberty, refused to dissolve the Reichstag and issue writs for new elections. Last but not least, a Government whose chief spokesman is Erzberger must be swept away.

A change of government is purely an internal affair and a German question, which alone concerns the German people. The new Government promises to use every effort to maintain internal and external peace and prevent a recurrence of the mistakes of a Government now happily defunct and obsolete.

We readily recognize that it is of vital interest to foreign countries not to have a Government in Germany which in any way could or might endanger the peace of Europe.

No. 38

Proclamation of Kapp Revolutionists, March 13, 1920

(From *London Times,* March 15, 1920, p. 18, c. 2, and *New York Times,* March 14, p. 1, cs. 7-8; a text compiled from both references)

The Empire and the nation are in great danger. Germany is approaching with terrible rapidity the complete collapse of the State and legal order. Distress is increasing, famine threatens, corruption, usury, swindling, and crime are still more impudently raising their heads, and the Government without authority or power, and allied to corruption, is not in a position

to exorcise the danger. Away with the Government in which Herr Erzberger is the leading spirit. . . .

This Government is not capable of warding off Bolshevism which is threatening from the East. Germany can only escape external and internal collapse by a strong State power being again established. . . .

What ideas are to guide us in this contingency? Not reaction, but the liberal development of the German State and the restoration of the sacredness of right. Duty and conscience shall again rule in German lands, German honor and honesty shall be restored. The National Assembly which continues to govern without a mandate declares itself permanent. Violating the constitution, it postpones the elections until the autumn. A tyrannous party government would deprive the people of the important and fundamental right of electing a President. There are no means left to save Germany but a Government of action.

The financial and taxation sovereignty of the Federal States will be restored on a constitutional and federative basis. The Government will safeguard war loans and will shortly begin their repayment.

Rural and town landed property (Grundbesitz) will be properly taxed for the purposes of reconstruction. In order to put landed property in a position to meet this taxation, economic freedom will be restored to it. The Government's main care will be to supply the less well-to-do and these with fixed salaries with food. Strikes and sabotage will be ruthlessly suppressed. To strike is treason against the nation, the Fatherland, and the future.

The Government will consult with labor and other professional and trading classes, and invite them to coöperate in the work of economic reorganization. The Government will not be a Government of one-sided capitalism; it will rather shield the German worker against the hard fate of international servitude to the big capitalists (Grosskapital); it will develop insurance legislation, a homestead system, and care for the interests of the civil servants; it will make provision for war invalids, the families of the fallen, and of the soldiers at present protecting

the Fatherland. It also guarantees freedom of the Churches and restoraton of religious education.

Attempts to separate from the Empire will be dealt with by a Court-Martial as high treason. The Government is strong enough not to begin its rule with arrests and other violent measures, but any opposition to the new order will be unsparingly put down. In accordance with the best German traditions, the Government has to stand above the struggle of professions, classes, and parties. It is the impartial judge in the present struggle between Capital and Labor, and all favoring of classes, whether on the Right or Left, is rejected. The Government only knows German citizens, and every German citizen who in this grave hour gives to the Fatherland what belongs to the Fatherland can count on the protection of the Government.

Let every one do his duty. Work is the principal duty of every man. Germany shall be a moral (sittliche) community of Labor.

The German Republic's colors are black, white and red.

No. 39

Proclamation of the Social Democratic Party to the German Proletariat Urging a General Strike Against the Counter-Revolutionary Government

(*New York Times,* March 14, 1920, Sec. 1, p. 1, c. 7)

Workmen! Comrades! The military revolt has come. Erhardt's naval division is marching on Berlin to enforce the reorganization of the Imperial Government. The mercenary troops who were afraid of the disbandment which had been ordered desire to put the reactionaries into the ministerial posts.

We refuse to bow to this military constraint. We did not make the revolution in order to recognize again to-day the bloody government of mercenaries. We enter into no covenant with the Baltic Criminals. Workers, Comrades, we should be ashamed to look you in the face if we were capable of acting otherwise.

We say "No!" and again "No!" You must indorse what

we have done. We carried out your views. Now use every means to destroy this return of bloody reaction.

Strike. Cease to work. Throttle this military dictatorship. Fight with all your means for the preservation of the republic. Put aside all division. There is only one means against the return of Wilhelm II. Paralyze all economic life. Not a hand must move. No proletariat shall help the military dictatorship.

Let there be a general strike along the entire line. Let the proletariat act as a unit.

EBERT, BAUER, NOSKE, SCHLICKE,
SCHMIDT, DAVID, HERMANN MÜLLER,
For the Government.
OTTO WELS,
For the Executive Committee of the
German Social Democratic Party.

Berlin, March 13, 1920.

No. 40

MANIFESTO OF THE GOVERNMENT OF SAXONY

(*New York Times,* March 15, 1920, p. 1, c. 7, citing *Dresdner Anzeiger,* March 14, 1920)

Occurrences have taken place in Berlin which are of the greatest menace to the German Commonwealth and its Constitution. Mad reactionary insurgents have occupied the Government buildings and have presumed, in a proclamation, to declare the National Assembly and the Prussian National Assembly dissolved. The members of the Constitutional Government have left Berlin.

Germany is threatened with civil war and thereby with complete ruin. In this hour we call upon the entire population to protect the democratic, constitutional and lawful Government.

The attempt to institute a military dictatorship in Berlin must be prevented by all available means. It is expected that the reactionaries' mad coup will speedily collapse in Berlin as well as elsewhere. The Government, hand in hand with the Liberal Constitutional parties, will see that all further necessary measures are adopted.

No. 41

Anti-Government Manifesto Issued by the Kapp-Lüttwitz Group

(*London Times*, March 16, 1920, p. 18, c. 1)

In order completely to extirpate the Monarchist idea from the minds of the German people, the former Government, and especially the Socialist members, poured out their venom and contempt on the flight of the Emperor Wilhelm II, which they characterized as a dereliction of the colors, although that flight was accomplished in circumstances justifying a less severe condemnation. That same Government has now forsaken its duty and has left Berlin without so much as an attempt to defend itself, as it had every possibility of doing. The statement that the troops were unreliable is uttered solely in order to cause its own flight to be more favorably regarded. A Government that was really capable of ruling should have possessed the strength of carrying the troops with it. This desertion will stigmatize the old Government in the eyes of the German people and will make its return impossible for all time.

No. 42

Party Manifestoes Issued During the Kapp-Lüttwitz Coup d'Etat

A. Manifesto of the Independent Socialist Party, and the Berlin Workmen's Council and Trade Union Leaders, to Workers

The counter-revolution has triumphed. It is through you that the freedom of the working classes, the revolution and the cause of socialism must be defended to the last man and the last woman. Every worker and every official in this hour of destiny must recognize there is only one solution, namely, a general strike along the whole front. Workmen, workwomen and officials, away with party distinctions! Be united under the standard of revolutionary socialism! You have nothing to lose except your chains!

(*New York Times*, March 17, 1920, p. 1, c. 6)

B. MANIFESTO OF THE GERMAN DEMOCRATIC PARTY IN BERLIN

The German Democratic Party invited all its adherents, patrons, workers, and employees to stop all work except that necessary to life as long as the traitor von Kapp and his lieutenants usurp power. Functionaries are asked to accept orders only from the legitimate Government and its officers. It is not a question of a strike, but of an unanimous protest against the violation of our Constitution.

(*New York Times,* March 17, 1920, p. 2, c. 6)

C. MANIFESTO OF THE GOVERNMENT OF THE REICH AT STUTTGART

The Government of the Reich denies categorically all reports according to which it is in negotiation with the Kapp Government through intermediaries. Not one word of such reports is true. The Government of the Reich believes that such negotiations could only increase the political chaos into which the revolt at Berlin has plunged Germany.

The Government receives from all parts of Germany, and especially from the States in the Southwest and Center, messages of fidelity and confidence which confirms its certainty of its power. It repudiates all idea of compromise with usurpers.

EBERT.

(*New York Times,* March 17, 1920, p. 2, c. 6)

No. 43

PROCLAMATION OF THE GOVERNMENT AT STUTTGART ANNOUNCING KAPP'S FALL

(*New York Times,* March 19, 1920, p. 2, c. 5)

The criminal adventure at Berlin is ended. Irrefutable proof has been given the whole world by the struggle of the last few days that democracy in the German Republic is no deception, and that it alone has power and knows how to make short shrift with even an attempted military dictatorship. . . .

Traitors to the people who forced you to resort to the general strike will be most severely punished by the Government, which

will see that no soldiery again shall be able to interfere with the destiny of the German people. Together we have achieved victory. To work!

THE NATIONAL CABINET,
THE NATIONAL PRESIDENT, EBERT.

OFFICIAL COMMUNIQUE ANNOUNCING THE RETIREMENT OF KAPP AND LÜTTWITZ

(*London Times,* March 18, 1920, p. 17, c. 5)

The Bauer Government having decided of itself to fulfil the most essential of the political demands addressed to it, the rejection of which led to the establishment of the Kapp Government, the Imperial Chancellor, Dr. Kapp, regards his mission as fulfilled and retires, resigning the executive power into the hands of the Military Commander-in-Chief. In this he is moved by the conviction that the extreme necessity of the Fatherland demands a solid union of all against the annihilating danger of Bolshevism.

PROCLAMATION OF THE CONSTITUTIONAL GOVERNMENT ANNOUNCING ITS VICTORY

(*London Times,* March 19, 1920, p. 18, c. 1)

TO THE GERMAN PEOPLE:

The rising has collapsed and the Constitutional position has been restored. Herr Kapp has unconditionally surrendered the post of Imperial Chancellor, assumed by him. The Imperial Government is again in full possession of the rights conferred on it by the people. The command of the troops has been placed in the hands of Major-General von Seeckt. The unanimous and unshakable resoluteness of the German people has managed in a few days again to eliminate the enormous injury to its political and economic life.

The Imperial Government expresses its thanks to all classes of the population which stood loyally together in defense of democracy, and thereby rendered possible a rapid return to constitutional conditions. The injury inflicted on the German

people from within is immeasurable, and our economic life has again suffered a heavy shock.

In order to prevent the complete collapse of the economic life of the people, and consequently, of the whole nation, the Imperial Government, created and inspired by the people's will, calls upon the entire German people to resume work.

SCHIFFER, Vice-Chancellor.

Berlin, March 18.

No. 44

CHANCELLOR MÜLLER'S PROGRAM, MARCH 29, 1920

(*London Times,* March 30, 1920, p. 15, c. 8)

The chief duty of the new Government will be to follow in the path of democracy, which has proved itself in the struggle against military dictatorship to be the strongest force in Germany, and to incorporate democracy still further in the Republic's institutions. Those who made common cause with Kapp must disappear. The perjurers cannot expect mercy. A clean sweep must be made.

The democratization of the civil service, the dispersal of the unfaithful military formations, and the creation in their place of new forces excluding no classes which can be considered as belonging to the real People's Army (Volkswehr), this must be the great task which we shall try to carry out at the earliest possible moment.

A democracy without democrats is an internal and external danger. That we have democrats is shown by the speedy end of the Kapp revolt. We must now put them in the commanding positions everywhere. Besides this, the work of economic democracy must be completed. A bill for establishing a provisional Imperial Economic Council has been sent to the National Assembly, and the permanent Economic Council, with its subsections, will be built on this basis.

The extension of social legislation is urgently necessary. An arbitration bill is being drafted. Provision for war sufferers on a large scale is our most sacred duty. The establishments ripe for socialization are to be taken over by the Empire,

individual States, or the communes. Mines, particularly, are to be placed under public control or publicly administered, and the Empire's participation in the management of collieries is to be ensured. The next task will be the taking over of the coal and potash syndicates by the Empire. The Government hopes that this important and extensive program will soon be dealt with.

The work of the National Assembly must, nevertheless, be interrupted early, because, after the coup d'etat, the nation wants a speedy settling up by means of elections.

In foreign affairs our policy remains the same, because it has stood the test. The Government for some days has been negotiating with the Allies with the object of sending stronger forces to the Ruhr region, in case of necessity. If a peaceable settlement is possible there, not a man more shall enter the neutral zone than was already conceded us previously.

The Allies would only meet our wishes if equivalent forces of Allied troops were permitted to enter other places. It has demanded the occupation of Frankfurt, Homburg, Darmstadt and Dieburg, which would mean an advance of about twenty kilometers into the neutral zone. The German Government was naturally obliged to reject such a demand. We had no idea whatever of exposing the neutral zone to the terrors of occupation. The German Government's proposal was dictated by anxiety that the fulfilment of the economic demands of the Versailles Treaty might be seriously endangered by developments in the Ruhr region, in which demands France was particularly interested on account of the coal deliveries.

It ought at length to be realized, even in France, that the work we are doing is being done in the interest of European democracy, for the destruction of political order in any part of Central Europe involves serious danger in all other parts.

(After claiming that people in the West had in imposing masses demonstrated for the endangered acquisitions of the revolution, and saying that the entire people in the South had unanimously rejected the attempt to reëstablish a North Elbian dictatorship, Herr Müller continued:)

I assure you that there is no place for dictatorship within the borders of the German Republic, come whence it will. Only if we all stand together shall we find a way to better times. In foreign policy, everything must be done to preserve to the German nation its rights in the world. We request your confidence for our work.

We cannot set to work, however, without having settled accounts for what has happened. It was a crime without parallel. Stupidity and impudence had leagued to violate right. It is our most sacred duty to detect the guilty and their accomplices. Justice is already at work to mete out punishment to these traitors.

(The Chancellor then upbraided the parties of the Right for their failure to condemn the revolt. All traitors came from their ranks. They could not shake off their responsibility for the revolt. He accused them of having a second time lost the war, and of being solely responsible for the blood and ruin with which Germany was again disfigured.)

The idea of the Kapp revolt was revenge. We have knocked the sword out of his hand, but the general strike has inflicted deep wounds. The German people will long have to suffer from the consequences of the revolt and the general strike. Anarchy from the Right has turned into anarchy from the Left in the Ruhr region, but the longing for a return to constitutional conditions is growing daily amongst the peaceable workers and citizens.

The same measure must be meted out to anarchists from the Left as to anarchists from the Right. Preparations have already been made.

The only good consequences of the revolt are that people abroad have been convinced that the day of the Nationalists and Militarists is over. We are not going to be frightened by Bolshevism. We emphatically and unanimously reject it. The nearest armed danger comes from the Right. We do not doubt for a moment that the nation will pronounce a just verdict on our denunciations.

No. 45

Declaration of Chancellor Fehrenbach, June 28, 1920

(*New York Times, London Times,* and *Paris Temps,* June 29, 1920, synthetic text)

(After indicating that the program was the work of the whole Cabinet, and had been unanimously approved by it, he continued:)

The Spa Conference is at our doors and the fact gives me an opportunity to say a word about our foreign policy. All our relations to countries abroad stand under the sign of the Versailles Peace Treaty. The burdens which it imposes on the German peoples are incredibly heavy, and their full weight is scarcely recognized.

Now that Germany has accepted the Treaty, the Imperial Government, as long as former enemy states refuse to agree to alterations, can have no other guiding line in internal and foreign politics than to try and fulfil the engagements it has undertaken so far as that is at all possible. Above all, Germany must honestly and without mental reservations fulfil her liability to diminish her army to the minimum necessary for the preservation of order in Germany, and she must also fulfil the other disarmament measures and reparation stipulations. In this regard the political composition of the Government cannot affect its attitude. I declare expressly that the preceding Government has done more to carry out the Treaty of Versailles than would appear possible considering the internal and external difficulties. [Great applause.]

If deluded and irresponsible people on both sides of the frontier systematically disparage German efforts to fulfil the peace treaty conditions, it must be the task of the new Government to prove by documents what we have already accomplished, delivered and surrendered. I refrain from enumerating the sad details here. We have done much more in this respect than any other people ever did for victorious opponents, though our people's strength at the end of the war was most seriously impaired.

If, however, not all the stipulations of the Treaty have been carried out to the letter, that is not due to want of good will on the part of Germany, but to conditions which are stronger than good will. [Very true!] Amongst these conditions there is in the first place the deep mistrust which still prevails against Germany amongst our opponents. [Very true!] He who fans this mistrust, sins against the life and interests of the whole of Europe. Only by mutual confidence can the world's economic development, which was arrested by the war, be started again.

We shall consider it as our principal task to put an end to the fatal action and reaction which results from the mistrust of our opponents and our own failure to carry out the peace conditions, by convincing all our former opponents that among the German people dreams of political might or thoughts of revenge find less foundation the more sympathetically they are met. We must also convince them that every good German now recognized as his only rallying cry, "Reconstruct in tranquillity and peaceful work what the war has destroyed."

In this task we feel that we are the companions in labor of all peoples who have suffered through the war, and we know that we, the vanquished, will have a particularly difficult task to accomplish. But if we are to accomplish it, they must not demand the impossible, and by a strict interpretation of the Treaty of Versailles destroy Germany's capacity for work.

In the countries of our former enemies voices have recently been heard saying that it is understood that, in order for Germany to repair the damages, our production must be protected against disorders and labor troubles. We hope these voices will find an echo in the Spa Conference, where a common accord on practical means may be devised with the view of realizing the work of reparation. The loyal good will of the German Government in this effort shall not be found wanting, because of the disposition of the German people to use all its capacity for work to realize a true peace between peoples. You understand that I do not discuss to-day the measures the German Government has in mind as contributing toward this end.

Our most urgent care is the reconstruction of the ruined

Fatherland. It is the firm and unanimous will of the Government to carry on this reconstruction energetically on the basis of the existing republican régime. We ask all the parties, at a time when the life or death of the people is at stake, and when questions of foreign policy, economic organization or finance must absorb all our efforts, to subordinate constitutional questions.

Certain economic symptoms are reassuring. The production of coal has increased, as compared with last year. The number of miners has been increased by 80,000. The difficulties of transport are being overcome.

In social legislation, the government expects shortly to extend sickness and old age insurance to the better situated classes of the population and to have an unemployment insurance law adopted. The relations between Church and State and the establishment of supreme tribunals entrusted with the duty of safeguarding the Constitution will also be the objects of government legislation.

The development of physical education will take the place of compulsory military service.

In its work of reconstruction, the Government will not forget that freedom of development must be guaranteed and attributed to the German Territories according to the provisions of the Constitution of the Empire. We will oppose excessive centralization. The Ministry will also have regard for the particularist tendencies of the various populations, in so far as movements looking toward the fusion or transformation of Territories or parts of Territories is concerned, and will accede to the wishes of the population of the interested regions, so long as no capital interest of the Empire is threatened thereby.

The engagements undertaken in the Treaty of Versailles to reduce our military strength will be loyally executed. In spite of the serious difficulties which stood in the way, the effective strength of the Reichswehr has been reduced to 200,000 men. We have already turned over to the Imperial Commission entrusted with the destruction of war materials: 33,000 guns and gun tubes, 40,000 machine guns, 1,500,000 rifles, 15,-

000,000 shells and 28,000,000 cartridges. They must be acting in bad faith who doubt our good intent.

I will not take up here the question of the new reduction of the Reichswehr, but I cannot refrain from pointing out the difficulties, apparently insurmountable, which the immediate release of more soldiers would entrain. We are in the middle of an economic crisis which brings with it increasing unemployment. It is therefore impossible, in point of fact, to return tens of thousands of soldiers to civil life without danger of giving rise to a serious menace to the order and calm of the Empire.

The National Assembly has put into effect the indispensable financial reform, increasing the ordinary revenue from four and a half billions of marks to twenty-four billions, of which three billions arise from extraordinary taxes. It is therefore necessary to vote the corresponding three billions of taxes. Moreover, it will be necessary to procure by means of loans the resources necessary for carrying out the Treaty of Versailles and cover the deficit in taxes, which is one billion, and that in the operation of the railroads, which is fifteen billions.

Germany wishes to export products and not men, because it has too few of the latter. The Government will do all it can to develop the exportation of coal and potash. Germany also needs importations. The freedom of importation and exportation must be more limited than ever, for they must balance each other. Very strict policies as regards foreign commerce will therefore be necessary, for they will furnish the best means for bringing about a healthy policy as regards exchange. A higher exchange rate will permit the importation of raw materials. The law on Industrial Councils will be rounded out by a law on Workers' Councils and on Imperial Workers' Councils. That will be a great step toward economic and social peace.

It is the loyal and sincere wish of the government to govern with the workers, and not against them.

(Having ended the Government declaration, the Chancellor continued on his own behalf:)

The Majority Socialists did not wish to enter into the Government, but that imposes upon them an obligation toward the Government, which does not wish to govern against the workers,

but with them and for them. We call ourselves a bourgeois Government, but it is against our will. We wanted to be a Government of national reconciliation. A hand loyally offered, which all men of good intent could accept, appeared to us more necessary than a hand of iron. For such an attitude seeks only the laurels of peace, and does not constitute a danger to any people in the world. It carries hope to the peoples of Austria, whose right it is that the fine words of the right of self-determination of peoples may become some day a reality.

No. 46

Declaration of Chancellor Wirth, May 10, 1921

(*Le Temps*, May 12, 1921, and *New York Times*, May 11, 1921, synthetic text)

The circumstances under which the Government has been formed have had the result that all the appointments to places in the Ministry have not been made. The Cabinet will be completed without delay, taking into account the essential points of view in regard to its formation. The task which confronts us in this grave hour is to obtain the decision of the Reichstag with regard to the ultimatum of the Allied Governments. In the protracted detailed negotiations, you have formed an opinion of the contents and significance of the ultimatum. In view of the termination of the time limit, I must ask you to express your opinion by an immediate decision. There is no possibility for us other than acceptance or rejection. The victors have so decided.

Acceptance means that we declare our readiness to bear in voluntary labor the heavy financial burdens demanded year by year. Refusal would, however, mean execution of the demands imposed by force on the whole of our economic life; it would mean slavery under enemy bayonets; it would mean surrendering the basis of our entire industrial activities, and, as a consequence, dismemberment of our economic body, already so greatly weakened, and the shackling of our entire industrial life and the effects might be even more terrible for our political

existence and our realm. [Hear! Hear!] There is more than the money and the goods at stake. There is also the whole future of our dear Fatherland, so harshly oppressed, the safety of the Empire and its unity. It is a question of preserving the territory of Germany from enemy invasion and of guaranteeing German liberty. The German people are ready to make the greatest material sacrifices to gain this end.

For these reasons, the Government accepts the ultimatum. We know that acceptance will involve heavy consequences for the structure of our economic life; we know, above all, that the effects it will produce of the place Germany will occupy in world economy will be extremely grave. The responsibility for the consequences to the economic structure of the world falls on the Allies.

But there is one point upon which there must be perfect understanding and sincerity. It would be useless to say "Yes" without the resolution to do our utmost to meet the obligations imposed upon us. It is only by payments that we can convince our adversaries of our good faith, and, in that way, create that atmosphere in which a tolerant application of the decisions of London, within the limit of our capacity for payment, will be assured.

By accepting the ultimatum we will remove the imminent threat of the occupation of the Ruhr. The fear often expressed that the occupation would take place in any case, whether we sign or not, is not supported by any passage in the ultimatum. According to its letter and spirit, in fact, the suspensions of sanctions and, in particular, the non-occupation of the Ruhr, are the basis of the acceptance of the ultimatum.

There is no need for me to show why, in taking the decision, we ought to turn our eyes to Upper Silesia. In that respect we have firm confidence in the results of the plebiscite.

The Allied Governments will not tolerate an attempt by the Poles to create an accomplished fact which would be a mockery to all justice. In no circumstances shall a Polish dictator tread under foot the few rights which the Peace Treaty gives us.

The Treaty, which casts a heavy burden upon us, entails for

the Allied Governments sacred duties, as the British Premier himself expressly acknowledged recently.

Ladies and Gentlemen, the new Government, after reflection, advises you in all confidence to accept the ultimatum.

No. 47

Declaration of Social Democratic Party, May 10, 1921

(*Le Temps,* May 12, 1921)

Under pressure of military compulsion, menaced by violence, and in the face of the threatened loss of important parts of our country in the East and West, the German people are compelled to accept without conditions or reserves, within a brief time limit, a plan for the reparation of war damages the execution of which will bring with it grave dangers for the working population, not only of Germany, but of all Europe.

In the opinion of the parliamentary party of Majority Socialists, the political responsibility for accepting the ultimatum and executing its terms falls upon the parties which contributed most to the prolonging of the war and the augmentation of its costs. These same parties, on account of the economic position of the classes which support them, can now contribute most toward meeting the enormous obligations imposed on our people. But these parties, in spite of the national sentiments which they cry from the housetops, are found wanting at the most critical hour. They persist in a policy which will end directly in delivering up German territories to the hands of enemies. The Majority Socialists consider it their duty toward the people to assume a part of the burden of the task for which the real responsibility has been revealed. They have decided to enter into the government which, by accepting the ultimatum, can save Germany from the catastrophic consequences of a refusal, and to make a loyal attempt to execute that which is imposed upon us to the best of their ability. Only this attempt can open to us the path which leads from chaos and a policy of militarist violence to a genuine peace.

In order to fulfil this heavy task, the government must have

the understanding and the loyal support of the great majority of the people. It cannot create a happy or even a satisfactory situation; it cannot save the people from new burdens; but it will have merited the thanks of the German people if it succeeds in avoiding consequences still more disastrous.

(Declaration read by Herr Wels)

No. 48

DECLARATION OF DEMOCRATIC PARTY, MAY 10, 1921

(*Le Temps*, May 12, 1921)

Opinions in our party are divided. It is possible that a great deal can be gained by gaining time. The Democrats believe that the Entente will defend Upper Silesia or authorize us to reëstablish order and tranquillity there. If the ultimatum is accepted, all the parties should stand upon this ground. No party should afterward attack the government from within (saboter le gouvernement). The Democrats will sustain the government and hope that it will gain wider support.

(Declaration by Herr Haas)

No. 49

DECLARATION OF PEOPLE'S PARTY, MAY 10, 1921

(*Le Temps*, May 12, 1921)

The execution of the conditions imposed on us is incompatible with the existing social situation of the German workman, and threatens the maintenance of the present social legislation of the Reich.

These conditions destroy the sovereignty of the Reich in the direction of its economic life and its finances. They subject it to an international control which will not permit us to decide, in accordance with our understanding of our economic forces, upon measures which may be necessary for the maintenance of this life.

The clauses relative to disarmament are, in the first place, irreconcilable with the text of the treaty; they take from us our feeble means of defense at a moment when Poland's thirst for conquest threatens our national life.

An acceptance of the ultimatum will not preserve us eventually from new outrages in the future. We have not even received assurance that Upper Silesia will remain German. The Party therefore declares against acceptance.

(Declaration by Herr Stresemann)

No. 50

DECLARATION OF NATIONAL PEOPLE'S PARTY, MAY 10, 1921
(Extract)

(*Le Temps*, May 12, 1921)

Something must be done. Germany will have to reconquer Upper Silesia, where General Le Rond did not keep his promise to maintain order. The question of Upper Silesia therefore has nothing to do with the decision we are taking. Moreover, France wants to invade the Ruhr under any circumstances, in order to consummate the ruin of Germany.

The clauses relative to disarmament tend only to sow discord throughout Germany. In signing, we give our adversaries a legal right which they have not hitherto had.

One time, in the question of the war criminals, we had the courage, and we succeeded. The world belongs to the courageous.

We have made unappreciated efforts to satisfy the Allies, but they wish to see Germany annihilated. The Treaty of Versailles rests on the falsehood of German responsibility for the war, and the ultimatum must be rejected as inexecutable and dishonorable. I hope that the day may come which will wipe out this shame and grant Germany another kind of treatment, and a better position.

(Declaration of Herr Hergt)

No. 51

PROCLAMATION OF THE WIRTH GOVERNMENT DEALING WITH COUNTER-REVOLUTIONARY MANIFESTATIONS

(*New York Times,* August 30, 1921, p. 1, c. 1)

In a time when the Nation's vitality should be devoted to repairing the moral, social, and economic injuries inflicted by war, unbridled agitation is openly attempting to undermine the political and constitutional foundations on which the new German Republic is to be erected.

The tenor of the press which is furthering these malicious endeavors daily is becoming more plain-spoken and reveals a fixed plan by unscrupulous elements, who are aiding in the overthrow of constitutional law and order. National emergencies demand that these machinations of unscrupulous and misguided elements be opposed with an iron hand.

Latterly, alongside and within the parties constituting the parliamentary opposition, certain organizations, associations and groups of persons openly advocating and inciting to the violation of laws and contempt of the Constitution, out of their hate for the democratic-republican form of government, have gained importance.

The Government therefore is determined to undertake that which the circumstances of the hour and the provocation of the foes of the Constitution make imperative. The Government will proceed with unrelenting severity against any and every insurrection, and it calls upon all organs of law and order to carry out the provisions of this decree firmly but impartially.

Berlin, August 29, 1921.

EBERT, Reichspräsident.
WIRTH, Reichskanzler.

No. 52

EXCERPT FROM ORDINANCE OF AUGUST 29, 1921, AGAINST SEDITIOUS ACTIVITIES

(*New York Times,* August 31, 1921, p. 6, c. 1)

First—Publications whose contents advocate or tend to pro-

voke to violent change or abolition of the Republic's Constitution may be confiscated and suppressed within fourteen days after the offense and the responsible parties may be punished by fine not exceeding 500,000 marks and imprisonment.

Second—Meetings, parades, processions and demonstrations generally, may be forbidden by the authorities, if there is ground for fearing that at such meetings or demonstrations speeches will be made calculated to incite to a violent change in or the abolition of the Constitution. The promoters of demonstrations held in defiance of the prohibition and those who speak at or even attend them are liable to a fine of 100,000 marks.

(This ordinance was declared urgent by the Cabinet under Article 48 of the Constitution, and took effect immediately "for the restoration of public safety and order.")

AUSTRIA

No. 1

Imperial Manifesto Federalizing the Austrian Lands, October 16, 1918

(*Enemy Press Supplement*, October 31, 1918, p. 883, from special edition of the *Wiener Zeitung*, morning of October 18)

To My Loyal Austrian Peoples!

Since I ascended the throne it has been my constant endeavor to secure for all my peoples the peace that is so much desired, and also to point out to the peoples of Austria the ways in which they may freely develop their national energies and realize intellectual and economic welfare, unhindered by checks and friction.

The dreadful struggle of the World War has so far hindered the work of peace. Heroism and loyalty—self-sacrificing endurance of distress and privations have protected the Fatherland in these grave times. The severe sacrifices of the war must ensure for us an honorable peace, on whose threshold we stand today, with God's help.

Now the reconstruction of the Fatherland on its natural, and, therefore, safest foundations, must be begun without delay. The wishes of the Austrian people are to be scrupulously observed and complied with. I have resolved to accomplish this work with the free coöperation of my peoples in the spirit of that principle which the Allied Monarchies have acknowledged in their peace proposals. In conformity with the will of its people, Austria is to become a Federal State in which each race will create its own constitutional status in the territory in which it dwells. The union of the Polish territory of Austria with the independent Polish State is not in any way forestalled. The city and district of Trieste have a special position corresponding with the wishes of the inhabitants.

The new arrangement, by which the integrity of the lands of the Hungarian Crown is in no way affected, is to guarantee independence to each national state-unit; it will, however, also efficaciously protect common interests and above all be applicable where the connection between the States is a vital necessity to the existence of the individual States. Especially is the union of all forces desirable in order successfully to solve the big problems, arising as a consequence of the war, according to justice and reason.

Until this transformation is accomplished by means of legislation, the existing arrangements for the safeguarding of the general interests remain unaltered. My Government is empowered to make all arrangements for the reconstruction of Austria without delay. I call upon the peoples on whose self-determination the new Empire will be established, to coöperate in the great work through National Councils, which, formed from the Reichsrat deputies of each nation, are to comply with the interests of the peoples among themselves as well as in co-operation with my Government.

Thus may our Fatherland, strengthened by harmony with the nations which surround it, arise from the storms of war as a league of free peoples. The blessing of the Almighty be on our labor so that the great work of peace which we are beginning may bring happiness to all my peoples.

Vienna, October 16, 1918.

(Signed) KARL.
(Countersigned) HUSSAREK.

No. 2

GERMAN-AUSTRIAN DECLARATION OF INDEPENDENCE, OCTOBER 21, 1918

(Resolution passed by gathering of German-Austrian deputies of the Reichsrat, establishing themselves into a Provisional National Assembly)

(*Enemy Press Supplement,* November 7, 1918, p. 44, citing *Neue Freie Presse,* October 22, 1918)

The German people in Austria has resolved to determine

its future State-organization for itself, to form an independent German-Austrian State and to regulate its relations to the other nations by free agreements.

The German-Austrian State claims territorial jurisdiction over the whole field of Germanic settlement, and especially in the Sudetic lands.

Any annexation of territories which are inhabited by German peasants, workmen or middle classes (Bürgern), by other nations will be opposed by the German-Austrian State.

Attempts will be made to secure access to the Adriatic Sea for the German people by agreements with the other nations.

The German nation in Austria will elect a Constituent National Assembly. This Constituent Assembly, elected on the basis of universal and equal suffrage, will establish the constitution of the German-Austrian State. Until the Constituent Assembly meets, the Reichsrat deputies of the German electoral circumscriptions have the duty of representing the German People in Austria. Accordingly, the totality of the German deputies in the Reichsrat constitutes a Provisional National Assembly for German-Austria.

The Provisional National Assembly claims the right of representing the German people in Austria at the peace negotiations until the meeting of the Constituent Assembly, and also to negotiate with the other nations over the transference of the machinery of administration to the New National States and over the reconstruction of the relations now existing between the nations, while it further claims legislative and executive authority.

The Provisional National Assembly will establish the electoral arrangements on the basis of which the Constituent Assembly is to be elected, and will prepare the organization of the internal administration of the German-Austrian State. . . .

(The resolution concludes by demanding the election of the following committees:)

(1) An Executive Committee of twenty members, which, until the formation of a regular German-Austrian Government, is to represent the German people in Austria in dealing with the

Austro-Hungarian and Austrian Governments, as well as with the other nations, and is to define the attitude of German-Austria at the peace negotiations.

(2) A Constitution Committee.

(3) An Administrative Committee to organize the internal administration of German-Austria.

(4) A Food Committee.

(5) A National Economics Committee, and

(6) A War Economics Committee.

No. 3

Speech of Dr. Viktor Adler, October 21, 1918

(*Enemy Press Supplement*, November 7, 1918, from *Neue Freie Presse*, October 22)

The German Social-Democracy of Austria has come to the present meeting in order to establish the new German-Austria in unanimity with other parties, but at the same time they came as Social-Democrats, and were not willing to surrender a foot of that which they had always regarded as their duty, their endeavor and their program.

We sent our fraternal greeting to our Slav and Romance comrades, and we congratulate them upon the fact that their peoples are at last drawing near to the attainment of that self-determination for which they have struggled so passionately, so obstinately, and with such a spirit of sacrifice. We recognize their right of self-determination without reserve and without limits, and we demand the same right without reserve and without limits for our German people as well. The German people in Austria is to form its own democratic State, its German National State, which will decide with complete liberty what its relations are to be to the neighboring peoples and to the German Empire. It will unite itself to its neighbor peoples in a free League of Nations, if these people wish it, but if the other nations refuse this fellowship, or will only assent to it under conditions which do not meet the economic and national needs of the German people, then the German-Austrian State,

which, if forced to depend upon itself, would have no capacity of economic development, will be compelled to annex itself to the German Empire as a special Federal State. We claim for the German-Austrian State complete liberty to choose between these two possible connections, but, in any case, the German-Austrian State must be a democratic State, a genuinely popular government. Democracy is victorious all the world over; the time of Monarchies, of Houses of Peers, of electoral privileges, of bureaucratic military supremacy, and feudal capitalistic privileges has passed forever. We, therefore, demand that the German people in Austria, in correspondence with the principles of popular sovereignty, shall establish the constitution of its State by the Constituent Assembly, which should be elected on the basis of universal, equal, and direct suffrage, for all men and women. At the election of the Constituent Assembly, and in that Assembly itself, we will fight to make the German-Austrian State a democratic republic, founded on equality of rights for its citizens, without distinction of class, condition, religion, or sex.

No. 4

PROCLAMATION OF THE STATE COUNCIL, OCTOBER 30, 1918

(*Enemy Press Supplement,* November 14, 1918, p. 93, from *Neue Freie Presse,* October 31)

TO THE GERMAN PEOPLE IN AUSTRIA!

The German National Assembly has to-day adopted the provisional fundamental law of the new German-Austrian State. On the basis of this law it has elected the State Council, which now assumes the governing and executive power in German-Austria. The State Council will forthwith appoint the first German-Austrian Government, which will conduct the peace negotiations, and take over the administration of the German territories of Austria and the command of the German troops.

Thus, in accordance with the unanimous will of the German people, the German-Austrian State has been constituted, and this State will be henceforth governed by freely elected delegates of the German people.

The assumption of the governing power by the new Government of the German-Austrian people's State can be effected only under calm and orderly conditions. The official authorities of the former Austrian State do not oppose the taking over of the administration by the new popular Government. Consequently there is no reason for threatening these authorities. Violent action cannot promote, but will only impede, the taking over and working of the Government by the delegates of the German people.

It is likewise inadmissible to employ force against subjects of other nations. The Government of German-Austria will afford full protection to national minorities in German territory. It expects that the national Governments of the other nations will afford similar protection to the German minorities in Slav areas.

The State Council calls on the German people in Austria to exhibit calm and self-restraint, and to avoid everything that might impede the taking over of the governing power by the German people, and the bringing about of the peace to be concluded by the German popular Government in agreement with the German Empire.

In the name of the German-Austrian
State Council.

DINGHOFER, HAUSER, SEITZ.

(Hauser, Christian Socialist, signs *vice* Fink, resigned)—E. P. S.

No. 5

APPEAL BY STATE COUNCIL TO SOLDIERS OF VIENNA, NOVEMBER 1, 1918

(*Enemy Press Supplement*, November 14, 1918, from Vienna papers)

COMRADES AND FELLOW CITIZENS!

The National Assembly took over the Government yesterday.
It means to make peace immediately.
It will protect you and those dear to you.
You shall immediately become citizens with full rights.

Help us to accomplish our great task!

Therefore maintain order and self-restraint!

Prevent plunder and acts of violence!

Pay obedience to your existing officers!

An orderly demobilization will be immediately taken in hand.

You will soon be united with us in peaceful work.

The nation is watching you. Now you must make sacrifices for yourselves.

In the course of to-day envoys of the State Council will come to you in your barracks, in whose presence you will take oath to be true to the laws passed by the popular Government and to prove resolute defenders of your fellow-citizens in the grave times that are coming.

On Sunday, November 3, in all the barracks of Vienna, in the presence of envoys of the State Council, Soldiers' Councils will be elected from your midst by free and secret voting. They will serve you as a commission for considering complaints and keep permanently in touch with the popular Assembly.

Comrades! The strength and self-restraint which you have displayed in the war are still needed by us. Only if you remain loyal to the freely elected representatives of the people shall we quickly attain peace and construct a new and true National State.

(Signed) DINGHOFER, HAUSER, SEITZ.

No. 6

MANIFESTO OF EMPEROR KARL WITHDRAWING FROM THE AFFAIRS OF AUSTRIA, NOVEMBER 11, 1918

(*New York Times,* November 14, 1918, p. 2)

Since my accession I have incessantly tried to rescue my peoples from this tremendous war. I have not delayed the re-establishment of constitutional rights or the opening of a way for the people to substantial national development.

Filled with an unalterable love for my peoples I will not, with my person, be a hindrance to their free development. I

acknowledge the decision taken by German-Austria to form a separate State.

The people has by its deputies taken charge of the government. I relinquish every participation in the administration of the State. Likewise I have released the members of the Austrian Government from their offices.

May the German-Austrian people realize harmony from the new adjustment. The happiness of my peoples was my aim from the beginning. My warmest wishes are that an internal peace will be able to heal the wounds of this war.

(Signed) KARL.
(Countersigned) LAMMASCH.

No. 7

AUSTRIAN CONSTITUTION OF NOVEMBER 12, 1918

(*New York Times Current History*, March, 1919, Vol. 9, p. 489)

A Law relative to the type of State and manner of Government to be established in German-Austria:

Article I. Austria is a democratic republic. All public powers reside in the people.

Article II. German-Austria forms an integral part of the German Republic. Special laws shall govern the participation of German-Austria in the legislation and administration of the German Republic, and shall determine the force of laws and customs of the German Republic in German-Austria.

Article III. All the rights appertaining to the Emperor under the Constitution of the Kingdoms and States represented in the Reichsrat are conferred upon the Council of State of German-Austria, provisionally, until such time as the Constituent Assembly has established a definite Constitution.

Article IV. The Royal and Imperial ministries are dissolved. Their functions and powers in the territory of German-Austria are placed in the hands of the ministries of that State. The rights of the other independent States that have arisen on the soil of the Austro-Hungarian Monarchy are guaranteed them.

Article V. All laws according the Emperor and members of the Imperial family special prerogatives are abolished.

Article VI. All officers and soldiers are released from their oath of fidelity to the Emperor.

Article VII. A law shall provide for the disposition of Crown property.

Article VIII. All political privileges shall be abolished. The House of Lords and the Diet are abolished.

Article IX. The National Constituent Assembly shall be elected in January, 1919. The Provisional National Assembly will order the manner of holding the elections. The elections will be conducted on the principles of proportional representation and equal and direct franchise for all electors, without sex qualification.

Article X. Elections in provinces, districts, wards, and precincts shall be held according to the same principles. Local elections will be governed by the Provisional National Assembly. They will take place within three months. Existing local Assemblies shall be made complete by the addition of workmen's representatives.

Article XI. This law goes into effect on the day of its proclamation.

No. 8

Law of December 18, 1918, Official State Gazette, No. 14, on the Elections for the Constituent National Assembly

(Scampinelli, Paul: *Die Wahlordnung für die Konstituierende Nationalversammlung in Deutschœsterreich,* Wien, 1919, pp. 1-2)

The Provisional National Assembly of German Austria has enacted:

Article I

The National Constituent Assembly will be elected for two years, and will be convoked at Vienna sixteen days after the day of election.

The Provisional National Assembly is dissolved on the day of the election. The terms of its members run until that time.

Article II

There will be elected to the Constituent Assembly two hundred and fifty Deputies from the entire State and five from each district, on the basis of equal suffrage of all citizens, without distinction of sex, who shall be twenty years old before January 1, 1919. The election will be conducted on the system of Proportional Representation according to the Law of December 18, 1918, Official State Gazette No. 115.

Article III

The election shall be ordered by the Council of State on a Sunday in the beginning of the year 1919.

Article IV

Every elected Deputy receives from the Chief Election Officer (Hauptwahlbehörde), (Election Law Section 8), (Wahlordnung) a certificate of election which entitles him to enter the Constituent Assembly.

Article V

The Deputies elected to the National Constituent Assembly will be summoned to the first session by the President of the Council of State, and must assemble in the chamber designated by the Council of State before eleven o'clock.

The session will be opened by the President of the Council of State, who will call upon the oldest member of the House to act as temporary president.

Article VI

The rules of procedure of the Provisional National Assembly will serve for the Constituent National Assembly until the latter has enacted its own rules of procedure.

ARTICLE VII

The Council of State is entrusted with the carrying out of this law. It comes into force on the day of its publication.

Pursuant to Section 7 of the Decree of the Provisional Assembly of October 30, 1918, on the fundamental regulation of political authority, it is certified that the above decree of the Provisional National Assembly is enacted on December 18, 1918.

Der Präsident
The President
HAUSER M. P.

Der Staatskanzler
The Chancellor
RENNER M. P.

Der Staatsnotar
The Secretary of State
SYLVESTER M. P.

No. 9

PROGRAM OF THE CHRISTIAN SOCIALIST PARTY

(*Enemy Press Supplement*, March 20, 1919, citing *Reichspost*, n. d.)

I. The Christian Social Union expects the German-Austrian Republic to be recognized by the Powers as a sovereign State, now that it has a National representation elected on the most democratic basis possible. It demands that the new Government should take every step that may appear calculated to secure this recognition for German-Austria. It asks this particularly because it hopes that when it is formally recognized by the Powers, the German-Austrian Government will at last be in a position to obtain the raising of the blockade, and thereby to mitigate the extremely distressing position as regards food supplies, to protect those parts of German settlements, which are menaced by the neighboring peoples, from foreign rule, to procure the liberation of the prisoners of war, and interned persons who are still kept away from their homes, to hasten the liquidation which is urgently needed in the interest of the public credit and thereby check the depreciation of money. The Christian Social Union regards it as its imperative duty

to support the Government in these efforts to the best of its ability. In inverse ratio, it asks that the Government should take the people frankly into its confidence, and in particular that the secret diplomacy which is incompatible with the essence of a democratic State, should be excluded, and foreign policy, as a whole, placed under the control of the National Assembly.

II. The tasks which appertain to the Constituent Assembly are the drawing up of a Constitution, the reëstablishment of the budget, and of national economic life, and further the reparation, as far as possible, of the loss caused by the war, which presses so heavily upon our people. The opening up of other questions, whereby the solution of these urgent tasks might be delayed or even prevented, must, under all circumstances, be avoided. In particular, in these grave times, everything which might lead to fresh disturbance and dissension among the people must be excluded from discussion in the National Assembly. It would be inexcusable to disturb the unity which is so indispensable by stirring up a Kulturkampf, and thereby completely paralyzing the people's pleasure in producing, which has been so much diminished, apart from this, under pressure of the long period of war.

III. The definitive Constitution of the German-Austrian Republic must secure the democratic gains against any menace, no matter from what side it may come. The State power appertains solely to the people, which shall determine its own fate, partly through its elected representative bodies and the authorities appointed in its name, and partly by a direct plebiscite. The cases in which a direct vote of the people will have to be taken shall be accurately described in the Constitutions of the State and of the provinces. In any case, final approval and any alteration in the Constitutions, alterations of State and provincial boundaries, sanction of State and international treaties, and dissolution of the supreme representative bodies before the proper time, together with provision for the intervening period till the fresh election are amongst them. Departmental administration is to be simplified to suit German-Austria's circumstances.

IV. The provinces, and eventually also the capital, Vienna,

must be guaranteed their legislative and administrative independence, in so far as this right is not limited by the State Constitution. All the provinces have equal rights. The provincial Constitutions shall be guaranteed by the State if they conform absolutely to the principles of democracy, without violating the rights of the State or of other provinces. The respective competence of the State and of the Provinces is to be fixed by enumerating the spheres of action reserved to the State (foreign policy, home defense, matters concerning currency, traffic and justice, industrial, commercial and social-political legislation, legislation for schools within a common framework) in the Constitution, and regarding all other spheres as appertaining to the provinces.

V. The following are to be inserted as integral parts of the State Constitution: Association, assembly, and press freedom; liberty for denominations recognized in the State zone to exercise their religious practices; and assurance that young people shall receive moral and religious instruction.

VI. Negotiations as to the date and the prior conditions for realizing the attachment of German-Austria to Germany are to be instituted without delay. In these negotiations care is to be taken that German-Austria's economic interests are absolutely secured. The negotiations are to be conducted by the State authorities with the addition of men approved by the National Assembly.

VII. Efforts are to be made to restore good relations as soon as possible with all other States, and, as a matter of course, also with those which have been formed on the territory of former Austria-Hungary. In so doing, the greatest importance is to be attached to the requirements and contingent matters of an economic and financial nature.

VIII. In order to allay the economic distress, ample possibilities of work must be provided, and all classes of the population must be induced to resume productive activity.

IX. In the interest of agricultural production, all privileges and obligations attached to land and landed property, which are an injury to national economy, shall be abolished, and the necessary cultivation of the soil and regulation of rivers to be car-

ried out in accordance with a uniform plan. Excessively large landed property is to be utilized to add to and strengthen medium and small peasant holdings, and provide homes for those injured in the war and for agricultural laborers. State and Crown demesnes are first to be taken into account for this purpose, then the land which has been withdrawn from agricultural production in the last few decades to provide shooting and other properties which are a luxury, as also land acquired during the war merely as an investment or for speculative purposes; further portions of private landed property let on lease and not systematically cultivated. In so far as private property must be expropriated for this purpose, payment must be made for it. Copyhold rights may be established on public property.

X. Trade and industry must be assisted as soon as possible by providing the necessary raw material and the coal necessary to work it up. The production of inland coal, the opening up of other mineral wealth, and utilization of water power are to be furthered as much as possible. In order to economize coal, and thereby make ourselves more independent of foreign countries, steps are to be taken towards thorough electrification of the means of communication and of the nation's factories.

The greatest attention is to be paid to the great shipping route of the Danube and its connection with the Central European network of canals in the interests of political economy as a whole, and of trade in particular.

The war economic measures and organizations are to be abandoned as soon as possible. In so far as private production does not afford sufficient opportunities for work, the State, provinces, and communes must come to the rescue by subsidizing relief works.

XI. The railways and mines and other great industrial works which produce articles required for general use, and which in the nature of things may easily become monopolies, are to be socialized by being made State, National, or communal property. Other industrial enterprises which threaten to become a means of exploiting the people, if they remain exclusively in private hands, are to be placed under public control in the form of so-called mixed management, i.e., by the State,

province, or commune having a share in the management, a portion of the net profits is to be devoted at the same time directly to the public use. In starting new industrial enterprises which are not of general advantage, the working capital of which exceeds an amount to be fixed by law, as also in correspondingly increasing the working capital of already existing undertakings of this kind, the State, the province, or the commune shall always be entitled to a share in the undertaking. A State Commission shall be appointed without delay, composed of members of the National Assembly, representatives of the provinces, and technical experts, to prepare socializations which may prove to be necessary for the reconstruction of our national economy.

XII. The revival of economic life by a systematic furtherance of production and healthy exportation is the best means of getting the State out of its immense financial difficulties. Only then can the value of the loans, inclusive of the war loans, be guaranteed, and the purchasing power of money be increased, by financial political measures. At the same time, a policy of taxation must be inaugurated, corresponding to the economic strength. This must also work in the direction of furthering production, by having regard to the minimum income adequate to meet the cost of living, and sparing the capital necessary to produce values, but, over and above this excess, property and profits must be attacked by sharply graduated taxation.

XIII. Social political legislation is to be systematically and quickly carried on to the full extent of the Christian Socialist program, assimilating the Imperial, German, and German-Austrian legislation as far as possible. The Government must endeavor that, on the conclusion of peace, or on the occasion of the foundation of a League of Nations, all States shall pledge themselves equally to put certain important principles of social policy into practice in their legislation. Measures to provide for those injured in the war, for widows and orphans of those killed, as also for needy dependents of prisoners of war, and the missing, are to be taken in hand, care being taken to avoid bureaucratic procrastination.

No. 10

THE SOCIAL DEMOCRATIC PROGRAM, FEBRUARY 19, 1919

(*Enemy Press Supplement*, March 6, 1919, p. 990)

I. The first task of the Constitutional National Assembly is finally to guarantee the republican constitution. The National Assembly must therefore ratify the declaration of German-Austria as a republic by solemn resolution, declare the House of Habsburg-Lothringen deposed for all time, and obtain from Karl of Habsburg his pledge of November 11, 1918, in conformity with the recognition of this legal position. At the same time, a law must be passed threatening with a penalty any attempt to restore the monarchy; the retention of all titles which are the outcome of the monarchical institutions, and the employment of all monarchical symbols must be prohibited, and the Crown property and family property of the House of Habsburg must be dealt with as national property.

II. The National Assembly must then proceed to work out the constitution of the German-Austrian republic. This constitution must be based on the following principles:

1. The single Chamber system. No head of the State, neither a President of the State nor a State Council (Staatsrat). The people is sovereign. The Government, consisting of the State Chancellor, and the necessary number of Secretaries of State will be elected directly by the National Assembly. Citizens of the State who do not belong to the National Assembly will also be eligible for election.

2. Extended self-government for the provinces and the capital, Vienna. Nevertheless, the following principles must be guaranteed by the State constitution:

a. Imperial law supersedes State law;
b. all administrative bodies in the provinces, circuits, districts, and communes must be elected on the basis of universal and equal franchise for all citizens of the State, without distinction of sex, applying the proportional system;

c. economic and social legislation and administration, foreign policy and home defense, are reserved to the State. The food service must be uniformly organized, the whole State zone must be one food zone;

d. democratic local administration, under the control of State jurisdiction, shall take the place of the bureaucratic system of administration.

3. Important laws will require ratification by a direct plebiscite (referendum). The people may propose laws to the National Assembly by a direct vote (initiative).

4. Full freedom of association, meeting, coalition, and Press freedom shall be granted. Full freedom of belief and conscience. Abolition of all State compulsory denominational education. Acceptance of the marriage law of the German Empire. Guarantee of educational possibilities for all, according to their talents and abilities, free instruction and means of learning.

III. As the present provisional assemblies of the country and communal representations no longer correspond to the will of the people, the new franchise regulations shall be made at once, and the fresh elections carried through as quickly as possible.

IV. The negotiations with the German Empire, with regard to the attachment of German-Austria to the Empire, must begin at once. The attachment must be accomplished as soon as possible.

Efforts must be made to establish peaceful relations with the other national States, which have arisen on the soil of the former Austro-Hungarian monarchy, while fully safeguarding the right of self-determination of all German spheres of colonization; decision of frontier disputes by force, reprisals against innocent persons, oppression of national minorities, and depriving them of their rights must be avoided, as far as it depends on German-Austria.

Care of the prisoners of war and interned civilians, and their transport home, must be organized with the utmost possible cooperation of the relatives of the prisoners.

V. The greater and more important tasks are the resump-

tion of production, the regular and systematic socialization of all the branches of domestic economy which are already ripe for it now. A socializing committee must be appointed forthwith, consisting of experts, and which shall be granted, by a special enactment, the right to avail itself of the assistance of all central departments, to examine experts, and establish an understanding with the German socializing committee. The committee shall work out the proposals for the reorganization of national economy within three months. It will be particularly a part of its business to inquire into and prepare the association of individual branches of wholesale industry, wholesale trade, banking, and insurance business, to organize and democratize legally recognized industrial associations; to arrange for the participation of workmen and employers' committees in the management of industries; agrarian reform, particularly the expropriation of large landed property, and State promotion and associated organization of rural farming industry; the right of provinces, districts, and communes to expropriate; taxation reform, and property tax. Social democracy can only take part in the formation of a Majority, and of a Government, if the Government and the Majority are resolved to take in hand the reorganization of the whole system of economy forthwith, in the interests of the workingmen, employees, and peasant farmers.

VI. A social political Commission shall be appointed, in agreement with the German Empire, to prepare unification and reform of the rights of working men and employees, the creation of a uniform German labor code, extension of the protection of labor and employees, and social insurance, with the utmost possible speed. The German sickness and old age insurance to be extended to a German-Austria as quickly as possible, complete self-administration of those insured being provided for. Sufficient provision must be made for those injured by the war, and for the widows and orphans of those killed.

The management is authorized to negotiate with the other parties as to the carrying out of this program, and to report the results of these negotiations to the Association as soon as

possible. Until then, the State Chancellor and the Social Democratic Secretaries of State shall remain at their posts.

No. 11

The Domestic Program of the Renner Ministry, March 15, 1919

(*Bulletin Periodique de la Presse Austro-Hongroise,* April 3, 1919, No. 77, p. 5)

1. Democratic character of the new régime.

The Republic has become an irrevocable fact. We no longer appear as your masters but as your mandatories, and it is not the mandate given us that binds us, but our commitments themselves. The pre-war fundamental laws, property, and force are replaced by the liberty and work which is not opposed to property. In fact, a large part of the property, particularly that of the means of production of peasants and artisans, is essentially property which has work as its object; in these cases where property and labor are yet united, we have no idea of destroying this union. On the contrary, socialism aims to renew by law the ties uniting the worker to the means of production.

During the war we became a people too poor to support idle rich and profiteers. There is one necessity which excludes every other consideration, and that is that the masses must live. Political liberation is but half the task; the other half is the reorganization of our public economy.

This aim demands sacrifices on all sides; the working classes ought to learn to defer ultimate goals to make way for immediate objectives; the propertied classes ought to put themselves to appreciable sacrifices of their goods and of their rights to avoid greater evils, which it is not necessary to mention, as they have historic names.

2. Administrative reforms.

Liberal reform of the administration, guarantee of individual liberty, establishment of truly democratic local administration, reform of the press laws, guarantee of the rights of associa-

tion, assembly, and of collective action. Adaptation of civil and criminal law to that of Germany, codification of labor laws, including the rights of public and private employees; reform of the whole system of education from the primary school to the university.

Intensification of agriculture rather by State aid than by the mechanical assistance of customs tariffs, increase in the productivity of coal mines and waterfalls, the creation of a Rhine-Danube canal needed to unite us to the ocean and to Germany.

3. Fiscal measures.

First in importance is the tax on Capital. This idea does not come from a prejudice against wealth but is imposed by a recognition of our economic situation. We cannot become a State in which a part of the people lives off its income and the rest works to support them. We do not wish to proceed ruthlessly, but to reëstablish the economic equilibrium by appropriate and legal, though severe, fiscal methods which safeguard the interests of all.

As regards food supply, the propertied classes ought to contribute more than heretofore to expenditures and bear the most reasonable regulations.

No. 12

Manifesto of the Workers' Councils of German-Austria to the Hungarian Proletariat

(*Enemy Press Supplement*, April 24, 1919, pp. 1321-1322, citing *Arbeiter Zeitung*, March 23, 1919)

Comrades! At a sitting of the National Executive Committee of the Workmen's Councils of German-Austria we have received your appeal: We reply to you all.

You have taken the power of the State into your own hands and opposed the intrepidity and fighting spirit of the united Hungarian Proletariat to the imperialism of the Entente. We share your opinion that today, after the collapse of German

and Austro-Hungarian imperialism, our worst enemy is the imperialist victor. The conference of the victors in Paris should, if it tyrannizes over entire peoples and seeks to nullify the right of self-determination of nations, meet with the determined resistance of the workmen.

You have made an appeal to us to follow your example. This we would be only too willing to do, but at the moment, unfortunately, we cannot. Our food supplies are exhausted. Even our scanty bread supply is derived exclusively from provision trains sent by the Entente. If we were to follow your advice, Entente capitalism would cut off our last means of supply, and abandon us to starvation. We are convinced that the Russian Soviet Republic would make an effort to help us, but, before it could do so, we would die of hunger. It is, however, our most sacred duty to be armed for all eventualities. For this reason the National Conference of our Workmen's Councils decided three weeks ago upon an organic linking up of the Councils. We have issued an appeal to the working classes to form Workmen's Councils everywhere to promote the establishment of Peasants' Councils, as well as to amalgamate Workmen's, Peasants' and Soldiers' Councils with the existing approved organizations, in order to prepare for all that the coming time may demand. We have also demanded that a meeting should take place within the next few days of the Central Council, which owes its existence to the decisions of the Imperial Conference. Our united good wishes are with you. With heartfelt interest we follow the course of events and fervently hope that the cause of Socialism will triumph. We also stand prepared for the combat, and ready to accomplish what history may determine to be necessary. Long live the international solidarity of the workmen! Long live Socialism!

For the National Executive Committee of the Workmen's Councils of German-Austria.

JOSEF BENISCH,
Secretary.
FRIEDRICH ADLER,
President.

No. 13

Statement of Chancellor Renner Relative to the Union of German Austria to Germany

(Proceedings of the National Assembly, May 8, 1919, cited in the *Bulletin Periodique de la Presse Autrichienne,* June 11, 1919, No. 81, p. 3)

Superior forces may bring it about that our aim shall not be entirely attained today, or even that it shall not be attained at all. But this aim remains our own as surely as we are Germans. [Applause.] Our hearts cannot be torn from our breasts if we are to live. No one can ever, ever make us forget that we are Germans and consequently the children of the most unhappy nation in the world. It may be that an epoch of history is against us, but it will be proved, sooner or later, that the secular tie of blood is stronger than a day of history.

No. 14

Bases of the Federal Constitution of Austria

(*Neue Wiener Tagblatt,* May 16, 1919, in *Bulletin Periodique de la Presse Autrichienne,* June 11, 1919, No. 81, p. 6)

The legal tie which united the different provinces of the interior to the Empire was constituted by the person of the monarch, who united their sovereignty in himself. The monarch having gone, there remains no legal tie, and the Constitution must reëstablish one.

From November 14 the government of Vienna lost naturally all influence over the administrative machinery of the provinces, except for Lower Austria. The provincial captain (Landeshauptmann), who had replaced the governor or the provincial prefect, now commands the captain of the district (Bezirkshauptmann), who himself has charge of the municipal administrations and the police. But the central government of Vienna has no authority whatsoever over the provincial captains. If it wishes to have the laws of the National Assembly,

or even its own decrees and regulations, respected in the provinces, it must make use of requests and negotiations; it no longer has any real power of regulation. The political administration slipped from its hands on the 14th of November. . . .

The consequences necessarily showed themselves very quickly. The provinces began to practise the famous policies of isolation; they undertook international negotiations by their own authority and were supported in many ways in their aspirations by the Councils of Workmen and Soldiers, which were well disposed toward the system of hunting down granaries and hermetically sealing frontiers, because it contributed to their food supply. The declaration of autonomy of the Diet of Tyrol, although it was not without reason, and was made under the influence of extremely great national misery, is still fresh in the memory. Vorarlberg recently held a plebiscite, in which 80 per cent of the population in round numbers voted for union with Switzerland. At the meeting of the peace delegation, the province of Salzburg gave warning of a declaration of independence as a threat, in case it would not be allowed a sufficient representation on the peace commission. The Alpine provinces have all declared their independence in so far as the lumber industry is concerned, and regulate their tariffs of compensation directly with the foreign countries.

The actual situation is extremely dangerous; but at the same time it is a natural reaction of the provinces which are principally rural or bourgeois, against a governmental policy which often went counter not only to their interests but also to their sentiments. . . .

In the question of socialization, the provinces have solved the difficulty by excepting in advance agricultural enterprise and small industries and those of medium size, and turning over to the legislative efforts of the socialists juridical persons, who are not electors, business companies, and large-scale commerce and industry. . . .

The strong opposition of the provinces against Vienna has hitherto also found its expression in a project of a Constitution which the Christian Socialist Party has laid before the National Assembly. To begin with, the project adheres strongly to the

great result obtained by the provinces on November 14. At that time a semi-official commentary of the Imperial Chancellor on the November laws had suggested that the "idea of a Federal State is becoming clearly crystallized," through the devolution of public power to the hands of the local authorities. Now, this idea is becoming crystallized in a manner so evident that the project of the Christian Socialists defines the Constitution of the State as the "Federative Constitution of the Republic of German-Austria," and describes this republic as the "Federal State composed of the provinces enumerated in Article I" and designates these provinces as "autonomous" (Article I and II) and makes for them the reservations that accord with sovereignty. The division of legislative power between the central parliament and the provincial diets does not go much further in its essentials than the organic law of February. But the relation has been reversed.

If previously everything that was not exclusively reserved to the provincial diets by the provincial constitutions, remained within the competence of the Reichsrat, now the competence of provincial legislation embraces, according to Section 1 of Article 15 of the project, all that does not expressly enter in the field of action of the Federal Government. The competence of the Central Parliament is in any case great. It embraces the ensemble of foreign policy, war and peace, political and commercial treaties, military organization, the Federal budget, Federal debts and monopolies, definition of property taxable in the provinces, the right of reunion and association, Federal political legislation, control of freedom of movement and of aliens, higher education, labor legislation, judicial organization, commercial and banking law, issue of military commissions, money and securities, control of customs and transportation. The provinces assume the responsibility for primary and secondary education. Along with a popular assembly chosen by proportional representation there is to be a professional assembly elected in part by the provincial diets and in part by the conciliar organizations—which are to be provided for in a similar manner by the Constitution. A President and a Vice-President elected by the two chambers sitting jointly, according to

the French model, are placed at the head of the State for a term of two years. The eligibility to the Presidency is not limited, however, to members of the two Chambers. Furthermore, the President, in the course of a legislative period of six years, cannot be chosen twice from the same province.

No. 15

Appeal of Christian Socialists, June, 1919

(*Reichspost,* June 8, 1919, in *Bulletin Periodique de la Presse Autrichienne,* No. 82, pp. 4-5)

It is not with tears of pity, nor with threats of a new revolution, that we raise our voice, but in the name of Christian justice, and of the principles of the social and political well-being of peoples.

The Peace Treaty of St. Germain threatens Austria with total destruction. In the epoch of the right of peoples to determine their own destiny, four million out of ten million Austrians are condemned to perpetual captivity among their enemies. The Tyrolian Fatherland of Walter von der Vogelweide and of Andreas Hofer, purely German from time immemorial, is to be torn from us. And then from the debris of our State liberty and vitality is taken; the centers of communication on our frontiers and the most important waterways are confiscated; our country is furrowed with foreign railways, after we have been separated from the sea and our ancient merchant fleet destroyed. Our national economy is deprived of its guarantees, our commerce is expropriated, even the private goods of our citizens is confiscated. Many who, confident in the inviolability of the pre-war juridical régime, earned their living honestly in foreign lands and left their savings there in good faith, are now declared to be deprived of the gains of a whole life of work. We are threatened with economic conditions which will not even permit us to save the sums deposited for the care of widows and orphans. A hard-working people, modest and talented, whose hospitality and culture has been appreciated by all, is condemned to die in beggary.

By what fault are we drawn to this destiny? It is true: we have defended our country, which they now wish to destroy, with faithful devotion, until we were powerless, overcome by hunger and the number of our adversaries. The blood of our people remains in the rocky mountains of Tyrol and in the gorges of the Isonzo, on the sandy steppes and in the marshes of Russia. We have sacrificed the things that were most precious to us in the defense of our country. But since when is the spirit of sacrifice for one's Fatherland a crime, depriving man of his right to a Fatherland? Our enemies in the course of the campaign did not refuse us the honors of war; why will they now let us die like criminals, now that the fighting is over?

The terrible struggle of Humanity cannot be terminated by the erection on the tomb of the masses of a monument of violence and injustice. This trial of the human race cannot end with the destruction of faith in what is good in man and of the ideal that inspires the people. If the fate which the Treaty of St. Germain holds out for us, the German-Austrians, were really the extermination of a Christian people, all peoples would lose therein a sacred moral tie, and also their confidence in the righteousness and stability of Christian civilization.

In the name of threatened Christian civilization, we call our Christian brethren of all nations to help our poor Fatherland, bleeding from a thousand wounds and sent to its death.

Vienna, Whitsunday, 1919.

THE COMMITTEE OF THE CHRISTIAN SOCIALIST PARTY OF THE NATIONAL ASSEMBLY OF GERMAN-AUSTRIA

President, Johann Hauser; Vice-Chancellor, Jodock Fink; Dr. Richard Weiskirchner; Secretary of State, Joseph Stoeckler; Under-Secretary, Wilhelm Miklas, Eduard Heinl, Dr. Heinrich Mataja, Dr. Michael Mayr, Michael Paulitsch, Dr. Rudolph Ramer, Dr. Michael Smid, Dr. Aemilian Schoepfer, Michael Schosswohl, Dr. Ignatz Seipel, Franz Spalowsky, Joseph Weiss

No. 16

Final Appeal of Workmen's and Soldiers' Councils of Vienna Against a Communist Proletarian Dictatorship

(*Arbeiter Zeitung,* June 15, 1919, cited in *Bulletin Periodique de la Presse Autrichienne,* July 12, 1919, No. 83, p. 6)

Thousands of posters and tracts are announcing in a more or less veiled manner an *attempt at insurrection* next Sunday. It is not only the Communist Party as such, but also a "central strikers' committee" and a "central committee of the free associations of repatriated and demobilized soldiers," and consequently *anonymous committees* which invite a manifestation for *"the institution of a Conciliar Republic."*

We stand for the full liberty of expression of public opinion and we do not wish to attack any one's right of assembly. But what is planned for Sunday is not a public gathering for the exchange of opinion but a mob intent on violence. This is clearly seen from the communist appeal to the militia, which states that "every militiaman has the right to take part in these manifestations arms in hand." Despite this, we wish that no coercive means shall be employed in advance against the attempt at insurrection. The responsible parties ought to be brought to light if it comes to a showdown.

A violent uprising is planned by a "Committee of Four" headed by the Hungarian Lieutenant Bettelheim (or Bernstein), completely unknown to the working classes of Vienna.

This is why we charge, in advance, this Committee of Four with all responsibility for any disasters that may occur today.

For the Executive Committee of the Workmen's Council of Vienna,

Franz Ziegler.

For the Vienna Members of the General Executive of the Vienna Workers' Councils,

Joseph Benisch,
Friedrich Adler.

No. 17

Communist Appeal to the Soldiers of Vienna

(*Arbeiter Zeitung,* June 17, 1919, in *Bulletin Periodique de la Presse Autrichienne,* July 12, 1919, No. 83, p. 6)

Appeal to Soldiers:

The hour of deliverance has arrived!

If you achieve the dictatorship of the proletariat you will acquire, like your Hungarian brethren, triple pay and lodging in the palaces of the rich. If you bring about the dictatorship of the proletariat, the Hungarian Soviet Republic will place at your disposal granaries filled by the conquest of Slovakia. How long will you wait with folded arms? Workers, arise! Let us have done with the bourgeoisie! Long live the dictatorship of the proletariat! Long live the Republic of German-Austria.

Communist Protest Against Action of Government in Putting Down Uprising

(*Arbeiter Zeitung,* June 18, 1919, in *Bulletin Periodique de la Presse Autrichienne,* July 12, 1919, No. 83, p. 7)

What motive has the Government, and particularly the socialist party, of keeping the militia in the barracks on such a day and of delivering over the defenseless proletariat to the White Guards?

Workmen and Workwomen! We accuse this capitalist Government, we accuse above all the socialist party, of having caused the blood of the proletariat to flow in the white terror for fear of the revolutionary desires of the masses. Proletarians! You will find an answer for this treason.

No. 18

Program of Austrian Coalition Ministry, Adopted October 17, 1919

(*Bulletin Periodique de la Presse Autrichienne,* November 27, 1919, No. 90, pp. 2-3)

A. General Bases

For the general policy of the Government and the governmental measures taken in common accord the parties are collectively responsible. The clubs take the responsibility for all parliamentary acts of their members (reports, questions, etc.). The two parties will act toward their party press to prevent its use for making political capital out of the present economic difficulties. Furthermore, provision is made for conferences between the two parties which will delegate an equal number of members to resolve the difficulties which may have arisen between them.

B. Fiscal Reform

1. A tax on fortunes will shortly be introduced. If the principle is adopted, large fortunes will be heavily taxed. The methods of payment (by bonds, etc.) will be inquired into. Equal burdens will be imposed on rural and urban property. The value of war loan bonds as instruments for payment will be fixed. The greatest part possible of the tax on fortunes will be devoted to the purchase of foreign securities. The rest will be employed to cover the debt and to assure the State an influence in important economic enterprises. Its use shall be controlled by a commission composed of the representatives of the Court of Accounts, of the National Assembly, and of the provinces.

2. Gold, jewels, and foreign securities will be requisitioned for payment of food imports and the amount of these assessments will be reimbursed by debiting them, or they may be partly paid by the tax on fortunes.

3. These will be covered as soon as possible and a bank of

issue will be formed as soon as the funds in gold or securities have been gathered into a reserve.

4. The fiscal system is to be established on the basis of a tax on incomes and a tax on increase of incomes. Other taxes, direct or indirect, will be levied with regard to the depreciation of the Krone. A sumptuary tax on lodgings, etc., will be established.

5. A division of taxes between State and provinces will be looked into.

6. Reform of State pensions.

7. Price-fixing of food necessities coming from rural districts.

C. Constitution and Administration

Rapid elaboration of the proposals for a Constitution. German-Austria shall be constituted into a Federal state, German Western Hungary shall be erected into a special territory in the framework of the federation (Bund). The Federal authorities shall occupy themselves exclusively with foreign policy, legislation (civil and criminal) for the judiciary and military affairs; from its competence economic and labor legislation as well as higher education will be developed. The federation shares its taxes. As regards other domains, such as rural education and legislation, the central authorities will merely lay down the fundamental principles of legislation, the application of these devolving on the provinces. The framework of the Constitution will fix the relations between Church and State. Until further orders, increase of salary of functionaries applies equally to the Catholic, Orthodox, and Old Catholic clergy. The Federal legislative power will be vested in a National Assembly and a Federal Council on the model of the German Reichsrat. In case of divergence between the two bodies, there will be a popular referendum. Likewise, in certain cases, legislation will emanate from the people (referendum, initiative).

Democratization, as rapidly as possible, of the subordinate authorities.

D. Organization of Councils

It is necessary to combat the excesses committed while the

councils were functioning. In many places there has been an abuse of authority, particularist spirit, etc., which has hindered food supply and its distribution.

Democratization of the subordinate authorities, participation of the people in the administration by the intermediation of its men of confidence.

E. Protection of Civil Rights

The new Government will declare that every citizen has full rights of association and union, as well as right of access to all professions and the right to hold office. Civil servants are not to be affected or injured by the fact of their participation in group activities, or by the expression of their opinions. The Government will appeal to the democratic spirit of all to avoid pressure latterly put upon these persons by groups with differing opinions.

F. Army

The army is to be democratic and non-partizan. But while not in service every soldier or officer can engage in politics. Rank in the army will be given to former Austro-Hungarian officers and non-commissioned officers and in addition to privates who have become officers since the revolution and are known for their fitness. No preference will be shown for the former Austro-Hungarian officers and non-commissioned officers. When the latter cannot find a place in the army, they will be employed in other services (requisition of gold and jewels, agricultural operations, census). The new army is subject to the Constitutional authorities. The Soldiers' Councils are charged with representing the material interests and the rights of the men, but they are not to take part in the command. The troops of a region are to be composed of men born in the region unless their numbers are insufficient.

G. Education

Reform of the teaching force. Participation of the various State services in the reform of the universities.

H. Foreign Policy

The Government will show the best possible will in the loyal execution of the treaty of peace. It will avoid every action looking toward reunion with Germany. It will respect the clauses of the treaty relative to racial minorities. It will seek excellent relations with neighboring states. Furthermore, the principal aim will be the reëstablishment of commercial treaties. The right to conclude these treaties belongs to the State; particular negotiations undertaken by the provinces are to be avoided.

Reconstitution of diplomatic missions to the Successor States, to England, to Italy, and to the United States. Repatriation of prisoners of war. No opposition will be raised to the constitution of a Foreign Affairs Committee in the National Assembly.

I. The Question of Food Supply

The several regional commissions are subject to the State Food Administration and intermediary organs between these two institutions will be created. All hindrances to transportation or regional levies are to be avoided. Export permits must be submitted to the State Authorities. War-time economic organizations are abolished.

J. Socialization

The State Commission (on Socialization) is to finish the law of municipalization. The Crown domains are to be transformed. The date and manner of application of the program of socialization will depend on the financial and political situation.

K. Social Policy

The principle of the 8-hour day is to be guarded, but supplementary work should be favored. Aid to strikers is not to be a premium for idleness. Labor Exchanges are to be established

and inspection of work developed. Social insurance must be provided for. Proportional voting obtains for the Labor Exchanges, syndicates, and insurance societies.
Vienna, October 17, 1919.

JOHANN HAUSER,
DR. IGNATZ SEIPEL,
For the Christian Socialist Party.
MATHIAS ELDERSCH,
DR. OTTO BAUER,
For the Social Democratic Party.

No. 19

LAW CHANGING THE NAME OF THE GERMAN-AUSTRIAN REPUBLIC TO THAT OF THE AUSTRIAN REPUBLIC

(*Arbeiter Zeitung,* October 17, 1919, in *Bulletin Periodique de la Presse Autrichienne,* November 27, 1919, No. 90, p. 5)

ARTICLE I. The Alpine German lands determined in their frontiers by the Peace of Saint Germain form a democratic republic under the name of the Republic of Austria. It repudiates—except for what is stipulated in the Treaty of Saint Germain—all rights of succession to the former State of Austria, i.e., to all the countries and realms represented in the Reichsrat. The public powers emanate from the people in the Republic of Austria and are delegated by it.

. . . . . .

ARTICLE III. The official language of the Republic of Austria is—under reserve of the legal rights of minorities—the German language.

. . . . . .

ARTICLE V. The flag of the Republic of Austria is composed of three equal stripes, the median being white and the two others red. Further regulations will determine on what flags the arms of the state shall be used.

No. 20

Program of the Christian Socialist Party

(*Reichspost,* November 11, 1919, in *Bulletin Periodique de la Presse Autrichienne,* No. 91, p. 4)

I. Constitution

1. The foundation of the Constitution must be universal suffrage, equal and secret. The employment of force is not permitted except to constitutional authorities. For questions of general importance, there must be recourse to the referendum and to the right of initiative.

2. Austria shall be a Federal State (Bund) of which Vienna shall be the capital and the seat of the Federal Parliament.

3. The constitution shall be elaborated by the representatives of the commune of Vienna (taken from the two great parties), with representatives from the provinces. Immediately after the coming into force of the constitution, the municipal council of Vienna shall be dissolved. A constituent assembly elected by Vienna will draw up a municipal constitution which will conform to the constitution of the Federation. In these elections only the permanent elements of the population may vote, in order that a majority created by the participation of non-residents may be avoided.

4. Vienna will be protected in its German character by making the naturalization laws more strict. The Jews must be considered as a separate nation.

5. The army and the police must not have the character of a party.

II. Culture

1. Protection of religion and liberty for the Catholic Church. The relationship of Church to State cannot be established save by a legal agreement.

2. Protection of the Christian family. Recognition of the ecclesiastical law in the matter of marriage.

3. Freedom of education. No religious schools. Special Jewish schools. Parents' Councils.

4. In secondary schools, necessary reforms which will not involve dangerous innovations will be introduced. Extension of higher education. Jewish professors and students can only have places corresponding to the proportion of Jews in the population.

5. Special schools. Evening courses. Courses for backward children.

6. Societies for education and instruction.

7. Maintenance of the artistic wealth of Vienna.

8. Combat against pornography.

III. Hygiene and Public Lodging

1. Restoration of public gardens, forest schools, baths (free for the schools). Campaign against dust by means of asphalting and cleaning the streets.

2. Campaign against tuberculosis and venereal disease.

3. Construction of small cottages.

4. Right of expropriation by the communes, in order to achieve these ends.

IV. Public Economy and Municipal Finance

1. The state will cede to the City of Vienna certain sources of revenue.

2. Economies, consolidation of municipal services by agreement with the civil servants.

3. Technical perfecting of municipal enterprises. Electrification. Public ownership must not injure the efficient conduct of enterprises.

4. Perfecting of the means of communication.

5. Provisioning of Vienna.

V. Commerce and Industry

1. War services are to be suppressed rapidly, but in a progressive fashion. Aliens who profit by the situation to enrich themselves should be sent out of Vienna.

2. Regulation of public works by agreement with the cor-

porations. Improvement of industrial enterprises. Fairs. Expositions.

3. Development of professional education. Improvement of conditions of apprenticeship, with the participation of corporations.

4. Compulsory labor insurance.

VI. Social Provisions for the Workers and Employees

1. Insurance against accidents and unemployment. Labor exchanges. All elections for these institutions will be held according to the system of proportional representation.

2. Increase in the remuneration of public and private employees.

VII. Charity

1. Agreement between public assistance and private assistance.

VIII. Feminist Demands

1. In principle, equality of men and women. Reform of civil and penal codes on this basis.

2. Assistance for large families. Campaign against depopulation. Increase of penalties for immorality and seduction. Campaign against prostitution, venereal disease and alcoholism.

3. Education of women. Development of instruction which will include domestic science. Avoidance of courses that are too short (as stenography, typewriting, etc.) which look toward commercial service. Children not properly guided by their parents shall be confined to private or public institutions which are recognized as of good reputation.

4. Women will participate in the work of corporations, etc., which are engaged in dealing with questions of food supply.

5. Increase of women's salaries to put men and women workers on a par.

6. For social welfare, a part of the offices shall be reserved to women and deal with maternity homes, nurseries, etc.

No. 21

ANTI-HABSBURG LAW, APRIL 14, 1921

(*Bulletin Periodique de la Presse Hongroise*)

ART. I. Whoever has been expelled from the territory by a constitutional Federal law and returns to the country commits a crime punishable by a penalty of from one to five years' imprisonment.

ART. II. Whoever, in connivance with the banished person who has returned from banishment, aids him, furnishes him with disguise, asylum, or, by whatsoever means it may be, gives him the facilities for a prolonged sojourn in the country is liable to a penalty of internment from six months to one year.

ART. III. Whoever publicly or in concert with several other persons, by means of printed matter or by public writings, gives the titles or denominations forbidden by constitutional Federal law, is guilty of a misdemeanor, if this has been done with the intention of inspiring or propagating contempt for the form of government, and is to be punished with one to six months' imprisonment.

HUNGARY

No. 1

MANIFESTO OF THE SOCIAL DEMOCRATIC PARTY, OCTOBER 8, 1918

(*Enemy Press Supplement,* October 31, 1918, page 888, from *Arbeiter Zeitung,* October 9; *Az Usjag* speaks of ten points, four of which may have been suppressed by the censor according to the editors of the *Enemy Press Supplement.*)

The manifesto demands the following:

1. That the present Government shall immediately resign, and that a Government shall be formed to include representatives of all the democratic classes of the country, and all the nations living in the country.

2. This Government shall immediately dissolve the Chamber of Deputies and summon a Parliament on the basis of universal, equal, secret suffrage, which is also to include women. This Parliament shall decide on the future Constitution of the country.

3. This Government must apply to the enemy States with the offer to conclude peace, on the basis of the principles of the Russian proletarian revolution and on Wilson's principles, without demanding either annexation or indemnity, in consonance with the right of self-determination of nations.

4. This Government must at once eliminate the system hitherto in force of national oppression, and must assure the right to all nations living here to use their mother tongues in all State institutions, freely and without limitations.

5. The Government shall prepare the entire democratization of the administration.

6. The Government shall immediately undertake a radical agrarian reform, shall inaugurate a just fiscal policy, and shall develop legislation for the protection of labor, and a national welfare policy.

The manifesto closes as follows:

"We believe that a Hungary based on a free association, on a federation of free democratic nations with equal rights, will be a better and firmer support of the society of nations than a Hungary dismembered, mutilated in manifold vital interests, and broken into several pieces. Let us then collect all our forces, and create out of the Hungary of exploitation and oppression a State which will be able to endure at that decisive moment when the nations dwelling here shall decide on the basis of the right of self-determination, whether they shall regard this country as their Fatherland."

No. 2

Statement of Count Michael Karolyi, Published October 9, 1918

(*Enemy Press Supplement*, October 31, 1918, p. 890, from *Pesti-Hirlap*, October 9)

I adhere to the standpoint of self-determination for all peoples, and urge a thorough democratic reform so that not one nationality will want to break away from Hungary. By this means Hungary would have nothing to fear for her territorial integrity from Wilson's fourteen points.

There still remains a great deal for Hungary to do in the nationality question, and for this reason I do not approve of the chauvinistic and obstinate attitude adopted, particularly by the *Pesti-Hirlap*, on the franchise question, especially when Wilson's fourteen points, in which the right of nationalities are included, have been accepted by our Foreign Office.

I repeat that I think it necessary that the rights of nationalities should be more effectively assured in future. These rights will have to be defended by an international and universal law which Hungary must accept as well as any other country.

Wilson's fourteen points could never be regarded as aiming at the dismemberment of Hungary, otherwise we could not have agreed to them.

I am convinced that if we arrive at an understanding with the

nationalities and keep the principles of pacifism well before us, the unity of the Hungarian nation will be safely assured.

No. 3

RESOLUTION OF THE RADICAL PARTY, OCTOBER 14, 1918

(*Enemy Press Supplement,* October 31, 1918, p. 889-890 from *Pester Lloyd,* October 15, 1918)

The Radical Party expresses the conviction that the territorial integrity of Hungary is not inconsistent either with the justified claims of the nationalities or with the reasonable aims of the nascent States. Guided by this belief, the Radical Party greets with fraternal heart the Czech, Polish, and South Slav peoples on the occasion of their standing at the threshold of the realization of their efforts to create a national State. On the other hand, Hungarian democracy adheres inflexibly to the conviction that the territorial and economic unity of Hungary, which has been developed through a thousand years of coöperation, will remain unimpaired. In this unity it desires honestly and without mental reservation to effect the full and definitive elaboration of the autonomy of all the peoples in Hungary, both as regards culture and local government. The Radical Party demands the immediate abolition of the present régime and the appointment of a Cabinet which shall possess the confidence of all really democratic parties and organizations, and shall take in hand without delay the timely transformation of the constitution of the country in the spirit of social justice and equal rights for the nationalities. With this end in view, the party welcomes the efforts of the Hungarian Social Democratic Party to which similar expression has been given.

No. 4

SUMMARY OF THE ADDRESS OF THE KAROLYI PARTY TO THE KING, READ IN THE CHAMBER OF DEPUTIES, OCTOBER 16, 1918

(*Enemy Press Supplement,* November 7, 1918, from *Pester Lloyd,* October 17, morning)

1. Hungary must be completely independent under the King. [Cries from the Right: "Too late."]

2. Peace negotiations must begin at once, without reference to old treaties, and Hungary must have her own representatives.

3. The representatives of the people must decide all questions of peace or war.

4. The integrity of the country must be maintained.

5. The franchise must be universal, equal, secret, and shall be extended to women. The purity of elections must be guaranteed, also equal electoral districts.

6. The question of the nationalities must be settled on the line of Wilson's principles. The nationalities must be allowed the use of their own language in administration, in schools, newspapers, and laws. [Cries from the Right: "That has been so hitherto."]

7. The Press must be free, and the right of public meeting granted. During the war the censorship must be limited as far as possible.

8. Wide-reaching schemes of social reform must be introduced; especially in the interest of victims of the war.

9. This must include the provision of land for the landless. [From the Right: "Let Karolyi give his own estates!"]

10. Political prosecutions must stop and an amnesty be granted.

11. The feeding of the people is of the first importance. No foodstuffs are to be exported.

12. Hungarian troops are to be recalled, and foreign troops to be sent home.

No. 5

Karolyi's Program, October 22, 1918

(*Enemy Press Supplement,* November 7, 1918)

We demand:

1. The resignation of the present Government and the formation of another formed of democratic elements not compromised by their war policy.

2. The cessation of the war, the return home of the Hungarian troops, and the start of peace negotiations.

3. That the King should come to Budapest for these critical days.

4. A legal basis for the independence of Hungary, the appointment of a separate Minister for Foreign Affairs, while the Honved Minister controls the army.

5. The dissolution of the alliance with Germany.

6. Immediate negotiations with the nationalities in order to secure equality of rights and brotherly concord.

7. No obstacle to South Slav independence, but Fiume, and the road thither, must be secure to Hungary.

8. Universal, equal, and secret franchise, which shall be given to women; the democratization of the House of Magnates and the formation of a Ministry of Public Welfare.

9. Freedom for the Press, the right of public meeting and a political amnesty.

10. That the Government do everything necessary for the public good without regard to the opposition of parliamentary groups that do not represent the people.

No. 6

Proclamation of Archduke Joseph, October 28, 1918

(*Enemy Press Supplement*, November 14, 1918, page 102, from *Pester Lloyd*, October 29, morning)

His Majesty, our crowned King, has commissioned me to make in this critical time an arrangement which, in agreement with the people, will not only secure, but call into being, the complete independence of our Fatherland.

That is a great and decisive step, for it means the independent treatment of our foreign relations, the independence of our army, and indeed, all branches of the administration, in a manner agreeable to the free spirit of the age, and in the interests of the general public.

Our efforts are directed to the immediate attainment of peace and the formation of the great League of Nations to guarantee future peace.

The preservation of our national integrity and unity, and the

warding off of the dangers that threaten us till the conclusion of peace, prescribe to me the duty of uniting popular sentiment—that alone can bring us to our goal—by organizing all the strength of the people.

Therefore, with confidence, we turn to all true sons of this nation with the call to help the attainment of this goal, and to lay aside all differences and all personal interests and to preserve lawful order in the land, and to serve the nation's cause with calmness, zeal, and unselfish devotion.

The union of forces will hasten the fruits of our cohesion, the independence of our land that we have to guard, order and the suitable organization of society, the blessings of peace, and guarantees for our future progress.

With all the warmth of my patriotic sentiments, I ask for the support of the nation in my onerous and urgent duty.

Budapest, October 28, 1918.

ARCHDUKE JOSEPH.

No. 7

RESCRIPT OF KING KARL IV OF HUNGARY RENOUNCING ALL PARTICIPATION IN THE AFFAIRS OF HUNGARY

(*Enemy Press Supplement,* December 5, 1918, p. 279, from *Pester Lloyd,* November 15, 1918, m.)

Since my accession I have always endeavored to free my peoples, as soon as possible, from the horrors of the war, in causing the outbreak of which I had no share.

I desire that my person shall not prove an obstacle to the development of the Hungarian Nation, for which I am filled with an unaltered love.

I therefore renounce all part in State affairs, and recognize in advance the decision by which Hungary will determine the future form of the State.

Eckartsau, November 13, 1918.

KARL.

NOTE.—This rescript was sent to Count Karolyi but was never countersigned.

No. 8

Appeal for Discipline and Work, by the National Council, November 15, 1918

(*Enemy Press Supplement*, December 5, 1918, p. 279, from *Pester Lloyd*, November 15, morning)

To All!

1. The State can maintain no one who does not work. Only the orphaned, aged, and disabled have a claim to State support.

2. Work and the exchange of goods are the foundation of social life. The regulation of these things is the duty of the People's Council, which is bound to find suitable work for every one, and to secure for every worker the full equivalent of his work.

3. The State, which was characterized by lack of rights, by oppression, and exploitation, cannot be transformed in a day or two into a People's State, with rights for all. If for long years we have been able to bear oppression and exploitation, we must also summon up the moral force to hold out patiently and confidently during the transition.

4. The State is today in a terrible condition. Four years of criminal war have used up the revenues of the State, and all our supplies of raw materials, worn out our railways, ruined all our public industries, destroyed our international communications, paralyzed the whole of our administration, and annihilated the best of our workers. The country is threatened with famine, our railways with a general stoppage, and our whole economic life with collapse.

5. How are these dangers to be averted? Above all, by work, only by work.

6. The first act of the Government was to end the war which was murdering the nation. . . . But the blessings of peace can only come if peace reigns at home as well. . . .

7. What is needed for internal peace? Above all, discipline. . . .

8. The whole country is a victim of the war. The country will help the soldiers who have passed through four years of

suffering, but it can only do so if the soldiers help to save the country.

9. If the country collapses, it will help none, and injure all. Chaos means famine, robbery, arson, and plundering. All have mothers, wives, children, brothers and sisters, whose lives they protect, if they guard order and work diligently.

10. Let us work, keep order, exercise patience, and save Hungary. Long live the free, independent, Hungarian People's Republic.

THE HUNGARIAN NATIONAL COUNCIL.

No. 9

RESOLUTION OF THE NATIONAL COUNCIL, NOVEMBER 16, 1918

(*Enemy Press Supplement,* December 5, 1918, p. 279, from *Pester Lloyd,* November 16, evening)

MOTION FOR A PEOPLE'S RESOLUTION

The National Council of Hungary has by the will of the People brought forward the following People's resolution:

I. Hungary is an autonomous People's Republic, independent of every other country.

II. The constitution of the People's Republic will be determined by the Constituent National Assembly, which is to be summoned with all speed on the basis of the new franchise. The Houses of Deputies and Magnates of the Hungarian Parliament dissolve themselves and cease to exist.

III. As long as the Constituent National Assembly does not determine otherwise, the People's Government, under the premiership of Michael Karolyi, forms the supreme authority of the State, with the support of the executive committee of the Hungarian National Council.

IV. The People's Government shall, with all speed, enact the following people's Laws:

(1) For universal, secret, equal, immediate suffrage, extending to both sexes, for the National Assembly, the local governing bodies, and the communes;

(2) For the freedom of the Press;
(3) For trial by People's juries;
(4) For the freedom of association and assembly;
(5) For the distribution of land among the agricultural population.

The People's Government will enact and enforce these laws.

V. Legal enactments which contradict these resolutions lose their binding force. All other legal enactments remain in force.

JOHN HOCK,
President of the National Council.

No. 10

TEXT OF HUNGARIAN FRANCHISE LAW

(*Enemy Press Supplement,* December 12, 1918, citing *Pester Lloyd,* November 23, morning)

First People's Law of the Year 1918, regulating the franchise for the National Assembly, the municipalities (i. e., County and Town Councils) and Communes.

1. The franchise for the National Assembly is possessed by every man who has completed his twenty-first year and has been a Hungarian subject for at least six years.

The Franchise for the National Assembly is possessed by every woman who has completed her twenty-fourth year, has been a Hungarian subject for at least six years, and can read and write in one of the living languages of the country.

2. Any one who at the time of the election possesses the franchise, and has completed his or her twenty-fourth year, can be elected a member of the National Assembly.

3. Every person is excluded from the franchise who

(1) Has been deprived of political rights;
(2) Receives public relief;
(3) Is under guardianship (Kuratel), is a declared bankrupt, or has had his or her minority extended;
(4) Is under police supervision on account of his or her business or occupation.

4. No person who is excluded from the franchise can be elected a member of the National Assembly.

5. The franchise can only be exercised by those whose names are on the register.

The franchise can only be exercised in person. Every elector has one vote.

6. The election takes place by communes (in electoral districts), and the voting is direct and secret.

7. The municipal (including county) and communal franchise is possessed by every man who has completed his twenty-first year, has been a Hungarian subject for at least six years, and for at least half a year has lived or had a dwelling in the same commune.

The municipal and communal franchise is possessed by every woman who has completed her twenty-fourth year, has been a Hungarian subject for at least six years, can read and write in one of the living languages of the country, and for at least half a year has lived or had a dwelling in the same commune.

The provisions of Articles 2 to 6 and of Article 8 extend also to the municipal and communal franchise.

8. The People's Government is bound to issue with all speed all the regulations requisite for the execution of this law (publication of the registers, election procedure, mode of voting, etc.).

This regulation, which may be put in force by edict, cannot alter the provisions contained in this law.

THE GOVERNMENT OF THE HUNGARIAN PEOPLE'S REPUBLIC.

(Signatures of ministers follow.)

No. 11

REGULATIONS FOR THE NATIONAL COUNCILS

(Pester Lloyd, December 3, evening, in *Enemy Press Supplement,* January 2, 1919, p. 482)

(A circular from the Central National Council to the Provisional National Councils.)

The duties of the National Councils are:

1. To assist the Central Executive and the local administration.
2. To establish the republican form of government and to report all counter-revolutionary movements to the Central National Council.
3. To provide legal remedies against misuse of authority by officials. This does not mean interference with the Executive.
4. To help the officials in the discharge of their public duties.
5. To send reports, complaints, and proposals to the Central National Council, which will then apply to the proper Government Department.
6. To care for the soldiers on their return and to help all who are out of work.

The Councils must not interfere with the Executive; they have nothing to do with taxation, and must not confiscate or stop the transport of goods. They cannot interfere with personal freedom. Where such abuses have occurred the Councils must help in securing reparation.

No. 12

Press Law of the National Council

(*Pester Lloyd,* December 8, 1918, morning, in *Enemy Press Supplement,* January 2, 1919, p. 483)

1. Every one may make known and publish his opinions freely through the Press.
2. A previous examination is not necessary.

Newspapers can only be confiscated after legal sentence. No official permit is necessary for distributing newspapers in the streets. This includes posters on walls. Newspapers have no longer to give securities.

3. In the event of an offense committed in the Press, responsibility rests in a descending scale on the author and the pub-

lisher; in the case of an offense committed in a periodical, the author, the responsible editor, the publisher.

If the Press reports public documents or public proceedings of the National Assembly, of officials, or other legally constituted corporations, faithfully and truly, no legal proceedings can be taken.

4. Those clauses of this People's Law, for the carrying out of which no further regulations are necessary, come into force at once.

The People's Government is bound to fix immediately the rules for the carrying out of the other measures as well as the other injunctions of the Press Law. This regulation will be by edict, and cannot touch the principles laid down in the above law.

No. 13

Law Establishing Ruthenian Autonomy, December 21, 1918

(*Politikai Hirado,* quoted in *Pester Lloyd,* December 25, morning, *Enemy Press Supplement,* January 25, 1918)

People's Law X, 1918, for the autonomy of the Russinian (Ruthenian) nation living in Hungary.

1. They have the right of self-determination, which is defined in the clauses below.

2. The Russinian districts of Maramaros, Ugocsa, Bereg, and Ung form an autonomous governmental province called Ruszka Krajna. The settlement for other Russinian districts must wait till the Peace Congress.

3. Ruszka Krajna arranges its private affairs through its own institutions. Business common to Hungary, e. g., Foreign Affairs, Army, Finance, Citizenship, Private and Criminal Law, Trade, Traffic, and Social Legislation, is managed by joint institutions.

4. The Legislature of Ruszka Krajna consists of: (1) the National Assembly for its own business, and (2) for joint business the Hungarian Parliament, where the Russines will have a proportionate number of seats.

5. The executive consists of the Ministry and the Administration.

6. The head of the Ministry is the Minister for the Ruszka Krajna, who is a member of the Hungarian Ministry, and is responsible both to the Russinian National Assembly and the Hungarian Parliament.

7. At the head of the administration is the Governor, with his seat at Munkacs.

8. The National Assembly is to be chosen by universal ballot. A special law will be enacted about the deputies to the Hungarian Parliament.

9. People who are not Russines are to have their own administrative officials and religious freedom.

10. Crown lands, mines, and forests belong to the State.

11. The Hungarian Government and the Minister will see that this law is carried out.

The Finance Minister will provide the necessary funds, and with the Minister will prepare the budget.

12. This law comes into force on the day of its publication.

No. 14

Karolyi Party Manifesto, February 15, 1919

(*Enemy Press Supplement,* drawn from *Pester Lloyd* and *Neue Pester Journal,* February 16, morning. Composed by John Hock)

Achievements of the Revolution

The Revolution has overthrown tyranny and the rule of the privileged classes, and has abolished the servitude of Hungary to a foreign Power. The people have become the legal source of all authority. The Karolyi Party regards the republican form as inalterable and final. We desire to maintain and develop our People's Republic with all our might. We have, however, reason to fear on its account. Certain persons are systematically disparaging the new political order. For the sake of the great landed interests they at first did homage to the Republic, and when they found they could not bargain with it, their royalism

reawoke, and they slandered and abused it. We shall protect the new Hungary both against violence and allurements, and are therefore determined to maintain the alliance of parties, which is the sole defense of the Independent People's Republic. We will suffer neither class catchwords nor improvised parties to weaken this union. We shall unmask the reactionary movement which seeks to dupe the nation. The altar of public liberties shall be no sanctuary for those who attack the Republic with poisoned darts and hired pens. Sacred as is the liberty of speech and thought, the life and liberty of Hungary are more sacred still to us. Just as they defended the institutions of tyranny with dungeons, chains, and the scaffold, so we shall protect the people's rule against all treacherous onslaughts, and by the same laws by which they throttled our efforts for freedom.

The Crisis in the Party

The cause of the crisis in the party was the need of fresh forces and sincere enthusiasm for new ideas. We could not let the Karolyi Party become the ark of refuge for the perishing old world. We could not let the jingoes who had branded our leader and his followers as traitors sneak into our party and embrace us. Henceforth we shall have no mutually destructive tendencies in our camp. We have lost our Counts but kept our democracy, and gained vitality and freedom.

We now desire to unite in the work of building the nation anew, and all the extremists must make sacrifices. We have cleared the ground; the harder and better part of the work remains—the constructive work. Let us therefore erect no new barriers between bourgeois and workers. Bourgeois society must socialize itself more, and the working class must become more bourgeois. Each class must have more understanding for the truths proclaimed by the other.

Education

We desire to maintain and cultivate the character of our race in our language and culture. We aim at a system of practical education suited to the vital needs of the agriculturalist, trades-

man, and artisan. The curriculum should be planned with the aid of the physician. Historical instruction must be transformed, and the ideals of universal liberty and fraternity must be emphasized.

Relation with Social Democrats

We desire an honest understanding with Labor on political and economic questions. We earnestly warn the bourgeoisie not to provoke violence. There was a lack of sincerity in the recent reciprocal invitations of the Socialists and bourgeois to assume office. The Socialists declined because violent changes might easily have hindered production and caused famine and economic collapse. The bourgeois declined because the power was in the hands of their opponents. The country can no longer be ruled by minorities against its own will. The Karolyi Party is against adventurous enterprises on the part of the bourgeois parties. We recognize in Socialism the unfolding of a new world-order.

Private Property

We support the principle of private property, while not regarding it as sacred and unassailable. Millions have been driven to emigrate through the servitude resulting from the accumulation of great estates. We must recall this human treasure to the country. Little regard was paid to the rights of private property in the war. Is it to become at once sacrosanct when we desire to make millions happy? We do not attack the principle of property, but we desire a juster distribution. We wish to protect the fairly earned gains of all who work, and to prevent those who can work from living in luxury without work. We ask for a graduated property tax and war profits tax, which will exact adequate contributions from the rich, and also a graduation of the legacy duty, and the abolition of the food taxes which unfairly burden the poorest classes.

Harmony among all Workers

We wish to create such a harmony between all who work, that none shall be exploited, but all shall be able to contribute to the

strengthening of the new republic. In the Cabinet which six months ago was controlled by Counts, important posts are in the hands of men of humble origin like Stephen Szabo, Garami, Böhm, and Peidl. Karolyi was the first to see the necessity of a union of the workers. His sincerity is proved by the fact that he has voluntarily given 40,000 *jochs* of fertile land in Heves for distribution without any compensation.

The Social Democrats have helped us in the fight against financial and agrarian communism. In Transylvania they organize the strike as a protest against Rumanian atrocities, and are now doing the same in Upper Hungary against the Czechs. Here (and still more in the Zsil coalfield) the Social Democrats are showing a self-sacrificing spirit of patriotism, while Magnates and Bishops hasten to swear allegiance to the Czechs. The Social Democrats alone have succeeded in reaching the ears of the Entente, which were closed against us. At Berne they demanded the territorial integrity of Hungary in the name of humanity.

Territorial Integrity

Territorial integrity is no mere catchword for founding a new party, but a brave confession of national feeling. We have no desire to mislead the public. Our fate lies in the hands of the victors. Being unable to fight for territorial integrity, we rely on an international agreement. We have accepted Wilson's principles, from which it follows that our country cannot enrich itself territorially or economically at the cost of another. The conclusion of peace must give quiet to the whole human race. Only a tranquilized Europe can be stable.

The conflicts of the nationalities were so aggravated by the war that a catastrophe was threatened, from which we hope that Wilson's principles will save us. We believe that when the intoxication of victory is past, mankind will restore what we have been robbed of. The conscience of the Western Powers will have no rest until it acknowledges the justice of our cause. At present, however, the demand for territorial integrity is misunderstood in Paris as merely a Hungarian interest. We must take our stand on a principle of international law, the prin-

ciple of the liberation of nationalities and the right of self-determination.

The Army

We gladly adhere to the League of Nations. We desire that the armed force needed to keep order at home shall not be provided by universal service, but by the organization of the People's Army and the gendarmerie. The army must not be a privileged class. Order can only result from peace. That attained, our economic life will be restored, creative work will recommence, and people will work instead of talking politics.

Unemployment and the Land

The existing unemployment is due not only to the lack of coal and raw materials, but to the weakening of the will to work. Men have found it easier to live by plunder and theft. The exhausted population is being decimated by want and disease. Forty-four per cent. of the best workers have for years been torn from their civil employment, and have led the life of thieves. They can only be disarmed by receiving greater material welfare and greater moral freedom. The returning soldiers have been gradually quieted, and are now waiting for the distribution of land. If this is denied them, anarchy will follow.

Profiteering

The People's Government has already begun to deal with the profiteers. No mercy must be shown to those who enrich themselves through food supply. The most difficult national problem is that of food supply. The most difficult national problem is that of food. If the producers lose the sense of national solidarity, and keep back supplies from the capital, famine is inevitable in the spring. Just distribution will save all.

Religious Freedom

We stand for freedom of religion and conscience, and for confessional autonomy. The Churches must not depend on

force or the arm of the State. The religious and moral education of children is the natural right of parents. Further, the State must allow every citizen, without respect of religion, to contract a legally valid marriage.

Our program is a free, independent Hungary, in the sacred League of Nations. We must not despond, but hold together, and work for a better destiny.

No. 15

EXTRACT FROM SOCIAL DEMOCRATIC ELECTION MANIFESTO, MARCH 13, 1919

(*Enemy Press Supplement*, April 3, 1919, p. 1228, citing *Nepszava*, March 13, 1919)

. . . . . .

The Black Counter-Revolution wants to restore the old world, with its stupid, mad, and wicked Kaisers, its ignorant, thievish, and cowardly generals, its murderous militarism; to restore the rule of the deceivers, oppressors, and plunderers of the people, the extravagant, sinful luxury of the idle, the enslavement and misery of the workers. . . .

No matter how the Black Counter-Revolutionaries try to disguise themselves, whether under the banner of the Hungarian Bourgeois Party, the Peasants' Party, the Independent Party headed by Lovaszy, or the Christian Social Party; all, together with such secret societies as the "Awakening Hungarians," have got the same end in view, to reëstablish the old order of things.

The army of the Red Counter-Revolutionaries is yet but small. The staff is composed of political adventurers bribed with foreign money, and a few misguided youths who have still to learn the A. B. C. of politics. In the ranks are to be found honest and well-meaning men who have been ruined by the war, and look to Bolshevism to make up to them the losses they have sustained, side by side with unfortunate members of a crowd cruelly oppressed and neglected by the old régime.

The Red Counter-Revolution wants to rescue the country from its misery by robbery, murder and plunder. This is a

barbarous method, and the Social Democratic Party refuses to adopt it, unless it should prove that it cannot gain its aim by means of its own program.

Yet another obstacle to reorganization is the fact that three parties are governing at present—the Social Democratic Party, the Karolyi Party and the Radical Party.

All honor to Michael Karolyi and his party as well as to the Radicals who in the Revolution labored with us in destroying the old system. But our road and theirs cannot be the same to the end. Their aim is the bourgeois republic, but we want to call the Socialist Republic into existence. They want to alleviate economic injustice, we want to abolish it. They want to limit life without work, we want to make it impossible. In short they want to realize only a part of the whole that we demand. . . . We are convinced that we can only restore life and sound development to the Hungarian People which has been ruined by the war, by sweeping away counter-revolutionary efforts, and by realizing our program in its entirety without bargaining. We can only achieve this without violence and by legal means if the majority of the people gives us its authorization, and ranges itself on our side with all its strength, will and enthusiasm.

. . . . . .

No. 16

KAROLYI'S RESIGNATION MANIFESTO, MARCH 21-22, 1919

(*Enemy Press Supplement*, April 10, 1919, p. 1279, from *Pester Lloyd*, March 22, morning)

TO THE PEOPLE OF HUNGARY!

The Government has resigned. Those who have hitherto ruled on the basis of the people's will and with the support of the Hungarian proletariat have come to see that the compelling force of circumstances demands a new course.

Orderly production can only be secured if the proletariat assumes authority. In addition to the threatening anarchy in production, the external political situation is critical. The

Paris Peace Conference has secretly decided on the military occupation of almost the whole territory of Hungary.

The Entente Mission has declared that it regards henceforth the line of demarkation as a political frontier. The new occupations of territory evidently have the object of making Hungary a ground for deployment and a theater of operations against the Russian Soviet Army fighting on the Rumanian frontier. Moreover, the land stolen from us would be the reward for those Rumanian and Czech troops by whose means it is intended to overthrow the Russian Soviet Army. As provisional President of the Hungarian People's Republic, I turn from the Paris Peace Conference to the proletariat of the world for justice and support. I resign, and transfer my authority to the proletariat of the peoples of Hungary.

MICHAEL KAROLYI.

No. 17

FIRST ORDERS OF THE REVOLUTIONARY GOVERNING COUNCIL, MARCH 21, 1919

(*Pester Lloyd,* March 22, evening, in *Enemy Press Supplement,* April 10, 1919, p. 1280)

ORDER NO. I.

1. Every person who offers armed resistance to the commands of the Soviet Republic, or incites to rebellion against it, is to suffer the penalty of death.
2. Every person who robs or plunders is to suffer the penalty of death.
3. The guilty will be sentenced by a revolutionary court of justice.

ORDER NO. II.

1. The supply, sale and consumption of all kinds of alcoholic drinks are prohibited.
2. Any person contravening this Order by supplying alcoholic drinks or trading in them will be punished by the closing of his business, and a fine not exceeding Kronen 50,000.

3. Any person contravening this Order by consuming alcoholic drinks will be punished with imprisonment not exceeding one year and a fine not exceeding Kronen 10,000.

4. The guilty will be sentenced by a revolutionary court of justice.

No. 18

APPEAL TO CZECHOSLOVAK AND RUMANIAN PROLETARIAT, MARCH 22, 1919

(*Pester Lloyd,* March 23, morning, in *Enemy Press Supplement,* April 10, 1919, p. 1280)

The Czechoslovak and Rumanian bourgeois bandits want to crush the Hungarian Revolution. We appeal to the Czechoslovak and Rumanian soldiers. Turn your weapons against your oppressors! We appeal to the Czechoslovak and Rumanian workers and peasants: Throw off the yoke of your oppressors, who, while strengthening their power and filling their pockets, have driven you into war with your brothers.

In the name of the People's Commissioners of the Hungarian Soviet Republic.

BELA KUN.

No. 19

PROCLAMATION OF THE REVOLUTIONARY GOVERNING COUNCIL, MARCH 22, 1919

(*Pester Lloyd,* March 22, evening, in *Enemy Press Supplement,* April 10, p. 1280)

TO ALL!

Today the proletariat of Hungary takes all authority into its hands. The collapse of the bourgeois world and the bankruptcy of the coalition compel the workers and peasants to take this step. Capitalistic production has collapsed. Communism alone can preserve the country from anarchy.

In foreign politics we are also faced by a complete catastrophe. The Paris Conference has decided to occupy nearly the whole of Hungary by arms, and regards the line of occupation as a

definitive political frontier, thus making the supply of food and coal impossible. In the dictatorship of the proletariat lies our salvation. For this purpose the perfect unity of the proletariat is necessary. The Social Democratic Party and the Communist Party have therefore joined. The Hungarian Socialistic Party henceforth receives as members all the working men and women of the country.

This party empowers the Revolutionary Governing Council to assume the Government. It will develop the Workers', Peasants' and Soldiers' Councils throughout the country, which will exercise legislative, executive, and judicial powers. Hungary becomes a Soviet Republic, which will immediately proceed to carry into effect the principles of Socialism and Communism. The large estates, mines, large industrial concerns, banks and means of traffic will be socialized. Agrarian reform will be effected not by division into small lots, but by coöperative societies. Profiteers, and those who speculate on hunger and want, will be pitilessly dealt with.

The Governing Council demands iron discipline. The bandits of counter-revolution and the brigands of plunder will be punished with death. The Council organizes a powerful proletarian army to assert the dictatorship of workers and peasants against Hungarian capitalists and landlords as well as against Rumanian boiars and Czech bourgeois.

It declares its entire ideal and spiritual community with the Russian Soviet Government, to which it offers an armed alliance. It sends its fraternal greetings to the workers of England, France, Italy, and America, and calls upon them not to tolerate for one moment the wicked predatory campaign of their capitalistic Governments against the Hungarian Soviet Republic. It invites to an armed alliance the workers of Czechia, Rumania, Serbia and Croatia against bourgeois, boiars, landlords, and dynasties. It calls on the workers of German-Austria and Germany to break with Paris and ally themselves with Moscow, to set up the Soviet Republic, and to face the conquering imperialists with arms in their hands.

We are conscious of the hardships and sacrifices before us. We must fight to free our food supplies and our mines, for the

liberty of our brothers and our own existence. We trust in the heroism of the proletariat. We choose a course that will bring us hardships, misery and suffering, because only thus can we help to victory the cause of Socialism which will redeem the world. We call on all to work or to enter the proletarian army.

No. 20

Order Regulating Elections for Workers', Soldiers' and Peasants' Councils

(*Enemy Press Supplement*, May 1, 1919, citing *Pester Lloyd*, April 2, 1919, morning)

1. The means to attain the aim of the Soviet Republic is the securing of the rule of the workers over the exploiters. In the Workers', Soldiers' and Peasants' Councils the working people makes the laws, the working people executes them, and judges those who transgress them.

2. The highest authority is exercised by the National Congress of Workers', Soldiers' and Peasants' Councils. Every nation in Hungary living in an extensive compact territory forms a National Council and an executive committee of its own. The Republic will be ultimately organized by the National Congress on a federal basis.

3. The regulation and conduct of all the most important questions of public character are functions of the National Congress, which in conjunction with the local Workers', Soldiers' and Peasants' Councils exercises the dictatorship of the proletariat.

. . . . . .

5. The members of the National Congress will be elected by the County and Town Councils on the basis of one delegate to every 50,000 inhabitants.

6. The local Workers', Soldiers' and Peasants' Councils will manage the affairs of the towns and villages.

7. The village workers will elect Village Councils, with one deputy for every one hundred inhabitants.

8. The town workers will elect Town Councils, with one

deputy for every five hundred inhabitants. In Budapest the districts will elect District Councils on the same basis. These District Councils will elect a Central Council of Budapest with five hundred members.

9. The Village and Town Councils and the Budapest District Councils and the Budapest Central Council will elect directing committees. The members of the Budapest Committee will also sit in the National Congress.

10. The Village and Town Councils will organize the Workers', Soldiers' and Peasants' Councils of the districts. These District Councils may not contain more than sixty members.

. . . . . .

12. The District Councils will elect directing committees.

13. The Workers', Soldiers' and Peasants' Councils of the Counties will be elected by the Town and District Councils, with one deputy for every 5,000 inhabitants.

14. The County Councils will elect directing committees.

15. The Councils are bound to carry out the orders of superior Councils.

16. The executive committees are responsible to the Councils which elected them. The Village Councils and their committees will be controlled by the District Councils and their committees and these by the County Councils and their committees. The Town Councils and their committees will be immediately controlled by the National Congress of Councils.

17. In Budapest the District Councils will be controlled by the Central Council.

18. A superior Council or its directing committee is authorized to change the decisions of an inferior Council.

19. The active and passive franchise will be conferred on all men and women who have completed their eighteenth year, live by useful work, or perform household work by which they promote the useful work of others. Persons who are incapacitated for useful work do not lose the franchise.

20. The franchise is also conferred on the soldiers of the Red Army, who will now, perhaps, have an even more im-

portant duty than the workers. A further important provision of the new franchise ordinance will confer the franchise on the subjects of foreign States resident here.

21. The Soviet Republic excludes from the conduct of public affairs all those without exception who do not adapt themselves to the new order and want to live without work. Therefore, the franchise is withheld from those who employ wage earners for the purpose of profit, who live on an unearned income, also merchants, clergy, members of monastic orders, insane persons, and those who have been deprived of political rights for a fixed term by a court of law.

22. The Government appoints electoral commissions for the Town, Village and District Councils.

23. The voting is secret.

. . . . . .

29. The Councils are provisionally constituted for six months.

30. The electors can withdraw the mandates of the deputies in the same way as they elect them.

Directions to Voters

(*Pester Lloyd,* April 6, 1919, evening)

The voter receives from his flour office a voting paper, on showing that he belongs to a trade union or political party, and the paper is stamped, and after being folded in four is handed to the electoral commission. Any one voting twice or committing any other irregularity will be tried by a revolutionary court. Those who do not belong to a trade union or a party organization receive a certificate from their house delegates. This only entitles them to vote if it is stamped by a party organization. . . . To maintain order at the poll the Central Election Board calls on the trade unions to distribute their agents among the polling booths so that they may be able to help the Red Guard in maintaining order.

No. 21

PROCLAMATION OF SOVIET GOVERNMENT TO THE ARMY

(*Enemy Press Supplement,* May 1, 1919, citing *Pester Lloyd,* April 4, 1919, morning)

The People's Commissaries for the Army issue the following order:

We have taken over the command of the Red Army and its organization. We intend to fulfil our task, and shall fulfil it, in spite of all opponents and obstacles. We demand from every soldier of the Red Army order, discipline and obedience! We desire that the Red Army—the class army of the proletariat—shall be a mighty, powerful hammer in the hand of proletariat rule. Whoever raises his hand against the unity, order or discipline of the Red Army is a traitor to the Soviet Republic, a base traitor to the cause of the international proletarian revolution. . . . Our orders do not send you to the shambles of imperialist robbery. . . . Our orders only serve the aims of the proletarian revolution. . . . The responsibility is ours. We shall answer before the National Congress of Workers' and Peasants' Councils for all our acts and orders. We shall relentlessly crush disturbers of the peace and traitors who serve the cause of the bourgeoisie and of lurking imperialism. We therefore command every soldier of the Red Army to carry out in discipline and order all our regulations and ordinances.

No. 22

MANIFESTO OF THE COUNTER-REVOLUTIONARY GOVERNMENT AT ARAD

(*Enemy Press Supplement,* June 5, 1919, p. 295, citing *Volkstimme,* May 18, 1919)

The Communist party and its leaders have unchained anarchy and conjured up complete collapse in our already so cruelly tried country. We are now living through the most critical moments in our national history.

International brigands, abusing the force of the national idea, have seized the Government. The bourgeoisie and the real workers are threatened with extreme danger. The means of production are destroyed, the freedom of labor annihilated, and we see everywhere only the plundering, robbing and murdering of innocent persons.

The Communists have made the complete destruction of the country their aim. Nowhere is there a serious attempt to restore public order, or to revive economic activity and productive work.

We who have lived in quiet and order under the protection of the foreign troops of occupation, and possess freedom of action, regard it as our duty to use our exceptional position to restore the reign of order and law. Penetrated by this sense of duty and full of confidence in the success of our action, we unfurled on May 5, 1919, the banner of order, of honor and of the national consciousness, and founded at Arad the Government of the parties of order, composed of all the Hungarian political parties united in a sacred alliance.

As our Government regards it as its sole aim to render possible the formation of a constitutional Hungarian Government, our functions are purely temporary and provisional, and our only object is to maintain order. We shall be guided in this task by the following principles:

1. Annihilation of Bolshevism, restoration of order, and of the liberty of the person, of property and of the right to work. With this aim, the immediate organization of a disciplined, armed force (gendarmerie) with the exclusive purpose of maintaining order in the country.

2. We shall endeavor to establish friendly relations with all the Entente States and to eliminate all differences of opinion which might disturb a good understanding between ourselves and the neighboring States. We shall endeavor to conclude commercial agreements as soon as possible in order to secure the feeding of the country and the continuity of production.

3. We desire to uphold again the national idea which the Communists have betrayed.

4. We urgently desire to restore the supremacy of the laws,

and to annul all the institutions and decrees of the revolutionary Governments. We desire to give the country a form of Government corresponding both to our national traditions and to the democratic spirit of the Great Powers of Western Europe.

It is the last hour, the decisive moment, in which we undertake this difficult task. We feel bound to place our modest powers in the service of the great cause, because the possibility of acting has been taken from our great political leaders. They are either imprisoned or in exile abroad. We ask for the full support of the whole nation in the performance of our difficult mission. In these sad days of national misfortune let us forget all differences of party, faith or class, and unite all our forces to prevent a final collapse at the last moment.

We have kept the Entente informed of the constitution of our Government and of the preparatory steps which led to its formation.

Arad, May 5, 1919.

No. 23

CONSTITUTION OF THE HUNGARIAN SOVIET REPUBLIC, ADOPTED BY THE NATIONAL CONGRESS OF SOVIETS, BUDAPEST, JUNE, 1919

(*Recueil de Documents Etrangers,* No. 49, September 12, 1919, citing *Pester Lloyd,* June 24, 1919, m.)

The Constitution of the Hungarian Republic of Soviets, adopted by the National Congress of Soviets, is as follows:

FUNDAMENTAL PRINCIPLES OF THE CONSTITUTION OF THE HUNGARIAN FEDERALIST SOCIALIST REPUBLIC OF SOVIETS

1. In the Republic of Soviets the proletariat has taken in hand all the liberties, all the rights and all the powers to overthrow the Capitalist régime and the domination of the bourgeoisie and to replace them by the socialist economic régime and its social organization. The dictatorship of the proletariat is but a means to suppress all the forms, whatever they may be, of the exploitation and of the domination of one class, and to

prepare for the coming of a social order which recognizes no classes and in which there ceases also to exist the power of the State, the essential instrument of class domination.

2. The Hungarian Soviet Republic is the Republic of the Soviets of workers, soldiers and peasants.

The Soviet Republic does not accord a place to exploiters in any council.

In the councils of workers, soldiers and peasants it is the people who makes the laws, executes them and judges those who transgresses them.

The proletariat exercises in the Soviets all central and local powers.

3. The Republic of Soviets is a free federation of free peoples.

The foreign policy of the Republic of Soviets proposes with the aid of the world revolution to establish peace in the world of the workers. It wishes a peace without annexations or indemnities, based on the right of the workers to dispose of themselves (i.e., to self-determination).

In lieu of the imperialism which has caused the world war, the Republic of Soviets wishes the union, the alliance of the proletarians of all countries, the international Republic of Soviets of workers. This is why it is the enemy of wars of conquest, the enemy of all oppression and of all enslavement (asservisement) of peoples. It rejects the means employed by the foreign policy of the class State, in particular secret diplomacy.

Rights and Duties of Workers in the Hungarian Socialist Republic of Soviets

4. The Republic of Soviets endeavors, in order to sunpress exploitation and to organize and increase production, to cause all the means of production to pass into the hands of the society of workers. This is why it officially takes possession of all the industries, mines and means of transport which exceed the limits of small enterprises.

5. In the Hungarian Republic of Soviets the domination of finance is broken by the fact that financial institutions and insurance societies become public property.

6. In the Hungarian Republic of Soviets only he who works has a right to life. The Republic of Soviets institutes obligatory work for all and establishes in consequence the right to work. Invalids and those to whom the State cannot offer work, although they may be willing to work, are in the custody of the State.

7. To assure the power of the working masses and to frustrate the endeavors to restore the exploiters to power, the Republic of Soviets arms the workers and disarms the exploiters. The Red Army forms the army of the proletarian class.

8. In the Republic of Soviets the workers can freely express their opinion by word and in writing. On the other hand, the dependence of the press on Capital, which utilized it to spread capitalistic ideologies and to cloud the conscience of the proletariat, is done away with. The right to edit all printed material belongs to the workers. The Republic of Soviets takes care that socialist thought shall be freely spread throughout the country.

9. In the Republic of Soviets the workers have entire liberty of assembly. The proletarians have the right to meet freely and organize parades. By the destruction of the domination of the bourgeoisie all hindrances to the right of association of workmen are suppressed. Not only does the Republic of Soviets give to workers and to peasants the complete liberty to unite and organize, but it gives them all its material and moral support in developing and assuring this liberty of association.

10. The Republic of Soviets suppresses the privilege of the bourgeoisie as regards instruction, and gives to the workers the possibility of assimilating culture. It assures to the workers and to the peasants free instruction, which aims to raise culture to a higher level.

11. The Republic of Soviets protects the true liberty of conscience of the workers in separating completely state and church, and church and schools. Every one may freely exercise his religion.

12. The Republic of Soviets proclaims the idea of the union of proletarians of all the countries and gives, in consequence, to each foreign proletarian the rights which the Hungarian proletariat enjoys.

13. In the Hungarian Republic of Soviets all foreign revolutionaries possess the right of asylum.

14. The Hungarian Republic of Soviets recognizes no differences of race or of nationality. It tolerates no oppression of national minorities and no limitation, of whatever kind, in the use of their language. Every one has the right to speak freely in his native tongue, and the authorities must accept all documents written in any one of the languages in use in Hungary, receive the declarations of interested parties in their native tongue, and discuss with them in that tongue.

THE CENTRAL ORGANIZATION OF THE POWER OF THE SOVIETS

15. In the Republic of Soviets the supreme power is exercised by the General Congress of the assembled Councils.

16. The General Congress of Soviets directs the most important affairs of the State; in particular there lie within its jurisdiction: (1) The establishment and the modifications of the Constitution of the Federal Socialist Hungarian Republic of Soviets; (2) The establishment and the modifications of the frontiers of the country; (3) The declaration of war and the conclusion of peace; (4) The conclusion of international treaties; (5) The authorization of State loans; (6) Supreme control of internal and foreign policy; (7) The territorial division of the country; (8) The determination of the jurisdiction of the local Soviets; (9) The general direction of economic life in its entirety as well as in its particular branches; (10) The fixing and modifying of the monetary system and of the system of weights and measures; (11) The establishment of the budget of the Republic of Soviets; (12) The establishment of public taxes; (13) The organization of the army; (14) The regulation of the rights of citizens; (15) The establishment of public, private and criminal law; (16) The organization of justice; (17) Partial or total amnesty; (18) The supreme control of intellectual and artistic activities.

All the questions which the General Congress of Soviets determines as being within its jurisdiction are to be decided by it. During the time when the General Congress of the assembled Soviets is not in session, it is replaced by the Central Executive

Committee. Nevertheless, the following questions must be settled by the Congress itself: (a) Establishment and modifications of the Constitution; (b) Declaration of war and conclusion of peace; (c) Fixing of the frontiers of the country.

17. The General Congress of Soviets is convoked by the Central Executive Committee at least twice a year.

18. The General Congress of Soviets must be convoked by the Central Executive Committee when this convocation is demanded by the District and Urban Soviets which together embrace at least a third of the population of the country.

19. The Central Executive Committee, which is elected by the General Congress of Soviets, comprises at most 150 members. All the nations making up the country have in the Central Committee a representation in proportion to their population.

20. The Central Executive Committee assumes, when the General Congress of Soviets is not in session, the supreme direction of the affairs of the country; it exercises supreme legislative and executive power.

The Central Executive Committee also takes a direct part in the direction of the affairs of the State. From its midst there come, in addition to the Commissaries of the People, the Commissions placed at their disposal to aid them in their work. In addition to these Commissions, the Central Executive Committee can form, for the accomplishment of special tasks, other Commissions with members which it draws from its own ranks; it may equally confide special missions to certain of its members.

21. The Central Executive Committee directs the action of the Soviets of workers, peasants and soldiers, and that of all the organs of these Soviets. It supervises the practical application of the Constitution and executes the decisions taken by the General Congress of Soviets.

22. The Central Executive Committee renders an account of its activities to the General Congress of Soviets. It makes a report on the general situation from an economic and political standpoint as well as on particularly important questions.

23. The Central Executive Committee is responsible for its acts before the General Congress of Soviets.

24. The Central Executive Committee elects the Revolutionary Government of Soviets and its president.

25. The Commissaries of the People are members of the Revolutionary Government of Soviets. The Revolutionary Government of Soviets places its Commissaries at the head of the different Commissariats of the People and of the principal sections of the People's Soviet for Economic Life. One single People's Commissary may be placed at the head of several Commissariats of the People or of several principal sections.

26. The task of the Revolutionary Government of Soviets is to direct the affairs of the Republic of Soviets conformably to the indications given by the General Congress of Soviets or by the Central Executive Committee.

27. The Revolutionary Government of Soviets can issue decrees. In a general way, it has all the necessary powers for the rapid transaction of the affairs of the State.

28. The Revolutionary Government of Soviets informs the Central Executive Committee without delay of its decrees as well as of the measures taken in important matters.

29. The Central Executive Committee examines the decrees, resolutions and measures taken by the Revolutionary Government of Soviets, by the People's Soviet for Economic Life, and by all the other Commissariats of the People. It has the right to modify them.

30. The Government of Soviets does not have the right in affairs of State of primordial importance, to take a decision without preliminary reference of the matter to the Central Executive Committee unless there is absolute urgency.

31. The members of the Revolutionary Government of Soviets are responsible before the General Congress of Soviets and before the Central Executive Committee.

32. The Commissariats of the People are the following: (1) The People's Soviet for Economic Life; (2) The People's Commissariat for Foreign Affairs; (3) for the Army; (4) for the Interior; (5) for Justice; (6) for Public Welfare and Hygiene; (7) for Public Instruction; (8) The Commissariat of the German People (i.e., West Hungary); (9) The Commissariat of the Ruthenes.

33. The different Commissaries of the People and the People's Soviet for Economic Life can issue decrees and give instructions relative to questions falling within their jurisdiction. Before issuing decrees of capital importance, the People's Soviet for Economic Life demands the assent of the Revolutionary Government of Soviets. The Revolutionary Government of Soviets has the right to modify the decrees of the People's Soviet for Economic Life, and of the People's Commissariats.

34. Within the competence of the People's Soviet for Economic Life there fall: the central direction of the production and distribution of goods, the issue and execution of decrees which concern economic life, the technical and economic control of the organisms of production and distribution.

35. The principal sections of the People's Soviet for Economic Life are the following: (a) General direction of production, raw materials, foreign commerce; (b) Agriculture and raising of cattle; (c) Technical direction of industrial production and administration of enterprises; (d) Finances; (e) Food supply; (f) Transports; (g) Organization and economic control; (h) Labor.

The Commissaries of the People placed at the head of these sections form the Executive *Committee* of the People's Soviet for Economic Life. The Committee has the right to issue decrees.

36. The Executive *Commission* of the People's Soviet for Economic Life is composed at most of 80 members, of which 40 are named by the Central Committee of the trade unions.

The members of this Commission are at the same time members of the General Congress of the assembled Soviets. In addition to these 40 members, the other associations of laborers may elect a certain number of members of this Commission; the Executive Committee determines their number and the manner of their election, but the latter do not form a part of the General Congress of Soviets.

37. The Executive Committee of the People's Soviet takes the advice of the Commission in all important affairs. The

Commission may equally make proposals to the Executive Committee on its own initiative.

Organization of Local Soviets

38. The members of the General Congress of Soviets of workers, soldiers and peasants are elected by the District and City Soviets. The District and City Soviets send one member for every 50,000 inhabitants to the General Congress of Soviets.

39. The local Soviets of workers, soldiers and peasants, direct the affairs of the villages and of the cities. In a general way and until further orders, a commune shall be regarded as a village or a city, according to the former administrative classification. Nevertheless, every commune with less than 6,000 inhabitants shall be considered a village, and every commune with over 25,000 inhabitants a city, even if this classification is not in conformity with the former administrative classification.

40. The working population of a village elects one member of the Soviet for every 100 inhabitants; nevertheless, the council cannot have less than three nor more than fifty members.

41. The working population of a city elects a member of the Soviet for every 500 inhabitants. A City Soviet cannot be composed of more than 300 members. In Budapest every district (arrondissement) has its Soviet, which comprises one member for every 500 inhabitants and 300 members as the maximum. These district councils elect in proportion to the number of inhabitants of the district the members of the Central Budapest Soviet, which has 500 members.

42. The Village or City Soviet elects an Executive Commission which directs affairs. This Executive Commission consists at most of five members in the villages, and of 25 members in the cities and the wards of Budapest. The Central Soviet of Budapest elects an Executive Commission of 80 members, at the head of which is found an Executive Committee of 5 members. The members of this Executive Commission are at the time members of the General Congress of Soviets of workers, soldiers and peasants.

43. The Village and City Soviets constitute the District

Soviets by electing one member for every 1,000 inhabitants. Nevertheless, the delegates of the cities must form at most one-half of the members of the District Soviets. The cities which find themselves on the border of several districts of a county send members to each District Soviet, but the number of members sent by the cities to the District Soviet must not form more than one-half the members of the Soviet. The number of members of a District Soviet must not exceed 60.

44. The members of the District Soviets are elected by the members of the City Soviet and by the electoral delegates of the Village Soviets. Each Village Soviet elects an electoral delegate. The elections take place at the seat of the district, if no city is near at hand, and in case there are several neighboring cities, at the largest of these.

45. The District Soviet elects an Executive Commission of not more than 15 members, charged with the direction of affairs.

46. The Soviets of workers, soldiers and peasants of the Counties are elected by the City Soviets and the District Soviets of the county. The cities located in the county and which are self-governing also send delegates to the County Soviet. One delegate for every 5,000 inhabitants is chosen for the County Soviet. The Executive Commission of the County determines the number of councillors that each city or each district elects to the County Soviet or to the City[1] Soviet. The number of members of the County Soviet cannot exceed 300.

47. The County Soviet elects an Executive Commission not exceeding 40 members to take charge of affairs.

48. The task of the Village, City, District and County Soviets is to develop by all means the material welfare and to raise the intellectual level of the working population which lives within their respective territory. With this aim they themselves regulate affairs of local importance and apply the decisions arrived at by the superior Soviets and by the Commissaries of the People.

49. The former organization of local administration is abolished. The administrative and industrial personnel conserved by the Soviets is at their disposal. The administrative quarters

[1] Evidently Budapest is meant.

and public buildings hitherto used for local administration are placed at the disposal of the Soviets with all their equipment.

50. The Soviets decide questions either directly in the course of their sessions or through their Executive Commissions or their other organs.

51. The Soviets have the right to decree within their jurisdiction the statutes applicable to all; these must not be contrary to those of the superior Soviets nor to those of the Government of Soviets and of the Commissariats of the People.

The decrees issued must be immediately submitted to the higher authorities, but the decrees issued by the County or City Soviets must be submitted to the Revolutionary Government of Soviets itself. The District Soviet is not the superior authority to the City Soviet; the County Soviet is not the higher authority for cities possessing self-government.

52. The Soviets must constantly observe whether the decrees of the higher authorities prove their worth in practice. They must draw the attention of the higher authorities, in particular of the Commissariats of the People, to their faults, and make a proposition if, in their opinion, a new measure of the higher Soviet or of any other authority is necessary.

53. The Soviets have at their disposal the enterprises and organizations which operate to satisfy the needs of the population (nourishment, hygiene, intellectual and economic activity); they may create others and propose their establishment to the next higher Soviet.

54. In the administration of their finances, the villages, cities, districts and counties have all the autonomy compatible with the regulations established by the People's Soviet for Economic Life.

55. The Soviets select and remove the functionaries and other special workers, including the personnel of the former administration. At any moment any employee of the Hungarian Republic of Soviets may be relieved of his duties.

56. The Soviets elect their Executive Commissions and the members to be sent to the higher Soviets. The absolute majority of all the members (i.e., not only the majority of those pres-

ent at a session) can at any time deprive an elected member of his mandate.

57. The Executive Commissions elected by the Soviets prepare the resolutions passed by them, execute them and assume control of the administration if it is not assumed by particular authorities.

The Executive Commissions take, in case of urgency, provisional measures, even in matters reserved for the action of the Soviet. The Soviet has the right to revoke the measures thus taken.

The Executive Commission administers the finances and the enterprises, establishes by its president or its vice-president, in his place, the sums to be drawn on the treasury, supervises the officials and disposes of the public forces.

58. The Soviet can form, for the transaction of affairs, more select technical commissions; besides the members of the Soviet, specialists may be chosen.

In the counties, the cities and the districts there will be regularly established special technical commissions (subcommittees) for: (1) Economic, financial and industrial affairs; (2) Roads and communications; (3) Public welfare and hygiene; (4) Housing; (5) Food supply; (6) Education of the people.

Where local circumstances demand it, several subcommittees may be combined in one, or the direction of affairs may be organized according to a different grouping.

Village Soviets may not form subcommittees.

59. If the need for it is felt, the Executive Commission may subdivide itself into subcommittees or divide the conduct of affairs among its members in some other manner.

Isolated members of committees may be charged with the independent (autonome) conduct of particular affairs.

60. The Soviets must have a regular session at least once every two months. In case of urgency, on the decision of the Executive Commission, or on the desire of a number of members determined by the rules of procedure, an extraordinary session can take place.

The Executive Commission and the other Commissions hold their meetings according to their needs.

61. The Soviets and their Commissions choose from among their members their presidents and deputy presidents. These are charged with directing the debates, maintaining order and representing the Soviets officially (a l'exterieur). The secretaries are designated in sufficient numbers from among the functionaries.

The language in which debates are held is determined by the rules of procedure drawn up by the Soviet. Regularly the sessions are public. Members are bound to be present at meetings. All unexcused absences are punished according to the regulations.

Decisions are taken, unless otherwise established by the rules of procedure or other regulations, by majority vote.

62. The Soviets are to see that the parties obtain, without any formality in affairs that concern them, prompt and exact explanations in their native tongue; that organs shall be at the disposal of those who wish to make oral complaints and demands; that demands involving a hearing of the interested parties and the clearing up of a question—if possible by a direct examination of the circumstances—shall be taken into consideration within as short a time as possible, without awaiting insistence on such action; and that the interested parties shall be rapidly notified.

63. The interested parties cannot regularly have recourse against a decision except *extra dominium* and in a single instance. They may set forth their written or oral complaint within 15 days to the authority which has made the decision. This complaint is judged in last resort by the authority immediately superior, or by the committee expressly delegated for this purpose.

64. The Executive Commissions are responsible to the Soviets that select them. The Village Soviets and their Executive Commissions are supervised by the Soviet and the Commission of the District, the District Soviets and the Soviets of cities having less than 25,000 inhabitants by the County Soviet and its Executive Commission, the County Soviets and their Executive Commissions and those of cities with over 25,000 inhabitants directly by the General Congress of Soviets, by the Central Ex-

ecutive Committee and by the Revolutionary Government of Soviets. The County Soviets do not supervise the Soviets of autonomous cities. Every superior Soviet (or its Executive Commission) can of its own accord modify the decisions of the Soviet inferior to it.

65. To determine what are the affairs within the competence of the authorities of the village, city, district or county, it is necessary to admit as a guiding principle that an affair is not within the jurisdiction of the higher authority unless it surpasses in importance from the point of view of territory or interested population the compass of local interests, or when no useful solution may be arrived at except by taking measures of a more general character. In all doubtful cases the Soviets can regulate all matters hitherto within the competence of the administrations which they have replaced.

In case of disagreement, the Central Executive Committee or the Revolutionary Government of Soviets decides the controversy.

Right of Vote

66. In the Hungarian Federalist Socialist Republic of Soviets only the people of the working classes have the right to vote. All those who have passed their eighteenth year and who live as workers or employees, etc., in tasks useful to society, or who are engaged in household duties which permit these workers and employees to do their work, are electors and eligible as members of Soviets, without any distinction of sex. In addition, soldiers of the Red Army as well as the workers and soldiers of the Republic of Soviets who have pursued useful work but have lost, in whole or in part, their capacity to work are electors and eligibles.

67. Citizens of other states are also electors and eligibles if they fulfil the conditions set forth in the preceding paragraph.

68. The following are neither electors nor eligible: (a) Those who employ salaried persons and derive a profit therefrom; (b) Those who live on income not derived from work; (c) Merchants; (d) Clergy and members of monastic orders; (e) The insane and persons prosecuted by a judicial Soviet; (f) Those whose political rights have been suspended by reason of a crime

committed from infamous motives, during the space of time fixed by their sentence.

69. The Central Executive Committee establishes in all the cities, and in Budapest in each ward, electoral committees which organize the elections to the City Soviet. For the organization of elections in the villages and the districts, the Central Executive Committee establishes at the seat of the county special electoral committees which have the right to name the particular electoral commissions for the important communes or the whole of certain districts.

70. The vote is exercised in secret before the electoral committee by the delivery of lists containing the names of candidates. The candidates who have obtained the largest number of votes are considered elected.

71. In the villages and the cities, where the number of the electors makes it necessary, several electoral commissions may be established.

72. The members of the election commissions are chosen by the electoral committee.

73. Two copies of the result of the election are drawn up. The two copies must be countersigned by all the members of the election commission.

74. Every record of the vote must be sent to the competent electoral committee.

75. The electoral committees establish the result of the elections to the Soviets. A formal record with a duplicate is drawn up certifying to this. One of these copies is sent to the Central Executive Committee, which has the right to verify how the result of the elections has been established, and to annul elections contrary to the regulations.

76. After the elections of Village and City Soviets, the elections to the District Soviets take place; after the election of the District Soviets, the elections to the County Soviets; after the elections to the County Soviets, the election of members to the General Congress of Soviets. The General Congress of Soviets decides in the last instance the validity of each election. Soviets are formed for six months.

77. If at least a third of the voters who have taken part in

an election demand it, it is necessary to proceed to a new vote.

In the same way that they elected them, the electors may withdraw their mandate from members of the Soviets by proceeding to a new vote.

Rights in Regard to the Budget

78. The Hungarian Government of Soviets is guided in its financial policy by this one principle: to cover the expenses resulting from the needs of the workers. It does not practise any caution (menagement) with regard to income which is not due to labor.

79. The organs of the Republic of Soviets cannot engage in outlays and levy collections except within the limits of an adopted budget.

80. The Soviet of the village, district, city and county establishes on the proposal of its respective Executive Commission the budget of the village, district, city and county; the General Congress of Soviets establishes the budget of the Republic of Soviets on the proposal of the Revolutionary Government of Soviets or the Central Executive Committee.

81. The budgets of the local Soviets must be approved by the Soviet immediately its superior, the budget of the District and City Soviets must be approved by the Revolutionary Government of Soviets or its Central Executive Committee. The right of modification which belongs to the superior Soviet, conformably to paragraph 64, is applicable also to the decision adopting the budget. The authority which approves a budget may exceptionally permit sums provided in the budget for determined expenses to be employed for other ends; it may also in exceptional cases sanction expenses not covered or insufficiently covered in the budget.

Relative to expenditures begun by the Commissaries of the People, the Revolutionary Government of Soviets can consent to the clearing of credits, adopting of supplementary or extraordinary credits. These concessions must be immediately communicated to the Central Commission of Control of the Republic of Soviets.

82. Local Soviets cover their expenses either by the credits

put at their disposal by the budget of the Republic of Soviets or by the receipts which the General Congress of Soviets or the Central Executive Committee allocates to them to cover their local needs.

83. The Republic of Soviets supervises the application of the budget and, in a general fashion, the conduct of finances by a Central Commission composed of three members.

The Central Commission of Control is elected by the Central Executive Committee and is responsible solely to it or to the General Congress of Soviets. The Executive Committee can verify, at any time, by the organs which are at its command, the accounts of the Soviets and their organs, and can oblige them to submit their accounts. The Commission of Control makes a report to the Executive Committee on the results of the investigation and makes what recommendations are necessary to the proper conduct of financial affairs.

Rights of Nations in the Hungarian Federalist Socialist Republic of Soviets

84. All the nations which live on the territory of the Hungarian Federalist Socialist Republic of Soviets may make free use of their language, cultivate and develop their own civilization. To this end, even if it is scattered over the territory, may create a National Council for the development of its culture.

85. As a consequence of the Soviet System, local administration is directed by the workers of the nation which possesses the majority of workers in the locality. This local administration employs the language of the majority; nevertheless, the national minorities can make use of their language in their relations to the organs of the Soviets. This organization cannot disturb the organization of the Soviets, which rests on a territorial base.

The German and Ruthene National Councils elect Commissaries of the German and Ruthenian People. The Commissariats of the German and Ruthenian People direct the affairs of the German and Ruthene National Councils and of the Soviets of *national* regions.

86. When the workers of a nationality are in a majority in

the territory forming several districts, self-governing counties (autonomes) must be created.

When a nationality extends over territory comprising several counties, these counties may unite to form a *National County.*

The County Soviets send one member for every 10,000 inhabitants to the Central Soviet of the National County. The Central Soviet of the National County and its Executive Commission cannot comprise more members than the County Soviet and its Executive Commission.

The counties thus united into a National County form in consequence an integral part of the Hungarian Federalist Socialist Republic of Soviets. The Soviet of the National County and its Executive Commission are the authorities to which the local and County Soviets and their Executive Commissions are subordinated. The relations between the Republic of Soviets and the territories of National Counties are conducted by the intermediation of the organs of the Central Soviets of the National Counties. As a direct consequence of the Soviet System, the Soviets of National Counties direct autonomously the internal administration, justice, education and instruction in the regions in question.

87. Henceforth the Constitution of the Federal Republic of Soviets recognizes as German and Ruthene national regions (counties) the Hungarian counties where the Germans or the Ruthenes are in a majority. In matters touching the general interest of the Republic of Soviets the decrees of the Republic of Soviets apply also to the national regions.

To protect the interests bound up with national life, the Commissariats of the German and Ruthene People establish sections in the other Commissariats and in the People's Soviet for Economic Life which defend these interests.

88. The Hungarian Federalist Socialist Republic of Soviets is not opposed to the formation, by the nations, of the liberated territories possessing sufficient population and economic power, of independent Republics of Soviets allied with it.

89. The provisions of the Constitution dealing with the rights of nationalities cannot be modified without the consent of the National Council of the workers of the interested nationalities.

No. 24

Program of the Peidl Cabinet, as Given by Foreign Minister Agoston

(*London Times,* August 4, 1919, p. 7, c. 1)

We absolutely desire peace. From the Soviet System we pass to the system of Democracy. We pledge ourselves to the Entente to draw up a new Constitution and to convoke a Constituent National Assembly. The new Government will maintain the principle of socialization. The extent of socialization, however, will not be determined by the Cabinet, but by the Constituent Assembly. Until the National Assembly meets, socialized concerns will remain in the service of social production, in so far as their socialization was undertaken in accordance with definite principles and not on the ground of the individual action of a few. The Entente's intentions toward us are manifested in the fact that they are immediately concluding an armistice and are beginning peace negotiations. Measures have already been taken to suspend hostilities.

(It was at the wish of the Entente itself that certain members of the old Government were retained in the new Cabinet.)

Budapest, August 3, 1919.

No. 25

Proclamation of Archduke Joseph on Assuming Power in Hungary

(*London Times,* August 9, 1919, p. 10, c. 3; *Paris Temps,* August 10, 1919, p. 1, c. 4)

To the Hungarian People!

Impelled by the imperishable love which binds me to the Hungarian people, and looking back over the common sufferings of the last five years, as well as responding to the wishes which have reached me from all sides, I have taken in hand the solution of a position which already seemed impossible. I cannot look on while politicians and various interests and party groups quarrel over the fate of our poor broken Fatherland. Every-

where complete anarchy, risings in Trans-danubia, a Ministry in office that is recognized by no one, and a complete stoppage of the food supply already threaten a catastrophe unless the Hungarian educated classes united with the sober working classes and with our agricultural population establish order with a strong hand. . . .

A transitional Government has been formed in a few days after consulting the citizens, the agricultural population and labor. Let every one in whose heart there still lives a spark of patriotism support the Government with entire devotion in a difficult position. Away with discord, with criticism, with sophistry! Let there be unity, understanding and work! Let us immovably trust in a better future for our Fatherland.

(*Temps'* version of sentence 2, paragraph 2: "May hearts be raised in love of country, sustained by the idea of the complete disinterestedness of the Government that has assumed power under difficult circumstances!")

ARCHDUKE JOSEPH,
Field-Marshal.

No. 26

PROCLAMATION OF THE ARCHDUKE JOSEPH ON LEAVING THE GOVERNMENT

(*London Times,* August 26, 1919, p. 9, c. 6)

TO THE HUNGARIAN PEOPLE!

In the fateful hours of gravest crisis I, at request, undertook the leadership of my beloved Fatherland. I was moved to do this purely by the consciousness that I can perhaps help those who are attached to my heart by the closest ties—my dear compatriots. I was purely guided by the intention of leading you out of your sufferings to the threshold of a better future.

Now that I see that our Fatherland is about to rise again and that the preparations for the elections can proceed without hindrance in such a way that the nation can really base its future on its own will, I regard my work as ended and lay the Administrator's power again in the hands of the Nation. My person shall be no hindrance to those who have hitherto been

our enemies becoming our friends and assisting us with the means necessary for the development of our people.

I retire from my post as Administrator (Verweserpost), yet I still, in good as in evil, remain here and am at the service of my Hungarian Fatherland, for which I live and die, with unshakable loyalty until my last breath.

The God of the Magyars bless my beloved Nation and cause our Fatherland to prosper.

(Signed) Archduke Joseph,
Field-Marshal.

Budapest, August 23, 1919.

No. 27

Manifesto of Admiral Horthy to the Nation on His Election as Governor

(Bulletin Periodique de la Presse Hongroise, No. 40, p. 3, c. 1)

To the Hungarian Nation!

My firm will is to lead the nation on the road to well-being. To attain this end I will do all within my power to insure the internal order of the State, security and legal authority, the possibility and continuity of production. Every citizen ought to regard it as his sacred duty to obey the lawful authorities and to collaborate by his assiduous work in the reconstruction of our country. Without work, without energy, our country is going to pieces, to ruin. Every citizen who will work for the welfare of his country, can, according to the services he renders, make himself useful. I desire to establish Christian customs in their entirety. . . . I will defend the common interest with all my forces. I will prevent all the abuses which would bring about trouble in the country. . . . In place of vengeance and hate, we seek reconciliation and understanding in both foreign and domestic policy.

Nikolaus Horthy,
Administrator.

Budapest, March 1, 1920.

No. 28

MANIFESTO OF THE SIMONYI-SEMADAM GOVERNMENT AGAINST THE WHITE TERROR

(*Pester Lloyd,* June 5, 1920, m., in *Bulletin Periodique de la Presse Hongroise,* No. 43, p. 3)

In the present difficult time the future of the nation demands above all the maintenance of the law, legal order and public security. The imperious duty of every true patriot is therefore to sustain with entire devotion the efforts of the Government to this end. He who forgets this duty conducts himself as a traitor to his country.

There are still to be found anti-patriotic elements who, through folly or blindness, seek to destroy public order or public security; to this end, certain persons, to deceive the credulous masses, take patriotism as their banner; it is even to be found that persons abusing the uniform of the national army seek to cast aspersions on the wholesome reputation of this institution, the most precious pledge of a better future.

In view of these regrettable symptoms, the Government has firmly resolved to intervene with a pitiless severity conformably to the exceptional law already promulgated.

According to public decrees, there fall under the scope of the exceptional law high treason, revolt, murder, premeditated assassination, crimes against the person, followed by death, pillage, arson, criminal asphyxiation by water, attacks on the railroads and shipping.

The Government draws particular attention to the fact that the exceptional law extends to attempts at murder . . . and to gatherings aiming to attack by force of arms citizens of a certain class, nationality or creed. . . .

The punishment provided for acts falling within the scope of the law of exceptions is death. . . .

Every public assembly dangerous to public safety, every parade or troop formation, as well as the carrying of prohibited arms and the illegal use of military or other public uniforms is forbidden.

Hours of closing prescribed by law are to be rigorously maintained.

No. 29

PROGRAM OF THE SECOND TELEKI MINISTRY, DECEMBER 18, 1920

(*Bulletin Periodique de la Presse Hongroise,* No. 47, p. 4, c. 2)

The Government is inspired by the idea of National Christianity. It places itself on a democratic basis and desires to govern with the aid of Parliament.

Our principal duty is to resolve economic problems. The freedom of commerce and certain financial measures will aid in our economic restoration. Our foreign policy will be inspired by the same considerations, for it is also in the interest of our brothers separated from us that we may find the means of entering into the economic life of our neighbors. We shall endeavor, therefore, to establish economic relations with them as rapidly as possible. Useless warlike manifestations must be left aside. The reëstablishment of internal order will have a good effect abroad. In foreign policy the Government will be faithful to the Treaty. We must settle the question of the army.

In internal policy we will undertake the reform of the Constitution.

We have four questions to settle: the definitive electoral law, on a more restricted basis than that which was used for the National Assembly, the reform of the law with regard to the Chamber of Magnates, the administrative reform of cities and counties, and finally the reform of the constitutional laws concerning the form of a monarchical State.

This last question must be settled, not by a coup d'etat or by revolutionary endeavors, but by the legal way in the spirit of our millenary Constitution and in the well-understood interests of the Holy Hungarian Crown and of the Nation. The relations between the King and the Nation must be revised. It is within these limits that the question of the national Hungarian monarchy, independent of all other States, will be settled. The preparatory work is being undertaken by the offices of the ministry of justice. While awaiting their results the Government

will not allow any propaganda, to avoid the growth of useless agitation in the country.

No. 30

Decree of Amnesty to Political Prisoners in Hungary

(*Budapesti Közlöny,* December 25, 1920; *Bulletin Periodique de la Presse Hongroise,* No. 47, p. 5, January 24, 1921)

With the aim of restoring social and national order, which the criminal revolutions have overthrown, to the great detriment of our country, and desiring to contribute to the peaceful collaboration of all classes by a spirit of pardon and appeasement, I desire to amnesty, on the day of the birth of the Redeemer, the relevant persons condemned by civil and military tribunals in so far as they are worthy of this grace.

1. With the exception of leaders and chiefs, the individuals who, on the occasion of the troubles from October 31, 1918, to March 21, 1919, rendered themselves guilty of acts punishable by less than five years in prison, shall benefit from this amnesty.

2. And those who before the reëstablishment of legal order, i.e., before February 16, 1920, the day of the meeting of the National Assembly, rendered themselves guilty of acts of violence whose motive was indignation or wrath felt against the criminal and inhuman acts which accompanied the installation, the defense or the attempts to restore the Republic of Soviets, and who have been condemned to prison or to pay fines, shall benefit from this amnesty if their desire to acquire possession of the goods of others was not the motive of their action.

On the contrary, I do not desire to allow individuals who might be dangerous to the legal order and the security of State and Society to benefit from this amnesty.

(Signed) Horthy.

(Countersigned) Count Paul Teleki.

December 24, 1920.

No. 31

MANIFESTO OF THE LIBERAL-RADICAL BLOC

(*Nepszava,* February 19, 1921; *Bulletin Periodique de la Presse Hongroise,* No. 49, p. 3)

The undersigned have formed a new party with the object of grouping all the elements in public life which sincerely desire the peace and consolidation of the country, the complete reëstablishment of public liberty, the organization of productive labor, and the good understanding of Hungary with the civilized nations of the world.

The Union of Bourgeois and Workers therefore demands:

(1) The integral reëstablishment of public liberties and the assurance that they will be maintained, to wit:

(a) The right of assembly and association;
(b) Freedom of the press;
(c) The immediate cessation of persecutions of a political, religious or racial character.

(2) The remaking of our political institutions according to the principles of Liberalism and in the spirit of western democracies.

(3) While safeguarding our independence and national character, the maintenance of ties of human solidarity with all the peoples of the world, and the revision of the Treaty of Trianon by legal means, that is to say, through the League of Nations and by informing foreign public opinion.

DEPUTIES: Barczy, Sandor, Kerekes, Drodzy, Giesswein.

NON-DEPUTIES: Balthasar, Desiree Abraham, Theodore Batthyanyi, Francis Nagy, Benedict Hypal, Adam Persian, Maximilian Fenyoe, Istvan Farkas, Francis Makits, Alexander Propper, John Vanczak.

No. 32

Resolutions of the Hungarian National Assembly, April 1, 1921

(Bulletin Periodique de la Presse Hongroise, No. 50, p. 3, May 7, 1921)

I. The National Assembly, sole authorized representative of the national sovereignty of the Hungarian State, pronounced by the Law I of the year 1920 that the Royal Power was suspended November 13, 1918. This has rendered the functioning of the supreme power of the State impossible in the forms provided by the Constitution. For this reason, while waiting for the instrumentalities of the power of the Chief of State to be fixed and for the Chief of State to enter de facto into office, the National Assembly elected, to exercise provisionally the functions of Chief of State, a Governor in the person of Nicholas Horthy of Nagybanya who, after having taken the oath of fidelity to the National Assembly, took possession of the functions of Chief of State as they were established by the aforementioned law. The National Assembly recorded this fact by the Law I of 1920 and since that date the Governor has exercised the functions of Chief of State by the national will manifested by a legal and constitutional way. As the unexpected arrival of King Karl IV on Hungarian territory has raised certain fears as regards the established order, the National Assembly recalls anew that it desires to cling to the order established by Law I of the year 1920, that it protests with its last energy against any attempt aiming to overturn this order, and that it hopes that the Government will know how to defend this order against all manner of one-sided attacks.

II. The National Assembly, representing exclusively the national Hungarian sovereignty, expresses in the name of the Nation to his Grace, the Governor, Nicholas Horthy of Nagybanya, its profound recognition, its faithful attachment to him, its unswerving support of his loyal conduct, dictated by the interests of the Nation, the law and the Constitution on the occasion of recent events of exceptional gravity.

No. 33

Declaration of King Karl to the Hungarian People, Upon Leaving Hungary for the Second Time, April 2, 1921

(Newspapers of April 7, 1921, in *Bulletin Periodique de la Presse Hongroise*)

His Majesty, the King Karl IV, asked me at the time of his departure to publish the following declaration, which he addressed to me, in order that the country might be informed of the motives of his arrival in Hungary and on those of his departure. I satisfy his desire in publishing word for word the text he sent me in writing.

(Signed) Count Paul Teleki.

"I have returned to the sacred soil of Hungary. For when I am away from my beloved Fatherland, to which an indissoluble oath and the voice of my blood binds me, every moment is one of suffering to me. I have returned because I am convinced that this country, which is so sorely tried, cannot recover, save under the direction of its crowned and legitimate King, that complete internal peace and legal order which is the first condition of the renaissance of our country.

"The sad events of the years 1918 and 1919 were directed as much against the constitution and the laws as against the crowned King, but the people of Hungary, sober and faithful to their constitution, do not allow themselves to be abused for a long time, and I note with satisfaction that Hungary is now on the highroad to national recovery. Following the events that overwhelmed our country with elemental force, the parts of the Pragmatic Sanction having regard to the common and inseparable possession of the crowns of Austria and Hungary are rendered void, and, the independence of Hungary being established, my principal concern is to safeguard for her this independence. My heart bleeds at the thought that I am not to be able to collaborate closely with my sorely tried country, and to help on the work of national recovery.

"Since the establishment of a Hungary that is independent,

strong, and consolidated in the interior is in the interests of all Europe, and will constitute an important guaranty of peace, I cannot believe that foreign states will oppose themselves to my intentions, which look only to the reëstablishment and safeguarding of this consolidation, and of peaceful order and lasting quiet. Meanwhile, I have been able to convince myself, on the other hand, that the exercise of my royal and apostolic power will actually expose my nation to hard trials, which would be repugnant to my conscience, I prefer to leave the country again, but though I am far from the Hungarian nation I shall consecrate all my forces and all my time and, if necessary, my blood, for the good of my country, from which I will never detach myself, and toward which I will never be ungrateful.

"I have confidence in Divine Providence and I believe that the moment will arrive when I shall once more be permitted to live in my well-beloved country and to join my forces and my work to the force and work of the nation. In awaiting the arrival of that moment, I pray, for my part, that the Hungarian nation will give its support to the man who, in possession of the confidence of the National Assembly, fulfils the difficult functions, so heavy with responsibilities, of the Chief of the State. I have confidence in him and also hope that he will safeguard the interests which, according to the ancient constitutional laws of Hungary, demand a harmonious collaboration between the King and the nation.

"KARL."

Dated from Szombathely, April 2, 1921.

No. 34

PROCLAMATION OF KING KARL ON HIS RETURN TO HUNGARY IN OCTOBER, 1921

(*Bulletin Periodique de la Presse Hongroise*, No. 57, p. 5, c. 2)

My dear Rakovsky:

Being the sole depository of the rights attributed to the sovereign, I take in hand from this day the supreme command of

the army. Henceforth the only oath that binds the military and civil authorities is that which they have already given me. All the soldiers or functionaries of the State who have not yet taken the oath to me must be constrained to do so immediately. The old oath of other members of the army and of civil servants must be renewed immediately and with solemnity. For the members of the army and the police the compulsory formula for giving the oath is that in vigor before the revolution, as applied to the police. For civil servants the old formula is obligatory. I declare null and without value all oaths, promises and engagements made since the revolution to the different governors and other personalities.

(Signed) CHARLES and RAKOVSKY.

Dated, Sopron (Oedenburg), October 21, 1921.

No. 35

REGENT HORTHY TO THE ARMY, OCTOBER 22, 1921

(*Bulletin Periodique de la Presse Hongroise,* No. 56, p. 8)

ORDER OF THE DAY:

The National Army has taken an oath to me. It must therefore obey my orders. Authority cannot be turned back to His Majesty, the King Karl IV, save by the governor elected by the nation, which, in the present situation, would mean the complete ruin of the country.

I therefore give orders that every soldier of the National Army remain faithful to the oath he took and obey my orders at all times.

Signed,

HORTHY,

BELITSKA,

Minister of National Defense.

Dated October 22, 1921.

No. 36

Proclamation of Admiral Horthy to the Hungarian Nation on the Occasion of the Second Return of King Karl to Hungary, October 24, 1921

(*Bulletin Periodique de la Presse Hongroise,* No. 56, p. 10, c. 1)

To the Hungarian Nation!

The Hungarian nation is living in decisive hours. Conscienceless individuals have misguided King Karl IV and have induced him to return to Hungary unexpectedly to exercise his sovereign rights, when they should have known that this would mean civil war, foreign occupation and, in consequence, the total destruction of the country. Counting on the traditional respect of the Hungarian people for its King, they wished to realize their plan by surprise.

Thanks to the fidelity of the national army and the good sense of the Hungarian people, this attempt, which would perhaps have decided irrevocably the destiny of this country, has not succeeded.

My hearty thanks go to all those who, once again, as in other difficult moments, have seconded me without hesitancy and have aided me in saving the country from extreme danger.

I address, above all, the expression of my appreciation and my gratitude to the valiant Hungarian population of Transdanubia, which was touched most directly by the events, and which courageously conserved its calm and dignity.

I joyously take the occasion to express before all the country my sincere thanks to the people of Budapest for its wise and patriotic attitude. In these difficult circumstances it has thus favored the regular application of governmental measures. In so doing I refer particularly to the patriotic attitude of the large working class of Budapest which has avoided all action which could have caused public disturbance.

I hope that under the impress of these events all citizens of this country, so sorely tried, learning from the sufferings and dangers of the past and foregoing party contests, individual

and class interests, will work to a man for the well-understood interests of the country.

(Signed) HORTHY.

No. 37

ALLIED ULTIMATUM TO THE HUNGARIAN GOVERNMENT RELATIVE TO KING KARL IV

(*Pester Lloyd,* October 27, 1921, m.; *Bulletin Periodique de la Presse Hongroise,* No. 56, p. 11)

Monsieur le Ministre,

We have the honor to communicate to you the enclosed note of the Conference of Ambassadors:

The Allied Powers draw the attention of the Hungarian Government to the content of their decision of April 2.

They note that the ex-monarch is endeavoring to return to his throne, a fact which would have the gravest consequences for the peace of Central Europe. They, therefore, invite the Hungarian Government:

1. To proclaim without delay the deposition of the ex-King;
2. To place in safety the person of the King, who must leave Hungarian territory according to arrangements to be determined by the Great Powers. The Powers hereby inform the Hungarian Government that, in case it should not submit to the demands formulated in this note, they decline all responsibility for the intervention of neighboring States and for the consequences of this intervention.

(Signed)
CASTAGUETTO,
HOHLER,
FOUCHET.

No. 38

DETHRONEMENT ACT, NOVEMBER 4, 1921 (EXTRACTS)

(*Bulletin Periodique de la Presse Hongroise,* No. 57)

ARTICLE I. King Karl is deprived of his rights to the throne. . . .

ARTICLE IV. The Pragmatic Sanction, including Articles 11 and 4 of the Constitution of 1723, fixing the rights of succession to the throne of the House of Austria (Domus Austrica), is annulled and the nation thus recovers its right to freely elect its King. . . .

ARTICLE XIV. The nation maintains the institution of royalty, its ancient system of government, without change, but the designation of the monarch is postponed and the government is instructed to take steps in this direction at an opportune time.

ARTICLE XV. This law enters into force the day of its promulgation.

No. 39

PROGRAM OF LEGITIMIST PARTY, JANUARY 21, 1922

(*Bulletin Periodique de la Presse Hongroise,* No. 59, p. 2)

The general orientation of the party is Christian. The members of the party think that their most urgent task is to stop as soon as possible the disquieting symptoms of the political and economic régime. It is necessary to reëstablish public liberty, legality, and to soften the misery caused by the economic crisis, calm the conflict between classes, put an end to all special measures, and create a more favorable foreign situation which would permit the restoration of the integrity of the country.

All Hungarian citizens are to have equal rights. The most effective means of economic rehabilitation consists in encouraging productive labor. Moreover, since the most important production is that of our soil, the party proposes to carry out an energetic agrarian policy.

In addition to agrarian interests, it will be necessary to defend the interests of the bourgeois of the cities and the Christian workers.

The party believes that the monarchic question is a problem of internal politics. Since it cannot at present be adjusted without foreign intervention, not only its solution but its discussion must be adjourned until such time as our foreign situation will be completely modified. The Law of Ratification of

the Treaty of the Trianon and the Law XLVII of the year 1921 (Dethronement Act) constitute a limitation of the independence of Hungary, since they were voted under the compulsion of the Entente. When the time comes, the party will do all possible in order to have these two laws which are so humiliating to our self-respect submitted to revision, without violence, by constitutional means.

No. 40

The Electoral Law of 1922; Juridical Aspect

(*Bulletin Periodique de la Presse Hongroise*, No. 60, p. 1)

Since the project of electoral reform presented by Count Klebelsberg, Minister of Interior, could not be voted before the dissolution of the National Assembly, the government was forced to determine the rules for carrying on the new elections. Since the Constitution of 1920 contains no provision concerning the electoral régime in case the National Assembly should fail to vote an electoral law before dissolving, the government has the choice of three kinds of suffrage. The electoral law of Wekerle voted in 1918 by the old Hungarian Parliament, the decree of Friedrich applied in the last elections of 1920 and the project presented in February by Count Klebelsberg. From the juridical point of view, the first of these alone has the force of law, but since it was voted during the war it is no longer applicable at the present time. Before choosing between the Friedrich decree and its own project, the Bethlen Government called together a Council composed of the notables of the Church, the Universities and the Bench, in order to have their opinion on the course to be followed to resolve the problem of the electoral law according to the spirit of legality.

The questions the government presented to the members of the Council which met on February 21 under the presidency of Regent Horthy were the following:

1. Is the New National Assembly to be elected according to the electoral decree of 1919 (Friedrich decree)?
2. Can this decree of 1919 be modified by a new decree?
3. According to paragraphs 1 and 7 of the electoral law,

must the new assembly be a National Assembly or can it be a Parliament?

4. Can a Parliament be elected according to paragraph XVII of the Law of 1918 (Wekerle Electoral Law)?

And out of 14 members of the Council, 12 rendered the opinion that the new elections could not be held save with a view to the re-assembling of a second National Assembly as elected in 1920, and that the government was free to modify the last electoral decree since the latter had not been issued with anything more in view than the meeting of the National Assembly elected in 1920, and had not therefore become law. After this inquiry the Ministers, being solely responsible for the measures to be taken, met in Council. On February 26 they pronounced themselves in favor of the plan of Count Klebelsberg with slight modifications in accordance with the opinions expressed in the course of the debates in the National Assembly before its dissolution.

No. 41

Declaration of the Government Party, March 5, 1922

(*Bulletin Periodique de la Presse Hongroise,* No. 60, p. 5)

To the Nation!

The National Assembly elected for two years has completed its labors. The nation is on the eve of new elections.

The loss of the war and the devastating revolutions have caused us to undergo many sufferings and much misery.

Those who led the social revolution are responsible for the treaty of peace which destroys us and which, in mutilating our country, condemns us to a painful economic struggle.

No legislative assembly was ever in a more difficult situation than this National Assembly which, in spite of that, has voted more laws than preceding parliaments. It returned freedom to the peasants and the industrial classes. It suppressed the system of restrictions and maximum prices and adopted freedom of commerce. It passed the agrarian reform law which is now in course of execution, with the collaboration of autonomous tribunals. It modified the industrial laws according to the de-

sires of the small craftsmen. It has reëstablished relations with foreign powers, and also restored domestic peace and order. It has restored productive labor throughout the country.

We should have been able to accomplish more, but we were held back many times in our work by the royalist *coups d'état* which threatened to bring total ruin on the country.

The parties and the turbulent politicians have also hindered us by prolonging the debates and introducing personal questions and organizing scandals.

On the eve of the elections for the new National Assembly we address ourselves to the nation and we invite all the Hungarians who wish to participate with disinterested motives in the restoration of our ruined country according to Christian principles of morality and patriotic idealism to group themselves in the same camp, under the flag of the Christian and Bourgeois Party of Peasants and Small Farmers.

We have seen what political adventures and disorders have brought to us: cruel conditions of peace, increased cost of living, and privations without number. We wish to modify the Treaty of Trianon, which is the cause of all our misfortunes, by proving our rights, but in order to succeed in this enterprise we must have peace and calm within our frontiers in order to make us sure of peace with foreign countries.

The policy of bravado which counts on popular passion is an electoral ruse which leads to nothing but new deceptions, and at the final accounting, to the ruin of the country.

We remain immovably attached to the existing constitutional régime which alone is capable of assuring another thousand years' existence to national Hungarian royalty.

Our policy is to guarantee peace to all those who work.

The support given to agricultural and industrial labor will permit us to realize gloriously our program, which is to assure to the Magyar race the place which it should hold in the Hungary of Kossuth and of Szechenyi.

We call you to unite to protect your homes, your children, and your Fatherland.

Brother Magyars, place yourselves under the banner of the Christian and Bourgeois Party of Peasants and Small Farmers.

In the name of the Committee of Action:

STEPHEN SZABO,
President.

COUNT STEPHEN BETHLEN,
Political Leader.

PAUL HOITSY,
Vice-President.

GASTON GAAL,
Vice-President.

BARON SIGISMOND PERENYI,
Vice-President.

JULIUS GOEMBOES

Budapest, March 5, 1922.

No. 42

SOCIAL DEMOCRATIC ELECTION MANIFESTO, MARCH 19, 1922

(*Nepszava,* March 19, 1922; *Bulletin Periodique de la Presse Hongroise,* No. 61, p. 5)

After two years of waiting, we now call the workers of Hungary once more to battle. We are on the eve of elections to the new National Assembly, and we wish to fight for our ideals by constitutional means.

Two years ago the party decided after ripe reflection to retire from political activity; now, after a profound examination of the situation, we advise that the struggle be renewed.

History proves that political passivity imposed on the proletariat can yield good results, but passivity voluntarily endured is equivalent to death. In economic welfare the passive resistance of the workers is an effective weapon, but in political life no results can be obtained without activity. In the interests of the country and of the Hungarian proletariat, we have decided not to give up the battle before commencing it.

Our party is the party of the proletariat. It needs movement, activity, and the educating and conquering force that comes from fighting. Our activity must serve the country and the people who labor. We cannot remain with arms crossed, while reaction gives itself up to unbridled activity. Our activity will be directed against the government, against the present régime, against the predominance of certain classes, against political in-

justice and economic exploitation. We fight for the people and the triumph of Democracy. . . .

No. 43

EXTRACT FROM THE SPEECH OF COUNT ANDRASSY, HEAD OF LEGITIMIST PARTY, AT GYOER, MARCH, 1922

(*Bulletin Periodique de la Presse Hongroise,* No. 61)

. . . We openly declare that Hungary has a crowned king who possesses the right of succession to the throne for his descendants. Our aim is to have a government and a national assembly which will loyally prepare for the return of His Majesty to Hungary and his restoration to his sovereign rights.

It is impossible for me to separate the monarchic question from the order of the day, because it is the problem which most interests the public opinion of Hungary and which has most importance for the future of the Hungarian people. Upon its solution depends the economic recovery of the country, because we cannot work intensively at a rational social policy unless we settle the question of the form of government and of the head of the State in the spirit of the thousand-year-old constitution of Hungary. The idea of electing a king is folly, a germ of corruption, a criminal project which would divide the people into irreconcilable parties. To elect a king in addition to a crowned king would be to commit a bigamy of public law.

No. 44

RESCRIPT OF ADMIRAL HORTHY SETTING DATE FOR ELECTIONS TO THE HUNGARIAN NATIONAL ASSEMBLY, MARCH, 1922

(*Bulletin Periodique de la Presse Hongroise,* No. 62, p. 5, c. 1)

The National Assembly having finished its labors on February 16 in conformity with Article I of the year 1920 in regard to the establishing of constitutional order and the provisional organization of the State's authority, as well as in conformity with Article XVII of the same year, which modifies paragraph 13 of the Law I, it falls to me as Governor to provide for the reassembling of the national representative body.

In consequence, on the proposal of the Royal Hungarian Ministry, I convoke the National Assembly at Budapest on June 16 of this year.

I invite the Royal Hungarian Ministry to take immediately all measures necessary for the election of the deputies and their assembling to the end that they may begin their work at the time and place indicated.

Signed,
HORTHY,
COUNT STEPHEN BETHLEN.

CZECHOSLOVAKIA

No. 1

Socialist Proclamation Issued in Prague, October 14, 1918

(*Neues Pester Journal,* October 15, 1918; *Enemy Press Supplement,* October 31, 1918, p. 879)

The time has come. We have cast off our chains. We have risen to independence. With our own resolution unbroken, with the approval of the whole democratic world, we declare that we stand here to-day as the executive of a State Sovereignty, as citizens of a free Czechoslovak Republic. In our common war against hunger and death the working classes of the nations will be one with us. He who opposes the will of the workers will have to answer to the workers. Our cause is the cause of the whole world. This cause has already won a glorious triumph, and woe to those who shall attempt to hold back the people, now that it has risen, in its glorious march towards the future.

No. 2

Text of Declaration of Independence of the Czechoslovak Nation Adopted by the Provisional Government at Paris, October 18, 1918

(*U. S. Official Bulletin,* October 19, 1918, p. 3)

At this grave moment, when the Hohenzollerns are offering peace in order to stop the victorious advance of the Allied armies and to prevent the dismemberment of Austria-Hungary and Turkey, and when the Habsburgs are promising the federalization of the Empire and autonomy to the dissatisfied nationalities committed to their rule, we, the Czechoslovak National Council, recognized by the Allied and American Governments as the Provisional Government of the Czechoslovak State

and Nation, in complete accord with the declaration of the Czech deputies made in Prague on January 6, 1918, and realizing that federalization, and, still more, autonomy, means nothing under a Habsburg dynasty, do hereby make and declare this our declaration of independence.

We do this because of our belief that no people should be forced to live under a sovereignty they do not recognize and because of our knowledge and firm conviction that our nation cannot freely develop in a Habsburg mock federation, which is only a new form of the denationalizing oppression under which we have suffered for the past three hundred years. We consider freedom to be the first prerequisite for federalization, and believe that the free nations of Central and Eastern Europe may easily federate should they find it necessary.

We make this declaration on the basis of our historic and natural right. We have been an independent State since the seventh century, and in 1526 as an independent State, consisting of Bohemia, Moravia, and Silesia, we joined with Austria and Hungary in a defensive union against the Turkish danger. We have never voluntarily surrendered our rights as an independent State in this confederation. The Habsburgs broke their compact with our nation by illegally transgressing our rights and violating the constitution of our State which they had pledged themselves to uphold, and we refuse longer to remain a part of Austria-Hungary in any form.

We claim the right of Bohemia to be reunited with her Slovak brethren of Slovakia, once a part of our national State, later torn from our national body, and 50 years ago incorporated in the Hungarian State of the Magyars, who by their unspeakable violence and ruthless oppression of their subject races have lost all moral and human right to rule anybody but themselves.

The world knows the history of our struggle against the Habsburg oppression, intensified and systematized by the Austro-Hungarian dualistic compromise of 1867. This dualism is only a shameless organization of brute force and exploitation of the majority by the minority; it is a political conspiracy of the Germans and Magyars against our own as well as the other Slav and the Latin nations of the monarchy. The world knows

the justice of our claims, which the Habsburgs themselves dared not deny. Francis Joseph, in the most solemn manner, repeatedly recognized the sovereign rights of our nation. The Germans and Magyars opposed this recognition, and Austria-Hungary, bowing before the Pan-Germans, became a colony of Germany and, as her vanguard to the East, provoked the last Balkan conflict as well as the present world war, which was begun by the Habsburgs alone without the consent of the representatives of the people.

We cannot and will not continue to live under the direct or indirect rule of the violators of Belgium, France and Serbia, the would-be murderers of Russia and Rumania, the murderers of tens of thousands of civilians and soldiers of our blood, and the accomplices in numberless unspeakable crimes committed in this war against humanity by the two degenerate and irresponsible dynasties. We will not remain a part of a State which has no justification for existence and which, refusing to accept the fundamental principles of modern world organization, remains only an artificial and immoral political structure, hindering every movement toward democratic and social progress. The Habsburg dynasty, weighed down by a huge inheritance of error and crime, is a perpetual menace to the peace of the world, and we deem it our duty toward humanity and civilization to aid in bringing about its downfall and destruction.

We reject the sacrilegious assertion that the power of the Habsburg and Hohenzollern dynasties is of divine origin; we refuse to recognize the divine right of kings. Our nation elected the Habsburgs to the throne of Bohemia of its own free will and by the same right deposes them. We hereby declare the Habsburg dynasty unworthy of leading our nation, and deny all of their claims to rule in the Czechoslovak land, which we here and now declare shall henceforth be a free and independent people and nation.

We accept and shall adhere to the ideals of modern democracy, as they have been the ideals of our nation for centuries. We accept the American principles as laid down by President Wilson; the principles of liberated mankind—of the actual equality of nations—and of governments deriving all their just

power from the consent of the governed. We, the nation of Comenius, can not but accept these principles expressed in the American Declaration of Independence, the principles of Lincoln, and of the Declaration of the Rights of Man and of the Citizen. For these principles our nation shed its blood in the memorable Hussite Wars 500 years ago; for these same principles, beside her allies, our nation is shedding its blood to-day in Russia, Italy, and France.

We shall outline only the main principles of the constitution of the Czechoslovak Nation; the final decision as to the constitution itself falls to the legally-chosen representatives of the liberated and united people.

The Czechoslovak State shall be a republic. In constant endeavor for progress it will guarantee complete freedom of conscience, religion and science, literature and art, speech, the press, and the right of assembly and petition. The Church shall be separated from the State. Our democracy shall rest on universal suffrage; women shall be placed on an equal footing with men, politically, socially, and culturally. The rights of the minority shall be safeguarded by proportional representation; national minorities shall enjoy equal rights. The government shall be parliamentary in form and shall recognize the principles of initiative and referendum. The standing army will be replaced by militia.

The Czechoslovak Nation will carry out far-reaching social and economic reforms; the large estates will be redeemed for home colonization; patents of nobility will be abolished. Our nation will assume its part of the Austro-Hungarian pre-war public debt; the debts for this war we leave to those who incurred them.

In its foreign policy, the Czecho-slovak Nation will accept its full share of responsibility in the reorganization of Eastern Europe. It accepts fully the democratic and social principle of nationality and subscribes to the doctrine that all covenants and treaties shall be entered into openly and frankly without secret diplomacy.

Our constitution shall provide an efficient, rational and just

government, which will exclude all special privileges and prohibit class legislation.

Democracy has defeated theocratic autocracy. Militarism is overcome—democracy is victorious; on the basis of democracy mankind will be recognized. The forces of darkness have served the victory of light; the longed-for age of humanity is dawning.

We believe in democracy; we believe in liberty, and liberty evermore.

Given in Paris, on the 18th of October, 1918.

PROFESSOR THOMAS G. MASARYK,
Prime Minister and Minister of Finance.

GENERAL DR. MILAN R. ŠTEFANIK,
Minister of National Defense.

DR. EDUARD BENEŠ,
Minister of Foreign Affairs and of Interior.

No. 3

APPEAL OF THE CZECHOSLOVAK NATIONAL COUNCIL AT PRAGUE

(*La Nation Tcheque,* Vol. IV, p. 471)

CZECHOSLOVAK PEOPLE!

Your ancient dream has been realized. Today the Czechoslovak State has entered into the ranks of the independent States of the civilized world. The National Council, sustained by the confidence of the entire Czechoslovak people, has taken in hand, as the sole authorized and responsible factor, the administration of your State.

Czechoslovak people, all that you are going to undertake you will henceforth undertake as a new and free member of the great family of free and independent nations.

New chapters in your history commence in these hours; may fate decree that they be glorious ones.

Do not cause any misunderstanding on the part of the entire civilized world which, with a benediction on its lips, recalls the glorious pages of your history to which have been added the immortal exploits of the Czechoslovak legions on the western

front and in Siberia. The entire world follows your steps in this new existence, toward this promised land. Guard your reputation even as your national army, your Czechoslovak legions have done. Do not forget national discipline. Remember always that if, as a citizen of a new state, you have rights, you also have duties.

At the moment when a great work begins, your National Council, henceforth your Government, demands that your conduct and your joy shall be worthy of the present great hours. Our liberators, Masaryk and Wilson, must not be deceived for having thought they had gained liberty for a people capable of self-government. The great moments in which we live must not be marred by any reprehensible acts; none of you ought to permit himself to do anything whatever that might injure the good renown of the nation. Each of you ought unreservedly to respect what is sacred to others. Neither individual liberty nor private property must be attacked.

Obey unreservedly the instructions of the National Council.

For the Czechoslovak National Council:

Dr. Fr. Soukup,
J. Stribrny,
Ant. Švehla,
Dr. Alois Rašin,
Dr. V. Šrobar.

Prague, October 28, 1918.

No. 4

Proclamation of the National Council, October 28, 1918

(*Prager Tagblatt*, October 29, 1918, p. 1)

The independent Czechoslovak State has come into being in order to keep up the continuity of the legal order hitherto in force with the new circumstances, to prevent excesses, and to regulate the undisturbed transition to the new political life.

The National Council decrees, in the name of the Czechoslovak People, as the Executive Organ of the sovereign political authority:

Article 1. The National Assembly, in connection with the Czechoslovak National Council in Paris, as the organs of the unanimous will of the people, determine the form of the Czechoslovak State. Until that time the National Council exercises the rights of sovereignty within the State.

Article 2. All previous Provincial and Imperial laws and ordinances remain provisionally in force.

Article 3. All self-governing, political and local authorities, state, provincial, district, local and communal administrations are subject to the National Committee and act in their official capacity provisionally according to the laws and ordinances hitherto in force.

Article 4. This law enters into force today.

Article 5. The President of the National Council is intrusted with the execution of this law.

Given at Prague, October 28, 1918.

ANT. ŠVEHLA, J. STRIBRNY,
DR. AL. RAŠIN, DR. FRANZ SOUKUP,
DR. VAVRO ŠROBAR.

No. 5

SLOVAK DECLARATION OF UNION WITH THE CZECH NATION

(*La Nation Tcheque,* Vol. IV, pp. 472-473)

The delegates of all the Slovak political parties, assembled on October 30, 1918, at Turciansky Saint Martin, and organized into a Slovak National Council as members of the great Czechoslovak nation, affirm the right of self-determination, a right admitted by the entire world. The National Council declares that it alone is authorized to speak and act in the name of the Czechoslovak nation living within the limits of Hungary.

We deny this authority to the Hungarian Government which, for numerous decades, recognized no more serious task than that of oppressing everything Slovak, which neither created nor permitted to be created any school for our people, which never permitted the Slovak people to be admitted to public office, which destroyed the property of our people, and which by its constitution and policy of mediæval feudalism, has despoiled us.

We deny, equally to so-called representative assemblies constituted by means of a restricted franchise which does not permit the national will to express itself, and composed of people who, despite the guarantees of the law, do not permit the use of a single Slovak word in the Councils of purely Slovak Counties, the right to speak for the Slovak people.

We further deny this right to these popular assemblies whose resolutions are voted under foreign pressure.

Only the Slovak National Council, therefore, is authorized in Slovakia to speak in the name of the Slovak people.

The National Council of the Czechoslovak nation living in Hungary declares:

1. The Slovaks form linguistically and historically a part of the Czechoslovak nation. The Slovaks have taken part in all the intellectual struggles of the Czech nation, which have made it known throughout the world.

2. We demand also for this Czechoslovak nation the right to self-determination and full independence. In virtue of this principle, we approve the new legal international situation formulated October 18 by President Wilson and recognized October 27 by the Minister of Foreign Affairs of Austria-Hungary.

3. We demand the immediate conclusion of peace in conformity to Humane and Christian principles, so that, thanks to legal international guarantees, this peace will prevent all new wars and all new armament.

We are convinced that our Slovak people, zealous and well endowed, which, despite unheard-of oppression, has been able to attain to such degree of national culture, will not be excluded from the blessings of peace and of the League of Nations, but that, on the contrary, it will be permitted to collaborate, according to its forces and its means to the general progress of Humanity.

Turciansky Saint Martin, October 30, 1918.

For the Assembly of the Slovak National Council:

(Signed)

KAROL A. MEDVECKY, Secretary,

MATUS DULA, President,

of the Slovak National Council.

No. 6

The Declaration of Geneva

(*La Nation Tcheque,* Vol. IV, pp. 454-455, December 1, 1918)

The Czechoslovak deputies and the delegates of the National Council of Prague, assembled on October 30, 1918, at Geneva, in the presence of M. Eduard Beneš, Minister of Foreign Affairs of the Provisional Government of the Czechoslovak Countries, declare solemnly in the name of the Czechoslovak nation:

1. Recalling, once more, the great manifestations of the will of the Czechoslovak people of January 6, 1918, and the solemn oath of April 13, 1918, when the Czechoslovak people testified in a clear and precise manner its definite decision to constitute an absolutely sovereign independent State within the historic limits of its countries (Bohemia, Moravia and Austrian Silesia, united to Slovakia), we approve integrally the policy and all the military and diplomatic action of the Czechoslovak National Council, transformed into the Provisional Government of the Czechoslovak Countries, now sitting in Paris, as well as all the engagements undertaken by it, in the name of our nation, toward the Allied and Associated States.

We express to it at the same time all our gratitude for the great services which it has rendered to the Nation.

2. We declare furthermore that the Czechoslovak nation has decided to defend by all its means this program, and that it has definitely broken all ties with Vienna and with Budapest. It will not cease the struggle before having wholly recovered the liberty of its four historic countries.

Peace which would not assure the realization of this program would not be durable, for the Czechoslovak nation is unanimous in this case in pursuing the struggle to the bitter end to deliver itself from the Austro-Hungarian yoke, and all Europe would find itself constantly menaced by the same danger, which brought about the war and the present social upheavals.

3. The representatives of the Czechoslovak nation furthermore declare in an absolutely categorical manner that no ties

exist or ever will exist between the nation and the dynasty of the Habsburgs.

5. The Peace Conference, which will have to constitute a new political order throughout the entire world, will give occasion for the Czechoslovak nation to aid in elaborating in Central Europe, in perfect harmony with the Allied and Associated nations which have so collaborated for the liberation of our people, the political régime which will assure a just and durable peace for all Europe. Our nation will be forever thankful to all the Allied and Associated States.

Being able for the first time after four years of a terrible war, to pass a few moments on the territory of a neutral country and in more direct contact with the states of which the Czechoslovak nation is today the ally, the Czechoslovak deputies and the delegates of the National Council of Prague make this solemn decision known to all the Allied countries and to the Government of the United States, invoking the great principle of justice and modern democracy which is the right of the peoples to self-determination, and draw their attention to the absolute necessity of constituting a new political order in Central Europe, to keep the Germans and the Magyars henceforth forevermore from the possibility of recommencing their old policy which unloosed the present catastrophe upon Europe.

Done at Geneva, October 31, 1918.

KAREL KRAMAŘ

S. HABERMANN — ANTONIN KALINA

VACLAV KLOFAC — FRANT. ŠTANEK

No. 7

PROVISIONAL CONSTITUTION OF THE CZECHOSLOVAK REPUBLIC, NOVEMBER 13, 1918

(Text issued by Bureau of Government Research, University of Texas)

NATIONAL ASSEMBLY

Section 1.

The National Committee shall comprise 256 members selected

in the same way and according to the same key in which it originated. The official name of this body shall be the National Assembly.

Section 2.

The same way and key shall be used for adding new members whenever vacancies occur.

Section 3.

A member shall lose his membership in the assembly for any of the following causes:

(a) If he should lose his citizenship.

(b) If, having been sentenced for penal offense, which deprives him of eligibility in autonomous communities in Bohemia, he should be deprived of membership by a resolution of the National Assembly passed by two-thirds majority of members present.

Section 4.

The National Assembly shall have legislative authority over the whole state as well as over its component parts, and supervising authority over the executive branch until such a time as according to the Constitution, after the general election a new legislature shall be convened and organized.

Section 5.

The National Assembly shall adopt its own rules of procedure. In the meantime, the National Assembly shall transact business by the rules adopted by the National Committee in its session of November 9, 1918.

Section 6.

One-third of the members of the National Assembly shall constitute a quorum. A majority of members present shall be sufficient for the passing of any act or resolution, with the following exceptions:

To amend this Constitution;

To amend the law concerning the rights of citizens;

To amend the law passed Nov. 9, 1918, concerning the immunity of members of the National Assembly;
To elect the President of the Republic;
To declare war.

In the instances above enumerated, two-thirds shall constitute a quorum and the votes of two-thirds of the members present shall be necessary to validate any act or resolution.

THE PRESIDENT OF THE REPUBLIC

Section 7.

The head of the state shall be the President of the Republic elected by at least two-thirds majority of the National Assembly (See Sec. 6). The office of the President shall remain until, according to the Constitution, a new head of state shall be elected.

Section 8.

During the absence of the President or if the office is vacated, the Government (cabinet of ministers) shall assume his authority and in particular instances may delegate this power to its president (prime minister).

Section 9.

The President of the Republic shall not be subject to penal procedure.

AUTHORITY OF THE PRESIDENT OF THE REPUBLIC

Section 10.

The President shall have the authority:

(a) To represent the state in dealing with foreign countries.
(b) Of commander-in-chief of the army.
(c) To receive ambassadors from other countries.
(d) To declare war according to decision of the National Assembly; to negotiate peace treaties, and to present them before the National Assembly for approval and ratification.

(e) To appoint all military officers, executive, civil service, and judicial officials ranking from the sixth class upwards.

(f) To extend pardon, or modify the punishment, as well as to remove or modify the legal consequences of a penal act, sentence, or punishment, and to prevent or stop penal proceedings.

To validate his governmental functions, the President shall secure the acquiescence or countersignature of the respective responsible members of the government (ministers).

Section 11.

The President shall have the right within eight days to return any bill to the National Assembly for reconsideration; if the bill is repassed it must be proclaimed a law.

Section 12.

The President of the Republic shall solemnly promise before the National Assembly upon his honor and conscience that he will care for the welfare of the republic and of the people and uphold the laws.

PROCLAMATION OF COURT JUDGMENTS AND DECREES

Section 13.

Judgments and decrees of the courts shall be proclaimed in the name of the republic.

EXECUTIVE AND ORDINANCE AUTHORITY

Section 14.

Executive and ordinance power shall belong to the government (cabinet) composed of 17 members elected by the National Assembly. The National Assembly shall also elect the president of the Government or prime minister, while the election of the vice-president is left to members of the cabinet.

Section 15.

The President (prime minister) and the other ministers shall solemnly promise before the National Assembly upon their honor and conscience that they will conscientiously and impartially perform their duties and uphold the laws.

No member of the Government shall be a member of administrative or supervising boards of joint stock companies, or an agent in limited corporations which, as enterprises obligated to give public account, are subject to profit taxation.

Section 16.

The Government shall be responsible to the National Assembly and may be recalled by a resolution expressing lack of confidence passed by a simple majority vote when at least one-half of the members are present. Any motion for a resolution expressing lack of confidence must bear the signatures of at least one-fourth of the members of the assembly and must be submitted first to a committee.

Section 17.

The seat of the Government shall be Prague. Ten ministers, including the president and vice-president, shall constitute a quorum in the sessions of the cabinet.

In its sessions, the cabinet passes on the following subjects:

(a) Government (administration) bills to be submitted to the National Assembly.
(b) All matters of political character.
(c) Nominations and appointments submitted by the President of the Republic or by other high central authorities.

Section 18.

The Government shall have the power to authorize one of the ministers to direct and answer for all offices created or established for the purpose of administering the affairs of the State.

Section 19.

All laws enacted by the National Assembly shall be proclaimed within eight days with the exception given in Section

11. All bills in order to become laws shall bear the signatures of the President of the Republic, of the prime minister, and of the minister who is charged with the execution of the particular act.

During the President's absence, or should the presidency be vacated, the signature of the prime minister shall take the place of the signature of the President of the Republic.

Decrees shall bear the signature of the prime minister and the signatures of at least nine other members of the cabinet.

Section 20.

All executive and administrative acts heretofore performed by the National Committee are hereby approved.

Section 21.

This bill shall become a law on the day of its proclamation.

DR. F. SOUKUP — A. ŠVEHLA
J. STRIBRNY — DR. A. RAŠIN
DR. V. ŠROBAR

No. 8

DECLARATION OF THE SOCIAL DEMOCRATIC CLUB TO OTHER POLITICAL CLUBS IN THE NATIONAL ASSEMBLY, MARCH 12, 1919

(*Czechoslovak Review,* Vol. 3, No. 5, p. 125, May, 1919)

We lack confidence that the present Government will be able to carry out its social program of January 9. The efforts of the Social Democratic members of the Cabinet failed to move the bourgeois members of the Government to take decided steps in the matter of expropriating the large landed estates. The ministry of agriculture has not even called together a commission of inquiry announced two months ago. Neither has the Government taken any steps in the direction of acquiring control of coal mines. On January 8, chairmen of the political clubs decided to include in the economic program of the Government the expropriation of steel mills and other large enterprises having the nature of monopoly. The spokesmen of the Government declared at that time that the cabinet accepted the decision of

the party chairman. But nothing has been done to carry out these promises. We also object to the severe interpretation of the law of free assembly by the authorities. The Government does not lead the National Assembly because it lacks firm policies. This condition of affairs creates discontent in the republic, and we refuse to share the responsibility for the failure of the cabinet to produce results or for the opposition of the bourgeois members of the Government to the program of January 9. We would ask: (1) Passing of a law within 14 days expropriating in principle large landed estates and taking them over provisionally for the purpose of securing this year's crops. Colonization of these estates would be dealt with by special laws later. (2) Calling of a commission of inquiry within 14 days to take up expropriation of coal mines as well as another commission to consider monopolistic enterprises. We would look upon them as the first step for the prompt socialization of these branches of production. (3) Amending the law for workmen's sickness insurance by April 1. (4) Immediate enactment of law guaranteeing full freedom of assembly, press and association. (5) Immediate proclamation of municipal elections.

If the various parties represented in the National Assembly will not consent to this, we shall take steps to call a party convention to decide on the future tactics of the Social Democratic members in the National Assembly.

We shall ask for the enactment of election laws for a constituent assembly. Not later than two months after the municipal elections there ought to follow elections for the true parliament of the republic.

We express our full confidence to Social Democratic Ministers Haberman, Soukup and Winter.

No. 9

PROCLAMATION OF THE CZECHOSLOVAK ARMIES UNDER GENERAL HENNOQUE (FRENCH) ON ENTERING RUTHENIA, MAY 1, 1919

(*Czechoslovak Review*, Vol. 3, p. 171)

TO THE RUTHENES OF HUNGARY!

I come at the head of victorious allied armies to bring you

liberation from the cruel yoke under which you have suffered for centuries. You will no longer be slaves and victims of Magyar chauvinism, neither will you suffer by Magyar bolshevist disorder. My native France sent me here to give you a helping hand that you might be liberated and enter the family of free nations. Czechoslovaks come as your brothers. . . . By the coming of my forces you become free citizens of the Czechoslovak Republic. Stand under its banner, for it brings you freedom.

GENERAL HENNOQUE.

No. 10

MESSAGES FROM PRESIDENT MASARYK TO THE MEMBERS OF THE TUSAR CABINET

(*Venkov,* July 9, 1919, gives most salient features of notes from President Masaryk; *Enemy Press Supplement,* July 31, 1919, p. 715)

1. Prime Minister Tusar: Although this Government may, in a certain sense, be a transitional one, it is charged with the important duty of building up the State and perfecting the administrative organization. You have the difficult task of organically uniting fourteen Ministries. I would suggest to you the formation of a kind of guiding committee by joint action of your Ministry and the Ministries for Home and Foreign Affairs respectively. Moreover, I advocate a close coöperation between the Ministries of Finance, Trade, Railways (communications), Public Works, Social Welfare, and Agriculture, i.e., all Ministries of an economic character. Meetings of these Ministries from time to time are to be recommended. I would also draw attention to the need for closer coöperation between Government and Press. Democracy demands an accurate orientation of public opinion, both at home and abroad.

2. Deputy Švehla, Minister for the Interior: I should like to lay stress on the urgent need for administrative reforms. For this purpose a commission should immediately be appointed, to set about regulating the management of all departments. Special attention is demanded for administrative reform in Slo-

vakia and the administrative incorporation of Ruthenia, assigned by the Entente to our Republic as an autonomous region. In all districts the problem of national minorities must be solved with the greatest speed. I cannot omit a reference to certain unsatisfactory features in the administration, brought about by the moral disorders arising from the war, and collapse of Austria-Hungary; the administration of our State, from top to bottom, must be honest above reproach, unbiased, and just. A thorough reform admits of no postponement or delay, and it will not be of any avail to refer to the general demoralization in other countries and in the whole of Europe.

3. Deputy Horacek, Minister for Finance: You are taking over the fundamental achievements of your predecessor, which were dictated by a uniform and well-considered financial plan. You yourself know how difficult a task awaits you. The regulating of our finances is one of the main conditions for our independence. You are confronted by the great task of the age, which is common to all economic departments and really to all Ministries, and which is designated by the term "socialization." Just social reforms are not possible as long as economic anarchy lasts. Chronic unemployment is only a further consequence of this anarchy, of this defective mastery of conditions of production. Socialization means not only the just distribution of goods, but also increase in, and improvement of, production. At the same time it will also be your duty, as soon as possible, to organize a State bank, which by a considered financial policy would support your efforts and those of the other departments.

4. Dr. Heidler, Minister for Trade: Your special duty will consist of organizing exports and imports, without, however, neglecting the organization and improvement of the home markets. In conjunction with the Ministry for Foreign Affairs, you will collaborate in the organization of our consulates and embassies, and will prepare with all speed commercial agreements, which are, we hope, necessary now that peace is concluded.

5. Deputy Hampl, Minister for Public Works: Our experience during the war and recently have made the widest sections of the public aware of the huge importance of our natural coal

supplies. It will be our object to determine, as accurately as possible, the amount of our natural supplies of fuel. For this purpose a systematic electrification of the whole territory must be carried through. It will also be the task of your department to support all technical inventions, and to introduce the acquisitions and improvements made by foreign technology. The need for the development of building activity is so obvious that I will not labor the point.

6. Deputy Houdek, Minister for Food: Your office is temporary, but none the less important for that. I am convinced that you will organically combine the tasks connected with food and supplies with the whole organization of produce; the problem of supplies is a substantial part of an ordered State administration.

7. Deputy Stribrny, Minister for Railways: The war has demonstrated the enormous importance of means of communication, the lack of which we ourselves have felt, and we see the consequences in all countries. A considered railway policy must remove the defects inherited from the centralizing endeavors of Vienna and Budapest. Slovakia and Ruthenia especially demand a considerable extension and improvement of their railway routes.

8. Dr. Vavro Šrobar, Minister for Health: I hope that the conditions in Slovakia will soon allow you to devote yourself fully to your splendid department. The war and its consequences impose upon the Ministry of Health a twofold concern for the physical and moral status of the whole population. I am convinced that your attention will not fail to deal with the tasks of educational, industrial, and military hygiene. As one of the important details, I recommend to your care the health resorts of our Republic.

9. Dr. Vesely, Minister for Justice: Of the great tasks which await you, I draw attention to the jurisdictional incorporation of Slovakia and Ruthenia. The administration of justice involves the important task of dealing with our minorities.

10. Deputy Prasek, Minister for Agriculture: The law relating to the expropriation of estates imposes upon you difficult but interesting and splendid tasks. We must make an effort

to derive sustenance from our own soil. The endeavor to achieve industrialization will not lead to a neglect of agriculture, but, on the contrary, will serve as an inducement to perfect it.

11. Deputy Harbman, Minister for National Culture: I will here only emphasize the need of practical and rational physical training. Our schools must prepare our youth for our national army, our army must be a continuation school for our rising generation. The projected separation of State and Church will be carried through in the department of scholastic administration with the necessary tact, and the secularization of schools will not be prejudicial to education.

12. Deputy Klofac, Minister for National Defense: The military collapse of Austria-Hungary rendered possible only a provisional and hasty organization. You will certainly not forget our troops in Siberia, whom we all wish to have home again as soon as possible. Altogether, it will be the task of your department, and those affected by it, to secure the return of all subjects of our State who are imprisoned and interned in various countries.

13. Deputy Štanek, Minister for Posts and Telegraphs: I am sure that you will complete the good foundations of your department which were laid by your predecessor. I would draw special attention to one thing: the development of an aerial post. The remoter parts of our territory, especially Slovakia and Ruthenia, must be more closely united with Bohemia so far as communications are concerned. At least the newspapers and the urgent portion of the correspondence must be delivered to the most outlying parts of our territory on the same day.

No. 11

Law of February 25, 1920, in Regard to the Participation of Employees of Mines in the Administration of Mining Enterprises and in Regard to Their Participation in the Net Benefits

(*Gazette de Prague,* Vol. I, No. 41, p. 4; September 11, 1920)

1. The employees of mines, with the exception of those working in blast furnaces and who are subject to the law on the

miners' councils of the pits and the basin, have the right to take part in the administration of the enterprise and to participate in the net proceeds.

The administration in common of mining enterprises is introduced for mining enterprises employing more than 100 persons.

2. The employees will take part in the enterprises by sending their representatives to a council which shall be formed for each enterprise, in legal form, whatever this form may be.

The representatives of employees in the councils of enterprises constituted as corporations or limited liability companies, for which there is a council of administration or surveillance, will be invited to the sessions of these administrative organs if mining affairs are discussed, and they will have the right to vote. The same holds good for sessions of the councils of administration and exploitation.

These representatives are subject to the regulations of Article 11.

3. (1) The council of the enterprise fixes the figure of the participation of the employees in the benefits (proceeds, profits) according to Article 12 of this law.

(2) The entrepreneur is bound to submit to the council of the enterprise

(a) a quarterly report of the commercial transactions of the enterprise;
(b) an annual report for the preceding business year;
(c) the conduct and account of profits and losses;
(d) a proposal for the distribution of net profits.

4. The council of the enterprise is composed of seven members, of which two shall be taken from among the workers and one from among the employees. The other members are named by the entrepreneur.

Every member has a substitute.

5. The representative of the employees and the substitutes are elected by the councils of administration of the enterprises by direct and secret vote. The election of representatives of the workers takes place separately.

6. Only those employees having worked at least two years in

the establishments of the enterprise and during four years in the mines of the basin in question, being over thirty years of age and not excluded from the right to vote in the communes or to vote for the council of the enterprise for non-observation of prescribed secrecy, are eligible to membership on the council of the enterprise.

7. The council of the enterprise elects its president. The vice-president is chosen by the representatives of the employees.

The sessions take place regularly every three months and are summoned by the president.

8. The council of the enterprise is qualified to judge whether all the members have been regularly summoned and whether at least one-fourth of these members are present.

Decisions are taken by a simple majority, including the vote of the president.

In case of a tie, the president shall cast the deciding vote.

9. At each session of the council of the enterprise minutes are to be drawn up and signed by all those present. The original copy of the minutes is to be sent to the proprietor of the enterprise.

10. The term of office of the members of the council of the enterprise elected according to Article 5 is two years. This term commences at the same time as the administrative period of the enterprise in question and ends by (1) resignation; (2) death; (3) leaving the establishment; (4) loss of eligibility; (5) exclusion in conformity with Article 11.

11. The function of a member of the council of the enterprise is an honorary one. All the members of the council of the enterprise are bound to observe an absolute silence in regard to the communications touching the situation of the establishment which have been designated as confidential. He who infringes this duty is, *ipso facto,* amenable to private law; he shall furthermore be excluded from the council of the enterprise and shall be deprived for two periods of the right of eligibility to these functions.

Members of the council of the enterprise receive only an indemnification for their actual expenses and losses.

The amount of these expenses shall be fixed by the council of the enterprise and paid by the entrepreneur.

12. Every mining enterprise of reserved minerals must keep its books regularly and draw up its ledger and accounts of profit and loss annually. The part of the profits belonging to the employees is fixed at 10 per cent of the net profits which must be distributed to the owners of the enterprise.

This distribution is effected in the general interest of the employees.

In mixed enterprises, i.e., those embracing, beside the mines, other branches of production, the distribution of profits is not fixed for the workers and the employees except in accordance with the product of the mines determined by the balance sheet.

In mining enterprises for which the councils of the enterprise are not constituted, the proprietor is bound by the foregoing provisions to devote a part of his net profits to ends of general interest to the employees, in accord with the council of administration.

13. The share of the employees in the net profits which has been fixed shall be, within 14 days after the decision, sent to the council or councils of the district in which the mining enterprises of the establishment in question are located, in the proportion of their profits to the profits of the whole basin.

14. The minister of public works will publish, in accord with the ministers of social welfare, finance, the interior, commerce, industry and justice, an ordinance of public administration fixing the details of the application of the present law.

15. The present law enters into force in the various mining districts cited in Section 16 of the law in regard to the pit councils and basin councils as well as in Slovakia, on the day fixed by the minister of public works in accord with the other interested ministers.

No. 12

STATEMENT OF PREMIER JAN ČERNY AS TO PROGRAM OF HIS CABINET

(*Gazette de Prague,* Vol. I, No. 44, September 22, 1920, p. 2)

In the letter of nomination addressed to me, the President of the Republic designated the present cabinet as one of work and a provisional government; he thereby traced our line of conduct. Public life in our country is profoundly influenced by politics; thus, it is evident that no Government, whatever might be its origin or composition, could assume the position of a non-political Government. If, however, the Cabinet which I have been charged to direct is considered as such, it means that it will hold aloof from all party questions and will pursue a policy which will serve the good of the State wholly and solely.

The mission of this government is to carry on the affairs of state in all neutrality, but it cannot do away with parliamentary support to achieve this end. To seek to create an organized majority in the National Assembly or in the Senate would be contradictory to its fundamental character. That is a matter for later development. The present government will examine every project or proposition objectively, keeping only the interest of the State in view; in its capacity of a government of work it will be able to count on the collaboration of a "working majority" animated by the same intentions and which will not be bound by the elements composing it or the cabinet. Its task is that of assuring an untroubled activity to legislation and administration, and one may well believe that all the groups and all classes of the population will second it, from respect for the State and the nation.

Above all, the government will devote itself to urgent questions, particularly to the regulation of the food supply and the solution of the housing crisis. It goes without saying that the government will safeguard faithfully the program of great modern reforms and will be guided by the principles which President Masaryk expressed in his letter to my predecessor.

No. 13

MANIFESTO TO THE ARMY AFTER THE SECOND KARLIST COUP, NOVEMBER 8, 1921

(*Gazette de Prague*, Vol. II, No. 90, p. 3; Saturday, November 12, 1921)

OFFICERS, NON-COMMISSIONED OFFICERS AND SOLDIERS OF THE REPUBLIC!

You were called to arms for the defense of the Republic. I have noted with great satisfaction the civic and military discipline which you have displayed both on our coming up and also during the preparations for march to the front.

A rapid concentration of our defensive forces was necessary and had a decisive influence upon the favorable course events have taken, a circumstance which today enables us to allow you to return to peaceful employments. Many of you had already taken part in the creation of the new Czechoslovak army of defense, and now you have had with the others an opportunity of getting to know it, a new army both in respect of its aims and of its internal organization. The mobilization has proved that our army, as well as the Republic that created it for her defense, is democratic.

Officers, non-commissioned officers and men of the active and reserve forces have vied in making the army within a brief space ready for action. At this moment, as you separate, it is clear to all of you that the Republic in every danger can rely upon her army, strong as it is by the will and the military valor of those who compose it.

Thanks to your readiness and promptness, you have protected and strengthened the rights of the Republic. May this thought be a reward to you for the fulfilment of your duty.

THOMAS G. MASARYK.

Prague, November 8, 1921.

No. 14

DOMESTIC PROGRAM OF THE ŠVEHLA MINISTRY

(*Czechoslovak Review*, Vol. 7, No. 1, January, 1923, p. 1)

As my first paramount task I consider a faultless public administration and a democratic code of laws. Interests of the State are not to be subordinated to those of the individual, the masses, or the political parties. On January 1, 1923, the long-promised county (zupni) administration will begin to function. This will unify the administration and be a means of consolidating the internal self-government. In Russinia, the easternmost part of the Republic, work will be hastened so that the autonomous relations in this district, which voluntarily joined our country, shall be instituted practically and clearly in the spirit of our Constitution and the Peace Treaties.

One of the most important tasks in the realm of social welfare politics is the proposed bill of old age pensions and disability insurance. It is imperative to work in other directions, so that imperfections might be ironed out which were brought on by the war and the pauperization of the country. It is still necessary to repair the damages of the sins of the previous régime, particularly Slovakia and Russinia. Here it is required that more schools be built so that the nation might be educated and cultured, which will result in a better understanding and in unity, as is now the case in the West. The government emphasizes the absolute necessity of strict justice and the eradication of overbearingness toward all citizens of the Republic, regardless of nationality, religion or social standing.

Of course, the State must assert its authority in every instance and protect its interests everywhere, and it considers itself strong enough to do these things even though it must resort to the use of the means at its disposal to accomplish it.

No. 15

Foreign Policy of Czechoslovakia; Statement of Foreign Minister Beneš

(*Czechoslovak Review,* Vol. 7, No. 1, January, 1923, pp. 1-2)

Our foreign policy, backed by four years of work, follows a well-defined trend. To determine and to make secure the frontiers of the State, to settle all disputed questions with our neighbors and to adjust our relations with them, to coöperate politically and economically with all Central European states in a spirit compatible with their common needs and serving the cause of European peace and consolidation—these have been the principal stages in the four years' development of our policy. The idea of this policy and its aims was unmistakable. It was a matter of making secure the State, of frustrating every effort of reaction and of becoming a co-worker with the rest of Europe for peace, stability and political progress.

I do not think there is any need to make changes in the policy pursued hitherto. We shall continue in this direction, strengthening and extending it. If the creation of the Little Entente was eminently the expression of this policy, aiming at the upholding of the liberty of the nations which in 1918 freed themselves from the Austrian yoke and directed towards laying the foundations of a new Central Europe, it is possible to regard the strengthening of this Entente, as expressed in the new Czechoslovak-Jugoslavian Treaty, as evidence of the effort to pursue a policy which has already proved its value, to give it a broader scope and to conscientiously extend its defensive idea by tasks of a positive constructive character. It stands to reason that this positive effort will be applied also to our relations with other members of the Little Entente and to all other states, which, in whatever form they do so, join us in our Central European standpoint. In this respect we may take it for granted that our relations with Poland will be maintained and strengthened, and that we shall maintain close relations with Austria, on whose recovery we may safely rely. After the success of the November attempts to arrive at an understanding with Hun-

gary, there are prospects of an improvement in the relations even with this neighbor.

Our relation to the other European and non-European states will be determined by their attitude towards the peace treaties, which form the basis of our legal existence, and by the share they take in the work of consolidation and peace in Europe. In all this, our policy can be neither an English, nor a French, nor a German, nor a Russian policy, but a Czechoslovak policy; that is to say, it will be determined first and foremost by our geographical, economic, and political situation in Europe, even if we take into consideration all the forces and currents working around us. It is, of course, only natural that even in the future our economic interests and the extension and strengthening of the existing network of trade conventions, already concluded, will play a great rôle within the framework of our foreign policy.

JUGOSLAVIA

No. 1

The Point of View of the Slovenes, Croats, and Serbs as Regards the Peace Note of the Imperial and Royal Austro-Hungarian Government

(*Enemy Press Supplement*, November 7, 1918, pp. 58-59)

The Imperial and Royal Austro-Hungarian Government on September 14 of this year addressed to the Governments of all belligerent and neutral States a Note in which it invited all belligerent Powers to send delegates to confidential and non-binding conversations, concerning the fundamental principle upon which an agreement might be come to that would be likely to save Europe from the catastrophe of the suicidal continuation of this war, and which might devise measures which might serve as a foundation on which to reconstruct Europe and the world.

According to the proposition of the Austro-Hungarian Government, it would be possible by such conversation in particular to work out the general principles, which might serve as the basis of peace and of the future relation between States, and an attempt might be made to apply the principles in a practical way to the particular peace questions, and in this way bring about their solution.

On this subject, we representatives of the nation of Slovenes, Croats, and Serbs, consider it our duty before everything to bring to notice the well-known fact that the Imperial and Royal Austro-Hungarian Government can only speak in the name of the two peoples who rule Austria-Hungary, and that consequently the peace terms which the Imperial and Royal Government might put before the delegates of the belligerent States could in no way represent the needs of the oppressed peoples of the Monarchy. For this reason the reconstruction of Europe, which would be brought about by these terms, would not be a

guarantee of the durable peace which is required, but would bear in itself seeds of international conflicts such as may already be seen in the declarations and endeavors of the responsible statesmen, both in Austria and Hungary, who at the very moment that they present themselves before the world as disciples of a League of Equal Nations, do all they can to frustrate the political progress of our people. All that the representatives of the Imperial and Royal Government have done and may do testifies to the domination imposed by force upon the Slav-Rumanian majority, and indicates but a stage in the régime of force, against which all oppressed peoples must fight.

Having made this clear, and wishing according to our lights to serve our people and further that general progress which can only be built upon the equal rights of small and great nations, we consider it our duty to voice the general principles, which, once realized, would serve by the security they would offer, to build up a future permanent order of affairs in the case of the people of Slovenes, Croats, and Serbs, as well as in their relations to their neighbors.

In doing this, we are actuated by a desire to hasten the creation of that universal peace for which all people yearn, whichever side they fight on, for it is our profound conviction that only upon new principles of international right, founded upon truth and equity, can the foundations of a permanent peace be built.

One of these truths is the fact that the nation of Slovenes, Croats and Serbs are ethnologically a single people, and that their unity according to the generally recognized national principle must remain intact and unconditional, both with regard to territorial integrity and State allegiance.

On this fact are based our national rights and claims, which are in accord with the principles, internationally recognized, of the democratic organization of civilized humanity.

Taking our stand, therefore, upon the right of every nation to live its own life—a right of which our people have a lively sense—we declare in the name of the nation of Slovenes, Croats, and Serbs, that we accept fully and in all its bearings the idea of a universal peace based on the right of the self-determination

of peoples in a sense already recognized internationally, that the people itself must decide its own life, and whether it prefers to found a State of its own or form a union of States in common with other nations. This right of self-determination we claim for the people of Slovenes, Croats and Serbs, and desire that the free application of this right be guaranteed internationally.

In accord with the aspirations of all the democracies of the belligerent and neutral nations of the world, we claim also for our people that the peace which ends this war must bring also to our people union, independence and freedom, because only such a peace—in that part of Europe which has been the most vulnerable as far back as the history of these regions is known—can guarantee the peaceful and independent development of our nation. A peace which would condemn even a part of our geographically compact nation to the domination of foreign nations would carry with it the seeds of future conflicts, forcing the nation of Slovenes, Croats and Serbs to exert all their strength to achieve the right of independent State existence for the whole of its national organism.

The people of Slovenes, Croats and Serbs have the determination and the energy, which they will exert on every occasion, to become a member of the League of Free Nations, and coöperating with it, to work for the good and the progress of humanity, and so fulfil its mission as an independent State, organized on the principles of complete civil liberty and democratic autonomy, judicial and social equality—that is to say, to make possible the economic progress and complete cultural and social development of all citizens.

And to those other national minorities, who exist among our people, and who are separated geographically from the main bodies of their countrymen, we, in the name of the whole people of the State of Slovenes, Croats and Serbs, recognize all the rights necessary to their national culture and economic and social development.

Inasmuch as our people base their aspirations on the principle of justice, and not upon force, so does it wish that the relations of the State of Slovenes, Croats and Serbs with other

free national States be ordered on the same basis of international justice.

The ports of that part of the Adriatic Sea which on account of their population, their islands or their hinterland come within the economic sphere of our people and into their possession, must be opened to all nationalities—also to those in our hinterland—for the necessities of their eventual commerce. Our people will conclude international treaties with them, which will guarantee this freedom.

In the name of the whole nation we now declare that the fate of our people must not be decided under any circumstances whatever, not even by the Peace Conference, without our complete participation, and for this reason we claim that in accordance with the meaning of self-determination there be assured to the nation of Slovenes, Croats, and Serbs participation in the coming Peace Congress through the medium of national representatives specially selected for this purpose.

Zagreb, September 24, 1918.

Dr. Ante Koroshets,
for the Jugoslav Club;
Dr. Gojo Bulat,
for the National Organization in Dalmatia;
Dr. Ante Pavelitch,
for the Starchevitch Party of Rights;
Stjepan Raditch,
for the Croatian Peasants' Party;
Dr. Gjorje Krasojevitch,
for the Serbian National Radical Party;
Vilim Buksheg,
Vitomir Koratch,
Svetozar Delitch,
for the Social Democrat Party of Croatia and Slavonia;
Dr. S. Budisavljevitch,
Dr. Ivan Lorkovitch,
Dr. Janko Shimrak,
for non-party organizations of the S. H. S. (Serb-Croat-Slovene National Movement).

NOTE: This statement was read by Koroshets in the Reichsrat October 2, suppressed for nine days in the newspapers, and appeared in the *Glas,* October 11, 1918.

No. 2

CONSTITUTION OF THE NATIONAL COUNCIL OF ZAGREB

(*Enemy Press Supplement,* November 14, 1918, p. 107)

The *Glas,* October 21, describes the constitution of the National Council:

The organization of the National Council bases itself on the territorial principle; that is to say, each of our national provinces sends to the National Council one Deputy for every 100,000 inhabitants. Carniola, the Slovene parts of Styria, Gorzia, and Carinthia, and Trieste have between them fourteen representatives, Istria three, Dalmatia seven, Croatia-Slavonia twenty-seven, Bosnia-Herzegovina eighteen.

All members of the Croatian Sabor in Zagreb and of the Bosnian Sabor in Sarajevo, and of the Reichsrat in Vienna, who accept its standing orders, if they are not elected members of the National Council, have the right to participate in the full sittings of the Council, and, moreover, to elect among themselves delegations with the right to vote as follows: Members of the Croatian Sabor in Zagreb, five; members of the Bosnian Sabor in Sarajevo, three; members of the Reichsrat Council in Vienna, four; with active and passive rights.

No. 3

PROCLAMATION ISSUED BY JUGOSLAV NATIONAL COUNCIL, PUBLISHED OCTOBER 23, 1918

(*Enemy Press Supplement,* November 14, 1918, pp. 107-108; from *Neues Pester Journal,* October 22)

As a result of the meetings on October 17, 18, and 19, the National Council of the Slovenes, Croats and Serbs announces to the Slovene, Croat and Serb people that from now on it assumes

the direction of national policy. It is empowered to do this by all national parties and groups. Henceforth no party, group or parliamentary combination will follow a separate policy in common national questions nor carry on separate negotiations with elements outside the people. Indeed, in the future the National Council will be the only representative and controlling force in these questions.

The great ideas of national self-determination and democracy had permeated our whole nation before the war, and in its course have gained the upper hand in international politics. Guided by these ideas the National Council puts forward the following essential demands to settle our national problem:

1. We demand the union of our whole people, Slovenes, Croats and Serbs, in one single Sovereign State organized on the principles of political and economic democracy in all the districts inhabited by it, without regard to the boundaries of any province or State in which it lives today. This means that all social and economic injustice and inequality shall be done away with.

2. We demand that at the coming international Peace Congress our people shall be represented as a unity by its own special delegates.

3. Therefore, the National Council rejects the method proposed in the Manifesto of the Austrian Emperor of October 16 of settling the question of our nation and also any future proposal that would partially settle our problem and take from it its international character.

4. The National Council thinks that it is only by satisfying these demands and principles that a lasting peace can be ensured between peoples united in free States and so the League of Nations and general disarmament made possible.

5. The National Council declares that, in accord with the general principles of democracy, free development will be assured to minorities of other races in the State of the Slovenes, Croats, and Serbs; neighboring States in the hinterland will be assured a trade route to the sea without prejudice to our territorial integrity and the sovereign rights of our State.

The National Council summons our whole people, who are of

one blood, one speech, one soul, and one heart, to work for the satisfying of these demands and principles with the devotion and self-denial required by such a critical hour. . . .

Zagreb, October 19, 1918.

For the National Council of the Slovenes, Croats and Serbs, the Presidents:

DR. ANTE KOROSHETS, DR. ANTE PAVELITCH, SVETOZAR PRIBICHEVITCH.

No. 4

PROCLAMATION OF A UNITED S. H. S. STATE, NOVEMBER 24, 1918

(*Enemy Press Supplement,* December 19, 1918, citing *Hrvatska Rijech,* November 25, 1918)

The National S. H. S. Council, in accordance with its former decisions, and the statements of the Government of the Kingdom of Serbia, proclaims the union of the state of Slovenes, Croats and Serbs, in the whole compact Jugoslav districts of the former Austro-Hungarian monarchy, with the Kingdom of Serbia and Montenegro, with a united state of Serbs, Croats and Slovenes, and chooses a committee of 28 people with complete authority to organize without delay, in agreement with the Government of the Kingdom of Serbia and with the representatives of all parties in Serbia and Montenegro, a united state according to given directions, and the decisions in question will be ratified at the first meeting of the State Council, to which shall belong, besides the representatives of the Kingdom of Serbia and Montenegro, all the members of the present S. H. S. Council in Zagreb, reinforced by representatives of the Jugoslav Committee.

RESOLUTION EFFECTING THE UNION OF THE JUGOSLAVS

(*Enemy Press Supplement,* December 19, 1918, pp. 413-414, citing *Neue Freie Presse,* November 25, 1918)

The Jugoslav National Council at Zagreb passed, on November 24, 1918, the following resolution, moved by the Dalmatian National Government:

The regency of the State of the United Croatia, Serbia and

Slovenia will be transferred to the Prince Regent of Serbia, who will summon the State Council to Sarajevo and appoint the first Government.

The State Council is to consist of (1) all members of the South Slav National Council at Zagreb, (2) of fifty representatives of the Kingdom of Serbia, and (3) of five representatives of Montenegro and the Voivodina. From the members of the State Council the Regent will appoint a Government which will consist of much the same ministries as have existed in Austria-Hungary and other States; a special ministry will be formed for maritime affairs.

The Regent will, moreover, appoint five, or perhaps seven, Governors, with their official seat in Belgrade for Serbia, in Cetinje for Montenegro, in Ljubljana for Slovenia, in Novi Sad for the Voivodina, in Sarajevo for Bosnia and Herzegovina, in Split for Dalmatia, and in Zagreb (with the title of Ban) for Croatia and Slavonia. In addition, he will appoint five (or perhaps seven) Secretaries of State, who will have a voice in the ministry and will act as intermediaries between the Central Government and the various provinces. The Ministry is responsible to the State Council for the administration of the provinces. When peace and order are restored, the election of the Constituent Assembly will take place in Sarajevo.

The procedure of the election will be drawn up by the State Council, which will be in authority during the period of transition. Joint affairs (representation abroad and military affairs) are expressly reserved for the State Council. The Constituent Assembly will determine the final form of the State and Constitution.

No. 5

Resolutions of the National S. H. S. Council at Zagreb in Regard to the Final Organization of the Serb-Croat-Slovene State

(*Enemy Press Supplement*, January 9, 1919, citing *Sarajevoer Tagblatt*, December 4, 1918)

The final organization of the new State can be determined only by a two-thirds majority of the General National Assem-

bly (Popular Constituent) elected by all branches of the S. H. S. people. The Constituent must assemble not later than six months after the conclusion of peace.

The Constituent will have to decide on: (a) the Constitution, the question whether there is to be a monarchy or a republic, internal organization, and the principles of constitutional law; (b) the State emblems; and (c) the seat of Government and of the higher State authorities.

To the State Council belong: (a) All members of the National Council at Zagreb, supplemented by five members of the South Slav Committee in London; (b) a proportionate number of representatives of the Kingdom of Serbia chosen by the National Assembly in agreement with the local political parties; (c) a proportionate number of representatives of Montenegro chosen by the local Skupshtina.

The S. H. S. State Council will at its first meeting decide on the national and marine flag. The King of Serbia or the Crown Prince Alexander of Serbia will exercise the Regent's powers until a decision has been reached by the Constituent.

The Regent is not responsible. He takes the oath before the State Council. He will, in accordance with the parliamentary form of government, appoint a Government possessing the confidence of the State Council. He has the right to initiate and to sanction legislation.

The State Council may be adjourned only by its own resolution, and may not be dissolved before the assembly of the Constituent. The seat of the State Government and of the State Council will be settled in agreement.

The State Government must forthwith take in hand the elections for the Constituent, and likewise summon it.

The franchise will be settled by the State Council on the basis of universal, equal, direct, proportional and secret voting, with representation of minorities.

The State Government is responsible to the State Council in matters of national business, and shall consist of the Prime Minister and Ministers for all branches of the administration, as well as of seven Secretaries of State, who will sit and vote at the Ministerial Council, namely, one for Serbia, one for Croatia and

Slavonia, one for Bosnia and Herzegovina, one for Montenegro, and one for Bačka, the Banat and Baranja.

The Secretaries of State have to represent the interests of their provinces before the State Government, to submit the proposals of the provincial governments to the State Government, and to see that these proposals endanger neither legal interests nor those of the State.

In provincial matters the provincial assemblies will exercise supervision over the provincial governments. The provincial assemblies will be convoked by agreements between the parties of the province concerned. If no understanding is reached, the State Council will decide. At the head of the provincial governments are the Presidents, and at Zagreb the Ban, whom the Regent appoints on the proposition of the provincial assembly.

The provincial governments will be allotted the requisite financial means by the State Government through the medium of the Budget. All former laws and prescriptions remain in force, as well as the organization of the law-courts, and the officials of the former provincial governments will be retained.

Foreign affairs, military and naval affairs, finance, railways, post and telegraphs are withdrawn from the sphere of the provincial governments and placed exclusively within the sphere of the State Government. Other business is carried on by the provincial governments in the autonomous sphere in accordance with instructions from and under supervision of the State Government.

No. 6

Proclamation of the Prince Regent

(*Enemy Press Supplement,* January 30, 1919, p. 746; citing *Rijech S. H. S.,* January 7, 1919)

To My People: Serbs, Croats, and Slovenes!

. . . . . .

By the unanimous decision of the Nation, expressed by the unanimous vote of their worthiest representatives, all the hitherto divided sections of our native land have joined together in a united kingdom. By the will of the people, my august father,

His Majesty King Peter I, has been called upon to rule over this kingdom as King of all Serbs, Croats and Slovenes. Acting in his name, I have, in agreement with the leaders of all parties in Serbia, Croatia and Slovenia, proceeded to the formation of our first State Government as the outward and visible sign of our . . . complete brotherly solidarity. In this Government there sit and work in agreement the foremost men of all three faiths and all three names, of all parties and all provinces of the kingdom. My Government will work in full agreement with the representatives of the people, and be responsible to it. Accordingly, its first duty will be the convocation at Belgrade of a National Assembly composed of delegates of the Serbian Skupshtina, Old Serbia, and Macedonia, of a proportionate number of members of the National Councils, and representatives of the ancient Serbian Duchy (Voivodina) and Montenegro. The National Assembly shall constitute the provisional but fully authorized legislative body in our kingdom. As King of a free and democratic people, I shall at all times unswervingly uphold the principles of constitutional government, which shall be the cornerstone of our State, created by the free will of the people.

In this spirit and with these principles in view our Government will administer the land and resolve all questions of home and foreign politics. The Government will submit to the National Assembly a franchise bill to secure free elections for the Constituent Assembly on the basis of universal suffrage. In this Assembly a scheme will be introduced for a democratic constitution, conceived in the spirit of State unity and allowing for a wide administrative autonomy with guarantees for the widest political liberties and civil rights. It will be the duty of my Government to secure immediately for the whole kingdom of Serbs, Croats and Slovenes all the rights and liberties hitherto enjoyed by the citizens of Serbia under the Constitution of the Kingdom of Serbia. The complete equality before the law of all citizens of the kingdom will hereby be established, all class privileges abolished, and freedom of conscience and religious equality guaranteed.

It is my wish that a just solution of the agrarian question be found without delay; that the kmet system and great landed

properties be abolished. The lands will be divided into small holdings for the poor agricultural population, while the former proprietors will be equitably compensated. Let every Serb, Croat, and Slovene be master of his own land. In our free State there must be only free landowners. Therefore, I have called upon my Government to appoint at once a Commission to draw up a scheme for the solution of the agrarian question, and I call upon my peasant-kmets to rely upon my royal word, and wait patiently till our State has given them the land in a constitutional way. It shall henceforth be God's and theirs, as has long been the case with land in Serbia. . . .

Given in our Royal Palace, in our Capital of Belgrade, January 6, 1919. (December 24, 1918, O. S.)

(Signed) ALEKSANDAR.

No. 7

JUGOSLAV PARTY PRINCIPLES

(*Enemy Press Supplement*, March 20, 1919, from *Pester Lloyd*, February 18, 1919)

A. PRINCIPLES OF THE JUGOSLAV DEMOCRATIC PARTY

1. The Monarchy and the Karageorgevitch dynasty are not subjects which can be discussed by the Constituent Assembly.
2. Centralization must be aimed at in legislation, but in administration, decentralization.
3. Every district must enjoy autonomous administration.
4. Cultural and social questions are not yet ripe for discussion.

B. PRINCIPLES OF THE STARČEVIĆ PARTY

(*Enemy Press Supplement*, March 27, 1919, p. 1185; *Agramer Tagblatt*, February 21, 1919)

1. The party holds that the first condition for the democratic Constitution of the S. H. S. State is the widest measure of self-government for all provinces.
2. Though the party takes part in the State ministry, in

order to have a hand in the construction of the State, it does not identify itself with the acts of certain ministers who forget that the program of the coalition ministry is determined by the agreement of all the coöperating parties. It demands that the fundamental principles of the Constitution as laid down in the Serbian Skupshtina and the S. H. S. National Council shall be upheld until a Constitution for the whole state has been formed.

3. The party must oppose the policy of centralization, especially as this is supported by adherents of the old system of Government.

4. The party will take its stand on the unity of the State, and oppose all hegemonic and separatist tendencies.

5. The erection of Peasants' Chambers is advocated to regulate the interests of landowners and see that all laws regarding agriculture, the right of inheritance, forestry, hunting, and fishing are in accord with the requirements of the peasants. Educational reforms are also advocated. Since the land reforms will require time before they can be carried out, the Starčević party demands that all sub-tenancies shall be done away with and the sub-tenants become tenants of the owner of the land.

No. 8

Extract from Resolution of the Great National Assembly of Montenegro, April 20, 1919, Uniting Montenegro and Serbia

(*Epoha,* April 24, in *Enemy Press Supplement,* May 22, 1919, p. 182)

. . . The Great National Assembly has listened with satisfaction to the statement of its Committee concerning in the final union, of which the visible sign . . . is the appointing by the S. H. S. Government of its representative to Montenegro, g. Iva Pavitchevitch. . . .

The Great National Assembly accepts the surrender of power from its Committee, and acknowledges with satisfaction the fact that the representative of the Government, g. Pavitchevitch, takes over the State functions entrusted to him on the territory

of Montenegro. The important work of the Great National Assembly is done, and today the union of Montenegro with the S. H. S. Kingdom is definitely completed.

No. 9

Outline of the Provisional Constitution of the S. H. S. State

(*Enemy Press Supplement*, July 10, 1919, p. 584, citing *Hrvat*, June 14, 1919)

The scheme proposed for the provisional Constitution contains 11 parts:

1. Contains proposals already known, concerning the form of government, the dynasty, coat-of-arms and flag, and the principles of local autonomy.

2. Defines civil rights. It embodies the principles of equality before the law, of personal freedom, inviolability of the home, freedom of conscience, speech and assembly, press and printing. Newspapers can be published without the permission of the Government. Titles of nobility are to be abolished, and capital punishment for political offenses, except attempts on the life of the ruler or members of the Reigning House. Confiscation of goods is also to be abolished.

3. Deals with the State Government.

4. Deals with the powers of the King. He proclaims war in agreement with Parliament, concludes peace treaties and alliances, and submits them to Parliament for ratification.

5. Deals with Parliament. The Constituent is to consist of delegates chosen on the principle of equal, proportional, universal, secret suffrage. The Constituent must meet after the elections and remain assembled till the final State Constitution comes into being.

6. Deals with ministers. The King appoints the ministers, who are responsible to him and Parliament for their official acts. They can be charged (i.e., impeached) for (1) treason to the State and ruler; (2) for violation of the Constitution and the constitutional rights of citizens; (3) for bribery, etc.

7. Deals with State Council, which is to consist of 36 members, half chosen by the King and half by Parliament. It is the business of the State Council to work out schemes of legislation, and give their opinion about matters when the Government so requires them.
8. Deals with the law courts, which are to be independent.
9. Deals with finance and State property.
10. Deals with the Treasury.
11. Deals with the Army.

No. 10

Manifesto of the Jugoslav Communist Party, October 12, 1920

(*Bulletin Periodique de la Presse Yougoslave*, No. 17, p. 3, from the Belgrade *Radnichke Novine*, and the Sarajevo *Glos Slobode*, October 12, 1920)

All the bourgeois parties have submitted to you their projects of constitutions which once again give all the power to the rich, to the spahis and to the begs, and leave you, you who represent millions, in your situation of subjects and political slaves.

Against the bourgeois parties, your Communist Party proposes to you a Constitution of Soviets which gives all the power to the Soviets of workers and peasants.

The Radicals and the Democrats, the first openly, the second by simulation—both of them in reality—demand that the soil shall continue to belong to the spahis, the agas and the begs, and that the peasants who cultivate the soil shall remain slaves, more or less. The Jugoslav Communist Party demands that all the soil, without any indemnity, without any ransom, with all its accessories, shall belong to those who work it.

The Jugoslav Communist Party demands the control by Workers' Councils of all national industry, and demands that all the means of production, all the factories, all the mines, all the railroads, ships, banks, stocks, warehouses and riches become the property of the working classes.

This must be true also of all the means of exchange, which

must be nationalized. The public debts must be declared null, indirect taxes abolished, property and war profits confiscated; all great estates and incomes must be progressively taxed. The Communist Party furthermore demands the institution of compulsory labor for all classes and the establishment of the eight-hour day for the duration of the capitalist régime.

All the bourgeois parties are advocates of a policy of conquest, putting the country under the yoke and at the mercy of the great conquering powers, fomenting new conflicts and new wars with our neighbors and are not capable of solving the nationality question. War on war! Peace among the peoples! We stand for the federation of the soviet republics of the Balkans and the Danube—such are the communist devices which we set up against all the bourgeois parties.

Finally the Jugoslav Communist Party acclaims its entire solidarity with the Revolution in Soviet Russia, demands peace with Russia, the equality of all nationalities in Jugoslavia and hails the union of the working people of Jugoslavia within a republic of the soviets of workers and peasants in lieu of a "national" union which would be realized only for the profit of the rich, such as is conceived by the Radicals of Serbia, the Clericals of Slovenia and the begs of Bosnia, as well as the other small parties.

No. 11

Jugoslav Constitutional Projects

(*Bulletin Periodique de la Presse Yougoslave,* No. 22, pp. 5-6, from *Politika,* April 17, 1921)

The first project of the Constitution was elaborated by M. Stoyan Protić when, in 1920, he was Prime Minister and Minister for the Constitution. M. Protić wished to satisfy the Croats and Slovenes who demand a regional autonomy, without compromising national unity. He solved the question by keeping the existing administrative divisions and giving them English self-government (les autonomies anglaises). To find in the Constitution a solid base for an understanding with the Croats and the Slovenes was the principal aim of M. Protić. Besides

this, M. Protić wished to organize the press, which he believed to be too unbridled; to render impossible a strong obstruction in the parliament by giving the right of dissolution of the Chamber not to the Sovereign (as did the (Serbian) Constitution of 1903), but to the Prime Minister, commissioned thereto by the sovereign. In a word, M. Protić was inspired by English constitutional practice both as to institutions and the means for safeguarding them.

The cabinets of M. Vesnić and M. Pašić had common ideas on the Constitution, and their points of view found expression in the project which was submitted by the cabinet of M. Pašić to the Commission on the Constitution. This whole project supposes that the Jugoslav State is in danger. The idea of unity is not as strong as in 1918, and to safeguard it, it is necessary to consecrate it by a Constitution, of whatever character. That is why the Protić project has been reduced from 200 to 36 articles. The new government excised all that did not seem to it absolutely indispensable. Thus, at the end of the chapter, "of the grand Protić project there remains but a lot of waste."

In their project, the Vesnić and Pašić cabinets were interested in only two things: the Crown and the relations between the central government and the regions. Without creating too strong a central authority, the cabinets have wished to assure it an incontestable prestige. And it is the monarchy which incarnates this central authority. In regard to the regions, the Pašić government has rejected the idea of English self-government. According to him, it is necessary to create, not a small number of large regions, but thirty-five small regions which would be rather departments and could never become the centers of regional separatism. "This project is therefore a scant and poor outline, which would give to the new State an entirely insufficient base."

The Commission on the Constitution has not wished to content itself with so fragmentary a project. It has wished to enlarge and complete the government project and that project has indeed been increased from 86 to 139 articles. The centralism of the government project is notably toned down: the regions have "self-government, which, without being English, is not to

be rejected." Finally, the part relative to individual rights has been augmented by a series of articles on the economic and social relations of citizens. "The new ideas of the social mission of the State have thus found their place in the Jugoslav Constitution. The Commission has therefore outdone both M. Protić and M. Pašić, who are still guided by pre-war ideas."

NOTE: The article in *Politika* was written by M. Slobodan Yovanović, Professor of Public Law at the University of Belgrade.

No. 12

THE CROATIAN PROGRAM

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The Croatian National Representation at Zagreb, elected by the electors of the peasant people in the territory internationally recognized as of the Serbs, Croats, and Slovenes, a representation which today comprises the great majority of the deputies of the indisputably Croatian political territory (Croatia, Slavonia and Dalmatia), i.e., 61 out of 83 deputies and a minority of the representatives of Bosnia-Herzegovina which is such that there are 9 out of 48 deputies, a representation behind which are found for the first time in the history of Bosnia and Herzegovina Moslems and Catholic Croats, reunited in the grand movement in favor of a new, socially equitable type of State, a representation which has, furthermore, at this moment, the majority of all the population, has approved, in its first plenary session, held at Zagreb, March 25, 1923, the following conclusions:

1. The Croatian National Representation adopts, approves and accepts all the conclusions, all the policy and in a general manner all the tactics of the Croatian National Representation elected November 28, 1920. In consequence the present Croatian National Representation equally considers itself as the sole juridical and legal successor to the Croatian Sabor of Zagreb, which, from a juridical point of view, has never ceased to exist inasmuch as it has never been dissolved nor suppressed by a

pact, except by that of the Constituent of the Serbs, Croats and Slovenes, a decision obtained without a majority. In conformity with the resolution of the Sabor of October 29, 1918, this Croatian National Representation, as well as the Croatian National Representation elected November 28, 1920, considers itself as a Croatian political Sabor. The Croatian National Representation does not proclaim itself a Sabor because such a proclamation could lead under existing circumstances to an intestine warfare or a civil war which the Croatian National Representation considers as a greater evil than a foreign war.

2. The bases of all the policy of the Croatian National Representation will remain as in the past:

(1) The interpretation, respect for and the execution of the will of the Croatian people;

(2) The integral and unlimited right of national self-determination;

(3) The practical pacifism and moral humanitarianism which cannot be applied among us except by a peasant republic;

(4) The policy of the Croatian National Representation pursues equally the realization of a just and durable accord with the Serbian people. The first and principal aim of the policy of the Croatian National Representation is the realization of the humanitarian and republican tendencies of the Croatian people. All the general tactics as well as the decisions on the question of the arrival or non-arrival of the Croatian National Representation at Belgrade are comformable to this aim.

(5) The Croatian National Representation considers that the present international frontiers of the Serbs, Croats and Slovenes are the best limits from the Croatian point of view as well as from the European and world point of view, by reason of the present situation of Europe and because from the Croatian point of view the Croatian people is united as it has never before been in the course of its history. These limits embrace all the indisputable territory of Croatia (Croatia, Slavonia and Dalmatia) such as it has existed for more than one thousand years, with sometimes more, sometimes less of effective political independence, since the year 1852 until October 25, 1918, the date on

which the Croatian political Sabor proclaimed it at Zagreb a completely independent State (Croatia, Slavonia, Dalmatia, Medjomourie and Rieka) and when it commenced to exercise effectively political sovereignty, with the recognition of Serbia, in such a way that Croatia, under the form of a federal republic bearing the name of the State of the National Council of Serbs, Croats and Slovenes and with Zagreb as its capital, immediately reunited Bosnia, Herzegovina, Slovenia, the Banat, the Bachka and the Baranya with the solemn consent of the Kingdom of Serbia, a consent contained in a treaty concluded and signed at Geneva December 9, 1918, between the Serbian government (M. Nicolas Pašić) and the representatives of all the Serbian parliamentary parties, on the one hand, and M. Korošeč and Trumbić on behalf of the National Council of Zagreb. From the European and world point of view these international political limits are necessary, for all violent modification of the international frontiers of the Serbs, Croats and Slovenes would provoke such conflicts and arouse such appetites among certain neighbors, that it would endanger the peace of Europe, which is for the best interests of each nation and of all humanity.

(6) The Croatian National Representation as null and void and non-obligatory for the Croatian people, and in consequence without any moral or juridical base, all the regulations, laws and acts of the political and national Government of Belgrade in incontestably Croatian territory, it being understood that all these laws and regulations have been passed without consultation and approbation of the Croatian Sabor, i.e., against the expressed will and in spite of the reiterated protests of the Croatian National Representation elected November 28, 1920, and without any participation on its part. Finally, the Croatian people does not support the holders of power in Belgrade and does not submit to them except in so far as it is forced to do so under the menace of armed force and the effective utilization of such armed force. The present Croatian National Representation as well as that elected November 28, 1920, proclaims non-existent and without any legal basis all the laws in regard to loans, voted at Belgrade and which burden Croatia—Croatia, Slavonia and Dalmatia—as well as all the laws, regulations and

acts done at Belgrade, by which the holders of power at Belgrade have devoted themselves and are still exerting themselves to deprive Croatia of its national possessions in regulating the great economic and social questions, in particular the agrarian question contrary to all the principles established for centuries in regard to the ownership of these lands and contrary to the legal situations thus established, and with which the political and police authorities have nothing to do.

(7) The National Representation, like that which preceded it, considers the attitude and the administration in Croatia of the holders of power at Belgrade as a usurpation against which the Croatian people have not ceased to protest both as a whole, and as an overwhelming majority of the people in such way that this usurpation cannot create political relations, still less, tolerable or solid relations of property and law. The innumerable violences, the arbitrary acts and the ordinary crimes, in particular the daily bastinadoes, authorized by law and particularly by military laws, might have led to revolution, civil war and foreign intervention if the political maturity of the Croatian peasant people, its extraordinary political organization did not diminish, on their side, violence and crime and if, on the other hand, there was not the general conviction that such a maturity and such an organization as well as the results of the elections of March 18 should result in interesting European public opinion and the League of Nations in particular, in such way that the holders of power at Belgrade would be compelled to respect the right of self-determination of the Croatian people and that under the moral pressure of the public opinion of the civilized world and of the League of Nations, if not by the sentiment of justice and by the concept of the indivisible and common interests of the Serbian and Croatian peoples.

(8) The Croatian National Representation conformably to the new public law of Europe and of the entire world considers itself the equal of every other parliament. If the efforts with a view to a just accord with the Serbian people for the recognition of Croatian national and political individuality equal to that of the Serbs are vain, the Croatian National Representa-

tion will demand the assistance of all other parliaments of Europe and in particular of the Congress of the United States of America, which ought not to have the same attitude as certain European parliaments and which, by its peculiarly favorable situation, could be the first to approve the fact that the Croatian people, in demanding its independence, which it desires to put into complete harmony with that of Serbs and of the Serbian people, wishes nothing more than moral assistance. An appeal from that place might produce its results by making the holders of power in Belgrade understand that after the war and before Europe there cannot be exercised, on the basis of the lies of a pretended people of the three names of Serbs, Croats and Slovenes, a tyranny over the whole Croatian people, by the most brutal means, recalling the darkest periods of the Middle Ages.

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