

The Political Evolution
of the
Hungarian Nation

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BY

THE ~~H~~ON. C. M. KNATCHBULL-HUGESSEN

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CHAPTER XII

ON February 29 tidings reached Vienna of the out-^{1848.}break of the Revolution in Paris and of the flight of Louis Philippe. The first result of the news was a run on the banks and a scramble for silver, due, of course, to the probability of a fall in value of paper money, but ascribed by Metternich to the machinations of Hungarian Radicals anxious to ruin the credit of the Austrian Government.¹ The panic spread from Vienna to Pest and other chief towns, and on March 3 Cornelius Balogh addressed the Diet on the general monetary position, calling on the Government to abandon the policy of reticence which caused the public to take a more gloomy view of the financial outlook than possibly was justified by the facts, and demanding the publication of an official statement, which alone could allay the public anxiety as to the proportion borne by cash in reserve to the note issue.² Kossuth, who had long been of the opinion that parlia-

¹ "In Folge absichtlicher Discreditirung."—Hartig, *Genesis der Revolution*, 121. There is not a shadow of evidence to justify the suggestion, which, apart from the improbability of note-holders deliberately depreciating the value of their own property, is refuted by the fact that the news of the Paris Revolution did not reach Pressburg till March 1.

² According to Horváth, *Huszonöt év*, ii. 569, there were only 20,000,000 florins in cash against over 200,000,000 in paper.

mentary government, and the appointment of a responsible Ministry, was the only possible cure for the unsatisfactory state of affairs existing in Hungary, was quick to seize the opportunity presented by the confusion which the echo of a foreign revolution had sufficed to produce in Vienna. Taking Balogh's motion as his text, he declared that the panic afforded incontrovertible proof of the necessity of establishing a separate Hungarian Ministry of Finance, which alone could save Hungary from the disastrous consequences of the chronic financial muddle in which Austria was involved. The whole existing system of Government was, in fact, bankrupt, and the annoyance naturally felt by its architects at the prospect of its collapse must not be allowed to interfere with the interests of the people. "The men of a past generation to-day or to-morrow descend into their graves, but the people is everlasting, and a glorious future awaits both the nation and the throne which derives its strength from the freedom of its subjects. Loyalty, and enthusiasm for the dynasty, can exist only in the hearts of free men whose interests are indissolubly bound up with those of the ruling family; for a bureaucracy no such sentiments can be entertained." The French, he continued, had won back their liberties, of the return of which they did not dream three months ago, while Hungary went on labouring at its futile, Sisyphean, task. He concluded by moving an Address to the Throne, conceived from the dynastic point of view, which, he thanked God, was identical with that of the interests of his country. The Address recites the efforts made by the Diet in the direction of reform, and points out that the chief cause of present trouble is to be found in the fact that a retrospective view of history proves that the Government has never been in harmony with the idea of Hungarian independence as guaranteed by law; and that, consequently, for the last three centuries, all efforts had to be

directed to the maintenance of the Constitution instead of to its development in accordance with the spirit of modern times. The maintenance of the existing system would involve, so the Address declared, the Throne and the Monarchy, to which Hungary is attached by the grateful bonds of the Pragmatic Sanction, in consequences of which the final issue cannot be foreseen. The country's Constitutional life needed development in the direction of a truly representative system, and its intellectual interests required the fostering hand of freedom. The defensive system wanted radical reorganisation and to be brought into conformity with the national character and with the interests of the Throne, and of the different classes of society. The question of the responsible administration of the Hungarian revenue and finances could no longer be postponed. With respect to various matters the conflicting interests of Hungary and of the hereditary provinces required equitable adjustment, for the effectuation of which the Diet, while careful to defend the nation's interests and independence, was ready to lend a helping hand.

We are, however, convinced that the laws which require enactment in order to give expression to our constitutional rights, and to promote the moral and material welfare of the nation, can be endowed with effective vitality only when an independent national Government, exempt from foreign interference and called into existence as the constitutional expression of the will of the majority, has been entrusted with their execution. We therefore regard the conversion of the existing departmental system of government into a responsible Hungarian Ministry as the indispensable condition and essential guarantee of all reform. This is our conception of the duties of our calling, and it is our fixed and earnest design to bring these matters to a satisfactory conclusion in harmony with your Majesty's desires during the current session. This is what our country and the unenfranchised millions expect of us. This is what we are prompted to ask by the instinct of loyalty and fidelity, which binds us with indissoluble ties to the reigning House, for we are con-

vinced that it is only thus that tranquillity, peace, and mutual confidence can be established on so firm a foundation* that no unforeseen storms will be able to shake it, and that concord and contentment can alone produce an enthusiastic and harmonious spirit on which your Majesty and the reigning House can, in all circumstances, confidently rely. . . . It is impossible for us to view without apprehension those symptoms of disorder which are only too apparent in many parts of that monarchy to which we are united in virtue of the Pragmatic Sanction. The unforeseen complications produced by recent events which have taken place abroad will necessarily multiply those symptoms and increase their intensity. . . . We are thoroughly convinced that your Majesty will find the most effective antidote to possible untoward contingencies, the best means of uniting the dominions of the Crown in a friendly understanding, and the firmest support of your Majesty's Throne and dynasty, in surrounding that Throne with those constitutional institutions which are imperatively demanded by the requirements of the age. . . . Therefore, in a spirit of unshakable loyalty and steadfast confidence, we entreat your Majesty to be graciously pleased to send to the Diet with full powers to give effect to the royal will, while at the same time acting in accordance with the existing laws, individuals, corresponding in number with the various governmental departments, who, as members of the highest executive institution, the Council of Lieutenancy, enjoy your Majesty's gracious confidence, and will, under the guarantee of personal responsibility, be entrusted with the execution of the Laws hereafter to be enacted. It would be the duty of such individuals to take direct part in the proceedings of the Diet, to inform that body of your Majesty's gracious intentions, to furnish the necessary explanations and statements on behalf of the Government, more especially as regards financial affairs, and to afford effective assistance in bringing matters under discussion to a successful conclusion in order that the contemplated salutary legislation may be as soon as possible submitted for your Majesty's gracious sanction. Thus, whatever unexpected turn present affairs may take, peace and tranquil confidence will be established in our country and will form a foundation for the development of those moral and material capabilities in which, as in our unshakable loyalty to your Majesty, the Throne will find its firmest support no matter what the uncertain future may have in store.

The Address, which was adopted unanimously by the Lower House,¹ was the outcome of a conviction that there was no essential divergence between the interests of Hungary and those of the hereditary provinces, but that lasting confidence could be secured only by the establishment of constitutional parliamentary government, not only in Hungary but in Austria as well. It was believed that the 'fellow-feeling' which one constitutionally governed country might be expected to entertain towards another would tend to dissipate the cloud of misunderstanding, emanating from the dingy pigeon-holes of the Viennese bureaucracy, which had so long obscured the relations of Hungary and Austria. The maintenance of Hungary's historic rights, and their logical development, could not be assured so long as an antediluvian autocracy and the baneful influence of bureaucratic tradition existed on the other side of the Leitha. Hungary had no quarrel with the people of the hereditary provinces, and no desire to sever its connexion therewith. So far from indicating an inclination to belittle the binding force of the ties which bound it to the Austrian dominions of the Habsburgs, it expressly recognised the existence of affairs of common interest, and desired that they should be settled in a manner satisfactory to both parties, in the confident belief that two constitutionally governed countries could easily arrive at a fair solution of questions which, if unsolved, or solved in the old, one-sided, manner, would make the attainment of lasting content an impossibility.

The old order was clearly doomed. Széchenyi, possibly unconsciously influenced by a feeling of personal hostility to Kossuth, was inclined to discern the approach of anarchy in the destruction of class privilege and in other items of the democratic programme, and believed himself to be the only man capable of arresting the

¹ "Unanimiter die Dummheit angenommen" was Széchenyi's comment.—Pulszky, *Életem és Korom*, i. 279.

advance of Hungary on the path of Kossuth's tracing. He proposed that the King should send him as Royal Commissioner to Pressburg, where his credit and importance in the eyes of the people were not yet exhausted, with full powers to negotiate with the Lower House¹ with a view to emasculating the resolution which Kossuth had formulated, which, in Széchenyi's and Apponyi's opinion, was bound to lead to trouble. As an alternative, the dissolution of the Diet was suggested, and effect would no doubt have been given to the proposal, approved by Széchenyi, Metternich, and the Archduke Louis, but for the timely arrival in Vienna of the Palatine, who knew what effect such hasty action would have on public opinion in Hungary, already excited to a dangerous degree by the delay of the Upper House in meeting to discuss the Address to the Throne, the presentation of which to the King, Metternich was determined to prevent. It is possible that his obstructive tactics would have succeeded but for the occurrence of events in Vienna and Prague which turned the attention of the Government in another direction.

The Viennese Diet had long ago lost such little power of initiative and independent action as it had ever possessed, and since the early days of Francis's reign had been completely under the thumb of the bureaucracy. But modern Liberal ideas had penetrated even to Vienna. The February Revolution in Paris, the inflammable condition of the atmosphere in all parts of Europe, and the rotten state of the national finances, brought the general discontent to a head and confirmed the belief that the existing system must soon collapse.² The students, who,

¹ Szögyény, *Emlékiratai*, p. 50.

² Hübner, *Ein Jahr meines Lebens*. "The Bureaucracy absorbed everything. It was as if one part of the human body usurped the functions of all the rest, and that cannot occur with impunity. Thus, the Bureaucracy suffered from a kind of progressive decay. During the last reign it was reduced to complete impotence. It was so to speak mummified, suffered from senile marasmus, and was on the point of extinction when the events of 1848 gave it the death-blow, February 1849."

on the Continent, exert an influence on public opinion which is incomprehensible to Englishmen, were saturated with the spirit of insubordination, and the Juridisch-politischer Leseverein, of which Alexander Bach, the future reactionary Minister, was the presiding genius, was far from being the innocent association which its name would indicate it to be. Bach is said by Hartig to have been in close touch with members of the Pressburg Diet, but whether that statement is true or false, it is certain that Kossuth's speech of March 31 caused a great sensation in Vienna and was greeted by the Liberals with enthusiasm as indicating the only direction in which Austria could find political salvation.¹ A monster petition was presented to the Diet protesting loyalty to the dynasty and at the same time demanding the publication of an official pronouncement on the financial position; the convocation at fixed intervals of a legislative assembly representative of all the constituent nationalities and invested with complete authority as regards the imposition of taxation and the audit of expenditure; the emancipation of the Press; publicity in judicial proceedings; the establishment of a modern form of municipal government, and proper representation of the trading, agricultural, and intelligent classes. On March 11 the students of the University and of the Polytechnic resolved to present a petition on their own account to the Emperor demanding freedom for the Press, the improvement of educational facilities, and religious equality. Two days later, escorted by a crowd of sympathisers, they marched to the meeting-place of the

¹ Szögyény, *Emlékiratai*, p. 53. Hartig, *Genesis der Revolution*, p. 113, says that Kossuth was all along in communication with Bach, but Kossuth absolutely denied the truth of the statement.—See his letter to Marczali, *A Legujabb Kor Története*, p. 608, n. 2, also Anton Springer, *o.c.* ii. 178, n., re the *Genesis*: "Diese Schrift, welcher in Deutschland ein ungehörliches Gewicht als Geschichtsquelle verliehen wird, ist nur dort von historischem Werthe, wodurch die (der Feder eines Mitarbeiters entstammende?) gallige Polemik die Bekenntnisse des Grafen Hartig hindurchschimmern und die Zustände im Regierungslager geschildert werden."

Diet, then in session, whose members accepted the task of presenting the petition handed to them by the students and proceeded direct to the Palace where the Council of State was sitting. The fact that the members of the Diet identified themselves with the students gave an unmistakably revolutionary aspect to an incident to which otherwise comparatively little importance would have been attached. Metternich alone was in favour of the adoption of violent measures ; the other members of the Council feared to add fuel to the threatening flames, and a reply was sent to the demonstrators to the effect that arrangements should be made for a special deputation to lay the petition before the Emperor, who would "soon take steps necessary to the welfare of his beloved people as a whole," in other words, would wriggle and shuffle to the last possible moment.¹

Smooth words and procrastinating tactics could no longer avail. Small but bloody affrays took place in various parts of the town between the populace and the soldiery, who occupied the chief strategic points, and the leaders of the forces of discontent decided to force the resignation of Metternich and the grant of a Constitution. From hour to hour the situation assumed a more threatening aspect, and the action of the Archduke Louis, who ordered the troops to fire on the people, produced precisely the contrary effect to that which was expected. The Government thought that a spoonful of water would suffice to extinguish a conflagration which threatened to destroy the whole fabric of autocracy, and announced that a new Press law would be immediately prepared. The inability of such a trifling concession to still the storm was at once apparent ; a suitable Jonah must be found, and Metternich was thrown overboard. The Archduke

¹ For the Viennese revolution see, besides Hartig's *Genesis*, Helfert, *Geschichte der österreichischen Revolution*, Freiburg im Breisgau, 1907. Also Reschauer, "Das Jahr 1848," *Geschichte der wiener Revolution*, Vienna, 1872. For a general view of the events of 1848 there is nothing to equal Professor Marczali's *A Legujabb Kor Története*, quoted *passim*.

Louis told the Chancellor that only his resignation could appease the popular fury, and Metternich retired, disclaiming all responsibility for the blood which had been shed, and expressing the hope that his own fall would not entail that of the monarchy, the burden of which he had so long borne on his aged shoulders.¹ His resignation only temporarily cleared the air; signs of a probable recrudescence of disorder in a more violent form were visible on all sides; doubts were justifiably entertained as to the reliability of the troops and of their readiness to obey an order to fire, and on March 14, at a conference of the members of the Government, at which the Emperor was present, it was resolved to yield to the wishes of the people. On the following day it was announced that the Emperor would "summon the representatives of the constituent peoples round the Throne and avail himself of their advice in legislative and administrative questions."² This vague promise of the grant of a Constitution produced a temporary lull in the popular excitement. As the essence of a constitutional State consists in the fact of the existence of a responsible Government, the heads of the various governmental departments were hastily converted into Ministers, and, in spite of the obviously intentional omission of the word "Constitution" from the manifesto of March, comparatively little doubt as to the genuineness of the imperial intentions found public expression.

The desire for political reforms was not confined to the Kaiserstadt. Bohemia, where the recollection of ancient independence still lived, and the hatred of the germanising interference of the Viennese bureaucracy had increased rather than diminished of late years,³ could

¹ Princess Metternich's *Diary*, vii. 342. Hübner, *Ein Jahr meines Lebens*, March 1. Anton Springer, *o.c.* ii. 191. Helfert, *o.c.* 252 sq. Reschauer, *o.c.* i. 306 sqq.

² Hartig, *Genesis der Revolution*, 154.

³ Hartig, p. 81, speaks of the Bohemians' wish to preserve their national language as Czechomania, and of the "cheek," "Frechheit," of the Czechs towards the Emperor, who had inherited "unbeschränkte Macht" over them in consequence of the victory of White Mountain; but where the relations of

not be expected to remain a passive spectator of the struggle for liberty of which the greater part of Europe was the battle-ground. A mass-meeting was held at Prague on March 11, at which Bohemia's demands were formulated amid general enthusiasm. Czechs must in the first place be put on a footing of absolute equality with the Germans; and Bohemia, Silesia, and Moravia must have their own Diet, which should meet alternately at Prague and Brunn. The principle of ministerial responsibility must be accepted, the censorship must be abolished, and the obligation to perform military service must be made universal. Other requirements comprised the compulsory redemption of feudal dues and services, and a declaration of the legal equality of all recognised religions. A petition was drawn up embodying the nation's demands, and it was resolved that it should be laid before the Throne by a special deputation which comprised several of the best known magnates and literary men of the country.

The disturbances of which Vienna and Prague were the scene, to which the above slight reference has been made only for the purpose of drawing attention to the fact that the desire for the abolition of bureaucratic government was not confined to the Magyars, naturally did not fail to exert some influence on the course of events in Hungary, where since March 3 matters had, more or less, come to a standstill, owing to the failure

Croat and Magyar are in question it is quite another matter. The Croatians' language and other rights are sacred in Hartig's view, and Croatian pretensions are worthy of all encouragement, though the position of Hungary *vis-à-vis* Croatia, which had formed part of the dominions of the Sacred Crown for eight hundred years, was, morally, far stronger than that of the Habsburgs, whose rights over Bohemia had been gained by conquest a little more than two hundred years ago. The influence of the Hungarian example on affairs in Bohemia is unquestionable. The Czech Orders wrote to the Diet of Pressburg, "All the peoples of Austria are following with redoubled attention the course of events in Hungary, for they well know that their fate, their future, depend on what is taking place there."—Horváth (John), *A Közös Ügyek Előzményei és Fejlődése*, Bp. 1902, p. 143.

of the Magnates to hold a meeting for the purpose of discussing the Address, voted on Kossuth's motion in the Lower House. The absence of the Palatine and other chief officials excited a considerable amount of angry comment, but no serious breach of the peace occurred,¹ and, in fact, the spectacle of order and self-restraint exhibited by the Hungarians of all classes during this period of feverish tension is in marked contrast to the scenes of violence and bloodshed which characterised the proceedings of the students, the proletariat, and the Liberals of Vienna. In Hungary the feeling of loyalty was universal.² The dangerous position of the dynasty³ caused Széchenyi to express the opinion that the time was come, or would shortly arrive, for the Magyars to prove once again their fidelity to the Throne with another cry of "*moriamur pro rege nostro*," and his words were received with enthusiasm.⁴ A petition was prepared emphasising the identity of the interests of the Hungarian

¹ Mr. Blackwell, the British representative at Pressburg, writing to Lord Ponsonby, the Ambassador in Vienna, reports (March 15), "Pressburg is as quiet as the greatest lover of order could wish it to be."—*Correspondence Relative to the Affairs of Hungary*.

² As to Kossuth's attitude, see the evidence of Somssics, a political opponent. "Ich weiss es, dass Kossuth noch im Februar 1848, sich mit Berathungen befasste, welche entschieden beweisen, dass er damals noch keine Revolution wünschte, oder wenigstens an eine solche nicht glaubte. Ich fand ihn stets monarchisch, ja dynastisch, gesinnt."—*Das Legitime Recht Ungarns und seines Königs*, Vienna, 1850, p. 18.

³ The Empress asked Metternich if the abdication of the Emperor were necessary.—Marczali, *A Legujabb Kor Története*, p. 609.

⁴ Wirkner, *Élményeim*, p. 199. "It is a characteristic trait of the pro-dynastic feeling general in Hungary, that in those troublous times (March 13), only one person was found to jump on a table and raise his voice in favour of a republic, and he had scarcely spoken the word when he was instantly knocked down, and the infuriated mob nearly tore the unfortunate man to pieces."—*Ibid.* p. 203. On the 14th, Wirkner, who, it will be remembered, was the agent of the Austrian Government in Pressburg, was notified by the Archduke Louis, that in case of necessity the Court would take refuge in Hungary. Wirkner replied that "ungrateful Vienna being in a state of actual revolution, the moment had come for Hungary once more to give proof of its centuries-old fidelity and magnanimity towards its King."—*Ibid.* pp. 204, 205.

people with those of the wearer of the Sacred Crown, and begging the King to take refuge in the midst of his faithful Magyars should Vienna, as seemed probable, continue its riotous behaviour. The petition was never sent, but the fact that its despatch was seriously contemplated is indicative of the spirit of loyalty which animated the Hungarians at a time when revolutionary excesses were taking place but a short distance beyond the borders of their country. In Pest, it is true, the youth, under the influence of Joseph Irinyi, a member of the Diet, the poet Petőfi, and Jókai,¹ the novelist, dissatisfied with the pace at which things were moving, determined to give the country a lead, but maturer politicians agreed in counselling abstention from all semblance of revolutionary illegality.

The Upper House met on the 14th of March, and the Archduke Stephen gave expression to the general feeling when he proposed that the Address as voted by the Lower House should be accepted without amendment. The motion was carried unanimously, and the Archduke thereon added the words, "I assure the House that I shall consider it my duty to join hands with the Orders in the task of promoting the Constitutional development of the Country": a statement which was received with general applause. A deputation was chosen for the purpose of presenting the Address to the King, and it left the same day for Vienna. Among its members were to be found the bearers of the most distinguished names in Hungary—Prince Paul Eszterházy, Counts George Károlyi, Louis Batthyány, Ladislaus Teleki, Julius Andrássy, Stephen Széchenyi, Kossuth, and many others. Old dislikes were forgotten. Széchenyi said, "We must support Batthyány and Kossuth; hatred, ambition, and antipathy must be silenced," and silenced they were.

¹ See his novel, *A Tengerszemű Hölgy* (translated into English under the title, *Eyes like the Sea*).

The departure of the deputation and the march of events in Vienna made it impossible to restrain the juvenile enthusiasts of Pest, and on the 15th, Petöfi recited his poem, the "Magyar Marseillaise" (Talpra Magyar)¹ from the steps of the Town Hall, and the twelve points of a manifesto, drawn up two days previously by Irinyi, were read aloud and accepted with all possible demonstration of enthusiasm.

What does the Magyar people demand? (1) We demand the freedom of the Press and the abolition of the Censorship. (2) A responsible Ministry in Budapest. (3) A yearly meeting of the Diet in Pest. (4) Equal civil and religious rights for all. (5) A national army of defence. (6) An equal distribution of the burden of taxation. (7) The abolition of feudal relations. (8) Trial by jury, and popular representation on the basis of equality. (9) A national bank. (10) That the troops shall take the oath of allegiance to the Constitution. That Hungarian soldiers shall not be taken out of the country. That foreign troops shall be removed. (11) Freedom for political prisoners. (12) Union with Transylvania. Finally—Equality, Liberty, and Fraternity.

This manifesto, it will be observed, contains nothing which can be stigmatised by the epithet revolutionary, and in no respect, save possibly as regards the soldiers' oath of allegiance, goes one whit beyond the limits set by Constitution to the aspirations of the nation, but in fact finds a justification for every item in existing laws. Volunteers invaded Landerer's printing-house and struck off copies, for distribution to the waiting crowds, of the first uncensored document ever printed in Hungary. Of

¹ It begins thus :—

Magyars up ! your country calls you !
Break the chain which now enthalls you,
Free men be, or slaves for ever,
Choose ye, Magyars, now or never,
For by the Magyars' God above
We truly swear,
We truly swear the tyrant's yoke
No more to bear.

—From Loew's *Hungarian Poetry*, Riedl's *Hungarian Literature*.

excitement there was plenty, of disorder practically none. A committee of twelve was appointed for the purpose of ensuring the maintenance of public order, whose proclamation issued the following day ended with the words, "Our watchword is—long live the King! Constitutional reform, liberty, equality, peace, and order!" Other towns followed suit and appointed similar committees, and even the preponderating German section of their population greeted with genuine or feigned rejoicing the dawn of a new era.

In the meantime the deputation from the Diet had arrived at Vienna, where it was received with extraordinary enthusiasm. Kossuth, by reason more especially of the reference he had made in his speech of the 3rd to the necessity of the grant of a Constitution to Austria, was the popular idol. The horses were taken out of his carriage and he was dragged in triumph to his hotel. Széchenyi, who found it hard to conceal his jealousy of his rival, states in his *Diary*¹ that if Kossuth had spoken the word the people would have stormed the palace and utterly destroyed it. Kossuth's own statement of a later date that at that moment he "held the fate of the dynasty in the hollow of his hand" was strictly accurate. The Court was thoroughly frightened, and the same evening Ferdinand issued a statement to the effect that he had already done everything that was necessary for the re-organisation of the country on a constitutional basis, which promptly calmed the popular excitement. The wish to resist the demands of Vienna and of Hungary was ever present, but the requisite energy was wanting, and for the moment the chief anxiety of the irresolute Court was to "save its face"—to avoid the appearance of demoralisation. Kossuth had an interview with the Archduke Francis Charles, who said: "His Majesty

¹ See also Mészáros Lázár (the Minister of War in the first Hungarian Cabinet) *Életrajza*, i. 41, and Pulszky, *Életem és Korom*, i. 285.

recognises the justice of your demands and would willingly consent to them if only Vienna were quiet, so that it might not appear that he does justice to his true Hungarian nation not of his own free will, not in accordance with the promptings of his paternal heart, but under the pressure of revolution." Kossuth replied: "If your Imperial Highness will give me your word of honour that you will do what equity and justice bind you to do for my country, I will make things quiet for the House of Austria in Vienna." "And the House of Austria will be everlastingly grateful to you for your action," answered the Archduke, who thereupon gave his word of honour and shook Kossuth's hand.¹ That this was all part of a pre-arranged comedy there is only too much reason to believe. At the conference of the King and his Ministers held on the night of the 16th, subsequent to Kossuth's interview with the Archduke Francis Charles, the latter said that as heir-presumptive to the Throne he refused to give his consent to the demands of the Hungarians, and Szögyény,² who was present at the meeting, says distinctly that there was no intention of giving way but that want of energy and determination finally compelled surrender. Pillersdorf, the Austrian Minister of the Interior, who, at a subsequent meeting, declared that he considered the demands of the Hungarian Diet moderate enough and only hoped that those of the Austrian representatives, shortly to be called together, would be no greater, no doubt voiced the general feeling of the Court party when he advised the King to give way and to trust to subsequent events to give him the opportunity of withdrawing or modifying his concessions.³ "Everything might be recovered in a roundabout way," is Wirkner's phrase,⁴ and that is the key to the action of the camarilla on the night of

¹ Kossuth, *Schriften aus der Emigration*, ii. 207.

² *Emlékiratai*, p. 59.

³ Szögyény, *Emlékiratai*, p. 74.

⁴ *Élményeim*, p. 211.

March 16, and during the immediately succeeding period. The Palatine, the Archduke Stephen, alone played a straightforward game. He knew his duty towards Hungary and was anxious to do it; and if, as he himself said, the double dealing of the Court subsequently made his position untenable,¹ he at least had the satisfaction of knowing that he fulfilled his obligations to the best of his mediocre abilities.²

Early on the morning of the 17th the battle was over. Ferdinand gave way, the Archduke Stephen was appointed Viceroy with full powers of representing the King in his absence from Hungary, and consent was given to the establishment of a responsible Ministry in Pest under the presidency of Count Louis Batthyány, the leader of the Opposition in the Upper House. The answer of the King to the Diet's Address is characterised by all the fulsomeness with which the manifestoes of previous members of the House of Habsburg, temporarily driven into a corner, have made us familiar :—

“Enlightened as to the desires of my faithful Magyars by the humble Address which I have received from you in the name of the Hungarian Orders, I hasten to declare, in accordance with the promptings of my paternal heart, that I will take pleasure in directing my thoughts to the fulfilment of all those requests which are now essential to the happiness and constitutional development of the country. I therefore notify your Highness that in your character of Palatine, chosen by the unanimous desire of the Orders and confirmed as such by me, you are invested, as my Viceroy, with full powers within the meaning of the law to govern in my absence the Kingdom of Hungary, and the parts thereto annexed, in the path of the law and the Constitution, maintaining the unity of the Crown and the connexion with the

¹ Anders, *Stephen Viktor Erzherzog von Oesterreich*, p. 290.

² “It will be your fault if we lose Hungary,” said the Archduke Louis at the meeting of March 16 (Szögyény, *o.c.* p. 59). A suspicion was quite unjustifiably entertained that Stephen hoped to become King of an independent Hungary.

Empire in its integrity. I am disposed to accede to the desire of my faithful Estates and Orders for the appointment in accordance with the laws of the country of an independent and responsible Ministry, and give you at the same time authority to propose for appointment suitable persons from among those whom you have mentioned to me, also to take steps in order that suitable legislative proposals may be made by the Estates and Orders with a view to defining in an expedient manner the sphere of influence of such individuals, having regard to the close connexion, rightly considered to be of such importance, existing by virtue of the Pragmatic Sanction, between the Kingdom of Hungary and my hereditary dominions which are equally entitled to my paternal care. Such proposals, together with the other suggested laws referred to in the Address, should be laid before me by the Estates and Orders for my decision without delay. Make known the contents of these lines, my answer to the petition which has been presented to me through your Imperial Highness, to the Estates and Orders, and inform them my reply is prompted by my paternal desire for the happiness of my beloved Hungary, which I have at all times promoted as a father should.¹

The contents of this rescript were regarded as entirely satisfactory and roused no suspicions of the existence of any *arrière pensée*. The Hungarian Commission, believing that a new era had dawned for the two countries, issued a manifesto to the people of Vienna before its departure from the capital :—

The bankruptcy of the godless principle of *divide et impera* which sowed the dragon's teeth of discord between us is now recognised. That tie which henceforth binds us all to the beloved reigning House of our country is no chain of servitude but the golden bonds of freedom, the maintenance of which can be assured only so long as each and all stand together. The desires of us Magyars have been satisfied; for the future, a Magyar Government supported by free institutions will control our destiny, and the royal promise assures you that you also will henceforth enjoy similar blessings. Brothers, we shall be united in liberty, strong in our mutual understanding, powerful in our alliance, which fellow-feeling, genuine confidence, and fidelity to the reigning

¹ Horváth, *Huszonöt év*, ii. 609.

House have cemented. . . . Once again we exclaim, as a final farewell and as a final expression of our thanks, long live the reigning House, long live the Austrian people, freedom, fraternity, and the community of interests which unites us all !¹

Thus, the realisation of Hungary's wishes, and the, apparently final, recognition of the principle of duality, of the personal nature of the union existing between the two countries in virtue of the Pragmatic Sanction and of the laws of 1790-91, was not regarded as in any way involving the severance of the bonds which united Hungary to Austria, or the abolition of the essential obligation of mutual defence. On the contrary, it amounted in the general view to a reaffirmation of the connexion from which neither party wished to escape, and as a final regularisation, in accordance with the law and the Constitution, of relations the true meaning of which had been wilfully distorted and obscured by centuries of autocratic encroachment.

On March 23 the names of the members of the first Hungarian Cabinet were published. The Prime Minister, Batthyány, recognised from the outset the difficulties which would result from the inclusion in the Ministry of a person of Kossuth's overwhelming personality, but at the same time was aware of the impossibility of excluding the chief author of the country's new-found independence. Kossuth himself wished for the post of Minister of the Interior, but the Palatine would not hear of it, as that would have put the control of the coming elections into Kossuth's hands.² It was thought that he would have less opportunity of exercising an overweening influence as Minister of Finance, and he eventually agreed to accept office in that character. Colonel Mészáros, actually serving in Italy, became Minister of War ; Széchenyi, Minister of Communications and Public Works ; Kláuzál,

¹ Beöthy, *o.c.* iii. 54.

² Szögyény, *Emlékiratai*, p. 72.

of Commerce and Agriculture. Deák accepted a portfolio as Minister of Justice, Eötvös as head of the Department of Public Instruction and Religious Worship, while Szemere went to the Home Office. The Prime Minister took no portfolio. Prince Paul Eszterházy, the greatest landowner in Hungary, who had recently been Ambassador in London, became Minister in attendance on the King, charged with the task of supervising his country's relations with Austria. His duty was to personify the connexion of Hungary with the King-Emperor, and to consult with the Austrian Minister of Foreign Affairs on all external matters of common interest to the two countries. As to what was to happen in the event of disagreement nothing was decided ; it was one of those problems the decision of which was left to the future, which mutual goodwill and good faith would certainly not have found to be insoluble.

All shades of Liberal opinion were represented in this Ministry-of-all-the-talents, which any country at any period might have been proud to possess. The Conservatives, who had failed to keep pace with the times, were not represented, but their spokesman Szécsen accepted the situation on their behalf, and declared that though they did not abandon their principles they bowed to the will of the majority. "Bolder, more daring, spirits, with whom the Powers above seem to be in close alliance, have, in the space of a few days, placed the future of our country on a basis to which we ant-like workers could never have raised it, or, perhaps, could have placed it only after the lapse of generations."¹ Thus Széchenyi ; but his optimism was apparent rather than real, and his nature and his experience made him view the future with misgiving. Eötvös and Deák both thought that matters had moved too quickly, "mais à un homme ivre on ne peut pas parler raison, et la Diète en ce moment est ivre."²

¹ *Pesti Hirlap*, April 8, quoted by Marczali, *A Legujabb Kor Története*, p. 614.

² Szögyény, *o.c.* 64.

Hungary certainly was intoxicated, if drunkenness consists in plunging into work with feverish enthusiasm; but if we compare the legislation of the next three weeks with that of the past thirty years, we can only come to the conclusion that Hungary drunk was greatly superior to Hungary sober. The temporary responsible Ministry under the presidency of Kolowrat, appointed in Austria on March 21, compares badly with that of its Hungarian counterpart. "On baptisa Ministres les présidents des Chambres, Offices, et Conseils, et tout fut dit. Ce fut une nouvelle gerontocratie."¹ No members of the victorious party of reform found a place. A Liberal Ministry could have worked hand in hand with Hungary and would have recognised the fact that its only chance of maintaining its existence lay in co-operation with a similar body in Hungary; but nothing could be expected from the old firm masquerading under a new trade-name.

Difficulties were not slow to arise. The Viennese bureaucracy, seeing in the establishment of separate Hungarian Ministries of War and Finance the final loss of its influence and a death-blow to centralisation—its ideal and the object of its labours—wished to keep its hold on those two departments of State, and thus, to some extent at all events, to nullify the results of Hungary's victory.² An imperial rescript brought by the Palatine to the Diet on March 29 showed how little the camarilla intended that the King should keep the word so solemnly pledged a few days ago. The rescript requires that the proceeds of taxation in Hungary should be sent to Vienna, as in the past, to pay for the expenses of the Court and to

¹ Eisenmann, *Le compromis Austro-Hongrois*, p. 78.

² It is perhaps unnecessary to remind the reader that the Pragmatic Sanction deprives Hungary of no single attribute of independence, except of that of choosing its own King in the event of the extinction of the male line of the Habsburgs, and that Law x. of 1790-91, so far from justifying any restriction of Hungary's sovereign rights, expressly declares that country's independence of the various departments of the Viennese bureaucracy.—See vol. i. pp. 191 199, 232 199.

provide for the general necessities of the Empire ; that the Diet should be limited to the discussion of questions relating to direct taxation, of which it had had complete control for centuries past, and that all matters connected with trade and the customs tariff should be treated in agreement with the Austrian authorities. As regards the Ministry of War, it was stated that His Majesty "clings to the principle of intimate connexion which derives from the Pragmatic Sanction,¹ and to his rights with respect to the employment of the armed forces in accordance with the law and to the nomination of officers." The maintenance of the Hungarian Chancery in Vienna was also demanded, the result of which would be that the independent Ministry would be reduced, as Kossuth pointed out, to the position occupied by the old Council of Lieutenancy, which existed merely for the purpose of executing the orders transmitted to it by the bureaucrats of Vienna. The Prime Minister drew the attention of the Palatine to the fact that the terms of the rescript were not in accord with the justifiable expectation or legal rights of the country, and requested him to use his influence with the King to induce him to give effect to his promise with respect to the appointment of a responsible Ministry. The Archduke replied, "The present serious and important moment will decide the fate of Hungary. . . . I give my solemn word that I will not only transmit to His Majesty the remarks which the Ministry may make to me but will see that effect is given to them, and will, if necessary, make the retention of our offices dependent on the success of my efforts." The Diet thereon unanimously passed a resolution to the effect that any attempt to render vain the sacred word of the King would be looked upon as an audacious move on the part of a discredited bureaucracy,

¹ The Pragmatic Sanction has nothing to do with the armed forces of Hungary, except that the obligation of mutual defence is a necessary consequence of the identity of King and Emperor.

and that any tampering with the royal promise must necessarily have the effect of diminishing belief in 'the King's good faith. The people's wrath was unbounded when the terms of the rescript became known, but no actual disturbance occurred, though here and there the cry was raised of "Down with the German Government!" The Palatine, no doubt, was a broken reed, but a law had already been passed providing for the establishment of a national defensive force, and a nation in arms would have stood behind the Ministry if any overt attempt had been made to coerce the Diet and to curtail the effect of the concessions obtained. Knowledge of this fact, and the arrival of the news of unexpected complications in northern Italy, brought Vienna to its senses and compelled the camarilla to postpone its attempts at reaction to a more convenient season. A second royal rescript, dated March 31, shows that the King felt himself constrained to abandon the unconstitutional attitude recently adopted. "While I recognise," said His Majesty, "the fact that the organisation of home defence and the vote for military requirements belong to the sphere of action of the legislature, and that the disposition of the regular forces and their employment are within the competence of the Viceroy's Government acting through the responsible Ministry, on my part I confidently expect from the attachment of my faithful Estates and Orders to my House and to the connexion, consecrated by the Pragmatic Sanction, with my Empire that they will readily see that the question of the employment of the Hungarian army beyond the limits of the Kingdom, as well as that of the appointment to military offices, can depend only on my royal decision, and that the counter-signature in such matters must consequently be entrusted to the Minister in attendance on my person."

It is important that the date of the last-mentioned rescript (March 31) should not be forgotten. As will be

seen hereafter, ten days before the issue of that document, which, if black is black and white is white, gave the clearest possible proof of the King's intention to abide loyally by the terms of the promise contained in his communication to the Archduke Stephen of March 17, and to accept the full logical consequences of the concessions he had thereby agreed to make, the Viennese camarilla had already formulated its plans for the destruction of the newly-recognised independence of Hungary at the cost, if need be, of civil war. The Magyars, unaware of the underhand machinations of the Court party, now looked forward with confidence to the future. The country greeted the second rescript with orderly enthusiasm, recognising the truth of Wesselényi's saying, that anarchy is the bridge over which expelled absolutism returns. From all parts of the country expressions of thanks and loyalty reached the Throne. "Let His Majesty," said Kossuth, "come as soon as possible into the midst of his faithful Magyars and convince himself that our fidelity is no empty word, but that the Magyar can be manly, firm, and sincere, not only in winning liberty for himself but also in loyalty to his King."¹ The country's confidence in its future and in its monarch was confirmed, and seemed to be justified, by the fact that on April 10 Ferdinand came to Pressburg in order to be present at the ceremony of the dissolution of the Diet, and was accompanied by the Heir-apparent, the Archduke Francis Charles, and by his son, Francis Joseph, whose presence was looked upon as indicating the frank acceptance and final consecration of the new order of things, both by the actual occupant of the Throne and by his two immediate heirs. "I have come with joy into your midst," said the King, "for I find my dear Magyar people to be still the same as I have always found it to be. . . . It is a joy to me to see my

¹ On April 2 the Diet gave proof of the loyalty of its intentions by voting 3,000,000 florins for Court expenses.

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faithful Orders round me. . . . From the bottom of my heart I wish happiness to my loyal Magyars, for it is in their happiness that I find my own. Therefore, that which they require for the attainment thereof I herewith grant and confirm by my royal word to you, my dear cousin (the Palatine), and through you to the whole nation, in whose fidelity I find my greatest joy and comfort."¹ Francis Charles, speaking in his own name and that of Francis Joseph (the present King), said, "In my opinion, all that this noble-minded people can desire for its glory and prosperity is to be found to the full in those laws at the ratification of which I consider it a special privilege to have been present."² The King may perhaps be acquitted of intentional duplicity on the ground that his intellectual feebleness made him the unconscious instrument of the tortuous policy of the camarilla, but no such excuse can be alleged for Francis Charles.

¹ Horváth, *Huszondi év*, ii. 705-707.

² *Ibid.* ii. 706.

CHAPTER XIII

It would not have been surprising if the laws passed between March 20 and the date of the dissolution, which transformed the old oligarchical Hungary into a modern constitutional State, had shown signs of hurried workmanship, but it would be hard to put a finger on any indication of precipitancy or of political immaturity in the legislation of 1848. Though framed at a moment of great anxiety and excitement, it needed only slight alterations to fit it to form the basis of the compromise¹ which, twenty years later, the wisdom of Deák and his contemporaries was able to effect without infringing the principle of historical continuity.² The laws of 1848 were, in fact, not the hasty product of three weeks of feverish activity, but were the result of twenty-three years of continuous struggle, and of a gradual educational process for which three great men were chiefly responsible—Széchenyi, Deák, and Kossuth. To Kossuth is due the lion's share of the credit of having raised the debates of the Diet to a higher level, and of having induced the abandonment of the old circular rut—the perpetual insistence on local interests and grievances, and on the necessity of maintaining the integrity of the Constitution, not on that of reforming it. The fact that the nobles were induced to denude themselves of their oligarchic privileges, and deplete their

¹ Tezner, *Die Wandlungen der österreichisch-ungarischen Reichsidee*, p. 10.

² *Ibid.*

pockets in the interests of the nation at large, is the best evidence of Kossuth's influence on the imagination of his countrymen. No doubt the Viennese bureaucracy would, eventually, have bought the support of the lower orders for its centralising designs by abolishing class privileges, but the process of sweeping those privileges away would have infallibly swept away the Constitution also. Kossuth was quick to grasp the opportunity afforded by the disturbed condition of Europe in general, and of Vienna in particular, to recast the whole political fabric, and, at the same time, to obtain recognition of constitutional rights which, if dormant, had always existed, and of their necessary corollaries. Possibly, but for Kossuth, no baptism of fire and blood would have followed the rebirth of the Magyar nation; certainly, but for him, the Hungary of to-day would not exist.

Law iii. provides for the establishment of an independent, responsible Hungarian Ministry at Budapest. The person of the King is declared to be sacred and inviolable (sect. 1). In his absence the Archduke Stephen, as Palatine and Viceroy, is invested with all executive powers, exercisable, in accordance with the law and the Constitution, through the responsible Ministry; and no ordinances, commands, decisions, or nominations made or issued by the King or his Viceroy, as the case may be, are valid unless countersigned by a member of the Ministry (sect. 3). It was subsequently suggested by the reactionaries of Vienna that this devolution of authority to the Palatine was a revolutionary innovation; but a reference to the law of 1485, which defines the duties of that official, provides a precedent and shows that there was nothing unconstitutional or legally objectionable in the new clause. That law provided that in the absence of the King from Hungary the Palatine should be *ex officio locum tenens regius*, invested with all powers exercisable by the Crown, except those of pardon and of the conferment of privileges and

titles, and that if the King should be weak-minded or remiss in the performance of his duties, the Palatine should have authority to receive foreign ambassadors and give them an answer: in other words, should have complete power to represent the Crown both in home and foreign affairs. Ferdinand was notoriously weak-minded. To call him remiss would be to flatter him. For years past it had been a favourite trick to take no notice of the Addresses of the Diet, or to wait so long before sending a reply thereto that no time was left to discuss the terms of the rescript before the dissolution took place. Such a state of affairs obviously could not be tolerated in a country which was henceforth to have a proper system of parliamentary government. The power could no longer be left to the Crown of reducing the Diet to a condition of farcical futility by means of a deliberate policy of procrastination. That the suggestion of revolutionary illegality was an afterthought of the camarilla is shown by the terms of the manifesto issued by the King to the Croats on June 10.¹ "At the last Hungarian Diet, in accordance with the request made to Us by our faithful Estates, We, of our own free royal will, graciously ratified a law in accordance with which Our beloved Cousin, his Imperial Highness the Archduke Stephen, Palatine of Hungary, has been appointed Our Viceroy, with full powers as such to exercise the executive authority through our Hungarian Ministry at the same time appointed, which said Ministry unites in itself all functions hitherto attributed to the Court Chancery, the Council of Lieutenancy, the Treasury, and the Council of War."²

¹ See also Law iii. of 1562, which was never objected to as revolutionary. "As his Imperial and Royal Majesty cannot reside in Hungary, it is ordained that his Imperial Highness (the Archduke Mathias) in accordance with the full authority granted him by His Majesty in that behalf, shall have *plenary powers* to act and ordain through the Palatine and the Hungarian Councillors in matters concerning the Kingdom of Hungary."

² Hartig, *Genesis der Revolution*, Appendix XV. p. 363.

Every member of the Ministry is to be responsible for his official acts of whatever nature (sect. 4). In all civil, ecclesiastical, financial and military affairs, and all matters connected with home-defence His Majesty will henceforth exercise his executive authority only through the responsible Ministry (sect. 6). By the 7th and 8th clauses the right is reserved to the King of nominating the military and higher ecclesiastical officials, as well as that of employing the Hungarian army beyond the limits of the Kingdom, but these rights can only be exercised with the consent of the responsible Minister in attendance on the person of His Majesty, signified by his counter-signature. Thus, the Hungarian army cannot be withdrawn from the country unless its withdrawal is sanctioned by the Ministry, which, of course, would obtain the authorisation of the Diet, before giving its consent. In the absence of the King the Palatine nominates the Minister-President, his nomination being subject to the royal approval (sect. 11). The Minister-President submits the names of the other members of the Cabinet to His Majesty for confirmation (sect. 12). The Minister *a latere* is to represent the country "in all matters which interest Hungary in common with the Hereditary Provinces"¹ (sect. 13). A Council of State is to be established at Budapest under the presidency of the King, or, in his absence, of the Viceroy or Prime Minister, which will include in its members the high officials of the former Chancery, and the chief members of the Treasury and of the Council of Lieutenancy (sects. 19, 22, 24).² Ministers can sit or speak in

¹ This phrase was subsequently construed as implying a recognition by Hungary of a closer tie uniting it to Austria than that of personal union—the result of the identity of King and Emperor. But the Pragmatic Sanction is in 1848, as twenty years later, alone recognised as the basis of the relations of the two countries; consequently, matters of common interest are those, and those only, which flow from the obligation of mutual defence, which necessarily involves the adoption of a common, or, more correctly, an identical foreign policy for purposes of defence, but not for purposes of aggression.

² With respect to official appointments, due regard is to be had to sect. 58

both Houses, and can be called upon by both to appear and give explanations personally or in writing (sects. 28, 29, 30). Ministers are not necessarily members of either House, but can vote only if they are members (sect. 31). The Ministers are responsible "for all acts or ordinances which are injurious to the independence of the country, to the constitutional guarantees, to the existing legal ordinances, to the liberty of the subject, or to the sanctity of property, which they may do or issue in their ministerial capacity, as well as for the embezzlement or illegal use of moneys committed to their charge,"¹ and for failure to carry out the law or to maintain public order or security, in so far as the executive powers entrusted to them suffice to secure their maintenance (sect. 32). The impeachment of Ministers may be voted by an absolute majority of the members of the Lower House (sect. 33). Ministers are to render an annual account of their dealings with the national revenues, and present their estimates for the ensuing year to the Lower House (sect. 37).

Law iv. provides that Parliament shall sit annually in Budapest, and that Bills presented for the royal assent shall be confirmed before the end of the session. The mandate of the members is to be for three years; the King, however, has the right to prorogue or dissolve Parliament at any time, but a new one must meet within three months of the dissolution, and neither prorogation nor dissolution may take place until the Budget for the past year and the estimates for the ensuing period have been passed. The King nominates the President of the Upper House, while the Lower House elects its own Speaker, and other officers, by ballot. The qualification of the law of 1791, which provides that natives of the *partes adnexae* are to be employed in proper proportion (sect. 23.)

¹ An almost exact translation of Sect. 4, Art. 1-5 of the French Constitution of 1791. The influence of that Constitution is visible in many sections of the laws of 1848.

for election as member of Parliament is the same as that for the enjoyment of the franchise, except that the candidate must have attained the age of twenty-four and be able to speak the Hungarian language.

Law v., which is stated to be a temporary measure, provides for the introduction of popular representation. All male citizens, whether native or naturalised, of Hungary and of the parts annexed, are qualified for the franchise irrespective of their religion, provided they have attained the age of twenty years, are not under parental or other guardianship, or in service, have not been convicted of fraud, murder, theft, and other specified crimes, and possess urban real property to the value of three hundred florins, or property in the country equal in value to one quarter of a *sessio*, i.e., an allotment varying in extent in different districts, but on the average approximately equal to eight to twelve acres. The franchise is also conferred upon traders and manufacturers who possess their own shops or factories, and on artisans who have their own workshops and regularly employ at least one assistant. It is also given to those who do not come within the above category, but are possessed of a fixed income of one hundred florins derived from land or investments, and to all professors, surgeons, doctors, lawyers, apothecaries, clergymen, schoolmasters, and other members of the professional classes, as well as to existing burgesses of the free towns, without regard to their incomes or professions. All who have hitherto enjoyed the right to vote at elections of members of the Diet, but do not possess any of the above mentioned qualifications are temporarily¹ left in possession of the franchise, it being the object of the present Diet to widen the basis of representation, not to curtail existing rights. There are to be in all four hundred and forty-six deputies, that is to say, three hundred and seventy-seven

¹ The Radicals objected to this on the ground that it was an obvious infringement of the principle of equality.

for Hungary and the parts annexed, including eighteen for Croàtia, and eight for the frontier districts, hitherto entirely unrepresented, and sixty-nine for Transylvania, if and when the re-union is effected: the question of reincorporation being left to the decision of the Transylvanian Diet, Hungary undertaking to maintain all the special rights, privileges, and distinctive laws of the Transylvanians, which are not in actual conflict with the principle of complete unity with the mother country (Law vii.).

Law viii. abolishes the nobles' immunity from taxation. Henceforth all inhabitants of Hungary and the annexed parts are to bear their fair share of the common burden on the basis of a system of assessment to be hereafter elaborated. Law ix. abolishes for ever the *corvée* and all feudal dues in money or kind, as well as the manorial jurisdiction of the landowners. The legislature places the latter, as regards indemnification for their loss, "under the protecting shield of the national honour"; their rights are to be valued, and compensation is to be paid by the State on a five per cent basis (Law xii. 3). Law xiii. records the fact that the clergy voluntarily renounced their claim to tithes without asking for compensation. Lay impropiators are to receive compensation, and the needs of the poorer clergy are to be cared for by the State.

Law xiv. provides for the establishment of a Credit Bank, with a view to enabling landed proprietors to tide over the difficulties consequent on the abolition of feudal dues; and Law xv. abolishes in principle the old system of entail (*ósiség*). Pending the elaboration of a law on the subject, all suits arising from that system are temporarily suspended.

Laws xvi. and xvii. place the management of county affairs in the hands of committees, until the next meeting of Parliament, the continuance of the autonomous rights

of the counties in their existing form being clearly incompatible with the reformed Constitution, and with the executive powers now vested in the responsible Ministry.¹

Law xviii. puts an end to the existence, never recognised by the Hungarian legislature, of the preliminary censorship, introduces the institution of trial by jury, and is specially strict as regards journalistic attacks on the King, on the Constitution, and on the connexion of Hungary with Austria arising out of the Pragmatic Sanction. A political daily newspaper is to deposit 10,000 florins caution-money, other papers a less sum. This law, which evinces a distinctly non-liberal spirit, and caused great dissatisfaction, was only a temporary measure, and perhaps finds its justification in the fact that a certain degree of severity was necessary during the period of transition from bureaucratic to parliamentary government.

Law xx. places all recognised religions, viz. the Catholic, Greek, Calvinist, Lutheran, and, henceforth, the Unitarian religion, on a footing of absolute equality. The clergy of all such religions is to be provided for by the State, and all schools are to be thrown open to all denominations.

Law xxi. restores their ancient rights to the national flag² and coat-of-arms, and the annexed parts may use their own colours and arms alongside those of Hungary.

¹ Széchenyi and the more Conservative politicians wished to maintain the old organisation, which they regarded as the focus of national life and the stronghold of the influence of the nobles. Kossuth also was inclined to preserve it, as he still considered it to be the chief defence of the Constitution, but not in its present oligarchic form. He wished to place it on a democratic basis. Deák and Eötvös were decidedly in favour of its abolition, on the ground of its incompatibility with parliamentary government.—See the latter's *Reform, passim*.

² It seems to be doubtful what these ancient rights were. In old days the Magyars apparently fought under a red flag. In the time of Andrew II. official documents were fastened together with a red, white, and green ribbon, and tradition says that those colours were adopted for the national flag by

Law xxii. refers to the organisation of the National Guard, in which all persons between the ages of twenty and fifty years, who are not in service and own urban real property to the value of 200 florins, or half a *sessio* in the country, or have a regular annual income of 100 florins, are liable to serve. Officers up to the rank of captain are to be elected by the force itself, all above that rank are to be appointed by the Commander-in-chief (in Hungary the Palatine, in Croatia the Bán), on the recommendation of the Minister of War. The members of the force are to take the oath of fidelity to the King and to the Constitution.

Laws xxiii. to xxvii. deal with the question of the reform of municipal government, pending legislation on the subject by the reformed Diet. Temporarily, the qualification for the enjoyment of the municipal franchise is practically the same as that for the right to vote at elections of members of the Diet.

The legislation of 1848 has been styled revolutionary, and its authors have been accused of attempting to destroy every link of the chain which bound Hungary to Austria, but the accusation is ill-founded, for apart from the fact that Law x. of 1790-91 declared the complete independence of Hungary as regards all branches of government, the germ and the justification of the new order of things are, as will be seen, to be found in innumerable laws sanctioned and confirmed by successive

Louis the Great.—Kmetz, *A Magyar Közjog*, p. 514. Each Baron with banderol rights had his own flag, and the counties had theirs, but Law xi. of 1596 says "*suae Majestatis vexillo pareant et subsint*," which shows that the royal flag alone had "centrale Bedeutung" according to Tezner (*Wandlungen*, etc., p. 35), but there is no evidence as to whether that flag was the personal standard of the King, or the three-coloured national flag of Hungary. Later, the regimental colours bore either a picture of the Virgin or something to show the origin of the regiment, and had no political meaning. In 1754 an order of the War Council prescribed the use of the double eagle, and since the adoption of the imperial title the use of the imperial eagle was intended to symbolise the non-existent political unity of all the realms of the Habsburgs.—*Ibid.* pp. 37, 38.

kings.¹ No new limitation was placed on the constitutional power of the Crown which was not the reasonable consequence of a correct interpretation of the Pragmatic Sanction; and it is only in matters of internal organisation, in the abolition of the last traces of feudalism, and in the substitution of a system of representative government for the old oligarchical *régime*, that a distinct break with the past is to be found. Even Hartig² admits that "the movement in Hungary proceeded on legal, and not on revolutionary lines," in other words, that no attempt was made to deprive the Crown of rights based on statute law or sanctioned by immemorial custom. "The nation gained nothing new by means of the laws of 1848; His Majesty gave it no share in those privileges which he legally enjoyed; but those laws assured it, with the consent of course of the Crown, the enjoyment of those rights which it had hitherto legally possessed, but had, in fact, been exercised by the King in disregard of the law."³ Teszner⁴ and others who would deny the very existence of a Hungarian Constitution before 1848, see an argument in support of their views in the fact that the *jura reservata* of the Crown are not defined by statute; but the very fact of the absence of hard and fast legal definition is evidence of their restricted character, for the King, being the delegate of the nation, which divested itself of a portion of the sovereignty in favour of the Crown, can by no process acquire rights which have not

¹ Even the principle of ministerial responsibility is not new. It will be remembered that Law vii. of 1507 provides that if any member of the Royal Council does anything contrary to the laws or injurious to the interests and liberties of the country, the other members are bound to bring the matter before the Diet, at its next meeting, which will punish the offender according to his deserts.

² *Genesis der Revolution*, p. 278.

³ Coloman Tisza, 1866, cited by Horváth (John), *A Közös Ügyek Előzményei és Fejlődése*, p. 56.

⁴ *Die Wandlungen der österreichisch-ungarischen Reichsidee*, Vienna, 1905, and *Der österreichische Kaisertitel*, etc., 1899.

been specifically delegated to him.¹ Time does not run against Acts of Parliament: it neither destroys nor diminishes their binding force, and in a constitutional country no length of illegal use can confer prescriptive rights as against the sole valid source of royal authority. However great the influence exercised by the Austrian Government on the internal affairs of Hungary since the disaster of Mohács had been, the success of a policy of encroachment on the constitutional liberties of the country cannot be taken to imply the abandonment in perpetuity of national privileges, or justify complaint when the coincidence of a period of political revival in Hungary with one of revolutionary disorder in the hereditary provinces enabled the Magyars to assert their right of re-entry into the possession of their birthright.

It cannot be denied that Vienna, since the importation of the Habsburgs, had exercised an influence on the internal affairs of the Magyars at times so preponderating that Hungarian independence practically existed only in the ink and paper of the *Corpus Juris*. On the other hand, only a perversion of historical facts can give a semblance of support to the assertion of Lustkandl,² the originator and the chief source of modern criticism of Hungary's historic rights, that the Constitution was a myth; that before as well as after the Pragmatic Sanction Hungary was in reality incorporated in the realms of the Habsburgs, and that the Magyars acquiesced in such incorporation. What Bidermann³ calls the *Gesamt-Staats-Idee* was conceived immediately after the battle of Mohács, and, though its manifestations and the relations of the Habsburgs to Hungary vary from time to time,

¹ Verböczy.

² *Das ungarisch-österreichische Staatsrecht*, Vienna, 1863, as a reply to which Deák wrote his *Adalék a Magyar Közjoghoz*, Pest, 1865 (cited as Deák, *Adalék*).

³ *Geschichte der österreichischen Gesamt-Staats-Idee*, Innsbruck, vol. i. 1867; vol. ii. 1889.

the desire to destroy everything that differentiated that country from the hereditary provinces, and to bring about its final incorporation in a uniform Austrian monarchy was ever present. The early period of Habsburg domination was one long anti-reformational campaign, in which the principles of absolutism in Church and State were opposed to those of religious freedom and constitutional government. The godless doctrines of Luther and Calvin were to be extirpated, and at the same time the liberties of Hungary were to be destroyed in the interests of uniformity, the ideal of the Habsburgs, in whose opinion heresy and rebellion were practically synonymous.¹ Later, when the attention of the Habsburgs was concentrated on the German Confederation, and all considerations were subordinated to the maintenance of Austrian hegemony therein, the presentment of the appearance of a united Austrian monarchy, all parts of which gave unquestioned obedience to Vienna, was a matter of vital importance. It was the same at the period during which the whole policy of Austria was influenced by the desire to maintain that country's domination in Italy, the heel of Achilles, the existence of which contributed more than anything else to Hungary's temporarily successful assertion of its rights in 1848. The Habsburgs considered Hungary's incomprehensible insistence on historic rights a nuisance, and an obstacle to the realisation of their ambitions. They were bored with a "nation of hussars and lawyers," as

¹ The idea of Austria's duties to Rome and reactionary principles, is well illustrated by a pastoral letter of the Bishop of Trient, issued in 1866, cited by Springer, *Grundlagen und Entwicklungsziele der österreichisch-ungarischen Monarchie*, 1906:—"Austria is the most useless State in the world, unless as the champion of Catholicism and in the name of the Roman Curia it secures Middle Europe for the Papacy against the Protestant North and the revolutionary, unbelieving West. Its vassaldom to Rome must be the corner-stone of its policy, both internal and external; Austria must maintain its position in Germany and Italy as Rome's policeman, and as the embodiment of the reactionary principle. The Concordat is the only Constitution Austria wants." The Concordat of 1855 showed that the Austrian Government realised the fact that without the backing of Rome reaction must fail.

Bismarck called the Magyars¹—fighters and hair-splitters, who should, in their opinion, have been proud to sink their individuality in a common Austrian fatherland. But this was precisely what Hungary never had any intention of doing, though Lustkandl and his followers will not admit the fact. They tell us that since 1526 Hungary was a monarchically governed province of the Habsburgs on precisely the same footing as the hereditary dominions;² that it was under a completely centralised government down to 1848;³ that the Hungarian Constitution amounted to no more than immunity from taxation for a privileged class;⁴ that the Diet had no legislative power, such being vested solely in the King,⁵ whose exclusive authority extended to all departments without exception.⁶ Further, we are informed not only that a real and not a mere personal union was the result of the Pragmatic Sanction, but that such a real union existed before the law of 1723,⁷ and was finally consecrated by the assumption of the imperial title in 1804, and that Hungary acquiesced without protest in the process of incorporation in the new-fangled Empire. That successive Habsburgs tried to bring about such an incorporation is an unques-

¹ *Reflections and Reminiscences*, ii. 252.

² Springer, *Grundlagen*, p. 8, following Lustkandl. *Das ungarisch-österreichische Staatsrecht*, p. 307. "Die österreichischen Länder mindestens seit der Pragmatischen Sanction eine einheitliche Gesamt-Monarchie gebildet haben, wovon Ungarn auch ein spezieller Theil war."

³ Tezner, *Die Wandlungen*, etc., p. 2.

⁴ Tezner, *Kaisertitel*, p. 45, following Lustkandl, *o.c.* 171.

⁵ But see vol. i. p. 233, Law xii. of 1790-91, "*De legislativae et executivae Potestatis Exercitio*," which declares that the power of "passing, abrogating, and interpreting" laws is jointly exercisable by King and Diet, and not otherwise as his Majesty admits, "voluntarily and of his own accord." See also iii. 1715. "*Nec Status et Ordines Regni eadem Sacra Regia Majestas secus regi aut dirigi vult quam observatis propriis ipsius Regni Hungariae hactenus factis vel in futurum Diaetaliter constituendis legibus.*"

⁶ Springer, *Grundlagen*, p. 13. According to this author the Pragmatic Sanction and the laws of 1790 resulted only in the "Stärkung des Absolutismus und die Befestigung der alten Privilegien des Adels," p. 15.

⁷ Tezner, *Kaisertitel*, p. 106 sqq.

tionable fact, but the extent to which they succeeded in their efforts is another matter.

The reader is acquainted with the terms of the Pragmatic Sanction and of the laws of 1790-91,¹ but is, perhaps, not equally conversant with other details of legislation and executive practice on which Lustkandl and his successors base their arguments. To begin with, financial matters. Bidermann, following Lustkandl, adduces the fact that in 1562 a royal order was issued providing for the introduction of the Austrian currency system into Hungary as a particularly instructive indication of that country's recognition of its financial subordination to Vienna,² but omits all reference to legislative enactments of the same reign and subsequent periods,³ which prove that in matters affecting the currency the Magyars did not submit to Austrian dictation.⁴ Bider-

¹ See vol. i. pp. 190 *sqq.*, 230 *sqq.*

² *Gesamt-Staats-Idee*, p. 15. "Ein besonders Hervorleuchtender, den deutschen Hintergrund illustrierender Fall."

³ E.g. 1547, xxiv., re-establishing the coinage on the previously existing basis. 1548, li., as to relative value at which Bohemian money is to be accepted. 1741, xxxii., as to acceptance of the Moravian Gröschl.—See Deák's *Adalék Magyar Közjoghoz*, p. 97 *sqq.*, also p. 131, where twenty-one other Hungarian laws regulating the coinage are cited. See also the laws cited by Horváth (John), *A Közös Ügyek*, p. 41 *sqq.*

⁴ In 1752 Maria Theresa established a bank of issue in Austria, the notes of which were accepted in Hungary though the Diet was not consulted on the subject. In 1811, that body passed a resolution to the effect that "the King has no power either by reason of his royal prerogative or otherwise to issue notes or bring them into circulation in Hungary . . . without the permission of the Diet (Horváth (John), *Közös Ügyek*, p. 91), and raised the question of the advisability of establishing a separate Hungarian bank. Austrian notes, however, continued to be circulated in Hungary, and in fact formed the chief medium of exchange, but the proceedings of the Diet of 1825 show that the members never accepted the Austrian view that the decision in such matters formed one of the *jura reservata* of the Crown. When Francis in 1811 wished to force Hungary to undertake the liability for 100,000,000 florins out of the 211,000,000 of the Austrian public debt, if a real union had existed, and if the King's power had been as illimited as Lustkandl and his school suggest, he certainly would not have accepted, as he had to do, a refusal. Maria Theresa submitted to a similar rebuff in 1763, and both in 1806 and 1809 the Diet obtained a recognition of the principle that no such burden as Francis wished the country to undertake could be imposed without its consent.

mann finds further confirmation of his view in the fact that during the reign of Ferdinand I. the Hungarian *Regalia* or Crown perquisites, if the phrase may be used, were under the management of an Austrian official,¹ but eleven laws from 1492 to 1825 prove the Diet's control of the mines,² four laws forbid the King to mortgage or alienate Crown property,³ a similar number deal with saltpetre and gunpowder, which were also *Regalia*,⁴ and eight with salt, another Royal monopoly.⁵ As regards the trade relations of the two countries, it has been seen that ever since the reign of Maria Theresa the monarch arrogated to himself the right of unlimited control, but he had no constitutional justification for so doing, as is shown by the existence of legislation on the subject of the customs duties emanating from the Diet and confirmed by the Crown. Law xxiv. of 1622 enacts that the proceeds of all duties collected in Hungary or in the parts annexed shall no longer be sent to the Austrian Treasury, but shall be forwarded to the corresponding Hungarian institution at Pressburg. That of 1659 (lix.) deals with the question of the admission of Hungarian wines into Austria, and that of 1662 (xlii.) provides that the King, *pro conservanda bona vicinitate mutuaque amicitia*, shall consult the Estates and Orders of the hereditary provinces on the subject, which proves that in this case, at all events, the King of Hungary dissociated himself from the Archduke of Austria, and that he realised that in the latter character he was not entitled to claim exclusive control of the fiscal relations of the two countries.⁶ Law xci. of

¹ *Gesammt-Staats-Idee*, p. 20.

² *Adalék*, p. 130 sq.

³ 1514, i., ii.; 1608, xxii.; 1609, liv.; 1622, xlvi. ⁴ *Adalék*, p. 133.

⁶ *Ibid.* p. 132. Law xx. of 1790 declares that the price is not to be raised by the King without the consent of the Diet, except under exceptional circumstances, which are not defined. No doubt it means in time of war, but the phrase in any case does not justify the view that the Diet's control was *nil*, or, at all events, illusory.

⁶ *Ibid.* p. 105. Other laws bearing on the subject are 1490, xxiv., specifying the places at which duties are to be levied; 1514, i., forbidding the

1715, referring to Law x. of 1655, provides for the appointment of a commission to inquire into the whole question of the customs "*in excessus et defectus diligenter inquirere . . . investigare, corrigere, addenda addere, tollendaque tollere*,"¹ which alone suffices to refute Lustkandl's statement to the effect that the Austrian monarch had exclusive authority in such matters. Moreover, the continued existence of a customs barrier between Hungary and Austria is of itself an indication of the fact that the two countries continued to be regarded as two juridically separate and distinct units. That the Hungarian Treasury was, in general, dominated by that of Vienna to such an extent that the former was reduced to the position of a mere branch office of the latter is indisputable; but it is equally clear that the domination in question formed at all periods one of the chief grievances of the Diet, and was always resented as unconstitutional. To take but two of the many enactments dealing with the subject—Law v. of 1608 provides for the election of treasurers, who are to be entirely independent of "foreign nations," *i.e.* of the hereditary provinces;² and Law xiv. of 1741

King to alienate or mortgage the customs; 1523, xlv., and 1715, xc., declaring that duties are to be levied only at specified places. Seven laws between 1498 and 1681 abolish the duties on certain articles, *ibid.* p. 141; and five, in addition to those passed before Mohács, fix the tariff or grant exemption to various articles.

¹ *Adalék*, p. 108.

² Deák cites five more Acts passed between 1608 and 1681 dealing with the same subject.—*Adalék*, p. 109. Ferdinand I., two years after Mohács, ordered all revenues to be sent to Vienna. In 1583 the Diet declared (Law i.) that no more taxes should be voted till the liberties of the country were restored, but the result of its resolution was *nil*, and the Treasury was deprived of its last vestiges of independence by Leopold I. In 1809 Baron Knessebeck, the Prussian statesman, wrote of Hungary, "Kein Schanzgräber, keine Metze Korn kann hier ohne Zustimmung der Stände ausgeschrieben werden" (Horváth (John), *Közös Ügyek*, p. 93), but in spite of that fact Hungary's financial control was, however great *de jure*, *de facto* extremely small. According to Eötvös (*Reform*, p. 8) in 1846 the *net* revenues amounted to 23,000,000 florins, of which 4,500,000 went to cover the expenses of local government. Of the remaining 18,500,000 only 4,500,000 florins were produced by the tax voted by the Diet for military purposes. Over the balance of 14,000,000, none of which was spent in Hungary, the Diet had practically no control.

was passed with the intention "*ut Camera Regia Hungarica in activitate, vigore legum patriarum, eidem competente plene et omnino conservetur.*" In theory, therefore, the independence of the Hungarian Treasury was fully maintained, but in reality it was almost non-existent, notwithstanding the continued protests of the Diet. In this constant insistence on grievances and in the *renovatio* or re-enactment of laws¹ in practically the same form over and over again, Tezner sees the reduction of the functions of the Diet to a mere "Petitions-Gravamina-Postulatsthätigkeit" (a word of such monumental proportions that translation is impossible), "such as we find in all continental, monarchic States with a limited representative system, at the period of their transition to absolutism";² but the mere fact of such re-enactment, which in every case received the royal assent, proves that the King of the period, no matter to what extent he had been guilty of encroachment on the rights of the Kingdom, fully admitted the existence of such rights, though he violated them to the best of his ability. Nothing but legislation such as that of 1848 could suffice to prevent the repetition of such encroachment on the part of monarchs whose chief desire it was to efface the distinction which existed between the King of Hungary and the Archduke of Austria.³

¹ E.g. as to removal of foreign troops five laws in a century—1536-1638—and five between 1550 and 1791 as to the obligation of the King to reside in Hungary. "Das gibt dann zusammen die Verfassung des *inlyti Regni Hungariae*," exclaims Tezner, who before committing himself to the statement that the initiative power in matters of legislation was vested solely in the King, should have referred to the episode of the extra-Dietal insertion of Law xxii. of 1604 (see vol. i. pp. 139, 143), and to Verböczy, *Jus Tripartitum*, Part ii. 3, 4. The King had of course a power of veto, which to some extent reduces the Parliaments of all constitutionally governed countries to a "Postulats-Petitions-Thätigkeit." In England the petitional form of laws continued till about 1470. As Stubbs pointed out, the importance of the petitional form lay in the fact that it gave Parliament the initiative. All the criticisms of Tezner and Springer would apply equally well to the British Parliament, any way to the middle of the seventeenth century, i.e. royal delay, evasions, etc. See Rudolf Springer, *Die Krise des Dualismus*, Vienna, 1904, 13 sq.; Stubbs, *Constitutional History*, II. xvii., III. xx.

² *Kaisertitel*, p. 18.

³ Springer says that the Habsburgs rightly never looked upon themselves

The establishment of the War Council in Vienna in 1556 undoubtedly inflicted a severe blow to the principle of Hungarian independence, but the statement of Lustkandl that the Diet neither then, nor at any time since the beginning of St. Stephen's reign, exercised any control over military matters, requires modification. In the first place, in the days of the old banderial system, and before its establishment, the King could not call upon the national forces to serve beyond the limits of the kingdom. In the second place, a whole series of laws exists to prove that the control of the Diet was complete as regards the number of men to be found by the counties and landowners, the period of service, the quartering of the contingents, and the amount of the military tax.¹ The command of the Hungarian forces when brought into existence by the Diet was vested first in the Palatine, later in the King, but if the Diet had refused to vote recruits from time to time, the King had no constitutional means of compelling the grant of subsidies in men or money, and after a time would have found his privilege reduced to the command of a non-existent force. But indeed, the Diet, considering the fact that Hungary was not

as the mere successors of the Árpád and Jagellon dynasties, and that Hungary, dismembered by the Turks and restored by the Habsburgs, should be looked upon as the creation of the latter (*Grundlagen*, p. 11). "Der gegenwärtige, abgerundete, befestigte, geeinigte Staat ist ein Geschenk des Kaisers, d.h. Österreichs und seiner Völker," *ibid.* p. 12. It would be far more true to say that but for Hungary, Austria would have ceased to exist in the time of Maria Theresa, and that constitutional government was a present made by Deák to Austria. Besides, the ejection of the Turks was the work of Catholic Europe, not of Austria alone.

¹ See Deák's *Adalék*, etc., p. 134 *sqq.*, where he cites twenty-three such laws. Perhaps the strongest is xix. of 1790, which declares individuals and counties to be guilty of treason to the country if they offer the King subsidies in men or money without the Diet's consent, which the King specially confirmed in Law iii. of 1825. Law ii. of 1592, *re* defence of frontiers, provides for the appointment of commissioners to consult with the envoys "*vicinorum regnorum et provinciarum*," which has been used to show the existence of a real and not a personal union. It of course shows precisely the contrary, as does the action of the Diet in 1792, which refused to vote recruits until informed of the reasons for which they were required.

directly interested in the wars waged by the House of Habsburg for dynastic purposes, was extremely lavish both of blood and treasure, and never attempted to exercise any separate control over the Hungarian forces, which were practically merged in those of the hereditary provinces, thereby justifying the erroneous view commonly entertained by foreign countries, whose experience of Hungary was mostly confined to the battlefield, of the nature of the bond which united the Habsburg dominions. The control of the Hungarian forces exercised by the *Consilium Aulicum Bellicum* of Vienna was complete, and the Diet did not, even in 1790, when it obtained the most thorough recognition of the national independence, aspire to the establishment of a separate military organisation for Hungary, but contented itself *temporarily*¹ with the demand that places should be found for two Hungarians in the War Council. The Magyar contingent, except in Laws xxiv. of 1764 and i. of 1802, which speak of the "Hungarian army," was nearly always referred to as "the Hungarian legions" or regiments;² and the fact that the law just referred to, which fixes the numbers of the "Hungarian army" at 64,000 men, makes no reference to artillery, only to cavalry and infantry, shows that no idea was then entertained of establishing a complete military organisation separate from that of the hereditary provinces, though no recognised *jus reservatum* of the Crown would be infringed by its establishment. No argument in favour of the existence of a real union can be fairly drawn from the fact that the defensive organisation

¹ "Animadvertentes Hungaricam militiam separato a reliquarum ditionum copiis jure *pro hodiernis rerum conjunctis* vix aut ne vix quidem regi posse."—Horváth (John), *Közös Ügyek*, p. 83. At the same time the Diet demanded that Hungarian regiments should be commanded only by Magyar officers. Evidently the Diet considered that according to the Constitution it was entitled to establish a separate military organisation, but that the middle of the Napoleonic era was not a suitable moment for insistence on strict constitutional rights.

² In 1725 they are referred to as "*militia nostra nationalis Hungarica*."

of the Hungarian frontiers was directed from Vienna during the existence of the Turkish peril, for the defence of the borderland was of vital importance to Austria,¹ which had more than once seen the armies of the Sultan at the gates of the capital; and the fact that one country guarantees the territorial integrity of another does not betoken the existence of any form of union between the two. Till 1848, the control exercised by Austria over the Hungarian forces was indisputably complete, but it is equally indisputable that the Diet never abandoned its right to interfere in questions affecting the internal organisation of the troops, such as the preferential employment of Magyars in the higher ranks and on the staff,² the standard of height, the exclusive employment of officers and non-commissioned officers acquainted with the Hungarian language,³ the period of service and the liability of the Jews thereto,⁴ and the non-transference of Magyars to non-Hungarian regiments.⁵ The Diet of 1825-27 for the first time raised the question of the use of Magyar words of command instead of the German words in use since Law viii. of 1715 admitted the insufficiency of the old banderial system⁶ and allowed the establishment of a

¹ "*Quandoquidem salus et permansio non modo afflictæ hujus patriæ, tanquam clypei et antemuralis, sed aliorum quoque vicinorum Regnorum et Provinciarum ex bona et securâ confinium provisione dependeat.*"—Leopold I. in his Coronation Diploma.

² 1792, ix.

³ 1807, i.

⁴ 1830, vii. Law lix. of 1715, contemporary, it should be observed, with the first establishment of a standing army, recognises the Diet's right of interference in military affairs. It appoints a commission "*pro systematis elucubratione in militaribus economicis rebus,*" and the King undertakes to appoint commissioners on his part to confer with those chosen by the Diet to which the result of the conference is to be submitted at its next meeting for revision.

⁵ 1840, ii.

⁶ The use of German was, according to Bidermann, intended "to produce a complete feeling of brotherhood among all the nations of the Habsburg monarchy" (*Gesamt-Staats-Idee*, vol. ii. p. 78). "*Doch das Gefühl der Zusammenhörigkeit . . . zu einem klaren thatkräftigen Bewusstsein ist ihm nicht gelungen*": a view which is not in accord with that entertained by Tezner and Springer on the subject of Hungary's recognition of, and acquies-

standing army, consisting of foreign as well as of native soldiers. Nothing was in fact done to give effect to the wishes of the Diet in this respect, but no law or *jus reservatum* existed to make insistence on the realisation of its desires constitutionally inadmissible. Five laws¹ make the consent of Hungary a condition precedent to the exercise of the Crown's right of declaring war—a sufficient proof of the limited nature of the royal authority as compared with that wielded by the Archduke of Austria. The laws of 1848 made no change in the constitutional position as regards the military obligations of Hungary deducible from the terms of the Pragmatic Sanction, to which Kossuth and the Prime Minister² assigned the only reasonable meaning, viz. that it was Hungary's bounden duty to defend the territorial integrity of the Austrian Empire if it was attacked, but that there was no obligation to take part in a war of conquest, or to interfere in the internal affairs of the hereditary provinces. The common army, if and so far as it can be said to have had a constitutional existence by virtue of the obligation of mutual defence, was not destroyed by the legislation of 1848,³ which did no more than provide for a Ministry of Home Defence, and required the consent of the Hungarian Government to the employment of the national forces beyond the limits of the Kingdom: that is to say, for purposes not strictly connected with the maintenance of the territorial integrity of Austria.

cence in, the unification with Austria. It is true that in 1655 the Diet demanded the admission of Hungarians to the Viennese War Council. This does not, however, prove abandonment of Hungarian rights; it only shows that the Diet wished to assure its influence on the course of negotiations with the Turks, in accordance with Laws i. of 1536, ii. of 1622, and many others which forbade the King to make war or peace without its consent.

¹ 1608, ii.; 1613, v.; 1618, ii.; 1622, ii.; 1659, i. "*Ne Rex sine praesentibus et consensu Regni ullum vel bellum moveat, vel militem extraneum introducat.*"

² In the debate on the rescript of March 31.

³ Count Julius Andrassy, August 1, 1868.

As regards relations with foreign powers and diplomatic action, the influence of the King was always supreme, though his claim to exclusive control was not unquestioned. The Diet did not cease to insist on its right of making its voice heard when peace negotiations were in progress; but, as in other departments, so in that of foreign affairs, Hungary failed to secure all the attributes of distinctive existence, and, both before and after the Pragmatic Sanction, the protestations of the Diet and its attempts to assert its strict rights were almost invariably ineffective. Though numerous laws declared that Hungary must be separately represented when terms of peace with the Turks were under discussion,¹ only on two occasions² do we find Hungarian commissioners acting on terms of equality with the diplomatic representatives of the hereditary provinces. As a general rule, Hungary was neither consulted nor represented, and this explains the fact, to which Lustkandl refers in proof of his statement that a *real* union bound all parts of the Habsburg dominions together, that in 1741 the Diet requested the Queen to find places for Magyars in the so-called Ministry of State to which all questions of foreign policy were referred.³ Leopold II. assured the Diet in his Coronation

¹ *E.g.* 1536, i.; 1546, iv.; 1622, ii.; 1659, i.; 1681, iv.—See Kónyi, *Deák Ferencz Beszédei*, i. 14.

² At the Peace of Zsitvatorok, 1606, and that of Sistova. Hungary was not consulted *re* the terms of the Peace of Vásvár, 1664; or of Karlowitz, 1699; or of Passarowitz, 1718; or of Belgrade, 1739; nor was it represented at the Congress of Vienna, 1815.—Horváth (John), *Közös Ügyek*, 66 sq. Both in 1830 and 1840 the Diet would not vote the military contingent until it received explanations from Vienna as to the general European outlook, and the necessity of recruits, to emphasise its right to information on questions of foreign policy.

³ Springer says that Hungary gave up its rights of independence in return for representation in the higher governmental departments of Vienna (*Grundlagen*, p. 18) which he styles "common" to both countries; and Tezner (*Kaisertitel*) says that the Diet, at the beginning of the eighteenth century, made no objection to the fusion of Hungary with the hereditary provinces, and that that fusion was practically complete and accepted as such; but he tries to prove too much. For instance, he refers to the demand of the Hungarian magnates

Diploma that he would respect the country's right to be consulted in all matters which affected its interests, but

made in 1712 that Hungary "*in perpetuum conjungeretur*" with the hereditary provinces, and that its representatives should be admitted "*ad suae majestatis consilia et intima quoque conferentialia*" as a proof of Hungary's acquiescence in the process of absorption. In reality, this particular request was the outcome of Hungary's wish for the abolition of obstacles to free trade with Austria, and not of a desire for incorporation. He sees a similar proof of acquiescence in the request addressed by the Diet to Maria Theresa in 1741, that she will consult the Primate, Palatine, Bán, and her faithful Hungarians on matters concerning "*tranquillitatem et salutem adeoque ipsam universorum regnorum et Provinciarum summam*," and requests her in matters "*directe et praecise Regnum hoc respicientia negotia intimum Hungaricum consilium adhibere*." The use of the phrase "*regnorum et provinciarum summam*" shows that a distinction is drawn between affairs of common interest arising out of the Pragmatic Sanction and the "*directe et praecise Hungariam respicientia negotia*." In the case of the former the Diet wishes due weight to be given to its views; as to the latter, it wishes to exclude foreign interference. That this is the correct interpretation is shown by the Queen's reply, in which she says that she will be guided by her Hungarian advisers in Hungarian affairs, which shall be dealt with "*legibus Regni stabilita modalitate*," but that "*cum magis ardua occurrerint pertractanda negotia*" she will summon the Palatine, Primate "*et Regni dominos*." The "more difficult matters" distinguished from the "*res et negotia Hungarica*" can only be affairs of common interest under the Pragmatic Sanction, i.e. mutual defence (the War of Succession was just beginning) and diplomatic questions arising therefrom. Law xi. of the same year, which embodies the result of the negotiations with Maria Theresa, also bears out this interpretation, Her Majesty "*clementer resolvit quod nimirum res et negotia Regni tam intra quam extra Regnum per Hungaros tractabit tractarique faciet*." See also Law xvi. of 1790, which provides that Hungarians are to be admitted "*in ipsum Status ministerium*" and the "*cancellaria Status intima*," "*ut tam interna quam externa illa quidem per Hungaros, haec vero cum influxu Hungarorum pertractentur*," i.e. Hungarian affairs are to be managed only by Hungarians, and in foreign affairs Hungary's right of interference is to be recognised. Lustkandl says that before 1723 there was a real union—a confederation of all the realms of the Habsburgs—and cites the terms of the Peace of Vienna, 1696, to prove the statement. But they prove just the contrary, as they provide for the maintenance of "neighbourly relations and mutual love," as if "ancient pacts and treaties" had never been violated "*et ultro citroque commercium Christianorum*." Further, both parties, Hungary and the Czechs, agree to unite forces against the Turks if a satisfactory peace cannot be arrived at. Such undertakings could not have been necessary if a real union existed (*Adalék*, p. 48 sq.). Almost the same words are used by Law xxvi. of 1622, "*De pace cum Ditionibus Regno Hungariae adjacentibus stabilienda et vicinitatis juribus invicem colendis*." In 1641 delegates were summoned from Hungary and the hereditary provinces to discuss matters connected with preparations for war against the Turks, and the Diet was summoned to choose representatives. The

things went on as before, and "neither military history nor the language of diplomacy recognised the existence of a King of Hungary or of a Hungarian army."¹ The laws of 1848 clearly did not contemplate the establishment of a separate Ministry of Foreign Affairs for Hungary. Deák is precise on this point. The first draft of sect. 13 of Law iii. provided that the Minister in attendance on the King should represent the Kingdom in all those *foreign* affairs which jointly interest Hungary and the hereditary provinces, but an amendment was carried omitting the word in italics,² and the nature of the "matters which interest the Kingdom in common with the hereditary provinces" is left undefined, and only a reference to the Pragmatic Sanction can supply the needed definition.

No one attempted to deny the existence of affairs of common interest. It will be remembered that the manifesto, the work of Deák, issued in 1847, declared the willingness of the Opposition to work hand-in-hand with Austria in such matters, and its inability to forget either the duties deriving from the Pragmatic Sanction, or the guarantees of independence contained in Law x. of

Palatine, thinking that the proposed joint action would excite the suspicions of the Diet, was careful to point out in his letter of summons that the conference was summoned only for the purpose of taking measures for common defence, and did not commit Hungary to joint action in any other matters. "*Super praedeclarato dumtaxat praevis negotio solo, aliud enim ibidem publice tractari minime patiemur.*"—Kovachich, *Supplementum ad Vestigia Comitiorum*, iii. 367. It is, therefore, misleading to adduce such cases of joint action in proof of Hungary's abandonment of its independence.

¹ Tezner, *Wandlungen*, etc., p. 5. See Lord Palmerston's reply to Pulszky, the Hungarian envoy in London, December 13, 1848: "The British Government has no knowledge of Hungary *except as one of the component parts of the Austrian Empire!*"—*Correspondence Relating to the Affairs of Hungary, 1847-49*, p. 107. A deliberate misstatement or an unfortunate misconception of the relation existing between the two countries.

² Horváth (John), *Közös Ügyek*, p. 153. It must be remembered that in 1848 Austria was a member of the German Confederation, and consequently that Austrian and Hungarian interests were not identical. Hungary could therefore reasonably demand separate diplomatic representation.

1790-91. On November 12 of the same year, Kossuth, speaking from his place in the Diet, said: "I maintain that any one who strives to disseminate the opinion that our country's lawful interests are necessarily in conflict with those of Austria is doing a bad service to the reigning House. I flatly deny the existence of such a conflict, and repeat with absolute conviction the words used by the Diet in 1844, to the effect that the complete development of constitutional life in Hungary is perfectly compatible with the Austrian connexion." During the debate on the subject of the rescript of March 31 the same speaker said that it was undeniable that Hungary had duties to perform towards Austria resulting from the Pragmatic Sanction; and it was indubitably the intention of the new Government to send a commission to Vienna to discuss the nature and the means of fulfilling such obligations.¹ According to Deák, Hungary would have been quite ready in 1848, as well as on the morrow of its greatest military successes the following year, to come to an arrangement on the lines of the Compromise of 1867. "Common affairs," said Deák,² "did not now first come into existence . . . if so much Magyar blood had not drenched every battlefield of Europe, the Austrian State would not now exist. If German, Czech, and Moravian had not fought side by side with us right down to Belgrade, perhaps Hungary would to-day be a fragmentary province of Turkey." The laws of 1848 were intended to form the foundation of a permanent superstructure, the details of which required time and much consideration for their elaboration; but the camarilla in Vienna had no intention of laboriously untying the Gordian knot, which it believed could be cut without difficulty. History, as usual, repeated itself. Ever since 1526, the Habsburgs, from time to time, under the pressure of military or financial needs, renounced their policy of

¹ Beöthy, *o.c.* ii. 574.

² March 28, 1867.

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encroachment on the liberties of Hungary, but as soon as their temporary necessities were satisfied, withdrew the concessions they had been forced to make, or tried to misinterpret their obvious meaning. From time to time Hungary had bowed to the force of circumstances, and temporarily submitted to the curtailment of its constitutional rights. But those rights were destructible only by legislative process, the result of an express agreement between two equal parties, King and Diet, and no such agreement is to be found in the pages of the *Corpus Juris Hungarici*. The laws of 1848 should have put an end to the long period of autocratic interference, and have assured to Hungary the position as an independent nation to which it was legally entitled but did not in reality occupy since 1526. It would be as idle to deny the fact that the Magyars had lost the chief attributes of independence as to assert with Lustkandl and his imitators that they acquiesced in the principle of incorporation in the hereditary provinces. The whole political history of Hungary from Mohács to 1848 is characterised by an incessant alternation of infringement and revindication, attempted or successful, of constitutional rights which Hungary enjoyed *de jure*, but *de facto* had partially lost. As regards their binding force, you cannot differentiate between one fundamental law and another, nor can you adhere to the advantageous clauses of a contract and reject the inconvenient obligations. The consideration for the acceptance by Hungary of the terms of the Pragmatic Sanction was the guarantee of national independence, subsequently interpreted and confirmed by Law x. of 1790, which declared that "*Hungaria est Regnum liberum, et relate ad totam regiminis formam independens.*"

CHAPTER XIV

THE prospect of a new era of civil and religious equality was greeted with general satisfaction. Even the Servians expressed their gratitude for favours to come, and published declarations in their newspapers announcing that thenceforth they would "regard themselves as Hungarian citizens, ready, in consequence of the bonds of loyalty to the Throne, of filial love for the common fatherland, and of unshakable gratitude to the Magyar nation, to live and die for the Magyars."¹ At Temesvár, Servians, Roumanians, and Magyars, Catholic and Lutheran clergy, gave expression to their enthusiasm by singing the *Te Deum* in the market-place, and the purely Servian population of the frontier districts sent a petition to the Diet begging for complete incorporation in Hungary, and for the immediate abolition of Austrian military control. Since the recognition of the Greek Church all real reason for hostility to Hungary had disappeared, but the idea of Servian nationality still existed, and the Illyrian movement had raised visions of possible membership of a great Slav kingdom, and had created a feeling of discontent, which, though temporarily dormant, was always liable to be waked into life by the intrigues of the anti-Magyar agitators.

The Roumanians, next to the Magyars the most numerous race, though in an actual majority in Transyl-

¹ Horváth, *Huszonöt év*, ii. 674.

vania,¹ had never enjoyed any political rights, and were thoroughly discontented with the position which they occupied of complete subjection to their Magyar and German landlords, which the selfishness of the ruling classes had hitherto done nothing to alleviate, and of religious subordination to the Servian hierarchy. The events of March 15 caused a considerable amount of excitement among them, and they hailed with delight the prospect of the abolition of racial and feudal distinctions, which the reunion of Transylvania to Hungary would necessarily have entailed so soon as the March laws received the royal assent. The Transylvanian Diet met on May 30 at Kolozsvár, the streets of which were filled with crowds clamouring for "re-union at any price." Wesselényi proposed the motion which should put an end to the separation from the mother-country which had lasted for three hundred years, and it was carried unanimously. Even the Saxon deputies raised no dissentient voice after Augustus Roth, one of the most influential of their number, had expressed his adherence to the principle of re-union.²

At a meeting held at Kolozsvár on March 28 the necessity of having a State language for the sake of administrative unity was admitted, and the Roumanians asked only for permission to use their own idiom in matters of local government and in church and school, but not in the law courts,³ where Hungarian was to be the official language. The *bona fides* of the Magyars' intentions toward the nationalities is shown by the Bill

¹ 1,050,000 as against 800,000 Magyars and Szeklers and 200,000 Saxons. —Horváth, *Magyarország Függetlenségi Harczának Története*, Geneva, 1865, i. p. 40 n. (cited henceforward *Mag. függ. harcz.*). Kossuth (*Schriften aus der Emigration*, ii. 154) puts the numbers of the Saxons at 250,000.

² Brote (*Die rumänische Frage in Siebenbürgen und Ungarn*, Berlin, 1895, says that reunion was voted "unter dem Terrorismus der aus Pest verstärkten Massen," but does not offer any evidence in support of a deliberately misleading statement. See Jancsó Benedek, *A Román Nemzetiségi Törekvések Története*, ii. 436-447, 468-481, for Roumanian opposition. For the Saxons, *ibid.* 487, 517.

³ See De Bertha, *Magyars et Roumains devant l'histoire*, p. 390.

introduced by Eötvös, the Minister of Education, which, while maintaining State educational control, provided that the language of instruction should be that of the majority in each district, so that no one could fairly complain that undue preference was given to the language of the predominant race. But Transylvania was destined still to suffer from the effects of its "seven deadly sins"—its three nationalities and four religions. Though the laws of 1848 would have satisfied all legitimate aspirations, it soon became evident that unscrupulous agitators would find ample scope for their intrigues among the uneducated Roumanians, whom, unfit for liberty and yet impatient of control, centuries of subjection had imbued with hatred of their privileged neighbours.¹ Opposition to reunion with Hungary first came from the Saxons, who feared to lose the dominating political position and the economic preponderance they had hitherto enjoyed. Though their representatives had raised no objection to the passing of the Act of Union, a few days later the Austrian flag was hoisted in many parts of the Saxon districts as a protest against absorption, and the report was disseminated among the ignorant Roumanians that the Magyars intended to cast off their King and found a republic, the yoke of which would be far heavier than that which the subordinate races had hitherto borne.

Though the Roumanians of Hungary proper sent

¹ It must not be forgotten that nationality conferred no rights. It was only nobility that did so. Roumanian, Croatian, and Saxon nobles had Magyar serfs who paid the usual feudal dues in money and labour to their alien lords. Of eleven princely families only four were Magyar. The members of thirty-five non-Magyar families had the title of Count, and of ninety-three baronial families thirty-nine were non-Magyar. Two hundred and fifty thousand Saxons enjoyed political rights, from the enjoyment of which thirteen-fourteenths of the Magyar nation were excluded.—Kossuth, *Schriften aus der Emigration*, ii. pp. 150, 154. Under the laws of 1848 the members of the Slav races of Hungary would have enjoyed a constitutional freedom denied to them elsewhere. According to Fényes (*Magyarország Statisztikája*, i. 118), twenty-one thousand Roumanians enjoyed the rights of nobility, i.e. two per cent: a small number perhaps, but considering the low level of education among the Roumanians, possibly a fair proportion.

greetings to their brothers across the border, and exhorted them to embrace the advantages which reunion would bring, the separatist movement soon attained formidable proportions. On May 14 a meeting was held under the presidency of Bishop Siaguna, who at first had posed as a pro-Magyar and partisan of reunion, and a petition was sent to the King requesting a declaration to the effect that the Roumanians were entitled to complete equality in Church and State with other races, and demanding the abolition of feudal dues and tithes without compensation to landlord or tithe owner; freedom of speech and of the Press; trial by jury; the equal distribution of the burden of taxation; the abolition of the vexatious customs restrictions, and the establishment of elementary and secondary schools at the State's expense. Further, the petition demanded that the decision of the question of reunion should be held over until the Roumanians had been recognised as constituting a fourth nation, and as such were represented at the Diet.¹

If any proof is required of the factitious nature of the anti-Magyar agitation fomented by Siaguna, it is to be found in the terms of this petition, the demands of which were purely superfluous now that provision had been made for the union of all races in one common nation, and that religious and political equality was guaranteed to all. The meeting was composed only of Roumanians who lived under Saxon domination, which is sufficiently indicative of the origin of the agitation. Those who lived in the Magyar districts of Transylvania were strongly in favour of reunion, and as a counterblast to the above-mentioned petition sent a statement of their

¹ The Act of Union received the royal assent on June 11. The King's reply to the Roumanian petitioners is instructive: "I rejoice to be able to assure you that by the law which gives the same rights and liberties to all the people of Transylvania without distinction of language, race, or religion, the greater part of your desires has been satisfied, consequently your future happiness depends solely on the execution of that law."

wishes to Pressburg expressing "loyalty to the Magyar King, thanks to the spirited champions of liberty, affection to their Magyar brothers, and their attachment to, and sincere confidence in, the first independent Hungarian Ministry."¹ Bishop Alexander Sulucz wrote to Wesselényi on May 22 : "Evil-minded persons are trying to root the dangerous belief in the hearts of the people that the Magyars wish to break away from His Majesty and the House of Austria . . . a thousand devils are trying by this hellish device to cast suspicion on the Magyar nation ;"² and Wesselényi, appreciating the situation, wished the feudal burdens to be removed immediately in order to create a feeling of confidence in the good intentions of the Ministry, and to send an influential person, Count Széchenyi for choice, to explain the meaning of reunion ;³ but before anything could be done, bloody riots occurred in Transylvania, and all possibility of harmonious action was at an end.

Events took much the same course in Croatia. For a brief moment all party wrangles ceased. The twelve points of Pest, and, more especially, the prospective abolition of the relics of feudalism, created the most lively enthusiasm, and cheers greeted every mention of the names of Kossuth and Batthyány, to the disgust of Gáj and his Illyrian party, whose intrigues soon succeeded in changing the tune. An improvised committee summoned a national assembly at Agram on March 25 for the purpose of formulating a programme and sending an address to the King. Not a single Magyar or Servian member of the party in favour of closer union with Hungary was present ; but Baron Kulmer, Kolowrat's emissary, attended the meeting—a sufficient indication of the fact that the camarilla in Vienna was fully alive to the possibility of utilising the separatistic tendencies

¹ Horváth, *Mag. függ. harcz.* i. 61.

² Marczali, *A Legujabb Kor Története*, p. 632.

³ Jancsó Benedek, *Szabadságharczunk és a Doko-Román Törekvések*, 89 sq.

of the various nationalities for its own ends, and was determined that no time should be lost in giving effect to the decision adopted at a meeting held at the house of the Archduke Frederick Charles on March 21. On that date, which, it will be observed, was only four days later than that of the King's formal acceptance of the demands of the Magyars for the appointment of a responsible Ministry, the question of the ultimate consequences of the promised concession to Hungary was debated, and the means of taking away with one hand what the other had given were discussed.¹ Baron Samuel Jósika, the Transylvanian Chancellor, spoke as follows:— "The Monarchy is shaken to its foundations. Revolutionary movements have taken place in many parts. Croatia and Transylvania are still quiet. It is essential that they should not be disturbed and that our efforts should be directed to the utilisation and proper direction of those elements which are faithful to the Government. Those elements are the Szeklers and the frontier guards of Croatia. I can answer for the former; for the latter we require a suitable and determined leader of their own race, who is capable of exploiting their devotion, their military organisation, and their injured racial feelings, in the interests of the Throne."² He proceeded to propose the appointment to the office of Bán of Baron Jellacsics, who had been recommended to him by Baron Kulmer, Kolowrat's emissary to Croatia, who was hand in glove with Gáj, the champion of Illyrian nationalism, "whose attachment to the reigning House was a mere cloak for dangerous designs."³ All that was known of Jellacsics was that he was a colonel, a man of energy and decision, and deep in debt—just the person, in Gáj's opinion, to carry out the anti-Magyar designs of the Illyrian party.

¹ The account of this meeting is taken from the memoirs of Szögyény, who was present.—Szögyény Marich László, *Emlékiratai*, p. 65 sq.

² Szögyény, *o.c.* p. 66

³ *Ibid.*

The Archduke Stephen protested against the appointment, and Szögyény pointed out the illegality of a nomination disapproved by the Palatine and made behind the back of the responsible Prime Minister, and emphasised the undesirability of exciting the suspicions of the Magyars by underhand proceedings. But the Archduke Louis persuaded the Palatine that the appointment of Jellacsics was specially desired by His Majesty; opposition was withdrawn, and Szögyény was instructed to delay official notification of the appointment as long as possible.¹ Why? Because it was wished to create the impression that the illegal appointment of Jellacsics was due, not to any secret machinations of the Court party, but to the irresistible demand of the oppressed and enthusiastically loyal nationalities of Croatia.²

The meeting held at Agram on March 25, four days after the appointment of Jellacsics had been decided upon, adopted an Address³ to the King, drawn up by Gáj, demanding the confirmation of Jellacsics in the office of Bán for which the unanimous wish of the people had designated him; the summoning of a Diet representative of the three united kingdoms of Croatia, Dalmatia, and Slavonia, and of the military frontiers; complete separation from Hungary, of which Croatia had been a dependence for eight hundred years; the appointment of a responsible Ministry; the official use of the national language; yearly meetings of the Diet to be summoned in turn at Agram, Esseg, Zara, and Fiume; and the establishment of a national bank. Henceforth, the United Kingdoms

¹ Szögyény, *o.c.* p. 68. The appointment was gazetted on March 28, the day on which the unsatisfactory rescript (*supra*, p. 20), was issued, and three days before the rescript of March 31, which apparently withdrew all opposition to the Magyar demands. The double dealing of the Camarilla is plain.

² "So griff der Hof unter dem Einflusse der ungarischen Adelsparte zu dem Auskunftsmittel, die Slaven gegen den magyarischen Radikalismus zur Hilfe aufzurufen."—Friedjung, *Österreich von 1848*, etc., i. 45.

³ Hartig, *Genesis der Revolution*, p. 195 sq.

were to have their own national army, which was to swear allegiance to the new Constitution and to the Crown, and was to be commanded by native officers using only the national language.¹ In future no foreigners were to be appointed to ecclesiastical or other offices, and the clergy were to be released from the obligation of celibacy.² On April 2 the Address was presented by a deputation led by Gáj to the King, who replied that he was disposed to take the demands therein formulated into consideration, and to maintain the municipal privileges³ of Croatia, but that he was obliged to draw the deputation's attention to

¹ What the national language of the three United Kingdoms would have been is questionable. It will be remembered that a few years earlier the Croats complained of what Hartig calls the "verfassungsmässige lateinische Sprache" (*Genesis*, p. 73), though he would have hunted in vain in the pages of the *Corpus Juris* for a law which made the official use of Latin compulsory. He says that the demands of the Croats amount to the "isolation" of Croatia, and that they do not fall short of the stereotyped wishes of the other races striving for freedom (p. 196); and on the next page describes Jellacsics as "fighting at the head of the troops of his nation for the unity of the Monarchy." Croatia, as subsequent history shows, was humbugged into the belief that it was fighting for national Slav aims, while in fact it was being utilised for the promotion of the anti-Magyar designs of the camarilla of Vienna. Hungary could never understand how there could be any hostility to reforms which did not attempt to oust any living language, but only abolished a dead one, and did not attempt to force the use of Hungarian for magyarising purposes on the subordinate nationalities. The necessity of a State language had been proved by the fact that Latin had been used as such for centuries, and Hungarian was the only tongue fitted to take its place. If the Magyars had attempted to magyarise the subject races, they could easily have done so in the course of a thousand years. That they did not do so was an unfortunate mistake.

² Szögyény, *o.c.* p. 70.

³ It will be remembered that non-Catholics could not own land in Croatia, and that real property was subject to only half the burden of taxation borne by land in Hungary. The origin of this remission was to be found in the fact that in old days Croatia was specially liable to Turkish attack. The liability to attack had long ceased, but the privilege was maintained, and the Croats feared to lose it. In 1843 Kossuth said at the general meeting of the nobles of Pest County that if the Croats were dissatisfied with their connexion with Hungary they should go in peace, and his suggestion was incorporated in the instructions given to the deputies of the county. The Croatian deputies protested and entreated "*per amorem Dei*" that the idea of separation should be dropped.—Kossuth, *Schriften aus der Emigration*, ii. 177.

their immemorial connexion with Hungary and to the necessity of respecting and maintaining the same. This ambiguous reply could have but two meanings—either that the feeble-witted monarch was still actuated by *bona fide* scruples, entertained conscientious objections to the breach of his promises to Hungary, and was kept in ignorance of the machinations of the camarilla ; or, that the Court party was anxious to lull the suspicions of the Magyars until such time as affairs in Italy had assumed a more reassuring aspect and Jellacsics had perfected his preparations for an open attack on Hungary in the interests of autocracy. The forces at the disposal of the new Bán consisted of the malcontents of the Illyrian party, the reactionaries who feared the loss of the profits to be derived from the maintenance of the feudal system, the Catholics who dreaded the increase of Protestant influence in Croatia, and the ignorant masses who had no idea that their nationalistic aspirations were to be exploited in the interests of Austrian domination, of which racial hatred, religious bigotry, and pocket patriotism were the blind instruments.

Mayerhofer, the Austrian consul at Belgrade, was untiring in his efforts to stir up hatred against the Magyars, and promised the establishment of a separate Voyvodina, such as that to which the Servians had aspired in the reign of Leopold II. Bishop Rajasics, the recognised head of the Serbs, whose apparent enthusiasm for the Magyar cause had led him a few days earlier to stick a cockade of Hungarian colours in his hat and to accompany the deputation sent by the Pressburg Diet to Vienna on March 14, was in close communication with both Mayerhofer and Gáj, who exhorted the Slav races to show their affection for the dynasty by shaking off the yoke of the “Asiatic tyrants.” The underhand character of the agitation is shown by the fact that the petition presented by a Servian deputation to the Hungarian Diet on April 8 heartily accepts the principle of the predomina-

ance of the Magyar race and the Magyar language¹ in all matters of Church and State, but requests that the Serb dialect may continue to be used in private and local affairs. Not a word referred to the desire for territorial separation. The deputation warmly thanked the Diet for its fatherly care for Servian interests, and expressed its desire to live and die for Hungary and its Constitution; but at a subsequent private interview with Kossuth, George Stratimirovics, a member of the deputation, raised the question of separation, and threatened that if the Servians' wish for independence was not acceded to they would "apply elsewhere." "In that case," replied Kossuth, "the sword must decide between us"—an unfortunate remark, which, as Horváth says, "poured oil on the glowing embers of passion."² The smouldering fires of discontent burst into flame, and within a few days in all Servian districts, armed mobs were attacking both Magyar and German landowners with impartial fury—an improvised prelude to the serious business of the anti-Magyar campaign, for which their leaders and the wire-pullers of Vienna had resolved to utilise the forces of race hatred and barbarism.

Nothing is more striking than the contrast exhibited by the political wisdom and constructive energy of the Hungarian Ministry and the disorderly *narveté* of Austrian Liberalism. In Vienna the new Press laws and the unaccustomed freedom of public meeting opened the door to revolutionary licence. Violent speeches were made attacking the Emperor and the monarchical institution. A strong feeling was evinced in favour of union with Germany, and the German colours were everywhere to be

¹ At the beginning of the session of 1847, the Croatian deputies officially declared that though, in accordance with Law ii. of 1844, they were entitled to continue to speak Latin in the Diet, they would speak Hungarian "in order to show the love and affection existing between Hungary and Croatia and to draw tighter the constitutional bonds which united the two countries."

² *Mag. fögg. harcz.* i. 136 sq.

seen instead of the familiar black and yellow of the Habsburgs.¹ No one knew to whom he should look for orders, whether to the Ministry, to the Reichsrath, to the Archduke John, or to Frankfurt. No one knew whether Austria was to continue to be an independent monarchy, or was to become a subordinate part of the German confederation. Of the Ministry appointed on March 17, five members quickly retired, including Ficquelmont, the Minister for Foreign Affairs, a creature of Metternich, and especially odious to the Progressives and the students. Pillersdorf, the only moderately liberal Minister, was convinced that the sole way to avoid a recrudescence of violent disorder was to bring the promised Constitution into being as quickly as possible. The Emperor had undertaken, on March 15, to convene a constituent assembly, which should discuss the popular requirements, and decide as to the form which the new representative Government should take; but the Ministers persuaded the Court party that a less dangerous course would be to produce a cut-and-dried Constitution, and to inform the people that it could have that or none. The Constitution, which Hartig² describes as "the bastard child of Viennese Radicalism and of ministerial vanity," by no means answered to the expectation of the reformers. The constitution of the Upper House, which carefully provided against all possibility of the infiltration of a Liberal element, aroused general indignation, which found its expression in "Katzenmusik" and less harmless demonstrations. The students and the National Guards forced their way into the Palace and the Council Chamber, and on May 16, an Imperial Proclamation announced the

¹ Hartig, *Genesis der Revolution*, pp. 184, 185. A resolution was passed by the Germans of Vienna and communicated to the Emperor that "only a firm and intimate union of interests with the common German fatherland can win back the old and oft-proved confidence."—*Ibid.* p. 184; see Stiles (an eyewitness of the revolution in Vienna), *o.c.* i. 119.

² *Genesis der Revolution*, p. 217.

withdrawal of the still-born Constitution and the convocation of a single constituent assembly. It was evident that the Emperor was sitting on a volcano which might fail to respect his sacred person. It was resolved that he should retire to the cooler atmosphere of the Tyrol. Just before the issue of the proclamation His Majesty took an evening drive to Schönbrunn, and only when he arrived there told the coachman to drive on to Innsbruck, and sent a message to the Minister of War informing him that the Kaiser "had decided to make a journey to the Tyrolean mountains for the benefit of his health."¹

The Emperor's flight marks the beginning of the counter-revolution. The absence of the Court was disadvantageous to the pocket interests of the shopkeeping class, and signs of a revulsion of feeling in favour of the old order of things encouraged the trembling Ministry to order the troops to disband the Academic Legion. The result was that the people believed that their leaders had been bought by the reactionary camarilla which had determined to deprive them of their promised liberties by force of arms, and that Prince Windischgrätz was advancing on Vienna at the head of a large army.² Barricades were hastily erected, the Ministry was paralysed by terror; a committee chosen from among the students, the National Guards, and the general body of citizens constituted the sole recognised authority, and "the Kaiserstadt groaned under an ochlocracy, a parallel to which is scarcely to be found in history."³

Prague also became the scene of violence and disorder. At this epoch of general ferment, Bohemia apparently had only two courses open to it: either to lend an ear to the blandishments of Frankfurt, which summoned Czech representatives to its councils with a view to the incorporation of Bohemia in the German confederation, or to

¹ *Genesis der Revolution*, p. 244. Anton Springer, o.c. ii. 313.

² Hartig, *Genesis der Revolution*, p. 246.

³ *Ibid.* p. 181.

stake its future on the promised Constitution, which was to cement the union of all the constituent peoples of the Austrian monarchy. Its choice fell on a third alternative : the maintenance of its Slav individuality and the relaxation to the utmost of the bonds which united it with the hereditary provinces. On May 31 the National Committee summoned a meeting at Prague of all the Slavs inhabiting the kingdom, with a view to the adoption of measures which should safeguard Bohemia's interests. With the consent, improperly given, of the Governor, Count Leo Thun, who seems to have been actuated by the desire to exclude as far as possible the influence of the Viennese Ministry,¹ a provisional Government was appointed, which included in its members Palacky, the historian (the author of the much-quoted saying as to the necessity of inventing an Austria if one did not exist already), and the draft of a Constitution was drawn up, which practically reduced the connexion with the Austrian monarchy to a personal union, the result of the identity of the Bohemian King and the Austrian Emperor. The prospect was not pleasing to the non-Slav inhabitants of Prague. Czech and German clubs came into violent contact, and Prince Windischgrätz, the military commander, called out the troops to put an end to brawling. On June 12, a section of a Slav organisation attempted to give expression to its dislike of the Prince's methods by treating him to a cats' concert outside his head-quarters, in spite of the protests of the sentries. A shot was fired by some unknown person from a neighbouring house, and Princess Windischgrätz, who was standing at a window at her husband's side, fell dead. After two days of street fighting, in which the Germans helped the troops, order, *à la Warsaw*, again reigned in Prague. The effect of Windischgrätz's "methods of barbarism" was not confined to Bohemia. A useful hint was given to the

¹ Hartig, *Genesis der Revolution*, p. 255.

camarilla as to the means to be adopted, and the man to be employed, for the execution of its reactionary policy.

In the meanwhile Hungary was proceeding with the huge task of reorganising the Government in all its branches. The position of the new Ministry was not altogether enviable. Not one of its members had had any experience of the routine work of governmental departments. Perhaps it was well that it should be so. The fact that the old officials, who were used to their ruts and disinclined to leave them, had to be retained, prevented the adoption of ill-considered measures and a surrender to the wishes of certain sections of the people, which thought that the appointment of a national Government meant the immediate cure of all ills and the building of a new Rome in a day.¹ With the exception of a certain amount of Jew-baiting, due to the usual economic causes, no serious breaches of the peace took place.² The nobles accepted the new position of affairs with hardly a murmur. In a few cases, the peasants, temporarily intoxicated with the new wine of liberty, demanded with threats the immediate division of the nobles' land; but such local disorders as occurred were not of a sufficiently serious character to require the intervention of the military. Except for a few juvenile doctrinaires, no one thought for a moment of the possibility of definite separation from Austria, and of breaking with the dynasty. The maintenance of the personal union and of the Pragmatic Sanction was looked upon as a sacred obligation, and the fact of the King and of his two immediate successors in title having been present at the recent dissolution of the Diet was considered to amount to the final consecration of the new order.

If any proof is wanted of the pacific intentions of the Magyars, it is to be found in the financial and military situation of the country. When Kossuth became Minister

¹ Pulszky, *Életem és Korom*, i. 314.

² Eötvös, *Die Garantien der Macht und Einheit Österreichs*, Leipzig, 1859.

of Finance the Treasury contained only 480,000 florins, while the estimated expenditure for the remaining six months of the year amounted to 28,000,000, and the receipts to 10,000,000.¹ Military affairs were in a still more unsatisfactory position, as the Austrian Government would not allow Mészáros to return from Italy to take charge of the Ministry of Home Defence to which he had been appointed. Nearly all Hungarian troops were absent from the country, and no reliance, in case of troubles arising with the Croats, could be placed on the Austrian regiments quartered in Hungary, more especially on the higher officers, who, owing to the traditions under which they had been trained, and to fear of the diminution of Austria's military strength, resented the prospect of a dual control. The Ministers, especially Batthyány, were determined to keep on strictly constitutional ground, and the Throne did not begin to tremble until the conviction was forced on the country that the Croatian rebellion was receiving secret encouragement and active support from the Court of Vienna.² Rebellion is the correct expression, for Croatia had for centuries past formed a subordinate part of the realms of the Sacred Crown, pronounced to

¹ The deficit was to be supplied partly by imposing a temporary tax on spirits, partly by the proceeds of taxation of the hitherto exempted classes. The estimate of expenditure for the coming year was 62,000,000 florins. Kossuth emphasised the necessity of establishing a national bank, not only for State purposes, but to assist private enterprise. He appealed to the patriotism of the well-to-do to find the bullion required as a reserve against the note issue, rendered necessary by the one-sided tariff system which had drained the country of cash. Every one contributed what he could in cash and silver-plate, and an issue of 12,000,000 florins' worth of one- and two-florin notes was made possible to answer pressing requirements.—Beöthy, *o.c.* iii. 239 sq.

² Wessenberg wrote on July 12, 1849: "Die Politik Batthyány's resümierte sich ungefähr in den Worten: 'Ungarn ist der österreichischen Monarchie koordiniert, aber nicht subordiniert.' So äusserte sich auch der ausgezeichnete Rechtsgelehrte Deák, der mich mit Batthyány gesuchte. Bei alledem sah man beiden an, dass sie die Unmöglichkeit des gegenwärtigen neuen Zustandes der Gesamtmonarchie anerkannten und in ihnen der Wunsch rege war, ihre Stellung in ein freundschaftliches Verhältnis zur Kaiserlichen Regierung zu bringen."

be for ever inseparable by the Pragmatic Sanction, the benefits of which the Habsburgs could not claim to enjoy unless they fulfilled the corresponding obligations.

In spite of the existence of an independent Hungarian Ministry confirmed by the King, the Government of Vienna was determined at all costs to retain an undivided control of financial, military, and foreign affairs. It pretended that it had not been officially apprised of any change involving the removal of such matters from its sphere of influence. The Minister of War instructed commanding officers in Hungary to take instructions only from Vienna, and the Minister of Finance gave orders that the produce of the Hungarian mines should, as hitherto, be forwarded to the Austrian Treasury.¹ A royal rescript of April 7 raised the question of Hungary's acceptance of liability for part of Austria's public debt, contracted without the sanction of the Diet, solely for the benefit of the Habsburgs, and of their hereditary provinces. The rescript² in question did not, in fact, suggest that Hungary was under any obligation to assume the proposed responsibility for the annual payment of 10,000,000, florins, one-fourth of Austria's liability in respect of interest, but based the claim solely on the "high-minded disposition of the Magyars." The fact remains, however, that Austria's creditors looked on Hungary as forming part of their security, which would be considerably impaired by the latter country's refusal to give the required guarantee. Consequently, in spite of the disordered state of its finances, due to the period of transition from one form of Government to another, the view that Hungary made a tactical mistake in neglecting considerations of expediency, and refusing to budge from the strictly constitutional position, is possibly justified. The Palatine entreated the Viennese Government not to insist on its demand at the present

¹ Horváth, *Mag. fögg. harcz.* i. 97.

² Horváth (John), *Közzs. Ügyek.* 147.

juncture, and pointed out that in any case the question at issue was not one for the offhand decision of the Austrian Ministry, but should stand over for discussion by the two Parliaments. That of Hungary would in all probability have ultimately consented to undertake the suggested liability, if it had been convinced of the straightness and sincerity of Austrian intentions, but that it could not be since the appointment of Jellacsics; and even Deák, the personification of equity and moderation, was unable, in existing circumstances, to counsel the acceptance of an unnecessary obligation.

The military question was the most difficult of all, as the revolutionary attitude of the Liberals of Vienna, and the position of affairs in northern Italy, made it essential that the King should not be hampered as regards the disposal of the military forces of his dominions. The war in Italy was very unpopular in Hungary, which agreed with the predominating Austrian view, from which the Viennese Ministry was not averse,¹ that Lombardy should be handed over to Charles Albert, and that the new Italian State so to be formed should compensate the Habsburgs for the loss of a province by taking over the liability for a proportionate part of the Austrian national debt. As Lombardy formed a part of the Habsburg dominions, the integrity of which Hungary was bound by the Pragmatic Sanction to maintain, there can be no doubt that participation in the Italian war was strictly incumbent on the Magyars, but at the same time the fact that all their troops were liable to be required at any moment to defend their frontiers against the attacks of Croats inspired by Vienna morally absolved them from their obligation. The belief was gaining ground that, if once the war in Italy were brought to a successful end, Radetzky and his army would be sent to Hungary, to deprive the Magyars, by force, of their constitutional

¹ Marczali, *A Legujabb Kor Története*, p. 644.

rights, and that it would be madness to denude the country of troops¹ when only the uncertainty of the issue of the Italian campaign, and the want of men and money, prevented the camarilla from throwing off the mask and openly making common cause with Jellacsics and his blind instruments of autocracy.²

Batthyány and his fellow-ministers were quite aware of the dangers which threatened their country, and were anxious to emphasise as much as possible the identity of its interests with those of its King. The belief was entertained that in view of the revolutionary ferment in Vienna, the King could be safe only in Hungary, and that the security of his Austrian throne could be guaranteed only by reliance on the Magyars, and by a frank recognition of the true meaning of the Pragmatic Sanction and of the binding force of his recent undertakings, more especially now that the extremists of Vienna were clamouring for absorption in a greater Germany. When the riotous behaviour of the capital drove the King to undertake his excursion to Innsbruck, a petition was sent to him entreating him to take refuge in the midst of his faithful Magyars. An undecided answer was returned, so the Palatine, Széchenyi, and Eötvös proceeded to Innsbruck and obtained a promise that the King would transfer himself and his family to Budapest so soon as Parliament voted the

¹ At this time there were only 18,000 troops in Hungary, mostly German and Czech, but though the country was without its natural defenders, the Austrian Government demanded that 40,000 recruits should be raised and sent to Italy.—Pulszky, *Életem és Korom*, i. 311.

² At a meeting held on March 25 in Vienna, attended by the Archdukes Louis and Charles, Windischgrätz, Ficquelmont, Kolowrat, Hartig (the author of *Genesis der Revolution*), Josika, and Szögyény, at which the concessions made to Hungary and a message of the Archduke Stephen proposing the sending of troops to Pest to repress disorder were discussed, Louis asked Ficquelmont if he had a sufficient military force at his command, and a representative of the Treasury if he had sufficient money. "A decided no was the answer to both questions."—Szögyény, *Emlékiratai*, p. 66. This was four days after the illegal appointment of Jellacsics, so it is obvious why the men and money were wanted.

desired forty thousand recruits for the purposes of the war in Italy. In order that Hungary's fear of denuding itself of all means of defence might be allayed, an undertaking was given that a stop should be put to Croatian and Servian excesses, and that the treasonable activity of Jellacsics should be effectively discouraged. Whether the King was sincerely disposed to accept Hungary's invitation, and to shake off the influence of the camarilla, or whether he too only wished to gain time and obtain the desired recruits is uncertain, but in any case Jellacsics continued to refuse to have any communication with the Hungarian Government, or with the Palatine, the official representative of the Crown. On April 22 he pronounced the final disruption of the ties which bound Croatia, Dalmatia, Slavonia, and Fiume to Hungary, appointed members of the Illyrian party to all official posts, and stirred up the rougher elements of the population to persecute the local Magyars, whose countrymen, so the Croatian clergy declared from the pulpit, intended to rob the Slavs of their property, religion, and language, to kill their children and to violate their wives.¹ The youth of Hungary urged the Government to take energetic measures for the suppression of Jellacsics and his myrmidons, and no doubt the Ministry would have been justified in hanging him as a traitor, but unfortunately it had not the necessary means at its disposal of restoring order and of suppressing the propagandists of treason. Moreover, Batthyány, knowing that the Bán had the reactionary camarilla at his back, feared to do anything that would involve a departure from the position of strict legality hitherto maintained, so contented himself with going to Vienna in company with the Palatine, to protest against Croatian misfeasance. The result of his remonstrance was the issue of royal instructions to Jellacsics to submit himself in all matters pertaining to his office to the

¹ Horváth, *Mag. fögg. harc.* i. 168.

responsible Hungarian Ministry, and a statement of the King's "unshakable determination to maintain the unity of the dominions of the Sacred Crown." Further, permission was given to the Archduke Stephen to send a Royal Commissioner to Croatia with instructions to impeach Jellacsics on a charge of high treason. The Bán was, therefore, between the devil and the deep sea, and had to choose between unconditional submission to the Pest Ministry, which might entail unpleasant consequences, and open rebellion. Knowing that he could rely on the support of the camarilla, whose agent he was, he chose the latter alternative, got up a riot at Agram, pronounced the emancipation of the peasants, and issued a proclamation to the effect that whosoever should ascribe the passing of the liberation laws to the Magyar nobility, or describe the Croats as Hungarian citizens, should suffer exemplary punishment.¹

Preparations for an attack on Hungary were made with all possible expedition, on the ground that the King was no longer a free agent, and that it was the duty of the Slav population to free him from the undue influence of the Magyars. Hrabovsky, the royal commissioner sent to impeach the Bán, did nothing, and his inactivity, equivalent to connivance with treason, would seem to confirm Horváth's statement² that Jellacsics produced justification for his actions in the shape of letters from the Archduke Francis Charles and the Archduchess Sophia, which ordered him to take no notice of any instructions which might emanate from the King, but to proceed with his preparations for an active campaign. In the meanwhile,

¹ Horváth, *Mag. fűgg. harcz.* i. 164. Pejakovics, *Aktenstücke zur Geschichte des kroatisch-slavonischen Landtages*, 1848. Vienna, 1861.

² *Mag. fűgg. harcz.* i. 179. "That the imperial family encouraged the insurrections against Hungary was generally believed; and Jellacsics himself wrote to this effect in a letter, dated the 4th of June and addressed to the frontier regiments stationed in Italy."—Stiles, *o.c.* ii. 64 n. See also Anton Springer, *o.c.* ii. 435 n., and Friedjung, *o.c.* i. 70.

the Hungarian Government was doing everything possible to satisfy legitimate aspirations. Arrangements were made for the establishment of a separate Croatian governmental department, official positions were left unfilled with a view to the appointment of Croatian candidates¹ and the right of the Croats to use their own language in all matters of local government received fresh confirmation. Jellacsics, summoned by the King to Innsbruck to give explanations of his conduct,² took no notice of the summons. Batthyány, aware of the fact that but for the promised support of influential personages in Vienna, Jellacsics would not dare to disobey a royal command, saw that the time had come to put an end to an ambiguous position, and threatened to resign his office unless he were given a free hand in Croatia. His resignation would have produced such an uproar in Hungary, and might have had such a serious effect on the war in Italy, recruits for which were urgently needed, that the camarilla was obliged to give way to some extent, and the feeble King was allowed to issue a rescript,³ commanding the Bán, for the second time, on pain of impeachment as a traitor, to take his orders from the Hungarian Ministry.

We have been mistaken in you Croats and Slavonians, who have shared the fortunes of Hungary under the same Crown for eight hundred years, and *have to thank your union with that country for the constitutional liberty which you alone among the Slavs have enjoyed for centuries. We have been mistaken in you who have always had an equal share of Hungary's rights and privileges . . . to whom the last Diet of the Kingdom of Hungary and of the adjoining countries granted, in accordance with Our royal will, full participation in all the blessings of constitutional freedom, and equality of rights.* The legislative body of the Hungarian Kingdom has abolished the urbarial dues in your countries just as in Hungary,

¹ See the document presented by the Cabinet to the Archduke John, July 4.—*Mag. fögg. harcz.* i. 278 sq.

² Hartig, *Genesis der Revolution*, Appendix xv.

³ *Ibid.* Appendix xv. 2, June 10.

and the serfs among you have been relieved of all burdens, and converted into free landowners. . . . As in Hungary, so in your own countries, the benefits of constitutional representative government have been extended to the people, in consequence whereof, not only the nobility, but all members of the community, including the frontier regiments, take part, through their elected representatives, in the general legislative assembly, as well as in your municipal gatherings, your direct participation in which enables you to promote your national welfare. Hitherto the nobility has borne but a small portion of the public burdens. The law has now provided for the equal distribution of such burdens among all, without distinction of class, and thereby a heavy load has been removed from your shoulders. Attempts have been made by means of the dissemination of malevolent and lying reports to inspire you with anxiety with respect to your nationality and your municipal rights. They are in no way threatened; on the contrary, they are extended, and strengthened, and made secure against all attacks; for the use of your mother tongue, in place of the Latin language which you have hitherto been accustomed to use, is assured to you by law for ever, not only in church and school, but in your public meetings as well. Calumniators have tried to induce you to believe that the Magyars suppress your language, or wish to hinder its development. *We, Ourselves, assure you that these suggestions are absolutely false*, and that your efforts to improve your mother tongue and extend its use in place of that of the dead Latin language receive due recognition. The legislature will support you in your efforts in this direction, and will provide for the proper maintenance of the priests, to whom are entrusted the care of your souls and the religious instruction of your children. During eight hundred years you have been united to the Magyars, and *during the whole of that period the legislation has always behaved with due regard for your nationality*. How can you therefore believe that that same legislation now adopts a hostile attitude towards your mother tongue, which it has consistently protected during eight centuries. . . . We have sworn by the living God that we will not only Ourselves preserve the integrity of the Hungarian Crown, and maintain the Constitution and laws, but will make others do the same. . . . Hear and obey the gracious word of your King, whose royal power will at all times protect your nationality and your rights, but who is determined to maintain with all his might the dignity of

his Hungarian crown and of the law, no matter from what quarter attack may come.

Truth will out, sometimes, even in a Habsburg proclamation. Either the description given in the above rescript by Ferdinand and his advisers of the relations which subsisted between the Magyars and the Slav nationalities for the past 800 years is a correct one, in which case the statements of Gáj, Jellacsics, and others were baseless calumnies, and their subsequent actions and those of their Habsburg supporters were totally unjustifiable, to use no stronger expression; or that description was deliberately false and misleading, and was issued for the purpose of throwing dust in the eyes of the Budapest Cabinet, and of gaining time for the completion of plans for the destruction of Hungary's independence and territorial integrity, which every Habsburg King (with one exception) had sworn to maintain.¹

Jellacsics at last obeyed Ferdinand's command and went to Innsbruck; but the fact that he behaved not as a person who had been branded as a traitor by his King, and had come to explain and excuse his mutinous conduct, but as a Slav plenipotentiary commissioned to negotiate with the Hungarian Ministry on equal terms, shows that the royal summons and the Bán's compliance were merely an episode in the comedy which considerations of expediency

¹ "Upon this document the Hungarians laid great stress, and vainly supposed that such a blow inflicted by the Emperor upon the very 'head and front' of that rebellious movement must subdue all opposition, and that peace and order would soon be restored to the country. But they were imposed upon by the treachery of the Court; there was no sincerity in the act, and as subsequent events fully established, the manifesto was a mere blind for their deception. Had the Imperial Court considered him in the light in which it denounced him, Jellacsics would have been in the presence of his God instead of that of his Emperor, or, even if regarded as less criminal than originally charged, he would at least have been condemned to the castle of Olmütz or Spielberg, rather than called to the imperial palace; while, on his own part, the Bán would never have ventured to disobey with such audacity, had he not been sustained secretly by the approbation and connivance of the Court."—Stiles, *o.c.* ii. 64.

required to be prolonged for a still uncertain period : that is to say, until affairs in Italy had taken a decided turn for the better. He stated that his actions had all been in accordance with the spirit of Sect. 2 of Law iii. of 1848, which refers to the unity of the Crown and the maintenance of the connexion with the Empire ; and that if such unity and connexion were maintained he was quite willing to come to terms with the Hungarian Government, provided Croatia were guaranteed against the continuance of a system of oppression, which, as we have seen, the King's manifesto declared to be non-existent. The falsity of the Bán's statement is proved by the terms of the petition which he presented on behalf of the Croats. "The Croatian people cannot recognise the existing Hungarian Government. His Majesty is therefore requested to annul all its dispositions relative to Croatia, Dalmatia, and Slavonia, and to give those countries a separate and independent Government under the presidency of the Bán." The petition further demanded that the control of all military, financial, and commercial matters should be vested in the Austrian authorities, and that the official language should be Slav¹—presumably that dialect which Gáj had selected for the use of the "Illyrian nation" as being most closely allied to the Servian and Croatian languages. The real object of Jellacsics, and the fact that his devotion to the cause of the Slav nationalities was fictitious—assumed merely for the purpose of concealing the fact that he was the agent and mouthpiece of the camarilla, were disclosed by the ungarded statement² made by the Bán to Batthyány, to the effect that the two essential points of his programme were the centralisation of military and financial control

¹ This shows the fictitious nature of the agitation of a few years back in favour of the retention of Latin.

² Recorded by Pulszky, who was present at the interview, *Életem és Korom*, i. 330 sq.

and the assumption by Hungary of part of the burden of Austria's public debt. At the same interview the Bán enlarged upon the necessity of sending more soldiers to Italy, and expressed his willingness to abandon the position he had assumed with regard to the Servian question if the Hungarian Parliament would vote the desired recruits. In other words, the Servians should be left to shift for themselves if Hungary would consent to abandon the chief attributes of independence.

Jellacsics, reinstated in his office, and sure of his position now that the tide had begun to show signs of turning in Italy in Austria's favour, returned in triumph to Agram to be acclaimed dictator by his dupes, and to perfect his preparations for an attack on Hungary in the interests of despotism, which he knew would make short work of Slav aspirations if Lombards and Magyars could first be reduced to submission. The prospects of selfish ambition had undergone a change. Hitherto Jellacsics had posed as the champion of Serbo-Croatian separatistic ideals, which, if the threatened fusion of the hereditary provinces with the German Confederation took place, he might possibly have exploited for his own benefit; but now that order had been restored in Prague, and Radetzky's Italian campaign seemed likely to be crowned with success, he was quick to realise the fact that the unification rather than the disruption of the realms of the Habsburgs would best serve his personal interests. Baron Kulmer, the Bán's confidant and mouthpiece, was appointed Minister without portfolio, and five days later his colleagues in the Austrian Cabinet wrote to the Hungarian Ministry urging it to come to terms with Jellacsics at any price, and stating that if it failed to do so they would be compelled to "renounce neutrality towards Hungary."¹ In its reply the Hungarian Ministry drew attention to the fact that "renunciation

¹ Horváth, *Mag. függ. harc.* i. 274.

of neutrality can have no meaning unless the Viennese Cabinet renounces obedience to the Austrian Emperor, who is at the same time King of Hungary, for otherwise, as the two crowns are united on one and the same head, and as the Austrian Emperor cannot make war on himself, his Ministry cannot renounce neutrality towards the Magyar King." Hungary would have been amply justified in regarding such a proclamation of the Court's solidarity with the rebellious subjects of the Sacred Crown as a declaration of war, and as a final disruption of the bonds of the Pragmatic Sanction, but Batthyány and his colleagues were determined that the camarilla should thereafter have no excuse for alleging that the Magyar had made no attempt to arrive at a peaceful settlement of debatable questions, and wrote to the Archduke John¹ that they had not only done nothing to justify the hostility of the southern Slavs, but had actually guaranteed them the enjoyment of liberties *which were unknown to the constituent races of Austria*. The Cabinet requested the Archduke to go to Agram to reprove the seditious and to explain to the misinformed the nature and effect of the new laws, and expressed its readiness to accede to all reasonable demands which the elected representatives of the Slav nationalities should present to the Hungarian Parliament, provided that they did not involve the disruption of the Hungarian monarchy; for no one was prepared to buy peace at the expense of territorial integrity. "The Magyar nation will be just and equitable both in peace and war, but cowardly it will never be." No reply was received to this document, and it became more and more evident that nothing short of a disaster to the Austrian arms in Italy would induce the camarilla² to abandon its intention of forcing Hungary to surrender the gains of the past three months.

¹ July 4. For this document see Horváth, *Mag. fögg. harc.* i. 273-84.

² Wessenberg, the Austrian Minister, said that there were two Govern-

The new Parliament met on July 5. The elections, which passed off quietly, showed the nation to be strongly in favour of the March laws. Members of the old Opposition were re-elected in nearly every case. Few Conservatives, and only forty representatives of the Radical section, which considered that the Government was not sufficiently advanced, sufficiently "national" in its views, secured seats. No idea of breaking away from Austria, or of weakening the connexion resulting from the Pragmatic Sanction, occurred to any one. All parts of the kingdom, with the exception of Croatia, sent their representatives. The places of the old retrograde Conservative magnates were, for the most part, occupied by younger and more progressive men, who were not averse to the idea of reforming the Upper House, a proposal to give effect to which was introduced early in the session. Indications of a split in the Cabinet were not wanting. Batthyány and his followers were anxious to avoid civil war at any price, and were agreed as to the necessity of voting the recruits required for the Italian campaign, while Kossuth and Szemere were unwilling to consent to the proposed grant so long as the Austrian Government

ments in Austria: "The public one of which he was a member and the secret one or so-called Camarilla."—Beöthy, *o.c.* ii. 573. Of this latter the Archduchess Sophia was the moving spirit. She was in close communication with Bach, who was either deliberately betraying his old friends the Liberals, or was trying to run with the hare and hunt with the hounds.—Helfert, *Die Thronbesteigung des Kaisers Franz Josef*, p. 70, n. The Hungarian deputation which went to see Ferdinand in September, wrote: "The Magyar nation does not doubt the existence of a conspiracy in the neighbourhood of your Majesty, which is gambling with the new liberties of the people and with the throne which your Majesty has inherited, the object of whose reactionary efforts is its own miserable, personal, profit." In the Holy of Holies of the camarilla were, besides the Archduchess Sophia, the Empress and Windischgrätz, all of whom possessed a spirit of determination in which the Archducal members were for the most part lacking. The outer camarilla consisted of Lobkowitz, the Emperor's A.D.C., and Count Grünne, that of Francis Joseph, and Bombelles, the Master of Ceremonies.—Beöthy, *o.c.* ii. 193, 205. As to the influence of the Archduchess Sophia and of the camarilla, see also Friedjung, *Österreich von 1848 bis 1860*, i. 67-9, 105-109, 110, 111.

refused to lay its cards on the table and to play a straight game. Kossuth, who at one time believed that Austria was fated soon to disappear in a united Germany, and that Hungary would stand alone, was now convinced of the impossibility of avoiding a struggle for the maintenance of his country's independence. The strength of his position lay in the fact that the other Ministers feared his resignation, which would have made the continued existence of the Cabinet an impossibility. On July 1, Kossuth's *Journal*, imbued with the same spirit as that which had animated the *Pesti Hírlap* of earlier days, began to appear, and formed, rather than reflected, public opinion. In Parliament, though many of his colleagues were disposed to resent the dominating influence he exerted both in and outside the House, which they felt to be incompatible with the maintenance of peace with Austria, Kossuth was practically the uncontrolled mouthpiece of the Government, and Batthyány was hardly more than its figurehead.¹ Such opposition as was, in fact, from time to time raised to Kossuth's proposals was apparently due rather to a desire for oratorical distinction than to a belief in its inherent utility.²

Ferdinand was requested to attend the opening of Parliament, but the Palatine replied on his behalf, "that His Majesty's serious illness prevented him from giving effect to his paternal intention of opening and presiding over the councils of the representatives of the Hungarian nation." The King's Speech stated that :

His Majesty, desiring to promote the happiness of his Kingdom, followed the promptings of his own heart, when, during the last session of the Diet, he ratified, at the request of his faithful Magyars, those laws which the public welfare and the spirit of the times demanded. To his deep regret, the

¹ See Beksics, *Kemény Zsigmond A Forradalom s a Kiegyezés*, Budapest, 1883, p. 56 sq. ; and Horváth, *Mag. fögg. harc.* i. 287 sq.

² Marczali, *A Legújabb Kor Története*, p. 655, and note.

King has been apprised of the fact that in the southern districts of the Kingdom and in the annexed parts, evil-intentioned agitators have stirred up His Majesty's subjects of diverse languages and religions with lying and alarming reports, and with a calumnious statement to the effect that the said laws did not owe their origin to His Majesty's free will, and that they, the said agitators, have refused to obey the same, with His Majesty's knowledge and in the interests of his House. His Majesty therefore solemnly declares his irrevocable resolution to defend the unity of the Crown and the integrity of the Kingdom against all attack whether from within or from without, and to maintain the laws which he has sanctioned.

Nothing could have been more satisfactory than this speech if it had in any way represented Ferdinand's real views and intentions. It refers with regret to the fact that the war in Italy was not yet over, but says no word on the subject of the desired recruits, a reference to which would have resulted in Kossuth's retirement and the disintegration of the Cabinet. It was unfortunate that Hungary refused to fulfil its strict obligations in this matter, for there can be no doubt that the opinion of Batthyány, Eötvös, and Deák was the correct one: namely, that though it was no part of the country's duty to join Austria in a war of aggression, Lombardy was an integral part of the King's dominions, and, therefore, Hungary could not refuse to take part in its defence without incurring the reproach of having neglected the obligations imposed by the Pragmatic Sanction. The Minutes of the Ministerial Council¹ declared that the absence from the King's Speech of reference to the sending of troops to Italy "should in no wise be taken to indicate the existence of a desire on the part of the Government to throw doubt on Hungary's obligation, deriving from the Pragmatic Sanction and from the terms of the second section of Law iii. of 1848, to defend His Majesty against foreign attack," and emphasised the fact

¹ Horváth, *Mag. fögg. harcz.* i. 297 sq.

that so soon as the territorial integrity of Hungary, and of the annexed parts, should be fully assured, all the military forces which should not be required for the maintenance of internal order and security should be placed at His Majesty's disposal. The Ministry was, in fact, confronted with a dilemma from which there was no escape; either the country must refuse to fulfil its obligations to its King, and so lend colour to the view that its intentions were revolutionary and disloyal, or, it must be denuded of troops and left exposed to the attacks of Jellacsics, whose hostile designs were known to, and encouraged by, the Government of Austria. Kossuth's insistence on the choice of the former alternative was dictated by the conviction, which subsequent events proved to be well-founded, that so soon as the war in Italy should be finished, the whole forces of the Empire would be utilised for the destruction of Hungary's liberties, and if unconstitutional action is ever justifiable, it was so when the very existence of a nation was at stake.¹

On July 11, in answer to a question on the subject of Servian disorder, Kossuth described the dangers which threatened the country. On the one side was Jellacsics with his mutinous Serbs and Croats; on the other, the Viennese Ministry, whose intrigues threatened to destroy the results of the constitutional struggle for independence. In the Lower Danubian provinces a Russian army was drawn up ready to cross the Pruth, and in reply to an official question as to its intentions, stated that it would take no warlike measures until it discerned signs of hostility to itself within the Hungarian borders. The chief difficulty was presented, he said, by the fact that Vienna refused to relinquish its financial and military control, and that he who has one hand in the pocket of a

¹ Even Helfert (*Die Thronbesteigung des Kaisers Franz Josef*, p. 74) admits that the Viennese Cabinet had no intention of solving the Gordian knot, but was determined to cut it.

nation and, in the other holds its armed forces can do what he pleases. The Viennese Government supplied the Bán of Croatia with the sinews of war, and threatened to "renounce neutrality," in other words, that the Emperor of Austria would make war on the King of Hungary. No support was to be expected from abroad. "Poland relied on the sympathy of France, and that sympathy in fact existed, but Poland is no more. A nation which has no vital force cannot live; that which is kept alive by the support of others, and not by its own inherent vitality, has no future before it." He concluded by demanding a vote of 200,000 men and 42,000,000 florins for the defence of the national liberty and independence, and before he could finish his sentence Paul Nyáry, the leader of the Opposition, rose with uplifted hand, in the attitude of one who takes a solemn oath, and cried: "We grant them." The whole House rose and repeated his words. "You have stood up as one man," were the concluding words of Kossuth's speech, "and I bow before the greatness of the nation. I will only add that if as much energy is shown in the execution of your promise as you have manifested in the making of it, not even the gates of Hell shall prevail against Hungary."

The enthusiasm of a nation, which a century earlier had manifested by its cry of "*Moriamur pro rege nostro*" its readiness to shed its blood in the thankless task of saving a dynasty which had little or no claim on its gratitude, was now to be enlisted in another cause. But no word of Kossuth's speech indicated the existence of hostility towards the reigning House. On the contrary, the speaker laid stress on the loyalty of the nation to its King, and on the identity of the interests of Austria and Hungary. The Address in reply to the King's Speech states that the Hungarian Parliament will be glad, so soon as peace and order have been re-established in Hungary, and a return to normal conditions has been assured, to

lend a helping hand to His Majesty, with a view to the conclusion of such terms of peace as will be in accordance with the dignity of the Throne, the principles of constitutional freedom, and the legitimate desires of the Italian people."¹ In his public pronouncements Kossuth was still as pro-dynastic as ever, but his knowledge of the shifty and tortuous policy which the camarilla had pursued ever since the meeting of March 21 must have long ago convinced him that the Court was determined to recover by force the ground which circumstances had obliged it to yield. In any case, his demand that the organisation of the national forces should be taken in hand, and his refusal to allow more troops to be sent to Italy were amply justified by the state of affairs which had existed in the south since the early days of July, when the Serbs attacked the Magyar population with fire and sword. Though the former were defeated on July 11 at Versecs, and again a few days later at Futak, the majority of the engagements had an indecisive result or ended unfavourably to the Magyar cause. The imperial Generals and higher officers made no attempt to pursue an advantage when gained; attacks were not pressed home, and the opinion gained ground among the disheartened troops that their leaders were acting under orders from Vienna which forbade the adoption of energetic measures.² The repeated failure of half-hearted attacks at Szent Tamás and elsewhere convinced the Government that reliance could be placed only on Magyar troops commanded by Magyar officers, and encouraged Jellacsics and Latour, the Austrian Minister of War, in the belief that Hungary would prove to be incapable of resistance when the time arrived to give open effect to their secret desires.

¹ Horváth, *Mag. flgg. harc.* i. 326.

² "Selbst als Latour schon im Einverständnisse mit Jellacsics stand, wurde die Maske zunächst nicht abgeworfen: und so wurde durch dieses Gaukelspiel in die Armee Unsicherheit und Verwirrung getragen."—Friedjung, *o.c.* i. 76.

When the Reichsrath met on July 10, Vienna was no longer in a state of revolutionary ferment, and the desire for union with Germany had subsided. The Slavs were in a majority, and the Galician members consisted entirely of Polish and Ruthene peasants, whose ignorance lent itself to exploitation in the interests of autocracy. With the exception of Alexander Bach, ex-Radical opportunist, the members of the Ministry got together by Doblhoff were colourless nonentities. The victory of Radetzky at Somma Campagna showed that Lombardy was not lost, and that Austria still had an effective army.¹ It was therefore considered safe for the Emperor to return to Vienna, and for the Government to adopt a more decided attitude towards Hungary. The Cabinet of Budapest was soon made aware of the change which Radetzky's successes had effected, for Jellacsics again demanded not only territorial separation for Serbs and Croats, in spite of the King's repeated assurances and oaths "to the living God" that he would maintain the unity of the realms of the Sacred Crown, but that all military and financial affairs of Hungary should again be controlled by Austria : in other words, that the independent Hungarian Ministry should be deprived of its most important functions, and that the country should be reduced to the subordinate position from which it had so recently escaped. Batthyány went to Vienna to see Doblhoff, and to get, if possible, a straight answer to a straight question. "Does the Austrian Ministry, in the present disturbed state of affairs, intend to defend the rights of the Crown in the Hungarian

¹ According to Beöthy (o.c. iii. 5) the poet Grillparzer's much quoted lines, written a few months earlier, to the effect that Austria existed only in Radetzky's army, require modification, as that army was made up of Magyars, Czechs, Roumanians, Tyrolese, and other nationalities. Austrian patriots were conspicuous by their absence from an army of races which had no natural cohesion, which did not understand each other's languages and had no feeling of common patriotism. Possibly the officers agreed in their contempt for quill-drivers and politicians.—See also Radetzky's letter on this subject. Hübner, *Ein Jahr meines Lebens*, Oct. 28.

Kingdom having regard to the terms of the Pragmatic Sanction?" The reply was of such a disingenuous nature as to leave no doubt as to the real intentions of Vienna. "As far as the Ministry is acquainted with the demands of the Croatians, the latter have no intention whatever of severing their connexion with the Magyar Crown. They also refer to the Pragmatic Sanction, and the question is which party's interpretation is the more correct. The decision of that problem would require a thorough investigation of the constitutional relations of Hungary and Croatia, which the Ministry's position does not permit it to undertake. Consequently, no decided pronouncement can be made in favour of either party. As, however, the Ministry hopes that a peaceful solution of the present difficulties will be arrived at, it will refrain from taking any step which might jeopardise the existence of the whole monarchy."¹ The Viennese Cabinet was perfectly well acquainted with the fact that Jellacsics had been branded as a traitor by the King's manifesto of June 10, and nothing had happened in the interval to alter his status. It knew very well that the Croatians, so far from caring about the true meaning of the Pragmatic Sanction, which had pronounced the inseparability of the realms of the Sacred Crown, aspired to territorial separation and desired to substitute a purely personal union for the real one which had existed between Hungary and the annexed, or subject, parts for more than eight hundred years. It was evident, therefore, that separatistic aspirations were to be temporarily encouraged with a view to the ultimate triumph of centralisation and uniformity—as regards Hungary the main objects of Habsburg policy ever since the disaster of Mohács.

By rescript dated August 14, the King withdrew the powers of representation conferred on the Palatine, and stated that thenceforward he intended to take the reins

¹ Horváth, *Mag. fögg. harc.* i. 331, 332.

into his own hands, which, legally, he had no power to do unless he resided in Hungary, and that he had no intention of doing. The real meaning of the rescript was that the question of the ratification of the laws of July 11, which granted men and money for national defence, would be left to the decision of the wirepullers of Vienna; and those who had resolved to destroy Hungary obviously had no intention of allowing effect to be given to measures which might eventually have the effect of checkmating their private designs. "Reaction has now come out into the open," wrote Batthyány, "and no longer conceals its plans and intentions. Hungary is indicated as the first victim. . . . at the most we have three weeks before us."¹ But he still hoped that it might be possible to avoid a conflict, and for the sake of peace was ready to counsel the sacrifice of Hungary's military and financial independence and the acceptance of the burden of part of Austria's public debt. Above all, he desired the avoidance of any semblance of illegality on Hungary's part, and that, if war must come, the responsibility should rest with Austria. Kossuth was no less anxious to avoid hostilities, but he believed that his country would prove to be strong enough to defend its rights, and was unwilling to buy peace on terms which would have been acceptable to Batthyány. In his opinion negotiation was useless, and nothing but complete surrender, or such a manifestation of strength as would make Austria realise the risk involved by an appeal to arms, could avoid bloodshed. On August 28 Batthyány and Deák went to Vienna in order to obtain the royal assent to the Bills passed by Parliament on July 11, providing men and money for the defence of the country, and to make a further attempt at negotiation with a view to the avoidance of hostilities; but they were informed that the King was too ill to see any one—in other words, that the camarilla was resolved that no

¹ Letter to Szalay, August 18. Horvath, *Mag. sügg. harc.* i. 346.

compromise should be accepted.¹ Three days later a royal rescript was issued, which ordered the members of the Hungarian Ministry to come to Vienna to discuss matters with Jellácsics, who now demanded the cessation of Hungary's military preparations, while he actively continued his own, with the assistance of Latour, the Austrian Minister of War. On the same date, August 31, the Viennese Government issued a note² explaining its views on the subject of the March laws, which it declared to be incompatible with the Pragmatic Sanction and destructive of the unity of the monarchy. It maintained that the powers conferred on the Archduke Stephen were illegal, as involving the separation of Hungary from Austria, and that Ferdinand, now that Austria was possessed of a Constitution, had no power to sanction laws which involved an alteration of the relations which had hitherto existed between the two countries. The authors of this note forgot the elementary fact that the Pragmatic Sanction was brought into existence at a time when Austria, being under a despotic Government, had no voice, as a nation, in any arrangement made between the two equal legislative factors, the King of Hungary and the Hungarian Diet, and that, consequently, in the case of the Pragmatic Sanction, there could be no such privity of contract between Austria and Hungary as would give the former the right to interfere in any modification of an agreement made in 1723 between the Austrian autocrat and the Magyar nation. But this fact, and the impossibility of finding any argument in the Pragmatic Sanction or in Law x. of 1790-91 in proof of the existence of a real union between Austria and Hungary as distinguished from a personal union resulting from the identity of King

¹ According to Helfert, *Die Thronbesteigung des Kaisers Franz Josef*, this was the Empress's doing.

² Text in Helfert's *Revision des ung.-öst. Ausgleichs*, i. 157. Horváth gives only a summary.

and Emperor,¹ were of less importance than the necessity of justifying in the eyes of Europe the subsequent actions of the camarilla. Though it was impossible to refer to any law in support of its thesis, the note suggested that Hungary's claim to act independently in the matter of customs tariffs and the national finances was unconstitutional, and that a refusal to bear part of the burden of Austria's public debt, and the action of Parliament in voting men and money for purposes of national defence, indicated an intention to sever all connexion with the Austrian Empire. The document ended with a demand for the suspension of all measures taken by the Hungarian Government since the beginning of March—in other words, for the renunciation by Hungary of its right of self-government, of which it had so recently obtained the recognition. "We will bargain with Hell if necessary," said Kossuth, "even with Jellacsics on a purely Croatian basis, but with reaction, which would mutilate our independence, never, a thousand times never."² Though the note of the Austrian Government was a summons to surrender rather than an invitation to negotiate, Kossuth proceeded to give further proof of his pro-dynastic feeling by proposing that Ferdinand should come to Budapest to co-operate in the task of adjusting all differences, for Vienna, he said, was under the influence of Frankfurt, and only in Buda was the King's sovereignty complete. "But if that is impossible, let His Majesty give us, without in any way diminishing his sovereign rights, a younger

¹ "Die Pragmatische Sanktion war einfach eine Erbfolge-Ordnung . . . , von einer Realunion . . . sagte sie nichts, im gegentheile garantierte sie Ungarn die politische Selbständigkeit. . . . Aus den Reichstagsverhandlungen 1790 und zwar aus den Ansprüchen der Regierung selbst überzeugt man sich am besten, dass die sog. pragmatische Sanktion ein bilaterale Vertrag war und weit entfernt die Verfassungsrechte Ungarns zu schmälern gerade den festen Rechtsboden für die Forderung politischer Selbständigkeit und unabhängiger Administration gab."—Anton Springer, *o.c.* ii. 500, and *note*.

² Marczali, *A Legujabb Kor Története*, p. 661.

King¹ in the person of His Imperial Highness the Archduke Francis Joseph . . . thus will the future of the House of Austria be assured.”

Kossuth was mistaken as to the strength of the Austrian movement in favour of fusion with Germany, in which country Russia and Slavism were looked upon as constituting the greatest danger to Western Europe, and a strong Hungary was regarded as the best guarantee of peaceful development.² Two months earlier the eyes of Vienna were fixed on Frankfurt, but the victory of Custozza³ had given a fresh turn to public opinion, and the easy success of Windischgrätz in Bohemia and the fiasco of Szent Tamás led the Court to believe that Hungary could be suppressed as easily as the rioters of Prague.⁴ The complete success of the party of reaction and the determination of the camarilla to hesitate no longer as to the employment of the Slavs for the destruction of the Magyars, are shown by Ferdinand's letter to Jellacsics of September 4 :—

Dear Baron Jellacsics—The indubitable proofs which you have repeatedly given since your appointment as Bán of Croatia of your fidelity and attachment to my dynasty and to the whole monarchy, and the readiness you have shown to give effect to my orders issued in connexion with the negotiations with my Hungarian Ministry which have been taking place, have convinced me that you never entertained any disloyal or disobedient intentions with respect to my commands, nor intended to bring about the dissolution of those bonds which for

¹ The “*rex junior*” of ancient days.

² See the despatch to Szalay, the representative of the Hungarian Government at the Frankfurt Diet, July 19, with respect to a proposed defensive alliance of Hungary and the German Confederation.—Horváth, *Mag. fűgg. hircz.* i. 343, 345. Pillersdorf knew and approved the instructions given to Szalay. See Anton Springer, *o.c.* ii. 497.

³ July 25.

⁴ “What is the Magyar people and what are the Magyar nobles? Rebels who ought to be extirpated or made harmless for ever.”—Schwarzenberg to Wirkner, *Élményeim*, p. 235.

centuries united the parts annexed to Hungary to my Hungarian Crown. . .

On the same day as that on which this letter was dispatched, Jellacsics, to whom Radetzky had sent twenty-one battalions of infantry, seized Fiume, the port of Hungary, and occupied the Slavonian districts.

After fruitless attempts on the part of Batthyány and his colleagues to obtain the royal assent to the Bills passed on July 11, Kossuth proposed to Parliament that a deputation should be sent to Vienna to ascertain the King's will, which the proved loyalty of the nation, now strained to the breaking point, entitled it to know; to draw his Majesty's attention to the massacre of his Magyar subjects by Serbs and Croats, and to request that the Magyar troops, now no longer required in Italy, might be sent home for the defence of their native land. In the memorial² presented to the King in pursuance of Kossuth's proposal, loyalty makes a last effort to maintain the distinction which had hitherto been consistently drawn between the King and his malevolent advisers.

We come before your Majesty in the name of the united Kingdom of Hungary and Transylvania, whose immemorial and unshakable loyalty to the reigning House entitles them to ask their King to support them in their efforts to maintain the integrity of the country's rights. . . . Hungary is no dominion which has been won by the sword, but a free country, whose constitutional liberty and independence have been sealed and confirmed by your Majesty's coronation oath. The laws which were consecrated by your Majesty's royal assent on April 11 fulfilled the heartfelt desires which the nation had long entertained; and the nation, tranquillised and loyal as of old, borrowed fresh strength from liberty, and stood ready to defend your Majesty's throne

¹ The Hungarian Ministry was not informed of the sending of this letter, but read it in the newspapers two days later. Pulszky at once asked Wessenberg, the Austrian Prime Minister, for explanations. He replied: "I can give you none. I know nothing about it. It was done behind my back."—*Életem és Korom*, i. 339; i.e. it was dictated by the camarilla.

² Pulszky, *Életem és Korom*, i. 339.

against the dangers which threatened it from various quarters. Parts of Hungary are now in a state of rebellion, the ringleaders of which continually and openly declare that their seditious campaign against the freedom and independence of Hungary, which your Majesty has repeatedly confirmed and the laws have established, has been undertaken in the interests of the reigning House and in your Majesty's name. . . . The mainspring of that sedition, which, in lower Hungary, has reduced peaceful villages to ashes, has killed and tortured innocent women and children with a cruelty which surpasses that of barbarous races,¹ threatens Hungary with invasion from Croatia, and has occupied the Hungarian port of Fiume and the Slavonian districts without a shadow of justification, is none other than that reactionary policy which aims at annihilating Hungary's constitutional independence and the freedom of the people, and at tearing up the laws which your Majesty's predecessors of glorious memory, and your Majesty's own coronation oath have consecrated and confirmed. . . . We pray your Majesty to order all military forces now in Hungary, on pain of your Majesty's displeasure, punctually and bravely to perform their duty of maintaining the laws, and defending the Kingdom against the attacks of the seditious, no matter whose name or standard they may usurp. The Magyar nation is resolutely determined to solve, during the present session of Parliament, on the basis of liberty, equality, and fraternity, and of constitutional rights common to all, the racial questions and problems of internal government now pending between it and the Croatian people. Croatia is at the present moment subject to a military tyranny. Consequently, its citizens are prevented from making their legitimate requirements known to the legislative authority of Hungary. We therefore pray your Majesty to take effective measures for the liberation of the Croatian people from the yoke of the aforesaid tyranny, in order that it may give free expression to its desires, and for the immediate surrender of Fiume and of the Slavonian districts which the forces of sedition

¹ No doubt the Magyars took a bloody revenge for the "cannibalistic brutalities" of which the peaceful population was made the victim, but Anton Springer rightly remarks that "eines muss übrigens ausdrücklich bemerkt werden, dass über die von den Ungarn verübten Greuelthaten nur die slavischen Parteiblätter berichten, dagegen über die Unmenschlichkeit der serbischen Freischaaren zuerst und am lautesten die österreichischen Feldherrn Beschwerde führen."—*o.c.* ii. 484, *n.* See also Friedjung, *o.c.* ii. 208.

have seized. The Magyar nation does not doubt the existence of a reactionary party, which has no object save the promotion of its own selfish interests, and that your Majesty will not only remove its members from the neighbourhood of your Majesty's person, but will also mete out punishment to those who deserve it. . . . The present moment is of such importance to the life of the nation that procrastination will have a most disastrous effect on the faithful subjects of your Majesty, who is humbly entreated to grant our prayer, and, more especially, to deign to appear in Hungary without delay, for it is certain that unless our request is complied with, confidence will be shaken to such an extent that the Hungarian Ministry will be paralysed in its efforts to make effective use of those instruments with which the law provides it, and will be unable to answer for the maintenance of order and of internal peace. The avoidance of incalculable dangers depends on the swift decision of your Majesty, whom we entreat to throw his weight into the scale for the salvation of our country, which will give the support of its unshakable fidelity to your Majesty's throne.

The petition was presented on September 9 by a deputation to which admission was refused until all reference to the feeling of uncertainty and want of confidence existing in Hungary had been expunged. While it was being read Ferdinand nervously "fidgeted in his chair. He seemed to be in a state of fear, and could hardly read the reply contained in a document which he held in his trembling hands."¹ The reply was as follows :—

I deeply regret that owing to the weak state of my health I am unable to comply with the wish expressed by the deputation that I should visit my kingdom.² I will consider the legislative proposals which have been laid before me, and if I should have cause to make any comments thereon my observations must not be interpreted as indicating a desire on my part to set aside or

¹ Pulszky, who was present on the occasion of the presentation of the petition.—*Életem és Korom*, i. 342.

² "It will be a strong act indeed if the ruling party at Vienna refuse to permit the King of Hungary to visit his kingdom."—Despatch No. 38, the British Ambassador to Lord Palmerston (*Correspondence*, etc.).

infringe existing laws.¹ I repeat that it is my fixed resolve to preserve the laws, territorial integrity, and rights of my Hungarian Kingdom, to the maintenance of which I have pledged my royal word. Of the other matters on which you have touched, some have already been settled in accordance with the wishes of the nation, and as regards the others I will at the earliest possible moment declare my will by the intermediary of the Ministry.

In any other mouth this reply would have been equivalent to an undertaking to suppress sedition and to give full effect to the laws which Ferdinand and his predecessors had sanctioned, but the whole history of Hungary for the last four hundred years had been one long commentary on the value of Habsburg promises, and the members of the deputation withdrew in silence, feeling that through them the nation had taken final leave of its King.²

On the day preceding the reception of the deputation, Eszterházy, the Hungarian Minister in attendance on the King, foreseeing the inevitable consequences of the triumph of the reactionary party, resigned his office. Széchenyi had already disappeared from the scene. The strain of the last few weeks was more than his overwrought nervous system could endure, and an attack of temporary insanity compelled his retirement to an asylum just at the moment when the moderating influence of "the greatest of the Magyars" might have been of supreme value to his country. Batthyány, now as ever, strove to keep within the bounds of strict legality. He considered that Hungary's desire to keep on good terms with Vienna could best be indicated by the resignation of the Cabinet, and by the exclusion of Kossuth from the reconstructed Ministry. On September 11 the Palatine announced the resignation of Batthyány and of his colleagues, and added that he himself would carry on

¹ The "existing laws" must necessarily include those which received the royal assent on April 11.

² Pulszky, *Életem és Korom*, i. 342.

the government of the country until a new Ministry had been appointed. The announcement was received with dissatisfaction, and the view prevailed that if all the Ministers resigned no new Government would be appointed.¹ Outside the House a universal cry arose for Kossuth, who thereon yielded to popular pressure, withdrew his resignation, and announced that he would retain his portfolio until a new Ministry should be formed. He pointed out that the feeble state of the King's health and the deleterious influence of the party of reaction made it indispensable that decided measures should be taken without delay for the protection of the country and of the true interests of the Throne. He proposed that provision should be made for immediate necessities, financial and military, by the issue of five-florin notes on the security of the whole national revenue, and that pending the sanction of the July laws volunteers should be enrolled, and officers and men of the regular army should be allowed to leave their regiments for the purpose of enlisting in the new auxiliary force. Just as Jellacsics had declared that the Magyars had taken advantage of the weak state of Ferdinand's health to extort concessions which otherwise would never have been granted, the Magyars in their turn invoked that illness as an excuse for the King's apparent hostility to a loyal nation, the result of the underhand machinations of the camarilla which exploited his feebleness and vacillation for the furtherance of selfish interests. And so the strange spectacle was presented of Serbo-Croatians on the one side and Magyars on the other preparing to cut each other's throats in the name of one and the same King, and, nominally, in defence of the rights of the Throne against separatistic encroachment. Hungary still did its utmost to maintain a cherished fiction—the abstract con-

¹ Szemerc, *Politische Charakterskizzen aus dem ungarischen Freiheitskriege*, Hamburg, 1853, iii. 111.

ception of a constitutional King distinguishable from the imperial instrument of a reactionary oligarchy.

On September 12 the Palatine again entrusted Batthyány with the formation of a Ministry, which included Eötvös and Mészáros alone of the members of the previous Cabinet ; but as the new Ministry could not become an actuality until the new appointments had been confirmed, and as the news that Jellacsics had invaded Hungary with 36,000 men had finally removed all doubts as to the intentions of Vienna, the demand for the adoption of a more resolute policy than that which the reconstruction of the Cabinet seemed to promise became almost irresistible. Many young Liberals came from Vienna to Pest to express their sympathy with the Magyar cause and to place their swords at the disposal of the country. This encouraged Kossuth in the belief that the spirit of Liberalism was stronger in Austria than it really was, and that Hungary would find an effective ally in the hatred of absolutism which might be expected to exist in a land which had recently given proof of its revolutionary tendencies. He therefore proposed that a fresh deputation should be sent to Vienna, not to the King this time, but to the Reichsrath, which, presumably, would see in the maintenance of Hungarian independence the surest guarantee of the prolongation of its own existence. "It is expedient," said Kossuth, "that we should speak as one people to another, who have affairs of common interest and a common enemy . . . let us arrange matters in a friendly fashion as one free nation with another." As Deák put it: "The deputation should explain that on all those matters in which our interests come in contact with those of the domains of the Austrian Empire Hungary is heartily desirous of coming to an arrangement on the basis of constitutionalism, justice, and equity."¹ Possibly it was a mistake to depart from the

¹ Horváth (John), *A Kézbesi Ügyek*, etc., p. 158.

logical basis of Hungary's position—its complete severance, except for the obligation of mutual defence, from the hereditary provinces, resulting from the laws of 1723 and 1790—but at all events fresh proof was given of the baselessness of the suggestion that Hungary was animated by a revolutionary desire to break the last link which bound it to Austria, and of its willingness to recognise the necessity of arriving at a more complete definition of its relations with the Empire than was to be found in the March laws or in previous legislation. On September 19 the deputation asked for admission to the Reichsrath, in order to present a memorial which laid stress on Hungary's desire to preserve the ties which united the two countries, to both of which the maintenance of constitutional government was essential, and expressed the intention of the Hungarian Parliament of regarding any encroachment on the political institutions of Austria as an attack on its own privileges, and its confident hope of meeting with reciprocal treatment at the hands of the Austrian Reichsrath.¹ But the deputation knocked in vain, though the German Liberals spoke strongly in favour of its admission. The Slav majority refused its consent, and reaction triumphed, as it could now allege with some show of justification that Austria was solid in its approval of the Government's attitude towards Hungary. "You Slavs," said Löhner, one of the Viennese deputies, "claim that you are serving the Empire, . . . but if Hungary fails it will be too late to restrain the victorious soldiery, and history will din into your ears the fact that you allowed a sister-race to be butchered, and a common slavery with it will be your fate." Another member of the Reichsrath asked the question: "Whether the Government is of opinion that the constitutional King approves of the war now in progress between his subjects, and whether the Ministry

¹ Horváth, *Mag. fögg. harcz.* i. 493 sq.; and enclosure in Despatch 58, Ponsonby to Palmerston (*Correspondence*, etc.).

approves of the supply of arms, money, and soldiers to the Croatians for the suppression of the Magyars?"¹ but the peasant deputies of Galicia were impervious to argument, and the Government had already made up its mind. "The Cabinet came to the tardy but sincere conclusion that the policy hitherto pursued with regard to Hungary would lead to destruction, and that the concessions wrung from the Crown were incompatible with the interests of the Monarchy. So far the Ministry was right; but did it take into consideration the inevitable result of a pronouncement in this sense? Latour undoubtedly, Bach hardly, did so. The others? No. But however that may be, they certainly provoked the Hungarian revolution."² If Latour and the camarilla acted deliberately, with a knowledge of the necessary result, Hungary did not do so. There the fight began in the name of the monarchical principle, and in defence of the unity of the realms of the Sacred Crown against rebellious Serbs and Croatians, whose separatistic desires were exploited by Vienna for the purpose of wiping out the March laws, which could legally be abrogated only by the joint legislative action of King and Parliament. In Hungary there was nothing in the nature of a revolution so long as Ferdinand remained on the throne. Till it became clear that his successor had determined to destroy the Constitution, which all his predecessors, save one, had sworn to maintain, and Austria openly joined hands with the rebels, the fight never lost its pro-dynastic and purely defensive character. At the same time, it is evident that Kossuth, at all events, entertained no illusions as to the intentions of the Court.

"What will be the issue of this business?" he asked.—"That the bravery or the cowardice of the people will decide. I rely on

¹ Horváth, *Mag. fűgg. harc.* i. 493.

² Hübner, *Ein Jahr meines Lebens*, 1848-49, p. 211, "Jetzt greift das Ministerium nach ihm; (Jellasics) er soll in Ungarn Ordnung machen."

the instinct of self-preservation, and believe that the Magyar nation will not allow itself to be cut down like a coward, nor submit to wear the chains of slavery. One thing I know for certain, that the spirit of pious loyalty to the Crown has been undermined in the breasts of its most faithful subjects by the terrible events of the last two months, to an extent to which it never could have been shaken in the course of long years, by the greatest enemy of the Monarchy.”¹ “The invasion of Hungary by Jellacsics will bring freedom in its train. . . . The further he advances the more certain it is that not a single man will see the waters of the Száva again. . . . There are only two things for the Magyars to do. One is to rise in their thousands to destroy the invaders of their country’s soil; the other is to remember! If they do not do both, then are the Magyars such a cowardly despicable race that their name will be synonymous in the pages of history with shame and ignominy; then are the Magyars a God-accursed people . . . which will wander homeless on the face of the earth, begging in vain for a crust of bread, and receiving in place thereof a blow in the face from the alien race which has made it a wandering beggar in its own land, like the homeless dog which any blackguard can knock on the head without reproach. In vain will the Magyar turn to religion for consolation; it will give him none. God, whose creative work he will have degraded by his cowardice, will not forgive him his sins either in this world or in the next. The maid to whom he lifts his eyes will drive him like some mangy beast, with her broom, from the threshold. His wife will spit in his face with repulsion, and the first words of his children will be a curse on their father. To arms, therefore, if you are men; and let the women dig a huge grave in which to bury either our enemies or the Magyar name, Magyar honour, and the Magyar nation.”²

Kossuth personally repeated this appeal in the south of Hungary, and all classes flocked to the colours in defence of the capital. A last attempt was made to negotiate with Jellacsics. The Archduke Stephen was induced to try to come to terms with him, and offered to

¹ Kossuth, *Hírlapja*, September 19; Marczali, *A Legujabb Kor Története*, p. 671.

² Pulszky, *Életem és Korom*, i., from Kossuth, *Hírlapja*.

meet him on a steamer on Lake Balaton, but the Bán pretended that he was afraid of being kidnapped, and failed to keep the appointment.¹ The Palatine, thereupon, seeing that arms alone could decide the fate of Hungary, left the country, never to return, a broken and discredited man, who, for a time, had conscientiously done his best to fulfil the duties of his position, and to act as mediator between the nation and its King,² but lacked the strength of character of his father, who, alone among the Habsburgs, has lasting claims on the gratitude of the Magyar nation.

The camarilla was convinced that no serious opposition could be opposed to Jellacsics, and considered that the time had come to send a commissioner to Hungary to restore order and, as far as possible, to put the country back into the position which it occupied before the March laws were passed. Count Lamberg, a Magyar, who had played a considerable part on the Conservative side, was selected for the post of plenipotentiary and Commander-in-Chief of the Hungarian forces, and was entrusted with the task of proroguing Parliament and re-establishing the connexion with Austria on the basis of the Pragmatic Sanction—that is to say, of the Court's interpretation of that enactment, which involved the destruction of all that

¹ Jellacsics wrote to Baron Kulmer, the Austrian Minister, on September 23, "The Archduke plied protestation on protestation, but my officers believed the ship's engines to be stronger than a word of honour . . . besides, what is the use of a lot of haggling? It is not in my nature; three or four days hence bloodshed will decide the matter."—Horváth, *Mag. fögg. harcz.* i. 506. See also Eötvös K, *Utazás a Balaton Körül*, 4th ed. pp. 267-288.

² It is noticeable that Jellacsics said on the morning of the 24th that he knew the Archduke had fled. At that time no one else knew it. Eötvös, *l.c.* p. 288, says Jellacsics only guessed it, but query. The Hungarian Ministry had previously requested the King to give instructions to the Commandants of fortified towns to take their orders from the Ministry only, and the King complied with the request, but the Archduke Stephen received a hint from Vienna not to send the instructions to their destinations, and secretly recalled them from the post-office. They were found among his papers after his flight. He left behind him a document announcing his resignation, and justifying it on the ground that the King had forbidden him to oppose Jellacsics.—Kossuth, *Schriften aus der Emigration*, ii. 229, 234.

Hungary had gained during the past months.¹ The proclamation announcing Lamberg's appointment was intended to be kept secret till the last possible moment, but Pulszky obtained a copy and sent it to Pest, so its contents were common property before Lamberg arrived. In spite of the usual pretended observance of legal forms, and of the familiar assurance that the King was "unshakably resolved to maintain the integrity of Hungary and its liberties according to law," the intention to abolish the responsible Ministry, and therewith the national independence, was clear. Kossuth, fresh from the scenes of enthusiasm which his journey to the south had produced, declared that Lamberg's nomination abolished by a stroke of the pen all Hungary's constitutional successes and struck Hungary's name out of the list of nations. He pointed out that the appointment was illegal owing to the want of the counter-signature of a responsible Minister, and on September 27, Parliament, which had in the meantime heard that Jellacsics was within two days' march of Pest, unanimously resolved that the "alleged" proclamation was null and void, and forbade obedience to the royal commissioner. The same evening Lamberg arrived at Pest, was recognised by the crowd, and killed as a traitor

¹ Hartig, *Genesis der Revolution*, p. 300, asks whether the King had power to withdraw his sanction of the March laws when once it had been given, and answers the question with a decided affirmative. His misapprehension of the position arises from a failure to comprehend the difference existing between Austria and Hungary. In Austria the Emperor as autocrat could *octroyer* a Constitution and take it away the next moment if he pleased. We have already seen him do so in the early part of the year and will see a repetition of the manœuvre twice in the sixties; but in Hungary the constitutional monarch, when once a law had been passed by Parliament and had received the royal assent, could no more abolish an Act without reference to Parliament than the latter could do so without the sanction of the King. Law xii. of 1790 is explicit on this point: "*Leges ferendi, abrogandi, interpretandi potestatem in Regno hoc Hungariae Partibusque adnexis, salva Art. 8, 1741 (which recognises the immunity of the nobles' lands from taxation) dispositione, legitime coronato Principi et statibus ac OO. Regni ad Comitia legitime confluentibus communem esse nec extra illa exerceri posse Sua Majestas Sacratissima ultro ac sponte agnoscit.*"

to his country. One of the murderers, armed with a still reeking sword and followed by a riotous mob, forced his way into the House of Parliament and boasted of his deed to the horrified members, who realised the fact that the last hope of a peaceful solution of the problems which confronted Hungary had now disappeared.

Hartig says¹ that before this murderous act was perpetrated (the only one which sullies the history of the Hungarian fight for freedom), and until Hungary by killing Lamberg threw down the glove to Austria, Ferdinand took no part in the anti-Magyar campaign, but his statement is incorrect. In the first place, the Magyars as a nation were no more responsible for the murder of Lamberg by an excited mob, than Austria, as a whole, was answerable for the subsequent murder of Latour, the Austrian Minister of War. In the second place, an intercepted letter from Jellacsics's camp discloses the fact that "on September 24th (three days before the death of Lamberg) Count Mensdorff, the Imperial messenger, arrived at Kiliti, with an autograph letter of the Emperor, which approved the steps hitherto taken by the Bán and informed him that all the regiments stationed in Hungary had been forbidden to fight against the Croatian army . . . and that those who disobeyed this injunction would be proclaimed traitors." The same apologist of Vienna remarks,² that "the fact that Latour's efforts in many cases could not be in unison with those of Hungary's Minister of War and Commander is to be explained by the difference of the aims which they had in view and does not give rise to a suspicion of treachery towards the Magyars"; but the letters of Jellacsics which fell into Magyar hands remove all possible doubt as to Latour's complicity in the preparations which Jellacsics and his Viennese paymasters were making for the ruin of Hungary, whose suspicions were to be lulled by the issue

¹ Hartig, *Genesis der Revolution*, p. 314.

² *Ibid.* p. 298.

of reassuring rescripts until the decisive moment arrived. On September 23, Jellacsics wrote to Latour: "I am much obliged by your Excellency's gracious forethought, and for the remittance of the necessary money which you have been good enough to make. At the same time I am compelled humbly to beg for a further supply. . . . I with my army am now in Hungary, operating on behalf of the general interests of Austria, and rely, and am justified in relying, on the assistance of the Imperial Ministry of War." On the same day he wrote to Baron Kulmer, his intermediary in Vienna: "You know how difficult it is to improvise an army . . . all that is required is resolution on the part of Vienna, and the good cause will triumph. My dear friend, they gave me a practically definite assurance that as soon as my army arrived in Hungary it should receive regular pay and allowances from the State. They encouraged me to hope that they would give me their moral support, and I also expected to receive a pontoon train and a twelve-pounder horse battery; now it is somewhat late."¹ One lot of supplies sent from Vienna, described as pontoons, was intercepted by the Magyars, and found to contain guns,² so it is evident that Jellacsics did not ask in vain. When the Hungarian Government complained to Vienna that money had been sent to Jellacsics, the reply was sent that he had, in fact, been supplied with funds from Austria, as the Hungarian Ministry of Finance had failed to send him any;³ as if it was the business of the Budapest Ministry to finance the invasion of its own country. Latour, when the irregularity of his behaviour was pointed out to him, replied: "Let them abolish their laws of 1848 and all will be well."⁴ As the *Allgemeine*

¹ The letters are set out by Horváth, *Mag. fűgg. harcz.* i. 455 sq.

² Pulszky, *Életem és Korom*, i. 334.

³ Kossuth, *Schriften aus der Emigration*, ii. 228.

⁴ Deák to Beust.—Beöthy, *o.c.* ii. 527.

Oesterreichische Zeitung said: "The intercepted letters give indubitable proof of the fact that the War-Minister Latour was a party to Jellacsics's plans and assisted him with Austrian money, consequently, *ipso facto*, declared war on Hungary. . . . The Croatian war is the war of reaction, set on foot by the Austrian court-party, not only against the Magyars, but against freedom itself, and Jellacsics is but a tool in their hands."¹

On September 29, Jellacsics, after Batthyány had once more tried to induce him to abandon his advance on the capital, came into collision with fifteen thousand Magyar troops, consisting chiefly of raw levies and National Guards, under General Móga, and was driven back. A few days later the Croatian reserves, to the number of nine thousand men, were forced to capitulate, and were disarmed and sent home.² With the remainder of his forces Jellacsics drew off in the direction of Vienna. The Viennese Government believed that Jellacsics would enter Pest in triumph on or about October 3, and timed the issue of a royal rescript to coincide with his arrival. The King therein complains that Parliament had allowed

¹ Oct. 3, 1848.—Horváth, *o.c.* i. 569 sq. See also Jellacsics's intercepted instructions to the Governor of Varasd as to dealing with the guns, ammunition, pistols, etc. sent from Austria.—*Ibid.* i. 457.

² These were Slavs of the military frontier organisation. To the reproaches of their officers they replied they saw no reason for fighting their Magyar brothers who had never done them nor their country any harm.—Kossuth, *Schriften aus der Emigration*, ii. 177. Görgei, subsequently Commander-in-Chief of the Magyar forces, was present. He had already made himself notorious by hanging, on Oct. 1, Count Edmund Zichy, one of the leaders of the Conservative party and an ex-"Administrator" of 1844. Copies of Jellacsics's proclamation were found on him, and a store of arms was discovered in his house. According to Görgei (*Mein Leben und Wirken in Ungarn*, i. 28), Zichy's complicity in the Croatian rebellion was clearly established, and Szögyény (*Émlékiratai*, p. 96) says that a free pass from Jellacsics was in his possession, and that he was in close communication with the Slav officers. Beöthy, in his *Magyar Államiság Fejlődése*, etc. iii. 411, says that Görgei hanged Zichy in order to draw attention to himself as a man who would stick at nothing, but the victim's brother Paul shortly afterwards joined Görgei and became his trusted friend, which he would scarcely have done if he thought his brother's fate undeserved.

itself to be led by Kossuth into the paths of illegality, and so had made itself responsible for Lamberg's death. His Majesty consequently was obliged to dissolve Parliament, and to annul all its decisions which had not received the royal assent. The rescript also notified the appointment of Jellacsics as Commander-in-Chief and Governor Plenipotentiary of Hungary, absolute obedience to whom was enjoined, and the placing of the country under martial law. At the same time, Latour issued an order absolving all troops stationed in Hungary from their oath of allegiance to the Constitution, and sent reinforcements to Jellacsics. War on the Magyars and on their Constitution was thus openly declared.¹ On October 7, Parliament, which still tried to believe that the King was not responsible for the hostile acts of the camarilla and of his Ministers, unanimously resolved on Kossuth's motion that the rescript was forged, but that if it should prove to be authentic it was contrary to the laws, to His Majesty's oath, and to the Pragmatic Sanction, and so was revolutionary, null, and void of effect.

Kossuth and the Committee of National Defence, formed when the prospects of invasion first necessitated the taking of defensive measures, took the place of the now non-existent Ministry. The time had come either to surrender unconditionally to Vienna, or, with Kossuth as practical Dictator, to fight to the bitter end.

¹ "Bezüglich Ungarns gab es nur eine Meinung: es sollte und musste sich die Einordnung in das einheitliche Reich gefallen lassen. Die Rebellion in Ungarn war beklagenswerth, aber sie hatte in den Augen der Machthaber doch das eine Gute, dass man jetzt mit der gefährlichen Verfassung von 1848 reinen Tisch machen konnte. Meinungsverschiedenheiten bestanden nur über den Grad der Autonomie, die dem Lande innerhalb des Einheitsstaates gewährt werden könne."—Friedjung, *o.c.* i. 135.

CHAPTER XV

THE beginning of October witnessed a fresh outbreak of revolutionary disorder in Vienna.¹ The Radicals identified their interests with those of Hungary, knowing that the triumph of reaction in that country would sound the death-knell of constitutionalism in Austria also. Throughout the latter half of September, after the arrival of the news of the Croatian invasion of Hungary, the students and lower classes of the Kaiserstadt gave daily and disorderly proof of their solidarity with the Radicals and with the Magyars. The publication of the Bán's intercepted letters, which proved the complicity of Latour in the plot to ruin Hungary, poured oil on the fire of public resentment, and confirmed the belief that a *coup d'état* was contemplated for the destruction of the modicum of popular liberty enjoyed by the hereditary provinces. The news of Jellacsics's appointment, and of the establishment of martial law in Hungary, strengthened the conviction that the adoption of similar measures in Austria might be expected at any moment. On October 6, the Reichsrath presented an address to Ferdinand demanding a general amnesty and the withdrawal of the rescript of October 3, to which the Emperor, who had already packed his portmanteau with a view to flight, replied that he would give the matter his most careful attention—in other words, that the petitioners should mind their own

¹ Similar revolutionary outbursts occurred at Gratz, Brunn, and Lemberg.

business. Several regiments, destined for the reinforcement of Jellacsics, refused to obey orders ;¹ street fighting began, barricades were erected, and the forces of disorder were everywhere victorious. A mob forced its way into the Ministry of War, killed Latour and hanged his mangled remains on a lamp-post—Vienna's answer to the murder of Lamberg. On the following day the revolutionists seized the arsenal and distributed sixty thousand stand of arms. The capital was clearly too hot for the Kaiser, and he and his family fled to Olmütz. Krauss, the Minister of Finance, alone stuck to his post, with the result that he found himself in the undignified position of having to find pay for the students' legion which was engaged in fighting the troops of his imperial master.

This unfortunate state of affairs prevented the Government from sending the promised reinforcements to Jellacsics, and from giving effect to his appointment as practical Dictator of Hungary till the Kaiserstadt had been reduced to submission. The hopes of the Government were centred in Windischgrätz, who proceeded to collect all available troops, joined hands with Jellacsics, and laid siege to Vienna. On the withdrawal of the Bán the Magyar troops advanced to the frontier ; but though a letter had been received from the Committee of the Central Democratic Union of Vienna asking for armed co-operation in the struggle for freedom, a strong feeling existed against the adoption of offensive, as distinguished from defensive, measures dictated by the instinct of national self-preservation. Twice the army crossed the frontier, and twice it returned. Only when it was too late did Kossuth resolve, in spite of the opposition of the majority of the members of the Committee of National Defence, to advance to the relief of the beleaguered Viennese. On October 30 the Magyars attacked Jellacsics at

¹ Hübner, *Ein Jahr meines Lebens*, Oct. 6. For the best account of the disorder in Vienna see Reschauer, *Das Jahr 1848, Geschichte der Wiener Revolution*, Vienna, 1872.

Mannwörth, and captured the village at the point of the bayonet; but at Schwechat a panic occurred in a portion of the troops, which involved the precipitate retreat of the whole force across the border. If they had pressed on and joined hands with the revolutionaries in Vienna, it is more than probable that events would have taken a totally different course to that which they ultimately followed, and that Hungary would have been 'able' to dictate terms of peace in the capital of the Habsburgs;¹ but that was not to be. The revolutionists, whose hopes were temporarily revived by the news of the Magyar advance, left to their own resources were incapable of prolonged resistance. On November 2 Jellacsics and Windischgrätz entered the town. Militarism was triumphant, thousands of prisoners filled the gaols, and the organisers of revolt were shot or hanged. Revolutionists, and sympathisers with the cause of Magyar independence, were to receive a lesson which would not soon be forgotten, and Windischgrätz's conception of the task which he had undertaken imposed the application to Vienna of the methods which he had successfully employed in Prague.² The Reichsrath was removed to Kremsier, near Olmütz, in order that it might be directly under the eye of the Court, and a strong Ministry was appointed. Prince Felix Schwarzenberg, brother-in-law of Windischgrätz, distinguished both as a soldier and as a diplomatist, was made Prime Minister. Animated by the fixed idea of the necessity of reconquering the prestige of which recent events had deprived Austria in the eyes of Europe, he was convinced that the only way to attain the desired object was to establish a single and united Austrian

¹ See Hübner's conversation with Schwarzenberg, *Ein Jahr meines Lebens*, Oct. 9. "L'existence de la monarchie tient à un fil," *sq.*

² Helfert, *Geschichte Österreichs vom Ausgange des Wiener Oktoberaufstandes*, iv. 117 *sq.* On the advice of Schwarzenberg, Windischgrätz, to the scandal of Europe, shot Robert Blum, a Radical member of the Frankfort Diet.—Hübner, *Ein Jahr meines Lebens*, November.

Empire by destroying every vestige of Hungarian independence. Windischgrätz, Commander-in-Chief, was not in the Cabinet, but stipulated that no important step should be taken without his consent, and practically had a right of veto in all questions affecting the revision of the Constitution.¹ An aristocrat of the aristocrats, he is reported to have expressed the opinion that humanity begins with barons, and nobility with princes, and to have entertained the view that the lower orders are fit only to serve as *chair à canon* and to pay taxes. His ideal was a return to the benevolent despotism of the age of Maria Theresa, when the ideas of modern Liberalism were non-existent. Stadion, the new Minister of the Interior, who had, as Viceroy of Galicia, got such a hold of the Slavs that he could do what he liked with them, who utilised his power to procure the election of ignorant peasants as members of the Reichsrath, was not in harmony with the ideas of Windischgrätz and Schwarzenberg, but was convinced of the necessity of Parliamentary government, and might have done something for his country if he had not become insane. Bach, ex-Radical and Minister of Justice, now saw salvation in the autocratic principle and in uniformity of government, to which Hungary with its ancient Constitution, its traditions of freedom, and its responsible Ministry, was the only obstacle. He and Bruck, the Minister of Commerce, nominally constituted the Liberal element in the Cabinet, but this fact did not make them less anti-Magyar than their Conservative colleagues.

Hungary must be crushed, and the obstacle presented by the coronation oath and other sacred engagements of Ferdinand must be brushed aside. The King must make way for an autocrat whose hands were bound by no promises to maintain an inconvenient Constitution. The secret of the intended change, resolved upon in the early

¹ Hubner, *Ein Jahr meines Lebens*.

days of October,¹ was known only to the Ministry, Radetzky, Jellacsics, Windischgrätz, and a few others. Even some of the Archdukes were kept in the dark till the announcement was made to the Reichsrath, on December 2, that Francis Joseph had that day ascended the throne of Austria. The young Emperor can have had but a faint idea of the reasons for his sudden advancement, and, it is to be hoped, did not realise the fact that he was to serve as an instrument for the execution of the cut-and-dried plans of the Ministry which involved the extinction of Magyar liberty in a bath of blood, and the establishment of military and bureaucratic absolutism. The idea that a new King of Hungary was not bound by the promises of his predecessors was an outrage on the most elementary principles of political morality, and, what was worse, it was stupid. An Austrian Emperor could be King of Hungary only in virtue of the Pragmatic Sanction, and of other laws which bound all persons entitled by right of heredity to the Crown of St. Stephen to sign an inaugural diploma guaranteeing the liberties of Hungary, and to swear to maintain the laws and the Constitution. The taking of such an oath was a condition precedent to the right of the person entitled to the throne of Austria to present himself for coronation. Francis Joseph had no claim to the enjoyment of the benefits conferred by the Pragmatic Sanction if he was not prepared to be bound by the obligations which it imposed, and the doctrine that laws or promises lose their binding force on the expiration of the reign during which they were passed or given was a revolutionary innovation completely subversive of the basis of the relations between King and people. Moreover, Francis Joseph had no right to the Hungarian throne, which can become vacant only by the operation of

¹ The idea occurred first to the Empress, who often discussed it with Metternich.—Hübner, *Ein Jahr meines Lebens*, December. See especially Helfert, *Geschichte Österreichs*, etc. iii. 342 sqq.

nature, or with the consent of the people constitutionally expressed. Even if the abdication of Ferdinand without notification to, and the consent of, the Hungarian Parliament was effective, the position of Francis Joseph was in any case illegal, as the crown must necessarily descend to the eldest male heir of the recent possessor,¹ namely, to the Archduke Francis Charles, father of Francis Joseph; and nothing but an Act of Parliament could get over this fact. The proclamation announcing Ferdinand's abdication made no reference to Hungary, and only mentioned the fact that the Emperor had thought fit "to abdicate the throne of Austria" and "to renounce the Austrian imperial crown." The question whether the omission was unintentional, or whether the renunciation of the Austrian crown was supposed to make all reference to that of Hungary superfluous, needs no discussion, as, in any case, the latter country could not legally take cognisance of the act of abdication, or regard any person other than Ferdinand as its King. Moreover, as the Austrian Ministry had made up its mind to the effect that Hungary had forfeited its liberties and must henceforth be reduced to the level of a hereditary province,² an illegality more or less was of no importance to a monarch selected for the express purpose of pulverising the sacred obligations of his ancestors. The least attempt to approach the Magyars on the basis of a reasonable compromise would have met with instant success on account of the personal popularity of Francis Joseph, and for the reason that a considerable party existed, which comprised such men as Deák, Batthyány,

¹ Law ii. 1687, "descendentium masculorum haereditum primogenitum."

² "Die Magyaren haben das geschichtliche Recht des Königreichs Ungarn, die pragmatische Sanktion durch ihre Empörung und insbesondere durch die Akte vom Dezember vorigen Jahres und vom 14. April dieses Jahres selbst vernichtet. Das zur Republik erklärte und von einem Usurpator unter dem Namen eines Souveränen Präsidenten terrorisirten Land muss von seinem legitimen Souverän erobert werden, und das Gesetz des Siegers ist sein Recht."—*Akten des Ministeriums des innern von 1849*, No. 4022, cited by Friedjung, o.c. i. 373.

and Wesselényi, who, though just as anxious as Kossuth to maintain the historic rights of their country, did not believe that it could win in the long run, and were ready to make concessions with respect to the control of military, financial, and foreign affairs. But Vienna never gave them a chance to be heard: possibly for the reason that a small Conservative party existed in Hungary which misled the Court as to the true state of Magyar feeling. At the end of November the *Chargé d'Affaires* of the United States offered his mediation to the Committee of National Defence, and Kossuth accepted the offer, declaring in his own and his colleagues' name that the country was ready to accept any honourable peace which would assure the maintenance of its rights and its Constitution; but the Austrian Government politely told Mr. Stiles to mind his own business.¹

The proclamation² issued by the new Emperor on the day of his succession left no doubt as to his intentions towards Hungary. It confirmed the orders issued to Windischgrätz, on November 6 and 7, instructing him to dissolve Parliament, and proclaiming Kossuth and his followers to be rebels and traitors, and again gave authority to Windischgrätz to reduce Hungary to submission by means of the sword. The determination to seize the opportunity of realising the traditional desire of the Habsburgs to incorporate Hungary in a uniform Austrian Empire was so evident that even the Conservatives had henceforth no justification for dissociating themselves from Kossuth. The summons issued by Windischgrätz to the

¹ See Mr. Stiles's book already referred to, ii. Appendix, p. 402 *sqq.*

² Horváth, *Mag. fűgg. harcz.* i. 163. When Schwarzenberg showed the proclamation to Baron Jósika the latter remarked, "It was only after the battle of White Mountain that Ferdinand II. tore in pieces the charter of Bohemia's liberties. You have not yet conquered Hungary but already assume the right to deal with it as if you had done so."—Hübner, *Ein Jahr meines Lebens*, December. The Ministry was evidently under the impression that the campaign in Hungary would be a mere military promenade. Helfert, *Die Thronbesteigung des Kaisers Franz Joseph*, i. 354 (vol. iii. of his *Geschichte Österreichs*, etc.).

Magyar troops, calling upon them to obey his orders, was naturally disregarded, as his appointment was even less legal than that of Jellacsics had been; and Parliament made the only possible reply to the manifesto, announcing the change of King, by adopting the correct constitutional attitude, and refusing to take cognisance of a Habsburg family arrangement which could not possibly have any validity in Hungary without the consent, which had not been asked, of the elected representatives of the nation. At the same time, Parliament was still ready to come to terms. On November 20, Görgei, in a letter to Windischgrätz, insisted on the continued loyalty of the nation to the Throne, and on the 27th Kossuth repeated the assurance of pacific intentions which he had made several months ago. "We always were, and still are, ready and anxious to hold out a helping hand to smooth away the apparent divergencies between our interests and those of the hereditary provinces, only let us be assured that the sacrifice of our national independence or Constitution is not demanded as the price of agreement." Wesselényi used all his influence in favour of the recognition of Francis Joseph, and entreated his countrymen not to risk the whole political future of Hungary in a war, the issue of which was at any rate doubtful;¹ but Kossuth and his party were resolved that a complete recognition of Hungary's historic rights and Constitution must precede the resumption of negotiations. Kossuth refused to believe that the war could possibly end in the complete discomfiture of his country. "History," he said, "has shown us Hungary involved in many wars, and surrounded by many adversities, but every single war which she has waged for freedom's sake, has ended not in defeat, but in a bargain."² He was convinced that just as Bocskay,

¹ Dec. 6.—Horváth, *Mag. fögg. harcz.* ii. 170. This was Wesselényi's last appearance. He died a few months later.

² Nov. 9.

Bethlen, and Francis Rákóczy had found support in Turkey, France, or in the Protestant nations, so now help would come from abroad. But Napoleon was now master in Paris; Italy was temporarily reduced to impotence; in Germany the revolutionary element had been suppressed, and official England was hypnotised by the idea that only a strong, united, Austrian Empire could guarantee the maintenance of European equilibrium, which the secession of Hungary would necessarily upset. Foreign Governments were made to believe that the war in Hungary was due to the spontaneous revolt of oppressed nationalities against Magyar tyranny, and that Kossuth had stirred up a revolution with the object of breaking all connexion with Austria. In vain Count Ladislaus Teleki and Francis Pulszky, Hungary's representatives in Paris and London, tried to explain the historical basis of Hungary's relations to Austria. The French Government refused to recognise Teleki's *locus standi*, and Palmerston said that the British Government knew Hungary only as a constituent part of the Austrian Empire, a statement which proved the existence of a total misapprehension of the nature of Hungary's connexion with the hereditary provinces of the Habsburgs. No help could therefore be expected from Western Europe, and to the east was Russia, the traditional enemy of Liberalism and freedom.

At the end of November the Magyar forces numbered about 100,000 men, of whom only 16,000 consisted of regular troops, the rest being composed of National Guards and raw levies of all ages and professions. After the fiasco of Schwechat, Kossuth deposed Móga from the office of Commander-in-Chief, and appointed Görgei, an ex-officer of Hussars, in his stead. The want of leaders was severely felt, as many of the officers of the regular troops, in whom the traditions of discipline were stronger than the feeling of patriotism, transferred their

allegiance to Windischgrätz. Their places were taken by retired army officers, such as Klapka, Damjanics, and Count Aristides Dessewffy, ex-captains; Count Leiningen, cousin of the Queen of England; and Bem and Dembinsky, Polish generals who had won great reputations in 1830-31; but for the most part the Magyar officers had to acquire their experience on the battlefield, and it is therefore not surprising that the early stages of the war gave but slight indications of the Magyars' fighting powers, which, later, evoked the astonishment and admiration of Europe. On December 15 Windischgrätz began his advance in the direction of Pest and met with little resistance. A last attempt at negotiation was made by a deputation from the Hungarian Government, which included Batthyány, Deák, and Bishop Lonovics, but Windischgrätz informed them that he could not recognise the existence of the Parliament which they represented, and that only "unconditional submission" could stay his hand. To this there could be only one reply. On January 13 Parliament, which had in the meantime removed to Debreczen, resolved to fight to the bitter end. "What does unconditional submission mean?" asked Kossuth in his speech of February 13. "Does it not mean that Hungary must cease to be Hungary and become one of the fragmentary possessions of Austria, deprived of its existence as a nation and as a State? Does it not mean that the nation must sign its own death-warrant?" Parliament answered the question by unanimously passing a resolution which declared that: "Whereas the Magyar nation is not fighting in order to obtain new rights, but has been compelled to resort to arms by the natural law of self-preservation, and in defence of its existence as a State which has lasted a thousand years, and, though guaranteed by the royal oath, has now in breach of that oath been made the object of armed attack, the nation will defend its existence as a State, its independence, its Constitution,

and its nationality to the last man and to the last drop of blood."

On January 5 Windischgrätz occupied Budapest, and both he and the Austrian Government looked upon the war as over, when, in fact, it had hardly begun. Only in Transylvania did matters look tolerably promising for the Magyar cause. At the beginning of October, Puchner, the Austrian General, published a manifesto calling upon the Roumanians to disarm the Magyars, a direct incitement to civil war which resulted in the massacre of hundreds of defenceless persons.¹ The arrival of Bem on the scene early in December soon changed the aspect of affairs, and broke one of the most important links of the chain with which Windischgrätz had intended to crush the ill-organised resistance of the Magyars.² The want of organisation and unity of direction was in fact the rock on which the national cause was to suffer shipwreck. Bem, Dembinsky, and Görgei all acted independently of each other and of the Committee of National Defence, which knew little or nothing of what was going on in various parts of the country. At Debreczen the influence of Kossuth was supreme, but there is little evidence to show that he exercised the species of terrorism over dissentients with which his enemies, who wished to throw the whole burden of responsibility for disasters on to his shoulders, subsequently reproached him.³ At no time was the peace party coerced or exposed to any serious unpleasantness on the part of Kossuth or his supporters, and the very fact of the continuance of discord proves that no undue pressure was put upon the opponents of the policy of the majority. Almost from

¹ See de Bertha, *Magyars et Roumains devant l'histoire*, p. 420. Jancsó Benedek, *Szabadságharczunk és a Dako-Román Törekvések*, 106.

² For Bem's campaign see Czetz, *Bem's Feldzug in Siebenbürgen*, Hamburg, 1850.

³ Kemény, for example, in his pamphlet, *Forradalom után*, for which see Beksics, *Kemény Zsigmond, A Forradalom és a Kiegyezés*, pp. 56-149. For Irányi's refutation, see the Appendix to the same work, p. 331 sqq.

the start Görgei severed all connexion with the Committee of National Defence, and, influenced by motives of ambition and of personal hatred of Kossuth, played an insubordinate and almost incomprehensible game, by no means compatible with his duty to the army which trusted him, or to the country which had conferred on him the command of the most important section of the national forces.¹

Since the transference of the Reichsrath to Kremsier the Government had been occupied by the elaboration of a new Constitution, which should fuse the heterogeneous elements of the dominions of the Habsburgs into a united Austrian Empire in accordance with the manifesto issued by Francis Joseph on his succession, announcing his intention to devote his life to the restoration (*Wiedergeburt*) of the unity of Austria, which, if, as apparently was the case, the term Austria was intended to comprise the dominions of the Hungarian Crown, had in fact never existed. The success of the Austrian arms at Kápolna on February 26, which Windischgrätz magnified into a complete, final victory, led the Court to believe that no further resistance on the part of the Magyars was to be apprehended, and that a suitable moment had arrived for the publication of the new Constitution, for the realisation of the object which Francis Joseph described in his manifesto of March 4 as "the great work of unifying Austria."² As the new Constitution of March 4 in fact never had any effective existence, it is unnecessary to do more than refer to those parts of it which concern the Kingdom of Hungary³ in

¹ He admitted later that he ought to have been shot, under ordinary circumstances, for insubordination.—Marczali, *A Legujabb Kor Története*, p. 703.

² The idea of Schwarzenberg, notified by him to the Diet of Frankfurt, was that the united Austrian Empire, the result of the Constitution of March 4, should bodily join the German Confederation, of course as predominant partner.—See Hübner, *Ein Jahr meines Lebens*, March 1849.

³ For the stillborn Constitution, see Despatch No. 130, *Correspondence*, etc., also Horváth, *Mag függ harc.* ii. 402, sqq. It began with the words, "The source of all power is the people," a somewhat ironical statement, in

order to show the value attached by a constitutional King to the sacred undertakings of his predecessors, and more especially to the Pragmatic Sanction, to which the continued existence of the Habsburg dynasty was due.¹ The Constitution of the Kingdom of Hungary is maintained in so far as its provisions do not interfere with those of the new enactment (sect. 71); in other words, all the characteristics which distinguish it from any petty province of Austria are to be abolished. For this purpose Hungary is to be dismembered by the establishment of a separate Servian Voivodina (sect. 72); by Croatia, Slavonia, Dalmatia, and Fiume being declared a completely independent kingdom (sect. 73); by the severance of Transylvania, the reunion of which with the mother-country, Ferdinand had sanctioned a few months ago; (sect. 74) and by the maintenance of the organisation of the Military Frontiers "which exists for the preservation of the integrity of the Empire."² Such were the provisions as far as Hungary was concerned of the new Constitution, which, according to the Emperor's words, was to confer "such identical rights, franchises, and political institutions, as, according to our judgment, are most conducive to the well-being of Austria" and of the "one and indivisible Austrian Empire,"—of Austria, possibly, but certainly not of Hungary. The official *Gazette*, which communicated the contents of the manifesto to the Magyar public, concluded with the words, "the House of Austria has view of the fact that Vienna and several other large towns were at the moment under martial law, and that an attempt was being made to force Hungary to surrender its constitutional rights. It was formally abrogated in 1851, "as incompatible with the nature and essence of the Austrian Empire."

¹ If Hungary had refused to accept the principle of female succession and had elected its own King, Maria Theresa could never have defended her Austrian provinces against the enemy who robbed her of Silesia, and between the two millstones of Germany and Russia, Austria with its Slav-German population would infallibly have been ground to pieces.—See Deák, Kónyi, iii. p. 41.

² Possibly against the Turks, two hundred years ago, but in more recent times as an outpost of Austrian, anti-Magyar, influence.

trampled on law and equity. So be it. Let the sword decide between us, if such is their desire."¹

The moment selected for the publication of the new Constitution was, as it turned out, particularly inopportune. The tide had turned and the Magyars were everywhere victorious. On March 5 Damjanics obtained the first notable success at Szolnok—the introduction to a series of victorious engagements which culminated in the smashing defeat of the Austrians at Isaszeg on April 6. Windischgrätz, who had been almost uniformly unsuccessful in the field, was relieved of his command, a sign of the nervous depression from which the Court was suffering, and the view was generally entertained in Vienna that the Government's refusal to negotiate with the Magyars when the latter were willing to accept a reasonable compromise would be punished by the total severance of Hungary's connexion with Austria, unless foreign help were quickly obtained.² Deák subsequently stated that if the Magyars could have obtained an offer on the morrow of their greatest success at Isaszeg of a settlement on the lines of that arrived at in 1867, they would not have hesitated to accept it.³ But no such offer was to be made, and compromise had, in fact, been rendered impossible by the premature issue of the imperial proclamation of March 4. It is, therefore, not surprising that the recent victories induced Kossuth to answer that manifesto by taking a step for which he has often been blamed on the ground that his action opened the door to foreign interference, and exposed his country to reprisals which it would otherwise have escaped, though in reality it had no influence on the subsequent course of events. On his return from the camp of the victorious Görgei, Kossuth declared that the time had come for Hungary

¹ March 18, Marczali, *Enchiridion Fontium*, p. 861.

² *Correspondence*, etc., Despatch No. 164, Magennis to Palmerston.

³ Beöthy, *A Magyar Államiság Fejlődése*, etc. i. 561.

to throw off the yoke of the perjured Habsburg dynasty, and to declare its independence. He believed that such a declaration would increase the enthusiasm of the army, and relied on the effect which a *fait accompli* would have on the prospects of European intervention. Francis Rákóczy had also proclaimed the dethronement of the Habsburgs, but in 1707 Louis XIV. of France was ready to help the cause of Hungarian independence, whereas, after the defeat of Victor Emmanuel at Novara, no prospect remained of obtaining foreign assistance, though Kossuth still hoped that its commercial instincts would induce England to interfere, in return for a guarantee of exclusive advantages for British trade in an independent Hungary.¹ Kossuth apparently believed that the final success of the national cause was a certainty,² but a considerable party refused to see matters in the same light, and would have opposed the issue of the proposed proclamation had not their leader, Nyáry, insisted on the necessity of apparent unanimity at this crisis in the history of the nation. Many realised the futility of paper thunderbolts which in

¹ Pulszky, *Életem és Korom*.

² According to Görgei's account of his interview at Gödöllő with Kossuth, on April 9, Görgei protested on the ground that Hungary was fighting in a just cause which would cease to be just if they fought for separation from Austria; that they would alienate foreign sympathy by upsetting the balance of power; that the smallest victory on the field of battle was of greater value than the most self-confident manifesto; and that battles won in the name of Ferdinand, the legal King, and of the Constitution ratified by him, were the best answer to the dreams of the Viennese Cabinet.—*Mein Leben und Wirken in Ungarn*, Leipzig, 1852, p. 9 sqq. It must be remembered that Görgei's account was written two years later, when he had received exceptional treatment at the hands of Francis Joseph and was desirous of justifying himself at the expense of Kossuth, whom he hated, and of whom he was always jealous. Further, in his proclamation to the troops, dated April 10, he called on them "for still further exertions in order that our beautiful country may be *really free*," and in that of April 29 issued at Komárom, he speaks of freeing the country from "the yoke of a perjured dynasty." These expressions justify the conclusion that Görgei in reality never protested, and had changed his point of view since the issue of his Vác proclamation of January 5, in which he declared his, and the army's, fidelity to King and Constitution.

no case could strengthen a cause which must depend for its ultimate success on the arbitrament of war, which, by converting a purely defensive campaign (forced on the country by an attempt to deprive it of undeniable historic rights) into a revolutionary struggle, was less likely to conciliate foreign sympathy than to alienate it by giving colour to the statements industriously circulated by Austrian diplomatic agents to the effect that Hungary had all along intended to break away from Austria. But the influence of Kossuth and his stalwarts was too strong for the more moderate minority, and no dissentient voice was raised when a resolution was proposed in favour of the dethronement and perpetual banishment of the Habsburg dynasty. Parliament adjourned to the great Church of Debreczen, and there in the presence of thousands of enthusiastic Magyars the independence of Hungary was solemnly declared. The declaration of independence,¹ published on April 19, was based on the American declaration of 1776. It recited the fact that three hundred years ago the Magyar nation by free vote, and on the basis of a mutually binding contract, had elected the representative of the House of Habsburg to the throne of Hungary. Three centuries of continual suffering was the result. Every Habsburg had tried either forcibly to incorporate the country in the hereditary provinces, or, by paralysing its development, to reduce it to the position of an Austrian colony. Several times Hungary had had to fight to maintain its freedom or its very existence, and on every occasion, when it laid down its arms, fresh guarantees were given only to be violated so soon as an opportunity occurred. From generation to generation the history of the House of Habsburg had been nothing but a record of unintermittent breaches of faith, but in spite of that fact Hungary had faithfully fulfilled its contractual obligations to Austria. If the

¹ Marczali, *Enchiridion Fontium*, p. 864 sqq.

Crown leagued itself with the rebellious enemies of the nation, if it attacked its subjects with fire and sword in order to destroy their political existence and the Constitution which the King had sworn to maintain, if it violently dismembered a country the territorial integrity of which it had solemnly guaranteed, if it utilised the armed forces of the foreigner to slay its own subjects and to destroy their legal rights, then at all events was the nation justified in breaking the contract which it had hitherto loyally observed. The Manifesto declared that the House of Habsburg, which had been guilty of every one of these offences, tried to excuse its criminal action by a reference to the laws of 1848 which abolished political inequality, —laws which Ferdinand V. had ratified and confirmed. The Habsburgs were Kings of Hungary in virtue only of the Pragmatic Sanction, which guaranteed the maintenance of the Constitution and the indivisibility of the realms of the Sacred Crown, a fact which had been recognised by every King, with the exception of Joseph II., whose ordinances were consequently void and of no effect. But every King had broken his oath down to Ferdinand V., in whose name the Croats and others had been incited to kill and murder the Magyars, in whose name race hatred had been engendered, and secret assistance had been given to the rebels until the termination of the Italian campaign allowed the Court to throw off the mask and join openly in the attack on Magyar freedom. The Magyars long believed that all this wickedness perpetrated in the King's name was done without his knowledge, and were anxious to negotiate and ready to crown the new King on receipt of the usual guarantees ; but nothing but the complete destruction of Hungary's historic rights would satisfy the Habsburgs. Therefore, there was no choice but to fight for self-preservation, and to declare that the perjured dynasty was for ever deposed from the throne, that its members were exiled from the Hungarian

soil, and that Hungary with Transylvania and the parts annexed took its place in the family of European States, with all of whose members it desired to live on terms of peace and friendship.

• Kossuth, now unanimously elected Dictator, has been accused of having ruined his country for the sake of gratifying his personal ambition, and some of his own countrymen repeated the charge in their anxiety to find a scapegoat—to fix the responsibility for their misfortunes on the shoulders of an individual. The origin of the accusation is to be found in the hatred and jealousy of his opponents and in the disillusionment and disappointment of his supporters. Kossuth had practically the whole nation at his back, and there is little doubt his refusal to accept the office, for which his overwhelming personality made him the only possible candidate, would have been regarded by the majority of his fellow-countrymen as a worse disaster to the national cause than the loss of many battles.¹ He had not the slightest desire for a permanent dictatorship; on the contrary, his one wish was to lay down the burden of his responsibilities at the earliest possible moment. “I have lived the best of my life,” were the words he addressed to Parliament when it unanimously offered him the Dictatorship, “and if I look back on my career, in all those long years there was not one day on which I could say that I was at rest. . . . Let my words be noted in the pages of the Book of Judgment: beyond my earnest desire for the happiness of my country I have no wish save that I may be free to rest. . . . Until the nation is completely assured of its future, so long will I be your Governor and President if such be your will; but I swear by the living God and my own honour that so soon as the period of uncertainty is over I will be nothing, not even for a single second, but a poor

¹ For his influence on the army see Klapka, *Emlékeimből*, Budapest, 1886, 193 sqq., and Beksics, *Kemény Zsigmond*, 126.

and humble private citizen.”¹ Possibly, such words as these are unconvincing in the mouth of any man who has raised himself from a comparatively humble station to a position of pre-eminence. A Cincinnatus is, perhaps, a rarity, but in any case it is safer to be guided in forming an estimate of Kossuth’s aims and character by the contemporary testimony of those who knew him best than by the interested malevolence of Görgei, or by the tendentious criticism of political opponents and foreign detractors. Kemény² and others, who wrote while still under the impression of the bitter days which followed the conclusion of the war, may describe Kossuth as “the genius of destruction” and as “a political charlatan,” but such phrases have little weight when compared with the considered judgment of a Deák: “History will connect the transformation of Hungary with the name of that man who in 1848 initiated it and carried it through with unwearied energy. In spite of subsequent events that part of his work remained and will remain so long as our country exists. The gratitude of the people will always be his.”³

¹ Horváth, *Mag. fögg. harcz.* ii. 515. Kossuth repeatedly refused office in Batthyány’s Government, and accepted only when Batthyány told him that his refusal would make the formation of a Ministry an impossibility.—*Schriften aus der Emigration*, ii. 290. If he had been ambitious he could have returned after 1867, and his popularity in the country would have enabled him to carry all before him.

² *A Forradalom után.*

³ Compare the speech of Count Albert Apponyi, March 23, 1894, when the news of Kossuth’s death was officially announced: “The living are shrouded in the fog of controversy, in which the transitory opinions of contemporaries are but as feeble, flickering rushlights. Then comes the rough wind of Death: the mist is dispersed, the petty lamps are extinguished, and the Sun of History arises. And now in the light of that rising sun we begin to see what Kossuth was. Let us consider what Hungary was before he put his hand to the wheel. Was it a nation? Was it a State? Was it free? Did it belong to the family of European nations? According to law and historical tradition, yes. But in reality? In reality it was torn in pieces by the contrasts presented by class privilege and servitude. It had no independent Government. It was a province, which rendered homage to an alien power, in spite of the futile protests of an impotent Diet. The people was sundered

Unfortunately Kossuth's dictatorship was never really effective, and he could never obtain that concentration of authority which alone could produce unity of action. Not only the Generals in the field, but also members of the Government in the council chamber, developed a mutinous tendency to dispute his supremacy and to play for their own hands. The declaration of policy of Szemere, the new Minister-President, in which he described the Government as revolutionary and republican, and as determined to resist any attempt to restore the monarchy, a statement which was made without reference to, or consultation with, his colleagues,¹ and to a considerable extent alienated the sympathies of foreign nations, was merely an attempt to curry favour with the extremists and to diminish the prestige of Kossuth,² whose acceptance of the Dictatorship, which involved his withdrawal from the scene of his oratorical triumphs, was one of the chief causes of the decline of his authority. Kossuth has been accused of having ruined his country by having brought from, and lagged behind, the rest of the civilised world. The national consciousness was only just waking to life. . . . And to-day? To-day, thank God, we are a united nation of free and equal citizens, whose representative assembly is endowed with a decisive influence: a worthy sister-nation of other civilised peoples; which feels itself to be an independent State, and, imbued with that consciousness, determines its own fate. The difference between the Hungary of the past and the Hungary of to-day tells us what Louis Kossuth was. He found the former and created the latter. . . . The historic calling of the Magyar nation and the national development finds its symbol in the name of Louis Kossuth. That is the secret of the country's feeling for him, that is the measure of our veneration and of our gratitude."—*Apponyi Albert Gróf Beszédei*, Budapest, 1897, ii. 273 sqq.

¹ Horváth, who was himself a member of the Government.—*Mag. fűgg. harcz.* ii. 561.

² Kossuth intended, if possible, to find a King abroad. "I am a republican," he said, "but I love my country more than my political theories. No one can foresee the future, and I consider it my duty as a patriot to declare that in case regard for the independence of our fatherland necessitates the adoption of the monarchical principle I will sacrifice my personal convictions and accept a monarchy, and I believe that every Magyar who loves his country more than himself will act in the same manner. I propose therefore that we should not declare the establishment of a republic."—*Schriften aus der Emigration*, ii. 293.

about the intervention of Russia, which, so it has been alleged, would not have interfered but for the issue of the Declaration of Independence. The accusation will not bear investigation.

The attention of Russia had been attracted to Hungary in 1831 by the openly-expressed sympathy of the Magyars for the sufferings of the Poles. Two years later the Tsar Nicholas told the Emperor Francis in the presence of Windischgrätz that he was always at the disposal of the Habsburgs, and in 1837 spoke of the possible necessity of armed interference in Hungary to suppress the rising spirit of democracy.¹ In his speech of July 11, 1847, Kossuth called attention to the threatening attitude of the Russian forces assembled in the Danube provinces; and Palmerston, in an instruction to Sir Stratford Canning, dated November 7, refers to the belief that the presence of those forces "is not wholly unconnected with the events which have been passing in Hungary, and that the Tsar has contemplated the possibility of his being asked by the Austrian Government to restore order in Pest." On the subject of this despatch the British Ambassador wrote to Palmerston stating that he had "little doubt that, should the Austrians receive a severe check in Hungary, the Emperor of Russia would give the most efficient aid to the Emperor of Austria."² In January 1849, General Puchner, who had been beaten several times by Bem in Transylvania, entered into communication with General Lüders, Commander of the Russian forces, but did not call upon him for active assistance, as Schwarzenberg hesitated as to the advisability of asking for foreign help. Asked or unasked, on February 1, Generals Engelhardt and Skariatyn occupied Brassó and Nagy Szeben, in order to "stop the threatened invasion of the Magyar and Szekler hordes," only to be ejected by Bem six weeks later.

¹ Marczali, *A Legújabb Kor Története*, p. 720.

² Despatch 74, *Correspondence*, etc.

European diplomacy took up the question of Russian interference, and Schwarzenberg made it appear that the towns occupied had themselves called upon the Russians for protection; but the truth was that the Government of Vienna was beginning to recognise the fact that it must either make terms with the Magyars or call on the Tsar for help,¹—a confession of weakness in which Stadion saw “the grave of Austria’s power and reputation.” The anti-Liberal ideas of the Tsar, and the fact that Poland was in a state of nervous excitement, and was praying for the success of the Magyars, made him willing, if not anxious, to co-operate with Francis Joseph, to pose in the eyes of Austrian Slavs as the protector of their country, and to acquire a claim to future Austrian assistance in the Balkan Peninsula. Consequently, on April 26, a week before the news of the issue of Kossuth’s Declaration of Independence reached Vienna, Nicholas published a manifesto² in which he stated that the rising in Hungary had made such progress, and had attained such proportions that Russia could no longer remain an indifferent spectator, but was obliged to accede to the request of the Austrian Emperor, and order the advance of an army to his assistance, “after having invoked the aid, on behalf of so just a cause, of the God of battles who alone can give victory”—the favourite phrase of autocrats preparing to perpetrate an odious act.³

¹ See Hübner’s account of his conversation with Schwarzenberg. *Ein Jahr meines Lebens*, March 19.

² *Correspondence*, etc., Despatch No. 182.

³ As regards the debated question whether the Austrians called in the Tsar, or Nicholas forced his assistance on Austria, Horváth takes the latter view, but he is clearly wrong. According to Bernhardt, Schwarzenberg brought about Russian intervention by writing to Pashkevitch, playing on his vanity, “*Le sort de l’Europe est entre vos mains*,” etc., and saying that the Magyars were trying to bring about a revolution in Poland. Nicholas was made to believe that the Hungarian struggle was in reality a Polish revolution, Schwarzenberg having told him that there were 20,000 Poles in the Magyar army, whereas they never numbered as many as 5000.—Kossuth, *Schriften*, i. 166; *A Magyar Nemzet Története*, x. 408, say they did not exceed 1200. The

Nicholas and Francis Joseph met at Warsaw on May 21, and formulated a joint plan of campaign : none too soon for Austria, whose prospects, owing to recent Magyar victories, were anything but encouraging. The Imperial forces had been dispersed and driven out of Hungary, Komáron had been freed, the Servians had been routed, Transylvania¹ was again in Magyar hands, and Budapest had been recaptured from the enemy. Unfortunately for the national cause three weeks of precious time had been wasted over the siege of the capital, which, possibly, would have been better employed in an advance on Vienna, where the revolutionary element would have made common cause with the victorious Magyars, with the not improbable result

Wiener Zeitung of Vienna, May 1, 1849, announced that the Emperor Francis Joseph had appealed for assistance to the Tsar, who had promised it "with the most noble goodwill and in the fullest measure." See inclosure in Despatch 168 to Lord Palmerston, *Correspondence*, etc. The Russian official account cited by Bédöthy states that Austria asked for help in March. Subsequently, Austria was ashamed of having had to apply for help to Russia, and tried to make out that the Tsar had forced his assistance on Francis Joseph ; but see the Tsar's proclamation of May 8 (Horváth, *Mag. fögg. harcz.* iii. 26), which gives a different version to that of the officious Press of Vienna. Kossuth states that Nicholas, when asked why he sent so many as 200,000 men to Hungary, said : "This expedition is so unpopular in Russia that it must be finished in three months" (*Schriften*, i. 167), a statement borne out by the fact that the Russian officers were particularly friendly to the Magyars, and the reverse to the Austrians.—Görgei, *Mein Leben und Wirken in Ungarn*, ii. In connexion with Austria's invocation of Russian aid, Englishmen should consider what the effect would be on Irish opinion if the British were to have recourse to the German army in order to destroy their Irish fellow-subjects.

¹ The Magyar victories in April, and the recapture of Buda, made the Roumanians begin to think they had put their money on the wrong horse, and Bem encouraged a movement towards reconciliation. Still further victories induced the Roumanian leaders to agree to lay down their arms. On July 21, Szemere introduced a Bill dealing with the Roumanian question, providing for the use of the Roumanian language in schools and law courts in districts in which the Roumanians were in a majority, for a general amnesty, for the appointment of Roumanian officers and Roumanian officials on a footing of equality with the Magyars. Parliament accepted Szemere's proposal, which would no doubt have put an end to discord, but like other just and reasonable proposals, it was nullified by the intervention of the Russians and the temporary destruction of Hungarian liberty. For an account of the reconciliation, see de Bertha, *Magyars et Roumains devant l'histoire*, p. 432 sq. ; and especially Jancsó Benedek, *Szabadságharczunk*, etc., 139 sqq., 150 sqq., 159, 160.

that the war would have ended in a compromise providing for the withdrawal of the Declaration of Independence and the recognition of Hungarian freedom on the basis of the Pragmatic Sanction.¹ Russian intervention entirely changed the situation. The Magyars' only chance of success lay in immediate concentration of their scattered forces,² but, the Commanders of the various armies preferred to earn credit for successful independent action to sharing the laurels which might be won in combination with other leaders. In June, when it was too late, Görgei tried to induce the Government to order the concentration of all forces against the real enemy, the Austrians, and to keep the Russians occupied with negotiations with a view to obtaining their support against Austria in return for the offer of the Hungarian crown to the Duke of Leuchtenberg, the Tsar's son-in-law.³ Later, Kossuth wished to concentrate in the south, but the scheme was defeated by the jealousy and insubordination of Görgei, and by Bem's futile attempt to create a diversion by invading Moldavia, and stirring up a revolution there, when he should have joined hands with the forces operating in the north. The attempt failed, and Bem was defeated by a superior Russian force at Fejéregyház, where the poet Petőfi met his death, and

¹ Kossuth and Görgei (see their letters, March 9 and May 8, Klapka, *National Krieg*, 257-387) thought that the Magyar prestige required the recapture of the capital, and that success there would increase the national enthusiasm. Klapka (*Emlékeimből*) denies that Kossuth was responsible, and that an advance on Vienna could have been made with success (141 sq.). Stiles, who was in Vienna at the time, was strongly of opinion that the Magyars could have bivouacked in the Kaiserstadt within two days.—*O.c.* ii. 201. Irányi was of the same opinion, *Histoire Politique*, etc., ii. 432.

² In the middle of May the Magyar forces were distributed thus: Army of the Danube, 62,640 men; Army of the Tisza, 16,600; Southern Army, 36,800; in Transylvania, 27,000; Reserve, 9,500; Irregulars, 20,000—total, 172,540 and 498 guns. The Austrians under Haynau numbered 177,000 and 629 guns; the Russians under Pashkevitch, 203,000, and 635 guns.—Horváth, *Mag. fűgg. harcz.* iii. 161 sq. Klapka, *Emlékeimből*, 354 sq., says the Magyar forces amounted to 135,000 men and 400 guns; the Austro-Russian to 307,000.

³ Görgei, *Mein Leben*, etc. ii. 375 sq.; Marczali, *A Legujabb Kor Története*, 725. Irányi et Chassin, *Histoire Politique*, etc. ii. 568 sqq.

again at Szent András on August 9, with the result that the siege of Temesvár was raised. Görgei, whose army was still undiminished as regards both numbers and fighting efficiency, was now confirmed in the opinion which he had entertained for some time, namely, that there was no alternative but to save unnecessary bloodshed by capitulating to the Russians, from whom better terms could be expected than from Haynau, "the Hyaena of Brescia,"¹ and from the tender mercies of the Austrian Government. On August 10, before the result of the fighting at Temesvár was known, Görgei declared that if the issue was favourable he would advance against the Austrians, otherwise he would lay down his arms. The desire to humiliate Kossuth rather than the necessities of the situation caused him to insist on the retirement of his rival from the Dictatorship, and on his own appointment to the vacant place.² Kossuth complied with the demand, and explained his motives to the nation in a last proclamation. The existing Government, he said, was not only useless at the present juncture, but was actually injurious to the interests of the country, for salvation could come only from the person in actual command of the armed forces of the nation—a clear indication of the fact that he never contemplated the possibility of the immediate abandonment of the struggle. As soon, however, as Kossuth's back was turned, Görgei issued a manifesto in which he stated that he could do no more than put a stop

¹ So-called from the barbaric brutality with which he treated that town. "The imperial General who was guilty of these atrocities so disgraceful to the age, and who publicly avows them in his report to the Government, so far from being dismissed and dishonoured, was in a few months promoted to a higher station, and entrusted with the command of all the Austrian troops engaged at that time in the subjugation of Hungary, where he was enabled to perpetrate deeds of enormity in comparison with which the treatment of the Brescians dwindles into comparative insignificance, and which has justly covered him with the unmitigated execration of the civilised world."—Stiles, *o.c.* ii. 274.

² Irányi says he intended a *coup d'état militaire*, a military dictatorship.—*Histoire Politique*, etc. ii. 492 sq.

to useless bloodshed, and entered into negotiations with the Russian General, Rüdiger, with a view to capitulation, in the confident belief that the Tsar would protect his prisoners from the vengeance of Haynau and his masters. On August 12 he led his army to Világos, and not until it had arrived at the position indicated by Rüdiger for the final scene was it apprised of its leader's intentions, the announcement of which was received with furious protests and mutinous despair. On the following day 30,000 men laid down their arms, and Pashkievitch was able to report to the Tsar that, "Hungary lies vanquished at the feet of your Majesty"—a slap in the face for Austria which was not without effect on subsequent history. Görgei's life was spared. He was interned at Klagenfurt, and, according to Horváth, received a pension both from the Emperor and from the Tsar. Whether this is true or not, the exceptional treatment meted out to him gave colour to the suggestion, at first whispered, but later made openly by Kossuth and others, that he was a traitor, and, like Bazaine, had played a selfish game without regard to the interests of his country. According to Kossuth there was no justification for surrender.¹ The road lay open to Komárom, where Görgei's army could have joined hands with a victorious army of 32,000 men under Klapka, and to the parts beyond the Danube where fresh forces could have been raised. General Pashkievitch did not expect surrender. His report on the situation was already on its way to the Tsar, in which he stated that he must temporarily retreat before autumn began, that he was being continually harassed by the Magyar forces, and was surrounded by a hostile population. The fortresses of Komárom, Pétervárad, and Arad, were still in Magyar hands, and winter would have brought a fresh accession of strength. Such was Kossuth's view, due, perhaps, in part to the instinct of self-justification, but generally accepted

¹ *Schriften*, ii. 237.

by the nation, which, at the moment of disaster, was not unnaturally disposed to salve the wounds inflicted on its self-respect at the expense of an individual. Dembinski's memoirs¹ would lead one to believe that Görgei was a traitor from start to finish, but the whole history of the war is a refutation of the suggestion that he deliberately betrayed his trust or sought to save his own life at the expense of the nation's interests.² The fact is that he was a born soldier who cared little or nothing about his country's constitutional privileges, and entertained the fighter's contempt for hairsplitters and politicians.³ Rightly or wrongly convinced of the hopelessness of the military situation, he thought it better to put an end to bloodshed than to prolong a useless struggle⁴ on the chance of foreign intervention,⁵ though he must have known that his decision would tarnish the glory to which his action in the field indubitably entitled him.

On September 27 Klapka surrendered Komárom on terms which guaranteed the personal safety of the officers

¹ Dantzer ed. Budapest, 1874. See also Klapka, *Emlékeimből*, 127 sq. For a panegyric on his qualities, see Busbach, *Egy viharos Emberöltő*, Pest, 1898, i. 144 sq. Irányi, *Histoire Politique*, takes the same view as Dembinski.

² He wrote to Rüdiger: "I tell you solemnly that I am ready to annihilate my army in a battle of despair, no matter how overwhelming the odds may be, rather than lay down my arms unconditionally before the Austrian army."—Horváth, *Mag. fűgg. harc.* iii. 488.

³ See Beöthy (*o.c.* iii. 401) who, though a strong Kossuthite, denies that there was any *dolus premeditatus* in Görgei.

⁴ See Görgei's *Mein Leben und Wirken in Ungarn*, ii. 419, etc. Görgei returned to Hungary in 1867 and was cold-shouldered by his countrymen till 1884, when he was whitewashed by a pronouncement signed by Klapka and two hundred and seven officers who took part in the fight for freedom. Public opinion entirely changed, the charge of treason no longer finds support, and full justice is done to his great military talents.

⁵ Kossuth still hoped that if Hungary stood out a little longer, England would come to the rescue, and that the Constitution would be restored on the basis of the laws of 1848 under England's guarantee. In his letter to Klapka announcing Görgei's "betrayal of his country," he says: "England's sympathy with us is powerfully demonstrated. If Komárom holds out the country is still saved" (October 2). The war had already cost the lives of 24,000 Magyars.—*A Magyar Nemzet Története*, x. 394.

and men,¹ and the war came to an end. Little doubt was entertained as to the manner in which Haynau would use his power. The Tsar appealed to Francis Joseph on behalf of the Magyars, who had succumbed to Russian, not to Austrian arms, but in vain. The Emperor replied, "I have no desire but to find means which would make it possible to heal the terrible wounds inflicted on unhappy Hungary—the result of a criminal rebellion, but I must not forget that I have sacred duties to perform towards my other peoples, and I must not lose sight of the obligations imposed on me with regard to the general welfare of my dominions." The "sacred duties" apparently necessitated the inauguration, by the butcher Haynau, of a reign of terror and of a system of deliberate brutality which finds its parallel only in the horrors perpetrated by another agent of the Habsburgs—Caraffa. On October 16, 1847, Francis Joseph, on the occasion of the investiture of the Archduke Stephen with the office of Palatine, said, "I shall bless the day which gives me the opportunity of giving public proof of my lively affection for the Magyar people." He had such an opportunity on October 6, 1849, when thirteen generals were put to death at Arad for having done their duty to their country, but refused to speak the word which would have saved them from the gallows.² On the same day at Pest, Louis Batthyány, who had taken no part in the revolutionary war, and, as Prime Minister, had done his utmost to keep his countrymen within the bounds of strict legality, and to find a peaceful solution of the question at issue, was sacrificed to the personal spite of Schwarzenberg and the Archduchess Sophia. Condemned to be hanged like a common criminal, he attempted suicide, and inflicted a wound on his neck

¹ Klapka, *Emlékeimből*, 231. Haynau subsequently broke the terms of capitulation. See Klapka's letter to him from London, *ibid.* 305 sq.

² Of the "Martyrs of Arad," Aulich, Damjanics, Alexander Nagy, Count Vécsey, Török, Láhner, Knezics, Pöltenberg, and Count Leiningen were hanged. Lázár, Dessewffy, Kiss, and Schweidel were shot.

which made it impossible to execute the sentence. He was shot a few hours later, and the "damned spot" which his murder left on the Imperial Crown of Austria can never be washed away.¹

In all, forty-nine persons were hanged, sixty-five were shot, and eighteen local courts-martial were busily employed with the hundreds of persons whom services rendered to their country, or private malice, marked out for punishment. The disgust engendered throughout Europe by the brutalities to which the Magyars were subjected reached its highest point when it became known that Haynau had caused women to be stripped and publicly flogged by his soldiers.² Leopold I. wreaked a bloody vengeance on Nádasdy and others as part of his scheme to make Hungary first a slave, then a beggar, and then a Catholic; Joseph II. pursued a deliberate policy

¹ For his mock trial and the refusal to allow him to call for the evidence, as to the part he had played, of the late Palatine, the Archduke Stephen, see Friedjung, *o.c.* i. p. 228 *sqq.* and Appendix x. "Keiner unter den Blutzügen für die Freiheit Ungarns verdient grössere Theilnahme als Graf Ludwig Batthyány. . . . Er hatte sich bis zum letzten Augenblicke in der Vermittlung zwischen dem Hof und der Revolution verzehrt, voll Unwillen über die Leidenschaftlichkeit der er hier wie dort begegnete. . . . Der gegen ihn angestrenzte Prozess gereicht der Regierung zur Schmach. Aus den akten geht ziemlich deutlich hervor dass seine Verurtheilung gegen die bessere Ueberzeugung des Untersuchungsrichters und auf höheren Befehl erfolgt ist. . . . Man sieht dass das Urtheil nichts Beweiskräftiges vorzubringen weiss."

² Consul-General Fonblanque to Sir Stratford Canning, Despatch 323, *Correspondence*, etc. "There may have been technical palliation for the execution of forty or fifty officers; but I can conceive no such excuse for such facts as the arbitrary sentence on Mme. — should sweep the streets of Temesvár, or the far more revolting outrage of having caused Mme. — to be stripped, and in that state flogged by soldiers just after her husband had committed suicide. There are also reports of secret executions and of the sudden disappearance of persons. The Russian agents have, I understand, complained energetically against this cruel system. The Hungarians dread the departure of the Cossacks from the country." A more eloquent testimony to Austrian brutality than this last sentence could not be imagined. The opinion of the British "man in the street" was sufficiently indicated by the fact that when Haynau subsequently visited Barclay and Perkins's brewery in London the employés, as soon as they became aware of his identity, beat him severely.

of forcible germanisation, but he was not bloodthirsty; Haynau, the agent of a later Habsburg, was the willing instrument of a policy which followed that of the former monarch as regards the ferocity of the methods employed, and that of the latter as regards the object to be attained—the extirpation of the spirit of Magyar nationality. If Francis Joseph, after Világos, had employed a statesman instead of a butcher, a permanent system of centralisation might possibly have been established, but organised brutality was answered by dogged passive resistance, and engendered a hatred which only the lapse of many years could eradicate.¹

And what, after all, was the crime for which Hungary suffered? For having sought to put into practice the rights which it theoretically enjoyed by virtue of its Constitution and its laws, which successive Habsburgs had sworn to observe and had systematically violated. For having drawn the logical conclusion from the Pragmatic Sanction, a contract between a free country and an alien King whose successors claimed to enjoy the benefits derivable from that compact, and disregarded the obligations which it imposed. For having abolished serfdom and put an end to the injustice which imposed the whole burden of taxation on those who were least able to bear it. For having given political rights to all, without regard to racial, religious, or class distinctions,² without diminishing the Crown's constitutional authority, or relaxing the bonds

¹ It is a question how far Schwarzenberg was responsible for Haynau's brutalities. He is said to have replied to a suggestion that a merciful policy should be adopted with an eye to the future, "That's all very well, but first we want to do a bit of hanging."—Friedjung, *o.c.* i. 235 n. Wessenberg's criticism of Austria's action is much to the point: "Revolutionen sind moralische Krankheiten die nicht mittels des Schaffots allein geheilt werden können."—*Ibid.* p. 437.

² Out of a population of 11,500,000 (Pauler, *A Magyar Nemzet Története Századainak*, p. 130) in 1848 the nobles numbered 675,000, to which must be added 16,000 ecclesiastical voters, the *honoratiorei*, and burgesses of privileged towns.—Apponyi, *The Juridical Relations*, etc. p. 8 n.

which united Hungary to Austria. For having taken steps to attain to that position of independence which it was entitled to occupy as a "*regnum liberum et relate ad totam legalem regiminis formam independens*."¹ Kossuth is said by his enemies to have been an armchair revolutionist who stirred up the passions of his countrymen for the gratification of his own ambition, but no revolutionary measure was ever enacted by him or by his colleagues, and no revolutionary act was committed, until the intention of the Court, finally proved by the manifesto of March 4, became clear and unmistakable. It is absurd to suppose that if he had given way on financial and military questions the Camarilla would have stayed its hand and ceased from collusion with the enemies of Hungary's historic rights. It meant to subdue the Magyars once for all, and to bring about their permanent subordination to the German element in Austria; but it failed, just as Leopold and Joseph, with divergent methods but identical aims, had failed. The ordeal through which the nation passed did but rejuvenate it. Though of Hungary's statesmen some were in exile, some were in prison, and some were in their graves,² the spirit of Magyar nationality was again to give proof of that indestructible vitality which had enabled the nation to withstand the open hostility and secret malevolence of which it had been the object throughout the thousand years of its political existence.

¹ Law x. 1790-91.

² Kossuth retired to Turkey, whither many followed him. Both Tsar and Emperor demanded that the refugees should be given up, but the Sultan, backed by Sir Stratford Canning and the French Ambassador, refused to surrender them. The more conspicuous of them were therefore hanged in effigy. Horváth, Klapka, and others joined Pulszky in London, whither Kossuth went later to be received with unparalleled enthusiasm.

CHAPTER XVI

THE capitulation of Világos seemed to have realised the fondest aspirations of the reactionaries. The object for the attainment of which successive Habsburgs had striven in vain was apparently within the reach of Francis Joseph. Unhampered by the bonds of an immemorial Constitution, and by the inconvenient oaths of his predecessors, he seemed destined to bring into existence a united and uniform Austrian Empire, in which Hungary would stand on precisely the same footing as any petty principality or countship of the hereditary provinces. For the moment, at all events, the imperial possessions in Italy were secure, and no external complications were to be apprehended from any other quarter. At home Liberal principles were at a hopeless discount, and Vienna, strong in the support of Russia, the arch-reactionary, could devote all its energies to the creation of a new Austria of absolutism, germanisation, and clerical obscurantism. In Hungary, Haynau and martial law reigned supreme. Schwarzenberg cared for nothing but the re-establishment of Austria's position as a Great Power, whose reputation had suffered somewhat owing to recent humiliations; and Francis Joseph, ashamed of owing his Hungarian throne to the intervention of the Tsar, apparently thought it necessary to "save his face" and show the strength of Austria by taking vengeance on the vanquished, and by the inauguration of a military despotism. Oblivious of the fact that the Emperor

of Austria could have no rights in Hungary save those conferred upon him by the Constitution, the last vestiges of which he was urged to abolish, he lent a willing ear to the exponents of the bureaucratic idea that the Magyars had long intended to break away from Austria,¹ and, by reason of the issue of the Declaration of Independence, had forfeited all political rights. As a matter of fact, except for a short time, when the country was infuriated by the expression of Francis Joseph's intention to ignore past history and to disregard all dynastic obligations, no one, with the exception of a few extremists, ever contemplated the severance of Hungary's connexion with the Habsburg dynasty ; but the monarch whom the Camarilla had raised to the throne for a specific purpose must necessarily accept the interpretation of past events which suited the views and the aims of the kingmakers, and must attempt the reduction of Hungary to the position of a subordinate province of Austria—a task which history had proved to be impossible. Hungary temporarily suffered, and Austria permanently profited, from the events of the past two years. But for the action of the Magyars Austria would have waited in vain for anything beyond the sham and the shadow of constitutional government which the Schwarzenbergs and the Bachs thought good enough for the hereditary provinces. By widening the franchise, by establishing the principle of ministerial responsibility to Parliament, and, above all, by liberating the peasants, Hungary had made a permanent recurrence to old forms an impossibility, and at the same time had obtained strength to resist the effects of the ensuing period of undiluted despotism. For the mass of the population the so-called revolution had meant neither more nor less than the abolition of feudal subjection, and the name of Louis Kossuth was

¹ Pillersdorff, *Handschriftlicher Nachlass*, 1863, p. 325. Somssich refuted this view, *Das legitime Recht Ungarns und seines Königs*, 1850, pp. 1-14 etc. See also Irányi and Chassin, *Histoire Politique*, etc. p. 3.

to be adored for ever, identified, not with the short, bloody ordeal though which his country had passed, but with the lasting work of emancipation. If Vienna had attempted to interfere with Kossuth's legacy of freedom, every peasant would have risen to massacre landlords and Austrian officials with impartial fury. If freedom had not been granted, in 1848, Bach would have had to deal only with the privileged classes in his task of robbing Hungary of its individuality, and could have won the others to his side by making concessions at the expense of the landowners. As matters stood, he found himself face to face with a national solidarity which made the ultimate revival of Magyar independence a certainty.¹ The very brutality of the Austrian despotism was the cause of its failure. A mild *régime* might have won the support of the Conservatives, who always recognised the importance of the dynasty as the sole tie capable of preserving the connexion between the incohesive elements of Austria and Hungary, and, seeing the destruction wrought by the fight for freedom, would have been glad to accept considerably less than a return to the state of affairs which existed before March 1848. But for Bach there might have been no Solferino, no Königgrätz, and no Compromise of 1867.² The proclamation, contained in the Constitution of March 4, of religious equality, of the right of free speech and public meeting, of the abolition of the censorship, and of the recognition of the sanctity of private correspondence, found no application in Hungary, but served to throw dust in the eyes of Europe, and as a cloak to cover the nakedness of the tyrannical *régime* which followed the capitulation of Világos. The Conservatives, who had taken no part in the war, flattered themselves that they would be employed to re-establish the relations which had

¹ "Das Bachsche System war im einzelnen kunstreich gefügt, aber es fehlte ihm jener Tropfen von Weisheit und Milde, ohne den aller Menschenvitz doch nur Vergängliches zu schaffen vermag."—Friedjung, *o.c.* i. 438.

² Beksics, *Kemény Zsigmond*, 158.

existed between their country and Vienna before the Ides of March, and failed to realise the fact that the triumph of Austria and Russia would necessarily entail a recurrence of Josephism, of coercion, centralisation, and germanisation.

Windischgrätz wrote to Count George Apponyi: "The old Constitution must be modified by the adoption of such reforms as are in accordance with the requirements of the age, but its complete abolition is neither advisable nor desirable. Our task therefore consists in the separation of the expedient from the inexpedient parts of the Constitution, with a view to bringing Hungary into closer union with the monarchy as a whole"¹—a pronouncement which confirmed the notion of the Conservatives that a recurrence to the *status quo ante bellum* might be confidently expected. The appointment of Haynau as Commander-in-Chief, and the establishment in the following December of a dictatorship, under which Hungary was divided into military districts under martial law, should have opened their eyes and made them understand that the modification of the Constitution referred to by Windischgrätz was a euphemism for its total destruction. The whole country was practically in a state of siege. Courts-martial worked incessantly at the task of purifying the population by the elimination of unreliable elements. When the gaols were full, Haynau gave orders that every person who had taken part in the war should be enrolled in the imperial army, which would have meant the removal of all working hands, and starvation for innumerable families. About 50,000 were actually so enrolled before the order was modified by the exemption of all above the age of thirty-eight, and of those who were able to pay a fine of 500 florins or to find a substitute.² A swarm of foreign officials, Germans, Czechs, and Galicians, who did not understand the Hungarian language, descended on the country, and proceeded to exact by force the payment of taxes from a population

¹ *A Mag. Nem. Tört.* x. 426.

² *Ibid.* x. 427.

which war had reduced to the verge of starvation. For all Schwarzenberg cared, who devoted all the time he could spare from the gratification of his passions to the consideration of foreign affairs, the state of siege might have continued for ever;¹ but Bach, the Minister of the Interior, who in 1842 had been one of the most violent opponents of Metternich's "shameless" reactionary policy, and was the author of the famous phrase, "The people of Vienna expresses its sovereign will in the easily understood language of the barricade,"² was against its continuance as interfering with his scheme of a uniform Austrian Empire. Haynau, therefore, was dismissed in July 1850, and the Archduke Albrecht was appointed Viceroy in his place, as no Magyar could be found to accept office on the terms of "Hungary being reduced to a geographical expression."³ The Constitution of March 4 was already a dead letter, and under Albrecht the military despotism of Haynau was replaced by civil absolutism, by the so-called provisional government, which lasted till 1853.

The first step was the dismemberment of Hungary. Transylvania and the Banate of Temes were taken from the mother country; the frontier districts again received a special military organisation, and the recognition of the distinctive privileges of the Saxons was promised. Croatia and Slavonia were made into a separate dominion; a Servian Wojwodina was created, and Fiume no longer formed a "*separatum corpus regni Hungariae*." Hungary, thus maimed and dismembered, was still considered too large and homogeneous. It was therefore split into five districts, each with its separate government and judiciary.

¹ According to Emil Dessewffy, Schwarzenberg said that all he knew about Hungary was the existence of one or two pretty women.—*A Mag. Nem. Tört.* x. 464.

² Rogge, *Oesterreich von Világos bis zur Gegenwart*, i. 276.

³ It was offered to Baron Nicholas Vay on these terms.—Marczali, *A Legujabb Kor Története*, 849; Levay, *Emléklapok Vajai Bárá Vay Miklós Életéből*, Budapest, 1889.

Behind the civil organisation stood a military despotism, which, knowing that but for the bayonet the whole system must collapse, watched with amused contempt the efforts of the bureaucracy to produce a semblance of orderly government. The secret police had every one's *dossier*, and the Black Cabinet controlled all correspondence. All official positions were filled by foreigners dressed in Hungarian national costume and known by the contemptuous designation of Bach's Hussars.¹ The people had to pay taxes as to the purport and justification of which they knew nothing, and had to obey orders couched in a language which they did not understand. Rules and regulations came in showers from Vienna, and increased rather than mitigated the prevailing disorder. Government, and the administration of justice, were practically at a standstill. In many places the peasants turned for a settlement of their disputes to the officials of the old *régime*, who, without pay and without authority, dispensed a kind of rough justice in which the population found greater satisfaction than in the foreign article, until matters became more settled, when, as Hungarians themselves admitted, the administration of justice compared favourably with that of the old local courts. Nothing was done to improve the material wellbeing of the country. The roads were worse than ever, and the projected network of railways never got beyond the paper stage. The collection of taxes gave special opportunity for the exercise of favouritism. A distinction was drawn between districts which were regarded as well disposed towards the Government and those which were supposed to be unreliable. Individuals who enjoyed the protection of the influential got off cheaply, while others, more especially the larger landowners, were at the mercy of collectors who rated them on property which they did not possess. The result was a notable fall in values, as no one knew to what

¹ Berzeviczy Albert, *Régi Emlékek*, Budapest, 1907, p. 66 sqq.

burdens the land which he proposed to buy might be subject. The land-tax rose from $7\frac{1}{2}$ per cent of the net value of property to 17 per cent, and whereas in 1847 the total cost of local government had been 3,000,000 florins, one year of Bach's *régime* sufficed to raise it to 13,000,000.¹ The crushing burden of taxation increased by 120 per cent, and the loss of feudal dues, the promised compensation for which was not forthcoming, drove the smaller landowners into the arms of the Jews, and completed the ruin which the war had begun.² In 1850 a gendarmerie was established as an instrument of oppression, not of protection, for the persecution of political suspects and inconvenient persons, not for the defence of life and property,³ and an extraordinary system of rewards was introduced—a sliding scale varying according to the severity of the sentence inflicted on the victims of inquisitorial activity. For example, if any person received a sentence of one to three years' imprisonment, the gendarme who had effected his arrest received eight florins. A sentence of fifteen to twenty years brought a bonus of thirty florins, a death sentence one of sixty florins, to the fortunate policeman. There is, therefore, no cause for surprise when we are informed that 342,000 cases were brought before the courts in three months, and that domiciliary visits and arrests totalled more than 800,000 during the same period.⁴ The entire population was, in fact, under the permanent supervision

¹ *A Mag. Nem. Tört.* x. 436.

² "Die Thatsache dass die Robot schon 1848 aufhörte, während die Entschädigung erst einige Jahre später ausgezahlt wurde; unterdessen waren die Grundbesitzer auf die Aushilfe von Wucherern angewiesen. Als der Übelstand zu drückend wurde, gewährte die Regierung zwar Vorschüsse, verweigerte sie aber denjenigen deren oppositionelle Haltung bekannt war"—in other words, to practically the whole of the "gentry."—Friedjung, *o.c.* i. 352.

³ "Da es von der Regierung rücksichtslos zu politischen Zwecken, zur Ueberwachung und zur Niederhaltung aller 'Verdächtigen' benützt wurde, so erregte sein Wirken vielfach Erbitterung."—*Ibid.* 324.

⁴ *A Mag. Nem. Tört.* x. 440.

of the police, who interfered on the slightest provocation on the ground that the object of their animosity entertained relations with suspect persons. Even the shape of a hat, the wearing of a feather, or the twist of a moustache, were regarded as justifying suspicions of the existence of revolutionary tendencies. With the introduction of the Austrian tobacco monopoly into Hungary in 1850, the unpopularity of the new *régime* among the lower classes reached its highest point. To show their hatred of this new form of governmental interference the peasants broke their pipes and destroyed the tobacco seeds, and were punished in consequence as for a political crime.¹ Like Joseph II., Bach and Count Leo Thun, the Minister of Education, were not satisfied with the establishment of a system of strict centralisation and uniformity, unless it bore the stamp of German origin.² The Constitution of March 4 had promised equal privileges to all races and languages, but,³ as equal language rights were incompatible with complete centralisation, on December 31, 1851, the Constitution was abolished as being "inappropriate as regards its fundamental conceptions to the situation of the Empire and impracticable as a whole." The ground was thus cleared for the compulsory use of the German language even in those parts of Hungary where the Germans formed an insignificant minority, though experience had proved the impossibility of conducting the business of Government solely in the

¹ For the first two years of absolutism, see Zsedenyi, *Ungarns Gegenwart*, Viennâ, 1850; also *Acht Jahre Amtsleben in Ungarn*, Leipzig, 1861.

² "Man versteht die Unterrichtspolitik der Zeit nur dann, wenn man sich in dem widerspruchsvollen Geiste des Kultus- und Unterrichts-Minister Grafen Leo Thun zurechtfindet, der es zuwege brachte liebevolle Förderung wissenschaftlicher Bildung mit Konfessioneller Engherzigkeit, überlaute Theilnahme an der Wiedergeburt der tschechischen Literatur mit strengen Massregeln zur Germanisierung Ungarns und Galiziens zu vereinigen."—Friedjung, *o.c.* i. 329.

³ An imperial manifesto of December 2, 1848, contained a similar promise, and for a short time official notices were published in ten languages, but the new departure was soon abandoned in favour of the exclusive use of German (Gumplovitz, *o.c.* p. 105) even in Lombardo-Venetia.—*Ibid.* p. 113.

German language even in Austria, where Czechs and Moravians had successfully resisted the attempted process of germanisation. Schwarzenberg still dreamed of the possibility of creating a German Empire of 70,000,000 inhabitants, which should comprise the German Confederation and all the dominions of the Habsburgs. Early in 1851, at a conference of princes held at Dresden, a scheme was propounded with a view to the utilisation of German numerical preponderance and superiority of culture for the destruction of the individuality of the constituent races of Austria and Hungary, and for the ultimate construction of a solid, uniform, German block in central Europe under Austrian hegemony.¹ The scheme, which provided that any attack on Austria from Hungary or Italy should be regarded as an attack on Germany, to be resisted by the united forces of the Confederation, served only to emphasise the fact of Austria's inherent weakness. The majority of the small German States showed clearly enough that they had no love for Austria; the Government of Turin left no stone unturned in order to defeat the project; Napoleon III. declared that its adoption would be a *casus belli*, and Francis Joseph's patron, the Tsar Nicholas, advised his *protégé* to abandon the idea.² So the conference proved abortive, and Austria was left to carry out its germanising policy unaided. At first Thun had allowed the use of other languages as the medium of education in primary and secondary schools, but Bach's influence changed his notions, and, except in the case of the most elementary subjects, the use of German was everywhere made obligatory.

Undisguised reaction was the order of the day. Three imperial rescripts of August 20, 1851, showed a deliberate

¹ Schwarzenberg forgot the fact that the German race never could and never will absorb other nationalities, but that its members, when transplanted from the Fatherland, lose their original nationality more deliberately and completely than those of any other nation.

² Kossuth, *Schriften aus der Emigration*, i. 16 sq.

intention to recur to the autocratic system of the early part of the century. Ministerial responsibility to Parliament was abolished, and the Reichsrath was reduced to the position of a purely consultative body. All constitutional government came to an end, and the official views of the functions of the Crown and of the people were correctly expressed by Baron Hartig in the phrase, "The Emperor hears, examines, and commands : his subjects desire, speak, and obey."¹ Trial by jury was abolished, and a new penal law was introduced in 1852, providing for the infliction of the severest penalties on persons who should be guilty of doing anything to undermine public confidence in the merits of benevolent despotism. At the same time, a new ordinance not merely muzzled but killed the Press by reintroducing the preliminary censure, and by fixing the forfeitable caution-money at an impossible figure. Independent journalism was defunct, only Governmental organs for the publication of colourless or inspired statements continued to exist.² In Hungary General Heyntzl and Protmann started a campaign of almost farcical violence for the suppression of all forms of literary activity.³ Courts-martial, singularly inappropriate tribunals for the trial of offences against the Press-laws as interpreted by Austrian Generals, and the preliminary censure, were the ineffective instruments of military obscurantism. The public learnt to read between the lines, and the meaning of references to affairs in China or Japan was understood by all, with the exception of the censors. Of the more important journals, the *Magyar Hirlap* made some pretence of

¹ Rogge, *Oesterreich von Világos bis zur Gegenwart*, i.

² "Von dieser Zeit an wurden die Journale ganz inhaltsleer ; sie schwiegen wenn sie mit der Regierung nicht einverstanden waren, gänzlich, da jedes Wort der Kritik strenge geahndet wurde." "Selbst die harmlosen Witzbolde der Wiener bekamen dies zu fühlen."—Friedjung, *o.c.* i. 462 and *note*.

³ See Beksics, *Ferencz József és Kora*, ch. v. in vol. x. of *A Mag. Nem. Tört.* The censorship expunged the phrase, "the hussar died for his King," on the ground that he could die with propriety only for his Emperor. See also Szilágyi Sándor, *Rajzok a Forradalom Utáni Időkből*, Budapest, 1876, p. 144 sq. and *passim*.

impartiality ; but it was in reality the official organ of the Government, and urged the acceptance of the *fait accompli* and the recognition of the practical absorption of Hungary in Austria. In 1852 it changed its name and its tune, and as the *Budapesti Hírlap* became more and more independent. The *Pesti Napló* also tried to curry favour with the Government, and praised Bach and all his works till 1855, when it transferred its support to the Conservatives. Protmann thereupon persecuted the editor to such an extent that he threw up his job in disgust, and made way for Sigismund Kemény, a journalist who did immense service to his country by backing Deák's programme of historical continuity, though posterity might perhaps be justified in complaining that he was too prone to sacrifice the strict rights of Hungary to Palacky's conception of the necessity of inventing an Austria in the interests of Europe, if one did not already exist.¹

Hardly a single Magyar in the lower ranks of life could be found to accept even the smallest Government appointment ; consequently, offices had to be filled by foreigners, whose ignorance of the Hungarian language, and insolent determination to treat Hungary as a conquered country, increased the universal hatred of Austrian despotism, and made the realisation of the bureaucratic ideal of union and uniformity an impossibility. In spite of spies and of police restrictions, the exiles kept in close touch with those at home, and with the exception of the Conservatives, few doubted that clouds would eventually break and that Hungary would, sooner or later, come by her own. The natural tendency was to look upon those Conservatives who accepted office at the hands of Vienna as traitors to their country, and as actuated by sordid motives, which certainly were incapable of influencing such men as Baron Jósika or Paul Somssics. One thing,

¹ See for Kemény's influence and policy, Beksics, *Kemény Zsigmond*, especially pp. 159 sq.

however, is certain, namely, that the influence of the Conservatives was detrimental to the true interests of Hungary, both before and after Világos. While the war lasted, Jósika and others led the camarilla to believe that the mass of the nation was an unconcerned spectator of the revolutionary efforts of Kossuth and of a few extremists, with the result that the Court failed to recognise the national character of the movement, and refused to negotiate with the moderate Liberals, who at no time were indisposed to compromise. After the war was over, the influence of the Conservatives was equally deleterious, as their desires were limited to a return to the state of affairs which existed before 1848—a compromise which would have involved the abandonment of the principle of legal continuity, and would have had a disastrous effect on the national prospects. Even a politician of the calibre of Paul Somssics, though convinced that Hungary's right to independence was as sacred as the rights of the Crown, in the name of which that independence had been annihilated, was ready to consent to the negation of the possibility of political progress involved by the abolition of the March laws.¹ If even a Liberal like Eötvös, influenced by the apparent hopelessness of the situation, was for a time disposed to recede somewhat from the strictly logical standpoint, it is not surprising that weaker spirits were inclined to sell the national birthright in order to escape from an intolerable situation. In 1850, Baron Jósika, who took office under the Austrian despotism, and had done more than any one to create a false impression in the mind of the Court party as to the extent and nature of the national movement,² Count George Apponyi, and many other distinguished Conservatives, addressed a

¹ See his book, *Das legitime Recht Ungarns und seines Königs*, Vienna, 1850, 249 sq.

² Later he changed his attitude and told Rechberg, the Foreign Minister, that no decent Hungarian would accept office under the Austrian Government, 1859.

petition to Francis Joseph, requesting him to do something to re-establish the confidence which the continuance of Haynau's tyranny and the multiplication of foreign officials must permanently destroy. They assured the Emperor that future generations would acclaim him as the renovator of Hungary, and as the author of true liberty, if he would conciliate present necessities with past traditions, and so heal the wounds inflicted by the war. But the Crown's advisers affected to regard the Constitution as dead, and as unfit to be resuscitated; and the only result of the petition was that it confirmed the mistaken official views that, should resuscitation ultimately be necessary, Hungary would be glad to accept a mere shadow of independence. Count Emil Dessewffy, another Conservative leader, urged the view that an end must be put to absolutism, and that a return to the *status quo ante* 1848 must be made in the interests of the monarchy itself, which otherwise must inevitably collapse in the long run. Many Austrians agreed with him; but his opinion had no weight with Bach, and it is fortunate that it was so, as otherwise Hungary might have accepted a position of inferiority and subordination to Austria from which it could never have emerged. Deák realised the fact that it was both useless and impolitic to bombard the Emperor and his Ministers with petitions and letters, and saw the true and only remedy in the policy which had proved its efficacy in the past. Schmerling, Minister of Justice, tried to induce him to take part, if not in the actual work of Government, at all events in a conference to be summoned for the discussion of Hungarian matters; but he replied that in the existing position of affairs his co-operation was impossible, and the publication of his letter of refusal¹ made the nation understand that thenceforth

¹ Kónyi, *Deák F. Beszédei*, ii. 382. It was published abroad, on account of the censorship, and thousands of manuscript copies were circulated in Hungary.

the watchword of all patriots must be "passive resistance." Szögyény, the author of the memoirs to which frequent reference has been made, who took office under the despots, and had been in the camp of Windischgrätz while his country fought for freedom, redeemed himself to some extent in the eyes of his countrymen by championing the rights of the Magyar language against the germanisers, and, like Somssics, proved by his writings that the Conservatives were not necessarily traitors if they served a foreign autocracy. Eventually, many Magyars were compelled by the force of circumstances to accept minor offices, but the vast majority of the educated would have no dealings with the Government, or, indeed, with the irreconcilables, whose ill-judged and premature attempts to effect a rising in Transylvania gave Vienna an excuse for tightening the bonds of despotism.¹ Serious people were as convinced of the futility of insurrection without the resolute co-operation of France or Italy, as of the impolicy of a compromise on the lines suggested by the Conservatives, which involved the sacrifice of unquestionable historic rights.

Francis Joseph was easily induced to believe that Hungary was flourishing and contented; and his visit to that country in 1852 resembled that of Catherine II. to the Crimea, when Potemkin's merry stage-peasants and painted villages created an impression of non-existent prosperity. The demonstrations of which the Emperor was the object merely proved his personal popularity and the loyalty of the Magyar populace, which never believed that he was personally responsible for the horrors which marked the end of the war, or for the subsequent period of official tyranny. The natural obstinacy of Francis

¹ The Makk conspiracy, 1852. It was openly talked of in Paris, so Vienna got wind of it, and by the aid of a traitor was enabled to lay most of the conspirators by the heels. Three were hanged, and forty-eight were sentenced to long terms of imprisonment.

Joseph made it easy for Bach to convince him of the expediency of continuing the policy of germanisation and centralisation, and the negative results of the imperial visit made it clearer than ever that only the pressure of external circumstances could compel recognition of the fact that Hungarian discontent involved the paralysis of Austria, as was proved by the wavering indecision of that country during the Crimean War.

Austria's hesitating and contradictory action in 1854 was due to a multiplicity of causes. On the one hand, the feeling of obligation towards Russia, the knowledge of the fact that the continuance of Austrian domination in northern Italy was dependent on the Tsar's goodwill, and the annoyance caused by Turkey's action in refusing to give up Kossuth and his fellow-exiles to the tender mercies of Haynau, dictated co-operation with the Government of St. Petersburg. On the other hand, the fear of a rising in Italy and Hungary,¹ now greatly excited by the prospect of war, the desire to obtain possession of the Danubian principalities, the bankrupt condition of the national finances, and the dislike of perpetual subservience to Russia, intensified by the feeling of humiliation engendered by the circumstances which attended and preceded the capitulation of Világos, pointed to the expediency of an inactive policy.² When Austria finally decided to occupy the Danubian principalities, Russia was infuriated by the ingratitude of its *protégé*,³

¹ Palmerston, aware of the fact that Hungarian discontent made Austrian co-operation against Russia impossible, tried to bring about a compromise between Hungary and the dynasty.—See Beksics, *Kemény Zsigmond*, etc. 169 sq.

² See Friedjung, *Der Krimkrieg und die österreichische Politik*, Stuttgart, 1907, pp. 3, 4, 9, 11, 22, 39, 60, 109, etc. Also Thouvenel, *Nicholas I. et Napoléon III.*, Paris, 1891, and the *Neun Jahre Erinnerungen*, i. 100 sq. of Hübner, the Austrian Ambassador in Paris.

³ Thouvenel regards the famous sentence ascribed to Schwarzenberg on the subject of astonishing the world by Austria's ingratitude as entirely apocryphal.

and the possibility of obtaining the Tsar's support in the not improbable event of a war with Prussia was lost to Francis Joseph for ever. The end of the war found Austria in a position of complete isolation,¹ hated both by Russia and France instead of by the former only, and despised by England, whose traditional sympathy she had alienated by her vacillation and by the brutality of the despotism in Hungary. Sardinia, on the other hand, by its co-operation with the Western Powers, had greatly strengthened her claims on their goodwill, and brought the unification of Italy within measurable distance.

Long before the meeting of the Congress of Paris it had become evident that Austria must cast about for an ally, and for a new buttress for the shaky fabric of autocracy, which, alone, could neither maintain the European position of the Habsburgs, nor permanently suppress the moral and intellectual forces of discontent. While Schwarzenberg, who fancied himself to be a new Metternich, maintained the prestige of Austria abroad, could restrain the efforts of Prussia towards hegemony in Germany, and, relying on the benevolent neutrality of Russia, could bolster up the antiquated system of Italian disorganisation, the Viennese bureaucracy could indulge its reactionary desires without risk of interference from above or below, from outside or from inside. But when Schwarzenberg died in 1852, the absence of the iron hand and of the energy necessary for the maintenance of bayonet-law was at once felt, and the alliance of Bach and Thun, of the ex-atheist and the sectarian bigot, required to be strengthened by enlisting the aid of the Catholic Church in the sacred cause of obscurantism. The price of Rome's help was, naturally, high. Hitherto even the most pious Habsburgs, even Maria Theresa, had been careful to maintain their supremacy in ecclesiastical matters,

¹ See Friedjung, *Der Kampf um die Vorherrschaft in Deutschland*, 7th ed., Stuttgart, 1907, pp. 10, 11, 13.

and the humiliation of appearing as a suppliant at the foot of the papal throne¹ to entreat the Church's assistance for the maintenance of autocracy, and for the improvement of the secret police by the readmission to Austria of the Society of Jesus, was reserved for Francis Joseph. Even Bach and Thun objected to the acceptance of some of the papal conditions, but the Emperor was prepared to pay any price that Rome demanded, and the negotiations, begun in 1852,² culminated in the publication of the Concordat of 1855. An Imperial Patent, dated November 5, explained the motives which actuated Francis Joseph in his surrender of the immemorial privileges of the head of the Catholic Church in Hungary. "Since our accession to the Throne we have laboured unceasingly at the task of renewing and strengthening the moral basis of society and of the public welfare. We consider it to be our sacred duty to bring the relations of the State with the Catholic Church into harmony with the laws of God and with a true conception of the real interests of our realm"—in other words, to utilise religious fanaticism for the abolition of the last vestiges of political liberty, and for the suppression of the Protestants, the born opponents, in Bach's opinion, of all wholesome institutions. The centralisation of religious authority was to be the precursor of centralisation in all departments of State. The institution of the *Placetum Regium* was abolished, and all restrictions on the communications of Rome with the Catholic ecclesiastics in Hungary were removed. Article i. confirms the Catholic Church in the perpetual enjoyment of all the rights and privileges which "are in accordance with the will of God and the law of the Church": that is to say, absolves the bishops from the necessity of obedience

¹ The Archduke Ferdinand Max was sent to Rome "to express thanks to His Holiness" for consenting to the Concordat, and it was made clearly to appear that the Pope had conferred a great favour on the Emperor.—Rogge, *Österreich von Vilagos bis zur Gegenwart*, i. 406.

² Krones, *Geschichte der Neuzeit Österreichs*, 749.

to the civil law if it is in any way in conflict with that of the Church. Articles xiii. and xiv. nominally admit the subjection of the clergy to the jurisdiction of the ordinary courts, but exceptions and conditions, and the recognition of the right of asylum (Article xv.), render the control of the civil authorities completely illusory. In the case of a *causa gravior seu criminalis* in which a bishop is concerned the Pope is to have exclusive jurisdiction. True, a secret agreement provided that in such cases a mixed commission of laymen and ecclesiastics should sit in judgment, but its existence was not discovered till 1869,¹ and the bishops enjoyed the privilege of complete extra-territoriality. Only Catholic teachers are to be admitted to Catholic gymnasia, and the elementary schools are placed under the control of the Church. Article ix. vests the exercise of the censorship in the bishops, who are to have "complete liberty" to indicate what books are "injurious to religion and morality," and the Government undertakes to prevent the circulation of the same. The result of centuries of struggle over the question of mixed marriages, and of the right to change from one religion to another, was wiped out by the establishment of Catholic control in all matrimonial causes in which one party to a marriage is a Catholic, and by the abrogation of all enactments² dealing with such matters later than the law of Joseph II. Religious and educational foundations were placed under ecclesiastical control, and their revenues were to be utilised solely for Catholic educational purposes. In a word, Protestantism was to be placed on the same footing as Judaism, to be tolerated but not recognised; and even the interment of Protestant dead in consecrated ground was strictly forbidden.³ In 1852, the Jesuits, on

¹ By the *Neue Freie Presse*.—Rogge, *Österreich von Világos*, etc. i. 408 n. The meaning of this clause is apparently misunderstood by Eisenmann, *Le Compromis Austro-Hongrois*, p. 174.

² From xxvi. 1791, *De negotio religionis* onwards.

³ Rogge, *Österreich von Világos*, etc. i. 413.

whose co-operation Bach specially relied for the attainment of his political aims,¹ obtained readmission to Hungary, and Protestants were ejected to provide for their accommodation. As Eisenmann puts it, "*le système de Bach est complet. Les quatre armées sur lesquelles il s'appuie sont désormais à son service: les soldats debout, les bureaucrates assis, les prêtres agenouillés, les mouchards rampants. Ce qui échapperait encore à la police, la censure ecclésiastique l'étouffe.*" The last vestige of Hungarian independence was to be destroyed by putting the Hungarian Church under the domination of Rauscher, the Archbishop of Vienna.² History had already proved the fact that an attack on their political liberties invariably silenced all manifestations of religious animosity among the Magyars, and one of the chief results of the Concordat was the intensification of that feeling of national solidarity which Bach was anxious to destroy.

Hungary was supposed to find compensation for the loss of freedom in the promotion of its material interests, and in the abolition of the customs barrier, which had handicapped the country by excluding the possibility of finding a foreign market for the disposal of its surplus products; but the increase of taxation necessitated by the practical bankruptcy of Austria at the conclusion of the Crimean War, and by the importation of innumerable foreign officials, more than counterbalanced the gains resultant from the increase in the productivity of the country consequent on the abolition of the feudal system, and from the gradual improvement of the means of communication. In June 1854 a "voluntary" internal loan of 350,000,000 florins was contracted by the Government,

¹ "Ungarn," so he declared, "wird in fünfundzwanzig Jahren in eine deutsch-slavische Provinz verwandelt werden. Der Magyarismus wird blos eine überwundene sporadische Erscheinung bilden."—*Die ungarische Verfassung*, Radó-Rothfeldt, 76.

² And by the establishment of a Court of Appeal for the whole "Empire," including Hungary and the Italian provinces (Law of August 7, 1850).

and every tax-payer, every landed proprietor, was compelled to apply for an allotment proportionate to his presumed means.¹ The failure of unwilling subscribers (to an issue which was intended to prove to a wondering Europe the inexhaustibility of the Empire's resources and the confidence reposed in the Government) to pay the due instalments, and the speculation of officials, accounted for the fact that though Austria took no part in the Crimean War the Budget of the following year showed a deficit of 139,000,000 florins, and an increase, since 1849, of 1,092,000,000 in the National Debt.² One financial crisis followed another with tedious regularity. Credit was unobtainable; practically all specie was withdrawn from circulation, and paper money stood at an enormous discount; yet the Government affected to be satisfied with its work, and pointed with pride to the signs of material progress discernible in Hungary, which Bach ascribed to the blessings of his rule. In order to justify himself in the eyes of Europe, disgusted with his treatment of the Magyars, and to establish for ever his reputation as a heaven-born statesman, he caused a book³ to be written by one of his creatures, one Bernard Meyer, a Jewish official in the Ministry of the Interior, which makes it appear as if milk and honey were flowing in Hungary, as if the Magyars now for the first time had become acquainted with the blessings of civilisation, and of material and moral progress resulting from the establishment of a system of enlightened and benevolent despotism. Credit is claimed even for the abolition of the feudal system, with which Francis Joseph and his Ministers had no more to do than the Emperor of China had, and for the regulation of the waterways and other reforms, initiated

¹ "Es war das Äusserste, was der Absolutismus bisher gewagt hatte."—Friedjung, *Der Krimkrieg*, etc. p. 61.

² *A Mag. Nem. Tört.* x. 532 sq.

³ *Ein Rückblick auf die jüngste Entwicklungsperiode Ungarns*, Vienna, 1857; reprinted 1903.

by Széchenyi and his contemporaries, long before the "barricade-Minister" had emerged from his native obscurity. The book removed all doubt as to the intended permanence of the new *régime*. According to Bach's *raouthpiece*, the events of 1848 "smoothed the way for the attainment of an end which must sooner or later have been reached in a roundabout manner"—in other words, for the incorporation of Hungary in Austria. The introduction of German as the official language is stated to be due solely to a benevolent desire to enable a benighted country to enjoy the advantages, and appreciate the merits, of a higher civilisation and of a superior literature. The charge of forcible germanisation is refuted by a reference to the recognition, by the March Constitution, of the equality, as regards rights, of all languages—a piece of humbug for European consumption which did not prevent Thun from making German the medium of instruction in all secondary schools and gymnasia, or Schmerling from making the use of that language compulsory in the law courts, and for the publication of all laws and governmental orders. The lying picture of Hungary's material welfare, and the pharisaical complacency of the apologist of tyranny, provoked a crushing reply from Széchenyi, who, after years of ill-health and mental and nervous collapse, made a momentary literary reappearance before the world, for the purpose of exposing in all its shameless nakedness the despotism of which his country was the victim.¹ Bach, wrote Széchenyi, was keeping Francis Joseph in a fool's paradise, and was deliberately deceiving him by talking of the freedom of the Press, the equality of all before the law, the contentment and prosperity of Hungary, and the gratitude of the Magyars for the murder of their brothers, for the hangman and the turnkeys of Austrian tyranny, and for the disruption of their old kingdom. Hungary was

¹ See his *Blick auf den anonymen Rückblick*, London, 1859.

only now beginning to be really united, to forget class and political distinctions, and a thousand gallows would fail to compel the Magyars to give up their language, the chief national treasure, or to abandon their hopes. "A lonely, helpless, feeble man may take his own life, if he can help himself in no other way, but nations commit suicide least of all when others attempt to compel them to do so . . . and no power on earth is capable of tearing out of the heart of a Magyar, or of lessening in the slightest degree, the feeling of love for his nation." According to Bach, the Magyars had "nothing to do but to obey, be silent, tremble . . . and rejoice," and a refusal to be happy in accordance with his prescription was nothing but a proof of the blindness, stupidity, and malevolence of the nation, and of its inability to appreciate the advantages of Austrian civilisation, as exemplified by the muzzling of the Press, and the destruction of the principle of religious equality. True, the telegraphic system, to which Bach pointed with pride, had been recently developed and extended. Why? Because it was an instrument of centralisation, and tightened the bureaucracy's hold on the country. True, a network of railways had been projected, but, with one exception, the schemes had got no further than the paper stage. Hungary was, in fact, in a backward state, as compared with most European countries, but what was the cause of its stagnation? The obstructive tactics of successive Habsburgs, who, by omitting to summon the Diet, or by prematurely dissolving it, paralysed its legislative activity, and, by their fiscal policy, consistently opposed all efforts to ameliorate the economic condition of the country.

Széchenyi did not overstate the case. The fact was that in Bach's opinion Government and oppression were synonymous, and the inexperience of the imperial autocrat made it easy to convince him that the expression of Hungarian discontent proved the existence of revolu-

tionary, anti-dynastic feeling, whereas in reality it was nothing but the outcome of a natural hatred of the Procrustean system of tyranny, for the continuation of which the innate obstinacy of Francis Joseph was chiefly to blame. The exponents of more liberal views could not obtain a hearing. When, in 1857, the Emperor visited Hungary for the second time, a petition signed by the whole bench of bishops and many leading men was presented to him; but he refused to receive it, though it made but slight reference to the Constitution, and spoke chiefly of the necessity of preserving the idea of Magyar nationality, of the unfortunate consequences of territorial disintegration, of the abolition of the old counties, and of the exclusion of the Hungarian language from all branches of education and government.¹ The Archduke Albrecht was rebuked for the slackness of his control of the forces of discontent, and Bach was triumphant. "I know," said Francis Joseph, "that the whole thing is a mere empty demonstration, the outcome of continual agitation, which I mean to put down. I know that the nobles are discontented,² but the mass of the population is well affected. If I accept the petition, the convocation of county assemblies would immediately follow, and then I could not deny the right of holding similar meetings to my other dominions." On his return to Vienna the Emperor issued a rescript, in which he referred to the signs which he had seen of Hungary's material progress, the result, in his view, of an enlightened and effective administration; and his declaration to the effect that he was "inflexibly resolved" to maintain the existing form of government was looked upon as a final blow to the hopes which had been raised by his visit. All the same, the dawn of a new era was discernible. A new ally of Hungary appeared in the person of the Empress Eliza-

¹ For the text, see Kónyi, *Deák Ferencz Beszédei*, ii. 397 sqq.

² "Only the so-called intelligence keeps itself somewhat apart."—Baron Auguss, cited by Rogge, *Österreich von Vildgös bis zur Gegenwart*, i. 488.

beth, who had accompanied her husband on his journey, and the grant of an amnesty to numerous exiles¹ and political prisoners is probably to be ascribed to her influence. It was ordained that thenceforward two-thirds of the members of the official body should be Magyars, and that Hungarian documents should be accepted in the law courts; but there the concessions ended, and it was evident that no real move would be made in the direction of the restoration of Hungarian autonomy, except under the compulsion of exterior causes.

Hungary did not have to wait long. The fiasco
1859. suffered by the Austrian arms at Magenta and Solferino proved the bankruptcy of the existing system. Austria's national vanity consoled itself for the loss of Lombardy by throwing the blame on the corruption of financiers and army contractors, but it was plain to all but the intentionally blind that Austria was useless as a military power, unless it had the backing of a solid and contented Hungary.² Even before the peace of Villafranca was signed, Rechberg, the Minister of Foreign Affairs, sent for Baron Jósika in order to ask his advice, and Jósika told him what he expected to hear, namely, that Hungary must be restored to the position occupied before 1848, which guaranteed the unity of the dual monarchy, the safety of which would otherwise be seriously compromised. The Emperor's manifesto, issued at the end of the war, contained a faint indication of an intention to turn over a new leaf. "My heart rejoices, for the blessings of peace are again assured to my beloved country. To me they are doubly precious, as they give me leisure to concentrate my attention on the execution of my task—the establishment on a firm basis of the internal wellbeing and external

¹ Among others, Count Julius Andrassy, the future Chancellor, returned.

² At Solferino the French took 15,000 prisoners, mostly Hungarians. No such thing had ever happened before in the military history of Austria and Hungary. It was evident that the Magyars had no anxiety to be killed in the sacred cause of Austrian tyranny in Italy.

power of the monarchy, by the adoption of suitable means for the development of its moral and material strength, and for the improvement of legislation and administration in accordance with the requirements of the age." As Kossuth points out,¹ in the past ten years there had been about ten weeks of war, and the necessary leisure might have been found a little sooner ; but in any case the dismissal of Bach showed that Francis Joseph was beginning to learn the lesson which Solferino had emphasised, and Königgrätz was finally to drive into his head. The fact, however, that Thun and Bruck still remained in the Ministry proved that only half-measures could be expected, and the Magyars had to console themselves with the conviction that the resumption of hostilities in Italy, and the collapse of autocracy, must follow before long. Great excitement had prevailed in Hungary during the war, especially among the peasant population. Kossuth Lajos was, now as ever, a name to conjure with, and thousands believed that the reappearance of the liberator could not be indefinitely postponed. In England also Kossuth's popularity was enormous ; so much so that it caused him, at one time, to make a false estimate of the effect of his oratory. It is a far cry from dinners and public meetings to official interference in the affairs of a foreign country, and he was unnecessarily surprised when the Government stopped the issue of some millions of paper florins, destined to finance a Hungarian rebellion. Even the peace of Villafranca (partially due to the fear of a revolution in Hungary), in which, in spite of all Louis Napoleon's assurances of his wish to see Hungary free, no mention was made of Hungarian affairs, did not shake Kossuth's belief in the possibility of foreign intervention in some form or other. In any case, his action at this period gave him a double claim on the gratitude of his countrymen ; firstly, for the reason that, though absent,

¹ *Schriften aus der Emigration*, ii. 75.

he prevented them from lapsing into despondency and acquiescence in despotism ; secondly, because his refusal to allow the standard of revolt to be raised till either France or Italy had landed an army in Hungary, saved his country from the bloody reprisals of which premature action would undoubtedly have made it the victim.¹

The first act of the reconstructed Ministry was the issue of an Imperial Patent (September 10) dealing with the religious privileges of between three and four million Hungarian Protestants. It was meant to be conciliatory, but as it was the work of the incorrigible Thun it had precisely the contrary effect to that which the Cabinet anticipated, and the storm it raised caused it to be withdrawn when it had been in force for eight months—a comparatively long life for a Patent of this period. It nominally recognised the validity of the Laws xxvi. of 1791 and iii. of 1844, but subjected the Church to the imperial power in all matters of internal government, and so, in reality, was in direct conflict with the laws which guaranteed ecclesiastical autonomy. The result was a universal outcry on the part of Protestants of all shades. Even the Saxons, who alone derived benefit from the germanising policy of the Government, and were pleased to see their own language exalted at the expense of all other idioms, protested as energetically as any other members of the Reformed Church against interference with the privileges which they had enjoyed in the days of Hungarian freedom. Dogmatic differences were temporarily forgotten, and the Catholics, both priests and laity, strongly supported their Protestant fellow-countrymen² on the ground that government by Patent constituted an

¹ At his interview with Napoleon, May 5, 1859, he said that he was convinced that Hungary would show its gratitude for intervention by offering the crown to a Bonaparte.—*Schriften aus der Emigration*, i. 240 sqq. ; also 191, 194, 196 ; also his letter of Jan. 23, 1861, to Pulszky, in the latter's *Életem és Korom*, ii. 333, *re* his refusal to allow Hungary to be used as a cat's-paw.

² Berzeviczy, *o.c.* p. 118.

unjustifiable interference with constitutional rights which could not be abrogated without the consent of the nation. Thus, the question of religious autonomy became identified with that of political liberty, and the Government soon had cause to regret the fact that it had raised a storm which no repressive measures¹ and no concessions in ecclesiastical matters could permanently allay. Every opportunity was taken of emphasising the moral unity of the nation. The national dress was more generally used than ever; as in Venice so in Hungary, Austrians were cold-shouldered out of society, and a pretended ignorance of the German language increased the efficacy of the social boycott. The festival of the centenary of the birth of Kazinczy, one of the fathers of modern Magyar literature, proved the intensity of the national feeling which autocracy had temporarily driven under the surface, but had entirely failed to destroy. The idea was generally entertained that a word from the exiled Kossuth would suffice to produce an eruption of the slumbering volcano—a fact which possibly accounted for the issue at the end of November of a new press-regulation in Austria's worst style threatening the severest punishment to all who should publish news of a character calculated to weaken the public confidence in the Government. As a matter of fact it was impossible to undermine a non-existent confidence, and the edict, which made the police sole judges of the subversive character of news, merely strengthened the general conviction that the autocracy was gradually becoming conscious of its own impotence. The Government was, in fact, swaying this way and that, in complete uncertainty as to what course it should pursue. Concession and repression, reaction and progress, alternated with the regularity of day and night, but when once the bureaucracy

¹ More than a hundred protesters were prosecuted by the Government. *A Mag. Nem. Tört.* x. 527. "Die Leute fingen an sich zu schämen, wenn man sie nicht für gefährlich genug hielt um sie mit Gefängnisstrafen zu belegen."—Rogge, *Österreich von Vildgos*, etc. ii. 27.

had begun to climb down the ladder it became evident that it would be unable to stop before it had reached the bottom. Though anxious to "save its face," and to continue the pretence of believing in the efficacy of compulsory unification, it could not conceal its fear of the effect which the inevitable final struggle for the possession of Venice would have on Hungary, and on the chronic disorder of Austrian finances. In Austria the Germans rejoiced in their predominance, but wished to see it consecrated by the establishment of parliamentary government—a more reliable preservative than bayonets and sectarian intolerance. In Hungary, the constitutionalists, of whom Deák was the recognised head, had already formulated their plan of campaign, and nothing would satisfy them short of the complete recognition of the validity of the March laws of 1848.

1860. The autocracy, realising the unavoidability of the approaching collapse, cast about to find something soft on which to fall, and a Patent of March 5, 1860, announced the convocation, in a new form, of the shadowy Reichsrath, a purely consultative body, which, throughout the period of the Bach *régime*, had met from time to time under the presidency of the Archduke Rainer. Hitherto it had consisted entirely of life members nominated by the Emperor, who, from time to time, modified its incompetence by the temporary admixture of reputed specialists. Henceforth it was to be permanently "reinforced" by new blood drawn from all parts of a united Empire, with a view, more especially, to deliberation on financial questions, to the revision of laws, and to the consideration of the expediency of the measures to be passed by the various provincial Diets. Thus strengthened, the Reichsrath was to consist of life-members, archdukes, bishops, and high Government officials nominated by the Crown, and of temporary members, to the number of thirty-eight (of whom six were allotted to Hungary), to be elected for a

period of six years by the provincial Diets. That the whole thing was a sham, a sop thrown to public opinion to keep its mouth shut for a time, was shown, firstly, by the fact that the glorified Reichsrath was to deliberate in secret and had no power of initiating legislation ; secondly, by the composition of the nominated section, of which by far the greater half consisted of aristocratic and ecclesiastical reactionaries. With a view to inducing Hungary to take a serious view of the new departure, an edict of April 9 abolished the five districts of the Bach régime, and appointed General Benedeck, personally popular with the Magyars, to the position left vacant by the removal of the Archduke Albrecht, with instructions to summon the Diet for the election of representative members of the reinforced Reichsrath. Of those chosen, Andrassy, Majláth and Szécsen refused to allow their presence to be construed as an indication of acquiescence in the *status quo* ; and Nicholas Vay, Somssics, and Eötvös made excuses for non-attendance. The entire value of the reform consisted in the fact that it partially unmuzzled Hungary, now as ever the pivot of the whole situation, to the extent, at all events, of allowing it to proclaim aloud, by the mouths of its representatives, the elementary fact that no modification of the Hungarian Constitution could have any effective reality if it neglected the principle of legal, historical continuity, and did not originate in the harmonious action of the two equal legislative factors, the King of Hungary and the Parliament of Hungary. To a small body of Conservatives, under the leadership of Emil Dessewffy, to whose ideas of a tentative federation, as distorted and emasculated by Rechberg, the Patent was due, the return to constitutional government implied a recurrence to the state of affairs which existed before 1848 ; but they in no sense represented the political convictions of the majority, any more than Eötvös did, whose pamphlet, entitled, *Die Garantien der Macht und*

Einheit Österreichs,¹ had, as will be seen later, considerable influence in Austria, but very little in Hungary. Eötvös started, not from the point of view of the indefeasibility of Hungary's historic rights, but from that of the necessity of binding all the dominions of the Habsburgs together, their unity being essential to the interests, not only of Europe, but of those dominions themselves. 'He pointed out that unity did not imply territorial or administrative unification, but that, on the contrary, the grant of a limited autonomy to each of the constituent states was essential to the harmonious working of a conglomerate of racially unhomogeneous units. The desired unity could, in his opinion, best be obtained by the grant of self-government to the various provincial factors of the "Gesammtstaat" in such matters as education, religion, ecclesiastical discipline, and the administration of justice; while military matters, foreign affairs, finance, and trade, were left in the hands of common Ministers of State, responsible only to the Emperor. Such a scheme, which implied the total destruction of the historical, contractual, basis of Hungary's relations with the dynasty, reduced that country, after a thousand years of constitutional government, to the same level as the most insignificant of the autocratically governed hereditary provinces, and converted its Parliament into a glorified County Council, obviously could not satisfy the aspirations revived by the disastrous Italian war, or serve as a substitute for Deák's principle of legal continuity. The issue of such a pamphlet by a politician of recognised authority, such as Eötvös, was particularly inopportune, as it encouraged the Austrian Government in the belief that Hungary would be satisfied with the grant of slight concessions, whereas Deák and the intelligence of the nation would accept nothing short of the rights which a dozen Habsburgs had

¹ Leipzig, 1859.

sworn to maintain. Széchenyi, from his retreat at Döbling, still followed the course of events, but was, to some extent, out of touch with the nation and with Deák, whom he reproached with taking a parochial view of the situation. On March 3, the police visited him and seized his papers, and he relapsed into a state of melancholia, which was heightened by the news of the students' conflict with the police at Pest on the anniversary of the fateful Ides of March, and by that of the death of Baron Jósika, his life-long friend. He ceased to read or write, and continually reproached himself with having ruined his country. Finally, he committed suicide on April 8, and the conclusion that his voluntary death was due to despair of Hungary's future, deepened the impression that in any case would have been caused by the final disappearance of "the greatest of the Magyars." Thenceforth, practically the whole nation looked to Deák for guidance.

The reinforced Reichsrath met on May 31, and it at once became evident that little good could be expected from the elected representatives. A strong minority was frankly in favour of centralisation. The Germans of Transylvania, and the Servians, were well aware of the fact that the continuance of their privileges, newly acquired at the expense of the Magyars, was dependent on the maintenance of a system of veiled autocracy. The Ruthenians and Roumanians saw that for them a choice of system was merely a choice between frying-pan and fire, and took no active part in the proceedings. The Croats at first sat on the fence, but finally took their stand on the side of federation and local self-government. The representatives of Hungary and Bohemia agreed that any reconstruction must be based on the recognition of historic rights, the only possible foundation for a permanent structure. A committee of twenty-one members, appointed to consider the financial situation, took the opportunity of

condemning the whole system of government, which, since 1849, had vastly increased the burden of taxation, and, at the same time, had brought the Empire to the verge of bankruptcy. As usual, the political experience of the Magyar representatives, the product of centuries of constitutional government, was in marked contrast to the *naïf* immaturity of their Cisleithanian colleagues, and prevented the discussion of legislative proposals, which would have involved the recognition of the competence of a heterogeneous body to form a precedent prejudicial to the principle of Hungarian independence. Szécsen inside the Reichsrath, and Dessewffy and Eötvös outside it, exercised an incomparably greater influence than the official advisers of the wavering, yet obstinate Emperor, whom circumstances had temporarily convinced that the days of pure autocracy were numbered, and of the necessity of finding some solution of the difficulties which twelve years of despotic government had created or intensified. Since Világos, the position of Austria as a great power had become more and more shaky. Signs of the approaching consummation of Italian unity were not wanting, and the effectiveness of the army was gravely compromised by the existence of racial ill-feeling, and by the necessity, in the event of war, of keeping a large part of the imperial forces in Hungary for the suppression of a not improbable revolt. A chronic state of national bankruptcy was not calculated to induce cosmopolitan financiers to open their pockets for the sake of bolstering up an Empire which contained so many explosive elements. Something required to be done to give a fresh coat of paint to the *façade* of a rotten edifice, before the meeting which had been arranged to take place at Warsaw between the Emperor, the Tsar, and the King of Prussia,¹ in the

¹ Andrassy said that but for the ill-advised action of the Conservatives the Emperor would have been just as ready to sign a document fully restoring the Hungarian Constitution as to sign the October Diploma.—Kónyi, *Dedk Ferencz Beszédei*, ii. 618.

vain hope of coming to an arrangement in the nature of the Holy Alliance of the halcyon days of despotism. Eötvös's pamphlet and the federalistic ideas of Dessewffy seemed to supply the only possible solution of the problem which confronted Francis Joseph.

An imperial manifesto, dated October 30, and the accompanying Diploma and rescripts,¹ contained the first faint indication of the fact that the bankruptcy of absolutism was beginning to be recognised. The Diploma admits the existence of divergent racial rights and interests which require to be satisfied without infringement of those of the one and indivisible "Austrian Empire," regarded as a political entity of essentially German character, which it never was and never could be. The preamble, by way of justification, refers in the same breath, and with a complete disregard of logic, to the autocratic principle and to the Pragmatic Sanction, which has nothing in common with that principle, and, so far from being in consonance therewith, is, as regards Hungary, a flat negation of its admissibility. The Emperor renounces in perpetuity,² on his own and on his successors' behalf, autocracy's assumed right of "passing, amending, and abrogating laws" in favour of the elected representatives of the Empire, oblivious of the fact that Law xii. of 1790, which his predecessors had sworn to observe, had specifically declared that right to be jointly exercisable, as far as Hungary was concerned, by the King and by the Estates and Orders of the realm in Diet assembled, and not otherwise. Henceforward the legislative power is to be shared by the Emperor with the local Diets of the constituent provinces of the Empire (in which Hungary is included), and with the Reichsrath, in which each such province is to be represented by elected members.³ The control of military

¹ For the text, see Kónyi, *Dedk Ferencz Beszédei*, ii. 492 sqq.

² The life of this "perpetual and irrevocable" Constitution lasted just four months.

³ In all one hundred for the whole "Empire."

matters, and the decision of all questions as to the duration and conditions of service, as to customs-tariffs, trade, finance, public loans, railways, post and telegraphs, are reserved to the Reichsrath, as well as the discussion of the Budget and the imposition of new taxes. "All other matters" are left to the decision of the provincial Diets, thus reduced to a position of practical impotence. The Diploma parades the usual high-sounding principles, equality of all before the law, freedom of conscience, admissibility of all to office without racial or class distinction, and lays stress on the condescension of the Crown in sharing its legislative authority with the elected representatives of the people; but in reality it was hardly more than a variation on the theme of the Patent of March 5, with its reinforced Reichsrath; for the new Reichsrath was a purely consultative body, the views of which the Emperor might accept or disregard as he pleased. Moreover, as the Patent was not specifically withdrawn, all deliberations were, presumably, to be conducted in secret. The only concession to Hungary was to be found in the timid recognition of the dualistic principle, of a distinction between Hungarian local affairs, and those of the other dominions which were to some extent controlled by the Reichsrath. Nicholas Vay was appointed Hungarian Chancellor, Szögyény Vice-Chancellor, and with the re-establishment of the Chancery in Vienna, Hungary made a partial return to the bureaucratic government of 1847, the validity of the legislation of 1848 being recognised only so far as the same was not in contradiction with the terms of the Diploma—in other words, so far as recognition was conducive to Austria's interests, to which the abolition of serfdom and of the nobles' exemption from taxation, and the introduction of universal liability to military service, were obviously beneficial. Apart from the encouragement afforded by the nominal abdication of absolutism one satisfactory result followed the publication of the Diploma.

As education was not a "common affair" controlled from Vienna, Thun's occupation was gone, and he retired, unregretted, after a career of undiluted maleficence at all events so far as Hungary was concerned. Questions of electoral procedure and qualification in Hungary were to be decided by a special body under the presidency of the Archbishop; the old territorial divisions were restored; the High Court under the Chief Justice was re-established, and Hungarian was again made the official language of the law courts and of the governmental departments. So far so good; but to please the Saxons, and for fear lest the process of climbing down the ladder which led to the restoration of independence should seem too rapid, Transylvania was not re-annexed to Hungary, and the question of the reunion of the Croatsians and Servians was temporarily postponed. Europe was expected to be amazed by the political wisdom of the new departure, and for a moment Austria was pleased with the novelty of the situation; but it soon discerned the cloven foot of autocracy beneath the cloak of constitutionalism, and expressed sullen disgust with the limited nature of its own privileges, and with the exceptional treatment meted out to Hungary.

The Magyars said little, hesitating whether to bless or to curse the Diploma, which, while it drew a distinction between Hungary and the hereditary provinces, thus admitting the bankruptcy of the "Verwirkungs-theorie" of German doctrinaires (of the principle that the revolution had entailed the forfeiture of all political privileges), at the same time deprived Hungary of its most essential rights by subjecting it to the control of a mongrel Parliament sitting in Vienna. Deák gave the *mot d'ordre*, recognising the benefits conferred by a partial revival of constitutional rights, but pointing out that neither the declared origin (autocratic power), nor the contents, of the Diploma could satisfy the legitimate aspirations of

the country. Sigismund Kemény, Deák's journalistic lieutenant, fearing lest there might be an inclination to acquiesce in the terms of the Diploma, on the principle that half a loaf is better than no bread, emphasised his leader's pronouncement in the *Pesti Napló* of October 25, and declared that Hungary's only possible answer to the Diploma was a demand for a *restitutio in integrum* of the laws of 1848. His voice was the voice of a united nation. A meeting summoned by the Archbishop of Esztergom on December 18, which Deák's innate consistency would not allow him to attend, clearly showed which way the wind blew. Baron Wenckheim, the first speaker, said that Hungary could, and would, elect deputies to the Diet only on the basis of the laws of 1848 (iv. and v.), and that it would be a farce and an anachronism to return to that of 1608¹ which limited the enjoyment of the franchise to Prelates, Barons, Nobles, and Free Towns. Dessewffy pointed out the absurdity involved by a jump back to a period when the Pragmatic Sanction was non-existent, and the inconsistency of the Government in recognising the validity of certain of the March laws, and not that of all of them, and in treating Transylvania as a separate country, though its reunion with Hungary had received the royal confirmation in 1848, and its Diet had been formally dissolved for ever. A unanimous disinclination was shown to accept, as a concession, a fragment of that which the nation claimed, as of right, in its entirety.

The re-establishment of the organisation of the counties gave the country the desired opportunity of expressing its opinion of the entire situation. Surviving members of the Parliament of 1848 were elected almost without exception. The names of Kossuth and Klapka, even of Garibaldi and Cavour, were included in the list

¹ "Quinam Status et Ordines dicantur et qui locum et vota in publicis Diaetis habere debeant."

of successful candidates as a protest against a *régime* which entailed the banishment of the popular heroes. A cry of "dead" greeted the mention of those living, but denationalised, Magyars who had accepted office under Bach's Government—a sufficient indication of the temper of the counties, the majority of which gave unmistakable expression to their feeling in favour of the March laws of 1848, as the only possible basis of reconciliation with Vienna, by refusing to collect or pay taxes pending the restoration of the Constitution. Of the Lords-Lieutenant nominated by the Government, many, among others Count Julius Andrassy, Coloman Tisza, and Melchior Lónyay, refused to accept office, and it soon became evident that Vay and Szécsen were generals without soldiers, and that the Diploma was looked upon merely as an instalment of the nation's dues, and its grant only as an indication of the conscious weakness of the Emperor. Francis Joseph affected to be surprised by the attitude adopted by Hungary, and discerned an antidote to a morbid condition of affairs in the development of purely German influence. The end of December saw Schmerling appointed Prime Minister in the place of Goluchowski the Pole, sacrificed as a peace offering to the Germans, a proof that the days of the "permanent and irrevocable" Diploma, of which Goluchowski was the chief supporter, were already numbered. The new Prime Minister, though by nature a convinced partisan of autocracy, and, consequently, an enemy of Magyar aspirations, realised the fact that absolutism had been weighed in the balance and found wanting, and decided to pose as a Liberal, and to kill by kindness a movement which violence had proved unable to suppress. Francis Joseph was, therefore, induced to begin the new departure by stroking with one hand while he slapped with the other, by attempting to conciliate the Magyars by ordering the abolition of the Servian Vojvodina, and the reincorporation in Hungary

of the Banate of Temes, while he issued a rescript¹ rebuking the counties for the ill-will evidenced by the
 1861. election of Kossuth and other undesirables, and threatened violent repression of any future manifestations of popular hostility to the Government. Early in January, Deák was received by Francis Joseph in private audience, which, if it served no other purpose, at least satisfied Deák as to the Emperor's conscientiousness and intimate acquaintance with the questions at issue, and convinced the latter of the strength of Deák's convictions and logical faculties, and of his downright honesty of purpose.² Deák insisted at the interview on the necessity of recognising the validity of the laws of 1848, but his letter of January 9,³ addressed to his brother-in-law, shows that he had little confidence in the efficacy of his arguments. The four main obstacles to compromise seemed insurmountable. The first was the inability of Hungary to bear the burden of that part of the national debt which Austria wished to impose on its shoulders. The second was to be found in the fact that the Emperor and his Austrian advisers were ready to resort to "extreme measures" rather than abandon their undivided control of military matters. Thirdly, there was the question of the fragmentary nationalities of Hungary which were sure to make inadmissible demands involving the dismemberment of the kingdom. Lastly, there was the problem of common (e.g. foreign and financial) affairs, the chief stumbling-block over which Austria and Hungary had broken their shins in 1848.

Pseudo-Liberalism was no more capable of effecting a lasting settlement than the open violence of Bach had been. It was folly to suppose that a few concessions could induce the Magyar nation to commit political

¹ January 16, 1861.

² See the report of Deák's and the Emperor's conversation with Baron Vay.—Könyi, *Deák Ferencz Beszédei*, ii. 532.

³ *Ibid.* p. 527 sqq.

suicide; and Schmerling's statement to the effect that if Hungary failed to see the merits of the existing *régime* he could afford to wait¹ showed a total misapprehension of the situation. The clouds gathering on the international horizon showed that to wait was precisely what Austria could not afford to do. Cavour was not yet dead, and recent events in Italy suggested that the serving of a notice to quit Venice might shortly be expected. In spite of the apparent harmony of the relations which existed between Rechberg and Bismarck, no attempts to foster the interests of the German subjects of Francis Joseph at the expense of other nationalities could conceal the fact that the hegemony in Germany of Austria with its preponderating Slav population was an anachronism and an absurdity, which Prussia, for one, would not tolerate indefinitely. Unless something could be done to restore the financial credit of Austria, the state of military disorganisation disclosed by the recent short Italian campaign must continue to invite disaster. The issue of a revised edition of the sham constitutionalism of the Diploma alone seemed capable of inducing the confiding foreign investor to open his purse to a necessitous Austria. The Diploma must, therefore, be withdrawn; but the temporising, palliative, system was not yet to be abandoned, though it was as clear as daylight that the continuance of Hungarian discontent involved the dislocation of the whole machinery of empire. An imperial Patent of February 26th,² the work of Schmerling and Perthaler, convinced champions of the erroneous idea that Austria was an essentially German State, announces the apparent platitude that the function of the Reichsrath is to represent the Empire, and proclaims the nominal conversion of that institution into a Parliament consisting of two Chambers. Of these the Upper is to consist of

¹ Krones, *Geschichte der Neuzeit Österreichs*, 769.

² For the text see Kónyi, *Dedk Ferencz Beszédei*, ii. 589 sqq.

members of the imperial family, of high ecclesiastical functionaries, of the heads of noble landowning families selected by the Emperor for the provision of hereditary legislators, and of such life members as the Crown may nominate from time to time, on account of services rendered to the Church, or to science, or to art. The Lower House is to comprise 343 members, of whom 85 are assigned to Hungary proper, 5 to Dalmatia, 9 to Croatia, and 26 to Transylvania (which together form the Hungarian group), and the remaining 220 to the Austrian provinces. A distinction is drawn between the common affairs of the Austrian dominions, which are to be dealt with in the "narrow Reichsrath," *i.e.*, in the absence of the members of the Hungarian group, and those which concern both Hungary and the hereditary provinces, and must, consequently, be discussed only when the Reichsrath is rendered "full" by the presence of the members of the above-mentioned section. The competence of the "full Reichsrath" extends to the discussion of all matters enumerated in the third paragraph of the October Diploma, that is to say, of all matters which concern the army, money, note issues, customs, commerce, railways, post and telegraph, and of every question connected with the finances of the Empire, the budget, the "increase" of taxation, and the contracting of new public loans.

The essential vice of the new departure (apart from the fact that Hungary was reduced to practically the same level as Bukovina or Carniola, and that its Diet became a mere provincial council) lay in the fact that the ministers were to be appointed directly by the Crown, and were to be responsible to it alone; and in Article 13, which provided that "if, when the Reichsrath is not in session, it is urgently necessary to take measures with respect to matters which are within the competence of that body, it is the duty of the Ministry to afford an

explanation of the reasons for, and the consequences of the measures which it has taken." The effect of this provision, which gave the Ministry complete authority to act behind the back of the Reichsrath, was still further extended by the interpretation placed upon it by Schmerling, who assumed it to mean that the autocratic power of the Ministry extended to matters to deal with which the Reichstag, though actually sitting, was for some reason or other incompetent.¹ The German population, to which a position of predominance over all other races was assured, was temporarily induced to believe that it was at last to enjoy the blessings of true parliamentary government, but soon found to its disgust that the Patent, as compared with the Diploma, was retrograde rather than progressive, and in reality was no more than a cloak intended to hide the nakedness of absolutism from the eyes of an inquisitive Europe. The Reichsrath had no control whatever over foreign affairs or army matters. It was not within its competence to vote either the annual contingent of recruits or the money necessary for their maintenance. Members were not elected directly by the people, but were nominated by the provincial Diets composed of the representatives of various classes and interests of the landowners, the towns, the Chambers of Commerce, and country districts, which latter elected delegates to whom the ultimate choice of representatives was confided. The object was to give as much power as possible to the more conservative classes, and, above all, to the towns, in which the German element preponderated. A gerrymandered franchise and an arbitrary distribution of seats²

¹ In spite of the protests of the Czechs and Poles the budgets of 1861, 1862, 1863, were discussed and voted in the absence of the Hungarian members. Schmerling admitted that the whole Constitution could be rendered nugatory by means of clause xiii.—Rogge, *Österreich von Vildagos bis zur Gegenwart*, ii. 107.

² Palacky, quoted by Eisenmann, exposed the swindle as regards Bohemia, e.g. the towns in which German influence was preponderant returned one repre-

reduced the system of so-called popular representation to a farce, while the attempted perpetuation of German racial supremacy made the unity of Cisleithanian nationalities an impossibility, and so assured the ultimate triumph of the Magyars, who alone knew what they wanted and were determined to have it. The despotism of a foreign bureaucracy¹ smelt no sweeter in Magyar nostrils when disguised by a Patent than when diluted by a Diploma. The old contracts had been broken, and sooner or later must be patched up again, for it was clear that the Patent, and the refusal to grant a responsible Ministry, which Baron Vay had led people to believe would be re-established, had destroyed the last vestige of inclination to acquiesce in any arrangement which would involve the abandonment of the March laws of 1848. It was evident that the resumption of the policy of passive resistance was the only course open to Hungary until a fresh outbreak of war in Italy or elsewhere, and a fresh disaster to the Austrian arms, should finally convince the Emperor of the inability of a house divided against itself to resist the aggression of foreign cupidity.

sentative for 11,666 inhabitants, and the country (Czech) districts one for 49,081. The German town of Reichenberg, with 19,000 inhabitants, had three representatives, while Prague, the capital, with 145,000, had ten. A German village of 500 inhabitants had a representative, though the Slav town of Kladno, with 8000, had none. Such instances could be multiplied indefinitely. Hungary proper had four times as big a population as Transylvania, and was vastly superior in wealth and education, but returned only three times as many members, the object of this "electoral geometry," as it was called, being to favour the Saxons.

¹ The Patent gave full effect to the Austrian bureaucratic ideal of "freie Verfügung über die Armee, die Polizei, die Finanzen und alle Vollzugs-Organe."—Pillersdorf, *Handschriftlicher Nachlass*, p. 240.

CHAPTER XVII

THE Diet met at Buda on April 2, in accordance with ^{1861.} the Writ of Summons,¹ which recited the abdication of Ferdinand V. and announced Francis Joseph's intention to have himself crowned, and, in accordance with "the desires of his paternal heart, and with a view to the promotion of the common welfare and happiness of the kingdom, to deliberate with the faithful Estates and Orders on various legislative matters of great moment." The opening speech,² read on the Emperor's behalf by Count George Apponyi, expressed regret for the mistrust engendered by the events of the past years, and belief in the loyalty of the nation. It declared that while His Majesty was bound to observe the promises made to the other peoples of his Empire by the October Diploma, which was designed for the better attainment of the objects aimed at by the Pragmatic Sanction, he was anxious not to deprive Hungary of the right of dealing with its own internal affairs, or of the constitutional exercise of influence on the common affairs of the Empire. Such being the case, His Majesty invited the Diet to express its opinion as to the manner in which the constitutional rights of Hungary could be brought into harmony with the necessities of the reorganised Empire. Such a pronouncement, which referred to the Pragmatic Sanction for justification of a total disregard of contractual obligations, the strict

¹ Kónyi, *Dedk Ferencz Beszédei*, iii. 1.

² *Ibid.* iii. 19 sqq.

observance of which alone could confer a claim to the crown of St. Stephen, could only increase the resentment generated by years of absolutism, and strengthen the determination to stand firm in defence of inalienable rights. Owing to the long duration of the autocratic *régime*, which gave no opportunities for the acquirement of political experience, the younger members of the Diet, imbued with a feeling of hatred of Austrian oppression, and animated by an excessive belief in the influence of the exiles, and in the prospect of foreign intervention, for the moment desired nothing so much as an opportunity of giving forcible expression to the accumulated grievances of the past years. These formed one party under the leadership of Count Ladislaus Teleki, who, at the end of the previous year, had been handed over by the Government of Saxony to the Austrian police, and had been set at liberty by the Emperor, on condition that he would break off all connexion with the exiled irreconcilables, and would temporarily refrain from all agitation and political activity in Hungary.¹ The other party was that of Deák, Eötvös, and Julius Andrassy, who were not less determined than the followers of Teleki to abandon no part of their country's rights, but were disposed to compromise on minor details which did not affect fundamental principles in order to avoid creating the impression that Hungary was impervious to reason and hopelessly intractable. Between the two parties feeling ran high with respect to the question as to what form the reply to the imperial speech should take—that of an address or that of a resolution. On the principle that it was impossible to address a non-existent king (for up to the present Hungary had no official cognizance of the abdication of Ferdinand, or of the renunciation of his

¹ As he received a letter of summons to the Diet he considered himself absolved from his promise as regards abstention from political life. See his letter, written ten days after his arrest, to Jósika. Kossuth, *Schriften aus der Emigration*, iii. 320; also Pulszky, *Életem és Korom*, ii. 311 sqq.

rights by Francis Charles, and the formalities essential to the coronation of a successor, had not yet been complied with), Teleki and his party wished that the Diet should pass a resolution¹ enumerating the national grievances, and should then adjourn *sine die*, thus shutting the door to the possibility of compromise. Deák, on the other hand, desired that an address should be sent to the Emperor, the adoption of which by the Diet would imply neither the abandonment of constitutional rights nor acquiescence in an intolerable position, but would discourage the idea that nothing but intractable hostility was to be expected from Hungary. The ultimate victory of the "Addressists," after a three weeks' debate, was facilitated by the death of Teleki, who, finding his position incompatible with the promise² given to Francis Joseph, committed suicide, and so vacated the leadership of the more irreconcilable party in favour of Coloman Tisza.

The Address,³ the work of Deák's pen, is an unanswerable presentment of the illegalities which characterised the existing system, and is, at the same time, a compendium of the constitutional history of Hungary. The brutalities of absolutism have given place to the illegalities of a pseudo-constitutionalism. Acquiescence in the partial restoration of historic rights would amount to a definite abandonment of the independence guaranteed by the Pragmatic Sanction and by the laws of 1790, confirmed by each successive King of Hungary, which prove the personal nature of the union existing between that country and the hereditary provinces, the fact of whose inclusion, formerly in the defunct Romano-Germanic Empire, and now in the German Confederation,

¹ See Kónyi, *o.c.* iii. 26, and Beksics, Kemény Zsigmond, etc., 254.

² Beust, who had given him up to the Austrian police, attributes his suicide to baffled ambition, but makes no attempt to justify his statement. *Memoirs*, ii. 338 n., but see the evidence of Lukács and other contemporaries quoted by Kónyi, *o.c.* iii. 106 sqq.

³ Kónyi, *o.c.* iii. 36-60.

excludes the possibility of any greater solidarity. The Diet declares its willingness to undertake a larger share of the burdens imposed by the reckless misgovernment of recent times than that of which strict legal obligations require the acceptance, but will discuss the subject with the hereditary provinces only as one free and independent country with another, and will sacrifice the constitutional freedom of Hungary to no considerations of expediency whatever. It refuses to surrender its immemorial right of deciding all questions of taxation, and of the raising of the military forces, and denies the right of the Reichsrath, or any similar body, to legislate on the affairs of Hungary. The Diet protests against the violation of Hungary's territorial integrity, guaranteed not only by the Pragmatic Sanction, but also by the Inaugural Diplomas and Coronation Oaths of successive kings. Until the legislative body is rendered complete by the presence of the representatives of Transylvania and Croatia, it is unable to pass laws or enter into negotiations with respect to the coronation; for while the operation of the old fundamental laws is suspended, it is useless and constitutionally impossible to initiate new legislation. Provided, however, that the illegalities attending the abdication of Ferdinand V. are not allowed to form a precedent, and that proper notification of such abdication, and of the renunciation by the Archduke Francis Charles of his rights of succession, is given, the Diet is prepared to recognise the change of monarch which has *de facto* taken place. The Address concludes by demanding the revocation of sentences of imprisonment and banishment, pronounced by foreign judges in accordance with foreign law, as a condition precedent to the re-establishment of confidence between Hungary and the Crown.

Tisza and Jókai approved Deák's exposition of the meaning and effect of the Pragmatic Sanction, as well as his views on the subject of territorial integrity and of the

brutalities of the past twelve years, but objected to the proposed mode of approaching the Emperor on the ground that an address is something in the nature of a petition, while a resolution is a solemn manifestation of the nation's will. Defeated on the main question by a majority of three votes, the Resolutionists obtained a victory on a minor but important point. Deák wished to address the Emperor as "Your Imperial and Royal Majesty," but the opposition of Tisza and his followers succeeded in amending the phrase by the omission of the words "Imperial and Royal," the consequence of which was that the Emperor refused to accept the Address until re-amended in accordance with Deák's formula. The only result, therefore, of Tisza's action was the facilitation of Schmerling's task of persuading Francis Joseph of the irreconcilable hostility of the Diet, and of the necessity of compelling Hungary to comply with the terms of the Patent. Baron Vay, who presented a memorandum to the Emperor urging the advisability of coming to an arrangement with the Magyars on the basis of the recognition of their exceptional position, was curtly dismissed from office¹—a clear indication of the width and depth of the gulf which still sundered the two individuals on whose co-operation the effectuation of a lasting arrangement depended—Francis Joseph and Francis Deák.

The death of Cavour, who had always been dissatisfied with the peace of Villafranca, negotiated in a hurry behind his back, made the probability of a resumption of an aggressive Franco-Italian policy more remote than had previously been the case. This fact and the unpatriotic intrigues of Count Antony Forgács, who had been in the Russian camp in 1848, while his countrymen were fighting for freedom, and had taken service under the tyrannical government of the Bäch *régime*, and those of Count Maurus Eszterházy, a violent anti-Protestant leader of the

¹ July 18. Lévaý, *Emléklapok Vajai Bárá Vay Miklós Életéből*, p. 35.

Ultramontane party, strengthened the Emperor in his determination to resist the demands of the Magyars. The Rescript of July 21,¹ sent in answer to the Address, is a long disquisition on the theme that the connexion existing between Hungary and the hereditary provinces, is a real and effective union, and not a mere personal one, the object of the Pragmatic Sanction being not merely the preservation of Hungary from internal convulsions, liable to arise from a break in the succession to the throne, but also the provision of a "more solid common basis of harmony and union," as proved by the existence of Hungarian legislation admitting the existence of "common affairs" (such as Law xi. of 1741 requesting the admission of Magyar members to the Imperial Ministry),² and by the fact of the existence of a common army and of a system of central financial administration. Oblivious of the fact that the only law which shows the existence of anything more than a personal union was Law iii. of 1848, the Emperor alleges that the legislation of that year constituted an attempt to abolish the real union, and to bring about a separation "productive of all those dangerous convulsions which necessitated the establishment of a form of administration at variance with the constitutional institutions of Hungary." The recognition demanded by the Diet of the validity of the laws of 1848 is, according to the Rescript, incompatible with the conditions essential to the existence of the Empire; those laws must, therefore, be revised "in accordance with the spirit of the Pragmatic Sanction, and in the manner required by the common interests of the Empire," before any deliberations on the form which the Inaugural Diploma should assume can take place. The Diet is therefore "commanded" to submit proposals providing for the repeal of the laws of 1848, as a condition precedent to the settlement of the question of the reincorporation of Transylvania, the union of which

¹ Kónyi, *o.c.* iii. 193-202.

² See *supra*, p. 47.

with Hungary's alleged to have taken place without the consent of the Roumanian and Saxon nations, and never became effective. The case of Croatia and Slavonia is likewise reserved for future consideration, and all decrees and ordinances having reference to public administration, and to the levying of taxes, are to remain in force until further notice. Thus, though Francis Joseph declares that "the incorporation of the realms of the Crown of St. Stephen is far removed from the intentions of our paternal heart," the Rescript flatly rejects the Diet's demand for a return to constitutional principles, and proposes to perpetuate existing illegalities.

Deák replied in a second Address,¹ the terms of which were accepted unanimously by Tisza and his followers, as well as by the other members of the Diet. He points out the impossibility of negotiation on the basis of the arbitrary suppression of the fundamental laws of Hungary, and of the compulsory acceptance of absolute autocracy—the underlying principle of the Diploma and of the Patent. The autocratic abolition or modification of laws without the consent of the nation is the negation of constitutionalism. If one such action passes unchallenged Hungary's independence is at an end, for what guarantee is there that some successor of His Majesty will not repeat the process? The assertion contained in the Rescript, that Hungary's control of taxation was always, *de jure* as well as *de facto*, of a limited character, is refuted,² as are the imperial deductions from the fact of Hungary's apparent acquiescence in the unity of administration as regards foreign affairs.³ The laws which prove the Diet's

¹ Kónyi, iii. 220-272.

² It is pointed out that the military tax was always fixed and voted by the Diet, and the tax to provide for the expenses of local administration was always assessed and collected by the county organisations. As has been seen, even the price of salt, a royal monopoly, could not be raised without the consent of the Diet, except in the case mentioned by Law xx. of 1790.

³ See *supra*, p. 46.

control of military matters and the legality of its claim to financial independence, are successively enumerated, and the offer, contained in the first Address, to assist the hereditary provinces without prejudice to the constitutional rights of Hungary, in bearing the heavy burdens imposed by the reckless maladministration of the past twelve years, is repeated. It is pointed out that the laws of 1848 did not alter the nature of the union resulting from the Pragmatic Sanction, or attempt to confer any new rights on Hungary, but merely gave clearer expression to existing privileges; and that the "convulsions" alluded to in the Rescript were the result, not of those laws, but of the obstacles thrown by Vienna in the way of their execution. The absurdity of referring to the laws of 1848 by way of justification for the introduction of absolutism is shown by the fact that Croatia, which was in no sense responsible for the passing of those laws and fought on the imperial side, has also been deprived of its constitutional rights. The use of a phrase to the effect that the Emperor will conditionally restore the Constitution, "by the exercise of royal absolute power," makes the re-establishment of confidence impossible; for the royal absolute power in the field of legislation is unknown to the Pragmatic Sanction, and the Diet cannot recognise the legality of one-sided arbitrary action, when the law expressly declares that legislative functions can be exercised only by the King and the Diet acting together. The international position of a State does not depend exclusively on the number of its regular soldiers, and a compulsory unity can give no strength to the Empire. Austria was a great power at the time when Hungary enjoyed the attributes of an independent State, and could always rely on the cordial co-operation of the Magyars. The maintenance of Hungarian independence involves no risk to the safety of the Empire, while the mutilation of political rights must

undermine the feeling of solidarity with the hereditary provinces, and [destroy all confidence in a monarchy which is unable to guarantee even the material prosperity of its subjects. The Rescript states that His Majesty has given validity to some of the laws of 1848, but never did, and never will, recognise the rest of them; but as King of Hungary, His Majesty has no power to repeal laws without the consent of the nation, or to draw distinctions between one law and another as regards the question of validity. The Diet is prepared to consider the modification of certain of the laws, but is not competent to do so until completed by the attendance of the representatives of all the constituent elements of the nation. Only existent laws can be modified or repealed, and His Majesty, by requiring the Diet to modify or repeal the laws of 1848, *ipso facto*, acknowledges their existence, while refusing to allow them to be put into force. If the statement contained in the Rescript, to the effect that His Majesty does not consider himself personally bound to recognise those laws, is allowed to pass unchallenged, what constitutional guarantee remains? For if the principle of the "continuity of obligation" is wiped out, every Constitution, and the political security of every State, become the sport of circumstance. "Should Croatia wish to separate herself definitely from us, to include herself among the number of Austrian provinces, and to subject herself to the government and legislature of the latter, a hypothesis which, in our belief, the constitutional feelings of the Croats cannot allow to be realised, we shall make no attempt to raise any obstacles, though, on the other hand, we cannot give our consent, for the reason that we have no power to assent to the dismemberment of the realms of the Crown of St. Stephen." In the meanwhile, inasmuch as His Majesty claims the benefits, but repudiates the obligations resulting from the Pragmatic Sanction, and demands to be crowned,

but refuses to restore more than isolated fragments of the Constitution, Hungary must refuse to send representatives to the Reichsrath, which, in direct violation of the Pragmatic Sanction, and of Law x. of 1790, presumes to legislate on matters which are beyond the limits of its competence ; and the Diet must declare with regret that, in consequence of the Rescript, it is compelled to regard the thread of negotiation as broken off. The Address concludes with the words :—

It may be that hard times are again in store for our country, but we cannot avert them at the expense of our duty as citizens. The constitutional liberty of Hungary is no chattel of which we can freely dispose ; the nation has intrusted it to us, and we are responsible to our country and to our own consciences for its safe-keeping. The nation is prepared to suffer, if necessary, in order to be able to hand down to future generations that constitutional liberty which it inherited from its forefathers. It will suffer, but it will not despair, just as our ancestors endured and suffered in defence of the national rights ; for what might and power take away, time and favouring circumstance may be able to restore ; but the recovery of that which a nation abandons of its own accord for fear of suffering is ever a matter of difficulty and uncertainty. The nation will endure in the hope of a better future, and relying on the justice of its cause.

Deák was quite aware that he exposed his country to the risk of a further period of tyrannical violence, but was determined that it should not permanently abandon sacred rights for considerations of temporary convenience. How right he was in the view he entertained of the intentions of Vienna, in spite of the pseudo-constitutional spirit breathed by the Rescript, was proved by Schmerling's speech, delivered in the Reichsrath on August 23, which declared that "the Constitution of Hungary has not merely been destroyed by revolutionary violence, but has been forfeited *as of right*, and is in fact abolished"—in other words, that Francis Joseph was irrevocably determined to reduce Hungary to the position of a province of the

Austrian Empire. By way of reply to the second Address the Emperor ordered the dissolution of the Diet by military force. The county assemblies followed the lead of the Diet, protested against the violation of the Constitution, and exhorted the people to stand firm. Schmerling consequently dissolved the organisation of the counties,¹ and Count Forgács was entrusted with the task of restoring order, or rather of breaking down resistance to illegality. A refusal to pay taxes, which had not been voted by the Diet in accordance with constitutional usage, brought Austrian soldiers into play, and led to a repetition of the scenes of violence with which the country was already familiar. In spite of the protests of the Chief Justice and of the Court of Appeal, martial law was again established, with a view to a complete recurrence to Bach's system of absolutism and oppression, which, in Schmerling's opinion, was bound in the long-run to force the Magyars to give way, and to produce the desired incorporation of Hungary in the Austrian Empire.

Even Kossuth, who had always complained of Deák's "parochial views," and of his tendency to sit with folded hands waiting till the pressure of external circumstances should compel compliance with Hungary's demands, though forced to admit the effectiveness of Deák's second Address from the point of view of pure constitutionalism, was disposed to attach greater importance to other weapons than those provided by logic and knowledge of constitutional history. Only a few months after the conclusion of the Peace of Villafranca Italy was again seething with discontent ; and in September 1860, Pulszky, Kossuth's representative, was able to come to an arrangement with the Government of Turin, providing that in the event of a resumption of hostilities between Italy and Austria, Victor Emmanuel would send troops to Hungary, and would bind himself not to make peace till the

¹ Rescript of March 5.

independence of that country had been assured. A Hungarian legion was to be formed, and a rising was to take place in Hungary as soon as war was declared. The plan was adopted with enthusiasm by the emigrants, and many young Magyars left their country for Italy to join the legion, which, under the command of Garibaldi, Klapka, and General Türr, was to form the nucleus of the national forces. In spite of the negative results of the recent Italian war, the number was still considerable of those who were dissatisfied with the idea of playing a waiting game, and were convinced that salvation could come only from Kossuth, and from the proper utilisation of the opportunity for armed revolt which European complications were sure, sooner or later, to afford. To the enthusiasm of these militant patriots the publication of Kossuth's immature scheme for the establishment of a confederation of Danubian States was a deadly blow.

As early as 1851 Kossuth had come to the conclusion that Hungary could never hope to stand in splendid isolation between the devil and the deep sea, represented respectively by Austria and Russia,¹ but apparently he formed no definite scheme till the death of Cavour, the dissolution of the Magyar legion, and the *rapprochement* between Austria and France consequent on the acceptance of the crown of Mexico by the Archduke Maximilian, had made the probability of an Austro-Italian war comparatively remote. The prospect of the Eastern Question being the next matter to occupy the attention of Europe, convinced him of the necessity of having some cut-and-dried plan which would obviate the possibility of Hungary being
 1862. regarded as a *quantité négligeable* either at the beginning or at the end of a new episode in the history of the Balkan Peninsula. On the advice of Pulszky,² Canini, an Italian newspaper reporter, visited Kossuth, and discussed with him the possibility of a confederation of Hungary,

¹ *Schriften aus der Emigration*, iii. 707.

² *Éltem és Korom*, ii. 351 sqq.

Transylvania, Croatia, ~~they~~ ^{la}, and Moldo-Wallachia, which should supply the European necessity of a strong Power in the basin of the Danube. Kossuth's ideas were put on paper and signed by him without any intention that they should be made public, which they promptly were in the columns of the *Alleanza*,¹ with the result that public opinion in Hungary was greatly incensed against the ex-dictator, and that his reputation as a serious statesman received a blow from which it never entirely recovered. Instead of explaining that the statement published in the *Alleanza* was only a draft, and never intended for the public eye, Kossuth attempted to defend his immature scheme—the outcome of a blind hatred, which would rather split Hungary into three parts, and sacrifice Magyar interests to those of a mongrel Southern Slav confederation, than maintain any connexion with the House of Habsburg. The “common affairs” of the proposed confederation were to comprise not only military matters and foreign affairs, but all matters connected with customs-tariffs and commercial policy. The representation of the various States was to be proportionate to the population of each constituent factor of the confederation, and the executive power was to be vested, not in the Hungarian Government, but in a Senate composed for the most part of non-Magyar representatives. Hungary would scarcely have occupied the position of *prima inter pares*. The common legislative body was to decide what was to be the official language, and in Parliament each representative was to be allowed to use his native idiom. A more complete surrender of the historic rights, for which Hungary had fought and bled for centuries, could hardly be imagined than this scheme which involved the dismemberment of the realms of St. Stephen, and the abandonment of Magyar predominance, in return for the

¹ For the text as published see Jancsó Benedek, *Szabadságharczunk és a Doko-Román Törekvések*, pp. 304-308.

questionable benefits to be derived from association on equal terms with fragmentary, non-cohesive nationalities; an association which, owing to the wide divergence of social and religious interests, must necessarily be inharmonious. Kossuth was far from being the only one who disbelieved in the efficacy of a policy of passive resistance, as was proved by the arrest and trial, in 1864, of Paul Almásy, Stephen Nedeczky, and many other conspirators belonging to well-known families; but the vast majority was on the side of Deák, and the opinion that freedom must soon come to those who knew how to wait was general, not only in Hungary, but in all Europe as well.

The refusal of Hungary to send representatives to the Reichsrath was the death-knell of the February Constitution. The disgust of the Croats and Servians, who found that the gratitude of a dynasty, which their efforts in 1848 had helped to save, found expression in a germanising policy and in a total disregard of the national aspirations of the Southern Slavs,¹ gave final proof of the fatuity of Bach and of his successors, who failed to see the uselessness of attempting the final destruction of Hungarian independence without providing the subordinate races with a satisfactory substitute for

¹ "Auch in Kroatien wurde 1852 die freie Wahl der Gemeinderäthe bis auf weiteres aufgehoben; überall trat Willkür an die Stelle des alten Rechtes. . . . Kroatien war ebenso eine Provinz wie irgend eines der fünf Verwaltungsgebiete des rebellischen Ungarn."—Friedjung, *Österreich von 1848 bis 1860*, i. 426-427. "Hier aber wurde ein verhängnissvoller Fehler begangen, denn die Centralisation und Germanisation machten vor keiner Nationalität Halt: man wollte alle unterschiedslos beugen, Kroaten und Serben, Slowaken und Rumänen so gut wie die Magyaren, und selbst die Treuesten der Treuen, die Siebenburger Sachsen, wurden durch Zerstörung ihrer uralten Selbstverwaltung tief gekränkt . . . sie all der Rechte verlustig wurden, die sie durch Jahrhunderte geübt hatten. Damit war auch ihre lokale Selbstverwaltung vernichtet, nachdem zuerst ihre politische Autonomie aufgehoben worden war. Der Sachsengraf und die Nationsuniversität waren Antiquitäten geworden. So übles wie jetzt durch die Kaiserliche Regierung war ihnen unter keiner anderen Herrschaft zugefügt worden."—*Ibid.* 413-420.

the privileges which they had enjoyed as members of a constitutionally governed Hungary. Magyars and Slavs were equally determined to refuse to be incorporated in a new-fangled Austrian Empire. Only in Transylvania¹⁸⁶⁴ did the Government meet with some measure of success, for the Saxons and Roumanians finally decided to send representatives to the Reichsrath, in spite of the protests and abstention of the Magyars and the Szeklers, who maintained the validity of the reunion with Hungary pronounced in 1848. The attendance of Transylvanian deputies to some extent justified Schmerling's pretence that the Reichsrath was "full," *i.e.* was representative of the Empire as a whole, and could now deal with affairs which it was otherwise incompetent to treat, such as the Hungarian budget, and other financial matters hitherto dealt with by the Government in exercise of the extraordinary powers conferred by Clause xiii., to which reference has been made. But the position and authority of the Reichsrath was hopelessly shaken. Bohemia and Galicia saw clearly that the new Constitution was no more than a veiled continuation of the Bach system. For two years the Czechs took part in the proceedings of the Reichsrath, chiefly for the reason that they were anxious not to break with the Poles and Moravians, though they were often tempted to secede in a body when the germanising tendencies of the Government became too naked and unashamed. Finally, in 1863, they followed the Magyar lead, and notified the Reichsrath that they would take no further part in its deliberations, and only the German landowners and manufacturers were left to misrepresent Bohemia in the councils of the Empire.

Nothing shows more clearly the essential difference between Czechs and Magyars than this episode. As regards the claim to independence, the rights of the two nations are, possibly, theoretically indistinguishable. In the case of the former, independence was permanently

destroyed by the battle of White Mountain, and the Czechs now once again recognised and acquiesced in the accomplished fact by explaining their abstention merely by a reference to the unfairness of the franchise and to the inequality of electoral divisions. In the case of the latter, historic rights were only temporarily suspended by the capitulation of Világos; and the refusal to take part in a central Parliament was justified on the ground of the indestructibility of an ancient Constitution. In the case of the Czechs, the lapse of two centuries did but tighten the bonds of German domination; in the case of the Magyars, five years of passive resistance sufficed to prove to an obstinate autocrat the fact that Hungarian discontent involved the paralysis of Austria, and to compel surrender to the demands of a united and homogeneous nation. Even the Slovaks, who, in 1848, had been on the Austrian side, and had demanded the establishment of an autonomous "Slovákia,"¹ within a year refused to have anything to do with the Reichsrath, and expressed their anxiety for the re-establishment of the Hungarian Constitution and the formation of separate federalised States for each of the constituent nationalities of Hungary. But, for the moment, no fresh alterations of the "permanent and irrevocable" could be expected, for the Court considered Schmerling, the arch-centraliser, indispensable to the execution of its German policy. The failure of that policy, and the conviction that Austria had pulled the chestnuts out of the fire for Prussia's benefit in the Schleswig-Holstein campaign, and must eventually abandon the cherished hope of recovering its hegemony in Germany, satisfied the Liberals of Vienna that there was no alternative but to effect the permanent pacification of Hungary, not by force, but by recognising its exceptional historical position.

¹ See their petition.—Despatch 332, Ponsonby to Palmerston. *Correspondence*, etc.

As early as 1861 a body of opinion had begun to form in Vienna in favour of compromise on the basis of dualism¹ involving the establishment of a responsible Ministry in both countries, and of a common Ministry for the management of common affairs. Dualism was to be the first step in the direction of substantial unity,² which the existing system had proved its inability to effectuate. What proved to be the last session of the Reichsrath began in November 1864, and was characterised by a series of wrangles, the outcome of the disgust generated by the excessive use of Clause 13, which, as the Deputies now realised, reduced the Reichsrath to the level of a debating society.³ The feeling became general that the existing state of affairs could not last, and that some kind of compromise must be made with Hungary to enable the monarchy to settle down to business. The close of the Reichsrath was followed by the dismissal of Schmerling whom the Emperor had supported in the belief that his system of centralisation would consolidate the Empire, and enable it to play a commanding part in European politics. Like Bach, Schmerling had proved to be a broken reed, and his place was given to Count Belcredi, the popular governor of Bohemia, a strong Catholic with pronounced federalistic views, and therefore, theoretically, an enemy of the dualistic principle. The appointment was satisfactory to Catholic Austria (for the reason that it was considered to be conducive to the establishment of a counterpoise to Protestant Prussia), and to Bohemia, which prided itself on the theoretical equality of its rights with those of Hungary, and expected the recognition of its exceptional position should Belcredi bring federalism into fashion. But now as ever Hungarian opinion was the one thing that mattered.

¹ *Zur Lösung der Ungarischen Frage*, 1861, Fischhof und Unger.

² *Zur Einigung Österreichs*, 1862, Friedman.

³ "Schmerlingstheater" was the current nickname for the "narrow" Reichsrath. Krones, *Geschichte der Neuzeit Österreichs*, 769.

Diplomas and Patents, palliatives which might be tried with impunity on the hereditary provinces, had proved to be inflammatory rather than sedative when applied to Hungary, yet official believers in the efficacy, and official partisans of the "Verwirkungstheorie," who affected to regard Hungary as a fit subject for the experimental prescriptions of autocracy, were still to be found.¹ Lustkandl, ex-tutor of Rechberg's children and the father of the Tezners and Springers of to-day, undertook the task of destroying the historical basis of the Hungarian Constitution, and proving that a real union had existed between Hungary and Austria both before and after the Pragmatic Sanction.² He tried to prove that the February Patent with its Clause 13 was more liberal in the true sense of the word than the Hungarian Constitution, and that the Magyars with their passion for parliamentary government should have accepted it with joy.³ He denied the legality of the laws of 1848 chiefly on the ground that Ferdinand had been coerced, and, that "as the principle of constitutionalism had been openly proclaimed," could no longer treat with Hungary without reference to the representatives of Austria, or behave as "absoluter Herr"⁴—an argument which, if well founded, would be fatal to the validity of the February Patent of

¹ "Ungarn freilich war das grosse Fragezeichen, denn wenn hier auch Deutsche, Slawen und Rumänen zu gewinnen waren, so lag der Schwerpunkt doch in den Magyaren; und sie waren einig in dem Kampfe gegen den Zentralismus, der Ungarn zu einer von Wien regierten Provinz herabdrückte. Ob man in Ungarn einen oder fünf Landtage nach den neuen Verwaltungsbezirken berief: immer waren diese Körperschaften der Herd einer unversöhnlichen Opposition."—Friedjung, *Österreich von 1848 bis 1860*, i. 290.

² *Das Ungarisch-Österreichische Staatsrecht*. Vienna, 1863. See *supra*, p. 35 *sqq.*

³ See Schmerling's speech in the Reichsrath, August 23, 1862, in which he asserts that Hungary's rights are observed, and its privileges have been restored *subject only to the condition* that all matters connected with military service, finance, foreign affairs, and national economics are referred to the Reichsrath, and that the Constitution is "purged of superannuated relics."

⁴ *Ibid.* pp. 7 and 389 *sqq.*

which Lustkandl urged the grateful acceptance. The book which suffers from the fact that its arguments are largely founded on misquotations and intentional omission of inconvenient facts, served a useful purpose in that it provided Deák with an opportunity of making a contribution¹ (to which frequent reference has already been made) of inestimable value to the history of Hungary's constitutional development. 1865. He shows that, apart from the fact that the Pragmatic Sanction was a contract made, not with Austria, but with its Emperor, in 1848, there was no Austrian Constitution limiting the autocrat's power of negotiation with Hungary, even though the old heads of departments were rebaptized as ministers. He points out that Francis Charles and Francis Joseph were both present on the occasion of the ratification of the laws of 1848, a fact which was justly taken as indicative of their consent—an answer to Lustkandl, who asserted, but without a shadow of constitutional justification, that the consent of the next heirs was essential to the validity of the March laws. To the suggestion that ratification was extorted by force of circumstances, and consequently was invalid, Deák replies that all laws have been the result of the force of circumstances from Magna Charta onwards, and asks whether only those which have been passed without regard to contemporary conditions are to be considered as endowed with permanent validity.

Deák utilised his unsurpassed knowledge of his country's constitutional history, not merely for the purposes of destructive criticism, but to indicate the only direction in which a possibility of reconciliation of conflicting interests was discernible. In an article which appeared in the *Pesti Napló* of April 16, 1865,² he pointed out that since 1680 the monarch had more than once appeared as a *deus ex*

¹ *Adalék a Magyar Közjoghoz*, also in German, *Ein Beitrag zum Ungarischen Staatsrecht*. Pest, 1865.

² Set out in full by Kónyi, *o.c.* iii. 401 sqq.

machina, when the action of ill-advised or malevolent Ministers had brought matters to a deadlock. He denied that the Magyars were animated by separatistic desires, or wished for anything which would threaten the existence of the monarchy. On the contrary, Hungary, which had ever been a convinced adherent of the monarchical principle, while it took its stand on the Pragmatic Sanction, was prepared to bring its laws and institutions into harmony with those required by the interests of the monarchy as a whole, and had no wish whatever to stand in the way of the constitutional development of the Austrian provinces. The article, which Francis Joseph learnt with pleasure was from the pen of Deák, was not without effect. On the 30th of the same month the Emperor attended the races at Pressburg without military escort, and a week later went on to Budapest, abolished the courts-martial, re-established the Council of Lieutenancy, and promised that the Diet should soon be convened. The successor of Count Forgács, Count Hermann Zichy, who was chiefly celebrated for the fact that at a banquet given by the Mayor of Vienna he had pronounced himself as uncompromisingly in favour of the abandonment of Hungary's constitutional rights, retired from the office of Hungarian Chancellor, and Count George Mailáth was appointed in his stead. Finally, the issue on September 20 of an Imperial edict which suspended the February Constitution, removed the chief obstacle to agreement, and opened the door to the possibility of an arrangement.

For three hundred years the struggle had continued almost without intermission between Austria, trying to incorporate Hungary in a uniform Empire, and Hungary fighting in defence of its liberty. At last it seemed as if both parties were convinced of the necessity of a compromise on the basis of the recognition of actual historical facts. One of the causes of the war of 1848 had been the failure to make proper provision for the handling of

affairs of common interest, and the definition of such affairs was still the chief obstacle to agreement. Count George Apponyi was prepared to abandon Hungary's right of interference in questions of foreign policy, and, what would have been far more fatal, to leave all matters connected with Hungary's military contingent to the uncontrolled discretion of the Crown.¹ But even these concessions to Austria were insufficient, in the opinion of his former allies, the Conservatives, and feeling the impossibility of his attitude, "with one foot on the laws of 1848 and the other on the October Diploma," he gradually drifted into the camp of Deák, who occupied a position midway between the opportunism of Apponyi's memorandum and the uncompromising disinclination to make any concession to Vienna which characterised Tisza and the stalwarts of the Extreme Left. The ultimate compromise, the germ of which is to be found in the "Easter Article" of the *Pesti Napló*, to which reference has already been made, may be said to date from the appearance in the *Débatte* of Vienna of three articles,² inspired if not actually dictated by Deák. Taking his stand on the Pragmatic Sanction, the basis of the contractual relations existing between Hungary and the Austrian monarch, Deák deduces therefrom the necessity of admitting the existence of "common affairs," resulting from the recognised obligation of mutual defence in time of peace as well as in time of war. Both diplomacy and military matters must, consequently, be regarded as "common," more especially as the Diplomatic Service can only represent the monarch, who himself is "common."³ But the admission of the "common" nature of defence does not imply the abandonment by Hungary of its

¹ See his Memorandum presented to the Emperor in 1863.—Kónyi, *o.c.* iii. 302 *sqq.*

² May 1865. Text in Kónyi, *o.c.* iii. 422 *sqq.*

³ This is not strictly accurate. The monarch is identical, but not "common."

historic right to determine the numbers of its military contingent, the conditions of service, and the manner in which the necessary recruits are to be provided. Defence being common, it necessarily follows that finance, so far as the cost of military and diplomatic matters are concerned, must also be regarded as common. The proportion, therefore, in which the two countries must contribute requires to be settled by mutual agreement, and the funds so provided must be dealt with by a common Minister of Finance. Further, unless a customs barrier is again erected between Hungary and Austria, tariff questions, and commercial policy in general, require unity of treatment. Thus, the whole principle which ultimately developed into the *Ausgleich*, or Compromise, embodied in the law of 1867, is to be found in the above-mentioned articles. The foundation for subsequent agreement was provided, but endless opportunity remained for quarrelling over the nature of the superstructure.

In the state of affairs which followed the dissolution of the Diet and of the county organisation it was difficult for public opinion either to form or to express itself. The Hungarian Press was muzzled, and writers like Jókai, in whose opinion the opportunism of Apponyi and the conciliatory moderation of Deák alike involved a cowardly betrayal of the country's interests, were thrown into prison. A general refusal to pay taxes, the payment of which was rendered impossible, in many cases, by the droughts of the two preceding years, brought the soldier tax-collector on the scene; and it was only the want of a favourable opportunity which prevented a violent explosion of the pent-up forces of discontent from taking place. A safety-valve was provided by the convocation of the Diet, and the suspension of the Constitution of February 1861, by Patent dated September 20, removed the chief obstacle to compromise. But the true meaning of the history of the past sixteen years was not yet fully appreciated by Francis

Joseph, though the pseudo-constitutional centralisation of Schmerling had proved to be just as great a failure as the undisguised despotism of Bach. The object of both had been the consolidation and strengthening of the Austrian Empire; the result was the creation of a cancerous sore in the body politic on which the successive Patents and Diplomas of autocracy had acted as so many irritants. The contrast presented by the Austria-Hungary of 1847 and the Austrian Empire of 1865 should have sufficed to emphasise the obvious fact, that Magyar discontent entailed the paralysis of the Habsburg monarchy. The responsibility for Solferino rested chiefly with Bach, and failure to recognise the futility of Schmerling made Königgrätz inevitable.

CHAPTER XVIII

1865: "LET them make their programmes in Hungary if they like, we can revise them in Vienna."¹ Such was the comment of Schmerling's organ on a situation of the seriousness of which no Austrian statesman, with the exception of Francis Joseph himself, seems to have had more than the vaguest conception. Though the uselessness of attempting even a veiled incorporation of Hungary in the Austrian Empire should have been patent to all, Schmerling still believed in the possibility of compelling consent to some form of representation in a central Reichsrath, the composition and legislative competence of which could be so arranged and defined as, practically, to reduce the Hungarian Parliament to the level of a provincial Diet.² The Emperor alone seems to have realised the necessity of restoring the Hungarian Constitution; but, unfortunately, in his view restoration meant the issue of a new edition, revised and expurgated, at a moment when no variation of the original was capable of satisfying the requirements of a nation which knew that time was on its side, that the greater the delay in yielding to its demands the greater the certainty of its ultimate triumph, though few, if any, realised the fact that Deák's arguments would so soon be reinforced and emphasised by the Prussian needle-gun.

The opening of the Diet on December 14, 1865,

¹ *A Mag. Nem. Tört.*, x. 631.

² For his view see Fröbel, *Ein Lebenslauf*, ii. 375 sqq.

showed that Deák was supported by a compact majority of one hundred and eighty members. Ninety-four, under the leadership of Tisza, Ghyczy, and Nyáry, formed the Left Centre, the root of whose dissidence was distrust of what they styled the opportunism of Deák and Andrassy, and belief in the necessity of insistence on a strict interpretation of the Pragmatic Sanction, which imposed no obligation on their country save that which resulted from the personal identity of King and Emperor. Twenty extremists, who represented the views of Kossuth and of the exiled "bitterenders," saw salvation only in the severance of the last link which bound Hungary to Austria, and nothing but disgrace and disaster in the recognition of the possibility of compromise. A like number under Apponyi's leadership, desirous of office rather than devoted to principles,¹ were ready to accept almost any settlement of the questions at issue which would preserve the influence of the Habsburg monarchy in the councils of Europe, and would put an, even temporary, end to an intolerable situation. Unfortunately, as in earlier days, the existence of such a party led the Emperor to believe that Hungary was ready for the sake of peace to accept terms involving a practical recurrence to the state of affairs which existed before the passing of the March laws, and increased the difficulties which confronted the representatives of the common-sense of the nation.

The width of the gulf which separated Francis Joseph and Deák became apparent on the day of the opening of the Diet. The Emperor's speech² recognised the Pragmatic Sanction as the basis of the relations of Hungary and Austria, and as the starting-point for negotiation on the

¹ Letter of Eötvös to Andrassy, Aug. 1, 1865.—Kónyi, *o.c.* iii. 441. They considered the laws of 1848 to be incompatible with the maintenance of Austria's position as a great Power. At the same time they wished for a recurrence to the pre-1848 system of local government.—Beksis, *Kemény Zsigmond*, p. 320.

² See Kónyi, *o.c.* iii. 503 *sqq.*

subject of common affairs, but insisted on the revision and amendment of the March laws, on the ground of their inconsistency with the royal prerogatives, as a condition precedent to the restoration of the Constitution. Insistence on such a condition was necessarily fatal to the possibility of agreement, in that it amounted to the negation of the principle of legal continuity, the abandonment of which must shatter the whole fabric of the Constitution. Though the Emperor admitted the ineptitude of the theory that Hungary had forfeited all constitutional privileges as a basis for the reconstruction of the monarchy, the assumption that Hungary could be induced to accept the grant of a new or modified Constitution as a compensation for the abandonment of unquestionable rights, showed a total misconception of the juridical relations of Hungary and Austria, of the temper of the former country, and of the essential meaning of Deák's contentions. The Address¹ voted in reply to the King's speech respectfully pointed out the absurdity of a one-sided reference to the Pragmatic Sanction, of appealing to a contract for a justification of a total disregard of the obligations which it imposed. The consideration for Hungary's renunciation of its elective rights was the recognition of the inviolability of the Constitution as a whole, and of the indivisibility of the realms of the sacred Crown. A partial inviolability is a contradiction in terms; a denial of the principle of continuity of obligation would be fatal to the claims of the House of Habsburg-Lorraine to the throne of Hungary, as it would involve the excision of the fundamental condition of the "*pactum bilaterale*" contained in the laws of 1723. The Magyars, said the Address, rejoiced at the announcement of His Majesty's decision to grant a form of constitutional government to the hereditary provinces, for they saw

¹ See Kónyi, *o.c.* iii. 545-561; also Deák's speech of 22nd Feb. 1866, *ibid.* p. 578 *sqq.*

therein an earnest of an intention to restore the inalienable rights of their country; but joy was turned to mourning when the production of the October Diploma proved the inability of the monarch to recognise the difference which existed between his Austrian possessions, hitherto subject to autocracy, and the kingdom of Hungary, whose Constitution did not owe its existence to a royal grant or charter, but was part and parcel of the life of the nation, and was subject to modification only with the consent of two parties of equal competence—King and Parliament. The Diet expressed its readiness to proceed to consider the question of the revision of the laws of 1848 so soon as the restoration of Hungary's constitutional independence and territorial integrity was an accomplished fact; at the same time it pointed out that no legislative proposal could possibly have the binding force of law until the ceremony of coronation, which alone gave the King the necessary powers of ratification, had taken place. But it could not take place unless and until the person entitled to the throne had signed an Inaugural Diploma, and had taken an oath to maintain the Constitution and to observe the laws which his predecessors had confirmed. The Address concluded with a demand for the restoration of the old-established autonomy of the counties, and with a reference to the lessons of past history which proved that the security of the throne is proportionate to the attachment evinced by its subjects to their constitutional privileges.

As Deák reminded his countrymen, the hungry Esau sold his birthright for a mess of pottage, but though he received the stipulated consideration an intensified hatred was the result of the transaction. Hungary was no place for the opportunist politician. The Diet preferred a continuance of despotism and distress to the, even temporary, abandonment of the rights of which it was the trustee. How little effect the Address had on the

Emperor's intentions was shown by the terms of the reply,¹ received on March 3, in which Francis Joseph indicated those of the laws of 1848 which, in his opinion, were incompatible with the maintenance of the royal authority and with the proper management of affairs of common interest to Austria and Hungary. The authority conferred on the Palatine requires modification; the limitations imposed on the royal power of dissolving Parliament must be abolished; the whole question of local government needs reconsideration; and Law xxii., which provides for the establishment of a national defensive force, must be repealed prior to the re-establishment of a constitutional *régime*. The effect of the preemptory nature of this Rescript is distinctly discernible in the determined tone adopted by the Diet in its reply,² which points out the inconsistency of asking the nation to exercise its legislative functions while denying the binding force of existing laws, and more especially of that fundamental law which alone gave the House of Habsburg a *locus standi* to interfere in the affairs of Hungary. Until the coronation takes place in accordance with immemorial ceremony one of the necessary parties to the revision of laws is, constitutionally, non-existent, and there is no means of effecting any alteration in the legislation which has been expressly confirmed by the predecessors of the person entitled to the throne.³ The Diet therefore demands the *restitutio in integrum* of the constitutional

¹ Kónji, *o.c.* iii. 608 *sqq.*

² *Ibid.* iii. 626 *sqq.*

³ It is advisable that the reader should remember the words of the *Diploma inaugurale* signed by Kings of Hungary before coronation: "Quod praeter ab antiquo deductam haereditariam Regiam successionem Coronationemque, in reliquo universas et singulas communes istius Regni Hungariae Partiumque eidem adnexarum libertates, immunitates, privilegia, *statuta communia, jura, leges, et consuetudines* a divis quondam Hungariae regibus, et gloriosissimae memoriae praedecessoribus nostris, hactenus *concessas et confirmatas in futurumque condendas et per nos confirmandas . . . in omnibus suis punctis, articulis et clausulis . . . firmiter et sancte observabimus, per aliosque omnes et singulos inviolabiliter observari faciemus.*"

rights of the country as an essential preliminary to the consideration of, possibly necessary, amendments of the laws of 1848.¹ Too much blood had flowed in defence of those laws for it to be possible to return to the state of affairs which had existed before their passing, and the daily increasing probability of an Austro-Prussian war made a national surrender more unthinkable than ever. But Vienna was still blind to the real position of affairs, and amused itself with plans for the reconstruction of the governmental institutions of Hungary which involved the abolition of the essentials of independence, even of the title "Minister," and gave to Austria the undivided control of foreign military, commercial, and financial affairs.²

Hungary was better occupied. On March 1, to show its readiness to meet all reasonable requirements, and as an indication of its belief in the goodness of Francis Joseph's intentions, the Diet had appointed a committee, on Deák's motion, to consider the whole question of common affairs. The Committee, which consisted of sixty-seven members, fifteen of whom formed a sub-committee on which practically the whole work devolved, met for the first time on March 22 under the presidency of Count Julius Andrassy. The object of its labours, as defined by Deák, was to decide what matters should be considered as coming within the category of common affairs, and to what extent they were common; what steps were necessary to provide for the expedient handling of such affairs, and for the necessary expenses; in what manner and to what extent

¹ These laws were on precisely the same footing as any other laws passed since the time of St. Andrew, and could be abrogated or amended only in accordance with Law xii. of 1790-91: "*Leges ferendi, abrogandi, interpretandi potestatem in Regno Hungariae Partibusque adnexis legitime coronato Principi et Statibus ac Ordinibus regni ad comitia legitime confluentibus communen esse, nec extra illa exerceri posse, sua Majestas sacratissima ultro ac sponte agnoscit.*" As Kemény pointed out, if the laws of 1848 were invalid, Law iii. of that year, the only law in existence which recognised the existence of common affairs, would disappear from the statute-book.—Beksics, *o.c.* p. 269.

² Stephen Gorove's *Diary*, April 16, 1866; see Kónyi, *o.c.* iii. 651.

the representatives of the two countries should, from time to time, come in contact for the purpose of giving effect to any arrangement that might be adopted; and, lastly, to indicate what amendments of existing laws might be necessary for the purposes above referred to.¹ Of the members of the sub-committee, Tisza, Ghyczy, and Nyáry were, throughout the period of discussion, always in more or less violent opposition to the majority which represented Deák's views. The difference between the two parties lay in the fact that whereas the former was indisposed to budge from the strictly constitutional position (the foundation of which was the limitation of Hungary's political contact with Austria to that which necessarily resulted from the identity of King and Emperor, and from the sole obligation imposed on the former country by the Pragmatic Sanction, viz. the obligation of defending the Austrian dominions of its King), the Deákists were ready to give a wider meaning to the phrase "common affairs" than was properly deducible from existing legislation, and to make greater concessions, with a view to the expedient handling of such affairs, than could be justified by a strict interpretation of the essential principle of Hungarian independence. Tisza and his followers wished that the Hungarian army should be entirely distinct from the Austrian, save in so far as the identity of the Commander-in-Chief of both was concerned. Deák also desired military separation,² but was afraid lest negotiations might break down over this point,³ and therefore contented himself with the maintenance of Hungary's ancient right of voting men and money for an army which had, in fact, been "common" ever since 1714, though no constitutional justification for such community is to be found either in the laws of 1723, which gave effect to the Pragmatic Sanction,

¹ Kónyi, *o.c.* iii. 688, citing Ernest Hollán, one of the members of the sub-committee.

² Lónyay's *Diary*, May 7, 1866; see Kónyi, *o.c.* iii. 692.

³ *Ibid.* May 8.

or in subsequent legislation. As will be seen hereafter when we come to consider the effect of Law xii. of 1867, which incorporated the results of the deliberations of the sub-committee, it is more than questionable whether Deák's undoubted intention finds expression in that enactment, an acquaintance with which is essential to a comprehension of the relations of Austria and Hungary. As regards the relative merits of Deák's and Tisza's points of view, it will suffice for the moment to recall the fact that as the Pragmatic Sanction, the sole basis of the negotiations which culminated in the passing of Law xii. of 1867, does not even mention the obligation of common defence, it obviously cannot make the organs of defence common ; further, that the possibility of such community was excluded by the fact that Austria, as a German Power, was subject to military obligations with which Hungary, which never was a member of the German Confederation, was in no way concerned.

The whole history of the sub-committee is the story of the conflict of two irreconcilable principles, championed respectively by Tisza and Deák ; of the struggle of strict consistency in the interpretation of Hungary's obligations with considerations of expediency. Though victory temporarily rested with the latter, in reality the result was a drawn battle, the renewal of which was only a question of time. As regards common affairs Tisza took his stand on the fact that the dual control had hitherto been vested in the absolute ruler of the hereditary provinces on the one hand, and in the Hungarian Diet on the other ; and that Hungary's obligations were obligations towards Austria's Emperor and not towards Austria, between which, as a despotically governed country, and Hungary there never was any privity of contract.¹ Such being the case, it would have been a mistake, in Tisza's opinion, to make a new departure in the direction of an agreement

¹ See the minority report of the sub-committee.—Kónyi, *o.c.* iii. 749 *seq.*

with the hereditary provinces as distinguished from their monarch ; for though the latter had expressed his intention of conferring a Constitution on his Austrian possessions there was nothing to prevent his withdrawing at any time the concession intended to be made, and awkward complications might ensue if one of the parties to a contract to be entered into by two constitutionally governed countries again became subject to autocratic control, in spite of the fact that the abolition of parliamentary government in Austria could not affect Hungary's constitutional position. Any new arrangement with respect to common affairs required, in Tisza's view, to be made between Hungary and the Emperor, without regard to third parties, the importation of whom into the contract would change its whole character by converting it from a guarantee of the minimum rights of Hungary into a definition of its maximum rights. Tisza insisted that Hungary must retain its power of altering at any time, by agreement between the two equal legislative factors—King and Parliament—any arrangement which present expediency might dictate, and the interposition of a third party could only tend to limit Hungary's freedom of action. Deák, on the other hand, was convinced that the strongest guarantee of Hungarian independence was to be found in the conclusion of a contract, not between Hungary and an Austrian autocrat, but between two equal, constitutionally governed countries, whose identical institutions and community of interests would be the best protection against possible autocratic encroachment. That Tisza's contention was neither idle nor captious was proved by the subsequent political history of Austria, by the fact that the practical collapse of parliamentary government in that country, which might have made the compromise of 1867 unworkable if it had borne, as Deák intended it should, the character of a contract between Austria and Hungary, did not dislocate the whole machinery of State.

That the conflict of principles found a comparatively faint echo outside the committee-room was due to the confidence which Deák inspired in the mass of his countrymen, and nothing shows the greatness of his influence so well as the fact that the battle of Königgrätz did not cause the nation to make a unanimous and irresistible demand for the rejection of a compromise which the great majority of the Magyars would have accepted with joy on the eve of the outbreak of hostilities.

War was declared by Prussia and Italy on June 18, before the sub-committee had finished its work. That Hungary's immediate future depended on the issue of the campaign was obvious to all. It was generally anticipated that in the event of Austrian success the military party in Vienna would obtain the upper hand, and that the patient labour of the past years would be thrown away. If, on the other hand, a series of disasters should befall the Austrian arms, there was reason to fear a revival of the dormant revolutionary spirit which Kossuth and other exiles had done their best to keep alive.¹ The sub-committee was hastily summoned, Deák's draft report was accepted without discussion and immediately published, not only in order to prove to Vienna, at a critical moment, the good faith of the political leaders of the nation, but that Hungary might have the means of judging what there was to gain and what to lose, might stop to think before it allowed itself to be carried away by some hasty impulse, and exposed itself to reprisals at the hands of an infuriated Austria.² The same day the news arrived of the defeat of the Italians at Custozza, and twenty-four hours later the Emperor prorogued the Diet—a fair indication of what Hungary might expect if the fortune

¹ Gorove's *Diary*, June 19, Kónyi, iii. 679, 683-684.

² Deák feared that Francis Joseph might make a hasty peace with Prussia and Italy, and let loose his army of 300,000 men on Hungary.—Friedjung, *Der Kampf um die Vorherrschaft in Deutschland*, Stuttgart, 1908, ii. 379.

of war should continue to be favourable to Francis Joseph. Fair treatment and a conciliatory policy were obviously not to be expected from a victorious autocrat.¹ Continued success meant the consignment of the sub-committee's report to the imperial waste-paper basket, and the indefinite postponement of the re-establishment of constitutional government. Fortunately for all concerned, the war was of short duration, and the revolutionary party had little or no opportunity for effective action. "Austria is very tough," wrote Moltke, "and can lose two or three battles without great danger, but the outbreak of revolution in Hungary will put an end to the whole business."² Von Usedom, the Prussian envoy in Florence, convinced of the necessity of "striking Austria in the heart" in order to assure the final evacuation of Venice,³ was in close communication with the exiles; and Bismarck, resolved in the event of a prolongation of hostilities "to make an appeal to the Magyar nationality,"⁴ took steps to obtain the co-operation of a Hungarian legion under the command of General Klapka, one of the heroes of the fight for freedom in 1848.⁵ But Bismarck mistook the meaning of Hungary's outspoken enthusiasm for Italy and Garibaldi, and did not realise the extent of the dislike with which Germany, and Austria's connexion with Germany, was regarded. The Empress Elizabeth went to Budapest in order to see which way the wind was blowing, and the chivalrous manner in which she was received showed plainly enough that Hungary would not rise in arms to

¹ Even Friedjung admits that victory for Austria would have meant the rejection of Hungary's demands, *o.c.* p. 399.

² Marczali, *A Legújabb Kor Története*, p. 866.

³ Friedjung, *Der Kampf*, etc. i. 400.

⁴ *Reflexions and Reminiscences*, ii. 37, 38. Bismarck "hielt es für notwendig Österreich das Schreckbild der Revolutionierung Ungarns vorzuhalten."—Friedjung, *o.c.* ii. 538.

⁵ Klapka did in fact invade Austrian Silesia with less than 2000 men, who were to form the nucleus of a Magyar army, but the expedition ended in a complete fiasco.—See Friedjung, *o.c.* ii. 536-541.

please a Hohenzollern. At the same time the Magyars had no wish to risk their lives unnecessarily in the cause of Austrian domination in Italy and Germany, more especially as they knew that the maintenance of such domination would be fatal to their own prospects of liberty, and Austria's defeat at Königgrätz on July 3 was generally regarded as equivalent to a victory for Hungary. It was evident that, ejected from Germany, the house of Habsburg would be obliged to come to terms with the Magyars, if it did not wish to see the monarchy reduced to the level of a second-rate power. Bach and Schmerling, by making Hungary discontented, had weakened Austria, and disaster was the inevitable consequence. A Königgrätz was required to convince Francis Joseph and his advisers of the futility of absolutism, and of the rottenness of a system the essence of which was at one time the exploitation of Hungary as a colony, at another its treatment as a conquered country. Until Austrian hegemony in Germany was a thing of the past, no lasting peace with Hungary could be expected; and without such peace Austria could never hope to consolidate its position in order to be able to stand up to Bismarck and the new Prussia.

On July 18, Francis Joseph received Deák in secret audience and asked him straight out what Hungary wanted and what was to be done. Deák could, probably, have insisted on the unconditional restoration of the Hungarian Constitution on the basis of the laws of 1848 or of a strict interpretation of the Pragmatic Sanction, but apparently he felt that to extort better terms for his country than those which he had already formulated would be to sow the seeds of future strife, and replied that Hungary asked for no more after Königgrätz than it had demanded before the war began. Deák, no doubt, acted like a magnanimous gentleman, to whom it is impossible to kick an adversary when he is down; but the rules of politics differ from those of honour or of the prize-ring, and in the light of

subsequent history it would seem that he made a mistake in letting slip the opportunity of putting the relations of his country with Austria once for all on a satisfactory footing. Francis Joseph subsequently complained that Deák viewed the Austro-Hungarian problem from the purely juridical standpoint, and was incapable of appreciating the needs of the monarchy as a whole,¹ but the moderation of Deák's demands, more especially as regards the question of the military independence of Hungary, is a sufficient refutation of the charge of inability or unwillingness to understand the exigencies of the international situation. The Emperor was still smarting from the beating inflicted by Prussia and dreamed of revenge, whereas the last thing that Hungary wished to see was a revival of Habsburg ambitions with respect to Germany; no wonder, therefore, if Francis Joseph and the Hungarian statesman, though both desired a settlement of the questions at issue, approached those questions from opposite points of the compass. All difficulties and dangers had not been removed from Deák's path by the defeat of Austria. His task consisted in enforcing the recognition of the absolute parity of the two countries, and several obstacles still required to be surmounted. The first was the obstinacy of the Emperor with his fixed idea as to the necessity of military union and uniformity for the maintenance of the monarchy's character as a great Power and for the recovery of lost prestige. The second was the natural objection of the Viennese bureaucracy to the prospective loss of place and profit, its inveterate jealousy of the Magyars, and its desire to keep its hold on Hungarian purse-strings. Thirdly, there was the danger to be apprehended from Belcredi's encouragement of Czech pretensions, from Slav expectations of coming federalism, and from the belief that, expelled from Germany, the Emperor must necessarily throw himself into the arms of

¹ Lónyay's *Diary*, Aug. 31, Kónyi, *o.c.* iv. 44.

the non-German element in Austria.¹ For a time Francis Joseph failed to see that his defeat by Germany could be compensated only by a defeat by Hungary, and his German subjects to understand the obvious fact that their position of predominance in Austria could be maintained, in view of Slav numerical preponderance, only by the frank acceptance of the dualistic principle. The Magyars' only allies across the border were the irresistible logic of history and the Empress Elizabeth, and the fact that the course of the negotiations ran as smoothly as it did is possibly ascribable to the influence of the latter.

The first definite indication of coming triumph for the Magyar cause was the appointment to the post of Foreign Minister of Count Beust² (formerly Minister of King John of Saxony), whose appeal to Napoleon III. at the end of the late war, and steady support of Habsburg interests, had earned him the special dislike of Bismarck, and compelled the transference of his services from Saxony to Austria. His dislike of Prussia made him realise the fact that nothing but the preservation of their influence in Cisleithania could prevent the Germans of Austria from turning their eyes to Berlin, and that dualism alone could give a new lease of life to the somewhat dilapidated monarchy. A fortunate ignorance of Hungarian affairs enabled him to break away from the traditions of the governing caste of Vienna, and to disregard the bureaucrats' reading of the copy-book maxim, according to which compulsory union necessarily meant strength. Possibly a desire for revenge on Bismarck, with French assistance, was the mainspring of his action;³ he denies it, but the whole course of his policy

¹ See Lónyay's account of his and Andrassy's conference with Belcredi and Hübner, August 21. Belcredi said that the Germans in Vienna were in favour of compromise on the lines of the sub-committee's report, for the reason that they foresaw that it would result in hopeless confusion, and so, ultimately, to a return to strict centralisation.—Kónyi, *o.c.* iv. 24.

² October 30.

³ Bismarck calls him "that Saxon Minister in a bad temper."—*Reflexions and Reminiscences*, ii. 58.

down to 1870, when Magyar influence prevented the Franco-German war from developing into a general European conflagration, throws doubt on the value of the denial.¹ His enemies, and he had many, for the appointment of a foreigner and a Protestant was, naturally, unpopular in Vienna, complained of his weak-kneed attitude towards Magyar pretensions, and that he surrendered all along the line. He did surrender, but the fact of his having done so was a proof of strength of character rather than of weakness. It would have been easy for him to make a greater show of resistance to the irresistible, to have continued the interminable series of argumentative Rescripts so much in favour with his predecessors, but he was strong enough to be able to recognise the logic of accomplished facts, and to abandon a position which he knew to be untenable. A diplomat said of him: "He has buried Saxony, he has buried the German Confederation, and now he will bury Austria" — a phrase which fairly indicated the opinion entertained by jealous Austrian bureaucrats of an imported statesman, who, in their view, must necessarily be handicapped by the fact that he had not been trained in the musty atmosphere of Vienna archives; but in estimating the value of his services to Austria it is safer to be guided by the considered judgment of Friedjung than by the malevolent criticisms of the Saxon Minister's disillusioned contemporaries. "The Compromise," says the most objective of modern historians, "though of over-hasty construction as regards the financial part, and disadvantageous to Austria from the point of view of external policy, resulted in the rejuvenescence of the monarchy. That race which, animated by a proud consciousness of national individuality, had given only unwilling service to the Empire in 1859 and 1866, became thenceforth one of the strongest pillars of its might."² In other words, the reconciliation with the Magyars, to the effectuation of which Beust's recognition

¹ See his *Aus drei Vierteljahrhundert*, ii. 26 sqq. ² *Der Kampf*, etc. ii. 570.

of the inevitable largely contributed, restored, and alone was capable of restoring, to the Habsburgs the influence in Europe which the ineptitude of their policy towards Hungary had caused them to forfeit.

The Diet was summoned to meet on November 17th. The imperial Rescript¹ which was read on the opening day was not of a nature to satisfy the expectations of Deák and his party. Though the Rescript accepted in principle the results of the deliberations of the sub-committee, and announced the intention of establishing a "system of responsible government" in Austria as well as in Hungary, the ambiguity of a reference to the necessity of proceeding to a revision of the March laws seemed to give the lie to the statement that the Kingdom "stood on the threshold of the realisation of its desires," which nothing but the unconditional restoration of the Constitution was capable of satisfying. Tisza proposed the appointment of a committee for the purpose of drawing up a reply to the effect that the Diet refused to proceed to business until such unconditional restoration was an accomplished fact—an ultimatum to Francis Joseph, which, like that of the Resolutionists of 1861, might have shut the door to the possibility of further negotiation. One hundred and seven members voted in favour of the motion, an indication of the change which had come over public opinion since the meeting of the Diet in December 1865, of the weariness and disgust generated by the haggling and procrastinating tactics of Vienna. Any sign of weakness on Deák's part, of an inclination to compromise with his political conscience for the sake of peace, would have inflicted a fatal blow on his authority, and, consequently, on the prospects of the nation. Any indication of unreasoned hostility, such as that of which Tisza's ultimatum would have conveyed the impression, might have justified Francis Joseph in following the prompting of his native obstinacy which recent events

¹ Kónyi, *o.c.* iv. 80 sqq.

had temporarily mitigated. 'The Address,'¹ ultimately voted on Deák's motion, answered all requirements. Its firmness was of a nature to satisfy all but the irreconcilables, and the moderation of its tone was such that no offence could be given to imperial susceptibility. It declared afresh that no lasting and satisfactory compromise is possible between absolutism and a nation which has been deprived of its constitutional liberties. A conditional restoration of a Constitution is a contradiction in terms, a negation of the principle of continuity, abandonment of which would be subversive of the whole foundation of constitutional government. Unless and until a complete restoration has taken place no representative body is competent to undertake the revision of existing, or the enactment of new, legislation. In the meanwhile it is impossible to consider the observations which His Majesty has thought fit to make on the result of the labours of the sub-committee, which requires to be submitted, first of all, to the original Committee of sixty-seven members, whose report will be considered by the elected representatives of the nation so soon as the restoration of the Constitution has invested them with the necessary competence.

The result of the respectful firmness of the Address was soon apparent. On December 19, by the Emperor's instructions,² Beust started for Budapest in order to see Deák, and to inform himself on the spot of the true position of affairs. He came, saw, and was conquered. His great antagonist refused to shift his ground, to modify his demand for the complete restoration of the Constitution as a condition precedent to the revision of the March laws; and Beust, if he had the wish, had not the means to drive him from his position. The Austrian Govern-
1867, ment produced draft terms of compromise,³ based on the report of the Hungarian sub-committee, and closely

¹ See Kónyi, *o.c.* iv. 124 *sqq.* ² Beust, *Aus drei Vierteljahrhunderten*, ii. 84.

³ See Kónyi, *o.c.* iv. 163 *sqq.*

resembling it in form, though widely differing from it in certain important details. It accepted the Pragmatic Sanction as the foundation of the relations of the two countries, and the principle of complete parity as regards the management of common affairs. Like its prototype it provided for the appointment of common Ministers and of two Delegations invested with the control of the actions of such Ministers ; but its attempt to extend the functions of the Delegations at the expense of Parliament,—to create, in fact, something in the nature of a common legislative body, the existence of which would have implied Hungary's recognition of a much closer union with Austria than could be justified by a reference to the Pragmatic Sanction,—made its acceptance impossible. Beust and Andrassy finally agreed that the report of the sub-committee should be accepted as the basis of negotiation, but that certain modifications should be introduced with a view to the more accurate definition of Hungary's military relations with the Austrian Empire, to the maintenance of the "constitutional" rights of the King as supreme war-lord, and to the adoption of identical principles as regards the management of matters which, though they could not be regarded as coming within the category of common affairs, were of common interest to both countries. It was further agreed that, in the event of the acceptance of the proposed modification by the full Committee, the appointment of the responsible Hungarian Ministry should be delayed no longer.¹

The Committee resumed its labours on February 28, with a view to the amendment of the original draft in accordance with the alterations introduced by Deák into the text as settled by Beust and Andrassy. The minority report, signed by Tisza and by those members of the sub-committee who supported him, was withdrawn, but the fact of its withdrawal did not imply the abandonment of hostility to the suggested terms of compromise by those

¹ Beust, *Aus drei Vierteljahrhunderten*, ii. 86.

who took their stand on the principle the essence of which was the limitation of Hungary's obligations to those strictly deducible from the terms of the Pragmatic Sanction, and objected to everything in the nature of common institutions as derogatory, if not fatal, to the principle of Hungarian sovereignty and independence.¹ A certain amount of acrimony characterised the debates which ensued. Deák suggested that the opposition was of a disingenuous character, and that its authors would be the first to regret the failure of negotiations which aimed at restoring happiness and tranquillity to a distracted country.² In his turn Tisza contrasted the strictly constitutional attitude adopted by Deák in 1861 with that which he now assumed, and accused him of inconsistency—an accusation which is easily substantiated in the case of any politician who is not too young to have had the opportunity of making mistakes, or too foolish to be able to recognise them when made. Absolute consistency implies the possession of an omniscience which Deák was far too modest to claim, or an inability to profit by experience which no one could lay to his charge. The fact was that the strain and worry of the past years had begun to tell upon the "old gentleman," as he was affectionately called. He had missed the golden opportunity which Königgrätz had, apparently, offered of exacting full recognition of the constitutional rights of Hungary, and now, fearing the responsibility of exposing his country to a further period of alien rule, agreed to a compromise which involved the partial abandonment of a still defensible position. The prompt conclusion of an arrangement which might deprive Hungary of the undivided control of the expenditure of its blood and treasure seemed preferable to the continuance of a thinly disguised absolutism, or to the attainment of a victory so complete

¹ For these objections see Tisza's speeches of January 30, and that of Ghyczy, January 28.—Kónyi, *o.c.* pp. 219 *sqq.* and 253 *sqq.*

² Kónyi, *o.c.* iv. 298.

that its memory must perpetuate the friction which he hoped and believed was shortly to cease for ever.

On February 6 the report of the Committee, as amended, was finally approved, and twelve days later an imperial Rescript announced the restoration of the Constitution. Deák, to whom Francis Joseph had offered the post of Prime Minister, felt that he had earned the right to rest, and that the task of reorganising the Government of the country should be entrusted to younger hands. Count Julius Andrassy, "the providential man," as Deák called him, the originator of the scheme which provided for the appointment of an Austrian and a Hungarian Delegation to control the actions of the common Ministers,¹ undertook the formation of Hungary's second responsible Ministry, in which Eötvös, as Minister of Education, formed the connecting link between the new Government and the coalition Cabinet of 1848.² On March 9 the result of the deliberations of the Committee came before Parliament in the shape of a Government Bill, which was finally passed on May 29, by 289 votes to 89, practically in the same form as that in which it had left the hands of the sub-committee. The end had not been reached without a severe struggle, though the Deákists had been strengthened by the adhesion of a section of the Conservatives, which had abjured its heretical views as to the incompatibility of true parliamentary government with the interests of the monarchy as a whole, for fear lest its abstention should make possible the advent to power of Tisza and

¹ Andrassy originated the scheme, but was not responsible for the way in which the details were worked out. He strongly objected to the joint meeting for the purpose of voting on matters on which the Delegations might fail to agree, but he was overruled by Deák.—*Gróf Andrassy Gyula Beszédei*, ed. Lederer Béla, i. 152.

² The new Cabinet consisted of Andrassy, Eötvös, Wenckheim (Interior), Horvát (Justice), Lónyay (Finance), Gorove (Commerce), Mikó (Communications and Public Works), and Festetics, the Minister in attendance on the person of the Sovereign.

his adherents, who persisted in continuing the unequal fight both in Parliament and in the Press. Before the final vote had been taken, the exiled Kossuth made an eleventh-hour attempt to prevent the ratification of the terms of settlement, but without success. An open letter to Deák,¹ published broadcast in leaflets and in the newspapers, expressed astonishment at the fact that Königrätz had resulted in the diminution, rather than in the increase, of the demands put forward by the acknowledged leader of the nation; reproached him with digging the grave of Hungarian independence, and entreated him to reflect once more before taking an irrevocable step. The letter concluded with the words, "If I cannot carry with me to the grave the tranquillising consciousness of success, at least let me be accompanied by hope for the future of my country. I know that Cassandra's rôle was a thankless one, but remember that she was a true prophetess."² Deák wisely refused to be drawn into a newspaper controversy, and left to others the task of defending the policy of expediency, with the adoption of which Kossuth reproached him. Sigismund Kemény, Deák's chief journalistic lieutenant,³ and Francis Pulszky,⁴ took up the challenge which Kossuth had thrown down, and had little difficulty in proving that Kossuth's own plan for the formation of a confederacy of Danube States involved far more serious consequences to the cause of Hungarian independence, and of Magyar hegemony in Hungary, than a compromise based on the principle of absolute parity with Austria, for which the exiled leader's *pronunciamento* offered no alternative proposition. Kossuth's bombshell, intended to break the thread of negotiation

¹ See Kónyi, *o.c.* v. 1-8.

² Compare the letter of the exiled Rákóczy, who also had proclaimed the deposition of the Habsburgs, written at the eleventh hour to prevent the ratification of the peace of Szatmár arranged by Károlyi in 1711, *supra* i. 172.

³ See Beksics, *Kemény Zsigmond*, p. 324 *sqq.*

⁴ See his letter, Kónyi, *o.c.* v. 74, 75.

with Vienna, failed to attain its object. Few were to be found, even in the ranks of the exiles,¹ who wished to sever all connexion with Austria, or were prepared to stake the nation's future on the recurrence of European complications of such a kind as to afford a fresh opportunity of limiting Hungary's obligations to the minimum consistent with the due performance of its duty to defend the Austrian possessions of its King against foreign aggression.²

It needed no ill-considered intervention of Kossuth to show that the accepted terms of compromise contained the germ of future misunderstanding and discord, as was proved by Tisza's insistence on the necessity of retaining the right to modify by agreement between King and Parliament, without reference to third parties, any arrangement which considerations of temporary expediency might dictate.³ Deák was wrong in believing in the possibility of effecting a permanent settlement of all controversial questions. His "*gran' rifiuto*" on the morrow of Königgrätz was the outcome of a fear of the perpetuation of international jealousy and dislike, and of an exaggerated estimate of Habsburg ability to break with the traditions of the past. He at least acted with absolute good faith. Not so official Vienna, which believed it saw in the compromise the possibility of effecting in a roundabout way what it had failed to accomplish by direct means.⁴ The triumph of the dualistic principle was, in fact, complete. Pangermanism in its modern form had not yet been invented. Panslavism was not dead but sleeping. Serious opposition to the proposed terms of compromise was to be apprehended only in Bohemia, which saw in the final acceptance of dualism no more and no less than the

¹ When the grant of an amnesty permitted return to Hungary, most of the exiles became Deákists.

² Foreign diplomacy, said Andrásy, resembled the Roman people in the amphitheatre, which applauded the Christians if they made a good fight of it with the wild beasts, but never lifted a finger to help them.—*Beszédei*, ed. Lederer, i. 133. ³ See Kónyi, *o.c.* iv. 219. ⁴ See *infra*, pp. 254, 261, 262.

destruction of the expectations which Belcredi's known federalistic leanings had generated, and the loss of all hope of differentiation from the other hereditary provinces. The mutual jealousies of Pole and Ruthene, and the refusal of the Czechs to take part in a Parliament of Cisleithania, a geographical expression with which they were not acquainted, the existence of which they declined to recognise, did but facilitate the task of Beust and Andrassy. The dissentient nationalities lost sight of the fact that Königsgrätz could not fail to produce a tendency to *rapprochement* between Austrian Germans and the Magyars, which Slav hostility could only accentuate.

The Reichsrath met, but it was hard to say what its functions were, or what it represented, for the Constitution of 1861 had been abolished nearly two years ago, and nobody knew whether the elected representatives of the constituent nationalities had the right to discuss and amend the terms of compromise, or if they were summoned merely for the purpose of registering a formal assent. Belcredi, who wished to give the widest scope to their deliberations, realising, at last, the impossibility of further resistance to the demands of the Magyars, resigned his office on February 7, and made way for Beust.¹ Influenced by Andrassy, and aware of the Emperor's anxiety to get the matter settled as quickly as possible, the new Prime Minister made up his mind to throw the ready-made Compromise at the Reichsrath's head, with an intimation to the effect that it could take it or leave it. It took it, for it could not do otherwise, and a practically unanimous vote at the end of a debate, of the futility of which no one was more painfully conscious than the Reichsrath itself, gave final consecration to the dualistic principle, the principle of absolute parity, which to-day forms the basis of the relations of Austria and Hungary.

¹ See Wullersdorf, Minister of Commerce, in Kónyi, *o.c.* iv. 304 *seq.*

The failure of the document of December 2, 1848, in which Ferdinand announced his abdication of the Austrian throne, to make any mention of Hungary, was remedied by a special law, which recited the fact of the abdication of Ferdinand and of Francis Charles, and declared, once for all, that for the future no such renunciation could be valid as regards the Sacred Crown, unless and until Hungary had expressed its consent in proper constitutional form.¹ Early in June Francis Joseph signed the Inaugural Diploma, and took the oath in the Hungarian language to maintain all the rights and privileges of Hungary, to observe the laws passed and to be passed by the elected representatives of the nation in Parliament assembled, and to cause all others to do so likewise. A complete amnesty was granted to all political prisoners and exiles, and the coronation took place on June 8, in accordance with the ceremonies prescribed by immemorial tradition, amid scenes of unparalleled rejoicing, which reached its culminating point when announcement was made of the King's intention to devote the coronation gift of 100,000 florins to the widows and orphans of those who had fallen in Hungary's fight for freedom. And so the long struggle ended. The troubled relations which had existed between Hungary and the Habsburgs ever since the importation of the dynasty had been due, in early days, to the intentional misconception of successive kings of their constitutional position, and at a later period to an attempt to read into the Pragmatic Sanction, and the explanatory law of 1790, a meaning which they could not possibly bear. Law iii. of 1848, on the abolition of which, as a condition precedent to the restoration of the Constitution, Francis Joseph had vainly insisted, contained the first clear recognition of the existence of common affairs which required the joint management of the Hungarian

¹ See *Gróf Andrássy Gyula Beszédei*, ed. Lederer, i. 233.

Parliament and of the Austrian Emperor acting through the responsible Hungarian Minister in attendance on his person. Unfortunately, the absence from that law (which in reality increased rather than diminished the strict constitutional rights of the Sovereign) of a clear definition of what came within the category of common affairs led to misunderstanding and to war.

Altered circumstances and the proposed establishment of constitutional government in the hereditary provinces—a concession on the part of the imperial autocrat on which Hungary insisted as a condition precedent to its acceptance of the terms of the Compromise—necessitated the modification of the laws of 1848. In view of the existence of a responsible Ministry, a Palatine was no longer required to protect the constitutional rights of the country, and to act as a mediator between King and nation. That part, therefore, of Law iii. of 1848 which had reference to the Nádor's powers of representing the King was repealed, and the election to the office was postponed pending the passing of legislation with a view to a new definition of the limits of the Palatine's functions and authority.¹ Section 12 of the same law, which provided that the Prime Minister should submit the names of his colleagues to the King for "confirmation," was modified by an enactment to the effect that the Crown "appoints" the members of the Cabinet on the "proposal" of the Prime Minister.² Section 6 of Law iv. of 1848 forbade the prorogation or dissolution of Parliament before the adoption of the accounts for the past twelve months, and of the estimates for the ensuing period. Law x. of 1867 contains no such restriction, but provides that in the event of dissolution or prorogation Parliament must be summoned again in time to allow the accounts and estimates to be passed before the end of the current year—a provision which prevents a dissolu-

¹ Law vii. 1867.

² Law viii. 1867.

tion from taking place after the middle of November. Law xi. suspends the operation of Law xxii. of 1848 (which established a National Guard) pending the introduction of a measure dealing with the whole question of the reorganisation of national defence. The fact that no further modifications of the laws of 1848 were required to enable the relations of Hungary with the rest of the monarchy to be regularised in accordance with the widest possible interpretation of the Pragmatic Sanction, shows plainly enough how little justification existed for stigmatising the work of Kossuth and his contemporary legislators as unconstitutional and revolutionary. The sin of those legislators—if, in fact, any can be laid to their charge—was one of omission, not of commission. The sole objection that could fairly be raised to the March laws was that, though they admitted the existence of common affairs, they failed to provide either a clear definition of such affairs, or the necessary machinery for dealing with them. No doubt the omission could and would have been supplied if Ferdinand and his advisers had given the Hungarian Parliament time to settle down to business, but they preferred to cut the knot, though the process of untying it would, as it turned out, have been far less detrimental to the interests of autocracy.

The victory of Hungary's policy of passive resistance was also a victory for the hereditary provinces, which, but for the Magyars, would have asked in vain for anything more than the shadow of constitutional government.¹

¹ Belcredi asked Andrassy during the progress of the negotiations with Hungary: "Wenn die Forderungen Ungarns bewilligt werden, dann können wir Österreich doch so einrichten, wie wir es für richtig halten?" Andrassy answered: "Nein, das ist Ungarn nicht gleichgültig, denn Ungarn muss wünschen, dass Österreich ein Staat bleibe . . . Ungarn müsse wünschen, dass die Deutschen die Führung des Österreichischen Staates haben . . . wir bestehen auf einer einheitlichen Verfassung und Verwaltung für Österreich."—Rudolf Springer, *Grundlagen und Entwicklungsziele der österreichisch-ungarischen Monarchie*, Vienna, 1906, p. 46.

Deák's insistence on the grant of such government to Cisleithania necessitated the elaboration of a definition of common affairs, in the absence of which from the March laws despotism affected to find a justification of the unjustifiable. Such definition is supplied by Law xii. of 1867. The sole basis of the relations of Hungary and Austria is to be found in the Pragmatic Sanction, the essential consideration for the acceptance of which, as the preamble to Law xii. states, was the maintenance of the complete constitutional independence of the former country, of the indivisibility of the provinces of the latter, and of the security of both from foreign attack. Hungary, says Law xii., was at all times ready in the past, and always will be ready in the future, to do all that is *indispensably required* in accordance with the Pragmatic Sanction for the defence and maintenance of the common security, but will accept no obligation which is not *unavoidably necessary* for the purpose of such defence and maintenance (sect. 4). Hitherto all matters connected with the political relations of Hungary and Austria were managed without the intervention of any third party, by agreement between the Hungarian Diet on the one hand, and the Hungarian King, who was at the same time absolute autocrat in the hereditary provinces, on the other ; since, however, His Majesty has expressed his intention of conferring a Constitution on those provinces, he can no longer have unlimited power of representation, but must admit their constitutional influence on common affairs (sect. 5). As to what matters come within the category of common affairs the Pragmatic Sanction is the sole criterion (sect. 6). The monarch is common,¹ inasmuch as the Hungarian Crown belongs to the person who is entitled to that of Austria, but it does not follow that the Court expenses are necessarily common ; on the contrary,

¹ As has already been pointed out, this is not strictly accurate. The Monarch is identical, but not "common."

they require a separate vote of the Hungarian Parliament (sect. 7). The expedient management of foreign affairs is one of the means of common and united defence, the necessity of which flows from the Pragmatic Sanction. Such management demands community of action in all such matters as *jointly* interest *all* the States under His Majesty's rule; consequently, questions connected with diplomatic and commercial representation, and with international treaties, come within the province of the common Minister of Foreign Affairs, acting in concert and in agreement with the Austrian and Hungarian Ministries, whose duty it is to communicate international treaties to their respective Parliaments.¹ Hungary, therefore, admits the community of such matters, and will contribute to the expense of their management to an extent to be subsequently determined (sect. 8).

The other organ of common defence is the army, as regards the community of which the following principles, subject to those already enunciated,² are laid down. *As the result of the constitutional rights* of the monarch in relation to military affairs, the management of all that has reference to the unity of command, leadership, and internal organisation of the *Hungarian army*, as a complementary part of the *whole* army, is recognised as belonging to His Majesty's province (sects. 9, 10, 11). On the other hand Hungary retains the right of legislative and executive control, *on the basis of existing legislation*, of all matters connected with the supply of recruits, the conditions of such supply, the fixing of the period of service, the distribution and provisioning of the troops. As far as Hungary is concerned, the organisation or reorganisation of the system of defence at all times requires the assent of the Hungarian Parliament; as, however, such organisation

¹ See *infra*, p. 257.

² I.e. Hungary's obligations are qualified by the essential principles and object of the Pragmatic Sanction, as defined above, and by the words "*indispensably required*" and "*unavoidably necessary*" in sect. 4.

or reorganisation can be expediently effected only on the basis of similar¹ principles, the two Ministries will lay legislative proposals embodying such principles before their respective Parliaments, which, in the possible event of disagreement, will communicate with each other through the medium of deputations, with a view to the settlement of such disagreement (sect. 13). As regards the civic relations of all members of the Hungarian army, the Hungarian Legislature retains complete control (sect. 14). Military expenses are common to Austria and Hungary to the extent that the proportion in which Hungary will contribute to such expenses is to be settled by mutual agreement in the manner hereinafter provided (sect. 15).²

Financial matters are common so far as such expenses are concerned as have reference to the matters the community of which has been expressly recognised, but the assessment and collection of the sum necessary to enable Hungary to pay its share of such expenses belong exclusively to the province of the Hungarian Parliament and responsible Ministry (sect. 16); as do all matters connected with other branches of State expenditure and taxation, to the complete exclusion of foreign (Austrian) interference (sect. 17). For the purpose of ascertaining the proportion in which Hungary should contribute to the expense of those matters, the community of which admittedly results from the Pragmatic Sanction, each legislative body will appoint a deputation from among its own members which will assess the quota or proportion in which such expense should be borne by Austria and Hungary respectively, and will submit the result of their deliberations for discussion by the respective legislative bodies. Should the two deputations fail to arrive at an agreement, the opinion of both shall be submitted to both Parliaments, which, if they cannot agree, will submit the matter to His Majesty for final decision

¹ Lit. "equal."

² See *infra*, pp. 268 *sq.* 289.

on the basis of the data supplied to him. The assessment shall remain in force for a fixed period only, on the expiration of which the same process must be adopted for the purpose of arriving at a fresh agreement (sects. 18-22).

As regards the method of handling such affairs as have been defined as common, though the Pragmatic Sanction does not necessitate community of management, the change of circumstances resulting from the grant of constitutional government to Austria makes such community expedient, and the Hungarian Parliament expresses its *willingness* to be brought in contact with the non-Hungarian realms of His Majesty in their character of constitutionally governed countries subject to the maintenance of the independence of both parties. It follows, therefore, that one of the *fundamental conditions* of Hungary's consent to the present arrangement with respect to common affairs and their management is the *maintenance of the Hungarian Constitution* (sects. 23, 24). The second fundamental condition is that *true constitutional government* shall be brought into existence in the hereditary provinces, for Hungary can be brought into contact for the purpose of common affairs, of whatever nature they may be, only with the constitutional representatives of such provinces (sect. 25). A common Ministry must therefore be established for the purpose of dealing with specifically common affairs, which said Ministry will exercise its functions within the strict limits of such affairs, and will exert no influence on the Government either of Hungary or of Austria. Hungary does not admit the expediency of establishing a central or common Parliament of *any kind whatever*,¹ and will not agree to its establishment, but adheres to the principle of the separation and complete equality of the realms of the Hungarian Crown on the one hand, and of the hereditary provinces on the other. Consequently, *complete parity* is an in-

¹ See *infra*, pp. 254, 255.

dispensable condition as regards the management of common affairs (sect. 28).

In pursuance of this principle of parity the Hungarian Parliament and the Legislative Assembly of the hereditary provinces will each elect, from among the members of its own body, a Commission (Delegatio), consisting in each case of not more than sixty members, elected for one year, or for one session, at the expiration of either of which their functions entirely cease (sects. 29, 30). These Delegations will be summoned to meet at a fixed date, at the place of residence of His Majesty, but the Hungarian Parliament desires that their sittings should take place alternately at Pest and at Vienna (sect. 32). Each Delegation will deliberate separately, the result of its deliberations will be decided by vote, and the decision so arrived at will be regarded as the decision of the Delegation as a whole. The two Delegations may not deliberate together, but each will communicate its views and decisions in writing to the other, each in its own language, together with an official translation. If after these exchanges of messages the two Delegations are unable to agree, either of them may demand a joint sitting for the purpose of settling the matter at issue by a joint vote. As the maintenance of absolute parity is of essential importance, if, for any reason, any of the members of either Delegation are absent, the other Delegation will reduce its numbers proportionately by drawing lots. Numerical equality having been thus obtained, the question at issue will be decided in accordance with the vote of the majority (sects. 33-36). The functions of the Delegations are limited to those affairs which are specifically referred to them as common, and the Delegations cannot interfere in matters which are included in the competence of the Hungarian Parliament and Government. Within the limits of its authority, the Hungarian Delegation represents the Hungarian Parliament, *vis-à-vis* the

hereditary provinces, and is not to be bound by preliminary instructions (sects. 37, 38). It is the right of the members of the common Ministry, and its duty, if summoned, to appear before the two Delegations, and to answer questions and afford necessary information, either verbally¹ or in writing (sect. 39). The most important part of the duties of the Delegations is the preparation of the annual estimates of the cost of common affairs. The common Ministry prepares such estimates in conjunction with¹ the two separate responsible Ministries, for separate discussion by the two Delegations, which, failing agreement, decide the question at issue by a joint vote in the manner above provided. The estimates so arrived at cannot thereafter be made the subject of discussion by either country, but each must bear its share of the cost of the estimated expenditure in the proportion fixed by the Quota-Deputations. The *question of amount* cannot be debated, but the assessment and collection of the necessary taxation belong exclusively to the competence of the Hungarian Parliament and the responsible Hungarian Ministry. The amount of Hungary's contribution to the payment of common expenses is to be handed in monthly instalments by the Hungarian Ministry of Finance to the common Finance Minister, who will be responsible for the application thereof to the proper objects. The monthly instalments so to be handed over are to bear the same proportion to Hungary's national expenses as those expenses bear to the expenses of common affairs. The auditing of the accounts of the common Finance Minister forms part of the duties of the Delegations (sects. 40-42). All proceedings of the Delegations are to be conducted on the same lines as those above indicated. Such of their resolutions which require to be submitted to His Majesty for confirmation are invested, when confirmed, with binding force, but require to be notified by His Majesty to

¹ Lit. "under the influence of."

both legislative assemblies through the medium of the respective responsible Ministries. The duty of giving effect to such resolutions devolves, as regards Hungary, solely on the Hungarian Ministry, as well as that of assessing and collecting the taxation rendered necessary by such resolutions, and by the Budget as passed by Parliament (sect. 43). The Delegations' powers of initiative are strictly confined to those common affairs to which its competence, as herein defined, extends (sect. 44). The dissolution of Parliament necessitates the election of a new Deputation by the new Parliament (sect. 44).¹

In addition to the common affairs described above, which, inasmuch as they derive from the Pragmatic Sanction, require common management, there are other important matters which, though not common within the meaning of the Pragmatic Sanction, from considerations of policy, or in consequence of the identity of interests of the two countries, can be more expediently managed by common agreement than by strict separation of control. As regards the public debt, though Hungary, in consequence of its constitutional position, is, strictly, under no obligation to accept responsibility for any debts which have been contracted without the consent legally expressed of that country, Parliament has, nevertheless, expressed its willingness, in consideration of a complete restoration of constitutional government in Hungary, and of the grant of a Constitution to the hereditary provinces, and from considerations of policy and equity, to do what it can, without prejudice to the Kingdom's independence and constitutional rights, to prevent the monarchy from collapsing under the burden of accumulated debt, and to ward off the consequences of the recent period of autocratic government. The Kingdom is, therefore, ready to enter into negotiation with the hereditary provinces *as one*

¹ Sects. 47-51 deal with the immunity from arrest, liability to indictment, and other cognate matters.

free country with another with a view to Hungary's acceptance of a part of that burden. For the future, however, no loan is to be contracted on the joint credit of Austria and Hungary without the legally expressed consent of the Hungarian Parliament, which also requires to be consulted as to the employment of the proceeds and the terms of repayment (sects. 52-57).

It does not follow from the Pragmatic Sanction that commercial matters are common, for, according to the meaning of that enactment, the realms of the Hungarian Crown are juridically independent of the other realms of the Monarch, and are entitled to manage such matters through their own responsible Ministry and Legislature, and to regulate their commercial affairs by means of customs barriers. As, however, there are numerous and important points at which the interests of Hungary and those of His Majesty's other dominions come in contact, Parliament is prepared to enter from *time to time* into a customs and commercial alliance with such dominions for the regulation of those questions which have reference to commerce, and in order to settle the method of handling commercial affairs. Such alliance shall be arrived at by negotiation *as between two juridically independent States*. The two responsible Ministries, acting in agreement, shall prepare a Bill embodying the details of the proposed alliance, and shall submit the same to their respective Parliaments, and the resolution arrived at by the two legislative bodies shall be submitted to His Majesty for his sanction. The effect of commercial treaties hitherto made with foreign countries will, in consequence of such alliance, be extended to Hungary (sects. 58-63). On the formation of such an alliance, such rules may be adopted with respect to indirect taxation, its nature, proportion, and handling, as will exclude the possibility of either of the two responsible Governments or Legislatures adopting such a mode of procedure as would involve the crippling of the

resources of the other. At the same time a basis may be fixed with a view to concerted action as regards future reform of such taxation by both Legislatures, as well as with a view to uniformity of management and control of the customs barrier as a whole. The revenue resulting from customs duties is to be applied in the first instance to the payment of the expenses of common affairs (sects. 63, 64).¹

With a view to the promotion of trade interests an agreement may be come to, at the time of the formation of a commercial and customs alliance, as to what railways require community of management, and as to the extent of such community. The management of all other railways shall be a matter exclusively for the Ministry and Legislature of that country through whose territory such railways run (sect. 65). It is not only desirable, but necessary in the interests of both countries, that the coinage and monetary basis of both should be equal; an agreement must therefore be come to with respect to these matters on the occasion of the formation of the above-mentioned alliance. Should any subsequent modification or rearrangement of the coinage and monetary basis be necessary or expedient, it must take place by agreement between, and with the approval of, the two legislative bodies. It is self-understood that the privileges of the Magyar King with respect to the minting and issue of coinage are maintained in full force. The amount of Hungary's annual contribution in connexion with the public debt will be determined by free negotiation at the time when the quota (or rate in which Hungary contributes to the cost of common affairs) is fixed, and the customs and commercial alliance is entered into. *It is self-understood that if and so far as no agreement can be arrived at with respect to the matters enumerated in sections 58 to 67, Hungary retains its independent legal right of*

¹ See *infra*, pp. 272-282.

dealing with the same, and that all its rights with respect thereto remain unimpaired (sect. 68). The extent to which the other dominions of the Hungarian Crown will take part in the Delegation will be subsequently determined. The above resolutions will become law so soon as they have received the royal sanction, but those sections thereof which refer to the handling of common affairs will come into force only so soon as the realms of His Majesty which do not belong to the Hungarian Crown have expressed their adherence to the terms thereof in constitutional manner (sect. 69).¹

Though Hungary was under no obligation to accept any responsibility for Austria's public debt, which had not been contracted with Hungary's consent or for its benefit, it undertook (Law xv. of 1867) to contribute 29,188,000 florins annually to the interest and sinking fund,² subject to the reservation that no future loan should be contracted on the joint credit of Hungary and Austria without the consent of the Hungarian Parliament. Should such consent be given Hungary undertakes to contribute to the interest and sinking fund of the new loan in the same proportion as that in which it contributes, at the moment of issue of such loan, to the cost of common affairs as defined by Law xii. The ratio of Hungary's contribution to the cost of such affairs was fixed at 30 per cent for the ensuing ten years by Law xiv., which also provided that the net proceeds of the customs duties should be applied in the first instance to the payment of drawbacks, and that the balance should be applied in reduction of the common expenses.

By Law xliii. of 1868 Transylvania was reincorporated in Hungary; and Law xxx. of the same year regularises the relations of the latter country with Croatia and Slavonia. The Diet of 1861 had recognised the importance

¹ For the corresponding inaccurate Austrian law see *infra*, pp. 263 sq. 293, 294.

² *I.e.* about 21 per cent of the total, see *Gróf Andrássy Gyula Beszédei*, ed. Lederer, i. 281 sqq.

of coming to terms with Croatia,¹ which dreamed of the possibility of a separate existence, of a dissolution of the immemorial connexion with the Crown of St. Stephen. Königgrätz resulted in a temporary revival of Panslav aspirations, but as soon as the terms of the compromise were settled, and it became evident that no encouragement for separatistic tendencies could be expected from Vienna, the party in favour of reunion with Hungary obtained the upper hand. Two committees were appointed for the purpose of settling debatable questions, one by the Hungarian Parliament, one by the Croatian Diet, and Law xxx. of 1868 was the result of their deliberations. The unity of the realms of the Sacred Crown is, in principle, fully maintained, and the theory of Croatian independence is negatived by the preamble to the law, which states that "Croatia and Slavonia, both juridically and in fact, have belonged for centuries to the Crown of St. Stephen," and that the inseparability of the realms of that Crown has been declared by the Pragmatic Sanction. Slavonia, which, up to 1848, had received direct representation in the Hungarian Diet, was now joined to Croatia, while Dalmatia, its right to demand the incorporation of which Hungary has never abandoned, was left under Austrian control.

Hungary and Croatia-Slavonia form, *vis-à-vis* the other dominions of the Monarch, a single political entity, and crowning with the Sacred Crown of Hungary is all that is required to invest the King with authority over Croatia-Slavonia (sects. 1, 2). It follows, therefore, that as regards matters which are common, or of common interest to the realms of the Sacred Crown and to the hereditary provinces of Austria, in accordance with the terms of Laws xii., xiv., xv., xvi. of 1867, Hungary and Croatia-Slavonia must be jointly

¹ It was Paul Somssics who originated the famous phrase as to the necessity of keeping a "clean page" for Croatia in the book of the Hungarian Constitution.

represented by a common Legislature and Executive. The fact that the effect of the said laws extends to Croatia-Slavonia is expressly recognised, on the understanding that, for the future, no similar fundamental statutes or agreements shall be enacted or made without the legal intervention of that country (sects. 3, 4). Affairs of common interest to Hungary and Croatia-Slavonia, which require to be dealt with by the common Legislature and Government, comprise the vote for the expenses of the Court, the vote of the annual contingent of recruits, the organisation of defence, and legislation with respect to the obligation to perform military service, and the quartering and provisioning of the troops (sects. 5, 6, 7). Finance is common as regards the whole system of taxation, the imposition of direct and indirect taxes, their assessment, collection, and handling, the vote of the expenses of common affairs, the issue of new State loans, and the conversion of existing ones. These, and all other matters connected with the common financial affairs of all the realms of the Sacred Crown, require to be controlled by the common Legislature. Coinage and the monetary basis also constitute common affairs, as do the consideration and approval of commercial treaties which are of common interest to all the realms of St. Stephen's Crown; matters relating to banking and insurance; weights and measures; and, in general, all affairs connected with commerce, customs duties, posts and telegraphs, railways, ports, navigation, and such State roads and rivers which are of joint interest to Hungary and Croatia-Slavonia. Common affairs also comprise questions relating to the control of foreigners, citizenship, and naturalisation (sects. 8-10). Croatia-Slavonia recognises the obligation of contributing to the expenses of the common affairs of Austria and Hungary, and of Hungary and Croatia-Slavonia. As regards the first category, the share of Croatia-Slavonia is fixed for the

ensuing ten years at 6.44 per cent, but Hungary agrees that during that period a sum of 2,200,000 florins shall first of all be deducted from the revenues of Croatia-Slavonia, and shall be applied in payment of the cost of the internal government of that country, which sum shall be provided by setting apart 45 per cent of the revenues. The balance of 55 per cent shall be paid into the common Treasury (sects. 11-17). The executive control of the direct or indirect taxation, revenues, stamps, etc., of Croatia-Slavonia, is vested in the Hungarian Minister of Finance, who will exercise the same through the financial administration to be appointed in Agram. If the 45 per cent above referred to proves insufficient in any year to meet the expenses of the internal government of Croatia-Slavonia, Hungary will advance the balance required. If it is more than sufficient, the surplus is to be applied to the payment of the cost of common affairs (sects. 22, 25, 26).

The legislative control of all matters which are common to the realms of the Hungarian Crown and the other dominions of His Majesty, as well as of those matters which, as hereinbefore provided, are common to the realms of the Hungarian Crown, is vested in the common Parliament which will sit in Pest every year. In that Parliament Croatia-Slavonia will be represented by twenty-nine deputies chosen by the Diet of Croatia-Slavonia from among its own members. If the number of Hungarian Members of Parliament is subsequently increased, the number of the representatives of Croatia-Slavonia will be increased in the same proportion, regard being had to the relative numbers of the population of Hungary and Croatia-Slavonia (sects. 31, 32).¹ The representatives of Croatia-Dalmatia shall have the same rights of speaking and voting as the other members of

¹ On the reincorporation of the frontier districts the number of Croatia-Slavonian representatives was increased to forty.—Law xxxiv. of 1873.

the common Parliament *as regards all those matters which are hereinbefore recognised as common* (sect. 35). In the Hungarian Upper House Croatia-Slavonia will be represented by two deputies chosen by the Diet (sect. 36). In the Delegation to be appointed, in accordance with clause 28 *sqq.* of Law xii. of 1867, Croatia-Slavonia will be proportionately represented, that is to say, by four of their representatives in the Lower House, and by one from the Upper House. The executive control of all matters which are defined by Law xii. of 1867 as common to the realms of the Hungarian Crown and to the other dominions of His Majesty, as well as of all those matters which, as hereinbefore provided, are common to the realms of the Sacred Crown, is vested in the central Government residing in Budapest (sects. 40, 41, 43). A Minister without portfolio will be appointed to represent the interests of Croatia-Slavonia, and to represent the connexion between His Majesty and Croatia-Slavonia. Such Minister will be a member of the common Cabinet, will be entitled to vote as such, and will be *responsible to the common Parliament* (sect. 44). The central Government will endeavour to act as regards Croatia-Slavonia in accord with the separate Government of those countries, but will be responsible only to the common Parliament in which Croatia-Slavonia is represented (sect. 45). The central Government will, as far as possible, and having due regard to efficiency, appoint Croato-Slavonians to official positions in Croatia-Slavonia (sect. 46).

As regards all matters the control of which is not expressly reserved to the common Parliament and central Government, Croatia-Slavonia enjoys complete legislative and executive autonomy. Its autonomous rights, therefore, include the legislative and executive control of local Government and of religious, educational, and judicial matters (sects. 47, 48). The head of the autonomous Government is the Bán, who is responsible to the Croato-

Slavonian Diet, and will be appointed by His Majesty on the nomination of the Hungarian Prime Minister, whose counter-signature such appointment will bear. Henceforth the Bán will not exercise military functions (sects. 50, 51, 52). The organisation of the autonomous Government will be determined by the Diet of Croatia-Slavonia, and the details will be submitted by the Báni to His Majesty for approval (sect. 54). In Croatia-Slavonia the official language of the Legislature, administration, and judicature, is the Croatian, as is that of the organs of the central Government employed in those countries. Reports and presentments from Croatia-Slavonia to the common Ministry, and the replies thereto, will be couched in the Croatian language. It is further provided that the deputies of Croatia-Slavonia, as representatives of a political nation which possesses a separate territory, and, *as regards internal affairs*, its own Legislature and Government, may use Croatian *also*,¹ in the common Parliament and in the Delegation (sects. 56-59). In connexion with internal affairs the Croato-Slavonian flag and arms may be used, as regards the latter, below the Crown of St. Stephen. During the discussion of common affairs the Hungarian and Croato-Slavonian flags will be hoisted side by side on the House of Parliament (sects. 61, 63, 64). The law concludes with a declaration to the effect that, after it has received the royal assent, it is to be incorporated in the Statute-book both of Hungary and of Croatia-Slavonia as a common fundamental law, into which no change can be imported without the concurrence of all the factors which brought it into existence (sect. 70).²

¹ *I.e.* as well as the official language of State, the Magyar language. This clause must obviously be read subject to clause 35, which gives the Croatian representatives the right of speaking and voting in the Hungarian Parliament on matters which are defined as common and on no others. They have not the right to speak on purely Hungarian matters in Croatian or in any language, much less to use the Croatian dialect solely for obstructive purposes in connexion, for example, with the revision of the rules of the House.

² See *infra*, p. 312.

The difference between this law and Law xii. of 1867 is sufficiently obvious. The object of the latter was the affirmation of Hungarian sovereignty and independence, and the definite establishment of the dualistic principle, whereas the essence of the former was the reaffirmation of the indivisibility of the realms of the Sacred Crown (which, *vis-à-vis* the other possessions of the Monarch and the rest of the world, form a single political entity), and the grant of autonomy, within strictly defined limits, to Croatia and Slavonia, which are thus converted from "subject or annexed parts" of the Hungarian Kingdom into a single associated State for the purpose of local self-government. The autonomous rights conferred by Law xxx. must be interpreted in the light of the clear statement which it contains of this principle of indivisibility, and no matter how extensive the right of self-government may seem to be, the cardinal fact remains that the King of Hungary is necessarily and *ipso facto* King of Croatia-Slavonia, that crowning with the Sacred Crown is all that is required to give him regal authority in that part of his Hungarian dominions, and that the competence of the Croatian Diet is practically limited to matters connected with religious worship, education, and the administration of justice. Save in so far as these matters are concerned, the authority of the Hungarian Parliament, in which Croatia-Slavonia is directly represented, is maintained, and the outward and visible sign of that authority is the Bán, who is appointed by the King on the nomination of the Hungarian Prime Minister, whose counter-signature is necessary to give validity to the appointment. As will be seen below,¹ the Croats, oblivious of the fact that there is, juridically, no such thing as Croatian, as opposed to or distinct from Hungarian citizenship, affect to see in Law xxx. an affirmation of the independence of their country and a

¹ See *infra*, p. 309 *sqq.*

limitation of their connexion with Hungary to that which necessarily results from the identity of the Monarch. A study of the terms of the law summarised above will enable the reader to form an opinion as to the extent to which Croatia's claim to have converted dualism into trialism is justified by the facts of the case. ° ° °

For the *de facto* restoration of historic dualism Austria should be grateful to the Magyars, whose wise insistence thereon put an end to the sham constitutionalism of Schmerling and compelled the establishment in Vienna of a responsible Ministry, and of that which, but for the existence of Clause 14 of the fundamental law of 1867,¹ would be true parliamentary government. Apart from that clause it is, of course, obvious that the Constitution granted, conceded, *octroyé*, by an autocrat to his hereditary provinces cannot be compared with that of Hungary, of which the Compromise expressly acknowledged the legal, historical continuity. As far as the latter country was concerned, the net result of the legislation of 1867, "the primordial fact, is an independent Kingdom of Hungary, which has allied itself for certain purposes and under certain conditions to the equally independent and distinct Empire of Austria by an act of sovereign free-will, without ever having abdicated the smallest particle of its sovereignty as an independent nation, though it has con-

¹ Clause 14: "If at a moment when the Reichsrath is not sitting there appears to be pressing necessity for the adoption of measures for which its consent is necessary according to the Constitution, such measures may be taken on the responsibility of the Ministry as a whole by Imperial Order, provided that their object is not a modification of the fundamental laws of the State, and that they do not entail either the imposition of a permanent burden on the State Treasury or the alienation of State property. Such Imperial Orders have provisionally the force of law if they are signed by all the Ministers, and are published with special reference to the provisions of the fundamental law. They lose the force of law if the Minister concerned omits to submit them for the approval of the Reichsrath at its first meeting after the promulgation of such orders, in the first instance to the Chamber of Deputies, within the first four weeks of the session, or if such orders fail to obtain the approval of either of the two Chambers of the Reichsrath."

sented to exercise a small part of its governmental functions through executive organs common with Austria."¹

For the first time since the accession of Ferdinand I., Hungary obtained an effective acknowledgment of its indubitable right to influence the management of the foreign affairs of the monarchy as a whole, and to an independent fiscal policy of its own. On the management of common affairs it secured an influence equal to that exercised by the hereditary provinces, though, nominally at all events, it bore only 30 per cent of the cost of those affairs.² The fundamental rights of the nation are what they were in the days which preceded the importation of the Habsburgs—permanent and inalienable; those of the Crown are delegated, and therefore modifiable. In Austria, on the other hand, the laws of 1867 brought into existence a Constitution which, based on a revision of the October Diploma of 1860 and of the February Patent of 1861, can, apparently, be revoked by some future Emperor, just as its "irrevocable" predecessors were abolished by Francis Joseph. True, the Emperor is bound to take an oath to maintain the Constitution, but what if he declines to do so? In Hungary there is no King until the person entitled to the throne has given the necessary constitutional guarantees,—the essential preliminaries of coronation,—whereas in Austria there is no power to compel the Emperor, who is necessarily placed in full enjoyment of imperial authority by the mere fact of the death or abdication of his predecessor, either to take the prescribed oath or to observe it when taken. Further, there is nothing to prevent him from proroguing the Reichsrath at any moment for the purpose of bringing Clause 14 into play, to the practical destruction

¹ Count Albert Apponyi, *The Juridical Nature of the Relations between Austria and Hungary*. An address delivered at St. Louis, 1904, p. 2.

² On the question whether Hungary's contribution was not, in fact, increased by the payment of a hidden tribute, the result of the commercial alliance, see the next chapter, p. 274 *seq.*

of the vaunted institution of parliamentary government. But in spite of these drawbacks, which justify the existence of a doubt as to whether one of the conditions precedent to Hungary's acceptance of the terms of the Compromise has been fulfilled, and notwithstanding the fact that those terms proved to be incapable of putting an end to all possibility of friction and misunderstanding, Austria was to be congratulated on the results obtained for her by the wisdom of Deák and of his Magyar coadjutors, on the settlement of a question the non-solution of which had destroyed her prestige by reducing her to a state of impotence during and after the Crimean War,¹ had brought her to the verge of bankruptcy, and had made her ultimate ejection from Italy and Germany a certainty.²

¹ "Mehr als einmal erklärte Rechberg und bestätigte der Kaiser dem preussischen Unterhändler (Manteuffel), dass Österreich vor dem Ausgleich mit Ungarn nicht in der Lage sei, einen grossen Krieg zu führen, ja, dass es schwierig sein würde, auch nur dem Armeecorps in Schleswig einige Verstärkung nachzusenden."—Von Sybel, *Begründung des Deutschen Reiches*, Munich, 1889, iii. 258.

² Freiherr von Lichtenfels said to Francis Joseph in 1867: "I could have understood it if we had made this compromise before the war with Prussia. Denn wenn mir die Reichseinheit auch als ein hohes Gut gilt, so sehe ich ein, dass es notwendig gewesen wäre, Ungarn zu versöhnen, um unterstützt durch die öffentliche Meinung Ungarns in den Krieg zu gehen, der über die Zukunft Österreichs entscheiden könnte."—Rudolf Springer, *Grundlagen und Entwicklungsziele*, etc., p. 43.

CHAPTER XIX

THE war of 1848 was partly due to the failure of the March laws to define and to regulate the management of common affairs and affairs of common interest to Austria and Hungary. The Compromise of 1867 corrects some errors, and supplies some deficiencies which marred the great work with which the name of Kossuth is closely connected. Up to April 1848 Kossuth was as loyal and moderate as Deák, and the Compromise is but the logical development of the principles enunciated by him before that date. "I maintain," he said, in November 1847, "that he who asserts and strives to spread the opinion that the legal rights of our country are necessarily in conflict with those of Austria, does a bad service to the reigning house. I flatly deny the assertion, and repeat with heartfelt conviction the words used by the Estates and Orders in 1844, to the effect that the complete development of the constitutional life of Hungary side by side with the hereditary provinces is possible; and maintain that if difficulties arise, and if our interests here and there seem to be in conflict, such difficulties and conflicts do not originate in the nature of the relations existing between Hungary and the allied provinces, but in the divergent nature of the governmental institutions of the two countries." Kossuth was clearly right. The parties to the "mixed marriage" could not be expected to live in lasting harmony so long as such dissimilar

political conditions existed. It was not likely that Austria with its autocratic government could entertain any feeling but one of jealousy and dislike for a sister nation, with a thousand years of constitutional life behind it. Austria, next to Russia, the most retrograde country in Europe, had first to learn the lesson which the year 1848 had taught the rest of the Continent. Hungary, on the other hand, had to recognise the fact that for the maintenance of the essentials of independence some slight sacrifice must be made. It was before all things necessary that Hungary, the point of contact of East and West, should be strong enough to avoid becoming the blind instrument of others' ambitions, reduced to the position occupied by small Balkan States, "whose existence depends on the goodwill and mutual jealousies of their neighbours."¹ The Bocskays and Rákóczys always required foreign assistance. Insufficiently strong to stand alone after Mohács, Hungary turned to its neighbour; and its natural ally in 1526 was its natural ally in 1867, in spite of the Caraffas and Haynaus, the Bachs and the Schmerlings. Kossuth's unfortunate plan for the federation of the Balkan provinces was only a proof that he too recognised the necessity of alliances, to prevent Hungary from falling victim to the exigencies of some European complication.² His hatred of Austria made him ready to depart from the tradition established by St. Stephen, to turn to the East instead of to the West, and to abandon, for the sake of an alliance with Servia and Roumania, the characteristics of sovereignty, with the abandonment of which he reproached Deák, though his own plan involved a far greater sacrifice. Defence, foreign policy, diplomatic

¹ Andrassy Gyula, *Az 1867-iki Kiegyezésről*, Budapest, 1896, p. 21. An acquaintance with this book is essential to a comprehension of the antecedents and results of the Compromise.

² "By itself Hungary would vegetate as a second-rate Power. It can become a great European Power only in alliance with others."—Kossuth, cited by Horváth János, *Az 1867-évi Kiegyezés*, Budapest, 1895.

representation, commercial and fiscal policy and legislation, would all have been common to the confederate States; even the territorial integrity of the realms of St. Stephen would not have been respected. The confederation could have continued to exist "only if Russia had given it, her blessing,"¹ so in all probability would have served only to bring the triumph of Panslavism within measurable distance. The whole episode was a proof of the necessity of some form of Austro-Hungarian union from the point of view of Hungary, of Austria recently ejected from Germany, and of the Balkan States, of whose independence of Russia a contented and powerful Hungary, the "wedge" driven between the northern and southern Slavs, was the best guarantee. It was not Kossuth who laid the foundations of the Compromise, but centuries of slow constitutional development. Deák built the superstructure in haste while still under the impression of the period of absolutism. The following pages may help to the formation of an opinion as to whether he might have produced a more stable and satisfactory edifice.

The Compromise does not mark the introduction of any new principle. It does no more than provide a fresh definition of the meaning of the Pragmatic Sanction, as adopted and explained by the Hungarian laws of 1723 and 1790, and a fresh guarantee of Hungary's sovereignty and independence. It neither creates nor recognises anything which can be construed as binding Austria and Hungary into a single Empire; it merely brings a limited common organisation into existence for reasons of expediency and convenience. Hungary and Austria are two perfectly distinct entities—a fact which is continually being obscured by the loose English fashion of speaking of Austria as if it included Hungary, of an Austro-Hungarian Empire, and of the Trans- and Cisleithanian halves of the monarchy. Francis Joseph's order to Beust of November 14, 1868,

¹ Andrassy, *o.c.* p. 41.

to the effect that the lands and kingdoms constitutionally united under his rule should be styled alternately Austro-Hungarian Monarchy and Austro-Hungarian Kingdom, tended to perpetuate an inaccurate conception of the relations existing between the two countries. Strictly speaking, not even the obligation of common defence is to be found in the Pragmatic Sanction, but it necessarily follows, from the identity of the Monarch of the two countries, that the King of Hungary cannot fail to defend the Emperor of Austria and *vice versa*. As Kossuth wrote in his own Journal, July 4, 1848, "The tie of the Pragmatic Sanction binds us to Austria, the meaning of which is that our friends are common and our enemies are common." Here the necessary connexion between the two countries begins and ends, for the sole object of the law of 1723 was, as it clearly states, the preservation of the two countries from foreign attack, and the maintenance of domestic tranquillity, *i.e.* of the tranquillity which was always liable to be disturbed by uncertainty as to the succession to the throne.¹ At the most there is a limited community of interests, and Austria is for Hungary a foreign empire, allied, just as any other country might be, for purposes of defence and fiscal policy. There is no common territory, common citizenship, common legislative body, common judicature, or common monarch. There is a, conceivably only temporary, identity of the King of Hungary and the Emperor of Austria so long as legitimate, Catholic, descendants of certain specified Habsburgs continue to exist, and no longer—a fact which itself provides a sufficient answer to Lustkandl and his disciples, who maintain the existence of a "real union" between the two countries,² oblivious of the essential

¹ The corresponding Transylvanian Law iii., 1744, also defines its object as "*mutua et reciproca defensio*."

² Gumplowicz states the true fact when he says: "Die heutige staatsrechtliche Gestaltung Österreich-Ungarns ist das Resultat seiner eigenartigen historischen Entwicklung dies Verhältniss kann nicht mit einem

differences which make such a union an impossibility. On the one side is Austria, a conglomerate of "kingdoms and states represented in the Reichsrath,"—to use its legal definition,—fragments of greater nations, united in a "real union" with each other, and for the purposes of the Compromise forming a nominally constitutional country, the Constitution being made up of scraps of the October Diploma and of the February Patent, with an incorrect version of the provisions of Hungary's Law xii. of 1867 to leaven the lump. The Constitution is not the product of historical continuity as in Hungary, for the simple reason that there was nothing to continue except the limited rights conceded by autocracy which can to-day withdraw the concessions it has made, in the same way as it withdrew the "irrevocable" Constitutions of the past. Formed of scraps of Italy and Poland, of fragmentary Slav races with a German admixture, nothing but the monarchical principle and the fear of dissolution into its constituent elements to the profit of its greater neighbours can keep it together. On the other hand is Hungary, with a Constitution which was not conferred by any charter, but is partly based on immemorial custom, and partly to be found in the *Corpus Juris*, every law of which is of equal binding force, which was not made, but grew, and is still growing, and knows no obstacle to prevent its further growth. Between such a country, where "His Majesty recognises the fact that the right of legislation, of the interpretation and abrogation of laws, belongs jointly to the lawfully crowned King, and to the Estates and Orders in Diet assembled, and must not be exercised outside that assembly,"¹ and Austria, where Clause 14

doctrinären Terminus bezeichnet, es kann nur aus der Betrachtung des in diesem Geetze zum Ausdruck gelangten Compromisses zwischen den entscheidenden Machtfaktoren Österreichs und Ungarns dargelegt werden." Ferdinand I. by will divided his possessions, consequently there was not even a complete personal union between all the realms of Austria and Hungary. Only the dynasty was common or identical at the end of the sixteenth century.

¹ Law xii., 1790-1.

of the fundamental law enables the Emperor to treat the Reichsrath as a nonentity, there can be no more than a personal union resulting from the identity of the Monarch.

The events of 1866 gave conclusive proof of the necessity of coming to terms with Hungary. Königgrätz finally taught Francis Joseph the lesson that unless he gave contentment to the Magyars, Austria must cease to be a great Power. The ejection of Austria from Germany was a necessary antecedent to the final abandonment of the Habsburg ideal of centralisation and germanisation, though history had shown, over and over again, the folly of attempting to strengthen Austria by weakening Hungary, and of sacrificing true union for the outward semblance of unification. A dissatisfied Hungary would probably have fought on the Turkish side against Russia, with the result of producing a general European conflagration. If Austria had not regained its strength by coming to terms with the Magyars, the Berlin Congress, the occupation of Bosnia and Herzegovina, and the formation of the Triple Alliance, would not have taken place.¹ No more foolish doctrine was ever propounded than that of Schmerling, to the effect that Hungary, by its action in 1848, had forfeited its independence and Constitution, and that Austria (in consequence of the success of Russian arms) could deal with it as she pleased by right of conquest. The acceptance of such a theory would necessarily have justified Hungary in aspiring to break away from Austria so soon as it was strong enough to do so, and would have perpetuated the discord which had paralysed the latter country during the Crimean War, and ensured its expulsion from Italy and Germany. Hungary had to be satisfied by the restoration of its independence, and at the same time to be converted into an equal partner in a great European Power, assured of the influence on the management of common affairs which was its due.

¹ Andrassy, *o.c.* p. 146.

There had always been common affairs ever since Mohács. They lay hidden in the terms of the Pragmatic Sanction and emerge, though ill-defined, in the March laws of 1848. They came into existence with the establishment by Ferdinand I. of the Privy Council and War Council in Vienna, and misuse of power soon forged a stronger chain to bind the two countries together than was provided by the identity of King and Archduke. The Pragmatic Sanction, subsequently interpreted by Law x. of 1790-91, defined, for the first time, the true nature of the relations existing between Austria and Hungary, and reaffirmed the principle of Magyar sovereignty. The law of 1867 further develops that principle, gives a clearer definition of the nature of common affairs than was hitherto to be found in the *Corpus Juris*, and provides the novel method of handling them necessitated by the birth of constitutionalism in Austria.¹ The minority in the committee of 1867 based its opposition to Deák's proposals on the doctrine of the purely personal nature of the union resulting from the Pragmatic Sanction, and alleged that he was sacrificing national rights from motives of opportunism for which there could be no place after Königgrätz. It urged that Hungary was being unnecessarily deprived of the undivided control of the expenditure of its own blood and treasure, and was thus smoothing the way for complete amalgamation with Austria. Deák replied that common affairs were not the invention of to-day, but had always existed, and that the Delegations, so far from lessening Hungary's control of essentials, actually enabled it to make a decisive voice heard on matters on which it had hitherto exerted little or no influence.² In view of the difference which existed ever

¹ See Deák's speech of March 28, 1867. Kónyi, *o.c.* iv. 447 *sqq.*

² "Hungary always had affairs in common with the whole monarchy; the only difference is that before 1867 others managed them without us and against our interests, while now we manage them in common with the other parties concerned. If any one prefers the former state of affairs it is a matter

since 1526 between Hungary's theoretical independence and *de facto* subordination to Austria's interests,¹ the answer was as satisfactory as any reply can be which depends for its justification on the principle that half a loaf is better than no bread, but judged by the light of subsequent events it would seem that in some respects the criticisms of the minority were not ill-founded. In all matters not specifically described as common affairs the Hungarian laws and constitutional rights are completely unaltered and unimpaired, but the fact remains that a wider definition was given to such affairs than was strictly justifiable, and the continued existence of sores in the body politic must be ascribed, in some measure, to Deák's refusal to profit by the opportunity seemingly afforded by Königgrätz of removing all removable causes of future friction and irritation, by limiting Hungary's contact with Austria to the minimum consistent with the due observance of the obligations resulting from the Pragmatic Sanction.

Affairs which are often loosely spoken of as common affairs are not in fact common. The only absolutely common matter is the common obligation of defence which continues to exist whether Austria has a constitutional government or is subject to absolutism. The question how provision is to be made in men and money to satisfy this obligation is left entirely to Hungary. In addition to the above there are matters requiring common management, for the purposes of which the Delegations and common Ministers have been invented, but these matters can maintain their common character only so long as Austria is a constitutionally governed country, for the grant of a Constitution to the hereditary provinces was a condition precedent to Hungary's consent to the of taste."—Count Julius Andrassy, Jan. 14, 1869, *Gróf Andrassy Gyula Beszédei*, ii. 13. Lederer ed.

¹ See *supra*, pp. 35-50; Andrassy, *o.c.* 192-95; Horváth János, *Az 1867 évi Kiegyezés*, chaps. i.-iii.

Compromise.¹ A third class is formed by matters which considerations of expediency suggest should be managed by mutual consent on similar principles, with which, if no understanding is arrived at, Hungary can deal as it pleases. Thus, as regards the first two classes, if no agreement is come to as to their management, if the Delegations cannot, for some reason or other, perform their functions, if no decision can be reached as to the quota, or relative proportion in which the cost of common organs has to be borne, the existence of such common affairs would not be affected. It would merely mean that a new method would have to be found of dealing with them—in other words, there would have to be a recurrence to the pre-1848 position, when common affairs were a matter for settlement by agreement between the King and the Hungarian Diet of the one part and the Emperor of Austria of the other. The same course would necessarily have to be adopted in the event of the abolition of constitutional government in Austria. On the other hand, failure to come to an agreement on matters which are not common, but are managed on similar or identical lines by mutual agreement, for the sake of convenience, not for the purpose of satisfying any obligation, puts an end to such matters, and each country is free to make its own arrangements.² It should be noted that Bosnia and Herzegovina do not constitute a common affair or a common possession. They could not be attached to either Austria or Hungary, and there is no composite Austro-Hungarian Empire or monarchy of which they could form a part. They belong to the Sultan, and their inhabitants are therefore neither Austrian nor Hungarian subjects. The Hungarian law regards the occupation of these provinces as temporary, like the British occupation of Egypt, and for the purposes of control agreed to the

¹ *Supra*, p. 229.

² *E.g.* as to customs, commercial matters, money, and railways.

extension of the functions of the common Minister of Finance, for the reason, presumably, that he has less work to do than his colleagues. The Delegations have no *locus standi* to interfere in the management, nor has Parliament, unless and until national financial interests are adversely affected, or a change is made in the relations of the provinces to the monarchy. Law vi. of 1880, sect. 5, provided that no such change should take place without the consent of both Parliament and Reichsrath. Should, however, both legislatures agree to a permanent annexation, the future of Bosnia-Herzegovina must, apparently, depend on the uncontrolled decision of the Hungarian Parliament, as both coronation oath and inaugural diploma oblige the King to reincorporate in Hungary any territories which formerly belonged to the Sacred Crown, and both provinces come within that category.

Save for the exception provided by the case of Bosnia and Herzegovina, the common Ministers of War, Finance, and Foreign Affairs are strictly limited to the management of strictly common affairs. They have no right whatever to interfere with the affairs of either country. The common Minister of War has no control of the territorial army of either, and the common Minister of Finance has nothing to do but to prepare the estimates of the cost of the common army and of common diplomatic representation. Apparently Francis Joseph and his advisers believed in 1867 that the common Ministers would be superior to the Ministers of Austria and the Ministers of Hungary, and would be "Ministers of the Empire"—a designation which might be construed to imply a non-existent union; but Hungary rightly objected to the proposed title, and, in fact, the common Ministers are inferior to their Austrian and Hungarian colleagues if only for the reason that they can take no part in legislative work. If there were a real union there would necessarily be a common Legislature: hence the efforts of some to

prove that the Delegations are not Delegations, but are a body endowed with a form of legislative authority.¹ As a matter of fact they do not in the smallest degree constitute a common legislative organ.² Each Delegation consists of a commission of sixty members (forty from the Lower, twenty from the Upper House) chosen for one year, or one session of Parliament as the case may be. The two Delegations cannot even meet for discussion, only for voting, after three fruitless exchanges of messages.³ Each Delegation represents only the Parliament or Reichsrath from which it issues, and its duty is clearly confined to the control of the actions of the common Ministers, and to the fixing of the amount of the budget of common affairs which has to be found by the two countries in the proportions determined by the quota-deputations. Parliament cannot alter the amount so arrived at, but is entirely free as regards the method of finding such amount. Thus, the Delegations exist to perform a strictly limited function, and it is only within the specified limits of their authority that they have a free hand. Their decisions are binding only when ratified by the Hungarian Parliament, which can refuse to pass the budget as a whole, and so

¹ See Dantscher von Kollesberg, *Der staatsrechtliche Charakter der Delegationen*, Vienna, 1903. The author sees an embryonic federation in the Delegations, and denies them their generally recognised character of commissions appointed for a special purpose, pp. 6 *sqq.* and 54 *sqq.* and *passim*. For the opposite view see Jellinek, *Die Lehre von den Staatenverbindungen*, Vienna, 1882, pp. 245, 246.

² See Rudolph Springer's *Grundlagen und Entwicklungsziele der österreichisch-ungarischen Monarchie*, Vienna, 1906, p. 154. "Es kann sein, dass die österreichische und die ungarische Delegationen ursprünglich beide als eins und als ein Gesetzgeber gedacht waren, und darauf deutet der Umstand hin, dass sie in einem praktisch-seltenen möglichen Fall rechtlich befugt sind, eine *Abstimmungs Pantomime* aufzuführen. Tatsächlich aber hat das ungarische Parlament ohne kompetenten Widerspruch seine Delegation als simplen Spezialausschuss behandelt."—See section 28 of Law xii., *supra*, p. 229.

³ The reason why the Committee of 1867 would not allow meeting for discussion was that German would necessarily have been the language employed, and this fact might have been taken to imply a certain degree of subordination of Hungary to Austria.

can nullify the action of the two commissions. In Austria, on the other hand, the decisions of the Delegations have the force of law and need no confirmation—a fact which alone suffices to refute the theory as to the existence of something in the nature of a legislative assembly common to Austria and Hungary. Andrassy did not wish the Delegations to meet even for the purpose¹ of voting together, fearing the result of the possible defection of a Croatian or Saxon member, but he was overruled by Deák, and as a matter of fact his fears have proved to be unfounded, as the practically homogeneous Hungarian body is necessarily more than a match for its Austrian counterpart, in which racial and local jealousies are liable to be destructive of solidarity.¹

The unity of the diplomatic representation of Austria and Hungary has, perhaps more than anything else, helped to give rise to a false idea of political unity. The laws of 1848 regarded the management of foreign affairs as the exclusive privilege of the King, for Deák's evidence proves that the functions of the Minister *a latere* were not considered or intended to extend to interference in such matters; consequently, the law of 1867 marks a considerable advance from Hungary's point of view. Clause 8 of Law xii., as originally drafted by Deák, clearly shows that he did not intend all foreign affairs to be regarded as common. "The suitable conduct of foreign affairs is one of the instruments of common and united defence, the obligation of which derives from the Pragmatic Sanction. Such suitable conduct demands that such foreign affairs should be treated in common as *interest jointly all* the States which are under His Majesty's rule." This phrase was, unfortunately, amplified by the committee in such a way as to include diplomatic and consular representation and commercial treaties, thus justifying to

¹ As a matter of fact the Delegations have held a joint sitting only on four occasions since their invention.

some extent the idea that such matters were necessarily common, which they clearly are not. The test of community is supplied by the words of the law as finally adopted, "instruments of common and united defence"; consequently, the conduct of foreign affairs is necessarily common, only so far as it deals with matters affecting Austria and Hungary jointly, and only so far as matters are concerned which affect the obligation of mutual defence. The clause must be interpreted in the light of the words quoted above, and though the law refers to commercial matters as coming within the purview of the common Foreign Minister, they are not strictly common affairs. Save in so far as diplomatic representation is concerned with the defence of the two countries, Hungary is entitled to negotiate separately with foreign nations; and in fact the common Minister does not control Hungary's external relations, but is the intermediary through whose diplomatic agents negotiations are conducted. Foreign treaties require Hungary's acceptance and incorporation in a special law to give them binding force.¹ An attempt was made by Austria to restrict the right of Parliament by interpreting the law to mean that the common Foreign Minister has merely to communicate the fact of a treaty having been concluded, not to lay it before Parliament for acceptance; but the attempt was defeated, and Parliament's right of interference was established.² As a matter of fact, Hungary's influence on the conduct of foreign affairs, at present limited to that exercised by the Hungarian Delegation to whom the common Foreign Minister is responsible, and by the Prime Minister who is responsible to Parliament, has been enormously increased by the Compromise. It is hardly too much to say that Hungary alone counts, as Francis Joseph, though still, thanks to Clause 14, an autocrat in Austria, in

¹ *E.g.* the Treaty of Berlin, 1879, negotiated by Counts Andrassy and Károlyi communicated to Parliament and embodied in Law viii. of that year.

² Beksics, *A Dualismus Története*, Budapest, 1892, p. 117.

Hungary is but the equal of Parliament, and it is fairly safe to predict that the foreign policy of Austria and Hungary will always depend on the attitude adopted by the latter country. Beust,¹ ejected from Germany, wished for revenge after Königgrätz with the help of France, but the last thing that Hungary wished to see was a revival of Austrian ambitions of hegemony in Germany. Thanks to the Magyars, Beust had to retire, and the Dual Monarchy maintained an attitude of neutrality in 1870. It is a true saying that the road to Constantinople lies through Vienna.² Fortunately for Europe it also passes through Budapest.

The termination of the Customs Union between Hungary and Austria must necessarily put an end to the community of commercial representation. In any case, as the consular service is not an "instrument of common and united defence" essential to the fulfilment of obligations resulting from the Pragmatic Sanction, there is no reason whatever why Hungary should not have separate representation. On the contrary, there is every reason why it should have it, as Austrian and Hungarian trade interests are neither identical nor impartially represented. The diplomatic service is possibly on a different footing. If an ambassador theoretically represents only the monarch who signs what may be called his power of attorney, it might seem absurd that one and the same person, though he has two distinct personalities as King and Emperor, should have two accredited representatives. But through the King the ambassador represents his country, and questions may easily arise, of international railway policy for instance, in which the interests of Austria and Hungary may be widely divergent and need separate representation.

The choice of an ambassador is a matter for the Crown's discretion, subject to the provision that Hungarians must be employed equally with Austrians; at the same time it

¹ "That Saxon Minister in a bad temper," as Bismarck calls him.—*Reflections and Reminiscences*, ii. 58.

² Ascribed to Pashkievitch. Friedjung, *Krimkrieg*, p. 65.

must be remembered that the King has no privilege of any kind which he did not receive directly from the nation. The people divested itself of certain rights in his favour, and the exercise of royal privileges is subject to the control of the nation which gave them. The supreme authority is vested in the legislative body which can confer rights on the King, but can receive none from him¹; and in the case of a conflict as to the limitations of royal authority the presumption must always be against the Crown. Consequently, the Compromise arrived at by King and nation cannot be extended by implication or treated in any way as a new departure; it must be construed strictly by the light of previous legislation and in accordance with the principle of legal continuity. The rights of the nation are the only permanent rights; those of the Crown are delegated, and therefore liable to modification. It is entirely conceivable that in the future, as in the past, the nation should abolish, or modify, certain royal privileges on the accession of a new King, without in any way doing violence to the Constitution. The heir apparent does not *ipso facto* become King on the death of his predecessor. True, he possesses an exclusive right to the throne, but it is the ceremony of coronation, to which the taking of an oath and the signing of a diploma guaranteeing the maintenance of the laws and liberties of Hungary are necessary antecedents, which gives him his authority. Oath and diploma embody the terms of the contract between him and the nation, and a contract necessarily implies consent, consent implies the possibility of disagreement and the consequent necessity of negotiation. Constitutionally there is nothing to prevent the nation from exacting whatever conditions it pleases to exact as the price of its consent. The King is bound by law to be crowned within six months of the death of his predecessor,² and it is a question what would be the result of failure to comply

¹ "The King does not confer rights on the people, the people confer rights on the King, for the people is the source of all rights"—Deák, cited by Kmety, *o.c.* p. 163.

² 1790, iii.

with the law. Presumably Hungary would not tolerate a second "hatted King," and his right would ultimately be treated as having lapsed, for, according to Verboóczy, no obedience is due save to the lawfully crowned monarch. An uncrowned one can summon Parliament only for the purpose of his own coronation; no taxes or recruits could be voted, and the whole machinery of government would come to a standstill. In Austria, on the other hand, the heir becomes Emperor immediately on the death of his predecessor, unless excluded by the operation of a *Hausgesetz*, which has no binding force in Hungary. Parliament, as a matter of fact, accepted the *Hausgesetz* of 1899, excluding the possible direct heir from the throne, but there was no obligation to do so.¹ Abdication of the Austrian throne does not mean abdication of that of Hungary; a separate act is required by Law vii. of 1867. The origin and nature of the monarch's authority is perfectly distinct in the two countries; the Emperor is a stranger in Hungary, and he is no more fused with the King of Hungary than the Emperor of China would be were there a treaty in existence between Hungary and the Celestial Empire providing for common defence and the management of certain affairs of common interest. In Hungary the King acts solely by virtue of his kingship, and the consent or concurrence of Austria or of the Emperor of Austria is not required. The distinction between the two monarchs, identical but not "common," is emphasised by Law xii. of 1867, which declares that the expenses of the Court are not to be borne in common by Austria and Hungary, but require a separate vote of the Hungarian Parliament.² Unfortunately, the Emperor is a stranger to Hungary in more senses than one. For centuries the successors of St. Stephen were the titular heads of the German race, and never lost sight of the fact, and Francis Joseph has consistently shown that

¹ *Kossuth Ferencz Harmincz Parlamenti Beszéde*, ed. Szatmári Mór, p. 228 sq.

² Hungary provides £455,000 per annum, and not unnaturally complains of the spending of that sum outside the country of origin.

he is no more able to forget that he is an Austrian than his predecessors were able to forget their purely German ambitions. It is characteristic of the British to take more interest in the details of the intimate life of crowned heads than in the essentials of public conduct. How and to what extent Francis Joseph has fulfilled his duties to his Magyar subjects is a matter of indifference to the majority of Englishmen, who allow their judgment of the King of Hungary to be obscured by their enthusiasm for descriptions of the simple life of the Emperor of Austria, of his fidelity to ancient connexions, of what he has for breakfast, and where, and with whom. They forget Louis Batthyány and Arad, Bach, and the long years of tyranny, the partiality, and the neglect which have been the Magyars' reward for centuries of excessive loyalty to the reigning House.

Can the Compromise be mended or ended? whose consent is necessary for its alteration or abolition? Count Julius Andrassy said in his speech in the Upper House on April 5, 1888, that the Compromise was not a temporary arrangement, but was "intended to settle matters for all time." His son in his masterly book says that "nothing was further from the intention of the Legislature in 1867 than merely to establish fundamental principles"¹ to be developed subsequently in accordance with the necessities of the times. But no eternal settlement is ever possible. To regard Deák's work as unalterable would be to shut the door to the possibility of progress; new conditions must necessarily arise from time to time, new phases of commercial and political development must appear, and new generations arise which see matters through other spectacles than those of 1867.² Fundamental principles based on the Pragmatic Sanction remain,

¹ *Az 1867-iki Kiegyezésről*, p. 330.

² Eisenmann, *o.c.* p. 656, rightly says, "Ces paragraphes n'enferment pas la Hongrie dans une infranchissable barrière, ils ne fixent pas le maximum de ses droits, ils lui en assurent le minimum; ils lui donnent une base d'opérations pour les étendre et les agrandir."

but the method of giving effect to them must change. Community of defence remains, but the method of satisfying the obligations which it imposes must be a matter for the legislation of each independent country. It is clear that the Austrian politicians of 1867 did not regard the Compromise as a final, irrevocable settlement; why, therefore, should Hungary do so? Austria regarded it as a temporary measure necessitated by circumstances, or rather as a new starting-point for, or a new stage in the development of a uniform Austrian Empire. Schmerling distinctly stated that he viewed it only as a step towards the representation of all the dominions of the Habsburgs in a common Parliament; and Beust evidently entertained the same opinion.¹ The carrying out of Count Hohenwart's programme of tentative federalisation would have destroyed the whole basis of the Compromise, and would have converted dualism into trialism. Law xii. 5, 1867, recites the fact that hitherto common affairs had been settled by the Magyar King and Magyar Legislature on the one hand, and by the absolute monarch of Austria on the other, and goes on to state that as the Emperor had decided to grant a Constitution to the hereditary provinces he could no longer act autocratically—that is to say, that a new method must be found of managing common affairs. No change was imported into the relations established by the Pragmatic Sanction (which remain the same perpetually unless and until the elective rights of Hungary revive), only into the method of dealing with the consequences of such relations. As there is no Parliament common to Austria and Hungary, for, as we have seen, the Delegations are merely temporary commissions and in no sense a common legislative body, obviously there can be no common legislation. Law xii. is, therefore, a purely Hungarian Law passed with the sanction of the Magyar King, invested with no more and no less sanctity

¹ See Andrassy, *o.c.* p. 346.

than any other law in the *Corpus Juris*, and subject to modification and abrogation at the hands of the two parties to its birth. There was no third party, and the consent of Austria is therefore not required.¹ If there was anything in the nature of a treaty with the hereditary provinces, it amounted to no more than a temporary arrangement for the treatment of the results of principles which long pre-existed the birth of a constitutional Austria. As the law says, the provisions dealing with the handling of common affairs were to become effective only so soon as Austria expressed its adherence in a constitutional manner. If Austria had not expressed its adherence, it would have made no difference to the common affairs, only to the method of handling them.

The validity of the Compromise is dependent on the observance of certain essential conditions. Firstly, the maintenance of the identity of the King of Hungary and the Emperor of Austria. Secondly, that Hungary and the parts annexed, Croatia, Slavonia, and Dalmatia continue to form the one and indivisible Kingdom of the Sacred Crown. Thirdly, that the Hungarian Constitution is maintained intact. Fourthly, that the connexion between the hereditary provinces of Austria, the indivisible possessions of the House of Habsburg, remains the same as it was in 1867. Lastly, the maintenance of constitutional government in Austria, "for Hungary can deal only with the constitutional representatives of His Majesty's other realms and possessions with respect to mutual relations of whatever nature."² Any attempted disintegration of Hungary or conversion of dualism into trialism would not only be fatal to the continuance of the Compromise, but would absolve Hungary from the conditional obligations deriving from the laws which gave effect to the Pragmatic Sanction. It is incorrect to speak of an Austro-Hungarian *Ausgleich* or Compromise; there is

¹ See Kmety, *Közjeg*, 468, n.

² xii. 1867, section 25.

no Austro-Hungarian law, but there are two non-simultaneous, independent, non-identical laws the provisions of which are sufficiently similar to enable common affairs to be handled in accordance therewith. That there is no contract between Austria and Hungary is proved by, *inter alia*, the fact that the Austrian law of December 21, 1867, is not identical in terms with the Hungarian Law xii., and fails to give expression to the constitutional independence of Hungary and to the limited nature of the King's authority which condition all the provisions of the Compromise. The attempt to treat the two countries as two equal contracting parties when there is no contract and no equality is obvious. The Austrian law is entitled "*Gesetz betreffend die allen Ländern des österreichischen Monarchie gemeinsamen Angelegenheiten und die Art ihrer Behandlung*"—an attempt to smuggle into the law an expression which would imply the inclusion of Hungary in the Austrian Monarchy. "*Das Kriegswesen des Heeres*" is described as "common to the kingdoms and lands represented in the Reichsrath and to the lands of the Hungarian Crown, and the command and inner organisation of the forces as a matter for the sole decision of the Kaiser"—an unqualified statement which ignores the principle of legal continuity and the limitations imposed by the Hungarian Constitution on the royal power. Further, "*das Finanzwesen*," so far as it is concerned with the expenses to be borne in common, and with the Budget and verification of accounts connected with such expenses, is declared without reservation to be common, and no mention is made of the constitutional influence expressly reserved to the Hungarian Ministry by the fortieth section of Law xii.¹ Moreover, the establishment of complete

¹ The principle of perfect parity is obscured by the Austrian law, and is not observed. It was the Austrian idea that common affairs were in reality to be Austrian affairs. The Austrian law does not bring out the fact that the Pragmatic Sanction is the sole basis of the relations between the two countries, nor the fact that the maintenance of the Hungarian Constitution

constitutionalism in Austria was a condition precedent to Hungary's acceptance of the Compromise; but true constitutional government cannot be said to exist when section 14 of the Austrian law enables the Emperor to rule the country autocratically without reference to the Reichsrath. It is a question, therefore, whether Hungary, which refused to be brought into contact with Austria save as a free country with another free country, would not be justified in regarding one of the fundamental conditions of compromise as unfulfilled, and in refusing, were it disposed to do so, to give effect to any provisions which have reference to the method of handling common affairs and tend to limit Magyar sovereignty. It seems strange that neither Deák nor Count Julius Andrassy entered a contemporaneous protest against a misrepresentation of the relative positions of Austria and Hungary which must necessarily tend to blind Europe to the true nature of the Compromise. Presumably their energy was temporarily exhausted by the long struggle for the recovery of the national independence, and they were indisposed to fight over details which they regarded as possessing no intrinsic importance, for the reason that no inaccuracies or misstatement in an Austrian law can affect the pre-existing rights of Hungary.

The matter of primary importance was the consolidation of Hungary's position rather than the insistence on strict historical right. Though the Compromise had restored the relations between Hungary and Austria to a more normal condition, it had not put an end to the hostility of the Viennese bureaucracy, which viewed with malicious pleasure the difficulties, the result of its own

and of true parliamentary government in Austria is an essential condition of the Compromise. The Austrian object was to produce the impression that there is a united Empire which includes Hungary. The Austrian law does not even refer to the fact that failing agreement Hungary's rights with respect to the management of affairs of joint interest are unimpaired. The object was to give the appearance of permanence to a temporary arrangement.

mismanagement of affairs during the past eighteen years, which confronted the Hungarian Government. It hoped that unavoidable financial difficulties would ensure the collapse of the new order of things, and that a broken and contrite Hungary would soon be obliged to have recourse to Austria, which would then be able to dictate very different terms than those embodied in the law of 1867.¹ Hungary itself was far from being unanimous as to the merits of that enactment. The more reactionary of the Conservatives believed that its inevitable result would be the disruption of the Habsburg monarchy, while several counties, encouraged by the exiled Kossuth, who saw in the Compromise the grave of Hungarian independence, made no concealment of their dislike of the new definition of common affairs, and of the method of handling them. Fortunately, the overwhelming weight of public opinion was on Deák's side ; consequently, the strife of parties in the early stages of the new *régime* never reached such an acute phase as to be dangerous to the stability of the work of reconstruction. It is, perhaps, not unfair to assume that the avowed hostility of the extremists was partly assumed for electioneering purposes, with the object of securing the votes of ignorant peasants, who looked on Kossuth as on the sole author of their freedom, and were ready to give unquestioning credence to his assertions as to the betrayal by Deák of the nation's interests. In any case the fact remains, that down to the death of Deák in 1876 the main characteristic of the early period of restored parliamentary government was fidelity to the terms of the Compromise. Apart from minor subdivisions, there always were two main parties : one, which may be called the Party of 1867, which was convinced that by effecting the Compromise Hungary had abandoned no right, and in fact had obtained such influence on affairs in general as it had never, *de facto*, before possessed ; and another, which

¹ Coloman Tisza, speech of September 2, 1904.

may be called the Party of 1848, which saw nothing but an abandonment of the essentials of independence, to the reattainment of which all effort must be directed, and accused their opponents of readiness to sacrifice the nation's interests for the sake of power. Of these two main divisions the former was for a long time more than a match for the latter. Both were doctrinaire rather than constructive, and failed to shake themselves free from the hypnotic influence of their divergent dogmas. Designations have changed from time to time, new sections have formed and disappeared in consequence of temporary exigencies, but essentials have remained, and nearly every development of party politics may be traced back to the same original source—to the division of the country into two camps by the doctrines of 1848 and 1867. The opportunism of Tisza, who originally occupied a position midway between Kossuth and Deák, and subsequently abandoned the attitude which he adopted at the time of the negotiation of the Compromise, produced a reaction in the direction of the principles of 1848, and a desire for a larger measure of national independence, the necessary result of the demand for the development of national, Magyar, culture formulated by Count Albert Apponyi,¹ who, though an adherent of the principles of 1867, regarded the Compromise not as a perfect creation, but as a foundation for a satisfactory superstructure. He travelled by another route, but in the same direction as the Party of Independence, which aimed at the gradual realisation of the principles of the Party of 1848, its direct progenitor. The result was the adoption of a constructive policy which does not imply the alteration of the Compromise by the importation of new clauses, but the giving of the proper meaning to Law xii., and the carrying of the provisions of that enactment to

¹ See *Apponyi Albert Gróf Beszédei*, Budapest, 1897, *Speech on the Army Bill*, 1889, p. 561 sqq.

their logical conclusion, the essence of which is independence of economic control, and the abolition of the emblems of military subordination to Austria. Few comprehensive programmes can be realised at once, and in their entirety, but everything points to the ultimate triumph of the principles of 1848, which in fact meet with far more general acceptance now than at any period since the inception of the so-called Revolution. Francis Kossuth revives the principles of the old Party of Independence; Count Andrassy represents all that is best in the "gentry," the backbone of Tisza's *régime*; Count Zichy the conservative, clerical element; Count Albert Apponyi the national conception of the essentiality of distinctive Magyar culture, the Magyar idea. The existence of such a combination is an object lesson in patriotism, enlightened or mistaken, and a proof of the intensity of the national conviction that the time has come to give the Compromise its correct interpretation with a view to placing Hungary on a footing of complete military and economic equality with Austria, and of giving her her proper place in the family of European nations. It is for Hungary, and Hungary's King, to decide whether such revision would diminish rather than increase her ability to answer the requirements of the sole obligation imposed on her by the Pragmatic Sanction. Austria also complains of the Compromise, and the fact that she does so shows that she was not actuated by good faith at the time of its acceptance, that she intended it to lead to the practical absorption of Hungary, and believed that the institution of the common Ministers and Delegations would give her a veiled but complete control. If she complains that she bears 70 per cent of the cost, and has only 30 per cent of the influence on common affairs, let her withdraw her opposition to the dissolution of the limited partnership into which she entered with the intention that, for Hungary, the "parity" referred to in

the contract should mean inequality as regards rights and equality as regards the sharing of financial burdens.

As matters now stand, finance is common only so far as it is concerned with the question of the relative proportions in which each country bears the expenses of such military, and foreign affairs as are treated as common. How Hungary's share of such expenses is to be met is a question for the decision of the Hungarian Parliament, without the consent of which no foreign loan can be contracted on the joint credit of the two countries.¹ The quota or ratio of contribution is decided by two deputations from Parliament and the Reichsrath respectively, hitherto consisting of fifteen members, ten from the Lower and five from the Upper House. If the deputations cannot agree, each communicates its own conclusions to its own Legislative Assembly, and failing agreement between Parliament and Reichsrath, the decision of the question at issue is left to the King-Emperor as umpire, whose award, according to Austrian law, fixes the quota for twelve months only, whereas the quota-laws of 1867, 1878, and 1887 fixed it in each case for a period of ten years. In 1867 Austria naturally did its best to make Hungary pay dearly for independence. Of the two commissions appointed for the purpose of fixing the quota, the Hungarian proposed that the taxable capacity of the two countries, as shown by the relative percentage of revenue produced by each during the past six years, should be adopted as the basis for assessment, the result of which would have been that Hungary would have borne 28 per cent of the common expenses. Though it may safely be presumed that Hungary had been taxed by Austria up to the limits of its capacity during the period of subordination, the Austrian commission began by demanding 38 per cent, but finally agreed to fix the respective proportions at 70 and 30 per cent for the

¹ xii. 1867, sections 53, 57.

ensuing ten years.¹ At that period the common expenses, after deduction of customs receipts, amounted to 77,000,000 florins,² consequently, the difference to Hungary between 28 per cent and 30 per cent was 1,500,000 florins per annum, a difference which was largely increased as the common expenses grew. In 1879 the proportions were assessed at 68.5 and 31.4 respectively. In 1898, as the two parties failed to agree, Francis Joseph fixed the quota at $66\frac{4}{9}$ and $33\frac{3}{9}$, to which latter figure must be added a proportionate part of 2 per cent, by which Hungary's share was increased, in accordance with Law iv. of 1872, on account of the reincorporation of the frontier districts, raising Hungary's percentage to 34.4 of the common expenses.³ These latter, as provided by Sect. 64 of Law xii. of 1867, have to be paid in the first instance out of the proceeds of the common customs receipts⁴ (so long as a customs alliance exists between the two countries), from which all drawbacks have also to be deducted. The balance required has to be made up by the two countries in the proportions fixed by the quota-deputations, or by the umpire, as the case may be. The unfairness of the system is patent, as each country has to bear the burden of the payments of drawbacks not to an extent proportionate to its export trade in a given article, but to an amount proportionate to the ratio in which it contributes to the common expenses. Drawbacks should have been paid from the first either by the exporting country or from the common fund, by debiting each country with an amount proportionate to the total drawbacks payable in respect of its own export trade; but this would not have suited Austria. The result of a one-sided arrangement was that Austria, which produces

¹ Law xiv. 1867.

² Ság Manó, *Austriáhozvaló Gazdasági Viszonyunk 1526-tól napjainkig*, Budapest, 1907, p. 36.

³ From 1907, 36.4 per cent; see below, p. 289.

⁴ These provide for about one-third of the common expenses.

beer and sugar to a large extent, specially for export purposes, while Hungary produces chiefly for home consumption, was largely benefited by the drawback system at the expense of Hungary, which contributed annually a large sum in excess of its proper proportion for the encouragement of a branch of Austrian trade which was already far more highly developed than the corresponding Hungarian industry.¹

It is a common saying that Hungary is not a manufacturing country, and therefore is not interested in, or entitled to make its voice heard on, economic questions to the same extent as Austria; but those who presume to settle a complicated question by an offhand pronouncement of this nature do not take the trouble to inquire why Hungary has not yet attained the same degree of commercial development as Austria, which ever since the days of Charles III.² deliberately defeated Hungary's attempts to emerge from a condition of commercial subordination, and to cease to depend for its existence on the production of raw materials for the benefit of the Austrian manufacturer. But for this deliberate policy of suppression there is no apparent reason why Hungarian manufacture should not have developed to the same extent, and on the same lines, as that of Austria. In Maria Theresa's reign, goods imported from abroad into Hungary paid a 30 per cent duty unless imported through an Austrian middleman (in which case a 5 per cent rebate was allowed), while those imported into Austria paid one of 5 to 20 per cent. Vienna forbade

¹ In 1894, of the total amount of beer *exported*, Hungary's proportion was 3.8 per cent; Austria's was 96.2 per cent. Of sugar the proportions were: Hungary, 11.5 per cent; Austria, 88.5 per cent. Hungary's relative *production* was far greater.—Mudrony Soma, *A Vámkérdés Megoldása*, Budapest, 1896, p. 43; Ság Manó, *o.c.* pp. 37, 46.

² At the Peace of Passarowitz, 1718, he made a commercial treaty with the Sultan facilitating the import of Turkish raw material into Austria, so as to knock down the price of the Hungarian product. The Diet protested in vain.

the export of Hungarian cattle except *via* Styria or Carinthia, for transit through which countries heavy duties were imposed. Joseph II. prohibited the direct importation from abroad into Hungary of any goods which could be produced by Austria. Such as were imported through that country paid both customs and transit duty to Austria, which paid nothing on goods intended for re-export, whereas Hungary paid a double export duty. Some slight concessions were obtained in 1807 by the abolition of the scandal which required Hungarian exporters of wine to export an equal quantity of the Austrian product, and of the double import duty; but the step-motherly treatment to which Hungary was subjected continued practically unabated down to 1848. Some Magyar statesmen, Stephen Széchenyi for example, urged the abolition of the customs barrier erected between the two countries; others, among whom was Ladislaus Szálai, saw salvation only in the adhesion of Hungary to the German Zollverein; Kossuth, more far-seeing than his contemporaries, insisted on the necessity of economic independence—an essential part of the independence guaranteed by the Pragmatic Sanction and by Law x. of 1790-91. During the period of absolutism which preceded the birth of the Compromise, Hungary had no opportunity of making her voice heard, and in 1867 no special stress was laid on the economic question. Deák and his coadjutors were statesmen first and political economists afterwards, and data were wanting for the formation of a considered judgment. The result was that the customs barrier fell in the interests of a fatal conception of the merits of uniformity without equality.

“It does not result,” says section 58 of Law xii., “from the Pragmatic Sanction that commercial affairs are common affairs, for according to the meaning of the said Pragmatic Sanction the realms of the Hungarian Crown are, by virtue of their juridical severance from the other

dominions of the Monarch, entitled to manage their commercial affairs through their responsible Government or Legislature, and to regulate the same by means of customs barriers ; as, however, there are numerous and important points at which the interests of Hungary and those of His Majesty's other dominions come in contact, the Hungarian Parliament is prepared to come to an agreement with respect to commercial matters with a view to the establishment of a customs and commercial alliance from time to time between Hungary on the one hand and the other dominions of His Majesty on the other" (sect. 59). Section 61 provides that such temporary alliance is to be formed on the basis of negotiation in the same way as similar agreements are arrived at by other independent countries. In consequence of this arrangement the effect of commercial agreements already formed by Austria with foreign countries was extended to Hungary, and certain railways which traverse both it and Austria were to be managed on identical principles. Identity of coinage and of the monetary basis was declared to be "not only desirable in the interests of the two parties, but also necessary" ; it was, therefore, provided that on the occasion of the formation of the proposed commercial and customs alliance an agreement should be come to on these matters. Hence, identity of coinage and of the monetary basis is temporary, as is the commercial and customs alliance, and the law declares it to be self-understood that if and so far as no agreement is come to on the above matters, "Hungary retains its right of independent legal control thereof, and all its rights in connexion therewith remain unimpaired." The customs alliance concluded in pursuance of the above in 1867 for ten years was not renewed in 1897, and Hungary became entitled to complete freedom of action. As, however, it declared itself ready to prolong existing arrangements, a prolongation to the end of 1907 was agreed to. Many ideas have

changed since 1867. Within the limits of these pages it is impossible to do more than give some slight indication of the circumstances which in the eyes of many necessitate a change in the economic relations of Hungary and Austria; to express a definite opinion on the question would be presumptuous, at all events on the part of any Englishman the value of whose views on the fiscal question in his own country is open to doubt.

Hungary, which in 1867 was, for a variety of reasons, an almost entirely agricultural country, has since that date made great strides in the manufacturing line, and agriculture has made an almost equal headway;¹ but he would be a bold man who would assert that the progress discernible is the result of the abolition of the customs barrier between Austria and Hungary in 1850, and of the subsequent commercial and fiscal alliance. As a matter of fact a very short time sufficed to prove the divergent nature of the commercial interests of the two countries, and that Hungary, by agreeing to a customs union, had deprived itself of its only weapon of defence. Want of money and credit facilities soon caused the resuscitation of the old question as to the necessity of establishing a separate national bank. Deficit followed deficit,² and the

¹ In the ten years ending 1905 the number of hands engaged in manufacturing increased 13.78 per cent in Austria and 26 per cent in Hungary, but the total number so engaged was 2.73 times as great in the former as in the latter country. The value of the exports of Hungary was 892,900,000 kronen in 1882, and of the imports 875,100,000. Twenty years later the figures were: exports 1,352,600,000, imports 1,215,300,000, an increase of 51.5 per cent and 38.8 per cent. In 1906 the figures were 1,508,800,000 and 1,555,600,000 respectively.—*A Magyar K. Kormány, etc. Statistikai Évkönyv*, 1907, p. 273. From 1870 to 1900 the land under cultivation increased 22 per cent. From 1890 to 1900 agricultural produce increased by 23 per cent, the output of iron, machinery, and metal goods increased 48.4 per cent in the same period, and that of chemicals, in England a test of prosperity, by 87.6 per cent. Money invested in banking and kindred institutions amounted to 21,538,000 florins in 1867, and in 1903 to 654,506,000. In 1867 there were 2285 kilometres of railway in Hungary; in 1903 there were 17,703.—Matlekovitz, *Közös Vánerület*, pp. 6, 17, 18, 25, 34, 48 sq.

² The budget deficit reached its highest point, 180,000,000 crowns, in 1873.

fact could not long escape attention that Hungary, as an importer of manufactured articles, should derive a large revenue from import duties which increased the cost to the consumer by 8,582,000 florins in 1867, by 12,803,400 in 1868, and by 13,677,500 in 1869,¹ and, if directed into the Hungarian treasury instead of into the pockets of Austrian producers, would vastly improve the financial condition of the country. It gradually became evident that fiscal uniformity was an expensive luxury, as owing to the protective duties imposed on foreign manufactures for Austria's benefit Hungary could neither buy in the cheapest market nor find an outlet for its own surplus raw materials, for the sale of which it had to compete with the foreigner in the Austrian market, where duties on such produce were either non-existent or insufficiently high to prevent foreign competition. Hungary began to complain of a fiscal system which was destructive to her growing industry, for the reason that it supplied Austria with cheap raw materials for the production of manufactured articles with which to flood the Hungarian market, one result of which was that Hungary paid the wages of Austria's workmen instead of finding employment for its own population, compelled, in consequence, to emigrate, since agriculture finds work only for a limited number of hands and at certain seasons only.

The result, shortly stated, of tariff uniformity was that Austria had a monopoly in Hungary for its manufactured goods while Hungary had none in Austria for its raw produce, and that the volume of imports from Austria was growing more rapidly than the exports to that country, so the balance in Austria's favour was always on

A surplus was shown for the first time in 1880. In 1867 a 5 per cent loan cost 8.07 per cent, including sinking fund, to issue, and the whole was not placed. In 1873 a 6 per cent loan of 153,000,000 with sinking fund cost 10.89 per cent. Of the 4 per cent conversion loan of 1880 the cost of issuing was 5.39 per cent.—Matlekowitz, *o.c.* p. 18 *sq.*

¹ Mudrony Soma, *o.c.* p. 8.

the increase.¹ In 1894, 348,000,000 florins worth of protected articles were imported by Hungary from Austria, which took similar goods to the value of 55,000,000 florins from Hungary.² The balance in Austria's favour was therefore 293,000,000 florins, and as the average duty was 20 per cent, Hungary lost 58,600,000 florins as the result of a protective system maintained for the benefit of the Austrian manufacturer. To take an instance: if 10 per cent was the average duty on cotton goods, it meant that Hungary paid the Austrian manufacturer for the 148,000,000 crowns worth imported from Austria 14,800,000 crowns more than it would have had to pay to the foreigner for similar, and possibly better goods, if there had been no protective duties. If, on the other hand, there were a customs barrier between Austria and Hungary, the importer would pay the extra 10 per cent to the Hungarian Treasury instead of making a present of it to the Austrian producer, the hidden tribute paid to whom, reckoned on the basis of the statistics of 1893, amounted to something between 62,300,000 and 69,500,000 florins.³ The amount which Hungary would now receive every year from Austria in the shape of duties, if an end were put to the customs union, has been estimated at 150,000,000 crowns;⁴ moreover, the country would benefit by the partial exclusion of Austrian manufactures in consequence of

¹ In 1906, of the total imports into Hungary 76.8 per cent, as regards value, came from Austria, *i.e.* goods to the value of 1,195,100,000 crowns. Of Hungary's exports 71.1 per cent went to Austria, *i.e.*, goods to the value of 1,072,900,000 crowns.—*A Magyar K. Kormány, etc. Statisztikai Évkönyv*, p. 280.

² Mudrony Somá, *o.c.* p. 22.

³ Mudrony Somá, *o.c.* p. 22. In 1872 the hidden tribute was estimated at 25,000,000 to 30,000,000 florins, from which Hungary benefited as regards its share of the customs proceeds to the extent of 5,000,000. Net loss, 20,000,000 to 25,000,000, p. 9. Francis Kossuth estimated the hidden tribute paid in 1898 at 89,656,000 crowns.—*K. F. Harmincz Parlamenti Beszéde*, p. 205.

⁴ Pap David, *Kvota, Vámshűvetség, Bank.*

the impulse which would be given to home industries and by the increased employment of native labour.

The tax on goods imported from abroad is paid by the purchaser in the necessarily enhanced prices paid for such goods, and the price of the protected goods imported from Austria is increased beyond the normal almost by the full amount of the protective duty. If the protective system is effective, foreign competitive products are partially or wholly excluded; the result therefore is that it is the Austrian manufacturer who is benefited, not the common customs receipts, and Hungary receives comparatively little countervailing advantage in the way of reduced taxation, or of protection for its own produce, of which in the great majority of cases the supply exceeds the home demand, and thus renders protection unnecessary. Forty years ago Hungary's surplus cereals had no protective duties to face in foreign markets, but since 1867 higher and higher duties have been imposed by western nations on agricultural produce. Hungary has now no free market for its produce, save England and Austria (where it is insufficiently protected), and owing to its customs union with the latter country is unable to make its own commercial treaties for the protection of its own interests or to retaliate against unfair competition. Hungary nominally has the right to make its voice heard in the matter of commercial treaties with foreign countries, but to say the least, excessive zeal for the protection of Hungarian interests has not hitherto been a characteristic of the existing system of joint diplomatic representation.

A further grievance was to be found in the fact that down to 1899 the excise or consumption tax on beer and sugar was collected in the producing instead of in the consuming country; consequently, the Hungarian consumer paid the taxes by which the price of such articles of consumption was increased, not to his own but to the Austrian treasury, which in 1894 received from beer and

sugar alone nearly 2,750,000 florins,¹ which should fairly have gone in reduction of Hungarian taxation. If the concealed tribute paid to Austrian manufacturers amounts to no more than 60,000,000 florins per annum, a minimum figure according to some authorities, ten years of compound interest gives a total loss of 750,000,000 florins incurred by Hungary² solely for the purpose of increasing the cost of all branches of home production, of making competition with Austria impossible, and of preventing the rearrangement of the basis of taxation which could be effected if even half only of the profits which now go to Austrian pockets were diverted into the Hungarian Treasury. Recent legislation has done little to improve Hungary's economic position. Tisza's new arrangement (1878, xxi.) raised the protective duty on goods which Austria could produce by 50 to 100 per cent, and provided for the payment of duties in gold instead of in silver as formerly. Consequently, Hungary, as the consumer of such goods, had to pay at least 100,000,000 florins more than hitherto, as was shown by, *inter alia*, the fact that the balance of the common customs receipts, after deducting expenses and drawbacks, jumped from 22,000,000 florins in 1879 to 47,000,000 in 1884.³ Count Albert Apponyi denounced the new arrangement, and pointed out that the collection of duties in gold instead of in silver meant an average increase on the cost of all goods of 15 per cent, and that the increase in the tariff applied specially to such essential articles as textiles and woollen goods, the duty on which was raised by 50, 100, and even 300 per cent.⁴ Thus, the revised Compromise was, economically, even more disastrous than the first edition. Ten years later a new commercial treaty was concluded with Germany, as the result of which the customs tariff on manufactured goods was again raised

¹ Mudrony Soma, *o.c.* p. 42.

² *Ibid.* p. 29.

³ Ság Manó, *o.c.* pp. 53-54.

⁴ Apponyi Albert Gróf Beszédei, i. 59 sq.

by 15 to 20 per cent to the benefit of the Austrian manufacturer and to the loss of the Hungarian consumer. At the same time a tax was imposed on Hungarian corn, rye, and flour, imported into Germany, which had hitherto entered duty free. Hungary was consoled with the statement that the raising of the tariff was essential to the protection of her nascent industries against foreign competition, but to protect her on one side while the other was left unguarded against the far more highly developed manufacturing industries of Austria was a useless precaution, more especially when competition with that country was rendered still more difficult than it would otherwise have been by the absence of credit facilities, the result of having no National Bank, and by railway rates designed to favour Austrian trade.

1898 was the year of the Bánffy-Badeni negotiations for the renewal of the customs alliance, but parliamentary obstruction, which prevented the passing of the estimates, caused them to be dropped, and the Government resigned. Coloman Szél formed a new Ministry, and he and Dr. Körber resumed negotiations, with the result that Hungary received some compensation for the raising of the quota to 34.4 per cent of the common expenses. Law xv. of 1894 had already provided for the application of the right principle as regards the excise or consumption tax, viz., that the proceeds of the tax on spirits should go to the consuming instead of to the producing country—a reform with which Hungary would willingly have dispensed, as it exported more spirits, the only article to which the new arrangement applied, to Austria than it received from that country. Some compensation for previous injustice was now afforded by the extension of the principle to beer and sugar,¹ and by throwing obstacles in the way of the favourite device of Austrian producers of marking wines and other produce as “made in Hungary,” when in reality

¹ 1899, xvii. and xxx.

Austria was the country of their origin. A further consideration for the Szél-Körber agreement was the undertaking to revise the system of railway rates in operation, which dated from the period of absolutism, and was obviously detrimental to the interests of Hungarian trade. Unfortunately, promise is not always followed by performance.

Law xii. of 1867 provides for the making from time to time of a commercial and customs alliance between Austria and Hungary to be arrived at by negotiation as between two equal and independent countries, and that as regards indirect taxes, their nature, proportions, and handling, such rules shall be adopted as shall exclude the possibility of one country crippling the resources of the other (sects. 59 and 63). On the other hand, the law declares that the imposition, collection, and handling of taxation is a matter solely for the Hungarian Government, and that, so far as no agreement is come to from time to time with respect to the matters enumerated in sections 58 to 67, Hungary's sovereign rights are unimpaired. Hungary's economic independence is therefore legally complete, subject to the condition already mentioned as to the avoidance of measures calculated to injure the interests of the allied country. It would seem to be a counsel of perfection to prescribe the invention of an economic policy capable of promoting the interests of one country without injury to those of its neighbour. Unquestionably Austria has hitherto failed, for want of ingenuity or goodwill, to devise such a fiscal scheme; therefore it cannot be a matter for astonishment that Hungary should consider that the time has come to utilise what the law has given it—freedom to work out its own economic salvation on its own lines. On the question of expediency and method Hungary alone has a right to be heard.

Three modes of effecting the desired change naturally suggest themselves—the complete economic separation of

Austria and Hungary; complete separation modified by the assurance of preferential treatment; maintenance of the alliance for the purpose of negotiation with foreign nations, and separation of the two countries by the re-erection of the customs barrier. The first alternative would seem to offer the simplest and most satisfactory solution. Hungary would be free to negotiate its own commercial treaties without reference to Austria—a freedom which would necessitate separate diplomatic representation, in any case as regards commercial matters, as the interests of the two countries would no longer be, even theoretically, identical. The tribute now paid by Hungary to Austrian manufacturers would be lost to them, but as Austria denies the fact of payment of such tribute, it would not be entitled to object to its abolition.¹ The fear that economic separation would injure the interests of Hungarian agriculture would seem to be unfounded, as either the two countries will agree to give each other preferential treatment as against other nations, in which case Hungarian cereals will hold the field in Austria against foreign competition; or they will not so agree, in which case, as Austria must import agricultural produce, the consumer must pay the full price plus the duty, and, apart from the question of quality, as the freight is less from Hungary to Austria than from elsewhere, the latter must necessarily take its supplies from the former. If, on the other hand, complete separation modified by preferential treatment were effected, matters might be complicated by the attitude which foreign countries might adopt on the strength of the most-favoured-nation clause. Would they

¹ "It is unquestionable that, except for the Bohemian and Moravian agrarians, no one (in Austria) desires or could tolerate customs separation. For Galicia and Bukovina it is, economically, a matter of indifference; for the Alpine districts it is dangerous; for the industry and manufacture of Austria it spells ruin."—Springer, *Grundlagen*, etc. p. 219. The same writer admits that the Hungarian peasantry, who, one might suppose, would fear the loss of the Austrian market, "is heart and soul on the side of the party of Independence," *o.c.* p. 214.

acquiesce in the new situation or would they demand treatment for their products similar to that accorded by Austria and Hungary to each other's exports? The whole matter is further complicated by the peculiar position of Bosnia and Herzegovina. Are they to become a separate entity for fiscal purposes, or are they to be joined with Dalmatia (which properly belongs to the Magyar Crown) to Hungary, or are they to form a neutral territory to which both Austria and Hungary can send their goods duty free? But, in the first place, Dalmatia forms *de facto*, though not *de jure* part of Austria, which apparently has no intention of relinquishing her hold; in the second place, Austrian goods destined for Bosnia-Herzegovina would have to pass over the Hungarian railways; consequently, unless carried for little or nothing, and free of transit duty, they would have no chance of competing with Hungarian exports. The third alternative, the nominal continuation of the economic union subject to the erection of a customs barrier between Austria and Hungary, might conceivably surmount some at least of the above-mentioned difficulties, but would not remedy the disadvantages under which Hungary labours as regards foreign nations. Hungary might lose such advantages as it now possesses in the Austrian market, and would not be able to compensate the loss, if any, by the independent conclusion of favourable treaties with other countries.

Whichever of the above alternatives is ultimately adopted, one thing seems certain, namely, that no modification of economic relations can be satisfactory to Hungary which does not provide for the establishment of a separate Hungarian National Bank. The notes of the Banks established in Austria by Maria Theresa were circulated in Hungary without the consent of the Diet, but without protest, though the exploitation of the country and the flow of specie to Austria were greatly facilitated by

acquiescence in the new departure. Not till 1811 was any objection raised by the Legislature to the continuation of a state of affairs for which no justification could be deduced either from the laws which gave effect to the Pragmatic Sanction, or from any other enactment to be found in the *Corpus Juris*. In that year the Diet passed a resolution enunciating the obvious fact that "the King of Hungary possesses neither the power nor the privilege, either by virtue of any *jus reservatum*, or for any other reason, of issuing notes in Hungary or of putting them into circulation . . . without the consent of the Diet," and discussed the question of establishing a National Hungarian Bank;¹ but nothing was done, and Austrian notes continued to circulate in Hungary with disastrous results, as we have already seen,² to the trader and the taxpayer.

In 1848 the Twelve Points of Pest demanded the establishment of a national banking institution, and in 1867 the question was again mooted, only to be dropped for the reason that insistence on Hungary's undoubted right would have necessitated the grant of a banking monopoly to foreigners for a long term of years, owing to the insufficiency of cash at the disposal of the Government. Temporarily, the country has deprived itself of its liberty of action by granting an exclusive privilege to the Austro-Hungarian Bank, but the privilege lapses in December 1910, and it seems scarcely conceivable that Hungary should again allow its hands to be tied for any considerable period, in view of the fact that a far-reaching reform of the fiscal policy would be incapable of execution without the assistance of a National Bank of issue. In 1907, in order to bring pressure to bear on Hungary with a view to a long term extension of the commercial alliance and to the increase of Hungary's percentage of the common expenditure, Austria threatened to withdraw from an

¹ Kmety, *Közjeg*, 506, n.

² *Supra*, i. 250, 257, 258.

arrangement which, so it alleged, is maintained for the benefit of its partner rather than for its own profit. To what extent the allegation is justified is open to question. Presumably the reason for the existence of a National Bank should differ from that for the establishment of a private institution: for whereas the latter exists solely for the purpose of making a profit, the primary object of the former should be the promotion of the commercial and general development of the country by the extension of credit facilities. If this view is correct, we can form an opinion as to the expediency of prolonging an exclusive privilege only by ascertaining the extent to which the common institution, judged from Hungary's point of view, fulfils essential conditions. A recent publication¹ shows, in a tabulated form, the result of the operations of twenty-two branch establishments opened in Hungary and Austria respectively, eleven in each, from 1900 to 1902, from which it appears that those operating in the former country had an average annual turnover of 19,280,000 crowns, while those opened in Austria had an average of only 15,300,000. It shows that in Hungary five branches worked at a loss in 1900, four in 1903, two in 1904, none in 1905, and none in 1906; whereas in Austria the corresponding figures were fourteen, fifteen, twenty-one, twenty-two, eighteen, seventeen, and fourteen. In 1906, of the thirty-four Hungarian branches thirty-two earned over 20,000 crowns profit; of the forty-six Austrian establishments only nineteen could show a similar result. True, the total profit of the Austrian section was larger than that of the Hungarian by 3,100,379 crowns, but the Viennese establishment earned 3,249,464 crowns more than the corresponding institution in Budapest, which shows that, excluding the two capitals, the country and urban branch banks of Hungary have a greater earning capacity than those of Austria, though the former are far

¹ Rózsa Károly, *Magyar Nemzeti Bank*, Budapest, 1907, pp. 18, 20.

less numerous than the latter. It seems not unfair to draw the conclusion from the above figures that the object has been to open branches in Hungary only in places where they would be practically assured of a profit, whereas in Austria the object was the provision of credit facilities and, the development of industry, rather than the acquisition of profitable business. Judged, therefore, by the test suggested above, the Austro-Hungarian Bank fulfils its proper functions in Austria, but fails to do so in Hungary.

In the event of a dissolution of partnership taking place, on the basis of the 1905 balance-sheet, Hungary's share of the assets would amount to 346,153,000 crowns in gold and 100,397,000 in silver. In that year the Austro-Hungarian Bank had notes in circulation to the average amount of 1,756,000,000 crowns, and Hungary's share in the total turnover amounted to 35.5 per cent. Therefore, in order to continue to do the same volume of business, Hungary would require a note issue of only 605,000,000 crowns, whereas the amount receivable on the dissolution of partnership would provide a metallic reserve justifying a note issue of roughly 1,000,000,000, without the necessity of having recourse to the public or to foreign sources.¹ When the Austro-Hungarian Bank was established in 1878 the charter provided that of the profits, after 5 per cent had been paid to the shareholders, 10 per cent should be carried to reserve, and that after the payment of a further 2 per cent, making the total dividend 7 per cent, surplus profits should be divided between the two countries in the proportion of seventy to thirty. This arrangement was clearly unfair to Hungary, as each country should have shared in the surplus, either according to the proportion in which it contributed to the earning of a profit, or it should have received a share corresponding to the proportion in which it contributed to the expense of common affairs. The adoption of either

¹ Rózsa Károly, *Magyar Nemzeti Bank*, p. 46 sq.

principle of distribution would have materially increased Hungary's percentage. Hungary was also unfairly treated by the provision that no more than 50,000,000 florins should be applied to loan and discount purposes, though, on the average, notes to the amount of nearly 330,000,000 florins were in circulation in that country.¹ This limitation was, in fact, removed by Law xxxvii. of 1899, which declared that it is the Bank's duty to promote the interests of traders and agriculturists—a declaration which affords confirmatory evidence of the view that the common Bank had not hitherto served the essential object of its establishment.

Hungary's right to have its own Bank is undisputed. It is clearly implied by Law xii. of 1867 (the Compromise), and was expressly affirmed by Law xxv. of 1878, at the time of the establishment of the common institution. The question of expediency is another matter. It awaits the decision of the Hungarian Parliament, the only competent tribunal, the result of whose solution of the problem presented by the economic relations of Austria and Hungary is of importance to the whole of Europe, for the possible failure to arrive at a satisfactory arrangement is the one dangerous element in the situation. So long as one country tries to keep the other in a position of economic subordination harmony is impossible. Here, it seems, is a case where union is not necessarily strength, where separation alone is capable of removing the chief cause of dissension, and of producing a friendly union, for the attainment of which the sacrifice of outward uniformity would be a small price to pay. It is sometimes suggested that the Magyars should acquiesce in the existing situation for fear of weakening Austria's feeling of solidarity with a sister nation, and of risking disintegration of the Habsburg monarchy; but why should Hungary buy Austria's goodwill by sacrificing its own vital interests? In the first place, dualism and commercial union have nothing in

¹ Ság Manó, *o.c.* pp. 52, 53.

common ; in the second place, no sacrifice will buy the affection of the Luegers, Schönerers, and Pan-Germans.

The reader will form his own opinion as to the expediency of economic separation ; the object of the foregoing pages will have been attained if they have convinced him of the erroneousness of the view not infrequently expressed in England, that the wish for such separation is merely the product of Magyar chauvinism and megalomania. Hungary's right to a separate customs territory was expressed in recent years by Law xxx. of 1899, and by Law iii. of 1906, which established a separate customs tariff ; but the former law was a one-sided expression of independence recognised by Austria only by the medium of an imperial ordinance, and the latter amounted to no more than a theoretic gain, as the independent tariff was identical in all respects with the Austrian one. By the new Compromise negotiated with Austria at the close of 1907, Hungary obtains complete recognition of its right to economic independence, and attains a position *vis-à-vis* Austria and the rest of the world which, whatever its strict constitutional rights may have been, it in fact never occupied since Mohács. The customs alliance (Zoll und Handels-Bündniss, Vámszövetség) is replaced by a customs treaty (Zollvertrag, Vámszerződés) such as might exist between any two completely distinct and independent countries, and Hungary's autonomous tariff receives formal confirmation. Hungary's hands are still tied to some extent by the fact that commercial treaties with the most important foreign nations do not expire till December 31, 1917, and thus exclude the possibility of complete separation till their expiry, and necessitate the continuance of reciprocity between Austria and Hungary for a further period of ten years. After 1917 Hungary will obtain entire liberty to negotiate its own commercial treaties without reference to Austria. Treaties which expire before December 31,

1917, can be renewed only for the period which intervenes between their expiry and that date. In the case of such renewal taking place Hungary will play the part of an independent contractant, and the treaties will be drawn up in the French, German, and Magyar languages. Henceforth such treaties will be made in the names of the two countries, Austria and Hungary, not only in the name of Francis Joseph on behalf of a single customs territory.¹ They will still be signed by the common Minister of Foreign Affairs, but in order to give expression to the independence of Hungary they will also be signed by a Hungarian as well as by an Austrian representative. Questions arising out of the economic relations of the two countries will be decided by a Court of Arbitration, half the members of which will be appointed by Hungary and half by Austria. The Court, the President of which will be chosen by lot, will sit alternately in Vienna and Budapest, and will be guided by rules based on those adopted at the first meeting of the Hague Conference. No question can be submitted to it which affects the sovereignty or juridical relations of the two parties to the new arrangement, which thus stand on precisely the same footing as regards each other as any two completely independent nations which have adopted the principle of arbitration for the settlement of possible disputes. The Bank necessarily continues to be a joint institution, in accordance with Law xxxvi. of 1899, but only till December 31, 1910, after which date Hungary's freedom of action is regained. Should the Government decide to prolong the existing privilege of the Austro-Hungarian Bank, the unity of coinage and the monetary basis will necessarily be maintained; if the privilege is not prolonged, the possibility of inconvenience as regards the free exchange of coinage and the maintenance of relative values is

¹ Hitherto, with the exception of the Brussels Sugar Convention of 1902 and the commercial treaty with Switzerland 1906, such treaties had been signed only by the common Minister of Foreign Affairs.

obviated by fixing the value of the gold crown as the medium of exchange for the purpose of all matters in which the two countries come in financial contact.¹

Other practical as well as theoretical gains result to Hungary from the revised Compromise of 1907. The consumption tax is henceforth a matter solely for Hungary, which is no longer under an obligation to consult Austria's convenience, or to act on identical lines with that country. After 1910 Austrian and Hungarian flour will be placed on an equal footing in Dalmatia, where hitherto the consumption tax was levied chiefly on the Hungarian product. An end will now be put to the fraudulent marking of Austrian goods with Hungarian names in order to deceive the purchaser as to the country of origin, and to Austrian falsification of Hungarian wines. Henceforward foreigners will be able to obtain protection for trade-marks and designs in Hungary without reference to Austria, whereas hitherto such protection could be obtained in the former country only if it was also afforded in the latter. With respect to the Post and Telegraph service Hungary obtains complete independence as regards both internal matters and international negotiation. Against these gains, which, taken as a whole, amount to unconditional recognition of Hungary's right to economic independence, must be set the fact that Hungary agreed to the raising of the quota or proportion in which it contributes to the common expenses by 2 per cent, making its share of such expenses for the next ten years 36.4 as against the 63.6 payable by Austria.

For the present it is idle to speculate as to what will happen after the expiry of that period. For the moment it suffices to indicate the fact that the objections of the party of Independence to the new assessment are based, not so much on the relative proportion of Hungary's

¹ See the Prime Minister's (Wekerle's) speech, Oct. 16, 1907, *Budapesti Hirlap*.

share, as on the fundamental fact of the continued existence of relations which necessitate the negotiation of such assessment.¹ Economic separation in no way affects the principle of dualism. Neither the Pragmatic Sanction nor the Compromise of 1867 imposes any limitation on Hungary's right to financial independence save that resulting from the necessity of making provision for the military protection of the King's other dominions. The law of 1867 makes no essential change in the obligation of mutual defence necessarily arising from, though not expressly mentioned by, the law of 1723. The problem confronting the authors of the Compromise was the discovery of some solution of the questions at issue which would involve no infringement of Hungary's rights as a sovereign State, and at the same time would avoid the risk of weakening the military forces of the monarchy. After Königgrätz Deák could, it may be, have compelled Francis Joseph to consent to the establishment of a completely separate Hungarian army, but he did not do so, his object being to effect a settlement for all time, and to leave no loophole for the readmission of international hostility and complications. Even the so-called revolutionary laws of 1848 did not contemplate anything approaching complete military separation, though had they done so no constitutional objection could have been raised. According to Law iii. of that year the employment of the Hungarian army and the making of military appointments were matters for the King's decision, subject to the countersignature, not of the Hungarian Minister of War, who was only Minister of Home Defence, but of the Minister in attendance on the royal person, who,

¹ See the speech of Francis Kossuth, October 17, 1907. He estimates the amount of the additional burden placed on Hungary at 4,800,000 crowns, to which must be added 350,000 loss on the abolition of the tax on Austrian shipping. Total on the debit side, 5,150,000 crowns per annum. The gains he calculates at 5,530,000, including the annual saving effected by the arrangement which provides for the conversion of the so-called Hungarian Block, *i.e.* Hungary's share of the Joint Debt.

according to section 13, was entrusted with the representation of Hungary's interests in common affairs, the existence of which thus received express recognition. Deák's speech of August 3, 1868,¹ clearly shows that he at all events never contemplated the establishment of a separate army. In his view, Law viii. of 1715, "a bad law for Hungary," had made the army a "common" institution, and he thought it wise to be satisfied with the maintenance of Hungary's ancient right of voting money and recruits for the Hungarian army, or regiments, which ever since 1715 had, practically if not theoretically, always formed a complementary part of the whole Austro-Hungarian forces. Deák's intention is clear, but it is doubtful whether Law xii., strictly interpreted, bears the meaning which he intended should be assigned to it. It is equally clear that the Committee deliberately accepted Deák's interpretation,² at the expense of the strict constitutional rights of the country; for, in view of the fact that the Pragmatic Sanction was, and was expressed to be, the sole basis of the Compromise, there can be no doubt that Tisza was right in insisting on the fact that the law of 1723 had made the obligation of defence "common," but not the organs of defence.

From the earliest times the Constitution recognised the necessity of vesting the chief command of the national forces in the King, whose rights as War-Lord were derived from the law, and could be exercised only in accordance with the law under the constitutional control afforded by the exclusive right of the Diet as regards the voting of money and recruits. As we have seen, the King had no *jus reservatum* different or superior to the rights of the nation: only a delegated right, conferred by custom or by law, and, consequently, capable of being abrogated or modified by legislative enactment of the

¹ Kónyi, *Deák Ferencz Beszédéi*, v. 447 sqq. See also vol. iv. 693 sqq. for his and Tisza's views.

² See Count Julius Andrassy's speech in the Upper House, April 5, 1888.

two, for this purpose equal, factors—King and Nation. As all laws duly enacted by those two factors are of equal binding force, and maintain their validity until abrogated by subsequent express enactment or necessary implication, the whole of Law xii. of 1867 must be interpreted by the light of previous unrepealed legislation, bearing in mind the fact that the right of leadership of the Hungarian forces was originally conferred, not on the Archduke of Austria, or on the Holy Roman Emperor, but on the Magyar King; and that if at the present day there is a “common” army, it is at all events not a common Austrian army, but is a “whole” army made up of two distinct factors, each of which is commanded by a person who derives his authority from two entirely distinct sources. Further, it must be remembered that the obligation of common defence deriving from the Pragmatic Sanction is conditional on the complete maintenance of Hungary’s constitutional independence, and that as the King’s right to command the Hungarian forces exists solely by virtue of his constitutional kingship, his rights as War-Lord are necessarily subject to the limitations imposed by unrepealed legislation, and by the fact that the royal prerogative is defined as “constitutional” by Law xii.¹ *i.e.* limited by law and custom, and by Law ii. of 1867, which incorporates the coronation oath by which Francis Joseph swore to maintain all Hungary’s privileges, legal customs, and laws, passed and to be passed by Parliament. Consequently, the royal right of command and the control of the internal organisation of the Hungarian forces, reaffirmed but not created by Law xii. of 1867, implies no more than that the King is Commander-in-Chief in war and in peace, can delegate his authority as such to another, and has the exclusive right of appointing to military offices. The limited nature of his authority is shown by the fact that though the right of regulating disciplinary

¹ Sect. 11.

punishment would appear to be a necessary corollary of the prerogative of supreme command, such is not the case, as Parliament has maintained its right of interference in matters of internal organisation, as is proved by the abolition of corporal punishment by Law xl. of 1868,¹ as well as by the necessity of obtaining the counter-signature of the responsible Minister of War to give validity to the exercise of royal authority.

By Clause 2 of Law xii. it is provided that the "common security" is to be maintained by the "united" forces of the two countries, and by Clause 4 Hungary undertakes to do what is "unavoidably required" for the maintenance of the common security, but refuses to undertake any obligation the acceptance of which is not essential to the attainment of the object in view. The test, therefore, of Hungary's obligations was essentiality for the purposes of the common defence of Austria and Hungary, and where no essential modifications of the rights of the King and nation were deemed to be required, and were effected by Law xii., previous legislation retains its validity. The Hungarian forces are described by Law xii. as the Magyar army, not as forming part of a "common army," but as a complementary part of the "whole army,"² and as such are subject to the Hungarian laws and the Hungarian Government (Clause 14), save in so far as the latter has abandoned its rights in favour of the King. In this, as in other particulars, the Austrian law of December 21, 1867, is an incorrect version of the corresponding Hungarian law, for it fails to give expression to the constitutional independence of Hungary, the maintenance of which was a condition precedent to the adoption of the Compromise. "Das Kriegswesen des Heeres" is declared to be common to the kingdoms and lands represented in

¹ Kmety, *Kézjög*, p. 225.

² The wrong expression "common army" first appears in a ministerial order of January 30, 1870. It first appears in a Law in 1875 (li.), and is repeated by vi. 1889.

the Reichsrath, and to the lands of the Hungarian Crown—a general and misleading statement which implies that Hungary, as regards military matters, is on precisely the same footing as the hereditary provinces. The command and inner organisation of the army are expressed to be a matter for the Kaiser only, whereas, in reality, as regards Hungary, they are a matter for the King, whose powers are subject to entirely different limitations to those imposed on the Kaiser of a pseudo-constitutional country. The attempt to misconstrue the phrase “whole army” as “common army” was the last manifestation of the traditional policy, the object of which was to produce the appearance, at least, of something more than a personal union, and to justify the deliberate austrianisation of the army¹ by insistence on the use of a Habsburg flag and of the German language of command.

As regards the latter, from the purely legal point of view the Magyars occupy an unassailable position. No law has ever declared that German shall be the language of the Hungarian forces; on the contrary, in Law xvi. of 1790-91, “*de non introducenda pro negotiis quibuscunque lingua peregrina*” (i.e. German), “His Majesty assures the Estates and Orders that a foreign language shall not be introduced in any governmental business of any nature whatsoever,” and this law and others of a like character have never been repealed.² The question of the language

¹ Down to October 17, 1889, the army was incorrectly styled *Kaiserliche-Königliche*, when Hungary insisted that it should be *Kaiserliche und Königliche*—apparently a trifling distinction, but one which gave expression to an important principle.

² See 1807, i. sect. 9, *re* the difficulty of obtaining recruits because of the non-Hungarian-speaking officers. His Majesty undertakes to appoint only such officers as can speak the national language. 1808, ii. sect. 20 enacts that Hungarian is to be the language of command in the special regiments then voted. 1808, vi. sect. 5, recruits are under no pretext to be assigned to other than Hungarian regiments. The Royal Order of August 6, 1868, provided that Hungarian officers are to be appointed to Hungarian regiments, a confirmation of the validity of the Law of 1840 already referred to.—See Kmety, *o.c.* p. 464 sq.; see also *supra*, ii. 44.

of command is therefore purely a question for the Hungarian Parliament and the King of Hungary, and neither Reichsrath, Delegations, nor common Ministers have any *locus standi* to make their voice heard in the matter; for it is a question merely of expediency, and an alteration of the existing system would import no change into the common affairs arising out of the Pragmatic Sanction, but only into the method of dealing with such affairs. The reply is commonly made that Hungary has denuded itself of the right to interfere in matters affecting the internal organisation of the army, but this is not so. Hungary has given certain defined rights to the Hungarian King, who, as a constitutional monarch, can exercise such rights only in accordance with unrepealed laws and immemorial practice; and both law and practice are unimpeachable witnesses in favour of Parliament's right to interfere in practically all matters of internal organisation,¹ except the supreme command and the appointment of officers. Neither directly nor by implication has Parliament renounced its control either of civil or military education.² There is not a word on the subject of military education, or of education in general, in the law of 1867, and everything which has not been expressly made a common affair, or an affair of common interest, is necessarily a purely Hungarian affair.

Englishmen, who are in general incapable of realising the meaning of the phrase "a nation in arms," or the

¹ Ever since the establishment of a regular army in 1715 the Diet exercised the right of interfering in its internal organisation. See *supra*, ii. 42-45, and Kmety, *o.c.* p. 226, *re* vote of recruits, conditions, and period of service, the fixing of the relative numbers of cavalry and infantry, the civic rights and obligations of men serving with the colours, and the provisioning of the troops. See also previous note. Section 12 of xii. 1867, reserves to Hungary its old right of voting the annual contingent *under such conditions* as it may choose to impose. Obviously it could refuse the vote if dissatisfied as to the language of command, flag, etc. Further, an alteration of the existing system of defence can take place only with the consent of the Hungarian Legislature, sect. 13.

² Law vii. of 1808, *re* the Ludoviceum or Military Academy, shows that the Diet had not abandoned its right of interference.

effect of universal service on the national character, are necessarily disposed to take a narrow view of the question of military education, and to condemn the Magyars offhand for desiring to prevent the possible denationalisation of the younger generation by training in a foreign language in non-Magyar surroundings. It was no narrow chauvinism which prompted Count Albert Apponyi¹ to emphasise the necessity of magyarising military instruction, and of providing facilities for higher military education in Hungary in order to prevent the diminution of attachment to the Magyar idea. There is as little justification for the germanisation of Hungarian military education as there would be for the magyarisation of that of the German-speaking population of Austria.² The nationalities of Hungary should fairly be instructed in the language of the Magyar State, and not in that of the Germans of Austria, who, by insisting on the continuation of German military instruction, contribute to the difficulties which lie in the way of the

¹ See his speech on the Army Bill of 1889, already referred to.—*Beszédei*, i. 470 sqq., 561 sqq.

² If German were the language of the majority of the population of the two countries it would be another matter, but it is the language of not more than 20 per cent of the population—a dwindling minority. German was justifiably the language of command at a time when there was a long-service army (ten years or more with the colours gave time to acquire a proper knowledge) but not in the days of short service of two or three years. As half the German-speaking soldiers are in exclusively German-speaking regiments, the rest forms an inconsiderable fraction of the rank and file of the other regiments to which it is desired to give a purely German character. Only 24 per cent of the army is German; 22 per cent is Hungarian. It seems idle to the layman to suggest that the use of different words of command by the lower grade officers of different regiments would impair the fighting efficiency of the troops in view of the fact that in actual fighting signals of bugle or whistle to a great extent are substitutes for spoken words. The impossibility of maintaining the exclusive use of German is shown by the fact that it is now no longer necessary to know that language to become a non-commissioned officer. Of the Hungarian soldiers 55 per cent are Magyar, and 70 per cent can speak Hungarian. The question of the language of command is temporarily in abeyance by agreement between the King and the leaders of the Coalition (April 15th, 1906) pending the election of a new Parliament on the basis of universal suffrage.

magyarisation of the subordinate races of Hungary. The question of the practical result of having two separate armies, the officers of which would command their men in Hungarian or in German as the case might be, must be left to the judgment of those who are competent to form an opinion, which, to be of value, requires a knowledge, to which the writer of this book can make no claim, of past military history, and of the present practice in armies composed of soldiers of diverse nationalities. It is often suggested in England that if Hungary had a separate army, Bohemia also would be entitled to have one; and that if Hungarian were the language of command for the Hungarian forces, all the small nationalities of Hungary would want to be commanded in their own tongue, with the result that half a dozen languages would require to be used for the command of a single regiment. The answer is obvious. In the first place, Bohemia is an integral part of the hereditary provinces of Austria, not an independent sovereign State like Hungary; in the second place, apart from the impossibility of splitting the Hungarian regiments into companies and half companies composed solely of the members of subordinate nationalities, the State is Hungary, the land of the Magyars, and Magyar is the language of State. Hungary as such has no technical corps, no general staff, and those aspiring to higher commands must go to a Staff College where the language of instruction is German and the *esprit de corps* is Austrian, and necessarily destructive of the feeling of distinctive Magyar nationality.¹ The germ of

¹ There are more than 3000 Austrian officers in Hungarian regiments. There are fifteen military schools in Austria, and only seven in Hungary, and those are not in the essentially Magyar centres. The result is that some thousand Hungarian cadets go to Austria for their military education.' See *Budapesti Hirlap*, December 22, 1907. It is suggested that the insufficiency of Magyar officers and the dislike for military service in time of peace would disappear if there were a distinctively Hungarian army and distinctively Magyar military education. Hungarian regiments could be so organised as to consist of 70 per cent of Magyar-speaking soldiers. Hungarian regi-

a separate army already exists in the Honvéd, or army of home defence, which is far more than the Landwehr of other countries, for it is not a mere reserve formed of those who have served their time with the colours, but an independent force kept on foot by the incorporation of a fixed annual contingent of recruits. This body cannot be called upon to serve outside Hungary, except with the consent of Parliament, or, should Parliament not be sitting, by an order signed by the whole Ministry, and requiring subsequent ratification by Parliament. The flag and the language of command are Hungarian, and the connexion with the common army consists only in the King's right of supreme command, which gives him no authority to compel Hungarians to fight under an Austrian flag, a symbol of non-existent unity, as Law xxi. of 1848 provided for the use of the national colours, and that has never been repealed. The development of this germ into a separate army with its own flag, corps of engineers and artillery, and general staff, is a question of expediency, and one for the decision only of the Hungarian people and its King. Clause 2 of the law of 1867 clearly indicates that the King's right of supreme command is derived, not from that law, but from previous legislation with which Austria had nothing to do, and section 13 says no more than that it is expedient, not imperative, that similar principles should be observed in both countries. Even if Law xii. had *expressis verbis* made the army common, it could cease

ments would be quartered only in Hungary, and would be commanded only by Magyar-speaking officers. It is often said that as Hungary provides only 41 per cent of the recruits for the whole army, and as its share of common expenses is 36.4 per cent, Austria bears an excessive share of the military burden. The answer is that in proportion to the relative wealth of the two countries Hungary still pays too much. With separation of the army into two distinct forces, Austrian and Hungarian, Hungary's expenses would be increased, but the extra cost involved would be more than recouped by the gain resulting from customs separation, and by the fact that Hungary would spend its own money at home instead of in Austria.

to be so at any moment by agreement between King and nation, and Austria would have no right to object : for the Compromise of 1867 was made between the Magyars and their King, not between the Magyars and Austria. The possibility of arriving at such an agreement is another matter, for the case of General Janszky¹ and the army order of Chlopy² are incidents which clearly show what Francis Joseph's feelings are. At the same time they prove that public opinion can compel his withdrawal from an indefensible position, and can force the tardy concession of an ell where the prompt concession of an inch might allay the feeling of resentment generated by Francis Joseph's inability, or unwillingness, to cease to subordinate the Hungarian King to the Austrian Emperor.

¹ On the anniversary of the recapture of Buda by the Magyars from the Austrians under General Hentzi, General Janszky took the opportunity of making an anti-Magyar demonstration by ostentatiously, in company with his officers, visiting the burial-place of Hentzi (whose statue in Buda was for many years a national eyesore and reminder of the period of Austrian tyranny) and laying a wreath on his grave. Tisza protested against the tactless act, and excitement increased when General Edelsheim Gyulai, who objected to Janszky's action, was retired from the service and Janszky was promoted. Francis Joseph had to write and explain that the motive of the retirement and promotion was misinterpreted, but the incident left a bad feeling, and gave Count Albert Apponyi a good opportunity for insistence on the necessity of magyarising military education to prevent the denationalisation of the younger generations.—See his speech, *Apponyi Albert Gróf Beszédei*, i. 459 sqq.

² September 14, 1903, when Francis Joseph expressed himself as firmly resolved to allow nothing to interfere with the indivisibility of the common army, "though the bonds of union are threatened by one-sided aspirations which fail to comprehend the exalted nature of the mission fulfilled by the army for the welfare of both countries." Five months later he was compelled to recede from his previous uncompromising attitude, and to make concessions on military questions to Hungary.

CHAPTER XX

THE army question constitutes a problem for the jurist, as well as for the authority on military matters, and can no more be settled by the *obiter dicta* of foreign critics than the problem presented by the existence of fragmentary nationalities can be settled by the ill-considered intervention of foreign celebrities of the magnitude of Björnson and Tolstoi, whose *a priori* condemnation of British action in South Africa should make Englishmen hesitate to attach undue importance to his criticisms of an Anglophil nation. British public opinion has, apparently, arrived at the conclusion that the Magyars are consistently guilty of the employment of methods of barbarism in their treatment of subordinate races. Trial by newspaper, condemnation without investigation, are such labour-saving processes that their employment is naturally popular, more especially when the means of forming a considered opinion are not easily accessible. The Magyars are themselves largely to blame for the fact that judgment has been allowed to be passed on them on the *ex parte* statements of self-interested agitators and of humanitarian philosophers, and that they are left to console themselves with the conviction that the abuse of which they are made the target is begotten of ignorance of actual facts, of past history, and of the vital considerations of national expediency. The problem presented by the persistence of minor nation-

alities is not confined to Hungary, but affects a large part of Europe, from Ireland to Bessarabia, and the measure of the abuse lavished by the spectator of the process of absorption, which is going on as slowly and as surely now as in the past, is in inverse proportion to the magnitude of the absorbing nation. What Russia does, and has done with impunity, would have evoked the thunders of Exeter Hall if perpetrated by a weaker country. Wreschen passes almost unperceived,¹ while a petty Slovák village earns European notoriety through the disturbances resulting from the dismissal of a disorderly priest.² The Irishman and the Pole has a recent historical basis for their claims to independent existence, as well as the justification of antiquity, which is wanting in the case of the fragmentary nationalities of Hungary.

The aboriginal population of what is now Hungary—scattered, incohesive tribes incapable of resisting Magyar arms, or, later Magyar civilisation—died out or was absorbed by the superior race. The process of civilisation was purely Magyar. The development of governmental institutions proceeded along purely Magyar lines, and bore hardly a trace of either Slav, or, save for the fact that Latin was the literary medium, of Western influence. As we have seen, the mass of the existing nationalities was imported, or filtered into, the country long after it had received a permanent Magyar stamp—desirable or undesirable aliens, who, in most cases, repaid the hospitality they received by lending themselves to the disruptive policy of the Habsburgs. The disappearance or absorption of the aborigines was due, not to fire or sword or violent compulsion, but to

¹ It must not be forgotten that the Poles in Germany number only about 3,000,000 out of over 61,000,000, consequently the Polish question is not a question of life and death for the dominant race as the question of nationalities is in Hungary.

² For the true version of the events of which Csernova was the scene, the English reader should see Count Joseph's Mailáth's article in the *Contemporary Review*, August, 1908, p. 218 sqq.

the essential superiority of the Magyar nation, so convinced of that superiority that it never saw the necessity of magyarising races which, in early days, having no conscious feeling of individuality, would have been as wax to receive the permanent impress of Magyar nationality. The gates were opened wide to European culture from the time of St. Stephen, whose maxim, "*regnum unius linguae uniusque moris debile et imbecille*", shows his recognition of the fact that the only language and civilisation which had hitherto counted for anything in Hungary was the Magyar, as well as his appreciation of the benefits derivable from contact with the West. There is no approximately pure race in Europe except the Basques, the Jews, and the Gipsies, but there are many countries in which the factors have existed which produce the fusion of heterogeneous elements into a single nation¹—common recollection of dangers surmounted, common history, common religion, and common civilisation. Such factors were largely wanting in Hungary. The dangers surmounted were surmounted by the Magyars, who alone did the fighting, the bearing of arms in defence of the fatherland being the privilege of the nobility. There was no common history, for history was made solely by the Magyars. There was no community of religion, as St. Stephen turned to Rome for the national religion instead of to the Eastern Church, thereby, in all probability, saving the Magyars from degeneration to the level of the Balkan races, and from ultimate absorption in the ocean of Slavdom. Civilisation, such as it was, was purely Magyar, and all governmental institutions were directly developed from the germ evolved by the Magyar national genius before the great migration westwards. The races imported into Hungary at a later date arrived too late to alter accomplished facts

¹ British critics commonly suggest that there are no Magyars. It would be as reasonable to say that there are no English, in fact more so, as the English race is more composite. But future generations will probably agree in regarding Edward VII. and Benjamin Disraeli as Englishmen.

even if they had possessed a far higher degree of civilisation than any of them had in fact attained. What they chiefly cared for was freedom to exercise their various religions, and such freedom they received at the hands of Hungary, the land *par excellence* of religious tolerance. The better class aliens received the rights of nobility or became fused in the Magyar nation. The inferior elements remained apart, in a condition neither better nor worse than that of the great mass of Magyar peasants, and had little or no consciousness of distinctive nationality, or power to resist a deliberate policy of magyarisation, had such a policy ever entered the heads of the predominant race, which, unfortunately, it never did.¹ Unfortunately, for the reason that successive Habsburgs were enabled to utilise the forces of ignorance for the purposes of their traditional policy of *divide ut imperes*—of centralisation and absolutism. For the existence of hostility to the Magyar idea, tentative and embryonic before 1848, the Magyars have to thank, in the first place, their own consciousness of a superiority which made deliberate magyarisation superfluous, and, in the second place, the Habsburg connexion.² There never has

¹ The nationalities were never interfered with as regards their language and habits, and for eight centuries "never for a moment ceased to be Hungarians." Their numbers were too small, and their geographical distribution was not of a nature to allow them to aspire to an independent existence. Only the unity of the Hungarian Kingdom formed a shield to protect them from destruction.—Eötvös, *A Nemzetiségi Kérdés*, 1903 ed. pp. 17, 20, 26. Nationalities never fought as such, but members of the different races from the time of John Zápolya onward were divided just as the Magyars were on political and religious questions, and were to be found fighting on both sides.—*Ibid.* p. 155.

² After 1848 "begann auch in Ungarn unter dem Vorwand der Durchführung des Gleichberechtigungs-Princips theils eine stramme Germanisation, theils antimagyarische Nationalitätenhetze."—Gumpłowicz, *Das Recht der Nationalitäten und Sprachen in Österreich-Ungarn*, Innsbruck, 1879, p. 110. After 1861 "wieder einmal also nahm das unbedingt centralisirende und germanisirende System die Nationalitätsrechte der Slaven (in Ungarn ebenso wie in Triest) und der Rumänen, zum Vorwande, um den Ansprüchen der mächtigeren Nationalitäten entgegenzutreten, und das that dasselbe System, welches in Böhmen und Galizien zu den gegründetsten Klagen über Bedrückung ihrer Nationalität und Sprache Anlass gab."—*ibid.* p. 160. The "Schreck-

been any recognised citizenship in Hungary but Magyar citizenship. Though from time to time the Habsburgs encouraged the separatistic tendencies of the Serb, the Croat, the Saxon, and the Slovák, the fact remains that from the time of St. Stephen to the present day there has been and is no territory in Hungary but the territory of the Sacred Crown, and no political rights save those conferred by membership of that Crown. Austria made a last attempt to produce a mongrel federalism in Hungary in 1861, and now itself suffers from the poison of particularism and nationalistic antagonism which the Habsburgs so long tried to infuse into Hungary for their own purposes.

Nothing can be more misleading than the majority of the maps which purport to show the geographical distribution of the constituent races of Hungary. The broad, uniform smudges of colour which indicate that this part is Magyar, this Roumanian, this Servian, this Slovák, and so on, and serve as a text for the disquisitions of the prophets of federalism, obscure the fact that the various races are so intermingled in all parts of the country, and so interspersed with Magyars, that it is impossible to effect clear-cut geographical subdivisions for federalistic purposes such as are possible in Bohemia, where the country is peopled by only two races, the Germans and the Czechs, between whom the lines of demarcation are comparatively easily drawn. A glance at the map appended to the recent book of Mr. Ernest Baloghy¹ would do more to disperse erroneous notions as to racial distribution than many pages of statistics. Minute squares of colour, showing the interpenetration of the nationalities, replace the familiar broad smudges, and the result bears as much resemblance to the ordinary ethnographical map of Hungary as a pheasant's plumage does to the tricolour. The great central plain of

gespenst" of federalisation was to drive the Magyars into the Reichsrath.—Gumplowicz, *ibid.* 171, citing Rogge.

¹ *A Magyar Kultúra és a Nemzetiségek*, Budapest, 1908.

the Danube and the Tisza is almost solidly Magyar, as is the eastern part of Transylvania; elsewhere, except in the Serbo-Croatian district south of the Száva, the patchwork diversity of colour points an unmistakable moral—the impossibility of a territorial subdivision for purposes of local autonomy, which would not result in the subjection of Magyar and German intelligence to inferior types, whose sole claim to political differentiation lies in the fact that they speak a bastard variety of the languages of more important races. The Magyar element is wanting in not one of 413 electoral divisions; the German only in 37. Slovaks are absent from 211, Roumanians from 235, Croatians from 344, Servians from 351. Ruthenes are to be found in 57 divisions, and fragments of other races in no less than 360.¹ As regards the eighteen divisions of what Brote and other agitators regard as *Roumania irredenta*—Transylvania and Hungary up to the Tisza, the Roumanians are in an actual majority in only eleven; Magyars and Germans form over 37 per cent of the population; and in no single district in which the Roumanians are in the majority is there an admixture of less than eleven per cent of other nationalities. Though the Magyars constitute no more than $54\frac{1}{4}$ per cent of the whole population of Hungary proper, they are more than three times as numerous as the numerically strongest nationality,² whereas the German population of Austria forms no more than $38\frac{1}{3}$ per cent of the inhabitants of the hereditary provinces.³ Between the subordinate races there

¹ Baloghy, *o.c.* p. 61, citing Baloghy Pál.

² According to the census of 1900 the figures were: Magyar, 8,742,000; Roumanian, 2,799,000; Slovák, 2,019,000; German, 2,135,000; Servian, 1,062,000; Ruthenian, 384,000; Croatian, 1,563,000.—*A M. Kir. Kormány 1906 évi . . . Statistikai Évkönyv*, Part II. 20. The Magyar percentage in Hungary and Croatia has increased from 42.8 in 1890 to 47.6 in 1907. In 1900 the Magyar-speaking population numbered 8,742,000, or 52.8 per cent of the total. In 1906 it formed 59.7 per cent of the male, and 56.8 per cent of the female population.—*Ibid.* pp. 20, 44.

³ *Österreichisches statistisches Handbuch*, Vienna, 1903. The percentage of the German population was the same in 1850, in fact it was a fraction higher.

is no cohesion or solidarity ; the Magyar is the only binding element. Panslavism, Pangermanism, and Panroumanism, have alternated from time to time, and in every case the source of agitation was to be found outside the limits of Hungary. Roumanians and Slovaks have nothing in common. The Roumanian hates the Servian, and the Servian the Roumanian. The German settlements are too scattered for it to be possible to carve out a characteristically German territory not permeated with Magyar, or Slovak, or Roumanian elements, are too far removed from Germany to dream of union therewith, and too good Hungarian citizens to wish such union were possible in spite of the prognostications of M. Cheradame.¹ The Germans of Zips fought in Rákóczy's army, stood side by side with the Magyars in the fight for freedom in 1848, and prayed for the restoration of the Hungarian Constitution—the sole guarantee of their liberties. The Transylvanian Germans are less disposed than those of Zips to forget their origin, but considerations of self-preservation must compel them to ally themselves with the Magyars against the numerically preponderant, but

On the other hand the Czechs and Moravians from 1850 to 1900 increased from 22.8 per cent to 23.24 per cent, and the Poles from 12.4 per cent to 16.6 per cent.

¹ *L'Europe et la question d'Autriche*. As a German member of the Delegation publicly declared in 1904 : "The Saxons are Hungarian patriots, and their fate is irrevocably bound to that of Hungary." Of the 2,135,000 Germans in Hungary 450,000 live in the Tisza-Máros district among Roumanians and Serbs, 230,000 in Transylvania among Roumanians, 200,000 in Croatia, 300,000 among the Slovaks and Ruthenes, 190,000 among the Serbs, 300,000 in the essentially Magyar districts. According to the fancy maps of the Pan-Germans, Roumania will some day receive the so-called Roumanian districts of Transylvania and Hungary, and the Saxon part will become a Markgrafschaft Siébenbürgen. The centre of Hungary will be converted into a Magyar Markgrafschaft in which a knowledge of the German language will be a condition precedent to the possession of civic rights, and the Magyar landowners who are not friendly to the idea of German domination will be expropriated like the Prussian Poles. On the subject of Pangermanism in Hungary see Herczeg Ferencz, *National Review*, September 1903.

educationally inferior, Roumanians. Eisenmann¹ and others suggest that the Magyars might take a hint from the cantonal system of Switzerland, but Switzerland is populated by three equally civilised races, the geographical demarcation of which is natural and distinct.

An inferior civilisation cannot swallow up a superior one. The Slovaks in the north-western part of Hungary are more compact than most of the nationalities, but they are on too low a plane to be able to stand alone. In the north-east they are mixed up with Magyars and Germans who would never submit to the domination of an inferior race which has never done anything for its adopted country or for itself. According to Hunfalvy,² the great authority on the nationalities of Hungary, the Slovaks, so far from being aboriginal inhabitants, are of Czech-Moravian origin and wandered into Hungary in the fifteenth century. They had no conception of a separate national existence before 1848, when, as the author of the petition to Francis Joseph stated, they awoke from their sleep of nine hundred years' duration. There was no Slovak language, only a Czech *patois*.³ Not until 1850 was there a Slovak Grammar. In 1862 a society, the Matica Slovenska, was formed for the purpose of fostering the Slovak literature and promoting the use of the Slovak language⁴—a task which was complicated by the fact that both literature and language had first to be invented. Discontented with the proverbial blessedness enjoyed by races which have no history, the Matica also invented the absurdity of an independent Slovak Duchy, alleged to have existed prior to the arrival of the Magyars, and to have continued down to the time of St.

¹ O.c. p. 680.

² *Magyarország Ethnographiája*, Budapest, 1876.

³ See *A Cseh-Tót Nemzetegység Múltja, Jelené és Jövője*. Czambel Samu. Túróc-Szt-Márton, 1902, pp. 12 sqq. 23 sqq.

⁴ See *A Tót Nemzetiségi Mozgalmak Fejlődésének Története*. Dugovich Titus. Túróc-Szt-Márton, 1903, pp. 50 sq. 60 sqq.

Stephen.¹ So far Slovák literature has nothing to boast of save a third-rate poet or two and a few translations. There are no scientific Slovák writings, and even the books in use in 326 schools in which the language of instruction is Slovák are Czech. The creation of an independent Slovakia is unthinkable, and Slovák autonomy, implying the subordination of Magyar and German intelligence to mere numerical superiority, would be intolerable. Such Slováks as wish for a change desire fusion with the Czechs² or are tarred with the brush of Panslavism. The very existence of a Slovák question, of a Slovák nationality, is a proof that the Magyars have not been guilty of undue interference with the natural development of subordinate races whose separatistic tendencies, devoid of historical justification, are the artificial production of the traditional Habsburg policy, and of the times in which we live. Servian autonomy is equally inconceivable. The Serbs of Hungary proper, less than half a million strong, are to be found in considerable numbers only in four counties.³ Elsewhere they are numerically unimportant, and provided that their ecclesiastical autonomy is respected, have no more wish for a separate political existence than they have for reunion with the inferior civilisation of their congeners in Servia, the limits of whose capacity for orderly self-government are sufficiently notorious.⁴

The Croatians stand on an altogether different footing, especially since the passing of Law xxx. of 1865, which confirmed and greatly extended the autonomous rights,

¹ "Von einer Slovakischen (Nationalität) wusste leider die Geschichte und das Europäische Bewusstsein nichts."—Gumpłowicz, *o.c.* p. 59.

² For the propaganda of the Česko-Slovanská Jednota (Czech-Slav union Society) see Czambel Samu, *o.c.* pp. 1 *sq.* and 6-8. For the, originally purely Czech, origin of the movement see *ibid.* pp. 34, 37, 38, 77.

³ According to the census of 1900 the total Servian population was 1,062,000. For their origin see *supra*, i. 164.

⁴ The story of the member of the Skupstchina who asked, "Who is this Mr. Budget of whom they talk so much?" is presumably well known.

the limits of which were concisely defined by Verbőczy over three hundred years ago. As we have seen, in 1848 Croatia fought nominally in defence of the unity of the realms of the Habsburgs, but the address presented by its Diet to the Crown on June 5th of that year puts a different complexion on the matter. "The triple Kingdom of Croatia, Slavonia, and Dalmatia reserves to itself the right to unite not only the sister races now living under Austrian domination in Styria, Carinthia, Carniola, Istria, Görz, and the islands, but also in connexion with the districts belonging to Turkey, should these be recovered, to found a southern Slav Kingdom." There, in a nutshell, is the essence of Croatia's action in the past and of its ambitions for the future. After Világos, Croatia was not slow to discover the fact that it had put its money on the wrong horse, and complained, not without justification, that it received as a reward for its efforts on behalf of the Habsburgs no more and no less than Hungary received as a punishment. It soon recognised the folly of having exchanged the liberties it enjoyed under Magyar supremacy for the despotism of Bach and his successors, and on the occasion of the presentation of an address to Francis Joseph on September 24, 1861, stress was laid on the fact that "closer political connexion with Hungary is the best guarantee of the Constitution; for a union of forces enables a more successful resistance to be offered to the encroachments of Austria's policy of absolutism." Consequently, when in 1868 an arrangement was come to between the Magyars and the Croatians, it was hoped and believed that the latter would abandon Pan Slavism and "Illyrian" ideas for ever. The hope was doomed to disappointment, and almost from the start the Croatians never lost an opportunity of taking sides against the authors of their limited independence. From time to time attempts were made to lull Magyar susceptibilities

with assurances of attachment to the Hungarian connexion, and by declaring that hostility hereto was to be found only in the sparse ranks of an extremist party ; but no reliance could be placed on such protestations. Croatians will never abandon the idea of a great southern Slav kingdom. To satisfy their megalomania Dalmatia must be annexed to Croatia, dualism must become trialism, and Hungary must be deprived of the essential condition of vitality, the control of its access to the sea. As a matter of fact, far greater concessions were made to Croatia in 1868 than it was historically entitled to claim. Law xxx. gave it a measure of independence very different to that with which it was contented in the days when Gáj and Illyrism had not been born or thought of. Then Croatia was a nation, in the sense in which the Saxons of Transylvania constituted a nation before the Act of Union ; now it claims to possess all the attributes of independence.¹ It has its own coat of arms surmounted by the crown of St. Stephen, and its own flag, which is hoisted alongside that of Hungary when Parliament is occupied with the discussion of Hungarian-Croatian common affairs (Law xxx., sect. 63), a fact which is calculated to produce the erroneous impression that

¹ Marczali points out (*Az 1790-1 Országgyűlés*, i. 376) that Croatia never claimed to be an allied State on an equal footing with Hungary till 1790, and that the use of the expression "annexed" instead of "subject parts" was due partly to the Roman Church, which wished to curry favour with Catholic Croatia, and partly to the Court of Vienna, which foresaw the possibility of utilising Croatian aspirations to combat those of the Magyars. Deák's words, to be found in the first Address of the Diet of 1861 (Kónyi, *o.c.* iii. 47), "Croatia possesses its own territory, occupies a distinct position, and never was incorporated in Hungary, but was united to us, and was a partner in our rights and obligations, our prosperity and adversity," have been utilised to prove the independence in Deák's view of Croatia, but the phrase in question must be read in connexion with others to be found in the same and in the second Address, both of which insist on the impossibility of consenting to the dismemberment of the kingdom by the severance of Transylvania and Croatia. Deák clearly meant no more than that Croatia was an "annexed part" enjoying a certain degree of self-government, and so differing from the rest of Hungary. For the second Address see Kónyi, iii. 261.

Croatia possesses a separate existence, different from and superior to that which it enjoys as a member of the Sacred Crown—an impression which is strengthened by the second section of the governing Act, which requires the Diploma Inaugurale to be published in Croatian as well as in Hungarian, and to contain a guarantee of Croatia's territorial integrity and Constitution.¹ Croatia now has its own appellate jurisdiction, and its penal laws are not identical with those of Hungary. It deals with its own budget, and has independent legislative powers as regards internal, local, matters, including religion and education. The official language is Croatian, and all communications addressed to Hungarian Government officials must be replied to in that idiom. Croatian deputies to the Hungarian Parliament may *also* use their own language in addition to the Magyar, a concession in which racial malevolence affects to find a justification for ignorance, real or feigned, of the official language of Parliament, and for deliberate obstruction of the course of purely Hungarian business.²

It is a far cry from local autonomy to complete independence under a Croatian King, from subordination to the Sacred Crown to the substitution of a bastard trialism for the dualism of to-day. Croatia claims to occupy the

¹ If Croatia ever had been absolutely independent of Hungary, it clearly could no longer claim to be so since the passing of Law xxx. of 1868, the preamble of which says: "Croatia and Slavonia having belonged for centuries *de jure* and *de facto* to the Crown of St. Stephen, and as the Pragmatic Sanction declares that the realms of the Magyar Crown are inseparable, the following agreement has been made *on the foregoing basis* between Hungary of the one part and Croatia and Slavonia of the other part." Hungary made a mistake from the constitutional point of view in allowing the agreement to be incorporated in two laws, Hungarian and Croatian, instead of in one Hungarian law; for the existence of a corresponding Croatian law (i. 1868), in which Croatia is described as the Kingdoms of Croatia and Slavonia, gives some colour to the contention that Croatia and Hungary came to an arrangement as two equal contracting nations in spite of the preamble above referred to, and of sect. 1, which enunciates the fact that Hungary, Croatia, and Slavonia form one single kingdom *vis-à-vis* Austria and other countries.

² See *supra*, p. 240.

same position with respect to Hungary as Hungary does towards Austria; in other words, to be an independent kingdom with no connexion save such as results from the identity of the Monarch and from the existence of common affairs and affairs of common interest. But an independent Croatia is an historical absurdity. Never since Croatia's union with Hungary took place has there been a Croatian King. The Habsburg who is crowned King of Hungary, *ipso facto* becomes King of Croatia¹—an indivisible part of the realms of the Sacred Crown, so expressed by the laws of 1723 and 1868. The Bán does not come in direct contact with the King, as he would necessarily do if he were the chief official of an independent State, but communicates with the Crown through the Croatian member of the Hungarian Ministry, who is responsible to the Hungarian Parliament, whose countersignature is necessary to give validity to the countersignature of the Bán of official nominations and other royal acts. Further, the Bán is himself nominated by the Magyar Prime Minister, who countersigns the royal appointment made in pursuance of such nomination. There are no Croatian or Hungaro-Croatian Ministers or Parliament within the realms of St. Stephen. Parliament is Hungarian, and the Ministers are Hungarian servants of an indivisible State of which Croatia-Slavonia forms an integral part. There is no Croatian citizenship or nationality. As a member of the Sacred Crown Croatia was affected by the results of the Compromise of 1867, and as such member would have no power of independent action should the law of that year be abrogated or modified, save in so far as it is entitled and enabled to make its voice heard through its delegates to the Hungarian Parliament should a revision of the Compromise affect its local or common interests, or necessitate an alteration

¹ Abdication of the Hungarian throne involves abdication of all rights with respect to Croatia and Slavonia; no separate act of abdication is required.

of financial relations with Hungary on whom Croatia's insolvent autonomy lays a considerable burden.¹ As Baron Beck, the Austrian Prime Minister, said in his speech in the Reichsrath on October 29, 1907, the Austrian Government and Parliament, in accordance with the sixth section of the Law of December 21, 1867, in questions affecting common affairs as defined by the Compromise of that year, "can take only the Hungarian Parliament into consideration, not the Croatian Diet."² Such is the view of official Austria, based on the only possible interpretation of the laws of 1867 and 1868, and necessarily distasteful to the would-be creators of a greater Croatia,³ whom nothing will satisfy short of severance of the last link which binds them to Hungary. The Magyarisation of Croatia which they affect to fear has been rendered impossible by the establishment of Croatian as the official language, and as the language of instruction in the schools. Obstacles to instruction in the Hungarian tongue are thrown in the way even of the children of the Magyar population, though in Hungary proper Croatian schools, in which Hungarian is only a subject, not the medium, of instruction, are supported by the Hungarian Government. Even the language of command of the territorial forces of Croatia is not, as it

¹ Croatia bears only a trifling percentage of the common expenses, 7.93 per cent as against 92.07 borne by the rest of Hungary. Though 44 per cent of Croatia's revenue is set apart for its separate internal expenditure, it is insufficient, and Hungary has to find the balance required, an annual irrecoverable advance of a few million florins from which Hungary derives no benefit.

² See the *Budapesti Hirlap* of Oct. 30, 1907, for the speech.

³ The "Croatian Nation," it should be remembered, consisted in 1905 of just over one and a half million souls, or 61 per cent of the population of Croatia. The Servians form 25 per cent, the Magyars 4.20 per cent, the Germans 5.80 per cent. In the, historically strictly Magyar, district between the Száva and Dráva there are more than 103,000 Magyars.—See the *Budapesti Hirlap*, Sept. 18, 1908. "Croatien und Slavonien staatsrechtlich sind nichts anderes als eine wenn auch mit sehr weitgehende und überdies nur mit seiner Einwilligung abzuändernder Autonomie ausgerüstete Ungarische Provinz."—Jellinek, *Die Lehre von den Staatenverbindungen*, Vienna, 1882, p. 76, n.

should be, the language of the indivisible Hungarian State. With the exception of the Bán, the one outward and visible sign of Hungarian political unity and of Hungarian sovereignty in Croatia is the State railway, the control of which, its only means of communication with the sea, is a matter of life and death to the Magyar nation. It is hatred of the symbol of Magyar hegemony, not considerations of convenience, which dictates Croatian action, and suggests the argument that as Croatian has been made the official language of the governmental organs in Croatia by clause 57 of the Law of 1868, it should necessarily be the official language of that part of the State railway which runs through Croatia. The Hungarians reply to this contention that the railway is not a governmental department within the meaning of the Act,¹ and is, and always has been, subject to the control of the Hungarian Ministry of Commerce and Communications, which alone is responsible for the proper working of a commercial undertaking, the management of which, in the interest of the State as a whole, has been entrusted to its care. Apart from commercial considerations it is essential for military reasons that all employees should be acquainted with the Hungarian language, otherwise in time of war the mobilisation of troops might be seriously hampered by the inability of stationmasters and other officials to understand the instructions of the central authority. The Hungarian Government has no objection to the use of the Croatian language in all communications between the Croatian authorities and the railway officials, but it rightly requires a knowledge of the language of State from candidates for employment on a railway which is maintained at the State's expense for military as well as for commercial reasons. Croatian convenience is sufficiently studied if, as is the case, an

¹ Moreover, railways constitute a common affair, and as such come under the control of the Hungarian Parliament, 1868, xxx. sect. 9.

acquaintance with the Croatian idiom is demanded of all railway officials employed within the limits of Croatia. The fact that Croatian malcontents demand still further concessions would seem to justify the inference that they are actuated, not by regard for the interests of the travelling public, or for the effective working of the railway, but by a desire to destroy the last vestiges of political union, and to deprive Hungary of the control of its one means of access to the outer world, in the interest of the great southern Slav State of Croatian dreamers.

The realisation of Croatian ambitions would be as distasteful to the Servian population of Croatia as the success of the Home Rule agitation would be to Ulster. Relations always have been, and always will be, strained between Croatian Catholics and the orthodox Servians. The prospect of a forced racial and ecclesiastical subordination to the Croats causes the Servians to look for protection to the Magyars, just as local Servian oppression as regards the use of their language, and Servian religious intolerance, is gradually forcing the Roumanians to the conclusion that the Magyars are their natural allies and protectors against Slav pretensions. But the foreign public listens only to the propagandists who earn cheap martyrdom by treasonable agitation such as no European nation but England would be foolish enough to let pass unpunished.¹ The Magyars have made a mistake in neglecting to inform Europe as to the nature, origin, and object of Roumanian intrigue, and in allowing public opinion to be formed chiefly by voluntary exiles who have left their country in order to escape an insufficient punishment.

For centuries the Roumanians of Hungary had no notion that they could boast a Roman origin. Not until they turned to Roman Catholicism did they conceive the

¹ The recent prosecutions of persons guilty of seditious utterances in India, which England won by the sword and holds by the sword, show that England also realises the fact that there is a point at which freedom of speech begins to constitute a danger to the interests of the paramount race.

idea that they were anything but what they are—Balkan Slavs whose remote ancestors were more or less Latinised by contact with the Roman colonial forces.¹ It would indeed be remarkable if a Roman army of occupation had left no illegitimate mementoes of its stay in the country, but what percentage of Roman blood is likely to be traceable in its descendants after a nomad existence of over a thousand years in the Balkan Peninsula? There is not a particle of evidence to show that the Roumanians were already domiciled in Transylvania when the Magyars arrived there. As we have seen, the theory of a settled political existence in a permanently Romanised Dacia is a late invention of Sinkai and his followers. The idea of a uniform, united, Roumanian nation never occurred to anyone before 1848, and even after that date the ideas of Bishop Siaguna,² the prophet of Roumanian union, went no further than a demand of local self-government and of ecclesiastical autonomy for the Roumanians of Transylvania. The notion of a greater Roumania was not yet conceived. Majorescu, the chief of Siaguna's immediate followers and imitators, went a step further and demanded the union of all Roumanians in Transylvania, Bessarabia, and Bukovina under Austrian hegemony, and with the benevolent support of the German Confederation. By the peace of Paris, Russia's protectorate over Moldavia and Wallachia came to an end, and part of Bessarabia was incorporated in Moldavia. Later, the Roumanians were rewarded for their action in saving Russia from a fiasco at Plevna by the creation of a Roumanian Kingdom and by the loss of Bessarabia. The aim of the modern Sinkais and Siagunas, of Brote and his school of agitators, is the creation (they would call it reconstitution) of Dako-Roumania, including Bessarabia, Bukovina, Transylvania, Hungary up to the

¹ See Hunfalvy, *Magyarország Ethnographiája*, p. 479 sqq. Beksics Gustav, *A Roman Kérdés és a fajok harcza*, Budapest, 1895, p. 22 sq. See *supra*, i. 92-95.

² See his petition to Francis Joseph, February 25, 1849.

Tisza, and the parts of Servia which border on the Danube. Thus united, the ten million or so, theoretically homogeneous, descendants of Trajan's legionaries, are to be the arbiters of the fate of the Balkan provinces. From the point of view of Roumania proper this is the justification for Roumano-Transylvanian irredentism in Hungary. Abuse of the Magyars is merely the first stage of a campaign, the ultimate object of which is the union of all Roumanians.¹ The irredentist agitation might just as well be begun in Bessarabia instead of in Hungary, except for the fact that Russia has a short way of dealing with inconvenient propagandists, and that the Magyars err on the side of excessive tolerance. The Roumanians see a justification and an example in Italy's struggle for union,² oblivious of the fact that in that case the fight was for *re*-union; whereas there never was a greater Roumania, united or disunited, that the scattered Roumanians never conceived the idea of a common origin till a few years ago, and that the country has yet to be discovered which can boast with certainty of being the cradle of the Moldavo-Wallachians or Transylvanian Vlachs. The demand for the reorganisation of Hungary on a federalistic basis, for its subdivision into autonomous districts on purely arbitrary lines, has as its object the aggrandisement of Roumania. For whose ultimate benefit? Of Germany (which has its Hohenzollern on the Roumanian throne) to which the propagandists of greater Roumania look as to their future patron and protector, or of Russia, the sight of whose tender mercies

¹ See the resolution passed at the national conference of 1890, which, while denying the existence of Dako-Roumanian tendencies, says: "We are and feel ourselves to be members of a great Roumanian family of more than eleven million souls. As members of such family we strive for the material and cultured development of the Roumanian race and to defend our people from all foreign influence."—Brote, *o.c.* Appendix 38.

² See the speech of Count Kalnoky, Austro-Hungarian Minister of Foreign Affairs, September 18, 1894, and that of Demeter Sturdza, leader of the National Liberal Party in Roumania, December 9, 1893, as to the absurdity of the comparison with Italy.—Brote, *o.c.* Appendix 42.

to their congeners in Bessarabia should discourage feelings of attachment to the idea of a Russian protectorate? In every development of the Eastern question Roumania must be a considerable factor, and its fate depends on its choice of an ally. Should it side with a victorious Russia it would hope to receive Transylvania as its reward. Allied with Germany, or with Germany, Austria, and Hungary, it would expect to be recompensed at Russia's expense in Bessarabia; a temporary recompense in either event, for it is impossible to imagine that the future masters of the Balkan peninsula would long permit the retention of the keys of the Carpathians and the Balkans in Roumanian hands.¹ In any case the fate of Roumania, which lies across the road to Constantinople, is intimately connected with that of the whole of south-eastern Europe; consequently, the primary manifestations of Roumanian irredentism, of which Hungary is the scene, are of far more than merely local interest.

The Roumanian agitators from time to time demand : (1) the separation from Hungary of Transylvania and of the parts beyond the Tisza—a modest request, compliance with which would involve the dismemberment of Hungary, the infraction of the coronation oath of Francis Joseph, the disregard of the lessons of past history, and the destruction of Austrian influence in the Balkan Peninsula; or (2) Transylvanian autonomy, *i.e.* the right of the ignorant majority to dominate their superiors in wealth and education; or (3) the formation of units of self-government in Transylvania by drawing arbitrary lines which should divide the country into linguistically homogeneous sections when no absolute homogeneity exists. There is no justification for any one of these demands; no recurrence to a past of Roumanian unity² based on common

¹ Austria could in no case tolerate the sight of the Carpathians in the hands of a possible enemy, Roumania, which would be a certain enemy if it saw the possibility of laying hands on Bukovina.

² The programme of the Roumanian National Party, drawn up at a

history, on distinctive civilisation, or on the right of prior occupation. As Beksics says,¹ an Italian claim to Provence and a Russian claim to Brandenburg and Berlin on the ground that they were once occupied by Slavs would be no more absurd from the historical point of view. As regards the demand for Roumanian control of Transylvania and of Hungary up to the Tisza, it is to be observed that the Roumanians are in an actual minority, forming about 40 per cent of the population; so whatever justification it may possess from other points of view, it has none from that of mere numbers.² With respect to the suggested *Sonderstellung* of Transylvania the position is somewhat different. Of a population of 2,250,000 the 1,276,000 Roumanians form 56 per cent, whereas the Magyars number only 698,000 and the Saxons 217,000; but, as will be seen hereafter, it would be not merely tyrannical to give rights of predomiance to a Roumanian majority, but it would be absurd, as no one can suppose that Transylvanian autonomy could long remain Roumanian autonomy when the preponderance of wealth and education is on the side of the minority. As regards the third alternative proposed, the *specifically Roumanian* territory, made up according to Brote's recipe, contains 4,116,000 inhabitants, of whom 2,370,000 (57.55 per cent) are Roumanians, over a million are Magyars, and half a million are Germans. Only in two counties does the Roumanian percentage reach 80, while in some it sinks

conference held in May 1881 (confirmed in 1887), demanded the reacquisition of Transylvanian autonomy; but at the time when Transylvania was autonomous the Roumanians had no political rights whatever. The programme also demands the official use of the Roumanian language in all districts inhabited by Roumanians, no matter what proportion they bear to the other races, and that no officials shall be appointed who are not acquainted with that language and with Roumanian customs. For this programme see Brote, *Die rumänische Frage*, Appendix 35.

¹ *A Román Kérdés*, pp. 52, 54.

² Beksics, *o.c.* p. 78 sq., gives the figures for 1895 (the Magyar proportion is now relatively greater), Roumanians, less than 2,600,000; Magyars, 2,250,000; Germans, 780,000. Total population of all races, 6,228,500.

as low as 33. As has been already mentioned, only in eleven of the eighteen electoral divisions of Transylvania and Hungary up to the Tisza are the Roumanians in an actual majority, and in no preponderatingly Roumanian district is there less than an 11 per cent admixture of other races. The towns are almost entirely Magyar, and, when not Magyar are German, so even in the parts to which Brote points as distinctively Roumanian, wealth and civilisation are entirely non-Roumanian.¹

But history, wealth, and education are of no importance in the eyes of separatistic agitators. As regards education, the Roumanians of Hungary are on a lower plane than any constituent race. In 1890, of Roumanian males, only 19.89 per cent could read and write their own language; of females, only 8.19.² According to Balogh,³ in 1907, 86 per cent were entirely illiterate, and it is absurd to suggest that such a race is fit for autonomy, or could be politically self-sufficient. The agitators would reply that the low percentage of literates is due to Magyar oppression and obscurantism. Let us examine this allegation. In 1880, 5.71 per cent of Roumanians could speak the Magyar language; in 1890 the figure had risen to 6.95, an increase of $1\frac{1}{4}$ per cent in ten years, which hardly bears out the statement that the Roumanians are being robbed of their language and compulsorily magyarised.⁴ According to a favourite lie, intended for foreign consumption, Law xviii. of 1879, which made Magyar a compulsory *subject* of instruction, made it the compulsory *medium* of instruction

¹ In the eighteen chief towns, out of a population of 316,000, 180,000 are Magyars, and 231,500 are Magyar speaking. See the table in Beksics, *o.c.* p. 87 and preceding pages.

² See Beksics, *o.c.* pp. 95-99, as compared with 60.20 and 46.49 per cent, the general average of Hungary, and the 74 per cent of the Magyars.

³ *A Magyar Kultúra*, etc., pp. 120, 121.

⁴ See the speech of Dr. Wekerle, the Hungarian Prime Minister, August 5, 1894, in which he challenges any one to produce a specimen of the alleged forcibly magyarised Roumanians.

in all schools, and the Roumanians were consequently deprived of the means of learning their own language. What are the facts? In 1881 there were 2781 elementary schools in which Roumanian was the sole language of instruction, and only 322 in which both Roumanian and Magyar teaching was given. In 1892 the number of purely Roumanian schools had risen to 3289,¹ and the Magyar-Roumanian to 364—a 9 per cent increase in favour of the Roumanian language. The fact should be noted that though the Roumanians of Hungary are on a lower educational level than any other nationality, there is one place where the darkness is still more intense than in Transylvania, namely, the Mecca of the irredentists, Roumania proper, where only 13 per cent of the population can read and write, and only 18 per cent of the children of the age of instruction go to school. The Magyars are to blame, not for robbing the nationalities of their language, but for not properly carrying out the law of 1879. So recently as 1897, of 3000 Roumanian teachers, more than 500 were ignorant of the language of the State;² and to-day, for more than one-quarter of the schools of Hungary, the Magyar is a non-existent idiom.³ Darkest Hungary is that part of the country to which Brote assigns an essentially Roumanian character. The commercial capacity of the inhabitants is such as might be expected—it is commensurate with their intellectual abilities. But for the existence of trifling cottage industries, it might be said that the manufacturing arts are unknown to the Roumanians. According to the official return of 1890, there was not one Roumanian manufacturer in all Hungary who gave employment to as many as twenty workmen. The taxable capacity of the Roumanians is smaller than that of any race in Hungary, which would have the pleasure of paying for Roumanian autonomy, unable to finance

¹ Beksics, *o.c.* p. 99.² *Ibid.* p. 164.³ Balogh, *o.c.* p. 221.

itself except by putting the whole burden of the expense of government on the shoulders of the Magyar and German inhabitants of the "Roumanian" autonomous districts. In 1894, out of one hundred million florins of direct taxation, Transylvania paid eight millions, and almost the whole of that sum was paid by the Magyar and German population. Budapest alone pays nearly as much in taxation as Transylvania, Croatia, and the Slovák districts put together.¹ Under the circumstances, it would not be surprising if the tax-paying Magyar and German were favoured in the matter of the Parliamentary franchise at the expense of the Roumanians, but such is not the case. No doubt, as in England, and still more so in Ireland, there are districts which are more fully represented than their population entitles them to be, which would disappear from the list of constituencies if a new and reasonable scheme of redistribution were adopted;² but on the whole, the Roumanians in Transylvania are over rather than under-represented, for the qualification is considerably lower there than in other parts of Hungary, so the Roumanians, who form the majority of the population, are actually favoured at the expense of better educated races which have a far larger stake in the country. If the qualification were placed on a uniform basis throughout Hungary

¹ Beksics, *o.c.* pp. 170, 172, 175.

² The average is one member to 35,000 to 40,000 inhabitants. In Budapest there is one to 70,000. The average number of voters is 2400 per constituency. In Transylvania it is about 1500. In 2 constituencies there are less than 200 voters; in 47 less than 1000; in 91 less than 2000; in 162 less than 3000; in 72 less than 4000; in 27 less than 5000; in 12 under 10,000; in 2 under 13,000. Of the voters, 637,000 are qualified as landed proprietors, 42,000 as householders, 201,000 on an income basis; for 75,000 the qualification is an educational one—engineers, schoolmasters, lawyers, etc. Twenty-seven per cent of all males of over twenty years have the vote.—Kmetz, *Közjeg.* 207 n. Beksics, *o.c.* p. 108, compares the electorate of 55 divisions of Hungary in which Magyars preponderate with that of 44 in which the Roumanians are in a majority. In the former there is one member to 47,881 inhabitants; in the latter one to 40,695. In Transylvania there is one to 30,000; in the rest of Hungary the average is one to 38,000.

and Transylvania thousands of Roumanians would be disqualified to whom exceptional treatment now assures the enjoyment of the franchise. If ability to read and write were an essential qualification the Roumanians would be in an absolute majority only in thirty-five divisions instead of in fifty-seven. If there were a uniform property qualification their preponderance would be limited to forty-four divisions. The Magyar figures would, in either case, increase proportionately, wealth and education being on the side of the predominant race, the difference in this respect between the other races and the Magyar tending to become more pronounced every year.¹ In the

¹ Taking the whole of Hungary, about 1,100,000 have hitherto possessed the franchise. The proposed reform will increase the number of voters to something over 2,500,000. Austria's object in forcing Hungary to follow its lead and to introduce universal suffrage was the destruction of Magyar supremacy. The widening of the franchise in Austria has increased rather than diminished the manifestations of race hatred and jealousy. If the Magyars commit political suicide by walking open-eyed into the trap laid for them it will be a great misfortune for Europe. It is to be hoped that the new law will not place all power in the hands of the most ignorant and most anti-Magyar element. Presumably the qualifying age will be fixed at twenty-four as in Austria. Ability to read and write will undoubtedly be a condition precedent to the possession of the franchise. The question is what ability to read and write implies. Surely not merely the ability to write one's name and read that of the candidate for whom one intends to vote. It is to be hoped that proof of having attained a certain standard of elementary education in the recognised schools will be insisted on. In the case of urban voters it would seem to be advisable to insist on proof of ability to read and write the Magyar language, and after the lapse of a certain period, say ten years, no one should acquire the right to vote who does not know the language of State, ignorance of which after that period should be regarded as proof of unworthiness to enjoy the privileges of Hungarian citizenship, or of such a low level of intelligence as should naturally disqualify. As a certain percentage of those who now possess the vote would be disqualified by insistence on a certain educational standard, and as the object in view is the increase, not the restriction of the ranks of the enfranchised, it would be fair to allow those who now vote on a property qualification to continue to do so as long as they live, provided they continue to hold the qualification; just as in 1848 Parliament did not disqualify those who had the right to vote in virtue of possessing rights of nobility and no other qualification. It is to be presumed that redistribution of seats will take place simultaneously with the enlargement of the number of voters, and that the anomaly will be abolished, the result of which is that the richer and better educated districts of central and western Hungary receive less representation than the more sparsely populated, poorer, and more ignorant

Middle Ages all European countries were more or less polyglot, but eventually the language of the towns became the language of the nation. In Hungary this was not so. In old days the towns were chiefly German while the country was Magyar, but now the towns are yearly becoming more and more deeply impressed with the Magyar stamp. Of the urban¹ population 68 per cent are born Magyars, over 80 per cent are Magyar speaking, and only 3 per cent are of Roumanian origin. From 1880 to 1890 the Magyar proportion increased by 23.80 per cent, the Roumanian by 1.54.² The tortoise is not invariably successful in the race; the Magyar has established a strong lead, and seems to be in no danger of losing it through inadvertence.

Roumanian centres, disseminators of distinctive Rouman-Magyar and non-German districts. According to the *Budapesti Hirlap*, August 19, 1908, of the present voters 56.2 per cent are Magyar, 12.7 per cent German, 11.4 per cent Slovák, 11.2 per cent Roumanian. On the reading and writing basis the percentages would be—Magyar, 61.4; German, 14.8; Slovák, 11.5; Roumanian, 7.2. The higher the educational standard the more certain the preservation of the Magyar character of Hungary.

¹ "Urban manufacturing industry and trade which were in the hands of the Germans (nearly all Hungarian towns, before all Pest and Ofen, were overwhelmingly German), and were managed by German Jews, went with flying colours into the camp of constitutionalism and religious toleration. Nationality was willingly abandoned for the sake of ardently desired political and religious toleration."—Springer, *Grundlagen*, etc., p. 51.

² In 1821 Budapest had 87,700 inhabitants, of which less than 2000 were Magyars. In 1890, out of 491,938, 326,395 were Magyars. In 1900, the population was 716,476, of which 79.3 per cent were Magyars, and 91.3 per cent spoke Magyar.—*A. M. K. Kormány Stat. Évkönyve*, 13.20. The same process of natural Magyarisation is taking place in the large county towns.—Beksis, *o.c.* 221. According to the same authority, throughout Hungary the Magyars increased over 54 per cent in the fifty years from 1840 to 1890; the Roumanians by less than 18 per cent. The latter occupy the twenty-fifth place in order of reproductivity, the former the fourth. According to Beksis (*Magyarország Jövője*, Budapest, 1900, 8, 11, 12, 51), there is no nationalities question where the Magyar population reaches or exceeds 50 per cent. There the non-Magyar population feels itself to be practically Magyar, and final assimilation is assured. Such is the case in twenty-eight counties in which the percentage varies from 50 to 99. At the present rate of increase in 1940 the population of Hungary without Croatia will be 24,600,000, and the Magyars will form 72 per cent of the total. Then there will no more be a nationalities question than there is in Russia, where only 70 per cent are Russians, including the White Russians and Little Russians.

manian civilisation in Hungary, may be searched for with a magnifying glass, but the search would be vain. Distinctive language without distinctive culture confers no claim to special consideration. As Gumpłowicz says, a distinction must be drawn between the purely political conception indicated by the word "people," and the implication of a special form of civilisation contained in the word "nation."¹ To the uneducated mass a common language is the badge of local, ethnical, or religious fellowship, not the expression of a characteristic, distinctive culture, without which no guest-nationality is justified in claiming to possess the characteristics of a "nation," as distinguished from a "people," and to territorial separation in virtue thereof. Judged by this standard a demand for the political "Sonderstellung" of the Roumanians, who stand on a lower plane as regards education and civilisation than any of the constituent races of Hungary, requires a better justification than that supplied by language and origin, which, as Mancini has pointed out, are no more than the raw materials for the construction of a nation. Mr. Louis Mocsáry² combats the view that the nationalities entertain a desire for territorial separation, and fail to recognise the fact that the protection which a strong Hungary alone can give to the Roumanians against Russia and the Slavs in general, and to the Slavs who hate the Germans of Austria as well as those of the German empire, is of far greater value than the benefits to be derived from the disruption of the Magyar State or from an exaggerated form of local autonomy. If the Roumanians do, in fact, realise the obvious advantages conferred by membership of a united Hungarian monarchy they have hitherto been grossly misrepresented by the would-be formers of nationalistic public opinion, both within and without the limits of Transylvania.³

¹ *Das Recht der Nationalitäten und Sprachen in Österreich-Ungarn.* Innsbruck, 1879, 6, 298.

² *A Válasz, Eger*, 1905.

³ See the speech of Count Kalnoky, already referred to, as to the "Profes-

What were the sins of which the Magyars were guilty towards the Roumanians which justified the actions of the latter in 1848? To have admitted them to a footing of religious equality, and to have put them on the same level as regards political rights and the right to own land as Magyars themselves. Before that date the Roumanian common people were no worse off than the vast majority of the dominant race which had no political rights and could not own real property. Unfit for freedom, it was not until they were free that they rose against their liberators. The idea of territorial separation is foolish, as it affords justification for the use of repressive measures.¹ It was Roman Catholicism which originally aroused and now maintains racial feeling among the Roumanians, but the Magyars have never followed the example of Russia, who attacks the Catholic Church in Poland, knowing that it is the strongest agent for the maintenance of nationalistic feeling. As in Ireland, so in Hungary, but for the priests and professional politicians, political, separatistic agitation would die a natural death.²

soren-politik" in Roumania, and the use, which still continues, in Roumanian schools of maps from which Hungary disappears, and in which Roumania includes Transylvania and Hungary up to the Tisza.

¹ See the speech of Mr. Charles Hieronymi, formerly Minister of the Interior, July 19, 1894, and Schwicker, *Die nationalpolitischen Ansprüche der Rumanen in Ungarn*, in *Westöstliche Rundschau*, 1894, p. 212. The Roumanian Memorandum of 1892 complains that an attempt is made to make a united Hungarian nation, and to consolidate the position of Hungarian as the language of State, and in the same breath complains that the Nationalities law is not carried out; but that law declares plainly that there is only one nation in Hungary, the Hungarian, of which all, no matter of what origin, are members, and makes Hungarian the State language of that nation.

² The peasants are influenced by economical, not by political questions. The political agitation is solely due to a fraction of the numerically trifling middle class which at the outside numbers 8000 persons, including all the clergy and all school teachers, *i.e.* less than $\frac{3}{4}$ per cent of the Roumanian population. As in 1848 the ignorant peasants are led to believe that their economic difficulties are due to the Magyars, who should be driven out of the country by a species of Irish land-league terrorism. The poverty of the peasants is in reality largely due to the economic tyranny of their own middle-class co-nationalists. See Farkas Pál, *Az Oláh Kérdésről*, pp. 9-11, 18-22, 30

Deák regarded the regularisation of Hungary's position as regards the nationalities as almost as important as the regularisation of its relations with Austria. Hungary, he said, was "determined to do everything that could be done to remove misunderstanding short of territorial disintegration and the sacrifice of independence," and to produce a fusion of interests and a feeling of solidarity between all Hungarian citizens whatever their origin might be. Law xlv. of 1868 was an honest attempt to satisfy the legitimate desires of the nationalities, even at the risk of infringing the rights of the paramount race. As usual the Magyars erred by taking insufficient care of their own interests. The fundamental error of Deák, and of the law of 1868, was that it protected alien dialects, but failed to protect the rights of the language of the Magyar State. It would have been more reasonable if the Legislature, instead of making weak concessions to the nationalities in the hope that they would the more appreciate the privileges of Hungarian citizenship, had made a knowledge of the language of State a condition precedent to the enjoyment of civic rights. If this had been done, and if the Magyar language had been made an obligatory subject of instruction in all schools in 1868, its use would have become general in the present, second, generation.¹ The law declares that all inhabitants of

1899., 45-47. The remark of Eötvös is as true now as half a century ago: "Wir sehen, dass so sehr diejenigen, die an der Spitze nationaler Bewegungen stehen, auch abmühen mögen, so laut sie ihre Ansprüche im Namen des Volkes erheben, doch der Begriff dem Volke selbst noch fremd geblieben ist." — *Einfluss der herrschenden Ideen*, p. 79.

¹ Section 14 of xlv., 1868, states that it is essential to the success of elementary education that the nationalities should be instructed in their own languages up to the point where "higher academic education begins." xxvi. and xxvii. of 1907 take a step in the right direction by providing that where at least half the scholars are Magyars, Magyar shall be the medium of instruction, but steps may also be taken to give the non-Magyars instruction in their own language. In schools in which the language of instruction is non-Magyar, Magyar is to be a daily subject of instruction, with a view to the non-Magyars being able to express themselves in the language of the State both in speech and writing at the end of the fourth year of instruction. In 1904-5, the

Hungary, no matter of what nationality, form the one and indivisible Magyar nation, and as such enjoy equal rights. Concessions are made as regards the use of the various languages, as far as it is possible to do so without infringing the essential principle of national unity, and as far as is compatible with the proper working of the organs of central and local government. The law contains concessions which are not compatible with the above conditions, are impracticable, and make the strict carrying out of the law impossible. It can be and is carried out as regards equality of political rights, but cannot be as regards equality of language. When there are two or even three languages in use in a country it may be unnecessary to differentiate between them, but it is a different matter in the case of half a dozen. The work of legislation, central and local government, must be seriously hampered, and as the country, *i.e.* the predominant race which has given its name to the country, gives all its citizens the requisite facilities for learning the State language,¹ it would be only reasonable to insist on its use in all governmental and judicial matters. No doubt it is advisable that officials

language of instruction was entirely German in 272 schools, Slovák in 326, Roumanian in 2433, Ruthenian in 46, Servian in 156. In all there were 3248 schools in which Magyar was not the medium of instruction. For more than one-fourth of the total number of schools the State language practically did not exist!—Baloghy, *o.c.* p. 221. See also *A. M. Kormány 1906 Statistikai Évkönyv*, pp. 322, 326; Part ii. p. 346.

¹ Law xviii. of 1879: object, according to the preamble, to give every child the opportunity of learning the State language. Sufficient time to be given to instruction in that language that at the end of the instructional period all pupils may be able to read and write Magyar (sect. 1). After the lapse of three years a knowledge of the State language to be demanded of those desirous of obtaining a teacher's diploma (sect. 2). Those who are already teachers are required to learn the language in four years. In filling teachers' places the preference to be given to those who know the language. Sections 58 of law xxxviii. of 1868, and 13 of xxxvii. of 1876, to be strictly observed, *i.e.* every pupil is to be taught in his own language if that language is in general use in the Commune. Consequently teachers are to be provided who know the languages in general use and can teach them. In Communes of mixed languages assistant teachers for the different languages are to be provided as far as means allow.

should be acquainted with all the languages of the district in which they are employed, and a recent order of Count Andrassy provides for this desideratum in order to give effect to the law of 1868, which allows the nationalities to use their various idioms in law courts and in their intercourse with the Executive ;¹ but this will not satisfy the agitators, who demand territorial separation, oblivious of the fact that the nationalities never were and never could be nations, and that the Slavs and Roumanians of Hungary possess civic and political rights as members of the one and indivisible Hungarian nation, as subjects of the Sacred Crown, and not otherwise.

If the modern creators of nationalistic public opinion would direct their energies, not to the perpetuation of racial antagonism, but to the task of imbuing the various races with a proper conception of the meaning of the phrase *Civis Hungaricus sum*, of the privileges and obligations conferred and imposed by membership of an indivisible Hungarian State, the preservation of which is a matter of vital importance to every member, no matter what his origin or language may be,² the Magyars would

¹ The records of the organs of local government are to be kept in the Hungarian language, but to protect the rights of minorities can be kept also in any language, the use of which is demanded by at least one-fifth of the representative members (sect. 2). At the general meetings any language may be used (sect. 3). The business language of local government officials is the Hungarian, but if necessary they can also use one of the languages used in accordance with the provisions of sect. 2 (sect. 5), and as far as possible they must use the language of the various Communes and private individuals with whom they come in official contact (sect. 6). The Communal assemblies choose their own language for official purposes, but the records must be kept also in any language demanded by one-fifth of the members entitled to vote (sect. 20). Communal officials are bound to use the language of the various members of the Commune in their dealings with such members (sect. 21). Every one can address the Government and the local government in his own language (sect. 23). In the Court of his own Commune every one may use his own language ; in the Courts of his own district any language which may be in official use in accordance with sect. 2, and in Courts of other Communes or Districts the official language of such Commune or District (sect. 7).

² The Swiss is a Swiss, and feels himself to be such, though of French, German, or Italian origin. The Belgian feels himself to be Belgian, though

have no reason for trying to hasten the natural process of magyarisation which their enemies accuse them of attempting to do. Each constituent race could be encouraged to develop its own idiom and its own special form of civilisation, if it has one, and the existing form of local government could be revised and improved, possibly in the direction of territorial subdivision with a view to safeguarding the interests of minorities, without risk of danger to the State as a whole. Under present conditions, in view of the existence of exaggerated centrifugal tendencies, anything in the nature of further decentralisation is impossible, if Hungary is to continue to be Hungary. It is usual for foreign critics to exhort the Magyars to return to the principles of Deák and Eötvös, taking it for granted that if those statesmen could return to earth they would necessarily condemn the actions of their successors. It is true that Deák warned his country against attempting to "magyarise the nationalities at all costs," and pointed to the necessity of respecting their rights; but in the same breath he defined the nature of those rights in a phrase which earned the applause of the representatives of the nationalities in 1872, but certainly would fail to do so in the twentieth century.¹ Every nationality, he said, has the right to facilities for the education of its children in its own language—a right respect for which is carried to an absurd length in the Hungary of to-day, which spends 65 per cent of the sum annually spent on primary education on schools in which the language of instruction is not the language of the State.² Deák was against everything which would the constituent elements of the nation are of diverse origin. In the United States there is no question of having more than one language of State, yet how many thousand Germans there are who, in spite of their origin and language, feel themselves to be American citizens, and resent the imputation of being German though they can hardly speak English.

¹ January 12, 1872.—Könyi, *Deák Ferencz Beszédei*, vi. 339.

² In 1905-6 there were 3154 elementary schools in which the language of instruction was not Magyar. In 14.73 per cent of the total number

tend to impair the unity of the governmental system or interfere with the natural rights of the official language,¹ and Eötvös took the same line. The latter insisted that "the demands of the linguistically diverse nationalities can be satisfied only if the unity of the Kingdom and its existence as a State are guaranteed, and that the Magyars should oppose the demands of the various races only so far as the interests of the State make opposition unavoidable."² He never contemplated the serious development of separatistic tendencies, and was convinced that among the various nationalities there was "not one which would not feel itself deeply injured in its most sacred feelings if anything took place which would injuriously affect the constitutional independence of the common fatherland."³ He pointed out the obvious fact that territorial subdivision for purposes of local government is possible "where two or three nationalities live side by side in compact masses, but is incapable of effectuation in Hungary where the nationalities are so intermingled that their geographical demarcation is out of the question," and that the result of such subdivision would be that every nationality would consider itself to be oppressed in every district in which it did not constitute the majority of the population.⁴ "It requires," he said, "an unusual degree of optimism to suppose that the territorial separation of the nationalities would permanently satisfy their demands"; and the result would necessarily be that they

of such schools it was Roumanian.—*A M. Kormány 1906 Statistikai Évkönyv, l.c.* Compare this with Prussian Poland, where Polish children are obliged to go to schools in which they do not hear a single word of their own language, where children were beaten for refusing to say their catechism in German, and their mothers were fined and imprisoned for intervening. See René Henry, *Questions d'Autriche-Hongrie*, p. 147. The *Times* of July 10, 1907, stated that the teaching of French had been recently suppressed in Lorraine, though at Thionville, for instance, of 660 children only 190 were of German origin.

¹ November 12, 1868.—Kónyi, *o.c.* vi. 101, 102.

² *A Nemzetiségi Kérdés*, 1903 edition, pp. 34, 41.

³ *Ibid.* p. 44.

⁴ *Ibid.* pp. 68, 71.

would ultimately aspire to be united with their congeners across the border to the destruction of the Hungarian State. Instead of putting an end to friction it would end in the destruction of personal and political liberty, and would be fatal to those very objects for the attainment of which the idea of territorial subdivision was originally conceived.¹ Eötvös was so far from anticipating the recrudescence of the racial antagonism for the existence of which the Habsburgs were primarily responsible, that he believed that every nationality would realise the necessity of having a single language of State, and would agree that that language should be Magyar.² If ever there was a convinced partisan of centralisation it was Eötvös, as is shown by his book, *Reform*, already referred to, which emphasised the necessity of modifying the existing system of county organisation for the reason that it was destructive to the possibility of true parliamentary government. All his chief political writings which touch on the question of the nationalities proceed from the point of view of the necessity of maintaining the territorial integrity of the Kingdom, and Magyar predominance—essentials which, in his opinion, must be kept steadfastly in mind in con-

¹ *A Nemzetiségi Kérdés*, pp. 78, 89.

² *Ibid.* p. 102. Even Palacky, the originator of the idea of Austrian federation, pointed out the necessity of a single language of State. He even suggested that it should be a "neutral" language, French or Latin.—*Gedankenblätter*, p. 202. "Jedes Naturvolk hat ein Recht auf seine natürliche Existenz, somit insbesondere ein Recht seine Sprache zu reden. . . . Aus diesem Prinzip folgt aber nicht, dass es in den Staatsangelegenheiten nicht eine bevorzugte Staatssprache geben dürfe, mit Ausschluss aller übrigen Volkssprachen. So weit es sich nicht um das blosse natürliche Volksleben, sondern um das Staatsleben handelt, da kann das Interesse des gesamten Staatsvolkes die Einheit der Sprache erfordern. So wird im englischen Parlament mit recht nur Englisch, nicht auch Irisch noch Galisch, gesprochen; in den französischen Staatsbehörden nur Französisch, nicht auch Deutsch noch Keltisch."—Bluntschli, *Allgemeine Staatsrecht*, 2nd ed. i. 71. The Roumanians demand the use of their own language in Parliament. See the pamphlet drawn up by the Roumanian Committee in 1872.—Brote, *o.c.* Appendix 31. Popovici would allow all the nationalities to use their own language in the new tower of Babel, his Central Parliament.

sidering the possibility of making concessions to the subordinate races, more especially in view of the fact that the union of Germany, which could not be postponed indefinitely, and the possible fusion with that country of the German provinces of Austria, would change the whole position of affairs in Eastern Europe.¹ The anticipations of Eötvös as regards Germany have been realised, in part at all events, and the fact of their realisation would but have deepened his conviction of the necessity of the unity of the Hungarian State and of the preservation of its Magyar character. Nothing can hold Hungary together but the Magyar idea and the development of Magyar culture. Magyars created Hungary, formerly the "bulwark and shield of Christendom," and none but Magyars can preserve it. It was, therefore, a mistake to contribute to the survival of the bastard idioms of inferior races who may be capable of destroying a civilisation but certainly have shown no ability to create one. Europe, or in any case England, has no use for a Hungary that is not Magyar. England's traditional policy favours the existence of a strong power in Eastern Europe, and Dako-Roumanism, and other separatistic or federalistic fads, can only tend to threaten the existence or undermine the influence of that necessary power.

The protagonists of the federalistic principle are not yet agreed as to the precise form which disruption should take, whether it should be organised on a geographical or on a linguistic basis. Palacky, the originator of the idea of Austro-Hungarian reorganisation on federalistic lines, was a partisan of the geographical principle, and required the splitting up of the monarchy into eight provinces without regard to the interpenetration of the constituent

¹ *Die Sonderstellung Ungarns vom Standpunkte der Einheit Deutschlands*, Leipzig, 1860. See also his letter of May 5, 1865, explaining the meaning of his book, *A Nemzetiségi Kérdés*, as to his views on the necessity of resisting disintegration, maintaining Magyar supremacy, and of the utilisation by the nationalities of the opportunity given them of learning the language of State.

races. Popovici,¹ realising apparently the difficulties resulting from such interpenetration, increases the number of autonomous States to fifteen. Why not to fifty, if any regard is to be had for the rights of sparse minorities? His idea is based, not on the exigencies of local irredentism, but on the ideal of a "Gross-Österreich," the prototype of which he sees in the United States of America, and, strange to say, in the Australian Commonwealth, where there is not only unity of origin, but unity of language, the absence of which factors in Austria and Hungary is the sole cause of a state of affairs which, according to Popovici, necessitates the adoption of the federalistic principle. The Federalists are, in fact, guilty of the error of which de Sismondi has pointed out the fundamental character—of creating States for the purpose of union, instead of creating union for existing States.² Each of Popovici's sixteen creations would choose its own official language for the purpose of local self-government, while the official "international" language of communication would be German, as would be that of all branches of the central Government residing in Vienna, and of the army, though the German element in Austria, and German influence, are continually decreasing. Springer recognises the fact that the territorial principle, the essence of which is the subordination of possibly wealthier and more civilised minorities to a merely numerically preponderant section, must be fatal to the possibility of racial harmony. The result must be the same whether the territorial divisions are eight or eighty in number, more especially in Hungary, Transylvania, and the coast districts, where "ethnographic mosaics" exist, the arbitrary subdivision of which "would produce ridiculous results."³ Springer suggests the division of the monarchy into small sections

¹ *Die vereinigten Staaten Gross-Österreichs*, Leipzig, 1906.

² *Études sur les constitutions des peuples libres*, Brussels, 1839, p. 289.

³ *Grundlagen und Entwicklungsziele der österreichisch-ungarischen Monarchie*, Vienna, 1906, pp. 60, 195, 197.

for purposes of local self-government, and, where the carving out of racially homogeneous districts is impossible, the creation of "Mischkreise," in the government of which each nationality would be proportionately represented. That he does not regard his own recipe as a panacea for all forms of racial discontent is evident from the fact that his scheme provides for the constitution of a Court of Arbitration for the settlement of "international disputes." Federation is to be a "federation of two dimensions," providing for local self-government of a kind that will give the control to the numerically preponderant race of each arbitrarily constituted federal unit, and for the formation, without regard to geographical position, of "Nationsuniversitäten," corresponding in number to the various constituent nationalities of the monarchy. Both federalistic principles, geographical and racial, would be represented in the central Parliament of an Austrian Empire, which would thus become "a democratic Switzerland with a monarchical apex." So far as Hungary, and the nationalities of Hungary are concerned, the best criticism of Springer's scheme is to be found in his own words: "Hungary is geographically the most concentrated of lands—it is an ideal of concentration which will mock all attempts at political subdivision."¹ "Every nationality which tries to carve out a separate national State for itself will immediately have all the other seven nationalities against it."² As the *Pester Lloyd* said some years ago, "Irish Home-Rule is as lemonade to nitric acid compared with the form of autonomy which the modern programme demands for our

¹ *Grundlagen und Entwicklungsziele der österreichisch-ungarischen Monarchie*, p. 169.

² *Ibid.* p. 186. Springer here speaks of Austria, but his words are still more applicable to Hungary than to the hereditary provinces. He admits that "eine widersinnige Föderation ist der Todt Österreichs, der gewisse Untergang."—*Der Kampf*, etc., p. 79. In Hungary it must be "widersinnig," as it is impossible to carve out homogeneous States.

various nations. Hungary would literally be torn to tatters."¹ For whose benefit? Not for that of the Germans of Austria, whose only hope of preserving their influence lies in the maintenance of the dualistic principle; who, together with the Magyars, would have to finance an experiment, the object of which is their own destruction.² Not for that of Croatia, which enjoys a form of independence vastly more attractive than that which would be symbolised by the nomination of three out of the forty-two members of the central Council of "Great-Austria," federalised according to Popovici's prescription.³ What guarantee is there that a plan which provides for the grant of autonomy even to the scattered Jews of Austria and Hungary would diminish rather than intensify racial hatred?⁴ Popovici recognises the impossibility of getting any Parliament, Austrian or Hungarian, to agree to the adoption of his scheme of reconstruction; it is therefore to be brought about by a revolution from above, by the Emperor's "Machtwort"; but it has been well said that no one ever attempted the task of breaking Parliament with any other result than that Parliament broke him, and it is unlikely that the future occupants of the Habsburg throne will form exceptions to the rule.

¹ August 10, 1905. Quoted by Popovici, *o.c.* p. 53.

² Popovici's real object is clear: "also nur ein kräftiges Dazwischenfahren und mit dem ganzen magyarischen Spuk ist Kehraus gemacht," *o.c.* p. 332. Let Austria perish if need be, provided Hungary is destroyed to please the Roumanians.

³ The functions of the Federal Government would include all foreign affairs, including diplomatic and commercial representation, all military and fiscal matters, legislation regarding general political rights and judicial matters. Finance so far as federal, apart from local, receipts and expenditure are concerned. All questions of naturalisation, trade, trade-marks, patents, coinage, sanitary and veterinary police, etc., *o.c.* p. 318. If we compare the present position of the Croatian Diet with that which it would occupy as a member of an Austrian Empire federalised in accordance with Popovici's or Springer's recipes, we can hardly doubt what Croatia's opinion would be as to the merits of federalism.

⁴ "Auch der gesammten Judenschaft des Reiches könnte man eine Nationalautonomie gewähren," *o.c.* p. 310.

Russia saved Austria in 1848, and Bismarck did not dismember it in 1866 for one and the same reason. Napoleon III. and Cavour both wanted Magyar aid against Austria, but neither wished permanently to weaken or destroy the only force which could maintain the balance of power in Central and Eastern Europe. Circumstances have changed to some extent since 1867, for the nationalities of the hereditary provinces have developed notions which are inconsistent with the idea of a strong and united empire. The grant of pseudo-constitutional government has only served to emphasise the fact that the component races have little or no conception of the existence of permanent Austrian national interests, different and superior to temporary local considerations.¹ The nationalities of Austria are like the trees in the adage, so numerous that it is impossible to see the forest. It has become more and more evident that the future of the realms of the Habsburgs depends on the only homogeneous race, the only nation, which they contain; that the Magyars are almost alone in possessing something higher than a parish patriotism, and alone possess the constitutional, parliamentary instinct, allied with a feeling of attachment to the ruling dynasty, which is capable of preserving for the Habsburgs their importance in the eyes of Europe.² It is, therefore, a matter of general interest that nothing should take place which might tend to the weakening or dismemberment of Hungary. It seems that Palacky's much-quoted phrase requires re-editing. If there were no Hungary it would be necessary to invent one, were it possible to do so. Absolutism failed to produce a uniform, united Austrian

¹ Eötvös, *Ueber die Gleichberechtigung der Nationalitäten*, Leipzig, 1859, ch. ix.

² "Consciente ou inconsciente l'Autriche n'est en Orient que l'avant-garde de l'Allemagne. Elle continue, suivant une tradition inéluctable, à travailler pour le Roi de Prusse."—Leger, *La Save, le Danube et le Balkan*, Paris, 1884, p. 219.

Empire ; federalism was tried and found wanting ; and if it failed after the Magyar idea had suffered the crushing blow of Világos, it can hardly succeed when Hungary has become the predominant partner in the dual monarchy. Success could only be brought about by another '48, by a second interference of some alien giant, who would expect some recompense for his intervention, some more decisive proof of gratitude than Russia received in the early fifties ; and where would then be the strong central Power to keep the balance even between the only possible competitors for supremacy ?

Federalism may possibly be applicable to Austria, every constituent nationality of which is a fragment of some greater nation, but not to Hungary, where its application would involve the neglect of all the lessons taught by past history, where there is a homogeneous Magyar nation, which has, for a thousand years, maintained its hegemony in spite of internal and external enemies, of mutinous subordinates, and autocratic Habsburgs. The Germans of Austria were to be compensated for the loss of their control of Hungary by the strengthening of their position of predominance in Austria, but time has proved the impossibility of concentrating all power in the hands of the minority ; and though universal franchise was to create a new heaven and a new earth, the Reichsrath is so fully occupied with questions affecting the divergent interests of discontented nationalities, that it necessarily loses sight of Austria as a whole.¹ The Germans, some

¹ The Reichsrath, elected by universal suffrage, contains the following parties and some minor subdivisions : Social Democrats, Christian Socialists, German Clericals, German Popular Party, German Progressives, German Agrarians, Pan-Germans, Independent Pan-Germans, Polish Club, Polish Radicals, Polish Socialists, Ruthenians, Old Czechs, Young Czechs, Czech Agrarians, Czech Clericals, Czech Realists, Czech Radicals, Slovene Liberals, Slovene Clericals, Italian Liberals, Croatians, Servians, Roumanians, and Zionists. The Christian Socialists and German Clericals combined hold 96 seats, the Social Democrats, 90. As far as Hungary is concerned, there are two main tendencies in Austria, that of the Jews, Pan-Germans, and many

of whom have the conception of an Austria, of an entity superior to its constituent elements, can never agree with Slavs who have no such conception, who interpret the racial equality proclaimed by Article 19 of the fundamental law to mean inequality of opportunity for the Germans. German racial and educational superiority makes absolute political equality an impossibility,¹ and produces the impression of an unjust monopoly of

German Liberals, to get "los von Ungarn" as the necessary first step in the direction of incorporation of German Austria in the German Empire; and the "Grossz-Österreich" tendencies—the desire to incorporate Hungary and Croatia in a federated uniform Empire. This is the ideal of a strong party of anti-Semitic clericals. The Ruthenes hate the Poles worse than ever since the introduction of universal suffrage, for the reason that 3,500,000 of them return only 33 members, while 4,500,000 Poles return 81. See *The Times*, Dec. 17, 1907. As regards the standing quarrel of the Czechs and Germans, Popovici (*o.c.* p. 31 sq.) has pointed out the erroneousness of the supposition that a settlement of the language question would put an end to it. There are bloody fights from time to time in Innsbruck and Trieste, just as in Cracow and Prague, between the different nationalities. In spite of language ordinances the Czechs are more discontented than ever. The Slovenes want the creation of a separate Slovene autonomous district. The Croatians in Istria and Dalmatia want to be joined to Croatia-Slavonia. The Ruthenes want to cast off the Polish yoke and self-government. The Italians want autonomy for the Trentino. Under the circumstances the title of Popovici's book, *The United States of Great Austria*, sounds somewhat ironical. He was right in prophesying that the introduction of universal suffrage would accentuate rather than allay racial antagonism and discontent, *o.c.* p. 39. There are not only racial divisions, but political subdivisions among the representatives of every nationality. Even in the case of the smallest there are three such fractions. The Poles being Catholics, can conceivably join hands with the Clerical-Conservative landed proprietors, especially in view of their hatred of Protestant Prussia and of Russia, both of which persecute Catholic Poles. Where the Germans are in a minority they demand protection; where they form the majority of the population they demand the rights which numerical preponderance confers, and object to the establishment of Czech schools.—Springer, *Der Kampf*, etc. p. 41 sqq. For the extent to which race-hatred has permeated the working and even the professional classes, see the same author's *Grundlagen und Entwicklungsziele*, p. 53. What can be the future of Austria in such conditions? Probably the proletariat will become conscious of its strength, and international socialism will put an end to all that makes Austria Austria. The only hope is the maintenance of German hegemony, which is unthinkable if Magyar preponderance in Hungary becomes a thing of the past.

¹ Der Deutschösterreicher war einmal der herrschende Stamm in Österreich; mit der Herrschaft hat es ein Ende, aber das führende Volk wird er

influence ; consequently, a temporary parliamentary truce has to be bought by appointing superfluous Slavs to ministerial posts. The educated Czechs will never abandon the hope of converting dualism into trialism, even after a passive acquiescence in Austrian domination for nearly three centuries. In 1871 Francis Joseph, was ready to give way for the sake of peace, commissioned Count Hohenwart to negotiate with Prague, issued a rescript in which he recognised the historic rights of Bohemia, and announced his willingness to confirm them by oath on coronation as King of Bohemia. But neither Hungary nor Germany could remain passive spectators of the new departure ; the former, for the reason that the whole basis of the Compromise would be destroyed, as well as one of the essential considerations for the passing of the laws of 1723 ; the latter, for the reason that Germany, disposed to regard itself as the heir of the Habsburgs, could not view with indifference the prospect of the diminution of German supremacy in Austria—the necessary result of Slav development. Language ordinances, withdrawn almost as soon as given, cannot buy Bohemian affection, nor can exceptional treatment for Galicia, intended to wean the population from a possible attachment to Russia, win permanent peace for the Austrian Reichsrath, or destroy the feeling of Pan-Polish solidarity. The pro-Italian sympathies of the Trentino, of Istria, and Trieste, are notorious ; the Ruthenians quarrel with the Poles, and the Slovenes entertain an impartial hatred for Italians and Germans alike. But Austria is Austria still,—an artificial geographical expression justified by the existence of an Austrian aristocracy, bureaucracy, and military hierarchy, of an unusual degree of religious unity, of an unusual loyalty

immer sein. Und besser ist es sieben Nationen zu führen als ein Hinterland der Hohenzollern zu bildern.—Springer, *Der Kampf der österreichischen Nationen*, p. 170.

to the Throne, and of an Austrian patriotism, the chief, if not the only exponents of which, outside the limits of the aristocracy, are Austrian Germans. Pangermanism was made in Germany, not in Austria,¹ of the German population of which, over eight millions strong, less than a third can be accused of Pan-German leanings. The bugbear of Panslavism is apparently temporarily laid. The spectacle presented by the treatment of the Poles, whether by Russia or by Prussia, is not sufficiently attractive to induce Czechs, Ruthenians, or Poles, to wish to give themselves up to the tender mercies of either of their great neighbours. The only uncertain factor, the only disruptive element, would seem to be discernible in a German section whose pocket interests incorporation in the German Zollverein could not possibly suit, but whose pride might be flattered by the idea of contributing to form a still greater Germany. To the picture of a possible future drawn by M. Cheradame (to whose work² the reader should refer for information on a subject which is outside the scope of this book), and by others who have made a study of Pan-German pretensions and intrigues, the reply is commonly made that Germany, a Protestant Power, would never willingly abandon its Protestant character by increasing its Catholic population to over twenty-six millions by the incorporation of the Catholics of Austria; but it is more than doubtful

¹ Schwarzenberg, with his idea of a greater Germany of 70,000,000 inhabitants, was in a way the founder of modern Pangermanism in Austria, but his object was the maintenance of Austrian supremacy, not the incorporation of Austrian provinces in Germany under Prussian hegemony.

² *L'Europe et la question d'Autriche*. See also Weil, *Le Pan-Germanisme en Autriche*, and René Henry, *Questions d'Autriche-Hongrie*. Of German publications the reader should refer to *Österreichs Zusammenbruch und Wiederaufbau*, Munich, 1899; *Gross-Deutschland und mittel Europa um das Jahr 1950*, Berlin, 1895; *Gross-Deutschland*, Munich, 1900; Dr. Hassé's *Deutsche Weltpolitik*, 1897; *Deutschland bei Beginn des 20. Jahrhunderts*; *Ein Deutsches Weltreich*, 1892, etc., especially the publications of the Odin Verlag, Munich. Both Weil and Henry deny the possibility of success to Pan-German aspirations.

whether in the twentieth century religion would weigh heavily in the balance if the possibility of a German Trieste, an all-German Danube, and a direct connexion between Hamburg and the Black Sea were in the other scale. The Pan-Germans encourage the separatistic tendencies of the Roumanians of Transylvania solely for the reason that they are in favour of anything which would tend to weaken Hungary; the rights and wrongs of Slavs and Roumanians are a matter of perfect indifference, and the Habsburgs are tolerable only so long as they serve to maintain the preponderance of German influence.¹ Hungary lies across Germany's path, therefore the Magyars, the undermining of whose predominance is of essential importance to the Pan-Germans, are fit subjects for execration. That the Luegers and Schönerers, in fact, the Germans of Austria in general, make no concealment of their hatred of the Magyars, is not surprising. It is partly the tribute paid by jealousy to superior political genius, partly the outcome of the fact that, as Tacitus says, "*humanæ naturæ proprium est odisse quos laeseris.*"²

¹ See the speech of Deputy Iro at Salzburg, May 24th, 1907, Cheradame, *o.c.* p. 135: "We require the reunion of the Austrian Empire with Germany. Austria will become a confederated province like the other German provinces. The Emperor will continue to style himself Emperor if he likes, but as far as we are concerned, we rely on our Mother Germany, who will not abandon her children in Austria." Also the speech of Karel Türk in the Reichsrath, Oct. 25th, 1899, *o.c.* p. 136: "The German hereditary provinces must lean on the German Empire. . . . An economic customs-union with Germany would be the first step. . . . We Germans are ready for anything. Bring about a civil war between the Germans and the Czechs in Bohemia, Moravia, and Silesia, and you will see how the German armies of Prussia will make you dance." "The Slavs all hate us, as they know that our exaltation means death to them" (P. de Lagarde, *Deutsche Schriften*).

² Burgermaster Lueger's speech to the Viennese mob, June 10, 1906, his abuse of the "Judaico-Magyars," and the cry, "los von Ungarn," "los von Galizien," "los von Böhmen," etc., is the cry of despair of the Germans, who see the end of their predominance approaching. "Das Vaterland muss *kleiner* sein" is their reading of the song. They are not concerned with the Pragmatic Sanction and the indivisibility of the "kingdoms and States represented in the Reichsrath." It is hard to imagine a more shameless confession than

Possibly it is the fate of Austria to become a conglomerate of loosely federated States;¹ it can become such only with the consent of Magyar Hungary, the price of whose consent must necessarily be complete independence, *i.e.*, the limitation of its connexion with Austria to the obligation of mutual defence resulting from the identity of the Emperor of Austria and the King of Hungary. Let the faddists of federation at least keep their hands off Hungary, for it is scarcely an exaggeration to say that the fate of Europe depends on the proper interpretation of, and the giving of due effect to, the Pragmatic Sanction and the dualistic principle. For the present, official Germany has no desire to see the break-up of Austria, the disruption or slavisation of which means war; for it is impossible to believe that the former country could resist the cry, "Come over and help us, we are of your own flesh and blood," addressed to it by Austrian Germans threatened with absorption in the ocean of Slavdom. Germany could no more tolerate the possession of Trieste by any Power other than a friendly Austria than Italy could tolerate the annexation of that port to the German Empire. The maintenance of the *status quo* in the Adriatic is of vital importance if a conflict is to be avoided, which, for magnitude, would be comparable only to the wars of the Napoleonic era. Trieste may be said to be the crux of a situation which will change only with the collapse of dualism—the sole guarantee of the peaceful maintenance of German influence

that of Rudolph Springer, to the effect that if Hungary had to fight Serbia and Roumania, "*dankbare Schadenfreude ist alles, was Österreich als lachender Dritter beistellen wird,*" if it did not actually take a hand against Hungary, *o.c.* p. 235.

¹ Le problème fédéraliste n'existe qu'en Autriche . . . ; bien que le Royaume de Hongrie comprenne des races diverses, il est un État un, historiquement centralisé, des plus vigoureux. Au contraire l'Autriche est un agglomérat d'états comme de nations, et le problème du fédéralisme, ou, si l'on veut, de la décentralisation progressive, est en train d'y être résolu.—René Henry, *Questions d'Autriche-Hongrie*, p. 73.

in Austria, and at the same time the chief obstacle to the realisation of the dreams of Pan-German and other megalomaniacs. Germany could not be an indifferent spectator of the creation of a characteristically Slav Federation in Austria and Hungary, the tendency of which would necessarily be to range itself on the Russian side against Germany. The federalisation of the monarchy must infallibly drive the Germans of Austria into the arms of the German Empire. Germany and Russia would be brought face to face, and the result must be either a general conflagration, or a compromise between those two countries (which the rest of the Continent would be powerless to prevent), providing for the division of Eastern Europe. With Trieste in German, Constantinople in Russian hands, it will be easy to forecast the fate of the minor nationalities.

It is not true that the Magyars wish to break the connexion with Austria, or misinterpret the nature of their obligations to the House of Habsburg. Two of Hungary's foremost statesmen have expressed themselves in no ambiguous terms on the subject of their country's conception of its duty, and, as compared with their pronouncements, the interested malignity of the Jews and Pan-Germans of Vienna and Berlin is undeserving of consideration. "My strong insistence, my whole country's strong insistence, on her national independence does not in the least imply a will or a wish to break from Austria. We mean to keep faith to the reigning dynasty, and no nation in its dominions is more absolutely reliable in that respect. We mean loyally to fulfil our compact of mutual defence with Austria; in a word, what our forefathers agreed to as being obligations freely accepted by Hungary we mean to adhere to as honest men should."¹ "To-day divergencies of political opinion exist among us.

¹ Count Albert Apponyi, *The Juridical Nature of the Relations between Austria and Hungary*, p. 24.

There are some who think a separate army, and separate diplomatic representation, to be more expedient, and strive to attain them ; but there is no one who resembles the insurgents of old, who preferred to see the victory of a foreign enemy than to contribute blood and treasure to the maintenance of an illegal situation. To-day there may be some who believe that victory would be more easily obtained with two armies than with one, and agitate in favour of military separation ; but there is not one who does not desire the success of the united forces of Austria and Hungary, and would not promote the same to the best of his abilities. There may be, in fact there is, diversity of opinion among us, but there is no diversity as regards reliability and readiness for sacrifice.”¹

There is a much-quoted saying to the effect that the Magyar is blind to everything that he does not wish to see.² “Damn it, sir,” said Nelson at Copenhagen, as he put his telescope to his sightless eye in order to be able to say that he had not seen the signal of recall, “a man has a right to be blind sometimes”—and most of all when the future of his nation is at stake. It is also said that the hegemony of the Magyars is maintained, and can be maintained, only by artificial means. It is untrue. Beksics has justly remarked that the Magyars might well despair if national unity depended on grammatical unity. It is divergence of civilisation, not grammatical differences, which prevents the coalescence into a nation of heterogeneous elements. The history of centuries is the history of the abortive attempt to impress the German stamp on Hungary, in which there has been, and is, only one absorbent civilisation—the Magyar. The rebirth of the Magyar idea in some respects dates only from the day when, some seventy-five years ago, Stephen Széchenyi first addressed the Diet in its proper language ; but what

¹ Count Julius Andrassy, *Az 1867-Ki Kiegyezésről*, p. 135.

² Auct. Laveleye.

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a change in the relative positions of Hungary and Austria those few years have brought about, in spite of intervening Világos! Three-quarters of a century are but as one day in the history of the development of a nation. In Guizot's words : "Quelle est dans la vie des peuples la grande cause qui n'a pas éprouvé de cruels revers, passé par de tristes alternatives et mis des siècles à triompher? Dieu vend cher aux hommes le progrès et le succès. . . . Que n'en a-t-il pas coûté à l'Angleterre? Que de révolutions et de réactions! que de temps, de sang, et de travail!" The Magyars also have paid the price of progress and success in labour and in blood.

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