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Baron Géza Fejérváry, Minister of National Defence:

'I wish one could, but obviously one cannot remake the whole world on a Hungarian cobbler's last.'

Forty-Eighter hecklers:

'Yes, we can and we shall!' (1903 in the House)

*The constitutional question*

THE army question was a part of constitutional politics that has to be explained. When Franz Joseph dissolved the Hungarian parliament on December 10 1868, Ferencz Deák and the majority in the House of Representatives could look back with satisfaction on the preceding three years. Deák and his party had reached a constitutional settlement with the Crown that had been enacted as Law XII of 1867. Through the Settlement Hungary, with which Transylvania and Croatia were united, had acquired internal self-government and limited influence in imperial affairs.

The government was headed by the imaginative and entertaining Count Gyula Andrassy, a charmer whom Deák called the 'providential man'<sup>1</sup> because he possessed the rare quality of being equally acceptable to Vienna and to his own country. The government and its parliamentary supporters hoped that, with the Settlement out of the way, concerns about Hungary's position within the Empire would lose their hold over politics. This hope was never fulfilled. The constitutional question, *közjogi kérdés* (question of public law) acquired paramount importance, becoming almost an obsession in public life. Driven by nationalism, it was concerned with the extent to which Hungary had rights to legal independence, which was the critical aspiration. Debates on Hungary's constitutional rights took up an inordinately large amount of parliamentary time from the beginning to the end (1918) of the Dualist era. Conflicting views on accepting or rejecting the 1867 Settlement reflected politicians' aspirations to improve Hungary's legal position in the Monarchy. This conflict dominated

I am indebted to my readers, Robert Evans, Robert Pynsent, Martyn Rady and Angus Walker. They have removed much from the text that was not clear and improved it in other respects. A number of sections of this paper are taken from an earlier publication in German that is referred to in note 5.

<sup>1</sup> Manó Kónyi, *Deák Ferencz beszédei*, vol. IV, Budapest, 1897 (hereafter *DFB*), p. 328.

proceedings in the House of Representatives and divided the House more than any other political question. For long periods, the constitutional question eclipsed all else. Furthermore, divisions on other matters were more frequently than not influenced by divisions on the constitutional question rather than *vice versa*. The drawn-out conflict over the ‘nationalization’ of the counties, franchise reform and the nationality question are the most evident examples.

Unsurprisingly, therefore, the constitutional question provided the basis on which parties were formed and re-formed in parliament.<sup>2</sup> The defenders of the 1867 Settlement were almost invariably the party that supported the government in parliament (the Deák or, after 1875, the Liberal Party). Opposition parties criticized the Settlement or its implementation on political or rejected it on constitutional grounds. Again, it was the degree of opposition to the 1867 Settlement as well as the nature and the extent of the demands for revision or repeal that provided the basis of party division within the opposition. Those groups that accepted in principle the 1867 Settlement, and were thus *regierungsfähig* (the Moderate Opposition after 1878, the National Party after 1892, and also the ‘Liberal Dissidents’), represented the middle ground between the ‘Government Party’, as it was called, and the groups that rejected the 1867 Settlement on constitutional grounds. These last groups (the Left Centre before 1874; the Extreme Left, the 1848 Party after 1868, the Left and the Independence Party from 1874, later the 1848 and Independence Party) were not *regierungsfähig* in the eyes of the monarch. They demanded that the 1867 Settlement be repealed and the laws of 1848 reinstated *in integrum*, a change which, in their view, would have severed all institutional links with the ‘Other Lands’ of the Monarchy, save the monarch himself. This was the demand for a so-called ‘pure personal union’.<sup>3</sup> An analysis of the several dozen political crises that took place between 1867 and 1918 would likewise reveal the remarkable hold constitutional questions had over Hungarian politics. Arguably, twelve out of the twenty cabinet crises of the Dualist era that eventually led to the appointment of a new prime minister concerned the constitution.<sup>4</sup> Moreover, the protracted crisis of 1905–06 that shook the Dualist system, and indeed the Monarchy as a whole, was a constitutional crisis.

The truth about the 1867 Settlement was that, apart from the first few years, political support for it in the country was weak: it did not fully meet Hungarian national aspirations. At the same time, any substantial improvement on Deák’s Settlement in Hungary’s favour had to confront superior forces beyond the River Leitha: the monarch, his Army and the public. Hence the intractability of this nationalist conflict, at least under constitutional government, and the indestructibility of the constitutional question.<sup>5</sup>

<sup>2</sup> See the classic description of the party structure by Gusztáv Gratz, *A dualizmus kora*, 2 vols, Budapest, 1934 (hereafter Gratz, *Dualizmus*), 1, pp. 24–31. The party programmes were published by Gyula Mérei (ed.), *Magyar politikai pártprogrammok 1867–1914*, Budapest, 1934 (hereafter Mérei, *Pártprogr.*), pp. 241–363.

<sup>3</sup> The claim (to which many Hungarian historians are still wedded) that the Laws of 1848 established ‘personal union’ with the rest of the Monarchy is pure fiction. It was a home rule of sorts that the Laws granted Hungary. The 1867 constitutional Settlement, legally speaking, was not a ‘compromise’; it secured wider rights for Hungary than the 1848 Laws. See László Péter, ‘Old Hats and Closet Revisionists: Reflections on Domokos Kosáry’s Latest Work on the 1848 Hungarian Revolution’, *SEER*, 80, 2002, 2, pp. 296–319 (305–08, 318–19).

<sup>4</sup> The cabinets of Andrásy, Bittó, Wenckheim, K. Tisza, Szapáry, Széll, Khuen-Héderváry (1903), Fejérváry, Wekerle (1906), Khuen-Héderváry (1910), Lukács, Károlyi.

<sup>5</sup> László Péter, ‘Die Verfassungsentwicklung in Ungarn’, in Helmut Rumpel and Peter Urbanitsch (eds), *Die Habsburgermonarchie 1848–1918*, vol. VII, Vienna, 2000 (hereafter Péter, ‘Verfassungsentwicklung’), pp. 239–540 (504–07).

*The army question and the constitution*

The constitutional and the army questions were intertwined, something that, under Marxist influence, has not received due emphasis from historians since the Second World War. In fact, the army question formed the hard core of the constitutional discourse. This was largely because the Hungarian constitution was dualistic: the central structural feature of the political institutions had been for centuries the division between the customary rights of the Crown, in which the royal office was vested, and those of the noble *ország*, exercised by the landowners, the autonomous counties and the diet. Crown and *ország* as two depositories of rights functioned side by side in conflicts and accommodation. The monarch possessed wide *reservata*, which covered imperial affairs, the Army, external relations and other matters over which, before 1867, the *ország* had no influence. On the other hand, the monarch was duty bound to maintain the customary rights of the *ország*, as a Land, intact. For Hungary, the outcome of this system was a mixed or balanced constitution. Accordingly, the Crown entered into negotiations with the *ország* at its diet over the terms on which Hungary paid tax and offered soldiers to the monarch. The diet did not control supply but it used in the negotiations, the *dietales tractatus*, the monarch's promises to right grievances (*gravamina*) and satisfy desiderata (*postulata*) as bargaining counters. The diet frequently disputed whether the royal *propositiones*, requesting tax and soldiers, or the *ország* grievances should be dealt with first. In sum, the right to grant soldiers served as a constitutional lever that maintained a balance of sorts between the Crown and the *ország*. These medieval Hungarian institutions in the other Lands of the Monarchy, where they had existed at all, became etiolated shells. From this perspective Hungary was always separate, indeed independent of the rest of the Empire: a monarchic union of Lands rather than a single State. In the course of the nineteenth century questions concerning the Army became the centrepiece of the *dietales tractatus*, known as the constitutional question. This is not quite obvious because of historians' tenacious reluctance to distinguish between two kinds of 'dualism': one being the reciprocal connexions between the Habsburg Crown and the *ország*, manifested in the *tractatus*, the other being the dualism, so called, between the Other Lands of the Monarchy and Hungary. The former dualism concerned the mixed government, the binary structure of authority, called *Doppelpoligkeit* in central Europe, based on medieval customary rights; the latter, largely unregulated before 1867, by virtue of Law XII 1867, became, at least formally, contractual. The dualistic Crown-*ország* relations were, nevertheless, through the *reservata* of the common Crown, based on the Pragmatic Sanction, indirectly connected Hungary with 'Austria'. In fact, by the sixteenth century they formed a monarchic union of Lands. As we shall see, Hungarian constitutional innovations between 1867 and 1918 gradually crept up on the earlier dualistic structures. Parliament laid claim to the monarch's *reservata*; also it denied that Hungary had ever been a part of the monarchic union of Lands. This was indeed an uncharted (and, in general, unacknowledged) tectonic shift in the Hungarian view of their position in the Monarchy.

In this process of deliberate radical mental transformation, one could not overstate the effect of the 1848 revolution. The Independence War of 1848–49, when Kossuth and Görgey organized a *honvéd* army that took on the Austrian and the Russian military, was emblematic in creating a new Hungarian identity and aspirations. 'Forty-eight' outlasted 'Sixty-seven' — Deák's Settlement, condemned by faint praise as a 'Compromise'. After the system of representative government was permanently established in 1867, political authority still remained dualistic. The authority of parliament was greatly enhanced, yet government did not become

parliamentary in its proper sense of being the ultimate source of authority in legislation. The system of mixed government survived. Power was shared between the Crown and parliament, a precarious and shifting balance, as the history of the army question amply demonstrates.

*The 1867 constitutional Settlement and the Army*

The 1867 Settlement itself was driven by the military demands of the Empire's great-power status. The introduction of universal liability to military service for males was necessary for the maintenance of the Empire's international position. It would have been difficult to introduce this reform without a settlement with Hungary. Deák and Andrassy did not possess the political clout to impose a constitutional settlement on an unwilling monarch, but they did have something indispensable to political success: good luck. The following took place. The disaster the French army inflicted on the Monarchy at Solferino in June 1859 forced Franz Joseph to abandon autocratic government because it could no longer be afforded. Autocracy borrowed to finance itself and its unwillingness to control its expenditure led to the exhaustion of its credit. Since there was no public check on expenditure, foreign banks were ever less willing to help out Austria. Franz Joseph now reintroduced representative bodies. This was not a response to pressure from the 'German' Liberals or Hungarian or Slav nationalists, and the primary aim was not to satisfy the demands of this or that social class or nationality. Constitutional experimentation was necessary because of the demand of the financial houses in western Europe that government expenditure should be publicly accountable. Accountability could be achieved only through constitutional control of finance. The bankers launched a press campaign demanding the reform of government and this put life in the liberals and the nationalists of the Monarchy.

The monarch now revived a dormant institution, the Reichsrat, which the 1860 October Diploma turned into a representative body. The budget could still, however, not be balanced: there was a large deficit each year between 1861 and 1864. The German Liberals, who dominated the Reichsrat, forced cuts in army expenditure. The generals complained that they were denied the means of running an effective army. Then came the war with Prussia. In the autumn of 1864 it became clear to Franz Joseph that, unless Bismarck were stopped by force, Prussia would achieve supremacy in Germany. Ever since 1861, the German Liberals in the Reichsrat were cutting military expenditure. The monarch needed a political lever against the German Liberals to strengthen the Army so that Austria was able to endure a war with Prussia. Deák understood this. In his Easter 1865 article, he clearly stated: 'we are always prepared to harmonize our laws, through legislation, to guarantee the Empire's secure existence.'<sup>6</sup> What attracted Franz Joseph to the idea of a constitutional settlement with the Hungarians was that they provided him with a counterweight to the German Liberals. Faced by an aggressive Prussia, Franz Joseph was prepared to exchange greater Hungarian autonomy against Hungarian support for military expenditure. This support persisted throughout the Dualist era. Hungarian parliamentarians, unlike many in the Reichsrat, did not oppose army expansion as such, even during the crisis years after 1902. (They had to pay less than their Austrian partner for it.) Parliament used its support for army expansion, however, as a trade-off to gain

<sup>6</sup> *DFB*, III, p. 408.

recognition of the national identity of the Army's Hungarian units. Paradoxically perhaps, Hungarian aspirations proved, in the long run, more damaging to the Army's effectiveness than the parsimony of the Reichsrat.

Arguments about the status of the Army are the main vehicle for Hungarian nationalism after 1867. One ought not assume, however, that other aspects of constitutional politics were of secondary importance. Common foreign affairs and the monarch's household attracted only temporary interest. But the economic side of the relationship, and particularly the decennial negotiations of the Customs and Commercial Union, like the army question, were contentious throughout the Dualist era.<sup>7</sup> However, the political motive for change in the economy was ambivalent. Strong economic interests favouring, for example, the maintenance of the common tariff system competed with the desire to achieve economic independence from Austria. By contrast, arguments for the existing common rather than a separate Hungarian national army, although sound, secured insufficient support in the country.

Moreover, the Settlement Law put economic subjects and the Army under different regimes. The former were 'public matters of great importance' to be handled jointly with the other half of the Empire on political grounds rather than on account of legal obligation. Hungary retained the right to contract out of any or all of them, save state debts, if agreement with the Other Lands could not be secured.<sup>8</sup> Because obstacles to changes in economic relationships had little to do with the Settlement Law itself and because the Law's economic provisions were more or less straightforward, the scope for constitutional politics here was limited.

This was not the case in army matters. There the provisions were complex and, in contrast to economic subjects, the country's obligations were derived from the Pragmatic Sanction. In army matters the rights of the *ország*, Hungary as the contracting legal partner of the Crown, were restricted while those of the monarch were wide and 'recognized' rather than defined by the Settlement Law. Yet the monarch's rights were counterbalanced by *ország* rights, again recognized rather than defined. By and large, control over the Army remained reserved (*reservata*) to the Crown, the emperor-king, and as such united for the Monarchy as a whole; the raising of the Army continued, however, to be a shared right (*communicata*) and required the separate consent of the Hungarian parliament.<sup>9</sup> These principles provided ample material for constitutional debate. Indeed, more than any other aspect of the Settlement, it was the army provisions of Law XII of 1867 and the implementing instruments that became the growth points of the constitution.<sup>10</sup>

<sup>7</sup> For a comprehensive treatment of the economic *Ausgleich*, see Friedrich Gottas, *Ungarn im Zeitalter des Hochliberalismus, Studien zur Tisza-Ära (1875–1890)*, Vienna, 1976 (hereafter Gottas, *Ungarn*), pp. 75–161.

<sup>8</sup> See Péter, 'Verfassungsentwicklung', pp. 326–27.

<sup>9</sup> *Ibid.*, pp. 323–25.

<sup>10</sup> The House's proceedings concerning the implementing instruments of the Settlement in 1867 and 1868 revealed basic attitudes. The debate over the bill on the state debt was long, even though the government had an impressive two-to-one majority (229 for, 110 against) on December 15 1867, *Az országgyűlés képviselőházának naplója* (hereafter *Képv. napló*), vol. VI, pp. 150–52. The House showed only limited interest in discussing the bill on the Customs Union. At the close of the general debate on December 17 1867 the vote was taken by rising and the paragraphs had to be held over to the following sitting because the House lost its quorum (of the 402 members only 105 were present), *ibid.*, p. 204. In sharp contrast, interest in the three defence bills was strong and the debate in the House prolonged. But in the end, the government, with Deák's firm support, won easily. At the most important vote, held on August 4 1868, of the 281 members present 235 voted for, 43 against, and 2 abstained, with 120 absent; *ibid.*, vol. IX, pp. 424–26.

Three laws reforming the Army were put through parliament in 1868, the texts of which were practically identical with the laws passed by the Reichsrat for Cisleithania.<sup>11</sup> Law XL on the system of defence introduced general conscription, a major reform which had strong support in parliament. Universal military service was seen as following from the principle of civil society based on rights and duties applied equally to all.<sup>12</sup> The Law determined the war-time establishment of the Army and fixed the annual contingent of recruits, shared between the two parts of the Monarchy, for ten years. A critical innovation for the maintenance of constitutional balance between Crown and *ország* was the provision that enlistment had to be agreed annually by parliament.<sup>13</sup>

Law XLI created the *honvédség*, a second-line force on which the Hungarians insisted, which, in 1867, Franz Joseph had agreed to set up and which the military and the Austrian politicians took some time to accept.<sup>14</sup> Organized separately from the Army, administratively under the Hungarian Ministry of Defence, the *honvédség* was a national army substitute. Like the *Landwehr* in Cisleithania, which had to be set up because of the principle of parity in the Dualist system, it was an (expensive) auxiliary force, and without artillery not yet entirely fit for front-line duty alongside the Army. The *honvédség* took the oath to the 'Supreme Commander' (not quite the 'king') and to the laws of the country; its personnel, flag, language of service and of command were Hungarian and Croatian. All in all, the Law treated the *honvédség* as a subject that constitutionally belonged to the shared rather than the reserved monarchic rights. The third instrument, Law XLII of 1868, on the general levy in time of war (and under threat of war) did not attract much constitutional interest.

### *After the 1867 Settlement*

It was the visible presence of the imperial or common Army in Hungary that kept the constitutional question alive. The Imperial Army (later renamed Imperial and Royal), quartered in Hungary, was a multinational army that included the Hungarian regiments. It was largely led by German and German-speaking officers. The Army, including its Hungarian units, were subordinated to the Ministry of War in Vienna rather than to the Hungarian government in

<sup>11</sup> See Edmund Bernatzik, *Die österreichischen Verfassungsgesetze*, Vienna, 1911 (hereafter Bernatzik, *Die öst. Verfassungsges.*), pp. 688–704; 'Die k.(u.)k. Armee — Gliederung und Aufgabenstellung' in Rumpler and Urbanitsch (eds), *Die Habsburgermonarchie 1848–1918*, v, pp. 489–91; see Éva Somogyi's introductory essay and the minutes of the six imperial (common) ministerial council meetings in *Die Protokolle des gemeinsamen Ministerrates des österreichisch-ungarischen Monarchie 1867–1870*, Budapest, 1999, pp. xxxi–xxxviii, p. 10 *et passim*.

<sup>12</sup> See László Péter, 'The Holy Crown of Hungary, Visible and Invisible', *SEER*, 81, 2003, 3 (hereafter Péter, 'The Holy Crown'), pp. 421–510 (466).

<sup>13</sup> Paragraph 13 Law XL of 1868, cf. paragraph 12 Law XII of 1867 which stipulated: 'from time to time' rather than 'annually'. Andrassy's conflicts with the military establishment over the reforms agreed in 1868 centred on the acceptance of the division of army rights reached at the Hungarian Settlement rather than, as has been suggested by G. E. Rothenberg, on some further Hungarian army demands. See Rothenberg, 'Toward a National Hungarian Army', *The Slavic Review*, 1972, p. 808, and the same author's *The Army of Francis Joseph*, West Lafayette, IN, 1976 (hereafter Rothenberg, *The Army*), pp. 75–78. The Hungarian army demands made after 1902 should not be read into the conflicts that had preceded the enactments of the three defence laws of 1868.

<sup>14</sup> On the creation of the *honvédség* and Andrassy's difficulties in negotiating with the military leaders, see Tibor Papp, 'Die königliche ungarische Landwehr (honvéd) 1868–1914', in Adam Wandruszka and Peter Urbanitsch (eds), *Die Habsburgermonarchie 1848–1918*, vol. v, Vienna 1987, p. 637f.

Budapest. The maintenance of a large, repressive military force under 'German' leadership in the country, over which the Hungarian government had only limited control would have been a source of conflict under normal circumstances, even without its 'peace-keeping' role at elections and its role in enforcing labour contracts during the harvest. The sensitive question of relations between the civilian population and the 'alien' Army, and the incidents of conflict between soldiers and civilians were a constant headache for the government, and a target easily exploited by the opponents of the Settlement.<sup>15</sup> Yet these 'incidents', important though they must have been, do not provide a sufficient explanation of the role the army question played in Hungarian politics. The cause does not seem to be commensurate with the effect. Furthermore, it is not clear what is cause and what effect. We can only surmise how far the incidents created the army question and how far the already existing army question produced the incidents.

Some disaffection with the Settlement existed in Hungary as early as 1867, and undoubtedly the provisions concerning the common Imperial Army were felt to be the least desirable part of it.<sup>16</sup> The Army quartered in Hungary was involved in conflict, so-called 'incidents', between civilians and troops and relations between the officers and society was tense.<sup>17</sup> In the first decade after 1867 the Army and the *honvédség* produced lively and occasionally long exchanges in the House, especially in the Address and budget debates. These frequently centred on practical questions and were conducted on political rather than constitutional lines by Tisza's Left Centre Party, although before 1875 it had not accepted the 1867 constitutional basis. It was a widely shared aspiration on both sides of the House that the *honvédség* should become a first-line military force.<sup>18</sup> It was also hoped that the proportion of Hungarian officers in the Army would increase so that it would become truly 'common'.<sup>19</sup> The hope that the spirit of the Army would not be 'anti-Hungarian' was not confined to the government benches. There was some agitation for Hungarian cadet schools and for the establishment of a Hungarian military academy.<sup>20</sup> The constitutional arguments of the Forty-eighters for a Hungarian national army had not as yet made a strong impact on the House. After the 1875 party realignment, the economic *Ausgleich* and the consequences of the occupation of Bosnia moved to the foreground of constitutional politics. The smouldering discontent with the

<sup>15</sup> Gábor Vermes set out many of the arguments on both sides and described the incidents in his 'Hungary and the Common Army in the Austro-Hungarian Monarchy', in S. B. Vardy and A. H. Vardy (eds), *Society and Change, Studies in Honor of Béla K. Király*, New York, 1983, pp. 89–101.

<sup>16</sup> Péter Hanák describes the mutual antipathy between the Army and the Hungarian population as the 'Achilles tendon' of the Dualist system, 'Die Stellung Ungarns in der Monarchie', in Friedrich Engel-Jánosi and Helmut Rumpler (eds), *Probleme der franzisko-josephinischen Zeit 1848–1916*, Munich, 1967, p. 90.

<sup>17</sup> On the conflicts between the Army and the civilian population, see Tibor Hajdu, *Tisztikar és középosztály*, Budapest, 1999 (hereafter Hajdu, *Tisztikar*), esp. Ch. 3; see also note 15 above.

<sup>18</sup> The development of the *honvédség* was hampered by financial stringency and by the refusal of the imperial military to equip them with artillery and other technology.

<sup>19</sup> The term 'common Army' appeared for the first time in the implementing clause, paragraph 14, of Law XX of 1873 on army horses (which also refers to the 'common Minister of War') and then in the title of Law LI of 1875 on army pensions. It went into general use in the Hungarian statutes. What was a 'concession' by the monarch in the 1870s was bemoaned later by jurists like Károly Kmety, who pointed out that the term had not been used in the Settlement Law or in the 1868 army laws; Kmety, *Közjog*, Budapest, 1911, p. 507 n.2.

<sup>20</sup> The plan for a Hungarian military academy, in fact an aspiration since 1790, was soon shelved for decades and the proportion of Hungarian officers in the Army did not noticeably improve in the 1870s.

common Army stationed in Hungary erupted only in the 1880s.<sup>21</sup> From that time onwards, the army question dominated Hungarian politics for well over two decades — even in the 1890s when one after another attempt to distract public interest from it failed.

### *The army question and Apponyi*

The dominance of the army question coincided with, and largely explains, the rise of Count Albert Apponyi, a supporter of the 1867 Settlement. The party structure in the House of Representatives resolves the paradox that a Sixty-sevener brought the army question into prominence. The Independentist groups, so called Forty-eighters, as devoted followers of Kossuth, rejected all common institutions, demanded a separate Hungarian army and recognized only a personal union with Austria. They were led by Daniel Irányi, Ignác Helfy, Kossuth's confidant, and Ernő Simonyi, members of the entourage of the Great Exile, who returned to Hungary after the Settlement. The Forty-eighters had a growing appeal in the Hungarian districts that sent independent gentry to the House.<sup>22</sup> Yet they had no chance to form a government. Since they did not recognize the 1867 Settlement, the monarch regarded them as *nicht regierungsfähig*. A party of protest, the Independentists did not even aim to gain office.

Apponyi came from a different political world. The son of György Apponyi, Chancellor before 1848 and arch-enemy of Kossuth, he was educated by Jesuits in Vienna and joined the erstwhile Conservative Sennyey group that supported the government, when in 1872 he acquired a seat in the House. He had plenty in his 'schwarz-gelb' background to live down. After decay set in within the Deák party, a party realignment took place. The Left Centre put their constitutional opposition to the Settlement into 'cold storage'<sup>23</sup> and merged with the governing majority to form the Liberal Party in 1875. For fifteen years Kálmán Tisza was the undisputed leader of the Sixty-sevener majority. A brilliant tactician and debater in the House, Tisza was a master of *ad hoc* arrangements and not carrying out any political programme. In 1878, the former Conservatives split away and were later joined by dissatisfied Liberals to form the United Opposition and reformed themselves as the Moderate Opposition in 1881 under the joint leadership of Apponyi and Dezső Szilágyi. A liberal law professor and a loner, a mastiff let loose on the House, Szilágyi's sheer intellectual force in recasting Hungarian constitutional law elevated him to the top rank. Yet Apponyi always had the edge on him.<sup>24</sup> Apponyi's impressive bearing, modulated voice, and his often passionate oratory

<sup>21</sup> From the beginning of the 1880s, the number of reported 'army incidents' in the country greatly increased (civilian insults, flag violations, the Hentzi and Gotterhalte incidents, and so forth).

<sup>22</sup> See the statistical analysis of Ernő Lakatos, *A magyar politikai vezetőréteg 1848–1918*, Budapest, 1942 (hereafter *A m. vezetőréteg*), pp. 52, 55–56.

<sup>23</sup> The much used derisive phrase by Forty-eighters that Tisza *szögre akasztotta* (hung on a peg) the 'Bihar points' (that is, the party programme) was never uttered by Tisza himself, Gyula Oláh, *Az 1875-ik évi fuzió története*, Budapest, 1908, pp. 292–93.

<sup>24</sup> But, after 1878, Apponyi came under the influence of Szilágyi, which he acknowledged on many occasions, see his *Emlékirataim*, vol. 1, Budapest, 1922, pp. 141–43. Whereas Szilágyi, Apponyi argued, was satisfied with asserting the principle of state independence, his own aim was the realization of the principle. After 1886, when the two men parted company, Szilágyi claimed that Apponyi had never really understood him.

ensured the charismatic appeal of this political Don Quixote and ensures it even today in Hungary.<sup>25</sup>

Once formed, the new group looked like a political refugee camp rather than a party with a coherent political programme, yet many a politician hoped that it would break the hold of the constitutional question on Hungarian politics, for it unambiguously recognized the Settlement and was therefore *regierungsfähig* in the eyes of the monarch. And yet, as if it had been the iron law of Hungarian politics, a few years after the party realignment, politics was back where it had been: the forces in parliament were largely separated by different attitudes to the Settlement.

Apponyi's conversion to constitutional politics was gradual. After 1875, his concerns were the economic *Ausgleich* with Austria, the cutting of army expenditure and the request that 'the Hungarian element should make greater headway in the common Army'<sup>26</sup> — all respectable Sixty-sevener political rather than constitutional questions. During the Eastern Crisis, however, Apponyi gave strong support to Szilágyi's constitutional politics. A new tone was audible in the 1881 election Manifesto of the Moderate Opposition that complained that Tisza's policies undermined public confidence in the Settlement and that national grievances had built up because of the government's 'negligence in the enforcement of guarantees gained in the Settlement and the perversion of its spirit'.<sup>27</sup> In the 1884 Manifesto this became the central contention against 'the governmental system' (which 'perverted and threatened the basis of public law').<sup>28</sup> Nevertheless Szilágyi remained a firm Sixty-sevener and resigned from his party, leaving Apponyi its sole leader.

Barely a fortnight after Szilágyi's resignation in March 1886, Apponyi<sup>29</sup> introduced his most characteristic constitutional innovation, later to be termed the idea of the 'dormant rights' or 'advancement' of the Settlement. He told the House that the country had expected Tisza, because of his past in the opposition, to develop the institutions in a national direction on the basis of what the Settlement had already secured 'in embryonic form'. Whereas the government party had done nothing, his party wanted to use the Settlement to 'build up our national institutions and inject the national spirit into the common institutions'.<sup>30</sup> This idea that combined the 'recognition' of the Settlement, a *sine qua non* for remaining *regierungsfähig*, with the promise to fulfil national aspirations turned out to be the thin end of the wedge that eventually shattered majority support for Deák's work from within the Sixty-sevener camp. But this danger looked remote in 1886. In practical terms, the 'revival' (*felélesztés*) of 'dormant' rights meant for Apponyi only the modest aim of creating a Hungarian military

<sup>25</sup> Not, however, outside Hungary. His political attitudes were described by C. A. Macartney, who otherwise liked him, as 'incurably unadulterated', *The Habsburg Empire 1790–1918*, London 1968, p. 761. In Hungary the literature on Apponyi is hagiographic.

<sup>26</sup> Election manifesto of the United Opposition (under Apponyi and Szilágyi's leadership), April 13 1878, Mérei, *Pártprogr.*, pp. 251–54.

<sup>27</sup> March 23 1881, *ibid.*, pp. 254–58.

<sup>28</sup> April 10 1884. The criticism became specific: the government had allowed the competence of the common ministry to be widened (this was a reference to the administration of Bosnia) and made control over it by the Delegations illusory (a reference to a debate in May 1882 on defence costs in relation to Bosnia), *ibid.*, p. 258.

<sup>29</sup> Szilágyi resigned on March 21 and Apponyi made his speech on March 24 in the course of the debate on the administration bill which at one point developed into a general debate on government policy.

<sup>30</sup> On March 24 1886, *Képv. napló*, x, p. 313. Apponyi considered that the speech had been a benchmark in his political career, *Emlékirataim*, I, pp. 140–43.

academy, which the government, too, had been (unsuccessfully) pressing for. Events pushed Apponyi to spell out his full constitutional doctrine in October in the Jansky Affair debate in the House.<sup>31</sup> On May 21 1886 Ludwig Jansky, a brigadier general, commander of a regiment stationed in Hungary, laid a wreath on General Hentzi's tomb in Buda Castle where Hentzi had fallen in 1849 defending it against Görgey's army (for decades the wreath-laying was an annual event, together with an appropriate speech). On this occasion, the press and the public found the ceremony offensive. The Hungarian government called Jansky's action tactless, but the war ministry (in Vienna) put the Hungarian commander of the army corps in Budapest on the retirement list and promoted Jansky. This provoked serious disturbances in the streets of Budapest and parliament received floods of petitions that demanded legislation for a separate Hungarian army. The monarch sent a friendly rescript to Tisza to help his government.<sup>32</sup> Apponyi had a field day in the House. First, he made it clear that his party held no truck with the Forty-eighters who demanded the splitting of the Army. Then he quoted from Franz Joseph's rescript, sent earlier to reduce tension in the country: 'the spirit of the Army could not be different from that of its supreme commander.' Apponyi turned round the monarch's dictum: 'The supreme commander, however, is no other than the crowned constitutional king of Hungary and therefore the spirit of the Army cannot be different from that of the constitutional king.'<sup>33</sup> This was, he went on, indeed a 'postulate to be translated into life', which meant 'the unconditional recognition of Hungary as a sovereign State' by His Majesty's coronation oath and by his sanctioning of Law XII of 1867. This was so much the essence of Hungarian constitutionalism that it was not even necessary to produce further evidence. And it followed that the constitutive factors of the Hungarian State (i.e. king and parliament) possessed unlimited sovereignty over every aspect of state life — including defence. The Army was an institution operated in common with the Other Lands of the Monarchy not because it had been created by a legal source over and above Hungarian state sovereignty, 'but because the sovereign legislation of the Hungarian State found it appropriate, in agreement with the legislature of the Monarchy's other State [that is, the Other Lands], to create this common institution'. This was the spirit of the Hungarian constitution with which the common Army should be in harmony. Then came a sideswipe at the idea, harboured by some people in Cisleithania, that there existed an *österreichischer Gesamtstaat*, before Apponyi made a further claim. Law XII of 1867 'by which the legislature consented to the maintenance of a united common Army, but did not envisage the Hungarian units' complete loss of individuality within it, for the Law clearly refers to the Hungarian army as a complementary part of the entire Army'. He proposed that the government initiate the measures by which the spirit of Law XII of 1867 was realized in 'creating solidarity between the nation and the Army'.<sup>34</sup>

Apponyi used a sledge hammer to crack a nut and what he demanded, in practical terms, was not very clear. Yet his 'postulate' (the term is a throwback to the *postulata* of the old

<sup>31</sup> Gratz, *Dualizmus*, I, pp. 244–46. See also Vilmos Heiszler 'A Jansky-ügy', in András Gerő (ed.), *Skandalum; Magyar közéleti botrányok 1843–1991*, Budapest, 1993, pp. 76–91 (a useful account in which, however, the author managed to go through the story without even mentioning Apponyi).

<sup>32</sup> Gratz, *Dualizmus*, I, p. 245.

<sup>33</sup> On October 11 1886, *Képv. napló*, XIII, pp. 188–89.

<sup>34</sup> *Ibid.*, p. 192. The phrase 'complementary part of the entire Army' was in paragraph 11 of 1867 XII, its German translation was, however, 'als integrierenden Teiles des gesamten Heeres'; Ivan Žolger, *Der staatsrechtliche Ausgleich zwischen Österreich und Ungarn*, Leipzig, 1911, p. 116.

constitution) was innovative: never before had a Sixty-sevener politician spelled out in the House the doctrine of the unlimited sovereign power to make statute law. While Apponyi was speaking the government benches were silent but, a year after Apponyi's speech, in 1887, the first textbook of the dogmatic law school by Ernő Nagy, 'the Hungarian Laband' appeared.<sup>35</sup> A follower of Paul Laband, professor at Strasbourg, leading jurist of the German Empire, Nagy turned away from the historical method in favour of the analytical. In fact, Nagy's textbook was written in a conceptual frame similar to Apponyi's and the claim to 'legislative sovereignty', like the claim to 'organic development', became buzzwords in constitutional discourse. National desiderata concerning the Army were from that time onwards supported by the presumption of legislative sovereignty as an attribute of the legally independent Hungarian State.

*The watershed: the 1889 Great Defence Debate*

It has been widely recognized that the parliamentary debate on the system of defence in the first three months of 1889 was a turning point in the history of the Dualist system. Indeed, the debate did not merely destroy Kálmán Tisza's fifteen years' unchallenged leadership; it transformed politics. Until 1889, the conflicts in the Monarchy could still be regarded as political and temporary;<sup>36</sup> after 1889, they were increasingly recognized as structural and permanent. In Cisleithania, generals and politicians were apprehensive lest there were a drift towards an *Armee auf Kündigung*, which raised the spectre of *Monarchie auf Kündigung*. In Hungary the habitually optimistic liberal, Gusztáv Beksics, wrote that 'after 1889 Hungarian politics became a territory of volcanic eruptions'.<sup>37</sup> In the interwar period Gusztáv Gratz, a leading minister in retirement, lamented the 'fateful effect of perturbed political conditions' that had arisen out of the debate in 1889<sup>38</sup> and Apponyi wrote that this was when the Sixty-seven system virtually 'collapsed'.<sup>39</sup>

However, we find neither in the contemporary accounts nor in the historical literature any reference to the fact that an indispensable part of the conflict over the system of defence in 1889 was the new constitutional outlook that had emerged in the immediately preceding years. The new outlook was based on the rejection of the idea that Hungary was a part of the Empire as a monarchic union of Lands and on the presumption that Hungary was, by virtue of the 1867 Settlement, a legally independent State. This new claim, shared between Sixty-sevener and Forty-eighters, transformed the outlook of the political class as a whole and made the conflicts over the Army unavoidable. Thus the spectacular clash of political wills in

<sup>35</sup> Péter, 'Verfassungsentwicklung', pp. 396–98.

<sup>36</sup> Gusztáv Beksics, a leading Liberal publicist, argued in 1883 that the nation no longer had constitutional conflicts, *Kemény Zsigmond, a forradalom s a kiegyezés*, Budapest, 1883, p. 289; a few years later, he changed his mind.

<sup>37</sup> Beksics, who died in May 1906, wrote these lines after the April Pact had been made; he hoped that things were once more improving; see his posthumous *A Szabadelvűpárt története*, Budapest, 1907, p. 8; Gotta, *Ungarn*, pp. 72–74. The movement among university students and the street demonstrators are described by Dániel Szabó, 'A véderőtüntetések résztvevői', *Korall*, 2004, 17, September, pp. 43–60; Hajdu, *Tisztikar*, pp. 94–97 (good details on incidents).

<sup>38</sup> Gratz, *Dualizmus*, I, p. 407.

<sup>39</sup> *Emlékirataim*, I, p. 169, and repeated in II, p. 26.

1889 had little to do with the Settlement that Deák made with Franz Joseph and much more with the claim to state sovereignty that in the second half of the 1880s was read into Deák's work.

Two major objections were raised in the House against the Defence Bill that, after revisions, became Law VI of 1889, and the new constitutional outlook was involved in both. Paragraph 14 of the Bill, obscurely drafted, could be construed as amounting to the weakening of Hungary's right to negotiate the number of recruits raised decennially.<sup>40</sup> This was the context in which Szilágyi was soon to make the claim that 'If agreement is not reached each state retains its freedom of action'.<sup>41</sup> (The Szilágyi thesis was clearly in conflict with Deák's constitutionalism, a contract between Crown and *ország* based on the Pragmatic Sanction rather than an agreement between two legally independent States.)

The other objection concerned paragraph 25 of the Bill which imposed on the 'one-year voluntary reserve officers' the obligation to pass an examination in German.<sup>42</sup> Apponyi had a field day with this paragraph.<sup>43</sup> The government had argued that paragraph 11, Law XII of 1867 clearly assigned the power to determine the language of the Army to the monarch, and a leading liberal<sup>44</sup> said that the law did not give parliament any control over army language. But, argued Apponyi, the presumption of the law was on the side of parliament<sup>45</sup> and paragraph 11 did not expressly assign the determination of army language to the monarch.<sup>46</sup> The monarch had acted lawfully in accordance with the army language regulations because the other agent of legislation had chosen not to have a say in the matter in 1867. Apponyi made it clear that he did not intend to raise the question of army language. The point was, however, that the language of reserve officers' instruction was 'a part of the sovereign right of our state language' rather than a reserved royal right. Sovereignty was a great principle of the Hungarian constitution, which did not require further legal demonstration.<sup>47</sup> The speech confirmed Apponyi as the standard-bearer of Hungarian aspirations for many years to come.<sup>48</sup>

Teofil Fabiny, Minister of Justice, took up some of Apponyi's points. The language of the Army, the minister insisted (amidst much heckling from the opposition), was a reserved royal right, in contrast to the language of the *honvédség* where the 1868 Law had expressly recognized parliament's participation.<sup>49</sup> He warned: 'Just as the *ország* holds fast to its rights, so

<sup>40</sup> Tisza insisted for weeks that it did not, but eventually surrendered and restored a passage identical with that of Law XL of 1868 (paragraph 13).

<sup>41</sup> See Péter, 'Verfassungsentwicklung', pp. 515–17. In Deák's constitutional outlook, the *ország* had the right to bargain but also the obligation to seek agreement because of its duty to help its monarch and the Other Lands.

<sup>42</sup> The paragraph imposed the obligation to serve a second year if the candidate failed the examination.

<sup>43</sup> The speech was frequently interrupted by rapturous applause from his party, the Forty-eighters, and from the gallery.

<sup>44</sup> Gyula Horváth who was about to defect and move over to Apponyi's side.

<sup>45</sup> March 2 1889, *Képv. napló*, IX, p. 178.

<sup>46</sup> Apponyi also argued that there had been references to the language of army instruction in old statute laws which indicated that the diet had not regarded the subject as a *reservata*.

<sup>47</sup> On March 2 1889 *Képv. napló*, IX, pp. 178–79 and see his speech in the Jansky Debate in 1886, see note 33 above.

<sup>48</sup> The speech on March 2, together with his closing speech, were the most effective of the four speeches that Apponyi made in the defence debate.

<sup>49</sup> March 5, *ibid.*, pp. 213–14.

the monarch's rights should be respected.<sup>50</sup> This was the language of the old dualist structure: the language of the past.<sup>51</sup> Fabinÿ was out of office within a month, ostensibly on health grounds. Only further research could shed light on the extent to which his robust defence of the monarch's rights embarrassed the government that had been fatally wounded in the debate. Academia clearly did not regret his departure. The doctrine of the Holy Crown was (tacitly) based on Apponyi's 'great principle' and the much respected innovative constructor of this doctrine, Academician Győző Concha, referred to Fabinÿ's speech as a 'mistake'.<sup>52</sup> A most telling outcome of the debate in parliament was that Fabinÿ's successor as a Minister of Justice was none other than Szilágyi, the great beast of constitutional politics, brought into Tisza's last administration to bolster up sagging government authority. The author of the 1893 Szilágyi thesis that Law XII of 1867 was an 'independent creation' of the Hungarian legislature (rather than a so-called internal state contract between partners), could never be described as poacher turned gamekeeper. Not surprisingly, Franz Joseph did his best to get rid of him at the first opportunity.

As an offshoot of the defence debate Tisza was successful in securing the monarch's *Handscreiben* of October 17 1889 which ordained that in future the Army and navy be styled 'imperial and royal' (rather than 'imperial' or 'imperial-royal'). The monarch's *Handscreiben* of October 4 1895 extended this change to the 'minister of the imperial house and foreign affairs' which now became 'imperial and royal'.<sup>53</sup> These changes were not innovative. They merely carried into effect what had been implied in the new style introduced by the monarch in November 1868.<sup>54</sup> Although the 1889 and the 1895 documents, in contrast to that of 1868, were countersigned by the addressee, the foreign minister, they should be regarded as unilateral declarations of the monarch's will. Franz Joseph made it clear in his 1889 *Handscreiben* that the alteration of the official style was not to affect the *Einheit und Unzertrennbarkeit* of the common Army and navy in the form in which, on the basis of the Pragmatic Sanction, they had been established in 1867. Clearly, these changes could hardly be seen as legally supporting Hungarian constitutional aspirations, particularly after the Great Defence Debate of 1889.<sup>55</sup>

<sup>50</sup> Ibid., p. 216. On March 6, he said that his duty was 'as much to maintain the monarch's rights unimpaired as to guard the *ország's*', *ibid.*, p. 249.

<sup>51</sup> So was Gyula Andrásy's last political speech, made in the Upper House on April 5 1889. Alarmed by the agitation in the country for an independent Hungarian army, Andrásy produced excellent political arguments for the maintenance of the common Army. Full of common sense, the speech, couched in the language and the constitutional ideas of the monarchic union of Lands, went down well in the Upper House, but the country was moving in another direction, *Andrásy Gyula Gróf beszéde a véderő-törvényjavaslat tárgyában*, Budapest, 1889, esp. pp. 29–31, 35–36, 64–65.

<sup>52</sup> See Péter, 'The Holy Crown', p. 484.

<sup>53</sup> See Bernatzik, *Die öst. Verfassungsges.*, pp. 53–54; István Diószegi, *Die Protokolle des gemeinsamen Ministerrates der österreichisch-ungarischen Monarchie 1883–1895*, Budapest, 1993 (hereafter Diószegi, *Protokolle*), pp. 142–48, 467–74. In a similar vein, the Minister of War became 'k. und k.' in 1912 (this change, sadly, ended the marvellously demonstrative practice that the same authority which appeared as 'Imperial' in Cisleithania was called 'common' in Hungary).

<sup>54</sup> See Péter, 'Verfassungsentwicklung', pp. 508–09. Based on Andrásy's memorandum which had argued that the Monarchy's official style should express the 'state interdependence' (*Zusammgehörigkeit*) of the Empire's two 'halves', Franz Joseph ordered in November 1868 that the (short) form of his own title be Emperor of Austria and apostolic King of Hungary. Also, he ruled that the Lands united under his sceptre should appear in official usage as Austro-Hungarian Monarchy or Empire.

<sup>55</sup> See Bernatzik, *Die öst. Verfassungsges.*, p. 53; Diószegi, *Protokolle*, pp. 147–48.

In the 1890s, Szilágyi and Apponyi's constitutional ideas penetrated deep into the political class and transformed its political culture. Historians are yet to recognize that from the 1890s, the three main forces of parliamentary politics, the governing Liberal party, Apponyi's National Party<sup>56</sup> and the Forty-eighter camp, shared a new constitutional outlook in that they all held Hungary and Austria externally as well as internally, to be legally fully sovereign States. The new claim affected *Regierungsfähigkeit*. The Forty-eighters were, as they always had been, beyond the pale because of their declared aim to abolish the institutions common with the other state. But recognition of the common institutions was no longer enough for a political group to be *regierungsfähig* because widely different claims could be inferred from the state independence of Hungary explained into Law XII of 1867.<sup>57</sup> Hence the formula established in the negotiations with Apponyi in January 1895: for the monarch *Regierungsfähigkeit* required the recognition of the Settlement 'as it had been created as well as interpreted and implemented for twenty-eight years'.<sup>58</sup> This requirement for holding office made for tension within the Liberal Party, for, under the spell of Szilágyi and others' new language of politics, Liberals shared the aspiration with Apponyi's group to establish a stronger Hungarian presence in and accentuate the Hungarian character of the regiments of Transleithania. After all, the Dualist system was based on parity between the two halves of the Monarchy, yet, even at the end of the nineteenth century, only a quarter of the army officers were from Hungary and fewer than half of these were Magyars.

The strongest group in the Liberal Party headed by Count István Tisza was, however, determined to avoid any conflict with the Crown. The aristocrats of the Party, led by Count Gyula Andrássy Junior, later labelled the Dissidents, were all loyal to the king. Indeed, in his book (a brilliant defence of the Sixty-seven system), Andrássy argued in 1896 that loyalty to the Crown in itself was not enough: the nation should not ask anything of its king that he, as the constitutional monarch of Austria, could not secure.<sup>59</sup> A few years later, however, Andrássy was trying unsuccessfully to mediate between the Crown and parliament's gentry majority.

Apponyi and his National Party played a decisive role in the unfolding events. As the century moved to a close, without any encouragement from the monarch, but infatuated

<sup>56</sup> On January 5 1892 the party replaced the Moderate Opposition with the new name, Mérei, *Pártprogr.*, pp. 261, 270.

<sup>57</sup> From 1892, as Mérei points out, even the Liberals included constitutional desiderata in their programmes, *ibid.*, p. 30.

<sup>58</sup> See, for example, Apponyi's references to *kormányképeség*, *Regierungsfähigkeit*, *Emlékirataim*, I, pp. 76, 99, 108, 110, 117. After Wekerle's resignation, Khuen-Héderváry, the king's candidate, unsuccessfully sounded out Apponyi about a merger between his party and the Liberals. The recognition of the Settlement 'as it had been created as well as interpreted and implemented for twenty-eight years', was the precondition which the Liberal caucus (but not Apponyi) accepted; Ignác Darányi in the House on January 19 1895, *Képv. napló*, xxii, pp. 13–14. Gábor Ugron, Forty-eighter, argued that a uniform interpretation of Law XII of 1867 had never existed (January 21), *ibid.*, pp. 41–44. The Liberal Party, wisely, refused to give hostages to the future by including the formula in its programme. Indeed, on September 15 1903, István Tisza (not yet Prime Minister) at a party meeting (rather than in parliament) admitted that the Settlement had not yet been implemented in every respect and as one example he mentioned the promotion of the Hungarian language and the Hungarian complement in the Army. József Kun Barabási (ed.), *Gróf Tisza István képviselőházi beszédei*, vol. I, Budapest, 1930 (hereafter *TIKB*), pp. 744–46.

<sup>59</sup> See László Péter, 'The Aristocracy, the Gentry and Their Parliamentary Tradition in Nineteenth-Century Hungary', *SEER*, 70, 1992, 1, pp. 77–110 (104–05).

by the new vocabulary of the sovereign Hungarian State,<sup>60</sup> an inexplicable optimism was generated in the gentry-led counties and in parliament that Hungarian army aspirations would be realized.<sup>61</sup> Apponyi's reputation was growing in the Liberal Party<sup>62</sup> and within his own party pressure was growing to merge with the Liberals in order to get into government. In 1899, when the army question was temporarily not in the foreground, Apponyi and his group joined the Liberals and he was elected president of the House. Parliament was now set on a collision course with the Crown.

### *The Army crisis of 1903*

After the turn of the century, the army question came back with a vengeance. The leaders of the Army, concerned that the Monarchy was rapidly falling behind other states in defence, worked out a plan to increase the annual contingent of recruits in keeping with population growth.<sup>63</sup> The army expansion bills went through the Reichsrat only with difficulty, and on the condition that Hungary also passed them.<sup>64</sup> The two army bills introduced by the Széll ministry in November 1902 moderately raised Hungary's defence contribution. Nevertheless, Forty-eighters demanded a quid pro quo: the introduction of Hungarian as the language of command (some seventy words) and the language of service (instruction) in all the regiments of Hungary. The pressure was now on the Liberals to press for at least some of these demands.<sup>65</sup> When the Liberals failed to respond, the Forty-eighters began to carry out *obstrukció*. The urbane, affable Kálmán Széll, after Wekerle the only Liberal prime minister with a liberal programme of sorts, hoped that the Independentists would tire of their filibustering. Instead, by the end of April 1903, they put his administration into (dog Latin) *ex lex*. When governments could not put the Appropriation Bill (budget) through parliament in time (which happened frequently), they were covered by an enabling bill, called *indemnitás* (another misnomer), that authorized them to collect taxes and meet public expenditure. When neither the Appropriation nor an enabling bill had been passed, *ex lex* obtained (the government put outside the law). This occurred for the first time in 1899, when the Bánffy government was replaced by Széll's. His government, when it could not end parliamentary anarchy and *ex lex* obtained, was asked to resign by the monarch, under the influence of Archduke Franz Ferdinand and Count István Tisza (not that these two ever co-operated). The monarch designated Tisza as the man to take over, but it turned out that the Liberals were not yet ready to reform the Standing Orders to remove *obstrukció*, which Tisza planned. Then in

<sup>60</sup> At every turn in the long crisis between 1902 and 1912, the claim to state sovereignty provided the critical argument in support of the army demands.

<sup>61</sup> Gusztáv Beksics's last chapter, 'Harmincz év', in the ten-volume 'millenary history', Sándor Szilágyi (ed.), *A magyar nemzet története*, vol. x, 1898, reflected this optimism, pp. 807–08.

<sup>62</sup> Although the passing of Laws XXII and XXIII of 1897 which raised the Ludovica to the level of a staff college and provided for new cadet schools and a military high school deprived Apponyi's National Party of a large part of its army programme.

<sup>63</sup> See Walter Wagner, 'Die k(u)k Armee, Gliederung und Aufgabenstellung', in Wandruszka and Urbanitsch (eds), *Die Habsburgermonarchie 1848–1918*, v, pp. 142–633 (493); see also the not always reliable account of the army crisis in Rothenberg, *The Army*, pp. 131–38.

<sup>64</sup> Gustav Kolmer, *Parlament und Verfassung in Österreich*, VIII, Vienna, 1914 (hereafter Kolmer, *Parlament*), pp. 448–51.

<sup>65</sup> See Péter, 'Verfassungsentwicklung', pp. 452–53.

June 1903, Franz Joseph, in order to end parliamentary anarchy, appointed Count Károly Khuen-Héderváry who was allowed temporarily to shelve the two army bills. Since he still could not restore order in the House, he resigned in August, was soon reappointed but his tenure was cut short by the consequences of Franz Joseph's Chłopy Order.

Chłopy was the village in Galicia where the monarch, attending manoeuvres, issued an army order on September 16, which incensed the Hungarian public. Franz Joseph warned against 'one-sided aspirations' that show no understanding of the great tasks that the Army performed for the benefit of both *Staatsgebiete*. The use of this phrase coupled (in another passage) with a reference to every *Volksstamm* of the 'great whole' shocked most Hungarian politicians. The operative passage of the Order read: 'Common and unified as it now is, my Army shall remain, as a strong force that defends the Austro-Hungarian Monarchy against its enemies.'<sup>66</sup>

The Order created so much excitement in Budapest that the monarch sent a conciliatory rescript to the Prime Minister Khuen-Héderváry to placate the Sixty-sevener majority.<sup>67</sup> Although Franz Joseph reiterated his determination to transmit the monarch's army rights to his successors unimpaired, he was prepared to implement 'in my royal power'<sup>68</sup> such army reforms as he considered permissible. This led to the appointment of the Committee of Nine by the Liberals. The Committee's report was submitted to the king, after which Franz Joseph, whilst reasserting his right to determine the language of the Army, made the concession that 'the lawful influence of parliament applied to this question as to any other constitutional right'. The subsequent sentence explained: 'Legislation, [agreed by] the Crown and parliament together, could alter this position.'<sup>69</sup> The concession did not amount to much<sup>70</sup> and that was why Apponyi and a part of his group left the Liberal Party.

It was, however, all too much for Cisleithania. While the Chłopy Order and its consequences were part of the constitutional discourse, in the strict sense, involving the Crown and parliament, the Koerber-Tisza debate involved 'Austria' and Hungary. The prime minister of Cisleithania, Ernst von Koerber, explained in the Reichsrat that both paragraph 5 of the Delegations-Gesetz and 11 of Law XII of 1867, although using different terms, provided for the monarch's reserved right in maintaining the complete unity of the Army. He then went on to infer from the Hungarian law that in any alteration of the management of subjects that were common to the Monarchy as a whole, Austria possessed the same rights as Hungary.<sup>71</sup> It is difficult to see what, if any, exception could be taken to the speech on the

<sup>66</sup> 'Mein Heer insbesondere, dessen gediegenes Gefüge einseitige Bestrebungen, in Verkennung der hohen Aufgaben, welche dasselbe zum Wohle beider Staatsgebiete der Monarchie zu erfüllen hat, zu lockern geeignet wären, möge wissen, daß Ich nie der Rechte und Befugnisse mich begeben, welche seinem obersten Herrn verbürgt sind. Gemeinsam und einheitlich wie es ist, soll mein Heer bleiben, die starke Macht zur Verteidigung der österreichisch-ungarischen Monarchie gegen jeden Feind.' Kolmer, *Parlament*, VIII, pp. 494–95; *TIKB*, I, pp. 730–31.

<sup>67</sup> On September 22 1903, *ibid.*, I, pp. 731–32.

<sup>68</sup> 'Királyi hatalmamból folyó.'

<sup>69</sup> *TIKB*, I, pp. 749–51; Bernatzik, *Die öst. Verfassungsges.*, p. 706, for the eight-point programme see *ibid.*, pp. 704–06.

<sup>70</sup> Had the text, approved by the monarch, used 'king' rather than 'Crown' Franz Joseph would have moved towards the Szilágyi thesis.

<sup>71</sup> On September 23 1903. *TIKB*, I, pp. 734–36 and II, pp. 95–97; Kolmer, *Parlament* (the second intervention of the Prime Minister Koerber), VIII, pp. 512–21.

basis of the constitutional arrangement framed by Deák in 1867, but Khuen-Héderváry's critical response to it in the House on September 23 was not considered robust enough. He was subsequently defeated on a procedural motion by the House and resigned. This was unprecedented; no government had lost office in this manner before. In came István Tisza, Franz Joseph's last bet, with a carrot and a stick. The carrot was the army programme of the Committee of Nine in which Franz Joseph made minor concessions; the stick was Tisza's determination to revise the House's Standing Orders so that the two army bills could be pushed through. He impressed the House in his response to Koerber's speeches. Tisza had, like most Liberals, accepted the Szilágyi thesis that the Settlement Law was an independent creation with which Koerber's statement was in conflict. And so the Hungarian prime minister brushed off the statement of his Austrian opposite number as: 'to use an English expression, the dilettante utterances of a "distinguished foreigner" to which it would be a mistake to attribute much weight.'<sup>72</sup> Among others, Apponyi (soon to defect from the Liberals to become in 1905 joint leader with Ferencz Kossuth of the Forty-eighters in the House) sent Tisza a letter of congratulation.

The army crisis deepened after 1903. The Committee of Nine programme did not offer enough to provide an acceptable quid quo pro for the higher annual contingent of recruits. The two bills already shelved by Khuen-Héderváry in June could not be brought back by Tisza when he took over in the autumn.<sup>73</sup> However, the monarch did not abandon the army expansion plan and as an ever growing section of the political class demanded (unobtainable) major language concessions from the monarch, the political situation worsened into a constitutional crisis. After Tisza had gone for broke with the Standing Orders revisions<sup>74</sup> and lost, his government became in January 1905 the first ever in central Europe to be forced out of office by the adverse vote of the electorate.<sup>75</sup> The basis of the conflict now became parliamentary government *versus* mixed constitution rather than solely conflict over army rights. Indeed, after the autumn of 1903, the army question dried up as a source of constitutional innovation, although it still dominated politics.

Since the Liberals, after thirty years of uninterrupted tenure of office, lost their majority in the House, the king had to negotiate with the leaders of the Coalition formed by the Forty-eighter and the Sixty-sevener opposition parties. The king designated Gyula Andrassy Junior as Prime Minister. His efforts to construct a coalition government, however, came unstuck on the demand to introduce Hungarian as the language of command and service in the Hungarian regiments, a demand which Franz Joseph repeatedly rejected. (He well understood that he would otherwise face further demands eventually leading to a separate Hungarian army and also to similar demands made by the Czechs and the Croats.) The monarch was then prepared to appoint Andrassy *ad interim* before agreement with the majority of the House, which

<sup>72</sup> Tisza then referred to point 8 of the Neunerprogramm with the slight 'amendment' that the word 'king' be used rather than 'Crown', see note 70 above. November 18 1903, see *TIKB*, II, pp. 98–100. This was the occasion which led Archduke Franz Ferdinand to refer to Tisza as 'dieser Patent-Hochverräter'.

<sup>73</sup> Neither Khuen-Héderváry nor Tisza could have formed a government without the (temporary) removal of the army bills from the order of the day.

<sup>74</sup> Tisza could carry out the revision of the House's Standing Orders (as in comparable cases elsewhere in Europe) only through infraction of the existing Standing Orders, *TIKB*, III, pp. 227–36.

<sup>75</sup> In the elections held in January, the Independentists, led by Kossuth and Apponyi, became the largest party, but without an absolute majority. *Ibid.*, III, pp. 413–16.

formed a Coalition on army demands. This plan was rejected by the Coalition.<sup>76</sup> The acute political conflict between king and parliament was not resolved by further negotiations in Budapest. The consequent constitutional crisis affected the whole Monarchy and beyond.

In June 1905, Tisza was replaced by Baron Géza Fejérváry. For the first time, Franz Joseph appointed a temporary government 'which stood outside the parties';<sup>77</sup> it had no parliamentary support. The cabinet no longer served as a buffer; for the first time since 1867, the conflict between the Crown and parliament was laid bare. Although the royal letter and Fejérváry made clear that the government intended to find a successor based on majority support,<sup>78</sup> the House passed a motion of no confidence<sup>79</sup> and declared the government unconstitutional.<sup>80</sup> Fejérváry resigned and was reappointed in October with a programme that included a substantial extension of parliamentary franchise to put further pressure on the Coalition to take office on the king's terms. A political compromise was still the main option for the monarch. He had, however, an emergency plan, 'Case U', worked out by the Ministry of War, for the military occupation of Hungary.<sup>81</sup> Because the politicians, supported by the bulk of the political class, continued to resist him for months, Franz Joseph dissolved parliament prematurely in *ex lex* with military assistance in February 1906. That was a turning point in the crisis. Henry Wickham Steed, *The Times* correspondent in Vienna, turned out to be right all along: the Coalition was a paper tiger.<sup>82</sup>

### *The swing of the pendulum*

The Coalition surrendered after the basic rule of the constitution was about to be broken. By law, parliament was elected for five years. The king had the right to dissolve parliament, but after a premature dissolution he had to call another within three months. It became clear, however, after the dissolution in February 1906, that the king's government would introduce by *octroi* a substantial extension of the franchise before the next parliamentary elections. This reform would have undermined the ascendancy of the gentry in politics. In order to forestall that, the Coalition had to accept office without any concessions being made by the king. Indeed, Franz Joseph, having successfully reasserted his right to appoint the government, set stiff terms on which the Coalition was invited to assume office in April 1906. Sándor Wekerle

<sup>76</sup> *TIKB*, III, pp. 430–35.

<sup>77</sup> The king's letter to Baron Fejérváry of June 18 1905, *ibid.*, p. 579; Bertalan Lányi, *A Fejérváry kormány*, Budapest, 1909 (hereafter Lányi, *Fejérváry*), pp. 15–20.

<sup>78</sup> Prime Minister Fejérváry in the House on June 21 1905, *Képv. napló*, I, pp. 461–63.

<sup>79</sup> Ferencz Kossuth's motion on June 21 1905, *ibid.*, pp. 466–68.

<sup>80</sup> Proposed by Dezső Bánffy, *ibid.*, pp. 469–75. The resolution was passed *nem. con.* only after the king's rescript that had suspended the sittings had been read out and the government and most of the Liberals had left the chamber. In another resolution the House declared the prorogation of parliament unconstitutional, see *per contra* Lányi, *Fejérváry*, pp. 316f, 408f, 415f. The Upper House also condemned the Fejérváry government.

<sup>81</sup> The policy options of the government, including the military one, were discussed in a Kronrat on August 22 at Bad Ischl. See Éva Somogyi's introductory essay and the minutes of the meetings in *Die Protokolle des gemeinsamen Ministerrates des österreichisch-ungarischen Monarchie 1896–1907*, Budapest, 1991, pp. lxxi–lxxiii, 445–66. Kurt Peball and Günther E. Rothenberg, 'Der Fall "U"', in *Aus drei Jahrhunderten. Beiträge zur österreichischen Heeres- und Kriegsgeschichte von 1645 bis 1938* (Schriften des Heeresgeschichtlichen Museums 4), Vienna, 1969, pp. 85–126; Péter Hanák, *Magyarország története*, vol. VII, I, Budapest, 1978 (hereafter *MT*), pp. 579–83.

<sup>82</sup> See *The Times*, January 30, February 1, 8, 15, March 6, 14, 23, April 7, 10 1906.

headed the government, Franz Joseph's personal choice,<sup>83</sup> a Sixty-sevener who did not belong to any of the Coalition parties.<sup>84</sup> Parliament was painfully aware that coming to a settlement with the Crown in the previous summer would have secured them better terms. The army question was left hanging even after the April 1906 pact, a temporary truce rather than a proper settlement, which suspended the constitutional crisis. The Wekerle ministry did not commit itself to the higher annual recruitment,<sup>85</sup> nor did parliament abandon the demand for army-language reform. In 1909, the king used the crisis of the Wekerle government to shift parliamentary politics back to the firm supporters of the 1867 Settlement. In January 1910, he appointed Khuen, who enjoyed no parliamentary support.<sup>86</sup> This was, however, not a repetition of the appointment of Fejérváry (which had followed rather than preceded a general election). After tumultuous scenes in the House, sittings had to be suspended and in March, parliament was once more dissolved in *ex lex*. The general election, however, produced a Sixty-sevener House.<sup>87</sup> The king's gamble had paid off. He was not yet out of the woods, however. The army bill that raised the annual intake (and that the Reichsrat had already passed, although with difficulty, in 1903)<sup>88</sup> was resubmitted in the House in May 1911. As before, the Independentist minority demanded concessions and backed their demand by obstruction. And, as before, the majority began to waver. In March 1912, Khuen resigned and then begged Franz Joseph to give way on one point.<sup>89</sup> The flabbergasted aged monarch authorized the prime minister to leak in Budapest that 'should even the Sixty-sevensers side with those who want to curtail one of my most important monarchic rights, I am prepared to abdicate . . . they can then face the consequences'.<sup>90</sup> This blackmail worked. The prospect of Franz Ferdinand's immediate succession scared the wits out of most Hungarian politicians. Khuen finally resigned in April. The king forthwith appointed László Lukács, whose tenure brought the army crisis to an end. In June 1912, by a parliamentary coup engineered by Tisza, who was now in the chair, through which the Standing Orders were toughened up by the new majority, the army bill, which raised the annual contingent of recruits, was, after ten years of conflict, forced through the House without the monarch making concessions to Hungary.<sup>91</sup> As a result, Tisza became a hated man in the political class. When war broke out in 1914, the army question was still hanging over politics.

<sup>83</sup> József Kristóffy, *Magyarország Kálváriája Az összeomlás Politikai emlékek, 1890–1926* (hereafter Kristóffy, *Magyarország*), Budapest, 1927, pp. 348, 356. Apponyi, *Emlékirataim*, II, pp. 161–62. Although a year later the king told Andrassy that he had appointed Wekerle because 'nobody else was available', István Dolmányos, *MT*, vol. VII/II, Budapest, 1978, pp. 610–11 (a dig at Andrassy who had declined to take office on his terms).

<sup>84</sup> Wekerle joined Andrassy's Constitution Party on April 8 1906, the day of his appointment.

<sup>85</sup> See Andrassy's account of his audience with the king, Count Julius Andrassy Junior's political diary 1908–1913, Kónyi-Lónyay Papers, X (hereafter *Naplója*), in the Library of UCL SSEES, p. 5.

<sup>86</sup> *TIKB*, IV, pp. 55–65; Albert Deák, *A parlamenti kormányrendszer Magyarországon*, II, Budapest, 1912, (hereafter *Parl. korm.*), p. 30; Kristóffy, *Magyarország*, pp. 654–55; Gábor Vermes, *István Tisza*, New York, 1985 (hereafter *Tisza*), pp. 132–34. On Franz Ferdinand and the construction of the cabinet, see Gratz, *Dualizmus*, II, pp. 238–39.

<sup>87</sup> *TIKB*, IV, pp. 86, 188–90, 424–26.

<sup>88</sup> See note 64 above.

<sup>89</sup> *TIKB*, IV, p. 650. The so-called recruit resolution crisis, which concerned a new interpretation of Law XVIII of 1888 that was to reduce the monarch's army rights to call up reservists when parliament did not pass the bill on the annual contingent of recruits.

<sup>90</sup> Kristóffy, *Magyarország*, pp. 677–79, he thought it was only a false alarm; *TIKB*, IV, pp. 664–66.

<sup>91</sup> *Ibid.*, pp. 684–702.

## Conclusions

There are several possible explanations for the army question's dominance over constitutional politics:

(1) At the time of the Koerber–Tisza debate, observers, more sensitive to constitutional forms than we are today, noticed with dismay that the obligations of the contracting parties were set out differently in the Hungarian Settlement Law and in the December Constitution. The discrepancy over the monarch's army rights was particularly glaring. While paragraph 11 Law XII of 1867 'recognized' the monarchic right as 'constitutional', paragraph 5 of the Delegations-Gesetz assigned disposition over the Army 'exclusively' (*ausschliesslich*) to the monarch.<sup>92</sup> Difficulties over the differences undoubtedly existed from the start, but their importance should not be exaggerated. Paragraph 69 of the Hungarian law stipulated that its clauses regarding the treatment of common matters would come into effect only when 'their content' had been consented to by the Other Lands. The enactment of the December Constitution was seen in Hungary as satisfying what the Hungarian law required and the Settlement came into force in all respects. For as long as the political will existed to interpret the two texts as substantively identical, differences of formulae did not seem to matter that much. Or, to put it differently, the gap between the two texts was not unbridgeable as long as the Hungarian clause retained its original structurally dualistic sense: monarchic *reservata* by virtue of the constitution. The empire of the Habsburgs, seen in 1867 as a monarchic union of Lands rather than a union of two independent States, did not require identical legal provisions for its proper functioning. Because within the monarchic union Hungary possessed a mixed or balanced constitution rather than parliamentary government, there always existed discrepancies between the dynasty's and the *ország's* views on their respective rights and obligations. Arguably, for centuries, the discrepancies before 1867 had been much greater than after.<sup>93</sup>

By the end of the nineteenth century the political will in Hungary to co-operate with the other 'half' of the Monarchy diminished and under the influence of the new constitutional discourse, based on the doctrine of state sovereignty (*magyar állameszme*), the textual differences exacerbated the conflict but did not create it. Hungary's rights under the 1867 Settlement were reinterpreted in Budapest as much where the text matched that of the December Constitution as where it did not. On the critical point of army rights, after the Settlement Law suffered reinterpretation, 'constitutional' came to mean 'subject to parliamentary influence'. From that point onwards, the Austrian and the Hungarian laws flatly contradicted each other. The clash between the old and the new view on the constitution became manifest in the conflict over the monarch's army Order issued from Chłopy and the subsequent Koerber–Tisza debate.

(2) Evidence abounds for the existence of strong Hungarian nationalist sentiment about the Army: its German character was an affront to the Hungarian claim to national independence. Demands for the expansion of the use of the Hungarian language had strong popular appeal. As regards the outcome of the conflict, expectations in the House were unrealistic. When Fejérváry as Minister of National Defence in 1903 observed tongue in cheek that he wished to, but alas could not remake the whole world to meet Hungarian desiderata, he was shouted down by Forty-eighters in the House: 'Yes, we can and we shall.'<sup>94</sup> The opposition was determined 'to wrest national demands' from the Crown. Incidentally, national movements

<sup>92</sup> Bernatzik, *Die öst. Verfassungsges.*, p. 443.

<sup>93</sup> See Péter, 'Verfassungsentwicklung', pp. 257–58.

<sup>94</sup> On January 28 1903, *Képv. napló*, xi, p. 76. Zoltán Pap and others were the hecklers.

became more vigorous nearly everywhere in the Monarchy around the turn of the century. The defeat of Russia by Japan and the 1905 revolution that knocked Russia temporarily out of the European balance of power emboldened radical nationalists. As elsewhere in the region, Hungarian nationalist demands were claimed as historic rights. The new concepts, the State, legislation, national independence, legal sovereignty, were all projected into medieval history. Constitutional innovation in Hungary was carried out by reference to pre-existing rights. Yet nationalism by itself cannot provide an adequate account for the conflict over the Army. Nationalism explains too much and at the same time too little. It begs the question: one may accept that the driving force of constitutional politics was nationalism, but one still has to ask why it took the form of the army question.

(3) Perhaps the nature of the Hungarian political class provides the answer. The character of parliament (and particularly of the opposition) was formed by the landed gentry and the 'national intelligentsia' whose social outlook was similar to the gentry's. In the sixteenth century, Werbőczy had established the convention of viewing the nobility as a warrior class (*katona nemzet*) whose privileges were based on military virtue: 'unlettered but brave' (not interested in crafts or trade, nor cultivating the arts). Late nineteenth-century political pamphlets still used Werbőczy's imagery. The 'shield of Christianity' topos found its way as much into Apponyi's political vocabulary in the early twentieth century as it had done into Kossuth's half a century earlier. The noble's sword was more than an accessory to the bearer's social standing; it was even exempted from the bailiff's authority when he requisitioned property — a stipulation in the law on Promissory Notes of 1843. This proud gentry class had unhappily lost its own army in the eighteenth century, except the *insurrectio*, a hopelessly outdated noble militia. Ever since 1790 the gentry had demanded the return of its army as an essential attribute of the Hungarian 'national genius'. Important though these traditions and memories may have been, they could not have pushed a country to the brink of civil war, as the army question did. The appeal of the army demands also reached far beyond the gentry.

(4) A plausible explanation for the Hungarian language demands is that the Army, based on the German language, did not offer good job opportunities for the gentry. Of the army officers in 1902 only 27 per cent were from Hungary and, as I pointed out earlier, fewer than half of these were Magyar. The rest were either of Swabian or of South Slav origin.<sup>95</sup> Most of the Magyars who entered did not get very far: only a few passed through staff college. The language barrier was a serious handicap. Complaints about the lack of promotion prospects of the 'national intelligentsia' in the Army crop up in speeches in parliament constantly. There are well-documented cases of 'frustrated' young gentlemen leaving the Army.<sup>96</sup> They mention prejudice against them as well as the language barrier.<sup>97</sup> Only the hussars were a preserve of aristocratic and gentry families. But these families avoided the *honvédség*. In fact, the *honvédség*, where there was no language problem, attracted the gentry still less than the Army.<sup>98</sup> All in all, something must be wrong with this explanation. Research carried out in

<sup>95</sup> In March 1903 the subject was ventilated by the Forty-eighters in the House, see István Dolmányos, *A magyar parlamenti ellenzék történetéből 1901–1904*, Budapest, 1963 (hereafter Dolmányos, *Parl. ellenzék*), pp. 160–64 (real nuggets embedded in arid Marxist soil); Rothenberg, *The Army*, pp. 127–28; Hajdu, *Tisztikar*, pp. 62–63.

<sup>96</sup> Compare Dolmányos, *Parl. ellenzék*, p. 161.

<sup>97</sup> This complaint was frequently made in the House. Even leading politicians like Gábor Baross and the law professor Gejza Ferdinándy allegedly left the Army on these grounds, see Ödön Polner, *Három magyar közjogász*, Budapest, 1941, p. 15 (on Ferdinándy).

<sup>98</sup> Hajdu, *Tisztikar*, p. 258. The prestige of the *honvédség* was very low after 1868 although it greatly improved after the turn of the century, see pp. 271–75.

recent years by Tibor Hajdu and István Deák has produced results that cannot be reconciled with traditional explanations. Hajdu's book offers a comprehensive statistical analysis of the social and national changes in the Hungarian officer corps of the Monarchy. The nobility rapidly lost ground in the Army in favour of the urban middle and lower classes. Hajdu thinks twice before he attributes nationality to an officer. He writes: 'Anybody who thinks that a Hungarian, a German or a Romanian could be distinguished with certainty is either naive or a bigotted nationalist.'<sup>99</sup> How an officer in the supra-national Army selected (or refused to select) a national identity would largely depend on circumstances. The proportion of Magyar officers, low in 1867, was steadily increasing from the 1890s onwards. István Deák's work, *Beyond Nationalism, A Social and Political History of the Habsburg Officer Corps 1848–1918*, is a bold attempt to describe the Habsburg Army as an institution 'beyond nationalism' (rather than preceding it). Its religious or ethnic tolerance, towards Jews for instance, was remarkable.<sup>100</sup> The Army was 'more ethnicity blind than biased'<sup>101</sup> and 'if the Joint Army displayed any nationality bias in its promotions, it was in favour of its Magyar officers. This contradicts the incessant complaints of the Hungarian politicians but is nevertheless true'. All in all, promotion was based on higher training courses rather than on social or national background. Germans were promoted in large numbers because they were better educated than the others.<sup>102</sup>

The military authorities, goaded on by Hungarian politicians, introduced measures of positive discrimination to alleviate the dearth of qualified applicants from Hungary. Bursaries were widely available. From 1874 onwards, Hungarian Delegation resolutions asked for the establishment of one or more military high schools in Hungary and later demanded the Ludovica Academy, a staff college. In 1875, they asked for a greater use of the Hungarian language in the curriculum and subsequently for regular reports and statistics about the progress of the language. In 1881, the Hungarian Delegation requested that candidates not be turned away from cadet schools because of their poor German. These measures improved the proportion of Magyar officers in the Army.<sup>103</sup> The hard training and the discipline required in military schools was probably more important than the attitudes and the German language in keeping the gentry youth away from the Army. Those who entered and then dropped out might well have blamed their failure on language difficulties and prevailing attitudes unjustifiably.<sup>104</sup> Perhaps it was not so much the gentry putting pressure on the politicians for

<sup>99</sup> Ibid., p. 159.

<sup>100</sup> István Deák, *Beyond Nationalism*, Oxford, 1990, pp. 172–78.

<sup>101</sup> Ibid., p. 188.

<sup>102</sup> Ibid., pp. 187–89.

<sup>103</sup> See Hajdu's statistical analysis, *Tisztikar*, pp. 164–79.

<sup>104</sup> Andrásy Senior complained in 1889 that the gentry youth were keen to become state or local officials and were hardly interested in joining the Army. *Andrásy Gyula gróf beszéde a véderőjavaslat tárgyában*, p. 63. Franz Joseph complained in 1908 'daß die Ungaren keine kriegerische Nation sind, daß sie keinen militärischen Geist haben', Andrásy Junior, *Naplója*, p. 181 (Andrásy disagreed); 'Our young men', wrote Apponyi, 'averse to the drudgery and strict discipline of military service' stayed away the Army, Apponyi, 'The Army Question in Austria and Hungary', *The Monthly Review*, 16, 1904, July–Sept., pp. 1–33 (16). Recent research does not quite bear out these views. Hajdu wrote that in the 1870s and 1880s the gentry youth stayed away from the Army, 'Az értelmiség számszerű gyarapodásának következményei az első világháború előtt és után', *Valóság*, vol. 23, 1980, 7, pp. 21–34 (25). However, the gentry's presence in the Army later improved: Hajdu, *Tisztikar*, pp. 269–71.

army reforms but the politicians urging the gentry intelligentsia to join the army — without much success.

(5) The emergence of the army question in the 1880s coincided with recurrent unfavourable conditions in agriculture. The conflict between the 'agrarians' and the 'mercantilists' as well as the army demands of the opposition developed simultaneously in parliament. Could the former explain the latter? Agricultural tariffs and the army question produced a succession of political crises before the tariff question receded into the background in the later stages of the Coalition government. Frustration over the insufficiently protective measures for agriculture spilled over into army debates (there was much bitterness, for example, over the Italian wine tariff in 1902). Those groups who were pressing the army demands (the Forty-eighters, Apponyi's New Liberals, before and after they joined the government party under Széll, the Clericals and even the Dissidents of 1904) were all 'agrarian' at least in sympathy, and their fiercest opponents were the 'mercantilists' (the Tisza group).<sup>105</sup> But the link was no more than an overlap. Many agrarians, including leading figures, were lukewarm towards army demands. Significantly, the party of 'agrarian' interests and policies *par excellence* was Apponyi's National Party, after 1899 the New Liberals. However, when in November 1903 the New Liberals defected from the Liberal Party because of the king's refusal to accept Apponyi's view on the army *reservata*, the agrarian group refused to follow Apponyi and remained in the government party.<sup>106</sup> On a practical level, the pursuance of the army demands did not help the campaign for higher agricultural tariffs — on the contrary. Yet we should not exclude the possibility that further research might demonstrate some connexion between the two questions.

(6) Since the army question apparently did not concern hard economic interests, we have to ask how far it concerned the politics of the inessential. Observers and scholars outside Hungary have drawn attention to the legal formalism, the 'extraordinary skill'<sup>107</sup> (or 'pettifogery') of Hungarian jurists and politicians and their preoccupation with the formal, insubstantial and ritual as a substitute for 'real advances'. Hungarian politics periodically went through convulsions over titles, hyphens, flags, badges, uniform and the language of command. From this perspective, the army question, indeed Hungarian constitutional politics in general, was a barren exercise. Appearances were none the less important, not just in constitutional paraphernalia. British travellers noticed this feature of Hungarian mores. Paget writes: 'the more ignorant scarcely believed us when we told them, that, as English gentlemen, we had no uniform.'<sup>108</sup> Arthur Patterson notes: 'As a national proverb truly observes, "Sallangos a magyar", the Hungarian is fond of trappings.'<sup>109</sup>

It would be possible to argue, however, as Apponyi did,<sup>110</sup> that the fighting for army symbols and so forth was a fight for real things in circumstances where symbols formed part of

<sup>105</sup> The 'bourgeois radicals' of *Huszadik Század* frequently argued cogently that the driving force of the army question was the economic interests of the large landowners.

<sup>106</sup> See Hanák, *MT*, VII/I, p. 529.

<sup>107</sup> 'the extraordinary skill of Magyar political lawyers in the interpretation of constitutional precepts'. Henry Wickham Steed, *The Habsburg Monarchy*, London, 1913, p. 49. As a Vienna correspondent of *The Times*, he welcomed the prospect of the introduction of universal suffrage, since it would 'counteract the mania for barren constitutional quibbling which bulks so largely in Hungarian public life', *The Times*, September 5 1905.

<sup>108</sup> John Paget, *Hungary and Transylvania*, 2 vols, London, 1855, I, p. 419.

<sup>109</sup> Arthur J. Patterson, *The Magyars: Their Country and Institutions*, 2 vols, London, 1869, I, p. 37.

<sup>110</sup> *Emlékiratai 1899–1906*, Budapest, 1934, pp. 165–66.

the argument in which each side collected even trivial-looking assets to be used against the opponent at a future date. A better defence of what I have called the politics of the inessential would be the acknowledgement that symbols are essential devices of social mobilization. Political activists instinctively understand the importance of contention over symbols. It is worth asking the question whether the extent to which the Hungarian preoccupation with the inessential might have constituted a response to the formalism, the rigid codes of behaviour in the use of symbols at the Habsburg court and also in the Army itself.<sup>111</sup>

(7) Contemporary observers abroad thought that the nationality policy provided the key to Hungarian army demands. Accordingly, Hungarian politicians tried to turn the Hungarian regiments of the Army into instruments of magyarization. The insecurity of the Magyars, 'threatened' by numerous other national groups on all sides, did not diminish after 1867. Magyarization was successful only in towns, among Jews and among isolated German groups settled into the midst of Magyars. But pamphlets and at least one study, by Pál Balogh, suggested that the Magyars were actually losing ground to the nationalities in mixed areas between the large language blocs, particularly in Transylvania.<sup>112</sup> Debates in parliament reveal that those groups who were in the front line of the 'struggle' for army desiderata, the obstructionist Forty-eighter *küzdők* (the strugglers) were also the most chauvinist magyarizers and that the connexion between the two postures was evident in a great many speeches. However, a closer look at what the demands actually involved offers a different picture. The mandatory introduction of Hungarian as the sole *Regimentssprache* in all the regiments raised in Hungary would have been an effective measure to force non-Magyar officers and recruits to learn Hungarian, although the change would have largely been at the expense of languages other than German. (Instruction was given in the 'regimental language' and a 20 per cent minority language qualified as a second language.) But such a change could not have been carried out and, to my knowledge, was never demanded in parliament. A mandatory change to Hungarian as the *Dienstsprache* for the forty-seven regiments, of which only twenty-one were purely or partly Magyar, would possibly have forced all officers to acquire a smattering of Hungarian (it would not have 'magyarized' them) and most of them already knew some Hungarian (Hungarian being one of the *Regimentssprachen* in most regiments, which officers had to learn). This change was demanded by the opposition (not by the Liberals). But at any point during the crisis after the turn of the century, all groups including even the front-line 'strugglers' were quite willing to settle for much less: the introduction of Hungarian as the language of command in all regiments. 'Yet, nobody thought (as I have argued elsewhere) that the seventy-odd words and phrases drilled into Romanian and Slovak recruits would magyarise them, just as the existing language of command did not germanise them or the Magyars'.<sup>113</sup>

<sup>111</sup> The long debate in the House on Pál Nessay's and others' immunity cases illustrated well the formalistic code of behaviour expected even from reservist officers, November 20–27 1902, *Képv. napló*, ix, pp. 36–185. (Claims to parliament's sovereignty regularly cropped up in this obstructionist debate.) See Hajdu, *Tisztkat*, pp. 64–65.

<sup>112</sup> Pál Balogh, *A népfajok Magyarországon*, Budapest, 1902, pp. 949–52. Balogh's statistics were used by R. W. Seton-Watson, *Racial Problems in Hungary*, London, 1908, pp. 396–97.

<sup>113</sup> Alan Sked, *The Decline and Fall of the Habsburg Empire, 1815–1918*, London, 1989 (hereafter Sked, *Decline*), p. 197 (Sked here quotes from an early TS version of this paper); as late as the 1930s Apponyi thought that, had the army been Hungarian after 1867, the assimilation of non-Magyars would have progressed steadily, *Emlékiratai*, II, p. 198. On July 1 1905, the Prime Minister Fejérváry offered parliament measures that would have radically increased the use of Hungarian as *Regimentssprache*, an offer that the leaders of the Coalition turned down, Lányi, *Fejérváry*, pp. 29–31.

Undoubtedly the demand to magyarize the language of command was seen by the 'strugglers' and by Franz Joseph as only a first step. On its fulfilment other demands would probably have been made by small groups — though that might have remained ineffective. Since some political bargains between Hungary and the dynasty had lasted in the past at least for one generation, there might have been parliamentary peace for some years. It is more plausible to assume that magyarization was deployed in parliament as a respectable argument to reinforce the army demands rather than being the aim behind them. In sum, the army reforms were intended to impress the non-Magyars, to improve the prestige of the Hungarian State among the nationalities rather than to serve as a practical measure to magyarize them.

(8) The country's political culture and its institutional requirements had much to do with the prominence of the army question.<sup>114</sup> As has been argued earlier, politics in Hungary had for centuries largely consisted of *diætalís tractatus* — free bargaining between the royal officials and the *ország* diet over the requests of the Crown for taxes and recruits in return for dealing with the grievances and the desiderata of the nobility. Providing soldiers and to a lesser extent the supply of money had been for long at the centre of the Crown-*ország* relationship.<sup>115</sup> The establishment of an 'independent and responsible' ministry greatly modified but did not destroy this structural dualism. Had parliamentary government been introduced in 1867, structural dualism would have disappeared. But Hungary still possessed a mixed or balanced constitution in which the powers of the Crown had been for centuries balanced by the rights of the diet, transformed in 1848 to become a parliament, strengthened with a popular element by the introduction of franchise. But the growth of 'party absolutism' under Tisza, the creation of 'the system' based on an etiolated county and corrupt elections 'perverted' the majority principle. The government was politically more dependent on the Crown than on parliament. All this may have been necessary to maintain the 1867 Settlement, but it forced politics back into old tracks. Since the modern liberal institutions grafted onto the ancient constitution did not work very effectively (there was no attempt, for instance, to impeach the Fejérváry government while in office, which would have been legally possible); the ancient institutions and habits were deployed in counterbalancing the powers of the Crown and its government. The granting of supply retained its role as a constitutional lever, although it could only delay and the force it released was self-destructive. In the Dualist era, direct taxes contributed less than half of the State's annual income. Government could, for a while, easily meet recurrent expenditure from other sources. Parliament's control of public finance turned out to be inadequate. Nor was it effective as a constitutional guarantee.

In contrast, even a temporary gap in the annual authorization by parliament to call up soldiers could damage the machinery of the Monarchy.<sup>116</sup> Whenever the Crown requested more soldiers the cry rose in parliament: 'only in return for compensation' (*ellenérték*), the fulfilment of some national desiderata. The army rights of the *ország* enshrined in paragraphs 12 and 13 of the Settlement Law were used to counter the royal *reservata* (paragraph 11) and the Tisza system. But parliamentary *obstrukció* was the essential lever. Its practice (and even

<sup>114</sup> Alan Sked observed that the army question should not be seen as a by-product of nationalism or the nationality question. 'At heart it was probably a constitutional one in the stricter sense of the term', Sked, *Decline*, p. 197.

<sup>115</sup> See Péter, 'Verfassungsentwicklung', pp. 253–55.

<sup>116</sup> *Ibid.*, pp. 432–33.

more the threat of it) was not an aberration of the system but, as some participants observed, its central feature. The ‘strugglers’ did not allow the majority principle to prevail in the House. They prevented bills from being passed, mounted street demonstrations and petitions to put pressure on the House’s majority, drove governments into *ex lex*, disabled and sometimes even destroyed them. However, they could claim that what they were doing was only a response to the perversion of parliamentarism: the government violated the majority principle by gaining its majority by corrupt elections.

Remedies for parliamentary obstruction could not be found easily because of the structural dualism of Hungarian politics. Labouring under a mixed constitution, the Liberals were reluctant to clamp down on the ‘strugglers’ since that might weaken parliament; they preferred to leave the president of the House weak – otherwise the political balance would be tilted even more towards the Crown. The open conflict in 1905 induced both sides to fall back on the institutions of the past. The king appointed *homo regius* to negotiate with the Coalition leaders. The counties resisted the implementation of government measures with their traditional guerrilla war of *vis inertiae* rather than with the forms offered by the laws passed after 1867. The government then sent royal commissars to restore order (a centuries-old practice). Their installation created even more disorder: they suspended the payment of salaries and dismissed elected officials in the king’s name with military assistance. The local gentry then occupied the county office, broke the commissar’s chair (*széktörés*, chair-breaking, was an old practice) and sealed the building. Where the gentry were not firmly in the saddle, in the outlying territories with non-Hungarian nationalities, there were few signs of resistance. There was plenty of support for the Coalition in the Hungarian intelligentsia and the lower classes, especially in the countryside. But support in the capital and in the larger towns was feeble. The business classes kept away from the Coalition. The new ‘radical intelligentsia’, the industrial working classes, their trades unions and the Social Democratic Party were fighting for universal suffrage and gave support to the government in return for promised social reforms. Ferencz Kossuth, in despair, pleaded for the re-establishment of the *nádor*, an archduke palatine, to mediate between Crown and country.<sup>117</sup> The Coalition, already in a hole, went on digging. When it refused to negotiate terms with the representatives of the Reichsrat (which the 1867 Settlement had provided for), assisted by a *honvéd* battalion, a ‘royal commissar plenipotentiary’ was sent by the monarch to parliament to hand over the royal rescript of dissolution.<sup>118</sup> The House was empty. In the Basilica, however, Mgr Molnár, a leading Clerical, (who in December had been photographed sitting aloft the broken benches of the House when Tisza’s *coup* to change the Standing Orders had failed) celebrated a Mass for the Coalition. The Mass, Abbot Molnár announced, was to entreat the Virgin Mary to intercede and to protect Hungary.

In the army question (and only in the army question) the Crown could not be satisfied with a prolonged stalemate. The Habsburg Empire was rapidly falling behind its rivals militarily and the maintenance of its great-power status required a larger and better army. The Hungarian parliament rejected even the Army’s modest request for more recruits for over a decade. No other elected assembly in central and eastern Europe was able to stand up to the government

<sup>117</sup> *The Times*, January 22 1906.

<sup>118</sup> Gratz, *Dualismus*, II, pp. 112–14.

to that extent at any time before the First World War. But the price the country had to pay was high constitutionally, and even higher politically. After 1901, all parliaments (in 1905, 1906 and 1910) were prematurely dissolved by Franz Joseph into *ex lex*. Tisza's parliamentary *coup* in 1912 mutilated parliament's bargaining position with the Crown. Naturally enough, although there is a balance in every constitution, there is no balanced constitution as a stable form of government.<sup>119</sup> Whether the pendulum in Hungary would have swung back to parliament we shall never know because the Habsburg Monarchy disintegrated six years after Tisza's *coup*.

The political damage caused by the army crisis was incalculable. Cautious attempts at liberal reforms in the Monarchy were abandoned. In Bohemia the Czech nationalists, inspired by the Hungarian aspirations engaged in their own form of resistance in the 'zde' movement. When the War broke out in 1914, the Army, after the long years of delays in expansion, was in a sorry state. The Monarchy thereby became utterly dependent on the German high command — a dependence that sealed its fate. The crisis brought too much publicity to Hungarian politics in the European press. In 1900, Hungary, sometimes criticized abroad for being difficult in its relations with Austria and for being unjust in its treatment of its nationalities, was nevertheless readily accepted as a 'progressive' liberal state.<sup>120</sup> This acceptance was not undeserved, and in contrast to Austria, suffering as it was from the effects of the Badeni crisis, the country was seen by outsiders as a mainstay of stability that was bolstering up the Monarchy that was itself an essential counterweight to the growing power of Germany. The constitutional crisis destroyed the reputation of Hungarian politicians all over Europe. Their army demands turned out to be disruptive to the Monarchy and European peace. Indeed, Hungary itself was now considered to be a dangerous source of instability.<sup>121</sup> The Coalition, even after taking office, did not abandon the plan to introduce Hungarian as the language of command. Outsiders saw this as forced magyarization, yet, as I have pointed out, over half of the population remained non-Magyars. Behind the constitutional crisis the European public 'discovered' the oppression of the nationalities. Hungary's reputation as a liberal state collapsed and, in the foreign press, became comparable to Russia's.<sup>122</sup> The 'massacre' of Černová in October 1907 consolidated the new dark assessment of the country in the foreign ministries of western Europe. Hungary became an overused paradigmatic instance of national oppression in the literature on modern nationalism. The change in the country's image affected the terms of the Trianon Peace Treaty in 1920. At the end of the First World War the Western Powers in their zeal to transfer all non-Magyars, even from the nationally mixed regions of Hungary, to its neighbours created a set of new multi-national states that were infested with problems of national minorities greater than Hungary had endured earlier. Nearly a third of Hungarians found themselves in the new states. Trianon traumatized Hungary. The Treaty formed an incubus on the Hungarian psyche, which it has after some eighty-five years as yet to throw off.

<sup>119</sup> Compare John Stuart Mill, *Representative Government*, 1861, ch. V.

<sup>120</sup> See Géza Jeszenszky, *Az elveszett presztizs*, Budapest, 1994, ch. 3.

<sup>121</sup> László Péter, 'Introduction' in Péter and Martyn Rady (eds), *British-Hungarian Relations since 1848*, London, 2004, pp. 6–8.

<sup>122</sup> *The Times*, November 1 1907.

All in all, our assessment of the army crisis will be dependent on the choice of perspective. From the outlook of liberal constitutionalism the *ország*'s army rights, an unpredictable disruptive force, generated the army crisis in the Monarchy with untold consequent political damage. From the perspective of a mixed constitution, which Hungary sustained, the army rights of the *ország* worked after 1867 for half a century as an efficient lever to secure a constitutional balance of sorts between the Crown and parliament as well as a political makeweight between the two states of the Habsburg Monarchy.