Power, Partisanship, and the Grid of Democratic Politics: 1907 as the Pivot Point of Modern Austrian History

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This essay deals with a relatively little studied event in modern Austrian history but one that had powerful ramifications over the course of the next fifty years of Austrian history in the twentieth century.

This was the election reform of 1907. Traditionally this reform, which many contemporaries viewed as the equivalent of giving the Habsburg Empire a new constitution, has been overclouded by the fact that its seeming impact lasted only seven years and then the empire collapsed. An argument that the reform legislation of 1907 failed to prevent the collapse of the empire fits nicely, for example, into Solomon Wank's larger scheme of an empire that not only failed, but that was also destined to fail. Wank has argued that the empire's civic structure was marked by protracted "political failure," that Vienna was "declining as an Imperial city" by 1914, and that "to a significant degree the stability of the Habsburg Empire was propped up, or rather its decline was held in check by the operation of the international system."[1] Another perspective often cited about 1907 is that the reform was largely imposed by a desperate emperor facing an intractable political crisis in Hungary in 1905 and a revolution in Russia, and from this view the reform looks even more trivial. Either way, 1907 seems to have been little more than a minor blip on a generally downward path toward the empire's collapse.

Much new historiography about the late empire has challenged Wank's views, insisting that the civic culture of the empire was more resilient than heretofore acknowledged and that the collapse of 1918 was by no means a foregone conclusion. I will return to this new historiography in my concluding remarks, but in this context I believe that it is time to take a second look at what happened in 1907 and to focus in greater detail on its longer term impact on Austrian history for the next fifty years. I want to argue that the reform of 1907 established norms, structures, and expectations that may have been both plausible and

[1]Solomon Wank, "Some Reflections on the Habsburg Empire and Its Legacy in the Nationalities Question," *Austrian History Yearbook* 28 (1997): 131–46, at 133, 140. Hereafter cited as *AHY*. An earlier version of this essay was presented as the keynote address at a conference on Austria and Europe after 1989 at Stanford University, 5 March 2009.

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beneficial in a large empire, but that proved deadly in a small republic, and that the fate of the reform can thus be used to begin to think about the period 1890 to 1955 as a single, large-scale whole.

In the relaunching of the Austrian state that took place in 1945, it was hardly surprising to find on the part of the totemic elders invocations and memories about the constitutional world of Austria under the empire. Speaking in the hall of the old *Abgeordnetenhaus* in December 1945, Karl Seitz, the former Socialist Mayor of Vienna who fell victim to the Austro-Fascist coup in February 1934, and a former teacher who earned his political spurs fighting Karl Lueger and Albert Gessmann in the imperial parliament before 1914, was asked to open the newly elected *Nationalrat*. In his role as *Altpresident*, Seitz took note of the historicity of the time, as well as the place, and recalled that as a young man he proudly served in the imperial parliament, a parliament where strong national antagonisms had flourished and vibrant struggles informed the work of policymaking. Seitz then observed that this was all worth it, because, in the end, progress had been made: "We overcame the opposing forces, and especially in the year 1907 we defeated the opposition and were able to pass legislation for universal, direct, and equal suffrage." After recounting the struggles for democracy after 1918, Seitz then commended his audience to the present and insisted that with this fateful day Austrians again had the opportunity to prove themselves democrats and thus to reclaim once again the Austrian people's independence. He was confident that they would do this and that as independent Austrians they would "freely develop" their prosperity and freedom "in accordance with our own traditions."[2]

Seitz's invocation of 1907 as the highpoint, indeed as the telos of his parliamentary career before 1914, was more than a rhetorical artifice, and there is every reason to think that, at least in his own mind, what he was saying was that the world before 1914 had manifested proud, if hard-fought, accomplishments that continued to be consequential to the practice of democracy in 1945.

The parliamentary tradition that Seitz saluted in 1945 had its origins in the constitutional legislation authorized between 1861 and 1867, and particularly in the package of legislation adopted in December 1867. To understand the impact of the reform of 1907 we first have to assess the constitutional platform that it sought to modify and in some ways replace.

The Constitution of 1867

The Constitution of 1867 sought to curb the authoritarian powers that the Crown had happily displayed toward key sectors of civil society between 1849 and 1861 while protecting administrative centralism and allowing a modicum of political activity in the regional Crownlands. It also sought to modulate, if not suppress, the political valence of ethnicity in favor of the juristic mirage of an Austro-Liberal state ideology. What was most striking about the work of the liberal-dominated Constitutional Committee that managed the legislative process leading to the constitutional laws of December 1867 was their confidence that a body of law could be put in place to regulate both the coercive authority of government and the dynamic energies of civil society at one and the same time, and that each element of the new system would contribute to carving out a proper balance of power between those two pendants. In effect, the Committee played society off against the state,

[2] *Stenographisches Protokoll des Nationalrates*, 19 December 1945, 4. Hereafter *SPN*.

seeking to craft a compromise between individual liberty and the need to preserve what Harm-Hinrich Brandt has called a "*behördlich-polizeilichem Sicherheitsdenken*," and in so doing created a realm of general legal norms that were remarkably flexible and that enjoyed, for the time at least, broad legitimacy.[3]

Unlike other major states in nineteenth-century Europe, Austria had to cope with a wider range of robust centrifugal social and ethnic pressures within its civic system at the very time that its constitutional development sought to gain solid traction vis à vis the authoritarian powers of the Crown. The result was that the Liberals feared any attempt to infect their legal norms with partisan, ethnic, regional, or class tensions. Law had to stand, almost float, above such powerful political and ideological impulses, constraining and modulating such energies by organizing a general normative structure that would be self-sustaining and self-replicating. Leopold Mende, a Liberal jurist and a deputy from Lower Austria, argued that constitutionally guaranteed laws would create a strong empire-wide authority, and this in turn would enhance the state's legitimate power.[4] Parliament in this view became especially important as the key instrument for political credibility and policy coordination.

The Liberal leader Eduard Herbst was emphatic that he and his fellow Liberals were not merely prepared to sanction legislation draping the already predetermined Ausgleich with Hungary with a mantle of constitutional legality, but also insisted on creating an entirely new constitutional and judicial environment for the Austrian half of the empire, one in which the rights of the individual would be permanently guaranteed and the rights of parliament as the representative of all individuals would be actively respected. Herbst wanted, in no uncertain terms, not only a state of law and a state of rights, but also a permanent, irrevocable power-sharing arrangement between the Crown and the parliament, in which parliament possessed an equal right to make law.[5] For Herbst, creating a strong parliament was not tantamount to depriving the Crownlands of their rights, for the latter would have no real rights unless the heretofore uncontrolled exercise of arbitrary power by the Crown was brought under control by a central parliament.

The question of sovereignty in the December laws was crucial. On the one hand, the Constitution of 1867 might be read as sustaining a very traditional conception of sovereignty as being vested in the person of the sovereign, with no further discussion about claims that civil society could make on the sovereign. On the other hand, it was evident that a pragmatic notion of the administrative state itself also infused these laws in the sense that the state's operational norms would trump the whims or prejudices of any given emperor. The Liberal *Rechtsstaat* of 1867 was thus a mélange of three different kinds of sovereignties, one that hinged on the person of the Dynast, another that encompassed that Dynast and everyone else in a stable and universal state of law to which the Dynast also had to adhere, and a third that defined the state's very existence in international affairs as being encompassed in a new duality of two equally sovereign administrative-political entities, Austria and Hungary.

For all their impressive work, the authors' constitutional laws gave hostages to an uncertain future. For example, Article 19 of the Fundamental Law Concerning the General Rights of

[3]Harm-Hinrich Brandt, "Liberalismus in Österreich zwischen Revolution und Großer Depression," in Dieter Langewiesche, ed., *Liberalismus im 19. Jahrhundert. Deutschland im europäischen Vergleich*, ed. Dieter Langewiesche, 136–60 (Göttingen,1988), at 152.

[4]*Stenographische Protokolle über die Sitzungen des Hauses der Abgeordneten*, 1867, 70–71. Hereafter *SP*.

[5]"Ich bin der Ansicht, dass es ein Recht des Reichsrathes nach dem Grundgesetze über die Reichsvertretung ist, dass ohne seine Zustimmung nichts Gesetz werden könne, nämlich in derjenigen Sphäre, welche durch eben dieses Grundgesetz der Competenz des Reichsrathe zugewiesen ist." *SP*, 1867, 119–20.

Citizens referred to the *Volkstämme* as being entitled to constitutional guarantees, but it never bothered to define who these groups were or what their corporate prerogatives amounted to. Not surprisingly, in 1867 the Liberals tried to skirt (or at least minimize) a serious, institutionally oriented engagement with the nationality question. To the extent that they approved of national autonomy at all, they assumed that this would be implemented and guaranteed in the explicit context of Crownland autonomy and Crownland linguistic practices. The Crownlands were thus licensed to play the role of political-judicial agents for the resolution or mitigation of national tensions at a time when regionalist opposition to the December laws focused primarily on the older, customary traditions of provincial liberties. By the 1890s, however, more dynamic experiences of Crownland administrative and budgetary autonomy married more systematic conceptions of national rights, with Bohemia providing a provocative example of how much "mischief" could result from the infiltration of radical nationalism into the patronage and budget politics of strong regional and local governments.

The electoral system that accompanied the Constitution (in the form adopted in April 1873) was anchored in a framework of special interests and privileged curias, with wealthy (and largely aristocratic) landowners receiving a special voting block of 85 seats, along with a curia for rural communes of 131 seats and a curia for cities and towns of 116 seats. In addition, the Chambers of Commerce also received a special electoral grouping of 21 seats. The threshold for qualifying to vote in the urban curia in Vienna was set at a minimum of 10 florin in annual taxation (and higher elsewhere), which gave that curia a solidly middle and upper-middle class social hue.

The constitutional settlement of 1867 required several years to settle in and faced many enemies, big and small. The year 1867 may have installed a *Rechtsstaat* capable of defending individual rights, but the Liberals soon faced extreme pressures in maintaining their presumptive co-partnership with the Crown. The greatest challenge that the Constitution faced was not the autocracy of the Crown per se but rather an emergent civic culture after 1880 filled with the discord of ethnic and social identity politics, and the cascade of such a politics and the restricted franchise on which it was based severely compromised Eduard Herbst's goal for the functioning of a strong parliament. Hence, the Austrian jurist Rudolf von Herrnritt, writing on the fortieth anniversary of the Constitution in 1907, would observe that "real factors" on which the success of a state should ultimately rest—the wealth and the central geographical position of the empire, the varieties of exceptional talent and competence manifested by its peoples, and the richness of its century-long history—stood in stark contrast with its "unhappy" parliamentary governance structures.[6]

Contemporaries often decried the backwardness of the Austrian electoral franchise, even against the Prussian. Between 1867 and 1897 several changes occurred in the new system, however, inviting new groups of voters to participate in the political process. The enfranchisement of the so-called 5 Gulden men in 1882–1885 was perhaps the most notable change, for it made possible the slow build up of a distinctive *Mittelstand* political culture in the regions and in larger urban areas that did not have to face the stark pressures of Social Democracy directly. This staged expansion of the electoral system helped bring into the political system selected *Mittelstand* groups who were able to deploy powerful solidarist political identities and draw attention to themselves in a more discrete and targeted way than would have been possible in a universal system. Three examples of this process will suffice.

[6]Rudolf von Herrnritt, "Vierzig Jahre Dezemberverfassung," *Österreichische Rundschau* 13 (1907): 391–97, at 395–96.

The first was the more radical nature of the Austrian *Beamtenbewegung*. In 1910, Emil Lederer emphasized, without adequately explaining, the more radical nature of the Austrian *Beamtenbewegung* compared with that of the German Reich. Lederer noted that even the conservative *Beamten-Verein* in Vienna was more independent and more self-assertive than similar associations in Germany.[7] This character can be accounted for only in part by the successes the Austrian Social Democrats enjoyed in the period after 1900 among the officials. It also resulted from the early and strong patronage accorded to the officials by the Christian Socials, Young Czechs, and German Nationalist factions and from the similar patronage given to sections of the bureaucracy by other national *Mittelstand* political groups. No national *bürgerlich* group, including the Austro-Germans, would tolerate chicanery and pressure leveled against "its" officials, and the privileged, curial-based electoral system gave these lower middle and middle-class interest groups special weight and influence in public affairs.

The second example was the intensifying mobilization on behalf of Czech national rights, typified by the Young Czech Party in Bohemia and Moravia, a party that profited enormously from the gradual expansion of suffrage into the middle and lower reaches of the *Bürgertum*. For example, Bruce Garver has argued that the opening of the franchise to the mid- and lower-*Mittelstand* was crucial to the Young Czechs's stunning successes in the later 1880s and early 1890s: "In the Reichsrat elections of March 1891 the five-gulden vote helped give Young Czech candidates a majority in several districts and thus contributed to the party's landslide victory."[8] By the 1890s the electoral clientele of the Young Czechs had become, in Jiri Pokorny's words, "more and more heterogeneous," encompassing a broad diversity of Czech *bürgerlich* occupational groups in urban and rural areas, and melding together artisanal, peasant, and urban bourgeois supporters.[9]

The third and perhaps most famous example is the rise of the Christian Social movement in Vienna. It was of critical importance that Vienna was ruled after 1895 not by an elite of Liberal notables but by a large popular party representing lower and middle bourgeois social forces who, for all their suspicions of the very wealthy, were even more suspicious of and antagonistic toward the representatives of the working class. Manipulating the claims of various aggrieved and ambitious *bürgerlich* interest groups in the 1890s and 1900s who wanted a larger share of the city's social and economic prosperity, the Christian Socials conjured up a network of positive cultural expectations about economic consumption, civic achievement, and personal security on the part of the middle sectors of society, essentially arguing that personal initiative and individual achievement on the one hand and government sponsored social interventions and protectionism (for the middle classes) on the other could be harmonized. When this world of middle class security crumbled during World War I, the virtuous balance between individual wealth generation and socially

[7]Emil Lederer, "Die Bewegung der öffentlichen Beamten," *Archiv für Sozialwissenschaft und Sozialpolitik* 31 (1910): 681–709; idem., "Angestellten- und Beamtensozialpolitik," *Archiv für Sozialwissenschaft und Sozialpolitik* 33 (1911): 975–84. The recently completed doctoral dissertation by John Deák of the University of Chicago (2009) ["The Austrian Civil Service in an Age of Crisis: Power and the Politics of Reform, 1848–1925"] provides an excellent and detailed overview of the always central role of the Austrian state bureaucracy in the evolution of the Austrian constitutional system after 1848.

[8]Bruce M. Garver, *The Young Czech Party 1874–1901 and the Emergence of a Multi- Party System* (New Haven, 1978), 123–24.

[9]Jiří Pokorný, "Vereine und Parteien in Böhmen," in *Die Habsburger Monarchie 1848–1918. Band VIII. Politische Öffentlichkeit und Zivilgesellschaft. 1. Teilband. Vereine, Parteien und Interessenverbände als Träger der politischen Partizipation*, ed. Helmut Rumpler and Peter Urbantisch, 609–703 (Vienna, 2006), 662.

guaranteed "equity" collapsed. The initial targets of status resentment from the 1880s—the Jews—again became the targets of 1914–1918 and even more notably of 1934–1945. Patterns of resentment and even envy against strong individual autonomy, however, survived the destruction of the Jewish community. The oft-cited propensity of the Viennese to resent citizens who gained significant personal wealth did not originate as a local law of human nature in East Central Europe. Negative reactions to unmodulated individual achievement predate the modern social welfare state established after 1945, and they would not have gained broad significance if they had not become embedded in civic mentalities of the lower middle and middle classes in Vienna, based on the peculiar structure of pre-1918 politics in Vienna, which privileged *Mittelstand* social groups against both the very poor and the very rich.

This slow cooking of an increasingly dense political culture created strong regional pockets of social interest and political networking. What may have looked like political anarchy from a central, state-level perspective masked the assemblage of building blocks of *Mittelstand* power in Bohemia, Moravia, and Lower Austria, which would eventually be blended into a broader democratic rhetoric and strategy after 1907.

During the 1880s and early 1890s, the gradual, step-by-step increase of suffrage afforded the Imperial Cabinet under Eduard Taaffe a short-term stability, enabling it to play off various ethnic and ideological groups against one another. Yet for all its sturdiness, the Austrian electoral system adopted in 1867 had serious liabilities. The first was in its highly structured curial and regionalist framework that inhibited the development of large, multiregional parties that could discipline their members and determine and control plausible parliamentary agendas. By focusing so heavily on the self-identified needs of *bürgerlich* and aristocratic claimant groups within specific regions and distinct occupational interests, the system forced none of these regional groups to think more broadly and strategically about their role in the state itself or to consider alliances with similar groups elsewhere in the empire. Finally, as national policy struggles accelerated between Germans and Czechs in the 1890s, the Constitution suffered from having granted significant brokering authority to the aristocratic deputies in the curia of the *Großgrundbesitz*, men whose political instincts were deeply atavistic and who were unable and unwilling to force the Crown to develop new and more flexible social interventions in times of crisis.

As has often been told, the final push to create a system of universal suffrage came in the autumn of 1905. The revolution in Russia, coupled with the need of the Crown to put pressure on Hungarian intransigence, led Francis Joseph to agree to the demands of the Social Democrats, Christian Socials, and Young Czechs for a radical transformation of the imperial political system. It is that story, and its aftermath, to which I now turn.

The Reform of 1907

The storm over universal suffrage revealed both the opportunities and the constraints that all large political movements faced in Austria in 1905. For eight years, Austria had been embarrassed and victimized by a deadlocked political system, at the center of which stood a parliament that one historian has characterized as a "dying institution."[10]

[10]Andrew G. Whiteside, *The Socialism of Fools: Georg von Schönerer and Austrian Pan-Germanism* (Berkeley, 1975), 242.

The legislation creating a system of universal manhood suffrage took over a year to evolve. The final legislation sanctioned by the emperor in January 1907 expanded parliament from 425 to 516 seats and abolished the privileged curias of the *Großgrundbesitz* and the *Handels- und Gewerbekammer*. Seeking to make the *Wahlkreise* as ethnically homogeneous as possible, it allocated seats on a complex formula of ethnicity and population density, with the Germans ending up with 45 percent and the Czechs with 21 percent of the seats, respectively.[11] The bill also permitted the use of national lists in the organization of voter registration, a bow to the Moravian Compromise of 1905, and it allowed special instruments to protect minority rights in Galicia.[12]

Among the strongest advocates of the constitutional revolution of 1907 were those new social forces that the Liberals had ignored or sought to repress in 1867: the Czechs, the workers, and the petite bourgeoisie, and from an ideological perspective, both the Social Democrats and the Catholics.[13] The official sponsor of the reform bill was Minister President Max Vladimir von Beck, who insisted that in the forty years of the Austrian Constitution's existence, vast social, economic, and cultural changes had taken place in Austria, which had generated huge new pressures and demands on the state. The annual budget of Austria had grown from 389 million gulden in 1862 to over two billion kronen in 1907, a rate of growth far exceeding that of the general population. Beck argued that this growth reflected a parallel growth of what he called "real interests" of civil society that the 1867 Constitution, based as it was on *ständisch* origins, had no way to accommodate.

Austria suffered from a chronic "incongruence" between its constitutional apparatus and the real concerns of its citizens. Moreover, this gap made sustained and effective linkages between the "large and broad sections" of the population and the parliamentary parties impossible. This in turn prevented parliament from taking a leadership role in guiding and educating "the great masses." Austria thus suffered from the absence of a "comprehensive political organization of the different classes of our society." The public increasingly viewed the Austrian state apparatus as irrelevant to their everyday lives, and this in turn led to little inclination to sacrifice or to serve the public interest. Immature radicalisms flourished in a culture of misinformation and faulty citizenship skills.[14]

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[11]Walter Schiff, who provided statistical advice to the Ministry of Interior Affairs on facets of the franchise bill, commented that "*Dagegen dürfte es kaum als ein berechtigtes Ziel der Nationalitätenpolitik erscheinen, dass ein jedes noch so kleines Partikelchen einer Nation in seinem Bestande gesichert wäre. Vielmehr dürfte es als wünschenswert gelten, dass solche kleine, in eine fremde Nation eingesprengte Sprachinseln von ihrer Umgebung aufgesaugt werden. Auf diese Weise würde auf die Entstehung größerer national einheitlicher Territorien hin gewirkt werden*." See "Vorkehrungen, welche in betreff der Herstellung einer Wahlkreiseinteilung zu treffen sind," in 15 December 1905, No. 8883, *Ministerium des Innern Präs*., 34/2, Carton 2235, *Allgemeines Verwaltungsarchiv*. Hereafter *MdI Präs*.

[12]Friedrich Tezner, *Die Volksvertretung* (Vienna, 1912), 557.

[13]"Aufrichtige Anhänger fand die Wahlreform in ihrer gegenwärtigen Gestalt nur an den sozialpolitischen Parteien, den Christlichsozialen und den Sozialdemokraten, welche das nationale Moment hinter dem wirtschaftlichen zurücktreten lassen." Rudolf von Herrnritt, "Die österreichische Parlamentsreform," *Archiv für öffentliches Recht* 22 (1907): 59–101, at 64; as well as William A. Jenks, *The Austrian Electoral Reform of 1907* (New York, 1950), 50. In general, see now Karl Ucakar, *Demokratie und Wahlrecht in Österreich. Zur Entwicklung von politischer Partizipation und staatlicher Legitmationspolitik* (Vienna, 1985), 290–370; Larissa Douglass, "'A Message from the Emperor.' Bureaucracy, Democracy, and the Law in the Late Habsburg Empire," in *From the Habsburgs to Central Europe*, ed. Arnold Suppan and Richard Lein, 153–78 (Vienna, 2008); and Thomas Simon, ed., *Hundert Jahre allgemeines und gleiches Wahlrecht in Österreich: Modernes Wahlrecht unter den Bedingungen eines Vielvölkerstaat* (Frankfurt, 2010).

[14]*SP*, 1906, 39618.

Beck's analysis may have been influenced by several theoretical contributions by Austrian jurists and social scientists on the problem of electoral reform, perhaps the most important of whom was Friedrich von Wieser. In his book *Über Vergangenheit und Zukunft der österreichischen Verfassung*, Wieser insisted that "healthy, powerful political parties" were crucial building blocks for an effective state system. The 1867 Constitution lacked the underpinning of "the real social powers," and for Wieser "the constitution of a constitution depends on the political parties." Wieser believed that the 1867 Constitution had thwarted the development of strong democratic parties, which in turn had fundamentally weakened the parliament and the state. In a series of essays in the *Neue Freie Presse* in February 1907, he developed this idea still further, arguing that since 1867 vast new social forces had emerged that were not channeled into the state, thus creating a gap between social will and effective political power.[15] As Paul Silverman has demonstrated, Wieser's notion of the sovereignty of social power was to prove crucial to Hans Kelsen's later thinking about the relationship of law and democracy, but for our purposes, it will suffice to note Wieser's contention that mass parties would provide a "*Gegendruck der Freiheit*" against and within the administrative state.[16]

The logic of 1907 was particularly complex, since the mental map of the reformers presumed a multivariable political grid in which struggles over nationality, culture, and class would coexist and play out against and among each other in an uneasy equilibrium, enabling proponents of each social, ethnic, or cultural force to co-opt like-minded allies on central policy issues, thus forcing the government to cooperate with the parties in achieving working majorities, at least on an issue-by-issue basis. The Christian Social leader Albert Gessmann's strategy of a *bürgerliche Sammlungspolitik* on issues involving economy and class, which would unite German and Czech *bürgerlich* parties against the Social Democrats, was one typical scenario, but not the only possible one.[17]

Three facets of the reform were especially noteworthy. First, everyone involved, and especially the enemies of the legislation, viewed the 1907 reform not merely as another electoral bill, but rather as tantamount to a new constitution. Joseph Baernreither warned that "we have before us not a *Wahlreform*, but rather a *Staatsreform*."[18] Similarly, his fellow German Nationalist Julius Derschatta complained that "the question of a general and equal suffrage in Austria involves problems of the most difficult sort, problems so difficult that they are impossible to imagine in any other state … a law involving a change in our electoral code involves a change in our whole constitution."[19] Proponents of the measure agreed. Albert Gessmann called the proposal a "a deeply interventionist change in the constitution" because it would, in his view, make possible "the conduct of the governance of the state on the basis of parliamentary control." Gessmann was also encouraged that the reform legislation emerged in the midst of "a group of parties who, in terms of nationalist

[15]Friedrich von Wieser, *Über Vergangenheit und Zukunft der österreichischen Verfassung* (Vienna, 1905), 103–5, 122, 156–58, 170–71; idem, "Unsere gesellschaftliche und politische Entwicklung seit 1848," *Neue Freie Presse*, 8 February 1907, 2–3; 9 February 1907, 3–4; 12 February 1907, 2–4; 13 February 1907, 2–3. Hereafter cited as *NFP*.

[16]Wieser, *Über Vergangenheit und Zukunft der österreichischen Verfassung*, 170; Paul Silverman, "Law and Economics in Interwar Vienna: Kelsen, Mises, and the Regeneration of Austrian Liberalism" (PhD diss., University of Chicago, 1984), 587–604.

[17]In general, see John W. Boyer, *Culture and Political Crisis in Vienna: Christian Socialism in Power, 1897–1918* (Chicago, 1995), 102–10.

[18]*SP*, 1906, 35487.

[19]*SP*, 1905, 32259.

orientation, were deeply divided among each other."[20] 1907 was thus in effect a reinvention of the 1867 Constitution.

Second, the leaders who pushed this legislation were deeply conscious that they were not merely changing mechanical suffrage arrangements but that their work had profound implications for the broader political culture. Both Albert Gessmann and Karl Renner argued that the reforms would force the emergence of a new kind of democratic party system, one in which parties would become more resilient, more publicly accountable, better able to struggle for social as well as ethnic values and goals. Gessmann saw the emergence of a "real and permanent organization of the bourgeois parties," which would become accustomed to a higher and tougher level of political combat with the Social Democrats.[21] Karl Renner said much the same in his 1906 book, *Grundlagen und Entwicklungsziele*: "this total intellectual desolation of the Austrian *Bürgertum*, this political demoralization and atrophy of the various strata in the *Bürgertum* who should have provided leadership to the propertied classes, is deeply connected to the curial system."[22] The Young Czech leader Karel Kramář insisted that Austria needed a strong state and that only a credible parliament with legitimate political factions could respond to the "ferociously suggestive power" of the new mass movements."[23]

Third, given that two of the most vocal sponsors of the reforms of 1907—the Social Democrats and the Christian Socials—viewed the capital city of Vienna as their primary cockpit, intending to using Vienna as their central power base to conquer broader regions of the empire, the reforms inevitably enlarged the relevance and weight of the capital within the competitive political framework that emerged after 1907. Both parties unleashed powerful social-ideological networks and organizational resources to win and to hold Vienna, with each coveting and claiming the same metropolis as belonging to them exclusively. Thus, the fundamental logic of 1907 both presumed and legitimated the existence of strong, powerful, and disruptive forces that would collide and clash with each other in a ruthless, no-holds-barred style of mass political mobilization in Vienna, the like of which had not been seen in the empire before 1907.

For the Social Democrats, the reforms were the telos of twenty years of struggle, and expectations about the future of the party were high. Victor Adler was not naive, and he certainly knew that ethnic tensions would continue to plague his party, but he also believed that the arc of history lay in favor of the emergence of stronger social interests and that those interests would be increasingly powerful among all ethnic constituencies of the Austrian working classes.[24] His young Austro-Marxist lieutenants also imagined a world in which anticlericalism would begin to bridge *bürgerlich* and Socialist movements in the

[20]*SP*, Beilage 2727, 691.

[21]Ibid., 603.

[22]Karl Renner, *Grundlagen und Entwicklungsziele der Österreichisch-Ungarischen Monarchie* (Vienna, 1906), 121.

[23]*SP*, 1906, 32107. For Kramář's strategy in supporting the reforms, as it evolved within the range of Czech political options after 1900, see Sascha Rosar, "Theorie und Auswirkungen des Böhmischen Staatsrechts in der österreichischen Rechts- und Verfassungsgeschichte 1848 bis 1918" (PhD diss., University of Vienna, 2000), 474–81.

[24]"Denn wenn ich früher gesagt habe, neben den gemeinsamen proletarischen Interessen steht das nationale Interesse des Proletariats wie auch für die anderen Klassen das Klasseninteresse und daneben ihr nationales Interesse steht, so ist doch in dem Wesen dieser Dinge zwischen der Arbeiterschaft und dem Bürgertum ein sehr großer Unterschied. Das Proletariat, das seinem Klasseninteresse folgt, kann überall zugleich das nationale Interesse wahren und voll wahren, weil nirgends das Klasseninteresse mit dem nationalen Interesse des Proletariats im Widerspruche steht. Das Proletariat anerkennt das nationale Interesse, aber es anerkennt kein nationales Herrschaftsinteresse." *SP*, 1906, 34993.

empire. In the *Arbeiter-Zeitung,* Friedrich Austerlitz pronounced that "for all that separates the bourgeoisie and the working class, both are rooted in modern economic life, in urban culture [*Kultur*] and in the spiritual life of our times."[25] For both groups, clericalism was a common enemy, a relic of the Counter Reformation that imposed outdated forms of authority on modern man.

For the Christian Socials led by Albert Gessmann and Richard Weiskirchner, the reform of 1907 had the profound utility of acknowledging the social power of Social Democracy and providing all bourgeois parties with productive pressures to reorganize themselves in more popular mass formats. Gessmann imagined a world of endless conflict with the "terrorism" of the Left, but he saw this as both salutary and even opportune, since he believed that the Christian Social *Reichspartei*, modeled on the German *Zentrum*, would dominate Alpine provinces while holding their own with Social Democrats in Vienna, and that the *Deutschnationalen* would reconstitute themselves as stronger popular parties in Bohemia, Moravia, and Silesia, becoming a second large German *bürgerlich* bloc. The first election under universal suffrage held in June 1907 proved this calculation about the Alpine Crownlands was plausible—together the Christian Socials and the Social Democrats won 123 of 161 seats in the Crownlands that (substantially) became the Austrian Republic in 1918, with an additional 16 seats held by Slovene or Italian candidates in Carinthia, Styria, and Tirol.

The longer-term future of the democratic party system authorized by the new suffrage was, of course, part of the larger story of the future of the empire itself. In contrast to the doom and gloom of later commentators about the empire's fate, many jurists and historians at the time manifested a quiet confidence in the resilience of the Habsburg state. One sees this sensibility in publications like the four-volume second edition of Mischler and Ulbrich, *Österreichisches Staatswörterbuch* (1905–1909) and the equally massive two-volume set of *Österreichische Bürgerkunde* (1909), as well as the spate of luxury books celebrating late imperial Vienna as the rich, progressive, and modern capital of the empire, all manifesting a pride and a self-confidence that the Habsburg state was here to stay.[26] The fact that the *Ministerats-Präsidium* began in 1910 to publish detailed monthly summaries of national and regional politics—the *Politische Chronik der österreichisch-ungarischen Monarchie*—"for a convenient and easily accessible orientation over all of the significant developments and events in the domestic and international politics of the Monarchy," was itself a statement of quiet confidence that the political system of the empire now stood conceptually and instrumentally on solid ground.[27] Still, touted as a panacea that would both revive Austrian parliamentary life and resolve the intransigent nationality question by bringing a more diverse set of voters with more diverse social interests into the polling place, the enactment of universal manhood

[25]"Gegen den Klerikalismus!" *Arbeiter-Zeitung*, 17 June 1911, 2; and "Großstädtischer Klerikalismus," ibid., 18 June 1911, 1–2. Hereafter cited as *AZ*.

[26]Ernst Mischler noted the "fortschreitende Rechtsentwicklung" that marked the period between 1897 and 1908, a period often portrayed as one of lawless intransigence and benign neglect. In fact, the decade was rich in law, and after 1907 that cascade of legislation continued. Hence, writing in 1913 Hans Kelsen could offer a penetrating defense of the idea that a state and its *Verwaltung* was also bounded by a culture of law, citing "die heute geltenden Verfassungen Österreichs und Deutschlands," which were "ganz und gar von dieser Rechtsstaatsidee erfüllt." Hans Kelsen, "Rechtsstaat und Staatsrecht," *Österreichische Rundschau* 36 (1913): 88–94, at 91. The *Österreichische Bürgerkunde* volumes also demonstrated the power of mass marketing with semiofficial institutional endorsements. By 1913, reports were filtering back to Vienna that aggressive salesmen for the books were peddling the expensive sets (costing 50 kronen each) to parents of students in various regional schools, claiming that they had the express endorsement of the Ministry of Education, the local *Landesschulinspektor*, and the directors of local Gymnasien and Staatsrealschulen. See 30 April, 1913, Nr. 5485, *MdI Präs*, 16/3, Carton 1721.

[27]Draft of a letter to the heads of the Crownland Administrations, 15 December 1910, Nr. 12801; ibid., Carton 1720.

suffrage in Austria in 1907 was an enormous gamble. After 1914, it was judged by many contemporaries (and has continued to be judged by later historians) as a failure.

Yet this viewpoint is too one-sided, for to the extent that suffrage reform encouraged more powerful party machines and more coordinated coalition groups (such as the *Deutscher Nationalverband*), it was in fact a success and achieved what its main architects had wanted. As Lothar Höbelt has suggested in various contributions to the study of late imperial politics, the level of productive legislative activity in the last years of the monarchy was impressive, and as the contemporary Austrian constitutional theorist Rudolf Herrnritt pointed out in 1907, even with the reform, educated and propertied elites in Austria still had plenty of room to make their influence felt on the leadership of the new political system.[28] In its strategic timing and especially in its abolition of the curia of the great landowners, the belated but very powerful opening up of the Austrian franchise in 1907 to new social and cultural strata might be seen to be in contrast to the situation in late Wilhelmine Germany, where, as Wolfgang Mommsen argued many years ago, the "governmental system was no longer in line with the social structures emerging in the course of an accelerating process of industrialization."[29]

If there was a potential spoiler on the constitutional horizon, it was much more likely to have been the irascible and unpredictable *Thronfolger*, Archduke Francis Ferdinand, than the bevy of self-interested parliamentarians who beset the new "*Volkshaus*" between 1907 and 1914, most of whom seem to have taken great delight in the intricate give-and-take of late imperial parliamentary politics. The political elites of the First Republic earned their spurs in the parliament of 1907, and it is also instructive to remember that the democratically elected parliament of 1907–14 was (in a rump version) responsible for the peaceful transition in power that took place in Austria in November 1918, which was in sharp contrast to the violent upheavals endured by Hungary.

1918 and Beyond: Three Problems and Three Outcomes in 1945

The men who wrote the reform legislation of 1907 saw it as timeless, at least for their lifetimes. Max von Beck was confident that the reform of 1907 would be an "exemplary achievement and lasting possession of the Austrian political system."[30] Realistically, however, as the young Hans Kelsen pointed out in his detailed *Kommentar zur österreichischen Reichsratswahlordnung*, the new suffrage was a political law and as such "the will of the political legislator can scarcely be effective for more than one generation."[31] Yet Kelsen's designation of the reform as a political

[28]Herrnritt, "Die österreichische Parlamentsreform," 97.

[29]Wolfgang J. Mommsen, "Domestic Factors in German Foreign Policy before 1914," *Central European History* 6 (1973): 3–43, at 25. But, as in the Habsburg case, this did not mean that the German state was somehow fated to collapse, for as Margaret Anderson has wisely reminded us, that state had enormous semidormant legitimacy that both enabled it and compelled it to enforce its own rules, year in, year out. See Margaret L. Anderson, *Practicing Democracy: Elections and Political Culture in Imperial Germany* (Princeton, 2000), 413, 415, 424. For more recent analyses of what Benjamin Ziemann has called the "fundamental reform blockages" of the late imperial system in Germany, see his "The Impossible Vanishing Point: Societal Differentiation in Imperial Germany," and James Retallack, "The Authoritarian State and the Political Mass Market," both in *Imperial Germany Revisited. Continuing Debates and New Perspectives*, ed. Sven Oliver Müller and Cornelius Torp, 37–59 and 86–96, respectively (New York, 2011).

[30]*SP*, 39620.

[31]Hans Kelsen, *Kommentar zur österreichischen Reichsratswahlordnung* (Vienna, 1907), iv.

law highlighted both the importance and fragility of parliamentarism in the management of a political system with so many complex structural tensions and policy variables. Kelsen also argued that in late imperial Austria the realities of parliamentary life meant in fact that voters expected that those elected to public office would represent and protect their partial interests and not the general interests of the state.[32]

Such built-in, high-tension partisanship was both the strength and weakness of the late imperial state system, but it also meant that the organized forces of Austrian civil society did have a powerful role in the pragmatic functioning of the general political system. It is thus not surprising that one finds echoes of the *Kommentar* in Kelsen's first great magisterial work, the *Hauptprobleme der Staatsrechtslehre*, which he completed four years later in 1911. As Christoph Schönberger has recently noted about Kelsen's agenda in the *Hauptprobleme*, Kelsen mounted a ferocious attack on the German public law tradition that assumed that the state was a subject imbued with a will that is prior to the law. In contrast, Schönberger argues that Hans Kelsen believed that:

> it is not the state, it is, rather, society that creates the law. The state is not something substantive that precedes the law…. In the legislative process "the amorphous elements of society merge into the fixed forms of the state and the law"…. Where the positivist tradition in public law devised the picture of a homogeneous, closed state *qua* superperson that produced the law by means of acts of will, there Kelsen can only see a societal tangle of interests and ideas from which, in the process of law creation, binding rules emerge.[33]

As long as empire existed, struggles involving the nationalities question tended to balance out struggles involving social and economic resources, creating that democratic mixing of "amorphous elements" to which Hans Kelsen referred in 1911. Among the welter of tensions generated both by national interests and social passions, Crownland regionalism grew apace, allowing all ethnic and cultural groups ample room for additional patronage and political maneuvering. The political structures implanted in the aftermath of 1907 thus made sense within the capacious and wealthy society of the late empire. Ideologically driven, popular parties engaged in ferocious campaign practices and predictable levels of quotidian corruption, and if the general system of government did not work with great efficiency, at least it worked.

In November 1918, it was natural that these party structures would flow into the small, nearly bankrupt republic, and define the kinds of political agency that was possible and intelligible. Moreover, after 1918 the Crown, a central target of the constitutional work of both 1867 and 1907, dropped out, and the parties found themselves to be both the custodians of the Liberal administrative state and its most profound critics. The spirit of the juristic, anti-absolutist Liberalism that infused the Constitution of 1867, as modified in 1907, defined the Constitution of 1920, the first draft of which was authored by Hans Kelsen. Kelsen hoped that his constitution provided the means for the articulation, aggregation, and resolution of conflicting social, economic, and cultural interests, thus enabling the democratic mass parties to share the exercise of sovereignty of the new, Crown-less state. Yet the interwar period

[32]*Kommentar*, 41.

[33]Christoph Schönberger, "Hans Kelsen's *Main Problems in the Theory of Public Law*. Transition from the State as Substance to the State as Function," in *Hans Kelsen Werke*, vol. 2/1, ed. Matthias Jestaedt, 36–48 (Tübingen, 2008), at 41.

sorely tested the rules of the game of this imaginary Liberal polis, most dramatically on the Right, but also in the constant talk of social revolution on the Left.

Inevitably, legacies of expectations and of operational practices, designed for the larger and more capacious imperial political system, went off track in the small republic. Let me take three examples of these legacies and show how they broke down in the First Republic and only came to be resolved by the caesura of 1945.

The Problem of Vienna

The Christian Social Party had supported the 1907 reforms as a way of linking the Alpine regions and Vienna into one large mass party. This goal was predicated not only on trans-class rhetoric, but also on the survival of the privileged curial voting system on the municipal level in Vienna. Christian Social Party leaders realized they would lose some worker districts like Ottakring and Hernals, but they were confident they would retain majority control of the city and gain massive support outside Vienna and that the gains of the reform thus far outweighed the risks. In fact, the fundamental logic of 1907 was predicated on the assumption that the new Christian *Reichspartei* would be anchored in the *Großstadt Wien*, with the clear presumption that Vienna would remain a Conservative bastion.

The war changed these calculations profoundly and made possible the phenomenon of Red Vienna. Drawing from massive voter disgruntlement over Christian Social management of the city during the war and on the economic collapse of vast sectors of *Mittelstand* voting groups, the Social Democrats scored a crushing victory in May 1919, gaining a strong majority in the Vienna City Council. Because Vienna came to enjoy the status of an independent *Land* under the constitutional arrangements of 1920, the Social Democrats now had a vice-like grip on the city and its revenues, but the interwar leaders of the Christian Socials—men like Ignaz Seipel, Richard Schmitz, Victor Kienböck, Heinrich Mataja, and Friedrich Funder—never accepted their loss of Vienna as having political or moral legitimacy. This group of "*Stadtschwarzen*," to adopt the tag imposed on them by the Socialist financial wizard Hugo Breitner, believed that the "*Rathausmarxisten*" were destroying city.[34] The true owners of Vienna had been robbed of their birthright by strangers and foreigners, who had taken over *their* city and who had made it into a community that dishonored marriage, family, and parental rights over their children. The fact that a democratic electoral process had resulted in Red control did not, for Seipel, mean that Red control was legitimate. Seipel argued that the real Viennese, the Viennese who as property owners owned Vienna, had been cheated and betrayed by the Social Democratic Party.

Ignaz Seipel's career is impossible to understand without remembering that he never accepted the very existence of a Red Vienna. For Seipel, Vienna was not a *Rotes Wien* but a *Heiliges Wien*. Seipel contemptuously referred to Red Vienna as "a Red island in a world moving in another direction, a field of experimentation for advocates of doctrinaire socialism."[35] Seipel's ongoing support for the *Heimwehr*, which increased dramatically in the final years of his political career, was a direct response to his chronic fear of Social Democracy in Vienna and a parliamentary system that (in his mind) gave Austrian Socialism

[34]Wolfgang Fritz, *Der Kopf des Asiaten Breitner. Politik und Ökonomie im Roten Wien. Hugo Breitner, Leben und Werk* (Vienna, 2000), 147, 164.

[35]*Reichspost*, 24 January 1925, 7–8.

an all-too-even playing field on which to obstruct the forces of bourgeois order.[36] The *Heimwehr*, whose leaders constantly threatened to march on Vienna, came to be an almost totemic force for Seipel as a means to break out of the vicious circle of criticism, obstruction, and insult that (so he felt) plagued the Republican political system.

Rather than seeking to ameliorate a dangerous polarization of the political system, Seipel seemed to make a bad situation worse by playing confrontational politics in hopes of further isolating the Social Democrats and crippling the institutional loci of their power. Invoking the Roman model of a *res publica*, Seipel insisted that the greatest damage was being done in Austria by political parties who tried to turn the *res publica* into a *res privata*. The Social Democrats were a prime example of the latter, since they sought to exploit the state for the purposes of a single class, instead of worrying about the "welfare of all" (*Wohl der Gesamtheit*). In such a view of the world, politics inevitably ceased to be a pragmatic process for the exchange of resources and the aggregation and resolution of conflicting interests and became instead a direct moral dictation by a small group of strong personalities (presumably led by Seipel himself) as to what would be best for the whole of Austrian society.[37]

This anti-Vienna crusade culminated in the events of February and March 1934.[38] Much of the political iconography of Austro-Fascism depended on the public drama of the re-Christianization of Vienna, returning the city to the cultural framework of Karl Lueger's *Vaterstadt*. Appointed by Dollfuß as federal commissar on 12 February 1934 and then a few weeks later installed as mayor, Richard Schmitz, an influential Viennese Catholic political leader and long-time protégé of Seipel, became the new *Hausherr* of Vienna. The *Reichspost* signaled this recuperation of the curial past with the argument that "Vienna is again in the possession of the Christians, again under the leadership of the Christians, again worthy of functioning as the capital city of Austria." Friedrich Funder offered a most appropriate wish to Schmitz: "*Glückliche Fahrt im Geiste Karl Luegers*!" Richard Schmitz himself insisted that Vienna would now recover its historic character as a center of European Christianity. Schmitz's emphasis on the "Christian character" of Vienna was a simple way to be both anti-Socialist and anti-Semitic, a stunning resurrection of the political radicalism of the 1880s.[39]

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[36]Seipel's interview with the *Münchner Neuesten Nachrichten* in May 1928, where he dumped scorn on the Socialist leadership for their alleged desire for total control and their irresponsible public behavior, illustrated this penchant. See *Reichspost,* 7 May 1928, 1–2.

[37]Ignaz Seipel, *Wesen und Aufgaben der Politik* (Innsbruck, 1930), 12–13.

[38]Austro-Fascist appropriation of Vienna began before February 1934. The interwar partnership of the church and the Christian Social Party found eloquent expression in the Austrian Catholic Congress (*Katholikentag*) in Vienna in September 1933. On the main organizing committee, along with prominent Catholic clerics, were Christian Social party heavyweights from Vienna such as Richard Schmitz, Emerich Czermak, and Friedrich Funder, as well as the young Leopold Figl, in his role as a representative of the Lower Austrian Bauernbund. Chancellor Engelbert Dollfuß and President Wilhelm Miklas had prominent roles throughout the Congress, from the opening ceremony on 8 September to the religious service at Schönbrunn Palace on 10 September, where they shared the stage with Cardinal Innitzer and other clerical dignitaries in front of tens of thousands of spectators in Vienna. The activities of the Congress were described in detail in *Allgemeiner Deutscher Katholikentag Wien 1933. 7. bis 12. September* (Vienna, 1934) and in the *Festführer zum Allgemeinen Deutschen Katholikentag in Wien 7. bis 12. September 1933* (Vienna, 1933). In his speech on the Heldenplatz on 12 September, celebrating the victory of the empire over the Turks in 1683, Wilhelm Miklas proclaimed that Austria's cultural mission of defending the peace was both "German and universal," while Vienna's particular role was to be the "dam and bulwark for Germany's unity and future and for the whole Christian-western [*christlich-abendländische*] culture." See Miklas's speech at the Heldenplatz on 12 September 1933, reprinted as *Das Heldenzeitalter Österreichs* (Vienna, 1933), esp. 2–4.

[39]*Reichspost*, 7 April 1934, 2; 10 April 1934, 2; *Protokolle des Ministerrates der Ersten Republik. Abteilung VIII, 20. Mai 1932 bis 25. Juli 1934*, Volume 5 (Vienna, 1984), 594–95; Volume 6 (Vienna, 1985), 211–13.

Today we see the *Ständestaat* as an unstable and short-lived disaster, as a mere prelude to the far greater disaster of 1938, but for men like Richard Schmitz, this was no experiment or provisorium. It was a way to reclaim a city that had been lost as a result of the impact of the democratic principles of 1907, but which in 1907 no one in the Christian Social leadership thought would be lost. The constitutional status of Vienna under the *Ständestaat*—not a *Land* but a "*Gebietskörperschaft besonderen Rechtes*"—was also explicable in terms of the prejudices of Viennese Catholic corporatists. Vienna would no longer be a *Land* but a Federally immediate city-state, having all of the advantages of Vienna's autonomous status before 1918 but with none of the toxic associations that Vienna gained for itself as a separate *Bundesland* under Social Democratic rule.

With the collapse of Nazi rule in 1945, the Rathaus was restored to the Social Democratic Party, admittedly a party whose predominantly right-wing leadership now had a much-diminished appetite for radical posturing. Adolf Schärf proudly announced after the November 1945 elections that Vienna was "again and with finality back into the hands of the Socialist *Verwaltung*."[40] As Siegfried Mattl has recently argued, this was a metropolitan *Verwaltung* that soon replaced Austro-Marxist utopianism with a penchant for technological modernism and the pragmatism of mass consumption, values shared by urban Austrians of all social classes in the 1950s and 1960s.[41] But the most visible political fact should not be ignored: After 1945 Catholic dreams of a Black Vienna were dead forever. The leadership of the new *Österreichische Volkspartei* was forced to come to terms with this new reality, and much like radical left emigrés who were not welcomed back by key SPÖ leaders like Adolf Schärf and Oscar Helmer, the renegade "*Stadtschwarze*" emigre, Ernst Karl Winter, encountered covert resistance on the part Christian Social veterans like August M. Knoll and Friedrich Funder.[42]

The Problem of Rome

A second key feature of the democratic grid set down in 1907 was that it openly legitimated a form of politics that would be national, social, *and* confessional. Albert Gessmann, Josef Schraffl, Aemilian Schöpfer, and other key Christian Social leaders argued emphatically that the mobilization of political Catholicism in a mass political framework would provide a useful and even essential antidote to extreme nationalism. Gessmann was influenced in his thinking by the key parliamentary role that the German Center Party played in the Kaiserreich, although he fully understood that Habsburg politics were radically different from those to the north and west. Hence, aggressively trading on religion and co-opting the church in cementing the idea of a *bürgerliche Sammlung* seemed both natural and opportune, and this marriage of religion and high-tension partisanship both justified and legitimated the logic of the reforms of 1907. For the first time in modern Austrian politics, a trans-class *christliche Reichspartei* mobilized political religion to create a viable mass-based, center-right political movement.

After November 1918, the use value of religion as an antidote to nationalism disappeared overnight, as did the imperial administrative state that was always ready to protect the

[40] *AZ*, 27 November 1945, 1.

[41] Siegfried Mattl, *Wien im 20. Jahrhundert* (Vienna, 2000), 78–79.

[42] See Winter to Kurt Schuschnigg, Mariae Himmelfahrt 1947, reprinted in Karl Hans Heinz, *E. K. Winter. Ein Katholik zwischen Österreichs Fronten 1933–1938* (Vienna, 1984), 385. For the Socialists, see Wilhelm Svoboda, *Die Partei, die Republik und der Mann mit den vielen Gesichtern. Oscar Helmer und Österreich II. Eine Korrektur* (Vienna, 1993), 23–38.

Catholic Church from Liberal or Socialist attempts to reduce the public efficacy of religion in civic life. After 1918, the Christian Socialists and the Catholic Church found themselves confronted with the Austrian Social Democrats, a supercharged mass movement that interpreted the fundamental rights of citizens, as established in 1867 and reaffirmed in 1920, as guaranteeing the liberty of individuals and public institutions like schools against the normative values and sacramental practices of the Catholic Church. In response, the Catholic Church openly allied itself with the Christian Social Party even more assertively than under the empire.

The Vienna-based leadership of the Christian Social Party became, in turn, eager partners with the church, deepening their attachment to a hotly confrontational and strident version of political Catholicism. Simply put, Ignaz Seipel and his fellow Viennese Catholics hated Social Democracy with a visceral quality that was remarkable for its consistency and its intensity. Seipel came of (intellectual) age at a time in late imperial history when the fundamental assumptions of Josephinist Catholicism had already been successfully challenged, when the fears and anxieties of the *Kulturkampf* era of the late 1860s and early 1870s were subsiding, and when the church had begun to find strategies to coexist with the (post-) liberal Austrian state in ways that younger clerics like Seipel might find positive and encouraging. Hence, it was natural that Seipel would embrace a more self-reliant and self-confident understanding of the church's role in the world. This was bound to influence the way he comprehended the possible relationship of church and state after 1918. Seipel was a strong statist, in the sense that he conferred upon the state the highest moral authority but that the state was obliged to serve the interests of the church, not the other way around. As Ernst Karl Winter later observed, "the totality of Seipel's state and economic policies were informed by his conviction that the true interests of the state are identical with the true interests of the Church."[43]

Yet just as the interwar period saw a few Catholics with more moderate views on the Vienna issue (Ernst Karl Winter, for example, whose brief stint as vice mayor of Vienna between 1934 and 1936 ended when he became too public with his proposals to cooperate with the Socialist working class), fissures in the facade of political Catholicism began to emerge in the mid 1930s and came to full fruition during the war years. Embarrassed by the church's marriage to the authoritarian *Ständestaat*, a group of younger Catholics emerged in the later 1930s who were intent on withdrawing the church from the party political realm.

The push for a radical separation came from a group of clerical activists, some of them associated before the war with the *Bund Neuland* movement. The most influential of these clerics was Otto Mauer. After 1945, Mauer came to prominence as a leader of the reformed Catholic Action movement in Vienna. In his new position, Otto Mauer displaced the influence of Jakob Fried, the Christian Social priest who led the Catholic *Volksbund* after 1918. A stalwart of interwar political Catholicism, Fried had spent four and a half years in various Nazi jails between 1939 and 1944. Upon the end of the war in 1945, Fried hoped to recreate the world of *Verbandskatholizismus* from the 1920s, with all of its implications for political cooperation with former Christian Social political elites.[44] Fried intensely distrusted

[43]"Die gesamte Staats- und Wirtschaftspolitik Seipels stand unter dem Gesichtspunkt der feste Überzeugung, dass das *wahre Interesse des Staates* identisch sei mit dem *wahren Interesse der Kirche*." Ernst Karl Winter, *Ignaz Seipel als dialektisches Problem. Ein Beitrag zur Scholastikforschung* (Vienna, 1966), 155.

[44]"Fried versuchte in Zusammenarbeit mit seinen alten Freunden fortzusetzen, was er Ende der zwanziger Jahre begonnen hatte. Sein Freund HR Krasser war als Präsident wesentlicher Inspirator des Österreichischen Cartellverbandes (ÖCV)….Die Organisation des katholischen Volkes in allen Gliederungen und Schichten sollte

the *Bund Neuland* movement and especially Otto Mauer, calling him "a cancer for the Catholic Church and the Catholic cause in Austria." In Fried's view, Otto Mauer was an especially dangerous "revolutionary in the areas of spirituality, culture, and art."[45]

Otto Mauer distrusted the idea of the church endorsing political parties, and he was especially critical of formal linkages between the church and the conservative Christian Social tradition. In 1950 he complained that the interwar political Catholicism espoused by men like Fried had led to the equation of "full Catholic = loyal voter of the Christian Social Party" and that this linkage had led to "the Church being burdened with the mistakes and vices, the failures and errors of the Party."[46] Mauer's efforts came to fulfillment in early May 1952 when a gathering of 300 Catholic clerics and lay leaders assembled at Mariazell in Styria to draft a platform of policy declarations relating to the church's future relationship to postwar civil society that would be presented to the Austrian Catholic Congress the following September. An editorial in *Der Volksbote* subsequently characterized this meeting as a "parliament of Austrian Catholicism."[47] Otto Mauer provided key intellectual leadership that informed the results of the meeting. In a final declaration presented by Mauer (but drafted by the Catholic journalist Richard Barta), the meeting proclaimed that a "free church in a free society" was the ideal toward which Catholics moved and explicitly repudiated the link between the Catholic Church and the Christian Social Party.

Erika Weinzierl has rightly argued that the Mariazell Declaration set a pattern of relationships between the Church and the political parties that has generally endured down to the present day.[48] Just as the Christian Socials had to come to terms after 1945 with their permanent loss of Vienna, so, too, did the Church break its formal ties with the Christian Socials. Both assumptions had been key elements of the *Reichspartei* ideology that supported and implemented the 1907 suffrage reforms, but both had to be sacrificed in the drastically changed conditions of the early Second Republic.

The Problem of Bohemia

Many pan-German politicians in the empire viewed the reforms of 1907 with considerable skepticism, fearing that they would lead to a further diminution of the German *Besitzstand* in Bohemia and Moravia in favor of the Czechs. Yet the new system in fact created a series of stronger and more coherent constituencies for German Nationalists in the Bohemian and Moravian lands. After 1907 the various nationalist factions united to create the *Deutscher*

Sache der Katholischen Aktion sein. Hier kam es zu langdauernden Auseinandersetzungen zwischen den verschiedenen Sprechern des Seelsorgeamtes einerseits und der Gruppe um Prälat Fried anderseits." Karl Strobl, *Erfahrungen und Versuche. Notizen aus dem Nachlaß*, ed. Alois Kraxner, Agnes Niegl, Friedrich Wolfram (Vienna, 1985), 214. See also, Bernhard A. Böhler, *Monsignore Otto Mauer. Ein Leben für Kirche und Kunst* (Vienna, 2003), 62–63.

[45]See Fried's statements of 11 December 1946, 25 April 1947, and 28 October 1949 in the *Nachlaß Fried* and reprinted in Franz Loidl, ed., *Einiges zu "Neuland"* (Vienna, 1978), 1–10. Fried thought the *Neuland* priests were extremists who challenged church authority, refused to accept existing social conventions, and developed heretical ideas about theology and liturgy. He also insisted in 1947 that several *Neuland* leaders had been supporters of the Nazis, an accusation that had plagued the *Bund Neuland* movement during Dollfuß regime.

[46]Otto Mauer, "Das Netz des Fischers. Erwägungen zum Stand der Katholischen Aktion in Österreich," *Wort und Wahrheit* 5 (1950): 647–65, at 647.

[47]"Ein neuer Aufbruch," *Der Volksbote*, 11 May 1952, 1.

[48]Erika Weinzierl, "Die Bedeutung Otto Mauers im österreichischen Nachkriegskatholizismus," in *Otto Mauer 1907–1973. Symposion veranstaltet von der Hochschule für angewandte Kunst in Wien am 12. und 13. März 1993*, ed. Uta Krammer, 23–29 (Vienna, 1993), at 25.

Nationalverband, the primary strength of which lay in Bohemia and Moravia. Only a relatively small number of German parliamentary deputies survived in Austrian Alpine lands. For the Christian Socials, it was critical that the German Nationalists achieve greater coherence and public legitimacy if Gessmann's idea of *bürgerlich Sammlungspolitik* against Austrian Social Democracy was to function effectively. As Lothar Höbelt has noted, the *Deutscher Nationalverband* became one of the "largest and most formidable" factions of the new parliament after 1907.[49]

When the revolution took place in 1918, traditional nationalist issues did not immediately disappear—the Provisional National Assembly that met in Vienna in November 1918 had more *Deutscher Nationalverband* deputies than either Christian Socials or Social Democrats. The revolution began as a tripartite exercise in which the German Nationalists enjoyed a major parliamentary presence. The mirage of Wilsonian democracy seemed to give to the German Bohemian politicians what decades of cabinet-level and parliamentary infighting before 1918 was unable to achieve, namely, a national partition of German-speaking areas of Bohemia. This imperial politicum was dumped into the laps of Karl Renner and Otto Bauer, who became, almost overnight, patrons of a new German-Bohemian demarche against the old Czech-Bohemian *Staatsrecht*. *Die böhmische Frage* circled the *Herrengasse* for twenty-four hours, leaving the front door of the empire but quickly returning through the back door of the small, impoverished republic. Czech political leaders in Prague steadfastly ignored any concessions or negotiations, however, using their status as a new small nation basking (so they fervently hoped) in the sun of entente approval to encourage ad hoc military units to occupy the German-controlled territories in Bohemia and Moravia, sometimes using force.

Once the Czechs forced the new Austrian state to back down, most German Nationalist deputies abandoned the Constituent Assembly, and the small contingent of remaining German Nationalists who represented electoral districts in Vienna or the Alpine lands shrunk into what Lothar Höbelt has called a "third Lager" by 1919.[50] This remnant, consisting of several rival factions, finally constituted itself as the *Großdeutsche Volkspartei* in September 1920, which came to play a classic spoiler role in interwar Austrian politics. Having defined themselves by the issue of national defense against the Czechs, the *Großdeutschen* searched for a new identity framework throughout the 1920s and never found one. Programmatically, the formal focus of the *Großdeutschen* remained the Anschluss with Germany, which by terms of the 1919 treaties was impossible and toward which their Christian Social coalition partners were deeply unsympathetic in any event. As Höbelt has shown, their Anschluss rhetoric had little substantial impact in defining a credible independent political space between 1919 and 1934.[51] The *Großdeutschen* were in fact double orphans—they lacked the larger structural legitimacy that their faction enjoyed before 1918, and they lacked compelling issues. Yet they were sufficiently fearful of Red Vienna to make them a plausible junior coalition partner with Seipel's Christian Socials, and throughout most of the 1920s, they allied with the Christian Socials in a junior-senior partner alliance for lack of plausible alternatives.[52]

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[49]Lothar Höbelt, "Die Parteien des nationalen Lagers in der Ersten Republik," *Carinthia. Zeitschrift für geschichtliche Landeskunde von Kärnten* 1 (1989): 359–84, at 364.

[50]Lothar Höbelt, "Deutschnationale—Nationaldemokraten—Großdeutsche—Bauernpartei. Das 'nationale Lager' 1918–1922," *Studien und Forschungen aus dem Niederösterreichischen Institut für Landeskunde* 39 (2007): 101–35, at 101.

[51]Ibid., esp. 106, 108, 114, 126–32.

[52]"Die Bindung an die Christlichsozialen wurde in Anbetracht der zurückgehenden Unterscheidbarkeit der beiden Parteien immer größer und die Akzeptanz bei den Wählern immer geringer." Richard Voithofer, *Drum schliesst Euch frisch an Deutschland an….Die Großdeutsche Volkspartei in Salzburg 1920–1936* (Vienna, 2000), 178.

Eventually their policy disorientation proved fatal, with the *Großdeutschen* finding their flanks picked off by the Christian Socials and the Nazis. Its voter support declined from 17 percent in 1920 to less than 5 percent in 1930, hemorrhaging voters to the *Heimwehr* and eventually the Nazis. But their constant availability eliminated any need for the Christian Socials to work with the Social Democrats in the governance of the new Austrian Republic. Ignaz Seipel and his Christian Social colleagues came to have the best of both worlds—a *Großdeutsche* faction elected by anticlerical *bürgerlich* voters that dared not contemplate an alliance with the Social Democrats, thus allowing Seipel to permanently marginalize the SPÖ. As Otto Bauer sarcastically quipped: "What difference did it make that a part of the Christian Socials called themselves Pan-Germans?"[53]

Still, memories of the lost (Crown)lands of German Bohemia and Moravia would endure and show up in remarkable ways. Karl Renner's later diatribe on the Anschluss question from the summer of 1938, for which he had been caustically criticized, was as much a historical memoir of Renner's own painful involvement with the issue of the German electoral districts of Bohemia and Moravia in 1918–1919 as it was an attempt to carry water for the National Socialists in 1938. The aesthetic high point of Renner's text lies not in his advocacy of an Anschluss in 1938 but in his melodramatic description of the ceremonial meeting in the hall of the *Nationalversammlung* in September 1919 to bid farewell to the German Bohemian and Moravian parliamentary deputies, a kind of mass political funeral for which all in attendance were dressed in funereal black.[54]

After 1945 the Bohemian question in Austrian politics collapsed like a house of cards. The *Großdeutsche Volkspartei* had been engulfed by the Nazis and the *Heimwehr* in the 1930s. In 1945, the Austrian provisional government denied voting rights to all former members or affiliates of the Nazi Party, which meant that over 535,000 ex-nationalists were sidelined from the new republican regime. The "third Lager" of the pre-1918 and interwar periods was in a shambles and publicly discredited. It was of crucial importance that in 1945–46 there was no *Großdeutche* faction to play its now venerable role of either tempter or spoiler. The only party capable of playing a spoiler role in Austrian Republican politics in 1945–46 was the Communists, not the German Nationalists.

The destruction of the *Großdeutschen* and the compromised status of their successor groups after 1945 effectively ended the possibility of a *bürgerliche Sammlungspolitik* against the Social Democrats that was one of the main facets of the electoral system created in 1907. As Lothar Höbelt has shown, the *Verband der Unabhängigen* (VdU) did not start out as a Lager-based party, but rather as a collection point of radioactive ex-nationalists and ex-Nazis, along with other aggrieved social groups, that had the advantage of being courted by both the SPÖ and especially the ÖVP. It was big enough to attract suitors but not strong enough to compromise the iron logic of a great coalition between Red and Black in the late 1940s and early 1950s, especially during the continuing occupation of eastern Austria by Soviet troops. Once a former nationalist bloc did gain the status of a Lager-like party in 1955—the FPÖ—the political legitimacy and operational success of the Second Republic had been firmly

[53]Quoted in Charles A. Gulick, *Austria from Habsburg to Hitler* (Berkeley, 1948), 693.

[54]See Karl Renner, *Die Gründung der Republik Deutschösterreich, der Anschluss und die Sudetendeutschen. Dokumente eines Kampfes ums Recht*, with an Introduction by Eduard Rabofsky (Vienna, 1991), 76–78. See also *NFP*, 25 September 1919 (M), 2–5. The *NFP* journalist who covered the event observed that "Der schmerzlichste Moment: die Vertreter der [sudetendeutschen] Landesregierungen schreiten an die Präsidentenestrade vorbei und legen die deutschösterreichische Kokarde in die Hände des Präsidenten zurück. Ein atembeklemmendes Schweigen herrscht im Salle. Es ist, als wenn bei einem Leichenbegängnis der Sarg ins Grab gelassen wird. Jetzt wusste jeder, dass wir 3 ½ Millionen Sudentendeutsche verloren haben."

established. Rather than an ex-German-Bohemian party searching for a way of adapting and reinventing the now-gone-away German Nationalism of the now-gone-away empire, the VdU served as a catch-all *bürgerlich* oppositionalist movement that forced the ÖVP onto a more neo-capitalist Raab-Kamitz course, but without being able to break up the great coalition.[55]

Crucial to the success of the Second Republic was the fact that the contaminated nationalist voter groups could be recuperated, but that their formal representatives—the VdU and after 1955 the FPÖ—were, as Ernst Hanisch has recently argued, "kept far from the central institutions of state power."[56]

Conclusion

The last twenty years have seen many new themes emerge in the study of modern Austrian history. They are somewhat contradictory.

The historiography of the Habsburg Empire has been enriched recently by younger historians interested in identity and memory—highly topical in the age of post-Maastricht Europeanisms—and who are concerned with the often oblique and obtuse quality of ethnic-national personhood. Other scholars have emphasized the sturdiness and success of regional politics in the late empire, emphasizing how precocious and creative local, regional, and even state-level politicians and political organizations were in expanding the sphere of political communications and public interest articulations relating to vital civic issues between 1880 and 1914 and in ramping up the effectiveness of administrative institutions to respond to those issues.

The work of both groups of scholars suggests that the sturdiness of civic institutions under the empire may have been underestimated by past scholars alleging the inevitability of its demise, and that large numbers of citizens in the empire, many of whom shared self-identities that merged class, confession, and ethnicity in surprising malleable ways, were willing to tolerate different forms of cultural diversity under a rule of an administrative-parliamentary state that sought to reconcile the authority of the Crown with the needs of a civil society that wanted to foster stronger forms of self-government under the umbrella of imperial administrative rule. As Gary Cohen has recently argued, "in the last decades before World War I, a vibrant civil society developed in each side of the Monarchy, with multiple mass parties and popularly based interest groups" and that there was "a greater possibility of evolutionary change in the relationship between society and government during the late nineteenth century than many older views allowed."[57]

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[55]Höbelt has argued that the VdU's greatest impact may have been to force constant reforms on both of the big parties. See Lothar Höbelt, *Von der Vierten Partei zur Dritten Kraft. Die Geschichte des VdU* (Graz, 1999), 201–02, 261–64. Julius Raab's attempt in March 1953 to force the Socialists into accepting the VdU as a third coalition partner collapsed of its own weight when the Socialists refused to go along. To the claim of the VdU leaders that they could play the role of power broker in the *Nationalrat*, Bruno Pittermann quipped that "Die Macht des VdU als Zünglein an der Waage sei keine potentielle, sondern eine 'impotentielle.'" Ibid., 179–80, 204.

[56]Ernst Hanisch, "Abschied von der Staatsvertragsgeneration," in *Die Gunst des Augenblicks. Neuere Forschungen zu Staatsvertrag und Neutralität*, ed. Manfried Rauchensteiner and Robert Kriechbaumer, 537–51 (Vienna, 2005), at 543.

[57]Gary B. Cohen, "Neither Absolutism Nor Anarchy: New Narratives on Society and Government in Late Imperial Austria," *AHY* 29 (1998): 37–61, at 59, 61; as well as Idem., "Nationalist Politics and the Dynamics of State and Civil Society in the Habsburg Monarchy 1867–1914," *Central European History* 40 (2007): 241–78. Among the historians

These recent historiographical interventions parallel, in ironic and surprising ways, the hopes and illusions that surrounded the original constitutional project of 1907, and they accord well with the more general proposition that the Habsburg Empire only collapsed after a long and protracted effort by the imperial war state to wage war against its own civil society between 1914 and 1918.[58]

In contrast to the more confident tone of recent late imperial historiography, the post-1945 world has been subject to several overlapping analytical perspectives, and none of them particularly flattering. What might be called the Waldheim Effect in postwar Austrian culture has generated skepticism about the traditional view that a sharp break in Austrian public life took place between 1944 and 1946, about the ambivalent motives of the founders of the Second Republic, and about a seemingly self-conscious and unflattering amnesia on the part of many Austrians regarding their complicity in the terror state of 1938–1945. In the views presented by Robert Knight, Gerhard Botz, and many other scholars, for example, the leaders who steered the early republic are seen as at best indifferent and at worst as deeply mendacious toward the question of the guilt in which many Austrians were implicated during the *Nazizeit*. Other historians, most recently Gerald Stourzh, have continued to insist that whatever their personal or professional failings, the leaders who found themselves thrust into power in 1945 did preside over a *Stunde Null* and that 1945 was a profoundly disjunctive and transformational turning point in Austrian history.[59]

This historiographical disjunction between a civilized and reputable empire and a duplicitous and amnesiac Second Republic is fascinating and nowhere more so than in the ways in which the words and deeds of Karl Renner, whose life straddled both, have been evaluated. Was Renner a stunning hero and wily tactician, or was he a conniving, irresponsible, and cynical opportunist? Much has been made of the continuities between the war years and the initial period after 1945 and the problem of too-much forgetting (or, too little remembering) on the part of the Austrian political elite. The critical reaction to Renner's support for the Anschluss in 1938 and to his strange memoir from the summer of 1938 advocating the reintegration of the former Austro-German territories of Bohemia and Moravia into the Reich is typical of these larger conundrums. Was Renner's memoir merely a cynical endorsement of the terror politics of 1938, or was it a profoundly troubled meditation by an already elderly politician on his own failures in 1917, 1918, and 1919?

Critical questions about guilt and memory are certainly valid and necessary, especially within the conceptual framework of 1938 to 1948, but if one broadens the framework and tries to work

whose work is relevant in this regard, I would include Gerald Stourzh, Helmut Rumpler, Gary Cohen, Pieter Judson, Lothar Höbelt, Jeremy King, Tara Zahra, James Shedel, Maureen Healy, John Deák, Patrick Houlihan, and Larissa Douglass.

[58]Maureen Healy, *Vienna and the Fall of the Habsburg Empire: Total War and Everyday Life in World War 1* (Cambridge, 2004); John W. Boyer, "Silent War and Bitter Peace: The Austrian Revolution of 1918," *AHY* 34 (2003): 1–56.

[59]Among a huge literature, see Robert Knight, "The Politics of Memory in Post-Nazi Austria," in *The German-Jewish Dilemma: From the Enlightenment to the Shoah*, ed. Edward Timms and Andrea Hammel, 291–303 (Lewiston, 1999); and idem, ed., *"Ich bin dafür, die Sache in die Länge zu ziehen." Die Wortprotokolle der österreichischen Bundesregierung von 1945 bis 1952 über die Entschädigung der Juden*, 2nd ed. (Vienna, 2000); Gerhard Botz and Albert Müller, "'1945': 'Stunde Null.' Historischer Bruch oder Kontinuität mit der NS-Zeit und der Ersten Republik?" *Jahrbuch 1995 des Dokumentationsarchivs des Österreichischen Widerstands (1995)*, 6–27: Gerhard Botz and Gerald Sprengnagel, eds., Kontroversen um Österreichs Zeitgeschichte. Verdrängte Vergangenheit, Österreich-Identität, Waldheim und die Historiker (Frankfurt, 1994); Barbara Kaindl-Widhalm, *Demokraten wider Willen? Autoritäre Tendenzen und Antisemitismus in der 2. Republik* (Vienna,1990); and Gerald Stourzh, *1945 und 1955: Schlüsseljahre der Zweiten Republik* (Innsbruck, 2005).

through the thorny problem of what actually changed in Austrian society between 1900 and 1918 and how those changes affected the history of Austria between 1918 and 1945, other perspectives may also emerge. This is clearly the case with Renner. Working in the Ballhausplatz immediately after the collapse of Nazi rule, the Austrian diplomat Josef Schöner was flabbergasted by Karl Renner's tirades invoking 1934 as a kind of beacon with which to guide his personnel choices in the summer and fall of 1945.[60] But what one must remember is that for Renner 1934 had not simply been an attack on the Socialist Party and its unions and secondary organizations, and even not just an attack on the constitutional state established in 1920. It was also an attack on the fundamental principles that had guided the Social Democratic Party since the early 1890s and confirmed by the success of Social Democrats in achieving universal suffrage in 1907. In defending the Constitution of 1920 against Christian Social attacks in November 1929, Karl Renner interpreted the 1880s and 1890s as a time of struggle of the SPÖ to guarantee the lawful behavior of the state, to force the Austrian *Rechtsstaat* to honor its own claims. The party did this even before winning the full and equal right to the vote in 1907, enabling Renner to read Social Democracy's role as the guarantor of a parliamentary *Rechtsstaat* deep into the nineteenth century.[61] The year 1934 was so bitterly shocking to the Left because it was a direct abrogation of the rules of a game that had been established constitutionally in 1907. In Renner's mind, the Austro-Fascists bore a heavy and almost unredeemable burden of guilt, because they systematically repudiated the system of open, no-holds-barred partisanship that 1907 had sanctioned and to which *they themselves* had originally assented.

One sees thus two sides to Karl Renner in 1945: the ardent proponent of a kind of popular front of various classes—his famous bipartisan rhetoric of "*Bürger, Bauern und Arbeiter*" as constituting a sturdy platform for the republic—and the ardent partisan of 1934, who felt that the Austro-Fascists were as bad and perhaps even worse than Austrian Nazis. Renner believed that free and universal suffrage in a robust parliamentary framework was the best guarantee for that mixing up of economic, social, and cultural interests, which he considered essential to the stability of the modern state. For Renner, the achievement of 1920 had been to create a liberal constitutional framework worthy of the code of democratic partisanship inaugurated in 1907. His outrage was genuine when he saw Dollfuß attacking not only the 1920 Constitution but also the logic of the system of civil liberties created in 1867 and the democratic parliamentary values and practices established in 1907. It is hardly surprising that in his remarkable study of the Austrian state problem in 1918 Renner would quote James Madison's Tenth Federalist Paper to the effect that "the regulation of these various and interfering interests forms the principal task of modern legislation and involves the spirit of party and faction in the necessary and ordinary operations of government."[62] Bruno Kreisky caught this side of Renner when he gently observed in his autobiography that Renner was held in suspicion among many in his own party because "they felt his reformism placed too heavy an emphasis on the transformative potential of parliamentary representation."[63]

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[60]Josef Schöner, *Wiener Tagebuch 1944/1945*, ed. Eva-Marie Csáky, Franz Matscher, and Gerald Stourzh (Vienna, 1992), 237, 254, 256–57, 295, 319, and 323.

[61]See Renner's comments in the Nationalrat, *SPN*, 1929, 2888–89.

[62]Karl Renner, *Das Selbstbestimmungsrecht der Nationen in besonderer Anwendung auf Oesterreich* (Leipzig, 1918), 275.

[63]Bruno Kreisky, *The Struggle for a Democratic Austria*, ed. Matthew P. Berg in collaboration with Jill Lewis and Oliver Rathkolb (New York, 2000), 489.

This larger view is important if one is to make sense of the barely sublimated and deeply felt partisanship that defined the great coalition governments of the early post-1945 period. Following Hans J. Morgenthau's fascinating confidential report on the state of Austrian politics in 1951, Oliver Rathkolb has recently argued that it was precisely the inherently authoritarian control structures of both major parties that, in the context of the great coalition, "made sure that radical communism and radical neo-Nazism were kept on a short leash without these parties being deserted by their voters altogether."[64] Yet Morgenthau himself emphasized that the two large parties had few plausible options other than a great coalition, and even the ÖVP, which might have been tempted to coquettish alliances with the VdU, found such alternatives, based on the specter of a public alliance with former Nazis, "much more difficult and less attractive than they appear at first glance."[65]

Robert Knight is thus surely correct when he scoffs at the idea that Red and Black collaboration after 1945 was hatched out of the egg of joint suffering in Nazi concentration camps (the so-called "*Geist der Lagerstrasse*"), insisting that this collaboration was an ad hoc, patchwork process, one marked by a "cautious and provisional agreement which had to be developed and confirmed by post-war political practice."[66] This sober and pragmatic political practice was only able to succeed because important structural disabilities created in the late empire and distorted in the First Republic had been stripped away from the grid of everyday political exchange, but in a way that preserved treasured partisan myths about the self and the other, myths that expressed a still living frustration and anger over the "bad outcomes" after 1918 that had resulted from the fully sanctioned partisanships set loose in the political system in 1907. The continued ritualistic fascination with 1934 in both of the big party Lager—in 1945 the American diplomat Martin F. Herz rightly predicted that the conundrum of 1934 was a kind of "white-heat" that would "plague the Austrian democracy for a long time"—demonstrated that Austrian leaders in 1945 were still reliving the chronic pathologies that afflicted the First Republic while also coping with the catastrophe of 1938 to 1945.[67] The "white-heat" of the interwar period continued to be identity-shaping after 1945 precisely because it signified the palpable existence of vital unfinished business from the First Republic, above all, how to (finally) make the Constitution of 1920 work.

How then can or should we connect the empire and the two Austrian Republics? The distinguished American political scientist Charles Merriam, who was the chair of the Department of Political Science at the University of Chicago in the 1930s, took on the task of predicting the outcome of the clash between authoritarian against democratic regimes in 1939, and he was certain democratic regimes would win out. But Merriam also argued that democracy had to become "a way of life," not simply a set of formal institutions, and that its winning out depended as much on the latter as the former. Merriam rightly observed that "the electoral process as such is not a panacea for all political ills. It can only facilitate the exercise of qualities found in the electoral area…it presupposes the existence of habits of

[64]Oliver Rathkolb, "The Austrian Voter in Historical Perspective," *Contemporary Austrian Studies* 16 (2008): 12–53, at 35, as well as idem, "NS-Problem und politische Restauration: Vorgeschichte und Etablierung des VdU," in *Verdrängte Schuld, Verfehlte Sühne. Entnazifizierung in Österreich 1945–1955*, ed. Sebastian Meissl, Klaus-Dieter Mulley, and Oliver Rathkolb, 73–99 (Vienna,1986).

[65]Hans J. Morgenthau, "United States Policies in Austria," 1 October 1951, 27, *Records of the U. S. Department of State Relating to the Internal Affairs of Austria, 1950–1954*, Roll 660.

[66]Robert Knight, "Narratives in Post-war Austrian Historiography," in *Austria 1945–1955. Studies in Political and Cultural Re-emergence*, ed. Anthony Bushell, 11–36 (Cardiff, 1996), at 15.

[67]Martin F. Herz, *Understanding Austria: The Political Reports and Analyses of Martin F. Herz*, ed. Reinhold Wagnleitner (Salzburg, 1984), 53.

mind and habits of action adapted to this type of procedure [i.e., democracy]."[68] Among the key variables necessary for a democracy's survival and success, Merriam highlighted an acceptance of the essential dignity of man and respect for different human capacities adjudged by merit; an acceptance of the continuing perfectibility of mankind, with the goal of a gradual "leveling up of standards of human living"; an acceptance of the proposition that the gains of civilization are mass gains and should be redistributed throughout the community as quickly as possible; an acceptance of popular control of public policy, with fair, legitimate, and accountable procedures defining the process of public decision-making and administrative rule; and an acceptance of the desirability of social change managed via nonviolent methods.[69] Charles Merriam was a friend of Hans Kelsen, and it is a little known story that Merriam was the major advocate behind a serious effort to offer the emigré Kelsen a full professorship at the University of Chicago in the early 1940s, largely because Merriam believed that Kelsen was an eloquent spokesman for the view that, ultimately, a democratic state was only possible if the civil society governed by that state conducted itself with pragmatically pluralistic democratic practices.[70]

What happened in 1945 was that the mass democratic Lager system authorized in 1907 was not undone, but it was reshaped and recast to allow for a mutually acceptable and predictable degree of elite cooperation amid a broader culture of radically polarized cultural expectations and values. I have offered three examples of this structural reshaping today: No longer could the conservatives claim Vienna and thus impeach the authenticity and legitimacy of Austrian Socialism's most secure electoral base vote. No longer would the stability of the general system of government depend, at least between 1945 and the early 1970s, on the executive presence of an unreliable third Lager, born of concerns that were deeply anchored in Bohemian and Moravian politics, tempting either of the large parties to resort to the blockade tactics of the 1920s. No longer would the Catholic Church allow itself to be deployed to undermine the operational legitimacy of multiparty rule, at least in formal institutional terms.

Only with the slow maturation of a stock of democratic political capital in Austria between the late 1940s and the early 1970s did the successful solidification of democratic practices become apparent. By maturation, I mean a set of developmental and institutional trends that validated the importance of free and fair parliamentary elections, conducted under general constitutional guarantees of individual civil rights, as the primary way to determine popular preferences and resolve major public controversies; that sanctioned the legitimacy of a fair, rule-based administration and policy implementation based on those representative mechanisms; and that proved capable of generating the ongoing support of the great majority of voters in managing serious domestic and foreign-policy challenges and in negotiating significant levels of political and social change.

In celebrating the one hundredth anniversary of the Constitution of 1867 in the Austrian parliament on 20 December 1967, the president of the *Nationalrat*, Alfred Maleta, both reflected and acknowledged this evolution when he insisted that a democratic constitutional

[68]Charles E. Merriam, *The New Democracy and the New Despotism* (New York, 1939), 49, 108.

[69]Ibid., 11–49, 72–73, and passim.

[70]See Hans Kelsen, *Verteidigung der Demokratie: Abhandlungen zur Demokratietheorie*, ed. Matthias Jestaedt and Oliver Lepsius (Tübingen, 2006), xxi–xxvi. Among Kelsen's many writings on democracy, see esp. Hans Kelsen, *Vom Wesen und Wert der Demokratie*, 2nd ed. (Tübingen, 1929). For the connection to Chicago, see John W. Boyer, *"We Are All Islanders To Begin With": The University of Chicago and the World in the Late Nineteenth and Twentieth Centuries* (Chicago, 2007), 99–119.

order based on the *Rechtsstaat* could sustain neither its logic nor its impact if large-scale "social and political forces" embedded in civil society repudiated the ideals of the *Rechtsstaat*. In contrast to the First Republic, Maleta was confident that the current Austrian parliament could now function as the "*Koordinator*" of such social forces, suggesting his confidence that the electorate now embraced the ideals of a specifically Austrian *Rechtsstaat*, even if the electorate itself was highly divided and inspired by high degrees of partisanship.[71] The goal that Eduard Herbst had passionately sought in 1867—a strong and credible parliament, exercising legitimate authority over the always powerful Austrian administrative state—had finally come to pass.

Maleta's comments were deeply influenced by the fact that his party—the ÖVP—under the leadership of Chancellor Josef Klaus had the year before decisively broken the straightjacket of great coalitionism and engineered the formation of the first major democratic single-party government in Austrian history since 1918.[72] After twenty years of being forcibly tethered to the oxygen tube of Red-Black cohabitation, the Austrian polity was now strong and resilient enough to sustain the most venerable of democratic practices, namely, a respected and legitimate majority ruling over a respected and legitimate minority. Four years later the Social Democrats under Bruno Kreisky would repeat this exercise, driving the ÖVP into (minority-based) opposition. Both exercises—the partisan unilateralism of the Klaus and of the Kreisky regimes—were critical signs that the Austrian nation now enjoyed sufficient self-confidence in the stability of its public political practices and institutions to warrant the acceptance of single-party rule. Was this national and democratic maturation dependent upon the famous amnesia about the Nazi past? Could it have come about in different and perhaps more striking ways had top political leaders of the early Second Republic not engaged in such prevarications? Or, are such questions deeply unhistorical, given the constraints, fears, and prejudices shared by these leaders encrusted in their own specific historical times?[73]

This process of democratic maturation was long in coming, and its most intense genesis took place in imperial Vienna. It began with the creation of a hotly competitive political culture in the

[71]*SPN*, 1967, 6963. See, in this context, Maleta's comments on Karl Renner in Siegfried Nasko, ed., *Karl Renner in Dokumenten und Erinnerungen* (Vienna, 1982), 238–39.

[72]With the exception of the ÖVP in November 1945, none of the *Nationalrat* elections held between 1919 and 1962 resulted in an absolute majority of parliamentary seats for either the SPÖ or the ÖVP. See Ucakar, *Demokratie und Wahlrecht*, 420, 461, 488. On the significance of Klaus's single-party administration, see Robert Kriechbaumer, ed., *Die Ära Josef Klaus. Österreich in den 'kurzen' sechziger Jahren* (Vienna, 1998), esp. 60–63, 87; and Dieter A. Binder and Ernst Bruckmüller, *Essay über Österreich. Grundfragen von Identität und Geschichte 1918–2000* (Munich, 2005), 54–57.

[73]In 1995, Botz and Müller put the choice between nation building and democratization in Austria in stark sequential terms: "Es gab unter den gegeben Umständen wohl nur die Alternative: radikale Demokratisierung (und Anerkennung der Kontinuitätslinien zu Nationalsozialismus und Deutschtum) ohne österreichische Nationsbildung *oder* vorrangige österreichische Identitätsbildung bei eingeschränkter (oder aufgeschobener) Demokratisierung und 'Vergangenheitsbewältigung'. Beide Aufgaben gleichzeitig zu lösen, dürfte unmöglich gewesen sein. Dass der zweiten Option der Vorrang gegeben wurde, war von außen her vorgezeichnet." "'1945': 'Stunde Null'," 24. In contrast, it seems to me much more plausible to argue that Austrian nation building and the beginnings of genuine democratization (admittedly cleavage-dominated and elite-based) are *both* rooted in the decades after 1945. One might also ask if the often-cited tendency of Austrians in the 1960s and 1970s toward more authoritarian values and norms was as much the product, as it was the cause, of the highly cleavaged partisanship system of the great coalition after 1945. G. Bingham Powell argued in the late 1960s that organizational structure in Austria played a critical role in generating fragmentation, more so than the actual "social and cultural cleavage lines." See Powell, *Social Fragmentation and Political Hostility: An Austrian Case Study* (Stanford, 1970), 66–67.

Reichshaupt- und Residenzstadt that functioned as an immense school of civic participation and political identity formation, providing an intense and dynamic network of collision points over which rival groups struggled for hegemony. Christian Social and Social Democratic politics in Vienna provided concrete examples of the ability of popularly elected politicians who were neither professional civil servants nor wealthy business elites to transform their political authority into essential policy decisions that responded to the material and cultural needs of their voters.

Whether the political campaigns organized by these parties to attain such authority were models of transparency and honesty, or whether the policy decisions taken by these politicians were always wise, involved a different set of judgments. Early-twentieth-century Austrian neo-Josephinists like Minister-President Ernest von Koerber may have disliked the crasser features of urban political life, believing (as Charles Merriam once ironically put it) "that many are ignorant, that many are incompetent…that the mass should abdicate in favor of the few and kiss the rod that condescends to rule them, thanking God that they are allowed to live and be cared for by their betters" and finding it preferable to create regimes of non-partisan expertise, with more (de facto) power in the hands of the central government.[74] But, for all its deficiencies, mass politics in Vienna helped advance the democratic struggles of the twentieth century by encouraging large numbers of middle and lower class voters to learn how to think about their political rights and by empowering them to act upon their social ambitions, even if this process was messy, inefficient, and at times deeply corrupt and even unjust.

The power of Vienna to resist the imperial state, a power that the Austrian historian and jurist Josef Redlich so admired, was also a power that, in the hands of a brilliant politician like Karl Lueger, could be used to taunt, provoke, and enrage the local political opposition, in this case, the powerful Austrian Social Democrats. By 1905, when the final political struggle for universal suffrage was launched, the hatred between these two mass parties and their social clients in Vienna far surpassed simple economic or class dimensions. Under the reform of 1907, the gap between Christian Social and Social Democratic loyalists widened to form a chasm in Viennese society, encompassing religion, education, law, and dynastic privilege. In their celebration of the power of organized political machines, in their appreciation of the importance of culture as an independent political variable, in their contempt for sectarian political minorities, and in their attempts to claim to represent the whole of the Viennese polis against the other, however, the two parties did have powerful shared attributes.

I have argued that in terms of formal structural elements, 1945 represented an uprooting of some of the key operational assumptions and conditions evident in the original constitutional project of 1907, changes that *had* to happen if the most basic premise of 1907—the efficacy of a parliamentary state based on a democratic franchise—was to survive at all. That uprooting was accompanied, in a curious way, by professional behavior in the early Second Republic that bears more affinity to the pragmatic politics of the later empire than to the gang wars of the 1920s. To take one obvious example, the post-World War II conservative pragmatism of Julius Raab and Leopold Figl was in fact much closer in political style to Karl Lueger than to the hyper-Catholic ideological politics practiced by Ignaz Seipel.[75] Yet, to conceive of such putative parallels between Raab and Figl on the one hand and Lueger on the other underscores the vast

[74]See Charles E. Merriam and Louise Overacker, *Primary Elections* (Chicago, 1928), 355.

[75]See the recent portrait of Raab as a shrewd pragmatist in Helmut Wohnout and Johannes Schönner, "Das politische Tagebuch von Julius Raab 1953/1954. Neue Erkenntnisse zu den ersten Jahren seiner Kanzlerschaft,"

historical distance that stood between these men. Karl Lueger ruled the hugely wealthy capital city of a great empire with populist energy, with blatant anti-Semitic posturing, and with sovereign disregard for his Social Democratic opponents, but within a set of fixed legal practices guaranteed by the Habsburg *Rechtsstaat* as a semi-independent administrative world. Julius Raab and Leopold Figl, in contrast, were hostages to Cold War *Proporz* politics set in the small Austrian Republic, a state whose now diminished capital city was again firmly controlled by the Social Democrats and in which bipartisanship in defense of the Republican *Rechtsstaat* was mandated by the lack of any plausible alternatives.

This, too, was a heritage of the chaotic but impressive emergence of mass political democracy sponsored by the Christian Socials and Social Democrats in 1907, and it must count as one of the great ironies of Austrian history that the state (the Second Republic) that finally presided over the Austrian citizenry's assemblage of a stock of genuine democratic political practices had to be governed on the basis of a shotgun coalition marriage between the Red and the Black *Lager* from 1946 to 1966. The Catholic and Socialist "Internationals"—to borrow Hermann Broch's image of the two nonnationalist hegemons of fin-de-siècle Vienna—who once fought for control of a huge empire were now forced to share the same small house and its well-worn furniture, all the while grudgingly respecting the right of each other to exist.[76]

In the end, more or less memory, more or less guilt aside, the Austrian polity by the 1970s was able to sustain Charles Merriam's code of democratic practices much more effectively than one might have thought possible in 1945 (or 1934, for that matter), and that fact may suggest that Karl Seitz's hopes about the long-term efficacy of the great ambitions of imperial politics, offered in the old hall of the *Abgeordnetenhaus* in December 1945, were not entirely misplaced.

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[76]Hermann Broch, *Hofmannsthal und seine Zeit. Eine Studie* (Munich, 1964), 71.