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CROATIAN POLITICAL DISCOURSE OF 1861 AND THE KEY CONCEPTS OF THE NINETEENTH-CENTURY PUBLIC DEBATE

I INTRODUCTION

The events in the Habsburg monarchy after 1859 were undoubtedly of key significance to the political and social changes in Europe. Austria's defeat in Italy and the proclaiming of a united Kingdom of Italy, the central budget's enormous debt, German tendencies towards unification – it all contributed to the upsetting of the position of Austria and forced the emperor to give up absolutist rule over the country. For all countries making up the monarchy, the constitutional era, which began in 1860, marked a period of political changes, debates concerning the definitions of the public sphere and autonomy as well as what is most important for the functioning of political communities, that is, setting goals and methods of accomplishing them. This article focuses on the shaping of the framework of public debate in Croatia in the second half of the nineteenth century. My claim is, and I shall try to substantiate it, that they were formed in 1861, over the course of the discussions resulting from the need to establish new political order in the monarchy.

I am using the concept of framework as a metaphor which makes it possible to understand the way of conducting and limiting the negotiation of social meanings by public actors. Thus, the subject of the present analysis is not a dialogue of philosophers or sociologists representing the position of secondary and generalising analysis of social messages, but the propositions of participants in political life who have positioned themselves as ideologists informing the quality and contents of polemics related to defining political objectives.

The session of the parliament in Zagreb (*Hrvatski Sabor*) in 1861 was a landmark for Croatian politics of the nineteenth century.¹ The point is not so much the actual decisions, whose outcome was a packet of acts changing the legal conditions of the functioning of the Croatian autonomy, because none of the bills were accepted by the emperor and the parliament was dissolved before its time. Thorough reforms were not carried out and the change of the system in comparison to the era of absolutism was only a seeming change; all decisions concerning modernisation were taken and implemented only in the 1870s, after the relations between Croatia and Hungary had been stabilised and at the time when Ivan Mažuranić was the ban (viceroy). For Croatia, the constitutional era was in the first place an opening of public debate and the establishing of its participants' positions. The emperor's rulings from 1860 and 1861 only marked the beginning of the political road. Croatia, like other Crown lands and hereditary states, had to define its position and stabilise its relation both toward the Vienna government and other constituent units of the monarchy, as well as define its stance and interests in regard of the ideas of liberalism and nationalism. The year 1861 did not in fact mean a new beginning because the 1850s were not an era of oblivion. Rather, they ought to be approached as a decade in which disputes and positions from 1848–9 were put aside; they were revived under the new circumstances that the Habsburg monarchy faced after 1859. This is precisely why the years 1860–1 were of key importance: this is when the debate over political goals and collective identity, which in fact lasted until 1918, begins

¹ The best description of historical and political context can be found in Mirjana Gross and Agneza Szabo, *Prema hrvatskome građanskom društvu. Društveni razvoj u civilnoj Hrvatskoj i Slavoniji šezdesetih i sedamdesetih godina 19. stoljeća* (Zagreb, 1992), 21–157; and in the dissertation by Waclaw Felczak, *Ugoda węgiersko-chorwacka z 1868 roku* (Wrocław, 1969). For a broader context of the Habsburg monarchy and the relation to the nationality issues, and the concepts of Habsburg state, see Henryk Wereszycki, *Pod berłem Habsburgów. Zagadnienia narodowościowe* (Cracow, 1986); Hans P. Hye, *Das politische System in der Habsburgermonarchie. Konstitutionalismus, Parlamentarismus und politische Partizipation* (Prague, 1998); Jean Berenger, *Histoire de l'empire des Habsbourg 1273–1918* (Paris, 1990). For the Croatian context, see, in particular, Nikša Stančić, *Hrvatska nacija i nacionalizam u 19. i 20. stoljeću* (Zagreb, 2002); Petar Korunić, *Rasprava o izgradnji moderne hrvatske nacije. Nacija i nacionalni identitet* (Slavonski Brod, 2004); Igor Karaman, *Hrvatska na pragu modernizacije (1795–1918)* (Zagreb, 2000).

in Croatia.² The year 1848, the abolition (merely declarative, after all) of the feudal system and the stimulation of other social classes than the nobility, by then the only 'political' stratum, was so short-lived that it did not manage to create a civil community. The chance for this to happen, with all the obvious reservations resulting from the curial electoral system and the peasant class not being prepared to take part in public life, appeared in 1861.

I should therefore think that in the period under study the ground was set for Croatia to become a civil community, a political society defined by the identity of a project.³ This is where my analysis enters, concentrated on the question of what were the actual conceptualisations of Croatia's situation that appeared within the framework of political discourse, and how were they related to the general context of transformations in the Habsburg monarchy. The particular character of this state situated political communities, defining themselves in 1861, in relation to the aforementioned reference points: the Vienna government, Pest – as far as the Lands of the Crown of St Stephen are concerned, and to its own national narrative. Local parliaments, revived in 1860, were transformed, with some contribution from the press, into forums for negotiating various solutions for this tangle of relations. It is worth considering – and this will be the

² Beginning with the 1860s, discussion intensified in Croatia on key issues related to national identity and on setting the political objectives; the discussion focused around relationship with the Serbs, stance toward Hungary, relations with Italy, the question of Dalmatia and Bosnia, etc. The 1861 debate set the beginning of new practices in the public sphere, which is connected with a number of factors such as the heyday of the press, emergence of cultural and political institutions in Croatia and Slavonia, parliamentary debates held on a regular basis. Cf. Gross and Szabo, *Prema hrvatskome*, 157–81; Petar Korunić, 'Etnički i nacionalni identiteti u Hrvatskoj u 19. stoljeću – i izgradnja modernih zajednica', in Hans G. Fleck and Igor Graovac (eds.), *Dijalog povjesničara/istoričara*, vol. 7 (Zagreb, 2007), 49–69. Also, cf. Eugen Pusić, 'La Croatie à la recherche d'une identité démocratique', *Esprit* (5 Mai 1999), 61–79.

³ I follow Manuel Castells in using the phrase 'project identity' as describing a political community whose primary trait does not end at determining its current position but extends to developing the objectives and methods of managing the public sphere based on internalisation of shared meanings. Whilst Castells uses examples such as feminist movement to illustrate the notion, I believe the latter is as well applicable with the nations whose defining of identity was in progress, which was connected with a refurbishment of their respective social structures. Cf. *idem*, *The Power of Identity* (2nd edn, Chichester, 2004). I have used a Polish translation, *idem*, *Siła tożsamości*, trans. Sebastian Szymański (Warsaw, 2009), 23–4.

next step in the present analysis – whether the case of Croatia sheds some light on the functioning of the monarchy as a supra-local and, in a sense, universalistic political organism.

The analytical basis for this article are the texts written by the five key figures on the political scene in Croatia at the time. Each one of them was greatly esteemed in 1861; on the other hand, they all – except for Ivan Mažuranić – belonged to the generation that entered political activity after 1849 and thus was not entangled in the negative aspects of the feudal order. Moreover, each one of them later became an icon (in the semiotic sense) of a particular political stance, as well as a recognisable metonymy of a movement which originated mainly from speeches in the parliamentary and public debates in 1861. Ante Starčević entered his adult life as a follower of the Illyrian movement; for some time he worked with activists in the cultural and scholarly communities in Zagreb. However, after a few setbacks in his career, he quit his cooperation with pro-Yugoslavian activists who dominated in Croatian cultural institutions, and took, in 1861, a strong stance in support of Croatian exclusivism. Eugen Kvaternik was a lawyer, who, following a conflict with the Habsburg authorities, emigrated to Russia, where he received citizenship, and later lived in Italy and France, going for short visits to Croatia. He died in 1871 during a failed and rash attempt to start a Croatian uprising against the Habsburgs. Josip Juraj Strossmayer was appointed bishop of Bosnia and Syrmia in Đakovo in 1849 by decision of Emperor Franz Joseph; as a high-ranking Roman Catholic clergyman, Strossmayer had the right to sit in the Sabor. He moreover administered a wealthy diocese, which allowed him to begin the implementation of a plan to support Slavic artists and scholars. Ivan Mažuranić was the only one of the five people mentioned who played an important role in the events of 1848, and before, he had been acknowledged as a prominent Illyrian poet. In 1861, he was already a recognised politician, close to the court circles, and out of all representatives of Croatia and Slavonia, he had the greatest influence in Vienna. Lastly, Franjo Rački worked closely with Bishop Strossmayer. He was also one of the top scholars in the field of the humanities in Zagreb at the time, his main areas of research being history and law.⁴

⁴ For a comprehensive analysis of the activities of J.J. Strossmayer, see Maciej Czerwiński and Maria Dąbrowska-Partyka (eds.), *Josip Juraj Strossmayer. Hrvatska*.

In the year 1861, the central conflict was set between the unionists, i.e. adherents of a union with Pest, and nationalists attached to Bishop Strossmayer who desired to preserve the autonomy of Croatia. The 'pravash' orientation is not-yet referred to, since Ante Starčević was only gaining popularity, essentially founded upon the stance he advocated in 1861. My intent is, however, not to outline a panorama of the political history of Croatia in the latter half of the nineteenth century; neither am I able to depict all the windings of attitudes assumed by the main actors of the public sphere. This is not the actual purpose behind the research reported on herein; in any case, the literature concerning these issues is rather opulent. This study is, in turn, an attempt at grasping the moment the language was getting formed which imposed certain limitations on the public debate and provided a conceptualisation framework for the Croatian political and cultural situation, regardless of membership in either of the parties. Hence, this analysis will focus on the utterances published in 1861, neglecting the further fate of the authors in question.

II KING AND EMPEROR

Croatian parliamentary speakers and journalists consistently use the term 'king' when referring to Franz Joseph I. This consistency was a sign of Croatian policy since the beginning of the nineteenth century. In this way Croatian political elites tried to emphasise the legal autonomy of their country and its special status of a free kingdom, incorporated into the Habsburg monarchy only by virtue of a personal union and the decisions of Croatian parliament. It seems that the title of 'emperor' was only used when referring to decisions concerning the entire monarchy or its Austrian part (the 'Emperor's

Ekumenizam. Europa (Cracow, 2007). Mažuranić has been written about mainly from the perspective of literary studies; probably the best elaboration on his political facet is, continually, Gross and Szabo, *Prema hrvatskome*. The context of the disputes between the Party of Law and the National Party, between Euro-scepticism and Yugoslavism, has been best described, in terms of history of ideas, by Joanna Rapacka, *Godzina Herdera: o Serbach, Chorwatach i idei jugosłowiańskiej* (Warsaw, 1995). Kvaternik and Starčević have been covered, in the context of the Party of Law, in Mirjana Gross, *Povijest pravaške ideologije* (Zagreb, 1973); and *eadem*, *Izvorno pravaštvo: ideologija, agitacija, pokret* (Zagreb, 2000).

Diploma' of October 20), whereas 'king' was used when referring to Croatian issues ('the king's project' of defining the relations between Croatia and Hungary).⁵ 'Our king', 'our common king' are the phrases Ante Starčević uses when talking about relations between Croatia and Hungary.⁶ Also, in all utterances, the term 'kingdom' (*kraljevina*) is consistently used to refer to Croatia. Starčević is the most telling instance, as he reminds his audience of the Habsburgs' legal right to rule Croatia: "... on January 1, 1527, when our fathers elected the Habsburgs as our constitutional kings".⁷

In this way, Croatian politicians emphasised, first of all, the independence of the Triune Kingdom⁸ – legal and historical, as well as postulated as a political programme. Croatia was seen as united with other parts of the monarchy only by the person of the ruler, who in that state held a royal title. The emphasis put on the title of the ruler and the formal status of the state caused that the sense of ties to the rest of the Habsburg monarchy grew weaker. The terminology used reflects, to my mind, the conceptual framework rendering an interpretation of the situation of the Habsburg countries possible. It turns out that the idea of the Austrian empire as a political community virtually does not appear within it. There are too many examples of

⁵ Cf. Ivan Mažuranić, 'Govor o odnosu Hrvatske prema Ugarskoj, 8. srpnja 1861.', in *idem*, *Sabrana djela*, iv: *Pisma, govori*, ed. Milorad Živančević (Zagreb, 1979), 208–12.

⁶ Ante Starčević, 'Odnosaji kraljevine Hrvatske prema kraljevini Ugarskoj', in *idem*, *Politički spisi*, ed. Tomislav Ladan (Zagreb, 1971), 105.

⁷ *Ibidem*, 111.

⁸ *Trojednica* is an informal functional acronym of the country's official name: 'Kraljevina Hrvatska, Slavonija i Dalmacija' (i.e. Kingdom of Dalmatia, Croatia and Slavonia). The full name has resulted from the historical development of Croatia's statehood since the Middle Ages, and it emphasised the symbolical parity of the three regions on the eve of the process of the formation of the modern Croatian nation in the 19th century. The acronym was in use, in fact, since 1860; before, the formal name that was used was Kingdom of Croatia and Slavonia, while in the historical perspective the three-segment name was used beginning with the 16th century. In the deed affirming the royal title and the rights to the throne for Ferdinand Habsburg in 1527, the Croatian parliament speaks in the name of the Croatian Kingdom (*Kraljevina hrvatska*); cf. Nikša Stančić, 'Hrvatska nacionalna integracija u 19. i 20. stoljeću: ritmovi, ideologije, politika', in Jelena Hekman (ed.), *Hrvatska politika u XX stoljeću* (Biblioteka XX stoljeće, Zagreb, 2006), 21–2 – re. the switch from the name of 'Kingdoms' (*Regna*) to 'Kingdom' (*Regnum*), which was meant to indicate the national integration of Croats.

this in the texts under study to cite them in detail. The monarchy was a cluster of legal and historical organisms, which were autonomous and institutionally established, and one could think that aside from the ruler they had nothing in common. What is more, I do not see a possibility to discursively create a unity, neither theoretical nor through factual legal acts, for the Habsburg state. The discourse presented in the utterances of 1861 is clearly built upon the idea of autonomy, drawing its legitimacy from the idea of Croatia's independence among the other states in the empire. Croatia's independence, in its turn, is founded on independent and autonomous election of a sovereign, which Starčević, again, put aptly thus:

The independence, the sovereignty of a nation is demonstrated to the greatest and full extent in the exercise of this supreme right whereby the nation elects its king and whereby the nation wages wars with other nations.⁹

Thus, it can be clearly perceived why it was at the level of the highest authority that the language of autonomy was so carefully fostered, without leaving room for the idea of political or emotional community beyond the limits of Croatia.

'Our king' is therefore a discursive figure and an allegorical category. As a figure of discourse, it constitutes a semantic node referring to the idea of Croatia's independence and the autonomy of the constituent countries of the monarchy, the idea of the country's own space enclosed by the Drava, the Sutla and the Adriatic Sea, and a foreign space beyond these borders. Vienna is therefore also within the foreign space, as it was the seat of the emperor, not of 'our king'. A discursive differentiation between the figure of 'our king' and 'Vienna' – perfidious and hypocritical – was proposed by Starčević, which can be considered as an attempt at creating the concept of a sovereign as a figure that belongs to no nation or country. The differentiation between 'Vienna', that is, the imperial court, and the emperor/king himself, allows for maintaining an ideological construction of Croatia's independence as a kingdom, which enjoyed the most important attributes of power, i.e. its 'own' ruler (the king) and legislative body (the Sabor).¹⁰ As a category of discourse, 'Vienna'

⁹ Starčević, 'Odnosaji kraljevine Hrvatske', 107.

¹⁰ Cf. *ibidem*, 194.

became a foreign place, which made it easier for most members of parliament to accept the option of rejecting the cooperation with the Imperial Council in Vienna, and opting for political ties with Hungary. This solution does not infringe upon the supremacy and prerogatives of the ruler, 'our king', who was also the king of Hungary, whilst also placing the Triune Kingdom formally outside of Viennese court's claims. Therefore, if Ivan Mažuranić addressed Franz Joseph I as 'Your Imperial and Royal Apostolic Highness' and ended his speech with the cry, "long live our gracious king and sovereign Franz Joseph I!",¹¹ he did so not only in accordance with the new obligatory title in the dualistic monarchy (I am referring here to the ruler's visit in Zagreb in 1869), but also in compliance with the premises of political discourse and conceptual framework, determining the possibilities of interpretation of the relations between the seat of central power in the monarchy, on the one hand, and particular constituent countries and the figure of the ruler, on the other. For Croatian politicians, the Habsburg ruler is the king of Croatia; in their utterances of 1861, they behaved as if they situated themselves outside of the monarchy's dualistic polarisation, should 'dualism' be understood in terms of a conflict of the Viennese and (Buda)Pest hubs.

Eugen Kvaternik's project was the most radical in this respect. In paragraph 6, section delineating the Triune Kingdom's relation to Austria, we read:

The Austrian emperor rules in the Croatian state not as such, but only as a constitutional and legitimate king of the whole Croatian Kingdom, that is, Dalmatia, Croatia and Slavonia; and this not only by virtue of the basic acts and old constitutional laws of this Triune Kingdom, the laws and acts which by the force of law bound the Habsburg-Lorraine house long before the introduction of the title and position of 'Austrian emperor', but also by virtue of the international act that established and declared the introduction of the title and position of the Austrian emperor in Croatia and Hungary, an act issued on August 17, 1804.¹²

The author of the project emphasises that on the territory of the Triune Kingdom, the monarch rules exclusively as a king, the imperial

¹¹ Mažuranić, 'Govor o odnosu', 213.

¹² Eugen Kvaternik, 'Govor Eugena Kvaternika u Saboru Trojedne kraljevine dne 18. lipnja 1861.', in *idem, Politički spisi*, ed. Lerka Kuntić (Zagreb, 1979), 383.

title is honoured, in a sense, by way of courtesy; the coronation act of Francis II (I) was considered a guarantee of the right to the royal title.¹³ Thus, the royal title sanctioned Croatia's legal autonomy, legitimising the category of statehood or state autonomy, which was key to Croatia's national ideology and was strongly emphasised despite the actual ties with Hungary.¹⁴

III 'AUSTRIA' AND THE EMPIRE

Concerned about the status of the Habsburg dynasty and its monarchy, Francis II proclaimed the Austrian Empire in 1804 in response to the threat of an annihilation of the Holy Roman Empire by Napoleon. The imperial title referred to all the lands ruled by Habsburgs, and in practice, this is how it was used – although in Hungary and Croatia, it was used with respect to the ruler only, rather than to these respective territories. All the same, the empire did not constitute a centralised political organism in 1804, and individual lands were only united under the common ruler, who moreover exercised his rule by virtue of different legal titles, and used different titles.¹⁵ Thus, the imperial title posed serious problems. Firstly, it assumed the unity of the states as a political project and as a common space

¹³ *Ibidem*, 384.

¹⁴ See Maciej Falski, 'Oficjalne ramy pamięci społecznej w Chorwacji', *Pamiętnik Słowiński*, lx, 2 (2010), 35–49. State autonomy, as guaranteed by the privileges reconfirmed by the subsequent rulers, collectively categorised as the *iura municipalia*, was the pillar of Croatian political autonomy; cf. Ivo Banac, *The National Question in Yugoslavia: Origins, History, Politics* (Ithaca and London, 1984), 74; Dalibor Čepulo, 'Building of the Modern Legal System in Croatia, 1848–1918, in the Centre-Periphery Perspective', in Tomasz Giaro (ed.), *Modernisierung durch Transfer im 19. und frühen 20. Jahrhundert* (Frankfurt am Main, 2006), 47 ff. It is worth adding that consideration of a king's right to the throne and the relationship between the (Habsburg) king and the Croatian nation were extensively dealt with by the texts in question; it was a key issue particularly for Starčević and Kvaternik.

¹⁵ The Habsburg project was of a dynastic nature and did not refer to, or evoke, any idea of Austrian or Austro-Hungarian nation. Bernard Michel mentions, downright, a 'distrust' for any national idea. See *idem*, 'Autriche-Hongrie, légitimité dynastique, légitimité nationale', in *idem et al.* (eds.), *L'Europe des nationalismes aux nations: Autriche-Hongrie, Russie, Allemagne* (Regards sur l'Histoire. Histoire Contemporaine, 110, Paris, 1996), 7–74.

of internal order, which of course was not true at the time of the proclamation and, until the end of the state's existence, was a source of internal conflict. The 'Austrian Empire', if it were to be something more than just an empty name with a doubtful referent, had to acquire factuality in the form of common institutions, legal solutions, uniform economical space, and so on. However, the first period when attempts were made to introduce centralistic solutions was the one of the so-called Bach's absolutism (1849–59), which was seemingly considered by all circles of political elites in Habsburg countries to be the most difficult era in their history. The regime sparked lively criticism after 1859 and, in consequence, a wave of demands for the abolition of centralising decisions and reinstatement of the autonomy prerogatives of the individual states' autonomy, especially the provincial diets.

In utterances from 1861, the name 'Austrian Empire' seldom appears. It is not surprising that Ivan Mažuranić used it, as he was a pragmatic politician with close ties to Vienna (in 1861, he was the leader of the Croatia-Slavonia court dicastery¹⁶). As Mažuranić once wrote:

The November Diploma requires us and Hungarians to acknowledge the existence of certain central issues which concern all lands of the Austrian empire in equal measure, and to have a say on these issues along with the other Austrian nations.¹⁷

It is thus clear that the idea comes out here of the empire as a superior organism, a certain political and legal whole which comprises all countries to which the Habsburgs have a right. The Croatian politician acknowledges the existence of 'certain central issues' that are common to the entire monarchy. We would thus have an idea of a certain entity taking over the prerogatives of the Croatian kingdom and accomplishing meta-tasks in relation to local issues. Elsewhere, however, Mažuranić contraposes the concepts of 'Austrian Empire' and

¹⁶ The *Hrvatsko-slavonski dvorski dikasterij* was a council created in December 1860 to manage internal and external affairs of the Triune Kingdom and represent it in the Imperial Council of Ministers. In 1862, it was turned into a Royal Chancellery for Croatia and Slavonia (*Kraljevska hrvatsko-slavonska kancelaria*), which operated until 1869. Ivan Mažuranić was its first chancellor (until 1865).

¹⁷ Mažuranić, 'Govor o odnosu', 210.

'Hungarian Kingdom', mentioning the ambiguous relations between these units and concepts. It seems that the conceptual structure did not keep up with the political reality or did not wish to acknowledge it, and in any case, the juxtaposition (Mažuranić uses the preposition *prema* = '[viewed] against') reflects the key conflict in the monarchy regarding the separation of the functions and prerogatives of central organisations (adhering to the idea of the empire) and country or land ones (advocating the idea of a kingdom, Hungarian or Croatian, or any other).¹⁸ In the end, the contention between Vienna and Budapest led to the sanctioning of dualism because it concerned the most powerful country in opposition to the centre. And, it extended to Croatia – seen as one of the Lands of the Crown of St Stephen – to no lesser an extent. Centralisation – interrelated, in the sphere of ideas and discourse, with the presence of the name 'Austrian Empire' – violated, on the other hand, the historical autonomy of the Triune Kingdom and the foundation of its independence and identity. I believe that this relation confirms the dualism of the titles 'our king'/'emperor', which has been analysed above.¹⁹

'Austria' appears in the texts under study also as a term with a broader meaning. Depending on the context, it can mean the hereditary countries of the Habsburgs as well as the lands of the Crown of St Wenceslas – that is, the part of the monarchy which was called Cisleithania after 1867. It can mean the Austrian Empire, i.e. the monarchy as a political whole bound not only by the ruler but also by a common interest. Finally, it can mean the Viennese government and the coteries gathered around it, which portrayed their own interests and goals as common, public ones. It was Austria in this sense that Starčević talked about:

¹⁸ The competences of Croatian authorities was one of the central threads of the idea of Triune Kingdom's autonomy; cf. Čepulo, 'Building of the Modern Legal System', 52 ff.

¹⁹ The issue of titles first appeared, with all its might, during the revolution of 1848–9, cf. Tomislav Markus, *Hrvatski politički pokret 1848.–1849. godine: ustanove, ideje, ciljevi, politička kultura* (Zagreb, 2000). The Sabor's Article 42 of 1861 refers to the ruler exclusively as 'king', a 'king's' (*resp.* royal) letter is mentioned, *etc.* – without ever mentioning the emperor's title; the Sabor admitted that Croatia had no common interest with Austria whatsoever. See Trpimir Macan, *Hrvatska povijest: pregled* (Zagreb, 2004), 165; for the content of Article 42 see *ibidem*, 163–5.

Gentlemen, the Austria that I am now talking about is a bunch of Viennese sycophants and hypocrites, who sow discord between our king and his nations, who have brought our king and the nations of Austria to a terrible condition.²⁰

Such take on the matter might seem too plain, but it also shows the third possible understanding of the category of 'Austria'. It is an important issue: if we are talking about a community of goals, who defines them, and in what a way? The 'Austrian Empire' drew its legitimisation from the ruler's right to the thrones of individual constituent lands, but in the period after 1861, once the question of identity, language, and the right of the nations to decide and govern their own destiny gained in importance, the previous argument for monarchy would no more suffice, whilst the issue of prospective interest would gain a novel and quite essential meaning. Modern nation states, for which France became the prototype, tried to present the interest of the centre, the government or the dominant elites, as the interest of the nation-citizens, invoking the idea of 'the people', a community prior to political ties. In Austria's case, however, this was impossible. In Starčević's speech, Austria becomes, in a rather blunt way, a project of Viennese political and economic elites. Since if we assume the figure of 'our king', expressed also in the quoted excerpt, we would have to assume this king's autonomy from the Viennese government and attribute to him efforts for the good of the Croatian nation, but also – cognately – for the Hungarian or Czech nation. Only the Viennese court coterie remains in the battleground, the only group to represent 'Austria'.

The difficulty lies in the obvious impossibility of maintaining the multifaceted figure of the ruler. In what way could he possibly separate the Croatian king and the Austrian emperor in his actions? Especially that, as Kvaternik points out, it was Austria – that is, in fact, the Viennese centre – and not any of the state organisms constituting the mosaic of hereditary and Crown lands of the Habsburgs, that was the subject in international relations.²¹ A key problem, fully noticed by the historians of the Habsburg monarchy, is made visible here, to my mind. In 1861, in all of the Habsburgs' countries a frantic process was occurring, with varying strength, of defining communities based

²⁰ Starčević, 'Odnosaji kraljevine Hrvatske', 104.

²¹ Kvaternik, 'Govor Eugena Kvaternika', 371.

on ethnicity, which was accompanied by setting their political goals. Still, the Habsburg monarchy framework was accepted, in most cases until World War I, with demands of full independence appearing rather rarely – the Croatian, Slovenian or Slovakian cases being illustrative.

Connected with the use of the name 'Austria' is also the consciousness of the monarchy's division into two parts: Austrian and Hungarian, which is clearly visible in the Croatian politicians' utterances. Mažuranić speaks about this directly, regarding dualism as detrimental to Croatian interests.²² It is also clearly demonstrated by a Sabor bill written by Eugen Kvaternik.²³ Namely, Kvaternik proposed a law to regulate the situation of the Triune Kingdom in relation to Austria and Hungary (*Ugarska*). The author refers to historical laws, especially to the decisions of the 1712 pragmatic sanction of the Croatian parliament, as well as the coronation act of Francis II, 1804, claiming that Croatia was not related, in any fashion whatsoever, to any other 'crown' or kingdom that was part of the possessions of the Habsburgs – and what he obviously has in mind is Hungary. He is then clearly pressing the idea of a personal union, which is shown by the guarantee to the Sabor of having complete control over the Croatian throne, in the event that "the dynasty ruling over us were deprived of Austria".²⁴ Kvaternik's reflection confirms the conclusions elaborated at the earlier stages of the analysis. Croatia was to be seen as an entity autonomous from the other Habsburg lands, but also autonomous from Austria itself. Let it be reminded that this is not a matter of merely symbolic issues (the emphasis on sovereignty of the Croatian nation), but also another illustration of the lack of common interest between 'Austria', i.e. the Vienna circles, and the local elites.

The crisis in the relationship between the ruling house and the interests of Austrian aristocracy, on the one hand, and Hungary, on the other, erupted several times after the Treaty of Karlowitz (1699) and took on the most dramatic shape in 1848–9. Albeit the dualistic order was formalised only in 1867, the Vienna–Hungary conflict was more than obvious for the politicians of the entire monarchy. Here we are interested in a particular aspect of this conflict, which completes the analysis done so far. I am namely referring to the fact that such

²² Mažuranić, 'Govor o odnosu', 211.

²³ See Kvaternik, 'Govor Eugena Kvaternika', 380–408.

²⁴ *Ibidem*, 385.

obvious presence of dualistic vision of the state reflects its internal lack of order and unity; in other words, it confirms the fiction of political goals that would be the basis for defining common policies on the state level. It turns out again that 'Austria', the 'Austrian Empire', is only a certain project connected with the Vienna elites. Croats, Czechs and Poles had to take a stance against the dominant contention, and the best expression of the attempt at determining it is Eugen Kvaternik's bill. The Triune Kingdom appears there in opposition to both Hungary and Austria: it acknowledges a certain community with both of these political entities, while at the same time affirming its autonomy. Kvaternik's bill could not be enforced at that moment, for the obvious reason that it too plainly violated the supremacy of the royal house and 'Austria'; yet it sets out quite well the future development of the situation, at least in Croatia. For the purpose hereof, it is important as well, or perhaps primarily, that there was no sense of a bond with the Austrian state, which was manifested with full strength. The 'Austrian Empire' and 'Austria' are, at the most, 'not our' formations, and in the worst case, they are foreign and hostile (as in Starčević). Everything unfolds in Kvaternik's bill as if 'our king' did not represent Austria. Nay, after its potential collapse, he could count on the Croatian crown.

The Croatian discussions leave no doubt as regards the fact that in the constitutional era a very clear sense of national, legal and political autonomy of Croatia was taking shape, becoming the basis or even making it necessary to define the Croatian identity as the common goal and community of interest. It could not be Austria or the empire – the categories opposing the Croatian position. What is more, conditions favourable to the integration of Habsburg lands around the idea of empire or 'Austria' did not develop under the circumstances of internal tension and constant danger of disintegration. On the contrary, the state of affairs basically forced local politicians to find their own way. The constitutional era would become the catalyst for differentiating the local elites.²⁵

²⁵ 1861 saw the national stance dominating in Croatia; in the following years, though, there occurs a clear disunity between the liberal current, which was open to cooperation with Vienna, and the conservatives and nationalists. For more on the differentiating trends among the monarchy's political elites, see Maciej Janowski, 'Kozy i jesiotry. Uwagi o specyfice liberalizmu w Europie Środkowo-Wschodniej między rewolucją francuską a I wojną światową', *Roczniki Dziejów Społecznych*

IV THE CONSTITUTION

The October Diploma of 1860 as well as the February Patent from 1861 open a period sometimes called the Constitutional Era in the Habsburg monarchy. The constitution of 1848 basically never had the chance to come into force and was eventually suspended in 1851, while in the titles of deeds promulgated by Franz Joseph I the name 'constitution' was not used for fear of associations with liberal democratic reforms. The expectations of the monarchy's political elites became clung to these acts, however, as fundamental documents containing solutions for the political system, because in the situation at the time, a reform of the state seemed necessary. Let us now consider how the term 'constitution' (*ustav*) was understood in Croatia and how it functioned in the local political discourse.

Let us first juxtapose two quotations. Mažuranić said:

By virtue of the imperial diploma of November 20, the Constitution [*ustav*] has been reinstated both in the Hungarian Kingdom and in our Triune Kingdom;²⁶

whilst Bishop Strossmayer opined that:

The old constitution [*starodavni ustav*] has grown into the heart of each true Croat, and who breaks his constitution, he breaks his heart as well; this is why, Gentlemen, we all agree that the brotherly treaty we wish to conclude with the Hungarian nations [*s ugarskim narodima*] has no other goal than to warrant constitutional freedom for us and, likewise, for them.²⁷

In the cited passages, the term *ustav* refers to two different legal traditions. Mažuranić makes a reference to the political life of the Habsburg monarchy and directly refers to the events of 1848 when the Habsburg state first received a constitution, though a bestowed one. Constitution is understood here as the primary act, that is,

i Gospodarczych, lvi–lviii (1996–7), 69–92; for a more extensive elaboration, covering the later period, cf. Carl E. Schorske, *Fin-de-siècle Vienna: Politics and Culture* (New York, 1981). I have used a Croatian translation, *idem*, *Beč krajem stoljeća: politika i kultura*, trans. Nikica Petrak (Zagreb, 1997).

²⁶ Mažuranić, 'Govor o odnosu', 208.

²⁷ Josip J. Strossmayer, 'Povijest državnopravnih odnosa između Hrvatske i Ugarske i njihovo buduće uređenje', in *idem* and Franjo Rački, *Politički spisi*, ed. Vladimir Koščec (Zagreb, 1971), 98.

the main document determining the foundations of a political system and the authorities' competencies, as well as the rules in compliance wherewith the state should function. At the same time, the whole debate taking place at the Zagreb parliament was connected with the ambiguous legal status from before the era of absolutism. The 'constitution' could mean either the basic law imposed by the emperor/king, or the legal acts passed, without the final acceptance by the king, by the parliaments of Croatia and Hungary (in 1848).²⁸

However, regardless of the lawgiver's motivations, a 'constitution' means the basic way of regulating legal relations, and in the case of the Habsburg monarchy, also the place of individual constituent countries within the system of mutual bonds and relations to Vienna. Primary acts were nonetheless passed by the emperor/king, as they were meant to be in force in the entire monarchy; again, characteristically, the term 'constitution' was avoided in titles of such documents as the New-Year's-Eve Patent, and then the February Patent, or the October Diploma. Based on the speeches under analysis, there also clearly appears a spectrum of stances treating the notion in terms of intervention of an external law with respect to the Croatian system and an act subordinating Croatia to the monarchy, which means, depriving it of its basic aspect of sovereignty. The spectrum of stances spans from criticism and indignity in the face of such interference (as in Starčević) to pragmatic acknowledgment of the fact (Mažuranić). Also, the constitution on the level of the Habsburg monarchy was considered an external act, not belonging to the tradition of law enacted by Croats themselves, and because of that, its acceptance or identification with it was rendered difficult. One could come to the conclusion that for this reason the two deeds from the Constitutional Era regarding the political system were almost not discussed at all, unlike the demand addressed by the king to the parliament in Zagreb, for it to define Croatia's relation with respect to the Hungarian Crown. As can be easily perceived, all four texts, emblematic for the period under study in Croatia, concern precisely the relation between the Triune Kingdom and Hungary.²⁹

²⁸ Cf. Mažuranić, 'Govor o odnosu', 209–10; for a discussion of the legal acts of 1848 and 1860–1, cf. Gross and Szabo, *Prema hrvatskome*, 121–3.

²⁹ Cf. Dalibor Čepulo, 'Zakonodavna djelatnost Hrvatskog sabora 1861. – autonomija, modernizacija i municipalne institucije', *Pravni vjesnik*, xviii, 1–2 (2002), 145–54.

Meanwhile, bishop Strossmayer invokes the 'old constitution' (*starodavni ustav*). Let us also look at the following passage from an utterance of Franjo Rački:

Because if anywhere in the world law gives a guarantee, then, for our nation, there cannot be better guarantees of its old legal system [*starodavni ustav*] than this solemn bilateral agreement, the pragmatic sanction.³⁰

In this case, '*ustav*' ought to be comprehended as the body of the essential legal acts of the Triune Kingdom, guaranteeing and defining its sovereignty, rather than as a single deed such as constitution; thus, *starodavni ustav* is the 'old legal system', and this term should be explained in a descriptive way. Significantly, in the context of this term, four authors – Kvaternik, Strossmayer, Rački and Starčević – consistently list a series of resolutions of the Croatian estate-based parliament, which were supposed to prove its sovereignty. Of course, these politicians do not wish to restore the feudal system; on the contrary – all four of them, regardless of their different worldviews (and to the highest degree Mažuranić), are striving for the introduction and strengthening of changes that liberalise the old feudal system. The heart of this concept, fundamental as it was for Croatian political discourse of the nineteenth century, is the idea of sovereignty and of primacy of Sabor's rulings over any other decrees. As Rački puts it elsewhere:

During the sessions of the Parliament of the Triune Kingdom, debates were held and decisions taken on everything that concerned the political life of the Kingdom's inhabitants, and the acts were affirmed directly by the king.³¹

Thus, we can understand why every act concerning the political system, issued by Vienna for the entire monarchy, came across with distrust and anxiety in Zagreb. Every constitution meant as a fundamental

³⁰ Franjo Rački, 'O državnom odnosu između Hrvatske i Ugarske', in Strossmayer and Rački, *Politički spisi*, 337. It has been very frequently emphasised in Croatian historiography that the Sabor ratified the pragmatic sanction, guaranteeing the Habsburgs inheritance of the throne also in the female line, in as early as 1712, regardless of the decision of the Hungarian parliament and much earlier than the latter legislative body (Hungarians ratified the sanction in 1726). In exchange, the king affirmed the privileges of the kingdom. In 19th century, this act was considered legal evidence of the sovereignty of Croatia, especially in terms of autonomy of its decisions from Hungary.

³¹ Rački, 'O državnom odnosu', 345.

law regulating the matters of the whole monarchy limited the prerogatives of local parliaments. It was an external act in the context of Croatian debate, a decree promulgated by the emperor, not the king. The 'old legal system' described above can be compared rather to the parliamentary system where the ruler has veto power, but the state's sovereignty is not violated by calling upon the supremacy of any external act. The Habsburg constitution, regardless of its motives and actual rulings, had to be felt as a restriction of Croatian sovereignty. The Croatian politicians nevertheless took a pragmatic position. By rejecting the extreme postulates of Ante Starčević and Eugen Kvaternik, they resolved to consider the emperor's/king's demand and to set in an order the relations with Hungary. Such was the resonance of the famous Article 42 of 1861, which comprised the rulings and a summary of the deliberations: a separate status of Croatia was highlighted there, as was the sovereignty of the laws of the Triune Kingdom – along with recognition of the necessity to enter into a settlement with Hungary.

V

NATION (THE PEOPLE)

Nation (the people) is the last concept I deem to be crucial. In the Croatian, and generally South Slavic, context, the two words are necessary because they reflect the original polysemy of the term.³² In the older use, still dominant in the nineteenth century, the range of the term 'nation' covers the meaning of the word '(the) people' as well as 'nation'.³³ The change in meaning was becoming more pronounced in the mid-nineteenth century when debates over civil rights, social contract and separation of powers, connected with a new era in public debate that was opened after the French revolution, finally began in Croatia. New problems and political projects required new vocabulary. Studying the framework of the discourse yields rather interesting results in this respect.³⁴

³² See Jolanta Sujecka, 'O pojęciu naród w bałkańskim kontekście kulturowym', *Slavia Meridionalis*, 7 (2007), 157–68.

³³ The modern Croatian has restricted and 'keened' the scope of this noun: *narod* is used to describe 'the people' whilst the noun *nacija* stands for 'nation'.

³⁴ I have covered the defining of Croatian national identity in a book dealing with the period preceding World War I, see Maciej Falski, *Porządkowanie przestrzeni narodowej – przypadek chorwacki. Studium z historii wyobrażeń kulturowych* (Warsaw,

Eugen Kvaternik's speech presenting the bill is evidence that a modern national community, definable in terms of a community of identity and goal, was under formation. The bill's preamble³⁵ refers to an agreement which would be put in place as the fundamental state law of the Triune Kingdom, established between the ruler (called the king) and the nation (the people). Paragraph 2 states that the law shall be in force "until the king and the nation do not amend or revoke it in a manner provided for in the constitution". This shows that Kvaternik establishes the nation as an equal partner to the ruler. This is an unheard-of move, given the Croatian politics of the time, as until then a far-reaching servility had been kept in statements addressed to the king or concerning him, not in the least part questioning the supremacy of the monarch's power. Kvaternik, on his part, surely drew on the heritage of the French political debate, which he found quite familiar. Like Starčević, Kvaternik unconditionally considers the Croatian nation to be a political body endowed with a legal personality. Moreover, paragraph 1 summarises the historical background of the relations between Croatia and the Habsburgs. The narration of the past is based on the consistent belief that it was the Croats who voluntarily elected the Habsburgs to the throne in 1527, and were the first ones to accept the pragmatic sanction, in as early as 1712 – that is, before the Hungarian parliament decided to do so. Both events were to serve as proof that Croats made autonomous political decisions, without considering Hungarian decisions. The phrases 'free will' and 'voluntarily' appear several times in this passage. Thus, the freedom to make decisions and equality between the two sides of the relations are continually emphasised. One should keep in mind the idea of Croatia's legal sovereignty, as described before, which expressed itself in the fact that Sabor's decisions sanctioned by the king were the only source of law in the kingdom's territory. In this ready-to-use matrix of ideas, the place of the estate-based parliament, i.e. a feudal body, would be taken by the nation during the Spring of the Nations; Kvaternik's 1861 speech is the best evidence of this.³⁶

2008). The ways in which the Croatian case is representative for Slavonic nations within the monarchy and is unique at the same time, are discussed e.g. by Stančić, 'Hrvatska nacionalna integracija'.

³⁵ Kvaternik, 'Govor Eugena Kvaternika', 380–1.

³⁶ In the most important Croatian document of 1848 titled *Zahtjevanja naroda* [The demands of the people], the political entity is described as "we, the Slavonic

In each speech, there returns the basic idea that it is the nation/the people that is the source of the law and that it is its interest that should determine the direction and content of laws being passed. Strossmayer says that “each nation knows its needs best and in accordance with them establishes its laws”, whilst the most precious value is *narodnost*, which should be translated as national identity. A community, represented by the parliament, becomes the highest good and the source of law. This approach is in accordance with the idea of natural law, which considers the existence of nations an original and ‘natural’ phenomena, while their right to existence and self-governance would be the key expression of this idea. It is this approach that Ivan Mažuranić clearly takes, but it is just as clear in the case of other authors.

Reference to historical law, so characteristic of the Croatian political debate of the nineteenth century, is rather, as we have seen, an emanation of the right of a nation to self-governance, projected onto past eras. In 1861, circumstances favourable to the transfer of former estate-related privileges, connected with the interest of the nobility, to the entire national community were already in existence. The place of feudal splits was taken by an imagined national community and it was the community that took the earlier privileges for itself.³⁷ The king and the nation became two equal entities. It seems that the end of the era of absolutism and the reinstatement of the functioning of provincial diets became the beginning of the disintegration of the monarchy, in which the relation monarch – subjects (or monarch – the people) was gone, and the relation ruler – nations was established instead. Each of them was a holder of the law. Nations could no longer pretend to live in harmony and concord, which was still possible within the idea of the people/subjects.

The analysis of Croatian political discourse reveals, in a most clear manner, the aporias not so much of the political system of the Habsburg monarchy as such, as of the limits of the mental framework which determined a certain view of the political relations in

people [*resp.* nation] of the Triune Kingdom” (*Mi slavjanski narod trojedne kraljevine*), see the text thereof in Macan, *Hrvatska povijest*, 144–6.

³⁷ Joanna Rapacka describes the process for Croatia in her article ‘Schylek ideologii szlacheckiej w obliczu kształtowania się ideologii narodowej’, in *eadem*, *Godzina Herdera*, 23–36.

the Habsburg-ruled world. The Croatian debate taking place in 1861 focused mainly on the relations between the Triune Kingdom and the Hungarian Kingdom (*Kraljevina ugarska*). It reveals the end of the old feudal mechanisms and a beginning of a new era, where the concept of a nation dominates in the universe of social ideas. Franjo Rački aptly described the change:

Therefore, we, Yugoslavians, in the Triune Kingdom, do not oppose the Hungarian politics [*ugarska politika*], but we are fierce enemies of Magyar [*mađarska*] politics in Hungary [*Ugarska*]. Our fathers so dutifully defended the sanctity and power of their parliamentary assemblies, where at joint sessions with Hungary [*Ugarska*], the new factor of present-day European politics, that is to say, nationality [*narodnost*], was not of an issue. ... Each nation knows its needs best and makes its laws in accordance therewith.³⁸

Thus, an agreement between the two countries was possible earlier because of the cooperation of the political nation, that is the nobility, for whom ethnic issues remained of secondary importance for a long time. Yet, the national factor, as Rački astutely noticed, altered this arrangement diametrically. The nation, conceived as a community of identities, becomes the legal entity and the source of legitimisation. It is the nation that, through its representative bodies, should make laws. The state of the Habsburgs, however, did not fit this vision of social order in any of the described aspects. 'Austria' is a foreign space; the former *Ugarska*, which included the Croatian lands, changes from the Croatian point of view into a *Magyar*, which will be unacceptable for the non-Magyars. The constitution – the fundamental legal act signifying political unity of the state – would be seen as a violation of sovereignty. Decentralising tendencies were strengthened by the historical and legal autonomy of constituent countries, which was from then on interpreted in an ethnic spirit, while the double title of 'emperor-king' revealed the break between the politics of the Viennese centre and the pursuits and goals of constituent countries.

* * *

The present analysis attempts at demonstrating what shape political stances took in the face of the issue of statehood. Determining the country's place within the Habsburg monarchy was the number-one

³⁸ Rački, 'O državnompravnom odnosu', 332 and 347 [emphasised by MF].

task and the condition that was meant to enable the Croats to preserve their specific autonomy and to constitute a modern nation as a political community. Although the Sabor of 1861 formally did not enact any momentous act or deed, save for the aforementioned Article 42, whilst the debate over the regulation of the relationship with Hungary lasted till 1868 (the moment the Croatian-Hungarian agreement was signed), it was already at that point that the vocabulary was defined which was in use in Croatia's public debate until 1918. I believe that political discourse was of primary importance in these processes. It seems that all the authors I have referred to moved within the same semantic field, which can be taken as evidence of the strength of its influence. Albeit Ivan Mažuranić consistently opted for rejecting a union with Hungary and a direct union with Vienna, Kvaternik propagated political sovereignty guaranteed by an 'international agreement' of the Croatian nation with the king, while Rački and Strossmayer advocated a union with Hungary, once this country would complete certain categorical conditions, all these speakers show a similar, consistent way of thinking about the politics of the time and the Habsburg world as such. The Habsburg monarchy as a whole did not constitute a distinct political unit with a common identity, with which Croats wished identify. The nation would become the sole political subject, and its elites would reinterpret the past and the legal tradition in the spirit of ethnicity.³⁹ The issue of defining the range of the term 'nation' would become the most important problem in Croatian political discourse after 1861 – and this particular question would be a factor differentiating the people discussed in this essay, or even sparking a conflict between them.

trans. Aleksandra Michalska, Tristan Korecki

³⁹ The question about ethnic identification: Croatian and/or Yugoslavian, is a yet-different category. Cf. Banac, *The National Question*, 202–14; Aleksa Djilas, *The Contested Country: Yugoslav Unity and Communist Revolution 1919–1953* (Harvard Historical Studies, 108, Cambridge, Mass. and London, 1991), 35–7.