for a settlement, he also attempted to come to grips with the economic and social needs of the population, giving them precedence wherever this was possible. Here he showed understanding for the wishes of the Czechs, and was equally aware of the fact that the situation of the Germans in Bohemia had increasingly deteriorated since 1910. He therefore urged the acceptance of a reasonably supportable partial settlement. With this correct evaluation of the play of forces, Baernreither was more advanced than the other German delegates, but he was unable to win over the influential German representatives to support the conclusion of a limited settlement.

The political work of the legally elected German-Bohemian representatives was also greatly impaired by the competition of extraparliamentary popular organizations (such as the „German People’s Council for Bohemia“, located in Trebnitz near Leitmeritz, and the „Central Office of the German Districts of Bohemia“). With the competing influence of these auxiliary organizations, the political life of German Bohemia offered a depressing picture of fragmentation.

The fundamental issues in the negotiations for a settlement were: (1) national self-determination; and (2) the required unity of the land. The appraisal of these questions by the leading German parties of Bohemia varied.

The understanding which Baernreither strove to attain was supported above all by the party of large landowners. The German Radical Party and the German Agrarian Party also favoured the speedy successful conclusion of the negotiations. The representatives of the other bourgeois parties, however, feared that too broad concessions would be made to the Czechs. The Progressive Party and the All-German Party felt that by adjourning the conferences, an agreement that was more favourable to the Germans could be achieved. With almost prophetic insight, Baernreither warned against adjournment. His premonitions were proven fully justified — the starting point for negotiations was never again to be as favourable as it had been in 1910.

THE FOUNDATIONS OF THE PROGRAM OF THE SLOVAK PEOPLE’S PARTY PRIOR TO 1938

Jörg K. Hoensch

The Slovak People’s Party, founded in December 1918 by the priest Andrej Hlinka from Rosenberg, was soon driven into opposition by the religious policy of the first Czechoslovak government under Kramár. Religious and economic considerations, compounded by personal clashes, led from 1919 on to a dangerous aggravation of the basic differences of view between the „regime Slovaks“ and the Catholics represented by the SPP, on national questions and those of religious and economic policy. By dint of his untiring efforts, Hlinka succeeded in creating a genuine „people’s party“, with a sizeable body of members and voters. This party demanded ever more insistently
"national autonomy" for Slovakia and also introduced in the house of repre-
sentatives in Prague — without success — a number of bills aimed at the
practical achievement of this aim. They called for the transformation of
Slovakia into a self-administered entity within the ČSR, with a parliament of
its own, an independent executive, and full administrative sovereignty. Until
1938, all points of grievance, whether they concerned the national, religious,
administrative, economic or cultural sectors, were concealed under the ge-
ral demand for "national autonomy" and for "realization of the Pitts-
burgh Agreement". The union of the Czechs and Slovaks into a single polity
was up to 1938 not subjected to any fundamental challenge by the SPP. The
broadening of a policy of autonomy into a "policy of sovereignty" in 1938—39
was thus possible only after Hlinka's death and through the active par-
ticipation of neighbouring states that were interested in the dissolution of
the CSR.

It was left to the Party ideologists to fuse into a single entity the religious
and national aspects in order to give the SPP's program the necessary ground-
ing in a Weltanschauung. Still, striking differences can be found in the
views of various Party leaders on the two main components — Catholicism
and nationalism. Tiso, the representative of the moderate wing of the Party,
developed, along the lines of Ignaz Seipel and Othmar Spann's Ständestaat
ideology, a rather unorthodox conservative Catholic doctrine of state and
society; Vojtech Tuka, on the other hand, developed his concepts on the
basis of an aggressive nationalism and the repudiation of parliamentary
democracy.

Though the SPP was never able to win an absolute majority of the Slovak
voters for its program in the elections to the regional assembly or the par-
liament, it nevertheless had strong support among the Slovak people. It was
able to double its share of the vote between 1920 and 1935, but never ob-
tained more than 32% of the vote in Slovakia. Still there can hardly be
any doubt that from the beginning of 1938 on, the majority of the Slovak
people considered the main points of the SPP's program — self-administration
for Slovakia and a broad cultural autonomy — as justified, and gave them
their support.

If the policy of the Czechoslovak government toward Slovakia had been
a little more flexible, a just settlement acceptable to both sides probably
could have been reached up to mid-1937, and certainly up to the end of 1936.
But the shortsightedness of Presidents Masaryk and Beneš prevented the
domestic pacification of Slovakia while there was still enough time. The
concessions made by the Hodža government were too halting, came too latě,
and were too much a response to pressure; they offended the pride of the
Slovaks, were not far-reaching enough, and already contained the seeds of
further new demands. When the government finally came up with construct-
ive proposals in 1938, the domestic and international situation had already
changed so much, under the impact of Hitler's intransigent policy toward
Czechoslovakia, that the SPP could no longer be put off with only limited
promises. The crisis of 1938 brought the latent, smouldering conflict between the government and the Slovak autonomists out into the open. Due to lack of understanding on the part of its opponents, the autonomy policy of the SPP quickly became in 1938—39 a „policy of sovereignty“ of Germanophile nationalists which helped destroy the ČSR in March 1939.

COMMENTS ON THE MUNICH AGREEMENT IN THE GERMAN PRESS

Otto Kimminich

Numerous comments on the Munich Agreement by prominent experts appeared in the German press in 1964 and 1965, particularly in the Frankfurter Allgemeine Zeitung (FAZ). Only a few of them referred to a partitioning of the Sudeten area between Germany and Czechoslovakia (for example, the letters to the editor by Professor Hall /FAZ of 13 January 1965/ and by Professor Schweitzer /FAZ of 19 January 1965/). In all the other comments, the territorial question was rightly relegated to the background, while the most varied aspects of the legal questions involved were discussed.

An astonishing number of authorities on international law and political law have dealt with the Munich Agreement in recent years. The most important comments were by: Prof. Fritz Münch (FAZ of 1 June 1964), Prof. Hubert Armbruster (Die Welt of 30 September 1964), Prof. Otto Bachof, Prof. Günter Dürig and Prof. Ernst Forsthoff (all FAZ of 17 November 1964), Prof. Friedrich Klein (FAZ of 3 February 1965) and Dr. Kurt Rabl (FAZ of 22 February 1965).

All of these scholars agree that the Munich Agreement was reached in a legally valid fashion. They are in almost as much unanimous agreement that the Munich Agreement could not be successfully used by the Federal German Government to make territorial claims against Czechoslovakia at a peace conference. As to the question of violation of the Munich Agreement by the German occupation of the residual Czechoslovak state in March 1939, opinions are divided. Some writers view this as a clear breach of the agreement, without, to be sure, drawing clear conclusions from this with respect to its present legal status. Others point out that the violation of an international agreement does not necessarily make it void ab initio, but merely gives the partner who remains faithful to the treaty the right to abrogate it. The view is also held that the German guarantee obligation could not have arisen in March 1939. Though it is unanimously believed that the occupation of the residual Czechoslovakia was in any case a violation of international law, there is the view that the question of the further validity of the Munich Agreement was not thereby answered, but requires a detailed study according to the rules of treaty law. Reference is made to the problems of the guarantee promise made also by the Western Allies, the abrogation,