

THE BOHEMIAN STAATSRECHT AND THE HOHEN-
WART-SCHÄFFLE CABINET'S ATTEMPT AT A SETTLE-
MENT

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In the period before 1848, Ferdinand II's so-called Revised Ordinance of the Land of 10 May 1627, which secured the legislative right for the King of Bohemia, was in force. The Estates retained the right to approve taxes. From the year 1842/43 on, in the Bohemian Diet, it was especially the high nobility which fought against the absolutist reforms of the government, en-

deavoring to demonstrate that the Estates had retained their rights, in a limited form. In the revolutionary period of 1848—1849, the constitutional rules issued by the Emperor did not take into consideration a special status of Bohemia. In this period the Czechs also paid little attention to the „Bohemian Staatsrecht“ (the demand for the historical rights of the Crown of St. Wenceslas), demanded already before 1848.

Following the neo-absolutism of the years 1851—1859, the October Diploma of 1860 recognized, to some extent, the rights of the Crownlands and their diets. The diets were given back their right to approve taxes, but the actual right of legislation was not granted to them. Only the February Constitution of 1861 created an imperial representation and made the transition to constitutionalism. This meant the predominance of the German middle class, which was favoured by the electoral system, and this led to an alliance of the Czech liberal middle class with the „Bohemian Staatsrecht“ nobility. The adoption of the „Staatsrecht“ program by the Czech liberals proceeded only hesitantly; this is revealed especially by Palacký's ideas of 1865.

The resistance of the Hungarians to Vienna's constitutional unitarianism forced the so-called Austro-Hungarian Compromise of 1867. The Compromise created two states, the Hungarian Crown and the so-called Cisleithania. Bohemia was only one of seventeen Cisleithanian crownlands. This led to an intensive Czech opposition, which was reflected in the radical declaration of 1868 on the „Staatsrecht“. This Czech „Staatsrecht“ radicalism was also furthered by the theory of J. Kalousek.

The Czech opposition to the Cisleithanian Constitution of 1867 was expressed in the withdrawal from the Reichsrat. For this reason Potocki's moderate Cabinet of 1870 attempted, though unsuccessfully, to win the Czechs for the Reichsrat by means of autonomist concessions.

The Hohenwart Cabinet was willing to give Bohemia a far-reaching special status within the framework of the Constitution. In the negotiations with the Cabinet, the Czechs were willing to recognize the Hungarian Compromise, but did not want to recognize Bohemia's subordination to the Cisleithanian Constitution. Finally, drafts of the settlement laws were agreed upon, of which the draft of the Fundamental Articles was the most important. These drafts were approved by the Bohemian Diet, after the German liberals had stayed away from the Diet in protest. The Emperor presented the drafts to an expanded Ministerial Council, which, however, turned them down. Since the Czechs refused to make any significant cuts in their demands, the Emperor then dropped the settlement plan, also frightened by the probable negative financial consequences of the settlement.