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Dissolution of the Austro-Hungarian Empire - reflections on the Croatian and Hungarian statehood and legal status

I. Hungary after the dissolution of the Austro-Hungarian Monarchy

As soon as Hungary stopped being a member of the Austro-Hungarian Monarchy in 1918, two years had to pass to get the state's organization stabilized because until 1920 two revolutionary governments followed each other in Hungary having absolutely different constitutional ideology about the future organization of the state. The first part of the article wants to describe the constitutional and administrative organization of the state after the dissolution of the Austro-Hungarian Monarchy summarizing essentially the main constitutional milestones on the basis of the approved acts of law and legal and historical literature.

1. Changes in the form of government after the dissolution of the Austro-Hungarian Monarchy

The dissolution of the Austro-Hungarian Monarchy in 1918 was a consequence of more each other influencing factors that made the dissolution of the until then existing state formation based on personal union inevitable. The dissolution of the multinational Monarchy wasn't a new idea since many people predicted it along the 19th century moreover Oszkár Jászi, politician at the beginning of the 19th century characterized this region as a powder keg filled with "the pent-up unsolved national and social problems".¹ The First World War and the following economic and social crisis caused by it together with the signing of the Trianon Pact was only the detonator of this powder keg. Besides as cause of the monarchy's dissolution also the foreign and inner negative echo accompanying the politics of Charles IV and the revolutionary wave sweeping around in more countries of Europe also can be mentioned.

The detailed description of Charles IV's life and politics is not the aim of this article since many excellent works have already been dedicated to this topic, so here only those facts are detailed that directly anticipated the Hungarian revolutionary movement. The cause why Hungary was evaluated negatively during the First World War is to be found in the peace trials of Charles IV because based on his inconsistent political behavior not only the Entente's but also of the states' belonging to the Central Powers withdrew their confidence from Charles IV. The inner political situation was sharpened by the manifesto issued on 16th October 1918 containing the dynastic concept of the ruler aiming the federal remodeling of the Empire. Since this manifesto did not bring an effective solution for the peoples of the monarchy the establishment of the independent Czech Republic was proclaimed - just in the same time of the manifesto's issuing - on 28th October 1918 the Slovak National Council decided to unite with on 30th October by which Czechoslovakia came to life. The Galician parts also decided to separate from the monarchy and they proclaimed their union with Poland and the establishment of the Kingdom of Serbs-Croats-Slovenians was also announced on 30th

¹ O. Jászi, *A Habsburg-Monarchia felbomlása*. [The dissolution of the Habsburg Monarchy] (Budapest, Gondolat, 1982) p. 75.

October 1918.² On 3rd April 1919 the Austrian national assembly dethroned the Habsburg dynasty annulling all their dynastic rights.

The National Council was established on 25th October 1918 in Hungary by the member of the independence party led by Mihály Károlyi and the members of the social democrats' and civil radicals' parties which's goal was the realization of bourgeois democratic reforms. As consequence of the bourgeois democratic revolution of 29/30th October, Mihály Károlyi was entitled to form a new government. It is remarkable that Mihály Károlyi took his oath to Charles IV as Head of the State and at this time there were no words about his replacement. The question of the government's form raised only in front of the Parliament that demanded the proclamation of the republic instead of the monarchy.

The royal power left off on 13th November 1918 in Hungary when Charles IV signed in Eckartsau to resign from handling the state affairs.³ Under this declaration the Parliament decided to dismiss itself on 16th November and it delegated the supreme power over the state to the government led by Károlyi. Although according to the "People's Decree" issued by the National Council the new constituent assembly would be entitled to elaborate the new constitution of Hungary, but until the forming of the it based on the general elections called on a newly promulgated act on the universal suffrage the people's government was entitled to legislate the needful people's acts by which authorization the people's government became also a legislative organ beside being the executive one.

The National Council put on the agenda of the Parliament the question of the form of government based on the debates on 1st November, so at the time of the Parliament's self dismissal after the resignation of the King Hungary stopped being a monarchy and the People's Republic was proclaimed on 16th November 1918.⁴

The People's Government suffered a crisis after the receiving of the Vyx Memorandum on 20th March 1919 and resigned from power at the time of the Memorandum's rejection. After the resignation of the government the Hungarian Socialist Party got the power and proclaimed the Hungarian Soviet Republic in the name of the Revolutionary Governing Council. The Hungarian Soviet Republic promulgated its constitution on 23rd June 1919 with the title "The Constitution of the Hungarian Socialist Allied Soviet Republic".⁵ However, the Hungarian Soviet Republic was no constitutional state at all a full dictatorship characterized this period of time in which the three branches of power were concentrated in the hand of the Revolutionary Governing Council. This period last for few months only because an insupportable war situation developed as consequence of the former demilitarization of the Hungarian army by Mihály Károlyi and the marching in of the Rumanian troops on 1st August 1919, so the government led by Béla Kun resigned and a new government was formed by

² See S. Hegedűs, *Az utolsó trónfosztás*. [The last dethronement] (Budapest, Kossuth Könyvkiadó, 1970) pp.54-86; P. Schönwald, *A magyarországi 1918-1919-es polgári demokratikus forradalom állam- és jogtörténeti kérdései* [The constitutional and legal historical questions of the Hungarian bourgeois democratic revolution of 1918/1919] (Budapest, Akadémiai kiadó, 1969) pp. 11-24; *Magyar alkotmánytörténet* [Hungarian Constitutional History] (ed: Mezey Barna), (Budapest, Osiris, 1995) pp. 231-232; I. Lajos, *IV. Károly élete és politikája*, [The life and politics of Charles IV] (Budapest, A magyar nők szent korona szövetségének kiadványa, 1935).

³ The declaration had the following text: „I was out to do since my accession to the throne to keep all my people away from the horrible of the war, in the breaking of which I had no part. I do not want my person to be the obstacle of the Hungarian nation's development towards which nation I am still full of unchanged affection. Hence I resign from every handling of the state affairs and I do confirm in anticipate any decision by which Hungary states its future form of government.” The preamble of act I. of 1920 Hegedűs, op. cit. n. 2, at p.110; Schönwald, op. cit. n. 2 at p. 41; Lajos, op. cit. n. 2 at p. 521; E. Kovács, *Krönung und Dethronization Karls IV., des letzten Königs von Ungarn im spiegel Vatikanischer Dokumente*. Offprint from Servitium Pietatis. Festschrift für Hans Hermann Kardinal Groër zum 70. Geburtstag. (Salterae 1989) pp. 402-431, in this case p. 415.

⁴ In the proclamation of the republic also the proclamation of the Republic in Austria (12th November) and Czechoslovakia (13th November) played an immense role. Schönwald, op. cit. n. 2 at p. 39.

⁵ *Magyar alkotmánytörténet* [Hungarian constitutional history] op. cit. n. 2 at p. 348.

Gyula Peidl for a short time (1-6 August 1919). The form of government turned to be again People's Republic until the government of István Friedrich took over the power.

After the call of elections and the formation of the national assembly the act I. of 1920 was approved on 16th February 1920. According 9§ of this act all acts of law and orders promulgated in the period of both the People's Republic and Hungarian Soviet Republic became overruled, they had to be erased from the National Collection of Statutes and the legal continuity with the state existing before 29th October 1918 was proclaimed.

The new form of government turned to be constitutional monarchy again but only an interim decision regarding the Head of the State was made until the national assembly could handle the question of the state's supreme power definitely.⁶ The act declared the royal power ceased and overruled the Pragmatic Sanction of 1723. The governor elected by the national assembly became the chief of the executive power⁷ but the definite decision on the form of the head of the state and form of government was put off to the times after the signing of the peace treaty.

2. The tether of the Head of the State

After the revolution of 1918 the People's Government became the possessor in deed of the supreme state power. Because of being entitled to legislation its main function was characterized by its law-making process result of which it proclaimed several people's acts and besides it also executed act of head of state.

After the governmental crisis of 8th January 1919 the ministers belonging to the Social Democratic Party resigned and Mihály Károlyi was nominated as temporary Head of the State as President of the Republic. From this time acts of law could enter into force if they were signed by him.

During the Hungarian Soviet Republic the Revolutionary Governing Council processed as both Head of the State and government. It had a Chief and the People's Commissars were the leaders of the administrative departments.

As mentioned before after proclaiming the legal continuity the power of the Head of the State was exercised by the governor. According to act II of 1920 the members of the national assembly elected Miklós Horthy as governor of the state.⁸ His election to governor was important because of the King's resignation although the national assembly did not consider the declaration of Eckartsau valid just because it hasn't been countersigned by a minister, so Hungary became in 1920 a "Kingdom without a King" only for this reason. There was also an idea about electing a Palatine who used to be the King's deputy in the former centuries, but the person of the Palatine could be nominated only by the proposal of the King - according to act III after coronation of 1608 - who did not exist at that time and there were no Palatines

⁶ F. Pölöskei, *Horthy és hatalmi rendszere, 1919-1922* [Horthy and his system of power, 1919-1922] (Budapest, Kossuth könyvkiadó, 1977) pp. 92-98.

⁷ Act I. of 1920 detailed preamble

⁸ This article deals with the tether of the governor in general, so it does not contain any specific description of Miklós Horthy's governorship. Nevertheless it has to be remarked that many scientific researches has been dedicated to the governorship of Miklós Horthy and ones can choose from many legal historical and historical works wrote during the 20th century even until the very recent times if want to find out this topic. Without the pretense of plenitude the following works have been used as background literature to this article: G. Bencsik, *Horthy Miklós: a kormányzó és kora*. [Governor Miklós Horthy and his age] (Budapest, Mercurius, 2001); P. Gosztonyi, *A kormányzó Horthy Miklós és az emigráció* [Governor Miklós Horthy and the immigration] (Budapest, Százszorszép kiadó, 1992); Miklós Horthy, *Emlékirataim* [Memoires] (Budapest, Európa, 2011); *Horthy Miklós – dokumentumok tükrében*. [Miklós Horthy – in aspect of documents] (published by: Éva H. Haraszti) (Budapest, Balassi Kiadó, 1993); T. Zsiga, *Horthy ellen a királyért*, [Against Horthy for the King] (Budapest, Gondolat, 1989); Pölöskei, op. cit. n. 6; I. Pintér, *Ki volt Horthy Miklós?* [Who was Miklós Horthy?] (Budapest, Zrínyi Katonai Kiadó, 1968).

elected from 1867 on, so the idea was dropped. To elect a Palatine the remaking of the act VII of 1867 regarding the Palatine would have been important. Neither the office of the governor was unknown for the politicians because governors were the officers of the state entitled to replace the King for his childhood also from the 15th century on. The rights and duties of the governor were remodeled on the basis of acts I, VI, VII, VIII, IX of 1446 referring to the position of the governorship of János Hunyadi.⁹ Nevertheless, there were no other characteristics in common than the name between the governors elected in the 15th century and the governorship of Miklós Horthy.¹⁰

The governor had all those rights as head of state that the King used to have with the exception of some tethers. The governor wasn't considered to be sacrosanct opposite the King, so he did not have the right of sanctioning a bill, but he was considered to be intangible so his person fell under special criminal protection.

According to act I of 1920 the governor had to right to convoke the national assembly, but he did not have the right of prorogation and neither could he dismiss the national assembly without restrictions, he could only do it if the national assembly became constantly incapable of work even after the premonition of the governor and the chairman of the assembly could not reestablish its capacity to work according to the standing orders. If the governor exercised his right to dismiss the assembly he had to call elections as soon as possible so the assembly could be reformed within three month from its dismissal. Acts XVII of 1920 and XXIII of 1933 altered these rules because the constitutional defense of the state required the extension of the governor's tethers. So the governor's right turned to be equal to the King's right regarding the dismissal of the parliament as it used to be regulated by act X of 1867.¹¹ By this extension the governor could dismiss the national assembly even if either the new budget or the last year's appropriation accounts haven't been got through yet, but he was obliged to call elections right after the dismissal in order to have the term of three months kept for the forming of the new national assembly.

Instead of the right of sanctioning a bill, the governor had to sign and order the proclamation of the act within the terms of 60 days. One time he could refuse to sign it and send it back to the national assembly for being amended, but if the national assembly was attached to its standpoint and resisted to amend the bill the governor had to sign and have it proclaimed within the terms of 15 days. The governor had no right to reject or send back to the national assembly the bills referring to the Head of the State and the form of government. Act XIX of 1937 gave the right to the governor to withhold a bill for 6 month in two following occasions but he had to sign and have it proclaimed within 15 days at the third occasion.¹²

The governor represented Hungary in international relations. He could send and see deputies and he could sign international treaties in the name of the Hungarian state with the approval of the national assembly. In case of those international treaties that dealt with legislation the approval in anticipate of the national assembly was also needed to its signing. The governor also needed the previous approval of the national assembly if he wanted to deploy the army outside the frontiers or sign a peace treaty. But at the same time he could use the royal prerogatives of leading, commanding the army and determining its inner organization.¹³ The act XVII of 1920 gave the power to the governor to dispose of the army outside the country even with the additional approval of the national assembly.

⁹ Act I. of 1920:I detailed preamble.

¹⁰ J. Bölöny, *A kormányzói jogkör kiterjesztésének kérdéséhez*. [To the question of the extent of the governor's tether] (Budapest, Gergely R. könyvkereskedése, 1936) pp. 6-10.

¹¹ 1§ Act XVII of 1920.; 1§ Act XXIII of 1933.; Bölöny, op. cit. n. 10 at p. 16; Pölöskei, op. cit. n. 6. at p. 104.

¹² 1937:XIX. 1§

¹³ 13§ Act I of 1920; Pölöskei, op. cit. n.6. at p. 105.

The governor exercised the executive power through the government responsible for the national assembly. The orders and intercourses of the governor were valid with the countersigning of a minister, but he wasn't irresponsible according to the law opposite the King because he was impeached by the national assembly in case he breached the constitution or the acts of law. His impeachment process could be started on the written initiative of at least 100 members of the national assembly and he could be found responsible if the 2/3 majority of the national assembly voted for it.¹⁴ When act XXII of 1926 reorganized the upper house of the parliament the rules of impeachment got also changed, so the lower house of the Parliament could initiate the impeachment process and a special court of law made up from the members of the upper house could found the governor responsible for committing breach of law.¹⁵

Both the former royal prerogative of ennobling and the exercising of the right of patronage wasn't the governor entitled to wield – especially the latter could Miklós Horthy not exercise because of being member of the reformed Church -, moreover couldn't he exercise the right of mercy either.¹⁶ Act XVII of 1920 extended the governor's prerogative of mercy, so he could live with, but only with one condition, he could not grant mercy for ministers impeached and found responsible by the national assembly that neither the King could do according to act III of 1848 and XVIII of 1870.¹⁷

The governor had to take an oath in front of the national assembly after his election and drew one's fees for his office and he had a separate bureau, too. His fee according to act II of 1920 reached the amount of 3.000.000 corona per year. As governor he had to be addressed as "the governor his lord".¹⁸

The act XXII of 1926 provided the governor the right to appoint at his will 40 members to the upper house of the parliament for life which amount has been extended to 87 for the end of the '30-s, after the increasing of the country's territory according to the II Vienna Award.¹⁹

Later act XIX of 1937 declared the governor both intangible and irresponsible and gave him the right to nominate a successor to the governorship. The governor could nominate someone for this office in a closed and sealed envelope that could be opened in front of the parliament in case the vacation of the governor's position. The parliament would vote for the person of the new governor and if they don't agree with the person nominated by the governor they can set a new candidate. In this case the majority of the votes would decide about the governor.²⁰

The reason of such a late regulation on the filling of the governor's office was that the national assembly designed the function of the governor as a temporary solution and they didn't even drop the idea of the Kingdom either.²¹ The rules of act I of 1920 referring to the governor were designed to only a single person, to Miklós Horthy. For 1937 it became obvious that the office of the governor may be filled again in case of vacancy, so a new act had to be made because of this.

Act II of 1942 established the function of the deputy governor who was elected by the parliament based on the nomination of the governor. The deputy governor replaced the

¹⁴ 14§ Act I of 1920; Pölöskei, op. cit. n. 6. at p. 105.

¹⁵ 47§ of Act XXII of 1926

¹⁶ 13§ of Act I. of 1920

¹⁷ 3§ Act XVII of 1920; Bölöny, op. cit. n. 10 at p. 17.

¹⁸ 15-17 §§ Act I of 1920

¹⁹ 23-24 §§ Act XXII of 1926

²⁰ 2-6 §§ Act XIX of 1937

²¹ The legitimists fought for the replacing of Charles IV to the Hungarian throne even after the election of Miklós Horthy as governor. Although their struggles turned to be futile and after two unsuccessful attempts of Charles IV the parliament approved act XLVII of 1921 in which they declared the dethronement of Charles IV and the Habsburg Dynasty based on the Pragmatic Sanction of 1723. Hegedűs, op. cit. n. 2. at pp. 140-184; Z. Vas, *Horthy vagy a király?* [Horthy or the King?](Budapest, Szépirodalmi Könyvkiadó, 1971)

governor in case he was incapacitated to exercise his power because of illness or absence. According to this act the parliament elected István Horthy, son of Miklós Horthy as deputy governor.

3. The government

Along the People's Republic the People's Government used to be the possessor in deed of the state's supreme power. As it was mentioned before, later after the resignation of the social democratic ministers Mihály Károlyi was the person named both President of the People's Republic and Prime Minister of the People's Government.

At the time of the Hungarian Soviet Republic the Revolutionary Governing Council used to fill in the governments task just as the task of the Head of the State. It had a chief and the People's Commissioners were the ministries. Because the Revolutionary Governing Council was a temporary organization, it was redesigned and named as Governing Council having 9 People's Commissionaires who had the right of issuing orders. The Governing Council fell under the supervision of the legislative body named as the Nationwide Assembly of the Allied Councils and the Allied Central Syndicate. The latter replaced the Nationwide Assembly of the Allied Councils in legislation when it wasn't convoked.

During the period of the restoration the government form characterizing the age of the dualism has been reestablished with such realignment that the government was completed with the Ministry of Foreign Affairs because there were no more Common Affairs, and with the Ministry of Work and Welfare, the Ministry of Public Sustenance and Ministry of National Minorities. After the dissolution of the Austro-Hungarian Monarchy the position of the Minister around the King's Person stopped existing, too. In addition to these ministries the Ministry of Economy was established in 1927 and the Ministry of Welfare and Public Sustenance ceased to exist in 1932. In 1940 the Ministry of Public Attendance and in 1942 the Ministry of National Security and Public Relations came to life.²²

The prime minister was appointed by the governor from the members of the winning party taking the majority in the parliament. The same rules that were binding during the age of the dualism referring to the impeachment process and the legal responsibility of the Minister were entered into force again.²³

The times before the Second World War the importance of the military organs increased and a dislocation in the center of gravity on the field of the executive power happened in the direction of increase of the governor's authority. Act II of 1939 established the Supreme Council of National Defense. The governor was its head but in his absence the prime minister had to preside on its meetings. Its members were the ministers, the Commandant in Chief of the National Armed Forces and the Minister of National Defense had a decisive role in it.²⁴ Also the Secretariat in Chief was set up whose members were the reporters of the ministries and the reporters of the national defense's commandership and a general. Its task was to prepare the military administration of the country the public administration was replaced with in case of warfare.²⁵

²² *Magyar alkotmánytörténet* [Hungarian Constitutional History] op. cit. n. 2. at p.314.

²³ Act III of 1848 regulated first the causes for the minister's responsibility that remained binding also during the age of the dualism. As the basis of this act an impeachment process against the minister could be initiated either if he breached the constitutional statehood, the acts of law, the personal and property rights of the citizens by issuing an order, or he was default of taking an action he was obliged to take against such occurrences that could harm the constitutional statehood, the public welfare and the public interest, or the personal and property rights of the citizens, and nevertheless could the minister be impeached if he committed defalcation.

²⁴ *Magyar alkotmánytörténet* [Hungarian Constitutional History] op. cit. n. 2. at p.312.

²⁵ The act LXIII of 1912 provided the authority for this that entered into force in warfare or other special circumstances. Special circumstances were for example the war, revolution, acts of God that could put the

4. The national assembly and later parliament

Right after the Hungarian parliament having dismissed itself on 16th November the Hungarian National Council was convoked and the new supreme organ of the revolution that had to act as a national assembly. The national assembly declared itself to be the trustee of national sovereignty and in the People's Decree authorized the People's Government to adopt the most important People's acts of law about the general suffrage, the freedom of the press, jury-trials and the freedom of assembly and association.²⁶ From that time on the People's Government filled in the role of the legislative body until the debacle of Károlyi's government.

During the time of the Hungarian Soviet Republic formally the National Assembly of the Allied Councils acted as a parliament. The members of this assembly weren't elected directly by the nation, but the local administrative and city councils sent one member to the assembly after each 50.000 inhabitants. These representatives could be withdrawn any time by the councils. 40 members of the National Economic Council and 80 members of the Syndicate of Budapest got membership in the assembly besides.²⁷

First the right of suffrage had to be amended after the political restoration and the ground of which the new national assembly could be convoked. The law about the general suffrage got its name after Prime Minister István Friedrich and was issued on the fall of 1919 in the form of a Prime Ministerial order (order nr. 5985/1919 about the general suffrage and national and local elections). This order raised the minimum age-limit to vote to 24 years and set as a requirement a Hungarian citizenship longer than 6 years, a residency longer than 6 months and in case of women the ability to right and read.

The act on suffrage adopted after the temporary period got the name "Lex Bethlen" from Prime Minister Bethlen István. It was also a Prime Ministerial order (order nr. 2200/1922 about general suffrage and national and local elections). According its rules only those men got the right to vote who reached the age of 24, were Hungarian citizens at least for 10 years, had at least 2 years of residency in the same parish and successfully finished the 4th grade of the elementary school. In case of women the age limit was higher they could vote if they reached the age of 30 and finished the 6th grade of the elementary school. In the local regions the open vote was introduced.

The first act of law on suffrage of that period was the act 26 of 1925, an act having very similar rules to the former Lex Bethlen. According to this act in the capital city and in big towns the parties stood as a candidate for elections with a list and the voting for this list was a secret-ballot and it was obligatory for everyone having right to vote. Meanwhile in the parishes and small cities the elections went on in individual boroughs and the voting was open.

The secret ballot for first was generally introduced by act 39 of 1938. The set up of individual boroughs was the obligation of the Minister of Inner Affairs and in these boroughs the 40%

functioning of the state at risk. On the basis of the special authorization the Head of the State had an increased executive power that could be extended to the restriction and inspection of the postal, telegraph and phone service, to the prohibition of the associations and right of assembly, to the introduction of the censure, to the establishment of new courts, to special legislative authorization (meaning the power of issuing orders in items that belonged to the parliament), to waive acts of law, governmental, ministerial or administrative orders, to organizational centralization and he could also appoint officers to get involved into the local administration, or he could also decide about restrictions on the field of foreign and security policy, or personal and passport control, controlling the carrying trade permissions, restricting the freedom to move freely and to set maximum prices.

²⁶ *Magyar alkotmánytörténet* [Hungarian Constitutional History] op. cit. n. 2. at p. 233; Schönwald, op. cit. n. 2. at pp. 93-147.

²⁷ *Magyar alkotmánytörténet* [Hungarian Constitutional History] op. cit. n. 2. at pp. 350-351.

majority of the votes were enough to win the elections. According to this act both men and women could vote after reaching the age of 30, were Hungarian citizens at least for 10 years and in addition to this they had to confirm their family-supporting status. In the boroughs where the elections according to lists was introduced, such as in the counties and county capital cities (in the latter there were no individual boroughs at all) all those men had the right to vote who reached the age of 26, were at least for 10 years Hungarian citizens, has a permanent residency of at least 6 years and finished at least the 6th grade of the elementary school. Beside them all those women could vote who reached the age of 30 and could confirm their family-supporter status or that they were the wife or widow of a man who had the right to vote. By this act the system of the plural suffrage was created in Hungary by which the inhabitants of the villages got a double right to vote. The act also contained rules for the passive suffrage. The age of 30 and having a stable work in the previous 10 years was demanded for being elected, or the candidates had to be former MP's, or members of the county committees or representatives of the parish council. All those people were excluded from being elected who had a bigger amount of tax-default, or were under execution for committing a crime, or deposed from office for unpatriotic conduct, or was People's Commissioner, Prosecution's or Political Commissioner during the Hungarian Soviet Republic.

The general, equal, direct and secret ballot was introduced for first time in Hungary by act 8 of 1945.²⁸

After the general elections held in 1920 on the grounds of the Friedrich Prime Ministerial order only the lower house of the former Hungarian Parliament was convoked. The lower house declared itself as national assembly and the restoration of the former upper house was declared to be its task for the future. The main rules regarding the national assembly and the representatives' right to immunity were regulated by Act 1 of 1920.²⁹

The upper house of the parliament was reorganized by Act 22 of 1926. It preserved its previous form but the Hungarian aristocracy didn't play an important role in it anymore, because mainly the organs characterizing the modern states appeared here, such as corporative organs, scientific corporations and lobby corporations, representatives of the counties. The governor could also appoint members as it has been already mentioned before. The male members of the Habsburg family who reached the age of 24 also preserved their rights to be members of the upper house but they had to be resident in Hungary. Based on office some high-officials got also membership to the upper house such as the Hungarian Crown Guards, the Chief and Deputy Chief of the Hungarian Royal Curia and the Hungarian Royal Administrative Court, the Chief of the Court of Appeal in Budapest, the crown council, the Supreme Commander of the Hungarian Army, the Head of the Hungarian National Bank and the and the ecclesiarches of the Hungarian accepted churches. Based on elections all those people had a passive suffrage who were members of high-noble families, reached the age of 24 and paid at least 2.000 forint land-tax per year. Also the National "Vitézi" Committee,³⁰ the Hungarian Academy of Science, the Universities and Colleges, the Hungarian National

²⁸ About the right of suffrage see the acts of law put into the Corpus Juris Hungarici and G. Béli, *Választójog 1848-tól az ún. rendszerváltásig (kézirat)* [Right of suffrage from 1848 until the political transitions (manuscript)]; *Magyar alkotmánytörténet* [Hungarian Constitutional History] op. cit. n. 2. at pp. 256-262; Pölöskei, op. cit. n. 6. at pp. 84-85.

²⁹ 1-4 §§ Act 1 of 1920

³⁰ A title awarded by Miklós Horthy to some ex-servicemen.

Museum and the Stock Exchange of Budapest could send its representatives to the upper house together with the representatives of the different chambers.³¹

It is interesting to note that the bill passed by the lower house could be sent for approval to the governor without having it approved by the upper house, too and neither could the upper house vote for the budget. So it had a lower position opposite to the lower house. Act 27 of 1937 increased the authority of the upper house it got the right of initiative and from this time on both houses had to vote for each bill before being sent to the governor for approval. In case the two houses couldn't agree on the bill they had to hold a common meeting. However, the upper house went on not having a right to amend on the budget, it could vote for or against it, without having any amending initiatives even from 1937 on.³²

5. Sources of Law

The people's acts approved in the period of the People's Republic and the orders issued during the Hungarian Soviet Republic were overruled according to act 1 of 1920 and the acts of law of the times before 1918 entered into force again by the declaration of the legal continuity. The sources of law of the mentioned period have also been erased from the National Collection of Law nevertheless the ministries were authorized to keep in force some of the people's acts they agreed to be indispensable until the national assembly should adopt new ones instead.³³ The acts of law adopted by the national assembly and then by the parliament were considered to be the highest level sources of law that entered into force by being published in the National Collection of Laws.

6. The system of public administration

The revolutionary government of 1918 left neither the system of public administration untouched. The government of Mihály Károlyi appointed government commissioners who had a strict hierarchy even until the very lowest administrative level. The government commissioners possessed of a wide authority they had even the right to issue an order. They replaced the former Heads of the Counties. Local National Councils and Worker Councils were established beside them to handle law enforcement tasks, confiscation of alimentation and to impose taxes. Also Military Councils were created with credential members who got political leadership in the military force.

During the Hungarian Soviet Republic a system of councils on the whole territory of the country came to life, such as the parish, city, township and county councils. They dealt with public administration and had a strict hierarchic structure.

The Horthy regime restored the dualism type public administrative system but with the amendment that during the two World Wars the administrative powers increased their authority opposite to the local governmental organs. The end of the centralizing process was that the county and town officers and the village notary had to be appointed by the Minister of Inner Affairs, the other officers of the smaller towns by the mayor, of villages by the sub-prefect of the county considered to be a serious encroachment in the local autonomy. The act on the reorganization of the public administration remodeled the local administrative committees existing in the counties and county capital cities, created the local administrative small assemblies, reorganized the parish administration and changed the name of the towns having

³¹3-14, 19-22§§ Act 22 of 1926 and I. Takács, 'A Horthy rendszer felsőháza' [The upper house of the Horthy regime] in, *Tanulmányok a Horthy-korszak államáról és jogáról*. [Essays about the state and law of the Horthy regime] (Budapest, Közgazdasági és Jogi Könyvkiadó, 1958) pp. 64-70.

³²1-3§§ Act 27 of 1937

³³9§ Act 1 of 1920

an organized council to county towns. It regulated in detail the authority of the public administrative committees, the legal remedy system of the administrative decisions and the educational requirements and disciplinary responsibility of the clerks of public administration.³⁴

7. Summary

After the two fast political transition of 1918/1919 the legally continuous state under the governorship of Miklós Horthy existed until 1944 when Horthy resigned on 16th October 1944 after the German occupation of 19th March 1944 and Ferenc Szálasi took an oath in front of the extreme right representatives of the parliament convoked on 2nd November as Head of the dictatorial Hungarian state. After the Second World War Hungary belonged to the soviet field of interest determining the form of government until the political transitions of 1989.

II. Croatia after the dissolution of the Austro –Hungarian Monarchy

1. The coming to life of the Yugoslav State

By declaring war to Serbia, Austria-Hungary wanted to affirm its status of independent superpower, however, it proved the opposite - this war was to unveil all the weak points of the Monarchy and to bring it to its collapse. In addition to military defeat at the front, the national revolutionary turmoil in October 1918 would result in the secession of some of its parts which would systematically form the new national states with the new state government led by the principle of self-determination of the nation.

Only toward the end of the World War I the idea of a common Yugoslav state began to receive a real chance for realization. Even then began the discussion of concrete plans of Yugoslav unification. The initiative for arranging the new state even during the war was taken by the government of the Kingdom of Serbia with Nikola Pasic as the leader and the Committee of the Yugoslav political emigration, which was formally constituted on 30th April 1915 in Paris under the name of Yugoslav committee. The committee, however, moved its headquarters to London immediately after the constitution believing that London was the headquarters where the Alliance made decisions about war and peace.³⁵

The committee directed its activities towards realization of two goals. The first one was to free all Yugoslav countries and then to unite them with Serbia and Montenegro into one common state. The second goal was to oppose the imperialistic aspirations of Italy to Croatian coast which were the result of the London treaty.³⁶ In contrast, Serbian government refused to recognize the Yugoslav Committee as a representative of the South Slavs of the Monarchy, but upheld it as much as it suited its policy.³⁷ At the end of the war Radical party, led by Nikola Pasic, had already prepared two possible resolutions for the unification of Serbian

³⁴ Act 30 of 1929; See in detail *Magyar alkotmánytörténet* [Hungarian Constitutional History] op. cit. n. 2. at pp. 317-325.

³⁵ H. Sirotkovic and L. Margetic, *Povijest država i prava naroda SFR Jugoslavije* [The history of state and law of the nations of SFR Yugoslavia] (Zagreb, Školska knjiga 1988) p. 218.

³⁶ London treaty was secretly concluded in London on 26th April 1915 between the Entente powers and Italy. By this treaty Italy was promised to get Trentin, Tyrol, Gorizia Gradiska, Istria, Cres, Losinj and smaller islands of Kvarner and greater part of central Dalmatia as well as part of Dalmatian islands, part of Albania, Dodecanese and some German colonies in Africa if it had entered into the war on the side of the Entente. (Sirotković, op. cit. n. 35, at p. 219.)

³⁷ Serbian government policy is expressed in Nis Declaration, which stresses the need for unification of the Serbs, Croats and Slovenians into one state, but as far as the interior structure was concerned it advocated the unilateral annexation of Yugoslav countries of Austria-Hungary and their annexation to the Kingdom of Serbia.

people. One of them, called 'the big resolution' suggested the unification of Serbs, Croats and Slovenians into one state with Serbs as leaders, which would have ensured Serbian domination in the new state. This would be possible only in case of military defeat of Austria-Hungary. The second 'small resolution' was only about forming the Great Serbia including Montenegro, Bosnia and Herzegovina, parts of Croatia and Vojvodina, and it would be possible only in case of achieving a separate peace with Austria-Hungary.³⁸

At the same time as the Corfu meeting was being planned at the end of May 1916, Croatian and Slovenian representatives in Vienna's Imperial Council, joined in the Yugoslav Club, announced the May Declaration in response to peace offer to the Austro-Hungarian ruler Charles IV and the members of the Entente. This peace would enable Austria-Hungary to sustain within present boundaries, and the interior ones would become questionable. In contrast to that, the Yugoslav Club, which used the declaration, would not require revision of the Dual Monarchy and the establishment of the third unit of the South Slavs within the Monarchy into '... one independent, free state body built on the basis of democracy.'³⁹ The echo of the declaration was extremely large, and the political activity, caused by the very same declaration, was to establish National Councils in certain Yugoslav states as the foundation for the new state bodies as well as the Central National Council in October 1918 as the political representative of Yugoslav peoples in Austria-Hungary.

The overall situation in the first months of 1917 was beginning to change, and for Serbia it was very inconvenient. The February Revolution removed the Russian Emperor from power, and the new interim government could not provide Serbia the support it used to have during the imperial regime. In addition to that, the entry of United States into the war could have repercussions on the future of south Slavic countries. All of this pressured Nikola Pasic to cooperate with Yugoslav committee because if by the end of the war The Alliance had preferred the Yugoslav solution, Serbia would have been in a favorable position. Besides, this demonstration would force the powers of Entente to abandon their present attitude of upholding the presence of Austro-Hungarian Empire.

On 15th June Nikola Pasic summoned the conference on Corfu⁴⁰ between the representatives of Serbian government led by the president Pasic, and the Yugoslav committee led by Ante Trumbic. The conference lasted until 20th July, and in that period there were 24 sessions whose main objective was the resolving of Yugoslav national question, thus many different resolutions were taken into consideration. Since the delegations had opposite standpoints about the subject matter, it was agreed that the text of the Declaration would consist of only those resolutions that were approved by both sides.

The Declaration was signed on 20th July 1917 by the president of the Serbian government Nikola Pasic and the president of the Yugoslav committee Ante Trumbic. The text of the Declaration is relatively short. It consists of political introduction and thirteen articles in total, which are mainly incomplete and unelaborated. The introduction is about the principle of national self-determination and national unity of the nation with three names. In that sense there were efforts made in order to send the Alliance a request for territorial determination of future country which was to encompass 'area where our peoples with three names live in a compact and continuous mass'.⁴¹ Declaration was against the partial resolution of Yugoslav national question. The text of the declaration contains these resolutions: Serbs, Croats and

³⁸ H. Matkovic, *Povijest Jugoslavije- hrvatski pogled* [History of Yugoslavia- Croatian review] (Zagreb, Naklada P.I.P. 1998) p. 36.

³⁹N. Engelsfeld, *Povijest hrvatske drzave i prava* [History of croatian state and law] (Zagreb, Pravni fakultet u Zagrebu 2006.) p. 263.

⁴⁰ Corfu is a Greek island which was occupied by the Allies and was set to be the headquarters of the Serbian government in exile. (Matkovic, op. cit. n. 35, at p. 42.)

⁴¹F. Čulinović, *Dokumenti o Jugoslaviji* [Documents about Yugoslavia] (Zagreb, Školska knjiga 1968.), p. 47.

Slovenians will join in one common state which will be called The Kingdom of Serbs, Croats and Slovenians. It will be a constitutional and parliamentary monarchy under the Karadjordjevic dynasty. Furthermore, it recognizes the equality of all national names, alphabets, national flags, coats of arms and other recognized religions.⁴² The major discussion at the conference was about the form of government. Trumbic particularly advocated for a federal state⁴³, but finally the idea of unitary state, proposed by Serbian politicians, was adopted.⁴⁴

According to its content, the Declaration established two important facts: 1) decision to create a common state for all Yugoslav countries and 2) the final decision about its form will be passed by the Constituent Assembly by the majority of its qualified members. Trumbic did not succeed with his proposal to have the principal of dual qualification for passing the constitution, and Pasic would later use the bylaws of the Constituent Assembly in order to replace the qualified majority with the absolute one, and thus to achieve in 1921 the centralist constitutional draft. Even though there were no guarantees that The Declaration would be followed by its signatories, it was still a mandatory, constitutional act, because it was notified by the government of the alliance, and for the Yugoslav committee it had both moral and political obligation about the foundations of future common life of Yugoslav people.⁴⁵

The Declaration caused surprising interest in our countries as well as in the rest of the world even though the Austro-Hungarian authorities sought to diminish its significance since it was primarily aimed at the destruction of the Austro-Hungarian monarchy in order to facilitate the unification of three nations in one common state.

World political situation at the beginning of 1918 was quite a disadvantage if one takes into account the need for establishment of the Yugoslav state. Heavy position of Allied army which was a result of Russia's exit from the war, the failure to call on a general peace negotiations and anti-war mood of the masses affected the English Prime Minister Lloyd George, so at the beginning of 1918 he declared that the breakup of Austria-Hungary was not included in the British war aims, and promised the autonomy to South Slavic people within the Monarchy. However on 28th of May 1918 The United States finally committed to the destruction of the Monarchy and expressed its sympathies to national aspirations of the South Slavs. This would cause a significant activity of political parties in the Yugoslav part of the monarchy. It will come to creating of national councils that will act as the political leadership of the unification of three peoples. Since the beginning of July 1918 until the end of September, the National Councils in Dalmatia, Istria, Croatian coast, Slovenia, Bosnia and Herzegovina were being formed.

However, the most significant one, The Central National Council of Croats, Slovenians and Serbs was established on 6th October 1918 in Zagreb. It was a political representation of Yugoslav nations in Austria-Hungary. Anton Korosec was elected president, and the first vice-president was Ante Pavelic. The place of second vice-president remained vacant temporarily, though it was formally assigned to the representative of Croatian-Serbian coalition - Svetozar Pribicevic.⁴⁶ The moment of entering of the coalition in the National Council coincided with the moment in which the fate of the Austro-Hungarian monarchy had

⁴² Margetić, Sirotković, op. cit. n. 35, at p. 22.

⁴³ Trumbic was of the opinion that because of the Italian aspirations on the east coast of the Adriatic sea, he had to reach an agreement with Serbian government about the Yugoslav unification.

⁴⁴ Article 13 p. 2 of the Corfu Declaration (Čulinović, op. cit. n. 41, at p. 47.)

⁴⁵ According to its content the Corfu declaration was a compromise. Yet, the Yugoslav committee considered it as important document with which it exercises its program. He thought that with this declaration Pasic is deviating from his 'small resolution' i.e. creation of a Great Serbia.

⁴⁶ Since the Croatian-Serbian coalition did not take part in the meeting in Zagreb, it was not included in the process of national concentration until the establishment of the National Council. (Matkovic, op. cit. n. 38, at p. 49.)

already been sealed. The coalition as the largest party in the council soon became dominant in making new decisions.

The same day when the Presidency was elected, The Central National Council rejected the manifesto of Emperor Charles IV of the federalization of the Austro-Hungarian monarchy and sought the unification of Slovenes, Croats and Serbs on the basis of the principle of self-determination, and regardless of the former state borders.⁴⁷ Another attempt at reorganization of the state followed on 27th October 1918 in Vienna. It was this attempt that was the reason that Central Committee on the session on 28th October 1918 passed its historical conclusion to declare secession of Croatia, Slavonia and Dalmatia of Austria-Hungary and their unification with the other Yugoslav countries in 'one common and sovereign State of Slovenians, Croats and Serbs' – the State of SCS.⁴⁸ This emerging country included all Slav countries of the former Austro-Hungarian Empire, except Trieste, the Slovenian Littoral, Istria, Rijeka and part of Dalmatia which was occupied by Italian forces after the conclusion of the armistice with Austria-Hungary.⁴⁹

This conclusion was inevitable as a result at which all relevant internal and foreign political factors indicated. Deterioration of the unsustainability of the Austro-Hungarian Empire, even before reaching a conclusion, was obvious. At the time of its adoption the Monarchy was in complete disorder. The government was passive, and the National Council was getting more independent as the de facto representative of the new situation that only required political sanction.

Having concluded its Assembly in Novi Sad on 25th November 1918, Vojvodina joined the Kingdom of Serbia, too.

2. The form and structure of government.

The first one to be established at the Parliament in Zagreb was Croatian State, and then the State of Slovenians, Croats and Serbs which will later include the Croatian State as well, though, the final form of the State and its internal organization will be decided later by the Constituent Assembly.⁵⁰ In addition, at that same session, Dr. Ante Pavelic's proposal that the supreme power is transferred to the National Council⁵¹ was adopted, whereby it becomes the supreme authority of the State of SCS.⁵² Since the National Council was a cumbersome body to resolve all administrative problems efficiently and quickly, it entrusted its work related to 'the government of the South Slavic countries of the Monarchy' to its Presidency⁵³, i.e. The Presidency of the National Council of SCS. Therefore, the Head of the Presidency of the National Council was the Head of the executive government of the SCS State accordingly.⁵⁴

⁴⁷ Declaration on the elimination of the manifesto was issued on 19 October 1918, and says that the National Council was empowered by all parties and groups to lead national policy and seek the unification of the Slovenians, Croats and Serbs throughout the ethnographic field. (Engelsfeld, op. cit. n. 39, at p. 271.)

⁴⁸ Čulinović, op. cit. n. 41, at p. 76.

⁴⁹ These parts could not be found within the new state as they found themselves under the regime of Italian military occupation.

⁵⁰ F. Šišić, *Dokumenti o postanku Kraljevine Srba, Hrvata i Slovenaca 1914-1919* [Documents on the formation of the Kingdom of Serbs, Croats and Slovenes, 1914-1919] (Zagreb, Matica Hrvatska 1920) p. 195-196

⁵¹ See: B. Krizman, 'Osnivanje Narodnog vijeća SHS' [Establishment of the National Council of SCS], vol. 1-4 *Historijski zbornik* (1954) pp. 23-32.

⁵² Engelsfeld, op. cit. n. 39, at p. 272

⁵³ ...'Executive power of the new state of SCS, which included former South Slavic areas of the Dual Monarchy (Slavic countries, Triune Kingdom, Bosnia and Herzegovina and 'Vojvodina'), with Zagreb as its capital, was then in the hands of "directory" of the National Council of SCS.', See: M. Kovač, 'Rađanje Kraljevine SHS u svjetlu francuske politike' [The emergence of the Kingdom of SHS in the light of French politics], vol. 1 *Časopis za suvremenu povijest* (2003) p. 149

⁵⁴ I. Beuc, *Povijest institucije državne vlasti u Hrvatskoj (1527-1945)* [The history of government institutions in Croatia (1527-1945)] (Zagreb, Arhiv Hrvatske 1969) p. 324

Presidency of the National Council was comprised of a president, two vice presidents and a few secretaries representing intermediaries between the National Council of the SCS and the provincial government.⁵⁵ Although the presidency of the National Council was an independent body making decisions for particular national problems, initially it carried out the conclusions of the Central Committee of the National Council made at the meeting of the Board. The responsibilities of the Presidency of the National Council were the following: issuance of regulations with legal force, the right of amnesty and the supreme military command, the appointment of provincial governments, installment and upgrading of higher-ranking state officials, changing the old legislation in a province with the countersignature of the Prime Minister of that province, i.e. management of internal and external policy of the state SCS.

Presidency of the National Council of SCS, as the Government of the State of SCS, jointly dealt with the issues of particular departments with the consent of the Central Committee of the National Council. Thus, it did carry out the function of the Government of the SCS, but the activities and the competencies were not divided into departments, except for the administration of military affairs, which was assigned to the Department of National Defense. The navy affairs were entrusted to the naval committee, and diplomatic affairs were entrusted to the Yugoslav committee, unless the duties were carried out by the Presidency itself.⁵⁶

In addition to those activities that were under the jurisdiction of the SCS National Council as the supreme authority, The Government of the National Council of the SCS carried out so called 'joint ventures' such as: foreign affairs, military affairs, financial affairs and "agitation and propaganda," including the press office.⁵⁷ The Government of the SCS National Council entrusted all other tasks to the provincial authorities, i.e. the individual commissioners for the department in a particular province (Slovenia, Croatia and Slavonia with Rijeka and Istria, Dalmatia as well as Bosnia and Herzegovina). In addition to resolving the affairs of the department of internal government, teaching, theology and justice, the provincial governments were also responsible for trade, crafts, industry, railways, postal, telegraph and telephone, finance, food and national economy (agriculture and animal husbandry). Commissioners who led a certain department in a particular province represented the Trust Council i.e. the government of the province, and were appointed by the State Government of the SCS on the proposal of the National Council of the province for which the Commissioner had jurisdiction. The Government of the Province would meet as necessary at meetings in order to make a conclusion for those matters which were important for the entire Province from the scope of the department.⁵⁸ Also, the governments of SCS appointed presidents of provincial governments (in Croatia it was a Ban), who chaired the sessions of their governments. The prime ministers have been delegated to pass legislative provisions with the consent of the Government of the State of SCS. They also had the right to appoint lower ranked officials unlike the commissioners who were entitled to appoint and move the minimum bureaucracy and bring important provisions only with the consent and order of the Government of the State of SCS.⁵⁹ Provincial governments were subordinated and responsible to the National Council and in order to perform all important tasks they required the approval of the National

⁵⁵ In the same way there were secretaries for Croatia, Dalmatia, Slovenia and Bosnia; Backa, Baranja and Banat did not have the provincial government.

⁵⁶ Beuc, *op. cit.* n. 54, at p. 324; The mentioned departments were federal ministries of the Government of the National Council of SCS. Besides them there were the following: Section for the organization and propaganda, Newspaper department and the Financial department.

⁵⁷ Also, joint ventures had Austria and Hungary according to the Settlement from 1867.

⁵⁸ From the archives of the National Council of the SCS, State Archives of Croatia, Zagreb.

⁵⁹ Organization and jurisdiction of the Province Government during the times of State of SCS were determined according to fund's holdings of the Provincial Government in Zagreb and funds of the National Council of the SCS. (State Archives of Croatia, Zagreb).

Council of SCS. Therefore, Provincial Governments delegated the actual jurisdiction whereas the National Council only partially and conditionally transferred the exercise of its dictatorial rule.⁶⁰ As administrative units within the provincial government, except for commissions, there were other units, like the Presidential Office, Computer Office, Provincial Treasury, Journalism Department and other ancillary offices of the Provincial Government.

The situation in the SCS State itself, after the establishment, was becoming more and more revolutionary with regard to unresolved basic questions about the land, whereas the ruling class had neither will nor abilities and tools to resolve the problem.⁶¹ On the one hand it was necessary to resolve the social question, i.e. the rebellions of the disgruntled peasants, and on the other hand the external position of the new state was not satisfactory since the powers of Entente and the United States were not in hurry to recognize the State of SCS for numerous reasons, thus there was a danger that the Italian government would exercise the London treaty from 1915. Being afraid that it may not come to unification of Croats, Slovenians and Serbs on the entire area of their residence, most civic politicians saw salvation in the rapid establishment of narrow ties with the Kingdom of Serbia, thus to unite with it as soon as possible. The first step of the politicians of the SCS towards the unification was taken on 9th November 1918 by adopting the Geneva Declaration.⁶² The conference was held in Geneva from 6th until 9th November in 1918. The president of the Kingdom of Serbia, Nikola Pasic, was consulting on the modalities of the Yugoslav union with representatives of Serbian parliamentary opposition (Draskovic, Marinkovic, Trifkovic), the delegates of the National Council in Zagreb (Korosec, Cingri, Zerjav) and the members of the Yugoslav Committee (Vasiljevic, Stojanovic and Banjanin). Two crucial issues were concluded at the Geneva Conference: 1) establishment of the joint Yugoslav country and 2) giving rights to the future Constituent Assembly to adopt a final decision on the basic issues of the state (a form of governance and internal organization).⁶³ Since the Declaration was based on the establishment of the new Yugoslav country, which form of the government was going to be determined only later by the future Constituent Assembly (hence, the Dynasty was left uncertain) and that the hegemony of the ruling groups of Serbian politicians was not ensured, the Declaration failed. Likewise, for Nikola Pasic the Declaration represented a synonym for defeat, because it not only canceled the Corfu Declaration, but also confirmed the dual, federal constitution, which he regarded as atrocious scenario that revolted him.⁶⁴ The attitude of Zagreb was also significant, for the majority of the National Council was against the Declaration. The breakout of the Geneva Conference fully unveiled extreme differences between Yugoslav politicians. Since this attempt was unsuccessful it was necessary to begin the Zagreb-Belgrade direct communication.

The first such attempt to speed up the preparations for unification with Belgrade was done by the National Councils of Dalmatia, and Bosnia and Herzegovina, thus pressuring the main leadership for mentioning the possibility of a unilateral act of union in the event of delay. A few individuals from the ruling class of the Kingdom of Serbia (Duke Misic) and many others from the National Council (especially Svetozar Pribicevic and other members of the coalition) also supported the idea that this request materialize as soon as possible. The decision to join a

⁶⁰ However, even in this case the jurisdiction of the Province Government was much wider than during the times of Austria-Hungary within the guaranteed autonomy.

⁶¹ F. Čulinović, *Jugoslavija između dva rata* [Yugoslavia between two wars] (Zagreb, Historijski institut Jugoslavenske akademije znanosti i umjetnosti 1961) p. 95

⁶² Šišić, op. cit. n. 50, at p. 236,237

⁶³ The Presidency of the SCS National Council became aware of the result of the Geneva negotiations only on 16th November 1918 from Serbian sources. See: B. Krizman, *Hrvatska u prvom svjetskom ratu* [Croatia in the First World War: Croatian-Serbian political relations] (Zagreb, Globus 1989) p. 341

⁶⁴ Kovač M., op. cit. n. 53, at p. 159

union with Serbia under the Karadjordjevic dynasty was adopted on 24th November 1918, whereas the Central Committee of the National Council appointed a delegation of 28 councilors provided with the Instruction⁶⁵ to go to Belgrade to implement the unification with the Kingdom of Serbia. The only person that opposed the Instruction was Stjepan Radic who disapproved the way in which the decision was brought, i.e. injudiciously, thus he refused to go to Belgrade.⁶⁶ Finally on 27th November 1928 the delegation of the National Council went to Belgrade where already tomorrow started the negotiations on unification.

The agreement between the Croatian and Serbian "oligarchy" about uniting the SCS State and the Kingdom of Serbia, and the solemn proclamation of the first Yugoslav state eventually took place on 1st December 1918. The act of the 1st December about the unification represented the proclamation not only of the unification of the SCS State and the Kingdom of Serbia itself, but it also meant that the new unified state was a Monarchy with centralist state organization (in the Regent's proclamation of the 1st December act the new state is called 'The Kingdom of Serbs, Croats and Slovenians', and for the 'government' it is said that it would 'represent the entire unified motherland' and that the government would cooperate and respond to 'the National Representative').⁶⁷ This act also represented the end of the function of the National Council of the SCS as a sovereign authority of the SCS on the territory of the former Austria-Hungary, and it was taken over by Alexander as regent. This act also determined that the administrative bodies and the bodies of the Province remained until the new Constitution was passed, under the condition that the 'state government' i.e. central government in Belgrade had right to control them and that those autonomous administrative bodies of the Province also responded to the autonomous national representatives (parliaments).⁶⁸ However, the autonomous representatives, determined by the act, did not convene which contributed to the strengthening of the autonomy of the provinces. Consequently, the governments of some provinces of the former state of SCS in early January 1919 gave their resignation and appointed the new provincial government which no more included the commission for national defense, finance, railways and transport, trade, crafts and industry, and food. Those departments were under the direct supervision of the Ministries of the central government in Belgrade. On top of the Province Government was the President, and in Croatia there was a Ban.⁶⁹ The Province Government was in charge of exercising all those activities of the autonomy as they were during the times of Austria-Hungary. Those activities were: internal affairs, jurisdiction, theology, teaching, national economy and social politics. But this responsibility was reduced over time and the Provincial Government was no longer the highest administrative instance in the province. It was responsible for its affairs on the territory of the Province to the Central Government in Belgrade and the appeal against its decisions could be submitted to the appropriate Ministry. Instead of representatives, which were canceled, the central government formed its own instances, which were as regular and permanent offices responsible for the area of one province and directly subordinated to the competent ministry or a special department of the ministry in Belgrade, which was responsible for the province.

Entente and Serbian military victory, spread of Yugoslavian mood in Croatia, as well as in Serbia and political circles, Italian occupation, haste and improvisation, etc., it all contributed

⁶⁵ Čulinović, op. cit. n. 41, at p. 89, 90.

⁶⁶ "it is still not late! Do not rush headlong". See: I. Mužić, *Stjepan Radić u Kraljevini Srba, Hrvata i Slovenaca* [Stjepan Radic in the Kingdom of Serbs, Croats and Slovenes] (Zagreb, Nakladni zavod Matice hrvatske 1990) p. 285; and T. Macan, *Povijest hrvatskog naroda* [History of the Croatian people] (Zagreb, Nakladni zavod Matice hrvatske 1992) p. 448.

⁶⁷ Šišić F., op. cit. n. 50, at p. 280-283

⁶⁸ Beuc I., op. cit. n. 54, at p. 331

⁶⁹ Beuc I. cf. ibid. n. 54, at p. 332

to creation of the Kingdom of SCS which as a result of these factors became a state ruled entirely by Serbian political and military caste. Yet, Belgrade never fully accomplished its 'mission of assimilation' because Zagreb did not consider it as attractive as it was previously Vienna or Budapest. However, it is paradoxical that it is the cultural and industrial inferiority of Serbia, as well as new political and legal framework, which mostly gone in favor of the interests of Belgrade, but it contained more democracy than the former Austro-Hungarian system, that enabled the articulation of the Croatian national movement, which 'completed the process of Croatian national consolidation, thus, ending a century that began with Illyrian awakeners.'⁷⁰

⁷⁰ I. Banac, *The National Question in Yugoslavia: Origins, History, Politics* (Ithaca-Londreas, Cornell University Press 1984) p. 227