

## ***The Moravian Compromise of 1905: The Implementation of Lex Perek in Towns Affected by the Ethnic Conflict\****

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The main goal of the presented study is to present the implementation of the lex Perek in the context of the national struggle for compulsory schooling in the example of Moravian cities, which in historical memory have become a symbol of the Czech–German ethnic conflict. At the regional level, the Moravian Compromise, concluded in 1905, contained four provincial laws for the most pressing areas of friction and supposed to blunt the edges of Czech–German conflict tensions. One of these was the lex Perek, which, in addition to the division of school authorities on the basis of nationality, introduced in § 20 the principle that a child should generally attend a school in whose language of instruction it was proficient. On the basis of primary and secondary sources (contemporary Czech and German press, records of meetings of the regional assembly, files of the regional school board, decrees of the Supreme Administrative Court), the study analyses and interprets conditions in Brno, Olomouc, Moravská Ostrava, Vítkovice and Znojmo through the lens of Czech national activists. It covers the development from the mid-seventies of the nineteenth century after the issuance of the lex Perek and then demonstrates in specific cities that the struggle for a child in the cities under study did not end with the implementation of the law.

Keywords: History; Urban history; History of education; Nationalism; Central Europe; Austrian Empire; Czech lands; Nineteenth century; Twentieth century; National conflict; Moravian compromise; Municipal self-government; Schooling; Ethnicization; Law.

Ethnic conflicts in the past and present are dealt with by historical sciences from numerous points of view. Ethnic conflicts involve complex webs of power discrimination against one ethnic group by another, and it is only a matter of time before they end in conciliation or result in armed conflict. On the following lines we intend to analyse, through the lens of historical sciences, one of the chapters of the Czech–German ethnic conflict in Moravia at the turn of the twentieth century, which resulted in the conclusion of the relatively well-known Moravian Compromise (1905). The Moravian Compromise was essentially a political experiment in resolving this conflict, an experiment which was to affect the land's political, economic and cultural life. The Moravian Compromise consisted of four laws adopted by the Diet based on a political compromise between the Czech and German deputies: 1) the reorganization of the Land Diet and the Land Committee; 2) a new election system for the Land Diet; 3) new rules on the use of both provincial languages (lex Parma), and 4) the division of school authorities according to

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a national key and rules on the establishment of schools and school attendance (lex Perek). It was signed by the sovereign on 27 November 1905.

The political circumstances of the conclusion of the Moravian Compromise, including its potential in resolving the ethnic disputes in the region, have been dealt with by Austrian,<sup>1</sup> German,<sup>2</sup> American<sup>3</sup> and Czech historiography.<sup>4</sup> The study aims to expand the knowledge of the issue of the language and school policy from the well-known works by Tara Zahra,<sup>5</sup> Hannelore Burger,<sup>6</sup> Emil Brix,<sup>7</sup> James Bjork<sup>8</sup> and Václav Velčovský<sup>9</sup> covering as yet undealt with topics.

The prologue of the study on the implementation of lex Perek is an analysis of the period's legislation, court rulings, Diet interpellations, deputy debates and journalism on the topic of national education. Regarding the specific examples of Olomouc and Brno, – Moravian towns which, at the turn of the twentieth century, became symbolic of the Czech–German school struggle – the local efforts of the Czech side to establish schools with the Czech language of instruction against the opposition of German interests are analysed. The core of the study consists of the implementation of lex Perek in children's school enrolments in the above-mentioned localities and in other Moravian towns affected by the ethnic conflict. The study expands the current state of research on the subject of reclaiming children for the nation with a detailed analysis of the procedures and mechanisms of the local Czech national activists, which ultimately led to the well-known ground-breaking decisions of the Administrative Court of Justice in Vienna. With regard to the specific example of Brno, the conclusion deals with the role of lex Perek in the Czechoslovak interwar school policy.

The basic research was carried out on the five most populous municipalities in Moravia with a linguistic minority of at least 10 % (based on census data concerning language of daily use): Brno<sup>10</sup> (the land capital – South Moravia), Olomouc<sup>11</sup> (administrative centre – Central Moravia), Znojmo (administrative centre of the agrarian

1 STOURZH, *Die Gleichberechtigung der Nationalitäten*.

2 GLASSL, *Der Mährische Ausgleich*. In the broader context of the Moravian Compromise and the conflictual coexistence of Czechs and Germans in the Czech lands, key articles and books by Peter Haslinger must be mentioned in order to understand the issue of a multilingual society and the activities of national activists. For more details, see: HASLINGER, *How to run a Multilingual Society*; HASLINGER, *Staat, Gesellschaft und tschechische Schutzvereine*; HASLINGER, *Nation und Territorium*.

3 KELLY, *Last Best Chance or Last Gasp?*; KING, *Who Is Who?*; KING, *Budweisers into Czechs and Germans*; JUDSON, *Guardians of the nation*; JUDSON – ZAHRA, *Introduction*.

4 For a historical overview of this term, see FASORA – HANUŠ – MALÍŘ, *Moravské vyrovnání z roku 1905*; MAREK, *K moravským smířovačkám z let 1898–1905*; MALÍŘ, *Der Mährische Ausgleich*; NĚMEC, *Der Mährische Ausgleich von 1905*.

5 ZAHRA, *Kidnapped souls*; ZAHRA, *Imagined Noncommunities*.

6 BURGER, *Sprachenrecht und Sprachengerechtigkeit*; BURGER, *Der Verlust der Mehrsprachigkeit*.

7 BRIK, *Sprachenpolitik in den böhmischen Ländern*, pp. 47–61.

8 In certain respects, certain parallels can be seen in the topic of the fight for a child with J. Bjork's research for Upper Silesia, and specifically in the oscillation between the cultural Polish identity and the obligations of German citizenship. For further reading, BJORK, *Monoglot norms, bilingual lives*.

9 VELČOVSKÝ, *Nesoužití*.

10 ZAVADIL, *Obyvatelstvo měst a městeček*, 71. In 1890 in Brno, 61,834 inhabitants claimed German as their language of daily use, 26,836 inhabitants the Czech one, and 2,045 inhabitants a different one.

11 ZAVADIL, *Obyvatelstvo měst a městeček*, 71. In 1890 in Olomouc, 14,212 inhabitants claimed German as their language of daily use, 5,460 inhabitants the Czech one, and 132 inhabitants a different one.

region – South Moravia),<sup>12</sup> Moravian Ostrava and Vítkovice (industrial towns – North Moravia).<sup>13</sup> In historical memory, at the turn of the twentieth century, these towns became symbolic of the Czech–German conflict affecting coexistence in numerous spheres of the everyday life of the urban population. In addition, the research of the implementation of *lex Perek* was expanded to include an analysis of the situation in Moravian small towns with ethnically heterogeneous populations, specifically for the purpose of this study in Místek.<sup>14</sup>

Compared to Bohemia, one of the specifics of the everyday life of Moravian towns in the late nineteenth century lay in the completion of primary school education by children from Czech-speaking families at primary schools [Volksschulen] with German as the language of instruction. According to the criterion of the language of daily use, this amounted to about one eighth of Czech children;<sup>15</sup> in the linguistically homogeneous countryside, there was a correlation between the language of the village's inhabitants and the language of instruction at the local school. Thus, at the time of the nationalization of the society in Austria, for the national activists<sup>16</sup> the autonomous division of education was one of the goals of the national programmes. For, as S. M. Newerkla so aptly put it: "School not only decides what future generations will know and in which languages they will be able to access that knowledge, it also determines to a high degree what other languages these future generations will be familiar with".<sup>17</sup>

Language policy has played, and continues to play, an important role in ethnic conflicts and is one of the symbols of regional separatist tendencies. In historical sciences we consider the work *Language, identity, and conflict: A comparative study of language in ethnic conflict in Europe and Eurasia* by Diarmait Mac Giolla Christ<sup>18</sup> to be a retrospective synthesis of theoretical concepts on the topic of language, identity and conflict. We opened the topic of language conflict in the Bohemian Lands in the project *Národnost ve sčítáních lidu v českých zemích 1880–1930 (spory, polemiky, konflikty)* [Nationality in Censuses in the Bohemian Lands in 1880–1930 (Disputes, Polemics, Conflicts)]. By analysing legislation, national defence society documents and the period press, we found out how far-reaching the effects of ethnic identity, or, more precisely, claiming a language of daily use – in the interpretation of national activists amounting to nationality – were for individuals against the background of the ethnic conflict. In ethnically mixed towns, we recorded both pragmatic registrations of the language of the political and economic hegemon in the locality and entries made under existential

12 ZAVADIL, *Obyvatelstvo měst a městeček*, 71. In 1890 in Znojmo, 12,473 inhabitants claimed German as their language of daily use, 1,797 inhabitants the Czech one, and 246 inhabitants a different one.

13 ZAVADIL, *Obyvatelstvo měst a městeček*, 84. In Moravian Ostrava, 5,112 inhabitants claimed German as their language of daily use, 10,695 inhabitants the Czech one, 2,415 inhabitants the Polish one, and 1,021 inhabitants a different one. Vítkovice was not counted among towns, but was, with 10,709 inhabitants, the most populous municipality.

14 ZAVADIL, *Obyvatelstvo měst a městeček*, 84. In 1890 in Místek, 3,008 inhabitants claimed German as their language of daily use, 1,890 inhabitants the Czech one, and 86 inhabitants a different one.

15 HAVRÁNEK, *Moravské školství*, 118.

16 We consider national activists to be publicly active men who had been active members of school associations and national defence organizations. They had designed the goals and tasks of national movements and actively participated in their implementation in social practice.

17 NEWERKLA, *The seamy side*, 171.

18 MAC GIOLLA CHRIST, *Language, identity, and conflict*.

pressure connected with the loss of employment, social security and housing. For the national activists, achieving the highest possible population count of the nation – those who claimed the language of daily use – was an important instrument in the battle for political power in the ethnically mixed milieu of the Bohemian Lands. As Eric Hobsbawm said: “At all events problems of power, status, politics and ideology and not communication or even culture, lie at the heart of the nationalism of language”.<sup>19</sup> For the Moravian context at the turn of the twentieth century, Colin H. Williams’ thesis that language is a key factor in nationalist and separatist movements was entirely valid: “Language is useful as a potential marker of ethnicity and hence is also useful to ethnic separatists as a means of group mobilization. Language, therefore, functions as political resource.”<sup>20</sup> The conducted research was a necessary prologue to dealing with the subject of the Moravian Compromise (1905) in the context of the ethnic conflict and its participants in selected Moravian towns, as for Moravian towns with ethnically mixed populations it demonstrated that around 1900 there was enormous pressure on the inhabitants in numerous spheres of everyday life for a declaration of identity, i.e. claiming which nationality they “should” belong to.

A brief outline of the basic legislative development of the national rights in the Monarchy and their application to the school legislation is essential when dealing with the topic. The demands of equal rights for the nationalities of the Monarchy had become an integral part of the Revolution of 1848/49.<sup>21</sup> They are reflected in § 19 of the Kroměříž Constitution: “Alle Volksstämme des Reiches sind gleichberechtigt. Jeder Volksstamm hat ein unverletzliches Recht auf Wohnung und Pflege seiner Nationalität überhaupt und seiner Sprache insbesondere. Die Gleichberechtigung aller landesüblichen Sprachen in Schule, Amt und öffentlichem Leben wird vom Staate gewährleistet.”<sup>22</sup> The Brno lawyer, legal historian and German national activist of the turn of the twentieth century Alfred Fischel regarded this section as the “Magna Carta” of national rights in the Monarchy.<sup>23</sup> According to Velčovský, it declared a shift from “supranational” identity to national identities.<sup>24</sup> The Imposed March (also called Stadion’s) Constitution dealt with national rights in § 5. “Alle Volksstämme sind gleichberechtigt, und jeder Volksstamm hat ein unverletzliches Recht auf Wahrung und Pflege seiner Nationalität und Sprache.”<sup>25</sup>

The basic legal document of the language policy in the Monarchy came to be Article 19 of the 1867 Constitution (the so-called State Basic Act No. 142 of 21 December 1867 RGBL). The first paragraph proclaimed the equality of all nations, the second the protection of the language and the third the right to teach in the national language. Of the contemporaries pointing out the legal weakness of Article 19 we can mention

19 MAC GIOLLA CHRIOST, *Language, identity, and conflict*, 68.

20 MAC GIOLLA CHRIOST, *Language, identity, and conflict*, 151.

21 HYE, *Die rechtlichen Grundlagen der Sprachenfrage*, 20.

22 <http://www.verfassungen.at/at-18/verfassungsentwurf49-i.htm>; “All nationalities are equal in a State. Each nationality has inviolable right to preserve and further its nationality in general and its language in particular. The equality of all languages usually spoken in a particular region in the fields of education, administration and public life is guaranteed by the state” Translation in English form SCHJERVE, *Diglossia and power*, 75.

23 HYE, *Die rechtlichen Grundlagen der Sprachenfrage*, 20.

24 VELČOVSKÝ, *Nesoužití*, 85.

25 <http://www.verfassungen.at/at-18/verfassung49-i.htm>; „All nationalities are equal and each nationality has an inviolable rights to preserve and further its nationality and language” Translation in English form SCHJERVE, *Diglossia and power*, 76.

Edmund Bernatzik, a constitutional law expert, who commented on the first paragraph: "die Volkstämme keine juristischen Personen, keine Rechtssubjekte und ohne Organe sind".<sup>26</sup> Article 19 therefore promised to achieve equality between the constituent nations, but did not provide any means for implementation because the constitutional laws did not recognise nations or their collective representation as legal persons.<sup>27</sup> The third paragraph and its role in the ethnic conflict in education was commented upon, years later, by an interwar expert on the history of education, Otakar Kádner, who stated: "Unfortunately, it was for this fateful section that the implementing regulation was never issued, which is why this paragraph, otherwise quite fair and progressive, was, from the very beginning, the source of the greatest national disputes and frictions".<sup>28</sup> According to legal historian Karel Malý, the problem with applying Article 19 in public life was, in fact, "that the legal code of the Monarchy was unaware of the concept of 'national minority' and that in determining nationalities it relied only on language differences and provided protection only within the individual lands and, as regards the languages, only to those that were common in the land<sup>29</sup> (landesüblich)".<sup>30</sup> Despite these legal weaknesses, Article 19 of the Constitution was a valid legal norm in the sphere of the language and national rights of the people of the multi-ethnic Monarchy. In the argumental line of the national activists, it was a key tool in the fight for language equality in education and state administration. The determination of an individual's nationality was gradually unified in legal practice by the court judgments of the Administrative Court of Justice.

Education in the mother tongue was a key requirement of the fight for language equality. On the legislative level, the claim was based on the third paragraph of Article 19 of the Constitution cited above. In practice,<sup>31</sup> however, the application of the incriminated constitutional article ran afoul of another piece of legislation, that regarding the municipal government as the founder of primary education. The municipal governments invested in building a network of *Volks-* and *Bürgerschulen*<sup>32</sup> to provide primary education for school children, but in the progressively more nationalized society the principle was applied that *Volksschulen* taught in the language of the political hegemon in the municipality. In internal debates, nationalist opinions were expressed about financing Czech schools, but in public discourse it was argued that public funds should be used economically, which was not compatible with building a school for a "minority". We will elaborate on specific examples.

From school legislation, let us mention Imperial School Act No. 62 of 14 May 1869, the so-called Hasner's Act. Hasner's Act was adopted at a time when the Czech political

26 HYE, *Die rechtlichen Grundlagen der Sprachenfrage*, 21. In English: "the nationalities are not legal persons, are not legal subjects and institution."

27 Conceived on the basis of Gerald Stourzh's work *Die Gleichberechtigung der Nationalitäten in der Verfassung und Verwaltung Österreichs 1848–1918*, published in 1985.

28 *Vývoj a dnešní soustava školství*, 111.

29 In Moravia, the Czech language was recognized as the second provincial language of the land by a decree of the Moravian governor's office of 9 March 1856, No. 5156. FISCHER, *České školství a Matice školská v Olomouci od r. 1872–1918*, 7.

30 MALÝ, *Stoapadesáté výročí vydání Prosinčové ústavy*, 67.

31 HYE, *Die rechtlichen Grundlagen der Sprachenfrage*, 32–33.

32 ŠAFRÁNEK, *Vývoj soustavy obecného školství*, 194. *Bürgerschulen* were to prepare pupils of both genders for civic professions. Pupils were admitted to the first grade of a *Bürgerschule* after successfully completing five years at a *Volksschule*.

representation had resorted to passive resistance. Members of the Polish, Slovenian and Italian ethnic groups did not take part in the debate either.<sup>33</sup> Out of the 78 sections of the Act, two sections are key to the ethnic conflict in education, namely § 6, according to which the language of instruction of the school was decided by the Provincial School Authority on the basis of the founder's initiative, and § 59, according to which a public *Volksschule* was to be established wherever there were, based on a five-year average, more than 40 school children who had to attend school over four kilometres away within a one-hour radius on foot.<sup>34</sup> §§ 62 and 64, concerning the funding of schools by the founder and the provision of provincial subsidies for the development of education, were equally important. In the Implementing Provincial School Act for the Margraviate of Moravia of 24 January 1870, § 59 of the Imperial School Act was implemented in § 1. The school legislation did not apply the third paragraph of Article 19 of the Constitution on the non-compulsion to teach in a second provincial language and did not address the establishment of minority schools. In a nationalizing society of ethnically mixed towns, such legislation created conflict zones in the sphere of national and language equality. In these municipalities, education became a political issue and an arena of the Czech–German conflict.

The Czech–German conflict in Moravia differed, in numerous aspects, from the situation in Bohemia. As Zdeněk Kárník writes: "While in Bohemia the nature of the Czech–German conflicts was largely of a land-wide and state dispute, in Moravia they penetrated each town and its town hall".<sup>35</sup> According to Malíř's findings, it was not until the 1860s and 1870s that the Moravian society became more intensely nationalized, moving away from an anational patriotism and leaning towards Czech and German nationalism.<sup>36</sup> The different levels of bilingualism were typical of the land's population; yet the German politicians refused to enact it.<sup>37</sup> Compared to in Bohemia, social rise in Moravian towns had been linked to the use of German for a longer time; German was used fluently by the leading Moravian Czech politicians and representatives of the social group of the intelligentsia.<sup>38</sup> In 1890, of the 307 Moravian towns, only 50 had an exclusively Czech and 36 an exclusively German population. The population of the other 221 towns was more or less nationally mixed.<sup>39</sup> Traditional bilingualism was thus characteristic of the everyday life of Moravian towns, or, rather, a language communication conglomerate used in the wider strata of the population and based on both provincial languages and language diglossia.

Due to the different settlement structure, i.e. ethnically mixed towns with German municipal governments and a prevailing Czech countryside, the aim of the German policy in Moravia was not to create closed German language territories;<sup>40</sup> this is evident from the Whitsun Programme of the German political parties in Austria (1899).<sup>41</sup> Compared to Bohemia, for Moravia it was assumed that the language of the external

33 *Vývoj a dnešní soustava školství*, 113.

34 *Reichs-Gesetz-Blatt für das Kaiserthum Oesterreich*, 285

35 KÁRNÍK, *Vlastimil Tusar*, 15.

36 MALÍŘ, *Zu den Sprachenverhältnissen in Mähren*, 123.

37 MALÍŘ, *Zu den Sprachenverhältnissen in Mähren*, 124.

38 MALÍŘ, *Zu den Sprachenverhältnissen in Mähren*, 122–123.

39 MALÍŘ, *Nacionalizace obecní samosprávy*, 77.

40 MALÍŘ, *Zu den Sprachenverhältnissen in Mähren*, 125.

41 MALÍŘ, *Zu den Sprachenverhältnissen in Mähren*, 126.

state offices would be both provincial languages, and that German would remain the language of internal offices.<sup>42</sup> Like in Bohemia, national curiae with a veto power were to be established in Moravia. In education, the plan was to divide the school authorities according to the national principle, and to fund the education of both nationalities from their own budget.<sup>43</sup> The funding of the ethnically autonomous education was outlined by Alfred Fischel in his work *Die Minoritätsschulen*.<sup>44</sup>

In the short time of just a few days, the deputies of the Land Diet, under the influence of the heated events in the public space of the regional capital, Brno, decided to adopt the Moravian Compromise, but a lesser-known fact is that for decades there had been fierce debate at the Diet to acquire public accreditation [Öffentlichkeitsrecht] for each of the Czech Matice schools and to grant subsidies for their running. Excesses during school enrolments had become the topic of deputy interpellations at the turn of the century. Parliamentary debates formed the tip of the iceberg of the school conflict at the level of the establishment of national schools and the fight for children. Top Czech and German politicians were its leading participants; national political programmes had become the land's political issue.

We can best interpret the issue outlined above through the example of individual towns. Brno, Olomouc, Moravian Ostrava, Vítkovice, Znojmo and Místek formed a part of a large group of Moravian towns with German municipal governments. This was due to the election system, which was based not on the democratic principles of universal suffrage, but on the acquisition of the right to vote on the basis of community membership, tax liability or membership in the narrowly defined social group of the intelligentsia. The German-speaking population, which had, for centuries, been linked to the development of trade and services in Moravian towns, fell more numerous within such a defined constituency – as, newly, did the developing group of entrepreneurs and intelligentsia. Apart from ethnic Germans, the economically active middle strata of the local society and elites included Jews and people of originally Czech ethnicity, who pragmatically associated cultural and political Germanness with potential social and economic success. For them, communication in the German language was a code of social status in the local microcosm. Particularities were manifested by towns located on the land border with Silesia, i.e. Moravian Ostrava, Vítkovice and Místek, as, besides the traditional Czech-German bilingualism, this was also a border of two Slavic languages, Czech and Polish, and the colloquial language used by the Slavic population was far from the standard form of either Czech or Polish.

Brno and Olomouc ranked among the traditional centres of education in Moravia. The role of Brno as the land's capital was strengthened in the second half of the nineteenth century with the development of high technical education in the town. In the early twentieth century, the town became a symbol of the failed Czech battle for the second Czech university in the Bohemian Lands; the university in Olomouc was shut down in 1860. The establishment of the Imperial Royal Slavic grammar schools in 1866 and 1867 connected Brno and Olomouc in the sphere of education; the founder was the state. The opening of grammar schools with the Czech language of instruction supported the efforts in local Czech circles leading to the establishment of Czech primary schools. Despite the fact that Olomouc and Brno were regional centres of

42 TOBOLKA, *Politické dějiny československého národa*, 219.

43 TOBOLKA, *Politické dějiny československého národa*, 219.

44 FISCHEL, *Die Minoritätsschulen*, 15, 17, 20.

education with large populations of the Czech ethnic group, the town halls did not establish primary schools with Czech as the language of instruction. Czech was taught to a limited extent at the so-called Utraquist schools, but even there the share of classes taught in the Czech language decreased with each higher grade, while the number of classes taught in the German language increased. For the towns, Utraquist schools were becoming a symbol of a certain backwardness in education. The aim of the town halls was to build *Volksschulen* and *Bürgerschulen* with German as the language of instruction and divided by gender. From the early 1870s, in Brno there were limited possibilities for primary education in the Czech language through Czech classes offered at the so-called training school, which was a part of the Imperial Royal Czech Teachers Institute for the education of future teachers of both genders.<sup>45</sup> In this respect, at the regional level the fact was reflected that there predominated rural municipalities with ethnically homogeneous Czech populations, in whose schools children received primary education in the mother tongue, i.e. in the Czech language.

The first voices calling for the establishment of a Czech *Hauptschule*<sup>46</sup> in Olomouc began to be heard at the time of the establishment of an Imperial Royal Slavic grammar school.<sup>47</sup> In the public and media space, they intensified within the *tábor* movement. Several speakers spoke on the topic of the development of Czech education at a mass meeting (*tábor lidu*) held on Svatý Kopeček, near Olomouc, on 20 June 1869. The keynote address was given by journalist Josef Vrla, from which we cite: "Thus in all strata of our nation, and from all parts of our land, one voice is heard, one call is made in unison; and that is: Schools – Czech schools – give us schools! — And we won't stop calling until we are heard."<sup>48</sup> The opening words of the adopted resolution express the objectives of the Czech school policy: "Thinking that despite all the laws on the equal rights of us, Slavs, to use our own language in offices, in public life, to educate young people in the mother tongue at institutions of teaching, we lack, besides lower *Volksschulen*, nearly all the necessary vocational schools."<sup>49</sup> The individual points of the resolution emphasized the development of Czech schools at all stages of the school system, from primary schools through secondary schools and teachers institutes to the highest objective, the establishment of a Czech university. Similar resolutions were adopted at other mass meetings in the region; their full texts were being published by the Czech press.

Supporters of the establishment of a Czech *Hauptschule* in Olomouc appealed to the government. According to the press report, they would have been content to open parallel classes with Czech as the language of instruction as part of the German *Hauptschule*. However, the calls for a Czech school were not answered. Allegedly, the government promised to provide a subsidy from the school fund should a private school be established.<sup>50</sup> The reform of the school system by the Imperial School Act

45 Established as a result of Hasner's School Act, which reformed the education of future teachers by establishing four-year teachers institutes for the education of teachers of both genders. In Moravia, the Czech one was established in Brno and the German one in Olomouc.

46 This was still a time just before Hasner's Act. Completing a *Hauptschule* was a prerequisite for admission to a grammar school.

47 FISCHER, *České školství*, 8.

48 *Našinec*, 23. 6. 1869, vol. 1, no. 28, p. 2.

49 *Našinec*, 23. 6. 1869, vol. 1, no. 28, p. 2.

50 Proč jest v Olomouci potřeba české hlavní školy? In: *Olomoucké noviny*, 24. 2. 1869, no. 14, p. 1.



of 1869 did not change the situation of Czech primary education in Olomouc. In 1871, education in the town was provided at five *Volksschulen* with instruction in German and one Utraquist school. Supporters of the Czech national movement never abandoned the idea of establishing a school with Czech as the language of instruction. Several months or even years always elapsed between the decision to establish a private school and opening the first class. The establishers had to account for funding the teachers' salaries and all running costs. In modern language, there had to be a legal person who brought the process of establishing the school to a successful conclusion and was the legal guarantor of its existence. The establishment of such a school in Olomouc was preceded by the formation of a local school association called "Matice školská v Olomouci" [School Matice in Olomouc], whose statutes were approved by the Moravian governor's office by a decree of 20 September 1872.<sup>51</sup> Afterwards, Matice issued a proclamation to the *Supporters of Czechoslovak National Education*<sup>52</sup> connected with the announcement of a public collection to raise money for a private school.

The District School Board did not directly reject the Czech request to establish a private school in the town with the Czech language of instruction, but referred it to the town council for the issuing of an expert's report with an internal note that a Czech school was not needed in the town and an addition that the establishers would definitely soon request to make the school public. Under § 2 of the School Act of 1869, any *Volksschule* which was established or maintained by the state, land or municipality and financed by them was a public institution, entirely or partly. In the case of primary schools, funding from municipal budgets was assumed primarily in line with municipal legislation. Therefore, by opening a school in accordance with the legally required number of pupils, the Czech side would declare that the school was needed in the locality with respect to Article 19 of the Constitution. The town's leadership was aware of this and, through obstructions, tried to prevent the establishment of the private school. This is how one can describe the typical early stages of the school struggle in the Moravian towns with German hegemony at the town halls and a Czech emancipating society, i.e. specifically members of the Czech intelligentsia.

Delaying sending the Czech request to the Provincial School Board in Brno [henceforth only PSB] had become one of the strategies of the German town halls.<sup>53</sup> The delay was intended to thwart holding enrolments into the Czech school. The town halls assumed that if the enrolment did not take place within the legal time, parents who were obliged by the School Act to enrol their children into compulsory education would enrol them into German *Volksschulen* instead of an unestablished private school. Some of the parents did so and some of them, we can say the hard core in their conviction, did not attend the enrolment and waited.

After discovering how things were going with the establishment of a Czech school in Olomouc, the Czech politicians in Brno decided to start classes at a private school without it being officially approved, which was in violation of the legislation. The school was authorized by the Provincial School Board by a decree of 10 November 1874. Classes for eleven pupils took place in a makeshift facility.<sup>54</sup> At the beginning

51 FISCHER, *České školství*, 18.

52 *Našinec*, 15. 11. 1872, vol. 4, no. 134, p. 2.

53 FISCHER, *České školství*, 24.

54 *Našinec*, 26. 11. 1873, vol. 5, no. 137, p. 3.

of the 1875/76 school year, a new school building was ceremonially consecrated.<sup>55</sup> From the newspapers it seems as if the opening of the school building had, for a time, dulled the edges of the school struggle in the municipality.<sup>56</sup>

In the first years of classes, the pupils were recruited from Olomouc and the surrounding municipalities. The share of the local pupils over non-local ones increased with each enrolment, which was one of the prerequisites for making the school public. In order to reach out to the parents of potential pupils, Matice held numerous events aimed at children and parents, such as educational lectures, trips, events for children and the donating of shoes, clothing and St Nicholas gifts to poor children.<sup>57</sup> In the late 1870s and early 1880s it was therefore not a natural part of the mentality of the Olomouc Czechs to enrol their children into a Czech-language school.

The Matice school gained the right of the public by the Ministry's decision of 16 June 1876.<sup>58</sup> Even with subsidies from the provincial budget, financing the school was an enormous cost for the School Matice in Olomouc, which limited the further development of associational activities. From 1879,<sup>59</sup> there was a growing feeling among the association's members that the school should be financed by municipal funds.<sup>60</sup> In early 1883, JUDr. Jan Žáček, a lawyer and politician, commenced a lengthy negotiation with the authorities on behalf of the School Matice in Olomouc. The German school policy of the Municipality of Olomouc was conceived by Adolf Thannabauer – headmaster of the German *Realschule* in Olomouc, school inspector and councillor<sup>61</sup> – who wrote negative statements on making the Matice school public, both on behalf of the municipality and the District School Board. In one of the replies to the School Matice he wrote the following: "The Municipality of Olomouc does not deserve reproaches that it does not take care of Czech children when this obligation is voluntarily performed by the School Matice. If it were not for the Czech school, the municipality would accept Czech children into its own schools, which would only benefit them."<sup>62</sup> The municipal council rejected the Czech request on 30 July 1883. The School Matice in Olomouc immediately took steps towards an instance complaint. This ended successfully with a PSB decree of 20 November 1883, ordering the town of Olomouc to establish a public Czech school. The municipality challenged the decree by way of recourse to the Ministry of Religion and Education, but the Ministry only confirmed the decision of the PSB by a decree of 30 January 1884. On 17 March, the municipality lodged a complaint with the Administrative Court of Justice in Vienna (ACJ), which, by the ruling of 3 July 1884 No. 1842 confirmed the decision of the Ministry of Religion and Education. The municipality's legal objection that the private school met the wording of § 72 of the Imperial Act on *Volksschulen* of 14 May 1869 No. 62, was, according to the ruling, found to be incorrect, since the municipality could be exempted but did not have to. The municipality was to observe § 6 of the School Establishment Act of 24 January 1870 No. 17 of the Land Code and, without undue delay, establish a school in

55 *Našinec*, 20. 10. 1875, vol. 7, no. 124, p. 3.

56 *Deutsches Volksblatt für Mähren*, 23. 10. 1875, no. 43, p. 4.

57 AMBROS, *Dějiny Matice Školské*, 9.

58 FISCHER, *České školství*, 42; *Pozor*, 1876, no. 71, p. 2.

59 AMBROS, *Dějiny Matice Školské*, 9.

60 *Našinec*, 6. 12. 1882, vol. 14, no. 144, p. 3.

61 Obituary in *Mährisches Tagblatt*, 15. 7. 1899, no. 159, p. 3 – "denn er war überzeugungstreuer Deutscher".

62 FISCHER, *České školství*, 53.

accordance with the Ministry's decision. On 4 August the PSB ordered the municipality to establish the school by 12 September. On 31 August 1884, an invitation was issued for the enrolment of children: a) into the national school of the School Matice on 8 September; and b) into the Czech *Volksschule* on 10–11 September. At a Matice meeting held a month after the enrolments, the more than ten-year-long activities leading to the establishment of a Czech public school in Olomouc were evaluated with the words: "This has finally brought the Municipality of Olomouc the inevitable obligation to take care of the establishment of a Czech public school in the sense of the ministerial decree".<sup>63</sup>

The above-mentioned can be seen as the first stage of the struggle for Czech education in the Moravian towns with German hegemony at the town halls, which took place under the slogan "Czech schools for Czech children". The establishment of a Matice school in Olomouc and opening of a public Czech-language school in the town has been elsewhere outlined more extensively, but it was necessary here to capture the typical phenomena as well as the possible local particularities. In the early stage of the school struggle, it was clearly demonstrated that the School Act did not contain principles for the establishment of public "minority"/national schools in municipalities. The ACJ court judgments provided a certain rectification, namely its decision No. 2314 of 4 December 1884, which brought into accord the principles of Imperial School Act No. 62 of 14 May 1869 and Article 19 of the Constitution. Besides the complaint lodged by the Municipality of Olomouc against the establishment of a public *Volksschule* with the Czech language of instruction that was ordered by the Ministry of Religion and Education, in early 1884 the ACJ also debated a complaint lodged by the Municipality of Brno against the decision of the Ministry of Religion and Education to establish a second public Czech-language school in the town. As in the Olomouc case, the ACJ found it to be groundless. From these decisions we can trace a line to the ground-breaking decision of the ACJ of 4 December 1884, which created an important foothold for the Czech activists in the school struggle.

For comparison, let us outline the beginnings of Czech public schools in Brno. It is apparent from the editorial *Rovnoprávnost v národních školách brněnských a velemoudré usnesení městské rady* [Equality in the national schools of Brno and the very wise resolution of the town council], published in the first issue of *Moravská orlice* [Moravian Eagle], the flagship of the Czech national political struggle, that during 1861 the Moravian governor's office called on the town's government to establish a Czech-language school with respect to observing language equality. The municipal government conducted an investigation into the language competences of school children and concluded that around 5,000 spoke German or both of the provincial languages. Allegedly, only 105 children spoke exclusively Czech, which the Czech paper disputed. The results of the investigation became the basis for the resolution adopted by the town council that, in view of the discovered data, there was no need for a Czech school in the town.<sup>64</sup>

Brno was not only the regional capital, but also a dynamically developing industrial centre with a growing social group of workers who were moving to the town for work opportunities from the surrounding municipalities and even more distant regions. The social mobility of workers in the local textile and engineering factories was linked not

63 FISCHER, *České školství*, 53–63.

64 *Moravská orlice*, 2. 4. 1863, vol. 1, no. 20, p. 1.

only to qualifications and good work performance, but also to a knowledge of German, which had become the corporate language of communication in the local industry. The forming social group of workers had a different attitude to national issues than the nationally aware Czech intelligentsia. For them, existential social issues were a priority. They did not care so much about the language of their children's education. Speaking German was considered a plus when looking for work, which was also true for North Moravian industrial municipalities such as Moravian Ostrava, Vítkovice and Místek.<sup>65</sup> As part of the 1869 series *K dělnické otázce v Brně* [On the Question of Workers in Brno],<sup>66</sup> *Moravská orlice* wrote that the municipal government should build Czech language schools for the children of workers. Almost three decades passed before a part of the workers organized in the Czech faction of Social Democracy began to identify with this demand, as exemplified by their holding a strike for a laid off worker who had enrolled his children into the Czech school in Místek in 1909,<sup>67</sup> or the establishing of a new Czech school in Brno in 1914.<sup>68</sup>

In the circle of supporters of the Czech national movement, steps leading to the establishment of a Czech-language school intensified during the second half of the 1870s. In the spring of 1877, they used the right of petition, with 201 petitioners asking for the establishment of a Czech school in the town.<sup>69</sup> The usual delays on the part of the municipal government led them to decide to first establish a private Matice school. The PSB granted their request on 15 October 1877. Institutionally, the School Matice in Brno, whose statutes were approved on 17 January 1878, took patronage over the school.<sup>70</sup> The establishment of a private Matice school was one of the necessary preconditions for breaking the PSB's negative stances on the Czech school requirements, as after the enrolments the Czech activists had hard data on which to base complaints about the failure to establish a Czech public school submitted to the school authorities and deputy interpellations. Based on these data, by a decision of 8 November 1880, the PSB ordered the town of Brno to establish a boys' and girls' class with Czech as the language of instruction as part of the two *Volksschulen* if the enrolments proved they were needed.<sup>71</sup> The enrolments and petitions by the parents of potential pupils proved the need for a Czech school in the town, and so the PSB ordered the municipality to establish a Czech public school in the town from the school year 1881/82 by a decree of 7 June 1881.<sup>72</sup> From the PSB negotiations it is apparent that the leadership of the town of Brno considered the establishment of a Czech school to be a whim of the Czech politicians, which it did not intend to finance from the municipal budget. At the same time, the town's leadership considered investment in the development of

65 According to an entry in the school chronicle, in 1902, in the strictly Czech municipality of Palkovice, neighbouring with Místek, the locals asked for classes in German at the *Volksschule*. They supported their request by claiming: "It is thought that a certain knowledge of German makes the fight for life easier". Státní okresní archiv Frýdek-Místek [State District Archive in Frýdek-Místek], fund Základní škola a mateřská škola Palkovice [Nine-year primary school and kindergarten in Palkovice, Palkovice Volksschule school chronicle. Book two. 1899–1925].

66 *Moravská orlice*, 22. 6. 1869, vol. 7, no. 140, p. 1.

67 *Lidové noviny*, 17. 9. 1909, no. 256, p. 1.

68 Stávka školních dětí v Brně. In: *Rovnost*, 10. 3. 1914, no. 53, p. 3.

69 Žádost o české národní školy v Brně. In: *Moravská orlice*, 18. 3. 1877, p. 1.

70 *Zápas o české školy v hlavním městě Moravy*, 14.

71 Zemská školní rada a české školy v Brně. In: *Moravská orlice*, 12. 11. 1880, p. 2.

72 České dítě patří do české školy. In: *Moravská orlice*, 18. 9. 1881, p. 1.

municipal education and pre-school education for children to be justified, but only if it was education in the German language.

The dispute over the establishment of a second Czech public school in the town was brought to an end by the ACJ's decision of 14 February 1884,<sup>73</sup> which found the town's complaint against the establishment decree of the Ministry of Religion and Education to be groundless. Referring to school legislation, the town pointed out that it formed one school district and would, if necessary, establish parallel classes as part of the existing school. It argued that establishing Czech schools incurred unnecessary expenses.<sup>74</sup> The arguments were not accepted by the court.<sup>75</sup> In the 1880 census, 39.7 % of the Brno population claimed Czech as their language of daily use;<sup>76</sup> 10.1 % of school children went to Czech-language schools.<sup>77</sup>

The turn of the twentieth century in ethnically mixed Moravian towns with German town halls took place against the backdrop of fights for every child enrolled into Czech schools. In particular, it was the Czech lawyers who, at the head of the School Matice, drafted requests to the school authorities to set up parallel classes or to open another Czech school, since the numbers of enrolled children met the legal requirements for the establishment of such classes or schools. Meanwhile, there were German lawyers who, in the services of the town or from the position of representatives, rebutted such requests to the school authorities, the Ministry of Religion and Education and the Administrative Court of Justice. In many ways, the school struggle was a battle between lawyers over the interpretation of the school legislation in relation to the Constitution.

The establishment of Czech *Volksschulen* in Olomouc and Brno showed the strategies by which to achieve the teaching in Czech of children at municipally funded schools. From the set of examined towns it follows that the initial stage in this struggle depended on local conditions. The degree of national awareness, i.e. identification with the national political programme, played a greater role than the number of the Czech ethnic group. It must be noted that this was Moravia, with strong regional patriotism, so the idea of the unity of the Lands of the Bohemian Crown and the Czech language had to be adopted as a symbol of modern Czech national communality. In both internal and public discourse, the town halls often stated in their arguments against the establishment of Czech schools that these were the activities of Czech activists from Bohemia who, by doing so, were disrupting the traditional bilingualism of the old residents, such as in Místek in 1896: "When the local businessmen have shops in Bílsko, Nový Jičín or Bílovec, they speak German, but when in Frenštát or Příbor, they speak Czech. The agitation to divide the school [author's note: Utraquist] is led by people who had come to the town recently and who are spreading it artificially."<sup>78</sup> In the local conditions,

73 Právo zvítězilo. In: *Moravská orlice*, 16. 2. 1884. At the end of that year, the ACJ issued decision No. 2314 of 4 December 1884, which was relevant for the establishment of national schools, since it brought into accord the principles of Imperial Act No. 62 of 14 May 1869 and Article 19 of the Constitution.

74 Gegen die Einrichtung einer zweiter tschechischen Volksschule in Brünn. In: *Tagesbote aus Mähren und Schlesien*, 2. 8. 1883, p. 3. *Brünner Chronik*. In: *Tagesbote aus Mähren und Schlesien*, 14. 2. 1884, p. 3. The town was represented in court by JUDr. August Wieser.

75 Old Brno is not the centre of the town, but, in the language of sources, a town district located west of the centre of the so-called inner town.

76 KLADIWA, *Národnostní statistika v českých zemích*, 243.

77 CHARVÁT, *Schematismus škol národních a měšťanských*, 185.

78 Státní okresní archiv Frýdek-Místek, collection Okresní školní výbor Místek [District School Committee in Místek].

there may have arisen a situation in which the Utraquist *Volksschule* was divided into schools with either German- or Czech-language instruction, as was the case in the first half of the 1880s in Moravian Ostrava,<sup>79</sup> or a state in which the municipality accepted the regulations of the PSB and established a school with Czech as the language of instruction (Místek 1897).<sup>80</sup> In these cases, too, the impulse for the establishment of a Czech school came from the circle of the local intelligentsia.<sup>81</sup> After appealing to a part of the middle classes with the national programme, i.e. craftsmen and traders, the development of Czech schools in the municipality became the starting point for other activities. A local division of Ústřední matice školská [Central School Matices] in Prague<sup>82</sup> (henceforth CSM) was established, which coordinated the steps leading to the establishment of a school with a Prague headquarters. In the following years, efforts were made to establish a *Bürgerschule* as well as a grammar school. If the local funds were insufficient to finance the school, subsidies were provided from the funds of the CSM. This is how the Matices schools were established in Znojmo (1881)<sup>83</sup> and Vítkovice (1894).<sup>84</sup>

After classes began at the Czech school, most often in makeshift premises (rooms in private houses as well as the halls of inns), the process of acquiring the right to make the school public and the establishment of a public Czech school took place. After the decision of the PSB (1897) to set up a Czech public school in the municipality, in Vítkovice everything indicated that the goal would be achieved by the usual means, but the municipality made an agreement with the Vítkovice Ironworks, the strongest German company in the municipality as far as capital was concerned and a symbol of German nationalism in the locality, that the company would build and run the Czech school. However, with this all concessions of the mining company to the Czech school requirements in the municipality definitively ended.<sup>85</sup>

Several years could pass from the opening of a private Matices school to the establishment of a Czech public school. In the set of surveyed towns, such a case is represented by Znojmo, where the Matices school was opened in 1881. In the spring of 1885, after promising development, the Czech activists sent a request to the PSB to establish a Czech language public school in the municipality. In early July, the municipal council met and rejected it. One of the arguments was that the town had to remain a bastion of Germanness and that the Czech school was not strived for by the incoming Czech craftsmen but that it was a provocation of certain Czech fanatics.<sup>86</sup> We can say that in the centre of Moravian wine-making, the Czech–German school struggle was

79 KLADIWA – POKLUDOVÁ – KAFKOVÁ, *Lesk a bída obecních samospráv*, 484.

80 Státní okresní archiv Frýdek-Místek, collection Okresní školní výbor Místek, box 58.

81 POKLUDOVÁ, *Formování inteligence na Moravě a ve Slezsku*. Our previous research shows that, among the Czech intelligentsia, those who identified with the Czech political programme included both men from the Czech milieu who had graduated from German schools, which is valid for the period before the establishment of the Czech University in Prague, and men from the younger generation who had completed secondary and university education in the Czech language. Some of them came from Bohemia and were active in Moravian localities in the spirit of the achieved degree of national emancipation in Bohemia.

82 Prior to the creation of the Central School Matices (1880), separate Schools Matices were established in Moravia in Olomouc and Prostějov (1872) and in Brno (1878).

83 POLESNÝ, *České školství ve Znojmě*, 13.

84 KLADIWA – POKLUDOVÁ – KAFKOVÁ, *Lesk a bída obecních samospráv*, 526.

85 KLADIWA – POKLUDOVÁ – KAFKOVÁ, *Lesk a bída obecních samospráv*, 527.

86 *Znaimer Wochenblatt*, 11. 7. 1885, vol. 36, no. 28, pp. 3–4.

gaining unexpected turbulence. Parents who signed the request and were existentially dependent on the municipality were put under enormous pressure from the town hall to change their stance. Landlords of parents who intended to enrol their children in the Czech school turned them out of their flats, so finally instead of the expected 300 children divided into five classes, the number dropped to 121 and, after the introduction of optional Czech at German schools and another wave of pressure, decreased to 58.<sup>87</sup> On 15 February 1886, the PSB decided to establish a one-class public school with Czech-language instruction from the school year 1886/87, but in early June 1886 the Ministry of Religion and Education revoked the decree.<sup>88</sup> Not all children from Czech families were able to communicate in the Czech language of instruction, and so they spoke to each other in “German”, or, better put, in a local language conglomerate that was far from the standard language.<sup>89</sup>

In 1891, when within the School Matices in Znojmo it was said that the efforts to make the school public should be renewed, the notary Jan Vlk<sup>90</sup> stated from his position of chairman, “we are not strong enough yet”. On 14 January 1892, he wrote on the matter to the Prague headquarters that “scarcely 20 parents would persevere to sign”. Not even five years later did he find that the circumstances had changed when he replied on behalf of the central division that “there is still only a very small number of Czech parents in Znojmo who are independent, who would resist the pressure exerted on them not to put their children into a Czech *Volksschule*”.<sup>91</sup> The second experiment took place in 1896–1898. Public meetings were held on both sides. The situation in the town’s public space was escalating; it was accompanied by violent clashes in the streets. The PSB did not allow the establishment of a Czech public school, which led to certain resignation among the Czech activists and to a realistic assessment of the situation: “Our people do not yet have the energy and perseverance to resist the pressure.”<sup>92</sup> Sole traders succumbed to the threat of an economic boycott. Given the lack of available labour in the local labour market, the workers maintained their positions. The CSM paid about 7,800 zt for the school’s annual operation, and in total it allegedly expended 100,000 zt on it.<sup>93</sup>

For the third time, the Czech activists attempted to establish a Czech public school in the second half of 1905. They set up a fund to support poor children; the Znojmo Germans called it agitative.<sup>94</sup> They opened nursery schools. They promoted the school in the press and agitated in families. The CSM reported on the activation of the Czech minority as follows: “The Czech parents, led by their trustees Dr. Cibulka, Dr. Stavěl, Dr. Špaček and Dr. Veleba, did well, fearing neither material sacrifice nor even the loss

87 POLESNÝ, *České školství ve Znojmě*, 28–29.

88 *Znaimer Wochenblatt*. 19. 6. 1886, vol. 37, no. 25, p. 8.

89 Státní okresní archiv Znojmo [State District Archive in Znojmo], Beseda Znojemská, Manuscript Z/ZO inv. 20. 60 let Besedy Znojemské, p. 51.

90 Státní okresní archiv Znojmo, Beseda Znojemská, Manuscript Z/ZO inv. 20. 60 let Besedy Znojemské, pp. 17–18. Jan Vlk studied in Olomouc. He was a member of *Lipa slovanská*. Until 1850 he was a trainee solicitor in the law firm of JUDr. Alois Pražák in Brno.

91 POLESNÝ, *České školství ve Znojmě*, 44.

92 POLESNÝ, *České školství ve Znojmě*, 50.

93 VRBKA, *Heimatskunde des politischen Bezirkes Znaim*, 163.

94 VRBKA, *Heimatskunde des politischen Bezirkes Znaim*, 552.

of their jobs.”<sup>95</sup> The PSB ordered the municipality to establish the school in November 1906. The Municipality of Znojmo appealed against the decree. It argued that most Czech pre-school children learned enough German to be able to follow the lessons and that Czech was optionally taught at German schools.<sup>96</sup> Besides the deputy of the Znojmo electoral district, JUDr. Vilém Veleba, the Czech politicians who lobbied the Minister included Anton Kuchyňka, JUDr. Mořic Hruban and JUDr. Hynek Bulín.<sup>97</sup> On 12 February 1910, the ACJ rejected the municipality’s recourse on the ground that, under Article 19, § 3 of the Constitution, the obligation to establish a minority school depended on nationality and not knowledge of the language.<sup>98</sup> By the example of Znojmo we have demonstrated the process of establishing a Czech public school, which was completed only after the Moravian Compromise. We have outlined the key role of the deputies who, besides giving interpellations at the Diet and Imperial Council and deciding whether or not to grant subsidies to schools, led extra-parliamentary negotiations with the government representatives, on both sides of the national struggle.

We are coming to the time of the conclusion of the Compromise. Besides the school organizations, the Central School Matice in Prague and Deutscher Schulverein, at the turn of the twentieth century a new player – defence unions<sup>99</sup> – appeared on the scene of the school conflict in Moravia. The defence work of both ethnic groups was concentrated in towns afflicted by the school struggle. The establishment of Národní jednota pro východní Moravu v Olomouci [National Union for East Moravia in Olomouc]<sup>100</sup> was initiated in 1885 by the lawyer and politician Jan Žáček. In the early twentieth century it was transformed into a mass organization with numerous branches under the leadership of the generationally younger lawyer JUDr. Richard Fischer. The personification of the German nationalist work was the Zábřeh entrepreneur and politician Hermann Brass, who was one of the founders of the Bund der Deutschen Nordmähren (1886). As an influential entrepreneur, he focused his defence work on setting up German nurseries and schools in Czech municipalities from which the employees of his enterprises were recruited.

The statutes of Národní jednota pro jihozápadní Moravu [National Union for South-West Moravia],<sup>101</sup> based in Telč, were approved in the spring of 1886. The establishment was initiated by the chairman of the School Matice in Brno, JUDr. Josef Tuček. The development of Czech education was declared in the 1888 *Manifest k českému obyvatelstvu* [Manifesto to the Czech Population], which was signed by leading Czech lawyers and politicians, including JUDr. František Alois Šrom (at that time chairman of the organization), JUDr. Josef Koudela and JUDr. Alois Pražák.<sup>102</sup> The German side viewed the establishment of the Union as an act of the advancing Czechization of the region:

95 Výroční zpráva Ústřední matice školské za školní rok, 18.

96 POLESNÝ, *České školství ve Znojmě*, 69.

97 VRBKA, *Gedenkbuch der Stadt Znaïm*, 552.

98 POLESNÝ, *České školství ve Znojmě 1881–1918*, 70.

99 KADLEC, *Národnostní statistika v českých zemích*, 227–247.

100 A study on the issue of the National Union for East Moravia: SOMMER, *Příspěvek k historii Národní jednoty*, 1–42. A selection of printed sources: PETŘEK, *Národní jednota pro východní Moravu; Památník mužského a ženského odboru*; FISCHER, *Padesát let národní jednoty v Olomouci*; NEŠPOR, *Nástin dějin a práce Národní jednoty východomoravské*.

101 Národní jednota pro jihovýchodní Moravu. In: *Moravská orlice*, 2. 4. 1886, no. 75, p. 1.

102 *Pamětní spis k jubileu čtyřicetiletému trvání Národní Jednoty pro jz. Moravu*.



“Über der Iglauer und Znaimer Kreis ist eine Landplage eingebrochen. Die Slawisierung geht den Herren noch zu langsam vorwärts, da soll der Nationalverein, der unlängst in Telttsch seine konstituierende Versammlung abgehalten, die nötige Fiebertemperatur besorgen.”<sup>103</sup> The Bund der Deutschen Südmährens, based in Znojmo, was established in 1899, and the Bund der Iglauer Sprachinsel in 1904.<sup>104</sup>

The defence unions, just like the divisions of Matice and the Schulverein association, coordinated their activities with umbrella organizations in Bohemia, i.e. the National Czech Council and the Deutscher Volksrat. Networks of local contact people monitored the ethnic attitudes of the population. They knew who in the town was nationally aware or, in contrast, indifferent, using it in the ethnic struggle. At the time of the conclusion of the Moravian Compromise, the national indifference of a part of the inhabitants of the surveyed towns had, by their actions, shifted towards declarations of belonging to one national community or another.<sup>105</sup> In Olomouc, for example, they had a well-mapped space for face-to-face agitation. They held public meetings, adopted resolutions, gave educational lectures and issued union printed materials. In the school struggle they accumulated funds for building national schools and carried out their construction. They printed leaflets for enrolments.<sup>106</sup> They drafted recourses to the Ministry of Religion and Education and the Administrative Court of Justice.<sup>107</sup> They organized signature events to make schools public.<sup>108</sup> The Czech activists wrote requests to the PSB regarding the establishment of higher classes as part of schools<sup>109</sup> and parallel classes. It must be noted that at the turn of the twentieth century, the school struggle was about establishing parallel classes. Given the dynamic growth of the population, the establishment of other Czech schools concerned only Brno.

In the early twentieth century, the school struggle in the public and media space escalated annually at the time of school enrolment, i.e. in the first half of September. Headlines such as *Boj o české děti na Moravě* [The Fight for Czech Children in Moravia]<sup>110</sup> informed readers about the excesses during the enrolments. The most contested enrolments took place in Brno, Olomouc and Moravian Ostrava. In these towns, the

103 Der tschechische Nationalverein für das südwestlich Mähren. In: *Znaimer Wochenblatt*, 8. 5. 1886, p. 1. “A plague has invaded the Iglau and Znojmo districts. The Slavification is still progressing too slowly for the gentlemen, so the national association, which recently held its constitutive meeting in Telttsch, should get the necessary fever temperature.”

104 GÖTH, *50 Jahre deutscher Schutzarbeit*.

105 A separate matter, however, was the question of the national identity of individuals living in Moravia in numerous mixed marriages and those coming from them. These people formed a sizable part of a group of those who did not know which national community they belonged to. We derive this not only from the data from the conducted research, but also from the previous project dealing with national classification in the Bohemian Lands.

106 FISCHER, *České školství*, 98; Zápis do škol v Brně. In: *Rovnost*, 15. 9. 1904, p. 4; Před zápisem. In: *Moravská orlice*, 31. 8. 1904, p. 1.

107 Österreichisches Staatsarchiv, Allgemeines Verwaltungsarchiv, fund Unterrichtsministerium, U2 box 5262, decrees: no. 8736 of 13 March 1903, 8326 of 27 March 1897, 9518 of 24 March 1891, 7768 of 16 April 1890 on the attendance of the Czech school by children about whom the municipality stated that they lived in the register of the municipality only to attend a Czech school, i.e. in its interpretation to artificially increase the number of Czech pupils.

108 NEŠPOR, *Nástin dějin a práce Národní jednoty východomoravské*, 11.

109 Österreichisches Staatsarchiv, Allgemeines Verwaltungsarchiv, fund Unterrichtsministerium, U2 box 5262. Decree no. 12085 of 4 July 1889 on Dr. Žáček's complaint to the Ministry of Religion and Education regarding the expansion of the school from three to four classes. With 245 pupils, the three classes were overcrowded.

110 *Pozor*, 16. 9. 1904, no. 142, p. 2.

German town halls broke the law more than once. For example, they demanded documents that were not required by law from parents who came to enrol their child into a Czech school. They intended to dissuade the parents from enrolment by threatening to strip them of their poverty support, to fail to issue a document about their lack of wealth to exempt them from tuition fees, to terminate their trade permit and even to dismiss them from municipal services.<sup>111</sup> The media discourse captured the radicalizing rhetoric of the struggle.<sup>112</sup> Besides the phrase expressing the greatest concern for the future generation of the nation, i.e. the denationalization of children, there appeared expressive terms such as child theft, the rape of Czech parents,<sup>113</sup> rape of Czech schools,<sup>114</sup> etc. The cultural assimilation of individuals or pragmatic claims of allegiance to the German society in the locality were also condemned. The media discourse used terms usually associated with committing serious crimes and profound moral lapses, illustrating the importance of the school struggle in the ethnic conflict.

Parliamentary debates at the Land Diet were taking place in a confrontational atmosphere. When, after the enrolments for the school year 1904/05, the Czech deputies submitted a parliamentary proposal asking for the cancellation of enrolments into the Czech boys' school in Brno on Winterholler Square, they sparked a heated debate. In response, the deputy and Mayor of Brno, JUDr. August Wieser, made a speech, but was interrupted by JUDr. Adolf Stránský shouting "Diese Einschreibungen waren ja die Lumperei!"<sup>115</sup> In the battle of words unleashed with the German deputies, he exclaimed, among other things, "Jawohl, uns werden Kinder gestohlen, deshalb müssen wir uns schützen!"<sup>116</sup> and threatened "Wir werden mit Ihnen nicht in Glacéhandschuhen an den Händen sprechen!" Phrases associated with potential violence were used in the following parliamentary term by Richard Fischer: "We must not rely on the protection of state offices, but we must help ourselves. The 'eye for an eye' principle must apply here."<sup>117</sup>

Enrolments for the school year 1905/06 took place in a tense atmosphere. In Brno and Olomouc, the activities of the national unions intensified in the field of the school struggle. Before the enrolments, the unions held meetings where the deputies across the political spectrum declared a united position in the school struggle in the name of national communality. At a meeting held on 4 September 1905 in the Besední House in Brno, a 10-point resolution was adopted, from which the tenth point is pivotal: "We demand that a law be brought to life to order that a child, ignorant of the language of instruction, may not be admitted to the school."<sup>118</sup> After the enrolments, the unions organized protest rallies and accumulated complaint materials.

111 FISCHER, *České školství*, p. 125.

112 *Pozor*, 4. 10. 1903, no. 149, p. 4.

113 *Pozor*, 16. 9. 1904, no. 142, p. 2; *Lidové noviny*, 22. 9. 1905, no. 215, p. 3.

114 *Pozor*, 18. 9. 1903, no. 140, p. 2.

115 *Sněmovní list o sezeních moravského sněmu zemského svolaného Nejvyšším patentem ze dne 11. září 1904*, 86. "Yes, we have children stolen from us, so we must protect ourselves!" ... "We will not speak to you with kid gloves on our hands!"

116 *Sněmovní list o sezeních moravského sněmu zemského svolaného Nejvyšším patentem ze dne 11. září 1904*, 88.

117 *Pozor*, 16. 9. 1904, no. 142, p. 2.

118 *Lidové noviny*, 6. 9. 1905, no. 202, pp. 1–2.

The Czech activists were also faced with the fact that not everyone whom they, based on numerous indicia (territorial and family origin, language of daily use, etc.), considered to be Czech had sympathy for their actions. Some identified pragmatically with the Germanness in the locality, while others were discouraged from the Czech political programme by the escalated nationalist rhetoric. At times of enrolment into compulsory education some Czech parents found themselves under pressure from both sides. Their free choice of school was illusory. The workers were a separate category, but after the process of the division into national social democracies they were beginning to identify with the national programme.

The following autumn months in Moravia were full of twists not only in the field of the school struggle, which took place not just on the level of the motto "a Czech child belongs to a Czech school", but also towards higher goals like the establishment of a Czech university in Moravia. Moreover, in parallel with the nationalist struggle in the land, the social fight for universal suffrage was culminating. The Rubicon of the Czech–German clashes was crossed in October 1905 when, during demonstrations held during the German congress in Brno (Volkstag), one of the participants lost their life. At the level of provincial politics, these events intensified the long-time reconciliation/settlement negotiations between the Czech and German politicians, resulting in the conclusion of a political compromise, i.e. the Moravian Compromise. In essence, the Moravian Compromise was a political experiment in dealing with the tense Czech–German relations that affected the political, economic and cultural life. It consisted of the four laws mentioned in the introduction, of which *lex Perek* is pivotal to us in terms of the ethnic conflict in education, as, besides the creation of autonomous school authorities on a national principle, in § 20 it introduced the principle that children should generally be admitted to a school with the language of instruction in which they were proficient.

The history of *lex Perek* is based on the Czech–German language struggle. The bill was based on the *lex Kvíčala* proposal submitted to the Czech Diet in 1884. Kvíčala's proposal included the principle of admitting a child to a school based on its knowledge of the language of instruction.<sup>119</sup> Knowledge of the language of instruction instead of the mother tongue was considered responsive to the Germans, but still the proposal was not accepted, not even during its next submission in 1892. In 1896, in response to a distorted interpretation by the German deputy and lawyer Max Menger, Kvíčala published a dossier in which he explained in German the purpose of the *lex Kvíčala* proposal, i.e. the avoidance of national friction in the land.<sup>120</sup> As a philologist and teacher, he started from the premise that children unfamiliar with the language of instruction were unable to achieve the educational objectives of the *Volksschule*. He took into account a parent's right to their children's education, but in his opinion the school was to have this right as well. The law intended to prevent pressure being exerted on parents during enrolments. He put the principle of collective rights above individual rights and individual freedoms, Czech activists later following suit in the bases of their arguments in the later implementation of *lex Perek*: "Also dem Recht Eltern gegenüber steht das Recht des Staates, der Schule und auch des Volkes!"<sup>121</sup>

119 *Stenografische Protokolle des Böhmisches Landtages, Gesetzperiode 7, 792.*

120 KVÍČALA, *Herr Reichsrathsabgeordneter*, 6.

121 KVÍČALA, *Herr Reichsrathsabgeordneter*, 20. In English: "So the law of the parents is opposed to the law of the state, the school and also the people!"

At the Moravian Land Diet the “reconciliation” negotiations between the Czech and German political representatives intensified in 1898. They took place against the backdrop of the escalation of the Czech–German conflict as well as the celebration of half a century since the Revolution of 1848 and fifty years of Emperor Franz Joseph I on the throne. The national political programme was presented at the Diet by JUDr. Jan Žáček, from which we quote a passage on primary education: “Let us take care of putting into effect a principle to which there are many objections and about which I do not know if it will succeed in obtaining recognition, not so much with you as with the authority of the state, i.e. that only children who are fully proficient in the language of instruction of this or that school are admitted to *Volksschulen*.”<sup>122</sup> He knew the stances of the government on the Czech school programme from the battle for Czech education in Olomouc and the surrounding area. The subsequent development proved him right.

This was followed by the submission of a bill on the admission of children to schools whose language of instruction they were proficient in by deputy Perek at a meeting of the Land Diet held on 27 June 1901. Let us quote § 1: “In school municipalities in which there are public or private *Volksschulen* with Czech as the language of instruction and public or private schools with German as the language of instruction, children may be admitted for classes only to schools whose language of instruction they are proficient in.”<sup>123</sup> The established principle was to apply to nursery schools, *Bürgerschulen* and apprenticeships. The proposal was referred to the education department. In the comment procedure, the Ministry of Religion and Education commented on the proposal, which, like *lex Kvíčala*, it did not recommend for approval. From the Ministry’s stance let us mention that the adoption of the law would have restricted the parents’ freedom to educate children and would violate the traditional customs of the population of nationally mixed regions based on bilingualism.<sup>124</sup> The same wording of § 1 of the bill was presented by Perek to the Diet at meetings on 27 June 1902,<sup>125</sup> 6 October 1903<sup>126</sup> and also 8 October 1905,<sup>127</sup> when it was referred for further discussion. It was adopted at the Diet meeting on 22 November 1905<sup>128</sup> as part of the amendment to the Moravian School Act of 12 January 1870 of Land Code No. 3 (act on the national division of the school authorities) and to the Act of 24 January 1870 of Land Code No. 17 (act on the establishment, maintenance and attendance of national public schools), in Part Two, § 20, amended to *Volksschulen* “may generally admit only children who are proficient in the language of instruction”.<sup>129</sup> Following the sanctioning of the Moravian Compromise by the sovereign, it was published in the Land Legal Code.

122 Vyrovnávací řeč poslance dr. Jana Žáčka. In: *Moravská orlice*, 22. 1. 1898, vol. 36, no. 17, p. 2.

123 Sněmovní list sezeních moravského sněmu zemského svolaného Nejvyšším patentem ze dne 24. listopadu 1901, 341

124 Význam moravského zákona Perkova, Napsal dr. Václav Perek v Prostějově. In: *Národní listy*, 5. 3. 1911, no. 54, p. 17.

125 Sněmovní list o sezeních moravského sněmu zemského svolaného Nejvyšším patentem ze dne 12. prosince 1901, 274

126 Sněmovní list o sezeních moravského sněmu zemského svolaného Nejvyšším patentem ze dne 14. prosince 1902, 335

127 Sněmovní list o sezeních moravského sněmu zemského svolaného Nejvyšším patentem ze dne 29. září 1905, 436

128 SKENE, *Der nationale Ausgleich*, 88.

129 Sněmovní list o sezeních moravského sněmu zemského svolaného Nejvyšším patentem ze dne 29. září 1905, Přílohy k sněmovnímu listu, 41.

If we compare Žáček's request from 1898, Perek's legislative proposal based on the principle that children enrolled into school are proficient in the language of instruction, and the adopted wording of § 20, it is evident as to why it caused division among the Czech activists. The conservative-minded ones embraced Perek's and Žáček's interpretation that this was a breakthrough in the field of the school struggle that would fulfil the purpose of preventing the denationalization<sup>130</sup> of Czech children due to their enrolment into German *Volksschulen*, especially those whose parents acted under pressure from the municipality or employer. The critics were concentrated around JUDr. Richard Fischer, who, in the first days after its adoption, called the law Fux's amendment of the School Act [author's note: after the German proposer from the school board] and openly pointed out the legislative weakness of § 20: "It is generally said that every law has a back door, which often goes completely against its provisions, but if the author voluntarily inserts a whole gate into a law such as Perek's proposal, so that people would ride through it with the existing arbitrariness while the old disorder remained, as well as the violent driving of Czech children into German schools."<sup>131</sup> From his knowledge of the situation in Brno, Vlastimil Tusar assumed that the German town halls and enterprises would circumvent the law by pre-school language training for children in municipal and company nursery schools. The same stance was taken by teachers at Matic schools, who gave a realistic account of the course of testing the children's language competences during enrolment: "Knowledge of the language of instruction will be confirmed if a child can parrot a few German words, as has been the case so far. It is no one's business which school the child attends, only the father's, who is a legal party, and the school authorities', which will protect this law under the German flag."<sup>132</sup> The adoption of lex Perek was the turning point in the school struggle, but in order to become a breakthrough, the Czech side had to make considerable efforts in the field of legislation.

Lex Perek had not even been published in the Land Code, and the interpretation of the pivotal § 20 already became the subject of a meeting of German teachers held under the name *Für die deutsche Schule* on 26 January 1906 at the German house in Brno. On the Czech side, we can say against the mainstream, Richard Fischer appealed on the pages of the Olomouc paper *Pozor* [Attention] to continue the activities in the field of the school struggle. He pointed out the fact that there were no implementing regulations for the law. From his knowledge of the situation in mixed towns in central and northeast Moravia, he assumed that the national fight for children would not end with the adoption of lex Perek – "Until today, we have indeed fought for every Czech child, and now we have to fight twice as much". As chairman of the National Union for Northeast Moravia, he proposed using similar procedures to those used in censuses, i.e. to spread awareness among people, to agitate for enrolment into Czech schools both publicly and face-to-face, to draw up registers of potential parents of Czech pupils and to prepare materials for filing complaints regarding children from German schools.<sup>133</sup> He was aware that the successful implementation of the law into practice would depend on the adoption of the principle "a Czech child belongs to a Czech school" by the Czech

130 *Zákon Perkův*, 3.

131 *Pozor*, 29. 11. 1905, no. 182, p. 1.

132 ŽIŽKA, *Změna zemského zákona*, 105.

133 *Nové školské zákony na Moravě*, In: *Pozor*, 1. 2. 1906, no. 22, p. 1.

society, which was not a matter of course given the traditional bilingualism<sup>134</sup> of the Moravian towns, the passive bilingualism of the urban population, the perception of the knowledge of German as a path to social elevation and the pressure exerted by German companies on their employees. Before the enrolments, the paper *Pozor* pointed out the fact that “Enrolments are almost at the door and we have not yet taken any action to protect our dearest national assets, our children”.<sup>135</sup> The national activists in Brno were only mobilized by the frantic preparations of the German town hall. They agitated under the slogan “Don’t sell out your children!”<sup>136</sup>

It is apparent from Perek’s papers that the meeting of the national unions regarding enrolments took place on 31 August 1906 and that there was no consensus as to whether complaints should be filed after the enrolments, as there was no implementing regulation. The Moravian division of the Czech National Council (1904) became the coordinator of the enrolment event. It was a non-party organ that played the role of mediator between the Czech politicians and national organizations due to the polarization of the Czech political scene. It was chaired by Prof. Ing. Michal Ursíny, professor of construction mechanics at the Czech Technical University in Brno, who, on 2 September, asked Václav Perek for his opinion on whether to file complaints and, if so, how they should be formulated and to whom to file them. By a letter dated 5 September, Perek did recommend filing complaints: “Therefore, if complaints about the enrolment of Czech children into German schools were not filed now, there would be a danger that the government would regard the German school administrators’ practice as correct and issue an implementing regulation authorizing them to decide on the language competence of the school children.” He expected violations of § 20 during enrolments in Olomouc, Brno, Jihlava, Moravian Ostrava and Znojmo. He suggested that the complaints be collected by the Moravian division of the Czech National Council and passed on to the Moravian governor as the chairman of the PSB. He designed a form for filing criminal complaints against Czech parents enrolling their children into German schools.<sup>137</sup>

The national activists in Olomouc and Brno maintained a restrained attitude to filing criminal complaints, probably due to their knowledge of the legal practice. However, Perek’s instruction gave courage to activists in municipalities located on the language border, such as Sviadnov, which was adjacent to the above-mentioned Místek. For years, the children of the local farmers had attended German schools in the town, deeming them better than the small rural school. On 20 September 1906, the local school board in Sviadnov filed a complaint with the district administrator’s office [Bezirkshauptmannschaft] in Místek concerning 18 pupils who, contrary to § 20, were enrolled into first grades at schools in Místek. Of the higher grades, it reclaimed about seventy children for Czech-language schooling, stating that while they had attended German schools in the previous years, their nationality was Czech.<sup>138</sup> On 5 October 1906, the district administrator’s office found the complaint to be groundless. The complainants’ claim that the pupils of higher grades did not understand German was

134 KRČMOVÁ, *Brněnská městská mluva*, 84.

135 *Pozor*, 2. 9. 1906, 172, p. 3.

136 *Tagesbote sopťí hněvem*. In: *Lidové noviny*, 15. 9. 1906, p. 3.

137 Archiv Národního muzea [National Museum Archive], fund Pozůstalost JUDr. Václav Perek [JUDr. V. Perek’s papers], box 1.

138 Státní okresní archiv Frýdek-Místek, collection Okresní školní výbor Místek, box 58.

rejected. With children admitted to the first grade, members of the District School Board did not intend to cut the parents' right to choose their children's education freely, under § 139 of the General Civil Code. Besides the local school board, on 21 September 1906 the municipal council filed a criminal complaint with the Moravian governor against parents who had enrolled their children into German schools. On 10 October, the local school board filed a complaint with the PSB against the decree of the District School Board, which rejected it by a decree of 24 May 1907. It confirmed the legal interpretation of the District School Board.<sup>139</sup> Regarding the example of Sviadnov, we have documented the filing of a criminal complaint against parents who enrolled their children into a German school and the simultaneously persistent practice of the pragmatic enrolment of children into German schools also of their own free will.

A comprehensive evaluation of the enrolments by Czech activists showed that the expectations placed in *lex Perek* were not fulfilled. The results corresponded with the prognoses of its critics. A correspondence investigation collected data from the individual towns and on their basis the publication *Boj o české dítě* [The Fight for Czech Children]<sup>140</sup> was published. From the above-mentioned towns, the number of children enrolled in a Czech school increased only in Olomouc;<sup>141</sup> there were complaints regarding eight pupils from German schools.<sup>142</sup> In Moravian Ostrava, it seems nothing occurred in relation to *lex Perek*, and in the neighbouring Vítkovice the complaints concerned 22 children. The situation in education in Brno was evaluated with the words: "At the German schools in Brno 50 % and in the suburban municipalities 90 % of Czech children are at the mercy of Germanization. The town hall and the authorities are against us."<sup>143</sup> In the legislative interpretation, the Czech activists had to face the German argument about the parents' right to choose their children's education, which became one of the focal points of the following fight for children. At the Imperial Council, interpellations of the Czech and German deputies related to the events during enrolments took place.<sup>144</sup>

With the adoption of Marchet's Decree of 14 May 1907, with effect from 1 August 1907, the government accepted, in relation to § 20, the stances of the Moravian German politicians, in particular by the wording of § 3, which included exceptions to the rule of the knowledge of the language of instruction: the wish of parents and legal representatives for a child to attend a school with the second provincial language, attending a school with the second provincial language in the previous year, and an "exchange" (author's note: *Wechsel* – a traditional stay of children in a different language environment in order to learn the language). Exceptions had to be confirmed by the political authority and the number of pupils with an exception was not allowed to exceed a quota of ten percent per class.<sup>145</sup> The exceptions were contrary to the initial idea of § 20 and, as a whole, made possible the exertion of pressure on parents to enrol a child into a school whose language it did not command as well as pragmatic enrolments in order to learn the second provincial language.

139 Státní okresní archiv Frýdek-Místek, collection Okresní školní výbor Místek, box 58.

140 NEJAL, *Boj o české dítě*, 1.

141 NEJAL, *Boj o české dítě*, 24–25.

142 Moravský zemský archiv v Brně [Moravian Land Archive], fund Zemská školní rada, inv. no. 286–27671.

143 NEJAL, *Boj o české dítě*, 31.

144 NEJAL, *Boj o české dítě*, 6.

145 PUŠ, *Lex Perek a Marchetova prováděcí nařízení*, 92.

The Moravian Czech press strongly condemned Marchet's Decree across the political spectrum.<sup>146</sup> J. Budínský put forward a proposal at the Diet to repeal the regulation of the Ministry of Religion and Education of 14 May 1907 and to replace it with an implementing regulation "which would comply with the principles enacted in the cited law and by which the law would not be suspended".<sup>147</sup> It was not approved. The summer months in the circles of the Czech and German activists became a period of intense mobilization and preparation for enrolment, which took place in Brno, Olomouc, Moravian Ostrava and other towns in a tense atmosphere of persisting school conflict. In the years before the Moravian Compromise, excesses often outstripped the events during the enrolments.

Against their backdrop, the provincial deputies held a heated debate for three days regarding parliamentary proposals leading to the issuing of a law to eliminate agitation before enrolments. From the confrontation between the Czech deputies (Stránský, Fischer, Prokeš, Šilinger, Šrámek, etc.) and the German ones (Fischel, Baeran, Freissler) there surfaced the German party's opportunistic insistence on Marchet's Decree and the parents' right to choose their children's education. The Czech deputies insisted on the original spirit of § 20. It is clear from the words of the deputy and clergyman Šilinger that the fight for children had started burning with a new intensity: "If you want peace, leave our children alone and it will be the end of debates and wasting time, as you say." Šilinger continued the speech on the topic by saying: "For every inch of land, each of our children that you want to take from us, we will fight. For our language and soul, our fair rights, against the hatred and wrath that is hidden within you, for our Czech school with all our manly power, we will fight with you until the last moment."<sup>148</sup> The roughest excesses during enrolments were caused by the town hall in Brno and by the employer in Vítkovice, as stated by deputy Prokeš. "They don't have to come from the town hall, it is enough for the agitators to walk around the workers settlements and tell the parents: 'If you want your boy to be admitted to Werk or to Vítkovice, you must put him into a German school. He won't get anywhere at a Czech school. If he attends a Czech school, his best position will be to beat gravel on a road somewhere, but he will not get further than being a qualified worker.'"<sup>149</sup> The Diet debate did not reach a solution that would dull the edges of the ethnic conflict in the land.

After the enrolments, the school committee of the Moravian division of the Czech National Council sent out a questionnaire survey containing the following questions: 1) How did the local school board act in your location? 2) How did the authorities behave? 3) How did the German school administrators behave? 4) Were any complaints filed regarding Czech children? How many? 5) How have the numbers of children at Czech schools increased or decreased? 6) How many children transferred from German schools to Czech schools and vice versa? 7) How was it agitated? 8) Special notes and observations according to the local situation! The result of the investigation was published in the journal *Naše doba* [Our Time]. The number of children enrolled into Czech schools increased in Olomouc. In violation of the *lex Perek*, enrolments took place in Vítkovice, Moravian Ostrava, Brno and other towns. The conclusion of the

146 *Prováděcí nařízení ku školskému zákonu moravskému*. In: *Pozor*, 29. 5. 1907, p. 1.

147 Archiv města Brna [Brno City Archives], fund T5 – JUDr. Jaroslav Budínský, Osobní fond [T5 – JUDr. Jaroslav Budínský, Personal collection], inv. no. 172–195, box 2.

148 *Sněmovní list o sezeních moravského sněmu zemského svolaného Nejvyšším patentem 1907–1908*, 199.

149 *Sněmovní list o sezeních moravského sněmu zemského svolaného Nejvyšším patentem 1907–1908*, 272.



treatise was an appeal to the Czech politicians in Bohemia to learn from the Moravian conditions and to adopt only a quality law on minority schools.<sup>150</sup>

Among the leaders of the Czech activists, the opinion prevailed that a legitimate right of the enrolment of Czech children into Czech schools would be achieved through court judgments. On behalf of the local school boards, the leading Czech lawyers drafted complaints against the enrolment of Czech children into German schools in violation of § 20. After the first round of instance complaints following the enrolments of 1907/08, fears about the “bulletproof nature” of § 3 of Marchet’s Decree came true. Of the dozens and hundreds of children reclaimed by the Czech school boards in Vítkovice (84 children), Moravian Ostrava (226 children)<sup>151</sup> and Brno (605 children), only a few were successful. From the position of member of the Czech School Board in Brno, the course of the complaints was aptly assessed by V. Tusar: “The enrolment took place in September, in November we filed complaints regarding the six hundred children, and in February the children did exams. These were carried out by a German examination committee led by a German provincial inspector, and the final decision about the exam was up to the German Provincial School Board, and so it happened that out of the 600 reclaimed children, we got back 11 of them! This is how, in reality, the convenience of the Compromise and the merit of Dr. Perek in the true light looks. Although we now have our Czech District School Board in Brno, because its chairman is the mayor, who has executive power, the town hall does what it wants again and we have only the possibility of monitoring and protesting.”<sup>152</sup> Due to the dismal results of the complaints, in the following school year some activists eased up on the agitation before the enrolments.

Under an information embargo, the Czech lawyers continued filing complaints. If they found any of the decrees of the PSB or the Ministry of Religion and Education in violation of the school legislation and § 20 of lex Perek, they filed a complaint with the ACJ. Through the power of court judgments, they hoped to bring about the repeal of Marchet’s Decree.<sup>153</sup> They considered the ACJ’s decision of 10 July 1909 on the illegality of the enrolment of Czech pupils into the German school in Židlochovice to be an initial success on the road to eliminating the effects of Marchet’s Decree.<sup>154</sup> According to JUDr. Richard Indra, it did not bring about the expected turnaround in the existing practice but became a cornerstone for further court judgments. Identifying with the stances of the German lawyers Fischel and Jarolim, the German press contradicted the ACJ’s decree; the lawyers found that by putting the verdict into practice, the parents’ right to choose a school was restricted.<sup>155</sup>

Following the publication of the verdict in the Židlochovice case, in which the local school board was represented by Václav Perek at the ACJ, on 23 July 1909 the

150 GROH, *Lex Perek v praxi*, 644–650.

151 Archiv Národního muzea, fund Pozůstalost JUDr. Václav Perek.

152 Ze schůze s Tusarem. In: *Rovnost*, 12. 8. 1908, no. 209, p. 2.

153 Dr. Indra. *Zákon Perkův v praxi*. In: *Stráž Moravy*, 1910, no. 7. pp. 186–187.

154 Autentický výklad zákona Perkova. In: *Lidové noviny*, 25. 7. 1909, p. 1. The examination of seven of the eight pupils who were the subject of the complaint took place without the presence of a representative of the second local school board (Czech). In the relevant verdict, the court established a binding practice that the representatives of both local school boards were to be invited to the examination to determine a child’s language knowledge because of the admissibility of its admission to school under lex Perek, see INDRA, *Zákon Perkův*, 5.

155 Die lex Perek vor dem Verwaltungsgerichtshof. In: *Tagesbote aus Mähren und Schlesien*, 23. 6. 1909, pp. 1–2; 21. 7. 1909, p. 1 and 23. 7. 1909, p. 1; WOTAWA, *Der Verwaltungsgerichtshof und die Lex Perek*, 410.

National Union for Northeast Moravia approached him to prepare instructions regarding lex Perek for the upcoming enrolments. Within a week, a letter from the Moravian division of the Czech National Council followed, saying that the ACJ's decision "has given the Moravian School Act a certain – for us – favourable interpretation, which will certainly be an incentive for the German circles to exert all their influence during this year's enrolments". At confidential meetings held in late August and early September in Brno and Prostějov, Dr. Perek presented the procedures for obtaining quality materials for complaints. He drew up a manual that was distributed in confidential mode in the national union network. Steps were to be taken in accordance with the schools legislation in order to eliminate formal errors in filing complaints. The Moravian division of the Czech National Council charged Perek to organize the 1909/10 enrolments. The materials for complaints from the local school boards were to be concentrated in his hands. Perek assessed positively that the Moravian division of the Czech National Council took patronage over the enrolments: "it took the school matters firmly in hand and concentrated the dispersed workers in the threatened towns and in the heart of the land in a single formation and gave their work a legal basis and a certain direction."<sup>156</sup>

Even in the following year, Dr. Perek concentrated material from the local school boards for complaints. In most cases, they were fruitless and sounded similar to the report from Místek dated 15 November 1910. The local school board filed complaints against lex Perek violations in 1907/08 and 1909/10, and "not a single child was sent back to the Czech school". After the enrolments of 1910/11, it disputed the enrolments of 28 children, which the Imperial Royal German District School Board in Moravian Ostrava was unable to resolve even a month later. Reports from other towns and municipalities, such as from Vítkovice, sounded similarly pessimistic: "For the law to matter: it must apply to private schools and *Bürgerschulen*, and children ignorant of the language would not be allowed into nursery schools." Devastating news came from lawyer Veleba of Znojmo: "Perek's Act has so far gone unnoticed in Znojmo, although a whole third of the children at German schools do not know the language of instruction." Deputies took information from the reports for interpellations and extra-parliamentary political negotiations. Dr. Perek, also worked with them, representing the local school boards in the ACJ cases.

From the practice of the complaint procedures, lawyer Richard Indra considered the ACJ's decision of 11 December 1910 No. 6727 as the first step on the way to remedying the distorted legislative situation. The decision concerned enrolments in Uherské Hradiště. Knowledge of the language of instruction became decisive for possible disputes, and was defined as the ability to use it as a means of communication and to articulate one's thoughts and ideas in it.<sup>157</sup> Knowledge of the language of instruction became decisive for possible disputes. The following three ACJ decrees of 30 December 1910, for Lipník, Husovice and Uherské Hradiště, were regarded by the Czech lawyers as the actual breaking of Marchet's Decree.<sup>158</sup> However, they knew from practice that just repealing it could have a more far-reaching impact. They appealed to deputies to do something in this regard by entering into parliamentary and backstage negotiations.<sup>159</sup>

156 Archiv Národního muzea, fund Pozůstalost JUDr. Václav Perek, box 1.

157 INDRA, *Zákon Perkův*, 6; INDRA, *Zákon Perkův v praxi*, 223–224.

158 Lex Perek před správním soudem. In: *Lidové noviny*, 31. 12. 1910, no. 358, p. 1.

159 Dr. Indra. Judikatura o zákonu Perkovu. In: *Stráž Moravy*, 1911, no. 3. pp 41–42.

The deputies that took on the repeal of the decree included Adolf Stránský<sup>160</sup> and Jaroslav Budínský, who presented the line of political negotiations at a meeting at the Besední House in Brno, i.e.: "We have Perek's Act, no need to bargain for another law, and the basis for the new implementing regulations is given by the ruling of the Administrative Court of Justice; therefore we will not bargain even for this with the Germans. It would be a misfortune and a tactical error for Czech deputies to enter into any new negotiations."<sup>161</sup> The deputies interpellated regarding the repeal of Marchet's Decree at the Imperial Council.<sup>162</sup> Besides the interpretations written by Václav Perek, they could lean in their arguments on a multiple-page legal analysis of the violation of Perek's Act by Marchet's Decree prepared by František Bělehrádek,<sup>163</sup> a leading expert in school legislation and its implementing practice in mixed language areas and a non-partisan adviser to delegations of deputies.<sup>164</sup> The material interpreted the issued decisions of the ACJ regarding lex Perek.

On 1 August 1911, the Minister of Religion and Education, under the strong influence of the court judgments, repealed the contested passages of Marchet's Decree which were contrary to lex Perek. The upcoming enrolments could not be held on their basis.<sup>165</sup> At the same time, Decree No. 33621 was issued, which specified that it was a provisional document for the enrolments of 1911/12, valid until a new regulation was adopted. *Lidové noviny* [People's Paper] subjected the government's amendment to Marchet's Decree to harsh criticism:

The government, despite the clear decisions of the Administrative Court of Justice, does not dare to draw the only right conclusions, repealing Marchet's implementing regulations and issuing ones that would be in accordance with the spirit and wording of the School Act and the court judgments of the Administrative Court of Justice. For the government, the highest instance are the Germans, which is why it is trimming Marchet's Decree only timidly.<sup>166</sup>

The Czech activists mostly shared the view that "In theory, we have actually achieved everything that was achievable for us today".<sup>167</sup> Some politicians accepted the legislative changes with the hope that the circumstances would effectively change. Realistically minded activists were rather more sceptical about immediate changes taking place.

The enrolment results in the surveyed towns lagged behind the legislative achievements. There was no direct correlation to the legislative achievements, which concerned not only the provincial capital Brno that, on the eve of the Great War, became

160 Čeští poslanci na obranu zákona Perkova. In: *Lidové noviny*, 15. 3. 1911, no. 74, p. 1; *Lidové noviny*, 21. 3. 1911, no. 80, p. 2.

161 Lex Perek. In: *Moravská orlice*, 27. 3. 1911, no. 70, p. 2.

162 Říšská rada. In: *Rovnost*, 23. 3. 1911, no. 67, p. 3.

163 BĚLEHRÁDEK, *Marchetova nařízení porušují zákon Perkův*, 86–94.

164 VOŠAHLÍKOVÁ, *Biografický slovník českých zemí. Bas-Bend*, 350–351.

165 Stürghova nařízení. In: *Lidové noviny*, 14. 8. 1911, no. 223, p. 1; Marchetova opatření. In: *Lidové noviny*, 12. 8. 1911, no. 221, p. 1.

166 Změna Marchetových nařízení. In: *Lidové noviny*, 11. 8. 1911, no. 220, p. 1.

167 Dr. Indra. Zákon Perkův. In: *Stráž Moravy*, 1911, no. 9, pp. 223–224.

a symbol of the fight for children.<sup>168</sup> Like a red thread the complaints of the School Matice in Brno wove through the school struggle in Brno in 1912 and 1913, the problem being that only a few individuals from workers' organizations and national unions worked in the field,<sup>169</sup> i.e. that only enthusiasts dedicated to the national cause fought for the Czech children.<sup>170</sup> Those in the Czech-German school struggle abandoned the line of enlightenment and began to apply the principle of *lex Kvičala* that the Czech child belongs to the nation and, thus, exclusively to a Czech school. They disregarded the traditional bilingualism resulting also from mixed marriages. They filed complaints regarding even children to whom both national communities could, in fact, be entitled, as was the case, for example, after the enrolments of 1912/13, to which Tara Zahra refers in her work: "In the city of Brno/Brünn alone 926 children were reclaimed from German school in September 1913."<sup>171</sup> After examining the data submitted, on 25 January 1913 the Provincial School Board reached a decree from which let us mention that the complaint was found groundless for 47 children. Five completed their education at the age of 14, six pupils moved, two children were not at *Volksschulen* but in the town orphanage, and thirty-four attended private schools. The complaint was without consequence for: a) 672 children with whom the prescribed examination (12 December 1912) showed that they were proficient in the language of instruction; b) 62 children who had already been examined in the previous year, proving to be proficient in the German language, where two of them were of German nationality; and c) 81 children who had attended German public schools in the previous year and were not reclaimed in that year (in legal terms, they were not reclaimed upon the first admission). This was followed by a list of the individual findings. As in the previous years, the Czech complaint was successful in the case of several children.<sup>172</sup>

It follows from our research that, at the time of Perek's Act, a generation of parents lived in the city who had been through three years of pre-school education in German at city kindergartens, had graduated from German schools and possessed an ability to communicate in German and Czech relatively close to meeting the current concept of bilingualism. They, especially under the influence of numerous benefits, sent children at the age of three to city kindergartens, where language learning in German was carried out systematically and appropriately for the child's age, just like in today's kindergartens focused on teaching English.

They did not always act in a spirit of national indifference, as can be seen from the works of Tara Zahra, but under the influence of numerous conditions, such as a pragmatic perception of the better employment prospects of German speakers in the labour markets, both in Moravia and in the neighbouring Austrian countries, as well as widespread internationalism among the social-democratic workers. On the eve of the First World War, Brno was the centre of the social workers' movement, which with its strength was already able to eliminate the pressure of local entrepreneurs on employees in the so-called daily plebiscite. Instead of national indifference, it would be

168 Školský obzor. In: *Lidové noviny*, 8. 8. 1909, p. 9; Před zápisy do škol. In: *Rovnost*, 23. 7. 1909, p. 1.

169 P. Brněnská Matice školská roku 1912. In: *Moravská orlice*, 15. 4. 1913, no. 86, p. 1.

170 Po zápisech v Brně. In: *Moravská orlice*, 16. 9. 1913, no. 212, p. 1.

171 ZAHRA, *Kidnapped souls*, 39. However, it is apparent from the files of the Provincial School Board in Brno that this was a complaint about the enrolments for the school year 1912/13.

172 Moravský zemský archiv v Brně, fund Zemská školní rada, inv. nos. 329-8024, 331-13452, 334-19938; Österreichisches Staatsarchiv, Allgemeines Verwaltungsarchiv, fund Unterrichtsministerium, 18 Mähren, box 5248.

more appropriate to talk about the oscillation between the culture of Czech ancestors and a pragmatic approach to the benefits of German schools.

Not even after their successes in the field of legislation did the Czech activists win over the entire public, which they considered Czech and, in whose name, they led the fight for Czech children and for the school policy. In the language of the commentary *Po zápisech v Brně* [After the Enrolments in Brno], printed in *Lidové noviny* after the enrolments of 1913/14:

The main and most difficult setback lies in the parents themselves. Our little Czech man cannot understand that the development of Czech education in Brno depends primarily on them alone.... As it is, our entire school fight in Brno falls to pieces again and again because of these strata of our Czech population who, killing their own children, undermine all our efforts and work for the overall good and national development in the capital of the Bohemian Lands.<sup>173</sup>

It cannot be said that the above-mentioned also goes for other ethnically mixed towns and municipalities in Moravia. Each town was a unique microcosm with specific sociocultural conditions and a labour market with more or less dominant German companies. The Czech activists in Brno looked with some admiration at the achievements in the field of the ethnic struggle in Olomouc: "Our situation is not as good as in Olomouc, where even the middle classes of sole traders and traders have national awareness."<sup>174</sup> In comparison with Vítkovice, Brno, for its part, showed a higher degree of identification of the social democratic workers with the Czech school programme in the media discourse, but Vítkovice was, in modern language, a company town with a weak position of the Social Democrats. Furthermore, we do not have data from the enrolments to confirm the thesis.

The benefits of the choice of German school, such as school supplies, clothing, charity events, Christmas parties and holiday stays in the countryside also influenced the parents' choice. A considerable part was also played by the more imposing buildings of the German schools, which the Social Democratic deputy Jaroslav Rouček said were like beautiful gingerbread houses in Brno, thus attracting children to the Germanization witch.<sup>175</sup> The dismal state of the Czech school buildings was, according to the period official reports, particularly relevant to Olomouc. The German municipal schools in the town on the eve of the Great War corresponded to modern schools, but the Czech one also lagged behind the new school buildings in the countryside. Open criticism of the dilapidation of the school building and its negative impact on the pupils' health may have been, according to contemporaries, behind the decline in the school enrolments for the 1910/11 school year.<sup>176</sup> The struggle for new school buildings ran parallel to the fight for children, not only in Olomouc but also in Brno, and similarly to in the time of the establishment of Czech schools by municipalities, it was conducted by instance means. When, under the weight of the decision of the PSB, the Ministry of Religion and Education and the ACJ, the municipalities finally began to take concrete steps towards the construction of a modern school building, they were thwarted by the World War.

<sup>173</sup> Po zápisech v Brně. In: *Lidové noviny*, 16. 9. 1913, no. 253, p. 3.

<sup>174</sup> Po brněnském zápise. In: *Moravská orlice*, 14. 9. 1910, no. 209, p. 1.

<sup>175</sup> Česká zápisová schůze. In: *Moravská orlice*, 10. 9. 1913, no. 207, p. 3.

<sup>176</sup> FISCHER, *České školství*, 208.

At the beginning of the Great War, the decree of the Minister of Religion and Education of 1 August 1911 was still in force, repealing sections of Marchet's Decree contrary to the ACJ's verdicts. Besides the electoral turmoil of 1913, the politicians also dealt with the financial rehabilitation of the land's finances and, against their backdrop, the so-called second Moravian Settlement (1914) was concluded; it did not, however, enter into force due to the political events. The negotiations addressed, among other things, the ongoing ethnic conflict in education. According to some politicians, a solution was in sight that was to end the tug-of-war over children under *lex Perek* and the ACJ's decrees.<sup>177</sup> Whether this was the case, we do not know, as after the end of the war there was a completely different political system in the land.

It is not easy to assess the significance and impact of *lex Perek* in the pre-war Moravian society of ethnically mixed towns. Enrolments for compulsory education in the surveyed towns continued to take place in an atmosphere of conflict. The parliamentary debate at the Diet had coarsened, and threats of open conflict could often be heard in place of arguments. Part of the agitation work in the field came to include profiteering with benefits provided to families, whether for enrolling their child into a German or a Czech school. Parents found themselves under permanent pressure from both sides during school enrolments. Pragmatic enrolments into German schools were condemned in the Czech press and public discourse as an expression of moral decline. Among radical activists, the idea of a collective right of the national community to Czech children was promoted above the individual right of the parent/ legal representative.<sup>178</sup>

After listing the negative phenomena, let us move to the depiction of those that we consider to be certain positives. Although the school struggles were connected to numerous excesses, they did not result in an outbreak of armed ethnic conflict in the land. The legislative and parliamentary procedures had gradually refined the school enrolment mechanisms to find a status quo that could be applied in practice. The ACJ's verdicts together with the Diet's proposals gradually led to the harmonization of the school legislation with Article 19 of the Constitution and to the definition of nationality, which, according to Stourzh, was a victory of the so-called objective principles over the era of the principle of self-declaration.<sup>179</sup> A vast network of schools was built from public and private funds, with a far-reaching impact on the development of education in the land.

Instead of an epilogue, let us outline the function of *lex Perek* in the First Republic's school legislation and enrolment practice. The 1919/20 enrolments mobilized both sides of the national activists. It was assumed that in Moravia the enrolments would take place according to *lex Perek*. Discussion was held regarding the validity of the implementing regulations of 1907 and 1911.<sup>180</sup> Marchet's Decree was repealed just before the enrolments, which was sharply criticized by *Moravská orlice*: "If it had been repealed in time, we could have acted with much more certainty in Brno during the past enrolments, making the whole German enrolment agitation

177 Všeľicos. In: *Našinec*, 15. 3. 1914, no. 61, p. 1.

178 They reflected neither mixed marriages nor the assimilation processes connected, in modern society, to labour migrations and cultural adaptation mechanisms. This principle was established in legislation under the First Republic.

179 STOURZH, *Probleme des Nationalitätenrechts*, 144.

180 *Lidové noviny*, 20. 2. 1919, no. 51, p. 1; *Moravská orlice*, 12. 8. 1919.

impossible. Perek's Act could have been powerful support for us at least during the first enrolments."<sup>181</sup> *Lidové noviny* wrote that its repeal had ended a painful and humiliating chapter in Moravian education.<sup>182</sup> In a polemic with *Volksfreund* [Friend of the people], *Rovnost* [Equality] stated that lex Perek was fair for both nationalities in Moravia. In the surveyed towns the enrolments ended with an increase in children enrolling into Czech schools, but the political hegemon had changed, leading to pragmatic enrolment into Czech schools. The enrolments did not take place in the escalated atmosphere of the pre-war fights for children, but neither did they take place as the enrolments we know today. The national connotations are clear from the media discourse.

The school policy in Moravia was based on the validity of lex Perek. Slowly, it ceased to be an escalated local political issue, but the fight for children in ethnically mixed towns like Brno and Olomouc was not entirely over. The practice of reclaiming pupils through instance means continued, and a significant number of these complaints were only resolved by a decision of the Supreme Administrative Court of Czechoslovakia (henceforth only SAC). In 1922, the court judgments of the SAC established the principle that, in accordance with lex Perek, a child belongs to a school of its nationality, i.e. the nationality acquired from its father. According to the daily *Tagesbote aus Mähren und Schlesien*, in 1924 the SAC dealt with 156 complaints seeking to repeal the decisions of the authorities referring to the wording of Perek's Act, of which over 70 were filed by the Germans.<sup>183</sup>

Complaints seeking the reversal of the decision regarding the expulsion of children from schools in accordance with the interpretation of lex Perek by the school authorities continued to be sent to the SAC even in the following years, as will be stated below specifically for Brno. In the SAC file agenda, for the period 1924–1939, 130 decisions of the SAC were preserved concerning complaints seeking the reversal of the authorities' decisions regarding the transfer of school children, referring to the violation of the principles laid down by Perek's Act. Of this number, 106 cases involved the transfer of children from German schools and 24 from Czech schools. In contrast to the complaints dealt with by the ACJ in Vienna for the pre-war period, the complaints related only to one child or, alternatively, siblings, and were in most cases filed by the school authorities, but we can also find among them complaints filed by the children's legal representatives. In the case of 106 complaints where the complainants appealed against the transfer of children from German schools, the SAC found three to be illegal, as the father was neither Czech nor German.<sup>184</sup> Due to errors in the proceedings, 44 complaints were annulled and 59 were found to be groundless. In the case of 24 complaints regarding the transfer of children from Czech schools, six were cancelled due to errors in the proceedings and 16 were found to be groundless.

Behind every one of the complaint files concerning the inhabitants of Brno and other towns there are complex life stories of people resulting from the common period practice of entering into mixed marriages as well as living in a nationally mixed migration territory with the usual assimilation processes that affect the identity of

181 *Moravská orlice*, 11. 9. 1919, no. 207, p. 3.

182 *Lidové noviny*, 10. 9. 1919, no. 251, p. 4.

183 *Ausschulung Kinder aus deutschen Schulen*. In: *Tagesbote aus Mähren und Schlesien*, 18. 4. 1924, 183, p. 1.

184 Národní archiv [National Archives in Prague], fund 639 Národní rada česká [Supreme Administrative Court], box 857–859. This concerned a mixed marriage of a Czech woman and a man of Italian nationality, who had enrolled their children into German schools.

the individual. The files also captured the difficult fates of single mothers who were widowed, had never married or whose marriage had ended in divorce, i.e. women for whom the question of nationality was not a priority, as they primarily dealt with social problems. The new Czechoslovak legislation based on *lex Perék* in fact suppressed the right of German women married to Czech husbands to have children educated in their mother tongue and vice versa, although in the case of Czech wives of German men, the authorities tried more often to achieve the children's departure from their father's German nationality.

From the cases it is evident that in a nationally mixed territory the authorities of the lower instances were faced with determining the nationality of the child's father. The investigations were conducted in families, but more than once the authorities came across the fact that the individual blood relatives claimed both Czech and German nationality in two generations.<sup>185</sup> People commonly related their nationality to completing German schools, jobs in German companies and long stays in a German language environment, or to living in a town where, for example, they considered the term *Brňák* [citizen of Brno] to be synonymous with German. Censuses, electoral registers, membership in associations<sup>186</sup> and the press one bought did not provide a clear answer either; the files show people frequently reading both German and Czech press in one household. Often not even the evidence given by neighbours and co-workers helped to determine the nationality.<sup>187</sup> In more than one case, the parents' statement was recorded that nationality played no role in their lives: "nationality is insignificant to her, but she feels more German";<sup>188</sup> "She is international and does not claim any nationality";<sup>189</sup> and even "she sends children to a German school because the Germans support her and nationality is insignificant to her".<sup>190</sup> From the files it is clear that in numerous households the common language was a conglomerate of languages, i.e. a mix of colloquial Czech and German.

On the occasion of *lex Perék*'s 25-years of validity, lawyer Emil Svoboda asked a rhetorical question about whether to amend or extend its validity to other territories and concluded:

Cases of complaints about its violation are becoming less frequent and, if complaints are filed, the number of annulled decisions is decreasing.... In a word, the trend is that the law is gradually becoming obsolete.... Its main shortcomings within the limits for which it was issued have been rectified by the court judgments.<sup>191</sup>

185 Národní archiv, fund 639 Národní rada česká, box 857–859.

186 The complexity of a clear determination of the nationality of children is illustrated by the SAC's decree of 5 December 1931, which cancelled the expulsion of the siblings Anna, Josef and Konstantin Hrdlička from German schools due to errors in the proceedings. It was found that the father's nationality was German. The mother claimed Moravian nationality, but had it recorded that now she had to be German, since her husband was registered in the German register. Both Czech and German were spoken at home (by the children and the father). They bought *Den* [Day], *Lidové noviny* and *Kronenzeitung*.

187 Národní archiv, fund 639 Národní rada česká, box 857–859.

188 Národní archiv, fund 639 Národní rada česká, box 857–859.

189 Národní archiv, fund 639 Národní rada česká, box 857–859.

190 Národní archiv, fund 639 Národní rada česká, box 857–859.

191 SVOBODA, *Čtvrt století Perkova zákona*, 98.



According to the writer, it was intended to protect the children of nationally indifferent parents from assimilation, so it was a kind of society-wide safeguard.

Dr. Rudolf Stránský commented more firmly on the termination of *lex Perek* in the manuscript *Studie o zákoně Perkově* [A Study on Perek's Act]. In the context of the preceding paragraph, the passages related to interwar practice, which in many respects corresponds with our findings from the SAC files, are pivotal. Let us quote the key passages from Stránský's views:

The court findings thus covered mixed marriages, people who were indecisive, passive, nationally irrelevant or dependent, or those who knowingly claimed a nation to which they did not belong by their origin, whether for material or other reasons.... Many doubts accompany especially decisions regarding mixed marriages, where the moment of upbringing, e.g. from the side of the mother, although the father is of a different nationality, is usually taken into consideration.

According to the writer, the decisions mostly ended up on paper, while in practice there was a strike of the school attendance or home schooling. The essay is concluded by the reflection that, on the basis of school statistics, school attendance by children of another nationality did not exceed several percent, and that a significant proportion of those of another nationality was made up by Jews, i.e. "the provision of Perek's Act in Moravia has become unnecessary".<sup>192</sup>

### Conclusion

Firstly, the Czech–German school conflict is outlined on the example of Moravian towns with German town halls and ethnically mixed populations. Research suggests that, from the position of hegemony at the town halls, German politicians held a negative attitude towards the establishment of public schools with the Czech language of instruction. As a rule, they were only willing to establish these schools after being ordered to do so by the Ministry and after the ACJ had found the appeal against this regulation to be unfounded. Archival sources also show differences in the quality of the school buildings. For German schools, the towns built modern buildings, but in the case of Czech schools, the Czech activists had to make an effort to meet building and hygiene standards with instance complaints.

After this prologue, the implementation of *lex Perek* (1905) is interpreted on specific examples. After the Moravian Compromise, Czech children were to be educated in Czech schools and German children in German schools, but the reality was different. It was determined by the local conditions, from which let us mention the share of both ethnic groups in the composition of a town's population, bilingualism, the activities of the national activists, the dominant company in the town and the strength of the socialist movement. National indifference was receding due to the so-called daily plebiscites, which led to the national partitioning of citizens. Our research shows that the Czech people who, for existential reasons, claimed to be German included mainly workers, single mothers receiving social benefits, retailers and sole traders. In these cases, we cannot speak about assimilation.

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192 Archiv Národního muzea, fund Pozůstalost JUDr. Václav Perek, box 4.

We have come to the conclusion that it was Olomouc where the Czech activists from the ranks of the intelligentsia conceived the main lines of the Moravian school struggle and the fight for children. The first of the Czech school organizations (Maticce) as well as a national defence organization called the National Union for Northeast Moravia (Národní jednota pro severovýchodní Moravu) were established in the town; the Bund der Deutschen Nordmähren was formed in direct response. Olomouc had become an alternative political centre to the regional capital, Brno. Due to the actions of the Czech and German national activists, life in the town had become a "daily plebiscite". At the time of the conclusion of the Moravian Pact, the inhabitants were divided on the principle of "Who Is Who" into Czechs and Germans. The decisive fight for children took place before the adoption of *lex Perek*.

The situation was different in the other towns surveyed. It is impossible to draw a generalizing conclusion for them, as each of them shows specifics that could not be covered in their entirety by Tara Zahra's synthesizing work dealing with both Moravia and Bohemia. The fight for children in Vítkovice and Moravian Ostrava was influenced by the policy of the dominant company, Vítkovice Ironworks, and mining companies. Vítkovice was a so-called company town. Being dismissed from the ironworks was linked to leaving the company flat. The same applied to miners in the neighbouring Moravian Ostrava. Under threat of losing social security, workers were enrolling children in schools with the German language of instruction. The widespread view that a worker with a knowledge of German had better chances in the labour market also played a role. This view was hinted at by the national activists when reclaiming the children of Czech labour migrants after the publication of *lex Perek*. In the case of Moravian Ostrava, Vítkovice and the nearby textile Místek, sources document that they were children who did not have a command of the German language even at the level of passively following lessons.

The situation was somewhat different in the regional capital, Brno, which was the flagship of the Moravian textile and engineering industry. The school struggle had been a local political issue here from the early 1880s. The council was purposefully investing money in the establishment of nurseries, in which children were systematically being prepared for classes in German for three years. At the time of the implementation of *lex Perek*, enrolment was attended by Czech children who had spent three years in a German nursery and whose parents had completed German nurseries or schools. Their German language competencies were a barrier to being reclaimed for Czech schools. Moreover, in Brno, as the centre of social democracy in Moravia, workers also held the view that nationalism was a matter for the bourgeoisie. The aim of the Czech activists in Brno was to enforce the collective right to these Czech children.

Znojmo is an example of a German town in which Czechs were a real minority, and therefore the struggle to establish a Czech public school took several decades. Without lobbying by the Czech deputies and financial support from Prague, it would probably have ended in failure.

In all towns on the eve of the Great War, bilingual communication and diglossia persisted in daily life. At this point, we would like to correct the view that the national activists rejected bilingualism.<sup>193</sup> In the discourse regarding the establishment of national schools, they stressed the importance of pursuing education in the mother

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193 JUDSON – ZAHRA, *Introduction*, 25.

tongue and simultaneously advocated learning a second land language as an optional subject.

With the change of the political hegemon after 28 October 1918, massive transfers of children from German to Czech schools took place, especially in industrial towns. Lex Perek remained in force for Moravia. The interwar reclaiming of children, newly based on the principle of a child's nationality related to the father's nationality, points to a persistent weakening of individual rights in the name of national collective rights, especially in the case of widowed German women living in mixed marriages with Czech men.

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### Periodicals

- Deutsches Volksblatt für Mähren*
- Lidové noviny*
- Mährisches Tagblatt*
- Moravská orlice*
- Národní listy*
- Našinec*
- Olomoucké noviny*
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