

## ***Both Elected Representatives and Imperial Officials? The Mayors' Installation in the Statutory Cities of Habsburg Austria 1860–1918\****

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The article focuses on the specific legal status of statutory towns in Austria from the restoration of constitutionalism in 1860 to the end of the monarchy and on the peculiarities of their administration. Special attention is paid to their method of selecting representatives since the mayors of the statutory towns were subject to the approval of the government and the emperor. The article examines the impact of the confirmation process on the selection of mayors, and to what extent and in what manner the government exercised its option to exclude certain elected individuals from the leadership of the statutory cities. It shows the changes in the approach of the government after the 1870s and concludes in stating the inefficiency of this tool.

Keywords: Austria; Statutory Cities; Municipal Administration; Mayors Election; Mayors Confirmation; Late Habsburg Monarchy.

One of the most important legacies of the revolutionary events of 1848 and 1849 was the complete reconstruction of the Austrian administrative system. At the local level in particular, a key transformation took place within a few years, when a unified and state-controlled structure grew out of a confusing patchwork of administrative districts and different jurisdictions, with the municipality at its core. Individual municipalities formed higher administrative districts, but the municipal system by itself and its competences were supposed to play an important role in the functioning of the centralist state. The difficulty in enforcing the legislators' ideas about the new tasks of municipal governments, however, was the highly heterogeneous size of municipalities, from small villages to large cities with important administrative, economic or infrastructural functions, yet Austria – unlike Prussia, for example – adopted and maintained a uniform municipal law for all municipalities throughout the monarchy. Both Stadion's Provisional Municipal Act of 1849 and the Reich Municipal Act of 1862, however, allowed for an exception to this rule in the form of so-called statutory cities. These were the capitals of the crown lands, spa towns or other important settlements, which were given (in the case of the capitals) or could obtain their own special law, the so-called municipal statute, for their administration. The statute would give the cities the possibility to set their rules of operation differently from other municipalities and thus to reflect the peculiarities that the administration of large cities required; on

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the other hand, it also made them fulfil a number of obligations. The statutory cities were exempted from subordination to the local state authorities, making their town halls a state administration office at the same time, where the city had, from its own budget, not only to ensure its own functioning but also to carry out the agenda of the state administration, which duty otherwise belonged to state-paid officials.<sup>1</sup>

For this reason, the state stipulated that the main representative of the statutory city – the mayor (*Bürgermeister*) or the city president (*Stadtpräsident*) – although elected by the municipal council as in all other municipalities, needed approval to assume his office. While the sovereign granted this confirmation, the government determined the nomination procedure. The purpose of this measure was to ensure that a suitable person who enjoyed the confidence of government circles and would guarantee the proper functioning of the state administration was placed at the head of the municipality, which – as mentioned above – also performed duties of the local state authority. At the same time, the confirmation of the election was to be an important safeguard against the arrival of outright opposition politicians at the head of crown land capitals.<sup>2</sup>

This paper will focus on the mayors of statutory cities. These representatives belonged to the political elite of the respective crown land, many of them held parliamentary mandates in various legislative bodies and their positions as heads of cities with their own statutes granted them also a large amount of public power. Specifically, I will concentrate on the process by which these mayors were evaluated and confirmed by the government, which represented one of the most characteristic attributes of statutory cities. I argue that the very existence of this mandatory state approval not only influenced local politics in the case where the newly elected mayor did not receive this confirmation, but that even the risk of non-confirmation could have been significant enough to constitute an important element in the consideration of a new mayor.<sup>3</sup> I will be particularly interested in the attitude of the state authorities, studying the factors that influenced the government's decision-making. Since they may have, eventually, led to the non-confirmation of some local elected officials, I will show whether these factors changed over time and place. For this reason, I will have to examine the election of all mayors of statutory cities in the monarchy, paying special attention to those cases where the mayor's election was not confirmed by the emperor, or where the non-confirmation was considered by either the governor or the government but ultimately not used.

### Becoming a statutory city

There were only two waves in the granting of municipal statutes, the first of which followed the Stadion Act in the early 1850s and concerned mainly the provincial capitals. The other occurred in the mid-1860s and was the result of the new possibility

1 The historiography on the Austrian municipal system is rather fruitful; for a general overview see OGRIS, *Die Entwicklung*; KLABOUCH, *Die Lokalverwaltung*. However, the case of statutory cities is usually only mentioned. For a contemporary overview cf. BROCKHAUSEN, *Städte*, 1125–1135; an analysis can be found for Moravian and Silesian cities in KLADIWA, *Statutární města*; for a general sketch based on the Galician city of Krakau cf. HERGET, *Die Selbstverwaltung Krakaus*; and Styrian statutory cities are detailed in MARKO-STÖCKL, *Die Entwicklung*, 72–98.

2 BROCKHAUSEN, *Städte*, 1125–1135.

3 This is particularly mentioned in the case of Trieste, where radical representatives of the Italian Liberal National Party were elected to the post of the deputy mayor, while mayors usually belonged to the moderate wing of the Party. NASSIRI, *Der Triester Handelsstand*, 32.

for municipalities to apply for a statute of their own, as laid down by parliament and the government in 1862. This application proceeded according to a standardized process. In cooperation with the provincial self-government, the municipal committee drafted its proposal, which the provincial parliament (*Landtag*) would then approve. Thereafter, the government submitted the bill to the emperor for his consent. Some capital cities also obtained their statutes in this way, such as Lviv (Lemberg) and Chernivtsi (Czernowitz), whose situation in the 1850s was still too unsettled to consider an independent administration.<sup>4</sup> After this wave, the adoption of a new municipal statute was rare, with only modifications and amendments made to existing statutes, such as the new municipal law obtained by Vienna in 1890 after its expansion to include other suburban municipalities.

The statutory cities were very unevenly distributed on the administrative map of the Austrian Empire. While the largest and most populous crown lands (Galicia, Bohemia and Lower Austria) had only two or three statutory cities, there were a total of six statutory cities in Moravia, four in Styria and Tyrol, and three in tiny Silesia. In Moravia, in particular, but also in Styria and Silesia, the interest in obtaining special status for a city was closely associated with the efforts of local urban elites to secure a stronger position in the city administration, which would allow the German-speaking patriciate to better resist the growing opposition that identified with a different regional language.<sup>5</sup> Thus, for example, in Moravia in the latter half of the nineteenth century, during the “battles for town halls”, a city statute gave the ruling party the ability to regulate elections and decide the outcome, which in other municipalities was generally done by the state authorities.<sup>6</sup> On the other hand, in Tyrol and in Austrian Littoral, the granting of statutes to the predominantly Italian-speaking towns of Trento, Rovereto and Rovigno in the 1850s can be seen both as an acknowledgment of historical importance (Trento was traditionally the seat of a bishopric) and as a state attempt to retain influence in the selection of the representatives of these towns.<sup>7</sup>

Crown land	Number of statutory cities	Crown land	Number of statutory cities
Moravia	6	Galicia	2
Styria	4	Upper Austria	2
Tyrolia	4	Bukovina	1
Lower Austria	3	Carinthia	1
Austrian Littoral	3	Carniola	1
Silesia	3	Salzburg	1
Bohemia	2	Dalmatia	0

Table 1: Number of statutory cities in each crown land in the Austrian Empire in 1918

<sup>4</sup> *Die Veränderungen*, 310.

<sup>5</sup> KLADIWA, *Lesk a bída*, 132–143; MARKO-STÖCKL, *Die Entwicklung*, 93, 96–97.

<sup>6</sup> MALÍŘ, *Nacionalizace obecní samosprávy*, 73–93.

<sup>7</sup> Cf. CORSINI, *Problemi politico amministrativi*, 213–257.

The subsequent lack of interest of municipalities in acquiring their own statutes in the 1880s and 1890s, some of which were very dynamic industrial centres, was often related to the growing financial demands it would entail. The competence of Austrian municipalities was traditionally divided by state legislation into natural and delegated competence, by which the state divested itself of many administratively demanding and costly tasks and transferred them to the municipal authorities, but without compensating them for this work.<sup>8</sup> In the final decades of the nineteenth century, towns and cities were making substantial investments in municipal infrastructure. The construction of water and sewage systems, the paving of roads, the building of new schools and municipal offices, and further urban development quickly exhausted the budgets of these municipalities, and so they lost their appetite for the additional responsibilities associated with statutory town status.<sup>9</sup>

### Specifics of municipal administration

In municipalities regulated by common electoral regulations, elections were usually held every three years and voters were usually divided into three groups according to the amount of taxes they paid or according to their occupation or education, but the line between the groups was fluid and varied depending on the overall tax yield of the municipality. Most statutory cities, however, set a fixed threshold for inclusion in the relevant electoral group, also three in number. In this way, it was possible to exclude a number of not very wealthy persons who paid only minimal tax or had the right to vote only by virtue of their status as a burgher. This provision played an important role especially in cities where the local wealthy (often German-speaking) patriciate was protecting its control over the municipality against an influx of foreign language immigrants from the countryside or city suburbs.<sup>10</sup>

The statute also determined the number of councillors and contained general provisions pertaining to municipal self-government. In this respect, the conditions in the statutory cities considerably varied. Whereas the city was always headed by a body of municipal aldermen, their number varied from 120 men in Vienna, through 100 men in Lviv, 90 in Prague, 72 in Kraków, 48 in Brno and 36 in Innsbruck to 30 or less alderman in most other cities. These municipal representatives always elected the mayor and his deputies from their midst. Their remit, however, again varied. In most of the statutory cities, the mayor himself was the executive of the municipal government, whose task was to implement the decisions of the aldermen and to conduct the day-to-day agenda of the municipal administration. His deputies were to support him and, if necessary, to substitute for him. This arrangement corresponded to the general Municipal Act of 1862 that applied in other non-statutory municipalities. In Bohemia and Moravia, however, the decision-making power of the mayor was severely limited by the establishment of a narrower collective body – the town council (*Stadtrat* or *engerer Ausschuss*) – on which, in addition to the mayor and his deputies, other selected aldermen sat. In Prague and Brno, their numbers were 24 and 9 respectively (12 after the adoption of a new statute in 1905), while in other cities the numbers were lower. In such case, the mayor was only the first among equals, whose success and opportunity to promote his own

8 KLABOUCH, *Die Gemeindegeldverwaltung*.

9 *Stenographische Protokolle*, 2210–2211. For the future development, cf. MÜLLER, *Statutarstädte*, 163.

10 FASORA, *Svobodný občan*, 35.

ideas for the development of the city depended on how secure his position was in the bodies both of aldermen and of councillors.<sup>11</sup>

This was further complicated by the fact that, unlike in other municipalities, where the entire council was elected once every three years, the mayor of a statutory city often had to work with a constantly changing body of aldermen and councillors. As with Vienna or Prague, in many statutory cities the mandate was three years, but in every year one third of the body changed, so the power relations in one year could be completely different a few months later.<sup>12</sup> Naturally, this made the figure of the mayor all the more important, since he often remained in his post for several terms, embodying a needed continuity and, above all, as a representative of the local government in relation to citizens and other authorities of the provincial government or state administration.

As mentioned above, with the receipt of its own statute, the municipality separated itself from the basic administrative framework of the Austrian state. It was no longer subject to the locally competent district captainship (*Bezirkshauptmannschaft*) or the state tax administration, but instead constituted an administrative district of its own, a first instance authority known as the magistrate's office (*Magistrat*), which assumed all the powers and tasks of the state-appointed district officials and which was headed by the mayor. Thus, the position of mayor of a statutory city was actually twofold. From the perspective of the municipal government, he was "merely" the chairman of the municipal committee or council and represented the municipality, in which capacity he could be replaced with any of the elected deputy mayors at any time. From the point of view of the state administration, however, he was an independent "monocratic" official who could only be replaced by the next most senior official of the city administration, not by an elected deputy mayor or another councillor. It was for this reason that, upon being elected, every mayor had to be confirmed in office by the emperor. The prescribed oath could only be administered with this approval, and it was only on that day that the elected leader of the municipality formally took up office. From this perspective, it is possible to understand the relatively rapid imposition of a large number of municipal statutes from 1850, which allowed the government to co-determine who would head the most important settlements and provincial capitals in the empire.

### The confirmation process

In analysing the process of confirming the election of the mayor, I first focused on all the statutory cities in the monarchy.<sup>13</sup> Based on a study of both archival sources<sup>14</sup> and

11 HERGET, *Die Selbstverwaltung Krakaus*, 33–34.

12 In some statutory cities with four-year mandates, half of the council was replaced every two years.

13 Although the Austrian Empire was a formally united and centralized state until 1867, the Hungarian administrative tradition differed significantly and put greater emphasis on self-government elements at a local level. In order to draw a consistent comparison, the focus is only on the statutory cities in what, in 1867, became the Cisleithanian part of the monarchy.

14 Intensive research was conducted in the Austrian State Archives (Österreichisches Staatsarchiv), especially in the department Allgemeines Verwaltungsarchiv (Archives of the Ministry of the Interior) and Haus-, Hof- und Staatsarchiv (Archive of Imperial Office, Kabinettkanzlei, which presented the ministerial motions to the emperor for his approval). Complementary research was carried out in the National Archives in Prague (Národní archiv) for the Bohemian Lands, where a part of the originally Viennese ministerial archives has been housed since their separation in the 1920s. Although the Austrian Archives contain several documents pertaining to cities that are today beyond the Austrian Republic, some of the files remained inaccessible to me (the Galician files most likely having been destroyed during the Second World War) and the election and confirmation process had to be reconstructed on the basis of other sources.

the press, and using local review studies dealing with the development of municipal administration in the statutory cities of the various crown lands,<sup>15</sup> I compiled a list of all mayoral elections. In the studied sample, I excluded only those elections when the elected person refused to accept the post or those few cases where the election was subsequently nullified by the supervising state authority due to obvious deficiencies or disregard for legal requirements.

While elections in the capitals of the crown lands tend to be documented reasonably well, the reconstruction of the succession of mayors for smaller settlements, particularly in Tyrol and the Littoral, presented a greater challenge, requiring heavy reliance upon local press sources. The analysis was limited to the period beginning in 1861, when municipal elections were restarted in Austria, having been suppressed by the neo-absolutist regime until then, or, if later, in the year when the municipal statute was adopted, and ending in 1918 with the end of the monarchy as the common legal framework.

After the election, the outgoing mayor or his deputy were obliged to notify the competent Governor's Office about its result. Although the governor was undoubtedly familiar with some of the elected representatives, he always requested the opinion of the local police director or the nearest district captain. Their task was not only to report on the election itself and to state whether it had been conducted in accordance with the law, but also to provide detailed and reliable information on the personality, political opinions and past behaviour of the elected mayor. There were no fixed rules or conditions for the confirmation of the election; the attitude of the state authorities thus varied over time and often depended on the political situation in the state and in the region, as well as on the experience and opinions of the leading state officials.

The ideal candidate was, of course, always a loyal and pro-government politician, preferably a lawyer, who, as head of the magistrate's office and thus as the superior of legally educated officials, could ensure the proper handling of the state agenda in the municipal administration. Indeed, of the 117 confirmed mayors of all crown land capitals with statutory status between 1860 and 1918, 60 (51 %) were attorneys at law, notaries or legally educated private persons. Of the remainder, 27 % (32 individuals) were local businessmen, merchants or manufacturers, 13 % (15) came from state administration but were also legally trained (judges or civil servants), 4 % were university graduates of other disciplines (physicians, architects or pharmacists) and the remaining 5 % was accounted for by other occupations.<sup>16</sup>

A lack of higher education could be offset by experience in municipal self-government if the elected mayor had previously held the position of deputy mayor or councillor for several years and thus had insight into the workings of the office.<sup>17</sup> This ideal model of succession, with the first deputy succeeding the mayor, was widespread and apparently generally accepted by both the electorate and the state administration.

15 Cf., with an emphasis on the personality of mayors, among others: CZEIKE, *Wien und seine Bürgermeister*; SIPPEL, *Der Grazer Gemeinderat*; HEIN-KIRCHER, *Lembergs „polnischen Charakter“ sichern*; NETSCH, *Die Salzburger Bürgermeister*; SKUDNIGG, *Die freigewählten Bürgermeister von Klagenfurt*, 315ff.; COVA, *Der Landtag der reichsunmittelbaren Stadt Triest, 1919–1949*; MELANOVÁ, *Liberec*, 174–255; PISKOVÁ, *Jihlava*, 468–479; MÜLLER, *Opava*, 237–239; GEBAUER, *Purkmistři města Opavy*; KOVAŘÍKOVÁ, *Starostové*, 20–33.

16 The socio-professional analysis was, due to the limited data and availability of sources, carried out merely on the mayors of the crown land capitals.

17 NA, MV/R, Signature 11/1, Box 416, a report of the Silesian Governor to the Minister of the Interior, No. 40076, 9. 12. 1897.

During the information-gathering phase for his proposal, the governor could also meet the elected candidate in person.<sup>18</sup> This practice can be observed especially in the capitals of the crown lands, where the senior state officials and the elected city aldermen lived side by side and probably even met regularly. We do not have much information about these private conversations, but according to the governor's reports to the Minister of the Interior, it appears that the governor may have tried to dissuade the prospective mayor from certain behaviours in the future. At the same time, he surely ascertained the candidate's political views and attitudes and probed the council's possible reaction to the mayor's non-confirmation. These meetings were, however, non-binding and nothing compelled the mayor to act on his previous promises and statements after receiving imperial approval. Thus, in January 1897, the newly elected mayor of Prague, Jan Podlipný, a member of the "radical" Young Czech Party, who was to take up the post vacated by the pro-government Old Czech mayor, promised the governor not to engage in politics in any way and to remain a docile administrator of his city.<sup>19</sup> However, after receiving his approval, he failed to keep this promise and eventually built his political agenda on the strong promotion of Czech national claims in the then bilingual city of Prague.

The governor's opinion, backed by his experience and his personal and local knowledge, was a key source on the confirmation issue that the Minister of the Interior subsequently presented to the Cabinet. In the case of most elections, this was only a formal step, with the government approving the governor's proposal to confirm the election, and this proposal being submitted to the emperor for his signature. In the case of the crown land capitals in particular and when a prominent opposition politician was elected to the office of mayor, the issue of confirmation assumed great political importance, and it became the subject of intense discussion among the ministers.<sup>20</sup>

Although the minutes of the Viennese Cabinet have largely been destroyed, we are informed quite extensively about controversies surrounding the election of Karl Lueger to the office of mayor of the imperial capital in 1895. It was his previous political activity at the Vienna City Hall and in the imperial parliament (*Reichsrat*) with his openly anti-Semitic views that caused both Governor Erich Kielmansegg and Prime Minister Kasimir Badeni to be concerned about his possible mayoral tenure.<sup>21</sup> Despite the opinion of the governor, who was aware of the complexity of the situation and the unlikelihood that someone else would be elected instead of Lueger, Badeni pushed for non-confirmation in the government and with the emperor.<sup>22</sup> After Lueger was remonstratively re-elected in November 1895, the governor had the Vienna council immediately dissolved. After the snap municipal election, Lueger was voted into the mayoral function again and only after an audience with the emperor theatrically renounced the election and allowed the government to save its face. In his place Anton Strobach was elected, an insignificant politician who was to serve only as a straw man while the actual politics of the city

18 BOYER, *Karl Lueger*, 168.

19 NA, MV/R, Signature 11/1, Box 415, a report of the Bohemian Governor to the Minister of the Interior, No. 2055, 6. 1. 1897.

20 Cf. the published editions on the Austrian Cabinet minutes: *Die Protokolle des cisleithanischen Ministerrates 1867–1918*, Band I (1867); Band II (1868–1871); Band III/1 (1871–1872).

21 GRÖLLER, *Wechselwirkungen*, 280–285; BURGER, *Die Frage der Bestätigung*, 76–101.

22 PLENER, *Erinnerungen*, 279.

hall was managed by his deputy Karl Lueger. This situation lasted only a year, then Strobach resigned and Lueger's subsequent election was confirmed by the Kaiser.<sup>23</sup>

This Vienna case is a telling example of the difficult situation that both the government and the monarch could find themselves in by not confirming the election and how the process of confirmation proved ineffective, especially in the case of prominent local political figures. In fact, there were two possible scenarios that could ensue from the emperor's refusal to confirm an elected mayor. The first was that the municipal aldermen accepted the government's view and elected someone else, usually a straw man, to whom there was no formal objection. Yet the city could then be, in effect, run by a non-confirmed mayor who had simply sidestepped the process into the position of the newly rubber-stamped mayor's first deputy. These deputies did not need any governmental approval and could easily control the city administration. Such scenarios occurred in Prague (Skramlík)<sup>24</sup> as well as in the aforementioned Vienna debacle.

The other scenario occurred when the municipal elders insisted on their choice and re-elected the declined candidate, which would almost certainly lead to the council being dissolved and new elections being called. However, non-confirmation usually carried with it the unintended consequence of making the opposed candidate a political martyr, seen as defending the interests of his community against the state, who could thereby be well expected to achieve re-election. In the meantime, the administration of the city had to be managed by an appointed state official in the role of a government commissioner. The non-confirmation and subsequent remonstrative re-election of Ivan Hribar in Ljubljana (Laibach) in 1910 serves as an example.<sup>25</sup>

#### **Non-confirmed mayors: "Rare birds" analysis**

This brings us to the question of how frequent it was for the government to refuse to accept the decision of the voters and deny a legitimately elected mayor the opportunity to hold office. A total of 566 accepted elections were held in the 33 statutory cities of the pre-Lithuanian part of the empire, of which only 12 failed to receive imperial confirmation, amounting to only 2.25 %. The cities with the most instances of state interference in the choice of mayor were Trieste and Trento (each of which experienced three unconfirmed elections, out of a total of 21 accepted elections) and Prague (three out of 22). In other cities, there were either isolated cases of non-confirmation or none at all.

<sup>23</sup> BURGER, *Die Frage der Bestätigung*, 101–107.

<sup>24</sup> *Purkmistr s podminkami*, 2.

<sup>25</sup> ÖStA, AVA, Ministerium des Innern – Allgemein, Signature 11/1 Krain, Box 399; *Die Bürgermeisterwahl in Laibach*, 2.



Crown Land	Statutory City	Year of obtaining the status	Number of valid mayoral elections	Number of thus elected mayors rejected
Moravia	Brno/Brünn	1850	19	0
	Jihlava/Iglau	1864	15	0
	Kroměříž/Kremsier	1870	16	0
	Olomouc/Olmütz	1850	15	0
	Uherské Hradiště/ Ungarisch-Hradisch	1867	16	0
	Znojmo/Znaim	1867	20	0
Styria	Graz	1850	19	0
	Celje/Cilli	1867	18	0
	Maribor/Marburg	1866	19	0
	Ptuj/Pettau	1887	7	0
Tyrolia	Innsbruck	1850	20	0
	Bolzano/Bozen	1850	18	0
	Trento/Trient	1851	21	3
	Rovereto	1869	12	0
Lower Austria	Wien	1850	22	1
	Waidhofen an der Ybbs	1869	8	1
	Wiener Neustadt	1866	18	0
Austrian Littoral	Trieste/Triest	1850	21	3
	Gorizia/Görz	1850	18	0
	Rovinj/Rovigno	1869	11	0
Silesia	Opava/Troppau	1850	19	0
	Bielsko/Bielitz	1869	18	0
	Frýdek/Friedeck	1869	15	0
Bohemia	Praha/Prag	1850	22	3
	Liberec/Reichenberg	1850	19	0
Galicia	Lviv/Lemberg	1870	15	0
	Kraków/Krakau	1866	11	0
Upper Austria	Linz	1850	17	0
	Steyr	1850	18	0
Bukovina	Chernivtsi/Czernowitz	1864	17	0
Carinthia	Klagenfurt	1850	21	0
Carniola	Ljubljana/Laibach	1850	20	1
Salzburg	Salzburg	1850	21	0
			566	12

Table 2: Numbers of valid mayoral elections and rejections of thus elected mayors in statutory cities 1860–1918

The majority of these non-confirmations occurred during the 1860s (four non-confirmations) and 1870s (four non-confirmations), when we can speak of a “maximalist” understanding of confirmation on the part of the government and governors.<sup>26</sup> Thus, only those who complied both formally and politically had any hope of obtaining the approval of the state authorities. With regard to opposition leaders who openly expressed their disagreement with government policies, it was feared their political views would interfere with their duty to execute the state agenda and, more specifically, that they would procrastinate or engage in passive resistance in general. Refusal to confirm an election and the eventual dissolution of the entire municipal council was thus linked to the government’s hope that a new election would bring about a change in the composition of municipal aldermen and thus a new mayor.<sup>27</sup> In this approach, the emphasis on the “imperial official” part in the mayor’s purview clearly prevailed. According to the Bohemian governor Alexander Koller, the Prague mayor was the holder of executive power in one of the most important districts in the country; being put on the same level with the district captain, the post of mayor could not be filled by anyone who did not comply with the views of the government.<sup>28</sup>

Prague had been in the hands of Czech politicians closely associated with the Czech political representation in the *Reichsrat* since 1861, when the first elections after more than ten years had been held. Following the year 1867, when Czech political leaders, in an effort to preserve the kingdom’s special status, opposed the centralist course of the Viennese government, Prague became a key stronghold of the anti-government campaign.<sup>29</sup> By not focusing only on the administration of the city and not avoiding political activity, Prague’s municipal government was clearly overstepping its remit, leading to repeated disagreements between the governor and the mayor and a subsequent crisis in the capital’s leadership. After the resignation of the mayor in 1869, the triple election of a new first man of the city hall was held in vain because the designated mayor refused to accept it. The fourth election went to František Brauner, an experienced lawyer, who was proposed for confirmation. Yet, although he was already serving as a district mayor in Smichov (a suburb of Prague), for which he also needed the government’s approval, on this occasion his election was turned down. As the governor put it, the position of mayor was too important and Brauner’s personality and political views were doubtful.<sup>30</sup> Thus, in place of Brauner, František Dittrich was elected, a local businessman who was already almost 70 years old. However, he did not seem to have proven himself a loyal executor of the wishes of Czech politicians, so when his term expired, Václav Bělský, who had already held the office between 1863 and 1867 but resigned due to disputes with the state authorities, was elected again.

26 In Trento, Cajetan Count Mauci was denied confirmation in 1861 and Hieronymus Count Pompeati was denied confirmation in 1862; in Trieste, Stefano de Conti was denied confirmation in 1863, and Giovanni Baseggio was denied confirmation in the same year. Massimiliano d’Angeli was not confirmed in his fifth election in 1879. In Prague, František Brauner was not confirmed in 1870, Václav Bělský was denied confirmation in 1873 and Antonín Otakar Zeithammer was denied confirmation in 1876.

27 NA, PM, Signature 3/1/1-1, Box 788, No. 459, a report of the Bohemian Governor to the Minister of the Interior, 4. 2. 1870.

28 ÖStA, AVA, Ministerium des Innern, Präsidium Teil 1, Box 425, Signature 11 Böhmen, No. 554, a motion of the Minister of the Interior on the confirmation of F. Brauner, 8. 2. 1870.

29 BĚLINA, *Dějiny Prahy*, 148–149, 155–157.

30 ÖStA, AVA, Ministerium des Innern, Präsidium Teil 1, Box 425, Signature 11 Böhmen, No. 554, a motion of the Minister of the Interior on the confirmation of F. Brauner, 8. 2. 1870.

Since his election too was not confirmed,<sup>31</sup> the Prague City aldermen chose Josef Huleš, who had the advantage of not having made any political appearances up to that time. Even though the governor reproached him for his political beliefs, considered him a mere puppet of his more experienced colleagues, and suggested that the municipal representation be dissolved, the government finally accepted the choice and proposed Huleš for confirmation.<sup>32</sup>

Huleš' election marks a change in the perception of the role of the mayor of a statutory city by the state authorities. While the governors were often led by a clearly "state" perspective, evaluating the mayoral candidate according to the criteria of how the municipality responded to the demands of the state, managed its finances and fulfilled its duties, from the 1870s onwards the role of the mayor as a politician and elected representative of one of the monarchy's major cities rose in importance for the Ministry of the Interior. With the development of political culture and the gradual differentiation of the political spectrum, any failure to confirm the mayor or the dissolution of the council represented a political shock that reverberated all the way to the capital of the monarchy. This was most evident in 1895 with the non-confirmation of Karl Lueger, which shook the confidence of the monarch in Prime Minister Badeni and exposed the government's weakness in ultimately preventing Lueger from taking office.

In 1896, the mandate of the long-serving mayor of Ljubljana, Peter Grasselli, came to an end. However, despite his inactivity and lack of energy, the state administration had tolerated him for several years for fear that a representative of the "radical" Slovenian National Progressive Party might take his place. The local governor Viktor Hein tried to prevent the election of the energetic Ivan Hribar, unsuccessfully, however. Their relationship was therefore tense from the very beginning.<sup>33</sup> After Hribar's third election, in 1901, Hein even moved not to confirm Hribar in the mayor's office. The ministry opposed this stance, arguing that Hein evaluated the mayor's activities one-sidedly as the work of a civil servant. The governor, meanwhile, criticised the mayor for not respecting the opinions of the state authorities, wasting municipal funds and favouring the Slovenian over the German language. The minister responded to such objections with an instruction for Hein to reconsider whether "such an exceptional measure [as non-confirmation] appeared fully justified in view of its serious repercussions", especially in regard to the fact that "the non-confirmation of the unanimous election of Hribar would undoubtedly have caused a great stir in the country and profound bitterness among many of Hribar's party comrades and his supporters".<sup>34</sup>

Considerations of the potential political fallout from the non-confirmation of such senior politicians as mayors of statutory cities largely forced the government to refrain from taking forceful action in relation to the elected mayors. At the same time, the complexity of the local politics and the government's desire to maintain peace in the cities gradually reinforced the position of mayor as the elected representative of the municipality over the role as a government official within the city district. Thus, among

31 NA, PM, Signature 3/16/19, Box 1130, No. 2113, a decree of the Minister of the Interior, 28. 3. 1873.

32 Ebd., a report of the Bohemian Governor to the Minister of the Interior, No. 2498, 17. 4. 1873; ÖStA, HHStA, Kabinettsarchiv, Kabinettskanzlei – Vorträge, Box 10-1873, No. 2026, a motion of the Minister of the Interior on the confirmation of J. Huleš, 14. 5. 1873.

33 HRIBAR, *Moji spomini*, I., 274, 354.

34 ÖStA, AVA, Ministerium des Innern, Präsidium Teil 2, Box 1568, Signature 11/1, No. 4056, a decree of the Minister of the Interior, 4. 6. 1901.

the governor's arguments in the first decades of the twentieth century, the trust of local citizens, the ability to find a compromise and the emphasis on tactful negotiation came the forefront; reliability and loyalty to the government are mentioned rather in the margins if at all.<sup>35</sup> Such a mayor who could ensure the smooth running of a municipality and the proper functioning of its self-government, composed of representatives of various political and national groups, was valuable for the state administration. In some cases, the governors even chose to overlook certain circumstances that a few decades before would most certainly have led to a non-confirmation proposal.

In the mid-1880s, Opava city hall fell into the hands of German nationalists, who won over the local liberals and seized control of the office of mayor.<sup>36</sup> Although their publicly proclaimed radical positions were a cause for concern, the provincial governor cited a number of factors that guaranteed that the future mayor belonged to the moderate wing in the municipal politics and was not a priori opposed to the government. Thus, in 1892, Emil Rochowanski, a local lawyer and member of the Land Diet (*Landtag*), assumed the mayor's office. According to the official report, even though he belonged to the German Nationalists, he had never taken extreme positions and had left the Liberal Party for personal rather than ideological reasons. The governor also knew him personally from the land school board and expected that as mayor he would endeavour in just the same way to find a consensus with the state authorities.<sup>37</sup> Rochowanski obviously proved himself in office and was re-elected in 1895, 1899, 1902 and 1905. However, the changing political conditions in the city and the radicalising political scene forced him to seek compromises. In 1905, the provincial president reported him to be the most suitable person for the post of mayor, yet he also had to admit that Rochowanski had – allegedly after being compelled by public opinion – opposed the government on several issues. Otherwise, the report reassured, he had always been accommodating and conciliatory towards the authorities. The emperor's disapproving comment "Oho!" did not alter the fact that the mayor was confirmed in office for the fifth time.<sup>38</sup> At the fifth election of Peter Grasselli in Ljubljana, in 1894, the provincial president admitted that the mayor belonged to the radical party and was slothful and indolent in office to the extent that it aroused public outrage. However, the prospect of someone similarly radical and, moreover, active taking his place was so frightening that he preferred to propose the confirmation of an already familiar personality.<sup>39</sup>

At the turn of the nineteenth and twentieth centuries, both the governor's office and the ministry showed a certain understanding of the difficult situation of the mayors. Particularly in the case of those who had been re-elected, the governor would simply state that the election had been conducted in accordance with the law and that nothing had changed since the previous confirmation, as in the case of Franz Bayer, the mayor of Liberec.<sup>40</sup> The question of confirming the new mayor became increasingly

35 Typically cf. NA, MV/R, Signature 11/1 Schlesien, Box 416, No. 18837, a report of the Silesian Provincial President to the Minister of the Interior, 26. 5. 1909.

36 POKLUDOVÁ, *Obecní rada Opavy*, 59–60; ONDERKOVÁ, *Opavský purkmistr*, 56–57.

37 NA, MV/R, Signature 11/1 Schlesien, Box 416, No. 7210, a report of the Silesian Provincial President to the Minister of the Interior, 3. 4. 1892.

38 Ebd., No. 1973, a report of the Silesian Provincial President to the Minister of the Interior, 5. 1. 1906.

39 ÖStA, AVA, Ministerium des Innern, Allgemeiner Teil 1, Box 425, Signature 11/1 Krain, No. 15370, a report of the Carnolian Provincial President to the Minister of the Interior, 20. 5. 1894.

40 NA, MV/R, Signature 11/1 Böhmen, Box 415, reports of the Bohemian Governor to the Minister of the Interior, 15. 7. 1902, 5. 9. 1905, 7. 12. 1908, 15. 2. 1912.

formal. The government's rejection of the elected mayor followed merely as a result of a person's criminal past<sup>41</sup> or as an effort to radically change the situation. Thus, in 1910, the provincial president in Carniola successfully prevented the confirmation of the sixth election of Ivan Hribar as mayor of Ljubljana. An excuse for this radical step was proffered by nationalist riots in Cejle and then in Ljubljana in September 1908, where Slovenian nationalists attacked the houses and property of the German inhabitants, allegedly in retaliation for the thwarting of the assembly of the Society of Cyril and Methodius in Styrian Cejle by the German population there. In the opinion of the governor, Mayor Hribar was not active enough during the upheaval to re-establish order with the aid of the municipal police.<sup>42</sup> The army's intervention resulted in two deaths, which the governor used as an argument against the mayor's confirmation two years later, ultimately leading to his non-confirmation.<sup>43</sup> In his memoirs, Hribar described the background to his downfall, which was the result of long-standing tensions between him and the provincial president and a political fight with the leader of the Catholic political movement in Carniola, Ivan Šusteršič.<sup>44</sup> After the defiant re-election of Hribar, the municipal representation in Ljubljana was dissolved and until January 1912, when the new mayor was sworn in, the city was administered by a government commissioner.

The example of Ljubljana, which was the last case of non-confirmation before 1918, demonstrates the intricate position of the mayor in a statutory city, who had to secure adequate political backing and voter confidence to be elected, while also fulfilling duties and obligations to the state authorities. State representatives were, however, subject to frequent transfers or promotion, and new people usually came with new demands and expectations of mayoral cooperation. The situation of the governor was equally intricate as he could not select his counterpart at the city hall but had to rely on him when implementing government policies.

### Conclusion

The requirement for election confirmation, thus limiting freedom of choice and subjecting it to scrutiny, in the Austrian public administration system, was not restricted to mayors of statutory cities. District mayors, that is, elected representatives of the district self-government, were also subject to confirmation by the emperor.<sup>45</sup> The government confirmed the elected presidents of the chambers of industry and commerce, members of school boards selected from the local authorities, and the selection of certain canons. Especially in the cases of mayors and district mayors, the government used its confirmation prerogative repeatedly and extensively during

41 This resulted in only one non-confirmation, in Waidhofen an der Ybbs in 1891. Karl Friess was excluded from the mayor's office since he had been investigated for fraud and tried in a civil suit for defamation. The governor also expressed concerns about his impartiality during the first term, when he denied levying state taxes and his behaviour in office was openly biased. ÖStA, AVA, Ministerium des Innern, Allgemeiner Teil 2, Box 380, Signature 11/1 NÖ, No. 1832, a motion of the Minister of the Interior on the non-confirmation of K. Friess, 4. 5. 1891.

42 SUPPAN, *Hitler – Beneš – Tito*, 253–254.

43 ÖStA, AVA, Ministerium des Innern – Allgemein, Signature 11/1 Krain, Box 399; Die Bürgermeisterwahl in Laibach, 2

44 HRIBAR, *Moji spomini*, I., 374–390. For Šusteršič cf. RAHTEN, *Ivan Šusteršič*.

45 District self-government was planned in all crown lands, but it was only implemented in Bohemia, Galicia, and Styria.

the 1860s and at the turn of the 1870s,<sup>46</sup> when it was attempting to suppress both the Italian nationalist movement that was advocating the unification of Italy and the radical opposition movement in Bohemia protesting against the centralisation of the empire and the dualist solution.

It turned out that non-confirmation did not have the desired effect. The ousted mayor would usually put forward a straw man in his place, thus retaining de facto control. Alternatively, the council would repeatedly elect the same candidate and the stalemate would have to be resolved by compromise and agreement. The long-term paralysis of the municipality or municipal district was from the state's perspective both undesirable and politically inconvenient. For this reason, from the 1870s onwards, we observe a retreat from power-based solutions and an attempt to avoid open conflicts between the state and the local self-government, whose representatives in the provincial capitals had, moreover, strong connections to the national political parties and their influential deputies. This trend was reinforced by the case of the elected mayor of Vienna, Karl Lueger, whose non-confirmation and subsequent remonstrative election even forced the emperor to intervene personally to avoid a stalemate in the imperial capital. The right of the emperor to veto undesired mayors as the heads of the most important cities was practically abandoned in the last decades of the Monarchy and used only in the most exigent cases. The concerns of the political impact of such a decision might have been the key factors that compelled the government to seek different measures to exclude a politically troublesome mayor or to avoid his election in the first place.

This "Austrian" experience was eventually reflected in the amendment of municipal electoral regulations in Czechoslovakia, as one of the successor states of the Habsburg monarchy. In response to the gradual takeover of municipal self-government in German-speaking areas by political parties openly hostile to the state, in 1933, the new electoral code stipulated that the mayor of any municipality, however small, had to obtain state approval before taking the oath of office. Mayors of district towns were confirmed by the Minister of the Interior, while mayors of smaller municipalities were approved by the provincial president.<sup>47</sup>

However, unlike the previous arrangement, the law introduced a number of changes designed to prevent its circumvention. An unconfirmed mayor automatically lost his chance to be elected to the city council for several years. This meant he could not become a deputy mayor or councillor, which prevented him from interfering in the administration of the municipality. The re-election of an unconfirmed mayor resulted in the immediate dissolution of the entire council; there was no longer a need for a separate proceeding and administrative decision to that effect. Another very important amendment was such that the law no longer contained a clause that set a deadline for when a new election had to be held after the dissolution of the council. Thus, the state could allow a defiant municipality to be governed by an appointed commissioner or committee for an indefinite period of time and nothing compelled it to call a new election. If there was a prospect that the same undesirable candidates might be elected to the city council, the solution was simple: there would be no election.

46 Cf. KOLMER, *Parlament und Verfassung*, 206–207; ARBES, *Pláč koruny české*, 40, 44, 61, 89, 91.

47 Zákon č. 122, 689. Cf. KLEČÁČKÝ, *Poslušný vládce*, 261–275.

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