Fanni HORVÁTH: The relationship between the Sabor and the Hungarian Parliament in the era of the dual monarchy

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1. Introduction

As an introduction, it is important to refer to the beginnings of Croatian-Hungarian relations, since we are talking about a relationship that spans centuries. The reign of Saint Ladislaus and King Coloman meant the beginnings of Croatian-Hungarian relations. In 1102, the Croatian nobility accepted Coloman and the Árpád dynasty, as the rightful heirs of the Croatian throne.[1] The most important institution of cooperation between the two nations was the Hungarian Diet, which was attended by the Hungarian nobility from its inception in the 13th century until 1918, but it also included the Croatian nobility as well. The aristocrats, just like in Hungary, were personally invited to the assemblies by the king. Laws enacted by the Hungarian Diet were generally applicable in Croatia, and Croatian delegates also took an active part in the debates.[2]

The peaceful coexistence of Hungarians and Croatians was disrupted by the concept of nationalism that emerged at the beginning of the 19th century, which originated from the French Revolution. The aim of the Illyrian movement became the creation of a Southern Slavic empire, where all these nations would unite. Naturally, this drove a wedge into centuries of peaceful relations. [3]

2. The revolution of 1848 and the period before the Compromise of 1867

The origins of the conflict can be traced to the death of Joseph II in 1790. At that time, there was no theory of public law to define the relationship between Hungary and Croatia. The basis of the legal relationship of the Hungarian and Croatian authorities was unclear, and it was mainly customs that governed it. Croatia was autonomous in its internal affairs. The sabor was a gathering of the nobles of the Kingdom of Croatia and Slavonia, usually convened by the Ban, but on rare occasions by the

[1] HEKA László: A horvát Sabor (Szábor) jogtörténeti szerepe *[The role of Croatian Sabor in legal history].* Szeged, 2002, Szegedi Tudományegyetem Állam- és Jogtudományi Kar, p. 7.
[2] SOKCSEVITS Dénes, VARGA Szabolcs: A horvát szábor története *[The history of Croatian Sabor].* Budapest, 2022, Országház Kiadó, pp. 11-12.
[3] BAJZA József: A horvát kérdés – válogatott tanulmányok *[The Croatian question – selected studies*]. Budapest, 1941, Királyi Magyar Egyetemi Nyomda, p. 5.

king, so that the sabor could enact laws on the most important issues. The acts passed by the sabor were sanctioned by the king. The sabor also elected the delegates from Croatia who participated in the Hungarian Diet. It was at the Diet of 1790 that negotiations were first proposed to be conducted in Hungarian. The problem that started over the language persisted for several decades, and therefore, the relationship started to deteriorate.[4] In 1790, the competences of the sabor became restricted: for the first time, the sabor's right to appoint the ban was revoked, and from 1790 onwards, the sabor could not be convened without royal permission.[5] After 1825, the Croatians increasingly turned to the king for help.

At that time, the Illyrian (nationalist) movement had not yet decided whether it wanted to establish the Southern Slavic Empire within the Habsburg monarchy or independently of it. In favour of the former was the fact that a large part of the Croats was loyal to the Habsburg dynasty, which was used by the royal family against the Hungarian ambitions. The result of this was that in 1848, under the leadership of Jelačić, the Croatians revolted against the Hungarians.[6]

Another factor that contributed to the deterioration of the relationship was the lack of a plan to improve the situation of minority groups within Hungary, including the Croatians. The Croats (and other non-Hungarian) leaders' *„illusions grew about Vienna, which the imperialist Habsburg policy was quick to exploit."* [7]

Just before the 1848/49 revolution, Croatian-Hungarian relations reached a low point. This was the first (and last) time the Croatians took armed action against the Hungarians, which is why I have put a lot of emphasis on analysing this in my research, as it is only by taking this into account this factor that we can understand the development and operation of the dualist relationship.

After suppression of the Hungarian War of Independence in 1849, neither the Sabor nor the Hungarian Parliament did not convene again until 1861. [8]

3. Croatian-Hungarian Compromise

The decisions of the Sabor in 1861 had a major impact on the entire history of the Monarchy, as it was necessary to decide which country it wanted to reconcile with: Austria or Hungary. The Sabor

[4] HEKA László: Az 1868. évi horvát-magyar kiegyezés a sajtó tükrében *[The 1868 Croatian-Hungarian Compromise in the Press]*. Szeged, 1998, Acta Universitas Szegediensis, p. 7.
[5] HEKA, *op. cit.*, pp. 14–20.
[6] BAJZA, *op. cit.*, pp. 5-6
[7] MEZEY Barna – GOSZTONYI Gergely: Magyar alkotmánytörténet *[History of the Hungarian Constitution*]. Budapest, 2020, Osiris Kiadó, pp. 284–286.
[8] SOKCSEVITS Dénes: Magyar múlt horvát szemmel *[Hungarian past trough Croatian eyes]*. Budapest, 2005, Magyarok a magyarokért Alapítvány, pp. 181–182.

decided to reconcile with Hungary, the conditions for which were laid down in Act 42 of 1861. It stated that the Croatians were willing to enter a union with Hungary, but only if Hungary recognised the independence and territorial integrity of Croatia-Slavonia. By this they meant that there should be equality between the two countries in the negotiation of common affairs and that Hungary should not interfere in their internal affairs. After the diet issued this decision, the sabor refused to send its delegates in the Imperial Council, and just like the Hungarian Diet, the sabor was dissolved in 1861.

On 12 November 1865, the Sabor was reconvened, a month before the Hungarian Diet. The Croats turned to the emperor for help; they aimed to negotiate on the legal basis outlined by Act 42 of 1861. The Hungarian Diet was convened by the emperor on 14 December 1865, where Deák's supporters were in the majority.[9] The Croats were disappointed by the Hungarian Parliament, as they had expected to be treated as equals. At that time, the Croats could already sense the approach of the Austro-Hungarian reconciliation, and they knew that, once that had happened, Austria would consider Croatia to be an internal matter for Hungary. The ruler called on the two nations to form committees to negotiate the reconciliation. These negotiations began in April 1866. They lasted until 16 June, but ended without success as both sides remained committed to their own positions.[10]

The Croats wanted Croatia to become an ally of Hungary through a personal union. They wanted political and administrative autonomy and for the Hungarian government to refrain from interfering in their internal affairs. They also advocated a federal transformation of the Habsburg monarchy. [11] The Hungarians, on the other hand, took a very different view. They would only have accepted partial autonomy for Croatia, which was insufficient for the Croatians.[12]

In 1867, the Hungarian constitutional system was established,[13] and the emperor tasked the Hungarian Parliament to settle the relationship between the two countries while also considering the requests of Croatia.[14] The emperor also urged the Croatians, instisting to "dispel any illusions that by dissolving the state-law relationship with the Hungarian crown they could create a Croatian

[9] HEKA László: 1868. évi horvát-magyar kiegyezés a sajtó tükrében *[The 1868 Croatian-Hungarian Compromise in the Press]*. Szeged, 1998, Acta Universitas Szegediensis, pp. 11–15.
[10] *Ibid.*, p. 12–15.
[11] KATUS László: Sokszólamú történelem *[Polyphonic history]*. Pécs, 2021 Kronosz Könyvkiadó Kft., p. 344
[12] HEKA László: A horvát Sabor (Szábor) jogtörténeti szerepe *[The role of Croatian Sabor in legal history]*. Szeged, 2002, Szegedi Tudományegyetem Állam- és Jogtudományi Kar, pp. 15–16.
[13] KÉPESSY, Imre: Föderalizmus, centralizmus, dualizmus - avagy a kiegyezéshez vezető út [*Federalism, centralism, dualism – or the way to the Compromise*]. In: MEGYERI-PÁLFFI, Zoltán (ed.): Szuverenitáskutatás [*Reseach on Souveregnity*]. Budapest, Gondolat, 2023. p. 111.
[14] RIGÓ, Balázs: 1867 as the Year of Constitutional Changes Around the World. *ELTE Law Journal* No. 2. 2017. pp. 43-45.

kingdom with only loose federal ties to the overall monarchy".[15] According to Prime Minister Gyula Andrássy's proposal, Croatia should not form a third state within the Monarchy, but he also considered it important to ensure the country's historical autonomy.

Franz Joseph dissolved the Sabor after it recognised the Serbs as equal to the Croatian nation. In addition, he appointed Baron Levin Rauch, a Hungarian sympathizer, in place of Ban Josip Šokčević, who established the unionist party. This created a sabor ready for reconciliation, and the result of long negotiations was the Act 30 of 1868, promulgated by the Hungarian Parliament on 19 November, which contained the provisions of the Croatian-Hungarian Settlement.[16]

4. The relationship between the Sabor and the Hungarian Parliament during the Dualist Period

The Croatian-Hungarian Settlement was enacted by Croatia as Act 1 of 1868 and by Hungary as Act 30 of 1868. This article was undoubtedly a compromise between the two nations. Nonetheless, the law caused quite an uproar in Croatia.

It is significant that Hungary recognised Croatia as a so-called "partner country" (társország), but those who opposed the reconciliation felt that this was not enough. (The same applied to Hungary: not everyone was satisfied with the settlement.) Consequently, the unionists were satisfied and the opposition was indignant. Some Croats believed that they had achieved their most important goals, given the circumstances.[17]

According to the compromise, Croatia recognised Act 12 of 1867 binding, which incorporated the Austro-Hungarian settlement. Furthermore, Hungary had to only right to represent the countries of the Hungarian Crown, including Croatia. Therefore, Croatia had a separate legal status only in relation to Hungary, not in relation to foreign countries. According to László Heka, "Croatia had a legal status unlike any other country in the Monarchy, but it was not a separate factor from Austria, but only a part of Hungary".[18]

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[15] KATUS, *op. cit.*, pp. 346–347.
[16] HEKA László: 1868. évi horvát-magyar kiegyezés a sajtó tükrében *[The 1868 Croatian-Hungarian Compromise in the Press].* Szeged, 1998, Acta Universitas Szegediensis, pp.16-17., p. 30.
[17] HEKA László: A horvát-magyar közjogi viszony, különös tekintettel a horvátországi 1868: I. törvénycikkre és a magyarországi 1868: XXX. törvénycikkre *[Croatian-Hungarian public law relations, with special reference to Article I. of 1868 of Croatia and Article XXX. of 1868 of Hungary].* Szeged, 2004, Szegedi Tudományegyetem Állam- és Jogtudományi Kar Jogtörténeti Tanszék, pp. 138–140.
[18] *Ibid.*, p. 141.

5. Public affairs

Section five of Act 30 of 1868 provides for common matters to be discussed in the common Parliament. Common affairs were the military affair, foreign affairs, finance, which included the establishment of the tax system. In addition, commerce, industry, customs, citizenship and the disposal of the royal revenues were also common matters.[19]

The Compromise also contained provisions on the common legislature, the common government and the head of the state. The legislative competences on common affairs were vested in the common Diet, which had to be convened in Pest annually. Croatia was represented by twenty-nine representatives in proportion to its population. The Croat representatives sent to the House of Representatives were elected from the Sabor. Furthermore, two members were sent to the House of Lords. The Croatian deputies remained members of the common parliament even if the Sabor had been dissolved in the meantime, so they remained members until the newly convened Sabor elected new deputies. However, this provision undermined their legitimacy. The Croatian representatives were free to express their opinions on common affairs. The Croatian members of the Hungarian delegation were elected at the joint Diet, four from the House of Representatives and one from the House of Lords.[20]

The executive power for common affairs was exercised by the common government in Budapest. A Croatian-Slavic-Dalmatian minister without portfolio was appointed for Croatia, who was responsible to the Hungarian Parliament, not the Sabor.

6. Autonomy for Croatia (and associated countries)

Section 47 stated that, for all matters, which were not considered to be common, Croatia-Slavonia-Dalmatia had the right of self-government in both the legislative and executive branches. Croatia's right of self-government included religious and administrative matters and the administration of justice. Laws were sanctioned by the monarch, who had absolute veto.

The language used in the legislation was Croatian, as well in the executive branch. The sabor seated in Zagreb and consisted of one house. Croatian-Slavonia was divided into ninety constituencies, each of which elected one representative. All men over the age of twenty four had the right to vote. A person could be disqualified if he or she was under guardianship, bankrupt or had been convicted of a crime that had disqualified him or her from voting. I would like to point out that the minutes of

[19] *Ibid.*, p. 148.
[20] *Ibid.*, pp. 148–149.

the sabor meetings were already kept and were open to the public. Detailed rules were contained in the house rules.[21]

Croatia's government was led by the Ban, who was responsible to the Croatian Sabor. The Ban was appointed by the ruler, who needed the Hungarian prime minister's countersignature. The settlement abolished the Ban's historic military powers. The Ban, although legally responsible to the sabor, politically was responsible to the Hungarian prime minister and to individual ministers. The sabor made the laws that governed Croatia's internal affairs, but importantly these could not conflict with Hungarian law.

The administration of justice was also regulated by the Sabor, not by the Hungarian Parliament. It was the Ban who nominated the judges, who were appointed by the monarch.[22]

Although for fifty years the Act of Settlement governed the Croatian-Hungarian state relations, the debate over its provisions never settled, and only ceased to exist at the end of the dual monarchy. A significant part of both nations was not satisfied with the treaty, and this led to many conflicts between 1868 and 1918. The demand for a revision of the Compromise remained an almost constant element of Croatian domestic politics during the era of dualism.

7. Relationship during the dualism

In Croatia, the system based on the compromise began to consolidate by 1873. However, political consolidation did not mean that Croatia's social problems were solved, and this had an impact on the political balance. The Croatian opposition started to reorganise. As a result, the Hungarian and Croatian elite came to an understanding once again, and the system became stable only after that. Still, there were several (albeit unsuccessful) attempts by the Hungarian government to increase its influence during this time period.

The emerging Serb-Croat conflict was exploited by the Hungarians, and if this was not enough, the annexation of Bosnia also created new tensions. After 1907, Croatia was in a state of permanent crisis, as internal conflicts led to the dissolution of the Sabor on several occasions, and it could not

[21] HEKA László: A horvát Sabor (Szábor) jogtörténeti szerepe *[The role of Croatian Sabor in legal history].* Szeged, 2002, Szegedi Tudományegyetem Állam- és Jogtudományi Kar, p. 25.
[22] HEKA László: A horvát-magyar közjogi viszony, különös tekintettel a horvátországi 1868: I. törvénycikkre és a magyarországi 1868: XXX. törvénycikkre *[Croatian-Hungarian public law relations, with special reference to Article I. of 1868 of Croatia and Article XXX. of 1868 of Hungary].* Szeged, 2004, Szegedi Tudományegyetem Állam- és Jogtudományi Kar Jogtörténeti Tanszék, pp. 149–151.

assemble for several years. By the 1910s, the southern Slavic nations began to declare their unity, and after that, a split was inevitable.[23]

Consequently, the Croatian-Hungarian Compromise did not lead to a genuine understanding and cooperation between the two nations. József Bajza argued that the different interpretations of the Act contributed to this, since many conflicts arose from the lack of agreement between the two nations on the implementation. Furthermore, the Illyrian movement also caused conflicts, since its aim was in absolute contrast with the Hungarian interest: the unification South Slavic nations. The activities of the Hungarian government and the Croatian bans loyal to it, who tried to solve all Croatian crises and conflict situations by preserving the compromise, also led to the deterioration of Hungarian-Croatian relations.[24]

8. Summary

Ferenc Deák saw the problem well during the negotiations, which led to the Compromise of 1868, since he knew that most Croats were behind the National Party and that a lasting relationship could not be based on the Unionist Party. This is why wanted to give Croatia financial autonomy.[25]

Unfortunately, as described above, the relationship between the two nations worsened after the Compromise was enacted. Both nations wanted to resolve the conflict that had started in 1790 through reconciliation. In my opinion, Ferenc Deák's ideas and efforts could have established a more lasting connection, but this was difficult because the Hungarians feared the creation of the South Slavic state and withdrew some competencies from the Sabor, wanting to reduce them further. Furthermore, both nations feared a deterioration of their own situation. I am not saying that this fear was unfounded, but I noticed that neither nation wanted to compromise on their interests. It was as if they knew in advance that this would not be a lasting coexistence, as if they knew that a relationship that had existed for centuries was coming to an end. Therefore, under these circumstances, it was impossible to establish lasting cooperation. However, the two nations had high hopes that the Compromise would solve everything

[23] KATUS László: A modern Magyarország születése. Magyarország története 1711-1914 *[The birth of modern Hungary. History of Hungary 1711-1914].* Pécs, 2021, Kronosz Könyvkiadó Kft., pp. 671–679.
[24] HEKA László: A horvát-magyar közjogi viszony, különös tekintettel a horvátországi 1868: I. törvénycikkre és a magyarországi 1868: XXX. törvénycikkre *[Croatian-Hungarian public law relations, with special reference to Article I. of 1868 of Croatia and Article XXX. of 1868 of Hungary].* Szeged, 2004, Szegedi Tudományegyetem Állam- és Jogtudományi Kar Jogtörténeti Tanszék, pp. 184–189.
[25] KATUS László: Sokszólamú történelem *[Polyphonic history]*. Pécs, 2021 Kronosz Könyvkiadó Kft., p. 355.