Barnabás SZALAI: The use of Croatian language and the Croatian-Hungarian legal relationship in the light of the railway regulation dispute

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1. Introduction

In this study I will examine how the representatives of the Hungarian and Croatian nation related to the system, that was based on the Croatian-Hungarian Compromise. My research is based on the parliamentary debate regarding the railway regulation of 1906.[527] Besides the representatives' relation to the system, I intend to demonstrate how the law interpretation was defined by the duality of statutory law and de facto structure of power in the period between 1868 and 1918.

2.The Croatian-Hungarian Compromise

For the Hungarian Kingdom it was necessary to improve the relationship with the other kingdoms of the Saint Crown to be truly equal to the Habsburg hereditary lands.[528] To negotiate the Croatian-Hungarian Compromise both the Hungarian and Croatian Parliaments sent their own commissions, then the legislatures of the two nations approved the bill of Compromise. It was the Article XXX of 1868 that integrated the Compromise into the *Corpus Iuris Hungarici*.
The Compromise of 1868 defines Hungarian-Croatian relationship as a state complexity, both nations belonging under the Crown of St. Stephen.[529] The two states had joint Affairs. To make decisions involving such Joints Affairs, a common legislature and executive power were created. The

[527] 1906. évi 486. Iromány. [Documents of the House of representatives] (1907.05.13.) XIII. kötet p. 294
https://library.hungaricana.hu/hu/view/OGYK_KI-1906_13/?pg=303&layout=s
[528] RIGÓ, Balázs: 1867 as the Year of Constitutional Changes Around the World. *ELTE Law Journal* No. 2. 2017. pp. 43-45.
[529] 1868. évi XXX. törvénycikk a Magyarország, s Horvát-, Szlavon és Dalmátországok közt fenforgott közjogi kérdések kiegyenlítése iránt létrejött egyezmény beczikkelyezéséről (2024. 04. 21.) p. 1 Elérhető:
https://net.jogtar.hu/getpdf?docid=86800030.TV&targetdate=&printTitle=1868.+%C3%A9vi+XXX.+t%C3%B6rv%C3%A9nycikk&referer=1000ev

Joint Parliament was formed by Croatian deputies joining the Hungarian Parliament and having a vote in the matters of joint Affairs.[530]

The Compromise describes Croatia-Slavonia as a political nation with their own territory and sovereign in it's internal affairs. During the work of the Commissions the Croatian-Slavonian deputies have argued stubbornly for the declaration of Croatian language as official on their territory.

According to the Compromise, the language of Legislature, Administration, Judicature and the domain of the joint Government is Croatian. The rights of the Croatian language were also declared for the Joint Parliament and Delegations.

3. Croatian speeches in the Hungarian Parliament

The Croatian deputies of the Joint Parliament rarely exercised their right for speech in Croatian, nor did they show much activity in the joint legislature: according to András Cieger's study of the Croatian deputies there were only 18 speeches in Croatian language between 1865 and 1906.[531]

Cieger also noted that Croatian deputies of the Joint Parliament mostly voted with Hungary's governing party. This tendency ended in 1907, when the Croatian-Serbian coalition was elected. This coalition protected Croatian-Slavonian interest with great passion due to their strong national identity. Particularly heated arguments occurred between the Hungarian and the Croatian-Slavonian deputies in 1907, when the railway regulation bill was presented.

This debate was not without preludes: Géza Josipovich spoke up for the specific purpose of reminding the Parliament of their right to Croatian speeches. This reminder was not unnecessary, to say the least. While Gábor Ugron spoke up in favour of the reminder, other Hungarian deputies, like Zsigmond Makkai (who was mentioned by name in the Parliament Diary) demanded the use of the Hungarian language.[532]

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[530] Ingrid RÁK–RADI: Voices of the Croatian nation in the Hungarian parliament. Sic itur ad astra, 2017, No. 2, p. 95

[531] Cieger, András: Horvát képviselők a magyar országgyűlésben (1868–1918). [Croatian represetnatives in the Hungarian Parliament] In: A magyar–horvát együttélés fordulópontjai: intézmények, társadalom, gazdaság, kultúra. [The turning points of the Hungarian-Croatian cohabitation: institutions, society, economy, culture] Budapest, 2015, MTA BTK, p 435.

[532] Képviselőházi Napló [Diary of the House of the Representatives] 1905. 21. ülés (1905.05.09.) I.kötet 215. https://library.hungaricana.hu/hu/view/OGYK_KN-1905_01/?pg=224&layout=s&query=josipovich%20g%C3%A9za

Paradoxically the rights of the Croatian language regarding the legislature were restricted by a standing orders – amendment, right after the details of the bilingual parliamentary work had been created.

The intention behind the amendment was to break the obstruction of the Croatians and finally decide on the railway regulation bill. The restriction narrowed down the provisions of the 59.§ of the Compromise of 1868 relating to Parliament: it guaranteed the right to speak in Croatian, however denied Croatian language access to all other legislative rights, such as the right to comment on the standing orders, and made the work of the deputies virtually impossible. Members who did not comply with the new rules were sanctioned with the suspension and expulsion of their speech by the Speaker.[533]

A full causal relationship cannot be established between the amendment and the breaking of the obstruction: the legitimacy of the Croatian-language speeches was often challenged by Hungarian deputies' interruptions recorded in the Parliamentary Diary, who demanded the use of Hungarian language.

The Hungarians' problem with the Croatian-language speeches were not without pragmatic reasoning: due to the lack of experience the deputies received each other's written and translated speeches after the speeches had taken place. It resulted in the Hungarian- and Croatian-speaking deputies not understanding each other. This difficulty made it impossible for a spontaneous and useful debate to take place within the Joint Parliament. The problem was voiced in the era by Vilmos Mezőfi, as well: "The rules must be changed, we don't know what [the Croatian-Slavonian deputies] say!"[534]

4. The railway regulation bill

Mezőfi Vilmos's speech took place during the discussion of the previously mentioned bill on the regulation of railway services. The main subject of the bill was not the right to use the Croatian language, but the declaration of the railway-operation as a national interest.[535]

[533] Cieger, op cit., p. 431-432
[534] Képviselőházi Napló [Diary of the House of the Representatives] 1906. 168. ülés (1907.06.05.) X.kötet 19. https://library.hungaricana.hu/hu/view/OGYK_KN-1906_10/?pg=25&layout=s&query=mez%C5%91fi%20vilmos
[535] Képviselőházi Irományok [Documents of the House of representatives] 1906-486. Törvényjavaslat a vasuti szolgálati rendtartásról [The railway regulation bill] https://library.hungaricana.hu/hu/view/OGYK_KI-1906_13/?pg=303&layout=s

The two pillars of reliability were professionalism and moral reliability. In order to establish these, the bill imposed several conditions for railway employability: Besides the requirement of appropriate education, it was also prescribed for the applicants to have a clean criminal record and Hungarian citizenship.

Besides Hungarian citizenship the bill made it obligatory to possess Hungarian language knowledge, but there were also exceptions: in addition to Hungarian language, the ability to speak Croatian was also required on the territory of Croatia-Slavonia and Croatian was the dominant, only language of the urban railways of Croatia-Slavonia.

In practice, therefore, Hungarian became a compulsory language on the Croatian-Slavonian railways, supplemented in some cases by the requirement to speak Croatian. The language-related points of the bill had already provoked the disapproval of Croatian representatives during the committee's work, and Ferencz Kossuth, the Minister of Trade, also felt it important to point out that there is no anti-Croatian tendency in the matter of the railway regulation, as 5396 of the 7088 employee were able to speak Croatian at the time.[536]

5. The collision of the railway regulation bill and the language question

The Croatian-Slavonian deputies considered the railway regulation bill incompatible with the Compromise of 1868 and they saw it as a Hungarian over-expansion.

It was not the first conflict the two nations had since 1868: during the premiership of Kálmán Tisza, in 1882-1883, the coat of arms on official buildings were replaced with bilingual inscriptions on the territory of Croatia-Slavonia. According to the Croatian-Slavonian point of view it violated the 57.§ of the Compromise, which stated that in the domain of the Joint Government Croatian language was to be used. Hungarians stated that the Compromise did not ban the use of other languages besides Croatian.

The two different interpretations show the disadvantages caused by the general clauses of the Compromise: the act did not mention exclusivity, neither did it define what belongs to the domain of the Joint Government. The reason behind the vast number of general clauses is the mutual hope that two nations had for the Compromise: the Hungarians envisioned a more unified state with Hungarian hegemony, while the Croatian-Slavonian vision was a more polarized state with greater autonomy for their people.

[536] Képviselőházi Napló [Diary of the House of the Representatives] 1906. 168. ülés (1907.06.05.) X.kötet 17. https://library.hungaricana.hu/hu/view/OGYK_KN-1906_10/?pg=23&layout=s&query=7088

The crisis of 1882 was followed years later by committee discussions, but they did not result in remarkable success. These discussions gave an opportunity to Croatian-Slavonian deputies to list their grievances, like the negligible role of the Croatian language in the joint Government and the disregard of Croatian political and economical interests in joint decisions.[537]

Without a real solution to these problems the Croatian grievances and demands lived on under the surface. During the debate of the railway regulation bill the Croatian-Slavonian used obstruction, the only tool they had with the minor political role. The economical grievances came up in relation to the identity of the railway builder, while the language question remained at the centre of the debate until the end.

Similarly to the crisis of 1882 the Croatian-Slavonian deputies referred to the 57.§ of the Compromise during the plenary debate on the railway regulation bill: the official language of the domain of the joint Government in Croatia-Slavonia is Croatian.

A parallel can also be drawn with the earlier conflict: the Hungarian deputies argued that the article does not mention exclusivity in the official language, so applying Hungarian as an additional official language is not a violation of the Compromise. Furthermore, Hungarian deputies stated that the employees of the railways are not public employees, as they are employed by the private company of the Hungarian state. This company was the one that had the railways built on it's own expenses. The Hungarian point of view was based on the need of a unified language of service in order to ensure the uninterrupted flow of transport.

The views of the Hungarian representatives were not fully shared by the Hungarian intelligentsia of the time. Viktor Jászi argued in favour of the Croatian-Slavonian deputies after the crisis of 1882. According to him the Hungarian language can only be considered official if it is mentioned explicitly, otherwise not.[538]

Once again, the Croatian-Slavonians did not accept the Hungarian explanation: they did not consider the railway a private enterprise and believed that the expenses of the railway construction fell on Croatians, as well.

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[537] László, Katus: A Tisza-kormány horvát politikája és az 1883 évi horvátországi népmozgalmak. [The Croatian-policy of the Tisza-government and the Croatian movements of 1883] In: Nagy Mariann – Vértesi Lázár: Sokszólamú történelem – válogatott tanulmányok és cikkek. 2008, Pécsi Tudományegyetem. p. 317-318.

[538] Viktor, Jászi: Tanulmányok a magyar-horvát közjogi viszony köréből. [Studies of the Hungarian-Croatian legal relationship] Budapest, 1897, Eggenberger. p. 266

6. The collision of the railway regulation bill and the public law

The different interpretations of the Compromise raised questions of public law that were not settled in details: the exact scope of joint Affairs, the right of different languages and the fundamental relationship of the two nations.

The most important issue to deal with was the relationship of the two nations: was the Compromise a bilateral treaty of two states or a treaty between the central state and an autonomous region of this state?

The existence of the joint Affairs, Joint Parliament and Joint Government were proving the point of Hungarian deputies: the two nations not only belonged under the same crown but had joint organizations of the most important branches of a state.

Belonging under the Crown of St. Stephan did not necessarily mean a single state though: the first article of the Compromise refers to the relationship of these nations as a state complexity instead of a single unity. Mirko Grahovac, a Croatian-Slavonian deputy was eager to point it out in his parliamentary speech: "Hungary and Croatia, Slavonia and Dalmatia form one and the same state complexity." [539]

Mirko Grahovac concluded that the term "state complexity" directly shows Croatia-Slavonia's own statehood. Speaking about public law in a debate of a railway regulation bill was not unjustified from Mirko, to say the least: the speech was a defence of the independent Croatian-Slavonian statehood against the former Hungarian speeches that questioned it.

During the negotiations of the treaty of the Compromise the two parties often referred to it as a law written on a blank paper. By 1907 the relationship of the two nations became more complex: the number of norms grew that regulated the link of these nations. Ödön Barta, a Hungarian deputy highlighted the Act 50 of 1879 from these norms that regulated the acquisition and loss of Hungarian citizenship.[540] The act established one and the same citizenship for all citizens living on the territory Hungary and Croatia-Slavonia. According to Ödön Barta, the citizenship is closely linked to the concept of the state so if there is one citizenship, then there is only one state, as well. The deputy believed that as there is one state, there can be applied a single official language: Hungarian.

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[539] Képviselőházi Napló [Diary of the House of the Representatives] 1906. 170. ülés (1907.06.07.) X.kötet 97. https://library.hungaricana.hu/hu/view/OGYK_KN-1906_10/?pg=96&layout=s&query=mirko

[540] Képviselőházi Napló [Diary of the House of the Representatives] 1906. 168. ülés (1907.06.05.) X.kötet 31. https://library.hungaricana.hu/hu/view/OGYK_KN-1906_10/?pg=37&layout=s&query=barta%20%C3%B6d%C3%B6n

The Croatian-Slavonian deputies referred to the Compromise as a Fundamental Law several times (e. g. Ferencz Vrbanic) as it is written in the seventieth Article of the Compromise. This article also states that the Compromise can only be revised the same way it was created: with committees of the two nation's parliament. This provison gave a special status to the Compromise in the Hungarian legal system, as it can not be contradicted by other law. This special status was also mentioned by Brlics Vatroszláv, who warned the Hungarians not to use illegal tools to change the prevailing legal system. He also indicated that in the case of illegal Hungarian actions the Croatian-Slavonian Government might break the Compromise, as well.[541]

The unique position of Croatia-Slavonia is one of the main reasons behind the different point of views regarding Croatia's status. The joint Parliament's structure indicated an autonomous position, but the wide range of rights and bilateral methods used for the creation of the Compromise were a sign of a state complexity.

Even if we look at the kingdoms of the Hungarian Crown as a single state, it is still questionable whether the declaration of Hungarian language as official is appropriate. Ödön Barta's explanation is based on the written law, however it did not always prevail. The act Barta cited specifically defined one citizenship: Hungarian. Despite this act, the Croatian-Slavonian legislature often included the term "Croatian-Hungarian" in their provisions.

7. The aftermath of the railway regulation law

The divergent legislative practices showed fundamental flaws in Hungarian-Croatian relations: the actual jurisprudence and the written law often contradicted the spirit of the Compromise.

The different jurisprudence of the two countries led to serious disagreements and made foreshadowed a future conflict. Contrary to the previous conflicts, this problem was not negotiated by committies: The negotiations took place during the plenary sessions.

The plenary sessions were not the best way to solve this issue: the Hungarian deputies, who had majority in the Joint Parliament were able to have the bill pass without any support for Croatians. The Croatian-Slavonian deputies used obstruction as a last resort.

The obstruction was a misuse of the parliamentary rights. This misuse gave the Hungarians a cause to limit the parliamentary rights of the Croatian-Slavonian deputies. The debate and it's

[541] Képviselőházi Napló [Diary of the House of the Representatives] 1906. 190. ülés (1907.07.03.) XI. kötet 392. https://library.hungaricana.hu/hu/view/OGYK_KN-1906_10/?pg=96&layout=s&query=mirko

consequences made the relationship of Hungarians and Croatian-Slavonians even more severe until it finally broke following the events of World War I.

8. Summary

One of the most significant reasons behind the Hungarian-Croatian dispute regarding their relationship was the very foundation of their relationship: the Compromise of 1868. Both nations pinned their hopes on the use of the general clauses, trying to get a more beneficial position. It was the use of general clauses that let the spirit of the written law differ from the actual jurisprudence and increased the role of de facto power in the relationship of these nations.

This issue prevailed in the dispute of the railway regulation law, as well. Hungarian deputies tried to expand the role of their language in the Kingdoms of the Saint Crown, while Croatians fought for the recognition of their state as independent.

Hungarians had the power to pass the railway regulation bill and mute the opposing voices and the increasingly one-sided alliance took one more step towards disintegration.