

Assimilation versus Cultural Autonomy: The Struggle for the Czech and Slovak Minority Rights in Austria in the 20th Century

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The problematic of the status and position of national, ethnic, cultural, and other minorities in Central and Eastern Europe, both at the present time and in the recent or the more distant past, is not a new issue in the field of political science or modern history. On the contrary, this subject-matter has almost attained a "classical" status, and yet we believe it is necessary to continue paying systematic attention to it for several reasons. First, the nature of the problem changes over time in various ways, as does, secondly, the approach to it and the manner in which relevant debates on it are conducted in different circles. Thirdly, new insights develop on how present-day problems are related to the historical background of national conflicts, on how they have to be seen in a broader historical context. Furthermore, new ideas are constantly developed on how minority issues might be resolved or at least be contained, or even on the reasons why some of these problems may actually be "unsolvable". In addition, there are many other reasons why the minority problematic is likely to stay with us for the foreseeable future or forever, especially since finding ways and means to deal with it is obviously so difficult. Perhaps among all these reasons the most significant one is the following: Europe – and perhaps Central and Eastern Europe especially – is by definition a collection of minorities, some being bigger and some smaller but all being involved in an inescapable effort to make coexistence possible for all people and all peoples of the continent.

Thus, we have to define as precisely as possible what it is that we want to look at, and which specific approaches and comparative endeavors may help us forward. Therefore it is also topical and important to reflect on how the interpretation of minority issues developed in the social sciences. While I concentrate on the interpretation of the minority problematic in Central Europe, especially in Austria, I will also analyze it in a particular terminological and methodological framework.

A fundamental dilemma in qualifying minority rights during the three periods separated by the years 1918, 1945 and 1989 was the continuing contradiction between the principle of state sovereignty and territorial integrity on the one hand, and the recognition of national self-determination on the other hand. From the end of the WWI in 1918, ethnic or national minorities were also seen as a potential danger for keeping the peace.

In this context the following questions are still relevant. First, who had the right to make a decision in the event of a conflict between state and minority? Secondly, how do legally guaranteed minority rights influence the interests of the state, minorities, and individual

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citizens? Thirdly, does the international community primarily respect the interests of the state or those of the minority? This is linked to a fourth question, namely the dilemma of collective rights versus individual rights.

Against the background of the universally defined protection of minority rights, there is another important dimension, the ethical and moral one.¹

In terms of characteristics of the status of minorities in Austria, many political scientists and historians agree that their position has still been affected by the following factors. Firstly, there are legal disparities that are the legacy of the monarchy, stemming from different levels of rights granted to the minorities in the Austrian and in the Hungarian part of the monarchy. Another determining factor is the regional disparities and the way how their status is approached by the central authorities of the country and the municipalities themselves, and important factor is the political development inside the country, too. Furthermore, the status of minorities in Austria in the 20th century, namely in the years 1918, 1945, and after 1989 was significantly affected by the development of international relations, border changes, creation of new states both after World War I and II and after 1989. An essential role in these developments was played by the process of self-identification of the Austrian nation and related efforts of political elites to achieve Anschluss with Germany.²

Austrian national law (*Nationalitätenrecht*) was ahead of its time, and it has become clear today that concepts such as minority, autonomy and individual versus collective rights were addressed by legislation and discussed in both parts of the monarchy as early as the second half of the 19th century.³ It was particularly the renowned ideologues and theorists of the social-democratic movement Otto Bauer and Karl Renner, who conceived of the formulation of minority rights on the basis of personal autonomy. Personal autonomy was not supposed to operate on a territorial basis, i.e., on the allocation of borders and territory

1 The moral dimension of proclaiming human rights in the context of international law began to be put on the agenda after 1948, the year of the Universal Declaration of the Human Rights. This postulated the equality, freedom and dignity of man, values that should apply to all people regardless of race, religion, nationality, social origin or position, or sexual orientation. The Holocaust and the end of the colonialism were crucial factors contributing to this new beginning. The ideals proclaimed after 1948 became the ideological framework for the efforts to protect minorities, including those efforts made after 1989. The ethical and moral dimension of minority rights in Central Europe began to be taken into account only as late as the early 1990s, in the context of general de-ideologization of social sciences. Commissions were set up, and there were series of round-table debates.

2 BAUMGARTNER, Gerhard: *6 x Österreich. Geschichte und aktuelle Situation der Volksgruppen in Österreich*, Klagenfurt 1995, 130.

3 The concept of minority, in the sense of national minority (German *Volkstamm*, *Nationalität*) in both parts of the Austrian monarchy received considerable attention as early as the 19th century, particularly from 1848 onwards, and especially following the Austro-Hungarian Compromise of 1867. The authors also drew on the multi-ethnic reality of the Habsburg Empire, after 1867 the Austro-Hungarian Empire. The ideas of József Eötvös, one of the first authors of the concept of personal autonomy for nationalities, were very relevant in the context of the revolutionary development of 1848. He strove to reconcile the national principle with the policy imposed in Central Europe after the Congress of Vienna in 1815. He was one of the pioneers of the concept of personal autonomy as a tool to prevent the collapse of multi-ethnic state formations, such as the Habsburg monarchy. In his seminal work, *The problem of Nationalities*, published in 1856, Eötvös drew on the comparison between religion and nationality. He considered nationality a subjective right of every individual. Prominent leaders of the labour movement, Karl Marx and Friedrich Engels, gave similar attention to the nationality issue, regarding it as a means of mobilizing the masses. However, they made a distinction between the so-called viable, large nations and small, *Geschichtslose* nations. This ideology formed the basis for Austro-Marxists Otto Bauer and Karl Renner, who formulated later in the 20th century the concept of personal autonomy.

in which the minority should exist, but consisted in the creation of institutions that were to represent and protect the cultural interests of minorities from the local to the national level. At the same time, they considered it legitimate for an individual to register and make a free choice of their minority. Hence, their definition contained both objective and subjective criteria of the concept of minority. Vienna was also home to Emil Stodola, a lawyer of Slovak origin. He was one of the prominent figures of public life both in the monarchy and of the First Czechoslovak Republic during almost its entire existence, who was interested in the relationship between the majority and the minority and actively contributed to the debate on minority rights.⁴ He was ahead of his time, and some of his findings and conclusions are highly relevant even today, especially his observations regarding the relationship between the national and the civic principle.

The largest group of non-German-speaking immigrants in Vienna around 1900 were the Czechs and Slovaks. By the early 20th century there were almost half a million Czechs and Slovaks (according to their own non-official statistics) in Vienna. Brigitte Hamann makes an interesting remark about the emerging German-Czech national animosity and increasing conflict in her book about Hitler's Vienna.⁵ The large Czech and Slovak population of Vienna was quite diverse. Part of them assimilated to the German language and nationality, while others resisted the pressure of assimilation, and others again were relatively indifferent to the issue. Those who wanted to keep their Czech and Slovak identity and mother tongue could be found among all political parties, including the important Czechoslovak Social Democratic Party. Although social and economic integration into German-dominated Vienna society was accepted as inevitable, total assimilation (i.e., the disappearance of Czech and Slovak linguistic, cultural, and ethnic identity) was rejected. The survival of Czech and Slovak identity greatly depended on the success or otherwise of attempts to institutionalize Czech-language schools. This struggle for the Czech school led to conflict with the dominant German environment and influenced the Viennese political landscape as a whole.⁶

4 See: KRAJČOVIČOVÁ, Natália: Vzťah občianskeho a národného v názoroch a aktivitách JUDr. Emila Stodolu, in: *Acta Universitatis Palackianae Olomucensis. Facultas philosophica. Historica*, no. 27, 1996, 177–182.

5 HAMANN, Brigitte: *Hitler's Vienna: A Dictator's Apprenticeship*, Oxford University Press, 1999, 53–75. She writes that the Czechs' growing economic self-confidence was noted with suspicion by the German population in Vienna: in 1912 there were already four large Czech banks in Vienna. The "Brigittenauer Bezirks-Nachrichten" complained about their obvious success and their excessive eagerness to do business: Czech banks were open from 8 a.m. until 7 p.m., but German banks only from 9 a.m. until 4 p.m. Furthermore, the Czechs enticed customers by offering them a higher interest rate. According to the German Christian Social newspaper Reichspost, the numerous small Czech savings and loan institutions were trying "to make the first advances toward bilingualism by means of Czech sign-boards in the streets of Vienna."

6 The dispute also heavily affected the multinational Social Democratic movement in Vienna. The autonomously operating Czech Social Democratic party had a branch organization for Lower Austria whose most important element were the Czech Social Democrats in Vienna. They also organized Slovak workers and maintained close contacts with the Slovak Social Democrats of nearby Pressburg/Bratislava, whom they supported politically and financially. At the same time, until about 1910 most Vienna trade unions were multi-ethnic organizations, and in the specific Vienna context Czech workers tended to accept the dominance of German trade union leaders until that time. In a bid to keep the loyalty of Czech workers, the Austrian Social Democratic leadership occasionally gave in to Czech pressure to put up Czech election candidates. Nevertheless, there was perhaps no other urban centre in the Empire where the tension between 'national' and 'international' tendencies, and the phenomenon of 'party-trade union dualism' (political separatism versus trade union integration), were as subtly present as in Vienna. In Vienna we can observe the national conflict by looking at the example of the struggle for the Czech

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What caused the presence of such a huge immigrant minority of Czechs and Slovaks in Vienna? Political and economic changes in the Habsburg Monarchy after 1848 were the main reason of the great influx of people from Bohemia, Moravia, and West Hungary to Lower Austria and Vienna.⁷

The controversies over population numbers were closely linked to the emerging national conflict between Germans and Czechs in the Monarchy, which became more critical as a result of migration. From Western Hungary, meanwhile, a large number of Slovaks arrived, many of them wandering hawkers, who sold their products in the Naschmarkt in the centre of Vienna.⁸ By the end of the 19th century Vienna was, after Prague, the largest 'Czech city' in multinational Austria. Although many Czechs and Slovaks were assimilated to the German-speaking population, it has been shown that a majority of them actually continued to speak their mother tongue, partly an expression of their strong national consciousness⁹. Czechs and Slovaks were often the subject of popular ditties and vernacular art in Vienna. Czech and Slovak maids, servants, and wet-nurses were quite popular in Vienna, as we know from contemporary newspapers and from literature as well.¹⁰

Meanwhile, the struggle over population numbers, the "census war" between Germans and Czechs in Vienna, continued as well. The Czechs protested against the formulation of census questions: against the fact that not *Muttersprache* but *Umgangssprache* was used as a census criterion, and against the pressure of employers and house-owners who tried to enforce the German language as the language of communication. But the major obstacle

school. Suffice it to say that the refusal of the Austro-German Social Democratic party leaders to support the establishment even of private Czech schools was a major cause of the final political break between the Czech and German Social Democrats in Vienna and the Habsburg Monarchy. In addition, the local Vienna authorities constantly opposed and obstructed Czech efforts to establish their own schools.

7 According to the official census of 1856, Vienna had 469,221 inhabitants, of whom approximately 83,000 were Czechs and Slovaks. Towards 1900, Vienna had 1,675,000 inhabitants, of whom 103,000 were officially "Czech-Moravian-Slovak" language speakers. At the time, Czechs themselves were writing about half a million Czechs and Slovaks living in Vienna. However, according to the next census of 1910, there were living only 93,500 "Czech-Moravian-Slovak language speakers" in Vienna. During the years 1918-1926, 105,256 Czechs and Slovaks were "repatriated" from Vienna. According to the census of 1923, there were living in Vienna 79,278 Czechs and Slovaks. The contrasts between these different figures are caused, firstly, by the formulation of the census questions: the census officials investigated the so-called *Umgangssprache* (language of communication), not the *Muttersprache* (mother tongue). Secondly, there was pressure on the part of German employers and house-owners: not adhering to the German language as one's language of communication could be dangerous in terms of losing one's job or apartment. Thirdly, the authors Glettler and Soukup, as well as articles in contemporary Czech newspapers, are mentioning cases of manipulation of census results. This struggle over population numbers is symptomatic for Vienna and Austria during the whole 20th century, and it clearly shows the politicization of ethnic, cultural, and social questions, i.e., of the overall position and status of the Czech and Slovak minority, especially in Vienna. Cited after POLÁČKOVÁ, Zuzana: *Za oponou slovensko-rakúskych vzťahov v 20. storočí*, Bratislava 2013, 80–120.

8 This part of Vienna was actually called "Wieden", and I would like to mention the interesting fact that from this period on, Czechs and Slovaks began to call Vienna "Viedeň", in Czech, and in Slovak "Viedeň."

9 JOHN, Michael - LICHTBLAU, Albert: *Schmelztiegel Wien einst und jetzt. Zur Geschichte und Gegenwart von Zuwanderung und Minderheiten*, Wien, Köln, 1993, 54.

10 In the contemporary Czech Social Democratic newspaper "Dělnické listy" we can occasionally read sad stories about young Czech girls and women who were seduced by their employer or the latter's son. Such women had a difficult fate. Sometimes they returned home with a child, but more frequently they stayed in Vienna, and poverty drove them into prostitution. These stories had no doubt a social-moralistic intention, but they also represented evidence on the real position of poor immigrant women in Vienna. See: POLÁČKOVÁ, 105–135.

to establishing Czech public schools in Vienna was a Czech petition to the *Reichsgericht* that was negatively decided on; the rejection of this Czech demand was based on Article 19 of the Austrian Constitution of 1867, which stipulated that the State acknowledged the equality of all "traditional" (home/native) languages in schools, public offices" and public life." All nationalities had the right to raise their children in their mother tongue with the government's support. Furthermore, "the languages of all minorities who had a share of more than 25 % of the population were legally recognized as "traditional languages", which gave these minorities a number of rights, "for example" the right to form their own parties", to nominate their own city councilmen" and to keep their own schools. Yet due to Lueger's Germanization campaign" at the 1910 census, officially the Czechs in Vienna had only 6.5 %.¹¹ Fear of Slavicization of Lower Austria led during the years 1900-1914 to the adoption of so-called *Schutzgesetze* (protection laws) in the educational field – a law prescribing that only the German language could be the language of instruction on secondary industrial schools (1907); a law prescribing that only German was the official language in the *Landesrat* of Lower Austria (1909); a law about the German language as the only language of instruction at teacher training colleges and *Realschulen* (secondary schools).

During WWI the situation of the Czech and Slovak minority in Vienna rapidly deteriorated. There were objective problems of poverty, famine, and so on, but the subjective factor of national tension between Germans and Czechs in Vienna worsened as well. Many Czechs in Vienna participated in the unofficial and even illegal activities of the so-called "Maffia", the anti-Austrian oppositional political movement of Czechs and Slovaks aiming at the establishment of an independent Czecho-Slovak state that was organized by Czechs and Slovaks abroad. In 1917 the newspaper "Vídeňský deník" published an article by Miloš Pelda, the former director of Živnostenská banka in Vienna, in which he addressed the question of the future status of the Czech and Slovak minority in Vienna after the anticipated foundation of the Czechoslovak Republic.¹²

After 1918 the situation changed indeed. The Peace Treaties and the system of special clauses attached to them, providing for minority protection, created civil-rights guarantees for national minorities in the new successor states to the Habsburg Monarchy. The end of World War I resulted in the creation of a new international legal system. It included the League of Nations, whose main objective was to prevent possible military conflicts by diplomatic negotiations at the multilateral level.¹³

In addition, political, economic, and cultural support by the new Czechoslovak Republic facilitated the establishment of a viable school system for Czech and Slovak children in Vienna and the province of Lower Austria. During the post-World War I period the

11 The Czech petition was compiled by Josef Herold, the president of the Czech National Council in Prague, and it was actually based on the positively decided case of the German minority in Bohemia and its right to build public schools there. But in the case of the Czech petition, the *Reichsgericht* verdict was that the Czechs were not a *Volksstamm* (a native/autochthonous population group) – until 1976 the Czechs were not legally acknowledged as a *Volksstamm*, or *Volksgruppe* – and that, therefore, they had no right to build public schools in Vienna and Lower Austria.

12 POLÁČKOVÁ, 42.

13 POLÁČKOVÁ, 82.

Czechoslovak Ministry of Education, together with the Komensky School Association (KA- the umbrella organization for the majority of Czech and Slovak societies in Austria in the field of educational issues), carried out many successful projects in the educational field, which prevented many Czech- and Slovak-speakers in Austria from totally assimilating to the dominant surrounding culture and society.¹⁴

The possibility to possess and develop their own educational system was vital for the minorities in the 20th century. There were problems mainly with hiring new teachers and premises. The Austrian educational legislation itself underwent some inevitable changes, reforms and modernization. Austria was bound by international law to provide the Czecho-Slovak minority with a certain number of elementary schools. Their amount depended on a very general "proportion considérable" (meaning the ratio between the majority population and the minority) which had not been specified in the minority clauses to the international peace treaties. Since the Slovak and Czech population constituted only 5 % of Vienna's total population according to the last census in 1910, they were provided with only 3 elementary schools. The education of Czech and Slovak children in their mother tongue happened in the afternoon and only in Czech. This however led to the Czecho-Slovak National Committee in Vienna submitting two petitions to the minority committee of the League of Nations in Geneva, which requested that the Czechoslovak minority should also have the opportunity to learn proper German, which was necessary for further career development in the German-speaking society. The Austrian authorities claimed that according to the law, the children at the lower study level might be taught only one language. In this situation the only solution was for the Czechoslovak minority to establish its own schools. Another important activity of the KA was to establish schools for the minority living outside the city of Vienna. The main aim of these schools was to integrate lessons of the Czech or Slovak language into the instruction given in German. There were only two Slovak schools during the inter-war period in Vienna, in the X. and XV. district of the city. The census of 1923 showed that 2,066 Slovaks reported the Slovak language as their mother tongue. Contemporaries however claimed that this number was significantly higher, but Slovaks yielded to assimilation quicker than the Czech, because in pre-war Hungary there were no such quality schools as the Czech had at their disposal in Austria. Moreover, the majority of Slovaks refused to be educated in the Czech schools of Vienna, and last but not least, the KA did not establish any specifically Slovak schools. The KA's representatives argued that Slovaks displayed a higher degree of assimilation, lived dispersed throughout Vienna, and, moreover, it simply did not pay to establish a separate school for them. The Slovaks sometimes preferred education at the Austrian schools, although many of them were also sending their children to a Slovak language school.¹⁵ The opportunities

¹⁴ POLÁČKOVÁ, 32.

¹⁵ The KA was managing 17 kindergartens, 12 elementary schools, 1 secondary school, 1 business school, 1 domestic work school, and 9 language schools (2 of which were Slovak) in the inter-war period. Social life of the Czecho-Slovak minority was influenced by the following crucial events. Paradoxically, the creation of the CSR had negative consequences for the minority, because it caused the repatriation of many of them. This was balanced, however, by the fact that the CSR had a good international standing, and the fact that it provided Austria with loans that allowed Czechoslovak representatives to influence certain issues of bilateral relations, including the status of the minorities in Vienna, in a significant way. The CSR was providing financial support to the minorities on a regular basis, too. The fact that the minority in Austria largely lacked a middle class and wealthy entrepreneurs

of the minority's ethnic development were mainly set by the Austrian government, which intentionally did not support the cultural and linguistic development of any minority. The Austrian political representatives, who "learnt their lesson" from the negative experience of the disintegration of the Austro-Hungarian Empire, had an interest in the establishment of a uniform and integrated state whose stability would not be threatened by the interests of the minorities.

When making an assessment of the post-1918 status of minorities in Austria in the interwar period, it is necessary to take into account the fact that the newly established Republic of Austria had to solve several fundamental problems: the demarcation of new borders, the extremely poor economic situation, the question of national identity in terms of completing the formation of modern Austrian nation. These problems obviously had an impact on the position of minorities, as they were directly affected by the poor economic situation, which in many cases served the Austrian government as an objective argument, both at home and abroad, for not providing sufficient support for boosting education system and cultural institutions of minorities.

The emergence of new borders with the successor states and Austria's attitude to them was an important factor. In short, we can conclude that what was crucial to the position of minorities in Austria in the interwar period and also later, after 1945, was the foreign policy of Austria and the balance of power between the superpowers; the legal historians Theodor Veiter¹⁶ and Gerald Stourzh both concur with this view. However, the most detailed account of the status of minorities in the interwar period was provided by Veiter. He thoroughly examined the concept of minorities with all the attributes and compared this concept, its legal-historical development and its real content in Central Europe with the concept of minority and its content enshrined in the minority amendments to peace treaties. The typology of minorities ranging from a *Volksgruppe* to *Sprachminderheiten*, which in practice divided minorities in Austria into more equal and less equal, remained in the Austrian legal theory up until 1976, when the previously defined *Sprachminderheiten* acquired the status of *Volksgruppen*. Therefore Austrian historians and lawyers pay close attention to the comparison and continuity of the position of nationalities in the Austrian part of the monarchy granted by the Constitution of 1867, Article XIX, with the legal status of minorities in the interwar period (*Volksgruppen*, *Sprachminderheiten*) granted by the Constitution of 1920, and the bilateral agreements with the successor states. The Federal Constitution of 1920 did not contain separate provisions for national minorities and their rights. Article 8 pertained to their linguistic rights and provided that the German language was the state language: "... die deutsche Sprache ist, unbeschadet der den sprachlichen Minderheiten bundesgesetzlich eingeräumten Rechte, die Staatsprache der Republik." Since the provisions of the Nationality Law of the Constitution of 1867 had not designated any language as the state language, the provisions of the new Constitution of 1920 presented a new reality. While Article XIX of the Austrian Constitution of 1867, pertaining to the provisions on the rights of national minorities, had not been revoked for the entire

caused that ambitious young people had to look for a career in the Austrian environment.

16 T. Veiter was one of the controversial Austrian Catholic intellectuals of the interwar period who collaborated with the institutions of Nazi Germany both before World War II and after the war.

duration of the First Republic of Austria, the works of the legal authorities of that period stated that there were no more nationalities (*Volkstämme, Volksgruppen*) in Austria, only linguistic minorities (*Sprachminderheiten*) whose status had been addressed by the Treaty of Saint-Germain.

Throughout the First Republic (1918-1934), the Austrian governments promoted an official doctrine that Austria was an ethnically homogeneous state and German language has been the official language in Austria since 1918. The statistics at the census used the term *Umgangssprache* (colloquial language), rather than *Muttersprache* (mother tongue), which in many cases accelerated assimilation of the minority population. Such procedure and formulation was applied in Austria in the population census after its establishment in 1918. For instance, although between 1918 and 1926, a total of 105,256 Czechs and Slovaks were repatriated from Vienna, according to the official census, there were almost 80,000 Czechs and Slovaks in the capital. This remarkable difference in the data was caused by the formulation of the question on the census sheets in the monarchy, where the question of nationality referred to the language of communication, i.e. (*Umgangssprache*) and not to the mother tongue (*Muttersprache*). The second reason why the Czechs and Slovaks, as well as other minorities, did not report their nationality, was coercion of employers and owners of the property where the minorities lived. In the reverse case there was a risk that if the minority in question did not state German as the language of communication, its members could lose their jobs or even homes. Thirdly, a number of authors explicitly mention the manipulation of census results; their findings have been confirmed by the period press.¹⁷

Struggle for the demographic structure of the population in Vienna was symptomatic for this metropolis in the late 19th century and the first half of the 20th century and clearly documented gradual politicization of ethnic, cultural and social issues surrounding the coexistence of Slavic and German elements. Disagreements within the census were also closely linked with the increasing national conflict between the majority and the minority populations, which became entrenched because of the migratory movements – migration for labour to urban agglomerations in Austria.¹⁸

After the WWII, the United Nations Organization focused on minority issues to a far lesser extent than its predecessor – the League of Nations (LN). After 1945, national minority rights lost their independent standing in international relations and were subsumed within the newly created universal human rights regime. The failure of the LN discredited national minority rights and the minorities themselves tended to be viewed with suspicion owing to the wartime complicity of certain national minority leaders with Nazi aims in Central and Eastern Europe. Assimilation was considered the only feasible alternative. The idea of assimilation also found support in the theory of civic as opposed to ethnic nationalism. This general antipathy – both inside and outside Europe – towards national minority guarantees is apparent in the Cold War record of international organizations such as the UN, CoE and CSCE, resp. OSCE. During World War II and up until 1955, Austria was not an autonomous

17 BÜRKL, Anni: *Böhmisches Wien. Von Lepschi bis Kolatsche*, Wien 2008; GLETTLER, Monika: *Böhmisches Wien*, München/Wien 1972.

18 PESENDORFER, Franz - BROUSEK, Marta: *Wiener Impressionen – auf den Spuren tschechischer Geschichte in Wien*, Wien 2003.

entity. In general we can state that, in the years 1945-1955, the minority policy in Austria was under the influence of the Great Powers.

After 1955, i.e., after Austria regained autonomy, the doctrine of homogeneous Austria was resurrected. 1955, the year of the conclusion of the State Contract (*Staatsvertrag*), brought further improvement in the protection of the status of the Croatian and Slovene minorities, only.¹⁹ Unfortunately, the year 1955 was also a negative turning point in history of minority rights in Austria. Caution and respect towards minorities became irrelevant, being deprived of the supervision of the international community. Essentially, the post-1955 minority policy returned to the state existing during the interwar period, which was determined by the interests of the German majority and the assimilation policy towards minorities. This situation deteriorated to such an extent that the minority representatives filed complaints before the Constitutional Court. The main point of contention was the right to bilingual signs. An important element of this period, according to many historians, was inconsistency of the Austrian minority policy. Protection of minorities was not articulated on the basis of minority demands and needs, but constantly depended on the internal political situation and the foreign political position of Austria. Minorities and their organizations were granted only those rights that were deemed indispensable. The basic rule was: "as few rights as possible." Minorities were still seen as a threat.

On the basis of the establishment of an autonomous model in South Tyrol in 1972, representatives of the Slovenian minority in collaboration with the Social Democrats attempted to increase not only the number of bilingual signs in Carinthia, but also improve the situation of minorities in Austria. Their attempts failed, and bilingual signs were radically and violently removed during the so-called *Ortstafelsturm*. Mass protests and riots, which followed, required cooperation and coordination of the minority problem at the governmental level. The three strongest parties, ÖVP, SPÖ and FPÖ agreed on collaboration and on 1 July 1976 the law on minorities (*Volksgruppengesetz*) was signed. Consequently, in 1976, Austria adopted a law on minorities, which integrated the previously varying degrees of minority protection. On its basis, six autochthonous minorities and areas of their support and legal protection were defined. These six ethnic groups (Czechs, Croats, Hungarians, Roma, Slovaks and Slovenes) were, from 1918 onwards, gradually recognized as autochthonous minorities. Since 1976, the federal government has sought to enforce this law in practice. However, this approach has not always been systematic, and the problems have been resolved only partially. Yet the research and analysis of the minority issues in Austria and Central Europe clearly show that the minority legislation and its application in practice usually entail a lengthy and laborious process.

Minority policy in Austria has faced many difficulties even after 1989. In his publication *6 mal Oesterreich: Geschichte und aktuelle Situation der Volksgruppen*, Gerhard Baumgartner wrote that the determining dependence of the Austrian minority policy on the foreign political situation became even more apparent after 1989. However, the opening of borders that had been "dead" for decades resulted in increased interest in minority languages.²⁰

19 See more in: SUPPAN, Arnold – STOURZH, Gerald – MÜLLER, Wolfgang (eds.), *Der österreichische Staatsvertrag: Internationale Strategie, rechtliche Relevanz, nationale Identität*, Wien 2005.

20 BAUMGARTNER, 121–146.

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At present, autochthonous minorities enjoy the right to use their mother tongue before the administrative authorities. Minority rights are also applied in education and cultural institutions of respective minorities.

Only after the split of Czech-Slovakia in 1993, the Slovak minority council (*Volksgruppenbeirat*) was created at the Austrian Ministry of the Interior, and in the same year Slovaks were recognized as a independent national minority (*Volksgruppe*).²¹

In the year 2000, after the FPÖ (*Freiheitliche Partei Österreichs*) led by right-wing populist Jörg Haider entered the Austrian government, national minorities expressed their concern over the decreased funding for the minority activities and called for the legislative correction of legal protection, including revision of the Constitution defining the Austrian state as a "national" for the German-speaking population, and redefinition of the status of citizens of other nationalities.²²

The development of the status of minorities in Austria in the twentieth century was very interesting and it largely depended on the developments in the international political arena, on the role of Austria in the international community, and not least on the stability of the political system with its institutions and democratic progress. After 1918, independent Austria maintained a doctrine of a homogeneous state without minorities. Assimilation was accepted at all levels of social life. Only in 1976 a law was passed that recognized the rights of six autochthonous minorities. This law epitomizes the wish of the Austrian Government to unify the position of minorities in Austria. The Czech and the Slovak minorities have acquired the status of autochthonous minorities.

In this context we can state, that the development of the status of the minorities in Austria was particularly marked by the following milestones:

- The year 1918 was decisive for the position of the Czech and Slovak minorities in Austria. After the establishment of Czechoslovakia, over 100,000 of its members moved to the newly created state, which significantly reduced the number and importance of these minorities in Austria. The position of the Czechs and Slovaks after 1945 depended on political situation in the then Czechoslovakia.
- After 1948, the Czechs and Slovaks in Austria were strongly polarized as they split to the supporters and opponents of the communist regime established in Czechoslovakia in February 1948.
- Both minorities grew in numbers after 1968/1969 after the occupation of Czechoslovakia by Soviet armed forces. The year 1968 marked the influx of over 10,000 refugees from Czechoslovakia.
- After the collapse of the Iron Curtain, the contacts between the Czech and Slovak minorities on one hand and Czechoslovakia on the other intensified. The Slovak and Czech organizations estimate the numbers of Czechs and Slovaks at 5,000-10,000 persons. Since 1989, the censuses, held in Austria every 10 years, point out that around 4,000 people registered as members of the Czech autochthonous minority and as Czech

21 OKRESEK, Wolf: Die rechtliche Stellung der Volksgruppen in Österreich, in: *Europa Ethnica*, 54, 1997, 3-4, 98-102. The creation of an advisory body, *Volksbeirat*, separately for each autochthonous minority, at the Austrian Ministry of the Interior can be seen as a form of personal autonomy.

22 EISMANN, Wolfgang (ed.): *Rechtspopulismus. Österreichische Krankheit oder europäische Normalität?* Wien 2001, 129-149.

speakers and some 1,000 people to Slovak minority and Slovak speakers.²³ Although, at present, autochthonous minorities enjoy the right to use their mother tongue before the administrative authorities, assimilation during the First Austrian Republic (1918-1934), and discontinuous development in Central Europe have left their demographic mark on both minorities.

Austria ratified the Framework Convention for the protection of National Minorities on 31 March 1998, and since 2000 Austria acknowledges its origin from cultural, linguistic and ethnic diversity and pledges to conserve it. This formulation was included in the Constitution and entered into force in 2000. Thus we can state that Austria acknowledged the cultural diversity after 130 years again.

Minority protection in Austria, however, applies only to those minority groups which are recognized as autochthonous minorities and at the same time possess Austrian citizenship. Migrants of different nationality, who come to Austria but ethnically belong to an autochthonous minority, cannot benefit from this protection.

Abstract

This paper outlines the significance of a fundamental dilemma in qualifying minority rights in the 20th century during the three periods separated by the years 1918, 1945, 1989, and it argues that there was the continuing contradiction between the principle of state sovereignty and territorial integrity on the one hand, and the recognition of national self-determination on the other hand. From the end of the WWI in 1918, ethnic or national minorities were also seen as a potential danger for keeping the peace. In this context the following questions are still relevant. Austrian national law (*Nationalitätenrecht*) was ahead of its time, and it has become clear today that concepts such as minority, autonomy and individual versus collective rights were addressed by legislation and discussed in both parts of the monarchy as early as the second half of the 19th century. The development of the status of minorities in Austria in the twentieth century was very interesting and it largely depended on the developments in the international political arena, on the role of Austria in the international community, and not least on the stability of the political system with its institutions and democratic progress. Only in 1976 a law was passed that recognized the rights of six autochthonous minorities. This law epitomizes the wish of the Austrian Government to unify the position of minorities in Austria. The Czech and the Slovak minorities have acquired the status of autochthonous minorities. Minority protection in Austria, however, applies only to those minority groups which are recognized as autochthonous minorities and at the same time possess Austrian citizenship. Migrants of different nationality, who come to Austria but ethnically belong to an autochthonous minority, cannot benefit from this protection.

23 See: http://www.statistik.at/web_de/statistiken/bevoelkerung/volkszaehlungen_registerzaehlungen_abgestimmte_erwerbsstatistik/bevoelkerung_nach_demographischen_merkmalen/index.html, 11.4.2015.

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Keywords

Austria, Czech and Slovak minority, minority rights, autonomy, civic, ethnic, nationalism

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