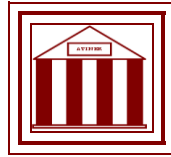


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**Hungarians and Citizenship in  
Croatia-Slavonia 1868-1918**

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## **Hungarians and Citizenship in Croatia-Slavonia 1868-1918**

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### **Abstract**

This paper examines the constitutional status of Croatia-Slavonia in the Austro-Hungarian Monarchy and the employment of Hungarians in Common Croatian-Hungarian offices and on railways. It analyses the concept of citizenship, which is based on *ius sanguinis*, including the differences between national and local citizenships, their contents and applications.

**Keywords:** Croatia-Slavonia, Austro-Hungarian Monarchy, national citizenship, local citizenship, Hungarians

## Introduction

From 1868 to 1918, Croatia-Slavonia was an autonomous land in the Hungarian part of the Austro-Hungarian Monarchy (part of the Lands of the Hungarian Crown).<sup>1</sup> At first, the territory spread over an area of 23,264 square km, but following the unification with the Military Border in 1881 the territory increased to 42,532 square km and in 1869 it had population of 1,142 million people. Following the unification with the Military Border, this number increased to 1,892 million people.<sup>2</sup> According to the census of 1880, 92.78% had local citizenship in Croatia-Slavonia. All others had local citizenship elsewhere. Most of them (4.3%) had local citizenship in Hungary.<sup>3</sup>

The constitutional position of Croatia-Slavonia in the Austro-Hungarian Monarchy will be examined first. The analysis of the concept of citizenship will follow. This includes the national citizenship, the local citizenship and Croatian-Slavonian membership. A special focus will be put on the openness, possibilities and acquisition, of local citizenship. After analysing the position of poor Hungarian immigrants and Roma people, the paper will deal with the employment of Hungarians in common Croatian-Hungarian offices and on railways.

## Constitutional Position of Croatia-Slavonia from 1868 to 1918

After attempts during the period 1848 to 1867, the constitutional crisis in the Monarchy was finally solved when in 1867 the King Franz Joseph reached a Compromise with the “Magyar” (Hungarian) ruling class. This “Austro-Hungarian Compromise” divided the Habsburg Monarchy on Austrian and Hungarian part and created the real union of these states. It defined army, foreign affairs and finances for these affairs, as Common Affairs. In all other affairs, Austria and Hungary were independent.<sup>4</sup>

The Austro-Hungarian Compromise defined Croatia-Slavonia as a part of Hungarian lands. However, due of constitutional tradition of Croatian-Slavonian autonomy, Croatian Diet in the year 1868 reached an agreement with the Hungarian Diet.<sup>5</sup> This agreement was called the Croatian-Hungarian Compromise. It stated that Hungary and Croatia-Slavonia form “one and the

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<sup>1</sup>The Lands of the Hungarian Crown included the Kingdom of Hungary, the Kingdom of Croatia, Slavonia and Dalmatia, the city of Rijeka (Fiume), Transylvania, and the Military Border (Macartney (1971) 2, 7-10). The unity of the Lands was not full since Dalmatia belonged to the Austrian part of the Monarchy.

<sup>2</sup>Vranješ-Šoljan (2009) 108, 135.

<sup>3</sup>Other groups were Austrian citizens and persons from Bosnia and Herzegovina (2,59%), persons which belonged to one of municipalities out of the Monarchy (0,20%) and persons of unknown local citizenship (0,05%). The data according to: Vranješ-Šoljan (2009) 143.

<sup>4</sup>Mason (1997) 4-8.

<sup>5</sup>Čepulo (2006) 64.

same State complex” but it also recognised Croatian-Slavonian autonomy within these lands.<sup>1</sup>

Common Croatian-Hungarian affairs were finances, commercial policy and communications including railways.<sup>2</sup> Common institutions were the Common Hungarian-Croatian Diet and the Central Government in Budapest. The Common Diet consisted of the members of the Hungarian Diet and the representatives of the Croatian-Slavonian Diet. The Croatian-Slavonian representatives were in a minority so they could not significantly influence its work. The Central Government was, in fact, the Hungarian Government, excluding Hungarian ministers of the interior, education, religion and justice, and with the Croatian-Slavonian Minister without Portfolio. In the Central Government Croatian participation was also symbolic.<sup>3</sup>

Croatia-Slavonia got the autonomy in internal administration, education, religion and judiciary. The Compromise recognised autonomous Croatian-Slavonian institutions: Croatian-Slavonian Ban, the autonomous Government and the Croatian-Slavonian Diet. Croatia-Slavonia also got full autonomy in judiciary with the Table of Seven as the Supreme Court.<sup>4</sup> The weakness of the autonomy was that the Ban, who was the head of the Autonomous Government in Croatia-Slavonia and responsible to the Croatian-Slavonian-Dalmatian Diet, was appointed by the King, upon the proposal of the prime minister of the Central Government.<sup>5</sup> The substantial limitation of the autonomy also meant that the autonomous laws were always subject to the King’s approval, and were submitted to him by the Central Government.<sup>6</sup>

## **Citizenship in Croatia-Slavonia from 1868 to 1918**

### *National Citizenship*

According to the Croatian-Hungarian Compromise, the legislation on acquisition and loss of citizenship was common for all the lands of the Hungarian Crown while their execution was decentralised so the Croatian-Slavonian Ban had full executive powers in the matters of national citizenship.<sup>7</sup>

The basic act that regulated the acquisition of citizenship was the Austrian General Civil Code, which followed the principle of *ius sanguinis*. Foreigners could obtain national citizenship by naturalisation. There were two types of naturalisation: automatic naturalisation by appointment to a public office and regular naturalisation. In the process of naturalisation foreigners in principle

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<sup>1</sup>Macartney (1971) 557-558; Mason (1997) 20.

<sup>2</sup>Macartney (1971) 557-558.

<sup>3</sup>Čepulo (2006) 64-65; Čepulo (2007) 515-516.

<sup>4</sup>Čepulo (2006) 64-65.

<sup>5</sup>Macartney (1971) 558.

<sup>6</sup>Čepulo (2007) 516.

<sup>7</sup>Kosnica (2013a) 1157.

acquired local citizenship in one of municipalities.<sup>1</sup> Thus the national and the local citizenships were connected. The basic principle of loss of citizenship was emigration. Women's citizenship was lost upon marriage to a foreigner, a child lost citizenship by legitimisation by a father who was a foreign citizen.<sup>2</sup>

The Hungarian-Croatian Diet enacted the law on acquisition and loss of Hungarian citizenship at the end of 1879. Since the Hungarian authorities forced the nation-state model of citizenship,<sup>3</sup> the Law stated that the citizenship is one in all the lands of the Hungarian Crown.<sup>4</sup> During parliamentary debate some Hungarian representatives opposed to the granting of executive powers to the Croatian-Slavonian Ban in matters of citizenship, however in the end, the Law granted the Ban full authority regarding national citizenship in Croatia-Slavonia.<sup>5</sup>

The basic principle of acquisition of citizenship according to the new Law was again, *ius sanguinis*. Additional ways of acquisition of citizenship were marriage, naturalisation and legitimisation.<sup>6</sup> Also according to the new law, citizenship could be lost by dismissal, absence<sup>7</sup>, authority's decision, marriage to and legitimisation by foreign citizens.<sup>8</sup>

The national citizenship was a basic condition for acquisition of local citizenship. The national citizenship was also a basic condition for employment in the common Croatian-Hungarian offices in Croatia-Slavonia, and a fundamental condition for employment on railways.

#### *Local Citizenship and Croatian-Slavonian Membership*

Croatia-Slavonia had full autonomy in the matters of local citizenship (*zavičajnost*). In other words, its legislative body had full power to enact the law on local citizenship, and the Ban with the autonomous Government had full authority in the execution of the laws on local citizenship.

Until 1870, local citizenship was regulated by the municipal law of 1859. Here, according to this law, the basic principle for the acquisition of local citizenship was the principle of *ius sanguinis*. A foreigner (national citizen without local citizenship in the municipality) could acquire local citizenship by local naturalisation. Generally, naturalisation as local citizenship could be acquired by a national citizen who submitted a request provided that person had legal capacity, lived in the municipality for at least four years, good standing and had appropriate wealth or income, should not owe any taxes and should not have used local supporting funds. Another way of local

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<sup>1</sup>*Ibid.* 1156-1159.

<sup>2</sup>Kosnica (2013b) 63-67.

<sup>3</sup>Gammerl (2009) 527, 535.

<sup>4</sup>Comp. art. 1. [Law article L.: 1879 of common Croatian-Hungarian Diet on the acquisition and loss of Hungarian citizenship]; Varga (2004) 136.

<sup>5</sup>Varga (2004) 136-137; Milner (1880) 26-27.

<sup>6</sup>Varga (2004) 139-145.

<sup>7</sup>More on the regulation of the loss of citizenship by absence and its limitations see in Gammerl (2009) 527.

<sup>8</sup>Milner (1880) 60.

naturalisation was an appointment in the public office in a municipality. A woman could gain local citizenship if she married a local citizen.<sup>1</sup>

The Croatian-Slavonian Diet enacted the law on local citizenship in 1870. This law regulated local citizenship only in rural towns and market towns without magistrate, while in cities and market towns with magistrates the law from 1859 remained in force. As in all other citizenship laws, the fundamental principle for the acquisition of citizenship was the principle of *ius sanguinis*. The law stated here, too, that a foreigner could acquire local citizenship by regular local naturalisation upon request, proof of a dismissal from previous municipality and a proof having adequate income or wealth and good standing. A foreigner was also able to acquire local citizenship by appointment to a service in a municipality and by possession of real estate in a municipality. A woman was able to acquire local citizenship by marrying a local citizen.<sup>2</sup>

The Croatian-Slavonian Diet unified the rules on local citizenship in 1880. The fundamental principle of the acquisition of local citizenship remained *ius sanguinis*. The law regulated two ways of regular local naturalisations: explicit and implicit. By explicit, naturalisation local citizenship could be gained if the person submitted a request to a municipal council, proved moral conduct and adequate income or wealth. By implicit, naturalisation citizenship was acquired if the person reported the municipality authorities of the intention of settlement, and should start paying taxes to the municipality. In this case he starts a four year of trial, during which the municipality was not allowed to object his application unless the applicant was unable to support himself financially or was under criminal prosecution or found guilty by a court. Citizenship could also be acquired by appointment to the civil service at the municipality. Here, too, a woman gained local citizenship by marrying a local citizen.<sup>3</sup> This system of rules stayed unchanged until the end of the Monarchy.

In all aforementioned laws the basic principle of acquisition of local citizenship was the principle of *ius sanguinis*. The right of local citizenship remained within the family from parents to children. That means that foreigners (including Hungarian local citizens) could get local citizenship only by local naturalisation. Regular naturalisations always needed a request and they always included the criteria of moral suitability and of adequate income or wealth. A specific type of naturalisation, the appointment to a public service in a municipality, was also given by the administrative act. The only way of acquisition of local citizenship that did not include the administrative act was marriage in a case of a foreign woman. As a result, we can say that Croatian-Slavonian local citizenship was a quite closed concept.

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<sup>1</sup>More on the possibilities of acquisition of local citizenship see in Art. 36-42. [Cesarean patent of 24<sup>th</sup> April from the year 1859 on the introduction of the new municipal law]; the law with commentaries see in: Mutavdjić (1894) 218-233.

<sup>2</sup>Comp. art. 8, 9, 14 [Law article XVI: 1870. of Croatian-Slavonian-Dalmatian Diet on regulation of municipalities and market towns without magistrate].

<sup>3</sup>Comp. art. 3-6, 9-11 [Law from 30<sup>th</sup> April from the year 1880 on regulation of local citizenship in the kingdoms of Croatia and Slavonia].

The local citizenship in Croatia-Slavonia was a prerequisite for the enjoyment of many rights in a municipality. Among them, the most important ones were local political rights and the right on benefits and relief for the poor. Besides that, the local citizenship was the basis of special Croatian-Slavonian membership or, in other words, belonging of a person to Croatia-Slavonia.<sup>1</sup> This Croatian-Slavonian membership was the fundamental condition of electoral right for the Croatian-Slavonian Diet and the condition for employment in autonomous public services in Croatia-Slavonia.<sup>2</sup> The membership was also very important for the enjoyment of social benefits since Croatian-Slavonian members had to pay lower fees in the hospitals of Croatia-Slavonia.<sup>3</sup>

## **Hungarians in Croatia-Slavonia**

### *Poor Immigrants and Roma People from Hungary*

Poor immigrants from Hungary were treated as second class citizens. Despite the fact they were national citizens, they had limited possibilities in the field of acquisition of local citizenship in Croatia-Slavonia. The position of these settlers can be best described on some specific examples available in Croatian National Archive.

The first example is an example of Hungarian settlers in the Croatian-Slavonian sub-county of Ruma. The case emerged in 1878 when the sub-county sent a letter to the autonomous Government, in which stated that “hundreds of foreigners”, poor settlers from Hungary, are living in its area. The sub-county demanded documents but the settlers couldn’t submit any. Their Hungarian municipalities refused to issue the documents, claiming that these people cannot be considered as local citizens since they lost citizenship by absence. The sub-county was not willing to accept these settlers and the autonomous Government also supported such attitude. The settlers, although undoubtedly Hungarian-Croatian nationals, found themselves in the gap. They have lost their previous local citizenship but didn’t gain a new one. To solve the issue, the autonomous Government decided to tolerate these settlers if they act honestly and if they are able to support themselves.<sup>4</sup> However, the Government did not give them local citizenship in Croatia-Slavonia.

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<sup>1</sup>Some eminent Croatian constitutional lawyers even claimed that this membership should be regarded for national citizenship. They advocated the thesis on federal structure of the Lands of Hungarian Crown and on common Hungarian-Croatian citizenship and separate Hungarian and Croatian-Slavonian citizenships. Čepulo (2006) 74-75.

<sup>2</sup>The autonomous Law on the organisation of counties stated that only Croatian-Slavonian - Dalmatian citizens (in other words Croatian-Slavonian members) have the right to hold offices. Comp. art. 33. [Law article XVII: 1870 of Croatian-Slavonian-Dalmatian Diet on the organisation of counties]; for connection between the local citizenship and political rights in Croatia-Slavonia see also Čepulo (2006) 74.

<sup>3</sup>All the others (including Hungarian local citizens) were classified as foreigners and they had to pay a higher fee. Smrekar (1902) 921-922.

<sup>4</sup>HR-HDA-79, kutija [the box] 459, sv. 13-13 4827/1878.



Another example is a case of Anna Türki, the Hungarian settler in Osijek, whose local citizenship was doubtful between the Croatian-Slavonian city of Osijek and one of the Hungarian counties. The case emerged when Anna had to pay hospital costs. The Osijek city government refused to recognise Anna Türki as a citizen with the explanation that she has local citizenship in Hungary. It didn't relate to the fact that Anna Türki was a Hungarian who had settled in Osijek 30 years ago. The decisive fact was that during her stay in Osijek, she didn't report the intention of settlement. The autonomous Government supported these views and in the letter sent to the Hungarian minister of internal affairs demanded documents related to Anna Türki. Contrary to these attitudes, the Hungarian minister claimed that the local citizenship of Anna Türki is unknown, so she had to be treated as a person of unknown local citizenship. According to him, the cost should be paid by the Croatian-Slavonian-Dalmatian land foundation.<sup>1</sup> The question in this case was who will pay the medical expenses. Hungarian authorities, also in similar cases claimed that the persons lost their local citizenship in Hungary and acquired local citizenship in Croatia-Slavonia. On the other hand, Croatian-Slavonian authorities did not often grant local citizenship to these immigrants. They were aware that if they did so they would have to pay all the costs.

Since there was a high probability that Hungarian authorities would not admit local citizenship to their local citizens who had been long resident in Croatia-Slavonia, Croatian-Slavonian authorities, especially local authorities, were suspicious towards poor immigrants from Hungary. The mistrust was especially evident towards servants. For example, Croatian local authorities, even against the attitudes of the autonomous Government, refused to accept the servants' book as a sufficient proof for staying in Croatia-Slavonia in these cases. To stop such practices, the autonomous Government, on incentive of Hungarian minister of internal affairs, issued a special order in 1889, in which it explicitly stated that these Hungarian-Croatian citizens did not need passports and that servants' books were enough.<sup>2</sup> But despite the order, disputes have not ceased. Five years later, the Hungarian ministry of internal affairs again informed the autonomous Government that Croatian-Slavonian jurisdictions insist on servant's passports. However, after that, the autonomous Government warned the subordinated jurisdictions again that the servants' books are sufficient documents.<sup>3</sup>

The previous examples indicate the mistrust towards the poor immigrants. However, the mistrust was even greater towards the Roma people from Hungary.<sup>4</sup> The autonomous authorities banned their entrance in Croatia-Slavonia.<sup>1</sup>

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<sup>1</sup>HR-HDA-79, kutija [the box] 943, sv. 4-5 823/1891.

<sup>2</sup>The order of the autonomous Government, Department of Internal Affairs, from 31<sup>st</sup> May 1889 the number 33597, published in Smrekar (1902) 113-114.

<sup>3</sup>The order of the autonomous Government, Department for Internal Affairs, from 3<sup>rd</sup> march 1895 the number 43040/1894, published in Smrekar (1902) 114.

<sup>4</sup>Croatian-Slavonian authorities defined foreign Romas as all those who didn't have local citizenship in Croatia-Slavonia. See the order of the autonomous Government Department for

*Employment in Common Croatian-Hungarian Offices and on Railways*

The Croatian-Hungarian Compromise contained a norm (although instructive) on the recruitment of domestic population in common Croatian-Hungarian offices in Croatia-Slavonia.<sup>2</sup> The Compromise also defined Croatian as the only official language in Croatia-Slavonia.<sup>3</sup>

In the first years after the Compromise, these rules complicated, although not quite stopped, the employment of Hungarians in common offices.<sup>4</sup> However, from time to time, the Central Government intensified the employment of Hungarians and also promoted the usage of Hungarian language in the common offices. An important event in that direction happened in 1880 when the common Ministry of finance in Zagreb opened the course for financial clerks. During the course, the clerks should learn Hungarian language. The knowledge of Hungarian was defined as a condition for promotion in the service.<sup>5</sup> From here on out, the other Ministries of the Central Government also forced the use of Hungarian language.<sup>6</sup>

Employment of Hungarians in the common offices was especially evident during the government of the Ban Dragutin Khuen Héderváry (1883-1903). Khuen Héderváry was loyal to the Central Government and to the idea of unity of Croatia-Slavonia and Hungary.<sup>7</sup> Therefore Khuen's autonomous Government didn't even object to the employment of Hungarians in common offices in Croatia-Slavonia.<sup>8</sup>

The previous practices had important consequences. More Hungarians in the offices meant more frequent use of Hungarian language. Insisting on the knowledge of Hungarian also attracted more Hungarians. On the other hand, Croats who generally didn't know Hungarian couldn't get a job in these offices so easily.

More obvious example of privileged status of Hungarians in Croatia-Slavonia was the railways. According to the Croatian-Hungarian Compromise, railways were common Croatian-Hungarian affairs so the rules of the

Internal Affairs, from 21<sup>st</sup> June 1874 No. 9625, published in Smrekar (1902) 324.; See also: HR-HDA-79, kutija [the box] 460, sv. 13-16 4838/878

<sup>1</sup>See the order of the autonomous Government, Department for Internal Affairs, from 21<sup>st</sup> June 1874; See also the order of the autonomous Government, Department for Internal Affairs, from 27<sup>th</sup> June 1893, No.12681, published in Smrekar (1902) 327-329.

<sup>2</sup>Comp. art. 46. of the Croatian-Hungarian Compromise. The rule wasn't imperative since it contained the clause on employment of domestic people if it was possible. The text of the Compromise can be seen in Smrekar (1888) 6-20.

<sup>3</sup>Comp. art. 56. and art. 57. of the Croatian-Hungarian Compromise.

<sup>4</sup>Šidak et al (1968) 85.

<sup>5</sup>Artuković (2001) 23.

<sup>6</sup>Many opposing representatives in Croatian-Slavonian Diet protested against such practice but they were unsuccessful. On one such protest see in: Stenografski zapisnici [Stenographic records] (1889) 387-389.

<sup>7</sup>Šišić (2004) 453.

<sup>8</sup>The Khuen's Government interpreted the norm of the Hungarian-Croatian Compromise on the employment of domestic people as an instructive norm and it didn't insist on the employment of domestic population in common offices. Stenografski zapisnici [Stenographic records] (1889) 339-340.

Compromise on the language and the employment of domestic people had to be implemented. However, because of the special interest of the Central Government, the state railways were regarded as a special company of Hungary on which the provisions of Compromise does not apply. Due to such understanding, Hungarians were employed on railways in Croatia-Slavonia in great numbers. Data for the year 1903 shows that the highest percentage of Hungarian local citizens worked on railways in Slavonian counties: in Vukovar-syrmia county (88,07%) and on railways in Požega county (78,75%). Very high share of Hungarian local citizens also worked on railways in the city of Zagreb (76% had local citizenships in Hungary). Hungarian local citizens were also a majority in Zagreb County (59.73%). Hungarian local citizens were in minority in the Varaždin County (48.91%), Bjelovar-Križevci County (45.29%) and in Modruš-Rijeka County (34%).<sup>1</sup> Hungarian local citizens were overrepresented in offices (clerks, ticket collectors, supervisors) while Croatian local citizens were overrepresented in lower paid support services.<sup>2</sup>

### **Final Remarks**

Hungarian local citizens were the most numerous group of settlers in Croatia-Slavonia, though as national citizens they were not fully integrated in the Croatian society. The concepts of local citizenship and Croatian-Slavonian membership impeded their integration. Since they did not have full citizenship rights (i.e. electoral rights, the right on employment in autonomous services and social rights) they were a special group of foreigners.

The exclusion of Hungarians was evident on the example of poor immigrants and Roma people. Poor immigrants did not always acquire local citizenship easily. Because of their lower social status and higher probability that they will become users of social benefits, Croatian-Slavonian authorities often refused to give them local citizenship. The position of Hungarian Romas was even worse because Croatian-Slavonian authorities banned them entrance into Croatia-Slavonia.

That exclusion didn't take effect in the common offices and on railways. In these areas, the Central Government forced the usage of Hungarian language and employed Hungarians so we can say that in these areas Hungarians were even privileged over domestic population.

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<sup>1</sup>The data according to: Dobrovšak (2008) 502-513.

<sup>2</sup>Dobrovšak (2008) 500-514.

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