

monstratensian Canons of Nagyvárad has been confiscated and the Head of the Order forcibly driven over the frontier; and it is since the declarations hymning the praise of the minority policy of Rumania were published that the idea has been broached of once more reconsidering the political nationality of all the Magyars in Rumania, the object in view being to be able to once more convert thousands and thousands of Magyars into homeless fugitives.

But why continue?

Do people the other side of the frontier really think the whole world is blind and unable to see these monstrosities? and that we are blind too?

In the face of facts of this kind fine words and assertions of the kind fade into insignificance and merely act as provocation.

The sad thing about all this is that such action makes an understanding between the two neighbouring peoples impossible and frustrates the best intentions — thwarting the efforts even to clutch at the straw of any sort of peaceful agreement. The horizon is becoming darker and darker; and grave complications are casting their shadows before: whereas with a little goodwill all this might easily be avoided.

To strain matters further would be a *crime against the peace of Europe*.

THE RIGHT OF SELF-DETERMINATION OF THE PEOPLES OF EUROPE AND CENTRALISM

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I.

We often hear it said that the presentday political order in Europe was founded on the right of self-determination, and that the Paris Treaties of Peace concluded in 1919—20 raised Europe out of a state of conservative reaction based upon abuses which was already out-of-date and placed that Continent on the broad basis of the right of self-determination of the peoples, heralding thereby the triumph of progress and humanism.

And indeed it would be difficult to deny that there did actually ensue an apparent improvement in the European situation as the result of the dissolution of certain still untried or obsolete political structures: but when making sweeping assertions of the kind we must beware of accepting as final the show of appearances or what one of the interested Parties attempts to make of universal importance. Today no one could deny that the whole world realises that the dissolution and dismemberment of Austria-Hungary have been an egregious mistake.

It was Wilson, President of the United States of North America, that postulated the right of self-determination as one of the cardinal conditions of European peace. However, no one doubts now — though so far no one has made the assertion — that in the form in which Wilson made it the pivot of European peace the right of self-determination is an American doctrine, — or rather that the doctrine in question had a peculiarly American interpretation.

We all know that America once consisted of colonies, and that the people living in the American colonies were under the control of European

Governments. We know also that the American colonies desired to emancipate themselves from the rule of European countries. That is how, at the end of the eighteenth century, the thirteen American colonies became liberated from the rule of England. And that is how, in the second decade of the nineteenth century, the colonies of Central and South America shook off the yoke of Spanish and Portuguese rule. The development of America was therefore a victory of the right of self-determination, which must be regarded as an important pillar of that development, seeing that it formed the basis of the same in the ensuing periods. We cannot for a moment doubt that Wilson — alike as an eminent professor of constitutional law and as President of the United States of North America — in postulating the right of self-determination as a condition of peace desired to offer Europe the best gift his own country and America generally was able to give, — viz. the presentation to the peoples of Europe of the same freedom and unrestricted development as the peoples of America had originally secured for themselves.

However, it is a moot point whether this idea was correctly carried into effect in the manner conceived and demanded by President Wilson?

Let us take a concrete instance. The peoples of the former Austro-Hungarian Monarchy, for example, would have been just as entitled to choose their future destiny themselves as were the Christian nations of Turkey. Charles of Habsburg, Emperor of Austria and King of Hungary, was evidently not at all averse to the idea of the peoples of Austria and Hungary being allowed to avail themselves of the right of self-determination; for by Letters Patent issued by him on October

16th., 1918, in his capacity as Austrian Emperor he gave his peoples a free hand in respect of the form of government. It would be a great mistake to assume that he would not have wished to do the same in the case of Hungary too, or to presume that the Hungarians were averse to the idea, — the latter presumption not in the least warranted merely because Charles of Habsburg did not take such measures in respect of Hungary. First of all, we should remember that the Letters Patent of the Austrian Emperor were not valid in respect of the Hungarian State; while the fact that the Sovereign took no similar measures in respect of his Kingdom of Hungary in itself shows that in the latter country the question required preliminaries of an entirely different character. For, whereas the Constitution of Austria was merely on paper, in Hungary the Government was required to consult Parliament and through that body the nation itself in respect of the application of the right of self-determination in the American sense of the term or rather in re the necessity of passing a Bill to amend the Hungarian Constitution accordingly.

There can be no doubt that what Wilson had in mind was a peace by agreement; and that what happened was just the reverse, — the Paris treaties of peace consisting of conditions forced on one of the Parties without that Party having taken any part in drafting those conditions or having been consulted as to their acceptance in a manner proving that that acceptance was the result of a voluntary decision. Whereas Wilson's terms of peace and the Letters Patent issued on October 16th., 1918, agreed in essentials and almost coincided in substance, on the other hand there is a decided contradiction between those terms and the Memorandum drafted by Lord Northcliffe which — according to reports appearing in 'The Times' and in the 'Matin' — demanded the dismemberment of Austria and Hungary. The French Government endorsed the Memorandum, noting thereby that the terms proposed by Wilson could not be taken as basis of the peace treaties to be concluded, seeing that those treaties had to be based upon the annexations demanded in Lord Northcliffe's Memorandum. After Austria-Hungary had fallen a victim to this demand, it became glaringly evident that there were two camps — that of annexation by armed force, and that which abode by the right of self-determination whether interpreted in the American spirit or conceived in any other sense whatsoever. This was so much the case that Wilson himself solemnly protested at the Peace Conference against the armed occupations, — though he must have known that his protest would be futile, seeing that the application in practice of the right of self-determination would have prevented the acquisition of all the territories which the Governments interested in the dismemberment of Hungary had been so quick to occupy and to take actual possession of so as to be able to claim them on the basis of the principle of *uti possidetis*. Such a course would surely have been superfluous if they had really hoped to obtain

those territories on the basis of the right of self-determination.

However, another thing that follows of necessity from this fact is that, if Wilson's condition — the exercise of the right of self-determination — would have produced in the severed territories results other than separation and incorporation in foreign States, — the solemn declaration of the annexation preceded the completion of the work of occupation —, there might perhaps have been some prospect of the peoples of Central Europe uniting for mutual support. But that hope dissolved already during the Peace Conference; there was therefore no agreement as to the solution; instead of understanding there ensued a process of decay. It would be a far cry — and it is not our object on the present occasion — to relate all the relevant details. We would prefer to ascertain how far back we must retrace our steps if we would reach the point at which the ways of understanding, and of the lack of understanding respectively parted.

According to international law that point cannot be remoter from us than the treaty of armistice concluded on November 3rd., 1918, by Austria-Hungary with the Allied and Associated Powers — the latter not formulating any more far-reaching demands than that their territories should be cleared of hostile troops.

For the Padua Armistice Treaty may be regarded as the outer expression — and also the ultimate and definitive result — of the agreement which evidently existed between the time when the Monarchy declared its readiness to make peace and its acceptance of Wilson's terms and through those terms the conclusion of the armistice treaty.

It should be added that under the treaty the Hungarian troops were to be withdrawn from all foreign States occupied by them; we may therefore presume that this was also a *sine qua non* of the opening of peace negotiations. However, seeing that at the time there were no other hostile soldiers in the territory of Hungary than prisoners of war, it may be presumed that the retiring Hungarian troops had to withdraw within the frontiers of historical Hungary in order to make the conclusion of peace possible.

From what has been said above we may draw the interesting and instructive conclusion that, if Hungary and the victorious Powers really came to an agreement in the armistice treaty, those Governments which claimed certain territories of Hungary for themselves must have found themselves in conflict, not with Hungary only, but with both contracting Parties; for they had assailed the agreement concluded between those Parties. Consequently, the Czech, Serbian and Rumanian Governments must have had their claims to those territories ratified by those Powers which had availed themselves of their assistance during the Great War and claimed to exercise the direction of the Peace Conference.

The victorious Powers paid their war debts by promising certain territories of Hungary to their Czech, Serbian and Rumanian allies. By doing so, however, they themselves infringed the

armistice treaty and paved the way towards that chaos which is more and more absolutely holding sway in Central Europe.

The evident anxiety and reluctance which the Powers betrayed on all occasions when they yielded to those demands, proves better than any thing else that they were fully conscious of the inevitable consequences. That was the real reason why they drafted the Minority Treaties; and it was even more the motive force behind the Treaty of Sèvres concluded on August 10th., 1920, in which the Allied and Associated Powers transferred to the Czech, Serbian and Rumanian States the sovereignty over the territories claimed from Hungary.

If this is really the case, what happened was that the territory of Hungary guaranteed by the armistice treaty was one-sidedly dismembered. The territories occupied arbitrarily and also those within the frontiers demanded by the victors which had not been occupied, were annexed *prior to* the conclusion of the treaty of peace. The Powers endeavoured to ensure the political and human rights of the inhabitants subjected against their will to foreign rule by drafting Minority Treaties. The Treaty of Trianon concluded with Hungary in the Trianon Palace on June 4th., 1920, was not regarded by the Powers as sufficing to transfer the sovereignty over the disputed territories to the Czech, Serbian and Rumanian States.

It is a moment of extreme interest that the Powers did not accept as sufficient in respect of the ensuring of the minority rights the mere promises of the annexing Governments. That is at least what we cannot but conclude from the deed of obligation dated May 20th., 1919, and signed by M. Edward Beneš, then Foreign Minister of Czecho-Slovakia, undertaking to organise the Czech State on a federative basis similar to that of Switzerland.

Beneš himself thus showed the way towards building up the peace of Central Europe; and it must be from him that the Powers — after twenty years of a barren reign of force and labour spent in vain — learned to what point they must return if they would give Europe peace and tranquillity.

II.

The idea of establishing federative formations in the Danube Basin, is not a new one.

The chief impediment to a realisation of this idea in the past was that the former Austrian Empire, in the territories of diverse types of which it was composed, resorted to a policy of an excessively centralistic character. The Empire organised after 1526 with Vienna as its pivot followed the absolutistic systems of the day and endeavoured to secure absolute power over the whole territory of Central Europe and — by forcibly breaking up existing systems — to build an entirely new and novel political structure independently of the peoples and their historical development.

This structure had first made its appearance when, in 1437, Albert of Habsburg, Duke of Austria, came into possession of the thrones of Hungary and Bohemia. In the two decenniums

(1437—1457) during which the three countries had a common sovereign, the power of the Estates was still stronger than that of the monarch. When in the battle of Mohács, in 1526, the King of Hungary and Bohemia fell, Archduke Ferdinand of Habsburg, Duke of Austria, the brother of the widow of the fallen King Louis II., came into possession of all three countries. But for a whole century the Habsburgs proved unable to overcome the resistance of the Estates, — so much so indeed that in 1620 the Estates of Austria, Bohemia and Hungary took the control of affairs and declared war on that central power which was in Vienna endeavouring to establish a government independent of the Estates of the three countries. At this critical moment the struggle was decided in favour of Vienna. The battle fought at Prague in 1620 was won by the Archduke of Austria, who then by armed force dissolved the co-operation between the Estates of Austria, Bohemia and Hungary which had so often been in evidence since 1437. To examine the question as to whether this co-operation was — or might have been — of a federative character, is beyond the scope of the present essay.

The fact may however be established that there came into being a new form of connection between the three countries utilised by the Vienna Government after the victory of 1620 as a means to secure absolute power over the Estates of the three countries. The circumstance that the Estates proved incapable of availing themselves permanently of the turns of fortune in the European war, removed all obstacles in the way of that scheme. So, when in 1648, by the Peace of Westphalia, the Habsburgs were deprived of their ancestral possessions, the centre of gravity of their power was transferred from the Rhine to the Danube, where they began to lay the foundations of a new Great Power. The repulse of the Turks and the liberation of Hungary expanded the dominions of the Habsburgs by the acquisition of new territories of enormous area. After the loss of Spain they concentrated their attention on the work of building up this Danube Power. However, though they utilised every opportunity that offered, they were driven to differentiate between those countries which belonged to the German Empire and those which had never been in political alliance with Germany. They were thus compelled to uphold the distinction between Austria and Bohemia on the one hand, as countries belonging to the German State, and Hungary on the other hand, — a differentiation of which we find documentary evidence galore. Consequently, if the Habsburgs desired to keep the Empire of which the Danube was the pivot, they could not pursue an exclusively German policy; and — as we know — the reason why Bismark in 1866 excluded them from the German Empire was that in his opinion the Habsburg Empire could not be regarded as a German State. That is why, in 1867, the Habsburgs established a Power independent of the German Empire consisting of Austria, Bohemia and Hungary.

Nothing could have been more natural than that, after 1866, Francis Joseph should establish

a Power in keeping with the character of these three countries. However, people in Vienna persisted in believing — erroneously — that the power and strength of the Empire depended, not on the steadiness and security of the inner structure, but on the size of its territory. That is why Austria-Hungary was a conglomeration of heterogeneous territories.

Although the Compromise (Ausgleich) of 1867 brought into being an acceptable agreement between Austria and Hungary, we must add that, whereas the Hungarian State consisted of territories and population united by a historical development and uniform in character, the term Austria included territories acquired at various periods which had been wrested from various political formations and were heterogeneous in character. It is true, indeed, that all these various territories were parts of the Austrian Empire which concluded the Compromise with the historical State of Hungary.

It is indubitable — as they themselves are so fond of telling us — that the Czechs did not profit much by the Compromise of 1867. However, if that complaint is justified, — as it certainly seems to be —, the Czechs should not blame Hungary, but should turn against the House of Habsburg, which in 1620 annexed Bohemia, not to Hungary, but to Austria. Bohemia and Austria both alike having been principalities of the German Empire, we are perfectly entitled to say that this was a case of antagonism between two provinces of Germany — a quarrel in which the Hungary that never belonged to the German Empire could not interfere, that country actually never having interfered or officially taken up any attitude whatsoever in the Austro-Czech question. The presumption that the Austro-Czech Compromise hinted at in 1871 was frustrated by the Hungarian Government, is a piece of mere guesswork refuted by all the relevant State documents. In 1866 Austria and Bohemia together withdrew from the German Empire, to which they had previously belonged for centuries; so that the Compromise of 1867 was in reality an agreement concluded between States and territories which had originally belonged to Germany on the one hand and a State and territory which had never belonged to that Empire on the other hand. The former States and territories were known by the designation of the Austrian Empire and were under the absolute control of the Vienna Government; consequently, Hungary was not guilty of committing any fault when she concluded the Compromise of 1867 with the Austrian Empire and not with the several provinces incorporated in that empire.

What has been said above will suffice to show that the only possible reason the Czechs can have had prior to 1918 to be angry with the Hungarians was that Hungary never belonged to the German Empire and was never incorporated in Austria either, but had for centuries been able to secure her independence against the Vienna Government, which ruled over Bohemia too. Bohemia was originally a German principality; and the reason why the Duke of Austria strove to secure

that country for himself was that he might have at his disposal as considerable a might as possible in his endeavour to obtain the German imperial throne. It is therefore indubitable that if there were questions still awaiting solution after 1867, the matters at dispute must have been between Bohemia and Austria or Austria and Hungary, — *not between Bohemia and Hungary.*

When the Czechs realised that they could not get Hungary — or hope for Austria — to adjust the question still at dispute between their country and Austria — in particular the revision of the political relations between the two countries which had remained unaltered since 1620 —, they did not think of inciting the public opinion of Austria, Bohemia and Hungary against the Vienna Government — a result which appeared, despite the extinction of parliamentary government, to be quite on the cards under certain given circumstances and given forms —, but in 1868 appealed over the head of the Austrian Government to France (through the good offices of the Emperor Napoleon III.) and after 1878 to Russia (through the good offices of the Tsar), — in both cases appealing therefore to a foreign Power. According to the evidence of the relevant State documents this appeal had for its object to persuade the foreign Powers in question to endeavour to change the policy of the Government ruling in Bohemia under the Austrian Constitution and to achieve that object by bringing those foreign Powers into active opposition to the Vienna Government. The same conception is traceable also in subsequent events; for when, in 1915, the Monarchy looked like losing the War against France and Russia which had previously been appealed to for assistance by the Czechs, the latter came forward with a programme ready to hand and undertook to build up a Central European structure of a more suitable character than that with Vienna as its pivot.

Perhaps the most mistake made by Vienna was not its refusal even after 1867 to adjust the political relations between Austria and Bohemia, but the fact that the maps of certain imperial authorities still exclusively under the control of the sovereign failed to demarcate the frontier line between Austria and Hungary prescribed by the Compromise of 1867 and indeed refused to accept any other frontiers than those separating the Habsburg Empire from outside Powers. In the office of Baron Conrad, Chief of the General Staff, the only frontiers known and taken into account were those of the Austrian (Habsburg) Empire separating that Empire from foreign States. Indeed, among the possible changes of those frontiers were those taken into account as likely to ensue as a result of the eventual annexation to the Habsburg Empire of Serbia and Rumania. What interested the Vienna statesmen for the moment was the possible effect upon these frontiers exercised by neighbouring Powers. Those adjoining Germany were certainly made safer and securer by the last-mentioned alliance between the two countries; but those adjoining Italy were endangered — despite the alliance with that country — by certain Italian irredentist movements in evidence; and General

Conrad left no stone unturned to provide for the Italian-Austrian frontier being strengthened as effectively as possible. That is why he had the Tyrol forts built, counting as he did on the probability of a war with Italy. He ignored the aversion to the idea of a war with Italy in evidence everywhere in Hungary; for, relying upon Germany to protect his rear, he had ready a plan of campaign for action against Hungary too. He wished to open up new avenues of approach towards the Balkans; and though his intentions in this respect must certainly have found an impediment in the attitude of Russia, he believed that with Germany protecting his rear and a possibility of the alliance with Italy being strengthened by an alliance with Rumania too, he would find adequate protection against Russia. It was in this situation of reassurance respecting the future that General Conrad entered the Great War, which then annihilated the whole Monarchy.

As far back as the sixties of last century the centralistic policy of the Vienna Government was assailed by those who believed that that policy was a mistake and that it would be better to replace centralism by federalism. So there began a dispute — and a struggle — which went on behind the scenes, not only between Austria and Bohemia, but also between Austria and Hungary: indeed, there was a third front as between Austrian centralism and its opponents which has so far escaped attention. Yet from 1867 onwards the Hungarian Opposition struggled continuously and with unflagging energy; and later on the Hungarian Government itself joined that front, — indeed, Count Stephen Tisza, Hungarian Prime Minister, actually became the standard-bearer of the movement. So far no one has considered — though the fact is evident and obvious enough — that this involved also a change of attitude on the part of the Hungarian Government; for by opposing the centralism of Austria that Government documented its readiness to accept eventual changes calculated to strengthen the inner structure of the Monarchy as established by the Compromise of 1867 by a more effectual satisfaction of the legitimate demands of the various peoples living in that Monarchy.

Today it would appear to be indubitable that the fate of the Monarchy too depended upon whether it persisted in maintaining the centralistic tendencies and in opposing all those who had turned against the Vienna Government, or whether, abandoning the imperialistic policy of the centralists, it showed a readiness to consult the interests of the various peoples and to place the security of the Monarchy upon a wider basis? And the reason why in 1906 the Rumanian Aurelius Popovici and in 1908 the Czech Edward Beneš demanded provincial autonomy, was that they might weaken the inner foundations of the Monarchy;

while the reason why Charles of Habsburg abandoned Austrian centralism was that he might avert the danger and secure the safety of his Empire. From Mr. Lloyd George's *Memoirs* it appears that the same change was demanded of the Monarchy in 1917 by President Wilson and the British Government too, who were therefore anxious to retain the Monarchy and at the same time to reform it in keeping with the requirements of the age. The same was the object also of the Government of the Monarchy in 1918, when the Letters Patent of the Austrian Emperor were issued (October 16th.); and this is weighty enough evidence to show that the Emperor was fully prepared to adjust the relations between Austria and Bohemia and between Austria and other parts of the Monarchy too. And yet, in face of these facts, what we find today is in open defiance of the historical development and legitimate demands of the Danubian peoples and of natural evolution — the Great War having been succeeded by a policy which created on the ruins of the Monarchy centralistic States whose Governments keep offering occasions galore for complaints on the part of the millions incorporated in the new States. These complaints are however of importance in another respect too: they point to an open defiance of the agreements upon which the peace and the treaties of peace of Europe are based. It is extremely difficult to defend the League of Nations in view of the fact that the Nations to their great regret cannot follow that institution on the path chosen by it which leads to an unproductive defence of continuous branches of international law.

The Hungarian nation fought against the centralism of the Austrians, not theoretically, but in practice, and at immense cost. In its unyielding struggle it succeeded in persuading the Powers to admit that centralism must be replaced by the right of self-determination of the peoples; and it was on this basis that certain territories were wrested from the Monarchy and from Hungary. Few know, however, that this was the starting-point of a new legal transaction. For the Powers transferred to the Czech, Rumanian and Serbian Governments the territories wrested from Hungary only against guarantees of the rights due to the inhabitants of those territories; that means that these territories were transferred to the possession of those countries, not from Hungary direct, but through the Powers. Indeed, in the Treaty dated August 10th., 1910, those same Powers transferred the sovereignty over those territories expressly and exclusively on condition of the observance of all the treaties and agreements of which we have spoken.

Thereby those Powers themselves admitted that there could be no redress of the situation in Europe except by a return to the starting-point determined in 1918.