

Zgodovinski časopis

HISTORICAL REVIEW

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Robin Dolar, *Zgodovina skozi periodizacijo: pojem pozne predmodernosti* • Neva Makuc, *Prva habsburško-beneška vojna in dnevnik Leonarda Amasea iz obdobja 1508–1510* • Nina Ošep, *Gospodarsko poslovanje škofa Tomaža Hrena s podložniki gospostva Gornji* • Jan Lhoták, *Burghership and honorary burghership in the Habsburg monarchy 1848–1918. Honorary categories or conflictual political fields?* • Jan Bernot, *Boj za šolo na Travi. O nacionalni diferenciaciji na obrobju Kočevske v zadnjih desetletjih 19. stoletja* • Janez Mlinar, *Tone Smolej, Ljudmila Štrekelj, pozabljena prva slovenska doktorica zgodovine* • Gašper Gabrijelčič, *The Origins of U.S. Bilateral Foreign Assistance. The Marshall Plan – A Benchmark for Contemporary U.S. Foreign Aid?*

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Razprave

Jan Lhoták

Burghership and Honorary Burghership in the Habsburg Monarchy 1848–1918.

Honorary Categories or Conflictual Political Fields?

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**Burghership and Honorary Burghership in the
Habsburg Monarchy 1848–1918.**

**Honorary Categories or Conflictual Political
Fields?**

Zgodovinski časopis (Historical Review), Ljub-
ljana 78/2024, No. 3–4, pp. 376–402, 120 notes
Language: En. (Sn., En., Sn.)

This paper deals with the honorary institute of honorary burghership and citizenship, which arose from the originally medieval granting of the rights of burghership and after 1850 became a fixed part of the legislation of municipal institutions as an expression of the highest honour that local governments could bestow. In the first part of the study, it follows legislative development within the Austrian Empire (Austria-Hungary). The second part then formulates a thesis on the conflictual dimension of honorary burghership/citizenship against a backdrop of political struggles, the conditioned electoral participation of its laureates – first in the struggles between conservatism and liberalism, and later at the national dimension and the struggles for national emancipation. The conclusion of the study looks at the demise of the status of honorary burghership and its narrowing to a purely honorary institution, although one that continued to express the political holdings and preferences conditioned by the time.

Keywords: honorary citizens; honorary burghers;
municipal self-government; nationalism

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**Meščanstvo in častno meščanstvo v habsburški
monarhiji 1848–1918.**

Častne kategorije ali polja političnih konfliktov?

Zgodovinski časopis, Ljubljana 78/2024, št. 3–4,
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Študija obravnava institut častnega meščanstva in državljanstva, ki temelji na srednjeveškem podeljevanju meščanskih pravic in je po letu 1850 kot izraz najvišje časti, ki jo lahko podeli lokalna oblast, postal stalnica v zakonodaji mestnih institucij. V prvem delu sledi razvoju zakonodaje na Avstroogrskem. V drugem delu avtor oblikuje tezo o konfliktni dimenziji častnega meščanstva/državljanstva pred kuliso političnih bojev, pogojeno volilno udeležbo nosilcev naziva, najprej v boju med konservatizmom in liberalizmom ter nato v nacionalni dimenziji in boju za narodno emancipacijo. Zaključek razprave se ozira po zatonu statusa častnega meščana in njegovo krčenje na zgolj častni naziv, ki kljub vsemu še vedno izraža politično situacijo in preference, ki jih narekuje obdobje.

Ključne besede: častni državljan, častni meščan,
mestna samouprava, nacionalizem

Introduction

One of the honours that can be expressed by self-governing bodies of political power, alongside monuments, memorial plaques, statues, decorations, and names of public spaces¹, is the granting of honorary citizenship². As demonstrated by Pierre Bourdieu, all these manifestations can be interpreted as the symbolic embodiment of power and dominance, from which we can draw conclusions about real positions in the political constellation³. Historiography and sociology have already significantly elaborated on these mechanisms in certain areas and applied innovative methodological approaches using historical anthropology, cultural studies, gender studies, etc. Yet it is clear that for some expressions of honour there is still considerable scope for deepening our knowledge⁴. A more comprehensive analysis of honorary citizenship is also undoubtedly one part of this: the motivation to celebrate and give specific people and personalities a presence in public space appears here in first place in the same way as in other cases, but upon closer examination this is intersected by a more varied list of motives whose influence cannot be marginalised and which are generated by specific contexts.

Citizenship, one of the pillars of the modern state and society, is generally defined as the legal union of an individual to the state based primarily on equality before the law⁵. The path to what is now a generally-understandable concept began in an urban environment that brought liberalising elements to the feudal system⁶. The term *Bürgertum* itself appeared in the 16th century, if not before, as a synonym for the rights of burghership. With the gradual reduction of urban autonomy and the flattening of the rights of burghership, and as a result of the adoption of the principles of Roman law, the term *Bürgertum* began to refer to a social strata of subjects of the state who did not belong to either the nobility or the rural popu-

¹ Jaworski – Stachel, *Die Besetzung des öffentlichen Raumes*, passim.

² At a general level cf. especially Ludgera, *Zur Logik der Ehre*. passim. The author examined various anthropological and sociological theories devoted to honours.

³ Bourdieu, *Social Space and Symbolic Power*, pp. 14-25.

⁴ Spona, *Städtische Ehrungen zwischen Repräsentation und Partizipation*, passim, attempted to examine honorific activities during the narrow era of National Socialism using the example of Hannover.

⁵ Howard, *The Politics of Citizenship in Europe*; Heater, *A Brief History of Citizenship*; Schäfer, *Geschichte des Bürgertums. Eine Einführung*.

⁶ Bader – Dilcher, *Deutsche Rechtsgeschichte*. p. 354.

lation⁷. Paradoxically, a concept definitively established in this dimension by the Great French Revolution⁸ was inspired by an institute that grew out of the division of the estates of society, the most undeniably democratic therein⁹. In short, the burghership came closest to the ideas that the revolution demanded. Therefore, it is not surprising that the burghership or the urban environment in general took on a central influence in reflections on the driving forces of modernisation in the 19th century and the process of the birth of civil society¹⁰.

Although historians sensitively distinguish between the “old“ burghership from the pre-industrial period of the *Ancien Régime* defined by law and the “new“ burghership, representing a socio-cultural group of the urban population actively receiving elements of modernisation¹¹, the interdependence cannot be denied. The permeation of a legal institution of medieval origin with a product of natural law offers up a number of interpretative levels. It can be assumed that maintaining the remnants of the society of the estates within the environment of civil society was designed to ensure the non-conflictual reception of innovative models. In the urban environment, where the two particular worlds were closest to each other, it was considerably easier than in the countryside. That is why, in the Habsburg monarchy, two such remnants – the rights of burghership and honorary burghership – persisted until the 20th century. While the first gradually disappeared, the second gradually transformed into today’s generally-accepted and respected honorary citizenship¹². This institute is particularly typical of Central Europe, while in Anglophone countries the institute of honorary citizens in the sense of nationality is common, and granted by the highest state bodies (*honorary citizenship* in the USA, *honorary British nationality* in the UK). The granting of honorary citizenship by municipalities in individual countries is mostly regulated by laws defining the powers of municipal self-government. The exceptions are Italy (*cittadino onorario*) and France (*bourgeois/citoyen honoraire*), where the granting of honorary citizenship is not subject to any statutory regulation and the municipalities regulate it themselves. However, emphasis is placed on the consent of the person or heirs concerned and the bestowal of this public honour only on people who have distinguished themselves by services to the state or their city¹³. Elsewhere too it is generally declared that the award does not entail any special rights

⁷ Köbler, *Bürger*, p. 1006.

⁸ Gauchet, *Die Erklärung der Menschenrechte*, passim; Riedel, *Bürger, Staatsbürger, Bürgertum*, pp. 672-725.

⁹ Köbler, *Bürger*; pp. 1005-1048.

¹⁰ Re reflections on modernisation in detail Wehler, *Modernisierungstheorie und Geschichte*, passim; Degele, Christian Dries, *Modernisierungstheorie*, passim.

¹¹ Gall (ed.) *Vom alten zum neuen Bürgertum*, passim; Gall (ed.) *Stadt und Bürgertum im Jahrhundert*, passim; Kocka, *Bürgertum und bürgerliche Gesellschaft im 19. Jahrhundert*, pp. 11-76.; Kocka, *Bürger und Bürgerlichkeit im Wandel*, pp. 61-68; Hettling, *Politische Bürgerlichkeit*, p. 1999.

¹² Hertz, *Das Ehrenbürgerrecht und die Ehrenbürger der vier freien Städte Deutschlands*; Fleischmann, *Die Ehrenbürger Berlins*; Müller, *Vom Ehrenbürgerrecht der Freien Hansestadt Bremen*; Krause – Schröder, *„Einem gar wohlgefälligen Bürgersmann zur Ehr...“*; Günther, *Ehrenbürger der Stadt Weimar*.

¹³ <https://questions.assemblee-nationale.fr/q13/13-50082QE.htm> (searched 8th Februar 2023).

and obligations. In Germany, honorary citizenship is incorporated into the municipal establishments of individual federal states¹⁴. Representatively, this is reflected, for example, in the Bavarian Municipal Act of 22 August 1998: “*Die Gemeinden können Persönlichkeiten, die sich um sie besonders verdient gemacht haben, zu Ehrenbürgern ernennen*”. Similarly, laws on municipalities regulate the granting of honorary citizenship in the Austrian provinces. In Section 16 of the Act of 14 December 1990, Upper Austria states that “*Insbesondere kann der Gemeinderat Personen, die sich im Sinne des Abs. 1 besonders verdient gemacht haben, zu Ehrenbürgern ernennen. Ein solcher Beschluss ist mit Dreiviertelmehrheit zu fassen und bedarf dann, wenn eine Person, die österreichische Staatsbürgerschaft nicht besitzt, zum Ehrenbürger ernannt werden soll, der Genehmigung der Landesregierung.*”

The framework consensus in defining the institute of honorary citizenship in Central European legislation proves that the paths to its profiling often developed in similar ways. The ambition of the submitted paper is to monitor this genesis in the Austrian Empire (Austria-Hungary) and Cisleithania¹⁵. Its multi-ethnic character has significant interpretative potential for the monitoring of honorary citizenship, as will be shown. Central European historiography was aware of this, but usually limited itself to brief statements without the need for a comprehensive treatment of the topic. Fundamental and as yet unsurpassed work on municipal self-government in Austro-Hungary did not pay closer attention to the issue of honorary citizens¹⁶, but several interesting observations did appear in the study of Slovenian historian Vasily Melik on the electoral culture of Slovenian-speaking inhabitants of Cisleithania¹⁷, or in the summary study of Austrian researcher Peter Urbanitsch¹⁸. Special output on honorary citizenship focuses exclusively on a clear list of honorary burghers/citizens in the given locality¹⁹.

Period until 1849

According to German historian of social history Jürgen Kocka, in 1800, in the German-speaking environment, a burgher was still fully seen in the medieval sense as being exclusively a member of the third estate who was entitled to independently run crafts and trade, participate in municipal self-government and the municipal care system. In fact, burghers were in the numerical minority in the cities of the early modern era²⁰. Pertaining to the burghership was based on the rights of burghership acquired

¹⁴ The issue for the German environment in its current form was summarised by Sundermann, *Das Ehrenbürger – Betrachtungen zur höchsten gemeindlichen Auszeichnung*, pp. 271-276.

¹⁵ Bruckmüller – Stekl, *Zur Geschichte des Bürgertums in Österreich*, pp. 166-198.

¹⁶ Klabouch, *Gemeindeselbstverwaltung in Österreich*, passim.

¹⁷ Melik, *Wahlen im alten Österreich*, pp. 124-127.

¹⁸ Urbanitsch, *Die Gemeindevertretungen in Cisleithanien*, pp. 2213-2214.

¹⁹ From the area under consideration by selection cf. Gassner, *Die Ehrenbürger der Landeshauptstadt Salzburg*; Richter, *Die Ehrenbürger der Stadt Waidhofen an der Ybbs*; Jäger-Sunstenau, *Die Ehrenbürger und Bürger ehrenhalber der Stadt Wien*; Gorzalkowski, *Obywatelstwo honorowe miasta Krakowa i jego obywateli honorowi*.

²⁰ Kocka, *Bürger und Bürgerlichkeit im Wandel*, p. 62.

either by birth or by award on the basis of predetermined conditions, which differed in the details in individual cities, but usually depended on being of impeccable origin, the acquisition of real estate in the cadastre of the city, being of a specific religion, and payment of the relevant fee²¹. By the 16th century, however, those conditions were forgiven in exceptional cases for such individuals to whom the municipality wanted to pay tribute and express its respect²². Burghers of this type were referred to as honorary (*cives pactitii*) and enjoyed only the rights associated with the rights of burghership, rather than the obligations. In exceptional cases, this right was also granted by the monarch or other provincial representative²³, but as a rule, burghership without financial charge was awarded by municipal self-governments to non-burgers associated with the city in a way other than by legal ties (professional, cultural, etc.)²⁴. However, it was still primarily about awarding the rights of burghership. From the last quarter of the 18th century onwards, undeniably under the influence of the onset of the Enlightenment and the French Revolution, cases of honorary burghership began to appear more often and, within the honorific dimension, without unambiguous legal content (Saarbrücken 1790, Frankfurt am Main 1793, Bremen 1795, Vienna 1797, Graz 1798, Hamburg 1813, Prague 1817, Linz 1823, Innsbruck 1826, Salzburg 1829)²⁵. Conferral of the status of honorary burghership was not tied in any way to the size of the locality, as evidenced by numerous cases²⁶. In tsarist Russia, honorary burghers even began constituting one of the six classes of the urban population from 1832, with a total representation of up to 0.75% of the whole population²⁷.

Honorary burghership under the Provisional Municipal Law (1849-1862)

Although one of the most important achievements in the Austrian Empire in the revolutionary years 1848-1849 was the abolition of the order of the estates in society and the abolition of serfdom, there was no reason to abolish some of its attributes, primarily aristocratic titles and the rights of burghership. In March

²¹ In more detail Isenmann, *Die deutsche Stadt im Mittelalter 1150-1550*, pp. 133-163; Bader – Dilcher, *Deutsche Rechtsgeschichte*, pp. 447-456; Rosseaux, *Städte in der Frühen Neuzeit*, pp. 54-56. Within the context of migration also De Vries, *European urbanisation 1500-1800*, passim. From special works cf. Rigele, *Wiener Bürgerrechtsverleihungen in der Neuzeit; Pro civitate Austriae. Informationen zur Stadtgeschichtsforschung in Österreich. Neue Folge 21, 2016, Themenheft "Bürgerbücher"*; Scheutz, *Bürger und Bürgerrecht*, pp. 123-148; Prokosch, *Das ältere Bürgerbuch der Stadt Linz*.

²² Maurer, *Geschichte der Städteverfassung in Deutschland 2*, pp. 250-251.

²³ In 1555, Emperor Charles V awarded Francesco Sorio of Catalonia the freedom to settle in any imperial city without having to bear the associated burdens. Jäger-Sunstenau, *Die Ehrenbürger und Bürger ehrenhalber der Stadt Wien*, p. 5.

²⁴ Spielmann, *Ehrenbürger und Ehrungen in Geschichte und Gegenwart 1*, p. XL.

²⁵ The names of the laureates of the honorary burghership in individual cities of the German-speaking area were collected by Spielmann, *Ehrenbürger und Ehrungen in Geschichte und Gegenwart 1*.

²⁶ For example, the provincial Bohemian city of Pilsen granted the first honorary citizenship at the end of the 18th century, more than 20 years earlier than the capital Prague.

²⁷ This status fell to graduates of universities, art academies, traders, and factory owners. In reality, however, it was about notables. *Meyers Großes Konversations-Lexikon 5*, p. 412.

1849, the general requirement to introduce constitutionality in the monarchy was reduced to the imposed Stadion Constitution, of which only the part devoted to the introduction of self-government actually came into force²⁸. This was the *Stadion Provisional Municipal Law* of 17 March 1849 No. 170/1849 RGBI²⁹, which provided for the establishment of municipal, district, and regional self-government in the non-Hungarian part of the Austrian Empire³⁰. However, only the former, also the most precisely defined both in terms of its nature of political community³¹ and the persons associated with it, was ever brought to life. They were divided in Section 7 into *members* (*Gemeindemitglieder*), who had to be *Reich citizens* (*Reichsbürger*) without exception, and *foreigners* (*Fremde*). Members were further divided into *members of the municipality* (*Gemeindeangehörige*) and *community citizens* (*Gemeindebürger*). Of these terms, only the *Reich citizen*, already defined in the *General Civil Code* of 1811, was fully established under the given situation. A citizen (*Staatsbürger*) defined himself as a resident of the state enjoying full civil rights (*bürgerliches Recht*), which he acquired at the moment of birth. Civil law was understood as being a set of laws that determined the private rights and obligations of the inhabitants of the state as a whole. All citizens were equal before the law³². The *Provisional Municipal Law* had to define other terms precisely: full municipal members meant community citizens, i.e. those who paid direct taxes on real estate or a trade in the municipality (which they personally undertook in that place), or who were accepted by the municipality – understood to be the municipal assembly (Section 8, 9). The law did not say this *verbis expressis*, but in its provision on succession (Section 10) it was clearly stated that the status of community citizen was inherited together with real estate; so in other words, every existing burgher³³ became a community citizen in the cities. Fewer rights than community citizens were enjoyed by members of the municipality who were simply born in the municipality or were admitted as members only in a resolution of the municipality (Section 10–16) – in other words, they had right of residence (*Heimatrecht*)³⁴ here.

²⁸ Laštovka, *Počátky samosprávy v zemích českých*, pp. 155-165.

²⁹ No. 170/1849 of the *Reichsgesetzblatt* (hereinafter “RGBI”). Several implementing regulations were issued in relation to the municipal law – Decree of the Ministry of the Interior of 2 April 1849 (No. 86/1849 z.z.), Decree of the Ministry of the Interior of 12 February 1850 (No. 51/1850), Regulation of the Ministry of the Interior of 7 March 1850 (No. 116/1850 RGBI.), and Decree of the Ministry of the Interior of 8 April 1850 on election to municipal bodies No. 7050.

³⁰ It did not apply only in Galicia, where the former landed establishment ran the whole agenda until 1856, including jurisdiction, on account of a delay in the introduction of governmental administration.

³¹ Re. aspects of formulating the concept of the political community in more detail Schenach, *Das Provisorische Gemeindegesetz 1849 und das Reichsgemeindegesetz 1862 als Zäsur?*, *passim*.

³² Cf. also Swieczny, *Das Heimatrecht*, pp. 53-66. Cf. for older development Hoffmann, *Bürgerrechte im Codex Theresianus*, *passim*.

³³ This is also the conclusion drawn by Pelc, *Propůjčování měšťanského práva v Opavě po roce 1848*, p. 246.

³⁴ By contrast, the award of the right of community citizenship (*Bürgerrecht*) did not imply the concurrent award of the right of residence (Adam von Budwinski (ed.), *Erkenntnisse des k. k. Verwaltungsgerichtshofes. IX. Jahrgang 1885*. Wien: 1885, pp. 221-222, n. 2496). In the case of the

The Municipal Act was thus a direct and targeted continuation of the pre-March burghership, primarily to ensure the non-revolutionary and peaceful transition of the corporatist community to associative society, whilst preserving earlier gains. Not in its estate dimension, but in its exclusivity, bringing certain benefits³⁵ that the particular municipality defined independently. This was also the reason why the *honorary burghers* (*Ehrenbürger*) were mentioned only once in the Stadion Constitution, in connection with elections to the municipal assembly, when they were granted the right to be included in the first electoral class, meaning among those taxpayers paying the highest direct taxes (Section 39)³⁶: this clearly indicated that there was no need to define it, considering the concept to be fully established. At the same time, it linked it to the rights of burghership because it explicitly referred to Section 8(b), which referred to community citizens and their acceptance by municipalities.

The generally-formulated paragraphs of the *Provisional Municipal Law* of March 1849 were not an exhaustive basis for the holding of the first municipal elections and were further elaborated by other rules in the spring of the following year. The decree of the Ministry of the Interior of 8 April 1850³⁷, which summarised the basic guidelines for municipal elections, did not bring much more. It specified community citizens (*Gemeindebürger*) as owners of property in the municipality, or an individual bound by the performance of his trade to permanent residence in the municipality. He also had to be a citizen of the Reich³⁸. The electoral list then determined the order – first honorary burghers (*Ehrenbürger*), then members of the municipality (*Gemeindeangehörige*) and community citizens (*Gemeindebürger*)³⁹. Only municipal regulations issued within a short space of time for 15 cities went into greater detail⁴⁰. First of all – on 20 March 1850 – it was accepted for Lower Austria Vienna through Act No. 21/1850 of the Provincial Code (hereinafter referred to as the Act). *Fremde* and *Gemeindeglieder* were differentiated here, in

municipal law of the city of Brno, *Zákonník zemský a Věstník vládní pro korunní zem moravskou*. Brno: 1850, p. 195. Of course, community citizens also had Heimatrecht in the municipality.

³⁵ On this Mittmannsgruber, *Bürger der Stadt Linz*, passim; Pelc, *Propůjčování měšťanského práva*, passim.

³⁶ “Honorary burghers and municipal members who can vote are to be included in the electoral class in which the community citizens, the highest tax-paying ones, are located. Die Ehrenbürger und die wahlberechtigten Angehörigen sind in den Wahlkörper der Höchstbesteuerten einzureihen.”

³⁷ Printed, for example, in: *Zákonník zemský a Věstník vládní pro korunní zem moravskou* (Brno, 1850), 107-128; *Das Gemeinde-Gesetz vom 17. März 1849 sammt allen dazu erflossenen Nachträgen und Erläuterungen, dann den Instructionen über die Verwaltung des Gemeinde-Vermögens, die Besorgung der Gemeindegeschäfte und die Vornahme der Wahlen des Gemeindevorstandes* (Wien, 1861), 95-114.

³⁸ *Das Gemeinde-Gesetz vom 17. März 1849 sammt allen dazu erflossenen Nachträgen*, 94. This was already stipulated in Regulation of the Ministry of the Interior No. 116/1850 RGBl. of 7 March 1850.

³⁹ *Das Gemeinde-Gesetz vom 17. März 1849 sammt allen dazu erflossenen Nachträgen*, 96-97.

⁴⁰ Prague, Liberec, Trieste, Brno, Olomouc, Vienna, Bolzano, Innsbruck, Trento, Salzburg, Linz, Steyr, Ljubljana, Klagenfurt, Opava, Graz. Cf. Klabouch, 1968, p. 41. See also *Das Gemeinde-Gesetz vom 17. März 1849 sammt allen dazu erflossenen Nachträgen*, 124; Anton Pace, *Ernst Mayrhofer's Handbuch für den politischen Verwaltungsdienst* 2 (Wien, 1896), 1075-1076.

line with the Stadion Constitution, and further divided into *Gemeindeangehörige* and *Gemeindebürger*. Subsequently, in Section 18, the Viennese Law granted the municipality the right to award honorary burghership (*Ehrenbürgerrecht*)⁴¹ to outstanding men who contributed to the state or city, regardless of their *place* of residence. The national or Slavic terminology in the municipal laws of cities in the Czech lands or Carniola brought certain ambiguities to the legislation, because *Bürger* translated as *citizen* as well as *burgher* and *community citizen*. While no law in any way made the possibility of removing the status of honorary burghership problematic, the affiliation of honorary burghers to an electoral class was dealt with differently. While the *Provisional Municipal Law* provided for honorary burghers and municipal members to join the same electoral class as the highest payers (Section 39) and the Decree of the Ministry of the Interior of 8 April 1850 was worded in the same spirit, there were differences in the case of statutory cities. The Prague municipal law did not explicitly state where it would include honorary burghers within an electoral class – however, because the relevant paragraphs (Section 43) allocated to the first electoral class only taxpayers paying 100 gulden or more, it allocated to the second electoral class notables and taxpayers paying 20-99 gulden, and to the third all others; honorary citizens and burghers were automatically included in the third. In the case of Vienna (Section 34), Olomouc (Section 39), Salzburg (Section 33), Linz (Section 33), Graz (Section 39), Klagenfurt (Section 32), Ljubljana (Section 33), and Trieste (Section 39), the membership of honorary burghers was not expressly determined for a particular electoral class. By contrast, the Liberec municipal law explicitly included honorary burghers in the first (Section 38), as did Opava (Section 35), Steyr (Section 33), Innsbruck (Section 41), and Bolzano (Section 40). The statutes for the city of Trento did not even establish an honorary burghership. Individual cases of bestowment of the title of *Ehrenbürger* also appeared in rural municipalities after 1850⁴².

Honorary burghership in neoabsolutist and constitutional legislation (1851-1918)

The Austrian legal order took a step towards neoabsolutism⁴³ in a cabinet letter of 31 December 1851. As a result, new principles of public administration were formulated with far-reaching impact on the factual validity of the Stadion *Provisional Municipal Law*. These were supplemented immediately afterwards by other regulations in the course of 1852 (inter alia, public meetings of municipal assemblies were abolished)⁴⁴, but at the same time work began in parallel on a

⁴¹ *Landesgesetz- und Regierungsblatt für das Erzherzogthum Oesterreich unter der Enns. Jahrgang 1850* (Wien, 1850). 101.

⁴² Thus the Tyrolean municipality of Gries conferred honorary burghership in 1851 (*Innsbrucker Zeitung* 1851, no. 256, 7. 11., p. 1050).

⁴³ Brandt, *Der österreichische Neoabsolutismus. Staatsfinanzen und Politik 1848-1860* 1-2, passim.

⁴⁴ Klabouch, *Gemeindeselbstverwaltung in Österreich 1848-1918*, p. 46-48.

new municipal law. In 1852, a committee began working under the leadership of the President of the Reichsrat Karl Friedrich von Kübeck, in cooperation with the Ministry of the Interior. The leitmotif of the planned standard was to separate large estates from the municipal union. After several years of work, the final version of the Act was published in the Reich Collection of Laws⁴⁵ on 24 April 1859 under No. 58.

The neoabsolutist municipal law differed significantly from Act No. 170/1849 RGBL. The timing of the new Municipal Act, not long before the military debacle of the Austrian Empire in Italy and the resignation of Interior Minister Alexander Bach (21 August 1859), essentially meant that the rule would remain a proclamation and never come into force. With the minister's departure, it became clear that municipal government would take different paths⁴⁶. Under the notion of the October Diploma, and excepting Galicia, Bucovina, and Dalmatia, municipal elections were held in the non-Hungarian part of the Empire in the spring of 1861 under the *Provisional Municipal Law* of 1849. The Reich Council immediately began working on a municipal act in June, the emperor sanctioning it on 5 March 1862 under No. 18/1862 RGBL. Its 26 articles were conceived as general provisions⁴⁷, of which the most important to the issue we are considering was the statement that every person without the right of residence was perceived as being a foreigner. The government then prepared a draft provincial municipal law and electoral code⁴⁸, which were then discussed by all 16 newly-established provincial assemblies. As a result, the provincial municipal laws adopted between July 1863 and August 1866 retained considerable similarity⁴⁹, although differing on such a fundamental matter as the division of persons in relation to the municipality. In Section 6, the bill proposed the introduction of the terms *Auswärtige* and *Gemeindemitglieder*, which it divided into persons designated as *Gemeindeangehörige*, with residential membership of the municipality, and persons without it, but owning real estate in the municipality or carrying out a trade there

⁴⁵ *Reichs-Gesetz-Blatt für das Kaiserthum Oesterreich. Jahrgang 1859* (Wien 1859), 99-168.

⁴⁶ Klabouch, *Gemeindeselbstverwaltung in Österreich 1848-1918*, p. 53.

⁴⁷ Re. the importance cf. Brockhausen, *Die österreichische Gemeindeordnung*, pp. 2-37; Klabouch, *Gemeindeselbstverwaltung in Österreich 1848-1918*, pp. 63-68; Vasold, *Das Reichsgemeindegesetz 1862 – Entstehung, Bedeutung und Inhalte*, passim. See also *Das Gemeindegesetz vom 5. März 1862, sammt den Gemeindeordnungen für alle Kronländer und den Statuten für einzelne Orte. Das Heimatgesetz vom 3. Dezember 1863 sammt den Vorschriften über Abschaffung, Abschiebung, Einwanderung, Auswanderung und die Verhehlung mit Ausländern. (Sechste, ergänzte und vermehrte Auflage)*. Wien 1878.

⁴⁸ Its text is printed, for example, in: *Landtagsblatt über die Sitzungen, des mit A. H. Patente vom [...] einberufenen mährischen Landtages*. Brünn: 1863.

⁴⁹ A complete overview, including full texts and a thorough comparison, was provided by Mayrhofer, *Handbuch für den politischen Verwaltungsdienst in den im Reichsathe vertretenen Königreichen und Ländern mit besonderer Berücksichtigung der diesen Ländern gemeinsame Gesetze und Verordnungen* 2. Wien: 1896, pp. 439-455. See also *Das Gemeindegesetz vom 5. März 1862, sammt den Gemeindeordnungen für alle Kronländer und den Statuten für einzelne Orte. Das Heimatgesetz vom 3. Dezember 1863 sammt den Vorschriften über Abschaffung, Abschiebung, Einwanderung, Auswanderung und die Verhehlung mit Ausländern. (Sechste, ergänzte und vermehrte Auflage)*. Wien: 1878.

(although it did not establish a term with which to identify them). Paradoxically, this was a departure from the Reich Act, which directly exempted people without the right of residence from membership of the municipality. Subsequently, in Section 8, it defined the right to grant the rights of burghership in towns and cities (i.e., in those places in which it had been the custom) for a sum not exceeding 20 gulden. This was a significant shift on the Act of 1849: until that time, burghers had been one of the two categories of persons having a legal bond to the municipality, but now their importance had weakened significantly and they stood completely aside⁵⁰. At the same time, the bill granted municipalities awarding the status of burgher the right to confer the status of honorary burghership on Austrian citizens. This brought its holders the same rights as the other Gemeindemitglieder, but no obligations (Section 9), which, according to legal interpretation, meant that no burdens arose from honorary citizenship/burgership. In other words, **the award of the status of honorary burghership remained limited in the bill only to municipalities awarding the status of burgher, i.e. cities and towns.**

Individual provincial laws had already been creative in how they divided people in relation to the municipality: the bill was respected - unchanged - in Dalmatia, Istria, Gorice and Gradiska, Salzburg and Tyrol, other countries adopting the designation of *Gemeindegenossen* from the 1859 Act for those *Gemeindemitglieder* who did not have the right of residence in the municipality. Burghership status – only ever for *Gemeindeangehörige*, of course – was accepted by all countries except Istria, Dalmatia, Gorizia and Gradisca. Vorarlberg even subordinated *Gemeindebürger* to the term *Gemeindemitglieder*. The issue of the status of honorary burghership was closely linked to this. The general consensus was that it would be conferred only on Austrian citizens on merit. However, a different approach⁵¹ prevailed when it came to the details: Carinthia declared that the status of honorary burghership would be granted in cities and that of honorary citizenship in rural municipalities⁵². It was formulated in the same way by Carniola⁵³, Styria⁵⁴, Salzburg⁵⁵, and Tyrol⁵⁶.

⁵⁰ Pražák, *Rakouské právo ústavní*, p. 164.

⁵¹ Mayrhofer, *Handbuch für den politischen Verwaltungsdienst in den im Reichsathie vertretenen Königreichen und Ländern mit besonderer Berücksichtigung der diesen Ländern gemeinsame Gesetze und Verordnungen* 2, 476-478.

⁵² "Österreichische Staatsbürger, welche sich besonders verdient gemacht haben, können von Stadt- und Marktgemeinden zu Ehrenbürgern, von Landgemeinden zu Ehrenmitgliedern ernannt werden" (§ 8).

⁵³ "Die Stadt- und Marktgemeinden können österreichischen Staatsbürgern das Ehrenbürgerrecht verleihen, andere Ortsgemeinden können sie zu Ehrenmitgliedern ernennen." (§ 8).

⁵⁴ "Die Stadt- und Marktgemeinden können österreichischen Staatsbürgern, welche sich besonders verdient gemacht haben, das Ehrenbürgerrecht verleihen. Ebenso können Landgemeinden besonders verdienstvolle österreichische Staatsbürger zu Ehrenmitgliedern ernennen." (§ 7).

⁵⁵ "Österreichische Staatsbürger, welche sich besonders verdient gemacht haben, können von Stadt- und Marktgemeinden zu Ehrenbürgern und von anderen Gemeinden zu Ehrenmitgliedern ernannt werden." (§ 9).

⁵⁶ "Diese Gemeinden [Städte und Märkte] können österreichischen Staatsbürgern, welche sich besonders verdient gemacht haben, das Ehrenbürgerrecht verleihen. Auch anderen Gemeinden steht es frei, solche österreichische Staatsbürger zu Ehrenmitgliedern zu ernennen." (§ 9).

The same approach was applied in Bohemia, but formulated differently – each municipality was granted the right to name honorary burghers and honorary citizens⁵⁷. Silesia⁵⁸, Bucovina⁵⁹, and Galicia⁶⁰ only permitted conferral of the status of honorary burghership in cities (Section 8). Gorice, Gradiška, and Istria named only honorary citizens⁶¹, Moravia, although it did not abolish the rights of burghership, granted all municipalities the status of honorary burghership⁶², this appearing in the same way in the municipal laws of Vorarlberg⁶³, Upper⁶⁴ and Lower Austria⁶⁵. Dalmatia did not introduce the term honorary burgher (or burgher) at all.

Conferral of the status of honorary burghership/citizenship was only concretised in the Bohemian municipal law, when it was subject to a secret ballot and the agreement of two-thirds of the members of the municipal committee (Section 9). Greater differences (as a result of inconsistent terminology) in persons in relation to the municipality prevailed in defining the rights of honorary burghers/citizens – in Carinthia, Bucovina, Gorica and Gradiška, Istria, Silesia, Moravia, Tyrol and Vorarlberg they had all rights as *Gemeindeglieder* (as proposed by the government bill). In Carniola and Salzburg, Galicia and Bohemia, the rights of *Gemeindegengenossen*, in Upper and Lower Austria and Styria *Gemeindeangehörige*⁶⁶. As in the government bill, only rights were conferred, never obligations. Without exception, all lands accepted the government's proposal that honorary burghers/citizens should be part of the first electoral class⁶⁷ during municipal elections. Only the Moravian

⁵⁷ *“Jeder Gemeinde steht es frei, verdiente Männer, welche österreichische Staatsbürger sind, zu Ehrenbürgern oder Ehrenmitgliedern zu ernennen. Zu einer solchen Ernennung ist die Zustimmung von zwei Dritteln sämtlicher Ausschussmitglieder erforderlich, und sie darf nur durch geheime Abstimmung erfolgen.”* (§ 9).

⁵⁸ *“Diese Gemeinden [Städte und Märkte] können österreichischen Staatsbürgern, welche sich besonders verdient gemacht haben, das Ehrenbürgerrecht verleihen.”* (§ 8).

⁵⁹ *“Die Städte können österreichischen Staatsbürgern, welche sich besonders verdient gemacht haben, das Ehrenbürgerrecht verleihen.”* (§ 8).

⁶⁰ *“Stadtgemeinden können Personen, welche österreichische Staatsbürger sind, in Anerkennung öffentlicher Verdienste das Ehrenbürgerrecht verleihen.”* (§ 8).

⁶¹ *“Jede Gemeinde kann österreichische Staatsbürger, welche sich besonders verdient gemacht haben, in ihren Verband als Ehrenmitglieder aufnehmen.”* (§ 9 Gorice a Gradiška, § 8 Istrie).

⁶² *“Die Gemeinden können österreichischen Staatsbürgern, welche sich um das Reich, das Land oder die Gemeinde besonders verdient gemacht haben, das Ehrenbürgerrecht verleihen.”* (§ 9).

⁶³ *“Die Gemeinden können österreichischen Staatsbürgern, die sich besonders verdient gemacht haben, das Ehrenbürgerrecht verleihen.”* (§ 8).

⁶⁴ *“Die Gemeinden können österreichischen Staatsbürgern, welche sich besonders verdient gemacht haben, das Ehrenbürgerrecht verleihen.”* (§ 10).

⁶⁵ *“Die Gemeinden können österreichischen Staatsbürgern, welche um den Staat oder die Gemeinde sich besonders verdient gemacht haben, das Ehrenbürgerrecht verleihen.”* (§ 8).

⁶⁶ Mayrhofer, *Handbuch für den politischen Verwaltungsdienst in den im Reichsathe vertretenen Königreichen und Ländern mit besonderer Berücksichtigung der diesen Ländern gemeinsame Gesetze und Verordnungen* 2, 479–481.

⁶⁷ Mayrhofer, *Handbuch für den politischen Verwaltungsdienst in den im Reichsathe vertretenen Königreichen und Ländern mit besonderer Berücksichtigung der diesen Ländern gemeinsame Gesetze und Verordnungen* 2, 763–766.

code of election to municipalities (Section 14) stipulated that when the number of honorary voters was the same or higher than the number of tax voters in the first electoral class, the relevant portion had to be transferred to the second electorate. The classification of honorary voters was always determined by the size of pay, a drawing of lots deciding on the reassignment for voters without this criterion⁶⁸.

A series of 16 municipal laws for the non-Hungarian countries of the Austrian Empire (Austria-Hungary from 1867) introduced an inconsistent approach to the practice of appointing honorary burghers/citizens. **Six lands declared their will to appoint honorary burghers in cities and towns, but also honorary citizens in communities of a “non-municipal” nature (it was therefore not possible for the municipal committee of the city or town to appoint an honorary citizen). On the contrary, three lands stuck to the original qualification of awarding the status of honorary burghership only in cities. Another five lands uniformly awarded either the title of honorary citizen or of honorary burgher, regardless of the urban or rural character of the municipality.**

New municipal statutes were issued in response to new the municipal laws, individualising the fundamental provincial legislative framework for their own districts⁶⁹. The statute was newly awarded to 21 cities by the end of the 1860s⁷⁰, with another 10 following⁷¹. The uniformity of the entire two-tier system of provin-

⁶⁸ Pražák, *Rakouské právo ústavní. Část první: ústava obecní*, 272-274. All municipal laws then included the principle that the number of voters in the first electoral class must be at least twice as many as the number of committees and substitutes it elected. (Bucovina § 15, Bohemia § 16, Dalmatia § 14, Lower Austria § 20, Gorizia and Gradisca § 15, Galicia § 14, Upper Austria § 15, Istria § 15, Carinthia § 15, Carniola § 15, Salzburg § 15, Silesia § 15, Styria § 14, Tyrol § 15, Vorarlberg § 15).

⁶⁹ Re. statutory cities in detail Franz von Juraschek, “Die österreichischen Städteordnungen”, *Jahrbuch für Gesetzgebung, Verwaltung und Volkswirtschaft im Deutschen Reich* 2 (1878): 97-140; Ernst Mischler, Josef Ulbrich (Hg.), *Oesterreichisches Staatswörterbuch*. Zweiter Band, zweite Hälfte (Wien, 1897), 1125-1135; Friedrich Hofmann, *Die Geschäftsordnungen der deutschen Statutargemeinden Oesterreichs. Eine Studie zum österreichischen Gemeinderechte* (Wien, 1907).

⁷⁰ **Jihlava** 1864 (Act No. 52/1864 z.z. of Moravia), **Chernivtsi** 1864 (Act No. 3/1864 z.z. of Bucovina), **Olomouc** 1866 (Act No. 6/1866 z.z. of Moravia), **Opava** 1866 (Act No. 10/1866 z.z. of Silesia), **Krakow** 1866 (Act No. 7/1866 z.z. of Galicia), **Wiener Neustadt** (Act No. 17/1866 z.z. of Lower Austria), **Maribor** 1866 (Act No. 8/1866 z.z. of Carniola), **Znojmo** 1867 (Act No. 5/1867 z.z. of Moravia), **Linz** 1867 (Act No. 7/1867 z.z. of Upper Austria), **Uherské Hradiště** 1867 (Act No. 18/1867 z.z. of Moravian), **Steyr** 1867 (Act No. 8/1867 z.z. of Upper Austria), **Celje** 1867 (Act No. 7/1867 z.z. of Styria), **Rovinj** 1869 (Act No. 4/1870 z.z. of Primorska), **Roveredo** 1869 (Act No. 1/1870 z.z. of Tyrol), **Waidhofen** 1869 (Act No. 24/1869 z.z. of Lower Austria), **Graz** 1869 (Act No. 47/1869 z.z. of Styria), **Salzburg** 1869 (Act No. 41/1869 z.z. of Salzburg), **Kroměříž** 1870 (Act No. 25/1870 z.z. of Moravia), **Frýdek** 1870 (Act No. 4/1870 z.z. of Silesia), **Bielsko** 1870 (Act No. 3P1870 z.z. of Silesia), **Lviv** 1870 (Act No. 79/1870 z.z. of Galicia).

⁷¹ **Maribor** 1871 (Act No. 2/1871 z.z. of Styria), **Innsbruck** 1874 (Act No. 28/1874 z.z. of Tyrol), **Bolzano** 1882 (Act No. 23/1882 z.z. of Tyrol), **Pettau** 1887 (Act No. 45/1887 z.z. of Styria), **Ljubljana** 1887 (Act No. 22/1887 z.z. of Carniola), **Trento** 1888 (Act No. 1/1889 z.z. of Tyrol), **Liberec** 1889 (Act No. 43/1889 z.z. of Bohemia), **Vienna** 1890 (Act No. 44/1890 z.z. of Lower Austria), **Klagenfurt** 1895 (Act No. 15/1895 z.z. of Carinthia), **Krakow** (Act No. 108/1901 z.z. of Galicia), **Brno** 1905 (Act No. 56/1905 z.z. of Moravia).

cial municipal laws and statutes for selected cities was disrupted only by Galicia: Provincial Act No. 24 of 13 March 1889, in actual fact municipal laws for 30 cities (excepting Lviv and Krakow), allowed municipal committees to be elected for six years, with half of them to be renewed after three years. At the same time, it introduced the categories of burghers and honorary burghers, which until then had only existed legislatively in Krakow and Lviv. This was followed on 3 July 1896 by a law for another 131 municipalities of an urban character⁷².

In the new city statutes, retaining the institute of the burghership, and with it the status of honorary burghership, became the entirely dominant approach⁷³. There were few exceptions: although the status of burgher and honorary burgher was introduced in Galicia by the provincial municipal law of 1866, it did not appear in the Krakow statute of the same year and, logically, neither was there any legal support for the status of honorary burgher. This changed with the issue of a new statute in 1901 – the status of burgher remained absent, but Section 5 now featured the status of honorary burgher (*Ehrenbürgerrecht*). The Istrian Rovinj – although a city – did not introduce the status of burgher, and so honorary citizens were called *Ehrenmitglieder* (Section 3). Neither did the Tyrolean Bolzano introduce the status of burgher, in spite of the fact that it paradoxically awarded the status of honorary burghership (*Ehrenbürgerrecht*) (Section 7). This was also the situation in the Silesian Bielsko (*Ehrenbürgerrecht*) (Section 5). By contrast, Trento maintained the status of burgher, but not the honorary burghership (Section 4). Conferral remained within the remit of the municipal council – only in Klagenfurt, Vienna, and Brno (since 1905) did the council decide. The required ratio was also prescribed in certain places: an absolute majority was required in Graz and Maribor; in Bohemia, Liberec introduced a majority of at least two-thirds in accordance with the provincial municipal law, a system also established in Vienna in 1890 with explicit emphasis on the secret ballot (Section 13)⁷⁴. Only Lviv, Bielsko, Frýdek, and Opava moved forward with specific formulations to remove the status of honorary burghership. Brno joined these cities only in 1905 (Section 14). Liberec, in a new law of 1889, precluded honorary burghers from having the chance to vote. As for the rights of an honorary burgher, the condition remained that he would have the same rights as a burgher, but not his obligations⁷⁵. If the status of

⁷² Act No. 51/1896 z.z. of Galicia.

⁷³ Jihlava Section 11, Chernivtsi Section 5, Olomouc Section 12, Wiener Neustadt Section 7, Maribor Section 5, Opava Section 11, Znojmo Section 13, Linz Section 8, Uherské Hradiště Section 13, Steyr Section 9, Celje Section 5, Roveredo Section 6, Waidhofen Section 7, Graz Section 9, Salzburg Section 8, Lviv Section 10. Of the statutes after 1870 Kroměříž Section 13, Maribor Section 9, Innsbruck Section 12, Pettau Section 5, Ljubljana Section 8, Liberec Section 12, Klagenfurt Section 15, 30 Galician towns Section 5, 131 Galician municipalities Section 5.

⁷⁴ Act No. 45/1890 z.z. of Lower Austria. An honorary burgher was chosen here by the city council.

⁷⁵ Opava, Znojmo, Uherské Hradiště, Linz, Steyr, Salzburg, Graz, Kroměříž, Maribor, Innsbruck, Vienna, Klagenfurt, Krakow, and Brno. Roveredo (Section 7) and Frýdek (Section 12) granted honorary burghers the rights of a common citizen (*Gemeindemitglied*), Bielsko a member of the municipality (Section 5), Bolzano a partner of the municipality (Section 7). Rovinj, given that it did not have the institute of burghership, compared an honorary citizen to a member of the municipality (Section 5).

burgher was not introduced, the status of honorary burghership was put on an equal footing with municipal members (Bielsko). It was also regularly stated that the status of burghership could be conferred even if the person in question was in the union of another municipality⁷⁶. All statutes respected the condition that the person named must have Austrian citizenship. Only Salzburg allowed conferral to even stateless persons, but without participation in elections (which remained the domain of the holders of state citizenship only).

The burghership and the honorary burghership as a conflictual field of political interests

The twin-level legislative demarcation implemented by the provincial municipal laws and statutes of cities remained a stable, yet far from immobile or pallid framework for the real lives of the burghership and honorary burghership in the Habsburg monarchy. It was not so much the fluctuation of the concept itself in the Slavic languages (in Czech, *honorary burgher* versus *honorary citizen*)⁷⁷, but the relativisation of legislation under the pressure of practice and, above all, the use of purely honorary institutes to declare political preferences and subsequently implement them.

The first level of relativisation stemmed from the practice of the pre-March era, not anchored in law, which took various forms under the influence of the specific conditions of the given country. Probably the most prominent here was Galicia, where Stadion's *Provisional Municipal Law* never came into force and where, in 1866, they moved directly to the municipal self-government emerging from the February Patent. The second most populous city in the land, Krakow, named a total of seven honorary burghers (*obywatele honorowi*) between 1850 and 1865. The Krakow Statute of 1866 completely ignored the honorary burghership, but despite this, 15 people had been named honorary burghers by 1901, partly according to the regulations approved by the city council in 1871⁷⁸. Similarly, in Dalmatia, the provincial law did not introduce an honorary burghership, although municipal assemblies did announce people of worth⁷⁹.

On the second level, even the seemingly-insurmountable condition of Austrian citizenship could be relativised too, as turned out to be the case in the capital of the monarchy itself in the early 1870s. In May 1872, Vienna City Council expressed the intention to confer honorary burghership on "liberator of the peasants" Hans Kudlich, who had previously been sentenced to death by the Austrian legislative

⁷⁶ Chernivtsi, Opava, Wiener Neustadt, Linz, Steyr, Graz, Waidhofen, Lviv, Bielsko, Maribor, Innsbruck, Bolzano, Ljubljana, Liberec, Vienna, Klagenfurt.

⁷⁷ In the 60s, this was mainly the result of different translations of the German Ehrenbürger, as seen in connection with the mass declaration of political representatives in 1861. In the 80s, it was common for Czech period journals to talk of honorary citizens, even in towns.

⁷⁸ Gordziński, *Obywatelstwo honorowe miasta Krakowa i jego obywatele honorowi*, passim.

⁷⁹ Berthold, *Die Reform der Gemeindeordnung und der Gemeindewahlordnung für Schlesien*, p. 14.

in 1854 for participation in the Vienna Uprising of October 1848. Although he was later pardoned by the emperor, Kudlich's past did not sit comfortably with certain representatives of state administration. Moreover, he had lived in the USA for many years, so there were reasonable doubts as to his Austrian citizenship. Although certain Viennese municipal politicians gathered arguments that people without Austrian citizenship had previously been awarded the status of honorary burghership in Vienna, these were not heard and Kudlich never became an honorary burgher of Vienna.⁸⁰ The case is remarkable for the finding that there were indeed Viennese honorary burghers without state citizenship, because this limitation had indisputable weight in itself. This same problem did not allow the city of Krakow to name pianist and promoter of Polish national emancipation Ignacy Jan Paderewski an honorary burgher in 1910. Meaning that the mayor of Krakow was therefore only able to declare this honour at an entirely notional level⁸¹.

This leads to the third and most serious level, namely the use or direct abuse of the potential of the honorary institutions of burghership and honorary burghership/citizenship in the pursuit of political goals. As a result, both literally became an exemplary battleground of supreme political interests relatively soon. If the granting of the rights of burghership depended primarily on legally-defined conditions, then conferral of the status of honorary burghership and citizenship was considered exclusively from the perspective of the degree of merit, which was necessarily subjective and could be shaped by all manner of interests. The act of constituting municipal self-government in the Austrian Empire was soon followed by the serious question of the right to name burghers and honorary burghers in rural municipalities. However, its real essence was far from being merely a narrow legal issue and lay in the significantly more conflictual dimension of property inequality in the village and the degree of participation in municipal benefits: there was a tendency to consider the right of community citizenship as an expression of legitimacy in the use of municipal property⁸² and a continuation of the institution of a village municipality, before 1848 consisting only of the peasant strata as opposed to underprivileged cottagers and crofters⁸³.

However, by far the greatest controversies in connection with the status of (honorary) burghership/citizenship arose in connection with elections to self-governing assemblies. Individual provincial municipal laws from 1863-1866 and most statutes agreed that burghers in a given municipality were entitled to active and passive suffrage, as they identified them with those *Gemeindemitglieder* who did not have

⁸⁰ *Bericht und Antrag des Referenten der Rechtssection des Wiener Gemeinderathes, a. o. Prof. Dr. B. Lustkandl, über die Verleihung des Ehrenbürgerrechtes von Wien an Herrn Dr. Hanns Kudlich*. Wien: 1872; Jäger-Sunstenau, *Die Ehrenbürger und Bürger ehrenhalber der Stadt Wien*, pp. 11-12.

⁸¹ "Niestety prawa, któremi się rządzymy, tj. statut nasz, nie pozwalają nadać Ci najwyższej godności, jaką miasto nasze rozporządza, tj. obywatelstwa honorowego. Nie mogąc tego uczynić prosimy Cię, abyś przyjął obywatelstwo honorowe wśród naszych serc i obywatelstwa naszego." Gordziałkowski, *Obywatelstwo honorowe miasta Krakowa i jego obywatele honorowi*.

⁸² Šťastný, *O právu sousedském*, pp. 1188-1190.

⁸³ Maur, *Ländliche Gemeingüter in Böhmen*, passim.

Heimatrecht in the municipality (most often referred to as *Gemeindegenossen*)⁸⁴. Their status automatically gave burghers the right to vote in the third electoral class, but depending on the amount of direct taxes paid, personal characteristics, or the size of the admission fee paid, they could rise to the privileged first two electoral classes⁸⁵. As a result, however, using conferral of the status of burghership for political purposes did not have any greater prospects on account of the condition of paying taxes of various sizes⁸⁶ (free conferral appeared sporadically)⁸⁷. Thus, honorary burghers/citizens, who were declared free of charge and, according to the letter of the law, were always included in the first electoral class, were far more promising. Consideration of the degree of merit depended heavily on the municipality, a fact later emphasised by the Administrative Court of Justice in Vienna⁸⁸. As a result, the award of the honour was not necessarily motivated as much by services to the municipality, but could instead “tip the scales” in the sense of the pragmatic need to consolidate political positions,⁸⁹ because naming a sufficient number of honorary burghers/citizens could ensure an outgoing municipal assembly a one-third victory in elections by dominating the first electoral class⁹⁰. This was well expressed at the lowest level of elections to municipal self-government, where at first the conservative and liberal worldviews clashed, and later increasingly nationalism.

However, the position of honorary burghers/citizens in the first electoral class had more considerable potential than simply influencing the result of the municipal elections by increasing the number of voters in the first electoral class – influencing elections to provincial assemblies. These were regulated in individual lands by special laws, all differing in the details. The electoral principle was uniform according to the tax census in four curia, while honorary citizenship was particularly important for the curia of cities and industrial places, less so for the curia of rural municipalities. In the first case, the right to vote in municipal elections was granted by far the most often to voters belonging to the first two electoral classes, which, in addition to their own

⁸⁴ The texts of individual provincial municipal laws are compared by Pace, *Ernst Mayrhofer's Handbuch für den politischen Verwaltungsdienst* 2, pp. 723-734, 747-748. By contrast, Mischler – Ulbrich, *Oesterreichisches Staatswörterbuch*, p. 712, stated that the Lower Austrian municipal law allowed this only for those who had Heimarecht in the relevant municipality, and in Vienna the Vienna Statute only to honorary burghers living in the municipality.

⁸⁵ In Bohemia, for example, a burgher paying even the slightest direct tax automatically pertained to the second electoral class, or to the third electoral class without tax. Kratochvíle, *Výklad zřízení obecního, řádu volení v obcích a práva domovského*. See also *Landesgesetz- und Regierungsblatt für das Erzherzogthum Oesterreich unter der Enns. Jahrgang 1850* (Wien, 1850), pp. 82-83. Nothing of this practice changed, not even with the issuance of Act No. 44/1867 z.z. of Bohemia.

⁸⁶ Pelc, *Propůjčování měšťanského práva*, p. 248, talks about the town's motivation as being precisely the income from taxes, and the burghers' being above-standard security in old-age, protection against poverty, and expression of interest in municipal affairs.

⁸⁷ On the example of Vienna and Opava Pelc, *Propůjčování měšťanského práva*, p. 250.

⁸⁸ Adam von Budwinski (ed.), *Erkenntnisse des k. k. Verwaltungsgerichtshofes. XXI. Jahrgang 1897. II. Theil*. Wien: 1897, pp. 1299-1300, no. 11029. Similarly, Berthold, *Die Reform der Gemeindeordnung*, p. 109.

⁸⁹ Melik, *Wahlen im alten Österreich*, p. 125.

⁹⁰ This was emphasised by Brockhausen, *Die österreichische Gemeindeordnung*, p. 65.

taxpayers having paid the appropriate amount of tax, also included voters having the right to vote on the basis of their characteristics – i.e. honorary citizens and voters from the intelligentsia. This list partially varied from country to country⁹¹. In the case of Galicia, Bucovina, and Dalmatia, there were no electoral classes in municipal elections, so the first two-thirds of all taxpayers participated in provincial elections, burghers and honorary burghers included. In the curia of rural municipalities, members of the first two electoral classes (or the first two-thirds) most often acquired the right to vote, but voted indirectly, i.e. only electors from their ranks, who then had the authority to elect a candidate⁹². As far as passive voting rights were concerned, anyone who had active voting rights⁹³ in the given country could be a candidate for the Landtag. If not having them, it was the honorary burghership that was seemingly able to solve the problem without any major effort. The first elections to provincial self-governing assemblies in the spring of 1861 became something of a touchstone. At least two cases were recorded at that time in Carniola alone in which conferral of the status of honorary burghership/citizenship bestowed passive voting rights in the Landtag even on people who had been non-voters to that time⁹⁴. The same spirit continued in the years that followed, but came up against voices of protest. In July 1870, Georg Frauenschuh, a conservative farmer from the municipality of Köstendorf, obtained a mandate in the Salzburg Provincial Assembly. Since he did not actively farm himself and his son had disposal of the estate, he had lost the right to vote on account of being a non-taxpayer. He obtained that right only by receiving honorary citizenship (*Ehrenmitgliedschaft*) at the decision of his home municipality. Subsequently, as a conservative candidate, he won the most votes in the parliamentary elections. Voters from the liberal camp opposed his sitting on the benches. Recourse was considered by the provincial committee, which declared the appointment of an honorary citizen null and void. It justified its decision by way of formal deficiencies in the minutes of the relevant session of the municipal assembly and the absence of any statement of specific services (to the municipality). Under these circumstances, Frauenschuh preferred to resign from the mandate himself. However, some observers were surprised and declared the entire process illegal, as they interpreted the appointment as being a purely municipal competence that the provincial committee could not deliberate, let alone change or even cancel. They allowed it only the power to question the legitimacy of the declaration of honorary citizenship and to submit an opinion in this spirit to the Provincial Assembly, which would decide on admission to the Assembly⁹⁵. Indeed, the level of merit remained the domain of the municipality

⁹¹ **Burghers** only in Galicia and Lower Austria, **honorary burghers** in Galicia, Bucovina, Gorica and Gradiška, Carinthia, Istria, Carniola, Upper Austria, Lower Austria, Moravia, Salzburg, Silesia, Styria, Tyrol, and Vorarlberg. For other groups cf. Mischler, Ulbrich, *Oesterreichisches Staatswörterbuch*, p. 938.

⁹² Mischler – Ulbrich, *Oesterreichisches Staatswörterbuch*, p. 939.

⁹³ On the example of Carniola Melik, *Volitve na Slovenskem 1861-1918*, passim.

⁹⁴ Examples are given by Melik, *Wahlen im alten Österreich*, p. 125.

⁹⁵ *Politische Parteien nach ihren Thaten beurtheilt. (Ein Beispiel für viele als Beitrag zur politischen Rechtssicherheit)*, *Oeffentliche Sicherheit* 2, no. 11, 1870, pp. 321-340. Cf. Haas, *Alltag der Politik*, passim.

and could not be controlled or challenged by any supervisory authorities⁹⁶, which were at most responsible for assessing formal deficiencies⁹⁷.

Although it was not long before the state had enough signs of the politicisation of the institute of honorary burghership/citizenship and was well aware of this through its representatives⁹⁸, it respected the rule on the inclusion of honorary burghers in the first electoral class in a bill on provincial municipal laws. It must have been clear that this would not “simply” be a problem of clashing conservative and liberal political views, but that close links to the most serious battleground of the time – nationalism – and the efforts being made by individual nations in the monarchy to achieve an equal political position – would intensify the problem to almost alarming proportions. Under the expectation of an upcoming Austro-Hungarian settlement, the Bohemian political scene sought to compensate for its historical state law and counted each MP in the Bohemian Provincial Assembly. By contrast, German liberals were interested in retaining a political majority. The legislative adjustment was triggered by a striking case on the occasion of the parliamentary elections of March 1867 for the curia of rural towns and industrial places and a constituency containing, in addition to the German-speaking Lanškroun, the Czech-speaking towns of Ústí nad Orlicí and Česká Třebová. As the candidates of the Czech and German camps faced each other, there were attempts to safely secure the result of the election: just four days before the opening of the polling station, the municipal committee of Česká Třebová and the committee in Ústí nad Orlicí newly appointed 16 and 28 honorary burghers respectively⁹⁹. Two days later, the municipal committee in Lanškroun went as far as to appoint 66 honorary burghers, mostly veterans of the Prussian-Austrian war, by acclamation. The German candidate subsequently won the election, but these circumstances made it impossible for him to be admitted to the assembly and a new law¹⁰⁰ was prepared that amended Section 15 of the Bohemian Electoral Code, as far as municipalities were concerned, by completely omitting any mention of honorary burghers and citizens¹⁰¹ in order to make it impossible for them to have an active right to vote. However, since the order of elections to municipalities still mentioned

⁹⁶ This was confirmed by the decision of the Ministry of the Interior of 16 June 1875 (*Österreichische Zeitschrift für Verwaltung* 8. no. 29 (1875) and the statements of the administrative court of justice (Adam von Budwinski (ed.), *Erkenntnisse des k. k. Verwaltungsgerichtshofes. IX. Jahrgang 1885* (Wien, 1885), pp. 708-710, no. 2801).

⁹⁷ Adam von Budwinski (ed.), *Erkenntnisse des k. k. Verwaltungsgerichtshofes. IX. Jahrgang 1885* (Wien, 1885), 708-710, no. 2801); Alter, 1907, pp. 267-269, no. 5043 A; Rudolf Alter (ed.), *Budwinski's Sammlung der Erkenntnisse des k. k. Verwaltungsgerichtshofes. XXXII. Jahrgang 1908. Administrativrechtlicher Teil* (Wien, 1908), 9, no. 5627 A; August von Popelka (ed.), *Budwinski's Sammlung der Erkenntnisse des k. k. Verwaltungsgerichtshofes. XXXVII. Jahrgang 1913. Administrativrechtlicher Teil* (Wien, 1913), pp. 1176-1177, no. 9852 A.

⁹⁸ Urbanitsch, *Die Gemeindevertretungen in Cisleithanien*.

⁹⁹ *Tagesbote, Národní listy* 7, 1867, no. 82.

¹⁰⁰ Acts No. 44-47/1869 z.z. of Bohemia.

¹⁰¹ Instead of “*Die Ortseelsorger, die Ehrenbürger und Ehrenmitglieder, dann jene Hof-, Staats-, Landes- und öffentlichen Fondsbeamten*”, “*Die Ortsseelsorger, dann jene Hof-, Staats-, Landes- und öffentliche Fondsbeamten*”.

honorary burghers/citizens in several places (Section 1, Section 13), their right to vote did not end completely, and after several complaints, the Administrative Court of Justice in Vienna upheld the right to still place honorary burghers/citizens in the first electoral class¹⁰². Given that Act No. 41/1873 RGBI of 2 April 1873 introduced direct elections to the Reichsrat, they continued to influence the choice with their votes, particularly in the municipal curia.

In Moravia, although the Provincial Assembly there was serious in dealing with the issue of depriving honorary citizens of the active right to vote in municipal assemblies, it did not issue a decisive standard, the highest-level argument remaining the statements of the administrative court of justice¹⁰³. Similarly, events developed in the ethnically-divided Carniola¹⁰⁴ and in particular Tyrol, where Italian-speaking politicians sought to achieve autonomy for the southern districts of the land. These efforts were mainly resisted by clergymen, as representatives of conservative political powers. This power setup was exemplarily reflected in the municipal elections in Brixen in 1874, before which the city's conservative leadership suddenly appointed 11 clergymen honorary burghers¹⁰⁵ to ensure predominance in the first electoral class. The event stirred emotions at the meetings of the Tyrolean Provincial Assembly. At the sitting on 1 May 1875, Italian-speaking liberals proposed dealing with the modification of the Tyrolean municipal law by requiring a three-fourths majority for the declaration of an honorary burgher, in that no more than one could be declared at one meeting of the municipal assembly¹⁰⁶. However, the rule had no chance of passing¹⁰⁷ in light of the conservative clerical majority. The technique of strengthening one's own political positions by appointing honorary citizens did not therefore end in Tyrol; even at the end of the 1870s, the practice of declaring cooperators (i.e. auxiliary clergymen) who did not have the right to vote in municipalities flourished¹⁰⁸.

¹⁰² Judgment of the Administrative Court of Justice in Vienna of 3 November 1883. See Adam von Budwinski (ed.), *Erkenntnisse des k. k. Verwaltungsgerichtshofes. VII. Jahrgang 1883*, (Wien, 1884), pp. 486-488, no. 1895; Adam von Budwinski (ed.), *Erkenntnisse des k. k. Verwaltungsgerichtshofes. XXII. Jahrgang 1898. Administrativrechtlicher Theil* (Wien, 1898), p. 1260, no. 12203.

¹⁰³ Adam von Budwinski (ed.), *Erkenntnisse des k. k. Verwaltungsgerichtshofes. XVII. Jahrgang 1893* (Wien, 1893), pp. 538-539, no. 7267; Adam von Budwinski (ed.), *Erkenntnisse des k. k. Verwaltungsgerichtshofes. XIX. Jahrgang 1895. I. Theil* (Wien 1895), pp. 523-525, no. 8610.

¹⁰⁴ In 1905, the municipality of Jesenice (German: Aßling) named 14 honorary citizens. See Rudolf Alter (ed.), *Budwinskis Sammlung der Erkenntnisse des k. k. Verwaltungsgerichtshofes. XXXI. Jahrgang 1907. Administrativrechtlicher Teil* (Wien 1907), pp. 267-269, no. 5043 A., 270, no. 5044 A.

¹⁰⁵ Heiss, *Chronik und Stadtgeschichte. Brixen 1800-1882*, p. 372; Tschuden, *Der Kärntner Landtag 1861 bis 1873*, passim.

¹⁰⁶ *Stenographische Berichte des Landtages für die gefürstete Grafschaft Tirol. Der. IV. Landtags-Periode Fünfte Session vom 6. April bis 14. Mai 1875* (Innsbruck, 1875) (meeting of 1 May 1875).

¹⁰⁷ Kolmer, *Parlament und Verfassung in Oesterreich I*, pp. 533-534.

¹⁰⁸ *Klausen, 20. Mai*, *Tiroler Volksblatt* 17, 1878, no. 42 (supplement).

More than thirty years of experience supported views that the privileged right to vote enjoyed by burghers and honorary burghers/citizens – as stated by the Ministry of the Interior in 1914 – was being “*increasingly abused for political ends*”¹⁰⁹. Only in exceptional cases did amendments to municipal laws at provincial and statutory level accommodate these opinions. The Provincial Assembly in Carniola initiated a debate on this matter in January 1909¹¹⁰, also working with complaints handled by the administrative court of justice¹¹¹. The following year, the new municipal law for Carniola precluded honorary burghers and citizens from participating in elections by deleting them from Section 1 of the municipal electoral code¹¹², likewise the statutes of the city of Ljubljana¹¹³ issued that same year. In Carinthia, the municipalities of Emmersdorf and Maria Gail petitioned the Landtag to amend or completely abolish the paragraphs on honorary burghership and citizenship at the beginning of 1914. The latter municipality criticised procedure in the neighbouring municipality of Wernberg, where 12 honorary citizens (four of them clergymen) were named one shortly after the other, two of them not even having reached 30 years of age. This was not a new issue at the Carinthian Assembly, having last been dealt with in 1910¹¹⁴. Rapporteur Pichler concluded that many municipalities had appointed so many honorary citizens for so many different reasons that it would result in loss of the value of this award and was a serious threat to the rights of the first curia. Some representatives recommended abolishing the right to vote enjoyed by honorary citizens altogether, arguing that honorary citizenship was primarily a decoration. However, there was no political will to take such a radical decision. In the end, the opinion prevailed that the principle of unanimous approval would be a sufficient insurance policy.¹¹⁵ It was in this spirit that an amendment to the municipal law¹¹⁶ was formulated thereafter.

Conclusion

The institute of honorary burghership/citizenship underwent relatively-complicated legal and terminological development in the Habsburg monarchy from the end of the 18th century to 1918, the trajectory of which went from paying tribute to local elites to a declaration of a politically proclamatory character or an attempt to purposefully influence elections to self-governing bodies. The fact that honorary

¹⁰⁹ Urbanitsch, *Die Gemeindevertretungen in Cisleithanien*, p. 2213.

¹¹⁰ *Verhandlungen des krainischen Landtages zu Laibach der Session vom 27. März 1908 bis 29. Oktober 1910*. 47. Band, Laibach 1910, pp. 105-106. See also Melik, *Wahlen im alten Österreich*, p. 124.

¹¹¹ Rudolf Alter (ed.), *Budwińskis Sammlung der Erkenntnisse des k. k. Verwaltungsgerichtshofes. XXXI. Jahrgang 1907. Administrativrechtlicher Teil*. Wien: 1907, pp. 270-271, no. 5044.

¹¹² Act No. 32/1910 z.z. of Carniola.

¹¹³ Act No. 31/1910 z.z. of Carniola.

¹¹⁴ “Aus den Landtagen”, *Kärntner Tagblatt* 17, no. 8 (1910).

¹¹⁵ *Veröffentlichungen über die Beratung des Kärntnerischen Landtages von Klagenfurt. in der III. Session der X. Wahlperiode. Zweiter Band. Stenographische Protokolle*. Klagenfurt: 1914, pp. 1607-1618.

¹¹⁶ Act No. 25/1914 z.z. of Carinthia.

burghers/citizens could vote in the most privileged and influential first curia, regardless of municipality membership and taxes paid, provoked conflictual situations that outgrew the environment of municipal self-government itself, because honorary burghers/citizens elected the representatives to regional assemblies for two electoral class (cities and industrial sites, rural municipalities). As a result, this purely honorary title became a political battleground between 1863 and 1918, at first between conservatism and liberalism, later increasingly between nationally-defined camps in ethnically heterogeneous parts of Cisleithania (in particular Bohemia, Moravia, Tyrol, Carinthia, and Carniola). There were therefore calls to restrict and regulate the right to vote enjoyed by honorary burghers/citizens from the late 1860s onwards. This unequivocal tendency manifested itself in various forms. Adequate treatment of the institute of honorary burgher/citizenship was to have been ensured by two-thirds, three-quarters, or even unanimous approval, limiting the number of honorary burghers/citizens named at one meeting, etc. The most radical measure was complete disenfranchisement, which was successfully enforced only in exceptional cases (the statute of the city of Liberec in Bohemia, Ljubljana in Carniola, the municipal law in Carniola). The actual resolution of this chronic problem and the return of the title of honorary citizen/burgher to its original dimension was made possible only by the demise of the Cisleithanian electoral system and the extension of the right to vote to its universal and equal form in the successor states of Austria-Hungary. The forms established by Cisleithanian legislation, including the title of burgher, were preserved the longest within the environment of the Republic of Austria. Although its privilege was abandoned, the new municipal laws for the Länder incorporated the term *Ehrenbürger* for honour, not dissimilar to the original bourgeois dimension (not *Ehrenmitglied*). The new law for the federal capital of Vienna of 10 November 1920 gave the term burgher a completely new form – awarding the status of burgher of the city of Vienna henceforth became an expression of personal decoration for the relevant man or woman (Section 11),¹¹⁷ which clearly followed the practice of awarding the rights of burghership without financial charge. The Upper Austrian Linz went in the same direction with its municipal law of 1930 after having tolerated the burghership in previous decades¹¹⁸. In the other successor states of Austria-Hungary, there was explicit legal abolition of the rights of burghership¹¹⁹, which was understood as being a privileged and therefore undemocratic institution, and the narrowing of honorary citizenship to a primarily meritorious honour without any rights and obligations. Not even this was able to depoliticise it entirely, however. Separating the level of honour from political goals proved impossible, and paying tribute to people whilst being influenced by a particular political opinion remains an omnipotent phenomenon in the assessment of merit to this day¹²⁰.

¹¹⁷ Act No. 1/1920 z.z. of Vienna. See also Jäger-Sunstenau, *Die Ehrenbürger und Bürger ehrenhalber der Stadt Wien*, 17-18.

¹¹⁸ Mitmannsgruber, "Bürger der Stadt Linz. Erwerb, Inhalt und Verlust des Gemeindebürgerrechts im 19. und 20. Jahrhundert," 405-406.

¹¹⁹ In the Czechoslovak Republic, Act No. 304/1920 Sb.

¹²⁰ Spona, *Städtische Ehrungen zwischen Repräsentation und Partizipation*.

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POVZETEK

Meščanstvo in častno meščanstvo v habsburški monarhiji 1848–1918. Častne kategorije ali polja političnih konfliktov?

Jan Lhoták

Razprava skuša povzeti zakondajni in praktični okvir podeljevanja naziva častnega meščana/državljana na Avstroogorskem v ustavnem obdobju. Čeprav so se v literaturi kresala mnenja o pomenu tega pojava za zgodovinske raziskave, so se doslej dognanja brez pretiranih analitičnih ambicij omejevala zgolj na lokalne sezname prejemnikov. Institut častnega meščanstva vključuje preplet ostankov družbene ureditve pred letom 1848 (podeljevanje meščanskih pravic) v emancipirani družbi druge polovice 19. stoletja. To se deloma odraža v terminologiji, kjer je – posebej v slovanskih jezikih – prišlo do razhajanj (termina častni meščan in častni državljan ne glede na zakonodajo). Podeljevanje meščanskih pravic v predmarčni dobi je po letu 1850 dobilo politično dimenzijo, ko je Stadionov občinski red častne meščane postavil na vrh volilnih imenikov in s tem delovanje v privilegirani prvi kuriji. Ta praksa je postala bolj razširjena šele po letu 1861 in še posebej po objavi posameznih deželnih (od 1863 do 1866) in občinskih redov. Splošni konsenz je veleval, da se je častno meščanstvo lahko podeljevalo avstrijskim državljanom zgolj na podlagi posebnih zaslug. Toda v podrobnostih je prevladal drugačen pristop: na Koroškem se je častno meščanstvo podeljevalo samo v mestih in častno državljanstvo v ruralnih občinah, kar velja tudi za Kranjsko, Štajersko, Solnograško in Tirolsko. Enak pristop so ubrali na Češkem, a so ga drugače oblikovali – vsaka občina je imela pravico imenovati častne meščane in častne državljane. V Šleziji, Bukovini in Galiciji so naziv častnega meščana podeljevali samo v mestih. Na Goriškem in Gradiškem ter v Istri so imenovali samo častne državljane, na Moravskem kljub temu, da meščanskih pravic niso odpravili, so vse občine podeljevale status častnega meščana, kar velja tudi za občinske rede Predarlske ter Gornje in Spodnje Avstrije. V Dalmaciji termin častni meščan (oziroma meščan) ni bil v uporabi. Z drugimi besedami: šest dežel je izrazilo svojo voljo za podelitev naziva častni meščan v mestih in krajih, pa tudi naziv častnega državljana v “ne-mestnih” skupnostih (zato občinski odbori mest ali krajev niso mogli podeliti naziva častni državljan). Nasptono, tri dežele so se oklepale prvotne klasifikacije in podeljevale status častnega meščanstva samo v mestih. Drugih pet dežel je podeljevalo naziv častnega državljana ali častnega meščana ne glede na urbano ali ruralno naravo občine.

Dvojna razmejitev, ki so jo uveljavili deželni občinski redi in mestni statuti, je ostala trden, a še zdaleč ne tog ali bled okvir za življenje meščanov in častnih meščanov v habsburški monarhiji. Ne gre toliko za fluktuacijo samega koncepta v slovanskih jezikih (v češčini častni meščan in častni državljan) kot za relativizacijo zakonodaje pod pritiskom prakse in še posebej za uporabo izključno častnih nazivov za izražanje in nato implementacijo političnih preferenc. Prva stopnja relativizacije izvira iz prakse v predmarčni dobi, ki ni bila usidrana v zakonodaji in ki je pod vplivom specifičnih pogojev v posameznih deželah prevzela različne oblike. Verjetno je bilo to najbolj izrazito v Galiciji, kjer Stadionov začasni občinski red nikoli ni stopil v veljavo in kjer so leta 1866 prešli neposredno v občinsko samoupravo, ki je vzniknila iz februarskega patenta. V Krakovu, drugem najbolj poseljenem mestu v deželi, so med letoma 1850 in 1865 imenovali sedem častnih meščanov (*obywatele honorowi*). Krakovski statut iz leta 1866 častnega meščanstva ne omenja, a kljub temu je bil do leta 1901 ta status podeljen 15 osebam, deloma v skladu s predpisi, ki jih je odobril mestni svet leta 1871. Podobno tudi v Dalmaciji deželni red ni omenjal častnega meščanstva, čeprav so občinske skupščine imenovalе zaslužne ljudi. Na drugi stopnji se lahko relativizira tudi navidezno nepremostljiv pogoj, kot je avstrijsko državljanstvo, kar se je zgodilo v samem glavnem mestu monarhije v zgodnjih 70. letih 19. stoletja. Maja 1872 je dunajski mestni svet izrazil namero podeliti častno meščanstvo “osvoboditelju kmetov” Hansu Kudlichu, ki ga je avstrijsko sodstvo leta 1854 obsodilo na smrt zaradi sodelovanja v dunajski oktobrski revoluciji leta 1848. Kljub kasnejši cesarjevi pomilostitvi je bila Kudlichova preteklost kamen spotike med določenimi predstavniki državne uprave. Še več, ker je vrsto let

živel v ZDA, so se pojavljali utemeljeni dvomi o njegovem avstrijskem državljanstvu. Čeprav so nekateri dunajski občinski politiki argumentirali, da so v preteklosti status častnega meščana na Dunaju že podelili posameznikom brez avstrijskega državljanstva, njihove želje niso bile uslišane in Kundlich nikoli ni postal častni meščan Dunaja.

Tretja stopnja, ki ima največjo težo, je bila raba ali zloraba potenciala statusa meščana ali častnega meščana/državljana pri zasledovanju političnih ciljev. Posledično sta le-ta relativno kmalu postala bojišči najvišjih političnih interesov. Če je bilo podeljevanje meščanskih pravic odvisno predvsem od zakonskih določil, je imenovanje častnih meščanov in državljanov temeljilo na zgolj na zaslugah, kar je bilo neizogibno subjektivno in podvrženo raznovrstnim interesom. Uveljavitvi lokalne samouprave v avstrijskem cesarstvu je kmalu sledilo resno vprašanje o pravici imenovanja meščanov in častnih meščanov v ruralnih občinah. Toda v svojem bistvu to vprašanje ni bilo zgolj ozko pravne narave, označevala ga je znatno bolj konfliktna dimenzija neenakosti posesti na vasi in stopnja udeležbe pri občinskih ugodnostih: pravica skupnega državljanstva kot izraz legitimnosti uporabe občinske posesti in kontinuiteta institucije podeželske občine, ki jo je pred 1848 sestavljal zgolj kmečki sloj, ne pa tudi nepriviligirani kočarji in bajtarji.

Toda najbolj sporno vprašanje, povezano s statusom (častnega) meščanstva/državljanstva se je porodilo v zvezi z volitvami v samoupravne skupščine. Častno meščanstvo/državljanstvo je postalo sredstvo za promocijo vse prej kot častnih političnih ciljev, še posebej na nacionalni ravni. Dejstvo, da so častni meščani/državljanji lahko volili neodvisno od pripadnosti občini in obdavčitev v najbolj privilegiranem in vplivnem volilnem telesu je povzročalo napetosti, ki so prerasle okolje občinske samouprave, kajti častni meščani/državljanji so volili poslance v deželne zbore dveh kurij (mesta in industrijski kraji, podeželske občine). Posledično je v letih 1863–1918 izključno častna titula postala predmet politične tekme sprva med konservatizmom in liberalizmom in nato vedno bolj med nacionalnimi tabori v narodnostno heterogenih predelih Cisaltanije (predvsem na Češkem, Moravskem ter Tirolskem in Koroškem). Posledica omenjenega so bili apeli za omejitev in regulacijo volilne pravice častnih meščanov/državljanov od poznih 60. letih 19. stoletja dalje. Ta jasna tendenca se je izražala v različnih oblikah. Primerno obravnavo instituta častnega meščanstva/državljanstva naj bi zagotavljal dvo-tretjinsko, tri-četrtinsko ali celo soglasno sprejet sklep, s katerim bi omejili število častnih meščanov/državljanov, izbranih na posameznem zborovanju, itd. Popolni odvzem volilne pravice je bil najbolj skrajni ukrep, ki so ga uveljavili samo v izjemnih primerih (statut mesta Liberec na Češkem, Ljubljane na Kranjskem, kranjski občinski red). Razrešitev tega kroničnega problema in povrnitev prvotne dimenzije nazivu častnega meščana/državljana je prinesela odprava volilnega sistema Cisaltanije in širitev splošne in enake volilne pravice v državah naslednicah Avstrogrške.

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