

Mark Cornwall

LOYALTY AND TREASON IN LATE HABSBERG CROATIA
A Violent Political Discourse before the First World War

In her famous work *The Meaning of Treason*, the novelist and journalist Rebecca West suggests that the concepts of loyalty and treachery are polar opposites in human society:

There is always loyalty, for men love life and cling together under the threats of the uncaring universe. So there is always treachery, since there is the instinct to die as well as the instinct to live; and as loyalty changes to meet the changing threats of the environment, so treachery changes also.¹

This chapter analyses these shifting concepts of loyalty and treason (the politicizing of treachery) through a case study from Croatia in the early twentieth century. Late Habsburg Croatia, with its narrow political franchise—less than 2 % of the population—which existed alongside a burgeoning civil society, might rightly be imagined as a territory containing multiple and conflicting loyalties. There was Croatia's complex ethnic and religious mixture (Croat and Serb, following Catholic, Orthodox and even Jewish faiths) and its sensitive geographical location on the Habsburg frontiers, where a military border against the Ottoman Empire had only been abolished in 1881. And not least, there existed historic ties which bound Croatia to both halves of the Habsburg monarchy despite the dualist system that had existed since 1867. In 1868, Croatia, having been joined to Hungary for over seven hundred years, was uniquely given a degree of home rule, with its own government and parliament (the *Sabor*) in Zagreb. Yet despite this “subdualist” solution and the reaffirmation of the territory's firm ties to Hungary, Croatia's politicians usually remembered and displayed a separate allegiance to the Habsburg monarch in Vienna and to his closest ministers there who supervised war and foreign policy for the whole empire. After all, in 1848 Count Josip Jelačić, the viceroy or *ban* of Croatia, had loyally supported the Habsburg cause and led an army against revolutionary Hungary. A daily reminder of this for the Zagreb population was a statue of Jelačić erected on the main square in 1866 by the Habsburg authorities. Demonstrably, the statue's sword was pointing northwards towards the enemy in Budapest.

¹ Rebecca West, *The Meaning of Treason: With a New Introduction by the Author* (London: Virago Press, 1982), 165.

The following discussion explores some of the major patterns of political allegiance in the region, how they interacted and overlapped, and what all this can tell us about the power relationships and tensions in Austria-Hungary on the eve of the First World War. During this pre-war era, loyalties were regularly evoked and publicly expressed, often to counter claims of disloyalty, or even treason, at times of political crisis.² But to be credible, such expressions always required a mutual dynamic between subject and object that had some basis in reality. In effect, such claims had to be capable of being reliably tested in the minds of observers by comparing them with the actions of the relevant parties. Both for individuals expressing allegiance and others claiming to reciprocate that allegiance, mere promises were insufficient and could easily be interpreted as empty pieties divorced from reality. The period chosen here—from 1908 to 1910—overlaps with the controversial rule of Baron Pavao Rauch as *ban* of Croatia. This was a time when there was real public controversy over who counted as truly loyal to Croatia and/or the Habsburg monarchy, and over what that loyalty actually meant. As we shall see, out of that context a discourse also developed right across Croatian society around the opposite concept of “treason”—an argument that carried with it sinister overtones.³

Before delving into our case study, it is useful in our task of conceptualizing loyalty to make a further differentiation between two major strands of the phenomenon, that is to assess it on a vertical and on a horizontal plane.⁴ For our purposes, vertical allegiances run in a hierarchical direction between a subject or citizen and a person or institution in authority. In Croatia before 1914, the ruling elite felt quite insecure in its position as it was usually ruling unconstitutionally without calling the *Sabor*. It periodically tried to inspire vertical loyalty from the various strands of the population or tried to give the impression, via formulaic rituals, that such loyalty was alive and well—public

² For recent comparative research on the concept of loyalty in Habsburg and post-Habsburg Europe, see the essays in Laurence Cole and Daniel L. Unowsky, eds., *The Limits of Loyalty: Imperial Symbolism, Popular Allegiances, and State Patriotism in the Late Habsburg Monarchy* (New York: Berghahn Books, 2007); Martin Schulze Wessel, ed., *Loyalitäten in der Tschechoslowakischen Republik 1918–1938: Politische, nationale und kulturelle Zugehörigkeiten* (Munich: Oldenbourg, 2004).

³ The few studies that have tried to conceptualize treason remain unsatisfactory, but one of the most interesting is by the sociologist Nachman Ben-Yehuda, who interprets treason as a subset of “betrayal.” Nachman Ben-Yehuda, *Betrayals and Treason: Violations of Trust and Loyalty* (Boulder, CO: Westview Press, 2001). See also an ideologically-focused and older study by Margret Boveri, *Der Verrat im 20. Jahrhundert* (Reinbek bei Hamburg: Rowohlt, 1976). We might usefully compare the Zagreb cases of “Serb treason” to the Anglo-Irish treason case against Roger Casement in 1916, in which secession from the state was also the underlying accusation.

⁴ See Martin Schulze Wessel, “Loyalität als geschichtlicher Grundbegriff und Forschungskonzept: Zur Einleitung,” in *Loyalitäten in der Tschechoslowakischen Republik*, ed. Martin Schulze Wessel, 1–22, 3.

expressions of loyalty from below were supposed by the ruling classes to provide evidence of the regime's legitimacy. On the other hand, horizontal loyalties also exerted an effect. Loyalties built across modernizing communities like Croatia through the increasingly fast communications network of the time bound individuals together through shared nationality, religious affiliation, profession or class. In prewar Croatia, this horizontal loyalty was evoked particularly by using the vocabulary of nation, since all the main political forces of the period claimed to embody and represent best the interests of the national community. There was, however, a wide gap between such rhetorical claims and the actual patterns of national bonding and allegiance at a grassroots level: horizontal ties remained diffuse and fragmentary amidst a largely rural and disenfranchised population.

The relationships between these various vertical and horizontal loyalties—the ways in which they meshed together or competed in the late Habsburg monarchy—adds an extra element of complexity to our discussion. But these relationships can help elucidate why Croatian loyalties became increasingly fluid and harder to predict during the period. The state authorities usually focused their energies on privileging a simple hierarchical relationship, and were aided in 1908–10 by the restrictions imposed on popular representation as well as the extremely narrow electoral franchise in parliamentary elections. Yet they could not ignore the educated sections of Croatian public opinion which were becoming increasingly vocal in expressing their conditional loyalty to the authorities. We might therefore ask of the pre-1914 period: did the legitimacy of the vertical Habsburg axis in Croatia slowly begin to erode as the horizontal national axis strengthened and invaded the public discourse?

* * *

On 12 January 1908, an alarming cartoon appeared in one Hungarian satirical magazine in Budapest (Fig. 1). It portrayed the situation in Croatia that the newly appointed *ban*, Pavao Rauch, was about to encounter. In the cartoon, Croatia is drawn as a pack of vicious hungry wolves entrapped in a cage. Rauch is shown as the “new animal tamer,” with a whip in one hand and slab of meat in the other, being ushered into the cage by Sándor Wekerle, the Hungarian prime minister (who had just appointed him): “Just step boldly in among them,” whispers a smiling Wekerle, “otherwise you will come unstuck, just like your predecessor!” The reference is to Aleksandar Rakodczay, who had been made *ban* only six months earlier: he is depicted limping away from the cage with his head wrapped in a bandage. Viewers of this image might well deduce that no real dialog was possible between Rauch and his new Croatian subjects. Indeed, they might recall the words of Gyula Andrassy, who had asserted that Croatia needed to be ruled with a whip and

oats.⁵ The *ban*, or his Hungarian masters, continued to feel that Croatia needed firm rule, but were equally clear that the Croatian wolves could never be house trained. The best one might achieve was to pacify them by means of a judicious or juicy “concession” (the slogan written on Rauch’s slab of meat).

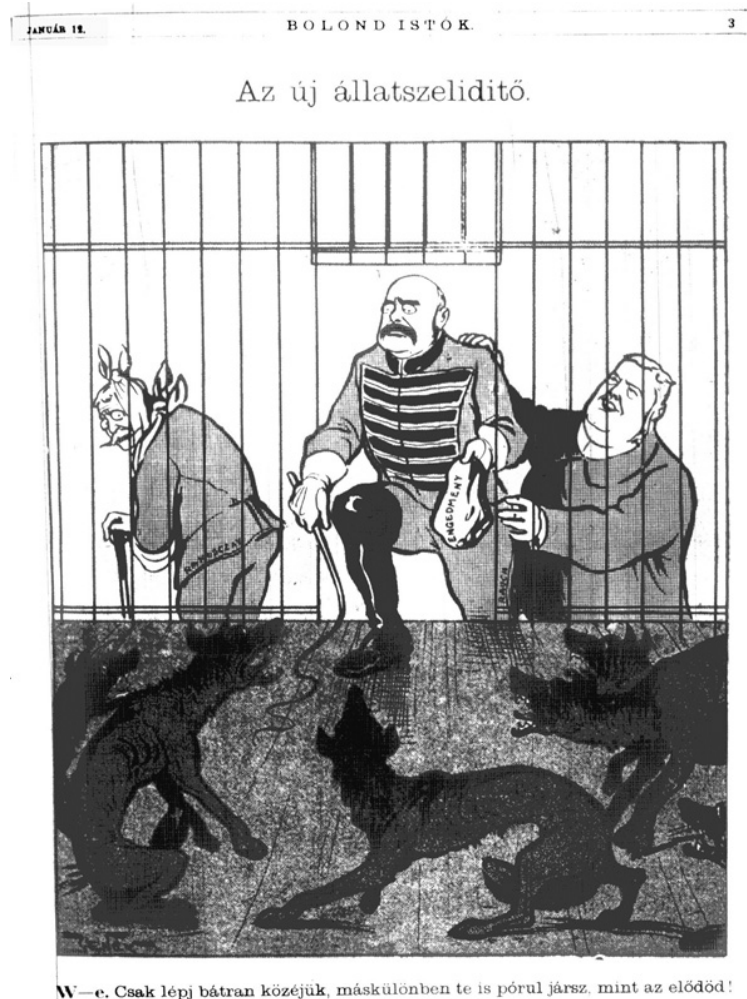


Fig. 1: “Az új állatszelidítő” (The New Animal Tamer),
Bolond istók, 12 January 1908, 3.

Indeed, when Rauch duly arrived in Zagreb three days later to take up his post, the ghastly prediction of the cartoon seemed to be coming true. A huge “mob,” encouraged by an opposition press campaign, gathered at the railway station to give him an extremely hostile reception. His carriage was pelted with stones and eggs, with the police seemingly unable or unwilling to keep order (one army officer was seriously wounded in the *mêlée*), and intelligence

⁵ These words were circulating in the press (e.g. *Neue Freie Presse*, 11 January 1908) and found visual expression too. In the satirical magazine *Koprive* (Nettles) Rauch, portrayed as a balloon held by Wekerle, grasps a whip in one hand and a bag of oats in the other. “Program bana Raucha,” *Koprive* no. 2, January 1908, 1.

sources even suggested that an attack was planned on the house of his octogenarian mother.⁶ These events led the new *ban* to draw an immediate conclusion: the mob assault on himself, as the representative of the Crown in Croatia, amounted to what he termed an “anti-dynastic” outrage, which made it an attack on the monarchy itself.⁷

This turbulent episode not only marked the start of Rauch’s ultimately unsuccessful two-year struggle to master events in Croatia. It also inaugurated an intense public and political discussion within the Kingdom about the nature of “loyalty,” a discourse whose multiple facets made it very complex. At stake were key questions about how Croatia ought to be governed and what national framework should be used to frame Croatia’s future within the Austro-Hungarian Empire. This situation conjured up a range of interpretations about what loyalty to Croatia actually meant—interpretations which by 1908 had developed significant historical precedents, since each of them had been tested at some stage or other in Zagreb’s political arena over the previous fifty years.

Within this discourse, three political directions stood out most prominently. One privileged values of vertical allegiance in particular, while the other two spoke more to horizontal loyalties, seeking to strengthen Croatian autonomy and/or to restore constitutional rule in the region. The first approach was the unionist or “Magyarone” argument pressed by the Rauch regime itself, which expressed itself largely in terms of vertical loyalty.⁸ For this grouping, real loyalty to Croatia meant remaining true to its historic union with Hungary and the home rule arrangements of 1868, in Croatian a settlement known as the *Nagodba*. Rauch did not waver in his defense of this approach, even if he did privately complain that he always lacked sufficient reciprocal support from Budapest for his regime.⁹

The second approach to the concept of Croatian loyalty was the one defended by the *pravaši* or “state-right” enthusiasts, most closely associated with Josip Frank and his party, who pushed a Greater Croatian chauvinist

⁶ Rauch to Géza Daruváry, Kabinettskanzlei in Vienna [Cabinet office], 18 January 1908, Kabinettsarchiv, Haus-, Hof- und Staatsarchiv [Cabinet archive, Haus-, Hof- und Staatsarchiv] (hereafter HHStA), Vienna, Karton 26, Geheimakten [Secret files]. Daruváry was a long-time friend of Rauch and, as head of the Imperial Cabinet Office, provided direct access to Emperor Franz Joseph.

⁷ Veridicus [Pavao Rauch], *Kroatien im Jahre 1907–1908* (Budapest: Haladás Könyvnyomda, 1909), 14–15.

⁸ For a recent thorough study of Rauch and his background, see Iskra Iveljić, *Anatomija jedne velikaške porodice Rauchovi* (Zagreb: FF Press, 2014).

⁹ See Rauch’s report to the monarch: “Bericht des Banus Baron Rauch über seine Amtstätigkeit in 1908” [January 1909], Kabinettsarchiv, HHStA, Karton 26, Geheimakten; also reproduced in Iveljić, *Anatomija*, 246–52.

agenda within the Habsburg monarchy.¹⁰ They demanded government by Croats alone, deprecating Serb participation and even denying their very existence as a national entity in Croatia. Based on the principle of “Croatian state right”, they also aspired to achieve broader national unity, reflecting Croatia’s historic ties to Dalmatia and Bosnia. They pushed especially for union to Dalmatia, which was then divided from Croatia and in the Austrian half of the monarchy, but also envisaged unity to Bosnia which the Habsburgs had occupied in 1878 and run as a separate administration since then.

The third approach was that of the *Hrvatsko-srpska koalicija* (the Croat-Serb Coalition, HSK), which had actually attained power in Zagreb in 1906–7 but now formed the main opposition to the Rauch regime.¹¹ The Coalition forces promoted Croat-Serb national unity—defending a largely civic concept of the nation—as a basis for true Croatian patriotism and for its program of constitutional reform. They rejected the dominance of Hungary, whose nationalist stance was now interpreted as a betrayal of promises made to the Coalition in 1905. But the theory they defended of a single Croat-Serb nation (i.e. of Yugoslav unity) could naturally be interpreted in a way that made their own loyalties seem highly ambiguous. For over the years they had been developing ties not only with Croats and Serbs in coastal Dalmatia but also, more controversially, with the Serbian regime in Belgrade. Particularly suspect to the Rauch regime was the key Serb political party within the Coalition, the *Srpska samostalna stranka* (Serb Independent Party, SSS) led by Svetozar Pribićević. In contrast, the small *Srpska narodna radikalna stranka* (Serbian National Radical Party, SNRS) which had left the Coalition in 1907, was deemed less threatening. The latter based its claims for Serb equality on historic rights, the privileges granted to them by the Habsburgs in the late seventeenth century and it aimed to sustain this Serb autonomy through its key base within the Orthodox church network rather than through *Sabor* politics.¹²

We should note that each of these three major political interpretations of Croatian loyalty usually contained a basic assumption of (vertical) allegiance to the Habsburg dynasty and monarchy, a loyalty that was often expressed verbally or via ritual. However, during the violent discourse of 1908–9, the allegiances of the protagonists were consistently challenged through accusa-

¹⁰ The classic *pravaši* history is by Mirjana Gross, *Povijest pravaške ideologije* (Zagreb: Institut za hrvatsku povijest, 1973). But see also the extensive research of Stjepan Matković, for example: *Izabrani portreti pravaši: prilozi hrvatskoj političkoj povijesti* (Zagreb: Hrvatski institut za povijest, 2011).

¹¹ On the Coalition’s history, see Rene Lovrenčić, *Geneza politike ‘novog kursa’* (Zagreb: Institut za hrvatsku povijest, 1972); Mirjana Gross, *Vladavina Hrvatsko-srpske koalicije 1906–1907* (Belgrade: Institut društvenih nauka, 1960).

¹² For a detailed analysis of the Serbs’ position, see Nicholas Miller, *Between Nation and State: Serbian Politics in Croatia before the First World War* (Pittsburgh, PA: University of Pittsburgh Press, 1997).

tions of disloyalty, not just to Croatia but also to the monarchy. This soon took a dangerous direction when, on all sides of the political divide, disloyalty quickly became equated with the inflammatory word “treason” as a means of discrediting opponents. The opposition Coalition in particular would accuse Rauch’s regime of playing irresponsibly with these notions of loyalty and treason, twisting or relativizing the words for simple political advantage. The two terms, they said, had both become “commodities in the marketplace”, with the effect that “today’s loyalists are tomorrow’s traitors”.¹³ In fact, as we will see, there was ample scope—not least in Imperial law—for problematizing both the concepts of loyalty and treason, and the Coalition forces were no more innocent of the urge to carry out such rhetorical aggressions than Rauch himself.

Indeed, in the power struggle of 1908–10, it seemed at first that the opposition Coalition of Croats and Serbs was the most provocative, leading the charge by boldly challenging the credentials of the Rauch regime, characterizing it as alien and “un-Croatian”. By 1909, however, the reverse was the case. In an effort to destroy the Coalition forces and assert order, the regime proceeded to target the most suspect element within it, the Serb Independent Party, and to question the loyalty, both vertical and horizontal, of those who dared even to call themselves “Serb” in Croatia.¹⁴ Eventually, fifty-three Serbs were prosecuted for treason in a show trial and, in October 1909, thirty-one were found guilty. Alongside the Dreyfus affair in France, this was the most notorious European treason trial of the pre-1914 era, and had major repercussions in terms of alienation from the regime in the southern Slav lands. Yet it has received only minimal attention from historians in the past century.¹⁵ Taken together with the vicious public debates that raged in 1908, it provides an ideal framework within which to analyze how diverse sets of loyalties could fluctuate in importance and how the authorities tried to impose their own preferred prescriptive allegiances in order to eliminate rival politi-

¹³ See an article in the Croat Progressive newspaper *Pokret*: “Veleizdajnici!,” *Pokret*, 11 August 1908, 1.

¹⁴ According to the census, 25 % of the population was Orthodox.

¹⁵ The best account remains that of R.W. Seton-Watson, *The Southern Slav Question and the Habsburg Monarchy* (London: Constable, 1911). There is no good study in Croatian. The work of Mirjana Gross supplies excellent context but is tinged with a certain Marxist determinism. See especially Mirjana Gross, “Hrvatska uoči aneksije Bosne i Hercegovine,” *Istorija XX veka: Zbornik radova III* 3 (1962): 153–269; idem, *Povijest pravaške ideologije*, 347–74. See also the useful Austrian doctoral thesis by Waltraud Schuster, “Der Agramer Hochverratsprozeß” (Vienna, 1979); and Arnold Suppan, “Masaryk and the Trials for High Treason Against South Slavs in 1909,” in *T.G. Masaryk (1850–1937): Volume 1: Thinker and Politician*, ed. Stanley B. Winters (New York: St Martin’s Press, 1990), 210–24. The echoes of the Dreyfus affair in Croatia are analysed in Ljiljana Dobrović, “Odjeci Dreyfusove afere u Hrvatskoj javnosti od 1894 do 1906,” *Historijski Zbornik*, no. 60 (2007): 129–59.

cal forces. For behind the basic question of what loyalty to the nation actually meant, there always lingered other dilemmas over Croatia's precise vertical relationship to the two parts of the monarchy: in other words, over what Croatians might expect from Budapest or Vienna in return for paying due homage in either of the two Imperial capitals.

By early 1909, moreover, with Austria-Hungary on a war footing with Serbia in the wake of the former's annexation of Bosnia-Herzegovina in October 1908, another factor now dominated the Zagreb hubbub. The discourse had shifted towards scrutinizing citizens who had any type of allegiance outside the monarchy with a view to deciding whether to label them traitors. The Rauch regime played a central role in bringing this state of affairs about. It deliberately tightened up the public interpretation of the concept of loyalty, dangerously casting as "traitors" many who did not live up to the new, extremely exacting definition. In turn though, this campaign of demonization was not the one-way street it is so often portrayed as in Croatian historiography. It was shaped by self-assured antagonists all across the Croat-Serb political spectrum, who were all trying to massage and adjust notions of Imperial allegiance to suit their own radical agendas.

* * *

Let us first examine the discourse of 1908 on the subject of loyalty in more depth. We have rich sources available to us on the evolution of the regime's arguments since, aside from the government's own newspapers—*Ustavnost* (Constitution) and *Narodne Novine* (National News)—Rauch himself published his own justification for the status quo anonymously after one year in office, as well as leaving a number of semi-autobiographical memoirs.¹⁶ Since Rauch had long coveted the office of *ban*, and since his father was the main architect of the 1868 *Nagodba*, his conception of Croatian loyalty was widely known long before his appointment in December 1907. Zagreb's chief satirical magazine, *Koprive* (Nettles), set out this view vividly.¹⁷ In cartoons at the end of the year it portrayed Rauch firstly in a nativity scene, as the holy but illegitimate child of Hungary (Fig. 2). He might well be Croatia's "Christ child" or savior, but in the role of Mary was Sándor Wekerle and his father Joseph looked suspiciously like the wily ambitious *pravaši* politician Josip Frank.

¹⁶ Veridicus, *Kroatien im Jahre 1907–1908*; Branka Molnar and Iskra Iveljić, eds., *Memoari bana Pavla Raucha* (Zagreb: Zagrebačko arhivističko društvo, 2009).

¹⁷ *Koprive* had been started by a group of young members of the *Hrvatska pučka napredna stranka* (the Croatian People's Progressive Party, HPNS) in June 1906 after the election victory of the Coalition; it was a deliberate generational reaction against the years of censorship before 1903: Josip Horvat, *Povijest novinstva Hrvatske 1771–1939* (Zagreb: Tehnička knjiga, 2003), 304–7.



Fig. 2: "Hrvatski Božić" [Croatian Christmas], *Koprive* no. 18, 1907, 1.

In a second cartoon, Rauch was caricatured as a disciplinarian landowner, determined (as Andrassy had been decades before) to whip the dirty Croatian "pigs" into order.¹⁸ After the publication of these cartoons it became a standard tactic to associate Rauch with pigs and turn the simile against him.¹⁹

Rauch's government program immediately set out a vision of progressive economic reforms, sections of which he would eventually succeed in imple-

¹⁸ "Sretna nova godina!," *Koprive* no. 1, 1908, 1.

¹⁹ See "Politička situacija," *Koprive* no. 15, 15 October 1908, 1; "Božić 1909," *Koprive*, no. 22–23, 24 December 1908, 16. In the latter Rauch and Czernkovich are flying over Zagreb in a giant pig-Zeppelin.

menting.²⁰ But the first edition of his own newspaper—forcefully titled *Ustavnost* [Constitution]—emphasized the only realistic prospect for Croatia’s future. The country simply had to resurrect a true unionist policy with “the fraternal Magyar nation,” a union that had served Croatia so well for eight hundred years and whose legal legitimacy was firmly founded on the 1868 agreement. From the outset too, Rauch made it clear that Coalition forces—now engaged in a demagogic onslaught against him through their press—had led the nation astray, hypocritically cultivating a relationship with Budapest for their own ends, only to turn against Hungary as soon as the unionist link seemed no longer to suit their purposes. This immoral stance had left the nation sick and in need of a long period of convalescence or, as Rauch’s deputy Nikola Czernkovich imaginatively put it, “suffering from a range of visions and hallucinations.”²¹

The new regime therefore would place its trust in fresh elections, relying on what it termed those Croats who possessed a “fervent patriotism” to resurrect the unionist ideal. Indeed, under ideal conditions, some cobbled together coalition of unionists and Frankists might perhaps secure a majority in the *Sabor*. Yet this course was quickly to become abortive. As Rauch himself noted, “The election prospects are not at all rosy, for the terror of the masses is really unbelievable.” Not even the votes of civil servants could be counted on.²² In other words, true patriotism as defined by Rauch had already been so severely corrupted by the Coalition scoundrels during their period of office that normal methods might no longer suffice to purge the body politic of falsehood and disorder. Indeed, Czernkovich, as minister of the interior, actually hoped for an electoral disaster so that the regime could dissolve the chamber and rule as an autocracy.²³

The opposition certainly appeared strident and confident. As we have seen, Rauch had already labelled the Coalition “anti-dynastic” on the basis of the reception that greeted His Majesty’s representative in January 1908.²⁴ Taking up the gauntlet thrown before them by Rauch’s accusations, the Coalition press in Zagreb whipped up the public mood—like a veritable “Witches’ Sabbath” in Rauch’s words—and immediately interpreted the “an-

²⁰ Mira Kolar, “The Activities of Vice-Roy Pavao Rauch in Croatia,” *Review of Croatian History* 1, no. 1 (2005): 133–57. This attempt to rehabilitate Rauch on the basis of his program of socioeconomic reforms is marred by some dubious (and anti-Serb) claims, not least the idea that his administration “rarely breached the law.” *Ibid.*, 135.

²¹ “Nakon prvog dana,” *Ustavnost*, 28 February 1908, 1: this was an interview with Czernkovich. See also for the regime’s outlook: “Što hoćemo!” *Ustavnost*, 1 February 1908, 1.

²² Rauch to Daruváry, 31 January 1908, Kabinettsarchiv, HHStA, Karton 26, Geheimakten; also in Iveljić, *Anatomija*, 236–7.

²³ Iso Kršnjavi, *Zapisci: Iza kulisa Hrvatske politike*, vol. 2 (Zagreb: Mladost, 1986), 506.

²⁴ Cf. Mirjana Gross’s interpretation that Rauch entered office with a pre-set agenda of seeking out traitors: Gross, “Hrvatska uoči aneksije,” 170–1.

ti-dynastic” label as an accusation of “treason”.²⁵ The accusation was to become a red thread running through the entire public discourse, with both sides competing to dominate the argument on loyalty and to paint their opponents as traitors. This pattern of argument ultimately suited the regime, for in the February elections to the *Sabor* the unionists failed to win a single seat while the Coalition won a two-thirds majority. Therefore, in order to maintain any authority at all, the regime felt itself obliged to fall back either on sheer force or on arguments defending its dynastic credibility as the legitimately appointed executive power. In other words, it was forced to assert vertical loyalty above all other considerations, casting itself in the role of the overriding legitimate authority.

When the *Sabor* met, the King’s speech on the government’s program was duly read out (by a representative of Franz Joseph). The president of the *Sabor* Erazmo Barčić then provocatively replied with a speech of his own, calling for the expulsion of all “foreigners” from Croatia—mentioning both Hungary and Rauch’s government. This gave Rauch the excuse to dissolve the chamber and disregard any constitutional niceties. For he interpreted Barčić’s speech as having overstepped the bounds of legality—indeed as tantamount to treason. Not only had it effectively called for revolt; it had been openly abusive to the King’s representative and therefore the dynasty itself. Later Rauch would justify his abrupt action by asserting his own superior understanding of loyalty (according to his perception of Croatia’s best interests): “It would have been almost a betrayal of the dynasty, state and the Croatian people, if he [Rauch] had not remained calm and unshaken by the wild thunder of emotions.”²⁶

In the late spring following the dissolution of the *Sabor*, Rauch repeatedly asserted his own credibility by posing as the mediator of true patriotism on behalf of the nation. This involved asserting the trust supposedly placed in him by both the King in Vienna and the Hungarian government in Budapest. As one expert commentator noted, Croatian loyalty was always caught in this vice: “For Croatian politicians, maneuvering between Scylla and Charybdis is a damned necessity as long as this absurd dualism exists”²⁷. Rauch sought regular assurance of support for his actions from both capitals, but tended to tilt more towards Vienna in view of public Croatian hostility towards Hungary as well as his own private gripe that the Wekerle government was insensitive to his difficult position.²⁸ He therefore especially trumpeted the confidence that the monarch had shown in him (by granting him audiences at

²⁵ Veridicus, *Kroatien im Jahre 1907–1908*, 16.

²⁶ Ibid., 20; “Otvorenje sabora,” *Ustavnost*, 13 March 1908, 1.

²⁷ Kršnjavi, *Zapisci*, vol. 2, 554.

²⁸ Rauch was particularly irritated when Wekerle boldly told the Hungarian parliament on 11 March 1908 that the *ban*’s role was to implement Hungarian policy in Croatia: Gross, “Hrvatska uoči aneksije,” 185.

Schönbrunn on 27 April and 6 June 1908), and claimed to be secure in his position in the face of constant predictions in the press of his imminent demise.²⁹

In June 1908, Rauch's team in Zagreb made much of his appointment as a "privy counsellor" to the King. At the official ceremony at the *ban's* palace granting him this honor, Nikola Czernkovich addressed Rauch, praising his love of Croatia and his loyalty towards Franz Joseph: "The good genius of the Croatian people [...] will protect it from the burdensome mistakes that lead into the deep abyss and to perpetual disaster. You believe in that genius". Rauch replied that he had done everything he had sworn to his monarch that he would do, and concluded by wishing "Živio!" ("long life!") to the Habsburg Emperor-King.³⁰

However, this simple public affirmation of the existence of an interdependent network tied together by mutual trust was not quite what it seemed. Firstly, the Habsburg monarch's favor—essential for Rauch's own political survival—would always be conditional on his performance as *ban* and could easily be withdrawn at any time. As Franz Joseph had stressed on appointing Rauch, he wished Croatia to be led on a "conservative" course which promised stability.³¹ Secondly, there was the added irony that behind the scenes Czernkovich's own loyalty to Rauch was suspect: he had in fact aimed to overshadow the *ban*, removing all rivals, and had indeed managed to achieve that goal by the end of the year.³² In short, the Rauch regime, replete as it was with allegiances based on personal and political patronage, was not one that fostered unity. Disunity was constantly surfacing, not just undermining Rauch's position in both Vienna and Budapest (where the minister responsible for Croatian affairs, Emerik Josipović was a personal enemy), but also casting doubt on the regime's rhetoric that it deserved the trust of ordinary Croatians.³³

²⁹ Kršnjavi, *Zapisci*, vol. 2, 513: Kršnjavi was sceptical about any special royal backing. Rauch took Franz Joseph's willingness to patronize a major art exhibition in Zagreb (sending Rauch six thousand crowns to buy up key works) as one example of tangible royal support. Rauch to Daruváry, letters of 30 April and 9 May 1908, Kabinettsarchiv, HHStA, Karton 26, Geheimakten. See also news reports on the imperial audiences: *Ustavnost*, 28 April 1908, 2; *Ustavnost*, 8 June 1908, 2–3; and *Ustavnost*, 13 June 1908, 1.

³⁰ "Čestitanje svetlom banu," *Ustavnost*, 1 July 1908, 1. The opposition naturally scoffed at this, claiming that Rauch's days were numbered, and that when the wielders of power sobered up they would see clearly that "an entire nation can neither be trampled upon nor exterminated": "Rauchov položaj," *Srbobran*, 30 June 1908, 1.

³¹ "Bericht des Banus Baron Rauch."

³² Nikola Czernkovich (1845–1917) remains an interesting figure for research: there is little written about him despite his notoriety in these years, and he hardly appears in Croatian encyclopaedias.

³³ For the disloyalty of Czernkovich and Josipović, see the gossip in Kršnjavi, *Zapisci*, vol. 2, 521, 528–30, 538, 540. Czernkovich's relations with Koloman Mixich, the minister for education and religion, were especially bad.

In relation to the latter concern, the regime made consistent efforts to cultivate and claim a healthy level of allegiance among the Croatian population. In July 1908, Rauch undertook an extensive motor tour through the western counties of Lika and Modrus-Rijeka, and even crossed the dualist border to visit the town of Knin in Austrian Dalmatia. His use of an automobile on this tour was designed to highlight his program of modernization and to cement his personal connection to the grassroots. Indeed, immediately upon assuming office, he had announced his plans to tour the country by car. This had aroused scorn from Coalition circles and inspired some puns to the effect that “the homeland will soon be covered with smoke [German: *Rauch*] and will start to stink strongly of it.”³⁴ Not everything went smoothly on his July motor tour, not least in Serb-dominated Knin, where he was met by a small crowd of protesters, or on the Croatian coast at Novi Vindolski, near Rijeka, where wires were dangerously stretched across the road to sabotage his progress. Both incidents were interpreted as assassination attempts and attributed respectively to Serb “rabble-rousers” and to Coalition firebrand Frano Supilo (whose home town was Rijeka).³⁵

Nevertheless, on the basis of the initial evidence, we should question the standard view that Rauch’s “regime enjoyed absolutely no support in Croatia.”³⁶ Indeed in many quarters, automatic respect was always shown before the *ban* as the leading Imperial official representing Croatia, and therefore as someone in a position to advance local needs in return for due allegiance. Even while Rauch prioritized vertical loyalty, pro-regime press reports also suggested a pattern of horizontal bonding at work as “the Croatian nation” came out to greet their *ban*. These rituals were observed on a brief car tour in May 1908 when, aside from the many who were attracted to events on the tour by the *ban*’s automobile or by the official ritual performed during such events, many others turned up to petition the *ban* to invest in local economic projects.³⁷ Similarly, when Rauch made a tour of Slavonia (eastern Croatia) a year later, he received a surprisingly warm welcome, with only minimal protests even from the Serb population. The *ban* himself emphasized that these receptions had not been artificially staged.³⁸ The problem for historians is how to interpret these public “performances”—this *façade* of loyalty—vis-à-vis the actual underlying mindset.

³⁴ “Kr. zemaljski automobile,” *Pokret*, 15 May 1908, 1. See also an early cartoon where Rauch drives his car off a cliff: “Početak konca,” *Koprive* no. 3, February 1908, 1.

³⁵ “Svietli ban u Lici,” *Ustavnost*, 14 July 1908, 1; Veridicus, *Kroatien im Jahre 1907–1908*, 26–7.

³⁶ Miller, *Between Nation and State*, 115.

³⁷ “Kr. zemaljski automobile,” *Pokret*, May 15, 1908, 1. In Lasinja, for example, fifty people petitioned for an iron bridge over the river Kupa. In July, Rauch was received with great festivity in the beflagged town of Brinje (by peasant and school delegations): “Putovanje svetlog bana po Lici,” *Ustavnost*, 13 July 1908, 2.

³⁸ See “Svietli ban o svom putovanju,” *Ustavnost* 22 June 1909, 3.

Neither can the alternative competing political discourses over “loyalty” be ignored. Loudest in the public domain were always those of the *pravaši* and the Croat-Serb Coalition, in both cases attacking Rauch and Hungary while also taking violent swipes at one other. The nationalist interpretation of Croatian loyalty promoted by the *pravaši* around Josip Frank seems the most clear-cut interpretation of the concept, defining it as being opposed to anything “un-Croatian.” This meant excoriating anybody who offered homage to Hungary or who dared to betray Croatia’s sacred “state right.” Scorning Rauch’s unionist agenda from the outset, the Frankist party’s newspaper wrote: “It is not possible to serve both the Croatian and the Magyar nations [...] In the heart of everything Croatian there nestles a deep loathing towards everything Magyar.”³⁹

Even more despicable for the Frankists was the enemy within who sought to divert the nation from its true patriotic and nationalist course. Croat-Serb Coalition politicians, who had flirted with Budapest up until 1907, were always termed “young Magyarones” as a consequence by the Frank party. Here, as in so much of the discourse about political loyalty, stances were presented as clear-cut moral choices. Thus Frano Supilo, the Coalition leader, was portrayed as sly, malicious and unpatriotic—someone who could only atone for his sins against the nation by openly advising people to support Frankists.⁴⁰ Naturally, the characterization of Supilo and friends as national traitors was also justified on grounds of their firm alliance with the Serb Independent Party. The Frank party’s own commitment to the “true Croatian nation” was regularly defined in ethnic terms, against the Magyars outside, and against the Serbs inside the Croatian national territory. As Izidor Kršnjavi, the party’s leading ideologist, put it, “The Serbs are no less our opponents than the Magyars.”⁴¹ Most Frankists did not want any real dialogue with either group, except via hostile rhetoric—and indeed Serbs were disparagingly referred to as “Vlahs”: i.e. as an alien, immigrant element within Croatia (and one that was in any case often allied to the Magyars).⁴²

Yet during the Rauch era, this simple bundle of negative stereotypes obscured a much messier picture. As revealed in *Koprive’s* nativity cartoon of late 1907, and notwithstanding the Frankists’ anti-Magyar rhetoric, Josip Frank himself had secretly talked to Wekerle on the birth of the Rauch regime, hoping to finally gain power for his own party under some new type of

³⁹ “Baron Pavao Rauch: ban,” *Hrvatsko pravo*, 8 January 1908, 1; “Rauchov program i Magjari,” *Hrvatsko pravo*, 18 January 1908, 1.

⁴⁰ “Sumnjivo preporučivanje,” *Hrvatsko pravo*, 22 January 1908, 1.

⁴¹ Izidor Kršnjavi to R.W. Seton-Watson, 29 September 1909, quoted in R.W. Seton-Watson and the Yugoslavs: *Correspondence 1906–1941*, ed. Hugh and Christopher Seton-Watson et al, vol. 1, 1906–1918 (London: British Academy, 1976), 48.

⁴² “Dr Medaković: dvostruki denuncijant,” *Hrvatsko pravo*, 13 February 1908, 1. Here Medaković is described as “one of the most loathsome of our Vlahs.” *Ibid.*

authoritarian regime. One historian has even seen fit to consider these talks an important watershed, “a first stage in the intensification of a traitorous atmosphere” in Croatia.⁴³ Talks with the Magyars were certainly a dirty secret that slowly began to leak out, eventually leading to a major split in the Frank party in April 1908. Given that Frank’s opportunistic tactics were prone to be labelled “Magyarone”—at odds with everything the *pravaši* stood for—he was unsurprisingly much more inclined to flirt openly in the direction of the Austrian Imperial authorities, as his overriding loyalty to the monarchy was unquestioned. Only looking in this direction could he expect support from military and other “Greater Austrian” circles who hoped to construct a loyal power base in Croatia. He also had a tendency to invoke or imagine the goodwill of Franz Joseph and his ministers in Vienna towards his program of a Greater Croatia, in return for his own allegiance to the dynasty.⁴⁴

A good example of this illusion in action occurred in November 1908, in the heat of the Bosnian crisis. The reconstituted Frank party resolved to recruit a special Croatian voluntary unit which could be mobilized against Serbia, claiming that the idea had the support of the king and the Austrian ministry of defense. After the initiative had been launched with great fanfare in Zagreb on 5 November, it slowly became clear that Vienna—mindful of international tensions—had changed its mind, much to Frank’s resentment. As a result of the episode, he was forced once more to put out feelers towards Hungary to prevent complete political isolation.⁴⁵ The story proves the point once more that, within the dualist power structure, all Croatian politicians felt bound at times to maneuver tactically between Vienna and Budapest in pursuit of their goals for the Croatian homeland. For Frank, this loyal vertical maneuvering naturally worked best if Vienna and Budapest were both inclined to reciprocate with policies attuned to his party’s nationalist agenda. Thus, in 1908–9 the triangular relationship seemed to click into place, with all sides united in their commitment to an anti-Serb crusade.⁴⁶ Even if the Croatian voluntary unit had proven a step too far, the Frankists could at least applaud the regime for launching its treason trial against the Serb traitors within. The question of where precisely Frankist allegiances lay nevertheless re-

⁴³ Gross, “Hrvatska uoči aneksije,” 164–6.

⁴⁴ Ibid., 157–62. For the Frank party splits: Ibid., 209–15; Gross, *Povijest pravaške ideologije*, 352–4. See also Kršnjavi, *Zapisci*, vol. 2, 518, 531. For Frank’s strong interaction with military and diplomatic circles in Vienna, see Stjepan Matković and Marko Trogrlić, eds., *Iz korespondencije Josipa Franka s Bečom: 1907–1910* (Zagreb: Hrvatski institut za povijest, 2014).

⁴⁵ Kršnjavi, *Zapisci*, vol. 2, 546–8, 550–2, 554 (about Frank’s article in the Budapest newspaper *Pester Lloyd*).

⁴⁶ A further example was the monarchy’s annexation of Bosnia, which Frank naturally interpreted as a step towards creating a Greater Croatia. See his telegram of thanks to Franz Joseph on the same day that the voluntary unit was announced: Frank to Franz Joseph, 5 November 1908, Kabinettsarchiv, HHStA, Karton 26, Geheimakten.

mained a complicated issue. By 1909 Frank was unofficially backing Rauch, while at the same time taking care to preserve a certain distance in order to keep his Croat constituency on side.

If “treason” as the precise antithesis of “trust” became the watchword of the regime, it was the Croat-Serb Coalition who first ran with this terminology and fleshed it out with concrete criteria. When Rauch had termed the Coalition forces “anti-dynastic” and treasonable, the Coalition press had proceeded to satirize some novel interpretations of “anti-dynastic” behavior (Fig. 3).



Fig. 3: “Anti-Dynastic Scenes in Croatia under Baron Rauch’s Government: ‘In the Name of the Law – Traitor – I Arrest you!’” *Koprive* no. 3, February 1908, 4.

It then turned the argument on its head, attacking the *ban*’s misuse of his own position. One forum in which these onslaughts occurred (since the *Sabor* had been shut down) was the Hungarian parliament, which a delegation of Coalition deputies from the *Sabor* continued to attend and to use to its advantage. As the Serb lawyer Dušan Popović noted in a dramatic speech there in May 1908, Rauch was behaving arrogantly and unconstitutionally in identifying himself with the king as the true bearer of sovereignty. In other words he was the disloyal one, the real traitor to monarch and nation—especially since he was riding rough-shod over Croatia’s own constitution by

ignoring the *Sabor*.⁴⁷ Others in the Serb press put it more graphically: that Rauch had not hesitated every day “to rinse his filthy mouth with the royal personage.”⁴⁸ They challenged him to present proof that they, and not Rauch, were the actual traitors. For, as the key Serb mouthpiece *Srbobran* argued, elsewhere across the Empire there flourished parties and peoples (Magyars, Poles, Italians) who acted in an anti-dynastic manner and yet suffered no harm. In Croatia, by contrast, Serbs and Croats were traditionally expected to endure any regime passively, obediently professing their absolute loyalty. It was now time to do something about their status as “helots.”⁴⁹

It was partly out of this violent rhetoric that the idea of a treason trial emerged. Why exactly the Rauch regime proceeded in this direction from mid-1908 is usually ascribed by historians to Imperial anxieties about an external Serbian threat.⁵⁰ Baron Alois Lexa von Aehrenthal, foreign minister in Vienna, had received mounting intelligence since late 1907 of Greater Serbian propaganda being spread in the region, at a time when he was seriously planning to annex the provinces of Bosnia and Herzegovina to the Empire. Proof of a dangerous Serbian threat to the Empire would be a useful tool in justifying the annexation to international public opinion. In late March and early April 1908, Rauch was personally informed of these concerns by Aehrenthal. When Aehrenthal elaborated on the news reaching him from Belgrade of Serbian machinations, he was careful to recognize that he as foreign minister could not order the Croatian *ban* precisely what to do; therefore he counselled Rauch to gather evidence of Serbian interference in Croatia, perhaps with the help of the Frankists.⁵¹ The message was reinforced by Wekerle in Budapest. On the basis of the evidence set before him, Rauch felt able to conclude that there was indeed a treacherous link between the Serb Independent Party and Belgrade. He also knew he had full backing from his superiors to act cautiously but firmly with “extraordinary measures.”⁵² *Ustavnost* even

⁴⁷ “Govor Dra Dušan Popovića,” *Srbobran*, 14 May 1908; Veridicus, *Kroatien im Jahre 1907–1908*, 21. It is noteworthy that Frano Supilo himself recommended boycotting the Hungarian parliament, but he too felt bound at times to flirt with Budapest, and also Vienna. Gross, “Hrvatska uoči aneksije,” 220–2. See for example the cartoon in *Koprive* where Supilo canoodles with his female lover Wekerle while the “wretched chauffeur” Rauch scowls in the corner: “Odpušteni chauffeur,” *Koprive* no. 10, 6 June 1908, 1.

⁴⁸ “Antidinastičar na banskoj stolici,” *Srbobran*, 19 May 1908, 1.

⁴⁹ “Zašto smo veleizdajnički,” *Srbobran*, 1 May 1908, 1.

⁵⁰ See for instance Gross’s overly determinist discussion in which she implies not only that Wekerle and Aehrenthal envisaged a trial of Serb traitors from the start, but that they created the Rauch regime precisely in order to further this agenda and justify an annexation of Bosnia: Gross, “Hrvatska uoči aneksije,” 159, 190, 192ff.

⁵¹ Schuster, “Der Agrarier Hochverratsprozeß,” 16–8. Rauch himself told Aehrenthal that only the Frank party could provide a counter-weight to increased Serbianization in Croatia.

⁵² *Ibid.*, 18; Rauch to Daruváry, 4 April 1908, Kabinettsarchiv, HHStA, Karton 26, Geheimakten.

announced that Aehrenthal, Wekerle and Rauch had taken decisions to “localize” the Greater Serbian propaganda, adding darkly that “When and what methods will be used to check this movement will depend on how the situation develops.”⁵³

Historians such as Mirjana Gross, in focusing squarely on the build-up to the Bosnian crisis and Aehrenthal’s agenda, have played down the messy local dynamic that underlay the Zagreb treason trial. The trial in fact stemmed directly from Rauch’s own predicament amidst intensifying Croatian political discourse about loyalty and treason. He was being consistently targeted as a “degenerate” in Croatia’s Serb press, and in May 1908 finally felt forced to challenge Bogdan Medaković, the Serb leader, to a duel (though no duel ever took place, the rhetoric served to seriously polarize the two sides). He thereafter became ever more convinced that, in order to cure Croatia of its sickness, he needed to target the Serbs; he equated their tactics with “barbarous” Belgrade, whose program amounted to “centrifugal agitation threatening the security of the state.”⁵⁴ His enemies might well complain that he himself was employing “non-European methods,” but—in a telling comment on his view of Croatia—he questioned whether “the people here” were really Europeans anyway since it was said that the Balkans began at the Styrian border.⁵⁵ In May, some informed commentators continued to feel that Rauch had no coherent policy towards the Serbs apart from his zeal in abusing them as “traitors.”⁵⁶ Yet from this period onwards, the outlines of the regime’s own imaginings of the Croatian nation were becoming steadily sharper, in a process that received strong encouragement from Vienna and Budapest. Loyalty was defined morally in terms of Croatia’s main “historic” allegiances—to Catholicism and to the dynasty—against an alien Serbian Orthodox threat.

By July 1908, prominent Serbs were being arrested all across Croatia.⁵⁷ By the summer, the regime felt it had ever clearer proof to substantiate its own accusations (though in fact that ‘proof’ amounted to forged documents from Belgrade). Rauch felt able to purr contentedly, “the devil that the Serb Independent Party had painted on the wall, has now appeared in its own person.”⁵⁸ Writing deferentially to Aehrenthal in August, he summarized future prospects as follows:

⁵³ “Ministar Aehrenthal u Budimpešti,” *Ustavnost*, 13 April 1908, 2.

⁵⁴ “Bericht des Banus Baron Rauch über seine Amtstätigkeit in 1908”; Veridicus, *Kroatien im Jahre 1907–1908*, 21–2. The notion of “barbarous” Belgrade was consistently employed with reference to the violent assassination of King Aleksandar Obrenović of Serbia in 1903.

⁵⁵ Rauch to Daruváry, 9 May 1908 (reproduced in Iveljić, *Anatomija*, 238). This letter referred in fact to abuse from the Croat paper *Pokret*, but it is clear that Rauch now saw Serbs as the key Achilles heel of the Coalition.

⁵⁶ Kršnjavi, *Zapisci*, vol. 2, 528.

⁵⁷ Schuster, “Der Agramer Hochverratsprozeß,” 50–2.

⁵⁸ Veridicus, *Kroatien im Jahre 1907–1908*, 28.

I hope I can say with some confidence that the political situation will clear significantly in the next few months, for the court action against Serb propaganda is already proceeding. Through this, the objective facts of the case have already become very clear and fully coincide with the secret reports of your Excellency and the Hungarian government. We will now proceed further with the investigation. About twenty or twenty-five [Serbs] may be dealt with where the subjective case is more or less proven, so that their conviction for high treason can be confidently assured.⁵⁹

Indeed, once the prosecution began matching the accumulated evidence against the relevant law, its criteria for determining loyalty or disloyalty became further crystallized. Paragraph fifty-eight of Austria's criminal code, which had force in Croatia, defined "high treason" as attempting either violently to change the government, or to dismember part of the state. These clauses suggested a clear-cut definition.⁶⁰ In fact, in Austria-Hungary—as in Russia and Germany—the law also included the crime of "preparation to commit treason" as well as actually carrying out such a treasonable act; so the criteria for defining treason could be almost as vague as those used to define the concept of loyalty.⁶¹

Rauch's regime always implied a clear understanding of what was treasonable, based on paragraph fifty-eight. But at the same time loyal newspapers hinted darkly and irresponsibly that "dishonest" citizens might not deserve a place in the Croatian nation. This sort of coverage opened the door to a veritable witch hunt against Serbs. Rauch might well have seen his priority as anaesthetizing Serb politics ("one cannot kill off 7,000 Serbs," he once privately remarked),⁶² but he too sometimes let slip remarks that publicly stereotyped all Serbs as plotters against the regime.⁶³ In response to such rhetoric, the Coalition forces now took aim. They challenged how the law on treason was being abused, suggesting at the same time that such misuse was common

⁵⁹ Rauch now expected the Coalition to fall apart. Rauch to Aehrenthal, 9 August 1908, HHStA, PA XL/171 (Interna).

⁶⁰ Croatia's criminal code largely followed Austria's from 1852, with some adjustments made to suit the Croatian-Hungarian framework. See the standard Croatian text book on criminal law by Josip Šilović, especially the clauses on treason: Josip Šilović, *Kazneno pravo* (Zagreb: Narodne Novine, 1893), 298–302.

⁶¹ See on this point the standard contemporary work: Fritz van Calker, "Hochverrat und Landesverrat. Majestätsbeleidigung," in *Vergleichende Darstellung des deutschen und ausländischen Strafrechts: Vorarbeiten zur deutschen Strafrechtsreform; Besonderer Teil*, ed. Karl Birkmeyer, Fritz van Calker, and Reinhard Frank, vol. 1, *Verbrechen und Vergehen gegen Staat und die Staatsgewalt* (Berlin: Otto Liebmann, 1906), 42–46.

⁶² Kršnjavi, *Zapisci*, vol. 2, 537. This was in response to Kršnjavi telling Rauch: "Serbdom is a difficult question. We must make Serbs politically harmless but allow them to live." Ibid.

⁶³ See for example, Rauch's interview to the Hungarian newspaper *Pester Lloyd* in Budapest as reported in *Ustavnost*: "Ban u Budimpešti," *Ustavnost*, 23 October 1908, 2; "Šta je velezdaja?" *Ustavnost*, 22 August 1908, 1. This article specifically compared evidence of "the plot" with the law on treason as explained in Josip Šilović's textbook.

practice in Austria-Hungary among zealous statesmen who wished to flaunt their own loyalty in the pursuit of personal advantage. The most withering criticism came from Alexander Badaj, a former civil servant in the Croatian ministry of justice. Publicly attacking the catch-all nature of paragraph fifty-eight, which criminalized “preparation to commit treason”, he criticized the Rauch regime for exploiting the loophole: “The accusation of high treason is the severest weapon in the penal code. [...] One does not deal with sparrows using cannons. Hercules used his cudgel against the Hydra and not against mice.”⁶⁴ For Rauch such criticism was simply proof of the Coalition’s audacious disregard for the law and the power of the state: his enemies were now trying to make victims out of the criminals in order to deflect attention from their own treacherous agitation.⁶⁵

* * *

Let us turn briefly to consider the high treason trial itself, for out of that event were to emerge new interpretations of ‘loyalty’.⁶⁶ When the trial began in Zagreb in March 1909 (it was to drag on for seven months), issues connected to the loyalties of Rauch or of the Croat-Serb Coalition moved into the background. The focus was now on the allegiance of those Orthodox inhabitants of Croatia who called themselves Serbs, mainly living in the southwest and east of the country. In the decision to prosecute the case, as one defense lawyer exclaimed, “a tribunal has been set up to pass judgement over what is dynastic and what is anti-dynastic.”⁶⁷ In other words, the public clash of opinions of 1908 was now being tested in law, but twisted in a way that suited the external struggle of the Empire against the kingdom of Serbia, as well as suiting “Croatian national interests” as interpreted by both Rauch and the Frank party. The regime was sure it could get a conviction for treason, and (dangerously) risked a very public display of its power. For the ‘traitors’ to normal society had to be exposed; the trial was therefore reported daily in the press in order to reach the public domain and set an example.

This power struggle produced some entertaining clashes in court on the subject of loyalty. The prosecution case was put by Milan Accurti, the state prosecutor. He was firmly backed by Josip Tarabochia, the presiding judge, who was quite prepared to tell one defendant “you will get what is coming to

⁶⁴ “Dr Badaj o ‘veleizdajničkoj’ aferi,” *Pokret*, August 25, 1908, 1.

⁶⁵ Rauch to Daruváry, letters of 27 and 29 August 1908, Kabinettsarchiv, HHStA, Karton 26, Geheimakten.

⁶⁶ This discussion is truncated since I am writing a special journal article about the treason trial itself.

⁶⁷ Speech of Dušan Popović in: *Stenografski zapisnik, sastavljen kod kr. sudbenog stola u Zagrebu 3. ožujka 1909. i slijedećih dana o glavnoj raspravi povodom optužnice, koju je podnielo kr. državno odvjetništvo u Zagrebu dne 12. siječnja 1908. broj I. 1263–08. protiv Adama Pribičevića i 52 druga radi zločinstvena veleizdaje* (Zagreb, 1909), 153.

you.”⁶⁸ Since he also stressed that the court alone could interpret what was ‘treason’, the defense lawyers openly announced that it was a political trial.⁶⁹ Prosecutor Accurti went much further than simply accusing the Serb Independent Party of plotting a takeover of Croatia by neighboring Serbia. Serb leaders and officials were accused of fomenting “anti-dynasticism,” simply by propagating the very notion of a Serb ethnicity on Croatian territory. The key hotbed of subversion was said to be the quiet village of Vrginmost on the border with Bosnia, where Accurti and his officials had tried to gather a mass of incriminating evidence. Hoisting Orthodox flags in the Serbian colors, possessing pictures of King Petar I of Serbia, even writing in the Cyrillic script (something that had been legalized in 1888), were all deemed evidence of treason, proof that certain Orthodox Christian subjects of the monarchy had been incited to form a dangerous allegiance outside the state borders. Making a swipe at the Croat-Serb Coalition, Accurti repeatedly disparaged the whole idea that there might be any such thing as a common Serb-Croat nation. Simply spreading any theory of “one nation with two names” constituted treason because of what it implied in relation to political unity between Croatia and the hostile state of Serbia. In short, the accused in violation of paragraph fifty-eight were plotting to detach territory from the Habsburg monarchy.⁷⁰

For the defense lawyers this last point was indeed problematic. For in the trial some of the accused openly declared that south Slav unity was a reality. Others like Adam Pribičević certainly had good political ties to Serbia. His diligent defense lawyer Hinko Hinković duly visited Belgrade during the trial in order to collect material for his case; Hinković directly challenged the state evidence and warned about another Dreyfus affair in the making.⁷¹ But the impressive defense team also attacked the prosecution’s reductionist assumptions on how patriotism worked within the Empire in general, as well as in terms of Serb allegiances in particular. The Serbs of Croatia, they stressed, were indeed “genetically” the same as the Croats, but they were also of a separate ethnicity: their identity was not an artificial creation.⁷² They not only loved the Croatian fatherland (and therefore hated Croatia’s real enemy, Hungary), but could also look back on a proven record of loyalty to the Habsburg dynasty since 1849.⁷³ And as for interpretations of their symbols or of the Cyrillic script as evidence of anti-dynastic sentiment, there were plenty of examples from elsewhere in the Empire that rendered such interpretations

⁶⁸ Josip Tarabochia to Valerijan Pribičević: Ibid., 251.

⁶⁹ Speech of Hinko Hinković: Ibid., 12.

⁷⁰ Speech by Accurti: Ibid., 801.

⁷¹ Speech by Hinković: Ibid., 98. (Tarabochia cut Hinković off and forbade him to speak in this tone).

⁷² Speech by Dušan Popović in which the word *genetečki* (genetically) was used: Ibid., 231.

⁷³ Speech of Miloš Borojević: Ibid., 489; Speech of Medaković: Ibid., 1314.

nonsensical. As the Serb lawyer Dušan Popović argued, “We must be very careful. If today we find an Italian who has sympathy for the Italian king or a Czech who has sympathy for the Russian Tsar, we might conclude that he too is an anti-dynastic person.”⁷⁴ The comparison was dismissed by the prosecution, which claimed that the Serb Independent Party had a focused political agenda that gravitated outside the borders of Austria-Hungary and transgressed the acceptable bounds of allegiance.⁷⁵

If we consider this long legal battle over the nature of treason and disloyalty in Croatia, it is clear that there were many irregularities in how the trial was conducted. The evidence was largely circumstantial, the hostile witnesses were probably bribed, the defendants had been held in prison for over six months before trial. Hinko Hinković even before the trial wrote that the Habsburg *Rechtsstaat* was being abused to an extent resembling pre-revolutionary France; in his words, there existed a “Croatian Bastille.”⁷⁶ The British historian R.W. Seton-Watson, who attended some sessions of the trial, went on to publicize it in the West and called it “one of the grossest travesties of justice in modern times,” rivalling the Dreyfus affair, and earning “for Croatia an unenviable notoriety in Europe.”⁷⁷ Yet the prosecution case was not totally full of holes. Many of the defendants had indeed been enthusiastically promoting Serb culture in Croatia; as one remarked, he had sucked his Serbdom from his mother’s breasts.⁷⁸ Some had inclinations which were borderline ‘treasonable’, for example Rade Malobabić who would later be involved in the assassination of Archduke Franz Ferdinand.⁷⁹ The problem for the regime was in finding enough evidence to prove that these Serb activists were also ‘traitors’ under paragraph fifty-eight: in league with Serbia and working consciously against the Habsburg monarchy.

After a 150-day trial which continued until after the Bosnian crisis was over, much to the annoyance of Aehrenthal in Vienna, a verdict was announced in October 1909.⁸⁰ Thirty-one of the accused were convicted (including the Pribičević brothers, Adam and Valerijan who were both sen-

⁷⁴ Ibid., 153.

⁷⁵ See Accurti’s intriguing comparison with the “single political nation” of Czechs and Germans living in Bohemia: Ibid., 801–2.

⁷⁶ Hinko Hinković, “Istražni zatvor veleizdajnika,” *Pokret*, 23 September 1908, 1–2.

⁷⁷ Seton-Watson, *The Southern Slav Question*, 184, 208; idem, *Absolutism in Croatia* (London: Constable, 1912), 8.

⁷⁸ Speech of the Orthodox priest Nikola Ercegovac: Ibid., 558. Accurti asked in reply whether Ercegovac had also sucked “anti-dynasticism”; this caused uproar in the court and proceedings were temporarily suspended.

⁷⁹ Ibid., 431–47: Malobabić behaved particularly defiantly when interrogated by Accurti.

⁸⁰ Rauch had insisted to Franz Joseph in May 1909 that all of the accused should be prosecuted fully. However, Aehrenthal’s desire to shorten the trial, not least because of its denunciation in the European press, led Rauch in June to urge Accurti to accelerate the process: Schuster, “Der Agramer Hochverratsprozeß,” 118–19.

tenced to twelve years' imprisonment) and twenty-one were acquitted. Yet for both the Rauch regime and the convicts themselves, the dramatic result of the trial was to be short-lived. In late 1909, a libel trial conducted in Vienna against the famous Austrian historian Heinrich Friedjung uncovered the fact that the evidence used in Zagreb had been based on forged documents.⁸¹ Accurti's entire prosecution case fell apart. The revelations resulted in the release of the "Zagreb traitors" (although they were never officially pardoned), leaving them with even greater moral authority. It also left Rauch's own position finally untenable, forcing his resignation in January 1910.

The trial debacle might otherwise have presaged calmer times for Croatia, but neither the violent rhetoric of the period nor the trial could be easily forgotten. Nikola Tomašić, Rauch's immediate successor as *ban*, found it impossible to reconcile the various mutually suspicious political groupings. And in the eyes of many, the *Rechtsstaat* was never fully restored. Most notably, the regime's arbitrary use of treason law in 1909 was not invalidated. When Hinković tried to secure a full pardon for the defendants and open recognition of the trial's illegality, he was himself put on trial for abusing the judicial system and in 1911 sentenced to six months in prison.⁸² By 1912 Slavko Cuvaj, another new *ban*, proceeded on the advice of Budapest to revert fully to absolutist rule, assuming the title of "Imperial Commissar" and governing in blatant disregard for the constitution. As Seton-Watson noted at the time, "the dictatorship of Mr Cuvaj is unique in the annals of modern Europe."⁸³ Thanks to this trend towards further authoritarianism, the Croatian opposition (even the Frankists) began to take a more unified view of what Croatian national allegiance meant in reality. In sharp contrast, the Hungarian regime had learned little from the Rauch era on how to re-engage and cultivate Croatian allegiance on either the vertical or the horizontal plane.

* * *

This article has explored the various conflicting notions of Croatian loyalty during a time of heightened political tension. That the Rauch era saw a new layering of definitions of loyalty and treason was due to a power contest not just within Croatia, but also internationally in the Habsburg monarchy's deteriorating relationship with nationalist Serbia. The nature of the authoritarian political regime in Croatia framed the way in which such allegiances were actually performed (as opposed to just being spoken about). Thus, as we have seen, almost all the main political players of the period continued to feel

⁸¹ Hodimir Sirotković, "Pravni i politički aspekti procesa 'Reichspost'-Friedjung," *Starine* 52 (Zagreb, 1962): 49–180.

⁸² "Dr Hinković pred sudom," *Pokret*, 26 May 1911, 1–2; "Šest mjeseci tamnice," *Pokret*, 30 May 1911, 1–2.

⁸³ Seton-Watson, *Absolutism in Croatia*, 51.

bound to follow paths of vertical loyalty towards Vienna and Budapest, playing within the rules of the dualist system in the hope of achieving benefits for their respective causes. At the same time, a burgeoning Croatian civil society in the years after 1903 ensured that more powerful horizontal loyalties were emerging that the educated elite could no longer ignore. Not least the colorful press of the period—which Rauch’s regime was fatally unable to fully censor—tended to trumpet such partisan allegiances, claiming that their particular newspaper represented the true national voice. In practice, however, it was vertical loyalties that still mattered most in prewar Croatia, while horizontal conceptions of loyalty were to require a more democratic political system in which to flourish. The period was nevertheless a time when morphing processes in allegiances had begun to accelerate or, as one veteran observer noted in his diary in 1908, “Friendship in this land changes like a kaleidoscope.”⁸⁴

The mirror-image discourse about ‘treason’ presents us with a Hungarian or Habsburg regime in crisis in the years before the Great War. The regime showed itself to be particularly careless in arbitrarily branding political opponents as anti-dynastic and in equating this characterization with treason. The power struggle that followed involved the use of the ultimate legal weapon—an indictment for high treason⁸⁵—but in this context, in contrast to the usual inevitable outcome of treason trials, the “traitors” emerged victorious. The impact was disastrous for the Rauch regime in the short term, but was also to prove calamitous in the long term for both the Hungarian government and indeed the Habsburg dynasty, whose legitimacy and credibility was severely weakened. It is true that by 1914, when Budapest reintroduced constitutional rule, the political atmosphere in Croatia seemed more tranquil. Yet as the First World War began, the discourse on loyalty and treachery was to resurface immediately, in the first instance targeting Serbs, but also challenging any tendency to insubordination on the part of Croats.⁸⁶ Not least, despite the pre-war debacle, the wielding of treason law continued in Austria and Croatia.⁸⁷ Croatian loyalties to Hungary and to the Habsburgs were thus to face their final test, and by 1918 many individuals had concluded that the Austro-Hungarian Empire no longer provided a secure framework capable of hosting the Croatian nation.

⁸⁴ Kršnjavi, *Zapisci*, vol. 2, 512.

⁸⁵ Otto Kirchheimer, *Political Justice: The Use of Legal Procedure for Political Ends* (Princeton: Princeton University Press, 1961), 76.

⁸⁶ This continuity in perceptions of southern Slav treachery, before and after 1914, has been well analysed in the case of Styria. See Martin Moll, *Kein Burgfrieden: Der deutsch-slowenische Nationalitätenkonflikt in der Steiermark 1900–1918* (Innsbruck: Studien, 2007).

⁸⁷ See Mark Cornwall, “Traitors and the Meaning of Treason in Austria-Hungary’s Great War,” *Transactions of the Royal Historical Society* 25 (2015): 113–134.