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The Republic of Austria and the Habsburg Inheritance

Karl von Habsburg, born in 1961, the head of the House of Habsburg-Lorraine (the imperial line, hailing from Maria Theresa (1717–80) and Francis I Stephen of Lorraine (1708–1765)) since 2007, a deputy to the European Parliament (IV term) and, which is essential, the grandson of the last Emperor of the Austria-Hungary, Charles (Karl I, 1887–1922), was fined by the municipal government of the Austrian capital in 2019. The "crime" he had committed was the use of the nobiliary particle "von" (karlvonhabsburg.at) with his family name in the name of a website. This action infringed the Law on the Abolition of Nobility (*Adelaufhebungsgesetz*) from 1919¹ and also the Habsburg Law (*Habsburgergesetz*).² Charles Habsburg was supposed to pay €70 for that indulgence or else be detained for four hours. The aggrieved party appealed the decision of the city, arguing that "von" is a historical part of the name and there were no "homepages" a hundred years ago. The Supreme Administrative Court, acting in the capacity of the appellate court, while corroborating the existence of a delict,

1. *Gesetz über die Aufhebung des Adels, der weltlichen Ritter- und Damenorden und gewisser Titel und Würden*, in: "Staatsgesetzblatt für den Staat Deutschösterreich / Staatsgesetzblatt für die Republik Österreich" 237 (1919), p. 573; see also: *Sitzung der Konstituierenden Nationalversammlung für Deutschösterreich am 3. April 1919*, in: „Stenographisches Protokoll" (1919), p. 192.
2. *Gesetz über die Aufhebung des Adels, der weltlichen Ritter- und Damenorden und gewisser Titel und Würden, O Habsburgergesetz*, in: "Staatsgesetzblatt für den Staat Deutschösterreich / Staatsgesetzblatt für die Republik Österreich" 211 (1919), p. 514; on the *Habsburgergesetz*, op. cit., see: footnote 22.

recognised that it was “incapable of a credible recalculation of the exchange rate for the 20,000 Austrian Kroner fine envisaged in the act from a hundred years ago” into the current currency of the European Union.³ The judgement remained in force, with the fact that the country was festively celebrating the fifth centenary of the great Maximilian Habsburg becoming Holy Roman Emperor not even considered a mitigating circumstance. In fact, just the observance of Corpus Christi, the main annual holiday of the Catholic Habsburgs, which includes a procession through the centre of the city and colourful costumes from the time of political Catholicism, is the evidence of the survival of this cultural heritage in today’s cultural code of Austria.

The perversity of sustaining the verdict becomes even more pronounced and telling in the light of a doctoral dissertation in sociology published in 2011. It proved the thesis that the abolition of noble titles on the power of an act did not result in the loss of the social, cultural, and symbolic capital that the owners of those titles had accumulated over the centuries, considering that such people are six times more likely to hold high positions among the current business elite of Austria.⁴

The decisions of the municipality of Vienna and the administrative court were organically linked to the fall of the Austro-Hungarian monarchy in 1918/19, and the circumstances of the abdication of the Habsburgs on the political ruins of the First World War which led to the proclamation the aforementioned Habsburg Law. It provided the starting point for this article which explores the attitude of the new state, the Republic of Austria, built on the smouldering ruins of the monarchy that stretched along the Danube, to the Habsburg inheritance. The article investigates two themes:

1. The forced banishment of Habsburgs from the territory of the Republic and the ripple effect that this has caused to this day, and
2. The confiscation of Habsburg assets and the strategy for the Republic to divide and allot them in 1918/19.

3. *Adelstitelgericht liefert bizzare Posse um Karl Habsburg*, in: “Kleine Zeitung” (13 March 2019), https://www.kleinezeitung.at/politik/innenpolitik/5595171/Adelstitel_Gericht-liefert-bizarre-Posse-um-Karl-Habsburg (10.06.2019).

4. P. Korom, *Die Wirtschaftseliten im neuen Wirtschaftskapitalismus: Sozialprofil und Personalverflechtungen*, Graz 2011.

Circumstances of the abdication

The foundations of the Habsburg power in Vienna were shaken by the armistice on the Italian front, concluded in villa Giusti near Padua on 3 November 1918,⁵ the rebellion of their own Austro-Hungarian army and its demobilisation on 7 November 1918, and the abdication of the ally in the war on the Entente, Emperor William II in Germany, with the ensuing proclamation of the Republic in Berlin on 9 November 1918.⁶ Even before these lethal blows, Emperor Charles Habsburg (1887–1922) desperately tried to save the unity of the empire, announcing the manifesto “to my faithful Austrian peoples” (*Völkermanifest*, 16 October 1918), and transforming the monarchy into a federation of national states.⁷ “Your Majesty, it is too late” (*Majestät, es ist zu spät*), retorted Anton Korošec,⁸ a Slovene priest of political habitus, and he was not mistaken: mistrust of the autocratic monarchy had the new republican government in Vienna cling to Charles's decision to abdicate. The Emperor had only been on the throne for two years but in the eyes of his subjects he embodied the six centuries of Habsburg reign and the decision to start the ill-fated war. The government, in turn, was instituted by the Reichsrat, the Parliament for the Austrian part of the Empire that had been operating since 1867⁹ and was presided over by a social democrat, Karl Seitz.¹⁰ The terms of Emperor Charles's final renouncement of the throne in

5. M. Rauchensteiner, *The First World War and the End of the Habsburg Monarchy, 1914–1918*, Wien 2014, p. 1002.
6. Bundesarchiv, Bild 146-1970-051-17, in: <https://weimar.bundesarchiv.de/WEIMAR/DE/Content/Audios/tony1-1618-scheidemann.html> (10.06.2019).
7. The full text of the manifesto in: “Extra-Ausgabe der Wiener Zeitung” (11.11.1918), p. 1. See also: R. Neck (Hrsg.), *Österreich im Jahre 1918. Berichte und Dokumente*, München 1968, p. 64.
8. F.J. Bister, *Majestät, es ist zu spät...: Anton Korošec und die slovenische Politik im Wiener Reichsrat bis 1918*, Wien 1995.
9. B. Sutter, E. Bruckmueller, *Der Reichsrat, das Parlament der westlichen Reichshälfte Österreich-Ungarns (1861–1918)*, in: E. Bruckmüller (Hrsg.), *Parlamentarismus in Österreich (=Schriften des Institutes für Österreichkunde, 64)*, Wien 2001, pp. 60–109.
10. The complicated mechanism of the separation of legislative and executive powers of the developing Republic catapulted Karl Seitz to the post of the provisional chairman of the interim parliament (*Präsident der Provisorischen Nationalversammlung für Deutschösterreich*), president of the Council of the State, the executive organ of the Parliament (*Vorsitzender des Staatsrates*), and the head of the government (*Präsident im Kabinett*) on 21 October 1918. He shared those positions with two other politicians. However, it was he who received the telegram from the US President on 8 November 1918, congratulating “the nations on the throwing off of the yoke of the Austro-Hungarian monarchy.” G. Brook-Shepherd, *Um Krone und*

Vienna were drawn up and the final statement worked out with the previous imperial cabinet managed by Heinrich Lammasch. The *Verzichtserklärung* that Charles signed was immediately published in a special supplement to *Wiener Zeitung*. It avoided the delicate term "abdication" in a broad arc; instead, the phrase "resigning from participation in affairs of state" was used, as it had no connotation to relinquishing the monarch's rights, which, after all, were conferred by the Constitution of 1867 that remained in force as it was not revoked. Moreover, the document of 11 November 1918 included Charles's decision to have his government dissolved and the recognition that German Austria may choose any political system.¹¹ The declaration of the Emperor's resignation opened the way for the proclamation of a republic in the Reichstag a day later.¹² In turn, Charles himself left Schönbrunn Palace and – together with his spouse Empress Zita of Bourbon-Parma (1892–1989), his mother Princess Maria Josepha of Saxony (1867–1944), and five children, including six-year-old Otto (1912–2011) – retreated to the hunting lodge in Eckartsau in a convoy of several cars. The estate is located among marshy woods by the Danube, and, more importantly, in the vicinity of the Hungarian border. The choice was no coincidence as the emperor counted on managing to maintain power in Hungary after his resignation from ruling the Austrian part of the state. However, on 13 November he was visited by a Hungarian delegation who forced him to renounce the throne in Budapest, although, again, Charles avoided a formal abdication.¹³

That tactical success did not prevent the disagreeable pressure to leave Austria and three circumstances were critical in that respect. First, the shortage of food and coal in the country resulted in difficulties with supplies and the insufficient heating of the rooms, so the little palace in Eckartsau could not house the imperial entourage of around a hundred

Reich. Die Tragödie des letzten Habsburgerkaisers, Wien 1968, p. 249. The best political biography of Seitz: H.D. Gröller, *Karl Seitz. 1869–1950. Ein Leben an Bruchlinien*, Wien 2005.

11. "Extra-Ausgabe der Wiener Zeitung", (11.11.1918), p. 1.; H. Kelsen, M. Jestaedt, *Veröffentlichte Schriften 1919–1920*, Bd. 5, 2007, p. 36.
12. *Gesetz, womit die Republik Österreich als Bundesstaat eingerichtet wird (Bundes-Verfassungsgesetz) vom 1. Oktober 1920*, in: "Bundesgesetzblatt für die Republik Österreich" 1 (1920); *Gesetzes über die Staats- und Regierungsform von Deutschösterreich*, in: A.J. Merkl, *Die Verfassung der Republik Deutschösterreich. Ein kritisch-systematischer Grundriss*, Wien–Leipzig 1919, p. 113.
13. D. Ujváry, ed., *Papers and documents relating to the foreign relations of Hungary*, vol. 2, January to August 1921, Budapest 1946, no. 114.

people. Secondly, the outbreak of the flu pandemic and the Spanish flu ravaging the country after the end of the war revealed the distressing lack of medications: On some days, the former emperor was “so weak that he didn't leave his bed at all.”¹⁴ However, the key factor was the visit to Eckartsau of the head of the government of the new state, Karl Renner,¹⁵ who informed Charles Habsburg that due to the lack of his official abdication, the monarch was facing internment. The suggestion was to leave Austria.¹⁶ Then the British monarchy stepped in: King George V did not want Charles and his family to meet the same fate as the dethroned Romanovs in Russia. His envoy, Lieutenant-Colonel Edward Lisle Strutt, later League of Nations' High Commissioner for the Free City of Gdańsk, turned up in Eckartsau and conveyed the message of support from the British monarch, provided the necessary medications, and, which is significant, after the former emperor's three-month stay in the hunting lodge, organised his transfer to Switzerland once the authorities of the Alpine country permitted it.¹⁷

Charles's departure from Austria acquired the form of a protest against the loss of the throne. The demonstration was reinforced by the singing of the anthem of the monarchy *Gott erhalte, Gott beschütze...* (*God preserve, God protect [Our Emperor, Our Country!]*) in the last mass celebrated in the castle's chapel. For his railway trip, Charles donned the uniform of a field marshal of the former Imperial and Royal Army, as if he were to perform an inspection of the front line. He wore it all the time while in Austria. Finally, on 24 March, before he crossed the Austrian–Swiss border in Feldkirch – that is while still on Austrian soil – he revoked his statements of 11 November 1918, and submitted an official protestation against being divested of the throne in Vienna.¹⁸ Known as the Manifesto of Feldkirch, the document was delivered to the government and parliament in Vienna, and also dispatched through Cardinal Gaetano Bisleti to Pope Benedict XV

14. P. Broucek, *Karl I. (IV.): der politische Weg des letzten Herrschers der Donaumonarchie*, Wien 1997, p. 231.
15. Dr K. Renner, 30 October 1918 – 11 June 1920, Chancellor of German-Austria (*Deutschösterreich*).
16. Brook-Shepherd, *Um Krone und Reich*, op. cit., pp. 291–292.
17. J. Bogle, J. Bogle, *A Heart for Europe: The Lives of Emperor Charles and Empress Zita of Austria-Hungary*, 1990, p. 120.
18. The text of *Feldkircher Manifest Kaiser und König Karls*, in: <http://www.elisabethkovacs.com/wp-content/uploads/142.-bis-150.-Feldkircher-Manifest-Kaiser-und-K%C3%B6nig-Karls.pdf> (10.06.2019).

and the King of Spain, Alfonso XIII. The former emperor issued a similar statement concerning his "relinquish[ing] every participation in the administration of the State" on 13 November 1918, which "he considered fully null and void" (*für null und nichtig*).¹⁹ However, a chance witness of the arrival of the former emperor at Feldkirch, Stefan Zweig, nonetheless experienced a feeling of profound embarrassment to see a humbled representative of a powerful dynasty with 650 years of tradition. "Everyone around us, the gendarmes, the soldiers, the policemen, seemed so uncomfortable with the circumstances that they turned their eyes away, because they did not know whether to salute him the old way."²⁰

The Habsburg Law and its Consequences in the Scope of the Banishment of the Dynasty's Members from the Territory of the Republic of Austria

From the perspective of the young Republic of Austria, the emperor's change of mind gave rise to fear that the Habsburgs may return to power, which could slow down the Anschluss by Germany that the majority expected, and by that token provoked the publication of an Act of 3 April 1919 that made history as *Habsburgergesetz*.²¹ It provided the grounds to expel the entire Habsburg family from the country. Furthermore, it forbade the use of all titles, and released all from the oaths previously sworn to the emperor.²²

The future consequences of the act cannot be gleaned from its literal reading: as an émigré in 1919, the former emperor was sentenced to eternal exile which also extended to other members of the House of Habsburg-Lorraine and the houses of Tuscany and Modena, unless they submitted an appropriate declaration in which they resigned from the monarch's rights and declared allegiance to the new Austrian state. The fact of leaving the country, however, did not trigger the loss of the right to the homeland (*Heimatrecht*) even though it was tantamount to forfeiting citizenship (*Staatsangehörigkeit*). In the first years after the passing of the *Habsburgergesetz*, the social demo-

19. *Erklärung König Karls IV*, in: *ibidem* (10.06.2019).

20. D. Schlecht-Nimrich, *1919: Als alles möglich schien*, Norderstedt 2019, p. 108.

21. The Law was passed with a single deputy voting against it, see: *Sitzung der Konstituierenden Nationalversammlung für Deutschösterreich am 3. April 1919*, in: "Stenographisches Protokoll" (1919), p. 176.

22. *Gesetz vom 3. April 1919, betreffend die Landesverweisung und die Übernahme des Vermögens des Hauses Habsburg-Lothringen*, in: "Staatsgesetzblatt für den Staat Deutschösterreich" 71 (1919), p. 513.

crats added a special tone to political life by demanding forced expulsion of the Habsburg family members. Standing out among them for his exceptional zeal was deputy Albert Sever who accused the Archduchess Immaculata of smuggling multiple crates containing property from Vienna to Rome.²³

One of the few loyalists from the first-ranking Habsburgs to submit the expected declaration was Archduchess Marie Valerie of Austria, the youngest daughter of Emperor Franz Joseph and Elizabeth of Bavaria, her husband Archduke Franz Salvator of Austria-Tuscany, their children, and members of the Tuscan family of Franz Salvator, with the exception of Peter Ferdinand.²⁴

One of the Habsburgs who affirmed the new reality to a degree greater than expected was the Archduchess Elisabeth Marie of Austria, the only daughter of Rudolf, the heir to the throne, who divorced Prince Otto of Windisch-Grätz and, thanks to her second marriage to a social democratic activist of peasant descent, became plain Mrs Petznek. Joining the ranks of social democracy earned her the moniker of the "Red Archduchess," which is how she is remembered in history.²⁵

The *Habsburgergesetz* was an insurance for the young Austrian Republic against Charles's repeated attempts at restoring the monarchy.²⁶ The act

23. C. Moos, *Habsburg post mortem: Betrachtungen zum Weiterleben der Habsburgermonarchie*, Wien 2016, p. 197.

24. See: N. Nemeč, *Erzherzogin Maria Annunziata (1876–1961): die unbekannte Nichte Kaiser Franz Josefs I.*, Wien 2010, p. 236.

25. F. Weissensteiner, *Die rote Erzherzogin. Das ungewöhnlich Leben der Elisabeth Marie, Tochter des Kronprinzen Rudolf*, München 2009.

26. Charles made his first attempt to enter Hungary in March 1921. After a venture-some trip to Budapest with forged passports, he naïvely tried to persuade Regent Miklós Horthy to hand over power into his hands. Despite the defeat, in the same year Charles prepared another putsch, this time better organised, mostly inspired by Empress Zita and the Vatican. Although pregnant again, the former empress flew in a plane with Charles to the Hungarian city of Sopron, from where they took a train to Budapest. On the way they were joined by successive troops. In circumstances that still remain unclear, following an exchange of fire the march stopped at the gates of Budapest. Charles and Zita were arrested and detained in the Benedictine Abbey in Tihany by Lake Balaton. After the victory of the Entente in the war and the development of national states in the place of the Habsburg monarchy, both the putsches were doomed to fail from the start, the situation being aggravated even further by the developments in Hungary, which, having lost three quarters of its territory in the Treaty of Trianon, was strongly disinclined to the Habsburgs. See: E. Feigl (Hrsg.), *Kaiser Karl. Persönliche Aufzeichnungen, Zeugnisse und Dokumente*, Wien – München 1984, pp. 347–451; E.J. Görlich, *Der letzte Kaiser*, Wien – Wien – Köln, pp. 141–147; M. Zeidler, *Charles IV's*

was supported by the Constitution Act of 1920 (Art. 60.3.2, last amended on 1 June 2007) that denied passive election rights in presidential elections in Austria to members of the former ruling houses.²⁷ That paragraph was rescinded only in June 2011, as part of the change of the act on electoral law.²⁸

The act of the Christian Democrat chancellor Kurt Schuschnigg from 12 July 1935 envisaged suspension of the entire Habsburg Law, together with the annulment of the obligation to leave the country.²⁹ Schuschnigg himself yielded to certain monarchist affections, but it was the broader political background that was more significant as even the very Habsburg Law was interpreted as a law that did not strip members of the family of Austrian citizenship "independent of submitting the pledge of loyalty or not."³⁰ This resulted from the truly tectonic tremors that the economic crisis, disillusionment with social democracy, increase in unemployment and the nationalist moods entailed in Austria. Together with the breakup of "Red Vienna," Chancellor Dollfus started Nazi dictatorship. This was a wind in the sails of the right-wing and monarchists.

By the time of the Anschluss of Austria, 1603 communes had granted honorary citizenship to Otto Habsburg, head of the House of Habsburg.³¹ The emperor's eldest son even met the chancellor in secret, but the latter rejected the proposal of having a Habsburg take over the office of the chancellor on the eve of the German Anschluss and the organisation of the resistance against incorporating Austria into the German Reich.

attempted returns to the Hungarian throne, in: <https://www.austriaca.at/0xc1aa-5576%20x00178c1f.pdf> (10.06.2019).

27. *Gesetz, womit die Republik Österreich als Bundesstaat eingerichtet wird (Bundes-Verfassungsgesetz)*, 5 October 1920, in: "Staatsgesetzblatt für die Republik Österreich", <http://www.verfassungen.at/at18-34/oesterreich20.htm> (10.06.2018).
28. *Wahlrechtsänderungsgesetz 2011*, in: "Staatsgesetzblatt für die Republik Österreich", https://www.parlament.gv.at/PAKT/VHG/XXIV/I/I_01257/fnameorig_222765.html (10.06.2019).
29. First under Chancellor Engelbert Dollfuss both the Adelsaufhebungsgesetz and the Habsburgergesetz were reduced to the rank of a regular act in §56.4 of Verfassungsübergangsgesetz of 19 June 1934, see: "Bundesgesetzblatt für die Republik Österreich" 75 (1935), p. 159. The act of Chancellor Schuschnigg: *Bundesgesetz, betreffend die Aufhebung der Landesverweisung und die Rückgabe von Vermögen des Hauses Habsburg-Lothringen*, in: "Bundesgesetzblatt für die Republik Österreich" 299 (1935), p. 1335.
30. C. Moos, *Habsburg post mortem: Betrachtungen zum Weiterleben der Habsburgermonarchie*, Wien 2016, p. 203.
31. B. Schagerl, *Friedrich Ritter von Wiesner*, Dissertation, University of Vienna, 2012, p. 125.

As much as Nazi proclivities grew in one part of Austrian society, monarchist tendencies flourished in the other. This also resulted from the attitudes of the Catholic Church and the Vatican. Although officially the Vatican was reserved, and Secretary of State Eugenio Pacelli considered the potential restoration of the Habsburgs in Vienna "solely an Austrian matter," members of the Austrian Council of Bishops, led by the Bishop of Linz, Johannes Maria Gfoellner, met in secret with Otto von Habsburg in Belgium.³² In Nazi Austria, after the country was annexed by the Third German Reich, Schuschnigg's Act was annulled on the order of Hitler, with the Austrian Reich Governor (*Reichsstatthalter*), Arthur Seyß-Inquart, obliging.³³ The Nazis issued an order to arrest Otto von Habsburg, who called for resistance from the territory of France.³⁴

After the Second World War, *Habsburgergesetz*, which denied members of the family the right to live in the Republic of Austria, remained in force (since 19 December 1945), as the Constitution from 1920 was reinstated.³⁵ As a result, Otto and his three brothers, who had settled in Innsbruck in October 1945, were expelled from Austria.³⁶ With the treaties of 15 May 1955

32. M. Kunstat, J. Sebek, *Kirche, Religion und Politik in Österreich und in der Tschechoslowakei im 20. Jahrhundert*, Münster 2019, p. 202.

33. *Gesetz über die Rückgängigmachung der Ausfolgung von Vermögen an das Haus Habsburg-Lothringen, NS-Gesetz vom 14. März 1939 zur neuerlichen Vermögensentziehung*, in: "Gesetzblatt für das Land Österreich" 312 (1939), p. 943; See also: G. Weiher, H. von Kotze, *Regesten*, 2015, p. 444. The loss of noble titles remained in force, see: "Gesetzblatt für das Land Österreich" 236 (1938).

34. C. Moos, *Habsburg post mortem...* op. cit., p. 204.

35. With the introduction of the *Verfassungs-Überleitungsgesetz* (1 May 1945), all the acts from 1933–1945 infringing the constitution in force in 1933 were annulled. Thus the *Habsburgergesetz* was returned to the version from 1919, and the changes introduced by Chancellor Schuschnigg in 1935 and by Seyß-Inquart in 1939 were automatically invalidated. See: *Verfassungsgesetz vom 1. Mai 1945 über das neuerliche Wirksamwerden des Bundes-Verfassungsgesetzes in der Fassung von 1929 (Verfassungs-Überleitungsgesetz)*, in: "Staatsgesetzblatt für die Republik Österreich" 4 (1945), vom 1. Mai 1945, pp. 7–13. After 1945, the Republic of Austria included into numerous international acts provisions that invalidated them in respect to members of the Habsburg dynasty. That primarily concerned the International Convention on the Elimination of All Forms of Racial Discrimination. The Convention was adopted into national law on 10 August 1973. As far as Article 1 of the Convention banned all discrimination, Article 2 stated that Habsburg Law and exclusion of the members of family from the passive suffrage in presidential elections in Austria remained unaffected. See: *Bundesverfassungsgesetz vom 3. Juli 1973 zur Durchführung des Internationalen Übereinkommens über die Beseitigung aller Formen rassischer Diskriminierung*, in: "Bundesgesetzblatt" 390 (1973).

36. C. Moos, *Habsburg post mortem...* op. cit., p. 206.

defining the status of the Republic of Austria, on the powerful demands from the proletarian Soviet Union — one of the victorious powers of the Second World War — Article 10, section 2 sanctioned the Habsburg Law on the international stage.³⁷

In 1963 this caused a governmental crisis, when the coalition government of Social and Christian Democrats could not reach consensus after the declaration of the head of the House of Habsburg, Archduke Otto of Austria, that he would arrive in Austria having previously (on 31 May 1961) presented Chancellor Alfons Gorbach with a statement in which he resigned from membership of the dynasty and any other claims, and loyally recognised himself a citizen of the Republic of Austria.³⁸ After a long bout of tug of war — with the dispute concerning the question of who had the right to issue the decision concerning Habsburg's arrival in Austria eventually resolved by the judgement of the Constitutional Court³⁹ — Otto Habsburg finally arrived in his home country on 31 October 1966.

Two decades later, in the 1980s, a less restrictive interpretation of the Act even allowed former Empress Zita who, unlike Otto von Habsburg, had never declared allegiance, to arrive in Austria after 63 years of exile. She did in 1982, after her lawyers recognised that as she was only married to a member of the dynasty, Emperor Charles Habsburg, she never acquired the monarch's rights and was therefore not covered by the Habsburg Law.

In the political dimension, King Juan Carlos of Spain could be considered the godfather of the visit of the former empress to her home country. The press claimed that during his meeting with the social democrat Chancellor Bruno Kreisky in his summer villa in Majorca, the Spanish monarch "drummed on and on how horrible it must be for a 90-year-old woman to not be allowed to come home." During the votive mass in the Cathedral of St

37. *Staatsvertrag, betreffend die Wiederherstellung eines unabhängigen und demokratischen Österreich*, in: "Bundesgesetzblatt für die Republik Österreich" 152 (1955), p. 725; see also: C. Aigner, *Das Habsburger-Trauma: das schwierige Verhältnis der Republik Österreich zu ihrer Geschichte*, Wien 2014, p.114.

38. *Die Habsburg-Krise — mehr als parteipolitische Auseinandersetzungen. Grundsatzzfragen von Verfassung und Parlament im Mittelpunkt*, in: "Parlamentskorrespondenz" 743 vom (15. September 2006), https://www.parlament.gv.at/PAKT/PR/JAHR_2006/PK0743/index.shtml (10.06.2019).

39. *Bundesverfassungsgesetz: Authentische Auslegung des Gesetzes, betreffend die Landesverweisung und die Übernahme des Vermögens des Hauses Habsburg-Lothringen*, in: "Bundesgesetzblatt für die Republik Österreich" (1963), vom 26 Juli 1963, p. 1799.

Stephen, the Archbishop of Vienna, Cardinal Franz Koenig, "laid blessings on the head of the former empress who was dressed in ceremonial black according to the imperial ritual."⁴⁰

His successor, Cardinal Hans Hermann Groër, presided over the funeral mass in the cathedral when the Empress was allowed to arrive in Austria for the second and last time on 1 April 1989, to be taken around the centre of Vienna in the hearse of the Habsburgs and to be laid to rest in the crypt of the Capuchin Church, the necropolis of the dynasty. Her sons, Felix and Carl Ludwig were allowed to come to the funeral of their mother, even though they refused to declare allegiance. However, once that formality had been completed, the Law became void as after the death of the members of the dynasty, Felix and Carl Ludwig were the only ones it extended to.

In the end, the *Habsburgergesetz* lost its relevance in matters concerning the exile of the imperial family members because, as a country of the European Union, Austria had to recognise the Habsburg Law as contradictory to the EU law concerning freedom of movement.

Departure from a restrictive understanding of the Law was reflected by the revision of the passive suffrage of the members of the dynasty in presidential elections in Austria, which, until that moment, had in fact denied them that right. De facto that meant removal of paragraph 2 from the Habsburg Law in the so-called *Wahlrechtsänderungsgesetz* that came into force on 1 October 2011. However, a proviso was made that "the act on banishment and confiscation of the Habsburg Estates, in accordance with the Law of 1919, remains in force."⁴¹ That situation resulted from the concern that awarding passive electoral rights to Habsburgs in presidential elections in Austria could initiate the process of returning confiscated family properties.

The Habsburg Law and its Consequences Concerning the Takeover of Assets

In its other aspect, the Habsburg Law took away "movable property and real estate without damages" from the imperial house, the Habsburg-Lorraine line and its side lines.⁴² Only specially declared private property remained

40. *Ehre der Altäre*, in: "Der Spiegel" 45 (1982), p. 186.

41. *Wahlrechtsänderungsgesetz*, in: "Bundesgesetzblatt für die Republik Österreich" 43 (2011), Jahrgang 2011 vom 7. Juli 2011, p. 1.

42. *Gesetz vom 3. April 1919, betreffend die Landesverweisung und die Übernahme des Vermögens des Hauses Habsburg-Lothringen*, Abschnitt 2, Paragraphen 5–8, in:

in the hands of members of the dynasty, but even here an exception was made for the private property of the former emperor, Charles, which was appropriated until his death.

The *Habsburgergesetz* precisely stipulated the kinds of property seized by the new Republic (from the Treaty of Saint-Germain which came into force in October 1919, so it was now the Republic of Austria, Republik Österreich), and differentiated between three types of property:

- the property of the monarch (*hofärrarisches Vermögen*),
- related properties (*gebundenes Vermögen*), and
- private property (*freies persönliches Privatvermögen*).

The first covered the properties of the crown administered by the imperial court, and included buildings, estates and monopolies. The most ostentatious properties of that type were the Hofburg Palace in Vienna, the castles of Schönbrunn, Belvedere and Laxenburg, and libraries, collections of art works, valuables, and deposits. The *Hofärrarisches Vermögen* was taken over by the Treasury of the State and earmarked for the financing of the war wounded. The Habsburgs were also automatically shorn of their hunting, fishing, and similar rights.

The second category of confiscated assets covered the *gebundenes Vermögen*, that is the properties connected to the ruling house and the side lines, the joint property of the Habsburgs, mostly in the form of family funds (fee tail). Especially important among those was the *Familienversorgungsfonds* managed by the emperor, which was supposed to assure a high standard of living for all members of the Habsburg family even if they were unable to cover the high living costs and other expenditures from their own revenue.⁴³ That common fund was set up in the 18th century by Francis I Stephen of Lorraine, husband of Empress Maria Theresa and the founder of Tiergarten Schönbrunn, Europe's oldest zoological garden functioning to this day. After surrender of his Duchy of Lorraine, Francis I Stephen made a series of investments in land, purchasing new estates that finally made up the *Familienversorgungsfonds*.⁴⁴ In 1918, it comprised property for lease, bank shares, and real estate covering an area of 27,000 ha, including the

"Staatsgesetzblatt für die Republik Österreich", <http://www.verfassungen.at/at18-34/oesterreich20.htm> (10.06.2018).

43. K. Vocelka, *Die Familien Habsburg und Habsburg-Lothringen: Politik, Kultur, Mentalität*, Wien 2010.

44. A. Hellmut, *Der Fall Otto Habsburg – Ein Bericht*, Wien 1965, p. 76.

residences in Eckertsau and Albrechtspalais, the Palace of Prince Albert Casimir of Saxony, Duke of Teschen, who married into the Habsburg family by becoming the husband of Maria Theresa's favourite daughter, Maria Christina, Duchess of Teschen. The Palace of Archduke Albert Casimir was taken over by the Treasury of the State together with an impressive collection, which became known in history as "Albertina." It included tens of thousands works of art, including those created by the greatest masters, from Raphael to Rubens.

The fate of the *Familienversorgungsfonds* was shared by another foundation, the *Kaiser-Franz-Joseph-Kron-Fideikommiß*, which in turn protected the monarch (who was of fairly pessimistic disposition) in the event that the Habsburgs lost the imperial crown in the wake of some historical vicissitudes. The property of the foundation was secured against the castle in Mürzsteg, today a summer residence of the presidents of Austria, and numerous estates in today's Czechia.⁴⁵

The private properties of the Habsburgs remained in their possession, so for example, the villa in Bad Ischl has continuously been in the hands of the family. Today it is owned by Archduke Markus Emanuel Salvator of Austria (born in 1946), great-grandson of Emperor Franz Joseph, who in turn received it as a wedding present from his mother.

The cracks in the strict provisions of the Habsburg Law became visible in its implementation. Emperor Charles entered Switzerland with 162 crates from Eckartsau Castle, furniture, and works of art. Moreover, he had earlier made sure that some of his effects were transported to Switzerland, which provided a pretext for the royal jewels scandal and reinforced anti-monarchy sentiments. On the eve of 11 November, Emperor Charles took 14 gems and crown jewels from cabinets XII and XIII of the Hofburg Castle Treasury. These included the world-famous 137-carat Florentine Diamond set in gold, property of Francis III Stephen of Lorraine, and the equally famous collection of emeralds and rubies of Maria Theresa, Marie Antoinette, Empress Elizabeth and his own wife, Empress Zita. Where all those precious objects are today is known only to the members of the Habsburg family. Empress Zita consistently maintained that they were stolen, just like the imperial

45. *Die Familienfideikommiss – Errichtungsurkunde vom 6. Februar 1901*, in: C. Schmetterer, *Die letztwilligen Verfügungen Kaiser Franz Josephs*, in: "Beiträge zur Rechtsgeschichte Österreichs" (2011), pp. 317–325.

crowns. Her version contradicts that of a Swiss jeweller, Alphonse de Sondheimer, whose diaries read like a detective novel, and who states that on a commission from Charles he broke up the precious items and sold them piecemeal, sharing the proceeds with the emperor who needed the money to finance his attempts to restore power in Hungary.⁴⁶

However, both the treasuries of Hofburg and the crates of Eckartsau were only a fraction of the riches that the Habsburgs had accumulated over six centuries. Left without those or the financial support from London in the wake of the attempts to restore the monarchy, Emperor Charles spent the last years of his life in Madeira, a Portugal island in the Atlantic, where he had to move to under pressure from the Western powers after his failed attempts at a coup in Hungary.⁴⁷ Even there, after a large share of the valuables were lost in unexplained circumstances, he had to move from his original lodging in the Victoria Hotel in Funchal to far less comfortable Villa Quinta do Monte, which was put at his disposal, free of charge, by a banker family. This is how one of the ladies in waiting described it: "There is no electricity, and there is water only on the upper floor and in the kitchen.... It is damp everywhere, you feel it in every room, and you can see your own breath. Fungus grows on the walls of the private chapel. All the rooms are unbearably cold, unless there is a fire going in the fireplace."⁴⁸ A stay in the damp villa, enveloped for most of the day in mists, promoted pneumonia, an illness that was eventually diagnosed by a physician who "was consulted too late due to the shortage of funds" and that proved a death sentence for the 34-year-old man in 1922.⁴⁹

46. See: W. Meyer-Hentrich, *Des Kaiser Diamant*, in: W. Ebert (Hrsg.), *Jäger verlorener Schätze. Abenteuerliche Expeditionen*, München 2002; A. de Sondheimer, *Vitrine XIII – Geschichte und Schicksal der österreichischen Kronjuwelen*, Wien – Hamburg 1966.

47. A falsified Spanish passport in his pocket, Charles first took a train to Vienna, and later crossed the border in a taxi, and the second time he arrived, with his wife, in a transport aircraft.

48. N. Nemeč, *Erzherzogin Maria Annunziata (1876–1961): die unbekannte Nichte Kaiser Franz Josephs I.*, Wien 2010, p. 246.

49. A. Schager-Eckartsau, *Die Konfiskation des Privatvermögens der Familie Habsburg-Lothringen und des Kaisers u. Königs Karl.*, Innsbruck 1922. Around 30,000 people participated in his funeral. The mortal remains were deposited in the local Church of Our Lady of Monte (Nossa Senhora). However, in the mid-20th century, the heart of the former emperor was deposited in the newly founded Habsburg tomb under the Loretto Chapel of the Benedictine Abbey of St Martin of Tour in Muri in the Swiss Canton of Aargau. Since the burial of his widow, Empress Zita, in the Viennese necropolis of the Habsburgs in the Capuchin Church, a coffin has

His widow, former Empress Zita, received neither compensation nor pension after the death of her husband. This was in contrast to the solution applied in neighbouring Bavaria, where the authorities of the state reached an agreement with the Wittelsbach dynasty in 1923 and guaranteed them compensation by establishing a foundation that managed both the liquid assets and real estate.⁵⁰ Similarly, Prussia had paid out to the Hohenzollern family a sum of 30 million Reichsmarks three years later.⁵¹

In Madeira, Charles' widow and their eight children were forced to live on the charity of wealthy aristocrats. The only regular aid they received was the annual *Weinzehent* granted by Chancellor Klemens von Metternich to the head of the House of Habsburg. Therefore, supplies in kind came to Madeira from the princely Metternich-Winneburgschen vineyards and winery

been waiting for the reburial of the body of the former emperor. It has never been transferred to Vienna, mostly due to the resistance from his son, Otto Habsburg, who considered it an affront towards the people of Madeira, who greatly aided his father in the last months of his life. After the beatification of Charles, the place of his eternal rest gained an even greater significance for the people of Madeira.

50. *Übereinkommens über die vermögensrechtliche Auseinandersetzung zwischen dem bayerischen Staat und dem vormaligen bayerischen Königshaus vom 24. Januar 1923*, in: *Verhandlungen des Bayerischen Landtags 1922/1923*, Beilagen-Band XI., München 1923, pp. 498–503; *Gesetz über die vermögensrechtliche Auseinandersetzung des Bayerischen Staates mit dem vormaligen Bayerischen Königshause* vom 9. März 1923, in: *Gesetz- und Verordnungsblatt für den Freistaat Bayern 1923*, pp. 101–102; K. Beyerle, *Das Haus Wittelsbach und der Freistaat Bayern. Rechtsgrundlagen für die Auseinandersetzung zwischen Staat und Dynastie*, München–Berlin–Leipzig 1921; K. Beyerle, *Die Rechtsansprüche des Hauses Wittelsbach*, München 1922; C. von Aretin, *Die Erbschaft des Königs Otto von Bayern. Höfische Politik und Wittelsbacher Vermögensrechte 1916 bis 1923*, (Schriftenreihe zur bayerischen Landesgeschichte 149), München 2006; W. Klein, *Die Domänenfrage im deutschen Verfassungsrecht des 19. Jahrhunderts*, (Schriften zur Verfassungsgeschichte 78), Berlin 2007; C. von Aretin, *Vom Umgang mit gestürzten Häuptern. Zur Zuordnung der Kunstsammlungen in deutschen Fürstenabfindungen 1918–1924*, in: T. Biskup, M. Kohlrausch (Hrsg.), *Das Erbe der Monarchie. Nachwirkungen einer deutschen Institution seit 1918*, Frankfurt–New York 2008, pp. 161–183.
51. *Gesetz über die Vermögensauseinandersetzung zwischen dem Preußischen Staat und den Mitgliedern des vormalig regierenden Preußischen Königshauses*, 29 October 1926. The castles were also divided: the Prussian State retained 75 of them, and Hohenzollerns – 39, including the furnishings. The dynasty retained the Marble Palace and the Cecilienhof in Potsdam (headquarters of Emperor Wilhelm II in 1913–17), the castles of Rheinsberg, Monbijou in Berlin, and of the Dukes of Oleśnica. The entire proceedings in: "Politisches Jahrbuch" (1927/28), p. 617; *Kabinettsitzung vom 16. Februar 1927, 16.30 Uhr im Reichstagsgebäude* 187, in: Bundesarchiv, "Akten der Reichskanzlei" 43 (I/1418), Bl., pp. 359–362, https://www.bundesarchiv.de/aktenreichskanzlei/1919-1933/1101e/ma3/ma31p/kap1_2/kap2_187/index.html (10.06.2019).

in Johannisberg in Rheingau region each year around Christmas, as regular as clockwork. Otto, the son of Charles and Zita, reminisced that while in Madeira both he and his siblings sometimes walked barefoot for lack of shoes.

It was only in the wake of the initiative of Christian-Social Chancellor Kurt Schuschnigg, whose predecessors used a noble title and who himself profited from increasing rightist tendencies in the country, that the Habsburg Law was changed on 29 April 1936, envisaging not only the end of exile but also the payment of damages and establishment of an applicable foundation.⁵² However, before the new act came fully into force, Hitler annexed Austria, and on his personal order the Reich Governor Arthur Seyß-Inquart stripped the Habsburgs of the rights to their assets for the second time, and with the new Nazi act of March 1939, they were transferred to the Austrian state that was a part of the Great German Reich.⁵³ In September 1941, SS Reichsführer Heinrich Himmler issued an order to all the levels of the SS organisation that "in no case could members of the former Habsburg dynasty, with no exceptions and side branches included, receive damages for the confiscated properties and estates. The decision of the Reichsführer is based on a personal order of the Führer."⁵⁴

After 1945, the remnants of the assets remained in the hands of the Austrian state. Following the inclusion of the act in an international treaty (1955), the representatives of Habsburgs claimed the return of the *gebundesnes Vermögen*, treating it as their private property. However, to no avail. To this day, in their efforts some of them cite the laws on damages for estates lost during the time of Nazi Austria (1938–45), which award such a right to victims of National Socialism. However, if in the case of Nazi compensations the legal interpretation provided in the Washington Agreement of 2001 applies,⁵⁵ the Habsburg Law of 1919 takes precedence in the case of Habsburgs. It is not insignificant either that the claims of the family concerning the return of *Familien-*

52. "Bundesgesetzbkatt" 299 (1935); P. Böhmer, R. Faber, *Die österreichische Finanzverwaltung und die Restitution entzogener Vermögen 1945 bis 1960*, 2003, p. 93.

53. *Gesetz über die Rückgängigmachung der Ausfolgung von Vermögen an das Haus Habsburg-Lothringen*, in: "Österreichischesgesetzblatt" 311 (1939).

54. P. Böhmer, R. Faber, *Die Erben des Kaisers – Wem gehört das Habsburgervermögen?*, Wien 2004, p. 105.

55. *Abkommens zwischen der Österreichischen Bundesregierung und der Regierung der Vereinigten Staaten von Amerika zur Regelung von Fragen der Entschädigung und Restitution für Opfer des Nationalsozialismus*, in: "Bundesgesetzblatt" III 121 (2001), <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20001396> (10.06.2019).

versorgungsfonds include castles, around 27,000 ha of land worth €200 million today, and securities of great value. The Republic of Austria, or to be more precise, its supreme courts of law, refuted these claims on formal grounds. The Constitutional Court recognised that judgement in this scope is beyond its jurisdiction. From the perspective of today's jurisprudence, it remains open whether the confiscation of the Habsburg assets in 1919 has already fulfilled its goal, or else implies the permanent impossibility of restitution of the assets.

Ambivalence Towards the Habsburgs in Decisions on Allocating Their Assets

The significance of the Habsburg Law is attested by its inclusion in the text of the constitution of the new Republic a year later, in 1920.⁵⁶ Chancellor Karl Renner justified the confiscation of the Habsburg assets for the benefit of the new Republic of Austria with their responsibility for "committing the sin of starting a war for a puny cause,"⁵⁷ a position that, especially in red Vienna, suited the revolutionary mood of 1918/19, and in the provinces met the expectations of radicalised soldiers who had returned from the war fronts. However, in contrast to the practices in the Russian residences of the tsars or in the Berlin castle of the Hohenzollerns, or the shattering of the statues of Emperor Wilhelm II,⁵⁸ Vienna was saved from spontaneous robberies of the Habsburg assets.

Nevertheless, some historians defined the practice of seizing the Habsburg assets by the Austrian state as straightforward "robbery."⁵⁹ They pointed to the fact that even at the moment of its proclamation, *Habsburgergesetz* was construed as unjust, even if only by a minority of not only the aristocratic, but also plebeian and bourgeois classes, sympathising with the Christian Democrats.⁶⁰ Those historians added that "the manner in which the monarch was banished from the country was unbecoming and the laws on confiscation of Habsburg assets incompatible with the principles of the rule of law."⁶¹

56. *Gesetz vom 1. Oktober 1920, womit die Republik Österreich als Bundesstaat eingerichtet wird*, in: "Bundesgesetzblatt" 286 (1925), <http://www.verfassungen.at/at18-34/oesterreich20.htm> (10.06.2019).

57. *Raub des Jahrhunderts*, in: "Der Spiegel" 21 (1986), p. 150.

58. P. Englund, *Schönheit und Schrecken. Eine Geschichte des Ersten Weltkrieges erzählt in neunzehn Schicksalen*, Reinbek bei Hamburg 2013, p. 632.

59. See: H.A. Griesser, *Konfisziert. Österreichs Unrecht am Hause Habsburg*, Wien—Hamburg 1986.

60. Ch.A. Gulick, *Austria from Habsburg to Hitler*, vol. 1, Berkeley 1948, p. 96.

61. W. Goldinger, *Der geschichtliche Ablauf der Ereignisse in Österreich 1918—1945*, in: Heinrich Benedikt (Hrsg.), *Geschichte der Republik Österreich*, Wien 1954, p. 49.

The nationalisation of property in 1919 did not mean an automatic determination of its future. Despite the fall of the monarchy and the revolutionary moods, the imperial assets enjoyed a certain degree of respect. Before a discussion on their future was initiated, everything continued as if the Emperor still resided in Austria and controlled his assets. Although a liquidation commission for the Habsburg assets was set up, its files surprisingly dropped out of sight of later historians, and only surfaced again shortly before an exhibition on the centenary of the fall of the monarchy in 2019, which was organised under the quite unfortunate title of "Rupture and Continuity."⁶²

The Liquidation Commission had to account for the claims of the states created after the fall of Austria-Hungary and of the victorious powers. They all tried to seize the assets of the monarchy, in particular museum objects, mostly paintings and furniture, but also documents and archival materials. In articulating its demands, Italy was the most aggressive of the states. Even before peace talks began and an understanding concerning the division of museum objects was negotiated, the sub-commission for culture and works of art, installed as part of the armistice control commission (*Waffenstillstands-Kontrollkommission*), searched for and commandeered the works that had supposedly been stolen from Italy during, or even before, the First World War — such as 66 precious paintings that were requisitioned in northern Italy in the 18th and 19th centuries and transferred to Vienna, or that came from the territory captured by the Italian army.⁶³ The Italian commission commandeered a marble bust of Emperor Franz I by Antonio Canova from the Viennese Kunsthistorisches Museum⁶⁴ as the Italians did not differentiate between the Habsburgs' private assets and those of the Crown (*hofärrarisches Vermögen*), while, for example, the Court Library in Vienna (*Hofbibliothek*) contained works that belonged to both, with the most precious manuscripts being property of the Habsburgs and the prints being owned by the Crown.⁶⁵

62. See: footnote 64.

63. J. Rainer, *Die Rückführung italienischer Kulturgüter aus Österreich nach dem Ersten Weltkrieg*, in: E. Widmoser, H. Reinalter (Hrsg.), *Alpenregion und Österreich. Geschichtliche Spezialitäten. Hans Kramer zum 70. Geburtstag*, Innsbruck 1976, pp. 105–116.

64. Y. Huguenin-Bergénat, *Kulturgüter bei Staatensukzession: die internationalen Verträge Österreichs nach dem Zerfall der österreichisch-ungarischen Monarchie im Spiegel des aktuellen Völkerrechts*, 2010, p. 87.

65. A. Lhotsky, *Die Verteidigung der Wiener Sammlungen, Kultur- und naturhistorischer Denkmäler durch die Erste Republik*, in: "Mitteilungen des Instituts für Österreichische Geschichtsforschung" volume 63, issue 3–4, pp. 614–649, here: p. 617.

That *fait accompli* was to give Italians an advantageous bargaining position before future negotiations on the division of the contested works of art. However, with the coming into force of Articles 93 and 191–196 of the Treaty of Saint-Germain of 10 September 1919, enforced by the victorious powers on Austria and Hungary, the difference between the private Habsburg assets and property of the Crown lost its significance. The enforced principle of territoriality, being a form of confiscation without damages, was also extended to the areas that in the past had belonged to the Austro-Hungarian Empire and was sanctioned in international law. The heritage belonged to the state in whose territory it was found (Article 208). If then, following Habsburg Law, an estate in South Tyrol belonged to the Republic of Austria as *hofärarisches Vermögen*, it became Italian national property under the peace treaty. In such a case Italy, or another state, also took over the *gebundenes Vermögen* and private property of the Habsburgs. In turn, in the light of Article 208, Austria had the right to absorb the *hofärarisches* and *gebundenes Vermögen* assets in its own territory. Even though members of the Habsburg-Lorraine line challenged the treaty, protesting especially its part III and chapters V and VI, they were not successful. This is how, based on the *Habsburgergesetz*, a complicated transformation process of a political, ideological, administrative, and legal nature, began in Austria.

The property taken over included huge buildings such as the Hofburg, the opera, and the theatre, but also small and ephemeral items like tablecloths, bottles of wine from castle cellars, furniture, valuables, and paintings. Many actions in 1918 were dictated by the atmosphere in the country and the political and economic circumstances for which the shortage of provisions and lack of residential quarters were decisive. Much of the chattels from Schönbrunn Castle were therefore auctioned, and the castle itself turned into barracks for the military, as the aforementioned respect mingled with a feeling of hatred for Habsburgs and the monarchy who were held responsible for the high death toll among soldiers and civilians.

In taking over the palaces, the new Republic was confronted with the high costs of their maintenance. That, more than the process of democratisation of the country, encouraged them to transform the imperial residences into museums. Containing the largest amount of imperial furniture, Hofmobliendepo remained in the custody of a special inspectorate responsible for the conservation, exchange, and purchase of imperial furniture by the last will and testament of Empress Maria Theresa since 1747. It opened its doors to the public even though the Republic had earmarked a large

proportion of the furniture stored there, being part of the crown goods (*hofärarisches Vermögen*), to the furnishing of representational offices and embassies. This included the imperial bone china, from which only the double Habsburgs eagles were removed. However, it also happened that the president or the chancellor of the Republic entertained guests on silver and china tableware bearing the double imperial eagle.⁶⁶

Opening Schönbrunn Palace to visitors meant expanding its museum functions, for it could be visited even while under imperial administration. The authorities of the Republic took a different approach to Albertina, the largest residential palace of the Habsburgs, de facto a part of Hofburg and neighbouring the Viennese Opera. Its lavishly decorated interiors with collections of drawings, old prints, and etchings were closed to the public and earmarked small-mindedly for offices, library space, and warehouses for art collections. The overarching purpose of the project was clear: to eradicate the memory of the Habsburgs. However, at the same time, meticulous care for the collection was exercised behind the barred doors. From 1923, thanks to the efforts of director Alfred Stix, copperplates from the former imperial court library and 19th-century German and French drawings were included into the collection, which clearly expressed the ambivalent attitude of the new Republic to the Habsburgs and their cultural heritage.

For that reason, Hofburg, the central residence and seat of the Emperor, so badly contaminated with all things Habsburg, was not transformed into the headquarters of the President of the Republic: that only became possible after 1945. In the meantime, it functioned as both a luxurious hotel and an orphanage. In turn, the castle collection was an object of dispute and it took equally long before it became a museum collection. However, Hofburg was never promoted to the rank of the central museum of the Republic. Apart from its role as a museum, it also assumed commercial functions: the ballrooms were rented for banquets and other prestigious meetings, initially those in the Swiss Wing of the Old Castle, and later, when the rooms of the New Castle had been completed, those that belonged to that wing and which are used as a congress centre to this day.

The commercial use of the Habsburg inheritance included renting the castles for film shoots already in the 1920s. In 1921, there were 42 film studios operating in Vienna, with one film produced on average every

66. C. Aigner, *Das Habsburger-Trauma...*, op. cit., p. 66.

fortnight. These were primary historical films, for which castles and gardens provided ideal backdrops.

The Republic proceeded in an absolutely exceptional manner with the assets of "the Red Archduchess," Archduchess Elisabeth Marie of Austria, who after all proved an outstanding supporter of the new system. By 1926 she had regained all her property from the castles of Hofburg and Schönbrunn. The furniture, carpets, works of art including paintings by Austrian and foreign artists, vases, crockery, books and valuables, the inheritance from her imperial grandparents and father filled up the smallish but charming palace situated in Hütteldorf, on the western periphery of Vienna, where the Red Archduchess resided. Having sold her estate in Schönau/Triesting, she lived there with her second, bourgeois husband Leopold Pentzek. Her estate included 27,000 m² of space with a garden full of trees, shrubs, and flowers. The Archduchess bathed in riches. On her death in 1963, she presented the Austrian state with nearly 500 works of art and volumes from her collection. They made their way to Viennese museums and libraries: the Albertina, the Kunsthistorischen Museum, and the Nationalbibliothek and Bundesmobilienvverwaltung.

The contradictory concepts of how to use the material inheritance of Habsburgs in the first years after the fall of the dynasty, ranging from the museum concept, via democratic commercialisation, to the auctioning of works of art enforced by the material context, are the litmus paper for the vast range of strongly emotionally-tainted attitudes of the new Republic to the cultural heritage of the dynasty that had reigned for over six centuries. Escaping precise scientific definition, the typically Austrian *lieu de mémoire* attitude – in which there was neither a reconciliation with the past nor a parting with it – lasted into the 1990s, when it was replaced by a slight nostalgia for the now-distant period in history. It was tinged with an emotional distance, supported by at least a partially critical reconciliation with history⁶⁷ and a highly respectful attitude to Otto (von) Habsburg.⁶⁸ Thanks

67. W. Pohl, K. Vocelka, *Die Habsburger. Eine europäische Familiengeschichte*. Graz–Wien–Koeln 1992; K. Vocelka, L. Heller, *Die private Welt der Habsburger: Leben und Alltag einer Familie*, Graz 1998; K. Vocelka, L. Heller, *Die Lebenswelt der Habsburger. Kultur- und Mentalitätsgeschichte einer Familie*, Graz, 1997.

68. The very attitude to Otto von Habsburg documents the aforementioned ambivalence of attitudes towards the Habsburgs. On the one hand, the use of "von" before his family name was consequently avoided, and his claims to have his assets returned were disavowed, yet on the other he had an imperial funeral organised and

to the change in the approach to the Habsburg past, the Hofmobiliendepot, for example, which long after 1919 remained a non-place accessible only to the connoisseurs of art, in 1993 made its way to the culturescape of contemporary Austria and became one of the world's prime design museums with scientific and research facilities and promotional activities, although it certainly did not shun the coquettish marketing of "Habsburg" as a brand of world renown.

A visible effect of the new attitude to the Habsburgs was the grand exhibition in the capital of the country created on the 100th anniversary of the establishment of the Republic which was celebrated in Vienna with an earlier exhibition organised by the Museum of History of Austria, and in Graz, where the exhibition was sponsored by the city museum.⁶⁹ The exhibition for the centenary of the Republic was entitled "Rupture and Continuity: the Fate of the Habsburg Inheritance After 1918,"⁷⁰ a title that perfectly accurately rendered the contemporary melange of attitudes. It allows the aforementioned nostalgia, evident, for example, in the never-ending silver-screen life of Empress Sissi performed by 17-year-old Romy Schneider⁷¹ and in the celebration of "The Year of Emperor Maximilian I"⁷² (2019), to blend into a single entity with the more critical distance to the country's general Habsburg past and previous ambivalence.

However, in the end, it will only be possible to talk about the coming to terms with the history of the Habsburgs in the collective Austrian memory, and a healthy distance to the dynasty, when its living members are no longer privileged nor discriminated against by the Habsburg Law that still remains in force. Once they are treated on par with other citizens of Austria.

broadcast live to the whole world for six hours. Nonetheless, no Austrian politician in office joined the funeral cortege.

69. *Im Kartenhaus der Republik. Graz 1918–1938. Eine Ausstellung über die Zwischenkriegszeit in Graz*, in: <https://www.grazmuseum.at/ausstellung/im-kartenhaus-der-republik/> (10.06.2019).
70. *Bruch und Kontinuität. Das Schicksal des Habsburger Erbes nach 1918*, in: <https://www.hofmobiliendepot.at/unser-programm/ausstellungen/bruch-und-kontinuitaet/> (10.06.2019).
71. *Sissi, Young Empress* (Sisi, die junge Kaiserin 1956), dir. by Ernst Marischka.
72. *Das Maximilianjahr*, in: <https://maximilian2019.tirol/> (10.06.2019).

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Abstract

Arkadiusz Stempin

The Republic of Austria and the Habsburg Inheritance

Starting from the abdication of Charles Habsburg and its circumstances, this paper undertakes the anamnesis of the development of the Habsburg Law and the consequences of its enactment, both in terms of the banishment and emigration of the members of the House of Habsburg, as well as the acquisition, distribution and allocation of their property, from 1918/19 to modern times, that is, in the subsequent forms of government in the Republic of Austria; from the First Republic, to the years of fascism and Anschluss, to the Third Reich, to the modern republic (since 1955). Within this timeline, until the national exhibition marking the centenary of the abdication – “Rupture and Continuity” 2019, this paper analyses the ambivalent attitude of Austrians to the former imperial family along with the fundamental element of this relationship: the unworked-through history of the Habsburgs in the collective memory of the Austrian society.

Keywords:

Habsburg Law, passive suffrage law, crown goods, Familienversorgungsfonds, Kaiser-Franz-Joseph-Kron-Fideikommiß, abdication and banishment of the Habsburgs, Karl Habsburg, Zita Habsburg, Elisabeth Marie Habsburg, Otto Habsburg, Alfred Stix, Hofburg, Hofmobiliendepot, Schönbrunn, Albertina, “Rupture and Continuity” exhibition – Vienna 2019

Abstrakt

Arkadiusz Stempin

Republika Austrii wobec spuścizny Habsburgów

Słowa kluczowe:

ustawa
o Habsburgach,
Wahlrechtsänderungsgesetz,
hofärarisches Vermögen,
Familienversorgungsfonds,
Kaiser-Franz-Joseph-Kron-Fideikommiß,
abdykacja i banicja Habsburgów, Karol Habsburg, Zyta Habsburg, Elżbieta Maria Habsburg, Otto Habsburg, Alfred Stix, Hofburg, Hofmobiliendepot, Schönbrunn, Albertyna, wystawa „Wyrwy i kontynuacje” – Wiedeń 2019

Wychodząc od abdykacji Karola Habsburga i jej okoliczności, artykuł podejmuje się anamnezy powstania ustawy o Habsburgach i konsekwencji jej uchwalenia, i to zarówno w zakresie banicji i emigracji członków rodu, jak i przejęcia, rozdysponowania i przeznaczenia ich majątku, od 1918/19 roku do czasów współczesnych, czyli w kolejnych formach ustrojowych, jakie przechodziła republika austriacka; od pierwszej republiki, poprzez lata fałszyzacji kraju i Anschlussu do III Rzeszy, po współczesną republikę (od 1955). Na tej osi czasu, aż finalnie do narodowej wystawy w stulecie abdykacji – „Wyrwy i kontynuacje” 2019, analizie podlega ambiwalentny stosunek Austriaków do byłej rodziny cesarskiej wraz z konstytutywnym elementem tegoż stosunku: nieprzepracowaną historią Habsburgów w kolektywnej pamięci społeczeństwa austriackiego.