

“Gut und Blut für’s Vaterland”: Habsburg Militarization Policy and the War Production Law of 1912

JOHN ROBERTSON

Robertson, John: “Gut und Blut für’s Vaterland”: Habsburg Militarization Policy and the War Production Law of 1912

This study examines the creation and legal operation of the 1912 War Production Law in the Habsburg Monarchy. This law formed the legal basis for the creation and operation of the Habsburg Monarchy’s industrial mobilization apparatus during the First World War. I argue that the creation of this law emerged as a compromise measure between the sclerotic rigidities of Habsburg policy-making and increasing security deficits in the late pre-war period. Lacking the ability to compensate for military weakness ante bellum through armaments programs or conscription due to the structure of Habsburg politics, the Habsburg government instead sought security ex post through enabling the coercion of industrial labor. This coercion took the form of the War Production Law, which most critically created a labor obligation on the part of all work-capable males between sixteen and fifty and granted to the state the right to seize and operate industrial concerns together with their workforces. This declaration of direct state control over industrial concerns and their workers, unlike the other belligerent powers in the First World War, occurred in peacetime rather than during the height of the war. A brief survey of the industrial mobilization measures of the other European Great Powers demonstrates the uniqueness of the Austro-Hungarian model. The parliamentary debate over the War Production Law between government supporters and the opposition Social Democrats further reflected a paternalist and authoritarian conception of the Habsburg state and the role of its citizens

*Key words Industrial mobilization * military * Austro-Hungarian law * Reichsrat * Balkan Wars * labor*

Contact University of North Carolina at Chapel Hill, robertjd@email.unc.edu

The War Production Law of December 26th, 1912 formed the legal basis for a far-reaching military-administrative regime which, in the First World War, was to undergird the Habsburg state’s prosecution of industrial total war. Unlike other belligerent states, the Habsburg Monarchy in peacetime introduced, debated, and passed legislation granting the Habsburg military establishment virtually total control over the workings of the Habsburg economy along with the right to control the movements and activities of the entire Monarchy’s working classes. The nature and origins of this piece of legislation, then, have important repercussions for the course of the First World War, but also have much to reveal about late Imperial Austria. Though never considered a militarist state in the sense that the Wilhelmine Empire was militarist, Austria-Hungary nevertheless

undertook a very rapid process of militarization in late 1912. This uniquely Habsburg process of militarization resulted in Austria-Hungary's entry into the First World War with a legal and military framework more suitable for the prosecution of industrial total war than any other combatant.

This essay, then, seeks to explicate both how and why Austria-Hungary's process of militarization resulted in the military-bureaucratic regime established by the War Production Law of 1912. It will argue that two factors drove Austria-Hungary's militarization policies, namely a rapidly deteriorating international security situation posing an existential threat to the Habsburg state on the one hand and structural political and cultural factors constraining the extent and nature of possible responses to the external security challenges of the early 20th century. The Habsburg system's incapacity to initiate or sustain overt or immediate military measures did not extend to organizational and legal industrial mobilization measures, which postponed the real costs of military preparation until the outbreak of war and thus held out the possibility of maintaining the political and social status quo while also addressing the external security situation. In this way, Austria-Hungary's initial industrial mobilization measures, intentionally or not, provided for the kind of total industrial mobilization which took place in the other belligerent powers only after the first years of war, which Mark Cornwall termed secondary industrial mobilization.¹

Further, though, the nature of the legislative debate over this War Production Law provides insight into the Habsburg state and its relationship with its citizens in the late Imperial era. As Michael Geyer pointed out, the process of mobilization was undertaken throughout Europe in a manner which aimed at maintaining *pre-war social and power relations*.² This conservative impulse guided the way in which the War Production Law was produced, debated, and accepted into law. The way in which Austria-Hungary underwent militarization in 1912, then, offers a window into the social and power relations extant in the pre-war Habsburg state. This debate demonstrates that the Habsburg government and its supporters in the *Reichsrat* saw the Monarchy as an authoritarian and paternal state to which the inhabitants owed their first and last allegiance, though the extent to which they would be called upon to deliver their rights and property for the defence of the state depended heavily on their social and political power. In this way, the War Production Law reinscribed Habsburg power relationships in the course of seeking a solution to the Habsburg security dilemma.

Historiography

The legal basis for war-time mobilization measures during and immediately preceding the First World War is not a subject which has drawn much scholarly attention. Mobilization measures are typically addressed only in terms of their application and effects during the war without much reference to antecedents in law or custom. The Habsburg Monarchy

¹ This secondary mobilization was typically initiated by shell shortages and characterized by large-scale state intervention in strategic industries. CORNWALL, M.: *Morale and Patriotism in the Austro-Hungarian Army 1914–1918*. In: HORNE, J. (ed.): *State, Society and Mobilization in Europe during the First World War*. Cambridge 1997.

² GEYER, M.: *The Militarization of Europe 1914–1945*. In: GILLIS, J. R. (ed.): *The Militarization of the Western World*. New Brunswick, 1989, p. 81.

in particular has not seen any real work on mobilization measures. The literature on the causes of the First World War has addressed the increased military measures undertaken after 1912 in response to the Balkan Wars, though only in terms of numbers of men under arms and expenditures for military purposes.³ Works specifically addressing Austria-Hungary's preparations for the First World War tend to foreground Habsburg military weakness, similarly in terms of weapons expenditures and manpower mobilization.⁴ Very little has been done to date addressing Habsburg efforts to mobilize social, political, and economic resources for military purposes as opposed to strictly military preparations.⁵ Historical work addressing the politics of the late Habsburg era similarly ignore the military, military planning, and military politics and issues altogether, focusing on narrowly political treatments of political movements and political parties.⁶

The theoretical basis for such an approach has been fairly extensively addressed by political scientists, sociologists, and historians. Harold Lasswell's original conception of the "garrison state" pointed towards investigations of the ways in which societies under threat respond with moving toward a system of political and social domination by specialists in violence, though his concern was with the threatening transformation of the United States rather than historical analysis.⁷ Vernon Dribble elaborated on Lasswell's model some twenty years later, arguing that a true garrison state is one in which the civilian sphere and the military sphere have become so intertwined that there is no longer any functional difference between the two – the entire society and all of its activities are fundamentally organized around the production of violence.⁸ Dick Harrison has recently applied these ideas to Asia, Mesoamerica, and medieval Europe to complicate ideas of the relationship between military force and the society which generated and controlled such force.⁹

The most useful theorization on the historical applicability was collected in one place in 1989, with the publication of *The Militarization of the Western World*. The editor, John Gillis, pointed out that *While there have been good studies made of social change in*

³ Perhaps the best work along these lines is STEVENSON, D.: *Armaments and the Coming of War: Europe 1904–1914*. Oxford 1996.

⁴ There have not as yet been any monographs or even article length works focusing on Habsburg efforts to prepare for the First World War, but more general works usually include a section along these lines as a coda to the beginning of the First World War. The first to advance this form of the narrative was TAYLOR, A. J. P.: *The Habsburg Monarchy 1809–1918: A History of the Austrian Empire and Austria-Hungary*. London 1941. Most writers have adopted Taylor's formulations, and more recent examples are: STONE, N.: *The Eastern Front 1914–1917*. London 1975; RAUCHENSTEINER, M.: *Der Tod des Doppeladlers*. Graz 1993; HERWIG, H.: *The First World War: Germany and Austria-Hungary 1914–1918*. New York 1997.

⁵ Economic histories of the Habsburg Monarchy tend to assess economic trends but not economic mobilization efforts. See for example GOOD, D.: *The Economic Rise of the Habsburg Empire 1750–1914*. Berkeley 1984. Robert J. Wegs has treated Habsburg economic mobilization during wartime, arguing that transport was the crucial bottleneck which broke the Habsburg war economy, but pre-war planning has yet to be addressed. WEGS, R. J.: *Die Österreichische Kriegswirtschaft 1914–1918*. Wien 1979.

⁶ See for example JUDSON, P.: *Exclusive Revolutionaries: Liberal Politics, Social Experience, and National Identity in the Austria Empire 1848–1914*. Ann Arbor 1996; BOYER, J.: *Culture and Political Crisis in Vienna: Christian Socialism in Power 1897–1918*. Chicago 1995; HÖBELT, L.: *Kornblume und Kaiseradler: die deutsch-freiheitlichen Parteien Altösterreichs 1882–1918*. Wien 1993.

⁷ LASSWELL, H.: The Garrison State. *The American Journal of Sociology* 46, 1941, p. 455–468.

⁸ DIBBLE, V.: The Garrison Society. *New University Thought* 5, 1966–1967, No. 1, 2, p. 106–115.

⁹ HARRISON, D.: *Social Militarisation and the Power of History: A Study of Scholarly Perspectives*. Lund 1999.

wartime, the processes of peacetime militarization have been largely ignored.¹⁰ Michael Geyer's contribution, *The Militarization of Europe, 1914–1945*, attempted to lay these processes of peacetime (and wartime) militarization bare.¹¹ He drew a stark contrast between militarism, which he conceived of as an outdated term emerging from 19th century debates between autocrats and liberals, and militarization, which he defines as *the contradictory and tense social process in which civil society organizes itself for the production of violence*.¹² He urged moving towards an understanding of the process of militarization as a politically, socially, and culturally contested process of enabling the organized deployment of violence, as opposed to a process which concerns itself solely with military colonization of the civilian sphere. One of the most important insights Geyer offers is that the civil sphere itself produces militarization – off-loading responsibility onto the military, while perhaps congenial, mistakes the entire nature of the process.

Geoffrey Best, in his contribution, offers a useful perspective on the specific issue of pre-World War I European militarization. He conceives of the core issue facing governmental and military leaders as being *the problem of bringing into the national armed forces and into conformity with the national readiness to fight the growing industrial, urban-based working class whose political and cultural preferences seemed likely to go against those of the ruling classes*.¹³ These understandings of militarization do much to move away from analyses of militarism which locate drives toward war in specific populations or social relations along the Imperial German model.¹⁴ These perspectives further highlight the possibilities in analyzing the process by which the Habsburg Monarchy organized itself for the expected outbreak of a general European war. Such an analysis holds the possibility of reconceptualizing both narratives of pre-war Habsburg politics and of narratives of general European militarization before the First World War.

Panslavism and Encirclement: Existential Threat and Mobilization Policy

The late Habsburg Monarchy was considered and considered itself to be the weakest great power in the Pentarchy, the five great powers who led Europe. The vibrancy of the other powers economically, their acquisition of immense colonial domains, and their expanding and modernizing militaries fueled contemporary worries that the Habsburg Monarchy was suffering from a malaise, and that its potential as a world or even a continental power was rapidly declining. Graf Paar, Kaiser Franz Josef's adjutant, wrote that foreign visits were greeted with comments that *these foreign guests were coming in order to see Austria one more time before it collapsed*.¹⁵ The confluence of Social Darwinist ideas of state power and international competition, capitalist crises and the ensuing ideas of domestic market saturation and a transition towards mercantilist colonial systems led

¹⁰ GILLIS, J. R. (ed.): *The Militarization of the Western World*. New Brunswick 1989, p. 4.

¹¹ GEYER, M.: c. d.

¹² *Ibid.*, p. 79.

¹³ BEST, G.: *The Militarization of European Society 1870–1914*. In: GILLIS, J. R. (ed.): c. d., p. 14.

¹⁴ See for example RITTER, G.: *The Sword and the Scepter: The Problem of Militarism in Germany 1–4*. Coral Gables 1970.

¹⁵ Cited in: RAUCHENSTEINER, M.: *Der Tod des Doppeladlers*. Graz – Köln – Wien 1993, p. 15.

to the emergence of an ideology of state power focused on colonial acquisitions and military assertiveness. The Habsburg Monarchy was falling farther and farther behind in precisely these areas.

The foundations for the Monarchy's perceived decline were several. Perhaps the most often cited are the Monarchy's structural weaknesses, such as *the complex dualistic construction of the many-peopled realm, which [...] through the nationality question created such problems connected with alliance and even with personal questions*.¹⁶ Maintaining the complex balance of ethnicities in Austria-Hungary was a virtually impossible task. Trying to keep Czechs, Germans, Hungarians, Poles, Ruthenes, Croats, Italians, Serbs, and Romanians both happy with domestic policy and away from external states with their revanchist interests in annexing their co-nationals never fully worked. These domestic cleavages made it difficult if not impossible to mobilize the internal strength of the Austro-Hungarian state for any purpose.

The Monarchy was also falling behind in military power. The 1911 defence budget for the Dual Monarchy as a whole, for instance, was a mere 420 million crowns, while that of its most likely opponent, the Russian Empire, was four times as much at 1650 million crowns and the Monarchy's unfaithful friend, Italy, spent 528 million crowns.¹⁷ This military weakness emerged more from the institutional limitations of the Habsburg political system than from the lack of latent or potential economic and demographic strength. As F. R. Bridge pointed out, *The eternal parsimony of the Austrian and Hungarian governments and their parliaments was an important cause of the weakness of the military forces [...] by 1913 Franz Joseph's subjects were spending more than three times as much money on beer, wine and tobacco than on the entire armed forces of the Dual Monarchy*.¹⁸ It may have been, as Croat representative Dr. Stojan put it, *sweet to die for one's fatherland*, but paying higher taxes for it was slightly more bitter.¹⁹

Dualism was chiefly at fault – the Hungarians demanded military and linguistic concessions to Magyars in the Imperial and Royal Army as the price for their assent to any military expansion, using their constitutionally required consent to the joint Imperial and Royal military budget as political leverage in their scorched-earth campaigns for complete autonomy.²⁰ The Imperial House, led by Franz Ferdinand, bitterly opposed concessions to the Hungarians, seeking to retain as much unity as possible in their fractious dominions, and thus the result was typically deadlock.²¹

The Monarchy's international standing was similarly at an almost all-time low. Foreign Minister Alois von Aehrenthal's annexation of Bosnia-Herzegovina in 1908 had managed to insult Russia, annoy Germany, and enrage Serbia, and thus *the immediate consequence of the annexation of Bosnia was the disgrace and isolation of Austria-*

¹⁶ Ibid.

¹⁷ ROTHENBERG, G.: *The Army of Francis Joseph*. West Lafayette 1976, p. 160.

¹⁸ BRIDGE, F. R.: *From Sadowa to Sarajevo: The Foreign Policy of Austria-Hungary 1866–1914*. Boston 1972, p. 23.

¹⁹ *Stenographische Protokolle über die Sitzungen des Hauses der Abgeordneten des österreichischen Reichsrates im Jahre 1912*. XXI. Session, V. Band. Wienn 1913, 21st Session, 128. Sitzung, 14th Dec. 1912, p. 6251. *Dulce est, pro patria mori*.

²⁰ LENDVAI, P.: *The Hungarians: A Thousand Years of Victory in Defeat*. Princeton 2003, p. 285.

²¹ ROTHENBERG, G.: c. d., p. 160.

Hungary.²² Though relations with the German Empire were patched up by virtue of the Germans' own isolation, Russian enmity was assured.²³

The Habsburg position in Europe was threatened more strongly by the outbreak of the First Balkan War, on the 8th of October, 1912, than by any event since the Napoleonic Wars. The various Balkan states, namely Bulgaria, Serbia, Greece, and Montenegro, declared war on the Ottoman Empire in an attempt to conquer the remainder of its European possessions. The Habsburg Monarchy, along with other European powers, notably France, unsuccessfully sought to prevent the outbreak of war as a destabilizing threat to the peace of Europe, but the weakness of the Habsburg position was apparent to everyone, and most of all to the Austro-Hungarians themselves. In the opening stages of the war, the Army Inspector in Sarajevo, Potiorek, pleaded for more troops to support his 10–12,000 men against the Serbian and Montenegrin armies, 230,000 strong.²⁴ Emperor Franz Josef considered the situation the direst for the Monarchy since 1866, and war nearly broke out several times, against both Serbia and Russia.²⁵ Russia in particular was seen as engineering an encirclement of Austria-Hungary meant to provoke war, dismembering the Monarchy in order to achieve a final victory for pan-Slavist ideology.²⁶

Austria-Hungary undertook a variety of military precautions in order to prepare for the possibility of Habsburg intervention in the Balkans or Russian intervention against the Habsburgs. The Imperial and Royal War Minister, Count Auffenberg, explained on the 14th of September that *there was no question of any direct military intervention [...] the treasury was empty and the army [...] was by no means prepared for action*.²⁷ Immediate rectification of Habsburg weakness was then necessary in order to head off war or to have some chance of success in case of its outbreak. Garrisons in Bosnia-Herzegovina were reinforced up to war strength, and in response to Russian partial mobilization in its western military districts the Habsburg I, X, and XI Corps were mobilized in full while the IV, VII, and XIII Corps were partially mobilized.²⁸ The Delegations, on the 29th of October, voted 250 million crowns, over half of the previous year's military budget, to defray extraordinary military expenditures, a sum which barely covered requirements.²⁹ A general war was barely averted when the Russian Czar cancelled the proposed mobilization of the Warsaw and Kiev military districts. The beginning of December, though, saw an upswing in Habsburg military preparations against Serbia, and the XV and XVI Corps were mobilized.³⁰ By the end of 1912 over 200,000 men had been mobilized on the Monarchy's borders.³¹

²² BRIDGE, F. R.: *The Habsburg Monarchy Among the Great Powers 1815–1918*. New York 1990, p. 288.

²³ Aehrenthal had originally promised the Russian foreign minister compensation in the form of support for the opening of the straits to Russian warships, but in actuality declared the annexation unilaterally. See DAILEY, K.: Alexander Isvolsky and the Buchlau Conference. *Russian Review* 10, January 1951, No. 1, p. 55–63.

²⁴ STEVENSON, D.: *Armaments and the Coming of War: Europe 1904–1914*. Oxford 1996, p. 254.

²⁵ *Ibid.*, 257–259.

²⁶ Untitled editorial in *Pester Lloyd*, 24th November 1912, *Morgenblatt*.

²⁷ BRIDGE, F. R.: c. d., p. 316.

²⁸ ROTHENBERG, G.: c. d., p. 166–167.

²⁹ *Ibid.*, 167.

³⁰ *Ibid.*

³¹ STEVENSON, D.: c. d., p. 259.

The implications of the First Balkan War for the Monarchy were tremendous. The 1904 coup in Serbia, in which the pro-Habsburg Obrenovic dynasty had been brutally overthrown and replaced with the anti-Habsburg and pro-Russian Karadjordjevic dynasty had converted Serbia into one of the most dangerous irredentas for the Monarchy in the Balkans.³² The First Balkan War, and especially the success of Serbian arms against the Turks, demonstrated that the Balkans were no longer Austria-Hungary's colonial sphere. Balkan states were now equipped with large and experienced armies, equipped with new weapons purchased from Russian, French, and even Austrian and German weapons manufactories, and their ties to Russia were becoming stronger. In late October, the then-Chief of the Habsburg General Staff, Baron von Schemua, compared the extraordinary and unexpected accomplishments of the mobilizations of the Balkan States to that of a *new Great Power on the southern flank*.³³ Austria-Hungary was isolated and encircled, with Russia forming a Balkan League around Serbia, Romania defecting to the Entente, and the Young Turks alienated by von Aehrenthal's annexation of Bosnia and Herzegovina.³⁴ The feelings of weakness and decline which wracked the Habsburg leadership, then, were well justified.

War Parties and War Politics: The Introduction of the War Production Law

There was thus a considerable amount of pressure to undertake measures aimed at restoring the Monarchy's ability to guarantee its own security and interests in the Balkans. It was in this milieu of war fever and war danger, of Russian mobilizations and Habsburg countermobilizations, of Albanian insurrection and Ottoman collapse, that the War Production Law was introduced. The War Production Law served as the capstone and most important element of a series of legislative reforms of the Habsburg military apparatus.

Even before the First Balkan War broke out, a series of long-overdue legislative acts had sought to streamline and rationalize the Habsburg military. The Austrian *Reichsrat*, in the summer of 1912, passed a new Army Law and a new Code of Military Justice. The new Army Law of July 5th, 1912, increased the annual contingent of recruits conscripted for the Common Army by 136,000 men, for the Landwehr for 20,715 men, and for the *Honvédseg* by 17,500, but in exchange the Hungarians extracted concessions reducing the service obligation from three years to two and allowed the *Honvédseg* to include artillery in its organization.³⁵ It also created a new category of labor obligation for conscripts. Article Seven decreed that *those who are not suited to actual combat duty but are suited to serving in a related capacity can be conscripted for such service in case of mobilization or a state of war*.³⁶ Those liable to service were any males of conscription age, which

³² JELAVICH, B.: *The Habsburg Empire in European Affairs 1814–1918*. Chicago 1969, p. 148.

³³ STEVENSON, D.: c. d., p. 256.

³⁴ SCHROEDER, P.: World War I as Galloping Gertie: A Reply to Joachim Remak. *The Journal of Modern History* 44, September 1972, No. 3, p. 337.

³⁵ ROTHENBERG, G.: c. d., p. 165. The Habsburg Military was divided into three main components, of which the Imperial and Royal Army was the most important element. Both Austria and Hungary both had their own military structures, the Austrian *Landwehr* and the Hungarian *Honvédseg*, though they functioned chiefly as a militia and reservist organization.

³⁶ *Reichsgesetzblatt für die im Reichsrath vertretenen Königreiche und Länder*. Wienn 1912, LIV. Stück, No. 128, p. 412.

at the outbreak of the First World War was defined as age twenty-one until age thirty-three.³⁷ These conscripts, though, were not civilian laborers but instead soldiers, so it represented less of a radical break with previous practices than the War Production Law.

With the collapse of the Habsburg position in Southeast Europe daily visible on the front pages of the Monarchy's newspapers, the legislative environment became more hospitable to military measures going beyond organizational issues. The Austrian *Reichsrat* itself was composed by the surprise election of June 1911, forced by the withdrawal of the Polish Club from Bienenrth's government. These elections were a resounding success for the Habsburg government, as government parties won resoundingly everywhere except Vienna, where Schönerer's German Radicals and the Social Democrats managed to defeat the leaderless Christian Socials.³⁸ Count Karl Stürgkh, Austrian Minister-President, *worked with a more subtle combination of parties drawn from almost all the different nationalities*, and thus it is somewhat more difficult to establish the how overwhelming the government's working majority in the *Reichsrat* was.³⁹ The main government opposition, though, especially in matters concerned with the security of the state, was the Social Democrats and in the 1911–1914 *Reichsrat* there were only 82 Social Democratic votes. Various other minor parties, such as the Croatian Pure Party of Right or the Young Czechs, were very unlikely to vote with the government but their small representation meant that they could be safely treated as negligible.⁴⁰

The Hungarian *Reichsrat* was much simpler to understand – there was Prime Minister István Tisza's National Party of Work, and then there was everyone else. The “united opposition” was not even physically present for the parliamentary sessions under discussion. Having been physically barred from the building, the parliament sessions gave them *the opportunity to hold a small demonstration in front of the police cordon [...] where Police Inspector Beniczyn politely informed them that those representatives excluded from the session must decline [verweigern] entrance.*⁴¹

The government draft of the War Production Law was written in haste by a committee under the auspices of the Ministry of National Defence [*Landesverteidigungsministerium*] and chaired by its Minister, Friedrich Freiherr von Georgi. It was also heavily influenced by the War Ministry and took into account input from a wide variety of different ministries.⁴² When Austrian Minister-President Count Stürgkh ascended to the podium, at one o'clock in the afternoon on the 28th of November, the crowd of reporters expected only a statement on the Ruthenian and Croatia obstruction that had slowed parliamentary business to a halt. In addition to pledging to not resort to extreme measures to break the obstruction, though, Stürgkh also announced that *the government intends to introduce three bills as soon as possible, on the quickest possible execution of which the government lays the greatest importance.*⁴³ These three bills, he went on, pertained respectively to the

³⁷ LOEWENFELD-RUSS, H.: *Die Regelung der Volksernährung im Kriege*. Wienn – New Haven 1926, p. 39, 43.

³⁸ HÖBELT, L.: „Well-tempered Discontent“: Austrian Domestic Politics. In: CORNWALL, M. (ed.): *The Last Years of Austria-Hungary*. Exeter 2002, p. 62.

³⁹ Ibid.

⁴⁰ Ibid., p. 58.

⁴¹ Aus dem Reichstage. *Pester Lloyd*, 27th November, 1912. Abendblatt.

⁴² Die Militärvorlagen im österreichischen Abgeordnetenhaus. *Die Neue Freie Presse*, 3rd December 1912.

⁴³ Wichtige Erläuterungen des Grafen Stürgkh. *Pester Lloyd*, 28th November, 1912. Abendblatt.

welfare of the families of reservists called to service, the acquisition of horses for military purposes, and to the provision of quarters [*Ubikationen*] for mobilized troops.⁴⁴ Without access to his personal correspondence it is impossible to say for certain whether Stürgkh was intentionally misrepresenting the provisions of the War Production Law, though it is likely he was. Though the law certainly in some sense had to do with the provision of living space to mobilized troops, his description was deceptive. His intent was likely to shortcut consideration – he went on to request that the various party leaders to come to an agreement on the smooth progress of these bills that very day. The Social Democrats immediately gave voice to their intent to hinder the immediate direction of the bills to their respective committees without a plenary debate.⁴⁵

The *Pester Lloyd's* parliamentary correspondent incorrectly postulated that the War Production Law draft would not be introduced into the Austrian *Reichsrat*, since in his estimation the appropriate authority as enumerated in the draft already existed under Austrian Law.⁴⁶ In his assessment, the War Production Law draft was largely innocuous, and affected only measures necessary for the successful mobilization of the army. He further argued, as the Habsburg government later would, that it constituted merely a *filling up of a hole in our law code, as the executive power in extraordinary cases dispenses with every legality, in order to itself be able to energetically combat domestic unrest*.⁴⁷ The War Production Law would be presented to the Hungarian *Reichsrat* on the next day, Saturday, by the *Honvédség* Minister, Baron Hazai.⁴⁸

In Austro-Hungarian parliamentary practice, bills were drafted by the Habsburg ministers as representatives of the Emperor's executive power, and then submitted to the *Reichsrat* for consideration. In principle, it would then be subject to a first reading during plenary debate before being voted on by a plenum in order to refer the bill to the appropriate committee for consideration. The committee then debates, amends, and votes on the bill to refer it back to the plenary body for final debate. The final debate offers the opportunity for amendment, which is then followed by the second reading of the bill and the final vote. If successful, the Emperor then signs the bill into law. At this stage, then, the War Production Law was submitted to the Austrian *Reichsrat* for a first reading on Friday, the 29th of November, and to the Hungarian *Reichsrat* on the 30th of November.⁴⁹ The Austrian chamber, complying with Stürgkh's wishes, dispensed with a first reading of the bill. When submitted to the *Reichsrat*, though, the Ministry misrepresented the content of the bill, saying that the bill concerned only *certain personal services* rather than, as parliamentarian Dr. Hübschmann put it during the debate, a radical expansion of *the duties of the inhabitants of the State with respect to the military*.⁵⁰ As a consequence of the misrepresentation of the contents of the bill, the draft was routed to the Justice Committee for consideration before the plenary debate instead of to the Army Committee, where

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Wichtige Ausnahmeverlagen. *Pester Lloyd*, 29th November 1912. Morgenblatt. The basis for this argument was apparently the requirement that insofar as possible measures which affected the joint institutions of the Monarchy be in force in both halves of the Monarchy.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Die Ausnahmeverlagen. *Pester Lloyd*, 29th November, 1912. Abendblatt.

⁵⁰ *Stenographische Protokolle*, c. d., 129th Sitzung, 17th – 19th December 1912, p. 6275.

it was duly taken up for consideration. The Justice Committee, though, was not to meet until the 3rd of December.⁵¹ The Hungarian bill was immediately and without fanfare forwarded to their Justice Committee for consideration, after the chamber unanimously consented to dispense with a first reading.⁵² The Hungarian Justice Committee took up the government's draft of the War Production Law on the 3rd of December. After Representative Gabriel Vargha announced that the government had assured him it would use the powers contained in the law *only in the most extreme emergency*, the bill was unanimously voted out of the committee unchanged.⁵³ It was then passed unchanged by the plenum in a special debate session, to be signed into law.

Even before the Austrian Justice Committee took up the draft for consideration, though, the draft *met with protest among the parties, which has been voiced as early as Friday*.⁵⁴ The *Neue Freie Presse* parliamentary correspondent was further of the opinion that *the harshness of the War Production Law will be perpetually discussed, and that it shall be pointed out that this draft, owing to the brevity of the process by which it was completed, represents no thoroughly considered and fully ripened work of legislation [...]*.⁵⁵ It did, however, read like an authoritarian wish list.

The initial draft of the War Production Law contained far-reaching provisions for sweeping military powers to be exercised over the entire civilian economy, provisions unique in pre-war Europe. The first article, in which the basis for the declaration of service obligations under the War Production Law was set out, limited the use of obligatory labor to those situations wherein the normal peacetime methods of acquiring goods and labor were unavailable or only to be acquired *with unreasonably large expenditure*.⁵⁶ No other restrictions were placed on the annunciation of labor obligations either temporally or substantively, which is to say that the War Production Law could in theory have been invoked in order to lower government expenditures in the normal run of peacetime events.

Article Two placed the authority to declare the War Production Law in effect in the hands of the Minister for National Defence, while Article Three limited demands under the War Production Law to crucial needs, which could only be placed on those capable of providing service and which would receive an *appropriate compensation*.⁵⁷ Articles Four and Eighteen provided the heart and soul of the bill. Article Four established a liability to personal labor obligation on the part of *all work-capable male civil persons who have not yet reached the fiftieth year of age*.⁵⁸ Article Eighteen extended to the state the ability to seize industrial or factory plants and operations, along with their labor forces, and to compel their continued operation.⁵⁹

⁵¹ Oesterreichischer Reichsrat. *Die Neue Freie Presse*, 3rd December 1912.

⁵² Aus dem Reichstage. *Pester Lloyd*, 30th November, 1912. Abendblatt.

⁵³ Aus den Ausschüssen. *Pester Lloyd*, 3rd December, 1912. Morgenblatt.

⁵⁴ Die militärischen Vorlagen: Voraussichtliche Aufforderung zur raschen Erledigung. *Die Neue Freie Presse*, December 3rd, 1912. The 3rd of December, 1912 was a Tuesday.

⁵⁵ Oesterreichischer Reichsrat. *Die Neue Freie Presse*, 3rd December 1912.

⁵⁶ *Beilagen zu den Stenographischen Protokollen des Hauses der Abgeordneten des österreichischen Reichsrates im Jahre 1912. XXI. Session, IX. Band.* Wienn 1913, Beilage 1730, p. 1: Regierungsvorlage.

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ Ibid.

In view of this article, Article Six, which declared that laborers under the War Production Law were *obligated to remain in their previous service or labor relationship for the duration of the utilization of the concern (Unternehmen), until the collective or personal obligation to war service ends [...]*, represented at least the potential for a radical system of labor coercion, as entire factories or even industries could be seized under this article and their labor forces compelled to remain at their posts.⁶⁰ To further express the subordination of these workers, article nine decreed that civilians under the War Production Law *for the duration of their service [...] are subordinated to military justice and military discipline*.⁶¹ In this conception of labor service such unremarkable events such as changing jobs or absenteeism were to be interpreted through a framework of military discipline, and could thus be treated as abandoning one's post in wartime. Strikes at factories seized under the War Production Law were even more dangerous – such was the stuff of mutiny.

A New Sight Under the Heavens: Comparative Industrial Mobilization Measures

One of the key governmental justifications in defense of von Georgi's draft was that it drew heavily from previous measures enacted in civilized Europe. The government claimed that the War Production Law *leaned heavily on the German Imperial Law regarding War Service*.⁶² The three main legal norms contained in the Imperial German law were that the populace of the state were liable to provide goods and service to accommodate the effective prosecution of the war insofar as such prosecution could not be satisfied in other ways, that the burden of such provision ought be placed on the community as a whole, and that suitable compensation in the form of scrip was necessary.⁶³

Unlike the Austro-Hungarian War Production Law, though, the Wilhelmine Imperial Law Regarding War Service concerned itself exclusively with mobilization measures. While some of the legislative language in the War Production Law is reminiscent of Wilhelmine measures – notably the first two articles regulating the duration of the applicability of the law and the notionally exceptional nature of the measures therein – the natures of the two laws were very different.⁶⁴ The Wilhelmine law concerned itself with *acquisition* rather than production. It enabled the military to seize fodder, food, living quarters, transport, land, fuel, and even weapons and medical supplies.⁶⁵ What it did *not* do was enable the conscription and coercion of industrial labor. Clause 3 of Article 3 did provide for the provision of *that manpower available in the community for service as river pilots, guides, messengers, as well as for road, railroad, and bridge construction, fortification construction, and provision of river and harbor obstacles*.⁶⁶ Nowhere, though, did this law enable intervention in the civilian economy beyond the actual path of marching armies,

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² Beilagen, c. d., Beilage 1768 B: Erläuterungen und Begründungen zum Entwurfe des Gesetzes, betreffend die Kriegsleistungen, p. 18.

⁶³ Ibid.

⁶⁴ Germany. *Reichs-Gesetzblatt*, Berlin 1873, p. 129–137, §1–2.

⁶⁵ Ibid., §3.

⁶⁶ Ibid.

nor was it meant to. The Habsburg citation of the Wilhelmine law as the basis of the War Production Law functioned only to camouflage the extremism of the War Production Law.

The legal basis for Imperial German economic mobilization and organization in wartime was actually legislated in the 1851 Prussian Law of Siege, which under the Imperial Constitution became law for the entirety of Germany in 1871.⁶⁷ This law was utterly obsolete. Intended to provide for order and security in cities or small regions actually under interdiction from hostile forces, the majority of its provisions detail crimes, punishments, and military court proceedings.⁶⁸ In order to come into effect, it was *by drum roll or trumpet call to be announced*.⁶⁹ The relevant provision in the bill was Article 4, which ordered that *with the announcement of the state of siege the entire power is transferred to the military commander. The civil administration and community offices are obligated to obey the military commander*.⁷⁰

Though originally meant to address a limited and specific context, this law was used to vastly extend the authority of the German military at the outbreak of the First World War. In the 24 army districts of the Wilhelmine Empire, *the Deputy Commanding Generals [...] were given virtually dictatorial power in their respective districts. Acting as agents of the Emperor and responsible to him alone, they were assigned the task of maintaining the "public safety" in their areas of command*.⁷¹ Though these Deputy Generals were granted very wide powers, *the procurement of men, munitions, weapons, and other supplies for the field army were the sole responsibility of the Prussian War Ministry*, and the Deputy Generals were not answerable to the Prussian War Ministry.⁷² Chaos, then, was the result of German worship of the military. The Wilhelmine system of industrial mobilization for the First World War proceeded on an *ad hoc* basis in each of the 24 military districts, and it was not until the Auxiliary Service Law of December 5th, 1916 that the German *Reich* gained the legal powers over labor and industrial production contained in the War Production Law.⁷³

The other great powers had their own peculiar systems of armaments production, and like Germany and Austria-Hungary, their internal political and social structure played an important role in their war preparations. Imperial Russia, for example, entered the war without any fixed plan for industrial mobilization. Indeed, political conflict and administrative inefficiency prevented the Russian War Ministry from drawing on the full weight of Russian industrial capacity until 1916, preferring to rely instead on foreign orders.⁷⁴ This *ad hoc* industrial mobilization was primarily exercised through the accustomed methods of the pre-war era, which is to say the state placing orders primarily with the state-owned firms which constituted the vast majority of Russian armaments manufacturing.⁷⁵

⁶⁷ JAMES, H. G.: *Principles of Prussian Administration*. New York 1913, p. 238.

⁶⁸ HUBER, E. (ed.): *Dokumente zur deutschen Verfassungsgeschichte*. Bd. I. Stuttgart 1961, p. 415–419. Article 11, for example, specifies that the military court shall consist of five people, two of which were to be civilian judicial officials.

⁶⁹ *Ibid.*, p. 415, §3.

⁷⁰ *Ibid.*, p. 416, §4.

⁷¹ FELDMAN, G.: *Army, Industry, and Labor in Germany, 1914–1918*. Princeton 1966, p. 31.

⁷² *Ibid.*, p. 33.

⁷³ *Ibid.*, p. 247–249.

⁷⁴ STONE, N.: *The Eastern Front 1914–1917*. London 1975, p. 13.

⁷⁵ STEVENSON, D.: c. d., p. 34–35.

Republican France had similarly undertaken no formal preparations for the mobilization of French industry in case of war, and indeed no one in the government had given the matter much thought.⁷⁶ This oversight left provisioning the army in the hands of private industry free from government influence or intervention until 1915. The French Chamber of Deputies did pass a law granting the government the power to requisition industrial production in August of 1914, amending a previous law of 1877, but this power remained a potential threat rather than an operating principle.⁷⁷ Great Britain's Defence of the Realm Act, of the 27th of November, 1914, decreed it lawful for the Army Council *to take possession of and use for the purpose of His Majesty's naval or military service any such factory or workshop or any plant [manufacturing war materials]*, but this act neither foresaw any measures intervening in labor organization or coercion, nor appeared before the outbreak of the war.⁷⁸

Italian industrial mobilization measures were perhaps the most comparable to those of Austria-Hungary. Two decrees, in June and August 1915, established an industrial mobilization office headed by General Alfredo Dallolio which operated along military-bureaucratic lines. Unlike the British or French examples, Dallolio's office was established more or less explicitly to impose coercive discipline on industrial labor.⁷⁹ Like Austria-Hungary, Italy's focus on labor discipline reflected hostility to social democracy and partiality towards the maintenance of an aristocratic-corporatist political and economic system.⁸⁰ These measures in Italy only came, though, after the first year of war, and thus took advantage of the hard-won experience of the other belligerents. In 1912, then, the Austro-Hungarian War Production Law, far from being an unremarkable implementation of international legislative norms, was a unique and radical intervention into the entire economic sphere of the state. Though certainly reminiscent of the secondary industrial labor mobilization eventually undertaken by all major belligerents, this law was passed into law without the goad of the First World War.

Legislative Militarization: The *Reichsrat* Debate

The initial hurdle faced by the draft War Production Law was to be reported out of the Justice Committee to the plenary chamber. It was to the Justice Committee that the government presented its rationale for the provisions and necessity of the law, and thus the Committee debate offers the opportunity to examine the government view of the responsibilities and duties of the state to its citizens and of the citizens toward the state. Implicit in the state understanding of "citizen" treated here, though, is subordination, as the only body of people actually subject to its provisions were the laboring and parts of the peasant population.

⁷⁶ GODFREY, J.: *Capitalism at War: Industrial Policy and Bureaucracy in France 1914–1918*. New York 1987, p. 4.

⁷⁷ *Ibid.*, p. 45.

⁷⁸ Defence of the Realm Consolidation Act, 1914. MUN 5/19/221/8 (November 1914); available on-line on web-site http://www.nationalarchives.gov.uk/pathways/firstworldwar/first_world_war/p_defence.htm.

⁷⁹ TOMASSINI, L. – FROST, C.: Industrial Mobilization and the Labour Market in Italy during the First World War. *Social History* 16, January 1991, No. 1, p. 59–62.

⁸⁰ *Ibid.*, p. 62.

The government's initial defense for the introduction of the law followed a somewhat unusual course. The report began by arguing that *[i]t is a fact grounded in ethical feeling that the inhabitants of a state concerned with its defence have the natural consciousness of the immanence of their obligation to place their property and their blood at the service of the same in case of a threat of war.*⁸¹ The typical course of such a process, it continued, was to stand in defense of the state with weapon in hand, but labor service was a perfectly respectable and necessary way to render service to one's fatherland in time of war. This was not only a one-way relationship, though – the existence of the obligation of the individual to the state created a reciprocal relationship. The report recognized this, arguing *in this relationship [between the laboring citizen and the state], the state is obligated to take care that the willingness to sacrifice on the part of the population is taken into account only in so far as such willingness is within the bounds of what it is possible for them to achieve [Leistungsfähigkeit].*⁸² This reciprocal conception of labor obligation to the state and state concern for the demands placed on the citizens of the state represented the only real limitation on the state's power to arbitrarily control labor, but in the report justifying the bill as well as in the bill itself the only real concession to the citizen was *that the services provided will be compensated with public means according to the principles of equitability.*⁸³ Exactly what that would mean in practice was left entirely up to the government officials in charge of implementing the labor compensation process envisioned under Article Three.

The War Production Law was further made necessary, according to the government, by the arrival of a new kind of warfare. Mass warfare required mass labor mobilization, as troop mobilization brought with it the necessity for producing, acquiring, and transporting immense quantities of material. Due to this new necessity, the government argued, the wartime labor obligations which have been understood to be the responsibility of the citizens of the belligerent states since time immemorial required a legislative basis – *to regulate these state concerns in a legislative way is the intention of the presented draft.*⁸⁴

Counter-intuitively, then, the government argument was that the War Production Law was actually in the best interests of the Austro-Hungarian laboring classes, as acknowledging and regulating their pre-existing “natural” labor obligations to the state would allow the population to prepare for undertaking their duties before the outbreak of a war, as well as spreading the burden across the entire population instead of concentrating it on those who happen to be near the war zone on an *ad hoc* basis during the war.⁸⁵ The final plank of the government defense of the War Production Law was the assertion that other nations had also undertaken similar legislation, which assertion has already been treated.

The Justice Committee seated a government majority, with a German party politician, Dr. Stölzel, as position representative (*Berichterstatter*). Dr. Stölzel's defense of the bill offers a valuable perspective into the essentially statist and authoritarian perspective which the government majority took towards the War Production Law. His position was

⁸¹ Beilagen, c. d., Beilage 1768 B., p. 9.

⁸² Ibid.

⁸³ Ibid.

⁸⁴ Ibid. It is somewhat surprising, in light of later developments, that this line of argumentation received so little attention or concern.

⁸⁵ Ibid.

that the War Production Law was fundamentally unnecessary, since the state by virtue of emergency necessity could already seize any assets it wished to and compel any kind of service from its citizens. Citing Treitschke as an *acknowledged authority on such matters*, Stölzel argued along with the government that the citizens of the state were obligated to put their *possessions and belongings* (Hab und Gut) at the disposal of the state.⁸⁶ War, especially, in Stölzel's view, was an extraordinary state in which the typical ways of doing things no longer held. His metaphor was that of disaster, and he emphasized this view by saying, [*s]uch provision of service [...] should not be demanded of the populace when a great fire breaks out, when the state becomes embroiled in war?*⁸⁷

It was important for passage that the unprecedented and extremist nature of the War Production Law be minimized, and Dr. Stölzel was happy to oblige. In order to do this, he used two lines of argument. First, that the draft was not *a new thing in the cultured world (Kulturwelt)*, but was instead foreshadowed by similar legislation in Germany, France, and Italy, passed in the 1870's.⁸⁸ Second, that international law gave an occupying power on enemy territory all of the rights which the War Production Law would grant to the Habsburg government over its own territory, and that it was therefore self-evidently absurd to tie the government's hands in defending the state against an external enemy.⁸⁹ This argument is revealing of the dynamic at work. The symbolic move being undertaken here represents the Habsburg government as an occupying power *vis-a-vis* Habsburg industrial labor, and implicitly justifies coercive labor discipline by identifying Habsburg labor with an internal enemy.

Against the specter of forced labor under Article Six of the War Production Law, Stölzel launched a broadside against his critics. When they spoke of personal freedom, he regarded it as an attack on the Austrian State, as *the enemy power will not concern itself with your freedoms*.⁹⁰ Further, rather than being directed against freedom, Article Six was directed against traitors trying to bring down the army and the state, namely the industrial proletariat. It was meant, he said, *for the case of the appearance of those traitors to their fatherland who ought work in the factory and could hinder the provision of timely goods to the army*.⁹¹ Better to have war-time labor subordination legislated, he claimed, than to have the government be forced to coerce labor in an *ad hoc* way. He went on to deny that the bill was unconstitutional.⁹²

The government had also gone to pains to underscore the constitutionality of the law, and had called upon the noted Austrian constitutional scholar Heinrich Lammash, then sitting in the upper chamber of the legislature and later to preside over the dissolution of the Habsburg Monarchy in 1918, to provide a rescript testifying to the constitutionality of the law. Articles Four and Six of the Austro-Hungarian Constitution held that *the mobility of labor and of property within the borders of the state shall not be liable to restriction*

⁸⁶ Beilagen, c. d., Beilage 1768 A.: Einleitender Bericht des Berichterstatters Dr. Stölzel in der Sitzung des Justizausschusses von 3. Dezember 1912, p. 1.

⁸⁷ Ibid., p. 2.

⁸⁸ Ibid. As previously noted, this was not actually the case.

⁸⁹ Ibid., p. 3.

⁹⁰ Ibid., p. 4.

⁹¹ Ibid.

⁹² Ibid.

and that [e]very citizen can make his dwelling and domicile at any place in the territory of the state, acquire property of every kind, and dispose of it as desired as well as exercise every right of inheritance consistent with legal restrictions.⁹³ It would naturally seem that nationalization of property, forced labor, and cancellation of the right to labor mobility would contradict these clauses, but Lammasch's report held that the War Production Law was not in fact in violation of the constitution, as the Austrian Constitution itself allowed for the suspension of its provisions in times of emergency, such as in a time of war, under Article Twenty.⁹⁴ Thus reassured, the government majority on the Justice Committee proceeded to steamroll the minority and pass the draft on to the plenary session.

The minority position, spearheaded by the German Social Democrats Drs. Renner and Hübschmann and the Polish Social Democrat Dr. Liebermann, was not totally ignored, but in the final calculation their intervention was not decisive in changing the text of the draft. They did succeed in inserting three changes into the text, two major and one minor. The most important alteration came in Article One, where the phrase *for the duration of a threatening or actual war* was inserted after the first clause.⁹⁵ This change shifted the necessary condition for the War Production Law to come into effect from a simple state of mobilization, such as was actually in effect over large areas of the Habsburg Monarchy during the debate, to that of an imminent danger of war or a declared war. This in essence prevented the War Production Law from coming into effect in peacetime in order to circumvent restrictions on strike breaking or to simply allow the government to supply the military more cheaply. This was not a minor concession. As Opposing Speaker (*Kontraredner*) Hanusch was later to argue in the plenary session, without revision in the first Article the War Production Law could never have been capable of becoming law – *such would be a military dictatorship in peacetime*.⁹⁶ Of course the law as accepted represented a military dictatorship in time of war, but such was at least slightly less odious than in peacetime. Whether he was correct in his argument that this revision was necessary for passage or not is difficult to establish.

The second major concession which Renner wrung out of the Justice Committee was an alteration of Article Four, on personal labor liability, adding the phrase *only outside of the line of fire* to the end of the first clause regulating service, thus limiting labor obligation to behind the front line.⁹⁷ In so doing, the Social Democrats not only assuaged fears that the War Production Law would create a sort of shadow *franc-tireur* organization in contravention to the laws of war but also secured a considerably more compelling guarantee against War Production Law laborers being captured or killed by belligerent foreign armies. The final concession was also in the fourth Article, declaring that younger persons were to be conscripted for labor purposes before older persons if at all possible, which, while certainly an improvement, played little part in the core of the bill.⁹⁸

⁹³ *Reichs-Gesetzblatt für das Kaiserthum Österreich*. Wienn 1867, LXI. Stück, No. 142, p. 395–96.

⁹⁴ Beilagen, c. d., Beilage 1768 C: Gutachten des Universitätsprofessors Hofrat Dr. Lammasch betreffend des Kriegsleistungsgesetz, p. 25.

⁹⁵ Beilagen, Beilage 1768: Gesetzentwurf, p. 7.

⁹⁶ Stenographische Protokolle, c. d., 129th Sitzung der XXI. Session, p. 6390.

⁹⁷ Beilagen, c. d., Beilage 1768, Gesetzentwurf, p. 8.

⁹⁸ *Ibid.*

These changes were, however, only accepted because they were acceptable to the government, and a whole series of minority motions were dismissed out of hand as unacceptable. Among these were a motion from Drs. Diner, Renner, and Liebermann to prohibit allied states from making direct demands on the Habsburg population as Article One would allow.⁹⁹ Drs. Witt, Liebermann, and Renner moved to change Article Two to require the entire ministerial cabinet to agree in order to bring the War Production Law into effect.¹⁰⁰ Drs. Hübschmann, Witt, and Bukvaj moved that the government be required to account for its use of the War Production Law to the *Reichsrat* at the end of the period of its effectiveness.¹⁰¹ Drs. Dnistrianskij, Okunowsky, and Liebermann moved to amend Article Three to guarantee that *the minimum necessary for existence shall not be called into question* for the laborers.¹⁰² All failed, foundering on government opposition.

The Justice Committee Report to the plenary session, submitted on the 14th of December, 1912, took the government position more or less entirely.¹⁰³ The core of the report was the Committee's conclusion that the War Production Law was the codification of previously existing emergency powers, and that the state had the right to mobilize the entire civil and economic potential of its citizens to defeat external or internal threats.¹⁰⁴ The Committee further concluded that the draft's limitations on personal and property rights were legitimate in view of the emergency suspension clause (Article 20) in the Austro-Hungarian Constitution, and, covering all their bases, declared that in any case rights were a legal construct and thus certainly not inviolable.¹⁰⁵

In defense of their rejection of the vast majority of the minority's motions, the report cited the government's argument that the War Production Law was a war measure affecting the entire realm and thus must be accepted as written in both halves of the Monarchy. As Hungary's rubber-stamp parliament had already unanimously passed the bill in its original form, this argument then produced pressure to accept the measure without amendment in order to assure the unity of military administration in time of war. The Minister for National Defence, von Georgi, assured the Committee that the law would be carried out in a way which took their concerns into consideration, but strongly opposed attempts to tie the government's hands by actually changing the text of the law.¹⁰⁶ From the original submission of the bill through the Justice Committee session, then, the government remained committed to stampeding the War Production Law through the *Reichsrat* with a minimum of transparency and certainly with a minimum of alterations.

Substantively, the Justice Committee debate led to several important changes in the War Production Law, but the changes were preventative in character rather than fundamental. The core of the bill, which is to say the virtually unlimited personal and industrial labor obligations in service of the Habsburg military, remained unchanged. The government

⁹⁹ Ibid., p. 25.

¹⁰⁰ Ibid., p. 26.

¹⁰¹ Ibid., p. 27.

¹⁰² Ibid.

¹⁰³ Stenographische Protokolle, c. d., 127th Sitzung der XXI. Session, p. 6237.

¹⁰⁴ Beilagen, c. d., Beilage 1768: Justizausschuss Bericht, p. 1.

¹⁰⁵ Ibid., p. 2.

¹⁰⁶ Ibid., p. 4.

did accept limitations of this power to wartime, but it is unlikely that Emperor Franz Josef would have agreed to the sort of centralized military dictatorship which would have resulted from the application of this power in peacetime. His formative experiences of rule were shaped by the traumatic experiences of defeat and humiliation, against France and Sardinia in the 1859 Austro-Sardinian War and against Prussia in the 1866 Austro-Prussian War, both of which spelled the end of Habsburg protectorates first in Italy and then in Germany. As a result, his ideological orientation was towards stasis. Franz Josef, *having already lost much, deliberately avoided losing still more.*¹⁰⁷ More, his personality and style of rule militated against dramatic or aggressive policy maneuvers. As one of his recent biographers argued, *his was a mind attuned to routine and rules, with an inborn distrust of experiment and improvisation which became more marked with age.*¹⁰⁸ It is possible that the Habsburg army leadership had hoped to sneak a military dictatorship into Habsburg society through the back door, as the new army leadership, marked by Conrad von Hötzendorf's gospel of national regeneration through aggression and supported by his political patron, Franz Ferdinand, had proceeded to push for a militarization of the Monarchy's affairs along authoritarian lines ever since the turn of the century, as well as constantly demanding war in response to every crisis and setback in foreign affairs, primarily against Italy, Serbia, or frequently both.¹⁰⁹ Any such attempt, though, would have foundered on Hungarian opposition in the Delegations and thus the addition of the clause prohibiting it cannot be considered a tremendous defeat for the government.

The plenary debate over the War Production Law began two weeks after the Justice Committee debate, due to delays and obstructionary tactics in the debate over the state budget. The *Reichsrat* was not functioning at peak efficiency, and indeed obstructionary tactics were calling the continued operation of the then-constituted body into question.¹¹⁰ The obstructionary parties, chiefly the Ruthenes and the Czech Radicals, were also part of the minority opposition opposing the War Production Law, but the chief opposition was the Social Democratic parties of Austria.

The plenary debate revolved around social democratic condemnations of the War Production Law as being anti-democratic and being aimed at destroying the industrial working class in Austria, as intuition would suggest. The majority's response glossed over the anti-labor nature of the bill, regarding labor's rightful place as one of subordination, and resorted to appeals to patriotism and invocations of the specter of military defeat.

The previous plenary debate, on a bill to grant the military the power to seize horses and transportation for mobilization purposes, shortly turned into a prelude to the War Production Law debate, as might well be expected, since the Law Regarding the Seizure of Horses and Means of Transport was largely a redundant version of several articles of the War Production Law.¹¹¹ Minority position representative Refel in this debate accused the Justice Committee of being stuffed with the "super-patriots" from each party,

¹⁰⁷ WILLIAMSON, P. R.: *Austria-Hungary and the Origins of the First World War*. New York 1991, p. 29.

¹⁰⁸ VAN DER KISTE, J.: *Emperor Francis Joseph : Life, Death and the Fall of the Habsburg Empire*. Gloucestershire 2005, p. 92.

¹⁰⁹ WILLIAMSON, P. R.: c. d., p. 49. For a more in-depth discussion of Conrad von Hötzendorf's radical militarism, see SONDHAUS, L.: *Franz Conrad von Hötzendorf: Architect of the Apocalypse* (Boston 2000).

¹¹⁰ Die Beratungen des Reichsrats. *Die Neue Freie Presse*, December 16th, 1912.

¹¹¹ Stenographische Protokolle, c. d., 21st Session, 128th Sitzung, 14th Dec. 1912, p. 6243.

willing and eager to rubber-stamp government bills.¹¹² He emphasized that the government was exaggerating the urgency and importance of these bills. Interestingly, he also termed the War Production Law a bill to establish state socialism, since under its provisions the military, and thus by extension the state, would exercise total control over all aspects of the economy.¹¹³ He further argued that those who decide on matters of war and peace should also contribute to the war – in the War Production Law, the wealthy are concerned only with the question *do I profit by mobilization or do I not?*¹¹⁴ If, though, the bill is understood as not only providing for security but also for re-entrenching pre-existing power relationships, the bill's solicitude towards the propertied classes becomes an intentional rather than incidental effect.

The Czech Social Democrat, Representative Erner, continued Refel's line of thinking, arguing that the War Production Law *laid the populace and their property forward as a sacrifice [Opfer] to the state.*¹¹⁵ In the course of his speech, he was interrupted by the German Nationalist Representative, Neuntafel, who besmirched his patriotism and that of his party, and in his response Erner argued that he and his party would wish that *patriotism would not always be conflated with the rattling of sabers and the belief that only force secures the power of the state.*¹¹⁶ For Erner, the state was meant to serve the interests of its people, and therefore he and his party must oppose the War Production Law on behalf of the lower classes, those who elected them. The government's response to labor unrest, after all, would be to suppress it with *the bayonet, with weaponry, with military force.*¹¹⁷

The majority representatives represented a thoroughly authoritarian and statist position. Dr. Stojan presented another disaster metaphor, arguing that the War Production Law was like fire insurance – a burden, but better than incineration. The burden which the draft placed on the public, though, was lightened by the fact that *it is sweet to die for one's fatherland.*¹¹⁸ Ritter von Haller further argued that the Social Democratic opposition was irresponsible in failing to grant the state *that which is necessary for its maintenance [...] we are conscious that this law is necessary for the army and its battle-readiness.*¹¹⁹ State patriotism, then, came to be defined in a very narrow way, one which emphasized not only allegiance to the Dual Monarchy but also support for its then-current social and political order.

The rest of the plenary debate over the War Production Law played out along similar lines, though with the admixture of a number of different issues. Dr. Hübschmann accused the government of mis-representing the bill by denying that it expanded the populace's military obligations, while Dr. Stölzel complained of obstructionary tactics and urged an acceptance of the state's *codification of the state's emergency rights in*

¹¹² Ibid., p. 6245.

¹¹³ Ibid., p. 6244. As a critique it seems strange for a Marxist, but the hegemony of the military was not quite as congenial to the Austro-Marxists as the hegemony of the proletariat.

¹¹⁴ Ibid., p. 6245.

¹¹⁵ Ibid., p. 6248.

¹¹⁶ Ibid., p. 6249.

¹¹⁷ Ibid., p. 6250. He was right, as the First World War was to demonstrate.

¹¹⁸ Ibid., p. 6251. *Dulce est, pro patria mori.*

¹¹⁹ Ibid., p. 6252.

wartime.¹²⁰ In defense of the government's ability to seize industries and compel labor, Dr. Stölzel again quoted that *the welfare of the commonwealth is the supreme law*.¹²¹ How that commonwealth would be defined, though, he left unstated. The position representative for the Polish Social Democrats, Dr. Liebermann, accused the military of bringing the law out *with a great hullabaloo [Gekrach]* in an attempt to stampede the *Reichsrat* into handing over the realm to the military in their panic.¹²² In his words, the draft created a situation in which *in the state of war every military commander would have the right to administer and dispose of the freedom, property, and lives of every citizen of the state until their fiftieth year of life*.¹²³ The subordination of the entire population to military discipline and military justice was especially odious to Liebermann, and indeed to most of his colleagues. The War Production Law, under Article Six, as the German Social Democrat Ferdinand Hanusch noted, would usher in an era of total war and economic dislocation, and lead to the military seizing entire industries under the War Production Law. Such seizure *would have the result that the workers shall be transformed into helots* and that the draft was a return of serf labor, or Robot.¹²⁴ While an odious outcome for Social Democrats, the return of the Robot would be by no means uncongenial to many Habsburg elites.

Such arguments achieved no purpose and made no difference, despite their general accuracy. Although minor parties organized several attempts to mobilize obstruction against the passage of the bill or at least to force acceptance of minority revisions, the draft War Production Law was accepted on the second reading without amendment.¹²⁵ The Austrian Minister-President, Count Stürgkh, had railroaded the *Reichsrat* with *the threat and the whip of Article Fourteen [of the Austrian Constitution]*, which gave the Emperor the power to dissolve the *Reichsrat* and promulgate laws on his own authority in an emergency.¹²⁶ Ferdinand Hanusch, speaking for the largest bloc of opposition voters in the *Reichsrat*, cited the credible threat of promulgation under Article Fourteen as the reason why the Social Democrats were unable to deploy obstruction to prevent the passage of such a bill.¹²⁷

Conclusion

The passage of the War Production Law gave the state the right to essentially nationalize any industrial or commercial operation deemed important for war production. This process converted the workers employed by the nationalized concerns into militia laborers subject to military discipline and military courts. These workers were no longer employed by capital in a free labor market, but were instead in a state of involuntary servi-

¹²⁰Ibid., p. 6275.

¹²¹Ibid., p. 6280. *Salus rei publicae suprema lex esto*.

¹²²Ibid. He was likely correct.

¹²³Ibid., p. 6282.

¹²⁴Ibid., p. 6390.

¹²⁵Ibid., p. 6424.

¹²⁶Ibid., p. 6281.

¹²⁷Ibid., p. 6393.

tude, subordinated directly to the military. Disobedience became treason, changing jobs became desertion, and striking became mutiny. The outbreak of the First World War saw the widespread application of the War Production Law. Important war industries were nationalized whole-sale in late July, 1914, and their entire workforce placed under military discipline and forbidden to leave.¹²⁸ This created a system under which labor service became equivalent, in the legal sense, with military service. Motivated by the need to mobilize citizenry on behalf of the war effort and driven by the Habsburg military's grandiose conceptions of military necessity, this system was zealously enforced by a military establishment pre-disposed to radical solutions and contemptuous of the citizens of the Habsburg state. The War Production system further sought to exercise the coercive power of the state to mobilize the productivity of industrial labor without legitimating their demands or giving them claim to be equal members of the civic polity. The criticisms of the War Production Law's opponents were almost prophetic.

Ironically, though, in all the major Social Democratic parties the leadership announced itself loyal to Emperor and Fatherland and supported the war effort with all their power.¹²⁹ The German Social Democratic party leadership, for example, exhorted their followers to *show that the men of the class struggle will also give their last breath in service to the flag!*¹³⁰ Though the left wings of the ethnically divided Austrian Social Democratic parties did contain members who urged a general strike against the war in solidarity with the European working class, they failed to carry the day.¹³¹ Indeed, by 1917 Social Democratic political organizations had become fully integrated into the state and formed an indispensable prop to its authority.¹³²

The War Production Law did, then, succeed in creating an alternative militarization regime which both substantially strengthened the military potential of the Habsburg state and drew upon industrial labor without interfering with pre-existing political and social power relations. Taking advantage of a very government-friendly *Reichsrat*, credible fears of war against Serbia, Russia, or both, and solicitude to Hungarian opposition to expansion of real army strength, the Habsburg government radically reoriented its wartime industrial mobilization measures in a way unprecedented in Europe. The Dual Monarchy, then, became the first state in Europe to orient its war mobilization measures forward towards an era of industrial total war instead of either backward to the both excessive and counterproductive measures with which Germany sought to refight the Napoleonic Wars, or, like Russia, France, and Great Britain, to business as usual.

¹²⁸ HAVRLANT, M. and others: *Dějiny Ostravy: Vydáno k 700. výročí založení města*. Ostrava 1967, p. 401.

¹²⁹ See for example the Vienna Police Directorate's report of Nov. 8th, 1914 on the position of the German party leadership in Vienna. Österreichisches Staatsarchiv Wien, Allgemeine Verwaltungsarchiv, Mdl 22i.g.16282, reprinted in NECK, R.: *Arbeiterschaft und Staat im Ersten Weltkrieg 1914–1918*. Vienna 1964, p. 8–11.

¹³⁰ HANUSCH, F. – ADLER, E. (eds.): *Die Regelung der Arbeitsverhältnisse im Kriege*. Wien 1927, p. 3.

¹³¹ Austro-Hungarian Social Democracy was split between German, Czech, Yugoslav, Italian, and Polish parties. See KUPRIAN, H. J. W.: *On the Threshold of the Twentieth Century: State and Society in Austria before World War I*. In: STEININGER, R. – BISCHOF, G. – GEHLER, M. (eds): *Austria in the Twentieth Century*. New Brunswick 2002, p. 23.

¹³² HAUTMANN, H.: *Hunger ist ein schlechter Koch. Die Ernährungslage der österreichischen Arbeiter im Ersten Weltkrieg*. In: BOTZ, G. (ed.): *Bewegung und Klasse: Studien zur österreichischen Arbeitergeschichte*. Wien – München – Zürich 1978, p. 677.

Zusammenfassung

„Gut und Blut für's Vaterland“:

Habsburgische Militarisierungspolitik und das Kriegsleistungsgesetz von 1912

John Robertson

Das grundlegende Thema dieses Buches stellt die Annahme und Wirkungskraft des Kriegsleistungsgesetzes von 1912, das ein prinzipielles Rechts- und Kriegsdokument des Habsburgerreiches darstellt. Damit versuchte die habsburgische Politik einen Ausgleich zwischen eigener Dysfunktion einerseits und der Sicherheit in Europa andererseits zu finden. Mit dieser Gesetzgebung wurde zugleich ein Versuch unternommen, eigene militärische Schwäche mit Hilfe von allen möglichen Mitteln zu überwinden. Die Rüstungsindustrie wurde angekurbelt, darüber hinaus auch die Wehrpflicht erweitert. Es erfolgten strukturelle Änderungen auf der ganzen politischen Ebene. Die genannte Gesetzgebung hat dem Staat ermöglicht die ganze Industrie und Arbeitskraftpotenzial eigenem Bedarf zu unterordnen. Alle Betriebe mit ihren Arbeitern wurden der allmächtigen Hand des Staats unterordnet, dabei bereits in der Friedenszeit, im Unterschied zu den anderen europäischen Großmächten. Diese industrielle Mobilmachung ist wohl auch als integraler Bestandteil eines Prozesses zu verstehen, der alle kriegführende Mächte betraf. Thematisiert wird wohl auch die Parlamentsdebatte zwischen den Anhängern und den Gegnern des Kriegsleistungsgesetzes, in dessen Rahmen der Staat sowohl mit dem Attribut vaterländisch, als auch autoritär, verbunden wird.