Images of the Emperor and the Law in the Habsburg Empire and Successor States: 
1848-1938 (Abstract and Introduction to Annotated Bibliography)

The emperor and the law were important themes not only in the parables of Franz Kafka, but also for many other writers between 1848 (the year of the March Revolution in the Austrian Empire and the December crowning of Emperor Franz Joseph) and 1938 (the year of the annexation of Austrian territory to the Third Reich). The Austrian (and then Austro-Hungarian) Empire did not have a universal unified law code very long at any given time if at all, but it was known for the thorough, if complex, organization of its administrative bureaucracy. The narrative of the emperor as a hypothetical, and sometimes actual, near-saintly interlocutor in matters of justice was at least as important as the bureaucracy and the army in holding the Empire together. Ceremony provided a strong analogy between the emperor and the courts of law, which contributed to the effectiveness of both.

There is surprisingly strong agreement among scholars that these issues are what we come up with when we examine autobiographies, letters, biographies, feuilletons, cartoons and other visual arts, and belles lettres in our attempt to define what is uniquely Austrian, so I have prepared an annotated bibliography on literary treatments of the emperor and the law in the Austro-Hungarian Empire and its successor states, 1848-1938. It describes and comments on both primary and secondary texts (and, incidentally and inevitably, on the history and culture of the period) insofar as
they refer, explicitly or implicitly, to the concepts *Kaiser* (emperor) and *Gesetz* (law) and closely related terms in their word fields. (German examples include *der Richter, die Gerechtigkeit, das Recht, das Gericht, der Prozess, die Prozedur, die Jura, der Jurist, die Justiz, die Verfassung, der Monarch, der König, der Staat* [but not *die Nation*]). The intersection of those two concepts is not necessary for this bibliographical search, because at times one and at times the other is uppermost in the minds of the people who are reflecting on these issues.

In searching for those terms I will exclude any usages referring to scientific or “natural” laws and to academic law, theology, and philosophy as taught at universities, and for the most part I will ignore views held by the kings, emperors, judges, and lawmakers themselves, since I am looking for a range of typical views held by citizens of all social classes and occupations. I will not exclude primary and secondary sources in languages other than German and English. This project is one of comparative cultural studies grounded in literature.

The bibliography will include a few unannotated entries (those works I have been unable to look at before submission), but most entries will be annotated at some length concerning the implicit assumptions of the authors of the primary and secondary texts, uncovering a set of typical views to be discussed at greater length. After surveying these, I may be able to develop the annotated bibliography into a course proposal that will be as relevant to concerns in the United States today as it is to issues regarding the Austro-Hungarian Empire. If so, I will continue to acknowledge my debt to the course “Intellectual History: Made in Austria” as taught by Dr. Katherine Arens and participated in actively by a remarkable group of students in Fall 2002 at the University of Texas at Austin. Not only specific articles and books, but also specific suggestions as to procedure are taken
directly from this group. I will expand and update the bibliography as soon as possible, using a series of suggestions recently made by John Woodruff as well. I will appreciate reports from readers on any errors, omissions, or new studies they discover and will incorporate these in the expanded version. Please write to me at my permanent address, mwieding@austin.rr.com (Margaret Woodruff-Wieding, 115 West 32\(^{\text{nd}}\) Street, Austin, Texas 78705).


This terminological question really needs to be solved in order for German Studies to continue coherently. The desirability of the term must be seen in the context of the construction of national or imperial identity, as described in Benedict Anderson’s \textit{Imagined Communities}. Arens’ integration of this discourse with discussion of Habermas’ “public sphere” is even more important for a study of Austrian culture than it is for Germanophone culture in general.
The course description, pp.182-187, covers the reign of Emperor Franz Joseph and the period just before and after. It includes assignments, syllabus, sample exam, book and film lists. In combination with my bibliography, this enables me to design courses on Austria and Central Europe. P. 175 compares the cultural function and interaction of emperors and popes, and the way Germanophone people sometimes “construe negotiations.” P. 177 shows how to use Taylor, *The Habsburg Monarchy*, and Sked, *The Decline and Fall of the Habsburg Empire*, to demonstrate contrasting approaches. Pp. 178-179 recommend ‘materials not normally treated as part of official history” such as Joseph Roth’s *Radetzkymarsch* and Istvan Szabo’s *Oberst Redl* and support the thesis that “most histories of all sorts concur that Emperor Franz Joseph went out of his way to portray himself as ‘first bureaucrat of the state’…using [this image] to manipulate the media in ways that his contemporaries recognized as fiction instead of fact.” P. 181 gives different ways to use *Radetzkymarsch* in undergraduate history and culture courses.


This book has been cited for nearly every course I have taken and in nearly every bibliography I have seen in the last two years. It is essential for this topic (the emperor and the law in Austria-Hungary). The second edition includes a chapter on “Census, Map, Museum” and a chapter on
“Memory and Forgetting” and compares Siam (now Thailand) and what Anderson calls “Hungary-within-Austro-Hungary.” See p. 20-21, 76-78, 84-85, and 98-111.


Useful subdivisions.


Touches on idea of “invention of tradition.”


830.9 B5.

Initial publication date indicates interesting perspective on Germanophone literature.


ISBN 0198272294. HX 256 A9 PCL.

ISBN 3370080485. PT 2635 084 255.

Especially recommended are Klarmann, “Das Österreichbild im ‘Radetzkymarsch’”; Magris, “Der ostjüdische Odysseus.”


Oral history and photographic archives with many search options. Recommended by Jim Niessen of the HABSBURG web mailing list.


Essential for this topic. Particularly good chapters on Karl Kraus, Robert Musil, and Joseph Roth. Stresses the importance of giving sociocultural background on all authors of the period, regardless of the quality of the literature they produce, and keeping in mind that the narrative perspective is not necessarily the personal perspective of the author. Focuses on Austria, 1918-1938, but his projected next book, “Das Bild Franz Josephs in den verschiedenen Literaturen der ehemaligen Donaumonarchie,” should have more material on countries that were formerly members of the Empire, and perhaps more material on earlier years. Encourages the study of non-canonical belles-lettres and popular literature and music as well as of published art and reports, essays and dissertations, newspapers, memoirs, and biographies. Includes both solid theoretical grounding and extensive specific information. Decloedt mentions several books I would like to see, including two Viennese dissertations covering together the time period 1830-1867 on what his contemporaries and those immediately after thought about Franz Joseph; the anonymous Moderne Imperatoren: Diskretes und Indiskretes, published 1867; and two books on the concept of the emperor or king and his presence or absence, published in 1933 (Brehm) and 1937 (Bergengruen).

Decloedt 225: “Daher erscheint Franz Joseph I nicht bloß als Träger einer Macht, sondern vielmehr als Sinnbild der Ordnung, die mit der Demokratisierung des öffentlichen Lebens verlorengegangen war….Erst als sich zeigte, daß der Ordnungsgedanke aus der Zeit der Monarchie den Herausforderungen der neuen Zeit nicht gewachsen war, verfielen viele Autoren dem Nationalsozialismus.”

The second of the two Freud books included in this volume is relevant to our topic. Incidentally, although the Peter Gay biographical works I have read on Freud were not especially relevant, a recent *New Yorker* review of Schnitzler’s fiction mentioned a supposedly recent book by Gay that might be helpful: *Schnitzler’s Century: The Making of Middle-Class Culture, 1815-1914.* I have no more information on it at present.


ISBN 359626054x.

Both books concern the relationships between individuals, groups, and common leaders, cultures, or beliefs.


ISBN 3596260541.

This book is relevant to respect felt for a father figure or the law.


HB 98 A97 1986M PCL.

This covers aspects of our topic that no other book or article does.
Like other postings on HABSBURG, this is interesting and brings up some outside threads to be followed through as well.


Both stories illustrate traditional middle-class values (whatever seems expensive and aristocratic). However, they also show strong women being successful. In the second story, law is a minor subject of conflict (demanding, prosecuting); pedantic proofreading followed by bureaucratic correspondence gets someone in trouble, and a boundary line disfigures a beautiful old map. Thus the theme of our topic is present here too.


ISBN 3484312246. PT 2625 A843 Z6475 2000 MAIN.
Works by Mauthner reproduced here: Excerpts from *Aus dem Märchenbuch der Wahrheit* (The Fairy Tales of Truth, 1896), *Nach berühmten Mustern* (1897), and *Totengespräche* (1906). Perhaps the best known fairy tale is “Lügenohr” (An Ear for Liars), from *The Fairy Tales of Truth*. It is the tale of a gift from fate of an “ear for” the difference between truth and lies, which led to various adventures and finally to the suicide of the unfortunate possessor of that ear (7th sense). Also includes linguistic criticism spanning the time from Goethe through Mauthner to the present.


Heym, born Helmut Flieg in 1913, was the son of a Jewish merchant who was killed by the Gestapo. Heym emigrated to Prague in 1933, so he can be said to have lived in a successor state to the Habsburg Empire. His two fairy tales follow a long German and Austrian tradition to which by now surely as many writers as “plain folks” have contributed. Notably, they follow the tradition of several writers mentioned in this bibliography, for example, Fritz Mauthner, Franz Kafka, and Joseph Roth. Since they were part of the inspiration for this project, they should not be left out, even though their bibliographical information is incomplete at the moment.


ISBN 0 521 43773 3.
See especially the two chapters by Hobsbawm, “Inventing Tradition” and “Mass-Producing Traditions: Europe 1870-1914,” which discuss the mysticism of monarchy and empire in Germany and other countries that can be compared with material on Austro-Hungary. The book also covers authority in ritual, ceremonial, coronations, birthdays, funerals, and weddings.

Hofmannsthral, Hugo von. "Das Schrifttum als geistiger Raum der Nation."


Hofmannsthral made this speech at the University of München shortly before some radicals burned the Vienna Law Courts; thus it certainly has a superficial connection at least with the theme of trust in law or justice providing social bonds. He longs (though perhaps with apocalyptic foreboding) that the Austrian people will feel more connected with the whole of life and with each other than they do at present. He imagines a spiritual community with stronger internal bonds than just respect for the past and for authority. He would like to see strong will, enthusiasm, and dedication. He does not want to see weak envy or self-pity. Evidently fondness for the Kaiser was not enough for him, nor does he want it to be enough for anyone else. His speech reflects contempt for what he sees as decadence in himself and those around him. He expected seeking a solution to be hard, but not as hard as it was. It turned out not to be a good time in history to look for a prophet, especially not for one with a nationalist solution.


The first emperor sees himself in a benevolent role, helping his nobles to grow, and is trying to block out his visions of the bloody history that will be necessary in order to establish and maintain dominance. The second emperor begins his play with a vision of horror which is then confirmed when he finds out the bloody consequences of an injustice that he did not know he had committed. “Is this what it means to be emperor,” he wonders, “not being able to breathe without breathing in and swallowing someone’s fate?” (204-206) He had thought that his own destiny was already hard enough.


Indispensable source, for politics, language, social and literary criticism, philosophy. Especially informative on Austromarxists, Zionists, the Radl affair, architecture, natural sciences, Hofmannsthal, Kraus, Schnitzler, Weininger, and other specialized topics.


As thorough as possible in the space available; traditional chronological (political and diplomatic) history.

DB 30 J64 1976.

One thing that makes Johnston indispensable is that he includes “biographical sketches and bibliographies for nearly every major figure discussed” (vii), and this includes some Hungarians. This book is essential for our project. Johnston notes that many of the “seminal thinkers of the 20th century” came from Austro-Hungary and are now neglected. He writes, “The fundamental cause of this neglect is the disappearance of the Habsburg Empire as a geographical unit.” Another reason is that so many of these thinkers were polymaths, and that is a quality that almost seems obsolete today, for no good reason. Still another possibility that he mentions is that Anglophone and Francophone scholars sometimes interpret the apparent abstruseness of the German language as “obfuscation” (6).

Continental judicial systems based on Roman law, he writes, elevated [judges in Germany and Austro-Hungary] into “a sacrosanct position” and “instilled belief in the infallibility of the state. As arbiter above the law, the state alone wielded power to curb its own authority; this authority was never attenuated, as it was in Great Britain, by an obligation to do battle against citizens in a courtroom….Appointees of the emperor, judges arbitrated human destinies, ensconced above the partisanship of civilian life. Within a highly centralized system, codified by reforms of Maria Theresia and Joseph II, the crux of legal theory was to define the limits of state authority….the conflict of nationalities, abuses of *Protektion* and *Schlamperei*, and sheer diversity spurred jurists [such as Eugen Ehrlich, Anton Menger, and Karl Renner] to champion alternatives….The fiction that law serves the state was a ploy invented by Roman emperors to foil sympathy that republican
lawyers had felt for living law [,Ehrlich contended]….By stigmatizing contradictions, conceptual jurisprudence (Begriffsjurisprudenz) scuttled equity in order to aggrandize the state" (88-91).


Although I don’t know whether or not I will like what Judson says, on the face of it, it appears to be essential for this topic: politics, public discourse, constitutional law.


ISSN 0667-2378.

Judson gives us extensive and useful detail for understanding Austrian economic and language politics, 1880-1900. He focuses on nationalism and its conflicts among liberals, radicals, and moderates.


Quite a lot of information together in one place, and a major effort to clarify terms, intentions, and capabilities. Chapters on the entire empire alternate with chapters on the Alpine and Austro-German lands and chapters that cover between two and eight other national groups. Population and nationality statistics in several chapters as well as in appendix.


PZ 2625 A843 Z7 MAIN

...Helpful as introduction to Mauthner. Informs us that Mauthner wrote about another Kaiser, Wilhelm I of Germany, as well. Describes Mauthner’s *Märchenbuch der Wahrheit* (1896, mentioned in Henne and Kaiser). Suggests that we read Mauthner’s fairy tale “Narr und König” (1919) and compare Schnitzler with Mauthner.


ISBN 3923721455. PT 2635 084 Z5945 1990 MAIN.

In these conference proceedings see especially essays by Dagmar Barnouw, Alfred Doppler, Klaus-Detlef Müller, Marcel Reich-Ranicki, and Jürgen Wolff.


“Ohne Bewilligung,” probably published for the first time in 1887, reflects the author’s fascination not only with the daily life of Jews in the Austrian Empire, but also with the nature of law and the role of lawyers, petitioners, officials, and the emperor, from the perspective of an ordinary citizen. In this story a judge plays a role analogous to that of the emperor in Roth’s *Radetzkymarsch*. The marriage and family law itself is so important in the lives of the characters that it is almost a character itself, one that cannot be ignored.


Certainly some of the qualities of fetishism are similar to the obsession of Austro-Hungarians with the emperor. However, on first reading this does not seem to require close study as long as one reads Freud’s *Totem and Taboo*. Even the pages on fetishism (36-41) in Krafft-Ebing alternate between impressively insightful comments and unintentionally amusing comments.

By the time Kraus writes the epilog he has apparently lost all patience with the Kaiser for allowing the war. On p. 603 he is openly scornful of the Kaiser and on p. 604 he is openly scornful of the Law ("Wir haben kein Recht auf Geschlecht und Gesicht"). Thus we are not much surprised when the wounded man curses the Kaiser with such energy on p. 612. The ridicule almost takes a light tone on p. 617 ("Ihr könnt euch in dem Punkt auf uns verlassen: bald wird euch des Kaisers Rock nicht mehr passen").

Yet we know whom to blame when we hear the last line in the play:

(Die Stimme Gottes)

Ich habe es nicht gewollt.


PT 3812 M2715 PCL

Magris surveys Austro-Hungarian literature in order to describe the Habsburg myth in detail. The following quotation illustrates the extent to which Magris’ book has formed my interpretation of the period in question. It also shows a legitimate connection between the two themes that I am tracing, the image of the Kaiser and the image of the Gesetz.

Sinnbild der ‘grandiosen Statik,’ die die Monarchie beherrscht, dieser Haltung aus byzantinischem Unvermögen und korrekter Vornehmheit.”


838 M448B1 1969.

An interesting and helpful introduction to Mauthner, who, by the way, studied law and worked for a few months in a law office in order to please his father, and thus can be expected to reflect upon law quite a lot.


Concerns the intersection of the law, monarchy, and nationalism.


See especially First Book, Chapter 8: Kakania.

The entire book is indispensable for our topic. See particularly the following two texts:

József Eötvös, "Munich Sketch," 153-172. This entire essay is concerned with law and with “the discrepancy between the actual and the legal state of affairs.” Moreover, Eötvös looks at law in relation to monarchy and empire. Robert Musil, "The German Personality as a Symptom," 173-200. Note that Nyíri cites as key works, as we do, Janik and Toulmin, Johnston, and Schorske.

Oberhuber, Florian. “Reich und Kultur: Zum neujosephinischen Kulturbegriff 1848-1918.”


DB1.03.

Quite helpful for our project and for thinking about contemporary issues of culture and legitimacy.


ISBN 0297813463. DB 87 P25 1994B PCL.

Important for historical background, and interesting to read. P. 20 Field Marshal Radetzky. P. 60 emperor’s views on the legal system. Pp. 318-319 Redl affair.


Pick makes us wonder if ceremony is what Gesetz and Kaiser have in common. Certainly sovereignty is something they have in common. She speaks of Austrian mythology attaching “extravagant claims to the role of its own leaders.” She also sees the Austrian preference for conciliation and compromise as *gemütlich* but provincial. 4-45.


This comic sketch is tempting to use in all kind of instructional situations, including the sort of Austrian cultural studies classes envisioned in the construction of this bibliography. The video cabaret performance lasting approximately one hour which should accompany the reading of this text was recorded by the Österreichische Rundfunk in 1961.


Essential for any Austrian culture course, even if just as background for the instructor. Lists of illustrations, notes on contributors, preface, biographical directory of Austrian writers of the Enlightenment and Biedermeier.


The work of Roth is my chief example and everyone’s chief example of the Austrian image of the Kaiser. Without him one might not have noticed how important this was for the Austrian people.


Offers many artists and authors to compare with Roth, Kafka, and company. This book contains much history of non-Germans in the former Habsburg empire. Sachar also explains the connection between Freud (Totem and Taboo) and the emperor cult.


This is the book that started the Austrian nostalgia renaissance. No way can we do this project without Schorske. Nevertheless, there is often something I cannot define which I distrust about his tone. Here is a good quotation that I do not distrust: “In the late Austrian Empire, the imperial office, with its aura of ceremonial formalism, was the only effective focus of civic loyalty (21).”


If we’re going to do national identity politics, it might behove us to do sexual identity politics as well. This was certainly an influential book.


Sked comments on the Austrian expectations from individual recourse to the emperor (82-85).


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ISBN: 0198812701 (pbk reissue). 940.9 T2125 PCL.


Besides its background information for Szabo’s *Sunshine*, provided by Susan Rubin Suleiman, this book is essential for our project. The book also includes Zepetnek’s “Selected Bibliography for the Study of Central European Culture.” See also Zepetnek’s web site, http://clcwebjournal.lib.purdue.edu/clcwebhistory.html; the ISSN for CLCWeb: Comparative Literature and Culture: A WWWeb Journal, is 1481-4374. Purdue University also has the CLCWeb Library of Research and Information.