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The Promulgation of the 1910 Constitution of Bosnia and Herzegovina – the Imperial Framework

Abstract: The paper aims to present the promulgation process of the Constitution of Bosnia and Herzegovina (*Landesstatut*) in the context of the Austro-Hungarian colonial administration of this territory. The passing of the promised constitution, locally known as *Zemaljski statut*, was an important political issue in the Dual Monarchy and attracted significant attention among contemporaries. The complex internal dynamics of Austria-Hungary and the peculiar legal status of Bosnia and Herzegovina make the process of enacting the supreme legal act of the newly annexed territory an intriguing case study within a colonial regime.

Key words: 1910 Constitution of Bosnia and Herzegovina, Austria-Hungary, constitution, annexation

This paper attempts to examine the process of passing the Constitution of Bosnia and Herzegovina (*Landesstatut*) in 1910 in the context of the Austro-Hungarian colonial administration. More than three decades passed from the Austro-Hungarian occupation of Bosnia and Herzegovina to the promulgation of the constitution and establishment of a representative assembly (diet). In this period, Vienna and Pest insisted on the successes of their rule in the occupied province while, at the same time, depriving the local population of political life. The passing of the Constitution and the establishment of the Diet marked the beginning of “organized” political life in Bosnia and Herzegovina. This paper hopes to show to what extent the center of the Empire continued to control it.

The Constitution of Bosnia and Herzegovina aroused curiosity among contemporaries and was written about from the moment it was passed. Professor Karl Lamp offered an extensive legal analysis, insisting on the precedents set by this document.¹ Lamp was not the only contemporary to provide a review of

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¹ K. Lamp, “Die Rechtsnatur der Verfassung Bosniens und der Herzegowina vom 17. Februar 1910”, *Archiv des öffentlichen Rechts* 27/2 (1911), 288–337; P. Judson, *The Habsburg Empire. A New History* (Cambridge: The Belknap Press of Harvard University Press, 2018), 380–381, touches on Lamp and his analyses.

the Constitution, with many other jurists of the time offering their opinions.² In historical scholarship, Dževad Juzbašić left the deepest mark in the study of the Constitution of Bosnia and Herzegovina.

To understand the context of the promulgation of the supreme legal act of Bosnia and Herzegovina, it is necessary to briefly address the occupation of Bosnia and Herzegovina and the period leading up to the annexation of Bosnia and Herzegovina in 1908. On 13th July 1878, at the Congress of Berlin, the Great Powers gave Austria-Hungary the mandate to occupy Bosnia and Herzegovina and station its troops at Pljevlje, Priboj, and Prijepolje. The legal underpinnings of the Austro-Hungarian presence in Bosnia and Herzegovina were laid out in two documents: Article XXV of the Treaty of Berlin and the convention signed by the Ottoman Empire and the Dual Monarchy in April 1879. The legal framework did not include a clearly defined and temporally limited presence of the Austro-Hungarian occupation army in what was legally still an Ottoman province. In this, the Dual Monarchy was no different from other imperial powers of the epoch, which also worked in vague frameworks.

The agreement between the Ottoman Empire and Austria-Hungary stipulated that the occupation should be temporary. The convention of April 1879 preserved Ottoman sovereignty over Bosnia and Herzegovina but left the Sultan no powers to participate in its administration.³ No time limit was set for the duration of the occupation. This vagueness, commonly explained by the complex relations within Austria-Hungary,⁴ allowed Vienna to pursue a classic imperial policy. For the following three decades, Bosnia and Herzegovina would be a colony of Austria-Hungary.⁵

² A detailed overview of contemporaneous and historiographic considerations of the promulgation process and its problems can be found in: Dž. Juzbašić, "Aneksija i problemi donošenja Zemaljskog ustava (statuta) za Bosnu i Hercegovinu", *Godišnjak Centra za balkanološka ispitivanja* 38 (2009), 183–184.

³ The text of the convention on Bosnia and Herzegovina (21st April 1879) is available in: *Balkanski ugovorni odnosi 1876–1996*, I, ed. M. Stojković, (Beograd: Službeni list SRJ, 1998), 151–153.

⁴ After 1867, Franz Joseph needed a much broader consensus on matters that concerned the Empire. While he remained the central political figure and symbol of the Empire, the Compromise brought profound changes to the Empire's functioning. Ж. П. Блед, *Франц Јозеф* (Franz Joseph) (Београд: Clio, 1998), 309.

⁵ On the colonial nature of the Austro-Hungarian regime up to 1908, see E. Kolm, *Die Ambitionen Österreich-Ungarns im Zeitalter des Hochimperialismus* (Frankfurt: Peter Lang, 2001), 235–241; A. Sked, *The Decline and Fall of the Habsburg Empire 1815–1918* (London: Longman, 1989), 243–246; C. Ruthner, "Bosnien-Herzegowina als k. u. k. Kolonie. Eine Einführung". In *Bosnien-Herzegowina und Österreich-Ungarn, 1878–1918. Annäherungen an eine Kolonie*, hrsg. C. Ruthner, T. Scheer, (Tübingen: Narr Francke Attempto Verlag, 2018), 15–45; P. Judson, "L'Autriche-Hongrie était-elle un empi-

Control over the newly annexed province lay in the hands of the Joint Minister of Finance. The governor and undisputed ruler of the Condominium of Bosnia and Herzegovina until 1903 was Benjamin von Kállay. In Bosnia and Herzegovina, the Provincial Government (Landesregierung/Zemaljska vlada) was formed as the principal executive body of the Condominium and was led by the head of this organ. He answered to the Joint Minister of Finance and the shared government. The provincial ruler was also the commander-in-chief of the military, which essentially meant that they were also accountable to the Ministry of War. Under Kállay, the highest offices in the administration remained beyond the reach of the local population. The failed attempt to introduce the Bosnian nation and the Monarchy's iron grip on local political and cultural life marked Kállay's term in office. His death in 1903 seemingly relaxed the Empire's hold on occupied Bosnia and Herzegovina. Count Stephan Burián von Rajecz became Joint Minister of Finance.

Burián's policy was different from Kállay's. As part of the new policy, devised to establish firmer control through an illusion of loosening, on his first visit to Sarajevo after becoming the Joint Minister of Finance, Burián gave a statement guaranteeing that Bosnia would be directed toward self-government, ultimately leading to the introduction of the parliament or diet as its representative body.⁶ Under Burián, the Serbian Orthodox population, as well as the Muslim and Roman Catholic, received statutes that regulated their ecclesiastical and educational autonomy.

As noted above, these changes were meant to tighten Vienna and Pest's grip on Sarajevo. In this context, Vienna and Pest needed to formalize their presence in Bosnia and Herzegovina. The crises tearing through the Balkans and the final division of Europe into two blocs indicated that the provisional character of the occupation had to change.⁷ From the fall of 1906, when Alois Lexa von Aehrenthal became the Foreign Minister of Austria-Hungary, the Austrian policy in the Balkans became more aggressive. Von Aehrenthal gathered a group

rez", *Annales. Histoire, Sciences Sociales* 63/3 (2008), 563–596; Т. Краљачић, *Калајев режим у Босни и Херцеговини 1882–1903* (Kállay's regime in Bosnia and Herzegovina 1882–1903) (Београд: Сатена Мунди, 2017); Д. Т. Батаковић, „Босна и Херцеговина у српској историји: од средњег века до уједињења 1918” („Bosnia and Herzegovina in Serbian history: from the Middle Ages to unification in 1918”). In *Напор Босне и Херцеговине за ослобођење и уједињење* (The effort of Bosnia and Herzegovina for liberation and unification) (Београд-Бања Лука: Балканолошки институт САНУ, Народна и универзитетска библиотека Републике Српске, 2017), VII–CXXXVII.

⁶ *Сарајевски лист*, 3rd June 1904.

⁷ Н. Капидџић, „Priprema ustavnog perioda u Bosni i Hercegovini (1908–1910)”. In Н. Капидџић, *Bosna i Hercegovina pod austrougarskom upravom* (Sarajevo: Svjetlost, 1968), 45.

of young men who took decision-making positions and gradually led the Dual Monarchy into conflict with its neighbors.

In December 1907, at a joint government session, Aehrenthal brought up the annexation of Bosnia and Herzegovina. He believed that the status of Bosnia and Herzegovina had to be resolved before tackling issues such as its constitution or the formation of some sort of representative body. Also, it was vitally important to settle all of these matters at the center of the Empire and not allow any debates in Sarajevo, where some semblance of political life had taken root during Burián's term in office. The formation of a "parliament" could be considered only after the formal annexation of Bosnia and Herzegovina. Historical scholarship has thoroughly analyzed diplomatic plans for the annexation and the discussions between Aehrenthal and Izvolsky, Foreign Minister of the Russian Empire.

The Young Turk Revolution hastened Vienna's process of proclaiming the annexation, and Emperor Franz Joseph signed the annexation documents on 5 October 1908 in Budapest, increasing the city's symbolic importance. Discussions on the method of incorporation and place of Bosnia and Herzegovina in the Monarchy were briefly set aside. The topic of Hungary's historical right to Bosnia and Herzegovina, which had dominated the debates on its future organization, temporarily subsided.⁸ Reports of the annexation appeared in the press as early as 6 October, which was also when the representatives of European countries in Vienna were informed of the news. A day later, an announcement was read in Sarajevo. The sovereign promised a constitution in the proclamation to the inhabitants of Bosnia and Herzegovina. Furthermore, the promulgation of the supreme legal act was used to justify the annexation. The wording of the proclamation carried strong colonial overtones, insisting that the citizens were receiving another proof of "faith in their political maturity." Invoking the "olden days" when there were ties between the Hungarian throne and Bosnia and Herzegovina, the emperor laid claim to these territories. He claimed that the "new system will guarantee that culture and prosperity shall find a safe hearth in your homeland."⁹

The diplomatic initiative that accompanied the preparations for the annexation and its recognition went hand in hand with the struggle with the local leaders in Bosnia and Herzegovina. They were expected to accept the annexation and ensure the proclamation would encounter no resistance. To secure the population's obedience, Sarajevo was cut off from the rest of Bosnia and Her-

⁸ R. Okey, *Taming Balkan Nationalism* (Oxford: Oxford University Press, 2007), 178; From December 1908, Hungarian politicians continued to insist on Hungary's historical right to the newly annexed territories. This topic would dictate the process of passing the Constitution of Bosnia and Herzegovina.

⁹ *Сарајевски лист*, 7th October 1908.

zegovina. Telephone and telegram lines were out of service for a week, and, in this situation, it was not difficult for the authorities to prevent any significant resistance to the proclamation of the annexation.

This was an important event in the colonial context of the Dual Monarchy's administration. At first glance, Austria-Hungary changed the status of Bosnia and Herzegovina with its explicit annexation. Nevertheless, the newly annexed province continued to exist in a legal vacuum, the only difference being that from 1908, the Dual Monarchy became the framework for such an existence. No fundamental change that would have made the relationship between the Monarchy and Bosnia and Herzegovina non-colonial ever came. The tense negotiations and concessions of the Austrian and Hungarian sides left Bosnia and Herzegovina in the same status it had had in the previous three decades. Three weeks before the annexation was proclaimed, at a session of the joint government, Joint Minister of Finance Burián said that the annexation of Bosnia and Herzegovina would not alter its status and that the laws passed in 1879 and 1880 would remain in force. It would be possible to change them only if both governments agreed to do so. Thus, the former Ottoman provinces remained a *corpus separatum* within Austria-Hungary.¹⁰ The annexation of 1908 merely affirmed the status of Austria-Hungary as a traditional imperial power with expansionist ambitions toward neighboring territories.

The diplomatic denouement of the annexation crisis brought Austria-Hungary's focus back to Bosnia and Herzegovina. During the tension-filled months from October 1908 to March 1909, the Serbian People's Organization and the Muslim People's Organization¹¹ tried to put up joint resistance to the proclamation of the annexation. The energetic action of the two largest organizations could change little. It was obvious that the annexation crisis would be resolved outside Bosnia and Herzegovina. The authorities tried to redirect attention to the promised constitution, diverting it from the blatant violation of the provisions of the Treaty of Berlin. The press was inundated with texts on the Bosnian constitution promised in the annexation proclamation.

In December 1908, Burián was tasked with writing a proposal for constitutional reforms to be implemented in Bosnia and Herzegovina. Already at this point, there were demands to take into account the social and religious

¹⁰ H. Kapidžić, „Položaj Bosne i Hercegovine za vrijeme austro-ugarske uprave (državno-pravni odnosi)”, *Prilozi 4* (1968), 70–71.

¹¹ These organizations had emerged from the struggle for ecclesiastical and educational autonomy. They can be considered precursors to political parties, although fully fledged and formalized parties would not emerge until the formation of the Diet of Bosnia. At the time of the annexation, they tried to put up joint resistance. On the other hand, the Catholic population, although divided into two political organizations, welcomed the annexation.

complexities of Bosnia and Herzegovina. The voting principle was supposed to be similar to that of Moravia, where the German-speaking population voted separately from Czech-speaking citizens.¹² Given that a linguistic division was not applicable in the newly annexed province, the population was to be divided along religious lines to preserve the social structure of Bosnia and Herzegovina. It was also indicated that local leaders needed to be informed of this document and that it would be advisable to have the supreme legal act formulated by the spring of 1909.¹³

In this atmosphere, the Joint Ministry of Finance began to prepare a constitutional survey in February 1909.¹⁴ The representatives of the Muslim and Serbian People's Organization found themselves in a serious predicament. Agreeing to contribute to the preparations for the promulgation of the constitution meant formally accepting the annexation. Conversely, non-participation and refusal to cooperate would have led to their expulsion from political life. In this way, the Monarchy tried to resolve the matter of the internal recognition of the annexation. Also, during its decades-long administration of Bosnia and Herzegovina, the Monarchy had established a parallel system of loyal politicians willing to cooperate. Given the sensitivity of the political moment, the almost non-existent support for the "loyal" political figures among the general population was of little concern to the Dual Monarchy.

For the two largest parties, the circumstances became even more complex with the refusal of the Provincial Government to promise to involve the representatives of political organizations. In the eyes of Austro-Hungarian representatives on the ground, those political organizations did not have legal recognition and were, as such, ineligible for negotiations. The authorities insisted on involving individuals rather than groups to increase the chances for an agreement. After they failed to make the two largest political groups recognize the annexation, the Austrian authorities resorted to attempts to dilute their significance by insisting that individuals should take the survey.

Despite the insistence of the key representatives of the two organizations, the civilian *adlatus* Baron Isidor Benko submitted a list of the individuals invited to discuss the constitution. The draft of the constitution was jointly formulated by Stephan Burián and the Provincial Government in Sarajevo. Burián was fond of emphasizing that he was the creator of the Bosnian constitution.¹⁵ However, it soon became apparent that the changes introduced by the constitu-

¹² P. Judson, *The Habsburg Empire. A New History*, 379.

¹³ Dž. Juzbašić, „Aneksija i problemi donošenja Zemaljskog ustava (štatuta) za Bosnu i Hercegovinu”, 193.

¹⁴ H. Kapidžić, „Priprema ustavnog perioda u Bosni i Hercegovini (1908–1910)”, 61.

¹⁵ This is apparent from several letters he sent in 1909. ABIH, ZMF KB 1909 43/1

tion would not be fundamental: the emperor sent a letter to Burián, saying that constitutional rights must correspond to inter-religious relations and the “social structure of the population.”¹⁶ The promise that the constitution would not be octroyed (granted by the sovereign) and result from a dialogue proved false.

The very fact that individuals had been invited, with no talk of elections or any other way of electing representatives, was quite illustrative of the way in which the Dual Monarchy wanted to resolve the constitutional matter in Bosnia and Herzegovina. It should be noted that in February 1909, the struggle against recognizing the annexation was still ongoing. At that moment, neither the Serbian nor the Muslim side had accepted the annexation. The invitation to take part in the survey was extended to 24 persons: eight representatives of the Serbs, ten representatives of the Muslims, five representatives of the Croats, and one representative of the Jewish community. Prominent politicians did not receive invitations or avoided participating in the survey. For instance, no invitation was sent to Gligorije Jeftanović, the most distinguished representative of the Serbian People’s Organization, whereas Alibeg Firdus, the leader of the Muslim People’s Organization, refused to attend.

The surviving reports suggest that the consultations were of modest importance. On the first day, it was already clear that the representatives of the local population had been invited just to hear the text of the constitution. There was no debate on the constitutional solutions.¹⁷ The representatives of the two largest organizations soon left the consultations. After they had left, the Provincial Government continued consultations with individuals close to the Austrian authorities in Sarajevo, such as Esad Kulović and Lazar Dimitrijević. The representatives of the Roman Catholic population also participated in the consultations.

The authorities were reluctant to widen the circle that would discuss the constitution, so the discussions stopped. In his report to the Joint Ministry of Finance, Benko wrote that the Serbo-Muslim opposition was keeping its distance from the constitution survey because of its refusal to recognize the annexation of Bosnia and Herzegovina.¹⁸ The provincial government had to find a way to make the Orthodox and Muslim representatives accept the annexation. Diplomatic circumstances exacerbated the situation of the representatives of the Serbs and Muslims. In late February 1909, the Ottoman Empire recognized the annexation. The final agreement between Turkey and the Dual Monarchy

¹⁶ Д. Димовић, Босански сабор. Како је постао, радио и престао (Bosnian Parliament. How it became, worked and stopped), *Правда*, 1st May 1937.

¹⁷ Н. Капидžić, „Припрема уставног периода у Босни и Херцеговини (1908–1910)”, 62.

¹⁸ М. Имамовић, *Правни положај и унутрашњи политички развјатак Босне и Херцеговине* (Sarajevo: Svjetlost, 1976), 198.

stipulated that Austria-Hungary should renounce all pretensions on the Sanjak of Novi Pazar, sign a trade treaty with Turkey, provide guarantees of religious freedom for the Muslims of Bosnia and Herzegovina, and pay 2.5 million Turkish pounds to reimburse Turkey for its state-owned property in Bosnia and Herzegovina.¹⁹ In March 1909, neighboring Serbia was also forced to recognize the annexation. After the Serbian recognition of the annexation, the representatives²⁰ of Orthodox Serbs in Bosnia and Herzegovina also recognized this act, thereby breaking the informal alliance between the Serbian and Muslim sides on the annexation issue.

This move allowed the Austro-Hungarian officials to devote themselves to drafting the constitution. As noted above, granting the constitution had been one of the proclaimed reasons for the annexation. In late April, the Joint Minister of Finance and administrator of Bosnia and Herzegovina, Stephan Burián, submitted a draft of the document that was to become the supreme legal act of Bosnia and Herzegovina to the joint ministers and the representatives of the Austrian and Hungarian governments. The document did not encounter harsher criticism and received praise for its conservative overtones, especially regarding protecting the rights of the Muslim population.²¹

After Kállay's regime, the Austrian authorities worked on forming a loyal group of local politicians. All three religions were represented in this pro-regime group. At the same time, the Roman Catholic population collectively showed more readiness to cooperate with the imperial institutions in Bosnia and Herzegovina. In view of the formation of these loyal groups, it is important to mention the role of the colonists whose appeals had served as the impetus for the public debate about the constitution.

Until 1905, the foreign authorities in the occupied Ottoman province actively pursued a policy of settling ethnic Germans in the territory of Bosnia and Herzegovina. From the viewpoint of the Empire's center, colonization was allegedly implemented as a form of support to the local population unused to modern innovations and in need of instruction and education. This climate resulted

¹⁹ Đ. Mikić, „Bosna i Hercegovina između Austro-Ugarske i Turskog carstva u Aneksionoj krizi 1908/1909”. In *Naučni skup posvećen 80. godišnjici aneksije Bosne i Hercegovine*, 206.

²⁰ The Serbian national movements in Bosnia and Herzegovina showed some generational differences during the discussions on recognizing the annexation. The older generation, which had worked on the statute on ecclesiastical and educational autonomy, favored a compromise with the foreign authorities. It was also the segment of the population that recognized the annexation. Around this time, the younger generation of Serbian national representatives started to radicalize.

²¹ Dž. Juzbašić, „Aneksija i problemi donošenja Zemaljskog ustava (štatuta) za Bosnu i Hercegovinu”, 195.

in a letter from the Austrian colonists, in which they highlighted how much they stood out from their environment and that, because of this, their interests must be protected through the Diet. The letter was written in May 1909 as an initiative to renew the discussions about the constitution after the failed February survey. It claimed that almost thirty thousand colonists lived in the territory of Bosnia and Herzegovina and that their interests must have representation in the future representative body.²² The colonists also highlighted their achievements, insisting that they were doing a better job of working the land and contributing to the state by paying taxes. Finally, they said that the local population was still overwhelmingly illiterate and that only 14% of the local children were enrolled in schools, whereas all of the colonists' children were being schooled. The administrative apparatus would struggle to function without them.²³ It is hard to imagine a document that could more plainly reveal the status and privileges enjoyed by the population resettled in the colony from the Empire's heartlands. Their demands reveal how the document meant to serve as the constitution of Bosnia and Herzegovina was written. In the months after February 1909, it was mostly reworked in discussions between Austro-Hungarian officials, with merely sporadic and token involvement of individuals from Bosnia and Herzegovina.²⁴

After the colonists' letter, the conversation about Burián's constitution draft continued. At the end of April 1909, the Joint Minister of Finance submitted the draft with the required accompanying legislation.²⁵ The proposal gave rise to some topics that considerably slowed the process of passing the supreme legal act of Bosnia and Herzegovina. The most important factor was certainly the lack of consensus between the Austrian and Hungarian governments.²⁶ During the

²² The figure of thirty thousand colonists in Bosnia and Herzegovina seems unrealistic. For more on their numbers and the process of colonization, see Џ. Јузбашић, „О аустроугарској колонизационој политици у Босни и Херцеговини после анексије” („On the Austro-Hungarian colonization policy in Bosnia and Herzegovina after the annexation”), *Прилози* 11–12 (1975–1976), 325–331; Т. Краљачић, „Колонизација страних сељака у Босну и Херцеговину за вријеме аустроугарске управе” („Colonization of foreign peasants in Bosnia and Herzegovina during the Austro-Hungarian administration”), *Историјски часопис* XXXVI (1989), 112–124.

²³ Н. Каридџић, „Припрема уставног периода у Босни и Херцеговини (1908–1910)”, 69.

²⁴ Ђ. Микић, *Актуелност политике у стогодишњици Босанског сабора 1910–1914* (Current politics in the centenary of the Bosnian Parliament 1910–1914) (Бања Лука: Архив Републике Српске, 2017), 24.

²⁵ АВН, ZMF KB 43/1. The explanations of the proposed laws and regulations are also important for understanding the position of Bosnia and Herzegovina. Burián submitted these clarifications in mid-May 1909.

²⁶ The Austrian and Hungarian sides had been at odds regarding the solution for Bosnia and Herzegovina since December 1907, when the need to transform the provisional administration into a permanent regime began to be openly voiced. Hungary insisted

talks within the joint ministries, a government crisis was ongoing in Hungary, preventing a resolution of the matter. Besides internal strife and the struggle for domination over Bosnia and Herzegovina, the agrarian question emerged as a serious problem. Land ownership and the liberation of peasants were the central issues in the occupied province after the annexation. Even the name of the document was contentious. Although a constitution had been promised in October 1908, the decision-makers preferred not to refer to it as such.

That was the context in which the negotiations about a document that would be granted to Bosnia and Herzegovina began. From the moment of annexation, Hungarian officials insisted on the historical right of the Hungarian state to Bosnia and Herzegovina. Hungarian historians and jurists were called on to prove historical ties between the two territories. If this argumentation had been accepted, it would have led to the Hungarian incorporation of Bosnia and Herzegovina.²⁷ The opposing sides had a dynamic exchange of legal opinions in the Viennese press.²⁸ The promulgation of the legal act that served as the constitution of the newly annexed territory did little to quell the debate. The matter of the occupied province's place in the Dual Monarchy's legal system would remain unresolved as long as this polity existed.

Despite their enormous differences, the Austrian and Hungarian sides held three conferences (28th May, 3rd June, and 4th June 1909) to discuss Burián's draft. These meetings were hosted by the Austro-Hungarian Ministry of Foreign Affairs and the Joint Foreign Minister Aehrenthal. The meetings praised the constitution's tone but also voiced some objections. Besides the central theme – the place of Bosnia and Herzegovina in the Monarchy – the onus was on the suggestion to form the Provincial Council (*Zemaljski savet*). The members of the Diet were to appoint nine members of the Provincial Council from their own ranks. Formed like this, the body would be empowered to ask questions about the state-legal relations that concerned Bosnia and Herzegovina but lay beyond the Diet's purview.²⁹ Essentially, the Provincial Council was to have the right to

on its historical claim to Bosnia and Herzegovina. Shortly after the annexation, the Austrian government was inclined to reach a compromise with the Hungarian side. On the other hand, the Austrian parliament was not in favor of such a solution. For more details, see Dž. Juzbašić, „Austrougarsko zajedničko ministarstvo i upravljanje Bosnom i Hercegovinom nakon aneksije. Državnopravni aspekt.”, *Politika i privreda u Bosni i Hercegovini pod austrougarskom upravom*, ed. Dž. Juzbašić, (Sarajevo: Akademija nauka i umjetnosti Bosne i Hercegovine, 2002), 248–250.

²⁷ Dž. Juzbašić, „Aneksija i problemi donošenja Zemaljskog ustava (štatuta) za Bosnu i Hercegovinu”, 190–192.

²⁸ See: *Neue Freie Presse*, 20th September 1909.

²⁹ Dž. Juzbašić, „Aneksija i problemi donošenja Zemaljskog ustava (štatuta) za Bosnu i Hercegovinu”, 195.

express views on subjects that did not come under the competences of the Diet. Because of this, the Monarchy's officials thought that a preferable solution would be to appoint "experts" rather than parliamentary representatives to the Council. The differences between Aehrenthal and Burián surfaced. The Joint Minister of Finance thought that this body could serve as an outlet for disaffection, whereas Aehrenthal was against setting such precedents.³⁰ During these consultations, the differences between the Austrian and Hungarian standpoints became apparent. Notably, Aehrenthal was very active in these talks and tried to increase the influence of the Ministry of Foreign Affairs in Bosnia and Herzegovina.

Meetings at various levels continued over the summer. The Ministry of Foreign Affairs hosted a string of meetings to discuss the name of the document. The term Provincial Statute (*Zemaljski statut*) was suggested.³¹ One of the consulted jurists remarked that a statute is commonly used to regulate organizations and that calling the promised constitution a statute might not go down peacefully.³² In an attempt to find a solution, it was proposed to name the document the *provincial constitution*.³³ The Monarchy was reluctant to use the word "constitution," believing that such a move might have far-reaching consequences for its presence in the Balkans. Also, according to the proposed text, the Provincial Government of Bosnia and Herzegovina was not accountable to the Diet. This erased an important element of constitutionality – the accountability of the government to parliament.³⁴

There were some dissenting views, mostly insisting on the ruler's promise of constitutionality after the annexation. The debates continued throughout the summer, and the matter was not resolved until early September when Stephan Burián, the author of the draft, came up with a solution: in German, the document was called the Provincial Statute for Bosnia and Herzegovina,³⁵ and in official translations into Serbian, the term "statute" would be replaced by "constitution."³⁶ To keep Bosnia and Herzegovina in a symmetric relationship

³⁰ *Ibid.*, 197.

³¹ Landesstatut.

³² Josef Redlich was usually consulted on these matters. His analysis of the constitution is available in *Denkschrift des Reichsrats-und Landtagsabgeordneten Prof. Dr. Josef Redlich zu den Gesetzentwürfen des gemeinsam Ministeriums, betreffend die Verleihung einer Verfassung an Bosnien und die Herzegowina, erstattet Sr. Exzellenz dem Herrn Ministerpräsidenten dr. Richard von Bienert*, HHStA PA XL Interna 247–1 Liasse XIX.

³³ Landesverfassung.

³⁴ Dž. Juzbašić, „Aneksija i problemi donošenja Zemaljskog ustava (štatura) za Bosnu i Hercegovinu”, 202–203.

³⁵ Landesstatut für Bosnien und die Herzegowina.

³⁶ Dž. Juzbašić, „Aneksija i problemi donošenja Zemaljskog ustava (štatura) za Bosnu i Hercegovinu”, 203.

with both Austria and Hungary, it was necessary to avoid the word “constitution” in the title so as not to liken Bosnia and Herzegovina to the crown lands. This continued the tradition of Bosnia and Herzegovina’s post-occupation legal vacuum. The annexation did little to change that. The promulgation of the statute in no way altered its relationship to any part of the Monarchy. The legal relations continued to be regulated by the laws of 1880, which had made Bosnia and Herzegovina a *corpus separatum*. It did not become part of Hungary or Austria, and neither was it recognized as an independent state, remaining in the same status it had had since the beginning of the occupation.³⁷

Some progress was made after the summer negotiations, but it was clear that the matter of the Provincial Council was far from settled. That meant it would be impossible to implement Aehrenthal’s plan to have Bosnia and Herzegovina’s constitutional document sanctioned by the fall and allow the Council to convene as soon as possible. Over the summer, another topic had cropped up to deepen the divide between the Austrian and Hungarian sides: the agrarian question and its place in the proposed legislative measures. The agrarian question became crucial for the history of Bosnia and Herzegovina from the moment it was occupied. The Austrian side insisted that the serfdom issue must have its place in the constitution. The Hungarian side and Burián disagreed, insisting on keeping the provision that required a two-thirds majority for any decision on the agrarian question. Because of the complex electoral law, which will be discussed below, this essentially meant that the interests of large landowners, mostly Muslim, would be protected.³⁸ The clash between the two ministers re-actualized the issue of serf buyouts and how it should be resolved. In September, Burián and Aehrenthal were forced to reach a compromise – the provisions on the agrarian question were left out of the statute’s text, and it was agreed that a law on the voluntary³⁹ serf buyouts formulated by joint ministries would be submitted at the first session of the Council.

Some corrections were also made to the parts of the constitution discussing education, language, and religious equality.⁴⁰ All of these were minor amendments that did not change the meaning of the provisions but had a role

³⁷ T. Kruševac, „Politički okviri bosanskog ustava iz 1910. godine”, *Pregled* 10 (1955), 191.

³⁸ Dž. Juzbašić, „Aneksija i problemi donošenja Zemaljskog ustava (štatuta) za Bosnu i Hercegovinu”, 203.

³⁹ The issue of voluntary or mandatory serf buyouts was one of the central topics of the Diet sessions. It was resolved by adopting the voluntary principle. Austrian banks mostly gave loans to the Provincial Government, which had been Aehrenthal’s intention in his clash with Burián. Only the Serbian side in the Diet advocated mandatory serf buyouts.

⁴⁰ HHSStA PA XL Interna 247–1 Liasse XIX.

in the internal strife between the two sides. For instance, instead of guaranteeing the distinctiveness and language of the people, the text of the constitution was amended to reflect an Austrian modification – preserving the distinctiveness and language of the people.⁴¹ The judiciary was not separate from the executive, and judges were not independent even though there was some talk of gradual separation.

The provisions for suspending the constitution were more important for the future of Bosnia and Herzegovina; according to contemporaries, they were at odds with the essence of constitutionality. In irregular situations, the Provincial Government could suspend parts of the constitution with the sovereign's consent. The text of the constitution did not specify the duration of the supreme act's suspension. It also retained the provision that allowed the sovereign to delay a session of the Diet or dissolve it.⁴² Similar to those were the provisions on the parliamentary privilege of its members, who enjoyed immunity for statements made in the Diet. However, this immunity also stretched beyond the Diet and covered repeating statements previously uttered in the Diet. These decisions met with sharp criticism.⁴³ The provisions on funding troops in Bosnia and Herzegovina also had far-reaching consequences.

It can be noticed that during the process of amending Burián's draft, minor alterations came from the Austrian side. In line with its historical claim to Bosnia and Herzegovina, the Hungarian side focused on fundamental changes. The most radical demand was that the legislation within the Diet's competences, once adopted in the Diet of Bosnia and Herzegovina, had to be approved by both governments. Eventually, another compromise solution was found: both governments would have to approve the proposed legislation before bringing it to the Diet. With that move, despite the introduction of a representative body, the Monarchy increased its control.⁴⁴

Given that the proposed constitution merely increased the Monarchy's hold on Bosnia and Herzegovina, an intense debate began about the attitude of the Joint Ministry of Finance toward Bosnia and Herzegovina and other joint ministries of Austria-Hungary. Notably, the most time-consuming part of the constitutional debate concerned the internal clash between the two halves of the Monarchy, including their conflict about formulating the name of the joint body tasked with governing Bosnia and Herzegovina. The Administration of

⁴¹ *Ibid.*

⁴² Dž. Juzbašić, „Aneksija i problemi donošenja Zemaljskog ustava (štatuta) za Bosnu i Hercegovinu”, 208–209.

⁴³ HHStA PA XL Interna 247–I Liasse XIX.

⁴⁴ Dž. Juzbašić, „Aneksija i problemi donošenja Zemaljskog ustava (štatuta) za Bosnu i Hercegovinu”, 211.

Bosnia and Herzegovina Act named the Joint Ministry as the governing organ of Bosnia and Herzegovina. The Joint Ministry included three joint ministers. Their agreement, which preceded the 1880 Administration of Bosnia and Herzegovina Act, stipulated that it should be governed by the Joint Minister of Finance. The Austrian side was in favor of retaining the 1880 wording – the governing organ would remain the Joint Ministry.⁴⁵ The Monarchy's senior military circles⁴⁶ staunchly supported eliminating the Joint Ministry of Finance from the governance of Bosnia and Herzegovina and were particularly displeased with Burián's work.

Unsurprisingly, the Hungarian side held the opposite view. The Joint Ministry of Finance exercised its governance of Bosnia and Herzegovina through one of its members. Until that point, the legal practice had been that this member should be the Joint Minister of Finance, and the Hungarian side insisted that the constitution should mention the Joint Minister of Finance.⁴⁷ These quarrels lasted into the fall, threatening to additionally delay the promulgation of the constitution. Aehrenthal's compromise solution put an end to the debate. It was decided to employ the wording "Joint Ministry (i.e., Joint Minister) entrusted with governance."⁴⁸ The same formulation was used to resolve the matter of ratifying the legislation passed in the Diet. The legislation adopted in the representative body was to be approved by the sovereign and the joint minister in charge of governance. This move restored Aehrenthal's importance, essentially allowing him to keep the existing state of affairs. Keeping things as they were, without unnecessary conflicts between the Empire's two halves, had been Aehrenthal's principal idea. The internal clash between the Monarchy's two halves was starting to resemble a colonial conflict. With varying intensity, it had been smoldering from the moment of occupation, with no viable solution in sight, which determined the fate of Bosnia and Herzegovina from 1878 to 1918. These debates, which decided which of the Empire's two halves would control the occupied territory and establish domination, make it abundantly clear that Bosnia and Herzegovina was essentially a colony of the Dual Monarchy. Throughout those discussions, the Hungarian side remained steadfast in its insistence on

⁴⁵ Dž. Juzbašić, „Austrougarsko zajedničko ministarstvo i upravljanje Bosnom i Hercegovinom nakon aneksije. Državnopravni aspekt.,” 251.

⁴⁶ The solution proposed by the military circles involved concentrating power in the hands of the Governor (*Landeschef*). Although they ultimately failed to bring their intention to fruition in the text of the constitution, Oskar Potiorek's administrative reforms in 1912 abolished the office of the civilian *adlatus*, effectively placing Bosnia and Herzegovina under military dictatorship.

⁴⁷ Dž. Juzbašić, „Austrougarsko zajedničko ministarstvo i upravljanje Bosnom i Hercegovinom nakon aneksije. Državnopravni aspekt.,” 255–256.

⁴⁸ *Ibid.*, 257–258.

phrases that did not imply the state-legal position of Bosnia and Herzegovina. That was plainly obvious in the case of the “provincial membership/belonging” of the inhabitants of the occupied territory. Although the Hungarian side insisted on their Hungarian affiliation, due to conflicting views in the Monarchy, they were forced to accept the formulation about their provincial membership. The constitution specified who had this status and how it could be acquired or lost.⁴⁹

By the end of September, the text of the constitution was agreed upon, and the plan was to promulgate it at the anniversary of the annexation. However, the Hungarian side had a few objections to the enactment process. In September 1909, Hungary was experiencing a political crisis. Hungarian officials used this crisis to insist that the emperor promulgate the constitution without the obligatory consent of the two governments. The political crisis in Hungary lasted until January 1910, preventing the approval of the constitutional act. Eventually, Burián had to personally mediate in talks with the new Hungarian government to secure the preconditions for passing the constitution.⁵⁰

Emperor Franz Joseph approved the constitution on 17th February 1910, and the document was promulgated in Sarajevo three days later. The Governor of Bosnia and Herzegovina, General Marijan Varešanin, delivered a speech explaining the changes it had introduced. The constitution/statute was based on the idea of “pyramidal constitutionality.”⁵¹ The decision-makers claimed that pyramidal constitutionality would gradually broaden the initial – mostly minimal – rights of the population. The administrators in the territory of Bosnia and Herzegovina believed that this was the only solution due to the “cultural backwardness” of the people.⁵² The Vienna-based Joint Ministry of Finance retained its supreme authority. The Constitution granted three new institutions – the Diet, Provincial Council,⁵³ and municipal councils.⁵⁴ In addition, legislation was passed to guarantee elementary civil rights and keep up appearances of parliamentary life.

⁴⁹ Dž. Juzbašić, „Aneksija i problemi donošenja Zemaljskog ustava (štatuta) za Bosnu i Hercegovinu”, 217.

⁵⁰ *Ibid.*, 219–220.

⁵¹ T. Kruševac, „Politički okviri bosanskog ustava iz 1910. godine”, 190.

⁵² M. Imamović, *Pravni položaj i unutrašnji politički razvitak Bosne i Hercegovine*, 213.

⁵³ The Provincial Council was a body that included nine representatives of the Diet and could present its views on matters of public interest to the Provincial Government. The Provincial Government had to seek its opinion, and this body could not voice its views spontaneously. After the tensions caused by the formation of this body, it was effectively reduced to an advisory role.

⁵⁴ Municipal councils were a form of elected self-government organs. The electoral system was similar to the Diet's.

As we saw, the issue of the Diet's legislative authority was quite contentious. The constitution had left legislative powers firmly in the sovereign's hands. The Diet could take part in drafting some – but not all – laws. It was not allowed to have its say in drafting legislation that concerned the military, fiscal policy, and trade. Its budgetary powers were also limited. The Diet had no restrictions in other matters. As noted above, the Hungarian side had insisted on the provision that both governments had to approve the proposed legislation, limiting the representative body's capacity. All legislation passed in the Diet needed to be confirmed by the Joint Minister of Finance.⁵⁵ The Diet was most influential when it was time to pass the annual budget. Hence, the Joint Ministry of Finance advised the Provincial Government that the budget should include no superfluous details. With this, in its constitutional era, Bosnia and Herzegovina was again pulled back to the times of Kállay, who had been in the habit of submitting generalized and often flawed budgets to be discussed in the Austrian and Hungarian parliaments.⁵⁶ Later on, adoption of the budget proved the only leverage the Diet had at its disposal. Hence, almost all budgets were adopted belatedly because the Diet members kept trying to attach the budget to other major issues, such as language or railways. The Diet was not allowed to decide on military expenditure in the territory of Bosnia and Herzegovina, either for military institutions or troops. The emperor also controlled conscription in Bosnia and Herzegovina and, by extension, determined the recruiting potential of the occupied territory.

The membership of the Diet reflected the national, religious, and social divisions between the voters. This complicated division prevented the formation of broader electoral coalitions potentially hostile to the regime, precluding any inter-religious or inter-ethnic cooperation. Preempting any local joint action was one of the premises of the Austro-Hungarian policy in Bosnia and Herzegovina.

As noted above, during the drafting of the constitution, it was determined that the Diet had to reflect the social structure of Bosnia and Herzegovina. Therefore, parliamentary elections were adapted to the local circumstances, not unlike in Moravia and Bohemia. The Diet was to have 92 members. Of these, 20 had guaranteed seats on account of their offices.⁵⁷ The remaining seats were subject to elections. The population was divided into three curiae, and the members of the Diet were elected from the ranks of their curiae. The first elec-

⁵⁵ M. Imamović, *Pravni položaj i unutrašnji politički razvitak Bosne i Hercegovine*, 213–215.

⁵⁶ Dž. Juzbašić, *Nacionalno-politički odnosi u bosanskohercegovačkom Saboru i jezičko pitanje (1910–1914)*, (Sarajevo: Akademija nauka i umjetnosti Bosne i Hercegovine, 1999), 53.

⁵⁷ Seats were assigned to high-ranking church officials, as well as to the President of the Supreme Court, President of the Chamber of Commerce, and the Mayor of Sarajevo.

toral curia included major landowners, clergy, officials, and some well-educated citizens. Rough estimates suggest this curia had slightly below 7,000 voters and elected 18 Diet members. The second curia included the urban population and is believed to have numbered slightly below 48,000 people who voted for 20 Diet members. The third and largest curia, covering the rural population, included 350,000 people and sent 34 representatives to the Diet.⁵⁸ In recognition of the local religious structure, the mandates within the curiae were divided along religious lines. The Orthodox population had eight seats in the first curia and a total of 23 in the other two. The Muslim population had six places in the first and 18 in the other two. The Roman Catholics had four seats in the first curia and 12 in the second and third. Men over 24 years of age had active voting rights if they had lived in Bosnia and Herzegovina for at least one year. Austro-Hungarian nationals who worked in administration, education, and railways could also vote. Women who paid a land tax of more than 140 Kronen also had voting rights in the first curia.

The Dual Monarchy did not hide its intention to preserve the existing situation. The first curia, which had the privilege of electing a significant number of Diet members disproportionate to its electorate, received an internal division into two electoral classes. The first class included those who paid more than 140 Kronen in land tax, including women who met this requirement, bringing their total to 457. Of those 457, 396 were Muslims, 26 were Orthodox, and 11 were Roman Catholics. Other religious groups had 14 representatives in total. This electoral class had six seats out of 18 elected by the first curia, with five out of those six seats guaranteed to the Muslim community.⁵⁹ Of course, this state of affairs preserved the importance of the Muslim landowner elite and confirmed the existence of considerable differences in the approach to the agrarian question within the Monarchy. The architects of the Constitution believed that, besides the unwaveringly loyal Catholic community, the Muslim landowner elite could provide a firm support base to the regime even in the new era. The authorities were convinced they had to safeguard the rights of the group with which they had most closely cooperated.⁶⁰ On the other hand, the division of seats along religious lines in the second curia did not benefit the Muslim population. Vot-

⁵⁸ М. Екмечић, *Стварање Југославије II* (Creation of Yugoslavia II) (Београд: Просвета, 1989), 618.

⁵⁹ Н. Капидџић, „Припрема уставног периода у Босни и Херцеговини (1908–1910)”, 89; The nature of this electoral system becomes obvious once we take into account how many voters decided on how many seats. It produced drastic differences in which the vote of one landowner from the first curia was worth the same as 128 peasant votes in the third curia. Д. Ж. Јузбашић, *Национално-политички односи у босанскохерцеговачком Сaborу и jezičko pitanje (1910–1914)*, 41.

⁶⁰ М. Имамовић, *Правни положај и унутрашњи политички развитак Босне и Херцеговине*, 217.

ers in the second curia mostly lived in cities. The Muslim population was in the majority in most urban settlements; however, although the number of Muslim voters was higher than the Catholics and Orthodox together, the number of seats assigned to their respective groups did not reflect this.⁶¹

The mandate of an elected representative in the Diet lasted five years, and the voters could not repeal their electoral decision and dismiss them. The chairman and vice-chairmen were not elected in the Diet but appointed by the emperor. Representatives of the three religious groups were to take turns serving as the chairman of the Diet. The representative body was to convene once a year in Sarajevo – a decision that moved Bosnia and Herzegovina's political life to this city. The representative assembly was not allowed to communicate with other administrative organs; instead, the Provincial Council was to take on this role. Again, the religious principle dictated its membership, and its president was always the elected chairman of the Diet. The Provincial Council could voice its opinions and views at the request of the Provincial Government.⁶²

As the tense negotiations between Vienna and Pest showed, the Constitution regulated civil rights and provincial membership/belonging. It also contained the usual provisions on freedoms typical of this era. The Provincial Government could also suspend all of these provisions in case of war, unrest, or grand treason. This solution, as we saw, had elicited some dissent.⁶³

In terms of citizenship, the inhabitants of Bosnia and Herzegovina also remained in a peculiar position. The Hungarian insistence on not indicating that Bosnia and Herzegovina belonged to either of the two halves was decisive for keeping such formulations. Besides Austrian and Hungarian citizenship, "provincial membership/belonging" was introduced,⁶⁴ which extended to the Austrian and Hungarian citizens working in public service. This solution of the citizenship issue actually highlighted the colonial status of Bosnia and Herzegovina. The citizens of Bosnia and Herzegovina had no way of influencing political life and policies in Austria and Hungary. In contrast, the parliaments of the two states directly influenced the life of Bosnia and Herzegovina and its residents.

The Bosnian Constitution, or *štatut* as the local population called it, granted noticeably fewer rights to Bosnia and Herzegovina than similar acts to Moravia and Bohemia. In Bosnia and Herzegovina, the provincial administration remained under the control of the Dual Monarchy's authorities. That had

⁶¹ Ђ. Микић, *Актуелност политике у стогодишњици Босанског сабора 1910–1914* (Current politics in the centenary of the Bosnian Parliament 1910–1914), 37.

⁶² М. Imamović, *Pravni položaj i unutrašnji politički razvitak Bosne i Hercegovine*, 218.

⁶³ HHStA PA XL Interna 247–I Liasse XIX.

⁶⁴ *Glasnik zakona i naredaba za Bosnu i Hercegovinu*, Sarajevo 1910, 17–19.

not been the case in other provinces, especially in the Austrian part of the state. They usually had organs accountable to the Austrian government and parallel bodies of provincial autonomy, which were not formed in Bosnia and Herzegovina. Another suggestive indicator was the Diet's lack of legislative powers. Vladimir Ćorović, a contemporary of the developments and life in Bosnia and Herzegovina, said that the Constitution was "quite reactionary." Ćorović rightly concluded that the fate of Bosnia and Herzegovina lay in the hands of one general and the joint governments.⁶⁵ The French consul in Bosnia and Herzegovina had a similar impression of the Constitution and its promulgation, arguing in his reports that the Constitution had done little beyond making the situation even more complicated and noting that it seemed likely that conflicts might erupt among the local population, a development that suited the Empire's policy.⁶⁶

The promulgation of the Constitution did not change the position of Bosnia and Herzegovina in relation to the rest of the Monarchy; it remained in a subordinate position to Austria-Hungary. For Aehrenthal and other representatives of the Monarchy, it was merely a territory defined by law.⁶⁷ That did not escape contemporaries. In his detailed analysis of the *Landesstatut*, Karl Lamp compared Bosnia and Herzegovina with Alsace-Lorraine, noting that the promulgation of the Constitution of Bosnia and Herzegovina essentially changed nothing because neither Austria nor Hungary had modified their own constitutions to accommodate the annexation of 1908. In his view, the "colonial policy" had led to closer cooperation between the two halves and would doubtlessly result in the centralization of the Empire.⁶⁸

Compared to the previous situation, the "era of constitutionality" was nevertheless a step forward for the population of Bosnia and Herzegovina. After the elections, Bosnian-Herzegovinian politicians used the framework provided by the Diet. Making use of the octroyed imitation of a representative body, they voiced their views and openly protested against the situation in the territory.

⁶⁵ В. Ђоровић, *Односи Србије и Аустро-Угарске у XX веку* (Relations between Serbia and Austria-Hungary in the 20th century) (Београд: Библиотека града Београда, 1992), 332.

⁶⁶ М. Ж. Живановић, „Извештаји дипломатских представника Француске у Аустро-Угарској о догађајима у Босни и Херцеговини од завршетка Анексионе кризе (марта 1909) до атентата Богдана Жерајића (јуна 1910)“ („Reports of diplomatic representatives of France in Austria-Hungary on the events in Bosnia and Herzegovina from the end of the Annexation Crisis (March 1909) to the assassination of Bogdan Žerajić (June 1910)“) *Историјски часопис* 18 (1971), 470–471.

⁶⁷ Dž. Juzbašić, „Aneksija i problemi donošenja Zemaljskog ustava (štatuta) za Bosnu i Hercegovinu“, 196.

⁶⁸ K. Lamp, „Die Verfassung von Bosnien und der Herzegowina vom 17. Februar 1910“, *Jahrbuch des öffentlichen Rechts der Gegenwart* 5 (1911), 210–230; P. Judson, *The Habsburg Empire*, 380–381.

Regardless of the possibilities offered by the Diet, we should bear in mind that the process of enacting the constitution and forming the Diet merely underscored Bosnia and Herzegovina's dependence on Austria-Hungary. The end of the absolutist regime, announced with the Constitution and Diet, did not come. Instead, there was a formal reduction in absolutism, which was used as an illustration of the success of the Austrian cultural mission in this region. However, the sovereign had granted the people a constitution drafted in discussions between the same figures that had previously ruled Bosnia and Herzegovina with no restrictions or limitations. As such, it encapsulated the essence of the Austrian administration of this region – formal “progress” with effectively confirming the status quo.

Bibliography

Archives

Archive of Bosnia and Herzegovina

Collection of the Joint Ministry of Finance

– Österreichisches Staatsarchiv Wien, Haus-, Hof-, und Staatsarchiv

Ministerium des Äußern. Politisches Archiv: PA XL Interna 247 Liasse XIX

Periodicals

Neue Freie Presse 1909.

Правда, 1937.

Сарајевски лист, 1904, 1908.

Published sources and literature

Батаковић, Д. Т. „Босна и Херцеговина у српској историји: од средњег века до уједињења 1918“. У *Напор Босне и Херцеговине за ослобођење и уједињење*, VII–СХХVII. Београд-Бања Лука: Балканолошки институт САНУ, Народна и универзитетска библиотека Републике Српске, 2017.

Ђоровић, В. *Односи Србије и Аустро-Угарске у XX веку*. Београд: Библиотека града Београда, 1992.

Екмечић, М. *Стварање Југославије II*. Београд: Просвета, 1989.

Glasnik zakona i naredaba za Bosnu i Hercegovinu. Sarajevo, 1910.

Imamović, M. *Pravni položaj i unutrašnji politički razvitak Bosne i Hercegovine*. Sarajevo: Svjetlost, 1976.

Judson, P. “L’Autriche-Hongrie était-elle un empire?”. *Annales. Histoire, Sciences Sociales* 63/3 (2008), 563–596.

Judson, P. *The Habsburg Empire. A New History*. Cambridge: The Belknap Press of Harvard University Press, 2018.

Juzbašić, Dž. „Aneksija i problemi donošenja Zemaljskog ustava (štatuta) za Bosnu i Hercegovinu“. *Godišnjak Centra za balkanološka ispitivanja* 38 (2009), 183–227.

- Juzbašić, Dž. *Nacionalno-politički odnosi u bosanskohercegovačkom Saboru i jezičko pitanje (1910–1914)*. Sarajevo: Akademija nauka i umjetnosti Bosne i Hercegovine, 1999.
- Јузбашић, Џ. „О аустроугарској колонизационој политици у Босни и Херцеговини после анексије“. *Прилози* 11–12 (1975–1976), 325–331.
- Juzbašić, Dž. *Politika i privreda u Bosni i Hercegovini pod austrougarskom upravom*. Sarajevo: Akademija nauka i umjetnosti Bosne i Hercegovine, 2002.
- Каридžić, Н. *Bosna i Hercegovina pod austrougarskom upravom*. Sarajevo: Svjetlost, 1968.
- Kolm, E. *Die Ambitionen Österreich-Ungarns im Zeitalter des Hochimperialismus*. Frankfurt: Peter Lang, 2001.
- Краљачић, Т. *Калајев режим у Босни и Херцеговини 1882–1903*. Београд: Catena Mundi, 2017.
- Краљачић, Т. „Колонизација страних сељака у Босну и Херцеговину за вријеме аустроугарске управе“. *Историјски часопис XXXVI* (1989), 112–124.
- Крушевац, Т. „Politički okviri bosanskog ustava iz 1910. godine“. *Pregled* 10 (1955), 189–196.
- Lamp, K. „Die Rechtsnatur der Verfassung Bosniens und der Herzegowina vom 17. Februar 1910“. *Archiv des öffentlichen Rechts* 27/2 (1911), 288–337.
- Микић, Ђ. *Актуелност политике у стогодишњици Босанског сабора 1910–1914*. Бањалука: Архив Републике Српске, 2017.
- Микић, Ђ. „Bosna i Hercegovina između Austro-Ugarske i Turskog carstva u Aneksionoj krizi 1908/1909“. In *Naučni skup posvećen 80. godišnjici Aneksije Bosne i Hercegovine*, ed. M. Ekmečić, 189–208. Sarajevo: Akademija nauka i umjetnosti Bosne i Hercegovine, 1991.
- Okey, R. *Taming Balcan Nationalism*. Oxford: Oxford University Press, 2007.
- Ruthner, C. „Bosnien-Herzegowina als k. u. k. Kolonie. Eine Einführung“. In *Bosnien-Herzegowina und Österreich-Ungarn, 1878–1918, Annäherungen an eine Kolonie*, hrsg. C. Ruthner, T. Scheer, 15–45. Tübingen: Narr Francke Attempto Verlag, 2018.
- Sked, A. *The Decline and Fall of the Habsburg Empire 1815–1918*. London: Longman, 1989.
- Stojković, M. *Balkanski ugovorni odnosi 1876–1996*, I. Beograd: Službeni list SRJ, 1998.
- Живановић, М. Ж. „Извештаји дипломатских представника Француске у Аустроугарској о догађајима у Босни и Херцеговини од завршетка Анексионе кризе (марта 1909) до агента Богдана Жерајића (јуна 1910)“. *Историјски часопис* 18 (1971), 451–490.

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