

NATIONALIST EMOTION AS FIN-DE-SIÈCLE LEGAL DEFENSE?  
A 1908 TRIAL IN CELJE/CILLI

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*ABSTRACT*

*The article analyzes the ways in which nationalist activists in early twentieth-century Styria used an incident of vandalism to advance their claims to make nationhood a recognized part of the legal, administrative, and institutional system of Cisleithania. They made these claims largely in the printed media, but also in the context of legal and administrative institutions such as the district courts.*

*Keywords: Cisleithania, Styria, Nationalism, Slovene, German, media, trial in Celje*

EMOZIONI NAZIONALISTE COME DIFESA LEGALE FIN-DE SIÈCLE?  
IL PROCESSO A CILLI/CELJE NEL 1908

*SINTESI*

*L'articolo analizza le maniere nelle quali gli attivisti nazionalisti nella Stiria dell'inizio del XX° secolo usarono un episodio di vandalismo per avanzare richieste per rendere la nazionalità un aspetto esplicito del sistema legale, amministrativo ed istituzionale in Cisleitania. Le richieste vennero esposte per la maggior parte sui giornali, ma anche nei contesti di istituzioni legali ed amministrative come le corti distrettuali.*

*Parole chiave: Cisleitania, Stiria, nazionalismo, sloveni, tedeschi, mass-media, processo di Celje*

Historians of nationalist movements in East-Central Europe often presume that nationalist sentiment in society somehow “bubbled up” from below and thus, unavoidably, entered politics. This presumption supported nationalism’s own claim for its allegedly authentic, consistent, and mass-based popularity. Much recent work that examines local social relations in Cisleithania<sup>1</sup> has demonstrated, however, that the opposite could often be the case. Nationalist sentiment may have been a key characteristic of *political* rhetoric, but it was not necessarily a consistent characteristic of popular sentiment (Cohen, 1981; Judson, 2006; King, 2002; Zahra, 2007; 2010; Stergar, 2012; Nemes, 2012; Pergher, 2012).<sup>2</sup> Moreover, the classic marker of national identity – language use – did not necessarily commit a speaker self-consciously to one nation or another. Different language use in the same village or region rarely reflected a fundamental difference of culture in terms of daily life practices (Cvirm, 1995, 156).

The recent literature on indifference to nationhood especially reminds us that the various economic, social and cultural forms of development that together we label ‘modernity’ may well have produced nationalist ways of seeing the world, but they could also produce ever new forms of resistance to nationhood as well. The point, however, is not to categorize people as either indifferent or committed to nationalist ideologies. Indeed, the terms ‘indifferent’ or ‘committed’ may well be applied to the same people over time in different situations. Instead, of seeing nationalism as an ongoing commitment, we might shift our focus to the situational elements involved in producing occasional national identification. What types of situations produced sudden nationalist commitment? What situations produced indifference to nationhood? How did individuals manage different types of loyalties and commitment, from nationalist to religious to Imperial? (Stergar, 2012; Cole, 2007; Unowsky, 2005) Shifting our focus in this way means, as Max Bergholz has recently pointed out, that we can examine situations in which nationalist feeling crystallized as a contingent frame for individual or collective action, in the same way that we study the moments when it did not do so (Bergholz, 2013). The challenge is as much to understand how nationhood could suddenly and powerfully happen on the micro level – in small communities and among neighbors – as much as we also seek to understand the ways in which it often did not happen.

Although for many historians the emotional power of nationalist claims are self evident and demand no explanation, in fact we need to understand the particular institutional structures that create available spaces for nationalist political claims to be made in the first place, if we want to understand those situations when nationalism happens. For example, it is neither a coincidence, nor a result of particularly strong ethnic sensibilities, that popular nationalism in the Cisleithanian half of the Dual Monarchy just happened to focus on issues of language use in the bureaucracy, in local government, and in schooling. Thanks to Cisleithania’s particular constitutional structures and laws, precisely these contexts (bureaucracy, local government, schooling) offered political spaces where politicians could make nationalist claims and create change most effectively. These issues,

1 The term Cisleithania refers to the non-Hungarian half of the state Austria-Hungary after 1867.

2 For a skeptical view that disagrees with this literature, see also Cvirm, 2009 and Stourzh, 2011.

contexts, or spaces offered nationalists the most fertile *institutional* basis for shaping and expanding their claims. As a consequence, nationalist activists focused their efforts and their emotional outrage on issues of language use in these kinds of institutions, and not on other kinds of issues.

This argument about political space shaping the situations where nationalist commitment takes place is certainly not new (Stourzh, 1985). In this essay, however, I want to think more carefully about how nationalists mediated between the pragmatic possibilities offered to them by the existing legal institutions of empire on the one hand, and their claims that nationalism reflected natural and powerful emotions about selfhood that must be expressed on the other hand. To return to institutions for a moment: although it mentioned the word *Volksstamm* – which can be translated as nation – the Cisleithanian constitution (technically known as the fundamental laws) gave no recognized corporate legal standing to nations. Moreover, the constitution offered no clear definition of nationhood, its parameters, or of who might be included in a particular national community. As we will see below, the constitution referred to language use as an important marker of a *Volksstamm*, but it left the actual question of membership wide open. On the whole, the framers of the constitution developed an open-ended, individualistic, liberal understanding of nationhood as it related to Cisleithanian institutions. As such, I have argued that the framers' understanding of nationhood was meant to apply to an imagined (and often gendered) individualist private realm constituted of culture and family. It was not, however, imagined to apply to the public spheres of high politics or higher education (Judson, 1996, 124–126).

In my view, early nationalist activists – particularly Czech nationalists in Bohemia – quickly rejected the liberal individualist constitutional distinction between a private, individual national sphere and a shared Cisleithanian public sphere. Instead, they worked hard to establish a corporate legal legitimacy for their national communities, most often by using arguments that elided speakers of a given language with members of a particular national community.<sup>3</sup> As Rogers Brubaker might say, in doing so they tried to turn abstract categories of people into real groups of people in daily life practice (Brubaker, 2007, 7–27, 10). In particular, nationalists focused on re-shaping the meaning of paragraph 19 of the Cisleithanian fundamental laws. That paragraph famously stated that:

*“all national groups [Volksstämme] within the state are equal and each one has the inviolable right to preserve and to cultivate its nationality and language. [...] In those provinces inhabited by several nationalities, public educational institutions should be set up so that without being forced to learn a second language, those nationalities that are in the minority have adequate opportunity for an education in their own language” (Stourzh, 1985, 200–201).*

3 This was how nationalists approached the decennial census, for example, arguing that reporting a particular “language of daily use” was tantamount to professing loyalty to a nation (Judson, 2006, 12–14). Of course these were not the only arguments nationalists used. Czech nationalists, for example, also mixed their linguistic ethnic arguments with a strong argument for the historical unity of the Bohemian Lands. In this manner they engaged both with historical concepts nationhood and more modern ethnic-based concepts. For an especially useful analysis of this strategic elision, see Haslinger, 2010.

The creators of this paragraph had intended to remove the question of language from politics by guaranteeing the rights of individuals to use their particular language especially in local primary schools. The intention was not to define and empower collectives as legal actors at the expense of individuals but rather to encourage people who spoke one language to maintain and cultivate the use of that language. Since the paragraph never defined membership in a *Volksstamm*, it placed the onus of protesting a constitutional violation on an individual who may have suffered such a violation rather than on a group. The paragraph neither recognized nor defined, nor empowered a corporate body to do so. By referring to its subject as “nations” rather than as individuals who happened to speak a given language, the paragraph technically offered nationalists the possibility to argue for making nations themselves into legal subjects, but it did not in fact do so.

Not until 1905 with the so-called Moravian Compromise, however, did any group of nationalists in Cisleithania succeed in having nations fully legitimized in law. Although this particular legal settlement applied only to Moravia, it offered a clear model to other crownlands for how nations might legally be recognized as corporate entities with specific group rights. The compromise came about in part because the Imperial state sought to defuse nationalist political conflict and had become willing to recognize nations if it would accomplish this end. As Jeremy King has pointed out, however, this development meant that Cisleithania moved away from a kind of supranational organization to one that was gradually becoming multi-national in a legal and institutional sense (King, 2002, 114–152). Under the Moravian Compromise of 1905 Moravians (except for those who belonged to the curia of large landowners) had to register in national cadastres as either Czech or German. They could not register as Moravian, Austrian, Catholic, or Habsburg loyal, as some of them tried to do. The compromise divided schooling and political representation in the Diet and Imperial Parliament between the two nations. Czech and German national school districts would be separated and administered by different school boards. Although Moravians chose to which nation they would belong, and there was technically no process of ascription, the law made it possible for nationalists to begin to argue in Courts for a system of ascription as the necessary determinant of national identity in certain key situations. As we know from the work of Jeremy King and Tara Zahra, the local population in Moravia did not always see itself in national terms, and so the nationalists worked hard to enforce this form of identification. One telling example of some Moravians’ unwillingness to make national identification the guiding principle in their lives is in school choice. As Zahra tells us, the new law allowed Czech activists to ‘reclaim’ allegedly Czech children whose parents had ‘mistakenly’ enrolled them in German schools. Some of these cases were argued all the way up to Austria’s supreme administrative court. Judges on the Court were clearly torn between the liberal rights of individuals to determine their own nationality (and that of their child), but obliged to uphold the rules of the compromise that privileged the group over the individual (Zahra, 2007, 32–48; Stourzh, 1985, 311–316).

It was not simply constitutional changes like the Moravian Compromise that fueled an increased recognition of nations and their corporate claims in law. In Lower Styria, for example, Slovene and later German nationalists increasingly cited the constitutional gua-

rantee from Paragraph 19 that no one should have to learn the second provincial language in school, as a means to destroy a flourishing tradition of so-called *utraquist* or partially bilingual schools (Kurz, 1986; Burger, 1995). In these bilingual institutions the first few years of schooling typically took place in Slovene, while the upper grades were taught almost entirely in German. These schools clearly did not treat the two languages equally. They presumed that pupils would become literate in their local, domestic language before becoming literate in the interregional language of bureaucratic communication and military command.

Starting in 1887, however, Slovene nationalist deputies in the Imperial Parliament argued that these *utraquist* schools violated the constitutional guarantee that no child should be forced to learn a second provincial language. Over the protests of German nationalists (who favored the *utraquist* schools for obvious opportunist reasons), they largely succeeded in ending this regional institution in Lower Styria. Aside from the bitter political conflict this question produced, however, what about the desires of parents for their children? As in the many cases that Zahra has documented for Moravia, in Lower Styria too parents frequently initiated lawsuits arguing that their children should have the right to be educated in both provincial languages. There was also a long tradition in this region of parents demanding a bilingual education for their children, dating back to the 1820s when parents in Carniola had complained to church and secular officials that their children were offered too little German instruction. “Our children learn Carniolan at home; in school they should be learning German!” (Hösler, 2006, 142) Eighty years later in 1900–1902, for example, a group of Slovene-speaking parents in the small spa-town of Slatina/Sauerbrunn petitioned to be removed from the Sv. Križ/Heiligenkreuz school district so that their forty-three children might be taught in both the Slovene and German languages. The logic behind this request clearly rested on economic concerns and possibly on hopes for social mobility as well. As residents of a community whose economic well-being depended on serving a largely German-speaking tourist clientele, parents saw a bilingual education for their children as advantageous (Judson, 2006, 47–48). Although parents often argued in court – usually for economic reasons – that they preferred their children to be educated in both of the provincial languages, Slovene and German nationalists, however, had the constitution on their side, and they successfully replaced the old bilingual schools with new monolingual schools.<sup>4</sup>

Work by recent historians has also demonstrated that schools could easily become lightning rods for focusing popular emotion in those situations where popular nationalism happened, that is in situations where many people identified their interests with that of a national community. As we will see below, a minority schoolhouse – one built privately to serve the alleged needs of a local linguistic minority – could become the target of popular vandalism. Such incidents were normalized as a distinct category of activism by nationalist activists and their publications, which often magnified their significance beyond the local context in order to encourage an interregional sense of nationhood. What

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4 In 1877 Lower Styria had counted 199 such Utraquist schools. By 1913, 49 remained in operation (Hugelmann, 1934, 481, see also Burger, 1995, 116–125).

I have called elsewhere “the schoolhouse drama” became a regular staple in newspapers and magazines published by nationalist organizations, especially those that raised money for building minority language schools (Judson, 2006, 53–63).<sup>5</sup>

Outside of school examples, how did nationalists attempt to enforce and popularize the concept of the corporate nation as a legitimate actor in public life? A 1908 trial in Lower Styria – itself the result of school vandalism – demonstrates on a regional scale how nationalists tried to re-cast the civil rights of individual defendants in terms of the rights of national communities. As with several similar court cases at the time this one demonstrates how intensively nationalist activists tried to transform administrative thinking about the role of the nation in local society and the state. It also demonstrates the ways in which nationalist activists attempted to redefine nationalist emotion itself as a legitimate exculpatory factor in a legal context, thus attempting to legitimate the nation as an independent factor in the legal system.

This particular trial involved damage to a private school built by the nationalist German School Association in 1905 to serve the alleged needs of a German-speaking minority in and around the small Styrian town of Sevnica/Lichtenwald. Slovene nationalists in the region had fought the establishment of the school, claiming that its purpose was to Germanize the local Slovene-speaking majority. This “most beautiful building in Lichtenwald,” as one German nationalist newspaper called it (*Marburger Zeitung*, 29. July 1906, 3), attracted so many pupils in its first years of operation, that the ambitious School Association petitioned the state to confer upon it public status. This petition caused considerable uproar in Sevnica/Lichtenwald. To gain public status – and public funding – the law required that such a private school attract an average of forty pupils annually over a five-year period. In its very first years the school outperformed this requirement, but who exactly were its pupils? Were they simply the children of local German speakers? In the town’s census statistics for 1900 a mere 76 people out of a total population of 859 listed their language of daily use as German (*GML Steiermark*, 1904, 252). Sevnica’s Slovene nationalist leaders concluded, with good reason, that Slovene-speaking parents must be supporting this German language school. And indeed, a statistical study in 1901 categorized 96 of the 97 children who attended the German School Association school as bilingual rather than as German speaking (*SAVB*, 1901).

Slovene nationalists tried to dissuade parents from sending their children to what they called a “Germanizing” school, but as elsewhere in Cisleithania, many parents desired knowledge of both provincial languages for their children, seeing it perhaps as a vehicle for social mobility and increased career chances. The latent conflict over the school boiled over on a warm evening in July 1906, when a crowd of some fifty people allegedly attacked a school procession, yelling “pfui” and “na zdar!” and a small riot broke out. Order was not restored until the district gendarmes arrived two hours later. Charges and

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5 The publications of the Czech nationalist *Maticе Školska* and the German *Schulverein* (among several other nationalist organizations, including the Slovene nationalist school association of Cyril and Methodius) frequently published accounts of vandalism against local schools as a way to magnify a sense of the popularity of nationalist feeling and commitment.

counter charges flew back and forth in the nationalist press, but a government investigation dismissed the incident as the product of actions organized by a few local hotheads, and not as an indication of a larger social problem.<sup>6</sup> Two years later, however, the same school was back in the news. This time the building was the object of an attack that took place after a week of serious nationalist rioting in the city of Ljubljana, capital of the neighboring Crown-land of Carniola. Mutual provocations among nationalist organizations had produced several riots in the region that fall. When, for example, the Slovene Nationalist *Sokol* Gymnastics organization had decided to hold its annual convention in Ptuj/Pettau, a majority German-speaking town in a majority Slovene-speaking rural district, calls from newspapers and organizations had led German nationalists from the region to descend on Ptuj *en masse* in order to prevent such an affront to their national honor from taking place. When they succeeded in disrupting the *Sokol* meeting, Slovene nationalist rioters in Ljubljana vandalized several German-owned businesses and the German Casino, center of nationalist social life there. During the riots, troops had shot on the crowd and killed two men (Štih, Simoniti, Vodopivec, 2008, 301–302).

As the Ptuj/Pettau newspaper *Štajerc* pointed out, a number of smaller incidents occurred in smaller towns and villages as well in the ensuing weeks. On 23 September some local inebriated youth attacked the German school in Sevnica/Lichtenwald with stones (Štajerc, 27 September, 1908, 2).<sup>7</sup> At 3:00 am, sounds of shattering glass had awakened the teacher, a man named Tomitsch. Taking up his gun, Tomitsch fired a shot to alert the neighborhood to the attack. With a colleague, he then investigated the smashed windows of the school. On their way to report the incident to the local gendarmes, they ran into two shadowy figures. Lighting a match, the teachers recognized the clerk Visjak and the son of Vice Mayor Simoncic. Each had clearly consumed excessive amounts of alcohol. Early the next morning police arrested Visjak. After vainly simulating insanity, he soon confessed to the crime and implicated Simoncic as well as two further accomplices, a worker from Ljubljana, J. Smolej and a local mill owner, Anton Poljanec (Štajerc, 4 October, 1908, 2).<sup>8</sup> Visjak, it turned out, had been charged in conjunction with the 1906 incident as well. A week later on October 2, the four men were placed on trial for criminal vandalism and excessive drinking in the district court at Celje/Cilli.

At trial, the defense lawyers presented arguments based on two unrelated lines of argument. First, at one point or another during the brief trial, each defendant blamed alcohol consumption, not nationalist commitment, for his behavior, one claiming that he could not remember any events of the 23<sup>rd</sup> because he had been too drunk, and another steadily increasing the amount of liquor he had allegedly consumed during his testimony.

6 Der getreue Eckart, 1906: Der windische Überfall auf unsere Schulkinder in Lichtenwald, 157–158; Marburger Zeitung, 31 July, 1906, 3; Deutsche Wacht, 1 and 2 August, 1906, 4. The police in fact arrested one of the German nationalists whom the press claimed had been physically attacked. One year later the police reported that the School Association festival had proceeded without incident. SLA, Präsidium der KK steierm. Statthaltereie 573, Betreff: Lichtenwald, Schutz für die deutsche Vereinsschule, 1906–07.

7 For the following account see Judson, 2006, 58–59.

8 Poljanec turned out to be a person of means, and capable of paying a fine to cover the damages to the school. Unlike the other three, Poljanec was held on 2500 Kr. bail.

One defense lawyer even devoted his entire closing remarks to a lavish description of the enormous amounts of alcohol his client had consumed that night. A glance at the police reports in the local newspapers around this time also suggests that expressed in terms of drunken behavior, this incident was not particularly noteworthy. Rural Styrians and Carniolans regularly appear to have thrown stones at various targets, especially in moments of drunkenness. One week following this particular incident, for example, a Ljubljana newspaper reported that angry customers had hurled stones at the apartment above a local village tavern because the owner had refused to serve them alcohol after the legal closing time of 2:00 am.<sup>9</sup> And on October 1, the local District Captain in nearby Brežice/Rann published a written warning cautioning people for their own safety not to throw stones at passing automobiles (ABR, 1906, 72).

Drunkenness, however, was not the only defense cited by the defendants and their lawyers. The second and entirely unrelated line of argument cited throughout the trial by two of the defendants and their lawyers had to do with the recent nationalist violence in Ljubljana. The lawyers cited this violence as emotional factors to explain and justify the defendants' actions. During his testimony, for example, the defendant Poljanec explained that the general uproar caused by recent events in Ljubljana had provoked his unfortunate actions in Sevnica/Lichtenwald. The defendant Smolej testified that he too had been particularly upset that night because a week before he had almost been arrested in Ljubljana during the street violence. In his testimony too, the teacher Tomitsch linked this incident to the 1906 nationalist attack on the school procession, claiming for example that he would have been surprised had Visjak not been among the stone throwers, since he had been involved in the 1906 incident.<sup>10</sup> The teacher's accusations evoked angry responses from the defense lawyers, two of whom attempted to make the Slovene (or Carniolan) nation itself a legal factor in the trial. One referred to the defendants as "valiant Slovene nationalists." Defense lawyer Bozic told the court in his closing argument that while he did not want to raise political issues, he could not help mentioning the agitation that currently roiled the Slovene people, agitation that played an enormous role in explaining the actions of the defendants. Lawyer Kukovec pursued the same line, arguing that in fact the events in Sevnica/Lichtenwald were trivial compared to what had happened and was continuing to happen in Ptuj/Pettau, Maribor/Marburg and Celje/Cilli. Here Kukovec referred not simply to recent German nationalist attacks on the Sokol festival in Ptuj/Pettau, but rather to a clear pattern of what he called nationalist oppression against the Slovene people by the German nationalist municipal councils of these towns. He added that incidents such as this one in Sevnica/Lichtenwald in such excitable times could not be judged by normal standards of behavior.

The lawyers mixed tales of their extraordinary alcohol consumption with their powerful nationalist feelings to explain and excuse the defendants' clearly irrational behavior. Ultimately in taking this approach, the lawyers actually played down the issue of alco-

9 Laibacher Zeitung, 3. 10. 1908: "Steinwürfe gegen ein Gasthaus", 214.

10 Tomitsch also implied that in the 1906 incident the municipal council (with its Slovene nationalist majority) had purposely left the streetlights unlit that night, in order to encourage the attack.

hol, arguing instead that their clients' actions had been provoked by the unconscionable behavior of the German nationalists in Ptuj/Pettau. As members of the Slovene nation, the four youths had experienced unbearable levels of personal anguish, according to the lawyers. The dishonor to their nation had driven them to attack the local symbol of German arrogance, of German nationalism and of alleged Germanization efforts: the German schoolhouse. Drunkenness by itself could bring people to act stupidly. But according to their lawyers, the defendants here had not acted stupidly. The events of the past weeks had overcome them with the natural impulse to defend the battered interests of their nation. It was this that had caused the vandalism, and this emotional attachment to nation that excused or justified their behavior.

Outside the courthouse, both Slovene and German nationalist activists worked hard to frame the entire incident in similar terms. They too played down the alleged inebriation of the defendants (except where German nationalists suggested that inebriation was typical of all Slovene "national heroes"). The very first of many outrageously exaggerated accounts of the incident published by the German nationalist *Marburger Zeitung*, for example, had reported that Slovene nationalist hooligans had not simply "bombarded" the Sevnica/Lichtenwald schoolhouse with stones but that they had actually demolished it! The German School Association too worked hard to link the broken windows in Sevnica/Lichtenwald to the recent street violence in Ljubljana, issuing a set of commemorative stamps that depicted both the Sevnica/Lichtenwald schoolhouse and the German Casino in Ljubljana. The Slovene nationalist press focused on the martyrdom of those killed by the military in Ljubljana during the rioting, and on the attacks against Slovene nationalists in Ptuj/Pettau.

This very brief account of events surrounding a very minor small-town trial shows us the local version of a larger strategy zealously pursued by nationalist politicians and activists of all kinds across Cisleithania. The constitution did not adequately recognize nations or national communities in law, so nationalist activists used every opportunity to create legitimacy for nations in every conceivable forum of Cisleithanian public life. In particular nationalists sought to anchor their interests in local institutions such as school boards, district and town councils, and in courtrooms. If judges agreed that dishonor to a nation might in some way justify a defendant's actions or mitigate a court's sentence, then it followed that the entire range of civil rights to which citizens of Cisleithania were entitled would have to be reconsidered. In its last decade of existence the Austrian state – and especially its courts – struggled to navigate between constitutional demands that guaranteed rights to individual citizens (as self-declared members of a *Volksstamm*, for example), and the increasing claims made by nationalists for group-based civil rights. Most of the case law testing the limits of group rights against those of individual civil rights grew out of structures created by the Moravian Compromise of 1905. When the new rights of national communities in Moravia conflicted with individual constitutional rights, the courts had to intervene. And it was nationalists who pursued these cases against individual citizens, attempting to bind them permanently to their national community. For nationalists everywhere the rights of the nation superseded the civil rights of the individual. As we know, this claim later produced an approach to democracy in the 1920s

and 1930s that framed the rights of individuals largely in terms of the rights exercised by minority and majority national groups in self-proclaimed nation states. Nations, not individuals, became understood as the legitimate subjects and objects of democratic practice.

In Sevnica/Lichtenwald, it almost appears that two different worlds collided in the same incident, demonstrating very different potential meanings of the stone throwers' actions. Two of the lawyers used specific legal strategies to frame this incident as a reflection of popular nationalist anger. They introduced an actor into the proceedings – the nation – that had no legal standing, no definition, and no precise relationship to the defendants. Even as the confused defendants argued amongst themselves about who had consumed the most alcohol, who had urged the others on, or who could even remember what had happened, two of their lawyers argued that it was not alcohol but justified nationalist anger that had produced an understandable Slovene nationalist attack on a local symbol of German nationalist tyranny. German nationalists in their newspaper accounts willingly corroborated this view, only reversing the roles of oppressor and victim. To them, Slovene nationalists were attempting to remove them from their legitimate and traditional bastions of power and influence. All nationalists asked, what could one expect in the future, as long as the legitimate demands of nations (not individuals) remained unmet?

As I have argued elsewhere, the major divisions in local society may not necessarily have separated committed Slovenes and Germans from each other, but rather, may have increasingly alienated nationalists from non-nationalists in Cisleithanian society (Judson, 2006, 177–218). To convert those who did not demonstrate an ongoing commitment to one side or another, nationalist activists worked hard to give legally and socially non-existent nations an established presence as legitimate actors in public life. That was the strategy as it pertained to laws, administrative practices and educational institutions. But the other side of nationalist activism remained equally important. In order to convince people to adopt a long-term commitment to one side or another, nationalists did everything in their power to portray ordinary forms of behavior, local forms of conflict, and insignificant examples of vandalism, as actions that necessarily expressed a coherent nationalist content. It is quite possible that the men who threw stones at the German School Association school in Sevnica/Lichtenwald felt a nationalist animus against the Germans at 3:00 am on 23 September after drinking large quantities of alcohol. But this situational anger had to be given a greater significance by nationalist activists, and had to itself become a reason why all Slovene speakers should become Slovene nationalists, just as the German papers hoped to make all German speakers into German nationalists. Whether or not they succeeded fully in doing so before the collapse of the Monarchy in 1918 has yet to be proven.

NACIONALISTIČNO ČUSTVOVANJE KOT FIN-DE-SIECLOVSKA  
PRAVNA OBRAMBA?  
SOJENJE V CELJU LETA 1908

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**POVZETEK**

*Članek analizira načine, s katerimi so nacionalistični aktivisti na Štajerskem ob začetku 20. stoletja izrabljali vandalizem za napredek in širitev zahtev, ki terjajo odločnejšo vpletenost nacionalnosti v pravnem, administrativnem ter institucionalnem sistemu Cislajtanije. Uporaba pred kratkim razvitih metodoloških konceptov »nenadne narodnosti« in »brezbrižnosti do naroda« nakazuje, da narod leta 1908 ni bila samoumevna kategorija, prav tako pa tudi ni predstavljal absolutne identifikacije in zavezanosti državnosti cislajtanske družbe. Primer v članku izhaja iz večjezične družbe spodnje Štajerske prvega desetletja dvajsetega stoletja. Tamkajšnji nacionalistični aktivisti so trdili, da nacionalna čustva botrujejo razbremenilnim okoliščinam v sojenju lokalnemu vandalizmu.*

*Ključne besede: Cislajtanija, Štajerska, nacionalizem, Slovenci, Nemci, časopisi, sojenje v Celju*

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