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## WOMEN'S SUFFRAGE IN THE AUSTRIAN HALF OF THE HABSBURG MONARCHY 1848–1918

*Although it is largely unknown, women had some voting rights in the 19<sup>th</sup> century in the Habsburg monarchy, especially the right to vote in the municipality and on the provincial level. Suffrage at that time was based on the two pillars of property and education rather than gender. It was undisputed for a long time that women could get the right to vote due to their tax payments. The fact that women could also be included into the 'intelligence' electoral class was controversial, as shown by some decisions by the Austrian high courts. It was only towards the end of the 19<sup>th</sup> century that the gender criterion began to prevail in election regulations and women were increasingly excluded from the right to vote, which led to the emergence of the Austrian women's movement. The monarchy fell in 1918 and the granting of universal women's voting rights was finally embodied in the proclamation of the Austrian republic on 12 November 1918.*

Key words: *Women's suffrage – Habsburg Monarchy – Parliamentarism – Women's movements – 19<sup>th</sup> century.*

### 1. INTRODUCTION

On 16 February 1919 – just over 100 years ago – women in Austria were for the first time allowed to take part personally in an election for a state parliament. 1918 and 1919 had been tumultuous years. In 1918, the

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Habsburg monarchy had ended and Austria had been declared a republic. In the new Austrian legal system universal and equal voting rights were introduced for the first time for all citizens of the new state, including women. However, it had been a long journey for women to achieve this vital right to vote. Women's struggle for equal voting rights had begun in 1848 and lasted for 70 years.

Nonetheless, it is worthwhile noting that in the Austrian monarchy the right to vote had, to a certain extent, already included women. This article shall provide an overview of the different types of women's suffrage in Austria – the right to vote in municipal elections, the right to vote for the provincial diets in the Austrian crown lands and the right to vote for the parliament in Vienna – as well as an overview of Austrian women's campaigns for an equal right to vote in the German speaking crown lands of the Monarchy<sup>1</sup>.

## 2. SUFFRAGE IN THE REVOLUTIONARY YEARS 1848/49

The history of the right to vote and women's struggle for it began in Austria with the revolution in 1848, when students, citizens and peasants demanded freedom and civil rights. From this point in time, constitutionalism would slowly establish itself in Austria. The citizens called for a constitution and for an elected parliament. Laws should no longer be passed by the emperor alone, but by the emperor together with a parliament.<sup>2</sup>

In March 1848, following the first wave of the revolution, Austria was granted a formal constitution for the first time in its history, which is known as the Pillersdorf Constitution and was unilaterally imposed on 25 April 1848. Under this constitution, a state parliament, the Imperial Diet, was to be formed. The first electoral statute in May 1848 caused the revolution to flare up again due to the numerous restrictions it contained on the right to vote, and on 30 May 1848 a new, more liberal electoral statute was issued that largely met the criteria of universal suffrage at that time.<sup>3</sup> The new statute, which contained a general right to vote only for

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1 Above all, this article is intended to provide a compact summary of the existing Austrian literature on this topic. As part of my dissertation project, the case law of the Supreme Administrative Court regarding the women's right to vote in the 'intelligence' electoral class is analysed. The corresponding passages in this article should already give a brief insight into it.

2 Stefan Malfèr, "Der Konstitutionalismus in der Habsburgermonarchie – Siebzig Jahre Verfassungsdiskussion in 'Cisleithanien'", Helmut Rumpler, Peter Urbanitsch (eds.), *Die Habsburgermonarchie 1848–1918. Band VII/1 Verfassung und Parlamentarismus*, Verlag der österreichischen Akademie der Wissenschaften, Wien 2000, 11–67, 11.

3 Rudolf Hoke, *Österreichische und deutsche Rechtsgeschichte*, Böhlau Verlag, Wien – Köln – Weimar 1992<sup>2</sup>, 343–346.

men, prompted an anonymous group of Viennese women to write a four-page document to Emperor Ferdinand I opposing the introduction of a franchise which excluded women: “It would be wrong to call this right to vote ‘general’ if at least half of the subjects cannot exercise it. [...] The supplicants [...] dare [...] to claim the undeniable, inalienable, innate and irredeemable rights of the female sex.”<sup>4</sup>

In 1848, in the course of the revolution, the first demands were voiced in Austria for women’s right to vote. They were raised by the “Vienna Democratic Women’s Association” founded on 28 August 1848<sup>5</sup> with Karoline von Perin-Gradenstein as its president. Although the association only existed for less than two months, until October 1848, it was the first women’s association in Austria to explicitly pursue political goals.<sup>6</sup> The statutes of this association stipulated, among other things, that the political objectives of the association meant that it would work to disseminate the democratic principle in all female circles.<sup>7</sup>

The discussions on the right to vote which took place at the same time in the constituent Imperial Diet, first in Vienna and later in Kroměříž, showed, however, that the male parliamentarians did not give serious consideration to voting rights for women.<sup>8</sup> Rudolf Brestel, a Member of Parliament, addressed the issue in the Imperial Diet using these words: “If women were to be admitted [to the elections] because they shared the burdens of the state, then children and fools should also be admitted for the same reason.”<sup>9</sup>

In 1848, the bourgeois revolution failed. Thereafter, the right of political participation was defined by the principle of the representation of

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4 “Es wäre falsch, das Stimmrecht allgemein zu nennen, wenn von dieser Ausübung wenigstens die Hälfte der Untertanen ausgeschlossen ist. [...] Die Bittstellerinnen [...] wagen es, [...] die unläugbaren, unveräußerlichen, angeborenen und unteilbaren Rechte des weiblichen Geschlechts in Anspruch zu nehmen“; Anita Ziegerhofer, *Ohne Frauenbewegung kein Stimmrecht. „Müht euch um den Stimmzettel, er ist der Schlüssel zu allen bürgerlichen Rechten“*, Leykam Buchverlag, Graz – Wien 2018, 29.

5 Gabriella Hauch, “Arbeit, Recht und Sittlichkeit – Themen der Frauenbewegungen in der Habsburgermonarchie“, Helmut Rumpler, Peter Urbanitsch (eds.), *Die Habsburgermonarchie 1848–1918. Band VIII/1 Politische Öffentlichkeit und Zivilgesellschaft*, Verlag der österreichischen Akademie der Wissenschaften, Wien 2006, 965–1003, 967.

6 A. Ziegerhofer, 26.

7 Petra Unger, *Frauen Wahl Recht. Demokratie und Frauenrechte*, Wien 2018, 23–24.

8 Ilse Reiter-Zatloukal, “Politische Partizipation von Frauen – Historische Entwicklung und frauenpolitische Perspektiven“, *Global View* 2/2014, 10–12.

9 “Wollte man die Weiber zulassen, weil sie an den Staatslasten Theil nehmen, so müsste man aus dem gleichen Grund auch die Kinder und Narren zulassen“; Anton Springer (ed.), *Protokolle des Verfassungs-Ausschusses im Oesterreichischen Reichstage 1848–1849*, Verlag von S. Hirzel, Leipzig 1885, 187.

property and education. These two pillars of the Austrian electoral system were retained at the municipal and provincial levels until the end of the monarchy in 1918, albeit slightly modified. Income and education, not gender, defined the right to vote. These preconditions excluded on the one hand many men who did not meet these conditions, but on the other hand, as a matter of principle, this census suffrage did include women who met the qualifications.<sup>10</sup>

### 3. MUNICIPAL SUFFRAGE

The system of municipal elections, established in Austria in 1849 as a census and three-class electoral system<sup>11</sup>, remained almost unchanged in principle until the end of the monarchy in 1918. Voters were entitled to cast their ballots based on their tax contribution from land, property, or a business in the municipality. They were ranked according to the level of their contribution and then divided into three classes, with each class representing exactly one third of the whole tax paid in the municipality. Each third was allowed to elect a third of the local council. People with high tax levels benefited greatly from this system. However, those who had a high level of education or who held a profession or an office that enjoyed a high level of social standing were entitled to vote regardless of their tax payments.<sup>12</sup>

Women were given the right to vote if they had the required property or taxable income. This could at first glance be regarded in political terms as equal rights for women. Both genders were granted active suffrage at the local level in 1849, regulated in the Provisional Municipalities Act of 1849, based on tax payments from land, property, or a business in the municipality. A closer look reveals, however, that women were not given the opportunity to participate in political life on an equal footing with men, but were rather forced to remain invisible as political actors. This was en-

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10 Birgitta Bader-Zaar, "Politische Rechte für Frauen vor der parlamentarischen Demokratisierung. Das kommunale und regionale Wahlrecht in Deutschland und Österreich im langen 19. Jahrhundert", Hedwig Richter, Kerstin Wolff (eds.), *Frauenwahlrecht. Demokratisierung der Demokratie in Deutschland und Europa*, Hamburger Edition, Hamburg 2018, 77–98, 79; Birgitta Bader-Zaar, "Rethinking Women's Suffrage in the Nineteenth Century", Kelly L. Grotke, Markus J. Prutsch (eds.), *Constitutionalism, Legitimacy, and Power: Nineteenth-Century Experiences*, Oxford University Press, Oxford – New York 2014, 107–126.

11 In smaller communes there were sometimes just two classes, depending on the size of the commune; § 36 of the Provisional Municipalities Act of 1849 (RGBl 170/1849).

12 Arbeitsgemeinschaft Österreichische Rechtsgeschichte (ed.), *Rechts- und Verfassungsgeschichte*, Facultas, Wien 2018<sup>5</sup>, 206–207.

forced by not allowing women to vote in person.<sup>13</sup> § 30 of the Provisional Municipalities Act of 1849 stipulated how women were to vote, i.e. not in person but by representation, along with minors and persons under tutelage. Specifically, wives were represented by their husbands, while widows and divorced or unmarried women were represented by a male person of their choice. Women were completely excluded from the right to be elected to a local council.<sup>14</sup>

In the 1860s, the regulations for municipal elections adopted by the Austrian crown lands consistently followed the guidelines drawn up in 1849. In major cities, that had their own statutes, such as Vienna or Prague, women were not entitled to vote at all. In other cities where women were entitled to vote, they were always in the minority.<sup>15</sup> However, the proportion of women in the electorate was not insignificant. For example, in the Bohemian municipalities they formed around 20 per cent in the 1880s, in the Lower Austrian city of Retz around 25 per cent, and in the city of Salzburg around the turn of the century women made up more than 25 per cent of the eligible voters. To some extent, these women were represented in the second electoral body, but mostly in the third one as small traders or owners of small properties.<sup>16</sup>

Equally controversial was the question of whether female teachers and university graduates were included in the so-called ‘intellectual suffrage’, i.e. had the right to vote without tax payments. This group included members of certain professions such as priests, the military, court and civil officials and teachers, as well as doctoral graduates from the Austrian universities. The law did not provide a clear answer to this question.<sup>17</sup> However, whether or not women could also belong to the class of

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13 Birgitta Bader-Zaar, “Bürgerrechte und Geschlecht. Zur Frage der politischen Gleichberechtigung von Frauen in Österreich, 1848–1918“, Ute Gerhard (ed.), *Frauen in der Geschichte des Rechts. Von der Frühen Neuzeit bis zur Gegenwart*, Verlag C.H. Beck, München 1997, 547–562; Birgitta Bader-Zaar, Carola Riedmann, “Stimmberechtigte Frauen vor 1918: Zum kommunalen, Landtags- und Reichsratswahlrecht für Frauen in der österreichischen Reichshälfte der Habsburgermonarchie“, Blaustrumpf ahoi! (ed.), *„Sie meinen es politisch!“ 100 Jahre Frauenwahlrecht in Österreich. Geschlechterdemokratie als gesellschaftspolitische Herausforderung*, Löcker Verlag, Wien 2019, 65–79, 66.

14 Paragraph 30, 35; Provisorisches Gemeindegesetz vom 17. März 1849, *Allgemeines Reichs-Gesetz- und Regierungsblatt für das Kaiserthum Österreich*, No. 170/1849.

15 B. Bader-Zaar, C. Riedmann, „Stimmberechtigte Frauen“, 66–67.

16 Peter Urbanitsch, “Die Gemeindevertretungen in Cisleithanien“, Helmut Rumpler, Peter Urbanitsch, *Die Habsburgermonarchie 1848–1918. Band VII/2 Verfassung und Parlamentarismus*, Verlag der österreichischen Akademie der Wissenschaften, Wien 2000, 2199–2281, 2214–2215.

17 B. Bader-Zaar, *Bürgerrechte und Geschlecht*, 552.

‘intellectual’ voters was still open to discussion. Both Austrian high courts of public law, the Supreme Administrative Court and the Imperial Court, considered themselves competent to decide on electoral law<sup>18</sup>, which is why judicature exists from both supreme courts on this specific question.

Since the 1880s for example, the Supreme Administrative Court had developed a line of judicature according to which women, especially female teachers, were not entitled to vote as members of the ‘intellectual’ electoral class. In its first decision on this question, the right to vote for teachers only extended to male teachers. One of the reasons for this was that the German male grammatical form “teachers” used in the election regulations, “die Lehrer”, does not automatically include the female gender.<sup>19</sup> In the following years, female teachers in particular, but also female heads of monasteries, repeatedly tried to fight through the courts for the right to vote.<sup>20</sup>

It was not until 1904 that the Supreme Administrative Court deviated from its previous viewpoint and ruled that the term “teacher” meant all members of the teaching profession regardless of their gender. If the legislation had only intended to refer to male teachers, it would have had to express this by way of an explicit addition. The Court justified the change in its judicature, among other things, with the fact that the required public employment and higher education were available to female teachers in the same way as to their male colleagues, and under those circumstances the right to vote without tax payment was to be granted.<sup>21</sup> In the crown land of Carniola, this revised judicature was eventually incorporated into the law in 1910 by referring to “male and female teachers”, but all other women were still excluded from the ‘intellectual’ electoral class, like graduates from the universities.<sup>22</sup> After several affirmative decisions from various crown lands, such as Bohemia, Moravia and Silesia, the Supreme Administrative Court held that the principle of women’s right to vote appears to have been expressly laid down for the future and is therefore also binding on the municipal electoral regulations of the other crown lands when interpreting them.<sup>23</sup>

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18 Ernst Mayrhofer, Graf Anton Pace (eds), *Ernst Mayrhofer’s Handbuch für den politischen Verwaltungsdienst in den im Reichsrathe vertretenen Königreichen und Ländern mit besonderer Berücksichtigung der diesen Ländern gemeinsamen Gesetze und Verordnungen*, Volume II, Wien 1896<sup>5</sup>, 429.

19 Verwaltungsgerichtshof (VwGH) 28.12.1888, No. 4427.

20 E.g. VwGH 25.10.1893, No. 7473.

21 VwGH 06.07.1904, No. 2805 A; unfortunately, the archive material on this case no longer exists in the Austrian State Archive.

22 Vasilij Melik, *Wahlen im alten Österreich. Am Beispiel der Kronländer mit slowenischsprachiger Bevölkerung*, Böhlau Verlag, Wien – Köln – Weimar 1997, 123.

23 VwGH 23.06.1909, No. 6831 A.

The Imperial Court also considered itself competent to decide on questions of municipal suffrage, including the question of women's suffrage. From Moravia, three cases came to the Imperial Court regarding the right to vote in the 'intellectual' class, with all three cases being dismissed,<sup>24</sup> even though one of these decisions was only marginally against the women's right to vote.<sup>25</sup> The reason for this decision was that the grammatically masculine forms "teacher" and "graduate" found in the electoral regulations excluded the female gender. Since the turn of the century, women had been allowed to study at the Austrian philosophical and medical faculties, thus female graduates now also demanded their right to vote. The court further held that it was a fundamental intention of the electoral regulations to restrict women's suffrage, for example by denying them the right to vote in person. The other professions with the right to vote without tax payments were clearly male professions, namely clergymen and military personnel. The Imperial Court therefore maintained its position despite the change in the judicature of the Supreme Administrative Court, and continued to oppose women's right to vote until its demise in 1918.<sup>26</sup>

Contemporary literature was initially opposed to the women's right to vote in the 'intelligence' class, in the same way as the supreme courts, but this opinion changed, just as it happened with the Supreme Administrative Court. The *Staatswörterbuch* by Mischler and Ulbrich should serve as an example here. In the first edition from 1895, Hermann Blodig (jun.), based on the decision of the Supreme Administrative Court of 1888, still held the view that the right to vote, which was based not on tax payment but on personal characteristics, did not include women. They were exempt from the right to vote, even if they met the legal requirements.<sup>27</sup> In contrast, in the second edition of the *Staatswörterbuch* from 1906, Max Kulisch affirmed women's right to vote. In principle, this should also apply to women such as university graduates, unless the election regulations ordered the opposite.<sup>28</sup>

24 Reichsgericht (RG) 13.10.1884, No. 304; RG 17.10.1912, No. 1966; RG 16.10.1913, No. 2031.

25 Birgitta Bader-Zaar, "Das Frauenwahlrecht vor Gericht. Reklamationen und Beschwerden in der österreichischen Reichshälfte der Habsburgermonarchie", Milan Vojáček (ed.), *Reflexe a sebereflexe ženy v české národní elitě 2. poloviny 19. století. Sborník příspěvků z konference uspořádané ve dnech 23.-24.11.2006 Národním archivem ve spolupráci s Archivem hlavního města Prahy*, Scriptorium, Praha 2007, 11–27, 23.

26 See for a detailed analysis of the three cases of the Imperial Court: *Ibid.*, 18–25.

27 Hermann Blodig (jun.), "Gemeindewahlen", Ernst Mischler, Josef Ulbrich (eds), *Österreichisches Staatswörterbuch. Handbuch des gesammten österreichischen öffentlichen Rechtes*, Volume I, Wien 1895<sup>1</sup>, 710–720, 712.

28 Max Kulisch, "Gemeindewahlen", Ernst Mischler, Josef Ulbrich (eds.) *Österreichisches Staatswörterbuch. Handbuch des gesammten österreichischen öffentlichen Rechtes*, Volume II, Wien 1906<sup>2</sup>, 335–346, 337.

#### 4. SUFFRAGE FOR THE PROVINCIAL DIETS IN THE CROWN LANDS

At the beginning of the 1860s, the neo-absolutist system that had existed in Austria since 1852 quickly came into a crisis. The financial emergency and the impending state bankruptcy, due to the war against Sardinia-Piedmont the Empire had lost, made it necessary to abandon neo-absolutism and slowly, but surely return to constitutionalism. As a result of these reforms, provincial diets were established in the Austrian crown lands, to be elected by the population and to send deputies to the Imperial Council, the new state parliament in Vienna.<sup>29</sup> The individual electoral regulations in the crown lands, which were regulated uniformly and almost identically in the February Patent in 1861, were primarily intended to maintain the interests of the predominantly aristocratic large estate owners and the wealthier urban population. This was achieved through a curial franchise system, which divided the electorate into four different electoral groups (large landowners, chambers of commerce and industries, cities and markets, and the rural municipalities), assigning a certain number of mandates to each. Within the curiae, the right to vote was based on the right to vote for communities and thus tied to a specific census based on property or income tax payments, or on educational requirements.<sup>30</sup>

In the curiae of the cities and the rural municipalities, women had the right to vote for the provincial diets as a result of the census prerequisites and the strong connection of the electoral regulations to those for the municipal level, as the wording of the laws was in principle gender-neutral. Surprisingly, at the provincial diet level, the principle that women had to be 'represented' when voting was disregarded, since it was determined that every vote, except in the curia of the large landowners, was "generally only to be given in person". Legally, this provision about personal voting, which was in contradiction to the electoral system for the municipalities, inevitably created great confusion. In the absence of clear guidelines, practice in cities and rural municipalities varied considerably depending on the crown land, district or time. For example, women were sometimes removed from the electoral roll, sometimes not. In some cases, women were not allowed to vote despite appearing on the electoral roll. Then, they were sometimes allowed to vote in person in accordance with the wording

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29 Wilhelm Brauneder, *Österreichische Verfassungsgeschichte*, Manz, Wien 2009<sup>11</sup>, 137, 148.

30 Arbeitsgemeinschaft Österreichische Rechtsgeschichte, 204.



of the law. At other times, they were only allowed to do so via an authorised representative.<sup>31</sup>

In Lower Austria, the provincial diet election of 1861 was criticised because women had voted in person. In the course of the election review debate in the Lower Austrian Provincial Diet, the principle of the then applicable women's suffrage was aptly formulated by the deputy Karl Freiherr von Hock: the Provincial Diet was by no means a representation of the people, but a representation of interests. As the interests represented by men were also shared in some instances by women, such interests could therefore be represented by women.<sup>32</sup> The Provincial Diet finally accepted all votes from women as valid. To clarify the legal situation, some crown lands implemented legislative amendments, the majority of which stipulated that women had to be represented for their votes in all curiae.<sup>33</sup>

Not only the question of personal voting, but also the regulation on granting the powers of attorney in municipal council and occasionally also provincial elections remained controversial. For example, the legal term 'power of attorney' means that the holder of the power of attorney must carry out the wishes of the person who gave the power of attorney. In fact, women were often forced to transfer their right to vote to a man who could not be obliged to vote according to their will or could not be controlled. The power of attorney system was therefore open to misuse. The reason for the frequent denial of personal voting rights for women was stated as being, among other things, that the stormy course of an election would make the personal appearance of women unacceptable.<sup>34</sup>

This problem was only taken into account in two crown lands: in Lower Austria and in Vorarlberg. From 1904 onwards, women in Lower Austria were generally allowed to vote in person, at least in municipal elections. However, the wife of a man who was entitled to vote had to continue to be represented by her spouse, who was only allowed to cast one vote for both of them. If the husband was not entitled to vote, the wife exercised her right to vote herself.<sup>35</sup>

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31 Vasilij Melik, "Zusammensetzung und Wahlrecht der cisleithanischen Landtage", Helmut Rumpler, Peter Urbanitsch, *Die Habsburgermonarchie 1848–1918. Band VII Verfassung und Parlamentarismus*, Verlag der österreichischen Akademie der Wissenschaften, Wien 2000, 1311–1352, 1322.

32 Günther Schefbeck, "Der Weg zum Frauenwahlrecht", "... Doch wehe, sobald sie zu stimmen begehren..." *80 Jahre Frauenwahlrecht in Österreich*, Wien 1999, 4–24, 11.

33 B. Bader-Zaar, „Bürgerrechte und Geschlecht“, 549–550.

34 Birgitta Bader-Zaar, "Die ‚grande affaire‘ – Wahlrechtsreformen in Europa und Nordamerika im ‚langen‘ 19. Jahrhundert", Thomas Simon (ed.), *Hundert Jahre allgemeines und gleiches Wahlrecht in Österreich. Modernes Wahlrecht unter den Bedingungen eines Vielvölkerstaates*, Peter Lang, Frankfurt am Main 2010, 13–36, 24.

35 B. Bader-Zaar, *Bürgerrechte und Geschlecht*, 552.

Women were either explicitly excluded from passive suffrage or their exclusion was taken for granted, so that it was not even mentioned in the electoral regulations. Thus, women could take advantage of this regulatory deficit and actually run for the Provincial Diet. This occurred, for example, in the 1908 case in Bohemia of Karla Máchová and Marie Tumová.<sup>36</sup> In June 1912, the chairwoman of the Young Czech women's organization, Božena Viková-Kunětická (1863–1934), even managed to secure a mandate for the Provincial Diet, but the Bohemian governor refused to grant it to her.<sup>37</sup>

## 5. SUFFRAGE FOR THE IMPERIAL COUNCIL

From 1873 onwards, direct elections for the second chamber of the Austrian parliament, the House of Representatives, were made possible as part of a reform of the electoral law. The first chamber, the House of Lords, was only open to the nobility and eminent personages appointed by the emperor, but all of these were men. The elections to the House of Representatives now followed the same curial and census system as the one found on the provincial diet level. Due to the disproportionately greater political importance of parliamentary voting rights and also because of the influence from other states such as Germany or Great Britain, the exclusion of women from political participation prevailed. In contrast to the gender-neutral formulations of the provincial diet electoral regulations, women were only allowed to vote in the Imperial Council elections in the curia of large estates.<sup>38</sup> Indirectly, sole female owners of shops and companies above a certain tax threshold could take part in the Imperial Council elections in the curia of the chambers of commerce and industries. The male managing directors had to cast their votes on their behalf.<sup>39</sup>

In the further development of electoral law, the gender-specific provisions of the parliamentary electoral law of 1873 served as models for the provincial electoral regulations. Thus, from 1884 onwards, several crown lands, including Lower Austria, excluded women from the right to vote

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36 I. Reiter-Zatloukal, *Politische Partizipation*, 11.

37 Luboš Velek, „Der' erste weibliche Abgeordnete der Habsburgermonarchie im Böhmischem Landtag 1912.“ *Österreichische Zeitschrift für Geschichtswissenschaften* 26/2 2015, 41–69; Birgitta Bader-Zaar, „Frauenbewegungen und Frauenwahlrecht“, Helmut Rumppler, Peter Urbanitsch (eds.), *Die Habsburgermonarchie 1848–1918. Band VIII/1 Politische Öffentlichkeit und Zivilgesellschaft*, Verlag der österreichischen Akademie der Wissenschaften, Wien 2006, 1005–1027, 1021.

38 Thomas Olechowski, *Rechtsgeschichte. Einführung in die historischen Grundlagen des Rechts*, Facultas, Wien 2019<sup>5</sup>, 205.

39 P. Unger, 29–30.

for the provincial diet. The exception was the curia of large landowners, whose votes were crucial because of the small number of members in this electoral body. The Lower Austrian Provincial Diet denied tax-paying women, except large landowners, the right to vote for the provincial diet, on the grounds that in the crown lands the form in which women could exercise their right to vote was very different. The simplest way to achieve uniformity was to deny women the right to vote everywhere. The crown land Bukovina even went so far as to abolish women's right to vote at the municipality level.<sup>40</sup> An exception to this was the crown land Vorarlberg, which granted women the right to vote in the general curia in 1909, although, unlike men, they had to pay a certain tax for this.<sup>41</sup>

Parallel to the development of reducing or abolishing existing voting rights for women, the right to vote at the provincial and state levels was extended to even larger groups of the male population, first by reducing tax requirements, then by introducing a general electoral class that did not require any tax payments but still only included men. The 1907 electoral law reform finally eliminated the curial system and in principle gave men over the age of 24 universal and equal voting rights. The intention of these electoral reforms was to democratize electoral law, but women were disadvantaged, since the reforms removed the modest opportunities for women to vote at the Imperial Council level. Because of the elimination of the large landowner curia, the women who had been entitled to vote in this curia, even if not in person, lost their right to vote completely.<sup>42</sup> The development could be summarised by saying that the increasing democratization of the right to vote for men was in effect at the expense of women's suffrage.

## 6. THE WOMEN'S VOTING RIGHTS MOVEMENT IN THE GERMAN SPEAKING CROWN LANDS OF THE AUSTRIAN MONARCHY

In this political climate, which increasingly restricted the avenues available to women to vote, the first women's movements began in Austria. They were to become of particular significance at the end of the 1880s when women lost the right to vote as part of a redesign of voting rights for the Lower Austrian provincial diet. On this occasion, middle-class liberal women organized themselves into the "Association of Teachers and Educators in Austria" and began their protests. Among

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40 B. Bader-Zaar, „Bürgerrechte und Geschlecht“, 553.

41 B. Bader-Zaar, „Politische Rechte“, 86.

42 T. Olechowski, 205–206.

their ranks were Auguste Fickert (1855–1910) and Marie Schwarz (1852–1920).<sup>43</sup> From 1889 onwards, they tried to get politicians' attention by holding meetings and collecting signatures for petitions to the provincial diets and the Imperial Council, especially when electoral reforms were being debated.<sup>44</sup> These petitions were not only directed against the abolition of existing rights, but also called for further rights at the municipal and provincial levels, such as the inclusion of women in the right to vote at the municipal level in Vienna. The petitions were not without success: for example, they managed to avert the impending abolition of the right to vote at the municipal level in Lower Austria, as well as the abolition of women's suffrage in the city of Salzburg in 1901 and in the Silesian city of Troppau/Opava in 1908.<sup>45</sup>

Middle-class women vindicated their right to political equality not only based on the principle of "equal rights for all citizens" but also their tax payments according to the British democratic principle of "no taxation without representation". In addition, the right to vote should enable women to represent their specific interests, such as educational reforms or improvements in marriage and family law and career opportunities. In Austria, the women's voting rights movement could never develop into a 'single issue movement' as in Great Britain, for example, where the suffragettes only sought the right to vote. In Austria the movement always contained other demands specific to women.<sup>46</sup>

An example of the attitude and way of thinking of this early middle-class women's movement is an appeal to all female teachers in Lower Austria published in 1889:

"[...] Colleagues, we can no longer ignore the fact that it is only our lack of political rights that makes us suffer one defeat after another in today's wildly unleashed competitive struggle.

At the beginning [...] on an equal footing with our male colleagues in all respects, we now have only the same duties – often even more duties – while our rights are being reduced more and more.

Why?

We are political nobodies, while our male colleagues have become important factors in public life. The bureaucrats making armchair decisions,

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43 A. Ziegerhofer, 31–32.

44 Birgitta Bader-Zaar, "Die Forderung des Frauenwahlrechts. Akteur\_innen, Strategien, Diskurse in der österreichischen Reichshälfte der Habsburgermonarchie (1848–1918)", *Blaustrumpf ahoi!* (ed.), „*Sie meinen es politisch!*“ *100 Jahre Frauenwahlrecht in Österreich. Geschlechterdemokratie als gesellschaftspolitische Herausforderung*, Löcker Verlag, Wien 2019, 37–61, 42–43.

45 B. Bader-Zaar, „Politische Rechte“, 89–90.

46 B. Bader-Zaar, „Bürgerrechte und Geschlecht“, 554–555.

which affect our weal and woe, are forced to reckon with them, because they have the right to vote.

It is therefore imperative that we try to retain what little political rights we still have – the right to vote at the municipal level – and to regain what we have already been deprived of illegally – the right to vote for the provincial diet, and that the Viennese colleagues also conquer political rights.<sup>47</sup>

As stated in the piece above, written by teachers in Vienna and its surrounding municipalities at the end of 1889, it was professional and financial disadvantages vis-à-vis their male colleagues that prompted them to initiate a women's voting rights movement in Austria. The newspaper article cited above showed once again that the women's movement was not initially concerned with the acquisition of new political rights, but with opposing tendencies towards the abolition of existing rights in Lower Austria.<sup>48</sup>

When these middle-class women tried to coordinate their activities and constitute a formal association, they were faced with the limitations imposed by the Associations Act. In the years that followed, the law on associations valid at that time would severely hamper the middle-class liberal movement of women's voting rights in its campaign. The Associations Act from 1867 allowed political associations in principle, but discriminated against women.<sup>49</sup> For example, § 30 of the Associations Act 1867 stated: "Foreigners, women and minors must not be accepted as members of political associations."<sup>50</sup> Women were therefore forced to organize themselves in 'non-political' associations that campaigned for better

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47 "[...] Colleginnen wir können uns nicht länger der Einsicht verschließen, dass nur unsere politische Rechtlosigkeit es ist, welche uns in dem wild entfesseltem Concurrrenzkampfe der Gegenwart eine empfindliche Niederlage nach der anderen erdulden lässt. Zu Beginn [...] mit unsern männlichen Collegen in jeder Beziehung gleichgestellt, sind uns jetzt davon nur noch die gleichen Pflichten – oft sogar ein Plus an Pflichten – geblieben, während wir in unseren Rechten mehr und mehr verkürzt werden. Warum? Nur deshalb, weil wir die politischen Nullen, unsere Collegen dagegen durch das ihnen zuerkannte Wahlrecht gar wichtige Factoren im öffentlichen Leben geworden sind, mit welchen die Herren am grünen Tisch, die über unser Wohl und Wehe entscheiden, zu rechnen gezwungen sind. Es ist deshalb eine gebieterische Nothwendigkeit, dass wir das Wenige, was wir an politischen Rechten noch besitzen – das Recht, in der Gemeinde zu wählen – uns zu erhalten – und das, was uns bereits widerrechtlich entzogen wurde – das Wahlrecht für den Landtag – wiederzugewinnen trachten, dass ferner die Wiener Colleginnen ebenfalls daran gehen, sich politische Rechte zu erobern."; Aufruf an alle Lehrerinnen Niederösterreichs, in: *Der Lehrerinnen-Wart* 12 (10. Dezember 1889), 24.

48 B. Bader-Zaar, „Bürgerrechte und Geschlecht“, 547.

49 A. Ziegerhofer, 32.

50 "Ausländer, Frauenspersonen und Minderjährige dürfen als Mitglieder politischer Vereine nicht aufgenommen werden"; Paragraph 30, Gesetz vom 15. November

access to education or better pay for women. Nevertheless, middle-class women founded the “General Austrian Women’s Association” (“AÖFV”) on 28 January 1893. Membership in political associations was still disallowed for women, which is why the statutes stated that the purpose of the association was “[...] the organization of Austrian women to promote their economic interests and their intellectual education, as well as their social status (with the exception of politics)”.<sup>51</sup>

The Social Democrats’ election campaign, which took the form of a ‘class struggle’, was completely separate from the middle-class liberal women’s movement and its ‘gender struggle’, since they saw the AÖFV as dealing solely with the women’s issue from the middle-class standpoint, while the positions of the Social Democrats had taken on too radical a colouring for the AÖFV. The general, equal and direct right to vote “without gender difference”, i.e. the suffrage for women, was anchored in the party program of the Social Democrats during the third party conference in 1892. Viktor Adler justified this later addition by saying that this additional declaration had been forgotten at the Hainfeld Unification Party Conference because not a single female delegate had participated.<sup>52</sup> Anna Altmann (1852–1937), who had been sent by the German Bohemians, had not been admitted because the Viennese comrades wanted a male delegate. She was told that women were not yet ready to attend such meetings. In fact, it was the male Social Democrats who were not yet ready to include women in their group.<sup>53</sup> Despite this initial instance of ‘forgetting’, the Social Democrats were nonetheless the first party to include women’s voting rights in their program. This was in contrast to the prevailing views on the intellectual inferiority of women. However, since large landowners were granted the right to vote, the Social Democrat Therese Schlesinger, for example, could joke that “if a good piece of land was obtained, the intellectual powers [of a woman] would grow considerably”. The *Arbeiterinnenzeitung*, which was founded at the beginning of 1892, served as a platform for the struggle for universal and equal voting rights in the sense

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1867 über das Vereinsrecht, *Reichs-Gesetz-Blatt für das Kaiserthum Österreich*, No. 134/1867.

51 “„[...] die Organisation der Frauen österreichs behufs Förderung ihrer wirtschaftlichen Interessen und ihrer intellektuellen Ausbildung, sowie die Hebung ihrer sozialen Stellung (mit Ausnahme der Politik)“; Astrid Fallmann, *Zur Rolle der Frau im österreichischen Parlamentarismus* (1848–1934), Wien 1989, 79–80.

52 Ilse Reiter, “Das Wahlrecht gebt uns frei!“. Kampf der Sozialdemokratie für das allgemeine und gleiche Reichsratswahlrecht“, Thomas Simon (ed.), *Hundert Jahre allgemeines und gleiches Wahlrecht in Österreich. Modernes Wahlrecht unter den Bedingungen eines Vielvölkerstaates*, Peter Lang, Frankfurt am Main 2010, 167–212, 200–201.

53 P. Unger, 36.

of women's suffrage. The newspaper was edited by Adelheid Popp from 1893 onwards.<sup>54</sup>

However, there was initially little enthusiasm from the male party members for supporting this demand. Viktor Adler, for example, said in 1893 that the issue of women's suffrage was not a priority in the party program. He wrote that women's voting rights should only be treated as secondary, because of the backwardness of Austria. Accordingly, the goal of introducing women's suffrage was deferred in favour of the 'more realistic' goal of introducing universal and equal men's suffrage. The female Austrian Social Democrats did not ignore this tactical policy of the founder of the Social Democratic Party and, due to party discipline, submitted to this priority.<sup>55</sup>

The question of the primacy of men's right to vote became acute in 1905 because of the revolution in Russia and the constitutional struggles in the Hungarian half of the Habsburg monarchy. The female Social Democrats now supported their comrades at numerous rallies and meetings for the universal and equal right to vote for men, but at the same time emphasized the future need for women's voting rights. However, this approach was criticized by the German Social Democrats, especially Clara Zetkin and August Bebel.<sup>56</sup>

In contrast to the female Social Democrats, the middle-class liberal women's movement saw the timing of the debates on universal suffrage as particularly suitable for promoting voting rights for women. On 10 December 1905, Marianne Hainisch and other board members of the "Federation of Austrian Women's Associations" founded the "Vienna Women's Voting Rights Committee". But their attempts to overcome the limits of the Associations Act 1867 were unsuccessful. Even after several instances, the Imperial Court did not comply with their request to let them establish an association. Until the beginning of the war, the amendment of the discriminatory § 30 of the Associations Act was therefore a repeated demand by both the middle-class liberal and the Social Democratic women's movements.<sup>57</sup>

On 26 January 1907, the Social Democratic election campaign was finally crowned with success: universal and equal voting rights were introduced for all males. Women, however, were still excluded from political participation. The curial system was abolished and the right to vote was withdrawn from the few female large landowners. The reason given by the

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54 I. Reiter, „Das Wahlrecht“, 201–202.

55 G. Scheffbeck, 15.

56 I. Reiter, „Das Wahlrecht“, 187, 206–207.

57 B. Bader-Zaar, „Frauenbewegungen und Frauenwahlrecht“, 1018–1020.

parliament for the fact that women's suffrage had not been introduced was as follows: "The majority of the committee considered that women have so far been disregarded in all European countries where universal suffrage has been introduced, and that it would be very questionable, especially in Austria, at the time of a profound political evolution, to try to get women to participate in political life."<sup>58</sup>

After the goals of their party comrades had been achieved, there was nothing to stand in the way of a stronger agitation by the female Social Democrats for women's voting rights. Beginning in 1907, they were supported by the international Socialist Voting Rights Movement. At the Second International Socialist Women's Conference in Copenhagen in August 1910, it was decided to annually hold an "International Women's Day" as a day of struggle for the political emancipation of women and the right of women to vote. On the first Women's Day in Vienna on 19 March 1911, almost 20,000 women and men took part in a demonstration from Vienna's Parkring to the City Hall.<sup>59</sup> Ernestine von Fürth, the chairwoman of the middle-class Vienna Women's Voting Rights Committee, was also present. This did not preclude cooperation with the female Social Democrats. However, due to the different strategies of the two women's movements, this approach was ineffective.<sup>60</sup>

In the following years middle-class women began to network more internationally and to take part in international conferences on women's voting rights. On 12 June 1913, there was a demonstration in Vienna, registered with the police as a "sightseeing tour". However, more than 120 automobiles and carriages decorated with yellow flags and the catchphrase "Women's right to vote" were on the move.<sup>61</sup>

The development of the Austrian women's movement was shaped and hampered not only by the different objectives and political ideas between middle-class liberal women and Social Democrats, but also by the national conflicts that prevailed in the Habsburg monarchy at the time.<sup>62</sup> Because of this, it was the individual women's organizations of the various nations of the monarchy, like the Germans, the Czech and the Polish, that were

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58 B. Bader-Zaar, „Bürgerrechte und Geschlecht“, 557–558.

59 I. Reiter, „Das Wahlrecht“, 208–209.

60 A. Ziegerhofer, 39–40.

61 *Ibid.*, 37–38.

62 See about the national problem of the Monarchy regarding the women's right movement: Susan Zimmerman, "Reich, Nation, und Internationalismus. Kooperationen und Konflikte der Frauenbewegungen der Habsburgermonarchie im Spannungsfeld internationaler Organisation und Politik", Waltraud Heindl / Edit Király, Alexandra Miller (eds.), *Frauenbilder, feministische Praxis und nationales Bewusstsein in Österreich-Ungarn 1867–1918*, A. Francke Verlag, Tübingen – Basel 2006, 119–168.



represented in the International Women's Suffrage Association (IWSA), and not Austria-Hungary or a (non-existent) umbrella organization for Cisleithania.<sup>63</sup>

At that time, disputes over both national and social issues dominated the Imperial Council as well. Socialist members' requests to introduce universal women's voting rights were never debated.<sup>64</sup> On the other hand, a change in opinion was slowly becoming noticeable on the question of amending the law on associations, which had previously prohibited women from membership in political associations. But due to the parliamentary crisis in Austria and the outbreak of the First World War, an amendment was no longer possible.<sup>65</sup>

## 7. INTRODUCTION OF GENERAL AND EQUAL VOTING RIGHTS FOR ALL CITIZENS IN 1918

With the political upheavals and the overthrow of the monarchy in 1918, the way to the introduction of women's voting rights in Austria was finally paved. It was often argued that the achievements of women in the war caused such a revolution in the public opinion that voting rights for women could no longer be withheld. In fact, the legal breakthrough was primarily due to the new power potential of Social Democracy and the relenting of the Christian Social Party, who hoped to gain votes.<sup>66</sup>

On 30 October 1918, the provisions of the old Associations Act that discriminated against women were abolished.<sup>67</sup> The granting of women's voting rights to all representative bodies was eventually linked to the proclamation of the Austrian republic. Article 9 of the 'Law on the Form of the State and Government' of 12 November 1918 stipulated that the electoral rules, still to be drafted, "should be based on the general, equal, direct and secret right to vote of all citizens regardless of gender".<sup>68</sup> The voting age was set at 20 years, the passive voting age at 29 years.<sup>69</sup>

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63 See about the difficult situation of the different Austrian nationalities in international organizations: Susan Zimmermann, "The Challenge of Multinational Empire for the International Women's Movement: The Habsburg Monarchy and the Development of Feminist Inter/National Politics", *Journal of Women's History*, 17/2 2005, 87–117.

64 B. Bader-Zaar, „Bürgerrechte und Geschlecht“, 559.

65 A. Fallmann, 150–153.

66 B. Bader-Zaar, „Bürgerrechte und Geschlecht“, 560–561.

67 Article 3, Beschluss der Provisorischen Nationalversammlung vom 30. Oktober 1918, *Staatsgesetzblatt für den Staat Deutschösterreich*, No. 3/1918.

68 Articles 9–10, Gesetz vom 12. November 1918 über die Staats- und Regierungsform von Deutschösterreich, *Staatsgesetzblatt für den Staat Deutschösterreich*, No. 5/1918.

69 R. Hoke, 463.

In principle, opposition to women's right to vote was rare in the various stages of development of the electoral regulations for the Austrian Constituent Assembly. Rather, the focus of the discussions was on the possibility of subjecting the female voters to control, since each party feared that their opponents would win the election due to women's right to vote. In addition to proposals to use differently coloured ballot papers or envelopes or separate ballot boxes to obtain information about the supposedly specific voting behaviour of women, there were requests to limit the number of female voters. This would have been constructed through a higher minimum age for women, who, as a result of the war, constituted more than half of the eligible voters.<sup>70</sup> The Christian Socials and German Nationals very stubbornly called for the introduction of compulsory voting on the grounds that otherwise only radical or Social Democratic women would vote and hardly any conservative ones.<sup>71</sup> In 1918 these attempts to manipulate women's suffrage were not realized, with the exception of the exclusion of "women who are under moral surveillance", which meant prostitutes.<sup>72</sup> On this issue there was consensus among the parties. However, this discriminatory provision was abolished by the 1923 electoral regulations,<sup>73</sup> because of the Federal Constitutional Law of 1920 (*Bundes-Verfassungsgesetz*). Due to the constitution of 1920, only judicial convictions justified exclusion from the right to vote.<sup>74</sup> Resolving the question of compulsory voting was left to the provincial legislation and gender-based vote counting was only introduced in 1920 and maintained throughout the First Republic.<sup>75</sup>

In the Constituent Assembly election on 16 February 1919, women were able to exercise their newly acquired right for the first time. At 82.1 per cent, their turnout was just below that of men at 87 per cent. With almost 52.2 per cent, women made up the majority of the population eligible to vote. These figures made it clear that women were significant as

70 B. Bader-Zaar, „Bürgerrechte und Geschlecht“, 561.

71 G. Schefbeck, 18.

72 Veronika Helfert, „Die Sittlichkeit der Staatsbürgerin. Zum Zusammenhang von Sittlichkeit und Geschlecht im Wahlrecht der Konstituierenden Nationalversammlung“, *Blaustrumpf ahoi!* (ed.), „*Sie meinen es politisch!*“ 100 Jahre Frauenwahlrecht in Österreich. *Geschlechterdemokratie als gesellschaftspolitische Herausforderung*, Löcker Verlag, Wien 2019, 125–137, 131–132.

73 A. Ziegerhofer, 49.

74 Gerhard Strejcek, *Das Wahlrecht der Ersten Republik. Analyse der Wahlrechtsentwicklung 1918–1934*, Manz, Wien 2009, 16; Article 26/5 *Bundes-Verfassungsgesetz*, *Staatsgesetzblatt* No. 450/1920 and *Bundesgesetzblatt* No. 1/1920.

75 B. Bader-Zaar, „Bürgerrechte und Geschlecht“, 561–562.

voters from the 1919 election onwards.<sup>76</sup> On 4 March 1919, the first eight female parliamentarians finally entered parliament. In addition to the Christian Social Dr. Hildegard Burjan, there were seven Social Democrats: Anna Boschek, Emmy Freundlich, Adelheid Popp, Gabriele Proft, Therese Schlesinger, Amalie Seidl and Maria Tusch.<sup>77</sup>

## 8. SUMMARY AND FINAL CONCLUSIONS

In summary, it was a long road to the introduction of universal and equal voting rights for all citizens in Austria in 1918. Even in the early electoral regulations of the monarchy, the provincial and municipal electoral regulations of the 1860s in particular, an active right to vote was also provided for women under the then applicable census system, provided they met the required tax threshold. However, the right to vote was restricted by the fact that women were usually not permitted to vote in person. The slow suppression of women's suffrage started in 1873 with the introduction of direct elections for the Imperial Council, which for the first time restricted women's voting rights to the curia of large landowners, and the Imperial Council electoral regulations unfolded as a model for the other electoral regulations.

The debates on women's voting rights in Austria only began when universal suffrage slowly began to prevail at the provincial level, replacing the previous curial system, and the few women who had already had the right to vote lost that right in the course of this process. In short: "In the premodern traditional understanding of the law, [...] the 'belonging to a certain social class' ranked before gender, while the category 'gender' as an exclusion criterion only developed fully in the democratic understanding of citizens' 'equality'."<sup>78</sup>

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76 Veronika Helfert, "Wilde Wahlweiber? Bemerkungen zur Geschichte des Kampfes um das Frauenwahlrecht in Österreich", Elena Messner, Eva Schörkhuber, Petra Sturm (eds.), *Warum feiern. Beiträge zu 100 Jahre Frauenwahlrecht*, Edition Atelier, Wien 2018, 13–28, 22–23.

77 P. Unger, 47.

78 "Im vormodernen traditionellen Rechtsverständnis rangierte [...] die ‚Standeszugehörigkeit‘ vor dem Geschlecht, während die Kategorie ‚Geschlecht‘ als Ausschließungskriterium erst im demokratischen Rechtsverständnis der staatsbürgerlichen ‚Gleichheit‘ ihre volle Dynamik zur Entfaltung brachte.“; Brigitte Mazohl-Wallnig, "Frauenwahlrecht im Spannungsfeld von öffentlichem Recht und Privatrecht. Perspektiven und Probleme eines Vergleichs zwischen Deutschland, Österreich und Großbritannien", Martin Kirsch, Anne G. Kosfled, Pierangelo Schiera (eds.), *Der Verfassungsstaat vor der Herausforderung der Massengesellschaft*, Duncker & Humblot, Berlin 2002, 255–276, 265.

In Austria the development of women's movements was therefore relatively late compared to other European countries. Also, due to the national differences in the Austrian half of the monarchy, with the division into middle-class liberal and Social Democratic women's movements, it was not possible to build up a single large movement. A further obstacle was the prevailing association law, which denied women membership in political associations.

With the political upheaval and the overthrow of the monarchy in 1918, the introduction of women's voting rights in Austria was finally made possible. The proclamation of the republic on 12 November 1918 secured the general, equal, direct and secret voting rights of all citizens regardless of gender.

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## ЖЕНСКО ПРАВО ГЛАСА У АУСТРИЈСКОМ ДЕЛУ ХАБЗБУРШКЕ МОНАРХИЈЕ 1848–1918

### *Сажетак*

Иако је то претежно непознато, жене су у Хабзбуршкој монархији у XIX веку ипак имале одређена гласачка права, нарочито на општинском и провинцијском нивоу. У том периоду, гласачко право било је базирано на два стуба – имовини и образовању, а не на критеријуму пола. Дуго се није доводило у питање право жена на гласање засновано на плаћању пореза. Чињеница да су жене такође могле бити део гласачког тела „интелигенције“ била је контроверзна, што се може видети у неким одлукама аустријских високих судова. Тек крајем 19. века критеријум пола почиње да преовлађује у изборној регулативи, долази до ерозије женског гласачког права, што заузврат доводи до рађања женског покрета у Аустрији. Монархија је пала 1918. године и универзално женско гласачко право коначно је отеловљено у прокламацији Аустријске републике од 12. новембра 1918. године.

Кључне речи: *Женско гласачко право. – Хабзбуршка монархија. – Парламентаризам. – Женски покрети. – XIX век.*

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