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Legislative Responses against Extremism. The “Protection of Democracy” in the First Czechoslovak Republic (1920–1938)

Giovanni Capoccia*

How to deal with extremists has been one of the main problems of mass democracies, both historically, as many democracies had to cope with the emergence of totalitarian parties and movements, and in recent years, as new forms of political radicalism have emerged to challenge the stability of both old and new democratic regimes. Constitutional lawyers and political theorists have dealt variously with the difficult dilemma of the “tolerance for the intolerant” raised by the presence of radical political associations or parties in many democracies, in general taking some intermediary position between the two poles of “no freedom for the enemies of freedom” and “real freedom is freedom to dissent.”¹ As an international legal scholar has put it, “it has emerged that to strike a reasonable balance between safeguarding the substance of the rights enunciated to the greatest extent possible, on the one hand, and forestalling any abuses, on the other, has become one of the most delicate issues in a liberal state. The simple slogan ‘no freedom for the foes of freedom’ is much too rough to provide guidance.”²

Surprisingly enough, however, given the historical, theoretical,

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1. For two different normative positions on the issue, see Johannes Agnoli and Peter Brueckner, *Die Transformation der Demokratie* (Berlin, Voltaire-Verlag, 1967); and Benjamin E. Lippincott, *Democracy’s Dilemma: The Totalitarian Party in a Free Society*, (New York: Roland Press, 1965).
2. Christian Tomuschat, “Democratic pluralism: the right to political opposition,” in Allan Rosas and Jan Helgesen, eds., *The strength of diversity: human rights and pluralist democracy* (Dordrecht: Nijhoff, 1992), 33.

and practical relevance of the issue, also in the current conjuncture, the empirical consequences of this dilemma for the practice of politics in democratic systems have been the object of relatively limited attention, in particular by comparativists. Several examples underline the current relevance of the problem of how to cope with extremists. A recent case with large resonance among the public is that of Algeria, where the government annulled the first democratic elections of 1990–91 after a declared fundamentalist and antidemocratic party, the FIS (Front Islamique de Salut [Islamic Salvation Front]), was about to obtain a large majority in parliament.³ The Algerian political system had to face this dilemma during its process of democratization, but the same issue of how to deal with extremists in the practice of politics has recently (re-) emerged in several full-fledged democracies too. In Germany, for example, the elaborated system of legal protection of the liberal-democratic order against extremists has been recently re-activated against an important extreme right-wing party, the NPD (Nationaldemokratische Partei Deutschlands [National Democratic Party of Germany]). At the end of January 2001, the federal government—followed three months later by the presidents of the two chambers of the parliament—has deposited at the Federal Constitutional Court the request to ban the NPD because it opposes the “basic liberal democratic order” by holding racist, anti-Semitic, and Nazi-like positions.⁴ In Austria, the FPÖ (Freiheitliche Partei Österreichs [Liberal Party of Austria]) obtained the support of about a quarter of the electorate in the national elections of October 1999, thus permitting the party’s entry into the national government. The democratic credentials of the FPÖ, especially the attitude of its leaders on the rights of minorities, refugees, and immigrants, have been heavily contested inside and outside Austria. The party’s participation in the national government has provoked reaction from the governments of the other 14 European Union

3. On this, see Hugh Roberts, “The Algerian State and the Challenge of Democracy,” *Government and Opposition* 27 (1992): 433–54; and Martin Stone, *The Agony of Algeria*, (New York: Columbia University Press, 1997).

4. See, for example, “NPD Verbot—Bundesverfassungsgericht verhandelt im Februar,” *Süddeutsche Zeitung*, 7 December 2001.

(EU) member states, which have enacted sanctions against Austria for a certain period.⁵

Nor is the recent emergence of the problem limited to a handful of “exceptional” cases: in the United Kingdom, the Commons passed special legislation on Northern Ireland in 1991 (Northern Ireland Act), according to which the secretary of state may ban “any organization that appears to him to be concerned in terrorism or in promoting or encouraging it.” In Canada, the Front de Liberation de Québec was declared an illegal organization in 1970, and in 1990 the United States Supreme Court upheld the constitutionality of statutory provisions prohibiting forms of political propaganda labeled as “hate speech.”⁶ In 1988 the Israeli Supreme Court confirmed the administrative decision of the Election Commission to exclude a small extreme right-wing formation (the Kach party) from the elections. Although normally adhering to a narrow interpretation of statutes restricting fundamental rights, the court found that the goals of the party in question were among those prohibited by the Basic Law in the Knesset, and that there was evidence that the party intended to implement such goals.⁷ Many new democracies of Eastern Europe have included in their democratic constitutions rules limiting political pluralism with the goal of protecting the integrity and viability of the state: this is the case for Croatia, Poland, Lithuania, Romania, Slovenia, and Bulgaria.⁸

As noted above, however, despite its clear political importance and its eminently *political* nature, the problem of the *politics* of

5. Michael Merlingen, Cas Mudde, and Ulrich Sedlmeier, “The right and the righteous? European norms, domestic politics and the sanctions against Austria,” *Journal of Common Market Studies* 39 (2001): 59–77.
6. On this, see, among others, Dominic McGoldrick and Therese O’Donnell, “Hate speech laws: consistency with national and international human rights law,” *Legal Studies* 18 (1998): 453–85.
7. On the debate preceding the decision, see Dan Gordon, “Limits on extremist political parties: A comparison of Israeli jurisprudence with that of the United States and West Germany,” *Hastings International and Comparative Law Review* 10 (1987): 347–400.
8. Gregory H. Fox and Georg Nolte, “Intolerant Democracies,” *Harvard International Law Journal* 36 (1995): 1–70. Less recent examples are the clauses prohibiting the reconstitution of the fascist party included both in the 1948 Italian and the 1978 Spanish constitutions. Registration of political parties in Finland is only allowed after these demonstrate, by their actions, their adherence to democratic principles. The Portuguese constitution prohibits all paramilitary formations adhering to a fascist ideology.

legal-institutional reactions to extremists has rarely been analyzed with the tools of comparative political science.⁹ What we know about it is largely the product of constitutional law¹⁰ or political theory studies,¹¹ and often limited to a single case study.¹² No comparative studies of the politics of institutional “defense of democracy” exist, and the existing scattered literature deals primarily with a few important (and controversial) cases, in particular the *streitbare Demokratie* system in the Federal Republic of Germany and the anticommunist legislation in the United States.¹³

In other words, comparative politics is still a long way from achieving a systematic and cumulative knowledge of the problems connected to the determinants and consequences of institutional and political reactions to extremism in democratic systems. In general, it seems that the existing literature needs to be complemented in at least two respects. On the one hand, a systematic typology

9. The comparative study by Jaap van Donselaar, *De staat paraat? De bestrijding van extreem-rechts in West-Europa* (Amsterdam: Babylon-De Geus 1995) although of great interest, does not use the theoretical tools of comparative politics (the author is an anthropologist) and is virtually ignored in the debate.
10. See, for example, Eckart Bulla, “Die Lehre der streitbaren Demokratie: Versuch einer kritischen Analyse unter besonderer Berücksichtigung der Rechtsprechung des Bundesverfassungsgericht,” *Archiv des öffentlichen Rechts* 98 (1973): 340–60; Erhard Denninger, “Der Schutz der Verfassung,” in Ernst Benda et al., eds., *Handbuch des Verfassungsrechts der Bundesrepublik Deutschland*, (Berlin and New York: de Gruyter, 1983), 1293–1327; Johannes Lameyer, *Streitbare Demokratie: eine verfassungshermeneutische Untersuchung* (Berlin: Duncker and Humblot, 1978).
11. See, for example, Carl J. Friedrich, *Constitutional Reason of State. The Survival of the Constitutional Order* (Providence, R.I.: Brown University Press, 1957); Gerhard Leibholz, “Freiheitliche demokratische Grundordnung,” in Ulrich Matz, ed., *Grundprobleme der Demokratie* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1973), 303–15.
12. A few comparative legal analyses exist: Marino Bon Valsassina, “Profilo dell’ opposizione anticostituzionale nello stato contemporaneo,” *Rivista Trimestrale di Diritto Pubblico* 7 (1957): 531–623; Edwin E. Brunner, *Die Problematik der verfassungsrechtlichen Behandlung extremistischer Parteien in den westeuropäischen Verfassungsstaaten (unter vergleichender Berücksichtigung Westdeutschlands, Österreichs, Frankreich und der Schweiz)* (Zürich: Schulthess and Co, 1965).
13. These are the two cases on which Otto Kirchheimer mainly concentrates his attention in his seminal *Political Justice. The Use of Legal Procedure for Political Ends* (Princeton, N.J.: Princeton University Press, 1961), 138–60. On the problem of the treatment of extremism in the United States, see, among others, James L. Gibson, “Political Intolerance and Political Repression during the McCarthy Red Scare,” *American Political Science Review* 82 (1988): 511–29; and Mark Peffley and Lee Sigelman, “Intolerance of Communists during the McCarthy Era,” *Western Political Quarterly* 43 (1990): 93–112. On the Federal Republic of Germany, see, for example, Eckhard Jesse, *Streitbare Demokratie: Theorie, Praxis und Herausforderungen in der Bundesrepublik Deutschland* (Berlin: Colloquium Verlag, 1980); and Hans-Gerd Jaschke, *Streitbare Demokratie und innere Sicherheit: Grundlagen, Praxis und Kritik* (Opladen: Westdeutscher Verlag 1991). Some case studies exist on other political systems. For example,

of anti-extremist reactions in general, and of special legislation in particular, needs to be elaborated. On the other hand, the analysis should be expanded beyond the narrow set of the best known cases to less-researched democratic regimes that present interesting features in this respect.

And among those lesser-known problems of democratic rulers struggling against extremist parties is the case of the First Czechoslovak Republic created after the dissolution of the Habsburg Empire and lasting until 1938. A point that deserves to be stressed is that Czechoslovak democratic forces resorted to different strategies to fight political extremism—mainly, but not only, Sudeten German nationalism—among which tendencies to the “integration” of radical dissent, and to accommodation, also played an important role. However, a particularly important weapon in their hands was the passage and enactment of repressive anti-extremist legislation, which is the focus here.

For the analysis of this specific phenomenon, the Czechoslovak case appears important for two reasons: first, it presents a very elaborate system of special anti-extremism legislation, covering several areas and introducing severe limitations on extremist activities; second, such a system was passed and occasionally implemented and strong extremist challenges, certainly much stronger than in any of the political systems that have appeared in the literature so far. Thus, the analysis of the Czechoslovak case has the potential to correct eventual biases in the comparative analysis of such phenomenon, by showing that—contrary to cases such as Germany and the United States—a strong and elaborate system of special legislation can be passed and implemented even when extremists represent a strong systemic threat.

on Denmark between the wars, see Henning Koch, *Democracy—Strike back! State necessity, the police and civil rights 1932–1945* (Copenhagen: Gyldendal, 1994), in Danish, with a bilingual title and an English summary. The cross-national studies by Eckhard Jesse, “Verfassungsschutz in der Bundesrepublik Deutschland im vergleich zu anderen westlichen Demokratien,” *Politische Bildung* 17 (1984): 43–66; and Gregor P. Boverter, *Grenzen politischer Freiheit in demokratischen Staat. Das Konzept der streitbaren Demokratie in einem internationalen Vergleich* (Berlin: Duncker and Humblot, 1985), although interesting, have failed to elaborate concepts that can be used in truly comparative analyses. Potentially more interesting in this respect is the volume by Isabelle Canu, *Der Schutz der Demokratie in Deutschland und Frankreich* (Opladen: Leske and Budrich 1996).

The First Czechoslovak Republic (1920–1938)— A “Difficult Democracy”

The elites of the newly founded democratic Czechoslovak Republic, born in the breakdown of the Habsburg Empire, had to cope with important legitimacy problems. Several fundamental features of the Czechoslovak political system were in fact contested by political groups with a substantial following during the 18 years of its existence.¹⁴ The democratic and representative institutions were contested from the left by the Communist party and from the right by a galaxy of fascist-oriented small groups. Most challenging, however, was ethnic division: more than one-third of the population living on the territory of Czechoslovakia was non-Czech and non-Slovak. Between one-fifth and one-fourth of the citizens, mainly concentrated in the border regions with Austria and Germany, were German-speaking—the Sudetendeutsche—and other smaller minority groups (Hungarians, Poles, Jews) were also present, as shown in table 1.¹⁵

These ethnic and ideological differences resulted in an extreme fragmentation and polarization of the Czechoslovak party system.¹⁶ Five Czech-based parties were the motors of the construction of the state and the constitution-making process. The conservative and nationalist National Democratic party (Československá národní demokracie [ČND]) was the main heir to the nineteenth-

14. As *terminus a quo* of the existence of the First Republic I have chosen 1920 and not 1918, date of the dissolution of the Habsburg Empire. In fact, before the Czechoslovak constitution was approved in February 1920, there were strong contrasts among the political forces on the constitutional design of the republic, particularly in relation to the extent and form of presidential powers, which will be very important in the practice of the reactions to extremism, as the analysis will show. Moreover, before 1920 Prague's authority was far from established on the whole Czechoslovak territory: the boundaries of the country were definitively determined on paper only with the Treaty of Saint-Germain, signed in June 1919. *De facto* the Prague government could control Ruthenia only in May 1919, and Slovakia only at the end of June 1919 (See Zbyněk Zeman, *The Masaryks. The Making of Czechoslovakia* [London: Weidenfeld and Nicolson 1976], especially 127–29).

15. Data from the State Statistical Office. See Joseph Rothschild, *East Central Europe between the Two World Wars* (Seattle and London: University of Washington Press, 1974), 89, also for problems of interpretation of this data.

16. On average, more than 15 parties obtained seats after each election. This volatility had a negative impact on governmental stability: the average duration of a cabinet between 1920 and 1938 was eleven and a half months. Lauri Karvonen, *Fragmentation and Consensus. Political Organization and the Interwar Crisis in Europe*. (Boulder, Colo.: Columbia University Press, 1993), 93.

Table 1. *Population in Czechoslovakia by ethnicity (mother tongue)*

Census year	1921		1930	
		%		%
Czechoslovak	8,760,937	65.51	9,688,770	66.91
Ruthenian	461,849	3.45	549,169	3.79
German	3,123,568	23.36	3,231,688	22.32
Magyar	745,431	5.57	691,923	4.78
Polish	75,853	0.57	81,737	0.57
Hebrew—Yiddish	180,855	1.35	186,642	1.29
Other	25,871	0.19	49,636	0.34
Total (citizens)	13,374,364	100.00	14,479,565	100.00
Resident Foreigners	238,808		249,971	
Total Population	13,613,172		14,279,536	

century Young Czech movement; its head Karel Kramář, was a leader of the independence movement, which made him prime minister in the first Czechoslovak government. The party moved constantly to the right during the interwar years, and allied with outright fascist elements in 1935.¹⁷ The People's party (*Československá strana lidová* [ČSL]), which suffered the split of its Slovak wing in 1921, was a party of traditional Catholic values, which distinguished it from the Hussite orientation of the majority of the Czech elites. Both Socialist parties of Czechoslovakia had a moderate orientation: the Social Democratic party (*Československá sociálně demokratická strana dělnická* [ČSDSD]), after the Communist split of 1920, enhanced its moderate positions, and was consistently part of the government majority, except for 1926–1929. The kind of socialism advocated by the National Socialist party (*Československá národně socialistická strana* [ČNSS]) was patriotic and evolutionary, as opposed to the Marxist-internationalist mainstream. In reality the ČNSS included quite a wide spectrum of ideological orientations; in 1923 an anarchist wing seceded, and in 1926

17. The National Democrats lost the small Czechoslovak Trade and Industry Middle-Class party (*Československá živnostensko-obchodnická strana středostavovská* [Small Traders party]) for the excessive leaning of ČND towards the interests of the big industry and finance. The Small Traders were present in several government coalitions (1926–29 and 1934–38).

bitter internal strife led to the exit of the group led by Jiří Stršibrný, which moved towards fascist positions.¹⁸ The most important Czechoslovak party for the whole interwar history was the Republican Party of Agrarians and Peasants Republikánská strana zemědělského a malorolnického lidu (hereinafter referred to as “the Agrarians”). The party, Czechoslovakia’s largest for most of the interwar period, was part of all government coalitions and, except for a short interlude in 1926 (a non-party cabinet), it appointed the prime minister after 1922. Mainly representing middle-class interests, the party quickly extended its constituency from the countryside to the urban areas, thanks to its tight control of large sectors of the media as well as of the cooperative and banking systems.¹⁹

In the four general elections held between 1920 and 1935, non-Czechoslovak parties obtained between 25 percent and 30 percent of the total vote. Like the other minorities of Czechoslovakia, the Sudeten Germans were represented by several parties.²⁰ Strongest was the German Social Democratic party (Deutsche Sozialdemokratische Arbeiterpartie in der Tschechoslowakischen Republik [DSAP]), which was also the first to adopt an “activist” (collaborative) attitude towards the Czechoslovak state in the early 1920s.²¹ After the split of their left wing, which joined the Czecho-

18. David D. Kelly, *The Czech Fascist Movement, 1922–1942* (New York: Columbia University Press, 1995).
19. Rothschild, *East Central Europe*, 95ff. All the main parties of the First Republic resorted largely to the practice of patronage and clientelism, based on their tight control of various branches of the public sector. Milan E. Hapala, “Political parties in Czechoslovakia, 1918–1938,” in M. Rechciĝl Jr., ed., *Czechoslovakia. Past and Present* (Den Haag and Paris: Mouton, 1968), 124–40. More extensively on the role of political parties in the republic, see the studies in Karl Bosl, ed., *Die erste Tschechoslowakische Republik als multinationaler Parteienstaat* (München and Wien: R. Oldenbourg Verlag, 1979).
20. On the parties of the smaller ethnic minorities, such as the Magyars and the Poles, see Jiří Hromadko, Karl Richter, and Frank Wende, “Tschechoslowake,” in Frank Wende, ed., *Lexicon zur Geschichte der Parteien in Europa* (Stuttgart: Kröner, 1981), 671–713. The parties of the smaller minorities generally formed electoral cartels that managed to elect a handful of MPs. In the very first years of the republic, most were “negativists,” i.e. they did not recognize the legitimacy of the Czechoslovak state, while in later years the representatives of each small group held different positions on this point.
21. Johann Wolfgang Brügel, *Tschechen und Deutsche 1918–1938* (München; Nymphenburger Verlag, 1967), 163–67. (A partial English translation exists under the title *Czechoslovakia before Munich. The German Minority Problem and British Appeasement Policy* [London: Cambridge University Press, 1973]).

slovak Communist party in 1921, the DSAP maintained a moderate orientation, and was closely tied to its Czechoslovak twin.²² The German Agrarians (Bund der Landwirte [BdL]), a moderate-conservative party whose following was concentrated in the countryside of the Sudeten German regions, also switched early to activism, entering government in 1926, and closely cooperating with the Czechoslovak Agrarians thereafter.²³ A similar route was that of the German Christian Social party (Deutsche Christlich-soziale Volkspartei [DCVP]), which sustained good relations with its Czech counterpart, whose ideological profile it closely resembled.²⁴ The party also entered the national government in 1926, was then excluded in 1929, and reentered in 1936, during the most critical phase of the relationship between the Czechoslovak government and the German minority.

The “negativist” front, that of the parties that always refused cooperation with the republic, included two main groups: the German Nationalists (Deutsche Nationalpartei [DNP]) and National Socialists (Deutsche Nationalsozialistische Arbeiterpartei [DNSAP]). Both parties held nondemocratic ideals and were fervent partisan of *Anschluß* with Germany. The DNP emerged in 1919 from a merging and reorganization of nationalist groups in the Sudeten regions, and during the first years of the republic the leader of the party, Lodgman von Auen, was the most important political figure of the whole negativist front. The DNSAP, founded in 1918, succeeded the Deutsche Arbeiterpartei (founded in 1903–1904 and active in the Habsburg Empire) and was oriented towards a form of anticapitalist and anti-Marxist corporatist ideal.

22. Nancy M. Wingfield, *Minority Politics in a Multinational State: The German Social Democrats in Czechoslovakia, 1918–1938* (New York: Columbia University Press, 1989). On 1 January 1927, the German and Czech trade union federations (associated with their respective Social Democratic parties) allied. A year later, the respective Chambers of Industry did the same. See Rothschild, *East Central Europe*, 112.
23. Norbert Linz, “Der Bund der Landwirte auf dem Weg in den Aktivismus: Von der Gründung bis zur Regierungsbeteiligung (1918–1926),” in Bosl, ed., *Die erste Tschechoslowakische Republik als multinationaler Parteienstaat*, 403–26. See also Helmut Slapnicka, “Die Boehmische Länder und die Slowakei 1919–1945,” in Karl Bosl, ed., *Handbuch der Geschichte der Boehmischen Länder* (Stuttgart: Hiersemann, 1970), 25.
24. Hans Schütz, “Die Deutsche Christlichsoziale Volkspartei in der Ersten Tschechoslowakische Republik,” in Bosl, ed., *Die erste Tschechoslowakische Republik als multinationaler Parteienstaat*, 271–90.

The birth of the Czechoslovak Republic added weight to the nationalistic elements in the party's doctrine, and the progressive emergence of Hitler's NSDAP in Germany had a growing influence on the party's positions.²⁵

More than 3,000,000 people lived in the province of Slovakia, most part of the Slovak ethnic group. Table 1 shows no separate data for the Slovak population, since it was regarded as a part of the "Czechoslovak nation," and not officially considered a minority group. However, a Czech-Slovak divide emerged in the party-system dynamics, and represented one of the main problems confronting the newly born Czechoslovak state. The most important Slovak party, the Slovak People's party (Hlinkova Slovenská L'udová strana [HSL'S]), was formed in 1921 from a split from the Czechoslovak People's party. The HSL'S constantly demanded Slovak autonomy, which clashed considerably with the centralist inclinations of the Czech-based establishment.²⁶ Three bills initiated between 1920 and 1938, and three years of participation in the central government could only very partially attain this goal. Additionally, in the second half of the 1930s, the representatives of the party's internal right wing, linked to Hungarian irredentism and holding quasi-fascist and secessionist positions, increasingly gained power within the HSL'S. Thus, in the final years of the First Republic, the Slovak requests had a much more radical undertone than was the case earlier.²⁷ A Czech-Slovak division was also felt in the intraparty life of the nationwide parties, where normally regionally based internal factions were present.

As noted above, extreme right- and extreme left-wing parties

25. Hapala, "Political parties." See also Hromadko, Richter, and Wende, "Tschechoslowakei," 681–82.

26. In the contrast between the nationwide (Czech-based) parties and the Slovak autonomist, a religion-based cleavage of the Czechoslovak party system also came to the fore. Most Czechs and Slovaks were Roman Catholic, but Catholicism in the two societies had a different nature. While the Czechs predominantly adhered to the Hussite cultural stance, more modern and lay, in Slovakia the dominant form of Catholicism was traditional, and was reflected in the personnel and the ideology of the HSL'S, which had a strong traditionalist-confessional nature.

27. On this, see Ernst Nolte, *Die faschistische Bewegungen. Die Krise des liberalen Systems und die Entwicklung der Faschismen* (München: Deutscher Taschenbuch Verlag 1966); and, more extensively, James R. Felak, *At the Price of the Republic: Hlinka's Slovak People's Party, 1929–1938*, (Pittsburgh, Pa.: University of Pittsburgh Press 1994).

were also present on the Czechoslovak political scene. The Communist Party of Czechoslovakia (Komunistická Strana Československá [KSČ]) was founded in 1921 after a split from the ČSDSD. It managed to obtain a larger number of votes than the Social Democrats in the 1925 elections (see table 2). The party constantly held antiparliamentary views, more so after its internal process of “bolshevization” starting in 1929.²⁸ In the 1930 elections, the ČSDSD regained its place as the strongest representative of the (Czechoslovak) working class. The danger on the Czech-based extreme right less important. Various extreme right-wing groups, generally inspired by Italian Fascism, and often linked to charismatic leaders, were active in the republic. The most important among them was the National Fascist Community *Narodní obec fašistická* [NOE]), which had only a few members in parliament (MP) after 1929. The Czech extreme right was enhanced by the conservative National Democrats’ move towards extreme right positions in 1934, when quasi-fascist elements assumed its leadership. However, the electoral alliance between ČND and two extreme nationalist Czech groups (the National Union) in the 1935 elections, was a failure.²⁹

The extreme fragmentation and ideological differentiation of the party system posed severe problems for the political establishment of the First Republic, which adopted a complex strategy to confront the challenges emerging from the political society and reaching into the representative institutions, and to ensure the survival of the republic. On the one hand, the core Czechoslovak parties and the charismatic “founding father” and president of the republic Thomas G. Masaryk, who was uninterruptedly in office between 1920 and 1935, aimed to integrate the moderate ethnic formations, especially the German activists, into the political process and even into the national government (an analogous strategy failed for the Slovak autonomists). On the other hand, they did not hesitate to use repressive measures against the irreducibly extremist parties. To

28. Paul E. Zinner, *Communist Strategy and Tactics in Czechoslovakia 1918–1948* (Westport, Conn.: Greenwood Press, 1963).

29. On Czech fascism, see Jan Havránek, “Fascism in Czechoslovakia,” in Peter Sugar, ed., *Native Fascism in the Successor States, 1918–1945* (Santa Barbara, Ca.: ABC-Clio 1971), 47–55; and especially Kelly, *The Czech Fascist Movement*.

Table 2. Seats in the Czechoslovak Lower Chamber

Party acronym	English name	1920		1925		1929		1935	
		Seats nr.	Seats %	Seats nr.	Seats %	Seats nr.	Seats %	Seats nr.	Seats %
RSZML	Republican Party of Agrarian and Peasants (Czech Agrarians)	28 ^a	10	45	15	46	15.3	45	15
NRSR	Slovak Agrarians	12	4.3	—	—	—	—	—	—
OSS	Czechoslovakian Trade and Industry Middle-Class Party	6	2.1	13	4.3	12	4	17	5.7
ND	Czechoslovak National Democracy	19	6.8	13	4.3	15	5	17	5.7
NSS	Czechoslovak National Socialist Party	24 ^b	8.5	28	9.3	32	10.7	28	9.3
SDSD	Czechoslovak Social Democratic Party of the Workers	74 ^c	26.3	29	9.7	39	13	38	12.7
SL	Czech(oslovak) People's Party	33 ^d	11.7	31	10.3	25	8.3	22	7.3
HSL'S	Slovak People's Party	—	—	23	7.7	19	6.3	22	7.3
KS	Communist Party of Czechoslovakia	—	—	41	13.7	30	10	30	10
NOF	National Fascist Community (Czech Fascists)	—	—	—	—	3	1	6	2
BdL	Farmers' Federation (German Agrarians)	11	3.9	24	8	12	4	5	1.7
DCVP	German Christian Socialist Party	10	3.6	13	4.3	14	4.7	6	2
DSAP	German Social Democratic Party	31 ^c	11	17	5.7	21	7	11	3.7
DNP	German National Party (German Nationalists)	10	3.6	10	3.3	7	2.3	—	—

Elections:

DNSAP	German National Socialists (German Nazis)	5	1.8	7	2.3	8	2.7	—	—
SdP	Sudeten German Party	—	—	—	—	—	—	44	14.7
	Smaller German parties	5	1.8	—	—	4	1.3	—	—
	Hungarian Parties	10	3.6	4	1.3	9	3	9	3
	Polish Parties	—	—	1	0.3	4	1.3	—	—
	Other parties	3	1.1	1	0.3	—	—	—	—
	Total	281	100.1	300	99.8	300	99.9	300	100.1

SOURCES: Dolf Sternberger and Bernd Vogel, eds. *Die Wahl der parlamente und andere Staatsorgane. Ein Handbuch* (Berlin: De Gruyter, 1969); Frank Wende, ed., *Lexicon zur Geschichte der Parteien in Europe* (Stuttgart: Kröner, 1981). Total percentages differ from 100% due to rounding error.

^aIn the 1920 elections, the Czech Agrarians had an electoral pact with the Slovak Agrarians. The two parties formed first a single parliamentary group, then merged in 1922.

^bDecreases to 20 seats (7.1%) after the split of the Vrbensky group in 1923.

^cDecreases to 52 seats (18.5%) after 22 MPs secede to form the Communist party in 1921.

^dDecreases to 21 seats (7.5%) after the 12 MPs of the internal Slovak wing split off in 1921 to form the HSL'S.

^eIn 1920 the 4 MPs of the German-Hungarian Social Democrats join the party, whose parliamentary representation rises to 35 seats (12.5%).

that end, a very elaborate legal system to protect the democratic republic was incrementally constructed. Its internal articulation, its pervasiveness, and the harshness of the sanctions it entailed—which had few equals in the democratic systems of the time and in general—make it stand out as a very important form of reaction to extremism in the history of the First Czechoslovak Republic.

The Legal Protection of Democracy in the First Czechoslovak Republic

Systematizing the complex and diverse content of anti-extremist legislation, involved legislative innovations in four areas: the reinforcement of the state institutional machinery, the explicit limitations on political pluralism, the regulation of political propaganda, and the protection of public order. The first category encompasses two important types of legislative acts: the special statutes conferring on the cabinet or the head of state extraordinary powers to face emergency situations, on the other, the procedures aimed at protecting the bureaucratic-military structures of the state from extremist influences and infiltration, in order to guarantee their loyalty. The statutes falling in the second category (limitations on political pluralism) enable the government to ban or temporarily suspend parties or associations that are thought to threaten some fundamental feature of the system. The provisions against extremist propaganda, included in the third category, seek to reduce the capability of extremists to delegitimize and discredit the democratic system in the eyes of the electorate. Under the fourth heading are gathered those pieces of legislation addressing public peace and ensuring “correct” development of the democratic dialectic. This taxonomy is not strictly exclusive, as a legal provision can have consequences for more than one area: the four categories simply express the prevalence of a certain norm.

THE TWENTIES

The First Czechoslovak Republic experienced two critical periods the early 1920s and 1933–38. In both, resort to special legislative provisions against extremists underpinned the political establish-

ment's reactions to extremism. The early twenties were characterized by two sources of crisis: the strong opposition to the Czechoslovak state by the political representatives of the national minorities, and the internal strife of the Social Democrats that led to the emergence of the Communist party.

The national minorities were excluded from the First Republic's constitution-making process. All minority parties, therefore, strongly opposed the legitimacy of the new state at its outset and visibly manifested their opposition. During the election of Masaryk to the presidency of the republic in the first parliamentary session in May 1920, for example, they resorted to filibustering, which prompted turbulent demonstrations.³⁰ The Sudeten German minority found further reason for resentment in the new state's exclusion of its members from the privileged positions in public administration which they had held overproportionally during the Habsburg era. The negativist front would crumble only in 1922–23, when most Sudeten German parties moderated their attitude towards the Czechoslovak Republic, becoming more cooperative, for several reasons. On the one hand, the stabilization of the international situation and the aversion of the Weimar governments to Sudeten German irredentism deprived the hard-line German nationalism in Czechoslovakia of any realistic perspective.³¹ On the other hand, the prompt reaction of the Czechoslovak political establishment to the political crises of those years probably convinced most Sudeten German parties that Czechoslovakia was actually going to survive, and thus they and their electors had best find a compromise within the Czechoslovak state, rather than exerting radical opposition.³²

In fact, in 1920–21 the government had withstood the crisis caused by the internal strife of the Czechoslovak Social Democratic party and the subsequent emergence of the KSČ, which had shattered the fragile internal political equilibrium of Czechoslovakia. The internal left wing of the Social Democrats became in-

30. Victor S. Mamatey, "The Development of Czechoslovak democracy, 1920–1938," in Victor S. Mamatey and Radomir Lu a, eds., *A History of the Czechoslovak Republic* (Princeton, N.J.: Princeton University Press, 1973), 101.

31. Brügel, *Tschechen und Deutsche*, 165–67.

32. Mamatey, "Development," 109.

creasingly active against the moderate leadership of the party, attempting to push the whole party towards radical positions.³³ The crisis came to a head in the summer of 1920; in the Polish-Soviet war, the Red Army advanced towards Warsaw and, roughly at the same time, the second Comintern Congress took place, where Lenin laid down the 21 conditions of the Communist International. These events made the clash within the ČSDSD for more bitter and led to a marked increase in support for the internal left wing. The government, led by moderate Social Democrat Vlastimil Tusar, and supported by a Socialist-Agrarian coalition, had serious difficulties in dealing with this situation.³⁴

The reaction of Masaryk and the Czechoslovak democratic leaders was first of all to change government. Tusar resigned and his government was replaced by a nonparty cabinet led by Jan Černý, a high-ranking bureaucrat. The explicit reason for this was that an apolitical government would be able to react effectively to the Communist challenge without being hindered by partisan political constraints, as Tusar definitely was. The new government was under the joint influence of President Masaryk and his advisers—the so-called Castle—and of the *pětka*, the informal summit of the leaders of the five main Czechoslovak parties.

A general strike in December 1920 led by the Communists, the final act of the strife within the Czech Social Democrats, prompted widespread riots, strikes, and seizures of factories, churches, and public buildings by rioting workers. This, together with the analogous experience of communist insurrections in Hungary, and the proximity of revolutionary Russia, inspired the belief that the Marxist left was planning a coup. The provisional National Assembly had already adopted a law regulating the conditions for the proclamation of a state of siege (law of 14 April 1920—see table 3, in which the main legislative innovations of 1920–24 are clustered according to their content), to which the government resorted in

33. The Communist and the ethnic challenge were intertwined to some extent; the internal left wing of the ČSDSD and moderates not only disagreed on the ideological profile of the party, but also on alliance strategies. The internal left wanted an alliance with the other socialist parties of the national minorities, while the moderate party leadership instead feared—realistically—that such a choice at that moment in time could lead to the dissolution of Czechoslovakia.

34. Mamaty, "Development," 103.

Table 3. *Anti-Extremist Legislative Innovations in Czechoslovakia in 1920–24.*

Area	Main Legislative Innovations 1920–24
Reinforcement of institutional “core”	Restrictions on the freedom of association and assembly in case of threat to the “republican form of state, territorial integrity, or public order”; decree powers of the government with approval of the President (14 April 1920); suspensions of trial juries “if there could not be sufficient guarantees on their impartiality” (15 April 1920). <i>Special disciplinary sanctions for public officials who violate the law and endanger the interests of the State</i> (1923); obligation for public officials to report subversive activities (1923).
Limitations to political pluralism	Prohibition of secret societies (1923)
Limitations to propaganda	<i>Special protection of:</i> Personal honor of the President of the Republic (1923); democratic opinions of ordinary citizens (1923); <i>Prohibition of:</i> Incitement to hatred or violence against groups because of their nationality, language, race, or religion (1923); spreading false news if harmful to public order or to the safety of the State (1923); approval of criminal acts (1923); defamation through press of constitutional organs and State agents (1924).
Protection of public order	<i>Special protection of:</i> President of the Republic, cabinet members and MPs from physical offenses (1923) <i>Prohibition of:</i> intimidation and violence against public assemblies (1921); armed groups and training in the use of arms—restrictions to the storage and use of arms (1923);

KEY: In parentheses after every section is the date of the law’s enactment. Details on the specific pieces of legislation are given below.

Laws included in the table (dates and sources):

1920: *Law on the state of siege* (14 April); Source: Leo Epstein, *Studienausgabe der Verfassungsgesetze der Tschechoslowakischen Republik* (Reichenberg, Stiepel, 1932), 791–76. *Law on trial juries* (15 April); Source: Epstein, *Studienausgabe*, 797–98.

1921: *Law “against terror”* (12 August); Source: Epstein, *Studienausgabe*, 777–80.

1923: *Law for the protection of the Republic* (19 March, Nr. 50); Source: Fritz Sander, *Die politische Gesetzgebung der Tschechoslowakischen Republik in den Jahren 1932–1934. Ergänzungsband zu der Epsteinischen Studienausgabe der Verfassungsgesetze der Tschechoslowakischen Republik*. (Stiepel, Reichenberg, 1935), 320–43 (text as amended in 1933).

Law establishing a “State Court” (19 March, Nr. 51) for judging the crimes committed in violation of the law on the protection of the Republic

1924: *Law of 30 May*; see Sander, *Die politische Gesetzgebung*, 261–71.³

³Loewenstein mistakenly reports this law as having been passed in 1934 (“Legislative Control,” 737).

order to repress the riots. Černý declared martial law in some parts of Bohemia, Slovakia, and Ruthenia, and used the police, who also shot into the crowd, to repress the more serious disorders. A few people died; one in an episode in Prague, three in Slovakia, and, in the worst episode, nine in a German city (which worsened the relations with the German minority parties). The general strike collapsed about a week after it had been declared. Approximately 3,000 persons were arrested and tried. On the basis of another special law, in the regions where martial law had been declared, the trials were without a jury. In August 1921, a further piece of legislation (the Law against Terror) expanded some of the provisions of the 1920 law, providing particularly harsh sanctions for those who resorted to political violence. The government thus rapidly took control of the situation, so that already in June 1921 and then in February 1922 amnesties could be declared for those involved in the facts of December 1920.³⁵ The collapse of the general strike marked the left wing's failure to take over the Czech Social Democratic party. Thus, the left wing proceeded to openly organize a communist movement, which took place in various steps in the course of 1921.³⁶

If the laws mentioned above were not substantially different from those in force at that time in various other democracies, the same cannot be said of the 1923 Law for the Protection of the Republic. In the weeks preceding its passage of, the National Democratic minister of finance, Alois Rašín, was murdered by a mentally disturbed youth who had been a communist. Although it had

35. Two other laws were tailored to help the Social Democrats counter the Communist advance in the working-class electorate; a reform of unemployment insurance and a law on the election (adopting PR rules) of workers' committees in enterprise. Mamatey, "Development," 107. On the important reforms of this period (land reform, changes in the regulations in the industrial sector, etc.), see Richard J. Crampton, *Eastern Europe in the Twentieth Century - And After* (London: Routledge, 1997), 63–65.
36. Zinner, *Communist Strategy*, 25–35. A further threat to the recently established independent Czechoslovak state lay in the continued activities of those who favored the restoration of the Habsburg monarchy. The Czechoslovak government reacted promptly to an attempt in that direction that took place on Hungarian territory in 1923. Although the mobilization of the army caused desertions and disorders in the Sudeten regions, the government mastered the situation, again also resorting to martial law (See Hans Lemberg, "Gefahrenmomente für die demokratische Staatsform der ersten Tschechoslowakischen Republik," in H. G. Volkmann, ed., *Die Krise des Parlamentarismus in Ostmitteleuropa zwischen den beiden Weltkriegen* [Marburg: Herder Institut, 1967], 103–21).

no direct connection to the circles of the Communist party, the murder could be seen to have been incited by the communist press's vilification of Rašín during the fall of 1922 when it had denounced the nation's economic management. Rašín, one of the most important Czech politicians, had figured prominently in the foundation of the republic (he had been a leader of the independence movement); his murder therefore shocked public opinion and prompted the majority to pass the Law for the Protection of the Republic. The law was modeled on a similar piece of legislation adopted in the Weimar Republic, after the political murder of Walter Rathenau.³⁷ The Slovak People's party, all minority parties, and the Communists strongly opposed the law in parliament. Further problems came from within the ranks of its supporters, especially in the Czechoslovak Socialist formations. The Social Democrats endured a strong political assault from the Communists.³⁸ The National Socialists suffered an internal split: the anarchist group led by Bohuslav Vrbenský, which had joined the party in 1918, was against the law and thus passed into the Communist ranks.³⁹ Nonetheless, the governmental majority managed to pass the law, though with a very tight margin.

As table 3 shows, this law introduced new restrictions on the freedom of association: both the establishment of and the participation in a secret society aiming at undermining the constitutional

37. Law for the Protection of the Republic of 21 July 1922. The German law contained several provisions that were reprinted in the Czechoslovak law, protecting the institutions and the organs of the Reich and the Länder against defamation. Public approval of unlawful acts was subject to severe punishment, and in general freedom of expression and association were curtailed. A special Court "for the protection of the Republic" was also instituted. The Czechoslovak legislators also introduced a similar court—called "State Court"—competent to judge violations of the 1923 law, and where the competencies of the jury were much narrower than in the ordinary trial procedure (Law 19 March 1923, Nr. 51). On the 1922 law in Germany, the debate preceding its approval, and its implementation, see Christoph Gusy, *Weimar - die wehrlose Republik? Verfassungsschutzrecht und Verfassungsschutz in der Weimarer Republik* (Tübingen: Mohr, 1991) especially 139–59; and Gotthard Jasper, *Der Schutz der Republik. Studien zur staatlichen Sicherung der Demokratie in der Weimarer Republik* (Tübingen: Mohr, 1963), especially 56 ff. On the State Court in Czechoslovakia, see Franz Adler, "Das Tschechoslowakische Verfassungsrecht in den Jahren 1922 bis 1928," *Jahrbuch des öffentlichen Rechts* 17 (1929): 250–51.
38. James Ramon Felak, "Social Democratic-Communist Relations in Inter-war Czechoslovakia," *East Central Europe—L'Europe du Centre-Est* 18 (1991): 167–68.
39. In June 1923 the four National Socialist MPs who went over to the Communist ranks were dismissed from parliament by virtue of a decision of the Electoral Court.

form of the state were forbidden. Addressing the protection of public order, the law forbade the formation of armed groups and their training in the use of arms. Moreover, the law declared it a felony to procure, store, or transfer to any person, firearms of any kind, or parts thereof, without official permission. On the basis of the law, every citizen had an obligation to report hidden arms to the authorities.

Not surprising, given the circumstances that triggered the enactment of the 1923 law, its most incisive restrictions regarded political propaganda.⁴⁰ Before 1923, freedom of the press in Czechoslovakia was very broad; the right to print and disseminate printed material, and the right to gather information to be printed, were formally recognized in the 1920 constitution. Any censorship was forbidden and no governmental or administrative authorization was required to publish a periodical or a newspaper. The 1923 law granted special protection from libel to the president of the Republic (it would be extended to other public authorities in the following year): in case of libel, even evidence that the calumnious statements were true—which in ordinary cases would lead to exculpation or mitigation of the punishment—would not be admitted in court. Moreover, the law gave special protection to the democratic opinion of ordinary citizens, and to democratic symbols.

The prohibition of incitement to hatred against specific groups of people, also introduced by the 1923 law, addressed extremist propaganda that was often directed against groups of persons, namely, Jews, Marxists, freemasons, bankers, etc. In other words, in the rhetoric of the “conspiracy against the people,” extremists often did not attack *individuals* as such and therefore the protection of *groups* had to be granted.⁴¹ The prohibition of public approval of criminal acts must also be seen in the context of the many extremist parties that glorified party members who violated the criminal laws, revering them as martyrs and heroes. Other note-

40. In direct connection with Rasin's assassination were also the special sanctions introduced by the law for any attempts directed against the life of the president of the republic, a member of the government, or of a legislative assembly, as well as against the infliction of bodily harm on the same subjects.

41. Karl Loewenstein, “Legislative control of political extremism in European democracies II,” *Columbia Law Review* 38 (1938): 744.

worthy measures included the explicit obligation of ordinary citizens to inform the public powers if they knew of subversive activities, and the prohibition of spreading false news if the perpetrator was aware that, by doing so, he would cause anxiety in a section of the population, or if he threatened the safety of the state or the public order. Causing disaffection among the armed forces by propaganda was also punishable under the 1923 law.

The law further included provisions to ensure the loyalty of public officials (defined as “organs of public power”), providing for disciplinary measures against a public official who, in the exercise of his duties, violated the law and endangered the interests of the state. Moreover, the law required that all public officials denounce subversive activities that had come to their attention.

Apart from the *Volkssport* case, noted below, the Law for the Protection of the Republic was used against the Czech Fascists. One of their most important leaders was General Radola Gajda, who in December 1926 had been condemned by a military court for alleged undue communication with the Soviets. Before Gajda’s first condemnation in trial (confirmed on appeal in 1928), which led to his expulsion from the Czechoslovak army, Masaryk had already removed the general from his position of temporary chief of staff.⁴² Having lost his position in the army, Gajda, who had already had contacts with the NOF in previous years, could become directly involved in political activity. In 1931 Gajda, who two years before had been elected to parliament on the NOF list, was brought to court again by the government for unlawful assembly and libel, on the basis of the restrictions introduced with the Law for the Protection of the Republic. These charges cost him his parliamentary seat, the loss of his voting rights, and two months in prison.⁴³

The government resorted to the 1923 law more extensively in

42. Masaryk tried first to convince Gajda to leave the position by offering him a large sum of money, which the general accepted, without however leaving his post. Masaryk then removed him. The Fascist leader was brought to court again in 1927 on governmental initiative on 10 different charges, most deemed unfounded. See Kelly, *The Czech Fascist Movement*, 55 ff.
43. The repeated conviction of Gajda in the second half of the 1920s caused a large debate in the press. Rightist papers typically supported Gajda, generally noticing that the treatment reserved to the general was unfair and that he was being prosecuted for political reasons by the influential members of the Hrad. See Kelly, *The Czech Fascist Move-*

punishing the authors of an attempted coup at the end of January 1933. The attempt was led by Ladislav Kobsínek, an ex-officer who had been a regional leader of the NOF and, although he had resigned from the party in 1929, continued to be involved in the activities of the NOF. The coup attempt consisted of an attack on a military barracks in Brno, which was easily rebuffed and the perpetrators were immediately arrested.

Although the attempt posed no danger and had no political relevance, the government reacted promptly: Gajda, who was informed of the coup plans though not directly involved, was arrested, and the homes of about 100 leading fascists in Prague were searched. The government also closed down the NOF headquarters in Prague and charged the authors of the coup in State Court with violation of the 1923 law. Accused of sedition were the leaders of the attempt and several dozen other people: of these, 49 were convicted. Gajda, charged with having advised the rebels, was acquitted together with 11 other accused.⁴⁴ The generally mild verdicts of the State Court prompted wide discussion among the public. Pressure from the Castle led the Supreme Court, which in March 1934 revised the verdicts of the State Court, to issue sharper sanctions: the leaders of the coup were convicted of trying to forcefully change the democratic constitution of the state, and Gajda was condemned for not reporting to the authorities the existence of a subversive plan.⁴⁵

THE CRISIS OF THE THIRTIES

The establishment of Nazi regime in Germany, with Hitler's rise to power on 30 January 1933 (about a week after the attempted Fascist coup in Prague), roiled the situation in the Czechoslovak border regions, giving more *élan* to the Sudeten German Na-

ment, 51 ff. In 1931 also, the other two most visible leaders of the Czech extreme right, Charles Pergler and Jiří Strýbrný, were attacked by the Castle. Pergler was found to be an American citizen and deprived of his parliamentary seat. Strýbrný was indicted for corruption. See Mamatey, "Development," 145; and Kelly, *The Czech Fascist Movement*, 94–95.

44. Kelly, *The Czech Fascist Movement*, 104.

45. Even though all those involved were members of the NOF, the party was not dissolved, probably because the right wing of the Agrarians considered it as a useful potential ally against the Communists. Kelly, *The Czech Fascist Movement*, 106.

tionalists and Nazis who, until then, had been kept at bay without great difficulty. It also had some repercussions in the field of the Slovak autonomists. The majority parties again reacted by endowing the Czechoslovak state with sharper legislative weapons to contrast and preempt extremist attacks. The main legislative innovations of 1933–34 are summarized in table 4.⁴⁶

As table 4 shows, special measures to ensure the loyalty of “public officials” were introduced. The definition of “public official” given in the new law included all the officials in state and communal service, teachers and professors in public schools and institutions, and all persons drawing salaries or pensions from the official budgets of the state, communes, or public corporations. This included ministers of churches, and officers of the armed forces, whether in active service or retired, and even judges, for whom the law made an explicit exception to the constitutional principle of the judicial security of tenure.⁴⁷ A particularly interesting provision is the sanction of the participation of all public officials in any association pursuing, openly or secretly, subversive aims, that is, challenging “the sovereignty of the Republic, its independence, integrity, constitutional unity or the republican-democratic form.” The law also established severe sanctions for acts of sabotage accomplished by spreading of facts that were apt to undermine public confidence in the legal institutions or in the safety of the currency. The penalties for these activities could be dismissal from the service without pension, the withdrawal of family subsidies

46. The second half of the twenties had been a period of stabilization in the whole of Europe, and Czechoslovakia was no exception. The participation of the activist German parties in the governmental majority stabilized the political situation. For a short period of Slovak People's party was also co-opted. At the beginning of the 1930s Czechoslovakia—whose economy depended heavily on foreign trade—suffered, like the rest of Europe, the consequences of the 1929 crash. The deflationary economic policies of the governments of the early 1930s were not effective enough to respond quickly to the economic effect of the crisis (Mamatey, “Development,” 142–43. For a comparative view on the policy reactions to the Great Depression in interwar European democracies, see Dirk Berg-Schlosser, “Conditions of authoritarianism, fascism and democracy in inter-war Europe. A cross-sectional and longitudinal analysis,” *International Journal of Comparative Sociology* 39:4 [1998], 356–59). This situation sparked social unrest: strikes, lockouts, and resistance to the public auctions of property to collect debts and taxes often resulted in bloody clashes between the unemployed workers and the police. Mamatey reports that “from 1930 to 1933, 29 persons were killed and 101 wounded in such unfortunate clashes” (“Development,” 143).
47. The 1920 Constitution allowed judges to be dismissed or transferred by disciplinary judgement only.

Table 4. *Anti-Extremist Legislative Innovations in Czechoslovakia 1933–34.*

Area	Main Legislative Innovations
Reinforcement of institutional “core”	<i>Special sanctions for public officials.</i> participating into a subversive association; showing attitudes that affected negatively the dignity of public organs; liable of propagating facts apt to undermine confidence in institutions (12 July 1933).
Limitations to political pluralism	Possibility to suspend or dissolve groups, associations, movements, parties “endangering the independence, the constitutional unity, the integrity, the democratic-republican form, the security of Czechoslovakia” (October 1933).
Limitations to propaganda	<i>Special protection of:</i> Courts, armed forces, public authorities in general; partially granted also to political parties (June 1933); <i>Prohibition of:</i> Foreign publications and films harmful to the interest of the State (10 July 1933); newspapers against the territorial integrity and the “republican-democratic” form of State (10 July 1933); incitement to hatred against individuals or groups because of their adherence to the democratic-republican form of state (1934).
Protection of public order	Reiteration of the law on the state of siege of 14 April 1920.

KEY: In parentheses after every section is the date of the law’s enactment. Details on the specific pieces of legislation are given below.

Laws included in the table (dates and sources):

1933: *Law on the “protection of personal honor”* (28 June); source: Sander, *Die politische Gesetzgebung*, 242–260.

Laws of 10 July:

(1) completing the law on the protection of the Republic; source: Sander, *Die politische Gesetzgebung*, 271–272.

(2) amending the press law; source: Sander, *Die politische Gesetzgebung*, 287–296.

(3) reiteration of the measures on the state of siege; source: Sander, *Die politische Gesetzgebung*, 283–287.

Laws of 12 July:

(1) on public employees, source: French summary in *AIIDP* 1934, 780–781

(2) on governmental power of confirmation of mayors, source: Sander, *Die politische Gesetzgebung*, 162–175.

Law of 25 October on suspension and dissolution of political parties; sources: Sander, *Die politische Gesetzgebung*, 388–400. A German translation of this law can also be found in the *Prager Archiv für Gesetzgebung und Rechtsprechung* 1933, XV, 1235–1245.

1934: *Law amending the press law and the law on the protection of the Republic* (10 July). Sources: Sander, *Die politische Gesetzgebung*, 300–306. French summary in *AIIDP* 1935, 817–819

for the members of the public official's family or the forfeiture of pensions and discontinuance of military and other allowances. It must be added that the government could not administer these penalties directly, but only by means of a trial (under full process of law) before the Disciplinary Tribunals.

The laws of 1933–34 introduced new restrictions on political propaganda too. On the one hand, they extended the special protection from libel introduced in 1923 to many public authorities and even to political parties.⁴⁸ The protection from libel granted to these subjects even barred any reference to a previous judicial sentence against the offended. On the other hand, more restrictions on the free circulation of films and newspapers were introduced. The minister of the interior was formally empowered to prohibit circulation in any form of foreign publications violating the prescriptions of the new laws. Moreover, the government could suspend the publication of subversive periodicals and newspapers for indefinite periods. This could be done when an offense prohibited by the law was committed by the press and when a repetition of the unlawful act, although under a different title or name of the newspaper, could “reasonably” be expected. Finally, it is to be noticed that the new laws extended to the “republican-democratic” form of state the special protection against libel granted to the “republican” form of state by the previous special laws. This change was obviously linked to an evolving concept of danger now that the danger of a monarchic restoration had passed, new dangers, formally republican, but antidemocratic, had emerged. The “unity” and the “territorial integrity” of Czechoslovakia were also mentioned as protected concepts.

The new measures against extremist propaganda were implemented against the Slovak autonomists. After the elections of 1925, there had been long negotiations to include the party in the national government, which in that phase was supported by a “bourgeois” coalition of Czechoslovak and German parties. The cooperation of the Slovak People's party with the rest of the majority was, however, short-lived. The party obtained a modest measure of administrative autonomy for Slovakia through a law that in 1927

48. Political parties enjoyed special protection from libel only if the attack against them was carried out through the press or before a large audience.

reformed the internal administrative boundaries of Czechoslovakia.⁴⁹ However, the HSL'S left the government after one of its leaders was accused of treason in January 1929 and condemned a few months later.⁵⁰

The merger of the HSL'S with the Slovak National party (born in the Slovak wing's split from National Democracy) in October 1932 led Slovak nationalism to assume increasingly radical tones. The showdown occurred in August 1933, on the occasion of the celebration of the eleven hundredth anniversary of the consecration of the first Christian church in Czechoslovakia, at Nitra in Slovakia. The government decided to transform the commemoration into a state celebration, attended by cabinet ministers and church dignitaries as well as foreign guests. The active opposition of the HSL'S turned the event into a test of strength between centrists and autonomists, and finally into a huge antigovernment demonstration. The HSL'S militants disrupted the official program, and insisting that their leader, Andrej Hlinka should address the crowd. In this speech, the leader of the HSL'S affirmed the will of Slovaks to "be a sovereign nation."⁵¹

The Nitra episode was a debacle for the Czechoslovak government, whose representatives had been violently confronted and forced to a hasty retreat in front of international public opinion.

49. Carol Skalnik Leff, *National Conflict in Czechoslovakia. The Making and Remaking of a State, 1918–1987* (Princeton, N.J.: Princeton University Press, 1988), 79.

50. The editor of the party's press organ *Slovák*, Vojtech Tuka, was deprived of his parliamentary seat and brought to trial charged with high treason and military espionage for writing an article in which he maintained that the "Martin declaration," the official document with which in October 1918 the Slovak representatives adhered to the Czecho-Slovak Nation, included a secret clause according to which the sovereignty of the Prague government in Slovakia would have expired after 10 years. Tuka was the most influential figure in the radical wing of the party, which was against HSL'S participation in government and in favor of large autonomy even though that would be obtained with foreign aid. The leader of the HSL'S, Hlinka, backed Tuka unconditionally, led the party out of the government coalition, and made Tuka stand in the 1929 elections, where he was, however, not reelected (Tuka was actually in the pay of Hungary, but this fact was not known to Hlinka.) Among the reasons the party defended Tuka was that they saw his trial as being politically motivated, and possibly directed behind the scenes by the Castle, which sought to undermine the center-right coalition and return to government the Social Democrats and the National Socialists, who at that moment were in opposition. Tuka was sentenced to 10 years in prison. In 1937 he was granted amnesty but forced to reside in the Czech town of Pižen (On the Tuka affair and its implications for the strategy of HSL'S in 1928–29, see Felak, *At the Price of the Republic*, especially 35–37 and 55–58).

51. Felak, *At the Price of the Republic*, 104.

In the cabinet, voices advocated the dissolution of the HSL'S, and the trial of its leaders. The government did not oblige, mainly because it such a step was not politically opportune. The government did apply the new laws on restrictions on the press, however, and briefly suspended the official newspapers of the two Slovak parties. Moreover, police investigations were undertaken and about 150 people were arrested for the Nitra agitation. In 1935, an amnesty put an end to the trials.

A very important piece of anti-extremist legislation passed in 1933 was the Law of 25 October "concerning suspension of activities and dissolution of political parties."⁵² This new statute adopted a very broad definition of "party," inclusive of all sorts of groups, associations, and movements. The reason for this definition was that, as had already happened in other countries, subversive parties and movements were able to disguise themselves as athletic clubs or recreational associations, for example. Thus defined, a "party" could be suspended or dissolved by the government if, by its activities, "the independence, the constitutional unity, the integrity, the democratic-republican form, or the security of the Czechoslovak Republic was gravely endangered." Thus, no specific stream of thought or ideology was mentioned, and the "objects" protected by the law covered quite a broad area. The judgment as to whether a political group was illegal rested on the government's discretion, and would be manifest in a decree. The legality of the governmental decree was subject to judicial review, which determined whether the actual findings leading to dissolution justified categorizing the association as subversive.

The statute also contained so-called post-prohibition measures, which sought to prevent "all attempts to reconstitute the dissolved party under another name or in another form whatsoever." The main criterion for determining whether the dissolved party continued in disguise, was the participation of the leaders of the old organization in the activities of the new. The ban also affected *affiliated organizations* of any kind, such as economic en-

52. This law was the object of several constitutional studies of the time. See, for example, Paul Hartman, "Das Gesetz gegen die politische Parteien," *Prager Archiv für Gesetzgebung und Rechtsprechung* 15 (1933): 1235–55; and Franz Adler, "Verfassungsrechtliche Bemerkungen zum Gesetz über die Einstellung und Auflösung politischer Parteien," *Prager Juristische Zeitschrift* 14 (1934): 383–98.

terprises, or recreational or cultural organizations that directly or indirectly promoted the aims of the unlawful organization.⁵³

The law was particularly strict regarding individuals who had participated in an association or party that had been declared illegal. After suspension or dissolution, it was unlawful not only for the party as such but also for its former members to carry out any activity whatsoever by which the unlawful purposes might again be pursued. Individual activities *per se* were the target here, even if no attempt at reconstitution was proved. Especially prohibited were the wearing of uniforms or the exhibition of symbols or emblems indicating allegiance to the banned organization, as well as the organizing or participating in meeting and assemblies, even in the form of private invitation only events. Also prohibited was the canvassing of adherents, the solicitation or collection of funds, and any form of support or active sympathy for the banned organization. It was unlawful to issue news releases or printed matter of any kind. Former members of outlawed organizations could be subjected to severe restrictions on their personal freedom: denial of privacy of correspondence, censorship of wires, expulsion from certain localities or confinement to certain localities for indefinite periods, and surveillance by police. All these measures could be continued for as long as deemed necessary by the administrative authority.

The law also defined “party membership” broadly: members were not only those enrolled in the registers of the party, but also those who had belonged to or sympathized with the party during the six months prior to the decree of dissolution. A “sympathizer” was defined as somebody who actively supported the party, had supported or approved publicly of its unlawful aims during the preceding six months, had been a candidate for the party, or

53. The origin of this provision must be looked for in German history. After the *putsch* attempt of 1923, the NSDAP was dissolved and its property confiscated. The party was reconstituted in 1925 and the legal form of an ordinary organization under civil law was not utilized for the party, but instead a holding company of its property was created. If the party were to be outlawed, its properties would remain untouched by the ban, since they would be held by a formally “neutral” association of private law. Hitler made himself, after 1925, both chairman of the party and the private holding company, thus disposing of its property at his discretion. This is why not only in Czechoslovakia, but also in France, Finland, and England, legislative measures of the kind mentioned were taken (See Karl Loewenstein, “Legislative Control of Political Extremism in European democracies I,” *Columbia Law Review* 38 [1938]: 619, fn. 97).

had been nominated by it for any public function. In the case of the dissolution of the party (not so in case of suspension), its members of parliament and its members holding seats in local representative bodies would lose their mandates, being considered as having resigned *ex officio*. The vacancies in the national parliament would not be filled until the following election. When elections were held, the name of the dissolved party could not be used. Its former members or representatives could not hold any political office by election or appointment for a period of three years following the dissolution or suspension order.⁵⁴

The party ban law was applied to “validate” the measures taken against the Sudeten German Nationalist and Nazis. In fact, the renewed activism of the DNP and the DNSAP in the Sudeten regions, together with the increased danger these units posed to the security of the country after the Nazi take-over in Germany, pushed the Czechoslovak government to suspend these parties shortly before the final approval of the party ban law. The Supreme Court, in its decisions of 1 July and 7 October 1933 in the so-called People’s Sport trials (*Volkssportsprozesse*)⁵⁵ against the youth organization of the DNSAP, created in 1929 after the example of the German SA,⁵⁶ had stated that the DNSAP was a subversive organization aiming to the violent overthrow of the republic, and had indicted some of its members for violation of the 1923 Law on the Protection of the Republic. Thus, the government issued administrative orders suspending the DNP and the DNSAP, basing its decisions formally on an old Austro-Hungarian law of 1867 disciplining the freedom of associations,⁵⁷ which was formally still

54. This law was originally conceived as provisional and was renewed several times between 1934 and 1938. In the original bill for the last renewal, it was proposed to make it illegal for political parties or party members to accept gifts of money, subscriptions or other subsidies from foreign sources. It is interesting to note that these more restrictive clauses were excluded from the final version of the bill “because the government feared these would have been resented by Germany” (*New York Times* 15 and 16 December 1937, quoted in Loewenstein, “Legislative control I,” 610, fn. 60).

55. See the abstracts of the court decision in Fritz Sander, *Die politische Gesetzgebung der Tschechoslowakischen Republik in den Jahren 1932–1934. Ergänzungsband zu der Epsteinschen Studienausgabe der Verfassungsgesetze der Tschechoslowakischen Republik* (Reichenberg: Stiepel, 1935), 415–32.

56. Zbyněk Zeman, *The Life of Edvard Beneš* (Oxford: Clarendon Press 1997), 118.

57. Law of 15 November 1867 on the right of association. See text in Leo Epstein, ed., *Studienausgabe der Verfassungsgesetze der tschechoslowakischen Republik* (Reichenberg: Stiepel, 1932).

in force in Czechoslovakia in 1933. The leaders of the DNSAP, to preempt the forced dissolution, dissolved the party and fled to Germany. In the trials, compromising material about the DNP emerged too. The DNP was therefore suspended and it also disbanded before being outlawed.⁵⁸ However, the passage of the party ban law of 1933 was not irrelevant: in fact, it gave the government the opportunity to definitively dissolve the DNSAP in November 1933, and the Mandate Senate of the Supreme Administrative Tribunal the legal basis to confirm this decision on two occasions. Moreover, the party ban law was subsequently amended (with the law of 22 December 1934)⁵⁹ in order to legalize administrative measures retroactively.⁶⁰ It is to be noticed that the law settled the loss of the seat in the parliament and in all local representative assemblies for the representatives of the dissolved parties. While in the national parliament the vacancies were not filled, at the local level the representative positions that were held by the representatives of the DNSAP and the DNP were redistributed *à l' amiable* among the other German parties.⁶¹

Thus, the party ban law provided the legal basis for definitively dissolving the two parties that had been the most irreducible enemies of Czechoslovak democracy to that date. Moreover, in order not to be directly affected by the law, the Communists and the Fascists adjusted themselves to the new legal requirements, by changing their by-laws and constitutions, as well as their political tactics. However, the law was not effective in preventing the Sudeten German Nazi and Nationalist opposition from immediately

58. Hromadko, Richter, and Wende, "Tschechoslovakei," 681–82.

59. Sander, *Die politische Gesetzgebung*, 490–91.

60. Although it was formally possible to appeal the court decision before the Supreme Administrative Tribunal, *de facto*, the judicial control on this specific case was not activated. In fact, on rejecting the appeal against the dissolution decree of the DNSAP, the Supreme Administrative Tribunal also rejected the plea for the unconstitutionality of the law because the judges decided that they lacked jurisdiction, and referred the case to the Supreme Constitutional Tribunal, since that was the competent body. Evidently, however, nothing was done, because the members of the Supreme Constitutional Tribunal had not been reappointed after end of their term in 1931. (Loewenstein, "Legislative control," 620, fn. 104).

61. M. H. Beuve-Méry, "Les nouvelles tendances du droit public tchechoslovaque," *Annales de l' institut du droit comparé* 2 (1936): 110. See the data on some councils reported by Elizabeth Wiskemann, *Czechs and Germans: A Study of the Struggle in the Historic Provinces of Bohemia and Moravia* (London-Melbourne-Toronto and New York: Macmillan and St. Martin's Press, 1967), 199.

reorganizing a follow-up party, the *Sudetendeutsche Heimatfront* (SHF), under the leadership of Konrad Henlein. This party, enjoying increasingly open backing by Nazi Germany, was to pose a much more serious challenge for democratic Czechoslovakia.

THE REACTIONS AGAINST THE SUDETENDEUTSCHE HEIMATFRONT.

The new limitations on political propaganda introduced in 1933 strongly influenced the SHF's political tactics. Especially in the period immediately following the party's creation, Henlein was very careful not to publicly attack the legitimacy of Czechoslovak democracy or of its territorial borders. His caution was so strong that until the seventies it was not infrequent to find historical descriptions of Henlein as a moderate pushed into Hitler's arms by Czech intransigence. This interpretation of reality is now known to be unquestionably mistaken; the accessibility of diplomatic documents as well as of internal documents of the German NSDAP and the SHF itself prove that Henlein was a Nazi well before 1937, was financed by Berlin as of September 1934, and was completely subservient to Hitler's foreign policy—seeking the destruction of Czechoslovakia—at least after the end of 1937.⁶² It was simply the case that the SHF could not openly use Nazi propaganda since, had it done so, the party would have been in serious danger of being banned. In this sense, Henlein performed a perfect operation of “political camouflage.” He would slowly go on to “raise the visor” and challenge the system more overtly only after the elections of May 1935, in which the party showed significant support, and increasingly as Hitler's Germany became more and more powerful. There is a long documented series both of public appearances in which he professed democratic loyalty and (ambiguously) expressed “reservations” with respect to Fascism and Nazism, and of contemporaneous reserved political meetings in which he professed his loyalty to Nazism and Nazi Germany.⁶³

The situation before the general elections of May 1935 was there-

62. Radomir Luža *The Transfer of the Sudeten Germans. A Study of the Czech-German Relations 1933–1962*. (London: Routledge and Kegan Paul 1964), 92 and *passim*.

63. Brügel, *Tschechen und Deutsche*, 271–347, *passim*. Luža *The Transfer*, 98–104.

fore that of a very equivocal minority party, led by an ambiguous right-wing politician, engaging in some superficial polemics in the press with the leaders of the “old” dissolved Nazi and Nationalist parties⁶⁴ and struggling to show its loyalty to democracy and to the Czechoslovak state. The SHF met different reactions from other political forces: the Sudeten German activist parties were generally hostile from the outset. The only exception was some members of the internal right wing of the German Agrarians, whose leaders, however, had openly underlined their allegiance to the state in May 1933. The German Social Democrats were the most determined advocates of Czechoslovak democracy. They declared their readiness to defend Czechoslovakia, and their official party press talked about “the existence of the State as a bulwark against Fascist barbarism.”⁶⁵

The reaction of the Czech Agrarian party was different. It should be noted first that the influence of the historic leader of the party Antonin Švehla declined steadily after 1927 due to his bad health, until his death in 1933.⁶⁶ Švehla was the most important ally of Masaryk and the Castle within the Czechoslovak Agrarians, and his decline left much leeway to the internal right-wing party cliques, which were increasingly impatient with the Castle’s moderate, pro-socialist policies. After having financed the Czech Fascists in previous years, in 1934–35 these political circles toyed with the idea of using the SHF to shift the political equilibrium towards the right. The strategy of influential Agrarian politicians, such as the Moravian leader Viktor Stoupal, was to let Henlein’s party obtain “about 15 or 20 seats” in order to form an anti-left coalition that would effectively block the two Socialist parties as well as the forces around President Masaryk and Foreign Minister Beneš. Such a strategy was backed by a substantial segment of the party, including, for example, the group controlling the party newspaper *Venkov*, edited by Josef Vraný. Rudolf Beran, who rose

64. Brügel, *Tschechen und Deutsche*, 246–50, 263–64, and 293–94. Slapnicka, “Die Böhmisches Länder,” 78.

65. Brügel, *Tschechen und Deutsche*, 234.

66. As Miller put it, “Throughout Švehla’s illness from late 1927 until 1933 the Agrarian Party had no head, merely wings” (Daniel E. Miller, *Forging Political Compromise. Antonin Svehla and the Czechoslovak Republican Party 1918–1933* [Pittsburgh, Pa.: University of Pittsburgh Press 1999], 174).

rapidly within the party in the first half of the 1930s, became party chairman in 1935 and, although careful not to alienate the moderates, maintained a close relationship with the rightist groups.⁶⁷

The political forces gathering around Masaryk could successfully counteract the right-wing tendencies within the Agrarians and their political plans thanks to their secret political alliance—concluded in the fall 1932—with the Slovak Agrarian leader Milan Hodža.⁶⁸ Although the reasons for this alliance are to be found in Hodža's difficult personal (financial) situation, which induced him to turn to Masaryk for help, rather than any strategic vision, it must be remembered that Hodža had been a fierce adversary of the Castle in the past, which had even led to his exclusion from the cabinet in February 1929.⁶⁹ Masaryk accepted Hodža's offer of support in exchange for financial help because he hoped to secure the election of his pupil and loyal collaborator, Foreign Minister Edvard Beneš, as his successor as president of the republic. This political project required the support of strong allies within the Agrarians, whom Masaryk needed all the more now that the influence of Švehla was in clear decline. On the basis of this political pact, Hodža was first reintegrated in the cabinet as Minister for agriculture in September 1932 and then served as prime minister after 1935. Hodža had a large base personal power in Slovakia, and controlled a large sector of the Agrarian party. It is very difficult to see how, without the political support of Hodža's faction, Masaryk and later Beneš would have been able to control the rightist tendencies without the Agrarians, something that, although with difficulty, they managed to do until 1938.

On these political bases, then, the Castle and the government could react to the emergence of the SHF by enacting a twofold course of action towards the Sudeten German minority. On the one hand, they further strengthened the relations with the activist German parties and tried to solve the problems of the German minority in agreement with them. On the other hand, they planned to use a strong hand against the SHF. However, the proposal to ban the party, as Beneš and the Socialist parties advocated, proved

67. Miller, *Forging Political Compromise*, 181.

68. Zeman, *The Life of Edvard Beneš*, 97–99.

69. See Miller, *Forging Political Compromise*, 178.

impossible since it was opposed by the Agrarians, under the influence of their internal right wing, who were essential for the maintenance and the stability of the government.⁷⁰ To insist would have jeopardized the stability of the government in a situation that was becoming increasingly difficult both internally and internationally. The discussion over whether the SHF should be banned (as a follow-up organization of the parties dissolved in 1933) continued throughout 1934. As late as the end of March 1935 (elections were planned for May), it was by no means clear whether that party could participate. Agrarian prime minister Jan Malypetr, a neutral asked for the intervention of Masaryk, who decided against the ban. It seems that, beyond the internal equilibrium of the governmental majority, two further factors influenced his decision: first, a necessary counterpart to banning the SHF would have been that of making generous concessions to the activist Germans, which no Czech party was willing or able to do just before the elections. Nor could the elections be postponed, as the date of the natural expiration of the legislature had been reached. Second, Masaryk thought that the SHF would be “parliamentarized,” in other words, that its mere entry into parliament would lead it to adopt a moderate position. Then, if the need arose, the party could be dissolved anyway.⁷¹ Thus, the government finally admitted the party into the electoral competition. As a last (minor) hindrance the SHF was forced to change its name, since the expression “Front” could not be accepted in a democracy. It renamed itself Sudetendeutsche Partei (Sudeten German party [SdP]).

The surprise of the 1935 elections was not so much the victory of the SdP in itself, but its size: the party turned out to be the strongest in terms of votes; it took 15.2 percent of the national vote, amounting to almost two-thirds of the German-speaking electorate (see table 2). In this situation, the option of banning the party was no longer viable, at least under normal conditions. At the same time, the political projects of the right-wing Agrarians became much more difficult to fulfill since, in the new

70. In that moment the government majority was composed of the Czechoslovak Agrarians, the Czech Populists, the two Czechoslovak Socialist parties (ČNS and ČSDSD), and also included the German Agrarians and Social Democrats.

71. Brügel, *Tschechen und Deutsche*, 262.

situation, the SdP could hardly be considered as anyone's political instrument.⁷²

Strong repressive measures against the SdP were made even more difficult by the international situation. On the one hand, Hitler's systematic disruption of the European system of alliance after 1935 made Czechoslovakia's international position increasingly fragile especially vis-à-vis the new Nazi Reich. This rendered any repressive action against the main representative of the Sudeten German minority a delicate issue. On the other hand, Henlein also employed his tactics of 'political camouflage' in his international contacts, getting credit in important diplomatic and international circles as a moderate defender of the rights of an ethnic minority in a multinational state. In August 1935 Henlein went to London where he had contact with Colonel Graham Christie, who had probably been charged by the Intelligence Service with sounding out the Sudeten German leader. Christie proved a precious contact for Henlein, obtaining an invitation for him to the prestigious stage of the Chatham House, at the Royal Institute for International Affairs, where Henlein held a first conference in July 1936.⁷³ In general, during this and successive trips to London, Henlein managed to give the impression of a sincere democrat and of "an honest man genuinely striving toward a settlement of just German claims within the framework of Czechoslovak democracy."⁷⁴ Henlein also managed to portray himself and his party in these terms to Sir Robert Vansittart, a high-ranking official of the British Foreign Office and an expert in German affairs, with whom he had several meetings between 1936 and 1938. There, he perfected the role of the moderate endeavoring to find a sensible com-

72. The "defectionist" strategy of the Agrarian right wing emerged again in the phase immediately following the elections of May 1935, and in particular during the election of the new president after Masaryk's resignation in December 1935. On that occasion, the Agrarian right wing tried to avoid the election of Beneš to the presidency of the republic by forming a coalition to support a right-wing candidate. Beneš, thanks to the pact with the Slovak Agrarians, and to a last-minute intervention of the Vatican with Hlinka, managed to be elected. Beneš's election re-stabilized the political equilibrium enough to keep the rightist tendencies present in the majority at bay until the international crisis deepened.

73. Brügel, *Tschechen und Deutsche*, 286.

74. Luža reports that even Robert Seton-Watson, the famous historian and leading expert on Czechoslovak affairs, had trusted the democratic pleas of Henlein after his lecture at Chatham House in July 1936. Lu a, *The Transfer*, 87.

promise to protect the rights of the German minority within the Czechoslovak democratic state. In his interviews with English newspapers, Henlein portrayed the same reality.⁷⁵ The last meeting in London took place in mid-May 1938, and even then Henlein repeated, not only to Vansittart but also to leading political figures (among them Winston Churchill) who opposed the appeasement strategy vis-à-vis Hitler, that he was only striving for autonomy for the Sudeten German regions within Czechoslovakia, and that he had never received any orders from Berlin. Both statements were unquestionably false (see below).⁷⁶ On that occasion Henlein also met the Czechoslovak envoy in London, to whom he said that despite his radical position at the recent SdP congress, he was ready to proceed democratically and to find a compromise within the framework of Czechoslovak democracy.⁷⁷

In this difficult situation, the Czechoslovak rulers reacted on several fronts. Among the actions taken in foreign and military policy, the treaty with the Soviet Union and the strong impetus given to rearmament and the construction of fortifications on the border with Germany must be noted.⁷⁸ The developments and reactions in domestic politics, however, were of paramount importance and consisted mainly of two courses of action that: first, pursued with a firmer hand the nationality policy towards the German minority; and second, equipped the state with the legal means to cope with internal and international emergency.

The new president, Beneš, pursued the nationality policy objective in two ways. First, he traveled incessantly throughout the country during 1936 and 1937, especially in German-inhabited re-

75. Brügel, *Tschechen und Deutsche*, 286–87 and 424–25.

76. Vansittart believed, in occasion of these last contacts, that Henlein was keeping some distance from Berlin since he was trying to avoid the destiny of the leader of the Austrian Nazis Seyß-Inquat, who had been sidetracked after the *Anschluß*. Brügel, *Tschechen und Deutsche*, 424.

77. Brügel, *Tschechen und Deutsche*, 425.

78. On these aspects, see respectively Igor Lukes, *Czechoslovakia between Stalin and Hitler. The Diplomacy of Edvard Beneš in the 1930s* (New York and Oxford; Oxford University Press, 1996); and Alice Teichova, *The Czechoslovak Economy 1918–1980* (London and New York; Routledge, 1988), 72; as well as Milan Hauner, “Military budgets and the armament industry,” in M. C. Kaser and E. A. Radice eds., *The Economic History of Eastern Europe 1919–1975* volume 2 (Oxford, Clarendon Press, 1986) 49–116.

gions, holding conferences and public meetings.⁷⁹ Here, he addressed the problem of national minorities and promised the government's willingness to meet all reasonable requests for equality of treatment for all citizens. Second, he explicitly instructed several ministries to allocate the funds in their budget to German-inhabited areas in proportion to their population. The government, which after June 1936 also included a representative of the German Christian People's party, and, thus all three important activist parties, followed the same line, both by allocating public expenditures and by accepting the requests of the activist parties, in an agreement formalized in February 1937.⁸⁰ These policy concessions to the German minority, although there was no time to fully translate the agreement into practice, were an important element of the defensive strategy of the Czechoslovak democratic rulers against the SdP.

In 1936, after the internal successes of the SdP and the increasing deterioration of the international situation in Europe, the Czechoslovak democratic elites again turned to the repressive apparatus of the state, endowing it with new weapons. Two important new pieces of legislation were passed: the Act for the Defense of the State and a new law on political symbols and propaganda (see table 5). In the parliamentary discussion, SdP representatives strenuously opposed the laws, maintaining that they were antidemocratic and restricted the rights to free expression and political participation of legitimate political forces, and moreover that they unduly discriminated against the German minority because of their special provisions for the border regions (analyzed below). German activist parties openly supported the legislation.⁸¹

79. Excerpts are reported in Brügel, *Tschechen und Deutsche*, 294–298.

80. Wiskemann, *Czechs and Germans*, 255–57. The agreement in question included guidelines for increasing German representation in the civil service, the German share of welfare and cultural expenditures, the allocation of public contracts to German firms with German workers, and it increased the use of the German language for bureaucratic matters.

81. Brügel, *Tschechen und Deutsche*, 295–96. Showing how much the danger of the SdP and Nazi Germany was present in all Czechoslovak political forces, the Slovak autonomists voted in favor of the law, and even the Communists, who were in principle opposed to the law, acknowledged its necessity in the parliamentary debate. Ladislav

Table 5. *Anti-Extremist Legislative Innovations in Czechoslovakia in 1936*

Area	Main Legislative Innovations
Reinforcement of institutional “core”	<i>Large emergency powers</i> in case of internal danger for the integrity of the State, its republican-democratic form, the constitution, public order; militarization of border districts; possibility of deviating from administrative procedures (May 1936)
Limitations to political pluralism	
Limitations to propaganda	<i>Prohibition of all sorts of political symbols</i> showing hostility to the origin, integrity and independence of the Czechoslovak Republic (October 1936).
Protection of public order	Limitations to the freedom of movement for foreigners (May 1936); Prohibition of the use of uniforms (October 1936)

KEY: In parentheses after every section is the date of the law’s enactment. Details on the specific pieces of legislation are given below.

Laws included in the table (dates and sources):

1936: *Act for the defense of the State* (13 May); source: French summary in *AIIDP* 1937, 535–42
Law on political symbols (21 October); source: French summary in *AIIDP* 1937, 543–44.

The 201-article Act for the Defense of the State was defined by a constitutional lawyer of the times as “the most elaborate, circumspect and comprehensive preparation existing in a non-dictatorial state for the ultimate emergency of war.”⁸² The law would be applied if *internal events* within the state or on its borders endan-

Lipscher, *Verfassung und politische Verwaltung in der Tschechoslowakei 1918–1939* (Munich and Vienna: Oldenbourg, 1979), 161.

82. Loewenstein, “Legislative control I,” 621. Similar to the 1933 law on political parties, the act for the defense of the state did not escape the attention of the constitutional lawyer of the time either: see in particular Herbert Kier, “Das tschechoslovakische Staatsverteidigungsgesetz,” *Zeitschrift für ausländisches öffentliches Recht* 6 (1936): 803–28; Franz Laufke, “Der arbeitsrechtliche Inhalt des Gesetzes vom 13. Mai 1936 über die Verteidigung des Staates,” *Prager Juristischer Zeitschrift* 16 (1936): 445–76; Fritz Sander, “Verfassungsrechtliche Bemerkungen zum Staatsverteidigungsgesetz,” *Juristenzeitung für das Gebiet der Tschechoslovakischen Republik* 17 (1936): 109–13; Fritz Sander, *Das Staatsverteidigungsgesetz und die Verfassungsurkunde der tschechoslovakischen Republik. Eine rechtsdogmatische Untersuchung* (Brünn: Rohrer 1937); Robert Steiner, “Der strafrechtliche Gehalt des Staatsverteidigungsgesetzes,”

gered, to a high degree, the integrity of the state, the republican-democratic form of the state, the constitution, or public peace and order. The law would also be applied when the government was bound to respect an obligation deriving from an international treaty. If one of the above conditions occurred, then a “state of military preparedness in case of war” could be invoked. In effect, this meant the introduction of martial law and exceptional measures. In preparation for this eventuality, nearly all the “border districts” (officially defined in a separate decree) within a distance of 25 kilometers from the border, were militarized. Politically unreliable persons could be expelled from those areas. Foreigners could be forbidden to enter factories located in the border districts if their products were even remotely related to war exigencies. Violations of this law were to be judged under due process of law—however, the trial would take place in closed court and the accused were compelled to choose their lawyer from an official list that excluded all lawyers in any way connected to the SdP. The police stations in these areas were remanned almost exclusively by Czech personnel.

The only arbiter of whether the conditions for the activation of the law were met was the government itself. In this case, the government constituted itself in a “Supreme Defense Council,” equipped with almost unchallengeable powers for controlling the entire life of the country. Moreover, in the context of the law’s activation, all state organs could deviate from normal procedures and adopt exceptional ones they deemed necessary.⁸³ The law of 1936 then foresaw an exceptional situation in which the 1920 constitution would be superseded, and an entirely new “constitution” would invest the government with dictatorial powers.

The law regulating the use of political symbols, passed shortly after the Act for the Defense of the State, was one of the most elaborate legislative acts of this kind in any country. Specifically, the new law prohibited the use of uniforms or any other political sym-

Juristen-Zeitung für das Gebiet der Tschechoslowakischen Republik 18 (1937): 15–19; Rudolf Thiele, “Die verwaltungsrechtlichen Bestimmungen des tschechoslowakischen Staatsverteidigungsgesetzes,” *Zeitschrift für osteuropäisches Recht (Neue Folge)* 4 (1937–1938): 1–36.

83. Lipscher, *Verfassung*, 160.

bols (including special methods of greeting) that permitted recognition of the affiliation of individuals or groups to a party that had been suspended or banned on the basis of 1933 party ban law. The law forbade the wearing or display of any emblem indicating a political opinion hostile to the origin, independence, and integrity of the Czechoslovak Republic.

The new provisions were severely implemented and were generally effective both in maintaining public order and in limiting Nazi and irredentist political propaganda in the German-inhabited areas of Czechoslovakia. For example, in the course of 1937 (when the defense strategy of the Czechoslovak government was still relatively uninfluenced by the international situation), 2,000 books, 74 *Lieder* books, 65 calendars, 288 magazines, and 183 newspapers were prohibited in the Sudeten regions on the basis of the 1936 legislation.⁸⁴ The SdP members could not systematically use political violence as the Nazi and Fascist militias had done in Germany and Italy years before, and the SdP paramilitary militia was founded only at the end of April 1938 (the *Freiwilliger Schützkorps* [FS]), when the situation was already out of control for the Czech authorities. A strong police presence and the many trials staged for violations of these new laws soured the situation in the Sudeten regions.⁸⁵ The resulting backlash made it more difficult for President Beneš and the cabinet to effectively implement their policy of support for the German activist parties and to increase the credibility of their willingness to make concessions to the German minority. Yet, the strategy of democratic defense adopted by the Czechoslovak rulers would probably have succeeded in keeping the SdP at bay, had Czechoslovakia not succumbed to the increasing international pressure culminating in the Munich Conference.

84. Slapnicka, "Die Böhmisches Länder," 80. Elizabeth Wiskemann, a witness to the situation in the Sudeten German regions in those years, reports that "[A]t the frontier anything with a swastika on it, especially any newspaper or anything resembling a pamphlet, might be confiscated" (Wiskemann, *Czechs and Germans*, 244)

85. Wiskemann, *Czechs and Germans*, 244. It must be remembered, for example, that according to another law passed in 1933, elected mayors needed the authorization of the central government to exercise their powers, which also caused resentment in the Sudeten areas.

1938: THE SUDETEN CRISIS FROM AN INTERNAL TO AN INTERNATIONAL PROBLEM

The relations between the Prague government and the Sudeten German minority became fully determined by international forces at the turn of 1937–1938: in other words, during the First Republic's last year of existence, the strategy of Henlein and the SdP was entirely dictated by Berlin. In November 1937, Henlein sent Hitler a secret report in which he maintained that a solution to the Sudeten problem was only thinkable in terms of annexation of the Sudeten territories to the Reich, and added that he had to conceal his allegiance to the National Socialist cause in his internal propaganda to avoid repression.⁸⁶ On 20 February 1938 Hitler declared before the Reichstag that the Reich had the mission to protect those 10 million Germans living beyond its boundaries, thereby making public his plans of conquest and expansion to the East, with Austria and Czechoslovakia designated the first victims.⁸⁷ In March 1938 Austria was annexed, which stirred the situation in the Sudeten German districts considerably.

At that stage the stakes of the interaction between the challenge of the SdP and Prague's response were no longer the internal order, or the maintenance of democracy, or the preservation of territorial unity in Czechoslovakia, but rather the perspective of a suicidal war with Germany. Czechoslovakia could only avoid such a war (or have some hope to fight it without being occupied in a few weeks) through the intervention of its foreign allies, that is, principally France, and after 1935 the Soviet Union.⁸⁸ In other

86. Slapnicka "Die Böhmische Länder," 87.

87. Luža, *The Transfer*, 110.

88. The Czechoslovak generals, as reported in the minutes of a meeting with the president and the cabinet shortly after the Munich treaty, made clear that the operational plans of the Czechoslovak army were built on the assumption that a large part of the German troops would be occupied on the western front against France. The fortifications at the border with Germany were not completed in several regions, and were nonexistent at the former Austrian border, which made the military situation of the country even more difficult. The intervention of the Soviet Union to protect Czechoslovakia against Germany was very difficult in practice, as the Soviet Union shared no border with either Czechoslovakia or Germany, and the question of the "right of passage" of Soviet troops through the territory of adjacent states was far from resolved. Beneš did not press Romania to allow the passage of Soviet troops to help Czecho-

words, in the convulsive months between March and September 1938, the Czechoslovak authorities were no longer free to deal with the Sudeten problem as they had been doing until 1937. Their internal reactions were conditioned, and in some cases dictated, by the international conjuncture. Thus, while the government and in particular President Beneš resorted in some cases to the special laws, it would be misleading to judge the latter's importance or effectiveness on the basis of the events of those months.

The crisis of France, and its increasing dependence on Britain in international policy and on the European scene, rendered Czechoslovakia's position much more fragile than it was on paper: London, in fact, with no binding commitment to Czechoslovakia, had great interest in maintaining peace in Europe and, thus, exerted substantial pressure on Prague to arrive at a settlement with the Sudeten Germans—i.e., with the SdP—⁸⁹ in order to avoid German intervention. The Czechoslovak government, in fact, was virtually forced by the British government to negotiate and make substantial concessions to Henlein's emissaries. In this context, the policing of the German areas was lessened on several specific occasions, to avoid the recrudescence of Sudeten German opposition and its consequences on the diplomatic equilibrium in Europe. At the same time, however, Henlein's envoys negotiated with Prague with no intention of arriving at a compromise, no matter how favorable. They were in fact mere instruments of Berlin's foreign policy, now aiming at the destruction of Czechoslovakia: in essence, Berlin's instructions to Henlein were "always to negotiate and not to let the link be broken, on the other hand always demand more than could be granted by the other side."⁹⁰

Henlein put forward radical demands for autonomy at his

slovakia since he feared alienating the western powers. Moreover, even in the best of the circumstances, the Red Army could not reach Moravia for six weeks, too long for the Czechoslovak army to resist the *Reichswehr* (See Zeman, *The Life of Edward Beneš*, 135–36; and Slapnicka "Die Böhmisches Länder," 91).

89. Slapnicka "Die Böhmisches Länder," 88. In March 1938 the DCVP, the BdL, and the Small Traders party had merged in the SdP.

90. In Ribbentrop's words, quoted in Luža *The Transfer*, 132. Obviously the "link" should not be broken since it was functional to Hitler's policy to show that the SdP was willing to negotiate to protect the right of the German minority, against the supposed intransigence of the Czech government.

party's congress at the end of April 1938. These demands, if accepted, would have meant the end of the authority of the Czechoslovak state on the Sudeten regions. A few days later, the British and French governments urged Prague to make concessions. In this situation, Prague started to seek an agreement with the SdP on the institutional position of the German minority in the state, but also softened the special police restrictions in the Sudeten regions: in May 1938 the police were ordered "to overlook minor offense."⁹¹

And so, the so-called May crisis ensued in mid-May 1938 Czechoslovak intelligence started receiving reports of large-scale troop movements in neighboring regions of Germany, Bavaria and Saxony. On 21 May Beneš, in his role of supreme commander of the armed forces, declared a partial mobilization, calling to arms a part of the reserves. There were however no troop movements on the German border: either Beneš was misled by a German intelligence game, or the Czech services made a mistake.⁹² By declaring a mobilization, Beneš wanted to show firmness and unite the West against Germany, but the move proved a tactical blunder with negative consequences for both the international and the internal situation of Czechoslovakia. In fact, it irritated the western powers, and lent credence to the German-supported image of Beneš as a warmonger. Internally, the decision indirectly supported the SdP: local elections in the German areas were scheduled for the end of May, and SdP could easily capitalize on the mobilization by describing it as an antidemocratic attempt to intimidate Sudeten German voters. The party reported a landslide victory, gathering about 90 percent of the German vote,⁹³ and definitely gaining credit as the main representative of the whole German minority.

Under pressure from London, and upon the direct intervention of a British mediator, Lord Runciman, at a certain stage of the negotiations, the Czechoslovak government—or rather Beneš himself, who had led the negotiations since August—negotiated and proposed four successive plans in which increasingly larger

91. Luža, *The Transfer*, 120. To reduce tensions, in mid-April 1938 Beneš had already ordered a political amnesty releasing 1,235 Germans from jail.

92. Zeman, *The Life of Edward Beneš*, 122.

93. Eighty-seven percent approximately, if the vote of the Communist party in the German areas is considered.

autonomy was given to the German regions, up to a point in which, in the first days of September 1938, the SdP's original demands were accepted in their entirety.⁹⁴ At this stage, the SdP created an incident in which it claimed that one of its leaders was struck by a policeman, and Henlein used it to break off negotiations with Prague.⁹⁵ Thereafter, the SdP decidedly adopted a strategy of confrontation, staging demonstrations and further incidents, which developed in to a full-scale revolt (carefully planned in accordance with Berlin), aimed at seizing power in the Sudeten regions.⁹⁶ This led the Czechoslovak government to declare martial law in several German districts, thereby managing to contain the revolt. At this stage, the SdP issued an ultimatum to the government, which responded by resorting to the special legislation, suspending civil liberties, declaring a state of emergency, and dissolving the SdP.⁹⁷ The SdP leaders fled across the borders to Germany and organized military actions against Prague. With the flight of Henlein and the dissolution of the SdP, the international nature of the Sudeten problem became visible, and any further decision on the Sudeten Germans was definitely left to Hitler. Externally induced negotiations, the implementation of the emergency laws in the manner and with the limits described above, and a general mobilization on 22 September 1938,⁹⁸ when it seemed that war was unavoidable, were not sufficient to save the republic, whose destiny was finally decided by the European powers at Munich. But the determination of the internal situation by international events had began several months before.

Conclusion

Both the territorial boundaries and the democratic regime of the First Czechoslovak Republic were contested by strong extremist

94. Luža, *The Transfer*, 139.

95. Of no avail was the fact that the Czechoslovak government suspended police officials of the districts in which the incident was said to have happened, and the police president resigned. British sources report that the incident had been "deliberately staged by the Sudeten representatives." (Luža, *The Transfer*, 140).

96. According to the plans, post offices, railways stations, gendarmerie and state police stations, and customhouses were to be seized by the SdP. Luža, *The Transfer*, 141.

97. Slapnicka, "Die Böhmische Länder," 94.

98. See Zeman *The Life of Edward Beneš*, 128.

groups, but until it was the object of partial territorial conquest by the Nazi Reich in 1938, the Czechoslovak political system managed to persist and maintain constitutional and democratic rule. Despite the hindrance of anti-system forces which at a certain stage occupied (all together) a third of the parliament, the Czechoslovak rulers managed to enact effective reactions to these extremist threats, reducing but not suspending democratic rights and guarantees altogether. In particular, they passed and implemented a very elaborate system of anti-extremist legislation. The analysis of extremist challenges and defensive reactions in Czechoslovakia between the wars has been conducted here with a twofold aim. The first has been to complement the existing knowledge about this kind of political process by analyzing a case in which extremist forces reached a substantial strength and entered representative institutions en masse. The analysis of anti-extremist reactions in a “difficult democracy” may yield interesting insights especially because most studies of this phenomenon focus on countries and periods in which extremists were relatively weak (the United States and the Federal Republic of Germany first of all). The case of the First Czechoslovak Republic, in which anti-extremist legislation was widely resorted to and implemented against strong extremists warns, therefore, against hasty generalizations about the viability and effect of such measures, which might suffer from selection bias if these were only to be based on the best-known cases.

The second aim here has been to analyze the political processes governing the dynamics of the extremist challenge and anti-extremist response in “difficult” democracies. In this respect, the Czechoslovak case yields several interesting insights. To begin with, the analysis reveals the importance maintaining a cohesive democratic coalition for the viability of political-institutional reactions, which would otherwise be impossible. For this task, in Czechoslovakia not only the “democratic discipline” of most of the established parties, but also the external influence of the presidency of the republic were of paramount importance. A strategy of institutional reactions against strong extremist parties is only possible if a parliamentary majority supports it, and is able to remain a majority, i.e., to counteract the centrifugal tendencies that may destabilize the majority itself. The main problem for the demo-

cratic parties of Czechoslovakia in this respect is seen in the political tactics of the internal right wing of the Agrarians: their rightist and in some cases authoritarian leanings probably prevented the dissolution of the NOF in the early 1930s, and certainly that of the SHF in 1933–34, and in general constituted a serious destabilizing factor after 1933. The other established Czechoslovak parties managed to effectively counteract these tendencies until 1937, i.e., as long as the internal political equilibrium of the country was not entirely dependent on international dynamics.

A further interesting aspect for the comparative analysis of political-institutional anti-extremist reactions in democracies is the composite nature of anti-extremist strategies, and the importance of repression in their “mix.” In the First Czechoslovak Republic, both repression and inclusion had an important place in the overall strategy of reactions to extremism: strategies such as policy concessions and targeted appeals to the public were intensively used in crucial moments. While such strategies pose fewer normative problems than does legal repression, it is difficult to imagine how the former could have been successful without the actual and deterrent effects of the latter. Finally, the variety and extension of the Czechoslovak anti-extremist legislation, trying to repress and prevent extremist actions in virtually all fields (at that time) contributes an interesting starting point for a general taxonomy of legislative measures for the protection of democracy, likely to be used in comparative analyses.

Needless to say, important questions are left to further research: a single case study, no matter how interesting or extreme, can hardly yield universal insights—but it does help pose the right questions about the issue. For example, are there common political consequences of anti-extremist legislation? If so, what are they? And more specific, consequences *on what*? For every possible answer to this last question, there would surely be a corresponding hypothesis, amenable to comparative testing. A first hypothesis is that such laws have an effect on *the strength* of extremists in a certain country: in other words, the hypothesis would be that extremists become weaker in a democracy after protective laws are passed and enacted. In Czechoslovakia, this was evidently not the case of the SdP; however, its successes were in large part due to

the direct and indirect foreign influence of the Nazi Reich, against which no law could do. If one looks at autochthonous extremism, such as that of the Czech Fascists, however, things seem indeed to be different: while the Czech Fascists never reached a significant size, it is difficult to say whether this was because of the intrinsically weak social bases of the movement, the rivalry between leaders, or the constant repression exerted by the government.⁹⁹

A different question would be whether the existence of protective laws in specific fields exerts a specific effect on the *tactics* of extremist groups, leading them to choose certain courses of action to escape legal sanctions. In specific areas, although further data collection is needed, the special laws seem to have exerted this kind of effect in Czechoslovakia, for example in preventing the SdP, use of the strategy of systematically disrupting public order with paramilitary actions, similarly to what happened in Germany or Italy during the democratic crises, or forcing Henlein to moderate his tones in public speeches, etc.

A third, and probably more difficult, question is whether such protective laws have any effect on the probability of a certain regime outcome, i.e., on the *survival or breakdown* of democracy. Here, a single case study is of little help. The causal factors that led to the breakdown of the Czechoslovak state in 1938, and those that enabled it to survive before Munich, are incredibly complex, and it would be impossible to identify the main ones, let alone the main one, without entering etiological debates.¹⁰⁰ The aim here is more modest and ambitious at the same time: to start posing questions that scholars could first research in other political systems

99. A related question bearing on the issue of the effect of the protective legislation on the strength of extremists is whether these laws, once passed, act to deter prospective extremists: do people drop out of extremist organizations since they fear legal repression? Does implementation of the laws enhance this phenomenon? These phenomena seem very plausible, although the Czechoslovak case, not least for lack of first-hand data, can say very little on them.

100. See, for example, the recent debate on historical causality in *History and Theory* triggered by the publication of Henry Ashby Turner's *Hitler's Thirty Days to Power* (Reading: Perseus Press, 1996). In particular, see Johannes Bulhoff, "What if? Modality and history," *History and Theory* 38 (1999): 145–68, David Lindenfeld, "Causality, chaos theory and the end of the Weimar Republic," *History and Theory* 38 (1999): 281–99; and Turner's rejoinder, "Human agency and impersonal determinants in historical causation: A response to David Lindenfeld," *History and Theory* 38 (1999): 300–306.

than those already known, and in the future address comparatively, thereby filling a gap in the research agenda of comparative politics.

In the end, we need comparisons to understand under what conditions, and with what consequences, democracy can react to extremists without denying its very nature. Although this phenomenon is extremely sensitive to the specific historical and cultural context, we need not be confined to an idiosyncratic and scattered knowledge. In fact, the attempt to achieve a more systematic knowledge on how to strike the best possible balance between the two horns of the democratic dilemma in the practice of politics—avoiding the abuse of democratic rights and at the same time avoiding the abuse of political discrimination—is all the more worth pursuing in this age of democracy's worldwide victory.