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Contents

Studies

- Aneta Pawłowska*, What is History of Art in the 20th and 21st Century –
a Few Theoretical Problems 137
- Jan Štemberk*, Tschechoslowakische (sudetendeutsche) Ingenieure
beim Bau der Reichsautobahnen in der Zeit vor dem Münchner
Abkommen 153
- Jan Zouplna*, Israeli Polity and the European Powers during
the 1950s: Democracy as a Tool in Fostering Bilateral Ties? 167
- Adetunji Ojo Ogunyemi*, Administrative Structures for Accountability
in Colonial Nigeria: A Review of their Impact on Fiscal Prudence,
1950–1960 191
- Sunday Abraham Ogunode*, Kingship Institution in Post-Colonial
Akokoland, 1960–1999 215

Discussion

- Pavla Chmelíková*, The English Navy at the Time of the Duke
of Buckingham (1618–1628) 239
- Csilla Dömök*, Minderheiten und Volksgruppen in Europa 263

Review

- Marco SORESINA, Italy Before Italy. Institutions, Conflicts
and Political Hopes in the Italian States, 1815–1860
(*Daniel Martínek*) 277

What is History of Art in the 20th and 21st Century – a Few Theoretical Problems

Aneta Pawłowska*

The article presents various approaches to the methodology of modern and contemporary art history. It provides signposts and a set of possible orientations toward the field of art history, by presenting some of the theoretical perspectives most widely used in the discipline today (e.g. historiography, iconography, “iconic turn” as well as “crisis in art history”). The aim of this article is to present art as a visual representation of a range of concepts and emotions as well as to examine the changes of different ways in which people study, interpret and appreciate art in its richness and multitude of forms.

[Art History; Culture; “Crisis in Art History”]

This paper, which is presented here, should be considered merely as a “draft” for the proper understanding of the situation which confronts art history professionals today. My article was written from the point of view of somebody who possesses many years of practical experience in teaching at the graduate program in art history at the University of Łódź (Poland). The article is organized around several groups of major debates and themes that have characterized the literature of this field of study since the day when important and often incredible changes occurred in this discipline, which arose on the eve of World War II until present-day.

Art History under the Shadow of Nazism

The problem of understanding “Why do we need art history” was one of most important issues in the late 1940s for Fritzl Saxl (1890–1948).¹ Saxl was a distinguished art historian of Austrian origin, who was the guiding

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¹ F. SAXL, Po co nam historia sztuki, in: J. BIAŁOSTOCKI (ed.), *Pojęcia, problemy, metody współczesnej nauki o sztuce*, Warszawa 1976, pp. 14–28.

light of the Warburg Institute, especially during the long duration of mental breakdown of its founder, Aby Warburg (1866–1929), whom he eventually succeeded as its director. The Warburg Institute was quite famous for its interest in a more philosophical and interdisciplinary approach to art history. In 1933, under the shadow of Nazism, the Institute was relocated by Saxl to London. He was also the first director of the Warburg Institute when it became part of the University of London in 1944. There, in a more friendly environment Saxl could examine the astrological manuscripts and problematical iconography of ancient works. The conclusions that Saxl drew from his observations were presented in the massive two-volume edition of his *Lectures*.²

Saxl was convinced, as was Warburg, that visual images could be read as historical documents offering insights into a culture that were in no way inferior to those derived from written texts. Both scholars also shared a multi-disciplinary methodological approach to the problems they set themselves. Saxl described himself as an art historian who refused to recognize the borders of academic disciplines. He also mused that he was a ‘wanderer through the museums and libraries of Europe, a farm hand tilling the piece of land between art history, literature, natural science and religion.’³

Saxl also believed that we must accept the dangerous and risky fact of the growing fascination in art and especially art history and that the majority of the people who study art history generally just want to receive a precise and straight forward answer to the question how to evaluate and appreciate a work of art and how to make it part of their soul. He was convinced that the visual images should be used as historical documents and that the revealing glimpses and the enlightening facts that they provide are in no way less important to those derived from the study of written sources. The questions Saxl asked in his lectures are ultimately concerned with the beliefs, the aspirations and the dreams of the people who made them and who utilized these images (e.g. as *Biblia pauperum* in medieval times). Saxl assumed that research was always connected with an attempt to transcend generalities and to establish a link and relationship with the people of the past. He thought that one should treat art history as an essential and primary task in the life of a human being. He

² F. SAXL, *Lectures*, London 1957.

³ D. McEWAN, *Fritz Saxl – Eine Biografie: Aby Warburgs Bibliothekar und Erster Direktor des Londoner Warburg Institutes*, Wien, Köln, Weimar 2012, p. 196.

underlined the fact of the distressingly growing interest in art in general in the 20th century, and especially the alarmingly increasing curiosity in the field of art history.

The other mission for art history under the shadow of Nazism, was the discovery that works of art have meaning beyond their purely formal significance as expressions of visual culture. The most important for a distinctive methodology for Erwin Panofsky (1892–1968)⁴ was iconography, the study of the subject matter of works of art that revealed their intellectual content, on a par with and often involving works of literature, philosophy, theology, and other modes of thought more commonly associated with such content. The confidence that artists could speak their minds, as well as their hearts with their hands, transformed art history from an effete exercise in connoisseurship and appreciation into a rigorous and challenging history of ideas with a characteristic Panofsky's methodology, which he raised to the level of a humanistic discipline in its own. Particularly noteworthy in the Panofsky method was his ability to clarify the content of works of art by reference to a wide variety of evidence from other fields. Art was thus no longer viewed as a rare or unique object aloft in the rarefied atmosphere of elitist aesthetics but as an integral part of our cultural heritage, accessible to anyone with the requisite imagination, intelligence, and persistence. The study of visual images thus became an intellectual endeavor comparable to other fields in which words were the medium.

"There are only Artists" or a Redefinition of the Idea of Progress

In order to think through the place of the different paradigm within the modern art history it is helpful, perhaps, to have recourse to a number of diverse conceptual models, starting with the work of Thomas Kuhn one of the most influential philosophers of science of the 20th century, there is a distinction between "normal" science and the innovative inquiry that results in shifts of epistemological paradigm, can also be applied to understanding art-historical practice.⁵

⁴ Erwin Panofsky was a German and American art historian who gained particular prominence for his studies in iconography, which was his own method presented in 1939 concentrated on the study of symbols and themes in works of art. More: E. PANOFSKY, *Studies in Iconology: Humanistic Themes in the Art of the Renaissance*, New York, London 1972.

⁵ T. KUHN, *The Structure of Scientific Revolutions*, Chicago 1964, p. 123.

Simultaneously Sir Ernst H. Gombrich (1909–2001) presented his influential survey of the history of art entitled *The Story of Art*. The book was first published in 1950 by Phaidon Publishers and it was widely regarded both as a seminal work of criticism and as one of the most accessible introductions to the visual arts. The first two sentences from the book have become a very famous phrase in modern criticism: “*There really is no such thing as Art. There are only artists.*”⁶ Moreover, in Gombrich’s opinion, one never finishes learning about art since “*there are always new things to discover. Great works of art seem to look different every time one stands before them. They seem to be as inexhaustible and unpredictable as real human beings.*”⁷

Another intellectual backdrop for many art historians and art theorists concerns (sometimes positive, though much more often negative) was Clement Greenberg (1909–1994). He was an American essayist generally regarded as an influential visual art critic who was closely associated with the American Modern Art of the mid-20th century and the chief theorist and advocate of modernism in the visual arts.

Simultaneously in the field of art itself during the 1950s and 1960s, emerged new artistic directions such as Geometric Abstraction, Op art, and Kinetic Art. All of them flourished as international styles that linked artists across the globe. These practices were animated by socialist and phenomenological discourses that appealed to visual perception and interactivity as ways to democratize artistic culture. Eliminating elite cultural references, these artists aimed to train or stimulate perception as a gateway toward broader viewer participation within broader social constellations such as urbanism, cybernetics, and labor. During the 1960s many avant-garde impulses dated back from the beginning of the 20th century were revived, with the strong demand that art should find ways to address and even intervene in social and political life. Consequently, many artists felt the need to understand the relationship between art and society, and to conceive, at the level of ideas and concepts, how art and life might be realigned. Intellectual debate and theorizing about the nature of art became commonplace, and often essential in the process of art making itself. Articulating one’s practice in written form, writing art criticism, making public statements, manifesto-like political commitments, or philosophical pronouncements on the nature of reality or human experience became an increasingly common component of artistic

⁶ E. H. GOMBRICH, *The Story of Art*, London 1950, p. 15.

⁷ *Ibid.*, p. 33.

practice. As a result, practice itself became more and more theorized, and theory became the framework within which practice was increasingly reconceived.

Conceptual artists (such as Joseph Kosuth), who believed that claims about the meaning of art rested on a philosophical understanding of the nature of language were key to this transition; while sculptors (like Robert Morris) explored how language itself emerged from a deeper perception and cognitive and bodily engagement with the surrounding world and its horizons of intelligibility. Other artists from the same period, such as Daniel Buren, Dan Graham and Robert Smithson, investigated art's networks of production and dissemination through both their writings and their works for non-standard contexts (magazines, billboards, and various other borderline or non-art spaces).

All the artists and theoreticians mentioned in the paragraph above agreed on only one thing in their reflections on art, that there is no such thing as progress in art.⁸

The Space for New Contemporary Art Practices (New Media and Gender Orientated Art)

Since the late 1970s, when the history of photography became an academic subject, and with mounting interest in photography in the art market, there have been frequent calls by various scholars for a “new kind of history” of photography. These demands were part of what Rosalind Krauss and Annette Michelson described in a special photography issue of *October Magazine* (Summer 1978) as a renewed scholarly discovery of the medium, characterized by the “*sense of an epiphany, delayed and redoubled in its power. This rediscovery carried the message that photography and its practices have to be redeemed from the cultural limbo to which for a century and a half it had been consigned*”.⁹

Also, in the 1970s a young British art historian – T. J. Clark has introduced a new range of themes for art history – the social history of art. His books were a manifesto of the new art history in the English language, provoking controversy as an unabashed Marxist interpretation of some of the most traditionally researched topics in art history. That gave serious

⁸ A. BERTINETTO, Gombrich, Danto, and the Question of Artistic Progress, in: *Proceedings of the European Society for Aesthetics*, 7, 2015, pp. 79–92.

⁹ R. KRAUSS – A. MICHELSON, Photography, in: *October Magazine*, 5, Summer 1978, pp. 3–7.

consideration to the social and political determinants of artistic endeavor. Thus T. J. Clark has advanced an ambitious program to revitalize the discipline of art history. In his publication “On the social history of art” – the programmatic introduction to *The Image of the People*, published in 1973 – he described the principal goal of the social history of art as being to demonstrate the processes of “conversion”, “relation”, and “mediation” through which the pictorial “text” incorporates the socio-historical context of its production.¹⁰ Clark’s success in realizing this program is debatable and doubtful: the ‘connecting links’ between particular “artistic forms” and “more general historical structures and processes” are notoriously difficult to establish. It is at this point that Clark’s work becomes interesting. The aesthetic extends beyond an articulation between artwork and social context; it also represents the point where art and politics converge and diverge. The aesthetic renders an encounter with the political, that is, the experience of freedom that is the unfounded ground of any contingent political state. Nevertheless, Clark’s work was blind to gender issues, a fact pointed out by Griselda Pollock (and acknowledged by Clark).¹¹ All these issues became important in the next decades. Meanwhile Linda Nochlin and Pollock have, in different ways, addressed the exclusion of women from both the historical canon and the categories through which that canon is promulgated. Pollock initiated a debate between the social history of art and feminism by arguing that this remained true of Clark’s stress on issues of class to the detriment of questions concerning gender in his analysis of art’s modernity. And she has gone on to develop an ambitious theory of the aesthetic, unique for being aligned with a feminist practice of art and art history, rather than being its target. The work of artists like Mary Kelly, Sherrie Levine, Cindy Sherman, and Martha Rosier is cited as paradigmatic of the project of a feminist art practice whose objective is to interrogate ideology and specifically ideological constructions of gender.¹²

By the early 1990s, the development of computer graphics and the advent of the World Wide Web provided a new platform for novel artistic productions. Key names of this period include Lynn Hershamn Leeson,

¹⁰ T. J. CLARK, *The Absolute Bourgeois: Artists and Politics in France – 1848–1851*, London 1973; T. J. CLARK, *The Painting of Modern Life: Paris in the Art of Manet and his Followers*, London 1984.

¹¹ T. J. CLARK, <http://arthistorians.info/clarkt> [2019–08–12].

¹² To read more: K. ARCIMOWICZ et al., *Gender w sztuce. Muzeum Sztuki Współczesnej*, Kraków 2015; A. JONES (ed.), *The Feminism and Visual Culture*, London 2003.

Ken Rinaldo, and Roy Ascott. In the 21st century, new media art defined as a genre that encompasses artworks created with new media technologies, including digital art, computer graphics, computer animation, virtual art, Internet art, interactive art, video games, computer robotics, 3D printing, and art as biotechnology, started to be one of the most important part of artistic activities. Those, nowadays new media art is a dynamic field of the arts that offers never available tools for artistic expression.

Art History in Crisis?

In the 1980s and 1990s new and quite significant question in the field of history of art has emerged: is “modern art – monument or mockery”?¹³ To illustrate this, one needs only to refer to conceptual art which came into use in the late 1960s to describe artworks in which the concept (or idea) behind the artwork is more important than traditional aesthetic and material concerns. With conceptual art, its “informative” dimension is neither a fully composed sensation nor a new concept. Following the work of Deleuze and his frequent collaborator Félix Guattari some modern philosopher seemed to put aside conceptual art as compromised, calling it “[...] *doxa of the social body*” because it creates affects that depend on a viewer, falling back into generalization. They opted for sensory otherness “*caught in a matter of sensation*”, dynamic “*vibrations, clinches and openings* [...]”.¹⁴ Stephan Zagala, Senior Curator of the Monash Gallery of Art in Australia has argued that here a work of art makes “*new modes of existence*”, using “*the force of sensation*” for a kind of thinking, where “*the only law of creation is that the compound [of art] must stand up on its own*”.¹⁵ That makes art insubordinate to theory and discursive control, the latter mediums in the transformation of sensation into simulacrum, whether in Barthes’ terms as “*intellect added to an object*”.¹⁶ Within this context then, it can be clearly seen that the postmodernist embrace of popular-commercial visual culture by artists from around 1980 was not in itself a new departure, nor was the ironic character of this embrace. Appropriate examples of such artistic activities often suspected of fraud were Jeff Koons’ ceramic statuettes of *Michael Jackson*, through the Royal Academy’s *Sensation* exhibition of 1997 or Matthew Barney’s extraordinary plundering of the American pop-

¹³ D. COTTINGTON, *Modern Art: A Very Short Introduction*, Oxford 2005, p. 1.

¹⁴ G. DELEUZE – F. GUATTARI, *What is Philosophy?*, New York 1994, pp. 172, 177, 198.

¹⁵ S. ZAGALA, Aesthetics. A place I’ve never seen, in: B. MASSUMI (ed), *A Shock to Thought: Expression After Deleuze and Guattari*, London 2002, p. 20.

¹⁶ Ibid., p. 21.

cultural imagination in his epic multimedia *Cremaster Cycle* (1994–2002). Also, kitsch seems to be everywhere in contemporary art, almost obligatory for any aspiration to “relevance”.¹⁷

Most prominent artist of this movement is a British artist – Damien Steven Hirst. He became famous for a series of artworks in which dead animals (including a shark, a sheep and a cow) sometimes having been dissected are preserved in formaldehyde. The best known of these *objects d’art* being *The Physical Impossibility of Death in the Mind of Someone Living*, a 14-foot (4.3 m) tiger shark immersed in formaldehyde in a glass vitrine. Hirst has also made “spin paintings”, created on a spinning circular surface, and “spot paintings”, which are rows of randomly colored circles created by his assistants. And this apparent similarity of orientation has opened fresh perspectives on the art of that earlier epoch, inviting today’s audiences to an enjoyable complicity with its engagement with “low” culture – a complicity that had previously been frowned upon by Clement Greenberg in his insistence on the superiority of an unadulterated “high” art tradition.

Simultaneously with the problem of defining what a contemporary work of art truly is, occurred a problem related to the crisis of scientific discipline, which is the history of art. Donald Preziosi in his article entitled *A Crisis in, or of, Art History?* proposes to enrich the existing framework of the discipline by incorporating into it the study of “*the history, theory, and criticism of the multiplicity of cultural processes that can be construed as enframing; an accounting for objects, and their subjects, with all that might entail*”.¹⁸ There is no metalanguage which permits art historians to formulate theories independently of this framework. The theory is unavoidably relativized to vantage points within the framing practices. So Preziosi does not propose to step outside the disciplinary framework; his rethinking is meant to enrich and improve it.

A similar approach to the issue of overcoming the crisis in art history can be found in Hans Belting’s book – *Das Ende der Kunstgeschichte?*. In his opinion artists today are reconsidering their own tasks, the surviving possibilities of such media as painting and sculpture, considering the historical legacy of art. Therefore Art historians are testing different models of telling the history of art, not the history of an unchallenged evolution but the history of ever new solutions for the ever new problem of what

¹⁷ COTTINGTON, p. 99.

¹⁸ PREZIOSI, p. 2.

makes an “image” and what makes it a convincing vision of “truth” at a “given moment”.¹⁹ Finally, the problem of the status of contemporary art demands the general attention of the discipline – whether one believes in postmodernism or not. Thus, in Belting opinion “*Only an attitude of experimentation promises new answers*”.²⁰

The “Iconic Turn” in Art History

Referred to in terms of the “iconic turn”, visual studies emerged in France, Britain (and the United States) and Germany in the 1990s as a powerful challenge to many assumptions sustaining art-historical discourse.²¹ While some commonalities are clearly visible in this trend, with the work of certain writers, such as Hans Belting, Gottfried Boehm, W. J. T. Mitchell or Nicholas Mirzoeff, being widely translated and having a major international impact, there are also distinctive discursive trajectories that map onto national discursive communities.²² Thus, Anglo-American visual studies, emerging out of cultural studies, in which a concern with the politics of visual representation and popular culture has been uppermost, has a quite different center of gravity from the theory *Bildwissenschaft*, the term used to describe the wide range of image theories prominent in Germany.²³ The “iconic turn” recalled the important role of images in constructing social realities. Images carry a special power, a dynamic that is overlooked by strictly linguistic models.

In the center of this dynamic, we find what has been called the “iconic” as a specific feature of images. In a semiotic perspective, this can be understood as a form of signification. In the late 19th century Charles

¹⁹ H. BELTING, *The End of the History of Art?*, Chicago 1987, p. xii.

²⁰ Ibid., p. xi.

²¹ In 1994 two professors, one in America and one in Switzerland, independently from each other, described the pictorial turn of human sciences. W. J. T. Mitchell introduced the phrase “pictorial turn”, while Gottfried Boehm used the expression *ikonische Wendung*, that is “iconic turn” in the discourse dealing with pictures and texts. The term was inspired by Richard Rorty who in 1967 had characterized the history of philosophy as a series of “turns”. To read more: W. J. T. MITCHELL, *What do Pictures Want? The Lives and Loves of Images*, Chicago 2005; G. BOEHM, *O obrazach i widzeniu. Antologia tekstów*, Kraków 2014.

²² M. RAMPLEY et al. (ed.), *Art History and Visual Studies in Europe. Transnational Discourses and National Frameworks*, Leiden 2012.

²³ A. ZEIDLER-JANISZEWSKA, Visual Culture Studies czy antropologicznie zorientowana Bildwissenschaft? O kierunkach zwrotu ikonicznego w kulturze, in: *Teksty Drugie*, 4, 2006, pp. 9–30.

S. Peirce suggested thinking of the icon, as an icon resembles the thing it represents.²⁴ Other theorists have sought to understand the “iconic” as a feature that pertains to the perception of images in the context of discursive utterances. Images are perceived with the eyes; they do not only tell, but they do also show something. The latter, drawing on discourses from aesthetics, communication theory, anthropology and theories of social memory, has in general kept aloof from questions of political engagement. Moreover, while some exponents of *Bildwissenschaft* have emphasized its links to art history, visual studies have, in contrast, aggressively distanced itself from the historical analysis of the image.

Another discourse *Bildwissenschaft* tries to challenge is that of media theory or sciences which has been very efficient over the last twenty years in analyzing new phenomena and mediality in the history of technical inventions concerning photography, film, video, TV and digital imaging, not only as technical means but also as instruments that are altering the ways of perception, cultural meaning and subjectivity in the tradition of theorists like Walter Benjamin, Siegfried Kracauer or Roland Barthes – phenomena about which art history has had little to say.²⁵ In fact, gender studies and media sciences have a lot in common and, based on the heritage of cultural studies, they have addressed the relations between high and low culture, art and mass media etc. as legitimate research fields.

In their now classic study *The Love of Art*, Bourdieu collaborating with Alain Darbel note that working class visitors typically responded most positively to the provision of guidebooks or directions as to the best route to take through an art museum. It may well be, Bourdieu and Darbel argue, that such clarifications are not always able to “give the eye” to those who do not “see”.²⁶ Nonetheless, their presence in a gallery is symbolically important just as is the demand for them by working-class visitors in that both testify to the possibility that the gap between the visible and the invisible may be bridged by means of appropriate trainings. If, by contrast, and as their evidence suggested, the cultivated classes are the most hostile to such attempts to make art more accessible, Bourdieu and Darbel argue that this is because such pedagogic props detract from

²⁴ T. L. SHORT, *Peirce's Theory of Signs*, Cambridge 2007.

²⁵ S. SCHADE, Zur verdrängten Medialität der modernen und zeitgenössischen Kunst, in: S. SCHADE – G. C. THOLEN (Hrsg.), *Konfigurationen. Zwischen Kunst und Medien*, München 1999, pp. 269–291.

²⁶ P. BOURDIEU – A. DARBEL, *The Love of Art: European Art Museums and Their Public*, Cambridge 1991, p. 56.

that charismatic ideology which, in making “*an encounter with a work of art the occasion of a descent of grace, provides the privileged with the most ‘indisputable’ justification for their cultural privilege, while making them forget that the perception of the work of art is necessarily informed and therefore learnt*”.²⁷

At this point we must not forget a French curator – Nicholas Bourriaud. In 1997 he published an influential book called *Esthétique Relationnel*, in which he defined his newly coined term as: “*A set of artistic practices which take as their theoretical and practical point of departure the whole of human relations and their social context, rather than an independent and private space*.”²⁸

Bourriaud saw artists more as facilitators than makers of art and regarded art as pure information exchanged between the artist and the viewers. The artist, in this sense, gives audiences access to power and the means to change the world. He cited the art of Gillian Wearing, Philippe Parreno, Douglas Gordon and Liam Gillick as artists who work to this agenda.

The Dilemmas facing the Current Generation of Art Historians

The power of attraction of pictorial art has nowadays increased immensely and consequently:

According to Rene Huyghe – philosopher of aesthetics: “*Art has never seemed so important, to the point of becoming an obsession, as in our own day. Never before has it been so widely accessible, so greatly appreciated. Never before has it been so intensively analyzed and explained. In this it benefits (particularly as regards painting) from the major role visual images have come to play in our civilization*.”²⁹

However, the dilemmas which are faced by the contemporary generation of art historians are yet even more significant because not only the interpretation of the work of art is a problem nowadays but also the proper kind of contact with the artwork. In the multitude of present day attractions, the average spectator's contact with the work of art in the gallery lasts only approximately 8 seconds, meanwhile the recipient appears in the museum in connection with the widely advertised “art events” such as the much adored “Night of Museums”, which started in 1997 in Berlin. These “Night of Museums” are often adorned by truly “cultural” events such a music concert of pop stars or railway tickets of Intercity trains sold at half price on this day for all museums visitors (to receive

²⁷ Ibid.

²⁸ N. BOURRIAUD, *Relational Aesthetics*, Dijon 1998, p. 14.

²⁹ A. McCLELLAN, *Art and Its Publics: Museum Studies at the Millennium*, Oxford 2003, p. 3.

the 50 percent railway ticket discount it is necessary to present entrance ticket from the museum). Museum staff usually does not especially like these special nights, but it results in the essential human flow through museum premises which in turn has a positive impact on the all-mighty statistical graphs which illustrate the annual number of museum visitors.

The new media are another way of contact of the present-day spectator with the work of art. Everyday many new applications relating to art appear, which are easy to install on one's smartphone – for example DailyArt³⁰ – a Polish educational application for smart phone, which in a very accessible form and properly translated into an English language describes conveniently the values and merits of an individual work of art. The observations are captured in a straightforward manner and often contain very simple and laconic information about the authors of the works of art based on information found in Wikipedia. The added “bonus effect” of such an application is that it improves the average Polish person's acquaintance with the English language. As a result, the work of art which is presented on a familiar display of our very own smart phone has the dimensions of several square centimeters only but on the other hand it completely belongs to its temporary recipient. The only question which comes to mind is whether such an object of art, presented in such a manner possesses still the values of a genuine work of art, does it have the true Walter Benjamin's “aura”³¹ and quality? The answer to such a question seems quite obvious, the artefact does not possess any true aura or atmosphere, but it holds the value of accessibility and has an air of egalitarianism, and in our world of immensely immanent homogenized culture it is often the most important value in itself. This type of cultural homogenization is frequently connected with attempts to include the works of art of much higher level using elements which can attract a much wider and popular public. Such manipulations are often made not only by the author of the work of art himself/herself, but also by the museum

³⁰ DailyArt, <https://play.google.com/store/apps/details?id=com.moiseum.dailyart2&hl=pl> [201908–12].

³¹ Walter Benjamin in his well known essay, *The Work of Art in the Age of Mechanical Reproduction* (1936) identifies the perceptual shift that takes place when technological advancements emphasize speed and reproducibility. The aura is found in a work of art that contains presence. The aura is precisely what cannot be reproduced in a work of art: its original presence in time and space. He suggests a work of art's aura is in a state of decay because it is becoming more and more difficult to apprehend the time and space in which a piece of art is created.

staff, by the net programmers or by the ordinary users of the Internet themselves.

The immanent homogenization can however be recognized as *aporia*, because the works of art which belong to this category, make up fundamentally uniform compositional elements of higher level and they have nothing in themselves of mechanical composition of content and form of a different character; their ability of appealing to the interests and tastes of a wide range of recipients is actually the result of extraordinary talent, skill of expression showing the wealth of realism and the complexity of various phenomena. Therefore the common experiencing of art by means of the "Museum Nights", through various smartphone art applications or by belonging to this special part of the Facebook community interested solely in art, in fact is the ideal supplement of community current in the present-day culture, in which the individuals are envisioned to be the manufacturers of culture, who create "*the feeling of social solidarity, creating the outstanding, distinctive, fragmentary, voluntary, the and at times temporary cultural worlds through the dedication to their common consumptive interests*".³² These problems often defined as the thesis about modern tribal society concentrate on the new types of ties and forms of socialization (e.g. the post-traditional communities and the subculture of consumption). These new types of communities and whole societies are built around the leading cult brand or pop culture texts, the virtual communities in which the main "*building or construction factor*",³³ is not the common breed, education or place of birth or dwelling, but the same shared interests, opinions, emotions or practice. It, therefore, seems possible, that art itself or the fad or fashion of association and appreciation of art may become for some people the equivalent as for other people the need for possessing the same expensive brand of clothes or cars. It obviously has to be art expressed in a simplified way or form, well adapted to the needs and expectations of such an immanently "culturally homogenized" art receiver.

And this is where the importance of art historians appears vividly. Art historians must serve the role of the connecting link between the world of high artistic culture, which demands numerous complicated competences ex. the knowledge of ancient mythology, holy attributes, painting

³² E. J. ARNOULD – C. J. THOMPSON, *Consumer Culture Theory (CCT): Twenty Years of Research*, London 2005, p. 873.

³³ R. V. KOZINETS, The Field Behind the Screen: Using Netnography for Marketing Research in Online communities, in: *Journal of Marketing Research*, 39 (1), 2002, pp. 61–72.

techniques, the changeability of art styles through the ages – and the present day recipient's most common query who expects straight forward answer to the question: Why is a given painting / sculpture / building etc. extraordinary, splendid or just worth seeing? And this answer has to be fast and witty just like an internet comment and last but not least it must be accessible through the Facebook or Google account on his own smart phone.

Conclusions

Summarizing the problem concerning the question what is the history of art in today's world – it seems quite clear that the old antagonism between art and life has been resolved, because art has lost its secure frontiers against other media, visual and linguistic, and is instead understood as one of the various systems of explaining and representing the world. All this opens new possibilities but also new problems for a discipline that has always had to legitimize the isolation of its object which is art, from other domains of knowledge and interpretation. In terms of continental philosophy, nowadays much interest has been shown in the different formal interpretations of visual images done by Jacques Ranciere, Jean-Luc Nancy, Jean-Francois Lyotard, and Gilles Deleuze. However, with the magnificent exception of Deleuze their interest in the image is mainly in terms of broader societal and cultural implications, rather than what certain artistic style discloses in relation to the more concrete human experience. In fact, these thinkers offer few sustained discussions of specific paintings in terms of their detailed phenomenal structure. Many art historians and curators alike agree historical conceptions of art have become irrelevant to the social function that art's institutions are now called upon to perform. Already mentioned above, Hans Belting reminds that contemporary art is "post-histoire",³⁴ where any development of art from within its own discipline has become impossible.

I sometimes feel concern that the atmosphere of uncertainty associated with the continuing rhetoric of crisis of art history as a discipline may prevent students from preparing themselves for the wearisome work in the archives. Moreover, in some publications, the so-called positivistic study approach contained in the primary sources, as well as a formalistic approach, may be considered as very suspicious. This is not to suggest that art historians are to abandon the work of art as their primary object

³⁴ BELTING, pp. 4, 10, 14.

of inquiry, nor are they to borrow from social history or other disciplines what they ought to find out for themselves, but it is necessary to somewhat modify the profile of education for the contemporary students of art history and for example to introduce the obligatory online courses as a part of university lectures, or the elements of creative writing about art, all this in order for our graduates to be able to effectively compete on the modern-day, very difficult and complex work market. However, for me, it seems that the loss of the historical aspects of art history is one of the major problems within the field because, as the recently deceased art critic Robert Hughes noticed: *"In art, there is no progress, only fluctuations of intensity."*³⁵

³⁵ R. HUGHES, *The Shock of the New*, New York 2013, p. 376.



Tschechoslowakische (sudetendeutsche) Ingenieure beim Bau der Reichsautobahnen in der Zeit vor dem Münchner Abkommen¹

*Jan Štemberk**

Czechoslovak (Sudeten German) Engineers at the Construction of German Highways in time before the Munich Agreement

The article deals with design and construction of German highway of young graduates from German Technical University in Prague in the years 1935 to 1938. This strategy devised by professors of Prague German High schools (Tschermak-Seysenegg, Buntru, Wanke) should help with enforcement of unemployed Sudeten German graduates of civil engineering on the one hand and with rapprochement of Bohemian (Sudetenland) Germans with the national socialism in the German Reich on the other hand. The strategy was realized even in spite of initial opposition of German Ministry of War that refused to give employment to foreigners at the construction of German highways.

[German Technical University in Prague; Deutsche Studentenfürsorge; German Highway; Sudetenland Engineer]

Der Bau von Reichsautobahnen wurde in Deutschland in der zweiten Hälfte der 30-er Jahre zum Aushängeschild des nationalsozialistischen Regimes. Ab dem Beginn des Baus im Jahre 1934 bis 1942, als der Bau eingestellt wurde, wurden an die 4,000 km Autobahn gebaut.² Pro Jahr waren dies also durchschnittlich ca. 500 km. Es ist offensichtlich, dass ein

¹ Entstanden mit finanzieller Unterstützung des Ministeriums für Kultur der Tschechischen Republik im Rahmen des Projekts NAKI II České století motorismu (Das tschechische Jahrhundert des Motorismus) (DG18P02OVV051), das in den Jahren 2018–2022 von der Karlsuniversität, Fakultät für Geisteswissenschaften, dem Technischen Nationalmuseum und dem Technischen Museum in Brno umgesetzt wird.

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² W. KÖNIG, *Kleine Geschichte der Konsumgesellschaft. Konsum als Lebensform der Moderne*, Stuttgart 2008, S. 175.

solches Tempo den Einsatz von sehr vielen Arbeitskräften erforderte, aber auch von technischen Fachleuten. Unter Berücksichtigung der Tatsache, dass in der deutschen Wirtschaft nach Hitlers Machtergreifung eine starke Investitionspolitik gefahren wurde und der Bau der Autobahnen ganz sicher nicht die einzige „Aufbauaktivität“ des nationalsozialistischen Regimes darstellte, gelang es im Reich sehr bald, die hohe Arbeitslosigkeit zu beseitigen, darüber hinaus hatte man sogar mit einem Arbeitskräftemangel zu kämpfen.

Im tschechoslowakischen Umfeld orientierte sich die staatlich finanzierte Bautätigkeit überwiegend auf militärisch wichtige Bauten (Errichtung von Befestigungen, strategische Straßenbauten). Bei dieser Bautätigkeit wurden Unternehmer bevorzugt, die mit dem Mehrheitsvolk (Tschechen und Slowaken) verbunden waren, nur am Rande Angehörige der in der Tschechoslowakei lebenden Minderheiten. Dies garantierte national tschechoslowakischen Unternehmen Arbeit, half jedoch nicht den Unternehmen tschechischer Deutscher. Die zeitgleich langsamere Überwindung der Wirtschaftskrise führte in der Tschechoslowakei nicht zu einem so schnellen Rückgang der Arbeitslosigkeit wie im Falle von Deutschland. Junge Hochschulabsolventen fanden oft nur sehr schwer eine Stelle, was auch damals reflektiert wurde.

Gerade der Mangel an Arbeitskräften bei der Bautätigkeit in Deutschland und gleichzeitig die Arbeitslosigkeit unter den Absolventen der Deutschen Technischen Hochschule in Prag³ führten den Professor und damaligen Rektor der Deutschen Technischen Hochschule Alfred Buntru (1887–1974), Professor Josef Wanke (1886–1970) von der Abteilung für Ingenieurbauwesen Deutsche Technische Hochschule⁴ und den Professor für Psychologie an der medizinischen Fakultät der Deutschen Universität in Prag Armin Tschermak-Seysenegg (1870–1952) zu dem Gedanken, für sudetendeutsche Absolventen eines Baustudiums Arbeit beim Bau der Autobahnen im Reich zu suchen.

Über eine Hilfe für arbeitslose Absolventen von Hochschulen begann man in der Tschechoslowakei bereits im Jahre 1933 zu diskutieren. Eine konkretere Form profilierte sich im Jahre 1934 heraus, als am 1. März

³ Zur Entwicklung der Deutschen Technischen Hochschule vergleiche: M. TAYERLOVÁ et al., *Česká technika = Czech Technical University*, Praha 2004, S. 73ff.

⁴ Archiv Českého vysokého učení technického (im Weiteren nur AČVUT), Bestand Německá vysoká škola technická (im Weiteren nur NVŠT), Studijní programy 1928–1945, Vorlesungsverzeichnis Studien- und Studentenplan für das Jahr 1928/1929 bis 1938/1939.

Richtlinien verabschiedet wurden. Es kam zu einer Einführung von Arbeitsstipendien für arbeitslose Hochschulabsolventen in einer Höhe von 500 bis 600 Kč, das Ziel bestand nicht nur in der Förderung, sondern auch in dem Bemühen, den Absolventen Praxiserfahrung zu bieten, die ihnen half, eine feste Stelle zu bekommen. Formaler Garant des Projekts war die Ústřední matice školská (ab 1937 direkt das Ministerium für Schulwesen und nationale Aufklärung), mit der Ausführung wurde ein besonderes Aktionskomitee betraut, dem Dr. Kamil Krofta (1876–1945) vorsah. Im Komitee wirkten auch Vertreter von Hochschulen, unter ihnen zu finden sind auch Armin Tschermak-Seysenegg und Prof. Josef Wanke. Dem Aktionskomitee sendeten verschiedene öffentliche Institutionen ihre Anforderungen, gleichzeitig meldeten sich dort Interessenten für ein Stipendium. Stipendien wurden nicht für die Arbeit im privaten Sektor erteilt.⁵

Für das Programm konnten sich selbstverständlich alle Absolventen tschechoslowakischer Hochschulen ohne Ansehen der Nationalität melden. Vonseiten der deutschen Studenten verzeichnete man ein geringeres Interesse. An der Anzahl der Bewerber beteiligten sich bis 1937 nur ca. 11% (insgesamt 96 Personen). Die Erklärung seitens des Schulministeriums, der Grund dafür liege in einer höheren Beschäftigungsquote von Absolventen deutscher Nationalität, ist nicht sonderlich überzeugend. Aus der Anzahl der Bewerber um ein Arbeitsstipendium wurden durchschnittlich ca. 58% befriedigt, doch im Falle von Bewerbern deutscher Nationalität lag die Quote bei 70.8% (68 Personen).⁶ Das geringere Interesse von deutscher Seite kann auch durch die Überlegung gekommen sein, dass die Chance auf Erfolg nicht groß sei, denn öffentliche deutsche Institutionen gab es deutlich weniger.

Die Absicht dieser unterstützenden Aktion wurde im Jahre 1934 präsentiert, doch in den folgenden Jahren lief sie, obwohl sie weitergeführt und ihre Bedeutung betont wurde, mit Rücksicht auf fehlende finanzielle Mittel ohne stärkere Werbung. Dies kann auch der Grund dafür gewesen sein, warum die Anzahl der Interessenten nicht sonderlich hoch war und sich die Informationen eher auf nichtoffiziellen Wege verbreiteten. Prof. Tschermak-Seysenegg als Mitglied des Aktionskomitees hatte somit einen

⁵ Národní archiv Praha (im Weiteren nur NA), Bestand Ministerstvo školství a národní osvěty (im Weiteren nur MŠANO), K. 4129, Organisační akce pro podporu nezaměstnané inteligence.

⁶ Ebenda.

Überblick über den Plan und die Probleme bei seiner Umsetzung und ebenso mit dem relativ niedrigen Stipendium, das einem Absolventen keinen anständigen Lebensunterhalt sichern konnte, wenngleich die Stipendienhöhe auf bis zu 700 Kč monatlich ansteigen konnte und „*seine Höhe [wird] Fall zu Fall gemäß den Vermögens- und sozialen Verhältnissen der Gesuchsteller bestimmt*“ wurde.⁷ Dies kann zusammen mit dem Wissen um die Lage in Deutschland und einer gewissen Faszination von Prof. Tschermak-Seysenegg für die neuen Verhältnisse, die in Deutschland nach 1933 eintraten, zu der Absicht geführt haben, für Absolventen der Prager Deutschen Technischen Hochschule Praktika in einem sehr modernen Bereich der Bauingenieurstätigkeit, der zweifelsohne Perspektive hatte, beim Autobahnbau zu suchen.

Die Absicht, beim Bau der Reichsautobahnen Absolventen der Deutschen Technischen Hochschule einzusetzen, tauchte im Februar 1935 auf. Dieses Timing kann auch mit dem unsicheren Schicksal der tschechoslowakischen Aktion zur Unterstützung arbeitsloser Absolventen Ende 1934 zusammengehangen haben, als nicht klar war, ob es gelingen würde, genügend Geld für ihre Fortsetzung zusammenzutragen. Wahrscheinlich konnte dank Professor Tschermak-Seysenegg auch der Verein Deutsche Studentenfürsorge für die Idee gewonnen werden. Der Verein entstand im Jahre 1922, als Professor Tschermak-Seysenegg eine wichtige Person darstelle, der bis 1938 den Vorsitz hatte. Der Zweck des Vereins war: „*die Fürsorge für die wirtschaftlichen Bedürfnisse aller bedürftigen Studierenden an der Prager deutschen Hochschulen*.“⁸ In dem Verein vertreten waren Lehrer der Prager deutschen Hochschulen (10) und Studenten der Prager deutschen Hochschulen (10). Mitglieder des Vereins waren bedeutende Persönlichkeiten der deutschen Zwischenkriegspolitik (Minister Franz Spina /1868–1938/) und -wissenschaft (z.B. der Chemiker und einige Jahre lang auch der Rektor der Deutschen Technischen Hochschule Wilhelm Gintl /1869–1943/). Die stärkte natürlich auch das Entgegenkommen tschechoslowakischer Behörden bezüglich der Vereinstätigkeit.⁹

Anhand zugänglicher Quellen trug Professor Tschermak-Seysenegg die Idee, sudetendeutsche Ingenieure zu beschäftigen bei einer Unterredung

⁷ Ebenda, Aktion zugunsten der Beschäftigungslosen Intelligenz und der notleidenden Künstler.

⁸ Archiv hlavního města Prahy (im Weiteren nur AMP), Bestand Magistrát hlavního města Prahy II – Spolkový katastr (im Weiteren nur MHPM II – Spolkový katastr), K. SÚA-324, Sg. II/541, Satzungen des Vereines „Deutsche Studentenfürsorge in Prag“.

⁹ Ebenda, Personalstand, Geschäftsjahr 1928.

mit dem deutschen Gesandten am 6. Februar 1935 vor, es lässt sich jedoch nicht mit Sicherheit feststellen, wer der Autor war. Der Vorschlag ging von einem Arbeitseinsatz junger Absolventen des Prager Technikums im Reich aus, die in der Tschechoslowakei keine Stelle gefunden hatten. Es sollte sich nur um eine befristete Beschäftigung für maximal zwei Jahre handeln. Vonseiten der deutschen Gesandtschaft stieß der Plan auf Verständnis und Unterstützung. In einem Bericht nach Berlin wurde auf eine mögliche politische Folge verwiesen, die die Hilfe in den Kreisen der deutschen Intelligenz hervorrufen könnte, nämlich dass sich die jungen Hochschulabsolventen noch mehr für den deutschen Nationalsozialismus würden begeistern können.¹⁰ Der Gedanke, sudetendeutsche Ingenieure beim Bau der Reichsautobahnen einzusetzen, konnte jedoch nicht so leicht umgesetzt werden.

Es liegt auf der Hand, dass es sich vonseiten Professor Tschermak-Seysenegg um eine durchdachte Aktion handelte. Aus den erhaltenen Quellen ist es jedoch schwer festzustellen, worin der primäre Impuls für den Plan bestand, doch gehen wir von der Maßgabe aus, dass es das Bemühen war, jungen sudetendeutschen Absolventen des Fachs Bauingenieurswesen zu helfen, für die es in der Tschechoslowakei vorübergehend keine Arbeitsaufgabe gab. In einem nicht datierten Bericht, der unter Berücksichtigung des Inhalts mit dem Jahr 1935 in Verbindung gebracht werden kann und der an das Aktionskomitee gerichtet ist, betonte Professor Tschermak-Seysenegg die prekäre Situation deutscher Absolventen in der Tschechoslowakei und erwähnte ebenfalls den Mangel technisch ausgebildeter Fachleute im Reich. Er verlangte, die Hilfe für arbeitslose Absolventen solle auch auf Praktika im Ausland ausgedehnt werden, was zu einer Erweiterung der Kenntnisse der Absolventen beitragen solle. Seine Argumente bezüglich der Hilfe für das Reich, das diese wertschätzen und zu besseren Verhältnissen zur Tschechoslowakei verhelfen werde, verlieren in Anbetracht der Materialien von deutscher Seite etwas an Überzeugungskraft. Im Rahmen dieses Berichts informierte er das Aktionskomitee auch über eine „private“ Initiative zur Unterstützung von Absolventen der Deutschen Technischen Hochschule, die organisatorisch vom Verein Deutsche Studentenfürsorge und fachlich von einem „Professorenkomitee“ in der Zusammensetzung Tschermak-Seysenegg, Buntru

¹⁰ Bundesarchiv Berlin (im Weiteren BArch), Bestand R 4601 Generalinspekteur für das deutsche Straßenwesen (im Weiteren R 4601), Sg. 1214, Deutsche Gesandtschaft 6. 2. 1935.

und Wanke geleistet werde. Diese sollte sich insbesondere auf Fachleute im Bereich „Straßen- und Wasserbau“ konzentrieren.¹¹ Es ist somit völlig offensichtlich, dass es sich um den oben angeführten Plan handelte, der im Februar 1935 der deutschen Gesandtschaft in Prag vorgelegt worden war. Professor Tschermak-Seysenegg betonte in dem Bericht weiter, dass *„der Plan einer solchen privaten zeitweiligen Überschussabgabe bereits dem Herrn Ministerpräsident und dem Herrn Schulminister vorgetragen wurde, und dass diese Instanzen bei Festhalten an den bezeichneten Bedingungen keine Schwierigkeiten in der Durchführung (betrifft Erlaubnis der Ausreise, Auslandsaufenthalt, Rückkehr) einer solchen nach Personenzahl und Verwendungszeit beschränkten privaten Fürsorgeaktion erblicken“*.¹²

Das Engagement von Professor Tschermak-Seysenegg für diesen Gedanken kann dadurch belegt werden, dass er in Begleitung des technischen Direktors des Vereins Deutsche Studentenfürsorge František Havlíček¹³ am 18. Februar 1935 seine Idee, junge sudetendeutsche Absolventen des Fachs Bauingenieurwesen beim Autobahnbau einzusetzen, direkt in Berlin vortrug. Auf der Unterredung betonten beide, es gebe vonseiten der tschechoslowakischen Behörden keine Einwände gegen diesen Plan. Das Protokoll hält etwas überraschend fest, dass beide Herren bereits mit einigen Institutionen über ihren Plan gesprochen hätten, z. B. mit dem Generalinspektor für die deutschen Reichsautostraßen, dem Verein Deutscher Ingenieure und dem Reichsverband für Bauingenieurwesen, die die Absicht verständnisvoll aufgenommen hätten. Offensichtlich bestand das Hauptziel der Reise in der Gewinnung von Unterstützung

¹¹ NA, Bestand MŠANO, K. 4129, Informativer Bericht über die aktuellen Bedürfnisse der Studenten- und Absolventenfürsorge.

¹² Ebenda.

¹³ František Havlíček (geb. 2. 10. 1898 in Hustopeče) war bezahlter technischer Direktor des Vereins Deutsche Studentenfürsorge. In den Berliner Quellen wird sein Name als Hawlicek bzw. Havlitzek angeführt. Der Prager deutschen Gesandtschaft zufolge war er eine bedeutende Persönlichkeit, die den deutschen Interessen in Prag zugeneigt war. Er selbst war tschechischer Herkunft, ebenso wie seine Frau, was ihm Zugang und entgegenkommende Aufnahme bei tschechoslowakischen Behörden einbringen sollte. Sein Verdienst soll es gewesen sein, dass die Behörden der gesamten Aktion zustimmten. Die Gesandtschaft verwies auch darauf, dass er vonseiten der Prager Deutschen wegen seiner tschechischen Herkunft nicht akzeptiert werde, was ein politischer Fehler sei, da er den deutschen Interessen ergeben sei. Havlíček gehörte nicht zu den offiziellen Funktionären des Vereins. AMP, Bestand MHMP II – Spolkový katastr, K. SÚA-324, Sg. II/541, Přípis Policejnímu ředitelství v Praze, 11. 3. 1938; BArch, Bestand R 4601, Sg. 1214, Deutsche Gesandtschaft 6. 2. 1935.

vonseiten des Auswärtigen Amtes, denn man war sich der vielen Hindernisse bewusst, die noch zu überwinden sein würden.¹⁴ Unterstützung versprach auch der Generalinspektor für das deutsche Straßenwesen Fritz Toth (1891–1942).

Der Standpunkt des Reichswehrministeriums¹⁵ vom 14. Mai 1935 war diesem Gedanken nicht zugeneigt. Es führte ausdrücklich an, *„aus Gründen der Landesverteidigung sieht sich das Reichswehrministerium mit Bedauern zu der Bitte gezwungen, von einer Beschäftigung sudetendeutscher wie ausländischer Ingenieure überhaupt beim Bau der Reichsautobahnen und Reichswasserstrassen abzusehen“*.¹⁶ Man räumte jedoch eine Beschäftigung ausländischer Ingenieure bei anderen Bauten ein, die keine solche strategische Bedeutung haben würden, jedoch unter der Bedingung, dass ihre *„Zuverlässigkeit und deutsche Gesinnung“* überprüft würden.¹⁷ Die Beschäftigung junger Hochschulabsolventen aus den Reihen der gebildeten Sudetendeutschen sollte auch *„ihre Verbundenheit mit Deutschland [zu] festigen“*.¹⁸ In einem ähnlichen Geiste war auch der Standpunkt des Reichskriegsministeriums vom 7. Juni gehalten, das auch weiterhin auf dem Verbot bestand, Ausländer beim Autobahnbau zu beschäftigen.

Die ganze Aktion verzögerte sich auf deutscher Seite deutlich. In einem Brief vom 8. Juni 1935 erwähnte Professor Tschermak-Seysenegg ausdrücklich *„die fatale Verzögerung bei der Ausstellung der Arbeitsbewilligung durch die Reichsanstalt für Arbeitsvermittlung“*.¹⁹ Dies hinderte Professor Tschermak-Seysenegg, Rektor Buntru und Professor Julius Fiedler²⁰ jedoch nicht daran, vor dem Sommer 1935 noch ein Ferienpraktikum für etwa 20 Studenten des Fachs Bauingenieurwesen des deutschen Techni-

¹⁴ BArch, Bestand R 4601, Sg. 1214, Vermerk, 18. 2. 1935.

¹⁵ Das Reichswehrministerium wurde per Gesetz vom 21. 3. 1935 (RGBl I., S. 609) in Reichskriegsministerium umbenannt.

¹⁶ BArch, Bestand R 4601, Sg. 1214, Zuschrift des Reichswehrministeriums vom 14. 5. 1935.

¹⁷ Ebenda.

¹⁸ Ebenda, Beschäftigung von sudetendeutschen Jung-Ingenieuren bei den Reichsautobahnen, 11. 11. 1935.

¹⁹ Ebenda, Brief vom 8. 6. 1936.

²⁰ Professor Alfred Buntru wirkte an der Deutschen Technischen Hochschule von 1929 bis 1936. Im letzten Jahr war er Rektor. Prof. Julius Fiedler war langjähriger Professor der Deutschen Technischen Hochschule. Beide wirkten an der Abteilung für Ingenieurbauwesen, die Fiedler Mitte der 30-er Jahre leitete. AČVUT, Bestand NVŠT, Studijní programy 1928–1945, Vorlesungsverzeichnis Studien- und Studentenplan für das Jahr 1928/1929 bis 1938/1939.

kums zu planen, das auch beim Bau der Reichsautobahnen stattfinden sollte. Eine Arbeitsgenehmigung konnte jedoch nicht ohne Zustimmung des Reichskriegsministeriums erteilt werden. Erst im September 1935 gab der Reichs- und Preußische Arbeitsminister seine Zustimmung zu einer vorübergehenden Beschäftigung von bis zu 25 sudetendeutschen Bauingenieuren, trotzdem wurde in dieser Zustimmung die Ausnahme angeführt, diese beziehe sich nicht auf eine Beschäftigung beim Bau der Autobahnen. Erst die anschließende Zustimmung der Abwehrabteilung im Reichskriegsministerium ließ eine Beschäftigung von „*sudetendeutschen* [hervorgehoben im Original – Anm. d. Autors] *Studenten und Jungingenieuren bei den Reichsautobahnen*“ zu.²¹ Unbedingt notwendig war es jedoch unter Mitwirkung der Prager Gesandtschaft und der „*parteiamtlichen Vertrauensleute*“, die „*politische Zuverlässigkeit*“ jedes Interessenten zu prüfen.²² Das Interesse von Professor Buntru, der als den Ideen des Nationalsozialismus ergeben galt, am Erfolg der gesamten Aktion sollte nach Ansicht der Prager Gesandtschaft die Garantie dafür sein, dass keine „Elemente“ ins Reich geschickt würden, die „*zu der deutschen Regierung eine oppositionelle Einstellung einnehmen*“.²³ Die jungen sudetendeutschen Ingenieure waren somit die ersten Ausländer, denen es vonseiten der Reichssicherheitsorgane erlaubt wurde, beim Bau der Autobahnen mitzuwirken. Trotzdem wurde dies zu einem Präzedenzfall für Deutsche aus Österreich und weiteren Ecken und Enden Mittel- und Osteuropas.

Am 11. November 1935 wurde an 50 Bauunternehmen, die beim Bau der Autobahnen im Reich tätig waren, eine Aufforderung mit dem Angebot verschickt, Jungingenieure aus den böhmischen Ländern zu beschäftigen. Es wurde betont, die Auswahl erfolge über die Reichsgesandtschaft in Prag. In der Aufforderung war auch eine Information darüber enthalten, dass sich der Monatslohn zwischen 200 und 250 RM bewegen solle. Der Lohn wurde also deutlich höher festgelegt, als es das Stipendium in der Tschechoslowakei war.²⁴ Aus den Reaktionen der angesprochenen Firmen geht hervor, dass der Mangel an Ingenieuren bei Weitem kein solch akutes Problem war, wie es dargestellt wurde. Die meisten Antworten waren ausweichend formuliert, man verwies darauf, dass bei den laufenden Arbeiten der Bedarf gedeckt sei und man nur dann

²¹ BArch, Bestand R 4601, Sg. 1214, Bericht vom 10. 1. 1936.

²² Ebenda.

²³ Ebenda, Schrift VI W 2889, 11. 3. 1935.

²⁴ Ebenda, Befürwortung.

neue Verstärkung einstellen könne, wenn weitere Bauabschnitte zugeteilt oder die Arbeiten ausgedehnt würden.

Trotz mehrerer ausweichenden Antworten fanden sich einige Interessenten, die kurzzeitig sudetendeutsche Ingenieure zu beschäftigen bereit waren (z. B. Filip Holzmann AG. aus Frankfurt a. M.). Das größte Interesse bekundete die Reichsautobahnen Direction, und zwar an 30 sudetendeutschen Ingenieuren, die im Terrain beschäftigt werden sollten, aber auch in Büros bei Projektierungsarbeiten (einschließlich der Brückenplanung). Die Reichsautobahnen wollten die Unterlagen von etwa 40 Bewerbern, um sich die geeignetsten Bewerber aussuchen zu können.²⁵ Hier aber gab es die nächsten Probleme, die im Prozess des Genehmigungsverfahrens bestanden. Wenngleich vonseiten der Akademischen Austauschstelle das Bemühen deutlich war, die ganze Sache voranzutreiben, sah die Lage Ende 1935 nicht sonderlich gut aus. Ende des Jahres wurden an die Firmen Briefe mit einem Vorschlag der möglichen Adepten verschickt mit der Bitte, diese bei Interesse schnell anzusprechen. Probleme bereitete auch, dass die Vermittlung über die Deutsche Technische Hochschule in Prag erfolgte und die Formen oft auch keine Adressen ihrer „künftigen“ Angestellten hatten. Ein Beispiel ist ein Brief der Allgemeinen Baugesellschaft Lenz & Co., der am 24. Dezember 1935 direkt an den Rektor Prof. Buntru gesandt wurde und für Ing. Alfred Neugebauer bestimmt war, dieser solle sich am 6. Januar 1936 bei seiner Arbeitsstelle in Triptis (Thüringen) melden.²⁶ Ob es gelang, diesen Antrittstermin einzuhalten, darüber geben die Quellen keine Auskunft. Zumeist handelte es sich um kurzfristige Beschäftigungen von einigen Monaten, jedoch mit einer Verlängerungsoption.

Das erhaltene Material in der Akte im Bundesarchiv in Berlin bietet Informationen zu mehr als ein Dutzend sudetendeutscher Absolventen des Fachs Bauingenieurwesen am Prager deutschen Technikum, die beim Bau der Reichsautobahnen eingesetzt wurden. Auch geht daraus das Vorgehen bei der Auswahl hervor. Firmen, die Interesse an den Absolventen zeigten, wurden Dokumente der einzelnen Interessenten zugeschickt, aus denen sie auf der Grundlage ihrer Profile die Auswahl trafen. Die Personalakten der Bewerber sind zwar nicht erhalten geblieben, doch wahrscheinlich enthielten sie einen Bericht über den Verlauf des Studiums und die Fachrichtung. Die Unterlagen der übrigen Bewerber,

²⁵ Ebenda, Einstellung von sudetendeutschen Ingenieuren, 15. 5. 1935.

²⁶ Ebenda, An Herrn Prof. Dr. Buntru, 24. 12. 1935.

die nicht ausgewählt wurden, wurden zurückgeschickt, oft erst nach Mahnungen, und anschließend an weitere Interessenten weitergeleitet. Aus den erhaltenen Quellen lassen sich mit konkreten Firmennamen auch mehrere ausgewählte Bewerber in Verbindung bringen.

Der Ingenieur Alois Wawra fand eine Beschäftigung bei der Firma Heinrich Sohnius aus Saarbrücken. Im Unternehmen Filip Holzmann AG aus Frankfurt a. Main wurden drei Ingenieure eingestellt, Oskar Doms, Franz Hackel und Roland Hofmann. Bei der Allgemeinen Baugesellschaft Lenz & Co. fand Alfred Neugebauer eine Stelle. Ing. Albin Löw suchte man sich bei der Süddeutschen Baugesellschaft m. b. H. aus. Bei der Firma Bauunternehmung Heinrich Butzer fing Ing. Georg Prokisch an, und die Firma Christoph Unmack AG bot eine Stelle für Ing. Anton Wartusch an. Bei den weiteren Interessenten Fritz Utschick (aus Litoměřice), Willibald Böhm, Josef Vtelensky, Walter Richter-Jäschke und Fritz Müller konnte nicht festgestellt werden, ob sie von einer Firma ausgewählt wurden.

Von den oben angeführten 13 Namen konnten in den Studentenverzeichnissen der Deutschen Technischen Hochschule aus der ersten Hälfte der 30-er Jahre acht Namen gefunden werden (Oskar Doms, Roland Hofmann, Franz Hackel, Albin Löw, Georg Prokisch, Walter Richter-Jäschke, Josef Vtelensky und Anton Wartusch). Alle waren ordentliche Hörer des Fachs Bauingenieurwesen. Das familiäre Umfeld war an der Grenze der niederen und der mittleren Schichten angesiedelt. Zwei stammten aus der Landwirtschaft (Franz Hackel, Albin Löw), einer (Georg Prokisch) aus einer Arbeiterfamilie, die anderen gehörten zu den mittleren Schichten. Lediglich Roland Hofmann trat in die Fußstapfen seines Vaters, der Baumeister war. Aus geografischer Sicht stammten alle aus Nord- und Westböhmen von Vrchlabí (Hohenelbe) bis Cheb (Eger). Etwas die Ausnahme war Josef Vtelensky, der zwar in Mladá Boleslav (Jungbunzlau) geboren wurde, jedoch in der Familie eines Soldaten, der dort wahrscheinlich in der Garnison war, doch zur Zeit seines Studiums lebte die Familie bereits in Česká Lípa (Böhmisch Leipa). Mit Ausnahme von Roland Hofmann, der 1901 zur Welt kam, wurden die übrigen zwischen 1904 und 1908 geboren. Erneut mit Ausnahme von Roland Hofmann, der 1932 das Staatsexamen ablegte, schlossen die anderen ihr Studium in den Jahren 1934 und 1935 ab. In der Zeit der Verhandlungen handelte es sich um frischgebackene Absolventen. Aus der Sicht ihrer Studienergebnisse gehörten sie sicher zu den erfolgreichen bis überdurchschnittlichen Studenten. Das Staatsexamen legten fünf von ihnen mit der Note sehr gut und zwei (Georg Prokisch, Josef Vtelensky) mit Auszeichnung ab.²⁷

Recht interessant ist, dass sich drei der oben Angeführten (Alois Wawra, Oskar Doms und Walter Richter-Jäschke) in eine Unterstützungsaktion für die arbeitslose Intelligenz einbrachten oder einzubringen versuchten, die von der tschechoslowakischen Regierung organisiert wurde. Der erste und einzige erfolgreiche Bewerber war Alois Wawra. Er brachte sich gleich im Mai 1934 ein, die Unterstützung in Höhe von 500 Kč monatlich wurde ihm bis September 1934 gewährt. Seine Wirkungsstätte war das Institut für Wasserbauten der Deutschen Technischen Hochschule.²⁸ Oskar Doms meldete sich für das Programm bereits neun Tage nach dem Staatsexamen (14. Mai 1934) an, doch ebenso wie Walter Richter-Jäschke konnte er nicht untergebracht werden.²⁹

Die erlangte Zustimmung zur Beschäftigung sudetendeutscher Jungingenieure beim Bau der Reichsautobahnen wurde auch bei Interventionen zugunsten weiterer Interessenten genutzt. Vonseiten des ehemaligen Gesandten für die sudetendeutsche Deutsche nationalsozialistische Arbeiterpartei (DNSAP) Hans Krebs (1888–1947) wurde an Fritz Toth eine Empfehlung des Elektroingenieurs Herbert Hermann gesandt, ab 1931 Mitglied der DNSAP, der wahrscheinlich ebenso wie Krebs die Tschechoslowakei verlassen hatte und in Dresden weilte.³⁰ Für die Sommerferien 1936 empfahl das deutsche Konsulat in Liberec (Reichenberg) zwei sudetendeutsche Studenten für ein Praktikum bei der Reichsautobahnen Direktion. Die Antwort betonte, die Direktion habe gegen ein Praktikum der Studenten keine Einwände, und dem Konsulat wurde empfohlen, die Interessenten direkt an die Reichsautobahnen Direktion zu verweisen.

Interesse an einer Beschäftigung junger sudetendeutscher Ingenieure ist auch im Jahre 1936 zu verzeichnen. Als Beispiel kann das Unternehmen Paul Schreck A. G. aus Halle a/S dienen, das im Frühjahr 1936 Interesse an zwei Ingenieuren mit Erfahrungen im Eisenbahn- und Tiefbau zeigte.

²⁷ AČVUT, Bestand NVŠT, Hauptkatalog Teil 1, 2, Studienjahr 1930/1931, Hauptkatalog Teil 1, 2, Studienjahr 1931/1932, Hauptkatalog Teil 1, 2, Studienjahr 1932/1933, Hauptkatalog Teil 1, 2, Studienjahr 1933/1934, Hauptkatalog Teil 1, 2, Studienjahr 1934/1935, Hauptkatalog Teil 1, 2, Studienjahr 1935/1936.

²⁸ NA, Bestand MŠANO, K. 4131, Seznam percipientů navržených pro vypracování různých úkolů v rámci akce pro podporu nezaměstnané inteligence a výplata odměn za rok 1934.

²⁹ Ebenda, Akce pro podporu nezaměstnané inteligence 1935, Žadatelé o zařazení němečtí.

³⁰ BArch, Bestand R 4601, Sg. 1214, Brief vom 30. 1. 1936.

In einem Brief von Professor Tschermak-Seysenegg an Fritz Toth vom 18. Juni 1937 verweist er auf das Interesse, das Programm zur Unterstützung junger sudetendeutscher Ingenieure und Studenten fortzuführen. Der Wille, die ganze Angelegenheit auch auf die Hörer der Deutsche Technische Hochschule Brünn (Brno) auszudehnen, ist offensichtlich. Die bisherige Korrespondenz betraf nur Studenten des Prager deutschen Technikums.³¹ Der Plan stieß vonseiten der Reichsautobahnen Direktion erneut auf Verständnis und Unterstützung.

Den Einfluss auf die Auswahl der ins Reich gehenden Ingenieure wollte Professor Tschermak-Seysenegg auch auf das Programm zur Unterstützung arbeitsloser Absolventen, das von der tschechoslowakischen Regierung organisiert wurde, übertragen. Mit einem Brief vom 26. Mai 1937 verlangte er, Absolventen deutscher Nationalität sollten Stipendien nur mit seiner Zustimmung bzw. mit der Zustimmung des Vertreters des deutschen Technikums Prof. Josef Wanke erhalten. Diese Forderung wurde vonseiten des Ministeriums für Schulwesen und nationale Aufklärung abgelehnt, ebenso wurde die Forderung von Professor Tschermak-Seysenegg abgelehnt, Absolventen deutscher Nationalität sollten das Stipendium über den Verein Deutsche Studentenfürsorge gewährt bekommen.³² In der zweiten Hälfte der 30-er Jahre war bei Professor Tschermak-Seysenegg eine Hinwendung zur nationalsozialistischen Ideologie zu verfolgen. Dieselbe Richtung schlug auch der Verein Deutsche Studentenfürsorge ein. Anfang 1938 wurden auf den Seiten der Deutschen Studentenzeitung mehrere kritische Artikel veröffentlicht, die auf ein Herangehen an die Studenten nach ihrer politischen Orientierung und auf die Nutzung von Vereinsmitteln für politische Interessen statt zur Unterstützung armer Studenten verwiesen.³³

Der abschließende Zeitraum der Ersten Tschechoslowakischen Republik war nicht nur mit dem Zuzug von sudetendeutschen Bauingenieuren und Studenten verbunden, sondern auch mit sudetendeutschen Arbeitern, die sich am Bau der Reichsautobahnen beteiligten. Im Jahre 1938 war im Reich ein deutlicher Mangel an freien Arbeitskräften für Investitionsprogramme einschließlich Autobahnbau spürbar. Im Sommer

³¹ Ebenda, Brief vom 18. 6. 1937.

³² NA, Bestand MŠANO, K. 4129, Organizace akce pro podporu nezaměstnané inteligence.

³³ AMP, Bestand MHMP II – Spolkový katastr, K. SÚA-324, Sg. II/541, Deutsche Studentenzeitung Jg. 4, Nr. 7, 2. 3. 1938, S. 1–3.

des Jahres 1938 gab es im Bereich des Reichsgaus Sachsen an die 3.000 Arbeiter aus dem tschechischen Grenzgebiet, die sich am Bau der Reichsautobahnen beteiligten. Diese „Arbeitskameraden“ waren in errichteten Lagern und in Privatwohnungen untergebracht.³⁴ Obwohl es sich um ein eigenständiges Thema handelt, dessen Bearbeitung bisher fehlt, ist es offensichtlich, dass sich unter dem Einfluss des Zuflusses tschechischer Deutscher auf die Position von Ingenieuren und Praktikanten ein ganzer Bereich des Autobahnbaus für Arbeitskräfte aus den Reihen von „Nichtreichsdeutschen“ öffnete. Es ist selbstverständlich, dass auch beim Zuzug der Arbeiterschaft das Bemühen herrschte, für das nationalsozialistische Regime loyale Personen zu gewinnen, doch bei einer so großen Menge war die Kontrolle trotzdem schwer. *„Durch den Einsatz von einer sehr großen Anzahl sudetendeutscher Arbeitskräfte bestand die Gefahr, das politisch zweifelhafte Elemente aus der Tschechoslowakei in die deutsche Gebiete kämen.“*³⁵ Gleichzeitig aber hatten die tschechischen Deutschen die Möglichkeit, mit der durch die Nationalsozialisten geleiteten Wirtschaft in Kontakt zu kommen, denn es gab Probleme bei der Versorgung der Arbeitskräfte mit Butter und Fleisch.³⁶

Professor Buntru fand nach seinem vorübergehenden Weggang aus Prag³⁷ eine Übergangsstelle an der Technischen Hochschule in Aachen. Doch auch hier unterstützte er weiter ausländische deutsche Techniker und suchte für sie eine Beschäftigung beim Bau der Reichsautobahnen, als er Generalinspektor Toth den lettischen Deutschen Kurt Siewert empfahl.³⁸ Als gewisses Sahnehäubchen ist anzuführen, dass Prof. Buntru 1939 weder nach Prag zurückkehrte, doch an der Technischen Hochschule in Aachen fand Anton Wartusch eine Stelle, einer der jungen Ingenieure, der eine Stelle beim Bau der Reichsautobahnen gesucht hatte.³⁹

³⁴ BArch, Bestand R 4601, Sg. 1214, Programm der eingesetzten sudetendeutschen Arbeitskräfte, 23. 8. 1938.

³⁵ Ebenda, Auszug aus Monatsbericht, Juni – Juli 1938.

³⁶ Ebenda.

³⁷ Zum weiteren Wirken von Prof. Buntru in Prag in der Zeit der deutschen Okkupation vgl.: M. JOSEFOVIČOVÁ, *Německá vysoká škola technická v Praze (1938–1945): Struktura, správa, lidé*, Praha 2017, S. 76ff.

³⁸ BArch, Bestand R 4601, Sg. 1214, Brief vom 8. 4. 1937.

³⁹ U. KALKMANN, *Die Technische Hochschule Aachen im Dritten Reich (1933–1945)*, Aachen 2003, S. 386.

Fazit

Die bisher ungenutzte Akte im Bestand Generalinspektor für die deutschen Reichsautostraßen des deutschen Bundesarchivs enthält sehr interessante Informationen über das Programm der eingesetzten Jungingenieure ausschließlich aus den Reihen tschechischer Deutscher, die dem Gedanken des Nationalsozialismus zugeneigt waren, beim Bau der Reichsautobahnen. Die Initiative entstand unter den Prager Professoren A. Buntru, A. Tschermak-Seysenegg und J. Wanke. Dass das gesamte Projekt umgesetzt werden konnte, war unzweifelhaft das Verdienst der oben Genannten. Der Plan stieß nämlich nicht auf Ablehnung in der Tschechoslowakei, wo es eher als Möglichkeit wahrgenommen wurde, interessante Praxiserfahrungen zu sammeln, sondern in Deutschland selbst, wo zuerst politische Befürchtungen bezüglich der Sicherheit bei der Beschäftigung von „Ausländern“ bei strategischen Bauten überwogen, das Verständnis fehlte aber auch bei den Organen des Reichsarbeitsministeriums. Vonseiten Deutschlands wurde Nachdruck daraufgelegt, dass nur zuverlässige Personen kommen sollten, die dem Gedanken des Nationalsozialismus ergeben waren. Es zeigte sich, dass die tschechoslowakischen (sudetendeutschen) Ingenieure die ersten Ausländer waren, die beim Autobahnbau eingesetzt wurden, diese machten dann den Weg frei für weitere Ausländer auch in anderen Berufen.

Israeli Polity and the European Powers during the 1950s: Democracy as a Tool in Fostering Bilateral Ties?

*Jan Zouplna**

Isolated in its immediate geopolitical environment, Israel started to approach the Western powers soon after its creation to request assistance of all kinds. One of the few arguments available to the Jewish state to persuade the West of its soundness as a partner was that of its adherence to parliamentary democracy. For much of the 1950s, Israeli leaders and diplomats did their best to present Israel abroad as a “real democracy” and an outpost of the free world in the Middle East. When addressing the Europeans, the Israelis were equally ready to display the socialist ethos behind their nation-building. Strategic reservations regarding any closer ties with the Jewish state were shared by all of the three Western diplomacies at the time. However, the British and the French were far more inclined to criticism concerning the nature of early Israeli polity. This ranged from the centralization of power in the hands of a closed political elite to the alleged intolerance of the general public as a whole.

[Middle East; Diplomatic History; Israel; Foreign Relations; United Kingdom; France]

Introduction

The early years of Israel's existence were marked by constant border tensions, a destitute economy and a contested international standing. The new state's quest for economic, political and military assistance was to continue for decades. As the relations with the Soviet block deteriorated, “non-identification”, which had characterized the first years of the state, started to be replaced by closer ties to the West.¹ The attitude of the Western powers towards Israel was quite complex. Domestic pressure in

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¹ For the early formation of Israel's foreign policy, see the seminal work by U. BIALER, *Between East and West: Israel's Foreign Policy Orientation 1948–1956*, Cambridge 1989.

the US played its part in Israel's favour, and there was wide support in the West for the idea of a Jewish state arising from the ashes of the Second World War. On the other hand, it was hard to deny that the creation of Israel had further destabilized the Middle East.² In order to avoid Soviet penetration into an area vital for post-war economic recovery, the US State Department launched repeated peace initiatives. During Dwight Eisenhower's presidency (1953–1961), his administration introduced additional balance into US Middle East policy. On particular occasions, such as the Qibya raid (1953), in response to the Sinai Campaign (1956), and to force the eventual retreat (1957), Washington showed itself willing to apply unprecedented pressure on the Jewish state.³ The British stance was marked by certain (bureaucratic) mistrust towards Israel dating to the last years (or rather a decade) of the Palestine Mandate (1920–1948). Jordan and Iraq constituted the core of British influence in the region during the 1950s.⁴ Moreover, the British followed their own economic interests rather than the Cold War logic.⁵ If compared with the Arab world, Israel had little to offer. The French case was peculiar. During the first half of the 1950s, France began to feel increasingly cornered by the Anglo-Saxon powers in the region. The independence war in Algeria (1954–1962) finally landed the French on a common front with Israel against (pan)Arab nationalism and propaganda coming from Nasserite Egypt. For the second half of the 1950s, the idea of supporting Israel, primarily for the sake of the regional balance of power, received a measured backing from the Quai d'Orsay. Overall, the 1950s can be seen as one of the most turbulent periods in relations between Israel and the West.

² In fact, the attempt to weaken British presence in the region had constituted the prime motive for Soviet support for Israel's independence at first. Y. ROI, *Soviet Decision Making in Practice: The USSR and Israel, 1947–1954*, New Brunswick 1980, pp. 24–25, 93–97, 160.

³ Among the many works on the subject, see particularly P. HAHN, *Caught in the Middle East: U.S. Policy toward the Arab-Israeli Conflict, 1945–1961*, Chapel Hill 2006; D. LITTLE, *American Orientalism: The United States and the Middle East since 1945*, Chapel Hill 2003; R. BARRETT, *The Greater Middle East and the Cold War: US Foreign Policy under Eisenhower and Kennedy*, London 2004.

⁴ For the specifics of the Middle East policy under the Attlee cabinet, see W. R. LOUIS, *The British Empire in the Middle East, 1945–1951: Arab Nationalism, the United States and Postwar Imperialism*, Oxford 1986. See also P. KINGSTON, *Britain and the Politics of Modernization in the Middle East, 1945–1958*, Cambridge 2002.

⁵ S. SMITH, *Ending Empire in the Middle East: Britain, the United States and post-war decolonization, 1945–1973*, London 2012, p. 162.

The existing historiography mirrors many of the specifics concerning the respective bilateral ties. US-Israeli relations are by far the best documented case, reflecting their significance for Israel's existence.⁶ The secondary sources on Anglo-Israeli relations are less impressive in scope, yet well-researched.⁷ Franco-Israeli relations have always provoked curiosity, even passions, if we were to borrow a term from the title of a book by Eli Barnavi.⁸ Still, relatively few accounts are comprehensive. The earlier works lacked, for apparent reasons, access to the original documents.⁹ Zach Levey failed to utilize sources in French in his attempt to examine Israel's relations with all of the three Western powers.¹⁰ Frédérique Schillo's monograph, published in 2012, was actually the first account to exploit the entire potential of the sources available in France.¹¹ The focus of the current paper dwells on the place of Israel's democracy in the bilateral ties between the Jewish state and the United Kingdom/France. Indeed, the stress on Israel constituting a free and pluralistic polity, unique in the Middle East, appeared frequently in the declarations of its leaders targeting the Western political circles and the public at large. "Shared values" and "common interests" with the West were to entitle Israel, in this perspective, to receive support and, ultimately, arms. Yet, to a surprising degree, this particular aspect of the relationship is usually taken for given and has not been subjected to a more systematic scrutiny on its own merit.

We may well say that presenting the Jewish state as a democracy akin to the Western standards worked in the US, practically since the start. As David Schoenbaum has put it, Israelis were successful "*at finding ways to make*

⁶ Among the many titles, see J. SNETSINGER, *Truman, The Jewish Vote, and the Creation of Israel*, Stanford 1974; D. SCHOENBAUM, *The United States and the State of Israel*, Malden 1996; I. ALTERAS, *Eisenhower and Israel: U.S.-Israeli Relations, 1953-1960*, Gainesville 1994; R. FREEDMAN, *Israel and the United States: Six Decades of US-Israeli Relations*, Boulder 2012.

⁷ N. ARIDAN, *Britain, Israel and Anglo-Jewry, 1949-1957*, London 2004; N. LOCHERY, *Loaded Dice: The Foreign Office and Israel*, London 2007.

⁸ E. BARNAVI - L. ROSENZWEIG, *La France et Israël: Une affaire passionnelle*, Paris 2002.

⁹ See the classic work by S. CROSBIE, *A Tacit Alliance: France and Israel from Suez to the Six Day War*, Princeton 1974 or (in Hebrew) M. BAR-ZOHAR, *Gesher al ha-yam ha-tikhon: yehasei Yisrael-Tsarfat, 1947-1963*, Tel Aviv 1965.

¹⁰ Z. LEVEY, *Israel and the Western Powers, 1952-1960*, Chapel Hill 1997.

¹¹ F. SCHILLO, *La politique française à l'égard d'Israël, 1946-1959*, Bruxelles 2012. For the later phase of the relations, see G. HEIMANN, *Franco-Israeli relations, 1958-1967*, Abingdon 2016.

*Americans say 'we'.*¹² As this paper demonstrates, the perspective of the European powers differed substantially. Neither the Foreign Office nor the Quai d'Orsay adhered to the notion of Israel belonging, in cultural terms, strictly to the Occident. While the policies of the two countries may have considerably diverged during the second half of the 1950s, the prevailing opinion regarding the Jewish state's structural problems did not fundamentally differ on either side of the Channel. The French had adopted a pro-Israel line without losing much of their critical insight. To that effect, this paper points out that the contrast between the Israeli self-perception and the Western views, as appearing in British and French records, goes well beyond the reservations on the part of the Eisenhower (US) administration(s). The Americans were worried primarily by the effects of Israel's actions; British and French concerns included the very power structure of the state. Moreover, it is noteworthy that Israelis were more likely to allude to the socialist ethos behind their nation-building when addressing the Europeans. Based on archival evidence gathered in the UK, France and Israel, the paper compares the British and French attitudes towards Israeli polity/society in order to discern common themes among the Western doubts regarding the nature of early Israeli democracy.

The Argument of Israel's "Real Democracy"

Early Israeli democracy was specific in a number of readily apparent ways. Basic political rights and civic liberties were available, but no constitution or "bill of rights" was adopted. Parliament, freely elected based on a system of proportional representation, dated its origins to the time of the Mandate or earlier (i.e. Zionist Congresses).¹³ In spite of this, a single party – Mapai (known as ha-Avoda since 1968) – remained in power for over forty years (1935–1977). As a Jewish state, Israel was to share a common bond with foreign nationals across several continents while some of its very inhabitants were excluded from such a community.¹⁴

¹² D. SCHOENBAUM, More Special Than Others, in: *Diplomatic History*, 22, 2, 1998, p. 281.

¹³ Cf. the seminal works D. HOROWITZ – M. LISSAK, *Origins of the Israeli Polity: Palestine under the Mandate*, Chicago 1978; P. MEDDING, *The Founding of Israeli Democracy, 1948–1967*, Oxford 1990.

¹⁴ For more on this aspect, see for example A. DIECKHOFF, Israël: la pluralisation de l'identité nationale, in: A. DIECKHOFF (ed.), *Nationalismes en mutation en Méditerranée orientale*, Paris 2002, pp. 153–171.

For the sake of security concerns, the Arab minority was actually placed under military administration until 1966. Though an important part of the Jewish population came from the Middle East and North Africa, Jews born in Slavic countries were in full control of politics. Collectivist and public institutions enjoyed near hegemony in social and economic life of the country.¹⁵ Yet, only the capitalist West was capable (and willing) to keep Israel afloat.

In order to achieve their objectives abroad, Israeli leaders had to present a far less complex and much more idyllic picture of their state. Two particular aspects acquired visibility – Israel’s pursuit of social justice (progress) and its staunch adherence to parliamentary democracy. The pioneering spirit, tested in the hard conditions of transforming a “desert” into a “home”, was to represent progressive ideals. Modern state-building, constituted on democratic principles, reflected its allegiance to the free world. As far as the 1950s were concerned, the two aspects often merged into a singular designation, that of a socialist democracy. In effect, the Jewish state could be pictured both as a progressive entity and (due to its democratic values) as an outpost immune to any Soviet indoctrination.

Given the close links of Israel’s ruling socialist-Zionist party, Mapai, to a number of labour and social democratic groups in Western Europe, it is not surprising that those groups were singled out as particularly fertile ground for the dissemination of the corresponding political gospel – in repetitive forms and throughout the period under scrutiny.¹⁶ With slight modifications, it continued to be disseminated (and enjoy success) until 1967. Israel portrayed itself as a “real democracy” due to, among other things, the respect and place it allocated to manual labour, institution-alization of a just social order and rectification of the land via modern methods of farming. This was the position Golda Meir, Israel’s foreign minister in the years 1956–1966, presented in clear terms at the Socialist

¹⁵ The “third-way socialism” of the activist Zionist left, as it had emerged during the 1920s and 1930s, combined ideological reformism with the adoption of centralized organisational models. Y. SHAPIRO, *The Formative Years of the Israeli Labour Party: The Organisation of Power, 1919–1930*, London 1974, pp. 29, 3; Y. GORNY, *Ahdut ha-avodah, 1919–1930: ha-yesodot ha-raayoniim ve ha-shitah ha-medinit*, Tel Aviv 1973, p. 62; Z. GALILI, The Soviet Experience of Zionism: Importing Soviet Political Culture to Palestine, in: *The Journal of Israeli History*, 24, 1, 2005, pp. 14–16, 23. On the role of the Histadrut, see M. SHALEV, *Labour and the Political Economy in Israel*, Oxford 1992, pp. 1–130.

¹⁶ See also M. SCHENHAV, *Le socialisme international et l’État juif*, Paris 2009.

International congress in July 1957. Pondering over the contemporary state of the Middle East, Meir concluded that the Arab states had cast off foreign yoke without achieving social and cultural emancipation for their own people. This was, in her view, in stark contrast to the story of the Jewish state: *“we made work, simple manual labour, our religion [...] Israel could, and has actually become, a pilot plant in the area. We are a real democracy. We have laid strong foundations of a new social order. We have a strong, free labour movement. We have reclaimed swamps and are cultivating the desert.”*¹⁷ Her predecessor, Moshe Sharett, who held the office in 1948–1956, provided a more theoretical framing of Mapai’s visions and the broader interplay of socialism and democracy when he addressed the French socialist party (S.F.I.O.) congress in 1959. Referring to the iconic French socialists of the past, such as Léon Blum and Jules Moch, Sharett observed that the connection between S.F.I.O. and Mapai had *“deep roots in the solidarity unifying the socialist parties of both countries, drawing its inspiration from the same source of social idealism and democratic conviction”*. He then continued: *“In a world polarized between capitalism which is incapable of solving serious national and international problems on the one hand, and communism which is oppressing human society and destroying all spiritual freedoms on the other, only a socialist democracy can and must give expression to the moral conscience of the free world.”*¹⁸

A corresponding image was cultivated within a network of Mapai’s international contacts. Many of the foreign guests who visited Israel in the early years of the state hailed from pro-Israel circles inside the British Labour Party and the social democratic parties of Scandinavia. Whether visiting communal settlements, development projects in the cities, or the Mapai party offices, these guests were presented with a uniform vision of life in Israel – a free egalitarian society walking hand-in-hand with the moral ideal of redeeming both the land and the people by labour.¹⁹ Within the Asian context, Israel did not cease promoting the principle of socialist democracy either, at least until the mid-1950s. As the case of

¹⁷ “Speech by Mrs. Meir in Opening the Middle East Debate at the Congress of the Socialist International, 3 July 1957”, p. 2, Israel Labour Party Archives, Kfar Saba [hereafter ILPA] 2–0111957–174.

¹⁸ “Allocution de Monsieur Moshé Sharett. Délégué du Mapai (Israël) – Ancien Ministre des Affaires Étrangères”, pp. 1–2, ILPA/2–914–1959–27.

¹⁹ *Mapai Bulletin*, 15 Apr. 1953, p. 7, ILPA/2–914–1953–290; “Yediot ha-mazkirut” [News by the secretariat], Oct. 1952, p. 7, ILPA/2–002–195283a; “Yediot ha-mazkirut”, Feb. 1953, p. 11, ILPA/2002–1952–83a; “Yediot ha-mazkirut”, Feb. 1954, p. 7, ILPA/2–002–1952–83a.

the Rangoon Conference of 1953 showed, Mapai was prepared to use the venue attended by left-leaning nationalists for verbally repudiating both Western imperialism and “ideological neutralism”. There was no socialism without an energetic defence of a true national ideal. In Mapai’s view, (authentic) socialism had to wage war on two fronts – “*against capitalism and feudalism on the one side and against Communism on the other*”.²⁰

Israel’s economy had been precarious ever since the foundation of the state, and the country offered few attractions when compared with the Arab markets. Tensions with the international community were intense and ongoing, centred on the evergreen topics of Arab-Israeli disaccord, such as the plight of Palestinian refugees, the future of Jerusalem, and the demarcation of boundaries. It was the existence of parliamentary democracy that distinguished the young state from its surrounding neighbours, enabling it to appear a more suitable partner than its rivals. In the words Sharett used when speaking to a group of foreign journalists in March 1956: “*One of the Arab States after another has gone through a succession of internal disturbances, coups d’états, revolutions and political assassinations. In this wide area, which is shaken by constant internal struggles and revolutionary upheaval, Israel represents the only free democratic and stable community.*”²¹ Some leaders, most notably the long-term Prime Minister David Ben Gurion, were not only adamant in promoting such images, but rigorously opposed any cultural association between Israel and the rest of the Middle East. As the Israeli prime minister presented his case to British envoys in June 1949: “*We should not be treated as if we were one of the Arab States, but as if we were, say, Belgium, as we were in all vital respects a modern, progressive, ‘European’ people.*”²²

The difference between democratic Israel and undemocratic Arab regimes was particularly exploited at the times of repeated regional tensions. Ever since the first Arab-Israeli war, Israel blamed the absence of any permanent settlement squarely on the other side. To put it simply, all the conflict zones (including the refugee issue) had been created by the invasion of the Arab armies (May 1948) and by the incessant bel-ligerent designs. With the 1948/49 defeat the Arabs got only what they had deserved and it was now time to accept the new reality and leave

²⁰ M. Sharett, “Rangoon Conference”, *Mapai Bulletin*, 15 Apr. 1953, p. 3, ILPA/2-9141953-290.

²¹ “Address by the Minister for Foreign Affairs Mr. Moshe Sharett before visiting editors and commentators”, 21 Mar. 1956, p. 3, ILPA/2-011-1955-170c.

²² “Report on the visit of Sir William Strang, permanent undersecretary for foreign affairs, 1-3 June 1949”, p. 2, Israel State Archives, Jerusalem [hereafter ISA] MFA/2412/26.

Israel at peace.²³ Once the Soviet Union started to actively penetrate the region, as typified by the Czechoslovak-Egyptian arms deal of 1955, the scope of relevant declarations had been correspondingly expanded. The Egyptian ruler, Gamal Abdul Nasser, was frequently referred to – by name or otherwise – as a dictator and a demagogue, and was even compared to Hitler; references to the peril of a “new Munich” were floated.²⁴ In addition, a higher frequency of references to the dictatorial nature of the surrounding regimes accompanied tensions over free passage in the Suez Canal and the Straits of Tiran throughout the second half of the 1950s and the 1960s.²⁵ The continuing blockage was labelled as *“the naval piracy carried on by the Egyptian dictator against Israel’s international shipping”*.²⁶

It is small wonder that allusions to “shared values” between Israel and the free world had become an inevitable part of the phrasebook Israelis turned to when addressing their partners in Western Europe. In a corresponding fashion, the support for Israeli democracy was presented as an innermost interest of the West; references to common threats were employed. Soon after the Sinai Campaign, Ben Gurion assessed a recent meeting between Shimon Peres, his confidant and number two at the ministry of defence, and the French prime minister, Guy Mollet, by referring to *“a friendship which is inspired not only by common political interests, but by the shared cultural values of our two peoples”*. He then interpreted the Campaign as an undertaking which had put an end to *“a danger threatening the free world and its common values”*.²⁷ In an audience with her French counterpart, Maurice Couve de Murville, in August 1958, Meir had been quite explicit in demanding concrete support for Western “outposts” in the Middle East, namely Israel and Turkey. Correspondingly, Nasser’s leanings towards the USSR were interpreted in ideological terms. *“The Near East is just a first stage on communism’s march towards world domination,”* warned

²³ W. Eytan, “Declaration by Israel Delegation to Palestine Conciliation Commission Conference in Paris”, 19 Sep. 1951, p. 2, ISA/MFA/175/13.

²⁴ “Neum sarat ha-huts be-atseret u”m” [Speech of the minister of foreign affairs at the UN Assembly], 5 Dec. 1956, p. 7, ILPA/2-011-1955170a; “Address by the Minister for Foreign Affairs Mr. Moshe Sharett”, 21 Mar. 1956, p. 4, ILPA/2-0111955-170c.

²⁵ “Rosh ha-memshalah al hofesh ha-shait ve-gorel retsuat Azah” [The Prime Minister on the freedom of sailing and the fate of the Gaza Strip], 24 Feb. 1957, pp. 1, 4, 6, ILPA 2-011-1957-174.

²⁶ “Mapai Convention”, *Mapai Bulletin*, Mar. 1960, p. 2, ILPA/2-914-1959-303.

²⁷ “Message personnel au Président Guy Mollet de la part du Président David Ben-Gourion”, 12 Dec. 1956, p. 1, Archives diplomatiques du ministère des Affaires étrangères, La Courneuve [hereafter AMAE] Cabinet du Ministre/11QO/34.

Meir her Gaullist host.²⁸ In other statements, we may find that closer ties between Israel and France were but a natural outcome of the existing cultural proximity between the Jews and Europe.²⁹ The British were also confronted with similar pronouncements, albeit Anglo-Israeli relations were noticeably cold in the early 1950s. According to FO sources, Eliyahu Elath, Israel's first minister (later ambassador) to the UK, had appealed to *"the necessity for all democratic countries to work closely together"* already at the beginning of his tenure in London, in September 1950. This would, in his view, be best materialized by the British provision of arms to Israel, helping the country to grow stronger. *"This was in our interest, since Israel was the only democratic country in the Middle East and during the war she had shown her ability to fight and would do so again and can therefore play her part not perhaps in halting Russian expansionism but in delaying it,"* is how the FO recorded his ideas.³⁰ Elath's request for arms, namely tanks and jets, was accompanied by assurances to the effect that it was "vital" for Israel to *"move towards a closer rapprochement with the Western countries"* which also *"corresponded with the instinct of her people"*.³¹

These sorts of utterances may naturally be taken for a diplomatic jargon. Nevertheless, Israel's representatives' persistence in and capacity for entrenching references to democracy and common values into their arguments for political support and military assistance went well beyond mere formalities. As a matter of fact, Israeli self-esteem probably ran higher. For most of the 1950s, Israeli diplomacy viewed Western assistance as disappointing, failing to match the needs associated with the heroic task of building a new state. In the words of the Ministry of Foreign Affairs (MFA)'s aide-mémoire dated June 1958: *"from 1948 to 1956, the State of Israel was alone in its struggle for the sake of the West in the Middle East. It was supported in its struggle strictly for non-political reasons (economic assistance from the United States) or with reluctance and no system (occasional French arms sales,*

²⁸ "Compte rendu d'entretien entre Mme Golda Meir et M. Couve de Murville, 5 août 1958", pp. 2-3, AMAE/ Afrique-Levant [AL]/218QO/50.

²⁹ "Pegishat rosh ha-memshalah im ha-mishlahah ha-parlamentit mi-Tsarfat be-roshuto shel mar Soustelle" [A meeting between the Prime Minister and the French parliamentary delegation chaired by Mr. Soustelle], 13 Aug. 1957, p. 1, ISA/G/5569/2.

³⁰ "Conversation between Israeli Minister and Parliamentary Under-Secretary, on Anglo-Israeli relations, on 15th September (1950)", p. 3, The National Archives, Kew [hereafter TNA] FO 371/82529.

³¹ "Conversation, Sir W. Strang – Mr. Elath", 14 Nov. 1950, pp. 1-2, TNA/FO 371/82529.

limited in number and irregular).³² Evoking the legacy of Charles Martel (the “saviour of Christendom against the Muslims”) and common Judeo-Christian values, the same document castigated the West for doing little for the Christians in Lebanon.³³ On closer inspection, we may find that there was more than well-calculated rhetoric behind these claims.

If nothing else, the language (and content) of internal documents did not differ fundamentally from that of those presented to the Western counterparts. Whatever misgivings a critical scholar (or contemporary opposition) may have about certain aspects of early Israeli democracy, a number of leading personalities did profess their profound belief in it. Indeed, although Sharett may have been more prone to accentuate a need for pluralism of opinions than others (namely Ben Gurion), it was taken for a fact within the establishment. The apparent ethnic exclusiveness of the Israeli model was not seen as a matter for concern. While being aware of a unique historical background, many in Mapai did not resign on the idea of their party serving as a role model to be followed. Zalman Aran, who occupied several ministerial positions from 1954 until 1969, offered an elaborate interpretation of the subject in his meeting with the party faithful in July 1956. There was more than one way of building a socialist society. As the Israeli case had documented, a socialist economy could go hand-in-hand with coalition politics and political pluralism, Aran asserted. He hailed the Israeli model both for its traditions and for accomplishing a blend of social progress and national emancipation, the one unthinkable without the other. The erection of a fully-fledged workers’ economy as represented by the Histadrut trade union federation, covering all fields from production to services, healthcare and education, had been achieved without resort to anything like the class struggle. “*We stand upon the territory of democratic socialism*,” stressed Aran in that regard. Reflecting upon the latest changes, i.e. de-Stalinization in the USSR, Aran concluded that these had hardly changed Mapai’s standpoint. Scientific socialism had failed to be adopted in the USSR and the USA alike, as each country had obstructed the progress of socialism for their own internal reasons.³⁴

³² “Aide-mémoire. Quelques réflexions sur la politique de l’Occident en Moyen-Orient”, 30 June 1958, p. 1, AMAE/AL/218QO/45.

³³ Ibid., pp. 2–3.

³⁴ Z. Aran, “Medinat Yisrael sotsialistit” [Socialist state of Israel], 21 July 1956, pp. 35–36, 38–39, ILPA/4–007–192910a.

Moshe Dayan, who served as the chief-of-staff between 1953 and 1958, expressed belief in the genuine character of Israel's democracy, noting undervaluation of this asset abroad. When addressing a forum similar to Aran's in November 1958, he stated, among other things, the following: "*Our principal importance is that we are at the core a European, Western country with a democratic regime, [situated] amidst the Middle East. However, this is not reflected in our low value on the world map.*"³⁵ References to democracy were also frequent in documents the Israeli diplomacy prepared for domestic purposes. This can be illustrated by a foreign policy overview drafted by the MFA in 1952. In its main line of argument, Israel adheres to the principle of non-interference so far as regimes in other countries are concerned, but considers democracy to be the best option, as only a free and democratic regime could enable the Jews to cultivate their national culture and build ties with Israel.³⁶ Last, but not the least, the interpretation of the Sinai Campaign destined for domestic use followed similar logic as that presented to the French. In January 1958, Israeli ambassador to France, Yaacov Tsur, offered a strikingly similar account when summarizing Israel's contemporary foreign policy prospects for his party comrades. As Tsur put it, Israeli victories during the War of Independence and the Sinai Campaign were "*a clear signal to Europe that the days of her [i.e. Europe's] culture are not over and her destiny is not sealed.*"³⁷

The Perspective of Western Observers: an Affinity Sought by Israel?

Israel's courtship was not without success. Israeli sources themselves noted with satisfaction the Jewish state's good standing in Western public opinion in the late 1950s, particularly within "progressive circles" (i.e. communists apart).³⁸ The political partners may have been harder to convince, but common ground was sure to be found when it came to tensions with some of the Arab regimes, such as Nasser's Egypt. Occasionally, the Western counterparts resorted in private to language not far from Israeli mindset. On one such occasion in May 1958, the British foreign secretary,

³⁵ "Pratei-kol kenet bnei ha-moshavim" [Protocol of the convention of the members of the cooperatives], 6 Nov. 1958, p. 9, ILPA/2-015-195863.

³⁶ "Mediniut ha-huts shel Yisrael be-shenat 1951-1952" [Foreign policy of Israel in the year 1951-52], pp. 1-2, ILPA/2-011-1952-34a.

³⁷ "Petihat mo'adon Yahdav" [Opening of the Mapai Yahdav club], 14 Jan. 1958, p. 7, ILPA/2-0151958-63.

³⁸ According to the surveys of the time, Israel was rated favourably by ca. 40% of the French public. SCHILLO, p. 842.

Selwyn Lloyd, characterized Nasser as a “schizophrenic”.³⁹ The French, for their part, described Nasser plainly as a “dictator” at that time.⁴⁰

Western diplomatic corpses posed by far the biggest challenge. Though strategic reservations were being expressed by all, (at least) one characteristic difference between the Europeans and the American diplomacy is easily noticeable. While the US State Department described Israel in August 1953 as “*a parliamentary republican democracy of the Western type*”,⁴¹ the British and French commentaries remained far more restrained in their appreciation of the Israeli political/societal model throughout much of the 1950s. Overall, Israeli democracy was seen as oligarchic and the local political culture was often associated with cronyism. While a cynical flavour dominated the British sources, the French expressed concern for the longer-term consequences regarding the functioning of society. Their criticisms ranged from a lack of democracy within Mapai to the autocratic manners of Ben Gurion and the wider society’s assertions of intolerance.

A salient description of the existing impressions concerning the Israeli political system was provided by the first British minister (later ambassador) to Israel, Alexander Knox Helm, in January 1950. His survey, revealingly entitled “Repository of real power in Israel”, stated, among other things: “*Israel claims to be a Socialist democracy and at the first sight the claim has justification. Trade unionism is highly developed [...] the 120 members of the Knesset or Parliament were freely chosen last February for a four-year period by a by no means ignorant or unlettered electorate [...] there is real freedom of debate and nobody suggests that the Government could survive without popular support. Yet these realities are to some extent deceptive, for they veil what approximates to something not unlike a dictatorship. In Israel real power is highly concentrated, on the one hand in the Histadrut and on the other in a small group inside the Government, with the shock-headed stocky figure of the Prime Minister linking the two. It seems to me that in the last resort Mr. Ben Gurion is the only person who really counts. [...] Mapai element in the Government enjoys virtually a free hand as regards economic, social, and foreign policy [...] Mapai is, for all practical purposes, Mr. Ben Gurion and those immediately around him.*”⁴² His successor, John (Jack) Nicholls, portrayed Mapai and Histadrut as monolithic

³⁹ “Conversation between the Secretary of State and the Israel Ambassador on May 2, 1958”, p. 1, TNA/FO 371/34284.

⁴⁰ “Note”, 25 July 1958, pp. 1–2, AMAE/AL/218QQ/50.

⁴¹ *Foreign Relations of the United States 1952–1954*, Vol. IX, Part 1, Washington 1952–1954, 18 Aug. 1953, No. 649, p. 1279.

⁴² A. K. Helm, “Repository of real power in Israel”, 13 Jan. 1950, p. 1, TNA/FO 371/82508.

organizations run on a strict top-down principle by a closed circle of party cadres. The nexus between the two constituted a de facto “*state within the state*”.⁴³ The French tended to concur with this perspective. In their view, the Mapai party rested on two fundamental pillars – the prestige of Ben Gurion and the power of its organizational structure. “*Mapai and Histadrut constitute together a true state within the state [...] [a worker] can spend his entire life within the frame of the same giant organization,*” observed the French sources.⁴⁴ Sometimes, French criticism went even further. According to Édouard-Félix Guyon, the first minister (later ambassador) to Israel, the problem did not stop with the concentration of power. Mapai as such was to be permeated by clientelism and nepotism.⁴⁵

When assessing the seventh Mapai party conference (August 1950), FO sources pointed out “little or no criticism” and an apparent lack of any internal debate or any change in the leading personnel. The country was, as a whole, “*led, indoctrinated and managed by a ‘pioneer aristocracy’ of early immigrants mostly of Russian or Polish origin [...] There is a danger that the present trend towards concentration of real policy-making in the hands of a hierarchically elected oligarchy will lead to the breakdown of all democratic control,*” mused the British.⁴⁶ This observation stood in stark contrast with Ben Gurion’s self-assertion that Mapai had professed allegiance to democratic socialism as practiced in Britain and Scandinavia.⁴⁷ The French assessment of the eighth party conference which took place six years later (August 1956) did not substantially deviate from the picture established by the FO. According to the French counsellor in Tel Aviv, Jean Fernand-Laurent, the speeches had brought nothing new; the rule of the old cadres continued uncontested as before. Ben Gurion’s personal dominance overshadowed any existing personal rivalries. Accumulation of functions in the party had become a common practice. The meeting resembled “an assembly of veterans”. As a whole, the Mapai conference left two overarching impressions: first, that the party constituted a “formidable force” to be reckoned with by any opponent, and second, that it drew a firm net around its members. For insiders, it was a “*famiglia*” (sic).⁴⁸

⁴³ J. Nicholls to H. Macmillan, 2 Aug. 1955, p. 2, TNA/FO 371/115813.

⁴⁴ J. Fernand-Laurent to MAE, 14 Aug. 1955, pp. 8–9, AMAE/AL/218QO/47.

⁴⁵ E. F. Guyon to R. Schuman, 5 Sep. 1950, p. 5, AMAE/AL/218QO/30.

⁴⁶ J. E. Chadwick to E. Bevin, 23 Aug. 1950, pp. 1–2, TNA/FO 371/82509.

⁴⁷ Ibid., p. 4.

⁴⁸ J. Fernand-Laurent to MAE, 11 Sep. 1956, pp. 2–4, AMAE/AL/218QO/47.

In the view of the Quai, a high level of politization affected the operations of the diplomatic corps and the armed forces alike. When Dayan replaced Mordechai Makleff as the chief-of-staff in 1953, French sources attributed this development, among other things, to Makleff's refusal to enter the Mapai ranks and his open flirting with the General Zionists. Unlike him, Dayan possessed "great political sense" and the right party affiliation. "By nominating a member of its executive committee to the position of chief-of-staff, Mapai calculates to extend its control over the army," mused the French.⁴⁹ Histadrut, controlled by the Mapai party, was a dominant player in the national economy. According to the estimates provided by the ambassador Pierre-Eugène Gilbert, Histadrut controlled 70% of the agricultural production, 70% of the transport services and 66% of the companies involved in construction and public works.⁵⁰ As such, Israel of the 1950s was portrayed by the British and the French alike as a political monolith, displaying traits not dissimilar to those characteristic of people's democracies (with a certain Levantine touch).

Even more question marks surrounded Ben Gurion's autocratic manners. Some of these came directly from Israeli insiders. President Chaim Weizmann was taken by the British as a particularly valuable and reliable source of knowledge. In one meeting with Helm, Weizmann complained that Ben Gurion was "a brute and a bully" who held "all the power" in the country.⁵¹ In another meeting, Weizmann described him as "impulsive and dangerous".⁵² Helm correspondingly referred to Ben Gurion's lack of tolerance and strong headedness, and provided the following assessment: "I have in spite of his Western orientation regarded him as a growing menace, not immediately in relation to possible foreign excursions, but internally in Israel." In 1950, Helm accused Ben Gurion of running the state, together with the then chief-of-staff Yigael Yadin, on "more or less dictatorial lines".⁵³ By 1957, once some of the post-war acrimony had settled down, Ben Gurion was characterized by the FO as "emotional and with a streak of Messianic fervour

⁴⁹ J. Bourdeillette to M. Couve de Murville, 12 Feb. 1963, pp. 1-2, AMAE/AL/218QO/85; J. du Boucher, "Changement de chef d'état major général", 4 Dec. 1953, pp. 2-3, AMAE/AL/218QO/38.

⁵⁰ P. E. Gilbert to G. Bidault, 27 June 1953, p. 3, Centre des archives diplomatiques de Nantes [hereafter CADN] 378PO/6/890.

⁵¹ A. K. Helm to M. Wright, 11 Jan. 1950, p. 1, TNA/FO 371/82508.

⁵² A. K. Helm to G. W. Furlonge, 28 June 1950, p. 3, TNA/FO 371/82509.

⁵³ A. K. Helm to G. W. Furlonge, 18 Oct. 1950, p. 5, *ibid.*

[...] *with a direct and fundamentally honest approach*".⁵⁴ The tone of the French observations was subtler. Referring to his tensions with Weizmann, the French sources described Ben Gurion as "energetic and domineering". He "*exercised an indisputable personal upper hand over the members of parliament and of the coalition government which he himself presided,*" being in fact "*a true master of the country*".⁵⁵ In 1953, Gilbert described Ben Gurion as a "*true founder of the state, a tireless tribune [...] a hard-to-defeat fighter, who knows the right moment to take command*". Still, even Gilbert cautioned that Ben Gurion was a "*prisoner of his own personality,*" noting further that he treated his fellow ministers in a "*cavalier fashion*".⁵⁶

A further look into some characteristics of leading Israeli personalities suggests that the British and the French were genuinely convinced that Ben Gurion had enjoyed influence unparalleled by any politician in the West. His imprint on the foreign policy formulation can represent a case in point. Walter Eytan, the long-term director general of the MFA during the 1950s, was thought to be a purely nominal figure head. "*It is difficult to judge the extent of his influence in the formulation of Israel's foreign policy, but there are indications that it is not much,*" mused the British ambassador, Francis Rundall, on that account.⁵⁷ Even Sharett, who had shaped much of Israel's foreign policy orientation in the early days of the state (serving also as Prime Minister between 1953 and 1955) was not considered an equal political weight. The French (1953) recognized Sharett for representing "*certain flexibility towards the Great Powers*" inside the government. He was reputed to have considerable support within Mapai against the "*intransigence and combative spirit of Mr. Ben Gurion*".⁵⁸ Still, on the whole they considered him to be no more than a "perfect technician" whose skills Ben Gurion desperately needed.⁵⁹ Once Sharett's days in office came to an end in June 1956 (due to his insurmountable divisions with Ben Gurion),⁶⁰

⁵⁴ F. B. A. Rundall, "Leading personalities in Israel", 18 Oct. 1957, p. 6, TNA/FO 371/128086.

⁵⁵ E. F. Guyon to R. Schuman, 2 Dec. 1949, pp. 2–3, CADN/378PO/6/573.

⁵⁶ P. E. Gilbert to G. Bidault, 19 Oct. 1953, pp. 2, 6, AMAE/AL/218QO46; P. E. Gilbert to MAE, 10 Jan. 1956, p. 2, AMAE/AL/218QO/47.

⁵⁷ F. B. A. Rundall, "Leading personalities in Israel", 18 Oct. 1957, p. 10, TNA/FO 371/128086.

⁵⁸ P. E. Gilbert to G. Bidault, 19 Oct. 1953, p. 3, AMAE/AL/218QO/46.

⁵⁹ J. Fernand-Laurent to MAE, 29 Aug. 1955, AMAE/AL/218QO/47.

⁶⁰ For more, see G. SHEFFER, *Moshe Sharett: Biography of a Political Moderate*, Oxford 1996, pp. 653–887.

his successor, Meir, scored even worse. “*Her scope for initiative is narrow, her role being essentially that of an instrument of Mr. Ben Gurion’s policies,*” mused the British.⁶¹ Small wonder, then, that the French solved any doubts in that regard by gambling on Ben Gurion’s closest associates – Peres and Dayan. Few would probably have described Israel as a standard (Western) democracy so far as the distribution of power was concerned.

Indeed, one may always question the extent of in-depth knowledge and credibility of Western sources regarding the subject. Neither the Foreign Office nor the Quai d’Orsay enjoyed reputation of friendly institutions among Israelis. In its own right, this is justified. The tone of the FO’s diplomatic correspondence concerning the Jewish state discloses a certain sense of cultural superiority as a whole. The ambassadors to Israel did not necessarily belong among those best disposed towards the country. According to Neill Lochery, the ambassador Nicholls seemed to regard Israeli leadership with a degree of contempt.⁶² The Quai tended to produce elaborate policy papers presenting a more sophisticated (if less readable) story than that issued in London. Yet, as Schillo has noticed, the French foreign ministry of the Fourth Republic constituted something of “a fiefdom of old Catholic families” with “saloon anti-Semitism” being fairly present among its officials.⁶³ In either case, the respective positions contrasted with pro-Israel enthusiasm as personalized by the first US ambassador to Israel, James G. McDonald, for example.⁶⁴ Be that as it may, it is noteworthy that at least some of the criticism concerning the shortcomings of early Israeli democracy was shared by “pro-Arab” as well as “pro-Israeli” European observers. Gilbert, who served as the French ambassador to Israel in 1953–1959, happened to be the first diplomat in such a position to master the Hebrew language.⁶⁵ He was seen by the Israelis (and suspected by the British) to be a “true friend” of the Jewish state. However, this did not preclude him from penning down a number of observations which deviated from the image Israel wished to cultivate.

⁶¹ F. B. A. Rundall, “Leading personalities in Israel”, 18 Oct. 1957, p. 17, TNA/FO 371/128086.

⁶² LOCHERY, p. 59.

⁶³ SCHILLO, pp. 105, 128.

⁶⁴ Israel came to be seen as a kindred spirit by a large part of the US society during that time. M. MART, *Tough Guys and American Cold War: Images of Israel, 1948–1960*, in: *Diplomatic History*, 20, 3, 1996, pp. 357–380.

⁶⁵ B. PINKUS, *Me-ambivalentiut le-vrit bilti ketuba: Yisrael, Tsarfat ve-yehudei Tsarfat, 1947–1957*, Beersheva 2005, p. 359.

So far as the Israeli internal politics were concerned, Gilbert was actually far from uncritical, referring to the limits of pluralism imposed by the “omnipotent” Mapai and the “domineering” personality of Ben Gurion.

We may well say that the core of Western critique touched some of the most problematic aspects of statism, namely the concentration of power and the centrality of Ben Gurion. At the same time, one should not forget that Western criticism was not entirely free of certain hypocrisy, interpreting democratic standards according to the current geostrategic needs. In any case, the aim of the current paper is not to determine whether Israel of the 1950s was a formal or a substantive democracy, but how was it perceived by the British and the French diplomats of the time.⁶⁶ The picture we come across in the relevant sources is, on the whole, quite far from being idyllic. A good number of dispatches reaching Paris and London described in vivid colours the prevailing culture of bitter rivalry and acute personal skirmishes. While the overall dominance of a single party remained intact, Israeli coalition politics, reflecting the new state’s diverse societal make-up, was mostly considered shaky. At the same time, Mapai’s control of the state apparatus and the preponderance of Zionist ideology could equally represent a “healthy phenomenon” from the Western point of view as they had made any communist penetration very difficult.⁶⁷ As such, European observers did not have only the harsh words to say about Israeli democracy. To enlist a few examples, the French sources noted with respect the wide distribution of liberties, including the press freedom.⁶⁸ The notoriously sceptical British commentators had appreciation for the fact that Ben Gurion had held “*few illusions about Russian Communism*”.⁶⁹ Still, it is quite obvious that certain elements of Israeli phraseology were decoded with ease. The French diplomats were clear-eyed in regard to the desiderata of Israel’s foreign policy, designating arms

⁶⁶ For the corresponding debate (and a spirited defence of the latter claim), see A. BARELI, *Hierarchy, Representation, and Inclusion in a Reflective Democratic Culture: Conflicting Perspectives in Israel’s Nascent Years*, in: *Israel Studies*, 22, 1, 2017, pp. 139–164.

⁶⁷ A. K. Helm to E. Bevin, 16 Feb. 1950, p. 2, TNA/FO 371/82510.

⁶⁸ P. E. Gilbert to G. Bidault, 11 Jan. 1954, pp. 1–3, AMAE/AL/218QO/37. For a more critical assessment of the Israeli press in the 1950s, see B. MORRIS, *The Israeli Press and the Qibya Operation, 1953*, in: *Journal of Palestine Studies*, 25, 4, 1996, pp. 40–52.

⁶⁹ A. K. Helm to M. Wright, 11 Jan. 1950, p. 2, TNA/FO 371/82508; A. K. Helm, “Repository of real power in Israel,” 13 Jan. 1950, p. 2, TNA/FO 371/82508; Minute by Sheringham, 12 May 1950, p. 1, TNA/FO 371/82509.

purchases as its driving force.⁷⁰ The British perspective was similar, with the FO commenting to the effect that the ambassador Elath “*seldom misses an opportunity to revert to the question of arms supplies*”.⁷¹

It is noteworthy that the arguments for the improvement of bilateral ties with Israel came alongside remarks which negated any unreserved association of the country with the Western democracies and their value-systems. Nicholls, who served as the British ambassador at Tel Aviv in 1954–1957, expressed this in a telling fashion in March 1955. Though he suggested a number of ways to strengthen relations with Israel, in order to avoid it becoming isolated, which could lead to a further escalation of the Arab-Israeli conflict, his words on the subject illustrate the gap between Israel and the Western mindset: “*I believe that we must treat the Israelis as a sick people [...] I fear that if we cannot find some way of treating Israel’s psychological condition she is more likely to embark on an apparently suicidal policy in a state of national exaltation, based on a compound of mystical conviction that somehow Jehovah would intervene to save his people and shrewd calculation that United States Jewry might turn out to be his chosen instrument.*”⁷² The Quai tended to employ softer language. Still, French astonishment over some unilateral steps reflected British impressions. As the French general consulate in Jerusalem commented upon the decision to transfer the seat of the MFA from Tel Aviv to Jerusalem in 1953: “*Although the Israeli political system, which is quite democratic by certain ratings, should not be compared to fascism, the young state has, like Mussolini’s Italy, the habit and taste for fait accompli despite the advice of the Great Powers.*”⁷³ Overall, many of the British and French sources of the time seem to be characterised by a sense of estrangement rather than the affinity, claimed by Israel.

Though further research would be required to elaborate on the topic in full, we should mention that European observers had equal doubts regarding the Israeli societal model more generally. The attitudes of the common people were often described as anything but tolerant of different viewpoints. Even in the late 1950s, when British criticism of the Jewish state was substantially diminishing, diplomatic correspondence characterized Israelis as “*a most intolerant people*” and referred to the “*rabid*

⁷⁰ J. Bourdeillete, “Rapport de fin de Mission”, 17 Aug. 1965, p. 22, AMAE/AL/218QO/86.

⁷¹ “Proposed meeting of Sir F. Hoyer-Millar and the Israel Ambassador”, 11 Feb. 1957, p. 1, TNA/FO 371/128133.

⁷² J. Nicholls to C. A. E. Shuckburgh, 8 Mar. 1955, p. 2, TNA/FO 371/115825.

⁷³ Gen. Consulate in Jerusalem to MAE, 16 July 1953, p. 2, AMAE/AL/218QO/32.

self-righteousness of the average Israeli".⁷⁴ The process of nation-building and profound internal divisions within the Jewish polity constituted yet another source of curiosity. Critical remarks of the early 1950s targeted the political elite; it was in the second half of the decade that those targeting social issues reached their zenith. The British noticed the uneasy coexistence between the religious and the secular while the French focused on the (Jewish) inter-ethnic divide. On the whole, diplomats were quite puzzled by the state's difficulties regarding the "ingathering of the exiles".

According to the French, the eventual outcome of this process remained in doubt because the migrants coming from dozens of culturally alien countries had *"little in common apart from religion, performed according to different rites"*.⁷⁵ As the British put it, problems were *"arising and likely to arise from the mixing of European, African and Oriental bloods in a state whose origins are Eastern European"*.⁷⁶ In characteristically derogatory style, the FO referred to *"genuine claustrophobia"* as the defining characteristic of the Israeli melting pot. Israel was defined by external threats rather than internal cohesion; a peace solution would deprive this *"military state"* of a *"crusading spirit"*, leading inevitably to its submersion in the Arab Levant. Israeli culture, in the widest sense of the term, was not even considered to exist, and Hebrew was described as a language *"of which all the citizens up to a few years ago had been blissfully ignorant"*.⁷⁷ Somewhat more insightful were observations concerning the incapacity to conceptualize a new (civic) approach towards the Jewish religion. Given the absence of reform/liberal Judaism, the population could only choose between two extremes – the *"bleak fanaticism"* of the orthodox and the *"messianic materialism"* of the left. *"To the non-Jewish observer, the lack of any spiritual content in the daily life of Israel is woefully apparent,"* mused the British.⁷⁸ The merit of such reports cannot be taken at face value as they often reveal more about their respective authors than they do about contemporary Israel. Nevertheless, for our purposes it is noteworthy how far the perspectives of diplomats residing in Israel differed from the way the Jewish state wanted to be seen by its partners in the West.

⁷⁴ F. B. A. Rundall to S. Lloyd, 2 June 1958, pp. 4–5, TNA/FO 371/134371.

⁷⁵ J. Binaud to the chargé d'affaires in TA, 12 July 1959, p. 1, AMAE/AL/218QO/47.

⁷⁶ A. K. Helm to G. W. Furlonge, 6 July 1950, p. 5, TNA/FO 371/82509.

⁷⁷ R. H. Turton to Levant dept., 11 Oct. 1955, pp. 1–6, TNA/FO 371/115813.

⁷⁸ F. B. A. Rundall to S. Lloyd, 2 June 1958, p. 4, TNA/FO 371/134371.

Most significantly, many reports associated Israeli society with all sorts of ethnic discrimination which went far beyond the mistreatment of the Arab minority.⁷⁹ In fact, many of the communitarian tensions were said to originate with the man in the street rather than the government. French diplomacy had been keenly sensitive to this issue ever since the early 1950s, when it had first noted tensions revolving around “labour discrimination” against the Oriental Jews.⁸⁰ In the view of Gilbert, expressed in 1953, the Oriental Jews were being ostracised. Though one could not refer to “segregation” in the full sense of the term, the bulk of the European Jews approached them with “mistrust” and “a real lack of any sympathy”. The inevitable result was, in his view, “a sense of rejection”, not dissimilar to that engendered by the anti-Semitism which had been experienced by European Jews in the past. “*Most of the Maghrebians, and many Oriental Jews that have been disappointed, nourish [a sense of] nostalgia for their countries of origin where, though the existence of the number of them was a sordid one, they dream to return to,*” asserted the ambassador.⁸¹ At the height of Franco-Israeli cooperation in the late 1950s, certain reports overtly accused Israeli society of “*the most frightful [form of] racial discrimination, that of skin colour*”, with North African migrants being commonly called “blacks” in the country.⁸² Some encounters with Israeli bureaucracy may have confirmed these impressions. Maurice Fischer, Israel’s first minister (later ambassador) to France, who remained active in promoting bilateral ties after the end of his term in Paris, presented a very stereotypical image of North African migrants in association with the subject of Franco-Israeli cultural agreement. According to Israeli sources, Belgian-born Fischer openly questioned the Oriental Jews’ potential to spread Francophone culture, observing that they constituted “*miserable masses who speak Arabic*”. They were supposedly marked by “*a deep sense of inferiority [...] with a very low general level of culture*”.⁸³ According to French sources of the time, the discrimination against the Oriental/North African migrants was plain to see: “*By a strange paradox, the nation that has*

⁷⁹ For more on the subject, see B. K. ROBY, *The Mizrahi era of rebellion: Israel’s forgotten civil rights struggle, 1948–1966*, Syracuse 2015 or (in Hebrew) S. SHITRIT, *Ha-mavak ha-mizrahi be-Yisrael: bein dikui le-shihur, bein hizdahut le-alternativah, 1948–2003*, Tel Aviv 2004.

⁸⁰ Gen. consulate in Jerusalem to MAE, 7 May 1953, p. 2, AMAE/AL/218QO/47.

⁸¹ P. E. Gilbert to G. Bidault, 22 July 1953, pp. 1–3, CADN/378PO/6/890.

⁸² R. Vizzavona to the chargé d’affaires in TA, 16 July 1959, p. 1, AMAE/AL/218QO/47.

⁸³ “Protocole de la séance du 23.6.1960 à Jérusalem,” pp. 2, 8, ISA/MFA/939/18.

the most suffered from racial persecution extends to some of its own members the notion of colour-bar." Their participation in the organs of power was said to be "minimal", there were few mixed marriages, and the number of students (at the institutions of higher learning) did not exceed 5% of the total.⁸⁴ To illustrate the subject of inter-racial relations better, French diplomats cited an incident in which an Israeli taxi driver offended the Liberian chargé d'affaires by calling him a "dirty negro" (*sale nègre*).⁸⁵ Needless to say, none of this corresponded with the purpose-built image of a nation that was not afflicted by any colonial past of its own, which was often touted in the context of Afro-Israeli relations abroad (particularly by Ben Gurion and Meir).

The above examples represent only part of a broader picture of Israel that can be found in the diplomatic records of the time. The entire perspective was complex rather than negative and the sense of "otherness" was not absolute. When assessing the causes of growing Gallic support for Israel in the mid-1950s, British sources did not fail to mention the attitude of the French public and its "*sympathy for a more or less European, intellectual and democratic people*".⁸⁶ As far as the merits of Western criticism are concerned, one might well wonder whether the French were best placed to teach the rest of the world about humanism, given their contemporaneous actions in Algeria. Yet what matters for our purposes is that both the Israeli model of parliamentary democracy and the claims in regard to social egalitarianism seem to have been treated with caution in London and Paris alike. The evidence gathered by diplomats working on the spot raised a number of fundamental concerns not only about the comportment of the top echelons of the state, but also about the "real" (or inclusive) character of Israeli democracy as a whole.

Conclusion

Throughout the 1950s, relations between Israel and the West were marked by a mixture of collusion and tensions. The issue of Israel's democracy was seen through various lenses. For Israel's leaders and representatives abroad, the country's democracy was real, obvious and beyond dispute. It represented a cultural bond with the Western world, an extra leverage which could be used to offset the advantages of the regional foes.

⁸⁴ J. Bourdeillette to M. Couve de Murville, 23 May 1960, pp. 2-3, CADN/688PO/1/2.

⁸⁵ *Ibid.*, p. 1.

⁸⁶ J. G. Beith to E. M. Rose, 13 May 1955, p. 1, TNA/FO 371/115887/1076/513G.

The democratic nature of the Jewish state was presented as one of the key reasons why Israel should be assisted in becoming a strong outpost of the free world in the Middle East. Emissaries, such as Elath in London, referred to Israel's association with the West well before this became a recognized fact in their own country. Throughout Israel's diplomatic communications at this time, a request for arms supplies was ever present. On the whole, however, the respective assertions seem to mirror the mindset of the time in Israel, rather than constitute purely propagandistic constructions.

British and French diplomats saw Israel's democracy in a rather different light. While Israel's ideological resilience towards Soviet penetration was undoubtedly appreciated, numerous aspects of the young state were seen as questionable and undemocratic. There was no shortage of extremely critical comments. It is quite certain that the descriptions of Israel as a mentally ill patient (Nicholls) or the ruling party Mapai as a Sicilian-style clan (Fernand-Laurent) would not have gone down well with the Israelis. So far as the FO was concerned, Israel was perceived as a trouble spot rather than any sort of "strategic outpost". France, on the other hand, took the Hebrew state under its wing in the mid-1950s. Despite adopting divergent strategies, the two Western powers' respective views of the Israeli state and society often differed more in tone than in substance. They displayed interesting similarities in their analysis of the centralized political system. Both considered that Mapai and the Histadrut were running a parallel state of their own, barely veiling this reality behind genuine elections. Ben Gurion was seen (and respected) as an autocrat. The relationships inside the microcosm of Jewish identities were interpreted as anything but idyllic.

The very effect of Israeli declarations remains somewhat debateable. Though the exact role is difficult to establish, it is clear that critical diplomatic reports were reflected in the initial prudency on the part of the British and French concerning any closer bilateral ties. Economic interests in the Arab world aside, both European powers had serious doubts about Israel being the standard (Western) democracy that its leaders claimed it was. At the same time, democracy was not mentioned as a main criterion for supporting (or not) the Jewish state on a particular occasion. In effect, Israel was judged on the account of its utility to Western designs in the Middle East, not on the basis of its democracy (or even conformity with the international law). Israel's participation in the Franco-British plot to topple Nasser's regime in 1956 raised apprehension of its military capacities (even in the US). Once Israel had allowed (on certain conditions)

British units to overfly the country on their way to save king Hussein of Jordan in 1958, the tone of British diplomacy became considerably softer. The Jewish state was, for the first time, recognized as “*a stabilising factor in the political spectrum of the Middle East*”.⁸⁷ Whether the (alleged or real) ills of Israeli democracy had been removed in the meantime did not seem to constitute a key concern.

⁸⁷ F. B. A. Rundall to S. Llyod, 21 Nov. 1958, p. 1, TNA/FO 371/134315; R. Stevens, “Anglo/U.S./Israel relations” (October 1958), p. 6, TNA/FO 371/134298; F. B. A. Rundall to R. Stevens, 26 Nov. 1958, pp. 1–2, TNA/FO 371/134298.



Administrative Structures for Accountability in Colonial Nigeria: A Review of their Impact on Fiscal Prudence, 1950–1960

*Adetunji Ojo Ogunyemi**

This study presents an aspect of the history of Nigeria's public finance during the colonial period showing how public institutions created for the administrations of the country's finances either helped to curtail or failed to arrest corrupt practices from 1950–1960. The study argues that the issue of graft in government and by public officials which is prevalent in contemporary Nigeria was not a rarity in the colonial period and that at least, on the problems of theft of public revenues and the failure to observe the rules of accountability in public expenditure matters, cases of indictment of colonial officials were rife in the decolonisation period. The study therefore discusses how the problems of corruption and the refusal to observe the due processes of financial accountability were managed by the institutions established to ensure that they were either obliterated or reduced to the barest minimum in colonial Nigeria. The study concludes that although those institutions succeeded in reporting many cases and acts of corruption including even miscellaneous but nonetheless improper dealings with Nigerian finances, they failed either to prevent them or took very lame steps to ensure that indicted officials were sanctioned appropriately for such acts.

[Financial Administration; Accountability; Fiscal Prudence; Colonial Nigeria; 20th Century]

Introduction

The fiscal administration of Nigeria in the colonial period was of great importance both to the consolidation of the alien rule and to the integration of the country into the orbit of British imperial economy. Public finance was at the very heart of colonial rule. It attracted the greatest attention of British administrators in their respective colonies. Hence, structures were built, laws were made, and institutions formed, together with their

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administrative procedures, to aid the efficient administration of colonial finance. The ultimate goal being first, to avoid the possibility of Nigeria depending indefinitely on British treasury for sustenance and second, to ensure that colonial rule in Nigeria was financially beneficial to the British government and its investing public.

Thus, issues of revenue generation as well as expenditure planning and disbursement which required utmost accountability from public officials were supported with clearly defined administrative structures and backed by institutional framework for ensuring prudence and discouraging corruption. There were in that regard, four major administrative structures built more along the lines of checks and balances than for separation of powers, in the fashion advocated by Baron de Montesquieu.¹ These four structures were the offices of the: (i) Governor-General (ii) Financial Secretary (iii) Accountant-General and (iv) the Director of Audit. All these offices belonged to the executive arm of government and, as such, little consideration was given to the Nigerian Legislative Council in fiscal matters except at the tail-end of the decolonisation period (1954–1960) when, beginning in the 1958/59 fiscal year, and as a result of some constitutional amendments, Nigerian indigenous political elite had conceded to them through the Legislative Council, some powers over the federal budget and fiscal policy.² It is important to stress here that even as far back as the proclamation of the Nigerian Letters Patent 1946, otherwise called the Arthur Richards Constitution, colonial authorities in England had ensured that money bills and other matters connected with taxation and budgeting were made the exclusive preserve of the British Monarch, his Privy Council and their representatives in Nigeria.³ For instance, the 1946 Arthur Richards' Constitution while on the one hand conferred great powers over revenue and budgeting matters on the Governor, it, on the other hand, stipulated with respect to the same

¹ Baron de Montesquieu, the eighteenth-century French philosopher was famous for popularising the idea of iron-cast separation of powers between the three arms of government of legislature, executive and the judiciary. See C. MONTESQUIEU, Selection from *The Spirit of the Laws* (1746), in: *The Political Theory of Montesquieu*, edited with an introduction by M. RICHTER, Cambridge 1977.

² This was contained in the amended version of the Constitution of Nigeria (Order in Council), 1954, (as amended, 1958) section 154, in which the Nigerian legislature, the House of Representatives, was conferred with the powers of initiating and approving every expenditure of government.

³ See GOVERNMENT OF NIGERIA, *Constitution (Nigeria Letters Patent)* (Arthur Richards Constitution), Lagos 1946, section 22.

issues, a delimitation of the powers of the Nigerian Legislative Council. It did this in the following words: "[...] *the Council shall not proceed upon any Bill, amendment, motion or petition which, in the opinion of the Governor or in that of presiding member, would dispose of or charge any public revenue or public funds of Nigeria, or revoke or alter any disposition thereof or charge thereon, or impose, alter or repeal any rate, tax or duty.*"⁴

In other words, the above provision clearly put beyond the Legislative Council, any serious decision concerning public revenue. It limited its role only to giving advice to the Governor on matters of public finance. In fact, the whole issues of budgeting and the passage of the annual appropriation Act, which ordinarily should have been domiciled in the Nigerian Legislative Council in Lagos were the colonial authorities desirous of making themselves accountable to Nigerians, was actually directed to be forwarded to Britain through the Secretary of State for the Colonies. The relevant provision of the Arthur Richards' Constitution in this regard stated: "*The Governor shall forward to Us, from year to year through a secretary of state, the annual book of returns commonly called the Blue Book, relating to revenue and expenditure, public works, legislation, civil establishments, pensions, populations, schools, course of exchange, imports and exports, agricultural produce, manufactures and other matters in the said Blue Book, more particularly specified with reference to the state and condition of Nigeria.*"⁵

A plethora of works exist about colonial administration in Nigeria. But the works weigh more in favour of the description and analysis of the political history of the period than they do on economic or financial administration.⁶ Yet in 1940, just a year into the Second World War, Pim brought to the fore, a new and refreshing financial dimension to the historiography of colonial Africa when he published his *The Financial and Economic History of the African Tropical Territories*.⁷ The book is one of the pioneering efforts in the financial history of African states. It reveals the nature and character of Africa's financial relations with its European metropolitan states and the pattern of production which such nature and character brought to bear on the economy of tropical African countries. Eight years after, in 1948 Margery Perham edited a volume,

⁴ Ibid.

⁵ Ibid., section 25.

⁶ Most of the works before 1960 were concerned for instance, with an analysis of colonial administration and the indirect rule system. See for example J. WHITE, *Central Administration in Nigeria, 1914–1948*, Dublin 1981.

⁷ A. PIM, *The Financial and Economic History of the African Tropical Territories*, London 1940.

Mining, Commerce and Finance in Nigeria,⁸ which makes a direct and specific treatment of Nigeria's extractive industries – coal, tin, etc. It also offers a discussion of how the growth in commercial activities in Nigeria was guided and enhanced by European financial institutions and their investing public. The two works of Pim and Perham however fail to show or discuss the significance of colonial administrative structures to the birth and regulation of colonial finance.

It was not until 1956 that Arthur Hazzlewood published his highly detailed *The Finances of Nigerian Federation*⁹ that a closer look and analysis of the structure of fiscal relations and the distribution of tax powers between the federating parts of the Nigerian federation was had. Nigeria had, by 1954, been formally proclaimed a federation of regions and the Lyttleton constitution which contained the proclamation had clearly stipulated the boundaries and character of the revenue powers of the federating parts. Hazzlewood's work offers a fascinating discussion of this fiscal relationship and the size of the Nigerian fiscal system vis-à-vis the country's developmental needs. Still, a direct analysis of the role and powers of the regulatory authorities such as the offices of the financial secretary and the Accountant-General of the Federation is not made in the work. Even works that were published, few years after independence on the subject of Nigeria's finances such as those of Pius Okigbo's *Nigerian Public Finance*,¹⁰ and Adebayo Adedeji's *Nigerian Federal Finances: Its Development Problem and Prospects*,¹¹ though show extensively and illuminate the broad issues of public finance such as taxation and sharing of tax powers among Nigeria's component parts revealing in the process, a discussion of the topical issue of public debt, and the criteria for the determination of revenue allocation formulae, (especially Adedeji's *Nigerian Federal Finance*) from 1954–1965 but a discussion of the administrative and institutional bodies that regulated those fiscal relations escaped the attention of the authors.

However, in 1979, Adebayo Lawal made a major contribution to the financial history of Nigeria through his *A History of the Financial Administration of Nigeria, 1900–1945*.¹² Lawal's work which is actually his

⁸ M. PERHAM, *Mining, Commerce and Finance in Nigeria*, London 1948.

⁹ A. HAZZLEWOOD *The Finances of Nigerian Federation*, London 1956.

¹⁰ P. OKIGBO, *Nigerian Public Finance*, London 1965.

¹¹ A. ADEDEJI, *Nigerian Federal Finances: Its Development Problem and Prospects*, London 1969.

¹² A. A. LAWAL, *A History of the Financial Administration of Nigeria, 1900–1945*, University of Lagos 1979, Ph.D. Thesis.

Ph.D. thesis submitted to the University of Lagos in 1979 on the subject lays bare the character of colonial finance in Nigeria and shows the role of British Colonial Officials particular the Governor-General and his Lieutenant – Governors in the preparation, legitimation and implementation of colonial fiscal policies. But Lawal's contributions only covers the period in which Nigeria was effectively, a unitary state. The scope of the work which terminates in 1945 did not even cover the time in which Nigerian colonial authorities experimented with a quasi-federal arrangement. Under the 1946 Arthur Richards' constitution, the fore runner to the 1954 Oliver Lyttleton constitution that embodied Nigeria's first federal law and its counterpart principle of fiscal federalism. This present study which begins in the very year of negotiation for Nigeria's federal structure in 1950 completes the trajectory of discussions on Nigeria's financial administration in the colonial period. It discusses the role, functions and powers of federal administrative officials who had the onerous responsibility of managing Nigeria's resources prudently and who ought to ensure fiscal accountability in so doing. The officials were not expected to work at their own whims and caprices but within clearly set prudential guidelines encoded both in the relevant constitution and laws guiding colonial finance and the administrative practices common to all British dependencies. By prudential guidelines it is meant here, the regulations set both by law and conventions by which all corrupt and non-accountable acts were to be avoided, detected and brought to justice. The guidelines were supposed to be obeyed by all civil and public officials because they defined the boundaries of administrative powers and discretion over public resources. They were in short, the canon of fiscal accountability in colonial Nigeria.

Prudential Guidelines for Nigeria's Colonial Finance

The most important of these guidelines and which are of direct relevance to our purposes here are: (i) that all expenditure and revenue operations of government should be stipulated and contained in one "Blue Book" (annual budget) prepared and submitted by the Governor of Nigeria to the British Parliament for its concurrence and assent in every fiscal year;¹³ (ii) that no moneys should be spent on any matter of state howsoever reasonable without it been first contained in an approved budget;¹⁴ (iii) that

¹³ See Nigeria Constitution (Order in Council), Lagos 1954, section 154.

¹⁴ Ibid.

disbursement of funds as approved in the budget should only be by means of warrant, duly issued either by the Financial secretary or the Governor;¹⁵ (iv) that full statements of government financial transactions detailing all receipts and expenditure should be prepared on a yearly basis by the Accountant-General of the Federation who should transmit the same to the Director of Federal Audit;¹⁶ (v) that the Director of Federal Audit should, working on the strength of the statements made available to him by the Accountant – General and on his own independent investigation, inquire into and report annually, on the use of public funds, showing whether the rules of prudence and accountability had either been obeyed or breached;¹⁷ (vi) that responsible account/budget officer in every ministry should ensure that unspent balances in his ministry's expenditure vote were returned to the federal treasury;¹⁸ and (vii) that the Governor or the Public Accounts Committee of the Nigerian legislature should act on the report of the Director of Federal Audit to apprehend cases of fraud or theft by bringing indicted officials to justice.¹⁹

The above prudential guidelines shall guide our subsequent analysis of the extent to which they were complied with by administrative bodies responsible for the management of Nigeria's public finance in the colonial period. We should now turn to a discussion of each of the role and impact of the four administrative bodies established for the prudent use of resources in colonial Nigeria.

Office of the Governor

It was customary in those days of colonial rule for the Governor of Nigeria to prepare the annual budget with or without any input by the Nigerian Legislative Council and to send it to London for assessment and ratification. If it was ratified, then, it became law, that is the annual appropriation Act (budget) for the year indicated on it. This role of the Governor though exercised by him exclusively, was without prejudice to other very vital roles performed by other officials in other institutional structures for colonial finance such as the colonial Financial Secretary and

¹⁵ See GOVERNMENT OF NIGERIA, Finance (Control and Management) Act, 1958, in: *Laws of the Federation of Nigeria*, Chapter F26, Lagos 2004, section 6(1–3).

¹⁶ See GOVERNMENT OF NIGERIA, Audit Ordinance, 1956, section 13(1 and 2), in: *Laws of the Federation of Nigeria and Lagos*, Chapter 17, Lagos 1958.

¹⁷ *Ibid.*, section 7(1 and 2).

¹⁸ Finance (Control and Management) Act, Lagos 1958, section 16.

¹⁹ Audit Ordinance, sections 9(3), 11, 14.

the Accountant-General. The ultimate purposes being to ensure prudence in the use of public resources and, as far as colonial underlining principles for the use of public funds permitted, make public officials accountable to His Majesty's government in England. We should return to this presently.

Suffice it to show here that apart from budget preparation and remittance to London, the office of the Governor also had the responsibility of making sure that the books of Accounts presented to it were kept at a state of financial balance before auditing took place. As a result, the Governor always took the final decisions on what debt or irrecoverable loans and advances should be written-off or charged to the Consolidated Revenue Fund before auditing. This was to close any gap between actual and budgeted expenditure on the one hand and the actual and planned revenue on the other. Hence, from 1950 up to 1960, but particularly after the promulgation of the 1954 Oliver Lyttleton Constitution, the Governor of Nigeria wrote-off huge sums of money either as irrecoverable loans and advances or losses due to fraudulent encashment, forged vouchers and other sundry excuses in order to balance the accounts.²⁰

Table 1 below shows the sums written off by the Governor in the respective years indicated due to some of the reasons mentioned above. It should be noted that these sums did not represent all the losses to government treasury and stores in those years but only a proportion of those losses that have been selected due to the significant amounts involved. However, the total amount written-off by the Governor from 1951 to 1960 as shown in the table was £1,723,091-1s-1d.

Table 1: Losses to Government Accounts written off by the Governor (1951–1960)

Fiscal Year	Amount Lost		
	£	s	d
1951/52	2,291	15	6
1952/53	51,108	8	11
1953/54	16,551	5	6
1954/55	90,116	9	0

²⁰ In the 1956/57 fiscal year for example, the sum of £53,196-12-9d was written-off by the Governor as irrecoverable loans and advances. See GOVERNMENT OF NIGERIA, *Report of the Accountant-General with Financial Statements for the Year Ended, 31st March 1956*, Lagos 1956, p. 99.

1955/56	915,114	11	6
1956/57	612,122	4	6
1957/58	7,207	11	3
1958/59	7,462	8	0
1959/60	21,116	9	5
Total	1,723,091	1	1

Source: GOVERNMENT OF NIGERIA, *Report of the Director of Audit on the Accounts of the Government of Nigeria for the years 1951–1960*, Lagos 1960.

Office of the Financial Secretary

Although the ultimate accountability and prudential burden rested on the Governor's office, but the office was not the only one saddled with the task of ensuring that public resources were prudently applied to productive purposes. The Financial Secretary's Office was by far, the greatest engine-room for drafting budget proposals and for aggregating and articulating the financial demands from all government departments. It, too, had great responsibility to enforce the rules of prudence on civil servants and to demand accountable behaviours from them. For example, the Financial secretary was empowered to write-off and, he actually wrote-off several times, huge sums of irrecoverable funds occasioned by theft, fraud, forged vouchers and loans and advances that were given to public officials who had either died without repaying the loans or absconded.²¹ It was the Financial Secretary that had the usual authority to issue warrants for the withdrawal of monies from the Consolidated Revenue Fund and not the Governor.²² Except for the purposes of debt amortization, the Governor could not issue such warrants without the concurrence of the Financial Secretary.²³ This was a built-in checks and balances measure designed to prevent the possibility of any one single colonial official from unilaterally dealing with public funds for whatever purpose howsoever reasonable.

In addition, it was the duty of the office of the Financial Secretary to receive, make comment thereon and transmit to the Director of Audit, the *Report of the Accountant General of Nigeria Together with Financial Statements* for

²¹ See for example, GOVERNMENT OF NIGERIA, *Report of the Accountant-General with Financial Statements for the Year Ended, 31st March 1959*, Lagos 1959, p. 212.

²² See GOVERNMENT OF NIGERIA, Finance (Control and Management) Act, 1958, sections 3 and 6(1–2), in: *Laws of the Federation of Nigeria*, Chapter 144, Lagos 1990.

²³ *Ibid.*, section 6(3).

every financial year.²⁴ Nigeria's financial year was a twelve-month period which, from 1914 until 1960 always began on the 1st day of April and ended on the 31st day of March of the following year.²⁵ The comments made on such reports were of extreme importance to the fulfilment of the prudential guidelines earlier mentioned. The statements must as a matter of law, always show the debt portfolio of Nigeria, the status of receipt into and disbursement from the Consolidated Revenue Fund.²⁶ They must also reveal whether monies spent actually exceeded or was less or equal to approved amounts. And, as stated earlier, the financial comments of the Financial Secretary must reflect the different amounts written-off as losses to government and on whose authority they were either written-off or charged to the Consolidated Revenue Fund.²⁷ Ample evidences reveal that the Financial Secretary, just like the Governor but before auditing, always wrote-off irrecoverable loans and advances and loss of petty cash in Ministries and Departments. For example and in the fiscal years 1954/55, 1956/57, 1958/58 and 1959/60, separate sums of £10,335–14s–7d,²⁸ £53,131–1s–3d,²⁹ £46,548–9s–0d³⁰ and £58,121–7s–6d,³¹ respectively, were written-off under the authority of the office Financial Secretary.

Office of the Accountant-General

Although the issuance of warrants authorising all expenditure activities belonged to the office of the Financial Secretary, the actual disbursement of funds in fulfilment of the directives of such warrants was entrusted to the office of the Accountant-General of Nigeria. Although the office was not dignified with any direct or express constitutional mentioning as

²⁴ See GOVERNMENT OF NIGERIA, Audit Ordinance, 1956, in: *Laws of the Federation of Nigeria and Lagos*, Chapter 17, Lagos 1958.

²⁵ A. O. OGUNYEMI, *Federal Budgets in Nigeria, 1954–1999: A History of the Processes, Policies and Problems*, University of Lagos 2008, Ph.D. Thesis, p. 81.

²⁶ Audit Ordinance, 1956, section 13(2)(a–d).

²⁷ See GOVERNMENT OF NIGERIA, *Report of the Accountant-General with Financial Statements for the Year Ended, 31st March 1959*, Lagos 1959, p. 212, statement No. 28.

²⁸ See GOVERNMENT OF NIGERIA, *Report of the Accountant-General with Financial Statements for the Year Ended, 31st March 1955*, Lagos 1955, p. 134.

²⁹ See GOVERNMENT OF NIGERIA, *Report of the Accountant-General with Financial Statements for the Year Ended, 31st March 1959*, Lagos 1957, p. 100.

³⁰ See for example, GOVERNMENT OF NIGERIA, *Report of the Accountant-General with Financial Statements for the Year Ended, 31st March 1959*, Lagos 1959, p. 212.

³¹ See GOVERNMENT OF NIGERIA, *Report of the Accountant-General with Financial Statements for the Year Ended, 31st March 1960*, Lagos 1960, p. 110.

those of the Governor and the Financial Secretary in any of the constitutions enacted for Nigeria from 1914 to 1960, but it was nonetheless an important office in the hierarchy of administrative structures and authorities for the control of Nigeria's finances. At any rate, it was specifically mentioned and roles allocated to it in the 1956 Audit Ordinance and in the Finance (Control and Management) Act of 1958. A clear evaluation of the functions of the Accountant-General's office will show that in practical terms, it was a sort of financial gatekeeper for colonial Nigeria. The two laws and procedures on the fiscal administration of the country conferred on the occupier of the office, the duties of ensuring that all disbursements from the Consolidated Revenue Fund were strictly made in accordance with the appropriate expenditure warrants issued by the Financial Secretary and the expenditure vote contained in government budget.

In addition, after the creation of the Central Bank of Nigeria in 1958, it became a major duty of the Accountant-General to keep and maintain government revenues with the Bank and to report on the same to the Director of Audit. In effect, the Accountant-General was the manager of all the accounts of the government kept with the bank including accounts in respect of endowments and special funds set up for all federal projects.³² The office was also imbued with the authority to apply and supervise compliance with government Financial Regulations and the Public Funds of the Federation (Disbursement) Rules.³³

However, the Accountant General had no authority to disburse funds without prior written approvals. But he could, in good judgment, delay the release of funds if such a release would injure the rules of accountability enshrined in the Audit Act of 1956, namely when the disbursement would have the effect of paying for services or products which had not been included in an approved budget.³⁴ Thus, when warrants were addressed to the Accountant-General, it was his duty to cross-check whether it was in furtherance of an approved expenditure vote or not otherwise, he could be held culpable of a breach of extant laws on fiscal accountability. Hence, the Accountant-General had the onerous responsibility not only to ensure that moneys were disposed of as approved but that they were applied to approved purposes contained in relevant appropriation Acts.

³² GOVERNMENT OF NIGERIA, Finance (Control and Management) Act, Lagos 1958, section 10(1)(2)(a-c).

³³ These rules were made pursuant to the Finance (Control and Management) Act of 1958.

³⁴ *Ibid.*, section 13(1).

That was the reason why the law, especially the Audit Act imposed on the Accountant-General's office, the duty of preparing statements of accounts of revenue and expenditure detailing total accrual to and disbursement from the Consolidated Revenue Fund.³⁵ The office must do this within six months after the expiration of a financial year to which such statements referred.³⁶ The statements were to be submitted to the Director of Audit, who would report on them accordingly.

Office of the Director of Audit

The office of the Director of Audit is today known as the office of the Auditor-General for the Federation of Nigeria.³⁷ The change in nomenclature was effected under the 1979 constitution and affirmed under the extant 1999 constitution (as amended).³⁸ The office of the Director of Audit for the colonial government of Nigeria was set up in 1922 as a department in the office of the Director-General of the British Overseas Audit Service.³⁹ But the duties and the authority connected to it was not domesticated under Nigerian laws until 1956 when Nigeria had its first domestic legislation on public accounts auditing, that is, the Audit Ordinance of 1956.⁴⁰ By the provisions of the legislation, all public revenues and expenditure were directed to be reported on and be audited by the Director of Federal Audit. The Ordinance stipulated in clear terms, what the duties, functions and powers of the Director of Audit should be and the place of his office in the accountability framework for Nigeria's federal finance. It stipulated: "*The Director of Federal Audit shall on behalf of the House of Representatives inquire into and audit under general supervision of the Overseas Audit Service, the account of all accounting officers and of all persons entrusted with the collection, receipt, custody, issue or payment of federal public moneys, or with the receipt, custody, issue, sale, transfer or delivery of any stamps, securities, stores, or other property of the Government of the Federation: Provided that except where the provisions of section 8 apply, the Director of Audit shall only inquire into and audit*

³⁵ GOVERNMENT OF NIGERIA, Audit Ordinance, Lagos 1956, sections 13(1-2) and 14(1).

³⁶ Ibid., section 13.

³⁷ GOVERNMENT OF NIGERIA, *Constitution of the Federal Republic of Nigeria*, 1999, Lagos 1999, section 85(1).

³⁸ Compare this with the *Constitution of the Federal Republic of Nigeria*, 1979, Lagos 1979, section 79(1) and *Constitution of the Federal Republic of Nigeria*, 1999, section 85(1).

³⁹ Audit Ordinance, 1956: section 2.

⁴⁰ CHAPTER 17, *Laws of the Federation of Nigeria and Lagos*, 1958.

the accounts of a Regional Officer so far as those accounts relate to the Federal Public moneys or other property of the Federation."⁴¹

Thus, the Audit Act conferred on the Director of Audit from 1956, the powers and functions of reporting on the provisions and use of public money and other assets of government by all account officers at the federal level. But the Director could not except when federal moneys especially in the form of grants-in-aid to the Regions were concerned, audit or report on the accounts of Regional Governments.⁴² His primary jurisdiction being limited to the federal level of governance. It is important to state that the Audit Ordinance of 1956 is now referred to as the Audit Act, 1956 and has remained since the year of its enactment up till today as Nigeria's only law on government auditing without any repeal, re-enactment or amendment whatsoever.

Impact of the Administrative Structures on the Duty to Ensure Prudence and Accountability

Although it cannot be validly claimed that the level of official corruption due to imprudent use of public assets was on a scale that fundamentally derailed public expenditure plans, but there were clear cases of theft, fraudulent encashment of cheques and failure to report accurately on the use of public resources that the structures blatantly failed to arrest. Clear evidences from official records especially those of the Director of Federal Audit and the Accountant-General reveal huge cases of fraud and theft to include among others, cases of embarking on expenditure without recourse to warrants or even in default of appropriation,⁴³ exceeding expenditure limits without approval,⁴⁴ illegal virement of funds,⁴⁵ non-retiring of unexpended funds,⁴⁶ destruction of or alleged disappearance of vouchers,⁴⁷

⁴¹ Ibid., section 7(1).

⁴² Ibid.

⁴³ See for example, GOVERNMENT OF NIGERIA, *Report of the Director of Federal Audit on the Accounts of the Government of the Federation of Nigeria for the Year Ended 31st March 1954*, Lagos 1954, paragraph 41.

⁴⁴ Huge cases of this are contained in the *Report of the Director of Federal Audit on the Accounts of the Government of the Federation of Nigeria for the Year Ended 31st March 1959*, Lagos 1959, paragraph 112.

⁴⁵ See *Report of the Director of Federal Audit*, 1956, paragraphs 40 and 45.

⁴⁶ Ibid. It should be note however, that the legal basis for retiring unspent funds to treasury was laid by section 16 of the Finance (Control and Management) Ordinance 1958.

⁴⁷ See *Reports of the Director Federal Audit*, 1954 (paragraph 22) 1955 (paragraph 26) and 1956 (paragraph 46). See also, the GOVERNMENT OF THE FEDERATION OF

utter disregard to extant rules on financial prudence⁴⁸ and outright theft of public moneys.⁴⁹ However, the most notable cases of failure by the supervisory agencies to instil the rules of accountability in civil servants and arrest corruption were in the areas of public officials making expenditure either without due budgetary approval or in excess of it. They also failed to ensure that account officers adhered to extant rules on transmitting documentary evidences of purchases and payments made by them (the most important being receipt and payment vouchers), to the appropriate authorities for checking and validation. This transmission was the most important aspect of the prudential guidelines for reporting on the correct use and direction of government funds.

It is trite to say that the laws on the public finances of Nigeria under colonial rule forbade the application of funds to projects that were not expressly provided for in the budget. The most fundamental part of these laws was the provision in the 1954 Constitution on financial appropriation which provided that: "*No monies shall be withdrawn from the Consolidated Revenue Fund or from other public funds of the Federation except on the authority of a warrant issued by the Governor-General or the Minister responsible for finance. No warrant should be issued for the purpose of meeting expenditure unless that expenditure had been authorised by a law enacted by the Federal legislature.*"⁵⁰

There was also the Finance (Control and Management) Act of 1958, which prohibited any expenditure which had not been backed by a ministerial warrant. But despite these laws, colonial officials still incurred expenditure in default or in excess of approved budgets. For instance, in the 1951/52, 1953/54, 1955/56 and 1957/58 fiscal years, senior civil servants and public officials spent without approval, the separate sums of £2,291–15s–6d,⁵¹ £118, 448–5s–0d,⁵² £915,114–11s–6d⁵³

NIGERIA, *First Report from the Public Accounts Committee of the House of Representatives Session 1964/1965*, National Archives Ibadan, File. No NA1/NLI H4, pp. 10–14.

⁴⁸ See *Report of the Director of Federal Audit*, 1958, paragraphs 89 and 113.

⁴⁹ Cases like this are replete in all the Reports filed by the Director of Federal Audit from 1950–1960. See for example, the *Report of the Director of Federal Audit*, 1962, paragraphs 13, 15 and 17 and *Report of the Accountant-General of the Federation*, Lagos 1956, pp. 6–14.

⁵⁰ GOVERNMENT OF THE FEDERATION OF NIGERIA, *Nigeria Constitution (Order in Council) 1954*, Lagos 1954, section 154(1–2).

⁵¹ GOVERNMENT OF NIGERIA, *Report of the Director of Federal Audit*, 1952, paragraphs 10–12.

⁵² GOVERNMENT OF NIGERIA, *Report of the Director of Federal Audit*, 1954, paragraphs 8–17.

⁵³ GOVERNMENT OF NIGERIA, *Report of the Director of Federal Audit*, 1956, paragraphs 10–33.

and £7,207,356–0s–0d,⁵⁴ respectively. In fact, it has been shown that Nigerian colonial authorities spent without any approvals a total of £26,174, 934–13s–2d, which accounted for 11.87% of the total capital expenditure of £178.1 million expended by the same authorities from 1951 to 1960.⁵⁵ This means that the supervisory authorities such as the Governor and the offices of the Accountant-General and that of the Director of Audit failed to prevent such huge financial irregularity which devalued the rules of prudence and accountability during the period.

Again, on the issue of the failure of the supervisory authorities to ensure prudence, many vouchers, such as payment vouchers, receipt and adjustment vouchers, by which government transactions and the use of funds could be traced and accounted for were either reported “missing”, destroyed or “disappeared”.⁵⁶ No records either in those of the Accountant-General’s or in the Director of Audit’s office existed showing that officials who caused or negligently acted in a way that led to the disappearance of the vouchers were sanctioned. Huge numbers of vouchers were reported lost or missing in virtually all departments of the colonial government. In the 1953/54 fiscal year alone, 1,143 vouchers were reported “missing”⁵⁷ while a year earlier (1952/53), a total of 1,596 vouchers “disappeared” without a trace.⁵⁸ This fact again signifies a major failure of the supervisory ministries to discourage the loss of financial records and to bring indicted officers to book.

However, many reasons accounted for the failure of the supervisory authorities especially the Accountant-General and the Director of Audit to checkmate the abuse of the financial process and to ensure that extant laws on fiscal prudence were enforced. The most significant reasons were: (i) failure to or dilatoriness in prosecuting indicted officials (ii) insufficient legal basis on which the anti-corruption structures could exert authority to prevent or sanction corrupt acts (iii) destruction of or failure to supply the required evidence that could be used to validly establish a case of corruption against officials accused of corruption and (iv) the relatively small amounts involved in cases of theft and fraud vis-à-vis the legal cost of securing conviction for such theft and fraud.

⁵⁴ *Report of the Director of Federal Audit*, 1959, paragraphs 9–12.

⁵⁵ OGUNYEMI, p. 434, table 7.1.

⁵⁶ See for example, *Report of the Director of Federal Audit*, 1956, paragraph 37.

⁵⁷ GOVERNMENT OF NIGERIA, *Report of the Director of Federal Audit*, 1954, paragraph 24.

⁵⁸ GOVERNMENT OF NIGERIA, *Report of the Director of Federal Audit*, 1953, paragraph 40.

Nigerian colonial authorities had a very unsalutary history of delays in sanctioning or prosecuting cases of theft of public funds and negligence occasioning losses to public assets. Therefore, very little (if any) lessons were learnt by public officials on the need to prudently apply public resources. Four instances will illustrate this point very vividly. First, in April 1950, a case of theft of petrol at the Public Works Department, Bamenda, occurred.⁵⁹ It was duly reported. The petrol was estimated to be worth the sum of £104–8s–6d.⁶⁰ But the matter was not brought to the notice of the Accountant-General by the storekeepers until September 1951. However, due to further delays in apprehending and sanctioning the alleged thief, the culprit escaped.

A board of enquiry was constituted to investigate the matter and to make recommendations. The Board reported on the case in March 1952, recommending that an officer in the Public Works Department should be surcharged for the loss and for allowing the alleged thief to escape. The surcharge was not imposed until July 1953.⁶¹ The officer appealed against it in September 1954. When the matter was brought before the Financial Secretary for his administrative decision on the surcharge in 1954, the matter had delayed for almost three years. The Financial Secretary, who refused to allow the surcharge on the indicted officer considered that the matter had been allowed to delay for too long and that the justice of the matter required that such a delay annul any sanction that might be levied after it. Thus, he ordered that the surcharge be quashed because as he said: “[...] *there were mitigating circumstances on several grounds, one of which was dilatoriness of the Public Works Department in handling the case.*”⁶² In other words, a case of theft clearly established in 1950, dragged until 1954 before a third-party (who ostensibly was not found guilty of the actual theft) could be recommended as a scape-goat for sanctioning when the actual thief was allowed to escape due to delays in apprehending him.

Second, there was also the case of a theft of the sum of £44–6s–6d at the Inland Revenue Office, Ebute-Metta by a staff of the office in November, 1953.⁶³ The matter was neither reported to the Accountant-General who should know of it, nor immediately to the police which had the duty to arrest and arraign the accused for prosecution. The accused was not arrested

⁵⁹ GOVERNMENT OF NIGERIA, *Report of the Director of Federal Audit*, 1954, paragraph 11.

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² Ibid.

⁶³ *Report of the Director of Federal Audit*, 1955, paragraph 7.

until 12th July 1955 and even after that, the charge against him was struck out on the 6th of July that year for want of evidence.⁶⁴ A Board of Enquiry which should have investigated the matter and supplied the evidence was never set up by the Commissioner of Income Tax under whose jurisdiction the case fell. Subsequent attempts to re-arrest the accused failed, and the theft went without being redressed.

Third, there was a case of theft of government property established in audit in 1953. The theft was committed through a break into government quarters at Yaba, Lagos. It was a very common problem in the 1950s up to the time of independence in 1960, for unauthorised persons to break into government quarters stealing furniture.⁶⁵ And, as it increasingly became clear that the decolonisation process was irreversible from the mid-1950s, the practice intensified. Several of such cases were reported on by the Director of Federal Audit in those years leading to independence. A particularly reprehensible case occurred in 1953 which the Director of Audit mentioned in his 1954 Audit Report because of the significance of the theft and the value of the properties involved which was more than £1,500. This case was neither investigated nor reported to the police despite the audit alarm raised.

Fourth and lastly, there was another interesting case of misappropriation of a relatively smaller amount of money than shown in our preceding discussions. But the issue was not about the size of the sum involved but the utterly condemnable dilatoriness and perhaps attempts at covering up a glaring case of fraud committed by a government official. On the 13th of October 1954, a loss due to fraudulent embezzlement of the sum of £5–3s–6d occurred at the Massey street Dispensary (Medical Department), Lagos.⁶⁶ A Board of Enquiry was not constituted to probe the fraud until January 1955. The report of the enquiry which clearly established a case of fraud against the culprit officer was not forwarded to the Accountant-General until August 1955.⁶⁷ The report remained with the Accountant-General until January 1956 when it was finally forwarded to the Federal Public Service in April of the same year for its action. By that time, the fraud case had been delayed for a period of one and half years. “Justice delayed”, according to an established aphorism

⁶⁴ Ibid.

⁶⁵ Ibid., paragraph 14. The break-in involved 13 government quarters at Yaba, Lagos.

⁶⁶ *Report of the Director of Federal Audit*, 1956, paragraph 17.

⁶⁷ Ibid.

in judicial practice, is “justice denied”. Thus, the chairman of the Federal Public Service Commission, declining to surcharge the amount to the indicted officer, blamed the offices of the Accountant-General and the Medical Department for the delay in doing justice to the matter for a period of 18 months. He said: “*Some of the delays in this case are without explanation. I consider it essential that steps be taken to speed up these cases of losses of public funds and assets.*”⁶⁸ Apart from objecting to the recommendation of the Board on surcharging the indicted officer on grounds of delay, the chairman also pointed at the small amount involved as a reason for his regarding the matter as trivial and should therefore be written-off at state expense. It was so done.

Another major cause of failures in enforcing the rules of accountability and prudence by the supervisory administrative institutions established for that purpose during colonial rule was the very insufficient or weak legal basis upon which their administrative powers were based. The Accountant-General of Nigeria, apart from being the person who had the authority to provide cash-backing to government expenditure was no more than a clerk of the Financial Secretary. Legal and administrative provisions only conferred huge responsibilities on him but failed to buttress these responsibilities with the right quantum of authority with which he could wield enough influence and power to supervise compliance with the rules of accountability stipulated in the relevant laws. He only received warrants from the secretary but could not query or refuse to direct the issuance of money in fulfilment of the directives contained in the warrants. Thus, his functions were almost purely routine with little powers to sanction his officers for dereliction of duty or corruption. Although he could set up a board of enquiry to investigate infraction of the fiscal laws guiding proper accounting of government funds, he could not discipline any erring officer. That authority was conferred by law on the Federal Public Service Commission. In fact, the office of the Accountant-General enjoyed no constitutional mention let alone empowerment throughout the one-hundred years of colonial rule in Nigeria.⁶⁹ Hence, the office, unlike those of the Governor-General or the Financial Secretary or even the Director of Audit only operated

⁶⁸ Ibid.

⁶⁹ Even in the current *Constitution of the Federal Republic of Nigeria, 1999* (as amended), the office of the Accountant-General of the Federation has no direct functions and powers allocated to it.

based on subsidiary legislations or administrative orders issued by way of circulars.

The fact of insufficient legal foundations upon which some of the administrative structures rested particularly the non-constitutional backing of the office of the Accountant-General greatly delimited the ability and the extent of authority that the office could wield. As a matter of fact, it was only at the concluding part of colonial rule in Nigeria and specifically in 1958, that a law tangentially recognising the office was enacted.⁷⁰ Even at that, the law – the Finance (Control and Management) Act, 1958 – only referred to certain duties that the office of the Accountant-General should perform.⁷¹ It failed to confer on it the necessary and definite powers by which it could ensure discipline and accountability by all account officers who had the duty of managing the finances of Nigeria and who reported to him. The effect of this on the whole fabric of Nigeria's accountability framework as enshrined in the 1954 constitution (as amended in 1958) was that the Accountant-General could not effectively bring to book any officer who defrauded government.

Again, even the Director of Audit whose office had been in existence since 1922, did not have any constitutional backing for his office or the duties assigned thereto until independence in 1960. Although a law was enacted in 1956 – the Audit Ordinance – by which the Director of Audit was conferred with the functions and powers to “*inquire into and audit the accounts of all account officers and of all persons entrusted with the collection receipt, custody, issue or payment of Federal Public moneys*”,⁷² and whereas the law empowered him to “*call on any Federal or Regional Officer to furnish forthwith any explanations or information which he may require to enable him to discharge his duties*”,⁷³ the same law delimited these powers in many other respects that had the effect of stopping the Director of Audit from enforcing the rules of accountability. At any rate, it baffles one why colonial authorities had to wait until the concluding part of their rule before such an important administrative structure for accountability could be legislated into existence.

⁷⁰ This was the Finance (Control and Management) Ordinance (now designated as Act of the National Assembly). See CHAPTER F26 *Laws of the Federation of Nigeria*, 2004.

⁷¹ Such as managing the “investment general” of Nigeria. See Finance (Control and Management) Ordinance, 1958, section 12(1 and 2).

⁷² Audit Ordinance, 1956, section 7(1).

⁷³ *Ibid.*, section 12.

However, although the Director of Audit had the legal basis to probe and report on any infraction of the fiscal laws of the country beginning in 1956, he had no power to either surcharge any unjustifiable loss or reprimand or sanction any fraudulent official for failing to follow laid-down prudential guidelines. That is, whereas the law imposed the duty to investigate any officer of government on the use of public moneys, it however failed to grant him special prosecutorial powers or at least, the power to sanction by way of a surcharge any officer who brought unjustifiable loss to government treasury by his conduct. Second, the law also failed to protect the Director of Audit from possible victimisation or harassment by those he was required by law to investigate. For example, the law failed to secure his tenure of office, because his appointment was held at the pleasure of the Governor who could determine it at anytime.⁷⁴

In addition, although the Director of Audit had the duty to submit his report to the Nigerian Parliament under the law, the law failed to show or provide any time-frame within which the recommendations contained therein should be acted upon and the type of punishment that should be levied on any official found culpable of corrupt acts. Finally, whereas the Audit Ordinance provided that reports of irregularities discovered in the application of public resources should be made either to the Governor-General or the Minister responsible for finance,⁷⁵ it fails to show or resolve the contradiction as to what happens when the irregularities was committed by either the same Governor or the Minister of finance. Because this would mean that either the Governor or the Minister would have the duty and power to preside over their own cases. A condition that is utterly abhorrent to the principles of fairness, justice and equity. The total of the effects of all these legal deficiencies in the Audit Ordinance of 1956 was that the Director of Audit never really had the powers to arrest, sanction or even bring to justice any account officer discovered to have corruptly or negligently dealt with public resources.

Another major reason why the administrative structures failed to block many corrupt acts from being committed on government accounts was the destruction or “disappearance” of vital statutory records that could be used as evidences in prosecuting corrupt or negligent officials and thereby dissuading any further misuse of power and corrupt behaviours. These records included the *Annual Financial Statements of Nigeria*, which

⁷⁴ Ibid., section 4(1).

⁷⁵ Ibid., section 9(3).

the law compelled the Accountant-General to prepare on the financial transactions of Nigeria detailing statements of revenue, expenditure, debt payments, assets and liabilities. Other records included those dealing with the direct purchases of and receipts by government in the form of payment vouchers, receipt vouchers and so forth.

Many cases were established in audit that these vital records, without which no corrupt acts could be validly detected or proved in the court of law, were either not transmitted as at when due or were reported to have “disappeared” or “missing”. A very good example was the proven case of the financial reports for the fiscal years 1951/52, 1952/53 and 1953/54 which, as at the 31st of March 1954, had not been transmitted by the Accountant-General to the Director of Federal Audit for perusal and investigation.⁷⁶ The Director of Audit who had no power under the Audit Ordinance or the Finance (Control and Management) Act to compel the Accountant-General to submit the reports to him only contented himself with complaining bitterly of this dereliction of duty in his 1954 Audit Report.⁷⁷ We have already shown how such delays could and did frustrate the attempts at bringing to justice any corrupt behaviour and their perpetrators. But nowhere in the laws cited above was the refusal by the Accountant-General to submit financial statements made punishable. This loophole was exploited by the Accountant-General to the fullest throughout the period under review.

With regards to the failure to keep and on demand, present other official records (such as vouchers) evidencing government financial transactions apart from the annual financial statements referred to above, the office of the Accountant-General also failed woefully to follow the due process of public accountability. Thousands of payment, receipt and adjustment vouchers were reported as either “missing or “disappeared” by the office and several other departments of government without any justification whatsoever.⁷⁸ With “disappeared” vouchers, the Director of Audit could really not properly establish in audit the actual cause(s), source(s) and the person(s) responsible for either the misuse or theft of most of government assets especially cash. But the loss or disappearance of vouchers continued for many years with grave consequences for

⁷⁶ *Report of the Director of Federal Audit*, 1954, paragraph 7.

⁷⁷ See for example *Reports of the Director of Federal Audit*, 1954 (paragraphs 7 and 14), 1956 (paragraphs 7 and 8) and 1959 (paragraph 6).

⁷⁸ *Report of the Director of Federal Audit*, 1955, paragraph 27.

government financial assets. For example, and as shown in table 2 below, between the years 1940–1952, a total of 13,019 vouchers of different types were reported missing and could not be traced.⁷⁹ The vouchers concerned the payment of a total of £89,015 by government which could not be satisfactorily established in audit during the period.

Again and specifically in the fiscal years 1952/53, 1953/54 and 1954/55, separate sums amounts of vouchers that were reported “disappeared” as shown in table 2 below were: 1,596, 1,143 and 468, respectively, or a total of 3,207 disappeared vouchers in those three fiscal years. Although the number of vouchers that were reported missing without a single trace in 1955/56 was considerably less than one-thirds of those reported missing in the 1952/53 fiscal year, but even at that, to declare that 527 payment vouchers could not be found in the former fiscal year was still sufficiently serious enough to derail accurate financial reporting. Such cases of missing financial records also required that government set up a committee/panel to probe the issues of missing vouchers. Although the government considered it apt to constitute such a panel in 1955 when cases of missing vouchers had reached an alarming level especially when some vouchers concerning the accounts of the Colonial Welfare and Development Scheme, involving the sum of £32,000 were reported missing, it never really did until independence was achieved in 1960.⁸⁰ The colonial government just simply refused to constitute the right panel to investigate why those sensitive government financial records could be said to have “disappeared” and who ought to be responsible for their safe-keeping. In fact, in his 1956 annual report, the Director of Federal Audit, Mr J. W. H. Allen had cause to remind the government of its duty to accountable governance when he urged it to urgently constitute a committee/panel to probe the issue of missing vouchers. Mr. Allen had written: “*The committee to consider the question of outstanding vouchers has still not been appointed. The matter was further discussed at the Public Accounts Committee in 1956, and it was agreed that the committee should be set up in the near future. There are still large numbers of vouchers outstanding from previous years which searches have failed to produce. The matter has now reached stalemate owing to the delay in convening the committee. One most important aspect of this problem is the question of missing payment vouchers for colonial Development and Welfare expenditure [...] unvouched payments charged to Colonial Development and Welfare Schemes total*

⁷⁹ *Report of the Director of Federal Audit*, 1954, paragraph 19.

⁸⁰ *Report of the Director of Audit*, 1956, paragraph 37.

*about £32,000. It is possible that if these vouchers are not produced, the Secretary of State will disallow the reimbursable part of this sum [...].*⁸¹

Table 2: Missing Vouchers, 1940–1959

S/N	Fiscal Year	Number of vouchers
1	1940/41–1952	13,019
2	1952/53	1,596
3	1953/54	1,143
4	1954/55	468
5	1955/56	527
6	1956/57	510
7	1957/58	601
8	1958/59	2,000
	Total	19,864

Source: GOVERNMENT OF NIGERIA, *Report of the Director of Federal Audit on the Accounts of the Government of Nigeria for the Years 1954–1959*, Lagos (Various Years).

In all, a total of 19,864 vouchers were declared missing and could not be produced even after several searches of government safes from 1940 to 1959.

However, the Director of Audit was able to link the issue of missing vouchers to an illegal practice by bureaucrats and senior colonial officials of flagrantly flouting the law tying all government expenditure to an approved budget and specific warrant. The extant law on this (section 154 of the 1954 Constitution cited earlier), forbade any civil or public servant from embarking on expenditure without the appropriate warrant sought and obtained from either the Minister of Finance or the Governor of Nigeria.⁸² Apart from the fact that they exceeded their expenditure votes routinely, the Director of Audit found that they also succeeded in spending monies on projects that had not been approved at all in utter disregard of the same section 154 of the 1954 constitution. It was also reported that they hid the vouchers in respect of such transactions. In the 1958/59 fiscal year alone, a total of £5,793,815–6s–2d was spent

⁸¹ *Report of the Director of Federal Audit*, 1956, paragraphs 36 and 37.

⁸² It was mandatory under section 6(1 and 2) of the Finance (Control and Management) Ordinance of 1958 for warrants to be obtained from the Minister responsible for finance before any expenditure was made.

in this way without warrant either from the Minister of Finance or the Governor.⁸³

Table 3 below shows the departmental and sectoral distribution of such illegal expenditure and the Heads of expenditure to which they specifically related. The table also shows that Federal expenditure which consumed the highest unapproved and non-warranted amount of £2,253,427-05-10d was the Development Fund Account.⁸⁴ That amount was used in financing government capital project of which the Colonial Welfare and Development Schemes constituted a major proportion. However, the highest amount of non-warranted expenditure of £2,795,807-6s-9d which was not expenditure on any federal project was made up statutory transfers to Regional Governments in the same year. The least amount of non-warranted expenditure of £4,490-16s-8d was spent on the Medical Services Department. All these evidences of unapproved expenditure point to a failure to stick to extant rules on financial prudence during colonial rule. They also show the extent to which the administrative structures and supervisory authorities on government finances failed to ensure accountability in the use of government resources.

Table 3: Monies Spent Without Warrant (1958/59 Fiscal Year)

S/N	Head of Expenditure	Ministry/Department	Amount (£)
1	34	Education	8,590-6s-6d
2	38	Finance	24,397-9s-0d
3	42	Statistics	5,661-7s-6d
4	46	Medical	4,490-16s-8d
5	81	Miscellaneous	701,440-18s-11d
6	82	Development Fund	2,253,427-0s-10d
7	83	Statutory appropriation to Regional Governments	2,795,807,6s-9d
Total			5,793,815-6s-2d

Source: GOVERNMENT OF NIGERIA, *Report of the Director of Federal Audit on the Accounts of the Federation of Nigeria for the Year ended 31st March, 1959*, Appendix II, p. 24.

⁸³ *Report of the Director of Federal Audit*, 1959, p. 24, appendix II.

⁸⁴ The Development Fund Account was created for Nigeria on 1st April 1956. The account on that date, established for the first time in Nigeria's financial history, a specific capital projects fund from which the capital side of the federal budget could be financed.

Summary and Conclusions

The government of Colonial Nigeria did not fail to create veritable administrative and supervisory authorities for the prudential management of public resources. The authorities were required to enforce certain prudential guidelines for the prevention of corruption and the avoidance of financial losses. But the administrative structures, chief among which were the offices of the Governor-General, Financial Secretary, as well as those of the Accountant-General and the Director of Federal Audit were grossly ineffective in ensuring that civil or public servants obeyed their prudential guidelines in many respects and that they were accountable in the use of public resources. Many of the departments of government refused to comply strictly with extant rules on the remittances of appropriate financial transcripts and other documentary evidence such as payment vouchers through which non-accountable conducts could be traced and sanctioned. Apart from this, even the laws that were made to compel probity and financial prudence were by far too few and came too late to serve any useful purposes in effectively arresting and punishing fraud.

Even when the only two laws on the fiscal management of Nigeria were enacted in 1956 and 1958, colonial government had, in fact, begun to conclude its rule in Nigeria and since the laws had no retroactive effect, fraudulent acts committed before their enactment could not be brought to justice. Thus, whereas the Director of Audit complained vociferously about several non-accountable acts occasioning theft and fraud, very little was done by the supervisory authorities to bring the indicted officers to book. Although it was true that many of the incidences of theft and fraud involved small amounts of cash and stores of negligible value, but it would have served the cause of justice better if some of those acts, regardless of the cost of prosecution, were brought to justice to dissuade further theft and fraud. But it should be stated that even if the supervisory authorities had attempted to sanction every infringement of the laws on prudence, the fact that those laws particularly the Audit Ordinance of 1956 and the Finance (Control and Management) Ordinance of 1958 had no sufficient punitive measures to punish offenders further contributed to a culture of dilatoriness in bringing culprits to book. Thus, the authorities, especially the offices of the Governor-General and the Accountant-General merely resorted to writing-off losses to government due by theft and fraud particularly when the records that could be used to apprehend culprits were routinely declared “missing” or “disappeared”.

Kingship Institution in Post-Colonial Akokoland, 1960–1999

*Sunday Abraham Ogunode**

The attainment of independence in 1960 opened a new vista in the political history of Nigeria as the new nation, was after long years of tortuous journey in the hands of aggressive external control and coupled with series of destructive internal disturbances across villages, towns, cities throughout the polity, had the first opportunity at self-governance in the modern sense. Retrospectively, historians and other scholars have explicitly documented and argued the huge impact of the trans-Atlantic slave trade, the legitimate trade, colonial rule and the forced union called amalgamation in 1914 on Nigeria. The attainment of political or flag independence was, however, not an automatic guarantee of solutions to the many damages that were done to our socio-economic and political institutions by the above development in our collective history. The paper, therefore, presents discussions on how the kingship institution in Akokoland in particular and Nigeria in general has fared since independence up to the period of return to civil rule in 1999. Using a gristmill of sources, the descriptive and analytical methods were used to present the ideas of the paper and the findings revealed that the kingship institution beyond Akokoland has continued to show resilience despite the various stages of mutations it has passed through.

[Kingship Institution; Post-Colonial Akokoland; Nigeria; 1960–1999]

Introduction

Kingship and power dynamics remain significant in governance discourse in Africa. Existing studies¹ on kingship generally have portrayed the

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¹ A. L. NAJEEM, The Position of the Chiefs, in: B. Y. USMAN (ed.), *Nigeria since Independence: The First Twenty Five Years, Vol. I, The Society*, Ibadan 1989, p. 69; E. A. B. Van NIEUWAAL (ed.), Chiefs and African States: Some Introductory Notes and an Extensive Bibliography on African Chieftaincy, in: *Journal of Legal Pluralism*, 25 & 26, Special Issue on Chieftaincy and the State in Africa: 3, 1987; S. O. ARIFALO – S. T. Okajare, *Changing Role of Traditional Rulers and the Challenges of Governance in Contemporary Nigeria*:

institution as a subordinate agent in colonial administration and modern power dynamics in Africa, including Akokoland. Although the dynamics of kingship and power relations in Nigeria have received a degree of scholarly interest, less attention has been paid to them in Akokoland, north-eastern Yorubaland. This paper was, therefore, designed to examine kingship in postcolonial Akokoland with a view to determining how the institution survived the complexity of modern governance and its challenges between 1960 and 1999. While 1960 would be generally seen as the period that announced the official end of colonial rule in Nigeria, the period marked an important watershed in the political history of Akokoland as it put paid to the colonial system of Native Administration which seriously undermined the powers of the kings and the institution. 1999 was picked as the terminal period to help situate the efforts of government at policy level during the first one year of return to civil rule in the integration of the kingship institution as partners in the nation-building project. The paper used the descriptive and analytical methods to present its discussions. Primary data was sourced from in-depth interviews conducted with purposively selected informants who are knowledgeable on kingship dynamics in post-colonial Akokoland while useful pieces of information garnered from books, journal articles, monographs, national dailies, dissertations, theses and materials from the internet formed the secondary data.

Kingship in Akokoland in the Early Years of Independence, 1960–1966

In many parts of the world, societies are ever more recognising the importance of political stability and democracy as the underpinning for societal development, the African continent is still bogged down by instability in several regions. From a political perspective, quite a significant number of African countries claim some form of “independence” from their former colonial masters. The experiences in specific African country contexts suggest that the reasons for different struggles for independence have

Yorubaland in Historical Perspective, AAU, Akungba-Akoko Department of History Monograph Series, Series No. 03.002, Akure 2005; S. A. OGUNODE, *From Kingdoms to Kingdom: A Historical Appraisal of the Chieftaincy Institution in Okaland Southwest of Nigeria*, in: *European Scientific Journal*, 8, 23, 2012, pp. 22–37; O. FABOYEDE, *The Akoko Elite, 1900–1960*, a Ph.D. Thesis submitted to the Department of History and International Studies, Ekiti State University 2013; J. O. ADEYERI, *British Rule and the Transformation of Akokoland, 1897 – 1960*, a Ph.D. Thesis submitted to the Department of History, University of Ibadan 2015.

not changed. In the post-colonial era, contemporary African leadership has not had a mental or ethical re-calibration in terms of how they treat their own citizens, the society and public goods.² This has been the bane of inclusive development and recurring agitations among different interest groups in Nigeria in general and Akokoland in particular since independence. The early years of independence was promising and full of high expectations from Nigerians. Emerging from the dust of nationalist struggles were men of high reputation and vision for a better nation fit for all to live and make their contributions as citizens. The new class of politicians (mostly nationalists) who were later joined by the intelligentsia and the bourgeoisie constituted a class labelled, in social sciences, as the bourgeoisie. As observed by Nzimiro; every class in the society has its gradations; there are within the bourgeoisie the upper, the middle and the lower class.³ Buttressing his classification, he submitted that among the classes is a strong group that consists of those who control the destiny of our country, and we call them the ruling class.⁴ The ruling class in the early years of independence in Nigeria before the men in uniform intervened in 1966 accorded the kingship and other traditional political institutions and their custodians their due place as partners in the efforts towards building a better Nigeria. The thinking then was that, all hands needed to be on deck if the expected advancement in the socio-economic and political institutions must be achieved. In fact, the experimental parliamentary system of government in operation which was reflective of what obtained in Britain helped the inclusion of the traditional rulers in the political equation even though their powers and functions were largely limited to their kingly and chiefly domains. The kings, especially in the early of years of independence, still had a feel of their secular powers, but later developments soon proved otherwise as the politicians and in connivance with power brokers who were desperately seeking for means of total control of institutions of state enacted unfavourable policies and chieftaincy declarations to undermine the powers of the traditional rulers. Divide and rule system as used by the colonial masters became a ready

² J. AIHIE, *Africa at Fifty: The Paradox of the Post-Colonial State*, Department of Political Science University of Benin, Benin City, Edo State, p. 2, Nigeria. Being a paper prepared for the 23rd World Congress of the International Political Science Association, July 19–24, 2014, Montreal, Canada.

³ Ikenna Nzirimo, Of What Relevance are Traditional Rulers?, in: *The Guardian Newspaper*, Thursday, May 17, 1984.

⁴ Ibid.

tool in the hands of later politicians to depose or checkmate dissenting kings and chiefs in Akokoland in particular and Nigeria in general. The impact of the Western Region crisis of 1962, which pitched the tent of war between the Awolowo camp and the Akintola supporters had serious impact on the kingship institutions in Akokoland as will be revealed later as discussions progress in this paper.

The roles played by the traditional rulers during the colonial period seriously undermined their stake as custodians of traditions and expert in local governance. The traditional rulers served British colonial administrative needs wherever they existed. Where they did not, the British created and imposed them by sheer force.⁵ As it was in the colonial period, there were provisions for the House of Chiefs in the then regions to serve as an equivalent of House of Lords. But the House of Chiefs, in the final analysis was some House of Lords. The chiefs (kings of course attended the meetings called throughout the period) were at the mercies of the colonialists who were not for any reason ready to equate the functions of the House of Chiefs with that of the House of Lords. It, therefore, goes to say that, whatever functions and relevance accorded the traditional institutions during the colonial periods were just cosmetic and never expected to extend beyond what the British permitted. The same development played out in Nigeria in the early sixties. Though the influence of traditional rulers was still considerable in the early sixties, they could not win concession from the rising new political class that dominated the constituent assembly. The political class often advanced that it is necessary to insulate the traditional rulers away from partisan politics. They were to preside over the traditional councils, but as far as the local government council was concerned, they had no role.⁶ That is the irony of the much-touted excuses of the politicians for reducing the institution of kingship and chieftaincy to the backwater of history. The professional politicians had outplayed the traditional ones and erstwhile potentates had been humiliated and put in their 'proper' places in the scheme of things. Oguntimehin summed up the experience of kingship institution in Akokoland from 1960 to 1966 when he observed that: "*The attainment of flag independence was initially mistaken by the new political elites as a ticket to securing automatic socio-economic emancipation and stability; sadly, the imagined*

⁵ U. AIKHEN, Kings, Soldiers and Nigerians Concord, in: *Nigeria's International News-magazine*, Weekly, No. 4, August 24, 1984, p. 11.

⁶ E. RAY, A Harmless Anachronism, in: *Newswatch Magazine*, April 18, 1988, p. 16.

*Eldorado was hanging in the balance due to the faulty foundation created by the British with the amalgamation of 1914. The Action Group crisis of 1962 was a huge dent on the nationalist disposition of those who claimed to have fought for 'one Nigeria.' Some parts of Akokoland got seriously entangled in the power politics that resulted from the Western Region crisis. Pro-Akintola kings in Akokoland especially in Arigidi-Akoko and Ikare-Akoko were deposed and those for the Awolowo camp were spared."*⁷

The impact of the Western Region crisis of 1962 on kingship institution varied from one Akokoland town to another. The extent of the damage done to the kingship institution in Akokoland and other parts of Yorubaland depended on the political alignment or bloc that each town or interest groups supported during and after the crisis. The personality of those for or against the major political bloc with regional appeal and acceptance also determined the level of impact of the crisis. In Ogbagi-Akoko, for instance, the royal stool of the Owa was saved from the raging crisis because it supported the Awolowo camp. The Owa, while reacting with a tone of relief observed that: *"Although I was not king as at the time of the Western Region crisis of 1962, my father, the Oba then consulted widely before pitching his tenth with the Awo bloc. The Owa was able to mobilise the larger part of the town to join in supporting the Action Group as the Akintola group was viewed as having more to do with the northern political scheme than the Awo bloc which was fully a Yoruba brand. What mattered to the Owa then was the safety of his kingdom and from every signal, the Awo bloc was worth supporting. The only support that went the way of Akintola from Ogbagi-Akoko came from the Awelewa family but their support was not a popular one. Ogbagi-Akoko was fortunate to have supported the Awolowo camp. So we were not seriously endangered since the choice we made was a wise one."*⁸

Okeagbe-Akoko also followed the wise choice made by Ogbagi-Akoko in supporting the Awolowo group. Adewumi detailed the mix feeling that rented the political atmosphere throughout Akokoland, but with emphasis on Okeagbe-Akoko in the build-up to the crisis. He asserted

⁷ Paul Oguntimehin (76), retired Principal, C/36, Oke-Igbagbo Street, Ogbagi-Akoko, Ondo State, Nigeria, 15/4/2017. Similar view was given by Akinyemi Onibalusi (87), the *Oluparu* of Ogbagi-Akoko, farmer, third in rank to the Owa of Ogbagi-Akoko, Ondo State, Nigeria, 18/4/2017. For details on the Action Group Crisis and its impact see A. E. AFE, *Impact of Political Crisis on National Development in Nigeria: Action Group Crisis in Context*, in: *Kenya Studies Review*, 6, 4, 2013, pp. 172–187.

⁸ Oba Adetona Victor Ojo, Odagbaragaja III (53+), the Owa of Ogbagi-Akoko, Ondo State, Nigeria. 18/4/2018.

thus: *“The Western Region crisis of 1962 and the general elections upheaval of 1965 that led to the famous ‘operation wetie’ did affect us here in Okeagbe-Akoko like it did to other Akokoland communities and the entire Yorubaland. The very first party we knew was the Awolowo party – the Action Group with the palm tree insignia. Akintola joined the Northern Peoples Congress as a result of his fallout with Awolowo. He later formed his own party Nigeria National Democratic Party (NNDP). Some of our sons and daughters who had sympathy for Akintola joined his party and returned home to convince some of us to join the Akintola party but for fear of aligning with the weaker bloc and its eventual consequences, there was palpable tension in the town given the challenge of choice.”*⁹

This was the situation in Akokoland and the Yoruba country when the crisis eventually started. With the ember of discord already fanned from the outcome of the Jos Convention of February 2, 1962,¹⁰ the stage was now set for a full blown crisis and the 1965 Federal elections crisis which went into history as “operation wetie” because of the carnage and wanton destruction that followed its outbreak. In actual sense, a lot of people died because it was then seen as direct conflict between Awolowo loyalists and the Akintola loyalists. This crisis permeated down to the villages across Akokoland. The point must be made here that, Awolowo’s free education policy seriously endeared many people to his party throughout the region. This policy contributed largely to the quality education and exposure received by many sons and daughters of Akokoland and other parts of the region. Oloruntoba and Adewumi were in agreement when they submitted that: *“While Akintola was able to whip up sentiments and garner sympathizers in his period of travails, Chief Awolowo naturally won over large followers and supporters throughout the region due to his visionary leadership which manifested in his hugely successful policy of free education. No matter how hard the Akintola camp tried, there was no way they could have succeeded in outwitting the cult of acceptance of the visionary leadership of Awolowo.”*¹¹

The *Ologotun-Igase* of Ogosi was one of the Okeagbe-Akoko privileged

⁹ Adewumi Ojo Stephen, 70, *Ologotun-Igase*, Ogosi Quarters, Afa, Okeagbe-Akoko, Ondo State, Nigeria. 12/4/2018.

¹⁰ AFE, p. 172.

¹¹ Oba Oloruntoba Bello Arasanyi I (70+), *Ewi of Aje*, Okeagbe-Akoko, Ondo State, Nigeria. 12/5/2015. Adewumi Ojo Stephen (70), *Ologotun – Igase*, he is the high priest of Afa community in Okeagbe-Akoko, Ondo State, Nigeria. Interviewed 12/4/2018. Pa Jimoh Aodu (115), the oldest man in Iwonrin Oka-Akoko also supported the view above during an interview session. Beside Ariseh M.A house, Iwonrin, Oka-Akoko, Ondo State, Nigeria. Interviewed 1/8/2018.

few that enjoyed the Awolowo free education policy. He was very objective when he presented his view on the circumstances that informed the political leaning of many interest groups in Akokoland with regards to the warring camps in the Western Region crisis. He stated that: “*I am one of the proud beneficiaries of the Pa Awo’s visionary free education policy in the then Western Region. This rare privilege informed the larger part of my decision in terms of alignment during the crisis that engulfed the region. In terms of spread and acceptance, what we knew was the Action Group. So, when our enlightened sons and daughters who had in one way or the other had sympathy for Akintola returned home from Ibadan and Lagos, they were able to convince some of us to join the Akintola group. It was not surprising therefore; that some of our traditional rulers joined the Awolowo side while some had sympathy for the Akintola group but could not show it for fear of what the consequences of their action or inaction could bring.*”¹²

He observed further that those who pitched their tent with Akintola suffered dire consequences. For instance, in Afa community, people who joined hands with Akintola were *persona non-grata*. Houses that were traditionally supposed to produce high chiefs but had supported Akintola in the past were denied chieftaincy titles. Such titles were said to have been hung on the tree. Until very recently, this was happening here.¹³ The case of Ikare-Akoko is also worthy of mention. The Western Region crisis led to the dethronement of *Oba* Babatunde Ajaguna II who was a strong supporter of Akintola. The politics that resulted from the deposition cleared the way for the emergence of Momoh III who was Awolowo’s loyalist.¹⁴ So it was natural to know who the Awo camp would use to ensure their foothold in the area during and after the crisis.

Arigidi-Akoko also had its own fair share of the 1962 Western Region crisis. The migration history of the people and their strong link with the northern part of Nigeria through their link with the Tapa group to the Niger informed the direction of their political appeal. The Arigidi-Akoko people felt that since the new Akintola party had more links with the north, which is basically their source of history, they supported Akintola. The Western Region politics and the melee that ensued affected the *Zaki*

¹² Adewumi Ojo Stephen (70), *Ologotun – Igase*, he is the high priest of Afa community in Okeagbe-Akoko, Ondo State, Nigeria. Interviewed 12/4/2018.

¹³ Adewumi Ojo Stephen (70), *Ologotun – Igase*, he is the high priest of Afa community in Okeagbe-Akoko, Ondo State, Nigeria. Interviewed 12/4/2018.

¹⁴ *Oba* Akidiri Saliu-Momoh IV (80+), the *Olukare* of Ikare-Akoko, Ondo State, Nigeria. 14/4/2018.

throne between 1967 and 1984. The then *Oba* Momodu Olanipekun was forced on exile to Ibadan due to his open support for the Akintola camp. In fact, his palace was burnt down and three people died in the crisis. Reprieve only came to Arigidi-Akoko's political circle when the exiled *Oba* returned home in 1984.¹⁵ Epimi-Akoko and Isua-Akoko were not caught in the violent current generated by the Western Region crisis. According to George Olusegun, lessons of happenings in other communities in Akokoland that supported the less popular political bloc helped to shape our decision as the crisis spreads to other parts of Yorubaland. It was only wise for us to have supported the popular Awo party.¹⁶ By 1965, the political atmosphere throughout Yorubaland was frenzy, tense and the looming danger was better imagined than described. The crisis that broke out after the 1965 Federal elections was what went down in history as "operation wetie".¹⁷ Ideological differences between Awolowo and Akintola and the unresolved battle of party leadership supremacy metamorphosed into what history has tagged as the most dangerous political crisis ever in the early political history of Nigeria. A regional problem escalated to become a national problem. Fund that could have been directed towards development projects was expended on security and conflict management. This unfortunate development, coupled with other alleged reasons, set the stage for the first military intervention in Nigerian politics and the collapse of the first republic. In a simple expression, the birth of new Nigeria meant a lot to the political history of the newly emergent nation. Hopes were high and millions expected quick turnaround in all facets of life from the ruling class. Sadly, just six years into the euphoria of gaining independence, the uniform men struck, and the rest was history.

The forgoing has revealed that the Western Region crisis of 1962 and the 1965 general elections were major events that shaped the early history of Nigeria up to 1966. The impact they had on the kingship institutions in Akokoland and other parts of Yorubaland varied from one community to the other depending on the level of involvement in the power play

¹⁵ High Chief Francis Rotimi Alabi (50+), *Edibo* of Ogo quarters, Arigidi-Akoko. He is one of the kingmakers. 6/4/2018. Adesugba J.A, *Eleho* of Oguo quarters, Arigidi-Akoko, Ondo State, Nigeria. 6/4/2018. Adamu Yekini Olugbenga, *Osere* of Ayase quarters, Ondo State, Nigeria. 6/4/2018.

¹⁶ *Oba* George Olusegun Oyekan (50+), *Gbiri* of Epimi-Akoko, Ondo State, Nigeria. 7/6/2018.

¹⁷ *Oba* George Olusegun Oyekan (50+), *Gbiri* of Epimi-Akoko, Ondo State, Nigeria. 7/6/2018.

and politics that characterised the period. Despite the ominous signs occasioned by the happenings in the early years of independence in Nigeria as a whole and Akokoland in particular, the kingship institutions and their custodians stayed hopeful with the conviction that lessons will be learnt from the mistakes of the early years. The extent to which this positive thinking connects to later developments from 1966 to 1999 is the focus of the next discussion. At any rate, the kingship institution in Akokoland has continued to show resilience even though the events of the early years of nationhood have not been pleasant in terms of policy direction and implementation.

Kingship in Akokoland under Military and Civilian Governments, 1966–1999

In the sixties, when Nigeria operated the Westminster type of constitution, each region had a house of chiefs as an upper house in the regional legislature. Though it did not have the power to veto, the house of chiefs was perhaps the last time when the *Obas* directly participated in governance beyond their local government areas. Since the first coming of the military in 1966, the lot of the royal fathers has been that of gradual but steady decline in power and influence. Opinions are diverse on the impact of the military and civilian regimes on the kingship institutions in Akokoland in the period under review. The *Owa* of Ogbagi-Akoko, *Gbiri* of Epimi-Akoko, the *Olojo* of Ojo, Ajowa-Akoko all agreed that the military responded better to the aspirations of the traditional rulers in Akokoland in particular and Yorubaland as a whole than their civilian counterparts in the area of consultations on sensitive local issues and those of national concern.¹⁸ The views of the above mentioned kings on the military are not without reservations. They also queried the way they got to power and their style of rule. Looking at the military regimes from the point of view of the power of the gun and the need to obey order without complaints, one may also submit that, their rise to power and pattern of administration was not masses based. Whatever the case, later discussion reveals the extent to which the military regimes and the civilian administrations impacted the kingship institution in Akokoland in the period under review.

¹⁸ The views of these Akokoland kings were premised on the positive intervention the military government of Badamosi Babangida, Muhammadu Buhari in the area of meaningful consultation and General Sanni Abacha had on their remuneration.

Military rule wrought several changes in the role and importance of traditional rulers during our period. While their counsel was sought by the new military rulers, they lost their erstwhile formal political roles as enshrined under the 1963 constitution. Many traditional rulers were appointed by military administrators to boards of parastatals and other public institutions. Some rulers saw a substantial increase in their personal perquisites of office. However, several political changes implemented in the wake of military governance of the country had substantial adverse impact on the power and influence of traditional rulers (kings and chiefs alike). For instance, the federal and state government take-over of the local police, prisons and native courts in 1968 constituted a significant blow to the power and influence of many traditional rulers in the northern part of the country. This development also affected the kings in Akokoland. The *Osunla* of Erusu was explicit when he observed that; *“the military and the politicians deliberately snatched our judicial powers to sit at the native courts to hear and dispense justice on issues that have local colouration. This was all in a desperate attempts by the later to take full control of the machinery of the state”*.¹⁹ Sadly, various villages, towns and even cities are crisis ridden today due to several unresolved legal battles at the courts over petty issues such as goat theft, fighting, and family issues which were hitherto, locally handled by the traditional rulers at the native courts. It is common in local communities today to see people from the same family or household threatening to involve the police at any slight provocation and on many occasions, family members have got each other detained over issues that can ordinarily be handled at local community gathering.

The kings' palaces are no longer viewed by many as viable enough to address issues of local concerns. The institution of kingship in Akokoland is not taking lightly this ugly development as efforts have been made by the kings with the corporation of the chiefs to educate the people on the need to allow local issues to be handled locally by those charged with the responsibility. An informant at Aje, Okeagbe-Akoko was apt when he observed that; although some people still find joy in washing their dirty linens in public glare, the *Ewi* has repeatedly emphasised the need for the people to settle all issues as a community. Aje is so small that we cannot afford to allow distraction of any type to impede our collective resolve to build a united and orderly society. We shall continue to evolve better

¹⁹ Oba Sunday Olaniyi Mogaji, Imole I (63), the *Osunla* of Erusu-Akoko, Ondo State, Nigeria. Interviewed on 10/04/2018.

ways of solving our problems without having to externalise them.²⁰ Von Trotha while suggesting provisional principles, by which the transformation of administrative chieftaincy into civil chieftaincy may be evaluated, submitted that: *“the state has to recognize the de facto legal pluralism and to institutionalise the chiefs’ independent legal system, except for such cases as communal violence. While Von accepted that this local justice may ‘perpetuate the injustices’ of the local order, he believes that local autonomy in this matter is to be preferred.”*²¹

More interesting in the principles of Von was the rider he gave to the first principle which is based on local autonomy. Arguing with a depth of native understanding, Von opines that local problems must be solved locally. As long as injustice is not challenged locally, outside intervention should be very cautious. Local people have to determine their own interests, he argues.²² Buttressing Von view, Obada queried that: *“only a shallow thinking government (civilian or military) would want to handle all issues without delegating some to the spread of the state. In the face of dwindling financial fortunes, government can save itself from the heavy financial burden incurred in multiple court cases while handling local conflicts that could have been handled internally by experienced traditional leaders and community elders.”*²³

The above is pointing to the fact the wielders of modern political power have continued to impose their will on the traditional rulers and the grassroots people under the pretence of maintaining law and order as if those societies have no indigenous system of social control and conflict management. The closeness of the kings and chiefs to the rural people which form the largest chunk of any state in Nigeria put them at better position to handle disputes locally and resolve same without necessarily degenerating into serious conflicts. Meaningful development can only be achieved in a peaceful space. It is, however, sad to note that party and electoral politics have contributed significantly to a process in which local disputants seek support from national patrons, whilst national parties

²⁰ Emmanuel Elegbelye Onipinla (JP), 84, S40A, Aje, Okeagbe-Akoko, Ondo State, Nigeria. 12/4/2018.

²¹ T. von TROTHA, *From Administrative to Legal and Civil Chieftainship: Diversity, Intermediary Domination, Tradition and Authority* Historical and Sociological Consideration about some Problems and Prospects of African Chieftainship, in: K. A. BREMPONG – D. I. RAY – E. A. B. van NIEUWAAL (eds.), *Proceedings of the Conference on the Contributions of Traditional Authority to Development, Human Rights and Environmental Protection: Strategies for Africa*, Leiden 1995, pp. 457–473.

²² Ibid.

²³ Obada Joseph (76), *Edibo* of Imo, Arigidi-Akoko, Ondo State, Nigeria. Interviewed on 6/4/2018.

seek electoral advantage by engaging with local factions.²⁴ This, according to Crook, has intensified the political character of chieftaincy (kingship) disputes and ethnic rivalries among communities under the hegemonic influences of disputing kings and chiefs.²⁵

Similarly, the Land Use Decree of 1978 reduced the power of traditional rulers over lands in urban areas. As observed by the *Owa* of Ogbagi-Akoko, the taking over of lands by the wielders of modern political powers was a strong signal to the end of the relevance of the old Yoruba saying that, *Oba lo ni ile* – meaning the king is the owner of the land. Prior to the relegation of the powers and relevance of the kings by the modern political class, the command the traditional rulers had over land was huge and unequivocally confirmed by their powers to give final verdict on any disputed land. The Land Use Decree has changed this. It must, however, be observed that the kings' power over land has not been totally abolished as various kings and other traditional rulers in Akokoland still reserve the power to allocate large portion of land for projects that would be of direct benefit to the people. The allocation is most time done in consultation with the chiefs and some select elders of the community. Given the complexity of power play and the sophistication occasioned by enlightenment, traditional rulers, however powerful and connected, are conscious of the fact that their continued reign is largely dependent on the stability of their domains and of course maximal acceptance of their leadership by the people. They, therefore, tend to always make and implement decisions with extreme caution. In the same vein, the creation of new states and new local governments drastically reduced the geographical domain of many of the large emirates in the North.²⁶ The introduction of local government reforms by the military further reduced the administrative and legislative roles of traditional rulers. Under the 1976 local government reforms, local administration was removed from traditional rulers and was placed instead in the newly created local government councils. From his analysis of the impact of the 1976 local government reforms on traditional rulers,

²⁴ R. CROOK, The Role of the Traditional Institutions in Political Change and Development, in: *Center for Democratic Development/Overseas Development Institute Policy Brief*, No. 4, November 2005, p. 3.

²⁵ Ibid.

²⁶ It should, however, be noted that the creation of states and local governments enhanced the power and stature of some traditional rulers. For instance, some second-class chiefs were automatically promoted to first-class chiefs in new states that found themselves without any first-class chiefs.

Joseph Egwurube concludes that it: “*radically altered the locus of traditional rulers vis-a-vis local government. This alteration is more vividly epitomised in the concrete particulars of the new local government system, in which, among other features, traditional rulers have been extricated from the centre of local government operations and converted into informed observers of local government.*”²⁷

Under the 1976 reforms, a new structure known as the Traditional or Emirate Council was created in each local government area. Among other functions, the Traditional/Emirate Council was charged with: formulating general proposals as advice to local governments; harmonising the activities of local government councils through discussion affecting them generally, and giving advice and guidance to them; co-ordinating development plans of local governments by joint discussion and advise; making determinations on religious matters where appropriate; determining questions relating to chieftaincy matters and control of traditional titles and offices, except where these are traditionally the exclusive prerogative of the Emir or Chief in which case the Council’s function shall be advisory to the Emir or Chief.²⁸ It is, however, significant to note that the traditional rulers though had no choice than to accept the rather strange decree enacted by the Murtala/Obasanjo administration, they never supported it because the development bequeathed the state governors absolute authority in land related issues. Their resentment to the Land Use Decree got to its peak during the military regime of Muhammadu Buhari who was favourably disposed to the traditional rulers as viable and reliable partners in the nation-building project. The Gowon regime argued that it had no need of the traditional rulers since it had the civil war to serve as a mobilising instrument. This view was not a popular one among the traditionalist school which observes that the traditional rulers are part of our cultural heritage and must not be allowed to disappear. This school hinges its argument on the fact that, since the kings and chiefs are insulated from politics at all levels and given the esteem bestowed on them by people, they are politically and socially viable. While political expediency might have necessarily served as a strong factor for courting

²⁷ J. O. EGWURUBE, *Traditional Rulers and Modern Local Government in Nigeria-Where the Problem Lies*, Paper presented at the International Conference on Local Government in West Africa, Ile-Ife, University of Ife, February 1982.

²⁸ P. O. AGBESE, *Chiefs, Constitutions, and Policies in Nigeria*, in: *West Africa Review*, 6, 2004. See also Z. I. ABUBAKAR, *The Role of Traditional Rulers: Nigeria’s Emirs and Chiefs in Conflict Management Since 1976*, in: I. O. ALBERT – IS-HAQ O. OLOYEDE (eds.), *Dynamics of Peace Processes*, Ilorin 2010, pp. 237–248.

the support of the kingship and chieftaincy institutions in Nigeria by some of the military regimes, the central thesis anchors on the obvious fact that, the military who have no constituency of their own, find it easy to fall back on ready-made vehicles of influence through which to get at the grassroots, especially where the rabble-rousing politicians have been discredited and many of them languishing in jail.²⁹

Before continuing discussion on the impact of military regimes on the kingship institution, it is important to briefly assess the extent to which lessons were learnt and applied throughout Yorubaland with regards to the Western Region crisis of 1962 and the 1965 general elections conflict. Kings in Akokoland and other parts of Yorubaland agree that party conflicts and politics, especially where the personalities involved are strong mobilisers of crowd must be managed properly to avert a repeat of what happened in the first most documented political crisis in Nigeria. Unfortunately, a similar crisis broke out in Ondo State on August 13, 1983.³⁰ The lessons that were not learnt through the political crises of 1962 and 1965 were learnt the hard way after the destructive political crisis that shook Ondo State from its very foundation in 1983. Adetona and Ariseh agreed that the 1983 political disturbance that rocked Ondo State was needless and if indeed the camps involved in the conflict were sincerely aspiring to serve the people, their actions during and after the election did not portray qualities expected from supposed public servants. Even if the Supreme Court finally laid the case to rest, the tension the crisis had created in many parts of the state and the destruction that came in its wake has continued to linger in the minds of many.³¹ Again, state fund was used to prosecute the lengthy court cases that later gave victory to Adekunle Ajasin. The victory, however resounding it was, did not translate to good governance as the state had ran into financial difficulty and the problem was even compounded with the second coming of the military in 1984. Sadly, all institutions in the State suffered neglect because of the crisis. For the kingship and other traditional political institutions in Nigeria

²⁹ CONCORD, Kings, Soldiers and Nigerians, in: *Nigeria's International Newsmagazine*, Weekly, No. 4, August 24, 1984, p. 11.

³⁰ Afe, Adedayo Emmanuel (50), lecturer, Department of History and International Studies, Adekunle Ajasin University, Akungba-Akoko, Ondo State, Nigeria. 11/7/2018.

³¹ Oba Adetona, Victor Ojo, Odagbaragaja III (53+), The Owa of Ogbagi-Akoko, interviewed at the Owa palace, Ogbagi-Akoko. 18/4/2018. Ariseh Micheal Adefemi (80), pensioner and a member of the Iwonrin Elders-in-Council since 2004, interviewed at his residence, Iwonrin Oka-Akoko, Ondo State, Nigeria. 1/8/2018.

and Akokoland in particular, the journey to stability has been a tortuous one. The second coming of the uniform men was equally received with mixed feelings throughout the country. Ayesa gave his view on the return of the military to active politics in Nigeria when he submitted that: *“In my early adult life, the word military was synonymous with barracks and security. The military was not expected to have any business whatsoever with partisan politics. In the first instance, their first coming was hinged on maladministration and massive corruption which characterized the politics of the first republic, but they ironically ended up promoting the vices that led to their intervention. Since the major function of the military is to restore order and ensure stability in the polity, the events that featured their return fell short of expectation.”*³²

Debates on the impact of modern governance on kingship and chieftaincy institutions in Akokoland appear to favour the military more than the civilian governments in the period of study. The reason for this is simple. Discourse on colonial rule has revealed that the politicians have scores to settle with the traditional rulers who they believed usurped their positions as having better qualifications to take over leadership in the period. The obvious exclusion of the political elite in the British divide and rule tactics in the administration of most parts of the country was what climaxed to the bitter disenchantment and strong hatred for the traditional rulers. The favourable time came when the country gained independence in 1960. The political elite were now at an advantaged position to take their pound of flesh. Government policies, declarations and laws were established to put the traditional rulers in their rightful place. The Kano riot of 1981 and its aftermath meant little or nothing to the politicians from the South-west. The belief by the political elite that once they have control of the machinery of State that all other things will fall place in place was what perhaps emboldened Governor Abubakar Rimi to ignore the feudal power of the then *Emir* of Kano. His action led to unprecedented cataclysmic events that almost consumed the State. The point of emphasis here hinges on the fact that, the wielders of modern political power certainly need to come to terms with the viability of the traditional rulers as useful partners in the management of the polity towards building a better and safer society for all.

³² Ayesa Christopher (60+), hotel manager, Imo, Arigidi-Akoko. 6/4/2018. His view was also corroborated by Sule Obafemi, 60+, Aro of Owake, Oka-Odo, Oka-Akoko, Ondo State, Nigeria. 26/7/2018. He is a retired military officer who fought actively during the Nigerian Civil War.

The Shagari administration was a law and order, conservative, government unwilling to alter anything in the status quo – a philosophy which suited the traditional rulers best during the period. Many observers have viewed this development as a product of political expediency. The position of the administration was good omen for the traditional rulers across the country between 1979 and 1983. The point must be made that the ruling party was not having the entire country under its control. The need to court new friends to gain large scale acceptance became necessary. Like in the colonial period, the Shagari administration found the traditional rulers as useful agents of mobilising the people at the grassroots to support and accept the ruling party. Adewumi observes that: *“However gracious the hands of friendship extended to the traditional rulers by the Shagari administration might be, later developments show that, the government did what it had to do to court the support of the kings and chiefs given the unpopularity of the government as a result of maladministration and the unmitigated high incidence of financial and administrative corruption among politicians of the period.”*³³

To gain the support of the traditional rulers in the states not controlled by the ruling party, the Shagari administration utilised all the perquisites at its disposal, including contracts, gifts and other privileges. This alliance between the rulers and the unpopular government accounts for the cynicism and open jeers at the love-affair between the new government and the traditional rulers. The spontaneous condemnation that trailed the Shagari administration from the traditional rulers who had hitherto supported the same government was a clear display of their frustration during the hay day of the administration. Across the country, the traditional rulers praised the ousting of the Shagari government because they believed that they would fare better under the military. So, the events that followed the sack of the second civilian administration reaffirmed the earlier confidence expressed in the leadership of the new military regime.

The Buhari junta after sacking the Shagari administration at the close of 1983 started off his government by sending General Muhammed Magoro (rtd.) to the *Sultan* of Sokoto to plead their case and seek his support.³⁴ This hand of friendship was extended to traditional rulers in other parts of the country. Since 1984, the military regime treated the traditional rulers with velvet gloves. Buhari was never tired of referring to them as our “royal

³³ Adewumi Ojo Stephen (70), *Ologotun – Igase*, he is the high priest of Afa community in Okeagbe-Akoko, Ondo State, Nigeria. Interviewed 12/4/2018.

³⁴ T. DAPO, *Discord Here, Concord There*, in: *Time Week Magazine*, 1, 4, May 6, 1991, p. 14.

fathers”.³⁵ The Buhari military regime was perhaps the warmest to the traditional rulers in terms of consultation and inclusion in vital decision making during the one year plus of its existence. The regime, though short, left its impact in many areas in the evolving nation. Its usual romance with the traditional rulers was what received widespread condemnation from the class of Nigerians who perceived everything that is evil, oppressive and corrupt in traditional rulership. Those who hold this often hard stance, belongs to the pseudo-revolutionaries who see the kings and chiefs as part of the oppressive ruling class which feeds fat on the sweat of the poor masses.³⁶ The democrats are also of the view that there is no longer any meaningful role for traditional rulers, especially after the Land Use Decree of 1978 had taken away the last vestiges of the of the old powers of these rulers who are now left with the near-empty role of the custodians of our traditions. The Buhari administration had a different view from the above pseudo-revolutionary and democratic stance. The memory of the Kano riot of July, 1981 was perhaps one the factors behind the hands of friendship extended to the traditional rulers by the Buhari administration.

Buhari, therefore, knew exactly what he was doing in calling on the kings and emirs for support. He pursued his principle of courting the friendship of the traditional rulers all through his one year plus in power. His coup message to the traditional rulers set the precedent for the relationship between the military and traditional rulers. His government indeed, enhanced the standing of the kingship and chieftaincy institutions in Nigeria despite its short reign. *Olukare* of Ikare-Akoko aptly captured the impact of the Buhari’s military regime when he observed that short as the Buhari military regime was, he was smart to have courted the friendship of traditional rulers across the country. While some people argued that his action was largely because of political expediency, I am of the opinion that the Shagari regime which was rather choking and unfriendly, left little to be desired in terms of relationship with the traditional authorities.³⁷ During this period, the politicians, to further circumscribe the powers of the traditional rulers, promoted some lesser ones to higher status as if they were civil servants and even went ahead to increase the number of local government from 301 in 1979 to 703 by

³⁵ RAY, p. 16.

³⁶ B. LABANJI, Traditional Rulers Have a Role to Play, in: *National Concord*, March 16, 1984, p. 6.

³⁷ Momoh, Saliu Akadiri (80+), the *Olukare* of Ikare-Akoko, Ondo State, Nigeria. 18/08/2016.

1983.³⁸ The development further eroded the little that was left for the traditional rulers to relish in terms of power and relevance in the modern political space. It was a painful period of hide and seek game for the royals and when the military struck again in December 31, 1983, it was a rescue from the jaw of disaster.

Despite the close association cultivated between military administrators and traditional rulers, the 1979 Constitution which was promulgated by the military, excluded traditional rulers from any formal legislative role. Instead, the Constitution made provisions for the establishment of a Council of Chiefs at the state level. Only limited advisory roles were provided for the Council of Chiefs. As the Constitution says: *"The Council shall have power to advise the governor on any matter relating to customary law or cultural affairs, inter-communal relations and chieftaincy matters. The Council shall also have power to advise the Governor whenever requested to do so on: (a) the maintenance of public order within the State or any part thereof; and (b) such other matters as the Governor may direct."*

The 1979 Constitution also established a Council of State at the federal level. Among the membership of this body is one person from each state who shall, as expected of the State, be appointed by the Council of Chiefs of the state from among themselves. With respect to the constitutional role of traditional rulers, there is no difference between the 1979 and the 1989 constitutions. The wording of the 1989 Constitution with respect to the Council of Chiefs is the same as in the 1979 Constitution. It should be recalled that the Political Bureau which the Babangida regime set up in 1986 as part of the steps that led to the 1989 Constitution had emphatically recommended that no formal constitutional role be established for traditional rulers under that constitution. Among the reasons advanced by the Bureau for the exclusion of traditional rulers from constitutional role was the claim that: *"In the context of the new social and political order proposed, traditional rulers should have no special role to play in government beyond the local government level where they have relevance. Furthermore, by virtue of the scope and character of the contemporary Nigerian state, it is a misnomer to designate incumbents of these traditional institutions as traditional rulers. It will be appropriate for them to be officially designated in accordance with their role in the state and society. This official designation must not accord them a rival status with the principal political offices of the Nigerian state."*³⁹

³⁸ RAY, p. 16.

³⁹ FEDERAL GOVERNMENT OF NIGERIA, *Report of the Political Bureau*, Abuja 1987, p. 151.

The Babangida era was a summer of mutual affection with regards to his administration relationship with the traditional authorities across the country. His regime was reputed to have continuously stated that the traditional rulers constitute a direct link to the grassroots and the latter, too, recognised the romance as an instrument of class survival.⁴⁰ Adedeji submitted that the attitude of the Babangida military administration was a direct function of what Buhari did when he came to power. He has perhaps learnt that despising the traditional rulers could mean something ominous to the survival of his regime. Yes, the military has the power of the gun and could make pronouncement and take decision at very top speed, they are not necessarily in charge of the grassroots which is our strongest base. As efficient mobilisers of people with little resources, the traditional rulers can influence acts that could make governance difficult for wielders of modern political power, however powerful. So, the Babangida regime made the best choice by following the path of his predecessor. Our powers might have been seriously eroded by the events of the past years, but we are not weaklings and cannot be wished away for whatever reason in the agenda of building a better and safer society for all.⁴¹ Like the recognition given to the kingship institution during the Buhari era, the Babangida regime brought respite and assurance to the institution across the country, Akokoland inclusive. The sheer stability and assurance availed the traditional rulers the opportunity to settle down to provide the needed leadership longed for by their people. As it was in Erusu-Akoko so it was in other parts of Akokoland. As a result of the recognition extended to the kings and traditional rulers by the Babangida government, his Structural Adjustment Programme (SAP) and MAMSER scheme were widely supported and applauded by the traditional council. In the civilian years of the first and second republic, the traditional rulers suffered a lot of degrading and painful experience as concerted efforts were made to confine them to a state of little or no relevance in the power equation.⁴² Opinions may vary on the Babangida SAP policy; the support he received from the traditional rulers in many parts of the country was a question of class survival borne out of the quest to stay relevant in the scheme of things at the time.

⁴⁰ RAY, p. 16.

⁴¹ HRH *Oba* Adedeji Kasali Adejoro Omosogbon II (65+), the *Olusupare* of Supare-Akoko, Ondo State, Nigeria. Interviewed at his palace on 7/6/2018.

⁴² Olagunju Moses (65+), High Chief *Olukosi* of Okesan. 10/C33, Okesan, Erusu-Akoko, Ondo State, Nigeria. 7/4/2018.

The Abacha regime also impacted the kingship institutions in Akokoland in the period under review. For instance, between 1993 and 1997, the highest paid kings in Akokoland were the *Olubaka* of Oka-Akoko and the *Olukare* of Ikare-Akoko who were earning a little above one thousand naira. The nearest to it was the *Olisua* of Isua-Akoko who was on a monthly stipend a little above four hundred naira. Others like the *Gbiri* of Epimi-Akoko, *Alale* of Akungba-Akoko, *Oloba* of Oba-Akoko and the *Olusupare* of Supare-Akoko earned between three hundred and and eighty-four naira. According George, it was the Abacha regime that changed our fortune with the approval that 5% of the total money allocated to the local government should be given to the Traditional Council of Obas.⁴³ The implementation of the directive has not been sincere as the politicians saw it as a way of controlling the kings and other traditional rulers in their domains. In fact, at the end of the Abacha regime, the kings and their chiefs have had running battles with the government with regards to the regular release of the five percent share of the total allocation sent to the local government areas in the State. Reacting to the impact of the military and civilian governments on the kingship institution in Akokoland, apart from the improvement in the royal fathers' allowances, Adetona opined that: *"In my own view, the military era fared better than the civilian government. Specifically, General Sanni Abacha with the help of the then military administrator in Ondo State, consulted widely with the Olukare of Ikare-Akoko when the Akoko North-West local government area was to be carved out of North-East. The military head of state followed the advice of the Oba and things worked out as expected."*⁴⁴

He argued further that the civilian government contrary to their military counterpart, made frantic effort to choke the institution. According to him: *"civilian government from 1960 up to the terminal period of your study orchestrated plans to de-emphasise the powers and relevance of the kings and other traditional rulers in Ondo State in particular and Nigeria as a whole. Today, everything has been politicised, no respect, no recognition, no honour given to obas by the civilian government personnel. While I agree that the military had their flaws, they still respected Obas. Today, you will see a common Councilor inviting an Oba*

⁴³ HRM Oba George Olusegun Oyekan (57+), the *Gbiri* of Epimi-Akoko, Ondo State, Nigeria. Interviewed at his palace on 7/6/2018. This view was also buttressed by the *Olukare* of Ikare, Oba Akadir Salu-Momoh IV (JP, CON), 80+. 14/4/2018.

⁴⁴ Adetona, Victor Ojo, Odagbaragaja III (53+), The *Owa* of Ogbagi-Akoko, *Owa* palace, Ogbagi-Akoko, Ondo State, Nigeria. 18/04/2018. HRM Oba George Olusegun Oyekan (57+), the *Gbiri* of Epimi-Akoko. Interviewed at his palace on 7/6/2018. He equally lent his voice to the observation made by the *Owa* of Ogbagi-Akoko.

with higher educational qualifications and far older in age and experience to his office, it was never done during the military era."⁴⁵

Despite the widespread euphoria that greeted the return to civil rule in Nigeria by 1999, the crop of leaders that emerged from the struggle to wrestle political power from the military and ensure their return to the barracks were quick to show their lack of direction in terms of leadership deliverables. While little was done to change the fortunes of Nigerians, the traditional rulers who were long looked upon as competitors for political power and influence by the elites were quick to realize that they were in for a long struggle for relevance in the scheme of things. The signs of the first one year since return to democracy have not shown any positive thinking towards the kingship institution by the ruling elite and wielders of modern political power. While the traditional rulers are still being looked upon by their people as capable of providing viable leadership, the plans of government for them beyond 1999 is worth anticipating and interrogating in future research.

Conclusion

Discussions in this paper revealed that kingship institution in Akokoland and other parts of Yorubaland and beyond in the period under study, survived the civilian and military governments unfavourable policies directed towards undermining the powers and relevance of the kings and the chiefs. While the military could be accused of seizing power through the force of gun, their administration according to popular opinions as analysed above, gave more leverage to the traditional rulers in Akokoland than the civilian governments. Be that as it may, from a balance perspective of narrative, it is correct to say that the traditional rulers were at best under successive military and civilian administrations instrument of class survival and victims of deliberate neglect. Even the local government administration where they are supposed to be actively consulted as experts in local issues fell short of such expectation. The traditional rulers have continued to survive by cooperating with the ruling elite. It was revealed that in the early years of independence, the kingship institution in Akokoland as it happened in other parts of Yorubaland faced serious threats from the Western Region crisis of 1962 and sad events that followed the 1965 general elections. The kings and chiefs that

⁴⁵ Adetona, Victor Ojo, Odagbaragaja III (53+), *The Owa of Ogbagi-Akoko, Owa palace, Ogbagi-Akoko, Ondo State, Nigeria*. 18/04/2018.

survived the storm of the two political crises were those that aligned with the stronger political bloc. It, therefore, means that the period marked an important watershed in the politics of power struggle and leadership supremacy among the Nigerian modern political elite who were up in arms to control the political soul of the new nation. As the struggle for control rages, the traditional rulers who equally desire to stay relevant in the scheme of things became the victims as their loyalty or otherwise to the warring political blocs came with dire consequence as in the case of Arigidi-Akoko and Ikare-Akoko where the traditional rulers were removed and exiled because of their alliance with the Akintola bloc.

The story of the experience of the kingship institution in Akokoland between 1960 and 1999 has been one of mixed feelings, struggle for survival to secure a little space to operate in the rather complex system of modern governance deliberately created by the politicians to completely have control of the institutions of state. While it may seem that the traditional rulers in Akokoland spoke with one voice with regards to the better patronage they enjoyed under the military regimes compared to what they experienced during the civilian administrations, they were however, circumspect of the circumstances that brought the former to power. As elsewhere in other parts of the world, kingship institution in Akokoland has shown constant continuity which is largely a function of its dynamism. Dynamism within the kingship institution in Akokoland is a direct consequence of its adaptation to regular changes. Hence, the kingship institution continues to be relevant and could not be wished away having withstood decades of stormy gale and survived the test of time. The custodians of the institution have continued to evolve creative ways of adjusting and adapting to the development or change in the socio-political situation of the country without necessarily altering the extant provisions of their customs and traditions. This is where the dynamism of the institution has proved fluid and enduring as the institution has continued to make itself relevant to the needs of the society.

This paper, therefore, has contributed immensely to the already existing literatures on north-eastern Yorubaland, the kingship institutions and other traditional political systems in other parts of Yorubaland and beyond. Further research is expected to interrogate the other areas where kingship and power politics interfaced in Akokoland, Yorubaland, and other parts of Nigeria, Africa and beyond. So far, the kingship institution in Akokoland has survived even beyond 1999 as the traditional rulers have continued to prove their mettle as viable social mobilisers, progres-

sive agents of development and trusted transmitters and interpreters of government policies and schemes to those at the grassroots. It is not without any good reasons that Britain and other countries around the world have continue to accord the institution of royalty its rightful place in the scheme of things. While the question of the continued relevance of the kingship institution and the traditional rulers in contemporary Nigeria politics remain issue for debate among scholars, what is certain in all of this is the fact that, the kingship institution has continued to show resilience in the face of daunting challenges. In the quest towards democratic renewal tailored towards engendering a better nation, the kingship institution and the machinery of state must be collectively overhauled and new systems emplaced to foster inclusive growth and development.



The English Navy at the Time of the Duke of Buckingham (1618–1628)

Pavla Chmelíková*

This article deals with the personality of the 1st Duke of Buckingham, especially his work as the head of the English Navy in 1618–1628. The introduction of the article outlines the situation in England and throughout Europe, especially in the early 17th century. Other parts of the paper are already dealing with George Villiers and the English Navy, with particular attention to the expeditions to Algiers, Cadiz and La Rochelle and the consequences thereof.

[England; James I; George Villiers, 1st Duke of Buckingham; High Lord Admiral; the English Navy]

George Villiers, subsequently the 1st Duke of Buckingham, was not just the enamoured cavalier from the novels, theatre plays or more modern adaptations, made famous and even adored by the works of Alexandre Dumas Senior (*The Three Musketeers*) or his relationship with Queen Anne of Austria, but was also a politician, the personal friend of the King of England, and something of a diplomat as well. However, it is not very well known that he is also credited with developing the English navy, which he led as Lord High Admiral. Czech (Czechoslovak) historiography has only marginally reflected on this topic to date,¹ but, in relation to commemoration of some events of the Stuart period, there has recently been some discussion in the field of British historiography² regarding the

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¹ M. KOVÁŘ – S. TUMIS, *Zrození velmoci – Anglie (Velká Británie) na cestě k postavení první světové mocnosti (1603–1746)*, Praha 2007; K. KUBIŠ, *Zahraniční politika Anglie za vlády Jakuba I*, in: *Historický obzor*, 1993/4, pp. 3–35; P. VODIČKA, *Anglický královský dvůr a jeho proměny v kontextu první poloviny 17. století (1603–1640)*, Praha 2014.

² R. LOCKYER, *Buckingham: The Life and Political Career of George Villiers, First Duke of Buckingham 1592–1628*, London, New York 2002; K. THOMSON, *The Life and Times*

importance of the figure of Buckingham and his influence on the internal and foreign policies of the early Stuart monarchy, and so I would like to contribute my article with an analysis of this particular issue.

Several monographs regarding the figure of the Duke of Buckingham can be named in relation to foreign historiography, particularly older works by Roger Lockyer (which are still in print, however), a book by William Shaw and a three-part monograph by Katherine Thomson. Newer monographs include a work by Michel Duchein, *The Duke of Buckingham*, which was published in 2004 and is the only book about the duke to be translated into Czech. Letters by the Duke and Duchess of Buckingham published by Thomas Stevenson are available for better understanding, along with a description of Buckingham's life and particularly his relationship to King James I. However, works, studies and older prints devoted to the English navy in the 17th century are of crucial importance for this article. Of these publications, I must mention summaries regarding the navy by Penn, Young and Oppenheim, and particularly a study by Alan Patrick McGowan (*The Royal Navy under the first Duke of Buckingham, Lord High Admiral 1618–1628*), which is devoted to the navy at the time of Buckingham's activities and was therefore also a very important source for this article.

* * *

The early Stuart monarchy in England was partially able to smoothly follow onto the late Tudor period, despite it frequently having to contend with (re)established challenges, not only from the aspect of foreign policy, but also from the aspect of domestic matters, unlike previous periods.³ Examples of this include the prolonged conflict with Spain, extending from the magnificent victory of the English over the Spanish Armada

of George Villiers Duke of Buckingham, London 1860; W. H. SHAW, *George Villiers, First Duke of Buckingham*, Oxford, London 1882; M. DUCHEIN, *Vévoda z Buckinghamu*, Praha 2004; T. G. STEVENSON (Ed.), *Letters of the Duke and Duchess of Buckingham Chiefly Addressed to King James I of England*, Edinburgh 1834; C. D. PENN, *The Navy under the Aarly Stuarts and Its Influence on English History*, London 1913; D. YOUNGE, *The History of British Navy from the Earliest Period to the Present Time*, Vol I, 2nd Ed., London 1866; M. OPPENHEIM, *A History of the Administration of the Royal Navy and of Merchant Shipping in Relation to the Navy*, Vol. I, 1509–1660, London, New York 1896; A. P. MCGOWAN, *The Royal Navy under the First Duke of Buckingham, Lord High Admiral 1618–1628*, London 1967.

³ W. CHURCHILL, *Dějiny anglicky mluvících národů díl 2 – Nový svět*, Praha 1998, p. 111; G. DAVIES, *The Early Stuarts 1603–1660*, Oxford 1992, p. 1.

in 1588,⁴ differences of opinion between the Anglicans and the Puritans, and the people's and Parliament's dissatisfaction with the granting of monopolies,⁵ whereby the Crown acquired funds that it lacked due to the prolonged wars.⁶ The accession of James I Stuart (he reigned as James VI in Scotland) to the throne meant a transformation of the relationship between the Scots and the English because James I wished to use their collaboration to establish a future unitary link between both countries.⁷ His reign is therefore considered one of the longest periods of peace in English history also thanks to the fact that the Stuart succession followed smoothly onto the Tudor era, which Robert Cecil, the 1st Earl of Salisbury, who held high posts during James' reign and who the king himself considered his best servant, also evidently contributed substantially to.⁸

James was considered very intelligent by his contemporaries but was also criticised for succumbing to various so-called favourites, who he gifted with property, titles and posts. These favourites included the future Duke of Buckingham, or Robert Carr, the Earl of Somerset, for example.

The monarch managed to resolve the long-standing conflict with Spain by concluding a peace treaty in 1604,⁹ which also led to a gradual renewal of diplomatic relations. The Spanish did not conclude a peace treaty with just England, but also entered a twelve-year cease-fire with the United Provinces.¹⁰

King James I was known for his unwillingness to submit to Parliament and for his frequent conflicts with its members, whether this was in regard to issue of royal privileges, the church or foreign policy, a situation that permeated the entire period of his rule.¹¹ Disagreements between the King and Parliament occurred during the first session and then in 1614 and 1621, for example, when the King had Parliament dissolved following disagreements particularly in relation to the issue of the assistance of

⁴ CHURCHILL, p. 99.

⁵ M. ASHLEY, *England in the Seventeenth Century*, London 1952, p. 44; CHURCHILL, pp. 105–106; J. POLIŠENSKÝ, *Dějiny Británie*, Praha 1982, p. 90.

⁶ CHURCHILL, p. 100; K. O. MORGAN, *Dějiny Británie*, Praha 1999, p. 271; T. MUNCK, *Evropa sedmnáctého století 1598–1700*, Praha 2002, pp. 94–95; KOVÁŘ – TUMIS, p. 25.

⁷ G. PARKER, *Global Crisis: War, Climate Change and Catastrophe in the Seventeenth Century*, New Haven, London 2013, pp. 325–326.

⁸ ASHLEY, p. 46.

⁹ CHURCHILL, p. 100; POLIŠENSKÝ, p. 90; ASHLEY, p. 43; KUBIŠ, p. 34; KOVÁŘ – TUMIS, p. 26; DAVIES, pp. 3, 49–50.

¹⁰ POLIŠENSKÝ, p. 92; KUBIŠ, p. 34; DAVIES, p. 51.

¹¹ MUNCK, p. 97; ASHLEY, pp. 42–43; KOVÁŘ – TUMIS, p. 24.

Frederick of the Palatinate. All the above reasons indicate that the king convened Parliament only if approval of the collection of taxes for war or funds for his own requirements was required. In relation to the issue of foreign policy, the ruler was inclined towards amicable relations with Spain from the time the peace treaty was concluded, which was also the result of the influence of Spanish Ambassador Gondomar (Diego Sarmiento de Acuna, Count of Gondomar), who chiefly financially supported the pro-Spanish party at the court of the English King.¹²

The effort to win the favour of Spain and reinforce relations with this country became even more important for the king after the Thirty Years' War broke out.¹³ The culmination of good relations between England and Spain was to be the arrangement of a marriage between Prince Charles and the Spanish Infanta in 1623. However, the marriage never took place.¹⁴

Prince Charles and the Duke of Buckingham joined with the House of Commons after failed negotiations in Madrid and started to demand war with Spain.¹⁵ They began discussing funds for the war and seeking a new ally, who was supposed to be France. The alliance was supposed to be supported once again by a marriage between Prince Charles and the sister of Louis XIII, Henrietta Maria.¹⁶ The marriage contract was signed in December 1624 and King James I died several months later (in March 1625).¹⁷

In response to the failed negotiations regarding an English-Spanish marriage, the newly crowned King Charles was more inclined towards war, even at the price of convening Parliament, which would have to ap-

¹² ASHLEY, pp. 45, 51; KOVÁŘ – TUMIS, p. 32; BLACK, p. 130; DAVIES, p. 47.

¹³ In 1621 the emperor declared an Imperial Ban against Frederick of the Palatinate and his ancestral lands (the Palatinate) and a year later the ancestral territory of the Prince-electors and Princess Elizabeth was occupied by the Catholic League. For more details see POLIŠENSKÝ, p. 93; PARKER, p. 326; DAVIES, p. 55.

¹⁴ Prince Charles and Buckingham journeyed to Madrid in 1623, where protracted negotiations took place, but thanks to the unwillingness to compromise on the part of King Felipe and Olivares, as well as the English, the marriage did not take place. POLIŠENSKÝ, pp. 93–94; ASHLEY, p. 54; KOVÁŘ – TUMIS, p. 32; PARKER, p. 327; DAVIES, pp. 58, 59.

¹⁵ For more details about Prince Charles' participation and involvement in the parliamentary sessions of 1621 and 1624 see CH. R. KYLE, Prince Charles in the Parliaments of 1621 and 1624, in: *The Historical Journal*, 41, 3, 1998, pp. 603–624.

¹⁶ MUNCK, p. 43; ASHLEY, pp. 54, 57; PARKER, pp. 327–328; KOVÁŘ – TUMIS, p. 33; DAVIES, p. 60.

¹⁷ ASHLEY, p. 55; KOVÁŘ – TUMIS, p. 33.

prove the funds for war with Spain.¹⁸ Although the English aided French Huguenots at La Rochelle in 1627 at the initiative of Buckingham,¹⁹ even after the marriage took place there were many areas of conflict between England and France, both of a confessional nature and of the nature of disagreements between the newly married Charles and Maria. Major failure on the field of battle was also joined by the repeated shortage of funds, and the King was forced to take the option of so-called forced loans; however, this led to the execution of a complaint, the so-called Petition of Right.²⁰ The subsequent conflict between the King and Parliament, particularly in regard to the unqualified management of the war, which was a clear reference to Buckingham, led the King to dissolve Parliament.²¹

The First Years and the Expedition to Algiers in 1620

The future Duke of Buckingham came from the old English House of Villiers, which came to England from Normandy and settled in the area of Brooksby. George was born on 20 August 1592 as the younger son of the second marriage between Sir George Villiers and Mary Beaumont. When he was seventeen, he was sent to France. There he was to receive an education in the areas of dance, duelling, French and etiquette, as was required of young nobles at the time.²²

When he returned to England, he became a focus of interest for the anti-Spanish clique at the court of King James I, which included Philip Herbert, 4th Earl of Pembroke, and George Abbot, the Archbishop of Canterbury. Villiers probably met with the King in 1614 at Apethorpe Manor. The King was known for his weakness for young, educated and attractive men, who then became his favourites. He showered these favourites with wealth, noble titles and positions at court.²³ Robert Carr,

¹⁸ P. KUBÍČEK, *Právo a státní zřízení Anglie a Skotska do roku 1707 v historických souvislostech*, Rigorous thesis, Brno 2012, p. 73; KOVÁŘ – TUMIS, p. 37.

¹⁹ MUNCK, pp. 46, 72; KOVÁŘ – TUMIS, p. 38; BLACK, p. 130; DAVIES, p. 63.

²⁰ POLIŠENSKÝ, p. 95; KOVÁŘ – TUMIS, p. 38; BLACK, p. 130; PARKER, p. 330; H. HULME, Opinion in the House of Commons on the Proposal for a Petition of Right, 6 May 1628, in: *The English Historical Review*, 50, 198, 1935, pp. 302–306.

²¹ POLIŠENSKÝ, p. 94; DAVIES, p. 66.

²² DUCHEIN, pp. 11–12; SHAW, p. 6; THOMSON, Vol I, pp. 10–28; LOCKYER, pp. 3–11.

²³ More about the issue of the favourites at the English court and the possibility of Buckingham's inspiration by a book *The Emperor's Favourite*. S. KEENAN, Representing the Duke of Buckingham: Libel, Counter – Libel and the Example of The Emperor Favourite, in: *Literature Compass*, 9, 4, 2012, pp. 292–305.

Earl of Somerset, who was related through patronage to the Howard family, which was inclined to support pro-Spanish interests and amicable relations with that country at the English court, was the King's favourite at the time. However, it must be noted that the King himself inclined towards this direction.²⁴ In April 1615 Villiers was made a Gentleman of the Bedchamber and was subsequently knighted.²⁵ The relationship between Somerset and the King began to deteriorate, particularly after he married Francis Howard and links between Carr and his wife and the death of Thomas Overbury came to light in September 1615.²⁶

Villiers' position at the court was reinforced in January 1616, when he was given the new post of Master of the Horse. In the same year Villiers was elevated to Baron Whaddon and Viscount Villiers, as a result of which he became a member of the House of Lords.²⁷ Villiers' advancement continued with considerable speed in the following year of 1617, when the King appointed him to the office of Lord Privy Seal and elevated him to Earl of Buckingham.²⁸ Buckingham endeavoured to maintain good relations not only with the King, but also with the Queen and the prince, who did not however express great enthusiasm over his father's lifestyle and nor, therefore, towards his open expressions of favour towards Buckingham. The relationship with Prince Charles developed over time and, at the beginning of the 1620s, we can consider it a friendship, whereas Buckingham was practically considered a member of the family. It was thanks to good relations with Prince Charles while James was alive that Buckingham retained power after the prince came to the throne as Charles I in 1625. His elevation to Marquis

²⁴ DUCHEIN, pp. 15–18; THOMSON, Vol I, pp. 42–43; LOCKYER, pp. 14–15.

²⁵ Scots were usually appointed to positions in the Bedchamber. These posts were not very lucrative but provided the opportunity to become close to the King. The King trusted most of the Gentlemen of his Bedchamber and so a new position among these posts became vacant only very occasionally, because the King did not like replacing the Gentlemen of the Bedchamber. The Queen herself was able to influence the appointment of Gentlemen of the Bedchamber. Robert Carr was also a Gentleman of the Bedchamber and was also subsequently knighted. For more details see VODIČKA, pp. 62, 65–66, 68, 94, 101; LOCKYER, pp. 12–14 DUCHEIN, pp. 19–20.

²⁶ DUCHEIN, pp. 26–32; SHAW, pp. 7–8; THOMSON, Vol I, pp. 88–96; VODIČKA, pp. 97–98, 104–105.

²⁷ DUCHEIN, pp. 33–39; SHAW, pp. 8–9, 21–22; VODIČKA, pp. 31, 46–49, 108, 111; LOCKYER, pp. 38–47, 89–92.

²⁸ He was able to gain this title thanks to the vacant Buckingham dukedom, which had been last held by Edward Stafford during the first half of the 16th century. DUCHEIN, pp. 38–40.

in January 1618 can be considered another promotion for Buckingham.²⁹

Buckingham's influence over the King was also apparent in staff changes at various offices, when the duke's friends or clients were appointed to specific posts.³⁰ Buckingham also used marriage policy to increase his kinship to some of the wealthy or influential families of his clients. His numerous relatives offered the opportunity to marry distant cousins to suitable candidates for an alliance with the Villiers family. Buckingham used this method to entice Lionel Cranfield and others closer to him, for example.³¹ Thanks to the initiative of his mother, Lady Mary Villiers Compton, the duke himself was married to Katherine Manners, the daughter of Francis Manners, 6th Earl of Rutland, on 16 May 1620. An important milestone in Buckingham's life occurred in January 1619, when the monarch appointed him Lord High Admiral, without Buckingham having had any prior naval experience.³²

James I, who considered himself the peace arbiter of Europe rather than a warrior, concluded a peace treaty with Spain at the beginning of his reign; it was therefore no longer necessary to maintain a large flotilla, and the King was able to reduce expenses for the navy. It must be noted that he substantially reduced the number of ships capable of sailing compared to the Tudor period, practically immediately, by more than half. The King had 37 ships available. Most of them required minor or major repairs, but there was not much interest in carrying these out given the lack of funds, and so the ships mostly remained in dock or anchored in harbours. The issue of the naval fleet's inactivity also led to a reduction in the number of sailors who had to make a living elsewhere, which is why many of them became pirates.³³

²⁹ Ibid., pp. 40–42, 54–56, 72–73; VODIČKA, pp. 27–28, 117.

³⁰ The official reason for dismissal was usually corruption, acceptance of bribes or the effort to force specific men to leave on their own initiative. However, we must mention that the departing Lord High Admiral, or another lord in a similar position, received payment from his successor to the office. At the beginning of the 1620s, Buckingham formed a group of his supporters at court and in parliament, for example Williams, who replaced another former client of Buckingham, Bacon, in the office of Lord Privy Seal. Lionel Cranfield became Lord of the Treasury. Cranfield married Anne Brett, a relative of Buckingham, which reinforced the alliance with the duke. For more details see. DUCHEIN, pp. 60–61, 64–65, 119–123; VODIČKA, p. 141.

³¹ See the example of Dudley Carelton and his links to Buckingham for more details on the issue of patronage. R. HILL – R. LOCKYER, 'Carleton and Buckingham: The Quest for Office' Revisited, in: *History*, 88, 2003, pp. 17–31.

³² SHAW, p. 12; VODIČKA, pp. 113, 127–128; LOCKYER, pp. 58–60; DUCHEIN, p. 64.

³³ PENN, pp. 1–2, 8, 4, 11, 85; YOUNGE, Vol I, p. 50; OPPENHEIM, Vol I, pp. 184–206.

Apart from the lack of funds, another naval issue was the corruption of officials, including those in the highest posts, such as Lord High Admiral Nottingham. As a supporter of the Spanish clique at the English court, he ensured that the flotilla of the English King remained as incapable of service as possible and that it did not intervene against Spanish interests in any way. During the first years of James' reign, the shipyards were used for various types of corruption, which is why the Commission focused its attention on them later on in 1618.³⁴

In 1618 James I asked the City for a loan to save the failing navy. Examination of its condition and a proposal of the necessary steps toward changes in management were entrusted into the hands of the Commission. The name of the Duke of Buckingham is subsequently usually linked to the English navy from 1618, when he began serving in the aforementioned Commission. James I offered the post of Lord High Admiral to the duke at the beginning of 1618, but Buckingham refused the post, probably due to lack of experience for this position. However, his interest increased after the King's decision to establish the Commission. It was evident that the incompetence and corruption of the current Lord High Admiral Nottingham would come to light, and he would have to be replaced in office. Before he assumed the office of Lord High Admiral, Buckingham had to pay compensation to his predecessor, as was the custom. Nottingham then officially resigned in January 1619, but in 1618 the navy was already completely under the competence of the Commission and Buckingham. Buckingham supported the investigations of the Commission, which benefited both the duke himself and the commissioners. The duke was interested in improving the state of the navy and particularly, as the new Lord High Admiral, in the increased prestige and authority of the post he held. The commissioners then used Buckingham's influence with the King to achieve their goals, i.e. restoration of the navy.³⁵

The Commission, which was declared on 24 June 1618, consisted of twelve members, led by a capable treasurer and close friend of Buckingham, Lionel Cranfield,³⁶ who had previously demonstrated his abilities and economic intelligence in the services of the King. By summoning naval officers and clerks and by examining the accounting ledgers, the

³⁴ PENN, p. 11; McGOWAN, p. 195; OPPENHEIM, pp. 207–215.

³⁵ McGOWAN, pp. 9–11; PENN, pp. 49–51; SHAW, p. 11.

³⁶ Other members of the Commission included John Coke, William Burrell, Richard Sutton, Richard Weston, Thomas Smythe, Nicolas Fortescue, John Osborne, William Pitt. For more details. McGOWAN, p. 12; PENN, p. 50.

Commission was expected to find the cause of the navy's deterioration and submit the results of its investigation to the Privy Council and the King. The administration of previous years was revealed to have had many deficiencies in the fields of account-keeping and inspections. The navy's expenses from the time the Stuarts ascended to the English throne were examined. It was possible to see an increase in expenses in some years, usually connected to construction of new ships, repairs to new ships (1609 – *HMS Victoria*, 1610 – *HMS Bonaventura*, *HMS Prince Royal*, etc.), and also the preparation of expeditions (Algiers, Cadiz, La Rochelle). The royal shipyards were not capable of preparing flotillas for important expeditions fast enough, so it was necessary to use privately owned ships (usually owned by merchants). The commissioners also examined the work of officers and clerks, as well as the condition of the shipyards, the ships, the ships' equipment, stores, and the costs for construction of ships. A great quantity of unnecessarily high expenses in relation to the purchase of materials for ships for higher than market prices, transport costs, anchoring fees, the high salaries of sailors, officers and clerks, and many other deficiencies were discovered.³⁷

The Commission submitted its report to the King in September 1619 based on an investigation of the English navy. Some changes intended to help reduce naval costs to nearly half, without reducing effectiveness, were proposed to the King along with submission of the report.³⁸ The Commission decided to propose a reduction in the number of ships in harbours and thereby reduce the number of sailors taking care of them. Anchoring fees at English ports such as Chatham and Deptford would also be reduced within the terms of cost-cutting. Better administration would prevent corruption and provide more knowledge of the state of the navy. Similarly, to repairs of old ships, construction of new ships would be recorded in detail in ledgers, which would subsequently be kept in the Admiralty Library. Ships would be inspected at intervals as short as possible and summoned to Chatham or another nearby English harbour for repairs and inspections. Major repairs would be planned by the Commission. The commissioners or the admiral would be informed

³⁷ McGOWAN, pp. 12–15, 30–38, 81, 232.

³⁸ The treasurer controlled by the commissioners was supposed to manage the navy's finances, and another two commissioners were entrusted with supervision over the construction of new ships (William Burrell and Thomas Norreys). However, all decisions were to be subject to the Lord High Admiral. For more details see *ibid.*, pp. 64, 78.

of extraordinary repairs by the ships' captains. The commissioners also recommended that advice from experts from various fields related to the navy should be used to improve the state of the navy. The state of the shipyards and ships would be a crucial point in the commissioners' report for the Privy Council. The poor state of the ships (14 of the 43 ships were in very poor condition and 3 were practically irreparable) led the Commission to recommend to the King that construction of new ships, repairs to old ships and construction of new docks in Chatham should begin in the following years. The serviceability of other English harbours (Portsmouth and Hartwich) was also examined. Not all of these harbours were suitable for anchoring ships with greater displacement, like *HMS Prince Royal*, *HMS White Bear*, *HMS Meanhonor* and *HMS Anne Royal*. Not all ships of this type were fit for sailing at this time. *HMS Triumph*, *HMS Mary Rose* and *HMS Bonaventura*, among others, required minor or major repairs.³⁹

The activities of the Commission were originally planned to be temporary for investigative purposes, but in 1619 the King decided that it would become a permanent system of naval administration until such time as the navy's situation was improved and stabilised. The decision to nominate high-ranking officers was in the hands of the Lord High Admiral. At the time of his absence, the Privy Council and secretaries, in collaboration with the commissioners, made decisions regarding issues of the navy's management. The Commission, headed by Buckingham, managed the navy until 21 April 1627, when it was dissolved. The condition of the royal navy began to improve gradually, which can be demonstrated by the increased number of capable ships and their displacement.⁴⁰

The activities of the Commission at the head of the navy can be divided into two five-year periods. The first period was distinguished by the considerable activity of the commissioners. Naval reforms were implemented, along with staff changes, and the issue of funding, etc., was handled.

³⁹ Construction of new ships with a medium displacement of around 650 tons was preferred. These ships were considered more economic and sufficiently capable. Smaller ships were also more agile in manoeuvring and thus were frequently used to protect the coast against pirates. See more PENN, pp. 51–52; SHAW, pp. 11–12; McGOWAN, pp. 17–18, 21–25, 40, 50–52, 55, 135, 143, 208, 224–226.

⁴⁰ In 1618 the navy had 41 ships, but 23 of these required repairs. In 1623 the situation improved and 35 ships were in good condition and capable of sailing. A new base was gradually established in Chatham. For details see. PENN, pp. 54, 79; McGOWAN, pp. 70, 74, 139, 236.

During this period, several points from the report by the Commission at the beginning of its activities were successfully fulfilled. Most importantly, naval costs were reduced and naval administration and combat readiness, as well as the condition of the shipyards, also improved. This period is also linked to competent people such as Cranfield and Coke, while the second period was distinguished by the influence of William Russell, Robert Pye, Denise Fleming and Allan Apsley. Towards the end of the Commission's activities it was frequently criticised, and not just by Buckingham. He mainly criticised the inability of the commissioners to quickly prepare flotillas. However, this was not usually due to the abilities of the commissioners, but rather to the repeated lack of funds for the navy.⁴¹

Following the Prague Defenestration in 1618, James I promoted the peaceful resolution of disputes, as he had throughout his reign, and he endeavoured to appear as the arbiter in many of them. In the case of a dispute that culminated in the prolonged conflict known as the Thirty Years' War, he refused to become actively involved in the fighting until the very last moment (the practical occupation of the Palatinate and the subsequent handing over of the territory, along with the rank of Prince-elect, into the hands of Maximilian of Bavaria in 1623). James primarily wanted to maintain good relations with Spain, in which he was supported by the Spanish Ambassador, Gondomar. This Ambassador endeavoured to prevent the English King from interfering in military operations against the Emperor in the areas of the Holy Roman Empire and the Palatinate, and thus he proposed a renewal of marriage negotiations with more moderate terms. Faced with the intensive arguments of the prince, the duke and most of parliament, who were also in favour of the fight against the Protestant enemy and the rescue of Frederick V of the Palatinate, the King complied and focused the country's foreign policy in the direction of France and the subsequent active involvement of his soldiers in military actions during the second half of the 1620s.⁴²

Due to the constant threat at sea from Algerian pirates and complaints by merchants, preparations began for an expedition to Algiers that was to be directed towards the main pirate base. The English and the Spanish would take part in the expedition with Dutch support. The pirates threatened Spanish and Dutch trade, so both nations were willing to join to achieve a common goal. The Spanish were concerned about letting

⁴¹ McGOWAN, pp. 80, 85, 144, 265–267; VODIČKA, pp. 25–28, 126; SHAW, pp. 13–14.

⁴² DUCHEIN, pp. 88–96, 111; VODIČKA, p. 26; SHAW, p. 19.

the English flotilla into the Mediterranean. Although they were worried about the possibility that the English ships would turn against Spain, they still asked the English for help with this expedition. The Spaniards wished to use this expedition to try to improve relations and reduce the mutual distrust between both countries, which had arisen from the situation surrounding Ferdinand II, Holy Roman Emperor, and Frederick V of the Palatinate in the Bohemian Lands. One possible problem with the English-Dutch alliance against the pirates was the dispute between both nations concerning fishing rights in the area of Greenland. Compromises had to be made by both James I of England and the Dutch in order to realise the planned expedition to Algiers.⁴³

The English flotilla was prepared at Deptford, where King James himself often supervised preparations and tried to speed up the work. Despite this, preparation of the expedition proceeded very slowly. There was a shortage of the funds necessary to repair the ships, which remained in the docks in poor condition, and the escalating international situation seemed to be an even worse problem. Robert Mansell was appointed commander of the flotilla. Buckingham chose this capable sailor at the recommendation of Coke. He was expected to command a flotilla of six royal ships, ten merchantmen and several smaller auxiliary vessels of the pinnace type. Preparation of the flotilla was completed in October 1620. Gondomar, the Spanish Ambassador to the English court, spent a lot of time in discussions with Buckingham, who had to assure him several times of the plans of King James I. The prepared flotilla was to be used purely for English and Spanish interests, not to attack Spanish ships filled with silver and gold sailing from South America.⁴⁴

Mansell's flotilla set sail for the Spanish coast at the beginning of October 1620 with the order to pursue pirate ships in the area of Spain, Gibraltar and the Mediterranean Sea up to Algiers. A reconnaissance mission would continue at this point, in which several ships from the flotilla received the task of secretly monitoring pirate activity and attacking when the time was right. Towards the end of 1620 the condition of Mansell's flotilla at Algiers began to deteriorate. The sailors became ill, and the reinforcements he requested never arrived due to poor weather. In February of the following year, Mansell endeavoured to execute inconsequential attacks against pirate ships, but no conflict occurred. The flotilla's inactiv-

⁴³ PENN, pp. 54–58; LOCKYER, pp. 76–77; YOUNGE, p. 51.

⁴⁴ LOCKYER, pp. 76–77; PENN, pp. 59–65, 87, 89–91.

ity was not accepted well in England or in Spain. In May 1621, after the flotilla was supplied with new stores, Mansell made another attempt to approach the pirate fort in Algiers. The results of an attack using fire ships were catastrophic. Only a few pirate ships were damaged or completely destroyed; the remainder managed to flee to safety behind the gates of the harbour. Due to attacks against English merchants and voyagers in India by Dutch merchants, King James I decided that Mansell and his flotilla would be more use to him on English seas in defence of the country. The futility of the entire expedition also became evident, and thus King James I sent Mansell an order to return to England on 28 July.⁴⁵

The failure of the expedition demonstrated the weakness of the English navy, along with its method of command and logistic organisation. Mansell was reprimanded for acting slowly and ineffectively and thereby allowing the pirates to prepare and defend themselves. Mansell argued that he had been given clear instructions and orders from England, which led to accusation of Buckingham, who had sent these to the Capitan.⁴⁶

After Mansell returned to England, the flotilla underwent minor repairs so that it could be used to defend the English coast and particularly merchant ships, which were being threatened by the Dutch. As the lack of capable sailors in England was becoming a great problem, an order forbidding sailors from leaving the country without permission was approved.⁴⁷

The King sent Buckingham to foreign courts as an official courier or negotiator several times during his life. Some of these journeys became practically legendary. The adventurous journey of Prince Charles and Buckingham to Madrid in 1623, where they were supposed to travel incognito in order to hasten negotiations regarding Charles' marriage to the Spanish princess, cannot remain unmentioned. However, during this journey both men also visited Paris, where Buckingham reputedly fell in love with the French Queen Anne of Austria. In Madrid, Buckingham's behaviour was criticised by the stiff and conservative Spanish court, and his diplomatic abilities were tested by the very skilful Olivares.⁴⁸

⁴⁵ LOCKYER, pp. 76–77; PENN, pp. 65–68, 94–98.

⁴⁶ PENN, p. 100.

⁴⁷ PENN, pp. 70–72; McGOWAN, p. 124.

⁴⁸ As the confidante and favourite of the king, Count Olivares had a similar position in Spain to Buckingham in England and practically made decisions on behalf of Philip IV, even during negotiations regarding a potential English-Spanish marriage. However, compared to Buckingham, Olivares was a much more capable diplomat. For more details see DUCHEIN, pp. 114–115, 134, 140–142.

Buckingham's incompetence in the field of diplomatic negotiations became clear during the negotiations in Madrid. Even though the entire journey and the subsequent stay in Madrid had no great positive effect thanks to the parties' inability to come to an agreement, both Charles and Buckingham returned to England as heroes in the eyes of the English people. Although the betrothal agreement had been negotiated before Charles and Buckingham departed in July 1623, the marriage never took place. King James, who tried to maintain good relations with Madrid after these failed negotiations, realised that Buckingham was not himself directly responsible for the failure. It became apparent that the differences between the countries were so great that an agreement was practically impossible. The entire journey to Madrid evidently strengthened the relationship between Prince Charles and Buckingham, as well as their mutual loyalty. During the diplomatic journey to Spain, Buckingham received the honour of being granted a ducal title by King James on 18 May 1623. Granting ducal titles to nobles who were not immediate members of the royal family was not a usual occurrence in England, and thus his ducal title also helped Buckingham become a unique figure in English history at the beginning of the 17th century.⁴⁹

Changes to Alliances and the Expedition to Cadiz in 1625

The period from September 1623 until August 1628 can be considered the period when the Duke of Buckingham had the greatest power. After returning from Madrid, he became so close to Prince Charles that both these men cooperated on issues related to domestic and foreign policy in the following years, while King James was still alive. From the end of 1623, the King's opinions also differed from his son's and Buckingham's, who used the King's prolonged illness and his presence in distant Royston to put increasing pressure on him to change the direction of his policy. Charles and Buckingham primarily wanted to terminate the agreement with Spain, or even declare war on Spain and then focus on relations with continental countries such as France, as well as the Protestants, which include the United Provinces and Denmark. The anti-Spanish opinion of the people also became apparent, and Charles and Buckingham expected a similar opinion from Parliament. James evidently assumed that if he agreed to convene parliament, the subsequent pressure by members of

⁴⁹ DUCHEIN, pp. 75, 114, 124–168; VODIČKA, pp. 134–138; LOCKYER, pp. 134–162; 151–154.

Parliament would force him to abandon his plans for an alliance with Spain. Parliament was convened in February 1624. In December 1623 Bristol was withdrawn from Madrid, whereby England terminated the negotiations with Spain.⁵⁰

The parliamentary session in February 1624 can be considered a session during which most of the decisions were made by Buckingham and Prince Charles. King James appointed Buckingham as his representative during the session and the person who would give him reports about the progress of negotiations in Westminster. In this session, the previous journey by Prince Charles and Buckingham to Madrid, as well as future relations with Spain itself, were also discussed. Several Members of Parliament expressed the desire to accuse Buckingham, who was considered a hero at the time because he prevented an unsuitable marriage with the Spanish princess, of causing the failure of negotiations. The duke had the support of not only the people, but also Parliament, which also supported him in the case of attacks and various plots by Spanish ambassadors.⁵¹ As a result, Middlesex and Bristol ended up before a court of law. In the case of future relations with Spain, Parliament decided to immediately terminate all diplomatic relations between England and this country and invalidate all concessions in penal laws against Catholics. Finally, it executed a petition to the King, stating its inclination towards declaring war on Spain. In March 1624, James agreed with Parliament's recommendation to declare war on Spain, but not for the purpose of a direct attack against Spain, but rather for the purpose of freeing the Palatinate from the hold of the armies of the Catholic League. The biggest problem of the entire activity, as became clear in future years and decades, was funds, of which the Crown did not have a large amount. And so, it resorted to loans and even forced loans. In April 1624 Buckingham also warned Parliament of

⁵⁰ DUCHEIN, pp. 169–176; SHAW, pp. 35–36.

⁵¹ The Spanish Ambassadors endeavoured to damage the trust between King James and the Duke of Buckingham by spreading information that Buckingham was preparing a plot, in an effort to kill James and put Prince Charles on the throne. In addition, there was subsequently a reputed agreement between Prince Charles and the duke regarding the potential succession of Buckingham's descendants to the throne, in the event that Charles did not have any children. This slander cooled relations between the King and Buckingham for some time but did not have the permanent effect that the ambassadors had planned. After Buckingham fell ill in April 1624, the King forgot any possible doubts about his loyalty and journeyed to visit him and reconcile. The letters that the two men subsequently sent each other are proof of this. For more details see DUCHEIN, pp. 185–189; SHAW, pp. 36–40; STEVENSON, pp. 2–3.

the on-going issue of piracy, and therefore the need to create a flotilla. Parliament approved the preparation of 12 ships, but the House of Lords simultaneously expressed its concern that the King would misuse and mispend the funds it provided for the ships. Despite the misgivings, preparation of the fleet began.⁵²

During the parliamentary session, Buckingham appealed to King James to try to reinforce his relations, particularly with France and the United Provinces. He proposed that, following the failure of the plan for an English-Spanish marriage, Prince Charles should marry the French princess and sister of King Louis XIII, Henrietta Maria. This would reinforce relations with this country, which could then provide military and financial aid in the battle for the Palatinate. Most importantly, the French promoted an anti-Spanish policy and thereby appeared more acceptable (even though they were Catholics) to the English people. The first unofficial negotiations with Paris regarding a potential marriage took place in February 1624. After the termination of all treaties with Spain, James Hay, Viscount of Doncaster and Earl of Carlisle, was subsequently dispatched to Paris as the official Ambassador in April. The French dispatched Antoine Coiffier de Ruzé, Marquis de Effiat to London. As expected, the French had practically the same demands as the Spanish in relation to the issue of faith and the court of the French princess in London. Despite this, a marriage contract was concluded, with a so-called separate clause for the freedom of Catholics in England. However, the English refused to hold the wedding ceremony until the French provided a guarantee to fight Spain. The wedding was supposed to take place in Paris by proxy, and the Duke of Buckingham was dispatched on behalf of Prince Charles. During the wedding itself, which took place in May 1625 in Notre-Dame, Prince Charles was represented by Claude de Lorraine, Duke de Chevreuse. King James did not live to see the wedding of his son. He died in March of the same year following a protracted illness. The Duke of Buckingham remained near the King throughout his illness and was subsequently accused by the opposition, during parliamentary sessions, of being involved in the King's death by poisoning him. However, this was just slander.⁵³

⁵² DUCHEIN, pp. 179–192.

⁵³ DUCHEIN, pp. 183, 194–198, 210; SHAW, pp. 35, 42–45; VODIČKA, pp. 143–144; LOCKYER, pp. 198–205.

The agreements with France included the English King's pledge to provide ships to France to fight against Genoa. Because of this agreement, Buckingham had to provide the French King Louis XIII with several vessels. Captain Pennington was originally meant to be dispatched with a squadron. However, he received an order to refrain from using English ships against La Rochelle. The French King stated that he had concluded a peace treaty with the Huguenots, and thus there was no risk that the provided English ships would be used to attack them. However, the promised peace was false. Pennington refused to release his ship to the French according to his orders, because they acted as if the English ships were their own and wanted to use them against La Rochelle. The captain returned to England. But the French used the remaining ships against the population of La Rochelle, which had a negative effect in England, particularly on the popularity of the Duke of Buckingham. The Members of Parliament, in particular, complained and pointed out the misuse of English ships against Protestants. Just as Buckingham was blamed for the failure of expeditions, including military expeditions, he was also accused of causing this situation. Buckingham defended himself by arguing that he had acted on the orders of the King and in the interests of English-French agreements. He also warned Members of Parliament of the need for a flotilla capable of competing against Spanish powers. However, it was clear that the speed of preparation of a flotilla was fully dependent on the funds provided by Parliament, of which there was a decided lack. It again seemed impossible to reach an agreement with Parliament, and so King Charles I decided to dissolve it.⁵⁴

Preparation of a flotilla for an expedition to Cadiz began as early as May 1625 in Plymouth. This was to consist of 82 vessels, which planned to set sail led by Buckingham. In June of the same year, the First Parliament under Charles I went into session and, just like its predecessor, discussed the issue of preparing military action against Spain and providing aid to the Palatinate. Parliament was not very impressed by the King's lack of information or Buckingham's information about the plans for and precise use of the funds they had approved for him, after which the King informed the members that they should approve another loan for the war and not concern themselves with anything else. Even though Parliament approved a sum of 140,000 English pounds, the dispute between Parliament and the King continued. Members of Parliament forced the Duke of Buckingham

⁵⁴ SHAW, pp. 49, 53–58; YOUNGE, p. 56; PENN, pp. 107–114, 128.

to surrender his command of the flotilla for the expedition to Cadiz. The Lord High Admiral therefore proposed Edward Cecil, First Viscount of Wimbledon, as commander of the expedition. Buckingham believed that a potential postponement of the parliamentary session along with a compromise on his part would help calm relations before Members of Parliament went into session again. This also concerned alliance treaties with Protestant countries (United Provinces), Sweden and Denmark. Parliament was prorogued and convened once again in August 1625 at Oxford (there was a plague in London at the time). Members of Parliament started to accuse Buckingham of causing disagreements with the King, and also to complain of the insufficient use of penal laws against the Catholics. The accusations against the duke also concerned his failure to fulfil his duties as Lord High Admiral. They refused to approve more money for the war until Buckingham precisely clarified how much money he needed to prepare the fleet and submitted clear accounts. Charles responded to the accusations and refusal to cooperate within the terms of the approval of loans by dissolving Parliament.⁵⁵

In the meantime, the dispute between the royal couple, Charles and Maria, culminated. Charles ordered the French retinue accompanying the Queen back to France. The King had English nobles from among Buckingham's family and friends appointed as the Queen's ladies-in-waiting. The disagreements between Maria and Charles had an international effect and, along with other events (see the loan of English ships to the French king), cooled relations between France and England significantly.⁵⁶

The flotilla set sail for Cadiz on 8 October 1625 and arrived at its destination two weeks later. It became evident that Wimbledon was an inexperienced commander and had significantly underestimated the number of battle-ready men in the port town. Because the Spanish flotilla, loaded with precious metals from Latin America, was supposed to appear at Cadiz in several weeks, he commanded his men to attack the ships anchored in the harbour, of which most were merchants. Wimbledon himself subsequently set out with a group of men on dry land. The Earl of Denbigh was supposed to command the ship in his absence. The original plan to capture the Spanish ships failed. Wimbledon's crew encountered wine stores as they entered the town and his men soon became incapacitated. The population of Cadiz quickly took advantage of this opportu-

⁵⁵ DUCHEIN, pp. 226–234; SHAW, pp. 51–58; LOCKYER, pp. 255–267.

⁵⁶ DUCHEIN, pp. 235–238; SHAW, p. 69; VODIČKA, p. 179.

nity and managed to warn the Spanish ships, which avoided Cadiz.⁵⁷

The expedition was a great disappointment and failure, and this was ascribed to Buckingham. In February 1626 Parliament convened and pointed out the poor state of the navy during the session (sailors did not even have proper clothes, and the ships were in bad condition).⁵⁸ Charles and Buckingham believed that they were prepared for a session of Parliament because Charles had appointed his opponents sheriffs of various counties, and they were therefore not present at the session. However, Dudley Digges and John Eliot were the most problematic individuals. The accusations concerning the duke were extensive and practically summarised the efforts of previous Parliaments and opponents of Buckingham. The first accusation was raised by Bristol, who recapped events in 1623 and the negotiations in Madrid. The duke also became the target of accusation by Digges and Eliot for collecting titles and offices in one person, corruption, incompetence in commanding the navy, protectionism and nepotism in cases of assurance of offices for his relatives and clients, and also his involvement in the death of James I.

As Lord High Admiral, Buckingham was accused of selecting an incompetent commander and crew for the expedition to Cadiz, and also of poor organisation of the entire expedition, which had led to the subsequent catastrophe. In some cases, these accusations were justified, but in the case of involvement in the death of James I, Buckingham decided to appear before Parliament in June 1626 with his defence. He based this defence chiefly on the relationship he had with the King, one which he compared to the love between a father and son. King Charles responded to the duke's accusation by having his main opponents, Digges and Eliot, imprisoned in the Tower, and he accused the Members of Parliament of failing to provide him with sufficient funds so that the Lord High Admiral could prepare a capable flotilla for Cadiz. Members of Parliament were outraged, and the situation was made even worse by the appointment

⁵⁷ SHAW, pp. 59–60; YOUNGE, p. 55; J. GLANVILLE, *The Voyage to Cadiz in 1625*, Edinburgh 1883, pp. 1–25.

⁵⁸ For more details regarding the complaint against Buckingham and the actual parliamentary session of 1626. D. COAST, Reformation 'or' Ruin? The Impeachment of the Duke of Buckingham and Early Stuart Politics, in: *Historical Research*, 90, 250, 2017, pp. 704–725; H. HULME, The Leadership of Sir John Eliot in the Parliament of 1626, in: *The Journal of Modern History*, 4, 3, 1932, pp. 361–386; T. COGSWELL, The Warre of the Commons for the Honour of King Charles': The Parliament-men and the Reformation of the Lord Admiral in 1626, in: *Historical Research*, 84, 226, 2011, pp. 618–636.

of Buckingham as new Chancellor of Cambridge University on 28 May. Because Parliament refused to approve funds for the King until Buckingham was put to trial, the King had Parliament dissolved on 15 June 1626.⁵⁹

The Last Years: Expedition to Aid La Rochelle

After the following year of 1627, relations with France continued to worsen. Louis XIII demanded thorough fulfilment of the marriage contract, including the clauses regarding faith, and because Charles refused to do so, it was expected that war with France would break out. Preparation for the war was complicated, mainly due to the lack of funds. Funds for a war were not approved during the previous parliamentary session because of disagreements and attacks against Buckingham, and this is also why preparations and recruitment of soldiers was slow. Buckingham relied on the fact that he would be able to coordinate the attack on France with Lorraine and Savoy. Secret negotiations were also being carried out with Spain regarding a potential alliance, which the Spanish made conditional to the English withdrawal from treaties with Denmark and the United Provinces. Charles refused this concession and therefore, instead of entering into an alliance with the English, the Spanish concluded an agreement of neutrality with France.

The aversion towards France and its policy led the English to start enemy actions against French ships, which were attacked and taken to Plymouth, and the goods on them seized. The French subsequently acted in a similar manner. The next step in the new anti-French foreign policy was supposed to be the provision of active aid to La Rochelle. The Protestant town was under siege by French soldiers and requested help from the English King. The King and Buckingham wanted to start preparations for an expedition as soon as possible. In this regard, they relied on the help of the English Parliament, but the Parliament, influenced by the failure of the Cadiz expedition, started blaming Buckingham for previous failures instead of discussing aid for La Rochelle.⁶⁰

Buckingham intended to personally lead the expedition to assist La Rochelle as commander. But during preparation of the expedition, he again encountered problems such as lack of funds and the people's marked lack

⁵⁹ DUCHEIN, pp. 244–250, 255–266; SHAW, pp. 61, 64–69; THOMSON, Vol. III, pp. 2–41; LOCKYER, pp. 426–436; YOUNGE, p. 55; PENN, pp. 122–124; McGOWAN, p. 288; OPPENHEIM, pp. 219–225.

⁶⁰ SHAW, pp. 61–64; PENN, p. 132.

of enthusiasm for the planned expedition. Some parts of England even refused to provide sailors and soldiers, after their experience with previous failed expeditions. Despite the complications, a flotilla of 100 ships and 6,000 sailors was gathered. The flotilla was expected to sail toward the Isle de Ré near La Rochelle, which was a French fort, and hence a direct threat to the Protestant harbour town. The English intended to use the strategic position of Isle de Ré as an excellent base for attacks against Spanish and French merchant ships, and also for providing aid to dissatisfied Protestant towns in the south of France, after it was conquered.⁶¹

Buckingham disembarked on Isle de Ré at the fort of Saint Martin in July 1627 at the head of the flotilla. However, the inexperienced soldiers initially refused to leave the safety of the ships and attack the French soldiers fortified in Saint Martin's Fort. Nevertheless, in the end a clash did occur. Thanks to the initiative of John Brugh and Alexander Brett, it was possible to gather the English soldiers for an attack against the surprised French unit. In the meantime, Buckingham sent a messenger to the population of La Rochelle, to inform them of the position of the English flotilla and the planned aid for the town. However, the population of La Rochelle were not as enthusiastic about the arrival of the English navy as Buckingham had expected. Since they were concerned that the English were not strong enough to fight the French, they endeavoured to ally with other Protestant towns in the country but did not manage to do so by the time the English aid arrived.⁶²

The English soldiers tried to defeat Saint Martin's Fort on Isle de Ré for several months. The fort was well protected, and Buckingham was without military experience and was incapable of properly leading and motivating his soldiers, who also lacked supplies (despite the fact that Buckingham had sent a request to King Charles to send supplies in August, and the King promised their rapid delivery) and began to rebel and demand that the flotilla return to England. But Buckingham refused and continued to try to prevent French ships reaching the port with supplies by means of a blockade. In September the French soldiers from Saint Martin's Fort began setting English ships on fire using burning missiles, and they managed to nearly sink 35 ships and break the English blockade. Several dozen French ships passed through the defences to the fort and provided

⁶¹ SHAW, p. 71; YOUNGE, p. 57; MCGOWAN, p. 275; E. H. CHERBURY, *The Expedition to the Isle of Rhé*, London 1860, pp. 20–70.

⁶² SHAW, pp. 71–72; PENN, pp. 132–133; CHERBURY, p. 73.

the soldiers within the fort with supplies. Buckingham was aware that his months of effort had failed, and he again asked England for not only supplies, but also reinforcements. King Charles was forced to contend with the people's dissatisfaction with the duke and his unpopularity in both Houses, which refused to approve funds in support of the expedition. Because the supplies were still not forthcoming, Buckingham was forced to withdraw. The English situation on Isle de Ré worsened, particularly during the months of October and November. In October 1627 another French squadron arrived led by Marshal Schomberg, who immediately sent his 6,000 men to attack the English, who were then forced to flee to the small island of Loix. As they fled over the bridge to the island, several thousand English sailors fell as a result of constant attacks by the French. At the beginning of November, not even half of the original number of sailors returned to England, and those that were left suffered from several diseases and were in very poor health. The expedition, which was intended to improve the Duke of Buckingham's reputation and help the Protestants in La Rochelle, ended even more catastrophically than the Cadiz expedition.⁶³

At the beginning of 1628, the English King realised that he would be unable to fight France and Spain at the same time and also attempt military action in the Holy Roman Empire to the benefit of Frederick V of the Palatinate. As a result, Charles decided to convene Parliament in March of the same year. The new Parliament, similarly to the previous Parliament, was highly critical of the King and Buckingham. Failure of the expedition, as well as the previous expedition, was ascribed by Members of Parliament to Buckingham. However, despite his military inexperience, he had not had much of a chance on Isle de Ré without supplies. Members of Parliament only approved funds for the war under the condition of prior discussion of the so-called Petition of Right, which was intended to restrict the King's authority. However, after another open attack against Buckingham by Digges and Coke, the King prorogued Parliament. In June, Charles finally agreed to the Petition, but the parliamentary session was postponed again until October. At that time Buckingham was in Portsmouth, where he was personally supervising preparation of a flotilla of 100 ships for the purpose of providing aid to La Rochelle. The attacks against Buckingham, his family and friends culminated in the murder

⁶³ SHAW, pp. 72–74; PENN, p. 135; MCGOWAN, pp. 275–278, 288; CHERBURY, pp. 82–287.

of Doctor John Lambe in London and, two months later (on 23 August 1628), the duke was also attacked in Portsmouth by former sailor John Felton. Buckingham died as a result of being stabbed with a knife. Felton was sentenced to death and executed in November.⁶⁴ Buckingham's body was transported to London, where Charles had him quietly buried in the Chapel of Henry VII in Westminster.⁶⁵

Conclusion

The Duke of Buckingham was not considered a competent politician, diplomat or Lord High Admiral in his time. But it must be mentioned that even though he was not distinguished in many respects, he could surround himself with people with a lot of influence or with extraordinary abilities, which he used to improve his own standing and prestige. It is evident that such figures include the Archbishop of Canterbury, thanks to whom young George Villiers was able to come to the attention of King James I. It was his popularity with the monarchs, whether James I or his son Charles I, that was a crucial factor in Buckingham's ascension to power.

About the duke's activities as the head of the navy, he proved himself a supporter of changes and reforms. He continued to surround himself with capable colleagues in the navy, who often helped improve the state of the navy. It was they who were directly involved in implementing new reforms in the navy. Buckingham himself was actively involved in administrative activities and was interested in the condition of the ships and in the living and working conditions of the sailors. And despite the unfavourable circumstances and his lack of experience in commanding the navy, which often led to failed expeditions, the duke helped the English navy back on its feet and become world-class in the coming decades and centuries.⁶⁶

⁶⁴ More about the figure of John Felton and the assassination of the Duke of Buckingham. T. COGSWELL, John Felton, Popular Political Culture, and the Assassination of the Duke of Buckingham, in: *Historical Journal*, 49, 2, 2006, pp. 357–385.

⁶⁵ DUCHEIN, pp. 276–300, 301–314; SHAW, pp. 75–80; VODIČKA, pp. 197–205; LOCKYER, pp. 451–457.

⁶⁶ SHAW, pp. 74–79; PENN, pp. 136–138; MCGOWAN, p. 278; OPPENHEIM, pp. 233–234.



Minderheiten und Volksgruppen in Europa

*Csilla Dömök**

In present days in Europe live more than 100 million members of more than 100 ethnic groups, whose diversity embedded – often into small areas – can create potential sources of conflict. Minority and ethnic group problems, which are the result of the strained relationship of fundamental human rights, social rights, ethnic groups rights and the people's right to self-determination, require great attention. Many times, international, legal solutions can contribute to solving these problems. Mutual agreement is important, built on which, in ideal cases, conflicts caused by the ethnic group's problems can be prevented or at least such perspectives can be provided that make peaceful co-existence possible and contribute to the solution of already existing problems.

[Minority; Ethnic Group; International Law; Fundamental Human Rights]

In Europa sind über 100 Volksgruppen mit insgesamt mehr als 100 Millionen angehörigen ansässigen, deren Vielfalt und der oftmals enge Raum des Zusammenlebens großes Konfliktpotential schaffen. Die Minderheiten- und Volksgruppenprobleme, die sich aus dem Spannungsverhältnis zwischen Menschenrechten, sozialen Grundrechten, Gruppenrechten und dem Selbstbestimmungsrecht der Völker ergeben, bleiben in den nun selbständigen Staaten erhalten. Lediglich internationale, völkerrechtliche Lösungen können hier wirksam dazu beitragen, diese Konflikte zu lösen.

Den Menschenrechten kommt nach der Beendigung des Ost-West-Konfliktes im geltenden Völkerrecht und in der aktuellen Staatenpraxis eine erheblich gestiegene Bedeutung zu. Damit ist auch die Entwicklung von internationalen Minderheiten- und Volksgruppenrechten auf verschiedenen Ebenen möglich geworden. Aufbauend auf einem gemeinsamen Grundverständnis können jetzt Konzepte erarbeitet werden, die durch Volksgruppenprobleme verursachte Konflikte im besten

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Fälle verhindern, zumindest aber Perspektiven bieten, die ein friedliches Zusammenleben ermöglichen oder dazu beitragen, bestehende Konflikte beizulegen.

Der Begriff der Minderheit ist völkerrechtlich nicht eindeutig definiert. Da aber Einigkeit darüber besteht, dass nicht jeder Staat selbst über das Vorhandensein einer fremdnationalen Gruppe auf seinem Staatsgebiet bestimmen kann, da er ansonsten das Vorhandensein der Minderheit leugnen und sich damit von jeglichen völkerlichen Verpflichtungen entbinden könnte,¹ gibt es seit dem Ersten Weltkrieg Bestrebungen, sich diesem Begriff durch das Definieren konstitutiver Merkmale zu nähern.

Bei der Beantwortung der Frage, welche Charakteristika eine Bevölkerungsgruppe aufweisen muss, um völkerrechtlich als Minderheit anerkannt zu werden, sind gewissen Entwicklungen festzustellen: Während zur Zeit des Völkerbundes die Auffassung herrschte, dass Minderheiten sowohl Staatsangehörige einer fremden Macht als auch Staatsangehörige desselben Landes ein konnten,² geht das Völkerrecht heute davon aus, dass der Begriff der Minderheiten auf diejenigen Gruppen beschränkt ist, die sich nicht in der Fremde, sondern in ihrer Heimat befinden.³ Diese Auffassung ist zutreffend, denn nur eine solche Grundvoraussetzung wird der Unterscheidung gerecht, die das Völkerrecht zwischen Fremden und Staatsangehörigen macht.⁴ Als Fremde wären die Minderheitenangehörigen durch die spezielle Regelung des Fremdenrechts geschützt, die den Minderheiten als Staatsangehörige des Beherbergungsstaates nicht zustehen. Nur aufgrund der Tatsache, dass die Angehörigen von Minderheiten eigene Staatsangehörige sind, werden spezielle Schutzregelungen überhaupt notwendig.

In den Untersuchungen der Völkerbundära, die sich mit dem Minderheitenbegriff befassen, waren die drei Begriffselemente der gemeinsamen Sprache, gemeinsamer Kultur und des gemeinsamen historischen Schicksals immer wieder enthalten.⁵ Die Grundlage der Existenz der Minderheit

¹ E. H. PIRCHER, *Der vertragliche Schutz ethnischer, sprachlicher und religiöser Minderheiten im Völkerrecht*, Bern 1979, S. 218.

² Vgl. z.B. die Definition in einer Veröffentlichung des Völkerbundes: „Unter Minderheiten versteht man den Kreis der Personen anderer Rasse, Religion oder Sprache, als derjenigen der Mehrheit der Bevölkerung des betreffenden Landes.“

³ Vgl. O. KIMMINICH, *Rechtsprobleme der polyethnischen Staatsorganisation*, Heidelberg 1985, S. 99.

⁴ Vgl. PIRCHER, S. 25.

⁵ KIMMINICH, S. 97.

war danach eine „*rassische, kulturelle und wirtschaftliche Eigenartigkeit*“, zu diesen einigenden Elementen musste noch die „*Gemeinsamkeit bedeutenden Erlebens, Schicksalsgemeinschaft*“ hinzukommen.⁶

Der moderne, überwiegend zugrundegelegte Minderheitenbegriff orientiert sich an der Definition, die der Spezialberichterstatte Francesco Capotorti in seinem Bericht „Study on the rights of persons belonging to ethnic, religious and linguistic minorities“ für die Subkommission über die Verhinderung der Diskriminierung und den Schutz von Minderheiten der UNO-Menschenrechtskommission ausarbeitete:⁷ Danach ist eine Minderheit „*eine der übrigen Bevölkerung eines Staates zahlenmäßig unterlegene Gruppe, die keine herrschende Stellung einnimmt, deren Angehörige – Bürger dieses Staates – in ethnischer, religiöser oder sprachlicher Hinsicht Merkmale aufweisen, die sie von der übrigen Bevölkerung unterscheiden, und zumindest implizit ein Gefühl der Solidarität bezeigen, das auf die Bewahrung der eigenen Kultur, der eigenen Traditionen, der eigenen Religion oder der eigenen Sprache gerichtet ist*“.⁸

Diese Definition greift stärker als die der Völkerbundära die subjektive Komponente auf: Eine Personengruppe, die zwar die objektiven Merkmale der zahlenmäßigen Unterlegenheit und der nicht herrschenden Stellung aufweist, jedoch kein Solidaritätsgefühl hat, das auf die Bewahrung der eigenen Charakteristika aufweist, erscheint einer Schutzregelung nicht bedürftig. Ebenso ist es mit einer Gruppe, die zwar ein Solidaritätsgefühl hat, jedoch nicht über u bewahrende Charakteristika verfügt. Rechtsträger von Minderheitenschutzregelungen können somit nur Gruppen und deren Angehörige sein, die beide Arten von Merkmalen besitzen. Damit müssen auch sog. „gleichgestellte Gruppen“⁹ von diesen Regelungen ausgeschlossen bleiben, da die eine besondere Schutzwürdigkeit begründenden Charakteristika hier nicht vorhanden sind.

Die Definition Capotortis wurde als amtliche UN-Definition angenommen, ersetzt aber nicht eine einheitliche, völkerrechtlich verbindliche Begriffsbestimmung. Eine solche einheitliche Definition ist aber dann erforderlich, wenn partikuläres Völkerrecht die zu schützende Minderheit

⁶ V. GUTTMANN, *Die theoretischen Grundlagen der Minderheitenfrage*, Pécs 1929, S. 7f.

⁷ E/CN.4/Sub.2/384 v. 20. 6. 1977.

⁸ Übersetzung bei F. CAPOTORTI, *Die Rechte von Angehörigen von Minderheiten*, in: *Vereinte Nationen*, 1980, S. 118, Anm. 30.

⁹ Dieser Begriff taucht z.B. im deutsch-polnischen Nachbarschaftsvertrag auf und soll eine zur Minderheit gleichberechtigte Gruppe bezeichnen.

nicht klar bestimmt¹⁰ und aus Gründen der Rechtssicherheit eine genaue Bestimmungsmöglichkeit der Rechtsträger der jeweiligen Schutzbestimmungen wünschenswert erscheint.¹¹ Nur wenn feststeht, wer Adressat einer Schutzbestimmung ist, kann z.B. eine Vertragsverletzung eines Staates durch einen anderen Staat oder den Betroffenen selbst gerügt werden.

Auch rechtslogisch wird nur dann von einem Minderheitenrecht gesprochen werden können, wenn es einen eindeutig bestimmbar Rechtsträger gibt.

Der konkrete Charakter des Völkerrechts im Allgemeinen und speziell die Vielfalt der verschiedenen Minderheiten und ihrer Wohnstaaten erfordert aber nicht nur eine einheitliche Minderheitendefinition als Grundlage, sondern auch eine eindeutige Rechtsträgerbestimmung auf den verschiedenen Ebenen der Konkretisierung. So muss beim Abschluss eines multilateralen Vertrages mit Minderheitenschutzbestimmungen zunächst sichergestellt werden, dass zwischen den Vertragsparteien Einigkeit über den zugrunde gelegten Minderheitenbegriff herrscht. Darüber hinaus ist aber auch bei den innerstaatlichen Rechtsanwendungsnormen die Minderheit als Rechtsträger eindeutig zu definieren. Weniger problematisch stellt sich die Situation bei bilateralen Verträgen dar, da wegen der konkreteren Ausgestaltung der Verträge die betroffenen Minderheiten namentlich erwähnt oder mittels deskriptiver Merkmale ermittelt werden können. Auch hier ist aber eine entsprechende Formulierung der darauf beruhenden innerstaatlichen Normen unerlässlich.

Die Frage nach der Verwirklichungsmöglichkeiten einer wünschenswerten Minderheitendefinition ist von diesen Überlegungen zu trennen. Hier ergeben sich in der praktischen Politik große Probleme. Selbst einige europäische Staaten fürchten die Einbuße eines Teils ihrer Souveränität, wenn sie sich zum besonderen Schutz von Minderheiten verpflichten und lehnen deshalb eine verbindliche Definition ab.

Der Begriff der religiösen Minderheit umfasst Personengruppen, die sich zu religiösen Vorstellungen bekennen, die nicht die der Mehrheit der Bevölkerung darstellen. Dies gilt auch für Gruppen, die sich mit einem beliebigen religiösen Bekenntnis von der atheistischen Grundhaltung der

¹⁰ Vgl. F. ERMACORA, *Der Minderheitenschutz im Rahmen der Vereinten Nationen*, Wien 1988, S. 39f.

¹¹ Ebenda, S. 40.

Bevölkerungsmehrheit unterscheiden.¹² Dabei ist bei der Verwendung der Begriffe „Religion“ und „Überzeugung“ von einem erweiterten Begriffsinhalt, wie z.B. im Rahmen der Vereinten Nationen verwendet wird, auszugehen. Die oben genannten Ausdrücke umfassen jede theistische, nicht-theistische oder atheistische Überzeugung.¹³ Ein Beispiel für eine religiöse Minderheit stellen die Hui dar, eine Gruppe von Muslimen in China, die sich aufgrund ihrer Religion in der Lebensweise und ihrer Kultur von der Hauptbevölkerung unterscheiden, obwohl sie von ihrer ethnischen Herkunft Chinesen sind.¹⁴

Die sprachliche Minderheit ist dadurch gekennzeichnet, dass sie sich schriftlich und/oder mündlich, öffentlich oder privat einer Sprache bedient, die nicht die Nationalsprache ist und in ihrem Wohngebiet nicht die gewöhnliche Sprache darstellt.¹⁵ In Westeuropa gibt es rund 50 Sprachminderheiten, so z.B. die Slowenen, Wallonen, Flamen und Korsen.

Bei nationalen Minderheiten handelte es sich nach der Definition aus der Zeit nach dem Ersten Weltkrieg um Angehörige von Völkern, die zu Staatsbürgern von Staaten mit anderer ethnischer oder sprachlicher Bevölkerungsmehrheit wurden, während die ursprünglichen Völker eigene Staaten bildeten.¹⁶ Nationale Minderheiten sind in der allgemeinen Bedeutung also Gruppen innerhalb eines Staatenverbandes, die über ein eigenes Volkstum verfügen, d.h. eine eigene Kultur und/oder Sprache haben.¹⁷ So stellen etwa die Deutschen in Polen oder die Dänen in der Bundesrepublik nationale Minderheiten dar.

In der Vergangenheit wurde der Begriff der „nationalen Minderheit“ zumeist für die europäischen (insbesondere für die osteuropäischen Minderheiten) verwandt.¹⁸ Er taucht deshalb auch in Art. 14 der Europäischen Menschenrechtskonvention und Teil 1 der KSZE-Schlussakte auf.

Abgrenzungsschwierigkeiten bestehen zum Begriff der „ethnischen Minderheit“. Vom Ausdruck „ethnisch“ werden verschiedenen Kriterien

¹² Ebenda, S. 45.

¹³ Vgl. PIRCHER, S. 37.

¹⁴ Vgl. R. OXENKNECHT, *Minderheitenschutz in Art. 27 IPBPR*, Frankfurt am Main 1997, S. 116.

¹⁵ ERMACORA, S. 46.

¹⁶ Ebenda, S. 13.

¹⁷ T. MODEEN, *The International Protection of National Minorities in Europe*, Cambridge 1969, S. 15f.

¹⁸ R. WOLFRUM, *Minderheitenschutz in Europa*, München 1991, S. 123.

erfasst wie Abstammung, Geschichte und Kultur sowie, im Hinblick auf eine weltweite Bedeutung, auch Rasse, Kasten- und Stammeszugehörigkeit.¹⁹ Zum Teil wird der Inhalt des Begriffes um das weitere Kennzeichen einer gewissen Distanz der ethnischen Volksgruppe zum Staat, in dem sie lebt, erweitert. Einigkeit besteht darüber, dass die ethnische Gruppe das Bewusstsein ihrer Eigenart hat und diese Eigenart auch erhalten will.²⁰

Inhaltlich entspricht der Begriff der nationalen Minderheit dem Begriff der ethnischen Minderheit²¹ und wird oft synonym verwandt. Der Begriff der ethnischen Minderheit ist allgemein als der weitere Begriff vorzuziehen.

Der Ausdruck „Minderheit“ erscheint im internationalen Schrifttum immer seltener. Häufig erscheinen jetzt die Ausdrücke „Volksgruppe“, „ethnic group“ und „éthnie“. Sie werden als Synonyme Begriffe sowohl für die ethnische als auch die nationale Minderheit gebraucht.²² Damit wird zum einen der Wandel im Identitätsbewusstsein der Minderheiten deutlich, die sich als Einheit im Sinne eines *ens sociale* fühlen und oftmals auch als Person des öffentlichen Rechts gelten wollen.²³ Darüberhinaus wird eine Weiterentwicklung in der Völkerrechtslehre erkennbar, die die Bezeichnung der einzelnen Gruppen als „Minderheit“ als Herabsetzung empfindet.

Der Prozess des Begriffswandels ist allerdings lediglich in Schrifttum und Lehre derart deutlich. Die neuen Dokumente im Bereich des Minderheitenschutzes auf multilateraler Ebene, wie zum Beispiel die UN-Deklaration von 1992, die KSZE-Dokumente und auch die meisten der Entwürfe im Rahmen der europäischen Organisationen sprechen weiterhin von „Minderheiten“.

Zur Abgrenzung beider Begriffe wurden verschiedene Kriterien entwickelt. So wird die Auffassung vertreten, der Begriff der Volksgruppe

¹⁹ Ebenda, S. 122.

²⁰ Ebenda, S. 123.

²¹ F. CAPOTORTI, *Study on the Rights of Persons belonging to Ethnic, Religious and Linguistic Minorities*, New York 1979 (para.201) zum Minderheitenbegriff bzgl. Art 27 IPBPR: „...racial and national minorities should therefore be regarded in the category of ethnic minorities.“

²² T. VEITER, Wege zu einem moderneren Volksgruppenrecht, in: *Aus Politik und Zeitgeschichte*, B 18, 1975, S. 30f. Verschiedentliche Differenzierungsversuche zwischen Volksgruppe und Minderheit in Bezug auf die zugrunde liegenden Charakteristika haben sich nicht durchgesetzt.

²³ T. VEITER, *Nationalitätenkonflikt und Volksgruppenrecht*, Bd. 1, München 1977, S. 212.

habe einen besonderen territorialen Bezug²⁴ oder etwa, die Volksgruppe tendiere besonders zur Begründung einer staatlichen Existenz.²⁵ Diese Besonderheiten beruhen jedoch lediglich auf der speziellen Siedlungssituation einer Minderheit: So sind in Gruppen ansässige Minderheiten-angehörige und Minderheiten mit eigenem Wohngebiet innerhalb des Wohnstaates eher bestrebt und faktisch in der Lage, einen eigenen Staat zu gründen, sei es innerhalb oder außerhalb eines föderalen Gefüges. Der Begriff der „Volksgruppe“ betont somit zwar das besondere Gruppengefüge, in dem eine Minderheit lebt, differenziert dabei aber nicht in den konstitutiven Merkmalen. Besondere Bedeutung kommt hier der Ausgestaltung spezieller Gruppenrechte zu. Aus der besonderen Situation der Volksgruppe ergeben sich spezielle völkerrechtliche Problemstellungen. So stellt sich die Frage, ob die Volksgruppe als eine Gemeinschaft, die Staatliche Merkmale besitzt, Träger des Selbstbestimmungsrechtes sein kann.

Die von einem Teil der Völkerrechtslehre und einzelnen Staatenvertretern²⁶ heute noch vertretene Auffassung, das Selbstbestimmungsrecht stehe nur Völkern im engeren Sinne, nicht aber Volksgruppen zu, wird langsam überwunden. Die Interpretation des Begriffes „people“, der sich in diesem Zusammenhang in der Satzung der Vereinten Nationen und in einigen Resolutionen der Generalversammlung findet, wurde allmählich erweitert. Es ist heute als gesichert anzusehen, dass das Selbstbestimmungsrecht der Völker auch Volksgruppen zusteht.²⁷ Grundsätzlich ist der Volksgruppe nicht das zu versagen, was dem Volk zusteht, weil jene einen Teil des Volkes darstellt.²⁸

Umstritten ist jedoch, ob Volksgruppen ihr Selbstbestimmungsrecht in vollem Umfang ausüben können. Als Minderheit in einem fremdnationalen Staat könnte sie bei voller Ausübung des Rechtes, d.h. im extremsten Fall der Sezession, den Grundsatz der Unantastbarkeit der Grenzen verletzen. Dieser Grundsatz stellt in Europa das oberste Prinzip

²⁴ P. PERNTHALER, *Volksgruppe und Minderheit als Rechtsbegriffe*, Wien 1980, S. 10.

²⁵ Ebenda.

²⁶ Vgl. F. ERMACORA, Südtirol und die verhinderte Selbstbestimmung, in: *MUT*, 293, 1992, S. 13.

²⁷ Vgl. D. BLUMENWITZ, Selbstbestimmungsrecht und Volksgruppenrecht, in: *JOR*, 1991, S. 12; O. KIMMINICH, Ansätze für ein europäisches Volksgruppenrecht, in: *AVR*, 1990, S. 7; vgl. ERMACORA, *Der Minderheitenschutz*, S. 74f.

²⁸ Vgl. H. RASCHHOFFER, *Das Selbstbestimmungsrecht, sein Ursprung und seine Bedeutung*, Köln 1960, S. 19.

der Außenpolitik dar. Gerade die aktuellen Geschehnisse im ehemaligen Jugoslawien zeigen die möglichen praktisch-politischen Folgen einer uneingeschränkten Ausübung des Selbstbestimmungsrechtes durch Volksgruppen. Auch Befürworter des Volksgruppenrechtes sehen deshalb die positivrechtlichen Grundlagen des Minderheitenschutzes gefährdet, sollte der Minderheiten- und Volksgruppenschutz ein uneingeschränktes Selbstbestimmungsrecht der Volksgruppen beinhalten und damit die Möglichkeit einer Sezession oder einer Veränderung der Grenzen eines bestehenden Staates eröffnen.²⁹ Ein aus diesen Gründen abgeschwächtes Selbstbestimmungsrecht könnte mithin nur ein Recht auf nationale Autonomie und damit ein sog. „inneres“ Selbstbestimmungsrecht beinhalten.

In der deutschsprachigen Literatur bemühte sich vor allem Doehring, den Widerspruch zwischen Selbstbestimmungsrecht und Integrität aufzulösen: Er spricht der Volksgruppe, die durch ein staatsrechtliches oder staatsrechtsähnliches Band an den Wohnstaat gebunden ist, im Zweifel ein völkerrechtliches Sezessionsrecht ab. Die Treuepflicht der Gruppe zum Staat kann nach dieser Ansicht nur dann entfallen, wenn eine nicht mehr zumutbare Diskriminierung dieser Gruppe vorliegt, d.h. wenn die Gruppe durch diese Diskriminierung in gerade den Eigenschaften bedroht wird, *„die für die Möglichkeit der Inanspruchnahme des Selbstbestimmungsrechtes charakteristisch sind“*.³⁰

Auch bei Berücksichtigung der diesem Lösungsansatz zugrunde liegenden Bedenken ist es nicht vertretbar, den Bestand des Selbstbestimmungsrechtes von diesen Kriterien abhängig zu machen. Angesichts der faktischen Hintergründe stellt sich die politische Wirklichkeit anders dar: Ob eine nicht mehr zumutbare Diskriminierung einer Gruppe vorliegt, entscheidet hier nicht die Minderheit oder die Volksgruppe, sondern der souveräne Staat und damit der Betroffene selbst. Gesteht man der Gruppe nur ein von unterschiedlichen Umständen abhängiges Selbstbestimmungsrecht zu, besteht die Gefahr der völligen Aushöhlung dieses Rechtes.

Der Widerstreit zwischen staatlicher Souveränität und Selbstbestimmungsrecht kann folglich nicht prinzipiell zugunsten bestehender staatlicher Strukturen gelöst werden. Das Selbstbestimmungsrecht stellt ein positives Ordnungsprinzip dar und kann nicht zum Abwehrrecht eines bedrängten Volkes degradiert werden. Vielmehr ist die betroffene Volks-

²⁹ Vgl. BLUMENWITZ, S. 12.

³⁰ K. DOEHRING, *Das Selbstbestimmungsrecht der Völker*, Karlsruhe 1974, S. 49.

gruppe rein rechtlich in der Entscheidung frei, wie sie ihr bedingungslos bestehendes Selbstbestimmungsrecht ausübt. Sie kann danach entweder einen unabhängigen Staat bilden, zwischen zwei bestehenden Staaten wählen oder sich für eine Minderheitenschutzregelung entscheiden, die den „*Bestand und freie Entwicklung ihres sozialen, volklichen und religiösen Charakters sichert*“.³¹ Unabhängig von der theoretischen Entscheidung stellt sich allerdings die Frage nach der politischen Durchsetzbarkeit.

Da die Minderheitenangehörigen Staatsangehörige ihres Wohnstaates sind, können sich aus den allgemeinen staatsbürgerlichen Loyalitätspflichten gewisse Einschränkungen in der Ausübung des Selbstbestimmungsrechtes ergeben. Dabei bleibt zu beachten, dass diese Pflichten nicht über der rechtmäßigen Ausübung des Selbstbestimmungsrechtes stehen können, da dieses ansonsten wiederum leerliefe.

Ein so verstandenes Selbstbestimmungsrecht der Volksgruppe, das das Recht auf Sezession mit einschließt, wirkt darüber hinaus auf die Beziehungen innerhalb des Wohnstaates: Der Staat wird ständig zu neuer Rücksichtnahme und Interessenabwägung gezwungen und das Selbstbestimmungsrecht kann somit gerade im Falle der besonderen Lage von Minderheiten zu einem wirksamen Initianten und Garanten schützender Normen werden.

Grundsätzlich gibt das Völkerrecht keine festumrissenen Regeln über die Ausübung des Selbstbestimmungsrechtes, d.h. sowohl repräsentative als auch plebiszitäre Entscheidungen genügen den Anforderungen.

Was im Besonderen die Repräsentation einer Volksgruppe anbelangt, gibt es auf internationaler Ebene noch keine wegweisende Entscheidung.

Der Menschenrechtsausschuss der Vereinten Nationen hat lediglich gemäß Art. 1 IPBPR i.v.m. Art. 1 und 2 des Fakultativabkommens im Mikmaq-Fall entscheiden, dass bei der Geltendmachung einer Verletzung des Selbstbestimmungsrechtes im Wege der Individualbeschwerde nachzuweisen ist, dass der beschwerdeführer ermächtigt ist, als Vertreter des betreffenden Volkes zu handeln. Wie bei der Ausübung des Selbstbestimmungsrechtes durch ein ganzes Volk ist somit auf eine demokratische Legitimierung des Repräsentanten abzustellen. Ist diese gegeben und nachweisbar (was bei der Volksgruppe im Regelfall schwieriger sein dürfte als bei einem Parlament), kann das Selbstbestimmungsrecht auch durch den Vertreter ausgeübt werden.

³¹ Vgl. das sog. Aalandgutachten des Völkerbundes, deutsche Übersetzung nach RASCHHOFFER, S. 145.

In der Darstellung der Entwicklung des Minderheitenschutzes wird in der Literatur zwischen religiösen und nationalen/ethnischen Minderheiten unterschieden.³² Diese Differenzierung wird durch die Tatsache begründet, dass nationale Probleme erst im 19. Jahrhundert auftauchen, das christliche Abendland aber schon durch die Reformation Luthers 1517 in Wittenberg, Zwinglis 1522 in Zürich und Calvins 1536 in Genf religiös dauerhaft gespalten wurde. Damit wurde die Duldung einer anderen Religion bereits im 16. Jahrhundert zu einem internationalen Problem, das Regelungen erforderte. Der religiöse Minderheitenschutz hatte somit für die folgenden, nationalen Minderheitenschutzbestimmungen eine gewisse Vorbildfunktion.³³

Der Nürnberger Religionsfriede vom 23. Juli 1525 stellte als erstes, allerdings verfassungsrechtliches Dokument sicher, dass die Protestanten im „Gemeinen Frieden“ stehen sollten. Im Augsburger Religionsfrieden vom 25. November 1555 wurden die Lutheraner dann schließlich anerkannt. Die aus diesem Friedensschluss resultierende Formel „cuius regio, eius religio“, die den Ständen Glaubensfreiheit gab, war allerdings auf das katholische und das evangelisch-lutherische Bekenntnis beschränkt. Für Personen, die nicht mit der Religion des Landesherrn einverstanden waren, bestand „das Recht der freien, unbehelligten Auswanderung aus Glaubensgründen“, das der Augsburger Religionsfriede allen Untertanen bis zu den Leibeigenen gewährte.³⁴

Als erster völkerrechtlich bedeutsamer Vertrag auf dem Gebiet des Minderheitenschutzes gilt der Osnabrücker Friedensvertrag zwischen Schweden und dem Heiligen Römischen Reich Deutscher Nation vom 14. Oktober 1648, der Westfälische Friede. In Art. 5 des Vertrages wurde das protestantische Bekenntnis dem katholischen gleichgestellt und den Angehörigen der beiden Religionen die Glaubens- und Gewissensfreiheit gegenüber einem andersgläubigen Landesherrn garantiert. Außerdem wurde das Recht zur Auswanderung (*ius emigrandi*) bei Zusicherung des ungestörten Besitzes und der Verwaltung der Güter verankert.³⁵ Der Schutz der Minderheiten dehnte sich auf die Reformierten aus; andere Bekenntnisse bleiben ausgeschlossen.

³² So u.a. KIMMINICH, *Rechtsprobleme*, S. 52.

³³ Vgl. ebenda, S. 55.

³⁴ Vgl. PIRCHER, S. 54.

³⁵ Vgl. H. WINTGENS, *Der völkerrechtliche Schutz der nationalen, sprachlichen und religiösen Minderheiten*, Stuttgart 1930, S. 66f.

Der Übergang vom religiösen zum ethnischen Minderheitenschutz war die Konsequenz der Entwicklungen im 18. Jahrhundert: Der moderne Nationalismus am Ende dieses Jahrhunderts führte zu einer Neubestimmung des Begriffs der „Nation“: Im revolutionären Frankreich waren Staat und Nation identisch; in dieser Vorstellung hatten Gruppen, die anderer Herkunft oder Sprache waren keinen Platz und gerieten in die Gefahr, sich zwangsweise assimilieren zu müssen. Die Auffassung, dass die Nation erst den Staat legitimieren könne, hatte zur Folge, dass die in Mitteleuropa geschichtlich gewachsenen Klein- und Großstaaten aufgelöst werden sollten. Alle von der Mehrheit abweichenden Gruppen wurden in die Rolle einer Minderheit gedrängt. Der Begriff der Minderheit im nicht-religiösen Sinne entstand und umschrieb auch im Wortsinne ein minderes Recht. Die neuen demokratischen Strukturen, die die Mehrheitsherrschaft zum Inhalt hatten, unterstützten diese negative Belegung des neuen Begriffs, der in das Bewusstsein der Menschen rückte.³⁶

Die erste echte Minderheitenschutzbestimmung schuf der Wiener Kongress im Jahre 1815 im Zusammenhang mit der Behandlung der Folgen der letzten Teilung Polens. Russland, Österreich und Preußen erklärten sich bereit, den Polen zur Erhaltung ihrer Nationalität gewisse Einrichtungen zuzugestehen; diese Zusicherungen wurden in Art. 1 Abs. 2 der Schlussakte des Wiener Kongresses festgehalten.

Auch in Deutschland wirkte sich diese neue Liberalität aus: So finden sich Minderheitenschutzbestimmungen in der sog. Nationalitäten-schutzklärung vom 31. Mai 1848, die von der Frankfurter Nationalversammlung verabschiedet wurde.³⁷ Auf Grundlage dieser Erklärung gewährte die Paulskirchenverfassung ebenso wie später der Berliner Vertrag vom 13. Juli 1878 den einzelnen Minderheitenangehörigen einen ausdrücklichen positiven Schutz.

Eine neue Epoche des völkerrechtlichen Minderheitenschutzes begann mit dem Ende des Ersten Weltkrieges: Die alten Verträge hatten ihre Wirksamkeit verloren und es galt, neue abzuschließen. Die erneuten, intensivierten Bemühungen sind vor dem Hintergrund der ungelösten Nationalitätenfrage der ehemaligen Österreichisch-Ungarischen Monarchie zu sehen, die von den verbündeten Westmächten als Hauptgrund für den Ausbruch des Krieges galt. Eine umfassende Lösung dieser Frage war somit Anliegen aller Beteiligten.

³⁶ Vgl. VEITER, *Nationalitätenkonflikt und Volksgruppenrecht*, S. 14.

³⁷ Vgl. dazu K. RABL, *Das Selbstbestimmungsrecht der Völker*, München 1963, S. 18.

Zu Beginn der neuen Epoche standen die Vorschläge des amerikanischen Präsidenten Wilson zur Völkerbundssatzung. Der Entwurf vom Jahre 1919 enthielt die Forderung, dass alle neuen Staaten als Voraussetzung für ihre Anerkennung sich zum Schutz aller ethnischen und nationalen Minderheiten verpflichten sollten.³⁸ Weder diese noch eine Erklärung ähnlichen Inhalts fand jedoch Eingang in den endgültigen Text der Völkerbundssatzung, so dass eine zuverlässige Verankerung des Minderheitenschutzsystems des Völkerbundes von Beginn an zum Scheitern verurteilt gewesen sei, da es nicht Mittelpunkt der Friedensordnung war, sondern „*sich gleichsam nur nebenher ergab*“.³⁹

Eine endgültige Regelung sollte dann die Pariser Friedenskonferenz von 1919/1920 ergeben. Die abgeschlossenen Friedensverträge zeigten allerdings, dass die Zeit für die Idee Wilsons, den Minderheiten die Voraussetzungen für ihre „soziale und industrielle Entwicklung“ gewährleisten zu müssen, noch nicht reif war: Die Siegerstaaten lehnten die Grundsätze der Selbstbestimmung auf der Basis gegenseitiger Achtung zwischen Mehrheit und Minderheit und möglichst klare Grenzziehung nach eindeutig erkennbaren Volksgrenzen für ihren Einflussbereich ab. An die Stelle des Selbstbestimmungsrechtes der Völker trat als Ersatzlösung ein beschränkter Minderheitenschutz in Form von Minderheitenschutzverträgen, deren Unterzeichnung Vorbedingung für die Aufnahme des betreffenden Staates in den Völkerbund war.⁴⁰

Das System der Minderheitenschutzregelungen richtete sich zum größten Teil nach dem Vertrag der Hauptalliierten mit Polen, der gleichzeitig mit dem Versailler Vertrag⁴¹ am 28. Juni 1919 unterzeichnet wurde und am 10. Januar 1920 in Kraft trat. Er wird allgemein als „Mustervertrag“ für weitere Minderheitenschutzverträge angesehen und bezeichnet.

Im Minderheitenschutzvertrag vom 28. Juni 1919 wurde das Recht der auf polnischem Staatsgebiet lebenden Angehörigen ethnischer Minderheiten verankert, die polnische Staatsangehörigkeit anzunehmen oder das Optionsrecht auszuüben. Darüber hinaus wurden allen polnischen Staatsangehörigen ohne Unterschied auf ihre ethnische, sprachliche oder religiöse Besonderheit die gleichen bürgerlichen und staatsbürgerlichen Rechte zugestanden und der Schutz vor jeglicher Diskriminierung

³⁸ Zitiert nach KIMMINICH, *Rechtsprobleme*, S. 57.

³⁹ ERMACORA, *Menschenrechte in der sich wandelnden Welt*, Bd. 1, S. 351.

⁴⁰ VEITER, *Nationalitätenkonflikt und Volksgruppenrecht*, S. 22.

⁴¹ Deutsche Übersetzung in RGBl 1919, S. 688ff.

aufgrund dieser Charakteristika garantiert. Diese Schutzbestimmungen hatten gem. Art. 1 des Vertrages Verfassungsrang und konnten somit nicht durch konträre innerstaatliche Gesetze außer Kraft gesetzt werden. Eine darüberhinausgehende Absicherung ergab sich durch Art. 12 des Vertrages, der festlegte, dass eine Änderung des Vertrages nur mit Zustimmung der Mehrheit des Völkerbundesrates möglich war. Des Weiteren war vorgesehen, Meinungsverschiedenheiten mit Polen, die diese Artikel betrafen, vor den Ständigen Gerichtshof zu bringen, der endgültig entscheiden sollte. Entgegen Art. 13 Abs. 1 der Völkerbundssatzung musste vor Anrufung keine Schlichtung auf dem diplomatischen Wege versucht worden sein.⁴²

Eine besondere Bedeutung kam im Rahmen des Minderheitenschutzvertrages von 1919 dem Rechtsschutz zu: Die Minderheitenangehörigen konnten einerseits Eingaben direkt an den zur Entgegennahme verpflichteten Völkerbundsrat richten, zum anderen war es ihnen möglich, nach dem Einlegen einer Beschwerde bei der dafür zuständigen höchsten Verwaltungsbehörde eine entsprechende Eingabe dem eigens eingerichteten Minderheitenamt des Heimstaates zu übergeben.⁴³ Da dieses Verfahren für alle wichtigen Bereiche der Minderheitenrechte vorgesehen war, ergaben sich sehr umfassende Rechtsschutzmöglichkeiten.

Neben den genannten Minderheitenschutzabkommen, die multilateraler Natur waren, wurden einige bilaterale Verträge abgeschlossen. Genannt seien etwa der Vertrag zwischen Finnland und Schweden über die Åland-Inseln vom 27. Juni 1921, das deutsch-polnische Abkommen betreffend Oberschlesien vom 15. Mai 1922 geregelt wurde, der in Brünn geschlossene Vertrag zwischen Österreich und der Tschechoslowakei, der Friede von Dorpat zwischen Finnland und der Sowjetunion betreffend die finnischsprachige Bevölkerung in Ostkarelien, das Abkommen zwischen der Freien Stadt Danzig und Polen vom 9. November 1920 und schließlich das anlässlich der Eingliederung des Memelgebietes in Litauen am 8. Mai 1924 abgeschlossene Memel-Statut. Die umfassendsten Minderheitenschutzbestimmungen beinhalteten der finnisch-schwedische Vertrag betreffend die Åland-Inseln und – wie oben gezeigt – der Vertrag mit Polen von 1919.

Die Minderheitenschutzverträge scheiterten noch vor dem Zweiten Weltkrieg. Wiederum war die ungelöste Nationalitätenfrage ein Grund

⁴² Vgl. PIRCHER, S. 83.

⁴³ WINTGENS, S. 419ff.

für den Ausbruch des Krieges. Das Minderheitenschutzsystem des Völkerbundes hatte sich nicht ausreichend bewährt, sei es wegen der mangelnden Ausprägung des Gruppenschutzes, sei es, weil zu wenige Staaten in dieses völkerrechtliche Schutzsystem eingebunden waren, um eine größere Effektivität zu gewährleisten. Die Hauptgründe für das Scheitern lagen in der fehlenden Bereitschaft einer Vielzahl der betroffenen Staaten, in der nationalistisch geprägten Zeit die Verträge wirklich zu beachten. Dazu kam die mangelnde Kompetenz des Völkerbundes, den Vollzug der Vertragsbestimmungen durchzusetzen.

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Italy Before Italy. Institutions, Conflicts and Political Hopes in the Italian States, 1815–1860

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Italian unification represents a topic in historiography which is still of interest to many contemporary historians. In fact, the enormous amount of research that revolves around the period 1815–1871 of Italian history is evidence of this. As the title of the book suggests, there was a different “Italy” before “Italy” that was established in 1861 as the Kingdom of Italy. During the period from 1815 to 1861, the Apennine Peninsula represented a politically fragmented structure of states that differed not only in size, but also politically and economically. They also diverged in terms of legislative, administrative and educational systems, and to a certain extent, even in language. Despite the efforts made by nationally-minded — mostly Italian — historians to adore the Italian unification, the Italian states did not exhibit the features of a future united state at this time, although certain common aspects could perhaps be found. As a matter of fact, until the early 1840s, only a very small number of Italian subjects wished to become part of a large unified state.

One might consider relevant in this

context to mention the well-known dictum of Klemens von Metternich, the Austrian Chancellor and probably the most important statesman of the Pre-March period, who claimed that the word “Italy” is a mere “geographical expression”. The small sovereign but at the same time weak Italian states were part of a mosaic that was about to complete itself first in 1861 — or in 1870 if you like — and about to create a national medium-sized state. In fact, the weakness of these states was one of the reasons why the Italian politicians and nationalists eventually adopted the idea of a unified Italian state.

However, by eliminating the weakness of these governments absorbing them in a single country, all these individual states were also about to bring to the new kingdom practices and experiences related to their own systems of government, regulations, traditions and cultures. These differences, although more than a century and a half have passed since the unification, are still evident. In February 2018, a new book from the series of Routledge studies in modern European history

entitled *“Italy Before Italy. Institutions, Conflicts and Political Hopes in the Italian States, 1815–1860”* was published that deals with these states, with this “Italy before Italy”. The author of this book, Marco Soresina, Associate Professor of Contemporary History at the University of Milan, dedicated his lifelong research to the political, economic, social and cultural history of Italy from the eighteenth to the twentieth centuries.

Soresina’s book is divided into seven parts through which he displays in chronological order the most significant events concerning the Apennine Peninsula during 1815–1860. The first chapter introduces the reader to the situation that the Italian states faced during 1814–1815. In order to do so, the author mentions the development of the peninsula under Napoleonic rule and places emphasis on the impact of the Congress of Vienna’s decision regarding the Italian territory. In the short subchapter, the author also deals with the term “Risorgimento” and discusses its different meanings and approaches to it. Here he tries to show that *“national unification was not a matter of destiny, but was above all the result of the weakness of the Italian states and the consensus of international diplomacy”*. Taking account of the current revisionist discourse of Risorgimento and in the light of historical research, this finding can be regarded as appropriate.

The second and the third chapter deal with the Italian states in 1815–1848. The second one examines the development of government institutions and administration for each in-

dividual state, showing mostly weak, less efficient and rigid government apparatuses that responded poorly to the needs of their subjects and often did not conform to the “spirit of the time”. Hand in hand with this reality followed the formation of informal secret societies and sectarian movements — among others famously known Carbonari —, later in the 1830s and 1840s the creation of official political movements such as Young Italy or Neo-Guelphs. These movements then came up with various political programmes expressing dissatisfaction with the respective governments and state administrations, mostly also requiring some form of unification of the Italian states as the only way out of their miserable situation. These political endeavors in connection with the uprisings of 1820–21 and 1831 are examined in the third chapter.

Some historians consider the revolutionary years 1848–1849 and the so-called “First War of Independence” as the real inception of Risorgimento. The beginning, course and consequences of these two significant events are addressed in the fourth chapter and continues in the next chapter with the institutional and political developments during the so-called “second restoration” in 1849–1859. The only chapter that breaks the chronological order of the book, the sixth one, refers to the entire period of 1815–1860 in connection with the social and economic situation, living conditions and language and education. Logically, the final chapter is devoted to the so-called “Second War of Inde-

pendence” and the emergence of the Kingdom of Italy, not omitting all the peripetia accompanying this process, such as the fall of the governments in Central Italy or Garibaldi's conquest of the south.

Each chapter is accompanied by notes at the end and extended by the cited bibliography and further reading. The relatively small number of notes suggests that this book is not the result of profound scientific research, but rather, as the author himself admits in the introduction, a work of synthesis. This is also reflected in the amount of cited bibliography and further reading which provides a link to a deeper understanding of a particular issue. This literature is carefully selected by the author, showing that the author only chose those works based on the results of the youngest historiography and did not resort to the (mostly older) monographs presenting the unification process of Italy with a more or less nationalist approach and thus creating a misinterpretation of Risorgimento. However, given the theme of the book, it is not surprising that the bibliography and further reading are predominantly Italian-written works, although some English-written ones have also been included.

What is worth highlighting about this book is the focus balance between the overall approach to the unification and the individual one in respect of the various Italian states. In each chapter, the socio-institutional developments in particular states are described in order to briefly and aptly explain the situation on the peninsula in the de-

CADES before 1861. In a simple, readable language, the author presents a comprehensive analysis of the political, economic and social realities in the Italian states, which can be a very helpful source for the newly interested ones in view of the extensive scientific production on these subjects.

Another important benefit of the book is that the author's focus in such a short publication lies not only on political events, but also aimed at following the developments in other areas, including economic and social ones. The Italian states were still mostly agricultural societies in the first half of the nineteenth century with slowly developing agricultural transformations and with—compared to other, especially Western European states—non-existent industrial revolution. Together with changes in the society such as the growth of the middle class and the bourgeoisie, the formation of public opinion or increasing influence of the press, these economic societal realities formed a significant element in the process of unification of Italy and must be borne in mind when assessing the evolution of Risorgimento. Considering the growing popularity of gender history, which has also affected historiography of Risorgimento in recent years, the passage in the book on women's political participation is also understandable.

In the overall evaluation of the book it is important to state that from the research point of view the book does not bring anything new, which was not, after all, the author's goal. Yet the book represents a welcoming

and—surprisingly to date missing—concise overview of the history of Italian unification. It can be recommended especially to those who desire basic knowledge of Risorgimento in its various, complex contexts, where this work can be regarded as an excellent starting point for studying Italy in the first half of the nineteenth century. This publication will definitely find

its way to the readers, taking into account the constant discussion about the formation of modern nations in the long nineteenth century, which even today is not at all devoid of importance, particularly as the role of nationalism in—not only—European politics is still prevalent.

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