Between Weimar and Algiers: The Genesis and Political Importance of Anti-Extremist Legislation in Difficult Democracies.  
The Case of the First Czechoslovak Republic 1920-1938

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Abstract
The political viability and effectiveness of legislation against political extremism (anti-extremist legislation) is different in stable versus endangered democracies. In Czechoslovakia during the inter-war period a complex system of anti-extremist legislation was both passed and implemented against anti-system parties. The analysis of this relatively little known case gives some insights of how this kind of legislation can be viable and have political consequences in difficult political conditions.

Introduction
The category of “anti-extremist legislation” includes all formal norms (constitutional, statutory, administrative) that, by curbing some political rights of certain actors, is aimed to protect the existence of the political system from internal challenges.

This general definition, which I will specify in the course of the analysis, is already sufficient to show how politically charged this kind of legislation is. In fact, it goes to the heart of the old democratic dilemma of the “tolerance for the intolerant”, which has important normative and empirical consequences for the life of democracies, old and new, around the world. Yet, despite its political importance, and the fact that it is present in practically all democratic systems, this kind of legislation has rarely been the object of comparative political analysis. To the best of my knowledge, no general typology of anti-extremist legislation, no satisfying comparative study on the conditions of its emergence in democratic systems, no comparative assessment of its political consequences exist. Reflections on the reasons for this lack of attention could be interesting, but would go beyond the limits of this paper. Be that as it may, the consequence of this situation is that any attempt to investigate this topic is an exploration in a terra incognita, and carries with it all the problems that such a task implies.
Yet, it seems that the task is worth doing for several reasons. Apart from the important theoretical aspects mentioned above, it is interesting to notice that many of the democracies, which have emerged in the last decade, have adopted some form of legislative protection against political extremism. An analysis of the conditions of viability and implementation of anti-extremist legislation in “older” democracies, like the Czechoslovak case presented in this paper, can therefore offer interesting insights into the political importance of these norms in newly democratizing states. The “militant” model of democracy, of which anti-extremist legislation constitutes an important part, could provide, in situations in which a democratic system is challenged by a strong internal enemy, a “third way” between the takeover of democracy from below by anti-democratic forces (as in Germany in 1933) and the killing of democracy from above (as in Algeria in 1992). This paper provides a first approach to the matter, describing the conditions of emergence and the political consequences of this legislation in a “difficult democracy” like Czechoslovakia in the inter-war period.

This paper is a part of a broader research project, focused on the various mechanisms that European democratic systems of the inter-war period used to react against extremist challenges. Anti-extremist legislation is of course one of these, but by no means the only one. Thus, although in the analysis of Czechoslovakia developed here I give more relevance to the legislation, other mechanisms of “democratic defense” will also be mentioned.

I will introduce the case of Czechoslovakia with some general observations on the presence, viability and political effectiveness of anti-extremist legislation in stable and endangered democracies. The analysis of inter-war Czechoslovakia will be divided into two parts. In a first section I will highlight the “endangered” nature of that democratic system, mainly through the analysis of its party system. After this, I will do a chronological analysis of the political crises and the responses of the government. Here the stress will be on the apparatus of anti-extremist legislation that Czechoslovak rulers progressively built to respond to internal challenges. In the concluding section some preliminary and provisional conclusions on what can be learned from the analysis of the Czechoslovak case will be highlighted, as well as some of the problems that can be encountered in this kind of analysis.

**Anti-extremist legislation in stable and endangered democracies**

Constitutional or statutory provisions that limit in some ways the possibility of existence and/or to act of anti-democratic and/or secessionist parties or groups can be found in many democracies (Tomuschat 1992). These norms are very diverse: for example, they can protect
explicitly different objects, can be directed against a smaller or broader range of subjects, and can involve sanctions of different degree. Just to give a few examples, anti-extremist norms are present in UK (Public order act of 1936, special legislation on Northern Ireland of 1991), in the US (the famous –or infamous- anti-Communist legislation), Canada, France, etc. The Federal Republic of Germany is well known to possess one of the most articulate and efficient systems of “protection of democracy”. This allowed the federal government in the ‘50s to ban two extremist parties and in the subsequent decades a few extremist groups and associations (Jahscke 1991, von Beyme 1984). In India, the Communist Party has been banned, and in Israel the same measure has been recently taken against a small extremist right wing party (Gordon 1987). Many new democracies of Eastern Europe have included anti-extremist norms in their constitutions: this is the case of Croatia, Poland, Lithuania, and Romania, Slovenia, Bulgaria (Fox and Nolte 1995).

In general, it seems that a differentiation must be made between the political viability and effects of this legislation in stable versus “difficult”, or endangered, democracies. The starting point of this reasoning is provided by the circumstance that this kind of legislation is by definition politically very charged. In fact, it curbs to some extent the political rights of some citizens or groups, what is bound to be controversial in any democratic system. This, as a consequence, poses the problem of the “political viability” of this legislation in stable versus “endangered” (or “difficult”) democracies in a different way.

The reasons for this is that difficult democracies normally present a party system that is both fragmented and polarized. This, in turn, means (tendentially) two things:

a. the extremist systemic challenges are strong;
b. the “pro-system” forces that would have to defend the system (via legislation or other means) are divided.

Stable democracies, of course, present opposite characteristics in the mentioned respects. While not even the rulers of stable democracies can escape at least some criticisms from public opinion when they pass and/or implement legislation of this sort, in the cases of difficult democracies the difficulties are intuitively greater. As far as the passing of AEL is concerned, a politically heterogeneous governmental majority will normally have greater difficulties in getting the agreement of all its components on such a controversial decision. Moreover, stronger challengers to the system would resist more strongly the implementation of this legislation than “splinter groups” would do. This renders necessary, in principle, for

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1 Important are also, for example, the coalitional strategies, the policy concessions, and others.
the government to take even more drastic measures, thereby running the risk of suppressing democracy altogether.

The situation just described has peculiar consequences: in stable democracies, where the system is not in danger, anti-extremist legislation is politically more viable than in endangered democracies, where it would however be more urgently needed. A similar statement can be made for implementation: easier in stable democracies, difficult in endangered ones. This would lead to the conclusion that this legislation can at best have weak political consequences, since it could only display effects against weak challenges, while its effectiveness against stronger opponents would be unlikely and problematic, at least if democracy has to be maintained.

To challenge this “conventional wisdom” on the consequences and viability of anti-extremist legislation, it might be interesting to analyze what happened in a “difficult democracy”, where an articulate apparatus of such legislation was passed and used to protect the system against strong challenges that endangered its existence. The example of Czechoslovakia, by no means isolated in inter-war Europe, could be of some help to predict whether anti-extremist norms also adopted in the new democracies can help their consolidation or are destined to remain on paper.

**The First Czechoslovak Republic (1920-1938) – A “difficult democracy”**

*The fragmentation and multidimensionality of the party system*

The Czechoslovak party system of the First Republic was very fragmented. To gain an idea of the level of electoral fractionalization of the party system, it suffices to say that, in all four elections for the National Assembly, more than fifty parties competed in total, and in only one case did one party obtain a quota of votes clearly superior to 15%: the Czechoslovak Social Democrats in 1920, with 25.7%. The only other party to slightly overtake that quota of votes was the German Sudeten Party in 1935 (15.18%).

The electoral systems for both the Lower Chamber and the Senate were very proportional (Braunias 1932) thus the same degree of fractionalization was transferred to the two Houses of Parliament. Analyzing only the data for the Lower House (the picture does not change if the data for the Senate are considered), the average electoral fractionalization for all four elections is 0.905. The value of the same index for parliamentary fractionalization is 0.907. On average more than 15 parties were represented after each election.

In the 18 years between May 1920 (first national election) and September 1938 (end of the First Czechoslovak Republic after the Munich Pact) there have been 15 cabinets. The
average duration of a cabinet was 11 months and a half. On two occasions resort was made to a technical, nonparty government. On the first occasion the resort to a technical cabinet was made necessary by the need to cope with a social and political crisis, and on the second occasion, by the impossibility for the parties to find an agreement.

Moreover, the party system was both multidimensional and polarized. Besides the spatial disposition of parties on the left-right axis, the center-periphery cleavage played an important role in shaping the party system. Czechoslovakia was a multinational state, and more than one third of the population was non-Czech and non-Slovak (these were the main two nationalities recognized in the constitutions). The Slovaks were not considered, as were the German, the Hungarians, the Poles and the Jews, as a “national minority”, but a Czech-Slovak divide also emerges in the party system dynamics. In the contrast between the nationwide (Czech-based) parties and the Slovak autonomist parties a third cleavage of the Czechoslovak party system, the religious one, also emerged. The Czechs were predominantly Hussite, while in Slovakia the dominant confession was Catholicism, and the HSLS, the Slovak autonomist party, had a strong confessional nature. A Czech-Slovak division was also present in the intra-party life of the nationwide parties. A measure of the importance of the “second cleavage”, the ethnic one, can be given by a calculation of the total percentage of votes obtained by the non-Czechoslovak parties in the four elections. This, averaged through the four elections, amounts to 27.3%. Moreover, increasing the total fragmentation of the party system, left-right divisions were also present among the minority parties (especially the German ones): there were the German Agrarians, Social Democrats, Christian Socialists, Nationalists, National Socialists and other smaller parties, as well as the Hungarian Agrarians, Christian Socialists, etc. In other words, the Czechoslovak party system was constituted by multiple sub-national party systems: the Czech, the Slovak (Slovak wings of Czech parties competing in Slovakia against the Slovak-based parties, mainly the HSLS), and the German, with Czech parties competing in the mixed areas. Not to mention the situation in the regions inhabited by the smaller minorities, like the Hungarians or the Poles.

Anti-system and anti-establishment party challenges

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2 In the 1920 elections, almost 30% of the votes went to non-Czechoslovak parties (29.97) In the following three elections, due to the fact that the communist party also received votes in the German-inhabited regions, this figure decreased around 26% (respectively 26.33%, 26.07% and 26.08%)
The existence of multiple sub-party systems renders it difficult to calculate the polarization degree with the usual formulae that are based on the existence of a single axis of competition (Sartori and Sani 1983, Hazan 1997). However, the main focus here is not on the mechanics of the party system, rather on the stability/legitimacy of democracy itself. The party system mechanics is of course an important condition that must be analyzed in order to understand the constraints and the opportunities for the ruling elite to adopt a strategy of systemic defense through legislation (or other means). Rather than resorting to monodimensional polarization indices, which would be inapplicable to the Czechoslovakian case, I will focus on the existence of “party challenges” to the various levels of the political regime.

I will consider two kind of “challenges” to the political system, the presence of which affects the strategies of the governing parties. The first kind of challenge is that brought about by *anti-system parties*, which I use here as synonym of “extremist party” ³. This term is certainly one of the most equivocally used in the literature about parties and party systems. My definition of this term is the following. A party is anti-system when its *controlling goals* (Dahl 1966), dictated by its cultural referents (ideology), are incompatible with one or both of the two following elements: the maintenance of a regime that presents the minimal requirements of democratic pluralism (guaranteed chance for the opposition to come to power legally); the maintenance of the territorial structure of the polity. This definition is not radically different from that of Sartori (1966 and 1976). However, I consider the behavior of a party’s members and representatives, as well as the coalitional strategies of the party itself and of the other parties in respect to it as being non-essential characteristics of an anti-system party, although patterns are often detectable in both respects.

More difficult to define is another kind of party challenge, which I will here call “*anti-establishment*”, borrowing a term that in the party literature is gradually substituting that of “anti-system” (Schedler 1996). Here the concept of “anti-establishment party” is used to identify those parties whose goal is to “shift the equilibrium alignments” along which the party system is stabilized. Such parties do not normally see any chance for them to significantly increase their share of political influence, if the current alignment that structures the competition in the party system persists. These parties are not “anti-system”, since they do not necessarily want to get rid of essential parts of the democratic system, or change the boundaries of the state. What they want is, in Riker’s words, “to structure the world so that they can win” (Riker 1984), i.e. so that they can increase their power. To this end, these
parties normally want to modify the institutional settings that structure party competition and power distribution.

A typical example is that of regionalist parties in a centralist state, that push for power decentralization. They cannot normally increase their share of votes (and therefore of power) beyond certain limits, since their electorate is concentrated in some specific regions. Since they are condemned to remain a minority in a centralist organization of the state, their share of power is likely to be and to remain limited. Giving more power to the periphery institutions in principle means to change the rules of territorial power distribution in favor of these parties. Thus, without being necessarily secessionist (or anti-democratic), they pose a problem to the governing parties and the centralist parties in general. In fact, what these parties want is to change the internal rules that govern the distribution of power shares in such a way that would probably permanently diminish (“structurally”) the quota of power of the centralist parties in the political system.

Another example of anti-establishment party in this acceptation is that of a party that is strongly underrepresented under the electoral system in force, and that therefore wants to substitute it with a system under which it would expect to gain a higher share of parliamentary seats. This is the case, among many others, of the Liberal Party in UK, and its recurring invocation of a PR electoral reform for the election of the House of Commons (Finer 1980). While the electoral system is of course an important institutional framework to channel and after a while, when the party system structures around it, to shape party competition, other “particular” institutions can play the same role, and therefore be the object of the challenge of other kinds of anti-establishment parties. To give a couple more examples, a party that wants to expand the use and the variety of the institutions of direct democracy in a country may be willing to do this in such a way so as to realign the existing party system along new divides, pushed on the agenda by the constant direct resort to the electorate via direct democracy. A party pursuing this kind of strategy was the small Italian Radical Party in the 70s and 80s. Analogous examples are possible: a party that has a very popular leader but is not endowed with as strong an organization may be willing to change the form of government, say, from parliamentary to presidential, since it foresees political gains from a more personalized organization of the executive and a reduced role of the parliament, etc.

The goals of anti-establishment parties are not, per se, anti-system in the same sense as the goals of anti-democratic and secessionist parties are. That is, these goals, in principle, are not non-bargainable in a democratic polity as those of anti-system parties are. Still, they have

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3 I do this in order to avoid the cacophonous expression “anti-anti-system” legislation that would otherwise
an effect on the relationship between “anti-establishment” parties and the core parties of the system, since they are normally more difficult to bargain upon than mere policies having to do with specific sectors. This, precisely because they affect the rules that support and defend the power positions of “establishment” parties. This, in turn, may have remarkable effects on the coalitional game, especially when anti-system challenges are also present.

Table on “the Challenges” here

In the party system of the First Czechoslovak Republic both anti-system and anti-establishment parties were present. The Communist Party of Czechoslovakia, founded in 1921 and active until the end of the Republic, can certainly be considered as anti-system (anti-democratic). Also anti-democratic were the extreme-right wing parties: the Czech Fascists (National Fascist Community), present in Parliament after 1929, and National Democracy. The latter was one of the core parties of the system until 1934, when it left the government coalition and moved increasingly to the right with quasi-fascist elements taking over its leadership (Lipscher 1979). Thus, I consider it as anti-system in the last years of the republic, after 1935.

The German National Party and the German National Socialist Party, before they were dissolved by the government in 1933 can be considered both anti-democratic and secessionist. The other German Parties (Agrarians, Christian Socialists, and Social Democrats, and smaller formations) can only be considered as anti-system (secessionist) in the very first years of the Republic. Already in 1922, in fact, their representatives (the Social Democrats already in 1921 – Bruegel 1973) declared their readiness to cooperate loyally with the newly born Czechoslovak State. In the Czechoslovak political jargon of the time, they moved from a “Negativist” to an “Activist” position. They always preserved, however, a request for autonomy, at least in the messages to their electorate. Although this request was sometimes not voiced loudly, in comparison, for example, to the requests of the Slovak autonomists, I have considered them as anti-establishment, in the remaining three legislatures.

Absolutely anti-establishment for the whole duration of the Republic, after its split in 1921 from the Czechoslovak populist, was the Slovak People’s Party (also labeled as “Hlinka’s Party”, form the name of its founder and leader until 1937). This party constantly voiced the request for Slovak autonomy, but three bills initiated between 1920 and 1938, and three years of participation in the central government were not enough to reach this aim. During approximately the fourth legislature, the party leaned increasingly toward secessionist result.
and fascist positions. A quasi-fascist and secessionist wing (also linked to Hungarian irredentism) had always existed in the party and, due to a generation change, and to the general temper of the period, its representatives gained an increasing amount of power within the party. Thus, the doubt remains whether to classify this party as anti-system also in the fourth legislature. I have preferred not to do so, since, notwithstanding this slow power shift inside the party, the leadership was always in the hands of the old leaders Hlinka (until 1937) and of his successor Tiso, who were neither fascist nor secessionists. The fact remains, however, that in the final years of the First Republic, the Slovak requests had a much more radical undertone than used to be the case in the preceding years (Mamatey 1973; Lipscher 1979).

The data listed in the table under the labels of Hungarian and Polish parties refer in reality to cartels of different parties that managed to elect a handful of MP in representation of each of the electoral alliances’ partner. Most of these were “Negativists”, and therefore anti-system, especially in the very first years of the Republic, and later the representative of each small group held different positions in respect to the recognition of the Czechoslovak State. The anti-system parties mentioned above were constant potential problems for the survival of the democratic system, and the anti-establishment parties constituted constant constraints that limited the room for maneuver of pro-system forces in different ways.

In the next sections I will describe how the Czechoslovak democratic political elite managed, notwithstanding the difficult conditions highlighted above, both to endow the system with an articulate anti-extremist legislation and to use it, in reasonable limits, as an effective weapon of “systemic protection” during the successive political crises suffered by the Republic. As is known, Czechoslovakia ended its democratic existence in September 1938 (and was completely annexed in 1939) under the aggression of Nazi Germany, formalized in the Munich Treaty (Armstrong 1939). The Sudeten German Party, active in Czechoslovakia after 1933, was practically a fifth column of Nazi Germany. Yet the First Republic did not break down as a result of an internal takeover by anti-system forces nor of a suspension of democratic rights and guarantees “from above”, and is therefore rightly considered as a case of survived democracy (see, for example, Berg-Schlosser 1998, and Berg-Schlosser and Mitchell forthcoming). Thus, although the international developments after Hitler’s takeover in Germany soon led to a situation whose control went well beyond the possibilities of a small state like Czechoslovakia, the internal mechanisms of democratic defense proved effective in defending the system for as long as it was feasible. Analogous mechanisms had also proved effective in reacting against the crises (of smaller momentum).
that affected the system during the preceding years. I will conduct the analysis chronologically, dividing it into the two phases of before and after the January 1933 watershed (Hitler’s rise to power). After that date, the international position of Czechoslovakia and the internal repercussions of the rise of German Nazism on Czechoslovakia’s German minority made it necessary to devise more articulated strategies of systemic defense.

Both the moments of crisis and the situation of anti-system and anti-establishment parties, as well as the successive governments, are summarized in the chronological tables on “Challenges and responses” that can be found in the Appendix.

**The first phase (Before Hitler): 1920-1932.**

**The “red summer” of 1920**

The first national elections in Czechoslovakia saw the victory of socialist parties. The government formed after the election was led by the same Prime Minister as before, the social democratic politician Tusar, and of its majority, a “red-green” majority formed by the Czechoslovak Agrarians and the two Socialist Parties. The first parliamentary session (May 1920) was devoted to the reelection of the President of the Republic. Thomas Masaryk won, but there was strong opposition from the German and the Hungarian minority parties, which in parliament resorted to filibustering and gave rise to rowdy demonstrations. They expressed their refusal for Czechoslovakia as such, a state that had been organized without consulting the national minorities (Mamatey 1973).

This is the political environment in which the internal strife of the Social Democratic Party and the subsequent emergence of the Czechoslovak Communist Party was to create the first serious moment of crisis for the newly-born Czechoslovak State. In this respect, Czechoslovakia was no exception to the general movement of riots and strikes in Europe that immediately followed WWI. And like most European countries, Czechoslovakia also reacted with extraordinary measures to these. The difference in respect to many countries, especially of Central-Eastern Europe (but not only), is that Czechoslovakia managed to remain a democracy.

I will not describe in detail all the steps of the internal crisis of the Social Democratic Party. It suffices to say that the Marxist left wing, in opposition within the party, became increasingly active, attempting to push the whole party towards radical positions. Moreover, orthodox Marxists and moderates also disagreed on the alliance strategies: the former wanted
an alliance with the other socialist parties of the national minorities. The moderate party leadership instead feared that this choice could mean the dissolution of Czechoslovakia, and this was a realistic prediction at that moment. Two external factors precipitated the crisis: first, in July 1920 the Red Army advanced towards Warsaw (the Polish-Soviet war was in course). This caused a great impression on Czechoslovak public opinion, and did not change even after Pilsudski had pushed back the Soviets already in August. Second, in July and August 1920 the second Comintern Congress took place. There, Lenin laid down the 21 conditions that a party had to meet to be welcomed into the communist “family”.

The Tusar government had serious difficulties in dealing with this situation, in which Left-wing socialists seemed to inexorably gain support. A few examples can better clarify the political atmosphere at that moment: at the beginning of July 1920, the government was unable to repress a strike of Communist-led (still formally socialist) railroad workers who wanted to prevent the transshipment of French munitions to the Polish Army (against the Soviets). Moreover, at the beginning of August, fearing an even greater hemorrhage of workers towards the left wing of the Socialists, the government declared Czechoslovakia's neutrality in the conflict between Poland and the USSR, notwithstanding the French and UK pressure to do the opposite (Mamatey 1973).

The embittering of the internal clash between the two factions of Social Democrats led to a situation that was untenable. The reaction of the Head of State Masaryk and the democratic parties was first of all to change government. Tusar resigned and was substituted by a nonparty cabinet led by Cerny, a high-standing bureaucrat. The explicit reason for this was that a nonpolitical government would be able to react effectively against the Communist challenge without being hindered in doing this by political constraints, as Tusar definitely was. The new government was not only under the influence of the President Masaryk, but also of the so-called “Petka”, the informal summit of the leaders of the main five parties.

A general strike in December 1920 led by the Communists was the final act of the strife in the Social Democratic Party⁴. There were widespread riots, strikes, and seizures of

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⁴ In September 1920 the clash between the two factions of the Socialist Party began: at a conference, the Marxist Left summoned the leadership of the Social Democrats to accept Lenin’s 21 points and join the Comintern or to be ousted from the party. The Congress was scheduled later in the month. After a few days the executive committee (led by moderates) postponed the congress until December. The Marxist Left held a rump congress on the once due date (Sept 25-28), and ousted the moderates, choosing a new executive committee led by Bohumir Smeral. The Marxist Left claimed legitimacy by maintaining that their congress was attended by 67.7% of the delegates. For the moment, though, they did not join the Comintern, for two reasons: the name of Social Democrats was still very attractive; moreover, it was still linked to a big property. And actually they gained control of the headquarter in Prague, which also housed a printing plant. The moderates sued the left-wingers to get back both the copyright on the Party's paper and the property, and they won in court. The right wing held a rump congress at the end of November (prior to the previously rescheduled date), and decided to call the police to enforce the court's decisions on the headquarter. The police came and evicted (December 9,
factories, churches, and public building by rioting workers. This, together with the analogous experience of communist insurrections in Hungary, and the vicinity of revolutionary Russia, inspired the belief that the Marxist left was planning a coup.

The provisional National Assembly had already adopted a law (14 April 1920) on the state of siege. The government resorted to this in repressing the riots. Cerny declared the martial law in some parts of Bohemia, Slovakia and Ruthenia, and repressed the more serious disorders with the police, who also shot into the crowd. A few people died: one in an episode in Prague, three in Slovakia, and nine in the worst episode in a German city (which worsened relations with the German minority parties). The general strike collapsed by Dec. 15 (about a week after it had been declared). Approximately 3,000 persons were arrested and tried. In the regions where martial law had been declared, the trials were without a jury.

After the failure of the general strike, it was clear that the attempted Communist takeover of the Czech Social Democrats had failed. Thus, they proceeded to openly organize a Communist movement, what took place in various steps in the course of the year 1921 (Oschlies 1979). The government thus rapidly took control of the situation, so much so that already in June 1921 and then in February 1922 amnesties could be declared for those involved in the facts of December 1920.

The response of the government to the crisis of 1920 also entailed some other legislative provisions. Of these, three merit to be noticed. One of these (“Law against terror”, August 1921 – see Epstein 1923) was aimed to expand some provisions of the 1920 law mentioned before, providing especially stiff sanctions for those who resorted to political violence. Two other laws were tailored to help the Social Democrats to counter the Communist advance in the working class electorate: a reform of unemployment insurance and a law on the election (adopting PR rules) of workers’ committees in enterprises (Mamatey 1973).

The attempted Habsburg restoration

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1920) the Leftists from the headquarter. (Let it be noted that the government, although nonpolitical, was also externally supported by the leadership of the Social Democrats). The reaction to this was the general strike.
° Secondary literature (Mamatey 1973, Lemberg 1967) now reports that actually the Czech communists had abandoned the plans for a political revolution already in October
° The provisional representative body before the first elections.

In a first phase, congresses of Communists of the various nationalities were held, and then the various formations merged into a single party. In January 1921 the Communists of Slovakia and Ruthenia formed, then in Mar 1921 the German Communists, followed in May 1921 by the Czech Communists. The unification congress was held in Prague in October 1921.
The Benes cabinet, which substituted the Cerny cabinet as soon as the situation was brought fully under control, and the five parties of the “Petka” reached an agreement, had to confront the crisis of the attempted Habsburg restoration. Charles of Habsburg, heir to the throne of the dissolved Austrian-Hungarian Empire, entered Hungary to lead an unlikely attempt to restore the Empire. Czechoslovakia and Yugoslavia mobilized troops to counter this attempt. In Czechoslovakia, military mobilization gave rise to desertions in German areas, what set off another round of Czech-German rioting. Again, the government resorted to martial law (in a small German-inhabited area, and for a short period). The restoration attempt collapsed after a short time, and on the whole did not represent a serious challenge for the government. Moreover, Benes was an expert diplomat and also managed the international aspects of the crisis with great skill. Some historians report that the prompt reaction of the Czechoslovak government to this crisis had the effect of convincing large parts of the minorities’ elite that Czechoslovakia was actually going to stay, and that they had to change their strategy. It was then that “the German negativist front began to crumble” (Mamatey 1973). Shortly afterwards, in fact, the German parliamentary club was dissolved and the moderate German parties declared their willingness to cooperate with the new Czechoslovakian state.

**The Murder of Rasin**

Alois Rasin, the Minister of Finance of the cabinet led by the Agrarian leader Antonin Svehla, was murdered in January 1923 by a mentally disturbed youth who had been a communist. Although having no direct connection to the circles of the Communist Party, the murder found its favorable environment in the vilification to which Rasin had been submitted in the leftist press during the fall of 1922. This press campaign was launched to denounce the economic difficulties --which Rasin had largely inherited, and that had followed from the economic depression of 1921-22. Rasin’s murder shocked the country, and led the National Assembly to pass the “Law for the protection of the Republic” (Law of 19 March 1923), modeled on a similar law adopted in the Weimar Republic (also after a political murder, that of Rathenau).

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8 The freedom of press in Czechoslovakia was originally very broad. The right to print and diffuse printed material, and the right to gather information to be printed, were formally recognized in the 1920 constitution. Any censorship was basically forbidden, and there was no need of governmental or administrative authorization to publish a periodical or a newspaper. This started to be changed with Law for the Protection of the Republic, and was subjected to more and more strict limitations in the subsequent years.
The Law for the Protection of the Republic

The Slovak autonomists, all minority parties, and the Communists strongly opposed the law in Parliament. Moreover, the law also caused problems within the Social Democratic and the National Socialist parties, which voted for it. There was even a split in the National Socialist Party: the group of former Czech anarchists led by Vrbensky, who had joined the party in 1918, was against the law and thus seceded from the party and passed into the Communist ranks. Despite this, the governmental majority managed to pass the law, even though with a very tight margin (Mamatey 1973).

This was the first general and articulate legislative act that provided for a “defense” of the democratic state from extremist attacks in several fields. I give a summary description of the most important provisions that it contains: (in general on this law, see Epstein 1923 and Loewenstein 1938). The law was directed explicitly against extremists, and not only left-wing ones, since in exactly that period the first fascist tendencies began to emerge in the Czech political landscape (Havránek 1971, Zacek 1971, Wende 1981).

This law anticipated the stricter provisions that would subsequently be adopted in 1933 in relation to the suppression of extremist parties and groups. Art. 17 of the law forbids the establishment of or the participation in a secret society aiming at undermining the constitutional form of the state. Moving to the norms regarding the maintenance of public order, art. 13 al. 4 forbids formation of armed groups and their training in the use of arms. According to the same article (al. 1) it is a felony to procure, store or transfer to any person firearms of any kind -from guns to handgrenades- including parts thereof, without official permission, and every citizen is under an obligation to report hidden arms to the authorities (al. 4).

A more complex set of norms that this law contains are those devoted to placing limitations on political propaganda. Art. 11 stated that the personal honor of the President of the Republic may no longer be made object of defamatory criticism. Art. 14 protected the democratic opinion of loyal citizens (al. 1) and (al. 2) makes it a punishable offense to incite publicly to violence and/or to hatred or other hostile acts against individual groups of the population because of their nationality, language, race, religion, or non-adherence to a religious creed. Art. 18 prohibited the spreading of untrue news if the perpetrator knows

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9 Articles 7 and 8 explicitly protect the President of the Republic, the members of the government and of legislative bodies from attempts against their life and from bodily harm, respectively.
10 This point will be taken up and amended by the law of July 10, 1934, nr. 140
11 The logic of this provision, and of the many similar ones existing in many other democracies is to be looked for in the circumstance that a great part of the fascist, and in general extremist, propaganda was normally
that, by doing so, he causes anxiety or apprehension among a section of the population, or if he damages, by such rumors, the safety of the state or causes public disorder. Art. 16 forbid the public approval of all, and therefore including political, criminal acts. The logic of this norm has to be seen in the context that many extremist parties glorified party members who violated the criminal laws and raised them to the rank of party martyrs and heroes. A further protection of constitutional organs and agents of the democratic state from attacks carried out by way of the press was granted by the Law of 30 May 1924, approved under the same cabinet by the same majority.

The law for the protection of the Republic also contained provisions aiming to punish the incitement to disaffection among the armed forces, disloyalty of public officials, and others, such as the obligation for normal citizens to pass on information to the public powers where they knew about subversive activities (Art. 12). These norms too would be made stricter in successive laws.

The Late Twenties and the Great Depression

The second half of the twenties was a period of stabilization in the whole of Europe and also in Czechoslovakia. The political situation, and the governmental majority, were consolidated by attracting the “activist” German parties (in a first phase the Agrarians and the Christian Socialists; the latter were substituted by the German Social Democrats after 1929) in the governmental majority. For a short period, the Slovak autonomists were also co-opted. In this period, the government, whose core was always made up by the same parties, and President Masaryk, reelected in 1927, adopted administrative provisions to affect the fascist tendencies (there were even rumors of a fascist coup) that were coming to the fore both in the Czech regions (the National Fascist Community) and in Slovakia (the fascist wing of the HSLS). Some leaders were prosecuted and tried, some were imprisoned (Mamatey 1973, Leff 1988).

The effects of the Great Depression that followed the Wall Street crash in 1929 were felt strongly in Czechoslovakia, whose economy was heavily dependent on foreign trade. Moreover, the deflationary economic policies of the cabinets led by Urdzlal, in the early ‘30s, were not effective enough to respond quickly to the economic effects of the crisis. Therefore,
the social and economic consequences of the crisis were felt in Czechoslovakia, as of 1930, for a longer period than in other countries (Berg-Schlosser 1998). Strikes, lockouts, and resistance to the public auctions of property to collect debts and taxes often resulted in bloody clashes between the unemployed workers and the police. This was mainly in Slovakia and Ruthenia, where there were the most unemployed. Mamatey reports that "...from 1930 to 1933, 29 persons were killed and 101 wounded in such unfortunate clashes" (Mamatey 1973, p. 143).

**The Second Phase (After Hitler): 1933-1938**

In October 1932 the Urdzal government was substituted by a cabinet led by Malypetr, although this was supported by practically the same majority (only the Czech Small Traders were excluded). The economic policies of this cabinet were more effective in getting “the wheels of Czechoslovak economy turning again”, but at that stage the cabinet had to face an increasing polarization in the party system. The central party of the Agrarians was increasingly divided between its internal right and left wing. The communist propaganda had incessantly exploited the economic difficulties deriving from the Depression to attack Czechoslovakia’s democratic regime. On the 21-22 January 1933, the Czech fascists—who were being secretly financed by the Agrarian’s right wing—attempted a coup, by taking over a military barrack in Brno. This action was badly organized, and was repressed by the government. This was the situation in Czechoslovakia when Hitler (30 January 1933) was appointed Chancellor in Germany. This event, of course, stirred up the situation in the German regions, giving more élan to the German Nationalists and Nazis, who until then had been kept at bay without great difficulty, and had also some repercussions in the field of the Slovak autonomists. The reaction of the majority parties was to endow the Czechoslovak State with more sharpened legislative weapons to react to the incumbent challenge. Already in the course of 1933 several anti-extremist laws were passed, constituting an impressive apparatus of “militant democracy”.

**The anti-extremist laws of 1933. 1. The anti-propaganda laws**

The series of anti-extremist laws that characterizes this period started with the law of **July 10, 1932**, which must be included among the laws aiming to limit the excesses of extremist political propaganda. This law prohibits the circulation of foreign publications
(newspaper and others) which are harmful to the interests of the state. With the **law of June 28, 1933** the protection from libel of the law of May 30, 1924 was extended to other subjects: the courts, the armed forces and the authorities in general. The law protects the honor of deceased persons. The same protection is granted to political parties as such, although only if the defamatory attack was carried out by way of the press or before a large audience. In granting protection to everybody’s honor (but actually wanting to avoid libelous attacks against public figures, the law (Art. 4) even forbid to making reference to any eventual previous judicial sentence against the offended.

Freedom of expression was further restricted by the **Law of July 10, 1933**. This law protected the National Assembly from defamation, either in the form of one of its houses, their presidencies, commissions or committees, and extended to the "republican-democratic" form of state the special protection against libel granted to the "republican" form of state through the April 14, 1920 law. This change was obviously linked to the fact that the danger of a monarchic restoration was over and that at that stage different dangers, formally republican, but anti-democratic, had emerged. To mention only some of the new restrictions to the freedom of the press, art. 2 forbade the circulation of newspapers directed against the unity and territorial integrity of the Republic and its republican-democratic institutions. Art. 10 empowered the Minister of the Interior to prohibit circulation by mail, rail, or otherwise, of foreign publication violating the prescription of art. 2. Articles 34 and 34a empowered the government to suspend publication and circulation of subversive periodicals and newspapers for definite periods (“when a felony or offense prohibited by the law has been committed through the press and when a repetition of the unlawful act, although under a different title or name of the newspaper, may reasonably be expected”).

**The Political Consequences of the Anti-Propaganda Laws**

These laws were implemented against the Slovak autonomists of HSLS, who grew more radical in the 30s, both because of the general temper of the period and for a change in leadership. Younger men, politically inclined towards the right-wing totalitarian regimes, slowly assumed power positions in the party. The HSLS was joined, in its autonomistic grievances, by the Slovak wing of the National Democratic Party (Slovak National Party), since then a nationwide (Czech-Slovak) party. The two parties merged in October 1932, and in parliament they put forward bills for decentralization, while this request assumed

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13 The same rule applies to films: there were many in circulation coming from the dictatorial states that glorified, in one way or the other, the political regime of these states (Loewenstein 1938).
increasingly radical tones in the political speeches of the leaders in front of their electorate (Hoensch 1979; Felak 1994).

The showdown happened in August 1933, on the occasion of the celebration of the 1,100th anniversary of the consecration of the first Christian Church in Czechoslovakia, at Nitra in Slovakia. The government decided to transform it into a state celebration, attended by the government and church dignitaries as well as foreign guests. This turned into a test of strength between Slovak centralists and autonomists. In fact, Hlinka and his followers managed to turn the ceremony into a huge anti-government demonstration, to take the floor from the official speakers, and to reaffirm their position for radical autonomy. Their official position was that Slovaks should constitute “a sovereign nation” within the same state with the Czechs. The territorial integrity of Czechoslovakia was thus still not explicitly threatened, although there were hints that pointed in that direction (like, for example, the famous expression of Hlinka in a public speech in December 1932 that he will defend the Slovak nation’s right “even at the price of the Republic” (Felak 1994).

The Nitra episode was a bad debacle for the Czechoslovak government, whose representatives had been violently contested and forced to a hasty retreat in front of international public opinion. In the cabinet, there were voices advocating the dissolution of the HSLS, and the trial of the Slovak political leaders. The government did not do this, for reasons of political opportunity, and also because the legislative bases for such a decision were very limited (the 1923 law spoke of “secret societies” and not of parties). The government applied the new law on restrictions on the press, however, and suspended, for a short period, the official newspapers of the two Slovak autonomist parties. Moreover, police investigations were undertaken, and about 150 people were arrested for the Nitra facts. In 1935 an amnesty put an end to the trials 14.

The anti-extremist laws of 1933. 2: Norms on public officials

In 1933 the measures aiming to ensure the loyalty of state employees were also reinforced through the Law of July 12, 1933. This law was directed against all public officials if their action was likely to affect "the sovereignty of the Republic, its independence, integrity, constitutional unity or the republican-democratic form". Let it be noted that the

14 Another law restricting the freedom of propaganda was that passed on July 10, 1934, which amended the law of March 19, 1923, on the point of the protection of citizens having a loyal opinion vis a vis democracy. It made it unlawful to incite against individuals or groups of the population because of their adherence to the
definition of “public official” entailed in this law covered a very broad terrain. In the category were included all the public officials in state and communal service, teachers and professors of public schools and institutions, and all persons drawing salaries or pensions from the official budgets of the state, communes or public corporations, ministers of churches, judges15 and officers of the armed forces, whether in active service or retired. These subjects were affected by the law if they participated in an association pursuing, openly or secretly, subversive aims; if they showed attitudes adversely affecting the dignity incumbent on public organs; if they were liable for propagating untrue facts, or facts which were apt to undermine public confidence in the legal institutions or in the safety of the currency. The penalties for these activities could be dismissal from service without pension, the withdrawal of family subsidies for the members of the public official's family who carried out subversive activities, or the forfeiture of pensions and discontinuance of military and other allowances. These penalties could not be administered by the government directly, but by means of a trial (under full due process of law) in front of the Disciplinary Tribunals. The law was to be seen as a temporary provision, which was to last for the period in which the special need for the “protection of the state” would continue (Loewenstein 1938)16.

The anti-extremist laws of 1933. 3: The party ban law

The most important piece of anti-extremist legislation passed in 1933 is certainly the Law of October 25, 1933 "concerning suspension of activities and dissolution of political parties" (Sander 1935, Hartmann 1933, Adler 1933 and 1934). This statute discusses in general terms the aims of a party or of any kind of political group, association or movement (art. 20) liable to suspension or dissolution.

Although in Czechoslovakia there was already a law regulating in general the position and the requirements of political parties (Adler 1933; Hartmann 1921), this statute adopted a very broad definition of “party”. Affected by the law were not only parties stricto sensu, but all sorts of groups, associations, movements (Lipscher 1979). The reason for this is obvious: subversive parties were able to "disguise themselves under the harmless cloak of athletics' clubs or of singing or recreational associations"(Loewenstein 1938, p. 607). This is what had

15 The law makes an explicit exception to the constitutional principle of the unmovability of judges. The Constitution itself, in fact, allowed judges to be dismissed or transferred by disciplinary judgement.

16 Another law was passed on July 12, 1933, which rendered confirmation by the Ministry of Internal Affairs necessary for the elected mayors and their deputies before they could exert their functions (Lipscher 1979).
happened in other countries, where prohibited parties carried out their activities in other organizational forms. A “party” could be suspended or dissolved by the government if, by its activities, "the independence, the constitutional unity, the integrity, the democratic-republican form, or the security of the Czechoslovak Republic is gravely endangered" (article 1). Thus, no specific stream of thought or ideology was mentioned, and the “objects” protected by the law covered quite a broad range. The judgement whether a political group was illegal rested on the discretion of the government, which could take the decision by means of a decree (Art. 1, al. 1). However, the legality of the governmental decree was to be reviewed in a judicial procedure in which it had to be checked whether the actual findings leading to dissolution were such as to justify the subversive character of the association.

It was possible to appeal the decision before the Supreme Administrative Tribunal on the basis of the general rules of the due process of law. These were contained in the art. 2 of the Austro-Hungarian law on the Administrative Tribunal of 1875, which was still valid for Czechoslovakia, according to which "appeal lies to the Supreme Administrative Tribunal in any case in which a person contends to be curtailed in his rights by an allegedly illegal decision or order of an administrative authority". This general rule also applied to the suspension or dissolution of a political group.

The statute also entailed so-called “post-prohibition” measures: it aimed to prevent “all attempts to reconstitute the dissolved party under another name or in another form whatever” (art. 1, al. 2). The main criterion for determining whether the dissolved party continued in disguise was the participation of the leading men of the old organization in the activities of the new. The law was very strict against individuals who participated in an association/party which had formerly been declared illegal. This was directed against individual activities per se, even if no attempt at reconstitution was proved. After suspension or dissolution, it was unlawful for the party as such and for former members thereof to carry out any activity whatever by which the unlawful purposes might be pursued.

Therefore, the law prohibited every possible activity that individuals could undertake to pursue those ends. Especially prohibited were the wearing of uniforms or the exhibition of symbols or emblems indicating allegiance with the banned organization, as well as the organizing or participating in meeting and assemblies, even in the form of private meetings with private selected invitations (this was not prohibited in France, for example, by an

17 Let it be noted, however, that on rejecting the appeal against the dissolution decree of the German National Socialist Party, the Supreme Administrative Tribunal also rejected the plea for the unconstitutionality of the law because of lack of jurisdiction. At the same time, they referred to the procedure for addressing the Supreme Constitutional Tribunal on the matter, since that was the competent body. Evidently, however, nothing was
analogous law -- see Loewenstein 1938, p. 619, fn. 96). Also prohibited was the canvassing of adherents, the solicitation or collection of funds, and any form of support or active sympathy with the banned organization (art. 2). It was unlawful to issue press news or printed matter of any kind (art. 5 and 6). Former members of outlawed organizations could be subjected to strong restrictions of their personal freedom: denial of the secrecy of correspondence, censorship for wires, expulsion from certain localities, or confinement in certain localities for definite periods, surveillance by police. All these measures could be taken for as long as it was deemed necessary by the administrative authority (art. 7).

The law also gave a broad definition of “membership”: members were not only those enrolled in the registers of the party but also those who had belonged or sympathized with the party during the last six months prior to the decree of dissolution. A “sympathizer” was a person who efficiently supported the party, had supported or approved publicly of its unlawful aims during the preceding six months, had been a candidate for the party, or had been proposed by it for any public function.

The ban contained in the law also affected affiliated organizations of any kind, such as economic enterprises, or recreational or cultural organizations promoting directly or indirectly the aims of the unlawful organization. In the case of the dissolution of the party (not so in case of suspension), its MPs would lose their parliamentary seats: they would be considered as having resigned ex officio. The same applied to the other members of the party holding seats in other representative bodies. The vacancies in the National Parliament (not so those in local councils – Wiskemann 1967) would not be filled until the following election. The procedure for deciding what individuals should actually lose their seat for this reason was to take place before the "Mandate Senate" of the Supreme Administrative Tribunal, which normally dealt with problems of contested elections. This was, however, a merely formal competence, and did not syndicate in any case on the political advisability of the dissolution itself, what remained "a purely political act at the discretion of the government" (Loewenstein 1938, p. 612).

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\[\text{18}\] A similar law passed in Finland extended this period to three years.

\[\text{19}\] The origin of this provision must be looked for in German history: after the putsch attempt of 1923, the NSDAP was dissolved, and its property was confiscated (170,000 marks). The party was reconstituted in 1925, and the legal form of an ordinary organization under civil law (art. 21 of the German civil code) was not utilized for the party, but for a holding company of its property. The aim of this was that, if the party were to be outlawed, its properties would remain untouched by the ban, since held by a formally “neutral” association of private law. Hitler made himself, after 1925, both chairman of the party and the private holding company, thus disposing of its property at his discretion. (Loewenstein 1938, fn. 97). This is why not only in Czechoslovakia, but also in France and Finland (and England) legislative measures of the kind mentioned were taken.
When elections were held, the name of the dissolved party could not be used. Its former members or representatives could not be elected to all political offices by election or appointment during a period of three years following the dissolution or suspension order.

**The Political Consequences of the Party Ban Law**

The renewed activism of the German Nationalist Party (DNP) and the German National Socialist Party of the Workers (DNSAP) in the Sudeten regions, together with the increased danger for the security of the country that these two political formations represented after the Nazi takeover in Germany, pushed the Czechoslovak government to suspend these parties even before the final approval of the party ban law in parliament. The government did this at the beginning of October 1933, with administrative orders, basing these decisions on an old Austro-Hungarian law on associations of 1867, still in force in Czechoslovakia in 1933 (Sander 1934). The High Court, in its decisions of July 1, 1933, and Oct. 7, 1933 against single individuals of the party had in fact evidenced the subversive character of the party itself. In the so-called "people's sport” trials (Volkssportsprozesse), against an affiliated organization of the German National Socialists, members of this party were indicted for violation of the 1923 law on the protection of the Republic. The final passing of the party ban law gave the government the opportunity of definitively dissolving the party in November 1933, and to the Mandate Senate of the Supreme Administrative Tribunal to confirm this decision on two occasions. Let it be noted that the law of Oct. 25, 1933 was subsequently amended (Dec. 22, 1934) "in order to legalize administrative measures previously taken". The German National Party had a similar destiny. 20

Thus, the law provided the legal basis for dissolving those two parties that had been the most irreducible enemies of Czechoslovak democracy to date. Moreover, while not directly affected by the law, the Czech Communists and the Czech Fascists, after its enactment, adjusted themselves to the new legal requirements: they changed their by-laws and constitutions, as well as their political tactics (Loewenstein 1938). However, the law was not effective in preventing the German Nazi and nationalist opposition from reorganizing a follow-up party, under the skilful leadership of Konrad Henlein (the Sudetendeutsche Heimat Front – hereinafter SGHF). This party, enjoying the increasingly explicit backing by Nazi Germany, would constitute a much more serious challenge for democratic Czechoslovakia.
the next sections, the evolution of the SGHF challenge and the strategies of response of the Czechoslovak democratic government will be examined.  

The Non-Application of the Party Ban Law against the Sdp

a) October 1933-May 1935: From the foundation of the Sudeten German Home Front to the national elections

The limitations on political propaganda that the legislation mentioned above put on parties had a strong effect on the SdP’s political messages to its electorate. Especially in this first phase, until the May 1935 election certified its electoral strength, Henlein was very careful not to breach legality by overtly attacking the legitimacy of Czechoslovak democracy or territorial frontiers. This, so much so that until the seventies several historians described him as a “moderate pushed into Hitler’s arms by Czech intransigence”. This interpretation of reality is now known to be unquestionably mistaken: the accessibility of diplomatic documents as well as of internal documents of the Nazi and the SdP prove with certainty that Henlein was a Nazi well before 1937 (Bruegel 1973). This is, however, an indirect confirmation that the anti-propaganda legislation did not only remain on paper, and that even a strong anti-system party like the SGHF took it seriously and behaved in relation to it.

A crucial point to keep in mind to understand why the Sudeten German Home Front was not banned is that the Sudeten German crisis had both an internal and an international aspect. While the strategy of defense of democracy adopted by the government could of course counteract only the internal challenge, the international situation soon evolved in such a fashion that small Czechoslovakia turned out to be practically defenseless – not for its own mistakes— against the aggression of Nazi Germany. The disruption of the European system of alliances caused by Hitler and not avoided, for different reasons, by the main European

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20 The only difference was that the prohibition of the party was revoked in order to allow its participation in the general elections foreseen for May 1935. By that time, the newly born Sudetendeutsche Heimat Front had already absorbed what remained of that party’s membership and cadres.

21 This law, originally conceived as provisional, should have expired on Dec. 31, 1934. Given the prolongation and the worsening of the crisis, internal and international, these were renewed several times: in December 1934, and then twice in 1936, and once in 1937, until the end of 1938. A couple of observations on this last renewal. In the original bill, a clause was proposed according to which a party could have been dissolved if subgroups or even individual party members commit illegal acts, although the party as such may have not been guilty of conspiracy in such acts. This was a provision that would have given the government a legal weapon to dissolve more easily the SdP, which was formally respectful of legality in public appearances and in its official representatives’ actions, but whose members were prone to political intimidation tactics. Another proposal was to “make it illegal for political parties or party members to accept gifts of money, subscriptions or other subsidies from foreign sources”. It is interesting to note that these more restrictive clauses were dropped in the final version of the bill “because the government feared these would have been resented by Germany” (New York Times of Dec. 15th and 16th, 1937, quoted in Loewenstein 1938).
powers, is not a topic that can be dealt with here, and it would in any case go beyond the scope and interest of this paper. Here, I will concentrate only on the internal aspects, knowing that even different choices in the strategy of counteracting the SGHF would not have been able to affect the evolution of events in the international arena. In other words, if internal defensive measures had managed to keep at bay an anti-democratic and secessionist challenge that had not enjoyed such a powerful external backing, they could not be effective in saving the country from an international attack that used this internal challenge as its fifth column. With this caveat in mind, let us move on to describe the evolution of the Henleinist challenge and the responses of the majority parties and the government.

I have already said that there is plenty of evidence that Henlein, although being a Nazi from the outset (he was financed by Berlin as of September 1934 – Bruegel 1973), could not make open use of Nazi propaganda, since its party would have been banned. There are documents that show that the SGHF and Henlein were performing a perfect operation of “political camouflage”. He would slowly go on to “raise the visor” only after the elections of 1935, and increasingly with the passing of time, when Hitler’s Germany was becoming more and more bold and powerful, so that he could start challenging the government more overtly. There is an endless series of examples of public appearances of every kind in which he made profession of democratic loyalty and expressed (ambiguous) “reservations” in respect to Fascism and Nazism, and of parallel reserved meetings in which he professed his loyalty to Nazism and Nazi Germany (Bruegel 1973).

This was pretty much the situation before the May 1935 elections: that of a very equivocal minority party, led by an ambiguous right-wing politician who had absolute control over it. It must also be noticed that the SGHF leadership had some superficial polemics in the press with the leaders of the “old” dissolved Nazi and Nationalist Parties, which contributed to the credibility of its external differentiations from orthodox Nazism22. Moreover, Henlein and the other leaders of the party struggled to show the party’s loyalty to democracy and to the Czechoslovak State. The reactions of the other political actors to this ambivalent attitude were different.

The other German parties were initially unanimously hostile to Henlein’s party. Already in May 1933, the German Agrarians felt the need to openly express their allegiance to the state, through their minister Spina and their parliamentary leader Zierhut. The German Social

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22 The former leaders of the dissolved Nazi Party, Jung and Krebs, fled to Germany immediately after the dissolution. These polemics between Henlein and the “old Nazis”, which also reflected an internal struggle for Hitler’s backing, lasted from the very beginning of the experience of the SGHF, until they were stopped drastically, in the German press, by an order of Ribbentrop in March 1935. Apart from the fact that both sides
Democrats were the "deliberate and most determined advocates" of Czechoslovak democracy. They declared their readiness to defend Czechoslovakia, and talked about "the existence of the State as a bulwark against Fascist barbarism", in the official party press (Bruegel 1973, p. 108).

The reaction of the Czech Agrarian Party was different: it must be said beforehand that the party was divided between an internal right and left wing. In the Party congress of 1929 the right wing had taken over the General Secretariat. In the following years, those of the Great Depression, this faction grew increasingly dissatisfied with the policies of the government, which leant in their opinion too much towards the left. There is evidence that this faction also financed the Czech Fascists in the early ‘30s. After 1933, they toyed with idea of using the SGHF to shift the political equilibrium towards the right, and possibly to establish a right-wing regime in Czechoslovakia. The first reaction of President Masaryk and its strict collaborator (and then Foreign Minister) Benes to this was that of concluding a political alliance with the Slovak wing of the party, led by Milan Hodza, who had been their fierce adversary in the past. They formed a political alliance with him, and he served as Prime Minister after 1935. However, this was not enough to control the right wing of the party, which, in a feebly structured organization like that of the Agrarians, enjoyed strong independence. The strategy of the right wing Agrarians was the following: let the SGHF obtain “about 15 or 20 seats” in order to form an anti-left coalition that would get rid of Benes and the two Socialist parties, and establish a right-wing regime in Czechoslovakia, also including the Czech fascists.

The strategy of the political forces gathering around the Presidency of the Republic (the so-called “Hrad”, Castle) to counteract the new challenge that Henlein’s party could represent was twofold. On the one hand, they wanted to further strengthen the relations with the loyal German parties and make efforts to solve the problems of the German minority in agreement with them. On the other hand, they planned to use a strong hand against the SGHF. However, the right wing of the Agrarians was essential for the maintenance and the stability of the government. The political weight of this faction was precisely one of the factors –possibly the main one-- that prevented the dissolution of the SGHF. In fact, the Czech Agrarians, under the pressure of their internal right wing, were the only party to oppose Benes’ demand to dissolve the Sudeten German Home Front. To insist too much on this would have meant to jeopardize the stability of the government in an already difficult situation. The discussion over whether the SGHF should be banned as a follow-up organization of the parties dissolved were basically anti-democratic and Nazi, there is evidence that Hitler always chose Henlein to carry out his
in 1933 went on for the whole of 1934. As late as the end of March 1935 (the elections were planned for May) it was by no means clear whether that party would have been able to participate in them. Benes, the Czech and the German Social Democrats were in favor of its dissolution, while the Moravian Agrarians, whose leader Stoupal was very right wing and supportive of Henlein, were against. The (Agrarian) Prime Minister Malypetr took a neutral position, and asked for the intervention of President Masaryk, who decided against the dissolution. This was probably a mistake: he thought that the SGHF would have been "parliamentarised", in other words, that its mere entry in parliament would have led it to adopt moderate positions. Then, if the need arose, the party could be dissolved anyway.

Actually, the closer the elections came, the feeblere the position of the forces pushing for the party’s dissolution became. In fact, an obvious and necessary counterweight of such a decision would have been that of making generous concessions to the activist Germans, which no Czech party was willing or able to do just before the elections. Thus, Masaryk’s decision was probably based on a miscalculation, but at the moment in which it was taken it was already too late to decide otherwise.

Thus, the government waited for too long, and when it admitted the party (beginning of April) to the electoral competition, it was too late to dissolve it. Moreover, the elections could not be delayed, since this was the natural expiration of the legislature. As a possible last hindrance to it, the SGHF was however forced to change its name, since the expression "Front" could not be accepted in a democracy. It renamed itself as Sudetendeutsche Partei.

b) May 1935-March 1938: From the elections to the crumbling of the activist front

The surprise of 1935 elections was not the victory of the SdP, but its size: the party was the first in terms of votes. Between 60 and 66% of the German votes (this is difficult to calculate with precision, since the Communist Party also competed in German-inhabited regions) went to the SdP. The political project of the right wing Agrarians dissolved into thin air, since the SdP was the first party in terms of votes and held a number of seats that were only one less than those held by the Czechoslovak Agrarians. In this situation, the SdP could not of course be considered as the “political instrument” of anybody. The defectionist strategy of the Agrarians’ right wing would however emerge again after the elections, in a few occasions, and would constitute a non-secondary factor, at least in the domestic arena, of Henlein’s final success23.

23 For example, the Agrarian right wing tried to avoid the election of Benes at the Presidency of the Republic in Dec. 1935 by allying with the SdP to support a right-wing Czech candidate. Then the left wing of the party prevented this, and this project also failed.
At this point the situation was different than before the elections: the SdP was strong, had a large following, represented around two-thirds of Czechoslovakia’s largest minority, and for all these reasons it was more difficult to ban it, at least under normal conditions. As a result, and given the worsened international situation, the governing parties and the Presidency of the Republic devised a defensive strategy consisting of three pillars. First of all, to give a stronger impulse to rearmament, and to the construction of military fortifications, what was undertaken at a tremendous pace. Secondly, to equip the state with the legal means to cope with internal and international emergency, and this was done with the passing of the 1936 law on the “defense of the State”. Lastly, to pursue with a firmer hand the nationality policy towards the German minority.

The new President Benes pursued this last objective in two ways. First, by traveling incessantly throughout the whole country during 1936 and 1937, especially in German-inhabited regions, holding conferences where he addressed the problem of national minorities and exposed the will of the government to meet all reasonable requests for equity of treatment for all citizens. Secondly, by explicitly instructing several ministries to allocate the funds of their budget to German-inhabited areas in proportion to their population. The government followed the same line independently, in allocating public expenditure, and in accepting the requests of the German activist parties in an agreement formalized in February 1937 (Wiskemann 1967). It is impossible to treat these things here, but it is important to remember that these “policy concessions” were an important part of the defensive strategy of the Czechoslovak democratic rulers against the SdP, together with the reinforcing of the anti-extremist legislation realized with the Act for the defense of the State. It can be said that a strategy based only on the strengthening of the legislation would probably have favored Henlein, and made Hitler’s plans easier to fulfill.

The “Act for the Defense of the State” of 1936

If the 1933 law prevented the SdP from becoming a military organization in competition with the monopoly of force of the state, this law of 1936 was aimed to further restrict that party’s room for political maneuver. In fact, although keeping scrupulously within the boundary of legality, the SdP represented a cohesive and geographically concentrated minority, which organized itself against the Czechoslovakian State.

24 After June 1936, all three main German activist parties (Social Democrats, Agrarians, and Christian Socialists) were represented in the government.
The Law of May 13, 1936 has been defined as “the most elaborate, circumspect and comprehensive preparation existing in a non-dictatorial state for the ultimate emergency of war” (Loewenstein 1938, p. 621). It contains 201 articles. It is basically an act that concentrates power in the hands of the government (by removing all possible obstacles to this) so as to react effectively to a current or upcoming war. More importantly for our purposes, this law also envisaged an emergency situation not caused by war or impending war, but by internal events within the state or on its borders that endangered, to a high degree, the integrity of the state, the republican-democratic form of state, the constitution, or public peace and order. Another condition of the enactment of the law recurred when there was the need for the government to respect the obligation deriving from an international treaty that had been approved by the parliament. If one of these conditions recurred, then most of the legal provisions of the act proclaiming the "state of military preparedness in case of war" could be invoked. This meant the introduction of martial law and exceptional measures. In effect, nearly all the frontier districts (officially defined in a separate decree) within a distance of 25 Km. from the frontier, were militarized. These areas could be forbidden to the public. Politically unreliable people could be expelled from them, and in them foreigners could be forbidden to enter factories whose products could be even remotely related to war exigencies. Violations of this law were to be judged under due process of law, but the audiences were not public and the accused were compelled to choose their lawyer from an official list -- from which, of course, all Henleinist lawyers had been excluded. The police stations in these areas were reinforced almost exclusively with Czech personnel.

The only judge of the recurring of the conditions for the enactment of the law was the government itself. In this case, the government constituted itself in a "Supreme Defense Council", equipped with almost unchallengeable powers for controlling the entire life of the country. This organ had legislative powers (art. 13). Moreover, when the law was enacted, all state organs could deviate from normal procedures and adopt exceptional ones when they deemed it necessary (Lipscher 1979, p. 160). De facto the law of 1936 foresees a situation of exception in which the 1920 constitution was superseded, and an entirely new constitution invested the government with dictatorial powers.

The last piece of legislation that the Czechoslovak state adopted before the end of the First Republic was the Law of Oct. 21, 1936, on the use of flags, symbols and escutcheons. This law rendered permanent some of the aims of the law on the suppression of subversive political parties (which would expire in 1937). The wearing of uniforms and other emblems
of a suspended or dissolved party was considered under the law of Oct. 1933 as a sufficient sign of support for that party or association and therefore prohibited it. More precisely, the 1933 law prohibited “the use of badges, emblems, uniforms, banners, special methods of greeting and any other outward signs or symbols which permit recognition of the affiliation of individuals or groups... ...to the suspended party”. Under the new law, not only the uniforms or parts thereof referring to the symbology of a banned association are prohibited, but all kinds of uniforms and parts thereof which are not "authorized as service or professional equipment. In particular, no uniforms similar to those of the army or the police are permitted". "It was made unlawful to wear in public any emblem by which a political opinion hostile to the origin, independence, and integrity of the Czechoslovakian Republic is indicated. No signs on movable or immovable things discrediting the existing form of the state were to be shown" (Loewenstein 1938, p. 729).

This act --one of the most elaborate legislative acts of this kind existing in any country (Loewenstein 1938, p. 740)-- aimed to render "local" and "foreign" symbolism impossible. Another provision was that the symbols of the state (flag, escutcheon and symbols of sovereignty) might be used by private persons only by authorization. No other symbols indicating a different allegiance could be displayed within the territory.

**The epilogue**

Historical evidence shows that the Act for the Defence of the State was generally effective in maintaining public order in the Sudeten German regions. There, Henlein’s party members could not exert political violence systematically like, for example, the Nazi milicias had done in Germany, or the Fascist *squadristi* had done in Italy some years before. Another effect of the legislative apparatus was that of successfully limiting political propaganda. Elizabeth Wiskemann, witness and author of one of the most detailed books on these facts, reports that “at the frontier anything with a swastika on it... ...might be confiscated” (Wiskemann 1967, p. 244). There was strong police control in those regions, and there were many trials for violations of the 1936 law. This embittered the situation in those regions, rendering more difficult President Benes’ and the cabinet’s policy of concessions to the German minority. However, the strategy of democratic defense adopted by the Czechoslovak rulers would probably have succeeded and led to the decline of Henlein’s party and to the restoration of “normal” democratic conditions if this party had not been increasingly backed by Hitler’s Germany. In other words, the crisis turned into an international crisis, in which Czechoslovakia was doomed to yield to Nazi Germany.
In fact, Henlein continued with his double-face strategy while he reinforced his link with Hitler, whose military and political strength grows. In November 1937 Hitler’s plans to annex Czechoslovakia were defined in detail. Henlein sent a memorandum to Hitler in which he completely supported his plans. At the beginning of 1938 the right wing of the Czech Agrarians again sent signals of partial openness to Henlein (Bruegel 1973). At this point the Activist German parties began to feel unsafe. Finally, the crumble of the activist front occurred with the Anschluss of Austria in March 1938. Only the German Social Democrats resist in their position of loyalty to democracy and to Czechoslovakia, while the German Agrarians and Christian Socialist joined overtly the SdP. From that moment onwards, the crisis became entirely international, and the international situation was such that it would only be a matter of time before the Sudeten regions were annexed to the Reich, which marked the end of Czechoslovakia. This was established in the conference held at Munich in September 1938, where Western powers gave way to Hitler’s plans to annex the German-inhabited regions of Czechoslovakia. Czechoslovak democracy can be said to have ended there (Armstrong 1939). In March 1939 Nazi Germany annexed also the Bohemian and Moravian regions.

Conclusions

The analysis of the Czechoslovak case, with all the heuristic limitations implicit in a single-case study, shows that different kinds of anti-extremist legislation can be viable and effective in a “difficult democracy”. That is, unfavorable political circumstances do not necessarily prevent the core parties from reaching the necessary level of political cohesiveness that is necessary to pass and implement such legislation. Anti-extremist legislation has had political consequences. Credit must be given to the laws for preserving stability and public order in the country, despite the strong adverse propaganda coming from Germany. In fact, even when Henlein’s power seemed to grow inexorably, public order was always maintained in the Sudeten regions, even at the cost of more severe (but never terroristic) police interventions. Likewise, after the legislative restrictions of 1923, and especially of 1933 and 1936, there was no toleration of extremist excesses in political propaganda. In the words of a political scientist of that time (writing in 1938, before the Munich conference), in Czechoslovakia "political hostility was carried on by legal methods". He hints in comparison with Spain that “the law prevented Henlein to carry out those subversive methods of propaganda and actions that led to civil war in Spain” (Loewenstein 1938, p. 610).
The party ban legislation was effective in allowing the government to rid itself of two long-standing anti-system parties that had threatened Czechoslovakia’s right to exist as an independent and democratic state. However, the SdP was not banned. I have already mentioned the importance of the international environment in determining the course and the conclusion of the crisis in the Sudeten regions. Here I will focus on some aspects of the Czechoslovak crisis that seem to recur in the dynamics of the political crises also in other challenged democracies, and which therefore might be of interest in a comparative perspective.

One of these aspects is the presence of “semi-loyal” parties (Linz 1981). That is to say, one or more of the pro-system parties—normally some internal fractions of them, at a certain moment show defectionist tendencies in favor of the anti-system party (-ies). This normally happens to parties that are “bordering” ideologically with the anti-system party, and seems to be a very important political factor in determining the outcome of the crisis. In moments of crisis, it is likely that some internal fractions of the “bordering parties” feel a political “attraction” towards the extremist party, which appears to be a politically more rewarding option. At this stage, the reaction of the “bordering party” as a whole (if only a fraction of it is attracted) or of its allies (if the whole party is attracted) is crucial. In Czechoslovakia, the Agrarians did not split in favor of the SdP. If they had done so, Henlein’s position would have been further improved, and Czechoslovak democracy would probably have collapsed for internal takeover.

This is, as I have said, a recurring pattern: in Italy in the early ‘20s there were substantial defections from the Catholic and especially from the Liberal parties towards the Fascists, who greatly benefited from this. On the contrary, in Belgium in the mid ‘30s the Catholic Party did not split in favor of the emergent Rexist party, which held traditional (reactionary) catholic positions, and had attracted any voters from that party. What the Catholic Party did instead was to strengthen its alliance with the other core parties of the system, and to form a Great Coalition that managed to defeat the Rexists (Hoejer 1946). In general, interesting insights can be derived from the analysis of the coalitional strategies of “core parties” towards anti-establishment and anti-system parties.

A last point on the role of anti-extremist legislation in the overall defensive strategy. Anti-extremist legislation cannot be enough to stabilize a democratic system that undergoes a

25 In general, it can be said that all anti-system parties “border” ideologically with some pro-system party. That is to say, they show some ideological affinities with them, or they may have common political objectives or share substantial portions of their potential electorate. In this sense, Communist parties border with the Socialists, Nazi or Fascist parties with the Conservative, Liberal, Confessional or Agrarian parties (depending
political crisis. It can have a political impact even in difficult situations, but it is precisely the gravity of the situation which normally renders it necessary to accompany it by parallel strategies. In Czechoslovakia, in responding to the SdP challenge, the strengthening of the legislative protection of the system was accompanied by important (planned) policy concessions to the German minority, repeated appeals to public opinion by the President of the Republic, and constant coalitional exclusion of the SdP at all levels. This seems to explain much of the “success” of anti-extremist legislation in achieving its political objectives, at least temporarily. Repression only would probably not have had the same effect. Again, this poses an even more difficult challenge for the “defenders” of the system, that of overcoming the differences existing between them and agreeing on such a complex strategy. In fact, the fragmented and polarized party system of a difficult democracy render it less likely that a sufficient number of political forces would be able to agree on a complex and coherent strategy like this. However, success in doing this greatly improves the likelihood of democracy’s survival.

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Statististische Übersicht der Tschechoslowakischen Republik, (1936), Prag.

Table 1 – Czechoslovak Party System

<table>
<thead>
<tr>
<th>Elections</th>
<th>$F_{elect}$</th>
<th>$F_{part}$</th>
<th>$N_{eff}$ (Parl-LC)</th>
<th>Nr. Parties in LC</th>
<th>Nr. Cabinets</th>
<th>Duration of legislature</th>
<th>Average duration of cabinets (months)</th>
<th>Average nr. parties in cabinet</th>
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<tbody>
<tr>
<td>1920</td>
<td>0.881</td>
<td>0.874</td>
<td>7.94 (10.87)</td>
<td>17 (18)</td>
<td>4</td>
<td>67 months</td>
<td>16.75</td>
<td>4.34</td>
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<tr>
<td>1925</td>
<td>0.918</td>
<td>0.907</td>
<td>10.75</td>
<td>16</td>
<td>4</td>
<td>46 months</td>
<td>11.5</td>
<td>6.67</td>
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<tr>
<td>1929</td>
<td>0.917</td>
<td>0.912</td>
<td>11.37</td>
<td>15</td>
<td>3</td>
<td>66 months</td>
<td>22.17</td>
<td>7</td>
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<tr>
<td>1935</td>
<td>0.902</td>
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<td>10.1</td>
<td>14</td>
<td>4</td>
<td>40 months</td>
<td>10</td>
<td>7</td>
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<tr>
<td>Average values</td>
<td>0.905</td>
<td>0.907</td>
<td>10.7725</td>
<td>15.75</td>
<td>3.75</td>
<td>54.75 months</td>
<td>11.5</td>
<td>6.85</td>
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26 The two nonparty governments are excluded
27 After 1922 ca.
28 Calculating the higher degree for the first legislature
<table>
<thead>
<tr>
<th>Party acronym</th>
<th>English reference name</th>
<th>Seats 1920 (281 s.)</th>
<th>Seats % 1920 (281 s.)</th>
<th>Seats 1925 (300 s.)</th>
<th>Seats % 1925 (300 s.)</th>
<th>Seats 1929 (300 s.)</th>
<th>Seats % 1929 (300 s.)</th>
<th>Seats 1935 (300 s.)</th>
<th>Seats % 1935 (300 s.)</th>
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<tr>
<td>KSC (CPCz)</td>
<td>Communist Party of Czechoslovakia</td>
<td>-- (22 since 1921)</td>
<td>-- (7.83)</td>
<td>41</td>
<td>13.67</td>
<td>30</td>
<td>10</td>
<td>30</td>
<td>10</td>
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<tr>
<td>RSZML (RPAP)</td>
<td>Republican Party of Agrarian and Peasants (Czech Agrarians)</td>
<td>28&lt;sup&gt;29&lt;/sup&gt;</td>
<td>9.96</td>
<td>45</td>
<td>15</td>
<td>46</td>
<td>15.33</td>
<td>45</td>
<td>15</td>
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<tr>
<td>NRSR (SNPP)</td>
<td>Slovak Agrarians</td>
<td>12&lt;sup&gt;30&lt;/sup&gt;</td>
<td>4.27</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
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<tr>
<td>HSLSP (HSPP)</td>
<td>Hlinka's Slovak People's Party</td>
<td>-- (12 since 1921)</td>
<td>-- (4.27)</td>
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<td>7.67</td>
<td>19</td>
<td>6.33</td>
<td>22</td>
<td>7.34</td>
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<td>ČZOOSS (CzTIMCP)</td>
<td>Czechoslovakian Trade and Industry Middle-Class Party</td>
<td>6</td>
<td>2.13</td>
<td>13</td>
<td>4.33</td>
<td>12</td>
<td>4</td>
<td>17</td>
<td>5.67</td>
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<td>ČND (CzND)</td>
<td>Czechoslovak National Democracy</td>
<td>19</td>
<td>6.76</td>
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<td>4.33</td>
<td>15</td>
<td>5</td>
<td>17&lt;sup&gt;31&lt;/sup&gt;</td>
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<td>ČNSS (CzNSP)</td>
<td>Czechoslovak National Socialists</td>
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<td>8.54</td>
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<td>9.33</td>
<td>32</td>
<td>10.67</td>
<td>28</td>
<td>9.34</td>
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<td>ČSDSD (CSDP)</td>
<td>Czechoslovak Social Democratic Party of the Workers</td>
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<td>26.33 (18.51)</td>
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<td>9.67</td>
<td>39</td>
<td>13</td>
<td>38</td>
<td>12.67</td>
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<td>SSCPL (SPCzWP)</td>
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<td>--</td>
<td>--</td>
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<tr>
<td>ČSL (CzPP)</td>
<td>Czechoslovak People's Party</td>
<td>33&lt;sup&gt;32&lt;/sup&gt; (21 since 1921)</td>
<td>11.74 (7.47)</td>
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<td>--</td>
<td>--</td>
<td>--</td>
<td>3</td>
<td>1</td>
<td>6</td>
<td>2</td>
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<td>BdL (FF)</td>
<td>Farmers' Federation (German Agrarians)</td>
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<td>8</td>
<td>12</td>
<td>4</td>
<td>5</td>
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<td>DCVP (GCSP)</td>
<td>German Christian Socialist Party</td>
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<td>3.2</td>
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<td>4.67</td>
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<td>DSAP (GSDP)</td>
<td>German Social Democratic Party</td>
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<td>11.03</td>
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<td>7</td>
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<td>2.67</td>
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<td>--</td>
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<td>--</td>
<td>--</td>
<td>--</td>
<td>4</td>
<td>1.33</td>
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<td>DGP (GTP)</td>
<td>German Tradesmen's Party</td>
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<td>SdP (SGP)</td>
<td>Sudeten German Party (Heinlein’s party)</td>
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<td>--</td>
<td>--</td>
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<td>OKP (HCSP)</td>
<td>Hungarian Christian Socialist Party</td>
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<td>1.78</td>
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<td>9</td>
<td>3</td>
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<tr>
<td>ALV (AAA)</td>
<td>Autonomer landwirtschaftlicher Verband</td>
<td>--</td>
<td>--</td>
<td>1</td>
<td>0.33</td>
<td>--</td>
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</tr>
</tbody>
</table>

Polish Parties

---

Dark gray (white figures): Anti-system Challenge. Light gray (black figures): Anti-establishment Challenge. Middle gray (black fig.): parties that change position in the course of the legislature (the non-nationalists German Parties start as AS in the First legislature, but already in 1922 -the SD in 1921- show willingness to

29 The Czech Agrarians had an electoral pact with the Slovak Agrarians. The two parties formed also a single parliamentary group, but remained separate parties. Merged in 1922.
30 Pact w/ the Czech Agrarians. See fn. 29
31 As “National Union”
32 Together with the HSLS. In 1921 the HSLS leaves the alliance (and the governmental majority).
33 In the Carpathians: Karpatendeutsche Partei.
recognize the Czechoslovak state and begin launching messages to their electorate with this content. During the fourth legislature two of them join the SdP). Middle gray (white fig): cartels of single-MP parties, some of them support the AS formations in parliament, some of them the AE parties.
### First Czechoslovak Republic

<table>
<thead>
<tr>
<th>Party System</th>
<th>Challenges</th>
<th>Crises</th>
<th>Defense</th>
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</thead>
<tbody>
<tr>
<td>Establishment</td>
<td>System</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Duration</td>
<td>Cabinets</td>
<td>Parties</td>
<td>% seats</td>
</tr>
</tbody>
</table>

---

34. The DSAP had a “soft” position already then: from the speeches of its leaders in Parliament it emerges that it gave credit to the new Czechoslovakian state more than the other German parties. I insert it still among the AS parties, since still predominantly as such were its messages to its electorate, but it differentiated itself from the other German parties already in 1920-21.

35. Join the German DSAP at the end of 1920
# First legislature (Svehla I cabinet X 1922 – XII 1925)

<table>
<thead>
<tr>
<th>Duration</th>
<th>Cabinets</th>
<th>Government (PM: party)</th>
<th>Opposition</th>
<th>Challenges</th>
<th>Crises</th>
<th>Defense</th>
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<tbody>
<tr>
<td>X 1922-</td>
<td>Svehla I</td>
<td>AGR*; CNS; CSD; CND;</td>
<td>HSL, KSC,</td>
<td>HSL*; BdL,</td>
<td>Fall 1922 – press</td>
<td>No legislative</td>
</tr>
<tr>
<td>XII 1925</td>
<td></td>
<td>CzPP 36</td>
<td>CZOSS,</td>
<td>DVP, DSAP,</td>
<td>campaign against</td>
<td>reaction</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>SSCPL;</td>
<td>DDFFP, H.</td>
<td>Rasin</td>
<td>March 1923 : Law</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>DNP/DNSAP</td>
<td>AGR,</td>
<td>January 1923 –</td>
<td>for the Protection</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>BdL/DVP/DSAP/DDFP</td>
<td></td>
<td>political murder of</td>
<td>of the Republic</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>OKP/ H.AGR/ SU</td>
<td></td>
<td>Rasin</td>
<td>April 1924: law</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>against libel</td>
</tr>
</tbody>
</table>

36 Split of the HSLS
37 Split from the CzPP in November 1921. 12 MP go with Hlinka
### Second Legislature 1925-1929

<table>
<thead>
<tr>
<th>Duration</th>
<th>Cabinet</th>
<th>Government (*: PM party)</th>
<th>Opposition</th>
<th>Challenges</th>
<th>Crises</th>
<th>Defense</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>HLSL, Bdl., DVP, DSAP LAV, Pol.</td>
<td>26.36</td>
<td></td>
<td></td>
</tr>
<tr>
<td>III – X 1926</td>
<td>Cerny II</td>
<td>Nonparty (floating majority, Masaryk’s support)</td>
<td>--</td>
<td>--</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>HLSL, Bdl., DVP, DSAP LAV, Pol.</td>
<td>26.36</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>HLSL, Bdl., DVP, DSAP LAV, Pol.</td>
<td>26.36</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

38 Small Traders (Cz Trade and Industry Middle Class Party)

39 The Polish parties, three or four small parties of different ideological orientation supported the government until 1934. They cannot be classified as AS Their classification as AE is only based on the fact that having their constituency an ethnic nature, they of course were opposed to centralism. This is of course an approximation, but these are irrelevant parties.

40 Benes, though, was still foreign minister. He had been readmitted in the party after the congress of September 1926

---

45 CAPOCIA-ANTI-EXTREMIST LEGISLATION IN CZECHOSLOVAKIA
### Second Legislature (Urdzal I cabinet)

<table>
<thead>
<tr>
<th>Duration</th>
<th>Cabinet</th>
<th>Government (*: PM party)</th>
<th>Opposition</th>
<th>Challenges</th>
<th>Crises</th>
<th>Defense</th>
</tr>
</thead>
<tbody>
<tr>
<td>II – XII 1929</td>
<td>Urdzal I</td>
<td>AGR*, ND, CzPP, CZOSS, BdL, DVP, HSL (until Oct. 1929)</td>
<td>KSC, CSD, CNS DNP, DNSAP DSAP OKP, LAV, Pol. HSLs since Oct. 1929</td>
<td>HSLs, BdL, DVP, DSAP LAV, Pol.</td>
<td>26.36</td>
<td>AD: DNP, DNSAP (also SEC), KSC SEC: OKP</td>
</tr>
</tbody>
</table>

### Third Legislature 1929-1935 (Urdzal II)

<table>
<thead>
<tr>
<th>Duration</th>
<th>Cabinet</th>
<th>Government (*: PM party)</th>
<th>Opposition</th>
<th>Challenges</th>
<th>Crises</th>
<th>Defense</th>
</tr>
</thead>
<tbody>
<tr>
<td>XII 1929 – X 1932</td>
<td>Urdzal II</td>
<td>AGR*, ND, CZOSS, CzPP, NS, SD, DSAP, BdL (^{41})</td>
<td>KSC, HSLs, NOF, DCVP, DNP, DNSAP, OKP, Pol.</td>
<td>HSLs, BdL, DSAP, DCVP, OKP, Pol.</td>
<td>27.66</td>
<td>AD: KSC, DNP, DNSAP, NOF SEC: DNP, DNSAP</td>
</tr>
</tbody>
</table>

*Including the four MPs of the DAWG, who joined the BdL in parliament*

---

\(^{41}\) Including the four MPs of the DAWG, who joined the BdL in parliament.
### Third Legislature (Malypetr I)

<table>
<thead>
<tr>
<th>Duration</th>
<th>Cabinets</th>
<th>Government (*: PM party)</th>
<th>Opposition</th>
<th>Challenges</th>
<th>Crises</th>
<th>Defense</th>
</tr>
</thead>
<tbody>
<tr>
<td>X 1932 – II 1934</td>
<td>Malypetr I</td>
<td>AGR*, ND, CrPP, NS, SD, DSAP, BdL</td>
<td>CZOSS, KSC, HSLS, NOF, DCVP, DNP, DNSAP, OKP, Pol.</td>
<td>64.62</td>
<td>35.37</td>
<td>27.66</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HSLS, BdL, DSAP, DCVP, OKP, Pol.</td>
<td></td>
<td></td>
<td>AD: 16</td>
<td>SEC: 6</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Legislation</th>
<th>Other Mechanisms</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Arrest and criminal charges</td>
</tr>
<tr>
<td></td>
<td>Suspension of the HSLS and SNP organs</td>
</tr>
<tr>
<td></td>
<td>Police investigations Malypetr appeals public opinion</td>
</tr>
<tr>
<td></td>
<td>Oct. 4, 1933: suspension of DNP and DNSAP</td>
</tr>
<tr>
<td></td>
<td>Nov. 1933: the gov't. dissolves the two parties</td>
</tr>
</tbody>
</table>
### Third legislature (Malypetr II – II 1934 – VI 1935)

<table>
<thead>
<tr>
<th>Duration</th>
<th>Cabinets</th>
<th>Government (*: PM party)</th>
<th>Opposition</th>
<th>Challenges</th>
<th>Crises</th>
<th>Defense</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Establishment</td>
<td>System</td>
<td>Legislation</td>
</tr>
<tr>
<td>II 1934 – VI 1935</td>
<td>Malypetr II</td>
<td>AGR*, CzPP, NS, SD, DSAP, BdL</td>
<td>CZOSS, KSC, HSLS, ND, NOF, DCVP, DNP, DNSAP, OKP, Pol.</td>
<td>HSL, BdL, DSAP, DCVP, OKP, Pol.</td>
<td>27.66</td>
<td>AD: KSC, NOF SEC:</td>
</tr>
</tbody>
</table>

### Fourth Legislature 1935-1938

<table>
<thead>
<tr>
<th>Duration</th>
<th>Cabinets</th>
<th>Government (*: PM party)</th>
<th>Opposition</th>
<th>Challenges</th>
<th>Crises</th>
<th>Defense</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Establishment</td>
<td>System</td>
<td>Legislation</td>
</tr>
<tr>
<td>VI – XI 1935</td>
<td>Malypetr III</td>
<td>AGR*, CzPP, CZOSS, NS, SD, DSAP, BdL</td>
<td>KSC, HSLS, ND, NOF, DCVP, SDP, OKP</td>
<td>BdL, DSAP, DCVP, OKP, HSLS</td>
<td>17.68</td>
<td>AD: KSC, SDP, ND, NOF SEC: SDP</td>
</tr>
<tr>
<td>XI 1935 – II 1936</td>
<td>Hodza I</td>
<td>AGR*, CzPP, CZOSS, NS, SD, DSAP, BdL</td>
<td>KSC, HSLS, ND, NOF, DCVP, SDP, OKP</td>
<td>BdL, DSAP, DCVP, OKP, HSLS</td>
<td>17.68</td>
<td>AD: KSC, SDP, (HSLS), ND, NOF SEC: SDP, (HSLS)</td>
</tr>
<tr>
<td>II 1936 – VII 1936</td>
<td>Hodza II</td>
<td>AGR*, CzPP, CZOSS, NS, SD, DSAP, BdL</td>
<td>KSC, HSLS, ND, NOF, DCVP, SDP, OKP</td>
<td>BdL, DSAP, DCVP, OKP, HSLS</td>
<td>17.68</td>
<td>AD: KSC, SDP, (HSLS), ND, NOF SEC: SDP, (HSLS)</td>
</tr>
</tbody>
</table>
## Fourth legislature (Hodza III-IV)

<table>
<thead>
<tr>
<th>Duration</th>
<th>Cabinet</th>
<th>Parties</th>
<th>% Seats</th>
<th>Opposition</th>
<th>% Seats</th>
<th>Establishment</th>
<th>Crises</th>
<th>Defense</th>
</tr>
</thead>
<tbody>
<tr>
<td>VII 1936 – III 1938</td>
<td>Hodza III</td>
<td>AGR*, CzPP, CZOSS, NS, SD, DSAP, BdL, DCVP</td>
<td>57.36</td>
<td>KSC, HSLS, ND, NOF, DCVP, SDP, OKP</td>
<td>42.64</td>
<td>BdL, DSAP, DCVP, OKP, HSLS</td>
<td>17.68</td>
<td>AD: KSC, SDP, ND, NOF SEC: SDP</td>
</tr>
<tr>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Heinlein adopts outbidding tactic</td>
</tr>
<tr>
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<td></td>
<td>Oct 1936: law on the use of flags and symbols: makes permanent some provisions of the law of Oct. 1933</td>
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<td></td>
<td>June 1937: the govt. prolongs the laws for the protection of the Republic until 1939.</td>
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<td></td>
<td>Feb. 1938: Hitler declares himself protector of “all Germans living outside the Reich”</td>
<td></td>
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<tr>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>Mar. 1938: Anschluss: the BdL and the DCVP join the SDP</td>
<td></td>
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<tr>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>Apr. 1938: Heinlein formulates the eight points of Karlovy Vary</td>
<td></td>
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<tr>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Sep. 1938: Heinlein breaks negotiations</td>
<td></td>
</tr>
<tr>
<td>III - IX 1938</td>
<td>Hodza IV</td>
<td>AGR*, CzPP, CZOSS, NS, SD, ND</td>
<td>55.69</td>
<td>KSC, HSLS, NOF, SDP, DSAP, OKP</td>
<td>44.31</td>
<td>DSAP, OKP, HSLS</td>
<td>14</td>
<td>AD: KSC, SDP, ND, NOF SEC: SDP</td>
</tr>
<tr>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>AD: 35.72 SEC: 35.72</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>AS: 35.72</td>
</tr>
</tbody>
</table>

### Other Mechanisms
- Feb. 1937: Policy concessions: the govt. accepts the German activists’ demands for the protection of the minority
- Sept. 1937: the govt. begins negotiations with the SDP

### Legislation
- **Oct 1936**: law on the use of flags and symbols: makes permanent some provisions of the law of Oct. 1933
- **June 1937**: the govt. prolongs the laws for the protection of the Republic until 1939.
### Table A - National, Czech and Slovak Parties

<table>
<thead>
<tr>
<th>Party acronym</th>
<th>Nat.</th>
<th>Party name</th>
<th>English name</th>
<th>Notes</th>
<th>Elections</th>
</tr>
</thead>
<tbody>
<tr>
<td>KSČ (ČPCz)</td>
<td>CZ, SL, G/H</td>
<td>Komunistická Strana Československá</td>
<td>Communist Party of Czechoslovakia</td>
<td>The only party encompassing all nationalities. Gr. In the course of 1921 (splits from SDs of the different nationalities, that then get together)</td>
<td>1925, 1929, 1935</td>
</tr>
<tr>
<td>RSZML (RPAP)</td>
<td>CZ, SL</td>
<td>Republikánska strana zemědělského a malorolnického lidu</td>
<td>Republican Party of Agrarian and Peasants</td>
<td>Czechoslovak Agrarians. The most important among the “core parties”.</td>
<td>1920, 1925, 1929, 1935</td>
</tr>
<tr>
<td>HSLS (HSPP)</td>
<td>SL</td>
<td>Hlinkova Slovácká Ludová strana</td>
<td>Hlinka’s Slovak People’s Party</td>
<td>This is the name (actually it is longer) as of 1925, before that date it was Christian Sl. People’s Party. In 1920 united w/the ČzPP, left (the alliance and the majority) in 1921.</td>
<td>1920, 1925, 1929, 1935</td>
</tr>
<tr>
<td>ČZOSS (ČzTIMCP)</td>
<td>CZ, SL</td>
<td>Československá živnostensko-obchodnická strana středostavovská</td>
<td>Czechoslovakian Trade and Industry Middle-Class Party</td>
<td>Small Traders. This party was a sort of smaller permanent ally of the Czech Agrarians, what ensured it places in parliamentary committees and in 1926-29 and 1934-38 in the cabinet</td>
<td>1920, 1925, 1929, 1935</td>
</tr>
<tr>
<td>ČND (Č2ND)</td>
<td>CZ, SL</td>
<td>Československá národní demokracie</td>
<td>Czechoslovak National Democracy</td>
<td>Czechoslovak National Democrats. Conservative national party, increasingly leaning towards the right. Although anti-Castle, until 1934 in the governm. After 1934 forming of the National Union (Národní sjednocení) with two small extreme right wing groups. These left after 1935, so at the end the NU was largely the old ND</td>
<td>1920, 1925, 1929, 1935</td>
</tr>
<tr>
<td>ČSDSD (ČSDP)</td>
<td>CZ, SL</td>
<td>Československá sociálně demokratická strana dělnická</td>
<td>Czechoslovak Social Democratic Party of the Workers</td>
<td>Czechoslovak Social Democrats. In 1921 they lose 22 MPs (out of 74) in favor of the Comm. Always in govt. but for 1926-29. Always democratic, supportive of Benes in his politics of defense against Fascists.</td>
<td>1920, 1925, 1929, 1935</td>
</tr>
<tr>
<td>ČSL (ČPP)</td>
<td>CZ</td>
<td>Československá strana lidová</td>
<td>(Slovak) People’s Party</td>
<td>Czech Populists. Present also in Slovakia, where however they had much less following than their Slovak counterparts.</td>
<td>1920, 1925, 1929, 1935</td>
</tr>
<tr>
<td>NOF (NFC)</td>
<td>CZ</td>
<td>Narodní obec fašistická</td>
<td>National Fascist Community</td>
<td>Czech Fascists. Gr. In 1923-24 as groups, turns into a party in 1926. Several alliances at the local level.</td>
<td>1929, 1935</td>
</tr>
<tr>
<td>NRSR (SNPP)</td>
<td>SL</td>
<td>Národná republikánská strana rol’nická</td>
<td>National Republican Peasant Party</td>
<td>Electoral and parliamentary alliance with the Czech Agrarians in 1920. In 1922 the two parties merged</td>
<td>1920</td>
</tr>
</tbody>
</table>

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42 In 1926 another wing (Stribrny) left the party. St. was accused of sympathies with fascism. The group around him took the name of Slavic National Socialist Party, and participated into the 1929 elections together w/ the Czech Fascists, and in those of 1935 together with the ND, that at that time had moved towards the right, under the name of National Union.

43 In the party’s Congress of 1936 (30.5-1.6) stronger measures against the centrifugal tendencies by the national minorities are openly supported (Wende 1981).
<table>
<thead>
<tr>
<th>Party acronym</th>
<th>Nat.</th>
<th>Party name</th>
<th>English name</th>
<th>Notes</th>
<th>Elections</th>
</tr>
</thead>
<tbody>
<tr>
<td>BdL (FF)</td>
<td>G</td>
<td>Bund der Landwirte</td>
<td>Farmers’ Federation</td>
<td>German Agrarians (Activists)</td>
<td>1920, 1925, 1929, 1935</td>
</tr>
<tr>
<td>DCVP (GCSP)</td>
<td>G</td>
<td>Deutsche Christlichsoziale Volkspartei</td>
<td>German Christian Socialist Party</td>
<td>In 1929 elections: together w/ the DGP</td>
<td>1920, 1925, 1929, 1935</td>
</tr>
<tr>
<td>DSAP (GSDP)</td>
<td>G</td>
<td>Deutsche Sozialdemokratische Partei in der Tschechoslowakischen Republik</td>
<td>German Social Democratic Party</td>
<td>German Social Democrats (Activists)</td>
<td>1920, 1925, 1929, 1935</td>
</tr>
<tr>
<td>DNP (GNP)</td>
<td>G</td>
<td>Deutsche Nationalpartei</td>
<td>German National Party</td>
<td>German Nationalists (Negativists). In the 1920 elections together w/ the DNSAP in the Deutsche Wachlersgemeinschaft</td>
<td>1920, 1925, 1929</td>
</tr>
<tr>
<td>DNSAP (GNS)</td>
<td>G</td>
<td>Deutsche Nationalsozialistische Arbeiterpartei</td>
<td>German National Socialists</td>
<td>German Nazi (Negativists). In the 1920 elections together w/ the DNSAP in the Deutsche Wachlersgemeinschaft</td>
<td>1920, 1925, 1929</td>
</tr>
<tr>
<td>DDFP (GPLP)</td>
<td>G</td>
<td>Deutsche Demokratische Fortschrittspartei</td>
<td>German Progressive Liberal Party</td>
<td>German Liberals (Activists). In 1925 don’t take part into elections, in 1928 merge with splinter from GNP into DAWG</td>
<td>1920</td>
</tr>
<tr>
<td>DAWG (GWEC)</td>
<td>G</td>
<td>Deutsche Arbeits- und Wirtschaftsgemeinschaft</td>
<td>German Work and Economy Community</td>
<td>Liberal-conservative party (Activist). Grounded in 1928 by the leaders of the moderate wing of GNP and the DDFP</td>
<td>1929</td>
</tr>
<tr>
<td>SdP (SGP)</td>
<td>G</td>
<td>Sudetendeutsche Partei</td>
<td>Sudeten German Party</td>
<td>Gr. In 1933 as Sudetendeutsche Heimatsfront. Nazi and secessionist</td>
<td>1935</td>
</tr>
<tr>
<td>OKP (HCSP)</td>
<td>H</td>
<td>Országos kerestenyiszocialista part</td>
<td>Hungarian Christian Socialist Party</td>
<td>Hungarian Christian Socialists (Negativists)</td>
<td>1935</td>
</tr>
</tbody>
</table>
### Table C – Minor Parties

<table>
<thead>
<tr>
<th>Party acronym</th>
<th>Nat.</th>
<th>Party name</th>
<th>English name</th>
<th>Notes</th>
<th>Elections</th>
</tr>
</thead>
<tbody>
<tr>
<td>DUSDP</td>
<td>G-H</td>
<td>Deutsch-ungarische Sozialdemokratische Partei</td>
<td>German-Hungarian Social Democrats</td>
<td>Union of Germ. And Hung. Soc. Dem. For the el. 1920 (4 seats). After a while the party divided up b/w Comm., Germ, SD, and Czech, SD</td>
<td>1920</td>
</tr>
<tr>
<td>KdP</td>
<td>G</td>
<td>Karpatendeutsche Partei</td>
<td>German Carpathian Party</td>
<td>Gr. In 1928. In 1929 joint list w/ BdL, and DAWG (Deutsche Wahlgemeinschaft), and Activist. Then, more and more extreme, and joins the SDP in 1935 (1 seat)</td>
<td>1929, 1935 (in electoral alliances)</td>
</tr>
<tr>
<td>SSCPL (SPCzWP)</td>
<td>CZ</td>
<td>Socialistická strana ceskoslovenského pracujícího lidu</td>
<td>Socialist Party of the Czechoslovak Working People</td>
<td>Splinter of the Czech. Social Democrats, more nationalist oriented than them. 3 seats in 1920. In 1923 divided up b/w SD and ND.</td>
<td></td>
</tr>
<tr>
<td>ZDP (ZGP)</td>
<td>G (H)</td>
<td>Zipser Deutsche Partei</td>
<td>Zipser German Party</td>
<td>Germans living in East Slovakia who were loyal to Hungary. In 1920 secessionist, then allied w/ Activists. 1 seat in 1925, 19290, 1935 , thanks to electoral alliances</td>
<td>1925, 1929, 1935</td>
</tr>
<tr>
<td>MNF (HNP)</td>
<td>H</td>
<td>Magyar nemzeti Párt</td>
<td>Hungarian National Party</td>
<td>Hungarian Agrarians. In 1920 it got one seat, under the name of Hungarian Agrarian Party. After that election, always electoral alliances. In 1925, w/ BdL, GST and Zipser: 5 seats for the Hungarians. In 1929 and 1935 with Hungarian Christian Socialists and the Zipser. More activist than the others</td>
<td>1920</td>
</tr>
<tr>
<td>SS</td>
<td>CZ</td>
<td>Socialistické sjednocení</td>
<td>Socialist Union</td>
<td>Parliamentary group made up by the splinters of the SD and the NS who refused to vote for the Law for the protection of the Republic in March 1923. Three go back to the SD in 1924, the other four join the Comun. In 1925</td>
<td></td>
</tr>
</tbody>
</table>

**Key:**

**Nationalities:**
- CZ: Czech
- SL: Slovak
- G: German
- H: Hungarian

**Notes:**

- The labels “Activist” and “Negativist” attached to the German parties can only be used since 1922. Before that date, they were all “Negativists”. The German Social Democrats, although activists also since 1922, started to use that term in reference to themselves in 1933.
- The parties that took part into the four national elections held in the Czechoslovak First republic were more than 50. Here not all of them are listed, only those that had sufficient political relevance.