

**Habsburg H-Net Discussion Network**  
**Austrian Constitution of 1867**

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**Fundamental Law Concerning  
the General Rights of Citizens**

The Austrian Constitution of 1867

(The document below was taken from Walter Farleigh Dodd, ed., *Modern Constitutions: A Collection of the Fundamental Laws of Twenty-two of the Most Important Countries of the World, With Historical and Bibliographical Notes*. [Chicago: The University of Chicago Press, 1909].)

**Article 1.** For all natives of the various kingdoms and countries represented in the Reichsrat there exists a common right of Austrian citizenship. The law shall determine under what conditions Austrian citizenship is gained, exercised, and lost.

**Article 2.** All citizens are equal before the law.

**Article 3.** Public offices shall be equally open to all citizens. The admission of foreigners to public office is dependent upon their acquisition of Austrian citizenship.

**Article 4.** The freedom of passage of persons and property, within the territories of the state, shall be subject to no restrictions.

All citizens who live within a commune and pay therein a tax on real property, business, or income, shall have the right to vote for members of the communal assembly [Gemeindevertretung] and shall be eligible to that body, under the same conditions as natives of the commune.

Freedom of emigration is limited by the state only by the obligation to serve in the army.

Taxes on emigration shall be levied only as a measure of retaliation.

**Article 5.** Property is inviolable. Forced expropriation shall take place only in the cases and according to the forms determined by law.

**Article 6.** Every citizen may dwell temporarily or establish his residence in any part of the territory of the state, acquire real property of any kind and freely dispose of the same, and may also engage in any form of business, under legal conditions.

In the matter of mortmain the law may, for reasons of public policy, restrict the right of acquiring and of disposing of real property.

**Article 7.** Every relation of vassalage or dependence is forever abolished. Every burden or charge resting upon the title of real property is redeemable, and in future no land shall be burdened with an irredeemable charge.

**Article 8.** Liberty of person is guaranteed. The law of October 27, 1862, on the protection of individual liberty is hereby declared to be an integral part of the present fundamental law. Every arrest ordered or prolonged in violation of law imposes an obligation upon the state to indemnify the injured party.

**Article 9.** The domicile is inviolable. The law of October 27, 1862, for the protection of the domicile is hereby declared an integral part of this fundamental law.

**Article 10.** The secrecy of letters shall not be violated; the seizure of letters, except in case of a legal arrest or search, shall take place only in time of war, or by virtue of a judicial order issued in conformity with the law.

**Article 11.** The right of petition is free to everyone. Petitions under a collective name should emanate only from legally recognized corporations or associations.

**Article 12.** Austrian citizens shall have the right to assemble together, and to form associations. The exercise of these rights is regulated by special laws.

**Article 13.** Everyone shall have the right, within legal limits, freely to express his thoughts orally, in writing, through the press, or by pictorial representation.

The press shall not be placed under censorship, nor restrained by the system of licenses. Administrative prohibitions of the use of the mail are not applicable to matter printed within the country.

**Article 14.** Full freedom of religion and of conscience is guaranteed to all. The enjoyment of civil and political rights is independent of religious belief; however, religious belief shall in no way interfere with the performance of civil duties.

No one shall be forced to perform any religious rite or to participate in any religious ceremony except in so far as he is subject to another who has legal authority in this matter.

**Article 15.** Every legally recognized church and religious society has the right publicly to exercise its religious worship; it regulates and administers its internal affairs independently, remains in possession and enjoyment of its establishments, institutions, and property held for religious, educational, and charitable purposes; but is subject, as other societies, to the general laws of the state.

**Article 16.** Adherents of a religious confession not legally recognized are permitted to worship privately, in so far as their religious services are not illegal or contrary to public morals.

**Article 17.** Science and its teaching shall be free. Every citizen, whose capacity has been established in conformity with law, shall have the right to establish institutions of instruction and education, and to give instruction therein. Private instruction shall be subject to no such restriction. Religious instruction in the schools shall be left to the church or religious society to which the school is attached. The state shall have the right to superior direction and superintendence over the entire system of education and instruction.

**Article 18.** Everyone shall be free to choose his occupation and to prepare himself for it in such places and in such manner as he may wish.

**Article 19.** All the races of the state shall have equal rights, and each race shall have the inviolable right of maintaining and cultivating its nationality and language.

The state recognizes the equality of the various languages in the schools, public offices, and in public life.

In the countries populated by several races, the institutions of public instruction shall be so organized that each race may receive the necessary instruction in its own language, without being obliged to learn a second language.

**Article 20.** A special law shall determine the right of the responsible governing power to suspend temporarily and in certain places the rights mentioned in Articles 8, 9, 10, 12, and 13.

## **Law Altering the Fundamental Law of February 26, 1861 Concerning Imperial Representation**

[Selections]

**Section 1.** The Reichsrat is the common representative body of the kingdoms of Bohemia, Dalmatia, Galicia and Lodomeria with the Grand Duchy of Cracow, of the Archduchies of Lower and Upper Austria, of the Duchies of Salzburg, Styria, Carinthia, Carniola, and Bukovina, of the Margravate of Moravia, of the Duchy of Upper and Lower Silesia, of the Princely County of Tyrol and the territory of Voralberg, of the Margravate of Istria, of the Princely County of Gorz and Gradizia, and of the City of Trieste with its territory. The Reichsrat is composed of a House of Lords and a House of Representatives. . .

**Section 7.** Every male person who has attained the age of twenty-four years, possesses Austrian citizenship, is not excluded from the right to vote by the provisions of the election law of the Reichsrat, and who at the time of the election is ordered has resided for at least one year in the Austrian commune in which the right to vote is to be exercised, is qualified to vote for representatives.

Every male person who has been in possession of Austrian citizenship for at least three years, has attained the age of thirty years, and is not excluded from the right to vote by the provisions of the election law of the Reichsrat, is eligible as a representative. . .

**Section 10.** The Reichsrat shall be convened annually by the Emperor, during the winter months when possible.

**Section 11.** The competence of the Reichsrat extends to all matters which relate to the rights, obligations, and interests common to the countries represented therein, in so far as these matters are not to be handled in common, in consequence of the agreement of the countries of the Hungarian crown with the other countries of the monarchy.

Thus, the competence of the Reichsrat extends to:

- a) The examination and approval of commercial treaties and of those political treaties which place a financial burden upon the empire or upon any part thereof . . .
- b) All matters which relate to the form as well as to the regulation and term of military service . . .
- c) The establishment of the budget, and particularly the annual grant of taxes and duties to be levied . . .
- d) The regulation of the monetary system and of banks of issue, of customs and commercial affairs . . .
- e) Legislation concerning credit, banks, patents of inventions, industry . . . weights and measures, the protection of trade marks and of industrial goods.
- f) Legislation concerning public health . . .
- g) Legislation concerning citizenship and domicile . . .
- h) Concerning confessional relations, the rights of assembly and association [and] the press . . .
- i) The establishment of the principles of the educational system in the primary and secondary schools, and legislation concerning the universities.
- k) Legislation concerning criminal justice and police penalties [and] the civil law. . .
- l) Legislation concerning the principles of the judicial and administrative organization.  
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- o) Legislation concerning the manner of handling matters which, through the agreement

with Hungary, are recognized as common to the two parts of the empire.

**Section 14.** If urgent circumstances should render necessary some measure constitutionally requiring the consent of the Reichsrat, when that body is not in session, such measure may be taken by imperial ordinance, issued under the collective responsibility of the ministry, provided it makes no alteration of the fundamental law, imposes no lasting burden upon the public treasury, and alienates none of the domain of the state. Such ordinances have provisionally the force of law, if they are signed by all of the ministers, and shall be published with an express reference to this provision of the fundamental law.

The legal force of such an ordinance shall cease if the government neglects to present it for the approval of the Reichsrat at its next succeeding session, and indeed first to the House of Representatives, within four weeks after its convention, or if one of the two houses refuses its approval thereto.

The ministry shall be collectively responsible for the withdrawal of such ordinances as soon as they have lost their provisional force.

**Section 19.** The adjournment of the Reichsrat or the dissolution of the House of Representatives shall take place by decree of the Emperor. In case of dissolution a new election shall be held in conformity with Section 7.

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