

# Networks of Political Judiciary in the Corporate State: The provincial courts of Vienna in 1935

Cindarella Petz, Prof. Dr. Jürgen Pfeffer

## Political Judiciary in the Corporate State

Following a „coup d'état“ in March 1933, Chancellor Engelbert Dollfuß (1933-34) and his successor, former minister of justice, Kurt Schuschnigg (1934-38) remodeled the Austrian republic to an autocratic „austrofashist“ so-called corporate state using emergency decrees.



Coat of Arms (1934-38)

One of the first actions of this new regime was to criminalize any oppositional political engagement, to ban other political parties, and to strengthen the vigor of the police in the fight on the streets and civil unrests that characterized the early years of the regime.

Consequently, the criminal law was aggravated. A police judiciary, and previously unconstitutional legal practices were introduced, such as double jeopardy and unlimited precautionary detention in so-called „Anhaltelager“.

The judiciary was purified step-by-step: disagreeable judges were removed, and the remaining sworn in on the new authoritarian state.

## The Methodology &

We examine network relations of specializations and cooperations of judges and prosecutors, and their patterns of political prosecution applying network analysis to a historical data set.

A Mixed methods approach, combining

- historical network research,
- quantitative analysis, and
- qualitative evaluation.

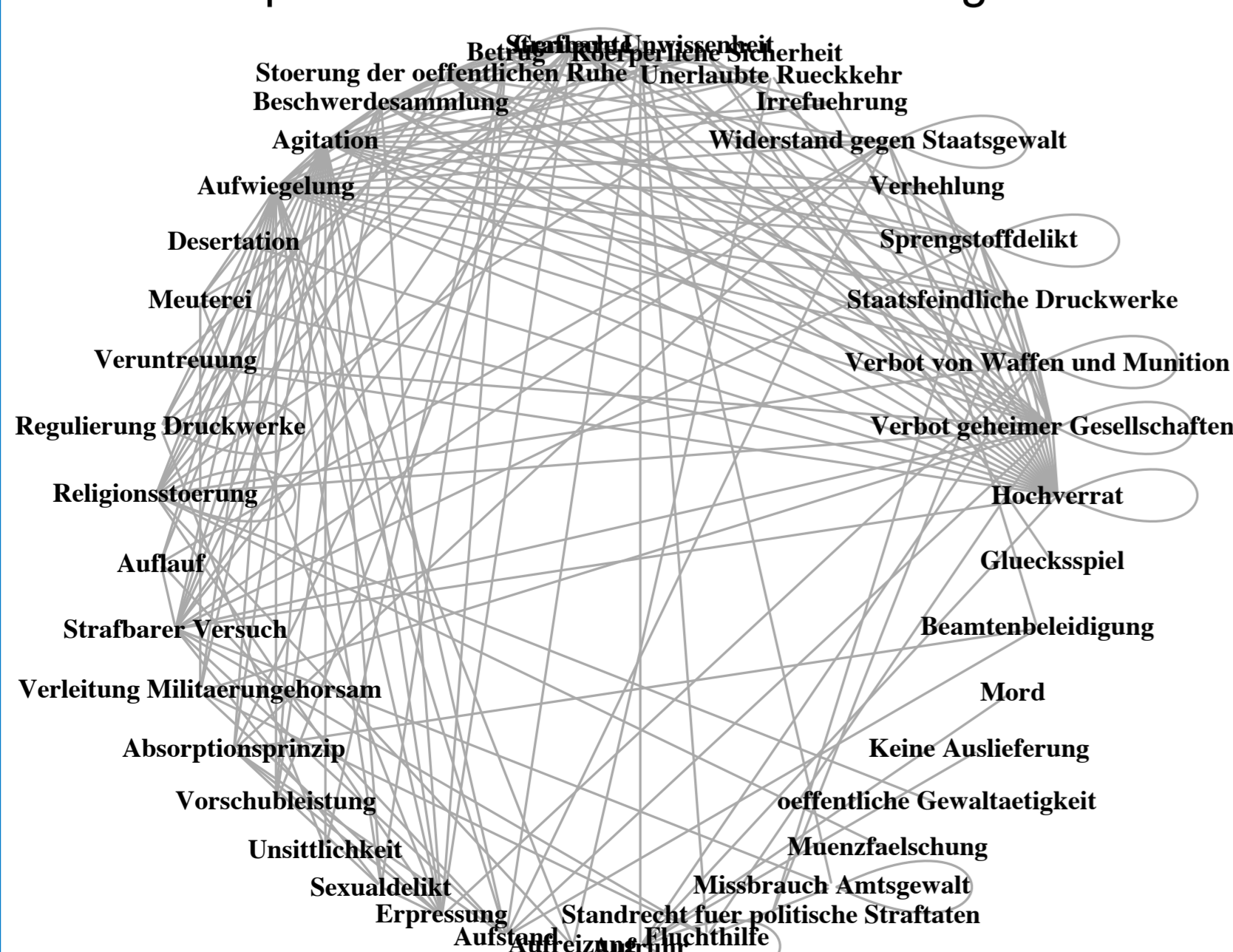
⇒ Which structures of political judiciary were evident in both provincial courts of Vienna in 1935?

⇒ Is there evidence for cooperation of judges and prosecutors influencing the trial's outcome?

⇒ Was there a bias evident against a particular political group?

## Next Steps

⇒ Which configurations are significant as to whether certain charges are cooccurring? Can we explain tie formation behavior using ERGM?



## The Data

1837 case files of political charges evaluated at the provincial courts of Vienna in 1935.

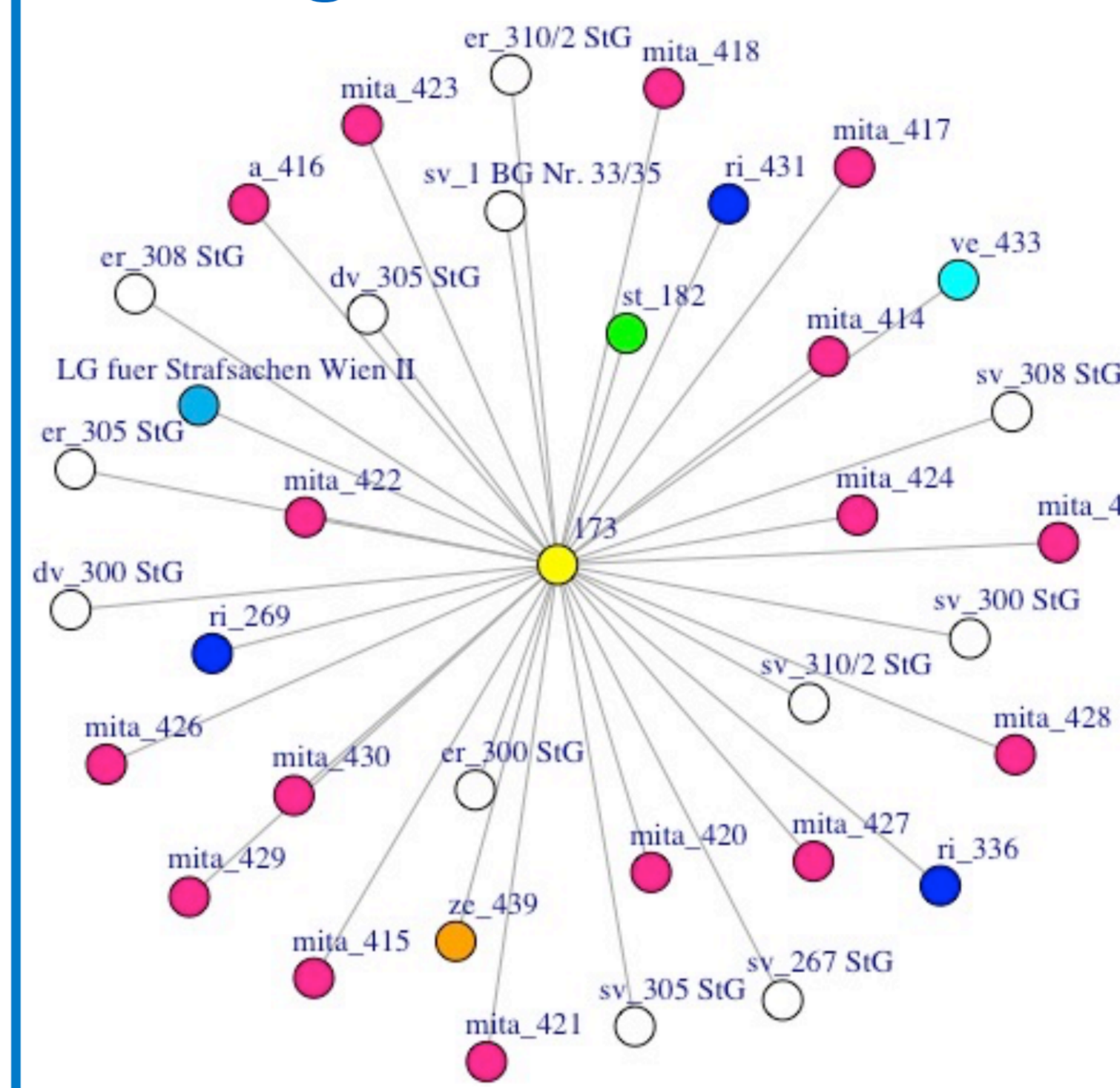
⇒ Subset Sample of 469 case files, of which 205 were tried at court.

Based on a database created by the University of Vienna on political repression (Mesner/ Ardel/Wenninger 2015-17).

Court cases generally used as source for social structure of criminality,

⇒ In our project as source to identify patterns and structures of legal practice.

## Taking a Look inside the Data

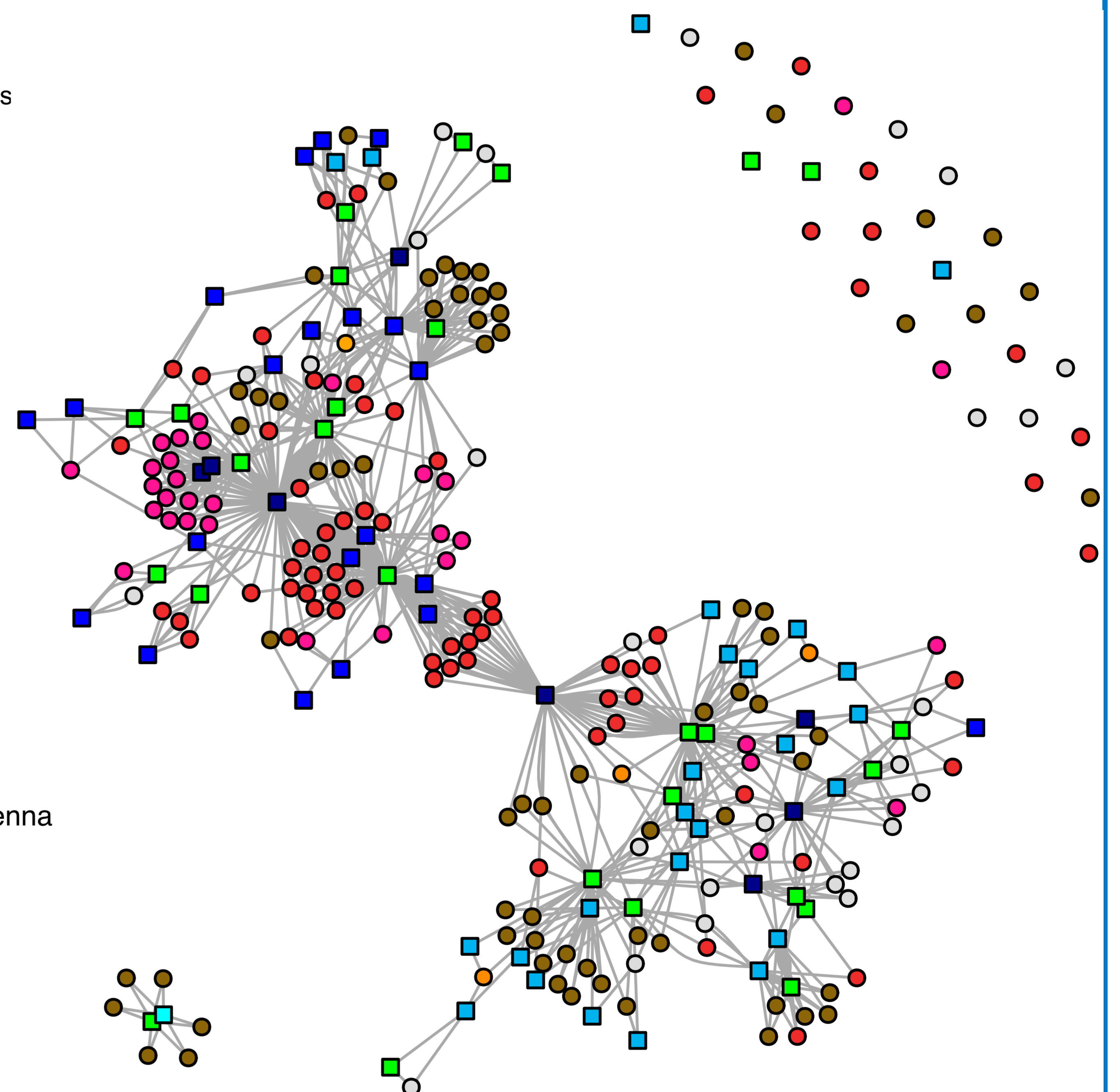


In (anonymized) case no. 173, a 20 years old unmarried metal worker organized in the Socialist Youth was charged alongside other members with incitement against the government (§300), hostility against common values, property, and oral justification of such acts (§305), spreading rumors (§308) and gathering illegally (§310). He was found guilty of §300 and §305 in June 1935, and detained for two months in auxiliary imprisonment, followed by a ten month incarceration at BG Margereten until June 1936.

## Sample Network: Cooperation Structures in Convictions

Category	Characteristic
Type	Multimodal (judges pro-secutors, and defendants)
# of cases	205 trials
# of nodes	283 (of which 55 judges, 27 prosecutors)
# of edges	894
Edge interpretation (square node to round node)	conviction in trial
Direction	undirected
Maximum degree	132
Layout Algorithm	Fruchtermann-Reingold (force-directed)
Processed in	R (& Python)

- Judge at LG Vienna I and II
- Judge at LG Vienna I
- Judge at LG Vienna II
- Judge at Kreisgericht outside Vienna
- Prosecutor
- Social Democrat
- Communist
- National Socialist
- Unknown
- Loyalist
- Religious
- Legitimist



The network above seems to suggest, that certain judges and prosecutors focused on specific political groups. Judges and prosecutors were not confined to the limits of one court house alone, but many worked at both.

## Was there a bias evident against a particular political group?

Political Parties	All Cases	Without Prosecution	Prosecuted	Sentenced / Prosecuted	Imprisoned / Prosecuted	Sentenced / All Cases
Nationalsocialists	836	507 60,6%	329 39,4%	291 88,4%	291 88,4%	34,8%
Communists	456	245 53,7%	211 46,3%	177 83,9%	171 81,0%	38,8%
Socialdemocrats	381	226 59,3%	155 40,7%	144 92,9%	127 81,9%	37,8%
Others	31	23 74,2%	8 25,8%	8 100,0%	4 50,0%	25,8%
Unknown	132	82 62,1%	50 37,9%	41 82,0%	38 76,0%	31,1%
<b>All</b>	<b>1.836</b>	<b>1.083 59,0%</b>	<b>753 41,0%</b>	<b>661 87,8%</b>	<b>631 83,8%</b>	<b>36,0%</b>

Left wing and right wing groups were prosecuted almost identically, at an average of 41%. An indictment led to a conviction in almost 88% of the cases, making it a practical judicial prejudice. There is no strong tendency of prosecution against either group, but relatively evenly against both.