

## PARLIAMENTARY DEBATES AND FREEDOM OF SPEECH OF MPs AS DEFINED IN THE RULES OF PROCEDURE OF THE 19<sup>TH</sup> CENTURY CROATIAN PARLIAMENT AND OTHER PARLIAMENTS – A COMPARISON\*

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This paper presents different aspects of regulating parliamentary debate in the second half of the 19<sup>th</sup> century in the Croatian Parliament (Sabor) and other parliaments in a comparative discourse. This includes parliament's constituent session, preparation and course of parliamentary debate, MPs' motions and interpellations, MPs' freedom of speech, voting and adoption of conclusions. The analysis will be based on a comparison of the rules of procedure of the Croatian Parliament (1861-1918), the 1848 Frankfurt National Assembly (*Frankfurter Nationalversammlung*), the 1848 Imperial Diet in Vienna (*Reichstag*), the Imperial Council (*Reichsrat*), the Hungarian Parliament and parliaments of some German lands in the second half of the 19<sup>th</sup> century as well as a collection of precedents serving as a basis for the operation of the British Parliament (the so-called Westminster procedure) and the rules of the United States Congress. Moreover, acceptance and modification of individual aspects of the Westminster procedure or provisions in the procedural rules of other countries will be presented as examples suggesting that the transfer of ideas and practices in parliamentarianism in Croatia and other European countries in the 19<sup>th</sup> century should be viewed through the prism of multidirectional influence and creative receptions.

**Keywords:** Rules of procedure; Croatian Parliament; European parliaments; US Congress; parliament's constituent session; regulating parliamentary debate; MPs' freedom of speech; 19<sup>th</sup> century

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## Introduction

The elected representative body, Parliament<sup>1</sup>, is among the major features of modern states that emerged in the majority of European countries in the so-called long 19<sup>th</sup> century. Parliament holds the legislative power that it shared with the ruler in the 19<sup>th</sup> century. The successful functioning of a parliament relies on its rules of procedure, a document defining the rules of organisation and procedure. They comprise provisions on parliament's constituent session, election of parliament's leading officials, preparation for and course of parliamentary debates, procedure for the adoption of laws and various conclusions, rights, obligations and freedom of speech of elected Members of Parliament as well as public access to parliamentary debates. The Westminster procedure, i.e. a collection of rules based on precedents underlying the proceedings in the British House of Commons served as a model for organising parliamentary system in most European and non-European countries. Pasi Ihalainen believes there are several types of parliamentary systems sharing certain common features but with differences too, therefore, he uses the concept of 'parliamentarisms'. He advocates a study of parliamentarisms from their diachronic and synchronic perspectives as processes with transnational dimensions and interactions.<sup>2</sup> Such a methodological approach to research on parliamentarism(s) is quite appropriate for studying parliamentary rules of procedure since the transfers of ideas and practices related to the Westminster procedure did not imply their uncritical acceptance, but served as a model for a creative reception, modification and adjustment to political and social circumstances of an individual country, as well as formation of original solutions. British parliamentarism influenced the drafting of the rules of procedure of the Imperial Council in Vienna, the Hungarian Parliament in Budapest and the Croatian Parliament in the 19<sup>th</sup> century, as well as parliaments in other European countries. In the aforementioned rules, the influence of French parliamentary system is less noticeable.

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<sup>1</sup> The word "parliament" is a derivative of the Latin word *parlamentum*. Its original meaning was discussion, negotiation and gathering, assembly, and subsequently gained the meaning of an institutionalised assembly and the building where its sessions are held. In England, the word was first used in 1236, in France around 1100, and in the German language around 1300. In 1848, parliament became a universally accepted name of an elected representative body of the people. John Robert Maddicott, *The Origins of the English Parliament 924-1327* (Oxford: Oxford University Press, 2010), 157-158; Hans Boldt, "Parlament, parlamentarische Regierung, Parlamentarismus", in *Geschichtliche Grundbegriffe. Historisches Lexikon zur politisch-sozialen Sprache in Deutschland*, ed. Otto Brunner, Werner Conze and Reinhard Koselleck (Stuttgart: Klett-Cotta, 1978), 649-676.

<sup>2</sup> Pasi Ihalainen, "European Parliamentary Experiences from a Conceptual Historical Perspective", in *Parliament and Parliamentarism. A Comparative History of a European Concept*, ed. Pasi Ihalainen, Cornelia Ilie and Kari Palonen (New York; Oxford: Berghahn, 2018), 21.

Treaties on the British parliamentary procedure have been written from the beginning of the 14<sup>th</sup> century to the present.<sup>3</sup> The most important among them, which exerted a strong influence on the parliamentary rules of procedures of (non)European countries, are *Precedents Proceedings in the House of Commons, with Observations* (1779-1796, 4 volumes, 1818 edition with additions) by John Hatsell (1733-1820) and *A Treatise upon the Law, Privileges, Proceedings and Usage of Parliament* by Thomas Erskine May (1815-1886).<sup>4</sup> Hatsell's manual exerted strong influence on Thomas Jefferson (1743-1826), US Vice-President at the time who presided over the Senate and wrote *A Manual of Parliamentary Practice* in 1801, which was accepted for use in both Houses of the US Congress in 1837 and, with some modifications, is still valid today.<sup>5</sup> Draft rules of procedure of the 1848 Frankfurt National Assembly entitled *Vorschläge zu einer Geschäftsordnung des verfassunggebenden Reichstags* by Robert von Mohl and adopted with minor modifications<sup>6</sup> as well as the rules of procedure of the 1848 Imperial Diet in Vienna<sup>7</sup> had major importance for German-speaking countries and the Habsburg monarchy. These documents influenced other rules of procedure that, together with the rules of the Croatian Parliament<sup>8</sup>, will be the

<sup>3</sup> From a large body of literature on the topic, let me mention here a brief analysis by Kari Palonen, *The Politics of Parliamentary Procedure. The Formation of the Westminster Procedure as a Parliamentary Ideal Type* (Opladen; Berlin; Toronto: Barbara Budrich Publishers, 2016), 27-60.

<sup>4</sup> For Th. Erskine May and his work, cf. William McKay, "A Sycophant of Real Ability: The Career of Thomas Erskine May", in *Essays on the History of Parliamentary Procedure. In Honour of Thomas Erskine May*, ed. Paul Evans (Oxford; Portland, Oregon: Hart Publishing, 2017), 21-32; Paul Evans, Andrej Ninkovic, "From Manual to Authority: the Life and Times of the *Treatise*", in *Essays on the History of Parliamentary Procedure*, 115-128. Hatsell and Erskine May were *Clerks of the House of Commons*, the most senior executive officials of the House of Commons and the supreme authorities on the issue of observance of parliamentary procedure.

<sup>5</sup> Thomas Jefferson, *Manual of Parliamentary Practice*, accessed May 2, 2023. <https://www.govinfo.gov/content/pkg/HMAN-108/pdf/HMAN-108-jeffersonman.pdf>, 125.

<sup>6</sup> Robert von Mohl, *Vorschläge zu einer Geschäftsordnung des verfassunggebenden Reichstags* (Heidelberg: Academische Verlagshandlung C.F. Winter, 1848).

<sup>7</sup> *Geschäfts-Ordnung für den constituirenden Reichstag* (Vienna: K. k. Hof- und Staats-Druckerei, 1848).

<sup>8</sup> *Poslovník sabora trojedne kraljevine Hrvatske, Slavonije i Dalmacije. Primljen u 3. sjednici dne 23. travnja 1861. izpravljen u 40. sjednici od 28. veljače 1868., i u 28. sjednici od 3. ožujka 1869.* (Zagreb: Tiskom Dra. Ljudevita Gaja, 1869?); *Poslovník sabora kraljevinah Hrvatske, Slavonije i Dalmacije. Primljen dne 12. lipnja 1875. u CXVIII. saborskoj sjednici, ispravljen u CVII. saborskoj sjednici od 12. srpnja 1878.* (Zagreb: Tisak Dioničke tiskare, 1878); *Poslovník Sabora kraljevinah Hrvatske, Slavonije i Dalmacije. Primljen dne 12. lipnja 1875. u CXVIII. saborskoj sjednici, ispravljen u saborskih sjednicah: CVII. od 12. srpnja 1878., CXVIII 7. srpnja 1884., XLVII. od 27. listopada 1882. i CXL. od 24. kolovoza 1884. i u XVIII. od 25. listopada 1884.* (Zagreb: Tiskara „Narodnih Novinah“, 1884); *Poslovník sabora kraljevinah Hrvatske,*

object of analysis in this paper. These are the rules of procedure of the Imperial Council in Vienna, the Hungarian Parliament in (Buda)Pest and the parliaments of the Kingdoms of Bavaria, Prussia and Württemberg.<sup>9</sup>

Unlike parliaments in European countries consisting of a house of elected deputies and an upper house of appointed worldly and church dignitaries, and in the USA where both houses had elected members, the 19<sup>th</sup> century Croatian Parliament was unicameral. From 1848 on, it consisted of elected deputies and the so-called *virilisti*, members of the high nobility and holders of the highest administrative and church offices who came to parliament at the invitation of the Ban of Croatia. The number of members of the Croatian Parliament in the period 1848-1918 varied, however, elected members always outnumbered the *virilisti*. For this reason, the rules of procedure of the Croatian Parliament will be compared with the rules of procedure of houses of representatives in other countries.

## Constituent Sessions of the 19<sup>th</sup> Century Croatian Parliament – A Comparison

The collection of precedents constituting the basis for proceedings of the House of Commons entitled *A Treatise upon the Law, Privileges, Proceedings and Usage of Parliament* by Thomas Erskine May<sup>10</sup> and the rules of the

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*Slavonije i Dalmacije. Primljen dne 7. prosinca 1896. u CL saborskoj sjednici* (Zagreb: Kralj. zemaljska tiskara, 1897).

<sup>9</sup> *Geschäftsordnung für das Haus der Abgeordneten* (Vienna: K. k. Hof- und Staatsdruckerei, 1861); *Geschäftsordnung für das Abgeordnetenhaus des Reichsrathes* (Beschlossen am 2. März 1875). (Vienna: K. k. Hof- und Staatsdruckerei, 1875); “Geschäftsordnung des Abgeordnetenhauses”, *Reichsgesetz-Blatt (RGBl)*, No. 252, Vienna, (1917); “Geschäftsordnung des Abgeordnetenhauses”, *RGBl*, No. 253, Vienna, (1917): 19-70; “Gesetz vom 11. Juni 1917, R. G. Bl. Nr. 253, betreffend die Geschäftsordnung des Reichsrates”, *RGBl*, No. 253, Vienna, (1917): 1-17; “A képviselőház rendszabályai”, in *Országgyűlési zsebkönyv*, Pest 1865, accessed October 10, 2022. [https://library.hungaricana.hu/hu/view/OGYK\\_Hazszabaly\\_1861\\_kh/?pg=2&layout=s](https://library.hungaricana.hu/hu/view/OGYK_Hazszabaly_1861_kh/?pg=2&layout=s); A képviselőház házszabályai [1887], Budapest 1892. Accessed October 24, 2022. [https://library.hungaricana.hu/hu/view/OGYK\\_Hazszabaly\\_1884-1887\\_kh/?pg=0&layout=s](https://library.hungaricana.hu/hu/view/OGYK_Hazszabaly_1884-1887_kh/?pg=0&layout=s); A képviselőház házszabályai, Budapest 1875. Accessed October 20, 2022. [https://library.hungaricana.hu/hu/view/OGYK\\_Hazszabaly\\_1872-1875\\_kh/?pg=0&layout=s](https://library.hungaricana.hu/hu/view/OGYK_Hazszabaly_1872-1875_kh/?pg=0&layout=s); A képviselőház Rendszabályai [1848]. Accessed October 5, 2022, [https://library.hungaricana.hu/hu/view/OGYK\\_Hazszabaly\\_1848-1849\\_ah/?pg=6&layout=s](https://library.hungaricana.hu/hu/view/OGYK_Hazszabaly_1848-1849_ah/?pg=6&layout=s); *Geschäftsordnung der Kammer der Abgeordneten des Königreichs Bayern vom Jahre 1851* (Munich: W. Bösenbacher, 1851); *Geschäftsordnung der Kammer der Abgeordneten* (Stuttgart: K. Hofbuchdruckerei zu Guttenberg, 1875); *Geschäftsordnung für das Haus der Abgeordneten* (Berlin: W. Moeser, 1858).

<sup>10</sup> Digitalised original from 1844 (Scholar select edition, Palala Press, 2015).

US Congress<sup>11</sup> do not stipulate who presides over a session of the House of Commons / House of Representatives until the election of Speaker, or on how members' credentials are verified. There are references to plenary sessions being prepared by committees, standing or special committees elected to deliberate on a bill. It has been found in all the other analysed rules that the House was most frequently split by lot into a certain number of sections or committees that verified elected members' credentials and this procedure was prescribed in detail.

In addition to the US Congress, made up of members elected according to constitutional provisions, the 1848 Frankfurt National Assembly was the only elected representative body analysed in this paper that was not convened by the ruler, but rather at the invitation of the Committee of Fifty that initiated its convening and the holding of elections. An exception with regard to the other parliaments considered is the fact that the Committee of Fifty elected a provisional President of the parliament. He was supposed to convene the first session of the Parliament that, by relative majority of votes and by means of ballots, was to adopt the constitution and elect a President and four Vice-Presidents for a four-week term with the possibility of re-election. The negative sides of the frequent election of the President and Vice-Presidents were supposed to be warded off by electing eight Clerks for the entire parliamentary session and electing a chief-of-staff of the office of the parliament who managed all the important legislative and technical business.<sup>12</sup> In all the other parliaments analysed in this paper, the business of the lower house (of representatives) of parliament was conducted by the oldest Member of Parliament until the election of its Speaker and a certain number of Deputy Speakers (most frequently one or two), whereas the rulers reserved their right to appoint the Speaker and Deputy Speakers of the upper house. The House of Deputies (*Haus der Abgeordneten*) of the Kingdom of Prussia presided over by the oldest Member of Parliament elected its Speaker (President) and two Deputy Speakers (Vice-Presidents) initially for a four-week term, and if they demonstrated the required skills, upon expiry of the aforementioned period they were elected until the end of the parliament's legislative term.<sup>13</sup>

<sup>11</sup> Jefferson, *Manual of Parliamentary Practice*.

<sup>12</sup> Mohl, *Vorschläge zu einer Geschäftsordnung*, 7-15. The reason for such a brief term of office of the President and Vice-Presidents of the Frankfurt National Assembly stated by the author was a large number of MPs (over 600) who did not know each other since they came from different lands and had no parliamentary experience. In national parliaments, there are fewer MPs of whom at least some have parliamentary experience, know one another and are aware of the skills they have.

<sup>13</sup> *Geschäftsordnung für das Haus der Abgeordneten*, Berlin, § 1, 7-9.

According to the rules of procedure of the 1861 Imperial Council in Vienna (parliament of the Austrian part of the Habsburg monarchy), the ruler appointed the President and Vice-Presidents of both houses. This was a step back in relation to the rules of procedure of the Imperial Diet that convened in Vienna in July 1848 and elected its President, as well as first and second Vice-President for four-week term with possibility of re-election.<sup>14</sup> In the rules adopted following the Austro-Hungarian Compromise, the Houses of Deputies of the Imperial Council elected themselves their Presidents and a certain number of Vice-Presidents following verification of credentials of the majority of MPs, while the President and Vice-Presidents of the House of Lords were appointed by the emperor until the dissolution of the Austro-Hungarian Monarchy. It is interesting that according to the 1875 rules, the term of office of the President and Vice-Presidents of the House of Deputies of the Imperial Council lasted until the beginning of work of the new Council in order to ensure unhindered preparation for the work of the new parliament (§ 5). The provision was repeated in the new, more detailed rules of procedure of 1917 (§ 7 and 8). A similar provision cannot be found in other rules analysed.<sup>15</sup>

According to the 1861 rules of procedure, the Ban of Croatia presided over the Croatian Parliament, and if he did not attend, the eldest Grand Prefect assumed the role of interim President. Upon verification of credentials of two thirds of MPs, the first and second Vice-Presidents were elected by secret ballot. They ran the business of the Parliament whenever the Ban could not attend. The 1866 and 1869 amendments to the rules of procedure introduced a practice in the Croatian Parliament whereby proceedings were presided over by its eldest MP as provisional President until credentials of the majority of elected MPs were verified and the President and first and second Vice-Presidents elected by secret ballot. Their term of office expired at the end of the legislative term, unlike the term of office of Clerks who were elected for one year term. This practice became standard procedure in the 1875 rules, in the supplemented rules of 1884 and the 1896 rules.<sup>16</sup>

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<sup>14</sup> *Geschäfts-Ordnung für den constituirenden Reichstag*, § 9-11.

<sup>15</sup> The term of office of the President and Vice-Presidents of the House of Lords of the Imperial Council appointed by the emperor also lasted until the beginning of the new term of the House. "Gesetz vom 12. Mai 1873, R. G. Bl. Nr. 94 in Betreff der Geschäfts-Ordnung des Reichsrathes", in *Geschäftsordnung für das Abgeordnetenhaus des Reichsrathes* 1875, (§ 16).

<sup>16</sup> All rules of procedure of the Croatian Parliament from 1861 to the dissolution of the Austro-Hungarian monarchy in 1918 and their supplements were published in: Jasna Turkalj, Vlasta Švoger, "Zdrav temelj za razvitak parlamentarnog života"? *Poslovnici Hrvatskog sabora (1861.-1918.)* (Zagreb: Hrvatski institut za povijest, 2022), 177-247, accessed April 21, 2023. <https://eukor.isp.hr/e-knjige/>.



The 1848 rules of procedure of the Austrian Imperial Diet defined that all MPs should be divided by lot into nine sections and that each section should verify the MPs of one of the remaining sections. The Assembly confirmed the validity of the elections by majority vote, and contentious elections were reviewed by a special committee (§ 2-8). The rules of procedure of the 1848 Frankfurt National Assembly provided that elected MPs should surrender electoral documents to the Committee of Fifty that issued them a provisional admittance that was valid until the Assembly verified their election. Upon the election of the presidency of the Assembly (President, Vice-Presidents and Clerks), at the beginning of the legislative term, the presidency elected an electoral committee (*Wahlausschuß*) of 15 members from among Members of Parliament who were tasked with reviewing electoral documents of all MPs, including those verified by the Committee of Fifty. The Electoral Committee drafted a report on validly elected MPs, and the final decision was made by the Assembly. Names of verified MPs were published in the daily press.<sup>17</sup>

The 1848 Austrian Imperial Diet procedure was adopted by the Croatian Parliament and adjusted to its needs. MPs in the Croatian Parliament by lot were divided into five equal sections that verified the credentials of MPs whereby one section verified the credentials of MPs in another section, and so on. After the Parliament held its constituent session, a permanent verification committee was elected verifying the election of subsequently elected MPs. The same procedure was included in all the rules of procedure of the Croatian Parliament in the 19<sup>th</sup> century, starting from the first one adopted in 1861.

Legislative articles 1848:4 and 1848:5 were crucial for the development of Hungarian parliamentarianism, because they were the basis for the rules governing the business of both houses of the Hungarian Parliament. Article 1848:4 provided that the Hungarian Parliament should meet each year in the capital of Hungary instead of Pressburg (Bratislava) as was the case until then. The 1848 rules of procedure of the House of Deputies (lower house) of the Hungarian Parliament contained detailed provisions on the verification of elected MPs that was conducted by nine sections, whose members were elected by lot. During that period, the oldest elected MP with the support of provisional Clerks (youngest MPs) presided over the Parliament. Electoral protocols were allocated to individual sections by lot. Upon completion of the verification of credentials, Members of the Lower House of the Hungarian Parliament elected by secret ballot among themselves the President, two Vice-Presidents and six Clerks. The President opened and closed the sessions of the Lower House, and he had to convene a session of the House at the request of at least 20 MPs and advise all the MPs. He had to maintain order and

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<sup>17</sup> Mohl, *Vorschläge zu einer Geschäftsordnung*, 7-9, 16-17.

peace and could take the floor at any moment. The aforementioned procedure remained in force in the next half century without significant modifications.<sup>18</sup>

Duties of the Speaker/President of parliament were defined in a similar manner in all the procedural rules analysed: the Speaker convenes and conducts sessions, proposes the agenda of the next session, most often at the end of the current one, and the parliament must agree with his proposal, he gives the floor to MPs, formulates questions which are put to the vote, declares voting results, sees to it that provisions of the rules of procedure are observed and order maintained in the chamber; should there be commotion in the public galleries, the speaker may provisionally postpone or adjourn the session. The Speaker opens documents addressed to the parliament and assigns them to individual sections and elected committees, represents the parliament and is the only person authorised to communicate with ministers, ruler and Speaker of the upper house, in those countries that have bicameral parliaments, on behalf of the parliament. Deputy Speakers act on behalf of the Speaker when he is absent or when he wishes to take part in a parliamentary debate on some specific topic, since in such a case he has to leave his place of presiding officer and speak from the place assigned for speaking, which is either from the parliamentary rostrum or from the benches.

Duties of the Clerks were also similar in all the procedural rules analysed. According to the rules of the Croatian Parliament, they had to keep the minutes at the Parliament's plenary sessions, read out the documents addressed to the Parliament, keep a list of speakers who applied to speak at plenary debates, count votes during voting, control the work of stenographers in keeping journals of debates. In the rules of the Chamber of Deputies of the Kingdom of Bavaria (*Kammer der Abgeordneten*), these duties were performed by secretaries who were also in charge of supervising the work of clerks/servants and archivists, of the Chamber's treasury. They oversaw the printing or lithographing all the parliamentary records.<sup>19</sup>

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<sup>18</sup> *Zakonski članci Ugarskog dâržavnog sabora godine 1847/8.* (Zagreb: Tiskom Dra. Ljudevita Gaja, 1860), 13-15; László Révész, "Der Ungarische Reichstag 1848-1918: Rechtliche Grundlagen und praktische Umsetzung", in *Die Habsburgermonarchie 1848-1918*, Band VII, *Verfassung und Parlamentarismus*, 1. Teilband, *Verfassungsrecht, Verfassungswirklichkeit, zentrale Repräsentativkörperschaften*, ed. Helmut Rumpler, Peter Urbanitsch (Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 2000), 1045-1046; András Cieger, "New Models and Old Traditions: Debates on Parliamentarism in Hungary after the Austro-Hungarian Settlement of 1867", in *The Ideal of Parliament in Europe since 1800*, ed. Remieg Aerts, Carla van Baalen, Henk te Velde, Margit van der Steen, Marie-Luise Recker (Cham: Palgrave Macmillan, 2019), 78.

<sup>19</sup> *Geschäftsordnung der Kammer der Abgeordneten des Königreichs Bayern*, 12-14, 17-18. These are the only rules among those analysed that make a reference to the service of an archivist who filed documents and ran the registry office for both houses of parliament.



An analysis of the aforementioned rules of procedure in parliaments of different countries has established that all the parliaments were considered constituted upon verification of credentials of a majority of MPs and upon election of their leading officials, upon which the ruler should be advised but his confirmation of the elections was not needed. Moreover, all the houses of deputies, including the unicameral Croatian Parliament, were divided into a certain number of permanent sections or committees, and could also elect *ad hoc* committees to prepare debates on certain issues.

## Preparation, Conduct and Conclusion of Parliamentary Debate

Although they often referred to the United Kingdom as their model, as did Croatian MPs, in 1848 German parliamentarians did not advocate direct acceptance of British parliamentary practices. Some elements of British parliamentarianism, for example MPs sitting in benches facing each other, became universally accepted and characteristic of the parliaments analysed, including the 19<sup>th</sup> century Croatian Parliament. The British practice of MPs speaking from their places, which was for the most part accepted by the other parliaments analysed in this paper, including the Croatian Parliament, was considered inappropriate by German MPs who introduced the practice of MPs speaking from a rostrum. Debates held in the Frankfurt National Assembly, and in parliaments of other European countries including Croatia, referred to comparisons with European parliamentary cultures. Transfers of national parliamentary experience during the 19<sup>th</sup> century became general standards of parliamentarianism in Germany and in other European countries<sup>20</sup> alike, including Croatia.<sup>21</sup>

Based on the 1791 Constitution, the French Assembly was first to open parliamentary debates to the public and introduce the practice of printing the minutes of Assembly proceedings.<sup>22</sup> Soon, the practice was emulated by parliaments in other European states including the Croatian Parliament. The first to do so was the Spanish Cortes, which adopted a constitution in 1812.

<sup>20</sup> Onni Pekonen, "The Political Transfer of Parliamentary Concepts and Practices in the European Periphery: The Case of Obstruction in Late Nineteenth- and Early Twentieth-Century Finland," *Parliaments, Estates & Representation* 37, no. 3 (2017): 281-300.

<sup>21</sup> Jasna Turkalj, "Organizacija i operativna pravila rada Hrvatskog sabora: saborski poslovници (1861.-1918.)," in "Zdrav temelj za razvitak parlamentarnog života"?, Turkalj and Švooger, 61-170.

<sup>22</sup> Jean Garrigues, Eric Anceau, "Discussing the First Age of French Parliamentarism (1789-1914)," in *Parliament and Parliamentarism. A Comparative History of a European Concept*, ed. Pasi Ihalainen, Cornelia Ilie, Kari Palonen (New York; Oxford: Berghahn, 2018), 59.

According to the Cortes rules of procedure, sessions were open to visitors and journalists who published their parliamentary reports in the newspapers. The minutes of parliamentary sessions were also printed. From the revolutionary year 1848-1849 onward, freedom of reporting on the proceedings of parliament in the newspapers was introduced. The freedom was first guaranteed by the 1871 Constitution of the German Empire. In this way, parliament became a prominent symbol of national policy, this contributed to the interaction of parliament with broader social classes and their political mobilisation.<sup>23</sup>

In the House of Commons of the British Parliament and the House of Representatives of the US Congress, there is reference to committees that prepare debate, but there are no detailed instructions on how they are elected or how their reports influence debates. In the House of Commons, the Speaker runs debates and voting in which he does not take part, except in case of a draw when he has a casting vote. Committee chairs play the same role when it comes to debates and votes in a committee. MPs sit facing each other, they are not allowed to read speeches they deliver standing at their places. The Speaker sees to it that rules are observed, order maintained, he stands up when he wants to speak, and the MP speaking at that moment has to cease speaking immediately and sit down. Debates on government bills and the so-called private members' bills (legislative proposals submitted by individual MPs) take place in three readings. The first reading begins with the Clerk<sup>24</sup> reading out the title and the wording of the bill, then the Speaker emphasises the major guiding principles of the bill and inquires if the bill will go into second reading. If a majority of MPs are in favour, the date of the second reading is set. Prior to the second reading, the bill needs to be printed and distributed to MPs. On the day set for the second reading, the MP in charge of the bill reads it out again and emphasises its main determinants. The House then decides whether the bill will be sent to some committee for a detailed analysis and tabling of amendments or whether Committee of the Whole House will debate on it. When the opinion of the committee deliberating on the bill has been agreed upon, the committee chair drafts a report that he reads in plenary, a new version of the bill is printed, distributed to MPs and a third reading follows. In the third reading at plenary, the bill is read out with the tabled amendments. At this point, new articles (sections) and amendments may be

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<sup>23</sup> Jens Späth, "Parliamentary Government in Southern Europe? The Model of the Cádiz Cortes and the Ideal of the Moderate Monarchy," in *The Ideal of Parliament in Europe since 1800*, Aerts et al., 49-50. Andreas Biefang, Andreas Schulz, "From Monarchical Constitutionalism to a Parliamentary Republic. Concepts of Parliamentarism in Germany since 1818", in *Parliament and Parliamentarism*.

<sup>24</sup> Clerk is the most senior executive official in the British Parliament and the US Congress and supreme authority on the observance of parliamentary procedure and privileges.

added. They have to be read out three times, and other MPs can comment. Upon closure of the debate, a vote on the bill in its entirety takes place. The Speaker puts questions to a vote and declares the voting results. Before Parliament votes, members of the general public and journalists following the proceedings from the galleries must leave the chamber and a division bell rings inviting MPs to vote. Ever since 1836, the House of Commons votes by dividing itself, i.e. MPs voting in favour of a bill go to one lobby (the Aye Lobby), whereas those against the bill go to another lobby (the No Lobby). At the entry points from both lobbies to the chamber are tellers counting the MPs entering from either lobby indicating the aye and no votes. Only after both houses have adopted a bill, it is given a definite title and is sent to the king/queen for royal Assent after which it comes into force.<sup>25</sup>

Jefferson's *Manual* states that the chairs of individual standing committees (does not specify which ones) were appointed by the Speaker, and then their members were elected from the list of the ruling majority and the minority. There was a possibility that committee members among themselves elected another chair, but this was rarely done in practice. Committee chairs presided over debates in committees and reported on them to the House of Representatives reading the report from the rostrum. Committee minutes were not published. Committee sessions had to be attended by one third of Members of Congress (MOCs) in order for debates to be held, but voting or adoption of recommendations required the attendance of a majority of Members. Committee sessions could also be attended by MOCs who were not committee members, but had no right to vote. In cases of the Committee of the Whole House, such sessions are not presided over by the Speaker but by the elected Chair. The Speaker runs the debate in plenary and if he is absent then the *Speaker pro tempore*. MOCs sit facing each other. If an MOC wishes to take the floor, he has to stand up and address the Speaker who calls out his name and gives him the floor. The Speaker ensures order during debate and may call out an MOC by name who disturbs the proceedings of the House.<sup>26</sup> Motions of MOCs were submitted to the Speaker in writing and for them to be debated they needed the support of other MOCs (number not specified). The Speaker assigned them to a standing committee or appointed a select committee. Bills were adopted following three readings, and a debate on a bill and its amendments was also possible during a third reading, but this provision was not implemented in practice. All MOCs present must vote. Voting took place in a number of ways. When the Speaker put the question to the House, MOCs would simultaneously say yes or no. If the Speaker was not sure whose votes

<sup>25</sup> Erskine May, *A Treatise*, 195-196, 209-210, 213-214, 216-218, 277-291.

<sup>26</sup> Jefferson, *Manual of Parliamentary Practice*, § 314, 326, 366, 392, 408-410, 415, 418.

were in majority, judging how loud they were, it was voted again by counting all the MOCs in the chamber before they go to two different lobbies, the Yes Lobby and the No Lobby. Yes and no votes are counted by counting the MOCs who enter the chamber from either lobby. Another method of voting is that the Clerk calls over the Members' names alphabetically and they respond with yes or no and their responses are recorded on a special list. In case of an equal number of yes and no, the bill does not pass. For the bills to come into force, they have to be adopted by both houses, signed by the Speaker and the US Vice-President and then submitted to the President for approval and signature. Sessions were public and each Member of Congress could request the galleries to be cleared of strangers. Session journals of both Houses of Congress are published and available to the public.<sup>27</sup>

In addition to British (and American) parliamentary practice, two procedural rules originating from the 1848 revolutionary year influenced the articulation of major provisions that defined preparations for and course of parliamentary debates in German-speaking countries, the Habsburg monarchy and Croatia. Those were the rules of the Frankfurt National Assembly and the Austrian Imperial Diet. These two sets of rules did not uncritically accept all the major guidelines of British parliamentary procedure, such as there being no need for MPs wishing to speak to notify their intention to speak, or counting MPs while they enter the chamber from two opposite lobbies. They contained some original provisions. A specific practice in the Frankfurt National Assembly provided by its rules of procedure was that every four weeks, members of 15 sections with an equal number of members would be appointed anew by drawing lots, and they would elect members of individual committees among themselves by secret ballot who would prepare debates on certain issues. The Assembly as a whole rarely elected committee members, this was done by section members or the presidency of the Assembly. There were also standing committees whose terms lasted until the end of Parliament and dealt with a certain type of affairs. For example, there were committees for rules of procedure, for giving opinion on a federal constitution, foreign affairs, army and fleet, a financial committee, committee on national economy and public good, examination of election credentials, civil and penal legislation and a committee of petitions. Every committee elected its Chair, his Deputy, a Clerk and a Rapporteur by secret ballot. With approval of Parliament, committees could invite witnesses and experts in a field to their sessions. Committee sessions were open only to committee members, and other MPs could attend only if invited. Committee reports were printed, unless it was necessary to resolve an issue urgently or if it was irrelevant, and had to be distributed to all MPs at least 24 hours prior to the beginning of debate. MPs wishing to

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<sup>27</sup> Ibid., § 382, 392, 398-401, 498-499, 501-505, 508, 574-575, 578-583.

speak on a motion on the agenda could enter their names in a list in the secretariat the day before and specify whether they would speak for or against a motion. They spoke ahead of the MPs not entered on the list of speakers in a way that supporters would take turns with those opposing the motion. This was followed by a free debate (*freie Verhandlung*) in which MPs signalled their wish to speak by standing up from their places. The rules of procedure of the Frankfurt National Assembly are the only ones among those analysed that did not provide for the obligatory support of a certain number of other MPs for an independent motion by an MP or for tabling amendments. As for voting, the Frankfurt National Assembly did not accept the British model but created a new method of voting, which was accepted in parliaments of German-speaking countries, the Habsburg (Austro-Hungarian) Monarchy and Croatia. When voting, as a rule MPs would stand up or remain seated, depending on whether their response was yes or no. If the result was equivocal, the voting was repeated in a way that standing up had the opposite meaning than in the first round of votes. If the result was still equivocal after repeated voting, there was a roll call vote conducted in a way that the MP whose name was called over cast the ballot in one of the two voting boxes, the white ballot for yes, the black ballot for no. Then, two Clerks publicly counted the votes. There was never oral voting.<sup>28</sup>

The rules of procedure of the 1848 Austrian Imperial Diet accepted some provisions of the rules of the Frankfurt National Assembly, but also introduced original ideas. They served as a model for all the subsequent rules of procedure of Austrian and Hungarian parliaments and influenced drafting of operational rules for the proceedings of the Croatian Parliament. The Imperial Diet in Vienna by lots was divided into nine sections that were tasked with preparing debates on all subject matters with the exception of the constitution. A special committee was elected for drafting the constitution in a way that each of the ten administrative districts elected three deputies from among their deputies. Furthermore, the sections served as primary points of contact between MPs. However, parliamentary groups were established soon afterwards, so that the sections, which had been taken over from the French parliamentary system, to a large extent lost their importance. During sessions of the Imperial Diet in Vienna, 17 different committees for the preparation of debates were elected, among them committees on petitions, finances, state economy and agriculture. Occasionally, committees dedicated to individual issues were elected as well.<sup>29</sup> In the 1861 and 1875 rules of procedure of the Imperial Council, there were still references to sections electing members of

<sup>28</sup> Mohl, *Vorschläge zu einer Geschäftsordnung*, pp. 31-33, 41-42, 51.

<sup>29</sup> Gottsmann, "Der Reichstag 1848/49 und der Reichsrat 1861 bis 1865", 597; *Geschäfts-Ordnung für den constituirenden Reichstag*, § 33-36.

standing and provisional committees that prepared parliamentary debates, whereas the 1917 rules no longer made reference to them. According to the 1848 rules of the Imperial Diet in Vienna, sections and committees elected their Chairs, Deputies and Clerks. They were able to debate if more than one half of their members were present. To section and committee sessions, it was possible to invite: ministers or their representatives to provide necessary explanations; MPs who were not members of the section or committee concerned but were experts in a certain field and had an advisory vote at the sessions; and other experts who were not Members of Parliament. A minority consisting of three members of section or committee was entitled to formulate a dissenting opinion that was appended to the section's/committee's report. After a debate in a section was held, each section elected one representative on a special committee. This committee elected its Chair, his Deputy and Clerk and drafted a report for the plenary session which, if applicable, also appended a minority report. Reports and motions of sections/committees were printed and had to be distributed to all MPs at least three days before a debate. These reports were not printed only in cases of great urgency or less relevance. Sessions of the sections/committees were not public, they could be attended by the President of the House of Deputies, and by other MPs only if invited, unlike plenary sessions that were open to the public. However, at the request of a certain number of MPs, they could be held in camera.<sup>30</sup>

The provisions on the operation of sections/committees remained in force with minor modifications in subsequent rules as well. The 1861 rules of procedure of the House of Deputies of the Imperial Council stipulated that committee members had to attend sessions. If they did not attend three consecutive times without proper justification, their term of office ceased, and the committee Chair had to ask that a new committee member be elected (§ 19). The same rules defined that ministers and heads of central offices could attend committee sessions, except during final debates and voting sessions (§ 20) and that a committee Chair voted only when there was an equal number of for and against (§ 22). These provisions were repeated in subsequent rules. The 1917 rules introduced a provision that a substitute be elected for each committee member (§ 24) and that MPs who were not members of a certain committee, if supported by at least 20 MPs, may formulate their own motion on a certain issue that was then forwarded to a committee that prepared a debate on the motion (§ 31).

The 1848 rules of procedure of the Imperial Diet in Vienna entitled every MP to table an autonomous motion, which was debated only if supported by a minimum of ten MPs. In subsequent rules of procedures, the number of MPs

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<sup>30</sup> *Geschäfts-Ordnung für den constituirenden Reichstag*, § 28-30, 34-46.



who were supposed to second the motion of an MP varied, and the same was true of amendments. Contrary to this, the 1848 rules did not require the support of other MPs when tabling an interpellation, however, in the 1861 rules and subsequent rules it was provided that interpellation had to be supported by a specific number of MPs.<sup>31</sup> Such practice was accepted in all subsequent rules of procedure of the Imperial Council and elaborated in detail in the 1875 and 1917 rules.

According to the 1848 rules, MPs voted either by standing up or remaining seated. If the voting result was equivocal, voting was repeated, and if the result was still contentious after that, Clerks counted votes in the third round of voting. At least twenty MPs could request a roll call vote with yes or no, whereas 50 MPs could request voting by ballots. Each MP was given two ballots, the white one for an affirmative and the black one for a negative response. When called over by the Clerk, the MP would cast one ballot into the ballot box and the other into the control box. The number of ballots in both boxes had to be identical, otherwise the voting was repeated. In case of an equal number of yes and no votes, the voting result was considered negative. The President of Parliament never voted.<sup>32</sup> The 1875 rules of procedure provided that MPs voted either standing up or remaining seated; the President of the House of Deputies or 50 MPs could request a roll call vote. The roll call vote could be public if the MP whose name was called over responded with yes or no to the question put, or secret vote when MPs voted by throwing printed ballots into a ballot box. The new 1917 rules of procedure did not change these voting methods.<sup>33</sup>

The 1848 rules of procedure of the (lower) House of Deputies of the Hungarian Parliament followed some guidelines of British and French parliamentarianism, however mainly incorporated the ideas of the German and Austrian rules of procedure of the same year. The rules of the House of Deputies of the Hungarian Parliament provided for sections and commissions that prepared parliamentary debates. Following Parliament's constituent session, the plenary elected nine sections by drawing lots. They were tasked with deliberating on legislative proposals put forward separately and forwarding their opinions to the President of the Lower House. It was possible to elect a spe-

<sup>31</sup> Andreas Gottsmann, "Der Reichstag 1848/49 und der Reichsrat 1861 bis 1865", in *Die Habsburgermonarchie 1848-1918*, Band VII, *Verfassung und Parlamentarismus*, 1. Teilband, *Verfassungsrecht, Verfassungswirklichkeit, zentrale Repräsentativkörperschaften*, ed. Helmut Rumpfer, Peter Urbanitsch (Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 2000), 597; *Geschäfts-Ordnung für den constituirenden Reichstag; Geschäftsordnung für das Abgeordnetenhaus des Reichsrathes*, 1861, 1875, 1917.

<sup>32</sup> *Geschäfts-Ordnung für den constituirenden Reichstag*, § 72-81.

<sup>33</sup> *Geschäftsordnung für das Abgeordnetenhaus des Reichsrathes*, 1875, § 63.

cial committee to prepare debate on a certain issue. Sections were gradually replaced by corresponding technical commissions that prepared debates. On the model of the British Parliament and the US Congress, the Lower House could also declare itself Committee of the Whole House and begin debate on a certain issue immediately. In such cases, sessions were most often in camera. Each section/committee elected its Chair, Rapporteur and Clerk. After five sections presented their opinion on a legislative proposal to the President of the Lower House, the President convened a Central Committee consisting of rapporteurs of individual sections, chaired by himself or the Vice-President of the House whom he had appointed to this office, however he had no casting vote. A minority that did not accept the opinion of the majority on the Central Committee was entitled to formulate a dissenting opinion that had to be printed and distributed to all the MPs together with the majority opinion not less than three days prior to plenary debate on the aforementioned proposal. Ministers or their representatives and various other experts could be invited to sessions of individual sections and the Central Committee to provide MPs with explanations they needed. Debates were held during three readings. This was a general debate on main principles, followed by a special debate on individual provisions of the legislative proposal and tabled amendments and a third reading that was essentially a voting session. MPs voted by standing up or remaining seated. If the voting result was equivocal, the voting was repeated. Twenty MPs could submit a request in writing for a public vote that would be a roll call vote. If the President of the House wanted to take the floor in a debate, he had to cede his place to one of the Vice-Presidents and was not allowed to return to it until the end of this debate. He was not entitled to vote except in case of a tied vote. Sessions of the House of Deputies were public. The galleries were meant for visitors with or without invitation and journalists, and a special section of them was reserved for women. The President could adjourn a sitting due to commotion in the galleries, and a decision on the time of resumption of the sitting was made by a majority of MPs. Minor modifications to the rules of procedure of the House of Deputies were introduced in 1874, 1875, 1887, 1889 and 1908, while substantial amendments were made in 1912.<sup>34</sup>

The Croatian Parliament adopted its first rules of procedure in 1861. They were a combination of elements taken over from British, Austrian, Hungarian and, to a lesser extent, French parliamentary procedure adjusted to Croatian

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<sup>34</sup> Révész, "Der Ungarische Reichstag 1848-1918", 1046. The rules of procedure of the House of Deputies of the Hungarian Parliament: *A képviselőház Rendszabályai* [1848], accessed October 5, 2022. [https://library.hungaricana.hu/hu/view/OGYK\\_Hazszabaly\\_1848-1849\\_ah/?p-g=0&layout=s](https://library.hungaricana.hu/hu/view/OGYK_Hazszabaly_1848-1849_ah/?p-g=0&layout=s). The 1861 rules of procedure of the House of Deputies were unchanged rules of 1848.

circumstances in the second half of the 19<sup>th</sup> century. Subsequent rules governed in more detail issues of debates and voting, however major guidelines remained the same. The 1861 rules of procedure provided that the Croatian Parliament, following its constituent session, was divided by lots into five sections preparing deliberations. It could also elect a special committee that would be tasked with addressing an issue. The 1875 rules replaced the sections with committees and introduced the following standing committees: justice; religion and science; commerce, crafts, communications and public works; agrarian affairs; internal land administration affairs; local government; land budget; control of the land's accounts; petitions and grievances; as well as verification. The amended 1884 rules of procedure also introduced a committee on promoting the land's interests. In the rules adopted in 1896, the committees retained their purview, but their number was reduced as a result of integrating related affairs into one committee. Sections and committees elected their Chairs and Rapporteurs, and could invite to their sessions movers or individual experts to provide necessary explanations. Each MP with the support of 15 other MPs could propose a subject for debate. After three sections notified that they had completed debate, the first Vice-President of Parliament convened the Central Committee made up of Rapporteurs of all sections. Legislative proposals and reports of the Central Committee, including possible minority proposals, had to be published and distributed to MPs no less than three days prior to the beginning of debate. Debates and voting could take place provided two thirds of verified MPs attended. MPs had to notify the Clerk of their wish to take part in them indicating whether they would speak for or against the proposal. The first to take the floor in a debate was a rapporteur followed by a mover who could take the floor once again at the end of debate, after MPs delivered their speeches. MPs supporting and opposing the motion took turns until this was no longer possible. After debate ended, MPs voted, as a rule, by either standing up or remaining seated. If the result of the vote was equivocal, voting was repeated. At the request of 15 MPs, voting was public and by a roll call. In 1875, a possibility was introduced to vote by ballot. The Parliament adopted its conclusions by an absolute majority of votes. The President voted only if there was a draw even after the voting was repeated. Sessions were public, but at the proposal of the President or a certain number of MPs they could be held in camera. In 1875, a provision was introduced that the President had to convene an extraordinary session if this had been requested by 20 MPs in writing. In the galleries, there was space to accommodate journalists, stenographers, visitors who could enter with a pass and a special section was set aside for women.<sup>35</sup>

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<sup>35</sup> Turkalj, Švoger, "Zdrav temelj za razvitak parlamentarnog života?", 177-247.

The 1851 rules of procedure of the Chamber of Deputies in the Kingdom of Bavaria referred to standing and select committees. Five standing committees were envisaged: judicial affairs, financial affairs, internal administration, committee to review grievances on violations of the constitution and committee to examine requests or motions of Members of the Chamber of Deputies. Committees elected their Chairs and Secretaries by majority vote, and they were able to adopt conclusions if the majority of Members attended. Through the mediation of the President of the Chamber of Deputies, committees could invite ministers to their sessions to provide further explanations and could request the opinion of experts in the same manner. Unlike the procedural rules of other parliaments providing that committee sessions could be attended by the President of the Chamber of Deputies, ministers and other MPs, these rules did not allow MPs who were not committee members to attend the sessions.<sup>36</sup>

The 1858 rules of the House of Deputies of the Kingdom of Prussia contained a provision on sections that dealt with all the business not carried out by commissions. Commissions prepared legislative proposals of the government or the Upper House and MPs' motions for plenary debate. Both sections and commissions elected their Chairs and Rapporteurs, and all the Rapporteurs constituted the Central Committee. Special commissions prepared debates related to rules of procedure, petitions, agrarian relations, commerce and crafts, financial affairs and customs, justice, municipal system, education and budget.<sup>37</sup>

The 1875 rules of procedure of the Chamber of Deputies of the Kingdom of Württemberg stipulated that standing commissions and commissions elected for specific issues debate legislative proposals and other matters. They functioned like sections or committees in other parliaments, elected their Chairs, Deputy Chairs, Clerks and Rapporteurs and could invite to their sessions ministers, MPs who put forward a motion discussed by the commission, or other experts. As customary in all the analysed rules of procedure, the sessions of commissions could be attended by the President of the Chamber of Deputies who had an advisory vote, and their sessions were not public. Commissions' reports were printed and in this form distributed to MPs prior to plenary debate.<sup>38</sup>

The three latter rules of procedure contained a provision that required that individual motions by MPs, amendments and interpellations had to be supported by a certain number of MPs in order to enter the parliamentary

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<sup>36</sup> *Geschäftsordnung der Kammer der Abgeordneten des Königreichs Bayern*, § 30-31, 40-44.

<sup>37</sup> *Geschäfts-Ordnung für das Haus der Abgeordneten*, Berlin, § 15-19.

<sup>38</sup> *Geschäftsordnung der Kammer der Abgeordneten*, Stuttgart, § 51-60.

procedure. Plenary sessions were open to the public that could follow them from the galleries, but they could become in camera at the request of a certain number of MPs. The President was entitled to adjourn or postpone a sitting if noise from the audience galleries disturbed the proceedings. In the parliament of the Kingdom of Württemberg, a roll call vote was used to decide on more important matters, if nine MPs put forward such a proposal. In matters of lesser significance, MPs voted by standing up or remaining seated. The latter method of voting was used as a rule in the standing orders of the Kingdom of Prussia, while 50 MPs could request a roll call vote. In Bavaria, both methods of voting were used, matters of less relevance were voted by standing up or remaining seated, whereas legislative proposals were always voted upon by roll call and publicly (§ 94-97). A specific possibility, not provided for in any other of the analysed rules, was included in the standing orders of the Chamber of Deputies of the Kingdom of Württemberg. During a debate on the report of a commission that had prepared the debate, each MP in the house could request a special debate on individual parts to be held before a general debate on general principles (§ 29). All the other rules provided for a general debate that preceded a special debate.

An instrument that was not a modification of British parliamentary procedure, but was developed in German parliamentary practice, was closure of debate before all the MPs who had registered for the debate finished their speeches. In the draft rules of procedure of the 1848 Frankfurt National Assembly, there was a provision that the debate could be closed at any time, if this was requested by 20 MPs. The President had to put this motion to vote. Debate had to be continued if the voting result was equivocal.<sup>39</sup> This instrument was described in more detail in the 1848 rules of procedure of the Imperial Diet in Vienna. Parliament could at any moment adjourn debate, postpone it, refer it to some section for more detailed elaboration or close it. If at least ten MPs requested debate to be adjourned or closed, the President had to put the request to the vote. If the voting result was equivocal, debate continued. If, however, Parliament accepted the request for closing the debate by majority vote, then the only ones entitled to speak before the closure were the mover and Rapporteur.<sup>40</sup> This instrument was accepted in subsequent standing orders of the Imperial Council with certain modifications. They referred to the number of MPs required to put forward a motion for closing the debate and the number of speakers who were allowed to speak after the majority decided to end the debate. In most cases, there was one speaker for, one against, the Rapporteur and the mover. The 1875 rules precisely defined that the Rapporteur and the

<sup>39</sup> Mohl, *Vorschläge zu einer Geschäftsordnung*, 42.

<sup>40</sup> *Geschäfts-Ordnung für den constituirenden Reichstag*, § 63-64.

mover were allowed to speak only if no preparatory deliberation had taken place prior to the debate and that the debate was reopened, if after closure of debate a government representative took the floor. Closure was provided for with similar conditions in the rules of procedure in the Kingdoms of Bavaria, Prussia and Württemberg. A possibility to request closure of debate was introduced in the amended rules of procedure of the Croatian Parliament in 1884 and repeated in the 1896 rules. Conditions for closing debate were much more restrictive than those in the rules of the Imperial Council and in the aforementioned German states. After a three-day debate, on the fourth day each MP, with the support of ten MPs, could propose closure of debate. This question was voted upon immediately without debate. If Parliament adopted a conclusion on closure of debate, the remaining MPs who registered to take the floor could elect one to speak for the proposal and one to speak against it (§ 44).<sup>41</sup> This instrument was introduced in the British Parliament in 1882, and in the Hungarian Parliament in 1908 where it was valid only for that session and only for specific issues.<sup>42</sup> Such practice was not envisaged in the US Congress.

## Duties and Freedom of Speech of Elected Deputies

A practice that became established in the British Parliament is that every MP can speak on an item on the agenda only once. Exceptions to this rule allowing the MP to take the floor a second time on the same issue are when the MP wants to explain part of his speech that has been misunderstood. The mover can speak at the end of the debate in order to answer questions. Equally, MPs can speak once in the committee when preparing a plenary debate, and the rule of an MP speaking only once did not apply when the Committee of the Whole House was declared. In their speeches, MPs were not allowed to invoke a debate closed on another issue, offend Parliament, the King or the Queen, or another MP. If an MP offended another MP and did not apologise right away, the Speaker surrendered both to the Usher in order to avoid a conflict. Both could be sent to prison until the offended MP accepted the apology of his fellow MP who had offended him. The MP who offended Parliament could be publicly reprimanded or even punished with imprisonment. If the House discusses a possible penalty against an MP, the MP concerned, having heard the accusations against him and presented his defence, has to leave the chamber for the duration of the debate on the issue. While one MP speaks,

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<sup>41</sup> Turkalj and Švoger, "Zdrav temelj za razvitak parlamentarnog života"?, 220.

<sup>42</sup> Révész, "Der Ungarische Reichstag 1848-1918", 1047, 1049.



other MPs have to be silent, must not read the newspapers, etc., walk in front of the MP speaking, whistle or interrupt his speech.<sup>43</sup>

In the House of Representatives of the US Congress, the Speaker gives the floor to MOCs in the order they have stood up from their seats. An MOC always speaks standing at his place, may speak only once during the same reading and can take the floor again during the second reading. Without permission of the House, an MOC must not read his speech. He may speak on the main subject only once and a second time on an amendment. The speaker must stick to the subject of debate, must not speak rudely, criticise and must not be interrupted. The Speaker may make brief remarks from his place, however if he wants to take part in a debate on an issue, he can speak first, but then he does not speak from his place and the debate is run by the Speaker *pro tempore*. In committees, members could speak several times, also standing at their places. If after repeated calls the Speaker cannot restore order, he can call out the name of the MOC who behaves improperly and specify what infraction he committed, and the House determines punishment (not specified). The MOC concerned could attend the debate on his punishment and attempt to justify himself.<sup>44</sup>

The 1848 rules of procedure of the Austrian Imperial Diet stipulated that the President gave the floor to MPs. MPs spoke on a specific subject in the order in which they had registered with the President indicating whether for or against a motion. As long as it was possible, MPs took turns, one speaking for and the other against the motion. Committee Rapporteurs and registered speakers spoke from the rostrum, while other MPs could speak from their places. Committee Rapporteurs, ministers and heads of central bodies were the only ones allowed to read speeches in Parliament and speak more than twice in a debate. MPs were not allowed to read speeches, but were allowed to speak on the same subject twice at most, once in a general debate and once in a debate on individual articles of a legislative proposal. The committee or section Rapporteur who prepared debate, or movers spoke at the beginning of the debate and had the final word. With minor modifications, these provisions were later included in the standing orders of the Imperial Council.<sup>45</sup> The 1917 standing orders introduced the possibility of setting the record straight (*tatsächliche Berichtigung*). An MP was entitled to speak for five minutes.

<sup>43</sup> Erskine May, *A Treatise*, 195-196, 198-210.

<sup>44</sup> Jefferson, *Manual of Parliamentary Practice*, § 317-319, 326, 354-359, 364, 366, 371, 375, 434, 465, 507.

<sup>45</sup> Gottsmann, "Der Reichstag 1848/49 und der Reichsrat 1861 bis 1865", 597; *Geschäfts-Ordnung für den constituirenden Reichstag; Geschäftsordnung für das Abgeordnetenhaus des Reichsrathes*, 1861, 1875, 1917.

An equal amount of time was also given to set the record straight, but only if it was about a private matter. The duty of MPs was then introduced to speak from the rostrum, while they were allowed to speak from their places only exceptionally, with the President's permission.<sup>46</sup> The 1909 modifications of the standing orders of the House of Deputies of the Imperial Council gave the President the right to exclude from the current sittings or from one or two next sittings the MP who offended him or opposed his decisions. This decision could be appealed before the House of Deputies that decided on it without debate before moving to the agenda of the next session.<sup>47</sup>

In the general and the special debate in the House of Deputies of the Hungarian Parliament, all MPs were entitled to speak only once in each of the debates, i.e. twice in total, in a way that one MP spoke for a motion and the other against it. Only the section/committee Rapporteur and the mover of legislation were allowed to speak more than once, at the beginning and end of the debate, and ministers and government representatives in their capacity as those proposing legislation were allowed to speak several times during a debate. They spoke from the rostrum. During the debate, MPs who wanted to propose an item on the agenda, those who wanted to respond to a personal attack and those who wanted to raise a point of order could ask for the floor. MPs were not allowed to read speeches but were allowed to speak from their places. They were allowed to speak only on an item on the agenda. Only the President of the Lower House was allowed to interrupt the MP speaking by calling him to order if he departed from the subject of debate. If the President called an MP to order twice, he could deprive him of the right to speak and issue a reprimand. The President could call the unruly MP to order and if the MP did not obey, the House could take certain measures (which ones was not specified). If the sitting was interrupted by trouble, noise and unrest that the President could not calm, it was possible to suspend the sitting for an hour or postpone it indefinitely with the agreement of the majority of MPs. After a general and a special debate were held, during which individual parts of the proposal under discussion (second reading) could be voted upon, voting was held.<sup>48</sup> MPs were obliged to attend parliamentary sessions and vote. If they did not comply with this duty even after being called to order by the President, they had to answer before an incompatibility commission.<sup>49</sup>

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<sup>46</sup> "Geschäftsordnung des Abgeordnetenhauses", *RGBl*, No. 253 (1917): § 46, 54.

<sup>47</sup> "Zakon od 20. decembra 1909. kojim se dopunjuje zakon od 12. maja 1873., L. d. z. br. 94., o poslovniku carevinskog vijeća", *List državnih zakona za kraljevine i zemlje zastupane u carevinskom vijeću*, LXXXVI, No. 204 (1909): 689-690.

<sup>48</sup> Révész, "Der Ungarische Reichstag 1848-1918," 1045-1046.

<sup>49</sup> *Ibid.*, 1050-1051.

In the standing orders of the Kingdoms of Prussia, Bavaria and Württemberg, MPs wishing to speak had to register and declare their intention to speak for or against a motion and they were given the floor by the President. During debate, MPs took turns, one supporting a legislative proposal under discussion, the other criticising it. Winding-up speeches were delivered by the mover and the Rapporteur of the committee that deliberated on the legislative proposal. The rules of all three states accepted the principle that each MP was entitled to speak once in a debate on the fundamental principles of the proposal, which was then followed by a debate on individual articles and proposed amendments where every MP was also allowed to speak only once. Ministers or their representatives could speak several times, they spoke from their places. The floor could be given to an MP wishing to raise a point of order or make a private remark. In the Prussian parliament, MPs spoke from the rostrum, and exceptionally they could take the floor from their places. In the parliament of the Kingdom of Württemberg, MPs spoke from their places, while in the Bavarian parliament, they could speak from their places or rostrum, and rapporteurs spoke from the rostrum. In all three parliaments, only Rapporteurs, ministers or their representatives were allowed to read their speeches, unlike MPs who were not. In Prussia, this was allowed only if an MP could not speak German well. MPs were obliged to attend sessions and vote in person. If an MP broke the rules of procedure, the President would call him to order. The MP concerned could raise an objection that was voted without debate in the next sitting. The President could call an MP to order to stick to the subject of debate and respect order. If his repeated call was not heeded, the President could propose the house to deprive the MP of the right to speak on the subject. The President of the Chamber of Deputies in Württemberg could propose that an MP who insulted the king, government or other person be reprimanded, and he himself could call him to order (§ 5). In Bavaria, the Chamber of Deputies could deprive the MP who ignored the President's call to order of the right to speak until the end of the sitting and decide on possible additional disciplinary procedure at the President's proposal at the next sitting (§ 81). In Bavaria, the Chamber of Deputies would deprive an MP of his mandate if he did not appear in parliament even ten days after a repeated call by the President (§ 17). The rules of procedure of this Chamber contained specific provisions on disciplinary measures that the Chamber could take against an MP at the proposal of a minister, a royal commissioner or another MP, however in the latter case with the support of 15 additional MPs. Disciplinary measures that could be taken against an MP were as follows: deprive an MP of the right to speak until the end of the sitting, issue a reprimand, exclude the MP from sittings of the Chamber of Deputies for a specific period of time with or without depriving him of his daily subsistence allowances. In most cases, the Chamber proposing them, the MP against whom the measure was

proposed, one MP who spoke for and another who spoke against the proposal (§ 109, 110).<sup>50</sup>

According to the rules of procedure of the Croatian Parliament, MPs were obliged to attend sessions, take part in the proceedings of Parliament and accept election to committees. The 1896 rules introduced a provision that an MP who failed to attend three consecutive committee sessions without justified reason would cease to be a member of the committee and that in his place another MP was to be elected (§ 33). MPs spoke from their places and were not allowed to read speeches. The latter was allowed only to Rapporteurs who spoke from the rostrum. The Ban and government representatives also spoke from rostrum, and they could take the floor whenever they asked. In a general debate, MPs could speak only once and in a debate on amendments once. In 1896, a provision was introduced that the speaker must finish his speech at the same sitting (§ 61). Only the President was entitled to call the speaker to order and to stick to the subject of debate. If an MP was called to order twice during his speech, Parliament could deny the speaker's right to speak at the President's proposal and reprimand him, which was recorded in the minutes. This provision was specified in 1875 whereby the President could deprive the speaker of the right to speak during a debate on a certain subject if he, having been called to order twice, did not stick to the subject of debate. If an MP breached the rules of decency and repeated it a second time after having been called to order by the President, the President could deny him the right to speak until the end of sitting. If an MP committed a serious breach of decency, the President could propose that he be reprimanded, and Parliament decided on it at the next sitting. The reprimand was entered in the minutes. The 1884 modifications of the rules of procedure included an amendment adopted on 27 October 1882 providing for the possibility of reprimanding an MP for his repeated serious violation of the rules of decency or serious violation of the dignity of Parliament, its President or government members, and an MP who created disorder in Parliament leading to the sitting being adjourned or closed. At the proposal of the President or ten MPs, Parliament could reprimand such an MP and exclude him from eight to 30 sittings, and if the MP repeated some of the aforementioned infractions he could be punished by being excluded from 30 to 60 sittings and losing his daily subsistence allowances for the period of exclusion. If the excluded MP did not respect Parliament's conclusion on his exclusion, he was punished with a fine of 500 forints and was not able to attend sittings if he had not paid the fine, even if his exclusion had expired (§ 41). This provision was used in practice to get even with Opposition

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<sup>50</sup> *Geschäfts-Ordnung für das Haus der Abgeordneten*, Berlin; *Geschäfts-Ordnung für die Kammer der Abgeordneten*, Munich; *Geschäftsordnung der Kammer der Abgeordneten*, Stuttgart.

MPs in Parliament, primarily with the MPs of the Party of Rights,<sup>51</sup> and was also included in the 1896 rules of procedure. Similarly, this extremely harsh disciplinary measure did not exist in any other analysed procedural rules. The aforementioned rules, on the model of the British Parliament, provided that interpellations could be submitted two days a week, starting at 12 o'clock. The possibility was introduced for Parliament to discuss the government's response to interpellation if the MP who had filed it was not content with the response (§ 49, 50).

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British parliamentary culture and parliamentary practices served as models and starting points for drafting all parliamentary rules of procedure that have been analysed in this paper. The most important influence of French parliamentarianism can be seen in the openness of parliamentary sessions to the public at two levels – publication of parliamentary journals and presence of the general public in the galleries of the chamber. However, when drafting the rules of procedure analysed here, including those of the Croatian Parliament, as demonstrated in a number of examples, the ideas and practices of British and French parliamentarianism were not merely copied, but were subject to critical reception, modification and adjustment to the circumstances prevailing in the country where the rules were adopted as well as to the development of original novelties. Analysis of the rules of procedure of the Croatian Parliament and parliaments of other European countries in the 19<sup>th</sup> century has demonstrated the important role of multi-directional transfer of ideas and practices between parliamentary cultures of the countries whose parliamentary procedural rules have been analysed and their creative reception.

## Bibliography

### Sources

“Geschäftsordnung des Abgeordnetenhauses”. *Reichsgesetz-Blatt (RGBl)*, No. 252, Vienna 1917.

“Geschäftsordnung des Abgeordnetenhauses”, *RGBl*, No. 253, Vienna 1917, 19-70.

<sup>51</sup> Jasna Turkalj, “The Rules of Procedure of the Croatian Parliament in the Period of the Croatian-Hungarian Settlement – Absolutism of the Majority or Salvation of Parliamentarianism?” in *The 1868 Croatian-Hungarian Settlement: Origin and Reality*, ed. Vlasta Švoger, Dénes Sokcsevits, András Cieger, Branko Ostajmer (Zagreb; Budapest: Hrvatski institut za povijest; MTA Bölcsészettudományi Kutatóközpont Történettudományi Intőzet, 2021), 242-248.

“Gesetz vom 11. Juni 1917, R. G. Bl. Nr. 253, betreffend die Geschäftsordnung des Reichsrates”, *RGBl*, No. 253, Vienna 1917, 1-17.

*A képviselőház Rendszabályai* [1848]. Accessed October 5, 2022. [https://library.hungaricana.hu/hu/view/OGYK\\_Hazszabaly\\_1848-1849\\_ah/?p-g=6&layout=s](https://library.hungaricana.hu/hu/view/OGYK_Hazszabaly_1848-1849_ah/?p-g=6&layout=s).

Erskine May, Thomas. *A Treatise Upon the law, Privileges, Proceedings and Usage of Parliament*, digitalised Original from 1844. Scholar select edition, Palala Press, 2015.

*Geschäftsordnung der Kammer der Abgeordneten des Königreichs Bayern vom Jahre 1851*. Munich: W. Bösenbacher, 1851.

*Geschäftsordnung der Kammer der Abgeordneten*. Stuttgart: K. Hofbuchdruckerei zu Guttenberg, 1875.

*Geschäftsordnung für das Abgeordnetenhaus des Reichsrathes* (Beschlossen am 2. März 1875). Vienna: K. k. Hof- und Staatsdruckerei, 1875.

*Geschäftsordnung für das Haus der Abgeordneten*. Berlin: W. Moeser, 1858.

*Geschäftsordnung für das Haus der Abgeordneten*. Vienna: K. k. Hof- und Staatsdruckerei, 1861.

*Geschäfts-Ordnung für den constituirenden Reichstag 1848*. Vienna: K. k. Hof- und Staats-Druckerei, 1848.

Jefferson, Thomas. *Manual of Parliamentary Practice*. Accessed May 2, 2023. <https://www.govinfo.gov/content/pkg/HMAN-108/pdf/HMAN-108-jeffersonman.pdf>.

Mohl von, Robert. *Vorschläge zu einer Geschäftsordnung des verfassunggebenden Reichstags*. Heidelberg: Academische Verlagshandlung C. F. Winter, 1848.

*Poslovnik sabora kraljevinah Hrvatske, Slavonije i Dalmacije. Primljen dne 12. lipnja 1875. u CXVIII. saborskoj sjednici, ispravljen u CVII. saborskoj sjednici od 12. srpnja 1878*. Zagreb: Tisak Dioničke tiskare, 1878.

*Poslovnik Sabora kraljevinah Hrvatske, Slavonije i Dalmacije. Primljen dne 12. lipnja 1875. u CXVIII. saborskoj sjednici, ispravljen u saborskih sjednicah: CVII. od 12. srpnja 1878., CXVIII 7. srpnja 1884., XLVII. od 27. listopada 1882. i CXL. od 24. kolovoza 1884. i u XVIII. od 25. listopada 1884*. Zagreb: Tiskara “Narodnih Novinah”, 1884.

*Poslovnik sabora kraljevinah Hrvatske, Slavonije i Dalmacije. Primljen dne 7. prosinca 1896. u CL saborskoj sjednici*. Zagreb: Kralj. zemaljska tiskara, 1897.

*Poslovnik sabora trojedne kraljevine Hrvatske, Slavonije i Dalmacije. Primljen u 3. sjednici dne 23. travnja 1861. izpravljen u 40. sjednici od 28. veljače*



1868., i u 28. sjednici od 3. ožujka 1869. Zagreb: Tiskom Dra. Ljudevita Gaja, 1869?

“Zakon od 20. decembra 1909. kojim se dopunjuje zakon od 12. maja 1873., L. d. z. br. 94., o poslovniku carevinskog vijeća,” *List državnih zakona za kraljevine i zemlje zastupane u carevinskom vijeću*, LXXXVI, No. 204 (1909): 689-690.

*Zakonski članci Ugarskog dâržavnog sabora godine 1847/8.* Zagreb: Tiskom Dra. Ljudevita Gaja, 1860.

## Literature

Beyen, Marnix; Te Velde, Henk. “Passion and Reason. Modern Parliaments in the Low Countries.” In *Parliament and Parliamentarism. A Comparative History of a European Concept*, edited by Pasi Ihalainen, Cornelia Ilie, Kari Palonen, 81-96. New York; Oxford: Berghahn, 2018.

Biefang, Andreas, and Schulz, Andreas. “From Monarchical Constitutionalism to a Parliamentary Republic. Concepts of Parliamentarism in Germany since 1818.” In *Parliament and Parliamentarism. A Comparative History of a European Concept*, edited by Pasi Ihalainen, Cornelia Ilie, Kari Palonen, 62-80. New York; Oxford: Berghahn, 2018.

Boldt, Hans. “Parlament, parlamentarische Regierung, Parlamentarismus.” In *Geschichtliche Grundbegriffe. Historisches Lexikon zur politisch-sozialen Sprache in Deutschland*, edited by Otto Brunner, Werner Conze, Reinhard Koselleck, 649-676. Stuttgart: Klett-Cotta, 1978.

Brauneder, Wilhelm. “Die Verfassungsentwicklung in Österreich 1848 bis 1918.” In *Die Habsburgermonarchie 1848-1918*, Band VII, *Verfassung und Parlamentarismus*, 1. Teilband, *Verfassungsrecht, Verfassungswirklichkeit, zentrale Repräsentativkörperschaften*, edited by Helmut Rumpler, Peter Urbanitsch, 69-237. Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 2000.

Cieger, András. “New Models and Old Traditions: Debates on Parliamentarism in Hungary After the Austro-Hungarian Settlement of 1867.” In *The Ideal of Parliament in Europe since 1800*, edited by Remieg Aerts, Carla van Baalen, Henk te Velde, Margit van der Steen, and Marie-Luise Recker, 77-94. Cham: Palgrave Macmillan, 2019.

Evans, Paul, and Ninkovic, Andrej. “From Manual to Authority: The Life and Times of the *Treatise*.” In *Essays on the History of Parliamentary Procedure. In Honour of Thomas Erskine May*, edited by Paul Evans, 115-128. Oxford; Portland, Oregon: Hart Publishing, 2017.

Garrigues, Jean, and Anceau, Eric. "Discussing the First Age of French Parliamentarism (1789-1914)." In *Parliament and Parliamentarism. A Comparative History of a European Concept*, edited by Pasi Ihalainen, Cornelia Ilie, Kari Palonen, 49-61. New York; Oxford: Berghahn, 2018.

Gottsmann, Andreas. "Der Reichstag 1848/49 und der Reichsrat 1861 bis 1865." In *Die Habsburgermonarchie 1848-1918*, Band VII, *Verfassung und Parlamentarismus*, 1. Teilband, *Verfassungsrecht, Verfassungswirklichkeit, zentrale Repräsentativkörperschaften*, edited by Helmut Rumpler, Peter Urbanitsch, 569-665. Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 2000.

Ihalainen, Pasi. "European Parliamentary Experiences from a Conceptual Historical Perspective." In *Parliament and Parliamentarism. A Comparative History of a European Concept*, edited by Pasi Ihalainen, Cornelia Ilie and Kari Palonen, 19-31. New York; Oxford: Berghahn, 2018.

Maddicott, John Robert. *The Origins of the English Parliament 924-1327*. Oxford: Oxford University Press, 2010.

McKay, William. "A Sycophant of Real Ability: The Career of Thomas Erskine May." In *Essays on the History of Parliamentary Procedure. In Honour of Thomas Erskine May*, edited by Paul Evans, 21-32. Oxford, Portland, Oregon: Hart Publishing, 2017.

Palonen, Kari. *The Politics of Parliamentary Procedure. The Formation of the Westminster Procedure as a Parliamentary Ideal Type*. Opladen; Berlin; Toronto: Barbara Budrich Publishers, 2016.

Pekonen, Onni. "The political transfer of parliamentary concepts and practices in the European periphery: the case of obstruction in late nineteenth- and early twentieth-century Finland." *Parliaments, Estates & Representation* 37, no. 3 (2017): 281-300.

Révész, László. "Der Ungarische Reichstag 1848-1918: Rechtliche Grundlagen und praktische Umsetzung." In *Die Habsburgermonarchie 1848-1918*, Band VII, *Verfassung und Parlamentarismus*, 1. Teilband, *Verfassungsrecht, Verfassungswirklichkeit, zentrale Repräsentativkörperschaften*, edited by Helmut Rumpler, Peter Urbanitsch, 1007-1060. Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 2000.

Späth, Jens. "Parliamentary Government in Southern Europe? The Model of the Cádiz Cortes and the Ideal of the Moderate Monarchy." In *The Ideal of Parliament in Europe since 1800*, edited by Remieg Aerts, Carla van Baalen, Henk te Velde, Margit van der Steen, Marie-Luise Recker, 41-59. Cham: Palgrave Macmillan, 2019.

Turkalj, Jasna. "Organizacija i operativna pravila rada Hrvatskog sabora: saborski poslovници (1861.-1918.)." In "*Zdrav temelj za razvitak parlamentarnog života*?" *Poslovnici Hrvatskog sabora (1861.-1918.)*, Jasna Turkalj, and Vlasta Švoger, 61-170. Zagreb: Hrvatski institut za povijest, 2022. Accessed April 21, 2023. <https://eukor.isp.hr/e-knjige/>.

Turkalj, Jasna. "The Rules of Procedure of the Croatian Parliament in the Period of the Croatian-Hungarian Settlement – Absolutism of the Majority or Salvation of Parliamentaryism?" In *The 1868 Croatian-Hungarian Settlement: Origin and Reality*, edited by Vlasta Švoger, Dénes Sokcsevits, András Cieger, and Branko Ostajmer, 233-249. Zagreb; Budapest: Hrvatski institut za povijest; MTA Bölcsészettudományi Kutatóközpont Történettudományi Intözet, 2021.

Turkalj, Jasna, and Švoger, Vlasta. *Zdrav temelj za razvitak parlamentarnog života*?" *Poslovnici Hrvatskog sabora (1861.-1918.)*. Zagreb: Hrvatski institut za povijest, 2022. Accessed April 21, 2023. <https://eukor.isp.hr/e-knjige/>.