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**Thesis booklet
of the Doctoral (PhD) Thesis**

**State-building, history of constitution and public administration
of the Republic of Austria and the Federal Republic of Germany,
1945-1955**

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1) Phrasing the scientific issue

My research deals with the state-building of the German and Austrian states and their history of constitution and public administration between 1945 and 1955. The examinations are restricted to the federal, state (Land) and interstate levels. I do not mean to analyze the municipal administrative apparatus.

In the case of Austria, I intend to analyze the entire process of state-building. Meanwhile, in the case of Germany, I only mean to analyze the West German state-building and constitutional processes. I conducted research in relation to the eastern part of Germany only concerning the period between 1945 and 1949. My thesis does not concern the building of the East German state. This can be explained by the fact that the state-building and the constitutional process went forward in a “more democratic” way in West Germany and Austria than in East Germany where the democratic involvement of residents cannot be discussed due to Soviet influence.

It is crucial to emphasize that I do not intend to conduct a complete comparison of constitutional law. My thesis is primarily restricted to the areas of state-building, state theory, comparative public law and federal state model.

This thesis concerns the prequels of history of public law of the period examined, not analyzing them in great detail. The reason of analyzing this period is that 1945 means caesura in world history, thus, the German and Austrian public law. Even though the historic events of 1955 were not as significant as the ones 10 years earlier, changes important for the West German and Austrian public law happened. As a matter of fact, this was the year when both states became sovereign, even if we can only talk about restricted sovereignty. The allied military troops withdrew from Austria after the State Treaty had come into effect. Although the troops of foreign powers still remained in West Germany, the invading powers, in terms of their nature, became defensive powers by public law.

It is necessary to limit the topic of the dissertation in time and space. Such limitation is easier in the case of the Republic of Austria. Even though Allied Powers invaded the country and seized total control of it in 1945, its territorial integrity remained stable. I am going to examine the Republic of Austria between the period following its World War II loss and gaining admittance to the United Nations in December, 1955.

When it comes to examining Germany, it is important to clarify what is meant by Germany, because following the unconditional capitulation, the state ceased to exist by public law. Instead, four territorial units were formed, which were only allowed to establish contact with

one another with the exclusive permission of the invading powers. This phenomenon existed until 1949, the point when the two German states were established. The first period I am going to examine is the term between the period after the demise of the Third Reich and the adoption and announcement of the West German Basic Law of May 23, 1949, examining all four occupation zones. I am only going to describe the next period – the term between the announcement of the Basic Law of May 23, 1949 and the effective date of the Bonn-Paris Conventions and the NATO admittance of the Federal Republic of Germany of May 5, 1955 – in terms of the constitutional development and the history of public administration of the Federal Republic of Germany. I do not mean to cover the analysis of the constitutional system of the German Democratic Republic in my doctoral dissertation, considering the fact that it was exclusively determined by the Soviet Power. Therefore, its literal development cannot be discussed due to its static nature, as opposed to the West German constitutional law, in the case of which a dynamic development took place. As a result, I am only going to describe the establishment of the East German state in a subsection.

The final borders of the West German state were only formed in 1957. Even though it exceeds in time the examined period, I found it important to mention the matter of the Saarland and its attachment to the Federal Republic of Germany, because this is how the final West German state territory was established.

The matter of continuity must be briefed in the case of the Republic of Austria and the Federal Republic of Germany. The constitutional history of these two states inherently differ relating the continuity of the former statehood and legal system. In 1945, Austria managed to return to the Constitution established in 1920 and its Amendments. As opposed to this, a new constitutional system was built in West Germany in 1949, in which several elements were adopted from the Bismarck and Weimar periods. So, complete discontinuity cannot be discussed. Discontinuity also shows in the Austrian state and legal history with statehood and constitutional system based on the Constitution of Corporate State (Ständestaat) coming into effect in 1934. In other words, this discontinuity was resolved by the creation of continuity with a former constitutional order. I am going to examine the matter of continuity and discontinuity of the Austrian and Western German statehood describing multiple state theories and constitutional history.

2) The hypotheses of the dissertation

H1: I presume that Germany's division after World War II was unavoidable.

H2: I presume that Germany's split was not exclusively due to changes taking place in international relations.

H3: I presume that Austria was never truly threatened by the risk of split after the war.

H4: I presume that the continued existence of Austria's territorial integrity was not exclusively the result of decisions of the Allied Powers.

3) The purpose of the research

In my research I am going to introduce the German and Austrian invasion policies of the Allies and the way leading to the establishment of the new-old Austrian and the new West German states.

By analyzing international agreements I intend to examine how they affected the West German and Austrian constitutional development.

In my further research I am going to mention how the creation of the two states was affected by the invading powers and I am going to examine federal and state public administration and how they relate in this respect.

I am going to introduce Vienna's and Berlin's legal status compared to one another in a separate unit discussing invasion policies of the Allied Powers taking place in their respective sectors.

I am going to point out similarities and differences by performing a comparison of the Austrian and West German state-building. By doing so, I do not only examine allied influence, but I also discuss the analysis of internal affairs of both states. By examining these topics I am looking for the explanation why Austria – as opposed to Germany – could keep its territorial integrity and obtain a neutral status. Or, reversing the question, why couldn't Germany keep its territorial integrity and obtain a neutral status. A further question is whether these events were only caused by changes taking place in the international relations and destiny or whether events of internal affairs affected it.

After examinations carried out in the subunits of my dissertation I am going to draw conclusions with the help of the comparative method.

4) Research methodology

My doctoral dissertation touches multiple disciplines due to its topic. The discipline of History, Constitutional Law, Comparative Constitutional Law and History of Public Administration all appear in my dissertation. It came to existence as a result of synthesizing these disciplines. I performed my research by analyzing relevant legislation besides processing specialized literature.

It is mostly international specialized literature which is available in my research topic, consequently, processing German resources forms the largest part of my research. My dissertation is descriptive-explanatory and synthesizing. Synthesizing happened by researching, examining and systematizing international – specialized textbooks, working papers, sources of constitutional law, international agreements and online resources – and to a smaller extent national literature – specialized textbooks, working papers.

I utilized literature concerning constitutional history and legal theory in the context of the comparative constitutional law to the extent appropriate to the dissertation. My dissertation – with the help of the comparative methodology – primarily focuses on practical comparison. It deals with the introduction of theories concerning state-building and comparative constitutional law – excluding necessary theoretical fundamentals – to a smaller extent.

It is necessary to ask and answer the following questions before choosing the methodology of comparative constitutional law:

- Does it make sense utilizing comparative methodology?
- Are there any similarities in the constitutional systems of the states to be compared?
- What do we mean to compare to what?
- Based on what aspects do we intend to perform the comparison?
- Which tense is our comparison related to? Do we intend to introduce the past in a retrospective way, or are we performing the comparison in the present?

It makes sense using comparative methodology when there are both similarities and differences in the states to be compared. It is not practical to use comparative methodology when there are only differences in the compared areas. Moreover, when we intend to compare two completely identical phenomena. The areas of the comparison have to be similar in terms of the research. Comparing the process of state-building can be fundamentally performed following two dimensions:

- We introduce the institutional public law system separately and the internal/external influential factors.
- We perform the exact comparison of the institutional public law system of the examined states, analyzing the internal/external influential factors.

In terms of terminology, given legal systems sometimes use the same or similar terms, and sometimes different ones. This universal rule is no different in the German and Austrian literature on constitutional law. It is necessary to illustrate similarities and differences while comparing German and Austrian constitutional law and administrative law terminology. The comparison I use does not only cover the examined elements to be found in both states, but it also covers the public law institutions unknown in either state.

When it comes to comparing constitutional law systems and institutions, it is advisable to choose countries with the same development level of public law, because in case of countries with different development levels of public law the problem is that the ‘mechanical adoption’ of public law institutions itself is not adequate.¹ Concerning constitutional and state-building processes, Germany – more specifically its western region – and Austria after World War II match this criterion. I did not find it sensible to compare the Federal Republic of Germany and the German Democratic Republic because of the different form of state and government, and due to different political and societal systems. Based on the Germanic law system and public law traditions, the comparison of the Federal Republic of Germany and the Republic of Austria is established.

Besides the comparison of the German and Austrian public law systems, I am going to examine comparatively the processes of state-building taking place in these two countries. The invasion and the state-building happened parallelly, so introducing differences sheds light on the fact why Germany and Austria had different, or why they did not have similar faith.

Furthermore, the comparison points out the invasion system the Allies built in Austria and Germany. Since the invasion of Germany had been decided considerably sooner than Austria's, improvement can be seen in the way the Austrian invasion apparatus was built. Therefore, it can be concluded that the Allies learnt from their mistakes.

¹ CSINK Lóránt: Pragmatikus összehasonlítás: az összehasonlító módszer gyakorlatias megközelítése. In: CSINK Lóránt – SCHANDA Balázs: Összehasonlító módszer az alkotmányjogban. Pázmány Péter Katolikus Egyetem, Jog- és Államtudományi Kar, Budapest, 2017. 19.

When it comes to defining the subject of comparison, macro and micro level comparison can be distinguished.² I am going to combine these two methods in my thesis. On the micro level I am going to introduce the structure and operation of the military governments of the invading powers. Meanwhile, on the macro level I am going to examine what kind of old/new federal state structures came to existence during allied influence.

During my research, I was working from primary legal – the Basic Law of 1949, the Federal Constitutional Law of 1920 in its structure of 1929³ and international agreements – and secondary resources showing their practical implementation. While examining the former, I relied on online resources, and while examining the latter I relied on library research work and literature found there. During processing the resources, I filtered out the important areas in terms of state-building and constitutional development. My thesis is chiefly based on Austrian and German specialized literature, therefore, resources in German language.

In Austria and Germany, the process of state-building was primarily led by the Allies, therefore, external actors⁴ of state-building – the Allied Powers and their military governments – determined the fundamental direction of development. In order to comprehend what led to different processes of state-building, the division of Germany, and the preservation of Austria's integrity it is necessary to examine the role of internal actors⁵ of state-building – constituent assemblies, legislative bodies and governments. In order to answer these questions, it is essential to define certain terms to examine the state-building processes in these two countries. Such terms are sovereignty and assisted constitution creation. In the case of the former one, external and internal dimensions can be distinguished which enables us to analogize the aforementioned actors alongside with duality. When it comes to the process of state-building, it is necessary to examine how the supreme power of the state was restored in the given territory and over its population. Moreover, it is necessary to examine how the two states were led back into the international community and how they were integrated into the international scene.

When it comes to the translation of foreign texts one should strive to keep the original meaning. However, oftentimes it is only possible by applying literal translation. While I was

² CSINK, 23.

³ The Constitution of 1920 and its amendments of 1925 and 1929 form the core of Austrian constitutional law which was restored in the same framework after World War II. In the following, I will refer to these constitutional documents collectively as the Federal Constitutional Law of 1920/29 or Constitution of 1920/29 to illustrate the unified structure and the time period.

⁴ ILLÉS Zoltán: *Párhuzamos államépítések Dél-Szudánban*. PhD értekezés, Budapesti Corvinus Egyetem, Nemzetközi Kapcsolatok Doktori Iskola, Budapest, 2017. 17.

⁵ *Ibidem*, 17.

translating German and Austrian terms I applied this method when the given institution was non-existent in Hungarian terminology.

5) The definition of state-building

When it comes to defining state-building, it is necessary to examine its process, which can be distinguished into three phases. In the first phase, ceasing direct opposition and atrocities, furthermore, creating the minimal level of public safety and public services are the most important measures. In the second phase, the building and the improvement of local capacity are emphasized, the purpose of which is to maintain the organized public affairs in the long term and to involve local civilians into the performance of public responsibilities. Under ideal circumstances, such expenses are covered by external states. The third phase is finding the model which is capable of maintaining the results of the previous two phases permanently. Such a model must harmonize with the traditions and culture of the given society and the international environment in which the state must exist. The involvement of local actors makes sense in this phase in order to ensure that the society of the state to be rebuilt does not consider state-building measures octroyed (forced), one instrument of which is assisted constitution creation.⁶ During this process, the main figures of elaborating the new constitution are the local legal experts and political figures – under the guidance of state-building powers which normally intervene with recommendations. It is necessary to distinguish the process of octroyed constitution creation⁷, during which the state-building/invading power adopts unilaterally a constitution by ignoring local figures and forces it on the invaded state.

In the case of Austria and Germany it is a common attribute that the state-building powers were identical with the invading ones which also represented the international community – however, it is important to point out that not under the authority of the United Nations. In the case of the Austrian state-building we cannot talk about assisted constitution creation since the

⁶ HALÁSZ Iván: Az állam összeomlása és újjáépítése. Nemzeti Közszerológati Egyetem, Közigazgatás-tudományi Kar, Budapest, 2014. 26-27.

Fukuyama also distinguishes three phases of state-building – nation-building in American specialized literature – but in different ways. See FUKUYAMA, Francis: Államépítés: Kormányzás és világrend a 21. században. Századvég Kiadó, Budapest, 2005. 130-131.

⁷ Gábor Halmai and Iván Halász also refer to the German Basic Law as an octroyed constitution, similar to the Japanese constitution, although they write about the different degree of octroiation in the two countries. In my opinion, however, the use of the term “assisted constitution” is more expressive of the Basic Law. See HALMAI Gábor: Alkotmányjog – Emberi jogok – Globalizáció: Az alkotmányos eszmék migrációja. L’Harmattan Kiadó, Budapest, 2013. 23.; HALÁSZ Iván: Asszisztált alkotmányozás Kelet-Közép-Európában. In: GÁRDOS-OROSZ Fruzsina – SZENTE Zoltán: Alkotmányozás és alkotmányjogi változások Európában és Magyarországon. Nemzeti Közszerológati Egyetem, Közigazgatás-tudományi Kar, Budapest, 2014. 93-94.

Federal Constitutional Law of 1920/29 was restored. As opposed to this, in western and eastern Germany a new constitution was established. The differences between assisted and octroyed constitution creation can be perfectly illustrated by the German example. The former was realized in West Germany, while the latter was realized in East Germany.

In the case of the researched subject it is also essential to examine the definition of nation-building – which is joint with the state-building but does not necessarily coexist with it. The main goal of nation building is to create a strong national identity for the given society based on traditions and cultural values. In Austria, the Allied Powers considered their fundamental role to revive and strengthen the Austrian national identity, thus separating the Austrian nation from German identity. Even though Austrian diplomacy managed to achieve the country to be considered as the first victim of Hitler's aggression by the international community, the image of Anschluss was still vivid in the memory of the representatives of the invading powers. Therefore, they wished to reform the Austrian nation with the tool of nation-building. There was no such example in Germany, where strong national identity was already existent. However, both countries experienced denazification in order to re-educate societies.

6) The structure of the thesis

The thesis is divided into four main units. The sections related to the Austrian and West German states are symmetrical for transparent comparison.

In the introductory section, meeting scientific criteria, the hypotheses of the dissertation, the research methodology, the purpose of the research and the scientific issues were phrased.

The first chapter presents the state-building of Austria after World War II until the creation of an independent Austria, mentioning the periods of allied invasion and transition. I am going to describe the structure of the federal state by analyzing the legislation and the execution based on the territorial division, furthermore, the Bundesrat (Federal Council) followed by presenting Vienna's special legal status.

The second chapter is going to specify the allied invasion of Germany, the establishment of the Federal Republic of Germany and the restoration of its sovereignty. The federal state model is going to be described – similar to the section on Austria – by examining the federal-state division of authority and the Bundesrat following the principle of symmetry. Considering the fact that Germany split into two parts, I find it essential to describe the trends of West German state theory of the time in a separate chapter which are primarily based on the

establishment of the two German states' continuity or discontinuity with the German Empire. The chapter will close with the analysis of Berlin's special legal status.

The final chapter of the thesis will be about final conclusions. I compared the Austrian state-building process with the German one and Vienna's and Berlin's status in this section. The closing section of the thesis comprises the answers to the hypotheses established in the introduction, the highlight of the new scientific results, the phrasing of the recommendations, the introduction of the practical use of research results and the expansion of the research. Even though the thesis did not allow me to elaborate on the closing thoughts, they can constitute the basis of my future research.

7) Conclusions: comparison of state-bulding of the Federal Republic of Germany and the Republic of Austria after World War II

7.1) The invasion of Austria and Germany

At the beginning of the invasion of Germany, organizations with federative characteristics were only established in the American zone, which radically differed from the state-building processes taking place in Austria at the time, where the Allies acknowledged the Provisional Government in 1945, whose countrywide authority applied to the whole territory of Austria.

A common point in the case of Austria and Germany is that zone borders changed compared to their original condition which were regulated by agreements to establish the framework of invasion.

A significant difference between the two countries is that the Allied Powers did not have territorial demands towards Austria. As opposed to this, the Soviet and the French government had serious demands towards Germany.

Based on the Second Control Agreement adopted in 1946, commanders-in-chief were succeeded by high commissioners in Austria. In West Germany the institution of the Allied High Commission for Germany was established by the Charter of the Allied High Commission for Germany in 1949. The two Austrian Control Agreements were adopted in the primary period of the invasion – in 1945 and 1946. As opposed to this, the "Second Control Agreement" and the Occupation Statute of Germany were only adopted in 1949. The modification of the latter one, which expanded the competences of the German authorities, was only adopted in 1951.

A significant difference is that while both Austrian Control Agreements were adopted by all four Allied Powers, the “Second Control Agreement” and the Occupation Statute of Germany were established only among the three Western Allies.

The Second Control Agreement and the modification of the Occupation Statute of Germany let Allied Powers keep their privileges. Nevertheless, it marked a significant development for transferring supreme power to the Austrian and West German states.

7.2) Internal political situation

Examining the Austrian and West German internal political situations, inherent differences can be seen between the two countries, which answers one of the core questions of the thesis. Namely, that in the case of the aforementioned countries internal factors contributed to the differences in their state-building processes.

German internal affairs were divided after the war. There were differences between Christian Democrats and Social Democrats concerning several cardinal questions. Consequently, they failed to form a grand coalition after the first federal elections. The winning Christian Democrats allied with smaller parties.

There is a difference in the composition of the first Austrian federal government established after the war compared to the West German federal government established after the Bundestag elections of 1949. In Austria, even a communist minister joined the federal government. Instead of the “governing party-opposition party” duality, the Grand Coalition Government came into power, which contributed to the unitary creation of Austrian foreign affairs and enforcing interests towards the Allies. The fact that the elections took place without the direct influence of the Allied Powers inherently determined the history of Austria and it partly explains how the country managed to obtain its independence.

The unilateral western bonds established by Chancellor Konrad Adenauer excluded the possibility of reunion in the near future. There was an agreement in Austrian foreign affairs concerning the relations with the Allied Powers. At the beginning of the Second Republic internal affairs were determined by the Grand Coalition Government. With policy-balancing based on it, the federal government succeeded in preventing any unilateral engagement towards any Political Blocks. Nevertheless, it is essential to emphasize that after the withdrawal of the Allied troops, Austria joined the Western countries both politically and economically.

Comparing Karl Renner and chancellors succeeding him, and Konrad Adenauer, distinct differences can be seen in the Austrian and West German attitude of internal affairs. Renner

and his successors strived to have good relations with the Soviets, while Adenauer openly practiced anti-Soviet policy.

7.3) Territorial division of powers

The division of powers between the states and Federation was regulated differently by the Basic Law and the Federal Constitutional Law of 1920/29. Legislative and executive authorities are discussed in respective chapters of the Basic Law. It is specific in terms of federal legislation and execution, however, it does not refer to state legislation and execution – public administration – providing the states with more authority. As opposed to this, federal and state legislative and executive authorities are regulated unitedly in the Federal Constitutional Law of 1920/29.

Comparing the two post-war Federations it can be concluded that the majority of legislative authorities is dominated by the Federation in both federal states. In order to balance it out in Germany, states gained more authority in public administration. However, in Austria the Federation had more competences left in public administration. In conclusion, the states of the Republic of Austria received more restricted competences in legislation and public administration than the states of the Federal Republic of Germany. These factors also highlight the differences between the unitary and cooperative federation.

The definitions of direct and indirect federal public administration are known in both the Austrian and German public administration. In the case of the latter one, there are differences between the two federal states. In Austrian indirect federal public administration, the state public offices act on behalf of the Federation under the authority of the governors (Landeshauptmann), while in Germany it is the direct federal bodies or public institutes doing so.

A similarity concerning the history of public administration is that in the 1950s reconciliation forums were established in both federal states that were meant to strengthen cooperation among the states and between states and the Federation.

7.4) Further conclusions

It is an interesting fact that neither Germany nor Austria have concluded a peace treaty with the winning states after World War II to this day. According to the Austrian standpoint, as the victim of Hitler's Germany, Austria was neither on the winning nor on the losing side. Consequently, negotiating a peace treaty could not be interpreted since peace treaties are

concluded between winning and losing countries. In the case of Germany, division made it impossible to decide which state was the legal successor of the losing German Empire. Officially, none of the German states became one, therefore, neither the Federal Republic of Germany nor the German Democratic Republic signed a peace treaty with the winning states.

Examining the issue of the sovereignty of the Federal Republic of Germany and the Republic of Austria it can be concluded that the independence of a state is necessary, but not a sufficient condition of full sovereignty. As for the relation with western economic and military organizations, accession was not allowed for independent and neutral Austria. Unlike in the case of the Federal Republic of Germany, which regained its sovereignty in 1955, it was allowed to join the NATO and West European organizations. Considering this aspect, the sovereignty of the Federal Republic of Germany – whose territory was stationed by foreign military powers, thus, in the case of which no independence can be mentioned – was paradoxically more extended than Austria's since the West German state was not only allowed to join the aforementioned organizations, but its departure was also allowed. Naturally, considering the privileges of the Western Allied Powers this level of sovereignty was non-existent. In the case of the Western Powers full sovereignty was also out of the question, because their privileges were associated with defensive duties concerning West Germany. As a matter of fact, such duties were taken on voluntarily, not as a result of external force. Taking all these aspects into consideration, it can be concluded that none of the states signing the Bonn-Paris Conventions qualified as fully sovereign.

8) New scientific results

- 1) I proved that in the process of state-building led by winning nations, even the losing countries have influence. Even though in Austria the Allied Powers forced the federal legislation to adopt a new constitution, they managed to restore the Constitution of 1920/29 with an interpretation of legal theory. In the case of West Germany, demands of the Western Allies phrased in the Frankfurt Documents eased up since the 11 West German Minister-Presidents succeeded in elaborating a base law instead of a new constitution that became the fundamental constitutional document of the forming West Germany, whose acceptance did not become the matter of a referendum in order to emphasize its temporary nature.
- 2) Rebooting the economy is the cornerstone of state-building, alongside building a stable legal system. I proved that the unified implementation of the Marshall Plan in Austria

contributed to the preservation of Austrian unity and territorial integrity, and that the exclusion of the East German territories from the economic aid programme fundamentally determined their developmental direction, foreshadowing the creation of the East German state and Germany's division.

- 3) I concluded that the status of Berlin and Vienna and the differences between their sectoral divisions also contributed to the unity of Austria and the division of Germany. The creation of the international sector – separated from the other sectors and under common control – in Vienna, and the fact that the sectors were not formed exclusively from neighbouring districts, made it possible to bridge the differences among the Allies. A blockade of Vienna would have also made it difficult for the Soviets to supply their own sector. As opposed to this, in Berlin, the lack of an international sector and the establishment of sectors from neighbouring districts provided the basis for a blockade, which the Soviets could and did carry out unhindered. Learning from the mistakes made in Berlin, the Allies implemented a well-functioning four-power administration in Vienna.
- 4) The examination of the problem of legal continuity is inevitable in the case of Austria and Germany in the context of state-building. Austria successfully returned to the former legal order. In West Germany, although a new basic law was adopted, continuity was introduced into the new legal system and state organisation at federal and state level. Several elements of the constitution of 1871 and of the previous state constitutions were incorporated into the new legal order, thus the constitutional traditions were manifested in both the Basic Law and the new state constitutions. My research has concluded that legal continuity is the result of the inertial force and inertia of the state and administration when a new state organisation is created. As a result, what was once a well-functioning system or element is retained by the new state machinery, adopting the values of the past.

9) Recommendations and practical use of research results

During the process of state-building it is reasonable to adopt historical achievements. It is not practical to build everything again if a former state structure had well-working elements.

When it comes to invading and rebuilding a state, the intervention of the international community is more suitable than one state invading another and performing state-building since in this case a unilateral dependence is formed for the sake of the invading state which means more compulsion for the invaded state. Conversely, joint invasion means more room for invaded powers to maneuver, for which stable internal affairs are needed.

Mutual control over a state also keeps invading powers under control because it helps to prevent possible abuse of authority resulting from the invading nature.

In the case of the joint invasion of a state, its permanent division can only be avoided and its territorial integrity can only be maintained if invading powers are capable of restricting themselves and surrendering privileges resulting from invasion.

State-building must perform, besides the rebuilding of the legal system, the rebuilding of the economy successfully in order for the new state to last in the long term.

In Austria, adopting former constitutional legal order and values was accomplished successfully, meanwhile in Germany building a new constitutional system was necessary. The legal system and economy of the state formed by state-building must harmonize, because neither one is able to maintain legal order in the long term without the other one. This phenomenon was seen in the case of the German Empire and the first Republic of Austria which were both established after World War I. At that time the Weimar Constitution was a model for states opting for democratic government. The Federal Constitutional Law of 1920/29 was also created as a result of a long and serious development of constitutional law. Even though both states had democratic governments and stable legal systems, the consequences of the Great Depression of 1929-33 were able to wipe out both historical constitutional achievements along with the democratic legal order.

Even though the research subject is historical, the West German and Austrian state-building of the Allies after World War II can serve as a model for future state-building processes during which the international community or states endowed with mandate by it can collectively participate. Since the thesis processes the history of constitution and public administration, moreover, the state-building of the Austrian and West German federal states after World War II, it aims to primarily provide knowledge for establishing newly formed federal states.

10) Publications of the author on the subject of the thesis

MARÓTI Dávid: Egy új, mégis régi Németország születése. In: Diké, 2021. 5. évf. 1. sz. 213-229.

MARÓTI Dávid: Németország szövetséges megszállása és egy új német állam létrejötte. In: MTA Law Working Papers, 2021. 17. sz. 1-16.

MARÓTI Dávid: A német és az osztrák föderáció alapjegyei. In: Miskolci Jogi Szemle, 2018. 13. évf. 2/1. sz. 126-142.

MARÓTI Dávid: Németország újjáépítése a II. világháború után. In: Acta Humana, 2017. 5. évf. 5. sz. 59-73.

MARÓTI Dávid: A felsőházak összehasonlító elemzése ifj. Vutkovich Sándor munkásságában. In: Jog-Állam-Politika, 2017. 9. évf. 4. sz. 213-223.

MARÓTI Dávid: Comparison of the international administration in Berlin and Vienna after World War II. In: Central European Papers, 2017. 5. évf. 2. sz. 65-77.

MARÓTI Dávid: A Második Osztrák Köztársaság az átmeneti időszakban. In: Polgári Szemle, 2017. 13. évf. 1-3. sz. 392-406.

MARÓTI Dávid: The Allied administration in Vienna after World War II. In: VI. Interdiszciplináris Doktorandusz Konferencia Tanulmánykötet, 2017. 401-408.

MARÓTI Dávid: Berlin és Bécs jogállása a II. világháború utáni években és a berlini blokád. In: Professzorok az Európai Magyarországért Egyesület XIV. PhD. - Konferencia előadásai, 2017. 64-72.

MARÓTI Dávid: A két Németország egyesítésének alkotmányjogi háttere. In: Grotius, 2015. 1-6.

11) Professional and scientific biography of the author

Dávid Maróti started his higher education studies at the Faculty of Law and Political Sciences of the University of Szeged in 2009, where he graduated with a Bachelor's degree in International Relations in 2012. During his studies there, he became acquainted with the German constitutional system and the federal state structure, which aroused his interest.

After obtaining his Bachelor's degree, he continued his studies at the Faculty of Public Administration of the National University of Public Service, where he graduated with a Master's degree in European and International Administration Science in 2014. During his studies there, he acquired basic knowledge of comparative constitutional law.

In 2014, he applied to the Doctoral School of Public Administration of the National University of Public Service, where he passed the Complex Exam and obtained his Absolutorium in 2021.

As a student of the Doctoral School, he was awarded an Erasmus+ Scholarship from the University, which enabled him to start his research in Vienna. The Campus Mundi Scholarship of the Tempus Public Foundation and later the Ernst Mach Scholarship of the Austria-Hungary Action Foundation enabled him to continue his research in his field at the specialised libraries of the University of Vienna.

His studies and research have resulted in twelve publications, two of which are in English. He has an Advanced Certificate in English and German.