



The foundation of a free state is a free (music) association? Continuity and change after 1849/67 in Vienna and Ljubljana: Contribution to the history of orchestra *en tant que* association

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“Die philharmonische Gesellschaft in Laibach, welche diesen Namen seit ihrer Entstehung im Jahre 1702 führt, ist ein Verein von Freunden der Tonkunst, dessen Zweck in der Erhaltung, Vervollkommung und Verbreitung der Musik in Krain, sowie im Genusse derselben durch öffentliche Productionen besteht.” (Article 1 from Statuten der philharmonischen Gesellschaft in Laibach from 1849 on the aim of the association)

“... und so behalf man sich mit einer Organisationsform, die – juristisch gesehen – gar nicht existierte.” (Clemens Hellsberg in his *Demokratie der Könige*,¹ on *sui generis* form of Vienna Philharmonic before 1908)

“... potreba (je), da je stik Glasbene Matice in Društvene godbe čim rahlejši, tako da se Glasbena Matica vsak čas odklopi od Društvene godbe. [... it is necessary that the link between Glasbena Matica and Društvena godba be as loose as possible, so that Glasbena Matica can detach itself from Društvena godba at any given time.]”²

- 1 Clemens Hellsberg, *Demokratie der Könige. Die Geschichte der Wiener Philharmoniker* (Zürich, Wien, Mainz: Schweizer Verlaghaus, Kreymayr & Scheriau, Musikverlag Schott, 1992), 386.
- 2 Fran Milčinski, a judge and an astute observer of life to which his long since iconic short novels testify to, voiced his opinion on a merger of the two music associations, Društvena godba (*Laibacher Vereinskapelle*) and Glasbena Matica, in fact as a mem-

(Fran Milčinski on Sept 4 1908, leading up to the reconfiguration of the association ‘Ljubljanska društvena godba’³ under the name ‘Slovenian Philharmonic in Ljubljana’, into the first full civil symphonic Orchestra in Carniola)

“*Odkar se je na mojo inciativo ustanovilo Orkestralno društvo* [Orchestral Association], *sem zavzemal tam mesto dirigenta* [Since upon my initiative Orkestralno društvo was founded, I have held the post of its conductor.]”⁴ (Violinist Karel Jeraj in 1922, after he had left Vienna Philharmonic in 1919 with intent to contribute to the reestablishment of the Slovenian Philharmonic)

“*Društvo je v bistvu ojačena oseba.* [An association is in fact a person reinforced]” (Rudolf Andrejka, professor of law in Ljubljana and a former high official in the Austrian administration, in 1928 on the nature of ‘association’ in the Associations’ Act from 1867, still applicable in the new state post-1918)⁵

It is not very common to start with more than one quote as a means for the readers to pit their wits against a multifaceted matter straight away and thus set the tone of the content that follows. However, given the number and versatility of *dramatis personae* in my contribution to the history of music associations and their complex and above all diachronic relations, documented partly with new dispersed archival material which is difficult to integrate and organise in the space available, it seemed an appropriate, even if unusual, pluricentric way to start.

The main aim of my paper in principle, reflected in its title, and pursued during several months of archival research in Vienna and in Ljublja-

ber of the Committee of Glasbena Matica. Narodna in univerzitetna knjižnica (National and University Library; from now on NUK, Glasbena zbirka [Music Collection], Zapisniki odborovih sej Glasbene Matice v Ljubljani [Minutes of the sessions by the Main Committee] (from September 14, 1901, until September 28, 1909).

- 3 In German translation *Laibacher Vereinskappelle*, whereby I would like to point out that from its inception in 1901 under the name Ljubljanska meščanska godba and throughout its existence under the same president and *spiritus agens*, Vladimir Ravnihar, a formidable lawyer and an ardent promotor of music life, its rules were formulated and presented to the authorities in Slovenian, reflecting the association’s national character. More on Ravnihar, cf. *infra*, 236.
- 4 Karel Jeraj, January 11, 1922. NUK, Music Collection, fond GM, Orkestralno društvo, Dopisi [Correspondence], IJ. On Jeraj, cf. *infra*, pp. 5, 17, 238, 242; ff. 13, 14, 67.
- 5 Rudolf Andrejka, *Društveno pravo v Sloveniji* (Ljubljana: samozaložba, 1928), 10.

na, is to offer some preliminary answers to the following question. In what ways and to what extent was the organisational form and the concept of 'association' behind it, known in different languages of the Habsburg monarchy under slightly varied terms (*Verein, Gesellschaft; društvo, družba, Associazione, Società*), as well as in English (*Association, Society*), re-defined by the so called liberal Associations' Act in 1867⁶ and how was that accepted in the understanding of the addressees? Crucially, did it really, along with the proverbial granting of the personal freedom by the post 1848 constitutions, advanced the freedoms of association and that of assembly, as well?

To my surprise, after the initial gathering of the material and delving into the concepts of the era, my first working hypotheses, formed upon the association seemingly being an almost exclusively prevailing form of organising of music corpora,⁷ unproblematic and even desired, upon a more in-depth analysis of several intriguing parts of archival material, had to be revised. Each of the direct quotations above in a form of a *motto* was taken from such an intriguing and for that reason inspiring archival material or secondary literature, *on* or *by* the personalities or whole corpora, which were the *spiritus agens* of music life, and in that sense the first addresses of the 1867 Act. Let me briefly summarize them with the intent of formulating in so doing the research questions they provoked and which I will tackle in the main part of my contribution.

The first is an excerpt from the 1849 version of the *Statut* of Ljubljana *Philharmonische Gesellschaft (Filharmonična družba; Philharmonic Society)*⁸ which in its Article 1, states for the first time – bearing in mind its former versions of the Society's Statutes⁹ – that it had been founded as early

6 Das Gesetz über das Vereinsrecht vom 15. November 1867, R.G. Bl. Nr. 134.

7 Cf. Almost two whole pages of *Vereine* in the *Sachregister* of, Rudolf Flotzinger and Gernot Gruber, eds., *Musikgeschichte Österreichs. Band 3 (Von der Revolution 1848 zur Gegenwart)*, 2. überarbeitete und stark erweiterte Auflage (Wien, Köln, Weimar: Böhlau Verlag, 1995), 403–5.

8 On the history of the Philharmonic Society, Primož Kuret, *Ljubljanska filharmonična družba 1794–1919* (Ljubljana: Nova revija, 2005).

9 The oldest preserved version of the Society's Statutes that I could actually get access to first hand and in full text is that from 1801, containing however a self-referential remark to the one from 1794. On its cover page in brackets one can read: *Nach den Statuten vom Jahre 1794. umgearbeitet, und festgesetzt im Jahre 1801*. A copy is kept by the Music collection of the National and University Library (NUK) in Ljubljana in the 'Archive of the Philharmonic Society', in the fascicle 'Ph G Statuten'. In the same map, one can further find the versions of the Society's Statutes from 1849, 1874 and 1901. For my present research, I have further used the Statutes from 1817 (with

as 1702. Wherefrom the seemingly different (reinforced) self-understanding of the authors of the Society's Statutes in 1849 of the Society's continuing longevity? Where and who-by was the 'interpolation' on the year 1702 and how solid were the potential sources upon which the claim about the year 1702 in 1849 was made? Or, was it a mere coincidence that the claim to 1702 as the founding year of the Society was added in the year 1849 and then remained part of the standard formulation and historic self-identity ever since?

The second quote is taken from the most prominent history of Vienna Philharmonic, *Demokratie der Könige*, in which Clemens Hellsberg insightfully and with all the necessary authority demonstrated that contrary not only to the prevailing public opinion at time,¹⁰ but to the tacit supposition even in the historiography on the orchestra written afterwards,¹¹ the Vienna Philharmonic had not become an association in the eye of the law

the self-referential remark, that they were a mere *Nachdruck* from the 1802 version) from the Bildarchiv und Grafiksammlung of the Österreichische Nationalbibliothek in Vienna (Statuten der Philharmonischen Gesellschaft in Laibach. Neu gedruckt im Jahre 1817. Laibach: Joseph Sassenberg). Sig. 38317–B. In the small booklet, a copy of a letter by Ludwig van Beethoven to the Philharmonic Society from 4 May 1819, thanking the Society for having elected him as its honorary member, is inserted (*An die Philharmonische Gesellschaft in Laibach*). A further find not known to me before in such an elaborate form, were the Statutes from 1854 in the Austrian State Archives. With its sumptuous deep red cover pages, inserted in a larger dossier, they contain the documents, needed for the successful application for the prolonging the Society's legal life after the adoption of the Associations' Act in 1852. The inner page of the last cover page contains the signature of the Minister of the Interior at the time, of Alexander von Bach himself, whereby the Society's application was officially granted. Cf. picture 1. In the literature, the authors also refer to the Statutes from 1794 and 1796, as if the full text were readily available, but with no direct citation. Cf. Kuret, *Ljubljanska filharmonična družba*, 23–7. Given the tragic fact of the loss of the Society's Archives through *skartierung*, the most detailed and the oldest surviving description of the Statutes from 1796, with the title *Statuten der musikalischen Gesellschaft zu Laibach. Gedruckt bei Johann Friedrich Eger. Laibach 1796*) already in printed version, remains to my knowledge the one by Society's historian Friedrich Keesbacher, *Die Philharmonische Gesellschaft in Laibach seit dem Jahre ihrer Gründung 1702 bis zu ihrer letzten Umgestaltung 1862. Eine geschichtliche Skizze* (Laibach: Kleinmayr und Bamberg, 1862), 15, <http://www.dlib.si/?URN=URN:NBN:SI:DOC-RE4KNLTL>.

- 10 A prevailing common supposition of the period among the public, very nicely reflected in the wording of the testament of Rudolf Putz. HA/Wph, A-Pr-015-44/3 (Rudolf Putz setzt testamentarisch die Gesellschaft der WPh zu seiner Erbin). Cf. Hellsberg, *Demokratie*, 368.
- 11 For a more recent history on the Orchestra, where the author never questions the organisational form under the name *Gesellschaft*, though he does mention the 1908 as the year of its formal inception as such, cf. Christoph Wagner-Trenkowitz, *A sound*

(i. e. Associations' Act of 1867) until 1908. What is more, even then, it only actually happened upon the gentle indirect coercion by the courts. However, with respect to the Vienna Philharmonic, and contrary to Hellsberg's view, I intend to show, first, that Vienna Philharmonic did exist in a "*juristisch existierende form*"¹² before 1908, only in one, inherently different from the association as we understand it post 1867 until today. Second, touching upon the workings of the 1867 Association Act directly, I will also present my thesis on why it may have been that the reconfiguration process into a form of an association in the sense of the Act in 1872, despite having already been agreed upon among the members of the Orchestra, was not afterwards carried through.

In the following two introductory quotations, I evoke first, the process of the merger of Ljubljanska društvena godba (*Laibacher Vereinskapelle*) with Glasbena matica before the I. World War and the intriguing advice by a reputed jurist that the legal link between them should be as loose as possible. The one that follows afterwards is the case of Orkestralno društvo [Orchestral Association], an orchestra of largely amateurs founded under the umbrella of Glasbena matica several years later, right after the break-up of the old Monarchy. I will argue that the curious fate of the Orkestralno društvo was to the large extent determined by the fact that the main *spiritus agens* behind the beginnings of this music corpus, Karel Jeraj, in 1919 having come to Ljubljana from Vienna, was never really accepted by the circle of the influential personalities of the Ljubljana music life. I will demonstrate that consequently and with a tinge of slight irony, Orkestralno društvo, contrary to its very name [Orchestral Association], under which it continues to appear in the musicological literature to this day, never met the legal criteria, necessary to become an association in the sense of 1867 Act in its own right.

Last but certainly not least, I would like to shed new light onto the personality of Karel Jeraj himself, especially onto his two decades with Vienna Philharmonic (1901–1919),¹³ from 1908 along with all his fellow orchestra

Tradition. A short History of the Vienna Philharmonic Orchestra (Wien: Amalthea Verlag, 2017).

12 Hellsberg, *Demokratie*, 368 (as if in the initial quotation).

13 Judging from the dates on the contract between Karel Jeraj and the Court (later State) Opera, his employment with this iconic institution lasted from February 26, 1901, until April 30, 1919. AT-OeStA/HHStA, HA Oper, SR 70-155. As Jeraj passed the very demanding selection process to become also a Philharmoniker right after that, it is fair to take these dates also as the dates of this parallel and much sought after career. In his short biography, Jeraj's counting of the years, amounting to two

members also a *Vereinsmitglied*, so as a member of the orchestra, organised as an association. That is namely a period of his life that in the Slovenian literature to my knowledge has not yet been properly researched, not yet including the information from the material, accessible in the Vienna archives.¹⁴

Before I turn to the individual challenging examples of the music associations, let me briefly introduce the key tenets of the Associations' Act from November 15, 1867.¹⁵ In so doing, I will also offer my explanation why contrary to the prevailing views in the literature especially that of the period, the Act in its important part was not inherently liberal nor it represented a major turning point in granting the associations the autonomy as envisaged by the Constitution.¹⁶ In the historiographic literature, this point of view is by no means a novelty. To my mind, a rich historical context along with the apt deconstruction of the idea of liberalism at the time around 1848 in Austria, and among a wider public in Vienna especially, is given by Pieter M. Judson in his widely acclaimed work *Wien brennt!*¹⁷ It is not too soon to point out that whenever the adjective *liberal* accompanies the 1867 Associations' Act it has to be strictly understood in terms of the ideas of the time.

Coming from the field of legal history and in my research of the last two decades having built on the work of my illustrious predecessors, especially Sergij Vilfan,¹⁸ with the hereditary lands of the Habsburgs (*Land*;

more, must include his time with Philharmoniker as a substitute. Karel Jeraj, "[a short autobiography]," *Zbori* X, no. 3: (1934): 13–4. More on Jeraj, *infra*.

14 Cf. Katja Novak, "Ustvarjalno življenje Karla Jeraja in njegova glasbena zapuščina," (dipl., Univerza v Ljubljani, 2006). The sources from the Viennese archives that I have used are those from the House und Hof Archiv of the Austrian State Archives, and from the Historical Archives of Vienna Philharmonic.

15 *Gesetz über das Vereinsrecht vom 15. November 1867, R. G. Bl. Nr. 134*, which was passed together and should not be mistaken with *Gesetz über das Versammlungsrecht, R. G. Bl., Nr. 135*. In the official literature (instructions) of the time, it was clearly accentuated, that some of the paragraphs (and ideas behind them) from the Assembly Act cannot and should not be applicable in the situations covered by the Associations' Act, in order to circumvent the aims of the latter. Cf. Samuel Freund, *Vereins- und Versammlungs-Gesetz. Zum Gebrauche für politische Beamte und Vereine*. 2. Auflage (Wien: s. n., 1894) [Nachdruck vom ProLIBRIS.at, 2014], 80.

16 *Das Staatsgrundgesetz vom 21. December 1867, R. G. Bl. Nr. 142* on the fundamental human rights (Art. 11–13, 16–17, 19–20).

17 Pieter M. Judson, *Wien brennt! Die Revolution von 1848 und ihr liberales Erbe* (Wien, Köln, Weimar: Böhlau, 1998).

18 For the most recent monography on the Empire see Pieter M. Judson, *The Habsburg Empire (A New History)* (Harvard: Belknap, 2016). However, for a still valid legal his-

dežela; Lat. *terra*) and their legal traditions, constantly in one of my focuses,¹⁹ I am trained to look upon any of the Acts (*Gesetz, zakon*; statute), passed after 1849 not only in the synchronic but above all in the diachronic historic contexts, as well. To put it differently. To any change, alluded to in the title in general, and to that of the Associations' Act of 1867, in particular, one cannot really attribute its hard conceptual contours, without looking first for the existent continuities. These are always there, but many times neglected by the official or indeed later historical accounts, in order for the alleged novelty, i. e. conceptualised as change, to shine. As already pointed out, in our case, the alleged change, ascribed to this Act in the literature almost proverbially, as indeed in the official commentaries and instructions of that time, as well, was its liberality. Without entering into any prolonged conceptual debate on the notion myself, and adopting in principle the analysis of Judson, I will give a short explanation on what the 1867 Act differed in wording from its predecessor from 1852. In so doing, I will also draw attention to the commentary on the Act by Samuel Freund, tellingly revealing legal understandings, self-evident at the time. The commentary was written as a guidance for the administration in 1894, the daily practice of which by then had already been rooted in several decades of cases and interpretive experience.²⁰

I will narrow my explanation to two key freedoms, as introduced, at least on the face of it, by the 1867 Act as a part and parcel of the renewed constitutional era in Habsburg monarchy post-1867: to the freedom of association and to that of assembly.²¹

torical one for earlier periods, cf. Sergej Vilfan, *Rechtsgeschichte der Slowenen* (Graz: Leykam, 1968).

19 Katja Škrubej, "Rechtsräume als (Fragestellungs-) Konzept und Versuch einer Rechtsraumtypologie im Rahmen der slowenischen Rechtsgeschichte," in *Endpunkte. Und Neuanfänge: geisteswissenschaftliche Annäherungen an die Dynamik von Zeitläuften*, eds. Sašo Jerše and Kristina Lahl (Köln: Böhlau, 2022), 51–8.

20 Freund, *Vereins-und Versammlungs-Gesetz*.

21 In his *Wien brennt*, Judson gives a convincing explanation on why the liberal elite, which succeeded to gain a decisive influence on the running of the country after 1861, by adopting the Associations' Act of 1867 in fact intentionally limited the freedom of assembly, especially that of the political associations, the evolution and indeed the application of which was key to their own gaining the public voice in the revolution period of 1848/49 and the first constitution era. As it happens so often, once in power, and in order to secure their own prominent newly gained political influence, they limited it for their potential opponents, especially the working class. Not surprisingly, the Act came under attack from the liberal newspapers of the epoch, as well. Judson, *Wien brennt*, 117–8.

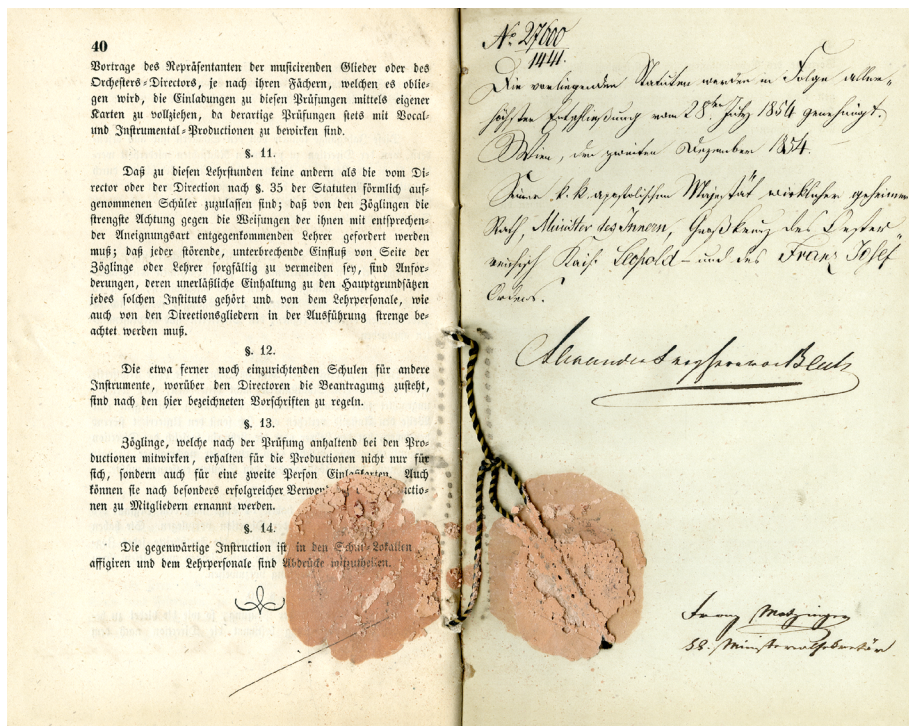
The key contours of freedom of association are given in the paragraphs 6, 7 and 8 of the 1867 Act.²² Different to the previous state of affairs, where the authorities of the state enjoyed discretionary powers to allow the forming of an association and were not pressed into deciding by any time frame,²³ the new Act limited the authorities twofold.

Firstly, even though it was still within the powers of the authorities of the land²⁴ to forbid the constituting of an association, they could only act this way if they found it illegal or constituting a threat to the state. Secondly, the authorities had to impose the barring in writing in a very short time period of only four weeks after they had received the application. Failing to issue the decision to bar the forming of an association within this period resulted in the association automatically starting with its legal life. That was based on the autonomously adopted set of associations' rules (*Statuten, Satzungen; pravila, statuti*) that the authorities were presented with upon the application, however according to 1867 Act without having the right to discretionally impose concrete changes to the wording of the rules as was the case previously. The presenting of the rules to the authorities amounted now more to the act of notification and not to an application for confirmation of the rules, as one can still read it in the non-legal literature. This point presented a very important symbolic post-1867 change, which the authorities were keen to uphold. This was directly reflected in a somewhat curious standard wording that any association that was not barred received: the association "*is not forbidden*" ("*se ne prepove*" or "*ni zadržka*"; "*ist nicht untersagt*"). Still, if the decision to bar an association was issued, the applicant could challenge it before the Ministry of the Interior within a 60-day period. Already in the literature of the time, this procedural cluster was conceptualized as 'application model', different to 'concession model' of the 1852 Act from the neo-absolutist era, closely associated with the Minister of the Interior, Alexander von Bach.

22 Freund, *Vereins- und Versammlungs-Gesetz*, 51–2. For Slovenian readers, also Andrejka, *Društveno pravo*, 183.

23 On comparing the major differences between the Act of 1867 and that of 1852, cf. Freund, *Vereins- und Versammlungsgesetz*, 128–46, together with the text of the Act itself. For Slovenian readers, also Andrejka, *Društveno pravo*, 192–227.

24 Another important change, that was introduced by the 1867 Act was, that the jurisdiction in the matters of associations was now in principle in the hands of the provincial authorities (*Landesstelle*) and not anymore in those of the state (Ministry of the Interior). To the latter it only befell to decide in cases brought against the written barring of an association by the provincial authorities.



Picture 1: The last inner page of the Statues of the Philharmonic Society in Laibach/ Ljubljana from 1854 with the signature of Alexander von Bach, granting Society's further existence following Statutes' amendments, after the adoption of the new Associations' Act in 1852. Statutes are part of a larger dossier from the Vienna State Archives, which in addition, contains the originally presented text of the Statutes to the Ministry of Interior with several officially imposed amendments, very likely in the hand of Bach himself. AT-OeStA/AVA, Inneres Mdl Allgemein A188.18 Philharmonische-Gesellschaft Laibach, 1854.

To briefly sum up. If an association after the 1867 Act was indeed constituted more freely so that in this sense we can concur with the idea of it representing a liberal change, the same can hardly be maintained for the freedom of assembly, inherently necessary for any kind of organisation's autonomous legal life. In this regard, the paragraphs 15 and 18 of the 1867 Act are of crucial importance. According to the first, the leadership of any association was bound to announce its assembly (*Vereinsversammlung; društveno zborovanje*) to the authorities 24 hours in advance, stating its place, time and whether it would be held publicly or not. Moreover, the authorities had the right to send to the Association's Assembly its delegate

(*Abgeordnete; odposlanec*) to whom the information on any person who presented motions, as well as on the speakers were to be given upon his request. The delegate had also the right to demand that on the issues debated at the assembly, the minutes were formulated. And last but not least, the authorities, concretely the [provincial] government in this case (*die [Landes-] Regierung; deželna vlada*) had the right to look into the assembly's minutes at any time. Taking into account all that combined, not much of the idea of assembly's freedom in its actual legal life seemed to be newly granted.²⁵ In fact, only the meetings of the leadership, so of the association's Main committee, were held without the authorities' right to intervention, i. e. without the presence of its delegate.

Given the fact that the 1867 Act does not entail an overreaching definition of an association and further, that the five examples selected, range over almost two centuries, whereby any kind of diachronic definition of the key phenomenon must be relative, I have to revert for it - or at least its key elements - to the theory of associations of that time.²⁶ It will turn out that the key elements of the concept of association according to the 1867 Act are direct predecessors of the modern notion as we understand it on the continent today, and not only in Austria and Slovenia, but also at the level of the European Union.²⁷ These are: voluntary membership, establishment on a permanent basis by agreement among natural²⁸ or legal persons, in-

25 For an interesting detail from the history of the Philharmonic Society, testifying to the fact that this kind of State's supervision was something that the Associations were familiar with from long before pre-1848 era, see Radovan Škrjanc, "Filharmonična družba v Ljubljani od nastanka do sredine 19. stoletja," in *300 let/years Academia Philharmonicorum Labacensis 1701–2001* (Zbornik referatov z mednarodnega simpozija 25. in 26. oktobra 2001 v Ljubljani/Proceedings of the international symposium held in Ljubljana on October 25th and 26th 2001), ed. Ivan Klemenčič in Radovan Škrjanc, 140. In 1802, the Philharmonic Society was granted its application for holding internal music productions under condition that the police director or its deputy was allowed a free access at any time.

26 For a detailed explanation of the notion, as understood at the time, and differentiated from similar ones, cf. Freund, *Vereins- und Versammlungsgesetz*, 10–3.

27 Cf. Article 1 in Bundesgesetz über Vereine, B. G. Bl, I, Nr. 66/2002 and in Zakon o društvih (ZDru-1), U1 RS, št. 6/106, 2006, as well as the resolution of the European Parliament on *A statute for European cross-border associations and non-profit organisations*, adopted on February 17, 2022 (europa.eu), https://www.europarl.europa.eu/doceo/document/TA-9-2022-0044_EN.html.

28 Even though not especially accentuated in the five cases chosen, one other change in principle, clearly discerned from the associations' Statutes over the course of the 19th century, concerned the role of women. Before 1848, women were part of the life of associations' life in very different ways and roles, and according to varying circumstances, e.g. around 1800, from mere company to a member, to a full member and

dependence and self-governance, endeavour for a common and non-profit purpose.

In addition to the liberal change with regards to association's constitution, it is the latter element, its non-profitability, that represented a major departing from the previous situation according to the 1852 Act. Without going to any complex analysis of the past development for the shortage of space available, it is important to understand that it is only with the 1867 Act, Article 2, that from the old umbrella-concept of 'association' under very familiar variations of names already enumerated above (*Verein*, *Gesellschaft*; *družba*, *društvo*; *Associazione*, *Società*), the organisations pursuing pecuniary, were expressly left out.²⁹ According to the Article 3, the same went for religious institutions and congregations.³⁰ The comprehending of this legal-historic fact has a crucial bearing on our understanding or indeed conceptualising of pre-1848 continuities of different organisational forms, carrying one of the above names to post-1867 realities and up to the present times. In the scientific literature on associations, there exist a certain temptation not only to look for similar forms of organisation as far back as possible, especially to Roman times (*collegia*), but also for their – at least implicitly alluded – continuity.³¹ A certain degree of prudence in such hypothesising over immense time spans and territories is certainly the best policy, not only in a search of continuities, but also in search for legal transplants, touching here on the phenomenon of the received Roman law on the Continent. As comparisons in basic traits of researched phenomenon are always far more reliable as mere similarities in names, there can hardly be,

even as an association's founder and/or financial supporter, certainly also as a soloist performer. In the Statutes after 1848, a standard reference to a member of an association was termed a person of person of both sexes. Cf. for example the Statutes of Philharmonic Society from 1849 or 1852 ("*ohne Unterschied des Standes und Geschlechtes*") with those from 1801 ("*... Frauenzimmer jedoch machen hier eine Ausnahme, indem nur Musikdilettantinnen, die den Zweck der Gesellschaft befördern, als Mitgliedern Aufgenommen werden können ...*").

29 Article 2: "*Vereine und Gesellschaften, welche auf Gewinn berechnet sind, dann alle Vereine für Bank-, Credit- und Versicherungsgeschäfte, sowie Rentenanstalten, Sparcassen und Pfandleihanstalten sind von der Wirksamkeit dieses Gesetzes ausgenommen und unterliegen den besonderen, hierauf bezüglichen Gesetzen.*" Cf. Freund, *Vereins- und Versammlungsgesetz*, 21–2. Cf. for example, AT-OeStA/AVA, Inneres Mdl Allgemein A187.2 Landwirtschafts-Gesellschaft, Krain.

30 Freund, *Vereins- und Versammlungsgesetz*, 22–4.

31 Cf. Manfred König, "Die Rechtsentwicklung des Vereinswesens in Österreich," in *Ehrenamt und Leidenschaft. Vereine als gesellschaftliche Faktoren*, Salzburger Beiträge zur Volkskunde Bd. 12, ed. Ulrike Kammerhofer-Aggermann (Salzburg: Das Landesinstitut, 2002), 59–64.

for example, a medieval organisational form under such a name (*collegia* or *corpora*) that matched the above five basic traits.

All that said, there cannot be much doubt, that the direct predecessors of the music associations post 1867 in the Habsburg Empire – many with an unbroken continuity, albeit in the following decades slowly transformed – are clearly those founded in more or less two decades around the turn of the 18th century.³² In the standard work on Austrian Music History, Gernot Gruber summed them under the name of *Musikvereine*. Still largely associations of nobles and citizenry of higher status, their common traits according to Gruber were the division of their respective membership into *musizierende* and *zuhörende*, and the founding of Conservatories, albeit their respective orchestras continued to consist of amateurs (*Dilettanten*).³³

After having explained the key statutory change in 1867 and introduced the basic traits of the notion of ‘association’ in theory of the time in the shortage of any overreaching statutory definition, I will now turn to the five cases, introduced in the beginning.

My first one tentatively touches on the history of the Philharmonic Society in Ljubljana, or more to the point, to the history of its identity and self-perception. In the scientific literature the Society is not only widely accepted as the first of its kind among the above-mentioned *Musikvereine*,³⁴ with its formal year of founding being 1794, also its alleged self-perception shares the same status.³⁵

However, my reading of the preserved Philharmonic Society’s Statutes led me to the question, why are the first Society’s Statutes that in fact in their opening article on the aim of the Society refer to the year 1702 those from 1849? I have introduced it in my first quotation at the very beginning. Why is it that the Society’s Statutes from 1801, which on its cover page contain a self-reference to 1794 (*Nach den Statuten vom Jahre 1794. umgearbeitet, und festgesetzt im Jahre 1801.*) do not? Further, if Friedrich Keesbacher

32 Cf. for example archival material on the music society in Gorica/Goriza/Görztz. AT-OeStA/AVA, Inneres Mdl Allgemein A188.17 Philharmonischer-Verein Görz, 1855.

33 Rudolf Flotzinger and Gernot Gruber, eds., *Musikgeschichte Österreichs. Band 2 (Vom Barock zum Vormärz)*, 2. überarbeitete und stark erweiterte Auflage (Wien, Köln, Weimar: Böhlau Verlag, 1995), 203.

34 Ibid.

35 Gernot Gruber cursory refers to the Society’s self-perception as spanning back to the year 1701. Ibid.

is to be believed, neither the Statutes from 1796 nor those from 1794³⁶ referred explicitly to 1702, however, as to him, the accompanying documents, lost to us, were in 1794 referring to the Society's new official inception as to the Society's "second founding".³⁷

In the scientific literature of the past decades, the hypothesis on the Society's factual predecessors – or forms of continuity – from the early 18th century, especially regarding the *Academia Philharmonicorum Labacensium*, if not from even before,³⁸ has been meticulously dealt with. Metoda Kokole closes her excellent piece on the topic³⁹ with an explanation that the Philharmonic Society at its *de iure* inception in 1794 took its emblem and its motto from the *Academia Philharmonicorum*'s seal. The seal stems from a receipt for a membership's payment from 1705 but with a year 1701 and the motto *Recreat, mentique perenia monstrat* within the seal.⁴⁰ Kokole concludes, that the Philharmonic Society "counted the year 1702 as its 'real beginning', which according to the knowledge of the time⁴¹ had been the founding year of the *Academia Philharmonicorum*."⁴²

A more definite answer to the questions where or who by was the 'interpolation' on the year 1702 first in the Society's Statutes from 1849 and how solid were the sources upon which the claim about the year 1702 in 1849 was made, will have to remain for the future research. However, a find

36 Keesbacher, *Die Philharmonische Gesellschaft in Laibach*, 15. Actually, the version from 1794 is to my knowledge only mentioned in Keesbacher's description of the title page of the Statutes from 1796, which in his time (i. e. in 1862) must still have been preserved: "Statuten, welche die musikalische Gesellschaft zu Laibach bei ihrer Entstehung, den 1. November 1794, festgesetzt hat."

37 Keesbacher, *Die Philharmonische Gesellschaft in Laibach*, 12.

38 "Die Philharmonische Gesellschaft in Laibach, welche diesen Namen seit ihrer Entstehung im Jahre 1702 führt, ..." in the versions 1849, 1854 and 1874 and "Die im Jahre 1702 gegründete 'Philharmonische Gesellschaft in Laibach'..." in the version from 1901.

39 Metoda Kokole, "Academia Philharmonicorum Labacensis v evropskem okviru," in *300 let/years Academia Philharmonicorum Labacensis 1701–2001* (Zbornik referatov z mednarodnega simpozija 25. in 26. oktobra 2001 v Ljubljani/Proceedings of the international symposium held in Ljubljana on October 25th and 26th, 2001), ed. Ivan Klemencič (Ljubljana: ZRC SAZU, Založba ZRC/Research Centre of SASA, ZRC Publishing, 2004), 53.

40 Ibid. 41.

41 The large part of Metoda Kokole's contribution is dedicated to the persuasive argumentation of the year 1701 being the actual founding year of the *Academia Philharmonicorum Labacensis*. Ibid.

42 "... ter kot svoj 'pravi začetek' štela leto 1702, po takratni vednosti leto ustanovitve Academie Philharmonicorum". Ibid., 53.

N a m e und Sitz des Vereines	Zweck des Vereines	Zeit der Ent- ste- hung	Zahl der Mitglieder	Vermögens- Geharung	Wirksamkeit des Vereines
Philharmonische Gesellschaft in Laibach	Erhaltung, Vervollkommung und Verbreitung der Musik.	1702	186	1500 fl.	—
III. Section des Lloyd in Triest	Sammlung und Verbreitung aller jener Nachrichten und Kenntnisse, welche den Handel, die Schifffahrt, den Gewerbefleiß und die Künste zu fördern geeignet sind, sowie die Hervorbringung literarischer und artistischer Werke und die Vermittlung ihres Absatzes.	1849	—	Actiencapital: 30.000 fl.	Diese Abtheilung des Lloyd hält die entsprechenden Lesesäle, dann eine Druckerei, und eine artistische Anstalt für Stahlstich und Holzschnitt, sorgt auch für die Herausgabe periodischer Blätter, besonders eines solchen, welches den Interessen des Handels und der Schifffahrt gewidmet ist.
Philharmon. Verein in Görz	Förderung der Kirchen-, Theater- und Kammer-Musik.	1854	—	—	Als Mittel zur Förderung des Gesellschaftszweckes dienen vorzüglich gemeinschaftliche Uebungen der Mitglieder.
Verein des tirolisch-vorarlberg. Landes-Museums Ferdinandum zu Innsbruck	Förderung wissenschaftlicher, künstlerischer und technischer Bildung, insbesondere Ansammlung und Aufbe-wahrung dessen, was die Natur des Landes und die Thätigkeit seiner Einwohner in dieser Beziehung Be-lehrendes und Merkwür-diges darbieten.	1823	408	V. 3463 fl. 44 kr. E. 5397 fl. 52 kr. A. 3339 fl. 8 kr.	Die Gesellschaft besitzt eine Sammlung tirolisch. vorarib. Mineralien und Gebirgsarten mit den darin vorkommenden Verstein-erungen, v. Gegenständen des Bergbaues, ein Herbarium und eine Sammlung von inländischen Holzarten, eine zoologische Samm-lung und eine Sammlung von andern Naturerwürdigkeiten, eine Kunstsammlung von Werken der zeichnenden und plasti-schen Kunst, ein Kunstabniet mit den übrigen Producten des vaterländischen Kunstfleisses, einen Productensaal für inländi-sche Fabricate, Manufactur - Erzeugnisse und Erfindungen oder deren Modelle; eine Sammlung von Antiken, Denksteinen und eine Wappen, Siegel- und Münzsammlung in Originalen oder Ab-drücken zur Erläuterung der Landesgeschichte, eine Urkunden-sammlung in Originalen oder treuen Abschriften, eine Autogra-phen-sammlung, eine Sammlung von Abschriften oder Zeichnungen der im Lande befindlichen interessanten Inschriften, Grabsteine, Denkmäler u. s. w., endlich eine Bibliothek von Werken, Hand-schriften und Karten, besonders von solchen, die auf Tirol und Vorarlberg Bezug haben.

N a m e und Sitz des Vereines	Zweck des Vereines	Zeit der Ent- ste- hung	Zahl der Mitglieder	Vermögens- Geharung
Philharmonische Gesellschaft in Laibach	Erhaltung, Vervollkommung und Verbreitung der Musik.	1702	186	1500 fl.

Picture 2: Philharmonic Society in Laibach/ Ljubljana being described with 1702 as its year of foundation in the state statistical overview of the Associations of the Austrian Empire from 1857. AT-OeStA/AVA Familienachive (FA) Hugelmann 53.14 Moriz von Stubenrauch, *Statistische Darstellung des Vereinswesens im Kaiserthume Österreich*, Wien, 1857.

in the Austrian State Archives might point us in a possible and promising direction. The family archives of one of the leading experts on the state statistics, Karl H. Hugelmann, contain a detailed overview of all the existing associations of the Austrian Empire in a publication *Statistische Darstellung des Vereinswesens*.⁴³ In 1857, it was prepared upon the commission of Alexander von Bach. There in a table on its page 352, *Philharmonische Gesellschaft in Laibach* is presented alongside several others, with the basic data in the respective columns, one of which is *Zeit der Entstehung*. The year given is 1702.

43 Moritz von Stubenrauch, *Statistische Darstellung des Vereinwesens in Kaiserthume Österreich* (Wien: K.u.K. Hof- und Staatsdruckerei, 1857)

Of course, it may well be, that even though the statistical overview prides itself on being crafted upon the official data, the year 1702 could merely have been adopted from both versions of the Statutes, that the Ministry of the Interior had received and granted in the previous decade, i. e. from those from 1849 and from 1854. However, I would like to hypothesise that if in the future, a similar official dossier for the Statutes from 1849 is found as we now have it for the year 1854,⁴⁴ there among the documents we just might find a further clue as to why in 1849, after 45 years, the first Article had been altered.

In addition to what was said on the Philharmonic Society in Ljubljana, the first of its kind at the turn of the 18th century and on its self-perception projected to 1702, it is not too much of an exaggeration to say that its Statutes from the decades, following the course of the 19th century, show its diligent adaptation to the changing state regulation on associations. For my second case, the Vienna Philharmonics *en tant que* association, which I am about to present, this was certainly not so. What is more, as already introduced with my second quotation, Clemens Hellsberg maintained that before 1908 the Vienna Philharmonic did not exist in any “juristisch existierende form”. With that, I cannot readily agree.

Firstly, I would like to point out that the conviction among the general public, that a “legal form” in order to exist, has to be given in advance (i. e. be sanctioned by the state) and cannot – dogmatically – arise from the legally relevant practice, is still to this day a child of the continental legal development of the Enlightenment Era. It certainly does not exist in the nature of the law *per se*. That view only really took deep roots after the so called “codification revolution” at the turn of the 18th century. Then, the so called comprehensively systematised codifications based on abstractly conceptualised legal notions, modelled on the natural sciences’ method of *mos geometricus*, took away the legal force from other different sources of law, above all from the judge-made law and customary law, and reserved it only for the laws and regulations by the state.⁴⁵ Secondly, in analysing the case of the Vienna Philharmonics, one really has to take the fact, that in the Associations’ Act from 1867, the associations, pursuing pecuniary goals, were explicitly excluded from the overall concept of ‘association’, seriously. I would therefore limit Hellsberg’s assessment, which does point to some-

44 Cf. picture 1 with the citation.

45 Cf. Paolo Grossi, *The history of European Law* (West Sussex: Wiley-Blackwell, 2010), 80–6.

thing important, to the period between 1867 and 1908. Not being familiar with all the details of the orchestra's founding years, I can only say, that in principle, if at some point, the orchestra, which the general public clearly associated with one form of association or the other, to which the famous testament of Rudolf Putz, who in 1908 left his estate "zugunsten der Gesellschaft der Wiener Philharmoniker," testifies,⁴⁶ registered their Statutes with the authorities, before 1867, the criteria for being an association in the eye of the law, could have been met.

To my mind, during the period mentioned, the orchestra was not conformed to the Associations' Act according to three criteria. In addition to pecuniary goals, expressly encapsulated by the self-designation *Konzert-Unternehmung* and their Statutes not being registered by the authorities, which consequently held the pursuit of their concert activities away from the state's supervisory eye, there was the criteria of permanency of membership which was not entirely met. I will now treat this issue together with a possible answer to Hellsberg's claim that the orchestra in legal sense did not exist.

Before the adoption of the Statutes in 1908 in the sense of the 1867 Act, every year after a spring summon (*Zirkular zufolge §6 des Geschäftsordnung*),⁴⁷ each individual, having of course once in the past already passed the rigorous audition, was asked to sign his name into what they colloquially termed a *Namenliste*⁴⁸ (picture 3). In my view, that was a form of signing a contract, something that also the official entry in the Orchestra's Archives, as *Verpflichtungsdokument*, nicely encapsulated. By that, each individual accepted the obligation to perform with the orchestra and abide by the decisions, passed in their general assembly, only for the year that followed. The lack of required permanency of membership can also be discerned from the wording of the Statutes from 1908, with which the orchestra not only received its official name of Wiener Philharmoniker for the first time, but also its permanent membership. Not everyone ever signed onto previ-

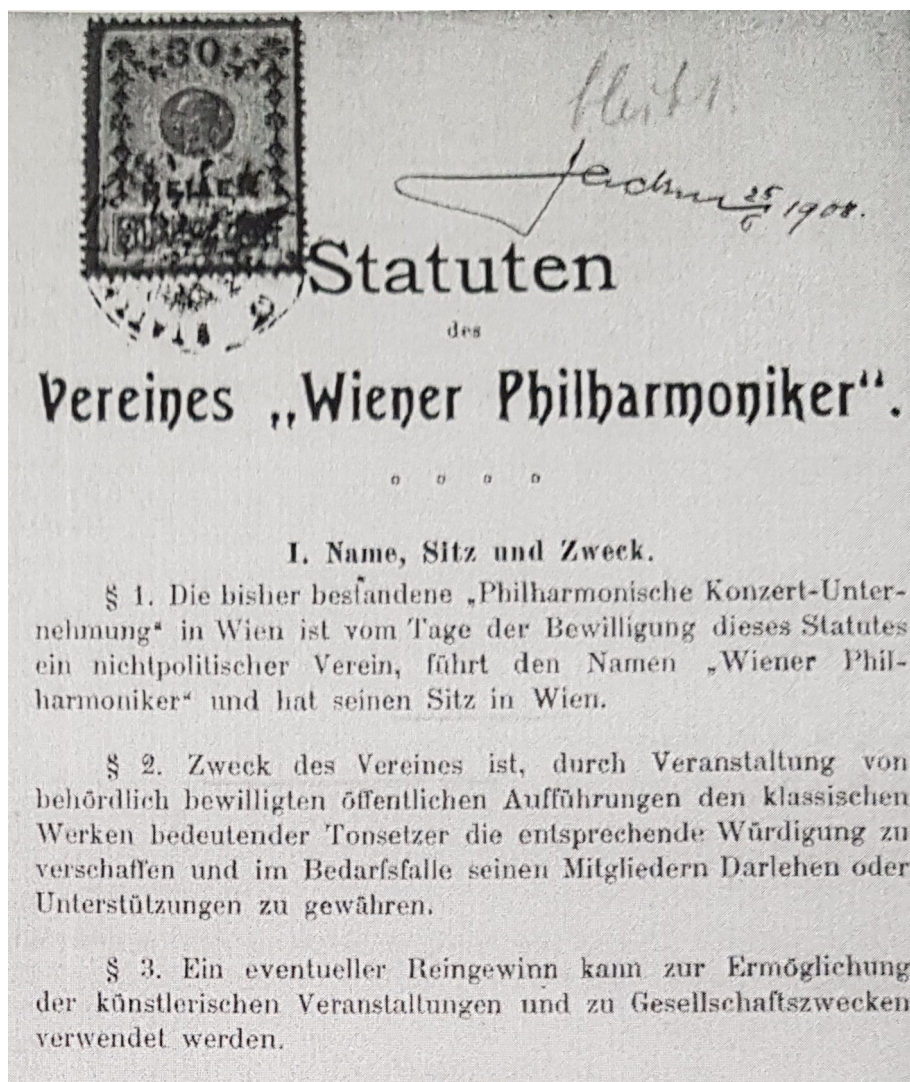
46 On Putz, cf. *infra*.

47 I would like to point out a telling difference in the naming of their internal rules before 1908 – *Geschäftsordnung* and not *Statuten*. A similar approach can be also discerned in Ljubljana later with Orkestralno društvo, which contrary to an association in the sense of 1867 Act, adopted its rules under the Slovenian equivalent *poslovna pravila* (different to the *Statut* of Glasbena matica, or that of the (first) Slovene Philharmonic, for example). I would like to suggest that this was due to the awareness of their *sui generis* status (at least among the jurists). Cf. *infra* f. 66.

48 On the importance and the historical context of *Namenlisten*, Hellsberg, *Demokratie*, 368.

	<u>Violino I.</u>	<u>Violino I.</u>	<u>Violino II.</u>	<u>Violino II.</u>	<u>Viola</u>	<u>Viola</u>
1	Prill	Carl Prill	2. Bayanschek	Coppenhagen	6. Delinck	Jenny Schindler
2	Ohmer	Ernst Ohmer	3. Hallmann	Hallmann	7. Kohn	Kohn
3	Siebert A.	A. Siebert	4. Zeinrich	Juan Schmidt	8. Anzibaba	A. Anzibaba
4	Stelzig	P. Stelzig	5. Schwegler	Schwegler	9. Feldenberger	C. Feldenberger
5	Brokman	Brokman	6. Klein Joz.	Klein	10. Mayer	Konigsberg
6	Angwitzer	J. Angwitzer	7. Palm	Palm	11.	
7	Stecher	Stecher	8. Dachsich	Konigsberg	12.	
8	Kreuzinger	Hans Kreuzinger	9. Zert	Otto Zert	<u>Cello</u>	<u>Cello</u>
9	Salamon	Salamon	10. Kraft	J. Kraft	1. Sulzer	J. Sulzer
10	Egghard	J. Egghard	11. Semrad	H. Semrad	2. Fischerhof	Fischerhof
11	Wahl	Wahl	12. Dengler	Dengler	3. Bogner	H. Bogner
12	Rosenthal	H. Rosenthal	13. Engelbrecht	Engelbrecht	4. Kretschman	H. Kretschman
13	Schwendt	H. Schwendt	14. Fandler	Fandler	5. Schmidt	Frank Schmidt
14	Klein Joz.	Klein Joz.	15. Jeraj	Jeraj	6. Klein Jr.	Frank Klein
15	Marecher	Marecher	<u>Viola</u>	<u>Viola</u>	7. Rehn	Hans Rehn
16	Fischer	Paul Fischer	1. Michna	A. Michna	8. Zeral	Zeral
17	Weiss	Hans Weiss	2. Winter	Hans Winter	9. Bruckmann	Bruckmann
18	Riesensfeld	H. Riesensfeld	3. v. Steiner	H. Steiner	10.	
	<u>Violino II.</u>	<u>Violino II.</u>	4. Desing	Desing	<u>Contrabasso</u>	<u>Contrabasso</u>
1	Lichtenstem	Lichtenstem	5. Streibinger	P. Streibinger	1. Simandl	H. Simandl

Picture 3: An excerpt from a page of the so-called Namenliste for the Saison 1901. There in the fourth column among the members, playing II violins, we can find the name of Karel Jeraj (in row 14). In all the Namenlisten known, Jeraj figures in their midst. HA/Wph, A/Vd Verpflichtungsdokumente, No. 31-47 (1892-1908).



Picture 4: The first three articles from the Statuten des Vereines 'Wiener Philharmoniker' from 1908, reconstituting the orchestra according to the Associations' Act from 1867. Wiener Philharmoniker, Vereinsakt 1908–1957 (from a copy received by Historical Archives of Vienna Philharmonic from Wiener Stadt- und Landesarchiv M. Abt. 119, A 32 (Gelöschte Vereine, 4602/21).

ous *Namenlisten* was according to the Articles on membership of the new Statutes – now duly registered with the authorities –, automatically accepted as a member of the *Verein* in the sense of the 1867 Act.

For me, the yearly signing of the *Namenlisten* points to the direction of its organisational form before 1908 falling under the state regulation on private law. For a legal historian, it is of a particular interest that such a reorganisation, as befell the orchestra in 1908, happened after the gentle, albeit firm inducement, coming from the courts of law. Had the orchestra not followed the path of reorganising, the estate of Rudolf Putz might very well have been lost to them. Namely, Rudolf Putz left the orchestra his estate *en tant que – Gesellschaft*. The only way that they could have proven to the court that they, in fact, were led by a common goal in favour primarily of the association, overriding those of the individuals, was to reconstitute themselves as a *Verein* in the sense of the 1867 Act. The archival material shows that they had to prove that first to themselves,⁴⁹ which, after some weeks of deliberation with a minority of dissenting voices, they successfully did, and reached the unanimous decision on reconstitution on June 19, 1908.⁵⁰

Following Hellsberg, it is well known that the orchestra in 1908 was not faced with a motion to reconstitute itself for the first time. Soon after the adoption of the 1867 Act, not only was such a proposal given, but it was in 1872 also successfully passed, though never afterwards carried through.⁵¹ It is my surmise, that in their eyes, it was not that the format of an association according to the so-called liberal 1867 Act would grant them more (or even the essential) autonomy, but rather to the contrary! In other words, I would like to suggest that they did not choose to reconstitute themselves into an association in the sense of the 1867 Act in order *not* to lose the vast autonomy that they had already developed and got used to enjoying.

It is only a matter of historic coincidence that in the very year when the *Philharmonische Konzert-Unternehmung* in Wien transformed itself to an association proper under the name of Wiener Philharmoniker, Ljubljana got its first full civil symphonic orchestra that it had been lacking until

49 Cf. the advice of the orchestra's lawyer on the matter HA/Wph, A-Pr-015-49. In case, a member of the orchestra would pursue a single course of action to recover part of the estate, the relatives might successfully use that argument against the orchestra in court. They could argue that the orchestra failed to demonstrate its commitment to the common goal, and with that not, in fact, being a *Gesellschaft*, for the sole purpose of which Rudolf Putz had left them his estate.

50 Hellsberg, *Demokratie*, 368-70. For the minutes of this important general assembly, passed on 19 June 1908 which Hellsberg counts among the most important dates in the history of the orchestra, cf. HA/Wph, A-Pr-015-50a (Erster Punkt der Hauptversammlung, die nach eingehender Debatte die Gründung des Vereins "Wiener Philharmoniker" einstimmig beschloss; 19. Juni 1908).

51 Ibid. HA/WPh, A-Pr-001-22 (Otto Dessoff, im Jahre 1873).

then. After some deliberation among the members of the founding institutions, Ljubljanska društvena godba (*Laibacher Vereinkapelle*) and Glasbena matica, both organised as an association respectively, the name of Slovenian Philharmonic in Ljubljana was chosen at a general assembly of the Ljubljanska društvena godba on October 23, 1908, where the orchestra was reconfigured and officially thus renamed.⁵² To the prehistory and the circumstances surrounding the founding of the first Slovenian Philharmonic in Ljubljana as well to its short but important life in terms of its structure, program, concert life, management and its talented and committed conductor Vaclav Talich, several generations of researches dedicated their works. The same is true of the crucial role of Glasbena matica in bringing about the first civil symphonic orchestra in Ljubljana and of the tensions and lack of cooperation on this issue with Philharmonic Society in the decades before World War I.⁵³

I would like to contribute to the existing literature in two ways. First, by offering a somewhat different reading of the sources on the envisaged potential merger of the two associations from the so-called 'Archives of the First Slovenian Philharmonic', kept in the National and University Library in Ljubljana, and on which every other researcher together with articles from a daily press so far has relied upon. Namely, the third quote at the beginning of my contribution was taken from the minutes of the session of the Main committee of the Glasbena matica on September 4, 1908 where the organisational form of the orchestra was again discussed, and where the idea of a merger between the two associations was finally abandoned.⁵⁴ How much weight *per se* the advice by a prominent jurist and writer Fran Milčinski, that the link between the two associations should be as loose as possible, so that the Glasbena matica can detach from Društvena godba in any given time, in the face of financial arguments actually carried, may not be of much interest. However, wherefrom Milčinski, in his capac-

52 On the founding assembly of the reconfigured orchestra, i. e. first 'Slovenian Philharmonic in Ljubljana' on October 23, 1908, and on the diachronic and synchronic historical context and life of the orchestra reconstructed largely upon the newspaper reports and concert programs, see the monography by Primož Kuret, *100 let Slovenske filharmonije (1908–2008)* (Ljubljana: Slovenska filharmonija, 2008), 24–5. Cf. Nataša Cigoj Krstulović, *Zgodovina, spomin, dediščina. Ljubljanska Glasbena matica do konca druge svetovne vojne* (Ljubljana: Založba ZRC, ZRC SAZU, 2015), 115.

53 Cigoj Krstulović, *Zgodovina, spomin, dediščina*, 115.

54 On the importance of the session from April 16, 1908, where the merger had already been negotiated between the members of the Committees of the respective Associations, cf. Cigoj Krstulović, *Zgodovina, spomin, dediščina*, 116, f. 207.

ity of a member of the Association's Committee, the idea to give advice on such a thing as a "loose link" between the two associations, had the members of both agreed to the process of merging? Nowhere in the Act of 1867 was anything like that envisaged. Did he by "loose link" only think of the agreement according to which some of the prominent members of *Glasbena matica* would join the Main Committee of *Društvena godba* (from October 23 onwards, the (first) Slovenian Philharmonic), as full members? Did Milčinski who would soon become a high court judge in Ljubljana have in mind a particularly novel legal frame?

Second, I would like to alert the future researchers to the fact, that there in the Slovenian State Archives, one can find complementary archival material, that was gathered and kept by the authorities, monitoring the lives of the associations pre- and post-1918. I stumbled across a dossier on the first Slovenian Philharmonic among several hundred non-related dossiers on associations from every walk of life in the fond of *Kraljevska banska uprava Dravske banovine*. It is neatly organised in the familiar vein of good Habsburg administrating practice, where the dossier would contain the documentation on all the previous forms of organisation of a given association. The dossier contains little less than a hundred pages of documents, and chronologically spans to the year 1901, and to the first Statute of *Ljubljanska meščanska godba*,⁵⁵ a precursor of the *Ljubljanska društvena godba*. Thus, it also contains the Statutes of the Slovenian Philharmonic in all their subsequently changed variants, as well as those of its predecessors, *Ljubljanska društvena godba*, together with the rest of the official correspondence needed for successful application of the associations.⁵⁶ For the purpose of this contribution, I would only like to point to the somewhat surprising document at the very top of the dossier, which is also seemingly the last one, and with which the Association's formal dissolution was con-

55 On a statute of "Ljubljanska meščanska godba" in a form of a manuscript, cf. *Ibid.*, 113, f. 195, stating its provenance from the Archives of Republic of Slovenia by a no. 864, which at first seemed untraceable. See the citation of the much larger dossier (*spisovno gradivo*), containing several versions of the statutes, and not only of *Meščanska godba*, along with official correspondence, minutes of meetings etc., in the next footnote. I have given a more detailed explanation on the reconstructed three approaches to the sources on associations in the Archives *via Kartoteka, Kataster* and *Spisovno gradivo infra*, in *Bibliography*, f. 81.

56 SI AS 68 XVI *Kraljevska banska uprava Dravske banovine*, 16 /2 (*spisovno gradivo*), 13.001–17.000 for the year 1922, 13583. About the existence of the dossier, together with its citation, I have duly notified the curator of the Music Collection at NUK, where the archive of the first Slovenian Philharmonic is kept.

firmed. Certainly, the fact that the association of the First Slovenian Philharmonic was not officially dissolved in 1913, but as late as in 1922, may be more of an interest to a legal historian than to a historian of music. The document refers to Vladimir Ravnihar, a formidable lawyer, a member of Slovenian intellectual elite and as such also a member of the first Slovenian Government in Ljubljana in the scope of a transitory State of Slovenians, Croats and Serbs in November 1918, directly involved in what they themselves termed as *prevrat* (revolution). Serving on the government, Ravnihar was in charge of conceptualising and carrying out the process of slovenisation⁵⁷ of judicial and teaching staff in the newly founded political entity, his actions very much mirroring the parallel germanisation of all the public offices⁵⁸ in what until the prohibition by the victorious alliance at the peace conference later in Paris was officially called German Austria. However, the document in question refers to Ravnihar in his capacity as the president of the association of (first) Slovenian Philharmonic. It is worth pointing out that Ravnihar has served as president of both Slovenian Philharmonic predecessors, Ljubljanska društvena godba and Ljubljanska meščanska godba, as well. In fact, from the first Statutes of the latter in 1901 onwards, many of the documents seem to be written in his own hand. As a committed member of Glasbena matica, Ravnihar would later become its president, too. In the following decades he was indispensable for its thoughtful management, and after 1945, for its ardent defence, with however meagre results in face of the new Slovenian political elite and its political goals and preferences.⁵⁹

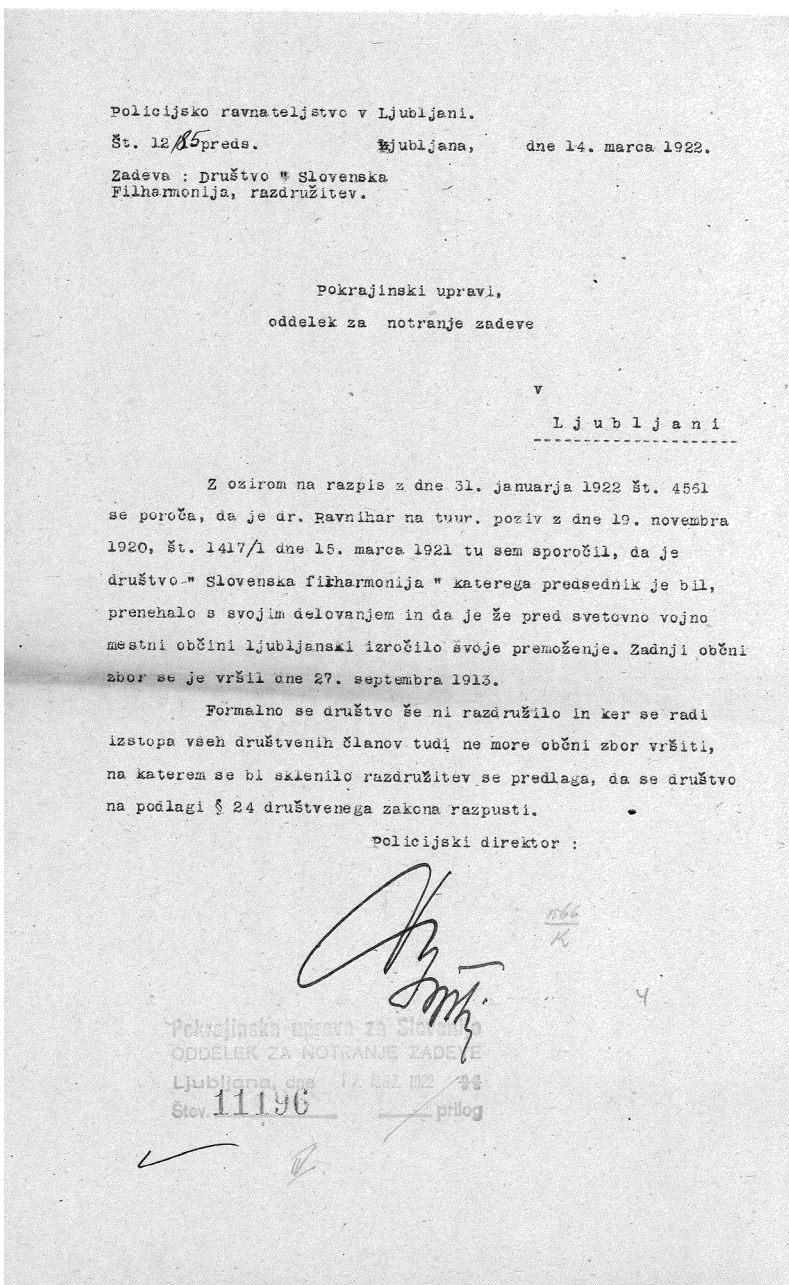
The dissolution of the association of Slovenian Philharmonic in 1922 was a part of a vast sweep carried out by the officials in the new administration. Their task⁶⁰ was to gather the reliable data on which associations from every spectre of the social life from pre-1914 period were still active

57 Contrary to a very recent view, expressed in the musicological literature, this cannot by no accounts be termed “ethnic cleansing”. Cf. Aleš Nagode in his introduction to Aleš Nagode, Nataša Cigoj Krstulović, eds., *Zgodovina glasbe na Slovenskem III. Glasba na Slovenskem med letoma 1800 in 1918* (Ljubljana: Znanstvena založba FF in Založba ZRC, 2021), xvii. On president of *Okrajno sodišče (Bezirksgericht)* in Ljubljana, forbidding greetings in Slovenian upon entering the court building not long before the end of the war, cf. Vladimir Ravnihar, “Kako je bilo?” *Slovenski pravnik* 54, no. 11–12 (1 December 1940): 368. Cf. also the next footnote.

58 Vladimir Ravnihar, *Mojega življenja pot. Spomini dr. Vladimirja Ravniharja* (Ljubljana: Oddelek za zgodovino FFUL, 1997), 134–8.

59 Cigoj Krstulović, *Zgodovina*, 268–72.

60 Judging from the official correspondence found among the archival material, there among high officials, this time in Ljubljana, in charge of this task, was Rudolf Andrejka. Cf. the last of the initial quotations.



Picture 5: A document, confirming the dissolution of the association of the (first) Slovene Philharmonic in the year 1922. SI AS 68 XVI Kraljeva uprava Dravske banovine, 16-2, 13-001-17.000 (1922), delovodna številka 13583.

de facto and which only *pro forma*, i. e. ultimately wanting to bring the so-called cadastre of associations⁶¹ up to speed. However, the interesting detail was, that in 1913, the association as such was not formally dissolved together with the orchestra by chance, but on purpose! The words of its president Vladimir Ravnihar himself, evoking the financial and other difficulties as the reasons for the orchestra's dissolution in 1913, to this effect were:

*The association as such should exist on, firstly, so that the old debts could be paid off and secondly, so that it will be there when the time is right and the conditions given for a new orchestra.*⁶²

To my mind, the advice of Milčinski as well that of Ravnihar are the examples of the creative legal minds of both prominent jurists, members of Glasbena matica, who were aspiring to accommodate the needs of the musicians and their corpora by interpreting the paragraphs of the law rather loosely. They were trying to find solutions to various aims and interests of the main protagonists, such as Matej Hubad, in *sui generis* forms of 'integrated' models of association not envisaged by the letter of the law.

I dare say that a similar, if not even a direct conceptual derivative from the latter case (the operative idea of 'loose connection') came to the fore in the case of Orkestralno društvo six years later, only with at least one important difference. In comparison to 1908/1913, in 1919 many of the strong personalities from the same music circle were still around, however in the new state, its main protagonists such as Vladimir Ravnihar, Matej Hubad and Anton Lajovic now holding the positions much closer to the political power. In many ways, they themselves came to personalize that power.⁶³

The fate of the Orkestralno društvo is so inextricably linked to the personality of Karel Jeraj that I chose not only my fourth out of my five initial quotations but also the very last one with him in mind. To the research and literature on the Orkestralno društvo,⁶⁴ I would first like to contribute a rather differently nuanced view from my research predecessors, firmly rooted in the archival material on the associations proper – or better in

61 On the rather complicated issue of the cadastre and other related archival sources on the associations in Carniola and post-1918 in Ljubljana, *infra* in Bibliography, f. 81.

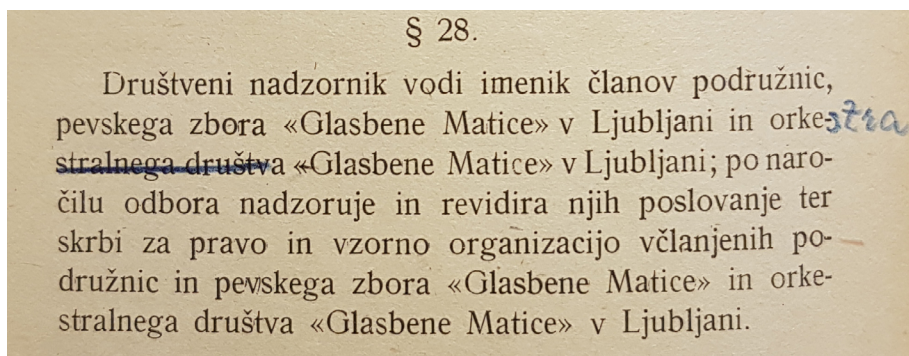
62 Kuret, *100 let Slovenske filharmonije*, 46, quoted in *Novi akordi* XII, no. 5–6 (1913): 54.

63 For an opposite example *par excellence*, cf. Jernej Weiss, *Hans Gerstner (1851–1939). Življenje za glasbo* (Maribor: Litera, Pedagoška fakulteta, 2010).

64 Andreja Pernuš, *Ustanovitev in delovanje Orkestralnega društva Glasbene matice v Ljubljani od leta 1919 do 1945* (dipl., Univerza v Ljubljani, 2009).

the lack of it. There among the preserved archival material on the Orkestralno društvo in NUK, an intriguing document issued by the police director in Ljubljana in 1929 to the president Ivan Karlin, first aroused my attention and opened up for me an unexpected line of inquiry.⁶⁵ From the official letter, it was clear that there in the official evidence on the associations kept by the authorities in Ljubljana, the Orkestralno društvo could not be found.

Later, the lack of any entry in the official 'filing system' (*Kartoteka*) on the associations as well as in the so called Associations' cadastre, kept in the state Archives of the Republic of Slovenia, only confirmed my hypothesis. Despite of its very name – Orkestralno društvo, the organisation of this music corpus never legally amounted to an association in the sense of the 1867 Act, still applicable post-1918 in the newly founded State. It is my surmise that at least to the jurists among the leadership of the Glasbena matica, such as Ravnihar and Lajovic, this was a very well known fact. In the altered version of the Statutes of Glasbena matica, there in the article 28 in both of the preserved copies in NUK someone crossed off the name Orkestralno društvo and wrote in hand the mere word *orkester* in front of it.



Picture 6: The alteration of the name Orkestralno društvo, in the Article 28 in one of the two copies of the Statutes of Glasbena matica from 1921, by someone having crossed the name and replaced it with a sole word orchestra in front of it. NUK, Music Collection, Pravila GM [Statutes of GM].

For the future research, I would like to contribute a further line of questions. Why did the leadership of Glasbena matica already in 1919 in its letter to the president of Orkestralno društvo, on the one hand, play along in actually treating and naming the music corpus in question as an

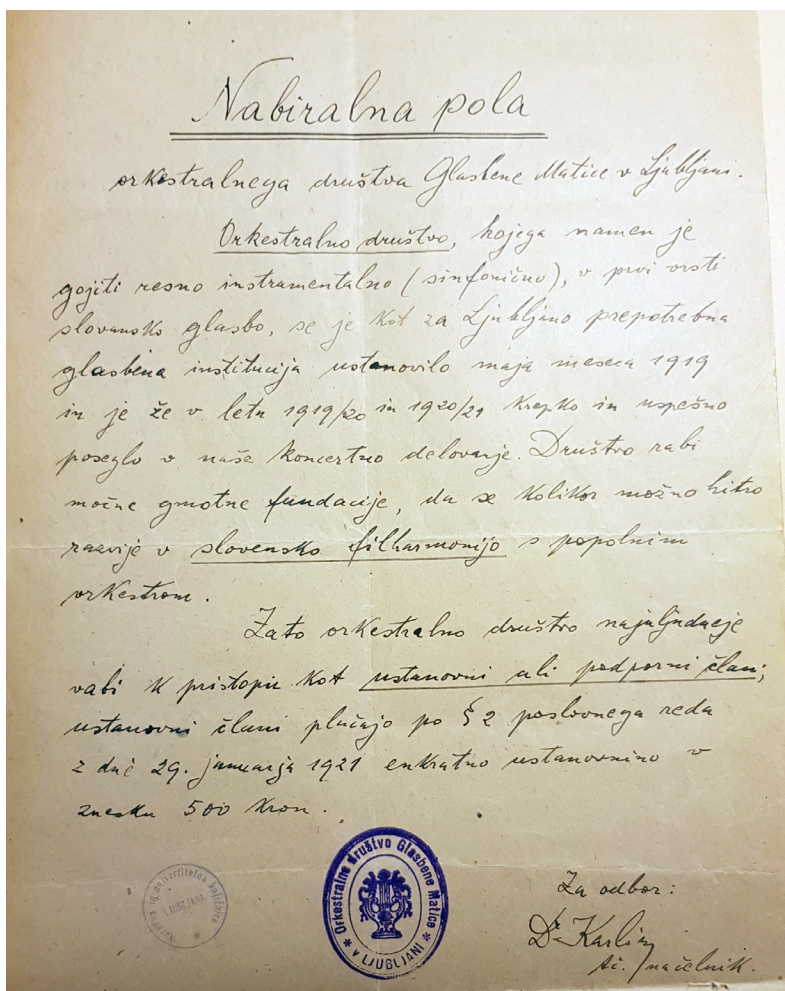
65 NUK, Music Collection, fond GM, Okrestralno društvo, Dopisi O.

association, on the other hand, however, expressly granting the corpus the same status within its midst as the choir of Glasbena matica had enjoyed it – which was not in any sense an association apart. Was that another *de facto* form of a “loose link”? It was perhaps not a mere coincidence, that the rules of the Orkestralno društvo in comparison to those of Glasbena matica were always officially referred to as *poslovna pravila* (*Geschäftsordnung*)⁶⁶ and never a *statut*, in a much similar vein as in Vienna, where only after 1908, the rules of the Vienna Philharmonic were called *Statuten*, different to *Geschäftsordnung* from the period before that.

The crucial period not very well known to us for the sparsity of the archival records are the early post-1918 years between 1919 and 1922. From the point of view of Orkestralno društvo, this period is undeniably marked by Karel Jeraj's return to Ljubljana in 1919. He came with a firm conviction of bringing his fellow compatriots the experience and knowledge gained as a long-standing member of Vienna Philharmonic, thoroughly committed to the grand philharmonic idea,⁶⁷ in pursuit of which the orchestra back in 1842 was first conceived. Jeraj's passion and commitment to the fostering of the symphonic music to the greatest of heights possible, is clearly discerned also from his correspondence with the leadership of Glasbena matica and with the members of the orchestra itself.

66 An example of *poslovni red* (*Geschäftsordnung*) of “orkestralnega društva Glasbene matice v Ljubljani, društva za gojitev sinfonične glasbe [of an association for fostering symphonic music]” is preserved in NUK, Music Collection, fond GM, Orkestralno društvo, Dopisi P. This version contains 17 Articles, one later version from 1927 only six. On the possible significance of its rules not being named *Statut*, very possibly for the lack of its status of an association in the sense of the 1867 Act, cf. *supra* f. 47.

67 In my view, Jeraj best expressed the very philharmonic idea as a mission for Orkestralno društvo, as well, in his letter, announcing his leaving the post of the conductor of Orkestralno društvo. Not only did he want to introduce the Slovenian public with the most important symphonic world literature, and not only was he aiming at perfection from the artistic point of view, but also from the technical one. He stressed that he was convinced that the true grandiosity of these works could only be attained by all the means of the big orchestra that can cater to all the requirements of the composer. Jeraj further maintained that to this goal, the orchestra must be committed through its cultural mission. “*Predvsem sem hotel seznaniti našo javnost z najvažnejšimi simfoničnimi deli svetovne literature in to ne samo umetniško, temveč tudi tehnično popolno, to je z vsemi sredstvi velikega orkestra, kakor to zahtevajo taka dela v izvorniku. Prepričan sem namreč, da more vso grandioznost teh skladb izraziti le orkester, ki zadosti vsem skladateljevim zahtevam. In to mora storiti orkester, ki hoče izvrševati kulturno misijo, sicer izgublja na pomenu.*” NUK, Music Collection, fond GM, Orkestralno društvo, Dopisi O.



Picture 7: An invitation to join the 'Orkestralno društvo of the Glasbena matica' as a founding or a supporting member, by contributing the necessary payment (in Sloven. Nabiralna pola), set by the Article 2 of the poslovni red (Geschäftsordnung) from January 29, 1921. The invitation refers to the orchestra's founding in May 1919 with the intent to evolve as quickly as feasible into Slovenian Philharmonic. Signed in the name of its Committee by Ivan Karlin. NUK, Music Collection, fond GM, Orkestralno društvo, Dopisi O.

A telling document from 1921, a so-called *Nabiralna pola* for the *Orkestralno društvo*, confirms what Jeraj later wrote in his short biography⁶⁸ on the reason for his drive and desire to leave the Vienna Philharmonic and

68 Jeraj, "[a short autobiography]," 13-4.

to come to Ljubljana: in order to contribute to the renewal of the Slovenian Philharmonic (see picture 7).

This begs at least one further research question. Why did Vladimir Ravnihar in 1921/22 consent to the formal dissolution of the association of the (first) Slovenian Philharmonic despite both of the driving forces behind the Orkestralno društvo, Karel Jeraj and Ivan Karlin⁶⁹ clearly envisaged the renewal of the orchestra under the same name as early as 1919? Was Ravnihar perhaps not persuaded that the new orchestra could ever meet the expectations and hopes he himself cherished back in 1913 by keeping the form of association legally alive after all members of the orchestra have departed? Have such talks and plans ever taken place? Or were there much more trivial or even mundane interest-driven reasons for such a course of events?

After having presented four cases from the legal life of music corpora from different perspectives, relevant to the organisational form of an association, I would like to conclude with a reversed perspective, i. e. from the point of view of an association's member. I will do so by expanding just a little bit further on lesser-known facts from the life of Karel Jeraj. Omitting Jeraj's early couple of years as an employee of the music association *par excellence* in Ljubljana, i. e. of Glasbena matica,⁷⁰ and his membership of several Slavic music associations in Vienna afterwards, in which in his own words he took a special pride,⁷¹ – something that still awaits further research –, I would like to concentrate on a couple of facts from his life as a member of the association of Vienna Philharmonic. I would like to thank Clemens Hellsberg and Raimund Lissy, in their roles as Directors of the Historical Archives of the Vienna Philharmonic, and above all Silvia Kargl, the Archives' *spiritus agens*, for facilitating me the access. In turn, I thought it was appropriate to gather and hand over to the Archives the copies of the sources and literature on Jeraj known to me at the time. They included Jeraj's short and rather humorous *Erinnerungen eines Philharmonikers*, known to the wider Slovenian public only in Slovenian, though originally

69 On the very scarce information from the life of Ivan Karlin, Pernuš, *Ustanovitev*, 19, f. 34.

70 On the circumstances of his disengagement after only two years compare the minutes of the session by the Main Committee from February 14, 1895. Zapisniki odborovih sej Glasbene Matice v Ljubljani [Minutes of the sessions by the Main Committee] (from September 30, 1885, until July 1901).

71 Jeraj, "[a short autobiography]," 13.

handwritten in German.⁷² They are preserved in NUK.⁷³ A born and educated Viennese, Jeraj was certainly a Slovenian by conviction (and from father's side of the family), but not by (mother's) tongue. To my surprise, the *Erinnerungen* in any of the versions never until then made their way back to the community of Jeraj's former colleagues, to the shared memory of who, together with their illustrious conductors, composers and soloists such as Mahler, Dvořák or Caruso on the Christmas day in 1938, Jeraj wrote them in the first place.

From the perspective of a member of an association with a long and prestigious tradition – for this purpose regardless of its later formal restructuring – I would especially like to draw the attention to a very specific event. To my knowledge, it has not yet been dealt with in the Slovenian literature at all, even though showcased in the history of the Vienna Philharmonic by Clemens Hellsberg.⁷⁴

On June 12, 1914, towards the end of the session of the association's general assembly, Jeraj took to the floor, and expressed his protest in the light of a performance by some of his colleagues at events, celebrating German national feelings a few weeks before. According to the minutes preserved, his words provoked a thunderous response by virtually everyone in the orchestra, accusing him of inciting national differentiation. Despite Jeraj's apologies, voices to exclude him from the association were not appeased until a couple of weeks later, after the fatal shots in Sarajevo, and the death of the archduke Franz Ferdinand. Given the later history of Vienna Philharmonic, for Hellsberg this event (i. e. the Jeraj case) symbolically foretold the future events.⁷⁵

It is difficult to assess to what extent the event still played on Jeraj's mind in 1918 and in consequence helped to persuade him into accepting the

72 The original version in German is somewhat longer. The most obvious difference from the point of view of content is the lack of the short vignette on Arthur Rubinstein in the Slovenian version. This might be explained by the fact that the Slovenian version was published in the newspaper *Jutro* in 1944, i. e. during the II World War in the Nazi occupied Ljubljana.

73 I would like to thank Lidija Podlesnik Tomášik from NUK Music Collection first for her help with the *Erinnerungen*, and later, for the purpose of this contribution, especially with the archival material on Orkestralno društvo, first Slovenian Philharmonic and Philharmonic Society, kept in the Collection.

74 Hellsberg, *Demokratie*, 386–7.

75 *Ibid.*, 387.

inducements from his wife and from his colleague Matej Hubad⁷⁶ to leave Vienna for Ljubljana together with his family for good. There was little doubt in Hellsberg's mind that that must have been so.⁷⁷ However, for the purpose of our topic, in my final remarks on Jeraj, I would like to adhere to a perspective of an association's long-standing member. His chilling experience reminds us that not only are the associations as small-scale communities with their respective common goals and self-management, spaces for the realisation of committed individuals, under general conditions free to join and especially free to leave. For those among them, with different outlooks on the matters and free-spoken, they can also present an environment of damming *Gleichschaltung*.

All in all, I would like to nevertheless argue, that even though never concertmaster of Vienna Philharmonic,⁷⁸ something that in the Slovenian literature took deep roots for reasons yet to be researched, Karel Jeraj with his talent, commitment, spirit, vision and hard relentless work to organise and steer the Orkestralno društvo in pursuit of the grand philharmonic idea in less than grand circumstances in post-1918 Ljubljana, cannot better exemplify the metaphoric description of an association by Rudolf Andrejka. In his short but valuable work on the nature of associations published in 1928, Rudolf Andrejka, professor of administrative law at the University of Ljubljana Faculty of Law and a former high official in the Austrian Administration, certainly also a member of Slovenian elite in Vienna before the break-up of the Monarchy, contributed a succinct metaphor. I have introduced it as the last of the five initial quotations, but it is worth repeating it by way of reconnecting to the profound idea behind it. Andrejka maintained that an association could be viewed upon in fact as "*a reinforced person*."⁷⁹

76 Vida Jeraj, *Večerna sonata* (Ljubljana: Mladinska knjiga, 1992), 38. Cf. also her draft for it, preserved in NUK, Music Collection, Kronika (Vida Jeraj).

77 Hellsberg, *Demokratie*, 387. Only Jeraj, did not return to Prag, but to Ljubljana.

78 For the obvious archival data to the contrary, cf. *supra* Picture 4 (*Namenliste*), where his signature is among the II violinen and not only for the *saïson* 1901, but also for all the subsequent ones.

79 In the past three years, more and more details about Jeraj have come to life, thanks to the rich and rewarding collaboration with Jernej Weiss and Klemen Hvala, and together with our Viennese colleagues, the above-mentioned Silvia Kargl, Raimund Lissy and Clemens Hellsberg. To honour Jeraj's work not only as a dedicated member of several music associations in Vienna and Ljubljana, in the roles of a violinist or a conductor, but also as a composer, in the scope of the 35th Edition of Slovenian Music days, Jernej Weiss decided to dedicate the accompanying concert to his memory. Together with Klemen Hvala, a cellist and founder of the ensemble Dissonance, they

In conclusion, I would like to come back to the Associations' Act from 1867, which for its addressees announced key changes promised by the revolutionary year 1848: freedom of association and that of assembly. Having presented the five cases, introduced at the very beginning by quotations from the legal life and tradition of several music corpora from Vienna and Ljubljana in the long 19th century from the select points of view, tailored to the notion of 'association' synchronically and diachronically, and above all, led by the newly found archival material, here are some of the answers to the two main research questions.

To the first question, as to what extent was the notion of association itself redefined by the 1867 Act, one must say that the most obvious difference in principle between any pre- and post-1867 associations – still largely under the unaltered names be it *Verein* or *Gesellschaft*, *družba* or *društvo*, *Associazione*, *Società* –, was the exclusion of the profit-oriented ones from the overall umbrella notion. Most of the other necessary elements, or better, criteria of permanence, of a common goal in favour of the association, and of a voluntary membership remained unaltered. However, if there was one element that one would expect from the 1867 Act adopted under the banner of liberality, to be significantly altered was that of a substantial reduction of the authorities' right to supervision and intervention. At best, the change in this direction can be assessed as partial, for it only concerned the freedom of association and the adoption of the so-called application model *in lieu* of the concession one. The freedom of assembly continued to be shortcut by virtually the same mechanisms of authorities' right to supervision and intervention, known from previous decades under the absolutist ruler. The idea of self-management in the everyday life of an association as we know it today was still far from achieved. It is from the point of view of different strategies of adaptation to this legal reality by the associations selected for this contribution, that further conclusions to the second question can be drawn.

If on the one hand, the Philharmonic Society in Ljubljana, which with its predecessors predates any systematic state regulation on associations by several decades, in the course of the 19th century followed diligently any new regulation the state may have introduced by altering its Statutes, the

prepared a concert program, featuring a string of Jeraj's short pieces for soprano and piano, arranged for strings by Hvala and beautifully performed by Nika Gorič, together with Gondoljera (published in *Novi akordi* 4, no. 1 (1902): 69–71, <http://www.dlib.si/?URN=URN:NBN:SI:doc-R2Q1OBI6>), in Hvala's arrangement, as well, a part of later Jeraj's most elaborate work, the melodram *Lepa Vida*.

Vienna Philharmonic certainly did not. Pecuniary goals aside, with its organisational form, which after 1867 and until 1908 was really not in line anymore with the state regulation, it crafted a particular *sui generis* form that allowed it to aspire to the very same notion of self-government, away from the state's supervisory eye, that the so called liberal 1867 Act had not yet permitted. In Ljubljana, too, within the music associations, particular kind of strategies of adaptation to the 1867 Act evolved. As the pre-and post-1918 archival material on the first Slovene Philharmonic and later on the so called Orkestralno društvo showed, their members, largely jurists by vocation, contributed to overcoming of the challenging issue of how to successfully and above all, viably, integrate larger orchestral bodies within the existing organisational form of (music) associations. In terms of their internal organisation, management, inter-personal dynamics and cost, these were much harder to maintain within the existing associations than outside them. I propose to see the operative idea of a "loose link" by Milčinski as a case in point.

And what of freedom? The main title of my contribution is a paraphrase of the famous first article from the Provisionary Local Community Act by Franz-Joseph from March 1849.⁸⁰ Programmatic in form and liberal in content, it became famous for its emphasis on the freedom of territorially defined local communities (*die freien Gemeinden*) as the basis for a so-called free state (*der freie Staat*). It is fair to say that after its adoption in 1849 and especially after 1867, it lived up to the general expectations of (outer) freedom – in the sense of free from state intervention – much more than the Associations' Act. That is not to say that concerning personal freedoms, the liberal post-1848 era with its constitutional catalogue of fundamental rights of a person did not allow for significant changes (yet to be internalised). Evoking again Andrejka's metaphor of an association as a reinforced person, and having complex experiences in this regard of Karel Jeraj in mind, there is one that in my mind particularly stands out. Not only free to join and diligently to persevere, a person after 1848 is much more – free to leave. And to start all over, generating the necessary new dynamics by following the inner freedom and aspirations which span over any given time and space and that any creative and deeply human endeavour such as art, music, of course, too, and above all, any free(er) large-scale communi-

80 *Die Grudnfeste des freien Staats ist die freie Gemeinde.* Article 1 des Provisorisches Gemeindegesetzes vom 17. März 1849, R. G. Bl. Nr. 170.

ty, call it society or state, in the long run, cannot really do without. *Ubi societas ibi ius – et musica.*

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- 81 Concerning the associations, the Archives retained the old division into *Kartoteka* 'filing system' (kept *in situ* in the main Reading room, as well as in a form of a scanned document) for the search in the scope of *Kataster*. From *Kartoteka*, where associations are arranged by the associations' name order, a number, particular to every association, leads to a map within *Kataster*. This is basically a series of registers, usually in a form of a book, that were kept at the level of *okrajno glavarstvo* (*Bezrikkhauptmannschaft*) or for the city of Ljubljana, with *policijski oddelek deželnega predsestva* (*Polizeiabteilung des Landespräsidiums*; after 1918 with *policijsko mestno ravnateljstvo*). In the *Katastre* books, the associations are arranged according to their names, albeit, ideally, they are ascribed the same number as in *Kartoteka*. The number in question, found either in *Kartoteka* or in *Kataster*, should lead to a copy of the association's statute, sent to the authorities upon application. These, in turn, are arranged in 75 larger maps. For the whole of the historic land of *Carniola*, only one 'central' register in a form of a *Katastre* book was kept at some point. It is preserved, but in my experience, it came out of date already before 1914, possibly because it was not officially kept at the level of the land, and because the newer 'filing system' of *Kartoteka* was introduced around 1908. If searching first within *Kartoteka*, it is best to crosscheck the number of an association in question in both of its versions, to avoid mistakes made when the data from the individual file entries were transcribed and later scanned. The third and most valuable source is *spisovno gradivo* (official documentation, containing another copy of the statutes, together with all the previous ones, had they existed, applications, correspondence, copies of minutes of the meetings etc.). However, an association there cannot be found according to the number from *Kartoteka* or *Kataster*, but only according to the name of the association and preferably the year, when the association was active, or better still, dissolved (here, a *delovodna številka* can be of some help, to facilitate the search within individual boxes, into which *spisovno gradivo* had been arranged).

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