

## The Republic of Austria before 1938 and after 1945 – Some Thoughts on Continuity

*Dr. iur.* **Michael Geistlinger**

Faculty of Law, University of Salzburg, Austria

Professor at the Department of Public Law, Public International Law and European Law

E-mail: [michael.geistlinger@sbg.ac.at](mailto:michael.geistlinger@sbg.ac.at)

Whereas the Austrian Government after an initial period of controversies quickly took the position that the Republic of Austria continued to exist throughout the period of Austria's incorporation into Hitlerite Germany, the Allied Powers preferred a pragmatic approach through the Moscow Declaration of 1943 and the Treaty of Vienna of 1955. They allowed the Austrian Government to act on the grounds of the so-called "Occupation Theory", but bound it to international commitments, which followed from an understanding that Austria also shared the responsibility for the acts of warfare by Hitler's Germany. Thus, they combined the elements of theories of discontinuity (fusion/annexation) with the elements of the theory of occupation.

**Keywords:** Austria, continuity, discontinuity, occupation, annexation, fusion of states, history of the state, Law of Austria 1933–1955.