

THE OXFORD HANDBOOK OF

**MODERN
GERMAN
HISTORY**

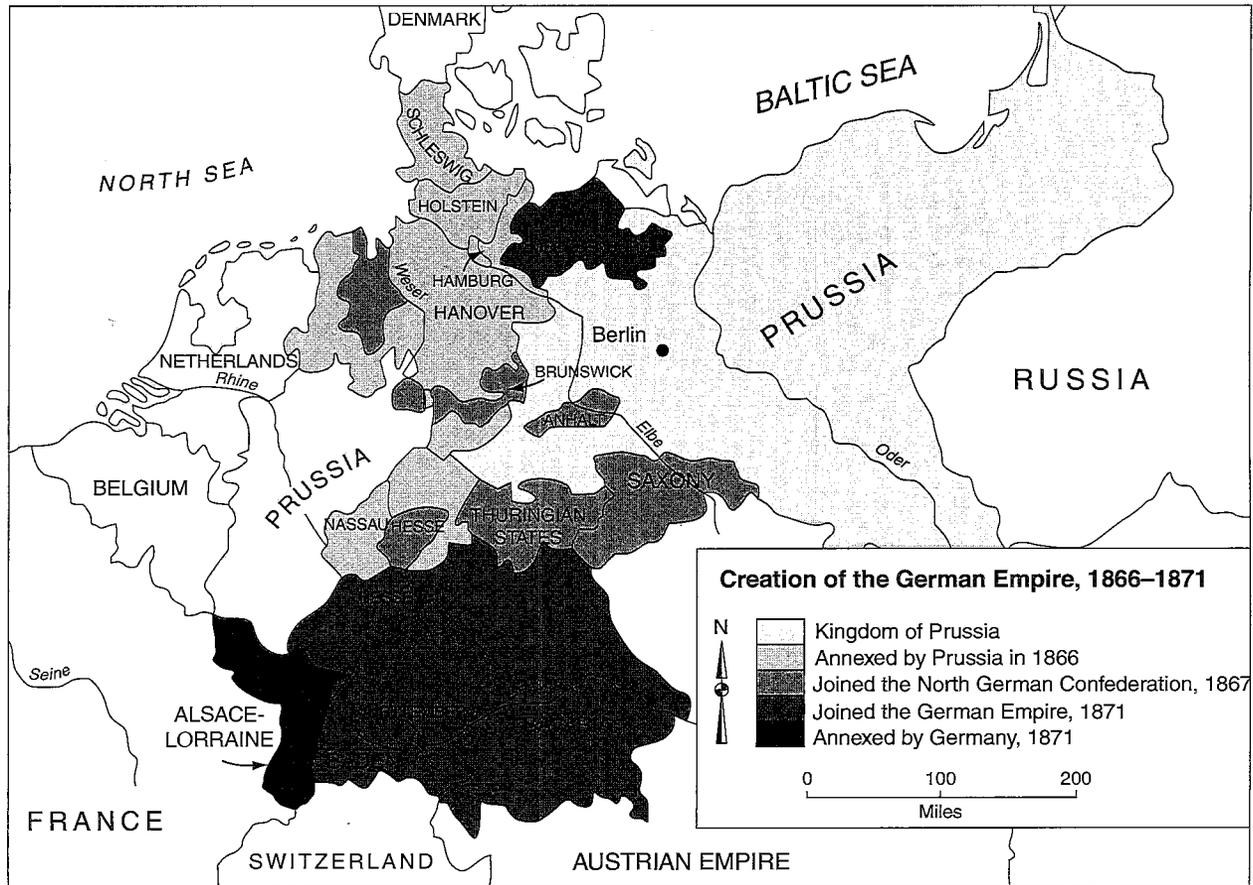
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PART III

GERMANY: THE
NATION STATE



Map 2 Creation of the German Empire

Source: James Retallack (ed.), *Short Oxford History of Germany: Imperial Germany 1871-1918* (Oxford: Oxford University Press, 2008), 313.

NATION STATE, CONFLICT
RESOLUTION, AND
CULTURE WAR, 1850–1878

SIEGFRIED WEICHLEIN

RITUALS combine past and present. At least this is the intention of their protagonists. During the nineteenth century, this was particularly true for monarchs whose rule had always been symbolically charged. The French king of the restoration, Charles X, had himself crowned like a medieval monarch in the Cathedral of Reims on 31 May 1825. This event was followed by a ceremony of healing the sick in the tradition of the *'rois thaumaturges,'* with Charles X speaking the traditional formula used to cure those suffering from scrofula: *'Le roi te touché, Dieu te guérisse'* ('the king touches you, may the Lord heal you').¹ Charles X possessed, however, as much faith in modern science as in divine assistance, as three of his personal physicians were present at the ceremony to look after the sick. On 18 October 1861, King Wilhelm I of Prussia, who had a monarchic family history of a mere 160 years, similarly employed symbols to emphasize his royal status. On this day, Wilhelm was crowned king in Königsberg, even though he had already been the Prussian king for more than two years. He had begun his reign on 26 October 1858, after his brother had fallen ill. In Prussia, a kingdom since 1701, coronation ceremonies had been uncommon until then. Instead, a ritual act of homage on the part of the estates was traditional. The lavish coronation of 1861, therefore, was an invented tradition introduced because the act of homage could no longer be enforced in the constitutional state.²

The Revolutions of 1789 and of 1848 fundamentally changed the way in which symbols of rule were created, making a return to the *status quo ante* impossible. In this sense, the Revolution of 1848–1849 did not end in failure. If unable to create a German nation state, the revolution nevertheless made lasting changes to the political and symbolic landscape. One of the new political symbols was the ritual of the constitutional oath. King Friedrich Wilhelm IV swore an oath to the Prussian

constitution in 1851, and his successor, Wilhelm I, did the same on 26 October 1858. Prematurely, but accurately, the liberal Gottfried Rudolf Campenhausen commented on this event of 1851: 'The bird is in the cage, and that is all that matters.'³

13.1 LINES OF CONFLICT AND MODELS OF CONSENSUS

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The notion that rule requires identity, and that identity has to be based on unity and consensus, derives from assumptions of the liberal historiography of the nineteenth century. Symbols and liturgies, on the other hand, represented actions, differences, tasks, and institutions. The symbolic dispositive always implies more than one protagonist, with the monarch playing one role among others. Coronations, acts of homage, healing rituals, and the monarchic rule were all focused on the king as the main character of a drama. He represented a point at which antagonistic forces intersected, and his power symbolically derived from this convergence.

Working in the liberal tradition, historians, however, have often understood drama and conflict as symptoms of disintegration and division within the nation. The German 'culture war' (*Kulturkampf*) between liberalism and Catholicism has usually been described as an example of this narrative of division, with the existence of political and religious differences, as in the case of Catholics, Social Democrats, and Jews, used to justify the political exclusion of these groups for the benefit of unity. As is well known, Heinrich von Treitschke, for most of his life a National Liberal, took the view in November 1879 that Jews could only be German if they abstained from their 'Jewishness,' an opinion shared by most of the liberal bourgeoisie.⁴ Those who were not in line with the National Liberal narrative of homogenization, or who obstructed this process, were denigrated as the 'enemies of the Reich.' The liberals set their hopes in a rational social order without conflict.⁵ They also assumed that the nation state, in its ideal form, could only be accomplished when groups assimilated to the canon of liberal values and liberal ideas of progress. Assimilation became the only viable means of conflict resolution, with the result that in Imperial Germany, pluralism existed despite, rather than because of liberal politics.⁶

Between 1850 and 1878, industrialization and nation building were the principal forces generating conflict. Both played a crucial role in politics and society. But in the following chapter, the foundation and formation of the German nation state will be the main focus. The process leading to this state was highly complex, and involved the formation of a political center in contrast to other economic, cultural, and regional centers.⁷ In a strict sense, this conflict was premised on a periphery which, in reality and *ex ante*, did not exist. Instead, there were several centers competing with each other for the opportunity to shape politics. Why, then, did a system with several political centers, which was incompatible with the liberal idea of a nation state and went along with the constant

threat of secessionism, evolve into a federalist system which was in line with a nation state and tolerated a Prussian dominated political center? This one overarching question implies further questions. When and why did contemporaries deal with conflicts within a German nation state instead of against a nation state? Could Austria have been part of this nation state? Which role could Prussia play in the process of nation building? How could Prussia, which was already a great power in economic and military terms, become part of Germany? And what were the possibilities of democracy and parliamentarianism in a nation state that included the military power of Prussia?

The second conflict over nation building, which was linked to the first one, was the antagonism between the confessional majority and minority: in Germany, this conflict centered on the tension between Catholicism and a Protestant inflected liberalism.⁸ This conflict was ideologically charged, but it also had a regional character with Catholicism in the Rhineland and in Bavaria, for instance, also pursuing local interests. However, there were ‘culture wars’ in other European nation states too. Sometimes these were between Catholics and Protestants, and sometimes between secular liberals and Catholics.⁹ Why, and in which way, did German Catholics integrate themselves into a nation state which they had not wanted—particularly one in which the supremacy of Catholic Austria was excluded? How did they benefit from integration? What institutional results did the ‘culture war’ have?

Both conflicts had in common that liberals in Germany and elsewhere shared the basic logic of assimilation driven by a narrative of progress.¹⁰ This particular narrative considered the Catholic Church as a cultural brake, and the Center Party as a political obstacle, to progress. Neither conflict was decided by an outright defeat or by a clear victory. On the contrary, these conflicts were contained and processed between 1850 and 1878 by institutions such as the monarchical federal state, the Center Party and parliamentary legislation, as well as by federalism and the principle of mutual advantage. The liberal era between 1867 and 1878 was the ‘critical juncture’ (Gerhard Lehmbuch) of institution building in Germany. During this period, contemporaries developed procedures of conflict resolution that involved the abstraction, transformation, and integration of conflicts. These procedures proved groundbreaking for the future.¹¹

13.2 DRAMATIS PERSONAE: NATION BUILDING AND ITS ACTORS 1850–1878

Although the Revolution of 1848–1849 failed to achieve its primary objective—the foundation of the German nation state—it still had a lasting impact on politics and society. If the reaction was successful in military terms, it did not achieve cultural hegemony. Put simply: the counter-revolution was victorious; the political restoration, however, was not. This can be demonstrated in three areas.¹²

- a) For one, the experience of coming so close to a German nation state in 1848–1849 was not forgotten afterwards. As the German philosopher Immanuel Kant noted about the Revolution of 1789, a historical phenomenon of this magnitude would always be remembered.¹³ The Assembly in the Paulskirche had proved that it was possible to reach a parliamentary consensus on the structure of a nation state, and that the Lesser German Solution (*Kleindeutsche Lösung*) had a political and parliamentary basis. If it failed due to the veto of the Prussian monarchy, the national dynamic of the Paulskirche nevertheless had consequences far beyond the revolution. As the German Confederation urgently required reform from within, the debate about political possibilities began in the 1850s, and, starting in autumn 1858, began to focus on replacing the Confederation with a nation state.¹⁴ What this state would look like, and what role Prussia would play in it, remained unclear, however. More evident was that Metternich's construction of the German Confederation as an institution designed to prevent both democratic, and constitutional development, no longer seemed a viable option. In view of bourgeois demands for political participation, it also no longer seemed possible to base the state solely on the prestige of the monarchy.
- b) The second long-lasting change was that in the course of the Revolution of 1848, Prussia evolved into and remained a constitutional state—unlike Austria. On 5 December 1848, the Prussian king imposed a constitution that, with several modifications, remained in force until 1918. In Austria, meanwhile, Emperor Franz Joseph abrogated the forced March Constitution of 1849 with the Sylvester Patent in 1851. Austria and Mecklenburg were now the only states within the German Confederation without a constitution. Mecklenburg went so far as to re-install the political order of the estates (*altständische Ordnung*) of 1755. Generally, however it became clear that monarchs and rulers no longer had absolute power, but instead had to find new roles in order to communicate their status to civil society. Many appealed to the common good to create loyalty, others to 'filial devotion' towards the king. King Ernst August of Hanover, for example, portrayed himself as a father always concerned about the wellbeing of his *Landeskinder* (subjects), implying that only he knew exactly what was good for his immature children. Advocates for a constitution insisted, however, that the common good had to consist of respect for the people and their opinions, and that it required broad political participation. Unlike Ernst August in Hanover, the King of Württemberg, Karl I, represented a modern understanding of his role, inaugurating railway lines and seeing himself as the protector of the constitution.¹⁵ In those states where monarchs opposed modernism and social and political participation, few people missed their rulers after they were deposed by Prussia in 1866.
- c) Thirdly and finally, in the course of the Revolution of 1848, the participants learned to think in terms of what, starting in 1853, would be called 'Realpolitik.' Liberals contrasted this 'Realpolitik' to a politics of idealism supposedly endemic to the revolutionaries of 1848. In his eponymous tract, Ludwig Rochau did not advocate

anti-revolutionary policies, but a specific form of dealing with the political experiences of the revolution.¹⁶ According to this view, 'Realpolitik' implied an acceptance of Prussia's status and national relevance. Prussia was trying to get out of the German Confederation and its unwieldy regulations in order to expand its status as a great power. During the 1850s, the Prussian envoy in Frankfurt, Otto von Bismarck, became aware that nationalism could be made useful for that political purpose. Bismarck's political view was, in fact, not diametrically opposed to the opinions of the liberal German National Association (Deutscher Nationalverein), an organization for those who championed the Lesser German Solution. Crucially, both the Prussian government and the liberal national movement agreed on the exclusion of Austria from the nation-building plans.¹⁷

The Liberals, as the heirs of the revolution, perceived themselves as a national constitutional movement. They intended to constitutionally limit, and even reduce, monarchical power. Constitutionalism expressed the bourgeois demand for political participation; it also differentiated liberalism from left-wing republican and democratic ideas while distancing liberals from the forces of political reaction.

Before 1848, the constitutional celebrations in South Germany had symbolically confirmed these ideas. After 1848, however, they became less important, and the nation took over the function of curtailing monarchic power—as became apparent, for instance, on the occasion of the Schiller festivals in 1859, which were lavishly celebrated. Schiller's dramas, especially 'The Robbers' and 'Don Carlos,' represented an emancipatory impulse, opposed to feudal society, and critical of autarchic rulers. The same characteristics also made him a national hero of the socialist workers' movement.¹⁸ The large number of liberal voluntary associations represented this new national emphasis. Turning the cities into crucial platforms for liberal ideas, these associations included the choral and gymnastic societies, physical and geographical associations, natural scientific societies, bourgeois museum associations, and the freemasons.¹⁹ Around 1850, there were 50 different associations in Frankfurt am Main alone, engaging, even before the revolution, 2500–3000 members, or about half of the citizenry.²⁰ The same happened in the other large cities of the German Confederation. As voluntary associations became a structural element of civic society, they spread bourgeois and secular values, inculcating the principles of self organization, volunteerism, and substantial internal equality.

In these years, liberalism's center of gravity was in the cities, working, in Frankfurt and elsewhere, on local issues such as tax and trade legislation. Due to the census suffrage (votes weighted according to the amount of taxes paid), liberals had an advantage in the city councils, as was the case, for instance, in Cologne or Munich.²¹ Liberal mayors, such as Johannes von Miquel (Osnabrück: 1865–1870; 1876–1880; Frankfurt am Main: 1880–1890), represented communal liberalism and to some extent liberalism itself. It was in the cities that liberals put into practice what they had in mind for the whole nation.²² It was in Germany's urban centers that liberal teachers steadfastly resisted being patronized by clerical supervision, and that Journalists opposed censorship.

In the two decades after the revolution, the liberals widened their organizational and media basis, as well as their level of support. In the Rhineland, liberals addressed their economic demands to the chambers of commerce, which in 1861 joined together to form the German Association of the Chambers of Commerce (*Deutscher Handelstag*).²³ As early as 1858, the Congress of German Economists (*Kongress deutscher Volkswirte*) came into existence and in 1862 the German Congress of Parliamentarians was formed (*Deutscher Abgeordnetentag*).²⁴ Illustrated magazines, such as the Leipzig-based 'Gartenlaube,' brought liberal values of society and family into the mainstream.²⁵ Gustav Freitag's best-selling novel, 'Soll und Haben' ('Debit and Credit'), published in 1855, represented and idealized, especially in the main character of Anton Wohlfahrt, a liberal model in the spheres of family, business, and public life. In terms of political organization and presence in the public sphere, the liberals were ahead of all other political groups and most notably the conservatives. They began to lose their lead, circa 1863, mainly because of the declining culture of liberal voluntary associations among the lower classes.²⁶

Widening the liberal public sphere also altered the shape of liberalism. It was the revolution itself that caused this change. During the second revolutionary wave in the summer of 1848, many liberals had to face a 'social revolution' supported by workers and the lower classes. At this point, the solidarity among the opponents of absolutism, and the unity of the liberal movement, came to an end, and the idealized concept of a 'civic society without classes,' as the German historian Lothar Gall has put it, perished.²⁷ After 1848, liberalism remained a national constitutional movement, but lost its egalitarian character. In political terms, it no longer advocated a Greater German Solution, even if the idea of a Greater German 'federative nation,' and the sense of cultural affiliation, remained. German Austrians, however, played little or no role in the economic, social, and cultural networks of the nation. The national movements of singers and gymnasts were almost exclusively located outside of Austria. And the Reform Association (*Reformverein*), which advocated a Greater German Solution, lost considerable influence to the German National Association (*Deutscher Nationalverein*), which called for a small German Solution.²⁸

By championing the Lesser German Solution, the liberal constitutional movement turned into a political party. In 1861, the conflict between liberals and the Prussian monarchy came to a head, and culminated in the foundation of the Prussian Progressive Party. Joining left-wing liberals and moderate democrats, it became the principal protagonist on the side of the liberals in the conflict with the Prussian king about the character of the Prussian constitution. They were also politically close to the Progressive Parties in South Germany, founded a few years earlier.

Regional differences among liberals soon became apparent. Although all liberals in north and south, east and west, fought to strengthen parliament and the constitution, the conflict was more intense in Prussia than in the South of Germany, where constitutional structures had already been established in Napoleonic times, and where monarchs cooperated with parliaments. Political procedures, which had been practiced for a long time in Bavaria, Württemberg, and Baden, still had to be fought for in Prussia.

Who were these liberals? The traditional differentiation between *Bildungsliberalismus* (the liberalism of the educated classes) and *Wirtschaftsliberalismus* (economic liberalism) marks important social actors within liberalism, but blurs several other differences: the difference between old and new *Mittelstand* (bourgeoisie), the difference between Catholics and Protestants, and the difference between northern and southern Germany. In Baden, for instance, a certain liberal *esprit de corps*, originating from their years as students together in Freiburg and Heidelberg, prevailed among higher civil servants. Not every bourgeois was liberal, and not every liberal was bourgeois. Some Catholics kept their distance from liberalism; others were oriented to it.²⁹ First and foremost, the social strata underneath the middle class, predominantly workers, were engaged in liberal organizations. Workers were organized in left-wing liberal associations and only parted with bourgeois democracy in the 1860s or 1870s—the precise timing is controversial.³⁰ Their separation from bourgeois left-wing liberalism was a result of class formation and, at the same time, a driving aspect of this process.³¹ Until the 1870s, the early workers' movement perceived itself as a radical democratic people's movement in the tradition of the March Revolution of 1848.

Unlike liberalism, the Catholic Church, Catholicism and particularly the Catholic laity, emerged strengthened from 1848. The revolution had abolished the paternalism of the state church and state representatives came to see the Catholic Church as an ally in fighting the revolution. The Trier pilgrimage of 1844, a mass pilgrimage to the Seamless Robe of Christ housed in the Cathedral of Trier, had already foreshadowed this development. Social protest was articulated not as politics, but as piety. The closing of ranks did not last long, however, because the Catholic bishops pushed through a strict anti-modernism among the pious. Pius IX turned this anti-modernism into a religious and political doctrine of faith, first with the dogma of the 'Immaculate Conception,' annunciated in 1854, then, more decisively still, with the dogma of Papal infallibility in 1870, promulgated on the eve of the Franco-Prussian war.

After 1848 laymen played a key role in Catholic voluntary associations and in political representation. Liberals were especially sensitive to the fact that lower class Catholics, unlike the Catholics of the *Bildungsbürgertum*, offered no resistance to the two waves of ultramontane dogmatism of 1854 and 1870. The Immaculate Conception of the Virgin Mary and the infallibility of the Pope opposed everything the liberals stood for, including the heritage of the Enlightenment and the French Revolution, and the privileged position of scientific social knowledge. In sociological terms, it offered the benefit of drawing a sharp line between the in-group and the out-group, creating distinct affiliations in times of rapid change.

Patterns of collective interpretations and everyday culture grew further and further apart. Ultramontane Catholics reshaped popular piety. Marian devotions and the Cult of the Sacred Heart offered an attractive language of religious imagery, particularly for the lower classes. Many churches of the Sacred Heart were built, communities established, and brotherhoods founded. The cult of the Sacred Heart was defensive, sorrowful, and anti-modern.³² This defensiveness was expressed through the activities of its prayer brotherhoods, and several formal and informal spiritual association; it also

revealed the significant extent to which rural Catholics, and those from the lower and middle classes in the cities of the Rhineland, felt threatened by Prussia's aggressive religious policies. In addition, liberals and Catholics often stood in direct social contrast to one another. In the Saarland, the Rhineland, and in Westphalia, Protestant employers often employed Catholic workers, with the result that social protest and confessional conflict often reinforced each other. The Bishop of Mainz, Wilhelm Emanuel Freiherr von Ketteler, was the informal leader of the German Catholics, and represented the link between ultramontanism and social-political claims.³³ For bishops like Ketteler, but also for the rural lower classes, devotion to Rome was compelling in social terms.

Conflicts between liberals and ultramontane Catholics had a long tradition. On the political level, these conflicts concerned the relationship between church and state, including mixed marriages, freedom of religion, and religious education. In 1837, the struggle over mixed marriages culminated in the so-called Cologne affair, in which the Archbishop of Cologne, Clemens August von Droste-Vischering, was arrested and held in special confinement in Minden. In 1848, several Catholic members of the National Assembly refused to introduce freedom of religion as a constitutional right, as the liberals demanded. Ultramontane Catholics saw this, and the entire concept of a liberal constitutional state, as an affront to their faith, to the monarchy, and to divine right, if not in fact the divine order itself. They understood sovereignty in theological terms as divine sovereignty, not politically as the people's sovereignty. The same held true for the issue of elementary and religious education, which became a permanent political topic after 1848.³⁴ The ultramontane Catholic Edmund Jörg from Allgäu, the Hanover-based minister Ludwig Windthorst, and the jurist Hermann von Mallinckrodt became prominent exponents of this view. They formulated a Catholic critique of the state in which the state was not perceived as the definitive measure of the political order, but as an entity derived from the concepts of family and community. In their approach, the family came first, the community second, and the state last, and only in reference to those issues that could not be dealt with in the family or the community. When Edmund Jörg continually criticized the interventionist state, and other Catholics defended the rights of the Church against the state, this ran contrary to the advocates of a liberal nation state guaranteeing freedom of religion and championing the state as a modernizer. On the question of the relationship between state and church, on religious policy, and on political theory, liberals and ultramontane Catholics were diametrically opposed. In the *Syllabus Errorum* of 1864, Pope Pius IX sharpened these pointed differences by anathematizing liberalism. At the end of a long list of errors, Pius IX condemned as error number 80 the sentence: "The Roman Pontiff can, and ought to, reconcile himself, and come to terms with progress, liberalism and modern civilization."³⁵

This not only concerned religion and the church, but also the order of society and the nation state. According to Edmund Jörg and Franz Joseph Ritter von Buß from Baden, a national society was only possible as a Christian—or more precisely—a Catholic society. But even the representatives of this political orientation understood that religion no longer stood at the center of the political order, and that its importance had subsided. Consequently, the *Katholikentage* (a festival-like gathering organized by

and for Catholic laity and their associations) of 1848 and 1849 declared Germany itself a mission country. The task of the Bonifatius Association, founded in 1849, was therefore an inner mission.³⁶ By worshipping Bonifatius and choosing the city of Fulda, where the English missionary's grave was located, as the venue for the Catholic Bishops' Conference, German ultramontane Catholics underlined their ties to Rome. To them, Germany had only come into existence with the help of Rome, or more precisely with the help of the missionary Winfrit-Bonifatius, who was sent by Rome to bring Christian culture to the territory of *Germania*. For liberals the opposite was true: Germany had come into being in the course of the fight against Rome, and could be traced back to the struggle between Hermann of the Cherusci and the Romans. Luther's break with Rome and the concept of celibacy, as well as the foundation of the Protestant vicarage as a prototype of the bourgeois family, stood in the tradition of this anti-Roman interpretation of history.³⁷ The worshipping of Bonifatius was a political statement diametrically opposed to the cults of Hermann and Luther.

In political terms, this antagonism distilled into two parties, liberal and Catholic. In the beginning, there was the highly politicized Pius Associations of 1848, which demanded constitutionally protected rights for the Catholic Church. Catholic members of the Prussian Diet constituted the core of a new Catholic party and in 1852 they formed a parliamentary group, which from 1858 on called themselves the 'Center Faction' (*Zentrumsfraktion*). Between 1864 and 1866, around 100 Catholic politicians gathered at nine conferences in Soest in order to found a party with a clear political program. They did so in response to the foundation of the liberal National Association and the Progressive Party. The Soest program of 1870 formulated the slogan: 'For truth, justice and freedom,' and on this basis, in 1871, the Center Party was founded. Its aim was to defend the rights of the Church, and primarily of confessional schools, against the modern state. It advocated a federalist state structure and sought class harmony on the basis of Catholic social teaching.

This liberal-Catholic conflict did not occur in Germany alone. In all European countries, where the process of nation building or reconstruction had started, 'culture wars' emerged between Protestant or lay liberals on the one hand, and ultramontane Catholics on the other.³⁸ These 'culture wars' were especially fierce in the southern European countries with a nominal Catholic majority, where a minority of laicist liberals sought conflict with a majority society defined by its Catholicism. In Germany, this conflict had an ideological, a political, and a social dimension.

13.3 THE CLIMAX: CULMINATION AND PERIPETEIA

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When Wilhem I assumed the regency in October 1858, the basic parameters of the 'national question' had changed, becoming, in the so-called 'New Era,' the central focus of politics. The political dynamic in the German Confederation was given a new

direction due to the Italian War of 1859 between France and Austria. A war involving Austria, as head of the German Confederation, demanded that everyone take a stance. With the exception of a few democrats, and Otto von Bismarck, the matter was clear: the Italian war was also about Germany. In the south of Germany, religious solidarity with Catholic Austria was also a factor. The Italian War thus unified the liberal national movement and closed the gap between advocates of the small and large German Solutions.

Internal conflict followed the Italian War. Prussian Liberals and the government fought from 1860 onward for about six years in an agonizing, but decisive constitutional conflict. Progressive liberals in Prussia, such as Viktor von Unruh, Benedikt Waldeck, and Wilhelm Löwe, challenged the throne in an open conflict in a political field, which the king considered his own preserve: namely, the Prussian military constitution. Since the Napoleonic Wars and the army reform of 1814, the Prussian army had not grown in size; now it was Wilhelm's desire to adapt its size to a Prussian population that had grown from 11 to 18 million people. Three measures were to serve this purpose: increasing the annual conscription of recruits from 40,000 to 63,000, raising the peacetime size of the army from 150,000 to 210,000, and prolonging military service from two to three years. Furthermore, the civil militias (*Landwehren*), which originated from the liberal idea of a citizen-soldier, were to be integrated into the royal army. The liberal majority in the Prussian Diet disagreed vehemently with all three proposals, in particular the extension of military service to three years, and the integration of the *Landwehr* into the royal army.³⁹ Liberals were, however, willing to support some military reform. Those who favored the Lesser German Solution set their hopes on the military strength of Prussia and its 'German mission,' although they demanded a civil militia and a military service of two years. This conflict became irresolvable because the military reform advocated by King Wilhelm and the War Minister, Albrecht von Roon, required large amounts of money which had to be approved by the Prussian Diet, where the liberals held a majority. The issue of the army reform, therefore, was not only a question of state organization, where the monarch held the prerogative, but also a question of state finances, where the budgetary powers of parliament applied. Liberals found common ground, advancing the motto: 'Parliamentary army or the King's army.' Like the dogma of papal infallibility in 1870, the constitutional conflict provided both political camps with simple phrases to sharply distinguish each other.⁴⁰ This conflict was expressed in parliamentary speeches, pamphlets, and in the political press, albeit largely without the participation of ordinary people. Parliament and government were in open, systemic conflict.

Previous strategies of conflict resolution no longer worked in this conflict. A monarchic counter revolution would be against public opinion and was bound to lead to a military dictatorship that was incalculable even for the monarchy. However, Prussian constitutionalism also faced a road block, because the two conflicting constitutional principles could not be aligned. The crisis endangered the entire system. The longer the conflict continued, the slimmer the chance of resolving it. In May 1862, the liberal Diet members Karl Twesten and Heinrich Sybel found a

compromise with the War Minister, Albrecht von Roon. The liberals were willing to agree to the overall budget if the length of military service was not extended. The king, well aware of the consequences, refused to compromise, and his intransigence provoked the Diet to reject the entire budget. Discredited by his own government, Wilhelm was ready to abdicate in favor of his son, Crown Prince Friedrich, who was regarded as more liberal.

In the end, however, it was not Crown Prince Friedrich, but Otto von Bismarck, who defined the monarchical response to the liberal challenge. On 22 September 1862, Bismarck was appointed Minister President of Prussia. If he derived his fame as the founder of the German Empire, he was nevertheless more a divisive figure than a unifying one.⁴¹ Born in the year of the congress of Vienna, he stood at the center of every conflict in his tenure as Prussian Minister President and German Chancellor. He started as a diehard anti-liberal in the Prussian constitutional conflict, and then alienated the Prussian conservatives when integrating Prussia in the new Reich. After 1871, he antagonized the Catholics in the '*Kulturkampf*,' the Socialists in the anti-Socialist legislation of 1878, and finally the liberals in 1879, when he shifted from free trade to tariffs. He stood at the center of multiple political conflicts as well as conflict resolutions. He became a mythical figure, a trickster, who, following the ethnologist Claude-Levi Strauss, represented at the same time contradictory aspects of old and the new, legitimizing change and making it tolerable.⁴²

Starting in 1862 he promised to defend monarchical prerogatives at any cost: In the Prussian Diet he immediately attacked the liberals: "The great questions of the time will not be decided by speeches and majority decisions—that was the great mistake of 1848 and 1849—but by iron and blood."⁴³ Bismarck thereby portrayed as contradictory constitutional parliamentary democracy on the one side, and economic growth and military success on the other.

Supporters of the compromise in both camps lost ground. The constitutional conflict escalated into an institutional crisis. Georg Meyer and Gerhard Anschütz later famously commented on the situation: "Here public law reaches its limit. The question of how to proceed if no budget law exists is not a legal issue."⁴⁴

13.4 THE LIBERAL ERA AS CRITICAL JUNCTURE OF INSTITUTION BUILDING, 1867–1878

The Prussian wars against Denmark, Austria, and France transformed the constitutional conflict. These wars—against Denmark over Schleswig and Holstein in 1864, then against Austria over federal reform in 1866, and finally against France in 1870—were national wars of unification only from the perspective of 1871.⁴⁵ From the viewpoint of 1850, they could just as well have been called 'national wars of exclusion,' because they ultimately sealed the exclusion of Austria from Germany.

The foundation of the German nation state took place through and amidst war. This was not only true for Germany, but was common to the foundation of most European nation states: France in 1792, Belgium in 1830, and Italy in 1859, with the peaceful separation of Norway and Sweden in 1905 an exception. The connection between war and the foundation of the nation state is based on collective mobilization through fighting an external enemy. The war of 1848, which the Paulskirche fought against Denmark over Schleswig and Holstein, was already characterized by inner national participation and outward aggression.⁴⁶ In Germany, external wars also served an internal purpose: the victory over Catholic Austria, and to an even greater extent the victory against France, was, for example, staged as a victory of Protestant Germany over Catholicism itself and proved the invincibility of Prussia and its military monarchy.

Prussia's military success over Denmark at the battle of Dybbøl (*Düppeler Schanzen*) on 18 April 1864, and, even more so, the victory over the Austrian troops at Königgrätz on 3 July 1866, seemed to legitimize Bismarck's policy of 1862 retrospectively. This was, at least, the view of the predominant part of the national movement, which supported the Lesser German Solution. When he switched sides, Karl Twesten, one of the founders of the Progressive Party and critics of Bismarck and authoritarian rule, was typical of many liberals. He stated that 'an inner conflict in a single German state and a conflict between different German states must be set aside, when it comes to the integrity of the German fatherland.'⁴⁷ In other words: the successful wars had opened a new chapter in the relations between the liberals and Bismarck. In autumn 1866, Hermann Baumgarten published his self-criticism of liberalism, in which he went so far as to advocate co-operation with Bismarck.⁴⁸

As a result of the Austro-Prussian War, the world of the German states changed completely. Austria was excluded from the decision-making process regarding the national question. The Kingdom of Hanover, the Electorate of Hessen Kassel, the Duchy of Nassau, and the Imperial city of Frankfurt, were annexed by Prussia as it connected its Western territories with those in the East. Prussia was seemingly on the ascendant, even in financial terms, because the economic boom filled the government's pockets with increasing tax revenues. Baumgarten concluded his self-criticism that the bourgeoisie was meant for work and not for rule. For him, the political consequence of the constitutional conflict was shared liberal bourgeois and aristocratic monarchic rule. This separation of spheres originated from the tradition of compromise and agreement which had been characteristic for liberals in the *Vormärz* period.

The liberal era between 1867 and 1878 saw new institutions that have been characteristic of Germany's political system ever since.⁴⁹ The new institutions regulated, contained, and transformed national and confessional conflicts. The first institutional step to pacify the Prussian constitutional conflict was the Indemnity Bill of 26 September 1866. The government admitted having acted illegally in governing without an approved budget since 1862 and was, in return, exempted from punishment; that is to say, it received indemnity. The Indemnity Bill soothed the conflict because a vast majority of 235 members of the Prussian parliament against 75 granted indemnity to the government for its breach of the constitution. In so doing, they legitimized the government's action retrospectively.⁵⁰

Many historians used to consider the Indemnity Bill and the subsequent split of liberalism in 1866 to have been the defeat or the collapse of German liberalism. To them, German liberals were tempted to abandon their liberal principles and succumb to the government in power because they admired Bismarck's political success. In the long-term, this accommodation to power allegedly weakened democratic ideals among Germany's bourgeoisie and subsequently prepared the way for 1933.⁵¹ According to this view, the cooperation between National Liberals and Bismarck meant that the former accepted a system that was only partially parliamentary. But there was another side to it as well. The Indemnity Bill also opened up new possibilities for the liberals, giving them cause to assume that they would be in a position to change circumstances in Prussia. To see only authoritarian solutions and their consequences for the twentieth century does not take into consideration that there were also other institutions of conflict resolution between 1867 and 1871—ones that did not lead to 1933, most importantly those involving democratic suffrage and federalism. These also created new conflicts, which were then transferred to the Reich, but compatible with national co-existence.

Four different developments contained, reworked, and transformed both conflicts: democratic suffrage, which introduced party competition and parliamentary negotiation strategies; federalism, which reorganized the relationship between the individual states and the nation state; a strong monarchy, which could solve conflicts and make decisions from above; and the principles of parity and proportionality. The conflicts of the Revolution of 1848 and of the 1850s were not resolved, as the national enthusiasts perceived them to have been in 1871, but were regulated and contained according to different patterns of action. These patterns were, in fact, contradictory, but could also converge. Some of them, such as the concept of federalism, were old, others, such as democratic suffrage, were new and untested.

13.4.1 Democratic suffrage, Parliamentarianism and party competition in the federal state

On 12 February 1867, democratic elections were held for the first time in the North German Confederation. Every North German man older than 25 years who did not receive any public assistance was entitled to vote for the constituent *Reichstag* of the North German Confederation.⁵² There was no electoral boycott as suggested by the Progressive Party, which had denied Bismarck indemnity for his constitutional breach. The turnout in Prussia was, with an average of 65 per cent, substantially higher than in the Diet elections, which were held under the undemocratic three-class voting system. On 25 September 1867, only 1.45 million people in the older Prussian provinces had voted for the Diet. On 12 February 1866, meanwhile, 2.57 million voters showed up for the *Reichstag* elections. Most of them were first time voters. It was no longer the electoral colleges that effectively decided the result, as was the case in the Prussian elections, but the individual voter. The voters themselves had their say in the national

elections, and the National Liberals won the elections with 80 mandates, showing particularly strong in the new Prussian territories of Hanover, Kassel, and Nassau.

In that same year electoral reform was also high on the agenda of the House of Commons in London. The Second Reform Act primarily extended suffrage to the urban regions and was perceived as a revolutionary 'leap in the dark' (Lord Derby).⁵³ This was even truer in the case of Germany's elections where democratic and parliamentary traditions were much less developed. German democratic suffrage was not the result of pressure by socialists and democrats, but by revolution from above. Bismarck had several motives for advocating the suffrage once championed by the Paulskirche. It ultimately excluded Austria from the new national order, because this type of suffrage could not be applied in multi-national Austria. In terms of foreign affairs, its democratic appeal to the nation legitimized Prussian expansion to the other European great powers—first and foremost Great Britain. More importantly, the democratic suffrage, accepted only hesitantly by the National Liberals, curtailed the influence of the liberal bourgeoisie and its electoral colleges, the 'distilled bourgeoisie' (Bismarck). From Bismarck's point of view, it ensured that a liberal parliamentary majority, as had occurred in Prussia, would not occur in the Reich. Liberals had benefited from the census system in the Prussian suffrage. In the Reich, their influence was balanced by the urban and rural lower classes. Bismarck, on the other hand, relied on the conservative and royal mindset of the rural population. Liberals always performed worse in the *Reichstag* elections than in the Prussian elections. However, the winners in the long run were not the conservatives, but the Catholic Center Party and the Social Democrats.

Even contemporaries perceived Bismarck's strategy as a means of rule inspired by Bonapartism. It was designed to weaken liberal leaders in parliament, and even to weaken parliament as an institution.⁵⁴ Friedrich Engels equated the foundation of the North German Confederation with Louis Bonaparte's open take-over of power in 1851 and noticed the temptation of the Bonapartist form of rule: 'The period of revolutions from below was concluded for the time being; it followed a period of revolutions from above. . . .'⁵⁵ Napoleon III demonstrated that a monarchic state could exist with, and in spite of, a democratic voting system, and that an authoritarian state government did not contradict the principle of political representation. However, the enthusiasm of the Prussian state ministry for Bonapartism soon flagged. In Prussia, there were candidates from the ranks of the ministry backed by the government. In East Elbia, the typical ministerial candidate was a conservative landowner, in Westphalia and in the Rhineland he was a conservative civil servant. This pattern was still apparent in the elections of 1867, but it could not prevail against the mobilizing effect of party machines and their candidates in the long run. Bismarck took over the democratic voting system, but he was hardly able to appropriate it in a Bonapartist way, because—as he put it—'Germans cannot be governed in the same manner as the French.'⁵⁶

Seen from a theoretical perspective, the democratic voting system integrated conflicts into parties. Political opponents became parties, which competed for as large a share of the national vote as possible, and no longer attempted to eliminate each other.

This was possible because democratic suffrage legitimized the opposition. No ultimate decision was taken by the democratic franchise. Every three, or since 1888, every five years, voters decided on their political representation. The democratic franchise did not resolutely solve, but rather processed conflicts by periodic elections. Based on the fact that there was more than merely one opinion to every political issue, the democratic franchise engendered in the long run a pluralistic community, where majority and minority were constantly changing.

Prussia's fierce opponents in the process of German nation building organized themselves into parties and stood as candidates. Competing interests and ideas, the elixir of democratic institutions, thereby had an integrative function in the nation state.⁵⁷ Only eight months after their defeat at the hands of Prussia, the Saxon patriots took part in the North German elections. In so doing, they accepted the North German Confederation as the basis for their political actions, even while they kept a jealous watch over the independence of Saxony. The royal Hanoverians, the Welfs, and the Bavarian patriots acted in the same way. They all accepted the Reich by taking part in the *Reichstag* elections. The democratic franchise and parties helped foster abstract identities that brought together people from different regions with similar interests. Conflicts between Bavarians and Prussians were not fought against national institutions, but within them. In the words of the historian Margaret Lavinia Anderson: 'As regional and national organizations took on more and more electoral functions, they contributed to a process of abstraction, in which the community was redefined into something trans-local: confession, class, and in most cases party. It was with abstractions such as these that the voters eventually identified.'⁵⁸ Voters recognized their own interests in a national party system, which was not built along local or regional lines. Here lies a certain similarity between the foundation of the Reich in 1871, and the German unification in 1990, when the PDS, the successor of the communist SED, stood in the *Bundestag* elections and thereby pragmatically accepted the democratic character of the new order, which the party had steadfastly opposed until then. By contrast, in the Weimar Republic the KPD had refused to stand in the general elections in January 1919.

Democratization could be interpreted either as political participation or as emancipation from older authorities. Political participation gave legitimacy to the political order. Even conservative authors, such as the Saxon minister and law professor Carl Gerber, welcomed democratic institutions in order to foster the monarchy. What he and his like-minded colleagues had in mind was a rather new form of legitimacy indispensable for the monarchical order. Whereas authors like Gerber accepted forms of direct democracy, Bismarck rejected parliamentary government following the English example.⁵⁹ Those who understood democracy as a way of political emancipation were to be found on the political left. For Socialists, democracy made their strength public and visible. Even here on the political left, democracy was much more praised than the parliamentary dimension of politics. Whereas parliaments were seen as instruments of bourgeois domination, democracy always had the utopian flavor of a better world. Parliament did not control the German government. The democratic

extension of the franchise had not led to a political system with government standing against the opposition, but with government standing against parliament.

In the long run, however, the *Reichstag*, even without the right to elect the *Reichskanzler*, became a key institution in the Reich and a central forum for conflict resolution and the political articulation of interests.⁶⁰ In 1873, on the initiative of the Liberal Eduard Lasker, legislative competence for the entire civil, criminal and procedural law—that is, all questions of the rules of procedure and legal equality—were transmitted to the Reich and therefore to the *Reichstag*. Several committees of the *Reichstag* drafted the Civil Code (*Bürgerliches Gesetzbuch*, BGB), which came into effect on 1 January 1900 and had a lasting effect on German society. By 1878, the *Reichstag* had passed 179 bills, many of which extended the regulations of the North German Confederation to the Reich. Democratic suffrage, the *Reichstag* and its legislation shaped the population of the Reich into a political society. East Prussians, Swabians, Rhinelanders, and Silesians all voted under the same suffrage and were subjects of the same law. The *Reichstag* became a symbol of the political nation even in the view of the Reich population. This was shown by a broad media interest in and numerous complaints about any kind of electoral manipulation or fraud.⁶¹

In a very short period, the democratic voting system made an impact and supported a party system that was essentially similar in all regions. At the *Reichstag* elections in 1871 there were only eight constituencies with a single candidate. All other constituencies saw several candidates, even if it was often clear who would win the mandate. As a result, diversity of opinion prevailed on a broad basis. The unexpected pace of this development becomes clear, when we look to Great Britain, where approximately a quarter of all seats in the House of Commons went uncontested as late as 1910.⁶² Democratic suffrage accelerated the development of the German party system whose roots dated back to the Revolution of 1848. The traditional binary party system, which functioned according to the pattern of 'order versus revolution,' made way for a four-party system consisting of liberalism, conservatism, political Catholicism and socialism. These '-isms' usually stood for families of parties. There were several conservative parties—*Reichs- und Freikonservative Partei* (Reich and Free Conservative Party) and *Konservative Partei* (Conservative Party)—next to the two liberal parties (National Liberals and Progressive Party) and the socialists under the lead of August Bebel and Wilhelm Liebknecht (from 1869 *Sozialdemokratische Arbeiterpartei*, Social Democratic Workers' Party; from 1875 *Sozialistische Arbeiterpartei Deutschlands*, Socialist Workers' Party of Germany). In winter 1870/71, the newly established Catholic Center Party nationalized Catholics from all parts of Germany in one Catholic party. In the same way the socialist party nationalized socialists from Berlin and Wuppertal in one party. The national party system created national political interests transverse to regional interests. It also transferred regional conflicts to the national level. The thousands of local religious conflicts, for instance, between the Catholic clergy and liberals were transformed into a national conflict immediately after unification in 1872, when liberal legislation attacked the Catholic church. The local protagonists on both sides looked to the national level for help and assistance.

In the first decade of the Empire, large voting blocks and groups of party supporters were formed. According to the findings of the Catholic electoral researcher Johannes Schauff, between 1874 and 1884, the Center Party succeeded in mobilizing almost the entire Catholic electorate, with eighty percent of all eligible Catholic voters casting their vote in favor of the Center Party.⁶³ If these figures were in constant decline thereafter, the number of votes for the Center Party was even higher among devout Catholics. The 'culture war' had enabled this development. It emotionally anchored the German party system in the minds of the Catholic electorate. The same was true for the socialists with regard to the Anti-Socialist laws after 1878. For the Catholics, the 'culture war', or *Kulturkampf*, left a deep-seated sense of threat among Catholics, which in turn created emotional cohesion, and enabled a network of voluntary associations and the creation of a political community of conviction. The Catholic social milieu, which shaped the German party landscape until 1928 when it ultimately eroded, originated in the 1860s and 1870s.⁶⁴ As in the socialist milieu, Catholic Germany depended on constantly recreating the original sense of threat. Catholic clerics, associations, media, and the *Katholikentage* continually restaged, and thus rendered contemporaneous this primordial moment of threat. Socialist party conventions and anniversaries worked the same way.

The differences between liberals and conservatives gradually faded away after 1871. The political scientist Karl Rohe has even identified a joint 'national camp' arching over both political parties. The parties' common electoral interest in the run-off system, which privileged party coalitions in the second ballot, had enabled this situation. Here, conservatives and liberals often cooperated.⁶⁵ The national camp gained in importance when conservatives turned to tariff protection of rye and steel in 1879. Both parties also opposed the socialists after 1878. In terms of the main conflicts of nation building, this realignment between conservatives and liberals finally brought an end to the Prussian constitutional conflict, when both camps had fought a seemingly deadly war. In the 1880s, the national camp took over from the liberals as the informal governing party, becoming in the 1890s the cornerstone of the *Sammlungspolitik* (the policy of 'gathering' all productive forces that sought to 'protect' the state against the Social Democrats).

13.4.2 Federalism and authoritarianism

One of the most significant consequences of the Prussian constitutional conflict for Bismarck was to prevent a parliamentary regime on the national level at any cost. He had faced a liberal majority in the Prussian Diet for years and wanted to prevent that for the Reich. This purpose was served by the Reich's federal construction, which was organized to prevent a showdown as had occurred in Prussia between government and parliament. Unlike the North American model, as codified in the Federalist Papers, federalism in Germany did not organize democracy within a territorial state. By

contrast, it organized the permanent acquiescence of the individual German states towards a national state and its institutions to which they had transferred important rights. Bismarck's political objective was to preserve and strengthen the Prussian monarchy, which in 1871 turned into an imperial monarchy. To him, this was most likely to be achieved through the federal structure of an everlasting federation of 25 rulers and city governments—the so called members of the federation (*Bundesglieder*)—and not through democratic elections involving 41 million Germans. The Reich had legislative powers, the German states executive powers. This was the origin of the specific form of federalism in Germany: cooperative federalism. What was signed into law by the national state was set into practice by the states' administration—thereby underscoring the importance of the states. In practice, it meant that the entry of Saxony or Baden into the Reich did not involve a change of elites as it did in 1990 when East and West Germany were reunited. Instead, Saxon postmen turned into Reich postmen. In terms of officials, a surprisingly small number of individuals represented the Reich in the Bismarck period.⁶⁶ Instead, it was the familiar authorities of the states which executed Reich legislation. The impact of this fact on the social acceptance of the new national order cannot be emphasized enough.

This was even more pronounced in the seemingly technical field of the imperial finances. The national constitution ensured that the Reich had its own revenues from tariffs and taxes, although they were rather limited until 1879. In the imperial period, it was only in 1896 that the income of the central government covered its budgetary expenditures. In all other years the difference was paid for by the states (*Matrikularbeiträge*), special levies from the states according to their population size, or by the Reich incurring debts. This had lasting consequences for national integration. At least until 1879, the tax officers in the single states virtually funded the Reich, or at least this was the impression most people had. It helped to make the wave of standardization, which swept through German society after 1867 and 1871, socially and politically bearable. Practically, it meant that the German parliament could not shut down the government by rejecting the budget, which Prussian liberals had tried to do in 1862.

Constitutionally, the German Reich was governed by the *Bundesrat*. Next to the *Reichstag*, the *Bundesrat* was the supreme body gathering German rulers and city governments. Unlike the US Senate, which allows the same amount of votes to every state regardless of its size, the different states and cities had votes in the *Bundesrat* according to the size of their population. The exception was Prussia. It comprised about two-thirds of the Reich territory and approximately sixty per cent of the Reich population, but in order to ease the integration of the smaller states, Prussia held merely seventeen out of the entire fifty-eight votes. It therefore depended on the approval of other states—in most cases the kingdoms in South Germany—to get a majority. Prussian diplomats were usually quite successful in doing so. Strategically, the Prussian foreign minister was at the center of this diplomatic web that planned national politics. It was from this position that Otto von Bismarck controlled the *Bundesrat*.

The *Bundesrat* had a dual function. On the one hand, it took part in legislation along with the *Reichstag*. On the other hand, the Reich government was headed by the federal

presidium, a position held by the Prussian king as German Emperor. His head of chancellery, the Reich chancellor, was responsible for the executive. At the chancellor's side were state secretaries instead of ministers responsible to the *Reichstag*. This specific structure prevented the *Reichstag* from criticizing or even attacking the Reich government in public. As a monarchical federal state the Reich was not meant to be parliamentarized. At the same time, federalism and *Bundesrat* served as institutions to prevent democracy, because all important decisions—first and foremost all military matters—remained the domain of the executive government. This again was a result of the Prussian constitutional conflict. The federal structure of the Reich was deliberately geared against democratic principles, and this facilitated the integration of Bavaria, Württemberg, Saxony, and all other states into the Reich. Up to the present day, the ability of single state governments to take part in the decision-making process through the *Bundesrat* is still a formative principle of German politics.⁶⁷

However, the profound democratic costs of the political construction cannot conceal the fact that federalism in the medium term had already solved the contradiction between the political center of the Reich and the member states. In Imperial Germany, the solution to the center-periphery conflict involved giving the member states a voice in national legislation. German states were not provinces, being objects of legislation, but instead participants in the work of national legislation. One example, still of relevance today, is civil marriage. In 1875, the liberal Bavarian state government, which was in dispute with the Catholic patriotic majority of the Diet, addressed not only the *Bundesrat*, but also the *Reichstag* and achieved the nationwide introduction of obligatory civil marriage that would never have met with a majority in the Bavarian Diet.⁶⁸

Whereas, federalism encouraged the gradual transition from a constellation characterized by the exclusion of region and nation, to one marked by the inclusion of the two in the 1860s, one was either a Bavarian or a German, in 1890 one was a German because one was a Bavarian. The same mechanism had already become apparent in regard to localism and regionalism. A man from Nuremberg was initially a Franconian, then a Bavarian and finally a German. None of these characteristics was relativized by the others. Loyalties towards community, region, individual state and nation state did not end up in a zero-sum game in which the increasing loyalty towards the nation state would simultaneously imply a declining loyalty towards the region or community. By assuming the position of assimilation, leading representatives of modernization theory and the process of nation building, such as Karl W. Deutsch, supposed that geographically extensive concepts of identity would supersede geographically narrower concepts. In reality, inclusion was based on federalism and on the preservation of local and regional loyalties.⁶⁹

This was also caused by a growing communication and an increase in mobility among the Reich population. Railway companies, conceived within states and tightly controlled by governments until 1920, extended their territorial network. The competition between the railway administrations, which until 1875 were often private, was superseded by the idea of joint accumulation of advantages, and by the understanding that co-operation and mutual permeability for railway traffic would increase profit opportunities for every single railway company. After extending the

territorial network, regional networks were condensed by improving local traffic, which connected suburban and rural areas with long-distance transport. Commuters were able to work in town, but live in the countryside where they could carry out subsistence farming and participate in rural life. Hybrid forms of living and co-existence were more common in everyday life than clear separations.

This was not only true for the railway system, but for commerce and communication in general, and for economic and political spaces that recast themselves by networking instead of remaining local. In the entry debate on 21 January 1871, several anti-Prussian Catholic patriots from Bavaria decided in favor of an entry to the Reich. A decision against it would possibly have caused a secession of Franconia and the Palatinate on the left bank of the Rhine. In order to preserve the Kingdom of Bavaria in its form of 1871, it was therefore necessary to join the Reich. A similar connection between preserving autonomy on the one hand, and entering a larger unit on the other, is characteristic for several Eastern European countries in their entry to the European Union.⁷⁰

Federalism was more than just a way of distributing authority throughout the federal states in order to preserve the union. The federalist model deeply affected society. It organized social task sharing, distributed entitlement claims and gave society a federal structure. The German nation state of 1871 did not supersede regions and single states. Instead, regions and nation states reconstituted themselves mutually: partly against each other, partly together in the process of joint accumulation of advantages. At the same time, new regional references emerged, as was shown by the modern terms 'South and West Germany' used in German transport planning during the late nineteenth century. Both nation and region—having previously been antagonists in the fight for the nation state before 1867—changed their self-perception. After 1871, the nation did not mean exclusion of the 'outside,' but 'downward protection' against the socialists. At the same time, the region was modernized once specific 'modern forms of attributing characteristics, exclusions and roles' had found expression through the nation.⁷¹ From now on, to be a Bavarian or a Saxon was the precondition for being a German.

13.5 THE *KAISERREICH* AS A SYSTEM OF CIRCUMVENTED DECISIONS

The *Kaiserreich* was full of contradictions and open from the start as to its long-term possibilities. The Reich was a monarchy, but with a democratically elected parliament. It was a federal state with developed parties operating nationwide. It represented the rule of law (*Rechtsstaat*), but one in which important areas such as the military operated in a legal vacuum and were entirely under royal control. Although the *Reichstag* held budgetary power, most public spending was accounted for by the army and was therefore under the authority of the crown. The approaches of

integration were too contradictory and too promising at the same time. What was commonly labeled as a 'dilatatory compromise formula' during the foundation period was actually the result of a multitude of previous conflicts.⁷² The democratic aspects of the political order were not hard won from below, but granted from above. The two institutions, the *Bundesrat* and the *Reichstag*, represented the dual legitimacy of the *Kaiserreich* based on the sovereignty of the rulers and the people. Tensions between these institutions were bridged more and more frequently by focusing on internal and external enemies, first and foremost through anti-Semitism and anti-socialism.

The high level of integration in the *Kaiserreich* was in no small part the result of co-occurring, but systemically unconnected conflicts. In this way, different forms of appropriation of the *Kaiserreich* emerged: there was a monarchic and authoritarian *Kaiserreich* parallel to a democratic and egalitarian one. When different groups recalled the foundation of the Empire, they meant different things. Many years later, it was the National Socialists who were able to appeal to both: to the authoritarian qualities of the *Kaiserreich* and its promise of democratic participation.

[Translated from German by Christine Brocks.]

NOTES

1. Cf. Achille Darmaing, *Relation complète du sacre de Charles X* (Paris: Communication & Tradition, 1996 [Paris 1825]), 94.
2. Jan Andres and Matthias Schwengelbeck, 'Das Zeremoniell als politischer Kommunikationsraum: Inthronisationsfeiern in Preußen im "langen" 19. Jahrhundert,' in Ute Frevert and Heinz-Gerhard Haupt (eds), *Neue Politikgeschichte. Perspektiven einer historischen Politikforschung* (Frankfurt am Main: Campus, 2005), 27–81.
3. Quoted in: Wolfgang Neugebauer (ed.), *Handbuch der Preussischen Geschichte. Vol. 3. Vom Kaiserreich zum 20. Jahrhundert und Große Themen der Geschichte Preußens* (Berlin: de Gruyter, 2000), 277.
4. Cf. Heinrich von Treitschke, 'Unsere Aussichten,' in *Preussische Jahrbücher* 44 (1879), 559–576. Even Treitschke's political opponent Theodor Mommsen advocated assimilation. Cf. Theodor Mommsen, *Auch ein Wort über unser Judenthum* (Berlin: Weidmann, 1880). On the so called 'debate on Anti-Semitism' cf. Uffa Jensen, *Gebildete Doppelgänger. Bürgerliche Juden und Protestanten im 19. Jahrhundert* (Göttingen: Vandenhoeck & Ruprecht, 2005), 197–268.
5. Cf. Armin Heinen, 'Umstrittene Moderne. Die Liberalen und der preussisch-deutsche Kulturkampf,' *Geschichte und Gesellschaft* 29 (2003), 138–160, 149.
6. On the historiography of the culture war cf. the earlier studies of Rudolf Lill, 'Die Wende im Kulturkampf,' *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 50 (1971), 227–283, 52; 49 (1972), 657–730; id., 'Der Kulturkampf in Preußen und im Deutschen Reich (bis 1878).'; 'Die Beilegung des Kulturkampfes in Preußen und im Deutschen Reich,' in Hubert Jedin (ed.), *Handbuch der Kirchengeschichte*, vol. VI/2 (Freiburg: Herder, 1973), 28–48, 59–78; and Helmut Walser Smith, *German Nationalism and Religious Conflict. Culture, Ideology, Politics 1870–1914* (Princeton: Princeton University Press, 1995); Heinen, 'Umstrittene Moderne.'

7. Cf. Celia Applegate, 'A Europe of Regions. Reflections on the Historiography of Sub-National Places in Modern Times,' *American Historical Review* 104 (1999), 1157–1182.
8. Cf. primarily the studies of Stein Rokkan. Stein Rokkan, *State Formation, Nation Building and Mass Politics in Europe. The Theory of Stein Rokkan, based on his collected Works*, ed. Peter Flora (Oxford: Oxford University Press, 1999).
9. On the European dimension of culture wars cf. Christopher Clark and Wolfram Kaiser (eds), *Culture Wars. Secular-Catholic Conflict in Nineteenth Century Europe* (Cambridge: Cambridge University Press, 2003).
10. Cf. the fundamental study by David Blackbourn, *Marpingen: Apparitions of the Virgin Mary in Nineteenth-Century Germany* (New York: Alfred A. Knopf, 1994).
11. Cf. Gerhard Lehmbuch, 'Der unitarische Bundesstaat. Pfadabhängigkeit und Wandel,' *Max Planck Institut für Geschichte*, Discussion paper 02/2, Cologne 2002.
12. Cf. on this issue Andreas Biefang, *Die andere Seite der Macht. Reichstag und Öffentlichkeit im 'System Bismarck' 1871–1890* (Düsseldorf: Droste, 2009), 38–41.
13. Cf. Immanuel Kant, 'Der Streit der Fakultäten,' in id. *Werke*, vol. 9, *Schriften zur Anthropologie, Geschichtsphilosophie, Politik und Pädagogik*, ed. Wilhelm Weischedel (Frankfurt am Main: Suhrkamp, 1964), 265–393, quote 361.
14. A detailed description in Jürgen Müller, *Deutscher Bund und deutsche Nation 1848–1866* (Göttingen: Vandenhoeck & Ruprecht, 2005).
15. Abigail Green, *Fatherlands. State-building and Nationhood in Nineteenth Century Germany* (Cambridge: Cambridge University Press 2001), 62–92.
16. Cf. August Ludwig von Rochau, *Grundsätze der Realpolitik angewendet auf die staatlichen Zustände Deutschlands* (Stuttgart: Göpel, 1853).
17. Cf. Biefang, *Die andere Seite der Macht*, 38–41.
18. Cf. Thorsten Gudewitz, 'Performing the Nation. The Schiller Centenary Celebrations of 1859 and the Media,' *European Review of History* 15 (2008), 587–601.
19. Cf. Stefan-Ludwig Hoffmann, *Die Politik der Geselligkeit. Freimaurerlogen in der deutschen Bürgergesellschaft 1840–1918* (Göttingen: Vandenhoeck & Ruprecht, 2000).
20. Cf. Ralf Roth, 'Liberalismus in Frankfurt am Main. Probleme seiner Strukturgeschichte,' in Dieter Langewiesche and Lothar Gall (eds), *Liberalismus und Region. Zur Geschichte des deutschen Liberalismus im 19. Jahrhundert* (Munich: Oldenbourg, 1995), 41–86, 64f.
21. Cf. Dieter Langewiesche, "'Staat" und "Kommune". Zum Wandel der Staatsaufgaben in Deutschland im 19. Jahrhundert,' *Historische Zeitschrift* 248 (1989), 620–635.
22. Langewiesche, "'Staat" und "Kommune".'
23. Cf. Beate-Carola Padtberg, *Rheinischer Liberalismus in Köln während der politischen Reaktion in Preußen nach 1848/49* (Cologne: Rheinisch-Westfälisches Wirtschaftsarchiv in Cologne, 1985). On Frankfurt am Main cf. Jan Palmowski, *Urban Liberalism in Imperial Germany 1866–1914* (Oxford: Oxford University Press, 1999).
24. Cf. Hans-Peter Ullmann, *Interessenverbände in Deutschland* (Frankfurt am Main.: Suhrkamp, 1988); Andreas Biefang, *Politisches Bürgertum in Deutschland 1857–1868. Nationale Organisationen und Eliten* (Düsseldorf: Droste, 1994), on the 'Kongress deutscher Volkswirte' 49ff., on the 'Deutscher Handelstag' 207ff., on the 'Deutscher Abgeordnetentag' 221ff.
25. The magazine 'Gartenlaube' has become one of the most popular objects of historical and literary research. Cf. among others Kirsten Belgium, *Popularizing the Nation. Audience, Representation, and the Production of Identity in Die Gartenlaube, 1853–1900* (Lincoln: University of Nebraska Press, 1998); Marcus Koch, *Nationale Identität im Prozess*

nationalstaatlicher Orientierung, dargestellt am Beispiel Deutschlands durch die Analyse der Familienzeitschrift 'Die Gartenlaube' von 1853–1890 (Frankfurt am Main: Lang, 2003).

26. Cf. Biefang, *Politisches Bürgertum*, 15.
27. Cf. Lothar Gall, 'Liberalismus und bürgerliche Gesellschaft Zu Charakter und Entwicklung der liberalen Bewegung in Deutschland,' *Historische Zeitschrift* 220 (1975), 324–356.
28. On the changes of liberalism cf. Karl Rohe, *Wahlen und Wählertraditionen in Deutschland. Kulturelle Grundlagen deutscher Parteien und Parteiensysteme im 19. und 20. Jahrhundert* (Frankfurt am Main: Suhrkamp, 1992), 54ff. On the concept of the "federative nation" cf. Dieter Langewiesche u. Georg Schmidt (eds.), *Föderative Nation. Deutschlandkonzepte von der Reformation bis zum Ersten Weltkrieg* (Munich: Oldenbourg, 2000).
29. On this point see Thomas Mergel, 'Zwischen Klasse und Konfession.' *Katholisches Bürgertum im Rheinland, 1794–1914* (Göttingen: Vandenhoeck & Ruprecht, 1994).
30. Cf. on this issue still Gustav Mayer, 'Die Trennung der proletarischen von der bürgerlichen Demokratie, 1863–1870,' in Hans-Ulrich Wehler (ed.), *Radikalismus, Sozialismus und bürgerliche Demokratie* (Frankfurt am Main: Suhrkamp, 1969 [1912]), 108–178; Jürgen Kocka, 'Die Trennung von bürgerlicher und proletarischer Demokratie im europäischen Vergleich. Fragestellungen und Ergebnisse,' in id., Jürgen Kocka (ed.), *Europäische Arbeiterbewegungen im 19. Jahrhundert. Deutschland, Österreich, England und Frankreich im Vergleich* (Göttingen: Vandenhoeck & Ruprecht, 1983), 5–20.
31. On the discussion of this point cf. Thomas Welskopp, *Das Banner der Brüderlichkeit. Die deutsche Sozialdemokratie vom Vormärz bis zum Sozialistengesetz* (Bonn: Dietz, 2000).
32. Cf. Norbert Busch, *Katholische Frömmigkeit und Moderne. Zur Sozial- und Mentalitätsgeschichte des Herz-Jesu-Kultes in Deutschland zwischen Kulturkampf und Erstem Weltkrieg* (Gütersloh: Gütersloher Verlagshaus, 1997).
33. Ursula Nothelle-Wildfeuer, 'Wilhelm Emmanuel von Ketteler, 1811–1877,' in Bernd Heidenreich (ed.), *Politische Theorien des 19. Jahrhunderts*, vol. 3 (Wiesbaden: Hessische Landeszentrale für Politische Bildung, 2000), 275–294.
34. On the alliance between conservative monarchy and ultramontanism cf. Jonathan Sperber, *Popular Catholicism in Nineteenth-Century Germany* (Princeton: Princeton University Press, 1984).
35. Heinrich Denzinger and Peter Hünermann, *Kompendium der Glaubensbekenntnisse und kirchlichen Lehrentscheidungen* (Freiburg: Herder, 1991), 809.
36. Cf. Siegfried Weichlein, 'Religion and Nation: Bonifatius als politischer Heiliger im 19. und 20. Jahrhundert,' *Schweizerische Zeitschrift zur Religions- und Kulturgeschichte* 100 (2006), 45–58.
37. Cf. Siegfried Weichlein, 'Pfarrhaus,' in: Hubert Wolf and Christoph Marksches (eds), *Erinnerungsorte des Christentums* (Munich: Beck, 2010).
38. Cf. Clark and Kaiser, *Culture Wars*.
39. Cf. Wolfgang Petter, 'Die Roonsche Heeresorganisation und das Ende der Landwehr,' in Peter Baumgart (ed.), *Die Preußische Armee zwischen Ancien Regime und Reichsgründung* (Paderborn: Schöningh, 2008), 215–228.
40. Dieter Langewiesche, *Liberalism in Germany* (Basingstoke: Macmillan Press, 2000), 91.
41. Cf. Otto Pflanze, *Bismarck. Der Reichsgründer*, trans. Peter Hahlbrock (Munich: Beck, 1997).
42. Cf. Claude Levi-Strauss, *Strukturelle Anthropologie*, vol. 2 (Frankfurt am Main: Suhrkamp, 1992), 165f.

43. Wilhelm Schüßler, (ed.), *Otto von Bismarck, Reden, 1847–1869*, in: Hermann von Petersdorff (ed.) *Bismarck: Die gesammelten Werke*, vol. 10 (Berlin: Otto Stolberg, 1924–1935), 139–140.
44. Georg Meyer and Gerhard Anschütz, *Lehrbuch des Deutschen Staatsrechts* (Munich: Duncker & Humblot, 1919), 906.
45. Cf. the summary in Michael Epkenhans, 'Einigung durch "Eisen und Blut". Militärgeschichte im Zeitalter der Reichsgründung 185–1871,' in Karl-Volker Neugebauer (ed.), *Grundkurs deutsche Militärgeschichte Bd. 1: Die Zeit bis 1914. Vom Kriegshaufen zum Massenheer* (Munich: Oldenbourg, 2006), 302–377.
46. Dieter Langewiesche, *Nationalismus im 19. und 20. Jahrhundert: zwischen Partizipation und Aggression* (Bonn: Friedrich Ebert Stiftung, 1994), 13.
47. *Stenographischer Bericht über die Verhandlungen des preußischen Abgeordnetenhauses 1863/1864*, vol. 1, 207; quoted in: Heinrich August Winkler, *Preußischer Liberalismus und deutscher Nationalstaat. Studien zur Geschichte der Deutschen Fortschrittspartei 1861–1866* (Tübingen: Mohr Siebeck, 1964), 44.
48. Cf. Hermann Baumgarten, *Der deutsche Liberalismus. Eine Selbstkritik* (Berlin: Georg Reimer, 1866).
49. Lehbruch, *Der unitarische Bundesstaat*, 19, 18–21.
50. Details in Erich J. Hahn, *Rudolf von Gneist. Ein politischer Jurist in der Bismarckzeit* (Frankfurt am Main.: Klostermann, 1995), 121ff.
51. Friedrich C. Sell, *Die Tragödie des deutschen Liberalismus* (Stuttgart: Deutsche Verlagsanstalt, 1953).
52. On the elections of the constituent Reichstag of the North German Confederation see Klaus Erich Pollmann, *Parlamentarismus im Norddeutschen Bund 1867–1870* (Düsseldorf: Droste Verlag, 1985), 93–154.
53. Margaret Lavinia Anderson, *Practicing Democracy. Elections and Political Culture in Imperial Germany* (Princeton: Princeton University Press, 2000), 4.
54. Thomas Nipperdey, *Deutsche Geschichte 1866–1918*, 2 vols (Munich: Beck, 1992), 108.
55. Friedrich Engels, Introduction of 'Klassenkämpfe in Frankreich 1848 bis 1850' [1895] in Karl Marx and Friedrich Engels, *Werke*, vol. 22 (Berlin: Dietz, 1972), 509–527, 516.
56. Quote in: Anderson, *Practicing Democracy*, 402.
57. Michael Zürn, 'Die Politik wandert aus,' *Die Zeit*, No. 13 (25 March 2010), 15.
58. Anderson, *Practicing Democracy*, 417.
59. Cf. Christoph Schönberger, *Das Parlament im Anstaltsstaat. Zur Theorie parlamentarischer Repräsentation in der Staatsrechtslehre des Kaiserreichs (1871–1918)*, *Ius Commune, Sonderheft 102* (Frankfurt am Main: Klostermann, 1997).
60. Biefang, *Die andere Seite der Macht*.
61. Andreas Biefang, 'Der Reichstag als Symbol der politischen Nation. Parlament und Öffentlichkeit 1867–1890,' in Lothar Gall (ed.), *Regierung, Parlament und Öffentlichkeit im Zeitalter Bismarcks. Politikstile im Wandel* (Paderborn: Schöningh, 2003), 23–42; Robert Arsenschek, *Der Kampf um die Wahlfreiheit im Kaiserreich. Zur parlamentarischen Wahlprüfung und politischen Realität der Reichstagswahlen 1871–1914* (Düsseldorf: Droste, 2003); Anderson, *Practicing Democracy*.
62. Anderson, *Practicing Democracy*, 8.
63. Cf. Rainer M. Lepsius, 'Parteiensystem und Sozialstruktur. Zum Problem der Demokratisierung der deutschen Gesellschaft,' in id., *Demokratie in Deutschland* (Göttingen: Vandenhoeck & Ruprecht, 1993), 25–50; Johannes Schauff, *Die deutschen Katholiken*

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64. Cf. Siegfried Weichlein, *Sozialmilieus und politische Kultur in der Weimarer Republik. Lebenswelt, Vereinskultur, Politik in Hessen* (Göttingen: Vandenhoeck & Ruprecht, 1996).
 65. Cf. Rohe, *Wahlen und Wählertraditionen*, 65.
 66. Cf. Rudolf Morsey, *Die oberste Reichsverwaltung unter Bismarck, 1867–1890* (Münster: Aschendorff, 1957).
 67. For an overview see Siegfried Weichlein, 'Föderalismus und Bundesstaat zwischen dem Alten Reich und der Bundesrepublik,' in Ines Härtel (ed.), *Handbuch Föderalismus—interdisziplinär. Föderalismus als demokratische Rechtsordnung und Rechtskultur in Deutschland, Europa und der Welt* (Berlin: Springer Verlag, 2011).
 68. Cf. Weichlein, *Nation und Region, Integrationsprozesse im Kaiserreich* (Düsseldorf: Droste, 2004), 235ff.
 69. Id., *Nation und Region*. 371ff.; Wolfgang Hardtwig, 'Nation-Region-Stadt. Strukturmerkmale des deutschen Nationalismus und lokale Denkmalskulturen,' in Gunther Mai (ed.), *Das Kyffhäuser-Denkmal 1896–1996. Ein nationales Monument im europäischen Kontext* (Cologne: Böhlau, 1997), 54–84.
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 71. Cf. Rüdiger Gans, 'Das Siegerland zwischen ländlicher Beschränkung und nationaler Entgrenzung. Enge und Weite als Elemente regionaler Identität,' in Rolf Lindner (ed.), *Die Wiederkehr des Regionalen. Über neue Formen kultureller Identität* (Frankfurt am Main.: Campus, 1994), 64–90, 72, 74.
 72. Cf. Wolfgang J. Mommsen, 'A Delaying Compromise. The Imperial Constitution of 1871,' in id. (ed.), *Imperial Germany 1867–1918. Politics, Culture and Society in an Authoritarian State* (London: Arnold, 1995), 20–40.

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