

## NATION AND DEMOCRACY IN GERMAN HISTORY

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Nationalization and democratization are seen as key developments in modern history, in Europe as well as beyond. Nation and democracy share a common characteristic: they are rather vague concepts, when they are used in the public, whereas in scholarly research both need to be defined and distinguished from one another as well as from other concepts as the state, power, sovereignty and so on. Both denote a state of affairs as well as a development. They are applied to particular political systems as well as to historical processes roughly from the French revolution to the present. To make it even more complicated: within this process the content of nation and democracy changed. So did their relationship. Where early nationalism embraced democratic ideals, 20<sup>th</sup> century concepts of democracy shy away from exclusionary and aggressive nationalism.

In modern Germany nation-building and democratization have been at loggerheads for a long time, at least until 1918, probably until 1945. A democratic nation-state was finally achieved in the unified Germany of 1990. Only in 1990 the national question ceased to exist. Democracy and the German nation-state had come together under the auspices of European integration.<sup>41</sup>

Historically successful processes of democratization took place in nation states, where national equality provided the basis for voter participation as well as for the construction of the welfare state. Both, democracy and the welfare state, required a clearly defined social group they can be applied to. Otherwise the relationship between the individual voter participation and the collective outcome is purely coincidental. Jürgen Habermas went even further. He wrote about an intrinsic affinity between democracy and the nation state. Since the political left was particularly skeptical of any form of nationalism since the 1970s this was a remarkable statement of a leftist intellectual. The historical achievements of the nation state presented for Habermas a standard for the judgement of present as well as future transformations of the German political system. Transnational political systems are for him not democratic, simply because they leave the national level. The have to be measured against the level of democratization that had been reached in the modern nation state. For the German public intellectual Jürgen Habermas the question is not, whether future political systems move beyond the national paradigm, but whether they preserve democracy. Only within nation states a meaningful concept of democratic politics has been achieved. The concept of democratic politics is for him defined by reflexivity. Political units are democratic if they are able to direct themselves through political means.

41 Cf. H. A. Winkler, 'Der lange Weg nach Westen', Bd. 2, in: *Deutsche Geschichte 1933-1990*, München 2000.

"The dominant question at present," we read in the introduction to a new collection on *Global Dynamics and Local Life World*, "is whether the ecological, social and cultural dynamics of global capitalism can be remastered beyond the nation-state, at a supranational and a global level (...). If we understand the texts of our national constitutions in this material sense, that of the realization of social justice, then the idea of self-legislation—the idea that the addressee of law should understand themselves as the authors of law as well—acquires a *political dimension*, that of a *self-effectuating* or *self-directing* society. Politicians of every stripe have been guided by this dynamic understanding of the democratic process in the construction of the social state in Europe during the postwar period. The success of this project confirmed, in turn, the concept of self-direction—of a society directing itself through political means. We know that this concept has so far been realized only within the framework of the nation-state."<sup>42</sup>

What Habermas argued for contemporary politics only partly reflects the historical record. In Germany democracy and nation-building did not go along well with each other. Serious problems arose in the German nation-state building, that were rather different from the respective processes in France or Britain. These processes regarded particularly the relationship between nation and democracy.

This is not to say that Germany had no democracy. Quite to the contrary: the German suffrage was among the first democratic franchises in Europe. From February 1867 on every German older than 25 years could vote for parliament in the Northern German confederation, from 1871 on in the German Empire.<sup>43</sup> Unlike Britain Germany knew a rather early democratization and a late parliamentarization after the first World War. Britain and to some extent France had it the other way round. The British Parliament as well as the notable system in France established structures and institutions, that were democratized rather late. Germany did not have strong parliamentary institutions. Instead it combined a strong monarchical tradition with the desire for democracy. Parliamentarism always had a bad press in Germany, whereas it had a better reputation in western Europe.<sup>44</sup> Imperial politics were motivated by the German common wheel, not by the will of the people or by the people's sovereignty as embodied in the German Reichstag. Admiral von Tirpitz and the colonial elite constructed the build-up of the navy as a common good per se, deriving from Germany's nationhood. Radical nationalism, as propagated by the Flottenverein, on the other hand argued in the name of the German People but bypassed

42 R. Münch, *Globale Dynamik, lokale Lebenswelt: Der schwierige Weg in die Weltgesellschaft*, Frankfurt am Main 1998, 19; J. Habermas, 'Toward A Cosmopolitan Europe', in: *Journal of Democracy*, 14.4 (2003) 86-100, 86.

43 Cf. G.A. Ritter, *Wahlen und Wahlkämpfe in Deutschland von den Anfängen im 19. Jahrhundert bis zur Bundesrepublik*, Düsseldorf 1997; S. Lässig und K. H. Pohl und J. N. Retallack (Hg.), *Modernisierung und Region im wilhelminischen Deutschland. Wahlen, Wahlrecht und Politische Kultur*, Bielefeld 1995.

44 Cf. C. Schönberger, *Das Parlament im Anstaltsstaat. Zur Theorie parlamentarischer Repräsentation in der Staatsrechtslehre des Kaiserreiches (1871-1918)*, Frankfurt am Main. 1997.

effectively the representative democracy and the political parties. Even more imperialism and the build up of the imperial navy was sold as a way to counter the influences of party democracy.<sup>45</sup>

On the level of sociological macro theory the Norwegian sociologist Stein Rokkan saw nation-building and democratization as intertwined processes typical of 19<sup>th</sup> century Europe. He referred to nation-building as „group formation through cultural standardization and homogenization and as socialization of citizens and the development of a shared identity in terms of loyalty to the territory, nation and culture”.<sup>46</sup> Rokkan distinguished nation-building from nation-state formation. Nation-building refers to the social process of group formation whereas state-building encompasses the construction and a multi leveled bureaucracy. Nation-building typically goes along with democratization, which is „the extension of political citizenship through mass participation and representation, legitimization of public debate, criticism and organized opposition and making leaders accountable to the electorate”. In addition to state building (1.), nation-building (2.) and democratization (3.) the modern state usually has as its fourth dimension redistribution (4.), referring to the developing socioeconomic citizenship, social protection, the redistribution of resources and the welfare state.

What makes Stein Rokkan so attractive for the analysis of nation and democracy is that he begins with conflicts rather than with identity or consensus. The nation and the modern democracy are sociopolitical models dealing with conflicts and cleavages. The nation and democracy organize a functioning political unit, thereby embedding a host of social, political and cultural conflicts. Rather than starting with identity we need to address the problems of conflict and integration when we talk about nation and democracy. In my following remarks I want to analyze the relationship between democracy and nation in three steps: first I want to sketch out the historical origins for the relationship of nation and democracy in Germany. Then I will address the specific problems of democracy in the German Empire. Finally I will conclude with some theoretical and methodological remarks for future research on democracy and the nation-state. At the center of this paper stands the difference between democracy as oriented along institutions and democracy as based on values. This conceptual differentiation allows us to understand the rather complex relationship of nation and democracy in 19<sup>th</sup> century Germany.<sup>47</sup>

45 Cf. G. Eley, *Reshaping the German Right. Radical Nationalism and Political Change after Bismarck*, Ann Arbor 1980.

46 S. Rokkan, *Staat, Nation und Demokratie in Europa. Die Theorie Stein Rokkans aus seinen gesammelten Werken rekonstruiert und eingeleitet von Peter Flora. Übers. Elisabeth Fix*, Frankfurt am Main 2000.

47 Vgl. M. R. Lepsius, 'Demokratie in Deutschland als historisch-soziologisches Problem', in: ders., *Demokratie in Deutschland. Soziologisch-historische Konstellationsanalysen*, Göttingen 1993, 11 - 24.

## Historical background in Germany for national democracy

The nation was a political concept that provided a quite different model of political order than the absolutist regime before 1789. It emancipated the third tier from the estates society (Ständegesellschaft) and empowered it. The nation broadened the basis of political legitimation beyond the circles of the nobility. National democracy dates back to the French revolution. The doctrine of popular sovereignty changed the mode of legitimation for the state and its power structures. The foundation of politics in the nation meant henceforth the rejection of feudal aristocracy as a bearer of sovereignty and political power.<sup>48</sup>

In Germany things became rather complicated since the landed aristocracy stood at the center of German particularism and not at the periphery of a centralized absolutist system. The nation effectively meant the destruction of the political role of aristocracy. The existence of Saxon-Coburg, Saxon-Altenburg, Oldenburg, Reuß older line, Reuß younger line and others depended on its nobility and the federal system. The national movement had to solve two tasks: national unification and nation-building. Its democratizing impact derived directly from its anti-absolutism and anti-particularism.

The nation then played a decisive role in the process of middle-class emancipation. The German bourgeoisie was national, because nationalism underscored its self-conscience and underpinned its political role.<sup>49</sup> The ‚nation’ gave a sense of national equality among existing relationships of inequality. The same was true for the German labor movement and for the proletariat. Nationalism had an emancipatory ring for both social groups. It was understood in a democratic sense.

This could clearly be seen in Prussia as well as in Saxony and other German states. The revolution of 1848 marked the turning point of emancipatory nationalism, which for the radical left meant democratic nationalism. The national Constitutional assembly in Frankfurt (Paulskirche) unanimously declared war upon Denmark in order to gain the duchies of Schleswig and Holstein. The same held true for the stance of the national revolutionaries toward the Polish question. Particularly the democratically oriented left wing of the German revolution of 1848 wanted to expand the borders of the new German nation-state beyond those of the German Confederation. This meant

48 Cf. E. Fehrenbach, Artikel 'Nation', in: *Handbuch politisch-sozialer Grundbegriffe in Frankreich 1680 - 1820*. Hg. v. Rolf Reichardt und E. Schmitt, München 1986, vol. 7, 75 - 107; B. Schönemann, "Volk" und "Nation" in Deutschland und Frankreich 1760 - 1815. Zur politischen Karriere zweier Begriffe', in: *Zeitschrift für Pädagogik*, 24. Beiheft, 1989, 175 - 292; R. von Thadden, 'Aufbau nationaler Identität. Deutschland und Frankreich im Vergleich', in: Bernhard Giesen (Hg.), *Nationale und kulturelle Identität. Studien zur Entwicklung des kollektiven Bewußtseins in der Neuzeit I*, Frankfurt am Main. 1991, 493 - 510.

49 This argument is put forward for the early German national movement by A. Geisthövel, *Eigentümlichkeit und Macht. Deutscher Nationalismus 1830-1851. Der Fall Schleswig-Holstein*, Stuttgart 2003.

practically the integration of Polish territories in the Prussian East, a consequence every pre-1848 nationalist had shied away from, since Polish nationalism had the same good reason for state-building and nation-building as Germany. Democratic nationalism turned undemocratic and aggressive in 1848 - in terms of democratic values.<sup>50</sup>

After 1848 the relationship between democracy and nation-building became quite complex. The failure to found a German democratic nation-state by the revolutionaries in Frankfurt and Berlin resulted in a deep rift within German nationalism between those who stayed in the pre-March tradition of the democratic nation and those who turned to Realpolitik in order to achieve a nation-state in alliance with the victorious monarchies and not against them. Political party building started here and led to a separation within the national movement. The democratic nationalists turned left and were to be found among the left liberals, the radicals, the Democrats and particularly among the early labor movement. On the other side the national liberals turned away from the democratic enterprise of pre-1848 and eschewed such traditions as Mazzini's Young Europe (Giovine Europa) and the democratic impulse of pre-1848 nationalism. Instead they went over to Realpolitik, which meant cooperation with a militarily and economically successful Prussian state.<sup>51</sup>

The national movement thereby severed the ties between two concepts, that pre-1848 nationalism always had identified: unity and liberty. Post-1848 national liberalism favored unity before liberty. The identity of both was still upheld principally, but politically compartmentalized in two phases: first unity, the liberty. Bismarck's alliance with the national liberals in 1866 highlighted this transition of the national movement from democratic ideals to Realpolitik.

### Specific Problems of German democratization

The institutional design of the German Empire in 1871 combined democratic traditions with national institutions, but in an uneasy relationship. On one side the German national parliament had a democratic franchise. Unlike in the Prussian parliament tax paying requirements played no role in the national electoral system. The representation of peoples sovereignty was the German Reichstag. On the other side German parliamentarism had no control over the executive. The imperial Chancellor Otto von Bismarck survived every vote of no-confidence, since he had the confidence of the Emperor. The peoples sovereignty and monarchic sovereignty were both enshrined in

the constitution: it knew a democratic franchise and described the Empire as an eternal alliance of the German monarchies. This caused scholarly debates. Ernst Rudolf Huber and Ernst-Wolfgang Böckenförde had a controversy about the long-term impact of the constitutional monarchy: was it a political order, that constituted a stable order in itself, or was it a system, that was simply leading and intermediating between the clear alternatives of monarchical sovereignty or popular sovereignty? Could the German empire have lasted for a longer time, or did the inner tension between two different concepts of sovereignty lead to the demise of the German Empire in 1918? Was the democratic Weimar republic a logical consequence of the German Empire or a historical consequence?<sup>52</sup> It was this ambivalence between two different concepts of sovereignty that motivated the right wing intellectual Carl Schmitt as well as historians of the 1980s like Wolfgang J. Mommsen to characterize the German empire as a system of circumvented decisions.<sup>53</sup>

Originally national liberals favored national centralization, thereby breaking down the walls between the different autocratic German tiny states. A German nation state - as understood by the national liberals - was not to democratize the 26 states by themselves, but to nationalize them. A strong national parliament should urge the member states to reform themselves in a democratic way. After the founding of the empire in 1871 democratization was a national endeavor, not a regional one. Bismarck, the regional monarchies and elites understood this very well. From their perspective democracy was the principal enemy. For them only a federal state was acceptable, not a democratized one, since that meant centralization. In their eyes Germany would either be federal or cease to exist. Federalism should prevent democratization. How could the Hanseatic seaport of Hamburg with its 100.000 inhabitants survive in a state of 60 million? In a group of 26 states this was much easier. There is a parallel to the current process of European integration. It is easier for small countries like Ireland, Greece, Lithuania or Malta to be part of a community of 27 than to merge into a European electorate of more than 300 million. The governments work out politics, a European public is far away.<sup>54</sup>

Germany's political system turned after 1878 more and more illiberal. The liberal traditions that had still seen unity and liberty as two sides of the same coin, turned away from their origins. Anti-socialism, anti-catholicism and a particularly fervent anti-semitism expressed this turn against the democratic value system. Until the 1870s, national' represented a synonym for progress and liberalism. After the founding of the

52 This debate is documented in: E.-W. Böckenförde (Hg.), *Moderne deutsche Verfassungsgeschichte (1815-1918)*, Köln 1972.

53 Cf. W. J. Mommsen, 'Die Verfassung des Deutschen Reiches von 1871 als dilatorischer Herrschaftskompromiß', in: ders., *Der autoritäre Nationalstaat. Verfassung, Gesellschaft und Kultur im deutschen Kaiserreich*, Frankfurt am Main. 1990, 39 - 65.

54 Cf. S. Weichlein, 'Europa und der Föderalismus. Zur Begriffsgeschichte politischer Ordnungsmodelle', in: *Historisches Jahrbuch*, 125 (2005), 133-152.

50 Cf. M. G. Müller, *Die Polendebatte in der Frankfurter Paulskirche. Darstellung, Lernziele, Materialien*, Frankfurt am Main. 1995.

51 Cf. C. Jansen, *Einheit, Macht und Freiheit. Die Paulskirchenlinke und die deutsche Politik in der nachrevolutionären Epoche 1849-1867*, Düsseldorf 2000.

German Empire things changed rapidly: inclusionary democratic ideals of German nationalism turned exclusionary. To be national now meant to be anti-democratic, since democrats were considered to be „Reichsfeinde“.

A bad press for parliamentarism did not automatically result in the dismissal of democratic ideals. Rather it went well together with democratic values. Although the national parliament was ridiculed as a „Reichsaffenhaus“ by William II, the emperor frequently sought to gain support among the working and the middle classes. Particularly his imperial policy was designed to broaden his appeal among the different social groups in Germany. This was echoed by the sociopolitical idea of the social emperor („soziales Kaisertum“) by Friedrich Naumann. Germany's welfare state in the same way sought to integrate the under classes. In the late German Empire we thereby observe a striking antagonism between democratic institutions and democratic values. Democratic institutions like the German parliament were held in low esteem. They were portrayed as places of disunity and party bickering. Democratic values instead could be aligned with authoritarian traditions like that of the Prussian monarchy. Christoph Schönberger has observed a tradition of direct democracy among scholars of constitutional law in Germany. It favored plebiscitarian democracy against parliamentary democracy.<sup>55</sup>

This anti-institutional and anti-parliamentary tradition was strengthened by Germany's federalism function to prevent democratic institutions from acquiring more influence. The federal organization of the German nation state was meant to counter every effort to democratize and parliamentarize Germany. Bismarck sought to align himself with the German kingdoms and Grand duchies to counter the centralizing influence of the national parliament. Federalism was an issue in the political fight about democratization, since that would have led to a much more centralized Germany. Bavaria, Saxony and other resisted the centralizing impact of democracy. The legacy of the undemocratic federalism is today still felt on the German left, where federalism is understood as another word for anti-democratic values.

The legacy of this anti-parliamentarian tradition combined with the plebiscitarian concept of direct democracy („Oppositions-Rousseauismus“, Christoph Schönberger) is particularly striking, when we look at the late Weimar Republic. Hitler could attack the Weimar Republic from within and from outside: while obeying by the democratic rules of parliamentary democracy he used the anti-democratic tradition of Germany's political culture. He appealed at the same time to the democratic franchise and to the authoritarian ideals. Germany wasn't simply anti-democratic. It in fact had one of the oldest democratic franchises in Europe. But democratic values were set against democratic institutions. Germany's democratic tradition was thereby distorted, the republic destroyed.

55 Cf. Schönberger, *Parlament*; ders., „Die überholte Parlamentarisierung. Einflußgewinn und fehlende Herrschaftsfähigkeit des Reichstags im sich demokratisierenden Kaiserreich“, in: *Historische Zeitschrift*, 272 (2001), 623-66.

## Methodological and theoretical remarks for future research

From a broader methodological and theoretical standpoint and in a comparative perspective we can make three observations:

### *Democracy, conflict and integration:*

We need to address the relationship between nation and democracy as a complex way of dealing with differences, conflicts and cleavages. Conflicts are dealt with in democratic institutions. Institutional designs are important for the democratizing impact of nation-building. When is the franchise democratized? How is the timing between parliamentarism and democratization? How does the franchise system deal with minorities? Are their special rights compatible with the general rule of law, that is based on the equality of all citizens? Here the institutional side of democracy is of quintessential importance. The German political scientist Gerhard Lehbruch has worked out three models of dealing with conflicts in modern societies (*Strategien der Konfliktbearbeitung*): parity between the antagonists (*Parität*); concordance democracy, based on the principle of proportional representation of every group in government (*Konkordanzdemokratie*, Schweiz, Belgien) and a competition between national political parties in a federal system (*Parteienwettbewerb im Bundesstaat*, Germany).<sup>56</sup>

### *Autonomy and Democracy:*

In modern history politics has an inbuilt trend toward institutional autonomy. Democratic parties tend to be autonomous and have a rich cultural and associational life. Institutional autonomy echoes the differentiation of the politics into separate spheres, parliament, parties, campaigning etc. These spheres follow different principles. Their internal life is characterized by elite-recruiting, training, propaganda, representation of regions etc. Externally they serve to build political blocs that allow for responsible agency. In Germany political parties have typically had rich internal associational life with associations, unions, a party press etc. For the German empire, Wolfgang Sauer has even spoken of a „negative integration“ of the socialists (SPD), combining internal autonomy with external indifference toward the empire.<sup>57</sup> Democracy can be seen as a process on at least two levels: an internal level, where democratic institutions develop, flourish and where the political agenda of a social group is articulated, and an external level, where these autonomous groups participate in politics and power structures. In

56 Cf. G. Lehbruch, *Parteienwettbewerb im Bundesstaat*, Stuttgart 1976, 11ff.; ders., *Der unitarische Bundesstaat in Deutschland. Pfadabhängigkeit und Wandel*, Max-Planck-Institut für Gesellschaftsforschung Discussion paper 02/2, Köln 2002.

57 Cf. W. Sauer: *Das Problem des deutschen Nationalstaates*, in: *Probleme der Reichsgründungszeit*, hg. von Helmut Böhme, Köln, 1972, 448-474

dealing with the nation and democracy we should address the internal as well as the external side of democratic institutions.

***Nation and democracy in Germany:***

The result of the insufficient mechanisms dealing with German domestic conflicts was that every social and political conflict could be translated into a national conflict. Bavarian particularists voiced their criticism in the German Reichstag as did e.g. the polish minority from Eastern Prussia. Particularism and ethnicity thereby got on the national political agenda. The political institutions of the German Empire were not designed to solve problems where they arose, but to nationalize them. The result was a state of constant upheaval and political stress. Historically speaking, we have to look for the mechanisms that translate conflicts from one level to another. Where do they arise and where are they solved? Democracy only works in a nation-state, if it provides successful ways of solving problems at a sub-national level, where they have their origin. Total nationalization seems to be counterproductive for democracy. At least this is a lesson we can learn from the German history of nation and democracy.