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Germany and the Holy Roman Empire

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It is a brave man who would take on the job of writing a history of Germany and the Holy Roman Empire between 1493 and 1806. Many historians would maintain that neither Germany nor even German national

consciousness (certainly not German nationalism) existed during this period; as for the Holy Roman Empire, there is a long-running dispute over what it actually amounted to. Voltaire quipped famously that it was ?neither holy, Roman nor an Empire? while the student Frosch in the *Keller* scene of Goethe?s *Faust* could ask, ?The dear old Holy Roman realm, what holds it still together?? It was abolished almost immediately after the play was released. In the 19th century, an age of nationalism, the Empire was dismissed as a constitutional anachronism that had possessed little significance during most of its existence, a viewpoint which prevailed for most of the 20th century. Partly this was because it had been defended by Austrian, pro-Habsburg historians such as Onno Klopp (1) and Julius Ficker (2) and later by Kaindl (3), Srbik (4) and Hantsch (5) against the dominant *kleindeutsch* school of German historians represented by Droysen (6) and Treitschke (7), which saw German history culminating in the rise of the Hohenzollerns and Bismarck?s unification of the country under that dynasty. Insofar as this *kleindeutsch* school had anything good to say about the medieval empire, it restricted it to the Hohenstaufen, more or less airbrushing the Habsburgs out of German history, accusing them of being selfish foreigners who simply exploited the Reich for their own dynastic benefit. Srbik, it is true, famously endeavoured to reconcile both Austrian and Prussian schools by creating a *Gesamtdeutschgeschichte* (8), which proved attractive in the interwar and Nazi periods, but after 1945 the Empire became unfashionable in the official circles of the Second Austrian Republic, whose present ambassador to the UK, the historian, Emil Brix, recently confessed after a lecture at the Reform Club that contemporary Austrians find the fascination of foreigners and foreign historians with the Habsburgs rather incomprehensible.

Still, there has been something of a revision in historical writing on the subject of the Empire since the 1960s, dating from the work of the German historian von Aretin.(9) This revisionism has to a certain extent been favoured by historical change. With the establishment of a Federal Republic of Germany, the idea has taken shape that federalism, rather than Prussian-style autocratic rule has been the natural form of government for Germany, while the development of a European Union, which enjoys considerable legal and constitutional powers but which lacks a common government and possesses few military or financial resources of its own, has made the Holy Roman Empire seem a more normal phenomenon.(10) In any case, the German historian Georg Schmidt (11) has proposed that the Holy Roman Empire, as an elective monarchy and decentralised ?composite state? not unlike other early modern European monarchies, should be viewed as a German nation-state which provided a legal framework for the German nation. There are certain objections to this, not least the fact that the Empire contained several non-German territories and that German princes often allied with foreign powers, particularly France, against the Emperor, even if some authorities will concede that monarchy, federalism, and hierarchy provided the empire with some sort of national state structure. There are also severe doubts as to how similar the Empire was constitutionally to states such as England (Britain), France and Spain. In any case, Schmidt?s whole approach has been rejected by others, among them Barbara Stollberg-Rilinger (12), who sees the Empire as ?strange?, with no political norms, fixed procedures, constitution or regulations to enforce decrees. It did not represent a German nation but merely the princes, dukes, counts and imperial cities represented in its Diet, which itself lacked formal procedures. Instead, according to this interpretation, the Empire depended on face-to-face encounters and interactions, indeed, on ritual, and was thus merely a ?collectively-shared fiction? which was about ceremony not politics. I?m not sure one can accept this either. Ceremonials usually have a political purpose. All early modern and medieval states had ceremonials. Courts were all about ceremony. But courts were also about politics and power as all the actors involved were well aware. On the other hand, it is true that the Emperor had to depend on his own lands ? his hereditary lands ? for troops and finance. His ability to award titles and to settle territorial disputes gave him some extra influence and prestige, but the fact cannot be escaped that, compared to other monarchs, his executive powers scarcely existed.

In East Germany after 1945 the view was that the Reformation had reflected a ?general crisis of society? and that Luther?s protest had been directed against feudalism as well as against Rome. Be that as it may, the failure of the peasants? revolt in any case merely reinforced feudalism, whereas the role of the princes led to the Thirty Years? War and culminated in the establishment of absolutism, yet another form of feudalism. None of this influenced western historiography very much except that it provided a spur to more research by economic historians, whose leading lights became Peter Blickle (13) and Thomas Brady (14). Indeed, as

Whaley points out (vol. 1, p. 8), the early modern history of the Reich is now experiencing a ?boom time?. Cultural and intellectual history has also been researched, with the result that, due to the investigation of Pietism for example, the story we have of German intellectual development no longer skips from the Reformation to the Enlightenment and the *Goethezeit.* The end result though is still that Germany is seen to have experienced no revolution or nation-state. Early modern historians, however, tend not to see this as abnormal or signifying backwardness, unlike Hans-Ulrich Wehler (15) and his school who see this as definitely constituting a *Sonderweg* in German history, leading to the warping of German political, social and constitutional development and ultimately to the First World War and Nazism.

Outside France (16), there has been a resurgence of interest in the affairs of the Holy Roman Empire in both Europe and America. In Britain the leading authority has been Peter Wilson (17), whose small book on the subject holds the field. Yet Joachim Whaley has been contributing an enormous number of articles to the specialised literature and now has produced two stout volumes, which should become standard works. How definitive, though, are they likely to prove? How does he see the Holy Roman Empire? How does he interpret Austrian and Prussian history ?indeed the history of the other German states ? in relation to it? Does he have anything essentially new to say in his one and half thousand pages? If so, does he convince?

Volume one sets the scene in 1500 and takes the reader through the Reformation and the Thirty Year? War to the Peace of Westphalia. It has extremely useful notes on terminology and usage, absolutely indispensable ones on maps and on-line resources, a list of abbreviations and two maps. Its introductory chapter on ?narratives of early modern German history? contains a couple of statements which from the very outset give a hint that Whaley has distinct points of view. First, when discussing the reforms attempted by Maximilian I, he writes that these ?resulted in the emergence of a new kind of polity in the Reich? (p. 1) and that, even if the emperor?s demands for financial and military support failed, the agreement he secured on a general peace and the creation of a higher court of law to protect it, not to mention the continuing negotiations with the Reichstag, ?marked a decisive turning point? (p. 2). Indeed, the Reich ?was set upon a new course of development that continued through to the end of the eighteenth century? (p. 2).

Still, according to Whaley, the constitutional balance, if similar perhaps to that in Poland-Lithuania, ?was quite unlike that which characterised the British, French and Spanish monarchies? (p. 2). In the Empire, the formula *Kaiser und Reich* (really Emperor and Imperial Estates ? the territories constituting the Reich) meant that the constitution of the Empire was a dual one, which developed as feudal relations between the Emperor and his vassals, based on personal relationships, turned increasingly into something approaching a federal system, in which, however, the Emperor?s powers were more severely constrained than in other European monarchies. Whaley concedes that modern research has shown the ?composite monarchies? of England, France and Spain had also to pay due respect to mighty subjects, subordinate kingdoms, duchies, principalities and provinces. None the less, German princes ?retained a far greater degree of autonomy from the monarch? (p. 2). It was these territorial princes, moreover, who first developed regular systems of finance and conscription, even if they lacked the sovereignty of the Emperor, to whom even their meanest subjects could appeal for legal protection over their heads. There is not much support for Schmidt here.

Whaley?s basic thesis is that the early modern history of the Reich should not be seen as one of failure and stagnation and that after 1500 came 300 years of transformations, including the Reformation and the Westphalian settlement, which established a *modus vivendi*, enabling the Reich to act both as the centre of a European balance of power and stable framework for constitutional development: ?Indeed, the unity of the early modern period is underlined by the fact that it is characterised by a remarkably persistent sequence of phases of reform at the level of both the Reich and territories. The dates 1517, 1555, 1648, 1700, 1740-50 and finally, 1789, around which sections of this book (sic) are organised, all mark watersheds in this process? (p. 11). He believes that due to the work of the German historians, Schmidt (18) and Press (19), 1648 can no longer be seen as ?the great watershed? (p. 11) as most German historians have assumed.

According to Whaley, each reform period, always complicated in itself, was ?always broadly resolved or at least accommodated, in ways that cannot be adequately described as conservative? (p. 11). Some periods were indeed progressive, leading to an imperial framework that allowed various Christian denominations to

co-exist and ?preserved an independent existence of even the smallest subsidiary unit against the predatory inclinations and ambitions of the largest ones? (p.11), not to mention a system of imperial courts through which subjects could appeal to the Emperor against and over the heads of their overlords. Meanwhile the territorial states often offered greater legal and social protection to individual subjects than western monarchies. As in the latter, of course, German absolutist princes were often less absolute than they would have liked. Hence Germans believed that they did enjoy ?German liberties? and ?German freedom?.

This led in turn to a certain German patriotism by the late 18th century: ?Indeed, most German commentators of the late eighteenth century and even those who wrote in 1805 and 1806, insisted that the Reich was a state, a limited monarchy, albeit with individual traditions that distinguished it from its neighbours? (p. 12). Thus although it had no imperial capital and in 1780 contained 314 territorial units, not to mention over 1000 more not represented in the Diet, although it covered a huge area of Central Europe, and was divided by religion, and although Germans often referred to their own locality as their *Vaterland*, ?yet *Vaterland* did often refer to the Reich and there is ample evidence for a strong sense of identification with the Reich throughout the early modern period? (p. 13). Did this amount to nationalism? Certainly, according to Whaley, the early modern period saw a growing awareness of the Reich as a German Reich, a process reinforced by the wars against Louis XIV and the Turks. Such sentiments, however, were more common among educated groups, but were there as early as the reform movement around 1500 (helped perhaps by the discovery of Tacitus?s *Germania*). They reflected less modern nationalism than ? an awareness of varying levels of interlocking and overlapping ?fatherlands?, expressed in the contemporary formula of ?unity in diversity? (p. 14). Still, the early modern Reich gave rise to ?a pervasive national patriotic discourse? (p. 14). At the end of his introduction, Whaley sums up his view of early modern German history as follows: ?If the history of the German lands in the period is the history of localities and territories, it is also the history of the union of those entities. It is the history of their survival as a legal and cultural community in the face of challenges from the Reformation onwards that might have been expected to destroy any such thing. It is the history of their solidarity in the face of perennial external threats. Not least, it is the history of a central European polity that played a key role in the politics of early modern Europe as a whole. Perhaps inevitably a work such as this might seem to emphasise union if not unity. The discussion of general trends will inevitably appear to ignore many of the exceptions to every rule. Yet variety and, at times, the appearance of incoherence, are fundamental to any understanding of early modern German history. Indeed, the essence of the system was the preservation of individuality and difference?.

If Whaley is not quite at one with Schmidt, he is certainly on a different wavelength from Stollberg-Rilinger. He sees the Reich as a continually reforming, diverse but legally ordered polity, rather than some kind of bizarre monstrosity or collective fiction. His two volumes are exceptionally well written and highly nuanced and reflect the latest scholarship. Indeed, they represent a huge personal achievement.

However, they are not the last word on the subject and may even come to be seen to represent a sort of sanitised, post-war version of German history reflecting the ethos of the Federal Republic and the European Union. No one will quibble with the idea that the Reich ? certainly in theory, although the practice was very slow ? represented an intricate sort of legal unity which sought to protect all its subjects. How far this gave rise to a common patriotism can be argued over. (Did Prussians revere the Reich?) However, when Whaley talks about ?external foes? and the Reich being at the centre of a European balance of power, one begins to wonder what happened to that much more traditional model of German history, the one in which Emperors of whatever dynasty ? and for centuries before 1500 ? struggled to maintain their power and dignity in face of the particularism of the German princes. Whaley really does not examine particularism at all in his survey of German historiography, leaving it rather like Hamlet without the prince. His ?eras of reform?, after all, derive mainly from settlements after wars between these princes. The history of the Reich during the early modern period is in fact one of German civil wars, i.e. the wars of the Reformation followed by the Thirty Years? War, followed in turn by the wars against Louis XIV (in which Brandenburg, Bavaria and Saxony were at key points on the side of the French against the Emperor), followed by the wars between Austria and Prussia in the 18th century, and, finally, the wars against the French Revolution and Napoleon (in which until 1806 Prussia and the South German states did more to aid the French than the Empire). In the end, the *second*

Confederation of the Rhine brought about the demise of the Reich after which the German states (including Austria!) never wanted to resurrect it.

One of the ?reforms? of the 1648 settlement had been to make France the guarantor of the new independence of the German princes who looked to her to protect their rights from the Emperor. Soon ? from 1683 ? the Diet at Regensburg had turned into a permanent congress of delegates dominated by the French ambassador. The German princes, meanwhile, acted independently. They made a separate peace treaty with France after the War of the Spanish Succession and although legally forbidden in 1648 to act against the Empire or the Emperor, ignored this provision. Bavaria backed France in the War of the Spanish Succession. The Empire itself was not involved as a body in the War of the Austrian Succession; Prussia fought the Empire in the Seven Years? War; while during the Revolutionary Wars she remained neutral. After Leopold I became Emperor, the Archbishop of Mainz, the Chancellor of the Empire, established a Confederation of the Rhine in alliance with France. Frederick William, the Great Elector of Brandenburg, signed a secret Close Alliance with France in 1679 in return for 100,000 livres a year for ten years. In return, the French were to get free passage through Prussian lands and the use of Prussian forts when required. Prussia was also to support Louis XIV as next Holy Roman Emperor, a claim also backed by Bavaria in 1670 and by Saxony in 1679. The treaty with the Great Elector meant that Brandenburg opposed any German action to prevent Louis?s seizure of Strasbourg in 1681. Clearly there was no spirit of German nationalism at the time and the princes saw themselves as equals of the Emperor whom they treated with contempt by tolerating Louis XIV?s aggressions. In the light of all this, it is perhaps more convincing, therefore, to see the story of the Reich, less as a cumulative process of reform and patriotism than as a cumulative determination of the German princes to betray and undermine it altogether. Whaley does not seem to see this. All disputes are ?resolved? or ?accommodated? (p. 11). Frederick the Great never translated his challenge to the Reich into reality (p. 6), (Really? If not, he certainly tried hard enough!) while Joseph II ?arguably challenged the constitution more radically and more openly than Frederick the Great ever did? (p. 6). (How? Frederick attacked the Habsburg Monarchy without warning or excuse and agreed to split it up with France and other states; Joseph had a mutual agreement with the ruler of Bavaria to peacefully swap the Austrian Netherlands ? a richer territory than Bavaria ? for Bavaria itself, which was to become part of Austria and so strengthen the Reich.) In the end, therefore, Whaley?s two fine volumes will not put the argument over the Holy Roman Empire to rest. However, they will certainly provide a standard of scholarship against which all future works will be measured.

Notes

1. See for example his *Der König Friedrich II von Preußen und die Deutsche Nation*, (Schaffhausen, 1860).Back to (1)
2. For the dispute over the medieval Kaiserreich between Sybel and Ficker see Friedrich Schneider, *Universalstaat oder Nationalstaat, Macht und Ende des ersten deutschen Reiches. Die Streitschriften von Heinrich von Sybel und Juilius Ficker zur deutschen Kaiserpolitik des Mittelalters* (Innsbruck, 1942).Back to (2)
3. See Raimund Friedrich Kaindl, *Oesterreich, Preußen, Deutschland. Deutsche Geschichte in großdeutscher Beleuchtung* (Vienna, 1926).Back to (3)
4. See in particular the four volumes of his *Deutsche Einheit. Idee und Wirklichkeit vom Heiligen Reich bis Königgrätz* (vols. 1 and 2, Munich 1935, vols. 3 and 4, Munich 1942).Back to (4)
5. See his *Die Geschichte Österreichs*, (2 vols., Graz, Vienna and Cologne, several editions, 1952/1959). Back to (5)
6. See footnote 2.Back to (6)
7. See his *Deutsche Geschichte im 19 Jahrhundert*, (5 vols., Berlin 1886).Back to (7)
8. See his ?Gesamtdeutsche Geschichtsauffassung?, *Deutsche Vierteljahrsschrift für Literaturwissenschaft und Geistesgeschichte*, 8 (1930).Back to (8)
9. See Karl Otmar von Aretin, *Heiliges Römisches Reich, 1778?1806, Reichsverfassung und Staatssouveränität* (2 vols., Wiesbaden, 1967).Back to (9)
10. See *inter alia*, *German Federalism: Past, Present and Future*,ed. Maiken Umbach (Basingstoke,

2002) and Abigail Green, ?The federal alternative? A new view of modern German history?, *The Historical Journal*, 46, 1, (March 2003), 187?202.Back to (10)

11. Among many works, see his *Geschichte des Alten Reichs. Staat und Nation in der Frühen Neuzeit, 1495-1806*, (Munich, 1999).Back to (11)
12. See her *Des Kaisers alte Kleider. Verfassungsgeschichte und Symbolsprache des Alten Reiches* (Munich, 2008).Back to (12)
13. See among many works, his *Von der Leibeigenschaft zu den Menschenrechten: Eine Geschichte der Freiheit in Deutschland* (Munich, 2003).Back to (13)
14. See among several works, his ?*Turning Swiss. Cities and empire, 1450?1550* (Cambridge, 1985).Back to (14)
15. See his *Deutsche Gesellschaftsgeschichte* (5 vols., Munich, 1987?2008).Back to (15)
16. For the French lack of interest see, Christophe Duhamelle, ? Das alte Reich im toten Winkel der französischen Historiographie?, in *Imperium Romanum?irregulare corpus?Teutscher Reich-Staat. Das Alte Reich im Verständnis der Zeitgenossen und der Historiographie*, ed. Matthias Schnettger (Mainz, 2002), pp. 207?19.Back to (16)
17. Peter Wilson, *The Holy Roman Empire, 1494?1806* (London, 1999).Back to (17)
18. See footnote 11.Back to (18)
19. See Volker Press, *Kriege und Krisen: Deutschland 1600?1715* (Munich, 1991).Back to (19)

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