JÖRN LEONHARD

Co-existence and conflict

Structures and positions of nineteenth-century liberalism in Germany

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The dividing line between success and failure

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Illustrations on the cover

Bottom left: Heinrich Wilhelm August von Gagern, 1799–1880;
German liberal leader mid-19th century
Top right: Johan Rudolf Thorbecke, 1798–1872; Dutch liberal leader mid-19th
century
Bottom right: Hans Wiegel, 1941--; leader Dutch VVD 1971–1982

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Co-existence and conflict: structures and positions of nineteenth-century liberalism in Germany

Jörn Leonhard

When does German liberalism actually begin? Any attempt to fully understand the nature of nineteenth-century German liberalism must take into account the foundations laid during the early decades following the Napoleonic wars and the Congress of Vienna. Two of the most influential accounts of German history in the nineteenth century start with references to the French Revolution and Napoleon: Nipperdey’s ‘At the beginning there was Napoleon’ and Wehler’s ‘At the beginning there was no revolution’. ¹ Both can also be applied to the history of early German liberalism, because its long-term legacies in the later nineteenth and early twentieth century cannot be understood without the experiences of German liberals at the beginning of the nineteenth century. ² This paper concentrates on the origins of some of these legacies in the first half of the century by looking at the diversity of political spaces in the regionalised political culture of Germany after 1815, at the social profile and social resources of liberals and at some of the dominating agendas of liberalism which were to influence liberals’ views of state and society in the long nineteenth century.

New states and the pluralism of traditions: the political space for liberals after 1815

The period between 1789 and 1815 marked a fundamental watershed in the development of Germany’s political landscape. The territorial re-ordering during Napoleon’s reign was confirmed by the Congress of Vienna, so that neither the Holy Roman Empire with its anachronistic structures nor the temporal powers of the Catholic church were restored by 1815. German liberals after 1815 thus confronted fewer, larger and more secular states. These states, especially Bavaria, Württemberg and Baden in the south because of their earlier membership in the Confederation of the Rhine, had been deeply influenced by their experience of the French administrative and legal system. There was no restoration in 1815 in these states that could go back to the situation before the experience of the Code Napoléon. However, and in contrast to the patriotic hopes of many who had participated in the anti-Napoleonic wars, in 1815 Germany had become neither a united national state nor a constitutional state. Instead it consisted of 38 individual states forming the German Confederation, established by the sovereign princes and free cities of Germany. The Confederation was dominated by the Austrian Chancellor Count Metternich, who sought to suppress national and liberal movements because they meant a permanent threat to the multi-ethnic character of the Habsburg Empire, as the case of Italy clearly demonstrated. 3 This lack of both a national state and a political centre with a national representation made it difficult for liberals after 1815 to develop an organisation that extended beyond regional frontiers. 4

One way in which the governments of single states, which were in part virtually new creations replacing the Holy Roman Empire after its formal dissolution in 1803, sought to integrate their diverse territories, to create new state-wide loyalties and furthermore to build up a barrier against any possible imposition of political arrangements by the two dominating

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powers of the Confederation, Austria and Prussia, was to grant constitutions. But these constitutions, regarded as gifts from the rulers rather than voluntary agreements between princes and their subjects, conceded little real power to representative institutions. In all cases except Baden, they were elected on the basis of legal estates which guaranteed disproportionate power to noble landowners. Nevertheless, the constitutionalisation of states such as Bavaria, Württemberg and Baden served as a catalyst for the emerging liberal movement. It created the nucleus of a political infrastructure, and it marked a contrast to Prussia and Austria, which both continued without a written constitution until the revolution of 1848.

Germany after 1815 was a combination of pre-industrial states with some exceptional centres of early industrial development, such as the Rhineland, Saxony and Silesia, where strongholds of economic liberalism developed during the 1840s. On the economic level, border controls and individual tariffs, subsequently to be reduced by the Customs Union, made the development of a national market almost impossible after 1815. Furthermore, economic privileges continued to carry political rights. The pre-modern structure of large parts of society had a deep impact on the development of liberal thought, which before 1848 was in many ways linked to traditional orientations both in political and economic thought. Apart from the early industrialised regions, many corporatist elements continued to influence society. For example, guilds still exercised many of their privileges in most states, though in a weakened form in Prussia as a result of the freedom of trade introduced in an edict of 1810 - 11. The Prussian ex-

ample of state-led reforms, which were a response to Prussia’s crisis after the military defeat by Napoleonic France in 1806, became crucial for German liberals both inside and outside Prussia. The Prussian example stood in continuity with enlightened absolutist traditions and shaped the idea of an evolutionary reform ‘from above’, allowing a peaceful co-existence of state and society, and thus avoiding violent conflict as experienced in France.

As a consequence of the specific political traditions in the individual states, liberals after 1815 were confronted with different challenges and developed different strategies. It thus makes more sense to speak of a variety of pre-1848 liberalisms than to regard German liberalism as a united movement. It is still customary to distinguish two main trends. In the south-German states of Württemberg and Baden, surviving creations of Napoleon’s Confederation of the Rhine, the influence of French natural-right philosophy and the tradition of the French legal system remained strong, whereas the north-German variant showed a more organic and historical conception, influenced by the English example which provided them with some distinctively conservative elements. 10 Other particular strongholds of early liberalism, however, must not be overlooked. In the Rhineland and Saxony, a distinctly bourgeois liberalism with an economic agenda emerged, while in East Prussia, Jacoby formed another centre. Despite this regionalised political culture, which had a major influence on the work of the Frankfurt parliament in 1848-49, 11 a broad unifying agenda of those who called themselves liberals in the 1830s and 40s should be underlined. They wanted to achieve constitutional government and some measure of constitutional representation in the particular states. Furthermore, German liberalism gradually developed as a national movement, even though loosely organised, because national orientation became almost a necessity for any realistic liberal project for the future. From that point of view, the period after 1830, which was marked by the intensive perception of the French revolution of July 1830 and the Hambach Festival in May 1832, was a watershed in the long-term emergence of a set of liberal aims for

transforming state and society in a non-violent way that would allow cooperation with the reform-minded state.

**Milieus and habits: social profiles and social resources behind early German liberalism**

The very term ‘liberal party’ represented a wide community of ideas and values before 1848. Early liberals wanted to maintain their individual independence from any closer organisational structures, which was one major reason for the variety of individual definitions of liberalism. In 1833 Laube, then one of the leading representatives of the ‘Young Germany’ literary movement which brought together contemporary German authors who advocated political liberty, national unity and solidarity between the young nations of Europe, wrote: ‘I am a liberal, but I do not ever want to belong to those who call themselves liberal’. However, points of crystallisation developed in the various representative institutions, especially in south Germany and in some Prussian provinces, and after 1840 liberal deputies in the regional parliaments began to form factions. Academics, especially senior civil servants, lawyers and university professors, played a dominant role in these groups, supplemented by professionals in the more developed industrial regions such as the Rhineland and Saxony. Thus the first national parliament in Frankfurt consisted mainly of senior civil servants (50.6%) and professionals (24.3%) such as practising lawyers. Bourgeois groups with a distinctly economic background, large farmers and the clergy amounted only to 5 - 7% and other social groups such as the petty bourgeoisie, i.e. small shopkeepers, craftsmen and farmers, were very much under-represented (3.5%). The lower classes were not represented at all. Nearly all the deputies had enjoyed secondary education in a gymnasium, approximately 80% had a university degree and 60% had studied jurispru-

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The Frankfurt parliament thus represented only a small sector of the German population. It was, however, not so much a parliament of university professors as a parliament of lawyers, a crucial factor which was to influence many decision-making processes and especially the work on the future constitution.

Two of the three main liberal factions in the Frankfurt parliament had an even greater proportion of senior civil servants among their members compared with parliament as a whole: the Casino had 67.2% and the Landsberg 62.2%. The Augsburger Hof included 28.5% professionals, compared with only 10.1% in the Casino and 13.5% in the Landsberg. There was no deputy from a petty-bourgeois background in the Casino, only one in the Landsberg and two in the Augsburger Hof. The dominance of academics in general, and senior civil servants in particular, was a consequence of the leading role of the academically trained civil servant since the end of the eighteenth century, which was further promoted by reforms in the educational sector. This exclusive role, characterised by the mutual relationship between state bureaucrats and the prince who guaranteed them a special status and therefore demanded loyalty and discipline, also offered civil servants a certain freedom of action. This was especially true in times of political crisis, as the example of the Prussian reform elite had demonstrated after 1806. At the same time, it reflected the paradigm of state-led reforms from above as a model of progressive policy, which had such a profound impact on many liberals’ strategy of avoiding confrontation with the existing state. Furthermore, civil servants received a regular salary whereas many businessmen could not afford to attend meetings of regional parliaments without risking their economic basis. For example, in Baden 25 civil servants (39.7%) sat in the second chamber of 1825 as a result of massive electioneering by the government. Yet, in the chamber of 1831 there were 21 civil servants, all of them newly elected, and this time they followed a much more liberal course. Thus many early liberals in the regional parliaments were either liberal bureaucrats or were at least prepared to co-operate with them in order to influence the government.

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Finally, the important part played by political university professors, such as Dahlmann, a leading historian and professor in Göttingen and Bonn, Gervinus, the Grimm brothers, Mohl, professor in Tübingen and Heidelberg and from 1846 a member of the second Baden chamber, or Welcker, deserves attention. They became key figures in the liberal movement and key authors in the developing pluralism of liberal ideology, often serving as disseminators of liberal thought through the universities, thus creating a supra-regional political public among middle-class intellectuals in the 1840s. As university professors, they were state-paid civil servants and constantly threatened by disciplinary measures from their governments. This led to a number of conflicts. The most spectacular conflict was the 1837 case of the Göttingen Seven, who were dismissed as university professors after refusing to swear the oath of loyalty to the new King of Hanover in protest against his abolition of the 1833 constitution. Public reactions in various parts of Germany proved that, already in the 1830s, there was a forum for political discourse that began to transcend regional state boundaries.

In 1831, 60% of the members of the stronghold of south German liberalism, the second chamber of Baden, had an academic degree, while only 40% of the members came from a trade, some kind of industry or agriculture, among them eight craftsmen, four manufacturers and two innkeepers. Among the 18 liberals in the Hesse-Darmstadt parliament of 1826-27, one can identify eight local civil servants who also did some farming, three farmers, two manufacturers, one shopkeeper, one notary, one village mayor and one administrator of a local hospital. Apart from the dominance of civil servants and academics, a large variety of middle-class and even, though to a lesser extent, lower middle-class professionals formed the liberal factions in the regional parliaments. This social profile, which went beyond the middle-class intellectuals of the chambers and included nearly all social groups between the lower classes and the conservative majority of the nobility, is even more obvious when municipal councils and local associations are taken into account. In the Berlin council of 1848, the

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majority came from trade and small business. The Frankfurt council was dominated by lawyers, small shopkeepers, small employers and innkeepers. In Essen, Bochum and Barmen there was a petty-bourgeois majority until 1848, drawn from groups which belonged to the second and third classes of the three-class franchise that was introduced after 1849.\(^{21}\)

To understand German liberalism in the period before 1848, one must take the wide range of local and regional associations into consideration.\(^{22}\) These became the main forum of public life in a still regionalised political culture and provided the necessary counterpart to the restricted freedom of liberal action in the parliaments. For Welcker, a prominent spokesman of south German liberalism, the political associations were ‘not separated from the non-political by any border-line’.\(^{23}\) The rapidly expanding associational movement – in 1850 Munich had at least 150 associations and by 1900 the number had risen to 3,000 – made politicisation less provincial and widened the range of local supporters for the liberal movement without actually developing a distinct liberal party with a cross-regional organisation.\(^{24}\) This gave German liberalism both a considerable chance of integrating different social groups on a local or regional level and a weak organisational structure in terms of a national political force – a long-term legacy which was to characterise the liberals’ standing in the second half of the century.\(^{25}\)

The German Press and Fatherland Association, which was founded in the context of the Hambach Festival in 1832 and mainly responsible for carrying out the Festival, had more than 5,000 members. Concentrated in the Bavarian Palatinate, this association developed many sub-branches in various German states. Among the Palatine members, 22% were crafts-

\(^{21}\) Ibidem.

\(^{22}\) Thomas Nipperdey, ‘Verein als soziale Struktur im späten 18. und frühen 19. Jahrhun-


\(^{24}\) Dieter Langewiesche, Liberalismus in Deutschland, Frankfurt/Main, 1988, 35.

men and 29% small businessmen. In comparison with the dominance of middle-class intellectuals in the regional parliaments, the majority of its members were petty bourgeois without any academic background (65%) against only 19% middle-class intellectuals. In the non-Palatine branches, the latter again dominated with 51%. Among the Palatines who were registered by the Central Police Authority of the German Confederation after the Hambach Festival, 86 middle-class intellectuals (29 graduates and 57 students) and 101 small businessmen (among them 36 merchants and shopkeepers and 39 craftsmen) were identified. In the German Fatherland’s Association for the Free Press of 1832, craftsmen, small shopkeepers and merchants formed the majority, but educated groups, landowners and well-off traders dominated the executive committees. The same petty-bourgeois background is obvious among the majority of the subscribers to the Breslau protest petition of 1843 supporting the Friends of Light, an association of Protestant pastors, teachers and theologians founded in 1841 who criticised the established Protestant church hierarchy from a standpoint of enlightened rationalism. Identifying religious and political liberty, the Friends of Light soon became a point of crystallisation for middle-class liberals, especially in Saxony and in the cities of Magdeburg and Halle, with 3,080 craftsmen (40%), merchants and farmers, but only 1,704 students and middle-class intellectuals. Jacoby’s Citizens’ Association in Königsberg had between 700 and 800 members with the same type of petty-bourgeois and middle-class intellectual social profile.

During the 1830s, Rhenish liberalism was gradually dominated by a pragmatic and self-confident group of manufacturers, bankers and merchants, thus replacing the old structure of middle-class intellectuals and civil servants. Some of the latter, however, remained active in associations such as the Central Association for the Benefit of the Working Classes founded in 1844. After the revolution in March 1848, two of the key figures of Rhineland liberalism, Camphausen and Hansemann, became ministers in

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26 Cornelia Foerster, Der Preß- und Vaterlandsverein von 1832/33, Trier, 1982, 156 - 175.
28 Langewiesche, Liberalismus in Deutschland, 35.
Berlin. The 1840s also brought increasing contact between the various regional centres of German liberalisms, so that by 1848 it does make sense to speak of an established network of the leading representatives of German liberalism.

To complete the wide spectrum of social milieus behind liberalism, one has to turn to liberal nobles. But did these progressive aristocrats supporting the liberal movement in Germany form an equivalent to the British Whigs? The 'German Whigs', as they were called by Oncken, by no means dominated the liberal factions in the chambers of the constitutional states. Between 1820 and 1870, only 35 of the 389 deputies of the Hesse-Darmstadt chamber were nobles. Among the 135 liberals, there were only eight nobles (5.9%), including Hans-Christoph and Heinrich von Gagern who were to play such an important role in 1848. In Baden there were four liberal nobles, among them Rotteck, historian and professor in Freiburg until 1832, a member of the first chamber in Baden from 1819 to 1823, sitting in the second chamber from 1831 to 1840, and one of the editors of the famous Staats-Lexikon. In the Frankfurt parliament with its 812 deputies there were 140 nobles (17.2%), signifying the comparatively high social reputation of nobles on the local level when it came to elections. Among the 135 members of the Casino, 31 nobles can be identified (23%). Yet what is really crucial when one compares British Whigs to liberal nobles in Germany is that the former remained by tradition pure aristocrats in lifestyle and conviction, and tried to preserve the established basis of the political and social system at a time of change. The latter, on the other hand, for example the Gagern brothers or Rotteck, showed a much more bourgeois intellectual attitude, lacking the distinctly aristocratic social consciousness of British Whigs.

35 Muhs, 'Deutscher und britischer Liberalismus im Vergleich', 231.
36 Ibidem, 233.
Finally, the link between religious life and liberalism needs special attention because it explains a relationship that was to dominate political antagonisms in Germany in the long term and well beyond 1848 and 1871. One can surely agree with Thadden who has pointed out that the ‘liberal movement got firm support from the [Protestant] church, the vicarage and the synods’. 37 His contemporary Haym explained that ‘ecclesiastical liberalism was the training ground for political liberalism’. 38 Despite this positive point of view, the pre-March period showed that theological rationalism, which had been easily linked to liberal concepts, 39 had come to an end since it was increasingly regarded as an impediment to the growing revivalist movement. Correspondingly, the proportion of Protestant theologians among early liberals seems to have decreased, although the participation of pastors in the Hambach Festival was quite high. The apparent revival of rationalism among the Friends of Light was in fact a process of exclusion and the many independent parishes that were founded proved to be only temporary. 40

The early signs of antagonism between Roman Catholics and liberals were of far greater importance because they anticipated many of the lines of conflict in the Kulturkampf of the 1870s. The failure of attempts to achieve a national church with a synodal structure, a concept strongly supported by Rotteck, contributed to this conflict, as did the introduction of the three-class franchise in the Rhine province in 1845. It corresponded with the interests of the Rhenish, mainly Protestant bourgeoisie, which could now easily exclude the mainly Catholic petty bourgeoisie. 41 Although the concepts of ‘Catholic’ and ‘liberal’ were not yet as strongly antagonistic as in the 1870s Kulturkampf when they came to represent two different sets of political values, social milieus and historical Weltanschauung, ultramontane and Protestant liberals already opposed each other in the 1840s. 42

41 Langewiesche, Liberalismus in Deutschland, 38.
reviving religiosity of the 1840s, evidenced in the Trier pilgrimage in 1844 with no less than 500,000 pilgrims, widened the gap between Catholicism and liberalism. 43 Many liberals strongly attacked the traditional alliance between throne and altar and the clergy’s anti-liberal influence on the people, and increasingly supported a strong anti-clericalism. 44 According to Pfizer, one of the leading representatives of south German liberal thought and contributor to the *Staats-Lexikon* which was to become the leading political encyclopaedia in the 1840s, encompassing the theoretical foundations of pre-March German liberalism: ‘Indeed liberalism has no need of religion in order to give legally untenable arrogance a false justification. Against the so-called rights of God – a misused term – it has to set a right of truly divine origin, that is the right of reason, in whose claims God will as certainly announce himself as in the positive revelations, which can gain their final justification for a thinking being only by their correspondence with the laws of his reason’. 45 In stark contrast to Britain, since Germany lacked Britain’s variety of religious minorities, German liberalism neither represented religious minorities, except the Jews, though with significant modifications, nor did it fight for the political rights of those groups. Since the absolutist state had already created legal equality for Protestants and Catholics, it was no longer necessary to fight for their political, social and legal emancipation as was the case in Britain, especially with regard to Catholic emancipation.

**Co-existence with the state and the evolutionary middle class: towards a liberal agenda of state and society before 1848**

Many of the liberal premises of the second half of the nineteenth century can be traced back to the first half of the century. German liberals believed that the future involved a natural progress towards liberty and enlightened reason. 46 Accordingly Pfizer, in 1840, defined liberalism as ‘nothing … but the transition from the state of nature to the state founded on the rule of law which becomes necessary at a certain stage in human development’. 47

45 *Staats-Lexikon*, vol. 9, 717.
46 Nipperdey, *Deutsche Geschichte 1800-1866*, 287.
47 *Staats-Lexikon*, vol. 9, 710.
Liberalism would direct ‘the state back to what the whole nation in its rational interest wants or must want’. This belief was an equally optimistic concept in his time: even if ‘institutions and laws might temporarily step backwards ... the ideas of the law of reason will always awake again ... For liberty has now become a necessity and no human power can hope to suffocate these world-shaking ideas, which will find their way through all impediments and barriers until they have passed through all the stages which have been determined by a higher hand’. Sitting in regional parliaments but excluded from political practice in forming governments, early liberals regarded their movement as the promoter of ideas rather than practical concepts: ‘There is in the movements of our time a predominately spiritual quality, a battle of ideas’.

The Rechtsstaat, a state founded on the rule of law, was in terms of practical reforms identified with constitutional monarchy and not with a republic. This is a crucial fact, which became a major difference between constitutional liberals and democratic radicals after 1830. Pfizer placed constitutional monarchy in the middle, between radical concepts and mere conservatism, opposing both the ‘most horrible radicalism’ and the ‘untrue and misunderstood liberalism’ and, at the same time, rejecting the ‘affected idolatry of the status quo or of things which have already died out’. In a constitutional monarchy, liberals hoped to have found a compromise between the ‘law of reason and historical law’ in order to realise the ‘most perfect form of the state according to our historical conditions’. Liberals thus demanded a written constitution as the basis of the ‘idea of the true state’, which should exclude ‘all arbitrary use of power from above’ and below and found ‘the civic relationships on the stable and unchangeable law of morality’. It was not the liberals’ aim to minimise the power of the state but to establish liberty within the state and with its support. There-

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48 Ibidem, 714.
49 Ibidem, 710.
51 Peter Wende, Radikalismus im Vormärz, Frankfurt/Main, 1975.
52 Quoted in Langewiesche, Liberalismus in Deutschland, 21.
fore the constitution became the centre of all strategies of political reform. Without a constitution, a people was, according to Rotteck, 'in the noble sense of the word no people ... but a sum of subjects'.\textsuperscript{54} He argued that 'the constitutional system establishes ... the equal participation in all civic welfare, the equal (legal and juridical) distribution of individual liberty and of legal property and acquisition for all, the equal claim of all who are capable of position and authority and finally the equal obligation to obey the law'.\textsuperscript{55} The idea of the state founded on the rule of law implied both political change and the preservation of traditional elements, but no revolutionary concept.

The liberals' concept of reform was founded on the demand for basic constitutional rights, such as freedom of conscience, freedom of religion and the guarantee of the individual and property. Many of these basic rights had already been granted in various constitutions during the pre-March period and became 'before 1848 a well-calculated tool of liberal factions'.\textsuperscript{56} Freedom of the press was also at the centre of liberal demands. Welcker pointed out that only a free press could replace the direct participation of the citizens in 'legislation, government and court', abolish the arbitrary use of power by the German state's civil servants – indicating the liberals' growing alienation from the state bureaucracy which increasingly proved to be a mere instrument of political repression and control during the 1830s and 40s – in order to serve the common good and to achieve, 'as the source of a common German national culture', the national unification of Germany. Without a free press, there could be neither the liberty of the responsible citizen nor any hope of overcoming the 'separation of the German tribes'.\textsuperscript{57} Finally, liberals regarded freedom of association as a fundamental element of a society of state citizens, which should be free from both absolutist and bureaucratic restrictions. Emancipated from traditional corporate structures, associations would help to develop new institutions ensuring order and promoting both the solution of contemporary social and


\textsuperscript{55} \textit{Staats-Lexikon}, vol. 3, 767.


\textsuperscript{57} Quoted in Rainer Schöttle, \textit{Politische Freiheit für die deutsche Nation}, Baden-Baden, 1985, 84 - 88.
economic problems and the education of the people in order to make them capable of becoming true citizens.

Although liberals demanded legal equality for all individuals — distinguished from the ‘outward equality of property and power’ — they favoured a restricted franchise, yet included the ‘small or medium proprietors’ in order to avoid the ‘rule of the property-less’. Legal equality was, according to Pfizer, not at all the same as ‘despotical levelling’. To ascertain the ‘rule of the true general will’, one did not need universal suffrage. In contrast to this quasi-classless ideal of a society of equal proprietors among the south German liberals, the liberals in the Rhineland developed a much more bourgeois concept, corresponding to the more developed industrial structure of this region. Hansemann clearly distinguished between the advanced bourgeois class and the mass. A ‘true majority’ which had ‘no other interest but that ... of the numerical majority’ was, in his eyes, nevertheless different from the latter since it possessed ‘by means of better education more understanding and by property a greater interest in the existence of a stable, strong and good government’. In the elections for local councils and for the chambers of industry and commerce, Rhenish liberals fought for their bourgeois interests against the smaller businessmen. It was obvious here that the conviction of an ‘increasingly equal middle-class’ was already undermined before the start of Germany’s industrial take-off.

Accepting the ‘monarchical principle’, however, did not mean unlimited absolutist rule, since the monarch’s far-reaching powers were restricted by the guarantee of the citizen’s liberty. Consequently, more and more liberals denied the bureaucrats’ self-conception which ‘simply identified their internal discussions as a kind of private conversation between intellectual and public opinion’. Their tendency to regard the bureaucracy as the centre of the constitution, following Hegel’s notion of the bureaucracy as

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58 Pfizer, in Staats-Lexikon, vol 9, quoted in Langewiesche, Liberalismus in Deutschland, 23.
60 David Hansemann, Preußens Lage und Politik am Ende des Jahres 1830, quoted in Brandt ed., Restauration und Frühliberalismus 1814 - 1840, 257.
62 Dahlmann, quoted in Langewiesche, Liberalismus in Deutschland, 24.
63 Hans Boldt, Deutsche Staatslehre im Vormärz, Düsseldorf, 1975, 15 - 54.
a ‘universal estate’,\textsuperscript{65} did not go beyond ‘administrative constitutionalisation’,\textsuperscript{66} paying no special attention to the representative institutions. Yet the liberals’ demand for separated justice and administration, for public legal procedures and courts with a jury was directed against the further extension of bureaucratic justice as the dominant ‘people’s guardian’.\textsuperscript{67} Mohl’s article ‘On Bureaucracy’ (1846) acknowledged the validity of the many complaints reflecting the growing antipathy many German liberals felt towards the administration and strongly pointed to the need for greater popular participation in the political process. Before 1848, Mohl was one of the very few liberals who favoured a political system in which government and parliament were not just antagonistic poles, with parliament only having the task of controlling the ministers, but a system in which government was dependent on a parliamentarian majority. On the other hand, he was aware of the positive accomplishments of the reform-minded state and favoured employing better qualified officials instead of simply dismantling the administration.\textsuperscript{68}

The approaches of parliamentary institutions differed according to the traditions of particular states, showing a wide range from traditionally corporatist to \textit{neuständisch} elements, which were based on property and education. A democratically equal representation of the whole people was not part of the liberals’ strategy. The north German liberals, looking to Britain for a model of an organic, historical liberalism, favoured a system in which, as Dahlmann put it, ‘justice should be done to different dispositions’. At the same time, however, he made it clear that \textit{ständisch} could not mean a simple continuation of \textit{altständisch} since ‘the old gaps between the estates ... no longer exist’.\textsuperscript{69} In contrast to Rotteck and most of the Rhenish liberals, Dahlmann supported the idea of a distinct upper chamber of nobles, as did many of the more Francophile liberals, indicating the confusing variety of

\textsuperscript{65} G. W. F. Hegel, \textit{Philosophy of Right}, London ‘1952, esp. 185 on the dangers of ‘civil society’ and 201 - 202 on the ‘universal estate’.
\textsuperscript{66} Koselleck, \textit{Preussen zwischen Reform und Revolution}, 266.
\textsuperscript{67} Ibidem, 254 - 259.
\textsuperscript{69} Friedrich Christoph Dahlmann, \textit{Die Politik auf den Grund und das Maß der gegebenen Zustände zurückgeführt}, vol. 1, Göttingen, 1835, 127.
reform strategies which made German liberalism in that period so difficult to understand. 70

Yet what held south and north German liberals together was the dualistic conception of government and parliament. Dahlmann wrote that ‘the chambers should take part in legislation, preserve the laws but precisely for that reason should not participate in government or administration’, 71 and, as early as 1819, Rotteck had defined Landstände as ‘a committee, ... representing ... the whole people united in the state, charged with the exercising of the rights of the people (or of a part of the people) in opposition to the government’. 72 This strict difference between an acting government and a merely passive parliament which was to find the ‘true general will’ 73 was, however, increasingly undermined until 1848. Only Zachariä and Mohl pursued a fully developed theory of parliamentary government. Zachariä insisted that the government should act according to the decision of that faction ‘which has the majority of votes in the second chamber’. 74 The co-operation established between the liberal opposition and the government since 1830, however, led to a separation between partisans of the dualistic system and those in favour of parliamentary government who rejected ‘remaining in opposition as a comfortable martyrdom’. 75

The two key concepts of Bildung and Mittelstand may help to identify the complexity of the liberal legacy in the second half of the nineteenth century. For many liberals, political participation was linked to a specific stage of education. This originated in the relative dominance of middle-class intellectuals in many liberal organisations. Although liberalism was, in terms of its social profile and its milieux, much more than just a movement of liberal professors, the emphasis on Weltanschauung remained dom-

71 Dahlmann, Die Politik auf den Grund, 155.
72 Rotteck, Ideen über Landstände, quoted in Brandt ed., Restauration und Frühliberalismus, 158.
73 Rotteck, quoted in Langewiesche, Liberalismus in Deutschland, 27.
inant. Education as a key concept combined character formation and moral cultivation, and many middle-class intellectuals regarded themselves as a kind of ‘aristocracy of the mind’ and interpreted political events in spiritual terms.  

Correspondingly, liberals regarded their movement not as a distinct political party but as a community of people sharing the same ideas and values. Gagern wrote: ‘I don’t deny being a party man; what else does that mean besides having an opinion and seeking to work for its success?’

The dominating social ideal remained the *Mittelstand*, which for most of the liberals represented the true source of enlightenment and progress. For Dahlmann, it was simply the ‘core of the nation’, combining the wisdom of the old clerical estate with the wealth and power of the traditional nobility. *Mittelstand* stood for the ‘true people’ and should serve as the centre of a society of equal citizens. But what this meant in reality again differed from region to region. In more developed regions, *Mittelstand* simply described bourgeois interests. The term was also the answer of the Educational Society in Hamburg to the growing social question: ‘Put your pennies together in order to attain education and training and thereby to become the pride and honour of the state in a golden *Mittelstand*’. Becoming a citizen, in this sense, meant joining the group of enlightened, responsible and progressive men whose liberal virtues would finally produce the liberal state to which the movement was committed: ‘We all want it [the state] to be great, mighty, powerful and rational. We all have no other wish than to be absorbed into the state, and to devote our strength to it. Our highest goal is to become citizens and to think and to act as such’. In fact, however, these

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concepts could also serve as a kind of unifying rhetoric, covering the many diversities within liberalism and compensating for a lack of government experience in an age which confronted the many different parts of Germany with a transforming political and social landscape.

1848 - 49 as the watershed of German liberals’ experience of political practice

Most of the liberal concepts explained above were deeply challenged by the experience of 1848 - 49. The revolution failed to achieve its main aims – constitutional government and national unity – because of a complex interaction of factors. But, in the long term, the revolutionary experience intensified a substantial process of progressive politicisation, which had a fundamental impact on German liberalism. This could be seen on a variety of levels of political and social experience. The heterogeneity of interests and strategies in different parts of society led to a disintegration and fragmentation of the temporary homogeneity of spring 1848. This resulted in the split between moderate and constitutional liberalism and democratic radicalism, thus weakening the forces of the movement against potentially counter-revolutionary actions. The dual object of achieving political liberty and national unity, of state and nation-building under increasing time pressure and against the background of Austrian and Prussian moves to open counter-revolution, proved to be a highly important cause for the reduction of political freedom of action after September 1848. But it also meant an important political lesson. The gap between constitutional and national intentions, on the one hand, and the lack of executive power that would have made the Frankfurt assembly more independent from co-operation with the state governments, on the other, demonstrated, at least in the eyes of many liberals, the widening gap between political ideals and the need to overcome mere opposition policy. Thus Realpolitik could become such a keyword in the post-revolutionary decades.  

Many moderate and constitutional liberals did not regard themselves as revolutionaries. They stopped a movement which had started on the streets by legalising and channelling it through a national parliament. Their tem-

81 Ludwig August von Rochau, *Grundsätze der Realpolitik, angewendet auf die staatlichen Zustände Deutschlands (1853 - 1869)*, Stuttgart, 1859.
temporary freedom of action was based on revolutionary legitimacy in March 1848, but their political strategy tended to point back to the pre-March experience and many focused on the state as motor and guarantee of gradualist reform. Given the experience of 1848, the move towards *Realpolitik* was not inevitable, but, given Bismarck’s successes in overcoming the paralysis of the German Confederation in 1864 and 1866, it became an attractive option. This can only be explained by the political disillusionment experienced by many liberals in 1848 - 49.

However, the key problem with state formation based on parliamentarian rule lay in the fact that the basis of Germany’s political culture was still largely regional. In many cases, political divisions expressed regional divisions. Thus the creation of a Prussian assembly in Berlin actually increased the regional differentiation by weakening the link between the Prussian Rhineland and the southern and western parts of Germany. The complexity of national unification thus also lay in the territorial segmentation of Germany’s political culture.

However, to assume that 1848 simply failed altogether would be highly misleading. The events of 1848 marked the end of the last feudal relics in Germany. In the long term, 1848 provided a fundamental experience of mass politicisation and mass mobilisation, and greatly contributed to the development of distinct ideological and social identities. As a revolution in communication and political culture, 1848 was far from a failure, but it also questioned the liberals' assumptions about their quasi natural dominance in politics. Political Catholicism and democratic socialism gained equally, if not more, from the revolutionary experience. The year 1848 witnessed the first German parliament and the first German constitution, creating both a collective memory and a revolutionary legacy for the future. In the long run, however, this legacy was not represented by German liberalism but rather by the social democrats. Many of the concessions achieved, such as the Prussian constitution of 1849, demonstrated that co-operation between the state and the middle classes, especially with regard to economic devel-

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82 Heinrich Best, *Die Männer von Bildung und Besitz. Struktur und Handeln parlamen
tarischer Führungsgruppen in Deutschland und Frankreich 1848/49*, Düsseldorf, 1990.
opment, was possible even if limited. On the other hand, 1848 also marked a watershed in the political and social transformation of society. The ideological gap between the middle classes and the lower classes, and in some cases also the antagonism between the bourgeoisie and the working class, already anticipated future lines of social conflict. For German liberals, the trauma of a revolution of the street, of a red revolution against order and property, proved vital because it postponed the development of a strong social liberalism and made political bridge-building between liberals and social democrats, at least before 1914, rather exceptional and difficult.

**Long-term legacies: the political price of liberal victory?**

*Realpolitik* and the aim of overcoming mere opposition politics became ever more important in the context of the Prussian political successes in the 1860s, based on military victories. But did the split between National Liberals and Progressive Liberals following the victory of Königgrätz in 1866 really anticipate the long-term decline of German liberalism? For decades, historians have argued that German liberalism's long-term decline began in 1871 and that Bismarck simply betrayed the principles of German liberalism. According to that interpretation, it was 'weak' German liberalism that was unable to resist Bismarck and thus contributed to the authoritarian character of the Second Empire. Sacrificing freedom for unity, this also provided an apparently convincing paradigm to explain the specific vulnerability of the middle classes for extremist views after the First World War. The historians' retrospective focus on the peculiarities of nineteenth-century German history and the apparent continuity of both a weak German liberalism and a strong German state was used to explain the failure of the Weimar democracy. In fact, however, the picture is much more complex and ambivalent. Research on the liberal achievements of German society before 1914 has led to an increasingly critical evaluation of the *Sonderweg* paradigm.

As early as 1865, the *National-Zeitung*, the major Berlin liberal newspaper, argued that the party's path had to lead from unity to freedom. It was

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not a simple sacrifice of freedom, but a different priority of political objectives that distinguished the liberals of 1848 from those in 1866 and after who felt that it was necessary to compromise with Bismarck’s government in order first to achieve the nation-state and then to reform it according to liberal principles. Thus, *Realpolitik* as the key term in the post-1848 period meant accepting that having ideals without the power to control the executive forces – government, bureaucracy, military – was pointless. The National Liberals, who finally supported Bismarck’s Indemnity Bill with which the constitutional crisis over the Prussian military reforms of the 1860s ended, did not act from a position of weakness. They regarded themselves, and indeed were regarded, as the strongest popular force in favour of national unification. But it is also clear that they favoured close co-operation with the existing government and, until 1878, Bismarck primarily relied on the National Liberals’ political support. However, after 1871, liberals participated in essentially illiberal state actions in their support of Bismarck’s government, first in the *Kulturkampf* against Catholicism and later in the anti-socialist legislation. They did so because they believed that in both cases they had to defend the newly created nation-state against apparent internal enemies. In both cases, the alliance between Bismarck’s government and the liberals failed to achieve its aims. Neither the Catholic Centre nor the socialists were weakened, but instead benefited from the confrontation in that it strengthened their supporters’ loyalty and intensified the distinct political and cultural identity of the Catholic and socialist milieu before 1914 and beyond 1918.

Regarding internal state-building, liberals succeeded in implementing many demands which corresponded with their political and constitutional principles. It was mainly until 1878 that the new nation-state witnessed the creation of common institutions, such as the Supreme Court and the start of the work on a common civil codification which was completed after 1900 with the *Bürgerliches Gesetzbuch*. Furthermore, and continuing economic trends since the 1860s, Bismarck together with the liberals first supported free trade. In combination with the huge war reparations which France had to pay after 1870-71 according to the Treaty of Frankfurt, this led to a period of rapid and intensive economic growth in the early 1870s. The state used the war reparations to pay back debts, which made further investments in industry possible.
On the other hand, the expectation of further constitutional reforms, including the transformation from a constitutional to a parliamentarian monarchy with a government based on a majority in parliament, though more part of the Progressive Liberals' programme than of the National Liberals' agenda, was disappointed. The Empire's constitution had not placed the army under the full control of the parliament, so the budgetary control of the military remained a highly controversial topic between government and parliament. Given that this conflict had been at the centre of Bismarck's career as Prussian Minister President, it is clear that a compromise on the issue was difficult to achieve. Before 1914 the military remained an extra-constitutional factor and, to an extent, this situation continued even after 1918. Since the army had not only an external but also an internal function, safeguarding public order and serving as a 'school of the nation' through general conscription, the liberals' failure to strengthen parliamentary control over the army had far-reaching consequences for Germany's political culture until 1914 and beyond 1918.

In the elections of 1874, the National Liberals won nearly 30% of the vote, but compared with the Conservatives and the Catholic Centre with their regional strongholds in east Prussia and south Germany respectively, the liberals' regional fragmentation had already become obvious by that time. Despite a national rhetoric in all their election campaigns, their programme suffered from the increasing influence of locally rooted topics, as was the case in Bavaria and Württemberg. Thus, regional differences and programmatic divisions between the right and left wings of the National Liberals weakened their position on the national level. Until 1878, however, they successfully presented themselves as the main political force behind the nation-state of 1871. In fact, in the period between 1871 and 1878, Bismarck co-operated with the so-called 'Kartel', which included the National Liberals, the Progressive Liberals and the Free Conservatives. Because of the nature of the Catholic Centre and conservative parties, the National Liberals had to look to the Free Conservatives and Progressives as allies. Had Bismarck wanted to, he could easily have constructed a permanent parliamentary majority from these three parties. Despite his co-operation with these groups, Bismarck was never interested in a parliamentary system and

he avoided making formal coalitions. In order to maintain as much political flexibility as possible – a strategy which had already dominated his foreign political strategies in the 1860s and early 1870s – he provoked an open conflict between the National Liberals and the Progressive Liberals when negotiating the potential entry of the National Liberal leader Bennigsen into the cabinet.

In 1878 - 79, following a serious economic depression, Bismarck finally undertook a major change in internal politics, which ended the informal coalition of 1871 between the Free Conservatives and the Liberals. The Chancellor now sought a new basis of political support provided by the Conservatives and the Catholic Centre. He withdrew from the conflict with the Catholic church after successful negotiations between the government and the Vatican. Bismarck’s actions have led a number of historians to speak of a ‘second foundation’ of the Empire in 1878, but this seems rather misleading given that Bismarck’s strategy was never based on the assumption of a long-lasting coalition but on a system of changing support which would weaken particular parties, avoid the Empire’s parliamentarisation and safeguard the executive’s dominance in political decision-making. Here, the liberal paradigm of a long-term evolutionary reform of the Empire’s constitution reached its limits, which was also underlined by the exclusive role of the military before 1914.

Following the economic crisis of the 1870s, the Free Conservatives moved towards the introduction of protective tariffs to replace the liberal principles of free trade which, in their eyes, had been responsible for the economic downturn. The tariff policy, meanwhile, provided Bismarck with an opportunity to create a new parliamentary support base by rejecting the ‘non-productive’ liberal parties and establishing co-operation with the Catholic Centre. This was made possible by the end of the Kulturkampf and was further promoted by the anti-socialist legislation. The discussion on tariff protection splintered the liberals because of the many different groups represented within the National Liberals and the Progressives, demonstrated by their regional fragmentation. Whereas the Free Conservatives joined Bismarck’s new parliamentarian majority, the Progressives shifted to clear opposition, demanding full parliamentarisation of the Empire’s political system. 88

Paradoxically, and in contrast to the Catholic Centre and the SPD, universal suffrage was a disadvantage for the liberals in federal elections. Despite the end of their direct political influence on the federal level, the National Liberals succeeded in dominating the politics in many of the major German cities where elections were based on a restricted franchise. The local sphere became a specific liberal stronghold, as demonstrated by Bennigsen as mayor of Hanover and Miquel as mayor of Frankfurt. What proved to be a weakening factor in the Empire's general elections – namely regional fragmentation – became a particular strength in regional and local political markets. Thus local and regional peculiarities made it possible for the liberal parties to monopolise political power on this level and to modernise institutions, even after the National Liberals had ceased to act as Bismarck's natural allies in Berlin. Restricted political participation created freedom of political action for liberal modernisation.  

The election results between 1871 and 1912 show not only a long-term decline in support for all liberal parties, but particularly stable results for the Catholic Centre and a significant increase in support for the SPD from 3.2% in 1871 to 34.8% in 1912. They also demonstrate the failure of Bismarck's attempts to marginalise the political parties of the Catholics and the industrial workers. Whereas the parties behind national unification lost their momentum during the 1880s and 90s, the Catholic and socialist political milieus remained stable and were able to expand their political sphere of influence. These factors, combined with regional fragmentation and programmatic divisions, which were reflected in the various secessions of liberal parties until 1912, contributed to the long-term electoral decline of liberalism in Germany prior to the First World War.

These circumstances also explain why the strong, even aggressive, German nation state continued to dominate the liberal agenda. It stood for liberal achievements between 1848 and 1871 and beyond, and it served as a rallying ground in a period of increasingly antagonistic forces in the political mass market. Before 1914, liberal intellectuals such as Max Weber and Friedrich Naumann argued in favour of both an externally strong nation

state, including the necessity to build a colonial empire, and social reforms at the same time. 91 Yet, it was not only the liberals’ structural deficits – their relatively weak organisation, their political disintegration as a united movement and their strong regional character compared with the Catholic Centre and the SPD – that burdened their future. Not only did many liberals even before 1914 continue to focus on the apparent internal enemies of the Empire – the Catholics and the SPD – making political coalition-building or the development of a social liberal programme almost impossible, but they continued to insist on a strong sense of political individualism, based on education and property, which could not easily be transformed into a coherent party-line. If German liberals had achieved a more liberal institutional framework for the Empire, in addition to the cultural achievements of the silent bourgeois revolution between 1871 and 1914, they would have faced a more antagonistic market of political forces. Responding to these changes by using concepts which had been shaped in the first half of the century made German liberalism both a modern and at the same time a quasi anachronistic movement at the beginning of the twentieth century. 92

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92 Leonhard, Liberalismus, 548 - 552.