

Wolfgang Burgdorf. *Ein Weltbild verliert seine Welt: Der Untergang des Alten Reichs und die Generation 1806.* München: Oldenbourg Wissenschaftsverlag, 2006. VIII + 390 S. EUR 39.80, paper, ISBN 978-3-486-58110-2.



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Each year seems to bring with it yet another historical anniversary and the resulting commemorations in the form of exhibitions, scholarly monographs, and works of synthesis. This process has been particularly pronounced in central Europe, which has, perhaps, rather more history to commemorate than some other parts of the world. 2006 was another year of commemoration, although the event commemorated, the end of the Holy Roman Empire, may be a bit more obscure than most.

For a long time, the dominant historical judgment would have been that there was not a whole lot to commemorate. With a rigid, archaic form of government, unable to cope with the rise of absolute monarchies, the Holy Roman Empire's structure was badly shaken in the eighteenth century, almost to the point of collapse, by the rivalry of Prussia and Austria; it disintegrated altogether when forced to confront the French Revolution. Few in Germany mourned its demise, and historians have enjoyed quoting Goethe's snarky observation that the news of the empire's demise was

of less concern to him than a quarrel between his servant and a coachman.

In recent decades, though, the once-despised regime has been getting an increasingly good press. Starting with Karl von Aretin's *Heiliges Römisches Reich 1776-1806* (1967), historians have been toting up the empire's virtues. Far from being rigid and archaic, they have argued, it was flexible and eminently capable of dealing with political and socioeconomic change. Its elaborate institutions helped preserve the peace and the balance of power in central Europe; its decentralized form of rule was not so much outdated when compared to centralized monarchies, as it was forward-looking, a precursor to a federalized German government and a loosely united Europe. Of course, if the empire was so successful, then one has to wonder why nobody mourned its demise.

Perhaps, one response might go, this common assertion is untrue; the bicentenary of the end of the empire would offer a good opportunity to reopen the question. The books under discussion here deal with precisely this issue, namely reactions to the empire's demise. They both stem from

a working group at the University of Munich. Eric-Oliver Mader and Wolfgang Burgdorf both argue, quite forcefully, that the end of the Holy Roman Empire, far from being a matter of indifference, was a searing, traumatic event, with profound consequences for political, cultural, and intellectual life through at least the first half of the nineteenth century. While the works are based on a wide variety of primary sources, bringing to light hitherto unconsidered evidence and re-interpreting previously known material, the conclusions they draw are not entirely convincing for three somewhat different but interrelated reasons. One is that their research does not entirely overthrow the older picture of the empire as an ineffective institution, unable to cope with the violent political changes of the late eighteenth century. A second is that their view of the empire tends to downplay one of its important characteristics, its intimate connections with the old regime society of orders. Finally, their leading concept of a violent and unexpected demise of the empire, and a repression of the memory of this traumatic event, does not always seem to be an adequate guide to the actual memories of the empire and their lingering nineteenth-century political resonances.

Mader looks for the impact of the end of the empire among the personnel of one of the most important imperial institutions, the judges of the Imperial Cameral Court in Wetzlar. He argues that the news of the abdication of the last Emperor, Franz II, in August 1806, came as a shock to these judges, who had continued to accept the empire's continued existence and their own relevance, even after the founding, earlier that year, of the Confederation of the Rhine, and the resulting secession of Napoleon's South German allies from the empire. Mader regards their line of reasoning as a plausible one, suggesting that the South German rulers had no intention of dissolving the empire, but had been compelled to do so by Napoleon's pressure and diplomatic manipulation.

Mader shows how the judges reacted to the news of Franz's abdication, debating whether the empire was still, legally, in existence after it. He demonstrates the influence on their thought of the older ideas of the Seventeenth-century legal theorist Samuel Pufendorf, of newer ideas stemming from Rousseau, and, above all, of the concepts of Göttingen law professor Johann Pütter, the foremost constitutional theorist of the era. Almost all the judges had studied with Pütter or one of his students.

Most of Mader's book deals with the judges' efforts to preserve their material circumstances, in particular, their demands on the newly sovereign German states for a pension equal to their previous salaries. From Mader's account, it seems that the main emphasis of the judges' actions was to separate themselves from the vast majority of other individuals associated with the Wetzlar court—the attorneys admitted to practice before it, and the clerical and administrative personnel—in-sisting on their superior position in the old regime society of orders. It was the judge's good fortune that with the dissolution of the empire, the former Imperial Free City of Wetzlar fell under the rule of Karl Theodor von Dalberg, the prince-primate of the Confederation of the Rhine, one-time prince-archbishop of Mainz, who was a living link between the old empire and the new state of affairs in central Europe. Although the judges condemned Dalberg for not having the proper legal appreciation of their superior status, he worked hard at convincing Germany's now sovereign princes to continue to pay their old regime contributions toward supporting the judges of the Cameral Court, with a surprising amount of success. This was a remarkable accomplishment, in view of the ever greater fiscal pressures weighing on German states in the era of the Napoleonic Wars.

In the end, most of the judges—except for some of the older or more drunken ones—found positions in the upper levels of the judiciary in the empire's successor states, particularly Bavaria

and Württemberg. In this respect, their responses to the end of the empire might be compared with another of the empire's privileged orders, whose positions were destroyed by the Napoleonic restructuring of Europe, the imperial knights.[1] William Godsey has recently studied this group and found two distinct patterns of behavior: one was a move to enter Austrian state service. This work continued an affiliation with a central European polity—albeit no longer exactly a German one—whose leaders continued to uphold the ideals and practices of the society of orders. The other pattern was an affiliation with a nascent German nationalism that was generally accompanied by a pro-Prussian political orientation. These perspectives were completely lacking among the judges. None found a position in the Habsburg realm, which was quite unwelcoming to them; only one ended up in Prussian service. It was the mid-sized German states to which the former judges had to look for their post-imperial possibilities.

In a final section, the most interesting part of the book, but, unfortunately, not all that well connected to the preceding material in it, Mader investigates the post-1806 career of one of the judges, Friedrich Karl von Reigersberg, who became a leading liberal government official in Bavaria during and after the tenure in office of the reforming prime minister Count Montgelas. Mader argues that it was Reigersberg's experiences on the Imperial Cameral Court that made him such an effective proponent of liberal reforms. This seems to me a questionable argument, since the judicial reforms Reigersberg was proposing were the introduction into Bavaria of the legal system of the Napoleonic Code. Its tenets of public and oral judicial proceedings, abolition of seigneurialism, and equality under the law were worlds removed from the procedures and legal thinking of the Cameral Court.

Mader mentions more briefly the career of the best known of the one-time Wetzlar judges, the only one to enter Prussian state service, Karl

Albert von Kamptz. A Mecklenburg nobleman presented to the court by the king of Prussia in his capacity as elector of Brandenburg in 1805, Kamptz undertook the long journey from Güstrow to Wetzlar in the following year (just after his wife had given birth to their third child) only to discover on his arrival that in the interval, the empire had been dissolved and the court no longer existed. This traumatic event arguably shaped the rest of his public life. In the years after 1806, he was the most active and ferocious publicist among the judges; he argued strongly for their rights to a pension. Fixed on entering Prussian state service, he rejected offers from Württemberg, and even worked in Prussia for a time without a salary. (Following its defeat by Napoleon, the Prussian monarchy rather lacked the funds to offer him employment.) Eventually he became a high Prussian official, and one of the most prominent reactionaries of the Vormärz. As director of the police, he was a determined opponent of nationalists, leading the persecution of the gymnasts and the student fraternities after 1815. As minister of justice in the 1830s, he directed a long and ultimately unsuccessful effort to abolish the Napoleonic Code in the Prussian Rhine Province and replace it with a Prussian legal system that recognized the prerogatives of the nobility.

Kamptz's career demonstrates another path leading from the empire to the political world of the nineteenth century. He worked hard to uphold the old regime society of orders, as was the case with the institutions of the old empire, but he did so through the instruments of an absolutist bureaucratic state, one that the political institutions of the Holy Roman Empire, including the Wetzlar court, had tried to keep in check. This possibility is one that Mader is less inclined to emphasize, even though Kamptz's life and career, more than that of any of the other individuals he studied, demonstrates the traumatic effects of the end of the Holy Roman Empire.

Wolfgang Burgdorf's study is a more expansive and sophisticated work than Mader's, a broader account of the "generation of 1806," the cohort that directly experienced the dissolution of the empire, and for whom, the author argues, this experience was a profound, life-changing and traumatic occurrence. Burgdorf approaches his subject from a variety of different angles, giving the book an intriguingly nonlinear cast. Each of the many perspectives on the topic he deploys contains bold and dramatic assertions. Unfortunately, the drastic abridgement of the original text of this *Habilitationsschrift* for publication—half the material was cut out—works against this way of proceeding, since evidence for the assertions often seems to be missing.

Burgdorf begins with a lengthy narrative section on the experiences of Johann Friedrich Hach, a Lübeck jurist who was the last delegate accredited to the Regensburg Reichstag before its dissolution. The author describes Hach's two-week-long coach journey from Lübeck to Regensburg in the late winter of 1806, a picturesque account of the delegate's encounters with horrible roads, greedy innkeepers, threats of banditry, and war-zone troop deployments. On his arrival in Regensburg, Hach found that the Reichstag was not actually meeting because of disputes about the proper composition of one of its curia, following the territorial rearrangements of the Main Recess of 1803. Hach spent his time in Regensburg attending tea parties, and taking extended trips around southern Germany. Then it was time for the Reichstag's yearly summer vacation and he returned to Lübeck. During this vacation, the empire was dissolved.

This extended portrait rather supports the conventional notion of the Holy Roman Empire as a cumbersome, ineffective, and out-of-date political institution. But Burgdorf employs it for a specific reason, to argue that the end of the empire in the summer of 1806 was sudden and unexpected, creating a trauma that led to a few expressions of

shock and horror, but, more typically, stunned silence and self-repression. He suggests that the unusual heat of the summer weakened resolve and sapped energy; correspondence on the topic ceased, both out of fear of the interception of critical letters by Napoleon's police and also due to the disruptions of postal service as a result of the war between France and Prussia. More generally, the outbreak of that war and its disastrous outcome for Prussia became part of a broader disaster of the German nation, so that the specific impact of the end of the empire was lost in retrospect.

These are ingenious assertions, but one would like to see the few expressions of shock and horror at the end of the empire to strengthen the idea that the silence was not just one of indifference, as most past historiography asserts. However, the examples Burgdorf provides in this version of his work show little of this assertion. There were practical concerns: some people were worried about their immediate economic future—the officials of the dissolved Imperial Aulic Council, the inhabitants of Regensburg who earned their living from the Reichstag. Rulers of small states worried about their future, particularly the Thuringian princes, who feared being swallowed up by Prussia. In Berlin, war spirit was mounting, although the author must concede that the anti-French sentiments expressed there had little to do with the end of the empire. The cool commentary of the Hamburg *Politisches Journal*, one of Germany's leading newspapers, spoke of "the Gothic structure" of the empire that resembled "in recent years a paralyzed old man, whose essential limbs have refused their service" (pp. 186-187). It also pointed to the long term efforts of Germany's princes to undermine the empire's institutions and the steadily more disruptive results of the peace treaties that ended different phases of the French Revolutionary and Napoleonic wars (p. 219). This suggests a view far more like the conventional picture than Burgdorf's criticism of it.

Following this survey of opinion in 1806, Burgdorf proceeds to a discussion of the historiography of the empire's end, arguing that dominant historical interpretations suppressed its traumatic impact. Not surprisingly, he is extremely critical of the Borussian school, which saw Prussia as the leader of German national resistance to Napoleon. Burgdorf points out that from 1795 to 1806, the Prussians had come to terms with the French quite nicely, at the cost of the territory and institutions of the empire. In this respect, he goes along with a well-established tradition of criticism, but Burgdorf is also quite critical of the historiography of the south German states, indeed of the states themselves, describing them as "newly created, artificial German territorial states" ("die neugeschaffenen künstlichen deutschen Flächenstaaten," p. 229). He asserts that they could only legitimate their own existence by repressing their role in the destruction of the Holy Roman Empire and presenting themselves as Napoleon's victims. For a study originating at the University of Munich, the book is surprisingly anti-Bavarian, but this viewpoint also contradicts the assertion, which Burgdorf shares with Mader, that the south German monarchs did not want to dissolve the Holy Roman Empire, but were forced to do so by Napoleon. In this survey of historiographical traditions, Burgdorf does rather neglect the nineteenth-century *großdeutsch* Catholic historians--admittedly, a distinct minority--who had a different and more positive picture of the Holy Roman Empire.

Burgdorf takes his line of argument a good deal further, asserting that nineteenth-century perceptions of the past involved repressing the positive memory of the empire altogether. This inability to come to terms with the empire as a previous form of the German nation, a national past in effect, led to a nationalism centered on the wars of liberation in 1813-14 dominated by an exaggerated and malignant Francophobia, with pernicious consequences. The author's suggestion of the possibility of a more benevolent German na-

tionalism founded on a recognition of the virtues of the Holy Roman Empire as an embodiment of the German nation is an interesting counterfactual speculation, and like most counterfactuals, impossible to prove or disprove. The closest to the actual articulation of such a nationalism occurred in 1809 as part of the Austrian war against Napoleon, but the nationalism expressed then was every bit as xenophobic and Francophobic as the post-1815 versions; this information tends to tell against Burgdorf's suggestions.

Burgdorf's description of a repression of the past and a silence about the Holy Roman Empire and the responsibility for its demise quite intentionally echoes the post-1945 *unbewältigte Vergangenheit*. His talk of the "catastrophe" of 1806, of the "inner emigration" of German artists and intellectuals, and even of the question of whether poetry was possible after the end of the empire, all suggest a parallel national trauma. When one compares the extent of destructive warfare, the loss of life, the movements of refugees and the political discontinuities after 1806 and 1945 respectively, one would have to say that such a parallel is rather overstated.

In the final section of the book, Burgdorf considers the impact of empire's end on a wide variety of intellectual and cultural trends in the first three decades of the nineteenth century: the formation of historical societies; the growing interest in and scholarly study of the Middle Ages; Romanticism; the Historical School of Law, the creation of art museums; and the development of the scholarly study of German language and literature. In many ways, this is the most interesting part of the work, but it is also the most fragmentary, as the abridgements necessary for publication rob the argument of the examples necessary to develop it in depth. From the examples Burgdorf does provide, it is not always clear if the demise of the empire itself had quite the dominant role he suggests in the intellectual and cultural trends he outlines.

Considering both these books, and the broader line of argument common to them and to the scholarly enterprise to which they belong—namely the continued relevance and vigor of the Holy Roman Empire down to its very end, and the traumatic ramifications of its unexpected demise—I would make four more general observations.

First, the authors downplay the extent to which the Holy Roman Empire was closely connected to the old regime society of orders. The preservation of this society was a central purpose of the empire. Such a society of chartered privileges and of status derived from birth was one that justified many forms of inequality and oppression, whether noble extraction of labor services and seigneurial dues from the peasants, the dominant and economically stifling position of master craftsmen in the guild system, the inferior status of members of the minority Christian confession, or the humiliation and oppression of the Jews.[2] This point appears in a number of instances in Burgdorf's work, although he tends to pass it by. He notes, for instance, that the post-1815 insistence of the former high nobility of the Empire, the *Standesherren*, on their tax exemptions and their right to collect seigneurial dues from the peasants was regrettable, because it led Vormärz liberals to have a negative picture of the empire (p. 279). But the privileges on which these nobles insisted were an integral part of the empire, something its institutions were designed to protect and validate. This is not to argue that the successor states of the empire were regimes of liberation—besides their reluctance to abolish the privileges and oppressions of the society of orders, they added new burdens in the form of higher taxes, military conscription, and a large and intrusive state bureaucracy. But if we contemplate the empire without considering its close connections to the inequalities and privileges of the society of orders, we leave out a fundamental element of its existence. This point seems particularly relevant to Burgdorf's counterfactual imagination of a German nationalism founded on the memory of

the Holy Roman Empire, since nineteenth-century nationalism emerged from this society's dissolution and generally involved a rejection of the old regime society of orders.

Second, the effort to establish the empire as an effective, functioning political institution, whose end in 1806 was sudden and unexpected, seems rather less convincing. The eighteenth-century Austro-Prussian dualism was already threatening the institutions of the empire. With each of the successive peace treaties of the French Revolutionary and Napoleonic wars—from Basel in 1795, to Campo Formio in 1797, to Lunéville in 1801, through Pressburg in 1805—the empire lost territory, substance, and authority. If there were some people, such as the judges Mader studied, for whom the end of the empire in 1806 came as a shock, it was because they were hiding from themselves its imminent demise by burying themselves in its institutions and pretending that they were still functioning as they had in the past. This effort to hide oneself from the broader outlines of the future by burying oneself in one's work was a characteristic feature of German public opinion in the last years of the Second World War, and if comparisons are to be made between 1806 and 1945, this one might be more to the point.

Neither author discusses a nineteenth-century political movement that was shaped by memories of the empire, and owed its origins to the empire's demise: political Catholicism. This omission is not entirely surprising in Burgdorf's work, since in Bavaria political Catholicism developed in symbiosis with a territorial state that emerged from the destruction of the empire, and even helped provide a basis for that state's legitimacy—sometimes rather against the wishes of leading Bavarian statesmen. However, elsewhere in central Europe, in Prussia, especially, but also in Baden, Württemberg, the Hessian states, and sometimes even in the Habsburg Monarchy, the Catholic political movement was both shaped by the memories of the empire and the privileged

place of the Catholic Church within it. It was also a response of the clergy and the lay faithful to a post-imperial world in which the church no longer had the protection of the empire's institutions. The massive secularization of the Church's lands in Napoleonic Germany really was a traumatic event, one that was not suppressed in memory but remained a raw and open wound and a constant spur for political action, albeit generally not of a nationalist nature.

This point about political Catholicism suggests, finally, that Mader and Burgdorf are looking for evidence of the impact of the destruction of the empire in the wrong places. Their search among diplomats, state officials and the educated classes more generally—groups whose members had a good knowledge of the broader developments in high politics, and whose interests were often closely tied to the newly created sovereign states—has not turned up very many or very convincing examples of a feeling of sudden traumatic loss. By contrast, one might be better served to search for the shock of the end of the empire in the attitudes of the lower classes. These groups' members did not have good access to reliable information about political and diplomatic trends, had no claims to pensions equal to their previous salaries, and were forced to confront the higher taxes and military services of the post-1806 regimes.[3] We might find examples of these attitudes in the anti-tax and anti-conscription riots of the Napoleonic era; in the naïve but widespread hopes that the Congress of Vienna would restore pre-1789 political institutions; in the admiration for the archduke Johann, youngest brother of the last Holy Roman emperor, as imperial regent during the revolution of 1848; in the secessionist tendencies that year among the populations of territories annexed during the Napoleonic Era; or in the Hep Hep riots of 1819, with their demands that Jews retreat into the ghetto and resume the degraded place allocated to them under the society of orders. Although perhaps not quite so articulate or appealing as the opinions of Germany's

educated elites, these popular attitudes, nostalgic and anachronistic as they were, might be better evidence of feelings about the Holy Roman Empire and its demise.

Notes

[1]. William D. Godsey, Jr., *Nobles and Nation in Central Europe: Free Imperial Knights in the Age of Revolution, 1750-1850* (Cambridge: Cambridge University Press, 2004).

[2]. The extent to which the inferior position of the Jews was closely tied into the social and conceptual world of the society of orders is very well explained in the admirable study of Cilli Kasper-Holtkotte, *Juden im Aufbruch: Zur Sozialgeschichte einer Minderheit im Saar-Mosel-Raum um 1800* (Hannover: Hahnsche Buchhandlung, 1996).

[3]. The excellent recent work of Ute Planert, *Der Mythos vom Befreiungskrieg: Frankreichs Kriege und der deutsche Süden. Alltag-Wahrnehmung-Deutung 1792-1841* (Paderborn: Schöningh, 2007) shows what can be accomplished in this way, although her specific conclusion that the years 1792-1818 were perceived as one long, undifferentiated traumatic period of war and privation goes against assertions about the specific impact of the end of the empire.

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