

Barbara Stollberg-Rilinger. *Des Kaisers alte Kleider: Verfassungsgeschichte und Symbolsprache im Alten Reich.* Munich: Beck, 2008. 439 pp. EUR 34.90, cloth, ISBN 978-3-406-57074-2.



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Commissioned by Susan R. Boettcher

"The German people have ceased to be a state." [1] This is not a mistranslation of G. W. F. Hegel's more famous statement, formulated sometime between 1799 and 1802, that Germany was no longer a state, but rather a comment made in May 1806 by the rather less well-known Josef Haas (1771-1808), head of the chancery of the imperial representative at the Reichstag in Regensburg. In contrast to Hegel, Haas argued that the cessation of German statehood was a relatively recent development, and that even the December 1805 Peace of Pressburg was compatible with the continued existence of the Holy Roman Empire. It was, he suggested, only the interpretation of the word "souveraineté" by the rulers of Württemberg, Bavaria, and Baden that might render the old system redundant. While in the past "souveraineté" had really meant "Landeshoheit," which was entirely compatible with the supreme authority of the emperor, the three rulers now took it to mean "full sovereignty," which excluded the Holy Roman emperor.

Haas's reasoning certainly reflected a pro-Austrian point of view, but it echoed a considerable body of contemporary opinion, expressed both in the printed literature and in political correspondence within the Reich. It also provides evidence to support the arguments of those historians of recent decades who have emphasized the continuing vitality and meaning of the Reich more or less to the end of its history. [2] Barbara Stollberg-Rilinger's stimulating new book constitutes a reply to those views. If her argument is right, then opinions such as those expressed by Haas should not have existed. To the extent that they did, her argument implies, they simply bore out Hegel's view that the Germans simply clung to their memories of the Reich, oblivious to the fact that it had long since ceased to have any meaning.

Stollberg-Rilinger's starting point is that the new historians of the Reich since the 1960s have essentially misunderstood the nature of the polity. They have generally focused on its constitution and, more recently, some have debated its character as a state. In doing so, Stollberg-Rilinger sug-

gests, they have applied anachronistic notions of constitutions and of the state to a system that was, in reality, held together by something different. According to her, the real glue, indeed essence, of the early modern Reich was ritual: the symbolic language of imperial authority exercised in person through acts of majesty such as the enfeoffment of princes and the opening of a Reichstag. On these occasions, the emperor was surrounded by his vassals and together, they enacted the rituals that constituted their polity. Vassals, in turn, enacted similar rituals with regard to each other in ways that expressed, affirmed, and, in a sense, created the hierarchy of which they were all part. Once that ritual language ceased to be meaningful, the polity ceased to function. When powerful princes, starting with the electors, ceased to participate in the constitutive rituals of the Reich, a long decline began that ended with its dissolution in 1806. In Stollberg-Rilinger's account, the first signs of crisis began to appear with the Reformation. By the mid-seventeenth century, she suggests, the crisis was acute. By the mid-eighteenth century, the ritual language was dead. Thereafter the Germans, as Hegel commented, were simply looking at the emperor's old clothes. They imagined that they were as fresh as they had been when they were new, but in reality they had become meaningless rags.

This intriguing thesis is developed in relation to four key dates: 1495, 1530, 1653-54, and 1764-65. Each is the focus for an extensive discussion of specific events that ranges widely over the broad contemporary context. Findings about contemporary perceptions of the meaning of events and the rituals that were enacted are considered in relation to modern historiographical debates. This approach means that the book offers a good survey of the early modern history of the Reich: it is very clearly and accessibly written and it gives a fair account of the views of other historians with whom Stollberg-Rilinger clearly disagrees. It is also written in such a way that Stollberg-

Rilinger's own arguments invite both reflection and disagreement in turn.

The first key event is the Reichstag of Worms in 1495, which modern historians have tended to view as the point at which the early modern Reich was created. Stollberg-Rilinger emphasizes the traditional elements of this gathering, which was a late medieval Hoftag as much as it was a new-style Reichstag. The core of the proceedings was the enactment of imperial majesty through enfeoffments: Maximilian I's formal investiture of key vassals. Three events in particular demonstrated the significance of the act of elevation as one of the emperor's most important prerogatives. The count of Württemberg was created duke of Württemberg. The duke of Lorraine was received with honors normally reserved to an elector, which highlighted the key strategic position of his lands on the western periphery of the Reich. The duke's ostentatious abstention from key elements of the enfeoffment ritual reflected the fact that he had refused to accept subservience to the emperor as duke of Lorraine but simply as margrave of Pont-à-Musson and in respect of several of his other minor territories. Thirdly, the emperor's acceptance as a vassal of the duke of Pomerania against the protest of the elector of Brandenburg, who claimed sovereignty over Pomerania himself, was another demonstration of imperial authority. Compared with these acts, says Stollberg-Rilinger, the negotiations over aspects of the governance of the Reich, though significant, had a secondary importance.

At the 1530 Diet of Augsburg, the unfinished and fragile nature of the imperial polity became clear. The Protestant princes expressed their opposition to Charles V's attempts to impose confessional uniformity by refusing to participate in some of the key Catholic rituals of the Reichstag, such as the celebration of the mass at its opening or the Corpus Christi procession. While Protestants boycotted key rituals, Charles V exploited others in order to enact his authority. The formal

public enfeoffment of the duke of Pomerania and the German Master (*Deutschmeister*) of the Teutonic Knights were anti-Lutheran demonstrations, while the formal enfeoffment of the emperor's brother, Ferdinand, was performed as a demonstration of dynastic power. The outcome of the Reichstag was unclear: the usual concluding promulgation of what had been decided was never formally agreed upon; even though much of it was in fact translated into legal practice in the territories, its legal status as a law of the Reich was uncertain.

In 1530 the disagreements between the emperor and his Protestant vassals remained just beneath the surface, but the conflict between political obedience and freedom of conscience in religion erupted soon after. It fueled the long period of conflict that culminated in the Thirty Years War. The Regensburg Reichstag of 1653-54 attempted to draw a line under the disputes of the previous century and yet, as Johann Jakob Moser commented in the eighteenth century, it was characterized by more controversies than ever before or since. Again, the core of the proceedings in Stollberg-Rilinger's view was the symbolic enactment of the Reich. In 1652 Ferdinand III had met with the electors at Prague and agreed on the election of his son Ferdinand (IV), as king of the Romans, the formally designated heir to the imperial crown. At the same time, Ferdinand and the electors had agreed that the preeminent position of the electoral college should be defended against attempts by the other princes to claim equal status. The upshot was that the emperor made good the promise recorded in his electoral capitulation of 1637 to accord the electors the honors due to sovereign monarchs. Both this new dignity and the election of the younger Ferdinand were then formally played out at the Reichstag. This was not simply a renewal of the Reich, a restoration of unity and imperial authority through ritual. The new "ceremonial grammar," Stollberg-Rilinger suggests, fundamentally changed the Reich: the notion of sovereignty was incompatible with the

traditional hierarchical order of the Reich. Quite apart from the fact that the Regensburg Reichstag failed to reach decisions on the key issues referred to it by the Peace of Westphalia, the tension between the principles of sovereignty and hierarchy now began to erode the very foundations of the German polity. Indeed, it ended up destroying them.

The events surrounding the election of Joseph II as king of the Romans in 1764-65 illustrated, Stollberg-Rilinger argues, just how far the decay had advanced over the next century. The election was notable for the absence of the imperial family. Maria Theresa stayed in Vienna and court routine there continued without pause. Francis I and archdukes Joseph and Leopold had travelled to Frankfurt but stayed outside the city at Heusenstamm, in a castle owned by the Schönborn family. For Joseph, in mourning for the recent death of his wife and impatient with ritual anyway, the whole experience was simply irritating. His entry into the city and the ceremony in the cathedral, in which he swore an oath to uphold the traditional rights and privileges of the electors and imperial estates, were attended by great splendor and expense. Yet aside from the three ecclesiastical electors, only one prince attended: the aged prince of Anhalt-Zerbst, who turned up in borrowed clothes, looking completely disheveled. The coronation feast, too, was attended only by the ecclesiastical electors, though food was served at the empty places laid for their secular counterparts. The princes remained absent because the emperor refused to recognize their demand to be treated in the same way as the electors. Twenty-four imperial counts did attend, each seated in strict order of precedence. Shortly afterwards, the princes began to refuse to accept the rituals of enfeoffment. The Reichstag had long since become a permanent congress of envoys that neither the emperor nor the electors and princes ever attended. The inner erosion of the Reich was accompanied by the emergence of the territories as sovereign entities that had little need of the Reich and

no inclination to submit to the emperor's authority. Once the interaction between emperor and vassals ceased to be personal and direct, the symbolic language of the Reich broke down. As the language died, so did the Reich itself.

Stollberg-Rilinger's analysis of these four key moments in the history of the Reich is rich and full of fascinating detail. Much in this book will be hugely valuable to anyone interested in the history of the Holy Roman Empire. The emphasis on the performativity of ritual and ceremonial is a particularly valuable contribution. The discussion of ritual and symbolism will also be of interest to historians concerned with these matters in medieval and early modern Europe generally. Stollberg-Rilinger has herself promoted a comparative perspective by playing a key role in organizing the recent exhibition in Münster devoted to the theme of ritual in Europe over the thousand years between 800 and 1800, which placed some of the themes of the present book in European perspective.[3]

Des Kaisers alte Kleider also has implications for the interpretation of the history of the last three centuries of the Holy Roman Empire that are, however, likely to be more controversial. Stollberg-Rilinger emphasizes at the outset that she does not wish to present an "alternative constitutional history" (p. 18) of the Reich. Yet, in a sense, that is precisely what she offers. It is perhaps surprising that little of the central significance of symbolism can be gleaned from her very readable short survey of the Reich from the end of the Middle Ages to 1806, which appeared as recently as 2006.[4] In the present book, the story is written rather differently, and in ways that seem to revert to the master narratives of the late nineteenth and early twentieth centuries. It is one thing to criticize over-enthusiastic eulogies to the early modern Reich as a precursor to the European Union or as a pre-national constitutional state that can serve as a model for a post-national present. It is surely quite another to present the

history of the Reich's last three centuries, as Stollberg-Rilinger seems to do, as the history of a steady decline towards an inevitable collapse.

Does the changing nature and diminishing significance of symbolic language really denote the decline of a polity? The numerous eighteenth-century German writers who generated an extraordinary wealth of writing about the German polity, its laws, and its traditions would surely have been astonished at the suggestion that the Reich did not really have a constitution. Of course, the nature of the polity had changed over time and a tension was indeed palpable between the hierarchical traditions of the Reich and the aspirations to sovereignty of some of its members. There is also no doubt that Habsburg policy had to negotiate the tension between the interests of the emperor as ruler of a complex of territories both within and outside the Reich on the one hand and his duties and interests as elected Holy Roman emperor on the other. Yet, it is debatable whether the Reich was doomed as a result. That was certainly not the view of those who wrote about the Reich and its reform, even in the last handbooks on the subject, which appeared after 1800. How significant were Hegel's reflections of 1799-1802 that he himself abandoned unfinished and that were never published during his lifetime? They are certainly interesting as an early political work, but it is doubtful whether one can really credit the thirty-year-old Hegel with greater prescience than figures such as Göttingen's great expert on imperial law, Johann Stephan Pütter (1725-1807), or even the relatively lowly Reichstag practitioner, Haas, cited above.

Indeed, much of what Stollberg-Rilinger says about the Reich could be said about early modern England or indeed other European monarchies. The English monarchy had no written constitution and the significance of its coronation rituals changed over time. The kind of feudal relationships enacted in the later Middle Ages were no longer relevant in the eighteenth century. Even so,

scholars of the English monarchy, or of the other European monarchies for that matter, do not as a rule feel impelled to take the further step of denying either their statehood or their viability. Even in the case of the Polish monarchy, which was in some respects similar to the Reich but which, unlike the Reich, failed catastrophically in the second half of the eighteenth century, the statehood of the polity is not questioned.

The problem in the case of the Reich seems to lie, yet again, in the wider implications of the competing master narratives of German history. Hegel's remarks were taken up by scholars because they fit nicely into a narrative that traced the long decline of the Reich as the backdrop to the triumphant emergence of the nation-state in the nineteenth century. The Prussian-German historiographical tradition has long since been abandoned. But elements of its underlying master narrative have remained central to accounts of German history that posit some kind of *Sonderweg*. As Dieter Langewiesche has suggested, the tendency to write German history as "Defizitgeschichte," as the history of what Germany did not have or failed to achieve, remains strong.[5]

The debate about the question of whether the Reich was or was not a state is very much shaped by this tendency. Of course, the Reich was not a modern nation-state, nor was it the kind of state that Hegel later came to envisage. Yet it was surely a state in the early modern understanding of the term, and perceived to be a state, not only by German writers, but by external observers as well. Furthermore it was a polity that between 1495 and 1648 developed a set of fundamental laws that were recognized as a constitution and functioned as such. At the end, the Reich failed in the prime duty of a state: to defend itself against external attack. Yet, as Haas noted in May 1806: "The German people have ceased to be a state, not because of the desire for independence of its estates, but rather in order to impose a foreign yoke all the more rigorously." [6] In other words, it was

Napoleon who destroyed the Reich, rather than the atrophy of its symbolic language.

Barbara Stollberg-Rilinger has written an important book that is sure to provoke lively debate. Not the least of the reasons for that is that her work has the great merit of being a pleasure to read.

Notes

[1]. Printed in Gero Walter, *Der Zusammenbruch des Heiligen Römischen Reichs deutscher Nation und die Problematik seiner Restauration in den Jahren 1814/15* (Heidelberg: CF Müller, 1980), 132-144.

[2]. Joachim Whaley, "The Old Reich in Modern Memory: Recent Controversies Concerning the 'Relevance' of Early Modern German History," in *German History, Literature, and the Nation*, ed. David Midgley and Christian Emden (Oxford: Peter Lang, 2004), 25-49; and Matthias Schnettger, "Von der 'Kleinstaaterei' zum 'komplementären Reichs-Staat': Die Reichsverfassungsgeschichtsschreibung seit dem Zweiten Weltkrieg," in *Geschichte der Politik: Alte und neue Wege*, ed. Hans-Christof Kraus and Thomas Nicklas (Munich: R. Oldenbourg, 2007), 129-154.

[3]. Barbara Stollberg-Rilinger, Matthias Puhle, Jutta Götzmann, and Gerd Althoff, eds., *Spektakel der Macht. Rituale im Alten Europa* (Darmstadt: Wissenschaftliche Buchgesellschaft, 2008).

[4]. Stollberg-Rilinger, *Das Heilige Römische Reich deutscher Nation: Vom Ende des Mittelalters bis 1806* (Munich: CH Beck, 2006).

[5]. Dieter Langewiesche, "Der 'deutsche Sonderweg': Defizitgeschichte als geschichtspolitische Zukunftskonstruktion nach dem Ersten und Zweiten Weltkrieg," in Dieter Langewiesche, *Zeitwende: Geschichtsdenken heute* (Göttingen: Vandenhoeck & Ruprecht, 2008), 164-171.

[6]. Walter, *Zusammenbruch*, 132-144.

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