

The *Kaiserreich* in Question: Constitutional Crisis in Germany before the First World War

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In the decade before the First World War, the German Empire was criticized so violently by politicians and journalists from across the political spectrum that many contemporaries began to doubt whether it would survive. Between the *Daily Telegraph* affair in 1908 and the Zabern incident in 1913, the Reich's system of government was brought into question by the majority of German deputies for the first time since 1871.¹ Unconsciously, commentators began to look back to the revolutions of 1848 and to Bismarck's confrontation with the Prussian Landtag between 1862 and 1866, when the constitutional trajectory of the German states had seemed to be open-ended. As in the mid-nineteenth century, debate about the constitution during the late 1900s and early 1910s seemed to threaten the very existence, not of particular institutions, but of an entire political regime. In the event, of course, Germany's polity did not collapse. The novelty of constitutional debate, however, created a crisis of confidence, which might have ended with the complete replacement of the imperial system of government. According to many historians of the German Empire, this constitutional crisis—or moment of potential transformation—was a major cause of uncertainty at home and helped to promote a diversionary, expansionist policy abroad, which in turn pushed Germany toward the First World War.²

Such arguments constitute important components of the often-rehearsed *Sonderweg* thesis, which posits that Germany's development before 1914 differed significantly from that of other European countries. As a consequence, it is held, the course of German history both before and after 1914 was more uneven than that of neighboring—particularly Western—states. By contrast, in this article I contend that constitutional debate in Wilhelmine Germany,

¹ The *Daily Telegraph* affair had been provoked by the kaiser's disclosures about German foreign policy to a British officer. The Zabern incident centered on the Prussian army, which was involved, apparently with impunity, in a series of insults and internments in a small Alsatian town.

² See below. For summaries of the debate, see J. Kocka, "German History before Hitler: The Debate about the German *Sonderweg*," *Journal of Contemporary History* 23 (1988): 3–16; R. G. Moeller, "The Kaiserreich Recast? Continuity and Change in Modern German Historiography," *Journal of Social History* 17 (1985): 655–83.

despite contributing to a feeling of crisis, eventually led to a stabilization of the German regime precisely by emphasizing that regime's unique features when compared to the rest of Europe. At the very least, few commentators were prepared to advocate the immediate adoption of French or British "parliamentarism" (*Parlamentarismus*), which, with its de facto appointment of ministers by popular assemblies, was purportedly the main alternative, by the late 1900s, to Germany's existing political system. In other words, a debate about Germany's "special path" had already taken place before the First World War, serving to reinforce contemporary support for the *Kaiserreich* and, consequently, to challenge later historians' support for hypotheses about the domestic foundations of Wilhelmine foreign policy.

The testimony of Wilhelmine Germans themselves suggests the existence of a political *Sonderweg* before 1914. It is necessary, therefore, to modify some of the arguments put forward by revisionist historians such as Geoff Eley, Richard Evans, and David Blackbourn, which have tended to understate the particularity of the Bismarckian regime and German politics, partly by indicating the limitations of nineteenth-century liberalism and democracy in Europe as a whole, and partly by shifting attention to the social, regional, federal, and extraparliamentary history of the *Kaiserreich*.³ The consequence if not the intention of such studies, notwithstanding notable exceptions, has been to neglect the fact that national politics came to play a more significant role in public life during the Wilhelmine era as a result of an unprecedented expansion of the press, the modern organization of political parties, growing identification with a German nation-state, and an increase in the powers of the Reichstag and the Reich government. Any attempt to define the character and explain the legitimacy of the German Empire, I will argue, has to be made in large part within this sphere of national politics and political discourse.

This does not imply, however, agreement with the case articulated by historians of the Bielefeld and Hamburg schools such as Hans-Ulrich Wehler and Fritz Fischer, despite their championing of the *Sonderweg* thesis and their emphasis on politics and the nation-state.⁴ Rather, I contend that Wehler's

³ See esp., among many examples, D. Blackbourn and G. Eley, *The Peculiarities of German History* (Oxford, 1984), pp. 75–90, 251–60; D. Blackbourn, *Class, Religion and Local Politics in Wilhelmine Germany* (New Haven, Conn., 1980); G. Eley, *Reshaping the German Right*, 2d ed. (Ann Arbor, Mich., 1991); R. J. Evans, *Rethinking German History* (London, 1987), pp. 43–50.

⁴ H.-U. Wehler, *The German Empire* (Leamington Spa, 1985); V. R. Berghahn, *Germany and the Approach of War in 1914* (London, 1973); H.-J. Puhle, *Agrarische Interessenpolitik und preußischer Konservatismus im wilhelminischen Reich 1893–1914* (Hanover, 1966); P.-C. Witt, *Die Finanzpolitik des deutschen Reiches von 1903 bis 1914* (Lübeck, 1970); and the early work of H. Boldt, "Deutscher Konstitutionalismus und Bismarckreich," in *Das kaiserliche Deutschland*, ed. M. Stürmer (Düsseldorf, 1970).

depiction of “pseudo-constitutional absolutism” and “sham democracy,” which has subsequently been changed in his later work—and in that of Wolfgang Mommsen—into a “system of skirted decisions” and a “delaying compromise,” fails to take account of cross-party approval of what was believed, *faute de mieux*, to be the comparatively successful dualism of the *Kaiserreich*.⁵ As a consequence of such beliefs, many Wilhelmine Germans refused to accept that the regime was a flawed compromise, and many more who did have misgivings about the political system nevertheless continued to make that compromise work, in the absence of a better alternative. This picture of relative domestic stabilization contradicts Fischer’s and Wehler’s—and, to a lesser extent, Mommsen’s—image of an ill-defined “polycracy,” which supposedly favored expansion abroad, to the point of risking war in 1914, in an attempt to overcome social conflict, political deadlock, and constitutional contradictions at home.

In general, legal historians have been more willing to give credence to the constitutional beliefs of Wilhelmine Germans, frequently at the expense of assessing real historical forces such as a Junker-dominated state and an army commanded by the kaiser, which have preoccupied the Bielefeld and Hamburg schools.⁶ On the one hand, scholars like Ernst-Wolfgang Böckenförde and Manfred Rauh have pointed to the growth of the Reichstag’s powers, often against the wishes of deputies, in order to demonstrate that “constitutional government” was simply a short-lived transition on the way to a “parliamentary regime.”⁷ On the other hand, opponents like Ernst Rudolf Huber and Hans Boldt have emphasized the unique and enduring features of a German type of “constitutional monarchy”—most notably, the independence of the executive

⁵ For their more recent positions, see W. J. Mommsen, *Imperial Germany, 1867–1918* (London, 1995), pp. 1–40, 141–204; H.-U. Wehler, *Deutsche Gesellschaftsgeschichte 1849–1914* (Munich, 1995), pp. 355–76, 848–1168; also, V. R. Berghahn, *Imperial Germany, 1871–1914* (Providence, R.I., 1994), pp. 190–201, 240–93; H.-P. Ullmann, *Politik im Deutschen Kaiserreich 1871–1918* (Munich, 1999), pp. 1–18, 25–42, 53–98.

⁶ For a good summary of the different positions, see K. v. Zwehl, “Zum Verhältnis von Regierung und Reichstag im Kaiserreich 1871–1918,” in *Regierung, Bürokratie und Parlament in Preußen und Deutschland von 1848 bis zur Gegenwart*, ed. G. A. Ritter (Düsseldorf, 1983). Also, M. John, “Constitution, Administration, and the Law,” in *Imperial Germany: A Historiographical Companion*, ed. R. Chickering (Westport, Conn., 1996), pp. 185–214.

⁷ E.-W. Böckenförde, “Der Verfassungstyp der deutschen konstitutionellen Monarchie im 19. Jahrhundert,” in *Moderne deutsche Verfassungsgeschichte*, 2d ed., ed. E.-W. Böckenförde (Königstein, 1981); M. Rauh, *Föderalismus und Parlamentarismus im Wilhelminischen Reich* (Düsseldorf, 1973), and *Die Parlamentarisierung des Deutschen Reiches* (Düsseldorf, 1977); G. Zmarzlik, “Das Kaiserreich in neuer Sicht?” *Historische Zeitschrift* 222 (1976): 105–26.

vis-à-vis a representative chamber—which distinguished it from a parliamentary system of government.⁸ Although acknowledging that the powers of the Reichstag increased between 1871 and 1914, as Rauh has pointed out, this study confirms the conclusions of Boldt and others, against the notion of parliamentarization, that Germany's constitutional monarchy had succeeded in gaining considerable popular backing. The article also demonstrates, however, that such backing was not primarily the product of nineteenth-century constitutional precedents, as Huber and Boldt imply, but the corollary of party discussion and international comparison during the early twentieth century.

Accordingly, the next section looks at constitutional reform in Germany in order to evaluate the continuities and discontinuities of constitutional thought and political practice between 1815 and 1914. Sections II and III go on to examine in detail how party discourse during the 1900s and early 1910s came to rest, above all, on a perceived opposition between constitutional and parliamentary government, obscuring or subsuming other descriptions of the German regime as a military monarchy, neoabsolutist government, or a law-governed state (*Rechtsstaat*). The association of constitutionalism with Germany and parliamentarism with Britain and France not only undermines an important element of Blackbourn and Eley's case against Wehlerite conceptions of a German *Sonderweg*; it also contradicts Wehler's depiction of increasing disaffection and deadlock within the political structure of the Reich, since Germany's constitutional system gained a measure of cross-party support, mainly as a consequence of the perceived failure of European parliamentary regimes. Section IV shows how this support for the idea of German constitutionalism (*Konstitutionalismus*) prevented the practice of parliamentarization from extending beyond certain critical thresholds, which protected the Reich from a transition to a parliamentary system of government.

I. CONSTITUTIONAL REFORM IN GERMANY BEFORE AND AFTER UNIFICATION

By the late 1900s and early 1910s, many academics, officials, politicians, and journalists had come to agree that the distinction between parliamentarism and constitutionalism had become the defining characteristic of German typologies of modern political regimes. Such typologies were both self-consciously international in scope and purportedly novel in form and significance. The *Kai-*

⁸ E. R. Huber, *Deutsche Verfassungsgeschichte* (Stuttgart, 1957–); H. Boldt, "Parlamentarismustheorie: Bemerkungen zu ihrer Geschichte in Deutschland," *Der Staat* 19 (1980): 385–412, and *Deutsche Verfassungsgeschichte*, vol. 2 (Munich, 1990); D. Grosser, *Vom monarchischen Konstitutionalismus zur parlamentarischen Demokratie* (The Hague, 1970).

serreich was placed in a scheme between parliamentarism and despotism, which were represented, respectively, by western Europe and Asia. France and Britain, the largest and most powerful western European states, remained Wilhelmine Germans' principal point of comparison, because "Asiatic" regimes such as those of Russia or the Ottoman Empire were seen to be beyond the civilized world of *Kulturstaaten* and because the presidential system of the United States was associated with the particular conditions of the "New World." As a result, it appeared to historian Hans Delbrück, and to many of his contemporaries, that "Germany constitutes the real, archetypal obverse of the parliamentary states."⁹

This, it seemed, had not always been the case. During the 1870s, 1880s, and 1890s, wrote the Heidelberg constitutional lawyer Georg Jellinek, in a review of Wilhelm Roscher's *Politik: Eine geschichtliche Naturlehre der Monarchie, Aristokratie und Demokratie*, most academics had continued to base their work on classical Greek political theory, making little attempt to distinguish between contemporary European states.¹⁰ By 1911, such schemes had been replaced, continued Jellinek in an addendum to an essay of 1883, by "the opposition between constitutionalism and parliamentarism," which could "now be counted among the political catch-phrases of the day."¹¹ Other *Staatsrechtler* concurred, despite criticizing Jellinek's cautious support for parliamentarism. Conrad Bornhak, for instance, insisted as vociferously as his academic opponent in Heidelberg on distinguishing between a constitutional system of government, in which ministers were appointed by the head of state, and a parliamentary regime, "in which ministries are formed out of the majority in the elected assembly from the members of the majority party." This distinction, he concluded, followed "current terminology."¹²

In fact, such terminology had first emerged during the mid-nineteenth century as a consequence of a series of struggles to reform, overturn, and defend the states of the German Confederation. It was, from the start, associated with France and Britain, which were seen to be the main opponents of Metternich's system of reactionary intervention abroad and repressive conservatism at home. As reformers' demands escalated during the *Vormärz* era, the words

⁹ H. Delbrück, *Regierung und Volkswille* (Berlin, 1914), p. 126.

¹⁰ G. Jellinek, *Ausgewählte Schriften und Reden* (Berlin, 1911), 2:323. G. Hübinger, "Staatstheorie und Politik als Wissenschaft im Kaiserreich: Georg Jellinek, Otto Hintze, Max Weber," in *Politik, Philosophie, Praxis*, ed. H. Maier et al. (Stuttgart, 1988), p. 143; Roscher intended to continue in the tradition of Dahlmann, Droysen, Waitz, and Treitschke.

¹¹ G. Jellinek, "Die Entwicklung des Ministeriums in der konstitutionellen Monarchie," in *Ausgewählte Schriften und Reden*, 2:136.

¹² C. Bornhak, "Parlamentarisches Regiment im Deutschen Reiche," *Internationale Monatsschrift für Wissenschaft, Kunst und Technik* 6, no. 8 (May 1912): 1011–12.

“parliamentary regime” and “constitutional monarchy” were adopted not merely to describe retrospectively an unexpected turn of events but also to reestablish the boundaries of politics and political change. It was for this reason that definitions of foreign parliamentarism and German constitutionalism initially came from the right, as a means of reinforcing the political status quo. Thus, the conservative constitutional lawyer Friedrich Julius Stahl was one of the first German observers to point out, in 1845, that the British parliament had used its right to initiate legislation and to refuse the budget in order to dominate government as a whole: “The nation, through its parliamentary representation, governs itself, and the king only stands above it by giving this government (formal) sanction and . . . , as far as conditions allow him, by moderating it. This is what we call the parliamentary principle.”¹³ Likewise, the Leipzig *Staatsrechtler* Friedrich Bülow had, in 1843, described the particular virtues of “the German constitutional system” in order to guard against the importation of malfunctioning French constitutionalism or British “parliamentary omnipotence,” which would be less “well-suited, true, honest [and] pure” under German conditions.¹⁴

Once coined, the labels “constitutionalism,” “constitutional system,” “constitutional monarchy,” “parliamentary regime,” and “parliamentarism” punctuated political debate in Germany during the period between 1848 and 1880, gradually falling into disuse after that date.¹⁵ As late as 1886, an old supporter of the Bismarckian state like the historian Heinrich von Treitschke could still be found warning of the inefficiency of “republican or parliamentary neighbouring states” and championing Germany’s constitutional monarchy: “We do not consider that we have found the only true form of constitutional system; but the only possible form for Germany, which the history of this century teaches on every page, is a free popular representation, which seeks to reach agreement with a free crown and does not claim the right to subordinate the monarchy to its own will.”¹⁶ In many respects, the terms of constitutional debate in early twentieth-century Germany appeared already to have been set by proponents and opponents of reform during the mid-nineteenth century.

¹³ F. J. Stahl, *Das monarchische Princip*, cited in W. Füßl, *Professor in der Politik: Friedrich Julius Stahl, 1802–1861* (Göttingen, 1988), p. 46. Also, C. Wiegand, *Über Friedrich Julius Stahl* (Paderborn, 1981), pp. 255–62.

¹⁴ F. Bülow, “Der constitutionelle Staat in England, Frankreich und Deutschland (1843),” cited in M. Botzenhart, *Deutscher Parlamentarismus in der Revolutionszeit 1848–1850* (Düsseldorf, 1977), p. 50.

¹⁵ See, e.g., the major party programs, in H. Fenske, ed., *Quellen zum politischen Denken der Deutschen im 19. und 20. Jahrhundert*, vols. 4–7 (Darmstadt, 1976–1982).

¹⁶ H. v. Treitschke, “Rede zur Feier der fünfundzwanzigjährigen Regierung Seiner Majestät Kaisers und Königs Wilhelm I (1886),” in his *Deutsche Kämpfe*, rev. ed. (Leipzig, 1896), pp. 360–61.

Until the late 1900s, however, the terms “constitutional monarchy” and “parliamentary regime” played an ambiguous and peripheral part in German political discourse, despite the existence of de facto parliamentary rule in the Frankfurt National Assembly between 1848 and 1849 and a fundamental conflict about the powers of the Reichstag and the ultimate location of sovereignty in Prussia between 1862 and 1866.¹⁷ Politics in most German states persisted in an inchoate form, without established political parties, an agreed agenda of policies, or an accepted political vocabulary. In addition, news from France and Britain, where party politics had a longer history, was haphazard and often misleading.¹⁸ Consequently, the meaning of “parliamentarism” and “constitutionalism” remained in flux. “For some years, there has been much talk in the German press of ‘parliamentarism,’” wrote Lothar Bucher, the publicist and later assistant of Bismarck, in 1855: “But what is the precise definition of parliamentarism? Up until last year, one could have searched long and thanklessly for a definition of this oft-used word.”¹⁹ Throughout the period between the mid-1840s and the late 1900s, “parliamentarism” more often denoted, as Bucher admitted, “the organized and guaranteed free exchange of ideas and actions” than a system of government in which parliament appointed and dominated the executive.²⁰

The meaning of “constitutionalism” was even more confused, partly because both left and right relied on the word, unlike parliamentarism, to help to legitimize their own political platforms. Most liberals continued to maintain in the 1860s, as in 1848, that a “true and complete constitutional . . . order” was, in Carl Welcker’s words, “exactly the same thing” as a parliamentary one.²¹ However, conservatives, the majority of whom no longer thought a return to unconstitutional absolutism possible, sought to challenge what they believed was becoming the orthodox equation of the two terms, attempting instead to use “constitutional” in opposition to “parliamentary.” “What, then, is all this exalted ‘general constitutional law’ which today inveigles its way into our constitutional life with such unflappable self-confidence?” asked Treitschke in

¹⁷ D. Hein, “‘Self-Government der Nation’: Exekutive und Legislative in der deutschen Reichsverfassung von 1849,” in H. Dippel, *Executive and Legislative Powers in the Constitutions of 1848–49* (Berlin, 1999), pp. 163–84; H. Boldt, “Verfassungskonflikt und Verfassungshistorie: Eine Auseinandersetzung mit Ernst Rudolf Huber,” in E.-W. Böckenförde, *Probleme des Konstitutionalismus im 19. Jahrhundert* (Berlin, 1975), pp. 75–102.

¹⁸ R. Lamer, *Der englische Parlamentarismus im Zeitalter Bismarcks 1857–1890* (Lübeck, 1963), in particular, shows how British parliamentarism was misinterpreted.

¹⁹ L. Bucher, *Der Parlamentarismus wie er ist* (Berlin, 1855), pp. 21–22.

²⁰ *Ibid.*

²¹ C. Welcker, *Der preußische Verfassungskampf* (Frankfurt, 1863), cited in K. E. Pollmann, *Parlamentarismus im Norddeutschen Bund 1867–1870* (Düsseldorf, 1985), p. 22.

1870, as he gravitated away from the National Liberals toward the Free Conservatives: "Nothing more than an arbitrary theory which cobbles together single, displaced phrases from the public law of England and Schwarzburg-Sonderhausen, from Norway and Baden, into a system."²²

The right, as Treitschke correctly implied, had tried and failed during the 1860s to reverse the direction of previous constitutional debate in Germany, which had been dominated by liberals.²³ This failure can be explained, to a considerable degree, by conservatives' unwillingness to see themselves simply as "constitutionalists," preferring, like Stahl, to adhere to the monarchical principle or, like Treitschke, to swear allegiance to the army, bureaucracy, and the state.²⁴ The predominance of liberal terms of debate, though betraying a greater interest in constitutional questions, did not mean that liberals were prepared to regard themselves first and foremost as "parliamentarists," however; indeed, most were opposed to the introduction of a parliamentary system of government in Germany, at least in the short term, by the 1860s.²⁵ Rather, between the mid-1840s and the late 1870s, they were arguably more interested in safeguarding political rights, extending the suffrage, making ministers legally responsible, paying deputies, and defending the Reichstag's right of budgetary sanction.²⁶ All these questions were discussed extensively during the late 1840s, 1860s, and 1870s. By contrast, no provision was made for the appointment and dismissal of ministers by parliament in the constitutions of 1849, 1867, or 1871. In the mid-nineteenth century, both liberals and conservatives acted as if the opposition between constitutionalism and parliamentarism was secondary to the great political questions of the day.

During the late nineteenth century, after unification in 1871, the idea that a parliamentary system of government might be introduced in Germany seemed more and more remote. Accordingly, discussion of parliamentarism and con-

²² H. v. Treitschke, *Historische und politische Aufsätze*, rev. ed. (Leipzig, 1870), 2:780.

²³ *Ibid.*, p. 749.

²⁴ A. Schildt, *Konservatismus in Deutschland* (Munich, 1998), pp. 63–101; H. C. Kraus, *Ernst Ludwig von Gerlach: Politisches Denken und Handeln eines preussischen Altkonservativen* (Göttingen, 1994), pp. 287–88; Füßl, *Professor in der Politik* (n. 13 above), pp. 43–49; W. Bußmann, *Heinrich von Treitschke* (Göttingen, 1952), pp. 398–402.

²⁵ K. E. Pollmann, *Parlamentarismus im Norddeutschen Bund* (Düsseldorf, 1985), p. 514; H. Brandt, *Parlamentarismus in Württemberg 1819–1870* (Düsseldorf, 1987), p. 797.

²⁶ J. J. Sheehan, *German Liberalism in the Nineteenth Century* (Chicago, 1978), pp. 59–140; J. F. Harris, *A Study in the Theory and Practice of German Liberalism: Eduard Lasker, 1829–1884* (New York, 1984), pp. 73–79; A. Laufs, *Eduard Lasker: Ein Leben für das Rechtsstaat* (Göttingen, 1984), p. 39; K. E. Pollmann, "Der Nationalliberale Rudolf von Bennigsen," in *Der Nationalliberalismus in seiner Epoche*, ed. R. v. Bennigsen Stiftung (Baden-Baden, 1981), pp. 31–32.

stitutionalism had more or less come to an end by the late 1890s. The last major party program to make explicit reference to *Parlamentarismus* was that of the Conservative Party in 1881, which warned against “parliamentarism on the English or Belgian model.”²⁷ Although rarely central either to speeches or to manifestos, such references had been far more common during the 1860s. Thirty years later, most remaining allusions were to “foreign parliamentarism,” which was “no longer able to be the means,” as one conservative journalist put it, to achieve necessary national support for government policy.²⁸ Even a supporter of parliamentary rule like the left-liberal leader Eugen Richter found himself preoccupied with day-to-day struggles by the 1890s rather than agitating for a change of system.²⁹ “German parliamentarism,” in the broad sense of parliamentary life, lamented his colleague Ludwig Bamberger in 1887, “was merely an episode, and I was merely a participant in that episode. Never mind.”³⁰

The reasons for this loss of support for parliamentarism—narrowly and broadly defined—are well documented. Deputies’ enthusiasm for the *Kaiserreich* as a German nation-state was the most important, “giving precedence to the issue of power at this time and maintaining that the issues of freedom can wait, provided that nothing happens which can permanently prejudice them,” in the words of Karl Twesten’s famous dictum.³¹ Beside such popular national feeling, which was particularly strong among liberals, was Germany’s long-standing state tradition, which discouraged academics in particular—but also politicians—from investigating and challenging the Reich as a system of government.³² To attack the German Empire was, it seemed, to threaten the order of the state and the integrity of the nation. Moreover, as time passed, imperial institutions appeared to be firmly entrenched, if not immovable, despite their improvised and, in some respects, contradictory character. As a result, the constitutional question began to slip from public view, as Friedrich Naumann acknowledged in 1908: “In the last twenty years, one could regularly hear and read that the time of theoretical constitutional questions was over, for the constitution, as it was fashioned by Bismarck’s hand, was to be accepted as the fixed property of the German people. . . . Almost every one of us who

²⁷ H. Fenske, ed., *Im Bismarckschen Reich 1871–1890* (Darmstadt, 1978), p. 284.

²⁸ “Monarchie,” *Konservatives Handbuch* (1892), 1:269–71, and C. Rössler, “Fürst Bismarck,” *Preußische Jahrbücher*, vol. 65 (1890), cited in H. Fenske, ed., *Unter Wilhelm II 1890–1918* (Darmstadt, 1982), pp. 39–42, 465–66.

²⁹ I. S. Lorenz, *Eugen Richter: Der entschiedene Liberalismus* (Husum, 1981), p. 80.

³⁰ Cited in E. Feder, ed., *Bismarck’s großes Spiel: Die geheimen Tagebücher Ludwig Bambergers* (Frankfurt am Main, 1932), p. 339.

³¹ Cited in O. Pflanze, *Bismarck and the Development of Germany* (Princeton, N.J., 1963), 1:330.

³² K. H. F. Dyson, *The State Tradition in Western Europe* (Oxford, 1980).

entered politics in the 1880s and 1890s has lived through a period in which he was rather indifferent to genuine constitutional questions."³³ Naumann, who had become one of the loudest left-liberal critics of the Bismarckian Empire by the late 1900s, only a few years earlier had dismissed the possibility of extensive constitutional reform. Like most of his contemporaries, it could be contended, he had accepted the institutional structure of the *Kaiserreich* as the invisible framework of his political thought.

During the 1900s, this theoretical framework began to collapse, culminating in a crisis between 1908 and 1914 that resurrected and redefined the terms of mid-nineteenth-century constitutional debate. The causes of this crisis were largely domestic. As was to be expected, they were connected, primarily, to the close relationship between constitutional and national affairs, which had previously protected the imperial constitution from criticism. By the turn of the century, as the existence of a German nation-state began to seem self-evident, this relationship had become more tenuous, leaving the German Empire in a temporarily ambiguous position. Now, some politicians and publicists were confident enough to discuss a change of political system, since they were less likely to be accused of treason; yet others were still conscious of the unprecedented nature of such discussion, leading them to prophesy the collapse of the Bismarckian state and the disintegration of the German nation. At the same time, fewer and fewer parties were prepared to support the Reich government unconditionally, as their own shifting allegiances, together with the changing tactics of the administration, destroyed a succession of pro-government coalitions. Following political shifts such as the Center Party's fall from grace in 1906, the end of the Bülow bloc in 1909, and the emergence of a "national opposition" of conservatives by 1911, there was a larger number of politicians willing to question the workings of Germany's political system.

The balance of that political system had, in any event, already moved to the left by the late 1900s, with the growth of the Social Democratic Party (SPD) and the emergence of "democratic" Catholics like Matthias Erzberger threatening the right-wing basis of government rule. By the 1910s, Bethmann Hollweg's administration seemed to be faced with the prospect of parliamentary and constitutional reform from the left, which according to Naumann and others would allow the necessary integration of "proletarian liberals" in the SPD,³⁴ or with the possibility of reactionary measures from the right, which were motivated by the fear that the government would give in to socialist pressure. It was in this political atmosphere that the Reich executive made a

³³ F. Naumann, "Die Umwandlung der deutschen Verfassung," *Patria* (1908), p. 84.

³⁴ F. Naumann, "Demokratie und Disziplin," *Hilfe* 10, no. 16 (April 17, 1904): 3, and "Die psychologischen Naturbedingungen des Sozialismus," *Zeit* 1, no. 7 (1902): 564–71.

series of errors, especially in the realm of foreign policy, which were construed, in parts of the press, as the technical shortcomings of an entire system of government. Thus, during the first Moroccan crisis of 1905–6, the *Daily Telegraph* affair and Bülow's failed attempt to reform Reich finances in 1908, the second Moroccan crisis and the debate about an Alsatian constitution in 1911, and the Zabern incident in 1913, conservatives, Catholics, liberals, and socialists had all raised questions about the malfunctioning of the German regime as a whole. For the first time since its inception, the Reich was subjected to widespread fundamental criticism and reassessment. To the *Deutsche Revue* in 1910, it was as if "most of what has moved the German people in recent times," including the dispute over colonies in 1906 and the campaign for revision of Prussia's electoral laws, "is in some way an episode in this struggle."³⁵

The causes of constitutional crisis in pre-war Germany, then, derived from the daily round of party politics. The terms of that crisis, however, were eventually set by Germans' perceptions of foreign regimes. Even in November and December 1908, at the high point of the *Daily Telegraph* affair, about half of the deputies speaking in the main Reichstag debates still found time to compare Germany's political system with those of other European countries.³⁶ This time, unlike in the 1840s and 1860s, when knowledge of neighboring states' constitutions had been at once less widespread and more confused, the majority of journalists, politicians, and officials came to regard the opposition between parliamentarism and constitutionalism as the basis of the conflict. Gradually, a long list of other political labels, which had been used extensively—in the absence of any unambiguous guidance from academics—during the late nineteenth century, were overshadowed by the terms "parliamentary regime" and "constitutional monarchy." Empire, dictatorship, military monarchy, Caesarism, despotism, absolutism, oligarchy, aristocracy, ochlocracy, *Rechtsstaat*, *Wohlfahrtsstaat*, and *Kulturstaat* did not, it appeared, describe the most relevant attributes of European regimes. The same was true of the distinction between republics and monarchies and that between democratic and undemocratic states. The former, which had been popular during a mid-nineteenth-century age of revolutions, had since become marginal: thus, when the conservative leader Ernst von Heydebrand skeptically mooted the possibility of a German republic in 1908, the Reichstag responded, as he had intended, only with laughter, as if the idea were ridiculous.³⁷ Similarly, the latter distinction between democratic and undemocratic polities appeared to be much less useful

³⁵ Anon., "Gedanken über Parlamentarismus in Deutschland," *Deutsche Revue* 35, no. 35 (July 1910): 2.

³⁶ *Verhandlungen des Reichstags: Stenographische Berichte* (Berlin, 1909), vol. 233 (Nov. 10–11 and Dec. 2–3, 1908).

³⁷ *Verhandlungen des Reichstages*, November 10, 1908, vol. 233, p. 5394.

than during the period of agitation over universal manhood suffrage in the 1840s and 1860s: in an era, in the liberal Theodor Barth's words, of "steady advancement towards more democratic forms of public life in our old world," the term "democracy" no longer seemed specific enough to describe the diversity of European states.³⁸

By contrast, the terms "parliamentary regime," "parliamentarism," "constitutionalism," and "constitutional monarchy" had, in the years before the First World War, become defining concepts of German political thought, achieving a much broader and less ambiguous currency than during the nineteenth century. The principal impulse for this conceptual clarification was the reemergence of foreign *Parlamentarismus*, now more clearly defined, as a genuine alternative to the German Empire's existing system of government. After the turn of the century, readers were bombarded by articles on the subject, with more than seventy major pieces in Wilhelmine journals between 1898 and 1914 alluding to *Parlamentarismus* in the title and hundreds more examining the same theme in newspapers and under different headings. Such articles evince how the meaning of the word "parliamentarism" shifted during the 1900s from—in most instances—a broad description of parliamentary business, as in the title of Karl Kautsky's *Parlamentarismus und Demokratie*, to a generically specific label for a system of government in which ministers were appointed and dismissed by parliament. In general, "constitutionalism" was defined, somewhat later, in direct opposition to "parliamentarism," as a means of defending Germany's existing polity, in which the executive was nominated and removed by a monarch according to a constitutional separation of competencies. Neither term lost its old connotations completely and both, especially "constitutionalism," continued to have contested meanings, yet the predominance of the generic concepts was almost always acknowledged by the use of qualifications such as "pure," "genuine," or "sham" to indicate that the normal meaning was being challenged. A small minority of newspapers argued that constitutionalism was likely to be a mere staging post on the way to parliamentarism, but they, too, usually maintained the distinction between the two types of government. "For some time, there has been a development from bureaucratic absolutism to democratic constitutionalism," wrote a correspondent of one such newspaper, the *Frankfurter Zeitung*, in 1913: "Although this development does not mean an extension of the rights of the Reichstag, it is indeed a symptom for a doubtless extant tendency towards more developed parliamentarism."³⁹ Other left-liberal publications like the *Berliner Tageblatt* stressed that their intention during the Zabern debates was to consolidate Germany's constitutional regime, not to prepare a transition to a parliamentary

³⁸ T. Barth, "Prinz und Demokratie," *Nation* 19, no. 24 (March 15, 1902): 371.

³⁹ *Frankfurter Zeitung*, cited in *Berliner Neueste Nachrichten* (December 12, 1913).

one.⁴⁰ Most commentators appeared to believe, like the historian Otto Hintze, that the *Kaiserreich* constituted a “unique Prussian-German system” of government.⁴¹

The following sections investigate the emergence of a party-political debate about German constitutionalism and examine the ramifications of such debate for the transformation of Germany’s polity. During the nineteenth century, it can be argued, constitutional discourse had played only a secondary part, subordinate to that of real political forces, in creating the constitutions (*Verfassungen*) of the German states. In most instances, monarchs and bureaucracies had retained complete control of the executive, forming representative assemblies on their own authority. This was the case in most southern German states, which were granted constitutions during the 1810s: “The king,” ran the Bavarian constitution, “is the head of state, uniting in his person all rights of state power and exercising them according to the provisions, which were given by him, of the present constitutional declaration.”⁴² It was also the case in those middle German states like Saxony and Hanover, which acquired *Verfassungen* during the early 1830s. Even in Württemberg, whose constitution came into being in 1819 by means of a contract between the king and the representatives of the estates, there existed a *praesumptio pro rege*, according to which the monarch had the right to settle conflicts over jurisdiction.

This question of ultimate sovereignty was opened in 1848–49, as the National Assembly in Frankfurt drew up its own constitution on behalf of the nation, and it remained open in the constitutions of the North German Confederation in 1867 and of the German Empire in 1871, neither of which resolved the problem of a possible impasse between a representative assembly and a monarchical executive, such as had occurred in Prussia between 1862 and 1866. Despite the unresolved nature of sovereignty in Germany after 1848, however, dynastic rulers and their officials retained power over the executive before and after unification by continuing to appoint and dismiss ministers, effectively ignoring the views of Germany’s various representative assemblies. The interests of the monarch, and by extension those of the army, bureaucracy, and nobility, were most significant in the continuation of this state of affairs. “The form in which the king exercises sovereignty has never particularly mattered to me,” declared Bismarck in 1869; “to the fact of his exercising it I have devoted all the strength and endeavour that God has given me.”⁴³ Even if liberal

⁴⁰ *Berliner Tageblatt* (Dec. 15, 1913).

⁴¹ O. Hintze, “Das monarchische Prinzip und die konstitutionelle Verfassung” (1911), in G. Oestreich, ed., *Staat und Verfassung*, 2d rev. ed. (Göttingen, 1962), p. 359.

⁴² Cited in R. Zippelius, *Kleine deutsche Verfassungsgeschichte* (Munich, 1994), p. 103.

⁴³ Cited in L. Gall, *Bismarck: The White Revolutionary* (London, 1990), 2:318.

constitutional reformers had harbored strong objections, it is doubtful that they would have significantly altered the Prussian constitution of 1850, which was imposed by a monarchical government, or the constitutional foundations of the North German Confederation and the German Empire, which were drafted by Bismarck, isolated on the Baltic island of Rügen, in autumn 1866. In the event, such liberals believed that other reforms were more important, particularly the legislation of political rights and the realization of national unification. During the 1860s, the evidence suggests that most liberals were prepared to recognize the monarch's right to appoint and dismiss the executive.⁴⁴ In 1848–49, when liberals were in control of government, they were content, according to the constitution of 1849, to leave the power of appointment to a Hohenzollern “Kaiser der Deutschen.” No legal provision was made for a vote of no confidence by the Reichstag, which might have checked such a power.⁴⁵

By contrast, when constitutional debate again—as in 1848—came to dominate German politics during the late 1900s and early 1910s, reformers were more pragmatic than in 1849, concentrating on the control of government, and more influential than in 1867, exploiting the power of left-wing parties and a disaffected public. The question now, it seemed, was whether reformers could use the shift of power from the individual states to the Reich, which had been taking place steadily since 1871, to the advantage of the Reichstag. By this time, however, there were, as the next two sections demonstrate, clear limits placed on reform by supporters and opponents alike.

II. CONSERVATIVE, CATHOLIC, AND NATIONAL LIBERAL OPPONENTS OF REFORM

The distinction between parliamentarism and constitutionalism had been maintained most assiduously since 1871 within the academic discipline of law. Most constitutional lawyers, influenced by the precepts of legal positivism, supported the German regime and opposed thorough-going constitutional reform, not least because they were convinced that “large legal obstacles to the parliamentary system,” in the words of Conrad Bornhak, continued to exist in im-

⁴⁴ Pollmann, *Parlamentarismus im Norddeutschen Bund* (n. 21 above), pp. 21–31; Sheehan, *German Liberalism in the Nineteenth Century* (n. 26 above), pp. 115–18. Dieter Langewiesche, *Liberalismus in Deutschland* (Frankfurt am Main, 1988), p. 94, asserts that most liberals saw parliamentarization as a necessary consequence of “ministerial responsibility,” but admits that only a few progressives expressly called for parliamentarization.

⁴⁵ E. M. Hucko, ed., *The Democratic Tradition: Four German Constitutions* (Oxford, 1987), pp. 11–13.

perial Germany.⁴⁶ Collegial government, ministerial responsibility, and parliament's power of appointment, it was held, were incompatible with the federal basis of the Reich. Politically accountable ministers, who would be held responsible and made liable for policy in its entirety, would seek to wrest powers from the Bundesrat and from Prussia, it was predicted.⁴⁷

Even opponents of Bornhak like Georg Jellinek, who eventually came to advocate the introduction of parliamentary government over the long term, argued along similar lines: "If one wanted to introduce parliamentarism in accordance with the western model, then this would only be possible with the marginalizing of the Bundesrat and, hence, with the repudiation of the federal structure of the Reich."⁴⁸ A complete change of regime would be necessary, he went on, as was apparent from the experiences of foreign states: "One sees that the question of parliamentary or extra-parliamentary government also includes, as far as the German Reich is concerned, the question of a unitary or a federal state, unitarism or federalism. . . . In other federal states, too, parliamentary forms of government are ruled out. This is the case in the United States of America and the other American federal states which have copied it, just as it is true of the Swiss Confederation."⁴⁹

Most lawyers, such as Karl von Stengel and Paul Laband, concurred with Bornhak that such incompatibility necessitated a stubborn defense of constitutionalism, federalism, and monarchy, which were believed to be interdependent concepts.⁵⁰ "The constitutional foundations of Prussia and the Reich and their interdependent relationships with one another, on the one hand, and a parliamentary regime, on the other," he warned, "are as irreconcilable as fire and water."⁵¹ Jellinek's conclusion that Germany would eventually have to accept parliamentarism, since unitary pressures in the Reich were irresistible, remained the exception in legal circles.

⁴⁶ Bornhak, "Parlamentarisches Regiment im Deutschen Reiche" (n. 12 above), p. 1014.

⁴⁷ Ibid., pp. 1014–18; G. Jellinek, "Regierung und Parlament," *Vorträge der Gehe-Stiftung zu Dresden*, no. 1 (March 13, 1909), pp. 27–31.

⁴⁸ Jellinek, "Regierung und Parlament," p. 31.

⁴⁹ Ibid., p. 32.

⁵⁰ K. v. Stengel, "Konstitutionelle Monarchie und parlamentarische Regierung," *Deutsche Monatsschrift für das gesamte Leben der Gegenwart* 3, no. 11 (August 1904): 736–47; P. Laband, "Die geschichtliche Entwicklung der Reichsverfassung seit der Reichsgründung," *Jahrbuch des öffentlichen Rechts der Gegenwart* 1 (1907): 28–29, and "Der Staatsgerichtshof," *Deutsche Juristenzeitung* 14, no. 7 (April 1, 1909): 393–97.

⁵¹ Bornhak, "Parlamentarisches Regiment in Deutschen Reich," p. 1024; also C. Bornhak, "Die weltgeschichtliche Entwicklung des Konstitutionalismus," *Internationale Wochenschrift für Wissenschaft, Kunst und Technik* 2, no. 14 (April 4, 1908): 427–38.

Conservative, National Liberal, and Center Party politicians and publicists were more ambivalent about, or less interested in, the federal question than were lawyers: few of their articles mentioned the possible incompatibility between federalism and parliamentarism. The fact that such references were more common as asides in political speeches suggests that they were sometimes used strategically as a means of ruling out parliamentarization. By contrast, the regularity with which the lawyers' distinction between constitutionalism and parliamentarism was made in both speeches and writings indicates that it had become an implicit assumption of "bourgeois" political discourse, accepted by large numbers of deputies and commentators. In this discourse, as in the academic discipline of law, it was noticeable that the conservative side of the argument seemed to have won more support. As the progressive historian Otto Harnack made plain to his left-liberal readers, opponents of parliamentarism were clearly preponderant by 1910. Only the *Fortschrittliche Volkspartei* worked consistently toward a parliamentary regime, he continued, "but it, alone, is too weak": "What could do more to make the Reichstag look like a non-entity against the one great ruler than this inability to recognize its own interests, to secure its own position? . . . But, to a great extent, public opinion in Germany, which has such a low opinion of the kaiser, bears much of the blame. For how many people are there in Germany, including those professing an interest in politics, who give any attention at all to these questions? And very many of them refrain from doing so, not only out of indolence, but also because they shy away from the very idea of 'parliamentarism' and the 'parliamentary system.'" ⁵²

Conservative, liberal, and Catholic commentators were slow to define and support constitutional monarchy, as has been seen, because the political foundations of the German regime had appeared to be solid. Indeed, in the early 1900s, journals of the center and of the right had joined in the chorus of complaint about the existing system. Their articles, with titles such as "Weaknesses and Fictions of Modern Parliamentarism," had concentrated on the malpractices and incompetencies of German assemblies and parties.⁵³ If, as the editor of the *Deutsche Wacht* claimed, journalists had previously concealed "failings of deputies" from readers, after the turn of the century they sought determinedly to expose them.⁵⁴ "A political apparatus, which, in spite of its complicated machinery and enormous din, works more and more unproduc-

⁵² O. Harnack, "Aussichten des Parlamentarismus in Deutschland," *März* 4, no. 18 (September 1910): 430.

⁵³ *Grenzboten*, no. 22 (1904), pp. 485–96. Such articles continued to appear in some Catholic and conservative journals in the 1910s, too; e.g., *Historisch-politische Blätter für das katholische Deutschland* 147, no. 11 (1911): 850–64.

⁵⁴ H. v. Horn, "Die chronische Beschlußunfähigkeit unserer parlamentarischen Körperschaften," *Gegenwart* 61, no. 16 (April 19, 1902): 242.

tively, which meets the material and ideal needs of the people less and less effectively, which is not in a position either to enhance the well-being and property of the nation nor to encourage or even titillate its morale and imagination—such an apparatus must in the short or long term see the popular roots of its very being wither,” wrote a regular correspondent in *Die Zukunft*.⁵⁵ This type of criticism, which was repeated in numerous other articles, did not signify a rejection of parliaments per se. Although many authors denied that the future belonged “‘fully and completely’ to democracy,”⁵⁶ as the same reporter in *Die Zukunft* maintained, virtually all, including pan-Germans like Heinrich Claß, accepted the necessity of representative institutions in some form. Such acceptance reinforced constitutionalism, which required assemblies to give popular sanction to government-initiated legislation. “It goes without saying that parliamentarism [i.e., in the old sense of parliamentary practice] is not the last word in political wisdom,” recorded *Grenzboten*, another traditional right-wing journal, in 1906, “but whoever wants to replace it must also say what he intends to put in its place. Conservative politicians, too, no longer think of reintroducing absolutism.”⁵⁷ Despite constant denigration of the Reichstag by the right during the 1900s and 1910s, most conservative, National Liberal, and Catholic commentators recognized parliament, with or without universal suffrage, to be a central pillar of constitutional monarchy, serving to distinguish the German Empire, historically, from absolutism and, geographically, from eastern despotism.

Such typologies had been constructed on a series of comparisons, which extended back to the mid-nineteenth century and beyond, between German states, on the one hand, and France and Britain, on the other. Particularly in the period after 1871, right-wing and centrist commentators used the two countries—widely held to be the most advanced and powerful countries in western and central Europe—to highlight the main failings of the German regime: the fragmentation of political parties, which was contrasted with the two-party system of the British monarchy; and the corruption of parliamentary politics, which was held to be exemplified by the French Third Republic. By the early twentieth century, as more attention than ever before was focused on neighboring polities, conditions appeared to have deteriorated in both these respects, in Germany and abroad.

To conservatives, of course, the instability of French politics had been a

⁵⁵ O. Mittelstaedt, “Der Parlamentarismus, wie er geworden ist,” *Zukunft* 6, no. 20 (February 12, 1898): 287.

⁵⁶ *Ibid.*, p. 295.

⁵⁷ Anon., “Vierzig Jahre deutscher Parlamentarismus,” *Grenzboten* 65, no. 44 (November 1, 1906): 229; M. v. Brandt, “Der Wert des Parlamentarismus,” *Umschau* 10, no. 52 (December 22, 1906): 1023.

constant refrain since 1789. It was only after defeat in the Franco-German war in 1871, however, that such criticism was joined systematically to a narrative of French decline, and it was not until the turn of the century, after the “heroic” early decades of republicanism, that it was linked consistently to an analysis of parliamentarism, which appeared to have fostered inactivity, incompetence, mediocrity, bribery, embezzlement, and deception of all kinds, as well as exacerbating long-standing weaknesses such as demagogism and revolutionism. An article entitled “Parliamentarism, and What Has Become of It” by Otto Mittelstaedt, a journalist of *Die Zukunft*, was typical of right-wing and centrist reportage.⁵⁸ Prefiguring an essay by his own editor, Maximilian Harden, more than a decade later, he implied that political conditions in Germany were still better than those in other countries.⁵⁹ France, though, as an extreme form of parliamentarism, centralization, and democracy, showed what was likely to happen “at this side as well as that side of the . . . Vosges”: “In the territory of the other continental nations the roots of historical princedoms are too deeply embedded or the elements of a democratic national unity (*Volkseinheit*) are too weakened by opposing centrifugal forces for constitutional development to have proceeded as far.”⁶⁰ The result in the parliamentary Third Republic appeared to be corruption—“Is it not money . . . that determines the political colours of the daily newspapers, the character of elections?”—and, in the wake of corruption, plutocracy, socialist revolution, and military dictatorship. Scandals like the notorious “Parisian Panama corruption,” whose crimes were “habitual symptoms of the malady of contemporary parliamentarism,” showed the influence of plutocratic political puppeteers and at the same time allowed socialists to declare the bankruptcy of the bourgeois state. “Unless the signs of the times are very misleading,” predicted Mittelstaedt, “a new period of Caesarism is already being prepared, once again, in republican France.”⁶¹ To observers on the right and in the center, the Third Republic and, to a lesser extent, the Italian monarchy and, even, the Austro-Hungarian Empire appeared to show what happened when parliamentarization took place in an age of democratization. “It is more than reckless optimism to imagine that such events as we have experienced in Vienna and Paris are abnormalities and contain nothing typical for the laws of development of modern parliamentarism.”⁶²

⁵⁸ See, e.g., anon., “Schwächen und Fiktionen des Parlamentarismus,” *Grenzboten*, no. 22 (1904), pp. 485–96; W. Hasbach, “Parlamentarismus,” *Zukunft* 68 (September 18, 1909): 401–12; anon., “Gedanken über Parlamentarismus in Deutschland,” *Deutsche Revue* 35, no. 35 (July 1910): 29–43; anon., “Niedergang des Parlamentarismus,” *Konservative Monatschrift* 69, no. 10 (July 1912): 979–86.

⁵⁹ M. Harden, “Parlamentspolizei,” *Zukunft* 18, no. 31 (April 30, 1910): 143.

⁶⁰ Mittelstaedt, “Der Parlamentarismus” (n. 55 above), p. 288.

⁶¹ *Ibid.*, pp. 288–93.

⁶² *Ibid.*, p. 292.

Conservatives, National Liberals, and Center Party politicians were aware that their opponents were more likely to cite the case of Britain than that of France in defense of parliamentarism. The response of the majority of right-wing commentators, drawing on a long tradition of German scholarship, was to point to the anomalous historical status of the British monarchy, effectively detaching it from the constitutions and political institutions of continental Europe.⁶³ Wilhelm Hasbach, an academic and publicist who went on to write one of the main works on democracy in the prewar era, examined, in an article on "Parliamentarism," many of the premises of such an argument. Unlike Germany, he wrote, Britain had a two-party system, which was accepted by many authors to be the principal prerequisite of successful parliamentary government. To Hasbach, however, it was myopic to think that the existence of a two-party system was a sufficient condition for this type of government: "It is an understanding which does not go to the heart of things to connect the undeniably lighter side of Britain's parliamentary government (not forgetting the dark sides stressed by Englishmen) to the existence in Westminster of only two parties, and it leaves an amusing impression to hear the friends of British parliamentarism declare all signs of *rapprochement* between fundamentally different parties in the Reichstag to be a harbinger of better times."⁶⁴ The obstacles to importing the British parliamentary model were much more formidable, he warned, involving a set of historical particularities:

Why has parliamentary government worked tolerably well in England for about one hundred years? Because the bureaucracy was undeveloped, because state administration was carried out to an extensive degree through honorary offices, because thorough-going self-government made the interference of the state impossible, because liberal limitation of the state's goals made subsidies to electoral constituencies difficult, because deputies were for the most part well-off, if not rich, people who did not need to create an income from condottieri duties, and because, as the bureaucracy expanded, parliament possessed the wisdom to allow posts to be filled by means of competitive examination.⁶⁵

Since Germany, as a continental state, did not share such advantages, Hasbach concluded, its leaders would be well advised, for practical purposes, to ignore the British paradigm. "Here, too," he continued, "parliamentary government would probably create conditions akin to those in France; perhaps we would approach a 'spoils system.'"⁶⁶

⁶³ C. E. McLelland, *The German Historians and England* (Cambridge, 1971); W. Schenk, *Die deutsch-englische Rivalität vor dem Ersten Weltkrieg in der Sicht deutscher Historiker* (Aarau, 1967).

⁶⁴ Hasbach, "Parlamentarismus," p. 403.

⁶⁵ *Ibid.*

⁶⁶ *Ibid.*

According to some right-wing journalists, nineteenth-century liberals had remained wedded to a misleading myth of British parliamentarism, even though French rather than British institutions had been introduced into the German lands.⁶⁷ The resulting disjunction between British ideas and continental circumstances had led to the adoption of a series of dangerous fictions, wrote one correspondent of the *Grenzboten* in 1904. Thus, he went on, the conviction of German liberals that the majority would find the best course of action, that there would be continuity of government despite the alternation of governing parties, and that elections invariably produced competent, responsible deputies was perhaps acceptable in aristocratic and deferential Britain during the nineteenth century, but it was potentially disastrous in the fragmented, more democratic countries of continental Europe.⁶⁸ Moreover, by the early twentieth century, it appeared to many on the German right and in the center that parliamentarism had begun to fail even in a British setting. This was the thesis put forward by Hans Plehn in 1906, who attempted to revive Lothar Bucher's allegedly neglected criticism of "English parliamentarism" more than fifty years earlier. In the intervening period, argued Plehn, the British parliament had lost much of its prestige. Members of parties were no longer able to revolt against their leaders, parliamentary rule had been replaced by cabinet government, and the House of Commons had come to represent the interests of the parties rather than the nation.⁶⁹ The implication, which was spelled out by other conservative journalists, was that democratization, corruption, political self-interest, and in-fighting had gradually undermined the foundations necessary for parliamentarism itself.⁷⁰ "After twenty years the lower house is unanimous that it has grown up on a swamp of corruption," wrote the editor of *Die Zukunft* in a postscript to Hasbach's article on parliamentarism: "Much can be learned from this, but only with difficulty can anything be imitated. Above all, we can learn that the stability of conditions . . . and the happiness of the people, which in times of prosperity fill visitors to England with admiration and envy, must rest on other groundings than that of parliament."⁷¹ As far as the conservative press was concerned, Britain no longer constituted a model of good government.

Right-wing academics, who deliberately stayed aloof from the politics of the Reichstag, although addressing conservative, National Liberal, and Cath-

⁶⁷ Anon., "Schwächen und Fiktionen des Parlamentarismus," and "Vierzig Jahre deutscher Parlamentarismus," *Grenzboten*, no. 22 (1904), pp. 485–96, and vol. 65, no. 44 (November 1, 1906): 229–36.

⁶⁸ *Grenzboten*, no. 22 (1904), pp. 490–95.

⁶⁹ H. Plehn, "Der englische Parlamentarismus, wie er heute ist," *Deutsche Monatschrift für das gesamte Leben der Gegenwart* 10, no. 12 (September 1906): 736–50.

⁷⁰ Brandt, "Der Wert des Parlamentarismus" (n. 57 above), pp. 1021–23.

⁷¹ *Zukunft* 68 (September 18, 1909): 412.

olic audiences, were content for the most part to refine the arguments of popular party publications. Thus, despite his repudiation of parties, from whom “no impartial answer . . . was to be expected,” in favor of “theoretical observation,” Otto Hintze still sought to understand the German political regime in the same way as politicians and journalists, in terms of “comparative constitutional history” rather than by means of “state law” on its own.⁷² Such academics are of interest because they elucidated conservative assumptions, which were hidden in the shorter articles of political journals.

The most commonly held and deeply felt assumption was explored by Hintze himself in a seminal essay published in 1911. Historically, he proposed, the state in Germany was a military apparatus—subsequently giving rise to absolute monarchy and specific forms of bureaucratization—and it would be forced by its precarious political position in Europe to retain its belligerent basis “for the foreseeable future.”⁷³ Britain was the obvious counterpoint to the continent: “The historical pillars, on which continental constitutional monarchy rests, absolutism, militarism, bureaucracy, have never come into being in England, because there was no political need to push the island state in that direction, since it enjoyed relative military security and early political centralization.”⁷⁴ For the same reason, British parliamentarism was not to be equated with European monarchical constitutionalism, for the latter had granted a constitution from above to regulate the affairs of a disunited civil society and to protect the relationship between monarch and army from the intrusion of civilians and public law, whereas the former had resulted from aristocratic predominance within the state after 1688 and subsequent subordination of military interests: “[Constitutionalism] does not appear, precisely when compared to England, to be an incomplete stage of development on the way to parliamentarism, but rather a separate constitutional form, which is indeed built on absolutist foundations, which has emerged through the grafting of constitutional institutions onto a monarchical stem and which has an historical and political background quite different to that of the parliamentary system.”⁷⁵ To Hintze, as to many other conservative and right-wing liberal observers, Germany was bound by its history to conform to Herbert Spencer’s ideal type of a militant state, while Britain, perhaps alone in Europe, seemed to constitute an almost purely industrial type.⁷⁶

In *Regierung und Volkswille*, which appeared in 1914, Hans Delbrück agreed

⁷² Hintze, “Das monarchische Prinzip und die konstitutionelle Verfassung” (n. 41 above), p. 360.

⁷³ *Ibid.*, p. 377.

⁷⁴ *Ibid.*, pp. 364–65.

⁷⁵ *Ibid.*, p. 365.

⁷⁶ *Ibid.*

with Hintze that the army was the “true power” within continental states. In a large country with a long military history such as France, the army had been subjugated only because of defeat at Sedan in 1870. Those who knew the German officer corps acknowledged that civilian control of the Reich’s military affairs was “an impossibility.”⁷⁷ Having accepted these premises, however, Delbrück went on to devote much of his study to the political mechanisms that distinguished parliamentary and constitutional regimes. Recognizing, in some cases erroneously, that Norway, Holland, Belgium, Italy, Spain, Portugal, and America had followed Britain’s and France’s example of unitary, parliamentary government, he set out to reply to German advocates of parliamentarism according to their own values and principles by asking which type of government, or *Regierung*, coincided most completely with the will of the people, or *Volkswille*? Delbrück’s answer rested on the “profound difference” between the system of parliamentarism, which existed in France and Britain, and that of constitutionalism in Germany.⁷⁸ His principal finding was that British and French assemblies were not organs of the people or even of the majority of voters but “self-perpetuating oligarchies,” which had been produced by elite revolutions “against the masses.”⁷⁹ Party, which “as such always has its own interest,” had come to dominate parliament, serving private economic ends before national ones.⁸⁰ By contrast, contended Delbrück, the dual structure of the *Kaiserreich* guaranteed state neutrality by balancing the “historical power” and “legitimate authority” of the monarch, army, and bureaucracy, on the one hand, and the popular, critical sanction of the Reichstag, on the other: “We have a dualism in Germany, resting on the cooperation . . . of an organised political intelligentsia [i.e., administration] with broad strata of the people, which are represented in the Reichstag. . . . We have exploded the myth that, in France, America and England, the populace governs itself.”⁸¹ Constitutionalism seemed to counteract the weaknesses of democracy through a separation of the powers of government, preventing self-interest and corruption on the part of deputies, who were excluded from executive functions, enshrining political liberties such as universal suffrage and freedom of association in law, in advance of other “European great states,” and instituting “the most extensive and, in most fields, most precocious organic social policy” in the world.⁸²

Gustav Schmoller, a Protestant economist, and Martin Spahn, a Catholic historian, made the social question, which had been a leitmotif of politics in

⁷⁷ Delbrück, *Regierung und Volkswille* (n. 9 above), pp. 133–36.

⁷⁸ *Ibid.*, p. 59.

⁷⁹ *Ibid.*, pp. 68, 75, 86–87, 124.

⁸⁰ *Ibid.*, p. 179.

⁸¹ *Ibid.*, pp. 66, 178.

⁸² *Ibid.*, pp. 147–48.

the 1890s, their point of departure. Like Delbrück, both authors emphasized that democracy was chimerical, although it was an aspiration in areas as diverse as the New World, China, France, and Britain.⁸³ Furthermore, Spahn continued, “it can be seen as a law of democratic state development that each democratic constitution will by nature attempt, in a large country, to turn itself into a parliamentary democracy.”⁸⁴ This was “the worst imaginable form of government” because it destroyed the neutrality of the state and overrode its division of competencies: “Everywhere the same experience has been repeated, that parliament refuses to keep out of the jurisdictions of other constitutional organs and gradually arrogates all power to itself.”⁸⁵ For thousands of years, wrote Schmoller, constitutional laws of all civilized peoples (*Kulturvölker*) had worked to make participation in the power of the state a complex and graduated business. Now, democracy promised the same share in public power and office to “the entire citizenry.”⁸⁶ Even if such popular involvement in government might be possible in future, which conservatives doubted, it was impracticable under existing European conditions. “The culture and education of individual strata of the populace is, in large peoples, much too diverse, and the tension between actual social inequality and theoretical political equality too great, to allow a whole people to be imbued overnight with democratic sentiments,” warned Spahn. Instead, it was necessary to cajole, educate, and enrich the masses in order gradually to raise the tone of politics. The attempts of supposed parliamentary democracies like France and Britain to grant political liberties before social reform had led, Schmoller argued, to unequal taxation, inferior schools, unregulated industries, and inadequate social insurance.⁸⁷ Self-interested, fragmented parties had become locked in a cycle of corruption at the expense of public policy: “For this reason, nothing is better designed to push the people towards its own destruction than the recent equation of state and society, and the parliamentarization and simultaneous democratization of states.”⁸⁸ Since Britain had been able to retain its two-party system “only as long as there was no social question,” it could not be used as a model for Germany, the economist declared.⁸⁹ Rather, the Reich’s executive, which had enacted pioneering social reforms, should be protected at all costs from party interference. It was this “insufficient understanding of the mechanisms of state and administration, and of the potential and significance of our bureaucracy,”

⁸³ M. Spahn, “Was ist Demokratie?” *Hochland* 11, no. 1 (1913): 69–70; G. Schmoller, “Demokratie und soziale Zukunft,” *Soziale Praxis*, vol. 22, no. 6, p. 150.

⁸⁴ Spahn, “Was ist Demokratie?” p. 72.

⁸⁵ *Ibid.*

⁸⁶ Schmoller, “Demokratie und soziale Zukunft,” p. 150.

⁸⁷ *Ibid.*, pp. 78–79, 83.

⁸⁸ *Ibid.*, p. 83.

⁸⁹ *Ibid.*, p. 147.

concluded Schmoller, that characterized the policies of left liberals like Friedrich Naumann.⁹⁰

III. LEFT-LIBERAL, CATHOLIC, AND SOCIALIST REFORMERS

The *Freisinnige Volkspartei* had been transformed during the 1900s, if Schmoller were to be believed, from a party of laissez-faire “Manchesterism” to one of state intervention and social reform. This did not mean, though, that all traces of old liberalism had been expunged. One of the features of the left-liberal party under Eugen Richter, who died in 1906, had been its rigid adherence to mid-nineteenth-century constitutional and economic principles. Thus, even before the *Daily Telegraph* affair, politicians like Conrad Haußmann could be seen resurrecting the campaign against “court and bureaucracy” that had characterized an earlier epoch. “Hopes of genuine parliamentarism were awoken” in the 1860s, he explained in *März*, which had then been given up in the belief that “parliament could be and remain an intellectual centre of power even without a parliamentary regime.” By 1907 it was obvious to Haußmann that the Reichstag had failed to maintain its position, with the result that the battles of the Bismarckian era had to be joined anew.⁹¹ More modern-minded opponents of Richter like Theodor Barth could, on occasion, argue in similar terms. During the *Daily Telegraph* affair, for example, the editor of *Die Nation* raised the specter of “quasi-absolutism,” which could only be replaced by parliamentarism, as had seemed possible in the 1860s. At that time, he posited, “the natural constitutional development of the German Reich demanded a parliamentary system of government with Bismarck as leading minister.”⁹² During the intervening years, this development had been subverted by the chancellor’s attempts to erect a “personal regime,” but with Wilhelm II discredited it could now be resumed, he asserted.

Such arguments, which were rooted in preunification liberalism, persisted until 1914. Slowly, however, during the decade and a half before the First World War, they were obscured by newer theories of government. Many old left liberals, such as Ludwig Bamberger, Hermann Baumgarten, Max Hirsch, Theodor Mommsen, Heinrich Rickert, and Rudolf Virchow, had died in the 1890s and early 1900s. After the death of Richter, in particular, the borderline between left- and right-wing liberals became less salient as younger politicians, publicists, and academics sought to redefine bourgeois politics. Some commentators, like Georg Jellinek, who stood close to Naumann although he was

⁹⁰ *Ibid.*, p. 149.

⁹¹ C. Haußmann, “Parlamentarismus,” *März* 1, no. 5 (March 1907): 389–90.

⁹² T. Barth, “Persönliches oder parlamentarisches Regiment,” *März* 2, no. 22 (November 21, 1908): 243.

himself a National Liberal, openly began, with hindsight, to challenge the record of the Progressives during the 1860s. If the liberals had defeated Bismarck over the Army Bill, he contended, “their victory would probably not have meant a victory for the parliamentary system on the English or on the democratic, continental model.”⁹³ Other liberals like Theodor Barth, who was well acquainted with European parliamentarism, chose to ignore foreign parliamentary models and experimented with new political ideas around the turn of the century, partly because of a growing skepticism about the effects of democratization and the popularity of right-wing and socialist politics in the Reichstag and other continental assemblies.⁹⁴ Under the influence of party and press, British and American parliaments appeared to have become “political stock-exchanges, where powerful interests are played off one against the other.”⁹⁵ In 1902, Barth returned to the same theme in an article that compared the United States and Europe under the impact of mass-circulation newspapers, trusts, and party machines. His conclusion was that the polities of both continents were converging as the New World became more aristocratic, with the appearance of economic and political elites, and as the Old World became more democratic, with the increasing significance of public opinion in policy-making: “From year to year, America becomes more European; Europe, and not least Germany, becomes yearly more American.”⁹⁶ Barth gave the impression that the institutional form that democracy would take, in a period of such flux, was uncertain. Only after 1906 did he argue unambiguously for British-style parliamentarism.⁹⁷

Friedrich Naumann, who was thought by Schmoller to be the main agent of change within left liberalism, was also, as a member of the Reichstag and editor of *Die Hilfe*, Germany’s foremost advocate of constitutional reform. His political career was typical of a new generation of liberals who had grown up in imperial Germany and had no direct knowledge of the 1840s or the 1860s. Thus, instead of claiming to resurrect old liberal nostrums in the manner of Haußmann, Naumann remembered 1848 for its constitutional experimentation rather than for its legacy of settled principles: “We must take up once more the same problems which the *Paulskirche* concerned itself with and again think through, with German thoroughness, monarchy, republic and constitutionalism.”⁹⁸ After 1871, it had taken liberals thirty years to realize that power had

⁹³ Jellinek, “Regierung und Parlament” (n. 47 above), p. 25.

⁹⁴ K. Wegner, *Theodor Barth und die Freisinnige Vereinigung* (Tübingen, 1968), pp. 59–66.

⁹⁵ Barth, cited in *ibid.*, p. 65.

⁹⁶ T. Barth, “Prinz und Demokratie,” *Nation* 19, no. 24 (March 15, 1902): 371.

⁹⁷ Wegner, p. 61, n. 78.

⁹⁸ Naumann, “Die Umwandlung der deutschen Reichsverfassung” (n. 33 above), pp. 83–84.

slipped from their hands, he declared in 1908. Consequently, sixty years after 1848, German liberalism had barely added to the hesitant constitutional deliberations of that year. Although Naumann agreed, in general terms, that “we can have no other intention than to make the same democratic spirit, which has become predominant in North America, England and France . . . , the decisive ethos in Germany too,” he believed that liberalism could not become a political power until it gained “a unified line of thought about which idea of the state, under German conditions, it ought to represent.”⁹⁹ Even after the *Daily Telegraph* affair, he continued to warn of liberal confusion over the specific form the German state should take.¹⁰⁰ Naumann was of the opinion that the successes of the *Kaiserreich* had prevented German liberals, including himself, from creating an adequate body of constitutional thought.

Accordingly, in the 1890s and early 1900s, Naumann barely looked beyond the horizons of German systems of government and made little direct reference to foreign institutions and regimes. In his various articles and in his treatise on *Demokratie und Kaisertum*, he admitted that any movement toward parliamentary rule was likely to be hindered by the early “decline of parliamentarism” in Germany.¹⁰¹ In particular, the Reichstag was “far from the democratic ideal” of a “full-blown two-party system.”¹⁰² Democracy could only function, he contended, if two great, competing parties subsumed smaller party distinctions, as had happened in England and North America. “Where there is no two-party system,” he went on, in a rare instance of national comparison, “a continuous procession of compromise coalitions is established, which puts almost insuperable obstacles in the way of progressive, unitary notions of reform, as one can see in France.”¹⁰³ Naumann’s solution was to combine democracy (*Demokratie*) with empire (*Kaisertum*), envisaging a powerful kaiser and a relatively inexperienced and divided parliament. This combination closely resembled “the constitutional system.” His scheme diverged from constitutionalism, he believed, because it recognized itself to be a compromise, not a “complete, closed political idea, [but] a type of paradigm, which could be a starting-point for political thought.”¹⁰⁴ Whereas monarchy and democracy constituted principles of government, which could not be realized in pure form, constitutionalism was “a reality,” which had been produced by the necessary combination of such principles.¹⁰⁵ Because of its history, Germany had to fash-

⁹⁹ *Ibid.*, p. 83.

¹⁰⁰ F. Naumann, “Wem nutzt der Parlamentarismus?” *Hilfe* 15, no. 5 (January 31, 1909): 62.

¹⁰¹ F. Naumann, “Der Niedergang des Parlamentarismus,” *Zeit*, no. 42 (July 17, 1902), pp. 487–89.

¹⁰² F. Naumann, *Demokratie und Kaisertum*, 4th rev. ed. (Berlin, 1905), p. 54.

¹⁰³ *Ibid.*, p. 42.

¹⁰⁴ *Ibid.*, p. 45.

¹⁰⁵ *Ibid.*

ion its polity from the rights and majorities of democratic parliaments and from the traditional, centralized power of an emperor.¹⁰⁶ These two ideal types of government, which were to be maintained side by side within Naumann's system, rested on a broad dichotomy between freedom and power.¹⁰⁷ They also corresponded to two parallel series of policies. On the one hand, social reform would ensure the internal integration of interest groups, especially the proletariat and the SPD, within the nation. On the other hand, imperialism, a strong foreign policy, army, and navy would provide external security and even expansion, on which domestic liberties were founded. Although the two sets of policies were "prerequisites" of each other, those designed to safeguard the Reich's position of power were most important: "External policy is in its entirety still more significant and weightier than internal. Of course, both are extremely closely interconnected . . . but foreign policy bears greater responsibility, since at given moments all internal reforms, all freedom, justice, well-being and education are submerged and destroyed at that point at which outward-directed power declines."¹⁰⁸ Naumann referred, largely in a negative sense, to France and Britain, which were considered barely "capable of alliance," merely to demonstrate the necessity of *Kaisertum*.¹⁰⁹

National comparison was more prominent in Naumann's work after 1907, as he was converted to the idea of a parliamentary regime. Despite his limited knowledge of other European states, the editor of *Die Hilfe* was forced to look abroad for a functioning model. France was ruled out as a hierarchical and bureaucratic "kingdom without a king," "a country without population growth and without the violent transition to industrialism which we Germans have experienced."¹¹⁰ The Third Republic appeared to Naumann to have neither comparable social conditions to those of the Reich nor a genuine parliamentary system of government. Britain, in contrast, seemed to have both. As a result, the Bülow bloc, *Daily Telegraph* affair, Prussian electoral reform agitation, and Zabern incident were each seen to anticipate "the dawn of a parliamentary ministry of the English type."¹¹¹ Abandoning his previous belief, Naumann now predicted that Germany could acquire a two-party system similar to that of Britain. His conversion to British parliamentarism, however, was founded on a theory of elites rather than democracy. In an article published in 1910, Naumann attempted to demonstrate that the proclivity of modern industrial states was toward an ever-larger number of leaders, including "kings of the banking system" and "rulers of electricity companies," within a new kind of

¹⁰⁶ *Ibid.*, pp. 171, 181.

¹⁰⁷ Happ, *Das Staatsdenken Friedrich Naumanns* (Bonn, 1968), pp. 90–95.

¹⁰⁸ Naumann, *Demokratie und Kaisertum*, p. 178; Happ, p. 93.

¹⁰⁹ Naumann, *Demokratie und Kaisertum*, p. 179.

¹¹⁰ F. Naumann, "Das Königtum," *Hilfe* 15, no. 2 (January 10, 1910): 18.

¹¹¹ F. Naumann, "Der Parlamentskanzler," *Hilfe* 13, no. 50 (December 15, 1907): 790.

monarchy.¹¹² Parliamentary regimes like Britain, he believed, followed the same pattern, reverting to the “monarchical principle” on all levels from the workplace to the pinnacle of the state under Edward VII.¹¹³ The most significant political function of this “new-monarchical” movement was still, as it had been ten years earlier in *Demokratie und Kaisertum*, the reconciliation of imperialism and democracy: “The general signs of the times in all countries point in such a direction, for we find almost everywhere, as in England, the simultaneous rise of both imperialist and democratic forces.”¹¹⁴ Yet, by 1910, Britain’s parliamentary system seemed to have reconciled the two forces more effectively than Germany’s so-called constitutional regime. This was the reason, in Naumann’s view, why Germany ought to move “from absolutism to the English system,”¹¹⁵ for parliamentary government, which Delbrück “half-correctly” characterized as a “despotism of party caucuses,” seemed to have secured more efficient selection of elites, administration of empire, and formulation of foreign policy.¹¹⁶ Naumann, who continued to fear the collegial inefficacy and political immaturity of the Reichstag, had come to support British parliamentarism as a lesser evil when compared to German constitutionalism. Consequently, during Germany’s constitutional crisis on the eve of the First World War, he remained cautious in his definition of parliamentary government while continuing to advocate the broad principles of Britain’s system. “In our opinion,” he wrote, “we will have to seek our own procedure, just as the English have found theirs.”¹¹⁷

On the whole, the small minority of liberal academics who expressed public support for parliamentary regimes were even more ambivalent and reticent than politicians like Naumann. A good example was the sociologist Max Weber. As a critic of many of the consequences of an overarching process of rationalization, which had led to the prioritization of means over ends, Weber was anxious to defend liberal values and the art of politics against the pervasive imperative of efficiency, which had been imposed on the West by capitalism, bureaucratization, and the internal development and external struggles of modern states.¹¹⁸ From this perspective, the *Kaiserreich* seemed to have thwarted the rise to prominence of the German *Bürgertum*, which was most likely to

¹¹² Naumann, “Das Königtum,” p. 17; W. Struve, *Elites against Democracy* (Princeton, N.J., 1973), pp. 78–113.

¹¹³ *Ibid.*, January 17, 1910, vol. 15, no. 3, 31.

¹¹⁴ *Ibid.*, p. 15.

¹¹⁵ *Ibid.*

¹¹⁶ F. Naumann, “Der Volkswille,” *Hilfe*, no. 51 (December 18, 1913).

¹¹⁷ *Ibid.*

¹¹⁸ D. Beetham, *Max Weber and the Theory of Modern Politics* (Cambridge, 1985), pp. 36–94; R. Bellamy, *Liberalism and Modern Society* (Cambridge, 1992), pp. 157–216.

safeguard liberal values, and to have restricted political participation in government, which appeared to be necessary for the creation of independent and effective political elites. “Feudal” Junkers, whose agrarian interests conflicted with those of capitalist industrialists, had managed to retain power, in part, because of a myth of state neutrality, perpetuated by an older generation of academics. As early as 1905 at the Mannheim meeting of the *Verein für Sozialpolitik*, Weber confronted Schmoller, after the latter had attacked the practices of parliamentarism, on the question of impartiality within Germany’s “pseudo-constitutionalism.” “We should not delude ourselves,” he declared; “We have no parliamentary state under the present organisation of power. We do not have the benefits of parliamentarism that other countries have, only the disadvantages. . . . partisan rule is as present here as anywhere else in the world.”¹¹⁹ Such bureaucratic rule (*Beamtenherrschaft*), which existed in Germany and Russia, according to Weber’s implicitly comparative studies of Russian politics in 1906, was both dishonest, since it veiled the interests of ruling elites, and restrictive, insofar as it curtailed the representation of industrial interests, on which the German nation as a whole relied. It was also ineffective, failing to control the arbitrary interventions of a wayward monarch and to provide strong, popular leaders to pursue German foreign policy in a consistent and successful manner. “The degree of contempt that our nation increasingly encounters abroad (Italy, America, everywhere!)—and with justice—is the decisive issue,” Weber wrote to Naumann in 1906. “Our submission to *this* regime of *this* man is gradually becoming a power issue of ‘world’ importance to us.”¹²⁰ As in Russia, Germany’s circumstances “screamed” for a “statesman,” but “dynastic ambition and ‘personal government’” left little room for it.¹²¹ The failure of the German Empire at home and, especially, abroad was “a fault of the system, not of the person,” confirmed Weber during the *Daily Telegraph* affair.¹²²

Although the logic of such virulent criticism seemed to be the replacement of Germany’s system of constitutional government, Weber remained uncertain about what to put in its place. Later, after the experiences of the First World War had demonstrated the efficacy of plebiscitary, democratic leaders like Lloyd George and Clemenceau, he became an unambiguous advocate of parliamentarism. In the period before the First World War, however, he was much more hesitant, conscious of the impossibility of pure democracy, of the con-

¹¹⁹ W. J. Mommsen, *Max Weber and German Politics, 1890–1920* (Chicago, 1984), p. 142.

¹²⁰ *Ibid.*, p. 145.

¹²¹ *Ibid.*, pp. 144–45.

¹²² M. Weber to F. Naumann, Nov. 12, 1908, in H. Baier et al., eds., *Max Weber: Gesamtausgabe* (Tübingen, 1990), 5:695.

nection between democratization and bureaucratization, and of the danger of charismatic leaders subverting the impersonal mechanisms of bureaucratic rule.¹²³ The uncertainty of his assessment rested, to a considerable degree, on an acceptance of commonly believed depictions of Britain, France, and other parliamentary states. Thus, although he believed that the “present stylish discussion about the ‘obsolescence of parliamentarism’” was “misdirected,” since Britain and Belgium were “parliamentarily governed countries” with “international respect and colonial possessions that dwarf ours,” Weber repeatedly drew distinctions between conditions in Germany and those in neighboring states—in terms of “Latin” and “Germanic” cultures or aristocratic British and statist continental traditions—which appeared to make straightforward comparison difficult. Even in the relatively few instances when he did explicitly advocate imitation of foreign regimes, as in his championing of French and American diplomacy at the 1909 meeting of the *Verein für Sozialpolitik*, he equated parliamentary and nonparliamentary systems of government, such as those of France and the United States, under the label “democratically governed countries.” He also conceded that both types of system were “corrupt.”¹²⁴ It was perhaps because of such doubts about the workings of parliamentary politics—at home and abroad—that Weber never wrote an article, which he had promised to submit to the *Historische Zeitschrift* in 1908, on the historical evolution and future reform of the German polity. He realized that the “*parliamentarization of the Bundesrat is the practical problem*” but predicted that “its solution would perhaps be consigned to the distant future,” not least because Germany’s most obvious point of reference was the United States, “where likewise *because of the federal character of the state there is no ‘parliamentarism.’*”¹²⁵ Weber was prepared after the *Daily Telegraph* affair to propose formal votes of no confidence, according to which governments could be dismissed by three-fifths of the Reichstag or the Bundesrat, but he acknowledged that “the proposal is not opportune” and that the “bourgeois voters must first be enlightened” before such a measure could be enacted.¹²⁶ Other liberal

¹²³ W. J. Mommsen, *The Political and Social Theory of Max Weber* (Cambridge, 1989), pp. 87–105; S. Eliaeson, “Constitutional Caesarism: Weber’s Politics in Their German Context,” in *The Cambridge Companion to Weber*, ed. S. Turner (Cambridge, 2000), pp. 131–50.

¹²⁴ *Verhandlungen des Vereins für Sozialpolitik in Wien, 1909* (Leipzig, 1910), p. 286.

¹²⁵ M. Weber to F. Naumann, Nov. 12 and 18, 1908, in Baier et al., eds. (n. 122 above), 5:693–98. Interpretation here is closer to that of Wolfgang Mommsen, *Max Weber and German Politics* (n. 119 above), pp. 21–189, which emphasizes the importance of elites and foreign policy in Weber’s thinking, than to that of David Beetham, *Max Weber and the Theory of Modern Politics* (n. 118 above), pp. 36–118, which fails to make an adequate distinction between Weber’s prewar and wartime thought.

¹²⁶ Mommsen, *Max Weber and German Politics* (n. 119 above), pp. 151–53.

academics like Georg Jellinek were similarly pessimistic—and even more guarded—about the prospects of introducing parliamentarism in the near future.¹²⁷

“Democratic” Catholics like Matthias Erzberger took up some of the themes treated by liberal intellectuals and politicians. The majority remained undecided before the First World War whether to introduce a parliamentary regime or to defend and rationalize constitutional monarchy. Erzberger himself, although he had discussed the possibility of parliamentarism over the long term in 1908, only declared that he was unequivocally in favor of replacing Germany’s existing system of government during the Zabern debates. Wiemer’s article in the *Vossische Zeitung* gave an indication of the novelty of Erzberger’s stance: “I don’t recall that a representative of the Centre has hitherto fought for an extension of the rights of parliament so emphatically.”¹²⁸ In his tract *Politik und Völkerleben*, which was published early in 1914, Erzberger outlined the reasons for his change of stance. Most of his argument derived from a critique of the German Empire rather than an assessment of the benefits of parliamentary government. Like Weber, he believed that an unaccountable bureaucratic system had stifled political life: “The domination (*Herrschaft*) of the bureaucracy, which does not allow a powerful parliament to emerge, is euphemistically called a constitutional regime.”¹²⁹ This thwarting of politics precluded the selection of effective political elites, with the “number of political, statesmanlike and diplomatic talents . . . in parliamentary countries . . . far greater than in bureaucratic countries,” which, in turn, produced the maladroitness visible in the *Daily Telegraph* affair and Agadir crisis.¹³⁰ At the level of government, unlike in the lower echelons of administration, wrote Erzberger, the Reich “needed minds, not machines.”¹³¹ Since he had come to believe in the gradual polarization of German politics into two camps—with a Christian-conservative party of authority and faith, and a liberal-socialist party of atheism—Erzberger eventually came to see Britain as proof that governing parliamentary parties could provide stronger leaders than “countries of autocracy” like Russia and Turkey or a “constitutional regime of bureaucracy” like Germany.¹³² Yet he continued to stress that monarchy alone had kept the

¹²⁷ G. Jellinek, “Die Verantwortlichkeit des Reichskanzlers,” *Ausgewählte Schriften und Reden*, vol. 2, pp. 431–38, first published in *Frankfurter Zeitung* (December 1, 1908), and “Zur Verantwortlichkeit des Reichskanzlers: Ein Epilog,” *Deutsche Juristenzeitung* 14, no. 9 (May 1, 1909): 532–33.

¹²⁸ *Vossische Zeitung* (December 28, 1913).

¹²⁹ Grosser, *Vom monarchischen Konstitutionalismus zur parlamentarischen Demokratie* (n. 8 above), p. 77.

¹³⁰ M. Erzberger, *Politik und Völkerleben* (Paderborn, 1914), p. 28.

¹³¹ *Ibid.*, p. 23.

¹³² *Ibid.*, p. 27.

“dark sides” of the parliamentary regime in check in Belgium and Britain and that parliamentarism in France, which lacked such a mechanism of control, had been characterized by incompetence, demagoguery, careerism, overregulation, superfluous bureaucratization, profligacy, and corruption.¹³³ For Erzberger, as for many left liberals, the record of parliamentary regimes abroad, combined with a deep-rooted respect for German kingship and the German state, meant that support for parliamentarism remained tenuous. Most liberal proponents of this type of polity agreed with the Center Party leader that it would take decades to achieve.¹³⁴

By default, then, the SPD seemed to be the principal champion in Germany of parliamentarism on the British—or even French—model. Socialists too, however, viewed parliamentary rule as a means rather than an end in itself. This was illustrated most strikingly by revisionists like Eduard Bernstein and Edmund Fischer, who argued, at least in theory, that there was “no reason to expect German development to take a different course to that of England.”¹³⁵ As a long-time exile in Britain, Bernstein in particular was inclined, in his 1906 treatise *Parlamentarismus und Sozialdemokratie*, to place the “parliamentary development of German Social Democracy” in an Anglo-French context. Against this background, which extended back to the English Civil War and the Enlightenment, the revolutionary declarations of German socialists such as Karl Marx and Wilhelm Liebknecht were made to look anachronistic, for they had supposedly ignored the fact that British parliamentarism and French Bonapartism were too well entrenched and popular by the mid-nineteenth century to be swept away by groups of workers. In France, where the Section Française de l’Internationale Ouvrière (SFIO) had been obliged to give up insurrection despite “far more favourable conditions than Germany,” and in Britain, with its “national,” “universal” parties and history of resistance to revolution, there appeared to be evidence of an irreversible process of parliamentarization, the logic of which had been accepted by Ferdinand Lassalle and August Bebel.¹³⁶ According to Bernstein and the revisionists, socialists ought, in countries “where real parliamentarism prevailed,” to participate in progressive governments.¹³⁷ Yet participation was just a means to a socialist

¹³³ Ibid.

¹³⁴ Grosser, *Vom monarchischen Konstitutionalismus zur parlamentarischen Demokratie* (n. 8 above), p. 77.

¹³⁵ E. Fischer, “Zur politischen Entwicklung Deutschlands,” *Sozialistische Monatshefte* 14, no. 26 (December 31, 1908): 1638.

¹³⁶ E. Bernstein, *Parlamentarismus und Sozialdemokratie* (Berlin, 1906), pp. 15–22, 40–44, 50, and “Politische Unabhängigkeit und politische Unverantwortlichkeit,” *Sozialistische Monatshefte* 20, no. 9 (May 1914): 539–46.

¹³⁷ Bernstein, *Parlamentarismus und Sozialdemokratie*, p. 51; also see his “Regierung und Sozialisten,” *Sozialistische Monatshefte* 19, no. 14 (July 24, 1913): 838–43. E.

end and parliamentary government merely a transitory form of rule, which allowed the use of such means: a centralized parliament would “inevitably” be replaced by a decentralized “federal body,” which was to be based on local and other kinds of self-government. “With the continuation of this development, political parties lose their purpose and, together with them, genuine parliamentarism dies out.”¹³⁸ Since a parliamentary regime depended on class struggle, which was already waning in Bernstein’s opinion, its utility to Germany’s working classes would be limited: “To this extent, it can be said that parliamentarism . . . is a characteristic institution of the capitalist order.”¹³⁹ Parliamentary government was a bourgeois mechanism that workers could control for a short time until it was replaced by socialism. Correspondingly, Bernstein was less worried than liberals that parliamentarism’s problems, including related issues of representation, Caesarism, corruption, and party fragmentation, had not been adequately solved.¹⁴⁰ As late as May 1914, he was able to admit that the “present parliamentary system of England . . . is by no means the most perfect system of parliamentary government,” largely because he believed the introduction of British parliamentarism into Germany to be little more than a prelude to a future socialist society.¹⁴¹

Other revisionists like Ludwig Quessel, Max Schippel, Gerhard Hildebrand, Karl Leuthner, Richard Calwer, Max Maurenbrecher, and Joseph Bloch, all of whom were associated with the *Sozialistische Monatshefte*, were considerably less enthusiastic than Bernstein and his followers about foreign models of parliamentarism, although they, too, preferred parliamentary government to a “constitutional system of government.”¹⁴² Like Naumann and the left liberals, and unlike other socialists, who looked to parliamentarism as a step toward democracy, Bloch and many of his journalists had been impressed by the ruling elites, large empires, and powerful allies of parliamentary regimes. “Germany’s lack of success” in these areas was so marked that authors such as Quessel occasionally went so far as to contrast the fortunes of the Reich with the “rise of France to a world empire.” From this perspective, even an aspect of the French parliamentary system like ministerial instability, which was “regularly

Fischer, “Sozialdemokratie und Regierungsgewalt,” *Sozialistische Monatshefte* 18, no. 5 (March 14, 1912): 277.

¹³⁸ Bernstein, *Parlamentarismus und Sozialdemokratie*, pp. 59–60.

¹³⁹ *Ibid.*, p. 60.

¹⁴⁰ *Ibid.*, pp. 37–44, 55–56, 58–59.

¹⁴¹ Bernstein, “Politische Unabhängigkeit und politische Unverantwortlichkeit,” p. 542.

¹⁴² L. Quessel, “Die ministerielle Abstinenz der Sozialdemokratie und ihre Folgen für die Demokratie,” *Sozialistische Monatshefte* 19, no. 15 (August 7, 1913): 898; and “Sozialdemokratie und Monarchie,” *Sozialistische Monatshefte* 18, no. 5 (March 14 1912): 271–75.

posited to be detrimental to the well-being of the state,” could be perceived to be a necessary element in the selection of leaders.¹⁴³ Many of Quessel’s colleagues looked to Britain. The impression of efficiency and security afforded by British elites and empire appeared to merge with expectations of liberal and socialist coalitions to create conditional support among socialist imperialists for a parliamentary regime. Yet Bloch, whose political creed was founded on opposition to liberalism, had not been converted to parliamentarism per se and continued both to believe in a strong executive and to deny the inherent desirability of democracy. Britain was held to be Germany’s rival and enemy, not a cure-all for Germany’s ills.¹⁴⁴ Leuthner agreed. At the height of the *Daily Telegraph* affair, he felt obliged to point out the weaknesses of parliamentary democracies, whose occasional “party despotisms” ignored public opinion and introduced nepotism and corruption into administration. Germany had to risk such defects, he concluded, for the sake of a consistent foreign policy, since the “personal regime” of Wilhelm II had produced only “fracture, feebleness and lack of direction.”¹⁴⁵ Relying on Sidney Low’s analysis of Britain, Leuthner argued that “party rule has put parliament in shackles,” although he could see no alternative to strong parties, given the failure of the French parliamentary system.¹⁴⁶ It was thus false to think that the adoption of British parliamentarism would create an effective check on ministers when in the House of Commons votes of no confidence were used to rally support for cabinets rather than to force their resignation. “The fundamental error of most people,” he asserted, “consists in naively translating an ideal picture of parliament, as it has been built up through struggles against an over-powerful authoritarian government, to a period of fully developed parliamentary power.”¹⁴⁷ The conditions that had produced British parliamentarism were coincidental and unusual; they no longer existed, either in London or elsewhere. The English party constituted “a quite incomparable form” because of its “old tradition,” historically determined “duality,” and emergence from a narrow franchise. It was unwise, Leuthner declared, “to transfer what had been said about English parties to continental ones.”¹⁴⁸ Imperialist socialists escaped such pitfalls, it was implied, because they accepted modern parliamentarism on its own terms, as a temporary system of party elites.

¹⁴³ L. Quessel, “Das parlamentarische Regierungssystem und der Imperialismus,” *Sozialistische Monatshefte* 20, no. 9 (May 7, 1914): 550.

¹⁴⁴ R. Fletcher, *Revisionism and Empire* (London, 1984), pp. 50–65.

¹⁴⁵ K. Leuthner, “Monarchismus und die Macht des Reichs,” *Sozialistische Monatshefte* 14, no. 24 (December 3, 1908): 1509–11.

¹⁴⁶ K. Leuthner, “Parlament und Demokratie,” *Sozialistische Monatshefte* 16, no. 11 (June 2, 1910): 682.

¹⁴⁷ *Ibid.*, p. 683.

¹⁴⁸ *Ibid.*

Most Marxists within the SPD joined revisionists in calling for the introduction of a parliamentary regime.¹⁴⁹ Socialist leaders' fears that parliamentarism had, for Bernstein and Bloch, become an end in itself were overcome, after heated turn-of-the-century debates about participation in bourgeois ministries, by common revisionist and Marxist criticism of British and French parliamentary government and by a shared reaction against German "absolutism." Slowly, Kautsky, whose theory of economic and political stages had interposed a necessary republican form of government between feudalism and socialism during the early 1900s, shifted the focus of his scheme away from an interim bourgeois republic toward a transitional parliamentary system. Continuity of terminology and the SPD's attempt from the 1870s onward to increase the scope of the Reichstag's powers tended to conceal this change of perception. As had been demonstrated by Kautsky's own work, *Parlamentarismus und Demokratie*, which was first published in 1893, parliamentarism had merely denoted the day-to-day affairs of the Reichstag and other assemblies. In Germany, such parliamentary activity continued to meet with opposition from "absolutism" and "militarism," whereas in Britain it had managed to subsume most organs and functions of state to the advantage of that country's proletariat.¹⁵⁰ Consequently, it seemed to be in the interests of German socialists to use the mechanism of parliament as effectively as their British Labourite counterparts.¹⁵¹ This SPD tactic was eventually abandoned during the constitutional crisis of the Reich, at the same time as the word "parliamentarism" came to describe a system of government, not simply parliamentary business. Between 1908 and 1914, socialists worked to impose a new type of regime in Germany, initially in the hope of success, with unprecedented cooperation from other parties, then in exasperation and despair, as the Center and liberal parties balked at the idea of replacing constitutionalism. By 1911, Kautsky had already decided, in a revised edition of *Parlamentarismus und Demokratie*, that "the bourgeoisie eastwards of the Rhine" was too "weak" and "cowardly" to bring down "the regime of bureaucrats and the sword": "One thing is certain: in Germany as in Austria, indeed in most European countries, those pre-conditions which are needed for the favourable working of popular legislatures and, above all, necessary democratic institutions will not come into being *before* the victory of the proletariat. Popular legislatures can perhaps achieve a certain effect beforehand in the United States, in England and in the English colonies, and in some circumstances in France—for us

¹⁴⁹ For a detailed study of the SPD's attitude to parliamentarism, see E. Pracht, *Parlamentarismus und deutsche Sozialdemokratie, 1867–1914* (Pfaffenweiler, 1990).

¹⁵⁰ K. Kautsky, *Parlamentarismus und Demokratie*, 2d rev. ed. (Stuttgart, 1911), p. 121.

¹⁵¹ *Ibid.*, p. 109.

eastern Europeans they belong to the inventory of the [socialist] ‘state of the future.’”¹⁵² Even in 1893, Kautsky had been mindful of the nefarious by-products of parliamentary domination in Britain, including the “absolutism” of the lower house, “party tyranny,” corruption, and “class rule.”¹⁵³ Almost twenty years later, he had excluded the very possibility of a transition to parliamentarism in Germany and other parts of central and eastern Europe. The followers of Kautsky in the *Neue Zeit* were, consequently, in no doubt that direct action, union agitation, and party affairs should again be given precedence over the business of a class-bound Reichstag.¹⁵⁴

Radical left-wing socialists such as Rosa Luxemburg concurred with the SPD’s supposed preference for extraparliamentary goals. Unlike Bebel, Kautsky, and other socialist leaders, however, they eschewed the party’s parliamentary methods, expressing indifference to the outcome of elections and political negotiations. To Luxemburg, parliamentarism was one dispensable part of a much broader process of democratization, which itself had been produced and then destroyed by the development of capitalism: “Parliamentarism—far from being an absolute product of democratic development, human progress and similar agreeable things—is much more the specific *historical form of the class rule of the bourgeoisie* and—merely the other side of this rule—of its *struggle with feudalism*. Bourgeois parliamentarism continues to exist only for the duration of the struggle between the bourgeoisie and feudalism. . . . Yet for a quarter of a century now the general movement of political development in capitalist countries has been towards a *compromise* between bourgeoisie and feudalism.”¹⁵⁵ In Germany, such parliamentarism had been “still-born,” reaching its high point in the 1860s before the *Bürgertum* had managed to gain power.¹⁵⁶ Like its Russian counterpart, the German bourgeoisie had come to realize that capitalism could flourish without parliamentary democracy.¹⁵⁷ A similar pattern had been repeated in France and Britain, despite the middle classes having achieved predominance via parliamentarism. Here, distinctions between Whigs and Tories, republicans and clerical-monarchical aristocrats, had become blurred, as bourgeois politicians began to deplore the consequences of democratization, including the emergence of powerful working-

¹⁵² *Ibid.*, p. 140.

¹⁵³ *Ibid.*, pp. 53, 62–63, 114.

¹⁵⁴ F. Mehring, “Regierung und Reichstag,” *Neue Zeit* 24, no. 1 (September 27, 1905): 1–4; R. Breitscheid, “Die Bedeutung des Parlaments,” *Neue Zeit* 32, no. 4 (April 24, 1914): 157–60.

¹⁵⁵ R. Luxemburg, “Sozialdemokratie und Parlamentarismus,” in her *Gesammelte Werke* (Berlin, 1974), 1:449; the article was first published in the *Sächsische Arbeiter-Zeitung* on December 5 and 7, 1904.

¹⁵⁶ *Ibid.*

¹⁵⁷ R. Luxemburg, *Sozialreform oder Revolution?* (Leipzig, 1899), p. 46.

class parties. As the bourgeoisie dissociated itself from democracy in general, Luxemburg contended, the true, antagonistic nature of the “class state” and “bourgeois parliamentarism” was revealed.¹⁵⁸ France, she claimed, had only retained democratic, republican government and avoided the restoration of monarchy because of the fortuitous and short-lived maintenance of peace in Europe.¹⁵⁹ Thus, in all capitalist countries, notwithstanding an apparent diversity of political forms, workers had been confronted in the previous two decades by a bourgeois reaction against democracy and by concomitant exploitation of class-dominated parliamentary institutions. In the opinion of Luxemburg and other radical socialists, direct action was the sole feasible alternative to discredited parliamentary tactics. By the 1910s, SPD leaders like Kautsky, who represented the powerful center-left section of the party, had begun to show some sympathy for this radical point of view, partly as a result of their growing skepticism of parliamentarism.¹⁶⁰ Like other liberal and Center-Party supporters of a British or French model of government, German Social Democrats viewed the dominance of parliament primarily as a temporary stage on the way to a different and more significant terminus. As is shown in the next part, such tenuous support for a parliamentary system of government failed to overcome the opposition of right-wing and centrist parties during the prewar crisis of the *Kaiserreich*, as the latter began to articulate the case for a specifically German form of constitutionalism.

IV. PARLIAMENTARISM, CONSTITUTIONALISM, AND THE SURVIVAL OF THE GERMAN EMPIRE

The *Kaiserreich* was, initially, an unlikely model for constitutionalism, as it had been defined in Germany from the mid-nineteenth century onward. Bismarck’s unified Empire was, above all, the product of a federal compromise with the governments of the German states. Only by means of such compromise was it possible in 1866, when the constitution of the North German Confederation was drafted, to make unification acceptable to southern German states like Bavaria and Württemberg, which had just backed Austria-Hungary in a German “civil war” against Prussia. “Theoretically there is much that can be said about it [the constitution of 1867],” proclaimed Bismarck eleven years later: “in practice it was the impress of what was actually present at the time and possible in consequence, given the limited amount of stretching and ad-

¹⁵⁸ *Ibid.*, p. 53.

¹⁵⁹ *Ibid.*, pp. 47–48.

¹⁶⁰ Cited in P. Goode, ed., *Karl Kautsky: Selected Political Writings* (London, 1983), p. 81.

justing that could be done at the time.”¹⁶¹ “The more we continue the previous forms,” he had written in 1867, “the more easily the thing can be done.”¹⁶² For this reason, the constitution of the German Empire in 1871 was based almost entirely on that of the North German Confederation. Both documents, it could be contended, resembled an interstate treaty, with an organization akin to that of the German *Bund*, rather than the constitution of a unified nation-state. Certainly, the fundamental elements of a constitutional regime—a strong, independent executive of expert functionaries and a powerful, representative legislature—did not exist in the 1870s. According to Bismarck’s original design, the popular chamber was to have no constitutional sanction vis-à-vis the chancellor, to contain no civil servants, and to exercise no control over the military budget, which was to be granted in perpetuity.

In the event, the chancellor was made legally responsible to the North German Reichstag, at the insistence of liberals, by the *lex Bennigsen* in 1867, but the terms of such responsibility remained vague. The 190 civil servants who had been elected to the Reichstag in 1871 were allowed to remain in office, yet deputies were in practice not appointed as ministers and formally had to be reelected if they acceded to a new public post. The Reichstag did acquire the right to renegotiate the army budget in 1874, but only once every seven years (*Septennat*). At Bismarck’s insistence, Article 32 of the constitution stipulated that deputies were not to be paid salaries or expenses. More significantly, from the point of view of constitutionalist theory, was the weak and disparate character, at least on paper, of the executive. Not only did the constitution fail to provide for Reich ministries or secretaries of state, with the result that there was no Reich Office of the Interior until 1879, it also made little mention of the chancellor’s function, except that of presiding over the Bundesrat, which comprised the two sentences of Article 15, and that of countersigning imperial orders and decrees, which merited a single sentence in Article 17. Even the role of the kaiser himself seemed to be circumscribed, possessing no veto over legislation, in contrast to the liberal constitution of 1849 and to the constitutions of individual German states. His power of nominating Reich officials was secondary to his powers as king of Prussia, since no Reich “government” existed. Instead, the executive was founded on the Bundesrat, which consisted of the federal delegates of state governments. In other words, through the constitution, Bismarck at once reasserted his reliance on Prussia, whose support within the Federal Council (Bundesrat) was needed to initiate legislation, and reiterated his acknowledgment of the federal principle of state consent. “Not a ministry but, rather, a Bundestag [which became the Bundesrat in 1871] would act as a central authority,” wrote Bismarck in the “Putbus Dictates” of

¹⁶¹ Cited in Gall, *Bismarck: The White Revolutionary* (n. 43 above), 1:321.

¹⁶² *Ibid.*, p. 317.

1866.¹⁶³ Throughout his chancellorship, he kept alive the idea that the German princes could withdraw from the interstate, treaty-like constitution of the German Empire. Such blurred functions of government “within the form” of a “confederation,” not a federation, fell far short of the unambiguous separation of competencies, particularly between executive and legislature, envisaged by German proponents of constitutionalism.¹⁶⁴

Nevertheless, despite the confederal origins of the Bismarckian state, an approximation of constitutional government could be said to have existed in Germany by the 1900s, as a consequence of what Naumann depicted as the real transformations that had taken place behind the unchanging “formal” facade of the Reich’s constitution.¹⁶⁵ These transformations were shaped by a shift of political interest and allegiance to the national level, with a concomitant emphasis on the Reichstag and the Reich secretaries of state; by an increase in the scale and scope of administration, with greater public intervention in the economy and in the field of social insurance; and by a powerful resistance to any possibility of parliamentary domination, with pronounced antiparlamentarism intrinsic to the structure and traditions of the *Kaiserreich*. Such antiparlamentarism on the part of the empire’s founders did not, of course, prevent an increase in the Reichstag’s powers and competencies. The indices of this expanding role are well known: greater stress on the affairs of the Reich by more national-minded parties; greater legislative activity in response to deputies’ demands; more frequent consultation between government and party leaders; increasing numbers of Reichstag resolutions; more speeches by secretaries of state before the Reichstag; and a growing range of spheres of competence and debate, including calls for tighter parliamentary control of foreign affairs by the mid-1900s. Even the military was subjected to Reichstag scrutiny, notwithstanding the kaiser’s notorious power of command (*Kommandogewalt*), with deputies having the right to pass laws that limited army interventions in the civil sphere; to campaign—with eventual success in 1898—for the reform of courts martial along civilian lines; and to use reviews of military budgets—annual for the navy, five-yearly for the army after 1893—as a pretext to discuss army and navy affairs more generally.¹⁶⁶ It is worth recalling that no new legislation could be enacted without Reichstag approval.

¹⁶³ Cited in D. Willoweit, *Deutsche Verfassungsgeschichte*, 3d rev. ed. (Munich, 1997), p. 264.

¹⁶⁴ *Ibid.*

¹⁶⁵ F. Naumann, “Reichsverfassungsfragen,” *Hilfe* 19, no. 32 (August 7, 1913): 498–500.

¹⁶⁶ H. W. Koch, *A Constitutional History of Germany in the Nineteenth and Twentieth Centuries* (London, 1984), pp. 164–68; G. Eley, “Army, State and Civil Society: Revisiting the Problem of German Militarism,” in his *From Unification to Nazism: Reinterpreting the German Past* (London, 1986), pp. 85–109.

This negative parliamentary sanction of German politics, however, was in keeping with constitutionalism, not parliamentarism, especially since it was accompanied by a marked expansion of the role of the Reich government, which proved more than sufficient to counterbalance the extended functions of the popular chamber. On the one hand, the executive profited from the declining power of federal institutions like the Bundesrat, which Bismarck himself had rarely attended and which had become little more than a rubber stamp for government initiatives by the turn of the century.¹⁶⁷ Furthermore, Prussia, which had previously provided most administration and many of the policies of the German state, had come to be dominated, it seemed, by the officials and priorities of the Reich, threatening to become a second Alsace-Lorraine or *Reichsland*.¹⁶⁸ By the 1900s, it was obvious to the historian Friedrich Meinecke that, despite Prussia's continuing strength, the Reich would ultimately prevail in a struggle for power that had characterized German history since 1871.¹⁶⁹ On the other hand, the executive had become stronger and more independent of its own accord, partly in opposition to the growing powers of the Reichstag, partly as governance became more complex. Between 1876 and 1914, the number of high officials in the *Reichsleitung* had trebled in order to deal with new areas of naval, social, and economic administration.¹⁷⁰ During the 1870s and 1880s, the Reich Foreign Office, the Reich Office of the Interior, the Reich Post Office, the Reich Justice Office, the Reich Office for the Administration of the Railways, the Reich Treasury, and the Reich Navy Office were all created to form what was known, even in official circles by the late 1900s, as the *Reichsregierung* or "Reich government."¹⁷¹ Bethmann Hollweg had agreed, before the outbreak of the First World War, that the ministers of these offices should come together in regular cabinet meetings.¹⁷² Thus, by the early twentieth century, it was possible for constitutional theorists to point to the existence of an independent, royally appointed executive counterweight to a national representative assembly. The political system of the German Empire, it seemed, had finally come to resemble the constitutional regimes of individual German states like Prussia, Saxony, and Bavaria.

During the years between 1908 and 1914, this constitutional system of government appeared to be in danger. In both public and private, even politicians like Georg von Hertling, leader of the Center Party, raised the specter of po-

¹⁶⁷ Willoweit, *Deutsche Verfassungsgeschichte*, p. 273.

¹⁶⁸ Rauh, *Die Parlamentarisierung des Deutschen Reiches* (n. 7 above), pp. 46–47, 52.

¹⁶⁹ F. Meinecke, *Cosmopolitanism and the National State* (Princeton, N.J., 1970), pp. 364–74.

¹⁷⁰ Rauh, *Die Parlamentarisierung des Deutschen Reiches* (n. 7 above), p. 34.

¹⁷¹ *Ibid.*, p. 29.

¹⁷² Willoweit, *Deutsche Verfassungsgeschichte* (n. 163 above), p. 280.

litical upheaval. "The very least of people are more than willing to risk their necks in a violent uprising," he wrote to his wife on November 17, 1908. "In a country with a Latin population, revolution would be imminent, or it would already have broken out."¹⁷³ Between the *Daily Telegraph* affair and the Zabern incident, a concatenation of events and debates, including agitation for the reform of the Prussian franchise in 1910, disputes about the drafting of an Alsatian constitution in 1911, the sudden emergence of the SPD as the largest Reichstag party in 1912, and the introduction in the same year of de facto votes of censure during Reichstag interpellations, seemed to bring the *Kaiserreich* close to collapse. In 1908, spokesmen for all parties except the Free Conservatives criticized the actions of the kaiser in the Reichstag; in 1913, deputies passed their second successful vote of censure against the government by a ratio of almost six to one. When such developments on the national level were combined with innovations in the federal states like the formation of the "grand bloc" in Baden in 1909 or the imposition of a Center Party government on the king of Bavaria in 1912, it appeared that the target of reformers was not merely the German Empire, but also German constitutionalism as a whole. This impression was reinforced by the fact that other controversial areas of policy like tax reform and the conduct of diplomacy, which came to a head with the resignation of Bülow in 1909 and the second Moroccan crisis in 1911, were understood by contemporaries to have constitutional causes and effects. As a consequence, the foundations of Germany's entire political system were brought into question for the first time since the 1870s. From *Vorwärts* on the left, which eagerly reported that "popular anger was blowing through Germany" against "absolutism," "bureaucracy," and the "Junker," to the *Rheinisch-westfälische Zeitung* on the right, which mooted the possibility of pursuing constitutional reform "with all seriousness and haste," the press made the prospect of fundamental change familiar to Wilhelmine audiences.¹⁷⁴ To Ernst Bassermann, the moderate leader of the National Liberals, it seemed at times, as he wrote to Bülow in 1913, that "the internal difficulties of Germany" had become "so enormously large that they can no longer be overcome within the present-day system."¹⁷⁵ Although, like Bassermann, they were anxious to defend the German model of constitutional monarchy, both Bülow and Bethmann, too, occasionally expressed concern about its very survival.¹⁷⁶

It was only during this period of crisis, in the years after the *Daily Telegraph*

¹⁷³ Cited in W. Loth, *Katholiken im Kaiserreich: Der politische Katholizismus in der Krise des wilhelminischen Deutschlands* (Düsseldorf, 1984), p. 146.

¹⁷⁴ *Vorwärts* (Nov. 11 and 12, 1908); *Rheinisch-westfälische Zeitung* (Nov. 12, 1908).

¹⁷⁵ Cited in Lothar Gall, *Bürgertum in Deutschland* (Berlin, 1989), p. 434.

¹⁷⁶ B. v. Bülow, *Imperial Germany* (London, 1914), pp. 103–204; K. H. Jarausch, *The Enigmatic Chancellor: Bethmann Hollweg and the Hubris of Imperial Germany* (New Haven, Conn., 1972), p. 61.

affair, that the paradox of German constitutionalism became manifest: the centralization of functions within a German nation-state, which had allowed the emergence of a “Reich government” at the expense of the Bundesrat and the competencies of the federal states, had also had the effect of strengthening the position of the Reichstag. Now, as the constitutional system of government came under attack after 1908, it appeared that the main alternative to German constitutionalism was western European parliamentarism, with party-led administrations appointed de facto by a popular, national, representative assembly. Thus, most commentators depicted the prewar crisis of government in the *Kaiserreich* as a struggle between two “systems,” whose characteristics and thresholds were increasingly well defined. Among officials, there was an unambiguous sense of defending, in Bethmann’s words, “the independence and freedom of the government.” This, he went on, “is absolutely necessary to counteract the dangerous drift towards parliamentarization.”¹⁷⁷ Out of office, Bülow was even more explicit: “I do not wish . . . to advocate the parliamentary system as it is understood in the west of Europe. The worth of a constitution does not depend on the way it reacts on the party system. Constitutions do not exist for parties, but for the state. Considering the peculiarities of our government, the parliamentary system would not be a suitable form of constitution for us.”¹⁷⁸ In debates about the constitution between 1908 and 1914, politicians, too, carefully expounded the differences between the two forms of government. Even among those at either end of the party spectrum, there was considerable agreement about the attributes of parliamentary government. Most concurred with the leader of the DKP, Ernst von Heydebrand, that “we do not have a parliamentary government, and our government is also of the opinion that it is not the government of a parliament or a parliamentary majority; rather, we have an imperial government, which conducts its affairs according to its own duty-bound judgement.”¹⁷⁹ True, left-wing parties, particularly the SPD, did continue to disagree about the precise nature of Germany’s “imperial government,” which socialist deputies like Georg Lebedour repeatedly denounced as “sham-constitutional” and “bureaucratic,” but virtually all politicians treated the German regime as a separate, enduring type of polity rather than merely a transitional one, as modern historians have tended to imply. In the opinion of most Wilhelmine contemporaries, the transition from constitutionalism—even “sham constitutionalism”—to parliamentarism, if it ever occurred, would be neither inevitable nor unintended.

¹⁷⁷ Cited in Jarausch, *The Enigmatic Chancellor*, p. 73.

¹⁷⁸ Bülow, *Imperial Germany*, p. 121.

¹⁷⁹ E. v. Heydebrand, *Verhandlungen des Reichstags* (1912), vol. 283, p. 44. Similar definitions appeared in the right-wing press: for instance, *Deutsche Tageszeitung* (Nov. 11, 1908); *Neue Preußische Zeitung* (Nov. 11, 1908); *Königsberger Allgemeine Zeitung* (Dec. 14, 1913).

When, during critical junctures between 1908 and 1914, German politicians were faced with the prospect of crossing the threshold between a constitutional and a parliamentary system of government, all except those of the SPD refused to do so. Their motives were mixed. They included, of course, the interests of minority parties within a fragmented political spectrum, where no single group was strong enough to be assured of a place in a parliamentary government. It was “not exactly easy to demand the rule of the majority,” wrote Naumann in 1909, “because we are not part of it.”¹⁸⁰ Yet the fact that politicians’ attitudes altered little, despite the regular realignments and rapprochements of their parties during the years before the First World War—in response to the Bülow bloc, “national opposition,” socialist-liberal “grand bloc,” and Bethmann’s policy of “diagonals”—suggests that long-held convictions were more significant than short-term calculations of party interests in propping up the German regime. Although some of these convictions, such as opposition to democracy, were shared only by those on the right—including Bethmann, who told the Reichstag that “the democratic development of parliamentarism” had led “to a levelling of political morals”¹⁸¹—others were widely held. Thus, moderate National Liberals like Bassermann and Hermann Paasche were anxious to demonstrate their monarchism, just as left liberals like Friedrich von Payer and Ernst Müller were keen to place themselves within the Bismarckian tradition, asserting that the chancellor could have existed within their modified, newly defined version of constitutional government.¹⁸² At the same time, liberals of different kinds showed themselves willing to deploy arguments about the federal structure of the Reich, which, historically, were more popular among officials, conservatives, and Center Party politicians, in order to show that a parliamentary regime would contradict the constitutional structure of the Reich.¹⁸³ Finally, even socialist proponents of parliamentarism like Wolfgang Heine admitted that the fragmentation of political parties in Germany would make the transition from one regime to the other difficult, for “the prerequisites for the appointment of the Chancellor . . . from or through the majority of parliament are lacking.”¹⁸⁴ Many other deputies, and much of the press, ap-

¹⁸⁰ Cited in Grosser, *Vom monarchischen Konstitutionalismus zur parlamentarischen Demokratie* (n. 8 above), p. 63. Grosser, like most historians, gives most credence to party interests in explaining politicians’ reluctance to introduce a parliamentary system of government.

¹⁸¹ *Verhandlungen des Reichstages* (Feb. 19, 1910), vol. 259, p. 1410.

¹⁸² E. Bassermann, *ibid.* (Nov. 10, 1908), vol. 233, p. 5375; H. Paasche, *ibid.* (Feb. 19, 1912), vol. 283, pp. 133–34; E. Müller, *ibid.* (Dec. 2, 1908), vol. 233, pp. 5906–10; F. v. Payer, *ibid.* (Dec. 3, 1908), vol. 233, p. 5964.

¹⁸³ K. Schrader, *ibid.* (Nov. 11, 1908), vol. 233, p. 5415; on officials and other parties, see esp. Rauh, *Die Parlamentarisierung des Deutschen Reiches* (n. 7 above), pp. 156–72.

¹⁸⁴ W. Heine, *Verhandlungen des Reichstages* (Dec. 3, 1908), vol. 233, p. 5968.

peared to believe that the absence of two predominant parties made such a transition, at least for the moment, impossible.¹⁸⁵

By the 1900s, these arguments in support of the German Empire, although often resting on domestic models of constitutional government, were almost always underpinned by assessments of foreign parliamentary regimes, since parliamentarism, for which there was no widely acknowledged German precedent, had come to be seen as the main alternative to constitutionalism. It was in this context that cross-party skepticism about the benefits of parliamentary government became politically significant. Such skepticism, despite having a long history in some circles of the German right, was relatively recent among politicians of the center and the left. In general, interest in foreign parliamentarism had waned during the first three decades of the German Empire. Consequently, during the 1900s, when the subject again attracted public attention, which was at once more extensive and less confused than in the mid-nineteenth century, it was not surprising that the main points of reference had changed. Now, it seemed to many German observers, in contrast to their nineteenth-century predecessors, that European parliamentarism as a whole was in crisis. Such a diagnosis appeared to be confirmed by the foreign correspondents of *Wilhelmine* newspapers and by foreign commentators like Sidney Low, A. L. Lowell, Moise Ostrogorski, Vilfredo Pareto, Gaetano Mosca, Charles Benoist, and Robert de Jouvenel. In turn, political crisis was frequently associated by *Wilhelmine* journalists and politicians with the alleged economic backwardness of countries like Italy or the economic decline of those like France and Britain, which were widely believed to have been eclipsed by Germany.¹⁸⁶ In this respect, prominent conservatives like Wolfgang Gans zu Putlitz merely voiced the unspoken assumptions of most other nonsocialist deputies in the Reichstag. Critics sometimes forgot, he declared to the chamber in 1912, “that our present-day state structure, our present-day system, had managed, after the founding of the German Empire, to bring about and foster all manner of cultural tasks and duties in every way; that progress has been registered in all areas in an economic sense, including in those areas of manufacture and commerce which regularly complain that they are being trampled

¹⁸⁵ On the press, see, e.g., *Vossische Zeitung* (Nov. 10, 1908); *Münchener Neueste Nachrichten* (Dec. 16, 1913); *Leipziger Neueste Nachrichten* (Nov. 13, 1908); *Berliner Neueste Nachrichten* (Dec. 12, 1913).

¹⁸⁶ M. Hewitson, “German Public Opinion and the Question of Industrial Modernity: *Wilhelmine* Depictions of the French Economy,” *European Review of History* 7 (2000): 45–61; H. Kaelble, “Wahrnehmung der Industrialisierung: Die französische Gesellschaft im Bild der Deutschen zwischen 1891 und 1914,” in *Übergänge: Zeitgeschichte zwischen Utopie und Machbarkeit*, ed. W. Stöß (Berlin, 1989), pp. 123–38; P. M. Kennedy, *The Rise of the Anglo-German Antagonism, 1860–1914* (London, 1987), pp. 291–320.

underfoot.” Public well-being had been increased, he went on, “as in no other country of the world, and this has all been possible because of our present-day system, and only because of that system.”¹⁸⁷ Few deputies were prepared to discount completely the possibility that politics and economics were closely connected. At the very least, Germany’s constitutional system, in contradistinction to France’s parliamentary republic, appeared not to have thwarted the rapid expansion of the country’s economy. Even the socialist leader August Bebel, having been stung by criticism of the Reichstag and the German Empire at the meeting of the Second International at Amsterdam in 1904, conceded that the Third Republic, with its failure to enact social insurance and improve working conditions, was “not worth allowing oneself to be beaten up for.”¹⁸⁸ According to the testimony of many Wilhelmine Germans, parliamentary regimes’ poor record of social intervention and economic management did nothing to dispel an already existing impression of political partiality or incompetence.

During the series of constitutional crises between 1908 and 1914, the majority of parties supported, however reluctantly, Germany’s system of constitutional government, largely because they were anxious about introducing parliamentarism on the French or British model. Such anxieties—and the consequences of anxiety—were visible in the Reichstag debates of the two principal junctures in the constitutional history of the prewar era, the *Daily Telegraph* affair and the Zabern incident. As the first affair unfolded in 1908, after Wilhelm II had apparently spoken without the government’s consent on the delicate question of Anglo-German relations, no “bürgerlich” party was prepared to use public hostility against the reckless interventions of the kaiser in order to establish a parliamentary regime. Predictably, conservatives were most vociferous in their protestations that they would “not be for a parliamentary system in the sense of French or English law.”¹⁸⁹ The conservative deputy, Hermann Dietrich, recalled the memory of Bismarck, “who could never have existed under a parliamentary regime.” “I set this memory,” he went on, “against the legend, of which Herr Naumann spoke, the legend of the French and English parliaments. I do not want to exchange this memory for [such a legend].”¹⁹⁰ The phrasing of liberal and Catholic speeches was different, but the rejection of parliamentarism remained the same. “About a parliamentary regime of the type where the majority of the popular representation not only has the power to cause a change of government but also to require that the

¹⁸⁷ *Verhandlungen des Reichstages* (Feb. 19, 1912), vol. 283, p. 120.

¹⁸⁸ A. Bebel, cited in J. Droz, *Einfluß der deutschen Sozialdemokratie auf den französischen Sozialismus 1871–1914* (Opladen, 1973), p. 13.

¹⁸⁹ Reinhold Graf of the Wirtschaftliche Vereinigung, *Verhandlungen des Reichstages* (Dec. 3, 1908), vol. 233, p. 5944.

¹⁹⁰ *Ibid.*, p. 5958.

future government comes from its own ranks—about this parliamentary regime we in the German Reichstag do not need to trouble our heads,” declared the left liberal Friedrich von Payer: “We can leave this question to future generations; for we lack the unavoidable prerequisite for it, namely a closed, capable, enduring majority, as in England.”¹⁹¹

The SPD alone openly challenged such a view, but even here there were differences of emphasis and a widespread distrust of bourgeois politics in its entirety. Georg Lebedour, who was close to the traditionally dominant moderate left wing of the party, argued for “the realisation of democratic parliamentarism” to replace the “sham-constitutional, bureaucratic, Junker-type system of government,”¹⁹² which had ensured that Germany continued “to stand far behind the other advanced cultures (*Kulturvölker*) in this most important question of political life, the question of responsibility.”¹⁹³ The absence of a two-party system in Germany constituted no obstacle, he contended, since coalitions would perform the same function as major parties, as in the French case: “In France, where there are not two principal parties which can take turns in government, as in England, the entire parliamentary system of government is based, as is well-known, on such party conglomerations.”¹⁹⁴ Although they agreed with the SPD’s campaign for a parliamentary regime, unlike those on the far left of the party, revisionists to the right of Lebedour were much more skeptical about the desirability of the French model of coalition government. “I don’t doubt—in this Herr von Payer is right—the preconditions are missing for the nomination of the chancellor or the responsible Reich ministers from the majority or even by the majority of parliament,” warned Wolfgang Heine: “But such things certainly don’t come into being from one day to the next, but have to emerge gradually. In England, it is also not written down that parliament must nominate ministers, but it is a parliamentary practice, which has been built up over centuries.”¹⁹⁵

These cautious sentiments were predicated on the idea, which had become commonplace by 1908, that British parties had had to struggle for decades in order to impose a parliamentary regime. “Whoever believes, as a result of mere abstraction, that we can have tomorrow what the English have, does not know how difficult it has been for the English to win what they today possess,” proclaimed the left-liberal reformer Naumann in the same debate as Heine.¹⁹⁶ What was more, he went on, Germany was different from Britain or France,

¹⁹¹ *Ibid.*, p. 5963.

¹⁹² *Ibid.* (Dec. 2, 1908), p. 5922.

¹⁹³ *Ibid.*, p. 5916.

¹⁹⁴ *Ibid.*, p. 5918.

¹⁹⁵ *Ibid.* (Dec. 3, 1908), p. 5968.

¹⁹⁶ *Ibid.*, p. 5947.

not only because “each people has its own history,” but because it lacked a “popular legend” akin to those that stood “behind the representative assemblies of France and England.” Instead, “we have a confessional division . . . and speak . . . politically different dialects in the North and in the South.”¹⁹⁷ The credibility of such arguments by the mid-1900s helps to explain why even SPD revisionists were often guarded in their call for a parliamentary regime. It was for this reason that Paul Singer, leader of the socialist caucus in the Reichstag, demanded merely that ministers had to have the undefined “trust” of a parliamentary majority and had to have come themselves from that majority. This, he implied, was what was most significant about the British and French experience, rather than the power of appointment itself.¹⁹⁸

Although they stopped short of demanding full parliamentarism, moderate and revisionist socialists like Singer, who had attained a new prominence after the electoral defeat of 1907, effectively isolated the SPD from other political parties during the *Daily Telegraph* affair by calling for parliamentary participation in the nomination of the chancellor. Deputies from every other Reichstag *Fraktion* explicitly distanced themselves from such calls. Thus, despite their anger, Deutsche Konservative Partei leaders—in their capacity as leaders of a “monarchically inclined Volkspartei,” not as parliamentarians—warned against allowing the affair to become a power struggle between crown and representative assembly.¹⁹⁹ Likewise, both National Liberal and Center Party leaderships, notwithstanding the fact that the former were in the Bülow bloc and the latter excluded from it, emphasized what Georg Hertling termed their “monarchical sensibilities” and dismissed any idea that they were in favor of Reichstag interference in either the dismissal or appointment of the chancellor.²⁰⁰ “I maintain that it is incorrect when one says of the law about ministerial responsibility, such as that which is now being striven for, that it is leading to a parliamentary regime,” confirmed the veteran Center Party deputy Peter Spahn.²⁰¹ Left liberals were less prepared to rule out parliamentarism as a long-term goal, but they, too, balked at the idea of participation in the appointment of the chancellor. “We do not want a parliamentary regime,” declared Karl Schrader, to taunts of “hear, hear” from socialist deputies, “for the simple

¹⁹⁷ Ibid., p. 5945; also, Grosser, *Vom monarchischen Konstitutionalismus zur parlamentarischen Demokratie* (n. 8 above), pp. 61–62.

¹⁹⁸ Graf, *Verhandlungen des Reichstages* (Dec. 3, 1908), vol. 233, p. 5392.

¹⁹⁹ Grosser, *Vom monarchischen Konstitutionalismus zur parlamentarischen Demokratie* (n. 8 above), p. 83.

²⁰⁰ G. Hertling, cited in Loth, *Katholiken im Kaiserreich* (n. 173 above), p. 145; E. Bassermann, in Grosser, *Vom monarchischen Konstitutionalismus zur parlamentarischen Demokratie* (n. 8 above), p. 70; J. Junck, *Verhandlungen des Reichstages* (Dec. 2, 1908), vol. 233, pp. 5924–25.

²⁰¹ P. Spahn, *Verhandlungen des Reichstages* (Dec. 2, 1908), vol. 233, p. 5914.

reason that it is not possible, as long as the constitution of the German Empire is in existence.” Other left liberals like Naumann, Ernst Müller-Meiningen, and Conrad Haußmann all talked merely of a vague necessity that government should enjoy the “trust” or feel the “influence” of a parliamentary majority.²⁰²

Against such a background of ambivalence, it is easier to make sense of the apparent disjunction between, on the one hand, the depth of public and party outrage at the “personal regime,” which gave rise—in the words of conservative leader Ernst von Heydebrand—to a “mass of concerns, reservations [and] annoyance,” and, on the other, the limited scope of the purely juridical bills eventually put forward, which concentrated on the impeachment of the chancellor.²⁰³ Historians have tended to assume that this preoccupation with legal responsibility was the consequence of fundamental party disagreements about the more important question, according to Naumann and others at the time, of political accountability. Certainly, the subsequent failure of parties to pass any legislation at all appeared to give credence to such arguments, with National Liberal and Center Party politicians, who wished to limit impeachment to clearly defined acts against the constitution, opposing socialists and left liberals, who favored impeachment for unspecified acts “against the welfare of the Reich.” In fact, however, these conflicts between parties concealed a considerable amount of agreement. Most deputies, including Naumann, were content to consolidate Germany’s constitutional regime rather than raise the prospect of a parliamentary alternative. Thus, even a supporter of the latter like the left liberal Friedrich von Payer was careful to point out, in reply to conservative accusations of parliamentarism, that “it seems, here, as if the concept of a parliamentary regime and that of a constitutional regime had not been distinguished quite sharply enough one from the other” by his critics.²⁰⁴ The left liberals, for the moment at least, only wished to improve Germany’s constitutional system of government, he implied. His colleague Otto Wiemer went further: the aim was the “creation of a truly constitutional state structure (*Staatsverfassung*).” “We are not in any doubt,” he continued, “that a genuinely and seriously enacted ministerial responsibility is the cornerstone of the constitutional system.”²⁰⁵ Legal responsibility was necessary to protect the gov-

²⁰² Ibid. (Dec. 3, 1908), vol. 233, p. 5948; ibid. (Dec. 2, 1908), p. 5909; ibid. (Nov. 11, 1908), p. 5424.

²⁰³ E. v. Heydebrand, cited in V. Ullrich, *Als der Thron ins Wanken kam: Das Ende des Hohenzollernreiches 1890–1918* (Bremen, 1993), p. 52.

²⁰⁴ *Verhandlungen des Reichstages* (Dec. 3, 1908), vol. 233, p. 5963; see also Conrad Haußmann, ibid. (Nov. 11, 1908), pp. 5424–25, who, in spite of reiterating his support for a “parlamentarische Regierungsweise,” was careful to specify only legal responsibility and to advocate, for the most part, a vaguely defined “constitutional form of government.”

²⁰⁵ Ibid. (Nov. 10, 1908), p. 5384.

ernment itself from the random interventions of the kaiser and to ensure that the executive as a whole was answerable to the representative assembly, since unconstitutional acts by either the government or the kaiser would lead to the impeachment or resignation of the chancellor. The left liberals, National Liberals, and the Center Party required what Ernst Bassermann called “secure safeguards against the interference of the personal regime.”²⁰⁶ Instead of direct political control over the administration, most deputies looked to constitutional clarification and limitation of government powers and competencies. Only the leaders of the SPD and a handful of left liberals saw legal responsibility as a first step toward votes of no confidence and the dismissal of governments by a Reichstag majority.

In the years after the *Daily Telegraph* affair, it seemed to some conservative observers as if the political and constitutional obstacles to such parliamentarism had been removed. By the time of the Zabern incident in 1913, warned the *Reichsbote*, democracy could be found “once again shaking the foundations of our constitution in order to limit the rights of the government and extend those of the representative assembly, and to extend them in such a way that the truly decisive power would come into parliament’s hands.”²⁰⁷ Despite his emphatic support for constitutionalism after becoming chancellor in 1909, Bethmann Hollweg, it appeared, had done little to reconcile the parties of the Bülow bloc, which had split up under his predecessor. Thus, the electoral alliance between the conservative and liberal parties, which seemed to have prevented the latter supporting parliamentarization in 1908, had been superseded by ideological antagonism, leaving the left liberals free to back the reformist policies of the SPD. During the series of crises of the early 1910s, including agitation for an alteration of the franchise in Prussia and proposals for a new constitution in Alsace-Lorraine, some conservatives came to believe, like the *Berliner Neueste Nachrichten*, that “the Social Democratic (*sozialdemokratisch*) menace has grown into a whole-democratic (*gesamtdemokratisch*) menace,” with the prospect of a center-left, parliamentarist, majority coalition on the national level, akin to the “grand bloc” of socialists and liberals in Baden.²⁰⁸ By 1912, with the apparent imposition of a Catholic-led government under Georg Hertling in Bavaria, it seemed to liberals and socialists that even the Center Party, which had sided with the DKP since 1908 on the question of tax, might be prepared to countenance parliamentarism.²⁰⁹ Conservatives

²⁰⁶ Ibid., p. 5378. On the liberals and Centre Party, see Grosser, *Vom monarchischen Konstitutionalismus zur parlamentarischen Demokratie* (n. 8 above), pp. 61–62, 70–71, 75–76; B. Heckart, *From Bassermann to Bebel* (New Haven, Conn., 1974), pp. 74–76; Loth, *Katholiken im Kaiserreich* (n. 173 above), pp. 144–53.

²⁰⁷ *Reichsbote* (Dec. 11, 1913).

²⁰⁸ *Berliner Neueste Nachrichten* (Dec. 11, 1913).

²⁰⁹ H. Paasche, *Verhandlungen des Reichstages* (Feb. 19, 1912), vol. 283, p. 133;

like Kunow von Westarp feared that such parties would not hesitate to use the right to a vote on Reichstag interpellations, which had been introduced in 1912 as a way of censuring government, in order to force the resignation of the chancellor and, consequently, establish a parliamentary regime.²¹⁰ The large fiscal deficit of the Reich appeared to allow parties the chance, by refusing the budget, to secure the transition from one regime to the other.

Such predictions seemed to be borne out by the Zabern incident, after which Bethmann Hollweg suffered a crushing vote of censure, with 293 deputies for and only fifty-four against. In fact, however, the vast majority of liberal and Catholic critics of the chancellor refused to treat the vote as a formal expression of no confidence or as grounds for resignation. In the Reichstag and in the press, deputies and journalists generally accepted Bethmann Hollweg's use of the term "so-called vote of no confidence" in order to distinguish it from similar procedures in foreign parliamentary regimes.²¹¹ Most National Liberal and Center Party politicians agreed with Westarp's repeated assertion that "we don't have a parliamentary government."²¹² Bassermann, as the conservative leader indicated,²¹³ correctly spelled out his party's position in December 1913: "What we have included in our procedures is not the vote of no confidence of a parliamentary system but disapproval of the handling of a single case; that is quite obvious."²¹⁴ In this respect, as the National Liberal deputy and professor of law Hermann Paasche confirmed, nothing had changed since the era of the Bülow bloc, in spite of the party's changing relationship with the government.²¹⁵ The same was true of the Center Party, even though its shifting external relations had been accompanied by an internal change of direction with the rise of the "democrat" Matthias Erzberger, who openly came out in favor of a parliamentary regime during the debates about the Zabern incident.²¹⁶ The Center, declared Erzberger before the Reichstag, had said in 1912 that the introduction of votes on interpellations did not imply an alteration of the constitution.²¹⁷ Like the National Liberals, most Catholic politicians were interested, not in replacing the existing regime, but in ensuring that it was fully

also Grosser, *Vom monarchischen Konstitutionalismus zur parlamentarischen Demokratie* (n. 8 above), p. 81.

²¹⁰ *Verhandlungen des Reichstages* (May 3, 1912), vol. 285, p. 1693.

²¹¹ *Ibid.* (Dec. 9, 1913), vol. 291, p. 6281. When Bethmann used the term, socialists alone protested with "so-called!"

²¹² *Ibid.* (1912), vol. 283, p. 44.

²¹³ *Ibid.* (Dec. 10, 1913), vol. 291, p. 6319.

²¹⁴ E. Bassermann and M. Erzberger, *ibid.* (Dec. 9 and 11, 1913), vol. 291, pp. 6299 and 6363.

²¹⁵ *Ibid.* (Feb. 19, 1912), vol. 283, pp. 133–34.

²¹⁶ K. Epstein, *Matthias Erzberger and the Dilemma of German Democracy* (Princeton, N.J., 1959), pp. 104–9.

²¹⁷ *Verhandlungen des Reichstages* (Dec. 11, 1913), vol. 291, p. 6363.

constitutional, with “the powers of the kaiser and the rights of the chancellor” on “the basis of the same German Reich constitution” as the Reichstag.²¹⁸ The Center Party’s refusal to consider parliamentarism after gaining power in Bavaria under Hertling in 1912 had already demonstrated that such words were neither hollow nor merely pragmatic.²¹⁹ As in 1908, the parties of the center-right were more anxious to safeguard legal propriety than to achieve full political control. Thus, amid widespread anger at army arrogance in Zabern, both parties initially seemed to agree, in the words of the Center’s resolution, to “regulate” the military and to ensure the “independence of the civilian authority.”²²⁰ Again, the emphasis was on a rationalization of constitutionalism and the strengthening of civilian government rather than on the establishment of parliamentarism. Catholic and National Liberal newspapers were, likewise, confident that “no immediate consequences” were tied to the vote of censure against Bethmann Hollweg: “the contrary has never seriously been argued,” recorded the *Münchener Neueste Nachrichten*.²²¹ Later, when National Liberals withdrew their support for any reform of the existing constitutional relationship between military and government, the Center Party left the question quietly in abeyance.²²²

Left liberals, although they were sometimes accused of supporting parliamentarism by the right, betrayed a similar set of priorities in 1913 to those of National Liberals and the Center Party.²²³ Despite taunting by conservative deputies, who were now—unlike in 1908 under the Bülow bloc—political opponents, Otto Wiemer maintained the left-liberal party line, which had been formulated during the *Daily Telegraph* affair: “we must acknowledge that, according to our constitution as it exists at present, the Reich Chancellor is not obliged to resign his office when the majority of the Reichstag fail to express its trust in him.”²²⁴ Parliamentarism, he told the chamber, was “better than sham constitutionalism, as it today exists,” but it was not the intention of left liberals to introduce it in Germany by forcing the resignation of the chancellor.²²⁵ Left-leaning newspapers like the *Berliner Tageblatt* made clear the

²¹⁸ Ibid.

²¹⁹ Grosser, *Vom monarchischen Konstitutionalismus zur parlamentarischen Demokratie* (n. 8 above), pp. 78–79.

²²⁰ Heckart, *From Bassermann to Bebel* (n. 206 above), pp. 254–57; Loth, *Katholiken im Kaiserreich* (n. 173 above), pp. 221–22.

²²¹ *Münchener Neueste Nachrichten* (Dec. 16, 1913); also, the *Kölnische Zeitung* and *Hannoversche Courier*, both cited in the *Berliner Neueste Nachrichten* (Dec. 12, 1913). On the Catholic *Kölnische Volkszeitung*, see Loth, *Katholiken im Kaiserreich*, p. 221.

²²² Loth, *Katholiken im Kaiserreich*, p. 221.

²²³ K. v. Westarp, *Verhandlungen des Reichstages* (Dec. 10, 1913), vol. 291, p. 6318; *Berliner Neueste Nachrichten* (Dec. 11, 1913); *Deutsche Tageszeitung* (Dec. 13, 1913).

²²⁴ *Verhandlungen des Reichstages* (Dec. 10, 1913), vol. 291, p. 6323.

²²⁵ Ibid.

implications of such arguments for their readership, rebutting right-wing accusations of a hidden agenda: “And we, we who have not even managed to bring about an honestly conceived constitutionalism, are accused of wanting parliamentarism and, concealed behind this, ‘republicanism’!” Like its National Liberal and Catholic counterparts, the immediate goals of the *Tageblatt* were to separate the competencies of the different organs of state, most notably by limiting those of the army, and to strengthen the constitutional powers and responsibilities of the government. Only the “illusionists of the agrarian-conservative camp,” the newspaper went on, preached that all domestic progress led “ineluctably to parliamentarism.”²²⁶

The SPD stood alone in 1913 in arguing for the immediate introduction of a parliamentary regime. By February 1914, with the perceived failure of the other parties to extract constitutional concessions from the government, such isolation was even more pronounced than in 1908: “And so we see again,” lamented *Vorwärts*, “that the bourgeois parties would ten times rather endure the excesses of the Junkerized, bureaucratic, militarist system than make the slightest concession to parliamentary democracy.”²²⁷ Social Democrats themselves occasionally suggested that isolation was unimportant since the SPD had become the single largest party in the Reichstag in 1912 and would soon be able to dictate terms without political allies. Most nonsocialist observers—and, privately, many socialists too—doubted the truth of these claims, however. To them, the Social Democratic Party was misguided in its attempt, after electoral defeat in 1907, to use the demand for parliamentarism in order to gain votes. First, argued critics, the majority of the population did not desire a change of regime. “We believe,” ran the editorial of the liberal *Kölnische Zeitung* at the height of public outrage over the Zabern incident, “that Social Democracy has never erred more fundamentally than it has in believing that the German people want a parliamentary system.”²²⁸ Second, socialist support for parliamentarism exacerbated divisions within the party, with the far left around Luxemburg rejecting it outright, the center left around Kautsky becoming increasingly disenchanted with it, and the center right disagreeing about whether they would participate in parliamentary governments.²²⁹ Third, few members of the SPD, as critics never tired of reminding them, strove for parliamentarism in its own right; rather, they viewed it as a transitional stage on the way to a socialist society. This utopian goal, which was visible even in tactical protests against a generalized “system” by revisionists like Philipp

²²⁶ *Berliner Tageblatt* (Dec. 15, 1913).

²²⁷ D. Schoenbaum, *Zabern 1913* (London, 1982), p. 159; also, *Vorwärts* (Dec. 9 and 15, 1913).

²²⁸ *Kölnische Zeitung*, cited in the *Berliner Neueste Nachrichten* (Dec. 12, 1913).

²²⁹ O. Wiemer, cited in Schoenbaum, *Zabern 1913*, p. 133.

Scheidemann, seemed to many Wilhelmine Germans to provide further grounds for eschewing a socialist-led campaign against constitutionalism. Indeed, as the *Leipziger Neueste Nachrichten* indicated, it often appeared that it was “not Herr von Bethmann Hollweg [who] welded the middle-class parties [*die bürgerlichen Parteien*] together, but the extremism of the comrades.”²³⁰ The fact that the leaders of the SPD were the most vociferous advocates of parliamentarism served, despite the dominance of revisionism in prewar German socialism, to deter wavering liberals and Catholics from attacking the German Empire.

During the years of constitutional crisis after 1908, socialists had become accustomed to deploying evidence from Britain and France in support of their case for parliamentarization. Thus, in 1913, Scheidemann’s exhortation to skeptical opponents of parliamentarism in the Reichstag was to “take a look at England and France!”²³¹ Revisionist socialists believed, as Scheidemann’s colleague Eduard David intimated in the same debate, that Germany’s western rivals acted as a political vanguard for other modern states like Germany: “The examples of France, Britain etc.—they cannot remain without influence on the political psychology of the German Reich.” “Modern peoples,” he continued, “constitute, in this respect, a very closely connected cultural group.”²³² With the exception of an occasional correspondent in the *Frankfurter Zeitung*, few other nonsocialists had been convinced by 1913 that France or even Britain, in the light of recent strike movements and constitutional agitation in both countries, furnished strong arguments in favor of parliamentarism. As the international parameters of this debate had become entrenched after 1908, conservatives responded by either mocking or ignoring the example of France and by disputing the relevance of the British example. “I thought that England would come up,” the reactionary Wolfgang Gans zu Putlitz had derided socialist deputies in the Reichstag: “but in England circumstances are such that until recently parliamentarism was in the hands of two great aristocratic parties.” The countries “which we can imitate,” he concluded, with a veiled reference to France, “in which there are not two great aristocratic parties, are those where parliamentarism has had a disintegrative effect.”²³³ Conservatives like Putlitz, in common with most National Liberal and Center Party politicians, assumed that the German Empire was fundamentally different, in Basermann’s words, from “all those states, in which the government is a committee of the parliamentary majority.”²³⁴ Some National Liberals and a

²³⁰ *Leipziger Neueste Nachrichten* (Dec. 10, 1913).

²³¹ *Verhandlungen des Reichstages* (Dec. 9, 1913), vol. 291, p. 6278.

²³² *Ibid.* (Dec. 12, 1913), vol. 291, p. 6427.

²³³ *Ibid.* (Feb. 19, 1912), vol. 283, p. 123.

²³⁴ *Ibid.* (Dec. 9, 1913), vol. 291, p. 6299.

considerable number of left liberals were less certain about the durability of such a distinction, agreeing with the *Münchener Neueste Nachrichten* that the path to parliamentarism was “clearly prescribed.” Nevertheless, they remained critical of French and British politics and were not prepared in 1913 to use votes of no confidence in order to dismiss the government and introduce a parliamentary regime. The conditions necessary for “the parliamentary system in its best form,” concluded the Munich newspaper, “can perhaps represent a distant end-point; in any event, we are not yet very close to them.”²³⁵ Against such a background of moderate and left-liberal uncertainty, together with the broad support of National Liberals, conservatives, and the Center Party, the survival of the German Empire, at least over the medium term, seemed to be assured.

V. CONCLUSION

The descent of the *Kaiserreich* into constitutional crisis between 1908 and 1914, notwithstanding its domestic causes, eventually confronted Wilhelmine Germans with a choice between the existing German regime and a foreign system of parliamentary government. In this sense, a domestic crisis took place within the parameters of an international typology. As has been seen, the central concept of parliamentarism, which had been informed by German depictions of French and British politics during the late nineteenth and early twentieth centuries, entered Wilhelmine politics as late as 1908, long after it had been described and assessed in the foreign affairs sections of newspapers and journals. Thus, most commentators had rejected the French Third Republic as a political paradigm in the years between 1898 and 1907, before the debate about parliamentarism and constitutionalism began in earnest in Germany.²³⁶ A similar, though more favorable, assessment seems to have been about Britain during the same period. This is not to maintain that Wilhelmine conceptions of a parliamentary regime were simply adapted representations of Britain and France, of course; they also derived from mid-nineteenth-century German liberalism, constitutional precedents within the German states, and pragmatic political calculations within German parties. Nevertheless, party responses to constitutional disputes between 1908 and 1914 showed that national comparison was a necessary element in German ideas of parliamentarism. Before they contemplated replacing the foundations of the Bismarckian Empire, Wilhelmine Germans required examples of successful parliamentary states. The alleged failure of parliamentarism in France, Italy, and elsewhere helped to en-

²³⁵ *Münchener Neueste Nachrichten* (Dec. 16, 1913).

²³⁶ M. Hewitson, *National Identity and Political Thought in Germany: Wilhelmine Depictions of the French Third Republic, 1890–1914* (Oxford, 2000).

sure that Germany remained a constitutional regime. Even well-known “supporters” of parliamentarism like Naumann, Weber, Erzberger, Bernstein, Bloch, and Kautsky were skeptical about significant aspects of foreign parliamentary systems of government, perceiving them, at best, to be means of achieving other, more important ends.

Debate about the constitution in Germany had come to rest, to a large extent, on comparative analysis of political regimes. Parliamentarism, which was associated with France and Britain, was the single most important concept in such debate, ensuring that the appointment and dismissal of ministers became the critical threshold in German politics. Most parties were willing to countenance an increase in the powers of the Reichstag, often at the expense of federalism, so long as the Reich government, which had also acquired some of the functions of the federal states, continued to be independent of the assembly. Such independence was guaranteed, it was held, by the kaiser’s power of appointment, which was usually exercised in conjunction with the government and federal states; it was threatened, according to evidence from France and other European countries, by an over-powerful parliament. Between 1908 and 1914, despite government discomfort and public disaffection, Germany’s political parties were careful not to cross the boundary between constitutionalism and parliamentarism. Indeed, party pressure for reform could be construed as an attempt, as the *Berliner Tageblatt* maintained, to make government more rigorously “constitutional” in the German sense.²³⁷ Thus, criticism of the kaiser’s erratic “personal rule” during the *Daily Telegraph* affair was designed, among other things, to rationalize the executive by circumscribing arbitrary, “external” elements such as Wilhelm II and by reinforcing a ministerial monopoly over policy-making. Similarly, attacks on the military after the Zabern incident aimed to destroy any vestiges of army autonomy within the state and to reassert the principle of civilian predominance during peacetime. In March 1914, as a result of such attacks, a new service directive was introduced which required that the army obtain permission from the Reich’s civilian authorities before intervening in civil affairs. Of course, not all politicians were content simply to improve Germany’s constitutional regime, particularly given its allegedly poor record during the decade before 1914. Yet even these critics of the *Kaiserreich* were skeptical about the merits of any parliamentary alternative. The force of such a negative argument affected all German parties and helped to convince four out of five of the main groupings in the Reichstag not to introduce a parliamentary regime in Germany over the short term.

Consequently, the era before the First World War witnessed both a constitutional crisis and widespread acceptance of the existing political system in Germany. It is, therefore, necessary to treat Dieter Grosser’s idea of a “stabi-

²³⁷ See Sect. II.

lization of the constitutional monarchy” cautiously, since the *Kaiserreich* was accepted by significant sections of Wilhelmine society only grudgingly. Nonetheless, Grosser’s thesis still seems more tenable than either Manfred Rauh’s notion of a “parliamentarization of the German Empire” or Hans-Ulrich Wehler’s idea of stalemate within a semiauthoritarian, sham democracy. The sense of crisis, which was clearly discernible in the decade before 1914, was limited by a sense of proportion about the nature of political conflict and by an underlying attachment, almost by default, to the German Empire. However reluctantly, most German parties had acknowledged during the early twentieth century that Germany’s constitutional regime was a discrete, functioning system of government, separate from western European parliamentarism. As a result, when Germany went to war in 1914, the majority of German commentators were prepared, at least initially, to support the regime and to criticize France and Britain, politically as well as culturally.²³⁸ By contrast, it no longer seems plausible to contend, despite the arguments of Fritz Fischer and his followers, that German elites planned a conflict—or were prepared to risk war—in order to avoid domestic deadlock or a credible challenge to the political status quo.²³⁹ Rather, the *Kaiserreich* had already established its credentials in an international context before 1914 and went on to prove its durability after that date. It was replaced only hesitantly after four years of destruction, hardship, and eventual defeat.²⁴⁰ When the Weimar Republic finally emerged, after revolution in November 1918, it retained—by virtue of its powerful, independent presidency—one of the central features of the old regime, distinguishing it from French and British parliamentary systems of government. Even after defeat in the First World War and a deliberate incorporation of the supposed preferences of the Allies, then, Germany’s constitution continued, in the name of stability, to diverge from those of western Europe. Such divergence remains inexplicable unless reference is made to the debate about German constitutionalism and foreign parliamentarism, which served to consolidate the *Kaiserreich* in the years before 1914.

²³⁸ See, e.g., W. Kruse, ed., *Eine Welt von Feinden: Der Große Krieg, 1914–1918* (Frankfurt am Main, 1997), pp. 172–76; W. J. Mommsen, “The Spirit of 1914 and the Ideology of a German ‘Sonderweg,’” in his *Imperial Germany, 1867–1918* (London, 1995), pp. 205–16.

²³⁹ This has been set out in more detail in M. Hewitson, “Germany and France before the First World War: A Reassessment of Wilhelmine Foreign Policy,” *English Historical Review* 115 (2000): 570–605.

²⁴⁰ John Horne, for instance, makes this point in the introduction of his edited volume, *State, Society and Mobilization in Europe during the First World War* (Cambridge, 1997).