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BARBARA STOLLBERG-RILINGER, *Des Kaisers alte Kleider: Verfassungsgeschichte und Symbolsprache des Alten Reiches* (Munich: C. H. Beck Verlag, 2008), 439 pp. ISBN 978 3 406 57074 2. €38.00

‘The solemn triflings of this so-called “Diet of Deputation” – which Frederick the Great compared to dogs in a yard baying at the moon – have probably never been equalled elsewhere. Questions of precedence and title, questions whether the envoys of princes should have chairs of red cloth like those of the Electors, or only of the less honourable green, whether they should be served on gold or silver, how many hawthorn boughs should be hung up before the door of each on May-day; these, and such as these, it was their chief employment not to settle but to discuss.’<sup>1</sup>

James Viscount Bryce’s verdict on the irrelevance of the Reichstag typifies the nineteenth and early twentieth-century condemnation of the Old Empire as a ‘soulless sham’ where ‘form’ had long outlived ‘substance’. It has long become commonplace to contrast this older historiography with the more positive interpretations advanced since the 1960s stressing the vitality of imperial institutions, as well as the lively public discussion on the Empire’s future which continued beyond its actual demise in 1806. The older view that the Empire was not (or no longer) a state because it lacked viable institutions has been replaced by assertions that it was, indeed, a state (possibly even the first ‘German nation-state’) precisely on the basis of evidence of such institutions. Both views ignore the ‘gildings and trappings’ (Bryce) which so vexed envoys at the Reichstag and other eighteenth-century observers. Rituals and symbols remain either ignored or marginalized as cultural aspects somehow disconnected from ‘real’ politics, which are traced through the development of institutions with written records and formalized procedures.

In one of the most important books ever to appear on the Old Empire, Barbara Stollberg-Rilinger challenges both perspectives by placing ritual at the centre of her study. Her book’s impact is assisted by the force of her arguments and their expression in clear, accessible language which seamlessly weaves insights from anthropology, sociology, and other disciplines with fresh archival research and a firm command of the historical literature.

<sup>1</sup> James Bryce, *The Holy Roman Empire* (first pub. Oxford, 1864; quotation from 1919 edn.), 400–1.

The customary focus on institutional development is replaced by discussion of the 'presence culture' (*Kultur der Präsenz*) involving face-to-face interaction, which had greater prestige and legitimacy at the end of the fifteenth century than communication either by proxies (such as envoys) or in writing. The personal presence of key actors sustained the Empire in two fundamental ways. Formal powers and responsibilities were not defined in relation to an abstract, written constitution, but through each actor's personal bond to the emperor as feudal overlord. This bond expired if either party died, and had to be renewed publicly through a solemn oath affirming each party's place in the hierarchy of status categories ranging from emperor, through the electors, princes, and other imperial Estates collectively constituting the Empire. Second, personal presence signalled acceptance of common decisions in a system based on the ancient Roman principle that 'anything that affects all, must be agreed by all'. Here the solemn oaths of those estates assembled before their monarch substituted for a developed institutional infrastructure. The Empire lacked an effective means of enforcing decisions and especially coercing those who refused to accept the majority view. Matters remained unresolved until a consensus was reached. The material resources, coercive power, and social capital of the imperial estates were all necessary, but not sufficient factors in the Empire's development. Imperial politics only became 'real' for contemporaries through their physical embodiment in common rituals, not through expression in written contracts or other documents.

Such documents had long existed, but played a subordinate role until the rapid expansion of written culture, assisted by the print revolution, in the late fifteenth century. Stollberg-Rilinger's most important argument is that this written culture did not replace presence culture in some linear modernization process. Rather, it reinforced it by serving as an ever-more precise script to guide ritual and precedence. This process is examined in four micro-historical studies chosen to reflect major stages in the development of the early modern Empire: the Reichstag meetings in Worms (1495), Augsburg (1530), and Regensburg (1653–4), as well as the 1764–5 session of the 'eternal diet', which coincided with Joseph II's coronation as King of the Romans and the failure of his policy to reassert the formal investiture of imperial estates.

With 'presence culture' still predominant in 1495, politics remain-

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ed flexible. Changes to the imperial hierarchy could be accommodated, such as the elevation of the count of Württemberg to the status of duke and full imperial prince. There was room, too, for ambiguity, including that surrounding Lorraine's relationship to the Empire, or the fact that both the elector of Brandenburg and duke of Pomerania sported the Pomeranian title and coat of arms. Order was stabilized through ritual performance involving a high proportion of those who actually mattered in imperial politics. Investiture ceremonies were conducted by the emperor 'in majesty', surrounded by the electors and numerous other imperial estates. Immediate demonstration of status was more important than definitive victory in disagreements. Offended parties could show their disapproval symbolically during a ritual, or by leaving early to await a more opportune moment to renew their case.

The growth of written culture unintentionally eroded this flexibility. Writing things down was intended to address the deficiencies of presence culture by settling disputes arising from differing interpretations of status, and by assisting the common framework by specifying obligations to the Empire more clearly. Far from being resolved, disputes grew more numerous and intense as the room for ambiguity disappeared. The growing acceptance and prestige of the written word also discouraged attendance at the Empire's rituals. The emperor and the majority of the imperial estates had attended the 1495 Reichstag in person, but were already accompanied by their learned officials and professional advisors. These councillors, equipped with written instructions, gradually replaced their masters at all key events. This practice greatly complicated disputes over precedence, since the personal status of envoys did not match that of their absentee masters. Further difficulties emerged in the mid-seventeenth century as other European states perceived ceremonial as a barrier to efficient negotiation and simplified or abandoned it. The Empire could not ignore this development since some of its leading princes acquired foreign crowns, while several European monarchs were represented in imperial institutions through their possession of the qualifying German land. A powerful monarch like Frederick II of Prussia could hardly be addressed in his capacity as mere count of Tecklenburg, yet it proved impossible to reconcile the possession of different lands and titles within the formal hierarchy of status categories.

At this point Barbara Stollberg-Rilinger departs most substantially from previous interpretations which have largely followed Hegel's depiction of the Empire in 1802 as a hollow shell, devoid of real meaning. She argues that preoccupation with such comments fails to explain why disputes continued over precedence and why, for example, it remained important to Frederick II that his representative should not have to kneel before the emperor when seeking his master's investiture as imperial prince. Her answer lies in how written culture reinforced ceremonial, even when such acts were no longer being performed. Discussion of status spawned an entire new branch of jurisprudence known as the law of precedence (*ius praecedentiae*), which became the main topic in the discourse on imperial law. While this contributed to the Empire's development by regulating relations between its components more precisely, it also undermined the legitimacy of the established status hierarchy. Each party to a dispute sought to discredit its rivals' claims by casting doubt on the authenticity of the objects, titles, and other symbols used to demonstrate status.

By the eighteenth century most intellectuals no longer believed that the imperial regalia and the emperor's other 'old clothes' were actually relics once possessed by Charlemagne. They increasingly distinguished between the formal structure symbolized by such insignia and the reality of Austro-Prussian rivalry and great power politics. The Empire assumed a spectral character, exemplified by the dishes placed before the empty chairs set for the absentee princes at Joseph's coronation in 1764. It also shrank physically, not just in the contraction of imperial frontiers, but more significantly in the reduction of its symbolic sites to Regensburg (for the Reichstag), Frankfurt (elections and coronations), and Vienna (investitures). After 1764 the monarch no longer travelled in his capacity as emperor: Joseph journeyed incognito; to see, not to be seen.

And yet, as Stollberg-Rilinger argues, the imperial estates were unable to escape the old symbolic system entirely since their own status depended on it. Status was never logically related to any of the criteria used in written discourse to justify it: dynastic lineage, size of territory, military or other resources. No one was prepared to forgo their own privileges for the sake of giving the Empire a more rational, abstract order. Instead, each wanted to enhance their own position relative to their rivals. With no one prepared to accept change to their

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disadvantage, the Empire was locked into an endless cycle of disputes it could not resolve.

The formal structure was sustained by 'organizational hypocrisy' (pp. 274–81), in which the participants masked every deviation from the norm by excusing it as 'exceptional'. The formal status hierarchy remained frozen in its sixteenth-century form, increasingly disconnected from the real balance of power in the Empire and in Europe. Development had stalled at the point where the Empire created the mechanisms to express protest in (generally) non-violent forms, but before it established effective means to enforce decisions in areas of disagreement. The unresolved disputes accumulated precisely because ceremony remained important. These disputes in turn hindered the resolution of all other matters like justice, taxation, defence, and religion, not least because they were open to manipulation by those seeking to frustrate decisions on these questions.

Stollberg-Rilinger is most successful where she criticizes traditional constitutional history for its fixation with written documents and formalized institutional procedures. She convincingly demonstrates the importance of ritual in embodying the early modern Empire, as well as the persistence of a culture of presence alongside that of writing. Her account of political decline and incapacity is far more striking and controversial. Though she stresses her book should be taken as a supplementary perspective, not an alternative constitutional history (pp. 18–19), it is hard to reconcile her findings with the now five decades of generally positive interpretation of the Empire's institutional development – a reappraisal to which she contributed an admirably succinct overview as recently as 2006.<sup>2</sup> She seems at times herself uncertain whether still to stress flexibility or stasis, especially in her discussion of events after 1648. The 'organizational hypocrisy' allowed, for example, imperial elections to proceed despite disputes over precedence amongst the electors, as well as resolutions to be passed in the Reichstag whilst envoys still squabbled over precedence.

It is unlikely that further research on the central imperial rituals and symbols can do more than fill the gaps in her chronology, and these gaps are much shorter than a cursory glance at her four case

<sup>2</sup> Barbara Stollberg-Rilinger, *Das Heilige Römische Reich Deutscher Nation: Vom Ende des Mittelalters bis 1806* (Munich, 2006).

studies might suggest, since her discussion ranges widely over the background and subsequent development of imperial elections, coronations, and other phenomena. A potentially more fruitful area would be to investigate how ritual may have embodied the Empire in the localities, and especially whether this extended beyond symbols and ceremonies in the imperial cities. This might provide connections to the rich social history of imperial politics under way since the 1970s, which has demonstrated the relative effectiveness and importance of imperial courts and other institutions in defusing local problems and in stabilizing the smaller imperial Estates. Whilst such activities did not involve the major actors in formal rituals, they nonetheless sustained a common political culture linked directly to the Empire. They also featured prominently in discussions of the Empire as a common framework for Central Europe and potentially a model for the entire Continent. These discussions filled volumes in the eighteenth century and, to an extent, did render the disputes over precedence meaningless by offering an alternative vision of the Empire freed from the constraints of tradition and with the potential to develop as a 'modern' constitutional state.

Finally, we would need to consider whether the new forms of sentimentality which developed in the eighteenth century perhaps gave new meaning to the Old Empire. The tears shed by Emperor Francis I during his son's coronation in 1764 might have no place in traditional protocol, but were perceived by some as signs of genuine attachment to the formal order. Romanticism, with its ambiguous blend of liberalism and conservatism, was perhaps ideally suited to the hybrid character of the old Empire. It was certainly an element in the nostalgia for the lost imperial framework expressed by lawyers and intellectuals like Friedrich Carl von Savigny during the first half of the nineteenth century.

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