



Volume 4. Forging an Empire: Bismarckian Germany, 1866-1890

Heinrich von Sybel Describes the Structure of the German Empire and the Prospects for Liberty (January 1, 1871)

A student of the famous Leopold von Ranke, Heinrich von Sybel (1817-1895) went on to become one of Germany's greatest nineteenth-century historians in his own right. Sybel held professorships at the universities of Bonn (1841-1846), Marburg (1846-1856), and Munich (1856-1861) before returning to Bonn as a chair (1861-1875). During his years in Munich, the capital of Catholic Bavaria, his support of Prussia and Protestantism caused him difficulties. Beginning in 1861, he was a member of the Prussian House of Deputies, and he was elected as a National Liberal to the Reichstag of the North German Confederation in 1867. The essay excerpted below was originally written for the *Fortnightly Review's* issue of January 1, 1871. Thus, it appeared just two weeks before the coronation of the German Kaiser and the founding of the German Empire on January 18. In it, Sybel discusses the distinctions between a constitutional monarchy and a parliamentary democracy. In his view, the constitutional structure of the new empire does not compare poorly with that of Britain or France, even though he sees difficulties in the continued existence of federal state parliaments [*Landtage*] alongside the national Reichstag. Sybel is guilty of wishful thinking when he speculates that after the next election the Kaiser might draw a substantial number of his state ministers from the ranks of liberal parliamentarians. He also muddies the waters by describing both the Reichstag suffrage of 1867 and the Prussian *Landtag* suffrage of 1850 as "purely democratic." (Sybel distrusted universal male suffrage.) He looks, however, to the expansion of liberty and prosperity in the new Reich.

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I can already hear the main objection. This is all very well, one says, but what about the decisive point, the political freedom of the nation, or, as the French expression goes, the *gouvernement du pays par le pays*?<sup>1</sup> Would not the government of the King or the Kaiser [Emperor], even if it were reasonable, moderate, and successful, be and continue to be a *gouvernement personnel*?<sup>2</sup> Were we to argue against these concerns, it would not help that we already have parliaments, two for one, a German and a Prussian one; that we have universal suffrage for both, and, at least in the case of the former, equal, direct, and secret suffrage as well; that the government exercises only the slightest influence on elections; that since the end of the constitutional conflict in 1862, government commits to the tax laws and the spending budgets approved by parliament; and that it does not pass any sort of laws without parliamentary assent. Without a doubt, in the long run these things make it impossible to have an administration directly opposed to the country's clear will. No less certain, however, is the fact that the new

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<sup>1</sup> Government of the people by the people. (All footnotes adapted from Gerhard A. Ritter, ed., *Das Deutsche Kaiserreich 1871-1914. Ein historisches Lesebuch [The German Kaiserreich 1871-1914. A Historical Reader]*, 5th rev. ed. Göttingen: Vandenhoeck & Ruprecht, 1992, pp. 35-39.)

<sup>2</sup> Personal rule.

Reich has no responsible ministry; and that its parliament has no prerogative for the impeachment of a minister or the annual enactment of a Mutiny Bill<sup>3</sup>; and that furthermore the Prussian *Landtag* lacks the right to approve state revenues on an annual basis and to exercise any direct influence on the state administration. Unfortunately, therefore, it also lacks the direct means to drive a disagreeable ministry from office. If a ministerial motion or a piece of draft legislation receives only minority support, then the motion is eliminated surely enough, but no minister would, for this reason, contemplate either asking for his dismissal or taking a different line in his political approach. We have a constitutional monarchy, but we do not have a parliamentary government.

This fact is a reality; it certainly does not recommend our cause to the liberal parties abroad, and, at home, it rankles our people and many of our deputies more than just a little. One would always be thoroughly mistaken, however, in perceiving this fact, just like that, solely as the expression of an absolutism dominating our system. Today, the royal prerogative is stronger in Germany than in England; it maintains a position comparable in some ways to that of the Tudors. But surely it is not the strength of the royal prerogative alone that prevents the development of parliamentary government in our country. For the most part, the causes lie within ourselves, and I think that this circumstance is favorable with respect to our future, since it means that we hold within us not only the evil but also the remedy. In England, one would not understand an opposition that fought a ministry without intending to take its place, an opposition that contested the actions of government without being prepared to assume responsibility for better administration. Parliamentary government means government of the respective majority of the people's representation: In order for it to exist, it is necessary that the same kind of majority exists in parliament and that it is capable of forming a ministry from its midst. Yet both prerequisites have been lacking in Germany thus far, and I believe that they have little prospect of emerging in Germany in the near future. The German Reichstag and the Prussian Chamber of Deputies are divided into six to eight parliamentary caucuses. Among them, no more than two to three have ever managed to form coalitions; even these coalitions did not always possess the majority, and fewer still formed any united and lasting majority. As long as this constellation remains in place, it alone will suffice to make a parliamentary ministry impossible. If the chamber consists of six minorities fighting among themselves, it will be impossible to form a majority ministry. Added to this is the fact that parliamentary institutions have existed in Prussia for only 20 years and in South Germany for only 50. Experience has shown us that this is too short a period to serve the population as an adequate lesson in the parliamentary form of government. Even today, most voters regard controlling and criticizing the government as the most important duty of the deputy; they do not see the truest guarantee of their liberty in the best management of governmental power but rather in its greatest possible restriction. Any candidate who let on that he had the desire or the ability to become a minister would thus lose his popularity with numerous constituents right away.

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<sup>3</sup> An allusion to the fact that the English Parliament only approved the Mutiny Act (their military code) for one year at a time. In conjunction with the annual approval of military spending, this ensured that the military remained under strict parliamentary control.

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Here, amidst all the parliamentary parties, the formation of a school of practical statesmen with the capacity to govern a great empire is made impossible. If the next election to the German Reichstag were to result in a solid liberal majority (which I do not believe will happen), and if the King subsequently commissioned the leaders of that majority with the selection of his ministers, then they would recommend technical experts from their own ranks for the departments of the interior, education, and justice. But nothing is more certain than the fact that they would recommend the retention of the current office holders<sup>4</sup> in the ministries of foreign affairs, war, and finance, not merely because these men have excellent records to show, but also because the majority would not have any candidates for these offices.

Is it only the youthfulness of our institutions that brought about this outcome? Will the natural continuation of their development bring us parliamentary government? I consider it possible if certain prerequisites are in place. Fortunately, these prerequisites are such that the people are in a position to create them for themselves. They can be summarized with the following words: political education of the voters. If, one day, elections deliver consolidated parties whose leaders are undoubtedly capable of governing, then the crown will not hesitate very long in making use of such an advantage to strengthen its government. An education like this, though, does not merely consist of newspaper reading and associational life; it requires practical work in the service of the public good, and, as the best result of this work, a spirit of dedication to the general public and the possibility of firm discipline. In Prussia, we now possess, in the form of universal compulsory military service and universal compulsory school attendance, the most outstanding foundations for such a disposition towards practical politics and education in it. In all this, though, one can only wish that the state would not put school at the service of hierarchical interests as exclusively as it has done since 1840, but would instead know how to utilize it more fruitfully for the highest purposes of civil society. In that case, however, everything will depend on the organization of the internal *Land* [federal state] administration, and here, as already mentioned, we may expect that considerable steps will be made towards improvement in short order and that an agreement on a beneficial district and municipal ordinance will not be too far off! Only then will the path to reaching parliamentary rule be clear.

This path will eventually prove long and difficult enough, more difficult than for England in the eighteenth century. If the political education of voters is the crucial prerequisite for parliamentary rule, then the task will become increasingly difficult as the franchise is extended to less educated classes. These days, the democratic current pervading the world is sweeping through Germany as well. All offices are open to all classes; nine-tenths of all property is movable and separable; by means of the electoral laws of 1850 and 1867, our people's representations have been set up on a purely democratic basis.<sup>5</sup> On the other hand, the social condition of the country takes on ever greater and more complicated dimensions as a result of immense

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<sup>4</sup> Otto von Bismarck, Albrecht von Roon, and Otto Camphausen, respectively.

<sup>5</sup> This was not true of the German federal states and especially not of Prussia with its three-class franchise.

advances in industry, the applied sciences, means of communication, and the military system; every day, the task of state administration becomes more expansive and more complicated, requiring each civil servant to bring ever more comprehensive techniques and an increasingly specialized educational background to his work.

[ . . . ]

If these remarks contain a degree of truth, then no one will predict any sort of rapid triumph for parliamentary rule in Germany; but conversely, no one will see in this circumstance any absolute danger to freedom and prosperity either. If the system is viable only under very specific historical and local preconditions, then it is precisely for this reason that it cannot be the only saving gospel of freedom. All earthly things have their bright and dark sides, and only political children would seek to catch the one without the other. Anyone enjoying the advantages of democratic institutions must pay for them. Moreover, in this context, one may ask whether the costs are really so heavy and detrimental. Even if a representation of the people does not, as in Germany and North America, have the power to install and remove ministers, its very existence and its debates, its criticism of the budget and its authority to quash unsuccessful bills represents a highly significant barrier to any arbitrary absolutism on the part of the government. But knowing this government to be in good hands and removed from the surging waves of popular agitation appears to us an invaluable blessing vis-à-vis the terrible consequences of the opposite manifestation in France. Even after the great triumphs of the recent past, Germany will continue to occupy a highly precarious position in Europe between vengeful France, ambitious Russia, and wavering Austria. What we need in this situation above all is steadiness and security in government. In our country, a presidential election every four years would be a life-and-death gamble every time. There may be conditions more ideal than ours; for us, it is a matter of survival that the good threads of our political tradition are not torn apart carelessly. Our kings have found that their military system, which has led them to such unprecedented successes these days, is based on a precondition – the sum total of culture, prosperity, and patriotism that is spread throughout the people. And since we know that all members of our government clearly recognize this fact, it is precisely the tension of our international situation that gives us a firm guarantee, naturally not against individual errors in judgment, but of the steady striving of the government for culture, prosperity, and patriotism – to put it briefly, for the freedom of the people.

Source: Heinrich von Sybel, "Das neue deutsche Reich" ["The New German Reich"], *Fortnightly Review*, January 1, 1871, republished in Heinrich von Sybel, *Vorträge und Aufsätze [Lectures and Essays]*, 2nd ed. Berlin, 1875, pp. 322-27.

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