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Author: Professor Joachim Whaley

Institution: Cambridge University, Department of German and Dutch

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THE HOLY ROMAN EMPIRE

The object labelled Charlemagne's crown reminds us of a long history that ended over a century before the Third Reich began but which nonetheless continues to shape Germany and German-speaking Europe even today. Like the polity which it recalls, the crown has a complex history. The object itself is a replica made in 1913 of the imperial crown which was once kept in Nuremberg and has been in Vienna since 1796. It is almost certain that this crown originated around 960, made by a Lower Rhineland workshop, perhaps in Cologne. Whether Charlemagne himself was actually crowned is unclear and while we know that he crowned his son at Aachen in 813 we do not know what crown was used.

Even so this crown has come to stand for the Holy Roman Empire which originated in Charlemagne's Frankish realm which comprised much of what we know as France and Germany. It was in the eastern part of this kingdom that a German monarchy became established in the ninth and tenth centuries. The legitimacy and special status of this monarchy derived substantially from its presumed descent from Charlemagne and from the inheritance of his role as protector of the papacy and guardian of the Church. All of this was implicit in the title *Das Heilige Römische Reich deutscher Nation* (Holy Roman Empire of the German Nation), as the German polity formally became known by about 1500.

The term *Reich* is found in a variety of European languages and it has several applications in German. *Das Reich* is different, however, and it derives its suggestive force from a

combination of secular and religious sources. This German Reich – or the *Altes Reich* as it is commonly referred to by modern historians in order to distinguish it from the German Reich of 1871– played a central role on European history from the Middle Ages until its dissolution in 1806. Thereafter its legacy periodically continued to inspire and preoccupy groups of all political persuasions into the late twentieth century.

Origins

The German Reich or Holy Roman Empire claimed descent from the Roman Empire, which its emperors viewed as the overarching world order, the *imperium* of which the various parts could never be more than *regna* or kingdoms. After AD 380 the Roman Empire was also a Christian empire. The notion of the *imperium* was consequently further enriched by the idea derived from the Old Testament Book of Daniel that the world was currently in the last of four empires that spanned the history of the entire world. The *imperium* was thus a divinely sanctioned world order.¹

The Medieval Reich

By the time the Roman Empire fell into terminal decline in the sixth and seventh centuries these grand claims were in reality worth very little. The inability of the last emperors even to defend Rome led the papacy to appeal to the Frankish rulers in the west, though the popes had little more to offer than the old Roman titles and dignities. At first, again, they meant very little in practice. But after Charlemagne, successive inheritances and conquests led to the emergence during the tenth century of a German monarchy based on the three kingdoms of Germany, Burgundy, and Italy. The *imperium* thus comprised three *regna*, and its rulers were designated protectors of the papacy and claimed a kind of stewardship over the Church. This set them apart from the monarchs who emerged elsewhere during the Middle Ages. The German emperors were *advocatus ecclesiae*; the French kings were merely *rex christianissimus*, the Spanish simply *rex catholicus*.²

In fact the Emperors were unable to assert lasting control over their kingdoms. By the mid-thirteenth century, when the Hohenstaufen dynasty died out, very little remained of any *imperium*. Burgundy had more or less completely gone; the kingdom of Italy had shrunk to a small number of insecurely held fiefdoms in the north. Stewardship over the church was rendered almost meaningless by the perennial disputes that ran between popes and emperors over whose authority took precedence. Did the temporal sword come before the spiritual one, or was it the other way round? Even in the German kingdom, the position of the crown was weakened by the progressive alienation of crown lands as successive emperors tried to raise money or buy supporters in their losing battle to assert themselves in the face of the powerful German dukes and princes. Furthermore, after the end of the Hohenstaufen dynasty, the Imperial succession was more or less continually disputed.³ At one time there were no less than three rival emperors, none of whom had any real power.

Nationalist historians in Germany in the nineteenth and first half of the twentieth century believed that the end of what they called the *Kaiserzeit* marked the beginning of six centuries of decline in German history.⁴ No dynasty emerged that was capable of imposing its will on

Germany to create a strong and unified state. Then the Reformation created the religious division of Germany in the early sixteenth century. German or Imperial institutions were progressively paralysed and the German lands were subjected to varying forms and degrees of foreign influence. Finally the Reich collapsed ignominiously in the last decade of the eighteenth century and was dissolved in 1806.

Nationalist scholars lamented the failure of the Reich in the later Middle Ages to become the kind of strong national state that the nineteenth century believed was essential for the preservation and promotion of the national interests. In fact, however, something altogether different and more interesting emerged. Gradually an enduring balance of powers between the Emperor and the German estates was established. The term *Kaiser und Reich* came to stand for a mutually dependent relationship and for the system of political compromise to which it gave rise.⁵

The system was moulded by the crises of the fifteenth century.⁶ Internally, problems of law and order often threatened to plunge the Reich into anarchy. Externally, a series of threats – the Hussites in the 1420s and 1430s, the kings of France and the dukes of Burgundy and finally the Turks and the Hungarians from the 1460s – underlined the inability of the German princes to defend their community adequately. Both Sigismund and Frederick III were essentially absentee Emperors, more preoccupied with the defence of their own personal lands than with the Reich. Meanwhile, however, the gatherings of his vassals gradually evolved into a Reichstag, which became the embodiment of the political nation. And the growing sense of solidarity amongst the estates was reinforced by the requests for financial and military assistance that the Habsburg emperors made after 1438. Their peripheral location in the east of the Reich prevented them from ever becoming a national monarchy. On the other hand their enduring attraction as German rulers lay in the fact that they were just powerful enough to shoulder the main part of the burden of defending the Reich against both the Turks and the French.

The Early Modern Reich

The new political realities were formalised in constitutional arrangements negotiated during the reign of Maximilian I after 1493.⁷ These represented a compromise between new imperial ambitions and the interests of the German princes. Maximilian devoted much of his life to an attempt to restore the empire to what he believed to be its rightful extent. Having inherited the duchy of Burgundy on the death of Charles the Bold in 1477 he was well placed to do so. By the time he became Emperor in 1493 he was well on the way to establishing his position in two sets of hereditary lands. In the south-east he had the traditional Habsburg *Erblande*, with claims to both the Bohemian and Hungarian crowns. In the west his Burgundian inheritance complemented the older Habsburg lands in Alsace, to form an extended block of territories from the Sundgau in the south to the Low Countries in the north. From that position of strength, he planned to vanquish the Turks, to re-establish the Italian kingdom and gain control over the papacy and Venice, and even to restore the old medieval kingdom of Burgundy starting with the re-conquest of Provence. These ambitions involved him in almost

continuous wars with France, which wanted parts of Burgundy and also to establish hegemony over northern Italy.

Maximilian depended on Germany for both money and men, which required the consent of the Reichstag. In appealing for regular taxes and military levies the emperor was in effect proposing a major constitutional innovation. The German estates countered with a series of proposals designed to curb royal aspirations and safeguard peace and stability within the Reich. Neither side got exactly what it wanted. The Emperor failed to enlarge his prerogative powers, in particular the right to levy taxes or to raise a German army. The estates failed to establish a Reichsregiment or central governing body of their own, largely independent of the emperor. On the other hand the dualist system of *Kaiser und Reich* was reaffirmed and the right to legislate, to tax and to levy armies was tied explicitly to the agreement of that dual entity in the Reichstag. Furthermore a perpetual public peace was agreed. To regulate it an imperial court of justice, the Reichskammergericht, was set up and regional Kreise were subsequently organised to enforce its judgements.

The compromises reached in the years 1495 to 1512 created a constitutional framework for the German Reich that lasted until it was dissolved in 1806. Its final form was only achieved in the Peace of Westphalia in 1648. Yet the foundations were laid around 1500 for what became an enduring *Rechts-, Verteidigungs- und Friedensordnung* – a system of law, defence and peace in central Europe. It ensured the survival of the hundreds of small German territories, most of which would have been incapable of survival as independent units in the competitive world of the European powers. It both provided these territories with protection from external threat and served to prevent conflict between them. It was thus predicated on the principle of non-aggression and collective self-defence. Finally, as a *Rechtsordnung*, the Empire developed mechanisms to secure the rights both of rulers and, more extraordinarily, of subject against ruler. Its judicial institutions contributed to the evolution of a legal culture unprecedented elsewhere in Europe.⁸

The early modern Reich was unique as a system characterised by collective-corporate representative and decision-making mechanisms. From the Reichstag down to the Kreise, decisions were made collectively. Where the older nationalist tradition saw a hopelessly archaic system that rarely made decisions at all, modern research has revealed a system in which consensus was regarded as the highest good.⁹ Decisions were generally reached painfully slowly, but that was because all the estates had a voice. Often decisions were never reached at all, but that was because the agreement of all was a precondition for a binding resolution. In the light of contemporary experiences in the European Union, such procedures seem far from unusual, and even positive. Indeed some have even seen the Holy Roman Empire as a kind of precursor of a united Europe.¹⁰

Of course the Reich's activities were not always very effective. Sixteenth-century attempts to regulate currency, for example, or even to create a single currency failed completely. Yet the solidarity of the German estates survived the religious divisions of the Reformation. Indeed the experience of dealing with the problems thrown up by the religious issue strengthened their attachment to the Reich. There were, of course, also periods in which the system broke

down, notably during the Thirty Years War. But in that experience Germany is perhaps not unlike France, the Netherlands and England. For three centuries after 1500, the Reich both preserved the variety of the German estates and maintained their collective solidarity.

As a term denoting a functioning political system, Reich came to mean the German Reich only. Yet the word retained a variety of other meanings into the eighteenth century.¹¹ The Emperors still claimed the status of *advocatus ecclesiae*. For many Catholics, Reich stood for a universal, Christian world order, for which emperor and pope held joint responsibility. Obviously the Reformation and the internal division of Christendom weakened that claim. Protestant commentators increasingly argued that the Reich did not in fact have any Roman origins at all and claimed that it was a purely German empire, though Christian because the Germans had proved themselves the only worthy defenders of the faith. By the eighteenth century the question of origins was less important than the consensus among both Protestant and Catholic commentators that the Reich was a federation of princes. This polity was commonly referred to simply as 'das Reich' or 'Deutsches Reich', or even simply 'Deutschland.' Thirdly, however, some theorists still maintained that the extended Reich of the twelfth and thirteenth centuries continued to exist as a network of feudal ties that gave the emperor continuing overlordship over northern Italy, Savoy, Burgundy, Lorraine and Bohemia. Finally, in daily usage, Reich could refer specifically to the south west of Germany and Franconia, the areas where the medieval emperors had their crown lands. Even in the eighteenth century Prussians, Saxons or even Austrians spoke about travelling 'into the Reich' when they went to those parts.¹²

But the German Reich and its system formed the core. It was not a state in the modern understanding of that term; indeed it lacked many of the key attributes of a state, such as a central government or even a capital city. Nevertheless it was this system to which the suffix 'deutscher Nation' came to be attached during the formative period around 1500: informally at first, but then formally incorporated in the title of the Reich in 1512.¹³

The Legacy of the Reich

The Holy Roman Empire was destroyed in 1806 and no serious attempt was ever made to revive it. Yet, to this day, many commentators persist in imputing lines of continuity between the first Reich and the (second) *Kaiserreich* and the Third Reich. Such claims were indeed often made by disgruntled nationalist groups who aspired at various times to return Germany to the greatness they imagined it had enjoyed under the Hohenstaufen. Romantic conservatives and nationalists in the early nineteenth century, *grossdeutsch* propagandists in German and Austria in the late nineteenth century, advocates of an *Anschluss* between Germany and Austria after 1918, and historians convinced of the renewed relevance of the *Reichsidee* after 1933, all invoked the first Reich, especially its Hohenstaufen era, to justify their claims for the present and hopes for the future.

Until very recently historians have overlooked the extent to which the early modern Reich continued to play a role in the thinking of many Germans for several generations after 1806. This was undoubtedly a period characterised by a fascination with medieval ruins and by an

interest in both Catholic and Protestant ideas of restoring the 'wholeness' of Christianity, as it has allegedly existed in the Middle Ages. Yet the notion that the early modern Reich disappeared 'sang- und klanglos' was a later nationalist myth.¹⁴ In reality much of the discussion about the future of Germany revolved around arguments about how to restore the Old Reich of the eighteenth century while at the same time recognising the permanence of the geographical changes wrought since 1804 by French wars and by Napoleon.¹⁵ After 1815, liberal critics of the new German Confederation lamented the fact that it did not have a supreme court, like the Reichskammergericht and the Reichshofrat, which guaranteed the rights and liberties of subjects against the tyrannical will of their rulers.¹⁶ The sense of belonging to a wider German nation, including Austria, based on the principles that developed in the Reich from the fifteenth to the early nineteenth century, remained present in the various choral and gymnastics societies that played such a central role in the national movement after 1815. It was also evident on such occasions as the commemoration of the centenary of Schiller's birth in 1859.¹⁷

There was no real continuity between the first and the second and third Reich. The second Reich never referred to itself as such: formally, it was the Deutsches Reich and neither its title nor its official propaganda made reference to the first Reich. Indeed Bismarck explicitly said that the Prussian-German Reich had nothing to do with the Holy Roman Empire. Despite this elements of the old thinking about the Reich survived and Wilhelm II and his circle liked to invoke the medieval Hohenstaufen period as an antecedent of the present. Yet these historical 'memories' were essentially myths and they were increasingly mixed with new notions of empire derived from the British and French colonial experience and ideas of *Weltmachtspolitik* that proliferated from the 1890s.¹⁸

The 1920s, in which the Weimar Republic retained the formal title of Deutsches Reich, saw periodic waves of interest in an Anschluss between the German and Austrian republics. In the debates about this proposition references abounded to Grossdeutschland and to the Old Reich in which that had last been a reality.

Hitler and the National Socialist regime aimed to transform the Deutsches Reich into a Germanisches Reich.¹⁹ Yet despite the eclectic references to the German past made by Hitler and his colleagues, his main inspiration seems to have been the Roman Empire.²⁰ Indeed, Hitler had nothing but contempt for the Holy Roman Empire and not much more respect for the *Kaiserreich* and its political leaders. In 1939 he even tried to ban the use of the term 'Third Reich' to prevent the comparisons that some liked to make with the first and second Reich.²¹ It is true that after the outbreak of war the regime began to encourage the propagation of views that proclaimed that Hitler was about to turn the *Reichsidee* into practice and to secure the future of the German people. Yet this was perhaps testimony to the regime's cynical pragmatism rather than to any genuine conversion. Neither the racial nor the spatial dimensions of the Nazi Holy Roman Empire of the Germanic Nation bore any relation to the reality and ideals of the former Holy Roman Empire of the German Nation.

After 1945 the very word 'Reich' fell victim to the turn away from the past. There was no possibility of even restoring the frontiers of 1937 let alone any form of Reich. The Deutsches

Reich of the past, in all of its varied manifestations became a central theme of the *Sonderweg* theory which historians used up to the 1980s to explain the alleged peculiarity and particularity of German history which led German society to embrace dreams of world domination and to execute the Holocaust.

Despite intensive academic research since 1945 into the history of the medieval and early Holy Roman Empire, the Reich now lost the relevance for contemporary society that had been evident before then. Events such as the Hohenstaufen exhibitions of 1977 and 2010 attracted large visitor numbers, as did the medieval section of the Holy Roman Empire exhibition at Magdeburg in 2006. It is notable, however, that this apparent popular enthusiasm for medieval history was not matched by a similar interest in the early modern history of the Reich. The efforts of some historians to emphasise that it might be seen as a precursor to a united Europe and the growing academic consensus of the modernity of many aspects of the legal and political culture of the early modern Reich have made little impact outside the scholarly realm. It seems that the old historical master narratives of decline have remained remarkably persistent into the twenty-first century.

Joachim Whaley, Cambridge

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Notes

¹ Moraw, *Reich* 1984, pp. 428-30.

² Aubin, *Volk* 1988, p. 78.

³ Schubert, *Einführung* 1992, p. 221.

⁴ Wolgast, *Sicht* 2002, pp. 173-80, 183-7; Faulenbach, *Ideologie* 1980, pp. 38-40.

⁵ Schmidt, *Geschichte* 1999, pp. 40-4.

⁶ Moraw, *Reich* 1984, pp. 446-56.

⁷ Schmidt, *Geschichte* 1999, pp. 33-40.

⁸ Neuhaus, *Reich* 1997, pp. 1-5.

⁹ Ibidem, pp. 57-8.

¹⁰ Whaley, *Federal habits* 2002, pp. 25, 34.

¹¹ Aretin, *Alte Reich* 1993-97, vol. 1, pp. 38-41.

¹² Schmidt, *Geschichte* 1999, p. 10.

¹³ Nonn, *Reich* 1982.

¹⁴ Burgdorf, *Weltbild* 2006, pp. 154-5.

¹⁵ Tiedemann, *Kaisergedanke* 1932, pp. 23-86; Hahn, *Vom Alten Reich* 2008.

¹⁶ Hahn, *Bund* 2006; Schmidt, *Freiheit* 2013.

¹⁷ Langewiesche, *Nationsbildung* 2000, pp. 86-7; Noltenius, Schiller 1988; Becker, Schiller 1979, pp. 50-72. On the significance of the choral and gymnastics societies for nineteenth-century German nationalism, see Düding, *Nationalismus* 1984; Klenke, *Gesangvereine* 1998, pp. 1–131; Langewiesche, *Sängerbewegung* 2000; Langewiesche, *Turner* 2000.

¹⁸ Langewiesche, *Alte Reich* 2008, pp.225-9; Fehrenbach, *Wandlungen* 1969.

¹⁹ Kroll, *Reichsidee* 1999.

²⁰ Demandt, *Klassik*

²¹ Schreiner, *Führertum* 1985, p. 202.