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ÜBER ALLES?

Bavarian Particularism and German Integration During the Limbo Years

By Elena Kempf

“The problem of uniting multiple sovereign entities in a single state has yet to be solved by history.”

—Dr. Karl Edel, Conservative deputy in the Bavarian legislature, 1867

German history is first and foremost a story of tension “between unity and diversity, between the search for cohesion and the fact of fragmentation.”¹ From 1866 to 1871, this dichotomy played out between the southern German state of Bavaria, and Prussia. In 1865, the Prussian National Liberal Heinrich Treitschke argued that only a strong, centralist Germany was truly German.² His contemporary, the Bavarian Conservative Friedrich Karl von Fechenbach-Laudenbach conversely maintained that a far looser confederation of states was the most German of all possible unified Germanies.³ One might expect that Bavarian deputies, concerned about preserving their sovereignty, formed a united front against Prussian centralist expansionism. However, North-South divisions were mirrored in the Bavarian legislature. National Liberal Bavarians, true to Hoffmann von Fallersleben’s notion of *Deutschland über alles* (a unified Germany above all regional states), stressed the superior importance of a centrally unified Germany relative to maintaining Bavaria’s sovereignty.⁴ Conservatives, while acknowledging their two-tiered Bavarian and German identities, contrarily sought to shield Bavaria from the power-political implications of Prussian nationalism. Thus divided between National Liberals and Conservatives, Bavarian deputies had to find Bavaria’s place in a Germany torn between particular regional interests and charismatic pleas for national unification.

1 James J. Sheehan, *What is German History? - Reflections on the Role of the Nation in German History and Historiography* (The Journal of Modern History Vol. 53, No 1: March 1981), 22.

2 Otto Brunner, *Geschichtliche Grundbegriffe – historisches Lexikon zur politisch-sozialen Sprache in Deutschland* (Stuttgart: E. Klett, 1972-1997), 758.

3 *Die Nationalpolitische Publizistik Deutschlands von 1866 bis 1871 – Eine kritische Bibliographie* (Düsseldorf, Droste Verlag, 1963), 301.

4 *Geschichte und Entstehung des Deutschlandliedes*, Bundesregierung, accessed 04/27/2013, <http://www.bundesregierung.de/Content/DE/StatischeSeiten/Breg/geschichte-und-entstehung-des-deutschlandliedes.html>.

Between 1866 and 1871, the issue of German unity and Bavarian decline was never truly off the table. However, two key milestones particularly marked Bavaria's declining presence as an independent, sovereign state. After Prussia's defeat of Austria in 1866, and the subsequent formation of the North German Confederation, Prussia reorganized economic and political relations between the Confederation and the South.⁵ The *Zollverein* (customs union) reform proposed by Prussia on July 8, 1867, sparked vivid debates in the Upper and Lower Chambers of the Bavarian *Ständeversammlung* (State Assembly, hereafter referred to as the Bavarian legislature).⁶ Three years later, during the Franco-Prussian war, deliberations concerning Bavaria's entry into the German Empire again prompted contentious debate. Discussions wore on from November 23, 1870 to January 21, 1871, concluding with Bavaria's entry into the new German state.⁷

Twenty-first century Europe seems haunted by a similar dichotomy between state-level, and European priorities. Due to concerns about maintaining their sovereignty to the greatest possible extent, many member-states oppose further European integration. This hesitation might partly be grounded in the elusiveness of a more unified Europe. The term *Europe* in 2013 is not unambiguously defined beyond its geographic meaning. The Oxford English Dictionary explains *Europe* as directly synonymous to *European Union*.⁸ Conversely, the Duden, the German equivalent of the Oxford English Dictionary, defines *Europa* (Europe) as a "*Staatenkomplex* (aggregate of states) that should evolve out of an integration of the states of Europe."⁹ According to the OED, the European Union marks the high mark, and the completion of the European integration process. The Duden, on the other hand, proposes a much more far-reaching vision of what *Europe* could come to mean in the future. Much more accurately describing the unfinished nature of European supranational governance, the Duden also projects a rather centralist utopia. As intangible as the future of European integration might be, the process of transferring sovereignty to the overarching authority of the European Union is ongoing, especially as the seventeen members of the Eurozone have sacrificed a traditional core component of state sovereignty by way of the introduction of the Euro. Hence, European states currently find themselves in a state of limbo between nationalism and post-nationalism comparable to Bavaria's nineteenth-century dilemma between regionalism and nationalism.

There are obvious limitations to using the quandary facing the European Union's member-states' governments as a modern point of reference to better understand the issues encountered by nineteenth-century Bavaria. The international situation today is much more stable than late

5 Walter Dr. Schübelin, *Das Zollparlament und die Politik von Baden, Bayern und Württemberg 1866 – 1870* (Berlin: Verlag Dr. Emil Ebering, 1935), 16.

6 The reforms were instituted starting January 1, 1868 (as postulated in article 29 of the treaty between the North German Confederation, Bavaria, Württemberg, Baden, and Hessen regarding the continuance of the customs and trade union). The *Ständeversammlung* (State Assembly) was a close equivalent to Bavaria's modern *Landtag* (National Assembly). Ludwig II and his predecessor Maximilian II were opposed to the latter term since it implied an understanding of Bavaria as a nation led by its people, rather than a royal state of German nationality. *Verhandlungen der Kammer der Abgeordneten 1866-67, Beilagen Band 2*, 346.

7 *Verhandlungen der Kammer der Abgeordneten 1870-71, Beilagen Band 4*, 9; *Verhandlungen der Kammer der Abgeordneten 1870-1871, Stenographische Berichte Band 4*, 375.

8 *Europe*, Oxford English Dictionary, accessed 04/08/2013, <http://oxforddictionaries.com/us/definition/english/Europe>.

9 *Europa*, Duden, accessed 04/08/2013, http://www.duden.de/rechtschreibung/Europa_Erdteil_Staatengebilde. It is fascinating that the Duden uses *Europe* as a synonym for a further integrated European Union. However, the open-endedness of its definition points to the limbo the process of European integration finds itself in.

nineteenth-century Europe. Conversely, the members of the Bavarian legislature had no illusion that the questions of their time would, in the last instance, be answered by violence rather than negotiation.¹⁰ Further, the attempted development of a supranational, democratic governing system today is a singular event with no real coinciding example elsewhere in the world. Even the United States of America, the base for the neologism of the *United States of Europe*, has generally understood itself as a single nation.¹¹ Germany from 1866 to 1871, however, was following a western European trend of emerging nationalism. Europe is looking for a supranational solution to its quandary, while the settlement of 1871 was an answer to a distinctly national question. Still, the European story does offer a contemporary example for understanding many of the questions Bavaria encountered. Just as European nation-states today face a tension between retaining sovereignty and furthering supranational integration, the German state of Bavaria was also torn between upholding its regional decision-making power, while at the same time answering to calls for national unity.

Different accounts of German history between 1866 and 1871 have highlighted diverse facets of the same story. The common question asked of the 1867 *Zollverein* reform and later events leading up to 1871 was whether they “helped to prepare the way for the subsequent unification of Germany.”¹² Did the tighter organization of the German economy help override “local, regional, and transnational economic relationships,” and as such, the regional interests of the south German states?¹³ Writing almost immediately after the foundation of the German Empire, Heinrich von Treitschke highlighted the necessity of a strong state as the linchpin of national strength.¹⁴ Similarly, Walter Schübelin in 1935 chose to underscore Bavaria’s entry into the reformed *Zollverein* as a sideshow of German unification. British lecturer of international economic history W.O. Henderson utilized the same example to emphasize the importance of systemic over individual forces in history. According to him, the slow unification of Germany was largely the byproduct of economic processes, rather than a child of Bismarck’s *Realpolitik*.¹⁵ Historical writing was rarely, if ever, constructed under the exclusion of contemporary concerns. Accordingly, analyzing German history through the lens of a once again divided Germany, in 1989, John Boyer suggested a reading of the period focusing on the cultural unity of all German people across political borders.

Despite examining a period of exceptional turmoil and landmark changes in Germany’s political landscape, the historians mentioned above emphasized the process of harmonious unification over particular regionalism, and political divisions within Bavaria. This essay seeks to adjust this focus. It will illuminate dissension both between Bavaria and Prussia, and within the Bavarian legislature. The process of unification was made especially problematic by the fact that Bismarck’s Lesser Germany was a kind of expanded centralist Prussia, rather than a more decentralized state form. Unification hence resulted in exacerbated division. The conflict between National Liberals and Conservatives in the Bavarian legislature was a direct consequence of the

10 Verhandlungen der Kammer der Reichsräthe 1867-1868, Stenographische Berichte Band 3, 421.

11 To be sure, the North-South divide and the growing political and economic gap between urban and rural areas are significant. However, these frictions change little with regard to the ordinary American’s identification with an American nation.

12 W.O. Henderson, *The Zollverein* (London: Frank Cass & Company Ltd, 1959), v-vi.

13 James J. Sheehan, *What is German History?* 12.

14 Heinrich von Treitschke, *Deutsche Geschichte im neunzehnten Jahrhundert*, (Berlin: Safari, 1933).

15 Henderson, *The Zollverein*.

process of German unification, rather than a pre-existing condition. This trend also continued after 1871. Bismarck would go on to alienate the Social Democratic Party (SPD) and the Catholics in the newly created Empire.

The parliamentary protocols of the Upper and Lower Chambers of the Bavarian legislature offered rich insights into these discords so characteristic of the state's politics between 1866 and 1871. However, this evidence base also presented certain challenges. James Sheehan remarked on parliamentary debates, that they "obscure as much as [reflect] the political life of the nation [...]."¹⁶ This apt observation made in the context of German national historiography was especially true in the case of the Kingdom of Bavaria. Parliamentary speeches and bills constituted only a small aspect of 19th century Bavarian life and occasionally even distorted political realities altogether. Political debates were without a doubt peripheral to the life of "the millions of uninformed and uninvolved Germans who viewed without interest or understanding the news of distant battles and irrelevant debates."¹⁷ State affairs existed, for the most part, beyond the realm of everyday life, and outside of most people's experience. The Bavarian parliamentary protocols were very specific manifestations of political interest, expressed by an elite group of parliamentarians answerable to Ludwig II. Bavaria's political class in the late nineteenth century was an exclusive group of male members of the *Bildungsbürgertum*, hereditary nobles, landowners, and influential industrialists. The socioeconomic standing of the members of the Bavarian parliament impressively illustrated this. Not a single farmer, craftsman, or worker, let alone a woman were among its members between 1867 and 1871, although this was changing by the late nineteenth century.¹⁸

However, the protocols of Bavaria's unrepresentative governing body were nevertheless relevant in chronicling the 1866 to 1871 Bavarian experience. While the deputies in both chambers undoubtedly represented an exclusive political class most Bavarians lacked access to, they did embody a diverse geographic representation of Bavaria. The protocols portrayed a cross-section of Bavarian statesmen, from Upper Bavaria, Lower Bavaria, Lower Franconia, and Swabia.¹⁹ Further, the legislature played a decisive role in the lawmaking process. While they may not have represented the full spectrum of Bavaria's political climate, the Chambers' central role in lawgiving justified an analytical look at how they responded to, and shaped the formation of unified Germany.

The organization of Bavarian political institutions influenced how state sovereignty was sacrificed in exchange for German unity. While comparatively liberal, the Bavarian constitution of 1818 had not, in the words of Oxford historian Abigail Green, "in any way undermined the principle of monarchic authority or reflected an acceptance of the idea of popular sovereignty."²⁰ As late as 1867, the pledge of the *Reichsräte* (Lords) in the Upper Chamber of the Bavarian parliament promised "allegiance to the king, obedience of the law, [and] observance and preserv[ation] of the constitution."²¹ They were accountable to the executive branch of the Bavarian government as incorporated by Ludwig II, and not to the royal cabinet, the state's electorate, let alone Bavaria's

16 James J. Sheehan, *What is German History?* 22.

17 James J. Sheehan, *What is German History?* 16.

18 Hof- und Staatshandbuch des Königreichs Bayern 1867, (Munich: Königlicher Central-Schulbucherverlag, 1867), 191f; Hof- und Staatshandbuch des Königreichs Bayern 1870, (Munich: Königlicher Central-Schulbucherverlag, 1870), 134f.

19 Hof- und Staatshandbuch des Königreichs Bayern 1870, 136.

20 Abigail Green, *Fatherlands – State-building and Nationhood in Nineteenth-Century Germany* (Cambridge: Cambridge University Press, 2001), 64.

21 *Verhandlungen der Kammer der Reichsräte 1867-1868*, Stenographische Berichte Band 3, 65.

entire population. The Bavarian legislature was comprised of the Chamber of Lords (the Upper Chamber) and the Chamber of Deputies (the Lower Chamber).²² Made up of the royal princes, and the highest clerics as well as ministers, the Upper Chamber tended to follow the King's line especially closely. The Lower Chamber was composed of elected citizens, chosen according to a property-based voting procedure.²³ Even though both chambers lacked the right to initiate legislation, their approval was instrumental for bills to become effective law.

Most Bavarian liberals were "advocates of constitutional monarchy, and only very radical democrats advocated a republic."²⁴ In fact, the National Liberal fraction of the state parliament was in favor of further integration with reactionary Prussia. The *Fortschrittspartei* (Progress Party), led by Dr. Joseph Völk, had chiefly taken up the National Liberal cause of advocating for rapid integration of Bavaria with a Lesser German state.²⁵ Counterintuitively, it was the Catholic and dynastic conservatives who championed federalism and decentralization, but not necessarily democracy. They fought what they regarded as Prussian expansionism. Prominently represented by Dr. Jörg, Dr. Ruhland, Dr. Edel, and Dr. Weis, these conservatives would organize the *Patriotenpartei* (Patriot Party) in 1869.²⁶ Hence, the political situation can be summarized as follows: the National Liberals pushed for Bavaria to hand over political power to an all-German state, while the conservatives sought to preserve Bavaria's status as a sovereign kingdom. Far from forming a united front opposing expansionist Prussia, Bavarian politics were shaped by an antagonism between National Liberals and conservatives.

From 1866 onward, however, regardless of how much conservative and liberal perspectives diverged, they did agree in one core aspect. Both the National Liberal deputy Hohenadel and the Conservative Jörg accorded that the "idea of a Greater Germany, which [they paid] homage to and [would] always hold in great honor, ha[d] proved unsuccessful."²⁷ Both the liberal and the conservative deputies theoretically were adherents of a Greater German state. However, even conservatives were compelled to reluctant pragmatism, since Prussia's military success had excluded Austria from Germany for good. After the battle of Königgrätz only Bavarian extremists seriously advocated for a common Greater German state including the Habsburg lands.

The first key moment of Bavarian engagement with expansionist Prussia, the *Zollverein* reform, was sparked by a German civil war between Austria and Prussia, which had expelled the former from German affairs.²⁸ Driving a wedge between the states of the abolished German Confederation, Prussia heralded the realization of a Lesser Germany at the Treaty of Prague. The peace settlement included a temporary discontinuation of the *Zollverein*, which Bavaria had joined in 1834. Accommodating the pressure of economic necessity, Prussia temporarily reinstated the customs union on June 4, 1867.²⁹ However, the transformation of intra-German power relations bestowed upon Prussia the capacity to push through political reforms tied to the continuance of the customs agreement.³⁰

22 For a contemporary drawing of the Lower Chamber, see appendix I.

23 Montgelas, *Haus der Bayerischen Geschichte*, accessed 04/09/2013, <http://www.hdbg.de/montgelas/pages/hmv53.htm>.

24 Green, *Fatherlands*, 94.

25 Schübelin, *Das Zollparlament*, 69.

26 Schübelin, *Das Zollparlament*, 69.

27 *Verhandlungen der Kammer der Abgeordneten 1866-1868*, *Stenographische Berichte Band 2*, 60.

28 David Blackbourn, *The Fontana History of Germany 1780 – 1918 – The Long Nineteenth Century* (London: Fontana Press, 1997), 243.

29 Schübelin, *Das Zollparlament*, 48.

30 *Parlament*, *Haus der Bayerischen Geschichte*, accessed 03/12/2013, <http://www.hdbg.de/parlament/content/>

The Prussian reforms focused on the institution of a *Zollbundesrat* (Federal Customs Assembly), a *Zollparlament* (Customs Parliament), and a deregulation of the salt trade. Under Prussia's chairmanship, representatives of the North and South German states in the *Zollbundesrat* would resolve matters of taxes, customs, trade, transportation, and bookkeeping. Besides exercising authority over the south German states, Prussia in her function as the President of the Federal Customs Assembly was additionally entitled to arrange trade and naval treaties with foreign states.³¹ The Customs Parliament, constituted of members of the *Reichstag* of the North German Confederation, and deputies of the south German states, was similarly subject to Prussia's domination. The south German states stood utterly powerless vis-à-vis Prussia, not least because Prussia alone could also appoint, open, adjourn, close, as well as dissolve the Customs Parliament.³² The new customs constitution would replace the old Zollverein's *liberum veto*, which had given every member state a veto, with a majority voting system, while allocating exclusive veto power to Prussia. Insofar as the veto served the purpose of preserving the status quo, Prussia would obtain the power to bar bills, regardless of majority support in both the Federal Assembly and in the Parliament.³³ In short, the constitutional reform asked the south German states to considerably compromise their sovereignty in exchange for continued economic prosperity. Prussia used her dominant economic position to push through the above-mentioned political conditions tied to the renewal of the Zollverein. This inequality did not go by unnoticed by the Bavarian parliamentarians, who understood very well that they had to meet Prussia's drastic demands just to keep up the status quo.

Hence, after the battle of Königgrätz, Bavaria was left in a "diplomatic interregnum between the breakdown of one system and the advent of another."³⁴ Indeed, this limbo was a new system of its own, marked by international insecurity and state-level discord. Adjusting to new intra-German power structures, conservative Bavarian deputies sought to defend the state's political sovereignty vis-à-vis an expansionist Prussia. Conversely, National Liberals appreciated the situation as a clear stepping-stone toward further German unification, while also advocating for upholding Bavarian authority.

In answering this Prussian push for German unity, Bavarian politicians across the political spectrum were torn between diverse definitions of what *Germany* should be. Besides emphasizing their regional interests, they also understood Bavaria "to be [a] component part of a collective German nation and [...] the German Confederation."³⁵ Bavaria, without a doubt, was part of a united Germandom; however the nature of this all-German state was yet to be determined. The throwaway usage of the word *Vaterland* (fatherland) by Bavarian statesmen illustrated this point. In a public session, Count Montgelas in the Upper Chamber clearly demonstrated the prevalence of this distinction between Germandom, and a unified Lesser German state. He was not irreconcilably opposed to handing over sovereignty to a common German parliament. However, he stressed that he did not support transferring power to a "centralized Prussian military state,

ltDetailPrint.php?id=22. The 22nd Bavarian Ständeversammlung, meeting from 1866 to 1869, was the last one dominated by a liberal majority until the dissolution of the kingdom in 1918.

31 See the treaty between the North German Confederation, Bavaria, Württemberg, Baden, and Hessen regarding the continuance of the customs and trade union article 8 §§ 1, 3, 6. In: Verhandlungen der Kammer der Abgeordneten 1866-67, Beilagen Band 2, 346.

32 See the treaty between the North German Confederation, Bavaria, Württemberg, Baden, and Hessen regarding the continuance of the customs and trade union, article 9 §§1, 5, 7. In: Verhandlungen der Kammer der Abgeordneten 1866-1867, Beilagen Band 2, 346.

33 Verhandlungen der Kammer der Abgeordneten 1866-68, Stenographische Berichte Band 2, 58.

34 David Blackbourn, *The Fontana History of Germany*, 248.

35 Green, *Fatherlands*, 268.

[but rather to a] greater Vaterland, for Germany.”³⁶ In his view, the kind of unified German state mattered just as much as the distinctly German (as opposed to Prussian) values of federalism and liberalism. Loyal to the idea of a loosely unified, strongly federal Germany, he abhorred the thought of a Germany of emasculated federal states chained to an overpowering Prussia. According to him, the unification of Germany should recreate the old order of a traditionally loosely tied Germany. His notion of *Germany* was thus largely conservative and even revisionist.

On October 8, 1867, the conservative deputy Dr. Edel from the electoral district of Würzburg laid out the choices available to Bavaria facing the Prussian push for unity.³⁷ Either the Bavarian people had to be “prepared to heroically sacrifice for its independence in a war, or it would have to submit to the unpleasant reality of Prussian domination.”³⁸ Both accepting and rejecting the treaty would entail substantial sacrifices for Bavaria. Dr. Edel’s remark expressed the essence of Bavarian conservative thought. Catholics would face a Protestant majority in a Lesser Germany, and the nobility would lose influence to the Prussian elite. Stressing what they were in danger of giving up, Catholics and Bavaria’s nobility romanticized and idealized the German Confederation, letting their backward looking idealism overshadow pragmatic political decision-making.

Basing his position on pre-1866 German conditions, Edel postulated that the political conditions tied to the treaty were absolutely intolerable. He demonstrated inflated Bavarian pride, grumbling that the new settlement would offer great advantages to the North while exclusively burdening and weakening the South. Seemingly blind to the fact that Bavaria had just recently lost a war against Prussia, the “steel-hearted racketeer,” in his own words, failed to see beyond Bavaria’s particular interests and acknowledge the new German balance of power.³⁹ Unwilling to draw realistic conclusions from the events of 1866, the conservatives in the Bavarian legislature were stuck in a time when the playing field of intra-German relations had been more level and more favorable for particularistic interests.

Conversely to this backward-looking response to the imposed reform, the National Liberals represented the more pragmatic voice in the Bavarian state parliament. In the same session on October 8, Bavarian Minister-President and Minister of the Exterior Prince Chlodwig of Hohenlohe-Schillingsfürst proposed three possibilities of overcoming Bavaria’s unsustainable international position, the first two of which he pragmatically rejected due to external constraints.⁴⁰ An early advocate of a unified German *Verfassungsstaat* (constitutional state), Hohenlohe-Schillingsfürst would later become the Vice President of the Customs Parliament and would advocate for Bavaria’s integration into the German Empire.⁴¹ Having served in the Prussian administrative service, he was a staunch advocate of a Lesser German state. However, his fervor was heavily constrained by the Bavarian legislature’s conservative deputies.

The Prince discarded the option of a South German Confederation uniting Bavaria, Baden, Württemberg, and Hesse-Darmstadt to counterbalance the North German Confederation. Too many disagreements, especially between the extremely liberal Baden and the comparatively more conservative Bavaria rendered this theoretical possibility impracticable. South German particularistic regionalism not only opposed Prussian influence, but also stood in the way of

36 Verhandlungen der Kammer der Reichsräthe 1867-1868, Stenographische Berichte Band 3, 54.

37 Hof- und Staatshandbuch des Königreichs Bayern 1867, 197.

38 Verhandlungen der Kammer der Abgeordneten 1866-68, Stenographische Berichte Band 2, 65.

39 Verhandlungen der Kammer der Abgeordneten 1866-68, Stenographische Berichte Band 2, 65.

40 For a photo of Hohenlohe-Schillingsfürst see appendix III.

41 Chlodwig Fürst zu Hohenlohe-Schillingsfürst, Deutsches Historisches Museum, accessed 04/06/2013, <http://www.dhm.de/lemo/html/biografien/HohenloheSchillingsfuerstChlodwig/>.

southern unity. Hohenlohe-Schillingsfürst further rejected recreating an all-German federation of states between the south and the north, analogous to the earlier German Confederation. Prussia had just instituted the North German Confederation as a prize of her victory over Austria, and would not let go of it. Hence, there were no alternatives to the creation of a set of international alliances between the south German states and the North German Confederation.⁴² Seeing the exclusion of Austria from German affairs, the tightly-knit North German Confederation, and irreconcilable south German states, Hohenlohe-Schillingsfürst pragmatically deduced that the future of Bavaria lay in accord, rather than conflict, with Prussia. The Prince's calculations illustrate that Bavarian liberals did not blindly push for a transfer of political sovereignty to the North German Confederation. Far from merely being swept up in nationalist fervor, they rather carefully weighted the reality of intra-German affairs. Most deputies sided with Hohenlohe-Schillingsfürst, agreeing that upholding Bavarian regional sovereignty did not justify the danger of exclusion from the new *Zollverein*. However, even for the liberal members of the Bavarian legislature, this pragmatism was reluctant rather than enthusiastic.

Both sympathizers of Dr. Edel and Hohenlohe-Schillingsfürst acknowledged that Bavaria had been deprived of the ability to choose for itself. The change in the balance of power following the Austro-Prussian war had weakened Bavaria's sovereignty. Even before the formal handing over of authority to the Customs Parliament, Bavaria's ability to formulate a foreign policy independent from outside pressure was drastically curtailed. This nearly defeatist attitude in the face of the *Zollverein* reform was a reoccurring theme especially in the Chamber of Deputies, which was at the time dominated by National Liberals. The more realistic assessment of power relation also pointed to a weakened Bavarian pride. Prussia had dealt the cards, and it was incumbent upon Bavaria to find a new place on the gambling table.

Besides the almost total lack of political alternatives, Bavarian perceived economic dependence on Prussia also contributed to the passing of the reforms. The left-leaning deputy Hänle argued that "just as it was impossible to deconstruct the rails, it was also impossible to resurrect the customs barriers where they had already fallen."⁴³ Deputy Stauffenberg of the Progress Party exclaimed, "Numbers speak, gentlemen!"⁴⁴ While historians are split over the question as to whether, and how much the *Zollverein* between 1834 and 1866 really contributed to economic integration and growth, liberal Bavarian deputies certainly thought that it quite dramatically encouraged economic growth.⁴⁵ According to them, the sheer size of the trade volume between North and South justified the ratification of the reformed *Zollverein* (customs union). Akin to the Bavarian liberals' realistic assessment of the intra-German political situation, they also demonstrated a pragmatic approach to outside economic forces influencing Bavaria.

If a volatile intra-German environment and the necessity of economic ties to the north, as well as to the other south German states, left the parliamentarians little choice but to pass the treaty, the German-French rivalry settled the matter. Responding to Louis Napoleon's interest in the south German states, the conservative deputy Joseph Jörg of the Neumarkt district stressed the need to exclude France from German affairs for good.⁴⁶ The later co-founder of the conservative Bavarian Patriot Party and the party's intellectual head until 1881 had no love for Prussia,

42 Verhandlungen der Kammer der Abgeordneten 1866-1868, Stenographische Berichte Band 2, 10.

43 Verhandlungen der Kammer der Abgeordneten 1866-1868, Stenographische Berichte Band 2, 58.

44 Ausschuss der Fortschrittspartei in Bayern, Bayern und der Zollverein - Aus den Verhandlungen der Kammer der Abgeordneten vom 21., 22. und 23. Oktober 1867 (Erlangen: Emil Ch. Jacob, 1867), 24.

45 James J. Sheehan, What is German History? 12.

46 Hof- und Staatshandbuch des Königreichs Bayern, 1867, 197.

abhorring the prospect of a “Lesser Germany [that] was, in many respects, a Greater Prussia.”⁴⁷ However, he demanded a “wholehearted eschewal of any *Rheinbündelei* (an allusion to the short-lived French puppet state of the Confederation of the Rhine), and a renunciation of any foreign influence in [...] German affairs.”⁴⁸ Despite jealously guarding Bavarian interests from Prussian influence, he warned not to draw the wrong conclusion from intra-German political quarrels. Prussian ambition opposed the federal, conservative model of German unification, but getting caught under the Prussian steel helmet was still superior to falling to the French.⁴⁹ The 1867 extension of the *Zollverein* did not set the stage for the political actualization of Germandom, driven by idealist national ideas envisioned in 1848. However, as constraining and suffocating Prussia’s conditions seemed to the Bavarian legislators, they still offered a seat on the table of a more unified Germany, and were preferable to domination by France. While Germany would remain internally divided long beyond 1871, there was a clear sense that French influence in German states violated the integrity of the German lands. Internally fragmented, a common German identity formed strong external cohesion.

The acceptance of the new customs constitution by the Bavarian legislature was very much influenced by a lack of viable alternatives, and even liberal pragmatism was more reluctant than enthusiastic. Königgrätz had been a debacle for Bavaria, which had sided with Austria and was consequently saddled with hefty reparation obligations. Prussia, on the other hand, had annexed Hanover, Hesse-Kassel, and Nassau, expanding its power as never before and compelling the surviving north German states to join the North German Confederation.⁵⁰ With the ghost of Bavaria’s military setback hovering over them, the parliamentarians were eager not to end up on the wrong side of history again. Left in a limbo between the powerful North German Confederation and an Austria hopeless, newly non-German, they had little choice but to accept the political conditions coupled to the renewal of the *Zollverein*, the German customs union dominated by Prussia.⁵¹

However, as von Thüngen remarked on October 26, 1867, the day the Upper Chamber passed the treaty, “pressure triggers counter pressure.”⁵² Faced with the prospect of a reactionary Greater Prussia looming on the horizon, conservative deputies held on to their vision of a federation of German states (a *Staatenbund*), founding the Bavarian Patriot Party in 1869. As opposed to the National Liberal utopia of a tightly-knit federal state (*Bundesstaat*), the conservative utopia would allow for a greater degree of Bavarian sovereignty.

Conservative concerns regarding Bavarian sovereignty would propel deputies to succeed in capitalizing on Prussian fears of Bavarian secession, securing a favored position in the German Empire. Bavaria would retain legal sovereignty over its railways, its postal, and telegraph systems; and local immigration and citizenship regulations. Further, the state would uphold its right to maintain Bavarian diplomatic missions abroad, secured a right to manage the overhaul of the German civil criminal law code, and obtained a parliamentary veto in the realm of real estate insurance and mortgage property law.

47 Friedrich Hartmannsgruber, *Die Bayerische Patriotenpartei 1868 – 1887* (Munich: Beck’sche Verlagsbuchhandlung, 1986), 1.

48 Blackbourn, *The Fontana History of Germany*, 256; *Verhandlungen der Kammer der Abgeordneten 1866-68, Stenographische Berichte Band 2*, 62.

49 *Deutsche Geschichte im 19. Jahrhundert, Die ZEIT* 09/28/1984, accessed 04/07/2013, <http://www.zeit.de/1984/40/deutsche-geschichte-im-19-jahrhundert/seite-1>. See appendix IV

50 Green, *Fatherlands*, 63.

51 These provisions were, as mentioned before, the institution of an all-German customs parliament, a federal assembly, and the abolishment of the Bavarian monopoly on the trade of salt.

52 *Verhandlungen der Kammer der Reichsräthe 1867-1868, Stenographische Berichte Band 3*, 52.

The legislature's National Liberals supported the *Staatenbund* (a federation of German states) option as part of a political strategy to appease conservatives. Those deputies on the right feared the Customs Parliament as the first step on the way to an authoritarian, Prussia-centric Germany. Playing on this fear, Dr. Joseph Völk of the Progress Party, elected to the first all-German *Reichstag* in 1871, attempted to appease his fellow deputies by stating that Bavaria was not to be "Prussified" [but rather] Prussia was to be "*Germanized*."⁵³ Völk pledged that his party did not support a process of German reunification that would "abolish the particular states, [and] create a centralist state."⁵⁴ He argued that once Bavaria joined the Customs Parliament and the new Federal Customs Assembly, the state would have a say in the further design of an all-German state.⁵⁵ In reality, Völk in all likelihood never genuinely believed a Germanized Prussia was either a viable possibility, or a desirable one. Hence, his support for a German federation of states was merely a device to get conservative votes in support of the National Liberal agenda.

As a staunch advocate of ratification, Völk thus attempted to convince the Chamber that Prussia would merge into a decentralized Germany rather than instituting a tightly-knit federal state. In fact, the party program of the liberal Progress Party stated that it "exclusively recognized the admission of the South into the North German Confederation, and the therewith achieved expansion of this Confederation into a German one, as the conclusion of the German movement."⁵⁶ The enlargement of the Prussian-led, north German federal state to also absorb the south German states was the liberal utopia of a common German state. The Bavarian National Liberals were as in awe of Bismarck as the Prussian National Liberals, hardly representing particular Bavarian interests. However, the north German variation of federalism was far more centralized than the Bavarian conservative ideal. The admission of the South into the North German Confederation would not constitute the realization of a federal Germany in the conservative sense. Völk merely displayed political astuteness by addressing conservative fears. He and National Liberal politicians had no illusions that Prussia's ultimate goal was to expand the centralist North German Confederation southward. The institution of a Prussian-dominated customs parliament was but the first step on the way to the realization of this goal.

Völk's usage of the word *particular* also suggests his opposition to the conservative goal of retaining as much Bavarian sovereignty as possible. Contrary to the contemporary North American meaning of the term, it had a negative connotation in late nineteenth-century Bavaria, and Germany more generally. It was usually employed by "supporters of a German unification under Prussian leadership, [who used it in a] pejorative sense to discredit the opponents of their political goals."⁵⁷ Bavarian conservatives would never have described their political orientation as "particularistic," but rather as "federalist."⁵⁸ In 1867, the term came to be identified with those who opposed rapid integration into a centralist Lesser German state. It was hence ironic that the National Liberal Völk pledged to have the interests of Germany's particular states in mind.

The Vice President of the Chamber of Deputies von Thüngen offered a more balanced assessment of the realistic options of German unification. He was less insistent on decentralization than the Bavarian right, but also not convinced by the Progress Party's program. Recognizing the impracticality of forcing Prussia to merge with a more progressive Germany, he admitted that the

53 Fortschrittspartei Bayern, Bayern und der Zollverein, 52. Helmut Steindorfer, Die Liberale Reichspartei (LRP) von 1871 (Franz Steiner Verlag, 2000), 22. Völk was in 1871 elected to the first all-German Reichstag.

54 Fortschrittspartei Bayern, Bayern und der Zollverein, 47.

55 Excluding Austria.

56 Fortschrittspartei Bayern, Bayern und der Zollverein, 13.

57 Otto Brunner, Geschichtliche Grundbegriffe, 735.

58 Otto Brunner, Geschichtliche Grundbegriffe, 736.

Customs Parliament was an economic trap set up to further Prussia's political goals.⁵⁹ Once the process of political unification was initiated by Prussia, it would continue to set the tone going forward. However, he also acknowledged the economic necessity of ratifying the reform treaty.

Given the significant concessions demanded of Bavaria, it might be surprising that the Chamber of Deputies passed the reform on October 22, 1867, by 117 to 17 votes. In fact, close to 2,000 rural municipalities had unsuccessfully petitioned Ludwig II to dissolve the Bavarian legislature before the deliberations had begun.⁶⁰ Suggesting the presence of a disconnect between the countryside and the capital of Munich, the signatories did not feel adequately represented. Bavaria's elite, split between National Liberals and conservative particularists, was ultimately swayed by Prussia's diplomatic strategy of "compliance and threat."⁶¹ Skillfully gauging political possibilities and using economic threats as leverage, Prussia accomplished what was thought at the time to be the first step on the way to a more centralized Germany. The history of Bavaria in 1867, then, was largely one of more or less reluctantly handing over some political legitimacy to an all-German customs parliament. Conservatives idealistically held onto old models of German organization, while National Liberals pragmatically weighted the political and economic possibilities available to Bavaria.

Prussia had intended to utilize the Customs Parliament as an instrument of gradual German unification and a vehicle to weaken religious and dynastic interests. However, the reformed *Zollverein* would fail as a means of solidifying a Lesser German state. The 1868 elections to the Customs Parliament yielded a predominantly anti-Prussian Bavarian delegation, rendering it largely dysfunctional.⁶² Voted into office not by way of the Bavarian censitary election law, but by the Prussian model of universal manhood suffrage, the election offered a rare opportunity to gauge popular opinion.⁶³ Demonstrating the unpopularity of the idea of a Prussian Lesser Germany across the populations of Bavaria and Württemberg, only 32 out of 85 South German delegates were in favor of the new customs arrangements.⁶⁴ In Bavaria, representatives of the conservative movement won in 27 districts, while the Progress Party claimed a disappointing 12 seats.⁶⁵ These direct elections showed "to what little extent the national idea lived, and was rooted in" Bavaria.⁶⁶ An eclectic mix of Catholic organizing and the beginnings of a more defined Patriot Party had succeeded in overcoming the National Liberal press. The population of Bavaria was even more staunchly anti-Prussian than the politicians in Munich. If a unification of Germany were to be achieved, it would have to be orchestrated from the top down.

Two years went by between the elections to the Customs Parliament and the second milestone of Bavarian engagement with the German question. In this time, political and economic pressure alone kept failing to lure Bavaria and Württemberg into joining the North German Confederation. The creation of the German Empire was, "in the last resort, achieved on the battlefield."⁶⁷ Prussia refocused its unification efforts on military possibilities.

59 Verhandlungen der Kammer der Reichsräthe 1867-1868, Beilagen Band 2, 43.

60 Schübelin, *Das Zollparlament*, 68.

61 Verhandlungen der Kammer der Abgeordneten, 1866-1867, Stenographische Berichte Band 2, 9. Schübelin, *Das Zollparlament*, 57.

62 David Blackbourn, *The Fontana History of Germany*, 243; Friedrich Hartmannsgruber, *Die Bayerische Patriotenpartei 1868 – 1887* (Munich: Beck'sche Verlagsbuchhandlung, 1986), 33.

63 The elections took place in Bavaria on February 10, 1868, in Baden on February 18, in Württemberg on March 24, and in Hesse on March 31. Schübelin, *Das Zollparlament*, 71.

64 Friedrich Hartmannsgruber, *Die Bayerische Patriotenpartei 1868 – 1887*, 33.

65 Schübelin, *Das Zollparlament*, 100.

66 Schübelin, *Das Zollparlament*, 102.

67 David Blackbourn, *The Fontana History of Germany*, 245. The integration was mostly on paper, as Catholic

Surprisingly, some deputies emphasized Bavaria's German identity when faced with the prospect of a war against France. In a July 1870 deliberation in the Chamber of Lords regarding the military budget, Vice President of the Lower Chamber von Thüngen expressed this sentiment especially eloquently. Bavaria was legally obligated by the 1866 *Schutz- und Trutzbündnis* (protection and defense alliance between Prussia and the south German states) to fight France on Prussia's side. More importantly however, von Thüngen argued that supporting Prussia's war effort was a matter of course. According to him, Bavaria was first and foremost German, and "Germany's honor [was Bavaria's] honor as well, and Germany's power [was] also [Bavaria's] power."⁶⁸ Von Thüngen strongly identified with a common German fatherland, however, he also had an ulterior motive. By voluntarily adding 18 million 22 thousand Gulden to the army's budget, von Thüngen hoped to demonstrate the sufficient strength of a Germany merely held together by conventions rather than a constitution.⁶⁹ Bavaria in 1870 was bound to the North German Confederation only by way of the customs parliament and the 1866 military alliance. According to von Thüngen, a German spirit of fraternity, kindled only during times of external threat, would render further peacetime integration unnecessary. The Vice President thus adhered to the notion of a unified, yet decentralized Germandom rather than a centralist German state.

On July 19, 1870, Bavaria, Baden, Württemberg, and Hesse-Darmstadt honored their 1866 military alliance and successfully fought France on Prussia's side.⁷⁰ As the war dragged on, Wilhelm I of Prussia in conjunction with Ludwig II of Bavaria as well as the Bavarian ministers of foreign affairs, war, and justice agreed on a tentative treaty regulating the entry of Bavaria into an all-German state on November 23, 1870. In fact, the original version of the treaty listed the institution of a German *Bund* (Confederation), not a German *Reich* (Empire) as its object.⁷¹ Only an amendment on December 8, 1870 replaced the original preamble of "this federation will bear the name German *Bund*" with the revision that it would be called German *Reich* instead.⁷² The Bavarian legislature did not start deliberations until December 12, so the earlier version of the treaty likely did not have a large impact. However, the late date of the change and the quite different connotations of the two words strongly suggest that the change was not accidental. A German *Bund* would tie in with the tradition of the decentralist German Confederation. In fact, *Deutscher Bund* was the literal German term for the earlier *German Confederation*. Implicit assumptions in regard to power dynamisms suggested that *German Empire* pointed to an explicitly authoritarian state led by a powerful central executive. Thus, *Deutsches Reich* much more accurately reflected the nature of the intended Prussia-dominated Lesser German state. The question as to whether Prussia employed the earlier version of the treaty to lure Bavaria into negotiations cannot be answered with definite certainty, however.

For the treaty to become effective law, it had to pass the Bavarian legislature.⁷³ The Bavarian legislature from December 1870 to January 1871 deliberated whether or not to accept the new German constitution, which was largely based on that of the North German Confederation. Prussia would retain her dominant position in both the Reichstag and the Bundesrat, effectively controlling the lawmaking process. In response to this Prussian push for dominance, Bavarian

and dynastic interests continued to oppose Prussia after the constitutional unification of Germany (Kulturkampf).

68 Verhandlungen der Kammer der Reichsräthe 1870, Stenographische Berichte Band 1, 523.

69 Verhandlungen der Kammer der Reichsräthe 1870, Stenographische Berichte Band 1, 523.

70 The military alliance in question is known as the Schutz- und Trutzbündnis (protection and defense alliance).

71 Verhandlungen der Kammer der Abgeordneten 1870-1871, Beilagen Band 4, 9.

72 Verhandlungen der Kammer der Angeordneten 1870-71, Beilagen Band 4, 17.

73 For an Infographic explaining the 1818 Bavarian constitution, see appendix II.

identity was not as clearly cut “German” as the Vice President von Thüngen’s 1967 argument might suggest. Conservative Bavarian German identity was in 1870–71 predominantly defined in opposition to the external threat of France.

The Bavarian legislature’s conservatives and National Liberals agreed that ratifying the treaty was necessary. Still, justifications as to why Bavaria had to sacrifice its independence drastically diverged across the political spectrum. One argument cited Bavaria’s greater influence in German, as well as European affairs as a part of a powerful unified Germany. On December 14, 1870, the Minister of the Exterior Count von Bray-Steinburg stated that Bavaria would become a part of a “federal German alliance, a powerful community, endowed with all attributes of a top tier Great Power.” In this powerful state, “[...] Bavaria would secure a favored position worthy of its historic and geographic importance.”⁷⁴ According to him, a sacrifice of Bavarian sovereignty would be rewarded by more external influence. As a member of the royal cabinet, Bray-Steinburg closely followed Ludwig II’s direction to manage of a smooth entry into Germany and was also largely responsible for negotiating Bavaria’s exceptional position in the new state. Bavaria would only constitutionally sacrifice power; the state’s real political influence would even increase. Curiously enough, the minister avoided mentioning that Prussia would similarly also have a greater say in Bavarian affairs.

Another reasoning highlighted that sacrificing independence was a fair price for ending Bavaria’s limbo years. The conservative Minister of Justice Lutz advocated on behalf of the treaty. He stated that a solid, stable rooting of the relationship between Bavaria and the North German Confederation in a common constitution was the most Bavaria could get out of its invidious situation.⁷⁵ In the earlier alliance-based intra-German system, Bavaria had sacrificed sovereignty in real terms without getting comparable political *Mitspracherechte* in return.⁷⁶ The formal entry into a German federation would put Bavaria into the position to express “[...] Bavaria’s substantial voice in the order of German relations.”⁷⁷ Bavaria would finally have a seat at the table of all-German decision-making, and thus end its years marked by internal turmoil and international insecurity. More importantly though, regardless of Bavaria’s position in the new German state, a constitutional settlement would put an end to the past four years’ uncertainties and to Prussian extra-legal manipulation. Here again, pragmatism surfaces, however, interestingly now expressed by a conservative member of the legislature.

The conservatives’ pragmatism in 1871 stands in sharp contrast to their overly idealistic conduct in 1867. The conservatives pointed out the constitution’s drawbacks as they were advocating for its necessary adoption, however, the adherents of the Progress Party did not know such moderation. On January 11, 1871, the staunch pro-Prussian M. Barth warned that Bavaria’s constitutional special rights might harm the new state’s national unity.⁷⁸ While conservatives had showed concern that Bavaria’s special status would be revoked once she agreed to the north German Constitution, Barth worried that this otherwise feared possibility might not happen. In fact, he even proposed to actively work towards further abolishing Bavarian sovereignty if elected to the German *Reichstag*.⁷⁹ Seeing that Barth spoke as the representative of the second chamber’s minority, such extreme views were the exception rather than the norm. However, taken at face

74 Verhandlungen der Kammer der Abgeordneten, Stenographische Berichte Band 4, 20.

75 Verhandlungen der Kammer der Abgeordneten, Stenographische Berichte Band 4, 21.

76 Mitspracherecht can be roughly translated as “having a voice in the decision of a matter.”

77 Verhandlungen der Kammer der Abgeordneten, Stenographische Berichte Band 4, 21.

78 Verhandlungen der Kammer der Abgeordneten, Stenographische Berichte Band 4, 115.

79 Verhandlungen der Kammer der Abgeordneten, Stenographische Berichte Band 4, 122.

value, his reasoning suggests a Progress Party that did not sway much from its 1867 program. By January 1871, Prussian power politics had proven the liberal position right, and called for a more moderated policy of unification.

Both the National Liberal Bray-Steinburg and the conservative Lutz attached greater importance to political influence, foreign and domestic, and security, than to Bavarian independence. For them, a safe, privileged place in the German Empire was more significant than safeguarding what was left of Bavarian sovereignty. They realized that it had been irrevocably weakened, and was becoming increasingly theoretical. Indeed, in the age of Great Power politics and Realpolitik, an independent state the size of Bavaria would be in danger of annexation by a foreign power. An all-German constitutional state under the military protection of the Prussian *Pickelhaube* promised to provide both safety and a degree of limited political influence. Of course, Lutz was less than enthusiastic about the very limited amount of political leeway provided to Bavaria in the new constitution. He criticized that it did not sufficiently acknowledge “the legitimate particularism, of whom one cannot yet speak too much these days, but which would soon come to great honors.”⁸⁰ The conservative idea of a federal Germany was not quite entirely dead. While the prospect of a voice in German affairs appealed even to ministers on the right, conservatives found the level of domestic sovereignty Bavaria had to give up in return appalling.

Speaking for the conservative majority of the 23rd Ständeversammlung, Dr. Joseph Jörg reluctantly acquiesced to the prospect of a Prussia-led Germany. However, this did not stop him from lamenting that the new German federation would, just as the North German Confederation “exhibit a decisive addiction to a centralized state.”⁸¹ Bavaria’s favored position in this state would not change the fundamentally oppressive structure of the new Germany. Bray-Steinburg had argued that Bavaria’s exceptional constitutional status would provide her with a loud voice in intra-German politics. Lutz had contended that any all-German constitution would be beneficial for Bavaria. Jörg, and his fellow deputy Ruland would have none of this. The north German constitution was nothing but a burden. It is fitting that Ruland concluded his plea for Bavarian independence with the following words: I want to have a free Bavaria and a free King! This is why I vote against these treaties.⁸² This punch line was answered by an enthusiastic applause from the right side of the chamber.

Still, on January 21, 1871, the Chamber of Deputies passed the Prussian-Bavarian treaty, joining Bavaria to the expanded German Empire with 102 to 48 votes. After the votes had been cast, the conservative deputy Dr. Ludwig Weis appealed to his fellow deputies to “work for the benefit of the entire fatherland with loyal devotion and true *Vaterlandsliebe*.”⁸³ Clearly dedicated to the new Germany, he even appealed to his fellow deputies’ national emotions. Not only was it necessary to cooperate with Prussia, which had realized a common German Empire, a more personal identification with the new nation-state seemed just as central. However, he went on to emphasize “that with all that [they] owed to the *Gesamtvaterland* (aggregate fatherland), [they] should not forget [their] *engeres Vaterland* (narrower fatherland) of Bavaria.”⁸⁴ Despite the obligations Bavarian deputies now had towards the united Germany, Bavarian sovereignty as a point of concern did not simply disappear from the agenda. In fact, it is telling that Weis identified Bavaria as the “narrower” fatherland; a political entity closer to home, to everyday life, and much more tangible than the new top-down German Empire with its capital in the distant,

80 Verhandlungen der Kammer der Abgeordneten, Stenographische Berichte Band 4, 22.

81 Verhandlungen der Kammer der Abgeordneten, Stenographische Berichte Band 4, 110.

82 Verhandlungen der Kammer der Abgeordneten, Stenographische Berichte Band 4, 131f.

83 Verhandlungen der Kammer der Abgeordneten 1870 – 1871, Beilagen Band 4, 375.

84 Verhandlungen der Kammer der Abgeordneten 1870 – 71, Beilagen Band 4, 375.

swampy Berlin. Conservative deputies had since 1815 learned to look after and protect Bavarian sovereignty. This mindset had very much shaped the process of reunification, and it should not be surprising that it was articulated directly following the passing of the unification treaty.

The President of the Lower Chamber Franz Schenk von Stauffenberg took the same line. After the treaty was passed and as such completed Bavaria's integration into the German Empire, he exclaimed "Hail to his Majesty the King Ludwig II! Hail! Hail!"⁸⁵ The deputies perhaps merely followed their duty of more or less conforming to Ludwig II's policy preferences. However, with the creation of the German Empire, "German-ness" now had a more or less clearly defined scope. Once German identity was given a home in a German state, the more immediate *Heimat* (Home) gained *Vaterland*-status, pointing to a scaling up of the regional to fatherland status. This dichotomy of two fatherlands coexisting in the parliamentarians' minds can be traced throughout the 1860s but was most eloquently and clearly stated after the question of German political organization was unambiguously solved. It seems ironic that the deputies praised their king in the very moment his state seized to exist as an independent kingdom. Apparently, their Bavarian pride had not been weakened by the preceding happenings, and perhaps Bavaria's redefined role had even rekindled their regional pride. Conservatives passed the treaty out of pure pragmatism, while violent German national fervor determined the National Liberal vote.

Further forcing the legislature's conservatives into reluctant pragmatism, like in 1866, Bavaria faced a volatile international situation. After Königgrätz, Bavaria had found herself isolated between the two Great Powers of Prussia and Austria. In the aftermath of the Franco-Prussian war, Bavaria's diplomatic condition was perhaps even more insecure. Having fought France on Prussia's side, Bavaria could be sure of future French hostility. Without Prussia's military protection, Bavaria would have constituted an easy prey for a revanchist France. As von Thüngen remarked, the Austro-Prussian war had, "pretend[ed] to make Germany more unified and more powerful and to rid it of its dualism, [also] triggered a much more dangerous dualism, the European dualism, the fight between two nations about the decisive role in the European concert of peoples."⁸⁶ It is common knowledge that the unification of Germany came at great costs for the peace of Europe. However, the Franco-Prussian war not only angered France, it also forced Bavaria into almost unconditional dependence on Prussia. It is impossible to know if, or when, Bavaria's conservative majority would have decided to merge with a unified Germany, hadn't it been for this formidable dilemma. States with a strong regional identity should only very rarely be expected to lightly sacrifice sovereignty.

Yet the fact remained that Bavaria had conceded Prussian predominance. In the case of a war, the Bavarian military was to be directly subjected to the Prussian commander-in-chief. Politically, Prussia far outnumbered Bavaria with 17 to 6 votes in united Germany's *Bundesrat* (Federal Council) and in the *Reichstag* by 48 to 297 votes. Even more importantly, Prussia obtained the power to uphold the status quo of military, marine, and customs regulations in disputed cases in the *Bundesrat*.⁸⁷ In summary, Bavaria after January 1871 became firmly integrated in a nominally federal, but comparatively centralized Germany built on the principle of Prussian domination. From the perspective of Bavarian federalists, Berlin had become Germany's Paris, suffocating the country's pluralism. In contrast, Prussian statesman Treitschke expressed remorse about the influx of south German deputies into the *Reichstag* as he expected them to upset the

85 Verhandlungen der Kammer der Abgeordneten, Stenographische Berichte Band 4, 375.

86 Verhandlungen der Kammer der Reichsräthe 1870, Stenographische Berichte Band 1, 521.

87 See the treaty between the North German Confederation and Bavaria regarding the founding of a German Federation, article 1 §§ 3, 4, 10; article 79 §§ 1, 5; final protocol I, III, V, VIII. Verhandlungen der Kammer der Abgeordneten 1870-71, Beilagen Band 4, 9f.

National Liberal majority. Bavaria managed to preserve more sovereignty than Württemberg, Hesse, and Baden, largely due to a staunch opposition of her conservatives, but would never again play a major independent role in European or German affairs. In conclusion, the Franco-Prussian war, lasting from July 20 to March 10, 1870, forced Bavaria to constitutionally integrate into what then came to be known as the German Empire.

Prussian Chancellor Otto von Bismarck's three wars of 'blood and steel' against Denmark, Austria, and France in the 1860s finally secured Prussia a dramatic victory in the contest for the leadership of a unified Germany. However, as has been illustrated, this familiar narrative downplayed, if not entirely ignored, the experience of Bavaria, which remained independent between 1866 and 1871. Imposed unity exacerbated divisions, first within the Bavarian legislature, and later also in the German Empire. From 1866 to early 1871, National Liberals and conservatives sparred over how to respond to gradual German unification led by a burgeoning Prussia. Prussian forays into creating political unity by way of the *Zollverein* reform energized those Bavarian forces opposed to a centralized German state. Effectively frustrating Prussian attempts of harmonious, peaceful expansion, Bavarian Catholics and nobles formed the *Bayerische Partei* (Bavarian Party) in the lead-up to the 1868 elections to the Customs Parliament.⁸⁸ In the newly formed Empire, the renamed Patriot Party maintained its skepticism of Prussian integration attempts, and kept Bavarian independence as the centerpiece of its program.⁸⁹

Bavarian patriots had little influence in the German *Reichstag*, and were in their sphere of influence largely confined to the Bavarian legislature. Conversely, National Liberals such as Joseph Völk became deputies in the first *Reichstag*. A child of Prussian Progress Party, the National Liberal Party in the 1874 to 1877 German legislature held a high of 155 out of 397 seats.⁹⁰ However, Bismarck in the long term was bad for liberals. In the sway of the Prussian prosecution of the Catholic Church and socialists, the National Liberal Party encountered drastic losses in the 1878 *Reichstag* elections.

According to University of Illinois historian Paul Schroeder, "the end of South German independence was a development almost as important [...] as the so-called unification of Germany."⁹¹ This essay has sought to tell the story that has so often been overshadowed by the narrative of Prussia's unfathomable economic and military power. It was the less glamorous, more amorphous side of the story, one that highlighted the persistence of internal Bavarian conflict, and mistrust in inter-German relations rather than the supposedly inevitable drive toward national unity. After 1866 very much in the shadow of Bismarck's North German Confederation, the kingdom's integration into a united, Prussian-led Germany was not a foregone conclusion. Between the ratification of the Peace of Prague in 1866, and the formal constitutional unification of Germany including the South German states in 1871, Bavaria was trapped in a no-man's-land between full sovereignty and complete integration with a Lesser German state.

The Bavarian political cleavage, while between 1866 and 1871 continuously split between National Liberals and more conservative members of the legislature, was far from static. In fact, the deputies' justifications as to why handing over sovereignty to Prussia was necessary were fluid over time. The National Liberals in the 1867 debates regarding the *Zollverein* reforms pragmatically cited the pressures of the international system, clouding their ideological

88 Hartmannsgruber, *Die Bayerische Patriotenpartei*, 33.

89 Hartmannsgruber, *Die Bayerische Patriotenpartei*, 372.

90 Herrmann Julius Meyer ed., *Meyers grosses Konversationslexikon: Ein Nachschlagewerk des allgemeinen Wissens Volume 14* (Bibliographisches Institut, 1906), 444.

91 Paul W. Schroeder, "The Lost Intermediaries: The Impact of 1870 on the European System," in *Systems, Stability, and Statecraft: Essays on the International History of Modern Europe* (New York: Palgrave Macmillan, 2004), 77.

motivation of nationalist fervor. In 1870-71, overly empowered by Prussia's tour de force in the Franco-Prussian war, negated reasonable claims of maintaining authority over limited areas such as the postal service as harming total German unity. In contrast, the Bavarian conservatives in 1867 had yet to accommodate changed intra-German power relations into their political agenda. Overly idealistic and backward looking, their views paled in comparison to the liberals' Realpolitik. However, following the 1869 elections to the Bavarian legislature, the conservatives, now organized in the Patriot Party, claimed the majority. Prussian expansionist pressure had created its own adversary. As such, conservative forces, empowered by Bavarian and Prussian National Liberals pressing for unity, were instrumental in securing for Bavaria an exceptional position in the German Empire.

Appendix

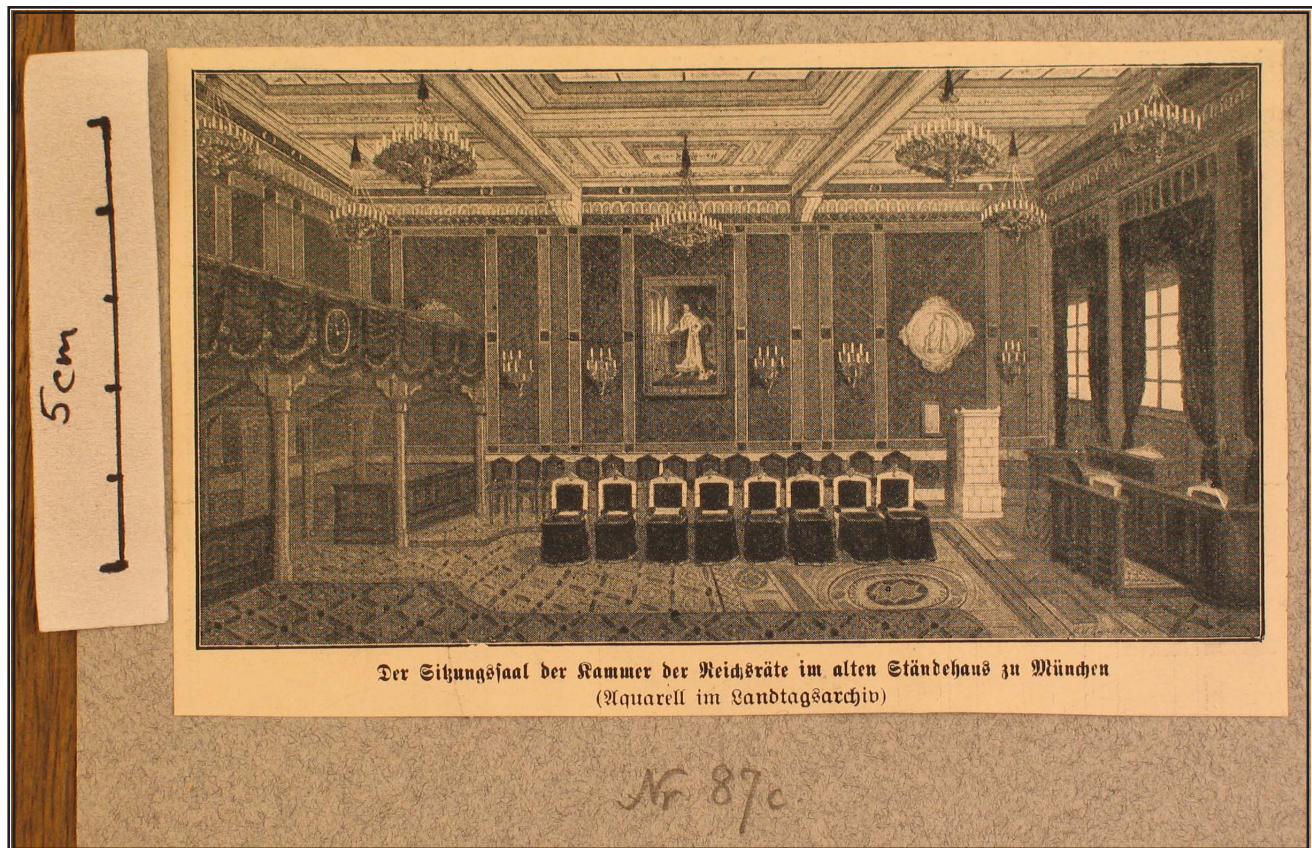


Figure 1. *The Lower Chamber*, Bayerische Staatsbibliothek, accessed 04/07/2013, http://bsbdipriorkat.bsb.lrz.de/amira/images/original/91_x_IMG_0008.JPG.

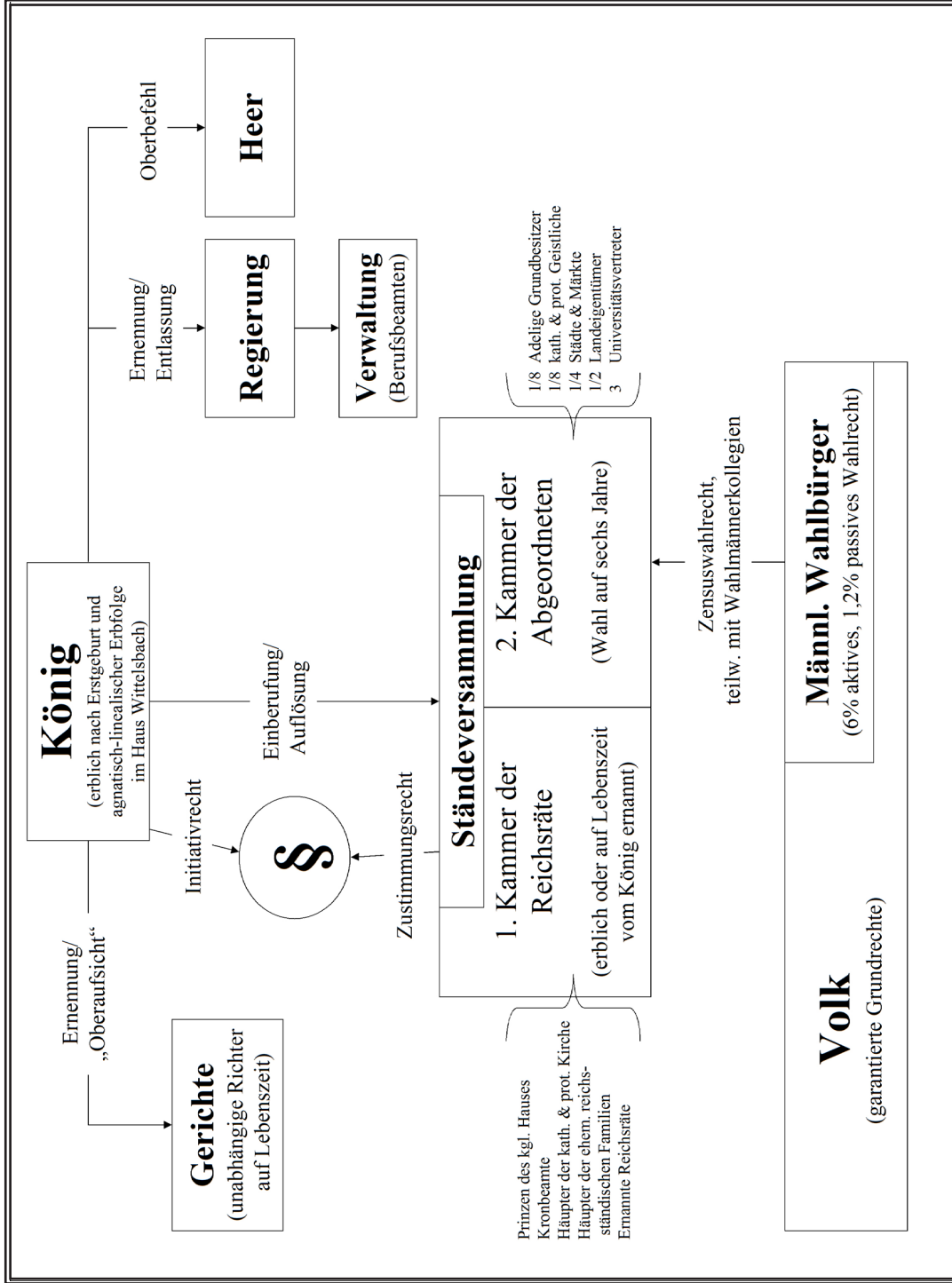


Figure 2. The Bavarian constitution of 1818, Wikimedia, accessed 04/07/2013, http://upload.wikimedia.org/wikipedia/de/3/39/Verfassung_Bayern_1818.jpg.



Figure 3. *Chlodwig Fürst von Hohenlohe-Schillingsfürst*, German Historical Museum, accessed 04/06/2013, <http://www.dhm.de/lemo/objekte/pict/hohebio/index.html>.

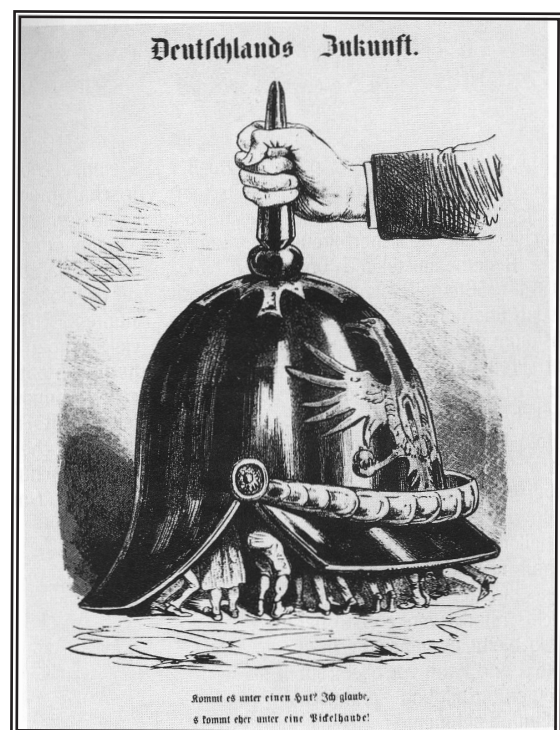


Figure 4. Deutscher Bundestag, *Fragen an die Deutsche Geschichte: Wege zur parlamentarischen Demokratie* (Bonn: Referat Öffentlichkeitsarbeit, 1996), 157

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