INTRODUCTION

by

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This special issue is devoted to a subject that has experienced a remarkable transformation during the last sixty years. In the 1960s, as work on virtually every period in German history after 1800 flourished in the English-speaking world, almost no attention was paid to the Holy Roman Empire. As Tim Blanning recently recalled, when he became interested in German history before 1800 as a student at Cambridge in the 1960s there was no body of English-language research on the subject and little interest in creating one.[1] That was true particularly of the early modern period but medieval German history fared little better. The comments to be found in the most popular surveys of German history, A.J.P. Taylor's *The Course of German History* and Geoffrey Barraclough's *The Origins of Modern Germany*, were not encouraging.[2] Blanning's study of Mainz in the eighteenth century was very much a pioneering work when it appeared in 1974.[3] That *German History* can publish a special issue devoted to the Holy Roman Empire and that the editors find themselves spoilt for choice in selecting contributors is testimony to the extraordinary profusion of work on the empire that is now being pursued. The publication of three major works on the empire by UK historians since 2012 also underlines its significance as a topic of research in the English-speaking world.[4] This has all unfolded in the context of important changes in attitude to the Holy Roman Empire among German scholars. Since most of the work that has been done on the empire in the English-speaking world both reflects and responds to German scholarship some account of those changes is essential.

Almost everyone who has worked on the empire is wearily familiar with Voltaire's sardonic quip that it was 'Neither holy, nor Roman, nor an empire'. Quite frequently this is the only thing that non-historians, and many historians of modern Germany, know' about the Holy Roman Empire. Yet the statement is in fact invariably misquoted. These words in Voltaire's essay on the customs and spirit of nations published in 1756 referred specifically to the empire at the end of the reign of Charles IV. Voltaire meant simply that once it had largely shed its concern with Italy and the papacy its title was no longer accurate. On the whole, his view of the empire as a German polity was rather positive; and his view was similar to that of

[1] T.C.W. Blanning, 'The Holy Roman Empire of the German Nation past and present', *Historical Research*, 85 (2012), pp. 57-70.
[2] A. J. P. Taylor, *The Course of German History: a Survey of the Development of German History since 1815* (1945); G. Barraclough, *The Origins of Modern Germany* (Oxford, 1947).
[3] T.C.W. Blanning, *Reform and Revolution in Mainz, 1743–1803* (Cambridge, 1974).
[4] Len Scales, *The Shaping of German Identity: Authority and Crisis, 1245-1414* (Cambridge 2012); Joachim Whaley, *Germany and the Holy Roman Empire, 1493-1806*, 2 vols (Oxford 2012); Peter H. Wilson, *The Holy Roman Empire: A Thousand Years of Europe's History* (London, 2016).

many French writers of the eighteenth century who rather admired the German empire as a kind of republic or limited monarchy.[5]

Yet Voltaire's characterisation of the empire later became popular because it could be cited, albeit wrongly, in support of the negative views that developed soon after its demise. For much of the nineteenth and twentieth centuries the early modern empire's reputation was poor. Some nineteenth-century and early twentieth-century German and Austrian historians despised it for not being a nation state and blamed it for delaying the development of the Germans. They often praised the territories for their cultural achievements but refused to recognise the ways in which the empire made them possible. Critics of Germany before and after 1945 often sought to establish the continuity from first Reich to Third Reich, which cast sombre shadows over the centuries before 1806.[6]

The views of scholars working outside Germany generally reflected those of their German-speaking colleagues, though the tone was often influenced by concerns about the growing power of the new Germany after 1871 or, later, by Nazism and the Third Reich and the aftermath of the Holocaust and the Second World War. Even the fundamentally pro-German James Bryce constructed a narrative that was not so different structurally. He was interested in the potential of the empire for the exercise of supranational authority. His history of the empire, first published in 1864 and still in print today, made it clear, however, that it failed in this mission.[7]

From around 1500 at the latest, Bryce argued, the empire had simply become a German kingdom. This created the framework for a remarkable diversity of culture, but the empire's international mission was gone. In Germany itself, the Reformation brought bitter internal divisions and 'while the princes became shamelessly selfish, justifying their resistance to the throne as the defence of their own liberty—liberty to oppress the subject—and ready on the least occasion to throw themselves into the arms of France, the body of the people were deprived of all political training, and have found the lack of such experience impede their efforts to our own time'.[8] The Germans, he concluded, now live 'submissive to paternal government, and given to the quiet enjoyments of art, music, and meditation, they delight themselves with memories of the time when their conquering chivalry was the terror of the Gaul and the Slav, the Lombard and the Saracen'. [9]

Others were less charitable. The US literary and cultural historian Edwin Hermann Zeydel wrote in 1918 that the empire 'had no history at all' after 1648 and that 'it continued for a

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[5] Voltaire, *Essai sur les moeurs et l'esprit des nations*, ed. Bruno Bernard et al., *Les oeuvres completes de Voltaire* vol. 24 (Oxford, 2011), p. 41. See also Guido Braun, *La connaissance du Saint-Empire en France 1643-1756* (Munich, 2010), pp. 584-7.

[6] A good overview of the historiography can be found in Matthias Schnettger (ed.), *Imperium Romanum – Irregulare corpus – Teutscher Reichs-Staat. Das Alte Reich im Verständnis der Zeitgenossen und der Historiographie* (Mainz, 2003).

[7] John T. Seaman, Jr., *A Citizen of the World. The Life of James Bryce* (London, 2006), pp. 41-4, 128-30; Thomas Kleinknecht, *Imperiale und internationale Ordnung., Eine Untersuchung zum anglo-amerikanischen Gelehrtenliberalismus am Beispiel von James Bryce (1838-1922)* (Göttingen, 1985), pp. 71-114

[8] James Bryce, *The Holy Roman Empire*, 6th edn (London, 1922), p. 425.

[9] Ibid.

while longer to lead a miserable, meaningless existence because its patient, slow-moving subjects lacked the initiative and in many cases the intelligence to effect its actual dissolution'.[10]

After 1914-18 developments in Germany prompted much more urgent and more negative views. In France Edmond Vermeil devoted himself from the later 1920s to warning the French public of the danger posed by Hitler and Nazism, eventually placing contemporary events in historical perspective in his *Germany's Three Reichs: Their History and Culture*.[11] In the US, William Montgomery McGovern's *From Luther to Hitler: The History of Fascist-Nazi Political Philosophy* of 1941 undertook a similar task.[12] In the UK the most notable and successful work of this kind was A.J.P. Taylor's *The Course of German History* of 1945, which argued that the whole of German history predisposed the Germans to Nazism and that Hitler fulfilled the imperialist fantasies that had gripped the Germans since the days of Charlemagne.[13]

After 1945 the scholarly view of the Holy Roman Empire gradually changed. On the one hand the interpretative framework within which historians worked remained unfavourable to the development of significant popular interest in the empire. The most widely read history of Germany to the 1980s was Johannes Haller's *Epochen der deutschen Geschichte*.[14] First published in 1923, Haller frequently adapted, updated and amended his text until his death in 1947; others took on that task thereafter and perpetuated Haller's narrative of decline from promising early medieval foundations.

Alongside this evergreen 'classic', and others like it, the new master narrative of modern German history was now generally written as a negative *Sonderweg* rather than as a positive 'besonderer deutscher Weg' or German destiny.[15] The empire served as a rather dismal backdrop to the developments of the nineteenth and first half of the twentieth century. It was still viewed essentially as an entity that had failed to become a state. Its medieval period was held to have ended in chaos in the thirteenth century. Its early modern period was characterised by religious division, fragmentation, civil war and foreign domination. Nothing in its thousand-year history, it was held, had prepared the Germans for the modern world. Precisely because the Germans had no long pre-history of nationhood, statehood, or democratic struggle, so the argument generally continued, they plunged themselves willingly into the disasters of German nationhood and statehood that unfolded after 1871. The

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[10] Edwin Hermann Zeydel, *The Holy Roman Empire in German Literature* (New York, 1918), 15. The book was republished in 1966 and 2009.
[11] Edmond Vermeil, *Germany's Three Reichs: Their History and Culture* (London, 1944).
[12] William Montgomery McGovern, *From Luther to Hitler: the History of Fascist-Nazi Political Philosophy* (New York, 1941, the UK edn London, 1946).
[13] A.J.P. Taylor, *The Course of German History: A Survey of the Development of Germany since 1815* (London, 1945), pp. 13-33.
[14] Benjamin Hasselhorn, *Johannes Haller: Eine politische Gelehrtenbiographie: mit einer Edition des unveröffentlichten Teils der Lebenserinnerungen Johannes Hallers* (Göttingen, 2015), pp. 166-82.
[15] Bernd Faulenbach, *Ideologie des deutschen Weges: die deutsche Geschichte in der Historiographie zwischen Kaiserreich und Nationalsozialismus* (Munich, 1980); Dieter Langewiesche, 'Der "deutsche Sonderweg". Defizitgeschichte als als geschichtspolitische Zukunftskonstruktion nach dem Ersten und Zweiten Weltkrieg', in idem, *Zeitwende: Geschichtsdenken heute*, ed. Ute Planert and Nikolaus Buschmann (Göttingen, 2008), pp. 164-71.

Sonderweg myths developed by historians of the modern period cast shadows over the whole of German history.

On the other hand, at the level of scholarly research, new approaches also gradually developed which ultimately resulted in the new views of the empire that are prevalent today. Perhaps inevitably the empire's sheer longevity impeded the emergence of any overall view. Research activity was organised either around chairs of medieval history or around chairs of early modern history. For a long time there was little dialogue between the two areas of study. It was only in the 1970s that scholars such as Peter Moraw began to illuminate the transition from the late Middle Ages to the early modern period, though the initial result of that was simply that the later medieval period became 'reassigned' to the early modern period. More recently, historians of the early modern empire who advocate a new 'cultural' approach have taken forward ideas originally developed by medieval historians. But for many decades scholars in the two periods worked quite independently of each other and developed very different research agendas.

THE MEDIEVAL EMPIRE

For medievalists, whose discipline took shape in the shadow of the Wars of Liberation and the subsequent re-constituting of the old order, Germany's medieval *Reich* was a central concern from the start. Reflecting on the origins and early history of the Empire was inseparable from the rise of bourgeois German nationalism and from hopes for, and debate about the proper form of, a future German nation-state. The so-called *deutsche Kaiserzeit* ('German imperial age') between the tenth and the thirteenth centuries seemed to nineteenth-century eyes to offer visions of German power, unity, and prestige without subsequent parallel. Already in the tenth century, as it seemed, the German people had been unified in a strong monarchical state, under the Ottonian emperors, which commanded a hegemonic position in central Europe.[16] To advocates of German political unity, and to defenders of the new *Reich* established in 1871, the high-medieval Empire was both precedent and template.

Yet it also appeared to contain a warning, since the Empire's apparent medieval trajectory, from precocious early strength via successive crises and fatal 'wrong turnings' to fragmentation and impotence, had plotted an opposite course from neighbouring western realms. This encouraged German medievalists to seek out the historic saboteurs, internal and external, of their people's predestined but too-briefly-attained unity and greatness: self-seeking princes at home, treacherous popes and jealous neighbours abroad. It also stimulated them to scrutinize the actions of the emperors, and to judge how far these had contributed to, or served to undermine, that same lost unity and greatness. These concerns were crystallized in the dispute waged, around the time of the creation of the Bismarckian *Reich*, by Heinrich von Sybel and Julius Ficker.[17] The positions which von Sybel and Ficker adopted, labelled

[16] A classic statement is Wilhelm von Giesebrecht, *Geschichte der deutschen Kaiserzeit*, vol. I (Braunschweig, 1855).

[17] For what follows, see Fedor Schneider (ed.), *Universalstaat oder Nationalstaat: Macht und Ende des Ersten deutschen Reiches (Die Streitschriften von Heinrich v. Sybel und Julius Ficker zur deutschen Kaiserpolitik des Mittelalters)*, 2nd edn (Innsbruck, 1943).

respectively *kleindeutsch* and *großdeutsch* ('small-German' and 'great-German'), embodied contradictory judgments on the behaviour of medieval emperors, supporting rival blueprints for a future German state. For the *kleindeutsch* party, the imperial pretensions of the medieval German monarchy, and particularly its ventures south of the Alps, had fatally distracted its bearers from the proper task of national unification. Advocates of the 'great-German' position, generally Catholic and sympathetic to Habsburg Austria, saw less of a contradiction between German state-building and Christian-Roman imperialism. After the founding of the Hohenzollern *Kaiserreich*, a further position, sometimes termed (from its supposed high-medieval source) Ghibellinism, became established, combining the anti-Catholic and pro-Prussian leanings of the *kleindeutsch* school with a *großdeutsch* glorification of medieval (and contemporary) German imperialism.[18]

The circumstances under which the first modern histories of the medieval Empire came to be written endowed them with distinctive qualities, most of which endured in subsequent German retellings, although with some variations and changes of emphasis, until at least the middle of the twentieth century.[19] They were histories of power and of its eventual failure. Their heroes were those emperors who seemed to do most to strengthen the resources of monarchical rule – of the *Zentralgewalt* ('power at the centre'). The historian's disapproval was reserved for those kings and emperors who appeared not to prioritize the accumulation of power in Germany. Medieval monarchs tended to be envisaged as thinking, calculating, and acting in the manner of contemporary statesmen (or chided for failing to do so), with their natural goal the development of structures of law and coercion to foreshadow the modern state. Emperors and their opponents were viewed as acting on the basis of clear ideological positions (which they defended by the organized deployment of 'propaganda'), or – as in Frederick Barbarossa's supposedly fateful clash with the Saxon duke Henry the Lion – as the representatives of distinct, rival dynasties, set on unavoidable collision-courses. That the Empire was the political manifestation of the German *Volk*, to which through its establishment it gave lasting form, and whose character and political entitlements it embodied, was more assumed than examined. The glory of its rulers was that of the German people, the fading of that glory a historic mark of shame that it fell to their modern descendants to redeem. For this reason, the Empire's history in the later Middle Ages, when its rulers seemed to cut less heroic figures and government in Germany largely to have passed into the hands of ('particularist') regional and local powers, was comparatively neglected.

Already during the interwar period, this modern history of medieval power-politics began to be qualified by less anachronistic views, and its unreflective positivism to yield to more sympathetic engagement with the medieval sources. Studies of the mental horizons and iconography of emperorship, by Ernst Kantorowicz and Percy Ernst Schramm, represented

[18] For views on the Empire at this time, se Elisabeth Fehrenbach, *Wandlungen des deutschen Kaisergedankens (1871-1918)* (Munich, 1969).

[19] See generally Gerd Althoff, 'Das Mittelalterbild der Deutschen vor und nach 1945', in Paul-Joachim Heinig *et al*. (eds.), *Reich, Regionen und Europa im Mittelalter und Neuzeit: Festschrift für Peter Moraw* (Berlin, 2000), pp. 731-49. A good impression of the flavour of this work can be gained from the essays translated into English in Geoffrey Barraclough (ed.), *Medieval Germany 911-1250*, vol. II (Oxford, 1938), representing the state of play in Germany in the early 1930s.

attempts at understanding the imperial monarchy as contemporaries saw it.[20] A major shift in perspectives was initiated during the 1930s by a group of scholars, of whom the most influential was Otto Brunner, who launched an all-out assault on traditional, state-centred constitutional history. Instead of looking for proto-modern structures they claimed to detect the continued working of ancient Germanic practices, and in place of abstract doctrines they emphasized the personal bonds between lord and man. Although Brunner showed relatively little interest in the Empire, his holistic, primitivist vision of German political culture was to exercise an important, if often indirect, influence on its postwar study. It was also, however, to prove controversial. Brunner was a card-carrying National Socialist (as were other members of the group, such as Theodor Mayer and Walter Schlesinger), and his seminal study of late-medieval Austria, *Land und Herrschaft* ('Land and Lordship', first edition 1939), adopted the vocabulary – and, arguably, projected into the past the political values – of the regime.[21]

Although the events of 1945 and what followed brought to German studies of the Empire a breach with the past both deep and enduring, its comprehensiveness can be overstated. By that date, some of the ground was already prepared for the new approaches and foci that would gradually gain ground, while older ways of thinking proved tenacious, particularly in the first two postwar decades. In the DDR, a quest for the origins of the medieval German nation-state was perpetuated for a time, kept alive by Marxist-Leninist doctrine, which required state structures within which class-formation could occur.[22] Although this approach was never entirely abandoned, by the 1970s it had matured into studies of the evolving conceptual vocabularies of medieval imperial rule, richer and more nuanced, but also less obviously attuned to official goals, than earlier work.[23] In the postwar Federal Republic, attention shifted for a time away from the high-medieval Empire and its 'German' rulers to the preceding Frankish era.[24] Although the celebration of 'the West' and of the origins of 'Europe', which the new focus served, was itself far from new, the shift of chronological perspective was to prove important to late twentieth-century judgments on the Empire's character and development. An important element of continuity was the ongoing work of major source-editing projects, with their origins in the nineteenth century: *Regesta Imperii*,

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[20] Ernst Kantorowicz, *Kaiser Friedrich der Zweite* (Berlin, 1927); Percy Ernst Schramm, *Kaiser, Rom und Renovatio: Studien und Texte zur Geschichte des römischen Erneuerungsgedankens vom Ende des karolingischen Reiches bis zum Investiturstreit*, 2 vols (Leipzig, 1929).

[21] Otto Brunner, *Land und Herrschaft: Grundfragen der territorialen Verfassungsgeschichte Südostdeutschlands im Mittelalter* (Baden bei Wien, 1939). Postwar editions excised much of the Nazi terminology. For the ideological context, see James van Horn Melton, 'From folk history to structural history: Otto Brunner (1898-1982) and the radical-conservative roots of German social history', in Hartmut Lehmann and James van Horn Melton (eds.), *Paths of Continuity: Central European Historiography from the 1930s to the 1950s* (Cambridge, 1994), pp. 263-97.

[22] Thus Eckhard Müller-Mertens, *Das Zeitalter der Ottonen: Kurzer Abriß der politischen Geschichte Deutschlands im 10. Jahrhundert* (Berlin, 1955); and see Michael Borgolte, 'Anfänge deutscher Geschichte? Die Mittelalterforschung der zweiten Nachkriegszeit', *Tel Aviver Jahrbuch für deutsche Geschichte* 25 (1996), 35-53 (here 41).

[23] Eckhard Müller-Mertens, *Regnum Teutonicum: Aufkommen und Verbreitung der deutschen Reichs- und Königsauffassung im frühen Mittelalter* (Vienna, Cologne and Graz, 1970); Gottfried Koch, *Auf dem Wege zum Sacrum Imperium: Studien zur ideologischen Herrschaftsbegründung der deutschen Zentralgewalt im 11. und 12. Jahrhundert* (Vienna, Cologne, and Graz, 1972).

[24] For what follows, see Borgolte, 'Anfänge deutscher Geschichte?', 44-5, 48.

the *Reichstagsakten*, and the various series of the *Monumenta Germaniae Historica*. To a degree, these still dictated the rhythms of scholarship more broadly: the publication of Barbarossa's diplomata by the *MGH* during the final quarter of the twentieth century, for example, would stimulate a flurry of new monographs on the emperor.

It is particularly in studies of the Empire's early-medieval history, and of its first foundations in the lands east of the Rhine, that the reader sees how far perspectives had moved, when interest in the topic picked up in the 1970s and 1980s. A lecture by Carlrichard Brühl at the German Historical Institute in Paris in 1971, entitled 'The Origins of German History?', pointed the way toward what would become a fundamental reassessment of some old-established articles of faith. The following year saw the establishment of the 'Marburg group', whose *Nationes*-project sought to trace 'the emergence of European nations in the Middle Ages'.[25] The project's underlying premise, that nations and peoples are cultural constructs, the products of history rather than its building blocks, today seems banal. But at the time it posed a challenge to some familiar assumptions about the historical relationship between the Empire and the Germans. The challenge gained added force from an aspect of the *Nationes* group's approach that also discloses a wider trend among German medievalists at the time: a new openness to the perspectives of non-German scholars. The parochialism that had characterized German writing on the Empire for more than a century, along with many of the notions that it sustained, was breaking down. The new currents and the conclusions to which they pointed found trenchant expression in Brühl's monumental study of the 'birth' of the German and French peoples, published in 1990.[26] There, Brühl not only traced a common origin for the imperial and French monarchies in the Carolingian empire, but underlined their early history of relatively peaceful coexistence and sought to show that a 'German' identity had developed within the East-Frankish realm only at a considerably later date than was widely claimed. Traditional images of German exceptionalism, political precocity, and imperial self-assertion were replaced by visions of things shared across the western frontier and of a post-Carolingian Empire that for a long time was hardly 'German' at all.

The medieval imperial monarchy, as studies since the late twentieth century increasingly showed, had never been the powerful and domineering institution of former fantasy. Indeed, it was scarcely an institution at all. Gerd Althoff was making a point in subtitling his introductory history of the Ottonians 'royal rule without a State'.[27] Earlier depictions of the imperial court as a centre of co-ordinated 'propaganda' have likewise given way to more cautious and sceptical judgments. For Peter Godman, for example, the Archpoet was only the

[25] For *Nationes*, see the end-of-project report by Helmut Beumann, 'Europäische Nationenbildung im Mittlelalter: Aus der Bilanz eines Forschungsschwerpunktes', *Geschichte in Wissenschaft und Unterricht* 39 (1988), 587-93.
[26] Carlrichard Brühl, *Deutschland – Frankreich: Die Geburt zweier Völker* (Cologne and Vienna, 1990). For the debate sparked by Brühl's book, see Carlrichard Brühl and Bernd Schneidmüller (eds.), *Beiträge zur mittelalterlichen Reichs- und Nationsbildung in Deutschland und Frankreich* (*HZ* Beiheft 24, Munich, 1997).
[27] Gerd Althoff, *Die Ottonen: Königsherrschaft ohne Staat* (Stuttgart, 2000).

most foot-dragging of panegyricists for Barbarossa.[28] A recent study of visual representations of the same monarch emphasizes, against earlier assumptions, the impossibility of anything approaching a co-ordinated 'image-making' programme being staged for an itinerant high-medieval emperor.[29] A large-scale Barbarossa-biography by John B. Freed depicts an illiterate aristocratic warlord, ill-prepared by background even to grasp the claims made in his name, let alone formulate the 'policies' with which he was once credited.[30] While Freed's position is extreme, his stress upon the emperor's limited agency reflects recent trends. So, too, does the demythologizing intent: in an earlier study of Barbarossa's grandson Frederick II, David Abulafia took a similar course, insisting that there was little to distinguish the putative *stupor mundi* from other rulers of his day.[31]

Not only did emperors lack the means to accumulate power at the 'centre'; recent studies have insisted that it never occurred to them to do so. Much attention has here been devoted to the personal interactions of the Empire's secular and spiritual elites and – in Althoff's celebrated formulation – to the (unwritten) 'rules of the game' by which these occurred.[32] Bernd Schneidmüller has written of the 'consensual' character of imperial rule, which did not seek opportunities to engage in power-struggles with other princes.[33] Knut Görich, in tracing the importance of honour as a political currency, likewise emphasizes the face-to-face nature of high politics and the mutuality of respect which it presupposed.[34] In particular, recent decades have brought a burgeoning interest in the role of ritual as what Timothy Reuter called a 'meta-language' of imperial politics.[35] Again, this is a field where German scholars have led the way, often working within major funded projects, and again the result has been to distance the Empire from post-Enlightenment conceptions of the 'political'. This tendency is starkly illustrated in an essay-collection published in 2009 on the Golden Bull of 1356 – a constitutional document once viewed as so fundamental that eighteenth-century commentators devoted thousands of pages to glossing its contents.[36] The 2009 authors, by contrast, found remarkably little to say about the text of the Bull, instead concentrating heavily on its relevance to the visual 'staging' of emperorship. Ludger Körntgen, in a study of Ottonian ritual and *memoria*, has gone even further, questioning how far his material can be understood as political at all.[37]

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[28] Peter Godman, 'The Archpoet and the emperor', *Journal of the Warburg and Courtauld Institutes* 76 (2011), 31-58.
[29] Knut Görich, 'BarbarossaBilder – Befunde und Probleme', in Knut Görich and Romedio Schmitz-Esser (eds.), *Barbarossabilder: Entstehungskontexte, Erwartungshorizonte, Verwendungszusammenhänge* (Regensburg, 2014), pp. 9-29.
[30] John B. Freed, *Frederick Barbarossa: The Prince and the Myth* (New Haven, 2016).
[31] David Abulafia, *Frederick II: A medieval Emperor* (London, 1988).
[32] Gerd Althoff, *Spielregeln der Politik im Mittelalter: Kommunikation in Frieden und Fehde* (Darmstadt, 1997).
[33] Bernd Schneidmüller, 'Consensuale Herrschaft: Ein Essay über Formen und Konzepte politischer Ordnung im Mittelalter', in Heinig *et al.* (eds.), *Reich, Regionen und Europa*, pp. 53-87.
[34] Knut Görich, *Die Ehre Friedrich Barbarossas: Kommunikation, Konflikt und politisches Handeln im 12. Jahrhundert* (Darmstadt, 2001).
[35] Timothy Reuter, *Medieval Polities and Modern Mentalities*, ed. Janet L. Nelson (Cambridge, 2006), p. 169.
[36] Ulrike Hohensee et al. (eds.), *Die Goldene Bulle: Politik – Wahrnehmung – Rezeption*, 2 vols. (Berlin, 2009).
[37] Ludger Körntgen, *Königsherrschaft und Gottes Gnade. Zu Kontext und Funktion sakraler Vorstellungen in Historiographie und Bildzeugnissen der ottonisch-frühsalischen Zeit* (Berlin, 2001).

Important in changing perspectives has been the sophistication which historians have recently brought to reading the sources, often informed by literary theory. The result has been to emphasize how little can be said with confidence about medieval political actors. Indeed, the recent preoccupation with ritual has itself been criticized on those grounds.[38] Alertness to the limits of the knowable is evident, for example, in Althoff's biography of Otto III, where the emperor himself retreats behind the sources.[39] Particularly important has been Johannes Fried's argument, informed by neurological science, for the difficulty of historians penetrating beyond the 'veil of memory' created by medieval writers, and his prescriptions for how this might nevertheless be attempted. This has led Fried – although without fully convincing others – to question some of the notorious 'turning points' once held to have shaped the Empire's history.[40] The trend has been towards deconstruction. Even the warring dynasties that once bestrode the stage have largely dissolved in the face of closer critical scrutiny, which has shown their apparently solid substance mostly to be a construct of later sources.[41]

A new scepticism about aspects of the traditional narrative, combined with a more realistic estimation of the capabilities and intentions of the imperial monarchy even in its supposed high-medieval heyday, has done much to disrupt familiar views of the shape of the Empire's history across the Middle Ages. The early peaks now seem less soaring, or simply less discernible through the fog of the sources. Also important, however, has been the closer and more sympathetic engagement with the later medieval period in recent work. Here too, the 1970s and 1980s were axial. The outstanding figure is Peter Moraw, whose studies have transformed understanding of the fourteenth and fifteenth centuries. Although Moraw had much to say about the working of imperial government, he approached it in terms not primarily of institutions but of complex networks of personal relationships, underpinned by bonds of patronage and dependence. The zonal model which he formulated for evaluating the extent of imperial power in different regions – some 'close to the monarch' (*königsnah*), others 'open' to him, still others 'remote' – has proved flexible enough to show how patterns of control and influence changed between dynasties and reigns.[42] It allowed him to trace a picture of the imperial monarchy's relations with its subject territories more nuanced than older visions of collapse and impotence.

Political changes in the late twentieth century also contributed to the greater attention given to the late Middle Ages. The fall of the Iron Curtain, which brought new vitality to research on the Empire generally, fostered particularly the study of a period in which the emperors –

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[38] Philippe Buc, *The Dangers of Ritual: Between Early Medieval Texts and Social Scientific Theory* (Princeton, 2001).
[39] Gerd Althoff, *Otto III* (Darmstadt, 1996).
[40] Johannes Fried, *The Veil of Memory: Anthropological Problems when considering the Past* (London, 1998); idem, *Canossa: Entlarvung einer Legende: Eine Streitschrift* (Berlin, 2012).
[41] Werner Hechberger, *Staufer und Welfen 1125-1190: Zur Verwendung von Theorien in der Geschichtswissenschaft* (Cologne, Weimar, and Vienna, 1996).
[42] Peter Moraw, *Von offener Verfassung zu gestalteter Verdichtung: Das Reich im späten Mittelalter 1250 bis 1490* (Berlin, 1985), p. 175.

most conspicuously, those of the Luxemburg dynasty – ruled over imperial and dynastic lands on both sides of the Cold-War frontier. The reign of Sigismund (r. 1410/11-1437), whose field of activity was especially broad, has recently received close attention from a trans-Danubian network of researchers.[43] More fundamentally, the late-medieval Empire appealed to postwar generations of scholars, for whom its rulers' relative avoidance of military adventures and the composite, polycentric character of their realm now appeared admirable rather than lamentable. Charles IV (r. 1346-1378) in particular was celebrated from late twentieth-century perspectives as a consummate diplomat and master of the 'art of the possible'.[44] Only in more recent work has the emphasis turned to understanding him as a product of the values of his own day.[45]

THE EARLY MODERN EMPIRE

As in the case of medieval studies, research into early modern German history unfolded differently in the GDR and the FRG. While there came to be some dialogue between historians on either side of the Berlin Wall in the 1970s, especially in Reformation studies, they tended to operate in quite separate historiographical frameworks.

In East Germany the materialist conception of history was initially pursued in the framework of the 'two paths theory' that traced the interaction between a progressive path and a reactionary path in German history. The triumph of the 'anti-national class of the German territorial princes', the establishment of the repressive absolutist state and the emergence of Brandenburg-Prussia characterised the reactionary path in the early modern period. The progressive path comprised the 'early bourgeois revolution' and the failed revolutionary mass movement of 1525. The redefinition of the paths as 'heritage' (reactionary) and 'tradition' (progressive) in the 1970s led to the development of a more inclusive approach, which saw the publication of more positive books on Luther and Frederick the Great. Yet the early modern period was still seen as one in which the development of German history was truncated in 1525 with the triumph of reactionary forces over the popular mass movement. As Germany was cast into darkness, the revolutionary impetus passed to the Netherlands and England.

Scholarship on the early modern empire in western Germany after 1945 was shaped initially by two distinct considerations. Firstly, the leading German early modernists seem to have taken to heart the suggestion made by Peter Rassow in 1946 that they must subscribe to the motto: 'Fort aus der deutschen und hinein in die europäische Geschichte' ('Out of German history and into European history').[46] The old national history should be abandoned and German history should henceforth be written as European history. Many now took up the

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[43] Thus, e.g., Karel Hruza and Alexandra Kaar (eds.), *Kaiser Sigismund (1368-1437): Zur Herrschaftspraxis eines europäischen Monarchen* (Cologne, Weimar, and Vienna, 2012).
[44] Bernd-Ulrich Hergemöller, 'Die Goldene Bulle – Karl IV. und die Kunst des Möglichen', in Ferdinand Seibt (ed.), *Kaiser Karl IV.: Staatsmann und Mäzen* (Munich, 1978), pp. 143-6.
[45] Martin Bauch, *Divina favente clemencia: Auserwählung, Frömmigkeit und Heilsvermittlung in der Herrschaftspraxis Kaiser Karls IV.* (Cologne, Weimar, and Vienna, 2015).
[46] Winfried Schulze, *Deutsche Geschichtswissenschaft nach 1945*, *Historische Zeitschrift* Beiheft 10 (Munich, 1989), p. 160.

theme of Europe or 'the West' (*das Abendland*). While work on Prussia, for example by Gerhard Ritter, did not cease and exponents of *Landesgesgeschichte* continued to plough the old furrows, the perspective as a whole changed.

Secondly, work on the early modern empire was stimulated by the renewed interest in it of many Catholic Germans. On the one hand they were attracted by the corporatist social structure of the empire, which seemed to provide inspiration for a generation that was struggling to recover from the breakdown of democracy in the inter-war period. On the other hand, they were attracted to the idea of the empire because it represented an alternative to the Prussian-German tradition of the nation state. Federalism seemed preferable to unitarism. Traditions of diversity, peaceful integration and commitment to a higher moral law were preferable to the nightmare of Prussian militarism. There was a tendency to turn away from the idea that the empire should be regarded as a nation or as a state. It was, according to the new view, supranational and European. Resuming its traditions now meant a commitment to federalism and to Europe. In 1959, Paul Wilhelm Wenger, the editor of the *Rheinischer Merkur*, even wrote that Germany and Europe were living through the new 'translatio imperii ad Europam foederatam' (the translation of the Empire into a European federation).[47]

While these ideas were initially developed by Catholic conservatives at a time when the SPD was still committed to speedy German unification, they gradually gained wider acceptance. They laid the foundations for the post-national thinking that became characteristic of the liberal left in the Federal Republic before 1990. Figures such as Dolf Sternberger and Jürgen Habermas propagated the view that West Germany was a progressive post-national democracy surrounded by nation states that had not yet progressed into the post-national era. Some went so far as to turn the *Sonderweg* into an advantage: Germany's disastrous national history predestined her to be a forerunner of the new post-national European order; the Germans would lead the way into the future because they had learned the lessons of history and because there was no way back, indeed should be no way back, to the national past. The strength of that post-national feeling is underlined by the pronounced reticence of FRG historians, and not just historians of early modern Germany, in response to unification in 1990.[48]

The real post-1945 pioneers in historical scholarship on the early modern Holy Roman Empire also tended to be Catholics, from the Rhineland, Bavaria or Austria; the names of Konrad Repgen, Heinrich Lutz and Karl Otmar von Aretin spring to mind most readily. The outcome of their work on Charles V (Lutz), the Thirty Years' War and the Peace of Westphalia (Repgen) and the empire in the eighteenth century (von Aretin) was to foster a

[47] Joachim Whaley, 'Federal Habits: The Holy Roman Empire and the Continuity of German Federalism', in Maiken Umbach (ed.), *German Federalism: Past, Present and Future* (Houndmills, 2002), pp. 15-41, at pp. 22-3; idem, 'The Old Reich in Modern Memory: Recent Controversies Concerning the "Relevance" of Early Modern German History', in David Midgley and Christian Emden (eds), *German History, Literature and the Nation (Selected Papers from the Conference The Fragile Tradition Cambridge 2002*, vol. 2 (Oxford, 2004), pp. 25-49, at pp. 32-3.

[48] Hans-Peter Schwarz, 'Mit gestopften Trompeten: Die Wiedervereinigung Deutschlands aus der Sicht westdeutscher Historiker', *Geschichte in Wissenschaft und Unterricht*, 44 (1993), pp. 683-704.

much more positive view of the empire.[49] While still committed to the belief that it had no future and that its demise was inevitable, they revealed a polity which seemed to function well and which endured far longer than any subsequent German polity.

These historians put a new emphasis on the distinctive character of the empire's early modern history. They no longer viewed it as a protracted period of steady decline punctuated by spectacular episodes of failure. They still clung, as indeed German early modernists generally still do today, to the idea that its failure was inevitable. But they view the centuries before that as a period characterised by constitutional innovation and by the emergence of the empire by 1648 as a *Rechts-, Verteidigungs-, und Friedensordnung*. The empire's very existence guaranteed the peace and stability of Europe as a whole. One of its main functions was to organise the collective defence of its members against foreign attack, though it could not itself wage unprovoked war on any external power or territory. At the same time it devised mechanisms which served to defend the existence and rights of all of its members against aggression from other members and to maintain the peace. Moreover the empire's institutions, in particular the Reichskammergericht and the Reichshofrat, guaranteed the rights not only of territorial rulers and urban magistrates but also of the inhabitants of territories and cities against their rulers. The empire saw the development of a legal culture that had no parallel in Europe and the 'juridifcation' of social and political conflict marked the German territories out from neighbouring countries.

On the basis of these kinds of interpretations the affinities between the empire (or the 'Old Empire', as the early modern empire was frequently called) and the modern European Union seemed striking. Some scholars, notably perhaps Peter C. Hartmann, were fascinated by the thought that the institutions of the empire prefigured those of the modern European Union.[50] Hartmann suggested in 1993 that the empire was a '*Mitteleuropa* of the regions', that its defensive system resembled NATO and that the multi-confessional, multi-ethnic and multi-cultural empire with its multiple levels of government (imperial diet, regional imperial circles, territories and cities) and the practice of subsidiarity made it a perfect model for the future.

With their emphasis on the pre-national character of the empire, Hartmann's ideas, shared to varying degrees by many other German historians, were in tune with the broad consensus that the empire was not a state and that it certainly was not a nation state.[51] The strength of such views was revealed by the controversy which followed the publication of the Jena historian Georg Schmidt's survey of early modern German history in 1999.[52] Schmidt argued that the

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[49] Repgen died in April 2017; his standard work on the early modern period, first published in 1957, was: *Dreißigjähriger Krieg und Westfälischer Friede. Studien und Quellen*, revised and extended edn ed. Franz Bosbach and Christoph Kampmann (Paderborn, 2015). On Lutz and Aretin see: Karl Otmar von Aretin, 'Heinrich Lutz', *Historische Zeitschrift*, 244 (1987), pp. 487–93; Heinz Duchhardt, 'Nekrolog Karl Otmar Freiherr von Aretin (1923–2014)', *Historische Zeitschrift*, 299 (2014), pp. 285–90.
[50] See Whaley, 'Old Reich', 35-6
[51] See, for example, Dieter Wyduckel, 'Das Alte Reich – Modell europäischer Gemeinschaftsbildung?', *Wissenschaftliche Zeitschrift der TU Dresden*, 48 (1999), pp. 13-16.
[52] Georg Schmidt, *Geschichte des Alten Reiches: Staat und Nation in der Frühen Neuzeit 1495-1806* (Munich, 1999).

old empire was both a state and the framework within which a German nation existed in the early modern period. According to him, 1495 marked the beginning of German *Gesamtstaatlichkeit*, the union of the Germans in a single overarching state organisation. This polity was what Schmidt calls 'der komplementäre Reichs-Staat', a system which operated at various inter-locking levels from Imperial, to regional, to local. This was no state in the Hegelian sense but it was similar to the early modern composite monarchies in France, Great Britain or Spain. The foundations laid in 1495 were further developed in 1555 and completed in 1648 following the Thirty Years' War which is seen primarily as a conflict over the German constitution, the defence of German liberty against Ferdinand II's attempt to establish a strong monarchy. Schmidt's work emphasised the modernity of the empire and of the legal principles relating to individual liberties developed in it and the 'normality' of the development of German national identity in the early modern period.

Around the same time the Augsburg scholar Johannes Burkhardt put forward a similarly provocative view of the Peace of Westphalia as the *Gesamtstaatsverfassung* of the German polity. He argued furthermore that 1648 ended religious conflict in the empire and marked the beginning of modern religious toleration, that the empire after 1648 was a federal *Rechtsstaat* and that the permanent diet from 1653 was Europe's first real parliament. He has subsequently developed these ideas further in a Gebhardt handbook and an outline of early modern German history.[53]

The response to both scholars was vociferous. Heinz Schilling and Wolfgang Reinhard led the charge against Schmidt's arguments, particularly against his suggestion that the empire be termed the 'Reichs-Staat', a term that at least had the merit of being an authentic early modern epithet. Schilling insisted that his own label 'teilmodernisiertes Reichsystem' (partially modernised imperial system) was more accurate.[54] Reinhard insisted on 'neuartiges zweistöckiges Herrschaftssytem' (a novel form of two-tier system of governmemt). In the same year as Schmidt's book appeared Bernd Marquardt suggested in a similar vein that the empire had been a 'segmentäres Verfassungssystem' (a segmented constitutional system) comprising '10,000 lokale Herrschaften' (10,000 local jurisdictions).[55] The chorus of criticism of both Schmidt and Burkhardt broadly rejected the idea that the empire was a state,

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[53] Johannes Burkhardt, *Vollendung und Neuorientierung des frühmodernen Reiches 1648-1763*, Gebhardt Handbuch der deutschen Gechichte Bd. 11 (Stuttgart, 2006); idem, *Deutsche Geschichte in der Frühen Neuzeit* (Munich, 2009).

[54] Heinz Schilling, 'Reichs-Staat und frühneuzeitliche Nation der Deutschen oder teilmodernisiertes Reichssystem. Überlegungen zu Charakter und Aktualität des Alten Reiches', *Historische Zeitschrift*, 272 (2001), pp. 377-95: p. 394; see also his 'Wider den Mythos vom Sonderweg – die Bedingungen des deutschen Weges in die Neuzeit', in Heinig *et al.* (eds) *Reich, Regionen und Europa*, pp. 699-714. Schmidt's reply is 'Das frühneuzeitliche Reich – komplementärer Staat und föderative Nation', *Historische Zeitschrift*, 273 (2001), pp. 371-99. Both Schilling and Schmidt subsequently re-stated their positions in essays in Schnettger (ed.) *Imperium Romanum – irregulare corpus – Teutscher Reichs-Staat*. See also Peter Rauscher and Baradara Staudinger, 'Der Staat in der Frühen Neuzeit: Überlegungen und Fragen zu aktuellen Neuerscheinungen der deutschen Geschichtswissenschaft', *Mitteilungen des Österreichischen Staatsarchivs*, 48 (2000), pp. 405-24 and Peter H. Wilson, 'Still a monstrosity? Some Reflections on Early Modern German Statehood, *The Historical Journal*, 49 (2006), pp. 565-76.

[55] Bernd Marquardt, *Das Römisch-Deutsche Reich als segmentäres Verfassungssystem (1348-1806/48): Versuch zu einer neuen Verfassungstheorie auf der Grundlage der lokalen Herrschaften* (Zurich, 1999).

that 1648 could be viewed as a German constitution, or that the empire was in any sense a nation state with which the Germans as a nation identified.

The debate was about more than scholarship. Schilling, for example, suggested that Schmidt had been overcome by a kind of unification euphoria. Reinhard argued that eulogising the 'Reichs-Staat' was tantamount to legitimating the Berlin Republic. Paul Münch asserted that comparing 1648 with 1848, as Burkhardt had done, as a milestone in the democratic history of Germany, made Auschwitz (in a country with three centuries of *Rechtsstaatlichkeit* behind it rather than a new, 'delayed' nation created by Prussian conquest in 1871) an even greater ignominy.[56] In the midst of the debate Winfried Schulze attempted to mediate with an overview that sought to reconcile and combine the views of Schmidt and Schilling in a positive view of the old empire while still perceiving Germany to have deviated from Western Europe in the ideological, cultural, political and military confrontation with France between 1789 and 1815 and in the dominance of Prussia in Germany after 1850.[57]

In the fifteen years since the controversy, Schmidt has developed his views further and the ideas set out in his book have stimulated, whether explicitly acknowledged or not, a significant amount of new work on the early modern empire. Schmidt has continued to develop the theme of German liberty as a key to the understanding of the old empire and its position in German history.[58] The early modern nation has also continued to figure centrally in his work.[59] And he has continued to develop his views on the significance of the history of the old empire for Europe in the twenty-first century, combining his insistence on the existence of an early modern nation with a view of the ways in which the structures of the old empire can provide inspiration for the future.[60] Others, for example Alexander Schmidt, Martin Wrede, Horst Dreitzel or Caspar Hirschi, have taken up the theme of the German nation and national sentiment in the early modern period.[61] A wealth of research on imperial

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[56] Paul Münch, '1648 – Notwendige Nachfragen', *Zeitschrift für Geschichtswissenschaft*, 47 (1999), pp. 329-33, at p. 333,

[57] Winfried Schulze, 'Vom "Sonderweg" bis zur "Ankunft im Westen": Deutschlands Stellung in Europa', *Geschichte in Wissenschaft und Unterricht*, 53 (2002), pp. 226-40.

[58] Georg Schmidt, ''Die ''deutsche Freiheit''und der Westfälische Friede', in R. G. Asch et al. (eds), *Frieden und Krieg in der Frühen Neuzeit* (Munich, 2001), pp. 323–47; idem, 'Die Idee "deutsche Freiheit". Eine Leitvorstellung der politischen Kultur des Alten Reiches', Georg Schmidt, Martin van Gelderen, Christopher Snigula (eds), *Kollektive Freiheitsvorstellungen im frühneuzeitlichen Europa (1400-1850)* (Frankfurt a. M., 2006), pp. 159-90; idem, 'Luther und die Freiheit seiner "lieben Deutschen"', in Heinz Schilling (ed.), *Der Reformator Martin Luther 2017: Eine wissenschaftliche und gedenkpolitische Bestandsaufnahme*, Schriften des Historischen Kollegs München 92 (Munich, 2014), pp. 173-94; idem, 'Deutche Europautopien: Nation, Kosmopolitanismus und Universalismus um 1800', in Klaus Ries (ed) *Europa im Vormärz: Eine transnationale Spurensuche* (Ostfildern, 2016), pp. 47-59.

[59] Georg Schmidt, 'Der "deutsche" Luther', in Mariano Delgado and Volker Leppin (eds), *Luther: Zankapfel zwischen den Konfessionen und "Vater im Glauben"?* (Stuttgart, 2016), pp. 163-81.

[60] Georg Schmidt, 'Das Alte Reich -ein politisches Argument?', Klaus Manger (ed.), *Vorträge der Geisteswissenschaftlichen Klasse 2000 – 2004, Sitzungsberichte der Akademie gemeinnütziger Wissenschaften zu Erfurt: Geisteswissenschaftliche Klasse 5* (Erfurt 2006), pp. 139-52; idem, 'Das Alte Reich und die Europäische Union – ein Versuch', in Meinolf Vielberg (ed), *Vorträge der Geisteswissenschaftlichen Klasse. Sitzungsberichte der Geisteswissenschaftlichen Klasse der Akademie gemeinnütziger Wissenschaften zu Erfurt*, (Erfurt, 2013), pp. 79-98.

[61] The relevant publications up to 2016 are listed in *Jahresberichte für deutsche Geschichte* (http://jdgdb.bbaw.de/cgi-bin/jdg - accessed 13 September 2017).

institutions, some undertaken by Schmidt's students, some developed in parallel and with roots that predate the publication of Schmidt's 1999 history, has also appeared in the last two decades. This includes important work on the imperial circles (Wolfgang Wüst), the supreme courts (the major German and Austrian state-funded projects still in progress devoted to the papers of the Reichshofrat and the Reichskammergericht), and the imperial diet (Anton Schindling, Karl Härter, Michael Rohrschneider and others).[62] Much of this provides an extensive literature which at the very least does not contradict Schmidt's views, even if not all of its authors are willing to agree with him explicitly.

Meanwhile a new approach to the history of the old empire has emerged which might be seen as a response to ideas of its modernity or at least to the view that it experienced modernisation in the early modern period. Generally billed as a new cultural history approach, exponents of this view build on the work of medievalists such as Gerd Althoff and have explored the modes of symbolic communication which characterised the empire. They are interested in the performance of power relations. Their work is in opposition to those who emphasise the new structures developed in the empire from 1495 since they emphasise that the empire was first and foremost a feudal structure, held together not by a legal framework or a constitution but rather by the bonds of loyalty formed between the emperor and the individual estates. The main exponent of this view of the early modern empire is perhaps Barbara Stollberg-Rilinger.[63] Her approach is championed by some younger historians in Germany and by a number of, predominantly younger, US historians.[64]

Stollberg-Rilinger's overarching argument is clear. The empire existed in the immediate relationship between the emperor and the imperial estates. The really significant feature of the imperial diets was that these bonds were renewed there and that similar relationships of loyalty between imperial estates were forged there, for example in marriage celebrations. The diets were venues where power relations were performed. When these performances ceased in the second half of the eighteenth century, because the princes refused, for example, to pay homage (and fees) to Joseph II on his election as emperor in 1765, the empire was doomed. André Krischer has even gone so far as to suggest that the empire was essentially fictive in nature, existing only in the discourse of symbolic communication and the imagined realm of performance.[65]

The very useful aspect of Stollberg-Rilinger's work has been to draw attention again to the continuing importance of ritual and the symbolic into the early modern period. This was well known to scholars such as Hans Erich Feine in the early twentieth-century but was probably

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[62] See the *Jahresberichte für deutsche Geschichte*, as in the previous footnote.
[63] Barbara Stollberg-Rilinger, *Des Kaisers alte Kleider. Verfassungsgeschichte und Symbolsprache des Alten Reiches* (Munich, 2008) – English translation: *The Emperor's Old Clothes: Constitutional History and the Symbolic Language of the Holy Roman Empire* (London, 2015).
[64] Harriet Rudolph, *Das Reich als Ereignis. Formen und Funktionen der Herrschaftsinszenierung bei Kaisereinzügen (1558-1618)* (Cologne, 2011); André Krischer, *Reichsstädte in der Fürstengesellschaft. Zum politischen Zeichengebrauch in der Frühen Neuzeit* (Darmstadt, 2006); Jason Coy et al. (eds), *The Holy Roman Empire, Reconsidered* (New York, 2010).
[65] Andre Krischer, 'Conclusion: New Directions in the Study of the Holy Roman Empire – A Cultural Approach', in Coy et al. (eds) *The Holy Roman Empire*, pp. 265-70, at p. 267.

neglected in some of the more recent euphoric re-evaluations of the old empire.[66] Yet it surely cannot stand as the only story of the early modern empire. Ritual undoubtedly declined and many princes eschewed the symbolic discourse in which they had formerly engaged so enthusiastically with the emperor. But the empire itself did not fade away.

This is perhaps one of the most remarkable and enduring aspects of the historiography of the old empire: the view that it was doomed to extinction at the end of the eighteenth century. No matter how radical or revisionist the re-evaluation, the view of its end remains almost uniformly negative. Yet the empire was not destroyed by the decline of its symbolic language, by the atrophy of its institutions or by the indifference of its inhabitants. It was destroyed by force of French arms over a decade and a half of ruinous warfare and by Napoleon's determination that it should not continue. It had changed enormously over the early modern period, ending up more like a federation than a feudal polity. Was it really utterly unsuitable for survival into the nineteenth century? The British monarchy, too, was transformed from a feudal monarchy by the development of institutions and systems of law. Yet it retains elements of its former symbolic relationship with the nobility even today. Furthermore, that has not prevented the gradual development of a modern democratic society around it. For all the repeated assertions that the notion of a *Sonderweg* has been banished, it remains present in the master narrative: for the mythic German *Sonderweg* began, as Heinrich August Winkler asserted, with the empire and its destruction.[67]

THE CONTRIBUTIONS TO THIS SPECIAL ISSUE

The debates of the last few decades about the empire's history, both medieval and early modern, underline the enormous expansion of research into these areas over recent decades. Despite perennial anxieties about research funding, the number of major projects has proliferated. Above all, the subject seems to have become attractive again to younger scholars and recruitment has been lively in both the German- and the English-speaking world. That is demonstrated by the essays collected here, by younger scholars and by older German scholars, which illustrate some important recent trends in research on the Holy Roman Empire.

The five papers included in this special issue reflect the current state of scholarship on the Empire, but they also point beyond it, towards promising new directions for research. Levi Roach demonstrates the importance of Italy to the Ottonians, and the foundational place of Rome, doctrinally as well as chronologically, in the making of medieval western emperorship. In tracing Italy's centrality to the decisions taken by Ottonian rulers, including those relating to their German territories, Roach highlights the dangers of viewing the medieval Empire, as it is still too often viewed, from an unreflectively Germanocentric standpoint. As his paper makes clear, the very concept of the 'German' only found

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[66] Hans Erich Feine, 'Die Verfassungsentwicklung des Heiligen Römischen Reiches seit dem Westfälischen Frieden', *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte*, Germanistische Abteilung, 52 (1932), pp. 65-132.

[67] Heinrich August Winkler, *Der lange Weg nach Westen. Bd. 1 Vom Ende des Alten Reichs bis zum Untergang der Weimarer Republik* (Munich, 2000), p. 5.

articulation as a result of tenth-century imperial ventures in the south. Roach's perspective, which combines expertise in early-medieval Italy and in north-European kingship, remains regrettably rare in the field. Although, as he indicates, few subsequent medieval emperors were quite as much at home south of the Alps as were the Ottos (although the later Staufer are an obvious comparator), his insights provide later medievalists, too, with food for thought. If later emperors were to spend less time in the south, the place of Italy in the imperial *imaginaire* nevertheless remained surprisingly central until the time of the humanists at least. Why this was so, and what were the consequences for the idea and practice of emperorship in the north, merits further study.

Gramsch-Stehfest also engages, in a different way, with north-south connections and disjunctions, as his subject-matter is the conflicts which resulted from the establishment, for a short time, of a kingship in Germany subject to the oversight of an Italy-based emperor, the king's father. Drawing upon the findings of his recent monograph on the subject,[68] it offers a transformative view of an episode in the Empire's high-medieval history that, as the author convincingly shows, has long been the subject of serious misunderstanding. Accounts of the downfall of Frederick II's son Henry (VII) have often dwelt upon the latter's alleged personality flaws, shown up by Gramsch-Stehfest as constructions of the sources. Other interpretations have reflected the lingering shades of the Ficker-Sybel contest, in their polarized visions of a southward-facing 'universal' emperor versus his son, the (proto-modern, incipiently state-building) 'German' king. Gramsch-Stehfest, too, brings to his work an unusual body of expertise, derived in his case from the exact sciences, to offer fresh and convincing perspectives. These allow the reader to see that it was Frederick, and not his son, who had failed to play the game according to the (German) 'rules', and whose harsh dose of Sicilian-style *rigor justitiae*, administered during his short visit in 1235-6, left such an impression of culture-shock in northern sources.[69] It is surely only a matter of time before Gramsch-Stehfest's innovative group-modelling method is applied with profit to other periods and episodes in the Empire's history – including, perhaps, the post-Staufer 'Interregnum' (1246-1273), which it was his original intention to study.

Interconnectedness, approached in a different way, is also the theme of Duncan Hardy, in an essay which draws inspiration from the approaches to late-medieval German political culture pioneered by Peter Moraw, while also tracing paths beyond them. Hardy demonstrates the value of examining the *Tag* – a flexible, characteristically (though not exclusively) German associative mode, encompassing assemblies of varying form and purpose – as an especially revealing window on the political culture of the late-medieval Empire. His approach makes it easier to account for the relative cohesion and stability of the Empire's German-speaking territories in this period, even in the absence of elaborate imperial institutions and given the weakness of the monarchs themselves. Hardy shows how the very ambiguity of the *Tag*-concept was part of its strength, allowing new forms of association to emerge while still

[68] Robert Gramsch, *Das Reich als Netzwerk der Fürsten: Politische Strukturen unter dem Doppelkönigtum Friedrichs II. und Heinrichs (VII.) 1225-1235* (Ostfildern, 2013).
[69] See generally Theo Broekmann, *Rigor iustitiae: Herrschaft, Recht und Terror im normannisch-staufischen Süden (1050-1250)* (Darmstadt, 2005).

appearing comprehensible to traditional ways of thinking. His essay thus marks a further step towards understanding how constitutional practices in Germany actually worked and developed, and away from implicitly lamenting their failure to work in ways familiar from other places and times. It even offers the potential for making new, extensive yet finely-nuanced, maps of political association and interconnection, to engage with and refine Moraw's celebrated and useful zonal schema.

Siegrid Westphal's contribution draws attention to one of the most important new developments in the early modern period. It extends the work that she has so far done on various aspects of the legal culture of the early modern empire, including an important study of the operation of the empire's supreme courts in the Thuringian region between 1648 and 1806, investigations into the rights of women and divorce in imperial law and, most recently a study of the Peace of Westphalia.[70] Here she explores the significance of the Public Peace declared in 1495 as a new constitutional framework for the early modern empire. Of course the Public Peace drew on medieval traditions yet it also marked a new departure. The institution of a higher court to enforce it and of measures to implement its decisions paved the way for the pacification of the German polity. In 1555 the notion of Public Peace was extended to include confessional matters and the whole system was confirmed by the Peace of Westphalia in 1648. As Westphal shows, the significance of the Public Peace endured until 1806. It played an important role in the response to Prussian aggression in the Seven Years' War. Justus Möser thought the Peace was so fundamentally important to the empire that he proposed writing a new history of the 'modern' empire which recognised the agreement of 1495 as its fundamental constitutional law.

Wolfgang Burgdorf draws attention to another important innovation which has also often been neglected: the imperial electoral capitulations, the first of which was drawn up for Charles V in 1519. Burgdorf is well known for a number of important and innovative publications. His 1998 book on the constitutional reform projects of the period 1648-1806 offered a new view of contemporary attitudes to the empire and its future.[71] In 2006 he proved comprehensively that the old notion that the empire had disappeared without a murmur from its inhabitants ('ohne Sang und Klang') who were allegedly utterly indifferent to its fate, was simply a myth.[72] In recent years he has produced the first ever scholarly edition of the electoral capitulations and a monograph which presented them as key catalogues of rights and proof of the empire's evolution into a 'proto-constitutional' monarchy in the early modern period.[73] His essay here elaborates that theme and gives a

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[70] Siegrid Westphal, *Kaiserliche Rechtsprechung und herrschaftliche Stabilisierung. Reichsgerichtsbarkeit in den thüringischen Territorialstaaten, 1648-1806* (Cologne, Weimar, Vienna, 2002); idem and Inken Schmidt-Voges (eds), *Venus und Vulcanus: Ehen und ihre Konflikte in der Frühen Neuzeit* (Oldenburg, 2011); idem, *Der Westfälische Frieden* (Munich, 2015).

[71] Wolfgang Burgdorf, *Reichskonstitution und Nation. Verfassungsreformprojekte für das Heilige Römische Reich Deutscher Nation im politischen Schrifttum von 1648 bis 1806* (Mainz, 1998).

[72] Wolfgang Burgdorf, *Ein Weltbild verliert seine Welt. Der Untergang des Alten Reiches und die Generation 1806* (Munich, 2006, 2nd edn Munich 2009).

[73] Wolfgang Burgdorf (ed.), *Die Wahlkapitulationen der römisch-deutschen Könige und Kaiser. Edition* (Göttingen, 2015). See also idem, *Protokonstitutionalismus. Die Reichsverfassung in den Wahlkapitulationen der römisch-deutschen Könige und Kaiser* (Göttingen, 2015).

fascinating insight into the content of key documents which all scholars of the empire cite but few have ever seriously read.

Collectively these essays provide excellent insights into the tendencies in current research into the Holy Roman Empire. How will things develop from here? There is already a plethora of younger scholars taking forward the themes represented here. It seems likely, too, that both the history of symbolic communication and material history will develop further in ways that may enhance our understanding of the broad history of the empire. Further reflection is also needed on the place of the empire in German history: the ways that it shaped structures and attitudes in the long term. The one thing that we can be sure about is that the dearth of reading that frustrated young historians sixty or seventy years ago is unlikely to be a problem in the future.

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