THE PEACE OF WESTPHALIA.

No other conclusion was possible to a contest in which every one had been vanquished and no one victorious: which had ceased because while the reason for war continued the means of war had failed. Nevertheless, the substantial advantage remained with the German princes, for they gained the formal recognition of that territorial independence whose origin may be placed as far back as the days of Frederick II, and the maturity of which had been hastened by the events of the last preceding century. It was, indeed, not only recognized but justified as rightful and necessary. For while the political situation, to use a current phrase, had changed within the last two hundred years, the eyes with which men regarded it had changed still more. Never by their fiercest enemies in earlier times, not once by the Popes or Lombard republicans in the heat of their strife with the Franconian and Swabian Caesars, had the Emperors been reproached as mere German kings, or their claim to be the lawful heirs of Rome denied. The Protestant jurists of the sixteenth or rather of the seventeenth century were the first persons who ventured to scoff at the pretended lordship of the world, and declare their Empire to be nothing more than a German monarchy, in dealing with which no superstitious reverence need prevent its subjects from making the best terms they could for themselves, and controlling a sovereign whose religious predilections made him the friend of their enemies.

It is very instructive to turn suddenly from Dante or Peter de Andlo to a book published shortly before A.D. 1648, under the name of Hippolytus a Lapide,* and notice the matter-of-fact way, the almost contemptuous spirit in which, disregarding the traditional glories of the Empire, he comments on its actual condition and prospects. Hippoly-

* De Ratione Status in Imperio nostro Romano-Germanico.
tus, the pseudonym which the jurist Chemnitz assumed, urges with violence almost superfluous that the Germanic constitution must be treated entirely as a native growth: that the so-called "lex regia" and the whole system of Justinianean absolutism which the Emperors had used so dexterously, were in their applications to Germany not merely incongruous but positively absurd. With eminent learning, Chemnitz examines the early history of the Empire, draws from the unceasing contests of the monarch with the nobility the unexpected moral that the power of the former has been always dangerous, and is now more dangerous than ever, and then launches out into a long invective against the policy of the Hapsburgs, an invective which the ambition and harshness of the late Emperor made only too plausible. The one real remedy for the evils that menace Germany he states concisely—"domus Austriacæ extirpatio:" but, failing this, he would have the Emperor's prerogative restricted in every way, and provide means for resisting or dethroning him. It was by these views, which seem to have made a profound impression in Germany, that the states, or rather France and Sweden acting on their behalf, were guided in the negotiations of Osnabrück and Münster. By extorting a full recognition of the sovereignty of all the princes, Catholics and Protestants alike, in their respective territories, they bound the Emperor from any direct interference with the administration, either in particular districts or throughout the Empire. All affairs of public importance, including the rights of making war or peace, of levying contributions, raising troops, building fortresses, passing or interpreting laws, were henceforth to be left entirely in the hands of the Diet. The Aulic Council, which had been sometimes the engine of imperial oppression, and always of imperial intrigue, was so restricted as to be harmless for the future.
The "reservata" of the Emperor were confined to the rights of granting titles and confirming tolls. In matters of religion, an exact though not perfectly reciprocal equality was established between the two chief ecclesiastical bodies, and the right of "Itio in partes," that is to say, of deciding questions in which religion was involved by amicable negotiations between the Protestant and Catholic states, instead of by a majority of votes in the Diet, was definitely conceded. Both Lutherans and Calvinists were declared free from all jurisdiction of the Pope or any Catholic prelate. Thus the last link which bound Germany to Rome was snapped, the last of the principles by virtue of which the Empire had existed was abandoned. For the Empire now contained and recognized as its members persons who formed a visible body at open war with the Holy Roman Church; and its constitution admitted schismatics to a full share in all those civil rights which, according to the doctrines of the early Middle Age, could be enjoyed by no one who was out of the communion of the Catholic Church. The Peace of Westphalia was therefore an abrogation of the sovereignty of Rome, and of the theory of Church and State with which the name of Rome was associated. And in this light was it regarded by Pope Innocent X, who commanded his legate to protest against it, and subsequently declared it void by the bull "Zelo domus Dei."*

* Even the Roman pontiffs had lapsed into that scolding, anile tone (so unlike the fiery brevity of Hildebrand, or the stern precision of Innocent III) which is now seldom absent from their public utterances. Pope Innocent X pronounces the provisions of the treaty, "Ipso iure nulla, irrita, invalida, iniqua, iniusta, damnata, reprehbata, inania, viribusque et effectu vacua, omninouisse, esse, et perpetuo fore."—In spite of which they were observed. This bull may be found in vol. xvii. of the Bullarium. It bears date Nov 20th, A.D. 1648.
The transference of power within the Empire, from its head to its members, was a small matter compared with the losses which the Empire suffered as a whole. The real gainers by the treaties of Westphalia were those who had borne the brunt of the battle against Ferdinand II and his son. To France were ceded Brisac, the Austrian part of Alsace, and the lands of the three bishoprics in Lorraine—Metz, Toul and Verdun, which her armies had seized in A.D. 1552: to Sweden, northern Pomerania, Bremen and Verden. There was, however, this difference between the position of the two, that whereas Sweden became a member of the German Diet for what she received (as the king of Holland was, until 1866, a member for Dutch Luxemburg, and as the kings of Denmark, up till the accession of the present sovereign in 1863, were for Holstein), the acquisitions of France were delivered over to her in full sovereignty, and forever (as it seemed) severed from the Germanic body. And as it was by their aid that the liberties of the Protestants had been won, these two states obtained at the same time what was more valuable than territorial accessions—the right of interfering at imperial elections, and generally whenever the provisions of the treaties of Osnabrück and Münster, which they had guaranteed, might be supposed to be endangered. The bounds of the Empire were further narrowed by the final separation of two countries, once integral parts of Germany, and up to this time legally members of her body. Holland and Switzerland were, in A.D. 1648, declared independent.

The Peace of Westphalia is an era in imperial history not less clearly marked than the coronation of Otto the Great, or the death of Frederick II. As from the days of Maximilian it had borne a mixed or transitional character, well expressed by the name Romano-Germanic, so henceforth it is in everything but title purely and solely a
German Empire. Properly, indeed, it was no longer an Empire at all, but a Confederation, and that of the loosest sort. For it had no common treasury, no efficient common tribunals,* no means of coercing a refractory member;† its states were of different religions, were governed according to different forms, were administered judicially and financially without any regard to each other. The traveler in Central Germany used, up till 1866, to be amused to find, every hour or two, by the change in the soldiers' uniforms, and in the color of the stripes on the railway fences, that he had passed out of one and into another of its miniature kingdoms. Much more surprised and embarrassed would he have been a century ago, when, instead of the present twenty-nine there were three hundred petty principalities between the Alps and the Baltic, each with its own laws, its own court (in which the ceremonious pomp of Versailles was faintly reproduced), its little army, its separate coinage, its tolls and custom-houses on the frontier, its crowd of meddlesome and pedantic officials, presided over by a prime minister who was generally the unworthy favorite of his prince and the pensioner of some foreign court. This vicious system, which para-

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* The Imperial Chamber (Kammergericht) continued, with frequent and long interruptions, to sit while the Empire lasted. But its slowness and formality passed that of any other legal body the world has yet seen, and it had no power to enforce its sentences. Till 1689 it sat at Speyer, whence the saying "Spirae lites spirant et non exspirant;" in that year the French laid Speyer in ashes, and the chamber was in 1693 established at Wetzlar. The Aulic council was little more efficient, and was generally disliked as the tool of imperial intrigue.

† The "matricula" specifying the quota of each state to the imperial army could not be any longer employed.
lyzed the trade, the literature, and the political thought of Germany, had been forming itself for some time, but did not become fully established until the Peace of Westphalia, by emancipating the princes from imperial control, had made them despots in their own territories. The impoverishment of the inferior nobility and the decline of the commercial cities caused by a war that had lasted a whole generation, removed every counterpoise to the power of the electors and princes, and made absolutism supreme just where absolutism wants all its justification, its states too small to have any public opinion, states in which everything depends on the monarch, and the monarch depends on his favorites. After A.D. 1648 the provincial estates or parliaments became obsolete in most of these principalities and powerless in the rest. Germany was forced to drink to its very dregs the cup of feudalism, feudalism from which all the feelings that once ennobled it had departed.

It is instructive to compare the results of the system of feudality in the three chief countries of modern Europe.

In France, the feudal head absorbed all the powers of the state, and left to the aristocracy only a few privileges, odious indeed, but politically worthless. In England, the mediæval system expanded into a constitutional monarchy, where the oligarchy was still strong, but the commons had won the full recognition of equal civil rights. In Germany, everything was taken from the sovereign, and nothing given to the people; the representatives of those who had been fieff-holders of the first and second rank before the Great Interregnum were now independent potentates; and what had been once a monarchy was now an aristocratic federation. The Diet, originally an assembly of magnates meeting from time to time like our early English Parliaments, became in A.D. 1654 a permanent
body, at which the electors, princes and cities were represented by their envoys. In other words, it was now not a national council, but an international congress of diplomatists.

Where the sacrifice of imperial, or rather federal, rights to state rights was so complete, we may wonder that the farce of an Empire should have been retained at all. A mere German Empire would probably have perished; but the Teutonic people could not bring itself to abandon the venerable heritage of Rome. Moreover, the Germans were of all European peoples the most slow-moving and long-suffering; and as, if the Empire had fallen, something must have been erected in its place, they preferred to work on with the clumsy machine so long as it would work at all. Properly speaking, it has no history after this; and the history of the particular states of Germany which takes its place is one of the dreariest chapters in the annals of mankind. It would be hard to find, from the Peace of Westphalia to the French Revolution, a single grand character or a single noble enterprise; a single sacrifice made to great public interests, a single instance in which the welfare of nations was preferred to the selfish passions of their princes.* The military history of those times will always be read with interest; but free and progressive countries have a history of peace not less rich and varied than that of war; and when we ask for an account of the political life of Germany in the eighteenth century, we hear nothing but the scandals of buzzing courts, and the wrangling of diplomatists at never-ending congresses.

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* There was indeed one ruler of consummate powers; but his policy was self-regarding throughout, and though he did much for his state and people, he did nothing by them, and gave no opportunity for the development of political life among them.
Useless and helpless as the Empire had become, it was not without its importance to the neighboring countries, with whose fortunes it had been linked by the Peace of Westphalia. It was the pivot on which the political system of Europe was to revolve: the scales, so to speak, which marked the equipoise of power that had become the grand object of the policy of all states. This modern caricature of the plan by which the theorists of the fourteenth century had proposed to keep the world at peace, used means less noble and attained its end no better than theirs had done. No one will deny that it was and is desirable to prevent a universal monarchy in Europe. But it may be asked whether a system can be considered successful which allowed Frederick of Prussia to seize Silesia, which did not check the aggressions of Russia and France upon their neighbors, which was forever bartering and exchanging lands in every part of Europe without thought of the inhabitants, which permitted and has never been able to redress that greatest of public misfortunes, the partitionment of Poland. And if it be said that bad as things have been under this system, they would have been worse without it, it is hard to refrain from asking whether any evils could have been greater than those which the people of Europe have suffered through constant wars with each other, and through the withdrawal, even in time of peace, of so large a part of their population from useful labor to be wasted in maintaining a standing army.

The result of the extended relations in which Germany now found herself to Europe, with two foreign kings never wanting an occasion, one of them never the wish, to interfere, was that a spark from her set the Continent ablaze, while flames kindled elsewhere was sure to spread hither. Matters grew worse as her princes inherited or created so many
thrones abroad. The Duke of Holstein acquired Denmark, the Count Palatine Sweden, the Elector of Saxony Poland, the Elector of Hanover England, the Archduke of Austria Hungary and Bohemia, while the Elector (originally Margrave) of Brandenburg assumed, on the strength of non-imperial territories to the north-eastward, which had come into his hands, the style and title of King of Prussia. Thus the Empire seemed again about to embrace Europe; but in a sense far different from that which those words would have expressed under Charles and Otto. Its history for a century and a half is a dismal list of losses and disgraces. The chief external danger was from French influence, for a time supreme, always menacing. For though Lewis XIV, on whom, in A.D. 1658, half the electoral college wished to confer the imperial crown, was before the end of his life an object of intense hatred, officially entitled "Hereditary enemy of the Holy Empire,"* France had nevertheless a strong party among the princes always at her beck. The Rhenish and Bavarians electors were her favorite tools. The "réunions" begun in A.D. 1680, a pleasant euphemism for robbery in time of peace, added Strasburg and other places in Alsace, Lorraine, and Franche Comté to the monarchy of Lewis, and brought him nearer the heart of the Empire; his ambition and cruelty were witnessed to by repeated wars, and by the devastation of the Rhine countries; the ultimate though short-lived triumph of his policy was attained when Marshal Belleisle dictated the election of Charles VII in A.D. 1742. In the Turkish wars, when the princes left Vienna to be saved by the Polish Sobieski, the Empire's weakness appeared in a still more pitiable light. There was, indeed, a complete loss of hope and interest in the old system.

*Erbeind des heiligen Reichs.
The princes had been so long accustomed to consider themselves the natural foes of a central government, that a request made by it was sure to be disregarded; they aped in their petty courts the pomp and etiquette of Vienna or Paris, grumbling that they should be required to garrison the great frontier fortresses which alone protected them from an encroaching neighbor. The Free Cities had never recovered the famines and sieges of the Thirty Years' War. Hanseatic greatness had waned, and the southern towns had sunk into languid oligarchies. All the vigor of the people in a somewhat stagnant age either found its sphere in rising states like the Prussia of Frederick the Great, or turned away from politics altogether into other channels. The Diet had become contemptible from the slowness with which it moved, and its tedious squabbles on matters the most frivolous. Many sittings were consumed in the discussion of a question regarding the time of keeping Easter, more ridiculous than that which had distracted the Western churches in the seventh century, the Protestants refusing to reckon by the reformed calendar because it was the work of a Pope. Collective action through the old organs was confessed impossible, when the common object of defense against France was sought by forming a league under the Emperor's presidency, and when at European congresses the Empire was not represented at all.* No change could come from the Emperor, whom the capitulation of A.D. 1658 deposed ipso facto if he violated its provisions. As Dohm† said, to keep him from doing harm, he was kept from doing anything.

Yet little was lost by his inactivity, for what could have

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* Only the envoys of the several states were present at Utrecht in 1713.

† Quoted by Ludwig Haüser, Deutsche Geschichte.
been hoped from his action? From the election of Albert II, A.D. 1437, to the death of Charles VI, A.D. 1740, the scepter had remained in the hands of one family. So far from being fit subjects for undistinguishing invective, the Hapsburg Emperors may be contrasted favorably with the contemporary dynasties of France, Spain or England. Their policy, viewed as a whole, from the days of Rudolf downward, had been neither conspicuously tyrannical, nor faltering, nor dishonest. But it had been always selfish. Entrusted with an office which might, if there be any power in those memories of the past to which the champions of hereditary monarchy so constantly appeal, have stirred their sluggish souls with some enthusiasm for the heroes on whose throne they sat, some wish to advance the glory and the happiness of Germany, they had cared for nothing, sought nothing, used the Empire as an instrument for nothing but the attainment of their own personal or dynastic ends. Placed on the eastern verge of Germany, the Hapsburgs had added to their ancient lands in Austria proper, Styria and Tyrol, non-German territories far more extensive, and had thus become the chiefs of a separate and independent state. They endeavored to reconcile its interests with the interests of the Empire, so long as it seemed possible to recover part of the old imperial prerogative. But when such hopes were dashed by the defeats of the Thirty Years' War, they hesitated no longer between an elective crown and the rule of their hereditary states, and comported themselves thenceforth in European politics not as the representatives of Germany, but as heads of the great Austrian monarchy. There would have been nothing culpable in this had they not at the same time continued to entangle Germany in wars with which she had no concern; to waste her strength in tedious com-
bats with the Turks, or plunge her into a new struggle with France, not to defend her frontiers or recover the lands she had lost, but that some scion of the house of Hapsburg might reign in Spain or Italy. Watching the whole course of their foreign policy, marking how in A.D. 1736 they had bartered away Lorraine for Tuscany, a German for a non-German territory, and seeing how at home they opposed every scheme of reform which could in the least degree trench upon their own prerogative, how they strove to obstruct the imperial chamber lest it should interfere with their own Aulic council, men were driven to separate the body of the Empire from the imperial office and its possessors,* and when plans for reinvigorating the one failed, to leave the others to their fate.

Still the old line clung to the crown with that Hapsburg grip which has almost passed into a proverb. Odious as Austria was, no one could despise her, or fancy it easy to shake her commanding position in Europe. Her alliances were fortunate: her designs were steadily pursued: her dismembered territories always returned to her. Though the throne continued strictly elective, it was impossible not to be influenced by long prescription. Projects were repeatedly formed to set the Hapsburgs aside by electing a prince of some other line,† or by passing a law that there should never be more than two, or four, successive

*The distinction is well expressed by the German "Reich" and "Kaisertum," to which we have unfortunately no terms to correspond.

†So the Elector of Saxony proposed in 1532 that, Albert II, Frederick III and Maximilian having been all of one house, Charles V's successor should be chosen from some other.—Moser, Römische Kayser. See the various attempts of France in Moser. The coronation engagements (Wahlcapitulation) of every Emperor bound him not to attempt to make the throne hereditary in his family.
Emperors of the same house. France* ever and anon renewed her warnings to the electors, that their freedom was passing from them, and the scepter becoming hereditary in one haughty family. But it was felt that a change would be difficult and disagreeable, and that the heavy expense and scanty revenues of the Empire required to be supported by larger patrimonial domains than most German princes possessed. The heads of states like Prussia and Hanover, states whose size and wealth would have made them suitable candidates, were Protestants, and so excluded both by the connection of the imperial office with the Church, and by the majority of Roman Catholics in the electoral college,† who, however jealous they might be of Austria, were led both by habit and sympathy to rally round her in moments of peril. The one occasion on which these considerations were disregarded showed their force. On the extinction of the male line of Hapsburg in the person of Charles VI, the intrigues of the French envoy, Marshal Belleisle, procured the election of Charles Albert of Bavaria, who stood first among the Catholic princes. His reign was a succession of misfortunes and ignominies. Driven from Munich by the Austrians, the head of the Holy Empire lived in Frankfort on the Charles VII, 1742–1745.

* In 1658 France offered to subsidize the Elector of Bavaria if he would become Emperor.

† Whether an Evangelical was eligible for the office of Emperor was a question often debated, but never actually raised by the candidature of any but a Roman Catholic prince. The “exacta aequalitas” conceded by the Peace of Westphalia might appear to include so important a privilege. But when we consider that the peculiar relation in which the Emperor stood to the Holy Roman Church was one which no heretic could hold, and that the coronation oaths could not have been taken by, nor the coronation ceremonies (among which was a sort of ordination) performed upon a Protestant, the conclusion must be unfavorable to the claims of any but a Catholic.
bounty of France, cursed by the country on which his own ambition had brought the miseries of a protracted war.* The choice in 1745 of Duke Francis of Lorraine, husband of the archduchess of Austria and queen of Hungary, Maria Theresa, was meant to restore the crown to the only power capable of wearing it with dignity: in Joseph II, her son, it again rested on the brow of a Hapsburg.† In the war of the Austrian succession, which followed on the death of Charles VI, the Empire as a body took no part; in the Seven Years’ War its whole might broke in vain against one resolute member. Under Frederick the Great Prussia approved herself at least a match for France and Austria leagued against her, and the semblance of unity which the predominance

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* "The bold Bavarian, in a luckless hour,
  Tries the dread summits of Cesarean power;
  With unexpected legions bursts away,
  And sees defenceless realms receive his sway.
  The baffled prince in honor's flattering bloom
  Of hasty greatness finds the fatal doom;
  His foes' derision and his subjects' blame,
  And steals to death from anguish and from shame."

  JOHNSON, Vanity of Human Wishes.

† The following nine reasons for the long continuance of the Empire in the House of Hapsburg are given by Pfeffinger (Vitriarius illustratus), writing early in the eighteenth century:

1. The great power of Austria.
2. Her wealth, now that the Empire was so poor.
3. The majority of Catholics among the electors.
4. Her fortunate matrimonial alliances.
5. Her moderation.
6. The memory of benefits conferred by her.
7. The example of evils that had followed a departure from the blood of former Cæsars.
8. The fear of the confusion that would ensue if she were deprived of the crown.
9. Her own eagerness to have it.
of a single power had hitherto given to the Empire was replaced by the avowed rivalry of two military monarchies. The Emperor Joseph II, a sort of philosopher-king, than whom few have more narrowly missed greatness, made a desperate effort to set things right, striving to restore the disordered finances, to purge and vivify the Imperial Chamber. Nay, he renounced the intolerant policy of his ancestors, quarreled with the Pope,* and presumed to visit Rome, whose streets heard once more the shout that had been silent for three centuries, "Evviva il nostro imperatore! Siete a casa vostra: siete il padrone."† But his indiscreet haste was met by a sullen resistance, and he died disappointed in plans for which the time was not yet ripe, leaving no result save the league of princes which Frederick the Great had formed to oppose his designs on Bavaria. His successor, Leopold II, abandoned the projected reforms, and a calm, the calm before the hurricane, settled down again upon Germany. The existence of the Empire was almost forgotten by its subjects: there was nothing to remind them of it but a feudal investiture now and then at Vienna (real feudal rights were obsolete);‡ a concourse of solemn old lawyers at Wetzlar puzzling over interminable suits;§ and some thirty diplomats at Regensburg.¶

*The Pope undertook a journey to Vienna to mollify Joseph, and met with a sufficiently cold reception. When he saw the famous minister Kaunitz and gave him his hand to kiss, Kaunitz took it and shook it.

†"You are in your own house: be the master." Joseph was the first Emperor since Charles the Bald who had kept his Christmas at Rome.

‡Joseph II was foiled in his attempt to assert them.

§Goethe spent some time in studying law at Wetzlar among those who practiced in the Kammergericht.

¶Cf. Pütter, Historical Development of the Political Constitution of the German Empire, vol. iii.
the relics of that Imperial Diet where once a hero-
king, a Frederick or a Henry, enthroned amid mitered
prelates and steel-clad barons, had issued laws for
every tribe from the Mediterranean to the

**The Diet.** The solemn triflings of this so-called
"Diet of Deputation" have probably never been equaled
elsewhere.† Questions of precedence and title, questions
whether the envoys of princes should have chairs of red
cloth like those of the electors, or only of the less honor-
able green, whether they should be served on gold or on
silver, how many hawthorn boughs should be hung up
before the door of each on May-day; these, and such as
these, it was their chief employment not to settle but to
discuss. The pedantic formalism of old Germany passed
that of Spaniards or Turks; it had now crushed under a
mountain of rubbish whatever meaning or force its old
institutions had contained. It is the penalty of greatness
that its form should outlive its substance: that gilding and
trappings should remain when that which they were meant
to deck and clothe has departed. So our sloth or our timid-
ity, not seeing that whatever is false must be also bad, main-
tains in being what once was good long after it has become
helpless and hopeless: so now at the close of the eighteenth
century, strings of sounding titles were all that was left
of the Empire which Charles had founded, and Frederick
adorned, and Dante sung.

The German mind, just beginning to put forth the blos-
soms of its wondrous literature, turned away in disgust
from the spectacle of ceremonious imbecility
more than Byzantine. National feeling seemed
gone from princes and people alike. Of Fred-

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* Frederick the Great said of the Diet, "Es ist ein Schattenbild,
eine Versammlung aus Publizisten die mehr mit Formalien als mit
Sachen sich beschäftigen, und, wie Hofhunde, den Mond anbellen."

† Cf. Häusser, *Deutsche Geschichte*; Introduction.
erick the Great, of Joseph II, there is no need to speak, but even Lessing, who did more than any one else to create the German literary spirit, says, "Of the love of country I have no conception: it appears to me at best a heroic weakness which I am right glad to be without."* There were nevertheless persons who saw how fatal such a system was, lying like a nightmare on the people's soul. Speaking of the union of princes formed by Frederick of Prussia to preserve the existing condition of things, Johannes von Müller writes: † "If the German Union serves for nothing better than to maintain the status quo, it is against the eternal order of God, by which neither the physical nor the moral world remains for a moment in the status quo, but all is life and motion and progress. To exist without law or justice, without security from arbitrary imposts, doubtful whether we can preserve from day to day our children, our honor, our liberties, our rights, our lives, helpless before superior force, without a beneficial connection between our states, without a national spirit at all, this is the status quo of our nation. And it was this that the Union was meant to confirm. If it be this and nothing more, then bethink you how when Israel saw that Rehoboam would not hearken, the people gave answer to the king and spake, 'What portion have we in David, or what inheritance in the son of Jesse? to your tents, O Israel: David, see to thine own house.' See then to your own houses, ye princes."

Nevertheless, though the Empire stood like a corpse brought forth from some Egyptian sepulchre, ready to crumble at a touch, there seemed no reason why it should not stand so for centuries more. Fate was kind, and slew it in the light.

*Quoted by Häusser.
† Deutschlands Erwartungen vom Fürstenbunde, quoted in the Staats Lexikon.
CHAPTER XX.

FALL OF THE EMPIRE.

GOETHE has described the uneasiness with which, in the
days of his childhood, the burghers of his native Frank-
fort saw the walls of the Roman Hall covered with the
portraits of Emperor after Emperor, till space
was left for few, at last for one.* In A.D. 1792
Francis II mounted the throne of Augustus,
and the last place was filled. Three years before there
had arisen on the western horizon a little cloud, no bigger
than a man’s hand, and now the heaven was black with
storms of ruin. There was a prophecy,+ dating from
the first days of the Empire’s decline, that when all things
were falling to pieces, and wickedness rife in the world, a
second Frankish Charles should rise as Emperor to purge
and heal, to bring back peace and purify religion. If
this was not exactly the mission of the new ruler of the
West Franks, he was at least anxious to tread in the steps
and revive the glories of the hero whose throne he pro-
fessed to have again erected. It were a task superfluously
easy to show how delusive is that minute historical parallel
of which every Parisian was full in A.D. 1804, the parallel

* Wahrheit und Dichtung, bk. i. The Römer Saal is still one of
the sights of Frankfort. The portraits, however, which one now
sees in it, seem to be all or nearly all of them modern; and few have
any merit as works of art.

†Jordanis Chronica, ap. Schardium, Sylloge Tractatum.
between the heir of a long line of fierce Teutonic chieftains, whose vigorous genius had seized what it could of the monkish learning of the eighth century, and the son of the Corsican lawyer, with all the brilliance of a Frenchman and all the resolute profundity of an Italian, reared in, yet only half believing, the ideas of the Encyclopaedists, swept up into the seat of absolute power by the whirlwind of a revolution. Alcuin and Talleyrand are not more unlike than are their masters. But though in the characters and temper of the men there is little resemblance, though their Empires agree in this only, and hardly even in this, that both were founded on conquest, there is nevertheless a sort of grand historical similarity between their positions. Both were the leaders of fiery and warlike nations, the one still untamed as the creatures of their native woods, the other drunk with revolutionary fury. Both aspired to found, and seemed for a time to have succeeded in founding, universal monarchies. Both were gifted with a strong and susceptible imagination, which if it sometimes overbore their judgment, was yet one of the truest and highest elements of their greatness. As the one looked back to the kings under the Jewish theocracy and the Emperors of Christian Rome, so the other thought to model himself after Cæsar and Charlemagne. For, useful as was the fancied precedent of the title and career of the great Carolingian to a chief determined to be king, yet unable to be king after the fashion of the Bourbons, and seductive as was such a connection to the imaginative vanity of the French people, it was no studied purpose or stimulating art that led Napoleon to remind his subjects so frequently of the hero he claimed to represent. No one who reads the records of his life can doubt that he believed, as fully as he believed anything, that the same destiny which had made France the center of the modern
world had also appointed him to sit on the throne and carry out the projects of Charles the Frank, to rule all Europe from Paris, as the Cæsars had ruled it from Rome.* It was in this belief that he went to the ancient capital of the Frankish Emperors to receive there the Austrian recognition of his imperial title; that he talked of "revindicating" Catalonia and Aragon, because they had formed a part of the Carolingian realm, though they had never obeyed any descendant of Hugh Capet: that he undertook a journey to Nimygen, where he had ordered the ancient palace to be restored, and inscribed on its walls his name below that of Charles: that he summoned the Pope to attend his coronation as Stephen had come ten centuries before to install Pipin in the throne of the last Merovingian.† The same desire

*In an address by Napoleon to the Senate in 1804, bearing date 10th Frimaire (1st Dec.), are the words, "Mes descendants conservent longtemps ce trône, le premier de l'univers." Answering a deputation from the department of the Lippe, Aug. 8th, 1811, "La Providence, qui a voulu que je rétablisse le trône de Charlemagne, vous a fait naturellement rentrer, avec la Hollande et les villes anciennes, dans le sein de l'Empire."—Œuvres de Napoleon, tom. v. p. 521. "Pour le Pape, je suis Charlemagne, parce que, comme Charlemagne, je réunis la couronne de France à celle des Lombards, et que mon Empire confine avec l'Orient." (Quoted by Lanfrey, Vie de Napoleon, iii. 417). "Votre Sainteté est souveraine de Rome, mais j'en suis l'Empereur." (Letter of Napoleon to Pope Pius, Feb. 13th, 1806. Lanfrey). "Dites bien," says Napoleon to Cardinal Fesch, "que je suis Charlemagne, leur Empereur [of the Papal Court] que je dois être traité de même. Je fais connaître au Pape mes intentions en peu de mots, s'il n'y acquiesce pas, je le réduirai à la même condition qu'il était avant Charlemagne." (Lanfrey, Vie de Napoleon, iii. 420).

†Napoleon said on one occasion, "Je n'ai pas succédé à Louis Quatorze, mais à Charlemagne."—Bourrienne, Vie de Napoleon, vi. 256, who adds that in 1804, shortly before he was crowned, he had the imperial insignia of Charles brought from the old Frankish
to be regarded as lawful Emperor of the West showed itself in his assumption of the Lombard crown at Milan; in the words of the decree by which he annexed Rome to the Empire, revoking "the donations which my predecessors, the French Emperors, have made;"* in the title "King of Rome," which he bestowed on his ill-fated son, in imitation of the German "King of the Romans."† We are even told that it was at one time his intention to eject the Hapsburgs, and be chosen Roman Emperor in their stead. Had this been done, the analogy would have been complete between the position which the French ruler held to Austria now, and that in which Charles and Otto had stood to the feeble Cæsars of Byzantium. It was curious to see the head of the Roman church turning away from his ancient ally to the reviving power of France—France, where the Goddess of Reason had been worshiped eight years before—just as he had sought the help of the first Carolingians against his Lombard enemies.‡ The capital, and exhibited them in a jeweler's shop in Paris, along with those which had just been made for his own coronation. But if there was not in this a trick of Napoleon's, there must be a mistake of Bourrienne's, for these insignia had been removed from Aachen by Austria in 1798. (Cf. Bock, Die Kleinodien des h. Römischen Reiches, p. 4). Somewhat in the same spirit in which he displayed the Bayeux embroidery, in order to incite his subjects to the conquest of England.

* "Je n'ai pu concilier ces grands intérêts (of political order and the spiritual authority of the Pope) qu'en annulant les donations des Empereurs Français, mes précédécesses, et en réunissant les états Romains à la France."—Proclamation issued in 1809; Oeuvres, iv.

† See Appendix, Note C.

‡ Pope Pius VII wrote to the First Consul, "Carissime in Christo Fili noster . . . tam perspecta sunt nobis tue voluntatis studia erga nos, ut quotiescunque ope aliqua in rebus nostris indigemus, eam a te fidenter petere non dubitare debeamus."—Quoted by Ægidi.
difference was indeed great between the feelings wherewith Pius VII addressed his "very dear son in Christ," and those that had pervaded the intercourse of Pope Hadrian I with the son of Pipin; just as the contrast is strange between the principles that shaped Napoleon's policy and the vision of a theocracy that had floated before the mind of Charles. Neither comparison is much to the advantage of the modern; but Pius might be pardoned for catching at any help in his distress, and Napoleon found that the protectorship of the church strengthened his position in France, and gave him dignity in the eyes of Christendom.*

A swift succession of triumphs had left only one thing still preventing the full recognition of the Corsican warrior as sovereign of Western Europe, and that one was the existence of the old Romano-Germanic Empire. Napoleon had not long assumed his new title when he began to mark a distinction between "la France" and "l'Empire Français." France had, since A.D. 1792, advanced to the Rhine, and, by the annexation of Piedmont, had overstepped the Alps; the French Empire included, besides the kingdom of Italy, a mass of dependent states, Naples, Holland, Switzerland and many German principalities, the allies of France in the same sense in which the "socii populi Romani" were allies of

*Let us place side by side the letters of Hadrian to Charles in the Codex Carolinus, and the following preamble to the Concordat of A.D. 1801, between the First Consul and the Pope (which I quote from the Bullarium Romanum), and mark the changes of a thousand years. "Gubernium reipublicae [Gallicæ] recognoscit religionem Catholicam Apostolicam Romanam eam esse religionem quam longe maxima pars civium Gallicæ reipublicæ profitetur. Summus pontifex pari modo recognoscit eandem religionem maximum utilitatem maximumque decus percepisse et hoc quoque tempore praestolari ex catholicō cultu in Gallia constiitu, necnon ex peculiari eius professione quam faciunt reipublicæ consules."
Rome.* When the last of Pitt’s coalitions had been destroyed at Austerlitz, and Austria had made her submission by the peace of Presburg, the conqueror felt that his hour was come. He had now overcome two Emperors, those of Austria and Russia, claiming to represent the old and the new Rome respectively, and had in eighteen months created more kings than the occupants of the Germanic throne in as many centuries. It was time, he thought, to sweep away obsolete pretensions, and claim the sole inheritance of that Western Empire, of which the titles and ceremonies of his court presented a grotesque imitation.† The task was an easy one after what had been already accomplished. Previous wars and treaties had so redistributed the territories and changed the constitution of the Germanic Empire that it could hardly be said to exist in anything but name. In French history Napoleon appears as the restorer of peace, the rebuildor of the shattered edifice of social order, the author of a code and an administrative system which the Bourbons who dethroned him were glad to preserve. Abroad he was the true child of the Revolution, and conquered only to destroy. It was his mission—a mission more beneficent in its results than in its means‡—to break up in Germany and Italy the abominable system of petty states, to reawaken the spirit of the people,

† He had arch-chancellors, arch-treasurers, and so forth. The Legion of Honor, which was thought important enough to be mentioned in the coronation oath, was meant to be something like the mediaeval orders of knighthood, whose connection with the Empire has already been mentioned.
‡ Napoleon’s feelings toward Germany may be gathered from the phrase he once used, “Il faut depayer l’Allemagne.” Again, in a letter to his brother Louis, he says, “You must know that the annihilation of German nationality is a necessary leading principle of my policy.”
to sweep away the relics of an effete feudalism, and leave the ground clear for the growth of newer and better forms of political life. Since A.D. 1797, when Austria at Campo Formio perfidiously exchanged the Netherlands for Venetia, the work of destruction had gone on apace. All the German sovereigns west of the Rhine had been dispossessed, and their territories incorporated with France, while the rest of the country had been revolutionized by the arrangements of the peace of Luneville and the "Indemnities," dictated by the French to the Diet in February, 1803. New kingdoms were erected, electorates created and extinguished, the lesser princes mediatized, the free cities occupied by troops and bestowed on some neighboring potentate. More than any other change, the secularization of the dominions of the prince-bishops and abbots proclaimed the fall of the old constitution, whose principles had required the existence of a spiritual alongside of the temporal aristocracy. The Emperor Francis, partly foreboding the events that were at hand, partly in order to meet Napoleon's assumption of the imperial name by depriving that name of its peculiar meaning, began in A.D. 1805 to style himself "Hereditary Emperor of Austria," while retaining at the same time his former title.* The next act of the drama was one in which we may more readily pardon the ambition of a foreign conqueror than the traitorous selfishness of the German princes, who broke every tie of ancient friendship and duty to grovel at his throne. By the Act of the Confederation† of the Rhine, signed at Paris, July 17, 1806, Bavaria, Württemberg, Baden, and several other states, sixteen in all, withdrew from the

*Thus in documents issued by the Emperor during these two years he is styled "Roman Emperor Elect, Hereditary Emperor of Austria," (erwählter Römischer Kaiser, Erbkaifer von Oesterreich)
†This Act of Confederation of the Rhine (Rheinbund) is printed in
body and repudiated the laws of the Empire, while on August 1st the French envoy at Regensburg announced to the Diet that his master, who had consented to become Protector of the Confederate princes, no longer recognized the existence of the Empire. Francis II resolved at once to anticipate this new Odeacer, and by a declaration, dated August 6, 1806, resigned the imperial dignity. His deed states that finding it impossible, in the altered state of things, to fulfill the obligations imposed by his capitulation, he considers as dissolved the bonds which attached him to the Germanic body, releases from their allegiance the states who formed it, and retires to the government of his hereditary dominions under the title of "Emperor of Austria."* Throughout, the term "German Empire" (Deutsches Reich) is employed. But it was the crown of Augustus, of Constantine, of Charles, of Maximilian, that

Koch's Traité, continued by Schöll, vol. viii., and Meyer's Corpus Iuris Confederationis Germanicæ, vol. i. It has every appearance of being a translation from the French, and was no doubt originally drawn up in that language. Napoleon is called in one place "Der nämliche Monarch, dessen Absichten sich stets mit den wahren Interessen Deutschlands übereinstimmend gezeigt haben." The phrase "Roman Empire" does not occur: we hear only of the "German Empire," "body of German states" (Staatskörper), and so forth. This Confederation of the Rhine was eventually joined by every German State except Austria, Prussia, Electoral Hessen and Brunswick.

*Histoire des Traité, vol. viii. The original may be found in Meyer's Corpus Iuris Confederationis Germanicæ, vol. i. p. 70. It is a document in no way remarkable, except from the ludicrous resemblance which its language suggests to the circular in which a tradesman, announcing the dissolution of an old partnership, solicits, and hopes by close attention to merit, a continuance of his customers' patronage to his business, which will henceforth be carried on under the name of, etc., etc.
Francis of Hapsburg laid down, and a new era in the world's history was marked by the fall of its most venerable institution. One thousand and six years after Leo the Pope had crowned the Frankish king, eighteen hundred and fifty-eight years after Caesar had conquered at Pharsalia, the Holy Roman Empire came to its end.

There was a time when this event would have been thought a sign that the last days of the world were at hand. But in the whirl of change that had bewildered men since A.D. 1789, it passed almost unnoticed. No one could yet fancy how things would end, or what sort of a new order would at last shape itself out of chaos. When Napoleon's universal monarchy had dissolved, and old landmarks showed themselves again above the receding waters, it was commonly supposed that the Empire would be re-established on its former footing.* Such was indeed the wish of many states, and among them of Hanover, representing Great Britain.† Though a simple revival of the old Romano-Germanic Empire was plainly out of the question, it still appeared to them that Germany would be best off under the presidency of a single head, entrusted with the ancient office of maintaining peace among the members of the confederation. But the new kingdoms, Bavaria especially, were unwilling to admit a superior; Prussia, elated at the glory she had won in the war of independence, would have disputed the crown with Aus-

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†Great Britain had refused in 1806 to recognize the dissolution of the Empire. And it may indeed be maintained that in point of law the Empire was never extinguished at all, but lives on as a disembodied spirit to this day. For it is clear that, technically speaking, the abdication of a sovereign can destroy only his own rights, and does not dissolve the state over which he presides.
tria; Austria herself cared little to resume an office shorn of much of its dignity, with duties to perform and no resources to enable her to discharge them. Use was therefore made of an expression in the Peace of Paris which spoke of uniting Germany by a federative bond,* and the Congress of Vienna was decided by the wishes of Austria and the difficulty of bringing the various states to agree to anything else, to establish a federal league. Thus was brought into existence the Germanic Confederation, an institution confessed almost from its birth to be a temporary expedient—an unsatisfactory compromise between the reality of local sovereignty and the semblance of national union, which, after an ignoble and often-threatened life of half a century, fell unregretted upon the fields of Königgrätz and Langensalza.

CHAPTER XXI.

CONCLUSION.

After the attempts already made to examine separately each of the phases of the Empire, little need be said, in conclusion, upon its nature and results in general. A general character can hardly help being either vague or false. For the aspects which the Empire took are as many and as various as the ages and conditions of society during which it continued to exist. Among the exhausted peoples around the Mediterranean, whose national feeling had died out, whose faith was extinct or turned to superstition, whose thought and art was a faint imitation of the Greek, there arises a huge despotism, first of a city, then of an administrative system, which presses with equal weight on all its subjects, and becomes to them a religion as well as a government. Just when the mass is at length dissolving, the tribes of the North come down, too rude to maintain the institutions they found subsisting, too few to introduce their own, and a weltering confusion follows, till the strong hand of the first Frankish Emperor raises the fallen image and bids the nations bow down to it once more. Under him it is for some brief space a theocracy; under his German successors the first of feudal kingdoms, the center of European chivalry. As feudalism wanes, it is again transformed, and after promising for a time to become an hereditary Haps-