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Introduction

Alan Forrest and Peter H. Wilson

The year 2006 marked the bicentenary of two seminal events in German and French history: the dissolution of the old Reich or Holy Roman Empire that had encompassed much of Europe for over a millennium, and its replacement by a new, French-sponsored political order. The juxtaposition of the two empires in 1806 offers an ideal opportunity for a comparative approach to the transition towards modernity and serves as a snapshot moment in the vacillating balance of power and influence between France and Germany in the construction of Europe. The rapidity of these changes suggests a major turning point, to some even the birth of modernity itself, as Napoleon, the inheritor of the dynamic, rationalising traditions of the French Revolution, triumphed over a socio-political order that had its roots in the early middle ages and claimed direct descent from the ancient Roman Empire. However, recent research on both countries suggests that the contrast is considerably more complex than is commonly assumed. To date this research has been conducted largely in parallel and remains dominated by the concerns of two distinct national historiographies. The anniversary of 1806 is an ideal moment to draw these lines of investigation together.

To place what follows in context, it is necessary to trace Franco-German relations back from 1806. Whereas the Revolution and Napoleon both represented significant ruptures in France, the inhabitants of the Reich lived in a political and legal framework that stressed unbroken continuity over many centuries. Without wishing to present the events of 1806 as some logical or natural culmination of long-term trends, it is nonetheless useful to range further than is customary for most discussions of the Napoleonic era.

A standard image of Franco-German relations is one of conflict, of a hereditary enmity stretching back to the start of the Habsburg-Valois
rivalry over the Burgundian inheritance in 1477 and lasting until the middle of the twentieth century. Yet, prior to the French Revolution there was scarcely a war in which the king of France found himself without at least one German ally. As early as 1534 François I forged ties to the dissident Protestant princes of the Schmalkaldic League opposed to Emperor Charles V; the alliance was brokered by Strasbourg, then an imperial city, which later came to symbolise Franco-German conflict over the Rhine, and then reconciliation from the early 1950s through what was to become the European Union.¹ In the century and a half before Napoleon, France gradually upgraded its German alliance partners. First, Louis XIV formed the Rhenish Alliance with the elector of Mainz and a loose group of relatively weak princes in 1658 in order to frustrate Austrian Habsburg efforts to revive power within the Reich. Later, France switched to collaboration with the electorate of Bavaria, especially between 1701 and 1745, before changing to a Prussian alliance and finally to one with the Habsburgs from 1757. The outbreak of the French Revolutionary Wars in 1792 found France in the unusual position of fighting a major continental conflict without any support across the Rhine.

This was not a situation the French sought or relished. The initial declaration of war on 20 April 1792 had been directed against Francis II as king of Hungary and Bohemia, until recently an ally of Louis XVI and brother to his queen, Marie-Antoinette. The wording was formally correct since Francis was not elected emperor until 5 July, ending the interregnum in the Reich following the death of his elder brother Leopold II on 1 March. However, the form of address also represented a French attempt to limit the scope of the war and encourage the other German princes to remain neutral.² This was in line with pre-Revolutionary policy towards the Reich. The Bourbon monarchy had sought German allies less for whatever military assistance they might provide – though this was generally welcome too – but rather to deter their neighbours from combining with France’s enemies. The Austrian alliance of 1757 represented potentially the best guarantee for French security to the east, since the Habsburgs effectively monopolised the imperial title and, through it, the initiative in imperial institutions, including those required to mobilise for war. Furthermore, with the Austrians as allies rather than enemies, it should be easier for France to exercise its traditional stabilising function in the Reich, a role that became more formal through the French guarantee of the Peace of Westphalia in 1648. The overall intention was to ensure that no major power secured control of what French diplomats termed the forces
mortes, or inert potential, of the numerous minor principalities that still controlled around half of the Reich’s territory and which collectively counter-balanced the two German great powers of Austria and Prussia.³

Faced with war, Emperor Francis II was naturally anxious to harness these resources himself. Imperial defence relied on collective security through a constitutional framework intended to mobilise for defensive war, rather than maintain a permanent armed deterrent. Though the Austrian Habsburgs acquired a significant presence in the west with their inheritance of the former Spanish Netherlands in 1714, their strategic orientation remained primarily focused to the north and east by the growth respectively of Prussia and Russia. The French alliance merely reinforced this, not least by effectively neutralising the Italian peninsula which had seen much Franco-Austrian fighting up till 1748. Defence of the Rhine was largely devolved to the minor western German territories, and Emperor Joseph II had spent much of his reign between 1765 and 1790 trying to persuade the Wittelsbachs to exchange Bavaria for the Netherlands.⁴ The attention of his two successors was concentrated eastwards by renewed conflict with the Ottomans and the deteriorating situation in Poland, two developments, it was felt, which would only further benefit Prussia and Russia at Austria’s expense.⁵

Whilst these matters also unsettled the rulers of the lesser German territories, they generally had more immediate concerns with France, which was closer both politically and geographically. Three areas of friction can be detected which, while not directly causing the Revolutionary Wars, nonetheless affected German participation in them. One was the question of feudalism that remained fundamental to the political and legal framework of both Bourbon France and the Reich. Feudalism was not only a system of exploitation of human and material resources; it was crucial to social status, sustaining patterns of deference, subservience and thus aristocratic and other lordly influence. Many German peasants were locked in long-running disputes with their lords over feudal rights that imposed comparatively minor material burdens, but were perceived as derogatory.⁶ The distinction between lordly dominion and peasants’ rights of usage created further scope for conflict, as well as for the fragmentation of feudal powers between several ‘owners’. This was particularly true in the Rhineland, which remained a patchwork of small enclaves and overlapping jurisdictions. Since acquiring Alsace in 1648, the Bourbon monarchy had used a mixture of force, negotiation and economic muscle to ‘rationalise’ the frontier by eliminating the extra-territorial jurisdiction of foreign
lords over French subjects. The Revolution went a step further by abolishing feudalism in principle by the decree of 4 August 1789. German lords initially rejected offers of financial compensation and insisted on full restitution of their former jurisdiction over property on French soil. The French position hardened, but while a few ecclesiastical princes urged military action, most hoped the matter could be resolved by negotiation. The Reichstag (Imperial Diet) declared the French action illegal in August 1791, but left it to the emperor to choose between war and further negotiation. The likelihood of either method succeeding declined with the progressive radicalisation of French domestic politics. By 1793 the now republican government abolished the rents and obligations associated with usage as well as confirming the eradication of the derogatory aspects present in feudal dominion that had been swept aside in 1790. However, as Rafe Blaufarb’s chapter shows, matters did not end there in either country. Even something as central to the revolutionary ideals as the abolition of feudalism remained a debated subject in France, and political leaders continued to argue over the meaning of abolition and some tried to minimise its impact. Elsewhere in Europe, in the countries France invaded and annexed, the question became even more complex as the law was applied to very different systems of land tenure. Often, indeed, as Michael Rapport and Michael Broers both suggest, the abolition of feudalism became viewed as a litmus test of allegiance to the revolutionary and Napoleonic agenda. Yet the move from a statement of principle to detailed legislation was seldom easy, as officials tried to apply abstract ideals of liberty to diverse local structures and customs. By way of contrast, the Reich passed no legislation on feudalism, and it did nothing to prevent initiatives within its constituent territories, most notably, perhaps, in the margraviate of Baden which was already moving in the 1780s to emancipate its peasants. Napoleon was forced to address this issue while he was still campaigning against the Prussians in 1807. Though his victories the previous year had enabled him to redistribute German territory to suit his strategic concerns, it proved much harder to revise feudal relations, particularly where French officials held contrary opinions on the subject.

The presence of émigrés in the Rhineland represented a second source of friction in 1792. Of the 150–160,000 émigrés who fled France following 1789, around a third crossed the Rhine, notably to the electorate of Trier, where Koblenz, with a normal population of 8,000, harboured 5,000 fugitives alone. The émigrés were far from universally welcome in Germany where their noble lifestyle and often arrogant behaviour
contributed to anti-aristocratic sentiment, fueling long-standing grievances and contributing to unrest in a number of the smaller territories.⁹ Alongside these more visible refugees came other, more shadowy figures contributing to a third problem: fear of revolution.

Received wisdom sees the response to all three difficulties as taking place primarily at the level of high politics, concentrating on the initial Austro-Prussian counter-invasion of France in the summer of 1792 and, following its failure, the subsequent expansion of the war with the formation of the first anti-French coalition in 1793 that included Britain, the Dutch Republic and other major European countries. Until recently, the Reich scarcely featured in this narrative, being widely perceived as moribund from at least the onset of active Austro-Prussian rivalry after 1740, if not already condemned to irrelevance by the Peace of Westphalia. This treaty is routinely, though inaccurately, credited with granting the German princes ‘independence’, allowing them to act in European affairs without reference to a Reich that appeared devoid of any central direction or meaning, supplying little more than a convenient label for the myriad of petty states.¹⁰ Revision of this interpretation began with the publication in 1967 of Karl Otmar Freiherr von Aretin’s study of the last three decades of the Reich’s existence. Four decades of further research have built a new picture of the Reich as a vital, flexible framework that defused serious tensions and allowed a diverse variety of political, economic, religious and social institutions to flourish across central Europe. Parallel enquiries into absolutist rule in the German territories have dispelled earlier images of petty despots tyrannizing comic-opera principalities. The multi-layered imperial structure bound even comparatively large territories within a complex politico-judicial framework, protecting the weak against the strong and offering numerous avenues for popular redress through legal arbitration and bureaucratic review.¹¹ There are signs, however, that this revisionism may have gone too far, with some recent studies presenting the Empire as the ‘first German nation state’, or even a ‘central Europe of the regions’ that safeguarded individual rights comparable to those offered by the modern EU.¹²

Undoubtedly, there were considerable geographical variations in the Reich’s cohesion, with the larger territories to the north and east being notably less closely integrated politically than the smaller, more numerous ones in the south and west. Above all, imperial politics were neither static, nor did they move uniformly in one direction. Some parts of the constitution were defective and were indeed perceived to be so in the eighteenth century. Individual institutions underwent periodic crises
and reform, notably the two imperial supreme courts that feature prominently in the recent, more positive reappraisals. As Michael Rowe explains, the Reichshofrat in Vienna and the Reichskammergericht in Wetzlar were charged with upholding the public peace that had been at the heart of the imperial constitution since 1495 and exerted a lasting influence on its political culture. Both courts had experienced a partial revival during the last third of the eighteenth century, and they were called upon to confront the spectre of revolution and to defuse tension in the Reich after 1789.13 Certain events were poorly handled, notably the Liège crisis of 1789–91, yet there is little to suggest that the Reich would not have coped had it not gone to war in 1793.

The Reichstag provided a forum to coordinate these measures, as well as defence.14 For example, censorship laws were passed in August 1791, followed by a ban on the ‘German Jacobins’ in February 1793. The framework for collective security had already been activated in October 1789 for a partial mobilisation at regional level in the west to guard the frontier and quarantine the Reich from contagion from revolutionary France. These measures were entirely defensive, in keeping with the Reich’s political culture and sense of itself as a passive, non-aligned force stabilising European peace. Austro-Prussian pressure forced the Reichstag reluctantly to declare an offensive war against France on 22 March 1793. Both German great powers required this to legitimate their exploitation of Germany’s largely inert military potential following the failure of their combined invasion of France the previous summer. Neither Austria nor Prussia was a fully effective fiscal-military state, certainly not in the context of the new conditions of revolutionary warfare.15 Both were under considerable strain, not least because they remained locked in their mutually-hostile dismemberment of Poland until 1795. Prussia never mobilised more than one-third of its army, requiring the remainder to keep even this limited force in the field. The imperial declaration of war entailed the provision of contingents and financial support from the German territories. However, it also ensured that the Reich collectively became a participant in the protracted struggle with France.

France encountered Germany on a number of levels after 1792. There was the great power contest for European influence against Prussia and Austria as members of the anti-French coalitions. Other German territories were related to this contest by the international character of German dynasticism. Hanover was connected by personal union to Britain, Pomerania to Sweden, Holstein to Denmark, and others by relations with Russia and other European monarchies.16 The French
encountered these, or rather their diplomats and soldiers, generally as opponents until the prospect of resuming the alliance networks formerly employed by the Bourbons re-emerged in the later 1790s. This would be achieved, albeit on a very different footing, by Napoleon in 1806, when it would entail the Reich’s destruction. In the meantime, the French also encountered Germans in the guise of revolutionary sympathizers, at least in small numbers following the capture of Mainz in October 1792. Germans rapidly appeared in larger numbers as occupied peoples, remaining so for the next decade when they would be formally recognised as ‘French’ with the annexation of the Rhineland.17 Finally, Germans were encountered in a collective sense through the Reich, entailing a French clash with ‘empire’ that began well before Napoleon’s seizure of power.

One aspect of empire encapsulated in the word ‘Reich’ was that of a realm, or sovereign space, that has already been noted in the friction over feudal jurisdiction. A second was its imperial character, as expressed through a perceived legacy from ancient Rome. The Habsburgs’ claim to hold an imperial title stretching in unbroken descent to that of Caesar was central to their international standing and was, as Peter Wilson shows, a primary reason why Francis still fought to preserve the Reich. But the empire had precise French connotations, too. Eighteenth-century France was well versed in Classical history and civilisation, the French aristocracy and the new mercantile classes were equally at ease with Greek and Latin literature and the precedents of ancient Greece and Rome. They made frequent reference, in works of literature and philosophy, in art and painting, to the empire of classical Rome. Napoleon, too, read history; he, too, made comparisons with the Roman Empire in its prime and also, as Michael Broers notes, with the medieval Frankish empire of Charlemagne. Both were seen as the predecessors of a new Europe-wide empire, to be based on the ideals of civil society that were best encapsulated in law, good administration and the civilisation of eighteenth-century France.

Hegemony is a third element of empire, but one that was less obviously present east of the Rhine, though it would soon manifest itself clearly in Napoleon’s Grand Empire. Austria and Prussia spent much of the last third of the eighteenth century extending their hegemony at Poland’s expense and both, certainly the Habsburgs, can be said to have possessed territorial empires. Neither, however, competed on a global scale with Britain, or indeed Bourbon France, and neither can be fully classed as colonial powers, while Prussia’s true character as both Polish and German, together with the presence of Hungarians and others in
the cosmopolitan Habsburg elite, makes it difficult to label their rule in their respective non-German-speaking possessions as truly ‘colonial’. Hegemony was still further removed from the Reich, the one formally constituted empire in Central Europe that is analysed further in Peter Wilson’s chapter. While the emperor was formally sovereign, his powers were shared with a multitude of imperial Estates (Reichsstände) occupying the higher reaches of the complex hierarchy underpinning the imperial constitution. Imperial rule was indirect, mediated through the different layers of authority that permitted considerable regional and local autonomy. The key decisions affecting daily life tended to be taken at the level of the governments of those territories recognised as imperial Estates. Those ruled by secular or ecclesiastical princes had been governed on increasingly absolutist lines since the later seventeenth century, but in practice could decide little by fiat. Most still consulted sections of their populations prior to administrative decisions or new legislation. Such consultation could involve negotiations with formal representative institutions, known as territorial Estates (Landstände), or less directly through surveys conducted by local officials. Even in the more absolute principalities, much local administration remained in the hands of village and municipal councils elected by enfranchised male property-owners. Local rights were woven into the wider imperial legal framework offering ordinary people considerable opportunities to appeal against arbitrary rule. Imperial pretensions rested on status and prestige, not hegemonic ambitions. The international character of German dynasticism served to reinforce the medieval legacy of universal Christendom that persisted in the Holy Roman elements of the Reich.

French universalism was very different, deriving from abstract ideals of equality and expressed through a drive for administrative uniformity inimical to the patchwork of particular rights within a sentimental attachment to a common politico-legal framework represented by the Reich. Napoleon’s empire was, of course, based on territorial expansion and the absorption of a military culture, at least to a degree. Providing requisitions and conscripts remained a central part of its raison d’être. But it was also much more than that, a system of administration and justice that imposed on all an equal relationship with the state, a relationship based on principles of civic equality. When a territory was annexed it was not only administered and policed according to French norms. It also received the benefits of the French justice system, of the Napoleonic Code, and of a legal apparatus that guaranteed the equality of all before the law. If the Napoleonic Empire was imposed by military
force, and was resented as an exploitative invader and occupier, there were still some benefits to savour in the rights that came with citizenship.

The combination of the Reich with Austria and Prussia represented a potentially formidable opponent for both the French Republic and Napoleon. Around twenty-nine million people inhabited the Reich; roughly equivalent to those in France on the eve of Revolution. However, the two German great powers held considerable additional land, especially to the east thanks to the annexation of Poland, as well as the Habsburg possessions in Hungary, the Balkans and northern Italy. While both had grown out of the Reich, Prussia’s transformation was both rapid and remarkable. By 1795 its population had doubled since 1772, but it was the proportion beyond the imperial frontier that increased most rapidly, by 560 per cent to over 3.6 million out of a total of 8.2 million. Taken together with the inhabitants of the lesser German territories, Prussia, the Habsburg monarchy and the Reich had a combined population of over forty-eight million.\textsuperscript{18}

However, war is more than a matter of numbers. The lacklustre German war effort was certainly due in part to deficient military organisation, but neither was the collective security system completely unprepared, nor were the individual German forces necessarily more ‘backward’ than their French opponent.\textsuperscript{19} Still, the pace of change was faster in France and, above all, it was combined with a political will and determination entirely lacking east of the Rhine. In part this was cultural, reflecting a reluctance to embrace radical solutions for fear of sacrificing too much of the established order the armies were supposed to defend. But it was also directly political, determined not by the Reich’s decentralised constitution, but by a fundamental shift in the balance of power within it. Revolution was not the only spectre stalking the minor princes, who were haunted by the fear they might suffer Poland’s fate and be partitioned out of existence. The outbreak of war confronted them with an impossible choice. A French victory would entail the intrusion of revolutionary ideology and the collapse of the established order, whereas an Austro-Prussian triumph would enable both these powers to grab additional territory and consolidate their pre-eminence in the Reich. France’s unexpected success by 1795 made the former the more pressing danger, but the latter never entirely disappeared, and indeed resurfaced as the primary threat during the Congress of Vienna in 1814–15.

For those living in northern Germany it became a reality as early as 1795 when France allowed Prussia to withdraw from the war and neutralise the entire area north of the river Main. This amounted to a
virtual partition of the Reich into a northern Prussian sphere and an Austrian-dominated south. Not only did it make the question of the Reich’s ultimate fate more pressing, but it contributed to France’s dilemma of how to assert its influence east of the Rhine once its initial goal of ‘natural frontiers’ had been secured. While growing military power gave them some freedom of choice, France’s leaders still had to agree on what constituted the right mix of annexation, satellites and allies to be constructed in Germany. Much depended on a territory’s physical proximity to France, the trust which the local elites commanded, and hence the degree to which it seemed possible to integrate the invaded territories into the political body of France itself. Where these conditions pertained, the French usually tried to integrate the defeated country into France, forming it into départements on the model of metropolitan France, and imposing the appropriate constitution of the day. Under the Directory French rulers were already talking of creating their Grande Nation, stretching east across the Rhine. By 1811, at the height of the Empire, Greater France would extend to 130 départements, with prefects reporting back to Paris from Belgium, Holland, Switzerland, and much of northern and central Italy.

Austria’s defeat by 1797 placed these questions on the negotiating table at the Rastatt Congress (1797–9). French demands for the Rhineland, the Austrian Netherlands and a renunciation of imperial jurisdiction over northern Italy threatened not only to truncate the Reich but to destroy its very existence as an empire. The scale of the proposed losses forced the imperial negotiators, those of the German princes, and a large, interested and literate public to consider what was central to the Reich. How far could territorial losses and constitutional change be accommodated without it ceasing to be an empire? This question has long received attention in German historiography from the perspective of national identity; an issue viewed primarily through the difficult experience of defining that identity in the later nineteenth and twentieth centuries. Current research, however, stresses that the Reich remained the primary reference point in these discussions, as well as the focus of substantial residual loyalty.20

The resumption of fighting in the War of the Second Coalition (1799–1802) failed to provide definitive answers, but it did force wider acceptance of French demands. Significantly, the Peace of Lunéville was signed in February 1801 by Francis II not only as Austrian monarch, but as emperor as well, a fact that received reluctant ratification through the Reichstag the following month. The Reich thereby acquiesced to French and Prussian demands that those princes who had lost land west of the
Rhine should be compensated at the expense of the weaker territories east of that river. Redistribution was formally entrusted to the Reichstag, but Austria’s inability to control the process opened it to external influence, especially that of Napoleon in whom some princes now saw a more acceptable face of Revolutionary France. Bilateral arrangements between Napoleon and the better-armed princes enabled France to reconstruct a powerful German clientele and to play a major part in determining the shape of the territorial reorganisation that received official sanction by the Reichstag in February 1803.

Nonetheless, the Reich remained an empire, not yet a federation, and there was considerable optimism that the changes had cleared the ground for overdue constitutional reform. The Habsburgs’ determination to retain the imperial title necessitated at least some outward commitment to making the new arrangements work.21 This was difficult due to the contraction of Austrian influence since 1795, the problems of dealing with the Prussian-controlled north and, above all, growing French pressure. Relations with France now resembled those between a besieged city and its assailants. The preceding struggle represented the bombardment and initial assault in which the besiegers had captured the outworks and seriously damaged the inner defences, leaving the inhabitants shell-shocked and divided over what to do next. Most hoped that if they stayed quiet the enemy might lose interest and go elsewhere. They feared that any attempt to rebuild their walls would simply prompt a resumption of the bombardment and result in further destruction of their homes. Reforms were either postponed, or mired in lengthy negotiations for which there was no longer time. Meanwhile, growing numbers of princes opened direct negotiations with Napoleon who exploited this opportunity to increase the pressure on Austria to give more ground.

Habsburg goals contracted as Napoleon’s expanded. Until 1804 Francis II struggled to maintain his dynasty’s traditional international status, reacting to Napoleon’s decision to proclaim himself Emperor of the French by instituting an Austrian hereditary imperial title. Napoleon fleetingly and largely nominally accepted the pre-eminence of Francis’ Holy Roman imperial title, but abandoned this during 1805 as he ratcheted up the pressure, culminating in war that October. Victory at Austerlitz enabled him to dictate terms in the Peace of Pressburg (Bratislava) on 26 December 1805, imposing further territorial losses on Austria and some territorial redistribution in southern Germany. The leading southern territories of Bavaria, Württemberg and Baden formally joined Napoleon’s clientele and were rewarded with new
sovereign titles. Michael Kaiser’s study of the new Bavarian title exemplifies the problems brought by Napoleon’s largesse. While the leading German princes had long sought titles as a means to exercise greater European influence, they had intended them as a means of enhancing their own position within the imperial hierarchy, not to step outside it as sovereigns of independent yet still minor and vulnerable states. The lack of pomp surrounding the new Bavarian title contrasts sharply with the celebrations of Napoleon’s new status discussed by Alan Forrest and Thomas Biskup. The pace quickened further, especially from March 1806 as Napoleon sought a decision on the remaining four issues: Habsburg retention of the Holy Roman title, the fate of the Reich, the future of Germany and the survival of Austrian influence there.

In March 1806 Napoleon installed a French marshal, Murat, as duke of Cleves and Berg, territories that had belonged until Pressburg to Prussia and Bavaria respectively. While the Emperor deliberately left it vague whether his marshal was to have the status of an imperial prince (*Reichsfürst*), Murat publicly declared that he acknowledged no master other than Napoleon. Murat then joined fifteen other princes, including the newly-minted kings of Bavaria and Württemberg, in forming the Confederation of the Rhine on 12 July under French protection. Nine of these princes issued a formal statement to the Reichstag on 1 August 1806 explaining their action on the grounds that Austria’s recent defeat had effectively dissolved the Reich. The French representative delivered a note the same day informing the still numerous envoys at the Reichstag that his master no longer recognised its existence. The day before the French ambassador in Vienna delivered an ultimatum demanding that Francis II relinquish the Holy Roman imperial title. Francis agreed reluctantly, but skilfully combined his abdication on 6 August with the formal dissolution of all feudal bonds between himself and his vassals in the Reich. Combined with the physical possession of the imperial regalia that had already been moved to safety in Hungary, this successfully prevented Napoleon’s potential exploitation of the Reich’s legacy in his ongoing reorganisation of Germany.

Dissolution of the Reich brutally exposed Prussia’s position in the north. Napoleon had consolidated his political hold on the south, enlisting the now enlarged, more potent sovereign states as military auxiliaries through the new Confederation. It was clearly not in Prussia’s interests to see this system extended to the north where it retained considerable, if scattered, possessions. Though this area had retreated with Prussia into neutrality after 1795, it had not left the Reich and, like
Prussia, the northern territories had maintained representatives at the Reichstag and other imperial institutions. The dissolution of these august bodies widened the political vacuum in the north. Prussia's inability to reorder its relationship to its weaker German neighbours before the autumn of 1806 proved it was not an imperial power. Napoleon’s victories at Jena and Auerstädt that October revealed that Prussia was no longer a military power, at least not of the first rank. It is easy to see this outcome as a foregone conclusion; the triumph of modern, dynamic French citizens-in-arms over the obsolete, old-regime Prussians who had gone to sleep on the laurels of Frederick the Great, as their Queen Luise remarked. As Claus Telp indicates, Napoleon certainly did not hold all the cards, but the Prussians threw away those they possessed through unnecessary operational mistakes. Victory over Prussia cleared the way for Napoleon to complete his reorganisation of Germany, placing Franco-German relations on a new footing, increasing the exposure to French ideas and reforms, either mediated through allied German governments, satellite administrations such as those in Cleves-Berg or the newly created kingdom of Westphalia, or directly in the areas annexed to France.22

Yet victory over Prussia meant much more, as Thomas Biskup shows. It was important to Napoleon's self-perception as a successful general to have vanquished the one army of the old order which he most admired. His victory over the Prussians at Jena and Auerstädt in October 1806 took place only a few miles from Rossbach where old-regime France suffered its most humiliating defeat nearly fifty years before. Napoleon appropriated symbols from the conquered Prussians, such as Frederick the Great's sword, to establish both his own credentials as a successful warrior-monarch, and to consolidate the legitimacy of his regime. For Prussia, defeat galvanised reforms that removed some of the barriers to national mobilisation and so provided the basis for the military resurgence during the War of Liberation after 1813. As Karen Hagemann argues, the humiliation of the defeat in 1806–7, followed by the burdens of French occupation until 1808, fuelled a hatred of all things French. Prussian and French censorship prevented the open expression of these sentiments until 1813, but they were widely felt throughout society. The accumulated emotions and desire for revenge helped sustain the popular mobilisation once Prussia rejoined the anti-French coalition.

The Grand Empire and the old Reich overlapped for barely more than two years. The advent of the former clearly hastened the latter’s demise, yet Napoleon's regime survived for only another eight years. Despite
this comparatively brief period it left a lasting legacy for European history. For some, of course, for whom Napoleon had represented a threat, the image which his Empire conveyed was one dominated by military invasion, the imposition of foreign institutions and foreign values, and the ruthless exploitation of resources in the interests of France and of the continuing war effort. Such was the perception in Belgium, for instance, where Napoleon’s administrators seized one-third of the country’s grain, or in Lombardy, whose museums and art collections were looted to fill the newly-established French national museum at the Louvre. Anti-French feeling ran high in Spain, where the French were perceived as godless and sacrilegious, and in Naples, where the local population celebrated their ultimate liberation from French rule by executing their French-imposed king. But this was not the legacy everywhere, and it should be emphasised that in many parts of the inner empire the Code and the Napoleonic system of administration and justice inspired greater confidence than the systems they replaced. Some of Napoleon’s reforms lived on through the contrasting regimes of the nineteenth century, while for the youthful leaders of the Risorgimento, the Emperor appeared as a liberator and a modernizer who helped prepared the way for Italian nationhood. A full discussion of this legacy lies beyond the scope of present volume. But the experience of 1806 offers an important window on it: it was the year when the victories of 1805 were confirmed and extended, and when Napoleon’s empire visibly changed from being predominantly French to being truly European.

The year 1806 is also a moment which encourages us to compare these two European empires, the one in its death throes, the other still inexorably in the ascendant. The most obvious contrasts that have attracted attention till now are not necessarily the most important, nor, indeed, are they wholly valid. In the period up to the later twentieth century the starting point for comparison was taken to be the perceived strength and ‘modernity’ of both empires as political systems and their supposed class character, a view that pitted a creaking, neo-gothic feudal-aristocratic Reich against a modern, dynamic, de-feudalised and capitalist Grand Empire. More recent writing, however, nuances this. German historians have been more prone to identify modern elements in the Reich, while the historiography of Napoleonic France has moved in the opposite direction, shifting attention away from the modernity of the regime and its achievements, towards interpretations that stress compromises with established institutions and practices, and even continuities with the old regime.
The apparent convergence of opinion may even imply that the two empires were not so dissimilar. The studies in this volume certainly suggest important parallels. Many inhabitants in both displayed a sense of cultural and political superiority, viewing those living elsewhere as the uncivilised, slavish subjects of benighted despotism. The chapters by William Doyle, Michael Broers and Mike Rapport discuss this from the French perspective, but similar views were expressed across the Rhine where they long predated both the Revolution and Napoleon. Since the late fifteenth century, Germans were convinced the French were under the yoke of a despotic monarch. Despite the growing absolutist pretensions of their own princes, they continued to believe this in the eighteenth century when most political theorists argued that German government, both imperial and princely, was bound by the web of territorial and imperial law. They were not surprised when the French rose in revolution, whereas even those critical of conditions at home felt that such violent upheaval was unnecessary and could be harmful to the steady pace of beneficial reforms enacted by enlightened princes and magistrates. Many welcomed the events in Paris as breaking the logjam delaying the kind of progressive measures already long implemented in Germany. News of the Terror soon transformed this complacent, patronising view into fear and loathing, but did little to displace the basic faith that German conditions were inherently superior. As Rapport demonstrates, examination of such views reveals they were related to individual experience and access to information and, consequently, contained subtle variations. While propaganda demonized ‘the other’, opinions were not invariably hostile and much of the prejudice derived from ignorance, even simple incomprehension when confronted with different ways of living.

Closer inspection also reveals common roots behind these rival superiority complexes. Both French and Germans generally believed their state was best at guaranteeing peace and order and that it ran according to established, legal principles permitting ordinary folk some redress against perceived injustice. To an extent, such views can be found in any expressions of patriotism around 1800, but nonetheless both the French and German versions shared some distinctive common attributes. Both the Reich and the Empire drew inspiration from ancient imperial Rome; in the former these traditions were mediated through Renaissance Humanism, while in the latter they came through later eighteenth-century classicism. These different routes imparted important distinctions, visible not only in the symbolism of both empires, but also their legal systems that both drew in different ways on Roman
law.\textsuperscript{25} The emperor stood as the ultimate guarantor of the rule of law in both cases. The imperative of preserving order and stability was likewise asserted to legitimate imperial authority in both. In France, Napoleon responded to the turmoil of Revolution and the Terror of the immediate past. In the Reich, these traditions looked further back, beyond the troubles of the Thirty Years War and Reformation to the feuding tearing the fabric of late-medieval society. It is noteworthy that Goethe, himself once a legal trainee at the \textit{Reichskammergericht} in Wetzlar, concentrated in his memoirs on the need to eradicate the ‘law of the fist’ as the basis of the imperial legal system, rather than the more recent confessional and political strife it had been called upon to resolve.\textsuperscript{26} As the recent research on the two imperial courts indicates, this tradition was no less vibrant in the Reich than in France, despite its more distant origins.

The sense of justice was central to the belief in each empire that it represented a force for good in Europe as a whole. It is in this universal dimension that the two begin to diverge more sharply. The universal character of the Reich rested on the social and intellectual cosmopolitanism of its elite and educated ‘public sphere’ that had reached back at least to the later seventeenth century, but had received further stimulus from the dissemination of Enlightenment views to which most of the governing classes subscribed. While public debate concentrated primarily on the relative merits of reform and action at the level of the territorial governments, the Reich nonetheless retained significance as the wider framework in which those governments operated.\textsuperscript{27} The Christian element of this framework received considerably less attention, particularly as the Turkish menace receded from the 1730s, but the Reich remained the embodiment of shared values of a just, legal and political order respecting and preserving considerable local diversity. This was expressed in the language of German freedom.\textsuperscript{28} That this was clearly understood differently by princes, burghers and peasants was entirely appropriate, since it was the language of liberties, not liberty. Much of it was deeply embedded in the corporate character of German society and expressed as collective rights deriving from membership of particular communities such as cities, villages, guilds, monastic orders and universities. Social and economic change, related to accelerating population growth ensured that many fell partially or entirely outside such communities. Nonetheless, German freedom also incorporated certain common individual rights, including considerable protection against discrimination and freedom of conscience for the three recognised Christian confessions. It is the presence of such rights that forms the
basis behind recent claims for the Reich's modernity, rather than any passing resemblance between its institutions and those of the EU.\textsuperscript{29}

The Napoleonic ideal was very different, possessing an expansionist, cultural imperialist drive entirely absent from the Reich. Each Holy Roman emperor was constitutionally required to expand the Reich and recover lost lands, but no one seriously expected any to fulfil these obligations. Austria and Prussia expanded considerably, and while their respective monarchs rationalised this as bringing the benefits of enlightened administration to supposedly backward peoples, such justifications scarcely acted as imperatives. Even at the height of the recovery of Habsburg imperial influence under Leopold I (r.1658–1705), no attempt was made to incorporate Austria's extensive gains in Hungary and elsewhere within the Reich. But for Napoleon's Grand Empire, expansion was a raison d'être. Already on 20 May 1804, two days after Napoleon announced his intention to proclaim himself emperor, the leading Austrian minister, Ludwig Cobenzl, warned Francis II that this would not be the end of his ambitions.\textsuperscript{30} Napoleon saw himself as heir to the Revolutionary dynamic and its humanist, civilising mission. Like the Romantic writers who lionized him, he was a dreamer, prepared to launch his troops into ever more ambitious military campaigns in order to impose his dominance on Europe. It was a powerful, intoxicating dream for many of his supporters, but it had at its heart an economy, a spoils system, and a political machine that were increasingly geared to the pursuit of war.

The nature of imperial authority provides a second important distinction. The Reich was an old regime in the literal sense, claiming direct, unbroken descent from imperial Rome in its final, Christian form. The title was elective, yet combined with a sense of majesty requiring who ever held it to possess the ‘necessary qualities’. This had come to mean a long and distinguished ancestry, and established, legitimate rule over possessions sufficiently extensive and populous to support the active exercise of imperial functions. Given these criteria, it is scarcely surprising that the electoral princes invariably chose a member of the Austrian Habsburg dynasty as emperor after 1438, bar one, disastrous exception when they elected Carl Albrecht of Bavaria as Charles VII in 1742. Imperial monarchy was male in both France and the Reich, but decidedly less so in the latter, as Alan Forrest and William Doyle both demonstrate. Though only a man could be elected Holy Roman emperor, women could exercise some authority lower down the imperial hierarchy through the presence of imperial abbesses in the Reichstag. More significantly, the schizophrenic character of Habsburg rule, simultaneously emperor in
the Reich and monarch in their own domains, created scope for female influence, achieved by Maria Theresa ruling as empress, first alongside her husband, Francis I Stephen (1745–65), and then her son, Joseph II (1765–80). The emphasis on established legitimacy was replicated at the lower levels of the imperial hierarchy, where territorial rulers stressed lineage, dignity and prestige. The rapid proliferation and inflation of titles that accompanied the territorial reorganisations after 1802 was deeply unsettling, as Michael Kaiser notes in his discussion of Wittelsbach efforts to secure recognition for a Bavarian royal crown.

If monarchy meant power in the German context, the relationship was reversed for Napoleonic France. Francis II struggled to retain his Holy Roman title during 1806 as a prop for faltering Habsburg influence, whereas Napoleon’s growing military power enabled him to add to his own titles and distribute new ones to his relations and allies. He recognised the value of traditional titles and hereditary monarchies; he understood, as the Revolutionaries had not, that men were susceptible to honours, to titles, to economic rewards, and he did not hesitate to lavish lands and favours on those who served him. Where it suited his overall purpose – as in Bavaria and Saxony – he was happy to promote local dukes and electors, even, on occasion, to the regal title of king, with all that might imply to the titled families of Europe. But he deceived neither himself nor the men he honoured. Kings were valued for as long as they served the imperial purpose and helped ensure order and cohesion in the Empire. When they ceased to do so, Napoleon would have no hesitation in undermining their authority or removing them from office. For these kings had to earn their royal status through imperial service. They were far removed from the absolute monarchs of the seventeenth and eighteenth centuries. And they were left in no doubt that in the new Europe kings were in no position to challenge the authority of emperors.

The difficulties encountered in projecting the Napoleonic imperial ideal beyond France indicate the presence of a cultural as well as political frontier with Germany. Only in France itself could Napoleon hope to produce a blueprint for a new civil society, one which took account of the rights gained during the Revolution and which based itself on the Revolutionary administrative traditions, but which was also capable of delivering the security that the French elites craved. And even here his instincts persuaded him to appeal to older sentiments, like honour and patriotism to create a new nobility based on service to the state. Outside France the empire was unable to impose French blueprints on often unwilling subject people, and across the Continent the Napoleonic
Empire was forced to compromise with local elites and diverse political cultures. These compromises are pinpointed by many of the chapters which follow. Michael Broers and Mike Rapport argue that the French judged others by the extent to which they already fitted, or were willing to accept, the Napoleonic template. But their judgements were far from uniform. As the example of the feudal question discussed by Rafe Blaufarb indicates, it was easy for Napoleonic officials to sign up to grand, abstract ideals, but much harder for them to define them, and still less to implement them in administrative practice on the ground.

Notes

7. For example, by exchanging enclaves with the elector of Trier after 1763: B.J. Kreuzberg, *Die politischen und wirtschaftlichen Beziehungen des Kurstaates Trier zu Frankreich in der zweiten Hälfte des 18. Jahrhunderts bis zum ausbruch der Französischen Revolution* (Bonn, 1932).


29. In addition to the works cited in n. 12 above, see also M. Hughes, ‘Fiat justitia, pereat Germania? The Imperial Supreme Jurisdiction and Imperial Reform in the later Holy Roman Empire’, in J. Breuilly (ed.), *The State in Germany* (Harlow, 1992), pp. 29–46.

30. Cobenzl to Francis II, 20 May 1804, Haus-, Hof- und Staatsarchiv Vienna (HHStA), Staatskanzlei Voträge Kart.167.

31. This was noted by Cobenzl as a ‘Novum’ in his advice to Francis II that there were grounds for a distinct Austrian hereditary title. As n. 30 above.
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