

Bezrzecze, 23 May 2018

Nicolaus Copernicus University in Toruń

Faculty of Law and Administration

Department of History of Political and Legal Thought and German Law

Dorota Sierocka

### **Summary of the doctoral dissertation titled:**

#### **„The federal monarchy of Germany – chosen aspects of German federalism in the years from 1866 to 1914”**

At the turn of the 19th and 20th centuries, a great German state of federal nature existed in Europe which was destroyed by the First World War and the revolution. It was the North German Federation State (1867-1871) and the German Empire (1871-1918) – the subjects of this dissertation. From the point of view of the legal system, their time in history is an unusually interesting period. For the first time, a federal state was created on German territory (and not an unstructured union of states or a confederation). This new creation merged German states which at that time were very heterogenic organisms. But the times of the North German Federation State and the German Empire were also the times of the last monarchies: one on the level of the federal state (the Empire) and others in some single German states. The first federation and the last monarchy in one were, thus, an unprecedented combination in the history of the German political system.

The present dissertation consists of three chapters. The first chapter contains a characteristic of German states till 1866. It is impossible to understand what happened in 1866 without an in-depth analysis of the transformations that took place in the first half of the 19th century. The author dedicated much attention to German states in the years from 1789 to 1806. She also extensively described the short period of the Confederation of the Rhine and the influence that Napoleon had on German politics (1806-1813)

A separate point of the first chapter was devoted to the German states formed by Napoleon. These were: the Kingdom of Westphalia, the Grand Duchy of Berg and the Grand Duchy of Frankfurt. They can be described as artificial creations, model states, which were doomed to failure at the moment Napoleon had fallen. The sub-chapter about the Confederation of the Rhine ends an excursus about the North German Confederation, i.e. Prussia's unsuccessful attempt to unify the north German states, in 1806. In chapter one, the German

Confederation days are also broadly presented, starting from the Congress of Vienna through the European Revolutions of 1848, Prussian-Austrian dualism, and the time of reaction. The chapter finishes with a short synthetic characteristic of the most important German states on the eve of German unification, including an enumeration of all German states that shortly after were supposed to become subjects to that process.

In the second chapter, the integration process of the German states from 1866 to 1870/71 is analyzed. The author distinguishes features influencing the unification process into accelerating features (catalysts) and decelerating features (inhibitors) and characterizes them in a separate point by describing the most important catalyst of the unification process – the conflict over Schleswig and Holstein. Furthermore, she analyzes activities that Prussia undertook in order to attract the north and central German states to itself. The character and process of these consolidating actions, which led to adopting the constitution and creating the North German Federation State in 1867, are researched and described. The author also outlines the integration of Prussia and the South. A separate point is dedicated to specific integration processes: with Alsace-Lorraine and the colonies. An opposite situation (disintegration), that resulted with Austria, Luxembourg and Limbourg, and Lichtenstein definitively leaving the German community of states, is also analyzed. In the summary of the second chapter, the author attempts to systematize the integration process: identifies integration grounds and proposes their classification. The closing remarks finish with a short description of so called territorial satisfaction (in German *Satueriertheit*), a German policy aiming at convincing the neighboring countries that the moment the Reich completes the unification work it will not lay any claims to any other territories.

The third and last chapter has the purpose of analyzing the federal system of the Empire, also by finding discrepancies between its theory and practice. For a better understanding of the Empire's political system, the 1871 constitution of the Empire is discussed first, followed by aspects of integrity, competences and finances. In reference to integrity the author researched the way the German states belonged to the Empire, sovereignty, control institutions and the Reich's pressure on German states. A separate sub-chapter is devoted to Prussian the hegemony. Unitarist tendencies were explained on the example of transferring competences (legislative, executive, and judiciary) to the Reich and particularistic tendencies on the example of the Reich's finances. The introduction and closing remarks sum up the whole factual content of the dissertation.

The research problem formulated by the author concerns the integration (unification) process of the German states. The aim of these analyses is to show if and to what extent this process was complex, multileveled; if it was self-imposed or forcible, what its stages were,

what range. Another problem refers to a question about the conditions (circumstances) which paved the way for creating the first federal state in German territory exactly in 1867/1871 and, after that, enabled its functioning. In view of such research problems and assumption that the issues of integration and integrity, competences, and finances are a quintessence of federalism, the following questions had to be answered: How did the integration processes shape the federalism of the Empire? What were mutual relations between the Reich and the German states? How were the competences divided between the federation and the German states? Which finance system was created in such a case? Finally, a thought needs to be given to the reasons for favorable conditions that were provided for forming and functioning of the first German federal state in the second half of the 19th century and what shape it had at the beginning and how it changed in the course of time.

In the dissertation, the author applied legal-historical method and dogmatic-legal method. During the research, she relied on the analysis of written law sources (constitutions, bills, international agreements, military conventions) available in German, which the author translated on her own into Polish for the purpose of writing this dissertation. A great share of source literature is available only in German and is not widely known in Polish scholarship. The source literature used by the author encompasses both contemporary elaborations and works from the second half of the 19th century.

In her closing remarks, the author concludes that such an approach to the federalism of the Empire emerged after reading the post-doctoral thesis written by Joachim Sanden, who pointed at three aspects of the present German political system (a new territorial division, competences and finances) as the ones that were the most fundamental ones and required essential reforms. On this base, the author proposes four aspects which reflect a shape of the German Empire's federalism in the most adequate manner: integration, integrity, competences and finances. In the first stage, the German states, still independent at that time, were integrated into one state; this process was carried out in a very complex way, mainly by Prussian initiative (Bismarck's initiative), and was named "revolution from above". In the next stage, the normative basis in a form of a constitution was established in this state. The integration mechanisms in the new state, which were also analyzed, showed how the German states influenced the Reich and how the Reich influenced the German states. They also indicated the position of these states in the Reich's structure. Finally, the last stage is discussed: a growth of unitary tendencies and their dominance over federal tendencies – and this very process demonstrated a weakness of the German federal system that still can be recognized today.