

Summary

German constitutional development in the 19th century

The purpose of my thesis is to analyse the development of the constitutional arrangements and the constitutional institutions of German states and describe the constitutional foundations of the German unification in the 19th century.

The thesis is composed of seven chapters. The first chapter consists of two subchapters and describes the constitutional character of the Holy Roman Empire of German Nation at the end of the 18th century and the constitutional nature of its territories.

The second chapter is subdivided into five subchapters analysing the development that followed the outbreak of the French revolution, the consequences of the Final Recess of the Imperial Deputation, the downfall of the Holy Roman Empire of German Nation, the Confederation of the Rhine and the constitutionally significant reforms in Prussia at the beginning of the 19th century.

Chapter three consists of two large parts. Part one analyses the constitution and institutions of the German Confederation and the way it influenced the constitutions of its member states. One subpart is also concerned with the repressive laws the German Confederation enacted in order to suppress the German national and liberal movement. Second part of chapter three is concerned with some liberal trends in the German constitutional development of the first half of the 19th century. The second part comprises four subparts. The first two subparts briefly mention Hambach Festival, which had great impact on the German national and liberal movement, and describe several important constitutional crises and conflicts in some German states in the 1830s. The following subpart analyses the German early constitutionalism, which gave rise to the first modern constitutions with liberal traits. Constitutions of Württemberg and Kurhessen are closely analysed. The last subpart illustrates the German Customs Union and its constitutional framework.

Chapter Four is focused on the revolution of 1848 and the first modern German constitution from the year 1849. It consists of five subchapters analysing the outbreak of revolution, the work of the provisional parliament, the work of the National Assembly in Frankfurt including its legislation, the first enacted German constitution including the analysis of its institutions and the causes of the failure of the revolutionary movement.

Chapter five is subdivided into six subchapters concerning the constitutional development after the failure of the 1848 revolution. The first three subchapters describe the return of the repressive policy of the German Confederation, the attempt to unify German states into the Erfurt Union and the constitutional crisis and conflict in Kurhessen, being significant for the judicial right to assess whether a law is in compliance with the constitution. The following subchapters deal with the constitutional development in Prussia, analyse its constitution and election law, describe the Prussian constitutional conflict and its meaning and interpretation, analyse the founding of the North German Confederation and its constitution. The final subchapter deals with the economic and customs integration of the North German Confederation with states in the south of Germany.

The sixth chapter focuses on the founding of the German Empire and its constitution. Three subchapters describe the political circumstances of the founding of the German Empire, the accession treaties with the southern German states and the constitution of the German Empire. The constitution is thoroughly analysed with an emphasis on the institutions and the division of powers between the empire and its member states.

The last chapter characterizes the main traits of the constitutional development between 1871 and 1914. It consists of seven subchapters. The first four of them deal with the political system of the German empire, Bismarck's policy against the Catholic Church and socialists and his policy of social security laws. The final three subchapters describe the constitutional aspects of the rule of Wilhelm II., gradually increasing significance of the parliamentary politics and the constitutional aspects of the outbreak of the First World War.