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Bolstering the Prestige of the Habsburgs: The End of the Holy Roman Empire in 1806

THE YEAR 2006 marks the two-hundredth anniversary of the end of the Holy Roman Empire. Having determined the organization of central Europe for more than a millennium, this first Reich lasted far longer than either of its two successors or the ancient Roman Empire from which it claimed descent. The Empire was central to both the practice and theory of European interstate relations throughout its existence, not least because the Emperor claimed, and often was given, precedence over every other ruler. The linking since the mid-fifteenth century of the Imperial title with the Habsburg dynasty bound the Empire's subsequent history with that of the emergence of Austria as a great power, as well as to its rivalry with Brandenburg-Prussia, the other great power to have emerged from the Empire.

Historical explanations for the Empire's end have long been set in one of two contexts. The first assumes that peace settlement at Westphalia in 1648 had reduced the Empire to little more than an empty shell, powerless and incapable of inspiring attachment among its inhabitants, who looked instead to the princes ruling the territorial states. The abdication of the Emperor Francis II on 6 August 1806 becomes little more than a footnote in a story dominated by great-power politics in which the Empire played no part. This view no longer withstands scrutiny, given the volume of work demonstrating the vitality of the Imperial constitution after 1648.[1]

The second view focuses on developments in central Europe after 1806 and the extent to which the region would be controlled by some form of German nation state. Writing about this 'German Question' has been profoundly influenced by assumptions about the relationship between nationalism and statehood. These were most clearly expressed by Friedrich Meinecke (1862-1954), who delineated a tension between 'Western'

1 For overviews, see H. Neuhaus, *Das Reich in der frühen Neuzeit* (Munich, 1997); P. H. Wilson, *The Holy Roman Empire, 1495-1806* (Basingstoke, 1999). For the extent to which the bicentenary has led the media to take a more positive view of the Empire, see, e.g., *Frankfurter Allgemeine Zeitung* (29 July 2006), *Stuttgarter Zeitung*, *Die Welt*, *OÖNachrichten*, *Salzburger Nachrichten*, all 5 Aug. 2006, *Die Zeit* (7 Aug.), and *Esslinger Zeitung* (12 Aug.).

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cosmopolitanism and a specifically German model of an idealized nation state.[1] His version of the image of the empty shell depicted the eighteenth-century Empire as an anachronism that embodied an earlier, and no longer appropriate, cosmopolitan ideal associated with universal Christendom; Revolutionary France represented a new cosmopolitanism based on the Enlightenment and the ideology of liberty, fraternity, and equality. Such ideals were rejected in Germany, in which resistance to the Revolution was based, according to Meinecke, on a nascent national movement that tried to promote a distinct *Kultur* that combined language and ethnicity with national identity and renewal. Prussia supposedly emerged as the political and military arm of this movement during the Wars of Liberation (1813-15) that both ejected the French and ensured that the Empire could not be restored. Subsequent problems stemmed from the practical difficulties in aligning cultural nationalism with the political and geographical distribution of German speakers across central Europe, difficulties that continued to trouble German history into the late twentieth century.

This view of the Empire also encounters considerable difficulties, notably the doubt whether a single national movement with a coherent and agreed definition of *Kultur* ever existed. The *Trias* option existed alongside the options for a 'little' or a 'greater' Germany, in which some form of federation among the smaller, Western states would emerge alongside Prussia and Austria.[2]

The responses to Francis II's abdication in 1806 indicate that the Empire meant more to contemporaries than later discussions of German national sentiment suggest. This article takes the opportunity of the bicentenary to reconsider the Empire's end from the perspective of the Habsburg dynasty. Not only was Austria in 1806 still the more powerful of the two German great powers, but it had also effectively monopolized the Imperial title since 1438, and it remained a multi-ethnic, cosmopolitan empire for longer than another hundred years.

Austrian historians, preoccupied with their distinct version of the 'German Question', show little interest in the end of the Empire.[3] As Anna Benna remarks, the dismemberment of Austria-Hungary in 1918 settled the political question of whether Austria was a state, rather than an empire, but

1 F. Meinecke, *Weltbürgertum und Nationalstaat*, trans. as *Cosmopolitanism and the National State* (Princeton, 1970).

2 P. Burg, *Der deutsche Trias in Idee und Wirklichkeit. Vom alten Reich zum deutschen Zollverein* (Stuttgart, 1989); also *German Federalism: Past, Present, and Future*, ed. M. Umbach (Basingstoke, 2002).

3 The most important publications on the events of 1806 follow the dramatic changes in the German state in 1918, 1945, and 1990: H. Ritter v. Srbik, *Das österreichische Kaisertum und das Ende des Heiligen Römischen Reiches 1804-6* (Berlin, 1927); H. Rössler, *Napoleons Griff nach der Karlskrone. Das Ende des alten Reiches 1806* (Munich, 1957); G. Mraz, *Österreich und das Reich 1804-6* (Vienna, 1993).

left undefined the relationship between state and nationality.[1] The problematic ties between Austrians and Germans have shaped the way in which historians have formulated questions. Some, like Helmut Rössler, argue that Austria, having fought to save a largely ungrateful Germany from the invading French hordes, only withdrew from the Empire when the German princes joined Napoleon.[2] Others argue that Francis II betrayed the Empire when he brought it to an 'unworthy' end by trying to bargain his abdication for concessions from Napoleon.[3] Recent events have shifted the focus only slightly. German reunification in 1990 and the collapse of the Soviet Union the following year extended interest in the 'end of empire' beyond the extensive research into European decolonization.[4] Even so, Austrian scholarship concentrated on the Habsburgs' assumption of a distinct hereditary imperial title in 1804 rather than on their renunciation of the Holy Roman title two years later.

Thus, the events of 1806 become of interest only for their role in helping to create an Austrian unitary state (*Gesamtstaat*) by removing the remaining extraterritorial jurisdiction of the Holy Roman Empire over parts of the Habsburg dynastic empire. The view of nineteenth-century scholars that the assumption of the hereditary Austrian title expressed the new unity of the Habsburg monarchy was repeated two years ago during the bicentenary of the founding of the Austrian Empire.[5] Austrian 'imperial history' has been written as the process of the Habsburg monarchy's gradual evolution *away from* the Holy Roman Empire.[6] The reign of Charles V (1519-58) is usually identified as the starting point, with 1804 as its culmination. Charles's decision to partition his dynastic possessions between his brother Ferdinand and his son Philip created separate Austrian and

1 A. H. Benna, 'Kaiser und Reich, Staat und Nation in der Geschichte Österreichs', in *Österreich von der Staatsidee zum Nationalbewußtsein*, ed. G. Wagner (Vienna, 1982), p. 377. For attempts to define Austrian identity, see G. Klingenstein, 'Was bedeuten "Österreich" und "österreichisch" im 18. Jahrhundert?', in *Was heißt Österreich?*, ed. R. G. Plaschka et al. (Vienna, 1995), pp. 150-220.

2 H. Rössler, *Österreichs Kampf um Deutschlands Befreiung* (Hamburg, 1940).

3 K. O. Freiherr von Aretin, *Heiliges Römisches Reich 1776-1806* (Wiesbaden, 1967), i. 344, claims Habsburg policy constituted 'Reichsverrat' (treason against the Empire). Later (i. 505), he blames Francis II for not seizing the opportunity to become 'an emperor of the Germans'. See also his comments in *Das alte Reich 1648-1806* (Stuttgart, 1993-7), iii. 489-90. This was also the view of the liberal nationalist Viktor Bibl, *Kaiser Franz* (Leipzig, 1938). For an attempt to rehabilitate Francis, see the double entry by W. Ziegler, in *Die Kaiser der Neuzeit 1519-1918*, ed. A. Schindling and W. Ziegler (Munich, 1990), pp. 289-339.

4 H. Neuhaus, 'Das Ende des alten Reiches', in Das *Ende von Großreichen*, ed. H. Altricher and H. Neuhaus (Erlangen and Jena, 1996), pp. 185-209; K. O. Frhr. v. Aretin, 'Das Reich und Napoleon', in *Über Frankreich nach Europa*, ed. W. D. Gruner and K. J. Müller (Hamburg, 1996), pp. 183-200.

5 F. Tezner, 'Der österreichische Kaisertitel, seine Geschichte und seine politische Bedeutung', *Zeitschrift für das Privat- und offentliche Recht der Gegenwart*, xxv (1898), 351-427; *Kaisertum Österreich 1804-48*, ed. G. Mraz, H. Mraz, and G. Stangler (Vöslau, 1996).

6 Cf. *Sacrum Imperium. Das Reich und Österreich 996-1806*, ed. W. Brauneder and L. Höbelt (Vienna, 1996).

Spanish branches of the Habsburg dynasty. From Ferdinand's reign (1558-64) onwards, Habsburg emperors appear in the pages of Austrian history primarily as national rulers (*Landesherren*), and relations with the Empire only intrude as an aspect of 'foreign' policy.[1] This article integrates the 'Austrian' with the 'Imperial' perspective in assessing the events preceding Francis II's abdication and the fate of the Empire as a factor in Habsburg dynastic policy.

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THE ABSENCE OF large-scale popular unrest in the Empire during the Revolutionary and Napoleonic Wars means that one must seek explanations for its end in the sphere of high politics. For all their historical interest, the German Jacobins remained an isolated minority, while French revolutionary ideas attracted little interest as they swiftly became associated with foreign invasion and the burdens of war. There were a large number of small-scale revolts and protests, some of them serious locally, but none overturned an established government and all were contained without significantly disrupting the war against the French.[2] While protesters often borrowed revolutionary symbols and language, their demands, largely traditional, sought redress rather than revolution. Thus, criticism of the established order needs to be set alongside popular support for resistance to the invader: the mobilization of the population of Baden, Württemberg, and other parts of the south-west in 1794, or the Mainz militia that stemmed the French advance up the river Main in 1799-1800.[3] The revolution may have had its most serious effect in precipitating the crisis of confidence that some historians believe gripped the Prussian government after 1792.[4]

Defeat in the Revolutionary Wars was decisive in undermining the Empire. The conflict began when the French declared war on the newly crowned Emperor Francis II in his capacity as king of Hungary. This

1 Cf. T. Winkelbauer, *Ständefreiheit und Fürstenmacht. Geschichte Österreichs 1522-1699* (Vienna, 2003), which integrates Imperial history with a survey of the monarchy. However, Helmut Rumpler's volume in the same series starts in 1804. Anglophone historians often follow the Austrian lead. See, e.g., J. Spielman, *Leopold I of Austria* (London, 1977).

2 T. C. W. Blanning, *The French Revolution in Germany: Occupation and Resistance in the Rhineland, 1792-1802* (Oxford, 1983); M. Rowe, *From Reich to State: The Rhineland in the Revolutionary Age, 1780-1830* (Cambridge, 2003); *Soziale Unruhen in Deutschland während der französischen Revolution*, ed. H. Berding (Göttingen, 1988).

3 For the former, see P. H. Wilson, *German Armies: War and German Politics, 1648-1806* (London, 1998), pp. 315-17. For the Mainz militia, see [Vienna] H[aus-,] H[of- und] St[aats]a[rchiv], M[ainzer] E[rzkanzler] A[rchiv], Militaria [Fasz.]/132.

4 See L. Kittstein, *Politik im Zeitalter der Revolution. Untersuchungen zur preußischen Staatlichkeit 1792-1807* (Stuttgart, 2003); see also G. Birtsch, 'Revolutionsfurcht in Preußen 1789 bis 1794', in *Preussen und die revolutionäre Herausforderung seit 1789*, ed. O. Büsch and M. Neugebauer-Wölk (Berlin, 1982), pp. 87-101.

attempt to deter wider Imperial support for the Habsburgs failed, because the Empire was soon sucked, largely unwillingly, into the fray. The Austro-Prussian alliance of July 1790 was joined by Hesse-Kassel and the elector of Mainz, who, as the senior ecclesiastical prince and Imperial archchancellor, was a key figure in influencing opinion within the Empire. The failure of the combined counter-invasion of France in the summer of 1792 compelled Austria and Prussia to engineer a formal Imperial declaration of war in March 1793 to facilitate their exploitation of the fiscal and military potential of the 'third Germany'. At this date, the Habsburgs directly controlled approximately 31 per cent of Imperial territory as hereditary possessions, while the Hohenzollerns controlled another 19 per cent. The remainder lay under the territorial jurisdiction (*Landeshoheit*) of the numerous princes, counts, prelates, Imperial cities, and other Imperial Estates (*Reichsstände*). Of this share, one-third belonged to the other three secular electors of Palatine-Bavaria, Saxony, and Hanover, while the other two-thirds was divided equally between a group of twenty middling princes such as the duke of Württemberg or the landgrave of Hesse-Darmstadt and the mass of lesser rulers. Austria and Prussia proceeded to use their influence in the Reichstag and other Imperial institutions to compel the Imperial Estates to contribute troops to defend the Rhine and to subsidize the Austrian and Prussian forces.[1] However, both great powers, distracted by the partition of Poland, failed fully to commit themselves. Prussia crumpled first, and withdrew from the war in the west in April 1795 by the treaty of Basel.[2]

The terms of the treaty of Basel amounted to the de facto partition of the Empire along the Main: as agreed with France, Prussia marshalled all of the Imperial territories north of the river into a neutral zone. Saxony, Hanover, and Hesse-Kassel, among the staunchest supporters of the Imperial status quo, were obliged to defer to Prussia and withdraw from the war.[3]

1 The scale of the Imperial contribution can be measured through the decisions taken by the Imperial circles (*Kreise*), printed and bound in two volumes for 1792-4 in MEA, Militaria/121. See also, H. G. Borck, *Der schwäbische Reichskreis im Zeitalter der französischen Revolutionskriege (1792-1806)* (Stuttgart, 1970), and K. Härter, *Reichstag und Revolution 1789-1806* (Göttingen, 1992). For Austria's international relations, see K. Roider, *Baron Thugut and Austria's Response to the French Revolution* (Princeton, 1987); E. Kraehe, *Metternich's German Policy* (Princeton, 1963-83).

2 For eastern European affairs, see T. C. W. Blanning, *The Origins of the French Revolutionary Wars* (London, 1986); H. M. Scott, *The Birth of a Great Power System, 1740-1815* (Harlow, 2005). For the partitions, see J. Lukowski, *The Partitions of Poland, 1772, 1793, 1795* (Harlow, 1999). For Prussia, see B. Simms, *The Impact of Napoleon: Prussian High Politics, Foreign Policy, and the Crisis of the Executive, 1797-1806* (Cambridge, 1997); P. Dwyer, 'The Politics of Prussian Neutrality, 1795-1805', *German History*, xii (1994), 351-73. For negotiations with France, see S. S. Biro, *The German Policy of Revolutionary France: A Study in French Diplomacy during the War of the First Coalition* (Cambridge, MA, 1957).

3 G. Ford, *Hanover and Prussia, 1795-1803* (New York, 1903; repr., 1967).

Prussia's own withdrawal was a double blow because it removed the principal counterweight to Austria in the Imperial institutions. Preoccupied with its own problems, Prussia limited its interest in the Empire to preserving the north as a buffer against France and as a source of subsidies for its own army of occupation. Brandenburg and the other western parts of the Hohenzollern monarchy remained formally part of the Empire, as did the other territories within the neutral zone: all of them retained their representatives at the Reichstag in Regensburg. However, having secured control of the north, Prussia ceased to compete with Austria for the resources of the remaining Imperial Estates in the south.

Following the withdrawal of Prussia, these Estates became even more dependent on Austria for protection. The Habsburg government, arguing that desperate times required desperate measures, behaved increasingly high-handedly towards the south Germans, especially after it learned that several of the more important princes were thinking of trying to make peace with France. News that Baden and Württemberg had opened negotiations prompted the Austrian high command to surround and disarm the remaining Swabian troops in July 1796.[1] Such actions not only caused resentment but left rulers wondering whether the Emperor could any longer protect his traditional clientele among the minor Imperial Estates.

When defeats on all fronts forced Austria to make peace at Campo Formio on 18 October 1797, it conceded the principle that rulers who lost land through the French annexation of Imperial territory west of the Rhine would receive compensation to the east. Four groups were most at risk. The most likely victims were the sixty-seven ecclesiastical princes, collectively known as the Reichskirche (Imperial Church), who held 92,400 square kilometres, with a population of 3.4 million and annual revenues above 15 million fl. Secularization, sanctioned in 1555 and 1648, had been discussed in the early 1740s and again around 1760. Enlightened philosophy added new arguments that the Emperor Joseph II (1765-90) deployed to justify the expropriation of hundreds of monasteries within the Habsburg lands, as well as to curtail the episcopal jurisdiction of Imperial prince-bishops throughout Austria.[2] The fifty-one Imperial cities, although having less to offer in the way of territory (7,365 square kilometres) or population (814,700), remained both concentrations of wealth and talent

1 A. v. Schempp, 'Die Entwaffnung und Auflösung des Schwäbischen Kreiskorps am 29. Juli 1796', *Besondere Beilage des Staatsanzeigers für Württemberg*, xiv (1911), 209-15; H. Zirkel, 'Der letzte Feldzug der Schwäbischen Kreisarmee 1793-6', *Zeitschrift für Bayerische Landesgeschichte*, xxxv (1972), 840-70. For the Austrian war effort, see M. Hochedlinger, 'Who's Afraid of the French Revolution? Austrian Foreign Policy and the European Crisis, 1787-97', *German History*, xxi (2003), 293-318, and idem, *Austria's Wars of Emergence, 1683-1797* (Harlow, 2003), pp. 401-42.

2 See P. H. Wilson, *From Reich to Revolution: German History, 1558-1806* (Basingstoke, 2004), pp. 198-207.

and long-resented enclaves scattered throughout many secular principalities. The 350 families of Imperial knights, who lacked full status as Imperial Estates, were even more vulnerable, given that they yet still held 10,455 square kilometres with 450,000 inhabitants. Last were the ninety-nine counties that shared four votes in the Reichstag's college of princes, which was dominated by sixteen old dynasties holding forty-four secular principalities and the fourteen 'new' princes elevated from comital families since 1582.

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FRANCIS II, WHO HAD signed the treaty of Campo Formio as ruler of Austria, agreed to a congress at Rastatt in Baden in November 1797 to work out the details of the territorial exchanges and to obtain ratification from the Empire. The settlement was delayed by the political upheaval in France only settled by Napoleon's coup of the eighteenth Brumaire (9 November 1799) that brought the Directory to an end and established him as First Consul, a post confirmed for life by plebiscite on 2 April 1802. In the hope of avoiding having to carry out the terms of the treaty of Campo Formio, Austria re-entered the war against France in March 1799 with the support of Bavaria, Mainz, and other members of the Reichstag which voted to renew mobilization. Defeat at the battles of Marengo in June 1800 and Hohenlinden in December led to the treaty of Lunéville of 9 February 1801, by which Austria was required to confirm the principle accepted at Campo Formio.[1] Francis signed the treaty of Lunéville, unlike the treaty of Campo Formio, on behalf of the Empire, which was compelled to accept the loss of the Austrian Netherlands and the left bank of the Rhine. The treaty removed the entire Burgundian *Kreis* and severely truncated those of the Lower, Electoral, and Upper Rhine. In addition to Austria's extensive losses, other secular princes relinquished 25,465 square kilometres of territory: the Wittelsbachs of Bavaria headed the list with more than 14,000 square kilometres. Austria also renounced its possessions in Italy, including those held by Habsburg cadets in Tuscany and Modena. Venice, which it received in return, had never been incorporated within Imperial Italy. Most of the web of Imperial jurisdictions throughout northern Italy disappeared as the frontiers of the Empire retreated northwards and eastwards to the German lands and the Habsburgs' possessions in Austria and Bohemia. Unable to continue the war, the Reichstag ratified the peace on 7 March 1801.

[1] J. R. Arnold, *Marengo and Hohenlinden: Napoleon's Rise to Power* (Barnsley, 2005). The treaty of Lunéville is printed in H. H. Hofmann, *Quellen zum Verfassungsgeschichte des Heiligen Römischen Reiches deutscher Nation 1495-1806* (Darmstadt, 1976), pp. 323-5, with the notification to the Reichstag and its response on pp. 326-9.

The Empire now faced the controversial task of compensating the dispossessed on the principle agreed at Rastatt. On 30 April, the Reichstag, unable to reach agreement, asked the Emperor to prepare a draft for it to ratify. Francis II's ministers, leery of allowing him to take sole responsibility for such unpopular decisions, reverted to the Habsburgs' traditional Imperial policy of postponing an official response while working behind the scenes to create a consensus. Unfortunately, political developments elsewhere forced the pace. The death of Francis's uncle, Archduke Max Franz, the prince-bishop of Cologne and Münster, on 27 July, heightened the uncertainty surrounding the future of the Reichskirche: it left the two most important north German church lands without a ruler, and jeopardized Austria's aim of preserving at least the three ecclesiastical electorates in the reorganization.[1] Napoleon's concordat with the papacy in 1801 neutralized the possibility of papal objections, while Austria's indecision offended Russia, which had taken increasing interest in the Empire since Catherine II's accession and saw itself as a guarantor of the Imperial constitution, owing to its role in 1779 in brokering the treaty of Teschen.[2] The delay gave Bavaria, Baden, Württemberg, and other ambitious southern dynasties time to appeal directly to France and Russia to support their claims, and gave Prussia time to show its hand by briefly (April-November 1801) occupying Hanover, which had persistently opposed its plans to annex the north German church lands.[3]

After Russia, which had supported Austria's aim to preserve the three ecclesiastical electorates, lost interest after a change of government there in October 1801 and instead made a provisional treaty with France, the initiative passed to Napoleon, who made compensation agreements with Bavaria, Baden, Württemberg, Prussia, and Mainz between July 1801 and May 1802. Prussia, after considering various proposals to convert its north German sphere of influence into some kind of federation, opted to preserve the existing territorial framework while enlarging its share. Having secured Napoleon's agreement on 23 May 1802, Prussian troops began to occupy the selected Westphalian church lands two weeks later. Others hurriedly followed: Hesse-Darmstadt seized its lesser neighbours on 6 October, Hanover occupied parts of Lower Saxony on 9 November, Austria entered Salzburg and Berchtesgaden, and Bavaria, Baden, and Württemberg annexed the Imperial cities, abbeys, and bishoprics in their vicinity.

Keen to cloak its actions in legitimacy, Prussia backed calls for an

1 Aretin, *Alte Reich*, iii. 489-98; M. Braubach, *Max Franz von Österreich, letzter Kurfürst von Köln und Fürstbischof von Münster* (Münster, 1925).

2 C. Scharf, *Katharina II., Deutschland und die Deutschen* (Mainz, 1995).

3 P. Dwyer, 'Prussia and the Armed Neutrality: The Invasion of Hanover in 1801', *International History Review*, xv (1993), 661-87.

Imperial deputation (*Reichsdeputation*) formally to redistribute the territory. Both Prussia and Austria secured membership of the deputation through the representation, respectively, of Brandenburg and Bohemia. Saxony, Württemberg, and Hesse-Kassel represented the secular princes, while Mainz and the Teutonic Grand Master represented the Reichskirche. Given that the Austrian Archduke Carl was Grand Master, when the deputation convened on 24 August 1802, only Mainz could be expected to speak for the likely victims. Mainz had consistently sought to preserve the Empire's traditional structure as a hierarchy subordinate to the Emperor, but not directly subject to his authority. Elector Friedrich Carl von Erthal had struggled since 1794 to extricate the Empire from the disastrous war on the principle that territorial losses to France should not be compensated east of the Rhine.[1]

Erthal's death on 25 July 1802 led to no change at Mainz, as his coadjutor and successor, Carl Theodor von Dalberg (1744-1817), had similar goals; as did Franz Johann Baron von Albini (1748-1816), who remained chancellor and head of the government.[2] Dalberg was condemned by later nationalist historians for selling out the Empire for personal gain. Contemporaries, more favourably disposed, regarded him as 'the star of hope at that time of the Catholic world'.[3] Austria had backed his election as coadjutor in 1787, only to find that he 'went native', embracing Mainz's traditional policy of defending the rights of the lesser Imperial Estates against what it perceived as ill-conceived Habsburg Imperial policy. The result in 1785 was the League of Princes (*Fürstenbund*), which aimed at renewing the Imperial constitution in the interest of the lesser princes. Dalberg's willingness to collaborate with Prussia, which hijacked the league for its own ends, left the Austrian government deeply suspicious of his motives, even after its own rapprochement with Prussia precipitated the League's collapse by 1791.[4] More optimistic than Erthal, Dalberg believed that he could preserve the essence of the Imperial constitution despite sacrificing many of the minor Imperial Estates at the bottom of the Imperial hierarchy.

1 B. Blisch, *Friedrich Carl Joseph von Erthal (1774-1802)* (Frankfurt am Main, 2005), pp. 257-310, who rejects Aretin's charge (*Das alte Reich*, iii. 468) that Mainz's policy made it the 'most dangerous enemy of the Empire'.

2 For Dalberg, see K. Rob, *Karl Theodor von Dalberg. Eine politische Biographie für die Jahre 1744-1806* (Frankfurt, 1984); K. M. Färber, *Kaiser und Erzkanzler. Carl von Dalberg und Napoleon am Ende des alten Reiches* (Regensburg, 1988); *Carl von Dalberg*, ed. K. Hausberger (Regensburg, 1995). For his political thought, see G. Christ, 'Karl Theodor von Dalberg im Spannungsfeld von politischer Theorie und Regierungspraxis', *Zeitschrift für Bayerische Landesgeschichte*, xlvi (1983), 607-14. For Albini, see G. Menzel, 'Franz Joseph von Albini 1748-1816', *Mainzer Zeitschrift*, lxix (1974), 1-126.

3 W. H. Bruford, *Culture and Society in Classical Weimar, 1775-1806* (Cambridge, 1962), p. 55.

4 The older literature is summarized in D. Stievermann, 'Der Fürstenbund von 1785 und das Reich', in *Alternativen zur Reichsverfassung in der Frühen Neuzeit?*, ed. V. Press (Munich, 1995), pp. 209-26. See also, M. Umbach, *Federalism and Enlightenment in Germany, 1740-1806* (London, 2000).

To be fair to Dalberg, he had little choice in 1802, as Erthal had already opened negotiations with France and Prussia to ensure that Mainz should not completely disappear. Albini relinquished to France both the electorate's possessions on the left bank of the Rhine, including the city of Mainz, lost in 1797, and its spiritual jurisdiction over them. He relinquished the Eichsfeld and Erfurt to Prussia. In return, France and Prussia agreed to preserve the rump electorate around Aschaffenburg, and to compensate Dalberg with the bishopric and city of Regensburg, and the city of Wetzlar. His bargain, though it implicated him in the hated process of compensation, gave him control of three key elements of the Imperial constitution: in addition to the office of arch-chancellor, he now held Regensburg, the seat of the Reichstag, and Wetzlar, the seat of the Imperial supreme court, the Reichskammergericht. In addition, France promised him half of the revenue from a new uniform system of Rhine tolls that were still to be negotiated.

The fate of the other territories was settled by a Franco-Russian plan presented on 3 June 1802 that largely confirmed the situation on the ground. As Austria had been excluded from the discussions, its representative at Paris, Count Johann Philipp Cobenzl, only learned of the agreement when he read it in *Le Moniteur*. He swiftly negotiated important revisions in the convention of Paris of 26 December 1802, which confirmed both Francis II's Imperial prerogatives and his rights as ruler of Austria. The revisions were included in the Imperial deputation's final pronouncement (*Reichsdeputationshauptschluss* – RDHS), dated 25 February 1803, that passed into law following its ratification by the Reichstag on 24 March.[1]

The RDHS sanctioned the redistribution of 112 Imperial Estates with 3.2 million inhabitants out of a total of 232 Estates with 29 million inhabitants.[2] All but six of the Imperial cities (Hamburg, Bremen, Lübeck, Frankfurt, Augsburg, and Nuremberg) were 'mediatized': they lost their immediacy under Imperial jurisdiction by being placed under the authority of a neighbouring Imperial Estate.[3] Of the Reichskirche, only Mainz survived in its new incarnation as Aschaffenburg-Regensburg, along with the

1 *Quellensammlung zur Geschichte der Deutschen Reichsverfassung in Mittelalter und Neuzeit*, ed. K. Zeumer (Tübingen, 1913), pp. 509-31.

2 Wilson, *Reich to Revolution*, pp. 364-77.

3 See *Das Ende der reichsstädtischer Freiheit 1802*, ed. D. Hohrath, G. Weig, and M. Wettnagel (Stuttgart, 2002). For the transfer of ecclesiastical property, see R. Lill, 'Die Säkularisation und die Auswirkungen des Napoleonischen Konkordats in Deutschland', in *Deutschland und Italien im Zeitalter Napoleons*, ed. A. von Reden-Dohna (Wiesbaden, 1979), pp. 91-103; D. Beales, *Prosperity and Plunder: European Catholic Monasteries in the Age of Revolution, 1650-1815* (Cambridge, 2003), passim. For further recent literature, see the useful review essay by K. Härter, 'Zweihundert Jahre nach dem europäischen Umbruch von 1803', *Zeitschrift für Historische Forschung*, xxxiii (2006), 89-115.

Teutonic Order and the Knights of St John, neither of which held substantial territory. The ecclesiastical losses went deeper, as Article 35 allowed princes to secularize all church property within their new frontiers. Prussia, the chief beneficiary, gained 12,650 square kilometres with more than half a million inhabitants and revenues of 4 million fl., compared to losses of 2,650 square kilometres, 127,000 subjects, and 1.5 million fl. revenue. Bavaria, Baden, Württemberg, Nassau, and Hesse-Darmstadt all received new territory. The redistribution stopped short, however, of expropriating the weaker secular elements: the Imperial knights were spared, and many of the counts benefited by being raised to princes through the transfer of the smaller Imperial cities and priories. The most significant constitutional adjustments occurred in the electoral college. Salzburg was added as a fourth secular Catholic member, alongside the arch-chancellor, Bohemia, and Palatine-Bavaria, while Württemberg, Hesse-Kassel, and Baden joined Saxony, Brandenburg, and Hanover to give the Protestants a majority for the first time.[1] With only six members, none of them fully Catholic, the civic college lost its remaining influence, a development that focused attention on the balance within the college of princes. The RDHS envisaged 53 Catholic and 78 Protestant votes. Even allowing for the minor Protestant dynasties traditionally numbered among the Habsburgs' clientele, the destruction of the traditional Catholic majority raised doubts whether Francis II would be able to work together with the Reichstag.

The general verdict has been that the Empire was now 'as good as dead'.[2] There was certainly a marked change in the way in which contemporaries discussed its politics. Habsburg ministers, reflecting the loss of Burgundy and Italy, routinely talked about the 'German empire', while the word 'holy' disappeared with the Reichskirche. However, despite the claims of many textbooks, the title 'Holy Roman Empire of the German Nation' had never had official status. Documents were thirty times as likely to omit the national suffix as include it.[3] The combination of 'Holy' with 'Roman' had also varied. If one disappeared, the other remained. Francis II deliberately referred to himself as 'elected Roman Emperor' (*erwählter Römischer Kaiser*) in every important pronouncement between 1804 and 1806.

Many contemporaries sensed that the RDHS represented a new beginning rather than an end. They welcomed secularization, widely regarded

1 L. Pelizeaus, *Der Aufstieg Württembergs und Hessens zur Kurwürde 1692-1806* (Frankfurt, 2000), pp. 260-88, 476-88.

2 C. Ingrao, *The Habsburg Monarchy, 1618-1815* (2nd ed., Cambridge, 2000), p. 228. Some scholars even suppose that it had been formally dissolved. See, e.g., P. Griffith, *The Art of War of Revolutionary France, 1789-1802* (London, 1998), p. 25.

3 H. Weisert, 'Der Reichstitel bis 1806', *Archiv für Diplomatik*, xl (1994), 441-513.

as a sin in 1648, as necessary to pave the way for beneficial social reforms and welfare. Such opinions were not shared by many of the former Imperial clergy, nor by burghers whose home towns lost their cherished autonomy. Nonetheless, the number of positive voices from the ranks of the 'third Germany' indicates that the changes were regarded as indispensable if the Empire was to balance Austria and Prussia and resist further French aggression.[1]

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CONSIDERABLE EVIDENCE POINTS to Austria's commitment to making the revised system work. Francis II disbanded the Imperial deputation on 10 May in an attempt to rechannel politics into customary lines through the Reichstag. After he instructed the Reichskammergericht on 25 July 1803 to observe the new arrangements in future verdicts, constitutional lawyers had no difficulty in adding the RDHS to the list of the constitutional charters that underpinned the Empire.[2] The often violent seizure of territory preceding the RDHS represented an obvious discrepancy between constitutional procedure and political power. Since the treaty of Westphalia, the Habsburgs had relied on the Emperor's formal and reserve powers to manage the Empire and neutralize threats from within. Even if they had long given up their aspirations to strengthen the Emperor's authority, his established rights remained worth defending, to prevent the traditional structure being transformed in the direction of a federation of larger, more consolidated princely states. As the Habsburg ministers recognized, the Reichstag, Kreise, and other imperial institutions functioned to contain federalism: the remaining Imperial cities, minor princes, and Imperial knights were the traditional hierarchy's principal props.

These Estates had close personal ties with the Habsburg political elite. For example, leading members of the Habsburg aristocracy like the Kaunitz and Colloredo families, who held lands and titles in the Empire, had stakes in its constitution. When dealing with Imperial institutions and important Imperial Estates, the Habsburgs relied on men whose kinship and material interests were deeply embedded in the Empire. The office of principal commissioner (*Prinzipalkommissar*), or Emperor's representative at the Reichstag, had been held by a prince from the Thurn und Taxis family since 1748. Count Philipp Karl von Öttingen-Wallerstein was president of the Reichshofrat, the Empire's second supreme court, which

1 G. Walter, *Der Zusammenbruch des Heiligen Römischen Reiches deutscher Nation und die Problematik seiner Restauration in den Jahren 1814/15* (Heidelberg, 1980), pp. 26-42. For the debate on secularization, see J. G. Gagliardo, *Reich and Nation: The Holy Roman Empire as Idea and Reality, 1763-1806* (Bloomington, 1980), pp. 196-221; K. Epstein, *The Genesis of German Conservatism* (Princeton, 1966), pp. 276-85.

2 Walter, *Zusammenbruch*, pp. 7-8.

safeguarded the Emperor's prerogatives as feudal overlord. Many Imperial knights served in the Habsburg army and administration. The most famous, Clemens von Metternich, from a family deeply involved in Rhenish politics, spent his entire career in Habsburg service, though the Empire had gone by the time he reached a position of influence. He was more representative of the next political generation: men who preferred the cultural world of the Habsburg monarchy to serving the princely states that succeeded the Empire.[1] The Stadion brothers were more typical of men for whom the Empire remained a vital part of their lives; though the family had been elevated to the status of Imperial counts at the beginning of the eighteenth century, the Stadions held little land in Swabia and Franconia, most of which belonged to the cantons of the knights. Friedrich Lothar (1761-1811) followed the family tradition by serving Mainz, before entering Habsburg service as the Bohemian representative at the Reichstag. Johann Philipp (1763-1824) also served briefly on the central governing council in Mainz, before becoming Habsburg ambassador to some of Europe's principal courts and later, at the end of 1805, foreign minister.[2] The Imperial cities and territorial towns provided a third source of recruits, such as Johann Alois Hügel (1754-1825), a burgher from Koblenz who rose to become chancellor of the electorate of Trier and, in 1791, was ennobled as a baron. He transferred to the Emperor's service in 1793 as the *Konkommissar*, or assistant to the principal commissioner, and became the Habsburg government's expert in Imperial law.[3]

Thus, it was natural for the Habsburg government to act on behalf of the Imperial knights when Württemberg, Baden, Bavaria, Nassau, and other princes began to seize their properties during 1803. The Viennese state chancellory (*Staatskanzlei*) was convinced that the knights represented a test of the Emperor's remaining influence: if they were allowed to disappear, the over-mighty princes would have little compunction about ignoring Francis II's other prerogatives.[4] The Emperor issued a formal legal injunction (*Conservatorium*) through the Reichshofrat on 23 January 1804 that prohibited further infringement of the knights' rights, though he doubted whether it would be effective. Württemberg ignored it, but desisted after Austria reinforced its Swabian garrisons in February.[5]

1 W. D. Godsey, *Nobles and Nation in Central Europe: Free Imperial Knights in the Age of Revolution, 1750-1850* (Cambridge, 2004). For Metternich's pragmatic attitude to the Empire, see V. Press, *Altes Reich und Deutscher Bund. Kontinuität in der Diskontinuität* (Munich, 1995), pp. 20-8.

2 H. Rössler, *Graf Johann Philipp Stadion. Napoleons deutscher Gegenspieler* (Vienna, 1996).

3 U. Dorda, *Johann Aloys Joseph Reichsfreiherr von Hügel (1754-1825)* (Würzburg, 1969).

4 Memo, state chancellory to Francis II, 13 Jan. 1804, HHStA, S[taats]k[anzlei] V[orträge, Karton]/167. Aretin argues that Austria's motives were entirely selfish: Aretin, *Heiliges Römisches Reich*, i. 318-25, and Aretin, *Alte Reich*, iii. 508-10. For the public debate, see Gagliardo, *Reich and Nation*, pp. 227-41.

5 Memos, state chancellory to Francis II, 23 Jan., 10 Feb. 1804, SKV/167.

The Emperor's traditional role as defender of the church was more difficult to sustain. The RDHS allowed rulers to expropriate church land that lay within mediatized land on the grounds that it fell within their territorial sovereignty. However, much of such land was dispersed, especially in the south where the former prince-bishops of Passau, Bamberg, and Freising had held extensive possessions scattered across Austria. The Reichshofrat had ruled in 1773 and 1774 that such detached property belonged to whomever acquired the principal holding. Bavaria, which had acquired the neighbouring bishoprics by the RDHS, was entitled by the ruling to their dependencies within the Habsburg monarchy. Francis II, who rejected this interpretation of the ruling, and stood on the confirmation of his Imperial prerogatives by the convention of Paris of 26 December 1802, expropriated the land himself according to the *droit d'épaves* (right to abandoned property). His action has been taken as a sign that Austria was not serious about preserving the Empire, but only with making gains for itself.[1] Francis's use of the *droit d'épaves* to enlarge his possessions around Lake Constance further weakened the traditional constitutional web of overlapping jurisdictions: as well as incurring Bavarian enmity, Francis alarmed the lesser counts and princes he was trying to protect. Many of them, having accumulated large debts since the 1770s, saw their financial salvation in the church property that came with the Imperial cities and priories they received under the RDHS. If the legal position was far from clear, at least Austria's position conformed with the rationalizing principles of the RDHS, itself an Imperial law. Austria also defended some of the minor princes' claims to church property against those from their larger neighbours in the south-west.

Even if the scale of the changes authorized in 1803 left the Emperor with little choice, his handling of the affair did little to allay the suspicions left by Austria's ruthless management of the war effort before 1801 that he placed the Habsburgs' interests ahead of the Empire's. The middling Protestant princes were also displeased with the Habsburgs' delay in agreeing to the redistribution of votes in the college of princes that would give them the majority.[2] Above all, Austria's ability to manage the Empire was jeopardized by the widespread conviction that the Emperor could no longer guarantee security against France.[3]

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1 Aretin, *Alte Reich*, iii. 509-10. The formulation of policy can be followed in the memoranda in SKV/167-8.

2 O. F. Winter, 'Österreichische Pläne zur Neuformierung des Reichstages 1801-1806', *Mitteilungen des Österreichischen Staatsarchivs*, xv (1962), 261-335.

3 For Mainz, e.g., see Menzel, 'Albini', pp. 103-4.

THE EXTENT TO which France held the initiative in shaping central European politics was dramatically illustrated by the events surrounding the adoption of a hereditary Austrian imperial title in 1804. Napoleon's announcement on 18 May 1804 of his intention to assume an imperial title was not unexpected and was indeed welcomed by the vice-chancellor, Count Ludwig Cobenzl, as achieving Austria's main objective of restoring monarchical rule in France. That the change benefited Napoleon was unfortunate, but Cobenzl considered the Bourbons a lost cause.[1] It was also unfortunate that Napoleon had chosen an imperial title rather than a royal one: it might prompt George III to proclaim himself 'emperor of Great Britain' and the Romanovs to assert their equality with the Habsburgs. Austrian officials, who immediately recognized that failure to accept Napoleon as an emperor would precipitate the renewal of war, focused on how the Habsburgs could maintain their pretensions to dynastic pre-eminence. The possibility of converting the elective Holy Roman title into a hereditary one was swiftly discounted as contravening the Imperial constitution.[2] Cobenzl unwittingly betrayed the prevailing Habsburg ambivalence towards the Empire by recommending that Austria should establish its own title because the Holy Roman one 'has shrivelled to little more than a merely honorific title'. He stressed the need to maintain parity with the rulers of other great powers; otherwise, there would be little chance of securing election as Holy Roman Emperor in the future.

When discussion moved to the legality of a new title and the form it should take, Cobenzl dismissed the suggestion that the Estates of the Habsburg provinces should be invited to proclaim Francis II as their emperor, while the idea of approaching the Reichstag was not even considered. Ministers who clung tightly to notions of a traditional hierarchical international order with the Empire at its centre decided that Francis should award himself the new honour on the basis of his existing Imperial prerogatives: as Emperor, Francis alone was entitled to recognize himself as emperor of Austria. The 'dignity of Roman Emperor' (*römischer Kaiserwürde*) remained pre-eminent because it embodied the ideal of universal Christendom. As neither the French nor the Austrian imperial titles entailed claims to govern the Empire, they would not disturb the established order. Franco-Austrian parity had been accepted in the alliance of 1757, by which the Habsburgs secured diplomatic equality for their own lands as a distinct state with the Bourbon monarchy. The ceremonial parity was confirmed by the treaties of Campo Formio and Lunéville in which the French also recognized the formal pre-eminence of the Holy Roman

1 Memo, L. Cobenzl, 20 May 1804, SKV/167.
2 See Srbik, *Das österreichische Kaisertum*, pp. 19-23.

Emperor. Thus, both new titles were more royal than imperial: there was still only one Emperor in Europe.[1]

The Austrian interpretation was emphasized by the decision to forgo a second coronation: Francis II had been crowned Holy Roman Emperor in 1792. The low-key public celebrations were restricted to formal announcements in Vienna and its six suburbs, postponed until Francis returned in December from a visit to Bohemia.[2] The revised list of Francis's titles ranked the new honour immediately below 'elected Roman Emperor', while the redesigned coat of arms placed the emblems of the Habsburg lands in a central shield framed by the Imperial double eagle. Austria's distinct imperial status could be displayed by the emblematic use of the personal crown made for Rudolf II in 1602. Since the Imperial regalia had been sent to Nuremberg for safekeeping in 1427, Emperors had had their own personal crowns made for wearing on state occasions. These symbolized their personal dignity, not the Empire's, which was symbolized only by the Karlskrone (Charlemagne's crown) worn only at Imperial coronations.[3]

Having convinced themselves of the legality of their actions, Francis II's ministers had to decide of what he should be emperor. Johann Philipp von Cobenzl suggested Hungary and Galicia on the grounds that the inclusion of Austria and Bohemia would contravene Imperial law. The state chancellory, unconvinced, resolved on 'hereditary emperor of Austria' (*Erbkaiser von Österreich*) for reasons that had more to do with the nature of the Habsburg monarchy than its relations with the Empire. Restricting the new title to lands beyond Imperial jurisdiction would contravene the Pragmatic Sanction, which had established the indivisibility of the monarchy in 1713. The word 'Austria' did not designate a geographical expression, a place, but a house. Being 'the name of our arch-dynasty' (*den Namen Unseres Erzhauses*), it symbolized the unity of the monarchy.[4]

The dynastic considerations were stressed in official pronouncements

1 Pragmatic Ordinance (Pragmatikalverordnung), 11 Aug. 1804, HHStA, T[itel und] W[appen, Kart.]/3; copy in HHStA, P[rinzipal]k[ommission] B[erichte, Fasz.]/179b. See also Mraz, *Kaisertum Österreich*, pp. 32-46.

2 See TW/3. For the Imperial coronation, see C. Hattenhauer, *Wahl und Krönung Franz II. AD 1792. Das Heilige Reich krönt seinen letzten Kaiser. Das Tagebuch des Reichsquartiermeisters Hieronymus Gottfried von Müller und Anlagen* (Frankfurt am Main, 1995).

3 The titles and arms are illustrated in *Neue Titulatur und Wappen seiner Römisch- und Oesterreichisch-Kaiserlich- auch Königlich-Apostolischen Majestät* ... (Vienna, 1804); copy in TW/3. For the decisions surrounding the titles, see memo, Hormayer, 9 Aug. 1804, SKV/168. Despite its name, the Karlskrone is now thought to have been made for Emperor Otto around 962. It is on display along with the 1602 crown in the Imperial and Ecclesiastical Treasury in the Hofburg in Vienna. For the history and symbolism of the crowns, see G. J. Kugler, *Die Reichskrone* (Vienna, 1968) and H. Fillitz, *Die österreische Kaiserkrone* (Vienna, 1959).

4 Pragmatic Ordinance, 11 Aug. 1804, TW/3.

that made no mention of Francis II's Imperial prerogatives but stated that his own possessions, on account of their size and population, were worthy of an imperial title. The pronouncements explained that the new designation left unchanged both the monarchy's constitutional relationship with the Empire and the privileges of its components, notably the kingdom of Hungary. Diplomatic correspondence with cadet branches and allies emphasized Austria's need to maintain parity with France. For example, Francis told his brother, Archduke Joseph, that he had 'decided only to recognize the new French emperor on the condition that he accepts me as Austrian emperor'.[1]

Napoleon, although reluctant to tie his own title to concessions, needed Austria's recognition to secure wider recognition. The French ambassador at Vienna, Jean-Baptiste Nompère de Champagny, communicated Napoleon's agreement to the Austrian government on 7 August. It notified the foreign envoys in Vienna of the new title on the 15th, and Francis II wrote to heads of state the next day. Most of the members of the Reichstag, informed on the 24th, had heard the news already.[2] The conservative publicist Friedrich von Gentz (1764-1832) wrote to Metternich that Francis might as well have called himself emperor of Salzburg, Passau, or Frankfurt.[3] King Gustav IV of Sweden invoked his status as guarantor of the Imperial constitution and as an Imperial Estate through his possession of Pomerania to demand a debate in the Reichstag.[4] However, the other representatives, who welcomed the announcement, joined the Imperial commissioners in neutralizing the Swedish protest by agreeing to an extended summer recess until 12 November. Alexander I of Russia, first disparaging Francis for lowering himself to the level of the usurper Napoleon, recognized the Austrian title in a secret convention of November 1804. Prussia had recognized it on 25 August, followed by Britain in October. In September, Napoleon, prior to his own coronation, sent a personal letter of congratulations to Francis.[5]

The general conclusion that Francis II's action constituted a 'clear breach' of the Imperial constitution[6] rests on the supposition that Sweden correctly interpreted Imperial law when applying it to an unprecedented situation. Sweden based its argument on the Estates' (*Ständisch*) assump-

1 Letter, Francis II, 4 Aug. 1804, HHStA, Kaiser Franz Akten, Fasz. 203 neu.

2 See copy of the *Römisch-Kaiserlich privilegierte Regensburger historische Nachrichten*, 21 Aug. 1804, PKB/179b.

3 Gentz to Metternich, 22 Aug. 1804, in A. Fournier, *Gentz und Cobenzl. Geschichte der österreichischen Diplomatie 1801-1809* (Leipzig, 1880), p. 129.

4 Encl. in report, Hügel, 27 Aug. 1804, PKB/179b.

5 Napoleon to Francis II, 23 Sept. 1804, TW/2.

6 Aretin, *Heiliges Römisches Reich*, i. 468; Srbik, *Das österreichische Kaisertum*, pp. 24-5; F. Hartung, *Deutsche Verfassungsgeschichte* (Stuttgart, 1950), pp. 162-9.

tion that the Empire was a mixed monarchy in which important decisions were taken jointly by the Emperor and his vassals through the Reichstag. The Habsburg monarchical argument assumed that the Emperor's unspecified reserved powers entitled him to award himself a new title. Since 1654, the Reichstag had obliged the Emperor to consult it when creating princely or electoral titles within the Empire, but had not extended the obligation to titles attached to land outside the Empire; thus, the Reichstag played no part in Emperor Leopold I's grant of a royal title to the elector of Brandenburg in 1700. When arguing that Francis II's new title did not infringe the Imperial constitution, Habsburg ministers pointed to the similarly dual status of the kings of Prussia, Sweden, Britain, and Denmark, who were both Imperial Estates and sovereigns of independent kingdoms.[1] Austria had, strictly speaking, kept within a broadly accepted interpretation of Imperial law when taking an important step to restore its tarnished international prestige.

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HISTORIANS WHO CRITICIZE the new title link its adoption directly with Francis II's abdication as Emperor two years later.[2] But the Habsburgs had no intention of renouncing the Empire and its associated Imperial title: they were pushed reluctantly by circumstances beyond their control. The willingness of the German princes to collaborate with Napoleon played a major part. That Bavaria, Württemberg, and other comparatively well-armed principalities saw Napoleon as a better guarantor of their interests is well known; the subject need not be re-examined here.[3] Dalberg's actions, however, do require consideration. Although he intended to preserve the Empire, in effect he helped to make it impossible for Austria to retain the Imperial title.

Mutual mistrust prevented close collaboration between the Emperor and his arch-chancellor. The gulf widened as Dalberg was compelled to rely on French support both to safeguard his own position as arch-chancellor and to promote his Imperial policy. One example was the Rhine tolls (*Rhein-*

1 T. Klein, 'Die Erhebungen in den weltlichen Reichsfürstenstand 1550-1806', *Blätter für deutsche Landesgeschichte*, cxxii (1986), 137-92; *Dreihundert Jahre preußische Königskronung*, ed. J. Kunisch (Berlin, 2002).

2 E.g., Srbik, *Das österreichische Kaisertum*, pp. 38, 54. See also, W. D. Gruner, 'Österreich zwischen altem Reich und Deutschen Bund (1789-1816)', in *Sacrum imperium*, ed. Brauneder and Höbelt, pp. 321-5.

3 P. Sauer, *Der schwäbische Zar. Friedrich – Württembergs erster König* (Stuttgart, 1984); E. Weis, *Bayern und Frankreich in der Zeit des Konsulats und des Ersten Empire (1799-1815)* (Munich, 1984); M. Wierichs, *Napoleon und das 'Dritte Deutschland' 1805/6. Die Entstehung der Großherzogtümer Baden, Berg und Hessen* (Frankfurt am Main, 1978). For the lesser rulers, see E. Kell, 'Der Frankfurter Union (1803-6). Eine Fürstenassoziation zur "verfassungsmäßigen Selbsterhaltung" der kleineren weltlichen Adelsherrschaften', *Zeitschrift für Historischen Forschung*, xviii (1991), 71-97.

octroi) agreed in the RDHS to provide the arch-chancellor with an income. After the tolls were introduced in August 1804, Prussian obstruction forced Dalberg to rely on France to collect the money. A more significant case was the negotiations for an Imperial concordat (*Reichskonkordat*) that formed the centrepiece of Dalberg's plans for reform. The virtual destruction of the Reichskirche made it imperative for the Empire to renegotiate its relationship with the papacy. Dalberg proposed a comprehensive agreement that would guarantee the autonomy of the German Catholic church, thus preserving the 'holy' element in the Empire as well as his own status as the Empire's leading archbishop. Napoleon did persuade Pope Pius VII to raise Regensburg to an archbishopric and to allow Dalberg to reorganize the Aschaffenburg-Regensburg cathedral chapter, which had the authority to name his successor, as he saw fit.[1] Austria was not opposed to a concordat in principle, but suspected Dalberg of being willing to relinquish Imperial prerogatives to achieve his goal. Bavaria and the larger Protestant principalities preferred to make bilateral agreements with the papacy that consolidated state oversight of Catholic institutions within their frontiers, while Prussia intended to reorganize the church in its newly acquired north German territories without reference to Rome. Dalberg saw no alternative to relying on Napoleon's influence. He met him at Mainz on 22 September 1804 and accompanied him to Paris for the imperial coronation in December.

Dalberg's relationship with Napoleon has provoked considerable debate. The two men had been in contact since 1796. If increasingly dependent on Napoleon, Dalberg was not his creature, as portrayed by later nationalist writing. Dalberg saw Napoleon as a kindred spirit who wanted to modernize society without destroying its fabric. Napoleon, who saw Dalberg as a utopian idealist, valued him not only for his residual political influence among the lesser Imperial Estates, but also as an aristocratic intellectual and a suitable partner in his plans for central Europe.[2] Despite his self-presentation as the new Charlemagne, these plans did not extend to making himself Holy Roman Emperor.[3] Dalberg nonetheless persisted in viewing him as a potential saviour, and had suggested in April 1803 that he might assume the Holy Roman title, a piece of flattery designed to induce him to act as protector for the existing constitution: such outmoded

1 Menzel, 'Albini', pp. 105-6; G. Christ, 'Dalberg im Jahrzehnt zwischen Säkularisation und Zusammenbruch des napoleonischen Staatensystems', in *Carl von Dalberg*, ed. Hausberger, pp. 148-51.

2 Färber, *Kaiser und Erzkanzler*, pp. 43-4, 69-80; R. Wohlfeil, 'Untersuchungen zur Geschichte des Rheinbundes 1806-1813. Das Verhältnis Dalbergs zu Napoleon', *Zeitschrift für die Geschichte des Oberrheins*, cviii (1960), 85-108.

3 See E. Weis, 'Napoleon und der Rheinbund', in *Deutschland und Italien*, ed. Reden-Dohna, pp. 69-71, who rejects Rössler's contention (*Napoleons Griff*, pp. 21-2) that Napoleon intended to assume the Karlskrone himself.

thinking belonged to the period when France had regarded the Imperial constitution as the best means of preventing either Austria or Prussia from mobilizing the 'inert assets' (*forces mortes*) of the third Germany.[1] Napoleon intended to harness these resources for his own ends, and victory over Austria in the war of the Third Coalition placed him in a position to do so, once Austria made peace at Pressburg (Bratislava) on 26 December 1805.[2]

The war destroyed the remaining middle ground on which Dalberg's hopes rested. Having refused to join Napoleon against Austria, he spent the autumn of 1805 negotiating with Hesse-Kassel, Saxony, and others in an attempt to preserve the Empire or, failing that, to convert it into an independent federation, excluding Austria, guaranteed by France and Russia. His goal explains his extraordinary step on 28 May 1806 of nominating Napoleon's great uncle, Joseph, Cardinal Fesch (1763-1839), the archbishop of Lyon, to be his coadjutor.[3] The action was widely regarded as instigated by Napoleon to pave his way to the seizure of the Imperial crown;[4] in fact, Dalberg hoped, by appealing to Bonapartist dynasticism, to bind Napoleon within the web of Imperial law. The announcement caused consternation among Dalberg's German supporters who regarded Fesch as unsuitable to be a potential arch-chancellor. Napoleon, who approved of the appointment, had no intention of entangling himself within the Imperial constitution.[5]

Whereas Napoleon had told the Directory in May 1797 that if the Empire had not existed, France would have had to invent it, he had begun to talk of 'ma fédération germanique' after his victory over Austria at Ulm in October 1805. Both the French and German texts of the peace of Pressburg contain the expression 'German confederation' instead of 'Empire'.[6] In January 1806, Napoleon made new alliances with Bavaria and Württemberg which had been raised to kingdoms at Pressburg. In March 1806, he installed Marshal Joachim Murat as duke of Cleves and Berg without declaring whether he was an Imperial prince or an independent sovereign. He levered the remaining Imperial cities into expelling Austrian recruiting officers and encouraged his German allies to dismantle the Thurn und

1 E. Buddruss, *Die französische Deutschlandpolitik 1756-89* (Mainz, 1995), and idem, 'Die Deutschlandpolitik der französischen Revolution zwischen Traditionen und revolutionären Bruch', in *Revolution und konservatives Beharren. Das alte Reich und die französischen Revolution*, ed. K. O. Frhr. v. Aretin and K. Härter (Mainz, 1990), pp. 145-54.

2 F. C. Schneid, *Napoleon's Conquest of Europe: The War of the Third Coalition* (Westport, 2005). The treaty of Pressburg is printed in R. Freiin v. Oer, *Der Friede von Preßburg* (Münster, 1965), pp. 271-9.

3 Fesch was the son of Napoleon's grandmother, Ramolino, by her second husband, a Swiss officer.

4 F. Stadion to Francis II, 12 June 1806, TW/3.

5 Färber, *Kaiser und Erzkanzler*, pp. 86-92.

6 Napoleon to Directory, 27 May 1797, *La correspondance de Napoléon Ier, publiée par ordre de l'Empereur Napoléon III* (Paris, 1858-70), iii. 74; same to Talleyrand, 2 Oct. 1805, ibid., ix. 272.

Taxis Imperial postal monopoly and to annex the lands of the Imperial knights. Finally, on 31 May, Napoleon told his foreign minister, Charles Maurice de Talleyrand, that he no longer recognized either the Empire or the Reichstag.[1] This bravado ignored the fact that France continued to maintain a representative in Regensburg where, as late as August, twenty-three envoys acted for forty rulers. Other Imperial institutions continued to function. In 1805, 333 cases were referred to the Reichskammergericht, which gave its last verdict on 17 July 1806, while the Reichshofrat held its last session on 5 August.[2]

Napoleon had to keep up diplomatic and military pressure on Austria to compel it to accept the new order. The Cattaro incident of April 1806, caused by the Austrian commander's allowing Russian troops access to the port, was used as a pretext to keep French troops in western Austria and to imply that Napoleon might resume hostilities unless Francis II agreed to his demands.[3] Meanwhile, on 12 July, he cajoled sixteen middling and minor princes into signing the document creating the Confederation of the Rhine. They included Bavaria, Württemberg, Baden, Cleves-Berg, and both Nassaus, and collectively encompassed one-third of the Empire.[4] The group also included Dalberg, who joined in the belief that the new organization would serve as a substitute for the Empire. When Napoleon entrusted him with turning Talleyrand's statement of principle into a constitution, he proved reluctant to depart from tradition. He suggested, for example, that the federal assembly should meet in Regensburg, rather than Frankfurt, and should be divided into colleges of kings and princes, each with a different number of votes. Nonetheless, the Confederation was not the continuation of the Empire as Karl Otmar Freiherr von Aretin argues, because its formation destroyed the last vestiges of the traditional hierarchy.[5] Meanwhile, Dalberg wrote to Francis on 31 July to resign the position of arch-chancellor on the grounds that the peace of Pressburg (of which, as he pointedly remarked, the Reichstag had yet to be formally notified) had destroyed the Imperial constitution.[6]

1 Napoleon to Talleyrand, 31 May 1806, *La correspondance de Napoléon Ier*, xii. 509.

2 G. Walter, *Zusammbruch*, pp. 16-19. For the Reichskammergericht at the end of the eighteenth century, see K. O. Frhr. v. Aretin, 'Kaiser Joseph II und die Reichskammergerichtvisitation 1766-76', *Zeitschrift für Neuere Rechtsgeschichte*, xiii (1991), 129-44. Baden and Württemberg still paid their contributions to maintain the court, despite the new titles granted them at Pressburg.

3 See Rössler, *Stadion*, i. 244-7. For the anxiety this caused, see memo, J. Stadion, 1 Aug. 1806, TW/3, A[llgemeine] A[kten, Juni-Sept. 1806].

4 The document is printed in Zeumer, *Quellensammlung*, pp. 532-6, with contemporary German translation in Hofmann, *Quellen zum Verfassungsgeschichte*, pp. 374-93.

5 Aretin, *Das alte Reich*, p. 530. For the debate on the Confederation's constitution, see G. Schmidt, 'Der napoleonische Rheinbund – ein erneutes altes Reich?', in *Alternativen zur Reichsverfassung*, ed. Press, pp. 227-46, and Wohlfeil, 'Untersuchungen', pp. 96-106.

6 Dalberg to Francis II, 31 July 1806, TW/3, AA.

The French representative at the Reichstag presented a note, dated 1 August, announcing the formation of the Confederation and stating that Napoleon no longer recognized the existence of 'la constitution germanique'. Nine members of the Confederation published their own statement the same day that justified their actions on the grounds that the bonds between the different elements 'of the German state body' had been 'dissolved already' by the impact of three wars and the de facto separation of the north since 1795. Any hope that the RDHS would revive the Empire had been dashed by Austria's most recent defeat; by portraying the Empire as an empty shell, they tried to absolve themselves from complicity in its destruction.[1]

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AUSTRIA'S SLOWNESS TO respond illustrates the Habsburgs' ministers' inability to adjust to the new political pace. As late as 12 June 1806, Friedrich Stadion supposed that Napoleon would only gradually ease the Emperor aside, while the head of the principal commission's secretariat, Joseph Haas, hoped as late as 2 August that the end might yet be averted.[2] Unable to regain the initiative, Austria was forced between May and July to switch from considering whether the Karlskrone was worth saving to deciding how best to relinquish it.[3] The Austrian ministers agreed with the verdict of the Confederation princes that the treaty of Pressburg destroyed any hopes the treaty of Lunéville had offered for the renewal of the constitution. Imperial authority had shrunk to a few isolated pockets, where it survived thanks to Napoleon's tacit approval, and Austria's role in the Empire had contracted, not merely through the loss of the Tyrol to Bavaria, but also the Breisgau and Swabian possessions with their associated Imperial rights to Baden and Württemberg.[4] Haas's memorandum of May 1806 cataloguing the infringements of the constitution since 1801 typifies the legalistic Imperial political culture: it even parades scholarly footnotes. Hügel combined a realistic recognition of the implications of Austria's

1 The notes are printed in Zeumer, *Quellensammlung*, pp. 536-9.

2 J. Stadion to Francis II, 12 June 1806, TW/3; report, Haas, 2 Aug. 1806, PKB/182d.

3 Haas's evaluation of the Imperial constitution in May 1806 is printed in Walter, *Zusammenbruch*, pp. 132-44. Hügel's memo, 17 May, enclosing Haas's advice, is printed in K. Raumer, 'Hügels Gutachten zur Frage der Niederlegung der deutschen Kaiserkrone (17. Mai 1806)', *Zeitschrift für Bayerische Landesgeschichte*, xxvii (1964), 390-408. F. Stadion's advice, 24 May, is printed in Aretin, *Heiliges Römisches Reich*, ii. 334-44. The three are summarized in memo, J. Stadion for Francis II, 17 June 1806, TW/3, G[utachten und] V[orträge]. TW/3, AA contains the fifth document, entitled 'Bemerkungen', unsigned but written by J. Stadion.

4 F. Quarthal, 'Österreichs Verankerung im Heiligen Römischen Reich deutscher Nation. Historische Bedeutung der österreichischen Vorlande', in *Was heißt Österreich?*, ed. Plaschka et al., pp. 109-34; *Vorderösterreich*, ed. F. Metz (2nd ed., Freiburg im Breisgau, 1967), passim.

recent defeat with naive optimism that France might recognize the illegality of its own actions. Nonetheless, both he and Friedrich Stadion thought that abdication, now inevitable, should be combined with formal dissolution of the Empire to prevent Napoleon from acquiring the Karlskrone courtesy of the two Imperial vicars, Bavaria and Saxony, who were entitled to exercise Imperial authority during an interregnum, which would turn the emperor of Austria into Napoleon's vassal. Such calculations reveal that, even at this late stage, Habsburg ministers supposed that the Imperial feudal nexus had some meaning. Their overriding concern, however, was to avoid the resumption of hostilities, to buy time for Austria to recover from its defeat.[1]

Philipp Stadion hesitated to present such unpalatable advice to the Emperor until 17 June. Taking the assumption of the French and Austrian imperial titles as his point of reference, he argued that abdication should be matched with concessions from France. His optimism was fostered by General Carl Baron Vincent, Austria's acting envoy at Paris, who reported on 7 May that Napoleon, in return for abdication, might even restore the Tyrol. Stadion was soon disabused. The new chargé d'affaires at Paris reported on 1 July that Napoleon no longer recognized that the Empire existed. Two days later, Vincent reported the formation of the Confederation, and within two weeks had been summoned to a meeting with Napoleon to be told explicitly that France would resume hostilities unless Francis II conformed with Napoleon's interpretation of the treaty of Pressburg. Upon receipt of this news, on 31 July Philipp Stadion persuaded Francis to abdicate before the French ambassador, M de la Rochefoucauld, presented on 1 August an ultimatum demanding recognition of the Confederation.[2] Meanwhile, he drew up a set of 'Remarks' (*Bemerkungen*) explaining how abdication could be combined with dissolution.[3] All that remained was to determine the wording of the abdication. On the morning of 6 August, the Imperial herald rode the short distance to the Jesuit Church of the Nine Choirs of Angels to deliver the proclamation from the balcony overlooking the square. Copies of the printed patent, dated that day, were dispatched to Habsburg diplomats on 11 August along with a note, dated the same day, stating that Francis would compensate former Imperial officials who had been paid from the Austrian treasury.[4]

1 Minutes, Francis II, on memo, J. Stadion, 17 June 1806, in Ziegler, 'Franz II', pp. 303-4. For the Imperial vicars, see W. Hermkes, *Das Reichsvikariat in Deutschland* (Bonn, 1968).

2 Srbik, *Das österreichische Kaisertum*, pp. 55-9; French ultimatum, 1 Aug., HHStA, Notenwechsel, Karton 18. A second ultimatum, presented the same day, demanded that Francis II recognize Joseph Bonaparte as king of Naples, something especially objectionable to Francis who was married to Maria Theresia, daughter of the deposed Bourbon king of the Two Sicilies.

3 Remarks, 31 July 1806, TW/3, AA.

4 In discussions, Francis II consistently used the word 'cession' (*Abtretung*), not abdication

Stadion distinguished between Charles V's abdication in 1558 and Francis II's in 1806. Whereas Charles had returned the crown to the electors to enable them to give it to his brother Ferdinand I, 'here the entire Imperial power and dignity should cease'.[1] As in 1804, Austrian ministers cited Imperial prerogative to justify acting unilaterally without the agreement of the Reichstag: it was no longer possible to register the patent through the proper channels because, upon Dalberg's resignation, the arch-chancellory had ceased to exist. Such arguments were honed during discussions throughout August, as the government decided what to do with the Imperial crown jewels, personnel, and archives, and in what fashion to revise Austria's coat of arms and Francis's title.

Nowhere was the constitutional question about ownership of the Empire more evident than in the discussions of the fate of the Imperial insignia. Stadion, keen to forestall an accusation that Austria was stealing them, did not want them to fall into French hands. Hügel had arranged in 1796 for their removal from Nuremberg via Regensburg to Vienna and they were moved again to Hungary as the French entered Vienna in 1805. As their precise status had never been decided, they were not mentioned in public pronouncements, and the fact that Francis II had assumed his Austrian imperial title without a coronation lessened their significance: Austria was easily able to fend off appeals from Nuremberg for their return.

The Austrian government had asked Hügel in May 1806 how many Imperial officials were paid by the monarchy, so knew that the Habsburgs' liabilities would be limited.[2] The note accompanying the abdication expressly referred to the RDHS's arrangements for the welfare of clerics and officials displaced by the redistribution of territory, and appealed to the princes' patriotism. In the event, Dalberg was saddled with the entire expense: his acquisition of Wetzlar in 1803 and Frankfurt in 1806 made him responsible for the Reichskammergericht and the Imperial book commission, which were based there. The book commission employed few staff, but the court employed around 150, including 20 judges, while a further 750 derived income from it as Wetzlar's main employer.[3] Dalberg's care for the court demonstrates both his affection for the old order and his wish

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(*Abdankung*). The patents of 6 August are printed in Zeumer, *Quellensammlung*, pp. 538-9. For the handwritten abdication, signed and sealed by Francis II, HHStA, Familienurkunden, fasc. 2207. For the dissemination of the act, TW/3, K[orrespondenz mit den] G[esandschaften].

1 Remarks, 31 July 1806, TW/3.

2 TW/3, GV, contains a list of 16 staff for the Reichshofrat, including 1 prince, 3 counts, and 1 landgrave, as well as the principal commission headed by Prince Karl Alexander von Thurn und Taxis, with Hügel, Haas, and 3 secretaries.

3 G. Schmidt von Rhein, 'Das Reichskammergericht in Wetzlar', *Nassauischer Annalen*, c (1989), 127-40; I. Scheurmann, *Frieden durch Recht. Das Reichskammergericht von 1495 bis 1806* (Mainz, 1994), pp. 336-43.

that it should shape developments after 1806: the law school he established in 1808 not only continued the Reichskammergericht's function of training constitutional lawyers, but also employed many of the former staff as teachers. A former legal trainee, Franz Stickel (1786-1848), was selected to translate the Code Napoléon that Dalberg introduced in his territories in 1810-11. Dalberg completed the building designed to house the court's archive and produced the first inventory. The principle of collective responsibility for the archive was confirmed in 1815 by the German Confederation, which continued to employ the archivists. However, Prussia, which had acquired Wetzlar, forced the Confederation in 1821 to set up a commission to disperse the documents on the principle of the territorial origin of each case. The dispersal, completed by 1852, divided the papers among fifty locations.

Austria treated the Reichshofrat archive differently. On 8 September 1806, Johann Philipp Stadion told the court's former president, Count Öttingen-Wallerstein, to retain control of all documents to prevent the release of potentially compromising material. The ground cited was the dissolution of the Empire. Stadion argued that Austria would have handed over the archive, had another Emperor been elected; given dissolution, a state requiring access to the documents would have to apply to Austria for permission.[1]

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NO IMPERIAL LAWYER objected to the dissolution of the Empire. Contemporary political science lacked a theory of state decline other than the assumption that the contract that underpinned any political organization presupposed the consent of both governors and governed to its dissolution.[2] Subsequent commentators follow the same line: the Emperor was entitled to abdicate, but not to dissolve the Empire.[3] Undoubtedly Austria's constitutional position was contradictory. It argued that the Reichstag, still in being, could not disband without Francis II's agreement, while also citing the French argument that the Empire had collapsed when Dalberg and the electors of Bavaria, Württemberg, and Baden left to join the Confederation of the Rhine. For the next decade, the Habsburgs dated the Empire's demise to 1 August 1806, when the princes stated their intentions, rather than 6 August, when Francis abdicated. Even though the Empire had functioned as a mixed monarchy since the late fifteenth cen-

1 J. Stadion to Öttingen-Wallerstein, 8 Sept. 1806, TW/3. On 12 Dec., Francis II appointed Öttingen to preside over a committee to look after the documents.

2 G. Walter, *Zusammenbruch*, pp. 42-59.

3 Ibid., pp. 76-81; Aretin, *Heiliges Römisches Reich*, i. 506; Epstein, *Genesis*, pp. 668; G. Kleinheyer, 'Die Abdankung des Kaisers', in *Wege europäischer Rechtsgeschichte*, ed. G. Köbler (Frankfurt am Main, 1987), pp. 143-4.

tury, both the original foundation by Charlemagne in 800 and the re-foundation by Otto in 962 had been unilateral acts. These early medieval precedents did not feature in discussions in 1806 dominated by the language of political necessity. No Austrian official asked whether the constitution empowered the Emperor to take such a step, only how his actions would reflect on Austria's standing in Germany and the rest of Europe.

Austria moved swiftly to distance itself from the Empire. Immediately after the abdication, Philipp Stadion began to make changes to formal titles and symbols designed to stress Austria's distinctiveness, on the grounds that once the ties to the Empire had been broken, Francis II could focus his attention on the welfare of his own subjects.[1] This view was shared by the officials charged with designing the new coat of arms, who argued that the abdication made it more practicable to achieve the 'unity of the monarchy' by removing the medieval Imperial title and its association with 'overlordship over the entire Christian world'. Given that the term 'Austrian Empire' (*Kaiserthum Österreich*) had already entered everyday speech, the prefix 'hereditary' was dropped.[2] The public announcements were more muted even than in 1804: the court chancellory was told that it was sufficient that the abdication patent had been published in the Viennese newspapers.[3]

This does not mean that the Empire passed unnoticed and unlamented, echoing Goethe's widely quoted remark that the 'split of the Roman Empire' concerned him less than an argument between his servant and a coachman.[4] Artists and intellectuals followed Goethe in the conviction that Napoleon heralded a new age, rather than destroyed the old. Their views, however, were not shared by either the princes or the wider public. Gustav IV of Sweden, who had yet to recognize Austria's own imperial title, issued a provocative declaration to his German subjects that the Empire's dissolution would not destroy the German nation and that he expected the Imperial constitution to be resurrected. Alexander I of Russia did not respond, and Christian VII of Denmark belatedly proclaimed the formal incorporation of his German possessions within the kingdom.[5] Prussia limited its official response to formulaic expressions of regret at the termination of 'an honourable bond hallowed by time'.[6] Its representative at the Reichstag, Baron Görtz, was less restrained, owing to his role in electing

1 Memo, J. Stadion, 7 Aug. 1806, TW/3.
2 Memo, court chancellory, 3 Sept. 1806, TW/3.
3 Memo, court chancellory, 17 Sept. 1806, TW/3.
4 Goethe, *Sämtliche Werke*, part II, vol. VI (Frankfurt am Main, 1993), p. 75.
5 Swedish proclamation, 22 Aug. 1806, TW/3, KG; Danish proclamation, 9 Sept. 1806, TW/3, AA.
6 Frederick William III to Francis II, 22 Aug. 1806, TW/3, N[otifikationen und] A[ntworten, Juni-Dez. 1806].

Francis II in 1792 at what would now be the last Imperial election.[1] News of the abdication was greeted with sadness mixed with affection for the Habsburgs and gratitude for their Imperial role: Haas reported 'general consternation'.[2] The assembled envoys expressed anxiety at the fate of north Germany, no longer in the Empire but which had yet to join the Confederation. The Austrian envoy at Kassel, Baron von Weissenberg, reported in August 1806 that the elector, Wilhelm I, had received with tears in his eyes the news of 'losing a constitution to which Germany had for so long owed its happiness and freedom'.[3] There were reports of widespread discontent among the general population for whom the abdication may have symbolized their anxiety about the possible repercussions of the political changes. Few, however, were willing to voice direct criticism after the French shot Johann Philipp Palm (1766-1806), a Nuremberg book dealer, for urging people to save the Empire.[4]

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FOR MANY, INCLUDING Goethe's mother, the news of the Empire's end was not unexpected, though still felt like a shock 'as when an old friend is very ill'.[5] Later historians have frequently repeated this claim, arguing that the Empire expired 'naturally' after a terminal illness.[6] Yet it meant something even after the treaty of Pressburg. Defeat at Austerlitz may have put it in the emergency ward, but it remains to determine who turned off the life support. For Haas and many others, the responsibility lay squarely with Napoleon.[7] Others have endorsed Francis II's own assessment that Austria had been driven reluctantly towards the events of 1806 by lack of Prussia's support.[8] Certainly, Prussia's defeat later in 1806, like that of Austria the year before, underscored the vulnerability of both German great powers: while neither could stand alone against France, and Russia and Britain proved to be too distant to give help, the Empire depended on both for its survival. Prussia, if not indifferent to its fate, by its indecision robbed both

1 Report, Haas, 11 Aug. 1806, PKB/182d. See also Härter, *Reichstag und Revolution*, pp. 639-41. Johann Eustach Count von Schlitz, called Görtz (1737-1821), was commissioned by many other Imperial Estates to exercise their votes.

2 Report, Haas, 14 Aug. 1806, PKB/182d; report, Fahnenberg, 13 Aug. 1806, TW/3, KG. See also personal letters from minor princes and the remaining formerly Imperial cities in TW/3, NA.

3 Weissenberg to J. Stadion, 18 Aug. 1806, TW/3, KG. Hesse-Kassel mobilized its army.

4 Examples in H. Angermeier, 'Deutschland zwischen Reichstradition und Nationalstaat. Verfassungspolitische Konzeptionen und nationales Denken zwischen 1801 und 1815', *Zeitschrift der Savigny Stiftung für Rechtsgechichte, Germanistische Abteilung*, cvii (1990), 19-101.

5 Epstein, *Genesis*, p. 669.

6 E.g., Kleinheyer, 'Abdankung', p. 144. The notion of a 'sick' Empire is common in older works.

7 Memo, Haas, n.d. [May 1806], TW/3, GV, attacks Napoleon as a usurper and fantasist.

8 Ingrao, *Habsburg Monarchy*, p. 230, argues Prussia's neutrality since 1795 had 'doomed' the Empire to destruction.

Austria and the third Germany of vital support. Less obvious, but still significant, is Prussia's reluctance to assume an Imperial role, which left the Habsburgs with the benefits, as well as the burdens, of the Empire's legacy. The end was thus a collective decision of the Empire's extended family, most of whom were keen to avoid any public admission of their role, leaving it to Francis II to take the final step.

Opinions in Vienna varied with the degree of personal involvement in Imperial politics. Many Habsburg ministers criticized the particularism of the princes, and their failure to see that their interests lay in co-operation with Austria.[1] However, few advocated severing all ties and many fought to preserve a symbolic connection. Hügel refused promotion within the Austrian central administration after 1806, preferring to work within the shadow world of the former Empire. He safeguarded Habsburg interests in the Teutonic Order at Mergentheim, became envoy to Dalberg's court, and finally Baron von Stein's assistant in the civil government of Frankfurt, where he ensured the preservation of the former arch-chancellory archive and its transfer in 1815 from Aschaffenburg to Vienna. His Prussian counterpart, Görtz, chose to see out his days in Regensburg, even though the city became a provincial backwater with the end of the Reichstag.[2] Those who have felt that Francis II should have provided a more 'fitting' end for the Empire are applying sentiments from another age, like the Austro-Hungarian and imperial German admirals who would have preferred their fleets to have gone down fighting rather than be handed over to the allies in 1918. The Empire's end befitted its political culture: it slipped away gradually after much agonizing about the legality and political necessity of each stage. Indeed, it was Austria's reluctance to relinquish its traditional Imperial role that prevented it from negotiating a better deal for itself. By combining abdication with dissolution, Francis nonetheless secured an important diplomatic victory: he prevented Napoleon from instrumentalizing the Holy Roman tradition whilst preserving the Habsburgs' status as the only 'real' imperial dynasty from Central Europe.

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1 See, e.g., the scathing comments of Baron Daiser who accompanied Francis II on his coronation tour in 1792, printed in Hattenhauer, *Wahl und Krönung*, pp. 401-19.

2 Dorda, *Hügel*, pp. 225-30. Epstein, *Genesis*, p. 665, misreads Hügel's advice from May 1806 as evidence that the Empire proved 'incapable of inspiring even sentimental loyalty'.