

Bismarck's Speech in the North German Reichstag in Defense of his Draft Constitution (March 11, 1867)

Abstract

Here, Bismarck defends his draft constitution for the North German Confederation. There were two main issues, however, that exercised his liberal critics in the Reichstag. First, they wanted the Reich secretaries of state to be fully answerable to parliament. Second, they wanted full parliamentary control of the military budget, which had been a contentious issue in Prussia from 1862 to 1866. But the liberals had to accept the so-called Iron Law, which, up until 1871, set Germany's military budget and the peacetime strength of its army at a fixed ratio to the population. In this speech, Bismarck also touches upon many issues of immediate interest to Germany's other federal states, including the fate of both their own parliaments [*Landtage*] and the German Customs Union [*Zollverein*].

Source

[...]

It could not have been our objective to produce a theoretically ideal federal constitution in which both the unity of Germany would be guaranteed for all time and freedom of movement for every particularistic stirring would be secured. Such a philosopher's stone, if it is to be found at all, must be left to the future to discover. The task of the present moment is not to come a few decimal places closer to such a squaring of the circle. Rather, recalling and, in my opinion, correctly estimating the forces of resistance upon which the earlier attempts at unification made in Frankfurt and Erfurt foundered, we have made it our business to defy those forces of resistance as little as was at all compatible with our goal. We have held it our task to discover the minimum of those concessions to the whole that the particular political entities existing within German territory must make if the whole is to be capable of surviving. Whether we want to attach the name of a constitution to the product that has thereby come into being is irrelevant. However, we believe that if that product is accepted here, the road will have been cleared for the German people, and we further believe that we can have confidence in the genius of our people that it will be able to find its way along this road, which leads to its goals.

(Bravo!)

Although the document under consideration here is sufficient for this purpose, at least in our view, I nonetheless fully understand that many wishes remain unsatisfied, that a great many things besides these were wished for, and that in like manner a great many others could have been wished for. But what I do not understand is how one could want to refuse what is being offered because these wishes have up to now remained unfulfilled, and at the same time assert that all one really wants is a constitution that could lead Germany to unity. To date objections have been raised and wishes have been expressed by individuals standing on two different sides. I would like to term them the *unitary* and the *particularistic* sides. From the unitary side one hears that they expected the creation of a constitutionally responsible ministry from this draft constitution in the same way as from the earlier one. But who should appoint this ministry? This task is not to be expected of a consortium of twenty-two governments; it would not be able to fulfill it. However, it is equally unacceptable to exclude twenty-one of twenty-two governments from a share in the establishment of the executive. The demand could only have been satisfied if a unified head with monarchical character had been created. But then, gentlemen, you would no longer have a federal relationship; then you would have the mediatization of those to whom this monarchical

power was not given. This mediatization was neither consented to by our confederates nor sought by us. Some here have intimated that it could be exacted by force, while others have suggested that it will in part come about by itself, the latter position being found in political quarters located close to me. We do not expect this to such a degree, and we do not believe that German princes will be ready in large numbers to exchange their present positions for that of an English peer. We have never made this unreasonable demand of them, and we do not intend to do so.

(Very good! Hear! Hear!)

But still less can I consider it to be our task—along the lines, for instance, of what was said by the previous speaker—to rely on the power, on the superior strength of Prussia in this confederation in order to force concessions that cannot be brought about voluntarily. We could use such force least of all against allies who faithfully stood by us in the moment of danger, and just as little against those with whom we have just sealed a—we hope, as one is accustomed to use the word on this earth—perpetual peace sanctioned by international law.

(Bravo!)

The basis of this relationship should not be force, neither with respect to the princes nor the people.

(Bravo!)

The basis should be trust in Prussia's faithfulness to treaties,

(Bravo!)

and this trust may not be shaken as long as this faithfulness is reciprocated.

(Very good! Bravo!)

[...]

In my view, the objections raised by those representing the particularistic point of view are more weighty and are advanced with greater earnestness than those made by the representatives of the unitary point of view. By particularism one ordinarily understands an oppositional dynasty or an oppositional caste in any state that, on account of special interests, places itself against the creation of common institutions. Today we have to deal with a new species of particularism, with parliamentary particularism.

(Amused laughter.)

In earlier times, from a dynastic standpoint, it went: "a Ghibelline, a Guelph!" Nowadays it goes: "a *Landtag*, a *Reichstag*!"

The right that the Prussian Landtag has to say *no* to the agreements we make here was emphasized a short time ago by a speaker on the other side, and I believe that no one will seriously dispute this right and appeal to force in the face of it. *Every Landtag* has this right, however small or large it may be, for we desire to live in a community that is based on law rather than force. However, until now the disagreements of the other Landtags have not been lodged at this rostrum in the same manner as those of the Prussian Landtag; these disagreements, moreover, have arisen from quarters that have surprised me. All of a sudden the advocate of a north German republic becomes enthusiastic about the monarchical Prussian Constitution;

(Amused laughter.)

then a Catholic priest, with the guidance of a text from the Bible, placed this same constitution on a plane equal with that of the salvation of his soul and spoke to us in words and tone that betrayed the deepest emotional shock at the thought that even a single article of this constitution could be altered—through legal channels mind you.

[...]

The proposition was advanced on the other side that the Prussian Constitution for the time being stands above the Constitution of the realm—advanced by deputies who I am aware hold some views in common with me, members of the Prussian House of Deputies, individuals who I believe truly want to see the matter come to pass. Likewise, what was agreed upon here between all of the governments of the individual states following a painfully achieved union and what was agreed upon among the freely elected representatives of thirty million Germans has already been cited before the assizes of the Prussian *Landtag*. Gentlemen, I must tell you that with these things a humiliating feeling came over me that those who have newly joined us will quickly lose the illusion they could have had that a person grows as his goals become greater and that the broader mental horizon which ought to be part of a larger state is able to impart to all its members.

(Bravo!)

The gentlemen who here so unceremoniously announce that the Prussian Landtag will approve or reject the product of our labors in this or that case already had their authority to do so called into question the day before yesterday. But I want to ask you, what would you say if today one of the confederated governments of its own accord declared: “If this or that does not stand in the constitution, then I do not accept it under any circumstances!” What would you say if a class or a caste made this same declaration, if, for instance, a member of the Mecklenburg *Ritterschaft* stepped forward and said: If our rights are not respected—and they weigh just as heavily on the scales of justice as do those of the Prussian Landtag—then we aren’t going along!

(Very good!)

[...]

When on the day before yesterday the same right was claimed for the Prussian Landtag, I heard not a single cry of astonishment, aside from the one I repressed inside myself. I believe, gentlemen, that those who made this statement indeed underestimate the earnestness of the situation in which we find ourselves. Do you really believe that the magnificent movement that last year led into battle the peoples [...] from the Rhine to the Prut and the Dniester, which led to the iron game of dice in which the stakes were royal and imperial crowns; that the millions of German warriors who fought against each other and bled on the battlefields from the Rhine to the Carpathians; that the thousands upon thousands of those killed in battle and those who succumbed to disease, who with their death sealed this national decision, do you believe all this could be written off with the resolution of a Landtag?

(Bravo!)

Gentlemen if you believe that, then you really do not grasp the situation!

I do not desire to lay down any sort of threat, for I respect the rights of our Landtag, just as I gladly would have respected them from the beginning if, according to my conviction, that would have been compatible with the continued existence of the Prussian state. But I am of the firm conviction that no German Landtag will pass such a resolution if we come to an agreement here.

(Bravo!)

I would indeed like to see how the gentlemen who are considering these possibilities would answer, let us say, an invalid from the Battle of Königgrätz, when he inquired about the outcome of the stupendous deeds done there. They would perhaps say to him: “Yes, to be sure, with respect to German unity once again nothing has happened. When the occasion arises things will turn out all right on that count. Unity is easy to acquire. An agreement is possible at any time. However, we have rescued the right of the House of Deputies of the Prussian Landtag to approve the budget, the right annually to place in question the existence of the Prussian army,

(commotion on the left.)

a right that we, as good patriots, would never make use of, indeed should an assembly ever go so far astray as really to want to do so, then we would call to account as traitors to their country the ministers who were party to the execution of the orders. But it is, nevertheless, our right. It was for this that we struggled with the emperor of Austria outside the walls of Pressburg.” With that the invalid ought to console himself over the loss of his limbs, with that the widow who has buried her husband ought to find solace?

Gentlemen, it is really a completely impossible situation that you are creating for yourselves here. I thus gladly turn from these fantastic impossibilities back to realm of reality, to a few objections that have been made here against the content of the constitution. It has already been said—I do not know whether the phrase was left in the king’s address—that we consider the draft to be capable of improvement. I can at least testify here that we are receptive to any suggestion honestly intended to improve the constitution and to facilitate its enactment.

(Bravo!)

However, you must not hold the government—nor the governments of any of the twenty-two confederated states—under the suspicion of wishing to renounce the historical, constitutional development of Germany. You must not accuse them of perhaps wishing to use this Parliament to wear down parliamentarianism in a struggle of Parliaments against each other. What would we gain from that? Is then, in the long run, a government conceivable that sets for itself the task of forging a union in fire or even with cold metal, should the fire cool down—a union that is not viewed with favor everywhere in Europe—and, then, so-to-speak, sets for itself the systematic task of suppressing the rights of the population to participate in its own affairs, enters into a savage policy of reaction, wastes time in struggles with its own people? Gentlemen, you cannot believe it likely that a dynasty such as the one that rules over Prussia, that any of the dynasties that at present rule in Germany, would approach a national undertaking with such—I cannot call it anything else—hypocrisy.

(Spirited bravo!)

We *desire* the development of freedom to the greatest degree compatible with the security of the whole. The issue can only be that of the limits. How much and what is *in the long run* compatible with this security? What is *at present* compatible with it? Is a transition stage necessary? How long must it last?

(Very good! Bravo!)

It cannot be our intention to withdraw the military budget from your cognizance even for the, in my opinion, indispensable period of time in which it should be treated by yourselves as immutable. One has spoken here as if the military budget hereafter is to be treated with a certain secrecy. Insofar as I have made up my mind on this matter at all, I envision that we would in any case present a budget that includes the total expenditures of the Confederation, military expenditures not excluded. Only we would do that on the basis of an agreement, to be reached with the representatives of the people, that would last for a certain number of years and would ensure that one could strike nothing from the military

budget for this period, at least nothing that had not been agreed upon with the commander in chief of the Confederation. It is indeed possible that the commander in chief could convince himself that he cannot do without this or that, that he could say: "I want that." But there must be a period of time in which the existence of the army of the Confederation does not depend upon the fortuitous oscillations of the majority. I gladly admit that it is highly improbable that in this Reichstag a majority would be found that would not approve what in *its* opinion was sufficient for the defense of the country. In this connection I am not especially fearful of the particularists in the manner referred to here. I fear much more the jumbling of the boundary between parliamentary and princely power with respect to Germany's ability to defend itself against foreign enemies. I do not think it desirable that one has the urge to exercise the kind of parliamentary influence that is being sought—and that we gladly grant to the Parliaments—chiefly on the army, while numerous other fields in which it could be exercised remain continually untouched. I believe, gentlemen, that it would be a more effective means to secure for yourself influence over the governments (which several speakers on the day before yesterday regretted not seeing), if, for example, you drew customs treaties under the sway of your legislation in such a way as to cut the realm off from its resources; if, for example, you did away with those officials who were included in the budget for the collection of customs duties; if, when you wanted to turn your activity toward setting aside a system of government that was unacceptable to you, you chose to cripple the railroad and telegraph systems. Gentlemen, I believe that these things would perhaps be more effective than reserving for yourselves the right to determine the composition and size of the army, for in the latter case the decision concerns the foundations of security and of the existence of the state, particularly in a federal state. There the government would be in the same position of finding it impossible to give in as the one in which the Prussian government has believed itself to be for several years now. Gentlemen, if this institution, the army of the Confederation, for the time being the most developed of the bases of a united Germany, the foundation that is the most indispensable to us, were to be placed in question through an annual vote, it would for me create the impression—forgive me. I use an analogy drawn from a profession that I at one time found myself in—of a dike association in which each year it was decided according to a head count, one that also included the propertyless, whether in case of high water the dikes should be broken or not. I would simply resign from such a dike association, for living would be too insecure for me, and I would not surrender myself to the danger that at some time those who wish to operate with open pastures would win the upper hand from those who work with tilled and water-free fields and that all would be ruined by a flood.

In any case, as I have already taken the liberty of indicating, we need in this connection an inviolable transition period that will last until we have grown together organically as flesh and blood;

(Bravo!)

I believe that this idea will also not be contested by a large portion of the stricter constitutionalists who want to see the matter brought to a successful conclusion.

(Bravo! Quite right!)

Aside from these things, I would like to make some remarks in connection with a few details that have been subjected to criticism, in order to prevent the discussion from straying more often than is necessary into the areas concerned. For example, there are our relations with south Germany. On the day before yesterday, Deputy Waldeck set high hopes merely on the creation of a constitutionally unitary ministry: "Then we would have the south Germans," as he put it. I believe that we could not more effectively frighten them off than if we followed such a course, a course that, as I indicated previously, would be greatly similar to the mediatization of the German princes.

Who are these south Germans? For the present they are the Bavarian, the Württemberg, and the Baden governments. Do you believe that his majesty the king of Bavaria or of Württemberg will feel himself

particularly attracted to institutions such as those suggested by Deputy Waldeck?

(Amused laughter.)

Gentlemen! I know the opposite to be the case.

Our relationship to south Germany will develop simply and securely, in my view, on the basis of the article concerning it in the draft constitution. To begin with we share with south Germany the community of the *Zollverein*, a community that at present hangs to a certain degree in the air because the peace treaties reserve to the parties the right to terminate their participation on six months' notice, until we have come to an agreement on the relationship between north and south Germany in this matter. The right of termination was necessary in order to make an agreement possible. Therefore, I think that as soon as we are finished with the North German Constitution, we should immediately approach the south German governments and invite them to join with us in a discussion of the way in which we can attain a lasting organic *Zollverein*, not one that can be terminated every twelve years. We have secured this blessing for the North German Confederation through articles concerning customs legislation, but we can neither demand that the three or four south German states should accept without further ado all that we have decided here through legislation that they did not participate in, nor can we concede to them a veto over that which is legally decided upon in the north German Reichstag, a veto that each of the three or four governments could exercise and would share with their estates. Should the *Zollverein* continue to exist in its present dimensions, then it is inevitable that organic institutions will be created by virtue of which south Germany will participate in legislation concerning customs matters. I shall forgo suggesting the particulars, but I believe that how these institutions must be created is something that follows as a matter of course.

(Quite right!)

[...]

Further, in connection with the question of power, I hold the unification of north and south Germany to be definitively secured against every attack in all matters where the security of German soil is concerned. In the south there can be no doubt that should its integrity be endangered, north Germany will unconditionally render it fraternal assistance,

(Energetic bravo!)

and in the north there is no doubt that we are completely certain of the assistance of south Germany against every attack that would be made upon us.

(Bravo!)

[...]

Gentlemen! Let us work quickly! Put Germany, as it were, in the saddle! It will certainly be able to ride.

(Energetic applause.)

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