

Karl Biedermann to Eduard Lasker, Agonizing over Liberalism's Stance on Exceptional Laws (June 12, 1872)

Abstract

Generally, the liberals were a driving force behind Bismarck's efforts to restrict Catholic influence in state affairs. However, the following letter by Karl Biedermann (1812–1901), a former 1848er and National Liberal leader in the Kingdom of Saxony, makes abundantly clear that some of them were caught on the horns of a dilemma. On principle they rejected repressive legislation against “a specific class of people”—known as “emergency” or “exceptional” laws. Such laws included the anti-Jesuit Law (1872) and the Anti-Socialist Law inaugurated in 1878. But as Biedermann explains to his party colleague Eduard Lasker (1829–1884), he agrees with the goal of initiating disciplinary measures against the Jesuits, and he is cognizant of the complicated parliamentary tactics required to achieve that end. Biedermann also notes that his constituents in Leipzig feel that even “the worst measures are not harsh enough when it comes to the Jesuits.” He was right. Well into the twentieth century, the overwhelmingly Lutheran population of Saxony harbored deep suspicion of Jesuit intrigue at the court of the Catholic Wettin dynasty that ruled their kingdom.

Source

Leipzig, June 12, 1872

[...] The Jesuit Law, as it now stands, simply compels me to action. I can look at it and think about it all I want—I still find it to be as wretched a regulation as there can possibly be. It is an emergency law in the very worst sense, for it directly contravenes § 1, § 12 of the Law of Freedom of Movement, § 38, § 39 of the Penal Code; it is an emergency law with all the odium of being aimed directly at a specific class of people (if, for example, one had attempted in the past to expel every member of the Nationalverein from every region of Germany, then this would be an analogous situation); finally, its execution is surrendered to particularistic implementation by state governments—subject to a central police agency of the Federal Council (§ 2). One hardly needs to mention the effect of precisely such a spiteful *emergency act* on an entire, large *confessional* group within the nation and the embarrassing inquisitions [it will require] to decide who is a Jesuit, not to mention, finally, its likely futility.

As far as I know, last year you even voted against the emergency penal paragraph (regarding the sermons), which I voted for, albeit with a heavy heart. I would find it hard to believe that you could consent to this [new] law. I definitely cannot. Indeed, my conviction of—I would not say the legal or liberal dubiousness of the law, but rather—the disastrous slippery slope on which the Reich Executive and the Reichstag are treading remains so firm and overwhelming that, unless I am disabused of it (which is hardly likely), I believe I cannot merely stop at not voting *for* the law, but consider it my duty to vote *against* it. Of course, this involves the risk of getting into conflict with the National Liberal parliamentary group, if it is in favor of the law, as I think. At the same time, I also believe that my voters (who hold that the worst measures are not harsh enough when it comes to the Jesuits) will hardly thank me either, and I might be forced to resign my seat. When there is an issue on which we actually have a fundamental agreement, it is insidious to get caught up in such a conflict on account of ways and means. But what would adherence to one's principles amount to if one were to treat matters of such incredible consequence as the emergency laws differently or more lightly, just because the thrust is aimed against the Jesuits, not against liberal or national groups.

I am also of the opinion, however, that once the Reich Government and the Federal Council have taken the initiative for direct action against the Jesuits (I would have deemed other disciplinary measures more appropriate and effective), the Reichstag would damage their authority and provide adversaries with the desired encouragement by simply rejecting the bill. Therefore, I believe the Reichstag ought to recast the law by means of an amendment that would of course have to change its entire purport; this change of direction would purge the spiteful and, indeed, violent elements (as an emergency law of the worst kind) and nevertheless render the purpose itself—a blow to the Jesuits—acceptable in different ways. (For instance, I am thinking about an amendment to § 128 of the Penal Code that could threaten the membership of a secret society headed by foreign leaders with the loss of civic rights [§ 32 ff.], in addition to the already stipulated imprisonment, along with being put under police surveillance [§ 38]. This would mean forfeiting the right to vote and eligibility for public office, etc.!) One can only hope that such an idea will take hold in our parliamentary caucus, which more than any other has both the power and the duty to act in this regard (and, if anyone, *you* would be able to convince others of this), in which case I would like to attend the discussions in the caucus about the draft legislation (no matter how much I am detained here, partly because of business matters, partly due to a family emergency that has not quite been resolved). If such discussions were not scheduled and things came down to a simple yes or no, I would have to ask myself whether I should come to Berlin at all for a rollcall in which I would only cast a nay vote anyway.

[...]

The entire matter has taken hold of me in such a way that I feel quite uncomfortable. Rarely have I sensed so clearly that something ought not to happen and that it will happen nonetheless.

Source: Julius Heyderhoff and Paul Wentzcke, eds., *Deutscher Liberalismus im Zeitalter Bismarcks. Eine politische Briefsammlung*, vol. 2, *Im neuen Reich 1871–1890. Politische Briefe aus dem Nachlaß liberaler Parteiführer*, edited by Paul Wentzcke. Bonn: Kurt Schroeder Verlag, 1926, pp. 53–54.

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