

Prussia's Federal Reform Proposal (April 9, 1866)

Abstract

Antagonism between Prussia and Austria and uncertainty about the future geographic and constitutional configuration of a unified Germany dominated central European politics in the 1850s and 1860s. As this rivalry escalated in 1865–1866, Bismarck attempted to retain the political initiative, even as he prepared for the expected war with Austria. The Federal Reform Proposal of April 9, 1866, was introduced into the Federal Council in Frankfurt by the Prussian envoy, Karl Friedrich von Savigny (1814–1875). This proposal sought to press Prussia's advantage in the court of public opinion and among the other (as yet uncommitted) German states. It appealed to liberals and nationalists by proposing an all-German parliament elected on the basis of universal suffrage—the kind of national parliament Bismarck knew the Austrians could not endorse. This stratagem did not bring second-rank German states such as the Kingdoms of Saxony and Hanover onside. But once promised, the concession of a broadly based national parliament could not be withdrawn. By February 1867, the North German Reichstag was a functioning reality.

Source

[...]

The history of the various reform attempts undertaken in the past decades has shown that neither one-sided negotiations between state governments nor the debates and resolutions of an elected assembly were sufficient to reshape the national constitutional structure.

Whenever state governments got stuck at the point of exchanging different opinions and gathering endless materials, this happened because the national spirit was lacking in their negotiations as a balancing and driving force. Particularist differences thus remained too pronounced.

The only force that can bring about a higher reconciliation of these differences is an assembly made up of elected deputies from across Germany. But if state governments charge *only* such an assembly with the initiative of constitutional reconstruction, as happened in 1848, the same dangers would reappear—arrogance and a disregard for things authentically rooted in fundamental German characteristics; the hopes of the German people would thus again be dashed by an illusion.

It is therefore the firm opinion of the Royal Government that this goal can be reached only through a combination of both factors: that a new, viable creation emerges on the basis of the old confederation and within its framework.

It is this consideration that prompts the Royal Government to propose to its Honorable Allies to initiate the reform of the federation immediately by *calling a general German parliament comprised of elected representatives to cooperate in redesigning the constitution through a Federal Resolution*.

In the explanation above, dated 22 September, the Royal Government already mentioned how the assembly, as envisaged here, could be formed in the way most conducive to that goal. It still must adhere to the position taken back then: that the principle of a direct popular vote (as opposed to delegations from individual state parliaments) is the only acceptable option for an assembly convened to represent the interests of the general public and the idea of unity as such.

Universal suffrage, moreover, has to be regarded as the only possible option for our envisaged purpose, and for the necessity of subordinating widely differing particularist interests to a single standard. The Royal Government furthermore objects to this form of election all the less because it deems this process more conducive to the conservative principle than any alternative election procedure, such as one based on artificial combinations.

More detailed provisions for conducting the election will be easy to arrange once the general principle of the elections has been established. Thus the Royal Government can limit itself for now to proposing the acceptance of direct voting and universal suffrage.

It has already been explained why the Royal Government deems it advisable that the German state governments do not relinquish the initiative of reform entirely to the elected assembly; therefore, it also intends to enter into immediate negotiations with its Honorable Allies about the substance of the issue.

In order to bring such talks to a successful conclusion, the restriction of the negotiations to the essential points of crucial practical importance is strongly recommended.

If the negotiations remain focused on the truly urgent interests of the nation [...] then the time between the convening of the parliament and its actual meeting will undoubtedly suffice to establish the fundamentals of a bill that may be presented to the assembly on behalf of all German governments.

The determination of an exact date for convening the parliament, however, will also offer a great guarantee to the nation that the negotiations between governments about the reform proposals cannot drag out *ad infinitum*.

By leaving everything else trustingly to the negotiations with its Honorable Allies, the Royal Government now proposes the motion that:

The Honorable Federal Assembly may resolve that:

a parliament resulting from direct elections and the universal suffrage of the entire nation be convened on a day yet to be determined, in order to receive and debate the bills brought in by the German governments concerning the reform of the federal constitution; in the interim, until the parliament meets, the federal assembly formulates these bills by way of mutual agreement between the governments.

Source: *Protokolle der Bundesversammlung 1866*, 12th session, §90, pp. 102ff. Available online at: <https://opacplus.bsb-muenchen.de/Vta2/bsb10492526/bsb:10562096?page=5>. Original German text reprinted in Ernst Rudolf Huber, ed., *Dokumente zur deutschen Verfassungsgeschichte*, 3rd revised and enlarged ed. Stuttgart: W. Kohlhammer, 1978, vol. 2, pp. 224–25.

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