CHAPTER 11

The Forgotten Federalist: Constantin Frantz and the Quest for a Polycentric European Order

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Introduction

Polycentricity is a relatively recent object of systematic scholarship. Interest in it has been closely connected with the perceived crisis of the Weberian bureaucratic state paradigm in the second half of the twentieth century.[1] By the 1970s, the interventionist welfare state model of previous decades appeared bloated, plagued by endemic inefficiencies and in need of urgent retrenchment. By the 1990s, the very ideal of the unitary national state was increasingly at odds with new trends such as

[1] For a concise analysis of the Weberian state paradigm and the debate on its crisis, see A. Anter, 'The Modern State and Its Monopoly on Violence', in E. Hanke, L. Scaff, and S. Whimster (eds.), The Oxford Handbook of Max Weber, Oxford Handbooks (Oxford: 2019).

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the development of multicultural societies, the multiplication of NGOs with autonomous actorship at the national and international level and the rise of supra-state and infra-state forms of governance such as the European Union (EU). In this context, polycentricity—and cognate, though not identical, concepts such as federalism and subsidiarity—offered a promising way of understanding systems of governance increasingly characterised by a multiplicity of autonomous decision-making centres variously coordinating, cooperating, and competing with each other.

In the second half of the twentieth century, the decline of the modern national state brought polycentricity, federalism, and subsidiarity to the fore of scholarly and political debates. Its rise had done the same in the first half of the nineteenth century. Some contributions from this period, such as Alexis de Tocqueville's treatment of American federalism, have justly acquired the status of classics of political thought and are still widely read.[2] Others, such as Pierre-Joseph Proudhon's peculiar socialist federalism, retain a place of choice in the history of nineteenth−century federalist thought.[3] This chapter reconsiders the political thought of a largely forgotten nineteenth−century federalist: the conservative Prussian Constantin Frantz (1817–1891). A contemporary of Proudhon and Tocqueville, he was one of the most articulate and perceptive German theorists of federalism, even though he arguably lacked the systematic and path-breaking depth of other German giants of the field, such as Johannes Althusius (1563–1638)[4] or Otto von Gierke (1841–1921).[5] He has by now fallen into almost complete oblivion outside a narrow, specialised literature.[6]

[2] A. de Tocqueville and J. P Mayer, Democracy in America, (New York: 1966).

[3] P. J. Proudhon and R. Vernon, The Principle of Federation, (Toronto: 2019).

[4] T. Hueglin, Early Modern Concepts for a Late Modern World: Althusius on Community and Federalism, (Waterloo, Ontario: 2006); A. de Benoist, The First Federalist: Johannes Althusius, Telos, 2000, Vol.118 (118), 25–58.

[5] O. von Gierke, A. Black, Community in Historical Perspective, (Cambridge: 2002).

[6] W. Becker, Der Föderalist Constantin Frantz. Zum Stand seiner Biographie, der Edition und der Rezeption seiner Schriften, Historisches Jahrbuch, 1997, Vol.117, 188-211; I. McDaniel, 'Constantin Frantz and the Intellectual History of Bonapartism and Caesarism: a Reassessment', Intellectual history review, 28.2 (2018): 317–338; W. R. Weitzmann, 'Constantin Frantz, Germany and Central Europe: An Ambiguous Legacy', in P. Stirk (ed.),
Mitteleuropa: History and Prospects, (Edinburgh: 1994), 36–60; R. Görner, 'Constantin Frantz and the German

The present chapter tries to remedy this neglect. Its first section introduces Frantz' life and deeds, placing them in their historical context. The next three sections touch upon the fundamental aspects of Frantz' understanding of federalism and polycentricity: respectively, the legacy of the Holy Roman Empire, his polycentric approach to solving the problem of Germany's national unification, and his take on Germany's necessary embeddedness in a supranational, polycentric, European federacy containing Russia. The last section briefly traces the influence of Frantz' thought on nineteenth and twentieth century conservative federalism and Christian Democracy, outlining some of its contemporary relevance.

The Life and Times of Constantin Frantz

Constantin Frantz was born in 1817 in Börnecke, a village near the episcopal city of Halberstadt that had once belonged to the imperial circle of lower Saxony in the Holy Roman Empire, but had passed to Brandeburg-Prussia in the seventeenth century, after the prince-bishopric of which it was part had been secularised. He was thus born a Prussian subject in a family of the non-commercial bourgeoisie, his father being a protestant pastor and his mother of French Huguenot descent. The first decades of his life were spent preparing for and then beginning a career in the Prussian civil service. He was employed by the conservative Minister of Religion and Education Johann Eichenhorn, who financed his extensive travels through East Central Europe in the late 1840s, during which he learned Czech and Polish and started to develop his concept of a multinational Central European federation. He later took over a post in the Ministry of Foreign Affairs and, in the early 1850s, undertook another study trip to Paris, this time on behalf of Prussian Minister Manteuffel, to study the development of the new Bonapartist regime and draw lessons for German conditions. A further post included the Prussian Consulate to Spain and Portugal.

Federalist Tradition', in A. Bosco (ed.), The federal idea. the History of Federalism from Enlightenment to 1945,

(London: 1991); P. Lauxtermann, Constantin Frantz: Romantik und Realismus im Werke eines politischen Aussenseiters (Groningen: Germany); M. Ehmer, Constantin Frantz: Die politische Gedankenwelt eines Klassikers des Föderalismus (Rheinfelden, Germany).

However, despite being 'one of the most thorough connoisseurs of all European conditions', as one of his twentieth−century admirers justifiably opined,[7] his public career never really took off, largely for the fierce independence with which he developed and defended ideas that appeared increasingly at odds with the prevailing *Zeitgeist* as he progressed in life. He rejected the prospect of a Prussian-led German national state as incompatible with the Germans' universalist vocation and with European peace. He had a long and complicated acquaintance with the man who realised that prospect: Otto von Bismarck, who tried to win him over to his service when he became Prussia's new strongman in 1862, after having known him throughout the 1850s. Frantz, who had already resigned from public service a few years earlier to embrace the freedom of the publicist, flatly refused, and their relations broke down irreparably in 1866, after Prussia had successfully driven Austria out of Germany and ruthlessly annexed many of the smaller German states that had traditionally sided with the Habsburgs.[8] In their last meeting that year, Frantz told the Iron Chancellor that his deeds were 'a misfortune for Germany', a view that grew even stronger after the 1871 proclamation of the Second *Reich*, which he considered until his death a catastrophic mistake giving rise to a state entity that could not last (history amply vindicated his predictions on this account, as on many others). Disheartened by the new nationalistic Germany and by a Europe ever more fragmented into competing power states (he had fought hard and failed badly to avert both), in 1873 Frantz finally turned his back to Prussia and Berlin, withdrawing to Blasewitz, a suburb of Dresden in Saxony. Thence he continued to study, write, publish, and warn his indifferent contemporaries that a major conflagration would engulf the continent, unless they became capable of a radical change of mentality. In 1891, he died the lonely and obscure death of

[7] Friedrich Wilhelm Foerster quoted in H. Kalkbrenner, 'Die föderative Konzeption der Gemeinde bei Constantin Frantz', in A. Gasser, Von der freien Gemeinde zum föderalistischen Europa: Festschrift für Adolf Gasser zum 80. Geburtstag, (Berlin: 1983), 123.

[8] J. Breuilly, Austria, Prussia and the Making of Germany: 1806 -1871, (London: 2017); J. Breuilly, The Formation of the First German Nation State 1800–71, (Basingstoke: 1996).

many unacknowledged prophets, often strangers in their own country and conveniently forgotten by their own people.[9]

Frantz' life coincided with the most important transformation in the pattern of German order and European relations since the 1648 Peace of Westphalia. He came to the world in the wake of the Congress of Vienna, whose settlement essentially confirmed, after the unstable turmoil of the revolutionary decades, an old axiom to which Frantz would continue to adhere for his entire life: that the German constitution, as the centre of gravity of continental order, had to be embedded in European public law and was a matter of concern for all Europeans, not for Germans alone. He ended his earthly journey the year after Bismarck's forced resignation in a radically changed context and amidst rampant imperialist nationalism. The new German Empire's *Weltpolitik* was dawning and the Franco-Russian rapprochement that would consolidate the division of Europe into competing power blocs destined to tragically collide in the First World War was in the making. As Frantz had predicted, the German constitution was no longer the mediating and connecting element cementing the unity of a polycentric European federacy, but an agent of division fomenting its disintegration into discrete power units. Compared to what Frantz had known in the early decades of his life, this transformation also meant a drastic reduction of polycentricity and flexibility in the German lands and in Europe at large. Its key drivers were four trends of great historical import that shaped developments during Frantz' life and beyond: bureaucratisation, nationalism, capitalism, and imperialism.

Bureaucratisation was part of the long historical process through which the modern territorial state emerged from the chaotic polycentricity of feudal orders as the pre-eminent form of political organisation. It displaced the ancient prerogatives of the Estates and monopolised legitimate force, as famously elucidated by Max Weber.[10] It also produced a thrust towards internal centralisation and external anarchy that already in early modernity received theoretical systematisation through the concept

[9] One is, of course, reminded of Mark (6:4): 'A prophet is not without honour, if not in his own country'.

[10] Anter, 'The Modern State'.

of sovereignty.[11] Well underway already under Europe's absolutist monarchies in the seventeenth and eighteenth centuries, this process had also taken place in the individual German principalities. In the German space, however, its forward march had been delayed until the early nineteenth century by the existence of the Holy Roman Empire, which possessed a very advanced legal order protecting established rights. By the time Frantz was born, little of this was left in the Empire's successor states, re-organised since 1815 within the new German Confederation (*Bund*). The fact that many of them introduced constitutions on the model of Louis XVIII's *Charte* in the restored Kingdom of France—thus moving in a direction conventionally seen as liberalising and modernising—was actually accompanied by an intensification of bureaucratic centralisation within increasingly overbearing states that tended to see organised social bodies as a feudal remnant and an obstacle to enlightened modernisation.

The result was a significant reduction in the autonomy of civil society and in what we might call 'social polycentricity'.

Even more dramatic was the impact of nationalism, which in the German space had arisen during the Napoleonic wars and had been frustrated by the creation of the *Bund*. A loose confederation designed to be a passive centre of equipoise for the continent's countervailing forces, the *Bund* curbed the nationalist desire for a strong Empire that would encompass all Germans and be a European great power on a par with the French and English national states in Western Europe.[12] The exclusionary nature of nationalism and the nationalist craving for a solid state that would be capable of concentrating and deploying power for purposes of internal modernisation and international self-affirmation naturally compounded the centralistic tendencies of the modern bureaucratic state mentioned above, as well as its natural hostility to polycentricity. The *Bund*'s dismissal in 1866 resulted in a significant reduction of polycentricity at both the German and the European levels, something

[11] P. Haldén, Peter, Stability Without Statehood: Lessons from Europe's History before the Sovereign State, (Houndmills: 2011), 7–30.

[12] The literature on nationalism is endless. Classic works include: B. Anderson, Imagined communities: reflections on the origin and spread of nationalism, (London: 2016); E. Gellner, Nations and nationalism, (New York: 2008); E. J. Hobsbawm, Nations and nationalism since 1780: programme, myth, reality, (Cambridge: 1992); J. Breuilly, Nationalism and the state, (Chicago: 1994).

that Frantz bemoaned. Problems surrounding various options for reorganising Germany's institutional framework in a more centralised and more markedly national direction were ever present during Frantz' life and amongst the central challenges he, like his contemporary Bismarck, grappled with.

A third transformative force to be reckoned with was certainly capitalism. When Frantz was born, there was no integrated German economy to talk of, and agriculture was by far the dominant source of sustenance and wealth for most German states and people. Things were radically different at the end of his life, when the new German Empire had become a major industrial economy and was pioneering the Second Industrial Revolution, while the Austrian Empire had embraced free markets and was also experiencing economic growth and progress. Throughout his life, the thrust towards bigger markets and industrialisation intensified, profoundly transforming the political economy of German and Central European unity and disunity, as well as Germany's social conditions. Trade amongst the German states grew, formalised since 1834 in the *Zollverein*, a Prussian-initiated customs union. Moreover, technological and educational developments fostered increased mobility across the German states and reinforced the notion of Germany as a unified whole. This seemed to herald a further crisis of polycentric political forms.[13]

Finally, the transformation of the theory and practice of empire in Frantz' lifetime must also be mentioned as a relevant background factor, not least for the centrality of the problem of a German Empire in his own thought. Since the first Napoleonic experience in the early nineteenth century, the traditional concept of empire as understood in a European context had been transformed.[14] From antiquity to the eighteenth century, it had mostly been used in the singular to refer to a political form that stood above individual peoples and at least aspired to universal rule over the entire oikumene. This had corresponded to the self-understanding of both the ancient Roman and the medieval Holy Roman Empire. Even in the modern era, when the latter Empire's claim

[13] J. Paulmann, 'Beginning and End? The Two German Unifications and the Epoch of Territoriality', in R. Speirs and J. Breuilly, Germany's Two Unifications: Anticipations, Experiences, Responses, (London, 2005).

[14] F. Bosbach, H. Hiery, C. Kampmann, Imperium, Empire, Reich: ein Konzept politischer Herrschaft im deutsch-britischen Vergleich = An Anglo-German comparison of a concept of rule, (Coburg: 1998).

to rule had become theoretical even within its core German territories, its ceremonial primacy of rank amongst all European political entities was readily recognised and no other European state, not even France, had claimed a separate and equal imperial dignity for itself. All this came to an end with the Napoleonic creation of a distinct French hereditary imperial dignity, to which the (elective) Holy Roman Emperor Francis II responded with the creation of an equally hereditary Austrian imperial dignity, which had not existed before 1804. The way was opened for 'empire' to no longer indicate a universal polity standing above the nations, but rather a big and powerful national state conquering extensive dependencies beyond its ethnic core and organising them on the basis of a centre-periphery relationship. This was to become the pattern of nineteenth and twentieth–century imperialism and colonialism, which unsurprisingly saw a multiplication of imperial titles recognising each other as distinct and equal for the first time in history. The new German Empire forged by Bismarck and opposed by Frantz as a betrayal of Germany's tradition and true vocation was just one of many such large and powerful states.

Polycentricity and the Legacy of the Holy Roman Empire

Constantin Frantz did not see federalism as a mere technical constitutional device, but as a principle of social and political organisation deeply grounded in culture and mores. To him, it was 'a universal principle of development' that satisfied specifically human needs, therefore no exclusive possession of a single people.[15] At the same time, he clearly considered the Germans to be the federalist people par excellence, destined to practice and promote the most encompassing form of federalism by their very geography and history. The geography of the Germans placed them in the centre of Europe, deprived them of natural borders—bringing them in close touch with many non-German nationalities—and exposed them to a variety of climates and landscapes that reinforced regional and local differentiation along the north–south and east–west axes. The history of the Germans, moreover, attested to the prevalence of

[15] C. Frantz, Der Föderalismus, als das leitende Princip für die Sociale, staatliche und internationale Organisation, unter besonderer Bezugnahme auf Deutschland, (Mainz: 1879), 9.

federative forms of rule since the remotest tribal times, famously narrated by the Roman historian Tacitus. However, it was the millennium-long association of the German kingdom with the universalist Holy Roman Empire that, according to Frantz, had left the deepest imprint on German federalism.[16]

Much maligned and dismissed for almost two centuries by nationalist historians, the Empire lasted for the better part of a millennium and has been fundamentally reappraised in numerous revisionist works since the 1960s.[17] As soon as historians and political scientists stopped appraising the Empire against the paradigm of the national power state and began to study its institutional and legal structures in their own terms—i.e. those of a polity that protected diversity and organised polycentricity—a completely new horizon opened to them. In this spirit, the Empire was recently called 'a form of political association that constituted an evolving, highly differentiated, federal union'[18] amongst all or part of ten modern European countries.[19] It was also described as a 'non-hierarchical federation of different types of small states' that organised 'politics as an ongoing process of negotiation' and bottom-up, evolutionary experimentation.[20] For Leopold Kohr, possibly the most ardent champion of small states as an enabler of political freedom, cultural flourishing, economic prosperity and good government in the second half of the twentieth century, it represented 'the most significant illustration of the small-state principle as the mainspring of federal success' in history.[21]

[16] C. Frantz, Der Föderalismus, 220–225.

[17] K. O. v. Aretin, Heiliges Römisches Reich 1776–1806, 2 vols., (Wiesbaden, 1967); K. O. v. Aretin, Das Alte. Reich 1648–1806, 4 vols., (Stuttgart, 1993–2000); K. O. v. Aretin, Das Reich: Friedensgarantie und europäisches. Gleichgewicht, 1648–1806, (Stuttgart, 1992). G. Schmidt, Geschichte des Alten Reiches. Staat und Nation in der Frühen Neuzeit 1495–1806 (Munich, 1999); J. Whaley, Germany and the Holy Roman Empire, 1493–1806 (2 vols., Oxford, 2012); P. H. Wilson, Heart of Europe a history of the Holy Roman Empire, (Cambridge: 2016).

[18] M. Burgess, A.-G. Gagnon (ed.), Federal Democracies, (London and New York: 2010), 93.

[19] Austria, Belgium, the Czech Republic, Denmark, France, Germany, Italy, Luxembourg, the Netherlands, Poland and Switzerland.

[20] M. Umbach, Federalism and Enlightenment in Germany, 1740–1806, (London, 2000), 7–8.

[21] L. Kohr, The Breakdown of Nations, (Cambridge: 2020), 178.

The Empire's so-called *Kleinstaaterei*—its constitutional model based on a multiplicity of variously sized states existing within a common institutional framework, for centuries a powerful enabler of polycentricity—ensured the survival of over three hundred most diverse polities in its bosom. These ranged from large entities of European consequence such as Austria and Prussia to ecclesiastical states and imperial free cities, from middle-sized territories such as Saxony and Bavaria to the tiny possessions of Imperial Counts and Knights. This also created the conditions for polycentric collaboration and competition mediated by common institutions, including the Emperor, the college of his electors (*Kurfürstenrat*), the *Reichstag* (the imperial parliament, where most territories were represented), the imperial circles (*Kreise*, autonomous administrative sub-structures grouping adjacent territories) and the two imperial courts, which protected the established rights of corporate groups and incorporated communities, including those of the local estates and subjects against their territorial rulers. By acknowledging the foundational importance of the Empire for German federalism and its peculiar nature as an anti-centralist and subsidiary federacy, these recent works have largely confirmed the validity of Frantz' thought on these matters, though typically without much awareness of it.[22]

The legacy of the Empire was fundamental to Frantz also because it entailed his rejection of the modern distinction between internal and international affairs as impractical and inapplicable to Central European conditions. Frantz essentially saw foreign policy as 'the application of the federalist principle to the society of states', and the tradition of the Holy Roman Empire helped him to advocate a polycentric federalism that would naturally shape and organise both German and European conditions as continuous and inseparable from one another.[23] Even after it had lost the ability to actively shape European order, the Empire had continued to perform an important stabilising international function, serving in many ways as the cornerstone of European public law. Its decentralised constitution in the middle of the continent had discouraged the emergence of any preponderant power, while also offering a sort of European clearing house where the different vectors of power could

[22] See, for example, M. Umbach, German Federalism: Past Present Future, (Houndmills: 2002).

[23] Weitzmann, 'Constantin Frantz', 44.

encounter and balance each other out, thus helping to preserve European peace or, at least, to contain the disruptiveness of war. While being capable of mobilising for defence purposes, it had been structurally unable to wage aggressive wars, thus possessing an inherent bias in favour of peace, negotiation and respect for established rights. Its European function was confirmed by the fact that France, Sweden, and even Russia were formal guarantors of the imperial constitution, its Habsburg Emperors were also archdukes of Austria and kings of Bohemia and Hungary, the King of England was also Elector of Hannover and the Elector of Saxony King of Poland until 1763, to quote only a few of the Empire's many ramifications all over Europe.

Of course, this polycentric ecosystem that blended German and European order had been lastingly damaged and partly destroyed by the time Constantin Frantz was born. The Empire had collapsed in 1806, after a drastic 'rationalisation' of its territories sponsored by the new French overlord and inspired by 'modern' ideas of bureaucratic efficiency, central control and state-building. By the time European statesmen assembled in Vienna to shape the post-Napoleonic order, only a few dozen, relatively well-rounded and homogeneous states were left, out of the hundreds that had populated the Empire only a decade and a half earlier. Moreover, their rulers, who had eaten the apple of absolutism and known for the first time the pleasures of sovereignty in the sham Confederation of the Rhine created by Napoleon, were mostly hostile to the new German Confederation (*Bund*) possessing effective federal institutions capable of reining in their particularism, or even an integrated legal system limiting their prerogatives. The *Bund* was therefore since the beginning a much-impoverished version of the old Empire, more often used in subsequent decades as a tool for repressing liberal ideas than for protecting everybody's rights.[24] There were also, however, important elements of continuity in the way the new Confederation institutionalised various dimensions of polycentricity both in its constitutional structure and in the European system at large. The *Bund*'s Federal Act, as previously the imperial constitution, was guaranteed by the great powers and, as such, was part of European public law; moreover, significant non-German minorities lay within its territories, and three non-German monarchs were its members—the King of England as King of Hanover until 1837, the

[24] K. O. von Aretin, Vom Deutschen Reich zum Deutschen Bund, (Göttingen: 1980).

King of the Netherlands as Grand Duke of Luxembourg, and the King of Denmark as Duke of Holstein and Lauenburg. Only parts of Prussia's and Austria's territories formally belonged to it, which offered a connection going beyond its borders and penetrating deep into the Eastern European space. It had no single political centre, but various centres competing and cooperating with each other. For all these reasons, the *Bund*, like the Old *Reich*, was both a predominantly 'German' Confederation and a broader international organisation.

With Austria as its presiding power, it was naturally at the heart of the Congress system of European governance devised and orchestrated by Prince Metternich through the 1820s. In fact, according to many contemporary observers, in the very changed conditions of the first half of the nineteenth century, it partly inherited the Holy Roman Empire's function as the passive centre of a European federacy that combined the autonomy of all constituent entities with systemic connections that limited their sovereignty in the name of a superior European interest in preserving peace and quashing revolution.[25] It is therefore not surprising that, unlike Bismarck, Frantz saw the *Bund* as a legitimate, though much inferior, continuator of the Germanic tradition of national and supranational federalism, and as the inevitable starting point of any viable future reform of German and European conditions.[26]

A Polycentric Solution to the German National Problem

Frantz' basic political problem was not fundamentally different from Bismarck's. Although they both ultimately saw modern nationalism as a one-sided, misguided and disruptive force, they recognised that the demand for a more solid and politically active form of German national unity was irresistible in their own time. The challenge then became satisfying this demand in a way that would limit its potential disruptiveness and not happen to the detriment of what they considered to be more important purposes. While for Bismarck those higher purposes were

[25] See, for example, F. von Gentz, 'Considerations on the Political System Now Existing in Europe,' in M. Walker (ed.), Metternich's Europe, (London: 1968), and A. H. L Heeren, Der deutsche Bund in seinen Verhältnissen zu dem Europäischen Staatensystem, (Göttingen: 1816).

[26] K. Frantz, Drei Und Dreissig Sätze Vom Deutschen Bunde, (Berlin, 1861).

improving Prussia's power position and securing the status of its conservative elites, however, Frantz prized and wanted to preserve above all Germany's polycentrism and its supranational European calling. Pursuing such different goals, it is therefore no wonder that the two Prussians would offer radically different solutions to the similar problem they faced. Frantz recommended a reformed, 'tighter' Confederation that would possess sturdier institutions, be capable of an active European policy and serve as a more solid framework for the development of German national energies than the mid-nineteenth century *Bund*, wracked by the Austro-Prussian rivalry and paralysed by the narrow-minded selfishness of its sovereign members.[27] Developing and deepening a polycentric understanding of 'the Germanies' that was not at all uncommon before the foundation of the Second *Reich*,[28] he saw them as a plural polity naturally possessing many nodes and at least three distinct poles with autonomous agency. Two of them had developed from what used to be the two Eastern marks of the medieval Holy Roman Empire, growing in the early modern period into the Prussian and Austrian great powers. Because of their origins, development, and vocation, these were not purely Germanic entities. They were at once German and European, a manifestation of the universalist spirit that drove the Germans beyond themselves and led them to establish a symbiosis of life with the non-German, mostly Slavic, nationalities of the Central European space. Frantz vehemently disagreed with the many who expected either of those powers (or both) to sever their deep bonds with the non-German peoples in order to take the lead of a movement of German national unification.[29] This expectation was typical of both dominant strands of thought on the German national problem in the mid-nineteenth century: on the one hand, *Grossdeutsch* nationalists advocated a German national state that would include Austrian Germans but exclude the many non-German nationalities of the Habsburg Empire; on the other hand, the increasingly

[27] Frantz, Drei Und Dreissig Sätze, 14.

[28] The use of the plural was not uncommon before 1866 and can still be found in some twentieth century writers who remained attached to the old tradition, see, for example, F. Stuart Campbell (pseudonym of E. von Kuehnelt-Leddihn), The Menace of the Herd, (Milwaukee: 1943), 163–188. This is, of course, similar to the contemporary shift from the plural to the singular when referring to the US, with the Civil War as a watershed. In both cases, the shift signalled a reduction of polycentricity in a centralist direction.

[29] Der Föderalismus, 244–253.

dominant *Kleindeutsch* nationalists believed in a Prussian-led German national state that would exclude Austrian Germans with their Habsburg multinational connections. On the contrary, Frantz believed that either solution contradicted the reality and essence of the two German great powers as multinational states, which should be maintained and leveraged on to organise a polycentric European federacy that would respect national differences but avoid turning them into an exclusionary principle of state organisation and competition, as modern nationalisms tended to do.[30]

Aside from Austria and Prussia, the Germanies' other pole for Frantz naturally was to be the so-called 'Third Germany'. This meant all the surviving middle and small states that often traced their remote origins to the early Germanic tribes—Bavarians, Saxons, Swabians, Hessians, Thuringians, Franks—but which had lost political influence and now had to recuperate said influence through a better common political organisation. They included Württemberg, Baden, Hessen Darmstadt, and Saxony, although the two most important entities in this group certainly were Bavaria and Hanover. These territories included the 'original' Germany of the West and South, where the subsidiary spirit of the old Empire had historically run deepest, resulting in the highest amount of fragmentation and polycentricity. In order to rebalance the German scene by organising a solid third pole alongside the Austrian and Prussian ones, however, Frantz believed that they had to work together much more closely within common institutions. It is these three entities—Austria, Prussia and a revamped composite 'Third Germany'—that would then join together to form a 'tighter *Bund*' or Confederation. Its central ruling body was to be a physical assembly of the sovereigns of the individual states, which would thus express the polycentricity inherent to the polity.[31] Within it, an executive body of three members would be formed, either by election or rotation. Only if the new *Bund* gradually succeeded in acquiring sufficient robustness and legitimacy, an Emperor could once more stand at its helm, like in the days of old, but then only a strictly

[30] Frantz, Die Wiederherstellung Deutschlands, (Berlin, 1865), 97–101; Frantz, Das Neue Deutschland, (Leipzig, 1871), 438.

[31] Is it curious how this resembles the European Council of the European Union, formed by the heads of state and government of its members and defining the union's overall political direction and priorities.

elected, as opposed to a hereditary, one, which would be ill-suited to a federative body.[32]

Frantz' approach to the German national problem was supple and evolutionary. He believed that German national energies had to be nurtured and freed to develop from the bottom-up, within a reformed confederal framework designed to favour constant and deeper exchanges across the borders of the individual German states and within common structures possessing a polycentric character. These included a *Reichstag* made up of permanent representatives of the individual states engaged in constant exchanges and negotiations and learning to overcome their selfish particularism and to work out common positions. They also included a federal army to avoid that the military forces of the German states became mere pawns in the hands of the two German great powers, a legal community guaranteed by a strong federal court, a community of art and science embodied in a federal academy and an economic union that would include the creation of a free trade area and the transfer of trade policy competences to the federal level.[33] Frantz' polycentrism, however, went much beyond the merely institutional dimension to incorporate a radical demand for reviving what we might call the societal polycentrism of all kinds of corporate entities, from the Churches and other spiritual agencies to the most varied associations, from the leagues of cities and territories that had been so important in German history to the modern industrial and commercial entities that grew beyond the borders of a single state to stretch over the entire federal territory, such as banks, insurance companies, and railway companies. It is from the free development of this all German, bottom-up, societal forces that Frantz expected the highest and most lasting contribution to the national cause, whose social and institutional form would remain structurally polycentric, in tune with what he saw as the true German character. Thence would come the true connecting tissue holding the Germans together, not by the creation of a centralised national state that, by its very statist nature, would inevitably curb the free development of social forces and result in a homogenising, unnatural, and 'Bonapartist' (i.e. despotic) unification.[34] It is precisely for what he saw as its centralism and anti-polycentricity that Frantz bemoaned

[32] Frantz, Die Wiederherstellung, 96–108.

[33] Die Wiederherstellung, 302–329.

[34] Frantz, Die Wiederherstellung, 330–339.

Bismarck's new Germany as a Bonapartist experiment that violated the German spirit.

As the great historian Friedrich Meinecke put it, Frantz' notion of German order stemmed from 'the belief that the political unity of the German nation could be created without giving the nation the firm contours of an autonomous state personality'.[35] Not unlike Vincent Ostrom, one of the most perceptive students of federalism and polycentricity in the latter part of the twentieth century, Frantz recognised that the modern 'Hobbesian' state, which claimed an ultimate and absolute sovereignty for itself, possessed an inherently centralistic logic incompatible with an authentic federalism.[36] Unlike the Holy Roman Empire, which had shaped the political consciousness and practice of the Germans in a polycentric direction, 'the state as such has a centralising, overbearing tendency, which inevitably tends to restrict the free movement of social forces more and more, as the history of the last few centuries throughout Europe shows'.[37]

Because of the state's inherent hostility to the federal polycentricity quintessential to the German character, for Frantz the idea of a 'German state' was a contradiction in terms. This is reminiscent of Ostrom's piercing statement that 'the term "federal state" is an oxymoron'.[38] The nineteenth–century Prussian would have certainly concurred with the twentieth–century American here. For him, in the German lands, the state could not be the highest form of collective association. A variety of closely knitted political and societal entities had to co-exist and coordinate under the higher federative umbrella of the Empire, which kept

[35] F. Meinecke, Friedrich, R. B. Kimber, Cosmopolitanism and the National State, (Princeton: 2015), 191. Although Friedrich Meinecke's statement concerned his interpretation of Stein's and Humboldt's thought on the German question, it applies as well to that of Frantz, formulated and voiced a few decades later. In this important work, originally published in 1908, Meinecke clearly believed that the only politically realistic solution to the German problem was the one achieved by Bismarck, which abandoned once and for all the fuzzy universalistic and polycentric aspects of thinkers like Frantz. By the end of his life, however, he felt compelled to change his views and positively reappraised Frantz and other critics of Bismarck, as mentioned in the final part of this chapter.

[36] V. Ostrom, The Meaning of American Federalism: Constituting a Self-Governing Society, (San Francisco: 1991), 29–52.

[37] Die Widerherstellung, 359.

[38] Ostrom, 'Where to Begin?', Publius 25.2 (1995), 60.

them all in check. The purpose of his 'tighter' Confederation was precisely to create an institutional framework that would rekindle the free movement of societal forces, enabling them to grow back into that pervasive connecting tissue across all German states which he believed had characterised the Holy Roman Empire and had made it different from any mere state.[39] For this reason, Frantz vehemently rejected all the 'statist' models of German national unity popular with his contemporaries, be they France, Britain, Switzerland or, more typically, the American federal constitution.[40] He refused to accept that the German problem was merely one of transitioning from a confederation of states (*Staatenbund*) to a federal state (*Bundesstaat*), as many argued, and thought that neither could do justice to the Germans' unique history and position in Central Europe.[41]

Frantz also stressed how the German practice of 'concentration' was profoundly different from the French tradition of 'centralisation'. The latter resulted in the absorption of the individual entities within the state; the former upheld their autonomous existence while fostering their collaboration.[42] 'Concentration' created a much more internally diversified, polycentric and resilient polity, which had enabled a flourishing of literary and political talents quite unthinkable in a more centralised set-up. Such a polity could not possess a central capital like Paris, but at most a federal city, a concentration point where all the various and diverse streams of German national life crossed and interacted. Frankfurt, a free city traditionally associated with imperial institutions and situated along the river Main in the Rheinland, where Germany was historically most fragmented, could be such a federal city. The Berlin of the Prussian-dominated German Empire, on the contrary, became a capital on the French model, yet another manifestation of the historical rupture represented by Bismarck's achievement.[43] As mentioned, Frantz also underlined the prominent role of federal leagues within the Empire's

[39] Frantz, Die Widerherstellung, 65–73.

[40] Frantz, Die Wiederherstellung, 267–300. From this perspective, his polycentricity can be seen as even more radical than Vincent Ostrom's, whose appraisal of American federalism was of course much more positive.

[41] Frantz, Die Wiederherstellung, 371–377.

[42] Drei Und Dreissig Sätze, 99–100.

[43] Frantz, Drei Und Dreissig Sätze, 101–102.

history, from the medieval *Hanse* to the eighteenth–century League of the Princes, as a manifestation of the polycentric and anti-centralist nature of the German character.[44]

From a Polycentric Germany to a Polycentric Europe

Frantz' vision of continental European polycentricity was intimately connected with his conception of German polycentricity. He belonged to those Germans—once dominant but increasing a minority during his lifetime, openly persecuted as 'unpatriotic' towards the end of his life and then for various subsequent generations—for which the problems of German and European order were actually one and the same and could therefore not be solved in isolation from one another. In his own words, 'Germany is the centrepiece of the whole continent of Europe, as a result of which German affairs […] merge into European affairs. That is why the internal configuration of Germany is inseparably connected with European politics, which inevitably exerts its influence on it, just like, on the other hand, every major change in Germany influences European conditions'.[45] The Germans' polycentric federalism in their own constitutional arrangements was not only most congenial to their nature, but also a necessary prerequisite to their fulfilling their special mission as Europe's federative nation: 'Germany, existing in the midst of peoples, is not destined to isolate and centralise itself like France; it is called upon to intercede for the unity of peoples, and to represent this unity itself through a great federative organism'.[46] Only by remaining internally polycentric could Germany retain her openness to all the streams of European life that crossed in its bosom and gently bend their flow

[44] Frantz, Der Föderalismus, 225.

[45] R. Schnur, Mitteleuropa in Preußischer Sicht: Constantin Frantz, Der Staat, 1986, Vol.25 (4), 556. This was obviously a far cry from Bismarck's well-known contemporary remarks on the subject, from his sarcastic question 'Who is Europe?' addressed to the British Ambassador in 1863, to his statement 'Those who speak of Europe are in error' appearing on the margin of a letter from the Russian Chancellor Gorchakov in 1876. See S. Burgaud, Bismarck and Europe, Digital Encyclopedia of European History, accessed at https://ehne.fr/en/encyclopedia/themes/political-europe/arbiters-and-arbitration-in-europe-beginning-modern-times/bismarck-and-europe on 17 September 2023.

[46] Quoted in Schnur, Mitteleuropa, 561.

to reconstruct on modern foundations the 'occidental' (*abendländisch*) federation of European peoples that had existed at the height of the Christian Middle Ages. We detect here some of the powerful Romantic and Christian influences that characterised Frantz' mature political thought, and which contributed to making him, a Prussian Protestant, a reference thinker for many German-speaking Catholics in the nineteenth and twentieth century. While being a Christian conservative with his eyes firmly fixed upon past models of German and European federation, Frantz' thought was also strikingly modern in its methods, disarmingly acute in its diagnoses and puzzlingly visionary, though at times somewhat impractical, in its solutions. He was a penetrating geopolitician *avant la lettre*, whose political views were firmly grounded in a thorough knowledge of geography, history, culture, and the then-infant social sciences.

Already by mid-century, he saw politics in a global context and factored into his analyses the impact of extra-European powers such as the United States, whose rise to prominence he predicted as one of only a few perceptive European observers, Tocqueville being another one.[47]

Right before and at the height of European imperialism, which gave the fiercely competing European powers the illusion of being able to go their separate ways while carving out the world, he advocated the urgent need for a policy of European federation which would preserve the old continent's precarious status in the face of external threats.[48] Like the greatest German statesman of the previous generation, Prince Metternich, and unlike that of his own generation, Prince Bismarck, he saw Europe as an integrated whole divided into distinct nodes that had to be brought together into a single polycentric order starting from the continent's Germanic core. His proposal for a 'tighter *Bund*' was intended as a first step in that direction. Prussia and Austria would belong to it only through their German-speaking territories, while finally embracing their nature as multinational unions in their autonomous arrangements. More specifically, their mission would be organising a northwestern and a southwestern multinational federation respectively, which would be linked through them to the German Confederation. Apart from Prussia proper, he envisaged that Poland, Lithuania, Courland, Livonia, and Estonia

[47] C. Frantz, Untersuchungen über das europäische Gleichgewicht, Berlin, 1859, pp. 88–89; Frantz, Der Föderalismus, 391–7.

[48] C. Frantz, Die Weltpolitik Unter Besonderer Bezugnahme Auf Deutschland, (Chemnitz: 1882-1883).

should belong to the new northern 'Baltic federative state', which was expected to later also act as a magnet for Scandinavians. In the south, Austria would organise the many nationalities of the Habsburg Empire within a Danubian federation, which would similarly be linked through it to the *Bund* and act as a magnet for other peoples in southeastern Europe. He expected even his revamped Third Germany in the West to exert an attraction and, in the long run, establish federative relations with Belgium, the Netherlands and possibly Alsace.[49] This grand vision of a polycentric federacy gradually growing out like a living organism from the heart of the continent was the expression of an antimilitaristic and peace-loving spirit. It was not meant to be a modern Empire with a Germanic core and many national peripheries, as some have argued, occasionally even treating Frantz as a nineteenth−century precursor of the Nazis.[50] It was rather intended as a polycentric continental commonwealth whose backbone would indeed be Germanic for reasons of geography, history, and culture, but which would take a federalist and covenantal, as opposed to an imperialist, form.

With today's eyes, Frantz' thought seems to be delineating a gigantic continent-size Switzerland or a modernised version of the First *Reich*, and not at all a modern colonial Empire, let alone a prefiguration of the Third *Reich*. This is not to say that he categorically excluded the possibility of war to bring about his desired state of affairs in the context of his own time. He seems to have believed that wars against France and, especially, Russia were probably inevitable to reach a lasting continental peace. To him, France, particularly in its Napoleonic incarnation under the Second Empire, represented a centralising polity that promoted revolutionary nationalism all over Europe, an agenda that he deemed short-sighted, destabilising, and incompatible with continental peace. As to Russia, he considered it 'the danger from the East', as captured in the title of a book of his posthumously published in 1899.[51] He saw the Eastern giant as a half-Asiatic power that had been allowed to expand

[49] Becker, Der Föderalist, 189–190.

[50] See, for example, L. Souzin, 'The Political Thought of Constantin Frantz', in M. Baumont, J. H. E. Fried, E. Vermeil, (Ed.), The Third Reich, New York, 1955, 112–147, and L. Ledermann, 'Un philosophe allemand du federalisme: Constantin Frantz', in L'Action Fédéraliste Européenne, Vol. 5 (April 1947), Neuchatel, La Baconniére.

[51] C. Frantz, 'Die Gefahr aus Osten', in O. Schuchardt, Die deutsche Politik der Zukunft, (Dresden: 1899).

excessively Westwards, trumping upon the rights of proud members of the European family of peoples such as the Poles and threatening the integrity of Europe as such. The Eastern European peoples and territories occupied by Russia had to be freed. In fact, Frantz' northern and southern federations linked with the *Bund* were clearly designed to expel Russia from central, eastern, and southeastern Europe, containing its influence on the European continent and returning the Czarist Empire to what Frantz saw as its proper task of Europeanising Asia, as opposed to Asianising Europe.[52] The acute sense of danger with which Constantin Frantz looked at Russia from the perspective of European unity, freedom and security strikes us as surprisingly fresh today, after Russia's invasion of Ukraine in February 2022 and the drawn-out war and geopolitical realignments that have followed. There is no doubt that many of Frantz' geopolitical arguments for driving Russia back to what he considered its proper boundaries and for organising a Central and Eastern European space entirely freed from its hegemony retain their plausibility to this day. However, it is important to underline that Frantz was equally weary of the danger to Europe's independence implicit in America's rise to great power status. His endeavour was as much about securing the status and freedom of Europe against the future encroachments of America than against the present encroachments of Russia.[53] The Atlantic framework of Europe's security ecosystem today was, understandably, entirely alien to his thinking.

From early on, Frantz firmly opposed any policy of Germanising the Poles of Prussia as much as the non-German nationalities of the Habsburg empire. Germanisation was not only misguided on principle for this conservative who valued cultural diversity and the colourful polycentricity to which it gave rise above all else. As he wrote already in 1847 with reference to Posen, it was doomed to failure, unless 'one did not want to undertake the displacement of entire nations', as he quickly added, perhaps with a dreadful premonition of what was to come a century later.[54] He hoped that his proposals would solve not only the German national question but also the other two burning national

[52] Frantz, Die Wiederherstellung, 427–429.

[53] Frantz, Grossmacht und Weltmacht, in Zeitschrift für die gesamte Staatswissenschaft, 44. 4, (1888), 675–722; Schnur, Mitteleuropa, 549–553.

[54] Quoted in Schnur, Mitteleuropa, 563.

questions of the mid-nineteenth century, the Polish and the Italian, in a form that would still be compatible with an integrated European supranational order. He believed that Prussia should restore Polish independence in personal union with its own crown and, in prospect, as part of the broader German-Slavic federacy, whose component nationalities would retain their identity and autonomy. He had an exalted notion of the Prussian duty to rectify the wrongs committed at the expense of the Polish people through the three eighteenth–century partitions of their ancient commonwealth: 'the white eagle succumbed and the black eagle grew strong. One will awaken the other again, so that together they will rise to the sun with united wings'.[55] Similarly, before 1861 he seems to have believed that Austria could encourage the achievement of Italian national unity in personal union with the Habsburgs and as part of a broader federacy whose component peoples would also enjoy national self-rule, albeit of a non-exclusionary kind and while strengthening their bonds with the rest of the European organism.[56] He saw Cavour's achievement of an Italian unity brokered by French power and built after the centralist and exclusionary French model as yet another step in Europe's disintegration brought about by Bonapartism and nationalism.[57] And, as mentioned, he condemned the achievement of what he saw as a sham German national unity under the Second Empire in the same terms, just graver in its impact on the European system at large. Instead of fulfilling the true German mission of becoming the basis of a grand European federative and peaceful system the like of which had never been seen, Bismarck's *Reich* perverted it by becoming the centre of European militarism and accelerating the nationalist disintegration of Europe into competing states that recognised nothing above their self-interest.[58] This is why Frantz died a broken and defeated man, though his legacy was not entirely dispersed.

[55] Schnur, Mitteleuropa, 563. The white eagle is a reference to Poland, the black eagle to Prussia.

[56] Frantz, Untersuchungen, 318–350.

[57] Frantz, Das Neue Deutschland, 442-445. Frantz contemptuously referred to Bismarck as 'half Louis Napoleon, half Cavour', see Frantz, Der Föderalismus, 273.

[58] Schnur, Mitteleuropa, 566.

The Posthumous Influence of Frantz' Federalism and its Contemporary Relevance

Both in life and after his death, Constantin Frantz' thought went through different waves of influence and neglect. Until the mid-1860s, Frantz was a prominent publicist whose views pointed to real political possibilities and aligned with active and powerful constituencies. He offered the 'Third Germany' a federalist doctrine that valued its autonomous actorship and independence from Austria and Prussia, although he also urged the abandonment of its misguided particularism in favour of broader German and European vistas. He similarly appealed to the Habsburgs' interest to present their prominent role in German affairs and their stewardship of a multinational dynastic empire as intimately compatible, emphasising the Germans' supranational vocation. Moreover, while being a Prussian Protestant, he professed an anti-dogmatic and interconfessional Christianity anchored to the tradition of the Holy Roman Empire and expressing an anti-centralist federalism that insisted on the Germans' European responsibilities, all things that made his thought palatable to the then nascent German political Catholicism in its struggle against protestant nationalism.

Things abruptly changed between 1866 and 1871, with Austria's expulsion from Germany at the hand of Prussia, the latter's brutal annexation of several small states that had traditionally animated the Third Germany (Hanover, Hesse, Frankfurt, and Nassau), the dissolution of the *Bund*, the creation of a new Prusso-centric North German Confederation, and finally the establishment of a new Prussian-dominated German Empire. In the second part of Frantz' life, therefore, the possibilities on which he had based his political thought on Germany and Europe closed, and his natural allies of previous decades counted amongst the defeated and the persecuted of the new order. In his last decades, Frantz was one of the most significant cultural critics of Bismarck's Germany, which however were relatively few, mostly isolated, and came from widely divergent directions that represented no unified political stance.[59] In this period, the great Swiss German historian Jacob Burckhardt, who shared Frantz' reservations about the new German state, flatteringly referred

[59] S. Brockmann, 'Cultural Critique in the Two Unifications of Germany', in Speirs and Breuilly, Germany's Two Unifications, 62–75.

to him as one of the few to have had his 'head above the fog'.[60] His views continued to be read amongst politically active Catholics, which he himself described in 1879 as 'more amenable to the universalist Reichsidee', meaning the federalist tradition so closely connected with the ideal of the Holy Roman Empire in his thought. He was indeed close to the founders of the Catholic Centre Party and regularly published in leading Catholic journals.[61] Frantz' popularity with Catholics went even beyond Germany. Lord Acton shared his anti-nationalist agenda critical of the new Protestant, militaristic and Prussianized Germany and invited him to propagate it in the English-speaking world as a contributor to some of the reviews he edited.[62] Overall, however, political conditions were so unfavourable to his federalist views that they fell into relative neglect until the First World War, which ended with the fall of the Second Empire he had repeatedly predicted as inevitable.

In the interwar period, Frantz' thought was rediscovered in Catholic circles and beyond as a crucial source of insights for the reform of both Germany and Europe based on a polycentric federalism. For example, Friedrich Wilhelm Foerster, a Christian publicist involved in a number of important networks across the German-speaking world, described his discovery of Frantz's ideas as a transformative revelation: 'I saw how Providence had chosen Germany to be a mediator between the contrasts of Europe and the secular basis for the unity of the continent', and how federalism was 'the true German principle', called 'to solve the great peace problem of mankind so as to combine everywhere the right of ethnic individualities with the need for their community'.[63] Similarly, the important British Catholic scholar Christopher Dawson praised Frantz' conception of Germany as an intermediate society that would organically connect the supranational with the national dimension of European order, overcoming what he saw as the unviable one-sidedness of both an uprooted cosmopolitanism and an oppressive nationalism.[64] In interwar

[60] J. Burckhardt, Briefe, (Basel: 1963), Vol. V, 152.

[61] Including the prominent Historisch-politische Blätter für das katholische Deutschland, founded in the 1830s and published into the 1920s, see Becker, Der Föderalist, 193.

[62] R. Hill, Lord Acton, (New Haven and London: 2000), 155–156.

[63] Quoted in Becker, Der Föderalist, 198.

[64] C. Dawson, Understanding Europe, (Washington: 1952), 66–7.

Austria Frantz was a reference thinker for the Christian Social chancellor Ignaz Seipel, while during the war the future Secretary General of the United Nations and Christian Democratic President of the Austrian Republic Kurt Waldheim wrote his PhD thesis on him.[65] In the Weimar Republic and even in the immediate post-Second World War period, Frantz' polycentricity was an important intellectual underpinning of all demands and attempts to recast German federalism in a less centralised form, including those that envisaged separating the Catholic Rhineland from Prussia, making it into an autonomous German state that would help revive the old 'Third Germany', coordinate with Bavaria and Austria and contain Prussian influence.[66] Frantz' thought was equally central to the so-called *Abendland* ('Occident') movement, influential both in the interwar period before the rise of Nazism and in the post-Second World War period in the Adenauer era, which strived to re-awaken the supranational vocation of the Germans and their commitment to an 'occidental' European federation of free peoples that would liberate Central and Eastern Europe while containing the Soviet Union (and, especially in interwar prefigurations, also the United States).[67] In the early times of European integration, no lesser figure than West German Chancellor Konrad Adenauer asserted that 'the Occidental community of nations that Josef Görres and Constantin Frantz had in mind, the cooperation of the powers in solving civilizational tasks that Otto von Bismarck strove for, the practical lessons that Aristide Briand and Gustav Stresemann drew from the First World War and Winston Churchill from the Second World War catastrophe, they were all signposts to the first unions of our day: the Council of Europe, the European Coal and Steel Community, the European Defence Community, the European Parliamentary Assembly',

[65] K. Waldheim, Die Reichsidee bei Konstantin Frantz, (University of Vienna: 1944).

[66] P. Heil, 'Föderalismus als Weltanschauung. Zur Geschichte eines gesellschaftlichen Ordnungsmodells zwischen Weimar und Bonn', in Geschichte im Westen, 9 (1994), 165–182, accessed online at http://www.brauweiler-kreis.de/wp-content/uploads/GiW/GiW1994_2/GiW_1994_2_HEIL_FOEDERALISMUS.pd f on September 17 2023.

[67] V. Conze, Das Europa der Deutschen: Ideen von Europa in Deutschland zwischen Reichstradition und.

Westorientierung (1920–1970), (Munich, 2009), 25–205; R. Forlenza, 'The Politics of the Abendland: Christian Democracy and the Idea of Europe after the Second World War', Contemporary European history 26.2 (2017), 261–286.

tracing a direct line between Frantz' European vision and his own.[68] By then even Fredrick Meinecke, the doyen of German historiography, who had previously not been immune from nationalist predilections, in a classic interpretation of Germany's historical path to catastrophe celebrated Frantz for resisting the 'victory of Machiavellism over the principles of morality and justice in international relations'. In some sense, the early German Federal Republic itself was a 'frantzian' construct insofar as it organised big swaths of what had been the historic Third Germany in a federal entity that was open to Europe's supranational integration but also autonomous from occupied and neutral Austria as much as from defunct Prussia, whose territories were lost in the East. With the massive transfers of populations that concluded the Second World War and the stabilisation of the iron curtain right through Europe's Germanic core by the 1960s, however, the fundamental geopolitical premise of Frantz' thought, i.e. the unity and autonomy of the Central European space, had vanished. Frantz' influence went into terminal decline, and the end of Germany's and Europe's division after 1989 did not fundamentally change that, despite the re-opening of some of the older geopolitical vistas in a new context.[69] It is therefore appropriate to end our overview of Frantz' federalist thought by asking ourselves if it possesses any contemporary relevance that might confer on it more than merely antiquarian interest. From this perspective, at least two of its central tenets deserve to be mentioned.

The first tenet is his insistence on the necessary social foundations of both German and European federalism and on the vitality of societal bodies across borders. Frantz' federalism was not merely a cold constitutional form. It was firmly grounded in a structured society populated by active and autonomous bodies that blurred the line between private and public, state and civil society, national and international spheres, with the family seen as the basic cell of the federalist social structure.[70] Accordingly, he dismissed the tendency of German national liberalism in

[68] K. Adenauer, Neue Literarische Welt, 4.16, 1953, quoted at https://www.konrad-adenauer.de/seite/25-august-1953/, accessed on 17 September 2023. Adenauer's admiration for Bismarck, however, was clearly out of tune with Frantz' opinions.

[69] Indeed, many of the more recent works on Frantz referenced earlier date from the 1990s.

[70] Weitzmann, 'Constantin Frantz, 44.

his own time to treat the rights of specific communities as mere concessions of the state, on the contrary seeing them as the inalienable rights of autonomous entities that the state was just expected to acknowledge, protect and nurture.[71] Contemporary scholarly approaches to polycentricity overwhelmingly stem from a liberal disposition and often emphasise the necessary connection between polycentricity on the one hand and a robust conception of democracy as self-governance on the other. In Frantz' thought this connection is openly rejected. The Prussian thinker regretted and feared the tendency of progressive liberal thought and politics to disempower societal bodies as feudal remnants, leaving powerless and atomised individuals alone to confront the cold power of the state. He believed that the key assumptions of liberalism were conducive, in the first instance, to unitary national states with Bonapartist features, combining despotic leadership at the top with individualistic atomisation at the bottom of the social pyramid.[72] However, he thought that the ultimate political tendency of liberalism was the drive towards a homogenised world state that he deemed incompatible with an authentic federalism: 'instead of an organic society with its historical structure, a mere heap of independent individuals […] who set-up a community by free decision, the constitution of which is to follow purely from the vessels of reason' is assumed. 'Such a constitution would therefore have to be one and the same in the whole rational world, and as unchangeable as a mathematical equation'. Interestingly, Frantz, who was a firm opponent of modern nationalism but cherished the nations as historical communities worthy of recognition within a polycentric federal system, sensed that liberalism would ultimately turn against them. He observed that 'from a Kantian viewpoint, one does not speak of nations at all, but only of clusters of people, or of sentient-rational beings, which is the technical expression for "human being" here. The rational state is established for such a cluster of sentient-rational beings, whereby it is to be marvelled at that one created different clusters at all and did not prefer to […] make all sentient-rational beings happy with a new constitution at once'.[73] Adopting for a moment today's political jargon, we might say that Frantz fathomed the 'globalist' tendencies of modern liberalism and

[71] Kalkbrenner, 'Die föderative Konzeption', 129.

[72] McDaniel, 'Constantin Frantz'.

[73] Frantz, Die Wiederherstellung, 378–382.

developed an early conservative critique of their philosophical premises. However, unlike a great deal of self-styled conservatives in our own time, he did not embrace a crude nationalism as an antidote, but tried to work out a third federalist way that valued rootedness within inherited communities as much as a commitment to supranational order. Still today, his approach might offer us a potentially fertile way to overcome the 'globalist vs nationalist divide', which has been recognised as one of the most intractable cleavages of contemporary western societies and has contributed to polarising and fracturing their political systems.[74] His belief in an international federalism whose backbone would be an organised transnational civil society, and not a mere inter-state institutional infrastructure, seems prescient too. It represents a curious conservative antecedent to recent approaches to European and international integration that, from a more progressive perspective, have emphasised the role of direct citizens' participation, such as Mary Kaldor's 'global civil society' and Kalypso Nicolaïdis' 'demoicracy'.[75]

The validity of Frantz' warnings against the risks of extremely individualised societies where intermediary bodies decay and state bureaucracies become overbearing and overextended is also largely confirmed by the developments of our own time. Somewhat paradoxically, recent academic literature identified these trends as key determinants of our societies' democratic malaise—often appearing in the guise of technocratic and populistic tendencies—and a revitalisation of intermediary bodies and civil society actorship as necessary to cure it.[76] Therefore, in the thought of a thinker who was frankly hostile to modern representative democracy in the nineteenth century, we might find insights on how to rescue it in the twenty-first century, not least by taking seriously the challenge of citizens' ability to decide and act directly through intermediary bodies that possess

[74] See, for example, D. Goodhart, The road to somewhere: the populist revolt and the future of politics, (London: 2017).

[75] M. Kaldor, The Idea of Global Civil Society, International Affairs, 79. 3 (May, 2003), 583–593; J. van Zeben, K. Nicolaïdis, 'Demoicratic Subsidiarity', in J. van Zeben, A. Bobić, Polycentricity in the European Union, (Cambridge: 2019).

[76] C. Bickerton, C. Invernizzi Accetti, Technopopulism: The New Logic of Democratic Politics, (Oxford: 2021).

public relevance and fulfil public functions.[77] Although in the German context Frantz is normally treated as an antiliberal thinker, his thought was in many ways close to the somewhat conservative and Christian liberalism displayed in his own time by better known figures such as Alexis de Tocqueville in France or Lord Acton in England. Frantz, however, was closer to Proudhon's federalism concerning the mounting social question of his own time, which occupied an important place in his body of work, making him in many ways an unacknowledged precursor of the Catholic Church's social doctrine.

The second tenet of Frantz' federalist thought with some contemporary relevance is his insistence on a Germanic-European tradition of subsidiary federalism distinct from the American tradition of 'centralised federalism'. Frantz argued profusely that the dominance of foreign models, particularly of the American federal model, on the Germans' constitutional imagination had prevented them from fully understanding what was unique about their federal tradition and how to construct a viable new order that would be in accordance with it. Today, the same can arguably be said of the Europeans' quest for a supranational federal form suitable to the history and special conditions of the old continent. During the European integration process, Europe's federalist imagination has been dominated by the American model in its post-Civil War and post-New Deal form, therefore at its most centralised. This was, in different ways, the model of both Altiero Spinelli's political federalism and of Jean Monnet's technocratic federalism, which remain dominant in European federalist circles to this day.[78] In recent decades, the tendency to emphasise the necessary convergence of the EU's constitutional development with its alleged US model under the single genus of a 'federal union' of states and people characterised by a 'compound democracy' has become evident even in prominent political science and law treatments of

[77] K. Nicolaidis, 'The People Imagined - Constituting a Demoicratic European Polity', in J. Komárek, (Ed.), European Constitutional Imaginaries: Between Ideology and Utopia, (Oxford: 2023).

[78] F. O. Reho, 'The Four "Classical Federalisms"', (Brussels: 2018), accessed at classical-federalism.pdf.(martenscentre.eu) on 17 September 2023. In an important recent future-looking document prepared by the European Commission, the EU's executive branch, Altiero Spinelli's 1941 'Ventotene Manifesto' is referred to as the original formulation of the European integration idea, see European Commission, White Paper on the Future of Europe, (Brussels: 2017), 6, accessed at white_paper_on_the_future_of_europe_en.pdf(europa.eu) on 17 September 2023.

the EU's constitution.[79] As in Frantz' time with reference to the German political and constitutional trajectory, today this tendency is problematic because it cuts Europe off from a correct understanding of its unique tradition of subsidiary federalism, characterised by a supple protection of diversity within a unitary order, the same tradition Frantz had identified and on whose ground he put forward his proposals.

Once again, Frantz' thought on these matters represents an early conservative variation on themes that have been recently developed, from a more progressive perspective, by scholars who emphasise the irreducible diversity of Europe's peoples in the construction of a European political order. By conceptualising the EU as a 'demoicracy'—'a union of peoples who govern together but not as one', and who therefore open themselves to each other in multiple ways without ever wanting to consolidate in a single demos—these thinkers underline the distinctiveness of the European 'unity in diversity' from the American 'E pluribus unum', which preordained a more centralised outcome.[80] Drawing on Frantz today can complement and reinforce such approaches, opening interesting scholarly and political perspectives. It can offer students and practitioners of European federalism a framework to assess the EU—as the German Confederation in Frantz' time—in its own terms, as opposed to judging it based on some other normative benchmark that is assumed to be 'correct' and 'optimal', and which typically takes on statist feature, albeit in a federal form. It can also help clarify the normative preconditions to develop the EU in accordance with a polycentric, anti-centralist, and anti-statist conception of federalism, one that values and enhances precisely those features—such as its being a permanent framework for negotiations containing the big states, protecting the small ones and enhancing the autonomy of them all—that most disturb centralist federalists in Spinelli's tradition, who typically would like to see it act like a powerful federal state with a directing centre on the American model.

[79] See, for example: S. Fabbrini, Compound Democracies. Why the United States and Europe are Becoming Similar, (Oxford: 2010); R. Schütze, European Constitutional Law, (Oxford: 2021), 41–72.

[80] See, for example: K. Nicolaïdis, "We, the Peoples of Europe…", (2004) 83 Foreign Affairs 97; K. Nicolaïdis, The Idea of European Demoicracy, in: J. Dickson & P. Eleftheriadis (eds.), Philosophical Foundations of European Union Law (Oxford University Press, 2012).

Interestingly, like Frantz in his quest for the historical antecedents of the polycentric federacy he thought Germany and Europe should evolve towards, in recent decades several prominent historians and political scientists have stumbled upon the Holy Roman Empire as an interesting term of comparison with the EU. Some, sticking to the old historiographical conception of the Empire as a failed entity, have done so to emphasise the EU's suboptimal nature and the need for it to transform into something more like the British or American union.[81] Others have formulated a 'neo-medieval Empire' archetype clearly inspired by their understanding of the Holy Roman Empire to assess EU developments.[82] Still others, perhaps closer to the mark, have compared the EU with the Holy Roman Empire in an attempt to emancipate the study of it from the straightjacket of misleading state-centric comparisons based on contemporary political forms.[83] Indeed, if we assess a polycentric and subsidiary federacy like the EU against the normative yardstick of the modern federal state, we are bound to find it wanting, just like those who attacked the Holy Roman Empire in its last centuries of life did. It might be time to start assessing it against more appropriate benchmarks, even if this requires less conventional but potentially more fruitful diachronic comparisons with seemingly remote polities and a more systematic engagement with unjustly forgotten thinkers such as the German and European federalist Constantin Frantz.

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[81] B. Simms, The Ghosts of Europe Past, The New York Time, June 9, 2013, accessed at Opinion | The Ghosts of Europe Past - The New York Times (nytimes.com) on September 17 2023.

[82] J. Zielonka, 'Europe as Empire: The Nature of the Enlarged European Union, (Oxford, 2006).

[83] P. H. Wilson, The Holy Roman Empire can help inspire a different European Union, Financial Times, 20 January 2016, accessed at The Holy Roman Empire can help inspire a different European Union | Financial Times (ft.com) on 17 September 2023; Haldén, 'Stability Without Statehood'. On the historically contingent nature of the state as a political form, see A. Osiander, Before the State. Systemic Political Change in the West from the Greeks to the French Revolution, (Oxford: 2007).

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