

English summary

Markus J. Prutsch

Introduction: Perspectives and Frontiers of a «New Constitutional History»

This introductory article assesses the differences between “old” and “new” political history, and the benefit of the latter for contemporary constitutional history that claims to be innovative and attempts to go beyond a narrow “constitutional law” focus. While the main features and potential of a “new constitutional history” are outlined, manifest, e.g., in a broader understanding of “constitution(alism)” as well as multidisciplinary and comparative approaches, at the same time awareness is raised of immanent frontiers and restrictions of constitutional research.

Keywords: Constitutional History; Historiography; Methodology; New Political History; Social Sciences; Law

Reinhard Blänkner

Constitutional History as Cultural History

The cultural turn within the Humanities has recently taken place in constitutional history, too. To understand and practise constitutional history in the sense of cultural history does not merely mean expanding the view of constitution to include culture, which so far has not been a focus of interest besides law and politics. Rather, the cultural approach to constitutional history is characterized by three focus points of interest: the historicity of constitutionalism as a *histoire-problème*; the institutional mechanisms of a constitution as a legal-political order; and constitutional history as part of constitutionalism comprised in a broader system of knowledge. In this three-fold sense, constitutionalism can be conceived as a specific historical symbolic order. From this perspective, the article focuses on German constitutionalism at the turn of the 19th century.

Keywords: Constitution; Cultural History; Historicity; Institutionalism; Symbolism; Forms of Knowledge

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*Reassessing the Concept of Constitutional Model:
The Bavarian Constitution of 1818 – a Case Study*

The basic aim of this article is to highlight the role of legal transfer in European Post-Napoleonic constitutionalism. The “model-effect” of the *Charte constitutionnelle* as a prototype of “monarchical constitutionalism” will be analysed by focusing on one practical example, namely the Bavarian Constitution of 1818, which is generally seen as a “derivative” of the 1814 French Constitution. Such an understanding, however, does tend to be biased.

Based on results from both comparative history and transfer research, the actual relevance of the French and other contemporary constitutions for Bavaria is evaluated, thus providing an analytical basis to gain further insight into the nature, scope and limits of constitutional transfer and reception at a more general level. In conclusion, existing concepts of constitutional “models” are questioned and the need to reassess the approach to transfer history is stressed both with regard to its methodology and content.

Keywords: Constitution; Restoration; Comparative History; Transfer; France; Bavaria

Emilie Delivré

*Constitution and Communication in the Kingdom of Bavaria
during the Vormärz Period*

This article focuses on constitutional history from a communicational perspective. The starting point is that, far from being a complementary aspect of constitutional history, the study of communication media about and around a particular constitution, as well as the study of leading figures in the communication process, is essential for an accurate historical understanding of any constitution. In this regard, political catechisms as a medium of communication play an important role. In a case study of the Kingdom of Bavaria during the Vormärz, catechisms are first analysed from a comparative point of view together with other “emotive” media of communication, such as school textbooks or constitutional festivals which seem to share the same goal: to emotionally bind the subject with the crown. Then, one particular corpus of constitutional catechism is focussed on, which shows the limits of informal communication between *Volksaufklärung* and utilitarianism. Finally, two opposing catechisms are contrasted, both representative of two major constitutional festivals of the time: one in Gaibach and one in Hambach. Fürst von Oettingen-Wallerstein wrote a catechism on an existing constitution, whereas Daniel Friedrich Ludwig Pistor delivered a strong political message about a future, better constitution. In doing so, a “constitutional sphere” was opened up, a communicational space allowing those concerned with a particular constitution – in all its aspects – not only to accept its rules, but also

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to benefit from them. Through communication, some figures in the constitutional field reinterpret the concept of “constitution” and no longer see it as exclusively granted by some higher sphere, but which could be changed or even created by a wider group of citizens.

Keywords: Political Catechism; Political Festival; Constitution; Communication; Vormärz; Bavaria

Brigitte Mazohl

Political Communication and New Constitutional History – the Example of the Habsburg Monarchy in the 19th century

The article provides a short historiographical overview of the changes in constitutional history in Austria, starting with the history of institutions, via structural history approaches, to the “New Constitutional History” in the context of the “Cultural History of the Political”, “New Intellectual History” and the research area “Political Communication”. Viewed in this context, political language today receives considerably more attention than previously within the traditional history of constitutions. The main section outlines the complex development of the Habsburg monarchy from a (neo)absolutist to a modern constitutional state during the 19th century. This development proved to be an exceptionally complex challenge due to the standard European model of an ethnically homogenous constitutional state, clashing with the multi-ethnic reality of the monarchy. The diversity of the historical rights of each country (Länder) hampered this endeavour even more. Thus, regarding the “political language” used at the time, initially one had to clarify which “peoples” and “nationalities” demanded which “rights” in which “state”/“country” of the monarchy.

Keywords: Habsburg Monarchy; Constitutional History; Political Language; Nationality; Nation-building; State

Luca Mannori

The Government of the Opinion: the Interpretations of the Statuto Albertino from 1848 to the Unification of Italy

This article offers a critical review of the constitutional literature published on the Piedmontese Statute during the first period of its application, i.e. from 1848 to the beginning of the 1860s. The interest of the subject lies mainly in the different readings of the relationship between the executive and legislative branch. Indeed, the analysis of these texts reveals a wide range of interpretations, which cover almost any possible form of constitutional government. Some of the authors conceive the Statute as nothing more than a limited monarchy which assigns Parliament mere external control of the Crown’s government. Some authors ascribe the executive power to the cabinet

which represents a body mediating between the monarch and the elective Chamber, yet responsible to both at the same time. Others, however, adopt an emphatically parliamentary view of the Constitution, with the King playing a purely formal role in the balance of the power. The long hegemony of Cavour, from 1852 to 1861, assured a temporary victory of the most advanced interpretation, based on a strong and mutual relationship between ministry and Parliament, but the further phases of Italian constitutional history revealed that this was far from being the only possible reading of the Charter and allowed other interpretations to be reassessed.

Keywords: Constitution; Parliamentary Government; Public Opinion; Risorgimento; Italy; Monarchy

Luca Maggioni

«Herr Hitler gave me an interview».

When Toynbee met Hitler and the appeasement policy

Arnold J. Toynbee was the author of the twelve-volume *A Study of History* on rise and fall of civilizations. After the First World War he also played a crucial role as political analyst at the Royal Institute of International Affairs. He was director of studies from 1924 to 1943 and supervised the Institute's Surveys of International Affairs.

Because of Toynbee's harsh comments about Hitler's murders of S.A. in 1934, the English historian was surprisingly invited by the German chancellor for a private interview. At that time Hitler was trying to convince the European audience of his peaceful intentions. During the interview, which took place on the 28th February 1936, he talked about several critical points of current international affairs such as the Russian threat, the colonies and his friendly intentions toward Great Britain.

Toynbee never published the interview but was asked to write a memorandum of his conversation with Hitler for the British Government. Although in his book *Acquaintances*, written in 1967, Toynbee stated that he had never trusted Hitler's proposed agreement with Great Britain, in the unpublished memorandum Toynbee seems to support a future arrangement with the Germans. He also stressed the right of Hitler's claims and his good attitude toward Great Britain.

The real value of these documents can only be understood inside the cultural framework of the "Cliveden set", a group of appeasers in the British establishment that supported an Anglo-German appeasement. Thus, it seems that many appeasers and members of the Government, such as foreign minister Eden, were encouraged by Toynbee's memorandum to pursue a soft line in response to Hitler's occupation of the Rhineland on 7th March 1936 and to reach an agreement with Germany.

Keywords: Toynbee; interview; Hitler; appeasement; Cliveden set; Anglo-German relations

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Clemente Ciammaruconi

*Sabaudia and the House of Savoy. Recalling the monarchy
in the «new town» of the Pontine Marshes*

By means of a close analysis of the history of Sabaudia, the second town founded in the reclaimed Pontine Marshes and dedicated to the House of Savoy, this essay tries to investigate the role of the monarchy both in the propaganda and the political ritual of fascism in Italy. The inauguration of this town, which took place on 15 April 1934, was a significant example of «rite of the crown», and helps us understand, according to Catherine Brice, the great importance of the king and of the whole royal family in the public landscape of the fascist era.

The mark left by the Savoy dynasty on the «new town» was deleted neither by the fall of the old régime, nor by the defeat of the monarchy through a referendum. The author wants to examine the way by which, in a town like Sabaudia, the aforementioned family was able to remain the pivot of the connection between memory and «public use of history», even when the setting turned into a democratic and republican one. He also aims at underlining how this process fostered an identity upheaval which has since been exploited by Christian Democrat and right-wing administrations in order to engender a nostalgic mood or else to promote tourism.

Key words: Monarchy; Fascism; Sabaudia; Pontine Marshes; House of Savoy; Public use of history

Philippe Rygiel

History during the digital age

Conditions under which historians are working are transforming rapidly in the digital age. Access to archives and printed material, writing techniques and data-processing methods are quickly evolving as well as the ways historical information is accessed by historians and the general public. Traditional definitions of the discipline seem unable to allow us to apprehend the nature of some or most of these changes.

By focusing not on the final products of historical activities, but on the actual tasks accomplished by historians, and their social environment, we aim here to provide a conceptual framework that allows us to better understand what is at stake for historians of the digital age.

Keywords: History; Internet; writing; digital; epistemology; historiography

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