



# Introduction

Four years before the Holy Roman Empire of the German Nation ceased to exist, a young Hegel wrote that the Germans had been fastidiously preserving all signs of the German polity for centuries, while the thing itself, the state, had vanished. The Empire was an entity only in form, not in substance. Hegel referred to “[t]his German superstition regarding purely external forms and ceremony, so ridiculous in the eyes of other nations,” which passed off “this immutability of form ... as immutability of substance.” This was expressed in exemplary fashion by the emperor’s old clothes: “The constitution in fact seems to have undergone no change at all during the thousand years which have elapsed since the time of Charlemagne, for at his coronation, the newly elected Emperor bears the crown, sceptre and orb of Charlemagne, and even wears his shoes, coat, and jewels. An Emperor of modern times is thus identified with Charlemagne as Emperor to such an extent that he even wears the latter’s own clothes.” And he went on: “In the preservation of these forms, the German convinces himself that he can discern the preservation of his constitution.”<sup>1</sup>

This, precisely, is the subject of the present book: the relationship between the imperial constitution and its external, symbolic-ritual forms. It is indeed true that the Empire was characterized in its late phase by the fact that the actors had an extraordinarily ambiguous relationship to it: on the one hand, they took the symbolic objects and gestures in which the Empire embodied itself so seriously that they were engaged in endless quarrels about them. On the other hand, this did not prevent them, circumstances being favorable, from simply shunting elementary rules of the imperial system aside if it served their interests.

The emperor’s old clothes are a metaphor for the entire symbolic system of the Empire. On the one hand, it was known in the eighteenth century—for scholars had demonstrated as much with their critical historical methodology—that the emperor’s clothes were by no means as old as they appeared.<sup>2</sup> Many made fun of them and thought the “musty junk” ridiculous.<sup>3</sup> On the other hand, they were not abandoned; on the contrary the right to store them, handle them during the coronation, and dress and undress the emperor with them was jealously guarded. That calls for an explanation.



**Figure 1.** Coronation regalia: alb, coronation mantle, and belt for the imperial sword. Johann Adam Delsenbach, colored copper engraving, 1751, © KHM, Vienna.

This book is not only about the emperor's clothes, but about the totality of the symbols, gestures, rituals, and procedures in which the system of the Empire concretely embodied itself. The ritual act of dressing, the investiture with the regalia—crown, orb, scepter, and sword (figures 1 and 2)—stands *pars pro toto* for all actions in which the Empire manifested itself visibly. At the same time, as suggested by the title derived from Andersen's fairy tale,<sup>4</sup> this book is above all concerned with the question of how a society is kept under the spell of a collective fiction—even if many, quietly and in their own minds, might not believe in it at all.

### Fictions and Symbols

The premise of the book is drawn from cultural sociology and asserts the following: every institutional order needs symbolic-ritual embodiments and rests on the shared belief in fictions. Here fiction refers to the social construction and collective imputation of meaning on which every social order is based. Unlike the fairy tale about the emperor's *new* clothes, fiction has nothing to do with lies or deception. According to the basic premise, an institutional system consists in the final analysis of nothing else than the permanent, reciprocal ex-



**Figure 2.** Coronation regalia: stocking, two pairs of gloves, three pairs of shoes. Johann Adam Delsenbach, colored copper engraving, 1751, © KHM, Vienna.

expectations of those who participate in it: each individual believes in the functioning of the system as something completely self-evident, and posits just as self-evidently that everyone else believes in it as well. Social order functions on the basis of “expectations about expectations”: each individual is guided in his actions by the expectation that the others will do likewise.<sup>5</sup>

What plays a crucial role is how justified these expectations are in the long run. For example, if rulership is ultimately based on the expectations of those subject to it that physical force will be used should the situation warrant it, the system can be undermined and toppled if that expectation is never met. However, that does not happen very easily. Institutional systems are also characterized by the tendency to become increasingly stable over time. Maintaining them is far easier than changing them. After all, institutions create normative expectations that are maintained even if they are violated in individual cases.<sup>6</sup>

Even though they are made up of reciprocal expectations and collective imputations of meaning, which individuals use to guide their conduct, institutions (i.e., systems that are stable over long periods) usually strike people as something fixed and objective, largely inaccessible and removed from their influence. That is because institutions confront the individual at every turn with symbolic forms. Those forms adhere to a collective code, which the individual learns by growing up in a specific system and which he or she in turn repro-

duces in speech and conduct. The fundamental concepts and classifications of a system—in the case of the Empire: emperor, electors, princes, estates, and so on—are omnipresent in every manner of symbolization: starting with terms, names, titles, and forms of address, moving on to physical symbols, images, and everyday gestures of deference, and extending all the way to complex, solemn, ritual actions like the coronation of a king or emperor. Through their material concreteness, their perception by the senses, these symbolizations turn the institutional order they represent into a concrete reality. They make individuals forget that this reality depends on their continuously creating it anew and bringing it to life, and they surround the system with an “aura of necessity.”<sup>7</sup> At the same time, however, these symbolizations are never unambiguous, and the perceptions and mental pictures in the minds of individuals are never identical. Often, various interpretations compete with one another openly or covertly. Societal struggles are waged over the attempt not only to colonize the public sphere with one’s own symbols, but also to assert one’s own interpretations of these symbols against others.<sup>8</sup>

As in the fairy tale of the emperor’s new clothes, in the premodern empire it was above all the shared participation in public symbolic-ritual acts—*solemnities*—on which institutional fictions were erected: royal and imperial coronations, enfeoffments, ceremonies of homage, the opening of an imperial diet. Everyone’s open and visible participation turned those present into reciprocal eyewitnesses of their faith in this order. Anyone who participated in a public symbolic-ritual act affirmed his consent and announced that in the future he would live up to the expectations this entailed.<sup>9</sup> Presence meant acceptance. If one wanted to obviate this effect, one had to either avoid participation or make a demonstrative display of protest. But all those in attendance affirmed by their mere physical presence and witness the effect of the act—and for this the inner attitude did not matter, as long as it was not visible.<sup>10</sup>

Symbolic-ritual acts can generate this kind of effect for an institutional order above all if that order rests on the personal interactions of those involved, if the individuals come face-to-face on specific occasions. In the premodern world this was the case in local societies, for example, a village, a city, or a princely court. But to some extent it was true also of the princely society of the Empire, whose members met in person at least occasionally, and at the end of the Middle Ages and the dawn of the modern era with ever greater frequency and in ever larger numbers. We are dealing with a “culture of presence,” which rested first and foremost on the personal presence of the rulers themselves, and only secondarily on written communication and representation by proxy.<sup>11</sup> What characterized this order was the fact that its fundamental structures had to be symbolically and ritually enacted on certain solemn occasions. This changed slowly over the course of the early modern period. Describing the specific logic of this culture of presence and its transformation is the purpose of this book.

The collective belief in the necessity, self-evident nature, and inviolability of an institutional order never holds sway entirely unchallenged. What usually accompanies phases of heightened criticism of an institution is that the symbolic forms in which it embodies itself are unmasked as an “empty semblance,” its sacral aura is stripped away, and its rituals enacted—if at all—only with an ironic distance.<sup>12</sup> In the eighteenth century, this attitude indeed grew stronger among the educated vis-à-vis the Old Empire. For many, the dignity of the old order now seemed attached only to the imperial garments, which had long since become ridiculous. If the officeholders were ever stripped of their splendid regalia, as happened during the French Revolution, it was very difficult to forget this disenchanting sight. Already in the late eighteenth century, and even more so after the fall of the Holy Roman Empire, people liked to speak about this complex entity in metaphors of barbarian ruins,<sup>13</sup> of an old house threatened by collapse,<sup>14</sup> a Gothic monstrosity,<sup>15</sup> and a chimera.<sup>16</sup> The questions are these: When and why was the trust in the old forms lost, and why did they nevertheless continue to be enacted for so long, indeed, with even heightened fastidiousness? How did the ambivalent situation diagnosed by Hegel come about, a situation that is reminiscent of Andersen’s fairy-tale emperor? Why did nothing change until the Empire was toppled from the outside by Napoleon’s troops? To answer these questions, however, one has to ask even more basically: What actually constituted the institutional order of the Empire? To what extent and in what way was it bound together into a whole capable of acting? How were its institutional structures positioned to last? On what expectations of the actors did it rest? Wherein did it embody itself as a political entity? And what role did symbolizations of every kind play in this process—words, images, objects, gestures, ceremonies, and rituals?

### The Idea of Constitution and Constitutional History

Hegel’s charge was that “[i]n the preservation of these forms, the German convinces himself that he can discern the preservation of his constitution.”<sup>17</sup> In Hegel’s time, the concept of the constitution had taken on an entirely new meaning;<sup>18</sup> in the American and especially the French Revolutions, *constitution* had turned emphatically into a highly charged political slogan. “Constitution” no longer referred in general terms to the condition of a body (human or political), but to a construct of basic laws and especially individual basic rights that was construed with the criteria of political rationality and invariably took concrete form in a written charter. “A constitution is not a thing in name only, but in fact. It has not an ideal, but a real existence; and wherever it cannot be produced in a visible form, there is none,” wrote the revolutionary Thomas Paine.<sup>19</sup> This concept of constitution, which is essentially still ours today, de-

scribes a system of abstract, supreme norms, a basic order of the state fixed in writing that regulates the operation of the organs of the state, specifies the rights and duties of citizens, and thus brings the state into existence as a legal system. What characterizes such modern constitutions, above all else, is that they stipulate how new laws are created, indeed, how they themselves can be altered.<sup>20</sup> This, precisely, was not yet the case in the premodern world.

One of the salient features of modern constitutions is that we are dealing with a text, namely, a published, printed text. Even if observers speak of constitutional *reality*, they define it by the way it deviates from the constitutional *text*.<sup>21</sup> Traditional scholarship on constitutional history was long shaped by this concept—even though scholars knew full well that in the Middle Ages and the early modern period there were no constitutional texts of the kind we have today. Still, historians for the most part dealt with premodern constitutions as though they were abstract systems of norms enacted by a legislator and put down in writing. It was implied that their meaning was unambiguous, that they were arranged systematically and free of contradictions, and that they met with consensus.<sup>22</sup> If even modern constitutions hardly fulfill this criterion upon closer inspection, this is all the more true for the constitution of the Empire. Measured against this yardstick, the Empire had to appear as an incomplete, weak, monstrous, and deficient state. The medievalist Peter Moraw, one of the founders of a new constitutional history of the Empire, already noted as much in 1989: “Notwithstanding all the skill of the jurists, [in the late Middle Ages and early modern period] there did not exist a secure ‘constitutional’ and procedural consensus that would have been based—as in the constitutional state of modernity—on basic norms and procedures that created the state power in the first place, and would have been construed with logical consistency and fully legally actionable. To think of such things for the more distant past ... would be anachronistic.” And he continues: “What we call constitution was back then often a relationship among grandees, for whom princely renown matters a good deal more than texts on paper, or better: these were incommensurable factors.”<sup>23</sup> But what Peter Moraw does not yet take into consideration are the symbolic-ritual acts in which one can see a premodern equivalent to the written constitution of modernity—an equivalent, however, that followed a logic all its own.

It is extremely difficult, though, to disregard the familiar and seemingly self-evident cosmos of formally established written legal norms through which we continuously move in the modern world. Yet when historians posit categories like constitution, state, sovereignty, state organ, state law, and so on, they are employing concepts that were not yet known in the early modern period, or were accorded an entirely different meaning. If one uses these categories, it is all but unavoidable that one will also project the structures they designate into earlier eras.<sup>24</sup> Between us and the Old Empire stand legal positivism and

constitutionalism, which mislead one—looking back in time—into treating the imperial constitution as a closed, autonomous system of legal norms that can be clearly distinguished from actual political praxis. Many of the questions that modern historians pose from this perspective thus lead one astray, because they can have no clear answers. They presuppose precise conceptual distinctions that actors at the time did not themselves make. One such question, for example, is whether or not certain rituals of power—investiture, homage, coronation, and so on—were legally constitutive acts. But what is the general yardstick against which one should measure this? Concrete symbolic acts are *all* that existed; there was no concrete constitutional text that could have endowed these acts with or stripped them of constitutive meaning. Symptomatic of such an anachronistic perspective is the complaint of the older constitutional historiography that the conceptualization of the sources is vague and diffuse, and that the sources deal much more with representative externalities than with constitutional law. This was seen as superficiality, naïveté, and an incapacity for abstraction on the level of state theory. But both of these qualities—carelessness about concepts and careful attention to ceremonies and rituals—are exactly what was characteristic of the premodern world.<sup>25</sup> The precision that mattered to the actors themselves all the way into the seventeenth century was the precision of concrete, symbolic-ritual “externalities,” not the precision of abstract concepts. Instead of abstract categories, this book therefore deals first of all with concrete phenomena, with the media in which they were conveyed to the observers, and with the meanings that the participants ascribed to them.

Characteristic of the treatment of the Holy Roman Empire by earlier generations of historians was also that they either ignored a great deal of the symbolic-ritual phenomena that the sources talked about—everything that was colorful, ostentatious, ceremonial, and demonstratively staged—or assigned it to the realm of “culture” instead of politics. This included not only court feasts, tournaments, weddings, and banquets, but also ceremonial enfeoffments, entrances, and acts of homage. Although it was understood, and occasionally mentioned, that all of these phenomena held great importance to the actors themselves, they were not addressed as *political* events. Behind this focus on “real” politics, that is, on everything that did not take place on the public stage, stood the unspoken yardstick of a later political style that was characterized by objectivity, soberness, writing, and professionalism. This political style of the “gray suit,” to which the bourgeois historians of the nineteenth and twentieth centuries felt committed and which enjoyed their sympathies, was the political style of their own age. It presupposed that the political had established itself as an autonomous social functional system with a behavioral logic all its own. However, that was not yet the case in the early modern period. Political, social, religious, and economic systems were not yet separated one from the other. Relations between the members of the Empire were not anonymous and abstract

like those between functionaries in the modern state or other formal organizations: instead, they still rested to a high degree on personal closeness, kinship, and patronage. But as long as the political was not separated from other societal functions, political actions always entailed simultaneously a demonstration of a person's economic wealth, social affiliation, and rank.

To preempt these misunderstandings, one could try, first of all, to look at this past order as something other, something not self-evident—the way in which an ethnologist approaches a distant, foreign culture. Of course, this comparison falls short: after all, the past epochs of their own culture are never completely foreign to historians, who are linked to them through traditions and lines of structural continuity. Instead, the “ethnological view” is a methodological fiction, an artifice, which consists of initially looking at everything one encounters in the sources not as self-evident, but in need of interpretation.<sup>26</sup> One should not overlook that this perspective, too, like any other, highlights certain aspects of the object under examination (exotic, archaic ones), while allowing others (more familiar and modern ones) to recede into the background. Still, this perspective seems fruitful and informative, especially with respect to the Empire.

It is no accident that this kind of new approach to the premodern era is being sought out today. We live in a time when sovereign statehood is waning. The modern nation-state of the nineteenth and twentieth centuries is no longer the primary political point of reference, no longer the only point of convergence of political action. Transnational, global, but also regional references have become more important. The old model of modernization, which proceeded from a progressive rationalization of the world, has become less convincing. The ideal-type model of the bureaucratic, institutionalized state, conceived as a thoroughly rationalized enterprise, has itself been demystified. Sociologists have long since discovered that modern organizations, too, do not function as envisioned by their statutes.<sup>27</sup> All of this has created distance to the modern concepts of state and constitution, and it opens up a perspective on the degree to which modern notions—which have been shaped by several myths of rationality—still obscure a view of premodern politico-social structures.

### **Constitutional History as Ritual History?**

Already in the seventeenth and eighteenth centuries, historians were stumped by the imperial constitution and felt unable to tell a coherent story about it: they found that the Empire was too heterogeneous to be cast into a narrative form. When Johann Gottfried Herder pondered why a national history of the Germans was not as easy to write as one of the French, English, or the ancient Romans and Greeks, his explanation was that “the Holy Roman Empire is still



today in its arrangement the most peculiar in Europe: for centuries it went through chaos ... ; its history a history of rank, law, and quarrels." Much like Hegel later on, Herder also saw it as characteristic of the Germans "to take an interest in ceremonial rank, in this or that chartered sign of authority, in one law or another, not because it was advantageous, but because it was a legal imperative, to allow themselves to become interested, often to break their necks. The history of Germany, too, will not refute this character."<sup>28</sup> For a long time, constitutional history of the modern era tended to smile condescendingly upon the "fringes of this ceremonial canopy" and hardly took it seriously. By now this has thoroughly changed. Symbolic representations of every kind, images and symbols, ceremonies and rituals, feasts and celebrations, have become a very popular topic of historical scholarship.<sup>29</sup> However, they are still treated separately from "real" political history: the "soft" themes of symbolic communication confront the "hard" themes of political decision making.<sup>30</sup> But the issue is precisely to bring these two areas together.

This does not mean, though, that one should simply turn the tables—as though the constitution of the Empire rested solely on symbols, ceremonies, and rituals. Rather, one can distinguish various ways in which the order of a community is secured over the long run: first, in positive legal ways, that is, through treaties and laws; second, through concrete administrative praxis, that is, through the actual procedures of collectively binding consensus formation and decision making; third, theoretically and discursively, that is, through learned interpretation and systematization; and fourth, symbolically and ritually, that is, through the continuously renewed, solemn, and explicit symbolism of public rituals of power, as well as through the implicit symbolism of everyday behavior.<sup>31</sup> The institutional order of the Empire, its constitution in the broadest sense, was based on all of these forms of consolidation, and all of them will be addressed in this book. The symbolic-ritual form is undoubtedly the oldest, most archaic type of institutionalization. It corresponds to a culture of personal presence, and one can assume that its function waned the more the use of written media became customary and the more efficient formal procedures asserted themselves. And yet, as is expressed by the quotes from Hegel and Herder, these forms did not fade away in the Empire of the early modern period; on the contrary, they grew increasingly complex. The question is therefore how the various forms of institutional consolidation related to one another in the Empire and how those relationships changed over the course of the early modern era.

This book is not intended as an alternative constitutional history. Its goal is merely to open up a new perspective on that history.<sup>32</sup> It does *not* proceed from abstract institutional categories that had seemingly been always and immutably fixed (i.e., emperor, electors, princes, estates), but from events in which these categories became visible and were sometimes also newly negotiated. This book

is also not concerned with drawing up an inventory of all key symbols and rituals of the Empire. Such symbols existed at every level of the political system: from church prayers for the emperor in village parishes, to the imperial eagles and coats of arms on the town halls of imperial cities, to images of the emperor and electors on patents of nobility, all the way to the sumptuous imperial halls in the residences of prince-bishops or imperial prelates. These symbols of presence were found throughout the territories and cities of the Empire, by means of which especially less powerful members of the Empire demonstrated their membership in the whole.<sup>33</sup> All of this must be left aside here. Instead, the focus is on the central solemn acts and procedures in which “the Empire” became visibly manifested as a political body.

The structure of the book is neither systematic nor consistently chronological. Instead, it contains four successive individual snapshots. Four times, the microhistorical magnifying glass will be focused on particularly significant symbolic dates: the so-called Reform Diet of Worms in 1495, the Augsburg imperial diet of the *Confessio Augustana* of 1530, the first imperial diet following the Peace of Westphalia in Regensburg in 1653/54, and the years of the royal election, coronation, and succession of Joseph II in 1764/65. The choice of these dates calls for an explanation. Traditionally, the imperial diets of 1495, 1530, and 1653/54 and the years 1764/65 have been seen as the milestones of German constitutional history. The four dates selected here were historical moments in which the situation seemed particularly open to change, something that some of the actors involved were also fully aware of.

The imperial diet of Maximilian I in Worms in 1495 represents a phase of heightened institutionalization, which earlier historians referred to as “reform of the Empire.” At this diet, a number of institutional regulations were negotiated and fixed in writing, regulations that would shape the Empire of the early modern period. Charles V’s imperial diet in Augsburg in 1530, where the Protestants met the emperor in person for the first time in nearly a decade and handed over the *Confessio Augustana* to him, marks a turning point in the history of the Reformation; here the relationship between estates bent on reform and the emperor was placed on a new foundation. The imperial diet that Ferdinand III summoned to Regensburg in 1653 in the wake of the Peace of Westphalia was in some sense the real end of the Thirty Years’ War in the Empire; here the emperor and the estates sought to resolve the questions that had remained open and to balance out the future order of peace. The years 1764/65, finally, stand for several turning points. The Seven Years’ War had just come to an end and had redistributed power. Within the Empire, two rival major powers now confronted each other permanently, powers that were able to draw upon large territorial complexes outside of the Empire. Joseph II’s election as Roman king in 1764 put onto the throne in 1765 (as his father’s successor) a man who had a new understanding of rulership and of emperorship. Hence-

forth, the most tradition-bound secular office of European Christendom was held by one of the most determined anti-traditionalists and anti-ritualists.

The choice of these symbolic dates in no way means that these were the only or the most important milestones in the history of the Empire. The selection could have been different, and many crucial developments are not adequately encompassed by them. But all of these dates have one thing in common: shortly before, external conflicts had been resolved (at least temporarily), and the order of the whole was being challenged to a greater degree than usual. Thus, the expectations of the actors had to be newly calibrated. What was at stake in these moments in various respects was to define what “the Empire” really was, and to assert, defend, or even alter one’s own position within the whole. And it is my thesis that all of this transpired not least through symbolic means.

Until the second half of the seventeenth century, the most important stage on which these symbolic confrontations took place were the *Hoftage* (court days) or imperial diets—assemblies and simultaneously embodiments of the entire Empire at changing locations. Here “the Empire” became temporarily a perceptible, concrete reality. This was not only where deliberations took place on the most important shared concerns; the imperial princes were also invested with their territories, and the Roman king or the emperor was elected and crowned. The ceremonial opening of the imperial diet, the conferment of the princely imperial fiefdoms, and the election and coronation of the king were the central rituals of power of the empire. By taking place in traditional symbolic-ritual forms, they were a reminder of earlier actions and placed those involved into a system that was older than they. Leopold von Ranke already saw it this way: “Solemn acts of this kind have the characteristic that the meaning they possess at the moment connects them directly to the most distant centuries.”<sup>34</sup> Paradoxically enough, this was true also—and especially—when the traditions had in fact been interrupted or the stability of the system was under threat: rituals bridged such ruptures and symbolically created a permanence that might not have existed at all without them.

In the course of the early modern period these various symbolic-ritual acts—coronations, imperial diets, enfeoffments—became increasingly separated in space and time. As a result, in the later period one can no longer find a specific event in a specific year at a specific place that could have been considered *the* stage for the empire. Instead, in the eighteenth century the imperial diet took place exclusively in Regensburg, the enfeoffments exclusively at the imperial court in Vienna, and the elections and coronations exclusively in Frankfurt am Main. Chapter 4 will therefore not focus on *one* symbolic event, but will address all of these various locations as venues of the empire.

The primary sources for the present account are official descriptions of the ceremonies by the heralds and masters of ceremonies, illustrated broadsheets, and pamphlets—that is to say, written and pictorial representations of the rit-

ual acts either commissioned by the actors themselves and circulated at the courts, or produced by publishers independently for a broader market. These sources are symbolic duplications of the solemn acts in a different medium, representations of representations, symbolizations of the second order. Other sources are written reflections of the concrete acts: protocols, correspondence, diaries, and so on. The obvious perspective assumed by the various accounts should not be regarded—as it often is—as a methodological problem. After all, the issue here is, precisely, to gain a view of the different interpretations and competing conceptions of what the order of the empire was.

That is also why our gaze will be directed less at the normal case and more at ruptures and conflicts. For it was on these occasions that the participants had reason to address the rules of the game, which they otherwise observed for the most part tacitly in their actions. In this way the flexible character of the symbolic praxis comes into view, and one can see how in any given case the politicosocial boundaries are newly drawn, order categories are newly defined, and claims to validity are newly fine-tuned. Even if the tradition-bound rituals suggested as much, the constitution of the empire was *not* a static, fixed, and objective entity, but something that was calibrated by the players through their actions—though of course not without preconditions. It was a “doing” more than a “being.”<sup>35</sup> The manner in which this happened changed considerably over the course of three centuries. The patterns of actions became more rigid, the possibilities of change smaller. Using the individual points in time, this book intends to illustrate what all of this meant to the actors involved, how this Holy Roman Empire of the German Nation appeared to them, and how they brought it forth time and again in their actions.

## Notes

1. Hegel, “Die Verfassung Deutschlands,” 85–86. English translation: Hegel, *Political Writings*, text available at <http://www.marxists.org/reference/archive/hegel/gcindex.htm>.
2. Roeder, *De fatis klinodiorum*; see Kirchweger, “Reichskleinodien.”
3. Heine, *Deutschland, ein Wintermärchen*, chapter 17.
4. Koschorke, Frank, and Lüdemann, *Des Kaisers neue Kleider*; Berns, “Der nackte Monarch.”
5. In this I follow institutional theory, especially that of Rehberg: “Weltrepräsentanz,” “Institutionswandel,” and “Institutionen als symbolische Ordnungen.” In reference to the empire, see Rehberg, “Stabilisierende Fiktionalität,” 406. See the fundamental work of Schütz, *Der sinnhafte Aufbau der sozialen Welt*; Berger and Luckmann, *The Social Construction of Reality*; Giddens, *Constitution of Society*; but also Luhmann, *Funktionen und Folgen formaler Organisation*. On the concept of “fiction,” see also Reinhard, *Krumme Touren*. In general on the theoretical approach, see Stollberg-Rilinger, “Symbolische Kommunikation” and “Die zeremonielle Inszenierung des Reiches.”
6. Luhmann, *Rechtssoziologie*, 1:40–52.

7. Drawing on a formulation of Karl-Siegbert Rehberg.
8. Pierre Bourdieu calls this “symbolic violence”; see Bourdieu, *Logic of Practice*, 122–35.
9. Althoff, *Macht der Rituale*, 85.
10. Rappaport, “The Obvious Aspects of Ritual.”
11. See on this the systems theory concept of “communication among those present” according to Luhmann, in Kieserling, *Kommunikation unter Anwesenden*; the concept of “culture of presence” (*Präsenzkultur*) in Rehberg, “Weltrepräsentanz”; Gumbrecht, “Reflections on Institutions and Re/Presentation”; Schlögl, “Vergesellschaftung” and “Politik beobachten”; see also Habermas’s concept of the “representative public” in *The Structural Transformation of the Public Sphere*.
12. This critical stance is today widespread toward “media democracy”; see the fundamental work of Edelman, *Symbolic Uses of Politics*; most recently, see Nullmeier, “Nachwort,” in Edelman, *Politik als Ritual*, 199–219; Meyer, *Politik als Theater* and *Inszenierung des Scheins*; Dörner, *Politainment*. However, by now we have learned to understand the mandatory nature of such enactments: every order needs visibility, but at different times in different ways. See, for example, Münkler, “Visibilität der Macht”; Soeffner and Tänzler, *Figurative Politik*.
13. See Schmidt, “Die gotische Ruine.”
14. Schiller, *Deutsche Größe*.
15. Classic formulation in Pufendorf, *Die Verfassung des deutschen Reiches*, 106–7; thereafter, see Goethe, for example, *Dichtung und Wahrheit*; other examples in Schmidt, “Die gotische Ruine”; testimonies from the perspective of English travelers in Geyken, *Gentlemen auf Reisen*.
16. Wekhrlin, *Anselmus Rabiosus Reise durch Oberdeutschland*.
17. Hegel, “Die Verfassung Deutschlands,” 86.
18. Schmale, “Constitution, Constitutionnel”; Mohnhaupt and Grimm, “Verfassung.”
19. Paine, “Rights of Man,” 309–10.
20. Luhmann, “Verfassung als evolutionäre Errungenschaft.”
21. See Koselleck, “Begriffsgeschichtliche Probleme.” For criticism from the field of political science, see Vorländer, “Integration durch Verfassung?” and “Verfassung als symbolische Ordnung”; Blänkner, “Integration durch Verfassung?”; Boldt, *Verfassungsgeschichte*. Early criticism of a purely normative-legal understanding of constitution can already be found in Smend, *Verfassung und Verfassungsrecht*; Heller, *Staatslehre*; see Lhotta, *Integration des modernen Staates*.
22. Luhmann, “Funktionen und Folgen formaler Organisation,” 54, and “Verfassung als evolutionäre Errungenschaft.”
23. Moraw, “Hoftag und Reichstag,” 11, 20.
24. See, to begin with, the fundamental critique by Brunner, *Land und Herrschaft*; on the history of constitutional historiography, see Grothe, *Zwischen Geschichte und Recht*; on the controversy about the statehood of the empire, see Schmidt, “Das frühneuzeitliche Reich”; Schilling, “Das Alte Reich”; Stollberg-Rilinger, “Die zeremonielle Inszenierung des Reiches”; most recently see Haug-Moritz, *Verfassungsgeschichte*, 7–37.
25. Moraw, “Hoftag und Reichstag”; fundamental is the critique of the older constitutional history by Moraw, “Versuch” and *Von der offenen Verfassung*; Isenmann, “Kaiser, Reich und deutsche Nation.”
26. This is the concern of the more recent “culturalist” political history; on this concept, see Mergel, “Kulturgeschichte”; Frevert, “Neue Politikgeschichte”; Landwehr, “Diskurs—Macht—Wissen”; Reinhard, “Politische Kultur”; Jussen, *Die Macht des Königs*;

- Stollberg-Rilinger, *Was heißt Kulturgeschichte des Politischen?*; with reference to the empire, see Stollberg-Rilinger, "Die zeremonielle Inszenierung des Reiches"; for a critical opposing view, see Rödder, "Klios neue Kleider."
27. See above all Luhmann, "Funktionen und Folgen formaler Organisation"; Weick, *Der Prozeß des Organisierens*; Meyer and Rowan, "Institutionalized Organizations"; Brunsen, *Organization of Hypocrisy*.
  28. Herder, "Über die Reichsgeschichte"; see Völkel, "The 'Historical Consciousness.'"
  29. Fundamental is Daniel, "Clio unter Kulturschock" and *Kompendium Kulturgeschichte*; for a survey of the scholarship, see Stollberg-Rilinger, "Zeremoniell, Ritual, Symbol" and "Symbolische Kommunikation."
  30. Symptomatic for this misunderstanding is Kraus and Nicklas, *Geschichte der Politik*.
  31. On the distinction between explicit and implicit symbolism, see Krischer, "Inszenierung und Verfahren"; similarly, see Schlögl, "Symbole in der Kommunikation."
  32. For the following, see the general introductions: Willoweit, *Deutsche Verfassungsgeschichte*; Duchhardt, *Deutsche Verfassungsgeschichte*; Neuhaus, *Das Reich*; Gotthard, *Das Alte Reich*; Wilson, *The Holy Roman Empire*; Stollberg-Rilinger, *Das Heilige Römische Reich Deutscher Nation*. For a history of the scholarship on the empire, see Schnettger, "Reichsverfassungsgeschichtsschreibung"; Eichhorn, *Deutsche Staats- und Rechtsgeschichte*; Nicklas, "Müssen wir das Alte Reich lieben?" On constitutional history in general, see Grothe, *Zwischen Geschichte und Recht*; Haug-Moritz, *Verfassungsgeschichte*.
  33. See, for example, Müller, *Bilder des Reiches*.
  34. Ranke, *Reformation*, 534.
  35. Drawing on Ernst Cassirer, see Daniel, *Kompendium Kulturgeschichte*, 90ff.; Stollberg-Rilinger, "Die zeremonielle Inszenierung des Reiches," 238–39.