

Exposé of the dissertation research

Dissertation title: Josef Redlich and the Glorious Revolution of Liberalism

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Fields of expertise: Political History, Political Philosophy, Legal History

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Research topic

Josef Redlich is a representative of the new generation of Austrian liberals that came of age around 1900. Through his legal-historical publications, diaries, and the surviving voluminous correspondence, he offers a glimpse into the highly changeable times of the turn of the 19th and 20th centuries in Europe and expresses his frustration with political developments. Redlich, who was a university professor of Constitutional and Administrative Law, was the first to see the lack of the rule of law as the reason for the collapse of the Austro-Hungarian Empire in the first place, and he named two different conceptions of the state in Western Europe and Central Europe. He thus came into confrontation with the state doctrine of the Prussian university professor Rudolf von Gneist, which was taught in all German-speaking law schools. The difference between the authoritarian state in Central Europe and the British people's state is still apparent today.

The dissertation research focuses in particular on understanding the perception of the idea of liberty in Central Europe and the development of the rule of law in the liberal-constitutional age between 1848 and 1918. Rule of law is an essentially contested concept and is very closely linked to English law. In the case of the definition of the rule of law in East Central Europe, based on the tradition of the German Rechtsstaat, we find that the interpretation of the rule of law as it is known in Western Europe lags. Against the very empirical conception of the rule of law, whose foundations were built by Thomas Hobbes through the social contract, and which was developed especially in the 18th and 19th centuries by utilitarian thinkers such as James Stuart Mill and Albert Venn Dicey based on the philosophy of Jeremy Bentham, stood the German variant of the "Staat der Vernunft" based on the moral-metaphysical philosophy of Immanuel Kant, developed by Hegel. Whereas English utilitarians saw the state primarily as a free grouping of people who chose to govern themselves - hence the reform movement of the English People's State was based on the desires of the public, with the people gaining a high degree of political freedom and the opportunity to participate in the affairs of the state. In contrast, the German Rechtsstaat, under the influence of German Idealism, became the metaphysical embodiment of morality. The state was seen as the purest and most perfect idea. For Hegel, it was above all the cultivating role of the state that triumphed over the selfish desires of individuals. Rudolf von Gneist, a professor at the University of Berlin (today Humboldt University of Berlin) under the influence of Hegel, came up with a central thesis that profoundly influenced the 19th century German Rechtsstaat, arguing that people are not born free citizens, but through state-controlled education become new responsible citizens. This legal-philosophical thesis suited the political agenda of German Chancellor Bismarck and reinforced state control over the public, the development of bureaucracy and militarism. Thanks to the authoritarian state, the people had extensive civil liberty but limited political freedom. And this trend in the perception of the state and liberty strongly influenced Central Europe in the 19th and 20th centuries and is still evident in East Central Europe or Eastern Europe.

The lawyer Josef Redlich was the first to notice the different conceptions of liberalism in Central and Western Europe. He was one of the few who had the opportunity to study in England, where he got to know the Fabian Society in London and came into contact with the young liberals around Albert Venn Dicey in Oxford. From Dicey he gained an insight into the British view of the concept of the Rule of Law with its emphasis on common sense, which the first theorist of liberalism, Thomas Hobbes, had discovered for common law. Returning to Vienna, he was one of the founders of the Fabian Society in Vienna and in his habilitation thesis, "English Local Government", he strictly opposed Rudolf von Gneist. Redlich, who belonged to the rising middle classes, was aware of the contribution of the revolutionary year 1848 to the emancipation of the middle classes, and as a Jew, he appreciated the equal rights granted to the Jewish population by the December Constitution of 1867. The Redlich family belonged to the more successful Jewish

families who managed to assimilate successfully in the decades of the economic boom of the Gründerzeit and to build up a successful family company "Brüder Redlich und Berger". He received a good education and, thanks to his family's wealth and influence, was able to participate in the social life of the Viennese upper middle classes, who wallowed in eccentric decadence. Redlich rejected this behaviour and mentioned the decline of liberalism in Austria after 1867 in his work "Das österreichische Staats- und Reichsproblem". According to Gneist, political liberty can only be protected by the rule of a righteous oligarchy. His philosophy corresponded to the meritocratic form of rule of the Austrian liberals, since liberalism, for all its egalitarian ideas, was in reality a highly elitist current of salon gentlemen. Redlich saw this as a betrayal of the original ideals of liberalism in 1848, when the Austrian liberals abandoned the English concept of the people's state in exchange for political mandates. Thus, in Austria as in Germany, the administrative state with elements of the authoritarian state remained. Redlich's criticism was not understood in Austria. He was at odds with Prof. Georg Jellinek, who taught in the traditional Hegelian spirit at the Faculty of Law at the University of Vienna under the influence of Gneist. The teachings of Rudolf von Gneist taught at the law faculties, ultimately only reinforced the bureaucratisation of the state. Redlich was persecuted in Austria, faced anti-Semitism at the University of Vienna and was prevented from teaching until the fall of the monarchy.

Method

This research offers a unique perspective on the perception of the state in Central and Western Europe. Redlich plays a central role in my research as he is a lone critic who, influenced by his study of English law and his contacts in Britain and the United States, was aware of the seriousness of the problem of how liberalism and the interpretation of the state were conceived in Central Europe after the 1848 revolution and continued to be taught in German and Austrian universities. The result was increasing bureaucratisation, coupled with the detachment of liberal elites from reality, and growing social discontent that fed populist movements. After 1900, nationalist and militarist aspirations took hold in Central Europe, contributing to the outbreak of the First World War. According to Redlich, this war could have been avoided if the model of the English people's state had been installed in Central Europe. The main research method is based on a comparative discursive analysis of the legal-political philosophy of two professors, Josef Redlich and Rudolf von Gneist. I can thus say that through microhistory I am trying to understand macrohistory. In addition to studying the archival remains of both men, I will focus primarily on the analysis of their two famous books, Redlich's "Englische Lokalverwaltung" and Gneist's "Englische Verfassungsgeschichte". At the same time, I want to compare these books with the popular in the Anglophone world book "Introduction to the Study of the Law of the Constitution" by Dicey. In my dissertation, I focus on the analysis and publication of Redlich's correspondences with his English and American friends such as Dicey, Hirst, Maitland, Coolidge, etc., which have never been analysed before. I am trying to connect the thinking of Josef Redlich in his books with the historical realities presented in his letters and archival legacy. There is an extensive and unprocessed correspondence between Redlich and Francis Wrigley Hirst and Frederic William Maitland which I consider important for my research. It will therefore be necessary to study the archival estate of Albert Venn Dicey in the London School of Economics and Political Science Archives and in the Oxford University Archives. In the same archives is also the archival estate of Francis Wrigley Hirst. The archival estate of Frederic William Maitland is in the Cambridge University Library and University Archives, but at the same time I want to work with the archival estate of Rudolf von Gneist in the Prussian Privy State Archives and the estate of Georg Jellinek in the German Federal Archives in Koblenz.

Research question:

Why it was impossible to implant the British rule of law in Central Europe?

Was the idea of an authoritarian state based on Hegel's philosophy, which influenced the formation of liberalism in the German Empire and Austria-Hungary, and why was the idea of an authoritarian state so ingrained in the German mentality that it was not possible to promote the British version of a democratic state in Central Europe? On what ideological basis did liberalism and the legal interpretation of the state in Western and Central Europe stand? Following the example of Josef Redlich, what role did the educated middle class and universities play in promoting and interpreting liberalism, and what caused the crisis of liberalism around 1900 that allowed the rise of nationalism, militarism, socialism, and anarchism?

Goals:

- Tells the story of the spread of liberalism among the middle classes in Central Europe in the 19th century
- A new comparison of the British Rule of Law with the German Rechtsstaat and an attempt to redefine the rule of law
- Explores a dynamic liberal movement from the perspective of Josef Redlich
- Presents dramatic life stories around 1900
- Uses previously untapped sources in German and English from a dozen archives and libraries to reconstruct a culture that was locally rooted but connected across several regions
- Avoids a normative view of liberal politics and offers a fresh and balanced look at this phenomenon
- Places the history of Austroliberalism in a comparative European and transnational context

Current state of research

Within the framework of my dissertation research, in 2022 and 2023 I conducted detailed research on the Redlich archival estate in the Austrian National Library and the archival estate of the Faculty of Law of the University of Vienna between 1848 and 1918, stored in the University Archives of the University of Vienna. One of the most important sources for Redlich's vision of the constitutional and administrative transformation of Austria-Hungary is his report "Bericht des Mitgliedes der Kommission zur Förderung der Verwaltungsreform Prof. Dr. Josef Redlich über die Entwicklung und den gegenwärtigen Stand der österreichischen Finanzverwaltung sowie Vorschläge der Kommission zur Reform dieser Verwaltung" from 1913. In the winter semester of 2022 I undertook a study and research stay at the Faculty of Law of Humboldt University in Berlin, where as a PhD visiting student I took courses in German constitutional history, legal philosophy and English law. Throughout my stay, I conducted archival research in the archival estate of Rudolf von Gneist and Wilhelm von Humboldt at the Prussian Privy State Archives in Berlin and the archival material of the Faculty of Law of Humboldt University from the 19th century at the Humboldt University Archives. Part of Rudolf von Gneist's correspondence is deposited in the Berlin State Library, where I also had the opportunity to study the original manuscript of Hegel's "Grundlinien Der Philosophie Des Rechts". In July, I am planning a research trip to Koblenz, where the archival estate of Prof. Georg Jellinek is located in the German Federal Archives. From October to Christmas, I would like to spend three months in the United Kingdom to carry out a research stay at the LSE Archives, where the archival estate of Albert Venn Dicey is located. Another part of Dicey's archival estate is at Oxford University Archives, along with the archival estate of Francis Wrigley Hirst. The

archival estate of Frederic William Maitland is at Cambridge University Archives. During my three-month stay in the United Kingdom, I will receive PhD recognised student status at Oriel College of the University of Oxford where the renowned British historian Prof. Robert Evans has promised to be my academic advisor. At the same time, I would like to make contact with the Fabian Society and the Selden Society, whose activities are closely related to my dissertation research topic.

References

BELLER, Steven. *Wien und die Juden 1867-1938* (Wien/Köln/Wiemar 1993)

BRAUNEDER, Wilhelm. *Leseverein und Rechtskultur. Der Juridisch-Politische Leseverein zu Wien 1840 bis 1990* (Wien 1992)

BRIDGE, Francis R. *From Sadowa to Sarajevo. The Foreign Policy of Austria-Hungary, 1866-1944* (London 1972)

CSÁKY, Moritz. Pluralität, Heterogenitäten, Differenzen. Zentraleuropas Paradigme für Moderne. In Moritz Csáky (Hg.) *Kultur – Identität – Differenz. Wien und Zentraleuropa in der Moderne* (Innsbruck/Wien/München/ Bozen 2004)

FUCHS, Albert. *Geistige Strömungen in Österreich 1867-1918* (Wien 1996), S. 8-11

LANGEWIESCHE, Dieter. *Liberalismus im 19. Jahrhundert. Deutschland im europäischen Vergleich* (Göttingen 1988)

HOLLEIS, Eva. *Die Sozialpolitische Partei* (Wien 1978)

HÖBELT, Lothar. *Kornblume und Kaiseradler. Die deutschfreiheitlicher Parteien Altösterreichs 1882-1918* (Wien 1993)

JAMES, Samuel. J. G. A. Pocock and the idea of the “Cambridge School” in the history of political thought. In *History of European Ideas*, Vol. 45, 2019

JUDSON, Pieter M. Early Liberalism in Austrian Society. In Helmut Reinalter, Harm Klueting (Hg.) *Der deutsche und österreichische Liberalismus. Geschichts- und politikwissenschaftliche Perspektiven im Vergleich* (Innsbruck 2010)

JUDSON, Pieter M. *Exclusive Revolutionaries. Liberal Politics, Social Experience, and National Identity in the Austrian Empire, 1848-1914* (Michigan 1996)

KWAN, Jonathan. *Liberalism and the Habsburg Monarchy 1861-1895* (London 2013)

LE RIDER, Jacques. *Das Ende der Illusion: zur Kritik der Moderne. Die Wiener Moderne und die Krisen der Identität* (Wien 1990), S. 50-53, 94-96 (Praha 2018)

MORGENBROD, Birgitt. *Wiener Grossbürgertum im Ersten Weltkrieg* (Wien 1994)

NG, Amy. *Nationalism and Political Liberty. Redlich, Namier, and the Crisis of Empire* (Oxford 2004) OSTERHAMMEL, Jürgen. *Die Verwandlung der Welt. Eine Geschichte des 19. Jahrhunderts* (München 2016)

PEASE, Edward. *The History of the Fabian Society* (London 2018) POLANYI, Karl. *The Great Transformation* (Boston 2001)

- SANDERSON, Michael. *The Universities in the Nineteenth Century* (London 1975)
- SHAW, Bernhard. *Fabianism and the Empire: A Manifesto by the Fabian Society* (London 2010)
- SCHORSKE, Carl E. *Wien. Geist und Gesellschaft im Find de Siècle* (Wien/Graz/ Klagenfurt 2017)
- ST. JOHN, Ian. *The Historiography of Gladstone and Disraeli* (London 2016)
- TIMMS, Edward. *Dynamik der Kreise, Resonanz der Räume. Die schöpferischen Impulse der Wiener Moderne* (Wien 2013)
- WANDRUSZKA, Adam. *Die historische Schwäche des Bürgertums. Glanz und Elend der liberalen Bewegung in Österreich* (Wien 1956)
- WEILER, Peter. *The New Liberalism: Liberal Social Theory in Great Britain, 1889-1914* (London 2016).

Work Schedule

September-December 2021	
Preparation	reading of the relevant literature, search for archival sources, preparation of the final dissertation proposal
January-August 2022	
Archive research	archival research in Austria Schuman Traineeship at the House of European History in Brussels
September 2022-January 2023	
Archive research	archival research in Germany (Visiting Student at the Humboldt University of Berlin)
February-June 2023	
Archive research	European Parliament in Brussel - EPRS research at the Library of Parliament
July-September 2023	
Archive research	Archival research in Koblenz and Vienna
October-December 2023	
Archive research	Archival research in London, Oxford and Cambridge (Visiting Student at the University of Oxford)
January-August 2024	
Conclusion of the research project	writing the dissertation (Visiting Student at the Max Planck Institute for Legal History in Frankfurt am Main)