



Public Law in Germany, 1800-1914

Michael Stolleis

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This study, by one of Germany's most prominent scholars of legal history, examines a period crucial for the history of constitutionalism in this century after the collapse of the Holy Roman Empire of the German Nation in 1806. This was the era of the Congress of Vienna, of the Restoration and the constitutionalist movement, of the Revolution of 1848 and the foundation of the German Empire by Bismarck. All these developments had profound repercussions on the social and constitutional structures of central European society; they invalidated the basic principles of the previous legal system and paved the way for the changes and controversies involved in the formation of a notion of the state and public law in the nineteenth century.

But the history of public law is also marked by continuities, by long-term shifts in feudal and criminal law related to the social and political conditions of the period. Integrating intellectual with political history, this book explores the constitutional movements in the literature and scholarship of public law leading to the foundation of the German Confederation, the rise of administrative law with the "German Revolution" of 1848, and the parallels between, and increased separation of, private and public spheres in the epoch of positivism that depoliticized the scholarly investigation of public law and led to the call for the purely legal construction of constitutional law that we have today.

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