Introduction

This CD-ROM-2 continues a four-part collection of sources on the history of European constitutions from the late eighteenth, through the long nineteenth, to the early twentieth centuries. Designed to facilitate research, the work contains not only the basic texts of the constitutions of the European states, but also other relevant sources (for the most part laws, decrees, and similar documents). The organization of the collection by epoch (and, within each of these, by country) is meant to ease the readers ability to make comparisons within each respective period.

Part 1 treats the epoch of the French Revolution and Napoleonic rule. It also examines the situation in different states during the pre-revolutionary period, which, as a rule, were dominated by various types of monarchies exercising strong absolutist or, more commonly, estate-based forms of control. The sources in Part 2 are related to developments on the continent during the period between the Congress of Vienna in 1814-1815 and the Revolution of 1848, an era of dualism marked by conflict between crown and parliament. Part 3, which begins with the events of 1848, consists of texts that bear witness to the breakthrough of the constitutional monarchy within the framework of bourgeois-capitalist society and the establishment of new constitutional nation states. Beginning in the decade after 1870 and ending with the First World War, Part 4 treats the continent-wide expansion and transformation of constitutional systems through the concentration of fundamental political powers in parliament and through the democratization of suffrage. In this, as in earlier sections, the reader may also consider the multifaceted phenomena of the weakening of established constitutional institutions.

The four-part CD-ROM source book, as well as each of its individual sections, can be used on its own to study the history of constitutional development. In concept it is closely related to the four-volume Handbook of Nineteenth-Century European Constitutional History, which is organized along parallel lines. The complete work, which combines historical documentation and description, rests upon three essential points of departure: an expanded concept of the constitutional idea, a structural pattern that emerged from this idea, and the inclusion of all European states, including those of Russian Eurasia and the Ottoman Empire with its main focus in Asia Minor.

Our understanding of constitution takes as its starting point the constitutional idea as it was embodied in the constitution of the United States and of revolutionary France, a concept which had gradually taken shape in the debates of the eighteenth century and whose beginnings go back to early seventeenth-century Britain. Bearing in mind the complex mix of related forms among the absolutist, estate-based, or modern-constitutional structures, which are to be individually documented and analyzed, this work assumes that there was a qualitative break in the development of Europe's systems of political order around 1800. This break, which can no longer be satisfactorily explained by reference to the social-disciplinary phenomena of the early modern period, was fuelled by new claims to sovereignty and participation and by a fundamentally new understanding of civil law.

Constitutional history is not, in the end, only the history of constitutional law (both in the formal and in the material sense), in which law is understood to be its own, relatively autonomous, sphere that interacts with other fields of social life. Nor can

constitutional history form a part of the history of constitutional law if it only investigates the development of political structures in the narrow sense, i.e., as systems of rule. It must go beyond this to address the tense relationship that began in the late eighteenth century between the persistence of established political systems, grounded in law or custom, and the dynamic of permanent, accelerating, economic and social change. Thus, the semi-discipline of constitutional history differs from other semi-disciplines like social or political history less through the exclusion of social structures and processes, but, rather, through the specific aspect of social development it examines. In our case, this core aspect consists of the establishment and development of the modern constitutional state, and especially of the state constitution (normative and material). In this sense the concept of the constitution that we have embraced overlaps substantially with what is today referred to as public law. It should be understood that this work considers constitutional reality as well as constitutional norms. While the former will not be limited merely to deviations from the norm, it is even more important to consider the relationship between the two, which, in fact, forms the real constitution.

The organizational format of all parts of the complete work (source book and handbook) includes those subject areas that unquestionably form a part of the semi-discipline of constitutional history, such as basic civil rights . Because it also draws on developments in the military, church, educational and other fields, the entire ensemble might convey the impression that constitutional history is understood here to be a type of total social history. This would, however, not be accurate. There is no intent, for example, to document and portray the history of the military system of each country. The military will not be examined as a special institution with its own rules or as an institution derived from society, but, rather, as the object of state action, or, respectively, of policy. Indeed, even when the line between the two is not always clear, the aim is to consider the military from the point of view of its relevance to the development of the constitutional order as conceived in this project.

The four-part CD-ROM offers more, however, than a broadly conceived compilation of hard-to-find texts in constitutional history. In order to arrange the texts for comparison and to allow the reader to reconstruct their interrelationship, the editors developed 12 additional organizational categories including: territory, constitutional structure at the state level, suffrage, basic laws, the division of administrative and associative authority within a federal state, justice, military, constitutional culture, church/religion, education, finances, economic and social legislation/public welfare. These 12 main categories are further divided into 105 subcategories. In addition, 29 other general subject headings have been added that are not directly subordinate to the main categories. The 134 key words, which are the same in all four parts of the Edition, facilitate searches, links, and the systematic analysis of all documents. This is true also of the organizational format of all four volumes of the Handbook. When developing these categories the editors only drew on documents from the history of ideas when they related to the abstract concept of the constitution. To publish all the relevant texts from the history of ideas, along with the texts related to theories of the state and administration, would have gone far beyond the scope of this work.

The geographical subdivision of the Source Book (like the Handbook) is based, as a rule, on state control of territory during the respective period under examination. This principal could not, however, always be applied. For example, the Italian states are summarily treated as Italy, and Norway, which was a subkingdom of the larger

Danish realm until January 1814, receives its own separate chapter in the treatment of the pre-independence period. In some cases, as well, specific geographical division also depended on the effort to examine the prehistory and genesis of some of the later constitutional states.

The editors, in collaboration with a number of authors and assistants, developed the source books organizational format, selection criteria, and the roster of major and minor subject headings for comparative textual research. The actual search for and preparation of sources, however, was the province of individuals responsible for each respective country. Because it is an interdisciplinary group of authors, including historians, jurists, and political scientists, certain differences in approach emerged, which the editors did not wish to mould into a European conformity. Their role was limited, therefore, to the standard, but still rather challenging, tasks of editing.

This project assumes that, despite the unique characteristics, discrepancies, and disparate developmental timing among the national states, it is possible to identify substantial, Europe-wide lines of connection as the constitutional idea took hold in specific countries and larger regions. This approach alters the traditional view of the nineteenth century as a time of both nation building and the fragmentation of national states, because it supplements our knowledge of Europe's closely interconnected past.

The authors grant that it was not absolutely necessary to limit this study geographically to Europe. The exclusion of the United States, especially, was not a given. Because the American constitution functions as a model, the USA could not be left out of the discussion especially in volume one of the Handbook. Nevertheless, the complete lack of a feudal inheritance, along with the specific forms of presidential democracy and party system, introduce perspectives that set the United States apart from Europe. One must also bear in mind that, to consider the United States, but not the British dominions, the Latin American states, and in Asia, at a minimum, Japan, would not be plausible. If one wanted to include these areas, then a whole range of additional questions would arise, e.g., concerning the dependent relationship of the periphery of the international system to the metropolitan countries of the Northern Hemisphere or the influence of local culture on non-European constitutionalism. Moreover, because the impact of non-European constitutional development on Europe was quite limited (the late eighteenth-century USA forms an exception here) and, because the impact of European constitutional development on non-European continents was much greater, our Europe-centred focus is well founded. Whether the basic geographical concept of Europe actually is the most sensible unit of analysis will likely become clear only when the entire project (Source Book and Handbook) is completed. Because European comparative history of the nineteenth century is still in its infancy, one should be cautious about precipitously using terms that are exclusive, such as the cultural category of Christian Europe. This work offers a more neutral concept for the analysis of legally embedded forms of domination. If it stimulates the undertaking of historical studies that provide us with a better option in this respect, then, as editors, we would be pleased.

A more fully developed discussion of conceptual and methodological issues, along with an introduction focusing on specific conclusions, may be found in the volumes of the Handbook.

Organization of the Work

This second part of the edition contains 965 texts on European constitutional history, broadly conceived, covering the period 1815-1847, but at times also reaching back further into the Napoleonic Age. As with the second volume of the Handbook, this work ends with the eve of the European revolutions of 1848-49.

The number of the documents contains the 12 constitutional fields on second position after the first numeral (which indicates the country). The documents have been assigned to one constitutional field, even though they may concern more fields. For example, sources concerning the history of electoral law on local or municipal level may be found in the fields 3 (Right to Vote) and 5 (Administration). Documents concerning the international relations of a given country may be found not only among the sources of the respective country, but also under "Europe".

In general, the texts appear in their original language. For each country, however, at least one, but often more key sources are provided in German translation, unless they originally were published in English or French. The reproduction of the documents relied, in part, on originals (drawn from archives or contemporary publications), but mostly on old, rather inaccessible, publications including some that have a semi-official character. The actual copy basically corresponds with that of the document, and only obvious printing errors have been corrected without notation. As a rule the sources have been reprinted in their entirety. In specific cases, especially when dealing with very long texts, the editors have removed portions that have no bearing on constitutional history. Such excisions are noted in the text.

Accurately dating many of the sources is difficult. One can date a law, for example, from the day of its passage in parliament, the day it is signed by the head of state, the day it is officially published, or the day it goes into effect. Researchers have used all of these variants. In this work the editors initially intended to date all laws or decrees from the completion of the last formal action of the responsible constitutional body. They also planned to relegate other dates that were important, but did not conform to this principle, to the notes (e.g., traditional dates used in the historical literature). They had the same procedure in mind for dealing with international treaties, which would be dated from the completion of the last formal act of the responsible constitutional organs of the participating states. In practice, however, this method of dating the sources entailed so much additional research that it could not always be used, especially when the sources were drawn from non-official publications.

The dating system eventually selected follows the Gregorian calendar. Dates that diverge from this calendar, e.g., those related to the Julian, revolutionary, or Islamic calendars, will be placed after an oblique line (/). In addition, the CD-ROM can convert the dates from one calendar into another. The dating of sources that are not laws or decrees is based either on their moment of publication, or, if discernable, from relevant information contained in the text.

In so far as possible abbreviated titles of German language sources follow those commonly used in the specialized literature. In cases where such abbreviations do not exist, the editors have created their own using either content-related or formal criteria. When dealing with non-German sources, they have supplemented the

abbreviated titles in the German language with compatible titles in the documents original language. The latter do not necessarily take the form of word-for-word translations of German titles, but, instead, follow the basic criteria adopted in this work and are derived from common usage or specific linguistic nuances in the countries concerned.

The headings of original sources, when they exist, are retained in their entirety and in the original language. They serve as the actual title of the source.

All other editorial details are provided in German unless they are used in connection with documents drawn from non-German works. Non-German speaking CD-ROM users can, with one mouse click, convert the introduction, the general instructions, and the search headings into English or French. Via the table of contents, the reader can also gain access to an extensive and graphically illustrated listing of subject headings in German, English, or French.

This project, European Constitutional History in the Nineteenth Century (Handbook and CD-ROM), was sponsored by the Friedrich-Ebert-Stiftung and, in this context, we are especially thankful to Professor Dr. Dieter Dowe, Professor Dr. Michael Schneider and Dr. Anja Kruke for their strong and enduring support.

Peter Brandt   *Werner Daum*   *Martin Kirsch*   *Arthur Schlegelmilch*