Kulturkampf and Unification: German Liberalism and the War against the Jesuits

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Published by: Cambridge University Press on behalf of Conference Group for Central European History of the American Historical Association

Stable URL: http://www.jstor.org/stable/4546748

Accessed: 13/01/2009 14:36
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Michael B. Gross

In February 1872, little more than a year after the founding of the new Reich, the National Zeitung, a leading National-Liberal newspaper, argued that Germans could no longer accept suppression at the hands of the Catholic Church. The German, the paper explained,

will not tolerate a spirit that comes from Rome either among his people or in any of his churches. He does not want clerical rule and Volksverdummung. He wants, rather, enlightenment, honest conscience [ehrliches Gewissen], and work. Attaining a new, as yet never achieved level of moral freedom, a morality arising from the people [eine volkstümliche Sittlichkeit] that is shared by Germany’s churches and confessions, is the task for this founding period of the new Reich.1

The paper reflected the sentiments and ambitions of many Germans in the heady months following the Prussian victory over France. With Germany united and the borders of the Reich fixed, many welcomed with enthusiasm the opportunity now to shape and consolidate the Reich morally, socially, and culturally.2 As the paper indicated, for liberals this meant first and foremost dealing

For support that made the research for this article possible, I would like to acknowledge gratefully the Deutscher Akademischer Austauschdienst and the Social Science Research Council—Berlin Program for Advanced German and European Studies, Free University, Berlin.

with the religious and political power of Catholicism and the Catholic Church. Not that this was any less a challenge than the war against France had been. Liberals believed that establishing the virtues of the Enlightenment, solidifying the Reich, and cultivating German spirit in the face of the Catholic Church had been made all the more difficult by the spoils of victory. The recent annexation of Alsace-Lorraine on the south-western periphery presented a new problem not simply because its population had been ruled by France but also because it was overwhelmingly Catholic.

For liberals, the most odious expression of the church's power in Germany was the Vatican Council's recent declaration in 1870 of papal infallibility on matters of dogma, a declaration which, in the age of modern science and nationalist pride, appeared as a grotesque aberration and an assault on the independence of the state. Papal infallibility seemed to require the allegiance of German Catholics not to the kaiser but to the pope and the subordination of the sovereignty of Berlin to the rule of Rome. In his systematic attack on papal infallibility, the prominent National-Liberal deputy Paul Hinschius expressed the predominant liberal reaction when he argued that the proclamation was nothing less than a "death sentence" issued against the modern German state.

According to liberals, therefore, a campaign against the power of the Catholic Church in Germany was an urgent matter. It was not only necessary for national unity; it was required to preserve the very existence of the new Reich. For liberals the campaign that was launched against the church in the name of the modern state, science, Bildung, and freedom became known as the Kulturkampf, a "cultural struggle," legislated by liberal elites and backed by the power of the state. In the dramatic formulation of one recent historian, however, it was no


5. Paul Hinschius, Die päpstliche Unfehlbarkeit und das vatikanische Koncil (Kiel, 1871). See also Paul Hinschius, Die Stellung der deutschen Staatsregierung gegenüber den Beschlüssen des vatikanischen Konzils (Berlin, 1871). Hinschius was a major architect of subsequent Kulturkampf legislation. For a similar systematic refutation of papal infallibility see Johann Caspar Bluntschli, Die rechtliche Unverantwortlichkeit und Verantwortlichkeit des römischen Papstes: Eine Völker- und staatsrechtliche Studie (Nördlingen, 1876).

6. A literature on the Kulturkampf is immense, and a review is beyond the scope of this article. For a review of the older literature, see Rudolf Morsey, "Bismarck und der Kulturkampf: Ein Forschungs- und Literaturbericht, 1945–1957, Archiv für Kulturgeschichte 39 (1957): 232–70, and idem, "Probleme der Kulturkampf Forschung," Historisches Jahrbuch 83 (1964): 217–43. Two impor-
less than a “war of annihilation [Vernichtungskrieg] waged by the Prussian state against the Catholic Church as a spiritual-religious and political power.”

According to several scholars, German liberals betrayed their fundamental belief in freedom and toleration during the Kulturkampf by sponsoring its legislation and by allying themselves with the Bismarckian state. Hajo Holborn, for example, argued that the measures legislated against the Catholic Church “constituted shocking violations of liberal principles. German liberalism showed no loyalty to the ideas of lawful procedure or of political and cultural freedom which had formerly been its lifeblood.” Gordon Craig with reference to Bismarck’s anti-Catholic policy has written that liberals were not coerced by the state into the antichurch campaign, but “in a kind of doctrinaire besottedness, went their own way eagerly, and with scant regard for their principles.” Liberals “placed their party, which pretended to maintain the cause of the individual against arbitrary authority, squarely behind a state that recognized no limits to its power. Even if Bismarck had not abandoned and broken them in 1879, it is doubtful whether they could have survived this betrayal of their own philosophy.”

The influential essay by Heinrich Bornkamm has argued that “During the Kulturkampf liberalism had to put up with the fact that its practical politics contradicted the basic foundations of its teaching. Viewed from the fundamental idea of freedom, it was twice on the wrong side. During the development of the campaign it voted for blatantly coercive legislation; during the dismantling [of the legislation] it voted against peace and the granting of new freedoms.” Thus the Kulturkampf is understood as an episode of misdirected passion, a moment of absent-mindedness during which liberals forgot who they were or what they were supposed to stand for.

This now almost axiomatic account of the Kulturkampf has, however, not gone unchallenged. Geoff Eley has suggested, for example, that the Kulturkampf in Germany, like the attack on the Catholic Church elsewhere in continental Europe, was “a strategic rather than an accidental commitment.” He asserts
that for liberals the Kulturkampf was the logical next stage of unification, a struggle to free German society from the superstitions and archaic institutions of the church. Recently Helmut Walser Smith has argued that the attack on the Catholic Church was not a contradiction of but consonant with liberal beliefs. Contemporary German liberals, whether they stood on the liberal right as Protestant nationalists like Heinrich von Treitschke or on the left as secular Progressives like Rudolf Virchow, did not believe that they were betraying their principles when they called upon the power of the state in the campaign against Catholicism.12

Surprisingly the motives behind the antichurch legislation passed by liberal deputies in the Reichstag and Prussian Landtag as well as the persistence of a war fever in liberal political discourse following the war against France and during the Kulturkampf have remained unexamined by historians. The Jesuit Law of 1872, for example, has not received careful attention despite its enormous importance. For contemporaries the law abolishing the Society of Jesus in the Reich was a seminal piece of Kulturkampf legislation, the culmination of twenty-four years of almost hysterical debate about the Jesuits and their missionary campaign to revive Catholic popular piety in Germany after 1848.13 By examining the debate on the anti-Jesuit bill and the larger anti-Jesuit political discourse, this article is part of an emerging reconsideration of liberal anticlericalism and the character of German unification. It suggests that liberals believed that their ideals of freedom and progress as well as their commitment to science, Bildung, and German unity required them to wage war on the Catholic Church. For liberals this war was nothing less than the continuation within the Reich of the war that had been waged against France.

I. German Liberalism and the Jesuit Law of 1872

When the anti-Jesuit bill was introduced in the Reichstag, the number of Jesuits in the German Reich numbered approximately 200. The intense hatred among liberals and Protestants and the equally intense loyalty among Catholics toward

12. Smith, German Nationalism, 37-41.
the Jesuits, however, belied their modest number. When the bill calling for the abolishment of the order, the expulsion of foreign Jesuits from German soil, and the relocation of German Jesuits within the Reich was introduced in the first session of the new Reichstag, it immediately became the topic of heated public debate. During the first half of 1872, petition campaigns against or in support of the Jesuits swept the length and breadth of the Reich. The controversy divided the Reich along the confessional divide as liberal and Protestant associations held protest meetings while the Catholic population staged even more numerous rallies in support of the Jesuits. Popular tensions were already high after July 1871 when Bismarck dissolved the Catholic section of the Prussian Ministry of Ecclesiastical and Educational Affairs. This was followed by the “pulpit paragraph,” generally regarded as the first piece of Kulturkampf legislation. Passed by the Reichstag in December 1871, the law made public discussion of matters of state by clerics “in a manner endangering public peace” a criminal offence. As part of liberal plans for the modern, independent, and secular state, legislation was then enacted in the Prussian Landtag in March 1872 abolishing supervision of the schools by the churches. Clerics who served as school inspectors no longer did so by virtue of their religious office but at the discretion of the state. In principle the legislation provided for the removal of both Catholic priests and Protestant ministers; in practice the law was aimed almost exclusively at Catholic clerical inspectors.

14. Petitions that were sent to the Reichstag can be found in Für und wider die Jesuiten, 3 parts. (Berlin, 1872), Part 2, VI. und XIV. Bericht der Kommission für Petitionen betreffend die Petitionen für und wider ein allgemeines Verbot des Jesuiten-Ordens in Deutschland. See also the collection of materials in Christoph Moufang, ed., Aktenstücke betreffend die Jesuiten in Deutschland (Mainz, 1872).

15. Among the Progressives only Eugen Richter and among the National Liberals only Eduard Lasker voted against the law and supported freedom of speech.

When liberal deputies next focused their attack on the Jesuits, Eduard Windthorst, Progressive deputy from Berlin outlined the liberal position at length. “The hate, burning hate with which the German Reich persecutes Jesuitism” was, he argued, entirely justified: “Germany is the land of the Reformation, the land of free science, the land of tolerance and enlightenment.” Freedom and German cultural, scientific and moral progress required the elimination of the Jesuits, the dark force of obfuscation, superstition, and Volksverdummung. Voting for the abolition of the Jesuit Order was, he believed, necessarily his duty as a liberal. Indeed, he took it upon himself to instruct Catholic Center Party deputies on the liberal principles of freedom and rights of association. Center Party pleads “to us, the liberals” to abide by the principle of freedom, he argued, rested on a false concept of freedom. Catholic deputies, he explained, understood freedom to mean the license to suppress the freedom of the people. In contrast, he asserted, liberals protect “citizen rights” (bürgerliche Rechte), “but only after the removal of those which must be sacrificed for the good of all and of the state.” With a classic liberal attitude toward clericalism as a form of slavery and dogmatism, Windthorst explained that “freedom protects everything except Unfreiheit, and tolerance endures everything except intolerance.”

As an avowed liberal and an “Old Catholic” (a Catholic who formally repudiated the promulgation of papal infallibility), a Progressive and the nephew of the leader of the Center Party, Ludwig Windthorst, Eduard Windthorst pronounced a definition of freedom which, he believed, was consonant with, indeed, required a law abolishing the Society of Jesus and terminating the residence rights of its members. When it came to the Jesuits, therefore, he believed himself fully justified in invoking the immortal words of Voltaire, that quintessential figure of the Enlightenment: “Ecrasez l’infâme!” He also argued that terminating the influence of the Jesuits required not only the suppression of the order but the realization of a broader liberal program for Germany including high-quality public education, the separation of schools from the church, an independent press, and civil marriage. Windthorst was not the only Catholic liberal to attack the Jesuits. Catholic deputies in the Liberale Reichspariei, the National Liberals Friedrich von Schauss of Oberfranken and

17. Eduard Windthorst's speech which runs twenty-four pages was the most detailed exposition of the liberal position on the bill. See the verbatim reproduction of the Reichstag debate in Für und wider die Jesuiten, part 1, Stenographische Berichte der Reichstags-Verhandlungen über Besetzung des Botschafter-Postens in Rom und die Petitionen für und wider die Jesuiten, session 22, 15 May 1872, 71–95.
18. Ibid., 79.
19. Ibid., 93.
21. Für und wider die Jesuiten, part 1, 94.
Paul Tritzschler of Baden, and the Progressive Anton Allnoch of Breslau also voted for the anti-Jesuit bill.

Many liberals felt that Eduard Windthorst's argument abrogating the civil rights of German Jesuits did not reach far enough. For example, on the topic of civil rights and, moreover, the entire Catholic population, Adolf Zeising, a respected, liberal authority on the matter of church and state, recommended that the following paragraph be added to the constitution of the Reich:

Only those who swear full, unconditional obedience to the laws and the constitutional authority of the state and who recognize no other authority over their actions, have a claim to the full enjoyment of state citizen rights [staatsbürgerliche Rechte], namely the ability to hold public office and titles, as well as to vote in public affairs, to elect or be elected, or to exercise other political rights. Whoever, by invoking another authority, be it secular or spiritual, refuses this declaration or acts contrary to it forfeits his claim to these rights.22

Two prominent National Liberals, Eduard Lasker and Ludwig Bamberger broke with their colleagues and voted against the anti-Jesuit bill. They have been cited repeatedly by historians as examples of liberals who, standing alone against the intense pressure of their colleagues, held fast to their principles by opposing the bill.23 According to this argument, it was not Lasker and Bamberger but rather the 122 National Liberal deputies not voting against the bill who strayed from the course of liberalism.24 Since much of this interpretation has rested on Lasker and Bamberger's refusal to vote for the bill, their motives deserve careful analysis.

Lasker, a deputy from Saxony, like other liberal deputies believed that the Catholic Church was incompatible with progress and hostile to German unification. He had opposed the pulpit paragraph but along with his colleagues supported the subsequent anticlerical "May Laws" in 1873 and 1874.25 Bamberger,

24. The total number of National Liberal deputies in 1872 is recorded as 125 in Statistisches Jahrbuch für das deutsche Reich (Berlin, 1880), 1; 140–41. This includes 119 deputies of the National Liberal Party and six "outside the National Liberals and the Progressives" aligned politically with the National Liberals. One other National Liberal voted against the bill. See below and n. 34. For the voting record on the anti-Jesuit bill see Für und wider die Jesuiten, part 3, Stenographische Berichte der Reichstags-Verhandlungen über das Gesetz betreffend den Orden der Gesellschaft Jesu, session 45, 17 June 1872, 96–97 and session 48, 19 June 1872, 140–41.
25. James F. Harris, A Study of the Theory and Practice of German Liberalism: Eduard Lasker, 1829–1884 (Lanham and New York, 1984), 49. For Lasker's position on the Jesuit law, see also Adolf Laufs, Eduard Lasker: Ein Leben für den Rechtstaat (Göttingen and Zurich, 1984), 83–88. The so-called May Laws enacted by the Prussian Landtag in May 1873 ensured state authority over the education and appointment of priests. Priests were required to attend German universities and to pass state examinations. In addition, clerical appointments now required state approval. In 1874 a second set of more punitive "May Laws" permitted the state to exile recalcitrant priests and to administer dioceses left vacant by exiled or imprisoned priests.
a deputy from Hessen, also voted for other antichurch legislation. He, in fact, was always an enthusiastic *Kulturkämpfer*. Already in November, 1871 he had referred to the fight against the Catholic Church as the "signature of the Reich. I myself am busy with the affair in the most intimate circles; it will not end for a long time." As the Kulturkampf intensified in 1872, Bamberger's enthusiasm only grew. Indeed, he was beside himself with delight about its progress: "I am truly intoxicated," he confessed, "to observe how this development so correctly takes the course that my best expectations had demanded of it." Only with his refusal to support the banning of the Jesuit order did Bamberger part with his National Liberal colleagues.

Since Lasker and Bamberger were leading National Liberals who shared the hostility of their colleagues toward the Catholic Church, both felt compelled to clarify the reasons for their opposition to the anti-Jesuit bill. Representing a small group which Lasker argued would prefer to be hand and hand with "Kampf-Genossen," he stated that he too recognized that the conflict should be resolved with all the assistance which the law and the authority of the state could provide. He emphasized, however, that the purpose of the struggle with the Catholic Church should be to reconcile feelings, not suppress opposing views. He attacked the bill's abrogation of the residence rights of German citizens and its suspension of normal juridical procedure. Defending such rights was a matter of liberal duty and principle, he insisted, especially since it would be difficult for authorities to determine who among the Catholic clergy was affiliated with the Society of Jesus. Lasker's position, however, seems to have caused him a certain embarrassment. Concluding on a personal note, he confessed that it was a matter of "great pain" not to be on the side of his friends and suggested that the future would bring them together again.

Bamberger, in contrast, remained silent throughout the entire debate on the bill. Finally, three days after the final vote, he offered a justification for the liberal opposition in the journal *Gegenwart*. Bamberger claimed that the bill was too hastily submitted and not based on a rational response to the Jesuit problem. He argued that the deputies and the government had been too eager to agree on the bill. The bill was, as he put it, "not there to exchange compliments." In addition, Bamberger rejected the claim that deputies were compelled to support the bill because, had they done otherwise, they might have discouraged "similar efforts" (*gleichgestimmte Bestrebungen*) of the government. The state,


27. Ibid.


he insisted, had already been assured on previous occasions of the Reichstag's cooperation on such matters. Only at the very end did Bamberger hint that the law was not only ineffectual but, perhaps, also an unsavory display of state coercion. "Nothing" he argued, "had proven itself more useless in the last half-century as the attempt to fight against the currents of public spirit [Strömungen des öffentlichen Geistes], whether good or bad, with police repression," a comment which colleagues would have recognized as a reference to previous state attacks on their liberal ideals. 30 According to Lasker's liberal friend Heinrich Bernhard Oppenheim, Lasker's speech might have been "almost too temperate, although not as timid as Bamberger's article." 31 In several respects the latter was strikingly different from Lasker's argument and, indeed, next to Lasker's eloquent and personalized testimony, half-hearted and curiously circuitous. Nevertheless, the issue was important enough for Bamberger to jeopardize the support he needed to hold on to his seat from Mainz. 32

Since both Lasker and Bamberger claimed to speak for those liberal deputies who had voted against the bill, their arguments may cast some light both on their own motives and those of the other opponents. 33 However, an appreciation for Lasker and Bamberger's opposition to the bill requires not only a consideration of what they made explicit but also of what remained unsaid. Lasker and Bamberger were Jews. 34 As Jews, they were part of an even smaller, potentially more vulnerable minority within the Reich than Catholics. Underlying their objections was the concern that the Jesuit law as an Ausnahmegesetz (not part of the normal juridical procedure) would establish a legal precedent that could be turned against any other religious or social minority labeled staats-

30. Bamberger, "Motive der liberalen Opposition."
31. Letter of Heinrich Bernhard Oppenheim to Eduard Lasker, 4 July 1872, in Deutscher Liberalismus im Zeitalter Bismarcks: Eine politische Briefsammlung, ed. P. Wentzke and J. Heyderhoff, 2 vols. (Osnabrück, 1967), vol. 2, Im Neuen Reich, 1871-1890: Politische Briefe aus dem Nachlass liberaler Parteiführer, 55-56. Oppenheim continued, "The Progressive Party took a good position in such conflicts, and if our close friends had done the same, the National Liberal Party would be morally stronger and more influential." Oppenheim, it should be noted, was also Jewish.
32. Zucker, Bamberger, 96. Bamberger was replaced by a Center Party deputy in the election of 1874.
33. The aging Saxon "'48er" and National Liberal Karl Biedermann stated in correspondence with Lasker that he intended to vote against the bill since he objected to the heavy-handed manner in which the bill was negotiated between the Reichstag and the Reich executive. He would do so even though among his voters, when it came to the Jesuits, "the most angry is not angry enough." When, however, it came to the vote, Biedermann, perhaps succumbing to the pressures he alluded to in his letter to Lasker, failed to cast a ballot. Letter of Karl Biedermann to Eduard Lasker, 12 June 1872 in Deutscher Liberalismus, 2: 53-54; see also Harris, Lasker, 49.
34. Both Lasker and Bamberger were secular Jews who remained bound to their Jewish identities even as they distanced themselves from the religious practice of Judaism. On Lasker's and Bamberger's relationships to Judaism, to the German Jewish community and on their positions on Jewish issues, see James F Harris, "Eduard Lasker: The Jew as National German Politician," Leo Baeck Institute Year Book 20 (1975): 151-77 and Stanley Zucker, "Ludwig Bamberger and the Rise of Anti-Semitism in Germany, 1849-1893," Central European History 3, no. 4 (1970): 332-52.
feindlich (as was, indeed, the case only six years later with the passage of the anti-socialist law in 1878). Moritz Schulz, Bismarck's confidant, believed he had understood the significance of Lasker and Bamberger's vote when he scornfully noted that outside the Center Party only Jewish deputies voted against the bill because they feared that at some point in the future the population would be aroused enough against them to demand an exceptional law.Indeed, it was likely that Lasker's and Bamberger's positions on the bill were influenced by their specific concerns as Jews.

When it came to the vote on the exceptional law, just as Catholic National Liberals like Schauss and Tritscheller and Catholic Progressives like Alnoch and Eduard Windthorst had to choose between loyalty to the Catholic Church or liberalism, Lasker and Bamberger had to choose between their Jewish identities or liberal anticlericalism. Interestingly enough, among the National Liberals it was, therefore, not Catholics but Jews who broke the ranks of the party. This argument is also made compelling by the case of the National Liberal Isaac Wolffson of Hamburg, the only deputy to abstain on the second reading on the bill. He too was Jewish. Unwilling to compromise one identity for the sake of the other, he abstained again on the final reading of the bill. Finally, concerning National Liberals, historians have repeatedly stated that Lasker and Bamberger were the only National Liberals voting against the anti-Jesuit bill. As a matter of record, however, it should be noted that one other, Otto Bähr, the National Liberal deputy from Kassel and a Protestant, voted against the bill. Unfortunately, his motives remain unknown because he neither spoke to the bill during debate nor subsequently.

35. Zucker, Bamberger, 96.
36. Smith mentions that Lasker "resisted anti-Catholic legislation" and "it seems more likely that a figure like Lasker assumed a reserved attitude toward the Kulturkampf, not because he was a liberal, but because he was a Jew." Helmut Walser Smith, "Nationalism and Religious Conflict in Germany, 1887–1914," (Ph.D. diss., Yale University, 1991), 47–48, n. 53. As noted, only on the pulpit paragraph and on the Jesuit law did Lasker take exception to Kulturkampf legislation.
38. The only other deputy besides Wolffson to abstain on the final vote was also a National Liberal.
39. As an example see Zucker, Bamberger, 96. Blackbourn inadvertently mentions that Lasker and Rudolf Bennigen were the only National Liberals to vote against the expulsion of the Jesuits. Marpingen, 449, n. 88.
40. I have assumed that "Dr. Bähr" listed on the voting record in Für und wider die Jesuiten is Dr. Otto Baehr, National Liberal, representing electoral district 2, Kassel, member of the Reichstag from 1867 to 1880. All information concerning the party affiliations, religions and electoral districts of the deputies, unless otherwise indicated, is based on Max Schwarz, ed., MdR Biographisches Handbuch der Reichstage (Hanover, 1965), a source admittedly not without some discrepancies. No discrepancy that I have found alters this analysis.
Historians have recorded conflicting counts of Progressive votes for and against the bill.41 Tables 1 and 2 record the votes and indicate that the Progressive deputies split down the middle with sixteen voting for and sixteen voting against the bill on the second reading and/or on the final reading. All Progressive votes for the bill were cast by deputies from predominantly

Table 1

<table>
<thead>
<tr>
<th>Name</th>
<th>Religion</th>
<th>Electoral District (Wk. = Wahlkreis)</th>
<th>Predominant Religion</th>
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</thead>
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<td>Prot.</td>
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<td>Prot.</td>
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<td>Prot.</td>
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<td>Böhme, Emil</td>
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<td>Wk. 21, Sachsen</td>
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<tr>
<td>Franke, Wilhelm</td>
<td>Prot.</td>
<td>Wk. 2, Gumbinnen</td>
<td>Prot.</td>
</tr>
<tr>
<td>Harkort, Friedrich</td>
<td>Prot.</td>
<td>Wk. 4, Arnberg</td>
<td>Prot.</td>
</tr>
<tr>
<td>Knapp, Johann</td>
<td>Prot.</td>
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<tr>
<td>Lorentzen, Wilhelm</td>
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<td>Wk. 5, Schleswig-Holstein</td>
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<tr>
<td>Löwe, Wilhelm</td>
<td>Prot.</td>
<td>Wk. 5, Arnberg</td>
<td>Prot.</td>
</tr>
<tr>
<td>Oehmichen, Wilhelm</td>
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<tr>
<td>Rohland, Otto</td>
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<tr>
<td>Runge, Heinrich</td>
<td>Prot.</td>
<td>Wk. 4, Berlin</td>
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</tr>
<tr>
<td>Schmidt, Theodor Carl</td>
<td>Prot.</td>
<td>Wk. 4, Stettin</td>
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<tr>
<td>Schulze-Delitzsch, Hermann</td>
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<tr>
<td>Seelig, Wilhelm</td>
<td>Prot.</td>
<td>Wk. 9, Schleswig-Holstein</td>
<td>Prot.</td>
</tr>
</tbody>
</table>


41. Ellen Lovell Evans states that nine Progressives voted for the bill, eleven voted against the bill, and fifteen abstained. Ellen Lovell Evans, *The German Center Party*, (Carbondale, Ill. and Edwardsville, 1981), 61. Anderson states that eight Progressives voted against the bill and that the Progressives Hermann Schulze-Delitzsch and Eugen Richter led those who refused their support. Anderson, *Windthorst*, 166. Although Schulze-Delitzsch opposed the bill because he believed it was insufficient, he voted for the bill on both readings. (See below.) Richter neither spoke on the bill nor voted. Bornkamm states that twelve Progressives voted against the bill. Bornkamm, *Staatsidee, 19*, n. 1. Twelve did vote against the bill on the final vote, but four more Progressives, either on vacation or failing to vote on the final reading had voted against the bill on the second reading, *Für und wider die Jesuiten*, part 3, session 45, 17 June 1872, 96–97 and session 48, 19 June 1872, 140–41.
Protestant constituencies. Among those deputies voting against the bill three were from Catholic constituencies and at least two of these were Catholic. (The religion of the third is not known.) According to one account the plurality of Progressives abstained; however, the vote indicates that no Progressives abstained. As table 3 indicates, twelve Progressives were listed either as “on vacation” or “failing to vote” on both ballots, categories distinct from the category for abstention and with different implications.

Given the Progressive deputies’ split, it is perhaps more difficult to evaluate the meaning of their vote. Some were perhaps torn between liberal anticlerical convictions and reservations about enacting an exceptional law. It would not be the case, however, that all Progressives who opposed the bill did so necessarily because they objected on principle to the suspension of the civil liberties of the Jesuits. On the contrary, many Progressives apparently believed the bill did not take the attack on the Catholic Church far enough. While Progressives who opposed the bill may have found themselves temporarily standing with the Center, Hermann Schulze-Delitzsch, the Progressive deputy from Berlin, explained that there was a critical difference between Center deputies and Progressives who objected to the bill: “I and a large number of my political friends, we are against this bill because for us it is in every respect too weak” (emphasis added).

The bill, he argued, was only a gesture in the struggle against the church. Schulze-Delitzsch and others had become impatient with mere words about the urgency of the struggle against the church: “Where are the deeds, gentlemen? Words should find their expression in real, practical measures; otherwise they are only a lot of hot air about the supposed strength of the government, since up to now we have not seen any really decisive intervention . . .” According to Schulze-Delitzsch the issue was a “question of survival” (Existenzfrage), “the existence of our young German state on the one side and the existence of the Jesuit Order on the other.” He announced that, consequently, he and his colleagues would vote not for but against the bill. They demanded a more punitive bill with a “really decisive measure” against the church. Many Progressives, therefore, disapproved of the bill and some possibly even voted against it because they preferred to introduce a more draconian bill later. In the end, Schulze-Delitzsch decided to vote for the bill, apparently fearing there would be no opportunity later to introduce a more forceful bill. A willingness among Progressives to suspend civil liberties is not surprising if we recall that it was precisely a Progressive, Eduard Windthorst, who had, based on avowedly liberal precepts, curtailed citizens’ rights.

42. Evans states that fifteen Progressives abstained. Evans, Center Party, 61.
43. Für und wider die Jesuiten, part 3, session 43, 14 June 1872, 17.
44. Ibid.
45. Ibid., 18.
Table 2

Progressive Reichstag Deputies Voting against the Anti-Jesuit Bill, 17 and 19 June 1872

<table>
<thead>
<tr>
<th>Name</th>
<th>Religion</th>
<th>Electoral District (Wk. = Wahlkreis)</th>
<th>Predominant Religion</th>
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<tbody>
<tr>
<td>Banks, Eduard</td>
<td>Prot.</td>
<td>Wk. 2, Hamburg</td>
<td>Prot.</td>
</tr>
<tr>
<td>Dickert, Julius</td>
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<td>Hagen Adolf</td>
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Of the Progressive deputies who voted against the bill either on the second and/or final reading, only Joseph Gerstner, a Catholic, voiced reasons for doing so. Though, as Gerstner explained, he was as a liberal an advocate of German Bildung, morals, and freedom and, therefore, an enemy of the Jesuits, he objected to the exceptional law because it was reactionary. Gerstner pointed out that this was a bill that evoked memory of the Karlsbad Decrees against liberal nationalists earlier in the century. The Jesuits, he insisted, must be defeated not with police-state tactics but with the force of convictions and the power of freedom. He also recognized that the legislation would be construed by the Catholic population not simply as an attack on Jesuitism but also as an attack on the entire Catholic Church. Even those few Catholics not favorably disposed to the Jesuits, he argued, would resent the legislation and defend the order. Gerstner as an anti-Jesuit Catholic himself may have worried about the damage the law would do to the Catholic Church. He was also no doubt aware that in this increasingly democratic age deputies were answerable to the electorate. If the law was going to be unpopular with Catholics, then this was a bill that
Gerstner, as a politician representing the overwhelmingly Catholic constituency of Unterfranken in Bavaria, was hesitant to support.46

If Progressives did not offer a united front against the bill, more unqualified opposition came from further to the political Left, from the democrats Karl Gravenhorst and Leopold Sonnemann. Gravenhorst, an independent not formally affiliated with a party in the Reichstag, represented a Protestant district in Hanover. Though certainly no friend of the Jesuits, he rejected the anti-Jesuit bill because it, like the pulpit paragraph, was an exceptional law. He proudly stated that from his “democratic standpoint” he could not do otherwise. He claimed it as a democratic responsibility to reject the bill because it “entailed

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Sources: Schwartz, MdR Biographisches Handbuch, Für und Wider die Jesuiten, Part 3, 96–97, 140–41;

46. For Gerstner’s speech, Für und wider die Jesuiten, part 3, session 45, 17 June 1872, 56–63, 94. Voting against the bill was not enough to save Gerstner his seat. He was replaced by a Center deputy in the election of 1874, an election in which almost all Catholic voting districts not surprisingly dumped their previous liberal deputies. The German Reich at this time had the most democratic franchise in Europe. On the significance of the direct, secret, universal, manhood suffrage for the political culture of the Reich see Anderson, “Voter, Junker, Landrat, Priest.”
harm to personal freedom and an infringement on the most important political rights."47 He made clear the distance between liberals and democrats when he further warned liberals that the time might well come when the Prussian state would sue for peace with the Catholic Church and the Center Party. The state, he argued, would then use precisely the liberals’ insistence on the exceptional law in order to broker an alliance against the liberal party—an admonition as prescient as it was astute.

Sonnemann, representing a district in Frankfurt am Main, was like Gravenhorst an independent and a democrat. Like Lasker, Bamberger, and Wolffson, Sonnemann was also Jewish.48 With Sonnemann the pattern is complete: all Jewish deputies in the Reichstag refused to vote for the bill, either voting against it or abstaining. The fact that Sonnemann was a democrat and a secular Jew explains why his newspaper, the Frankfurter Zeitung, which he owned and edited, did not hesitate to oppose the exceptional law. The newspaper denounced the repressive legislation not as illiberal but as undemocratic. Repression, the paper also argued, would be useless in the campaign against the church. The day before the final vote on the anti-Jesuit bill, the paper wrote, “Ultramontanism will not be affected. The prohibition is not going to curtail its freedom-hating work [freiheitsfeindliche Arbeit] but will merely bestow the mantle of martyrdom upon it.”49 Since Sonnemann openly despised the Jesuits and ultramontanism, it was only on principle that during the following years he and his newspaper opposed the antichurch campaign. Unlike Lasker and Bamberger who, as noted, after the anti-Jesuit bill voted for other antichurch legislation with their liberal colleagues, Sonnemann aggressively attacked these measures as well. Starting in 1875 the Frankfurter Zeitung also ran a fortightly “Kulturkampf calendar,” documenting repressive measures against Catholics and the church. These included the banning of Catholic organizations and the searching of Catholic homes by state authorities. The paper was attacked by the liberal press for hindering the state’s prosecution of the Kulturkampf.50

Concomitant with the debate on the anti-Jesuit bill, Sonnemann and Gravenhorst together introduced a bill to separate the churches from the state, but the bill was defeated. Since the individual votes on the bill were not recorded, it is unfortunately not possible to correlate votes on the anti-Jesuit bill with positions on the issue of separation. However, by the time of the founding of

47. Für und wider die Jesuiten, part 1, session 23, 16 May 1872, 112.
48. For Sonnemann’s democratic credentials see Klaus Gertes, Leopold Sonnemann: Ein Beitrag zur Geschichte des demokratischen Nationalstaatsgedankens in Deutschland (Frankfurt am Main, 1968).
49. For the democratic credentials of the Frankfurter Zeitung and its opposition to the Kulturkampf see Verlag der Frankfurter Zeitung, ed., Geschichte der Frankfurter Zeitung, 1856 bis 1906 (Frankfurt am Main, 1906), 224–30. Quotation, 227.
the Reich the principle of separation was no longer characteristic of German liberalism.\textsuperscript{51} The demand for separation was more characteristic of democrats. Protestant liberals on the Right rejected the separation of church and state because without state support the Protestant Church would have been seriously weakened. This included Paul Hinschius, a member of the Evangelical High Church Council, who opposed the separation of church and state and voted for the anti-Jesuit bill. At the same time, liberals like the Progressive Eduard Windthorst, the National Liberal Friedrich Kiefer, and Liberale Reichspartei deputy Ludwig Fischer believed there was no contradiction between the separation of church and state and the Jesuit law. For these liberals the principle meant simply the full secularization of state affairs, above all the schools, not that the state had no claim on the regulation of church affairs in order to ensure its independence.\textsuperscript{52} Neither National Liberals nor Progressives considered separation of church and state a principle that determined votes on the anti-Jesuit bill.

An examination of the debate on the Jesuit Law of 1872 suggests that for those liberal deputies voting against the bill their opposition was a complex affair. Liberal deputies voted against the bill because 1) the bill was ineffectual or too weak, 2) the bill was repressive, 3) deputies objected to the manner in which the bill had been negotiated between the state government and the Reichstag or among the Reichstag deputies themselves, 4) deputies feared that the bill would be interpreted by the Catholic population as an attack on their religion, 5) they were Catholic and/or represented Catholic constituencies or, finally, 6) they were Jewish. Democratic deputies claimed that it was a democratic responsibility to oppose the legislation and defend the civil rights of German citizens even those of the Jesuits whom they despised.

II. Unification, the War against the Jesuits, and the Kulturkampf

The Jesuit law specified that within six months the Society of Jesus in the Reich was to be closed. Jesuits were prohibited from hearing confession, giving ser-

\textsuperscript{51} For liberal repudiations of the separation of church and state see Eduard Zeller, \textit{Staat und Kirche} (Leipzig, 1873) and Zeising, \textit{Religion und Wissenschaft}. See also Oscar Stillich, \textit{Die politischen Parteien in Deutschland} (Leipzig, 1910), vol. 2, \textit{Der Liberalismus}, 84–88.

\textsuperscript{52} For Kiefer's position on separation of church and state, \textit{Für und wider die Jesuiten}, part 1, session 23, 16 May 1872, 105–7; for Eduard Windthorst's position, part 1, session 22, 15 May 1872, 93; for Fischer's position, part 1, session 23, 16 May 1872, 155–56. One of only four Catholic Progressives, Eduard Windthorst lost his voting district in the next election in 1874. He must have found it ironic that his overwhelmingly Protestant district in Berlin chose none other than Carl Herz, a Catholic Progressive who had voted against the Jesuit law. Herz was fortunate since he no longer had a future in his original, predominantly Catholic district in Mittelfranken which now elected a Center deputy.
mons, holding mass, and teaching in schools. While Jesuits protested in the Catholic press that they stood under the exclusive authority of their bishops, they were expelled by the state from their districts. Their residences and churches were locked and the keys handed over to district authorities. According to the Catholic Kölnische Zeitung, the law hit the Catholic population like “a bolt of lightning.” When police authorities in Essen moved against the local Jesuits, Catholics took to the streets in open rebellion. The police and Catholics clashed in street battles, and two battalions of fusiliers were required to restore order. While the Catholic Duisburger Zeitung told its readers that the revolt in Essen was proof that “one can’t always answer deeds with words,” the progovernment Spener’sche Zeitung warned that the “Essen rebellion” was only an indication of things to come. Catholics and the church on one side and liberals backed by the state on the other prepared now for open conflict.

This was a battle which liberals enthusiastically joined. It was a pleasure, for example, for the prominent leader of the National Liberals, Rudolf Bennigsen, to write to his wife in 1875 that another piece of Kulturkampf legislation would “go off like a bomb under the clericals.” Metaphors of antichurch legislation as explosives or swords or lances—legal weapons of destruction or coercion—came naturally to Kulturkämpfer. They thought of themselves as elite officers leading the charge against Vatican armies. The satirical Kladderadatsch envisioned Kulturkämpfer as a “community of knights” (Ritterschaft) protecting...

53. A copy of the order from the Ministries of the Interior and of Ecclesiastical Affairs, Berlin to the Provincial Governor of the Rhineland and materials documenting the implementation of the law can be found in LAK, 403, OP; no. 7512, “Der Orden der Gesellschaft Jesu und die mit ihm verwandten Orden und Congregationen. Ausführung des Reichs-Gesetzes vom 4. Juli 1872, 1872–1875.”
55. A detailed account by a Jesuit of the closing of the missions is given in August Sträter, S.J., Die Vertreibung der Jesuiten aus Deutschland im Jahre 1872 (Freiburg im Breisgau, 1914).
56. HSTAD, RD, no. 20111, vol. 1, newspaper clip, 6 August 1872.
59. Quoted in Blackbourn, Marpingen, 264.
Germany under the banner “Against Rome and Clerical Defiance!”\textsuperscript{60} Liberals and liberal journals repeatedly stated they were in a “state of war” \textit{(Kriegszustand)} against the Vatican. The \textit{Kladderadatsch} was typical in this respect. Already in 1870, following the victory over France, the journal issued a call “for the local militia against the black invasion.”\textsuperscript{61} By 1872, immediately following the debate on the Jesuit law, the journal joyfully exclaimed “War, war with Rome!”

See the flags blowing in the wind?
This is no fight of words and phrases—
The terrible battle begins!
Already I see the armies meeting—
Forward now, loyal watch on the Rhine!
Infantry, attack; bold Uhlans,
Raise your lances!\textsuperscript{62}

This was, however, no ordinary war waged on fields of battle, across borders, and with clear-cut fronts. The \textit{Kladderadatsch} provided the “Battle Song of the Jesuits” which included the following verse:

\begin{quote}
We are elusive like the air,
Quietly sinking into the night,
Like vapors rising from a bog
Or shrub or poisoned goblet.
When you think you’ve caught us,
We have already disappeared
Into a hidden lair;
It is easier to get rid of the plague
Than us, the Jesuits!\textsuperscript{63}
\end{quote}

Such images explain the profound frustration liberals felt in their combat with the Jesuits, and why for some even the exceptional law would never be enough to rid them of the pestilence.

Anti-Jesuits tried to imagine a conventional military campaign like the recent war against France with defeats and victories measured by the amount of terrain lost or captured. The liberal \textit{Berliner Wespen} ran a series of “Dispatches from the Clerical Theater of War.” While, according to the newspaper, this war had not begun as auspiciously as that against France, the nation was following its movements with equal earnestness. The population, the paper claimed, awaited with feverish anticipation reports coming from the “front”—Koblenz, Cologne, Breslau, and Wupperthal (“Enemy almost entirely pressed back into his posi-

\begin{itemize}
\item \textsuperscript{60} \textit{Kladderadatsch}, 3 August 1873.
\item \textsuperscript{61} Ibid., 27 November 1870.
\item \textsuperscript{62} Ibid., 23 June 1872; see also ibid., 20 October 1872.
\item \textsuperscript{63} Ibid., 1 October 1871.
\end{itemize}
tion”). From “Headquarters Berlin” announcements were issued concerning the progress of the campaign and levels of clerical resistance."64 The paper pictured Ludwig Windthorst, the Center Party leader, on horseback, saber drawn, leading a charge of armed Jesuits into battle.65 In a local liberal election manifesto in the Crefelder Zeitung in 1873, veterans of the war of 1870 were reminded that a more dangerous enemy than France now threatened the Reich. “To your weapons, war comrades, against clerical rule, against Roman conquests!”66 According to the National Zeitung, the letter of Pope Pius IX to Kaiser Wilhelm I in 1873, claiming all baptized Christians as his own, proved “that the curia intends to continue the war . . . until the German Reich is destroyed.”67

In the crusade against the black list and the Jesuits, Bismarck was for liberals literally the knight in shining armor. “Now, chancellor, show us that you are a knight without fear and reproach” (Ritter ohne Furcht und Tadel). “Now, chancellor,” demanded the Berliner Wesp en, “swing your mighty sword. Strike, strike! Plunge your blade with gallant courage!”68 Here is the voice of liberals that belies any suggestion that it was they who had to be coaxed by Bismarck into the attack on the Catholic Church. Liberals eagerly embraced Bismarck, the very personification of state power. By 1875 in the Berliner Wesp en, with the abolition of the monasteries and at the height of the Kulturkampf, Bismarck with the Minister of Ecclesiastical Affairs, Adalbert Falk, appeared as a victorious Teutonic knight. With a monastery sacked and in ruins behind him, Bismarck raises his sword in triumph. The caption announces that Bismarck, Falk, and their soldiers will not rest until this nest of thieves is laid waste and only the black flag flaps above a pile of ruins.69

Not simply sensationalism on the part of the press, these visions of war accurately reflected the mentality of Kulturkampf legislators. During the debate on the Jesuit law, here again is Eduard Windthorst: “We cannot advance further until we have leveled the battle field, until we have cleared away the greatest obstacles . . . The largest impediment now, however, is that polluting and suffocating spirit of Jesuitism which unfortunately has completely infected far too many in our fatherland.”70 Lasker and Bamberger were no exceptions. As the Catholic Fraktion organized itself in the first Reichstag into the Center Party, Lasker believed that liberals could no longer have any doubts that an ultramontane “war party” was emerging opposed to the German Reich and the modern

64. Berliner Wesp en, 14 June 1872.
65. Ibid., 28 June 1872.
66. HSTAD, RD, no. 2619, newspaper clip, Crefelder Zeitung, 23 October 1873.
68. Berliner Wesp en, 16 February 1872.
69. Ibid., 30 April 1875.
70. Für und wider die Jesuiten, part 1, session 23, 16 May 1872, 94.
state and in support of the “worldwide rule of the pope.” Bamberger believed that the Kulturkampf was nothing short of a “guerre à outrance.” With his characteristic zeal, he argued that if no free exchange of opinions was possible, one was forced “to equip oneself with the greatest possible cold-bloodedness.” Meanwhile, Center deputies like August Reichensperger believed the attack on the church was no less than a “war against Catholicism.”

Leaflets distributed by the executive committee of the liberal, Protestant Deutscher Verein and addressed “to German Rhinelanders” indicate that the attack on the Catholic Church was for Kulturkämpfer directly related to the task of unification. On the occasion of the fourth anniversary of the victory over France, the committee stated “at that time German unity was established outside by warfare and inside by the enthusiasm of all the people. But do we still have complete German unity in the interior?” While France, the enemy outside, had been defeated, the inner enemy, “which was allied with Napoleon,” had only become more powerful. The committee insisted that the attack on the church was “a matter of completing what was begun at Sedan with continuous work, with continuous unity, and with uninterrupted struggle against the enemies of the fatherland.”

For liberals the Kulturkampf quickly became a war directed along several fronts at once in the continuing war for a unified national state. In the raging domestic conflict liberals saw themselves locked in combat not only with Catholicism but also with socialism and with France, enemies which they frequently conflated with one another. The liberal press referred to monasticism in Germany, for example, as a form of communism, a system under which the possessions of the church were the common property of all its members. Bluntschli argued in “Two Enemies of our State and our Culture” that both ultramontanism and communism, despite differences, shared many characteristics. Communists and the Catholic clergy might despise each other’s beliefs, but they both shared the desire to destroy the authority of the state. Both were international movements that relied on the lower classes for their support. Both appealed to the passions and channeled the raw violence of the masses against the state and society. Bluntschli argued that the present age distinguished itself from the age of the Enlightenment by the democratic dissemination of rights among the Volksklassen. He warned that as a result the state must arm and pre-

71. Quoted in Langewiesche, Liberalismus, 182.
73. Für und wider die Jesuiten, part 3, session 48, 19 June 1872, 115.
75. See, for example, “Aus dem Österreichischen Klosterleben,” Vossische Zeitung, 12 August 1869.
pare itself now for the inevitable war against both ultramontanes and Communists.76

Similarly, Emil Friedberg, member of the Evangelical High Church Council and a prominent liberal architect of Kulturkampf legislation, believed in an ultramontane-socialist alliance. Both ultramontanes and socialists, Friedberg explained, "deny the right of the state and try to root it out; both ultimately suffer from notions of property that lack legal precision, even if the ultramontanes demand the property of their neighbors... for the Roman pope and, therefore, indirectly for themselves while the socialists demand it for their own direct use."77 For Friedberg it was only logical to assume that the "socialist-international" would join the "ultramontane-international" in a war to reduce the German Reich to rubble.78 Heinrich von Treitschke, too, warned that priests, instead of preaching peace and reconciliation to the masses, were "allying themselves with the apostles of communism and glorifying revolt against the law as a battle of light against darkness."79 By 1874 the conflict with the Catholic Church had become merely the first score to be settled in the "one-two punch" of the Kulturkampf. In an illustration in the Kladderadatsch "The Black-Red Tournament of the Nineteenth Century," an attendant bears the banner "May Laws" as a mounted knight with lance charges a bishop. A Social Democrat waiting in the wing exclaims, "When this match is over, I'm next!"80

The National Zeitung argued that the pope had formed an alliance with the French in order to destroy the German Reich.81 Throughout the 1870s, liberal and nationalist periodicals regularly warned that Alsace-Lorraine presented a special problem for unification. It was a weak link in the Reich, since there the population was both loyal to Rome and loyal to France.82 At the same time, Sybel erased any distinction between communist, Catholic, and French threats. Surveying the lessons Germans might garner from the recent history of France, he argued that the Paris Commune of 1871 was the inevitable consequence of the hierarchical nature of the Catholic Church in France. "If Germany has the desire," he argued, "to see the conditions of Paris develop on its soil, it only needs to establish its church life along the principles of the French church:

78. Friedberg, Das deutsche Reich, 41.
80. Kladderadatsch, 29 March 1874.
82. See n. 4.
unqualified submission of the laity to the priests, the priests to the bishops, the bishops to the pope. Then we would experience the communes in Germany too.”

For liberals the victory over France that had fixed the boundaries of the Reich had been both momentous and inconclusive. A second campaign, therefore, this time waged inside the Reich against the Catholic Church and its allies was required to complete the moral, social, and cultural unification of Germany, to secure the future of the Reich and the blessings of liberalism. Both stages of unification, liberals believed, required efforts not short of war. Though the second war may have been bloodless, it was no less urgent. If liberals believed they were engaged in a war against the church no less necessary and fateful than the war against France, they also believed that the use of force against the inner enemies was as justified as the force that had been used against the outer enemy. As Kulturkämpfer, they were at the front of the war effort, the crusade to impose unity, to preserve the autonomy of the state, and to protect the modern virtues of science, Bildung, progress, and freedom.

The Jesuit law was meant to be one major weapon in this war, an exceptional law for an extraordinary period. Supporting the legislation was, therefore, a logical position consistent, liberal deputies believed, with their historical responsibility as German liberals. It was an irony that the Jesuit law, although intended as part of the effort to consolidate the Reich, only contributed to the increasing polarization of the population. The majority of Catholics no longer considered liberalism a political option; those who had previously voted liberal, now, not surprisingly, turned to the Center Party. Not only hostile to liberalism, most Catholics also resented a state that hounded their religious leadership. By forcing most Catholics into a pariah community opposed to liberalism and to the state, by contributing to the mass mobilization of the Catholic electorate in support of the Center, and by exacerbating the confessional conflict between Catholics and Protestants, the Jesuit law and the war on the Jesuits made German unity only more elusive.