

12-Sep-07

The Modern Bequest of a Dying Empire:
The Rise of Joint Management of the Rhine River

The primary purpose of this paper is to offer a very brief analytic narrative of the evolution of the commercial regime of the Rhine River from the seventeenth century through the middle of the nineteenth century. The focus of that exposition is on the years from 1798 to 1815 when the several states bordering the river dramatically altered the rules and institutions governing Rhine river commerce. The paper is organized in three large sections: first, a discussion of the topic in the context of recent suggestions regarding future research on the Napoleonic era; second, a brief analytic overview of institutional developments on the river; and third, the application of some conclusions drawn from the Rhine material to some larger questions regarding the Napoleonic experience in the "Third Germany."

There are three sound reasons why an investigation into the evolution of the commercial regime along the Rhine might yield some significant insights into German history over this lengthy period. First, many of the problems and conflicts that plagued river commerce were enduring and can be viewed in a very long context spanning several centuries. Second, the fiscal and economic stakes were high; Rhine tolls and river trade were vital issues to both governments and residents of the Rhine basin. Third, the river's passage through or along several states meant that no single state could effect genuine improvement in Rhine commerce by itself; the required solutions were inherently supranational.

Because many of the central issues in the evolution of the commercial regime along the Rhine were enduring ones, this inquiry spans both the early modern and

modern periods of Germany history. The question of how to regulate conflicting commercial claims along the river arose at least as far back as 1355 when Emperor Charles IV confirmed the *Stapelrecht* that had proclaimed by Archbishop Konrad von Hochstaden of Cologne in 1259. During the 450 years following Charles's reign, commercial practices on the Rhine remained entangled in a thorny thicket of familiar and disputed rights claimed by merchants, shippers, boatmen's guilds, Rhine cities, local lords, fishermen, and millers. The very last of these issues appeared resolved in 1868 with the abolition of the final remaining tolls on the river. Conflict re-surfaced during the inter-war period of the twentieth century as the French government used the Treaty of Versailles (articles 354-364) to re-write the rules of the river to profound French advantage. Hitler retaliated by withdrawing Germany from the governing international commission altogether in 1936.

Even if we limit our investigation to the period from the mid-seventeenth century to the mid-nineteenth, as proposed here, we have before us an enduring set of issues that allow comparison of river management across three distinct political eras: the era of the late Empire from 1648 to its demise, the era of French hegemony from 1792 to 1815, and the era of the German Confederation from 1815 to 1868.

Might it be fruitful to view an extended period of German history through the lens of how the political and economic actors of each era responded to the manifold problems of organizing Rhine commerce? The widely divergent degrees of success exhibited during these three eras confirm the uniqueness of each political constellation in confronting enduring geographic determinants and recurring patterns of conflicting claims.

I certainly endorse recent calls for German historians working on Napoleonic Europe to employ a “comparative perspective that includes the vast range of war experiences in the German-speaking lands.”¹ I suspect most historians would be axiomatically in favor such an approach. But why should comparison be limited to the spatial (horizontal) dimension within the timeframe of the Napoleonic wars? As long as that suggestion remains a central guideline for our research agenda, then, no matter how well we execute such comparative studies, our work remains contained within the relatively small time frame of 1792 to 1815 and the era itself remains a brief *Sattelzeit* wedged between the periods before and after, with limited connectivity to them. Even if we succeed in enriching our own work in the Napoleonic era by better integrating a number of previously disparate themes and approaches, that development alone is unlikely to propel the Napoleonic era in greater awareness among our colleagues.

Those spatial/horizontal comparisons might be fruitfully supplemented by some temporal (vertical) comparisons that identify and pursue suitable issues in a long-term perspective that can closely compare developments in the Napoleonic era with the seventeenth and eighteenth century trends that preceded and the nineteenth and twentieth century actions that followed.² Substantive topics pursued in a long-term perspective that reaches deep into the modern period might help us get past the question “why do

¹ Katherine Aaslestad and Karen Hangemann, “1806 and Its Aftermath: Revisiting the Period of the Napoleonic Wars in German Central European Historiography,” *Central European History*, 39 (2006), No. 4, p.551.

² Philip Dwyer has urged a small step in this direction by encouraging research into themes that include “the late eighteenth century up to the mid-nineteenth century.” He believes research in the Napoleonic era has made some progress in moving “away from the traditional limits place on the period,” but cites only Judith Miller’s work on the grain trade as a single example, “New Avenues for Research in Napoleonic Europe,” *European History Quarterly*, 33 (2003), No. 1, pp.101, 119.

historians tend to disregard the importance of this [Napoleonic] era...”? If we scholars of Napoleonic Europe are confident that the era has “enduring consequences for nineteenth- and twentieth-century Europe,” then it is incumbent on us to explicate those consequences more extensively than we have in the past in order to demonstrate their importance and relevance to our colleagues working in more contemporary history.³ Investigating political and economic developments along the Rhine is one vehicle for such a demonstration.

A second characteristic of this topic that might produce some valuable insights into the periods under discussion is the importance of the economic stakes involved in regulated Rhine commerce. Throughout this long period, Rhine commerce was a vital fiscal and economic issue for the many various polities along the river. Individual cities (Cologne, Mainz), emerging territorial states (Nassau, Hessen-Darmstadt, Baden, and Bavaria), larger established states (Prussia and the Netherlands), and even the French Empire at the height of Napoleon’s power could not ignore the direct and indirect material consequences of their decisions affecting how merchandise should move on the river. Initially, most states evaluated these issues almost exclusively from the narrow perspective of how Rhine commerce could supplement state revenues. Yet increasingly over time, riparian state governments came to understand the need to balance the fiscal desire for extracting the maximum possible revenue from Rhine commerce with other economic goals, such as industrial development, that might be affected by commercial policies on the river. State governments were not the only actors. Even in the seventeenth and eighteenth centuries workable policies in some territories also required

³ Both quotes from Aaslestaad and Hangemann, “1806 and Its Aftermath,” p. 548.

balancing the needs of the state and the desires of important social and economic elements of society, for example the boatmen's guild and merchant community in Cologne. This sort of accommodation only increased over time as even the limited constitutional arrangements and representative assemblies that emerged in every riparian state except Prussia in the early nineteenth century provided a forum for private sector voices. These voices multiplied in the nineteenth century as increasing volumes of river commerce distributed gains and losses unevenly across disparate economic sectors; thereafter Rhine policies also required reconciling the conflicting interests of divergent private sector economic groups within a single state. If we can gain some insight into how individual states navigated through these currents and I think we would know a lot more about the German economy, politics, and society in both the early modern and the modern period.

A third characteristic that makes these issues particularly revealing is the inherently international character of any proposed solutions to the problems of Rhine commerce. At no point in time during this long period was it possible for any single state to improve the efficiency of Rhine commerce by itself. Even after 1815, when the number of political entities along the river had already been greatly reduced, seven states held portions of the Rhine's banks: France, Baden, Bavaria (through the remaining left Rhine Palatinate), Hessen-Darmstadt, Nassau, Prussia, and the Netherlands. The unalterable natural logic of the river bound these states together in their search for a commonly acceptable set of regulations.

This forced interplay of geography and political economy produces two additional considerations that we must bear in mind. First, for each of the many riparian

states involved in this study, Rhine policies were simultaneously both domestic policy and “foreign” policy. As a result, the Rhine policies of individual states reveal even more than the important domestic considerations cited above. The Rhine provides another forum in which we can identify emerging patterns of cooperation and rivalry among the member states—patterns that carried over into other issues, such as the formation and extension of the Zollverein.

Second, each of the Rhine states had to conduct foreign policy in a specific international environment that was shaped by a succession of larger political structures: the Holy Roman Empire, the French Empire, and the German Confederation. Did these larger political constellations generate forces that shaped the options of the riparian states by either facilitating or hampering cooperation along the Rhine? Answering that question might provide yet another angle of insight into how the evolving political superstructure in its successive manifestations impacted the member states on concrete and specific policy issues. Such issue-specific insights can serve as building blocks for more comprehensive historical judgments on the nature of these entities.

In sum, this project is potentially fruitful because we can place an enduring, important, and international set of issues regarding Rhine commerce against a backdrop of dramatically changing political structures in the same period.

II

In order to support the methodological claims of section I. and to provide a real basis for the conclusions of part III, we need to trace VERY briefly the transformation of the Rhine regime in the revolutionary era. We begin with a view of conditions as they had evolved in the last century-and-a-half of the Empire; this requires that we summarize a very muddled state of affairs. We should note here that there is no comprehensive data

for Rhine commerce in the eighteenth century. We do have many fragments, data for some specific points, such as Cologne or Mainz and spot data for specific commodities, such as timber. Yet these pieces are not sufficient to form a summary composite of volumes or values of Rhine commerce, even for a single year.⁴ It is, therefore, extraordinarily difficult to make any sweeping judgments about the development of Rhine trade in the eighteenth century and any such claims must be viewed with the greatest skepticism.⁵

By 1789, the anarchic state of Rhine regulation had already long been a major source of discontent for inhabitants of the Rhine basin. Dilapidated infrastructure, physical impediments, tolls, city monopolies, and the privileges of the boatmen's corporations combined to make river commerce unpredictable and expensive, eroding a good deal of the advantage that water transportation generally had at this time. We might think of the extensive canal building programs in England and France and their contributions to the formation of the national economy at this same time as a way of speculatively assessing what the German states "lost" by their inability to activate the Rhine's potential.⁶ Obvious to even the most casual observers was the physical neglect of the river bed. The operable shipping channel was narrow and frequently silted, which

⁴ The most useful introduction to sources and data on the Rhine trade in this period is Martin Kutz, *Deutschlands Aussenhandel von der Französischen Revolution bis zur Gründung des Zollvereins. Eine statistische Strukturuntersuchung zur vorindustrieller Zeit* (Wiesbaden: Franz Steiner: 1974), pp. 153-161.

⁵ For example, Timothy Blanning's claim of a "substantial and growing volume of trade," *The French Revolution in Germany. Occupation and Resistance in the Rhineland* (Oxford: OUP, 1983), 30; or Jeremy Black's undocumented assertion that "average annual traffic on the Rhine between Mainz and Strasbourg grew by 70 per cent between the 1740s and the 1780s," *Eighteenth Century Europe* (New York: St. Martin's, 1990), p. 64.

⁶ Hence Hermann Kellenbenz's somewhat curiously formulated statement that 18th century Germans "underestimated" the potential of Rhine commerce, "Der deutsche Aussenhandel gegen Ausgang des 18 Jahrhunderts," in Friedrich Lütge (Hg.), *Die wirtschaftliche Situation in Deutschland und Österreich um die Wende vom 18. zum 19. Jahrhundert* (Stuttgart: Gustav Fischer Verlag, 1964), p. 16.

severely restricted the size of ships that could pass even the middle Rhine. The tow paths were grossly neglected, offering difficult passage for mules pulling loads upstream; paths often abruptly ended, requiring that tow animals be ferried across river in the hope that the path might resume there. Obstructions by fishermen--nets and fish traps of various sorts-- across or in the (already small) shipping channel and similar hindrances by millers seeking to harness the river's obvious water power provided yet another level of difficulty for commercial traffic on the river.⁷

Equally damaging to the river's commercial life was the arbitrary and rapacious collection of tolls. Numerous contemporary observers commented that the river was under-used for transport because of ruinous tolls.⁸ Prior to 1789 no effective regulation existed for the number, amount, or location of Rhine tolls. Although a popular song along the river claimed "Mehr Zölle sind am Rhein als Meilen" ("The Rhine can count more tolls than miles"), most sources agree that on the eve of the revolution, thirty-two toll stations collected revenue between Strasbourg and the Dutch border.⁹ In addition, some local

⁷ Kellenbenz has described how in order to "avoid" trafficking the Rhine, land routes ran from the Netherlands through Aachen to Cologne and from there headed south "parallel to the river" [!], "Der deutsche Aussenhandel gegen Ausgang des 18 Jahrhunderts," in Friedrich Lütge (Hg.), *Die wirtschaftliche Situation in Deutschland und Österreich um die Wende vom 18. zum 19. Jahrhundert* (Stuttgart: Gustav Fischer Verlag, 1964), 16.

⁸ Jeffrey Diefendorf has also pointed out that "rising river tolls in the eighteenth century forced traders to seek other north-south routes" *Businessmen and Politics in the Rhineland, 1789-1834* (Princeton, 1980), 29.

⁹ A subsequent Prussian report stated that when the Peace of Lunéville was signed on 9 February 1801, twenty-nine stations were collecting river tolls on the Rhine above the Dutch border; sixteen on the right bank and thirteen on the left, Graf Solms-Laubach to Staatsminister Baron Karl von Stein, 28 February 1814, Geheimes Staatsarchiv Preussischer Kulturbesitz, Berlin [hereafter GStAP] III.HA I Nr. 1367. In his classic study, *Geschichtliche Entwicklung der Rheinschiffahrt im XIX. Jahrhundert* (Leipzig, 1903), Eberhard Gothein cites the more generally accepted figure of thirty-two toll stations between Strassbourg and the Dutch border, but without giving a specific date, p. 3. Wolfgang Zorn mentions thirty tolls for that same stretch of the river, "Binnenwirtschaftliche Verflechtungen um 1800," in Lütge (Hg.), *Die wirtschaftliche Situation in Deutschland*, p. 101. These discrepancies only highlight the uncertain and shifting conditions of toll collection along the river.

potentates imposed loading and unloading fees on merchants. Arbitrary administration and the secret nature of toll rates compounded the damage inflicted on travelers. American economist Edwin Clapp estimated that “In the eighteenth century, one-third the value of a cargo was levied by the toll stations on the forty miles between Bingen and Coblenz.”¹⁰ Toll rates were not published; most rulers actively sought to keep the level of their tolls secret. In most cases the toll actually paid resulted from an on-the-spot negotiation between the vessel’s captain and the toll collectors. Not surprisingly, regulations regarding toll increases were entirely lacking. The unpredictable and capricious nature of the Rhine tolls was a central feature of the anarchy of the regime.¹¹

The medieval privileges retained and still exercised by the cities of Cologne and Mainz also impeded commercial use of the river by others. The first of these, the "right of staple" (*Stapelrecht*, or *droit d'Etape*), enforced since the thirteenth century, required all merchandise passing the city to be unloaded and offered for sale and this to be done using exclusively local agents. The second, the "right of compulsory transfer" (*Umschlagsrecht* or *droit du relache forcée*) required all merchandise to be transferred into boats of the local boatmen's association for the next leg of the river voyage. In the eighteenth century merchants usually could pay a fee to the city in order to escape the unloading demanded by the *Stapelrecht*, but compulsory transfer to local boats remained in force, provoking great hostility from producers, merchants, and neighboring towns.

By the eighteenth century, water transport on the Rhine had lost a good deal of its commercial competitiveness in most categories except those heavy bulk commodities that were, by their nature, impossible to re-load at Mainz and Cologne, such as large

¹⁰ Edwin J. Clapp, *The Navigable Rhine* (Boston: Houghton Mifflin, 1911), p. 6.

¹¹ Even Tim Blanning, generally eager to describe the “general upturn in the Rhenish economy in the course of the eighteenth century,” admits that Rhine tolls “may have reduced traffic by up to fifty percent,” *The French Revolution in Germany. Occupation and Resistance in the Rhineland* (Oxford: OUP, 1983), 30.

millstones.¹² Kellenbenz mentions “stone, clay, and slate” as the few bulk items moving down the Rhine to the Netherlands. Another bulk item, timber, moving from upper Rhine forests to the Netherlands in large rafts, was undoubtedly the most significant commodity by volume in the entire downstream traffic and perhaps the second most important by value as well.¹³ Presumably Nassovian iron ore going to the lower Rhine manufacturing centers in the Bergish-Markish territories also moved on the Rhine, but the finished products of that industry, probably not.¹⁴

The wine trade is a telling example. Tim Blanning mentions wine exports from Mainz downriver to the Netherlands of 300,000 gulden in 1789, but the fact is that “export of Rhine and Mosel wines to England via the Hansa cites was substantially larger than downstream shipments on the Rhine.”¹⁵ For the middle Rhine, trade often ran from Frankfurt overland to Kassel and then down the Weser to export facilities in Bremen. For territories on both banks of the upper Rhine, trade via Strasbourg and the toll-free French canal system all the way to Le Havre served as an alternative to the Rhine.¹⁶ In the course of the eighteenth century shipments of Alsatian wine disappeared entirely from the Rhine.

The existence of small but deep pockets of wealth in the merchant communities of Mainz, Cologne and a few other cities on the lower and middle Rhine is often misread as an indicator of some larger flourishing of river commerce. It would be more accurate to view those small circles of great wealth as a confirmation of these cities’ abilities to

¹² Gothein, *Geschichtliche Entwicklung*, p. 7.

¹³ My conclusion drawn from data on volumes and values presented in Kutz, *Deutschlands Aussenhandel von der Französischen Revolution bis zur Gründung des Zollvereins. Eine statistische Strukturuntersuchung zur vorindustrieller Zeit* (Wiesbaden: Franz Steiner: 1974), pp. 158-160 and table 67, p. 340.

¹⁴ Kellenbenz, “Deutsche Aussenhandel,” p. 9, 13; Zorn, “Binnenwirtschaftliche Verflechtungen,” p. 104, both in Lütge (Hg.), *Die wirtschaftliche Situation in Deutschland*.

¹⁵ Blanning, *French Revolution*, 24; Martin Kutz, *Deutschlands Aussenhandel*, p.155.

¹⁶ Clapp, *Navigable Rhine*, p. 10.

extract exorbitant artificial rents from the remaining stream of river trade.¹⁷ In Cologne, the import trade was dominated by just three commodities coming upriver from the Netherlands—coffee, sugar, and tobacco. Because “all other commodities were insignificant compared to these three,” we can be sure that this was the source of most of the profit from trade moving upriver. Further, all our fragmented data indicates that “the Rhine trade was strongly negative for Germany” in balance of payments (which fits with a pattern of predominantly bulk goods moving downstream) so the profit from downstream traffic must have been substantially less than from the upstream trade.¹⁸ All of which again highlights the ability of Cologne merchants to live well from their monopoly position as suppliers of just a few colonial products to the whole of the Rhine basin. In short, the compilation of significant merchant wealth in Cologne is not an indicator of any larger flowering of Rhine commerce. The same is true for Mainz or Frankfurt/Main; in each case we could explicate particular local techniques for extracting unfair rents from a river trade that at the regional level had been reduced to bulk exports of the lowest value and luxury imports of the highest.

Not surprisingly, the state of affairs described above—absolute decline of the river’s physical infrastructure and relative decline of river commerce compared to the general economic growth of the Rhine basin—correlates closely with a declining level of effective governmental administration of the river. In earlier times, beginning in the fourteenth century, a rudimentary level of cooperation existed between the four electors who owned, but often leased out, the vast majority of tolls along the Rhine: the archbishops of Cologne, Trier, and Mainz, and the Elector Palatine. Cooperation

¹⁷ Jeffrey Diefendorf’s statement on Cologne that “the city treasury was supported by fees charged for the use of port facilities” indicates that the sums extracted by Cologne from passing merchandise must have been considerable, *Businessmen*, 29. Similarly, Blanning describes Bonn, Koblenz, and Mainz, as centers of conspicuous consumption supported by “the easy money which flowed in from river tolls and rural taxes,” *French Revolution*, p. 32.

¹⁸ Kutz, *Deutschlands Aussenhandel*, p.167, 168.

between the four Rhenish electors ceased toward the end of the seventeenth century, most likely in response to new commercial pressures coming from the newly independent Netherlands. Afterwards, no other authority emerged to supply the necessary leadership.

After 1648, the most promising potential sources of order on the river were the successive international treaties that contained provisions affecting Rhine commerce, the treaties of Münster (1648), Ryswick (1697), and Rastatt (1714).¹⁹ On the basis of the rhine provision in article 6 of the Rastatt treaty the four Rhine electors sued the cities of Mainz and Cologne in the imperial court demanding an end to compulsory local monopolies; the suit was still in progress ninety-two years later when the empire passed away in 1806.²⁰ But the treaties lacked any effective enforcement; either for the ambitious claims that the river should be “free” for commerce or for the more modest goal of limiting tolls to those already in existence. It is in this period of the later empire that the river's commercial regime descended into a dysfunctional mixture of chaos and

¹⁹ E.g. article 89 of the Treaty of Münster: “Above all, the Navigation of the Rhine be free, and none of the partys shall be permitted to hinder Boats going up or coming down, detain, stop, or molest them under any pretence whatsoever, except the Inspection and Search which is usually done to Merchandizes: And it shall not be permitted to impose upon the Rhine new and unwonted Tolls, Customs, Taxes, Imposts, and other like Exactions; but the one and the other Party shall be contented with the Tributes, Dutys and Tolls that were paid before these Wars, under the Government of the Princes of Austria.”

Similarly explicit language in article 6 of the Rastatt treaty: “Navigation and other uses of the River shall remain free and open to the subjects of the two parties [France and the Empire] and to all those wishing to pass by, sail, or transport merchandise... Nor, especially, can they demand new tolls or taxes or increase old ones, or oblige vessels to land on one bank rather than the other, to lay open their cargo or to receive any, but all shall be at the choice of each individual.” Both in *Major Peace Treaties of Modern History, 1648-1967*, compiled by Fred L. Israel (New York: Chelsea House, 1967-80), v.1.

²⁰ That case certainly makes one wonder why “in recent years the reputation of the imperial courts has improved considerably,” Andreas Fahrmeir, “Centralization versus Particularism in the ‘Third Germany’,” in Michael Rowe, ed., *Collaboration and Resistance in Napoleonic Europe* (Palgrave, 2003), p. 113.

extortion, with the river trade effectively partitioned between the merchant communities of the Netherlands, Cologne, Mainz, and Strasbourg.

Contemporary criticism of the anarchic Rhine regime ranged from one end of the river to the other. In the Palatinate on the upper Rhine, Elector Charles III Philip, who had rebuilt Mannheim as his new capital in 1720 with hopes that the city would emerge as a major inland port, found his plans were thwarted by the river's restrictive practices. In the German territories below Cologne, merchants seethed at having been abandoned to a Dutch monopoly on shipping on the lower Rhine. Critics cited imperial ordinances, international treaties, Roman law, the *Sachsenspiegel*, Grotius, Puffendorf, natural law, free trade, efficiency, and common sense in demanding an end to compulsory transfer and the imposition of some order in the collection of tolls. The 1770s in particular saw a lively public debate in the form of printed pamphlets between critics and defenders of existing practices on the river.²¹

Not surprisingly, the arrival of revolutionary French power into this thicket of particularist privileges initiated a fundamental transformation of the river's commercial regime. As early as November 1792, the French had used a combination of natural law arguments and anti-feudal rhetoric to justify their forced re-opening of the Scheldt, which had been closed by the Dutch since 1648 under the terms of the settlement at Westphalia. Continued military success as reflected in the treaties of Basel (April 1795) and The Hague (May 1795) brought greater French attention to the Rhine. The Treaty of The Hague contained a declaration that neither France nor the Netherlands could prohibit friendly commerce on the Rhine, Meuse, and Scheldt (article 18).

²¹ The most thorough and best-known criticism was Johann Windscheid's collection of legal and historical arguments against the privileges of Cologne, *Commentatio de Stapula* (Düsseldorf, 1775), written in reply to a 1774 tract published in Cologne, defending the city's traditional river privileges, *Stapula Urbio-Aggripiensis*. Copies of these and other contributions to the debate in GStAP III.HA I Nr. 1368.

A victory at Neuwied in April 1797 bought French attention to the major portion of the river. As commander of French forces in the spring of 1797, General Louis Hoche declared the Rhine free, although he certainly was not in any position to enforce that claim beyond the territory he occupied.²² In October 1797 the Treaty of Campo-Formio delivered a substantial portion of the left bank of the Rhine to France. In the second secret article attached to that treaty, the French and Emperor Francis II agreed to abolish traditional commercial restrictions at several key points on the river, e.g. at Koblenz, thus initiating the revolutionary process of exploding the old regime along the German portion of the river.²³

At the lengthy Congress of Rastatt which followed Campo-Formio, the French moved forward with demands for a thorough reform of commercial practices on the Rhine, beginning with a rationalization of tolls.²⁴ In July 1798, French authorities unilaterally declared Rhine commerce to be “absolutment libre,” explicitly abolishing the *Stapelrecht* and traditional monopoly privileges of the boatmen’s guilds in Cologne and Mainz, now both under French control.²⁵ The French advanced a number of even more radical proposals for the river: the abolition of goods tolls; free navigation of the river subject only to a uniform passage toll; the abolition of all compulsory transfers; and French access to the interior rivers of Germany. When the remaining imperial authorities, the German princes, and the Dutch all balked at these sweeping French proposals, the congress ended inconclusively on this point.²⁶

²² Sydney Biro, *The German Policy of Revolutionary France* (Cambridge, MA: 1957, HUP), v.1, p. 695.

²³ *Major Peace Treaties of Modern History, 1648-1967*, compiled by Fred L. Israel (New York: Chelsea House, 1967-80), v.1, p. 441. Biro notes that free navigation on the river had been part of the French-Austrian armistice in the winter of 1795-96, *German Policy*, p. 694.

²⁴ French note of 3 May 1798, summarized in Solms-Laubach's report to Stein, 28 February 1814, GStAP III.HA I Nr. 1367.

²⁵ “Les droits d’Etape soient abolis, ainsi que les corporations de bateliers,” *ibid*, GStAP III.HA I Nr. 1367.

²⁶ Original documentation in *Protocoll der Reichs-Friedens-Deputation zu Rastatt*, 3

The following years saw a progressive dissolution of the old commercial regime along the Rhine, but as yet without any new, comprehensive set of rules. So, for example, in the four new French departments on the left bank, occupation commissar Francisque Rudler initially ordered an untenable tripartite regime under which goods coming into the left bank were freed from all Rhine tolls, goods going elsewhere but carried by French-licensed shippers received a one-third reduction of tolls, and all other goods remained subjected to current, and rapidly changing practices.²⁷ When the Treaty of Lunéville secured further French gains along the Rhine and made the river itself the border between France and the empire, the ground was set for a comprehensive overhaul of commercial practices as they had evolved on the Rhine over the previous several centuries.

A far-reaching new plan for the Rhine emerged from the negotiations that took place in the Imperial Reichstag after Lunéville and culminated in the Reichs-Deputation-Hauptschluss (RDHS) of February 1803. On two occasions in August and October of 1802 the French reiterated their earlier demand from the Congress at Rastatt: abolition of all tolls on the Rhine. Only the desperate need for additional revenues that could help compensate the German princes dispossessed by France's own annexation of the Rhine's left bank convinced the French that river commerce must remain subject to tolls of some sort. But having agreed in principle that imperial authorities must extract some income from the Rhine, the French were determined that the collection regime should conform as closely as possible to the French fiscal, political, and ideological agendas. On 11 February 1803 the French presented a comprehensive plan, subsequently included in the final RDHS as lengthy article 39. That article laid out the basic principles of a new commercial regime for the river, the Schiffahrts-Octroi, which would be administered "jointly" (*gemeinschaftlich*) by

vols., Heinrich Freiherr Munch von Bellinghausen (Hrsg.), (Rastatt: Sprinzing, 1800).

²⁷ This transitional phase between Campo-Formio and the new Octroi agreement in 1804 is well described in Gothein, *Geschichtliche Entwicklung*, pp. 18-29.

France and the “German Empire,” and would be elaborated further in an “additional agreement.”²⁸

The result was a landmark compromise agreement between France and the remaining German interests, represented by the imperial arch-chancellor, Karl Theodor von Dalberg, Archbishop of Mainz. Signed in August 1804 and ratified in February 1805, the “Octroivertrag” dramatically reformed the previously anarchic Rhine tolls and established a truly innovative Franco-Imperial joint administration covering the river from Switzerland to the Dutch border.²⁹ Most fundamentally, the tolls on goods were rationalized. Fixed toll schedules for three classes of goods were established, and the number of toll stations was reduced to twelve, with six on each bank. First class goods paid a toll of 2.00 francs/hundredweight (50 kg) for the upstream trip from the Dutch border to Strasbourg and 1.33 francs for the downstream trip. The agreement required both parties to use the toll revenues to police and administer the river, including subsequent toll collection, and to maintain the channel, tow paths, and shore facilities.³⁰ This streamlined arrangement was a vast improvement for merchants: published toll rates allowed costs to be calculated in advance, fewer toll stations reduced time lost in weighing cargoes and making payments, reduced toll rates saved money, and a designated investment in infrastructure promised physical improvements in the river for all travelers.

²⁸ Article 39 reprinted in *Rheinurkunden. Sammlung zwischenstaatlicher Vereinbarungen, landesrechtlicher Ausführungsverordnungen und sonstiger wichtiger Urkunden über die Rheinschiffahrt seit 1803* (Munich, 1918), v.1., p.1.

²⁹ *Rheinurkunden*, v.1, pp. 6-25.

³⁰ Revenues collected on the right bank in excess of these costs could be used to support Arch-Chancellor Dalberg and other disposed German princes as stipulated in several articles of the Hauptschluss, but it is not correct to say, as Peter Wilson and many others have, that “France promised [Dalberg] half the revenue” from future Rhine tolls, Wilson, “Bolstering the Prestige of the Habsburgs: The End of the Holy Roman Empire,” *The International History Review*, xxviii, 4 Dec. 2006, p. 718. Dalberg was never in favor of this arrangement and resigned his claims in 1810.

More significantly, the Octroi agreement created a small bureaucracy controlled jointly by the French government and the arch-chancellor that administered the river as a unitary whole. Both parties jointly appointed the chief executive officer, the Director-General, who supervised toll collection, inspected the tow-paths, and issued provisional new regulations. In addition, each side appointed two of the four "inspectors" for the river and one-half of the toll agents. In a judicial capacity, the director-general and the inspectors also served a bipartite court of appeals for penalties imposed by toll agents.³¹

Arriving from Paris to establish the new Octroi regime, one of France's great organizers, Charles Coquebert-Montbret, moved energetically to establish the necessary bureaucratic infrastructure, to enforce the terms of the treaty, and to issue new regulations. He defined the duties of each level of the Octroi administration from the General-Director to the clerical staff and boat-hands. He also quickly established the procedures for collecting fines, hearing appeals, and holding trials. More substantively, he created a system of numbered and recorded bills of lading for presentation at the toll stations that became a centerpiece of regulated commerce on the river. He also prescribed standard procedures for loading and unloading ships at the busiest ports of Cologne and Mainz. Having created the necessary organizational structure and established the precedent of active regulation of commerce, Couquebert-Montbret named the very able Johann Joseph Eichhoff as Director-General and returned to Paris.

Eichhoff continued to modernize commercial practices on the river, for example by replacing the local boatmen's guilds with a training and licensing system open to anyone on the river with certificates issued by the General Direction itself. Toll collection proceeded efficiently; Eichhoff claiming that administrative costs for all activities ran below ten percent of revenues, probably below the rate for the collection of other indirect taxes. Most

³¹ As early as July 1797 Talleyrand told the Margrave of Baden that one important French motive on the Rhine was to relieve French shippers of appearing before foreign (German) courts which were notoriously slow and expensive, Biro, *German Policy*, p. 965.

impressive perhaps was the work on the physical improvement of the river. Noticeable upgrades were made to shore facilities on the upper Rhine and to the tow path on the right bank. In 1804 these achievements inspired the Chamber of Commerce of Mainz to propose the formidable project of widening the river channel by blasting and clearing the rock-lined narrows between Bingen and Koblenz—something not accomplished until 1831. On the basis of the knowledge about the course and condition of the river accumulated by the Octroi administration, Johann Ockhardt produced the first thorough natural description of the river in 1816.³²

Under these new commercial arrangements trade volumes on the Rhine increased dramatically as the data for Cologne and Mainz show clearly. Gothein calculated the volume of total Rhine trade moving through Cologne at 1,500,000 hundredweights (50 kg) in 1789 “which can be considered a normal year.” In 1807, just the second year of the new Octroi regime, that volume was 5,239,972, an increase of 346%. Upriver in Mainz, the increase was similarly dramatic; pre-revolutionary annual turnover had averaged 667,083 hundredweights, but moved to 2,721,354 in 1807, an increase of just over 400%.³³ Traffic increases on this large scale on the lower and middle Rhine must be indicative of a quite significant increase in the river’s total commerce.³⁴

These large freight volumes produced substantial revenues, despite the overall reduction in toll rates that had been an explicit condition of the Octroi. Toll revenues rose approximately five percent annually, reaching 2,563,000 francs in 1807, before falling off between 1808 and 1813 as the provisions of Napoleon's Continental System bit into both

³² Ockhart, *Der Rhein nach der Länge seines Laufs und der Beschaffenheit seines Stromes*. All these activities summarized in Gothein, *Geschichtliche Entwicklung*, p. 43 ff.

³³ Gothein’s data in *Geschichtliche Entwicklung*, pp. 25-26; data for 1807 in GStAP, IHA, Rep.113, Nr.242.

³⁴ Geoffrey Ellis mentions Strasbourg’s Rhine traffic as having “quadrupled in volume by comparison with annual average before 1806” which fits perfectly with the calculations presented here, Ellis, *The Napoleonic Empire*, (Highlands, NJ, 1991), p. 102.

imports coming upriver and exports moving downriver.³⁵ In the ten years of the Octroi (1805-1814), the river yielded just over 17 million francs in toll revenues.³⁶

Among the victorious powers of 1813-1814, none had an interest in returning to the anarchic Rhine regime of the pre-revolutionary period. Britain and Prussia, each for its own distinct reasons, actively sought to preserve and extend the administrative rationalizations and reductions in tolls introduced by the French. As early as February 1814 Friedrich Graf zu Solms-Laubach, the future Oberpräsident of the Prussian Rheinprovinz, recommended to Stein that the core of Octroi practices be continued.³⁷ In Austria and Russia, Metternich and Alexander regarded the future administration of the Rhine as an issue of secondary importance. This rough position of interests produced the early general agreement that the Rhine would remain open to the commerce of all states; a principle that was incorporated into the Peace of Paris in May 1814 as article V as a crucial first step in preserving the gains of the Napoleonic period.³⁸

In Vienna the powers established a "*Commission relative à la libre navigation des rivières*" in which the Rhine was the major issue. Work began in December 1814 with representatives from Prussia, Austria, France and Britain. The major powers soon invited the smaller Rhine states-- Netherlands, Nassau, Hessen-Darmstadt, Bavaria, and Baden-- to participate in discussions on the future regulation of the river that produced thirty-two

³⁵ Report by Sebastian Nau, Bavarian member of the Rhine Commission, 15 November 1831, Bayerisches Hauptstaatsarchiv [hereafter BayHStA], Munich, MA 63447. On the upper Rhine, which suffered less under Napoleon's policies of economic warfare, the toll revenues collected at Mannheim increased twenty-nine percent between 1806 and 1809; at Neuburg in the Bavarian Palatinate, toll revenues increased forty-three percent in the same period, Nau's reports 21 December 1827 and 18 February 1828, both in BayHStA, MA 63447.

³⁶ Report on Rhine revenues for 1824, dated 13 September 1825, GStAP, IHA, Rep.113, Nr.163.

³⁷ GStAP, IIIHA I, Nr.1367.

³⁸ "Art.V— La navigation sur la Rhin, du point où il devient navigable jusqu'à la mer et réciproquement, sera libre, de telle sorte qu'elle ne puisse être interdite à personne..." *Rheinurkunden*, p.36.

articles "concerning Rhine shipping" which were signed in Vienna by the major powers-- Austria, France, Great Britain, Prussia, Russia-- and by the Rhine states on 9 June 1815 and incorporated via article 118 into the final protocol of the congress as Appendix 16B.³⁹ The Austrian delegate, deputy foreign minister Jan Phillip Wessenberg, had no substantive impact on the sessions. The French were not opposed to preserving the reforms of 1804, although the French delegate, Karl Dalberg, nephew of the former imperial arch-chancellor, proceeded far more cautiously than French officials had during the period when France had maintained hegemonic control over the Rhine administration. For Britain, with its industrial and commercial superiority and an emerging ideology of free trade, the preservation of reforms that promised access to continental markets via the Rhine was obviously desirable. However, Britain lacked the standing of a riparian state and therefore even the able Lord Clancarty could not influence the commission to the extent that he desired.

This conjunction of power and interests gave the Prussian delegate Wilhelm von Humboldt the opportunity to advance the Prussian goal of forging a Rhine regime that would foster commercial development of the river in the extensive new Prussian Rhine provinces. With that general goal in mind, Staatsminister Stein had preserved the unified structure of the Octroi administration when Prussia seized control of the river on behalf of the allies in 1813.

After 1815, the Prussian administrative leadership was determined to integrate its heterogeneous new possessions in the Rhineland and Westphalia into coherent Prussian provinces and to link the Rhine-Westphalian territory to the older portions of Prussia. Unlike the other German riparians-- Baden, Bavaria, Hessen-Darmstadt, and Nassau-- Prussia was not willing to issue a constitution to help unify its new holdings politically.⁴⁰

³⁹ *Rheinurkunden*, v.1, p. 42.

⁴⁰ Nassau issued a new constitution on 2 September 1814; Bavaria on 26 May 1818; Baden on 22 August 1818; and Hessen-Darmstadt on 17 December 1820.

Instead Prussia relied exclusively on economic and administrative integration to bring its new lands together. Economic integration of the Rhine provinces and Westphalia required the removal of the impediments to commerce along the river itself.⁴¹ Prussian ambitions were clearly evidenced in Wilhelm von Humboldt's energetic influence in drafting the Rhine articles of 1815 at the Congress of Vienna. Humboldt doggedly pushed the negotiations forward, repeatedly submitting complete drafts of Rhine articles.⁴² He argued for the greatest possible commercial freedom on the river and pushed unsuccessfully for an even stronger central administration than eventually emerged.⁴³ In pursuit of Prussian goals, Humboldt willingly sacrificed the Cologne boatmen's traditional right of compulsory transfer (article XIX). Subsequent Prussian members of the new commission that governed the river, Johann Jacobi and Heinrich Delius, steadfastly refused to support the boatmen's petitions for reinstating the historic right of compulsory transfer at Cologne.

Humboldt's energy may have been a necessary factor in securing agreement to the Rhine articles in Vienna, but the impressive record of the Octroi in increasing both trade volumes and revenues was a persuasion that spoke for itself, especially to the smaller states that could not resist the allure of easy money rolling in from river tolls.⁴⁴ Under

⁴¹ Set in a larger pattern of Prussian economic liberalization that begins with the Allgemeine Landrecht of 1794 and runs through the tariff reform of 1818, Prussian policy on the Rhine is more understandable, perhaps even predictable.

⁴² Documentation of the commission's work at Vienna is reprinted in *Rheinurkunden*, I, 50-162; unpublished material on Prussian efforts in this body in GStAP III.HA I Nr.1371.

⁴³ Humboldt's initial plans also called for weighted majority voting (calculated by the length of the Rhine shore held on each bank by the seven states) within the commission on all issues, a practice that would have been the first step in transforming the commission into a vehicle for Prussian domination of the Rhine valley. When all the other riparian states rejected this approach in favor of simple majority voting, Humboldt lost enthusiasm for a strong commission and settled for a weaker version than he had proposed originally.

⁴⁴ For the years from 1816 to 1820, for example, annual gross revenues collected on the conventional Rhine between Strassbourg and Emmerich averaged 2.2 million francs, calculated from the

Prussian lead, the French, the Dutch, and the cautious but not unwilling smaller German states agreed to establish a permanent Central Commission for Rhine Navigation (*Zentralkommission für die Rheinschiffahrt* or *Commission centrale pour la Navigation du Rhin*) as a replacement for the Octroi—the next crucial step in preserving the governing principles for Rhine commerce that had evolved during Napoleonic hegemony. In June 1815 the member states charged the commission with several duties: first, to "provide official communication between the river states concerning all aspects of shipping on the river" (art. X); second, to "develop exact controls for the observation of the common rules" on the river (art. X); third, to issue "interim instructions" on toll-rates for the river (art. XXXI); and fourth, to produce a new long-term comprehensive regulatory agreement for Rhine shipping that would regulate commerce beyond the general guidelines being given by the congress in the thirty-two articles of 1815.⁴⁵ This fourth obligation later produced the Rhine Treaty of 1831, also known as the "Treaty of Mainz" from the new seat of the commission. The new treaty of March 1831, reconfirmed the duties of the Central Commission as monitoring enforcement of current rules, offering new regulations, indicating necessary physical improvements in the river, and issuing an annual report on the state of commerce on the Rhine (article 93).⁴⁶ The agreement of 1831 was, in essence, yet another extension of the river regime invented and put in place during the Napoleonic period.

report of Bavarian commissioner Nau to Munich, 15 November 1831, BayHStA, MA63447. At that time, 2.2 million francs equaled 1.01 million gulden, or about half the annual budget of the Duchy of Nassau .

⁴⁵ *Rheinurkunden*, Bd.1, 42-50. In accordance with the documents themselves, this essay uses Roman numerals when referring to the Vienna Rhine articles of 1815 and Arabic numerals when referring to articles of the 1831 Rhine Treaty.

⁴⁶ *Rheinurkunden*, I, 212-273.

In the decades between 1815 and 1870, the commission initiated dozens of regulatory directives, added twenty supplementary articles to the treaty of 1831, created an agreement on common police procedures, and finally arranged for a fundamental overhaul of the 1831 agreement, producing a new treaty in 1868, the "Treaty of Mannheim," which extended the fundamental mechanisms of Rhine governance as they had been developed in 1803 into the late nineteenth century. In addition to its own active agenda, the Zentralkommission spawned a number of sub-bureaucracies that operated across the territories of the member states: the Rhine inspectors, the revenue stations, the central accounting office, and the Rhine courts.

The commission's activities had far-reaching consequences for the economic and political development of early nineteenth century Germany, most of which we are just beginning to fully assess. Most immediately, the Central Commission forcefully advanced the economic integration of North and South Germany by preserving earlier toll reductions and permanently voiding the right of compulsory transfer. In subsequent decades the commission continued to administer the river as a unitary whole, moving toward a progressively more liberal regime, and modifying the rules of the river to accommodate changes in technology and business organization, thus transforming the river into the enormous freightway that it remains today.⁴⁷

For example, in the 1830s the commission adapted the regulatory regime of the river to accommodate the growing use of steam power on the Rhine. A decade later in the 1840s the commission also modified the prevailing Rhine regime to accommodate the revolutionary organizational change in the business of shipping as new shipping corporations with large fleets of steam tugs moved to capture the business in large-scale

⁴⁷ As early as 1832, Hanover cited the "beneficial effects" of the Rhine regulations under the Central Commission in its arguments to the German Confederation for a liberalization of the transit trade in Germany, 29th Bundestagsitzung, 9 August 1832, in *Vorgeschichte und Begründung des Deutschen Zollvereins 1815-1834*, H. Oncken and F.E.M. Saemich, eds. (Berlin, 1934), I, 272-73.

long-distance shipping. Both steps were crucial in the evolution of Rhine commerce in the nineteenth century. Without a coordinating institution such as the commission, it is impossible to imagine that several states would have been willing and able to manage parallel reforms along the length of the river in a unified manner. Well-managed regulatory evolution was indispensable for the introduction and growth of the large, new corporate lines that brought new low-cost practices to the length of the river, integrating the Rhine basin through massive merchandise exchanges moved by steam tugs and iron barges.

In the century from 1835 to 1935 the Rhine increased its share of German waterway traffic from thirty-five percent to nearly sixty percent, while the percentages of traffic carried by the Elbe and the Oder each declined.⁴⁸ A functional regime for managing traffic on the Rhine was not the root cause of this increase, which was based on colossal exports of coal, iron, steel, and chemicals. But the commercial regime of the river was absolutely indispensable in allowing those natural endowments to develop. We have seen that a badly dysfunctional regime in the eighteenth century severely constricted the river's trade volume. The creation of a revolutionary new arrangement in the years between 1797 and 1805 in the form of the Octroi brought with it almost immediately a commercial revival that reflected the river's natural potential. As that Napoleonic-era achievement in river governance was preserved and extended throughout the nineteenth century and into the twentieth by the Peace of Paris (1814) the Vienna Congress (1815) the treaties on Rhine shipping (1831 and 1868), it facilitated the unfolding of the river's remaining economic potential.

III

The developments I have outlined above would allow a very broad range of insights and interpretations in fields ranging from international relations theory to

⁴⁸ Andreas Kunz, "The Performance of Inland Navigation in Germany, 1835-1935. A Reassessment of Traffic Flows," in Andreas Kunz and John Armstrong, eds., *Inland Navigation and Economic Development in Nineteenth Century Europe* (Mainz: Philipp von Zabern, 1995), p. 49, table I.

environmental history. I will limit my conclusion to three broad conclusions I think will be of interest to the greatest number of listeners in this audience.

First, by setting the revolutionary events of 1797-1815 in the longer context of the evolving commercial regime of the river from 1648 to 1868, when the last remaining tolls on the river were abolished, this paper demonstrates how suitable topics such as Rhine river management might be used to establish the importance of the Napoleonic period in a longer investigation that bridges the gap between early modern and modern Germany history, about which there has been so much discussion in the past few years. Is that early modern/modern divide, particularly the caesura of the revolutionary period, still an issue of central concern? Apparently. One report from last year's GSA (2006) that I have recently read maintained in full vigor the complaint against the "unacceptable gap between early modern and modern history." In fact this topic might also contribute to "breaking down the medieval/early modern divide" that was mentioned in the call for papers to the 2007 GSA sessions on the Holy Roman Empire.

An important point is that we do not have to retreat into micro-history to find such long-range topics—the evolution of the commercial regime on the Rhine is a large regional issue with enormous consequences that remain little known. The commercial rules and administration forged in the revolutionary period were the starting points for the development of the Rhine into the tremendous freight way that it became in the course of the nineteenth century. If Frank Tipton is right that "regional consciousness may be the linking term connecting the economic histories of localities with the emergence and development of the national economy," then understanding the development of regional

economies like the Rhine river basin will be an essential step in stitching together local histories in the comparative manner cited in the opening portion of this article.⁴⁹

Such topics can still also be quite “new.” Although the economic consequences of the new Rhine organization created during the years between 1797 and 1804 were enormous, these developments appear to be little known. The fundamental recasting of the Rhine regime is entirely absent from accounts of Europe in revolutionary era and is often flat-out wrongly presented by economic historians of the nineteenth century.⁵⁰ Its omission is somewhat surprising because in its combination of ideology, administration, and accommodation the creation of the new Rhine Octroi in 1804 could serve as a quintessential example of how the French revolution and Napoleonic experience unfolded in Germany.

From this example, we might derive some insights into how or where we could locate similar topics showing profound change in the Napoleonic period to serve as pathways between the early modern and the modern, or perhaps even stretching from the medieval through the early modern to the modern. One clue to their possible location is in the enduring geography and topography of the Rhine topic. This suggests to me that we might explore other topics that relate the relatively stable natural world to the rapidly changing political regime of the revolutionary era—topics such as coastal management,

⁴⁹ Frank Tipton, “The Regional Dimension in the Historical Analysis of Transport Flows,” in Andreas Kunz and John Armstrong, eds., *Inland Navigation and Economic Development in Nineteenth Century Europe*, (Mainz: Philipp Zabern, 1995), p. 179.

⁵⁰ For example, Hermann Kellenbenz wrongly states that the Rhine tolls were “abolished” (beseitigt) by the treaty of 1831, “Wirtschafts- und Sozialgeschichte der nordlichen Rheinlande seit 1815,” in *Rheinische Geschichte* (Dusseldorf: Schwann, 1976) Bd. 3, p. 12; similarly Hans Jaeger's misleading statement that the treaty had eliminated “all fees” (alle Abgaben), *Geschichte der Wirtschaftsordnung in Deutschland* (FF/M: Suhrkamp, 1988) p. 52; other examples abound.

water rights, and flood control might be good places to look. If we are seeking enduring problems against which we can compare the efforts and solutions of changing political constellations, I think the natural world with its environmental and ecological issues would be a fruitful area in which to search. Perhaps the large number of forest and forestry studies that have appeared in German since the 1980s will serve as a springboard for a large, long-term study of the kind we envision here.⁵¹

Maybe some social and family issues would fit into this abstracted category of slowly changing structures that could be compared across several regimes. Perhaps the explicit question of how state actions and state policies affected family structure and behaviors; could produce something along the lines of Margaret Darrow's work, only more focused on the state's actions and more extended in time.⁵²

The evolution of the Rhine regime in the eighteenth century and the revolutionary period also allows some conclusions in a second subject area about which there has been a good deal written lately-- the nature and functioning of the Holy Roman Empire. Changes along the Rhine may not speak directly to one of the major sets of questions about the empire, the quasi-theoretical debates about whether the empire was "a state" and, if so, what kind of state, and what any answers to these question might mean for more general discussions of "types" of German and European political organizations.⁵³

⁵¹ Although it remains confined to Hessen and lacks the interpretive unity of a monograph, Andreas Hedwig (Hg.), *"Weil das Holz eine köstliche Ware..." Wald und Forst zwischen Mittelalter und Moderne* (Marburg: Verin für hessische Geschichte und Landeskunde, 2006) does demonstrate the continuity of some issues in forest management from the early modern era through the modern.

⁵² Darrow, *Revolution in the House: Family, Class, and Inheritance in Southern France, 1775-1825*, (Princeton: PUP, 1989).

⁵³ On these themes one might begin with Peter Wilson's overview, "Still a Monstrosity?"

On the other hand our topic does address another line of discussion, the empire's ability to act, and the extent and vitality of imperial and individual state reforms underway in the final decades of its existence.

Conditions along the Rhine between 1648 and 1805 demonstrate quite clearly that we still must acknowledge some very sharp limits to the degree of revisionist optimism we are prepared to attach to the later empire. The absolute and relative decline of the river do not support the ideas emerging from other studies that the empire could facilitate common action, enforce the collective will, or employ relatively efficient institutions.⁵⁴ For the Rhine traffic any notion of the empire as effective federalism in the eighteenth century founders on the familiar obstacles of particularism and privilege.

Similarly, our present investigation does not support the "revisionist historiography" mentioned by John Breuilly that links the reforms of the Napoleonic era to the "traditions of princely reform in the eighteenth century."⁵⁵ We also do not see that "Napoleonic intervention thus merely accelerated trends that had been at work for some time" as Andreas Fahrmeir states, but can agree with his insight that French reforms "managed to harness existing pressures."⁵⁶ Similarly our study does not support Michael Rowe's claim that eighteenth century reforms in the German states "prefigured those of the

Some Reflections on Early Modern German Statehood," *The Historical Journal*, v. 49, 2 (2006), pp. 565-576 and Matthias Schnettger, Hg., *Imperium Romanum—irregulare corpus—Teutscher Reichs-Staat. Das Alte Reich im Verständnis der Zeitgenossen und der Historiographie* (Mainz: Philipp Zabern, 2002).

⁵⁴ Wilson, "Monstrosity," pp. 573-575 and the literature cited there.

⁵⁵ Breuilly, "Napoleonic Germany and State Formation," in Rowe, ed., *Collaboration and Resistance*, p, 125.

⁵⁶ Fahrmeir, "Centralization versus Particularism, in *ibid*, p.116.

Napoleonic era,” although our investigation does support his counter-claim that the “Empire greatly restricted the scope of reforms” that were possible.⁵⁷

We might acknowledge that, strictly speaking, the first substantive steps toward reform along the Rhine took place within the structure of the empire, in the RDHS, and that ratification of the Octroi agreement of 1804 with France was one of the last acts of the imperial Reichstag. More important, however, is recognizing that the long-term evolution of government on the Rhine suggests the Octroi regime was a reluctant compromise response to French insistence on sweeping reforms. It remains unrealistic to imagine that the particularist interests in the empire could have produced these extensive and rapid reforms without irresistible external pressure.

This investigation raises a third and last point, namely that we have a lot to gain from returning to the spatial dimension of German history. Here I mean not merely how space and landscape function as part of part of identity and memory, about which a good deal has been written.⁵⁸ I am rather more interested in how the real material, physical world of terrain has impacted politics by both by creating problems to be tackled and by shaping the set of possible solutions.⁵⁹ The spatial dimension might lead us to re-think the links between space and state formation in the revolutionary period. The willy-nilly

⁵⁷ Rowe, “Napoleon and State Formation in Central Europe,” in Philip Dwyer ed., *Napoleon and Europe* (London: Longman, 2001) p. 204.

⁵⁸ On the European, national, and regional levels, see, for example Alan Baker and Gideon Biger, eds., *Ideology and Landscape in Historical Perspective: Essays on the Meanings of the past in Some Places* (Cambridge: CUP, 1992); Thomas Lekan, *Imagining the Nation in Nature: Landscape Preservation and German Identity, 1885-1945* (Cambridge: Harvard, 2004;); Jorg Engelbrecht, Hg., *Rheingold. Menschen und Mentalitäten im Rheinland. Eine Landeskunde* (Cologne: Böhlau, 2003).

⁵⁹ I am thinking more along the lines of Reinhard Koselleck’s “Raum und Geschichte,” *Zeitliche Studien zur Historik* (FF/M: 2000), pp. 78-96 and Jürgen Osterhammel’s “Die Wiederkehr des Raumes,” *Neue politische Literatur*, 43 (1998), pp. 374-97.

consolidation of small and medium states through the processes of secularization and mediatization resulted in states that in many cases defied geographic logic and were therefore, in some key issue areas of political economy, untenable as independent entities.⁶⁰ I have recently begun to explore how the geography of the Rhine and how that allowed Prussia to use its position on the lower Rhine as a source of economic statecraft against the middle and upper Rhine states during the formation of the Zollverein.

Of course thinking about the links between geography and state formation will almost immediately lead us to thinking about the links between geography and supra-state formation in the nineteenth and twentieth centuries. Virtually simultaneously with the formation of new territorial states in Germany from 1797 to 1806 came the recognition that effective regulation of the Rhine required a structure that would supercede the individual territorial states. Of course any supranational integrative structure such as the Octroi or its successor, the Zentralkommission, will automatically and logically invite some comparisons with the EU. In fact, both those early structures are surely recognizable as proto-types of our contemporary structures of European supranational integration and therefore both structures become significant as historical case studies in European integration.

Finally, the return of the geographic dimension and the idea of regionality remind us, in turn, that this topic is also transnational history in the sense that I have read Ute Frevert use the term: as “a web of communication and interaction.”⁶¹ The evolution

⁶⁰ This is an essential element of Rolf Dumke’s influential thesis on the origins of the Zollverein, originally in “German Economic Unification in the 19th Century: The Political Economy of the Zollverein, diss. Universität der Bundeswehr, Munich.

⁶¹ Ute Frevert, “Europeanizing German History,” *Bulletin of the German Historical Institute*, 36 (Spring 2005), pp. 9-24.

of the Rhine into this sort of Europeanizing pathway required an interplay of geographic, technological, business, and other developments. But the liberation of the Rhine via an appropriate supranational commercial regime that regulated river traffic in a manner allowing a synergistic interplay of geography, technology, and business has been the *sine qua non* for Rhine's development as an unparalleled contributor to this sort of Europeanization.