Historical Prognosis in Lorenz von Stein's Essay on the Prussian Constitution

I

"It is possible to forecast the approaching future, but one would not wish to prophesy individual events."[1] The truth of this statement, formulated by Stein in 1850, finds confirmation in his most important work. In terms of intellectual history, one might perceive in this pronouncement a secularized version of Christian prophets of doom whose lasting certainty always exceeded the accuracy or inappropriateness of individual short-term expectations. Stein's declaration was, however, based on diligent sociohistorical and administrative studies and acquired its sense of immediacy from the historical circumstances in which it arose. Stein delivered prognoses because he had made the movement of modern history—and hence its futurity—his diagnostic theme. In retrospect, it can be seen that his predictions have endured the test of history, more indeed than in a merely historiographic sense. The power of events, those of the past as well as of our present, has proved the truth of his prognoses.

Stein's long-term forecasts are an integral moment of our history, like those of Tocqueville, Bruno Bauer, Friedrich List, or Donoso Cortes. In their form of reflection and their vision, they belong to the revolutionary era; they point to our century and have only the slightest attachment to a previous epoch. The art of soothsaying and foreknowledge is an old one, in whatever form. What is the historical space in which Stein was able to develop his art to profound mastery? What distinguishes Lorenz von Stein from other historical thinkers?

Until the eighteenth century it was an almost universally accepted doctrine that one could, from the history of the past, learn lessons for the future. Knowledge of what had been and foreknowledge of what was yet to come remained connected through a quasi-natural horizon of experience, within which nothing essentially new could occur. This was as true of a believing Christian awaiting the End as of a Machiavellian man of politics. History (*Historie*) comprised a collection of instructive alien experiences which could be appropriated by learning. Thus one held oneself to be equipped to repeat the successes of the past instead of committing old mistakes in the present. In the contained space of personal politics among the European upper strata, and still at the beginning of processual change brought about by technology and industrial capitalism, history provided and ensured juristic, moral, theological, and political constancy. No change was without its divine sense or naturally conditioned regularity. Surprises had their higher or lower meanings. The thesis of the iteratability and hence the instructiveness of historical experience was itself a moment of experience: *historia magistra vitae*. No prediction departed from the space of previous history, and this was true in the same way for astrological and theological prophecies which remained tied to planetary laws or old promises.

During the Enlightenment all this changed slowly and then, with the French Revolution, quite radically. The horizon of possible prognostication was at first broadened, then finally broken through. While the exemplary nature of the Ancients or the figures of biblical typology retained their control of the future until the eighteenth century, with the turbulence of the Revolution this was no longer possible. The decade from 1789 to 1799 was experienced by the participants as the start of a future that had never yet existed. Even those who invoked their knowledge of the past could not avoid confirming the incomparability of the Revolution. Its incomparability did not so much consist in the new circumstances, suggested Rupert Kornmann, as "in the extreme speed with which they arise or are introduced. . . . Our contemporary history is a repetition of the actions and events of thousands of years, all in the briefest of possible periods."[2] Even those who were not taken by surprise were overwhelmed by the accelerated tempo, which seemed to open up a new and different age.

Through its consciousness of a general renewal, which consigned previous history to a faded prehistory, the Revolution altered the space

of experience. The new history became a long-term process which, while it could be directed, all the same unfolded itself above the heads of the participants. This being the case, conclusions drawn from the past about the future not only seem out of place but also appear impossible. The "ruse of reason" forbids one to learn from history; it subjects men. Apart from the accuracy of Hegel's dictum, it indicates a new experience. Hegel's experience does invoke "history," but history in its totality, which, in its rising consciousness of liberty, was drawn to the French Revolution. The processual course of this history is always unique.[3] *Historie* and prognosis henceforth alter their historical quality, losing their naive-pragmatic coherence and regaining it at a more reflective level. Lorenz von Stein will testify to this.

In fact, the Revolution liberated a new future, whether sensed as progressive or as catastrophic, and in the same fashion a new past; the increasingly alien quality of the latter rendered it a special object of historical-critical science. Progress and historism, apparently mutually contradictory, offer the face of Janus, that of the nineteenth century. Only a few citizens of this century were successful in observing this dual countenance without discontent. Lorenz von Stein was one of them. He managed to assimilate historical data and facts with immense learning without at the same time losing sight of the future as the more urgent prospect. On the contrary, this became the regulating principle of his knowledge.

"History in and for itself"—we find this expression from the last third of the eighteenth century on—and the "work of history," once established as a challenge, required more than a simple historical retrospect.[4] They gave rise to a philosophy of history and pointed toward a future both unknown and unimagined. Thus progress was not simply an ideological mode of viewing the future; it corresponded, rather, to a new everyday experience which was fed continually from a number of sources: technical development, the increase of population, the social unfolding of human rights, and the corresponding shifts in political systems. A "labyrinth of movement" developed, as Stein once characterized it,[5] and he made this the objective of his research. If, in the course of his historical analyses and social diagnoses, he makes acute prognoses which still have the capacity to surprise us today, then this is because he knew how, in the realm of progress, it was possible to develop historical doctrines.

But this alone is not sufficient to set Lorenz von Stein apart. The challenge of progress reacted everywhere upon *Historie*. Since the revolutionary break had dislocated the traditional space of experience, tearing past and future apart, *Historie*'s didactic role also altered its traditional quality. The Ciceronian topos gained a new dimension, a specifically temporal dimension which, in the perspective of a comparatively natural and static history, it could not yet have. A space of experience opened, for the most part consciously, whose perspective was traced in terms of the different phases of the completed Revolution. After the fall of Napoleon, the stages through which the French Revolution had run offered a new course of history in the form of a model, with which the coming generations believed it possible to read off the future course of their own history, depending on their political persuasion. In other words, even the progressive prospect of the future was oriented by its own historical experiential space—the French Revolution and the unfolding of its stages. On top of that, there followed, from West to East, the experience of industrialization, together with its previously unknown social consequences. What set Stein apart was his ability to place himself in a historical-critical relation to this labile, constantly shifting, experiential space of the present.

The movement of modernity was the dominating theme of his research. For historical-critical research in general, the posing of such an actual problem remained a gamble, and its greatest representatives increasingly restricted themselves to the preterit tense and renounced a direct applicability of their knowledge and teaching. Perthes had some difficulty finding contributors for his great publishing project on the history of European states, which dared to touch on contemporary matters: the present seemed to change from day to day and thus evade knowledge that was scientifically assured.[6]

Stein was among the few researchers in the past century who did not capitulate before this acceleration and flee into history. He submitted his research to the principle of a prognosis that should be adequate to the shifting temporalities.

> The old conditions are overturned, new ones appear and are even themselves resisted by newer conditions; whole legislative apparatuses change, contradictory orders pass rapidly; it is as if historical writing is no longer in a position to keep up with history.

Although the young Stein in 1843 characterized the situation in this fashion, he continued:

Nevertheless, closer examination reveals quite the opposite. As all these various forms appear at a stroke, so they permit themselves to be comprehended at a glance. Here is the major difference between this and previous times: now a correct judgment depends more on the point of view, while previously it depended more on historical knowledge.[7]

This insight into the dependence of all historical knowledge on a positional quality was already recognized in the eighteenth century, just as the Enlighteners took pleasure in looking back on the pure erudition of past times. But Stein was not concerned with making the subjectivism of historical judgment conscious, nor with emphasizing the originality of his own work. Stein's wish to grab hold of history from one viewpoint—a wish that was registered in every question he posed—corresponded to the structure of movement in modern history. In terms of the history of ideas, one might want to place him on the margins of a historicophilosophical certainty sustained by the Spirit of the World, or on the approaches to an epistemological relativism which consumed all certainty. But the specific localization (*Standortsbezogenheit*) of the Steinian diagnosis does not permit of such miscalculation. It is this alone that provides the perspective in terms of which social and political movements can be arranged. If history is experienced as the movement of diverse streams whose mutual relations constantly undergo different degrees of intensification, petrification, or acceleration, then its general motion can only be apprehended from a consciously adopted point of view. Stein had attained such a viewpoint by uniting critical distance with progressive perspective. This is what distinguished him as much from professional historians as from utopian philosophers of history. He used the tools of the one to disclose the unilinear teleologies of the other as ideal constructions, just as he knew how to appraise, without prejudice, the interests, hopes, and plans of all parties as the historical potentialities of a common movement.

It would be wrong, therefore, to treat Stein's position as intermediate to an increasingly petrified historical idealism, on the one hand, and a rising empiricism, on the other. This would miss the point of his individuality. Stein did without both a totalizing design and a precisely additive chronology. Both aspects—the metahistorical and the chronological—are, however, taken up in his theory of history. He thereby stripped them of all utopian pretense and robbed them of the accidental

quality of daily politics, opening up a prospect of the great movement of history.

Stein developed a theory of history.[8] He used it to open up all events: their enduring preconditions, on the one hand, and the forces lending them motion, on the other. Stein was a historical ontologist in the full and ambiguous sense of the word. Historical duration and historical contingency (*Zeitlichkeit*) were separated by Stein only theoretically and only to establish the uniqueness of given circumstances. This theoretical procedure has proved itself. He gained two mutually illuminating aspects without having to make either of them absolute.

Stein was able to assess the possible trends of the given social classes and declining *Stände* through the theoretical development of enduring structures without, however, crossing the boundary of utopianism. He ventured statements almost axiomatic in nature which referred to permanent conditions of the modern state of motion. Among them are statements on economic society, in which a struggle for political power unleashed by a new legal order remorselessly induced the imposition of class domination; and claims that pure democracy would remain unattainable; that the propertyless, as such, would have only a slim chance of achieving power, and if successful, would in any case not put an end to unfreedom; that the increasing preponderance of administration as constitutional questions diminished would not eliminate problems of rule, but would pose them anew and only occasionally alter them; and that all social order rested on the distribution of property, and consequently the state had a responsibility to regulate the distribution of property to prevent class society from degenerating into civil war. The list could be extended.

All these elements of history, which Stein subsumed under the then fashionable nomenclature "laws," had only a limited duration within his theory. They did cover the "whole" of history, but only to the extent that it could be experienced. "To whom has the future ever revealed itself?"[9] asked the same man who was able to venture predictions. Only in the bedrock of his structural declarations was Stein able to make clear the motion of the movement and to indicate its possible direction. Here is the other aspect of his theory, in which duration and time are harmonized in a historical ontology.

Stein's involvement with this modern movement (and hence also with the future) unavoidably raised, alongside the question of the existing (*Sein*), the question of what was and ought to be (*das Sollen*

und Wollen); but he did not confuse them in a utopian manner. Stein's capacity to project aspirations into the future is extraordinary. Instead of remaining wishes and hopes, these aspirations were used to sharpen a perception of the possible. He was a sociologist whose gaze was politically unclouded. While postulating the desirability of a republic of mutual interest by setting in relation *social democracy* and *social monarchy*, he simultaneously recognized that the administration of the future might well become task-oriented but that it would not be without a dominating power. One should not be misled by the contemporary cast of Stein's formulations; he tied his hopes to optimal possibilities, while at the same time knowing that in social conflicts, all "attempts at a solution through the use of weapons . . . [could not bring about] a final decision."[10] He knew that the problems of a transitional period, apparent since the time of emancipation, could not be resolved by posing an apparently given objective and the associated means for its realization, but only through knowledge of the paths and direction that had to be maintained.

Thus, Stein was no political fortune-teller, predicting this or that, estimating cameralistically, interpreting chimeras, or calculating politically. Stein addressed himself to what had become possible only since the French Revolution: the long-term conditions of the possibility of social movement. In so doing, he freely overused the claim of necessity. But it would be wrong to accuse him of historicophilosophical arrogance on account of this. Certainly, from the point of view of a strict historian, he oversteps the border of tautology, since the addition of the epithet "necessary" to a cited fact can never augment its substance. Consecration through necessity changes facticity not one jot. But it was different for Stein who, when considering the uniqueness of modern events as he proposed some forecast, had also to take into account the uniqueness of what would succeed them. He thus made use of the category of the necessary, limiting it, however, to his theoretical discourse. Applied to his research, the concept of the necessary coincided with the demonstration of long-term, irreversible tendencies. Only in the course of critical research—sociological and historical—was he able to establish the minimum of future necessity that made prediction possible with a maximum of probability. Here, he went further than the professional historians with whom he was contemporary. But he did not go as far as the naive progressive who confused their own optimism with far-sight.

Stein was therefore distinguished by his philosophy of history: it united enduring structures and forces of motion, but only so that they could be historically verified. The transposition of the course of advancement into foreknowledge was possible only through the medium of scientific proof. If Stein obtained empirical proof *hic et nunc*, then a historically immanent indicator of action to be taken was contained in it. This did not concern the today and tomorrow of a political prognosis that alters the situation as soon as it is made. Stein proposed rational, conditional prognoses which, within a specified course of necessity, opened up an extensive space of possibility. His predictions therefore contained lessons of history; but these were lessons that acted only indirectly on praxis, clarifying the inevitable so that freedom of action might be engendered. "It is possible to forecast the approaching future, but one would not wish to prophesy individual events."

An exemplary case of this art is to be found in the short essay on the Prussian constitutional question of 1852.

II

Stein published his essay in Cotta's quarterly journal,[11] which was a rallying point for the bourgeois intelligentsia and the public which they constituted. This publication first appeared in 1838, in the *Vormärz*, continued through the Revolution of 1848, and finally ceased publication in 1869 between the wars of unification. This is the epoch that Stein took in at a glance, as one might say today. Summarized in one sentence, his basic thesis was that Prussia was not capable of constitutional rule (*verfassungsfähig*) in the Western sense, but that all the historical barriers to the creation of a Prussian constitution resulted in pressure toward the formation of a German constitution. Here, we have a structural prognosis whose rectitude was demonstrated in the years 1860 to 1871, despite the actual path taken in these years being unforeseeable—the path that Bismarck as Prussian prime minister felt constrained to follow during this decade, and which he therefore trod.

Stein's Prussian essay is an appendix to his great work *The History of the Social Movement in France*, which he had published two years earlier, in 1850. The intellectual connecting link is to be found in the final chapter of the theoretical introduction, in which Stein assessed the degree to which one could, by analogy, draw conclusions from

France's situation for Germany.[12] It was here that he formulated the decisive distinction between the two nations and their modes of motion. The simple doctrine of stages, according to which a direct line connected the society of orders, the Liberal and the Social movements, was held for the German case to be crossed with a national question that had in France long since been resolved. The paradoxical outcome of this, argued Stein, summarizing the German experience of the 1848 Revolution, was that both tendencies, Liberal and Social, mutually paralyzed each other. The rectitude of this idea has endured longer than Stein could have foreseen. The principles of a free society and those of the Social blocked each other and, in this way, both played into the hands of Reaction. The conclusion drawn by Stein in 1852 was that during the coming period, all social questions would be displaced by the nationalistic movement, only to rapidly gain ground once more with the achievement of unification. That is what in fact happened. It was within this prognostic horizon that Stein sought to deal specifically with the Prussian constitutional problem.

In considering national unity, Stein did not succumb to premature conclusions based on the analogies that offered themselves. This set him apart from the majority of national Liberals. His point of departure was neither one of patriotic hopes which interpreted the present in terms of some future condition nor, despite his recognition of its desirability, from a *rechtsstaatlich* objective. Instead, he preserved himself from "confusing that which is abstractly right with that which is practically possible."[13] Stein sought the concrete preconditions of a constitution, its conditions of possibility. "For constitutional law does not arise out of right established by laws, but rather out of right established by relations."[14] Viewed in this way, for Stein, the parliamentary model does not by itself adequately guarantee its construction. It would be wrong to attribute an illiberality to him on account of this, merely because he made unpleasant truths apparent, truths whose unpleasantness he himself keenly felt. Stein, however, thought historically, and not in a utopian fashion; he drew conclusions from a known present for the possibilities of tomorrow, moving from diagnosis to prognosis, and not vice versa. "But here is confirmed the familiar experience by which men would rather err while following established patterns of thinking than be proved right while following unaccustomed ideas."[15]

While the factors contained in the Steinian diagnosis will be outlined below, it is not desirable to break down the texture of his mode of proof, nor is it possible for historical description to surpass *ex post* Lorenz von Stein's theoretical achievement. His essay is as singular as the theme that he addresses.

It must be said at once that the military conflict which gave rise to the Prussian constitutional crisis, and which was resolved only with German unity, had not been predicted by Stein. He had, nevertheless, foreseen that "wherever constitution and government become involved in serious conflict it is always the government which overcomes the constitution."[16] Stein had dissected the intellectual contradictions of the constitutional system with an acuity that provoked alarm, without, however, denying the historical viability of this system. He subsumed the Prussian Constitution of 1850 under the category "sham constitutionalism." Here the opposition did not sit in parliament; more, the parliament was established in the opposition; here, the government formed parties, rather than parties forming the government. These were general statements on political structure which have been borne out by French history since 1815. The example of conflict in Prussia was defined as a "dispute without referee,"[17] in that popular representation would be worsted.

What were the reasons advanced by Stein that permitted him to make such an apodictic prognosis, a prognosis that broke apart the Liberal movement's horizon of expectation and that placed itself at right angles to the progressive succession of stages which quickened the hopes of the up-and-coming citizen?

Stein sought three preconditions for a robust parliamentary constitution founded within society: historical, economic, and social. He did not consider any of these three to be present in Prussia.

1. Prussia lacked entirely the historical precondition of a general political (*landständisch*) tradition of the sort which in the West had proved to be an integrating force on the road to nation-building. Prussia lacked territorial coherence, was bereft of the historical roots of popular representation, and instead owed its rise to the royal army and state administration. "It is thus the government which provides both the constructive and maintaining elements in Prussia."[18] In this formulation, Stein took up a commonplace of Prussian administration according to which the unity of the state since the great reforms had been underwritten by the unity of administration.[19] Not that Stein had

great sympathy for the "pullulating bureaucracy," but he did take account of its organization and self-confidence: any popular representation (not historically given) could be perceived by the Prussian administration only in terms of "participation" in the state, which was to be either promoted or regulated. A road that led to popular sovereignty via the administration was hardly accessible.

On the other hand, the old *ständisch* tradition, where it survived in East Elbia, led ultimately into a parliamentary path. Hardenberg was forced away from this course of constitutionalization, since every step along it strengthened the old *Stände* who, once established at the level of the state as a whole, would have blocked the very reforms necessary to found the economic preconditions of the constitution. Above all, the territorial *Stände* constituted where they were most heavily concentrated, at the local district level, a system of regional checks which regionally blocked the formation of a civil society (*staatsbürgerliche Gesellschaft*). Through the elections of the *Landräte*, they indirectly controlled the numerous self-governing towns, and in the rural East they dominated, more or less legally, nearly half of the population. Stein's diagnosis was, therefore, accurate in a dual sense: the old *ständisch* traditions not only made no contribution to the construction of a free society, they in fact stood in its way. The Revolution had proved this. Hardly a single owner of a *Rittergut* entered the National Assembly by means of a general election; but from the positions they retained in the army, they were able to organize the counterrevolution and reestablish the local pattern of rule.

2. The constitutional viability of Prussia was much less clearly subject to dispute when economic conditions were considered. In this sphere the Prussian administration had held fast, practically without hesitation and in spite of the reactionary nature of domestic politics, to the implementation of liberal economic objectives, not the least in their stubborn struggle against the old *ständisch* positions in town and country. The administration had given rise to free economic forms which reduced the contrast of East and West and which increasingly brought with them provisions of a generalized nature. The number of general laws increased steadily from the end of the thirties: the Railway Act (1838); the Law for the Limitation of Child Labor (1839); laws on domicile, begging, and poverty (1842, 1843); the Law of Limited Liability (1843); establishment of the Trade Ministry (1844); the general regulation of industrial occupations (1845); and the general establishment

of chambers of commerce, shortly before the Revolution. Without any doubt, the Prussian administration had created the economic conditions that inclined *homo oeconomicus* toward participation in the exercise of political power. "While historical justification is wanting, popular representation has an adequate foundation in the economic life (*Güterleben*) of the people," Stein wrote.[20]

Nevertheless, in 1852, Stein did not anticipate the eventual inevitability and necessity of the victory of popular representation over administration. Instead, he referred to the greatest achievement of Prussian administration, the *Zollverein*. At that time, it was undergoing a severe crisis. Stein thought it impossible for the administration to surrender its efforts precisely when it was a case of preventing domestic Prussian conflicts of interest spreading over into the endangered Pan-German economic unity. Stein was proved right here as well, for his structural prognosis was realized according to the limitations he had indicated: in 1868, the first meeting of the expected Pan-German representative assembly took place in the form of the *Zollparlament*, the preliminary to the *Reichstag*.[21] It was in the economic sphere that the comparatively less serious barriers had existed, and they were the first to be removed.

3. Stein saw the major obstacle to a flourishing popular representative body on Prussian soil as Prussia's social conditions. This leads to the third and most decisive point that he introduced. As is known, Lorenz von Stein unraveled the course of modern history, in which the older *societas civilis* slowly disintegrated, according to the contrast of State and Society. The actual nature of this conceptual couple—and this involved, if we might be allowed some slight exaggeration, a heuristic principle more than tangible factors—was demonstrated in its application to the Prussian constitutional problem. According to his theory, every leading class in a society had the tendency to transform its constitution into an instrument of domination over the lower classes. He regarded the conditionality of all public and social law on the social movement as a fundamental so significant that "the ultimate aim of all historical writing" consisted in its demonstration.[22]

The findings Stein came up with through the application of his theoretical premises to Prussian reality were astounding enough. He ascertained that "this state does not possess a social order peculiar to itself, and this is the real meaning of the oft-cited expression that there is no such thing as a Prussian people."[23]

The antinomy "State and Society" did not, therefore, fall into the then current sense which articulated it with respect to a given arrangement of parliament and government, the charged field between monarchic principle and popular sovereignty. The internal "duality on which Prussia is based" thus was not found by Stein in the usual contest between political state and bourgeois society, which, through their mutual dependency, fell into conflict. The duality of Prussia rested instead on the absence of the kind of homogeneous society which could have found adequate expression in a constitution. Seen in this light, the constitutional conflict was the outcome of a completely different conflict: how it might be possible to organize the State of a heterogeneous and shifting Society. This outcome sounds both alien and astonishing.

Now, it was taken for granted at that time that Prussia possessed neither territorial, confessional, legal, nor linguistic unity. Stein took account of all these factors, but his attention was primarily taken up by the question of social structure. Some kind of order capable of supporting a constitution must be detected here if the constitution was to prove anything more than a sham. For this reason, Stein queried the legal conditions that did in fact secure in Prussia de facto a free economic society. True to his historico-ontological theory, he sought the prevailing elements of economic order in the distribution of property; thus he saw a political people initially determined by the "special social order of the population,"[24] and not in terms of race, nationality, or language. Armed with these general structural questions, he traced the peculiar historical place of Prussia within the greater modern movement. The conclusion he reached was that the social articulation and diversity of Prussia displayed insufficient homogeneity for the creation and maintenance of a parliamentary constitution.

The fertility of Stein's theory was proved by the manner in which, transcending more simplistic conceptions of social order, it brought to light the peculiarity of the Prussian state. To use another phrase of Stein's, Prussia had an economic society but no *staatsbürgerlich* society. So that this might be properly appreciated, some remarks will be made on the Prussian *Bürgertum*, which was the presumptive bearer of the order within which constitutional law and social structure would have to coincide.

The social development of the nineteenth century had in fact resulted in the social fragmentation and political mediation of the Prussian

bourgeoisie. At the higher level, a significant, financially powerful, and adventurous stratum entered the open *Stand* of *Rittergutsbesitzer*. Around the midpoint of the century, this stratum already possessed more than 40 percent of the estates previously held by the nobility. Once installed in the countryside, these *homines novi* were absorbed by the nobility within at most one generation. In other words, the noble had not lost priority over his privileges. The liberal agrarian reforms occurred at a time when the older *Stände* could strengthen themselves at the cost of the rising bourgeoisie. Another stratum, particularly the educated bourgeoisie, entered state employment. The variety of exemptions that bound both direct and indirect officials to the state was abolished in 1848, but to become a member of the administration still implied accession to quasi-*ständisch* powers and rights. The corps of officials represented the last *Stand* in which social and state functions still coincided; here also, a fusion took place between bourgeoisie and nobility at the expense of the former. Compared with the social prestige of the intelligentsia who, in 1848, made up about 60 percent of all representatives in Berlin, the individual *Bürger*, the entrepreneurs and merchants, were politically overshadowed, despite their important representatives and their economic power. In 1848, the Prussian bourgeoisie was homogeneous enough to begin a revolution but not sufficiently so to ensure its victory.[25]

However this picture might be corrected or elaborated, Stein's investigation of the distribution of property and the social organization appropriate to it proved successful as a strategy for assessing the constitutional maturity of a society. This heterogeneous society was in itself not yet capable of supporting a suitable constitution.

It now becomes apparent why Stein did not only define the State as one dominated by classes and interests, but also as one which was *sui generis* a historical entity. It was his dualistic appraisal that made it possible to describe the constitutional reality of the Prussian state and, more than this, to predict the course of the constitutional conflict and its outcome. This should suffice to protect Stein from accusations of methodological inconsistency on account of his idealistic and normatively colored conception of social monarchy. The historical cast of his thought is contained in his combining the statement of structural conditions with the analysis of unique factors.

The fact that the Prussian state, especially during the fifties, represented particular *ständisch* desires and rigorous class interests did not

prevent it (considering the diversity of its fragmented social strata) from being more than a state founded on interest. Its modernity is marked out by the manner in which it drove forward, in the realm of economic policy, the transformation of a society of orders into a class society. In some respects it was even the non-*ständisch* proletariat that constituted from East to West by its social condition, if not its consciousness, the first homogeneous stratum of Prussian society. In this fashion, the state became *nolens volens* additionally responsible for the social question Stein had expected to become politically dominant only after the foundation of the *Reich*. From this time on, it was no longer a specifically Prussian problem but, rather, one of the new industrial society and a common German constitution. Stein's essay ends with both a prediction of and a demand for such a constitution.

Lorenz von Stein had theoretically anticipated the Prussian constitutional conflict and its resolution within a German *Reich*, not as the program of a German nationalist politics, but as the course of political probability determined by economic and social forces. His conditional prognosis was sufficiently elastic to describe the barriers and necessities, if not the timetable and constitutional form, that would arise in the future.

The rectitude of the Steinian analysis cannot and should not be evaluated in terms of a reality which subsequently emerged. In many respects this reality was also the outcome of contingency. Bismarck remains the unique individual without whose presence unification would not have happened in the way that it did. That Stein's prognosis was realized nevertheless indicates to us, rather, the historical clarity of his theory: it excludes the impossible and opens up the prospect of a historical reality in which "the given relations [always] mean something other and more than what they themselves are."[26]

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II

Theory and Method in the Historical Determination of Time