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Short-lived Parliamentarisation in 19th-century Germany: Parliamentary Government in the Frankfurt Assembly of 1848/1849

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The article shows that Germany established a short-lived but fully operative parliamentary system of government in its first democratically elected national parliament in 1848—some 70 years earlier than usually assumed. Qualitative evidence shows that the cabinet was responsible to the assembly and that parliamentary majorities forced cabinets to resign. Roll-call analysis reveals behavioural patterns that are typical for parliamentary government such as high party unity, cohesive voting by the governing coalition and substantially higher success rates for cabinet parties. These findings challenge claims of a 'German exceptionalism' and demonstrate the danger of hindsight bias in reading historical processes of parliamentarisation backwards. Instead, they suggest that successful parliamentarisation critically depends on the balance of power between democratic and autocratic forces and the degree to which old elites can be integrated in the new democratic order.

Keywords: Democratisation, Informal Institutions, Legislative Coalitions, Legislative Success, Mixed-Methods, Parliamentary Government

1. Introduction

Parliamentary government is the dominant form of organising representative democracy in Europe (Cheibub, 2007). Starting with Britain in the 18th century, cabinets that used to be responsible solely to the monarch became dependent on the continuous support of a legislative majority in the 19th and early 20th centuries (Cox, 1987; Congleton, 2011; Przeworski *et al.*, 2012). Accounts of the development of parliamentary government often identify Germany as a laggard

because parliamentary responsibility of the cabinet was not institutionalised until 1918 and not constantly adhered to until the founding of the Federal Republic of (West) Germany in 1949 (Kreuzer, 2003; Congleton, 2011).

We challenge this account and show that a short-lived but fully operative parliamentary system of government was established by the first democratically elected pan-German parliament, the so-called Frankfurt Assembly (FA), in the liberal revolution of 1848. Our qualitative analysis shows that the preliminary national executive (the 'Provisional Central Power', PCP) was formally responsible to the FA and that parliamentary actors forced two of three cabinets to resign after they lost majority support in the assembly. Quantitative analysis of floor voting further demonstrates that day-to-day business in the FA followed behavioural patterns typical for parliamentary government: parties displayed high levels of voting unity; the parties supporting the cabinet usually voted in unison and were often opposed by an ideologically defined opposition block; and cabinet parties were considerably more successful in winning floor votes even after controlling for potential confounders.

Near the end of its one-year tenure, the FA passed a constitution for the new German nation state, which institutionalised the principle of parliamentary government within a system of parliamentary monarchy. The envisioned regime was not fundamentally different from the British one at the time and actually more progressive than many contemporary constitutions in Europe because it also entailed universal male suffrage instead of the highly restricted franchises that existed, for example, in the parliamentary monarchies of Britain and Belgium (Ziblatt, 2017, p. 27). In 1849, this constitution was rejected by some of the ruling German monarchs, especially the Prussian king, after liberal forces had lost the power struggle against monarchical elites in the subnational states, most notably in Austria and Prussia (Weyland, 2016).

In bringing this episode into the focus of comparative research, the article highlights the contingent and often non-linear nature of parliamentarisation and democratisation more generally. Standard accounts inspired by the British experience emphasise how a series of institutional bargains, often triggered by external changes in the electorate, led to a gradual democratisation of monarchical systems (Cox, 1987; Congleton, 2011). More broadly, accounts of the 'first wave of democratization' in the 19th century stress the consecutive establishment of three core institutions: civil liberties, the (direct or indirect) popular control of executive elites and universal (male) suffrage (Huntington, 1993; Ziblatt, 2017). However, many European systems in the 19th century as well as many present-day democracies worldwide experienced more ragged paths of democratisation characterised by a back and forth between democratic and authoritarian regimes (e.g. Huntington, 1993; Ziblatt, 2017).

The FA provides a striking example for the contingency of successful democratisation. As our results show, the deputies of the first German parliament

installed a parliamentary system of government in practice and wrote a constitution that would have legally enshrined such a system for the whole of Germany. Despite these achievements, they ultimately did not prevail against monarchical elites that used coercive powers outside the legislative arena to push back the revolution (Weyland, 2016). Thus, successful processes of democratisation and parliamentarisation often depend crucially on the power relations between old and new elites (e.g. Acemoglu and Robinson, 2006; Ziblatt, 2017). Reading historical processes of parliamentarisation backwards—from outcomes (success or failure) to presumed causes—thus runs the risk of downplaying their openness, especially if they occur during unsettled struggles between revolutionary and restorative forces (Capoccia and Ziblatt, 2010). We discuss this point in greater detail in concluding the article.

By challenging the view of a 'German exceptionalism' (*deutscher Sonderweg*) in the 19th century (on this discussion, see Kreuzer (2003)), this article also contributes to the study of German political development. While our conclusion that the FA qualifies as parliamentary government is in line with the narrative accounts by several historians (e.g. Ziebura, 1963; Kramer, 1968; Botzenhart, 1977), it is rejected by others (Huber, 1988; Stein, 2009). We go beyond existing historical accounts by providing clear theoretical standards on how to identify parliamentary government in ambiguous contexts and new quantitative data on everyday patterns of legislative behaviour. In doing so, we extend recent historical social science research on Imperial Germany (Schröder and Manow, 2014; Koß, 2015; Häge, 2017) and the Weimar Republic (Hansen and Debus, 2012) further back to the mid-19th century.[1]

We proceed by establishing our theoretical expectations, introducing the FA in greater detail and presenting our evidence for parliamentary government in mid-19th-century Germany. We close by discussing the broader implications for our understanding of German political development and the study of 19th-century parliamentarisation more generally.

1. Theoretical expectations: inferring parliamentary government in the 19th century

The defining institutional feature of parliamentary government is the confidence relationship between the parliamentary majority and the cabinet: a parliamentary

[1]Previous work on roll-call votes in the Frankfurt Assembly includes Best (1990), Best (1995), Herrmann and Sieberer (2018), Mattheisen (1979) and Mattheisen (1981). However, these studies were mostly concerned with mapping the ideological space of competition in the assembly and did not directly address the question whether legislative voting in the FA followed the logic of parliamentary government.

majority can force the resignation of the cabinet for political reasons. Today, this relationship is ensured institutionally by the no-confidence procedure through which a parliamentary majority can force the resignation of the cabinet in a formal vote (even though the institutional procedures differ across countries; Sieberer 2015). In the 19th century, by contrast, the underlying principle was usually institutionalised via a more judicial procedure in which ministers could be charged with and possibly removed for specific forms of legally defined misconduct (Przeworski *et al.*, 2012). A political practice of parliamentary responsibility in the modern sense developed in most European monarchies in the second half of the 19th century and was only formally written in constitutional law decades later—if at all (Przeworski *et al.*, 2012, p. 110; Ziblatt, 2017, p. 27).

In the absence of formal confidence procedures, we must treat parliamentary government as an informal institution and infer its existence from legislative behaviour (on this strategy, see Eggers and Spirling (2018)). This strategy requires us to identify behavioural patterns that theoretically follow from the incentive structure of parliamentary government. In general, the need to retain constant toleration by a parliamentary majority creates strong incentives to form parties and stable coalitions in parliament (Cox, 1987). This leads to four observable patterns of legislative behaviour as described below.

First, party groups display high and stable levels of voting unity. Such unity can be explained theoretically as the result of rational choices by both the party leadership and individual members of parliament (MPs) pursuing policy and office goals (e.g. Diermeier and Feddersen, 1998). Empirical studies show that party unity is higher and more stable in systems with the confidence relationship compared with those without (e.g. Sieberer 2006; Coman, 2015).

Secondly, legislative coalitions are formed by (or for minority cabinets around) cabinet parties that usually vote unitedly. Related to this is the observation that, thirdly, cabinet parties win parliamentary votes more often than other parties in the system. This advantage derives from their control of a parliamentary majority coupled with incentives to act together in order to retain the benefits of being in office (Diermeier and Feddersen, 1998) and from agenda-setting prerogatives through which cabinets can avoid votes that could split their parliamentary support base (Cox, 2006). Empirical studies show that cabinet parties in parliamentary systems rarely lose plenary votes (Cox and McCubbins, 2011) and are more successful compared with cabinet parties in presidential systems (Cheibub *et al.*, 2004). Fourthly, ministerial responsibility requires that cabinets resign after losing important votes. While cabinet parties should seek to avoid this, seeing it happen constitutes strong evidence for a practice of parliamentary government.

Thus, if a political system, in our case the FA, follows the logic of parliamentary government in practice, we should observe the following:

(1) Parties display high levels of voting unity.

(2) The parties supporting the cabinet usually vote together on the floor.

(3) Parties supporting the cabinet win legislative votes more frequently than other parties.

(4) Cabinets resign after losing important votes.

In sections 3 and 4, we present quantitative as well as qualitative evidence confirming these behavioural patterns. In addition, we present qualitative evidence that the Frankfurt deputies understood and embraced ministerial responsibility as a fundamental principle. For expository purposes, we start with the qualitative evidence, after giving a short introduction to the historical setting, and then present our quantitative results.

2. The Frankfurt Assembly and the origins of parliamentary government in Germany

The spring of 1848 saw revolutionary movements across Europe (Weyland, 2016). In the states of the German Confederation, popular uprisings forced monarchs to appoint liberal ministers and to respond to nationalistic demands for creating a German nation state, culminating in the election of a national constituent assembly—later referred to as the FA (for general discussions of the FA in German see Botzenhart (1977), Eyck (1968) and Ribhegge (1998); for English-language treatments see Best (1995), Mattheisen (1979) and Mattheisen (1981)). The FA was charged with designing a constitution for a German nation state that should later on be implemented in agreement with the various German state governments.

The FA first convened on 18 May 1848 and consisted of nominally 585 members elected by universal male suffrage using majority voting in single-member districts. As political parties were outlawed in most German states prior to 1848 and did not organise in time for the elections, the representatives were local notables, mostly from the middle classes (Eyck, 1968, ch. 3; Botzenhart, 1977, pp. 160–163; Best and Weege, 1996). Once in office, members of the FA quickly established parliamentary groups that increasingly dominated parliamentary business (Sieberer and Herrmann, 2019; Ziebura, 1963; Kramer, 1968; Best, 1990, ch. 3). By October 1848, there were eight party groups (named after the inns in which they met). Historical accounts (e.g. Eyck, 1968; Kramer, 1968; Langewiesche, 1978) as well as quantitative scaling analyses based on roll-call voting (Mattheisen, 1979; Best, 1990; Herrmann and Sieberer, 2018) show that these parties can be sorted ideologically into (i) the left consisting of the parties *Donnersberg* and *Deutscher Hof*, (ii) the left centre consisting of *Westendhall* and

Württemberger Hof, (iii) the right centre consisting of *Augsburger Hof*, *Landsberg* and *Casino* and (iv) the conservative right organised in *Café Milani*. The main dimension of conflict concerned the form of the future government (republic, parliamentary monarchy or constitutional monarchy). Starting in December 1848, an additional line of conflict emerged, which separated MPs aiming for a 'greater German' state that included Austria from those supporting a 'lesser German' solution under Prussian dominance (Best, 1990; Herrmann and Sieberer, 2018).

While its assigned task was confined to drafting a national constitution, the FA quickly claimed a more powerful political role in order to secure the success of the revolution. On 28 June 1848, it created a federal executive body, the 'Provisional Central Power' that took over the powers of the old Federal Diet, which the FA declared dissolved (Eyck, 1968, ch. 5; Botzenhart, 1977, pp. 164–177; Ribhegge, 1998, pp. 38–41).

3. Evidence for parliamentary government in the Frankfurt Assembly

In the following sections, we present various types of evidence supporting our claim that the Frankfurt Assembly qualifies as a case of parliamentary government. We start with qualitative evidence showing that the FA intended to create a parliamentary system of government and practised its core principle by forcing cabinets out of office. Afterwards, we use quantitative analyses of roll-call voting to establish that day-to-day business was characterised by the other behavioural patterns that we identified as typical for parliamentary government.

3.1 Formal responsibility in the Provisional Central Power

On 28 June 1848, the FA created a provisional national executive, the Provisional Central Power (PCP), consisting of a Vicar of the Empire who was elected by the FA but not responsible to it, and a cabinet appointed by him.[2] The construction of office of the Vicar of the Empire involved heated debates (Ziebura, 1963, pp. 230–236; Eyck, 1968, pp. 164–205; Botzenhart, 1977, pp. 163–182; Stein, 2009, pp. 234–250). By contrast, the relationship between the cabinet and the FA was far less controversial (Botzenhart, 1977, p. 166). According to section 6 of the Law on the Creation of the PCP, the Vicar of the Empire was to 'exercise his power through minsters appointed by him and responsible to the National Assembly' (translation by the authors). The parliamentary debates show a broad consensus on ministerial responsibility. The rapporteur of the relevant committee, Friedrich Wilhelm Dahlmann, stated that the ministers should be responsible for all their actions and omissions and the FA should be able to exert this

[2]The FA elected Archduke John of Austria, a rather liberal member of the Habsburg dynasty.

responsibility 'to the fullest extent' which meant that the cabinet would have to resign if it lost majority support in the FA. This understanding of parliamentary responsibility was shared by almost all MPs except for some members of the monarchical right who insisted that ministers were only accountable to the Vicar of the Empire (Botzenhart, 1977, pp. 166–168; citation on p. 166; translation by the authors).

Ministerial responsibility was to be regulated in more detail by a specific law. A committee draft for such a law established the principle of 'constitutional responsibility' and outlined an impeachment procedure according to which 'impeachment of a minister is admissible for every action he takes or omission he is accused of that impairs the safety or welfare of the German federal state' (cited by Botzenhart, 1977, p. 179; translation by the authors). A non-exclusive enumeration of reasons includes the failure to implement decisions of the FA. Thus, Botzenhart (1977, p. 179) concludes that the FA could impeach the cabinet over political questions of principle at any time. In addition to this formal procedure, the committee also acknowledged the concept of 'parliamentary responsibility' and voiced the shared understanding that a 'minister against whom a vote of no-confidence is passed or whose behaviour is subject to continuous criticism by the chambers, will, as a man of honour, withdraw' (cited by Botzenhart, 1977, p. 178; translation by the authors). Ultimately, the FA did not adopt the draft law on ministerial responsibility due to the scarcity of plenary time and a feeling that the law was unnecessary because the norm of parliamentary responsibility was well established in practice (Botzenhart, 1977, p. 182; see below). In its final constitutional draft, the FA institutionalised ministerial responsibility to parliament via the same open impeachment procedure envisioned in the draft law. On the whole, this shows that the FA clearly supported the idea of parliamentary government.

3.2 Parliamentary responsibility in practice: the resignation of the Cabinet Leiningen

The principle of parliamentary responsibility came to a test within a few months (for a detailed description of the events, see Botzenhart, 1977, pp. 184–187); Eyck, 1968, pp. 288–314; Kramer, 1968, pp. 92–99). In August 1848, Denmark and Prussia signed the Malmö armistice to end the war between Danish and German troops (led by Prussia) over the duchies of Schleswig and Holstein. While the PCP had authorised the Prussian government to negotiate a settlement, the armistice did not adhere to the requirements set by the FA. The cabinet criticised Prussia for this but was willing to accept the armistice as an objective necessity to avoid a possible European war that would endanger the revolutionary achievements. However, nationalists in the FA (mostly the parties of the left) requested that the armistice be put on hold. Before the parliamentary vote on 5

September 1848, Prime Minister Leiningen announced that his cabinet, which was supported by Casino, Landsberg and Württemberger Hof, would resign if the FA voted against the armistice. The cabinet was narrowly defeated (238 versus 221) by an unusual coalition consisting of the left parties, a small part of Casino around Friedrich Wilhelm Dahlmann and the largest part of Württemberger Hof. The cabinet resigned instantaneously after the defeat.

In line with the logic of parliamentary government, the Vicar of the Empire asked Dahlmann (the apparent leader of the opposition) to form a new cabinet. However, Dahlmann soon realised that the cabinet had been ousted by a purely negative majority unwilling to govern together. A second attempt by von Hermann (Württemberger Hof) to form a left-leaning cabinet failed as well. When the FA realised this impasse and concessions by Denmark in the Malmö armistice became public, it narrowly accepted the armistice in a second vote on 16 September (257 versus 236). Subsequently, a new cabinet led by Anton von Schmerling was appointed with the support of a similar coalition consisting of Casino, Landsberg and the former right wing of Württemberger Hof that had split off and formed a new party group called Augsburger Hof. The remaining left wing of Württemberger Hof went into opposition.

This episode clearly demonstrates that parliamentary responsibility was not just a theoretical idea but was exercised in a case of substantive conflict. Subsequent events show that a parliamentary majority remained essential for keeping a cabinet in office. In November and December 1848, the new Prime Minister von Schmerling (an Austrian) lost support within his own party (Casino) due to his greater German goals and was replaced by Heinrich von Gagern (Kramer, 1968, pp. 133–141; Botzenhart, 1977, pp. 184–192). This episode of intra-party revolt leading to cabinet replacement is also clearly in line with the logic of parliamentary government.

Overall, the qualitative evidence on the design of the PCP and subsequent conflicts between the FA and the cabinet clearly indicate that the FA developed a practice of parliamentary government. As Botzenhart (1977, p. 182 translation by the authors) summarises in the most detailed study of German parliamentarism during the 1848/1849 period, 'the cabinets Leiningen, Schmerling and Gagern continuously adhered to the rules of parliamentarism in practice, and the members of the Frankfurt Assembly, except for a few members of the extreme right, took the position that every cabinet had to resign after a vote of no-confidence by the assembly'.

4. Parliamentary government in day-to-day legislative business: party unity, legislative coalitions and legislative success

The previous section provided direct evidence that the FA understood, endorsed and effectively exercised the defining principle of parliamentary government

twice by replacing cabinets that did not follow the political wishes of the majority. This section examines quantitatively whether day-to-day legislative business also followed the typical patterns of parliamentary systems that we theoretically identified above.

This analysis is based on a new data set of all roll-call votes taken in the FA. The roll-call data were extracted from the original parliamentary protocols (Wigard, 1848/1849) and subsequently augmented with biographical information about all members of the FA, including party affiliations, collected by Heinrich Best (Best, 1990; Best and Weege, 1996).[3] For the analysis, we code Casino, Augsburger Hof, Landsberg (for the entire period) and Württemberger Hof (until 6 September 1848) as cabinet parties and the other parties mentioned above as opposition. We discuss the data set and our coding decisions in detail in the Supplementary Material.

Given what we know about the course of events in the FA, we expect some variation in the strength of behavioural patterns over time. In particular, day-to-day business should follow the logic of parliamentary government more clearly once the FA had proven its power to force the resignation of the Cabinet Leiningen. By contrast, these patterns should be less pronounced at the beginning of the assembly when the relationship between the FA and the PCP was not yet settled and after the refusal of the constitution when many liberal and conservative MPs left the assembly and its decisions became substantively irrelevant. Finally, patterns might be somewhat less clear when parliamentary voting became multidimensional with the advent of the territorial line of conflict. To allow for such variation in the strength of behavioural patterns, we distinguish four time periods:

(1) the 'early period' until the resignation of the Cabinet Leiningen on 5 September 1848 (see above; Eyck, 1968, pp. 288–310; Botzenhart, 1977, pp. 184–185);

(2) the 'high period' until the replacement of Prime Minister Schmerling by Heinrich von Gagern on 17 December 1848 (which we take as starting point for the increased importance of the territorial conflict; Eyck, 1968, pp. 343–349; Botzenhart, 1977, pp. 187–190);

(3) the 'end game' (characterised by two-dimensional conflict) until the ultimate refusal of the imperial crown by the Prussian King Frederick William IV on 28 April 1849 and

(4) the 'dissolution period' until the remaining 'rump parliament' consisting mostly of radical democrats was dissolved on 18 June 1849 (Eyck, 1968, pp. 382–387; Botzenhart, 1977, pp. 695–716).

[3]The Best data set is available from the GESIS data archive in Cologne, Germany, Study ID ZA8003.

4.1 Parties as actors? Party unity in legislative voting

The first pattern we expect is a high level of party unity in legislative voting.[4] We use the Agreement Index to measure party unity in roll-call votes (Hix *et al.*, 2005).[5]

Figure 1 displays this index for each party group as well as a lowess smoother as a non-parametric trend measure. The analysis reveals high and relatively stable levels of party unity albeit with some differences between parties and over time. In line with previous research (Kramer, 1968; Botzenhart, 1977; Mattheisen, 1979; Best, 1990), we find that the left parties Donnersberg and Deutscher Hof show the highest level of unity, whereas the parties of the centre-right (Augsburger Hof, Landsberg and Casino) display more volatile patterns. The same is true for the centre-left composed of the Württemberger Hof and Westendhall, both of which dissolved in late 1848. The right-wing party Café Milani shows rather high levels of unity as well.

4.2 Unified government against opposition? Legislative coalitions in the FA

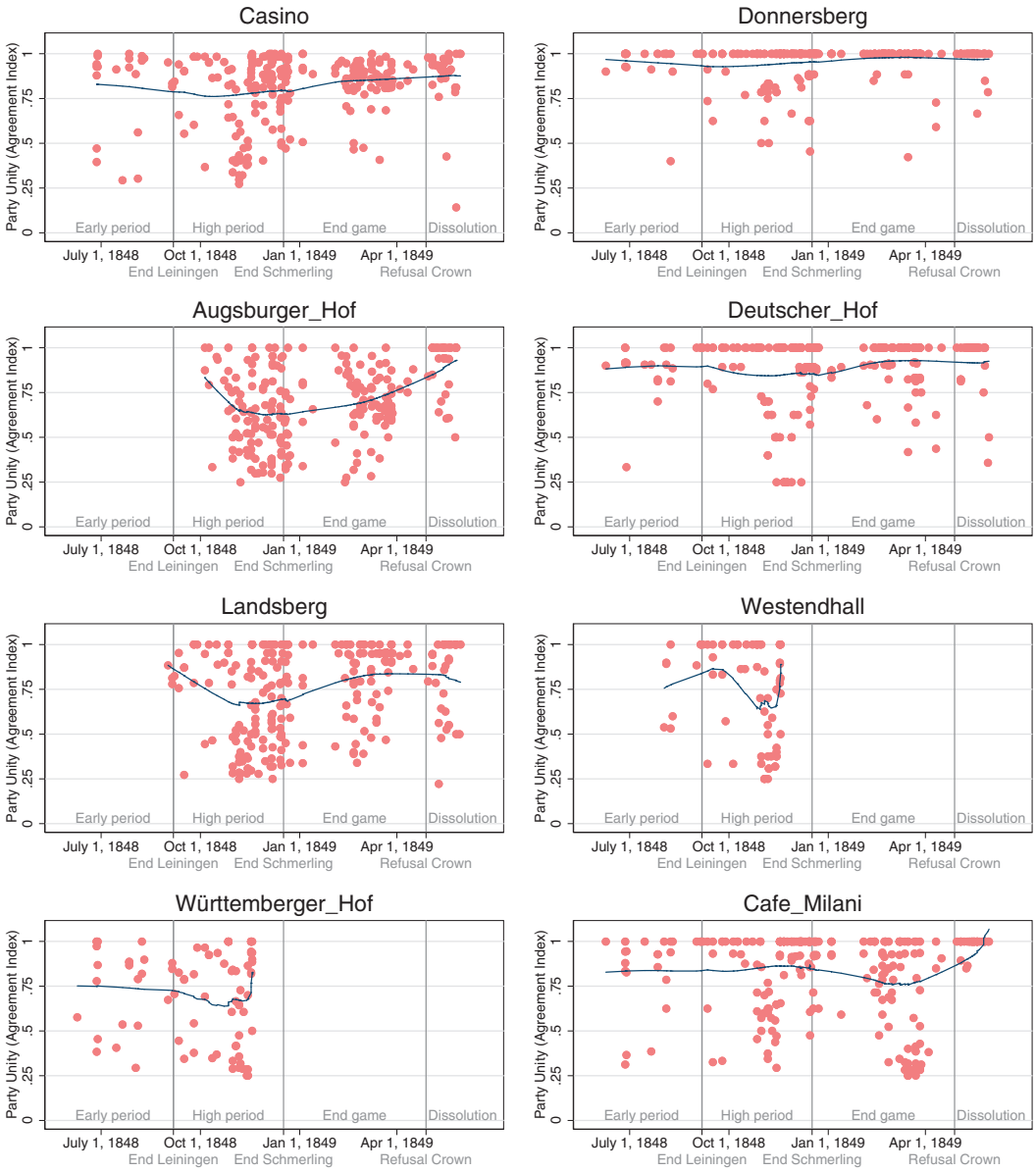
Stable patterns of legislative coalitions are a second key aspect of parliamentary government. In particular, we expect cabinet parties to consistently join forces in voting. Opposition parties, on the other hand, may or may not vote with the cabinet and other opposition parties. In line with existing research (e.g. Morgenstern, 2004; Hix *et al.*, 2005), we treat the choice of the majority within each party as the party line. Thus, we code two parties as forming a legislative coalition on a vote if majorities within both parties chose the same alternative (yes, no or abstention).

Table 1 displays the proportion of roll-call votes on which any two parties took the same position. It reveals that any two coalition parties voted in unison in almost 90% of the votes. These values are higher than the scores for all other party dyads except for the two left groups Donnersberg and Deutscher Hof that agreed on 95% of all votes.

Table 2 shows agreement scores over time for five different legislative coalitions, confirming the general impression of Table 1. Unity among all cabinet

[4]A substantial number of MPs (about 20% in October 1848 and even more at other points in time; see Best, 1990, pp. 325 – 326 and 330) remained unaffiliated to party groups. Thus, votes could turn on the behaviour of unaffiliated MPs and the observed levels of party unity may somewhat overestimate the structuring power of parties. Analyses of voting behaviour indicate that most unaffiliated members were located in the centre-right of the spectrum and tended to support positions of the cabinet parties (Herrmann and Sieberer, 2018).

[5]The Agreement Index includes abstentions. Using the Rice Index, which is based solely on yes and no votes, leads to the same conclusions.



Curves are lowess smoothers.
Cabinet parties in left column (Württemberger Hof only during early period), opposition parties in right.

Figure 1. Party unity over time by party.

parties is high throughout and actually increases in the end game and dissolution periods, that is, after 17 December 1848. Thus, the coalition was able to act as an almost unitary actor when the decisive votes on the design of the future constitution were taken in March 1849. Secondly, the data stress the almost perfect correspondence of the two left parties in voting. When the centre-left is added, this correspondence only slightly decreases during the high period (September to December 1848) indicating a clear confrontation between the centre-right cabinet parties and the opposition to its left. The conservative opposition party, Café Milani, hardly ever joined forces with the other opposition parties but often voted with the cabinet. Thus, we see a clear pattern of divided opposition in which the

Table 1. Proportion of times that party groups voted together

	Do	De	Wh	Wü	Au	La	Ca	Mi
Do	–	**0.95**	0.79	0.67	0.23	0.23	0.16	0.18
De		–	0.79	0.64	0.22	0.24	0.16	0.18
Wh			–	0.76	0.45	0.37	0.35	0.28
Wü				–	0.49	0.44	.52	0.43
Au					–	**0.86**	**0.89**	0.77
La						–	**0.88**	0.76
Ca							–	**0.86**
Mi								–

Notes: The five highest agreement scores are marked in bold. Shaded entries represent coalitions between cabinet parties.

Table 2. Proportion of different legislative coalitions over time

	Unified line of . . .				
	cabinet parties (Ca, Au, La in early period Wü)	**narrow left (Doand De)**	**broad left (Do, De, Wh and since high period Wü)**	**all opposition parties**	**all parties**
Early period	0.77	1	0.90	0.04	0.04
High period	0.74	0.89	0.75	0.12	0.09
End game	0.88	0.98	NA	0.16	0.02
Dissolution period	0.94	1	NA	0.16	0.03
Total	0.82	0.95	0.88	0.13	0.05

NA: After the dissolution of Württemberger Hof and Westendhall, the coalition 'broad left' consisted of the same parties as the coalition 'narrow left'.

centrally located cabinet could profit from the fact that the opposition parties did not agree among themselves.[6]

This was most obvious when the victorious opposition against the Malmö armistice failed to form a cabinet of its own (see above), but our data show that this pattern was characteristic for the interaction of cabinet and opposition parties throughout the FA. Finally, we see that all-party coalitions were a very rare phenomenon which underlines the highly competitive character of voting in the FA.

[6]The finding supports the claim from historical research that the main dividing line in the FA ran between the centre-right, consisting of the cabinet parties and the conservative Café Milani, on the one hand, and the centre-left with Donnersberg, Deutscher Hof and Westendhall, on the other (Kramer, 1968, pp. 129–130; Langewiesche, 1978; Mattheisen, 1979; Best, 1990).

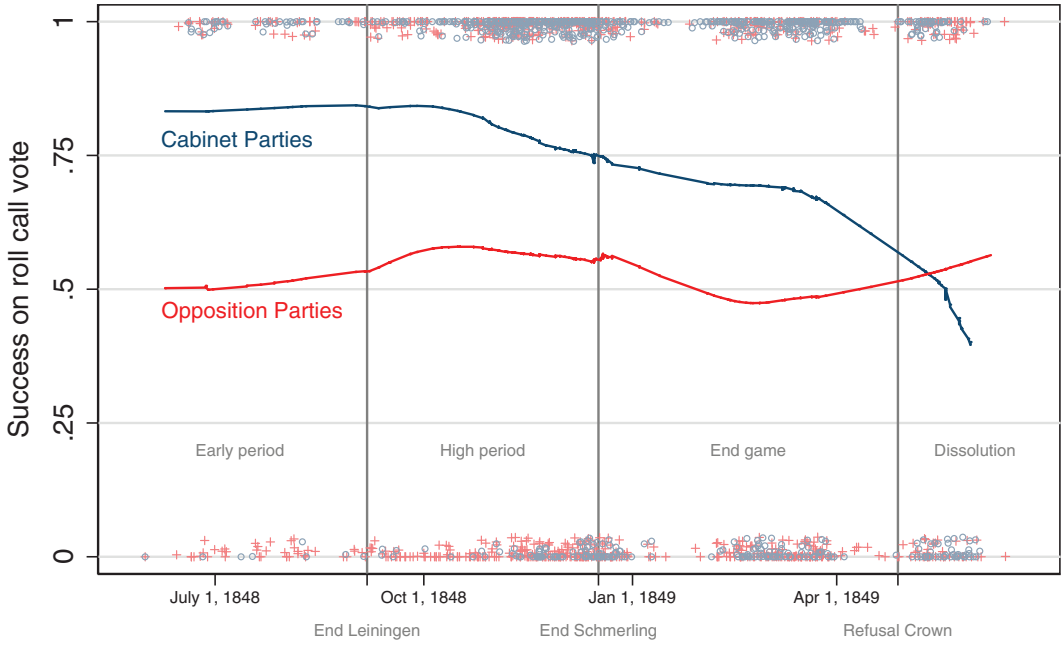


Figure 2. Legislative success of cabinet and opposition parties over time.

4.3 Who wins? Legislative success of cabinet and opposition parties

The most important pattern we should observe under parliamentary government is a systematically higher legislative success of cabinet compared with opposition parties (Cheibub *et al.*, 2004; Cox and McCubbins, 2011). We measure legislative success as the share of roll-calls in which the majority of a party votes for the alternative that ultimately prevails (Cheibub *et al.*, 2004).

Descriptive statistics indicate that cabinet parties were more successful in winning votes than opposition parties. Over the entire lifespan of the FA, cabinet parties were on the winning side in 72% of the votes compared with 54% for opposition parties; the difference is statistically significant ($p < 0.05$). However, this advantage decreased over time as can be seen in Figure 2.

While these descriptive patterns are suggestive, a more comprehensive analysis must control for potential confounders. We approach this issue in two ways: first, we estimate the effect of cabinet status on the likelihood that a party wins a roll-call vote using party-level regression analysis. Secondly, we capitalise on the split of the Württemberger Hof to estimate the MP-level effect of cabinet status on winning votes in a difference-in-differences design before and after the party split.

4.3.1 The party-level effect of cabinet status over time We use logistic regression to model the probability that a party belongs to the winners of a given roll-call. Our core explanatory variable—cabinet status—is coded one for parties that supported

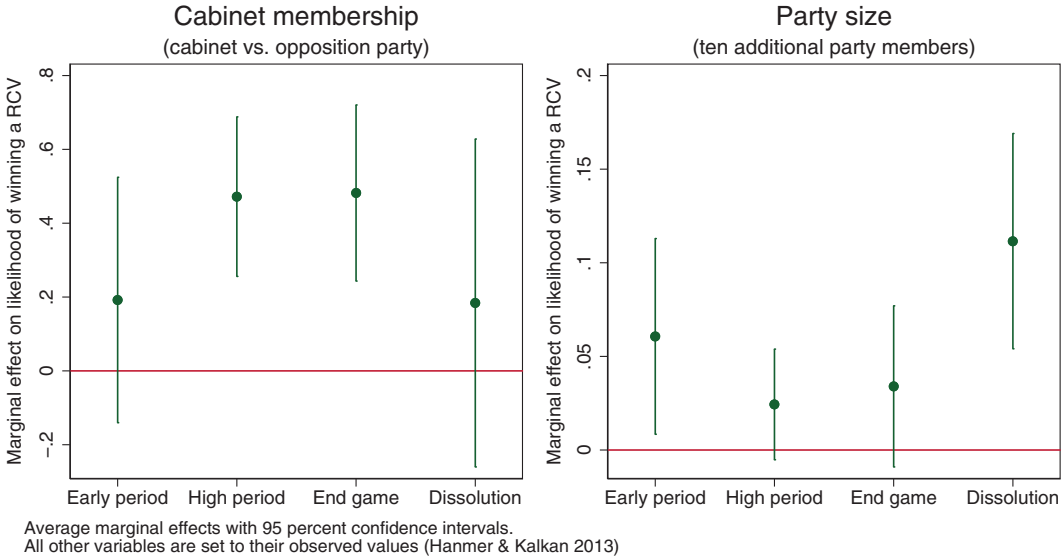


Figure 3. Party-level effects of cabinet status and party size on winning roll-call votes.

the cabinet. We include three sets of confounders that should affect the prospects of winning and could also be related to cabinet status. First, we control for party size. Larger parties should, all else equal, be more likely to win legislative votes and by far the largest party—Casino—supported the cabinet. As party sizes vary over time due to changes in membership and variable turnout, we measure it as the number of MPs from a party participating in each vote. Secondly, we include dummy variables for the time periods identified above (with the high period as baseline category) and interact them with cabinet status and party size to allow these effects to vary over time.[7] Thirdly, we introduce party dummies (using Casino as baseline) to capture unmeasured and time-invariant party-specific factors that affect a party's likelihood of winning roll-call votes, most notably party ideology.[8]

Figure 3 shows the estimated marginal effects and the associated 95% confidence intervals of cabinet status and party size separately for the four periods. The complete estimates are available in Supplementary Table SI-1.

The left-hand plot shows that cabinet parties were systematically more likely to win roll-calls even when controlling for party size and other party-specific characteristics. As expected, this effect became considerably stronger and statistically significant once the FA had proven its ability to force the cabinet out of office. During the high period and the end game period, the predicted probability

[7]Using time-varying effects of cabinet status ensures that the estimates for this variable are informed by the success rates of all parties, not just Württemberger Hof that switched government status in the period of investigation (Allison, 2009; see Supplementary Material for details).

[8]While meaningful measures of MPs' ideological positions can be extracted from roll-call data (see Herrmann and Sieberer 2018), using these positions to explain the outcome of roll-call votes would yield a circular argument.

of winning on the floor is more than 40 percentage points higher for cabinet compared with opposition parties. This is also the time period in which the most important legislative decisions were made, which suggests that the practice of parliamentary government strongly affected the output of the FA. Interestingly, the advantage of cabinet parties is not reduced by the emergence of two-dimensional conflict in the end game period. The advantage only decreased and became statistically insignificant in the dissolution period when many members of the cabinet parties withdrew from the assembly.

For comparison, the right-hand plot shows a substantively weaker effect of party size. Except for the dissolution period, 10 additional members voting for a party increase the predicted probability that their party wins the vote by 2.5–6 percentage points. To put this estimate into perspective, note that major splits of parties involved around 40 MPs (Kramer, 1968, p. 283), which (depending on the period) translate into a 10–24 percentage point decrease in the probability of success. The effect of party size does not reach conventional levels of statistical significance in the high and end game periods. Only the dissolution period features a stronger effect, which highlights the increased importance of mobilisation when membership declined.

4.3.2 The individual-level effect of leaving the coalition on legislative success: a difference-in-differences analysis of Württemberger Hof MPs We can also estimate the MP-level effect of cabinet membership via a difference-in-differences design that uses the fact that the cabinet party Württemberger Hof split over the Malmö armistice. While about half the MPs continued to support the cabinet and formed a new party group (Augsburger Hof), the remaining party members went into opposition. Thus, one group of individuals received a treatment (opposition status), whereas the other group did not. Accordingly, comparing how the change in the success rate of treated MPs (the remainder of Württemberger Hof) differs from the change of success of untreated MPs (those switching to Augsburger Hof) allows us to estimate the individual-level effect of cabinet status while controlling for unobserved (time-stable) differences between MPs such as their personal ideology (Allison, 2009).

We use the official founding of Augsburger Hof on 6 October 1848 as the treatment date (Kramer, 1968, pp. 95–97); Supplementary Figure SI-2 shows that our results remain the same for other plausible treatment dates. The analysis includes all votes from the beginning of the FA until the dissolution of Württemberger Hof on 21 November 1848. We only include MPs who were in office both before and after the treatment. As we observe multiple votes per deputy, standard errors are clustered by MP.[9]

[9]The estimation was performed in Stata 14 using the 'diff' package.

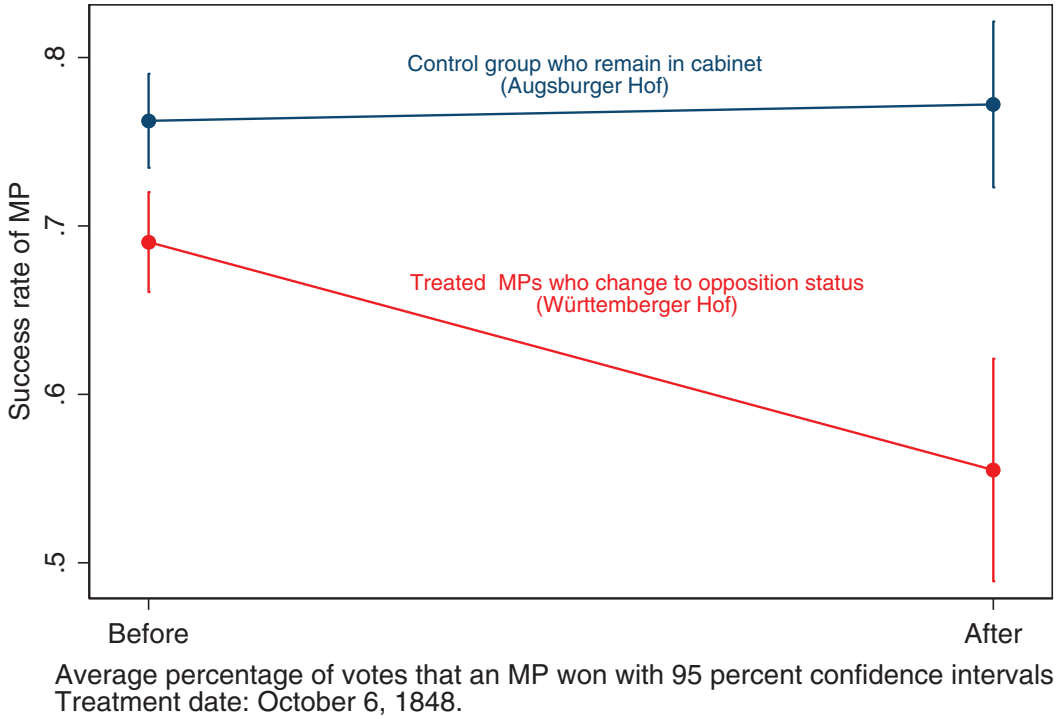


Figure 4. MP-level effect of cabinet status (difference-in-differences analysis).

The results in Figure 4 show a substantial and statistically significant effect of the change in cabinet status.[10] Augsburger Hof MPs who remain in the cabinet were equally successful before and after the split, winning on average 76% and 77% of all votes, respectively. By contrast, the remaining Württemberger Hof MPs on average won much more often when they were still in cabinet (69%) than after their switch to opposition status (56%). The difference-in-differences estimator shows a statistically significant and substantively large 14.5 percentage point increase in the differences between the groups. On a side note, the analysis also reveals that Württemberger Hof MPs who ultimately switched cabinet status were significantly less successful (by 7 percentage points) before the split, which indicates that the internal conflicts that ultimately led to the split were to some degree already visible before.[11]

4.4 Parliamentary government in the FA in comparative perspective

Our quantitative results show that party unity in the FA was high and that cabinet parties usually voted together. But 'high' and 'usually' are not precisely defined

[10]Full estimates are available in Supplementary Table SI-2.

[11]The estimated effect of cabinet status is larger in the party-level regression compared to the DID analysis due to a different conceptualisation of legislative success (see Supplementary Material for details). What matters for our purpose is the consistent finding of a positive and significant effect of cabinet status under both conceptualisations.

terms. To provide some benchmarks, we briefly compare our findings to data from systems that are uncontroversially classified as parliamentary or non-parliamentary. As comparable numbers from the 19th century are not available, we must rely on more recent data, which works against finding support for our claim because 20th-century parties are more dominant and unified than those in the FA (Godbout and Høyland, 2017; Eggers and Spirling, 2016).[12]

Starting with voting unity, the agreement index scores in the FA are similar to those reported for the German Christian Democrats and Liberals in the Bundestag in the 1950s (Bergmann *et al.*, 2016) and for parties in the European Parliament during the 1980s and 1990s (Hix *et al.*, 2005). However, they are clearly lower than levels of party unity in current parliamentary democracies in Europe (Sieberer, 2006; Coman, 2015). Turning to voting coalitions, the FA shows much higher levels of agreement (joint voting) among coalition parties than we observe for the informal coalition of the European Peoples Party and the Socialists in the European Parliament (Hix *et al.*, 2005) and among most parties in the presidential systems of Brazil and Chile (Morgenstern, 2004). The frequency with which coalition parties in the FA voted together is even slightly higher than the values for Chilean parties that formed a pre-electoral coalition, and thus intended to act in unison (Morgenstern, 2004). Furthermore, voting agreement between cabinet parties and the left opposition in the FA was much rarer than between established and protest parties in the European Parliament and between parties supporting and opposing the president's agenda in Brazil and Chile (Morgenstern, 2004; Hix *et al.*, 2005), which emphasises the confrontational stance between cabinet and opposition parties in the FA. Finally, the cabinet parties' success rate of 72% in the FA ranks only slightly below the average values of 76–78% that are reported for a broad sample of coalition cabinets in 20th-century parliamentary systems. It is much higher than the average success in presidential systems, which score just over 50% (Cheibub *et al.*, 2004, Table 2). Overall, these comparisons provide further support for the claim that patterns of legislative behaviour in the FA qualify as a case of parliamentary government, especially with regard to legislative coalition formation and the ultimate test of winning votes. By contrast, party unity was not as high and stable as we would expect in a fully developed parliamentary system.

[12]While mid-19th-century roll-call data exist for Great Britain (Aydelotte, 1963; Schonhardt-Bailey, 2003) and France (Best, 1990), reported measures are not directly comparable to ours. Best's analyses indicate that party unity (measured as interquartile range of MPs' positions estimated from roll-call votes) was higher in the FA compared with the French constituent assembly of 1848 (Best, 1990, pp. 335–336).

5. Discussion

This article reveals that parliamentary government was envisioned and practised in Germany by the Frankfurt Assembly in 1848/1849 and thus some 70 years before its alleged birth in 1918. Cabinet ministers were formally responsible to the FA for their actions and omissions. Political actors held a shared understanding that legislative defeats on major issues would prompt the resignation of the cabinet, as happened in September 1848. While such practice was not formalised in a no-confidence procedure, other parliaments at the time did not do so either (Przeworski *et al.*, 2012). The quantitative analysis of roll-call voting shows that the logic of parliamentary government was at work in day-to-day business and can thus be considered an established informal institution (Eggers and Spirling, 2018). MPs quickly formed parliamentary party groups that displayed high levels of voting unity (Sieberer and Herrmann, 2019). Cabinet parties voted in unison on the floor and, most importantly, they were significantly more likely than opposition parties to win parliamentary votes even after controlling for party size and other party-specific factors. Furthermore, this advantage of coalition parties increased after the principle of parliamentary government had been firmly established through the resignation of the Cabinet Leiningen.

These findings have important implications for the interpretation of German political history in the 19th century and the development of parliamentary democracy more generally. With regard to Germany, they further discredit the claim of a 'German exceptionalism', according to which political development in the 19th and 20th centuries diverged fundamentally from the European mainstream due to anti-democratic and anti-parliamentary attitudes among German elites including the bourgeoisie (on this debate, see Kreuzer, 2003). The idea of parliamentary government was widely shared among liberal politicians in the mid-19th century and was decisively implemented in a situation when monarchic forces were weakened. As we discuss below, its ultimate failure and the return to a (at most) constitutional monarchy after 1849 resulted from the balance of power between supporters of parliamentary and monarchical government (Weyland, 2016), not from a widespread authoritarian political culture in Germany that rejected the idea of parliamentary government (see also Langewiesche, 1978, p. 337).

In comparative perspective, the experience of the FA is revealing with regard to the relationship of parliamentarisation and democratisation more generally. In broad strokes, the 'first wave of democracy' in the long 19th century combined three dimensions: subjecting executive elites to popular control (via parliamentary responsibility of the executive or popular election), extending the franchise to universal male suffrage and firmly institutionalising and protecting civil liberties (Dahl, 1971; Huntington, 1993). However, the sequencing of reforms differed

across countries and correlates with the smoothness and ultimate success of the path to democracy (Dahl, 1971; Ziblatt, 2017). Most smooth trajectories to democracy, most notably the British case, occurred in countries that established parliamentary responsibility prior to mass suffrage leading some studies to characterise democratisation as a gradual and rather linear process of constitutional compromises between monarchs and liberal forces (Congleton, 2011). Many European countries, by contrast, experienced more unsettled paths with fallbacks into authoritarian rule, and many of these cases extended the franchise massively before subjecting executives to popular control (Capoccia and Ziblatt, 2010; Ziblatt, 2017).

The FA is a particularly interesting case because it is one of few attempts to introduce parliamentarisation and mass suffrage *simultaneously* in the wake of revolutionary upheavals. Theoretically, this path is especially demanding because the practice of constraining executives must be negotiated between new and old elites who have heterogeneous preferences about changing the status quo (Dahl, 1971, ch. 3). Under these circumstances, it is difficult to convince old elites to pursue their interests within the democratic process, for example, by installing organisationally powerful and programmatic conservative parties (Ziblatt, 2017). Instead, old elites often have incentives to use established power resources, in particular the police and the military, to reign in democratisation attempts or pursue an open return to authoritarian rule once the revolutionary tide has calmed (Weyland, 2016).

The experience of the FA indeed provides evidence for these dynamics. The members of the FA held heterogeneous preferences with regard to the future political regime. A plurality strove for a liberal parliamentary monarchy, a strong minority favoured a republican regime and only a small group outright supported the old monarchical order. Even without systematic data, it is plausible to assume that the universal suffrage used in the 1848 elections weakened the representation of the old elites compared with a more restricted franchise.[13] Adding to this heterogeneity, MPs were also split on a second, cross-cutting conflict dimension on whether or not the new German state should include Austria (Best, 1990; Herrmann and Sieberer, 2018), and this conflict became more prevalent in 1849.[14]

[13]Note, for example, that the bourgeois liberals of the Casino formed the centre-right of the FA, whereas the liberal Whigs were clearly the left-most party in the British House of Commons (elected with a highly restricted franchise) in the 1840s (Schonhardt-Bailey, 2003).

[14]This conflict triggered major reorganisation of the party system within the FA after December 1848 (Kramer 1968, pp. 144–149; Sieberer and Herrmann 2019). Furthermore, previous research suggests that the ideological fragmentation that resulted from the two cross-cutting conflict dimensions was a major cause for the exit of many conservative and liberal members during the 'dissolution period' and

The constitution that the FA ultimately passed in 1849 was a compromise between those liberal and democratic forces that favoured the lesser German solution under Prussian dominance. In a grand bargain (the so-called 'Simon-Gagern-Pact'), the centre-right Casino accepted equal suffrage and only a suspensive (rather than absolute) legislative veto of the Emperor in exchange for the few votes necessary to achieve the lesser German solution (Eyck, 1968, ch. 8).[15] Thus, the constitutional compromise within the FA can be characterised as a successful multidimensional package deal that reflected the main positions within the assembly rather well.

However, this compromise largely bypassed demands from conservative forces that rejected the democratic aspects of the constitution as well as (to a lesser extent) the centralisation of power on the national level. While these forces were marginal in the FA, they controlled important positions of power in the various German states, especially in the police and military apparatus and had the ear of the decisive monarchs in Prussia and Austria. Once the wave of revolutionary enthusiasm had passed in the fall of 1848, monarchical elites used these powers to pursue a counter-revolutionary strategy that reigned in state-level constituent assemblies, dissolved them with military force and ultimately imposed new conservative constitutions by monarchic decree (Weyland, 2016). The Prussian king's rejection of the constitution and the imperial crown was part of this longer process and occurred at a time when old elites had regained the upper hand in the extra-parliamentary power struggle.

Thus, the experience of the FA underscores the importance of studying the reaction of conservative elites as an essential factor in the success of democratisation (Ziblatt, 2017). It also highlights the openness of the historical situation and Germany's potential for parliamentarism in the mid-19th century that is missed by accounts that read history backwards (from the failure of the revolution and subsequent developments) rather than forwards. For example, Congleton (2011) characterises the FA as a clear failure because its constitution did not enter into force. This assessment is correct in hindsight and from a macroscopic perspective, in which the state of democracy is the outcome of interest: the parliamentary regime of the FA was a short episode and Germany remained a laggard in democratic development until 1918. However, at a more microscopic level, the results in this article show that the first German parliament was not much different from other well-functioning parliaments. Thus, we contend that parliamentary government in mid-19th century Germany did not fail because its proponents were

impaired subsequent attempts to keep the nationalist agenda of uniting the various German states alive after 1849 (Botzenhart 1977, ch. IX; Best, 1990, epilogue).

[15]Interestingly, there was no major conflict within the FA about enshrining the principle of parliamentary government in the constitution.

unable or unwilling to coordinate, organise parliament and find compromise solutions within the assembly, but rather because they lacked the power to confront old elites that controlled executive positions and the associated means of coercion.

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Conflict of Interest

The authors report no declaration of interests.

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