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Entanglements of Scale: The Beer Purity Law from Bavarian Oddity to German Icon, 1906–1975

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Today, the Beer Purity Law (*Reinheitsgebot*) is presented as a timeless touchstone of German commercial sentiments, but that was not always the case. Until the mid-twentieth century, the law was relatively unknown and unevenly applied across Germany. This began to change thanks to the market protectionism of Bavarian brewers in two conflicts of integration between the 1950s and 1970s. The first was sparked by West German market integration and pitted capital interest Old Bavaria (*Altbayern*) against consumer practices in Franconia. The second followed a parallel development but was initiated by Western European market integration and set Bavarian and West German brewers and regulators in opposition to Brussels. In both, brewers, fearful that integration threatened their market share, rallied around the *Reinheitsgebot* to win political allies, cudgel industry outliers and generate popular support through claims to culture and tradition. Analysing the transformation of the *Reinheitsgebot*, this article theorises the causal ‘entanglements of scale’ by which a little-known provincial law transformed into a German icon.

Introduction

At the end of the 1940s, brewers in the southeast German state of Bavaria collectively chipped in to produce a poster version of the so-called *Reinheitsgebot*, or Beer Purity Law. The image is likely familiar to anyone who has spent time in German, and especially Bavarian, bars and beer halls. Designed by Augsburg graphic designer Hermann Müller, the image presented both the original Middle High German and the modern transliteration of a 1516 decree regarding the production of beer. The header embellished the now famous word – *Reinheitsgebot* – and between the two versions of the text, the clearest written script on the poster claims the decree remains ‘unchanged in application to this day’. By the early 1950s, the posters were sent to members of the brewing trade organisation in Bavaria to be hung in breweries, restaurants and inns. According to the Bavarian Brewers’ Association, the image was intended to fill an ‘absence’ in popular consciousness because, while the decree had long informed what beer was produced, and therefore consumed, it had never, in its more than 400-year history, been promoted among the public.¹ The fact that beer drinkers had, at best, irregular exposure to the decree as recently as the 1950s makes it all the more surprising that, by 2016, fully 85 per cent of German consumers believed that the *Reinheitsgebot* was essential to the production of good German beer.² This transformation has its origins in the first three postwar decades. Long embattled at the national level, the *Reinheitsgebot* emerged as a touchstone of commercial and regulatory sensibilities from the 1950s to the 1970s due to the market protectionist

¹ ‘Das bayerische Reinheitsgebot in der Bierherstellung’, *Mitteilung des Bayer. Brauerbund* 12, 23 Dec. 1950, Bayerisches Hauptstaatsarchiv (henceforth BayHStA) Bayer. Brauerbund 1352; and Bayerischer Brauerbund e.V., *Geschäftsbericht 1951/52 und 1952/53*, 72–4.

² Kate Connolly, ‘Medieval Beer Purity Law Has Germany’s Craft Brewers Over a Barrel’, *The Guardian*, 18 Apr. 2016, <https://www.theguardian.com/world/2016/apr/18/germany-reinheitsgebot-beer-purity-law-klosterbrauerei-neuzelle>.

anxieties of beer producers and broader efforts to define the cultural boundaries of the West German nation-state.

Until the turn of the twentieth century, there was no national consensus – cultural, industrial, or legislative – around what even qualified as beer, let alone what made it ‘pure’. Throughout the industrialised world, concepts of food ‘purity’ and ‘natural eating’ emerged in the late nineteenth century as life reformers, food scientists, businessmen and regulators eyed the potential harms of the modern food system, from meat-heavy diets to the increasingly adulterated and synthetic alternatives that occupied the growing space between food producers and consumers.³ In the case of German beer, not only did the drink remain outside the convictions of life reformers who tended towards temperance, but localised production and consumption often remained the norm, especially outside major cities. Instead of discourses of ‘natural’ and ‘pure’ foods, the cutting edge of the history of brewing was the rise of lager, which emerged from Bavaria and Bohemia and rapidly took the nation (and the world) by storm.⁴ Lager depended on minimalist techniques standardised in emergent southern German brewing science, and this knowledge-practice nexus deeply informed the first substantial effort to standardise and regulate brewing on the national level in the 1906 Brewing Tax Law (*Brausteuergesetz*). The law, as we will see, was roundly contested in both northern Germany, where brewers enjoyed more flexible traditions, and in southern Germany, where Bavaria, Baden and Württemberg had retained sovereign control of production standards and taxation since 1871. Into the 1920s and 1930s, northern and southern German brewers maintained different standards, frequently lobbying regulators in the name of local practice and small-scale enterprise. In most cases, consumers themselves usually remained objects of industrial and political discourse, rarely present and generally unaware of the regulations and standards in question.

Explaining why and how the *Reinheitsgebot* transformed from relative obscurity to national icon requires understanding how Bavarian and later West German brewers responded to large-scale economic shifts and integrations, especially the formation of the Federal Republic and the early stages of European integration. From the 1950s to the 1970s, two conflicts of market integration transformed the once obscure Bavarian decree into a regulatory and cultural pillar of the West German nation. The conflicts followed a similar course: brewers themselves, fearful of losing their market share through new economic integrations, laid claim to the *Reinheitsgebot* as a market protectionist measure with which they sought to win political allies, cudgel industry outliers and generate popular support by mobilising consumer protection movements and claims to culture and tradition. The first conflict, the Conflict over Sweet Beer (*Süßbierstreit*), was sparked by West German market integration and pitted Old Bavarian (*Altbayerisch*) brewers and regulators against other West German brewers shipping beer into Franconia, the contested areas of northern Bavaria.⁵ The Franconian borderlands became the

³ On natural eating see Corinna Treitel, *Eating Nature in Modern Germany: Food, Agriculture and Environment, c. 1870 to 2000* (Cambridge: Cambridge University Press, 2017); on purity and adulteration see Uwe Spiekermann, ‘Redefining Food: The Standardization of Products and Production in Europe and the United States, 1880–1914’, *History and Technology*, 27, 1 (Mar. 2011), 11–36, and Benjamin R. Cohen, *Pure Adulteration: Cheating on Nature in the Age of Manufactured Food* (Chicago: Chicago University Press, 2019).

⁴ On the rise of lager in the central European and global register see, for example, Clemens Wischermann, ‘Zur Industrialisierung des deutschen Braugewerbs im 19. Jahrhundert: Das Beispiel der Reichsgräflin zu Stolberg’schen Brauerei Westheim in Westfalen, 1860–1913’, *Zeitschrift für Unternehmensgeschichte/Journal of Business History*, 30, 3 (1985), 143–80; Christian Schäfer, *Münchener Brauindustrie, 1871–1945: Die wirtschaftsgeschichtliche Entwicklung eines Industriezweiges* (Marburg: Tectum Verlag, 1999); Mikulaš Teich, *Bier, Wissenschaft und Wirtschaft in Deutschland, 1800–1914* (Vienna: Böhlau Verlag, 2000); Jeffrey Alexander, *Brewed in Japan: The Evolution of the Japanese Brewing Industry* (Vancouver: University of British Columbia Press, 2013); Jeffrey Pilcher, ‘National Beer in a Global Age: Technology, Taste, and Mobility, 1880–1914’, *Quaderni storici*, 151, 1 (Apr. 2016); Jeffrey Pilcher, *How Beer Travelled the World*, manuscript in progress; Malcolm F. Purinton, ‘Empire in a Bottle: Commerce, Culture, and Consumption of the Pilsner Beer in the British Empire, 1870–1914’ (PhD diss., Northeastern University, 2016); Tycho van der Hoog, *Breweries, Politics and Identity: The History Behind Namibia’s Beer* (Basel: Basler Afrika Bibliographien, 2019).

⁵ *Altbayern*, or Old Bavaria, refers to the areas of the former Electorate of Bavaria, basically the non-Swabian and Franconian regions of Upper and Lower Bavaria and the Upper Palatinate. I use it to denote the fact that capital and

object of battles over cultural, economic and regulatory supremacy between Munich and Bonn. The second conflict followed a parallel development but was initiated by Western European market integration and set West Germans in opposition to imports from other member states of the European Economic Community (EEC). Here, capital and regulatory influence in Munich led the way, but well beyond Bavaria, West German regulators and consumer groups likewise joined the charge to rally behind market protectionism. It was in these two concentric conflicts that the *Reinheitsgebot* emerged as the cultural icon and market regulation we often understand it to be. The transformation was ultimately a local – relatively speaking – reaction to increased integration. Ultimately, market protectionism rallied regulators and consumers alike in defence of industrial interests.

The *Reinheitsgebot* emerged in the postwar decades as a ‘useable past’, but it was one that depended on a multitude of connections between Munich, Old Bavaria, Bavaria proper, the Federal Republic and the EEC. Seeing the process in full thus requires ‘shifting between, and articulating, different scales of analysis, rather than sticking to fixed territories’.⁶ While what follows tells the story of market integration and market protectionism, it shifts between different scales of analysis in order to capture the historical changes that depended on the interactions between them. At the core is the conviction that ‘the notion of scale’, as Michael Werner and Bénédicte Zimmerman put it, ‘does not refer to the micro or the macro level, but rather to the various spaces within which are rooted the interactions making up the process analysed’.⁷ The *Reinheitsgebot* gained traction as a national symbol not because of its long history per se, but rather because shifts in the conditions of exchange informed new constellations between Munich, Franconia, Bonn and Brussels. The case shows how Germans, from provincial Bavaria to the halls of political power in Bonn, could, as Eric Hobsbawm and Terence Ranger famously put it, ‘invent tradition’ at the nexus of capital and political interest.⁸ Moreover, that a provincial peculiarity like the *Reinheitsgebot* could become a national staple of commercial sensibilities points to the ways that specific regional traditions could be ‘reinvented’ as national touchstones.⁹ By the 1970s, West German brewers, regulators and even consumers rallied around the idea that what made German beer German was a near-timeless commitment to ‘purity’ as codified in an obscure sixteenth-century law. The ‘purity’ of beer, like that of other foodstuffs, struggled to be consensually defined even within West Germany and certainly in Western Europe. But the idea of ‘pure beer’ provided a potential cultural reference point for many looking to define their Germanness in the wake of National Socialism, and in the western half of a nation divided.

The ascendance of the *Reinheitsgebot* depended on what I call ‘entanglements of scale’ which motion toward how German and even European history can be written from a provincial perspective. Framing ‘entanglement’ in this way is an effort to push the concept beyond its most common usage in German historiography, that of entangled history (*Verflechtungsgeschichte*), which in practice, if not by definition, focuses almost exclusively on the two Cold War Germanys.¹⁰ No shortage of work has emphasised how the two postwar nation-states engaged and interacted with the rest of the world, but in most cases the assumed point of departure is that the Germanys operated on a shared foundation of past experiences that are subsequently refracted through ideological

regulatory interests in these areas, particularly in Upper Bavaria and its capital Munich, maintained significant power. As we will see, the *Süßbierstreit* was in many ways precisely a conflict over Upper Bavarian influence in Lower Franconia.

⁶ Sebastian Conrad, *What Is Global History?* (Princeton: Princeton University Press, 2016), 118.

⁷ Michael Werner and Bénédicte Zimmerman, ‘Beyond Comparison: *Histoire Croisée* and the Challenge of Reflexivity’, *History and Theory*, 45 (Feb. 2006), 30–50, here 44.

⁸ Eric Hobsbawm and Terence Ranger, eds., *The Invention of Tradition* (Cambridge: Cambridge University Press, 1983); see also Roland Barthes, *Mythologies*, rev. edn (London: Vintage Books, 2009).

⁹ As Jeremy DeWaal has shown, traditions are not invented only once; their meaning and form are continuously ‘reinvented’ in shifting contexts and moments. See Jeremy DeWaal, ‘The Reinvention of Tradition: Form, Meaning, and Local Identity in Modern Cologne Carnival’, *Central European History*, 46, 3 (Sept. 2013), 495–532.

¹⁰ See, for example, Christoph Kleßmann, ed., *The Divided Past: Rewriting Post-War German History* (New York: Berg, 2001); and, more recently, Karen Hagemann, Konrad H. Jarausch and Tobias Hof, ‘Introduction: Burdens and Beginnings: Rebuilding East and West Germany after Nazism’, *Central European History*, 53 (2020), 275–93.

lenses and geopolitical conditions.¹¹ But what of *unshared* pasts? The baseline of the postwar transformation of the *Reinheitsgebot* is its long and uneven history. It is not enough – and indeed is inaccurate – to suggest that a longstanding and shared national standard was simply repurposed for Cold War purposes. The *Reinheitsgebot* was never a shared German tradition, and explaining how it became a cultural and industrial standard in the West but not in the East has less to do with the political exigencies of division per se than it does with the long-time contestation of the provincial decree. Anchored in sixteenth-century Old Bavaria, and applied piecemeal in Bavarian Swabia and Franconia in the nineteenth century, the so-called Beer Purity Law did not gain traction outside Bavaria until the turn of the twentieth century, and when it did, it remained hotly contested, particularly outside the south, where it was never fully accepted. To this day, there is no singular *Reinheitsgebot*; rather, there are regional and national variations, and exceptions to the rule abound. Until the postwar decades, rallying around the *Reinheitsgebot* remained the exclusive preserve of southern brewers, with most Germans, even Bavarians, having never heard of the decree. But just as it became more Bavarian through the birth pangs of the West German market, so too did it become more West German through those of the EEC.

How German was the *Reinheitsgebot*?

Stepping outside the conventional story of the *Reinheitsgebot* involves breaking down its internal logic of near timelessness. There is a legal reality of the decree that has been in effect in some capacity since the sixteenth century, but the meanings and even the name of it have changed dramatically. Until the twentieth century, if the decree was referred to at all it was most commonly by the prosaic name Surrogate Ban (*Surrogatverbot*). Even the staunchest advocates within the Bavarian brewing industry rooted the name ‘*Reinheitsgebot*’ in the mid-nineteenth century, while historical commentators have pinned the first usage to 1918.¹² Whenever we set the origins of the signifier, the signified was little known outside the brewing industry – even by regulators, to say nothing of the public – until the postwar period. Until about the turn of the twentieth century, the production and consumption of beer mirrored the cultural and political patchwork of German-speaking Europe. The enormously diverse marketplace of the early modern period, however, was increasingly homogenised through the scientisation and industrialisation of lager production and through a slew of prohibitive legislation on production.¹³ Throughout, from the late nineteenth to the mid-twentieth centuries, regional and provincial tensions flared, particularly as northern and southern brewers and regulators clashed over standardising the product, the market and the expectant consumer. From the turn of the twentieth century to the early 1940s, the *Reinheitsgebot* not only first expanded into southern Germany broadly but also became the subject of increasing regulatory and industrial interest and intransigence. In the first few decades of the twentieth century, the one-time Bavarian curiosity became an issue of national centralisation and governance.

Readers versed in the mythology of the *Reinheitsgebot* may be surprised to learn that Germany has never, to this day, settled on a singular national standard for regulating the production of beer. The much-touted Bavarian decree of 1516 limited the permissible ingredients in beer to malted barley,

¹¹ See, for example, Uta Poiger, *Jazz, Rock, and Rebels: Cold War Politics and American Culture in a Divided Germany* (Berkeley: University of California Press, 2000); and Young-Sun Hong, *Cold War Germany, the Third World, and the Global Humanitarian Regime* (Cambridge: Cambridge University Press, 2015).

¹² 12 Aug. 1947 letter from Alphons Jehle to the Bayerischer Brauerbund; Fritz Sedlmayr, ‘Die sogen. Reinheitsgebot’, attached to his 2 Dec. 1947 letter to the Bayerischer Brauerbund; both in BayHStA Bayer. Brauerbund 582; and Horst Dornbusch and Karl-Ullrich Heyse, ‘Reinheitsgebot’, in Garrett Oliver, ed., *The Oxford Companion to Beer* (Oxford: Oxford University Press, 2012), 692–3.

¹³ Clemens Wischermann, ‘Zur Industrialisierung des deutschen Braugewerbs im 19. Jahrhundert: Das Beispiel der Reichsgräflich zu Stolbergischen Brauerei Westheim in Westfalen, 1860–1913’, *Zeitschrift für Unternehmensgeschichte/ Journal of Business History*, 30, 3 (1985), 143–80; Erich Borkenhagen, *100 Jahre Deutscher Brauer-Bund e.V., 1871–1971: Zur Geschichte des Bieres im 19. und 20. Jahrhundert* (Berlin: Westkreuz-Druckerei, 1971).

hops and water. But even in the Electorate and Kingdom of Bavaria, exceptions abounded. The Bavarian Weißbier, or Hefeweizen, for instance, which is brewed with the addition of wheat, remained popular for centuries because it met the fancy of members of the Wittelsbach Dynasty.¹⁴ Such exceptions notwithstanding, the 1516 decree did in fact strictly limit most brewing in Bavaria and applied to all types of beer regardless of variety. Similar legislation restricted brewing in other southern states, most notably in Württemberg. In northern Germany, by contrast, brewing standards were practically non-existent. In smaller states and principalities, brewers developed numerous specialties like Gose, a recent darling of craft brewers on both sides of the Atlantic. This style, brewed with citrus, coriander and salt, had been produced in small quantities in the Lower Saxon town of Goslar since the thirteenth century, and rose to prominence around 1800 among the larger beer-drinking community of Leipzig. Such localism was multiplied across the north and underpinned a remarkable degree of diversity in the beer market. Just north of Leipzig, for example, brewers in the town of Zerbst were known for their beer made with rosemary, and in other northern German states beers contained everything from rye and herbs to spices and fruits.¹⁵

The last quarter of the nineteenth century was in many ways pivotal for both the modern food system and the trajectory of beer and brewing in Germany. In Europe and North America, food was increasingly defined through the science of food chemistry, which both nutritionists and regulators embraced in an effort to combat the adulteration practices that had accompanied the industrial, capitalist food system. In Western Europe and in the United States, the rise of industrial food production made the creation of quality standards part of the business and marketing of food.¹⁶ But compared to other battles over food purity, the case of German beer is noteworthy in that it centred less on targeting the industrially-producing cut-corners shyster than it did on preserving tradition. More pointedly, it was a conflict between competing traditions, a minimalist southern lager culture and a more open and experimental northern culture. The advocates of 'beer purity', as it turned out, were in fact the industrial producers themselves, clinging to a discursive critique of modernity while honing its cutting edge. As we will see, the adherence to rigorous production standards ultimately hurt local small-scale producers more than unscrupulous large-scale enterprises.

It was not until 1906 that any major legislative effort was made to standardise beer production. Indeed, national unification in 1871 had not only perpetuated regional differences, it had codified them. As a condition of their entry into Bismarck's empire, Bavaria, Baden and Württemberg retained sovereign provincial legislation on beer and spirit production and taxation through loosely federalist 'Reserve Rights'.¹⁷ In 1906, efforts at national integration and standardisation served to crystallise fault lines in the production and regulation of beer. That year, a new law regulating the production and taxation of beer came into effect that limited production to a remarkable degree. Leaning on taxonomies in recent microbiological research, the law stipulated that beer brewed with bottom-fermenting yeast was limited to only four ingredients: malted barley, hops, water and yeast. Such bottom-fermented beer accounted for the vast majority of German brews, especially in the south, and was more commonly known as *Lagerbier*, or lager in English, reflecting the fact that the slower,

¹⁴ Karl Gättinger, *Bier und Landesherrschaft: Das Weißbiermonopol der Wittelsbacher unter Maximilian I. von Bayern* (Munich: Karl M. Lipp Verlag, 2007).

¹⁵ J. G. Th. Gräfe, *Bierstudien: Ernst und Scherz. Geschichte des Bieres und seiner Verbreitung über den Erdball. Bierstatistik. Bieraberglauben. Bierfeste. Bierorden. Bierspiele. Bierlieder aller Zeiten und Völker. Biersprichwörter. Brauergeheimnisse* (Dresden: R. v. Zahn Verlag, 1872), 66–74.

¹⁶ Spiekermann, 'Redefining Food'; Cohen, *Pure Adulteration*.

¹⁷ The Reserve Rights and their federalist implications remain an understudied area in the historiography of Imperial Germany. Federalist and constitutional histories of Imperial Germany more broadly remain often only begrudgingly acknowledged by historians interested in Prussian power, authoritarianism or 'social imperialism'. But for a relevant overview see Allan Mitchell, "'A Real Foreign Country': Bavarian Particularism in Imperial Germany, 1870–1918', *Francia*, 7 (1979), 587–96; George G. Windell, 'The Bismarckian Empire as a Federal State, 1866–1880: A Chronicle of Failure', *Central European History*, 2, 4 (Dec. 1969), 291–311; Richard Dietrich, 'Foederalismus, Unitarismus oder Hegemonialstaat?' and Walter Peter Fuchs, 'Bundesstaaten und Reich: Der Bundesrat', in Oswald Hauser, ed., *Zur Problematik 'Preussen und das Reich'* (Cologne: Böhlau, 1984).

bottom-fermenting yeasts required cold-storage in a storage cellar (*Lagerkeller*). The law also stipulated, however, that beer made with less common top-fermenting yeasts could be brewed with the inclusion of malts from other grains, technically pure cane, beet, invert and starch sugar, as well as glucose and colorants derived from these sugars.¹⁸ If such a law seems simple enough, the three southern states flexed their Reserve Rights and insisted that southern beer would be held to a higher standard, allowing only the four-ingredient list in all beer regardless of fermentation method. In the north, the 1906 law was a near death sentence for many diverse styles but reflected the fact that by the turn of the twentieth century lager had largely taken the German industry and market by storm. For instance, from 1873 to 1911, the share of top-fermented ale in northern Germany dropped from almost 43 per cent of the total to scarcely 11 per cent as lager became king.¹⁹

From 1906 on, the overlapping German and south German standards on the production of beer formed the backbone of decades of legal and political acrimony. In 1909, for instance, a flood of pamphlets and newspaper articles in Dresden railed against Bavarian brewers and their marketing campaigns that denigrated local brews and promoted Bavarian beer as the only 'real beer'. Innkeepers in Saxony had apparently maintained the difference, selling Bavarian and Bohemian beer as 'real beer' and Saxon brews as 'local beer' in spite of the fact that all the products adhered to the national 1906 regulation.²⁰ In cases where the beer in question did not adhere to the new law, economic livelihoods were at stake. On the eve of the First World War, some 600 brewers of brown beer (*Braunbier*) in and around Berlin petitioned the Reichstag to loosen restrictions on permissible ingredients. A sweet and sour sibling to Berliner Weisse, the colour and flavour profile of brown beer had initially derived from aggressively roasted barley malt, but by the late nineteenth century most producers had turned to saccharin to stay competitive in the booming lager market.²¹ When the lobbying campaign failed, the style almost completely died out. The Reichstag ultimately *did* loosen restrictions during the First World War to allow flexibility in the context of material scarcities. This was a change many northern brewers wanted to keep, and throughout the 1920s they worked to overturn the 1906 legislation, which they repeatedly presented as the disproportionate influence of Bavaria.²² Thanks to lingering wartime scarcities, such arguments were often successful and the Reichstag continued to allow additional sugar and malt sources, including rice and maize, well into the 1920s. Each time the issue re-emerged, the fault lines were as much cultural as legal. In 1925, for instance, brewers in Breslau/Wrocław critiqued Bavarian 'purism' (*Purismus*), noting that the north German industry developed independently and 'in full freedom'. They maintained that even the distinction between top- and bottom-fermenting beer was foreign to northern Germany, only entering into the conversation with the rise of lager and the passing of the national brewing law in 1906.²³

Southern German brewers, particularly in Bavaria, held fast to their stricter regulations, especially in the 1930s and 1940s as an increasingly interventionist state sought to centralise standards and resource management. Under the banner of autarky and mobilisation, agricultural offices in the Nazi regime repeatedly sought to change brewing standards to include the addition of sugar. Such a measure aimed to optimise grain usage for bread production, and while it was readily adopted in

¹⁸ 'Gesetz wegen Änderung des Brausteuergesetzes', *Reichs-Gesetzblatt*, 98 (1906), 622–31, esp. Section 1.

¹⁹ Melchior Busemann, *Der Deutsche Brauer-Bund, 1871–1921* (Berlin: G. Asher, 1921), 110, 168; 'Reichstag Nichtamtliche Drucksache' from the Vorstand des Vereins Berliner Weiß- und Braunbierbrauereien, no date, but included with other documents from 1912–13, Bundesarchiv Berlin (henceforth BAB) R 2/1733.

²⁰ See the 1909 pamphlet by M. Zimmermann, *Was ist echtes Bier?* (Dresden: Druck und Verlag der Expedition des 'Kamerad', 1909) in BayHStA Bayer. Brauerbund 851; it was reproduced in full as 'Was ist echtes Bier?', *Central-Blatt für das Deutsche Gastwirtsgewerbe* Nr. 24 (10 June 1912), 238–40.

²¹ 'Niederschrift über die Besprechung im Reichsschatzamt vom 20 Dez. 1913, betreffend die wirtschaftliche Lage der kleinen und mittleren Brauereien', BAB R 2/1733; 'Ein Antrag von über 600 deutschen Braumeistern an den Bund', *Der klein- und mittelbrauer* Nr. 1, 3 Jan. 1914.

²² 15 Dec. 1920 Schutzverband des Brauereien der ehemaligen Brausteurgemeinschaft to the Reichsfinanzministerium, BAB R 2/1736.

²³ 30 Dec. 1925 Kretschmer Innung to the Reichsfinanzministerium, BAB R 2/1740.

northern Germany, Bavarian and other southern German brewers opposed the change. From the Four-Year Plan through the end of the war, brewers and regional political leaders in the normative state repeatedly pushed back against the inclusion of sugar in brewing. On multiple occasions between 1938 and 1945, the dictatorship sought to alter production standards and brewery practices, and each time they ran into the intransigence of southern brewers. Playing into regime fears of a second ‘stab in the back’, these southerners argued that such interventions would lead to mass consumer unrest. This was an argument to which the regime was particularly sensitive. As one Bavarian brewer put it, the inclusion of sugar in beer would ‘undoubtedly’ lead to ‘great unrest . . . at least in the southern German population, as they would defend themselves against “sugar water” by any means’. It was, therefore, ‘necessary for political reasons, to satisfy consumer desire and thereby avoid unrest in the consuming public’.²⁴ There is no evidence of fomenting unrest among southern beer drinkers, and in fact the public was scarcely aware that the *Reinheitsgebot* existed. But, as others have noted, consumers appear as political objects well before they emerge as political agents.²⁵

The Nazi period, so central to the course of German history, was, in the present case, a structural turning point in making the *Reinheitsgebot* a firmly unshared German tradition. Since 1906 German brewers had been beholden to the same law while southern brewers insisted on stricter standards. But as of 1938, government regulations fractured national brewing standards, reversing 1906 and pulling northern and southern production practices further apart. In what became East Germany (the German Democratic Republic), regulations grew increasingly lax as beer became the product of scarcity. In East Germany the portion of sugar and unmalted grain fluctuated dramatically, sometimes ranging as high as 65 per cent, and brews regularly included rice, corn and unhusked barley as well as additional enzymes required to break down these ingredients.²⁶ Similar practices, or at least a reversion to local market diversity, may well have emerged in the northern parts of West Germany but for the 1950 Beer Tax Law (*Biersteuergesetz*) which effectively re-established the 1906 regulation. Even there, however, the tensions between national and southern standards remained unresolved, setting the foundation of future conflicts. Regional and later national brewing practices in West Germany diverged sharply and explicitly from those in the east.²⁷ The postwar history of the *Reinheitsgebot* evinces the veracity of how, as Celia Applegate noted years ago, ‘Germany was rebuilt from the regions outward and upward’.²⁸ Emphasis on the *Reinheitsgebot* in Bavaria constituted part of a broader ‘localist turn’ across postwar West Germany in which provincial traditions re-emerged as part of reconstructing shattered identities and practices.²⁹ That it ultimately became more than that – both a national industry standard and a cultural icon – would have been beyond the wildest dreams of the Bavarian brewers who designed the *Reinheitsgebot* poster in 1949. The rise of ‘beer purity’ as a marker of national identity is all the more surprising given that beer and alcohol generally stood outside most

²⁴ ‘Niederschrift über Besprechung vom 10 Feb. 1938 in den Diensträumen der Hauptvereinigung, Berlin’, BayHStA Bayer. Brauerbund 586; see also the letters from 15 and 23 Feb. 1938, from Bavarian Minister President Ludwig Siebert to the Hauptvereinigung der deutschen Brauwirtschaft, BAB. R 3101/13958.

²⁵ For example, Frank Trentmann, ed., *The Making of the Consumer: Knowledge, Power, and Identity in the Modern World* (Oxford: Berg, 2006); and Frank Trentmann, ‘The Modern Genealogy of the Consumer: Meanings, Identities, and Political Synapses’, in John Brewer and Frank Trentmann, eds., *Consuming Cultures, Global Perspectives: Historical Trajectories, Transnational Exchanges* (Oxford: Berg, 2006).

²⁶ N.a., ‘Brauwirtschaft in der DDR’, *Brauwelt*, 12 (1990), 404; N.a., ‘Zusatzstoffe und Rohfrucht bleiben in der DDR erlaubt’, *Brauwelt*, 13 (1990), 466; N.a., ‘Senkung der Stammwürze bei der DDR-Bieren’, *Brauwelt*, 19 (1990), 719.

²⁷ Unlike the case of cooking, where national cookbooks appropriated regional specialties from the east as part of negotiating the geographic and cultural changes of Cold War division, brewing increasingly distanced itself from the fragmentary national past. See, for example, Alice Weinreb, ‘The Tastes of Home: Cooking the Lost Heimat in West Germany in the 1950s and 1960s’, *German Studies Review*, 34, 2 (May 2011), 345–64, esp. 355, 358.

²⁸ Celia Applegate, *A Nation of Provincials: The German Idea of Heimat* (Berkeley: University of California Press, 1990), 229.

²⁹ Jeremy DeWaal, ‘The Turn to Local Communities in Early Post-War West Germany: The Case of Hamburg, Lübeck and Bremen, 1945–65’, in Stefan Couperus and Harm Kaal, eds., *(Re)Constructing Communities in Europe, 1918–1968: Senses of Belonging Below, Beyond and Within the Nation-State* (New York: Routledge, 2016), 130–50; idem., ‘The Reinvention of Tradition’.

nutritional prescriptions for a healthy or 'natural' nation.³⁰ Explaining how that transformation was possible involves locating the *Reinheitsgebot* in the entanglements of scale that shaped West Germany in the postwar decades.

Franconian Demand, *Altbayerisch* Capital and the West German Economy

From 1953 to 1965, brewers and regulators in Munich and Old Bavaria waged a war on consumer habits in Franconia, the culturally contested northern reaches of Bavaria. There, most notably in and around the city of Würzburg, a small market existed for beer brewed with the addition of sugar. This beer, dubbed 'sweet beer' (*Süßbier*), was brewed mostly in Hesse and West Berlin and then crossed state lines to satisfy Franconian demand. The beer conformed to West German regulations but not to stricter Bavarian ones. There was, therefore, an economic issue here: *Süßbier* was cheaper to make and represented an unfair market advantage over brewers bound to Bavarian standards. And yet, the quantities of beer in question were so miniscule as to be non-existent. Rather than purely economic, the ensuing conflict, which pitted Bavarian brewers and political leaders against the larger federal system, was a proving ground for *Altbayerisch* cultural and regulatory power in the face of the integrating West German economy.

What the media styled as the conflict over sweet beer (*Süßbierstreit*) began in 1953 as a result of the market protectionist anxieties of Bavarian brewers eyeing the trajectory of the West German economy. Bavarian brewers knew that from 1950 to 1953 they had lost over 3 per cent of their West German market share thanks in large part to booming largescale enterprises elsewhere, most notably in North-Rhine Westphalia.³¹ In May 1953, Dr. Bernhard Bergdolt of the Munich Löwenbräu Brewery wrote to the head of the Bavarian Brewers' Association in an effort to shore up control of the Bavarian market. Each month, he complained, close to half a million litres of beer brewed with the addition of sugar were entering Bavaria and being consumed in Franconia.³² When representatives from the trade organisation and the Finance Ministry met to discuss the issue, they poured over a dossier of about thirty documents from Nazi era conflicts over brewing with the addition of sugar. Ultimately, the concerns of the Löwenbräu executive quickly found support, including from the board of the Bavarian Brewers' Association, the State Minister of Finance and leading legal scholars.³³ According to Munich law professor Dr. Hans Nawiasky, for example, early modern precedents had been preserved in the 1871 Reserve Rights, implicitly codified as national law with the signing of the 1949 Basic Law, and explicitly so with the 1950 Beer Tax Law. Effectively arguing against full West German market integration, Nawiasky wrote that, 'neither bottom- nor top-fermenting beer which has been adulterated with sugar may be produced or sold in Bavaria'.³⁴ By the summer of 1954, the momentum had reached the highest levels of the Bavarian state and, in July, Bavarian Minister of the Interior Wilhelm Hoegner issued a complete distribution ban (*Vertriebsverbot*) on beer produced with the addition of sugar.³⁵

The prohibition sparked a media frenzy, and as the almost non-existent economic factors became clearer, public discourse in newspapers tended to become more dramatised and played up historic

³⁰ Hasso Spode, 'Trinkkulturen in Europa', in Johannes Weinand and Christiane Weinand, eds., *Die kulturelle Integration Europas* (Wiesbaden: Springer VS, 2010), 361–91, esp. 370–6; James S. Roberts, *Drink, Temperance and the Working Class in Nineteenth-Century Germany* (Boston: George Allen & Unwin, 1984), 8–10, 110–12; and Treitel, *Eating Nature in Modern Germany*, 57, 88, 109, 152.

³¹ 'Das Bier-Politikum', *Der Spiegel*, 9, 2 (1955), 13–4.

³² 9 May 1953, letter from Bernhard Bergdolt to Ernst Röhm, BayHStA Bayer. Brauerbund 587.

³³ 19 Mar. 1954, letter from Friedrich Zietsch to Fritz Schäffer, BayHStA MInn 108423; 22 Mar. 1954, letter from Werner Schladenhaufen to the membership, BayHStA Bayer. Brauerbund 587.

³⁴ 3 Mar. 1954, Hans Nawiasky, 'Rechtgutachten über die Tragweite des bayerischen Vorbehalts beim Eintritt in die Biersteuergemeinschaft zu erstatten'. See also his follow-up letter to the Bavarian Brewers' Association, dated 14 Mar. 1954, BayHStA Bayer. Brauerbund 587. Emphasis added.

³⁵ See the various correspondences between MInn, MFin, Bayer. Brauerbund, leading up to 8 July 1954, 'Bekanntmachung des Bayerischen Staatsministeriums des Innern, Überwachung des Verkehrs mit Lebensmitteln; hier Inverkehrbringen von Bieren, die unter Verwendung von Zucker bereitet sind', all in BayHStA MInn 108423; see also, *Bayer. Staatsanzeiger* Nr. 29, 17 July 1954.

provincial tensions. The ‘imported’ *Süßbier* amounted to just 0.14 per cent of the beer produced in West Germany, and thus when the issue was taken up in the *Süddeutsche Zeitung* readers were told, ‘one wants to say it is a nonissue. But what a nonissue! It violates the holiest Bavarian sentiments. We are enraged by those above (*die da oben*) that are trying to break our *Reinheitsgebot*! The battle cry of the native brewers echoes throughout all of Old Bavaria.’ While this particular articulation came from the satire column ‘Das Streiflicht’, it captured the reality that brewers and regulators, particularly in *Altbayern*, were working to rally tradition and southern culture. Indeed, the story had opened: ‘Finally Bavaria has a war to which it is well suited: The Beer War, and it is even against the “Prussians”!’³⁶ Beyond the satire of fighting the phantoms of a recently outlawed state, the piece is a reminder of the provincial and provisional nature of the Federal Republic as a tenuous solution to post-Prussian Germany. Indeed, Bavaria had never technically ratified the Basic Law and, since 1949, the separatist Bavaria Party had surged in state elections, even joining the governing coalition in 1954. Beyond satire, the distribution ban was discussed in trade publications and national newspapers of all stripes. On the Bavarian side the conflict looked like a challenge to the ‘magna carta of the Bavarian brewer’, while on the northern German side it looked like Bavarian ‘separatism by proxy’.³⁷ Many claimed the debate was about more than just beer, noting regional difference and even ‘honour’ in articles dripping with the rhetoric of war and historic north-south tensions.³⁸ By the time the dispute came up for the legal process, the provincial question was already pronounced in public discourse: it was a provincialism of *Altbayern* against the north – and a north often reduced to the non-existent Prussia. More often than not, Franconians were rarely present in the early coverage and appeared to be simply caught in the middle. Most probably would have agreed with one Würzburg beer retailer, who complained that the *Reinheitsgebot* was a conception of ‘trade from the fifteenth century that seems like a bad joke in the era of the free market economy’.³⁹

By the end of 1954, the distribution ban had been upheld in state and federal court, and for the next four years Bavarian brewers and state officials policed the sale of beers in violation of Bavarian law. The proceedings were relatively simple and upheld the 1954 distribution ban until 1958–9, when they began to test the limits of what was meant by ‘beer’.⁴⁰ In late 1958, the Hofbräuhaus Nicolay A.G. in Hanau, Hesse, on the border of Lower Franconia, was taken to court for selling a bottom-fermented beverage, brewed with the addition of sugar, but sold under the name ‘*Nährtrunk*’ and ‘*Malztrunk*’.⁴¹ Such beverages were most often called *Malzbier* and had previously fallen under the purview of the distribution ban, but in January 1959 the Second Criminal Court ruled that the drink could still be sold in Bavaria because the word ‘Bier’ (as in *Malzbier*) did not appear on the label.⁴² The ruling fundamentally shifted the course of the *Süßbierstreit* because while it found the limits of what could be policed under the distribution ban, it also led brewers to seek yet more

³⁶ ‘Das Streiflicht’, *Süddeutsche Zeitung*, 21/22 Aug. 1954, 1.

³⁷ ‘Streit um gesüßtes Bier’, *Deutsche Brauwirtschaft*, 63, 18, 31 Aug. 1954, 316–7; ‘Malzbierkrieg zwischen Nord und Süd – Blauweiser Separatismus erstrebt bei sich das Biermonopol’, *Der Fortschritt*, 21 Oct. 1954.

³⁸ ‘Es geht um unsere Bier-Ehre’, *Abendzeitung*, 17 Aug. 1954, 2; ‘Bierkrieg Berlin-Bayern’, *Abendzeitung*, 20 Aug. 1954; ‘Im Bierkrieg geht’s um mehr als ein Zuckerl’, *Münchener Merkur*, 26 Aug. 1954; ‘Bierkrieg mit Bayern’, *Frankfurter Allgemeine*, 14 Aug. 1954; ‘Bierkrieg zwischen Nord und Süd’, *Der Tag*, 20 Aug. 1954; ‘Bierkrieg mit Bayern’, *Der Kurier*, 20 Aug. 1954; ‘Bayern führt “heißen” Krieg gegen Bierlimonade’, *Die Welt*, 28 Aug. 1954.

³⁹ ‘Der bittere Kampf ums süße Bier’, *Süddeutsche Zeitung*, 15 Sept. 1954, 6; in northern Franconian newspapers, the issue received very little coverage at first and was treated a bit more neutrally. One might read into this a sense of passiveness and even powerlessness. See, for example, ‘Kleiner Vorgriff auf mögliche Entscheidung’, *Main Post*, 8 Sept. 1954.

⁴⁰ For cases of policing interstate beer trade in the interim, see ‘Berliner Zuckerbier in Bayern verboten’, *Abendzeitung*, 29 Mar. 1955, 2; 23 May 1956, ‘Urteil des Bayerischen Obersten Landesgerichts’, Bundesarchiv Koblenz (henceforth BAK), B 126/23409; ‘Gesüßtes Bier darf nicht nach Bayern’, *Abendzeitung*, 24 May 1956; ‘Der Süßbierkrieg geht weiter’, *Süddeutsche Zeitung*, 4 June 1956, 8.

⁴¹ ‘Weitere Runde im Süßbierstreit’, *Gastwirt und Hotelier*, 5 June 1958,

⁴² W. Zipfel, ‘Bier und doch kein Bier, aber “kein Bier” ist doch Bier’, *Der Brauer und Mälzer*, 13, 19 (15 Oct. 1960), 3–6; see further Birgit Speckle, *Streit ums Bier in Bayern: Wertvorstellungen um Reinheit, Gemeinschaft und Tradition* (Münster: Waxmann Verlag, 2001), 70–1.

stringent market protectionist legislation, now in the language of consumer protection. Soon after the ruling, they began developing a new argument in which, regardless of the word *-bier*, such products were capitalising on the imagery and reputation of beer, thereby misleading consumers. In levelling such a critique at Frankfurt-based Karamalz, for instance, Bavarian brewers accused the product of attempting 'to conjure the appearance' (*ein Anschein erwecken*) of being beer, a previously underutilised phrase in §10 of the Beer Tax Law.⁴³ Rather than legislating case by case, however, the trade organisation also pushed the Bavarian state to consider an explicit law on the circulation of such beverages. Their lobbying ultimately led Franz Elsen (CSU) to introduce the Beer Transport Law (*Gesetz über den Verkehr mit Bier*) in the early summer of 1960. Section 1, Paragraph 1 forbade the circulation of fermented beverages in Bavaria that did not meet Bavarian production standards, regardless of whether the product was called 'beer'.⁴⁴

Debates around the law proposal in the early 1960s brought the rhetoric of consumer protection firmly into political discourse while also reframing the *Reinheitsgebot* as a consumer – rather than a producer – oriented tradition. The consumer embrace of 'beer purity' became a key transition in later years, but in deliberations around the law proposal consumers themselves were mostly absent, used as rhetorical objects. And as it turned out, consumer interests could be used just as well by the opposition. In Franconia, a special interest group called the Action Group of *Nährtrunk* Distributors in Bavaria (*Aktionsgemeinschaft der Nährtrunkverleger in Bayern*) petitioned the Bavarian Parliament and Bavarian representatives to the Federal Parliament to reject the 'superfluous' restriction on consumer freedom. They even went so far as to equate the restriction with authoritarianism, producing pamphlets lamenting how hard such an act would be to explain in the future; this was a perspective that may have hit close to home less than twenty years after the Second World War.⁴⁵ The group had many supporters, including the regional chairman of the FDP in Middle Franconia, Klaus Dehler. As he put it in 1962, the law was 'patronising to the consumer' in that it undermined the ability of Franconians and indeed all Bavarians to drink what they want, when they want.⁴⁶ Still, when the Beer Transport Law went to committee, it was agreed that the beverages in question qualified as 'falsified' (*verfälscht*) in accordance with §4 Nr. 2 of the 1927 Food Law (*Lebensmittelgesetz*). The term was ambiguous, reflecting the difficulties of defining food purity since the late nineteenth century, but it brought legal power to industrial and political discourses of consumer protection. It also legitimised the convictions of brewers and legislators alike that even if consumers did not know about the *Reinheitsgebot*, it had informed consumer expectations and habits for over 450 years. Indeed, consumer expectations (*Verbrauchererwartungen*) became a catchphrase of the political discourse, and ultimately many in the Bavarian state government concluded that consumers needed to be protected, whether they knew it or not.⁴⁷ This argument had been wielded by brewers across Germany for decades – from north German opposition to the 1906 law to Bavarian intransigence in the face of Nazi era resource management – but only in this moment did it have a legal precedent on which to leverage capital interests into market regulation.

At the core of the conflict, producers and regulators in Munich and Altbayern were attempting to shape market sensibilities and Bavarian culture in the absence of a shared or cultivated value system among Bavarians. Indeed, most Bavarians confessed ignorance about what 'Süßbier' actually was.⁴⁸ As late as 1962, 34 per cent of the Bavarian population firmly believed that the *Reinheitsgebot* actually *allowed* sugar in beer, some 45 per cent knew without question that it was *not* allowed and a final

⁴³ 20 Nov. 1959, letter from Werner Schladenhaufen to Knies, with attachments, BayHStA MInn 108427.

⁴⁴ Details of the proposed law described in Bayerischer Brauerbund e.V. *Geschäftsbericht* 1960/61 and 1961/62, 39–47.

⁴⁵ 'Süßbierhändler fordern Getränkefreiheit', *Süddeutsche Zeitung*, 2 Oct. 1962, 17.

⁴⁶ 'Landtag billigte Süßbierverbot – Verfassungsklage droht', 24 Oct. 1962, cut-out marked only *Tagblatt*, Archiv für Christlich-Soziale Politik (henceforth ACSP) NL Elsen, Franz: 6.7.14.

⁴⁷ 'Bericht des Wirtschaftsausschusses und des Rechts- und Verfassungsausschusses', 24 May 1962, BayHStA Bayer. Brauerbund 1355; see also 19 Oct. 1962 letter from Peschel and Sedlmayr to the Representatives of the Bavarian Parliament, ACSP NL Elsen, Franz: 6.7.14.

⁴⁸ 'Verbraucher kennen sich nicht aus', *Süddeutsche Zeitung*, 19 Oct. 1962, 12.

21 per cent had no conviction either way.⁴⁹ The *Süßbierstreit* did not reflect any sort of consolidated or homogenous consumer demand. It was instead a site of working out the temporal and spatial authority of tradition. Put differently, the question was if Franconia, in spite of being part of a federated republic, would be governed in the economic and cultural spheres first and foremost by political and capital interests in Würzburg, Munich, or Bonn. Ultimately, the law narrowly passed in the Bavarian Landtag in October 1962 but was never ratified by Minister President Alphons Goppel, who ultimately argued that the trafficking of food and stimulants was the jurisdiction of the federal rather than state government. Leaders in the brewing industry were devastated. The president of the trade organisation, Werner Schladenhaufen, expressed his shock and sense of betrayal by claiming that the Minister President had ‘stabbed us in the backs’.⁵⁰

If indeed abandoning the law was a betrayal, it was because it appeared to go against the grain of a larger process of constructing Bavarian political and cultural identity in the 1950s and 1960s. In those years, Goppel’s party, the CSU, had worked to construct an integral Bavarian political identity; a sort of umbrella for Bavarian sub-regional peculiarities, which remains the basis of their hegemony in Bavarian politics to this day.⁵¹ In the course of the *Süßbierstreit*, the political economic utility of the *Reinheitsgebot* elevated *Altbayerisch* capital interests but ultimately did not seem to fit in the political program of the CSU. At least according to Goppel. Still, while political federalism won the day, the *Süßbierstreit* was in effect an effort to pressure both cultural and market sensibilities throughout Bavaria, particularly in Franconia. To be sure, this market protectionist conflict initiated by a single Munich brewery percolated into the state government and legislated a dominant regional culture of beer (down to the very use of the word). But while the law died in 1965, and while less than half of Bavarians knew what the *Reinheitsgebot* even said in the mid-1960s, the rhetoric of purity and consumer protection was a genie that would never be put back in the bottle.

Making the *Reinheitsgebot* German

At the height of lobbying for the Beer Transport Law, Alfons Schubert, the head of the Franconian opposition organisation, wrote to the delegates of the Bavarian Parliament asking just how far the alignment of capital and political interests would go. Hoping to highlight the futility of support for the proposed law, he pointed to the newly signed Treaty of Rome, which guaranteed the economic integration of the six Western European signatory countries. Surely European integration would do away with trade barriers like those at stake in the *Süßbierstreit*. In obvious hyperbole, Schubert quipped, ‘Is the idea of Europe to collapse so soon on account of the beer trade?’⁵² In the next decade, the spirit of the inquiry would become far less preposterous than it at first seemed. In the late 1960s and early 1970s, a second conflict of market integration expanded the contours of debate around the *Reinheitsgebot*. Often called the European Beer War (*Europäischer Bierkrieg*), it ran from 1958 to 1975 and paralleled much of the rhetoric, interest groups and course of the *Süßbierstreit*. But it operated, as the name suggests, on a larger scale. Franconia got lost, and Bavaria once again provided the spark of conflict. But this time, brewers and politicians across West Germany now became major advocates of the *Reinheitsgebot* as particularly German, not just Bavarian or south German. New as well was the mass mobilisation of consumers, not just as

⁴⁹ ‘Zum Reinheitsgebot bei Bier: Die Einstellung der Bevölkerung in Bayern Ergebnisse einer Repräsentativ-Umfrage’. This survey was commissioned by the Bavarian Brewers’ Association from the Institut für Demoskopie in Allensbach. It was conducted in 1962 but published in 1964. BayHStA Bayer. Brauerbund 1355.

⁵⁰ ‘Ein “Handvoll Chemie” in den Sudhäusern?’, *Süddeutsche Zeitung*, 15 May 1965; ‘Ende des Süßbierkrieges?’, *Süddeutsche Zeitung*, 28 Jan. 1965, 6.

⁵¹ Graham Ford, ‘Constructing a Regional Identity: The Christian Social Union and Bavaria’s Common Heritage, 1949–1962’, *Contemporary European History*, 16, 3 (Aug. 2007), 277–97.

⁵² 3 July 1960, letter from Alfons Schubert to members of the Landtag, BayHStA Minn 108421.

political objects, but also increasingly as political agents rallying around the *Reinheitsgebot* as a consumer protectionist measure.⁵³

A year after the Treaty of Rome, the national brewing associations of the six member states of the European Economic Community (EEC) founded the Working Community of Common Market Brewers (*Communauté de Travail des Brasseurs du Marché Commun*; CBMC). The organisation aimed to consider market harmonisation in advance of any explicit directive from Brussels. It was a substantial task. According to Pierre Falcimaigne, the head of the French national brewing trade organisation, the *Union Générale Nationale des Syndicats de la Brasserie Française*, the brewing industries of the six member states faced 'enormous differences', ranging from, 'on one extreme, complete freedom in Belgium and on the other the strictest adherence to the *Reinheitsgebot* in Bavaria'.⁵⁴ His recognition of the difference between West German and Bavarian stringency is noteworthy in foreshadowing the course of events at the national level, but in the early negotiations most sights were set on international differences. For five years, the international organisation held smooth if somewhat unproductive meetings which often got hung up on cultural differences, as was the case in 1962 when West German and French representatives traded blows over what, exactly, made beer natural or pure. Frustrated, the Germans could not concretely explain why rice and unmalted grains were 'unpure'.⁵⁵ The gridlock began to break in 1964 when the West German representatives began to make concessions on a harmonisation proposal to include unmalted grains as long as other members agreed to limit the sorts of sugars they used to those permitted by the 1950 Beer Tax Law.⁵⁶ When talk of concession reached southern Germany, Bavarian brewers dug in their heels. Likely fuming that the 1962 Beer Transport Law had still not been ratified, the Bavarian brewing leader Werner Schladenhaufen wrote to the principal West German delegate Richard Biergans that he received the compromise proposal 'with surprise and consternation'. He insisted that the Bavarians held 'firmly to the *Reinheitsgebot* without compromise and without restrictions', and therefore renounced confidence in the negotiations and demanded they be halted until West German brewers could come to a consensus.⁵⁷

For the next four years, southern intransigence halted all progress on international negotiations, and harmonisation efforts took a decisive turn. When the West German brewers had met in Munich in 1965, any hopes of creating a national consensus ran up against a north-south division. The regional trade organisations of Bavaria, Baden-Württemberg, Hessen and Rhineland Palatinate stood firmly on the side of the unconditional retention of current brewing standards, while those of North Rhine-Westphalia, Lower Saxony, Bremen, Hamburg, West Berlin, Schleswig-Holstein and the Saarland were all willing to accept negotiations and the loosening of the national brewing law.⁵⁸ Without West German participation, the CBMC negotiations died out, and absent a unanimous recommendation from that body, the Council of Ministers of the EEC ultimately presented its own harmonisation proposal in 1970. At the core of the proposal was a directive allowing unmalted grain and a number of additives. Conceptually, this proposal should have been a simple choice. West German

⁵³ This was part of early consumer capitalism, a phase of advanced capitalism in which the interests of consumers, 'set the terms for government policy formation and for company-level product market strategies'. See Gunnar Trumbull, *Consumer Capitalism: Politics, Product Markets, and Firm Strategy in France and Germany* (Ithaca: Cornell University Press, 2006), 3; see further Matthew Hilton, 'Consumers and the State since the Second World War', *Annals of the American Academy of Political and Social Science*, 611, 1 (May 2007), 66–81.

⁵⁴ Falcimaigne's 20 Apr. 1960 report cited in 28 Nov. 1960, 'Zusammenfassung der ersten Versammlung der Kommission Gesetzgebung – C.B.M.C.', held 27 Oct. 1960 in Luxemburg, BayHStA Bayer. Brauerbund 1382.

⁵⁵ 12 Apr. 1962, 'Zusammenfassung der zweiten Tagung der Kommission Gesetzgebung – C.B.M.C.', BayHStA Bayer. Brauerbund 1382.

⁵⁶ Ibid., and 10 Jan. 1964, 'Kurzbericht über die dritte Sitzung der Kommission Gesetzgebung – C.B.M.C.', held in Milan, 21 Nov. 1963; 1 June 1964, 'Kurzbericht über die vierte Sitzung des Legislativ Ausschusses der C.B.M.C.', held in Rome, 11 May 1964, all in BayHStA Bayer. Brauerbund 1382.

⁵⁷ 16 Nov. 1964, letter from Werner Schladenhaufen to the German Brewers' Association, BayHStA Bayer. Brauerbund 1382.

⁵⁸ 4 May 1965, Circular P 14/B 16/65 on the 'Harmonisierung der Gesetzgebung für Bier in den Mitgliedstaaten der Europäischen Wirtschaftsgemeinschaft', BayHStA Bayer. Brauerbund 1382.

brewing law was in effect a non-tariff trade barrier, and the Federal Republic had signed an international agreement to pursue free trade. Here, now, was a policy proposal that would establish precisely that and needed only to be approved by the federal government. Over the next few years, however, free trade arguments were buried under industrial, political and ultimately popular pressure on officials in Bonn and Brussels to retain the *Reinheitsgebot* – and, indeed, to rally behind it.

At the level of both political procedure and popular opinion, opposition to the 1970 harmonisation proposal emerged from Bavaria more than anywhere else. In the Bundesrat, special committees considered the agricultural, economic and public health implications of the proposal and, in each, Bavarian voices were the loudest. The switch to unmalted grain and the opening of the market to cheaper foreign beers would wreak havoc on the smaller decentralised malters and brewers, disproportionately in Bavaria, and on West German agriculture, dominated since 1949 by the Bavarian bread-basket.⁵⁹ While those arguments made political sense, they did not receive the public attention generated by consumer protection and public health arguments. Here, brewers and their allies quickly departed from their earlier north-south division and rallied around the *Reinheitsgebot* as a longstanding German form of consumer protection. Brewers put on a public exhibition about the *Reinheitsgebot* at the Bavarian state embassy (*Landesvertretung*) in Bonn, frequented by both the public and federal representatives to the Bundesrat and Bundestag. The exhibition claimed that the *Reinheitsgebot* had been in effect in Germany since 1906. This was a partial truth that glossed over decades of provincial fragmentation, and elsewhere, brewers extended it further. Blending regional history into national, they argued to the Bundesrat that the *Reinheitsgebot* had protected German consumers from harmful or health-damaging beer (*gesundheitsschädliches Bier*) for 450 years.⁶⁰

As regulators considered the proposal and brewers rallied around tradition, the *Reinheitsgebot* also developed as a major theme of consumer protectionist politics. News of the harmonisation proposal led to the emergence of a special interest group called the Pure Beer Action Committee (*Aktionskomitee reines Bier*; ArB), rooted in Düsseldorf. The capital of North Rhine-Westphalia, Düsseldorf had been a centre of opposition to ‘Bavarian separatism’ in the *Süßbierstreit*. But now, the ArB rallied around the *Reinheitsgebot* and helped popularise and politicise the very concept of ‘pure beer’, thereby leveraging consumer interests into policy making. In 1971, their most successful action involved the circulation of ballots allowing consumers to voice their support for ‘pure beer’. The ballots proclaimed, ‘Our beer must remain pure! Vote for pure beer!’ and juxtaposed a ‘yes’ vote for pure beer with a *reductio ad absurdum* ‘no’ vote – a vote for the inclusion of ‘chemical additives: ascorbic acid, tannins, sulfur dioxide, and proteolytic enzymes’. All in all, in West Germany in 1971, the ArB circulated 750,000 ballots, a half a million fliers and 26,000 posters, which were hung in breweries and around towns, in order to generate popular resistance towards what they and others had begun calling chemical beer (*Chemiebiere*) and advocating for ‘pure beer’. The claim was discursive more than anything else; the list of named offenders on the ballot effectively made monsters out of naturally occurring substances: ascorbic acid (vitamin C), tannins (bittering agents) and proteolytic enzymes (which breakdown protein molecules). Still, in a public spectacle event, the ArB delivered over 200,000 of these ballots to the Federal Minister of Health Käthe Stöbel. Moved by the outpouring of public support, she joked that her defence of ‘pure beer’ would be for all Germans, and not just because she was a Nuremberger or a Bavarian.⁶¹ Stöbel had become a major advocate of public health and consumer protection and, as she had in the case of tobacco in years past, she repeatedly advocated for a combination of oversight and clear information, on the one hand, and cultural transformation, on the other.⁶² This in part

⁵⁹ Simon Bulmer, *The Domestic Structure of European Community Policy-Making in West Germany* (London: Routledge Revivals, 2016, orig. 1986), 299–333.

⁶⁰ ‘Zur Angleichung der Rechtsvorschriften für Bier im Gemeinsamen Markt’, Oct. 1970 report by the German Brewers’ Association, BAK B 189/10312.

⁶¹ ‘200,000 Stimmzettel in 10 Bierfässern. Plebiszit über die Reinheit des Bieres: “Akt verantwortungsbewußten Bürgersinns”’, *General Anzeiger* 24 Mar. 71.

⁶² Christian Sammer, ‘Die “Modernisierung” der Gesundheitsaufklärung in beiden deutschen Staaten zwischen 1949 und 1975: Das Beispiel Rauchen’, *Medizinhistorisches Journal*, 50, 3 (2015), 274–6.

explains why Strobel so actively embraced a public role, joining forces with industrial and consumer interests to oppose the harmonisation proposal.⁶³

Minister Strobel came to spearhead the publicity campaigns for the *Reinheitsgebot*, appearing on television and at press events to taste 'pure beer' and talk about consumer protectionist virtues. But she was not alone in a wave of mass mediatisation. Current and former Federal Ministers of Nutrition and Agriculture Josef Ertl and Hermann Höcherl, also both Bavarians, launched public campaigns, defending 'pure beer', railing against additives, and advocating for consumer protection. Höcherl, for example, appeared in a late 1970 television public service announcement in which he spoke to West German consumers about the various chemicals that were included in 'unpure' foreign beers. Speaking directly into the camera, a glass of German beer in front of him, he explained that the ten laboratory vials surrounding him contained various dangerous and risky ingredients not permitted under the *Reinheitsgebot*. He concluded that, 'for me, beer adulterated with chemicals is an abomination!'⁶⁴ Beyond the advocacy of political notables, perhaps the single largest media push came from the brewing industry which, by 1971, had patched up north-south divisions enough to launch a nationwide public relations campaign to make the *Reinheitsgebot* a shared German touchstone. Their 1971 platform claimed that, 'Since time immemorial' (*seit eh und je*) the *Reinheitsgebot* was the law of the land. The ad appeared in more than 150 newspapers that reached an estimated two-thirds of West German households. It was also the basis of television ads that reached over sixteen and a half million West German homes. By 1972, the West German brewing industry estimated that the multiplatform campaign had reached 96 per cent of the West German adult population.⁶⁵

'Since time immemorial' was a bold claim indeed. The *Reinheitsgebot* had only moved outside of Bavaria at the turn of the twentieth century and was embattled at that, and the final act of the *Süßbierstreit* had only closed in 1965. To some critical observers, like the West German weekly *Der Spiegel*, the play was legible as little more than a business strategy – capital interest disguised as consumer protection.⁶⁶ And surely it was that; but it also had lasting effects on West German perceptions of their beer and their place in an integrating Europe. Under the combined legislative and mass political pressures, West German delegates in the European Council vetoed the 1970 harmonisation proposal. By 1973, and a few versions of the proposal later, the process had stalled out completely. In May of that year, Strobel's ministry representative to the EEC, Dr. Nickels, hit the nail on the head with a rarely present critical tone, noting that the brewing industry had succeeded in making the 'so-called *Reinheitsgebot*' into a 'sacred cow' by 'popularising it amongst the people, the federal parliament and the federal council'.⁶⁷ Further amendments were made in the European Council, but by 1975 the plan was officially withdrawn because the West Germans were completely unwilling to compromise on their newfound commitment to beer purity.

Conclusion

Locating the *Reinheitsgebot* in the entangled regional, national and international political economies of the boom years reveals how capital interests became consumer protectionism, and how a provincial peculiarity became a national crusade. The claim 'since time immemorial' was a claim of timelessness and purity that energised a collective past that never was. It was an appropriation of regional peculiarity into an ahistorical national hallmark that was particularly well-suited to the postwar condition. The discourse of 'pure beer' was relatively new, displacing earlier conflicts over 'real beer' and, crucially, it was not initially a shared national language. The very idea of 'pure beer' participated in

⁶³ 'Für Beibehaltung des Reinheitsgebotes', *Gesundheitspolitik aus erster Hand* Nr 17 (19 May 1969), BAK B 189/1481.

⁶⁴ *Bayerische Bier-Illustrierte* no. 1 (1971), 14.

⁶⁵ Bayerischer Brauerbund e.V. *Geschäftsbericht* 1971/72, 77–9.

⁶⁶ 'Bier/Reinheitsgebot – Leer und pappig', *Der Spiegel* 15, 1971, 49.

⁶⁷ 17 May 1973, memorandum, BAK B 189/10311. Nickels had been a critical voice for some time. See, for example, his early assessment in: 12 May 1969, Dr. Nickels Vermerk, II B6 – 49 780 – 6250/69. Betr. Angleichung der Rechtsvorschriften über Bier in Brüssel, Fragestunde am 13/14 Mai 1969, BAK B 189/1481.

longer conflicts over food purity and adulteration while also resonating with the Cold War politics of consumer protection that came to associate material goods with collective identity. The transformation of the *Reinheitsgebot* from a Bavarian peculiarity to a West German icon illuminates not just the persistence but also the transformative force of provincial politics and cultures.

The case of the *Reinheitsgebot* reveals how longstanding provincial differences in industry, law and culture could shape the nation in an increasingly integrated Europe. In that way it resonates with the recent call by Frank Biess and Astrid Eckert to construct narratives that take into consideration both international entanglement and those facets that remain distinctly German.⁶⁸ Here, what is, or rather became, distinctly national emerged from the periphery, mainstreamed into the repertoire of German cultural and commercial sentiments largely as a result of major structural shifts, including division and, especially, market integration. And it proves difficult to imagine that the case of Bavaria and beer would be alone in this. In a history of coal, we might look to the Rhineland in general, and the Ruhr in particular, and consider the ways that the longstanding industry there navigated and shaped division, West German market regulations and the earliest phases of European integration. This would be a history of Germany as a provincial nation – a place shaped by regional peculiarities and myriad entanglements of scale. The same is undoubtedly true of East Germany too, and we know that local and regional identities there also informed and transformed cultural and political identities.⁶⁹ But, as the case of the *Reinheitsgebot* suggests, such transformations were at least as dependent on provincial and non-German entanglements as on inter-German ones.

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⁶⁸ Frank Biess and Astrid M. Eckert, ‘Introduction: Why Do We Need New Narratives for the History of the Federal Republic?’, *Central European History*, 52, 1 (2019), 1–18, esp. 10–11.

⁶⁹ Jan Palmowski, *Inventing a Socialist Nation: Heimat and the Politics of Everyday Life in the GDR, 1945–1990* (Cambridge: Cambridge University Press, 2013).