

Edmund Burke's German Readers at the End of Enlightenment, 1790-1815

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September 2017

This dissertation is submitted for the degree of Doctor of Philosophy.

Declaration

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It does not exceed the prescribed word limit for the Faculty of History Degree Committee (80,000 words).

Statement of Word Count: This dissertation comprises 79,363 words.

Acknowledgements

Writing this dissertation was a challenge, and I am immensely grateful to the many friends and colleagues who helped me see it to completion. Thanks first of all are due to William O'Reilly, who supervised the start of this research during my MPhil in Political Thought and Intellectual History (2012-2013), and Christopher Meckstroth, who subsequently oversaw my work on this thesis. More broadly I am grateful to the members of the Cambridge Political Thought group, who taught me what the history of political thought is, how to do it, and why it matters. I am especially indebted to Duncan Kelly and Isaac Nakhimovsky, whose 2013 course on Istvan Hont's 'history of the history of political thought' was extremely helpful for placing my own reading of Burke's reception within the discipline's wider historiography, and to the faculty members who advised my research informally: John Robertson, Michael Sonenscher, Sylvana Tomaselli, and Joachim Whaley.

Outside of Cambridge, my research brought me into contact with the small (but growing!) cohort of scholars interested in Burke's German protégés. Richard Bourke (Queen Mary, University of London), Raphaël Cahen (Marseilles), Benedikt Koehler (London), Günther Kronenbitter (Augsburg), and Iwan Michaelangelo-d'Aprile (Potsdam) offered helpful advice and suggestions at various stages of the project. Christopher Clark (Cambridge), Ian Crowe (Burke Society of America), Paul Kerry (Rothermere Institute, Oxford), Klaus Ries (Jena), and Michael Rohrschneider (Cologne) generously invited me to present my research at their workshops and seminars. During my time at the *Universitäts- und Stadtbibliothek Köln*, Hermann-Joseph Eschbach helped me to navigate Gentz's *Nachlass*, and Marlis Herterich (widow of the Gentz researcher Günter Herterich) was kind enough to share some of her late husband's archival findings with me; my thanks to both of them.

Most of all, I am thankful for the Cambridge graduate students, JRFs, and friends who helped me along the way. William Boyce, Hunter Davis, Freddy Foks, Michael Mascindaro, Tom Pye, and Paul Wilford all read chapters in various stages of drafting. Tom Arnold-Forster, Michael Breidenbach, Greg Conti, Ben Hand, Emily Jones, Rhys Jones, Charlotte Johann, Andrew McKenzie-McHarg, Lucian Robinson, Ben Slingo, James Stafford, Hanna Weibye, and Sam Zeitlin offered encouragement and advice throughout the writing process. Whatever merits this dissertation has, it would have been far more imperfect without their help.

For my parents

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We shall have to think away distinctions that seem to us as clear as the sunshine; we must think ourselves back into a twilight.

– F.W. Maitland¹

¹ F.W. Maitland, *Township and Borough* (Cambridge: Cambridge University Press, 1898), p. 11.

Chapter 1: Introduction

I. Zisca's drum

Shortly before he died, Edmund Burke (1730-1797) begged to be forgotten. By 1796, he was arguably the most famous politician in England. Over the last decades of his life, Burke had made his name as one of Parliament's most jealous defenders of the British Constitution – a vociferous opponent of royal prerogative, a critic of ministerial corruption in the Empire, a friend of American Independence and the cause of religious toleration, and, in recent years, Europe's most famous (or infamous) denunciator of the French Revolution. But now, at the end of his life, Burke wished only to be left in peace. 'Why will they not let me remain in obscurity and inaction?' he complained of his relentless critics:

Are they apprehensive, that if an atom of me remains, the [revolutionary] sect has something to fear? Must I be annihilated, lest, like old John Zisca's, my skin might be made into a drum, to animate Europe to eternal battle, against a tyranny that threatens to overwhelm all Europe, and all the human race? ...
'Leave me, oh leave me to repose!'¹

In the years and decades after his death in July 1797, his compatriots were largely obliging. For a brief period, he was eulogized in the British press as a talented orator and a historically significant figure; his erstwhile colleagues recalled his fiery personality and his strength of principle; and posthumous writers debated the alleged 'inconsistencies' of his career.² But afterwards, he was set aside. No political party took up Burke's mantle in the years after his death, and early nineteenth-century political theorists roundly ignored him (presumably on the grounds that an 'inconsistent' mind like Burke's would not reward careful scrutiny).³ As

¹ Burke, *Letter to a Noble Lord* [Feb. 1796]; in *The Writings and Speeches of Edmund Burke* [hereinafter *W&S*], ed. Paul Langford et al., 9 vols. (Oxford: Clarendon Press, 1970-2015), vol. 9, pt. 1, pp. 145-87, at pp. 147-8, italics removed from orig. Burke alludes here to the Hussite general Jan Žižka (1360-1424) who, according to legend, ordered that if killed, he was to be flayed and his skin made into a drum so that he could continue inspire his army in battle. Burke's plea for 'repose' is a quotation from Thomas Gray's *Descent of Odin* (1768).

² This question of 'consistency' was the leitmotif of Burke's first biography: see Robert Bisset, *Life of Edmund Burke...*, 2 vols. (London: Cawthorn, 1798).

³ Cf. James Sack, 'The Memory of Pitt and the Memory of Burke: English Conservatism Confronts its Past, 1806-1829', *The Historical Journal*, vol. 30, no. 3 (Sept., 1987): pp. 623-40; Stefan Collini, Donald Winch, and John Burrow, *That Noble Science of Politics: A Study in Nineteenth-Century Intellectual History* (Cambridge: Cambridge University Press, 1983), *passim*. Burke had admirers

Emily Jones has recently shown, it was not until the 1880s and '90s – amidst heated debates over Irish Home Rule and in the face of a growing socialist movement – that Burke's Tory-Unionist admirers christened him the founder of modern conservatism, a label he still wears today.⁴

If it took nearly a century for Burke to regain relevance in Britain, his canonization in America was even more belated. Though he was sporadically invoked by nineteenth-century politicians to warn of the dangers of revolutionary violence, this did not amount to a confrontation with his ideas: before the Cold War, Burke was more a badge to be worn than a mind to be understood.⁵ This changed in the 1940s, when an enterprising coterie of anti-communists, neo-Thomists, and Christian traditionalists – America's so-called 'new conservatives'⁷ – discovered Burke and situated him as the founder of their shared creed.⁶ For Russell Kirk, Peter Viereck, and Frances Canavan, Burke's campaign against the politicized atheism of the French revolutionaries paralleled their own war against the threat of Stalinism abroad and, more subtly, of moral exhaustion and ennui at home.⁷ This Cold War reception forced political scientists to circle back to Burke's thought, in an effort to make sense of the new conservatives who imagined themselves his progeny. Like their Victorian predecessors, American thinkers like Samuel Huntington soon uncovered a stable 'Burkeian ideology' of conservatism – a coherent philosophical tradition stretching from the 1790s to the present.⁸

On the European mainland as well, there failed to materialize any serious reception of Burke's political thought in the early-nineteenth century. His political thought was attractive

among the English Romantics, but here his influence was aesthetic, not political: on this reception, see Alfred Cobban, *Edmund Burke and the Revolt against the Eighteenth Century: A Study of the Political and Social Thinking of Burke, Wordsworth, Coleridge and Southey* (London: Allen & Unwinn, 1929).

⁴ Emily Jones, *Edmund Burke and the Invention of Modern Conservatism, 1830-1914: A British Intellectual History* (Oxford: Oxford University Press, 2017). For Burke's dogged association with conservatism, see, e.g., Corey Robin, *The Reactionary Mind: Conservatism from Edmund Burke to Sarah Palin* (Oxford: Oxford University Press, 2011); Jesse Norman, *Edmund Burke: The First Conservative* (New York: Basic Books, 2013).

⁵ Drew Maciag, *Edmund Burke in America* (Ithaca, NY: Cornell University Press, 2013), chs. 2-8.

⁶ On this episode, see Seamus Deane, 'Burke in the United States', in *The Cambridge Companion to Edmund Burke*, ed. David Dwan and Christopher Insole (Cambridge: Cambridge University Press, 2010), pp. 221-33; on the new conservatism, cf. Mark Henrie, 'Understanding Traditionalist Conservatism', in *Varieties of Conservatism in America*, ed. Peter Berkowitz (Stanford, CA: Hoover Press, 2004), pp. 3-30

⁷ On liberal exhaustion, see, e.g., Russell Kirk, *The Conservative Mind: From Burke to Santayana* (1953), 7th ed. (Chicago: Regnery, 2001) pp. 3-4, 462.

⁸ Samuel Huntington, 'Conservatism as an Ideology', *American Political Science Review*, vol. 51, no. 2 (June, 1957): pp. 454-73, at p. 456. Cf. Gordon Lewis, 'The Metaphysics of Conservatism', *Western Political Quarterly*, vol. 6, no. 4 (Dec., 1953): pp. 728-741; Clinton Rossiter, *Conservatism in America* (New York: Knopf, 1955); Louis Hartz, *The Liberal Tradition in America* (1955), 2nd ed. (New York: Harcourt, 1991).

to isolated French thinkers, to be sure. Liberals like Constant, Staël, Guizot, and Tocqueville saw his anti-revolutionary Whiggism as a potential *via media* between the anarchic principles of 1789 and the absolutism of the post-1815 Bourbon regime.⁹ Ultramontane writers such as Bonald and Maistre, similarly, were taken by his trenchant critique of the Jacobins' heretical, pathological irreligion.¹⁰ But in neither context did their engagements with Burke cohere into a sustained debate about the meaning of his politics, or lead to anything like a self-conscious Burkean school.¹¹ French Ultramontanes – indeed, Catholic counter-revolutionaries across Europe – were sober enough to see the vast distance that separated their absolutist political theology from Burke's latitudinarian Anglicanism.¹² For the *Doctrinaires*, meanwhile, Burke was something of a poisoned chalice: if he were a useful interlocutor in private, his heated anti-French polemics made them reticent to identify with Burke publicly. As a result, while assorted European thinkers recognized his importance for coming to terms with the legacy of the Revolution, early engagement with his thought were solitary; their debates, subterranean.

The one exception to this rule – the one context in which Burke's political writings were met with a robust, vibrant, and sophisticated reception in the early-nineteenth century – was Germany. Throughout the 1790s and into the 1800s, as German political writers sought to come to grips with the origins, character, and meaning of the Revolution across the Rhine, they turned to Burke. Unlike in Britain, where internecine party-political disputes about his 'consistency' forestalled any posthumous reception, these German readers approached Burke from a certain critical distance. From their perspective, his *Reflections on the Revolution in France* (1790) read as a broadly philosophical analysis of the revolutionaries' errors, rather than an intervention into a more local parliamentary controversy.¹³ Soon after its publication,

⁹ C.P. Courtney, 'Burke and the Writings of Benjamin Constant', in *The Reception of Edmund Burke in Europe*, ed. Martin Fitzpatrick and Peter Jones (London: Bloomsbury, 2017), pp. 105-124; Robert Gannett, *Tocqueville Unveiled* (Chicago: University of Chicago Press, 2003), pp. 57-65; Biancamaria Fontana, *Germaine de Staël: A Political Portrait* (Princeton, NJ: Princeton University Press, 2015), pp. 65ff; Michael Drolet, 'Carrying the Banner of the Bourgeoisie: Democracy, Self and the Philosophical Foundations of François Guizot's Historical and Political Thought', *History of Political Thought*, vol. 32, no. 4 (winter 2011): pp. 645-90, esp. pp. 655-59.

¹⁰ Rod Preece, 'Edmund Burke and his European Reception', *The Eighteenth-Century*, vol. 21, no. 4 (autumn, 1980): pp. 255-73.

¹¹ Norbert Col, "'The climacteric event in our history": Aspects of Burke's reception in France', in *Burke in Europe*, pp. 125-48.

¹² See Carolina Armenteros, *The French Idea of History: Joseph de Maistre and his Heirs, 1794-1854* (London: Cornell University Press, 2011), which dispatches with the idea that Burke was 'Maistre's intellectual mentor' at p. 11; cf. J.C.D. Clark's 'Introduction' to Burke, *Reflections on the Revolution in France*, ed. J.C.D. Clark (Stanford, CA: Stanford University Press, 2001), pp. 23-111, at pp. 106-108

¹³ Burke, *Reflections on the Revolution in France and on the Proceedings of Certain Societies in London relative to that Event* (London: Dodsley, 1790). In the following, I cite from J.C.D. Clark's

a robust network of journals and magazines ferried his ideas across the Holy Roman Empire, sparking a robust, long-running debate about how the *Reflections* should be understood, whether its arguments were persuasive, and what its principles meant for German politics. Reflecting back on this process of interpretation and appropriation, Friedrich Schlegel (1772-1829) recalled how

... for all of Europe – and for Germany especially, judging from its fruitful employment [of his ideas] – that great statesman and orator Burke became a new light of political wisdom and moral understanding ..., a salvation for an age that had been carried away by the storms of the Revolution, [which] was encroaching deeper and deeper into the inner essence of states....¹⁴

The German ‘employment’ of Burke was indeed ‘fruitful’. In scrutinizing the philosophical roots of the *Reflections* and debating its implications for the future of Germany, his admirers produced a series of commentaries on his thought that were rich, nuanced, and sophisticated. In the early-nineteenth century, it became a common boast in Germany that it was here, not Britain, that Burke’s anti-revolutionary worldview had been elaborated in all its fullness. ‘We have translated, understood, and incorporated [Burke’s] works into our moral sciences; we have written, built, and lived wholly within the spirit of his works’, bragged the political economist Adam Müller (1779-1829). ‘I say with pride, he belongs to us more than the British. ... However effective his deeds on behalf of Great Britain may have been, his praises truly belong in the German sphere’.¹⁵

Debates about the meaning of Burke’s worldview included thinkers from across the German states and from a diverse set of backgrounds. In Göttingen, the Hanoverian civil servants Ernst Brandes (1758-1810) and August Wilhelm Rehberg (1757-1836) were among his earliest and most ardent defenders. In 1793, the translation of his *Reflections* by Friedrich Gentz (1764-1832), a Prussian bureaucrat and aspiring publicist, led nearly all of Germany’s most prominent philosophers and political thinkers to engage with Burke’s arguments in the coming years – Georg Forster (1754-1794), Christian Garve (1742-1798), Wilhelm von Humboldt (1767-1835), Johann Gottlieb Fichte (1762-1814), Immanuel Kant (1724-1804), Friedrich Schiller (1759-1805), and Friedrich Schleiermacher (1768-1834). From Jena, early Romantic writers like Novalis (1772-1801) and August Wilhelm Schlegel (1767-1845) were

critical edition (Stanford, CA: Stanford University Press, 2001), but have also consulted the notes in J.G.A. Pocock’s edition (Indianapolis, IN: Hackett, 1987) and in *W&S*, vol. 8, pp. 53-293.

¹⁴ Schlegel, *Geschichte der alten und neuen Literatur: Vorlesungen, gehalten zu Wien im Jahre 1812* (Berlin: Athenaem, 1841); in *Kritische Friedrich-Schlegel-Ausgabe*, ed. Ernst Behler et al., 35 vols. (Munich: Schöningh, 1958-2002), vol. 6, pt. 1, at p. 351.

¹⁵ Müller, *Vorlesungen über deutsche Wissenschaft und Literatur* (1806); in *Kritische, ästhetische und philosophische Schriften*, ed. Walter Schroeder and Werner Siebert, 2 vols. (Berlin: Luchterhand, 1967), vol. 1, pp. 11-137, at pp. 101-2.

captivated by the *Reflections*' eloquence, artistry, and sheer rhetorical power. Inspired in part by his conversations with these early Romantics, Müller came to believe that Burke – ‘the last prophet to appear on this disenchanted earth’¹⁶ – held the key to a post-revolutionary theory of state and society, which he enthusiastically laid out over the 1800s and ’10s.

As these German theorists wrestled with Burke, the world around them was changing rapidly. In 1781, Kant’s revolutionary first *Kritik* sparked a series of debates over the nature of moral and political liberty, debates which deeply influenced German discussions of Burke and the Revolution. As Kant spelled out the implications of his metaphysics throughout the 1790s, it became tempting to see the Revolution as a concrete instantiation of his new theory of liberty.¹⁷ As such, debates on the Revolution often revolved around Kant. In this context, the *Reflections* appeared not merely as a political analysis of where France had gone awry, but as a philosophical weapon with which to battle the Revolution’s Kantian defenders. It fell to Burke’s German students to bring his thought into dialogue with the sea-changes in metaphysics that were occurring in their day. The question of how to relate Burke and Kant became a recurrent feature of their interpretive debates.¹⁸

At the same time, tumultuous social and political change within Germany and across Europe gave these theoretical debates a sense of profound gravity.¹⁹ In the twenty-five years between the publication of the *Reflections* and the Congress of Vienna, the German churches were shaken to their roots. Kant’s critique of revelation forced Lutherans and Catholics alike to reexamine their respective Church’s theologies. The rapid rise of commerce and industry led capital and labor to flow into Germany’s cities, causing depopulation and economic decline in the countryside. Led by Prussia, many of the German states attempted to liberalize their economies in the 1800s by abolishing manufacturing guilds and serfdom, curtailing noble privileges, and encouraging the free movement of capital. Political reformers likewise sought to modernize territorial constitutions and streamline their often-bloated bureaucracies. These internal vicissitudes coincided with the Germanies’ humiliating subjugation by

¹⁶ Müller, *Ueber König Friedrich II und die Natur, Würde und Bestimmung der preussischen Monarchie* (Berlin: Sander, 1810), p. 52.

¹⁷ Reidar Maliks, *Kant’s Politics in Context* (Oxford: Oxford University Press, 2014); Frederick Beiser, *Enlightenment, Revolution and Romanticism: The Genesis of Modern German Political Thought* (Cambridge, MA: Harvard University Press, 1992).

¹⁸ In international perspective, Kant’s centrality to German debates about the Revolution was something of an anomaly: in Scotland, for instance, neither Hume nor Smith figured as substantial lenses for understanding or criticizing the Revolution. See Anna Plassart, *The Scottish Enlightenment and the French Revolution* (Cambridge: Cambridge University Press, 2015).

¹⁹ For this context, see Joachim Whaley, *Germany and the Holy Roman Empire*, 2 vols. (Oxford: Oxford University Press, 2012), vol. 2, pp. 447-556.

Napoleon and the traumatic destruction of their thousand-year-old Holy Roman Empire in 1806. Were these political and economic transformations liberating? Or were they corroding the social bases of German society, setting it down a dangerous path toward the dystopian *liberté* of their French neighbors? Interpretive debates on Burke turned on combatants' respective attitudes toward these rapid processes of religious, social, and economic change.

All of Burke's interpreters agreed that his *Reflections* was the definitive critique of, and antidote to, the French revolutionaries' ideology. What was less clear, however, was how to *translate* this critique into their unique German context, politically and philosophically. To mediate the gap between Burke's Britain and their own society, his students were obliged to identify what they took to be the *Reflections*' central insights, to set out an interpretive lens through which to read these insights, and to spell out their practical political implications for Germany. This process of exegesis meant that his readers had to look beyond Burke's narrow policy arguments and locate the more basic principles and historical vision that animated them. Recent studies of Adam Ferguson and William Robertson's receptions have illustrated how radically this process of exegesis and assimilation transformed British political theorists upon their arrival in Germany, and how elastic contemporary translations of British political texts were.²⁰ By the 1790s, the norms of professional translation allowed interpreters wide latitude to 'improve' the work before them. Often – as in the case of Burke – this was taken as license to co-opt a text to an interpreter's own ends.

Efforts to translate Burke's ideas into a German vernacular were further complicated by his insistence on the contextual and historical character of political discourse. Repeatedly in the *Reflections*, he attacked the 'metaphysical' conceit that abstract and universal claims about justice were politically intelligible. Constitutional principles could not be extracted from one context and applied in another without doing violence to their integrity. This presented his German students with a problem. Was repurposing his critique of the French Revolution and defense of the British Constitution for their own purposes not to fall into precisely the form of unhistorical politics that Burke had attacked? His German interpreters

²⁰ Fania Oz-Salzberger, *Translating the Enlightenment: Scottish Civic Discourse in Eighteenth Century Germany* (Oxford: Clarendon Press, 1995); László Kontler, *Translations, Histories, Enlightenment: William Robertson in Germany, 1760-1795* (London: Palgrave Macmillan, 2014). For a précis of Oz-Salzberger's argument – that Ferguson's attempt to square republican liberty and commercial society was distorted beyond recognition upon its arrival in Germany – see her essay on 'Scots, Germans, Republic and Commerce', in *Republicanism: A Shared European Heritage*, ed. Martin van Gelderen and Quentin Skinner (Cambridge: Cambridge University Press, 2009), pp. 197-226. Cf. also Sophus Reinert *Translating Empire: Emulation and the Origins of Political Economy* (Cambridge, MA: Harvard University Press, 2011); Jennifer Willenberg, *Distribution und Übersetzung englischen Schrifttums im Deutschland des 18. Jahrhunderts* (Munich: Sauer, 2008).

were keenly, indeed painfully, aware of the distance between their own political situation and his; they were under no illusions that his policy preferences were applicable in their own context in any immediate sense. Burke's Britain was a unitary state with a mixed constitution, a limited monarch, a national Church, a liberal culture of toleration, and highly developed networks of commerce and trade. Germany was a loose collection of city-states, principalities and episcopates, each of which was governed by its own unique constitutional settlement as well as the constitution of the Holy Roman Empire. Its economy was largely agrarian; hierarchical relations between feudal landholders and serfs were well-entrenched; and civil liberties varied drastically across the Empire. If Burke were to be made applicable to this very un-British context, his readers saw that they would need to take a good deal of interpretive license: they would need to look past the letter of his arguments to the spirit that undergirded them. In so doing, they hoped to steer their own society past the cataclysm had befallen France.

II. Prospectus

Despite Burke's importance to Anglo-American political theorists and historians of political thought, they have long ignored, or else been unaware of, his robust reception in Germany.²¹ To the extent that Burke scholars *do* acknowledge his German protégés, they are often quick to deny them any claim to his mantle. This move is often implicitly partisan, meant to protect the purity of an Anglo-American conservative tradition against a morally suspect continental one. Thus for Rod Preece, 'Burke's influence – in the sense of convincing his audience to accept his philosophy – was negligible because he was not understood in Europe.'²² J.C.D. Clark likewise looks askance at 'the anti-libertarian, holistic views of order and authority with which German admirers wrongly associated Burke'.²³ But this skepticism is question-begging, insofar as it has allowed Burke scholars to ignore his German reception by claiming there is little to be learned from it. It takes as a premise what can only fairly be asserted as a conclusion.

The goal of this dissertation is to begin to fill this scholarly gap – to reconstruct and set out the interpretations of Burke that were assembled in Germany during the Revolution and Napoleonic Wars. It centers on Burke's three most incisive and influential interpreters:

²¹ But cf. László Kontler, 'Varieties of Old Regime Europe: Thoughts and Details on the Reception of Burke's *Reflections* in Germany', in *Burke in Europe*, pp. 313-329.

²² Preece, 'Burke and his European Reception', p. 256.

²³ Clark, 'Introduction' to Burke, *Reflections*, ed. Clark, pp. 23-111, at p. 106.

August Wilhelm Rehberg, Friedrich Gentz, and Adam Müller. It was their writings that provided the main conduits through which Burke's ideas entered the bloodstream of German discourse. Even for specialized historians of political thought in this period, these German Burkeans can seem somewhat obscure, dwarfed in comparison to their better-known interlocutors: Kant, Fichte, Humboldt, Schelling, Schleiermacher, Schlegel. But in their own day, Rehberg, Gentz, and Müller were among Germany's most prominent political theorists, leading the philosophical charge against the Revolution and its consequences.

As we will see in Chapter 2, a longstanding historiographical tradition in Germany, stretching from the early-twentieth century to the present, has situated Rehberg, Gentz, and Müller as the leaders of a counter-revolutionary backlash against Enlightenment. Beginning with Friedrich Meinecke, this tradition claimed that, if Burke was the first and greatest critic of Enlightenment – setting out an essentially negative case against the liberal, cosmopolitan, and secular values of the eighteenth century – his German admirers were the first to theorize a positive vision of a *post*-enlightened politics. Amalgamating Rehberg, Gentz, and Müller into an ideological axis variously described as 'conservative', 'Romantic', or 'nationalist', this scholarship painted them as the partisans of tradition over reason, realism over idealism, and nationalism over individualism. They thus formed a bridge between Germany's conservative reaction to the Revolution, and the eventual rise of the Bismarckian nation-state. Though this story was modified and refashioned over the twentieth century, its fundamental premise – that Rehberg, Gentz, and Müller were to be seen as ideologically-united allies in a common campaign against Enlightenment – has remained largely unchallenged to the present day.

In reexamining these figures in the chapters below, my dissertation seeks to bring this historiography into question. What the conventional narrative misses is that Burke's German students did not construct a single, hegemonic alternative to Enlightenment. Rather, they devised a variety of *competing*, often incompatible, visions of post-revolutionary politics, rooted in fundamentally divergent readings of Burke. It is misleading to claim that Rehberg, Gentz, and Müller were members of an ideologically-uniform political axis: indeed, it would be more accurate to call them rivals.²⁴ While they all shared a mutual admiration for Burke, they disagreed – publicly, explicitly, and sharply – over how to interpret the *Reflections*, and

²⁴ This conflation is not, however, a wholly modern phenomenon: in a 1796 letter, Gentz complained that 'the men of our day don't have the impartiality to grasp ... that one can translate, interpret, and praise Burke without absolutely endorsing every single line he ever wrote.' See Gentz to Böttiger, 21 Dec 1796, in *von und an Friedrich von Gentz*, ed. F.P Wittichen, 3 vols. (Berlin: Oldenbourg, 1909), vol. 1, pp. 223-5, at p. 225.

over what its lessons meant for their own context. To understand the ways in which they read Burke, we must set aside the interpretive categories that twentieth-century scholars affixed to them: conservatism, Romanticism, historicism. These anachronistic labels occlude what was a deeply contested point of debate among Burke's followers: *how* – through which analytical lens – should the *Reflections* be read? In the 1790s, the answer to this question was not clear. Where, exactly, did the crux of Burke's argument lie? In his defense of established property, law, and government? In his critique of overconfident metaphysicians? In his indictment of atheism and irreligion? The *Reflections* was not (and is not) a simple book, and it did not (and does not) admit of simple answers. To take these questions seriously again, we must read Rehberg, Gentz, and Müller not through the lens of later developments, but from within their own conceptual categories, using the ideas and arguments that were available to them in their own day. This, in turn, opens up the richness, diversity, and profound contingency of Burke's reception.

Chapter 3 begins with the skeptical, Humean interpretation of the *Reflections* set out by Rehberg in the early 1790s. It begins by resituating him within the intellectual and social milieu of his native Hanover. For Rehberg and his compatriots, the British Constitution was a source of inspiration for many decades before the Revolution. Its careful balance of power between Crown and Parliament seemed a model for how to curtail absolutism in Germany, and Burke's pre-revolutionary arguments in defense of this Constitution were an object of intense study. Rehberg's engagement with the *Reflections* was shaped by his early study of Hume. In the course of the *Pantheismusstreit* of the 1780s, he rejected both the traditional rationalism of Leibnitz and Wolff, as well as the moral philosophy of Kant's critical idealism. Like Hume, Rehberg argued that morality and justice were not divine directives or *a priori* principles of practical reason, but historically-contingent human achievements. Like Hume, Rehberg also believed that the rise of political 'opinion' had been a crucial step on the path to modern British liberty, displacing theological certitudes, metaphysical theories of justice, and the sectarianism they fostered. Throughout the early 1790s – in a series of reviews of Burke's anti-revolutionary works, in debates with his contemporaries, and in his *Untersuchungen über den französischen Revolution* (1793) – Rehberg co-opted Burke in order to defend this modest, anti-foundationalist vision of liberty, in contrast to the revolutionaries' enthusiastic, illiberal politics. Highlighting Burke's critique of those metaphysicians who rode roughshod over custom, prerogative, and opinion, Rehberg depicted the Revolution as a recrudescence of religious dogmatism, deceptively representing itself as its opposite. This critique brought him into conflict with Kant, whose metaphysics, in his view, formed the most cogent case for

the universalizing ideology that animated the Revolution. For Rehberg, in other words, Burke framed a debate between Kantian idealism and Humean skepticism – between metaphysics, enthusiasm, and dogmatism on the one hand, and the skeptical, irenic liberty of the British Constitution on the other.

Chapter 4 turns to the starkly divergent interpretation of the *Reflections* defended by Burke's translator, Gentz.²⁵ A student of Kant in the 1780s, Gentz maintained an allegiance to his teacher's liberal idealism – his intellectual 'foster mother' *⟨Pflegetmutter⟩*, he called it²⁶ – throughout his life. This disposed him to a very different reading of Burke than Rehberg's. In his 1793 edition of the *Reflections*, Gentz argued that the revolutionaries had gone wrong *not* in trying to theorize and implement the universal rights of man; rather, as Burke saw, their movement failed because they were imprudent, recklessly assuming that *a priori* reason was not only necessary, but entirely *sufficient*, for political practice. Like Kant, Gentz argued that the state is a condition of modern liberty. Attempting to implement the rights of man without taking into account any of the empirical conditions of political order – questions of political economy, constitutionalism, statecraft, and diplomacy – the revolutionaries' crusade had led not to justice, but to the injustice of an anarchic state of nature. In his translation, Gentz used Burke to outline a counter-model of how the dictates of practical reason could be reconciled with the conditions of political stability – one in which theory and practice, the demands of reason and the exigencies of real politics, were brought into alignment. Subsequently, in a series of books and articles throughout the late 1790s, Gentz again used Burke to articulate a principled critique of Sieyès's vision of popular constitutionalism, and to outline the case for intervention against the revolutionary government. Across these various engagements, Gentz insisted that political prudence *⟨Klugheit⟩*, a kind of Aristotelian judgment that he associated with Burke, was a necessary condition for the realization of Kant's normative ideals. In order to realize the rights of man in practice and to secure a just international peace, he argued, it was imperative that Kantian principles be paired with the sort of practical, sober approach to political reality that Burke embodied, and which was necessary for mediating the daunting gap between theory and practice.

²⁵ Ch. 3, secs. 1-3 draws on researches previously conducted towards the completion of my MPhil in Political Thought and Intellectual History (University of Cambridge, 2012-2013). The result of this research was published in two articles, the content and language of which overlaps in part with these three sections: Jonathan Green, 'Friedrich Gentz's Translation of Burke's *Reflections*', *The Historical Journal*, vol. 57, no. 3 (Sept. 2014): pp. 639-59; idem., 'Fiat Iustitia, Pereat Mundus: Immanuel Kant, Friedrich Gentz, and the Possibility of Prudential Enlightenment', *Modern Intellectual History*, vol. 14, no. 1 (2017): pp. 35-65.

²⁶ Gentz to Garve, 5 Mar. 1790, in *Briefe*, vol. 1, p. 156.

Chapter 5 takes up the reading of Burke that Müller articulated in the early 1800s. For Müller, Burke was neither a moral skeptic nor primarily a defender of the inherent dignity of politics; instead, he celebrated Burke for what he saw as his essentially theological critique of liberal subjectivism. Müller began reading and engaging with Burke while Fichte's *Wissenschaftslehre* was at the center of German philosophical discourse. Fichte's claim, which Müller took very seriously, was that Kant's idealism, if pushed to its logical terminus, led to a radical form of intellectual and moral subjectivism. Fichte celebrated this insight, and situated his 'subjective idealism' as a vindication of the new, post-feudal Europe that was being realized in France. But for Müller, Fichte's vision was terrifying. It seemed to herald a dystopian world in which morality and justice had been severed from any objective moorings in nature, history, or God – in which Europe was alienated from all the traditions, customs, and belief systems that had traditionally ordered life and given it meaning. Moreover, for Müller the violence of the Terror seemed to indicate that, if Europe were cleansed of its Christian heritage, political order would itself be fragile and tenuous. The central question that framed Müller's interpretation of Burke, therefore, was: In a post-revolutionary world of deracinated individuals, cut off from the religious certitudes of past generations, could man be reunited with nature and with God? Once a society was trapped in the cage of subjectivism, was it possible to escape? In his commentaries on Burke, Müller reached for the idea of 'tradition' as a solution to this paradox. What Burke saw, he argued, was that institutions, customs, and beliefs with deep roots could check the claims of solipsistic reason, precisely because they had the weight of history behind them. In this way, tradition – represented institutionally in the Church and the hereditary aristocracy – could tether a subjectivized world to the moral grounding of past generations. For Müller, in other words, Burke's central insight was that freedom is not enough. If modern liberty was to be stabilized, Europe needed something to be free *for*.

After forensically reconstructing these three thinkers' readings of Burke, Chapter 6 concludes by briefly highlighting the salient differences between them, and by considering the historical processes that led subsequent generations of Germans to conflate them. By the early-twentieth century, it was possible to describe Rehberg, Gentz, and Müller as aspects of a broader 'deutsche Bewegung' against *Aufklärung*. But in setting aside this historiography, a different picture comes into focus, one of a diverse group of thinkers with conflicting views on Enlightenment. Rather than standing at some dramatic historiographical precipice, each of these thinkers used Burke to shepherd their peculiar vision of Enlightenment through the fires of the Revolution, down into the nineteenth century. Rehberg, for instance, turned to Burke to

defend a Humean vision of Enlightenment against Kant's. Gentz, meanwhile, contended for an Anglo-Kantian vision of Enlightenment, over and against what he saw as an abortive, Franco-Kantian axis. For Müller, finally, Burke held the key to redeeming Enlightenment, a strategy for how the autonomous Kantian subject could be resituated within the moral and social architecture of an objective natural and divine order. Taken together, these thinkers illustrate just how *contested* the idea of Enlightenment was in early-nineteenth century Germany – and how contentious Burke's relation to it was.

Chapter 2: *Das Edmund Burke-Problem* in the history of political thought

I. Frieda Braune's Edmund Burke-Problem

The first and only book-length study of Edmund Burke's reception in Germany was written at the University of Heidelberg during the First World War by a doctoral student named Frieda Braune.¹ Entitled *Edmund Burke in Deutschland*, her dissertation was composed under the supervision of Hermann Oncken, a historian of political thought who, like his uncles Wilhelm and August Oncken before him, was a pillar of the liberal-nationalist establishment in the Wilhelmine academy.² The aim of Braune's dissertation was twofold: first, to reconstruct the processes of translation and dissemination through which Burke's anti-revolutionary writings entered the bloodstream of German discourse in the 1790s and 1800s;³ and second, to use this material-textual history to evaluate the philosophical impact of Burke's *Weltanschauung* on the statesmen and writers that he inspired.⁴ Her narrative centered on the four men – Brandes, Rehberg, Gentz, and Müller – who, according to Braune, spearheaded the German counter-revolution. She recounted how, upon reading the *Reflections*, they turned their backs on the Revolution, joined Burke's *résistance*, and began propagating and defending his critique of the revolutionaries throughout central Europe. *Edmund Burke in Deutschland* was thus a collaborative story, an account of how Burke and his German disciples worked *together* to combat the threat of revolutionary ideology. The irony of publishing such an argument in 1917, while her fellow countrymen were locked in a violent war with the British Empire, was not lost on Braune. 'It is of course hard to take pleasure in recalling this once so-fruitful exchange [between England and Germany] when one reflects on the current degradation of the English nation, which has fallen victim to a crass this-worldliness of spirit,' she wrote in her dissertation's preface. 'But the England of

¹ Frieda Braune, *Edmund Burke in Deutschland: Ein Beitrag zur Geschichte des historisch-politischen Denkens* (Heidelberg: Winters, 1917).

² For Oncken's politics, see, e.g., Hermann Oncken, 'Die Idee von 1813 und die deutsche Gegenwart: Eine säkulare Betrachtung', in *Historisch-politische Aufsätze und Reden*, 2 vols. (Berlin: Oldenbourg, 1914), vol. 1, pp. 21-36; cf. Klaus Schwabe, 'Hermann Oncken', in *Deutsche Historiker*, ed. Hans-Ulrich Wehler, 9 vols. (Göttingen: Vandenhoeck & Ruprecht, 1971), vol. 2, pp. 81-97.

³ See Braune, *Burke in Deutschland*, chs. 1-2.

⁴ See *ibid.*, chs. 3-6.

the eighteenth century is not the England of today, and we must not withhold gratitude to the former that which it has bequeathed to us.⁵

Braune's dissertation was a work of careful scholarship and sophisticated philosophical analysis. Yet far from an impartial account of Burke's entry into Germany, it bore clear signs of the ideological moment in which it was conceived. It was predicated on the assumption – quite common among her *fin de siècle* contemporaries – that the character of the British and German peoples had diverged over the course of the nineteenth century. Though they fought as allies in the Revolutionary and Napoleonic Wars, Britain had since degenerated into a philistine society of materialism, avarice, and imperial vainglory. By the outbreak of WWI, the British Empire had become intoxicated by its own wealth and power. Nineteenth-century Germans, by contrast, had drawn on the moral and spiritual resources of their past to establish a progressive, self-confident nation-state, one distinguished by an incredible outpouring of music, art, culture, and philosophy. According to Braune, the root cause of these divergent national trajectories could be traced back to Britain and Germany's different responses to the French Revolution, and above all to Burke.

Burke's campaign against the Revolution, she argued, was fundamentally a philosophical campaign against the rationalism of the French *philosophes* and their allies. The *Reflections* was the first work to perceive and denounce the conceit, incubated in the Enlightenment and enacted in the Revolution, that pure reason – shorn from the inherited particularities of tradition, habit, custom, and circumstance – could furnish a timeless, universal standard of justice against which extant religious, social, and political institutions could be judged. In rejecting the 'Naturbegriff der Aufklärung' (as one of Braune's reviewers put it), Burke dealt a fatal blow to the metaphysics and moral philosophy underpinning the revolutionary state.⁶ If, as he argued, political reason is necessarily time-bound and situational, then the transcendent catalogue of the *droits de l'homme* that the *philosophes* claimed to have uncovered would be an illusion: their cosmopolitan vision of a rational state, a timeless politics, would be a contradiction in terms. Reconstructing France *de novo* according to an abstract vision of political justice, seemed dangerously naïve to Burke. Such an approach would, he predicted, subvert all the customary, contingent institutions that held France together – its monarchy, nobility, established church, and legal system. In this way, the dream of the *philosophes* – to slip the chains of history and establish on the ruins of the

⁵ Ibid., p. vi.

⁶ Alfred Martin, review of Braune, *Burke in Deutschland*, in *Historische Zeitschrift*, vol. 120, no. 3 (1919): pp. 495-99, at p. 496.

ancien régime a universally applicable, rationally defensible constitution – would collapse into a nightmarish anarchy.

For Braune, then, Burke's contribution to the history of political thought was *negative*. The *Reflections* was to be understood as an ideological 'counterforce' ‹*Gegenkraft*› to the deracinated 'cosmopolitanism' of the eighteenth century, and to its un-historical, static vision of human nature.⁷ But in the course of 'his lifelong [battle against] the political consequences of unbridled individualism and ethical materialism', Burke did not set out a positive, prescriptive vision of political order:

State-theories like Sieyès's, which sought to make all peoples happy ‹*beglücken*› through the same [constitutional] means, were just as alien to him as theories like Rousseau's, which sought to dissolve state and society into their [pre-political] atomic particles. He battled both of these extremes with scorn and rage. He would have been better positioned to refute them, perhaps, if he had something positive to set against them. But circumstances led him to place his emphasis on negation.⁸

For Braune, this meant that Burke's worldview was essentially incomplete. While he offered a compelling *cri de cœur* against the 'Gedankenwelt der Aufklärung', he never described the sort of politics that should succeed the revolutionaries' failed experiment: he did not set out an alternative to Enlightenment.⁹ For this reason, Braune believed that the *Reflections* posed a challenge to its readers, both in the eighteenth century and in her own time – namely, to complete Burke's worldview, to spell out the positive implications of his predominantly negative perceptions.

In the early-nineteenth century, Burke's German disciples seized on this question, laying out a robust, grounded, and systematic vision of Burkean politics in the post-revolutionary world. In a telling analogy, Braune described the *Reflections* as a 'spiritual seed' ‹*geistiges Samenkorn*› which 'took root' in Germany and, through the 'cultivation' of Burke's students, matured into a full and vibrant worldview.¹⁰ Burke rejected rationalism out of an instinctual deference to tradition: his German followers were the first historicists. Burke was a critic of individualism: his students were the first communitarians. In this way, by complementing his critique of the revolutionaries' ideology with new, positive vision of politics, the German Burkeans were able to chart a path up from Enlightenment:

Edmund Burke's political wisdom is among the gifts that the German people, then in their political childhood, happily appropriated from the older, more-experienced political nation ‹*Staatsvolk*› [of England]. The German spirit

⁷ Braune, *Burke in Deutschland*, p. v.

⁸ *Ibid.*, pp. 1-2.

⁹ *Ibid.*, p. 180 (arguing that Gentz was too enmeshed in the 'Gedankenwelt der Aufklärung' to take seriously Burke's argument for the necessary union of Church and State).

¹⁰ *Ibid.*, p. vii.

seized upon this stimulus *⟨Anregung⟩* with its own distinct creative power, transformed it, and made it into an organic part of its own national character. It is the goal of the following study to explain this process of appropriation and improvement *⟨Annahme und Weiterbildung⟩*.¹¹

Because he understood the vital role that such contingencies as tradition, custom, and language play in the maintenance of political communities, Burke saw that contractarian political theorists were blind to the inextricably ‘irrational’ foundations of civil society. On the basis of this insight, his students renounced the liberal tradition, forcing a new vision of the state that gave primacy of place to the historical, the particular, and the inherited:

His understanding of the state not as a mechanical, but as an organic entity; his emphasis on the value and dignity of the historical; his investigation of those irrational forces, the imponderable wellsprings of the state and society – these are the ideas through which Burke made his lasting impact.... It was the German Romantics who gave his ideas about peoples and nations, about sovereignty, about law and the state, a form in which they could live on and exert a lasting influence.¹²

According to Braune, this Romantic vision of politics ultimately culminated in the German nation-state. ‘It was his undeniable achievement to have intimated *⟨hingewiesen⟩* the historical and psychological conditions of national individuality.’¹³ And yet it was his students who, over the course of the nineteenth century, transfigured these anti-rationalist intuitions into a principled case for nationalist cause realized in 1871. Braune positioned his followers in Göttingen, Brandes and Rehberg, as a bridge between Burke and the historicist jurisprudence of Savigny, Stein, and Ranke. As Brandes and Rehberg clarified and systematized this Burkean worldview, his innate historicism became theoretically self-reflective and took on its familiar attributes: a ‘rejection of dogmatic natural law political theories’ and a ‘new vision of the nation as an organic body’.¹⁴ Gentz, likewise, was inspired by Burke’s critique of the *philosophes*’ moralizing liberalism and set it as the keystone of his own sober, hard-nosed vision of statecraft. In Braune’s presentation, it was hard not to see Gentz as a forerunner of Bismarckian Realpolitik.¹⁵ But it was above all Müller whose nostalgia for a lost ‘age of chivalry’ and whose paeans to medieval Germania set post-Napoleonic Romanticism upon its determinate political course, which reached its terminus in the unification of the Germanies. ‘The doctrine of nationality constitutes the very pinnacle of those ideas which Burke incited in Adam Müller.’¹⁶

¹¹ Ibid., p. vi-vii.

¹² Ibid., p. 2-3.

¹³ Ibid., p. 1.

¹⁴ Ibid., p. 138.

¹⁵ See *ibid.*, ch. 5, esp. pp. 59-72.

¹⁶ Ibid., p. 216.

In its original context, the polemical implications of *Edmund Burke in Deutschland* were unambiguous. Victorian Britons had foolishly ignored the wisdom of their native son, allowing Burke's prescient critique of cosmopolitanism to lie fallow. His German admirers, by contrast, heeded Burke's call, theorizing a positive vision of the *Nationalstaat* that stood as an alternative to both an abortive French Enlightenment and an enervated Anglo-American tradition. And this was cause for celebration. In the throes of the Great War, the Wilhelmine Empire embodied the promise of a post-Enlightenment politics – a path through the decadence, disillusionment, and ennui that gripped contemporary Europe. Germany had solved *Das Edmund Burke-Problem*.¹⁷

In the century since Braune made this argument, it has exerted a powerful pull on the historiography of Burke's German reception. Whether in agreement or disagreement, her thesis – that Burke's critique of Enlightenment set out a challenge, a problem that his German-speaking disciples subsequently answered – has framed a hundred years of debates about Burke's 'impact' in Germany. This is not to say that historians have simply arrayed themselves in two opposing camps, one endorsing Braune and the other dismissing her. Rather, as I suggest in the pages that follow, the scholarly terrain is more varied than this. Since 1917, scholars have tried to expand her canon of German Burkeans. Some historians have sought to revise the political implications of her narrative, in order to conscript Burke and his progeny as the origin of political causes not congenial to her nationalism – interwar liberalism, Catholic corporatism, *völkisch* conservatism, even Nazism. Many postwar scholars, meanwhile, have inverted her story's moral valences, painting the *Reflections* as the main catalyst of Germany's post-revolutionary *Sonderweg*. What all these historical arguments share, however, is the strongly teleological *structure* that Braune imposed upon this narrative, tracing a line of causality from Burke's critique of the Revolution, through its entrée into Germany, its cultivation, development, and refinement by his followers, and ultimately to its political 'realization'. For a century of historians, in other words, Burke's *Reflections* has been a turning point, the fulcrum on which Germany pivoted from Enlightenment to its opposite. Given this premise, the only salient question to be resolved was what, exactly, this post-Enlightenment vision of politics entailed.

¹⁷ This is, of course, an allusion to 'Das Adam Smith-Problem', a phrase coined by August Oncken in 1898 to describe German debates about whether Smith's *Theory of Moral Sentiments* was compatible with his *Wealth of Nations*: see August Oncken, 'Das Adam Smith-Problem', *Zeitschrift für Socialwissenschaft*, vol. 1 (1898): pp. 25-33, 101-8, 276-87. For this debate's history, cf. Keith Tribe, "'Das Adam Smith Problem" and the origins of modern Smith scholarship', *History of European Ideas*, vol. 34 (2008): pp. 514-525.

II. Shaping the canon

Upon its publication, readers of Braune's thesis soon recognized it as a contribution to the larger historiographical project set out by Friedrich Meinecke – close friend and colleague of Braune's *Doktorvater*, Hermann Oncken¹⁸ – in his seminal *Weltbürgertum und Nationalstaat* (1908).¹⁹ *Edmund Burke in Deutschland* was part to a growing body of Burke scholarship that appeared in the wake of Meinecke's *magnum opus*.²⁰ Braune's dissertation was an attempt to corroborate one of the central hypotheses of Meinecke's *Weltbürgertum* – namely, that the *Reflections* had played a crucial role in the rise of German nationalism.²¹ Her intent was clear to Meinecke himself: in editions of the work published after 1917, he credited her for having 'decisively proven' Burke's 'strong influence' on Müller and the national tradition.²²

Situating *Edmund Burke in Deutschland* within Meinecke's wider narrative makes clear just how ambitious Braune's project was. Meinecke's *Weltbürgertum* was an attempt to trace the emergence of the German nation-state out of 'the cosmopolitan Enlightenment' of the eighteenth century, first as a philosophical concept then as a historical fact.²³ His Whiggish march toward 1871 was slow and incremental, yet inexorable. In the wake of the French Revolution, each of his key figures helped to extricate Germany from the tainted legacy of the Enlightenment. *Weltbürgertum* began with Humbolt's incipient nationalism – a philhellenic idea of German identity which, though 'still permeated by the universal, cosmopolitan ideals of the age that preceded him', nevertheless paved the way for Novalis, the Schlegel brothers, and the early Romantics.²⁴ In turn, these poets and literary critics exposed just how alienating and deracinating the ideology of liberal individualism was: since

¹⁸ In the 1920s Meinecke and Oncken co-edited the series *Klassiker der Politik* (Berlin: Hobbing); and in 1935, when the Nazi historian Walter Frank orchestrated Oncken's expulsion from the German university system – decrying him as the ringleader of a now-displaced 'old liberal *Geheimrats-Klique*' – Meinecke publicly defended him: see Schwabe, 'Oncken', pp. 82-3.

¹⁹ Braune admitted as much in print: see *Burke in Deutschland*, pp. 2, 183, 200; for her contemporaries' recognition of this dissertation's genealogy, see Martin, review of Braune, *Burke in Deutschland*, p. 495.

²⁰ Friedrich Meusel, *Edmund Burke und die französische Revolution: zur Entstehung historisch-politischen Denkens, zumal in England* (Berlin: Weidmann, 1913); Kurt Lessing, *August Wilhelm Rehberg und die französische Revolution: Ein Beitrag zur Geschichte des literarischen Kampfes gegen die revolutionären Ideen in Deutschland* (Freiburg: Bielefeld, 1910); Gunnar Rexius, 'Studien zur Staatslehre der historischen Schule', *Historische Zeitschrift*, vol. 107 (1911): pp. 496-539.

²¹ Friedrich Meinecke, *Weltbürgertum und Nationalstaat* (Munich: Oldenbourg, 1908); trans. as *Cosmopolitanism and the National State* by Robert Kimber (Princeton, NJ: Princeton University Press, 1970), pp. 99-104; cf. the first ed. (1908), p. 126ff. Citations and references below are to Kimber's translated edition, though I have sometimes modified his English after consulting the original.

²² See the reference to Braune in Meinecke, *Weltbürgertum*, p. 99, f. 16, trans. modified.

²³ Meinecke, *Weltbürgertum*, pp. 69-70.

²⁴ *Ibid.*, p. 42, trans. modified.

the revolutionaries' understanding of freedom was unhistorical – indeed, *anti*-historical – it gave the people of France no sense of collective identity, belonging, or kinship. These Romantics began to think of politics as a vehicle for expression of a people's historically conditioned personality, embodied in its art, culture, customs, and values. Fichte's *Reden an die deutsche Nation* (1808), delivered in the wake of Napoleon's conquest of the Holy Roman Empire, fused this aesthetic nationalism to his own Kantian idealism: just as moral freedom consisted in autonomous self-legislation, Fichte's *Reden* argued that the German people would only be free if they gained the capacity for collective national agency. In this way, he wedded Kant's 'individualism' to the particularism of the *Romantik*.²⁵

But it was not until the arrival of Müller's *Elemente der Staatskunst* (1809), according to Meinecke, that the national idea assumed a concrete political form. Freeing the concept from its earlier quietism, Müller presented the moral and spiritual integrity of the Germanic Middle Ages as an image, a standard, of the Germany that he and his contemporaries could resuscitate. In uniting to throw off their French conquerors, the integrity of the German nation could be restored in the present – not only notionally, as a bearer of Kantian moral agency, but also politically, as a sovereign nation-state. In this sense, Meinecke later remarked, 'Müller's doctrine represents the first step towards Ranke.'²⁶ The impetus for this politicized nationalism, in turn, was Burke. According to Meinecke, Burke taught Müller to see the 'irrational' forces of history – 'the power of tradition, custom, instinct, and intuition' – as the bedrock foundation not only of community (an aesthetic insight that the Jena Romantics had already grasped), but of politics as such.²⁷ This recognition allowed Müller 'to overcome the idea of a normative or ideal state' and to conceptualize a theory of legitimacy that was rooted in his own national tradition:

Not only did [Burke] provide the opponents of the Revolution with their most powerful intellectual tools but, more importantly, he struck the first decisive blow against eighteenth-century conceptions of the state, which were formed on the basis of natural law.... He showed us that it is practical to attempt to understand that which that has previously been regarded as weakness or irrationality, and to recognize the kernel of wisdom in the husk of prejudice. The consequence of this insight for Burke and for his student Adam Müller was a deep respect for the latent wisdom in that which the living inherited as a bequest from the past, and therefore a deep mistrust of the wisdom of those who wanted to cut themselves off from the past.²⁸

²⁵ See *ibid.*, ch. 6.

²⁶ Meinecke, *Die Idee der Staatsräson* (1924); trans. as *Machiavellism: The Doctrine of Raison d'État and its Place in Modern History* by Douglas Scott (London: Routledge, 1957), at p. 371, trans. modified.

²⁷ Meinecke, *Weltbürgertum*, p. 101, trans. modified.

²⁸ *Ibid.*, p. 101-2, trans. modified.

But Müller's repudiation of the moral universalism of the *Aufklärung* had not left him rudderless, without the ethical moorings necessary to render his vision of the state humane. On the contrary, his traditionalism allowed him to erect his politics on a surer moral basis than his predecessors. According to Meinecke, Müller's historically grounded state-theory sublimated up into itself the accumulated moral wisdom of his fellow Germans, made immanent their local customs, values, institutions, and traditions. Thus in Müller, 'natural law and the law of reason retreated before positive law, which then rose to the position of true natural law.'²⁹ Though his neo-medieval vision retained an unhappy vestige of Catholic cosmopolitanism, Meinecke nevertheless believed that it was sufficiently cogent to provide an intellectual basis for the eventual rise of the *Nationalstaat*. Under Burke's inspiration, Müller had introduced the Germans to a 'concept of nationality [that] is completely political and represents a close union and interpenetration of state, nation, and individual'.³⁰

As Meinecke and Braune were both well aware, this basic historiographical dichotomy – between eighteenth-century rationalism and nineteenth-century historicism – was hardly unique to their own time. Neither was the more specific claim that Burke's *Reflections* was the stimulus for Germany's transition from the solipsism of reason to the higher wisdom of history. Already in the 1870s, no less an authority than Heinrich von Treitschke was describing Burke's reception in precisely these proto-historicist terms. Gentz's translation of the *Reflections*, he claimed, had been 'a turning-point in the history of our political maturation <Bildung>', containing 'the basic principles of a new and vibrant view of politics <Staatsanschauung>, one that was closely related to the incipient historical sense of the German sciences.' In the *Reflections*, Treitschke explained, 'the Revolution's cosmopolitan radicalism came up against a historical theory of politics <eine historische Staatslehre>'.³¹ His peers seemed to agree. Two years later, Karl Hildebrand would claim that '[Burke] was for England and political theory exactly what Herder was for Germany and literary theory – the herald of the historical principle, who signaled the attack against the rationalism and mechanism of the eighteenth century'.³² This idea became so commonplace that by 1911, six years before *Edmund Burke in Deutschland*, one scholar thought it 'widely known' <bekanntlich> that 'the original impetus for the historical theory of the state originated in Burke, but it only took on systematic form in Germany'. Indeed, he was

²⁹ Ibid., p. 102.

³⁰ Ibid., p. 112.

³¹ Heinrich von Treitschke, *Deutsche Geschichte im neunzehnten Jahrhundert, bis zum zweiten Pariser Frieden* (Leipzig: Hirzel, 1879). I cite here from the 10th ed. (1918), pp. 117-8.

³² Karl Hildebrand, *Aus und über England*, in idem., *Zeiten, Völker, und Menschen* (Berlin: Oppenheim, 1881), vol. 5, at p. 55. Cf. Heinrich Ahrens, *Naturrecht oder Philosophie des Rechts und des Staates*, 6th ed. (Vienna, 1870), vol. 1, pp. 168-69.

prepared to argue that the story of ‘the evolution of the historicist view of politics in Germany is principally the history of the dissemination of Burke’s ideas’.³³

What *was* new in Meinecke and Braune, however, was their methodology. Rearticulating this familiar narrative with the tools of the new *Ideengeschichte*, they were concerned to recount not merely the general ebb and flow of opinion during the Revolution, but the precise moral and metaphysical premises upon which Burke and his students’ argument depended. As a result, the opposition between enlightened rationalism and post-enlightened historicism that they sketched was much sharper than Treitschke’s, and proved extremely durable over the coming decades. In 1925, a young Karl Mannheim used his *Habilitationsschrift* as an occasion to present their story about the revolutionary origins of post-enlightened Burkeanism in what he considered to be its basic ‘sociological’ form.³⁴ He also gave this worldview a name: conservatism. Whereas Braune and Meinecke had been reticent to invoke party-political labels to describe Burke’s followers – they preferred descriptors like ‘traditional’, ‘historical’, ‘Romantic’, and ‘national’ – Mannheim believed that, in sociological terms at least, their history was essentially a genealogy of ‘Das konservative Denken’. Drawing on Braune’s primary research – which he acknowledged in an unfortunate footnote to ‘Friedrich [sic] Braune, *Edmund Burke in Deutschland*’³⁵ – Mannheim distilled her argument into a causal narrative of crystalline purity. The ideology of conservatism, according to Mannheim, was to be sharply distinguished from the more general phenomenon of ‘traditionalism’, an innate human disposition toward stability which (as he noted) Max Weber had already explored.³⁶ As a historically unique ideology, conservatism arose in the wake of the French Revolution, ‘in conscious opposition to the highly organized, coherent and systematic progressive movement’ of its leaders.³⁷ The rapid spread of their subversive republican ideology across the German states posed a dire threat to pre-existing structures of social and political authority. This danger thus required a response, a vindication

³³ Rexius, ‘Staatslehre der historischen Schule’, pp. 497, 513. According to Rexius, the ‘historische Schule’ began with Burke – ‘in whom the positive-constructivist principles of the historical school ... originated’ (p. 505) – and included Hugo, Spittler, Humboldt, Rehberg, Brandes, Gentz, and Savigny, among others. Stein and Dahlmann then translated their principles into a practice, calling for a national German parliament.

³⁴ Karl Mannheim, ‘Das konservative Denken: Soziologische Beiträge zum Werden des politischen-historischen Denkens in Deutschland’ (1927); reprinted in *From Karl Mannheim*, ed. and trans. Kurt Wolff, 2nd ed. (New Brunswick, NJ: Transaction, 1993), pp. 260-350. For this essay’s origins, cf. the ‘Introduction’ to Karl Mannheim, *Conservatism*, ed. David Ketter, Volker Meja, Nico Stehr (London: Routledge, 1986), pp. 1-26.

³⁵ See *ibid.*, p. 286.

³⁶ See *ibid.*, p. 281; cf. Max Weber, *Economy and Society*, ed. Guenther Roth and Claus Wittich, 2 vols. (Berkeley, CA: University of California Press, 1978), vol. 1, p. 37.

³⁷ Mannheim, ‘Das konservative Denken’, in *From Karl Mannheim*, pp. 280, 285.

of the *status quo*, which German readers found in Burke. As their intuitive, unreflective preference for the established order was elevated to the intellectually conscious plane of the *Reflections*, German conservatism was born. Over time, as Burke's insights were 'pursued to their logical conclusions', his German students enlisted him in a full-scale counterassault against *Aufklärung*:

The main stimulus [of German conservatism] actually came from England – much more politically developed at that time than Germany. It came from Burke. Germany contributed this process of 'thinking through to the end' – a philosophical deepening and intensifying of tendencies which originated with Burke and were then combined with genuinely German elements. ... Counter-revolutionary criticism of the French Revolution originated ... in England, but achieved its most consistent exposition on German soil.³⁸

As a result of the efforts of Burke's students, 'conservative thought is to be found in its sharpest and most logically consistent form in Germany in the first half of the nineteenth century.'³⁹

Mannheim's digestible reiteration of Braune's argument appeared amidst a groundswell of interwar scholarship on Burke's German reception, which coincided with what Armin Mohler later (and controversially) described as a 'konservative Revolution' on the Weimar Right.⁴⁰ After Germany's defeat in 1918, historians began anxiously turning to the central figures of Braune's argument in an attempt to find new paths forward for their beleaguered and bewildered nation. Competing visions of Germany's future led scholars to reflect on the origins of their national tradition. Very often, this led them to Burke. From 1918 to 1933, Braune's German Burkeans were subjected to intense academic scrutiny, while at the same time a litany of new 'Burkeans' were added to her canon. Five new books on Müller's politics were published between the wars, as well as a critical edition of his *Elemente der Staatskunst*.⁴¹ The same era witnessed renewed efforts to compile Gentz's

³⁸ Ibid., pp. 324, 268.

³⁹ Ibid., p. 269.

⁴⁰ Armin Mohler, *Die konservative Revolution in Deutschland, 1918-1932* (1950), 6th ed., 2 vols. (Graz: Ares, 2005).

⁴¹ For the former, see Ferdinand Reinkemeyer, *Adam Müllers ethische und philosophische Anschauungen im Lichte der Romantik* (Osterwieck am Harz: Zickfeldt, 1926); Giesela Busse, *Die Lehre vom Staat als Organismus: kritische Untersuchungen zur Staatsphilosophie Adam Müllers* (Berlin: Junker and Dünnhaupt, 1928); Reinhold Aris, *Die Staatslehre Adam Müllers in ihrem Verhältnis zur deutschen Romantik* (Tübingen: Mohr, 1929); Jakob Baxa, *Adam Müllers Philosophie, Ästhetik und Staatswissenschaft* (Berlin: Junker and Dünnhaupt, 1929); idem., *Adam Müller: Ein Lebensbild aus dem Befreiungskriegen und aus der deutschen Restauration* (Jena: Fischer, 1930). For the latter, see Adam Müller, *Die Elemente der Staatskunst*, ed. Jakob Baxa, 2 vols. (Jena: Gustav Fischer, 1922). Cf. Paul Kluckhohn, *Persönlichkeit und Gemeinschaft: Studien zur Staatsauffassung der deutschen Romantik* (Halle: Niemeyer, 1925); Kurt Borries, *Die Romantik und die Geschichte* (Berlin: Deutsches Verlagsgesellschaft für Politik und Geschichte, 1925).

unpublished works.⁴² Meanwhile, new studies of Humboldt, Stein, and Metternich stressed Burke's centrality to modern German statecraft.⁴³ Contemporary research on Novalis, the Schlegel brothers, and Fichte detected Burke's influence at the heady nexus of early Romanticism and post-Kantian idealism.⁴⁴ The Restorationism of Haller and Baader was cast as an aspect of a broader Burkean counter-revolution.⁴⁵ And Burke was described as a forerunner of the historicism of Savigny, Niebuhr, and Ranke.⁴⁶ Mannheim's hypothesis became a scaffolding on which scholars could hang these new 'discoveries'. Since Burke was the author of German conservatism, and since German conservatism was the highest expression of the worldview, uncovering a thinker's Burkean pedigree became a form of ideological validation. The ranks of his 'school' swelled so prodigiously that, by 1945, Hans Barth felt justified in complaining that Braune's *Burke in Deutschland* was far too narrow in its scope, and that she had dramatically underreported Burke's importance in German intellectual history.⁴⁷

This inflated narrative gradually drifted into the Anglophone world in the 1930s, along with émigré scholars fleeing the Nazis. In *The History of Political Thought in Germany, 1789-1815* (1936), the expatriated Müller expert Reinhold Aris incorporated it into what became the standard English-language study of post-revolutionary German thought for

⁴² Friedrich Gentz, *Staatsschriften und Briefe*, ed. Hans von Eckhardt, 2 vols. (Munich: Drei Masken, 1921), which was intended to complete *Briefe von und an Friedrich von Gentz*, ed. F.C. Wittichen, 3 vols. (Munich: Oldenbourg, 1909-1913) and the posthumous *Schriften von Friedrich von Gentz*, ed. Gustav Schlesier, 5 vols. (Mannheim: Hoff, 1838-40).

Brandes and Rehberg, by contrast, were less interesting to interwar historians, perhaps due to their well-known Anglophile and liberal tendencies.

⁴³ S.A. Kaehler, *Wilhelm von Humboldt und der Staat* (1927), 2nd ed. (Göttingen: Vandenhoeck & Ruprecht, 1963), pp. 148-9; Erich Weniger, 'Stein und Rehberg', *Niedersächsisches Jahrbuch*, vol. 2 (1925): pp. 1-124; Erich Botzenhart, *Die Staats- und Reformideen des Freiherrn von Stein* (Tübingen: Osiander, 1927), esp. pp. 202-225; Heinrich von Srbik, *Metternich: Der Staatsmann und der Mensch*, 2 vols. (Munich: Bruckmann, 1925), vol. 1, pp. 94-5, 333.

⁴⁴ On Novalis, see Richard Samuel, *Die poetische Staats- und Geschichtsauffassung Friedrich von Hardenbergs* (Frankfurt am Main: Diesterweg, 1925), p. 78ff; but cf. Benno von Wiese, 'Novalis und die romantischen Konvertiten', in *Romantikforschungen*, ed. Betty Heimann (Halle: Niemeyer, 1929), pp. 205-242, which cast doubt on the Burke-Novalis connection. For the Schlegels, cf. Richard Volpers, *Friedrich Schlegel als politischer Denker und deutscher Patriot* (Berlin: Behrs, 1917); Otto Brandt, *August Wilhelm Schlegel, der Romantiker und die Politik* (Stuttgart and Berlin: Deutsche Verlags-Anstalt, 1919). For Fichte as Burkean, see Jakob Baxa, *Einführung in die romantische Staatswissenschaft* (1923), 2nd ed. (Jena: Fischer, 1930), p. 152.

⁴⁵ Karl Guggisberg, *Karl Ludwig von Haller* (Leipzig: Huber, 1938), esp. pp. 94-5; for Baader, cf. Hans Barth, 'Edmund Burke and German Political Philosophy in the Age of Romanticism' (1945), in idem., *The Idea of Order*, trans. Ernst Hankamer and William Newell (Dordrecht, Holland: Reidel, 1960), pp. 18-47, at p. 197.

⁴⁶ Bernhard Hoefl, *Ranke's Stellungnahme zur französischen Revolution* (Griefswald: Adler, 1932).

⁴⁷ 'She does not consider Stein, Niebuhr and Novalis, among others': Barth, 'Burke and German Political Philosophy' (1945), at p. 196.

some three decades.⁴⁸ ‘The influence which Burke exerted upon German thinkers [can] hardly be overestimated’, Aris boldly proclaimed to his Anglo-American readers. ‘Burke was the spiritual father not only of the Romantic and the Historic schools but also of the conservative movement as it developed after the war of liberation.’ In ‘refuting the theory of Natural Law and insisting on the value of tradition’, Burke had inspired his students – Gentz, Novalis, Schlegel, Brandes, Rehberg, Müller, Stein, and von der Marwitz, among others – to turn against Enlightenment as well. ‘The German conservative thinkers learned from Burke to think in historical categories, but they also learned from him to think of the state not as a congeries of patriarchal relationships but as an organic unity.’ Aris pointed especially to Müller, Burke’s ‘most faithful disciple on the Continent’, as the pivotal figure in this story. In situating ‘the idealized feudal state of the Middle Ages’ as a radical alternative to revolutionary liberalism, ‘Müller initiated a movement which was to find its climax in Hegel’s philosophy and in Bismarck’s policy.’⁴⁹ Unlike most of his contemporaries, Aris did not mean this as a compliment. In his view, Germany’s reaction against *Aufklärung* was the first sign of a pathological conservatism which, by the 1930s, had destroyed it. As one reviewer noted in the *American Political Science Review*, Aris saw German liberals as ‘isolated phenomena in a sea of emotionalism and authoritarianism’. This impression was not misleading, according to this reviewer, for ‘almost all the elements of the Nazi ideology (the cult of the will, of the race, of the soil, of the unconscious, the idea of leadership and authority, the rejection of the values of Western democracy, the tendency to return to the past in the form of the corporative state, the vehement antipathy to the Jews, etc.) can be found clearly stated and hailed by influential currents of public opinion in the romantic and nationalistic tendencies of these early decades.’⁵⁰ On Aris’s reasoning, in other words, the Nazis’ hyper-conservatism was so vicious precisely because Burke’s reception had been so robust.

III. Competing conservatisms

Throughout the Weimar era, Burke’s rising prospects and the growing ranks of his German allies afforded historians an opportunity to revisit the political upshot of Meinecke’s *Weltbürgergum*. In the aftermath of the German Empire’s collapse in 1919, the proto-

⁴⁸ Reinhold Aris, *History of Political Thought in Germany, 1789-1815* (London: Allen & Unwin, 1936 [republished in 1962, 1965]); cf. the citations of Braune and Meinecke at pp. 64, 265. A promised second volume, bringing the story from 1815 to 1914, never materialized.

⁴⁹ *Ibid.*, pp. 250, 307-8, 394, 308, 312.

⁵⁰ Oscar Jaszi, review of Aris, *History*, in *The American Political Science Review*, vol. 31, no. 3 (June, 1937): pp. 537-9, at p. 538.

Bismarckian alternative to Enlightenment that he had traced back to Burke seemed compromised, complicit in the country's humiliating defeat in WWI. His teleological narrative took a harsh blow. As scholars returned to Meinecke's terrain with fresh eyes, a series of new interpretations of Burke's German legacy came into view. In reprioritizing Burke's students and retracing the trajectories of his influence, these reinterpretations gave competing factions of Weimar conservatives divergent genealogies of counter-revolution, and different stories about the origins of their own politics.

Perhaps the most important of these revaluations was advanced by Meinecke himself, in his interwar studies of *Staatsräson* (1924) and *Historismus* (1936).⁵¹ In 1907 Meinecke had been content to gloss pre-revolutionary Europe as cosmopolitan, rationalistic, and unhistorical; but in these later works, he tried to give a more precise account of the world against which Burke and his students recoiled. The eighteenth century, he now argued, was riven by *two* kinds of political universalisms. On the one hand was a 'natural law' tradition that began with Hobbes, and which Meinecke ran through Grotius, Vattel, Pufendorf, Leibnitz, Rousseau, the French *philosophes* and the German Wolffians. Grown out of early-modern Christian jurisprudence, this school was dedicated to the use of human reason to discover the universal conditions of liberty and justice – normative principles that could provide a moral anchor for politics, filling the space formerly occupied by the Church. This rationalistic tradition ran counter to the 'empirical realism' of Machiavelli, Hume, and Montesquieu. Like Hobbes, these Machiavellians aspired to ground the state in trans-historical truths about human psychology. But unlike their natural law rivals, this empirical school denied that *transcendent* moral foundations could be located outside the flux of time and contingency. They were principally concerned to describe techniques of political management to stave off corruption in the body politic, and this quickly led them into debates about the relation between commercial society and *raison d'état*. According to Meinecke, it was this irreducible tension between 'naturalism and rationalism', '*kratos* and *ethos*', that gave eighteenth-century political theory its incredible dynamism.⁵² But it was these categories' incompatibility that also ultimately led to the collapse of Enlightenment in the Revolution.

⁵¹ Meinecke, *Die Idee der Staatsräson* (1924); idem, *Die Entstehung des Historismus* (1936), trans. as *Historism: The Rise of a New Historical Outlook* by J.E. Anderson (London: Routledge, 1972). In the following I cite to Anderson's edition of *Historismus*, and have used his translations unless otherwise noted.

⁵² Meinecke, *Historismus*, p. 102; idem., *Staatsräson*, p. 4. For a restatement of Meinecke's hypothesis (conceptualized as an eighteenth-century tension between 'stoics' and 'epicureans') see Istvan Hont, *Politics in Commercial Society* (Cambridge, MA: Harvard University Press, 2015).

What was important to see about the fissures within the *Aufklärung*, Meinecke argued, was that *both* of these traditions of thought only engaged with history superficially. Hobbesians used the past as a *tabula rasa* upon which to project their normative claims; Machiavellians, as a cosmopolitan trove of examples from which to surmise generalizable truths about human social behavior.⁵³ In his *Reflections*, Burke was the first to reject this ‘negative relationship to history’ in favor of a ‘positive’ relationship to the inherited past.⁵⁴ Beholden to neither morals nor politics in the abstract but instead deferential to the normative integrity of history *in sich*, he transcended the limitations of Hobbes and Machiavelli. ‘Burke did not view the state in a general and abstract manner, like the thinkers bound down by natural law, nor empirically, mechanically, and from the utilitarian angle, like Hume.’ Rather, he gave ‘the higher powers in history primacy over the conscious rational will of man.’ He signaled the arrival ‘a new historical sense that went beyond anything Hume had written under the influence of the Enlightenment’. Even Gibbon, despite his seeming ‘approval of Burke’s *Reflections*’, was too enlightened ‘to appreciate the deeper spirit that undergirded them’.⁵⁵ Burke represented a clean break from the eighteenth-century in which Gibbon and Hume’s historiography was embedded.

Upon its arrival in Germany, his ‘revitalized traditionalism’ was ‘not yet historicism’.⁵⁶ Though Burke showed a way through the central impasse of the eighteenth century, he did not himself pursue it. It was his German students who completed the task, replinthing his politics on the metaphysical foundations of emergent idealist movement (which had overcome the binary opposition between reason and sentiment, norms and facts, at a philosophical level), and using it to ‘activate’ the preexisting historical sense of such figures as Möser, Herder, and Goethe. It was for this reason that Meinecke placed Hume at the ‘limit of Enlightenment’: his radical skepticism was the intellectual dead-end of the eighteenth century, the conundrum that was transcended by this German historicist-idealist synthesis of ethics and politics.⁵⁷ This narrative, in turn, allowed Meinecke to sharpen the political implications of Burke’s reception: Germany now stood not just as the historical successor to, but as a *repudiation of*, an internally-incoherent Anglo-American tradition. It allowed

⁵³ Humboldt also stumbled across a third form of ‘negative’ history: he saw it as an emancipatory process wherein men attain self-government – enabling them, ironically, to jettison the provincial constraints of custom, tradition, and local culture; see *Weltbürgertum*, pp. 34-48.

⁵⁴ Meinecke spelled out this distinction in his discussion of Goethe; see *Historismus*, p. 424-491.

⁵⁵ *Ibid.*, pp. 224-6, 221, 189, trans. modified.

⁵⁶ *Ibid.*, pp. 227-28. Cf. Friedrich Meinecke, ‘Edmund Burke: Leistung für den Historismus’, *Sitzungsberichte der Preußischen Akademie der Wissenschaften*, vol. 14 (1935): pp. 218-19.

⁵⁷ Meinecke, *Historismus*, p. 186.

Meinecke to jettison much of the liberalism of *Weltbürgertum*, in favor to a less ethically constrained, more directly political form of nationalism.⁵⁸

Around the same time, the influential Breslau lawyer Georg Quabbe used Burke to push his fellow conservatives precisely in the opposite direction, towards a *more* Anglophilic position. Quabbe was a proud member of the DNVP, but hoped to disabuse his party of what he saw as its excessive fixation on race and unnecessary anti-Semitism, which he (wrongly) believed were electorally untenable.⁵⁹ His *Tar a Ri: Variationen über ein konservatives Thema* (1927) was an attempt to set out a ‘theoretical basis’ for a liberalized German conservatism, and possibly a new ‘republican-conservative party’.⁶⁰ Towards this end he adopted an unexpected tactic, denying that Meinecke’s Romantics were Burkean at all. It was true that Burke was the first conservative, and that the vocation of conservatives was to wage ‘Aufklärung gegen die Aufklärung’.⁶¹ But whereas Meinecke defined eighteenth-century thought in terms of its a-historicity, Quabbe took a different view: what was characteristic about the Enlightenment he renounced, rather, was its radicalism. The Burkean antidote to this sickness was not historicism, but moderation. It was self-defeating to try to locate a ‘systematic conservatism’ in Burke, he argued: a rational case for irrationalism was viciously circular.⁶² ‘An internal refutation [of Enlightened rationalism] is problematic’, he explained, ‘insofar as Burke essentially restates the ancient question of Pontius Pilate. He does not prosecute Enlightenment on its own grounds, that of reason, but rather denies the legitimacy of reason to determine anything at all.’⁶³

In an argument that Samuel Huntington would popularize twenty years later, Quabbe insisted that conservatism could only ever amount to a ‘situational’ doctrine, a defense of the *status quo* in the face of revolutionary upheaval.⁶⁴ The content of conservatism, in other words, depended on its sociopolitical *context*. As a result, it could never cohere into a positive doctrine like liberalism or socialism, defined by their trans-historical ideals and by the canon of thinkers responsible for their propagation. Quabbe was led to conclude that conservatism, the defence of history, was itself without a history:

⁵⁸ See especially Meinecke, *Staatsräson*, chs. 15-17.

⁵⁹ See Georg Quabbe, *Tar a Ri: Variationen über ein konservatives Thema* (Berlin: Verlag für Politik und Wirtschaft, 1927); reprinted in the *Quellentexte zur Konservativen Revolution*, vol. 2 (Toppenstedt: Uwe Berg-Verlag, 2007), at pp. 17-24. For Quabbe, see Mohler, *Die konservative Revolution*, p. 470.

⁶⁰ *Ibid.*, p. 12. Quabbe’s title was (he claimed, p. 7) medieval Irish for ‘Come, oh King’, and the etymological origin of the contemporary label ‘Tory’.

⁶¹ *Ibid.*, p. 9.

⁶² See *ibid.*, pp. 181-9.

⁶³ *Ibid.*, p. 53. Cf. John 18:30: ‘Pilate saith unto him, What is truth?’

⁶⁴ See Samuel Huntington, ‘Conservatism as an Ideology’, *American Political Science Review*, vol. 51, no. 2 (June, 1957): pp. 454-73.

With resignation, we conservatives must admit that such a [true conservative] has only appeared once, in Burke. All of the conservative verities of the last century have faded away, but his sermons about the sanctity of tradition and about human nature, which yearns after tradition, will live eternally, even if his name should be forgotten. To once more take up his doctrine against the [radical] party is far more than a victory: it is a step forward for all of mankind.⁶⁵

Conservatives were those who appreciated, like Burke, that the principle of stability is just as necessary in modern societies as that of reform. Though he denied Burke an intellectual progeny, Quabbe conceded that Burke's deference to establishment had inspired subsequent generations of conservatives to adopt a similar posture of moderation. The protagonists of *Tar a Ri* were both German and British: they included not only Möser, Müller, Haller, and Stahl, but Bolingbroke, Burke, Disraeli and Peel. Just as these men protected their societies from destructive change, he intimated, the duty of Weimar conservatives was to stabilize the republican constitution they had inherited. *Tar a Ri* was an exhortation to modesty, a call for Quabbe's peers to recognize partisan calls for a revival of the Reich as a revolutionary – and therefore anti-conservative – doctrine.

Quabbe thought it necessary to decouple Burke and reaction precisely because so many of his right-wing contemporaries were intent on uniting them. During the Third Reich's rise to power, Burke and his *Romantik* admirers became fertile ground for Nazi historians of political thought, who depicted their own ideology as the incarnation of the Romantic dream of a post-Enlightened world. Such appropriations – often from quite prominent ideologues like Richard Benz and Walther Linden – tarnished the reputation of Burke's German disciples for decades after the war.⁶⁶ This process ensnared Burke himself as well. In an essay on 'Das konservative Welt- und Staatsbild Edmund Burkes' (1934), the *Anglicist* Harro de Wet Jensen went so far as to describe Burke and Hitler's politics as 'essentially' the same.⁶⁷ This research was carried out during the Nazi's rise to power, and while Jensen himself was in the process of joining the SS.⁶⁸ 'It goes without saying,' he admitted in his preface, 'that the following study has been deeply shaped and informed by the ideological

⁶⁵ Ibid., p. 188. Quabbe's understanding of Burke was gleaned primarily from his reading of Morley's biography; see *ibid.*, pp. 49-50.

⁶⁶ Richard Benz, *Die deutsche Romantik: Geschichte einer geistige Bewegung* (1937), 2nd ed. (Leipzig: Phillip, 1940), which described Romanticism as a 'prototype for every German rebirth and revival' at p. 482; Walther Linden, 'Umwertung der deutsche Romantik', *Zeitschrift für Deutschkunde*, vol. 47 (1933): pp. 65-91. Cf. *Luthers Kampfschriften gegen das Judentum*, ed. Walther Linden (Berlin: Klinkhardt & Biermann, 1936).

⁶⁷ Harro de Wet Jensen, 'Das Konservative Welt- und Staatsbild Edmund Burkes', *Anglia: Zeitschrift für englische Philologie*, vol. 58 (1934): pp. 155-291, at p. 161.

⁶⁸ For Jensen, see Frank-Rutger Hausmann, *Anglistik und Amerikanistik im 'Dritten Reich'* (Frankfurt am Main: Klostermann, 2003), pp. 474-5.

and political contests of recent years.⁶⁹ But this would have been obvious without the warning: in Jensen, Burke appeared as positively contemporary. ‘One of the vanquishers of the English Enlightenment’, Burke was presented as a precursor of the pagan naturalism that Jensen admired in the Nazis.⁷⁰ The intrinsic ‘unity’ of conservatism, he argued, rested on Burke’s deference to a ‘natural order’ that undergirds and structures reality. ‘With Burke’, he wrote, ‘it is always a question of *bonds*, of *bonded-ness*: man is bound to the divine, to the world of “nature”, to the world of morals *<des Sittlichen>*, to the world of politics and community – namely through religious bonds, through spiritual-moral ones, and through ties of blood, respectively.’⁷¹ In political terms, this naturalism made Burke a defender of hierarchy, authority, and nationality, just like the fascists of Jensen’s day:

The political thought of Moeller van der Bruck and of Hitler frequently converges quite closely upon Burke’s own principles – despite the fact that in many respects they go even further than him, deepening and developing [his principles].⁷²

Burke’s quasi-pagan organicism brought him into alignment with a spiritual community of Anglo-Germanic conservatives that spanned time and space, among whom Jensen included ‘Goethe, Moeller van der Bruck and Hitler, Shakespeare, Burke, and Galsworthy’.⁷³

The more influential case for Burke as a forerunner of German authoritarianism was published much earlier, in Carl Schmitt’s polemical critique of *Politische Romantik* (1919).⁷⁴ In this essay, Schmitt’s primary aim was to replace Meinecke’s reason-history opposition with his own opposition between morality and ‘the political’. Burke, Schmitt argued, was praiseworthy not because he defended tradition, but because he rightly rejected the moralizing *Aufklärung* as intrinsically unpolitical. In order to elicit a conservative tradition out of *this* reading of Burke, Schmitt was forced to expel Müller and Schlegel from the existing canon of German Burkeans, giving pride of place instead to Gentz. This involved distinguishing Burke, Gentz, and counter-revolution on the one hand, from ‘political Romanticism’ on the other. Far from a renunciation of the Enlightenment, Schmitt painted Müller’s Romanticism as a straightforward extension of its moralizing and utopian escapism: Müller’s ‘conservatism’ was colored by an idealized nostalgia for the Middle Ages that was just as politically subversive as the Jacobins he claimed to oppose. (In fact, it was even more

⁶⁹ Jensen, ‘Edmund Burke’, p. 160.

⁷⁰ Ibid.

⁷¹ Ibid., p. 286, italics in orig.

⁷² Ibid., p. 161.

⁷³ Ibid.

⁷⁴ Carl Schmitt, *Politische Romantik* (1919), trans. as *Political Romanticism* by Guy Oakes, 2nd ed. (Cambridge, Mass: MIT Press, 1986). In the following I rely on Oakes’s translation, and cite to his edition.

pathetic, because he was too cowardly to act on his ideals.) According to Schmitt, ‘men like Burke, de Maistre and Bonald cannot be unthinkingly placed in the same category of political thought *⟨politischer Geistigkeit⟩* as Adam Müller and Friedrich Schlegel’.⁷⁵ The latter were no more than ‘bourgeois literati’, pseudo-conservatives who were infected by a vicious strain of ‘subjective occasionalism’ which turned politics into a question of taste, rather than a contest of authority.⁷⁶ In this, Müller could not have been further from Burke. Whereas Müller turned to an abstract, imagined ‘tradition’ to escape from politics, Burke’s traditionalism was an attempt to protect the concrete institutions of the British Constitution from its moralizing critics. According to Schmitt it was not Müller but Gentz – ‘his rational clarity of thought, his practical and dispassionate sensibility, his capacity for legal argument, his sense of the limits of state-power’ – who had the more plausible claim to Burke’s mantle.⁷⁷ Not Romantic paeans to some lost Germanic *ancien régime*, but a sober grasp of politics as such, was the true alternative to Enlightenment to be found in the *Reflections*. ‘An emotion that does not transcend the limits of the subjective cannot be the foundation of a community.’⁷⁸

In context, Schmitt’s broadside against Romanticism was intended as a challenge to his coreligionists on the Catholic Right, many of whom saw Müller as the visionary of a corporatist ‘third way’ between liberal republicanism on the one hand, and the extremes of Bolshevism or fascism on the other.⁷⁹ In undercutting Müller, Schmitt was trying to force a choice between these three concrete alternatives. As he noted in the second edition of *Politische Romantik* (1925), his argument – his criticisms of Müller in particular – had incited a heated series of ripostes.⁸⁰ These often came from Müller’s Catholic admirers, who insisted that he did, in fact, represent a philosophical extension of Burke’s counter-revolution.⁸¹ In making this argument, these Müller-defenders were attempting to preserve the viability of a non-liberal, yet non-fascist (or at least non-Nazi) conservatism. When Müller’s *Schriften zur Staatsphilosophie* were published in 1923, the German-Polish

⁷⁵ Ibid., p. 33, trans. modified.

⁷⁶ Ibid., pp. 117, 140.

⁷⁷ Ibid., p. 23, trans. modified.

⁷⁸ Ibid., p. 161.

⁷⁹ On interwar German Catholicism, see Stefan Gerber, *Pragmatismus und Kulturkritik: Politikbegründung und politische Kommunikation im Katholizismus der Weimarer Republik, 1918-1925* (Paderborn: Schoeningh, 2016).

⁸⁰ See *ibid.*, p. 21; cf. Baxa, *Müller: Lebensbild*, pp. 477-82 for the Weimar literature on Müller, cf. Christian Roques, ‘Die umstrittene Romantik: Carl Schmitt, Karl Mannheim, Hans Freyer, und die “politische Romantik”’, in *Intellektuellendiskurse in der Weimarer Republik*, ed. Manfred Gangl and Gérard Raulet, 2nd ed. (Frankfurt am Main: Peter Lang, 2007), pp. 105-142, esp. pp. 105-6.

⁸¹ See, e.g., Alfred von Martin, ‘Das Wesen der romantischen Religiosität’, *Deutsche Vierteljahrschrift für Literaturwissenschaft und Geistesgeschichte*, vol. 2 (1924): pp. 367-417.

theologian, and later anti-Nazi dissident, Erich Przywara prefaced it with the following endorsement:

Adam Müller's Christian philosophy of the state ... has the extremely timely vocation of reminding our present age, drunk on an ancient pagan nationalism, that Christ's salvation and the example of his life are relevant to all human and humane pursuits, and that we must not allow a privatized Christianity to exist alongside Paganism in the public sphere...: 'for there is neither Jew nor Greek, neither slave nor free, neither man nor woman; for you are all *one* in Jesus Christ.'⁸²

Müller was attractive to Przywara, in other words, precisely because he located the state within the moral architecture of a theologically-ordered universe. His vision of politics thus offered an antidote to the confusion of Przywara's own time, and encouragement in the face of the Weimar Right's 'pagan nationalism'.

Müller's credentials as a Burkean were passionately defended by corporatists of a non-Catholic (or nominally Catholic) stripe as well. In the Weimar academy, his most prominent defenders came from the so-called *Spannkreis* at the University of Vienna. Their leader, Othmar Spann, admired Müller because his politics seemed congenial to Spann's own 'universalism', a metaphysical project that took its inspiration from Schelling, and which Spann developed in the context of his debates with Hans Kelsen and Vienna's legal formalists.⁸³ Müller figured briefly in Spann's *Der Wahre Staat* (1921) as a precursor to Spann's own anti-capitalism – 'the dragon-slayer of Smithianism'.⁸⁴ But it was primarily Spann's student, Jakob Baxa, who was responsible for reviving Müller's Burkean credentials in the wake of Schmitt's polemic.⁸⁵ In his *Einführung in die romantische Staatswissenschaft* (1923), Baxa cast Burke as a Christ-figure, a messiah who redeemed the Germans from Enlightenment and awakened their Romantic genius; and Müller, as the custodian of Burke's testament:

Edmund Burke's writings became nothing less than a political gospel *«politisches Evangelium»* for the German Romantics, and in particular for Adam Müller, who again and again pointed to this great Englishman as his political inspiration. The portrait of Burke that Müller sketched in his writings is unsurpassable; Burke's character was truly reflected in the spirit of his works, a spirit that was so close to Müller's own. 'Oh, read Burke!' he cried to

⁸² Adam Müller, *Schriften zur Staatsphilosophie*, ed. Rudolph Kohler, with a foreword from Erich Przywara, S.J. (Munich: Theatiner, 1923), p. xii. Przywara is quoting Gal. 3:28. Cambridge University Library's copy of this text contains the marginalia of Paul Kluckhohn, a key interlocutor in Weimar debates over Burke and Romanticism.

⁸³ For a useful, if somewhat apologetic, introduction to Spann, see the essays in *Othmar Spann: Leben und Werk*, ed. Hans Pichler; printed in Spann., *Gesamtausgabe*, ed. Walter Henrich et al., 21 vols. (Graz: Akademische Druck- und Verlagsanstalt, 1963-79), vol. 21.

⁸⁴ Othmar Spann, *Der wahre Staat* (Leipzig: Quelle and Meyer, 1921); reprinted in Spann, *Gesamtausgabe*, vol. 5, at p. 98.

⁸⁵ For Baxa's work on Müller, see fn. 41 above.

his contemporaries who, lacking their own great ideas, peered towards distant lands in the hopes of importing them from afar. But they did not heed Müller's appeal, instead holding fast to the French and to Adam Smith. For them, Burke's truly Germanic spirit *⟨warhaft germanischer Geist⟩* remained a testament closed with seven seals.⁸⁶

In sharp contrast to Schmitt, in other words, Baxa insisted that Müller represented the perfection of Burke's conservatism. The 'politische Romantik', he explained elsewhere, was comprised of three primary ingredients: 'Fichtian idealism, and his organicist view of the state; Schelling's *Naturphilosophie*, and his advancement and refinement of the organic principle; and the political ideas of Burke, who defended the old feudal-state *⟨Feudalstaat⟩* and its aristocratic constitution as the only possible alternative to the representative-state of modern democrats'. Müller's achievement was to combine these three elements into a 'glorious edifice', a strategy for how the Burkean spirit of medieval feudalism could be revived in the form of the post-liberal, corporatist state.⁸⁷ For Baxa, Müller's *Elemente der Staatskunst* were no less than 'a masterpiece whose greatness can be compared to that of Plato's *Republic*.' The only *Kultur* to have rivalled the ancient Greeks were the German Romantics, he reasoned; and just as the *Republic* was the emblem of ancient political greatness, his *Elemente* were the highest expression of Romantic politics.⁸⁸ In context, this claim was not especially eccentric. In a speech to a group of American academics in 1940, for instance, the expatriated political economist Goetz Briefs made precisely the same point:

Edmund Burke had played the role of an awakener to Gentz and Friedrich Schlegel; he became a prophet to Adam Müller. The conservatism of the great Irish statesman and writer underwent in the work of Müller a translation into the intellectual and sentimental vernacular of Romanticism. Out of this general situation there arose the new phase which we may call political and economic Romanticism.⁸⁹

From this Burkean moment, Müller's *Elemente* emerged as 'the climax of political and economic thought within the Romantic movement.'⁹⁰

Whether or not one accepts the wider thesis of Mohler's *Konservative Revolution*, he was certainly correct to argue that Nazism's eventual ascendance over rival ideologies has

⁸⁶ Baxa, *Romantische Staatswissenschaft* (1923), pp. 59-60. Cf. *Gesellschaft und Staat im Spiegel deutscher Romantik*, ed. Jakob Baxa (Jena: Fischer, 1924); Adam Müller, *Ausgewählte Abhandlungen*, ed. Jakob Baxa (Jena: Fischer, 1921); *Adam Müllers handschriftliche Zusätze zu den Elementen der Staatskunst*, ed. Jakob Baxa (Jena: Fischer, 1926).

⁸⁷ See Müller, *Elemente* (1922), ed. Baxa, vol. 2, p. 264.

⁸⁸ Baxa, *Einführung*, p. 164.

⁸⁹ Goetz Briefs, 'The Economic Philosophy of Romanticism', *Journal of the History of Ideas*, vol. 2, no. 3 (Jun., 1941): pp. 279-300, at p. 279. The conference at which this volume of the *JHI* originated was organized by Arthur Lovejoy; see his 'The Meaning of Romanticism for the Historian of Ideas' in the same volume of the *JHI*, pp. 257-78.

⁹⁰ *Ibid.*

made it difficult to recapture the diversity of these interwar debates over the meaning of conservatism. Their internal logic only becomes clear in light of the thesis of Braune's *Burke in Deutschland*. If, as she claimed, Burke's critique of Enlightenment had been polished, refined, and perfected in the nineteenth century – if the German tradition stood as a definitive retort to a moribund liberal tradition, embodied by France in the 1790s and the Anglo-American world in the 1920s – then the shape of this tradition mattered immensely. In assembling different genealogies of Burke's legacy, Weimar historians of political thought were proposing divergent visions of Germany's future. But beneath their ideological disagreements lay the more basic assumption that, thanks to Burke, Germany held forth the promise of a post-Enlightened politics. Mannheim was simply giving voice to this widespread assumption when he claimed that 'Germany achieved for the ideology of conservatism what France did for the Enlightenment – she exploited it to the full extent of its logical conclusions.'⁹¹

IV. Postwar Afterlives

One might have thought that the rise of Nazism, Germany's defeat in WWII, and subsequent revelations about its wartime enormities would have dealt a blow to Meinecke's teleological Burke-to-Bismarck story. But they did not. Instead, the basic structure of his *Weltbürgertum* remained robust, and indeed metastasized beyond Germany's borders in the decades after 1945. Postwar scholars did not repudiate his story, but repackaged it: instead of dismissing the grand metanarrative of a German-Burkean reflux against *Aufklärung*, they reassessed its *implications*. This process of moral reevaluation became a major preoccupation for the wave of young émigré scholars who had migrated to the Anglo-American academy in the '30s, bringing these interwar debates about Burke's legacy with them. Likewise, for scholars back in Germany, Meinecke's narrative offered a way to come to grips with the origins of Cold War totalitarianism.

Key variables in his story were of course destabilized, forcing scholars to adapt. On the one hand, as the reputation of German conservatism fell into disrepute, the Burkean canon that interwar scholars had so vigorously contested became toxic. Müller and the *politische Romantik* fared especially poorly after the war; and indeed, his reputation has not really recovered since.⁹² Efforts to redeem Gentz began earlier and had more success. During

⁹¹ Mannheim, 'Das konservative Denken', p. 268.

⁹² In the 1960s German literary scholars attempted, largely unsuccessfully, to de-toxify his reputation by publishing a compendium of Müller's 'non-political' writings: see Müller, *Kritische, ästhetische und philosophische Schriften*, ed. Walter Schroeder and Werner Siebert, 2 vols. (Berlin: Luchterhand, 1967).

the War, Golo Mann wrote a biography of Gentz while in exile, in which he tried to vindicate Gentz as a cosmopolitan ‘realist’ *avant la lettre*, and in which Gentz’s journalistic campaign against Napoleon figured as a not-so-subtle parallel to the Mann family’s own literary war against Hitler.⁹³ Hannah Arendt, similarly, defended Gentz as the representative of a conservative strain of Prussian liberalism.⁹⁴ Yet his close association with such reactionaries as Burke, Müller, Metternich, and Schlegel worked against their untimely efforts to burnish his anti-fascist *bona fides*. Like the other luminaries of the Restoration, he remained deeply suspect to postwar historians.

Second, as John Robertson has recently observed, the *Aufklärung* against which pre-war scholars situated these German Burkeans was also subjected to scholarly scrutiny in the late ’40s and ’50s, and eventually fractured along disciplinary lines.⁹⁵ Postwar historians, on the one hand, began to position Enlightenment as the origin of a better, more humane past for Europe. Led by the Italian antifascist Franco Venturi, they discovered a pan-European network of men of letters, moral philosophers, religious reformers, and cosmopolitan statesmen, all committed to the joint project of bettering man’s earthly prospects.⁹⁶ In this schema, Enlightenment was no longer the pathological past from which Europe needed to escape, but a necessary anchor to keep it from drifting back into horrors of Nazism. Continental philosophers, on the other hand, remained dubious. For this rival cohort of scholars, many of whom were the direct descendants of Burke’s interwar adulators – Reinhart Koselleck, for instance (a student of Schmitt), Eric Voegelin (a student of Spann), Leo Strauss (an interlocutor of Schmitt and Meinecke) – careful diagnosis of the Enlightenment’s inner contradictions remained a central preoccupation after the war, a way of wrestling with

⁹³ Golo Mann, *Friedrich von Gentz: Geschichte eines europäischen Staatsmanns* (Zurich: Europa Verlag, 1947); cf. William Wogolom’s clumsy English translation (New Haven, CT: Yale University Press, 1946). See also Paul Sweet, *Friedrich von Gentz: Defender of the Old Order* (New Haven, CT: Yale University Press, 1946).

⁹⁴ See Hannah Arendt, ‘A Believer in European Unity’, review of Sweet, *Friedrich von Gentz*, in *Review of Politics*, vol. 4, no. 2 (Apr., 1942): pp. 245-47; idem., ‘Friedrich von Gentz: Zu seinem 100. Todestag am 9. Juni’, *Kölnische Zeitung*, 8 June 1932; reprinted in idem., *Reflections on Literature and Culture*, ed. Susannah Young-Ah Gottlieb (Stanford, CA: Stanford University Press, 2007), pp. 31-37. But cf. also her *Origins of Totalitarianism* (New York: Harcourt, Brace and Co, 1951), where she endorsed the traditional view of Müller, Schlegel, and the Romantics as illiberal reactionaries (p. 167).

⁹⁵ For this divergence between ‘philosophical’ and ‘historical’ Enlightenments, see John Robertson, *The Enlightenment: A Very Short Introduction* (Oxford: Oxford University Press, 2015), ch. 5.

⁹⁶ Classically, Franco Venturi, *Settecento riformatore*, 5 vols. (Torino: Einaudi, 1969-90); but cf. his earlier *Le origini dell’Enciclopedia* (Rome: Edizioni, 1946), as well as Peter Gay, *The Enlightenment: An Interpretation*, 3 vols. (New York: Knopf, 1966-73). In 1951, the appearance of the first English edition of Ernst Cassirer’s *Philosophie der Aufklärung* (as *Philosophy of the Enlightenment*, trans. Fritz Koelln and James Pettegrove [Princeton, NJ: Princeton University Press, 1951]) also contributed to this reevaluation.

the origins of a modernity gone badly wrong. Meinecke's critique of an ahistorical and totalizing eighteenth century retained much of its potency for these thinkers, who repurposed it not only as a genealogy of the French Terror, but of the more recent terrors of Nazism and Stalinism. The most famous instance of this critique, of course, was Horkheimer and Adorno's *Dialektik der Aufklärung* (1944; 2nd ed. 1947), which argued that eighteenth-century rationalism had in fact exacerbated the very same relations of domination that the French *philosophes* claimed to have overcome.⁹⁷ But such postwar criticisms did not emanate only from the Marxian Left; they remained vital on the German Right as well.

Postwar scholars responded to these shifting contexts in two distinct ways, a bifurcation that roughly paralleled this split between 'historical' and 'philosophical' views of Enlightenment. While more philosophically-inclined historians – that is, those disposed toward a skeptical view – continued to indict the eighteenth century, the claim that the Germans had theorized a Burkean alternative to Enlightenment simply evaporated. Rather than confidently situating the nineteenth century as a *solution* to the eighteenth, this generation of scholars reconciled itself to a negative, apophatic critique. In Koselleck's *Kritik und Krise* (1959), for instance, readers encountered a story about the 'pathogenesis' of modern politics that closely tracked Schmitt's.⁹⁸ Beginning with the post-Reformation cleavage of morality and politics, Koselleck explained how the *philosophes* – cloistered away in their unpolitical salons, coffeehouses, and masonic lodges – had crafted a moralizing critique of the state that was subversive, utopian, and totalizing, which ultimately swallowed up French politics in 1789, and which lay at the root of the grand ideologies of the mid-twentieth century.⁹⁹ In its presentation of the eighteenth century, Koselleck's narrative was no more than an explication of the Schmittian dichotomy between politics and morals. What was different about *Kritik und Krise*, however, was that Koselleck cut off his story abruptly with the Revolution, omitting all the anti-revolutionary figures – Maistre, Bonald, Gentz, and Burke – whom Schmitt had earlier posited as the necessary antidotes to Enlightened moralism. He wrote as if the nineteenth century never happened.

Similarly, Eric Voegelin spent the 1950s arguing that modern totalitarianism needed to be understood as a recrudescence of the ancient heresy of gnosticism, and that *Aufklärung's* motive principle had been the drive for gnostic wisdom. Like Spann, Voegelin believed that a religious yearning for transcendence was intrinsic to human nature, and that

⁹⁷ Theodor Adorno and Max Horkheimer, *Dialektik der Aufklärung* (Amsterdam: Querido, 1947).

⁹⁸ Reinhardt Koselleck, *Kritik und Krise: Eine Studie zur Pathogenese der bürgerlichen Welt* (1959); republished as *Critique and Crisis* (Boston, MA: MIT Press, 1988). I cite the pages number in the latter below.

⁹⁹ On the latter point, see *ibid.*, pp. 1-12.

the secularization of Western societies in the early-modern period had led men to project this religious need into the temporal, mundane realm of politics – in effect, to attempt to achieve religious salvation through political-technocratic means. In his *New Science of Politics* lectures at the University of Chicago (1951), and in his *Wissenschaft, Politik, Gnosis* lectures at the University of Munich (which he delivered upon his inauguration as its first post-Nazi chair of political science in 1958), he attempted to set out a diagnosis of this ‘pneumopathology’, the spiritual sickness that seduced men into confusing religion and politics.¹⁰⁰ Unlike Spann, however, Voegelin was reticent to locate an antidote to this disease in Schelling, Müller, or the German *Romantik*. In fact, he saw Spann’s universalism as itself a kind of Spinozist gnosticism, and rejected the radical Austro-fascism that it underpinned. Where the liberals of the eighteenth century idolized the autonomous self, Spann had simply deified the national collective.¹⁰¹

A more sophisticated riff on Meinecke’s tune was provided in Strauss’s *Natural Right and History* lectures (1949).¹⁰² While he endorsed the idea that the *Reflections* was Burke’s historicizing turn away from eighteenth-century liberalism and the rationalism that grounded it, Strauss denied that Burke represented a solution to the crisis of ‘modern natural right’. Unlike the liberty of the ancients, he believed that modern liberty was intrinsically unstable because it was not rooted in a transcendent account of human nature (either theological or philosophical). Instead, Strauss saw post-Machiavellian freedom as essentially egoistic, rationalized through a this-worldly appeal to self-preservation and utility. This constructivist position was open to the charge of relativism, and as a result – because it did not have access to a transcendent account of right – it was unable to counter the Rousseau’s suspicion that modern liberty was in fact slavery. The collapse of modern natural law in the French Revolution could have been countered, Strauss averred, through a ‘return to the premodern conception of natural right’. But this was not Burke’s position. While the *Reflections* did attempt to shore up the divorce between right and nature by invoking such classical virtues as chivalry, patriotism, piety, and honor, it was not an adequate response to the crisis at hand.¹⁰³

¹⁰⁰ Both works are available (the latter in translation) in *The Collected Works of Eric Voegelin*, 34 vols. (Columbia, MO: University of Missouri Press, 1989-2009), vol. 5.

¹⁰¹ Voegelin’s indictment of Weimar pan-Germanism along these lines was the reason he was exiled from Austria after the *Anschluss*.

For Voegelin’s mature recollection of Spann, see his *Autobiographical Reflections*, ed. Ellis Sandoz, in *The Collected Works of Eric Voegelin*, 34 vols. (Columbia, MO: University of Missouri Press, 1989-2008), vol. 34, pp. 31ff, 54 (which rather downplays his relationship with Spann); for Voegelin on Spann’s universalism, see his early essay on *The Theory of Governance*, in *Works of Voegelin*, vol. 32, pp. 223-372, at pp. 297-300.

¹⁰² Leo Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1953).

¹⁰³ Nevertheless, Strauss’s intuition that liberalism’s descent into relativism might be halted by an appeal to ancient virtue, and that Burke’s conservatism might represent such a synthesis, has become

According to Strauss, Burke ‘parts company with the Aristotelian tradition by disparaging theory and especially metaphysics’. Rather than answering the threat of relativism by turning to the normative realism of the ancients, Burke altogether rejected attempts to define an ahistorical standard of justice. ‘It is only a short step from this thought of Burke to the supersession of the distinction between good and bad by the distinction between the progressive and the retrograde or between what is and what is not in harmony with the historical process.’ In Burke ‘what would appear as a return to the primeval equation of the good with the ancestral is, in fact, a preparation for Hegel.’¹⁰⁴ With this subtle barb, Strauss was claiming that prewar scholars were wrong to think that Burke had fundamentally rejected the eighteenth century. In ratifying the idea that modern politics could not and indeed should not be ‘metaphysical’, he merely exacerbated the aversion to transcendence that was already present in Hobbes, and which would eventually culminate in Nietzschean nihilism and the German catastrophe.

Postwar historians – those who, like Venturi, were more sanguine about Enlightenment – found a very different way to deal with Meinecke. Rather than splicing his story and leaving out its latter half, they simply inverted its normative thrust. They continued to insist that Burke was (in the words of one Weimar scholar) ‘the origin of that enmity towards reason that we find in later Romantics’.¹⁰⁵ But whereas prewar scholars celebrated Burke as the progenitor of a German post-Enlightenment, postwar historians implicated him in the rise of what was now re-described as ‘the counter-Enlightenment’, a historical category with a suspicious moral pedigree. The most conspicuous exponent of this view was Isaiah Berlin. In a series of influential essays from the 1960s and ’70s, he effectively reproduced the logic of Meinecke’s *Historicism*, but turned its moral implications on their head.¹⁰⁶ Just as Meinecke contrasted the ‘negative’ historiography of the eighteenth century and the ‘positive’ historicism of the nineteenth, Berlin painted an image of ‘counter-Enlightenment’ that was riven in two. His essays situated the early counter-Enlightenment of Möser, Herder, and Vico – whom he applauded for their cosmopolitan appreciation of historical diversity –

a leitmotif in the work of Strauss’s American students: see Harvey Mansfield, *Statesmanship and Party Government* (Chicago: University of Chicago Press, 1965), pp. 231ff; *ibid.*, ‘Burke’s Conservatism’, in *An Imaginative Whig*, ed. Ian Crowe (Columbia, MO: University of Missouri Press, 2005), pp. 59-70.

¹⁰⁴ Strauss, *Natural Right and History*, pp. 294, 311, 318-19.

¹⁰⁵ Siegbert Elkuss, *Zur Beurteilung der Romantik und zur Kritik ihrer Erforschung* (Berlin: Oldenbourg, 1918), p. 91.

¹⁰⁶ Isaiah Berlin, ‘The Counter-Enlightenment’ (1973), in *idem.*, *The Proper Study of Mankind*, ed. Henry Hardy and Roger Hausheer (London: Pimlico, 1998), pp. 243-68. For Berlin’s indebtedness to Meinecke, see Avi Lifschitz, ‘Between Friedrich Meinecke and Ernst Cassirer: Isaiah Berlin’s Bifurcated Enlightenment’, in *Isaiah Berlin and the Enlightenment*, ed. Laurence Brockliss and Ritchie Robertson (Oxford: Oxford University Press, 2016), ch. 3.

against the post-revolutionary counter-Enlightenment of Burke, Maistre, Bonald, Haller, Schlegel and Müller. Berlin presented the former as the font of a liberalism that was pluralistic, tolerant, and open to difference, and which was therefore a healthy corrective to the totalizing tendencies of eighteenth-century thought.¹⁰⁷ But the latter, he suggested, was the cradle of a dark, reactionary illiberalism. What began as a salutary celebration of variety was eventually diverted into a chauvinistic form of ethno-nationalism. Crucially, for Berlin as for Meinecke, Burke remained the pivotal figure in the transition from the former to the latter. Burke's *Reflections*, in Berlin's view, was animated by his 'resistance to attempts at a rational reorganization of society in the name of universal moral and intellectual ideals' – an 'onslaught on the principles of the French revolutionaries' which, anticipating 'later romantic, vitalistic, intuitionist and irrationalist writers', 'stresses the value of the individual, the peculiar, the impalpable, and appeals to ancient historical roots and immemorial custom, to the wisdom of simple, sturdy peasants uncorrupted by the sophistries of subtle "reasoners"' and which therefore 'has strongly conservative and, indeed, reactionary implications'.¹⁰⁸ Having forsaken the security of eighteenth-century moral universals, Burke opened the door for German counter-revolution that was not only counter- but *anti*-Enlightenment, one hostile to the cause of liberty and pluralism. In the postwar era, as Enlightenment emerged as a bulwark against the racism and authoritarianism that nearly destroyed Europe, Burke and his students' repudiation of it came to seem tragically misguided at best, and positively immoral at worst.

This same upending of Meinecke's thesis structured Klaus Epstein's *Genesis of German Conservatism* (1966) as well, still the leading English-language work on the subject.¹⁰⁹ Though far better researched than Berlin's essays, Epstein arrived at the same conclusions (albeit using a different terminology to articulate them). Conservatism, he argued, arose as an attempt to protect Germany's 'traditional' civil and ecclesial establishments against the critique leveled at them by the revolutionary 'Party of Movement' that aspired 'to transform society in a secular, egalitarian, and self-governing direction'.¹¹⁰ Epstein described Burke (somewhat predictably) as the 'ideal type' of conservatism, and maintained that Burke set out 'almost all the elements of the central Conservative case in his *Reflections on the Revolution in France*'.¹¹¹ Yet his thorough researches allowed Epstein to

¹⁰⁷ On Berlin and Marxism see Duncan Kelly, 'The Political Thought of Isaiah Berlin', *British Journal of Politics and International Relations*, vol. 4, no. 1 (2002): pp. 29-45.

¹⁰⁸ Berlin, 'Counter-Enlightenment', pp. 256-7.

¹⁰⁹ Klaus Epstein, *The Genesis of German Conservatism* (Princeton, NJ: Princeton University Press, 1966), pp. 315-16.

¹¹⁰ *Ibid.*, p. 5.

¹¹¹ *Ibid.*, p. 13.

nance earlier accounts of conservatism's rise as well. First, he introduced a new a system for classifying *types* of conservatives – ‘status quo’, ‘reform’, and ‘reactionary conservatives’. All of these groups shared Burke's aversion to radical change, but differed over how to combat it most effectively.¹¹² Epstein admired Rehberg as an exponent of the reformist school, but had little sympathy for the other two: ‘status quo’ conservatives appeared obstinate and boorish; ‘reactionaries’, as malevolent and spiteful.¹¹³ Second, echoing Fritz Valjavec, he claimed that recognizable strains of German conservatism could be observed in the years *before* Burke's *Reflections*.¹¹⁴ Formulated in response to the growing political influence of *aufgeklärt* rationalism, secularism, and standardization, this pre-revolutionary ideology was epitomized in the writings of Justus Möser, whose *Osnabrückische Geschichte* (1768, 1780) seemed to Epstein a proto-Burkean defense of the ‘Lokalvernunft’ of the customs and traditional constitution of his native Osnabrück.¹¹⁵ Yet in the final analysis, Möser was only a precursor of the ‘conscious’ conservatism that Burke fully articulated. Though this argument was less polemically stated than Berlin's – and though his history did not cover the rise of Romanticism and Restorationism¹¹⁶ – his opposition to the conservatism that his Weimar precursors fêted was nonetheless perceptible. As Jacques Droz observed, ‘Epstein presents a Germany which, at the dawn of the contemporary epoch and at a moment when the great options were taking form, in some manner closed in upon herself again and defined her own values in opposition to the Western world.’¹¹⁷ Standing on the far side of the German catastrophe – one which had forced Epstein into exile in America – it was difficult for him not to see this *Sonderweg* in a tragic light.

The one-dimensional picture of Enlightenment that Berlin and Epstein held is no longer tenable due to a wave of scholarship in the 1970s and '80s dedicated to pluralizing the concept.¹¹⁸ In recent years, Burke scholars have brought into question his traditional

¹¹² For a more theoretically-sophisticated modification of Epstein's typology, see Jörn Garber, ‘Drei Theoriemodelle frühkonservativer Revolutionsabwehr: Altständischer Funktionalismus, spätabolutistisches Vernunftrecht, evolutionärer “Historismus”’, *Jahrbuch des Instituts für deutsche Geschichte*, vol. 8 (1979): pp. 65-101.

¹¹³ For Epstein on Rehberg, see his *Genesis*, ch. 11.

¹¹⁴ Fritz Valjavec, *Die Entstehung der politischen Strömungen in Deutschland, 1770–1815* (Munich: Oldenbourg, 1951); cf. Epstein, *Genesis*, p. 65. I owe this point to Richard Bourke, ‘War Edmund Burke ein Konservativer? Notizen zum Begriff des Konservatismus’, *Leviathan*, vol. 44., no. 1 (2016): pp. 65-96, at p. 82.

¹¹⁵ See Epstein, *Genesis*, ch. 6.

¹¹⁶ Before his untimely death in 1967, Epstein had planned a sequel to *Genesis of German Conservatism*.

¹¹⁷ Jacques Droz, review of Epstein, *Genesis*, in *Central European History*, vol. 2, no. 2 (June, 1969): pp. 177-180, at p. 179.

¹¹⁸ For this process of pluralization, see John Robertson, *The Case for The Enlightenment: Scotland and Naples 1680–1760* (Cambridge: Cambridge Univeristy Press, 2005), ch. 1; for an audacious

association with conservatism.¹¹⁹ Yet with a few notable exceptions, this revisionist scholarship has yet to penetrate the historiography of his German reception.¹²⁰ Epstein's neo-Meineckean thesis continues to cast a pall on the field. Sometimes its influence is overt – as when, for instance, Zeev Sternhell's *The Anti-Enlightenment Tradition* denounced Burke (along with Herder) as 'one of the originators of nationalism', and his German students as the precursors of fascism.¹²¹ But more often its influence is subtle, evident in the staying-power of Meinecke's heuristic binaries: progress and conservatism, reason and tradition, *Aufklärung* and *Romantik*. Dieter Henrich's revival of the theory-praxis controversy of 1793, for instance, straightforwardly presented this debate as a contest between Enlightenment and its detractors, juxtaposing Kant, *reine Vernunft*, and the rights of man on the one hand, against Gentz and Rehberg's illiberal conservatism on the other.¹²² More recently, Reidar Maliks reproduced this opposition in his history of *Kant's Politics in Context*.¹²³ Maliks presents Kant as a principled liberal, embattled throughout the 1790s by a coterie of 'conservative critics' who, inspired by Burke, 'challenged [Kant's] egalitarian concept of freedom and the very idea that principles should dictate politics.' Instead, they 'defended the existing order, partly because they were afraid of social chaos and partly because they were convinced that moral values grow out of tradition and convention.'¹²⁴ Perhaps most influentially, Frederick Beiser has presented Burke as a 'conservative' committed to the cause of 'tradition', whose impact on German thought generally, and on Gentz especially, was largely malign.¹²⁵ Though he has distanced himself from Epstein's claim that Burke was 'the father of German

attempt to preserve Meinecke's prewar *Aufklärung*, see Jonathan Israel, *Radical Enlightenment* (Oxford: Oxford University Press, 2001), *Enlightenment Contested* (Oxford: Oxford University Press, 2006), and *Democratic Enlightenment* (Oxford: Oxford University Press, 2011).

¹¹⁹ See, seminally, Richard Bourke, *Empire and Revolution: The Political Life of Edmund Burke* (Princeton: Princeton University Press, 2015).

¹²⁰ Aside from Bourke, 'Konservatismus', cf. László Kontler, 'Varieties of Old Regime Europe: Thoughts and Details on the Reception of Burke's *Reflections* in Germany', in *Burke in Europe*, pp. 313-329. Already in 1986, Jonathan Knusden was pointing to flaws in the traditional interpretation of Möser as proto-Burkean: see his *Justus Möser and the German Enlightenment* (Cambridge: Cambridge University Press, 1986). See, more recently, Raphaël Cahen, *Friedrich Gentz: Penseur post-Lumières et acteur du nouvel ordre européen* (PhD diss., Aix-Marseille Université, 2014).

¹²¹ Zeev Sternhell, *The Anti-Enlightenment Tradition* (2006), trans. David Maisel (New Haven: Yale University Press, 2009), p. 26.

¹²² Dieter Henrich, 'Einleitung' to *Kant, Gentz, Rehberg: Über Theorie und Praxis* (Frankfurt am Main: Suhrkamp, 1967), pp. 7-38, at p. 21.

¹²³ Reidar Maliks, *Kant's Politics in Context* (Oxford: Oxford University Press, 2014), esp. pp. 39-79.

¹²⁴ *Ibid.*, pp. 55, 60.

¹²⁵ See Frederick Beiser, *Enlightenment, Revolution, Romanticism: The Genesis of Modern German Political Thought, 1790-1800* (Cambridge, MA: Harvard University Press, 1992), pp. 281-334, esp. p. 326; cf. also his essay, co-authored with Pamela Edwards, on 'Philosophical Responses to the French Revolution' in *The Cambridge History of Philosophy in the Nineteenth Century*, ed. Allen Wood and Songsuk Susan Hahn (Cambridge: Cambridge University Press, 2012), pp. 601-622, esp. 601-611.

conservatism', this is less an attempt to exonerate Burke than an effort to insulate Germany's impressively philosophical political theorists from what Beiser considers to be Burke's vapid anti-intellectualism.¹²⁶

Postwar studies of Burke's individual students – Rehberg, Gentz, Müller – have tended to reinforce Meinecke's paradigm as well. Even while adding nuance to the Weimar scholarship, they have generally continued describing these Burkeans as the progenitors of a counter-attack against *Aufklärung*. The best postwar biography on Rehberg, for instance, presents him as a proto-historicist who, out of an innate aversion to Kantian rationalism, theorized an elaborate 'conservatism' in which 'tradition' was the necessary mediating agent between theory and praxis.¹²⁷ Likewise, in his valiant and solitary attempt to resuscitate Müller's reputation, Benedikt Koehler was ultimately forced to fall back onto the contrast between mechanism and organicism: the 'nervus rerum' of the Müller's *Elemente*, he suggested, lay in its attempt to counteract eighteenth-century listlessness through an 'aesthetic politics' in which medieval Germania was presented not so much a blueprint for political reform as a quasi-religious icon, one which could revive and enliven the fractured German lands.¹²⁸ And while postwar Gentz scholarship has become more robust, his affiliation with conservatism is still persistent. There is considerable debate today about *when* he renounced his youthful, principled liberalism for the counter-Enlightened politics of his later years – some scholars point to his confrontation with Burke's *Reflections* as the moment of conversion, while others date it later, after his move to Vienna in 1801 – but *that* he renounced *Aufklärung* sooner or later has been largely accepted.¹²⁹ This assumption permits

¹²⁶ Ibid., p. 288; cf. *ibid.*, p. 317 (the *Reflections* as a piece of 'righteousness, pomp, [and] spleen').

¹²⁷ Ursula Vogel, *Konservative Kritik an der bürgerlichen Revolution* (Darmstadt: Luchterhand, 1972); cf. the discussion of Rehberg and Burke at pp. 95-107.

¹²⁸ Koehler, *Asthetik der Politik*, esp. pp. 28-31, 81-113. Cf. Hans-Christoph Kraus, 'Die politische Romantik in Wien: Friedrich Schlegel und Adam Müller', in *Konservatismus in Österreich*, ed. Robert Rill and Ulrich Zellenberg (Graz: Stocker, 1999), pp. 35-70, which confirms Müller as an apologist of Habsburg-Catholic Restorationism.

¹²⁹ Kontler, e.g., argues for a liberal reading of Gentz's *Reflections*, echoing Günther Kronenbitter's suggestion that Gentz's conservatism developed slowly over the 1790s and early 1800s: see Kontler 'Old Regime Europe'; and Kronenbitter, *Wort und Macht: Friedrich Gentz als politischer Schriftsteller* (Berlin: Duncker & Humblot, 1994). The earlier studies Theresa Dietrich and Philip Pirlir present a more abrupt *volte-face*: see her *Ideologie der Gegenrevolution: Ursprünge konservativen Denkens bei Friedrich Gentz, 1789-1794* (PhD diss., Humboldt University, 1989), esp. pp. 57-131, and his *Friedrich von Gentzens Auseinandersetzung mit Immanuel Kant*, (PdD diss., Ludwig-Maximilian University Munich, 1980), pp. 17-70. Cf. also Theresa Dietrich, 'Das Konzept einere "wahren" Politik des Friedrich Gentz', *Deutsche Zeitschrift für Philosophie*, vol. 38 (1990): pp. 346-353. For a tendentious portrait of Gentz as a Romantic Restorationist, see John Whiton, 'Friedrich Gentz and the Reception of Edmund Burke in post-revolutionary Germany', *German Life and Letters*, vol. 36, no. 4 (Oct., 1993): pp. 311-18.

Gentz has also attracted significant interest as a pioneer of *Öffentlichkeit* in the revolutionary era: aside from Kronenbitter's *Wort und Macht*, see Iwan Michelangelo-d'Aprile, *Die Erfindung der*

Harro Zimmermann, for instance, to credit Gentz with the ‘Erfindung der Realpolitik’ – the invention of a post-Kantian form of statecraft which paved the way for Bismarck’s *Machtpolitik*.¹³⁰

V. Conclusion

The basic assumption informing this scholarship – indeed, the entire literature on these German Burkeans, from Meinecke to today – is the same. The *Reflections* is presumed to have incited a backlash against *Aufklärung* which, in time, became the cornerstone of an exceptionally robust tradition of German conservatism. In the early-twentieth century, this story was recounted with optimism and pride; in the years since 1945, it has been viewed with far more suspicion. What has remained constant, however, is its linear determinism. Burke’s critique of rationalism, it is argued, posed a challenge to his students, an *Edmund Burke-Problem*: in a world where reason had come to threaten all of the inherited, pre-rational traditions that order human life and give it meaning, how was it possible to centre a post-revolutionary politics? To put the question another way, once Germany’s collective ‘moral imagination’ had been fractured by the politics of radical individualism, how could a vital centre be reconstituted? In the century since Braune’s *Burke in Deutschland*, historians of political thought have given effectively the same answer: it was the shared achievement (or, alternatively, the misfortune) of the German Burkeans to have resolved this question, extracting a viable politics from the *Reflections* and, by invoking ‘the higher powers in history’, planting it squarely within their own national tradition.¹³¹

Zeitgeschichte: Geschichtsschreibung und Journalismus zwischen Aufklärung und Vormärz (Berlin: Akademie Verlag, 2013); as well as the proceedings of the conference ‘Virtuosen der Öffentlichkeit?: Friedrich von Gentz (1764-1832) im globalen intellektuellen Kontext seiner Zeit’ (Cologne, March 2015), available online at: <http://www.historicum-estudies.net/epublished/virtuosen-der-oeffentlichkeit/editorial>.

¹³⁰ Harro Zimmermann, *Friedrich von Gentz: Die Erfindung der Realpolitik* (Munich: Ferdinand Schöningh, 2012).

¹³¹ Meinecke, *Historismus*, p. 221.

Chapter 3: August Wilhelm Rehberg

I. Introduction

In the decades before Burke published his *Reflections on the Revolution in France*, his thought was of little interest to most German political writers.¹ Those who were familiar with his career in Parliament would have thought of him as a talented orator, a critic of monarchical overreach, and a parliamentary apologist for American independence. But aside from newspaper summaries of his speeches and the reportage of the *Parliamentary Register*, their acquaintance with his principles was superficial at best.² This was largely a matter of genre. Burke's works drifted into Germany along with the quotidian political flotsam of elections held, motions filed, scandals uncovered.³ For Germans who encountered him in this context, it was not immediately obvious that Burke should be read as anything more than a practical politician. He seemed neither a constitutional analyst in the tradition of Coke, Blackstone, de Lolme, and Montesquieu, nor a philosopher of commercial society in the tradition of Ferguson, Hume, and Smith. With the notable exception of the *Annual Register* (1758-65) – portions of which were sold as sourcebooks on recent British history⁴ – none of

¹ The complex reception of Burke's *Philosophical Enquiry into the Origin of our Ideas of the Sublime and Beautiful* (1756) – a decades-long engagement that included Lessing, Mendelsohn, Herder, and Kant, among others – lies beyond the scope of this study; here, it is sufficient to note that debates about Burke's aesthetics did not substantially color the initial reception of his anti-revolutionary works. It was not until the early 1800s that the Jena Romantics began to read the *Reflections* vis-à-vis the *Enquiry* (for which, see Ch. 5 below).

² Brandes and Rehberg voiced precisely this complaint in their reviews of the *Reflections*: see [Brandes], review of Burke, *Reflections*, in *Göttingische Anzeigen von gelehrten Sachen* (26 Nov. 1791): pp. 1897-1907, at p. 1898; [Rehberg], review of Burke, *Reflections*, in *Allgemeine Literaturzeitung* (4 Mar. 1791): pp. 561-6, at pp. 561-2, 566.

³ See, e.g., *Annalen der britischen Geschichte*, ed. Johann Wilhelm von Archenholz, vol. 1 (1788), at pp. 31ff; cf. *ibid.*, vol. 20 (1800), p. 17 for an index of the *Annalen's* references to Burke from 1787 to 1800.

⁴ The *Annual Register* was in fact translated twice. The first edition – anonymously translated by the Danzig minister Samuel Wilhelm Turner as *Edmund Burkes Jahrbücher der neueren Geschichte der englischen Pflanzungen in Nordamerika*, 4 vols. (Danzig: Flörke, 1777-81), and marketed as a pre-history of the American Revolution – was filled with voluminous editorial notes meant to clarify Burke's history. As the *Allgemeine deutsche Bibliothek* noted (see vol. 35 [1788]: pp. 539-40), the effect was rather the opposite. Turner repeatedly voiced doubts about whether Burke was the *Register's* author (see *ibid.*, vol. 1, preface; vol. 3, pp. 485-6); but as the reviewer in the *Göttingische gelehrte Anzeigen* wryly observed (*Zugabe zu den Göttingischen anzeigen von gelehrten Sachen* [13

Burke's pre-revolutionary writings on politics were translated into German. Indeed, Germany's literary journals and book reviews – a reliable guide to the country's reading habits – rarely mentioned their publication.⁵ It was only after the appearance of the *Reflections*, in the wake of the explosive debates it provoked, that Burke's German contemporaries began to recognize him as a philosophically astute theorist of modern politics.

The exception to this rule was Hanover. In the half-century since George I assumed the British Crown, his homeland in the northwest corner of the Holy Roman Empire had become the German lands' leading centre for intellectual, cultural, and economic exchange with the United Kingdom.⁶ Eighteenth-century Hanoverians developed a strong affinity for the English language and culture, which was reinforced by the belief that many of the habits, customs, and *mœurs* that distinguished Hanover from the other German territories were shared by their English cousins. They took no small pride in describing themselves as 'halb-Engländer'.⁷ Since its establishment in 1734, the Electorate's leading university in Göttingen had become a vibrant hub for the study of British law and politics. By the latter eighteenth century, it contained the German world's leading authorities on the subject, Ludwig Timotheus Spittler and August Ludwig Schlözer.⁸ But this Hanoverian interest in the British Constitution was not confined to Göttingen's Law Faculty. Practicing civil servants such as Justus Möser, Ernst Brandes, and August Wilhelm Rehberg also boasted a formidable

June 1778]: pp. 369-372, at p. 369), this had not deterred him from putting Burke's name in his title 'in order to entice buyers'.

The second edition – *Geschichte der neuesten Weltbegebenheiten im Großen, aus dem Englischen*, [trans. Johann Lorenz Benzler, ed. Christian Wilhelm von Dohm], 16 vols. (Leipzig: Weygand, 1779-89) – was more prosaic. Dohm shared Turner's reservations about authorship: in his preface, he reported the 'rumor' that Burke – 'who revealed himself as a sharp-minded theorist of aesthetics in his treatise on the *Sublime and Beautiful* (which Herr Prof. Garve translated), and a talented defender of the parliamentary system in his speeches' (vol. 1, unpaginated preface) – was the author, but could not corroborate it. (Only the first two volumes in this series, covering the years 1755 to 1766, coincided with the period of Burke's editorship of the *Register* [1759-65].)

⁵ See Frieda Braune, *Edmund Burke in Deutschland* (Heidelberg: Winters, 1917), ch. 3.

⁶ On Hanover's relation to Britain, cf. Nick Harding, *Hanover and the British Empire, 1700-1837* (Oxford: Clarendon, 2007).

⁷ 'Here [in Göttingen] we are happily half-Englishers: not only in our dress, habits, and fashions, but also in our character': see L.T. Spittler, 'Vorrede des Verfassers' to *Geschichte des Fürstenthums Hannover seit den Zeiten der Reformation bis zu Ende des siebzehnten Jahrhunderts* (Göttingen: Vandenhoeck, 1786), in idem., *Sämmtliche Werke*, ed. Karl Wächter, 15 vols. (Stuttgart: Cotta, 1828-37), vol. 7, at p. xvi.

⁸ On Spittler and Schlözer, see Hans-Christof Kraus, *Englische Verfassung und politisches Denken im Ancien Régime, 1689-1789* (Munich: Oldenbourg, 2006), pp. 581-95. Cf. also Martin Peters, *Altes Reich und Europa: Der Historiker, Statistiker und Publizist August Ludwig von Schlözer*, 2nd ed. (Münster: Lit Verlag, 2005), pp. 273-80.

knowledge of the inner workings of the British state.⁹ These Hanoverians' fascination with Britain's exceptional, yet seemingly fragile, constitutional settlement led them to closely observe eighteenth-century debates about its origins, its current state of stability (or instability), and its prospects for its future. These debates, in turn, led them to Burke.

It was from this context that the first major interpretation of the *Reflections* emerged. In late 1789, Germany's widely-read *Allgemeine Literaturzeitung* commissioned August Wilhelm Rehberg, a 32-year-old civil servant in the Hanoverian government, to write a regular column reviewing books on 'Staatswissenschaft'.¹⁰ With an eye to ongoing developments across the Rhine, Rehberg spent the next three years appraising all of the major pro- and anti-revolutionary works written in France, Britain, and Germany. At a time when optimism prevailed among German political writers, he was something of a contrarian. Immediately sympathetic to Burke, Rehberg turned his column into a stronghold of the German counter-revolution, and used it as a platform to defend Burke against the violent wave of criticism that arose in response to his *Reflections*. As France descended into violence in the early 1790s, German public opinion on the Revolution grew increasingly polarized. In this context, Rehberg's *Literaturzeitung* column became immensely controversial. In January 1793, the same month as Louis XVI's execution, he released his *Untersuchungen über den französischen Revolution*, in which he sought to vindicate his anti-revolutionary position – and, by implication, Burke's – by systematically explicating the basic principles which, he claimed, had informed his political judgments over the past three years.¹¹ Rehberg's *Untersuchungen* quickly became the definitive Hanoverian line on the *Reflections*, and yoked his reputation to Burke's for the rest of his life.

Largely as a result of this work's success, Rehberg now enjoys an established position in the canon of revolutionary-era German political theorists. Typically, intellectual historians

⁹ For Möser and Brandes on Britain, see Kraus, *Englische Verfassung*, pp. 456-64, 603-616; for Rehberg, see Frederick Beiser, *Enlightenment, Revolution, and Romanticism* (Cambridge, MA: Harvard University Press, 1992), pp. 302-309; Ursula Vogel, *Konservative Kritik an der bürgerlichen Revolution* (Darmstadt: Luchterhand, 1972), pp. 95-8, 142-56, 203-212.

Möser's Osnabrück was not a permanent Hanoverian possession, but during the three decades of his administration (1768-94) the episcopate was under the control of the Hanoverian Duke of York. For this reason, Möser is often counted among the 'Hanoverian Whigs' (with Brandes, Rehberg and Spittler).

¹⁰ For an index of works reviewed in this column, see Rehberg, *Sämmtliche Schriften*, 3 vols. (Hannover: Hahn, 1828-31), vol. 2, pp. 64-82. (The volumes of Rehberg's *Schriften* are numbered 1, 2, 4; a third was planned but never published.)

¹¹ *Untersuchungen über die französische Revolution nebst kritischen Nachrichten von den merkwürdigsten Schriften welche darüber in Frankreich erscheinen sind, Von August Wilhelm Rehberg*, 2 vols. (Hannover: Christian Ritscher, 1793).

have described his significance in terms of his ‘conservatism’.¹² Under Burke’s influence, Rehberg is said to have set forward a skeptical critique of the revolutionaries’ liberal rationalism, their faith in the power of human reason to discern the conditions of a just society. According to Rehberg, such abstract moral criteria were dangerously indifferent to, and indeed militated against, those established traditions, customs and institutions which were the necessary conditions of political stability. Though he conceded that prudent, moderated reforms may sometimes be in order, his ultimate aim – according to the conventional interpretation – was the perpetuation of the socio-political status quo of pre-revolutionary Germany. Scholars have therefore described him as a ‘reform conservative’ or, more boldly, ‘the founding father of German conservatism’.¹³

But ‘conservatism’ is an unhelpful label for making sense of Rehberg’s relation to Burke. Not only is it prone to prolepsis, it flatly contradicts his repeated insistence that the conservation of extant political institutions, merely because they exist, was morally indefensible. As Rehberg explained in his initial review of the *Reflections*, the ‘perpetuation of abuses’ (*Verweigung der Misbräuche*) was not justifiable, even if the abuses in question were ancient.¹⁴ Rather than wading into anachronistic debates about the character of his ‘conservatism’, the following chapter seeks to resituate his reading of Burke within his original intellectual and social context. From his pre-revolutionary study of Hume’s *Essays*, Rehberg came to believe that moral skepticism, far from a threat to constitutional liberty (as his revolutionary critics charged), was a necessary *condition* of modern liberty. A cheerful agnosticism about essential questions of theology and philosophy, Hume had intimated, was necessary for a culture of free expression and religious toleration. In a free state, the certitudes of religious revelation or philosophical reason had to be displaced by the modest, opinion-based politics of ‘convention’. In a society governed by the rule of law, moral discourse would be rooted not in the dogmatic authority of clerics, but in the respect afforded

¹² See Beiser, *Enlightenment, Revolution, and Romanticism*, pp. 302-309; Klaus Epstein, *The Genesis of German Conservatism* (Princeton, NJ: Princeton University Press, 1966), pp. 547-94; Dieter Henrich, ‘Einleitung’ to *Kant, Gentz, Rehberg: Über Theorie und Praxis* (Frankfurt am Main: Suhrkamp, 1967); Reidar Maliks, *Kant’s Politics in Context* (Oxford: Oxford University Press, 2014), pp. 55-60; Vogel, *Konservative Kritik*, *passim*.

¹³ Frederick Beiser, ‘August Wilhelm Rehberg’, *Stanford Encyclopedia of Philosophy* (winter 2012), ed. Edward Zalta, <<https://plato.stanford.edu/archives/win2012/entries/august-rehberg/>>. Strangely, Beiser has also cast Justus Möser in the same role: see *Enlightenment, Revolution, Romanticism*, p. 288.

¹⁴ [Rehberg], review of Burke, *Reflections*, p. 566. For the (facially implausible) suggestion that Burke’s thought was rooted in precisely such a commitment to the perpetuation of abuses (provided that such injustices were ‘prescriptive’), see Paul Lucas, ‘On Edmund Burke’s Doctrine of Prescription; Or, an Appeal from the New to the Old Lawyers’, *Historical Journal*, vol. 11, no. 1 (1968): pp. 35-63.

to secular institutions of government. Because such ‘conventions’ were historically contingent, they would be malleable; yet because they commanded shared deference, they would offer a stable foundation for political society.

When Rehberg came across the *Reflections*, it struck him as a defense of *this* strain of skeptical, historicist liberalism, in contradistinction to the self-assured pseudo-liberalism of the revolutionaries. Burke’s defense of the British Constitution, in his view, was an attempt to protect Britain’s irenic, moderate political culture from collapsing into the illiberal, essentializing dogmatism from which it had extricated itself in 1688. In Rehberg’s view, the rationalism of the revolutionaries was essentially similar to the dogmatism of Cromwell or the Stuart legitimists: it was an illiberal, inflexible moral system, clothed in the false garb of *liberté*. Over the coming years, he used Burke to warn his peers about the dangers of a politicized ‘metaphysics’, and to contend for a historicist alternative. Once we recognize that ‘metaphysical concept[s] of liberty’ are chimerical, Rehberg argued, ‘we are forced onto the terrain of a totally different system, which grounds the whole civil constitution voluntarily *«willkürlich»* in concrete principles, in conventions and contracts, and which, in contrast to any metaphysical system, can therefore be called *the historical system*.’¹⁵ In defending Burke against his critics, Rehberg was attempting to distinguish this second vision of Enlightenment from the revolutionaries’, and to keep open the possibility of a liberal, post-revolutionary future for his native Hanover. Whether this Humean agenda marred his interpretation of Burke is a good question, and one worth investigating in the pages that follow. Whether it was ‘conservative’ is not.

II. Hanoverian contexts

By the time Rehberg arrived to study at the University of Göttingen in 1774, it already had a reputation throughout central Europe for its distinct intellectual milieu. Aside from its English cultural tendencies, the university was known for its ‘philosophical’ (i.e. secular) culture of moral skepticism on the one hand, and for its historico-empirical approach to the study of politics on the other. These tendencies were mutually reinforcing. When Johann Jakob Moser designed the course of study for the Law Faculty in the 1740s, he conspicuously omitted *Naturrecht* from the curriculum. Rather than instructing students about the transcendent ground of *Recht*, Moser invited students to probe the positive evolution of the Holy Roman Empire’s interwoven and overlapping legal systems – German customary law

¹⁵ [Rehberg], review of Paul Philippe Gudin de la Brenellerie, *Supplément au Contrat social* (Paris: Maradan and Perlet, 1791), in *Allgemeine Literatur-Zeitung* (12 Sep. 1791): pp. 537-542, at p. 540, italics in orig.

and imperial Roman law – in order to describe what *Recht* is, rather than what it *should* be.¹⁶ History thus came to serve as an *ersatz* form of jurisprudence, filling the normative space that was standardly dedicated to Leibniz, Wolff, Grotius, and Pufendorf.¹⁷

Elevated to this privileged position, the discipline of history flourished in Göttingen. In a 1796 letter to Burke, Brandes (who served as the university's rector from 1790 to 1810) proudly boasted that it was here, at his *alma mater*, that 'the principal points which make modern history and its concomitant sciences interesting and valuable to the enlighten'd mind, were first shown in their true light.'¹⁸ By the eve of the Revolution, Hanover housed many of Germany's most respected historians: not only British specialists like Spittler and Schlözer, but also classicists such as Arnold Hermann Ludwig Heeren and Christian Gottlob Heyne, medievalists like Johann Christoph Gatterer and Justus Möser, and legal historians such as Johann Stephan Pütter and Gustav Hugo.¹⁹ This older generation of historians exerted a decisive influence on Rehberg, both during his student years and afterwards. During his years as the Duke of York's tutor in Osnabrück (1783-86), Rehberg later recalled, his close working relationship with the 'Rath Möser' gave him an invaluable understanding and appreciation of 'the world of politics *⟨die bürgerliche Welt⟩* as it existed [in Hanover] before the Revolution'.²⁰

Thanks largely to the scholarship of J.G.A. Pocock, it is now widely acknowledged that the ideological warfare of seventeenth- and eighteenth-century Britain was waged on the terrain of history.²¹ Whigs and Tories were divided not only – perhaps not even primarily – by their divergent theories of liberty, but by incompatible stories that they told about their

¹⁶ For Moser and the Göttingen curriculum, see Michael Carhart, *The Science of Culture in Enlightenment Germany* (Cambridge, MA: Harvard University Press, 2007), pp. 52–63; for Moser's skepticism, see Mack Walker, *Johann Jacob Moser and Holy Roman Empire of the German Nation* (Chapel Hill, NC: University of North Carolina Press, 1981), pp. 290-301.

¹⁷ For the relation of philosophical skepticism, German liberties, and historiography in Moser's thought, see Mack Walker, 'Johann Jacob Moser', in *Aufklärung und Geschichte*, ed. Hans Erich Bödeker et al. (Göttingen: Vandenhoeck, 1986), pp. 105-118.

¹⁸ Brandes to Burke, 29 Oct. 1796, in Stephen Skalweit, 'Edmund Burke, Ernst Brandes und Hannover', *Niedersächsisches Jahrbuch für Landesgeschichte*, vol. 28 (1956): pp. 15-72, pp. 37-72, at p. 58.

¹⁹ Cf. Rudolph Vierhaus, 'Die Universität Göttingen und die Anfänge der modernen Geschichtswissenschaft im 18. Jahrhundert', in *Geisteswissenschaft in Göttingen*, ed. Hartmut Boockmann and Hermann Wellenreuther (Göttingen: Vandenhoeck, 1987), pp. 9-29.

²⁰ Rehberg, 'Deutschland vor dem Ausbruche der Revolution vom 1789', in idem., *Schriften*, vol. 2, pp. 1-97, at p. 23.

²¹ J.G.A. Pocock, *The Ancient Constitution and the Feudal Law* (1957), 2nd ed. (Cambridge: Cambridge University Press, 1987); idem., 'Introduction' to *The Political Works of James Harrington* (Cambridge: Cambridge University Press, 1977). Cf. Eric Nelson, "'Barons' Wars, under Other Names": Feudalism, Royalism and the American Founding', *History of European Ideas*, vol. 43, no. 2 (2016): pp. 198-214; James Harris, *Hume: An Intellectual Biography* (Cambridge: Cambridge University Press, 2015), pp. 305-407.

national past. Whigs, on the one hand, postulated the existence of a sacred ‘ancient constitution’, which they projected back into ‘time immemorial’, of self-governing, property-bearing Englishmen whose king was the mere executor of their collective will, as expressed in their parliamentary councils. The Norman Conquest and the arrival of feudalism marked the tragic demise of this happy state of affairs; the enthronement of William and Mary in 1688 announced its return. Tory historians, on the other hand, denied the existence of any ancient English legislature. It was only *after* the Norman Conquest, they held, that the tribal warfare of pre-feudal England was quelled, property rights made secured, parliamentary institutions established, and a landed aristocracy came into existence. But throughout the early-modern era, as the Whig nobility slowly accumulated wealth and power, they had reintroduced these pre-Norman pathologies back into Britain, weakening the Crown’s authority and engendering factional rivalries that were a threat to public peace and liberty. In this way, royalist historians could situate the Civil Wars within a longer narrative of constitutional disintegration, characterized by the enervation of the monarchy and the rise of a destabilizing class of self-interested aristocrats.²²

What Anglophone historians have not sufficiently appreciated, however, is the extent to which these paradigms – of ancient liberties lost through conquest, then regained; of civil chaos arrested, then reintroduced on the coattails of a resurgent aristocracy – pervaded contemporary German discourse as well. When these Göttingen historians peered into the distant Saxon past, they discovered an ‘ancient constitution’ that closely resembled the one described by the English Parliamentarians: small communities of property-holding freemen, representative councils, citizen militias, and constrained monarchs. As the so-called ‘Hanoverian Whigs’ told this story, ‘teutche Libertet’ was lost with the Carolingian conquest of the Germanies in the ninth century. Their Frankish conquerors replaced Germanic law with Roman law, allodial property with feudal tenures, and sovereign parliaments with an overweening Holy Roman Emperor. As Spittler saw it, this shameful process of subjugation destroyed ‘the *truly Germanic* constitution *⟨wahrhaft germanische Verfassung⟩* that prevailed in all German states in the Middle Ages’.²³ Crucially, the pre-Carolingian nobility figured as

²² After Walpole became Prime Minister, this historiography’s partisan valences were inverted: Tories began arguing that a balance of power between Crown and Parliament was essential to the Settlement of 1688 (and that the rise of a new Crown-in-Parliament was therefore unconstitutional), while Whigs argued for the interdependence of Crown and Parliament. On this sea-change, see Quentin Skinner, ‘History and Ideology in the English Revolution’, *The Historical Journal*, vol. 8, no. 2 (1964): pp. 151-78; and idem., ‘The Principles and Practice of Opposition: The Case of Bolingbroke versus Walpole’, in *Historical Perspectives: Studies in English Thought and Society in Honour of J.H. Plumb*, ed. Neil McKendrick (London: Europa, 1974), pp. 93-125.

²³ L.T. Spittler, *Vorlesungen über Politik*, ed. Karl Wächter (Stuttgart: Cotta, 1828); in Spittler, *Werke*, vol. 15, at p. 96.

the necessary trustees of German liberty in this narrative, in much the same way that British anti-monarchists cast agrarian patriotism as the last line of defense against despotism. As Knudsen has observed of Möser's *Osnabrückische Geschichte*, it was the rise and fall of the medieval *Ritterschaft* – not Osnabrück's princes or church leaders – that was the work's primary index for tracing the shifting fortunes of liberty. Its Whig themes and structure are so pronounced that Knudsen has described Möser as 'a German Harrington'.²⁴

According to Möser and his compatriots, these ancient Saxon liberties began to reemerge in the sixteenth century. As Rehberg explained in his *Geschichte des Königreichs Hannover* (1826), the rise of territorial sovereignty in the wake of the Reformation allowed small states to reassert their corporate liberties against what Brandes had described as 'the exorbitant power of the Austrian monarchy'.²⁵ The intra-imperial balance of power that resulted from the Peace of Westphalia, moreover, had certified the principle of state autonomy not only as a legal norm but as a political fact.²⁶ To these Hanoverians, the liberties of 1648 seemed to foreshadow those of 1688. Yet there existed an obvious difference between the English and Hanoverian contexts: while corporate liberties were now secure within the Holy Roman Empire, most of the German states' *internal* constitutions had evolved in the opposite direction from Britain's.²⁷ Over the eighteenth century, a series of ambitious German rulers – in Prussia and Austria, especially – threw off restraints on their power, crushed the resistance of the estates, built large standing armies, and consolidated government in centralized bureaucracies. This, too, was an affront to the ancient liberties of the German peoples, according to Spittler, a flagrant transgression of the 'many *charta magna liberatum*' that Saxons once venerated but which 'are dismissed as [mere] antiquities' by the apologists of absolutism.²⁸ Historians have sometimes mistaken this Hanoverian

²⁴ Ibid., p. 106; cf. pp. 102-3, 110. Cf. Pocock, 'Introduction' to *Works of Harrington*. Interestingly, as Knudsen notes, Möser abruptly cut off his story in the thirteenth century, with the final capitulation of Osnabrück's sovereignty to the Holy Roman Emperor: he was unable (or unwilling) to trace how modern liberty had emerged from such a hopeless situation.

²⁵ Rehberg, *Zur Geschichte des Königreichs Hannover in den ersten Jahren nach der Befreiung von der westphälischen und französischen Herrschaft* (Göttingen: Bandenhoeck & Ruprecht, 1826); Brandes to Burke, qtd. in Skalweit, 'Brandes und Burke', p. 25.

²⁶ Knudsen, *Möser and Enlightenment*, pp. 101-109.

²⁷ The Holy Roman Empire, Jürgen Overhoff has argued, was a key inspiration for Montesquieu's theory of federalism in *De l'Esprit de Lois*: see Overhoff, 'Vorwort' to Montesquieu, *Meine Reisen in Deutschland, 1728-29*, ed. Jürgen Overhoff (Stuttgart: Klett-Cotta, 2014), pp. 11-35. Cf. Ruldolph Vierhaus, 'Montesquieu in Deutschland' in *Collegium Philosophicum*, ed. Ernst-Wolfgang Böckenförde et al. (Basel: Schwabe, 1965), pp. 403-37.

²⁸ L.T. Spittler, *Geschichte Württembergs under der Regierung der Grafen und Herzoge* (Göttingen: Vandenhoeck, 1783), in idem., *Werke*, vol. 5, pp. 191-494, at p. 404. Cf. his 'Summarische Entwicklung der Entstehungs-Geschichte des Englischen Parlements', *Göttingisches Historisches Magazin*, vol. 5 (1789): pp. 613-653 (on the British Parliament from Saxon times to the fourteenth century); reprinted in *Werke*, vol. 14, pp. 135-70.

critique of absolutism as a kind of conservative traditionalism *avant la lettre*: this is what Wilhelm Roscher was implying, for instance, when he complained that Möser, not Burke, ‘should have been’ the founder of German conservatism (since the *Osnabrückische Geschichte* predated Burke’s *Reflections*).²⁹ But this is to misjudge the politics of tradition in Hanover: for Möser, Spittler, and Schlözer, recovering the ancient liberties of the pre-Carolingian Germans was a way to ward off despotism in the present.

The Hanoverian’s unique historiographical agenda can only be understood in light of their political context.³⁰ Unlike Prussia to the east, where the centripetal pull of absolutism had given rise to what Rehberg called ‘a complete system of military monarchy’, Hanover’s nobility and estates *Landesstände* remained powerful throughout the eighteenth century.³¹ Ever since George I moved to England in 1714, it had been effectively governed by its local legislature, the *Geheime Rat*. This body was comprised of delegates from each of Hanover’s six provincial councils *Landesräte*, which were populated by its hereditary nobility. While the king was nominally in charge of Hanover’s government and military, he was unable to levy taxes without the consent of both the central and provincial councils. The nobility therefore held an effective veto on most legislation, and was doggedly opposed to the centralization of political power in the capital. Over the eighteenth century, there emerged a rough constitutional balance of power. The government was strong enough to maintain the territory’s integrity and enforce a single foreign policy, but too weak to consolidate administration in a single, streamlined bureaucracy. Hanoverian patriots often contended that, just as in England, this constitutional balance had kept the threat of arbitrary government at bay, safeguarding individual liberty and guaranteeing the security of property. By the 1780s, this mistrust of concentrated power was a prominent part of regional identity.³²

Nevertheless, even the most passionate defenders of the Hanoverian constitution admitted that it had serious weaknesses. In the years before the Revolution, Rehberg and his close friend Brandes were among a group of Hanoverian administrators and academics who began calling for liberalizing reforms. One major defect, in their view, was the extreme social stratification of the Electorate. As in the ancient world, inequality had long been the price of constitutional liberty in Hanover. The hereditary nobility held a virtual monopoly on political

²⁹ Wilhelm Roscher, ‘Die romantische Schule der Nationalökonomik in Deutschland’, *Zeitschrift für die gesamte Staatswissenschaft*, vol. 26, no. 1 (1870): pp. 57-105, at p. 59; cf. Beiser, *Enlightenment, Revolution, Romanticism*, p. 288.

³⁰ For Rehberg on the Hanover’s constitution, see his *Geschichte des Königreichs Hannover*.

³¹ Rehberg, ‘Deutschland vor dem Ausbruche der Revolution von 1789’, in *Schriften*, vol. 2, pp. 3-31, at p. 13.

³² See Brandes to Burke, 29 Oct. 1796 (describing Hanoverian society and politics), in Skalweit, ‘Brandes und Burke’, pp. 37-72; Vogel, *Konservative Kritik*, pp. 142-49.

power, explicitly barring non-noblemen from voting and from sitting as representatives in the territory's legislatures. The highest position to which a talented *Bürger* like Rehberg or Brandes could aspire was to serve as a counselor to a (noble) member of the *Geheime Rat*, or to work in the territory's bureaucracy. It was, in Brandes's view, a grotesque 'Egyptian or Indian caste-system'.³³ Not only was this inequality unjust, it also placed the constitution in a precarious position: in principle, there was little preventing its collapse into simple oligarchy. To effect a 'badly-needed reformation of the constitutional system', Rehberg later recalled, it was imperative that noble power be checked 'through the inner opposition of [the constitution's] constituent elements'.³⁴ Among the reforms that Rehberg and Brandes promoted were an end to the secret deliberations of the *Geheime Rat*; an expansion of the franchise to include (at least) some members of the bourgeoisie; non-noble representation on the provincial and central *Räte*; and the elimination of the nobility's traditional exemption from taxes. They also hoped to curtail inefficiencies that resulted from the region's federal structure. Each of the six Hanoverian provinces had its own legal code governing criminal offences, principles of ownership, rules of conscription, and censorship laws; and each had its own bureaucracy charged with enforcing these laws. One result of this redundancy, Brandes told Burke, was that 'with respect to taxes every province is treated by the other as a foreign country'.³⁵ While these reformers supported the principle of federalism wholeheartedly, they also believed that some degree of cooperation between the provinces could streamline governance, reduce administrative expenditures, and lead to greater mobility of people and goods across the Electorate.

As has often been noted, the Hanoverian Whigs were inspired by the British Constitution, and hoped to replicate its achievements – representative government, the rule of law, separation of powers, the inviolability of property – in their own context. But it does not follow that they hoped to import British *institutions* wholesale into Hanover, or to turn their *Geheime Rat* into a mere replica of Parliament.³⁶ Indeed, Rehberg specifically renounced the

³³ Brandes, 'Über die gesellschaftlichen Vergnügungen in den vornehmsten Städten des Churfürstentums', *Annalen der Braunschweigisch-Lüneburgischen Churlande*, vol. 3 (1789): pp. 761-800, and vol. 4 (1790): pp. 56-88, at vol. 3, p. 788. Cf. [Brandes], 'Über den politischen Geist Englands', *Berlinische Monatschrift*, vol. 7 (Feb., Mar., Apr., 1786): pp. 101-126, 217-41, 293-323, where Brandes denies that Britain has such a 'caste-system' (p. 120).

³⁴ Rehberg, 'Detuschland vor dem Ausbruche der Revolution von 1789', in *Schriften*, vol. 2, pp. 3-31, at p. 7.

³⁵ Brandes to Burke, qtd. in Skalweit, 'Burke und Brandes', p. 30.

³⁶ '[The Hanoverians] cherished the idea that one day the estates would evolve in the direction of the English Parliament. If only Hannover became like London – if only George III brought the English constitution to his native land – utopia would have been realized on earth': Beiser, *Enlightenment, Revolution, Romanticism*, p. 303. Cf. Vogel, *Konservative Kritik*, pp. 149-68, 207-212; Epstein, *Genesis*, pp. 567-72.

idea that ‘every country should [have] a constitution like the English’.³⁷ They admired Britain because its constitution effectually preserved *British* liberties as they had arisen over the course of *British* history. Its vital institutions, and the *mœurs*, traditions, customs, and beliefs that animated them, were rooted in the historical contingencies of British society, as Montesquieu famously observed.³⁸ Different social realities in Hanover meant that an effectual balance of power in this context would look very different from the form it took in England. It would be senseless to turn the *Geheime Rat* into a bicameral legislature, for instance, since there were not enough *Bürger* in Hanover to support a viable lower house.³⁹ Rather, they hoped to adapt the generally-applicable precepts of British liberty to the particular society they inhabited. For inspiration, they turned to Burke.

III. Burke in Hanover, before the deluge

As in Britain, Burke’s pre-revolutionary reputation in Hanover was defined by his idiosyncratic Whiggism. Hanoverians sympathetic to the Earl of Chatham’s campaign against partisanship, or to the North administration’s American policy, or the younger Pitt’s calls for electoral reform found Burke’s intransigent opposition to these measures annoyingly self-indulgent. Schlözer, for instance, claimed that Burke’s ‘nagging complaints’ about the American War had divided the British public against itself, weakening the nation’s resolve and thereby dealing ‘a mortal blow to the honour and interests of [his] country’.⁴⁰ But as Schlözer understood, this was a minority view. The great majority of his compatriots were quite impressed by what seemed like Burke’s uncompromising fidelity to the principles of 1688, even in the face of widespread public opposition. This was the impression that Brandes

³⁷ Rehberg, *Untersuchungen*, vol. 1, pp. 56.

³⁸ For Montesquieu on national ‘esprit’, see *De l’esprit des lois* (1748), bk. 1, ch. 3; for his analysis of Britain, see *ibid.*, bk. 11, ch. 6 and bk. 19, ch. 27. Cf. Michael Oakeshott, ‘The Investigation of the “Character” of Modern Politics’, in *Morality and Politics in Modern Europe*, ed. Shirley Letwin (New Haven: Yale University Press, 1993), pp. 29-44; Sylvana Tomaselli, ‘The Spirit of Nations’, in *The Cambridge History of Eighteenth-Century Political Thought*, ed. Mark Goldie and Robert Wokler (Cambridge: Cambridge University Press, 2006), pp. 7-39.

³⁹ Brandes, *Ueber einige bishेरige Folgen der französischen Revolution in Rücksicht auf Deutschland* (Hannover: Ritscher, 1792), p. 135.

⁴⁰ Schlözer, ‘Vorbericht des Übersetzers’ to *Kurze Geschichte der OppositionsPartei, während der letzten ParlamentsSitzung vom 26 Novemb 178 biz zum 3 Jul. 1779* [trans. Schlözer] (1780); in *August Ludwig Schlözer’s Briefwechsel, meist historischen und politischen Inhalts*, 10 vols. (Göttingen: Vandenhoeck, 1776-82), vol. 6, bk. 31, pp. 3-47, at p. 39.

By 1793, Schlözer’s tone had moderated slightly. He was willing to accept Burke as an ally in the war against the Revolution, but denied that the *Reflections* had made any real contribution to the science of politics. ‘I have diligently read and studied many of the recent writers who hope to reform constitutional law ‹*Staatsrechtlichen Reformations-Schriftstellern*› – Necker and Burke, Mounier and Payne, &c. – but ... have not found anything really new [in them] that would demand a substantial alteration of [my previous views]’: see *idem.*, *Allgemeines Staatsrecht und Staatsverfassungslehre* (Göttingen: Vandenhoeck und Ruprecht, 1793), pp. vi-vii, italics in orig.

and Rehberg took from their study of his pre-revolutionary works. Towards the end of his life Rehberg remembered how, in the early 1780s, he and Brandes had closely studied ‘the most important party-political works *⟨Parteischriften⟩* that had appeared in England since the beginning of George III’s reign’, reading them ‘alongside the notes of Parliament’s proceedings’.⁴¹ Among these would have been Burke’s *Thoughts on the Present Discontents* (1770), his speeches against the American War (1774-75), and his *Speech at Bristol Previous to the Election* (1780).⁴² Throughout the 1780s these two men closely followed Burke’s career, as he turned his attention to thwarting Pitt’s plans for parliamentary reform and to indicting the Crown’s mismanagement of its imperial holdings in India.

Brandes, especially, was captivated by the vision of liberty outlined in these early works. Indeed, he was so inspired that while planning his post-graduation *Bildungsreise* to England, he specifically arranged to meet with Burke during his travels.⁴³ During the winter of 1784-85, he visited Burke at Beaconsfield on multiple occasions, where the two men laid the foundation of a friendly correspondence that lasted until Burke’s death.⁴⁴ In the Revolution’s early years, when Burke sent his son Richard to the Rhineland to help organize the émigré resistance, Brandes was among the German contacts that he gave Richard; and as the Revolutionary Wars intensified in the mid-1790s, Burke trusted Brandes as a reliable informant on Germany’s rapidly shifting geopolitical landscape.⁴⁵ Rehberg even reports that Burke informally offered Brandes a job in the British Foreign Office, should he find himself in the parliamentary majority again.⁴⁶ Though this last story is probably apocryphal, what is certain is that Brandes’s time in England confirmed his admiration for what he saw as

⁴¹ Rehberg, ‘Deutschland vor dem Ausbruche der Revolution von 1789’, in *Schriften*, vol. 2, pp. 3-31, at p. 19.

⁴² For Brandes and Rehberg on Burke’s pre-revolutionary career, see Brandes to Burke, 12 Jan. 1787, in Skalweit, ‘Burke und Brandes’, pp. 34-7; Brandes, ‘Geist Englands’, p. 221 (where he discusses the 1783 India Bill in detail); [Brandes], review of Burke, *Reflections*, p. 1900; Rehberg, ‘Carl James Fox’, in *Schriften*, vol. 4, pp. 34-73.

⁴³ Robert Elsasser, *Über die politischen Bildungsreisen der Deutschen nach England* (Heidelberg: Carl Winters Universitätsbuchhandlung, 1917), pp. 62-8. As Braune notes (*Burke in Deutschland*, p. 79), it seems likely that Brandes’s father, who was rector of the University of Göttingen, arranged this meeting with Burke.

⁴⁴ In 1787 Brandes apologized for ‘transgressing ... your patience, on which I made so many rude attacks during my stay in England’: Brandes to Burke, 12 Jan. 1787, in Skalweit, ‘Burke und Brandes’, pp. 34-7, at p. 34.

⁴⁵ See the letters attached to Skalweit, ‘Burke und Brandes’, especially Brandes’s long (c. 80 pp.) dossier on Hanoverian politics and culture (partially reprinted at pp. 37-72), which he wrote at Burke’s request; cf. also Braune, *Burke in Deutschland*, p. 81.

⁴⁶ Rehberg, ‘Ernst Brandes’ (1810), in *Sämtliche Schriften*, vol. 4, pp. 407-426, at pp. 410-411; for the case against this story, see Skalweit, ‘Burke und Brandes’, pp. 18-20.

Burke's sober-minded, yet principled constitutionalism.⁴⁷ In his last published work, composed just before his death in 1810, Brandes was still describing Burke as 'one of the greatest authorities on men and on politics' *«Menschen- und Staats-Kenner»* in the modern world.⁴⁸

Shortly after returning home from his *Bildungsreise*, Brandes published a series of essays on British society and politics, including 'Über den politischen Geist Englands' (1786).⁴⁹ This essay is regularly cited as a definitive statement of Hanoverian Anglophilia.⁵⁰ But more than this, Brandes's essay was a clear attempt to distill and outline a peculiarly *Burkean* interpretation of the British Constitution for his peers.⁵¹ 'Geist Englands' thus provides an invaluable lens for understanding how Brandes and his contemporaries – Rehberg, in particular – saw Burke in the years leading up to the Revolution.⁵² In certain respects, Brandes's argument reinforced longstanding battle-lines between Germany's estatists and monarchists: in submitting it to the *Berlinische Monatsschrift*, Brandes was consciously trying to defend the idea of constitutionally-limited government against a hostile Prussian readership.⁵³ But this essay was also an intervention into more local British discourse: namely, internecine debates among pre-revolutionary Whigs about the relation

⁴⁷ This admiration bordered on idolatry: during his travels, Brandes commissioned George Romney to paint a portrait of Burke, which he thenceforth considered 'the most valuable ornament in my possession': see Brandes to Burke, 12 Jan. 1787, in Skalweit, 'Burke und Brandes', pp. 34-7, at p. 35.

⁴⁸ Brandes, *Ueber den Einfluß und die Wirkungen des Zeitgeistes auf die höheren Stände Deutschlands*, 2 vols. (Hannover: Hahn, 1810), vol. 1, p. 47.

Largely on the basis of this relationship, Brandes has often been counted among Burke's German students (for this canon's formation, see Ch. 2 above). Despite their friendship, however, Brandes played a marginal role in the interpretation and dissemination of the *Reflections*' arguments. Unlike Rehberg, Gentz, and Müller, Brandes's reputation was never popularly associated with Burke's. His 1791 review of the *Reflections* was anonymous, and his previous assessment on the Revolution had been explicitly anti-Burkean: see Brandes, *Politische Betrachtungen über die französische Revolution* (Jena: Mauke, 1790); but cf. his *Folgen der französischen Revolution* (1792), where he recanted his initial, pro-revolutionary arguments.

⁴⁹ [Brandes], 'Über den politischen Geist Englands' (1786); idem., 'Ueber die Justiz- und Gerichtsverfassung Englands', *Hannover'sches Magazin* (28 Oct. – 18 Nov. 1785): pp. 1361-1472. For the former, cf. Kraus, *Englische Verfassung*, pp. 603-615, which describes 'Geist Englands' as 'the most comprehensive, precise, and profound presentation, analysis, and interpretation of the English constitution set out in [Germany] in the years before 1789' (p. 615).

⁵⁰ See, e.g., Beiser, *Enlightenment, Revolution, Romanticism*, p. 418, fn. 48; Epstein, *Genesis*, p. 549.

⁵¹ Though Brandes did not cite Burke as his inspiration, he had good reason not to: as Rehberg later noted, it would have been imprudent to explicitly praise the same Burke who was Parliament's leading critic of Hanover's king, and Brandes's employer, George III: see Rehberg, 'Brandes', in *Schriften*, vol. 4, pp. 407-426, at p. 410.

Brandes mentioned Burke only in passing, to complain that so many Germans had written him off as a 'mercenary lackey' *«bestochener Schreier»* of the Rockinghams ('Geist Englands', pp. 105-6); but this was part of his broader complaint about Germans' ignorance of British party-politics.

⁵² Brandes's indebtedness to Burke is glossed in Epstein, *Genesis*, pp. 568-9, and in Kraus, *Englische Verfassung*, pp. 609-610.

⁵³ On the Prussian antipathy to mixed government, see Kraus, *Englische Verfassung*, p. 492-532.

between liberty and politics. Surveying the controversies that had inflamed this debate of late – electoral reform, imperial administration, the idea of party – Brandes suggested that a consistent vision of liberty undergirded the variegated, often-inscrutable positions that Burke took in each of these controversies.

Like all eighteenth-century Whigs, Burke took it as axiomatic that liberty required limits on the power of the state. These constitutional constraints gave subjects confidence in the safety of their person and property, and faith in the impartial rule of law. But what made Burke's grasp of liberty different from that of his less-sophisticated peers, according to Brandes, was his clear-eyed recognition that such a normative theory of liberty was useless in practice without effective *political* checks on the various branches of government. This, in turn, demanded an equilibrium of power between Crown and Parliament – power not in an abstract legalistic sense (i.e., a right to act), but in the hard-nosed, Schmittian sense of *Macht*. For Burke, in other words, the fate of liberty was inseparable from the practical dynamics of constitutional realpolitik. Underneath law, lie politics. This made Burke deeply wary of reformers who use abstract moral theories to indict concrete political institutions. As he explained in 1784, an abstract theory of politics, unmoored from practical considerations, were a threat to liberty:

A prescriptive Government, such as ours, never was the work of any Legislator, never was made upon any foregone theory. It seems to me a preposterous way of reasoning and a perfect confusion of ideas, to take the theories which learned and speculative men have made [and] to accuse the Government as not corresponding with them. ... Whenever I speak against theory, I mean always a weak, erroneous, fallacious, unfounded or imperfect theory; and one of the ways of discovering, that it is a false theory, is by comparing it with practice. This is the true touchstone of all theories, which regard man and the affairs of men—does it suit his nature in general;—does it suit his nature as modified by his habits?⁵⁴

In 'Geist Englands', Brandes posited this sort of practically-minded liberalism as the lynchpin of the British system. Following Burke, he argued that the Constitution was threatened by moralizing politicians who 'fantasize about Platonic republics' and are 'led astray by the cries of republican ideologues – those who always criticize established systems of government, who only want to tear down, but never to build up.' What such men fail to understand is that 'acting and reasoning, practically participating and passively observing, are two very different things'.⁵⁵

⁵⁴ Burke, 'Speech on Parliamentary Reform' (16 June 1784), in *W&S*, vol. 4, pp. 215-226, at pp. 220-21.

⁵⁵ Brandes, 'Geist Englands', p. 320; cf. *ibid.*, p. 121, where Brandes complains of 'philosophers' who 'do not want to adapt their schemes to men, but men to their schemes', and pp. 109, 219, 299.

Explaining the practical operations of the British system to German readers was difficult. The writers who had grasped Britain's 'true constitution, the spirit that upholds it, the causes and effects of partisanship: in short, that through which England truly is what it is, and remains what it is' – he pointed to Hume, Blackstone, and de Lolme in particular – were largely unknown in Germany.⁵⁶ Further complicating matters, the misguided definitions of 'Freiheit' that prevailed among his compatriots were insufficient to comprehend Britain's 'exceptional constitution and national spirit'.⁵⁷ The German aristocracy was too quick to associate freedom with 'anti-noble *ressentiment*' (*Fürstenhaß*) and the threat of rebellion. Their bourgeois counterparts, on the other hand, cynically conflated the cause of liberty with the defense of the nobility's legal privileges, especially their exemption from taxation. Philosophers, finally, confused liberty and popular sovereignty: following Rousseau, they held that liberty entailed 'a very precise equality' of rights and was inimical to any social hierarchy that contravened the 'original equality of men'.⁵⁸ But as Brandes went on to argue, each of these assumptions were undermined in the case of Britain. Its example proved that liberty and aristocracy were not incompatible; that taxes on noble property were not (necessarily) a prelude to absolutism; and, above all, that the rule of law did not imply a precise equality of rights. Citing Möser on the distinction between 'human rights and civil rights' (*Menschenrechte und Bürgerrechte*), Brandes explained that different groups in British society held distinct responsibilities under its constitution. It was entirely fitting that their legal rights corresponded to their particular duties. He defended property-based restrictions on the franchise, the right of hereditary Peers to sit in the Lords, and the immunities given to Parliamentarians as indispensable elements of constitutional order in Britain. Each of these prerogatives were vital in order to maintain an effective legislature powerful enough to set limits to executive power.⁵⁹ It was this political balance of power, he explained, that safeguarded what *was* fundamental about British liberty – namely, the

⁵⁶ Ibid., p. 105.

According to Brandes, the best systematic overview of the British Constitution was de Lolme's *Constitution de l'Angleterre* (1771), but it had been poorly received in Germany – perhaps because of the author's suspicious background as a 'Genevan' and a 'republican', or perhaps because his analysis was too empirical for the taste of German natural lawyers (pp. 108-9).

⁵⁷ Brandes, 'Geist Englands', p. 102.

⁵⁸ Ibid., pp. 115, 117. Cf. *ibid.*, 125-6, where Brandes criticizes Rousseau's suggestion that 'the liberty of the English is an illusion, and that they are slaves except during the season of parliamentary elections'. Burke had earlier denounced the same passage in the 'Debate on the Conduct of Government during Tumults' (8 March 1769); qtd. in Richard Bourke, *Empire and Revolution: The Political Life of Edmund Burke* (Princeton: Princeton University Press, 2015), at p. 264.

⁵⁹ Ibid., p. 118.

freedom from caprice or despotism that was afforded to *all* subjects, regardless of their station in society.⁶⁰

As matters stood in 1785, Brandes told his readers, the constitution was in relatively good health: royal prerogative was limited by Parliament's powers of review and by its control of the Treasury, while the Parliament was checked by the king's veto and, more subtly, by the growing influence of his ministers in the Commons.⁶¹ But this balance was extremely delicate. In 'Geist Englands', Brandes intimated that George III's attempts to consolidate his authority begun to jeopardize this equilibrium, imperiling a constitution which, as Hume had noted decades ago, was more towards monarchy than republicanism.⁶² Because he believed that the Parliament was under assault from the executive, Brandes, like Burke, had little patience for Pitt the Younger's proposed electoral reforms. It was obvious why 'those who brood on politics' *«Staatsgrüblern»* in abstraction would endorse the abolition of 'pocket boroughs', the standardization of constituency sizes, and the expansion of the franchise, he conceded; indeed, when considered in abstraction the preservation of the *status quo* seemed self-evidently unjust. Yet as 'the wisest' voices in this debate understood – it is difficult not to hear Brandes speaking of Burke here – 'the English constitution consists in an artificial synthesis *«Gewebe»* of three forms of government [i.e. monarchy, aristocracy, and democracy]; their relation to each other cannot be articulated or determined in mathematical terms'.⁶³ Pitt's proposed reforms would cripple the Prime Minister's ability to form a durable, competent government (a process in which allocating party-controlled seats was vital). Thus enervated, Parliament would be unable to exercise its constitutional duties, creating a power vacuum that would be filled by the king's ministers. Ironically, then, a reform movement that was meant to expand popular liberty would in fact radically augment the power of the executive, imperiling constitutional order and threatening liberty itself.⁶⁴

Brandes picked out three additional, indispensable elements of the British constitution. First, he argued that the uniquely 'republican' character of the British people – woven into their culture, education, institutions, religion, and *mœurs* – was the *sine qua non* of their exceptional liberty. This 'Nationalgeist' was the motor that drove the British

⁶⁰ Ibid., p. 217.

⁶¹ Brandes depicted the 'royal veto' as a legal fact (see *ibid.*, p. 218); Rehberg suggested the same in his *Untersuchungen* (vol. 1, p. 143). In fact, its constitutionality was contested throughout the eighteenth century: see Eric Nelson, *The Royalist Revolution* (Cambridge: Harvard University Press, 2014), p. 9-23.

⁶² 'By all indications, if a great alteration in the Constitution were to take place, an unconstrained monarchy would be far more likely to emerge than a headless republic': *ibid.*, p. 234.

⁶³ *Ibid.*, pp. 240-41.

⁶⁴ For discussion of Burke's identical argument, which he made in Parliament one year before Brandes's visit, see Bourke, *Empire and Revolution*, pp. 440-47.

constitution.⁶⁵ From a young age, Britons were taught to see deliberative government as a positive good to be defended, and their liberties as a prize to be protected. He considered the latitude granted to the British press; the English Church's tolerant attitude towards heterodoxy; the British university system, and the love of rhetoric that its curriculum inspired. All these institutions fostered a civic-minded 'public spirit' that pervaded all levels of British society.⁶⁶ It was not true, he insisted, that 'Publicität' debased British political discourse relative to Germany. Channeling Burke's arguments for the dignity of parliamentary deliberation, he insisted that the British system of government in fact conferred gravity on vital matters of state. Popular scrutiny focused the attention of government officials, and incentivized the virtues of persuasion, eloquence, and probity. 'It is not merely the eyes of England that observe the proceedings of Parliament', he wrote in 'Geist Englands', in language redolent of Burke's 'Speech on Fox's India Bill'; 'the great orator [in Parliament] ... sees that the eyes of the whole civilized world are upon him.'⁶⁷ Obliquely, Brandes used this point to suggest that the *Räte* of Hanover would become more effective, not less, if their opaque proceedings were opened to the public. Similarly, he intimated that Hanover's political culture would be improved if its rigid class system were gradually softened. In Britain, the potential for economic and social advancement, even ennoblement, was open to all men. This led to a culture of 'aspiration' (*Ehrgeiz*), in which talented men from all classes could make themselves useful. The British example showed that it was possible, and indeed wise, to unite the political stability of an established aristocracy with the dynamism of a meritocratic, commercial society.⁶⁸ Indeed, it was precisely this synthesis that gave the British Parliament its vigour and made it an effectual check on the Crown.

Finally – and in his German context most controversially – Brandes followed Burke in arguing that 'a [partisan] opposition is absolutely necessary for the preservation of the English constitution'.⁶⁹ Just like Pitt's arguments for electoral reform, earlier Chathamite criticisms of partisanship had been essentially unpolitical, and threatened the constitutional settlement upon which British liberty rested:

'But why have a particular party in the government? Measures, not men.' – As true as this idea seems at first glance, it is among those theoretical [claims] that, at least in England, are always refuted by experience.⁷⁰

⁶⁵ Ibid., p. 105.

⁶⁶ Ibid., pp. 227-8; cf. Rehberg, *Untersuchungen*, vol. 2, pp. 375-6.

⁶⁷ Ibid., p. 228; cf. Burke, 'Speech on Fox's India Bill' (1 Dec. 1783), in *W&S*, vol. 5, pp. 378-451, at p. 381: '[The result of this debate] will turn out a matter of great disgrace or great glory to the whole British nation. We are on a conspicuous stage, and the world marks our demeanour.'

⁶⁸ Ibid., p. 122.

⁶⁹ Ibid., p. 293.

⁷⁰ Ibid., p. 299.

To suggest that factionalism was a salutary feature of British politics was a direct affront to the self-image of the German *Aufklärung*, and its core values of impartiality and non-sectarianism. Yet in Brandes view, it was precisely German theorists' inability to grasp the messy realities of politics that made their liberalism so feeble. Confronting this tendency head-on, he reiterated the central thesis of Burke's *Thoughts on the Cause of the Present Discontents* (1770).⁷¹ Without parties, Parliament would be a disorganized, chaotic, and fractious collection of self-interested politicians. The executive, however, would remain unitary, dexterous, and avaricious. The king and his allies thus be well-positioned able to exploit the vulnerability of an impotent legislature. It may have been desirable to eradicate faction from Britain's body politic in theory; in practice, however, if the elder Pitt's campaign against parties had been successful, his naïveté would have quickly been exploited by George III's ministers to emasculate the legislature. Only the presence of a vigilant opposition had prevented these machinations. It was an *absence* of parties, Brandes believed, that would pose a threat to the constitution. As Burke wrote in his *Present Discontents*, 'when bad men combine, the good must associate; else they will fall, one by one, an unpitied sacrifice in a contemptible struggle.'⁷² Without a jealous, patriotic opposition committed to exposing corruption and preserving the Parliament's autonomy, the government could be lulled into the complacency of a 'political slumber' *«Staatsschlummer»*.⁷³ In this way, Pitt's policy of 'measures, not men' threatened to vitiate the Parliament's political efficacy, destroying the very constitutional liberty it intended to protect.

What 'Geist Englands' suggests, in other words, is that well before the first stirrings of revolution in France, Brandes had come to share Burke's longstanding worries about the risks that well-intentioned, yet politically-inept reformers posed to the delicate equipoise of the British Constitution. Rehberg agreed. Though we have little record of his pre-revolutionary engagement with Burke, he later voiced these same worries about imprudent constitutional reformers, and on the same rationale as Brandes. 'It is evidently a very popular proposal, often repeated by certain members of the English Parliament, that the length of parliaments should be reduced from seven years to perhaps a single year,' he wrote in his *Untersuchungen*. Like Burke and Brandes before him, Rehberg argued that any potential

⁷¹ On the historical origins of Burke's theory of constitutional party-politics, see Max Skjönsberg, *Internecine Discord: Party, Religion, and History in Early Hanoverian Britain* (PhD diss., London School of Economics, 2018).

⁷² Burke, *Thoughts on the Cause of the Present Discontents* (1770), in *W&S*, vol. 2, pp. 241-323, at p. 315.

⁷³ Brandes, 'Geist Englands', p. 293.

theoretical justification for this proposal was irrelevant. In practical terms, it was constitutionally reckless and counterproductive:

This proposal is totally opposed the people's true interests. ... Frequent elections would increase corruption both great and small, multiplying the periods in which it would be advantageous. It is much easier for that party that has the support of the court and whose leaders are royal ministers, to form a parliamentary majority. The private persons who are not associated with this party and who comprise the Opposition can manage to wage a campaign perhaps every six or seven years, but cannot do so every year: their expenses would be far higher, yet the result of these elections would be far less meaningful. Annual Parliaments would therefore be far more likely to remain under the control of the current government [i.e. Pitt and the Tories] than seven-year Parliaments.⁷⁴

For Rehberg and Brandes, in other words, the central lesson of Burke's pre-revolutionary works was that constitutional liberty was inimical to abstract theories of politics. The latter were necessarily dangerous: philosophical theories, which trade in universals, are incapable of comprehending the contingencies of real politics. As Montesquieu noted, the 'liberty of the citizen' is only possible under a balanced constitution – that is, in a system where checks-and-balances were not merely notional principles, but were effective *politically*.⁷⁵ In order to revive individual liberty in the German states, Rehberg and Brandes believed, effective constitutional constraints needed to be placed on absolutism. This was a task not for the philosopher, but for the practical politician.

IV. Rehberg, Hume, skepticism

In 'Geist Englands', Brandes was relatively uninterested in scrutinizing the reform proposals that Burke opposed on their own, philosophical terms. Rather than laying out a theoretical critique of them, Brandes was largely satisfied to show their impracticability. In this respect, his essay was indicative of the broader indifference to metaphysics that pervaded Hanover. Rehberg was the exception to this rule. While most of his Göttingen professors chose simply to ignore debates in contemporary metaphysics, during his university years Rehberg discovered an innate talent for, and love of, philosophical argument. Epstein attributes this passion for metaphysics to Rehberg's insatiable, probing, and somewhat-obsessive personality – a suggestion corroborated by Gentz's complaints about his narrow and cramped writing style.⁷⁶ Whatever the reason, he spent considerable time in Göttingen independently reading the authoritative figures of mid-century rationalism – Pufendorf, Leibnitz, Wolff,

⁷⁴ Rehberg, *Untersuchungen*, vol. 1, pp. 141-2; cf. *ibid.*, vol. 1, p. 101.

⁷⁵ Cf. Montesquieu, *De l'esprit des lois*, bk. 11, ch. 6.

⁷⁶ Epstein, *Genesis*, p. 553; Gentz to Brinkmann, 18 Nov. 1793, in *Briefe von und an Friedrich von Gentz*, ed. F.C. Wittichen, 3 vols. (Berlin: Oldenbourg, 1909), vol. 1, pp. 42-43.

Baumgartner – as well as the empiricist critique of this school that had been developed in Britain by Locke, Berkeley, and above all Hume. Atypically, Rehberg also dedicated himself to a close study of Spinoza's *Ethics* (1677), a work which had fallen out of favor by the eighteenth century, and which would not reemerge as a locus of controversy until a decade later, in the mid-1780s.⁷⁷ These early philosophical engagements led Rehberg to accept what he would later describe as an 'absolute skepticism' *⟨vollendeten Skeptizismus⟩*, a principled belief that the theoretical claims of metaphysicians were not only inapplicable in the real world, but that the foundations upon which they stood were *necessarily* groundless.⁷⁸ Like Hume, Rehberg thus found himself in the paradoxical position of forwarding philosophical arguments against the pretensions of philosophy. As he explained, somewhat ironically, in 1787, 'the metaphysician does a real service for mankind – perhaps the only case in which he can hope to do as much – when he demonstrates that all possible speculation on [philosophical and theological] concepts' is 'insufficient' *⟨unzulänglich⟩* to prove their existence.⁷⁹

Rehberg began publicly defending this skeptical position as a young man, in a submission to an essay contest sponsored by Berlin's *Akademie der Wissenschaften*.⁸⁰ In his contribution, he later recalled, he had set out to undermine 'the hegemony that the Wolffians had lorded over the [German] nation for quite some time.'⁸¹ In an argument that foreshadowed Jacobi's later *Spinoza Briefen* (1785), Rehberg contended that all metaphysics, if pushed to its logical conclusions, leads to the monism and determinism of Spinoza. Rehberg therefore presented his readers with a choice between metaphysics and Spinoza's (apparent) denial of free will on the one hand, or a radically anti-philosophical skepticism on the other:

It seemed to me that this entire mode of philosophizing, according to which the nature of things *⟨Wesen der Dingen⟩* is described in concepts, must finally lead to the [sort of] system in which abstraction is made into a first principle. ... If generalized concepts, derived from ideas *⟨Vorstellungen⟩* in the human mind, are projected onto things that are rooted in [external] appearances *⟨Erscheinungen⟩*, one is thrown back onto these abstractions again and again. With Spinoza, one is lead to declare that the mere concepts *⟨bloßen Begriffe⟩*

⁷⁷ Rehberg, *Schriften*, vol. 1, pp. 4-8.

⁷⁸ *Ibid.*, p. 8.

⁷⁹ Rehberg, *Über das Verhältnis der Metaphysik zu der Religion* (Berlin: Mylius, 1787), pp. 11-12.

⁸⁰ Rehberg, *Abhandlungen über das Wesen und die Einschränkungen der Kräfte, welcher die Königliche Akademie zu Berlin in May 1779 das Accessit zuerkannt hat* (Leipzig: Wigand, 1779). For the role of this competition in the development of German philosophy, cf. Cornelia Buschmann, 'Die philosophischen Preisfragen und Preischriften der Berliner Akademie der Wissenschaften im 18. Jahrhundert', in *Aufklärung in Berlin*, ed. Wolfgang Förster (Berlin: Akademie Verlag, 1989), pp. 165-228.

⁸¹ Rehberg, *Schriften*, vol. 1, p. 5.

of thought, space, and existence are *realities*, and ultimately, the only thing that is real (*das einzige Wirkliche*).⁸²

In one sense, Rehberg was enamored of Spinoza. His system was sublime in its simplicity, ‘a perfect work of art that could never be surpassed’.⁸³ For the same reason, however, he found it terrifying. Rehberg believed that the post-Cartesian urge to impose conceptual coherence onto reality had led theorists to mistake the conditions of our subjective cognition of reality with the conditions of reality itself. Spinoza’s metaphysics was the paradigmatic case of this *non sequitur*. In order to explain the myriad diversity of the human experience, Spinoza had conceptualized all of reality in terms of a single, all-encompassing divine substance. As a liberal, Rehberg resented this sleight of hand because it seemed to collapse human nature into nature *per se*, eliminating the possibility of moral freedom. He also feared Spinozism’s notoriously dangerous implications for political and social life, and the destructive egalitarianism that it seemed to foster.

But it was the theological upshot of Rehberg’s argument that would have proved most controversial to the prize committee in Berlin. In accusing the Wolffians of Spinozism, he was also charging them with an anti-Christian heresy. Spinoza’s pantheistic definition of God ruled out the conceptual possibility of miracles *a priori*, thereby flatly contradicting central doctrines of Christianity – a divine creation, scriptural revelation, Christ’s identity as both God and man. Here again, Rehberg’s *reductio ad absurdum* forced his readers to choose between revelation, miracles, and faith on the one hand, or else philosophical reason and heterodoxy on the other. What was not a defensible position, according to Rehberg, was the comfortable *via media* of ‘rational religion’ that Wolff and his followers had tried to shore up. The ambition of his prize-essay, he later recalled, was ‘to use [Spinoza’s] system, the most rigorous form of metaphysical speculation imaginable, to destroy metaphysics itself.’⁸⁴

The onset of the *Pantheismusstreit* and the debut of Kant’s critical system gave Rehberg further occasion to sharpen his skepticism.⁸⁵ His primary contribution to these debates came in the form of three exceptionally lucid reviews – of Jacobi’s *David Hume* (1787), Herder’s *Gott: einige Gespräche* (1787), and Kant’s second *Kritik* (1788) – which he published in the *Allgemeine Literaturzeitung*.⁸⁶ For different reasons, each of these thinkers

⁸² Ibid., p. 7.

⁸³ Ibid., p. 8.

⁸⁴ Ibid., p. 11. Cf. also Rehberg’s analysis of Spinoza’s metaphysics in *Verhältnis*, pp. 33-64.

⁸⁵ The best introductions to this dispute are in Manfred Frank, *Unendliche Annäherung: Die Anfänge der philosophischen Frühromantik* (Berlin: Suhrkamp, 1997); and Eckart Förster, *The Twenty-Five years of Philosophy*, trans. Brady Bowman (Cambridge, MA: Harvard University Press, 2012).

⁸⁶ [Rehberg], review of J.G. Herder, *Gott: einige Gespräche* (1787), in *Allgemeine Literaturzeitung* (2 Jan. 1788): pp. 9-16; [Rehberg], review of F.H. Jacobi, *David Hume über den Glauben, oder Idealismus und Realismus: ein Gespräch*, in *ibid.* (16 Apr. 1788): pp. 105-112; [Rehberg], review of

shared Rehberg's belief that the Wolffian ideal of a 'rational religion' was incoherent, and that metaphysical rationalism as it had traditionally been practiced in Germany was self-cannibalizing. To the extent that their contributions helped put an end to Wolffianism, Rehberg welcomed them; but to the extent that they claimed to have uncovered new ways into the 'essence of things', he was sharply critical. In the wake of rationalism's demise, he argued, the properly philosophic response was to follow the example of 'Hume, who, like the ancient Sceptics, disputed the comprehensibility (κατάληψις) of things through reason', and resign oneself to a cheerful agnosticism.⁸⁷ What frustrated Rehberg about Jacobi, Herder, and Kant was that they, too, should have recognized this: it was Hume who awoke Kant from his 'dogmatic slumber', and who played a vital role in persuading Jacobi and Herder to reject Wolff as well.⁸⁸ But rather than allowing a genuinely Humean skepticism to displace their former rationalism, they had chosen to pursue new means of pursuing the same metaphysical and moral certitude which, as Hume had shown, was necessarily unattainable.

In his initial intervention into the *Pantheismusstreit*, Rehberg excitedly endorsed Jacobi's proposition that if one wants to establish consistent foundations for morality, one has to choose between a rationally-defensible Spinozism on the one hand, or a *salto mortale* into faith on the other. But why, he wondered, should we presume that the universe is objectively ordered at all, or that the human mind is capable of grasping its structure? As he later summarized his position:

Even Jacobi – who, like me, recognized Spinoza's metaphysics as the only truly consistent one – tried to find a way to avoid this desperate realization that [the search for] knowledge of things-in-themselves (*Dingen an sich*) is empty and meaningless. He sought refuge in a faith in the divine, which cannot be grasped by human understanding.⁸⁹

It was not true, Rehberg insisted, that Jacobi's Christian fideism had turned him into a fanatical apostle of 'Jesuitism', as his Wolffian critics averred.⁹⁰ And though the overwrought

Kant, *Kritik der praktischen Vernunft* (1788), in *ibid.* (6 Aug. 1788): pp. 345-52. These reviews were reprinted together in Rehberg, *Schriften*, vol. 1, pp. 25-84.

In this vein, see also the occasional essays on religion in Rehberg, *Schriften*, vol. 1, pp. 158-238, esp. 'Allgemeine Toleranz' at pp. 172-224.

⁸⁷ Rehberg, review of Jacobi, *David Hume*, in *Schriften*, vol. 1, p. 26. 'Katalepsis' (κατάληψις) was Zeno of Citium's famously difficult-to-satisfy desideratum of true belief. Rehberg frequently associated Hume with ancient skepticism: see *Schriften*, vol. 1, pp. 19, 26-7; *Verhältnis*, pp. 160-61; 'Carl James Fox' in *Schriften*, vol. 4, p. 72. Cf. Donald Ainslie, 'Hume's Scepticism and Ancient Scepticisms', in *Hellenistic and Early Modern Philosophy*, ed. John Miller and Brian Inwood (Cambridge: Cambridge University Press, 2003), pp. 251-73; James Moore, 'Hume and Hutcheson', in *Hume and Hume's Connexions*, ed. M.A. Stewart and J.P. Wright (Edinburgh: Edinburgh University Press, 1994), pp. 23-57.

⁸⁸ Rehberg, *Schriften*, vol. 1, p. 13. Cf. Manfred Kuehn, 'The Reception of Hume in Germany', in *The Reception of David Hume in Europe*, ed. Peter Jones (London: Bloomsbury, 2005), pp. 98-138.

⁸⁹ *Ibid.*, p. 12.

⁹⁰ Rehberg, review of Jacobi, *David Hume*, in *Schriften*, vol. 1, p. 26.

religious language of the *Spinoza Briefen* was unhelpful, Jacobi's position was at least internally coherent, which was more than his critics could claim. What most bothered Rehberg about Jacobi's stance, rather, was his slippery attempt to use Hume's authority to defend his very un-Humean fideism. In his epistemological reflections, Hume had indeed insisted on the primacy of sense belief over reason: in order to make causal inferences about the nature of the external world, we need a basic faith in the veracity of our sensory impressions. Jacobi's *David Hume* had twisted this argument, misleadingly suggesting that Hume claimed that 'faith <Glaube> is the basis of all knowledge and action'.⁹¹ Belief in the mere existence of an extra-subjective world was not at all equivalent to a religious faith that this world was morally ordered, or that this order had been providentially disclosed to mankind in the person of Christ.

Though Rehberg did not follow Jacobi in this leap of faith, he admired the carefulness with which Jacobi reconstructed the rival positions of Leibnitz, Spinoza, and Kant. The same, unfortunately, could not be said of Herder. In *Gott*, Herder purported to prove that pantheism was not an irredeemably deterministic and amoral metaphysics, as Jacobi had claimed; yet at the same time, Herder dismissed theoretical philosophy as empty and abstruse speculation. Rehberg found this attitude presumptuous and distasteful.⁹² Rather than refuting Jacobi's argument *Gott*, had attempted to poeticize pantheism, on the assumption that an 'organic' understanding of the divinity could resolve the inner weaknesses of Spinoza's mechanistic, Newtonian conception of God. "'Organic...'" – Herr Herder plays with this word far too often, using it to create fanciful images, rather than concrete doctrines.⁹³ Though he personally admired Herder's aestheticized idea of religion, Rehberg insisted that Herder had not moved the *Pantheismusstreit* much beyond where Jacobi had left it.⁹⁴

Of these three thinkers, Rehberg found Kant's critical idealism the most promising. This was because, perhaps surprisingly, Rehberg saw Kant's system as consistent with his own form of skepticism. As Christopher Meckstroth has recently observed, this response was typical of Kant's earliest readers: to them, the first *Kritik* seemed first and foremost a trenchant critique of *aufgeklärt* rationalism.⁹⁵ Rehberg saw Kant as an ally in this respect. 'Kant began from exactly where I stood, but which I could not venture beyond in my own thinking.'⁹⁶ Like Hume, the first *Kritik* had rigorously distinguished between things and

⁹¹ Ibid.

⁹² Cf. Rehberg on Herder's anti-Kantianism: [Rehberg], review of Herder, *Gott*, in *Schriften*, vol. 1., pp. 39-40, 43-44.

⁹³ Ibid., p. 46.

⁹⁴ Ibid., pp. 38, 45-46.

⁹⁵ Meckstroth, *The Struggle for Democracy* (Oxford: Oxford University Press, 2015), pp. 114-38.

⁹⁶ Rehberg, *Schriften*, vol. 1, p. 14.

concepts – between an external world of objects and an inner world of sense impressions, logical inference, and probabilistic reasoning.⁹⁷ Going beyond Hume, however, Kant had proven that this inner world was not anarchic but governed by necessary laws of reason. In his review of Kant, Rehberg faithfully explained that these laws took as their foundation a series of synthetic *a priori* concepts which were presupposed in the operation of reason itself. All of this seemed quite plausible to Rehberg. Indeed, he went out of his way to defend Kant's claims about pure reason against Jacobi's famous complaint that (as Rehberg put it) Kant's system 'was incompatible with the premise of external objects which impress themselves on the senses, yet without this premise, was totally incomprehensible.'⁹⁸ According to Rehberg, in demonstrating that synthetic *a priori* concepts are intrinsic to pure reason, Kant did not need to make any reference to the phenomenal world at all. He was establishing the conditions of our reason's *perception* of external objects. But as Jacobi rightly observed, there was no necessary reason why the laws that govern human reason should also govern the extra-human world.

This was the reason why, despite his enthusiasm for the first *Kritik*, Rehberg parted ways with Kant over the second: while Kant's account of pure reason in a 'regulative' sense marked a genuine advance, his attempt to define the necessary conditions of practical reason in a positive, 'constitutive' sense was misguided.⁹⁹ Any attempt to locate the transcendent criteria of morality was doomed to fail, because 'pure reason is not practical' and never can be.¹⁰⁰ In contrast to his metaphysics, which made descriptive claims about the *internal* structure and limits of reason, Kant's moral philosophy claimed to describe the necessary conditions of rational action *in the world*.¹⁰¹ In Rehberg's mind, this was an unsuccessful attempt to span the ineliminable gap between mind and nature that Kant, drawing on Hume, had himself already established. It was true, Rehberg explained, that 'if morality exists at all

⁹⁷ [Rehberg], review of Jacobi, *David Hume*, in *Schriften*, vol. 1, p. 27. Cf. *ibid.*, p. 61: 'At the prompting of Hume's skeptical essays, Kant distinguished between the innate essence of human thought (which can be apprehended) and the (unknowable) objects of experience.'

⁹⁸ *Ibid.*, p. 36.

⁹⁹ Rehberg, *Verhältnis*, p. 107-108; cf. Rehberg, *Schriften*, p. 61-62.

Rehberg's enthusiasm for Kant's *theoretical* philosophy has led some commentators to mistakenly assume that he also accepted the conclusions of Kant's *practical* philosophy: Dieter Henrich, for instance, sees him as a 'Kantian of a peculiar and somewhat skeptical kind', i.e. an idealist who was skeptical about the practical applicability of moral norms: see Henrich, 'Einleitung' to *Theorie und Praxis*, p. 19. Cf. Braune, *Burke in Deutschland*, p. 115 (Rehberg as a 'convinced disciple of the critical philosophy'); Beiser, *Enlightenment, Revolution, Romanticism*, p. 307 ('Rehberg was not an empiricist in ethics. Rather, he agreed with Kant that the first principles of morality have to be established independent of experience, apart from any knowledge of consequences.').

¹⁰⁰ Rehberg, review of Kant, *Kritik der praktischen Vernunft*, in *Schriften*, vol. 1, p. 84.

¹⁰¹ *Ibid.*, p. 73.

– if it is not to be vilified as a mere doctrine of prudence *⟨Klugheitslehre⟩* – then the principles of morality must be categorical.’ But this was a conditional proposition, not a necessary one. ‘And thus we must consider whether pure reason, of its own power, can establish a synthetic principle of its own efficacy [in the outer world]?’¹⁰² Rehberg used this rhetorical question to make a recognizably Humean point: in describing what reason *is*, Kant could never give a satisfactory account of how one *should* exercise it.¹⁰³ To think otherwise was to commit a category error. ‘Reason only ever operates within itself’, he wrote: ‘it cannot project itself beyond itself, or uncover synthetic principles’ to legitimate its authority in the external world.¹⁰⁴ As a result, ‘Kant has not produced anything close to a satisfactory answer to Hume’s skepticism’.¹⁰⁵ Reason could not furnish a transcendent standard for differentiating between moral and immoral actions, just and unjust societies, because the objective criteria of morality were necessarily unknowable to fallible, time-bound human beings – if morality existed at all.¹⁰⁶

In disarming Kant’s moral philosophy, Rehberg also believed that he had fatally upended Kant’s practical solution to the *Pantheismusstreit*. In his second *Kritik* and the *Grundlegung* (and later, more explicitly, in his 1793 tract on justifiable belief), Kant had reasoned that in order to fulfill our moral duties, it was necessary to have faith in the providential course of history, and in the promise of life after death.¹⁰⁷ Without such assurances, human beings would fall into despair. Since an impossible-to-perform duty was a contradiction in terms, Kant argued, it was therefore justifiable to lean on religion as an aid to right conduct. But as Rehberg pointed out in a tract on *Das Verhältnis der Metaphysik zu der Religion* (1787), if *a priori* reason did not in fact legislate universal moral duties, then Kant’s attempt to rationalize religion on this basis collapsed.¹⁰⁸ He agreed that, ‘since we completely lack any metaphysically self-evident (i.e. demonstrable *a priori*) knowledge of [external] objects, of things in themselves, and of their [principles of] vitality and relation to one another, it is futile to try to provide apodictic proofs for the existence of God’.¹⁰⁹ Such arguments were simply meaningless – but so too, and for the same reason, he maintained, was Kant’s practical argument for morality.

¹⁰² Ibid., p. 71.

¹⁰³ Cf. Rehberg, *Verhältnis*, pp. 84-87.

¹⁰⁴ Rehberg, review of Kant, *Kritik der praktischen Vernunft*, in *Schriften*, vol. 1, p. 73.

¹⁰⁵ Rehberg, *Verhältnis*, p. 87.

¹⁰⁶ Rehberg used this same argument against Reinhold in the early 1790s: for his review of the *Elementarphilosophie*, see *Schriften*, vol. 1, pp. 142-6.

¹⁰⁷ Rehberg points to the *Grundlegung* specifically at *ibid.*, p. 6.

¹⁰⁸ Rehberg, *Über das Verhältnis der Metaphysik zu der Religion* (1787), pp. 108, 135-6.

¹⁰⁹ *Ibid.*, p. 108.

Rehberg rejected Kant's moral philosophy, in other words, on the same grounds that he rejected Jacobi's fideism: despite appearances, '[Jacobi] was not really an opponent of Kant'.¹¹⁰ Whether through divine revelation or (constitutive) *a priori* reason, both men hoped to attain a knowledge of moral universals that, according to Rehberg, was inaccessible. His repudiation of this sort of foundationalism entailed political implications that are far more radical than scholars have appreciated to date. Rehberg's complaint against Kantian liberalism was *not* (in Beiser's words) that 'there is no criterion by which to apply the universal principals of practical reason to ordinary life'.¹¹¹ This was a popular line of criticism, but it was not Rehberg's.¹¹² His argument was that 'universal principles of practical reason' do not exist at all. As a result, the assumption that 'the entire system of human education and culture should be grounded in scientific insight *wissenschaftliche Einsicht*' is both false in theory and impossible in practice.¹¹³ In other words, because normative political theories failed on their own terms, there was no gap between theory and practice to be spanned.¹¹⁴

V. Burke and the pamphlet wars in Germany, 1790-93

In February 1790, when Burke first rose in Parliament to voice his opposition to the Revolution in France, German intellectuals and writers were almost uniformly sympathetic to the republican cause.¹¹⁵ Just over one year earlier Louis XVI had summoned the *états généraux* to Versailles. Since then, European observers had witnessed the creation of a national French legislature, the abolition of feudal privileges, the nationalization of the Gallican Church's lands, and the fall of Bourbon absolutism. As a series of recent works on

¹¹⁰ Rehberg, review of Jacobi, *David Hume*, in *Schriften*, vol. 1, p. 24.

¹¹¹ Frederick Beiser, 'Rehberg', *SEP*, sec. 2; cf. idem., *Reason, Revolution, Romanticism*, pp. 305-307.

¹¹² Gentz defended this claim in his edition of the *Reflections*, and in the subsequent theory-praxis debate; Rehberg also endorsed it in 'Über das Verhältnis der Theorie zur Praxis', *Berlinische Monatsschrift* (Feb., 1794): pp. 114-43. Because scholars have tended to assimilate Rehberg's critique to Gentz's (and because they tend to focus on Rehberg's 1794 essay, rather than his earlier, more fundamental critique of Kant's moral philosophy), they have understated the difference between Gentz and Rehberg's positions. See, e.g., Henrich, 'Einleitung' to *Theorie und Praxis*, p. 20-25; Vogel, *Konservative Kritik*, pp. 91-106; Maliks, *Kant in Context*, pp. 55-60.

¹¹³ Rehberg, review of Reinhold, *Beyträge zur Berichtigung bisheriger Missverständnisse der Philosophen*, in *Allgemeine Literaturzeitung* (28 Jan 1791): pp. 201-208, at p. 205; qtd. in Beiser, 'Rehberg', *SEP*, sec. 2.

¹¹⁴ As a result, the standard explanation of Rehberg's historicism – that he saw 'tradition' as a way of spanning the gap between theory and praxis – cannot be right: see Vogel, *Konservative Kritik*, pp. 24ff and *passim*; Beiser, 'Rehberg', *SEP*, sec. 5.

¹¹⁵ *Substance of the Speech of the Right Honourable Edmund Burke, in the Debate on the Army Estimates, in the House of Commons, On Tuesday, the 9th Day of February, 1790* (London: Debrett, 1790); in Burke, *W&S*, vol. 4, pp. 281-305. For this work's domestic context, cf. Bourke, *Empire and Revolution*, pp. 613-26.

the *Spätaufklärung* have shown, these changes were greeted with great enthusiasm in Germany.¹¹⁶ Thinking themselves witnesses to a world-historical moment of national liberation, German writers were prepared to rationalize brief early spasms of violence – the march on Versailles in October 1789, most significantly – as regrettable, but ultimately trivial obstacles on the road to a stable constitutional republic.

As news of Burke's speech in the *Debate on the Army Estimates* migrated into Germany in the winter and spring of 1790, therefore, it was met with indifference and frustration. His loud criticisms of the revolutionaries' principles seemed cynical at best and immoral at worst. In March, the *Politisches Journal* of Hanover reported that

... the Opposition's two most impressive orators in the Commons, Fox and Burke, have begun to differ on some important subjects. Burke seems to have taken up a new [political] system that is very different from his former one. Many observers are speculating that the recent revolution in France and its [unruly] consequences have made a deep impression on him, giving his ideas – which were for so long devoted to the most vigorous freedom – a very different, more restrained character. ... On 9 February [Burke's] new system showed itself in its whole force when he rose to counter the motion of a Herr Flood.... He swore to oppose any legislation born of the sort of reforming, speculative spirit that had been unleashed in France, and which had brought forth nothing but strife.¹¹⁷

The *Journal's* London correspondent was hardly persuaded. 'Far from a dangerous example', he opined, 'the Revolution in France presents an exceptionally useful lesson for the British' in how to reform antiquated and unjust institutions.¹¹⁸ Two months later, when Hamburg's *Historisch-politisches Magazin* chose to translate and print long excerpts from the *Army Estimates* address in its pages, the magazine's editor, Albrecht Wittenberg, felt obliged to justify their inclusion.¹¹⁹ 'Herr Burke's noteworthy speech on the army's estimates has not

¹¹⁶Maliks, *Kant in Context*; Beiser, *Enlightenment, Revolution, Romanticism*; Thomas Saine, *Black Bread – White Bread: German Intellectuals and the French Revolution* (Columbia, SC: Camden House, 1988).

¹¹⁷'Tagebuch des Großbritanisches Parliments (Vom 9ten February bis 9ten März)', *Politisches Journal nebst Anzeige von gelehrten und anderen Sachen*, ed. Gottlob Benedikt von Schirach (Mar. 1790): pp. 283-9, at p. 284.

¹¹⁸ *Ibid.*, p. 285.

¹¹⁹'Wesentlicher Inhalt der Rede des Herrn Burke, gehalten im großbritannischen Unterhause am 9 Februar 1790, bey Gelegenheit der Debatten über die für die Armee zu bewilligenden Gelder, welche eine Untersuchung der jetzigen Lage der Sachen in Frankreich enthält', *Historisch-politisches Magazin, nebst litterarischen Nachrichten*, ed. Albrecht Wittenberg (May 1790): pp. 487-503.

Wittenberg was an outspoken admirer of Pitt (see *ibid.*, [Mar. 1789], p. 387, [Mar. 1790], p. 355) and generally optimistic about the Revolution's prospects. Some years later, he composed a translation of Burke's *Regicide Peace* letters: see *Zween Briefe an ein Mitglied des jetzigen Parlements über die Vorschläge zum Frieden mit dem königsmörderischen Directorium von Frankreich* [trans. Albrecht Wittenberg] (Frankfurt and Leipzig: J.G. Herold, 1797).

yet been properly presented in any of our public journals', he rather equivocally explained.¹²⁰ Whatever Burke's politics, he at least deserved a fair hearing.

In June 1790, Christoph Martin Wieland took to the pages of his *Neue Teutsche Merkur* to chastise Burke publicly.¹²¹ An early admirer of the Revolution – it was, Wieland had enthused, the 'triumph of understanding and reason over prejudice and delusion'¹²² – he warned his readers that the French cause was under assault from a small, but vocal band of counter-revolutionaries. Scattered across Europe, these illiberal revanchists were conspiring to 'bring the situation back to its old footing', exploiting the Revolution's occasional missteps to undermine its principles.¹²³ Chief among these voices was Burke:

The man who chooses to publicly caricature each of the fleeting and individual maladies that always afflict exceptional, world-historical events like the French Revolution (maladies which proceed from a thousand different necessary and incidental causes); who paints his caricature with the broadest brush possible, and in the most garish colors imaginable, with no discretion and no respect for the truth; who, in the mournful tone of a balladeer at a carnival, invents a terrifying story of misery and murder for the astonished masses, leading them to conclude that the entire national assembly is a hell-bound pack of schemers, fools and idiots who orchestrated this disaster partly on purpose, partly out of a lack of judgment – such a gentleman, whether he calls himself *Bergasse* or *Burke* or *Mephistopheles* (or whatever else he pleases), is just as wise and useful as a man who, after eating and drinking to the point of gluttony, proves his excellent grasp of human affairs and his charity *⟨Menschenkenntniß und Menschenliebe⟩* by writing a long jeremiad about all of the physical, moral, political and economic evils, trials and afflictions with which we poor sons of Adam are beset. . . . Oh you who strain out a gnat yet swallow a camel! Is it not better to work on behalf of those twenty-four million suffering men and to alleviate their afflictions. . . , even if operating upon this sick body politic will cause a certain amount of pain (albeit only for a tenth of the body politic [i.e. the nobility])?¹²⁴

Perhaps most shockingly, Brandes himself rejected the arguments of Burke's *Army Estimates* speech, choosing instead to cast in his lot with the Revolution. In his *Politische Betrachtungen über die französische Revolution*, published in July 1790, he insisted *pace* Burke that a radical transformation of the French constitution had been 'necessary'.¹²⁵ Given

¹²⁰ Ibid., p. 487.

¹²¹ Wieland, 'Unparteyische Betrachtungen über die dermalige Staats-Revolution in Frankreich', *Der neue teutsche Merkur* (May, June 1790): pp. 40-69, 144-64, at pp. 41-42. On Wieland's politics, see Beiser, *Enlightenment, Revolution, Romanticism*, pp. 335-62.

¹²² Wieland, 'Die zwey wichtigsten Ereignisse des vorigen Monats,' *Der neue teutsche Merkur* (Mar. 1790): pp. 315-28, at p. 321.

¹²³ Wieland, 'Unparteyische Betrachtungen', pp. 55-6.

¹²⁴ Ibid., pp. 144-6.

¹²⁵ Brandes, *Betrachtungen über die französische Revolution*, p. 7; cf. *ibid.*, pp. 42, 67, where the *Army Estimates* speech is cited explicitly. For discussion, cf. Braune, *Burke in Deutschland*, pp. 85-98, and Erich Weniger, 'Rehberg und Stein', *Niedersächsisches Jahrbuch*, vol. 2 (1925): pp. 1-122, at pp. 34-7.

the extreme obstinacy of the Bourbon regime, whose ‘administration was as rotten as its constitution was bad’, it was impossible to effect this reformation ‘except through revolution, i.e. through the influence of an armed populace’.¹²⁶ The French people had long suffered under an intolerable form of tyranny, which its self-interested, corrupt aristocrats had failed to curtail.¹²⁷ With an optimism that later embarrassed him, Brandes heralded the abolition of feudalism as a ‘truly wise decree’, cheered the humiliation of the clergy, and celebrated the expropriation of church lands.¹²⁸ Though the universal principles of justice announced in the *Declarátion* were exorbitant, Brandes dismissed them as a superfluous rhetorical defense of what was fundamentally a justifiable revolt against unaccountable power.¹²⁹

In this context, Rehberg’s sympathetic review of the *Army Estimates* speech must have come as a surprise to his readers.¹³⁰ Not only were Burke’s political views extremely unpopular: they were being endorsed by *Rehberg*, an author known primarily for heterodoxy bordering on irreligion. Yet Rehberg’s attraction to Burke was evidently sincere. Since he began reviewing political works for the *Literaturzeitung* six months earlier, he had focused almost exclusively on French sources – Sieyès, Bergasse, Mounier, Lally-Tollendal, Malby, Rabaut de Saint-Étienne.¹³¹ But as he explained to the *Literaturzeitung*’s readers, Burke’s unique perspective – as a British observer of French affairs, and as a ‘man of great genius, capacious vision, [and] exquisite insight into questions of state’ – was indispensable for making sense of the unfolding drama in Paris.¹³² ‘To date, most of his works have been written for specific debates in the British Parliament, or they concern the specific history of England; they are known in Germany only to a few.’ But this was unfortunate, according to Rehberg, since Burke’s writings ‘contain splendid teachings on ... the nature of free constitutions.’¹³³ This constitutional acumen had led Burke to see that the French Revolution represented an abrupt departure from the revolutionary ideals of the British Whig tradition:

Aside from Burke’s very wise, energetic and (as one comes to expect from this writer) well-spoken judgments on the Revolution, this book ... compares the Revolution in France to the well-known events that placed William III onto the throne in England. The author shows that these two events are unlike each other in every relevant point. England preserved, and indeed strengthened, its inner tranquility and ancient constitution *⟨alte Verfassung⟩* by

¹²⁶ *Ibid.*, pp. 17, 7.

¹²⁷ See, e.g., *ibid.*, pp. 105, 130.

¹²⁸ *Ibid.*, p. 105; for his anticlericalism, see p. 131.

¹²⁹ See *ibid.*, p. 67.

¹³⁰ [Rehberg], review of Burke, *Speech ... on the Army Estimates*, in *Allgemeine Literaturzeitung* (15 Dec. 1790): pp. 701-4; partially reprinted in *idem.*, *Untersuchungen*, pp. 370-71.

¹³¹ See the index of these reviews in Rehberg, *Schriften*, vol. 2, pp. 74-82.

¹³² [Rehberg], review of Burke, *Reflections*, in *Allgemeine Literaturzeitung* (4 Mar. 1791): pp. 561-6, at p. 562; reprinted (in expanded form) in *idem.*, *Untersuchungen*, pp. 372-81.

¹³³ [Rehberg], review of Burke, *Speech ... on the Army Estimates*, pp. 701-2.

changing only the person of the monarch. The French kept their sovereign, but destroyed the proportions of their ancient estates.¹³⁴

In their ‘lust for innovation’ (*Neuerungssucht*), the revolutionaries had become intoxicated by abstract concepts – the rights of man, the sovereignty of the people, the natural equality of man – that were perilously unmoored from practical politics. Though Rehberg admitted that Burke’s ‘love of established and customary constitutions’ may have led him to underestimate the intrinsic faults of the pre-revolutionary French government, he nevertheless insisted that Burke’s worries about the possibility of a failed state in France, and of ideologically-inflected warfare throughout Europe, were well-grounded, and worth heeding.¹³⁵

At the end of this review, Rehberg reported that ‘a more extensive work from Burke has recently appeared, which we will appraise in our next installment.’¹³⁶ But by the time his review of the *Reflections on the Revolution in France* appeared in March 1791, Rehberg already felt a latecomer to the fierce debate that this work had incited. If Burke’s *Army Estimates* speech was met with exasperation, the response to his *Reflections* was positively hostile. As in England, the work quickly became a lightening rod of criticism. A hasty translation appeared in Vienna less than three months after the original was printed in London, and found a wide readership in the southern German states.¹³⁷ For German sophisticates (as well as the émigré nobility stranded in the Holy Roman Empire), the French edition of Pierre-Gaëton Dupont also provided a means of ingress to Burke’s arguments.¹³⁸

¹³⁴ Ibid., pp. 702, 704

¹³⁵ Ibid., p. 702.

¹³⁶ Ibid., p. 704.

¹³⁷ [Joseph Stahel, trans.], *Bemerkungen über die französische Revolution und das Betragen einiger Gesellschaften in London bei diesen Ereignissen. Aus dem Englischen nach der vierten Ausgabe übersetzt* (Vienna: Stahel, 1791). For discussion of its reception, see [anon.], review of Stahl, *Bemerkungen* and Gentz, *Betrachtungen*, in *Allgemeine Literaturzeitung* (22 June 1797): pp. 753-7.

In a letter to Burke dated 21 February 1791, his French translator Dupont mentioned *en passant*, ‘you know, I suppose, that a German translation has also been published. I hope that it has been done upon the original & not from the French’; see Dupont to Burke, in Hans Schmitt and John Weston, ‘Ten letters to Edmund Burke from the French translator of the *Reflections on the revolution in France*’, *The Journal of Modern History*, vol. 24 (Dec., 1952), pp. 406-23, at pp. 413-414. (Schmitt and Weston mistakenly identify this first translation as Gentz’s.)

Braune reports that a second German translation was published in Vienna (see *Burke in Deutschland*, p. 20), under the title *Betrachtungen über die französische Staatsrevolution, aus dem Englischen, mit des Vervassers Porträt* (Vienna: Schaumburg und Komp, 1793), but I have been unable to locate it, and have not found any mention of it in contemporary review magazines (including the nearly-encyclopedic *Allgemeine deutsche Bibliothek*).

¹³⁸ Burke, *Réflexions sur la Révolution de France et sur le Procédés de certaines Sociétés a Londres relatifs a cet Evénement*, trans. Pierre-Gaëton Dupont (Paris: Laurent, 1790). Burke’s translator is not to be confused with Charles-Jean-François Depont, the French aristocrat to whom the *Reflections* is addressed.

Writing from Coblenz, the former French finance minister Charles Alexandre de Calonne told Burke that he had recently encountered Dupont’s translation (and that he found its quality very poor): see Calonne to Burke, 9 Feb. 1791; cited in Schmitt and Weston, ‘Letters to Burke’, at p. 412.

Regional magazines, finally, circulated German translations of the *Reflections*' most sensational passages: Burke's depiction of Marie Antoinette's humiliation, his Jeremiad for the death of chivalry, his thundering attack on the *droits de l'homme*.¹³⁹ 'Already [the *Reflections*'] sphere of influence has extended far beyond the scope of the British Isles', lamented the Rhenish democrat Georg Forster in mid-1791. 'It is being read assiduously across Germany, and has appeared in a (quite inelegant) French translation as well.'¹⁴⁰

Almost at once, German defenders of the French cause took aim at this work. In Berlin, the Prussian *Aufklärer* Johann Wilhelm von Archenholz dropped the normally impartial tone of his *Neue Litteratur und Völkerkunde* to declaim the *Reflections* as a toxic muddle of sanctimony, hypocrisy, and ignorance.¹⁴¹ 'Herr Burke speaks of the political changes in France with the most obscene bitterness', he fumed, despite the fact that Burke was 'completely unfamiliar' with the actual details of these reforms. If he were, he would see that the French 'plan for the creation of an effective legislature is the most sensible in theory, the most elegant in practice, that history has yet to witness.' The image of the Revolution presented in the *Reflections* was precisely the opposite. 'Burke has misrepresented this system so radically that one would be hard pressed to find anything [so revolting] in all the annals of politics and literature.'¹⁴²

Forster's review was similarly acerbic, denouncing the 'biases in [Burke's] argument, his partisan perspective, the vanity of his unproven assertions, his pretended air of authority and his faulty logic, which is rooted in false premises that he uses to seduce the reader into adopting his conclusions.'¹⁴³ Burke was so unhinged in this work that Forster felt justified in psychologizing Burke's embrace of such a ludicrous, conspiratorial argument. In the *Army Estimates* debate, he speculated, Burke's fanciful imagination must have seduced him into temporarily embracing the wild idea that a pan-European cabal of republicans were intent on toppling Europe's established governments. Too embarrassed to renounce this position in the months afterwards, Burke chose to double-down on it, composing the *Reflections* as an elaborate face-saving measure:

There remained for him not other option than to defend these new principles, and to use all his talents to present this impulsive alteration of his beliefs as [the result of] a coherent set of principles. There is no other explanation for

¹³⁹ See, e.g., *Historische Nachrichten und politische Betrachtungen über die französische Revolution*, ed. Christoph Girtanner, vol. 1 (1788): pp. 86-137.

¹⁴⁰ Georg Forster, 'Geschichte der Litteratur [sic]', *Annalen der britischen Geschichte* (July 1791): pp. 184-314, esp. pp. 227-48, at p. 231.

¹⁴¹ 'Ueber eine Stelle in Herrn Burke's *Betrachtungen über die Revolution in Frankreich*', *Neue Litteratur und Völkerkunde*, ed. Johann Wilhelm von Archenholz (Mar. 1791): pp. 237-45.

¹⁴² *Ibid.*, pp. 237-8, 243.

¹⁴³ Forster, 'Geschichte der Litteratur [sic]', pp. 231-2.

the appearance of this book, which is one of the strangest things ever written. ... [It] has satisfied none of its readers; it has offended the moral sentiments of both his friends and enemies. One looks with astonishment at Herr Burke, and wonders how he could have written a work so unworthy of him. With good reason, one can excuse the master [orator] when he is simply carried away by his transient fixations: one can look past his scornful, stirred-up attitude, and admire this piece of art which, like his four-day address against Hastings, enchants listeners with an intelligence and an imagination that surpasses the very finest of the ancients. And yet it wins over no man's heart or mind.¹⁴⁴

Forster was so confident in the error of Burke's arguments that he was half-disposed to pity him. But this sympathy was tempered by his scorn for Burke's 'melodramatic narrative, his dialectics and casuistry, his intolerance and petulance'.¹⁴⁵

In March, Rehberg's endorsement of the *Reflections* firmly established him as Burke's most prominent German apologist. Like the work's more critical reviewers, Rehberg was deeply impressed by its sheer rhetorical force. Burke's words 'spill forth with the ferocity of a raging river', he told his readers; 'the impression is extremely severe.'¹⁴⁶ But unlike most of his peers, Rehberg also found the central argument of the *Reflections* broadly persuasive. The wafer-thin rationalism that stood at the root of the revolutionaries' ideology was indeed sufficient to indict the pre-revolutionary constitution. But after tearing down the monarchy, aristocracy, and clergy, this weaponized appeal to reason was not substantial enough to hold France together. 'Burke shows that the national assembly has either unwittingly neglected or intentionally destroyed all the possible means of holding together their kingdom.'¹⁴⁷ Without deference to the established pillars of the French state, civil society would collapse into chaos, and the possibility of politics itself would be evacuated. Under these conditions, Burke had shown, the likeliest outcomes were either rule by a despotic revolutionary cabal in Paris, or else an intervention by the French army leading to a military dictatorship. From Rehberg's point of view, neither was preferable to the *status quo ante*.

The *Reflections* deserved careful attention, according to Rehberg, because 'it is the work not of a speculative theorist, but of a man who boasts an lifetime of continual engagement with the most important matters of [his] commonwealth'.¹⁴⁸ Anticipating a distinction between theory and practice upon which he expanded in his *Untersuchungen* – and which had roots in his earlier quarrel with Kant and Jacobi – Rehberg presented Burke as an avatar of the practical science of statecraft, which was incompatible with the normative

¹⁴⁴ Ibid., pp. 230, 234.

¹⁴⁵ Ibid., p. 234.

¹⁴⁶ [Rehberg], review of Burke, *Reflections*, p. 565.

¹⁴⁷ Ibid., p. 564.

¹⁴⁸ Ibid., p. 561.

claims of political theorists. Burke's voice was especially vital in Rehberg's context, since 'such statesmen are rarely writers in Germany'. Over the course of the eighteenth century, the practical and intellectual bifurcation of Germany's royal advisors and administrators from its philosophers had impoverished both groups. Focused exclusively on the practical tasks of state management, it was difficult for Germany's cameralists to find time 'to review, order [and] concentrate their diverse insights' on politics in order to share them with the public. 'The great majority are so consumed by the countless details and demands of their work that they are unable to elevate themselves to this level of [general] reflection.'¹⁴⁹ Yet Germany's political theorists, on the other hand, did not have the most basic understanding of how statecraft was conducted. This had led to an impasse:

The most exceptional German philosophical writers, men have observed [human nature] and who possess an impressive knowledge of individual persons, do not often assume a political point of view; yet the great majority of our political writers, even the best, who distinguish themselves with conclusive reasoning and knowledge of *affairs* *⟨Sachen⟩*, often regrettably neglect those actual people [for] whom all of the state's affairs must be [organized].¹⁵⁰

Because Burke had overcome this divide, combining an 'exquisite insight into questions of state [with] an exceptional knowledge of human nature', he could vindicate the exigencies of politics against the apostles of theory. His practical experience of government allowed Burke to perceive 'the harmful consequences of the democratic system', and to prophesy the destruction it would inexorably bring.¹⁵¹

In the summer and fall of 1791, as news from France increasingly seemed to corroborate Burke's anxieties, Rehberg gained new allies. After the failed flight to Varennes in June, Louis XVI's suspension by the assembly effectively transformed France into a unicameral democracy with an unconstrained legislature. The tenor of French republican discourse grew more radical, political violence became commonplace, and Habsburg intervention on behalf of the Bourbons seemed imminent. Throughout late 1791, these troubling developments caused many of Burke's early critics to reevaluate their position. In October, Wieland took to the pages of his *Merkur* to recant his earlier opinions. 'From the first signs of revolution in France to its outbreak, I have warmly wished for a political and moral regeneration ... in this nation which I have always prized highly', he wrote. 'It would have given me great satisfaction to see the [contrary] view, which has been peddled by powerful men [like Burke] and widely accepted on the basis of their authority ... be

¹⁴⁹ Ibid., p. 563.

¹⁵⁰ Ibid., p. 563, italics in orig.

¹⁵¹ Ibid., pp. 562, 564.

unexpectedly contradicted by experience.’¹⁵² But with unchecked power in the hands of the radicalized *Assemblée*, the emergence of a constitutional liberty seemed unlikely:

A people who wants to be free but who has not yet learned, after two full years, that liberty without absolute and unconditional obedience to the law is absurd in theory and is, in practice, a condition infinitely more ignoble and degenerate than Asiatic slavery; a people who yearns for liberty, yet allows itself to be incited and enraptured by a faction of men, *qui salva republica salvi esse non possunt*, to the most wild debaucheries, to deeds of which cannibals would be ashamed – such a people is, to put it mildly, not yet ready *«reif»* for freedom....¹⁵³

In its comment on the *Reflections*, the *Annalen der Geographie und Statistik* argued that Burke’s position was in fact quite moderate: namely, he had simply rejected the revolutionaries’ choice between slavery or rebellion as a false one.¹⁵⁴ ‘Here we find a free Briton, widely known as a long-serving statesman, a great orator, defender of the civil law, and enemy of despotism’ who saw that France’s established constitution provided an adequate foundation for the construction of a well-balanced constitution. ‘He has therefore earned also the right to be heard in our country, where so many otherwise intelligent observers have claimed that this revolution must be totally condemned or else triumphantly celebrated.’¹⁵⁵

Most significantly, the *Reflections* apparently induced Brandes to reverse his allegiances, too. In an anonymous review published in November, he directly repudiated the argument of his earlier *Politische Betrachtungen*.¹⁵⁶ This *volte-face* was so abrupt that it caused Heyne some consternation: ‘the good Ernst Brandes’, he told a friend, ‘who was formerly the *most horrible* kind of democrat, has in an instant taken up the other extreme, and seems to have been led into the opposing faction by Herr Burke.’¹⁵⁷

¹⁵² Wieland, ‘Erklärung des Herausgebers über die im 6ten Monatsstück des T. Merk. 1791 auf der letzten Seite befindliche Note’, *Der neue teutsche Merkur* (Oct., 1791): pp. 113-49, at p. 114.

¹⁵³ ‘Schreiben ... an die Gesellschaft der Constituzions-Freunde in Straßburg,’ anonymous trans., with an editorial note from Wieland, *Der neue teutsche Merkur* (June 1791): pp. 219-224, at p. 224. Cf. Schirach’s *Politisches Journal*, which had earlier celebrated the Revolution as ‘useful lesson for the British’ but which, by 1791, became much more sympathetic to Burke’s doubts about France’s ‘fanatical enthusiasts of liberty’: ‘Uebersicht des Jahrs 1790’, *Politisches Journal* (Jan. 1791): pp. 3-15, at p. 14.

¹⁵⁴ Review of Burke, *Reflections*, in *Annalen der Geographie und Statistik*, ed. Eberhard August Wilhelm von Zimmermann (Aug., 1791): pp. 185-195.

¹⁵⁵ *Ibid.*, 185-6. Cf. *ibid.*, p. 191: ‘The French could have ennobled the cause of liberty if they had built it upon virtue, honor, and strong morals, but instead they have destroyed everything, built castles in the clouds, and bought poverty at the price of sacrilege.’

¹⁵⁶ [Brandes], review of Burke, *Reflections*, in *Göttingische Anzeigen von gelehrten Sachen* (26 Nov. 1791): pp. 1897-1907. For this review’s context, cf. Heinrich Albert Oppermann, *Die Göttinger gelehrten Anzeigen während einer hundertjährigen Wirksamkeit für Philosophie, schöne Literatur, Politik, und Geschichte* (Hanover: Kius, 1844), pp. 174-82.

¹⁵⁷ C.G. Heyne, 27 Feb. 1792; qtd. in Oppermann, *Göttinger gelehrten Anzeigen*, p. 174, italics in orig.

What Burke saw at an early date, but what Brandes only now recognized, was that the revolutionaries' rationalism was not incidental to their cause, but rather its animating principle. Burke's hostility to this 'metaphysical' mode of politics was, according to Brandes, the 'spirit which pervades his whole argument':

That which, from the perspective of theory, seems malformed or incoherent in the pure understanding of men is not to be overthrown in the real world. For men do not act solely according to deductive rational principles. Reason is only a part of man's being *Wesen*. Passions, habits, inclinations and authorities determine our actions as much as, if not more than, [rational calculations about our happiness]. These are ineradicable, essential features of his nature. Abstract systems suppose a self-made rational perfection that is simply impossible for the great majority of men.... For the statesman who hopes to promote the common good of the nation he serves, such systems are of little use. A brief and sober investigation of men's needs and inclinations, which are determined by their locale and environment – this is the true mark of the statesman....¹⁵⁸

Brandes was especially concerned to combat the criticism that the *Reflections* entailed a betrayal of Burke's Whig principles, and spent most of his article reviewing Burke's parliamentary career and stressing his *bona fides* as a liberal critic of overweening power.¹⁵⁹ 'The American unrest, the governance of English East-India, the issue of royal and ministerial expenditures, the union of Great Britain and Ireland – these are the topics of his published writings and speeches, which for too long have been less known in Germany than they deserve to be.' But like the *Reflections*, these texts were infused with Burke's 'aversion to metaphysical systems as the foundation of a constitution'. Throughout his life Burke had maintained his belief that 'arbitrary power *Willkür* and [unregulated] license are both false paths', neither of which is conducive to a free society.¹⁶⁰

Not only did German readers become more receptive of Burke's politics throughout 1791 and 1792, they were also inundated with a barrage of anti-Burkean tracts that had been composed during the pamphlet wars that the *Reflections* incited. This had the unintended effect of keeping Burke at the centre of the German agenda. As the critiques written by Joseph Priestley, Thomas Price, James Mackintosh, George Rous and – most controversially – Thomas Paine drifted into Germany, they sparked a proxy-war among German reviewers, reinforcing the division between pro- and anti-Burkean commentators and forcing readers to choose a side.¹⁶¹ Rehberg emerged as the chief voice of the first faction, while Paine's

¹⁵⁸ [Brandes], review of Burke, *Reflections*, pp. 1898-1900.

¹⁵⁹ See *ibid.*, pp. 1898-1901.

¹⁶⁰ *Ibid.*

¹⁶¹ Of course some readers were convinced by neither Burke nor his critics; see, e.g., Christian August Wichmann, *Ist es wahr, daß gewaltsame Revolutionen durch Schriftsteller befördert werden?* (Leipzig: Gabler, 1793), p. 223:

defender Forster became leading spokesman for the latter.¹⁶² It was the experience of this debate in particular that ultimately convinced Rehberg to give up his *Literaturzeitung* column in order to write the *Untersuchungen*.

In his review of Burke's *Appeal from the new to the old Whigs*, Rehberg made clear that the central point of disagreement between Burke and his Whig critics did not turn on their shared aversion to despotism, but rather on the permissibility of revolution as a tactic to escape it. The answer to this question, he explained, turned on whether civil society was natural or artificial.¹⁶³ Was sociability a basic trait of human psychology, or was civil society a contingent phenomenon in history? Once all the political intrigue of personal feuds was stripped away, this was the basic question that separated Burke from Price, Priestley, and Paine. Rehberg found the *Appeal* such a powerful intervention into this debate that he translated it himself, excerpting and publishing the essay's 'universally-applicable passages' in Wieland's *Merkur* under a new title, 'Das Recht der Völker, ihre Staatsverfassungen willkürlich abzuändern, geprüft von Burke'.¹⁶⁴ In this text, he explained by way of introduction, Burke set out a philosophical analysis of 'the most important questions of our time': namely, 'the doctrine of the inalienable sovereignty of the people', which 'is the foundation of Rousseau's system in his famous book *Du Contrat Social*', and which had 'entirely permeated the French way of thinking about politics.'¹⁶⁵ Revolutions cannot be made legal through a philosophic appeal to popular sovereignty, Burke held against his Whig critics, because in the moment of rebellion, civil society is dissolved, and 'the people' cease to exist in any meaningful sense: they become a collection of atomized individuals in a state of nature. Thus there was an internal contradiction in the very idea of a right to popular rebellion. 'For to be a people, and to have these rights, are things incompatible', Burke explained in the *Appeal*. 'The one supposes the presence, the other the absence of a state of

I have read these two works [by Paine and Burke], and have come to the conclusion that both men, one as much as the other, are enthusiasts. It is clear that both men write in the interest of their respective parties, parties to which they are so blindly beholden that they do not have the least bit of interest in discerning what is right or what is true.

¹⁶² In addition to Rehberg's column in the *Literaturzeitung* and Forster's in the *Annalen* (see esp. [July 1791], no. 7, pp. 227-48 and 7 [July 1793], no. 7, pp. 65-148), this debate was also closely followed in the *Annalen der Geographie und Statistik*: see its reviews of Burke's *Reflections*, Paine's *Rights of Man*, Priestley's *Letter to the Right Honourable Edmund Burke*, George Rous's *Thoughts on Government*, and Mackintosh's *Vindiciae Gallicae* at vol. 2 (1791): pp. 185-195, 544-54; and vol. 3 (1792): pp. 54-60, 246-55, 379-385.

¹⁶³ [Rehberg], review of Burke, *An appeal from the new to the old Whigs*, in *Allgemeine Literaturzeitung* (11 Oct. 1791): pp. 65-7. Cf. Rehberg's discussion of the *Appeal* in *Untersuchungen*, vol. 1, pp. 77-82.

¹⁶⁴ 'Das Recht der Völker, ihre Staatsverfassungen willkürlich abzuändern, geprüft von Burke', [trans. Rehberg], *Der neue deutsche Merkur* (Nov. 1791): pp. 225-58.

¹⁶⁵ *Ibid.*, pp. 225-6.

civil society.¹⁶⁶ The only way out of this dilemma was to place society *prior* to the state: to suggest, in other words, that human beings are capable of self-government in the absence of law. This assumption was so naïve that, as Rehberg noted, not even Rousseau had fallen victim to it.¹⁶⁷ Yet the vulgarized Rousseauians of Paris and their British allies were now dogmatically committed to this supposition: it was a premise of their argument that because the Bourbon regime had violated the people's 'natural' rights, it could justifiably be overthrown. With Burke, Rehberg rejected this revolutionary logic as a disastrous conflation of man's natural, pre-political condition and the state of civil society that made the concept of right intelligible in the first instance.¹⁶⁸

The obvious objection to this argument, which Burke's critics were quick to point out, is that it seemed to obviate the crucial moral distinction between extant governments and *just* ones.¹⁶⁹ In an introduction to the first German edition of Paine's *Rights of Man*, Forster pressed just this line of attack.¹⁷⁰ 'What is truth? What is freedom? What is justice *⟨Recht⟩*? – It behooves every man of reason to turn his mind to these questions. He who has dedicated himself to this task with diligence and impartiality will ... gladly collect every bit of foreign light [that he can], in order to illuminate the dark metaphysical abyss.'¹⁷¹ The problem with Burke's legal positivism, Forster believed, was that it led ultimately to moral relativism, insofar as it denied men access to any extra-historical or transcendent standard of justice. It was just a clever means of rationalizing power. Fortunately, Paine proceeded from the opposite premises: moral right was perceptible through human reason, and offered an unchanging criterion with which to adjudicate existing regimes. Rather melodramatically, Forster presented the argument between these men as a duel between two prizefighters, a contest between Paine's principled rationalism and Burke's traditionalism. 'We are invited to

¹⁶⁶ Burke, *Appeal*; in *W&S*, vol. 4, pp. 365-477.

¹⁶⁷ Rehberg, *Untersuchungen*, vol. 1, pp. 6-16; cf. [Rehberg], review of Charles-Francois Lenormant, *J.J. Rousseau, Aristocrate* (Paris, 1790), *Allgemeine Literaturzeitung* (7 Mar. 1791): pp. 603-5.

¹⁶⁸ For a satirical take on Rehberg's translation of the *Appeal*, see 'Schreiben an Herrn Magister Superbus, über das Recht der Völker, ihre Staatsverfassungen willkürlich abzuändern, geprüft von Burke', *Neues Braunschweigisches Journal*, ed. Joachim Heinrich Campe (Jan. 1792): pp. 110-128.

¹⁶⁹ For these English criticisms of the *Reflections*, cf. Bourke, *Empire and Revolution*, pp. 741-819.

¹⁷⁰ Paine, *Die Rechte des Menschen*, trans. Meta Forkel-Liebeskind, with an introduction by Georg Forster (Berlin: Vossische Buchhandlung, 1792); Forster's introduction has been reprinted in his *Werke*, ed. Akademie der Wissenschaften der DDR, 18 vols. (Berlin: Akademie-Verlag, 1958-), vol. 8, pp. 220-7. Forkel-Liebeskind's translation was later supplemented with Paine's *Rights of Man: Part the Second*, and published in Copenhagen (Prost, 1793). Cf. *Kurzer Abriß der Entstehung der französischen Revolution von Thomas Paine*, trans. Johann Gottfried Dyck (Leipzig: Dyck, 1791), a translation of Paine's account of the Revolution's origins; and Paine, *Über die Regierungen und die Ur-Grundsätze einer jeden derselben*, trans. anonymous (Paris, 1794) (a translation of *Rights of Man: Part the Second*). The latter was reviewed in the *Allgemeine Literaturzeitung* (23 June 1797): pp. 761-3.

¹⁷¹ *Ibid.*, p. 220.

be spectators', he explained his readers, 'to chose the knight that appeals to our hearts, to cheer him when he lands a mighty blow and to tremble when his opponent gains the upper hand.'¹⁷²

But Forster's introduction did not merely censure Burke: he concluded it with an explicit, gratuitous attack on Rehberg's personal integrity. 'We could have ended here and trusted our work to the public's judgment', he wrote, 'if a certain German reviewer had not recently chosen to attack Paine ... with a harshness that is a disgrace the very practice of reviewing. We warn the public of this author, who attempts to give his judgments an air of impartiality.'¹⁷³ Forster was referring to Rehberg's review of *Rights of Man*, published a month earlier, which had dismissed Paine's work as a recapitulation of stale arguments that Burke had already defanged.¹⁷⁴ Forster took personal offense, insisting that it was Rehberg who was parroting worn-out arguments, and that his *Literaturzeitung* column had become no more than a vehicle of Burkean reaction:

We can assure this reviewer [i.e. Rehberg] that we are not blind to his theory of constitutionalism, which he sets against that of our democrats and revolutionaries. ... If we strip away all of [his] exotic and superfluous obfuscations ... his basic thesis is that since the cultivation of the human race is a work in time, proceeding slowly from imperfection to perfection, we have sufficient reason to leave the errors of our forefathers uncorrected. We wish him luck with this logic, which is far more appropriate to a dicastery [of the Roman Catholic Church] than a learned journal, where one should try to avoid peddling such obvious sophistries.¹⁷⁵

Like Burke, in other words, Rehberg had rejected reason's sufficiency to discern the basic rights of man, throwing him back onto a historically-contingent definition of right which, according to Forster, was unable to clear distinctions between norms and facts. Making matters worse, he was using his position as a reviewer to promulgate this relativistic philosophy.

Rehberg took the occasion to defend himself against Forster a few months later. 'An accusation has been leveled at the *Allgemeine Literaturzeitung*', he reported, 'that its evaluation of works on the French Revolution has been uniformly and completely partisan. This same critic has also made it clear that he wants to see another point of view get a hearing in this journal.'¹⁷⁶ Interestingly, Rehberg did not take refuge in a typically *aufgeklärt*

¹⁷² Ibid., p. 221.

¹⁷³ Ibid.

¹⁷⁴ [Rehberg], review of Paine, *The Rights of Man* and *A Letter from Mr Burke to a Member of the National Assembly*, in *Allgemeine Literaturzeitung* (8 Sept. 1791): pp. 513-520.

¹⁷⁵ Forster, 'Vorwort' to Paine, *Die Rechte des Menschen*, in *Werke*, vol. 8, p. 226, italics removed from orig.

¹⁷⁶ [Rehberg], review of Mackintosh, *Vindicae Gallicae*, in *Allgemeine Literaturzeitung* (23 Mar. 1793): pp. 673-7, at p. 673. Unlike many of his peers (Gentz, e.g., or the *Annalen der Geographie*

profession of neutrality. Instead he freely admitted that, although he always tried to judge books on their merits, he also had a well-conceived set of principles which informed the judgments in his column.¹⁷⁷ ‘Any intelligible review must proceed on the basis of a fixed, established perspective. Anyone who gains a thoroughgoing understanding of a scientific subject comes to see certain basic principles and ideas as true, good and useful.’ The relationship between a critic and his readers is built on mutual trust. It would have been dishonest for Rehberg to hide his own views – especially on a topic as important as the Revolution. ‘In so far as a [reviewer] wants to do justice to ... a writer whose principles seem mistaken and harmful to him, or one who sets out to defend false hypotheses, ... he cannot renounce his own convictions.’¹⁷⁸ Indeed, it was a sign of intellectual rigor and integrity to remain committed to one’s principles in the face of opposition. And so ‘if the accusations of partisanship against the present reviewer [mean] that all his reviews have been composed in *one* spirit and flow from the same principles, then ... this reproach is much more a badge of approval [than reproach].’¹⁷⁹

Yet however unwarranted, Forster’s accusations *did* reveal a deficiency in Rehberg’s *Literaturzeitung* column, one that applied to the position of counter-revolutionary writers more generally. As a critic, Rehberg was obliged to contend with new arguments as they appeared, but seldom had the chance to forward his own positive agenda. ‘The principles upon which I judged the new [French] constitution and the work of the men who contributed to it were only obliquely indicated in my reviews.’¹⁸⁰ Burke had been in a similar position, Rehberg thought, responding to events in France as they unfolded rather than setting out his own principles in a systematic and compelling way. This had put revolutionaries at a structural advantage: while their leaders were able to paint a vivid, proactive image of the world they hoped to bring into being, their critics were only pointing out this vision’s flaws. This had led some observers to conclude that Burke and his allies were without positive principles at all: that they were little more than recalcitrant skeptics. ‘This book will probably be criticized in Germany for lacking systematic order’, Brandes had written of the *Reflections*. ‘We are so used to seeing everything in systematic terms that we assume a work

und Statistik’s reviewer), Rehberg was not particularly impressed by Mackintosh’s riposte to Burke: ‘He praises the main features of the new [French] constitution for all the now-familiar reasons, without paying any regard to the objections raised against it (which the current reviewer has discussed vis-à-vis Burke, Mounier, Necker, and others)’: see *ibid.*, p. 677. Cf. *Verteidigung der französischen Revolution und ihrer Bewunderer in England, gegen die Anschuldigungen des Herrn Burke...*, von Jakob [*sic*] Mackintosh, anonymous trans. (Hamburg: Hoffmann, 1793).

¹⁷⁷ *Ibid.*, p. 674.

¹⁷⁸ *Ibid.*, p. 673

¹⁷⁹ *Ibid.*, p. 674.

¹⁸⁰ Rehberg, *Untersuchungen*, vol. 1, p. xxi.

is well-argued only if is presented in these terms.’ It was incumbent on Burke’s German allies, therefore, to elucidate ‘the sublime harmony of his first principles.’¹⁸¹

Rehberg agreed. In his earlier review of the *Reflections*, he had voiced similar anxieties about the work’s suitability for German audiences. While his compatriots were able to recognize the work’s eloquence, Burke’s philosophical principles were more difficult to detect. His primary objective had been political, not theoretical. The *Reflections* were an immediate reaction to the threat that the Revolution’s principles posed to Britain – an attempt to protect its constitutional system of government from collapse. But most Germans lived in territories with no traditions of self-government and few limits on the state power. ‘In its political and civil institutions England possessed a great treasure’, he later recalled. ‘Burke could therefore make their preservation the first and final object of all his exertions. But what part of Holy Roman Empire’s constitution, or those of the provincial states, could a German writer have [defended] in order to further the national interest?’¹⁸² At best, some of the German states had rudimentary traces of constitutional government, but nothing approaching the English example. It was therefore necessary not only to make a case *against* the Revolution, but also to explain, in *positive* terms, what a Burkean reform of the Germanies would entail. Rehberg said as much explicitly in his review of the *Reflections*:

The English have an admirable constitution to lose, but in Germany there are few traces of good constitutions. Where there are constitutions, they require vast improvements. In England, a general spirit of liberty is the strongest defense against despotism; in Germany, only the education of our nobility and the excellence of our administrators *⟨Staatsverwaltung⟩* protect our liberties. ... The English writer can oppose the excellence of his constitution against an insatiable lust for innovation *⟨Neuerung⟩*. But in many other countries, the duty of the virtuous citizen is not to find new ways to protect the old order – which would do nothing but perpetuate the same abuses that have made the nobility indolent and arrogant – but rather to rouse the nobility from its dangerous sleep. We must show our aristocrats that the only way to stop a revolution (such as the French) is to enact reforms from the top down, before the people begin to flirt with rebellion. Herein lies a great task for the German writer. For the French Revolution has clearly marred the cause of liberty.¹⁸³

The duty of Burke’s allies in Germany was not to conserve an established status quo, but rather to begin reforming their governments, yet to do so while avoiding the pitfalls that had ensnared the French. For this task the *Reflections* was a useful, but insufficient, guide. ‘A book that could serve Germany the way that Burke’s has served England would make use of his observations, but extract them from his context and present them differently’, Rehberg

¹⁸¹ [Brandes], review of Burke, *Reflections*, pp. 1906-7.

¹⁸² Rehberg, ‘Deutschland vor dem Ausbruche der Revolution’, in *Schriften*, vol. 2, pp. 3-32, at p. 30.

¹⁸³ [Rehberg], review of Burke, *Reflections*, pp. 565-6.

explained. It would distill and systematize the principles scattered throughout Burke's winding argument, and using them to outline an agenda for prudent, moderate liberalization:

Such a work would take up the principles adopted by the *assemblée nationale*, systematically setting them out and methodically rebutting them in all of their various claims and consequences. For it is this form of [systematic] scientific insight that the best members of the German public admire and appreciate above all else.¹⁸⁴

Without such mediation, 'it is doubtful that this excellent work ... will enjoy the same approval outside Great Britain that it has found within it.'¹⁸⁵

V. Burke and the Untersuchungen

Sometime in the summer of 1792, Rehberg decided to respond to his own appeal: to compose a systematic defense of Burke's constitutionalist vision of liberty, one that would be intelligible to his German peers.¹⁸⁶ The benefits of such a treatise would be twofold. On the one hand, it would allow him to explain the principles that had informed his judgments as a critic over the past few years, and in so doing, defend himself against Forster's recent accusations of partisanship. More importantly, it would allow him set out a philosophical critique of 'the system that the legislators of France have pursued', a critique that began from his first principles and proceeded inductively towards a practical explanation of the Revolution's failure.¹⁸⁷ Rehberg also recognized that, by 1792, his authority as a political commentator was considerably stronger than it had been when he first began his *Literaturzeitung* column: as Spittler observed, 'his intuitions about everything that has taken place in France since these reviews first appeared [can now] be vigorously restated with the greatest justification.'¹⁸⁸ Alongside this new philosophical treatise, Rehberg also decided to republish a selection of his earlier critical essays. He spent the fall rewriting many of them, and strung them together in a rough sequential narrative, so that they read as a history of political debates in the Revolution's early years.¹⁸⁹ He completed both sections of this new work by September, and released his two-volume *Untersuchungen über die französische Revolution* in January 1793.

¹⁸⁴ Ibid.

¹⁸⁵ Ibid., p. 565.

¹⁸⁶ That Burke's *Reflections* was the inspiration for Rehberg's *Untersuchungen* is made clear in Rehberg, 'Deutschland vor dem Ausbruche der Revolution', in *Schriften*, vol. 2, at p. 29-31.

¹⁸⁷ Rehberg, *Untersuchungen*, vol. 1, pp. ix.

¹⁸⁸ L.T. Spittler, review of Rehberg, *Untersuchungen*, in *Göttingische Anzeigen von gelehrten Sachen* (5 Jan. 1793): pp. 18-23; reprinted in Spittler, *Werke*, vol. 14, pp. 398-403, at p. 398.

¹⁸⁹ See his *Untersuchungen*, vol. 1, pp. v-viii, xv-xviii.

As in the *Literaturzeitung*, the majority of the *Untersuchungen*'s historical section was dedicated to French primary sources. But Rehberg attached a long appendix, in which he also discussed British works on the Revolution. In his telling, the history of British political debates over the past four years was effectively a history of responses to Burke.¹⁹⁰ Though much of this material would have been familiar to his readers, Rehberg made substantial alterations in his discussion of the *Reflections*. Three are particularly noteworthy. First, he excised his observation that a systematic apology of Burke's politics needed to be written: Rehberg believed that he had now filled this lacuna.¹⁹¹ Second, he substantially altered his verdict on the *Reflections*' rhetoric. In his 1790 review, he was palpably uncomfortable with this work's incendiary tone – Burke's impassioned declamations of the revolutionary mob, his near-censoriousness, his periodic bouts of enthusiasm. But in late 1792, in the aftermath of the September Massacres and the collapse of the monarchy, Rehberg believed that this tone was completely warranted. 'Of course there is a good deal rhetorical embellishment.' But this was not a sign of Burke's unhinged or deranged imagination, but rather of his moral seriousness. 'Woe to him who debates subjects that concern the wellbeing of the human race with cold blood, as if debating a geometric proof', he warned. 'The warmth that befits [such an] investigation ... is completely unlike the heat of the passions: a complete placidity and coldness in such investigations is the start of an immoral indifference that leads ultimately to the callous and stupid revolutionary rage that has infected so many heads in France.'¹⁹²

Most significantly, however, in the *Untersuchungen* Rehberg considerably enlarged his discussion of what he saw as the *Reflections*' skeptical critique of political theory. Whereas his initial review discussed the gap between Germany's political theorists and administrators in a single paragraph, Rehberg expanded it into four dense pages for the *Untersuchungen*.¹⁹³ He used this analysis of Burke to lay out a précis of his basic philosophical commitments. Sharpening his earlier presentation of the dichotomy between theory and practice, Rehberg now contended that the recent divergence of the 'Geschäftsmann' and the 'Gelehrte' was not an accident of German history, but a necessary consequence of their incompatible worldviews. It was just as fruitless to expect a 'man of affairs' who 'mechanically follows established customs and prescriptions' to investigate about his own normative principles as it was hopeless 'to expect the man of letters, too far removed from everyday affairs, to make especially apt observations about the very intricate

¹⁹⁰ Ibid., vol. 2, pp. 369-99.

¹⁹¹ See ibid., pp. 381.

¹⁹² Ibid., pp. 385-6.

¹⁹³ Ibid., pp. 373-7.

inner-workings of the state.’¹⁹⁴ Theorists were simply unable to think politically. As such, practical politicians would *never* be able to enact their philosophical norms in practice:

Having true insights into the theory of state-administration is far from sufficient *⟨bey weitem nicht zureichend⟩* to make a good judgment about the application of concepts and principles in the real world. In this as in many other areas of human knowledge, the perfection of theory has created the false belief *⟨Vorurtheil⟩* that it is adequate to simply insert abstract principles beneath all the questions that arise in the administration and ordering of a civil society’s affairs ... in order to resolve [these questions]. Such answers are far too easily discovered for the great mass of essays that arise in this way to be of any instruction.¹⁹⁵

According to Rehberg, it was Burke’s resolute skepticism about the feasibility of a philosophical politics that was the distinguishing mark of the *Reflections* – that it was ‘metaphysics [itself that] shattered the French monarchy and brought about a Revolution of which no equal has ever been heard before’.¹⁹⁶ The deep problem of the Revolution, Burke recognized, was not merely that its leaders were especially inept or imprudent (though this was true, too); rather, it was that their dogmatic theory of liberty was impracticable in principle. And this boded particularly ill for Germany. From his experience of the *Pantheismusstreit*, Rehberg believed that his homeland was rife with overly-normative political writers – Wolffian, Kantian, Trinitarian – whose ideals could be used to indict Germany’s established governments just as easily as the *philosophes*. Like a virus emanating from Paris, the confused premise that abstract theories of justice could be applied to practice threatened to subvert civil society in Germany.¹⁹⁷ Just as the *Reflections* had immunized Britain against the threat of ‘metaphysics’, the *Untersuchungen* was meant to do the same for Rehberg’s Germany.

In his wider philosophical discussion of politics, Rehberg used this Burkean dichotomy between ‘metaphysics’ and politics as the central framing device of his argument. In his thinking, it tracked an opposition between government rooted in pure ‘reason’ *⟨Vernunft⟩*, like the French, and those rooted in ‘understanding’ *⟨Verstand⟩*, like the British.¹⁹⁸ The degree to which Rehberg associated Kant with the former is clear from his preliminary definition of political rationalism. For the normative political philosopher, he wrote,

¹⁹⁴ Ibid., pp. 374-5.

¹⁹⁵ Ibid., p. 375.

¹⁹⁶ Ibid., vol. 1, p. 5.

¹⁹⁷ See esp. *ibid.*, vol. 1, pp. 29-30, and vol. 2, pp. 405-414. In his review of the *Untersuchungen*, Spittler insisted to the contrary that ‘the German people are prudent enough to disavow Platonic constitutions and governments, and honest enough to see the advantages of their own governments and constitutions’: see Spittler, *Werke*, vol. 14, p. 403.

¹⁹⁸ Rehberg, *Untersuchungen*, vol. 1, pp. 1-2.

... all relations in civil society must be judged ... according to the laws of moral necessity: and everything in the civil society that is and should be legal, must be deduced from to the original laws of *reason* (*Gesetzen der Vernunft*). Therefore, there is only one constitution, one legal code, for all the peoples of the earth – not merely the best one, but the only just one. And this consists in an absolute general liberty under the sovereign rule of moral necessity.¹⁹⁹

The revolutionaries' faith in metaphysics had predetermined the entire course of their movement by its inflexible, inexorable logic. If pure reason was the ultimate arbiter of political justice, then the criteria of justice must (like reason itself) be transcendent, eternal, and universally accessible. From this premise quickly followed the doctrine of the original equality of men, as well as their collective right to judge the legitimacy of their governments according to this unchanging moral standard (and, if necessary, rebel against injustice). Any constitution or social institutions which had been formerly justified on the basis of accepted use, convention or tradition was unjust, and had to be dissolved.²⁰⁰ The French had 'ruled out all grounds [of political judgment] other than rational ones (*Vernunftsgründen*), which have been granted an exclusive right to rule over all matters in the political world'.²⁰¹

Such theories, which had 'the false appearance of mathematical precision', were just as pernicious as they were seductive.²⁰² Part of Rehberg's critique was couched in pragmatic terms, suggesting that the revolutionaries' metaphysical vision of justice was too abstract to be practical. 'The laws of reason are hardly sufficient, to deduce laws of civil society from them.'²⁰³ Even if, for the sake of argument, it were possible to derive the absolute norms of justice through a priori reasoning, these rudimentary criteria would not, in and of themselves, be adequate to construct a constitution. Other critical information, not accessible through deracinated cogitation – about the character of the people in question, its constitution, its history, its geopolitical situation, its finances, and so on – would be necessary. There are many possible constitutions that fulfill the criteria of Kant's categorical imperative and that distribute justice equally. As he explained in the *Untersuchungen*:

Form does not exist without substance: the principles of natural right, which are quite evident and demonstrative in abstraction [given the rationalist's premises], cannot therefore be applied precisely in the real world in this abstract purity: human understanding must come to the aid of pure reason and, through positive legislation, explain what is right in cases where the pure natural laws [of reason] are lacking.²⁰⁴

¹⁹⁹ Ibid., p. 2.

²⁰⁰ See *ibid.*, pp. 4-10

²⁰¹ Ibid., p. xi.

²⁰² Ibid., vol. 2, p. 378; cf. vol. 1, pp. 102, 156.

²⁰³ Ibid., vol. 1., p. 12.

²⁰⁴ Ibid., p. 14. In this passage, Rehberg is setting out an argument from his opponents' own premises: for this proviso, see pp. 4-5. For similar arguments, cf. vol. 1, pp. 16-18, 25.

It was not possible, in other words, to wash one's hands of a-rational or empirical considerations when designing constitutions: the historically-contingent elements of one constitution 'cannot be dismissed without letting other contingent modifications take their place, which would carry their own unique inconveniences.'²⁰⁵ The false conceit that there was only *one* just constitution, applicable in all times and places, was a delusion.

Rehberg's second critique of the revolutionaries' rationalism was subtler, but more lethal. He objected to the politics of *Vernunft* on the Humean grounds that a positive 'theory of liberty' was a contradiction in terms. Normative accounts of justice were internally inconsistent with the culture of toleration and individual liberty that had emerged in the wake of the Wars of Religion. It was obvious why the theological accounts of political legitimacy that prevailed in the Middle Ages were not conducive to toleration: if God had granted a king a divine right of rule, then his authority was logically derivative of the Church's. Such a regime could not tolerate alternative religious systems within its borders without subverting its own legitimacy. But the same critique, Rehberg argued, applied to *philosophical* theories of legitimacy as well. If the revolutionaries had uncovered the essential criteria of justice – if they enjoyed the same access to transcendence that their medieval forebears claimed – there was no reason why dissent from their views should be tolerated. Indeed, to do so would be to undermine the grounds of the revolutionary state. This was why they had so quickly begun to reproduce the same religious zealotry that they rightfully condemned in the pre-revolutionary Church:

The [revolutionaries] have persecuted the clergy ... like no other class of men before them, through a series of decrees that have been increasingly unjust and grotesque: just like the religious sectarians of those times that are used as an pretext for attacking religion today. Louis XIV – whom today's tolerant philosophers bitterly indict, and with good justification, for his oppression of the Huguenots – wanted to make everyone Catholic. But the current lawgivers [of France] seek to exterminate all religion with acts of violence that Louis XIV himself would not have contemplated. Hiding behind the disgraceful pretext of 'religious liberty', they have [ruthlessly] persecuted pitiable priests and monks who have held fast to their ancient faith....²⁰⁶

The characteristic mark of a liberal constitutional order, in Rehberg's view, was the *displacement* of moral certitude by a gentle skepticism, a willingness to accept that transcendence may not, in fact, be open to fallible, limited human beings. Whether explicit or implicit, such humility was a necessary precondition of toleration: only if our own views are possibly in error could it make sense to allow the teaching of other (possibly true) worldviews.

²⁰⁵ [Rehberg], review of Paine, *Rights of Man*, p. 516.

²⁰⁶ Rehberg, *Untersuchungen*, vol. 1, pp. 205-6.

The seminal risk in such a post-theological polity, of course, was instability: how was it possible to shore up the state in the absence of such reassuring moral foundations? According to Rehberg, if anarchy was to be staved off, then the authority of theology and philosophy needed to be displaced by the authority of ‘convention’ *⟨Herkommen⟩* – that is to say, by a widespread societal deference to custom, tradition, precedent, and the prescriptive authority of positive law. In such a society – Rehberg’s model was quite obviously Britain – ‘the laws of civil society are conceived voluntarily *⟨willkürlich⟩* en masse and introduced through contracts, either explicitly or implicitly (for example, through conventions).’ These conventions are worthy of collective respect, because they are the result of an intergenerational process of ‘deliberation about what is most conducive to the common good’, and so can provide a reliable foundation for civil order.²⁰⁷

At the same time, however, the moral authority of prescription is circumscribed: local traditions, peculiar to the circumstances of particular societies, cannot make the same claims to universality and exclusivity as normative theories of justice. In this way – by anchoring the state in historical time – it was possible to find a middle path between absolutism and anarchy. As Rehberg knew, this was a Humean insight: defining justice as a ‘convention’, an achievement in historical time, made it something more than a useful fiction, but less than an absolute norm.²⁰⁸ In a liberal state governed by the rule of law, the administration of justice was *not* tantamount to the sovereign’s arbitrary pronouncements: in this sense, it was not an illusion, but a real social fact. And this was why Burke had so vigorously defended the authority of prescription against the revolutionaries’ British apologists. He recognized, like Hume, that if the British turned against the authority of inherited custom, the only alternatives were tyranny or anarchy:

He shows that the constitution of the state is not like a joint-stock company, rooted only in the choice *⟨Willkür⟩* of the present generation and without regard towards past or future generations, and indeed that civil society – to which the human race owes all of its intellectual and moral development – is a sacred gift handed down to us by our ancestors, which we must transmit to posterity.²⁰⁹

Rehberg admired the *Reflections* because it so eloquently defended this historically-contingent, non-normative form of liberalism.²¹⁰ For Rehberg, liberty was not a principle to

²⁰⁷ Ibid., p. 2.

²⁰⁸ Hume, *Treatise of Human Nature* (1738), bk. 3, pt. 2; cf. also ‘Of the First Principles of Government’, ‘Of the Origin of Government’ and ‘Of the Original Contract’, in Hume, *Essays Moral, Political, Literary*, ed. T.H. Green and T.H. Grose (Indianapolis, IN: Liberty Fund, 1987), pt. 1, essays 4, 5, 12. Cf. Harris, *Hume*, pp. 174-85, 430-33.

²⁰⁹ Rehberg, *Untersuchungen*, vol. 2, p. 378.

²¹⁰ Judith Schklar, ‘The Liberalism of Fear’, in idem., *Political Thought and Political Thinkers*, ed. Stanley Hoffman (Chicago: University of Chicago Press, 1998), ch. 1. On Burke and the ‘liberty of

be instantiated or a blueprint to be followed. It was a *negative* space, a void of self-determination that opened up in the *absence* of normative political doctrines, whether theological or philosophical.²¹¹

Rehberg was particularly exercised to rebut the criticism that in defending the authority of convention, he was embracing moral relativism. There is a difference, he insisted, between governments whose authority was rooted in constitutional tradition, and those founded through rank ‘violence’ (*Gewalt*). Apologists of the latter did, in fact, believe that ‘our ideas of justice and duty are pure fantasies, rooted in deception, which receive their power [over time] from common usage’.²¹² This claim obviated the distinction between just and unjust societies. But the authority of tradition – which, crucially, was an authority delegated to the constitution through implicit contract – provided a moral standard by which contemporary institutions, politicians, and legislation could be judged. And because this authority was historical and therefore time-bound, traditional constitutions were open to reform and evolution in a way that philosophically-derived ones were not. As Rehberg put it in his critique of Paine:

In short, the whole idea of a free contract that is willfully formed and dissolved through general consent does not apply to a [society] that never dies, but whose individual members are born and die at all different times. Rather, their ends are best served by a constitution that has attained stability over a long period of time and customary use (*Gewohnheit*). But when one renounces the central premise of Burke’s opponents – namely, that every generation has an inalienable right to make a new constitution according to its discretion – one arrives at Burke’s own position: namely, that every age must endeavor to improve what is imperfect in its constitution, but that the cases in which intolerable evil makes general revolution necessary lie so far beyond the bounds of human understanding and insight that they cannot be discussed in the conventional terms of right....²¹³

If liberty were an absence – a vacancy created within civil society through a constitutional balance of power²¹⁴ – then *of course* it was possible to debate how this space could be enlarged, protected, and fortified. And this was, in practice, how debates in the British

the citizen’, cf. Bourke, *Empire and Revolution*, pp. 16-24. On Hume’s anti-foundationalism, cf. Paul Sagar, ‘The State without Sovereignty: Authority and Obligation in Hume’s Political Philosophy’, *History of Political Thought*, vol. 37, no. 2 (2016): pp. 271-305.

²¹¹ The natural antecedent for this understanding of liberty as absence was Machiavelli; on this point, cf. *Das Buch vom Fürsten von Niccolo Machiavelli, als dem Italienischen übersetzt, und mit einer Einleitung und Anmerkungen begleitet, von August Wilhelm Rehberg* (Hanover: Hahn, 1810 [2nd ed. 1824]); see esp. Rehberg’s introduction at pp. 3-54.

²¹² Rehberg, *Untersuchungen*, vol. 1, p. 2.

²¹³ [Rehberg], review of Paine, *Rights of Man*, pp. 517-18.

²¹⁴ On Rehberg’s non-normative concept of liberty, cf. Vanda Fiorillo, ‘A=B: Mannigfaltigkeit versus Gleichschaltung in der konservativen Aufklärung August Wilhelm Rehbergs’, *Jahrbuch der Juristischen Zeitgeschichte*, vol. 12 (2011): pp. 155-94.

Parliament were conducted: new legislation was scrutinized to evaluate if it was in keeping with constitutional principles, or if it undermined them. Each generation inherits an imperfect society, and ‘has a right and a duty to improve [its] constitution’.²¹⁵

In the German case, Rehberg’s *Untersuchungen* pressed for two reforms in particular. First, he argued that if the territorial aristocracy were to avoid becoming an anachronistic relic like the pre-revolutionary French aristocracy, its legal privileges and social responsibilities had to be reevaluated. In constitutional terms, the role of an effective nobility was to exert a political check on executive power. But in Rehberg’s view, this was hardly the case anywhere in the Holy Roman Empire. In absolute monarchies like Prussia and Austria, the nobility was weak and ineffective; in Hanover, it had effectively arrogated executive power to itself. They were just as useless as their counterparts in pre-revolutionary France. Though he vehemently condemned the French legislature’s abolition of the nobility as shortsighted, imprudent, and unjust, Rehberg was more critical of the nobility than Burke, whose love of ‘ancient and customary constitutions’ had partially distorted his judgments.²¹⁶ In Germany, the nobility’s privileges no longer corresponded to their constitutional role: they had become mere indulgences. Reciting arguments that could have come from Möser or Spittler, Rehberg explained that ‘the origin of our territorial nobility was closely tied to [the need for a] common defense’. The principle of seigniorial jurisdiction arose so that the property-bearing aristocracy could effectively raise militias and protect the people’s liberties. But in the late-eighteenth century, Germans were no longer a self-governing ‘agrarian people’ defended by local citizen militias.²¹⁷ With the rise of modern commercial economies, he explained,

... common defense cannot be provided in the old way. The many inventions of industry, the tremendous accumulation of specie and its circulation – all this has changed everything. Property in land is no longer the only or even the preeminent kind of property, [and] the nobility is not so distinguished by its [landed] holdings as it was before, when they were necessary for waging [military] campaigns.²¹⁸

Now that wars were financed primarily through public debt, it was the entrepreneurial *Bürger* who contributed most to public defense. ‘There has arisen [within the modern state] a need for money, [and with it] a new nobility of *service* ‹*Ehre des Dienstes*›’.²¹⁹ To maintain its vibrancy, the German nobility needed to follow the example of their British cousins and begin assimilating talented *Bürger* into their ranks. In states where the aristocracy had been

²¹⁵ [Rehberg], review of Paine, *Rights of Man*, p. 517.

²¹⁶ Rehberg, *Untersuchungen*, vol. 2, p. 371.

²¹⁷ *Ibid.*, vol. 1, pp. 227, 225.

²¹⁸ *Ibid.*, p. 228.

²¹⁹ *Ibid.*, italics in orig.

rendered impotent, this would enable them to assert political pressure on the executive and bring Germany's absolute monarchies back into constitutional balance. At the same time, the nobility could curry popular support by relinquishing their tax exemptions. These 'correspond to a time long ago, when the [free-holding] nobleman did a service [to his community] in possessing these goods.' Yet today, 'this freedom from taxation still persists in those places ... where the princes and the third estate are too weak to combat this monstrous injustice.'²²⁰ If the German aristocracy were to defend popular liberty against monarchical absolutism like the Whigs in Britain, they needed to address this legitimate bourgeois grievance.

If revolution were to be forestalled in Germany, its established churches also needed to be reformed. This task was especially pressing given the ascendant anti-clericalism emanating from France. Like Burke, Rehberg opposed the revolutionaries' violent campaign of irreligion, censuring it as illiberal, dogmatic, and immoral. 'Every civil establishment that serves religion runs contrary to their principles, and through the spirit of their system, religion itself loses its dignity', he lamented: nothing less than an unvarnished 'hatred of the clergy' was the driving force behind their campaign of expropriation.²²¹ Though Rehberg was agnostic about the claims of Christianity, and though he remained skeptical of Kant's practical argument for rational faith, he nevertheless insisted that institutionalized religion was defensible, and indeed necessary, on practical *political* grounds. Like Burke, he saw public religion as a precondition of civil society. An established Church lends gravity to matters of state, conferring stability to politics. Naïvely, the revolutionaries believed that in deifying reason, they could maintain the reverence afforded to the pre-revolutionary constitution of Church and State:

The laws of the [French] state, which are said to be rooted in [reason] alone, are supposed to be entirely sufficient to generate that respect [for law] that holds society together.... The first principles of this moral-political system have taken over the sacredness that once seemed to be appropriate only to religion itself. The only possible justification of religion therefore becomes anxieties about the life to come, which may be dismissed as chimerical by the friends of these philosophical and unphilosophical systems.²²²

Secondly, Rehberg also believed that religion played a crucial role in most citizen's moral, and therefore civic, development, one that could not be replaced through 'a scholar's education [of] reading and abstract reflection'.²²³ The notion that the French could reach 'moral perfection' by replacing provincial vicars with a 'professor of economics in every

²²⁰ Ibid., p. 329.

²²¹ Ibid., pp. 180, 178.

²²² Ibid., pp. 180-81.

²²³ Ibid., p. 210.

village' was as laughable as it was tragic.²²⁴ For the majority of men, the degree of self-control necessary for the smooth functioning of a free society was unattainable without the moral motivation that only faith could provide.²²⁵

At the same time, however, Rehberg was deeply opposed to any attempt to reassert the Gallican Church's authority on *theological* grounds. Whenever the *Untersuchungen* defended 'Religion', its arguments were always fundamentally secular, emphasizing the instrumental role that the church played in a liberal society.²²⁶ To Rehberg, religion was among the historically-contingent 'conventions' that were necessary to stabilize constitutional government (which is why he usually listed it among the other, secular conditions of political stability: e.g., 'language, customs, habits, religion').²²⁷ The danger of defending religion in *more* than conventional terms – as a set of doctrines, rather than an inherited tradition – was that it could erode the skeptical foundations of civil liberty, as 'the Roman Church's system of subordination' illustrated.²²⁸ In cases where 'the clergy [becomes] too rich and powerful', Rehberg maintained that the state had a positive duty to intervene.²²⁹ Breaking dramatically with Burke, he insisted that 'the right of the legislature to dispose of [the church's] property cannot be abrogated'.²³⁰ The confiscation of Gallican properties was entirely defensible in principle (if not in practice). In Germany, he noted, the seizure of monastic lands in the Reformation had been an 'exceptional blessing', banishing superstition while also generating revenues that were wisely invested 'in the sciences and in the cultivation of understanding *⟨Verstand⟩* among the higher classes'.²³¹ This argument was colored by personal experience: as Brandes confided to Burke in 1796, the University of Göttingen was itself funded by income from 'the suppress'd convents' of Hanover.²³²

To ward off the threat of dogmatism, Rehberg called for the general diffusion of a gentle, aestheticized Unitarianism in the Germanies, one that inculcated piety and fostered morals on the model of the English Church, 'which grows ever more liberal in its

²²⁴ *Ibid.*, p. 210, 212.

²²⁵ Cf. [Brandes] review of Burke, *Reflections*, pp. 1901-2: 'Cold reason (often rooted in a proud egoism) and the systems it engenders, cannot bind men together in lasting [social] bonds, and cannot ennoble him either. ... Men are religious creatures from reason as much as from instinct, and if, in accordance with the demands of our dogmatic atheists, established religions were suppressed, surely new ones, just as superstitious, would soon take their place. For most men need to be reassured by [a belief in] something more than this world.'

²²⁶ See esp. Rehberg, *Untersuchungen*, vol. 1, pp. 177-81, 185-91.

²²⁷ *Ibid.*, p. 60.

²²⁸ *Ibid.*, p. 185.

²²⁹ *Ibid.*, p. 188.

²³⁰ *Ibid.*, p. 191; cf. *ibid.*, pp. 191-6.

²³¹ *Ibid.*, vol. 1, pp. 199-200.

²³² Brandes to Burke, 29 Oct. 1796, in Skalweit, 'Burke und Brandes', pp. 37-72, at p. 58.

disposition'.²³³ He saw Herder's poeticized Lutheranism and, somewhat remarkably, Sieyès's *Observations sur les biens Ecclésiastiques* (1789) as prototypes for this sort of liberalizing religion.²³⁴ Germany's priests needed to 'bring religion closer to the feelings, which is the true element in which it lives.'²³⁵ In so doing, they could keep it rooted in historical time, and insulate it from (in Brandes's words) 'the extreme of bigotry [and] that of irreligion' alike.²³⁶ It was not only Trinitarians who were prone to bigotry, Rehberg noted. 'Pure natural religion ... is much more dangerous when it is dependent on metaphysics than the doctrines of Christianity, which are dependent on history.'²³⁷

Rehberg was aware that, in comparison to Burke's 'excessive dependence on religion', his *Untersuchungen* was considerably more skeptical.²³⁸ But this divergence was indicative of a more fundamental difference in their arguments against metaphysics, one that Rehberg may not have fully grasped. Like Rehberg, Burke had inveighed against 'political metaphysicians' in the *Reflections*, arguing that theoretical reason was insufficient to generate a politically intelligible account of justice. Yet this case against theory was not rooted in the 'absolute skepticism' that Rehberg celebrated in Hume. To Burke, the inapplicability of abstract theories of justice did not imply the *non-existence* of universal moral norms. Far from it: as recent studies of Burke have stressed, he held that questions of political justice were finally subservient to the authority of moral law.²³⁹ 'The principles of true politics are those of morality enlarged, and I neither nor do nor ever will admit of any other.'²⁴⁰ In censuring the reductive simulacrum of morality touted by the *philosophes*, Burke's aim was to defend the real item. This was closely tied to his campaign against irreligion. Rehberg tended to read Burke's complaints about French 'atheism' as a critique of enthusiasm: the problem with the revolutionaries' irreligion, from his perspective, was that it was too *religious*. But Burke's anxieties about disbelief ran deeper than this. It was true, he believed, that men are religious animals, and that without the sanction that only an established Church can confer, civil society would be unstable. But Burke believed that liberal Unitarianism defended by Price, Priestley, and Paine – and which Rehberg defended

²³³ Ibid., vol. 1, p. 190.

²³⁴ Ibid., vol. 1, pp. 220-24. Brandes was sympathetic to this programme: see Braune, *Burke in Deutschland*, p. 91.

²³⁵ [Rehberg], review of Herder, *Gott*, in *Schriften*, vol. 1, p. 38; cf. *ibid.*, pp. 45-46.

²³⁶ Brandes to Burke, 29 Oct. 1796, in Skalweit, 'Burke und Brandes', pp. 37-72, at pp. 52-3.

²³⁷ Rehberg, *Verhältnis*, pp. 10-11.

²³⁸ Rehberg, *Untersuchungen*, vol. 2, p. 384.

²³⁹ See, e.g., David Bromwich, *The Intellectual Life of Edmund Burke: From the Sublime and Beautiful to American Independence* (Cambridge, MA: Harvard University Press, 2014), esp. pp. 19-26.

²⁴⁰ *The Correspondence of Edmund Burke*, ed. T.W. Copeland, 10 vols. (Chicago: University of Chicago Press, 1958-78), vol. 2, p. 282.

in an aestheticized form – was too thin a basis for civil society as well. In denying Christ's divinity, Unitarians were also logically renouncing the apostolic succession, and with it, the Church of England's title as the emissary of Christ in time. This was why Price argued that the British people could 'cashier' their monarch without offending God. Though Burke was not the full-throated, crypto-Catholic of his opponents' caricatures, he strongly objected to the degradation of Christ's divinity.²⁴¹ The Church of England was a link to Christ himself, the author of the moral law, on that could not be severed without dramatic constitutional consequences.²⁴² If, for Rehberg, 'religion' was among the time-bound conventions that could stabilize politics in the absence of moral certainty, Burke took the opposite view: the Christian tradition was worth conserving only insofar as it pointed beyond itself, to a moral anchor outside of time.

VII. Conclusion

Shortly after publishing the *Untersuchungen*, Rehberg grew increasingly disillusioned with the aging Burke. He regretted that in the wake of the *Reflections*, Burke's justifiable indignation had boiled over into the sort of hysterical and unhinged fanaticism that he had rightly criticized in the revolutionaries. He later lamented that 'this great man, who for so long was the subject of deep and widespread adoration, lost his bearings: he was completely overwhelmed by his disgust with French revolution, and by his fear of a similar one [in Britain]. ... Everyone in Parliament grew weary of his repetitive and untimely declamations.'²⁴³ In Rehberg's view, the hot-headed saber-rattling of *Regicide Peace* and the self-righteous declamations of his *Letter to a Noble Lord* were cut from a different cloth than Burke's earliest warnings about the Revolution:

Burke's grave and sublime spirit [was that of] a cautionary genius. But after he left behind this [skeptical] spirit, he gave himself over to his natural inclinations – to his all-too-warm blood, to his too-indulgent temperament, to the allure of those impulsive ideas that often led him. What is more, in order to justify himself [in his dealings with Fox], he was forced into the unenviable position of having to ardently defend these [dogmatic] positions and principles, for which he had given up so much.²⁴⁴

²⁴¹ See J.C.D. Clark, 'Introduction' to Burke, *Reflections on the Revolution in France*, ed. idem (Stanford, CA: Stanford University Press, 2001), pp. 23-111, esp. pp. 23-43.

²⁴² This theme is explored in the context of Gibbon's 'socioinism' in J.G.A. Pocock, *Barbarism and Religion, Volume VI: Barbarism: Triumph in the West* (Cambridge: Cambridge University Press, 2015); for a helpful elucidation of its political implications, cf. Tom Pye, 'Begriffsgeschichte', in *The Cambridge Humanities Review* (Michaelmas, 2015).

²⁴³ Rehberg, 'Carl James Fox' (*post* 1810), in *Schriften*, vol. 4, pp. 34-73, at p. 57.

²⁴⁴ *Ibid.*, p. 58.

Yet if Burke abandoned the earlier ‘cautionary’ liberalism of the *Reflections*, Rehberg never did. Throughout the revolutionary era and into the *Vormärz*, he continued to push this Humean vision of liberty – skeptical, reformist, constitutionalist – as the best way for the German states to avoid the metaphysical cataclysm that destroyed France. In 1814, he was among the loudest voices to condemn the imposition of Napoleonic law on the German states, arguing that the abolition of the states’ right to make and interpret their own laws would spell the death of ‘teutsche Libertet’.²⁴⁵ Similarly, he repeated his calls for a fundamental reform of Germany’s antiquated aristocracy and for a liberalization of its parliaments – and this, during the restorationist climate of the 1810s and ’20s.²⁴⁶ This stance proved sufficiently uncongenial to the north German aristocracy that Rehberg was eventually fired from his job in the Hanoverian civil service.²⁴⁷

Perhaps unsurprising, the ‘Konservativen’ of late nineteenth-century Prussia had little use for him either. It was not until the early-twentieth century, almost a century after his death, that he was cast as a vital point of entrée for the introduction of Burke’s conservatism into Germany. Rehberg’s critique of Kant and his case for ‘convention’ were presented as the origin of a long-running struggle between the partisans of tradition and those of reason. Wilhelmine-era scholars cashed out the upshot of this new framing in two distinct ways. One line of interpretation stressed the impact that Rehberg’s critique of rationalism had on Savigny, Hugo, and the *Historische Rechtsschule*.²⁴⁸ If, as he had argued, the concept of a universalist jurisprudence was self-defeating, then all law had to be seen as a product of history, emanating from and intertwined with a society’s customs, traditions, and institutions. Savigny was said to have picked up this argument, and used it to re-conceptualize the just

²⁴⁵ Rehberg, *Ueber den Code Napoleon und dessen Einführung in Deutschland* (Hannover: Hahn, 1814).

²⁴⁶ See Rehberg, *Ueber den deutschen Adel* (1803), in *Schriften*, vol. 2, pp. 196-260; idem., *Über die Staatsverwaltung deutscher Länder und die Dienerschaft des Regenten* (Hannover: Hahn, 1807); idem., *Constitutionelle Phantasien eines alten Steuermannes* (Hamburg: 1832). For Rehberg against Restorationism, see ‘Ueber des Herrn von Haller Handbuch der Statenkunde und Restauration der Staatswissenschaften’ (1808), in *Schriften*, vol. 4, pp. 121-162. Cf. also Brandes, *Ueber den Einfluß und die Wirkungen des Zeitgeistes auf die höheren Stände Deutschlands* (1810); and Carl Haase, ‘Ernst Brandes in den Jahren 1805 und 1806: Fünf Briefe an den Grafen Münster’, *Niedersächsisches Jahrbuch*, vol. 34 (1962): pp. 194-223.

²⁴⁷ For the controversy that led to Rehberg’s ouster, see Heinrich von Treitschke, *History of Germany in the Nineteenth Century: Austria’s hegemony and the increase in the power of Prussia, 1819-1830* (1885), ed. and trans. Eden and Cedar Paul (New York: McBride, 1918), pp. 358-81.

²⁴⁸ Gunnar Rexius, ‘Studien zur Staatslehre der historischen Schule’, *Historische Zeitschrift*, vol. 107, no. 3 (1911): pp. 496-539. Cf. Epstein, *Genesis*, p. 549. On Savigny’s jurisprudence, cf. James Whitman, *The Legacy of Roman Law in the German Romantic Era: Historical Vision and Legal Change* (Princeton, NJ: Princeton University Press, 1990), pp. 102-112; Charlotte Johann, *Friedrich Karl von Savigny’s legal Thought and the Problems of Nation-Building, c. 1814-1863* (PhD diss. in progress, University of Cambridge).

lawgiver as the custodian of his society's unique, historically-rooted character, one who defends it against the deracinating transnational forces of commercial modernity.²⁴⁹ In this way, Rehberg was conscripted as the forerunner of the sort of *völkisch*, Romantic conservatism that arose in the *Vormärz*, and which ultimately fed into the nationalist cause. But he was also cast as the progenitor of a 'reform conservatism', through his influence on his Göttingen classmate and erstwhile confidante, the Freiherr vom Stein.²⁵⁰ Like Burke, who knew that 'the state without some means of change is without the means of its conservation', Rehberg's achievement, according to this second reading, was to recognize that by making a series of limited concessions to the revolutionary *Zeitgeist*, the German nobility could effectively preserve the substance of their the pre-revolutionary rights and privileges.²⁵¹ This reformist agenda was said to have decisively influenced Stein, whose efforts to modernize Prussia's bureaucracy, military, and legal system inspired subsequent generations conservatives later in the nineteenth century. If Savigny saw Rehberg as the exponent of a bottom-up, *völkish* historicism, his reformist admirers were said to have conscripted him for the cause of a consciously top-down, reformist paternalism.

But by reading Rehberg's engagement with Burke within its eighteenth-century context, it is clear that how far his own politics were from the agendas of Stein and Savigny. The Prussian reform-effort that Stein and Hardenberg led may have resembled Rehberg's proposals in certain superficial respects, but they were enacted in precisely the opposite spirit – in order to augment the power of the Prussian state, to break the resistance of the nobility and *parlements*, and to concentrate authority in the person of the king. Similarly, whereas Rehberg used his anti-Kantian skepticism to deflate the pretensions of normative theory in order to create a space for toleration and liberty, Savigny filled this vacuum with a positive vision of a *post*-Kantian jurisprudence. In the place of Rehberg's agnosticism, Savigny place a kind of historicist pantheism, a Romantic faith in History as the vehicle through which the divine reveals its transcendent character in time and space. This provided a solid metaphysical foundation upon which Savigny could argue for the moral centrality of the local traditions, customs, and *mœurs*; but it jettisoned the skeptical liberalism that Rehberg himself preferred. In each case, the Humean vision of Germany's future that Rehberg shepherded through the revolutionary era, and which he used Burke to articulate and defend – this was a vision that Stein and Savigny recast in their own image.

²⁴⁹ For an early attempt to disassociate Rehberg and Savigny, see Franz Uhle-Wettler, *Staatsdenken und Englandverehrung bei den frühen Göttinger Historikern* (PhD diss., Marburg, 1956), p. 150ff.

²⁵⁰ Erich Weniger, 'Rehberg und Stein', *Niedersächsisches Jahrbuch*, vol. 2 (1925): pp. 1-122. Cf. Epstein, *Genesis*, ch. 11; Beiser, *Enlightenment, Revolution, Romanticism*, pp. 305-9.

²⁵¹ Burke, *Reflections*, ed. Clark, p. 170.

Chapter 4: Friedrich Gentz

I. Introduction

In his early endorsement of the *Reflections*, Rehberg warned that unless Germany's political leaders came to terms with Burke's critique of the Revolution, they would not be able to head off the dangers that the republicans' subversive ideology posed to their own territories. Given the stark sociocultural differences between Burke's Britain and the German states, he worried that the *Reflections*' message would be stunted upon its arrival in Germany. 'In order to be fully understood', Rehberg explained, Burke's text 'demands an extensive knowledge of English law, English history, and the specific conditions of modern-day England' – a form of political expertise which most German readers lacked. *En passant*, however, he noted that a well-edited translation of the *Reflections* might be able to overcome this cultural impasse. 'Should a German translation appear, it is to be hoped that someone with an understanding of England's history and constitution, someone who is well-versed in its people's mentality and their present political context, will augment this translation with annotations.'¹ By imposing editorial coherence onto Burke's historically-specific, often-opaque arguments, an inventive editor might be able to make the text intelligible.

One month after Rehberg's review appeared in the *Literaturzeitung*, Friedrich Gentz – a young civil servant in the Prussian government – began reading the *Reflections* himself.² Like most of his peers in Berlin, Gentz was an enthusiastic supporter of the Revolution in its early years. Even after the initial reports of popular unrest in Paris, he remained steadfastly loyal to what he called 'the good cause' *<die gute Sache>*. 'I would regard the failure of this Revolution as one of the worst disasters ever to befall the human race', Gentz told his friend and mentor, the philosopher Christian Garve, in late 1790:

It is the first practical triumph of philosophy, the first example of a government that is based on principles and a coherent, consistent system. It is a hope and a comfort against the many timeworn afflictions under which humanity groans. Should it fail, these afflictions will become ten times more

¹ [Rehberg], review of Burke, *Reflections*, in *Allgemeine Literaturzeitung* (4 Mar. 1791): pp. 561-6, at pp. 565-6.

² Gentz to Garve, 19 Apr. 1791, in *Briefe von und an Friedrich von Gentz*, ed. F.P Wittichen, 3 vols. (Berlin: Oldenbourg, 1909), vol. 1, pp. 194-205, esp. pp. 204-5.

incurable.³

As a partisan of the Revolution, Gentz approached Burke's text with deep skepticism. He had spent the previous two years publicly celebrating the revolutionaries' *Déclaration des droits de l'homme et du citoyen*, and drafting mock proposals for France's new constitution with his friend Wilhelm von Humboldt.⁴ The splenetic diatribes against political philosophy that filled Burke's text were 'pathetic', in Gentz's view, and his highly-personalized attacks on France's patriotic legislators completely unwarranted.⁵

Yet in spite of their political differences, Gentz was captivated by the *Reflections*' rhetoric. He admired the ways in which Burke deployed classical tactics – irony and satire, intricate syntactical formations, stylized verbiage – to imbue his language with gravitas and moment.⁶ 'This man has earned the right to be heard, as indeed every man deserves when he speaks so masterfully,' he told Garve in mid-1791. 'I am reading this book – though firmly opposed to its principles and conclusions – (I have not yet finished it) with greater enjoyment than those of a hundred shallow advocates of the Revolution.'⁷ Whatever Gentz's misgivings about its content, he believed that a work so inspired deserved a translation that did justice to the original. He found Dupont's official French version staid and lifeless – 'a most mediocre product in which not a trace of Burke's spirit can be discerned'.⁸ Stahl's German translation

³ Gentz to Garve, 5 Dec. 1790, in *Briefe*, vol. 1, pp. 178-9.

⁴ See *Wilhelm von Humboldts Briefe an Karl Gustav Brinkmann*, ed. Albert Leitzmann (Leipzig: K.W. Hiersemann, 1939), pp. 14-16; and Humboldt, *Ideen zu einem Versuch, die Grenzen der Wirksamkeit des Staates zu bestimmen* (1791) (Breslau: E. Trewendt, 1851), which was composed in the course of these discussions with Gentz. Cf. F.C. Wittichen 'Zur inneren Geschichte Preussens während der französischen Revolution: Gentz und Humboldt', *Forschungen zur Preussischen und Brandenburgischen Geschichte*, vol. 19, no. 2 (1906), pp. 1-33; Albert Leitzmann. 'Politische Jugendbriefe Wilhelm von Humboldt an Gentz', *Historische Zeitschrift*, vol. 152 (1935): pp. 48-89. For Humboldt's initial response to the Revolution, see Alexander Schmidt, 'Freedom and State Action in German late Enlightenment Thought', in *Republicanism: A Shared European Heritage*, ed. Martin van Gelderen and Quentin Skinner (Cambridge: Cambridge University Press, 2009), pp. 208-226, esp. pp. 215-19.

⁵ Gentz to Garve, 19 Apr. 1791, in *Briefe*, vol. 1, p. 204.

⁶ F.P. Locke, 'Rhetoric and Representation in Burke's *Reflections*', in *Edmund Burke's Reflections on the revolution in France: New Interdisciplinary Essays*, ed. John Whale (Manchester: Manchester University Press, 2000), pp. 18-39.

⁷ Gentz to Garve, 19 Apr. 1791, in *Briefe*, vol. 1, p. 204. Cf. Gentz to Brinkmann, 27 Sept. 1803; in *ibid.* pp. 159-61, at p. 160 (rhapsodizing about Burke's *Letter to William Eliot*): 'I cannot tell you enough how often I have turned to this text for solace; it is my great comfort in our troubled times! And the *style!* ... What richness, what fullness, what diversity! Thus, thus would I write, if only the heavens would grant it to me.'

⁸ Gentz, 'Critisches Verzeichniß der bis in die Mitte des J. 1792 durch die französische Revolution und das Werk des Herrn Burke in England veranlaßten Schriften'; appended to his *Betrachtungen über die französische Revolution nach dem Englischen des Herrn Burke*, 2 vols. (Berlin: Vieweg, 1793); reprinted in Gentz, *Gesammelte Schriften*, 12 vols., ed. Günther Kronenbitter (Zurich: Olms Verlag, 1997-2004), vol. 6, pp. 223-262, at p. 248.

was not much better – ‘a mere shadow of the original’, in Frieda Braune’s judgment.⁹ As an aspiring publicist, Gentz recognized the market for a more polished translation. Sometime in mid-1791, he resolved to produce it himself.¹⁰

As he translated this work over the next two years, he grew increasingly amenable to Burke’s politics. During these months, reports from abroad told of growing violence in Paris, a trend finally culminating in the September Massacres of 1792.¹¹ The collapse of the French state seemed increasingly imminent, the spectre of civil war loomed on the horizon. Whereas Gentz initially recoiled at Burke’s scorn for the noble philosopher-legislators who sought to enlighten their nation, by late 1792 the *Reflections* now seemed almost prophetic. Through his clear-eyed analysis of the revolutionaries’ principles, Burke seemed to have predicted the rise of *sans-culottes* barbarism years before any of his contemporaries. By the time his translation appeared in print, Gentz was a sworn member of Burke’s counter-revolutionary *résistance*.¹²

Yet despite his newfound sympathy for Burke’s politics, Gentz continued to harbor doubts about some of the particular arguments he had leveled against the revolutionaries. As he explained in an introduction to his translation, Burke was a talented statesman, but not a trained philosopher. The *Reflections* were an ‘appeal to the heart’, not an attempt to ground a worldview in secure ‘first principles’ (*Grundideen*).¹³ As such it lacked philosophical rigor. Burke was equivocal in his use of key concepts, and often did not pursue his arguments to their logical endpoints. Yet rather than dampening his enthusiasm for the *Reflections*, Gentz saw in this critique an exciting opportunity. Latent within this text, he believed, there lay dormant a genuinely philosophic case against the Revolution, one which he could tease out through his own editorial interventions. As Burke’s translator, he could transform this text into a rigorous treatise:

⁹ Braune, *Edmund Burke in Deutschland* (Heidelberg: Winters, 1917), p. 19.

¹⁰ Gentz later informed Burke that he worked ‘nearly for two years’ on his translation, which suggests that he began translation soon after his first reading of the *Reflections* in April 1791 (i.e., 21 months before publication): see Gentz to Burke, 8 Feb. 1793, in *The Correspondence of Edmund Burke*, ed. P.J. Marshall and John Woods, 10 vols. (Chicago: University of Chicago Press, 1968-78), vol. 7, pp. 346-7.

¹¹ His sources on French politics included Mallet du Pan’s *Mercure de France*, Mirabeau’s *Courier de Provence*, the *Journal Encyclopédique*, the *Journal de Paris*, and the *Moniteur*: see Gentz to Garve, 5 Dec. 1790, in *Briefe*, vol. 1, pp. 178-9.

¹² Gentz, *Betrachtungen über die französische Revolution nach dem Englischen des Herrn Burke*, 2 vols. (Berlin: Vierweg Verlag, 1793). Gentz’s original contributions to this work – his introduction, appended essays, and annotated bibliography (but not the text of his translation) – have been reprinted in his *Schriften*, ed. Kronenbitter, vol. 6, pp. 6-262. Where possible, I have referenced Kronenbitter’s edition of the text.

¹³ Gentz, *Betrachtungen*, in *Schriften*, ed. Kronenbitter, vol. 6, p. 31.

From a strict philosophical perspective, Burke's work is nothing but a *rhapsody*: but a rhapsody from which the most comprehensive and ordered *system* can be devised *entwickelt*. ... Eloquence like this has not appeared since the resplendent days of the old republics. This inexhaustible abundance of keen and new ideas, fierce words, unexpected expressions and felicitous images; this luxuriant richness to which no field of knowledge is inaccessible and no region of the human spirit closed: all this overwhelms the imagination and gives the astonished mind no moment of rest or recuperation.¹⁴

In his translation, Gentz set out 'to develop on political and philosophical grounds a complete theory of the antirevolutionary system' – to distill an intellectually-coherent political theory from the embryonic political intuitions scattered across Burke's original.¹⁵ This 'ultimate purpose' of Gentz's *Reflections*, he announced, 'to assail the French Revolution's defenders with their own favorite weapons, the weapons of philosophical reasoning'.¹⁶

To this end, Gentz did not merely translate Burke's *Reflections* into German. As an ambitious and self-confident student of politics, he took bold editorial liberties in order to explain Burke's arguments to his peers. The result of his interventions was a heavily-edited – indeed, nearly rewritten – edition of the English original, one that hewed to the editorial project that Rehberg outlined in the *Literaturzeitung*.¹⁷ Many of Gentz's editorial choices were formal in nature: he inserted and deleted passages to achieve a more fluid prose, excised sections that distracted from the work's major lines of argument, and standardized the use of key philosophical terms. With the ornate, neo-classical German of Schiller's *Dreissigjähriger Krieg* (1790) as his model, Gentz presented the work in dramatic rhetorical register designed to capture his readers' imagination.¹⁸ His translation of Burke's famous description of Marie Antoinette's humiliation at the hands of the Parisian mob, for instance, was rendered in a morally-charged language that exceeded even Burke's famous indignation.¹⁹ Throughout his *Reflections*, he inserted long footnotes that sought to clarify Burke's political and historical allusions, to explain difficult sections of argumentation – and, occasionally, to register his dissent. Most conspicuously, Gentz appended to his translation five original essays – on the

¹⁴ Ibid., pp. 38-9, italics in orig.

¹⁵ Gentz, *Betrachtungen*, vol. 1, p. 2.

¹⁶ Gentz to Emperor Franz Joseph II of Austria, 23 Jan. 1793; unpublished mms., Haus-, Hof-, und Staatsarchiv, Vienna (Gentz Papers, carton 78); online access at <http://www.ub.uni-koeln.de/cdm/singleitem/collection/gentz/id/5228/>.

¹⁷ We know that Gentz read the *Literaturzeitung* (see, e.g., Gentz to Brinckmann, 18 Nov. 1793, in *Briefe*, vol. 2, pp. 42-3), but there is no direct proof that Rehberg's review inspired his translation.

¹⁸ Gentz's prose style was widely admired by his peers: see, e.g., Friedrich Wilhelm Meyer, 'Ueber die Verdeutschung des Burkeischen Betrachtungen über die französische Revolution', *Deutsche Monatsschrift* (Mar. 1793): pp. 177-86.

¹⁹ For the rhetoric of Gentz's *Reflections*, cf. László Kontler, 'Varieties of Old Regime Europe: Thoughts and Details on the Reception of Burke's *Reflections* in Germany', in *The Reception of Edmund Burke in Europe*, ed. Martin Fitzpatrick and Peter Jones (London: Bloomsbury, 2017), pp. 105-124, at pp. 19-20.

right to revolution, the nature of political liberty, and the *Déclaration*, most importantly – in which he laid out the ‘antirevolutionary system’ that lay inchoate in Burke.²⁰ He prefaced this amalgam of translation and analysis with a long discursive introduction.²¹ Finally, to help readers navigate the dense flurry of pamphlets and books that the *Reflections* had provoked, he prepared an annotated bibliography of all the English works written in response to Burke, both critical and sympathetic, from 1790 to late 1792. All told, Gentz’s two-volume edition totaled over 650 pages, almost twice the length of the English original.

Gentz published his new translation in January 1793, the same month as Louis XVI was executed in Paris. The concurrence of these events, along with the subsequent rise of the Terror, made his *Reflections* a remarkable publishing success almost overnight.²² Unlicensed reprints soon began appearing across the German states, while high demand in Prussia led to a second edition in 1794.²³ His *Reflections* quickly became the definitive German translation of the text, retaining its predominance well into the nineteenth century.²⁴ Its success not only elevated Burke’s profile in Germany – it launched Gentz’s career as a publicist too. Freed from his former obscurity in the Prussian civil service, Gentz quickly became one of the German-speaking world’s most recognizable political writers. Throughout the 1790s, Gentz consciously styled himself ‘the German Burke’ – a principled, eloquent critic of what he saw as a naïvely republican *Zeitgeist*. The political theory of Gentz’s *Reflections* provided an ideological platform from which he intervened into most heated political controversies of his day – debates over the relation between Enlightenment and Revolution; over the meaning and legacy of Kantian political thought; over Sieyès’s theory of representative republicanism; over Prussia’s relation to revolutionary France, and its geopolitical role within the European state-system. G.P. Gooch was exaggerating when he claimed that, ‘after the death of Burke, Gentz was beyond comparison the most influential publicist in Europe’, as was Golo Mann, when he dubbed Gentz ‘the greatest political writer the German language ever produced’.²⁵

²⁰ These five essays were ‘Über politische Freiheit und das Verhältnis derselben zur Regierung’, ‘Über die Moralität in den Staatsrevolutionen’, ‘Über die Deklaration der Rechte’, ‘Versuch einer Widerlegung der Apologie des Herrn Makintosh’, and ‘Über die National-Erziehung in Frankreich’.

²¹ Entitled ‘Über den Einfluss politischer Schriften, und den Charakter der Burksischen’.

²² See Braune, *Burke in Deutschland*, pp. 19-26, 41-66.

²³ Theresa Dietrich’s *Ideologie der Gegenrevolution: Ursprünge konservativen Denkens bei Friedrich Gentz, 1789-1794* (PhD diss., Humboldt University, 1989), p. 132 estimates that Gentz sold around four thousand copies of his *Reflections*, a remarkable feat in his literary context.

²⁴ Indeed, it remains the standard translation to date: the catalogue of the *Deutsche Nationalbibliothek* indicates that Gentz’s *Reflections* was reprinted five times over past half-century; no rival translation was printed more than once.

²⁵ G.P. Gooch, *Germany and the French Revolution* (1920) (London: Cass, 1965), p. 103; Golo Mann, *Friedrich von Gentz: Gegenspieler Napoleons, Vordenker Europas* (1947), 3rd ed. (Frankfurt: Fischer, 2011), p. 8.

Nevertheless, what is certain is that Gentz's pen wielded considerable authority in the years following his *Reflections*, and that his prolific outpouring of translations, articles, and books exerted a decisive influence on German political debates during the revolutionary era.

But Gentz was not just a publicist – he also played a critical role in shaping counter-revolutionary policy. Throughout the 1790s, he served as a royal advisor (*Kriegsrat*) in the Prussian court, attempting to marshal intragovernmental opposition to the French cause, and especially to the Franco-Prussian armistice of 1795. When these efforts proved unsuccessful, he was forced to resign his post in Berlin in 1802. Traveling south to Vienna, he soon found employment in the Habsburg civil service, where he became a quasi-official publicist for the Austrian government. Throughout the 1800s and 1810s, he was tasked with rallying public support for the Coalition's war-effort against Napoleon. In this capacity, he published a series of highly-influential works on geopolitics, which systematically laid out the legal and moral case against Napoleon's hegemony in Europe.²⁶ Durable continental peace was impossible, he argued, unless France was defeated and an equitable balance-of-power (*Gleichgewicht*) was restored on the continent. This case for intervention proved attractive to Metternich, who befriended Gentz in the mid-1800s and named him his chief advisor and strategist, a role that Gentz held until his death in 1832. It was these two men who, in 1815, orchestrated a postwar settlement at the Congress of Vienna, reasserting continental stability in the wake of Napoleon's demise. Not accidentally, the peace regime that they constructed closely resembled the vision of international order that Gentz had called for over the previous two decades.

Owing to his importance in the revolutionary-era public sphere, recent scholarship on Gentz has tended to focus on his identity as a literary entrepreneur.²⁷ Historians of political thought, meanwhile, are the inheritors of a long tradition of scholarship which sees Gentz's embrace of Burke as a 'conservative' backlash against eighteenth-century liberalism (as we saw in Chapter 2). According to this interpretive tradition, his translation of the *Reflections* amounted to an ideological *volte-face*. An erstwhile student of Kant and defender of the *droits de l'homme*, Gentz is said to have subsequently developed a deep skepticism about the

²⁶ See esp. Gentz, *Fragmente aus der neuesten Geschichte des politischen Gleichgewichts in Europa* (St Petersburg [=Leipzig]: Hartnack, 1806); in *Schriften*, ed. Kronenbitter, vol. 4.

²⁷ Günther Kronenbitter, *Wort und Macht: Friedrich Gentz als politischer Schriftsteller* (Berlin: Duncker & Humblot, 1994); Iwan Michelangelo-d'Aprile, *Die Erfindung der Zeitgeschichte: Geschichtsschreibung und Journalismus zwischen Aufklärung und Vormärz* (Berlin: Akademie Verlag, 2013); Cf. also the proceedings of the conference 'Virtuosen der Öffentlichkeit?: Friedrich von Gentz (1764-1832) im globalen intellektuellen Kontext seiner Zeit' (University of Cologne, March 2015), available online at: <http://www.historicum-estudies.net/epublished/virtuosen-der-oeffentlichkeit/editorial>.

value of normative political theory, choosing instead to follow Burke in deferring to the received authority of custom, tradition, and established political authority.²⁸ The image of Gentz that emerges from this scholarship is not particularly flattering: in *Enlightenment, Revolution, and Romanticism* (1992), Frederick Beiser characterizes his ‘conservatism’ as ‘the greatest intelligence in the service of the greatest stupidity’.²⁹

What this scholarship misses, however, is the novelty of Gentz’s Burkean politics. In closely aligning Burke’s views with those of his German translator, historians have missed the radical extent to which Gentz’s heavily-edited translation of Burke recast the *Reflections* in his own philosophical image. By resituating Gentz’s engagement with Burke within his original political and intellectual context, the following chapter seeks to bring Gentz’s particular reading of Burke into focus. In his edition of the *Reflections*, Gentz put forward a critique of the Revolution on essentially Kantian grounds, and articulated a conservatism that self-consciously diverged from aspects of Burke’s traditionalism. Like Rehberg, the historical Burke doubted that philosophical reason was able to legislate practicable moral and political norms. The Burke of Gentz’s *Reflections*, on the other hand, dismissed as ‘nonsensical’ the idea that political norms could be located in the sheer contingency of historical tradition.³⁰ Like Kant, Gentz saw an *a priori* theory of justice as a necessary prerequisite for the rule of law. It was not the French revolutionaries’ metaphysics *per se* which doomed their movement, he argued but rather their exclusive attention to theory at the expense of practice:

What was most absurd in the proceedings of those who wanted to construct the new constitution of France on what they call the *rights of man* was not their search for these rights and their respect for them... but that they thought these *rights* sufficed – that they dreamed to build a *state* with these *bare rights* *⟨bloßen Rechte⟩* when, in fact, it calls for different materials as well.³¹

For Gentz, the *Reflections*’ main insight lay not in the normative realm of reason *⟨Vernunft⟩*, but in the practical sphere of prudence *⟨Klugheit⟩*. Gentz translated Burke not to subvert the revolutionaries’ liberal ideals – aims which, on balance, Gentz supported – but to point out the hazards that lay along the path to their realization.

²⁸ But for an important exception to this trend, see Raphaël Cahen’s recent *Friedrich Gentz: Penseur post-Lumières et acteur du nouvel ordre européen* (PdD diss., Aix-Marseille Université, 2014), which describes Gentz as the defender of a ‘liberal conservative *Spätaufklärung*’ committed to ‘property, education, the rule of law, and the public-spirit of the reasoning citizen’ (p. 17).

²⁹ Frederick Beiser, *Enlightenment, Revolution and Romanticism: The Genesis of Modern German Political Thought* (Cambridge, MA: Harvard University Press, 1992), p. 326. Cf. for the same basic assessment, Dieter Henrich, *Über Theorie und Praxis* (Frankfurt: Suhrkamp Verlag, 1967), p. 21; Reidar Maliks, *Kant’s Politics in Context* (Oxford: Oxford University Press, 2014), pp. 55-60.

³⁰ Gentz, *Betrachtungen*, vol. 1, p. 89.

³¹ *Ibid.*, p. 95, italics in orig.

A similar pattern informed Gentz's interpretation of Burke on international relations. Throughout the late 1790s, Gentz believed that the Prussian state had a moral duty to join the Coalition and put an end to French expansionism. Yet at the same time, he was also beholden to a Kantian vision of cosmopolitan justice, and believed that statesmen have an obligation to pursue a just international peace. From his reading of Burke's arguments for intervention, he came to believe that these commitments could be reconciled. Drawing on Burke's appeal to Vattel, Gentz argued that Kant's moral ideal could only be realized if the 'republic of Europe' acted collectively to stop France's violations of international law, and to restore an approximation of the *status quo ante bellum*. As in his constitutional theory, in other words, Gentz believed that Burke's geopolitical reasoning offered the best means for realizing Kantian ends.

In both of these arenas, Gentz used Burke to try to carve out a *via media* between the naïve, uncompromising idealism of the revolutionaries on the one hand, and the anti-Kantian skepticism of their conservative critics on the other. What was needed, in Gentz's view, was a principled vision of liberty – of individual autonomy, law-governed states, and international justice – that was coupled to the sort of sober-minded prudence that he celebrated in Burke.³² In this sense, the standard view of Gentz as a lapsed liberal is based on a category error: it presumes an opposition between Kantian liberalism and Burkean conservatism that Gentz did not accept. To his friend Anton von Prokesch-Osten, Gentz was a man whose 'conservative disposition [was] closely tied to his purely liberal objectives'.³³ It was this union of political prudence and liberal ideals that Gentz associated with the cause of 'true Enlightenment', and which he used Burke to defend.

II. Translating Burke's Reflections

Friedrich Gentz was born in 1764, one year after Friedrich the Great's armies conquered Silesia in the Seven Years' War. His father Johann Gentze, a trained cameralist, was among the civil servants sent to rationalize territorial administration after the war's end.³⁴ Gentz's

³² On this theme generally, cf. Richard Bourke, 'Theory and Practice: The Revolution in Political Judgement', in *Political Judgement: Essays for John Dunne* (Cambridge: Cambridge University Press, 2009), pp. 74-112.

³³ *Aus dem Nachlasse Friedrichs von Gentz*, ed. Anton von Prokesch-Osten, 2 vols. (Vienna: Gerold, 1867), vol. 1, p. 250.

³⁴ On cameralism, cf. Marc Raeff, *The Well-Ordered Police State: Social and Institutional Change through Law in the Germanies and Russia, 1600-1800* (New Haven, Yale University Press, 1983); and Mack Walker, 'Rights and Functions: The Social Categories of Eighteenth-Century German Jurists and Cameralists', *The Journal of Modern History*, vol. 50, no. 2 (June, 1978): pp. 324-251. On Gentz's father, cf. Friedrich Freiherr von Schroetter, *Das preussischen Münzwesen im 18. Jahrhundert*, 4 vols. (Berlin: P. Parey, 1913), vol. 4, *passim*. (Gentz's family changed their name from 'Gentze' to 'Gentz' in the late 1770s.)

mother Elizabeth, née Ancillon, came from a prominent family of Prussian Huguenots. Her uncle Charles Ancillon founded Berlin's colony of Protestant émigrés in the late-seventeenth century, and her nephew, Friedrich Ancillon (Gentz's cousin), would go on to become a key figure in the Prussian diplomatic corps in the 1810s and '20s.³⁵ Gentz's parents raised him in a milieu both austere and philosophical. In 1783 his father's friend, Moses Mendelssohn, secured a position for Gentz to study law in Königsberg under Kant's supervision.³⁶ Gentz's legal coursework included instruction on natural law, on the positive civil and criminal law of Prussia, and on the history and organization of the Holy Roman Empire. As Raphaël Cahen notes, he likely attended Christian Jacob Kraus's lectures on Adam Smith as well.³⁷ But certainly the most formative influence on his political views was Kant. From 1783 to 1784, Gentz attended (at least) two of the symposia that Kant held for his favorite students, on 'Nurrecht' and 'Natürliche Theologie'.³⁸ 'This exceptional man – both his instruction and his personal virtues – have raised up and formed within me a great appetite for philosophy', Gentz reported to Garve. 'I have ventured into his difficult and subtle speculations; I have plumbed the depths of his transcendental idealism.'³⁹ After leaving Königsberg to take up government work in Berlin, Gentz continued to correspond with Kant. He helped to edit Kant's *Kritik der Urteilskraft* in 1790, and publicly associated with Berlin's liberal Kantians such as J.G. Kiesewetter throughout the 1790s.⁴⁰ Even in old age, Prokesh-Osten recalls, Gentz still thought of Kant as his intellectual 'benefactor' 'Gönner'.⁴¹

In a contribution to the *Berlinische Monatsschrift* in 1791 – roughly the same time that he began translating the *Reflections* – Gentz set out an explicit defense of his Kantian philosophical commitments, and spelled out their political implications in detail.⁴² His article was a rejoinder to an essay that Rehberg's mentor, Justus Möser had published in the same

³⁵ Cf. Niels Hegewisch, *Die Staatsphilosophie von Johann Peter Friedrich Ancillon* (Marburg: Tectum, 2010), which tries to divorce Ancillon from *Romantik*, arguing that (like Gentz) Ancillon saw the settlement of 1815 not as an alternative, but as a return, to the politics of *Aufklärung*.

³⁶ On 16 August 1783, Kant told Mendelssohn that 'this promising youth, the son of Herr Gentz,' had been 'taken into my close acquaintance', and promised to 'send him home from our university well-trained in mind and heart': see *Kants Gesammelte Schriften*, ed. Königlich-Preussischen Akademie der Wissenschaften, 29 vols. (Berlin: de Gruyter, 1902-), vol. 10, pp. 344-7, at p. 344.

³⁷ See Cahen, *Gentz*, p. 46. In 1790 Gentz told Garve that he was reading the *Wealth of Nations* 'for a third time'; see Gentz to Garve, 5 Dec. 1790, in *Briefe*, ed. Wittichen, vol. 1, p. 181.

³⁸ Gentz's notes on Kant's 'Nurrecht' course were once an important resource for the study of Kant's jurisprudence, but have been lost: see

<http://www.manchester.edu/kant/Notes/notesLaw.htm#Feyerabend>.

³⁹ Gentz to Garve, 8 Oct. 1784, in *Briefe*, vol. 1, pp. 140-141.

⁴⁰ See Gentz to Garve, 5 March 1790, in *Briefe*, vol. 1, p. 155; see also Kronenbitter, *Wort und Macht*, pp. 32-34.

⁴¹ *Nachlassse Gentz*, ed. Prokesh-Osten, vol. 1, p. 247

⁴² Gentz, 'Über den Ursprung und die obersten Prinzipien des Rechts', *Berlinische Monatsschrift*, vol. 18 (Apr., 1791): pp. 370-96; reprinted in Gentz, *Schriften*, ed. Kronenbitter, vol. 7, pp. 7-33.

journal ten months earlier. In this article, Möser had harshly criticized revolutionaries' recent *Déclaration*, and poured scorn on their republican idea of universal citizenship.⁴³ Since time immemorial, Möser argued, the right to citizenship had been predicated on the ownership of property. It was reasonable that the state be led by those who are most invested in its flourishing, and who have the means to secure a political education. Furthermore, according to Möser, the ancientness of this custom was evidence of its wisdom. He explained that since the amount of property *⟨Mansus⟩* needed for citizenship varies across different societies, this right was particular and contingent. But recently, he complained, the French *philosophes* had declared that this right was self-evident and universal. To Möser, such a brash philosophical move seemed intellectually indefensible. Shorn from the particularities of custom and tradition, he insisted that philosophical reason is indeterminate – incapable of defining a concept like citizenship with any precision. Through their *Déclaration*, the revolutionaries had succeeded only in severing a concrete, historically-contingent right from its constitutional origins.

In his response, Gentz sought to wrest the concept of right from the realm of history and to set it on the sure foundation of Kantian reason. He decried Möser's traditionalism as 'medieval' and 'barbarous'.⁴⁴ Indeed, Möser did not understand the concept of right at all. 'Observation, tradition, historical conjecture' – such practices can investigate the empirical world of phenomena, but cannot pierce the theoretical realm of ideas. 'If reason only conjectured about the realm of nature, nothing would ... lead it to take up the strange and obscure concepts of right and duty into its system; nature shows ... what man *can* do, not what he *should* do.'⁴⁵ The concept of a historically-derived right was nonsensical, dissolving the seminal distinction between facts and norms. Fortunately, Gentz argued, we have reason to believe that the human mind can transcend *a posteriori* reasoning, and uncover a universal grounding for right. With clear reference to his Kantian education, he explained that human beings are uniquely twofold creatures. We exist in the world, as the phenomenal subjects of its causal and natural laws, and we exist outside it, as noumenal agents that are rational and responsible. But if right were chimerical, this latter dimension of our experience would be illusory: human beings would be no different than animals, without moral responsibility or real causal agency. Therefore, since 'human nature is not equivalent to the nature of things', he concluded that 'the pure concept of humanity necessarily involves the concept of right'.⁴⁶

⁴³ Justus Möser, 'Über das Recht der Menschheit als den Grund der neuen französischen Konstitution,' *Berlinische Monatsschrift*, vol. 15 (June, 1790): pp. 499-506.

⁴⁴ Gentz, 'Ursprung', in *Schriften*, ed. Kronenbitter, vol. 7, p. 32.

⁴⁵ *Ibid.*, pp. 11-12, italics in orig.

⁴⁶ *Ibid.*, pp. 12-13.

Building on this theoretical account of ‘original right’ *⟨ursprüngliches Recht⟩*, Gentz went on to elaborate the ‘derivative rights’ *⟨abgeleitete Rechte⟩* that his analysis implied.⁴⁷ ‘Natural right is, in a true philosophical sense, the right that man possesses according to his nature, his being *⟨Wesen⟩*’.⁴⁸ The idea of right is a precondition for intelligible human action. Its purpose is to secure an existential space in which rational agents can act freely. In a populous world of multiple free beings, however, absolute freedom is practically impossible. For Gentz, the idea of right was as a necessary consequence of this problem of collective action:

The law that reason prescribes to free-acting beings – insofar as they regard themselves free, while in a community of other free beings – is the moral law. ... Right is the moral capacity (the license) of an individual to constrict the freedom of another insofar as it is necessary for the preservation of his own freedom.⁴⁹

On this definition, right is universal, contractual and *a priori*. No historical investigation is needed to secure its legitimacy. Three discrete political rights were necessarily entailed by his theory. The first was the ‘right to personhood’.⁵⁰ If action ceases to be free when it constricts the liberty of a rational being, no man can justly lay claim to the person of another. As Gentz curtly insisted, ‘I have the right to obstruct anyone who wants to make me a slave.’⁵¹ (This was not an academic point: in the 1790s, Möser was the German world’s leading apologist of serfdom.)⁵² From this position, Gentz inferred a necessary ‘right to property’ – which was, he argued, simply the ‘externalities’ *⟨Äußerungen⟩* of human autonomy – and an ancillary ‘right to the enforcement of finalized contracts’. If men had no right to the fruits of their labour, freedom would be an ‘empty name’.⁵³ But without secure contracts, cooperation between free human beings would be impossible. This catalogue of rights proved, for Gentz, that although Möser could not prove the justice of his preferred conventions via inductive analyses of their histories, an *a priori* analysis could, in fact, establish theoretical norms to govern the practice of politics. Without a firm grasp of the concept of right, political theories are without philosophical mooring.

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⁴⁷ Ibid., p. 19.

⁴⁸ Ibid., p. 13, italics in orig.

⁴⁹ Ibid., p. 16.

⁵⁰ Ibid.

⁵¹ Ibid., p. 20.

⁵² Gentz knew that Burke, too, was a critic of slavery: see Gentz, *Edmund Burkes Rechtfertigung seines Politischen Lebens* (Berlin: Vieweg, 1796), pp. 567-9.

⁵³ Gentz, ‘Ursprung’, in *Schriften*, ed. Kronenbitter, vol. 7, pp. 21, 22, 43.

In February 1793, one month after Gentz published his translation of the *Reflections*, he sent a copy to Burke. He attached a rushed cover letter, penned in a faltering English, to thank Burke for his inspiration and to present his work for evaluation:

Sir!

Having finished a toil which afforded to me, nearly for two years, that precious enjoyment to converse with the most sublime genius of the age, it is but very natural, I should wish to carry this labour of mine before the most competent judge, I can look for among the wise. I am certainly aware, that language I wrote in, is but little known to the nation, which is happy and glorious in your possession, and also perhaps unknown to you: still I hope, there may be among your acquaintance one willing to become my interpreter: and if not, I'll think myself sufficiently rewarded, whenever this undertaking does not entirely die away, unregarded by you.

What power I had, I assumed, to deliver a faithful lively copy of your great original. What I thought proper, in order to put German readers into the just sense of your book, and to make them fair judges about those refined ideas which were too often misunderstood, I brought into annotations and annexed essays. Nay, I was bold enough to entertain a doubt against a very few of your opinions: much oftener I ought to reinforce what your experience, what your consummated wisdom foretold us two years ago, by what the sad history of these last two years is compelled to remember. This is a time, where every man, conscious of his forces is obliged to pay a public tribute to reason – a time as well for Germany, as for the rest of Europe....⁵⁴

As Gentz suspected, Burke did not read German. But as he leafed through Gentz's edition of the *Reflections*, it must have been quite clear that his translator had asserted his own editorial voice quite vigorously. In his response Burke was gracious. 'I ought to be somewhat ashamed of my total ignorance of the German language', he told Gentz, 'as it prevents me from seeing how much my thoughts are improved in your hands'.⁵⁵ But if he privately harbored doubts about the trustworthiness of Gentz's translation, his suspicions would have been justified.

In his original *Reflections*, Burke had sharply criticized the *philosophes'* attempts to theorize a normative vision of justice in the abstract. Sound political reasoning, he contended, must be grounded in a discrete context. Abstracted from the sociohistorical matrices that give them substance, political and moral claims are indeterminate:

I cannot stand forward and give praise or blame to anything which relates to human actions, and human concerns, on a simple view of the object, as it stands stripped of every relation, in all the nakedness and solitude of metaphysical abstraction. Circumstances (which with some gentlemen pass for nothing) give in reality to every political principle its distinguishing color and discriminating effect. The circumstances are what render every civil and

⁵⁴ Gentz to Burke, 8 Feb. 1793, in *Correspondence*, ed. Marshall and Woods, vol. 7, pp. 346-7.

⁵⁵ Burke to Gentz, *post* 8 Feb. 1793, in *ibid.*, vol. 7, pp. 347-8.

political scheme beneficial or noxious to mankind.⁵⁶

Since human existence is necessarily circumstantial, it was not possible to ascertain a reliable understanding of human nature through abstract reasoning. Efforts to pierce the veil of nature through theoretical ratiocination were, in Burke's view, arrogant and foolish:

These metaphysic rights entering into common life, like rays of light which pierce into a dense medium, are by the laws of nature refracted from their straight line. In the gross and complicated mass of human passions and concerns the primitive rights of men undergo such a variety of refractions and reflections that it becomes absurd to talk of them as if they continued in the simplicity of their original direction.⁵⁷

Yet at the same time, Burke was quick to insist that his mistrust of political rationalism did not entail an attack on political or moral norms as such. 'Far am I from denying ... the real rights of men. In denying their false claims of right, I do not mean to injure those which are real, and are such as their pretended rights would totally destroy.'⁵⁸ It was dangerous to laud *liberté* in the abstract since the concept only became intelligible in the concrete.

As an alternative to the revolutionaries' rationalism, Burke contended for the wisdom bound up in Britain's particular, historically-rooted Constitution. He argued that, just as the common law was the result of a long process of legal reflection, the British constitution was a moral inheritance, one that had evolved over many centuries in response to the unique needs and character of the British people. Since the human mind is limited and the historical record is vast, its essential principles were not amenable to geometric analysis: no individual could distill them into an abstract system, or export them to a foreign context. Nevertheless, Burke insisted that the moral wisdom of Britain's ancient constitution was accessible. Throughout the *Reflections*, he encouraged statesmen to habituate themselves to the constitution's inner *raison d'être* by studying its history and its institutional buttresses, to 'employ their sagacity to discover the latent wisdom which prevails in them'.⁵⁹ This traditionalistic form of analysis – what Burke called reflection 'upon the principle of reverence to antiquity' – was rooted in his fundamental belief that the accumulated wisdom of the British constitution approximates political right far more reliably than the solipsistic theories of normative philosophers.⁶⁰ For Burke, in other words, theory was derivative of praxis.

Gentz, of course, disagreed. In his translation and exegesis of the *Reflections*, he took proactive steps to conceal Burke's mistrust of political rationalism, and to carve out space for

⁵⁶ Burke, *Reflections on the Revolution in France*, ed. J.C.D. Clark (Stanford, CA: Stanford University Press, 2001), p. 151.

⁵⁷ *Ibid.*, p. 220.

⁵⁸ *Ibid.*, p. 218.

⁵⁹ *Ibid.*, p. 251.

⁶⁰ *Ibid.*, p. 182.

a priori right in the logic of the text.⁶¹ His most aggressive intervention came in a footnote that he inserted into one of Burke's most explicit defenses of prescription. In the English original, Burke had written the following of the revolutionaries and their English apologists:

The pretended rights of these theorists are all extremes; and in proportion as they are metaphysically true, they are morally and politically false. The rights of men are in a sort of middle, incapable of definition, but not impossible to be discerned. The rights of men in governments are their advantages; and these are often in balances between differences of good, in compromises sometimes between good and evil, and sometimes between evil and evil. Political reason is a computing principle: adding, subtracting, multiplying, and dividing, morally and not metaphysically or mathematically, true moral denominations.⁶²

For Gentz, this passage was emblematic of the *Reflections*' broader philosophical confusion. How, he wondered, could a right be true in one sense ('metaphysically'), yet false in another ('morally and politically')? For Gentz's enlightened Prussian readership – accustomed to 'the precision of conceptual terminology, and therefore the precision of philosophical language, in which we Germans indisputably surpass all other nations' – this ambiguity would not do.⁶³ In his translation, Gentz used a four-page footnote to try to rescue Burke from this embarrassing *faux pas*. In so doing, he set out the intellectual foundation of his 'systematic' reconstruction of Burke.

Philosophers use the term 'right' in a rigorous and particular sense, to indicate 'that which corresponds to so-called pure duty' *⟨vollkommenen Pflicht⟩*, Gentz explained. 'For us, it makes no sense to speak of a right that is true in one regard and is false in another.'⁶⁴ How, then, could he make sense of the *Reflections*' muddled discussion of right? He reasoned that for Burke, 'metaphysical right' corresponds to 'real right' *⟨strenges Recht⟩* – that is, universal norms derived from synthetic *a priori* precepts. But what Burke called 'moral' and 'political right' were not normative claims at all. Instead, Burke had used these terms to refer to second-order considerations about how to enact the demands of reason into practice:

In the broad field of practical concept of *permissiveness* *⟨Erlaubtheit⟩*, there are three discernable gradations that pervade all of Burke's reasoning but are never distinguished with the appropriate sharpness – namely, *principles of*

⁶¹ For an expanded analysis of Gentz's attempt to Kantianize Burke, see Jonathan Green, 'Friedrich Gentz's translation of Burke's *Reflections*', *The Historical Journal*, vol. 57, no. 3 (Sept. 2014): pp. 639-59.

⁶² Burke, *Reflections*, ed. Clark, p. 221.

⁶³ Gentz, *Betrachtungen*, vol. 1, p. 92.

⁶⁴ *Ibid.*, pp. 92-3, italics in orig.

right, considerations of what is *morally allowable* *⟨moralische Befugnisse⟩*, and rules of *prudence* *⟨Klugheit⟩*.⁶⁵

Whereas Burke believed that moral and political norms were pregnant in the lived traditions of his nation, Gentz's reinterpretation of the *Reflections* placed the 'principles of right' within the noumenal realm of pure reason. In so doing, he undermined Burke's attempt to ostracize metaphysics from political reasoning, and opened a chasm between theory and praxis in the logic of the text.

As Gentz explained in a metaphor, justice, morality, and prudence were three discrete, nonequivalent concepts. Just because an actor possesses a true theory of right does not mean that he also possesses a moral and prudent strategy for implementing it:

He who wishes to venture across a broad ocean and begins by orienting himself towards the North Star will meet the approval of the wise.... But if he ends his preparation here, if he begins his trip around the world in an empty boat with nothing but a foolish faith in his preliminary knowledge – without a rudder or compass or oars or charts – he will be scorned as an idiot and chastised as a reckless adventurer.⁶⁶

Just as the seafarer must locate the North Star in order to navigate his vessel, a metaphysical goal is vital to impart normative direction to a political movement. Yet like the seafarer who requires tools to power his ship and to chart his progress, this philosophical understanding of right must be complemented with morality and prudence in order to be made practicable. For Gentz, this interpretation resolved the apparent confusion in Burke's reasoning:

In order to express Burke's *idea* with as much accuracy as possible we would have to say: 'The *rights* that these theorists chimerically take for *everything* are nothing but extremes. Since there must be many other sources of *warrant* *⟨Befugnisse⟩* in the *moral* world, and many other *rules* in the *political* world, these rights are *insufficient* *⟨unzureichend⟩* for him who wishes to erect a *constitution*, and will produce *bad* results when taken as his *sole* principle.'⁶⁷

Thus according to Gentz, 'the very true thought that lies concealed in this sentence' was that the norms deduced by philosophers are necessary yet insufficient for the practice of politics.⁶⁸ This insight, he claimed, lay at the heart of the *Reflections*' case against the Revolution. Burke faulted its leaders not for their philosophical theory of justice *per se*, but for their radical political ineptitude – for their immoral and imprudent attempt to enact their otherwise praiseworthy ideals.

⁶⁵ Ibid., p. 93, italics in orig. In a separate footnote, he objected to Burke's opposition between right and prudence, since prudential reasoning, he argued, is useful only once one has a teleological end in sight: see *ibid.*, p. 88.

⁶⁶ Ibid., p. 95. Gentz seems to have borrowed this metaphor from Kant: see his 'Was heißt: sich im Denken orientieren?' (1786), in *Kants Schriften*, vol. 8, pp. 133-47.

⁶⁷ Ibid., pp. 92-3, italics in orig.

⁶⁸ Ibid., p. 91.

This reinterpretation of Burke forced Gentz back onto the question of when a political movement is ‘morally allowable’, and when it accords with the ‘rules of prudence’. In the essays that he affixed to his translation, he attempted to clarify the nature of these two categories, and to explain the difference between them. According to Gentz, the rules of morality are universally binding, irrespective of circumstance. An actor is moral if and only if his means are congruent with his (just) ends; he is immoral, contrariwise, if he seeks to bring about a more just world through unjust means. The revolutionaries were an ideal case in point. Since ‘the essence of the social contract is that whoever enters into it must submit his own will to the general will’, an existing state cannot be dissolved unless every citizen agrees to abandon it. Thus a ‘total revolution’ like the French – a political movement that seeks ‘to tear the bands of civil society’ and ‘to create a wholly new order of things’ – is immoral unless it can secure unanimous consent.⁶⁹ Without this unanimity, one faction within the nation must necessarily force everyone else to overthrow the state against their will. Their coercive means will contradict their liberal ends. Thus a ‘revolution that is coveted and instigated by a *part* of the nation is always a breach of the social contract and, from a philosophical perspective, ... an *immoral operation*.’⁷⁰

Like morality, Gentz understood prudence (*Klugheit*) as a practical concept – that is, concerned with the implementation of right. But whereas the rules of political morality are rational and universal, the demands of prudence are contingent and unique, dependent on the particular circumstances in which an actor is imbedded. Prudence therefore demands a solid empirical grasp of one’s immediate surroundings. Before a statesman sets out to reform an institution, he must apprehend how it is interwoven with the habits, mores, and traditions of the nation it governs. This meant that ‘if a given nation invited a wise statesman to assemble a plan for the expansion of its political liberty and vested him with great power, he would not consent to their wishes at once’:

He would first observe the character, customs, passions, degree of education, circumstances, needs, and history of the people for whom he is legislating; he would compare the results of his investigation with the degree of freedom that they have hitherto enjoyed, and the amount that they now demand. ... It is just as unreasonable to hope that in an instant, a people can be converted from the slaves of a Sultan into a state of British enlightenment, ... as it is foolish to seek to transform a Turkish constitution into a British one at once.⁷¹

⁶⁹ Gentz, *Betrachtungen*, in *Schriften*, ed. Kronenbitter, vol. 6, pp. 85, 84. Gentz defined a ‘total revolution’ as an attempt to construct a ‘constitution that is new in its most essential points ... and that gives no practical consideration to the old order’; see *ibid.*, p. 85.

⁷⁰ Gentz, *Betrachtungen*, vol. 1, p. 99, italics in orig.

⁷¹ Gentz, *Betrachtungen*, in *Schriften*, ed. Kronenbitter, vol. 6, p. 66.

Whereas morality demands congruence between ends and means, then, prudence demands consonance between means and context. When these three factors are brought into alignment, the gap between theory and practice becomes passable. Such was the case, Gentz argued, in the Glorious Revolution of 1688, and more recently in the American Revolution of 1776.⁷² The French revolutionaries, by contrast, had resorted to immoral tactics in their pursuit of a just constitution, and had allowed their zealotry to lead them into imprudence. ‘If begun with the arrogance of Icarus, man’s loftiest flights into unexplored regions will end with the downfall of Icarus. The human race can only progress toward the attainment of that which is sublime gradually, step-by-step.’⁷³

This definition of prudence allowed Gentz to recast the *Reflections*’ frequent appeals to the authority of tradition as exhortations to caution. The *Reflections* used history in two discrete ways, according to Gentz. First, Burke’s close study of French history allowed him to chart the profound distance between the revolutionaries’ normative aims, and the realities of eighteenth-century French politics. The revolutionaries, by contrast – drunk on the ‘liquor’ of metaphysics, as Burke put it – were ignorant of their own historical context.⁷⁴ Second, Burke’s extensive understanding of history alerted him to the difficulties that invariably attend the implementation of right. Channelling Aristotle’s *Politics*, Gentz saw prudence as an eminently practical skill, learned by emulating the examples of wise statesmen throughout history. In a moment of constitutional crisis, the prudent politician will compare his potential courses of action to similar situations in the past. If the lessons of history indicate that his plans are feasible, he can pursue them with confidence; if not, he can revise his strategy, or else abandon it altogether. This comparative form of reasoning thus ensures a high likelihood of success. ‘If ever a constitution of pure reason should be realized somewhere, then it will be time to depart from the wisdom of experience,’ Gentz wrote. ‘But until then, ... reason and duty both dictate that the safest path lies along the well-travelled coast of experience.’⁷⁵ This was why the spectre of 1688 loomed so large in the *Reflections*. The central lesson of the Glorious Revolution, according to Gentz, was that durable liberties could not be secured through fiat, but must be internalized and incorporated into the character of a free people. ‘He who wishes to build a new heaven and a new earth must know how to populate it with new

⁷² For Gentz on America, see *ibid.*, pp. 90-8. See also Gentz, ‘Ursprung und die Grundsätze der Amerikanischen Revolution, verglichen mit dem Ursprunge und den Grundsätzen der Französischen’, *Historisches Journal* (May, June 1800): pp. 2-140; translated by John Quincy Adams as *The Origin and Principles of the American Revolution, compared with the Origin and Principles of the French Revolution* (Philadelphia, 1800).

⁷³ *Ibid.*, p. 182.

⁷⁴ Burke, *Reflections*, ed. Clark, p. 152.

⁷⁵ Gentz, *Betrachtungen*, in *Schriften*, ed. Kronenbitter, vol. 6, p. 181.

men.’ Comparing the events of 1688 with the political reality of 1789, Burke saw that there were few republicans available to populate the revolutionaries’ new *république*. Since the revolutionaries were unable to recognize that their fellow countrymen were unfit for self-government – that, as Gentz put it, ‘their work would lack meaning and purpose, unless they were able to achieve a congruence between their new political system and the abilities, habits, and character of their nation’ – theirs was a lost cause.⁷⁶

III. *Gentz’s Burke in the Spätaufklärung*

Already by 1793, Burke’s German critics had begun presenting the *Reflections* as an attack on Enlightenment *tout court*. As Gentz noted in his translation, Burke’s ‘praise of medieval chivalry has become the cause of vicious attacks and biting mockeries’, and his defense of the French monarchy had been misconstrued as Romantic apology for absolutism.⁷⁷ In his introduction to the *Reflections*, Gentz turned this critique back around on Burke’s critics, arguing that it was a ‘sacred duty for the enlightened friend of mankind’ *⟨aufgeklärten Menschenfreundes⟩* to *oppose* the Revolution.⁷⁸ Gentz justified this assertion by situating the Revolution in historical context, and presenting it as a violent departure from the moral and political progress of the eighteenth century. In the years before the Revolution, he explained, Europe had gradually begun to free itself from the religious sectarianism of the early-modern era. As religious passions were mollified, social relations were softened by the advent of new codes of civility. Commercial prosperity enabled the expansion of a burgeoning civil society, and supported an incredible outpouring of art and learning. Meanwhile, the salutary progress of moral philosophy provided monarchs with a better understanding of their moral duties to their subjects. In this promising period, according to Gentz,

... the great were made gentle and mild through the increase of knowledge, while the small became self-sufficient and corrigible. That which pleased citizens also strengthened governments. The scourge could rest as reason gripped the scepter, and enlightened citizens *⟨aufgeklärte Bürger⟩* were truer subjects than unknowing slaves.⁷⁹

With the arrival of the Revolution, however, all of this progress was swept away in a torrent of fanaticism. Making matters worse, the revolutionaries had perversely arrogated the title of *Aufklärung* to themselves. As the Revolution descended into violence, the fragile norms of enlightened political discourse – dispassionate analysis, ‘nonpartisan reason’, open debate,

⁷⁶ *Ibid.*, pp. 219, 213.

⁷⁷ Gentz, *Betrachtungen*, vol. 1, p. 114.

⁷⁸ Gentz, *Betrachtungen*, in *Schriften*, ed. Kronenbitter, vol. 6, p. 29.

⁷⁹ *Ibid.*, pp. 9-10.

critical introspection – gave way to partisan enthusiasm.⁸⁰ Once associated with political improvement and moral self-government, Enlightenment now connoted popular violence, sedition, irreligion, and regicide.⁸¹ A ‘thick darkness’ loomed on the horizon.⁸²

In setting out this contrast between Revolution and Enlightenment, Gentz was subtly drawing on a vision of historical progress that he took from Kant. In ‘Was ist Aufklärung?’ – published in 1784, while Gentz was his student in Königsberg – Kant had described Enlightenment as a slow process that must be undertaken with great care and moderation.⁸³ ‘A public can only reach enlightenment over time,’ he explained:

A revolution might put an end to despotism or an acquisitive and domineering oppression, but it will never lead to true reform in men’s ways of thinking; instead, new prejudices, like the old, will serve as the controlling leash of the great unthinking mob.⁸⁴

According to Kant, men are best able to free themselves from their ‘self-imposed immaturity’ and achieve moral self-government in a robust public sphere, infused with ‘a spirit of rational respect for the worth of each man.’⁸⁵ But since rational civil discourse is impossible in a state of nature, Enlightenment was logically dependent on the prior existence of a durable political order. As a result, statesmen must balance the growth of public reason with the requirements of state stability. When this tension is prudently managed – as was the case, for instance, in Friedrich the Great’s Prussia – then as subjects become capable of rational self-government, the need for a paternalistic regime will wane. But if this balance were upset – if emancipated subjects began questioning their government’s moral legitimacy – then the flourishing of public rationality would undermine the state and, *ipso facto*, destabilize the public sphere. Enlightenment, in other words, would dissolve the conditions of its own existence.

In 1801, reflecting on the origins of the Revolution and its wars, Gentz doubled back to expand the historical sketch that he first set out in the preface to his *Reflections*.⁸⁶ Here, too, he depicted the collapse of Enlightenment into Revolution in recognizably Kantian terms. His story began with the rise of territorial sovereignty in the mid-seventeenth century and the advent of the Westphalian state-system, which liberated Europe from the violence of the Wars of Religion. As ‘the last residues of [Europe’s] feudal constitution’ were dismantled

⁸⁰ Ibid.

⁸¹ Ibid.

⁸² Ibid., pp. 20, 9.

⁸³ Kant, ‘Beantwortung der Frage: Was ist Aufklärung?’, *Berlinische Monatsschrift* (Dec., 1784): pp. 481-94; reprinted in *Kants Schriften*, vol. 8, pp. 35-42.

⁸⁴ Ibid., p. 36.

⁸⁵ Ibid., pp. 35-6.

⁸⁶ Gentz, *Von dem politischen Zustande von Europa vor und nach der Französischen Revolution: Eine Prüfung des Buches De l'état de la France à la fin de l'an VIII* (Berlin: Frölich, 1801); in *Schriften*, ed. Kronenbitter, vol. 2. The following analysis draws on Kontler, ‘Old Regime Europe’, pp. 324-6.

by progressive monarchs, ‘the free exercise of the highest authority [was concentrated] in the hands of sovereigns’.⁸⁷ As a result of this stability, commerce and industry flourished, while new markets for European wares were opened in Asia and the Americas.⁸⁸ Throughout Europe, this ‘colonial and commercial system’ brought about ‘the most conspicuous progress’. ‘Everywhere the state of society became more refined’, he wrote. ‘As individual subjects became more cultured and prosperous, the financial means and abilities [of governments] were also strengthened.’⁸⁹ As religious sentiments were softened, ‘a more enlightened, mild, peaceful way of thinking came to prevail among the vast majority of people’. He was willing to admit that ‘this promising era’ had its shortcomings: Gentz was critical of the partitions of Poland, and lamented that diplomats had not made more progress in lessening the incidents of war.⁹⁰ Nevertheless, ‘if one had asked any reasonable statesman [before 1789] ... whether it was desirable or advisable to try to improve Europe’s civil constitution through a universal and sudden dissolution of all [political] bonds, his answer would have been either a sneer of contempt or an exclamation of rage.’⁹¹ Yet just as Kant had warned, the diffusion of an anti-political form of reason subverted the authority of the Bourbon regime.⁹² Unaware of the contingency of their own historical position, the *philosophes* indicted their government before the bar of reason.⁹³ Yet rather than advancing the cause of Enlightenment, ‘this Revolution broke out and stunted [its] progress at precisely the moment when it showed such extraordinary promise’.⁹⁴

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In recent decades, historical scholarship on the meaning of *Aufklärung* has tended to centre on the debate prompted by J.F. Zöllner in the *Berlinische Monatsschrift* in the mid-1780s.⁹⁵ What intellectual historians have not adequately appreciated, however, is that this German debate continued to remain vibrant well after the storming of the Bastille, echoing down into

⁸⁷ Ibid., p. 65.

⁸⁸ Gentz supported Anglo-Irish Union in 1801, believing that political consolidation would eventually benefit Ireland economically: on this topic, see James Stafford, ‘The Alternative to Perpetual Peace: Britain, Ireland and the Case for Union in Friedrich Gentz’s *Historisches Journal*’, *Modern Intellectual History*, vol. 13, no. 1 (Apr. 2016): pp. 63-91.

⁸⁹ Ibid., pp. 44-5.

⁹⁰ Ibid., pp. 189-90.

⁹¹ Ibid., pp. 191-2.

⁹² Ibid., p. 69.

⁹³ On the historical contingency of the philosopher, see *ibid.*, pp. 65-66:

Only when wealth has already produced an elevated culture [and] ... when governments have attained a degree of enlightenment, humanity and liberality – only then can these intellectual goods *⟨Geistes-Produkte⟩* become a common pursuit, and one of the most powerful drivers of social progress.

⁹⁴ Ibid., p. 64.

⁹⁵ See *What is Enlightenment? Eighteenth-century Answers and Twenty-first Century Questions*, ed. James Schmidt (Berkeley, CA: University of California Press, 1996).

the 1790s. In these years, the tectonic pressures of the revolution reshaped the debate. While early interlocutors were invested in identifying the motive forces of modern social progress, the collapse of the Bourbon regime cast this ‘progress’ in a new, disconcerting light. In the aftermath of 1789, and especially 1793, early disputes about the *identity* of *Aufklärung* gave way to a new debate about how to distinguish between ‘true’ and ‘false’ Enlightenment. As Gentz’s peers recognized, his *Reflections* was intended as a contribution to this latter iteration of the *Aufklärungsdebatte*.

Even before Gentz’s *Reflections* appeared, Burke had been co-opted into debates over the relation between *Aufklärung* and Revolution. In 1791, Johann Wilhelm Archenholz took to the pages of the *Neue teutsche Merkur* to criticize a recent book by the Weimar cameralist and aristocrat Ernst August Anton von Göchhausen.⁹⁶ Writing from Paris – where he had emigrated in solidarity with the republican cause – Archenholz took issue with Göchhausen’s attempt to turn ‘Enlightenment’ into a term of derision. ‘Those men he doesn’t like, he just curses as *Aufklärer*.’⁹⁷ This cynical tactic was extremely dangerous, according to Archenholz. In abandoning the basic values of Enlightenment, Göchhausen had come to adopt the same ‘principles according to which Galileo was imprisoned in Italy, Huss was burned in Germany, Henry IV was executed in France, the Inquisition arose in Spain, and hundreds of thousands were slaughtered in the Netherlands.’ If men like Göchhausen had their way, he warned, Europe would be dragged into a new Dark Ages – ‘and we know how things were back then!’⁹⁸

In responding to Archenholz, Göchhausen complained that Archenholz’s excessive partisanship had led him to neglect the central distinction in Göchhausen’s book – namely, the distinction between ‘true’ and ‘false’ Enlightenment:

By Enlightenment, I simply mean the refinement of insufficiently-developed truths and the diffusion of insufficiently-known truths, ones that are beneficial to the general public. False Enlightenment, as I define it, is just the opposite: the creation and propagation of fantasies, prejudices, partisan catch-phrases, and sophistries.⁹⁹

The central question, according to Göchhausen, was not whether the revolutionaries *claimed* to be enlightened, but whether the effects of their reform movement were salutary. He was

⁹⁶ [Archenholz], ‘Sendschreiben an Herr L.R. von M–s–b–g. in R., gegen einige Behauptungen des Verfassers eines Buches *Meines Vaters Haus-Chronika* betitelt,’ *Der neue teutsche Merkur* (July 1791): pp. 318-36. The work in question was [Göchhausen], *Meines Vaters Hauschronika: Ein launiger Beytrag zur Lebensweisheit, Menschen- und Weltkunde* (Ehrfuhr: Keyser, 1790).

⁹⁷ [Archenholz], ‘Sendschreiben’, p. 334.

⁹⁸ *Ibid.*, p. 321.

⁹⁹ [Ernst August Anton von Göchhausen], ‘Bestimmtere Antwort auf das Sendschreiben im 7. Stück des *N.T. Merkurs* 1791 über das Buch *Meines Vaters Hauschronika* betitelt, von dem Verfasser dieser Schrift’, *Der neue teutsche Merkur* (Sept. 1791): pp. 41-125, at p. 44.

quite prepared to admit that some ‘Staatsrevolutionen’ were ‘the *necessary*, gradual, and peaceful result of *true* enlightenment’.¹⁰⁰ But this was not the case in France, as ‘wahre Aufklärer’ like Lally-Tolendal, Mounier, Raynal, and Burke had observed.¹⁰¹ As these men saw, the revolutionaries were using the false veneer of Enlightenment to provide cover for what was, in practice, a lawless *coup d’état*. Burke had already exposed this charade in 1790. ‘If [Archenholz] wants to know more about those men I insist on sarcastically calling *Aufklärer*, he can familiarize himself with Girtanner’s *Historische Nachricht* (vol. 1, p. 87): the section about what Burke calls ‘atheistical priests’ is long, but I recommend it for the edification of my readers.’¹⁰² What Burke understood, according to Göchhausen, was that when well-meaning reformers begin to prefer utopian schemes to the more prosaic work of concrete social improvement, *Aufklärung* can quickly collapse into its opposite.

By the time that Gentz’s *Reflections* appeared in 1793, this newer iteration of the *Aufklärungsdebatte* had fully eclipsed the earlier discussion prompted by Zöllner. Much of the critical reception of Gentz’s *Reflections*, accordingly, was framed in the terms of this debate about true and false Enlightenment. When, for instance, the Kantian publicist Karl Leonard Reinhold canvassed Gentz’s work in his review of ‘Teutschen Beurtheilungen der französischen Revolution’ (1793), he effectively replicated Göchhausen’s earlier distinction.¹⁰³ According to Reinhold, the vocation of the *Aufklärer* was to chart a *via media* between a subversive libertinism and anti-revolutionary conservatism. ‘Human nature is constantly caught up in a battle with itself’, he explained,

... [an] eternal war between *despotism* and *lawlessness*. Apologists of the former demand *civil order*; the latter, *civil freedom*. At every new and grave outbreak of this fight the cosmopolitan, independently-minded thinker must have no greater wish than for each side to hold the other in check.... He is obliged to defend what is true and shun what is evil in both sides, exposing himself to the charge of *treason* against mankind by democrats, and *treason* against his country by aristocrats. *Burke* in England, *Necker* in Switzerland, [Wieland] in Germany – as well as *Rehberg*, *Genz* [sic] and a few other fine writers among us – all loudly raised [their] voices against the chaos in France as soon as this new monstrosity appeared, overthrowing the tyranny of the *ancien régime* yet destroying the sacred foundations of civil order in the process.¹⁰⁴

¹⁰⁰ Ibid., pp. 44, 46, italics in orig.

¹⁰¹ See *ibid.*, pp. 53-6.

¹⁰² Ibid., 56. Girtanner’s journal quoted from Burke, *Reflections*, ed. Clark, pp. 249-50.

¹⁰³ Karl Leonard Reinhold, ‘Ueber die Teutschen Beurtheilungen der französischen Revolution’, *Der neue teutsche Merkur* (Apr., 1793): pp. 387-424.

¹⁰⁴ Ibid., pp. 389-90. A footnote affixed to this passage read: ‘*Untersuchungen über die französische Revolution*. Von A.W. Rehberg. 1 Th. *Betrachtungen über die französische Revolution nach dem Engl. des Hrn. Burke*, u.s.w. Von Friedrich Gentz [sic]. 2 Theile, Berlin bei Friedrich Vieweg d. Ält., 1793.’

By 1793 there existed a ‘false prejudice among Germans that philosophy only degrades politics and jurisprudence’, a dangerous skepticism that Rehberg’s *Untersuchungen* had inflamed.¹⁰⁵ Abandoning philosophy for the sake of political stability threatened to vitiate vital distinctions between ‘between the sovereign and the ruler, between the letter and the spirit of the law, between that which is and that which should be.’¹⁰⁶ Yet as Gentz recognized, it was also necessary to reject the opposite view, ‘that politics and jurisprudence must draw their principles *only* from philosophy’.¹⁰⁷

Happily, Reinhold observed, most German political theorists recognized this. Arguing against Rehberg, he insisted that conservative anxieties about the possibility of Revolution in the German states were wildly overstated. Here, the real threat to Enlightenment consisted in the possibility of an anti-revolutionary backlash against theoreticians. ‘Germany has ... more to fear from the anti-philosophical defenders of her constitution than from its philosophical critics – more to fear from a one-sided, partisan, stubborn provincialism *⟨Staatsbürgersinn⟩* than from that weak, fickle, unpatriotic cosmopolitanism *⟨Weltbürgersinn⟩*, which is foreign to it.’ Tellingly, Reinhold saw Gentz not as an enemy, but as an ally, in this critical battle to preserve the dignity of theory. Gentz recognized that to reject liberalism *per se* in the face of the revolutionary threat would ultimately be self-defeating: the typical German conservative ‘demands such radical restrictions on liberty and equality that he threatens not only the state’s health, but its very continuation’.¹⁰⁸ Those statesmen and ministers who were using Gentz’s *Reflections* to defend unwarranted constrictions of civil liberty needed to read his work more closely, according to Reinhold:

For some time now, Germany’s fanatical defenders of French principles have been completely silenced and discredited by the actions and decisions of the Jacobins and the National Assembly. Indeed, neither Burke’s thundering rhetoric nor Gentz ... could ever have dreamed of such success themselves. Sadly, this repudiation of German Jacobinism was not the result of principled arguments leveled against both the apologists of anarchy and despotism – the sort of arguments that *Gentz*, for instance, offers – but was rather the result of a series of shocking events which, in the eyes of many observers, seemed to make despotism more attractive than anarchy....¹⁰⁹

Unlike many of his allies, Gentz had resisted the temptation to ‘scorn, neglect, satirize, and curse metaphysics’.¹¹⁰ His critique of the Revolution was more circumscribed, and needed to

¹⁰⁵ Rehberg and Reinhold crossed swords in the early 1790s over Reinhold’s *Elementarphilosophie*; for Rehberg’s critique of Reinhold, see his *Sämmtliche Schriften*, 3 vols. (Hannover: Hahn, 1828-31), vol. 1, pp. 142-6.

¹⁰⁶ Reinhold, ‘Teutsche Beutrheilungen’, pp. 391-2, 401.

¹⁰⁷ *Ibid.*, 392-3.

¹⁰⁸ *Ibid.*, 402.

¹⁰⁹ *Ibid.*, pp. 404-6, italics in orig.

¹¹⁰ *Ibid.*, p. 393.

be understood as an attempt to preserve *Aufklärung* against the twin dangers of ‘anarchy and despotism’.

But it was not only Gentz’s defenders who recognized the Kantian undercurrents in his *Reflections*: Gentz’s most strident critic, Georg Forster, detected it as well. Shortly before his untimely death in Robespierre’s Paris, Forster reviewed Gentz’s *Reflections* for the *Neue Allgemeine deutsche Bibliothek*.¹¹¹ In context, what was striking about his review was not its acerbic tone (that was to be expected), but rather Forster’s explicit admission that he *shared* Gentz’s normative vision of right. On the basis of this claim, his review argued – somewhat incredibly – that Gentz’s own principles obligated him to support the Jacobin regime in Paris. Following Gentz, Forster argued that human beings are rights-bearing moral agents, and that because their political rights can only be realized in society, states were a necessary condition of modern liberty. Where Gentz erred, according to Forster, was in his assumption that the state is a necessarily contingent, historical, and particular phenomenon. On Gentz’s way of thinking, ‘liberty is allowed only insofar as it coincides with the *contingent* conditions of the state’.¹¹² This supposition led directly to his peculiar vision of the modern *Rechtstaat* as a union of Kantian liberty and Burkean prudence. But according to Forster, the revolutionary French state was a concrete refutation of this assumption. ‘It is of course true, as the author claims, that civil society does not exist in abstraction...; but what he does not see is that a state can, in fact, exist that is commensurate with only the pure concept of civil society.’¹¹³ The French Republic had implemented only those minimal, *a priori* restrictions on liberty that are required for the state’s existence. Gentz’s prejudice had prevented him from seeing that the revolutionaries’ early, naïve vision of a post-political *liberté* had been abandoned long ago. ‘Where’, Forster sarcastically inquired, ‘are the advocates of these new systems that demand unconditional liberty? On the moon?’¹¹⁴ By 1793, Robespierre had transformed the Revolution into a *defence* of the rational state. Ironically, therefore, Gentz’s *Reflections* contained all the resources needed to vindicate it:

If the French legislators believed that there exist certain natural rights of man and that it is a crime against mankind to constrict them arbitrarily; but that, since these rights can only be secured within a state, a constriction of natural right is necessary; that the ultimate purpose of all state institutions is to uphold the general rule of law; finally, if they were of the opinion ... that demands on a state’s institutions are also demands on its individual citizens – if all these conditions were satisfied, we can conclude that duty compelled them to discover these natural rights and make them the legal foundation of their

¹¹¹ [Forster], review of Gentz, *Betrachtungen*, in *Neue allgemeine deutsche Bibliothek*, vol. 20 (1795): pp. 3-33.

¹¹² *Ibid.*, p. 8, emphasis added.

¹¹³ *Ibid.*, p. 7.

¹¹⁴ *Ibid.*, p. 5.

constitution, even if overwhelming necessity did not compel them to do so and if the letter of their summons [to the *états généraux*] did not invite it.¹¹⁵

In theory, Gentz's vision of Enlightenment meant that he should have celebrated the French state's world-historical achievement. His unwillingness to do so was proof not of his theory's falsity, but of his inability to live up to its arduous demands. Because Gentz's preference for the injustice of Prussian *Recht* over and against the purity of Jacobin *liberté* was intellectually indefensible, Forster concluded, it could only have been the result of his ill will.

IV. Gentz's Burke contra Kant

In 1792, Gentz's decision to translate the *Reflections* had disappointed his friend Humboldt. Writing to their mutual friend, Karl Gustav von Brinckmann, Humboldt admitted that he was worried. Though 'the truths of the French Revolution will remain eternal truths, even if 1200 idiots profane them', it seemed as if Gentz had 'come to love Burke more than the truth'.¹¹⁶ A few months later, however, his viewpoint changed after he receiving 'Gentz's long-awaited book':

You know my critical opinions about this work from my earlier letters, and I began to read this voluminous book from that earlier [sceptical] perspective. I cannot describe to you how astounded I was. Every page pulled me in deeper than the one before. I read and read until late in the night, studying it for three uninterrupted days, with more intensity and fervour than I have ever dedicated to a book. It has been quite a long time since such a book, a real classic, has come before me. I am not talking about the Burke in particular, though it is a masterpiece of politics and rhetoric. I mean Gentz's work: his translation, commentary, fine editorial revisions and most sublime essays. ... One cannot fail to see that [Gentz's] politics are the result of deep and sustained reflection. More than this, ... his politics is applied to history and explained through history, such that his perspective is eminently pragmatic.¹¹⁷

Initially, Humboldt had assumed that Gentz's decision to translate Burke entailed a rejection of their shared principles. But he now saw this was mistaken. 'If you want to build a house,' he explained to Brinkmann, 'it would be laughable to debate how houses are constructed in general, but to forget to check whether a house can stand on the [particular] ground you have selected.'¹¹⁸ This was what Gentz recognized in Burke. 'The perspective from which Burke and therefore Gentz proceeds is political in the strict sense of the term – namely, the sense in which politics is the art of founding states and tending to their preservation and perpetuation.' By coupling this Burkean perspective to the normative vision of justice that he learned from Kant, he had transformed the *Reflections* into a handbook of Kantian statesmanship:

¹¹⁵ Ibid., p. 20.

¹¹⁶ Humboldt to Brinkmann, 9 Nov. 1792, in *Humboldts Briefe an Brinkmann*, pp. 39-42, at p. 41.

¹¹⁷ Humboldt to Brinkmann, 27 Jan. 1793, in *ibid.*, pp. 49-52, at p. 50.

¹¹⁸ Humboldt to Brinkmann, 18 Mar. 1793, in *ibid.*, pp. 57-62, at pp. 58.

What presents a really nice contrast to Burke's original is that, whereas in the English text one encounters Burke as a one-dimensional politician – as a statesman concerned with political stability and little else – Gentz casts [his] politics in the gentle light of a liberal philosophy *«menschenfreundlichen Philosophie»* that is concerned not merely with citizens but with human beings.... The style of Gentz's philosophical essays reminds one continuously that he is a pupil and a reader of Kant: indeed, in certain sections I wanted to say that Kant himself would have written like this, if he had as much taste and eloquence as Gentz.¹¹⁹

Over the coming year, the viability of the synthesis that Humboldt detected in Gentz's *Reflections* emerged as a heated point of controversy in Germany. Under the shadow of Louis XVI's execution and the Terror, Gentz forced German writers to stake out a clear position on whether the dictates of *a priori* reason were, in fact, compatible with the demands of political practice. As we saw in Chapter 3, Rehberg's *Untersuchungen* answered in the negative, insisting that theoretical reason was unable to furnish a morally determinate account of right. Fichte's *Beiträge zur Berichtigung der Urtheile des Publikums über die Französische Revolution* (1793) took up the opposite position, arguing that Kantian reason was, in fact, sufficient to demonstrate the basic political equality of all men, and that any state that contravened its universal demands needed to be reformed, regardless of the costs.¹²⁰ Gentz, finally, articulated a middle position between these extremes, arguing that reason's political dictates are indeed practicable, but only if coupled with morality and prudence.

In September 1793, Kant waded into this debate that his former student had catalysed. In 'Theorie und Praxis' – his first public comment on the Revolution – Kant dealt a dramatic setback to Gentz by publicly aligning himself with the republican cause.¹²¹ Not only did he renounce Rehberg's scepticism, he also set himself in opposition to Gentz's prudentialist case against the revolutionaries. Against the 'would-be expert who admits the value of theory for teaching purposes ... but argues that matters are quite different in practice', he argued that *a*

¹¹⁹ Humboldt to Brinkmann, 27 Jan. 1793, in *ibid.*, pp. 49-52, at p. 51. In *The German Historicist Tradition* (Oxford: Oxford University Press, 2011), Beiser wrongly claims that Humboldt 'disapproved of Burke's *Reflections*' (p. 180-1), citing Humboldt's initial letter to Brinkmann from 9 Nov. 1792 as evidence but ignoring the second letter, where Humboldt recants his earlier judgement.

¹²⁰ J.G. Fichte, *Beiträge zur Berichtigung der Urtheile des Publikums über die Französische Revolution* (Danzig: Troschel, 1793). Cf. [Gentz], review of Fichte, *Beiträge*, in *Allgemeine Literaturzeitung* (7 May 1794): pp. 345-352.

¹²¹ Kant, 'Über den Gemeinspruch: Das mag in der Theorie richtig sein, taugt aber nicht für die Praxis', *Berlinische Monatsschrift* (Sept. 1793): pp. 201-84; in *Kants Schriften*, vol. 8, pp. 273-313. In the following, I have consulted Mary Gregor's translation of this essay, as well as her rendering of *Zum ewigen Frieden*, in *The Works of Immanuel Kant: Practical Philosophy*, ed. Allen Wood (Cambridge: Cambridge University Press, 1996). For a reading of this essay that situates Gentz as Kant's main interlocutor, see Jonathan Green, 'Fiat Iustitia, Pereat Mundus: Immanuel Kant, Friedrich Gentz, and the Possibility of Prudential Enlightenment', *Modern Intellectual History*, vol. 14, no. 1 (2017): pp. 35-65.

priori reason was, in fact, wholly sufficient for the practice of politics.¹²² In his analysis of ‘the relation of theory to practice in the right of a state’, Kant endorsed the revolutionaries’ *Declaration*, citing liberty, equality, and representation as the necessary conditions ‘in accordance with which alone the establishment of a state is possible in conformity with pure rational principles of external human right’.¹²³ To the extent that France’s legislators had failed to realize these principles, their movement suffered from a *dearth*, not an excess, of theoretical reason.

In his introduction, Kant set out a précis of his argument. Sometimes, he conceded, theory and practice seem incongruent. But could circumstantial prudence reconcile them? It was true that ‘between theory and practice there is required ... an act of judgment through which the practitioner decides whether ... something is a case of the rule.’ But prudential statesmanship could not make *all* theories practicable, for the obvious reason that ‘even where this natural talent is present, there can still be a deficiency in premises, that is, a theory can be incomplete.’ If a wise politician attempted to implement an underdeveloped theory, his aims would prove unrealizable. ‘In such cases it is not the fault of theory if it was of little use in practice, but rather of there having been *not enough* theory.’¹²⁴ He elucidated his point with a metaphor from Newtonian mathematical physics:

Now if an empirical engineer tried to disparage general mechanics, or an artilleryman the mathematical doctrine of ballistics, by saying that whereas the theory of it is nicely thought out it is not valid in practice since, when it comes to application, experience yields quite different results than theory, one would merely laugh at him (for if the theory of friction were added to the first and the theory of the resistance of air to the second, hence if only still more theory were added, these would accord very well with experience).¹²⁵

Rather than turning to Gentz’s concept of prudence, Kant suggested that the apparent failure of the Revolution was attributable to its leaders’ crude grasp of the nature of modern liberty – specifically, to their self-undermining claim that they possessed a natural right to revolution. According to Kant, if subjects had a categorical right to overthrow their sovereigns, this right would have to be rooted in a universalizable maxim. This would be equivalent to a law that licenses lawlessness, which is absurd.¹²⁶ With Hobbes, Kant unequivocally insisted that ‘any

¹²² *Ibid.*, in *Kants Schriften*, vol. 8, pp. 275-6, trans. mine.

¹²³ *Ibid.*, pp. 289-90.

¹²⁴ *Ibid.*, p. 275, italics in orig.

¹²⁵ *Ibid.*, p. 276. Rehberg used the same metaphor to disparage theory: see his *Untersuchungen über die französische Revolution*, 2 vols. (Hannover: Christian Ritscher, 1793), p. 18.

¹²⁶ Kant had been making this argument since the mid-1780s, against the natural law resistance theory of Gottfried Achenwall: see his *Schriften*, vol. 27, pp. 1319-94. For a reading of Kant’s politics that places a central emphasis on it, see Jeremy Waldron, ‘Kant’s Legal Positivism,’ *Harvard Law Review*, vol. 109 (1996): pp. 1535-66.

resistance to the supreme legislative power, ... is the highest and most punishable crime within a commonwealth, because it destroys its foundation.'¹²⁷ It was the revolutionaries' inability to grasp this theoretical point – *not*, as Gentz claimed, their imprudence – that led their movement into violence. Kant expanded this point into a broader claim about politics *per se*: the exigencies of practice, he insisted, could *never* be allowed to infringe upon the claims of pure reason. If statesmanship consisted in squaring the demands of justice with what he elsewhere described as 'enlightened concepts of political prudence', then what is true in theory would, in certain circumstances, be impractical.¹²⁸ If this were so, morality would be contingent, and the very idea of justice would be a mirage:

All is lost when empirical and therefore contingent conditions of carrying out the law are made conditions of the law itself, so that a practice calculated with reference to an outcome probable in accordance with previous experience is given authority to control a self-sufficient theory.¹²⁹

'Theorie und Praxis', in other words, inverted the argument of Gentz's *Reflections*. In Kant's view, the revolutionaries' main error was not their imprudence; rather, like the engineers in his metaphor, they had '*not enough* theory'. The Revolution's failure did not prove reason's inadequacy for practice; rather, it illustrated the terrible consequences that follow when its sovereignty is ignored.

* * *

Kant's intervention into the theory-practice debate gave Rehberg and Gentz occasion to clarify their earlier positions, and to rebuff his attempt to subsume political practice within the wider category of theory. Though scholars have often conflated their two responses – assuming that Gentz, like Rehberg, denied the sovereignty of reason for political practice – their arguments against 'Theorie und Praxis' were essentially distinct.¹³⁰ Rehberg's response enlarged upon the Humean case against metaphysics that he set out in his *Untersuchungen*.¹³¹ While he welcomed Kant's rejection of Wolff's eudemonism, he insisted that any theory of right solely deduced by (noumenal) reason could not, by definition, make determinate claims about the (phenomenal) world of politics. 'Reason is not itself an object', he wrote; 'it exists only in the form of the imagination.' Even if Kant were able to prove that the conditions of justice must universalizable, this would only be a *formal* definition of political morality. Kant

¹²⁷ Kant, 'Theorie und Praxis', in *Kants Schriften*, vol. 8, p. 299.

¹²⁸ Kant, *Zum Ewigen Frieden* (1795), in *Kants Schriften*, vol. 8, pp. 341-86, at p. 344.

¹²⁹ Kant, 'Theorie und Praxis', in *Kants Schriften*, vol. 8, p. 277.

¹³⁰ Henrich, 'Einleitung' to *Theorie und Praxis*, p. 20-25; Ursula Vogel, *Konservative Kritik an der bürgerlichen Revolution* (Darmstadt: Luchterhand, 1972), pp. 91-106; Maliks, *Kant in Context*, pp. 55-60.

¹³¹ Rehberg, 'Über das Verhältnis der Theorie zur Praxis', *Berlinische Monatsschrift*, vol. 23 (1794): pp. 114-43.

might be able to establish certain limiting conditions on the exercise of legitimate state power *a priori*. But as long as he remained in the lofty realm of abstraction, his theory would remain without *content*, and would be unable to describe features of a just polity with any specificity. As a result, Rehberg concluded, ‘the external effects of human freedom cannot be described as a system that is grounded purely upon principles *a priori*’.¹³²

Gentz’s ‘Nachtrag zu den Rasonnement des Herrn Professor Kant’ was far more deferential.¹³³ As Gentz made clear, his critique of the Revolution had not been meant to cast doubt on Kant’s theory of justice. Far from subverting the authority of practical reason, Gentz insisted that his appeal to Burkean prudence was consonant with, and indeed presupposed by, Kant’s account of right:

If the saying ‘that may be true in theory but does not apply in practice’ is intended to mean that something could be true in theory but nevertheless false in practice, then it is a thoroughly wrongheaded notion and deserves the full severity with which Prof. Kant, in his noteworthy and profound essay on the subject, reveals its emptiness. – Sometimes, however, it only means ‘that may be true in theory but is not sufficient *⟨zureichend⟩* for practice’. ... Pure logic and well-constituted reason argue that what has been proven and established in theory cannot be overturned in practice. But there is another, much more complicated, interesting and fruitful question to be asked. At what point does practice cease to be a mere echo of theory? At what point does it earn the right to speak for itself, and indeed for theory as well?¹³⁴

Kant had shown that philosophical reason was necessary for politics. But had he proven that it was sufficient? ‘At first glance,’ he wrote, ‘one might be tempted to think that all theories that are grounded rationally upon *a priori* principles must be counted among those that are sufficient in and of themselves.’¹³⁵ But closer examination show that this is not the case. In the sphere of interpersonal moral duties – what Gentz called ‘relations of pure obligation’ – pure reason is entirely sufficient to establish the rules of morality. Yet politics was another matter altogether: the relation between the sovereign and his subjects is *not* one of reciprocal moral obligations. ‘What is essential about the civil condition ... is that it secures the rights of men through compulsory public laws.’¹³⁶ As Kant’s own line of argument suggested, the rights of man cannot be secured in an anarchic state of nature. But as Gentz pointed out, *a priori* reason is not competent to describe the conditions of effective political order. Reason cannot explain how constitutions should be organized, how sovereign power is best wielded,

¹³² Ibid., pp. 136, 122.

¹³³ Gentz, ‘Nachtrag zu den Rasonnement des Herrn Professor Kant über das Verhältnis zwischen Theorie und Praxis,’ *Berlinische Monatsschrift*, vol. 22 (Dec., 1793): pp. 518-554; reprinted in *Schriften*, ed. Kronenbitter, vol. 7, pp. 35-72.

¹³⁴ Ibid., pp. 35-6.

¹³⁵ Ibid., p. 37.

¹³⁶ Ibid., pp. 36, 43.

or how social stability can be best preserved. In order to enact the rights of man in practice, therefore, statesmen needed an empirical grasp of how states are constructed and maintained. Gentz called this supplement to Kant's jurisprudence his 'new empirical theory':

In order to create a just constitution, an understanding of the rights of man is indispensable, but merely preliminary. If the statesman is to uncover a way to realize these rights, he must go beyond his theory. The best-developed system of rights will always remain only a noble ideal without the practical substance *«Stoff»* that experience alone ... offers. In every just constitution, sovereignty must be vested somewhere. Where should this power be located? How should it be wielded? What are its limits? How should it be safeguarded? To these exceedingly important questions, a pure theory of right can offer no answers. An understanding of men, of individuals and groups; a knowledge of human abilities, inclinations, passions, and weaknesses; prolonged observation; a comparison of man's many climates and circumstances; investigation of his social relations; a prolonged series of trial and error – only these can provide answers.¹³⁷

If reason furnishes the ends of politics, experience teaches its means. Because Kant offered only a theoretical account of justice, he had inadvertently ignored essential questions about how to reconcile order and liberty in practice. 'If he only meant to establish the principles on which rational constitutions must be founded, this oversight would be unproblematic,' Gentz wrote. 'But it is curious that Kant neglected [the lessons of experience] in an essay on theory and practice.'¹³⁸

This oversight led Kant to misjudge the revolutionaries, according to Gentz. Liberty, equality and independence are indeed foundational principles of the social contract. 'But this contract is a mere norm, a guide for legislative reason,' not a practical plan for how to build a stable polity.¹³⁹ Just as projectiles do not fly through air at the speed predicted by physicists, the normative rights of man cannot be enacted unconditionally without casting nations into a state of anarchy. But this is just what Kant had recommended. 'Theorie und Praxis' defined liberty, for instance, as the antithesis of paternalism. But while a nation undergoes the slow process of Enlightenment, is not a well-intentioned paternalistic regime vital for the orderly expansion of subjects' rights? Indeed, was this not Friedrich the Great's central achievement? Similarly, Kant argued that since all men must be equal before the law, feudal honours and privileges must be abolished. But look to the example of modern Britain, Gentz countered. Here, in the most liberal nation in Europe, a virtuous nobility was necessary for maintaining public order. If the relation between a sovereign and his subjects was necessarily unequal (as Kant admitted), why could the sovereign not delegate authority to the vassals and allies who

¹³⁷ Ibid., pp. 57, 56.

¹³⁸ Ibid., pp. 57-8, italics mine.

¹³⁹ Ibid., pp. 54-5.

help him uphold the peace? Though he posed these questions rhetorically, Gentz's point was clear. Theories of justice are meaningless in a pre-political state of anarchy. To ignore the empirical question of order is to consign philosophy to irrelevance.

* * *

From Gentz's perspective, the strident rationalism of 'Theorie und Praxis' was a betrayal of the reformist vision of Enlightenment that Kant taught him in the 1780s. But to Germany's republican writers, it was *Gentz* who had betrayed the cause of liberty. Throughout the 1790s, his critics ruthlessly ridiculed him as a sophist who had perverted *Aufklärung* into a tool for rationalizing injustice.¹⁴⁰ The seeming success of Gentz's politics infuriated them all the more. As one of the *Literaturzeitung*'s writers noted, 'the exceptional literary talents of the *Kriegsrath* Gentz have made him more the envy than the rival of the countless publicists who oppose him. They fear that his talents will give weight to opinions that they detest, and will make them impossible to resist.'¹⁴¹ But Gentz did not share his critics' assessment. In the wake of the Peace of Basel (1795) he felt increasingly alienated in what had become a tacitly pro-French Prussian court. At the same time, his defense of the centralized *Rechtstaat* over and against the 'feudal' chaos of the early-modern era won him few friends in the German aristocracy. By the late 1790s, he felt besieged from all sides, and grew worried that the grounds for his Burkean vision of politics were crumbling beneath his feet. 'In the present age', he wrote exhaustedly, 'the life of a political writer is nothing but a never-ending battle.'¹⁴²

Throughout this period, Gentz drew succor by turning periodically to Burke's anti-revolutionary writings. As he knew, Burke too had faced charges of 'apostasy' after turning against the Revolution. In 1796, Burke answered his Whig critics in his *Letter to a Noble Lord*.¹⁴³ Far from a renunciation of his earlier liberalism, Burke insisted, his critique of the French Revolution was an *extension* of his lifelong commitment to constitutional liberty. Across his career, his touchstone had been 'a liberty inseparable from order, from virtue,

¹⁴⁰ See, e.g., *Politische Paradoxien des Kriegsraths Genz [sic]: ein Lesebuch für den denkenden Staatsbürger* (Berlin and Vienna, 1800).

¹⁴¹ Review of *Paradoxien des Kriegsrath Genz*, in *Allgemeine Literaturzeitung* (9 Dec. 1801): pp. 533-5, at p. 533.

¹⁴² Gentz, 'Über die Natur und den Werth der gemischten Staatsverfassungen', *Historisches Journal* (Apr. 1799): pp. 487-98, at p. 487.

¹⁴³ *Letter from the Right Honourable Edmund Burke to a Noble Lord, on the Attacks made upon him and his Pension in The House of Lords, by the Duke of Bedford and the Earl of Lauderdale* (1796); in *The Writings and Speeches of Edmund Burke* [hereinafter *W&S*], ed. Paul Langford et al., 9 vols. (Oxford: Clarendon Press, 1970-2015), vol. 9, pt. 1, pp. 145-87. For this work's domestic context, cf. Richard Bourke, *Empire and Revolution: The Political Life of Edmund Burke* (Princeton: Princeton University Press, 2015), pp. 894-9.

from morals, and from religion'.¹⁴⁴ In early 1796, soon after received a copy of *Noble Lord* from his contacts in London, Gentz began intensively studying Burke's pre-revolutionary works, in order to assess the question of Burke's intellectual 'consistency' for himself.¹⁴⁵ This exercise not only confirmed his admiration for Burke's eloquence: it also seemed to corroborate his interpretation of the *Reflections*. Burke's detractors saw a contradiction in his twin commitments to political stability and civil liberty. But to Gentz, it seemed a principled attempt to marry theory and practice. He quickly set about translating this work, publishing an annotated German edition in the summer of 1796.¹⁴⁶ Using his translation as a platform, he magnified his Kantian reading of the *Reflections* into an account of Burke's parliamentary career *tout court*. To emphasize this work's true scope, he gave it a new title: *Edmund Burkes Rechtfertigung seines politischen Lebens* (*Edmund Burke's Vindication of his Life in Politics*) (and removed all epistolary references to the Earl Fitzwilliam, Burke's eponymous 'noble lord'). As Gentz acknowledged in his preface, his decision to translate this work was not without risk: its polemical tone was likely to offend the sensibilities of German readers.¹⁴⁷ Nevertheless, he insisted, this book's content was absolutely vital: it offered a window into 'the evolution of the principles and mentality of one of the most important men of this century'.¹⁴⁸

In his introduction to this work, Gentz presented Burke's critique of the Revolution as the logical and necessary culmination of the principles that he espoused over the course of his career.¹⁴⁹ In his opposition to the excesses of the British Crown, in his support for the American colonists in the 1770s, in his prosecution of the East India Company's corruption, and in his campaign for the rights of British and Irish Catholics, Burke's steadfast goal had been to avoid 'the extremes of a contemptible subservience (*Unterwürfigkeit*) and a wild

¹⁴⁴ Ibid., pp. 153, 157.

¹⁴⁵ Cf. the introduction to Gentz, *Edmund Burkes Rechtfertigung seines Politischen Lebens* (Berlin: Vieweg, 1796), pp. iii-xxxiv, which canvases nearly all of Burke's major pre-revolutionary works, including his *Vindication of Natural Society*, *Philosophical Enquiry*, *Speech to the Electors of Bristol*, *Thoughts on the Present Discontents*, and his speeches from the Hastings trial; reprinted in Gentz, *Schriften*, ed. Kronenbitter, vol. 6, pp. 537-70.

¹⁴⁶ *Edmund Burkes Rechtfertigung seines politischen Lebens: Gegen einen Angriff des Herzogs von Bedford und des Grafen Lauderdale bei Gelegenheit einer ihm verliehenen Pension*, trans. Friedrich Gentz (Berlin: Vieweg, 1796); intro. reprinted in *Schriften*, ed. Kronenbitter, vol. 6, pp. 537-70. The appendices attached to Gentz's translation explained the context of Burke's *Speech on Economical Reform* (pp. 126-30); his opposition to parliamentary reform in the 1780s (pp. 131-42); and the Duke of Bedford's family history (pp. 150-6). He also included a partial translation of Burke's *Speech on Economical Reform* (pp. 143-9). Cf. Gentz to Böttiger, 2 July 1796, in *Briefe*, vol. 1, pp. 222-3, which suggests that Gentz finished this translation in the early summer.

¹⁴⁷ For this critique, see, e.g., the review of Gentz, *Burkes Rechtfertigung*, in *Allgemeine Literaturzeitung* (26 June 1797): pp. 785-9, at p. 788.

¹⁴⁸ Gentz, intro. to *Burkes Rechtfertigung*, in *Schriften*, ed. Kronenbitter, vol. 6, p. 549.

¹⁴⁹ See *ibid.*, pp. 563-7.

populism <Populartät>'.¹⁵⁰ His critique of French republicanism was cut from the same cloth. What *had* changed over the course of Burke's career, according to Gentz, was not his principles, but the rhetorical force with which he articulated them. Gentz found Burke's early works tedious and technical, mired in the minutiae of esoteric parliamentary discussions. In the *Reflections*, however, Burke found his voice:

Normally writers who are especially imaginative or inspired get carried away in their earliest works by their excessive warmth, their intense enthusiasm, or their poetic proclivities. Later, as their understanding gradually develops, they attain that sobriety and intellectual maturity [which] gives their writings true, lasting worth. But with *Burke* the opposite is the case. The work of his early years is, without exception, cold and severe, unlike the excited and stormy products of his aged mind. His overwhelming images; his depictions of all kinds of incredible figures; his allusions, both ancient and contemporary, sacred and secular...; his spirited, stinging, biting wit; his furious attacks on his enemies; the violence with which he exposes his critics' misjudgements; the diverse gifts of an orator who, without any preparation other than his own uncanny talent, pours out his spirit from the depths of his soul – that is to say, everything that indicates the final ascendance of his powers of imagination ... appeared in Burke in precisely those years that normally threaten to extinguish a writer's fiery disposition.¹⁵¹

What Burke's critics saw as 'apostasy' was in fact the marriage of his lifelong principles to this newfound eloquence. 'Since he expressed his defence of the old constitution [of France] against a brash new one with a liveliness, an extravagance, a level of eloquence that he had never displayed before ... – this gave him the appearance of a panicked, desperate *aristocrat*, a sworn and bitter enemy of all great and noble human endeavours, of all progress, and of all freedom.' But nothing could be further from the truth: Burke was, Gentz insisted, a man of 'enlightened and generous spirit' whose liberal critique of the Revolution had been roundly misunderstood.¹⁵²

How, exactly, was Burke able to square his lifelong commitment to English liberty with his caustic critique of French *liberté*? In the original edition of *Noble Lord*, Burke built his apology on the distinction between 'reform' and 'innovation': 'it cannot at this time be too often repeated [that] *to innovate is not to reform*'. To reform, for Burke, was to address defects in a nation's constitution by drawing on resources internal to the constitution's own logic. It was 'not a change in the substance ... of the object, but a direct application of a remedy to the grievance complained of'.¹⁵³ To innovate, by contrast, was to reject the authority of the constitution wholesale, in favor of an extra-constitutional vision of justice.

¹⁵⁰ Ibid., p. 559.

¹⁵¹ Ibid., pp. 561-3, italics in orig.

¹⁵² Ibid., pp. 566-7, italics in orig.

¹⁵³ Burke, *Noble Lord*; in *W&S*, vol. 9, pt. 1, pp. 155-6, italics in orig.

The innovator ‘alters the substance of the objects themselves; and gets rid of all their essential good, as well as of all the accidental evil annexed to them.’ According to Burke, the characteristic sign of innovation was the *external* nature of its critique. In a telling metaphor, he described the ‘rights of man’ as a ‘portentous comet’ which, if it had crashed down into Britain, would have destroyed the Settlement of 1688 – and with it, the possibility of true reform.¹⁵⁴ This fidelity to the Constitution led him to oppose innovation throughout his career, even when it ‘prowled about our streets in the name of reform’.¹⁵⁵

For Gentz, this distinction between reform and innovation did not adequately capture what was truly admirable in Burke’s career. In order to make it clearer, he massaged Burke’s language to fit his own agenda. Gentz recast Burke’s argument as a distinction between ‘Aufheben’ and ‘Verbessern’, overthrowing and improving.¹⁵⁶ If Burke’s original terminology sought to capture the difference between two theories of political legitimacy – one constitutional, one theoretical – Gentz’s rendering sought to evoke the mean-ends distinction outlined in his *Reflections*. For Gentz, what made the ‘comet of the rights of man’ such an ‘ominous’ spectre was not the mere fact of its externality, but the velocity with which it impacted on French society.¹⁵⁷ Burke’s critique of ‘Aufheben’ was motivated not by any fundamental mistrust of theory, he suggested, but by his prescient intuition that the French legislature would be unable to *enact* their normative vision of right in practice. In his translation, Gentz highlighted one passage in particular that seemed to vindicate his intuition that Burke, too, recognized the sovereignty of reason in politics:

From the first dawn of my spirit until this, its twilight, I have had a definitive aversion to all arbitrariness <Willkühr>, speculation, idle musing and fantasies. In affairs of state nothing is to be obeyed except sovereign reason <soveräne Vernunft>, which reigns high above all forms of government. *Constitutions are designed precisely to set that sublime reason <ehrfurchtgebietende Vernunft> against all despotism and capriciousness <aller Willkühr und aller Grillen>, whether it manifests itself in subjects or rulers, be they kings, senates or nations.*¹⁵⁸

For Gentz, Burke’s commitment to the rule of law presupposed an anterior commitment to a trans-temporal – and therefore extra-constitutional – account of right. What is more, Burke’s contrast between the irrational ‘Willkür’ of the tyrant and the self-mastery of the enlightened sovereign fit comfortably within Gentz’s own Kantian categories. It simply could not have been the case that Burke’s critique of ‘innovation’ was a wholesale critique of rationalism,

¹⁵⁴ Gentz, *Burkes Rechtfertigung*, in *Schriften*, ed. Kronenbitter, vol. 6, pp. 155, 151.

¹⁵⁵ *Ibid.*, p. 152.

¹⁵⁶ Gentz, *Burkes Rechtfertigung* (1796), p. 31.

¹⁵⁷ *Ibid.*, pp. 18-19.

¹⁵⁸ *Ibid.*, pp. 35-6, italics in Gentz’s trans., but not Burke’s orig.; cf. Burke, *Noble Lord*, in *W&S*, vol. 9, pt. 1, p. 157.

Gentz reasoned: he *must* have been intending to criticize the revolutionaries' tactics, not their metaphysics. Whether consciously or not, Gentz admired Burke too much to take seriously the possibility that Burke's politics militated against his own Kantian ideals.

* * *

Gentz's last major attempt to divorce Kant's idealism from the legacy of the Revolution came in a series of essays published in his *Historisches Journal* in the late 1790s.¹⁵⁹ In his *Reflections*, Gentz took himself to be attacking an anti-political strain of republicanism, one that he associated with Robespierre and the Jacobins. By the end of the decade, circumstances forced him to recalibrate this critique. In the intervening years, the Revolution's German apologists had moved on from debates about the rights of man, and set about tackling more pressing question of republican constitutionalism. How should the state be organized in order to realize the principle of popular sovereignty? And how could the rights of men against their governments be protected? In this context, Germany witnessed a revival of interest in the representative theory of republicanism that the Abbé Sieyès had contended for, unsuccessfully, in the early 1790s.¹⁶⁰ According to Sieyès, the Jacobins' experiment had failed because it relied on a naïve view of human sociability. Against their fraternalism, he spent the Revolution's early years arguing that the only way to transform a large, commercial monarchy like France into a functioning republic was through the political mechanism of representation. In 1795, his vision of republicanism received Kant's imprimatur. Whereas 'Theorie und Praxis' said little about questions of constitutional design, *Zum ewigen Frieden* made clear that if a 'form of government is to accord with the concept of right, the representative system [must be] part of it'.¹⁶¹

As Isaac Nakhimovsky has demonstrated, Kant and Sieyès's representative theory of government came to form the ideological hub around which an emergent axis of pro-French theorists, writers, and civil servants revolved in late-1790s Prussia.¹⁶² To Kant and many of

¹⁵⁹ See esp. his 'Beiträge zur Berichtigung einiger Ideen der allgemeinen Staatswissenschaft', *Historisches Journal* (Nov. 1799): pp. 277-312; and 'Über die politische Gleichheit', *ibid.* (Jan. 1800): pp. 3-51; reprinted in Gentz, *Schriften*, ed. Kronenbitter, vol. 5, pp. 517-602.

¹⁶⁰ Set out in Sieyès, *Vues sur les moyens d'exécution dont les représentants de la France pourront disposer en 1789* (Paris: 1789); reprinted in *Sieyès: Political Writings*, ed. Michael Sonenscher (Indianapolis, IN: Hackett, 2003). Cf. Michael Sonenscher, *Sans-culottes: An Eighteenth-century Emblem in the French Revolution* (Princeton: Princeton University Press, 2008), pp. 1-56; Richard Tuck, *The Sleeping Sovereign: The Invention of Modern Democracy* (Cambridge: Cambridge University Press, 2015), pp. 121-80; Lucia Rubinelli, 'How to think beyond sovereignty: On Sieyès and constituent power', *European Journal of Political Theory* (2016) <<http://journals.sagepub.com/doi/abs/10.1177/1474885116642170>>.

¹⁶¹ Kant, *Zum ewigen Frieden*, in *Kants Schriften*, vol. 8, p. 353.

¹⁶² See Isaac Nakhimovsky, *The Closed Commercial State: Perpetual Peace and Commercial Society from Rousseau to Fichte* (Princeton: Princeton University Press, 2011), esp. pp. 15-61. The following discussion of Kant and Sieyès's republicanism closely tracks Nakhimovsky's.

his followers, Sieyès offered a compelling vision of what France's – and, in time, Prussia's – government might become. From May 1798, the political position of these republicans in the Prussian court was strengthened by Sieyès's arrival as the French ambassador to Berlin, a development that Gentz viewed with great alarm. (Sieyès was sent to negotiate a permanent alliance between Paris and Berlin, an aim that Gentz thwarted.) Gentz's essays from the late 1790s are best understood within this context, as an attempt to dismantle the foundations of this Franco-Prussian constitutionalist axis. Gentz's *Historisches Journal* sought to show that – Kant's passing remarks in *Zum ewigen Frieden* notwithstanding – a properly philosophical account of justice was incompatible with Sieyès's constitutionalism.

The crux of Gentz's dispute with Sieyès revolved around their respective readings of Rousseau. Both men agreed with Rousseau's claim that the sovereign's coercive power was legitimate because it embodied the people's *volonté générale*. Both men, moreover, rejected the Jacobins' naïve reading of the *Discours sur l'origine et les fondements de l'inégalité* (1755). But past this, they diverged. According to Sieyès, the Jacobins' critical mistake was to have ignored Rousseau's distinction between sovereignty and government in *Du Contrat Social* (1762).¹⁶³ Disregarding the Hobbesian premises on which Rousseau's political theory was built, the Jacobins supposed that, if freed from the despotism of the *ancien régime*, the French people could serve as both sovereign *and* government, as the authors *and* arbiters of the law. In the absence of the state – without the executive agents and institutions needed to enforce the law – their movement collapsed into anarchy. While Rousseau held that the people were indeed sovereign, he had also warned that, as a form of *government*, democracy was fit only for gods.¹⁶⁴

The problem with most modern governments, in Sieyès's view, was that they tended to arrogate sovereignty to themselves. Across Europe, kings and their ministers had twisted the state into an apparatus for enforcing their *own* will, rather than the collective will of the nations they governed. But how to overcome this problem of democratic alienation? Sieyès sought to transcend it by distinguishing 'pouvoir constituant' from 'pouvoir constitué'. While he agreed with Rousseau that the sovereignty of the people was fundamental and inalienable, he argued that the people could periodically *delegate* sovereignty to a 'constituted power', a representative body capable of articulating and enacting their general will. Rousseau was famously skeptical about representation, insisting that legislatures invariably reproduced the

¹⁶³ Rousseau, *Du Contrat Social*, bk. 3, ch. 1.

¹⁶⁴ *Ibid.*, bk. 3, ch. 4.

same patterns of alienation that characterized monarchical governments.¹⁶⁵ But Sieyès was more sanguine. If Rousseau's moral vision were to be enacted in a large state like France, it was necessary to institute a representative body capable of speaking on behalf of the people. He sought to mitigate the threat of alienation by constructing a multi-tiered electoral system, which was designed to make representatives accountable to their electorates. In addition, he argued that these institutions would only be practicable in a society characterized by material and legal equality – one which had abolished noble rights and privileges, and which sought to level material differences between poor and rich citizens. Representation was not sufficient to guarantee liberty. But if these constitutional and social conditions were met, it was possible to conceive of a government that was accountable to a democratic sovereign, but which did not collapse into it.

In *Zum ewigen Frieden*, Kant's discussion of constitutionalism appealed directly to this distinction between government and sovereignty. His theory of sovereignty, on the one hand, was just an expansion of Rousseau's. 'A constitution based upon the principle of the liberty of the members of a society ... their shared dependence upon a common legal authority ... and their mutual equality [is] the only constitution that proceeds from the pure idea of the original contract'.¹⁶⁶ Yet the form of government that was best able to enforce the demands of reason was an open question. In theory, a just state could be administered by one person (monarchy), by a group (aristocracy), or by the people themselves (democracy). Like Rousseau and Sieyès, he quickly ruled out democracy as a form of government. Monarchy and aristocracy were not without risk either: kings often governed *willkürlich* in their own interests, rather than in accordance with the demands of right. But if, Kant speculated, the people were able to begin expressing their collective will through the sort of representative institutions that Sieyès described, this would put pressure on kings and aristocrats to make their governments more responsible to the people. Eventually, the king might become the executor of the sovereign's will, rather than its author. Such a process, Kant implied, could transform Prussia into a republican state with a monarchical 'crown', a German iteration of the kind of republic that Sieyès envisioned in France.¹⁶⁷

One strategy for undermining Kant's republicanism, therefore, was to strike at its Rousseauian roots. This was the avenue that Rehberg, for instance, pursued in his response to Kant's essay on 'Theorie und Praxis'. 'Herr Kant's theory so completely corresponds [with

¹⁶⁵ Ibid., bk. 3, ch. 15: 'Sovereignty, for the same reason as makes it inalienable, cannot be represented; it lies essentially in the general will, and does not admit of representation'. This translation is taken from Tuck, *Sleeping Sovereign*, p. 137.

¹⁶⁶ Kant, *Zum ewigen Frieden*, in *Kants Schriften*, vol. 8, pp. 349-50, trans. mine.

¹⁶⁷ For discussion, cf. Nakhimovsky, *Closed Commercial State*, pp. 34-5.

Rousseau's] in its most salient points', he wrote, 'that if one just inserts the *Contrat Social's* terminology in the appropriate passages', one ends up with the same theory of sovereignty.¹⁶⁸ Rehberg believed that this observation exposed Kant's theory as little more than unmoored speculation. The 'people' whose authority Kant invoked was necessarily immaterial, a pure legal fiction, as Rousseau himself admitted.¹⁶⁹ The only way to grant sovereignty to 'the people' in practice, Rehberg argued, was through a sleight-of-hand that exchanged the *idea* of 'the people' with a collection of actual human beings in time and space. Rehberg shared Kant's belief that the Hobbesian sovereign needed to be constrained. But rather than trying to moralize sovereignty, Rehberg followed Burke and Montesquieu in projecting sovereignty back into *history*, enmeshing the state in a dense constitutional web of precedents, customs, and conventions. Whereas Kant posited the united will of the people as sovereign, Rehberg pluralized the concept, tracing its varied origins back into the inscrutable reaches of time immemorial.

But Gentz took a different tack. He saw that, since Kant's *Rechtstaat* was squarely constructed on Rousseauian foundations, any case against Rousseau would weaken Gentz's own theory of the state. Rather than following Rehberg, therefore, Gentz tried to show that Sieyès's constitutionalism was a *departure* from Kant's basic principles. It was Burke, not Sieyès, who belonged in the canon of true Kantians. Gentz traced out a new, counterintuitive line of succession, running not from Hobbes and Rousseau to Kant and Sieyès, but from Hobbes and Rousseau to Kant and *Burke*. Kant and his precursors were vital for theorizing the state's normative foundations: to abandon the *volonté générale* was to abandon the idea of a just state altogether. But Burke was necessary for showing how to *maintain* the state, and how to steer it towards its rationally-ordained ends. The most obvious impediment in Gentz's path, of course, was Burke's well-known hatred of Rousseau. Yet already in 1793, Gentz had begun to qualify this enmity. In a footnote inserted next to one of the *Reflections*' (many) criticisms of Rousseau, Gentz had conceded that 'in many sections of Burke's works one cannot miss his clear disdain for this man.' He did not believe that it was possible to justify Burke's scorn, 'but it is possible to explain it, if one considers that Burke often confuses Rousseau the writer and Rousseau the man.'¹⁷⁰ Gentz was quite ready to agree to Burke's appraisal of Rousseau's squalid character. 'Nevertheless it is still a question whether

¹⁶⁸ Rehberg, 'Verhältnis der Theorie zur Praxis', p. 136.

¹⁶⁹ Rousseau, *Du contrat social*, bk. 2, ch. 1: 'I therefore maintain that since sovereignty is merely the exercise of the general will, it can never be alienated, and that the sovereign, which is only a collective being, cannot be represented by anything other but itself.' This translation is taken from Rousseau, *The Basic Political Writings*, 2nd ed., trans. and ed. Donald Cress (Indianapolis, IN: Hackett, 2010), p. 170.

¹⁷⁰ Gentz, *Betrachtungen*, vol. 2, p. 14.

Rousseau, if he were alive, would have [consented] to be deified in the Pantheon of Paris.’ The revolutionaries had co-opted Rousseau as a forerunner of their cause, a claim in which Burke had readily acquiesced.¹⁷¹ But Gentz was loath to concede this point:

Nothing is so completely opposed to the spirit of all of [Rousseau’s] political writings. He loved liberty, but an innocent and peaceful liberty. With all the rigor of a true student of human nature, he differentiated ... the beautiful but utopian idea of a perfect constitution from that which human institutions can actually achieve. On more than one occasion he declared that he valued peace far more highly than all the uncertain hopes of reckless and impetuous revolutions.¹⁷²

This defense of Rousseau against Burke was conspicuous enough to attract the interest of his readers. ‘In one of his notes, Herr Gentz shows us the sort of liberty that Rousseau loved and recommended – an innocent and nonviolent liberty’, wrote one reviewer. ‘Anyone who reads this great philosopher without prejudice can see this, and so it is all the more curious that his fellow countrymen have interpreted him incorrectly *⟨irrig⟩*, and that so many men of letters have followed them’.¹⁷³ For Burke, Rousseau’s highly abstract theory of political legitimacy seemed necessarily subversive. But for Gentz, it formed the ideological foundation of Kant’s political theory, and as such, offered necessary resources for any systematic, thoroughgoing critique of the Revolution.

Gentz’s reimagining of the social contract tradition came through most clearly in his article on ‘Staatswissenschaft’ (1799).¹⁷⁴ In first part of this essay, he sketched the historical evolution of the tradition from its origins in Hobbes. ‘A society of free ... beings can have no rightful origin other than ... a contract of all its members’.¹⁷⁵ Only under the assumption of such a contract was society possible at all. Echoing the language of Hobbes’s *De Cive* (1642), Gentz explained that while human beings can perhaps achieve a tenuous ‘concord’ outside the state, only by mutually submitting to a shared sovereign could a durable ‘union’ of men become possible:

While mere violence can indeed attach men to one another, even over long periods of time, it cannot require of them anything but what it is able to compel through physical necessity: it can *bind* *⟨binden⟩*, but cannot *combine* *⟨verbinden⟩*: it can press together a group of individuals ... into a single mass, but it can never create a society of free beings.¹⁷⁶

¹⁷¹ Ibid., p. 16.

¹⁷² Ibid., p. 15.

¹⁷³ W.B., review of Gentz, *Reflections*, in *Oberdeutsche allgemeine Literaturzeitung*, ed. Lorenz Hübner (17, 20 Jan. 1794): pp. 114-54, at p. 139.

¹⁷⁴ Gentz, ‘Beiträge zur Berichtigung einiger Ideen der allgemeinen Staatswissenschaft’, *Historisches Journal* (Nov. 1799): pp. 277-312; reprinted in *Schriften*, ed. Kronenbitter, vol. 5, pp. 517-52.

¹⁷⁵ Ibid., p. 518.

¹⁷⁶ Ibid., pp. 517-518. Cf. Hobbes, *De Cive* (1642), ch. 5; *Leviathon* (1651), ch. 16.

He credited Hobbes with the insight that all men had a natural interest in the creation of such a union, an argument from utility that was echoed in ‘*Locke and Rousseau*’. But it was their successors – Kant, above all – ‘who wrested the social contract from the level of a *contingent* contract and elevated it into a *necessary* one.’¹⁷⁷ Thanks to the ‘work of the recent philosophy of the Germans’, Gentz argued, we now see that the state is a necessary demand of practical reason:

Until then, this contract had been derived from dictates of *prudence*. But now men saw that it proceeded from a pure, fully-developed concept of *right*. We ceased to see the members of political society as voluntary participants in a community built on the basis of their shared interests; we now saw that every being capable of possessing rights must be [morally] authorized to force his peers to conclude the social contract.¹⁷⁸

Kant’s theory of the state, he went on to explain, was indebted to Rousseau. In *Du Contrat Social*, Rousseau had showed how it was possible, subjectively, for citizens to see the sovereign’s will as their own – not ‘the mere sum of all their individual wills [but] a will with which they should and must agree’, or ‘what Rousseau has helpfully called the *general will* (*volonté générale*)’.¹⁷⁹ Kant’s seminal achievement, according to Gentz, had been to show that *a priori* laws of reason govern the conditions under which a group of men can unite their disparate individual wills into a single general will. According to Gentz, these laws were nothing other than justice itself.

This Kantian-Rousseauian argument set out an airtight case for the state’s legitimacy, one which Gentz fully endorsed. But he broke from these authorities in one crucial respect – namely, over the claim that government and sovereignty could be conceptually distinguished from one another. Gentz traced this error to Rousseau’s insistence ‘that sovereignty cannot be alienated’. On the contrary, he insisted, the *essence* of sovereignty is alienation. To claim that the people can retain their sovereignty within the state was to dissolve the state:

Rousseau thought through the nature and the conditions of the social contract with an exquisite sharp-mindedness, and expressed them with a remarkable precision. On the basis of his foundations, the entire edifice of theoretical politics has been constructed with the happiest successes. At the same time, however, he proposed a system of governance that is not merely incomplete, but false, self-contradictory, and misleading for the people.¹⁸⁰

Gentz’s argument against Rousseau proceeded along recognizably Hobbesian lines. The people could not have a right to rebel against their sovereign because it was only within the state that they became a ‘people’ at all. Their capacity for corporate action, in other words,

¹⁷⁷ Ibid., p. 519, italics in orig.

¹⁷⁸ Ibid., pp. 519-20, italics in orig.

¹⁷⁹ Ibid., p. 521, italics in orig.

¹⁸⁰ Ibid., p. 530.

logically depended on the alienation of their sovereignty.

Sieyès's reliance on Rousseau's government-sovereignty distinction ultimately made his constitutionalism incoherent, according to Gentz. 'Anyone who reads the famous book of Sieyès, *Qu'est-ce que le tiers-état?*, will see this elemental error on every page: it repeatedly confuses a people *⟨Volk⟩* united under a sovereign with a community *⟨Gemeinschaft⟩* [in the process of] erecting a sovereign.'¹⁸¹ There can be no 'constituent power' within the state because the state is a precondition of this constituency's existence:

This confusion of a society that has been constituted and incorporated through the original contact (which only afterwards attains the status of a *people*) and a collection of free individuals existing prior to the original contract has become ... the most terrible of all the political fallacies of our century.¹⁸²

Since there was no gap between sovereignty and government to be mediated, there was no need for the sort of the elaborate representative institutions that Sieyès insisted on. 'If it is true that sovereignty is inalienable, it must also be true that it cannot be represented', Gentz explained:

Instead of claiming that sovereignty and representation are incompatible, one should in fact claim that every rightful sovereignty, in whatever hands it is vested, is nothing other than representation. The sovereign – whether a monarch, a senate, or a popular assembly – embodies the general will, whose representation is the highest goal of the social contract.¹⁸³

Sieyès, in other words, had confused the formal and substantive nature of representation, making 'a contingent form into a necessary one'.¹⁸⁴ In the legally relevant sense of the term, *all* states 'represent' their people.

Gentz's rejection of the sovereignty-government distinction pushed constitutionalism out of the domain of reason, and into the sphere of Burkean prudence. The *idea* of the state is a dictate of reason, but the form of its institutions is not a 'question of justice' but 'a matter of prudence'. A well-designed government is 'the product of a very complex sort of knowledge, a kind of *techné* which, in order to be perfected, must unite ... deep reflection and great experience.'¹⁸⁵ This was a task not for a Kantian theorist of liberty, but for an empirically-minded statesman. In some circumstances, representative institutions may indeed prove salutary. But it was a category error to assume, Gentz argued, that nations with legislatures were *ipso facto* freer than their neighbors. 'Law-giving is a *function*, and in certain circumstances a form of *power*: but what does liberty have to do with functions or power?'¹⁸⁶

¹⁸¹ Ibid., p. 538.

¹⁸² Ibid., pp. 529-30, italics in orig.

¹⁸³ Ibid., p. 535.

¹⁸⁴ Ibid.

¹⁸⁵ Ibid., pp. 527.

¹⁸⁶ Ibid., p. 547, italics in orig.

To insist that liberty necessarily entails a right to take part in legislation was to conflate the state's formal design with its normative ends – namely, 'the absolute rule of law'.¹⁸⁷ Try as they might, constitutional theorists like Sieyès would never be able to design institutions that guaranteed justice. 'No constitution (speaking in ideal terms) can *absolutely* expel despotism <Willkür> or absolutely guarantee justice in its laws.' Rather, 'the best constitution that men can devise can only guarantee a *high likelihood* of realizing civil society's purposes.'¹⁸⁸

Gentz extended his case against Sieyès's representative republicanism into a critique of his broader egalitarianism. According to Sieyès, 'every distinction between citizens that ... is not immediately oriented to the common good is not only disgraceful but unlawful'.¹⁸⁹ But this was not the case. Just as Sieyès's constitutionalism confused the idea of the state with its form, his social thought confused the form and substance of equality:

Just as the idea of *popular sovereignty* follows from a confusion between a *constituted* and a *self-constituting* people, the idea of *political liberty* (in contrast to *civil liberty*) follows from a confusion between the particular rights conferred by the constitution and absolute right, which is the condition of the constitution itself and which comprises the epitome of liberty in civil society. ... The idea of political equality springs from a confusion of the *subject* of justice and its *form*.¹⁹⁰

Gentz agreed with Rousseau and Sieyès that it would be illegitimate to import relations of domination from the state of nature into civil society. But distinctions of rank established *after* the state's founding were another matter. 'All the distinctions which comprise a part of the constitution are not only very rightful, they are rightful *per se*.' The sovereign was well within his rights to grant rights and privileges to those individuals who helped him carry out the state's purposes. Gentz also objected to Sieyès's redistributionist policy on the grounds that it treated some (rich) citizens as means to others' ends, rather than as ends in themselves. 'It was not an equality of right <Gleichheit des Rechts> but an equality of rights <Gleichheit der Rechte> that was the true object and final goal of the Revolution.'¹⁹¹ In conflating justice and material equality, Sieyès and his compatriots had licensed a crusade of expropriation which, in practice, only succeeded in subverting the institution of property. If the Francophile ministers of Berlin imitated this policy in Prussia, Gentz warned, it would lead to similarly pernicious effects.

¹⁸⁷ Ibid., 548.

¹⁸⁸ Ibid., pp. 545-6, 551.

¹⁸⁹ Gentz, 'Über die politische Gleichheit', *Historisches Journal* (Jan. 1800), pp. 3-51; reprinted in *Schriften*, ed. Kronenbitter, vol. 5, pp. 553-602, at p. 566.

¹⁹⁰ Ibid., p. 554, italics in orig.

¹⁹¹ Ibid., p. 560.

V. Gentz, Burke, perpetual peace

Throughout the course of these constitutional debates – indeed, throughout the 1790s – Gentz was conspicuously silent on the question of foreign intervention against the French Republic. This silence was not born of indecision. When he first came across Burke's *Two Letters on a Regicide Peace* in 1796, he found himself in total agreement with Burke's case for a renewed war-effort against the Directory. 'Burke's recent work ... appeals to me more than any of his other writings on the French Revolution, the first one [i.e. the *Reflections*] not excepted', he told his friend Karl August Böttiger.¹⁹² Like Burke, Gentz saw the revolutionaries' ideology as a virus which, if allowed to persist in France, would spread across Europe, subverting the rule of law and the cause of *Aufklärung*. Because rational arguments were powerless in the face of these 'new evangelists' (as Burke called them), they had to be combatted through force of arms.¹⁹³

Yet despite his determined support for intervention, Gentz was unwilling to publicly attach his name to the arguments of *Regicide Peace*. This came as a surprise to his friends, who assumed that he would translate this work, just as he had Burke's *Reflections* and *Letter to a Noble Lord*.¹⁹⁴ Gentz was convinced that Prussian opinion was firmly behind the policy of neutrality, and doubted that *Regicide Peace* would do much to change this consensus. 'I already know that the whole world will judge this work differently from me', he explained to Böttiger:

Why should I unnecessarily expose this product, which I admire and revere with all the power of my soul, to their scorn and contempt? ... If I translated Burke's book, it would be impossible to restrain myself from praising it. This would only reinforce the absurd idea that I am an inveterate aristocrat, and would not win a single new admirer for Burke or a single new ally for me.¹⁹⁵

Gentz also had professional considerations to take into account. As one of Friedrich Wilhelm II's *Kriegsräte*, it would have been imprudent in the extreme to translate *Regicide Peace*. In it, Burke explicitly cited Prussia's policy of conciliation as an example of the sort of 'regicide peace' that he hoped Britain would avoid. 'This pretended Republick is founded in crimes, and exists by wrong and robbery', Burke had claimed. 'To be at peace with robbery is to be

¹⁹² Gentz to Böttiger, 21 Dec. 1796, in *Briefe*, vol., 1, pp. 223-5, at p. 224.

¹⁹³ Burke, *Reflections*, ed. Clark, p. 159.

¹⁹⁴ 'In a letter, you told Vieweg [i.e. Gentz's publisher] that you expect me to translate Burke's most recent text.... I will not.' See Gentz to Böttiger, 21 Dec. 1796, in *Briefe*, vol., 1, pp. 223-5, at p. 224. This decision disappointed Gentz's close friend Johannes von Müller, as well as Vieweg; see *ibid.*, vol. 1, p. 225, f. 1.

¹⁹⁵ Gentz to Böttiger, 21 Dec. 1796, in *Briefe*, vol. 1, pp. 224-5.

an accomplice with it.¹⁹⁶ Even more problematically, *Regicide Peace* had attacked Friedrich Wilhelm II's personal integrity, indicting him as a cynical Machiavellian whose greed had undermined the prospects for European peace.¹⁹⁷ As a member of the court, Gentz could not responsibly endorse such inflammatory accusations.

But Gentz had been reticent to endorse Burke's earlier, more circumspect arguments for intervention as well. In his edition of the *Reflections*, for instance, he simply sidestepped any discussion of the Revolution's geopolitical consequences, ignoring the early skirmishes between France and Prussia in the Rhineland, and between France and the Habsburgs in the Netherlands. As Europe descended into open warfare in 1793, Gentz continued to focus exclusively on the constitutional and philosophical questions raised by the Revolution. After the Peace of Basel in 1795, Gentz disappointed his peers' expectations – and indeed, the expectations of Kant himself – in choosing not to respond to *Zum Ewigen Frieden*.¹⁹⁸ In his translation of *Noble Lord*, he went out of his way to excise passages that broached the topic of intervention.¹⁹⁹

Gentz's silence on geopolitics was not only dictated by his circumstances: it was also borne of his conceptual inability to square his Burkean commitment to intervention with the ambitious vision of *Völkerrecht* that he took from Kant. Just as individuals in a state of nature have a moral duty to erect a sovereign to enforce the rule of law, Gentz believed that nations also have a duty to extricate themselves from their international state of anarchy, and to form a system of law in accordance with the demands of practical reason. In a letter to Garve from 1789, he explained the pre-revolutionary European state system in precisely these terms. While individual states had made tangible domestic progress over the eighteenth century, relations among states were still essentially lawless. In the absence of a generally recognized code of international law and a sovereign to enforce it, Europe's nations remained mired in a Hobbesian state of nature, where 'normative duties' were often eclipsed by the 'prerogatives of the powerful' (*Recht des Stärken*).²⁰⁰ But how to escape this anarchic situation? During

¹⁹⁶ *Two Letters Addressed to A Member of the Present Parliament, on the Proposals for Peace with the Regicide Directory of France By the Right Hon. Edmund Burke* (London: Rivington, 1796); in *W&S*, vol. 9, pt 1, pp. 187-296, at p. 253.

¹⁹⁷ *Ibid.*, pp. 214, 270 ('the cupidity of the King of Prussia').

¹⁹⁸ In 1795 Kiesewetter wrote to inform Kant that 'Gentz, Mallet du Pan's translator, seems to think that what you said against his hero [in *Zum ewigen Frieden*] could also be directed against him, and he has vigorously objected to it. He will perhaps write a response, just as he formerly responded to your essay in the *Berlinische Monatsschrift*': see Kiesewetter to Kant, 5 Nov. 1795, in *Kants Schriften*, vol. 12, pp. 46-49, at p. 47.

¹⁹⁹ See Gentz, *Burkes Rechtfertigung*, p. 122, where Gentz removed a passing reference to Grotius and 'the law of nations'. Cf. the review of Gentz, *Burkes Rechtfertigung*, in *Allgemeine Literaturzeitung* (26 June 1797): pp. 785-9, which noted this omission at p. 789.

²⁰⁰ Gentz to Garve, 24 Oct. 1789, in *Briefe*, vol. 2, pp. 146-53, at pp. 151-2.

Gentz's time in Königsberg, Kant had begun sketching his own vision of what a pacified international arena would entail – a vision that continued to captivate Gentz throughout the 1790s. In his essay on 'Allgemeine Geschichte in weltbürgerlichen Absicht' (1784), Kant claimed that all states had a duty to 'go beyond a lawless condition of savages and enter into a federation of nations, where every state [could] expect its security and rights not from its own might, or its own legal judgment, but only from ... a united might and from decisions in accordance with the laws of its united will'.²⁰¹ Among the *a priori* conditions under which states can unite their individual wills into a collective *volonte generale* – that is to say, among the normative demands of reason in the sphere of *Völkerrecht* – was the duty to pursue 'perpetual peace' among nations. A system of international law that allowed for extralegal military conflict was a contradiction in terms.

Kant returned to this story in *Zum ewigen Frieden*, pointing to the French Republic as the motive agent that could spark this process of international pacification. He welcomed the Peace of Basel because, if properly enforced, it could lay the foundation for a new republican axis of states, headed by France and Prussia, that could extricate Europe from the destructive wars of the eighteenth century:

For if good fortune should ordain that a powerful and enlightened people can form itself into a republic (which by its nature must be inclined to perpetual peace), this would provide a focal point of federative union for other states, to attach themselves to it and so to secure a condition of freedom of states conformable with the idea of the right of nations; and by further alliances of this kind, it would gradually extend further and further.²⁰²

Kant contrasted the moral ideals of this alliance with what he considered to be the immoral consequences of the *ius gentium* tradition, which had governed international relations over the eighteenth century.²⁰³ In theory, this tradition was sought to prohibit wars of aggression, and forbid states from interfering in their neighbor's internal affairs. But in practice, Kant argued, *ius gentium* had accomplished the opposite: it gave statesmen an arsenal of legal excuses with which to rationalize putatively 'defensive' wars. This tradition is 'always duly cited in *justification* of an offensive war', he complained, and yet 'there is no instance of a state ever having been moved to desist from its plan by [the] arguments ... of such eminent men'. Without a 'common external constraint' to compel obedience, the norms of the *ius*

²⁰¹ Kant, 'Idee zu einer allgemeine Geschichte in weltbürgerlichen Absicht' (1784); in *Kants Schriften*, vol. 8, pp. 15-31, at p. 24. I have adapted Robert Louden and Günter Zöllner's translation of this text in *The Works of Immanuel Kant: Anthropology, History, Education* (Cambridge: Cambridge University Press, 2007), pp. 107-120.

²⁰² Kant, *Zum ewigen Frieden*, in *Kants Schriften*, vol. 8, p. 356.

²⁰³ On the *ius gentium*, see Richard Tuck, *The Rights of War and Peace: Political Thought and the International Order from Grotius to Kant* (Oxford: Oxford University Press, 2001), pp. 166-96.

gentium could not have ‘the slightest *lawful* force’. This made ‘Hugo Grotius, Pufendorf, Vattel, and the like’ little more than ‘sorry comforters’ *«leidige Tröster»*.²⁰⁴ What was needed, according to Kant, was a federation of republics that could function as an *ersatz* international sovereign, delineating principles of right and compelling member-states to submit to them.²⁰⁵

This argument pushed Gentz in a difficult position. With Kant, he believed that the creation of a just international order was a demand of practical reason. But he also believed that without Prussian intervention, the Second Coalition would almost certainly be defeated, and with disastrous consequences for the rule of law across Europe. When he turned to *Regicide Peace*, he found little that could help him reconcile these seemingly contradictory commitments.²⁰⁶ The legal rationale that Burke relied on to justify intervention was rooted in the customary ‘law of vicinage’. A holdover from Roman property law, this norm constricted the right to property-ownership in deference to the exigencies of the community *«vicinia»*. At its heart was the principle that ‘no *innovation* is permitted that may redound ... to the prejudice of a neighbour.’²⁰⁷ Reasoning in the style of ‘publick jurists’ who ‘form the law of nations from the principles of law which prevail in civil community’, Burke explained that the British state had ‘not only a right, but an indispensable duty, and an exigent interest, to denunciate this new work [in France] before it had produced the danger we have so sorely felt, and which we shall long feel’.²⁰⁸ Since this right could not be taken before a civil judge, it had to be defended through unilateral force. ‘What in civil society is a ground of action, in politick society is a ground of war’, he wrote. ‘When all these circumstances combine ... the duty of the vicinity calls for the exercise of it’s competence; and the rules of prudence do not restrain, but demand it.’²⁰⁹

From Gentz’s perspective, the argument of *Regicide Peace* was doubly problematic. Not only had Burke reproduced precisely the sort of ‘moral’ case for violence that Kant had

²⁰⁴ Kant, *Zum ewigen Freiden*, in *Kants Schriften*, vol. 8, p. 355, italics in orig. Kant’s memorable phrase was taken from the Luther Bible: cf. Job 16:2. For his ‘realist’ critique of Vattel, cf. Tuck, *War and Peace*, pp. 197-225.

²⁰⁵ ‘A state of peace among men living together, ... even if it does not involve active hostilities, ... involves a constant threat of their breaking out. Thus the state of peace must be formally *established*, for a suspension of hostilities is not in itself a guarantee of peace’: see *ibid.*, pp. 348-9, trans. mine, italics in orig. On Kant and the *ius gentium*, cf. Ian Hunter, ‘Kant and Vattel in Context: Cosmopolitan Philosophy and Diplomatic Casuistry’, *History of European Ideas*, vol. 39, no. 4 (2013): pp. 477-502.

²⁰⁶ On the logic of *Regicide Peace*, cf. Bourke, *Empire and Revolution*, pp. 899-918; Ian Hampshire-Monk, ‘Burke’s Counter-Revolutionary Writings’, in *The Cambridge Companion to Edmund Burke*, ed. David Dwan and Christopher Insole (Cambridge: Cambridge University Press, 2012), pp. 209-220, esp. pp. 215-19.

²⁰⁷ Burke, *Regicide Peace*, in *W&S*, vol. 9, pt. 1, p. (London: Rivington, 1796), p. 250.

²⁰⁸ *Ibid.*, pp. 250, 252.

²⁰⁹ *Ibid.*, p. 251.

criticized in *Zum ewigen Frieden*, he did so on the authority of a *prescriptive* legal tradition. Unlike the progenitors of the *ius gentium*, who at least tried to formulate their principles in universalizeable terms, *Regicide Peace* appealed to the historical particularities of Roman law. As Gentz recognized, much to his frustration, Burke's was an anti-foundationalist case for war.

* * *

Burke died in the summer of 1797. Shortly afterwards, his executors collected and published a series of private memoranda that he had written in the Revolution's early years, which they entitled Burke's *Three Memorials on French Affairs*.²¹⁰ As Ian Hampshire-Monk has argued, the case for intervention in *Three Memorials* differed materially from that of *Regicide Peace*.²¹¹ Whereas Burke's latter arguments were grounded in the law of vicinage, these early works hewed more closely to the established *ius gentium*. For Burke, this move was tactical. While Vattel and Grotius admitted the right of one nation to intervene in a neighboring civil war, they denied that one state had a right to resolve constitutional disputes in another. By 1796, Burke realized that his initial appeal to these authorities undermined his argument for a restoration of the Bourbon monarchy. As he rearticulated his case for intervention in *Regicide Peace*, he jettisoned (in Hampshire-Monk's words) 'the dangerous abstractions inherent in natural law theory'.²¹²

To German audiences, the 'natural law theory' of Burke's *Three Memorials* proved quite interesting. Soon after this work arrived in Germany in 1797, the erstwhile republican (and critic of Göchhausen) J.G. Archenholz informed the readers of his *Minerva* that, while *Regicide Peace* was no more than partisan invective, Burke's arguments in *Three Memorials* were compelling, and needed to be taken seriously:

In September, two friends of the recently-deceased Burke (who, despite all his flaws and eccentricities, was truly a great man) collected and published three memoranda by this famous orator. These recently-discovered works are of interest for their deep insight into statecraft, and for their sharp observations about the momentous events of those days before Burke became a partisan

²¹⁰ Burke, *Three Memorials on French Affairs*, ed. Dr. Laurence and Dr. King (London: Rivington, 1797); reprinted in *W&S*, vol. 8, pp. 338-402, 452-99. Burke's memoranda were entitled *Thoughts on French Affairs* (Dec. 1791), *Heads for Consideration on the Present State of Affairs* (Nov. 1792), and *Remarks on the Policy of the Allies with Respect to France* (Oct. 1793). Also included were his incomplete *Hints for a Memorial to be Delivered to Monsieur de M.M.* (early 1791). Cf. Bourke, *Empire and Revolution*, pp. 800-809.

²¹¹ Ian Hampshire-Monk, 'Edmund Burke's Changing Justification for Intervention', *The Historical Journal*, vol. 48, no. 1 (Mar., 2005): pp. 65-100. Hampshire-Monk may exaggerate the difference between Burke's earlier and later arguments for intervention, but he is certainly correct in noting that *Regicide Peace* invoked the *ius gentium* less explicitly than Burke's memoranda from the early 1790s.

²¹² *Ibid.*, 97.

enthusiast.²¹³

Archenholz announced that he had commissioned a German translation of this work, which would appear serially in future issues of his journal. Translated by the Hanoverian historian Johann Joachim Eschenburg ('a famous scholar who does not want to be named'), the first installment appeared in November 1797.²¹⁴ As this column began to monopolize the pages of the *Minerva*, however, Archenholz decided that his journal was the wrong format for such a work, and arranged for Eschenburg's translation of *Three Memorials* to instead be published by his friend, the printer Benjamin Gottlob Hoffman.²¹⁵

In late 1797, Archenholz mailed Eschenburg's translation to Gentz, and asked him to review the text for the *Minerva*.²¹⁶ Gentz enthusiastically agreed. 'To every man who is not indifferent to the greatest issue of our time', he wrote in his review, 'this work offers a source of reflection that cannot be read without real satisfaction'. Unlike *Regicide Peace*, Burke's early foreign policy memoranda were 'composed with a calmness, a serenity, and indeed I want to say an intellectual sobriety that only seldom characterizes his later writings.'²¹⁷ In a sober, juridical tone, Burke had laid out a well-reasoned case for intervention which, some five years after it was written, still offered 'most essential guidance' on the policy questions that confronted Europe.²¹⁸ Burke's *Three Memorials* were composed in 'three specific, very different circumstances', Gentz explained to the *Minerva*'s readers, and should be studied independently of each other. The last – written in 'the horrible year of 1793' – was certain to provoke hostility in Germany. 'What will be offensive to some readers of this memorial is the decisive tone with which the author speaks of the possibility of restoring the monarchical regime, in a time in which a more cautious observer could already see the unbridgeable gap

²¹³ Archenholz, review of Burke, *Three Memorials*, in *Minerva* (Sept. 1797): pp. 561-2. Cf. idem., review of Burke, *Regicide Peace*, French trans. by Jean-Gabriel Peltier, in *Minerva* (Nov. 1796): pp. 383-4, where he provided notice of a new translation of 'the 'infamous letters of Burke on the peace, [which] have aroused here [in Germany] such strife'.

²¹⁴ Burke, 'Drey Memoriale über französische Angelegenheiten', *Minerva* (Nov., Dec. 1797): pp. 193-285, 409-61, at 193-4.

²¹⁵ *Ueber den neuern politischen Zustand und die Verhältnisse der europäischen Staaten besonders Frankreichs seit der Revolution, aus den hinterlassenen Papieren des englischen Parlamentsredners Burke*, [trans. Johann Joachim Eschenburg] (Hamburg: Benjamin Gottlob Hoffman, 1798). Cf. also the rival edition produced in Prussian Silesia: *Edmund Burke's hinterlassene Schriften, erster Theil, enthaltend drei Memoriale über französische Angelegenheiten*, trans. Johann Gotthold Tralles (Hirschberg, Silesia: Wolfgang Pittschiller, 1798). According to the *Allgemeine Literaturzeitung*, Eschenburg's translation was far better than Tralles's: see *ibid.*, (9 Feb. 1799): pp. 369-75.

²¹⁶ In so doing, Archenholz seems to have betrayed Eschenburg as the work's anonymous translator: see Gentz, *Historisches Journal* (Mar. 1799), which attributed it to a certain 'Hofrat E-g' (p. 395). Archenholz and Gentz had been corresponding regularly since the mid-1790s: see Cahen, *Pensée politique de Gentz*, pp. 143-4.

²¹⁷ Gentz, review of Burke, *Ueber den neuern politischen Zustand ...*, *Minerva* (Jan. 1798): pp. 5-10, at p. 9.

²¹⁸ *Ibid.*, p. 10.

between France's current situation and this possibility [of restoration].²¹⁹ The second, written in the wake of the Brunswick Manifesto, would also likely prove controversial, since Burke's aim in 1792 had been the reinstatement of the émigré nobility's privileges.

'By far the most important section of this work', and the most relevant to Gentz's situation in 1798, was Burke's first memorandum: his *Thoughts on French Affairs* (1791).²²⁰ Whereas the case for intervention in *Regicide Peace* was articulated vis-à-vis the customary laws of vicinage, the argument of *French Affairs* was grounded in the natural law theory of the *ius gentium*. If European nations were akin individuals in a pre-political state of nature, Burke had argued, then these states had a natural Hobbesian right to self-preservation. This right to self-defense logically entailed a right to prevent the consequences of France's civil war from spilling across the Channel. 'In this state of things (that is in the case of a divided kingdom) by the law of nations, Great Britain, like every other power, is free to take on any part she pleases'.²²¹ Since a restoration to stable government in France was a reason of state, other states could justly intervene, if prudence required it.²²² Summarizing Burke's argument, Gentz explained that this right to self-preservation 'gave every European state not only a right but a duty to take notice of the inner transformations of that country' and guard itself against 'the inevitable consequences of the system that the Revolution deployed.'²²³ Considered retrospectively, Burke's case for intervention was even stronger. 'What this author told us seven years ago about the political conditions of *Germany, Italy, Switzerland, Spain, England, etc.*, has been fulfilled almost word for word, to a degree that approaches the art of prophecy.'²²⁴

Throughout *French Affairs*, Burke had repeatedly invoked the authority of Vattel's *Droit des Gens* (1758).²²⁵ Further stressing the text's centrality to his argument, his executors appended to *Three Memorials* excerpts of Burke's own translations of the *Droit des Gens*, as well as his private notes on Vattel's arguments. For instance, under the heading 'Cases of Interference with Domestic Powers' (Burke's title, not Vattel's), they included the following:

If then there is any where a Nation of *a restless and mischievous* disposition, always ready to *injure others, to traverse their designs, and to raise domestic troubles*, it is not to be doubted that all have a right to join *in order to repress*,

²¹⁹ Ibid., pp. 5, 6-7. Cf. Gentz, *Über den Ursprung und Charakter des Krieges gegen die Französische Revolution* (Berlin: Fröhlich, 1801), pp. 322-4, where he explicitly renounces Burke's argument for a restoration of the Bourbon monarchy in *Remarks on the Policy of the Allies*.

²²⁰ Ibid., p. 8.

²²¹ Burke, *Thoughts on French Affairs*, in *W&S*, vol. 8, pp. 338-86, at p. 340. He added a note to this paragraph: 'see Vattel, b. ii. c. 4. sect. 56 and b. ii. c. 18. sect 296.'

²²² Cf. Burke, *Heads for Consideration...*, in *ibid.*, vol. 8, pp. 386-402.

²²³ Gentz, review of Burke, *Ueber den neuern politischen Zustand...*, p. 8.

²²⁴ Ibid., p. 9, italics in orig.

²²⁵ See Burke, *W&S*, vol. 8, pp. 340, 474.

*chastise, and put it ever after out of its power to injure them. ... If, by constant maxims, and by a continued conduct, one Nation shews that it has evidently this pernicious disposition, and that it considers no right as sacred, the safety of the human Race requires that it should be suppressed. To form and support and unjust pretension, is to do an injury not only to him who is interested in this pretension, but to mock at justice in general, and to injure all nations.*²²⁶

In his commentary on this passage, Burke had made clear that ‘this is the case of France’.

Because the revolutionaries ‘acknowledge no power not directly emanating from the people’ they qualified as a predatory nation, one that pursued a policy of ‘*despising and violating the rights of others*’.²²⁷ But what Gentz found truly revelatory in *French Affairs* was Burke’s unexpected strategy for *enforcing* the rights of nations. The policy of intervention forwarded in *Regicide Peace* was essentially unilateral: Burke had called for Britain alone to restore the Bourbon regime. But his notes on Vattel suggested a different approach. The *Droit des Gens* depicted eighteenth-century Europe as a federation of nations, a corporate whole capable of collective political action. Under the title ‘System of Europe,’ *Three Memorials* quoted Vattel on this point:

Europe forms a political system, a body, where the whole is connected by the relations and different interests of Nations inhabiting this part of the world. It is not, as anciently, a confused heap of detached pieces, each of which thought itself very little concerned in the fate of others.... The continual attention of Sovereigns to what is on the carpet, the constant residence of ministers, and the *perpetual negociations, make Europe a kind of a Republick, the members of which, though independent, unite, through the ties of common interest, for the maintenance of order and liberty.*²²⁸

If Europe were in fact *already* united under a rudimentary system of law, then intervention against France was not a separate obligation for each state individually, but rather a moral imperative that needed to be undertaken by this collective ‘Republick’.

To Gentz, this vision presented a potential way to resolve the tension between his commitment to Kantian *Völkerrecht* and his anxieties about France’s policy of expansion. *Zum ewigen Frieden* had called for the creation of a new federation, headed by France and Prussia, that could institute and enforce an international rule of law. Drawing on Vattel, Burke suggested that such a federative system existed *before* the Revolution. Since the revolutionaries had repeatedly and flagrantly violated the norms of international law, the other members of this ‘Republick’ had a collective duty to punish their malfeasance through military force. Gentz knew, of course, Kant had rejected this sort of means-ends reasoning in *Zum ewigen Frieden*, and that Vattel was among the theorists that he had dismissed as ‘sorry

²²⁶ Burke, *Three Memorials* (1797), pp. 201-202, italics in orig.; his translation is from Vattel, *Droits des Gens* (1758), bk. 2, ch. 4, §53, 70. These appendices are not included in Burke, *W&S*, vol. 8.

²²⁷ *Ibid.*, italics in orig.

²²⁸ *Ibid.*, p. 207, italics in orig.; his translation is from Vattel, *Droit des Gens* (1758), bk. 3, ch. 3, §47.

comforters'. But this did not deter Gentz.²²⁹ For as he saw, the Vattelian argument of *Three Memorials* was an isomorphism of *Zum Ewigen Frieden*: in principle, the comfort that Burke offered was no sorrier than Kant's. In 1795, Kant's essay amounted to a defense of France's policy of expansionism, on the grounds that by spreading republicanism across Europe, it would eventually furnish the conditions for a perpetual peace. Burke, by contrast, saw the Coalition as the most promising vehicle for Europe to escape its current state of war. The relevant difference between them was not a question of right, but one of prudence. To justify Prussian reentry into the Coalition, Gentz needed to show that it was Burke's strategy, not Kant's, that offered the best path towards the realization of Kant's cosmopolitan ideals. Two years later, when the political winds in Berlin shifted in his favor, he attempted just that.

* * *

In June 1799, Sieyès was recalled as France's ambassador to Berlin. Gentz took his departure as a sign that the political winds might be shifting in his favor. 'The departure of Sieyès from the present crisis offers a situation that is very favorable to the advocates of strong measures', he wrote excitedly to Mallet du Pan:

On the one hand, it delivers us from an unwelcome observer; on the other hand, it ensures that this proud, spiteful man ... will no longer be Prussia's secret enemy [in Berlin]. In the mind of the king, it will perhaps lead to a conviction that there is no salvation outside the common cause, and to the suspicion that a victorious Directory might one day punish our neutrality, just as a victorious Coalition might punish our inaction.²³⁰

With one of the mainstays of the Prussian court's Francophile axis removed, Gentz believed that Prussian entry into the Second Coalition was now more plausible than at any time since the Peace of Basel. What is more, the Coalition's successive defeats at Zürich (September 1799) and in the Italian Piedmont (June 1800) gave the question of intervention new urgency. By 1800, Britain's navy was the only effective check against complete French hegemony in Europe. Gentz believed that unless Prussia chose to reconfigure the geopolitical landscape, permanent French control of Europe was inevitable.

This was the context in which, in December 1800, Gentz chose to finally respond to Kant's *Zum ewigen Frieden*, and to submit his own contribution to the debate over perpetual peace. Since 1795, most of the contributions to this debate had come from republican writers

²²⁹ In 1802, Gentz claimed that his thinking on international relations stood in the tradition 'of Grotius, Pufendorf, Bynkershoek, Vattel, etc. and other writers of reasonable times': see Gentz to Herries, 10 Nov. 1802, in *Briefe*, vol. 1, pp. 334-8, at p. 337. John Charles Herries was the English translator of Gentz's *Von dem politischen Zustand von Europa vor und nach der französischen Revolution* (Berlin: Fröhlich, 1801).

²³⁰ Gentz to Mallet du Pan, 25 May 1799, in *Briefe*, vol. 1, pp. 331-4, at p. 333. I am grateful to David Lamoreaux for his help in translating this letter.

who shared Kant's admiration for the Revolution, and who cheered France's military victories as the first, tentative steps out of the eighteenth century's pathologically corrupt state-system.²³¹ In this context, what was perhaps most striking about Gentz's essay, 'Ueber den ewigen Frieden', was its direct endorsement of the moral vision at the heart of this deeply republican discourse.²³² He began by unambiguously agreeing with Kant that

... perpetual peace – or more precisely, that just relationship between states *«völker-rechtlichen Verfassung»* which is the basis of perpetual peace – is not the arbitrary invention of a poetic or daydreaming imagination. It is rather a serious, deep and overwhelmingly great idea; it is our foreordained duty; it is a demand of reason, a necessary result of the progressive development of our concepts of justice and order and morality.²³³

Those conservative critics who dismissed the ideal of peace as a 'well-meaning enthusiasm' *«gutmüthige Schwärmerei»* had misjudged its philosophical force.²³⁴ In the same way that reason demands that individuals escape from their domestic state of nature, the universal norms of international right stood in condemnation of Europe's current state of 'international ... anarchy,' where 'military force remains the ... final arbiter of every international dispute.'²³⁵ Closely hewing to the logic of Kant's earlier analysis, he explained that in order to exit this state of nature, Europe needed to establish a system of international law that was competent to define state's mutual obligations to one another, and to install a sovereign power to enforce it:

There cannot exist an entirely rightful community of independent political societies for as long as there is no common ... lawgiver to define their rightful relation [to one another], no supreme court to decide disagreements according to the dictates of this lawgiver, and no ultimate executive power to enforce the decisions of this court, and to give weight to them.

Like Kant, Gentz also believed that pre-revolutionary Europe's *ad hoc* regime of treaty alliances was incapable of solving this problem. 'Treaties only address the demands of the moment; they cannot anticipate the distant conjunctures of the future, or the sources of conflict that lie buried deep in this future.'²³⁶

Gentz departed from his republican interlocutors, however, in rejecting the claim that

²³¹ Friedrich Schlegel, 'Versuch über den Begriff des Republikanismus veranlasst durch die Kantische Schrift zum ewigen Frieden', *Deutschland*, vol. 3, pt. 7, no. 2 (1796): pp. 10-41; reprinted in *Kritische Friedrich-Schlegel-Ausgabe*, ed. Ernst Behler et al., 35 vols. (Munich: Schöningh, 1958–2002), vol. 7, pp. 11-25. J.G. Fichte, *Der Geschlossene Handelstaat* (Tübingen: Cotta, 1800). For discussion, cf. Nakhimovsky, *Closed Commercial State*; Maliks, *Kant in Context*, pp. 144-67.

²³² Gentz, 'Ueber den ewigen Frieden', *Historisches Journal* (Dec. 1800), pp. 711-790; reprinted in *Schriften*, ed. Kronenbitter, vol. 5, pp. 603-82. For discussion, cf. Nakhimovsky, *Closed Commercial State*, pp. 92-8.

²³³ *Ibid.*, in *Schriften*, ed. Kronenbitter, vol. 5, p. 605.

²³⁴ *Ibid.*, p. 608.

²³⁵ *Ibid.*, pp. 606-7.

²³⁶ *Ibid.*, p. 606.

reason could furnish the practical *means* for arriving at this normative ideal. Just as Sieyès's constitutionalism confused the state's idea and form, republican theorists of perpetual peace had conflated morality and politics. Only the dictates of reason could describe what a just international system *should* look like; but to realize this vision in practice, the sort of abstract, technical schema that Kant and his allies had produced were completely unhelpful. In theory, Gentz explained, three discrete solutions to the problem of international rivalry immediately presented themselves *a priori* – the 'complete unification of all nations' into a single world-state, making conflict between them impossible; the 'absolute segregation' of all states into isolated, hermetically-sealed societies; or an international federation that united all states under a common rule of law and an agreed system of arbitration.²³⁷ Taking each of these in turn, he argued that they were all intrinsically self-defeating. The upshot of this critique was that, because political theory was impotent to solve the riddle of perpetual peace, statesmen needed to turn to a less theoretical, more-empirically grounded strategy for pacifying Europe.

Gentz first took aim at contemporary proposals for a 'universal monarchy' in Europe. If the main problem with the European state-system was that it lacked a sovereign, then the most obvious solution was to create a continental super-state. Whatever elegance this plan had in theory, Gentz argued that it would be disastrous in practice. Since any effort to create a European super-state was certain to meet armed resistance, it could only be realized through a protracted campaign of military conquest. 'Any attempt to realize this vision would produce more suffering than the all the wars that it seeks to end.'²³⁸ But more fundamentally, this plan rested on a misapprehension of the nature of the state itself. When the centralized administrative states of modern Europe were formed in the seventeenth century, they were only able to achieve peace internally by sublimating their subjects' sectarian passions and proclivity for violence up into the state itself, projecting these warring passions outwards against their neighbors.²³⁹ If, *per impossibile*, a single state were able to conquer all of Europe, the original violence of the state of nature would simply begin to manifest itself *within* this state. National uprisings, religious conflicts and civil wars would ultimately lead this universal monarchy to 'collapse under its own weight'.²⁴⁰ The only way to arrest civil discord would be for the sovereign to resort to despotic forms of population control. 'Every expression of sovereign power would appear as an intolerable tyranny, while every relaxation of this power would bring limitless chaos; between slavery and salvation there would be no

²³⁷ Ibid., p. 611.

²³⁸ Ibid., p. 614.

²³⁹ Gentz celebrated England as the first nation to escape 'the anarchy of its feudal constitution [which was] tearing apart the insides of this great kingdom': *ibid.*, p. 621.

²⁴⁰ Ibid., p. 619.

middle point.²⁴¹ This millenarian vision of a Napoleonic world-state, Gentz insisted, was no more than another iteration of the ancient dream of *pax romana* – an ideal which, however seductive in theory, had repeatedly proven impossible to realize.

Just as incoherent, according to Gentz, was the idea of a Europe of isolated, autarkic states – a proposal that Fichte had controversially defended in his *Geschlossene Handelstaat* (1800), which appeared a few months before Gentz's essay.²⁴² Fichte's intuition was that, in a Europe of self-sufficient nation-states, the commercial and territorial rivalries that traditionally provoked conflict would be eliminated. His book laid out a strategy for 'closing' of the modern state-system – including, most controversially, the claim that Europe's large states needed to expand to their 'natural borders' through military force, so that their national markets would be diverse enough to be self-sustaining. The result of this process, according to Fichte, would be a Europe of autonomous, self-contained republics, peaceably coexisting alongside one another. Gentz found this vision grotesque. Such an abrupt termination of international commerce would fatally stunt the progress of Enlightenment, consigning men to 'an eternal childhood' and thwarting the development of their 'Humanität'.²⁴³ 'An insatiable drive pulls nations together,' he wrote. 'In its fulfillment lies the whole secret of modern civilization <Kultur> and of our cosmopolitan education <Erziehung>.'²⁴⁴ Fichte's 'breathhtaking experiment' would lead not to sufficient, self-governing republics but to impoverished, dystopian societies of Asiatic despotism.²⁴⁵ What is more, Gentz saw his theory of 'natural borders' as no more than a justification for statesmen to enlarge their states to whatever limits *they* deemed natural.²⁴⁶ This principle, Gentz explained, 'is the international-law analogue to the private-law theory of the equal distribution of goods – a maxim rooted in selfish envy, cloaked in respectability by the sophists of our day.'²⁴⁷ Fichte had not solved the dilemma of perpetual peace: he had 'cut the knot, rather than untying it.'²⁴⁸

²⁴¹ Ibid., p. 617.

²⁴² J.G. Fichte, *Der geschlossene Handelsstaat, ein philosophischer Entwurf als Anhang zur Rechtslehre, und Probe einer künftig zu liefernden Politik* (Tübingen: Cotta, 1800).

²⁴³ Gentz, 'Ueber den ewigen Frieden', in *Schriften*, ed. Kronenbitter, vol. 5, pp. 642, 640.

²⁴⁴ Ibid., pp. 642-3.

²⁴⁵ Ibid., p. 640.

²⁴⁶ Gentz cited K.L. von Haller on this point: 'There are perhaps observable natural conditions ... which serve as borders; but none that can cut off all human interaction, prevent all conflicts, or make all the principles and observances of international law superfluous. ... To want natural borders unconditionally, is to want no borders at all.' See *ibid.*, pp. 636-7; cf. K.L. von Haller, *Krieg oder Frieden mit den Franzosen: Nebst einigen Betrachtungen über die letzten vermuthlichen Friedens-Präliminarien* ([Nürnberg], 1800), pp. 40-42.

²⁴⁷ Gentz, 'Ueber den ewigen Frieden', in *Schriften*, ed. Kronenbitter, vol. 5, p. 635, italics removed from orig.

²⁴⁸ Ibid., p. 613.

The third and final strategy for pacification lay in Kant's proposal for a federation of republics, an idea with a deep pedigree stretching back to the Abbé St Pierre. Though Kant was vague about the specifics of his proposal, his basic premise was that Europe's nations should install a system of international law, and submit themselves to a binding mechanism for resolving legal conflicts peaceably.²⁴⁹ This process of arbitration could take many forms: this federation could install judges to hear cases, it could put disputes to a majority vote of member-states, or it could erect a 'permanent congress' of delegates to govern on its behalf. But as Kant had pointed out, the real political problem was not making these juridical decisions, but *enforcing* them. 'As long as such a constitution is based upon the mere *will* of its members,' Gentz wrote, 'it is a house built on sand.' Without a powerful sovereign at the head of this federation, the member-states' collective will would have no legal force. But this quickly led to a dilemma:

It is implausible to think that every state will always submit dutifully to the decisions of the highest court; and so just as violence must often be employed to bring about justice within the state, so too in international legal disputes it would often be necessary to use coercive rulings to enforce the court's decisions (perhaps even more frequently than in private relations). But to take coercive measures against a *state*, is nothing other than a *war*.²⁵⁰

On the one hand, it was naïve to depend on the federation's individual states to enforce the rule of law. Without a sovereign *above* the federation, it would quickly become a weapon in the hands of the most powerful member-states, just as the Holy Roman Empire had become a *de facto* tool of Austrian policy in the seventeenth century. Yet on the other hand, to install a sovereign above the federation would be to court disaster. Insofar as he was strong enough to enforce the rule of law, he would be strong enough to make himself into a universal monarch. He would either be too weak to rule effectively, or else too strong to allow this federation to exist long. In either case, Kant's federation would collapse into violence.

In Gentz's view, the fundamental error that each of these three strategies shared was that they followed Kant in supposing that the moral ideal of perpetual peace demanded the abolition of reason of state. Across the eighteenth century, Kant had argued, this immoral logic had allowed selfish statesmen to rationalize war as an unavoidable feature of modern politics. The error of the *ius gentium* theorists, in his view, was that they had tried to *tame* reason of state, promulgating international norms that aimed at softening interstate relations. In so doing, they failed to address the fundamental dynamics that brought about wars in the

²⁴⁹ For a creative interpretation of Kant's federalism vis-à-vis his theoretical philosophy, see Adam Lebovitz, 'The Battlefield of Metaphysics: *Perpetual Peace* Revisited', *Modern Intellectual History*, vol. 13, no. 2 (Aug. 2016): pp. 327-55.

²⁵⁰ *Ibid.*, pp. 658-9.

first instance. By contrast, the legal institutions that Kant and his allies had theorized were designed to banish competition from interstate relations. For Gentz, however, it was facile to suppose that formal constitutional mechanisms could fundamentally eradicate a fundamental aspect of human nature – namely, man’s unsociable drive towards competition. For as long as there are states, there exists the possibility that statesmen will act selfishly, in their own interests, rather than in the interest of justice. Because human beings are rational, we are capable of moral reflection and self-discipline; yet like all animals, we are also ruled by selfish instincts and base passions. In politics, Kant had argued, this tension is manifest in our ‘unsocial sociability’ *«ungesellige Geselligkeit»*, our paradoxical inclination towards conflict and cooperation with our peers.²⁵¹ According to Gentz, Kant failed to see the implications of this claim for his own vision of *Völkerrecht*. ‘Even if the human race could achieve the most rightful possible constitution,’ he wrote, ‘one that encompassed all of its members, even then, that propensity towards hostility that lies buried within our tumultuous passions would constantly threaten order. There will always be a tension between the laws of reason, which demand peace, and the laws of our raw nature, which compel us to war.’²⁵² Because we are stuck with reason of state, perpetual peace – though a solemn moral obligation – will always remain just beyond our reach.

Given the intractability of human competitiveness, Gentz argued, the best that we can achieve practically is *provisional* peace. What was needed was a sober-minded strategy that did not banish, but rather *harnessed*, the logic of reason of state, reorienting it away from its currently-disordered state into an engine of moral progress. In this vein, Gentz argued for the creation of a federation that was governed by a relative balance of power *«Gleichgewicht»* among its leading states, such that no one member state was strong enough to subvert the federation to its own purposes, but that collectively, it was strong enough to discourage wars of aggression.²⁵³ Constructing *this* sort of federation was impossible in abstraction. Rather, to effectively calibrate the incentives of each member-state, one needed a thorough empirical understanding of their respective military power, economic productivity, geographic position, diplomatic vulnerabilities, constitutional structures, and national characters. In a system that balanced each member’s strengths and weaknesses against the others’, each state would have an interest – a reason of state – to remain under the juridical authority of the confederation, rather than ignoring its judgments and risking reprisal. What was accomplished in domestic

²⁵¹ Kant, ‘Allgemeine Geschichte’, in *Kants Schriften*, vol. 8, p. 20.

²⁵² Gentz, ‘Ueber den ewigen Frieden’, in *Schriften*, ed. Kronenbitter, vol. 5, pp. 663-4.

²⁵³ On this vision’s indebtedness to Vattel, cf. Isaac Nakhimovsky, ‘Vattel’s Theory of the International Order: Commerce and the Balance of Power in the *Law of Nations*’, *History of European Ideas*, vol. 33, no. 2 (2007): pp. 157-73.

law through a unitary sovereignty, in other words, could be accomplished in international law through the dynamics of political rivalry. If such a balanced federation were constructed, Gentz argued, and if its leaders agreed on a minimalist vision of international right, then an *ersatz* approximation of Kant's federative vision might in fact be feasible:

Over the past century-and-a-half, this approximation ... has come to be known as a *political balance of power*. ... Statesmen have concluded that if one keeps one's neighbor from gaining an undue advantage over one's own state, through suitable treaties, skillful negotiations and, if needed, through force, ... the peace and security of everyone is necessarily and noticeably improved. ... These statesmen wanted to make war, if not absolutely impossible, then improbable, making its allure less compelling than its risks, and thus to achieve through fear and self-interest that rightful, moral relation among states which could not be erected by a sovereign. Through *separate confederations* they sought to accomplish what the Abbe Saint Pierre hoped to achieve with a *single confederation*.²⁵⁴

As Gentz doubtless knew, Kant was skeptical of such proposals. In 'Theorie und Praxis, he had dismissed the 'so-called European *balance of power*' as a 'pure illusion' that had been wholly ineffective in reducing incidents of war in the eighteenth century.²⁵⁵ But in Gentz's view, the republican vision of peace that Kant championed was even *less* likely to succeed. Five years on from the Peace of Basel, France's strategy of republicanizing Europe through force had not shown any evidence that it was altering statesmen's calculations of their own self-interest. Rather than triggering the sort of revolution in international relations that Kant envisioned, it had only produced further violence.

To his peers, the anti-republican implications of Gentz's call for *Gleichgewicht* would have been unmistakable. In 1800, the only way for statesmen to balance the European state-system was by resisting France's hegemony. In 'Ueber den ewigen Frieden', Gentz broached the possibility of a Prussia's reentry into the Coalition *en passant*. But even this oblique suggestion was enough to incite enormous controversy:

Since it is almost certain that France will not return to its former borders, another system must now be the fixed goal of our statecraft – even if ... this policy ... can only be created through violence. I believe that in Europe's current state of affairs, there is only one [nation] that holds out the calming prospect of peace and security. I cannot and will not say [its name] here: but it is so clear and evident from the nature of our current political relations ... that it will be immediately obvious to every well-informed reader.²⁵⁶

Gentz did not offer a legal defense of this policy in 1800. But one year later, in a long work on the *Ursprung und Charakter des Krieges gegen die Französische Revolution* (1801), he

²⁵⁴ Gentz, 'Ueber den ewigen Frieden', in *Schriften*, ed. Kronenbitter, vol. 5, p. 667.

²⁵⁵ Kant, 'Theorie und Praxis', in *Kants Schriften*, vol. 8, p. 312.

²⁵⁶ Gentz, 'Ueber den ewigen Frieden,' in *Schriften*, ed. Kronenbitter, vol. 5, p. 631.

insisted that Prussian intervention could be justified on Kantian grounds, deduced from ‘the general idea of a just community of independent moral persons.’²⁵⁷ It was in this later work that Burke’s influence on Gentz’s international relations thinking came through most clearly. Arguing from the same premises as Burke’s *Three Memorials*, he argued that, as a general rule, the international community cannot violate the sovereignty of nation-states, in the same way that a sovereign cannot rightfully infringe upon the autonomy of his subjects. Yet there were exceptions to this norm. Pointing to ‘those laws limiting [personal autonomy] which are known under the name of general police laws *⟨Polizei-Gesetze⟩*’, he explained that the state can rightfully ‘constrict the property rights of the individual citizen so that his own rights are made compatible with the preservation of the whole.’²⁵⁸ Though the right to property was inviolable, just like the principle of state sovereignty, it had to be circumscribed in practice such that civil order – and with it, the institution of property itself – could be preserved. In a similar way, the international community had a right to set limits on the exercise of state sovereignty. Gentz was quick to insist that intervention was not allowable in the case of every domestic revolution. If France had just set out to correct ‘defects in its constitution’ and ‘to adopt a new system of government’, it would have posed no threat to its neighbors. Judging when nations had violated international law was a difficult task, one that required a high degree of ‘Staats-Klugheit’.²⁵⁹ But when a member of the international community

... violently eviscerates all bonds of duty, trust, and subordination; when it declares its rightful regent a usurper; when it suspends all sources of executive power in the state and announces an interregnum of all [normal] law until an unspecified time; when, in this terrible, quasi-constituted anarchy, it names itself sovereign and ... permits an artificial congress of demagogues, and four-thousand municipal tyrants, and a hundred-thousand clubs, and four-million armed men to rule in its name; when it throws off all distinctions of rank and respects no kind of property; when it destroys the liberty of every individual for the chimera of ‘general liberty’; ... and when, finally, it ... treads underfoot everything that is holy to mankind: at that time, the right of all other nations to lead it back within the social order is incontrovertible.²⁶⁰

Like the Burke of *Three Memorials*, Gentz saw this right to intervene in corporate terms, as a moral obligation that fell to Europe collectively. ‘What is limited through positive law’ in

²⁵⁷ Gentz, *Über den Ursprung und Charakter des Krieges gegen die Französische Revolution* (Berlin: Fröhlich, 1801), p. 15; reprinted in *Schriften*, ed. Kronenbitter, vol. 1. This work’s primary aim was to combat the ‘widespread view that the wars that have afflicted Europe almost constantly since 1792 were the result of a freely-chosen and intentionally-planned coalition of the European powers against the French Revolution’ (p. 13). Cf. also Gentz, *Von den politischen Zustände von Europa vor und während der Französischen Revolution: Eine Prüfung des Buches De l’état de la France à la fin de l’an VIII* (Berlin: Fröhlich, 1801); reprinted in *Schriften*, ed. Kronenbitter, vol. 2.

²⁵⁸ *Ibid.*, pp. 16-17.

²⁵⁹ *Ibid.*, p. 32.

²⁶⁰ *Ibid.*, pp. 25-6. Cf. *ibid.*, p. 27, where Gentz praises the perspicacity of Burke’s critique of French expansionism, and complains that his *Reflections* were dismissed as the ravings of ‘a Cassandra’.

civil society, he explained, can only be rightfully limited in international law ‘through ... the idea of a just community of independent states’.²⁶¹ As Vattel argued, and as the recent formation of the Coalition attested, the modern European state-system had a capacity for corporate political action:

Through its geographical situation, through its manifold connections, through the similarity of its customs, its laws, its needs, its ways-of-life, and its culture <*Cultur*>, the collected states of this continent form a great political federation <*Bund*> which has justly been called the Republic of Europe. The various parts of this federation of nations form such a close and such a continuous community, that no meaningful change that befalls one state can be indifferent to the other. If it is too seldom said that they exist *near* one another: if they are to survive, they must survive with one another and *through* one another.²⁶²

Since the Revolution represented an ‘attack on the security and existence of civil society’ *per se*, the concerted response of the Coalition in 1793 was a justifiable ‘defensive war in the higher international-legal sense’.²⁶³ This remained the case in 1800, as France continued to flout basic international norms. But if Prussia intervened to stop Napoleon, Gentz argued, the Coalition might be able to put an end to France’s lawlessness. In the wake of this conflict, Prussia would then be well-positioned to help inaugurate precisely the sort of balanced legal federation that he described in ‘Ueber den ewigen Frieden’.²⁶⁴ But without Prussian help, Austria and England would be unable to topple Napoleon, and the international rule of law would be imperiled, perhaps permanently. If perpetual peace was a compelling moral ideal, Prussia needed to head back to war.

VI. Conclusion

Gentz’s case for intervention fell on deaf ears. Immediately after the publication of ‘Ueber den ewigen Frieden’, the Prussian censor intervened to halt the publication of his journal.²⁶⁵ Within a year, increasing public hostility in Berlin forced Gentz to resign his post in the civil service, a turn of events which left him deeply depressed.²⁶⁶ It also spelled the end of his career as a political theorist. Through he eventually found work as a publicist for the Habsburg regime in Vienna, the demands of this work turned his attention away from Kant, Sieyès, and his philosophical interlocutors in Berlin, and towards the more immediate task of rallying public support to the Coalition’s cause. Though he remained a prolific writer on

²⁶¹ Ibid., pp. 16-17.

²⁶² Ibid., pp. 19-20, italics in orig.

²⁶³ Ibid., p. 144.

²⁶⁴ In ‘Ueber den ewigen Frieden’, Gentz situated the creation of this federation in a world-historical context: see pp. 621ff.

²⁶⁵ See Gentz, *Tagebücher*, vol. 1, p. 4; cf. Sweet, *Gentz*, p. 53.

²⁶⁶ Gentz to Humboldt, 25 Aug. 1803, in *Briefe*, vol. 2, pp. 138-50, at p. 147.

international relations, during his time in Vienna Gentz did not substantially engage with, or expand upon, the reading of Burke that he articulated in the 1790s.

In the final volume of his *Historisches Journal*, published shortly before Gentz left Berlin, he appended a note to his readers promising that, despite the challenges facing him, he would remain true to the counterrevolutionary cause. ‘In whatever form I publish my literary engagements [in the future], my principles will remain the same’, he swore:

Perhaps there will come a time, sooner than many believe – and sooner than I myself, in retrospect, could have hoped – when the public’s opinion will turn against the fashionable ideas of our passing moment, out of necessity and out of shame. But even if that day does not come, I will never regret that I have relentlessly pursued and freely declared that which I believed to be true.²⁶⁷

Since his death in 1832, however, has been a recurrent theme of Gentz scholarship that he was not, in fact, faithful to his early liberal principles. Under the political pressures of the Austrian war-effort, and especially during the Restoration, he is said to have exchanged his identity as a Prussian *Spätaufklärer* for the views of an illiberal, revanchist Romantic. Often, this charge of ‘inconsistency’ is couched vis-à-vis the suggestion that Gentz was an unprincipled mercenary – a charge leveled by Napoleon himself, who mocked him as a ‘a miserable scribe, ... one of those men without honor who sell themselves for money.’²⁶⁸ A detailed examination of Gentz’s Austrian career is beyond the scope of this project.²⁶⁹ But in conclusion, it is worth scrutinizing this ‘inconsistency’ thesis at least briefly, for the premise of a dramatic rupture in Gentz’s political thought has blinded historians to the degree to which his activity as a diplomat – above all, his role in coordinating the post-war settlement in 1815 – flowed from, and was informed by, the Burkean political vision that he spelled out during his early years in Berlin.²⁷⁰

Distilled to its elemental parts, this discontinuity thesis turns on three charges. First, Gentz has been accused of abandoning his commitment to the international rule of law for the base, acquisitive power-politics of the Congress of Vienna. In facilitating the dismemberment of Europe’s smaller states, he seems to have perpetrated exactly the sort of ‘crime’ that he

²⁶⁷ Gentz, ‘An die Leser des historischen Journals’, *Historisches Journal* (Jan. 1801): pp. 791-4, at p. 794.

²⁶⁸ This charge first appeared in Paris’s *le Moniteur* (see *Correspondance de Napoléon Bonaparte*, ed. Napoleon III, 32 vols. [Paris: *Imprimerie impériale*, 1858-70], vol. 13, p. 424), but was repeated throughout Germany (see, e.g., *Berlinische Zeitung von Staats- und Gelehrten Sachen* [13 Nov. 1806]).

²⁶⁹ For a detailed study of Gentz’s Austrian career, see Cahen, *Gentz*, pt. 1, sec. 3, and pt. 2, secs. 1-2.

²⁷⁰ On the Congress System, cf. Mark Jarrett, *The Congress of Vienna and its Legacy: War and Great Power Diplomacy after Napoleon* (London: Tauris, 2014); for its similarity to Gentz’s early balance-of-power theory, cf. *ibid.*, pp. 146-57. But for the contrary view (that the Congress did *not* rest on a balance of power), cf. Paul Schroeder, ‘Did the Vienna Settlement Rest on a Balance of Power?’, *The American Historical Review*, vol. 97, no. 3 (June, 1992): pp. 683-706.

denounced in the case of Poland's partition. Second, scholars often point to Gentz's role in crafting and enforcing the Carlsbad Decrees of 1819, which constricted the intellectual freedom of the German university system and the freedom of the press, as an abandonment of his earlier views. Gentz justified these strict measures by claiming that the student protests that precipitated the Carlsbad Decrees were dangerous to public order, and that demands for popular electoral representation in the German states were in violation of international law.²⁷¹ Finally, his close proximity to the Vienna Romantics in the 1820s – to Adam Müller and the Schlegel brothers, especially – and his admiration for de Maistre's *Du Pape* (1819) have led some scholars to detect a change in his relation to religion in general, and to Catholicism in particular.²⁷² Though Gentz remained an agnostic about Christianity throughout his life, he was certainly willing to countenance a substantial intrusion of religion into affairs of state, provided that the Church's imprimatur would buttress the state's political authority.

It is debatable, of course, whether the measures taken to stabilize postwar Europe in 1815 were indeed necessary; whether the Carlsbad Decrees were a response to an imminent or imagined threat to the German *Bund*; and whether, in real terms, the popular authority of the Habsburg monarchy was dependent on its alliance with the Catholic Church. But what is important to see is that, from *Gentz's* perspective, these were ancillary, practical questions about how best to preserve, in practice, the Austrian *Rechtstaat* and the international rule of law. Gentz's approach to politics in the 1800s, in other words, can be sensibly interpreted vis-à-vis the Burkean vision of Enlightenment that he articulated in the 1790s. While reason sets the normative ends towards which all statesmen must strive, the practical question of how to realize these ends politically – of the degree of press liberty that is compatible, for instance, with civil order; of the empirical conditions that need to be satisfied in order to pacify the international system; and so forth – was necessarily a matter of prudence.²⁷³ This was precisely the rationale that stood behind the Carlsbad Decrees:

The two basic elements of civil life are liberty on the one hand, and the law, or regulation, on the other. To combine them, such that the law does not destroy

²⁷¹ In Gentz's view, the early nationalist movement was calling for ... not merely an idealistic or literary unity, but rather a true political unity. It is also revolutionary in the highest and most frightful sense of the word. ... The unity towards which these Jacobins have been striving continuously for six years cannot be realized without the most turbulent of revolutions, without the overthrow of Europe.

Gentz; qtd. in Jarrett, *Congress of Vienna*, p. 212.

²⁷² See Raphaël Cahen, 'The Correspondence of Frederick von Gentz: The Reception of *Du pape* in the German-speaking World', in *Joseph de Maistre and his European Readers*, ed. Carolina Armenteros and Richard Lebrun (Leiden: Brill, 2011), pp. 95-122.

²⁷³ For the later development of this Gentzian strain of 'realist' liberalism, see Duncan Kelly, 'August Ludwig von Rochau and Realpolitik as Historical Political Theory', *Global Intellectual History* (forthcoming in print; available online at <https://doi.org/10.1080/23801883.2017.1387331>).

liberty or liberty the law, is the vocation of all those who dedicate themselves to serving and preserving the state. ... Among those [educated] few who are positioned to reflect on [this question] ..., either a desire for liberty or a deference towards the law will tend to outweigh the other.... There is nothing blameworthy about those who, though not averse to law, nevertheless prize liberty higher.... But [such men] must be reasonable enough to stop condemning those who proceed from the opposite perspective – who fear more for order than for liberty – as slavish minds, or the mere tools of despotism.²⁷⁴

In order to balance these opposing principles of liberty and order, Gentz continued to study Kant and Burke throughout his time in Vienna. Though he did not publish on either of these thinkers publicly, the available evidence from his private diary and his archives in Cologne indicates that this engagement was substantial. In 1809, for instance, he composed a critique of Kant's *Rechtslehre* (1797), in which he echoed his earlier endorsement of Kant's liberal ideals. 'The principles of public legislation must proceed not from the arbitrary will *Willkür* of the [state's] highest will', Gentz wrote, 'but rather from reason, i.e., from a careful application of the universal conditions of the mutual existence of free beings onto the specific forms, purposes, and needs that proceed from a given society. Positive law must therefore transcend itself, so to speak, to be adequate to its own purposes.'²⁷⁵ Likewise, Gentz spent considerable time in the 1800s and 1810s translating passages of Burke's anti-revolutionary works into his diary and circulating them among his friends.²⁷⁶ As late as 1825, he was still referring to Burke's 'profundity' *Tiefsinn* as the gold standard of political judgment.²⁷⁷

From Gentz's perspective, the rise and fall of the Revolution did not mark the end of *Aufklärung*, but a temporary hiatus. The Congress of Vienna was not an abandonment, but a *revival*, of his eighteenth-century aspirations: a return to a stable regime of international law, given political efficacy by a carefully-crafted balance of power. The stability generated by this system, in turn, was meant to underpin an enlightened world of property rights, interstate commerce, and gradually expanding civil liberties, overseen by orderly and impartial

²⁷⁴ Gentz, 'Die Preßfreiheit in England', in *Schriften von Friedrich von Gentz*, ed. Gustav Schlesier, 5 vols. (Mannheim: Hoff, 1838-40), vol. 2, pp. 29-116, at pp. 105-7.

²⁷⁵ Gentz, 'Kant's Rechtslehre', in *Nachlasse Gentz*, ed. Prokesck-Osten, vol. 1, pp. 289-301, at p. 298.

²⁷⁶ Gentz partially translated Burke's *Letter to William Eliot* [26 May 1795] (trans. in 1803), his *First Letter on a Regicide Peace* (trans. in 1809), and his *Speech on Parliamentary Reform* [16 June 1784] (trans. in 1819). A transcription of the first is housed in the University of Cologne's Forschungsstelle Gentz, and the second two are in Universitäts- und Stadtbibliothek Köln (Otto Wolff collection, G.N. 7, 14). Publication of these translations is forthcoming: 'Drei neuentdeckte Friedrich Gentz Übersetzungen von Edmund Burkes politischen Schriften', ed. Jonathan Green, *Historisches Jahrbuch* (forthcoming 2018).

²⁷⁷ Gentz to Paul Anton Fürst Esterházy von Galántha, 6 Feb. 1825; unpublished mms., Ungarisches Staatsarchiv, Budapest (Paul Anton Fürst Esterházy von Galántha papers); online access at <http://www.ub.uni-koeln.de/cdm/singleitem/collection/gentz/id/2736/>.

Chapter 4: Friedrich Gentz

Rechtstaaten.²⁷⁸ The problems that attended the formation of this re-enlightened world were, in his view, the very same ones that he identified in his *Reflections*: the challenge of conjoining morality and politics, of harmonizing the demands of reason and the exigencies of practice.

²⁷⁸ The extent to which Metternich, too, saw the Congress System as a return to *Aufklärung* is brought out in Wolfram Siemann, *Metternich: Stratege und Visionär* (Munich: Beck, 2016) (challenging older interpretations of Metternich's 'authoritarianism'). In this vein, cf. Rhys Jones, '1816 and the Resumption of "Ordinary History"', *Journal of Modern European History*, vol. 14, no. 1 (2016): pp. 119-142.

Chapter 5: Adam Müller

I. Introduction

In July 1797, news of Burke's death gave rise to a series of eulogies and remembrances in the German press. In London, his literary executors uncovered a number of unpublished anti-revolutionary works that Burke had written in the years before his death. Three volumes of these posthumous material appeared serially from September 1797.¹ The speedy translation of these works into German followed closely on the heels of his *Letter to a Noble Lord* and *Regicide Peace* letters.² In early 1798, the first biography of Burke appeared in London, and was soon followed by an abridged German translation.³ In the wake of Burke's death, this material afforded German reviewers an opportunity to grapple with his legacy as a statesman and a political theorist, and to render their own judgments on the question of his ideological 'consistency'. A steady stream of reviews appeared throughout 1797 and 1798.⁴

¹ Burke, *Three Memorials on French Affairs* (London: Rivington, 1797); *Two Letters on the Conduct of Our Domestick Parties...*, including 'Observations on the Conduct of the Minority' (London: Rivington, 1797); *A Third Letter ... on the Proposals for Peace with the Regicide Directory of France* (London: Rivington, 1797). Burke's executors were Walker King, French Laurence, and Jean-Gabriel Peltier.

² Burke's *Three Memorials* was translated as *Edmund Burke's hinterlaßne Schriften, ... enthaltend drei Memoriale über französische Angelegenheiten*, trans. Johann Gotthold Tralles (Hirschberg, Silesia: Pittschiller, 1798); and as *Ueber den neuern politischen Zustand und die Verhältnisse der europäischen Staaten ... seit der Revolution* [trans. Johann Joachim Eschenburg] (Hamburg: B.G. Hoffman, 1798). These translations were preceded by Burke's *Letter to a Noble Lord* (Feb., 1796) and his *Two Letters ... on the proposals for peace with the regicide directory of France* (Oct., 1796), which appeared in Germany as *Edmund Burkes Rechtfertigung seines Politischen Lebens*, trans. Friedrich Gentz (Berlin: Vieweg, 1796) and *Zween Briefe ... über die Vorschläge zum Frieden mit dem königsmörderischen Directorium von Frankreich*, trans. Albrecht Wittenberg (Frankfurt and Leipzig: Herold, 1797), respectively. Frieda Braune reports that a French edition of *Noble Lord* was also published in Hamburg, but I have been unable to locate it; see Frieda Braune, *Edmund Burke in Deutschland* (Heidelberg: Carl Winters Univesitätsverlag, 1917), p. 28.

³ Robert Bisset, *Life of Edmund Burke...*, 2 vols. (London: Cawthorn, 1798); *Edmund Burke's Leben in historisch-literarisch-politischer Hinsicht unpartheiisch dargestellt*, trans. Johann Christian Fick (Leipzig and Gera: Heinsius, 1799).

⁴ See, *inter alia*, [anon.], comparative review of Gentz, *Betrachtungen* and Stahl, *Bemerkungen*, in *Allgemeine Literatur Zeitung* (22 June 1797): pp. 753-7; [anon.], 'Burkes Charakter', *Deutsches Magazin*, ed. C.U.D. von Eggers (Jan. 1798): pp. 24-8; [anon.], 'Schreiben eines wahren französischen Bürgers an Mr. Burke in London', *Minerva* (July, 1797): pp. 533-5. Cf. also the reviews of his posthumous works in the *Neue allgemeine deutsche Bibliothek* (1797, 1800),

Cumulatively, these articles and books catalyzed a renewed engagement with his anti-revolutionary worldview – a renaissance, in miniature, of the prominence he enjoyed in 1793.

In 1797, during this period of renewed critical attention on Burke, Adam Müller – a seventeen-year-old *Gymnasium* student in Berlin – encountered the *Reflections* for the first time. Around the same time, he also befriended Gentz, Berlin's most-famous Burkean.⁵ The archival record of Müller's adolescence is sparse. It is unclear whether he first learned of Burke in the German press and then reached out to Gentz, or whether he met Gentz first – perhaps at Rahel Levin's salon, which many of Müller's classmates were known to attend – and began engaging with the *Reflections* afterwards. (There is also some oblique textual evidence to suggest that he came across Gentz's translation of *Noble Lord* first, and then worked his way back to the *Reflections*.)⁶ Whatever the circumstances, this encounter with Burke was a pivotal moment for Müller. From 1797 until his death in 1827, throughout his career as a public intellectual – as a metaphysician, political theorist, economist, monetary theorist, literary critic, and theorist of aesthetics – Müller considered himself a foot-soldier in the counter-revolution that Burke inaugurated. Reading the *Reflections* for the first time, he later recalled, was like learning a new language, one that empowered him to articulate his inchoate intuitions about the moral and political disorder that enveloped him. 'I was made to feel as if I, too, could speak.'⁷

The language that Müller discovered in Burke, and which he spoke throughout his career, was the language of loss. A generation younger than Gentz and Rehberg, Müller came of age in the mid-1790s, in a Germany beset by moral, social, and political turmoil. In the course of his lifetime, he witnessed the fall of France's civil and ecclesial establishment, the collapse of the Westphalian international system, and the dissolution of the thousand-year-old Holy Roman Empire. In Müller's view, these political dislocations were the consequences of what was an even more distressing development – the final collapse of the feudal social order that Europe inherited from the Middle Ages, and of the Christian worldview that underpinned it. The *Reflections* offered Müller a coherent framework for explaining the intellectual causes

Allgemeine Literatur Zeitung (1797, 1798, 1800), the *Minerva* (1798), and the *Jenaer Allgemeine Literaturzeitung* (1799).

⁵ See Jakob Baxa, *Adam Müller: Ein Lebensbild aus den Befreiungskriegen und aus der deutschen Restauration* (Jena: Fischer, 1930), p. 3.

⁶ Müller, *Zwölf Reden über die Beredsamkeit und deren Verfall in Deutschland, gehalten zu Wien im Frühlinge 1812* (Leipzig: Göschen, 1816); reprinted in idem., *Kritische, ästhetische und philosophische Schriften*, ed. Walter Schroeder and Werner Siebert, 2 vols. (Berlin: Luchterhand, 1967), vol. 1, pp. 292-451, at pp. 392-6.

⁷ *Ibid.*, p. 396.

of this breakup, a diagnosis of ‘this sickness of the human race’.⁸ What Burke saw, according to Müller, was that the French Revolution was an essentially theological event, and had to be combatted as such. The revolutionaries’ liberal ideology was rooted in a radical subjectivism which tolerated no sources of moral, political, or religious authority that were external to the sovereign self. If pursued to its logical conclusions, this athiestical vision of liberty would subvert the very foundations of European civilization. The promise of their movement was that, in freeing France (and eventually Europe) from the heteronomous yoke of the past, they would be able to found a new, liberated society on the rubble of their toppled *ancien régime*. What Burke perceived earlier than any of his peers, according to Müller, was that this vision of freedom – a freedom defined by the *absence* of Christianity, of monarchy, of aristocracy, and ultimately, of history itself – was Faustian. In destroying the theological grounds upon which all rightful political authority is grounded, their ideology destroyed the very possibility of society *per se*. If Britain followed France’s example, Burke warned, ‘men would become little better than the flies of a summer’.⁹ Their liberation from all external sources of authority would not lead to the millenarian era promised by the revolutionaries, but to rather a dystopian, post-Christian world of atomized, deracinated individuals, bereft of any shared moral referents or common language of politics.

Reading the *Reflections* on the far side of the Terror, Müller believed that he and his peers were living in precisely the enervated, post-Christian world that Burke had prophesied. The Revolution had introduced a radical caesura, an irreparable tear, in the fabric of history. In the preface to his first book, *Der Gegensatz* (1804), Müller described the moral state of post-revolutionary Europe in precisely these Burkean terms – as an age adrift, unmoored, and disillusioned. In the *Reflections*, Burke compared the English Constitution to a venerable ‘oak’ that had stood steadfast over time. ‘Upon that body and stock of inheritance we have taken care not to inoculate any cyon alien to the nature of the original plant.’¹⁰ But by 1804, Müller argued, the moral and theological foundations of German society – the roots of Germany’s great oak – had been destroyed. In the wake of their collapse, neither the moral vision of Christianity nor the failed promises of revolutionaries were able to ground political community:

Philosophical systems, shattered crowns, republican constitutions, the schemes of Theophilanthropists, ... moral principles and the great textbooks of natural law, obsolete duties and surrendered rights – all of these [now] lay next to one

⁸ Müller, *Elemente der Staatskunst* (1809) (Berlin: Huade and Spener, 1936), p. 440. Below, I have cited to this 1936 edition of the text, unless otherwise indicated.

⁹ Burke, *Reflections on the Revolution in France*, ed. J.C.D. Clark (Stanford, CA: Stanford University Press, 2001), p. 259.

¹⁰ *Ibid.*, pp. 248, 181.

another in a great pile of rubble *⟨Schutthaufen⟩*. ... As every individual coldly and unsociably tore himself away from his civil and his moral relations to the whole; as each man's ... appetites and demands [licensed him] to demarcate his own, isolated domain of external possessions and to wrest this claim away from the anarchy of the countless, chaotic, competing counter-claims of his peers; society itself – the very possibility of *unified social view of things* – lost its animating spirit. Each individual, in his own private, pathetic way, looked to the meager branch of his own understanding, and cut himself off from the great common stock of such noble concepts as religion, philosophy, nature, poetry, and art, which withered away into lifeless, barren stumps, losing all sign of their former grandeur and vitality.¹¹

Like an acid, the subversive causal logic of liberal individualism had corroded, weakened, and ultimately destroyed all of the structures of moral authority that rooted pre-revolutionary society. In the wake of their collapse, only the unvarnished Machiavellianism of a Napoleon had been able to ward off chaos in France, and to give some semblance of stability to Europe. But such emergency measures were not a lasting solution to this world-historical dilemma. Müller's fear was that the death of Christianity was slowly producing a world of solipsistic, superficially 'emancipated' men and women who were, in fact, drowning in freedom. Unless new sources of moral authority could be resurrected, modern life would be characterized by ennui, angst, rootlessness, and – to use a term that Müller coined in precisely this context – 'Entfremdung'.¹²

Happily, according to Müller, Burke was not only a 'Cassandra' who had predicted Europe's dystopian collapse into revolutionary subjectivism: he was also a 'Tacitus', the prophet of a *post*-revolutionary era in which the moral fabric of Europe had been reknit, and in which Christianity had re-assumed its essential role as the cornerstone of social order.¹³ Just as the Roman historian, 'standing at the edge of his age', prophetically foresaw the post-Roman world that emerged from the unconquered forests of Germany, Müller situated Burke as the fulcrum of two different 'world-epochs'. Even while lamented the passing of 'the spirit of chivalric gallantry', Burke also foresaw that a re-Christianized civilization would succeed it.¹⁴ In the preface to his *Gegensatz*, Müller pointed to Burke and Goethe as the forerunners

¹¹ Müller, *Der Gegensatz* (Berlin: Realschulbuchhandlung, 1804); reprinted in idem., *Kritische Schriften*, vol. 2, pp. 193-248, at p. 195-7. Cf. Burke, *Betrachtungen über den französische Revolution*, trans. Gentz, 2 vols. (Berlin: Vieweg, 1793), vol. 1, p. 116: 'A despotic philosophy narrowed the reasoning [of the revolutionaries], who announced their own ruling opinions, principles, maxims, and mores as the highest point of all human endeavor, and threw away the previous order *⟨Vorwelt⟩* and all of its productions and treasures onto a great trash heap *⟨Schlackenhaufen⟩*.'

¹² Cf. Martin Grieffenhagen, *Das Dilemma des Konservatismus in Deutschland* (Munich: Piper, 1971), p. 223ff.

¹³ Müller, *Beredsamkeit*, in *Kritische Schriften*, vol. 1, p. 369; idem., *Vorlesungen über deutsche Wissenschaft und Literatur* (Dresden: Arnold, 1806); reprinted in *Kritische Schriften*, vol. 1, pp. 11-137, at p. 27.

¹⁴ Müller, *Vorlesungen*, in *Kritische Schriften*, vol. 1, p. 30.

of ‘the new men’ whose vocation was to restore Europe. ‘We recognize ourselves as indebted to their revelation’ *⟨Geständnis⟩*, he wrote:

Like prophets, both of them raised themselves out of the murky, bewildering entanglements of the world around them.... Through a careful admiration for *their* immortal works the delicate shoots of true science and art *⟨Wissenschaft und Kunst⟩* and of true social virtue *⟨gesellschaftlichen Tugend⟩* have begun to grow within us.¹⁵

These ‘shoots’, Müller intimated, could in time mature into the unifying, vital ‘stock’ of a re-Christianized civilization. As this Burkean transformation took place, moral anarchy, social fracture and existential alienation would give way to a world of order, justice, and meaning. Morally-intelligible social and political discourse would again become possible, as Müller’s once-mute generation rediscovered a language for debating the ends of human community.¹⁶ The authority of the Church would function as a much-needed counterweight to the immoral, dehumanizing forces of market capitalism and Machiavellian *raison d’état*. Finally and most importantly, the vacuous autonomy of the Revolution would be transcended by a grounded vision of the Good, one that gave modern liberty intelligible *substance*. Rather than drifting through a void of pure choice, the revival of Christianity would provide a moral and social architecture in which individual autonomy could be exercised meaningfully.

Describing what, exactly, such a revitalized Europe would entail was the overarching aim of Müller’s career. If ‘Burke was the first statesman and political theorist who, just after the outbreak of the French Revolution, discovered this spiritual Indies *⟨geistiges Indien⟩*’, then Müller saw himself as a cartographer and navigator, laying out a practical blueprint for how to arrive at this destination.¹⁷ It was an extremely ambitious project, which Müller laid out in dozens of books and articles throughout his life, ranging across such diverse fields as metaphysics, theology, aesthetics, rhetoric, history, constitutionalism, anthropology, politics, economics, fiscal theory, and international relations. His career as a writer spanned the rise and fall of the Napoleonic Empire, the Wars of Liberation and birth of German nationalism, the Congress of Vienna and the creation of the post-revolutionary state-system. In the wake of 1815, he witnessed the rise of transnational capitalism, the flowering of the *Hochromantik*, and the arrival of the nineteenth-century social movements. As we will see, Müller’s views were deeply shaped by these contexts, and sharpened in debate with his contemporaries. Yet throughout his career, his commitment to Burke was unwavering. ‘Even in the most trying

¹⁵ Müller, *Der Gegensatz*, in *Kritische Schriften*, vol. 2, p. 197, italics in orig.

¹⁶ For Müller on the language of politics, see his ‘Der Marquis de Bonald’, in *Adam Müllers Vermischte Schriften über Staat, Philosophie, und Kunst*, ed. Müller, 2 vols. (Vienna: Camesina, 1812), vol. 1, pp. 311-317.

¹⁷ Müller, *Elemente*, p. 41; cf. Friedrich Schlegel, *Ueber die Sprache und Weisheit der Indier* (Heidelberg: Mohr und Zimmer, 1808), which was the proximate inspiration for this metaphor.

times', he recalled just before his death, 'I have remained steadfastly true to the Gentsian-Burkean course'.¹⁸

As Müller composed his most important political and philosophical works, he spent 'considerable time' meditating on Burke's writings: 'engaging empathetically, as it were, with how he felt'.¹⁹ His lifelong study of Burke produced an admiration that bordered on hagiography.²⁰ According to Müller, Burke was 'the greatest statesman that the last three centuries have produced', a 'master' of political theory comparable to 'Hugo Grotius, ... Machiavelli and Guicciardini', a student of modern liberty whose depth of insight was so profound that it made Smith and Montesquieu seem superficial by comparison.²¹ Indeed, Burke was so vital for understanding modern politics that the discipline should rightly be considered '*his science*'.²² In all of his writings, Müller saw Burke as the foundation upon which he built. In describing the political thought of his magnum opus, the *Elemente der Staatskunst* (1809), Müller expressly claimed that 'Edmund Burke is its founder', boasting that he had formulated his own book with the *Reflections* to hand: 'the less one recognizes the words of that great man in the letter of my book, all the more do I hope that ... the pure idea *«reine Idee»* that I took from him most of all, and which guided me, will be visible.'²³ Müller's works are saturated with images, metaphors, allusions, and direct quotations taken from Burke, yet they are rarely cited, as if Müller had internalized Burke so completely that was unable to identify where Burke's thoughts ended and his own began. Even still, Frieda Braune was certainly right to claim that 'one feels that his words are not adequate to his purposes, that this man means far more to him than he knows how to say.'²⁴ Müller admitted as much himself. 'I wish I could convey to you all that I have learnt from this great figure; but ... you must take me at my word.'²⁵

Despite Burke's centrality to his thought, Müller never published a straightforward interpretation of the *Reflections* (like Gents's *Reflections* or Rehberg's *Untersuchungen*, for instance). Like the foundation of a building, Burke lies under the surface of Müller's thought, implicit but indispensable. In order to reconstruct his interpretation of Burke, therefore, we

¹⁸ Müller to Gents, 15 Dec. 1828; in *Adam Müllers Lebenszeugnisse*, ed. Jakob Baxa, 2 vols. (Munich: Paderborn, 1966), vol. 2, pp. 953-54, at p. 953.

¹⁹ Müller, *Beredsamkeit*, in *Kritische Schriften*, vol. 1, p. 396.

²⁰ For Müller's extended discussions of Burke, see Müller, 'Edmund Burke' in *Vermischte Schriften*, vol. 1, pp. 252-9; 'Studium der positive Wissenschaften', in *Kritische Schriften*, vol. 2, pp. 259-60; *Beredsamkeit*, chs. 6-8, 11; *Elemente*, preface and chs. 1-3.

²¹ Müller, *Elemente*, pp. 395, 8, 41.

²² Müller, 'Edmund Burke', in *Vermischte Schriften*, vol. 1, p. 252, italics in orig.

²³ Müller, *Ueber König Friedrich II und die Natur, Würde und Bestimmung der preussischen Monarchie* (Berlin: Sander, 1810), p. 71.

²⁴ Braune, *Burke in Deutschland*, p. 185.

²⁵ Müller, *Elemente*, p. 395.

must draw inferences about the nature of this ‘foundation’ through a careful analysis of the particular structure that he built on it. This task is complicated by two factors. First, even by the notorious standards of German idealism, his writings are extremely difficult to parse (a complaint rehearsed by more than one of his contemporaries). Müller lived during the fertile period between classical German idealism and the rise of Romanticism. On the one hand, he aspired to an airtight systematicity in his argumentation; but on the other hand, he set out and explained his positions in the sort of poeticized, florid German that the Romantics pioneered, filling his works with puns, riddles, aphorisms, and (some quite obscure) artistic and literary allusions. The resulting tension made his works seem impenetrable to many readers: as one Weimar scholar put it, ‘anyone who tries to study Adam Müller’s national-economic system ... can hardly fend off the impression of an imposing, hermetic closed-ness *imponierenden Geschlossenheit*.’²⁶ Second, Müller rarely cited his philosophical or political interlocutors. In order to reconstruct his arguments contextually, one must oftentimes infer his most likely targets from allusions buried in the texts, or from his private correspondence. The scholar seeking to recapture Müller’s interpretation of Burke, therefore, is faced with a philosophical and political system with clear Burkean roots, yet one that is couched in a nearly-inscrutable argumentative style and arrayed against ideological targets that are often difficult to identify.

Further complicating matters, Müller’s reputation in the contemporary academy is dismal. Widely debated by German scholars in the early-twentieth century, Müller has been largely stigmatized and marginalized since the Second World War.²⁷ Over the past seventy years, only one serious study of his political thought has been published.²⁸ None of his major works are available in English, and there exists no accessible scholarly edition of his dozens of books, articles, and speeches (which has discouraged historians of political thought from engaging with his work firsthand).²⁹ As a result of this scholarly neglect, Müller’s reputation is still largely governed by the verdicts of his pre-war interpreters. In broad terms, these verdicts take one of two forms. The earliest interpretation of Müller’s thought was assembled by his critics in the *Vörmarz*, who described him as the ideologist of the so-called ‘politische

²⁶ Ferdinand Reinkemeyer, *Adam Müller’s ethische und philosophische Anschauungen im Lichte der Romantik* (Osterwieck am Harz: Zickfeldt, 1926), p. 37; cf. Jakob Baxa, *Einführung in die romantische Staatswissenschaft*, 2nd ed. (Jena: Fischer, 1931), p. 184.

²⁷ For the scope of this earlier scholarship, see Ch. 2 above.

²⁸ Benedikt Koehler, *Asthetik der Politik: Adam Müller und die politische Romantik* (Stuttgart: Klett-Cotta, 1980).

²⁹ Müller’s *Kritische, ästhetische und philosophische Schriften* contains most of his major works in art criticism, history, and philosophy, but exclude his political and economic works. Müller’s self-edited *Vermischte Schriften* contains a number of his shorter political essays, and was expanded after his death into his *Gesammelte Schriften*, ed. Sophie von Müller (Munich: Franz, 1839). The only work available in English is his *Beredsamkeit*, trans. as *Twelve Lectures on Rhetoric* by Dennis Bormann and Elisabeth Leinfellner (University Microfilms International, 1978).

Romantik'. According to the left-Hegelians of the 1830s and '40s, Romanticism was a violently illiberal, reactionary worldview – a poeticized defense of authoritarianism, of neo-feudal social hierarchies, and of (Catholic) clericalism – which was the intellectual lifeblood of Metternich's post-revolutionary Restorationism.³⁰ This reading of Müller emphasized the emphatically *political* character of his thought: unlike Novalis, Schlegel, Görres, Bretano, and the other leading lights of the *Romantik*, Müller was dangerous precisely because he had weaponized their poeticized nostalgia for the Middle Ages into a viable political programme – a full-throated apology for the union of Church and State – with which he rationalized the injustices of Europe's Catholic autocrats.³¹

The second line of interpretation stems from Carl Schmitt's *Politische Romantik* (1919).³² For Schmitt, Müller was a classic example of Romanticism's inherent tendency towards a moralizing, utopian approach to politics. Rather than the dangerous mastermind of Metternich's Restoration, Schmitt dismissed Müller as a hopelessly naïve dilettante. Müller, he argued, was trapped in a vicious 'occasionalism', a post-Cartesian metaphysics that did not see the order of nature as objective and permanent, but instead saw it as a series of divine *occasio*.³³ In politics, this nominalist position prevented him from recognizing the authority of the state as objective (because divinely-grounded). Instead, he saw the state as a work of art, a manifestation of *human* genius, but one without any extra-aesthetic moorings. Ironically, therefore, Müller remained trapped within the same subjectivizing logic as the Jacobins he claimed to oppose: his Romantic dream of a revived medievalism was just as fantastical – and, crucially, just as unpolitical – as the French revolutionaries' republicanism. Müller preferred this vision of politics because it seemed beautiful, and because his principles

³⁰ See Theodor Echtermeyer und Arnold Ruge, *Der Protestantismus und die Romantik: Zur Verständigung über die Zeit und ihre Gegensätze, ein Manifest* (1839), ed. Norbert Oellers (Hildesheim: Gerstenberg, 1972); Georg Gottfried Gervinus, *Handbuch der Geschichte der poetischen National-Literatur der Deutschen*, 2nd ed. (Leipzig: Engelmann, 1842), pp. 300-301; David Friedrich Strauss, *Die Romantiker auf dem Thron der Cäsaren, oder Julian der Abtrünnige* (Mannheim: Baffermann, 1847); Herman Hettner, *Die romantische Schule und ihrem inneren Zusammenhange mit Goethe und Schiller* (Braunschweig: Vieweg, 1850). For the politics of Müller's Vormärz critics, cf. Warren Breckman, *Marx, the Young Hegelians, and the Origins of Radical Social Theory* (Cambridge: Cambridge University Press, 1999), pp. 230-35.

³¹ For the liberal philosopher and Lutheran W.T. Krug, the successor to Kant's chair at Königsberg, Müller was 'the most-zealous proselytizer' of his age. In the wake of Müller's conversion to Roman Catholicism, Krug wrote, 'his spirit could not rest. Since he was now Catholic, the whole world must become Catholic. From then onward, this goal was his singular focus.... For *extra ecclesiam (romano catholicam) nulla salus!*' See W.T. Krug, 'Neuschte Geschichte der Proselytenmacherei in Deutschland nebst Vorschlägen gegen dieses Unwesens' (1827); in *Lebenszeugnisse*, vol. 2, pp. 839-80, at pp. 839-41.

³² Carl Schmitt, *Politische Romantik* (1919); trans. as *Political Romanticism* by Guy Oakes (Cambridge, Mass: MIT Press, 1986).

³³ *Ibid.*, p. 140.

were less important to him than his feelings. Without any firmly normative ground for his politics, Müller's allegiances shifted radically throughout his lifetime: here, according to Schmitt, was 'an Anglophile in Göttingen, a feudal and estatist-conservative anti-centralist in Berlin, a functionary of the absolutist centralized state in the Tyrol'.³⁴ According to Schmitt, Müller could not be read as a serious political theorist. His writings had to be seen for what they were: as little more than an elaborate cocoon that he constructed in order to shield himself from reality.

Both these established interpretive traditions are unhelpful for understanding Müller, however, because as they foreclose the possibility of reading him on his own terms. Müller had no conception of himself as the political theorist of a wider Romantic School, for the obvious reason that Romanticism was not turned into an ideologically-coherent 'school' until after his death. While Müller certainly admired Novalis and Schlegel, and while he formed his own views in conversation with Schleiermacher and Schelling, there is little evidence that his political works were a self-conscious attempt to 'actualize' their literary agenda into a political one. Still less did Müller see himself as a 'reactionary' sycophant in Metternich's court. It is true that he saw medieval Europe as a kind of template for a spiritually healthy civilization, and that he took inspiration from it – in the same way that, for instance, eighteenth-century republicans were inspired by the example of ancient Greece. But just as it is misleading to read Rousseau, for instance, as a 'reactionary' dedicated to 'reviving' pre-modern liberty, it is not useful to read Müller as trying to 'return' to a Germanic Middle Ages – as if its social order and institutions could be wrested out of history and transposed directly onto the nineteenth century. Indeed, he specifically denied this charge in his *Elemente*.³⁵ The goal of his politics, Müller explained, was to revive the *principles* that grounded medieval European society, and to adapt them to the very different conditions of modern life.

Equally, Schmitt's polemics elide the central aim of Müller's politics. Rather than offering an *internal* critique of Müller's politics on terms to which he could have consented, Schmitt simply tarred him with the labels of inconsistency and subjectivism. But from his own perspective, Müller's politics were meant as a communitarian *critique* of subjectivism. To Müller, the central philosophical problem posed by Burke's analysis of the Revolution was whether, in a world of radical, atomizing individualism, it was possible to re-ground society in an extra-subjective source of moral authority. Whether his strategy for a post-

³⁴ Ibid., p. 39. Cf. Rüdiger Görner, *Pluralektik der Romantik: Studien zu einer epochalen Denk- und Darstellungsform* (Vienna: Böhlau, 2010), pp. 36-46, which celebrates the Romantics' philosophical fluidity as a 'pluralectical cultural-poetics'.

³⁵ For Müller's rejection of this characterization, see his *Elemente*, pp. 437-41.

revolutionary politics did in fact offer a way for Europe to escape the cage of the self is, of course, debatable. But in order to assess it properly, we must evaluate Müller on his own terms, within the context of his own conceptual horizons.

Müller unfurled this Burkean vision in a series of books from 1804 to 1809. Together, they form the focus of the following chapter. For Müller, the radical irreligion that animated the Revolution was the manifestation of a deeper spiritual pathology, one that had subverted not only Europe's traditional political authorities, but which had also weakened the Christian-Aristotelian assumptions that were the cornerstone of pre-Kantian philosophy. In *Der Gegensatz* (1804), Müller argued that the loss of the Christian natural law tradition had led modern metaphysics into an intellectual dead-end. The metaphysical and moral freedom of the autonomous Kantian subject could only be made coherent on the assumption that truth and goodness were extra-subjective facts about the world, not the mere contrivances of human reason. Translating these intuitions into politics throughout the 1800s, he argued that liberty-as-choice was a radically insufficient foundation on which to ground civil society. As the centrifugal course of the Revolution demonstrated, modern liberty had to be buttressed by an extra-subjective, transcendent source of moral authority if it were to be stabilized. In practice, this intuition led Müller to argue for a corporatist vision of post-revolutionary state and society, one in which the Church and the established aristocracy – the traditional bearers of the moral and spiritual inheritance of feudal Europe – were able to 'box in' liberalism. In Müller's view, far from a rejection of liberalism, his Christian politics was the only way to save it. In the same way that the Kantian self needed to be situated within an objective moral order so that autonomy could be made meaningful, the Church and aristocracy needed to be revived so that modern liberty could be redeemed. Unless Europe turned to Christ, the Revolution would never end.

II. Prussian beginnings

Adam Heinrich Müller was born to a lower middle-class Lutheran family in Berlin in 1779. His father worked long, menial hours as a bill processor in the Prussian civil service – work so tiresome that, years later, Müller came to feel somewhat ashamed at the comparative ease of his life as a political theorist.³⁶ Throughout Müller's career, even after Metternich dubbed him 'Ritter von Nitterdorff' in 1827, his own sense of his identity remained closely tied to his humble, bourgeois roots. His father had plans for Müller to join the Lutheran clergy, but in 1798 he chose instead to enroll in a 'political economy' *⟨Diplomatik⟩* course at the University

³⁶ See Müller to Stägemann, 14 March 1823, in *Lebenszeugnisse*, vol. 2, pp. 592-4, at p. 592.

of Göttingen. In the wake of the Treaty of Basel, Göttingen had become perhaps the leading hub of anti-revolutionary sentiment in the northern German states. To his peers, Müller's choice to study in Hanover rather than Prussia was a clear statement of his Burkean political leanings. During his student years, he self-consciously styled himself as an admirer of Burke. According to one of his classmates, Müller gave speeches at a university debating society in which he lambasted the French revolutionaries along Burkean lines.³⁷

Müller's professors in Göttingen included some of central Europe's leading students of Anglophone political thought – Gustav von Hugo and A.H.L. von Heeren, most notably – and it was these men who introduced him to the tradition of 'philosophical history' developed in Britain by Montesquieu, Hume, Ferguson, Smith, and Gibbon.³⁸ During Müller's time at university, Heeren released a major study of European political economy, his *Geschichte des europäischen Staatensystems und seine Kolonien* (1800).³⁹ Building on his earlier histories of ancient political economy, this book was a bold attempt to revise Montesquieu's account of constitutionalism in *De l'Esprit de Lois* (1748) in light of Adam Smith's more-recent work on the origins of commercial society.⁴⁰ According to Heeren, Montesquieu had indeed shown a necessary correlation between a nation's political character (*esprit*) and its constitution (*lois*). To fully understand a given political system, one must understand the historically-contingent traditions, customs, mores, and beliefs of the society that inhabits it. But what Montesquieu had neglected to see – and what Heeren tried to demonstrate through his own historical analysis – was that a nation's political character was, to a very large degree, itself contingent upon its economic organization. As Smith's *Wealth of Nations* (1776) had shown, the modern constitutional liberty of Britain and the political culture underpinned it were the second-order *effects* of its economic system. According to Heeren, the 'liberté extrême' that Montesquieu celebrated in Britain was inseparable from its post-agrarian commercial economy, highly-developed networks of trade, and high degree of property ownership. These developments had shaped the British people's character into one amenable to parliamentary government, the rule of law, and limited monarchy. In his *Geschichte*, Heeren's ambition was

³⁷ See Wilhelm von Schütz, 'Adam Müllers politische Bestrebungen', *Der Zuschauer am Main: Zeitschrift für Politik und Geschichte* (1835): pp. 137-62, at pp. 144-5; cf. Koehler, *Aesthetik der Politik*, p. 35.

³⁸ For Müller on the Göttingen School, see 'Ueber die politische Meinung in Deutschland' and 'Ueber Brandes Zeitgeist', in *Vermischte Schriften*, vol. 1, pp. 35-47 and 214-24, respectively. Cf. Müller to Metternich, 21 Oct 1821 (an official report on Göttingen's faculty), in *Lebenszeugnisse*, vol. 2, pp. 499-502.

³⁹ A.H.L. von Heeren, *Geschichte des europäischen Staatensystems und seine Kolonien* (Göttingen: J.F Röwer, 1800).

⁴⁰ Heeren, *Ideen über Politik, den Verkehr, und den Handel der vornehmsten Völker der alten Welt*, 2 vols. (Göttingen: Vandenhoeck, 1793-96).

to show that this insight applied to all societies – to demonstrate across a wide variety of case studies that there was a necessary causal relationship between a society’s economic structure on the one hand, and its political institutions and constitutional traditions on the other. It was economics, in Heeren’s view, that delimited the political possibilities that were available to a nation in the present.

Müller’s first published article, an 1801 review of *Geschlossene Handelstaat*, shows the extent to which he internalized Heeren’s economic determinism.⁴¹ Here, Müller carefully reproduced the case for a deep causal relationship between modern commerce and modern liberty, and denounced what he saw as Fichte’s attempt to return the European continent to a pre-commercial stage in its development. As Smith – ‘the father of political economy’ – had proven, the idea of an autarkic liberalism was a contradiction in terms.⁴² The rise of private property, international trade, and public credit markets were inextricably linked to the rule of law and individual liberty. In 1801, Müller clearly favored Smith’s defense of an open market society to Fichte’s Spartan republicanism (a judgment which, during the Wars of the Second Coalition, was a clear reflection of his preference for Britain in its war-effort against France). The apparent distance between the politics of this essay and Müller’s later anti-capitalism has led some scholars – Schmitt, most famously – to suppose that, later in life, he abandoned his early liberalism for its mirror inverse, an anti-liberal corporatism.⁴³ But the historical record is more complex. Even during his time in Göttingen, Müller’s relation to Smith was fraught. On the one hand, he clearly registered the force of Smith’s story about the role that trade and commerce played in the formation of modern European liberty. As an admirer of Burke and the British Constitution, he was also inclined to admire the economic foundations that upheld it (and to defend them against Fichte). Yet on the other hand, Müller had reservations about the individualism and voluntarism at the heart of Smith’s economic vision. In a letter to Gentz in 1800, he disclosed that he was planning to ‘rework’ *«umarbeiten»* Smith’s *Wealth of Nations* along lines more amenable to his thinking. Müller’s prospectus for this planned revision has been lost (and Gentz talked him out of his ‘youthful enthusiasm’), so the exact direction in which Müller hoped to re-route Smith’s thinking is unclear.⁴⁴ But in 1812, as he prepared to publish his early review of Fichte in a new edition of his *Vermischte Schriften*,

⁴¹ Müller, ‘Über einen philosophischen Entwurf von Herrn Fichte, betitelt: der geschlossene Handelstaat,’ *Neue Berlinische Monatsschrift* (Dec. 1801): pp. 438-457; edited and reprinted in *Vermischte Schriften*, vol. 1, p. 324-46.

⁴² *Ibid.*, p. 345.

⁴³ See Schmitt, *Political Romanticism*, p. 39; Richard Gray, ‘Economic Romanticism: Monetary Nationalism in Johann Gottlieb Fichte and Adam Müller’, *Eighteenth-Century Studies*, vol. 36, no. 4 (2003): pp. 535-57, at p. 549.

⁴⁴ Gentz to Müller, 7 Oct. 1800, in *Lebenszeugnisse*, vol. 1, pp. 15-17, at p. 16.

Müller chose to affix an explanatory note to this essay to clarify that, as early as 1801, he was wary of the agnosticism at the heart of Smith's liberalism. In engaging with the *Wealth of Nations* in his student years, Müller recalled, he was forced to confront the 'problem of permanence' (*Dauer*), and came to realize that 'the claims of civil society are inseparable from those of religion'.⁴⁵

In the decade after he left Göttingen, Müller came to increasingly doubt the political and moral viability of the sort of commercial society that Heeren envied in Britain. He began to believe that the voluntarism fostered by the unregulated market was leading to widespread irreligion, that it was subverting the integrity of local communities, and that it was weakening the authority of inherited social customs, traditions, and institutions. Ultimately, it threatened to undermine the moral foundations of civil society altogether. By the time he came to write the *Elemente* in 1809, Müller was convinced that the liberty of the market was a disorienting, destabilizing and disruptive force – a kind of economic Jacobinism which, in corroding the deference afforded to religious authority, made politics impossible. In order to be stabilized, he argued, the liberty of Smith's *homo economicus* needed to be couched within a wider set of religious and social institutions that could ground a community's shared moral vision. But this was not to reject Smith, he insisted, but to rescue him: moralizing markets was the only way to make Smith's vision of commercial society viable.⁴⁶ Notice, too, that in 'reworking' Smith, Müller never abandoned Heeren's thesis that economics sets limits on politics. Indeed, it was this thesis that led him to expand his critique of the revolutionaries' individualism into a critique of *laissez-faire* economics. In the *Elemente*, he reproduced Heeren's Montesquieu-Smith pairing as a kind of shorthand for the twin forces of liberalism, political and economic, that threatened the moral order of modern Europe. Not coincidentally, he dedicated this work to Heeren, his 'teacher and friend'.⁴⁷ His frequent insistence throughout the *Elemente* that the rise of post-feudal property-rights was a precondition of modern liberalism's development can sound proto-Marxian; but to Müller, it was no more than an adaptation of Heeren on Montesquieu.

After finishing his education Müller moved back to Berlin in 1801, where he would remain for a formative three-year period. Initially he hoped to teach 'Staatswissenschaft' in a Prussian university, but when this proved untenable, he found employment as a 'legal clerk'

⁴⁵ Müller, 'Über einen philosophischen Entwurf von Herrn Fichte', in *Vermischte Schriften*, vol. 1, pp. 345-6.

⁴⁶ Müller, *Elemente*, pp. 223-34.

⁴⁷ Müller, *Elemente*, ed. Jakob Baxa, 2 vols. (Jena: Fischer, 1922), vol. 1, p. vii. (This dedication to Heeren was removed from the 1936 edition.)

«*Referendar*» in the King's cameral corps.⁴⁸ Müller's return to Berlin reunited him with Gentz for a brief period of time (Gentz left the city for Vienna in May 1802), and afforded him the opportunity to debate the meaning of the *Reflections* with Germany's most-famous Burkean. Müller admired Gentz for his eloquence as a writer, and for the courage that he had displayed in opposing the Revolution against overwhelming public criticism. Gentz, for his own part, enjoyed Müller's company (and his adulation), and found him a quick-witted, stimulating conversationalist whose political and philosophical ideas were extremely interesting and provocative, if somewhat extravagant. Throughout his life, Müller saw himself as Gentz's protégé: 'the genealogy of my best thoughts can nearly always be traced back to yours', he told him, fawningly, in 1810.⁴⁹ Over the course of their lifelong friendship, Gentz became something of a father-figure to his much-younger friend, and was very proud of the public recognition that Müller eventually received in the wake of the *Elemente*'s publication. Müller, in Gentz's view, was 'the best work that I will leave behind me'.⁵⁰ Yet despite their close personal friendship, it would be a mistake to infer (as much of the German scholarship does) that Gentz and Müller shared either the same reading of Burke or a common diagnosis of the Revolution's root causes. Indeed, as their correspondence makes clear, much of the vitality of their friendship arose from their passionate *disagreements* about precisely these questions. For instance, in one of the earliest surviving letters between them, we see Gentz chastising Müller for the 'pure mysticism' of his political system, and begging him to come down to earth, and to temper his wild intellectual ambitions.⁵¹ This paternalistic dynamic – Gentz as a sober-minded, prudent father-figure, chiding his starry-eyed, idealistic student – recurs frequently across their correspondence. Undeterred, Müller spent most of his life trying to persuade Gentz to adopt his essentially Christian reading of the *Reflections*. He was unsuccessful: 'I am able to devote about as much time to [theological] speculation as I am to lunch', Gentz told him after a period of particularly intense badgering.⁵² When Müller chose to join the Catholic Church in 1805, Gentz was respectful, but also baffled: he found such a decision 'incomprehensible for a multitude of reasons'.⁵³ While Müller's engagement with Burke was mediated through and shaped by his friendship with Gentz, the two men disagreed fundamentally on how to understand his critique of the Revolution, and on how to apply its lessons in their own context.

⁴⁸ Müller to Friedrich Wilhelm III, 30 May 1802 and 28 Dec. 1804, in *Lebenszeugnisse*, vol. 1, pp. 27, 152.

⁴⁹ Müller to Gentz, 7 Jan 1810, in *Lebenszeugnisse*, vol. 1, pp. 519-21, at p. 521.

⁵⁰ Gentz to Johannes von Müller, 13 Feb 1806, in *Lebenszeugnisse*, vol. 1, p. 260.

⁵¹ Gentz to Müller, 7 Oct 1800, in *Lebenszeugnisse*, vol. 1, pp. 15-17.

⁵² Gentz to Müller, 22 Mar 1805, in *Lebenszeugnisse*, vol. 1, pp. 167-8, 167.

⁵³ Gentz, *Tagebuch*, May 1805; qtd. in *Lebenszeugnisse*, vol. 1, p. 175.

During his time in Berlin, the other major set of interlocutors who shaped Müller's interpretation of Burke were the Jena Romantics. Soon after arriving from Göttingen, he ingratiated himself among the well-known writers, poets, and critics who frequented Sophie Sander's salon – August and Friedrich Schlegel, August Ferdinand Bernhardt, Ludwig Tieck, Friedrich Schleiermacher.⁵⁴ Among these figures, Müller quickly gained a reputation for his anti-revolutionary politics: as one attendee later recalled, 'Edmund Burke was his cherished idol'.⁵⁵ Burke was a figure of immense interest for the rest of the Sander salon as well: during the height of the Jena *Romantik* in the late 1790s, many of its leading members were reading and reflecting on the *Reflections*.⁵⁶ In these years, they developed a fundamentally *aesthetic* interpretation of Burke – one that was distinct from either Rehberg, Gentz, or Müller's, but which was quite influential in German literary circles. In the early 1800s, Müller honed his reading of Burke in response to, and as a critique of, this early Romantic appropriation of his thought. Novalis, Schleiermacher, and the Schlegel brothers founded the *Athenaeum* journal in 1798 out of a desire to combat the disenchantment and exhaustion that, in their view, beset contemporary Europe. In the wake of the Revolution's failed promise of emancipation, in the context of widespread cynicism, they hoped to reinvigorate German society by erecting new, life-affirming symbols for their disillusioned age. In so doing, they imagined themselves the inheritors of a programme that Burke had inaugurated. 'One does not need to have been in Paris' to grasp the Revolution's significance, Friedrich Schlegel wrote from Jena; 'Burke [is] better than so many other travelers'.⁵⁷ In the Romantics' view, Burke's *Reflections* heralded a titanic clash between the Revolution's abstract rationalism and the aesthetic integrity of the *ancien régime*. What Burke saw, they argued, was that it is ultimately a community's shared aesthetic beliefs – the common symbols and icons which compel its respect and admiration – that bind a society together, giving it direction, meaning, and purpose. Because the French revolutionaries were blind to this reality, seeking to root community in the dry soil of reason and reason alone, their ideology was insufficient to hold France together. Burke foresaw that, after they had deposed their king, stripped their altars, and leveled their society, the result would be anarchy, enervation, and disillusionment.

⁵⁴ For Sander, see Petra Wilhelmy-Dollinger, *Die Berliner Salons* (Berlin: de Gruyter, 2000), pp. 82-3.

⁵⁵ Friedrich Laune, *Memorien*; qtd. in *Lebenszeugnisse*, vol. 1, pp. 63-64.

⁵⁶ Schleiermacher's father had recommended the *Reflections* to him in 1794: see Schleiermacher, *Gesamtausgabe*, ed. Hans-Joachim Birkner et al. (Berlin: de Gruyter, 1980-), pt. 5, vol. 1, p. 356. On Burke and the *Frühromantik*, cf. Peter Schnyder, 'Politik und Sprache in der Frühromantik: zu Friedrich Schlegels Rezeption der französischen Revolution', *Athenäum*, vol. 9 (1999): pp. 39-65.

⁵⁷ Schlegel, *Philosophische Lehrjahre* (c. 1798-9); in idem., *Kritische Friedrich-Schlegel-Ausgabe*, ed. Ernst Behler et al., 35 vols. (Munich: Schöningh, 1958–2002), vol. 18, p. 71, frag. II.508.

For the Romantics, Burke's description of the coherence, harmony, and order of the *ancien régime* offered not only an indictment of revolutionary rationalism, but also a poetic or literary template for how society might be *restored* in its wake. Through his eloquence, Burke showed how France's desecrated icons and symbols could be resuscitated and revived. It was this intuition that led Novalis to coin perhaps the most-famous aphorism written of Burke: 'There have been many antirevolutionary books written for the Revolution. But Burke has written a revolutionary book against the Revolution.'⁵⁸ For Novalis, Burke was 'revolutionary' because he had redeemed the objects of the revolutionaries' scorn – the Bourbon monarchy, the Gallican Church, the institution of chivalry, and, most famously, the person of Marie Antoinette. He showed how the artist, orator, or poet could make discarded symbols into icons of veneration once more. Burke was the original Romantic poet, re-imbuing a scared and fallen world with beauty, and his *Reflections* was the opening salvo in their crusade to rebuild society in the wake of revolutionary iconoclasm.⁵⁹ Some years later, when Schlegel reflected back on the admiration that he and the editors of the *Athenaeum* had for Burke, he explained Novalis's aphorism in precisely these terms:

If I had to describe that era [of Romantic awakening] in a word, ... I would call it 'revolutionary'.... I use this word in the sense that it was once used so fittingly of Burke, to claim that he wrote a revolutionary book against the Revolution: that is to say, he depicted the convulsions of his age with such an enchanting eloquence because he fully grasped the dangers and the magnitude of the impending struggle, and put *himself* in a position of struggle and inner convulsion. This situation of not only external but of internal struggle is what I claim to be distinctive of the poets and writers of that generation.⁶⁰

It was through this process of 'internal struggle' that Burke's creative genius had emerged. By internalizing the political struggle between the *ancien régime* and the revolutionaries as an essentially artistic battle between stultifying rationalism and life-affirming Romanticism, Burke set the agenda for Schlegel and Novalis's project.

The Jena Romantics were perhaps inclined to read Burke through this aestheticizing paradigm because throughout the 1790s, they were also studying his *Philosophical Enquiry into the Origin of our Ideas of the Sublime and Beautiful* (1757).⁶¹ Tieck, for instance,

⁵⁸ Novalis, 'Blüthenstaub,' *Athanaeum* (May 1798), p. 103; reprinted in *The Early Political Writings of the German Romantics*, ed. Frederick Beiser (Cambridge: Cambridge University Press, 1996), pp. 7-32, at p. 29.

⁵⁹ Friedrich Schlegel went so far as to describe Burke as 'somewhat mad', a man possessed by genius: see *Philosophische Lehrjahre* (c. 1797), in *Kritische Ausgabe*, vol. 18, p. 55, frag. II.355.

⁶⁰ F. Schlegel, *Geschichte der alten und neuen Literatur* (1812; pub. 1815), in *Kritische Ausgabe*, vol. 6, p. 393, italics in orig.

⁶¹ The full history of the *Enquiry* in Germany is yet to be written. The salient initial points of entry were Mendelsohn's 1758 review in his *Bibliothek der schönen Wissenschaften* ('Philosophische Untersuchung des Ursprungs unserer Ideen vom Erhabenen und Schönen', [1758]: pp. 290-320) and Christian Garve's 1773 translation: *Burkes Philosophische Untersuchungen über den Ursprung*

engaged Wackenroder in a series of debates about Burke's aesthetics while writing his own treatise *Über das Erhabene* (1792).⁶² We know that Novalis also read the *Enquiry*, and that Schlegel lectured publicly on it during the late 1790s, in the same years that he was contributing to the *Athenaeum*.⁶³ Burke's analysis of human psychology in this work suggested that our capacity to appreciate beauty in the world is a reflection of our innate tendency towards sociability – our capacity for altruism, fellow-feeling, and love. (Our perception of sublimity, by contrast, betrays a conflicting desire for self-preservation. We are enchanted by terrifying objects that are distance from us – an imposing mountain, or the expanse of the night sky – because they remind us of our fragile mortality.)⁶⁴ Given this suggestion, it was perhaps natural for the Jena group to register the *Reflections*' apology for the *ancien régime* as a defense of beauty *tout court*. Unfortunately, however, this assumption blinded them to Burke's more directly political arguments.⁶⁵ For the Romantics, this aestheticized *ancien régime* was useful as an aesthetic ideal, an object of collective veneration – but little more. This helps to explain why, as Frederick Beiser and Pauline Kleingeld have noted, the early Romantics were able to cling to an explicitly republican set of political commitments – to cosmopolitan peace, individual liberty, a kind of egalitarianism – while simultaneously venerating Burke.⁶⁶ To take a radical example, in the very same year that Friedrich Schlegel wrote to tell his brother how envious he was of Burke's eloquence,

unserer Begriffe vom Erhabenen und Schönen, nach dem fünften Ausgabe (Riga: Johann Friedrich Hartknoch, 1773). For aspects of this history, see Tom Furniss, 'Our Neighbors Observe and We Explain: Moses Mendelssohn's Critical Encounter with Burke's Aesthetics', *The Eighteenth Century*, vol. 50, no. 4 (winter 2009): pp. 327-54; Tomáš Hlobil, 'The Reception of the *Enquiry* in the German Language Area in the Second Half of the Eighteenth Century: August Gottlieb Meißner and Johann Gottfried Herder', in *The Reception of Edmund Burke in Europe*, ed. Martin Fitzpatrick and Peter Jones (London: Bloomsbury, 2017), pp. 279-296; and Braune, *Burke in Deutschland*, pp. 6-15, 50

⁶² See Jürgen Brummack, 'Poetologische und kritisch Schriften von 1792 bis 1803', in *Ludwig Tieck: Leben - Werk - Wirkung*, ed. Claudia Stockinger and Stefan Scherer (Berlin: de Gruyter, 2011), pp. 325-41, esp. pp. 326-8.

⁶³ See Novalis, *Historisch-kritische Ausgabe*, ed. Paul Kluckhohn et al., 6 vols. (Stuttgart: Kohlhammer, 1960-99), vol. 4, p. 695, fn. 123; A.W. Schlegel, 'Vorlesungen über Ästhetik I' (1789-1803), ed. Ernst Behler and Frank Jolles; in *Kritisch Ausgaben der Vorlesungen*, 3 vols (Paderborn: Schöningh, 1989-2007), vol. 1, pp. 224-228. For discussion, cf. Sandra Richer, *A History of Poetics: German Scholarly Aesthetics and Poetics in International Context, 1770-1960* (Berlin: de Gruyter, 1973), pp. 80-83.

⁶⁴ Cf. Richard Bourke, 'Pity and Fear: Providential Sociability in Burke's *Philosophical Enquiry*', in *The Science of Sensibility: Reading Burke's Philosophical Enquiry*, ed. Koen Vermeir and Michael Funk Deckard (London: Springer, 2012), pp. 151-76.

⁶⁵ On this point, see Richard Bourke, 'Burke, Enlightenment, and Romanticism', in *The Cambridge Companion to Edmund Burke*, ed. David Dwan and Christopher Insole (Cambridge: Cambridge University Press, 2012), pp. 27-40.

⁶⁶ Frederick Beiser, *Enlightenment, Revolution, Romanticism: The Genesis of Modern German Political Thought, 1790-1800* (Cambridge, MA: Harvard University Press, 1992), pp. 224-78; Pauline Kleingeld, 'Romantic Cosmopolitanism: Novalis's "Christianity or Europe"', *Journal of the History of Philosophy*, vol. 46, no. 2 (2008): pp. 269-84.

and that he longed to write a book that was ‘truly furious’ like the *Reflections*, Schlegel was also working on a defense of the Jacobin Georg Forster.⁶⁷ As long as this apology was composed in the same aesthetic register as Burke’s – as long as it offered a rejuvenating, enlivening alternative to deadening Kantian legalism – Schlegel did not, apparently, see any contradiction here.

Müller did. Although he agreed with the early Romantics that the Revolution had led to enervation and alienation, and although he shared their admiration for Burke’s eloquence, he believed that their answer to the challenge of the Revolution was radically deficient. To turn to aesthetics alone as a response to liberal rationalism was to substitute private taste for private reason, and thus to remain trapped within the same cage of revolutionary subjectivism as the Jacobins. (To his mind, the Romantic assumption that poetry could be *so* compelling, *so* beautiful, as to transcend personal taste and command universal assent had clear Jacobin resonances.) In their lament for the lost aesthetic integrity of pre-revolutionary Europe, the Romantics failed to offer an adequate account of *why* the traditions, customs, and institutions that Burke lauded had gained their elevated social status to begin with. According to Müller, the coherence of the French *ancien régime* ultimately lay in the Catholic theology that animated it. Celebrating the corporations of pre-revolutionary France merely as symbols, the Romantics were unable to perceive the normative *ground* of these symbols. To attempt to resurrect these symbols without their necessary theological foundations was just to postulate artistic creativity as an *ersatz* substitute for divine authority – precisely the sort of irreligious premise that led to the Revolution in the first instance.

Breaking out of this cycle of subjectivism demanded a more serious engagement with political theology. What was needed was an account of *which* symbols should be restored, and *why* – an account that demanded some extra-aesthetic ground of authority. Throughout his career, Müller explicitly criticized his Romantic peers on this point. In an advertisement for his *Vorlesungen über deutsche Wissenschaft und Literatur* lectures (1806), he condemned the ‘unfettered aesthetics’ of his contemporaries as a dangerous form of Spinozism:

The faculty of aesthetic perception is intrinsically rooted in the human spirit. But when it is given absolute license to rule [over the soul] it becomes an idle amusement or, ... *in extremis*, can lead to that pernicious, pantheistic swindle which is evident today not only in the [ideological] traps (*Gespinsten*) of our academies but throughout [our society] in diverse and diffuse forms.⁶⁸

⁶⁷ F. Schlegel to A.W. Schlegel, 29 Jan 1799; in *Kritische Ausgabe*, vol. 24, p. 432. Cf. idem., *Georg Forster: Fragment einer Charakteristik der deutschen Klassiker* (1799), in *ibid.*, vol. 2, pt. 1, pp. 78-99.

⁶⁸ Qtd. in A.W. Schlegel, *Kritische Schriften und Briefe*, ed. Edgar Lohner (Stuttgart: Kohlhammer, 1962), pp. 114-18, at p. 117.

Again in the preface to his *Elemente*, Müller distanced himself from ‘today’s hyper-critical youth, who want to make the spiritual and the holy *fashionable* again’.⁶⁹ Müller sometimes couched his critique of ‘unfettered aesthetics’ vis-à-vis the traditional theological distinction between idols and icons.⁷⁰ In order to re-ground politics in the wake of the Revolution, what was needed was not merely a repertoire of shared symbols. These symbols needed to be, in some sense, *true* – pointing like icons towards a moral order that transcended them, rather than, like idols, become vessels for the veneration of the self. In the Middle Ages, he noted, the Church often used dramatic art to represent its moral teachings in an accessible, popular vernacular. Taking the portico of a city’s cathedral as their stage, touring troupes of actors would perform for audiences assembled in the marketplace below. Müller saw this practice as metaphorically instructive. From their position on the portico – situated between the cathedral and the market, representations of the Church and of civil society – these actors mediated between time and history, transcendence and particularity. In so doing, their drama shaped the moral imagination of their society. To Müller, the trauma of the Revolution was that, in subverting Europe’s theological foundations, political life had become untethered from its objective moorings in natural law and Christian revelation. To suppose that reviving aesthetically-compelling symbols – *any* symbols – would assuage the moral alienation that resulted from the Revolution was to demand, in the logic of his metaphor, that acting troupes be returned to the Church’s portico without any regard to the theology that their art revealed, or any concern for the shape of the society that their art would engender.

III. *Der Gegensatz* against Fichte

During his time in Berlin, in dialogue with these interlocutors Müller began conceptualizing a major philosophical project, which he provisionally called *Die Lehre vom Gegensatz*. This was to be a three-volume work which, following the outline of Kant’s critical works, would cover metaphysics in the first volume, then move into the practical realm of morality and politics, and conclude with a final volume on theology, aesthetics, and teleology. For three years, this project consumed his attention. ‘My entire life revolves, as you know, around the *Gegensatz*’, he told Gentz.⁷¹ Müller worked on the first and second parts of this work – on metaphysics, and on ethics and politics – simultaneously from Berlin, and released his first

⁶⁹ Müller, *Elemente*, p. 437, italics in orig.

⁷⁰ See, e.g., Müller, *Über die dramatische Kunst* (1806/7), in *Kritische Schriften*, vol. 1, pp. 139-291, esp. pp. 141-55; *Vorlesungen*, in *ibid.*, vol. 1, pp. 127-32.

⁷¹ Müller to Gentz, 13 Sept. 1802, in *Lebenszeugnisse*, vol. 1, p. 37. In German, this line reads as a pun: Müller is busy writing his *Gegensatz*, but is also trapped in an ‘antithesis’ or ‘dialectic’ that is consuming him.

volume, *Der Gegensatz*, in February 1804.⁷² To this essay on metaphysics, he affixed a brief preface in which he set out the ambition of his broader, three-volume project.⁷³ According to Müller, Europe had recently undergone not one but two world-historical revolutions, ‘Revolutionen in der Gesellschaft und in der Wissenschaften’, both of which were animated by the same basic principles. ‘Only in such an unstable age as the present, crumbling apart on all sides, could the realm of society be so separated from the realm of science and art that the total revolutions *⟨Totalrevolutionen⟩* that have taken place in both of these realms could appear as separate incidents’.⁷⁴ These ‘total revolutions’ – a coinage that Müller lifted from Gentz’s commentary on the *Reflections* – had led not only to the subversion of political authority (as Gentz used the term to suggest) but to the collapse of the very concept of authority as such.⁷⁵ The first volume of Müller’s three-part project was intended as a response to this intellectual crisis of the ‘Wissenschaften’. But soon, he promised to publish two further volumes, which would turn to the more-pressing questions of moral, political, and spiritual order. To indicate the shape of these forthcoming works – *Die Wissenschaft und der Staat* and *Die Religion und die Kirche*, respectively – he attached a provisional outline of their contents to his preface.⁷⁶

But these latter volumes never appeared – at least, not in their promised form. Shortly after its release, *Der Gegensatz* was met with a series of harsh reviews. Müller’s friends found it esoteric, confusing, and impenetrable.⁷⁷ The *Allgemeine Literaturzeitung* complained that Müller was playing a question-begging ‘conceptual game’ *⟨Begriffsspiel⟩* that obscured, rather than elucidating, metaphysical relations between subject and object, man and nature. To the extent that it could be understood, the philosophy of ‘antithesis’ *⟨Gegensatz⟩* that he had defended was either tautological or incoherent.⁷⁸ The *Neue Deutsche Bibliothek* did not even dignify Müller’s book with a review.⁷⁹ ‘I read this work slowly ... but just could not grasp it,’ Gentz wrote to him, disappointedly, from Vienna:

⁷² Müller sent Johannes von Müller a draft of the second volume, on politics, in late 1804: see J. von Müller to A. Müller, 25 Feb. 1805, in *Lebenszeugnisse*, vol. 1, pp. 161-2. He also sent a smaller essay on ‘freedom and necessity’ to Brinckmann around the same time: see *ibid.*, vol. 1, pp. 137-43.

⁷³ See Müller’s ‘Vorrede’ to *Der Gegensatz*; in *Vermischte Schriften*, vol. 2, pp. 195-200.

⁷⁴ *Ibid.*, p. 198.

⁷⁵ See Gentz, *Betrachtungen*, in *Schriften*, ed. Kronenbitter, vol. 6, p. 84.

⁷⁶ See Müller, *Der Gegensatz*, in *Vermischte Schriften*, vol. 2, p. 200.

⁷⁷ See, e.g., Johannes von Müller to A. Müller, 25 Feb. 1805, in *Lebenszeugnisse*, vol. 1, pp. 161-2.

⁷⁸ [Anon.], review of Müller, *Der Gegensatz*, in *Allgemeine Literaturzeitung* (26 Oct. 1805): pp. 177-9, at p. 178. The *Literaturzeitung*’s columnist sarcastically suggested that in his next work, Müller should consider describing ‘virtue as that which is opposed to anti-virtue, i.e. vice, life as that which is opposed to anti-life, i.e. death, and so on *ad infinitum*’.

⁷⁹ Cf. A. Müller to Johannes von Müller, 17 July 1805, in *Lebenszeugnisse*, vol. 1, pp. 204-5. The only review that was vaguely sympathetic was Reinhold’s: see *Jenaer Allgemeine Literaturzeitung* (4 May 1805), pp. 235-40.

For such a rapid treatment of a subject that is so far removed from [the realm of] appearance, my mind is just too weak. For you, it is a game to take Burke, Plato, Schelling, Novalis ..., the Apollo Belvedere, the Planets, God, and the *Gegensatz* and to amalgamate them all to one another in an instant, leaving a mind like mine confounded. You are a poet, my dear friend: it can only be your imagination that explains this very odd game that you play. I will always admire your imagination ... but I willingly leave it to those who are equipped with similar imaginations to follow you on your flights of fancy. I am not suited to it.⁸⁰

Müller was deeply invested in his first book – ‘you must never separate ... my own life from the cause of the *Gegensatz*,’ he told a friend after its publication – and took its poor reception very badly.⁸¹ The whole affair was so upsetting that in its aftermath he decided ‘not to release my other works on antitheses to the public’.⁸²

Yet as Benedikt Koehler has observed, though Müller set aside the intended format of his three-volume *Lehre von Gegensatz* project, the publishing agenda that he set out in 1804 continued to structure his literary engagements over the next five years.⁸³ Müller’s second book, the *Vorlesungen über deutsche Wissenschaft und Literature* (1806), set out his moral philosophy and a historical critique of Kantian idealism; his third work, *Von der Idee der Schönheit* (1808), laid out his aesthetics, theology, and teleology; finally, his *Elemente der Staatskunst* (1809) outlined his Burkean vision of a post-revolutionary political, economic, and international order. Throughout these works, he continued to rely on the philosophical foundations of *Der Gegensatz*. To understand the role that Burke played in Müller’s political thought, we must therefore begin with his theory of metaphysics, however opaque it may be.

Müller composed *Der Gegensatz* in a moment of renewed attention to the ‘subjective idealism’ of Fichte’s *Wissenschaftslehre*, a metaphysical programme that he had developed in Jena during the 1790s, but which he brought with him to Berlin after moving to the Prussian capital in 1799.⁸⁴ The provocative (and, to many readers, incendiary) suggestion of Fichte’s metaphysics was that Kant’s critical project, if pursued to its logical conclusions, implied a radical form of subjectivism. In the first *Kritik*, Kant had upended the Leibnizian-Wolffian tradition of classical philosophy by arguing that the natural, objective world did not possess

⁸⁰ Gentz to Müller, 4 Mar. 1805, in *Lebenszeugnisse*, vol. 1, p. 165. Cf. Gentz to Müller, 9 Jan. 1805, in *ibid.*, vol. 1, pp. 154-7, at p. 155: ‘I freely admit that ... I preferred our personal discussions [of the *Gegensatz*] to your book.’

⁸¹ Müller to Karl Gustav von Brinkmann, 10 Apr. 1804, in *Lebenszeugnisse*, vol. 1, pp. 127-30, at pp. 128-9.

⁸² A. Müller to Johannes von Müller, 17 July 1805, in *Lebenszeugnisse*, vol. 1, pp. 204-5.

⁸³ See Koehler, *Asthetik der Politik*, pp. 53-62, which persuasively argues that these later works should be read as the missing second and third volumes of the *Lehre vom Gegensatz* project.

⁸⁴ Fichte, *Grundlage der gesamten Wissenschaftslehre* (1795; 2nd ed. 1802); reprinted as *The Science of Knowledge*, trans. Peter Heath and John Lachs (Cambridge: Cambridge University Press, 1982).

any intrinsic meaning that was discernable by human cognition; rather, he claimed, *a priori* reason generates, of its own power, the conceptual resources necessary for giving coherence to our sense-impressions of the external world, thereby making nature intelligible. This was to bifurcate reality into two discrete parts: an inner realm of intellectual spontaneity, and an external realm of natural necessity. Kant's moral philosophy reproduced the same dichotomy, locating moral duty not in divine revelation or natural law, but in (subjective) human reason. To act rightly, he argued, was to respect the demands that pure reason imposes upon action *a priori*. In this way, human freedom and the moral law (which were, in fact, one and the same) were situated in opposition to a morally-indifferent realm of nature.

Kant's account of reality raised an immediate question, which preoccupied his readers throughout the 1790s: namely, if the world could be divided into a mechanical, inert material realm and an inner realm of cognitive and moral freedom, what first principle stood prior to both of them? Related to this question was the intuition that Kant had not adequately proven the systematic unity of pure reason, and that his theoretical and practical philosophies needed to be re-plinthed upon a common foundation.⁸⁵ The aim of Fichte's *Wissenschaftslehre* was to correct the shortcomings of Kant's system by demonstrating that the dual realms of nature and freedom could *both* be deduced from the premise of human subjectivity. Fichte's strategy (in the words of one modern interpreter) 'was to begin simply with the ungrounded assertion of the subjective spontaneity and freedom (infinity) of the I and then to proceed to a transcendental derivation of objective necessity and limitation (finitude)' as the preconditions of subjective experience.⁸⁶ In other words, Fichte argued that the mere fact of human intellectual and moral freedom is prior to nature, and a condition of its existence. Kant had argued that the essential, non-subjective character of external objects – *das Ding-an-sich*, in his terminology – was inaccessible to human reason. Fichte's claim was far more radical: Aristotelian essences did not exist, he insisted, because the existence of external objects was metaphysically contingent upon the fact of radical human autonomy.

In context, many of Fichte's readers interpreted the *Wissenschaftslehre* as an *ex post facto* attempt to justify the violent rationalism and individualism of the French Revolution – to show that the Jacobins were correct to insist that no external obstacles could justly be set

⁸⁵ See, e.g., Reinhold, *Ueber das Fundament des philosophischen Wissens* (Jena: Mauke, 1791). Cf. Frederick Beiser, *The Fate of Reason: German Philosophy from Kant to Fichte* (Cambridge, MA: Harvard University Press, 1987), pp. 226-65; Daniel Breazeale, 'Between Kant and Fichte: Karl Leonhard Reinhold's "Elementary Philosophy"', *Review of Metaphysics*, vol. 35 (1982): pp. 785-821.

⁸⁶ Dan Breazeale, 'Johann Gottlieb Fichte', *The Stanford Encyclopedia of Philosophy* (fall 2017), ed. Edward Zalta, at <<https://plato.stanford.edu/archives/fall2017/entries/johann-fichte/>>.

in the path of human liberty.⁸⁷ This perception grew even stronger after the *Athiesmusstreit* of 1799, a heated controversy in which Fichte lost his professorship in Jena over accusations of irreligion (which he hardly contested). During his time in Berlin, Müller became fascinated by Fichte's subjectivism. 'The most recent *Wissenschaftslehre* is currently being prepared,' he told Gentz in 1803; 'for me there is nothing so stimulating.'⁸⁸ Müller recognized that if Fichte's system were, in fact, a necessary extension of Kant's idealism, the implications for politics would be explosive. Subjective human reason would be the only rightful arbiter of justice; the moral resources furnished by religion, custom, and tradition would have to be thrown away. To Müller, therefore, Fichte's *Wissenschaftslehre* seemed like an attack on precisely the sort of foundationalist vision of the Good which, as Burke's *Reflections* had shown, was essential for the formation and maintenance of political society. Historically, it was Fichte's subjectivism that had animated the revolutionary campaign to divest Europe of its Christian inheritance, and which was responsible for the moral alienation that followed in the wake of its collapse. If Burke was the champion of Christianity and community, Fichte was the exact opposite, in Müller's view, the most forceful exponent of a radical, subversive strain of individualism and irreligion.

In 1804, Müller saw himself as part of a broader effort to dethrone Fichte's system – a 'war' against subjective idealism that included thinkers such as Schiller, Jacobi, Hölderlin, Schelling, and Schleiermacher.⁸⁹ By the time he joined their ranks, Müller believed that the basic flaws of Fichte's system had already been exposed. During the *Athiesmusstreit*, Jacobi had shown that the *Wissenschaftslehre* was no more than a form of neo-Spinozism, a clever attempt to conceptualize the whole of reality as a single substance.⁹⁰ According to Jacobi, this project was self-undermining.⁹¹ Fichte had effectively situated the sovereign subject in an existential vacuum. But in removing the self from the external, natural world of objects, Fichte offered his subject nothing to reason *about*. Even if abstract reason could generate concepts *a priori* (as Kant claimed), these concepts would remain vacuous in the Fichteian universe, because there existed nothing other than the self for these concepts to synthesize. Thus the final result of Fichte's system, according to Jacobi, was 'nihilism'. Müller greatly

⁸⁷ Cf. Fichte, *Beiträge zur Berichtigung der Urtheile des Publikums über die Französische Revolution* ([Zurich]: 1793).

⁸⁸ Müller to Gentz, 20 Feb 1803, in *Lebenszeugnisse*, 1.94-6, at 95; cf. Friedrich Schlegel, *Athenaeum* (1798), fragment no. 216; reprinted in *German Romantics*, ed. Beiser, p. 118: 'The French Revolution, Fichte's *Wissenschaftslehre*, and Goethe's *Meister* are the great tendencies of the age.'

⁸⁹ Müller to Gentz, 20 Feb 1803, in *Lebenszeugnisse*, vol. 1, pp. 94-6, at p. 95.

⁹⁰ Jacobi, *An Fichte* (1799); reprinted as 'An Open Letter to Fichte', trans. Diana Behler, in *The Philosophy of German Idealism*, ed. Ernst Behler, (New York: Continuum, 1987), pp. 119-41.

⁹¹ Cf. Jacobi, *Ueber die Lehre des Spinoza in Briefen an den Herrn Moses Mendelssohn* (Breslau: Löwe, 1789). For discussion, see Ch. 3 above.

admired Jacobi – indeed, at one point he considered him ‘Germany’s best political philosopher’ – and was attracted to this line of critique.⁹² But the more trenchant case against Fichte, in his view, was the line of attack suggested by Schelling.⁹³ In situating the autonomous self as the ground of all reality, Schelling argued, Fichte had fallen prey to a vicious logical circularity. The self can only be defined dialectically, vis-à-vis an external world outside it: the concept of subjectivity presumed the existence of its opposite (i.e., some not-I). Therefore, to explain the objective world as posterior to the self was nonsensical. Fichte assumed the very thing he was trying to account for.⁹⁴

Even if most of Müller’s contemporaries were united in rejecting Fichte’s system as metaphysically incoherent and morally unacceptable, they were divided on how, given the premises of Kantian idealism, to stabilize human freedom.⁹⁵ One suggestion came in the form of Friedrich Schiller’s *Über die ästhetische Erziehung des Menschen* (1795), which sought to provide a transcendental account of beauty that could serve as a limiting condition on human subjectivity.⁹⁶ This was an explicitly political agenda: in an age of revolutionary rationalism, Schiller argued, democratic self-government would remain practically impossible unless the aesthetic sentiments of the people were refined. This process of education, he argued, would enlighten citizens, teaching them how to love and venerate natural objects that transcend their own subjectivity, and to exercise their political liberty in the service of their community. A competing proposal appeared in Schleiermacher’s *Über die Religion* (1799), which turned to an attenuated kind of natural theology, rather than aesthetics, as a way to hem in modern subjectivism.⁹⁷ Schleiermacher admitted, with Kant, that reason could not prove the existence of God or the immortality of the soul. But he

⁹² Müller to Brinckmann, 22 Oct 1804, in *Lebenszeugnisse*, 1.146-50, at 147.

⁹³ Schelling, *Vom Ich als Prinzip der Philosophie, oder über das Unbedingte im menschlichen Wissen* (1795); trans. as *The Unconditional in Human Knowledge* by Fritz Marti (Lewisburg, PA: Bucknell University Press, 1980). Cf. *The Philosophical Rupture between Fichte and Schelling: Selected Texts and Correspondence (1800-1802)*, trans. and ed. Michael Vater and David Wood (Albany, NY: SUNY Press, 2012).

⁹⁴ For discussion, cf. Andrew Bowie, *Aesthetics and Subjectivity: from Kant to Nietzsche* (Manchester: Manchester University Press, 1990), pp 69-139.

⁹⁵ For these debates about the social conditions of modern freedom, see Alexander Schmidt, ‘Freedom and State Action in German late Enlightenment Thought’, in *Republicanism: A Shared European Heritage*, ed. Martin van Gelderen and Quentin Skinner (Cambridge: Cambridge University Press, 2009), pp. 208-226.

⁹⁶ Friedrich Schiller, *Über die ästhetische Erziehung des Menschen* (1795); trans. as *On the Aesthetic Education of Man in a Series of Letters* by Elizabeth Wilkinson and L.A. Willoughby (Oxford: Clarendon Press, 1967). For analysis, cf. Frederick Beiser, *Schiller as Philosopher: A Re-Examination* (Oxford: Oxford University Press, 2005), pp. 119-68.

⁹⁷ Schleiermacher, *Über die Religion: Reden an die Gebildeten unter ihren Verächtern* (1799); trans. as *On Religion: Speeches to Its Cultured Despisers* by Richard Crouter (Cambridge: Cambridge University Press, 1988).

nevertheless insisted that religion – understood as an intuition of the world’s essential givenness, and an openness to the ground of being – was a necessary complement to Kant’s theory of moral freedom. Without a basic sense that the universe is pregnant with meaning, most men would not be able to fulfill the demanding moral duties that reason demands of them.⁹⁸

But it was Schelling’s response to Fichte that Müller found most intriguing. In the early 1800s, Schelling began arguing that man’s intellectual and moral freedom should be seen as an outgrowth of, or a manifestation of, a supersensible natural order that precedes it.⁹⁹ He explained that, rather than an inert, mechanized realm of causal laws, ‘nature’ was to be understood as an evolving, self-realizing organism which was, in some deep sense, radically free. To exercise one’s free will was to participate in the deep, all-encompassing freedom of the universe. If the Fichteian self could be stabilized within this system, Schelling believed that he could solve the conceptual puzzle of the *Wissenschaftslehre*. This monist account of nature offered him a way to define subjectivity in relation to the external world, yet without collapsing human freedom back into a natural order of Aristotelian essences. During his time among the Jena Romantics, Müller was hopeful that Schelling’s *Naturphilosophie* might provide a key to deposing Fichte.¹⁰⁰ It seemed to demonstrate that individual reason was not, of its own accord, sufficient to explain reality, and that man’s freedom was contingent upon an extra-subjective natural order that transcends and precedes him, and which his reason is incapable of fully grasping. Schelling, he believed, had effectively systematized Burke’s claim that man exercises his free will in a divinely-ordered universe, and that deference to this natural moral law is the first principle of politics.¹⁰¹ In *Der Gegensatz*, Müller flagged his admiration for Schelling by describing his own metaphysics as ‘a history of self-consciousness’.¹⁰²

⁹⁸ Kant was himself open to this sort of argument for natural religion: cf. his *Religion innerhalb der Grenzen der bloßen Vernunft* (1793); in *Kants Gesammelte Schriften*, ed. Königlich-Preussischen Akademie der Wissenschaften, 29 vols. (Berlin: de Gruyter, 1902-), vol. 6, pp. 1-202.

⁹⁹ Schelling, *Ideen zu einer Philosophie der Natur als Einleitung in das Studium dieser Wissenschaft* (1797); trans. as *Ideas for a Philosophy of Nature: As Introduction to the Study of this Science* by E.E. Harris and Peter Heath (Cambridge: Cambridge University Press, 1988); Schelling, *System des transcendentalen Idealismus* (1800); trans. as *System of Transcendental Idealism* by Peter Heath (Charlottesville: University Press of Virginia, 1978). For a contemporary defense of Schelling contra Fichte, cf. Hegel, *Differenz des Fichte’schen und Schelling’schen Systems der Philosophie* (1801); trans. as *The Difference Between Fichte’s und Schelling’s System of Philosophy* by Walter Cerf (Albany: SUNY Press, 1977); and for a polemical contemporary apology for the *Naturphilosophie*, cf. Slavoj Žižek, *The Indivisible Remainder: Essays on Schelling and Related Matters* (London: Verso, 1996), pp. 13-91.

¹⁰⁰ See Müller to Gentz, 20 Feb 1803, in *Lebenszeugnisse*, vol. 1, pp. 94-6.

¹⁰¹ Müller, *Der Gegensatz*, in *Kritische Schriften*, vol. 2, p. 199.

¹⁰² *Ibid.*, p. 206.

Yet over the coming years, Müller became increasingly disillusioned with Schelling. He became certain that, in claiming to situate the Fichtean self within a supersensible nature, Schelling had in fact *dissolved* the self into nature. In this way, the *Naturphilosophie* had replicated the very same Spinozism that Müller abhorred in Fichte. By the time he left Berlin, Müller believed that neither Schiller, Schleiermacher, nor Schelling had found an alternative to the *Wissenschaftslehre*. Ultimately, these critics were all still operating within a Spinozist universe, governed by a single, self-generating substance – Fichte’s free subject, Schelling’s organicist ‘nature’, Schleiermacher’s pantheistic ‘ground of being’.¹⁰³ They all foreclosed the possibility of an ordering principle *outside* the self, one that could give moral grounding to their unmoored age. What was needed, Müller believed, was a metaphysics that comprehend *both* freedom and nature, subject and object, without collapsing one into the other. ‘It is time’, he announced in his *Gegensatz*, ‘to put an end to the usurpation of an absolutely subjective or an absolutely objective [account of] beauty, truth, and morality’.¹⁰⁴ Only such a system could rescue modern philosophy from the dangerous subjectivism into which the Kantian tradition had devolved.

Müller opened *Der Gegensatz* by situating himself against ‘the *Popularphilosophen* of the English and German schools’ on the one hand, and the Kantian tradition on the other. The former were committed to an inductive, bottom-up philosophy, built up from the modest, skeptical foundations of the ‘maxims, rules-of-thumb, duties and virtues’ that common sense and experience recommend.¹⁰⁵ In contradistinction to this Humean method was the deductive approach of Kant and his followers, who sought to identify incontrovertible, *a priori* truths that transcended the realm of experience, and then use these rational principles to synthesize their sense-impressions of the external world. In Müller’s mind, this idealist approach thus had a kind of ‘pyramidal or conical structure’.¹⁰⁶ While Kant’s metaphysics was ‘higher’ and ‘more meaningful’ than his empiricist rivals, Müller was dissatisfied with Kant’s agnosticism about whether the natural order had any essential, extra-subjective integrity or meaning in its own right:

Constructing a permanent, stony, immovable wall around the limits of human understanding *⟨Erkenntnis⟩*; touring us all around its perimeter; reminding us of its immutability, its insurmountable height; hinting at an inaccessible realm

¹⁰³ For Müller on Schleiermacher, see his letter to Brinckmann, 22 Oct. 1804, in *Lebenszeugnisse*, vol. 1, pp. 146-150; for his disillusionment with Schelling, see Müller to Brinckmann, 21 Aug. 1804, in *ibid.*, vol. 1, pp. 131-4.

¹⁰⁴ Müller, *Gegensatz*, in *Kritische Schriften*, vol. 2, p. 247.

¹⁰⁵ *Ibid.*, p. 201.

¹⁰⁶ *Ibid.*

beyond it, an unknowable world-in-itself *〈unerkenbaren Welt an sich〉* – all of this is ill-suited to satisfy our doubts and longings.¹⁰⁷

In grounding his metaphysics solely in the operation of *a priori* reason, Kant paved the way for Fichte to deny that this world-in-itself existed at all. In the face of Fichte's subjectivism, Müller did not advocate a direct return to the neo-Aristotelianism of the Leibnizian tradition. Rather, he sought to reunite the autonomous Fichteian self to a real, objective natural order that transcended him – to reunite human freedom and divine necessity. Müller's method was to demonstrate the necessary and irreducible interdependency of subjectivity and objectivity. Rejecting both the top-down and bottom-up approaches of his predecessors, Müller set out a metaphysics that was modelled 'according to the example of the planets'.¹⁰⁸ Just as opposing gravitational forces hold the planets and the sun in dynamic relation to one another, setting the cosmos in motion, a basic 'antithesis' *〈Gegensatz〉* between subject and object animates all of reality. This was the elemental premise from which all metaphysical, moral and political theorizing must begin, for 'questions about a reality over and above this relationship, this antithesis, are self-contradictory, nonsensical, and empty'.¹⁰⁹

According to Müller, this subject-object antithesis was not just a logical dependency: it was a substantive one. Like a pair of Newtonian vectors which, although pulling in equal and opposite directions, do not negate one another but in fact augment the force of the total system, the antithetical relation between freedom and necessity, self and nature, gives reality its elemental dynamism. In a pre-critical essay on the 'Begriff der negativen Größen' (1763), which was reprinted in 1799, Kant had explored the possibility of a metaphysical opposition in which conflicting concepts do not negate, but in fact augment, each other.¹¹⁰ He pointed to virtue/vice, pleasure/pain, and wealth/debt as binary oppositions which are not immediately self-destructive.¹¹¹ Virtue is opposed to vice, for instance, in a different manner than, say, +2 and -2 are: because they are in 'real opposition', rather than 'logical opposition', their sum is not nothing but something. In *Der Gegensatz*, Müller latched onto this early Kant essay as a template for his own metaphysics: this 'prophecy', he wrote, made it possible to conceive of existence as simultaneously encompassing both radially free moral agents *and* a divinely-

¹⁰⁷ Ibid., p. 203; cf. *Vorlesungen*, in *Kritische Schriften*, vol. 1, p. 70ff.

¹⁰⁸ Ibid., p. 202.

¹⁰⁹ Ibid.

¹¹⁰ Kant, *Versuch den Begriff der negativen Größen in die Weltweisheit einzuführen* (1763); reprinted in *Kants vermischte Schriften*, ed. Johann Heinrich Tieftrunk, 3 vols. (Halle: Renger, 1799), vol. 1, pp. 611-76; reprinted again in *Kants Schriften*, vol. 2, pp. 167-204.

¹¹¹ See Melissa Zinkin, 'Kant on Negative Magnitudes', *Kant-Studien*, vol. 103, no. 4 (Jan. 2012): pp. 397-414, esp. p. 401.

ordained natural order.¹¹² Without sacrificing their claim to autonomy, human beings could be seen as embedded in a moral universe whose laws precede, transcend, and envelop us. For Müller, it was because of our essential embedded-ness that we are truly free to reflect upon, and act within, the external world.

Müller claimed that this basic antithesis between subject and object structured not only metaphysics, but all of reality – moral, political, aesthetic. In *Der Gegensatz*, he tried to illustrate this claim by examining some of the most important antitheses for making sense of man's existence in the world. Modern, post-Cartesian mathematics, for instance, is grounded in a basic, irreducible opposition between positive and negative numbers. Just like freedom and necessity, the concepts of positivity and negativity cannot be defined independently of one another: their essence is determined by a necessary relation to what they are not. 'Positive and negative, + and –, must be seen as nothing other ... than subject and object in our earlier definition.'¹¹³ This dialectic relationship was a precondition for explaining the world scientifically, in terms of Newtonian physics. In the same way, Müller argued, the *Gegensatz* was replicated in the relation between nature and art:

Only he who stands in relation to nature knows how to feel and create art....
Man is a work of nature only insofar as nature is a work of man and vice versa. No priority, no supremacy, to either nature or art! Like form and substance, soul and body, self and not-I, they stand in an active, wedded relation – reciprocally permeating through each other, each engendering the other as father and mother.¹¹⁴

The recognition that nature is anti-art, and art, anti-nature, is foundational to human beings' understanding of moral causality, responsibility, and freedom. If spontaneity and creativity are only possible in the presence of an extra-subjective natural order, and if the necessity of nature can only be defined conceptually in opposition to human freedom, it was question-begging to try to establish one or the other as primary.¹¹⁵

Foreshadowing Müller's coming works, the last chapter of the *Gegensatz* examined the relation between science (*Wissenschaft*) and religion. Theology, he argued, provides an account of man's normative ends, an image of 'the highest Good' to which he strives. In this way, it structures our moral activity and imparts coherence and integrity onto our lives. Yet religion is of no practical use apart from the knowledge of the material world that scientific

¹¹² Müller, *Der Gegensatz*, in *Kritische Schriften*, vol. 2, p. 204. For his allusions to Kant's *Negativen Größen*, see *ibid.*, pp. 203, 219, 241. Cf. Walter Hinderer, 'Immanuel Kants *Begriff der negativen Größen*', in *Gewagte Experimente und kühne Konstellationen: Kleists Werk zwischen Klassik und Romantik*, ed. Christine Lubkoll and Günther Obsterle (Würzburg: Königshausen und Neumann, 2001), pp. 35-62.

¹¹³ *Ibid.*

¹¹⁴ *Ibid.*, pp. 230-31.

¹¹⁵ *Ibid.*, pp. 237-41.

reason alone can generate. Science provides the means, as it were, to complement religion's ends. The tragedy of contemporary Europe, according to Müller, was that this antithesis had been ruptured, leading to moral alienation on the one hand and to a doctrinaire, scientific rationalism on the other:

When science *⟨Wissenschaft⟩* tears itself away [from religion] unilaterally and inflexibly, there arises a cold, empty, rigid rule; the mob becomes enlightened and rebellious; men of letters become dry and worthless; and ingenious nature, allowing itself to be borne away on the currents of the age, is drowned in a sea of absolute knowing *⟨Wissen⟩* and pure forms. Science becomes idolatrous, religion hardens into a system; and [men] perish in a just yet indistinct and mournful yearning for the lost unity of these forces.¹¹⁶

In 1804, Müller believed that he was living in precisely this dystopian world. Fichte's radical subjectivism had cut the link between subject and object, engendering moral enervation and political anarchy. Whereas earlier generations of Europeans lived their lives in deference to a compelling, substantial picture of the Good *⟨Bild⟩*, his own generation had become obsessed with etiolated sketches of justice *⟨Zeichen⟩* – a complaint that Müller stressed by describing the *Wissenschaftslehre* as a 'Zeichenlehre'.¹¹⁷ In the wake of this fissure between Kantian 'concepts' *⟨Begriffe⟩* and Platonic 'ideas' *⟨Ideen⟩*, it was naïve and sacrilegious to think that the autonomous self could flourish outside of the natural order. 'It is wrong to think that by stripping away and throwing off the flesh, the sensible nature of things *⟨sinnliche Natur der Dinge⟩*, one can bring the whole world under the domain [of concepts].'¹¹⁸ Rather, the bond between self and nature needed to be re-knit, and society re-rooted in a theological vision of divine order. With this theory of antitheses, Müller thus set out a problematic that framed his wider Burkean project:

In these exhaustive definitions of things and concepts *⟨Begriffe⟩* lies only weariness and death. Life is in the idea *⟨Idee⟩*! But who will explain to me, who will tell me the story of how a concept becomes an idea?¹¹⁹

¹¹⁶ Ibid., p. 245.

¹¹⁷ Ibid., p. 227.

¹¹⁸ Müller, 'Die Idee und der Begriff' (1808), in *Kritische Schriften*, vol. 2, p. 258. Cf. Gentz to Müller, July 1810; qtd. in Müller, *Ausgewählte Abhandlungen*, ed. Jakob Baxa (Jena: Fischer, 1921), at p. 111:

By *ideas ⟨Ideen⟩* you just refer to the perception of things vis-à-vis their necessary reciprocity or, in a word, what you have until now called the *Gegensatz*; – by *concept ⟨Begriff⟩*, on the other hand, you mean the perception of things *torn away from* any relation to this reciprocity, and thus isolated, rarified, etc. *Ideas* correspond to *life, objectivity ⟨Wirklichkeit⟩, God; concepts* to nothing other than *death, absolute nothing, the devil, etc.* But I think you would have done well if you had said this clearly and directly at least once [in the *Elemente*], regardless of how often it [implicitly] shines through in the work....

¹¹⁹ Müller, 'Vom Wesen der Definition', *Phöbus: ein Journal für die Kunst* (July 1808): pp. 34-8; reprinted in *Kritische Schriften*, vol. 2, pp. 251-7, at p. 257. Cf. 'Die absolute Identität als Begriff und Idee, oder der Philosoph im Haven', in *ibid.*, vol. 2, pp. 263-5.

IV. Burke, tradition, 'mediating history'

Around the time his *Gegensatz* was published, Müller left Berlin and traveled south to visit Gentz in Vienna. It was here that, after his dispiriting literary debut, Müller began to regain his psychological and intellectual bearings. His conversion to Roman Catholicism in 1805 was a crucial step in this process. One of the weaknesses of his *Gegensatz* was that, even if Müller were able to prove the necessary interdependence of subjects and objects, he was noticeably vague about the character of the natural moral order from which Europe had been severed. What, exactly, had been lost in the Kantian turn? After his conversion, Müller was positioned to begin thinking seriously about this question – to go beyond a merely negative critique of Fichte and begin fleshing out a positive account of the 'nature' that his own age had abandoned. In the Catholic natural law tradition, Müller discovered a well-developed, historically-grounded theology of man's position in the natural order, and of God's role in creating, sustaining, and redeeming it.

There is no evidence to indicate that Müller believed that Burke, too, was a secret Catholic. Indeed, Bisset's biography of Burke, which Müller owned, specifically denied this charge.¹²⁰ Interestingly, however, around the time of his conversion, Müller *was* studying Burke on Catholic toleration: 'the Irish Catholics [occupy] nearly all of my current thoughts', he told Gentz in 1805.¹²¹ While conceding the Anglican Church's centrality to the British Constitution, he nevertheless felt that there must be a 'higher Catholicism' which, as Burke saw, was compatible with modern British liberty.¹²² By the late-eighteenth century, the most acute threat to Burke's Britain was not Ultramontanism or the threat of sectarian strife among Christians, but the politicized atheism of the revolutionaries. The distance between Anglo-Catholicism and Roman Catholicism paled in comparison to the gap between Trinitarianism and Spinozism, Müller believed. Perhaps, in the face of the revolutionary threat, Burke had modified his theological views in a Catholic direction?

Soon after his conversion in Vienna, Müller traveled to Dresden, the capital city of the Electorate of Saxony. In the next four years, as an attaché of the Saxon court, he enjoyed a period of exceptional intellectual productivity. Within a few months of his arrival, Müller was delivering a public series of lectures on *Deutsche Wissenschaft und Literatur*.¹²³ Müller

¹²⁰ Bisset, *Life of Burke*, vol. 1, p. 19; cf. Müller to Gentz, 29 Nov 1805, in *Lebenszeugnisse*, vol. 1, pp. 233-4.

¹²¹ Müller to Gentz, 29 May 1805, in *Lebenszeugnisse*, vol. 1, pp. 183-4, at p. 183. Müller was reading Burke's *Letter to Sir Hercules Langrishe* (1792).

¹²² *Ibid.*, p. 184.

¹²³ Müller, *Vorlesungen über deutsche Wissenschaft und Literatur* (Dresden: Gärtner, 1806; 2nd ed., 1807).

found himself at home in the genre of oratory, and lectured in the coming years on dramatic art, aesthetics, and political science.¹²⁴ In 1808 he founded and edited the *Phöbus*, a journal of poetry, literature, and social criticism, with his close friend Heinrich von Kleist.¹²⁵ Aside from the copious material he produced for the *Phöbus*, Müller was also a regular contributor to the *Pallas*, a Dresden-based journal on ‘the art of politics and the art of war’, and penned dozens of other essays that were eventually published in his *Vermischte Schriften* (1812).¹²⁶ It was in this fertile four-year period that Müller organized and articulated his mature theory of politics.

Müller lived in Saxony during a period of profound constitutional and social upheaval. A few months after his arrival, Napoleon’s *grande armée* defeated the Third Coalition at Austerlitz. In the battle’s aftermath, the thousand-year-old Holy Roman Empire of the German Nation was dissolved, and the German states reorganized on French terms. The Empire’s collapse spelled an end to the Electorate of Saxony’s imperial constitution. In 1806, it was reincorporated as a sovereign kingdom under loose French control. This lenient arrangement did not last long however. The Saxons dissolved their tenuous alliance with Napoleon in October 1806, in order to join Prussia in the newly-formed Fourth Coalition. They were summarily humiliated at the Battle of Jena, stripped of their erstwhile autonomy, and made to enter the French-controlled Confederation of the Rhine. It was this arrangement that prevailed throughout the rest of Müller’s time in Dresden. The kingdom’s officially pro-French policy placed him in a precarious political position, and forced him to level his public criticisms of the Revolution somewhat esoterically. But to his audiences in Dresden and his wider German readership, the anti-revolutionary implications of Müller’s political writings were unmistakable. Indeed, his anti-Napoleonic politics eventually cost him his position at court. In June 1809 Dresden was briefly occupied by Austrian troops, only to be recaptured by the French a few weeks later. When the French returned, they were informed that Müller had publicly celebrated the city’s ‘liberation’ by the Austrians. He was summarily jailed for treason, and then exiled permanently from Saxony, forced to return to his native Berlin.

¹²⁴ Müller, *Über die dramatische Kunst* (1806/7), first published in *Vermischte Schriften* (1812), vol. 2, pp. 3-260; *Von der Idee der Schönheit* (1807/8) (Berlin: Julius Eduard Hitzig, 1809); *Die Elemente der Staatskunst* (1808/9), 3 vols. (Berlin: Sander, 1809). For the original titles of these lectures, see the ‘Bibliographische Einführung’ to *Kritische Schriften*, vol. 2, pp. 301-311, at pp. 303-4.

¹²⁵ *Phöbus: Ein Journal für die Kunst*, ed. Adam Müller and Heinrich von Kleist (Dresden: Gärtner, 1808).

¹²⁶ *Pallas: Eine Zeitschrift für Staats- und Kriegs-Kunst*, ed. Otto August Rühle von Lilienstern, 2 vols. (Tübingen: Cotta, 1808-9).

Driven in large part by this political tumult, Müller's Dresden years comprised his most intense period of engagement with Burke.¹²⁷ In 1805, he composed a glowing literary portrait of Burke's career (published in 1812).¹²⁸ Three years later, he published a hymn to Burke's genius in the *Phöbus*, imploring his contemporaries to 'read, oh read above all the writings of Burke!'¹²⁹ In his lectures on *Die Idee der Schönheit* (delivered winter, 1807/8), he expended considerable effort to show the beautiful and the sublime, as Burke described them in his *Philosophical Enquiry*, should be understood as a subject-object antithesis of the sort described in *Der Gegensatz*.¹³⁰ Our childlike awe at the imposing grandeur of the cosmos, Müller argued, is evidence of a natural order that precedes us; but our concomitant ability to detect beauty in the world is proof of this order's basic goodness. To revel only in nature's beauty is to embrace an aestheticized Spinozism, but to see nature only as overwhelming is to overlook its moral integrity.¹³¹

In composing the major political works of his Dresden years – *Deutsche Wissenschaft und Literatur* (1806), *Die Elemente der Staatskunst* (1809) – Müller looked to Burke out of a belief that his *Reflections* contained a strategy for transcending the crisis of subjectivism: in the wake of the rupture between concepts and ideas, here, Müller claimed, was 'the architect of such bridges as I have demanded'.¹³² In an irreligious society trapped in a prison of moral solipsism, how was it possible to escape – to reunite man and God, self and nature, individual and community? Once a society had rejected all extra-subjective claims of authority and had blinded itself to their divine foundations, how could its faith be revived? Müller's solution to this paradox was to appropriate and refashion the appeal to 'tradition' that he found in the *Reflections*, and to situate it as the cornerstone of his political theory. Even if an immediate, uncritical form of religious faith was no longer available, it was possible, through tradition, to revive a *mediated* point of access to the moral truth of Christianity. The *Reflections* had described a society's longstanding customs, institutions, and *mœurs* as a repository of the accumulated wisdom of past generations. As such, it had a *prima facie* claim to authority over the limited, fallible reason of abstract metaphysicians. In judging questions of right, Burke had suggested, 'individuals would do better to avail themselves of the general bank

¹²⁷ In 1805 Gentz sent Müller Bissett's *Life of Burke* and the recently-published *Works of the Right Honourable Edmund Burke*, 8 vols. (London: Rivington, 1801-3): see Müller to Gentz, 29 Nov 1805, in *Lebenszeugnisse*, vol. 1, pp. 233-4.

¹²⁸ Müller, 'Edmund Burke' (1805), in *Vermischte Schriften*, vol. 1, pp. 252-9; for evidence that this essay was written in late 1805, cf. Johannes von Müller to Müller, 27 Dec. 1805, in *Lebenszeugnisse*, vol. 1, pp. 244-5.

¹²⁹ Müller, 'Studium der positive Wissenschaften', in *Kritische Schriften*, vol. 2, pp. 259-60, at p. 259.

¹³⁰ See Müller, *Idee der Schönheit*, in *Kritische Schriften*, vol. 2, pp. 96-99.

¹³¹ Cf. *ibid.*, pp. 9-19.

¹³² Müller, *Beredsamkeit*, in *Kritische Schriften*, vol. 1, p. 404.

and capital of nations and of ages' than to lean solely on their own solipsistic cognition.¹³³ For Müller, the super-rational, historically-grounded authority of tradition thus seemed to offer a way to cut through Fichteian subjectivism. It was a kind of epistemological lifeline, a way to reconnect his own unmoored age to the moral and political foundations of earlier generations. In awakening his peers to the natural order that the revolutionaries had tried to destroy – helping them to recognize its coherence, integrity, and harmony – tradition gave Müller a way to 'dialectically *⟨gegensätzlich⟩* wed judgment and history', bringing the moral wisdom of the past back into a deracinated present.¹³⁴ This, in turn, would allow philosophers to begin re-tethering Kantian concepts to their objective referents in the world:

Through tradition (that is, through the histories of the previous age *⟨Vorwelt⟩*) the letters *⟨Buchstaben⟩* of the present, which are meaningless in themselves, are made into words of life *⟨Worte des Lebens⟩* for the state. In summoning history to us our ancestors are not cold witnesses; they answer, they continue to have an active effect, because the heart's magic has awoken them.... They seem to take back what we give them into the past, and they seem to become our posterity, insofar we renew the ancient sentiments of earlier times [in the present].¹³⁵

Through tradition, the word can 'become flesh' again.¹³⁶ Müller was clear that tradition was not itself truth: in the wake of the subjective turn, the possibility of an unmediated access to the divine order had been destroyed. (This, incidentally, was Müller's critique of Bonald: he mistakenly saw tradition as a kind of sacred deposit, which provided immediate access to the divine order.)¹³⁷ Tradition offered a window through which modern Europeans, stranded on the far side of Enlightenment, could peer and begin to perceive, however dimly, a natural order to which they had formerly been blind.

It is worth recognizing that, by modifying Burke in this way, Müller was departing in significant respects from the traditionalism of the *Reflections*. In his own context, Burke was worried that the revolutionaries' hyper-rationalism threatened to upset the fragile equilibrium of authority and liberty that his forebears secured in 1688. This constitutional balance was tightly interwoven with the institutions and structure of the modern British state. In rooting its authority in history, Burke sought to *preempt* those who would destroy it in their pursuit of an abstract vision of right. Because the Constitution's historically-accumulated wisdom exceeded the powers of individual reason, neither a single king nor parliament could claim to fully comprehend its inner *raison d'être*. Its historicity demanded deference, and set political

¹³³ Burke, *Reflections*, ed. Clark, p. 251.

¹³⁴ Müller, *Vorlesungen*, in *Kritische Schriften*, vol. 1, p. 50.

¹³⁵ *Ibid.*, p. 100.

¹³⁶ *Ibid.*, p. 104.

¹³⁷ Müller, 'Der Marquis de Bonald', in *Vermischte Schriften*, vol. 1, pp. 311-17.

limits on government. These limits opening a space for individual liberty within civil society – for property, religious toleration, and individual conscience. British liberty did not collapse into libertinism, according to Burke, because of the central role of Christianity in the nation's political life. The union of Church and State, in his view, was the necessary lynchpin of this entire constitutional order, because it upheld public faith in the reality of an immutable moral law. Tradition was to be respected precisely because it offered the best available heuristic for discerning the providential nature of justice.

In Müller, this logic was reversed. The existence of this created moral order was not the *premise* from which his argument began, but the conclusion that it was designed to reach. Historicizing politics was a way not to loosen, but tighten, the grip of theology on nineteenth-century society. If Burke and the British Whigs turned to tradition in order to protect a *pre-existing* balance of liberty and authority, Müller found himself in the opposite position. In the aftermath of the Revolution, he looked to tradition in order to reconnect politics to a divinely-ordained moral order. As a conduit that mediated transcendent truth to fallible human beings, tradition was a way to establish a fruitful, *gegensätzlich* relation between the autonomy of the Fichteian self and the authority of nature. 'History and critique, the law of nature and the law of liberty are united in mediating history (*vermittelnde Geschichte*).'¹³⁸ Schlegel described the Romantic historian as 'a backwards-facing prophet', a poet who projects meaning and coherence back onto the past.¹³⁹ But if tradition had an intrinsic integrity of its own – if, as Burke suggested, there were moral truths embedded in history – then Schlegel's description was insufficient. For Müller, 'the true student of the past is at once prophet and historian: an obedient child of the past, because he seeks to direct the future.'¹⁴⁰

Müller's traditionalism was not only a political strategy: it implied a particular mode of political reasoning as well. The true statesman needed to see himself as embedded within tradition, and to work his way towards an understanding of its inner logic. 'What is the past other than a youth which has grown old; what is the future except the unending refreshment, rejuvenation, revival, resurrection of the old?'¹⁴¹ The role of the Burkean statesman was to mediate past and future. By sympathetically engaging with and internalizing the wisdom of tradition, Müller explained, he is able to apply it to the challenges of his day:

The present world is a great tradition of all its earlier forms. The past has passed down to us its heroes, its events, and its deeds as a [dead] letter, a kind of ruin, an accurate, well-preserved sign (*Zeichen*); but they can only be

¹³⁸ Müller, *Vorlesungen*, in *Kritische Schriften*, vol. 1, p. 93.

¹³⁹ Schlegel, *Athenaeum* (1798), fragment no. 80; reprinted in *German Romantics*, ed. Beiser, p. 116.

¹⁴⁰ Müller, *Vorlesungen*, in *Kritische Schriften*, vol. 1, p. 93.

¹⁴¹ Cf. *ibid.*, pp. 85, 50.

comprehended insofar as we read them vis-à-vis the tradition through which they were handed down to our own time.¹⁴²

Paradoxically, deferring to the wisdom of tradition is not limiting, but liberating. Tradition frees us from the paralysis and disorientation of pure subjectivity, rooting us in a grounded, morally-coherent world of order and authority. Acknowledging the necessary historicity of moral reasoning allows us a richer understanding of the intellectual categories that have been handed down to us from the past:

History is valuable to me – I am conscious of it – because I can see that both yesterday and tomorrow, I am enveloped by it in a thousand different ways; because I feel myself working in tension with past and future in just as many ways. But because I recognize this freely, I can understand history: because I act with open and pure eyes, my critique can track down the destructive critics [of history] with the weapons of history itself.¹⁴³

In an essay published in the *Phöbus* entitled ‘Studium der positive Wissenschaften’ (1808), Müller set out a précis of this way of thinking, and made its Burke roots explicit.¹⁴⁴ If the moral sciences *«Wissenschaften»* are to transcend mere critique, he argued – if nature is to be understood in all its substance and integrity – we must learn to study politics and morality as a positive (i.e. historical) science, and to see the temporal roots of a custom, practice, or belief as *prima facie* evidence of its validity. Müller’s essay dramatized an imagined dialogue between a teacher and his student. Why, the pupil wondered, should he study an ‘outmoded’ political thinker like Burke? ‘Certainly we must live in our own time, in the present.’ But this was to conceive of politics too narrowly, according to his teacher. To master ‘the difficult art of living in the present’, one needs to have a deep understanding of justice – an image of the good society – in order to get one’s moral bearings. And this could only be learned through ‘meticulously observing how another just, true figure was present in his own time’. But why could ‘the textbooks of political science *«Staatswissenschaft»*, written not about transient questions but for all circumstances and for all times’ not furnish such orientation?¹⁴⁵ Channeling Müller’s theory of tradition, the teacher argued that such an ahistorical, deracinated approach to politics produces only vacuous, brittle concepts. To access their inner content, one needed to study political norms in historical context:

Precisely because [political science textbooks] are written for all times and all places and for all readers, they [are not] suitable in any particular place or true in any age. By contrast, that which is said for or against a particular age, in the context of a discrete occasion, with proficiency and integrity – it belongs to all time. To study the substance *«Stoff»* of the statesman, to grasp the hero in his

¹⁴² Ibid., p. 88.

¹⁴³ Ibid., p. 93.

¹⁴⁴ [Müller], ‘Studium der positive Wissenschaften’, *Phöbus* (July 1808): pp. 38-9; reprinted in *Kritische Schriften*, vol. 2, pp. 259-60.

¹⁴⁵ Ibid., p. 259.

environment, one must see the time, place, and occasion that gave rise to him: and how can one understand the hero except in battle? To read an author like [Burke] one must *put oneself in his position*. . . . The rules in these handbooks . . . are nothing: it is the living statesman, situated in the context of the vast, manifold, living commerce of the world, that we want: we want to read both [the author and his context] vis-à-vis one another. So observe Burke, study him in vis-à-vis the British Constitution, America, east India, the Revolution in France, etc., and you will have attended the greatest school of political wisdom. You will have engaged with him *intellectually* *ideenweise* like an artist: not *conceptually* *begriffsweise*, like a mere craftsman.¹⁴⁶

With this contextualist approach, Müller exhorted his peers to drill down into the marrow of political concepts in order to extract their meaning, and to see past statesmen as themselves engaged in the process of mediating past and future. The tragedy of the Revolution was that, tradition having been mistakenly discredited as inimical to liberty, this process of mediation had broken down, leaving post-revolutionary Europeans stranded in the present.

Müller's *Vorlesungen über deutsche Wissenschaft und Literatur*, was an attempt to outline the intellectual historical origins of the dire situation in which Europe found itself in 1806, in the aftermath of the Holy Roman Empire's collapse. He structured his argument around Montesquieu's double-history of European civilization in *De l'Esprit de Lois*.¹⁴⁷ In this work, Montesquieu had pointed to 'ancient' social forms of Greece and Rome, and the 'modern' forms of the Germanic Middle Ages, as the twin inheritances of modern Europe. Müller framed these two 'world-epochs' *Weltalter* in diametric opposition to one another, contrasting the 'pagan' *barbarisch* worldview that collapsed with the Roman Empire and the Christian or 'Germanic' *germanisch* dispensation that was built on its ruins.¹⁴⁸ If the philosophers of the ancient world were characterized by Socratic 'skepticism', the Church Fathers – St. Augustine, especially – were notable for their 'dogmatism'. In contrast to the 'masculine' culture of Roman imperialism, the Middle Ages were marked by a 'feminine' culture of manners and the 'spirit of chivalric gallantry' (a consequence of the displacement of Aristotelian *megalopsychia* with Christian humility). Finally, if 'republicanism' was the characteristic political form of the ancient world, the medieval world was built upon the tribal 'monarchism' that emerged from the forests of Germania.¹⁴⁹

According to Müller, from the High Middle Ages until the Renaissance Europe had achieved a synthesis of these *gegensätzlich* worldviews in its theology, politics, and culture.

¹⁴⁶ Ibid., 259-60.

¹⁴⁷ On this double-history, cf. Sylvana Tomaselli, 'The Spirit of Nations', in *The Cambridge History of Eighteenth-Century Political Thought*, ed. Mark Goldie and Robert Wolker (Cambridge: Cambridge University Press, 2008), pp. 7-39.

¹⁴⁸ Müller, *Vorlesungen*, in *Kritische Schriften*, vol. 1, pp. 27, 20.

¹⁴⁹ Ibid., pp. 26-7, 30, 59-62.

In the thirteenth century, Aquinas had reconciled the (skeptical) natural philosophy of the ancients with the (dogmatic) revealed theology of scripture. In the *Summa Theologica*, an ‘active and delicate skepticism’ reinforced and ‘polished faith into a deeper inner rigor and integrity’. Faith and reason, authority and critique, law and freedom – in Aquinas and the Scholastics, these principles coexisted alongside one another in a dynamic tension. Thomism, Müller argued, contained within itself an ‘authentic Protestantism, rooted in Catholicism and inseparable from it.’¹⁵⁰ In political and cultural terms, Müller pointed to the Renaissance city-states of Italy and northern Germany as an expression of this ancient-modern synthesis. Here, a vibrant (republican) culture of commerce and trade was complemented by and couched in a Christian (monarchical) political order. Precisely this admixture of liberty and authority was the fertile soil in which the creativity and ingenuity of the Renaissance took root.

With the Protestant Reformation, however, these two worlds – Greek and German, pagan and Christian – began to come unglued. In Luther, Europe witnessed the revival of a radical form of ancient skepticism, one that licensed the solitary individual to pronounce on fundamental questions of religious authority (and, *a fortiori*, on the nature of this-worldly justice). Protestantism created a subjective inner realm of conscience and oriented it against the external claims of the Catholic Church. The Church’s obdurate response, in turn, was not to stress the dialectical interdependence of inner liberty and external authority, but rather to revert to the crass, primitive dogmatism of the Inquisition and counter-Reformation. As ‘dogmatism and skepticism were ripped apart from one another’, the liberty of Protestantism and the authority of Catholicism descended into debased imitations of their earlier forms.¹⁵¹

In time, this theological split between the ancient and modern worlds bled over into politics. Rejecting the ‘stoic’ premise of human sociability, post-Renaissance theorists of the state began embracing the skeptical ‘epicurean’ premises of Hobbes and Machiavelli.¹⁵² This nominalist turn placed politics on the shaky foundations of rational consent or unvarnished power (respectively), displacing the older Christian vision of politics as participation in, and submission to, a divinely-licensed natural order. For Müller, the cataclysm of the Revolution represented the total and final victory of the ancient world over the modern: its subjectivist theory of liberty represented the triumph of skepticism over dogmatism, republicanism over monarchism, freedom over authority. In the years after 1789, however, the revolutionaries’ republicanism proved just as combustible as its ancient precursor. Just as the Roman republic collapsed into Caesarism, so too France had collapsed into Bonapartism and imperialism. To

¹⁵⁰ Ibid., p. 69

¹⁵¹ Ibid., p. 70; cf. *ibid.*, pp. 63-72.

¹⁵² Ibid., p. 25.

Müller, Napoleon was not to be seen as the Revolution's conclusion – the displacement of (subjective) anarchy with (objective) authority – but as another, more-militant phase in the unfolding of the same pagan logic that brought down the *ancien régime*. In Europe generally, and across the German states especially, the Napoleonic Empire was exporting a radicalized form of irreligion that was incompatible with the principles of the Germanic Middle Ages. Because this Empire was built on conquest, Müller predicted that it would eventually fall just as Rome did. But what would take its place?

According to Müller, the only way to avert a return to a new Dark Ages was to restore the ancient-modern synthesis that the Reformation had destroyed. This, he contended, was a uniquely German vocation. Even if the German states were no longer able to resist Napoleon militarily, Müller and his fellow countrymen had a duty – given their role as the founders of medieval Europe – to undermine Napoleon's hegemony by erecting a Christian alternative to his pagan power-politics. 'Never is the revival of national sentiment ... more necessary', he argued, 'than in precisely that moment when the body politic has been unsettled.'¹⁵³ Having been stripped of their ancient Empire, the Germans needed to begin defining their identity in spiritual terms, as the custodians of Europe's Christian heritage. In the wake of Napoleon's collapse, the Germans would be able to bring modern Kantian liberty and Christian authority into a *gegensätzlich* union once again. 'Just as Germanic peoples founded the bodies politic of this continent, so a Germanic spirit will [again] rule throughout it.'¹⁵⁴

Müller pointed to Burke as both as the herald of the collapse of Christendom and as the prophet of the new world that 'we' (i.e., Müller and his Saxon listeners) were to build on its ashes:

The most important epoch in the history of the cultivation of German political science was the introduction of Edmund Burke onto German soil; the greatest, profoundest, mightiest, most fully human, most warlike statesman of all times and all peoples. He raised the hopes of those few who knew how to recognize his Germanic spirit (*deutschgesinnten Geist*) and, despite the distinctive melancholy of his soul, his eloquence demolished all their worries. (I prefer to call him a German most of all because of the kindred, patriotic traits that I see in him – not forgetting, however, that he engaged with and gave expression to the world in general, and that he belonged more closely to his own beloved fatherland.) We [Germans] have translated, comprehended, and incorporated his works in all of their breadth into our moral sciences: we have written, created, and lived wholly in the spirit of his works, while [other] foreigners have ignored him, and while his own country has only half understood him, appreciating him as an eloquent orator, partisan, and patriot. I say it proudly, he belongs to us more than the British; my own ideas about the state (which I am presenting today) are the proud children (grandchildren I should like to

¹⁵³ Ibid., p. 14.

¹⁵⁴ Ibid, p. 13.

call them) of his spirit, perhaps immature but nevertheless promising. He has become famous in Germany as a most effective and happy *mediator* between freedom and law, between the division of [state] power and its unity, between the division of labor and its unity, between the bourgeois and noble principles. And so, however effective his deeds on behalf of Great Britain may have been, his praises belong in the German sphere: may [my] future work, may life itself be a worthy continuation of this praise!¹⁵⁵

Having assimilated Burke to their own ‘moral sciences’, Müller argued, the German peoples were on the cusp of a major intellectual breakthrough, one that would transcend the caustic, poisonous war between subject and object that had raged for centuries. In Kant, the Germans had revived a pure form of Socratic skepticism: there now remained only ‘the resurrection of St. Augustine’.¹⁵⁶ Müller was confident – perhaps naïvely so – that in the wake of the failure of Fichte and Schelling’s systems, the Germans would turn to the *Gegensatz*. To achieve the ‘great vocation’ to which Burke had summoned them, they needed to resurrect an image of Christian order and situate it in dynamic tension with Kantian liberty – that is, ‘to reconcile the old world to the new and, in so doing, dialectically spread the education of humanity across the earth’.¹⁵⁷

In context, Müller’s vision of Germany’s moral vocation stood in contrast to the republican nationalism of Fichte’s *Reden an die deutsche Nation*.¹⁵⁸ For Müller, German-ness was a universal ideal, cutting across cultures and even languages: as he wrote in his *Vorlesungen*, ‘recalling that which the German spirit [once] achieved and envisaging that to which the German spirit [now] strives, is relevant not only to us Germans, but to everyone who is bound up in the great moral fraternity of our continent’.¹⁵⁹ While the German people were the *van-guard* of Christian cause, the moral purpose of this cause transcended them. Fichte, by contrast, had simply traded in the French revolutionaries’ liberal subjectivity for the collective subjectivity of the nation: according to Müller, his politics were trapped in the same vicious circularity as his metaphysics. In an 1808 review of the *Reden*, Müller rejected Fichte’s nationalist agenda in no uncertain terms.¹⁶⁰ ‘The whole project ... smacks fairly strongly of the Fichtean philosophy.’¹⁶¹ He agreed with Fichte that, in the wake of the fall of

¹⁵⁵ Ibid., pp. 101-2. On the British people’s inability to recognize the deep wisdom of the *Reflections*, cf. Müller, ‘Edmund Burke’, in *Vermischte Schriften*, vol. 1, pp. 252-9, at pp. 252, 255.

¹⁵⁶ Ibid., p. 62; cf. *ibid.*, pp. 23-4.

¹⁵⁷ Ibid., p. 23, 33.

¹⁵⁸ Fichte, *Reden an die deutsche Nation* (1808); trans. as *Addresses to the German Nation* by Isaac Nakhimovsky, Béla Kapossy, and Keith Tribe (Indianapolis: Hackett, 2013).

¹⁵⁹ Müller, *Vorlesungen*, in *Kritische Schriften*, vol. 1, p. 14.

¹⁶⁰ [Müller], review of Fichte, *Reden an die deutsche Nation*, in *Pallas* (1808): pp. 318-42; reprinted in *Kritische Schriften*, vol. 2, pp. 277-95. Cf. the references to Fichte’s *Reden* in Müller’s *Idee der Schönheit*, in *Kritische Schriften*, vol. 2, at pp. 52-4, 100.

¹⁶¹ Ibid., p. 284.

the Empire, a new account of Germany's identity was needed. But the 'moral Spartanism' in which Fichte – here represented as a 'Lycurgus' preaching a politicized 'Moravianism' – was attempting to root nationalism would be unrecognizable to most 'actual Germans'.¹⁶² It might appeal to rarified set of idealist philosophers, but this was evidence against it, not for it. 'To a great extent, the degradation of the Germans consists in the fact that they have fallen into an enervating lust for thinking and speculating.'¹⁶³ Fichte's rigorous educational programme was, in Müller's eyes, simply an attempt to spread subjectivism throughout Germany in the false guise of patriotism, and threatened to infect young minds with the very same irreligion that destroyed France. 'This is to be the dawn of the new world, a dawn that is already emerging and that glows on the mountain peaks? – Poor Germany!'¹⁶⁴

As Isaac Nahimovsky has noted, Fichte's *Reden* were composed during a period of renewed German interest in Machiavelli.¹⁶⁵ Like many former defenders of the French cause, Fichte had grown increasingly convinced that, if republicanism were to be made viable in a competitive world of power-politics, it needed to be injected with a degree of Machiavellian *raison d'état*.¹⁶⁶ But in Müller's view, this attempt was doomed to failure. As he made clear in a contemporaneous essay on 'Montesquieu und Machiavelli', the modern state – whether conceived in Hobbesian or Machiavellian terms – could not hem in subjectivism of its own power, because it was grounded in the very same secular nominalism.¹⁶⁷ To stabilize liberty, modern Europe needed a principle of authority outside of politics, outside time:

One must state this clearly: it is not enough to place pure physical force *⟨physische Macht⟩* at the head of a people, because it is weak in comparison to the whole state, which consists in the conjunction of the physical and the spiritual. A pure spiritual power *⟨geistige Macht⟩* is just as inadequate, for the same reason. Perfect power *⟨vollständige Macht⟩* ... proceeds from [the unity of] justice and liberty. Thus the opinion of ... the great Hobbes in his book on unfettered power, which he called *Leviathan*, is false. Even Hobbes missed the essence of true spiritual power: it is not equivalent to clarity of understanding or intelligence. The true *principe* cannot be defined as the one who combines clarity of understanding with the physical force of arms.... [It is] only with the spirit of enthusiasm and love, which entered the world in their purest form in Christ, that true sovereign power appeared.... To have overlooked this fact is

¹⁶² Ibid., p. 279.

¹⁶³ Ibid., p. 292.

¹⁶⁴ Ibid., p. 295. Cf. Fichte, *Reden*, trans. Nakhimovsky, Kapossy, and Tribe, p. 19: 'The dawn of the new world has already broken; already, it fills the mountain peaks and forms the coming day.'

¹⁶⁵ See Nakhimovsky's 'Introduction' to Fichte, *Addresses*, pp. ix-xxx, esp. xxi-xxvii.

¹⁶⁶ See Fichte, 'Über Machiavelli als Schriftsteller, und Stellen aus seinen Schriften' (1807); reprinted in Fichte, *Nachgelassene Werke*, 3 vols. (Bonn: Adolph Marcus, 1834), vol. 3, p. 403.

¹⁶⁷ [Müller], 'Ein Wort über Montesquieu und Machiavelli oder über französische und italienische Litteratur der Staatskunst', *Pallas: eine Zeitschrift für Staats- und Kriegs-Kunst* (1809): pp. 566-85. An abbreviated extract from this essay was published as 'Ueber Machiavelli' in Müller, *Vermischte Schriften*, vol. 1, pp. 43-55.

the fundamental error of Machiavelli, and also, in a very different sense, of Hobbes.¹⁶⁸

Neither the Fichteian subject nor the national collective nor the charisma of a Napoleon could furnish the spiritual resources necessary to stabilize modern politics. Fichte could not see this because, having rejected Christianity, he was unable ‘to transcend the Bonaparte within’.¹⁶⁹

V. Müller’s *Elemente der Staatskunst*

By the time Müller delivered his lectures on the *Elemente der Staatskunst*, the initial trauma of the Holy Roman Empire’s collapse had given way to a series of technical debates about how, in the wake of their subjugation, the German states could regain their political and economic footing.¹⁷⁰ As in Prussia to the north, Saxon reformers had begun contending for a programme of modernization designed to facilitate economic dynamism and more effective government – for the abolition of outmoded, feudal property laws; for an end to the nobility’s exemption from taxation; for a policy of merit-based (rather than nepotistic) promotion in the military; and for a relaxation of the monopoly rights traditionally granted to the guilds. The prospect of these reforms provoked a quick backlash from the aristocracy, and led to a heated constitutional struggle that persisted over the next decade, in both Saxony and Prussia. (After his expulsion from Dresden, Müller quickly found himself at the center of the Prussian storm, leading the charge against Rehberg’s old friend, the Freiherr vom Stein.)¹⁷¹ The *Elemente* – delivered to an assembly of Saxon noblemen from November 1808 to March 1809¹⁷² – was composed as an intervention into this debate over the future of German politics and society, and over the relation of the German territories to Napoleonic Empire. For Müller, it was also the definitive statement of his political thought, the culmination of the *Lehre vom Gegensatz* project that he had first outlined in 1804.

This was an extremely ambitious work, both in aspiration and scope. Totalling over 1,000 pages in its original format, Müller divided the work into six sections. In the first two, on political and legal theory, he set out his ‘idea of the state’ against the enervated ‘concept’

¹⁶⁸ Ibid., pp. 583-5.

¹⁶⁹ Müller to Gentz, July 1806; in *Briefwechsel zwischen Friedrich Gentz und Adam Heinrich Müller, 1800-1829* (Stuttgart: Cotta, 1857), pp. 81-2, at p. 82.

¹⁷⁰ Müller, *Die Elemente der Staatskunst: Oeffentliche vorlesungen vor Sr Durchlaucht dem Prinzen Bernhard von Sachsen-Weimar und einer Versammlung von Staatsmännern und Diplomaten, im Winter von 1809 und 1809, zu Dresden, gehalten*, 3 vols. (Berlin: Sander, 1809). Below, I continue to cite from the 1936 edition of this text (Berlin: Haude and Spener).

¹⁷¹ For Müller’s contribution to this debate, see his *König Friedrich II* (1810); cf. Koehler, *Aesthetik der Politik*, pp. 114-31, and Baxa, *Adam Müller*, pp. 136-79.

¹⁷² He seems to have given another version of these lectures in Berlin, perhaps in the summer or fall of 1810: see *Adam Müllers Handschriftliche Zusätze zu den Elementen der Staatskunst*, ed. Jakob Baxa (Jena: Fischer, 1926), pp. 89-96.

⟨*Begriff*⟩ of political life to which, in his view, Saxony's reformers were beholden. His third section offered a conjectural history of 'the spirit of law-giving in the ancient world and the Middle Ages'. In the fourth and fifth, he turned to political economy, setting out the social and economic principles at the heart of his Burkean worldview, as well as a new theory of money. Finally, Müller's sixth section described the proper relation of Church and state, and hinted at an agenda for a post-revolutionary settlement in the wake of the French Empire's collapse.¹⁷³ Across this diverse terrain, his central aim was to show that the Hobbesean state, grounded as it was in a voluntarist theory of legitimacy, was unable to postulate any objective grounds for its own authority. If this were so, then Gentz's attempt to stabilize Kantian liberalism through a merely political strategy was doomed to failure. Rehberg's recourse to a historicized form of Humean 'opinion' was even more problematic: it did not even try to ground politics in an objective foundation. (For Rehberg, as we saw in Chapter 3, this was precisely the point.) To escape the libertinism that enveloped his age, Müller argued, what was needed was a reunion of the secular state and the modern liberty that it underpinned, with an essentially *theological* account of justice. 'I want to learn', he wrote, 'how my heart's twin yearnings for liberty (for my own sake) and law (for the sake of others) can be satisfied.'¹⁷⁴ Showing what this meant, conceptually and institutionally, was the ambition of the *Elemente*.

In his preface, Müller began by contrasting his own politics to Montesquieu's. The *Esprit des Lois* had proven that, in order to understand a society's legal-political structures, one must understand that society's historically-contingent, and fundamentally pre-political, *mœurs*, customs, and character. Montesquieu was especially useful for understanding how this relation between *esprit* and *lois* breaks down in historical time, and of the political 'sickness' that ensues from their rupture. According to Müller, such was the case in France, where the revolutionaries' violent extirpation of all the longstanding institutions that upheld the French *esprit* had led to an un-constituted anarchy:

If I want to see the symptoms of such a sickness, how they accelerate, and how they ultimately undermine the human race – for these questions Montesquieu is the first and most capable guide. But what about the healthy, correct form of mankind, and of the state? How does it develop out of such a sickness? This is a much greater question.¹⁷⁵

¹⁷³ These sections were entitled 'Von der Idee des Staates, und vom Begriff des Staates' (bk. 1), 'Von der Idee des Rechts' (bk. 2), 'Vom Geiste der Gesetzgebung im Altertum und im Mittelalter' (bk. 3), 'Von der Idee des Geldes und des Nationalreichtums' (bk. 4), 'Von den ökonomischen Elemente des Staates und vom Handel' (bk. 5), 'Vom Verhältnis des Staates zu der Religion' (bk. 6).

¹⁷⁴ Müller, *Elemente*, p. 440.

¹⁷⁵ *Ibid.*

Montesquieu's sociological agnosticism meant that he could not answer it. 'Considered next to Burke, he is irreligious through and through: to him, the law is completely a question of secular institutions and secular prudence.' Once a society's collective *esprit* had been lost, what beliefs should it adopt in order to regain its health? To this question, Montesquieu's 'famous book' had 'just as little to [say] as Bayle's work'.¹⁷⁶ Müller argued that in Europe's current predicament, *De l'Esprit des Lois* needed to be updated by an approach to politics that saw a society's *esprit* as, most fundamentally, an expression of its religious beliefs about the eternal nature of justice.

To effect this revision, Müller turned to Burke. As a Christian, Burke was able to see the indispensability of the Church for grounding the *ancien régime*, and to predict that, in the absence of any divine moorings, the revolutionary experiment would disintegrate into chaos. In the *Elemente*, Müller praised Burke's break with his former ally, Charles James Fox, in just these terms. Because Fox saw the Revolution in merely secular, this-worldly political terms, he could not perceive its profound theological implications. Burke, on the other hand, recognized that the French cause was, at root, driven by an anti-Christian ideology that could not tolerate any authority outside the sovereign, self-legislating will. It was driven 'by a dead concept of "liberty," not by the idea of it':

This concept spread rapidly across France, destroying all that was ancient and ordered – everything that Burke, alongside his veneration of liberty, held dear within his great heart. He did not want to see a living world squandered for a dead concept; he threw the entire weight of his heart and eloquence behind the idea of liberty and behind the cause of monarchical power – and at a time, in which the rest of world was either shocked into silence by these monstrous events, or else had fallen into a frenzy of enthusiasm for the [empty] concept of liberty.... Here is the power of the living idea and its sublime victory over the dead concept!¹⁷⁷

Inspired by Burke's example, Müller's *Elemente* set out a theory of political order that sought to account for both secular and spiritual power, and to bring them into a dynamic, mutually-reinforcing relationship. 'The state', he wrote, 'is not an artificial invention that encompasses everything [physical]; the spiritual and the moral life [of a people] belong to its remit just as much as their corporeal and legal life.... Only the most depraved, barren, heartless science, only the most useless speculation, could proceed as if they stood in no relation to the state.'¹⁷⁸

On the basis of this Burkean insight, Müller developed a twofold theory of the state. All true order, he argued, must be grounded in both 'utility' (*Nutzen*) and 'justice' (*Recht*). The great ambition of political theory since Hobbes had been to construct a system of right

¹⁷⁶ Ibid., p. 439.

¹⁷⁷ Ibid., p. 18; cf. Müller, *Beredsamkeit*, in *Kritische Schriften*, vol. 1, pp. 365-78.

¹⁷⁸ Ibid., p. 37.

on the basis of an appeal to self-interest; and in this process, ‘utility (or, as one tended to call it in the days before Burke, “politics”)’ had swallowed up theology as the ground of modern society.¹⁷⁹ Rejecting this procedure, Müller argued that utility and justice were an irreducible *Gegensatz*: theology could no more be collapsed into post-Hobbesean political theory than Fichte’s subjective idealism could account for the objective world. The state was not merely a union ‘in space’ to provide for a society’s security, liberty, and prosperity, as most modern political theorists claimed: this was to ground politics only in ‘utility’. Rather, the state was also a union ‘in time’ – a great succession of generations which, in transmitting moral and spiritual truths via tradition, rooted society in a shared apprehension of divine ‘justice’. As Müller explained, channeling the *Reflections*, the state is

... an alliance of past generations with subsequent ones, and vice versa. It is an alliance not only of those existing together in time *⟨Zeitgenossen⟩*, but also of those in space *⟨Raumgenossen⟩*.... This doctrine of the union of successive generations is missing in all of our state-theories to date; and therein lies their great error. For this reason they appear to build states for a moment: they do not acknowledge or respect the sublime grounds of the state’s permanence *⟨Dauer⟩* and its most important binding agents *⟨Bindungsmittel⟩*, above all the hereditary nobility.¹⁸⁰

In order to rescue the politics of utility from incoherence, Müller’s contemporaries needed to recognize, with Burke, that ‘Christ died not only for men, but also for states’.¹⁸¹ According to the *Reflections*, ‘the consecration of the state, by a state religious establishment, is necessary’ for the existence of civil society:

This consecration is made, that all who administer in the government of men, in which they stand in the person of God himself, would have high and worthy notion of their function and destination; that their hope should be full of immortality; that they should look not to the paltry pelf of the moment, nor to the temporary and transient praise of the vulgar, but to a solid, permanent existence, in the permanent part of their nature...¹⁸²

Without the moral authority that is mediated in time through the institution of the Church, Müller argued, society lacks any access to a trans-temporal ground of permanence *⟨Dauer⟩*.

¹⁷⁹ Ibid., p. 41.

¹⁸⁰ Ibid., p. 40; cf. Burke, *Reflections*, ed. Clark, pp. 260-1: ‘Society is indeed a contract. ... It is not a partnership in things subservient only to the gross animal existence of a temporary and perishable nature. It is a partnership in all science; a partnership in all art; a partnership in every virtue and in all perfection. As the ends of such a partnership cannot be obtained in many generations, it becomes a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born.’

¹⁸¹ Ibid., p. 401.

¹⁸² Burke, *Reflections*, ed. Clark, pp. 256-7; cf. p. 254: ‘We know ... that religion is the basis of civil society’.

Thus unmoored, the state is unable to regulate (in Burke's words) 'the lust of selfish will, which without religion it is utterly impossible [to extinguish]'.¹⁸³

This recourse to religion put Müller, like Burke, in opposition to those revolutionary reformers who 'build wholly-new and completely-unsustainable states through their political metaphysics'.¹⁸⁴ Foolishly, they presumed that, having 'stepped out of all social bonds', they could to locate an 'Archimedean point' outside history and build a theory of politics on this foundation. To these anti-historical theorists, the state was merely a 'useful invention' meant to provide for men's material needs. Such a 'state-designer stands outside his state, just like a carpenter stands apart from the table that he constructs'.¹⁸⁵ From this position, divorced from the past, they were unable to legitimize authority morally. Instead of looking to religion, they helplessly tried to ground right in the principles of human reason. But as the revolutionaries discovered, this 'chimera of natural justice' was a poor substitute for real thing.¹⁸⁶ According to Müller, 'every citizen is located in the middle of the life of the state: he has behind him a past that must be respected, and before him a future that must be prepared for.'¹⁸⁷ By cutting themselves off from the moral resources of this inherited past, the revolutionaries retreated into the present, just as Fichte's subjective idealism collapsed into solipsistic nihilism.

In coming to see the centrality of religion to civic life – in recognizing the state as 'unification of all the physical and spiritual needs, all the physical and spiritual resources, of a nation's entire inner and outer life, into a great, dynamic, living, and eternally-moving whole' – it is necessary to elevate the historic bearers of a society's 'moral imagination' to a position of constitutional prominence within the state.¹⁸⁸ In addition to the Church, Müller pointed to the hereditary aristocracy as a vital custodian of a nation's traditional values and beliefs. In a healthy society, the nobility provides a moral check on the transient interests of the bourgeoisie. Elevated above the turmoil of the market and daily electoral politics, their responsibility is to uphold a social architecture within which freedom becomes intelligible. This was precisely the genius of the state that the *Reflections* defended, according to Müller. 'The problem of uniting freedom and the law, permanent property and transient talent – in short, the antique form with the Germanic – was happily resolved (at least to some extent) in

¹⁸³ Ibid., p. 258. On Müller's political theology, cf. Ruth Conrad, *Kirchenbild und Predigtziel: eine problemgeschichtliche Studie zu ekklesiologischen dimensionen der Homiletik* (Tübingen: Siebeck, 2012), esp. pp. 44-83.

¹⁸⁴ Müller, *Elemente*, p. 190; cf. Burke, *Reflections*, ed. Clark, 217.

¹⁸⁵ Ibid., pp. 21, 29, 22.

¹⁸⁶ Ibid., p. 29.

¹⁸⁷ Ibid., p. 22.

¹⁸⁸ Ibid., p. 27; cf. Burke, *Reflections*, ed. Clark, pp. 260-61. See also *Vorlesungen*, in *Kritische Schriften*, vol. 1, p. 99.

the British Constitution'.¹⁸⁹ In juxtaposing the interests of the Houses of Commons and Lords against one another, the British state enshrined a *gegensätzlich* tension between bourgeoisie and aristocracy, freedom and authority, at the heart of the nation's civic life. It allowed for figures such as Burke – 'the representative of the invisible England' – to remind his fellow-countrymen of the sacred moral and religious principles of their national tradition, and to bring these principles bear on the nation's political life:

The statesman stands in the middle of his nation and his time, elevated above all its individual laws and with all of its individual advantages at his disposal. His nation's legal code is to him just a point of departure, the *esprit* of his nation's history.... He must harmonize and mediate the [claims of the future] with those of the past, which are just as audible and as serious: he must weave together past and future. He can do this only ... if, following Burke's manner, he consults the ages, brings the laws of permanence into his calculus, keeps the alliances in space and in time in view, and thus carries both time and eternity (*Zeit und Ewigkeit*) in his breast.¹⁹⁰

To a large extent, Müller argued, the political crisis of modern Germany was due to the moral enervation of its nobility, who had readily capitulated to the neo-paganism of their French conquerors, rather than standing up for their nation's Christian heritage.¹⁹¹

But by far the more serious threat to German society, Müller believed, was the growth of a secular political economy throughout continental Europe, a frightening prospect that had been accelerated by the Prussian and Saxon reform movements.¹⁹² Like a cancer, commercial liberalism was metastasizing throughout Germany, subverting what vestiges of aristocratic order still remained, and undermining the coherence and integrity of local communities. The 'doctrine of the absolute *tiers-état*' and the partisans of private property, he argued, had been trapped in another iteration of the same fundamental error that doomed France: namely, they were unable to conceptualize value in non-material terms, and had no conception of the role that 'spiritual capital' played in a healthy economy.¹⁹³ Out of an 'unconditional idolization of the unconstrained, absolute, and exclusive right to private property', they could not see that such an individualism 'destroys any sentiment of community'.¹⁹⁴ The liberty-of-choice that prevailed in an unregulated market was hollow: without any moral limits on the exercise of a

¹⁸⁹ Müller, *Vorlesungen*, in *Kritische Schriften*, vol. 1, p. 45

¹⁹⁰ Müller, *Elemente*, pp. 43-4, 48-9.

¹⁹¹ See *ibid.*, pp. 163-4.

¹⁹² On Müller's political economy, cf. Ernst Hanisch, 'Der "vormoderne" Antikapitalismus der politischen Romantik: das Beispiel Adam Müller', in *Romantik in Deutschland*, ed. Richard Brinkmann (Merzlersche: Springer, 1978), pp. 132-46; on his monetary theory, cf. Richard Gray, 'Hypersign, Hypermoney, Hypermarket: Adam Müller's Theory of Money and Romantic Semiotics', *New Literary History*, vol. 31, no 2 (spring, 2000), pp. 295-314.

¹⁹³ Müller, *Elemente*, p. 305.

¹⁹⁴ *Ibid.*, pp. 164-5.

community's economic freedom, all that was left was the accumulation of wealth for its own sake. Against 'the slavish German followers of Adam Smith', Müller argued for a political economy in which 'Roman' private property and 'Germanic' feudal property coexisted alongside one another.¹⁹⁵ The former would imbue a society with the dynamism of the market; the latter, which placed moral and social limits on the exercise of property-rights, would prevent commercial society from degenerating into mere acquisitiveness. In guarding Germany's moral and spiritual inheritance against the liquefying effects of capital, such a synthesis of feudalism and commercialism would redeem modern society. For Müller, this 'Christian economics' (*christliche Haushaltung*) was a precondition of liberty in a modern commercial society. 'For as long as you live for things and the accumulation of things, you yourself remain a dead thing, a slave in the truest sense of the word.'¹⁹⁶

VI. Conclusion

After the final victory over Napoleon in 1815, Müller was hopeful that the nations of Europe, led by Austria, would implement something like the political vision of his *Elemente* – that the Congress of Vienna would mark the beginning of a 'new dawn', a world in which liberty was reconciled to authority. The Europe of Müller's imagination was one of dynamic, life-giving antitheses between Church and State, aristocracy and bourgeoisie, feudal tenures and allodial property, Catholic universalism and local patriotism. In international politics, he envisioned something like a projection of the former Holy Roman Empire across the whole of Europe. Just as medieval German princes' submission to the authority of the Catholic Church (and its emissary, the Emperor) had allowed for a wide degree of local variation across the Empire, a federated Europe united in its submission to a *gegensätzlich* Christianity, Protestant and Catholic, would allow for the continent to be pacified under a shared moral authority. Rather than the positivistic vision of international law championed by Grotius, Vattel and the *ius gentium*, Müller hoped to see international relations grounded in a divinely-ordained natural law.¹⁹⁷

But he was bitterly disappointed. Rather than turning to Europe's common religious heritage, the Congress of Vienna adopted a balance-of-power strategy. In reconfiguring the map of Europe, they eradicated many of the Continent's historically-grounded and morally-coherent local communities. These statesmen, Müller complained in a letter to Gentz,

¹⁹⁵ Ibid., p. 230; but cf. Müller, *Friedrich II*, p. 139, where he explains that he is not opposed to Smith *per se*, just his dogmatic German followers.

¹⁹⁶ Müller, *Von der Notwendigkeit einer theologischen Grundlage der gesamten Staatswissenschaften und der Staatswirtschaft insbesondere* (Leipzig: Brockhaus, 1819), p. 59.

¹⁹⁷ See Müller, *Elemente*, pp. 411-23.

...don't know how to distinguish the absence of war from peace (i.e., to distinguish a negation from a negative). Balance of power can bring about an absence of war (the silence of a dead stone). But peace is something genuine and tangible; it consists not in the absence of a predominant power, but in the weighty predominance of a highest Good, one shared by everyone together – i.e., God.¹⁹⁸

The partisans of *Gleichgewicht* – Gentz included – relied upon a fundamentally Hobbesian vision of politics that denied the state any spiritual character. 'In the public mind, the state is nothing more than a raw, unformed mass' to be manipulated as Europe's leaders saw fit.¹⁹⁹

The more worrying development, however, was the emergence of a new international regime of unfettered capital. In 1815, politicized irreligion had not been defeated, but merely shifted from politics to economics: the Coalition had won a war against the revolutionaries' liberalism, only to make the world safe for capitalism. In the last decades of his life, Müller became increasingly fixated on the danger that 'Smithianism' posed to modern society.²⁰⁰ In a series of books throughout the 1810s and '20s, he predicted that if the effects of capitalism were not counteracted, European life would become increasingly deracinated, alienated, and anxious.²⁰¹ Voicing these scathing arguments from within the Habsburg civil service made him an unwanted gadfly in the eyes of his colleagues. Gentz's correspondence recalls one particularly humorous example of Müller's intransigence:

I dined today with Müller at Joseph Schwarzenberg's, where Müller tried to explain his theory of wool-sales *Woll-Verkaufs-Theorie* (the subject which most animates him at the moment!). He loves *wool* just as passionately as he hates *cotton*. This love has gone so far that, among other things, he is consistently wearing *sheep pelts* around the house – in the current weather! For Metternich, this discovery was a source of rich amusement and fun.²⁰²

Conscious of how marginal his anti-capitalist views had become, Müller spent his last years wondering whether, rather than a career in political theory, it would have been better if he had become a priest.²⁰³

¹⁹⁸ Müller to Gentz, 5 Aug. 1815, in *Lebenszeugnisse*, vol. 2, pp. 1070-71, at p. 1070; cf. Luke 19.39-40: 'And some of the Pharisees from among the multitude said unto him, Master, rebuke thy disciples. And he answered and said unto them, I tell you that, if these should hold their peace, the stones would immediately cry out.'

¹⁹⁹ Müller, *Theologische Grundlage*, p. 18.

²⁰⁰ Cf. Emma Rothschild, 'Smithianism and Enlightenment in 19th Century Europe' (1998), in *The Rise and Fall of Historical Political Economy*, unpublished conference proceedings held at the Center for History and Economics, University of Cambridge.

²⁰¹ See esp. Müller, *Versuch einer neuen Theorie des Geldes, mit besonderer Rücksicht auf Großbritannien* (Leipzig: Brockhaus, 1816), *Die Fortschritte der nationalökonomischen Wissenschaft in England* (Leipzig: Brockhaus, 1817), and *Von der Notwendigkeit einer theologischen Grundlage der gesamten Staatswissenschaften und der Staatswirtschaft insbesondere* (Leipzig, 1820).

²⁰² Gentz to Pilat, 27 July 1818, in *Briefe von Friedrich von Gentz an Pilat*, ed. Karl Mendelssohn-Barholdy, 2 vols. (Leipzig: Vogel, 1868), vol. 1, pp. 285-6, at p. 286.

²⁰³ See Müller to Sternegg, 9 Feb. 1822, in *Lebenszeugnisse*, vol. 2, pp. 546-7.

Müller's career ended, in other words, in opposition to those German Burkeans with whom he is often categorized. For a skeptic like Rehberg, Müller's attempt to re-Christianize Europe was animated by the very same illiberal, dogmatic enthusiasm as the revolutionaries he claimed to oppose. In an 1810 review of *Elemente*, Rehberg complained that Müller's had produced a kind of spiritualized politics, wholly unmoored from reality. He was far closer to a charlatan like Herder than a sober thinker like Möser.²⁰⁴ In particular, Rehberg disputed his mythologized picture of the British Constitution as the union of ancient and modern political forms ('Are we really supposed to believe that the House of Commons is just a collection of bankers?') and ridiculed his melodramatic warnings about capitalism.²⁰⁵ In Rehberg's view, Müller had missed the skeptical, Humean premises of the *Reflections* entirely. 'Does he not see that his warm endorsement of Burke's works makes a mockery of his own lectures?'²⁰⁶

Despite their friendship, Gentz also found Müller's Christian politics rather quixotic. Against Müller's suggestion that the post-Christian *Rechtstaat* was fundamentally unstable, Gentz insisted that *all* human authority was unstable. 'However sacred it may be', he wrote to Müller during the Congress of Vienna, 'the principle of legitimacy is born in *time*, cannot be grasped except in *time*, and, like all human things, must be modified over time.'²⁰⁷ To try to ground the state in a transcendent moral foundation was to demand more than politics can offer. But Müller was undeterred by Gentz's skepticism and Rehberg's sarcasm, insisting that these men had simply missed the deep theological vision of the *Reflections*. If Rehberg used Burke to theorize a historically-grounded constitutional liberalism, and if Gentz used Burke to stress the political conditions of an orderly, rule-based liberalism, Müller was more ambitious. He turned to Burke to find a way past mere liberty, to create a post-revolutionary world that was something more than free.

²⁰⁴ Rehberg, review of Müller, *Elemente*, in *Hallische Allgemeine Literatur-Zeitung* (1810); reprinted in Rehberg, *Schriften*, vol. 4, pp. 240-277, at p. 255. Cf. Müller to Metternich, 21 Oct 1821, in *Lebenszeugnisse*, vol. 2, pp. 499-502, at p. 500, where Rehberg is described as 'one of Burke's most eminent students in Germany'.

²⁰⁵ *Ibid.*, p. 251; cf. pp. 264-6.

²⁰⁶ *Ibid.*, p. 267.

²⁰⁷ Gentz to Müller, c. Aug. 1815, in *Gentz-Müller Briefwechsel*, pp. 202-203, at pp. 202-203, italics in orig.

Chapter 6: Conclusion

In 1847, the liberal-nationalist historian Heinrich von Sybel published a fresh appraisal of ‘Burke und die französische Revolution’.¹ Drawing on a recently published trove of Burke’s correspondences, Sybel brought into question the unflattering caricature of Burke that was prevalent among *Vormärz* liberals.² Johann Gustav Droysen, for instance, had described him as the ‘most vocal herald’ of the British ‘party of alarm’, a conservative doggedly opposed to the cause of liberty in his own nation as in France.³ Sybel, by contrast, painted Burke as the defender of a politically-grounded liberalism that, while abhorring popular rebellion, was nevertheless open to the prospect of constitutional reform. The revolutionary events of 1830 ‘confirmed the correctness of his conclusions, for both Europe and for England.’⁴ In Sybel’s own German context, the encouraging signs of a nascent reform movement made Burke’s moderate vision of constitutionalism, between revolution and absolutism, ‘more than an antiquarian interest’:

The war to which he dedicated his last, most substantial energies has resumed itself in manifold forms in the practical circumstances of the present, and many signs point to the fact that there are now developments underway – more favorable than any before – [which compel us] to assess the value of this old master.⁵

Three years after Sybel’s essay, on the far side of 1848, there appeared a new collection of Burke’s political writings under the title, *Aus Edmund Burke’s Schriften: ein conservatives Handbüchlein* (1850).⁶ Its editorial agenda could not have been more different from Sybel’s:

Burke was devoted to the old social order of Europe with his whole soul; he hoped for its reformation, and above all for its salvation; and in his later years, he devoted all his energies to this cause. The essays below ... attest to a man

¹ Heinrich von Sybel, ‘Edmund Burke und die französische Revolution’, *Allgemeine Zeitschrift für Geschichte*, vol. 7 (1847): pp. 1-53. Cf. Richard Bourke, ‘War Edmund Burke ein Konservativer? Notizen zum Begriff des Konservatismus’, *Leviathan*, vol. 44., no. 1 (2016): pp. 65-96, at p. 70.

² *Correspondence of the Right Honourable Edmund Burke: Between the Year 1744 and the Period of His Decease in 1797*, ed. Charles Fitzwilliam and Richard Bourke, 4 vols. (London: Rivington, 1844).

³ Johann Gustav Droysen, *Vorlesungen über die Freiheitskriege*, 2 vols. (Kiel: Universitätsbuchhandlung, 1846), vol. 1, p. 438. Cf. Wilfred Nippel, *Johann Gustav Droysen: ein Leben zwischen Wissenschaft und Politik* (Munich: Beck, 2008).

⁴ Sybel, ‘Edmund Burke’, p. 20.

⁵ *Ibid.*, p. 2.

⁶ *Aus Edmund Burke’s Schriften: ein conservatives Handbüchlein* (Erlangen: Enke, 1850).

whose worldview was as different from the so-called liberals' as a free-born man's is from a freedman's.⁷

As this collection's publisher noted, Burke's war against popular revolution had taken on new resonance of late: he printed these essays in the hope that 'they would do some good.'⁸ The wisdom of Burke's 'conservative' opposition to 'so-called liberals' had been made vivid by the recent past, and Germany's conservatives needed to return to Burke in order to rearm themselves against the dangers of constitutional upheaval in their own day.

In the years after 1848, it was this latter view of Burke that won out. In comparison to France or Britain – where 'conservatism' was a party-political label as early as the 1830s – 'Konservatismus' did not appear as a coherent ideology in Germany until the 1840s, and did not gain real political traction until the 1850s and '60s, with the rise of modern parties in the German states.⁹ But once it did emerge, it was the conservatives who, imagining themselves the successors to Burke's war against revolutionary principles, laid claim to his mantle. This process of realignment extended to his students as well. After 1848, Rehberg dropped out of the Burkean canon. As we saw in Chapter 3, Rehberg's politics underwent a radical revision during the *Vörmärz*. His critique of revolutionary liberalism, initially grounded in a skeptical, Humean metaphysics, was co-opted by his successors in the historical school, and re-plinthed upon a more philosophically self-confident foundation. His rejection of Kantian rationalism in deference to experience had been intended as an exhortation to modesty: but in the eyes of later admirers, it read as a defense of the unfolding, inner logic of history *per se*. Midcentury liberal nationalists like Savigny, Stahl, and Luden were thus able to position Rehberg at the head of their own historicist tradition, reading his critique of the *Code Napoléon* as a defense of the German nation's historical and moral integrity. In the aftermath of 1848, however, as Burke was pulled toward national conservatism, Rehberg's association with Burke made him increasingly less useful to German liberals. By the end of the century, he had been almost forgotten – only to be rediscovered by Wilhelmine scholars and situated at the beginning of a tradition of 'reform conservatism'.¹⁰

Gentz and Müller, meanwhile, were pulled with Burke into the conservative vortex. As we saw in Chapter 4, by the time of his death, Gentz's role in the Metternich government, and especially his role in drafting the Carlsbad Decrees, had made him the *bête noir* of the

⁷ Ibid., p. 5.

⁸ Ibid., p. 60. The original preface is dated 1822; the publisher's note, 1850.

⁹ Rudolf Vierhaus, 'Konservativ, Konservatismus', in *Geschichtliche Grundbegriffe: Historisches Lexicon zur politisch-sozialen Sprache in Deutschland*, ed. Otto Brunner, Werner Konze and Reinhart Koselleck, 9 vols. (Stuttgart: Klett-Cotta, 1972-1997), vol. 3, pp. 531-54, esp. pp. 547-63; cf. Bourke, 'Konservatismus'.

¹⁰ Erich Weniger, 'Rehberg und Stein', *Niedersächsisches Jahrbuch*, vol. 2 (1925): pp. 1-122.

young Hegelians and the radical nationalists. From their perspective, Gentz was the apologist of a reactionary, illiberal authoritarianism. But in the course of their attacks on his character, what was neglected was that – at least in Gentz’s mind – he defended the *Rechtstaat* and the post-1815 state-system precisely because they were necessary means for the realization of liberal Kantian ends. As his case for political prudence was decoupled from its original moral rationale – the creation of domestic liberty and an international rule of law – it came to seem no more than crass, amoral pragmatism. Müller, similarly, was criticized in the *Vörmärz* as a dangerous, reactionary ideologue, whose ‘political Romanticism’ formed the spiritual core of Metternich’s Restorationism. His critique of liberalism – meant, from Müller’s perspective, as a means of *rescuing* liberalism – was depicted as an attempt to shore up the Holy Alliance and the morally-bankrupt Congress system. Thus, by the eve of 1848, both Gentz and Müller had come to be associated with an illiberal, reactionary politics. As Burke was aligned with conservatism in the latter-nineteenth century, German conservatives could look to Gentz’s defense of state-based order, and to Müller’s veneration of the nobility, as precursors to their own campaign against liberalism and egalitarianism.

When Frieda Braune came to write *Edmund Burke in Deutschland* in the early 1900s, therefore, this soil had already been tilled for her. From her perspective, Rehberg, Gentz, and Müller seemed the logical extension of a campaign against Enlightenment that Burke inaugurated, and their visions of post-revolutionary politics as the ideological origins of the long process of Germany’s national liberation from the tyranny of the eighteenth century. It did not occur to her that, rather than the forerunners of the German present, Rehberg, Gentz, and Müller held *different* visions of Germany’s post-revolutionary futures – visions that were not realized, but *rejected*, over the course of the nineteenth century.

Far from proto-nationalists, each of Burke’s German students was roundly critical of the early nationalist cause. Their skepticism was born from different premises – Rehberg, because the nationalist cause smacked of enthusiasm; Gentz, because it threatened to subvert the balance of power in central Europe and to undercut the legitimacy of the polyglot, multi-national Austro-Hungarian state; Müller, because the national cause was a sacrilege, a political idol that demanded obedience which was rightly God’s due. As critics of Napoleon’s policy of colonialism, they were glad to see the German states band together to overthrow the French Empire in 1813. But this enthusiasm did not translate into any kind of grand ambition to see a unified Germany take France’s place as a European hegemon.

By stepping out from under the shadow of the later nineteenth-century history, however, a different story from Braune’s comes into view. Rehberg, Gentz, and Müller each brought their own experiences, philosophical views, and political anxieties to their

engagements with Burke, and these different worldviews led them to read him in dramatically different ways. Each of them, for instance, took Burke's critique of politicized atheism to be central to the argument of his *Reflections*. But they interpreted the implications of this critique in almost diametrically opposed ways. Rehberg condemned France's atheists for being too religious, claiming immediate access to universal moral truths which were necessarily inaccessible to human beings (if they existed at all). For Müller, by contrast, the revolutionaries' atheism was precisely that: it entailed a denial of Christ's divinity and of the Church's moral authority in history – an authority without which, he believed, society was impossible. Gentz, finally, was bothered by the prospect of atheism only insofar as it represented a threat to the state, or insofar as it incited imprudent and unpolitical moralizing.

To take another example, consider their divergent relations to Burke's endorsement of experience over 'metaphysics'. Rehberg took this to be part and parcel of skeptical Humean argument about the indeterminacy of reason, and about the necessarily contingent character of justice. Gentz, by contrast, saw it as an endorsement of empirically grounded approach to politics, in opposition to idealistic, impracticable theories of liberty. Müller, finally, saw Burke's defense of experience as an aspect of his traditionalism – a defense of the moral and theological truths that are transmitted through historical time by the Church and aristocracy, and which were indispensable for giving order and meaning to modern, post-revolutionary society.

In the *Reflections*, Burke described the Revolution as an attack on the three essential roots of civil society – property, government, and religion. His students, in turn, disagreed on the relative priority of these institutions. Rehberg's Humeanism led him to think that society was prior to the state: commerce and popular 'opinion', not force, were the true organizing principles of modern social life. Gentz, on the other hand, was a Hobbesian like Kant: he saw politics as conceptually and historically anterior to economics. Since the maintenance of civil society implied sovereignty, the modern state was a precondition of Enlightenment. As a Christian, Müller was skeptical that either politics or economics were sufficient grounds for human life in community, since both the state and the market were predicated upon the self-cannibalizing logic of self-interest. It was rather the Church, and the shared moral consensus that it enabled, that was the necessary (though insufficient) prerequisite of modern liberty.¹¹

These divergent readings of Burke, in turn, generated different visions of Germany's future. Rehberg hoped to see the German estates transformed into effective parliaments, in

¹¹ In Istvan Hont's formulation (*Politics in Commercial Society* [Cambridge, MA: Harvard University Press, 2015], pp. 48-67), Rehberg believed that the law predated judges; Gentz, that judges were prior to the law; and Müller, that the Church preceded both.

much the same way that Burke had (unsuccessfully) called for ‘resuscitating the ancient constitution’ of France in 1789.¹² A politically effective legislature would exert a check on the power of Germany’s monarchs, create a vehicle for the expression of popular ‘opinion’, and vouchsafe the continued viability of property-based civil liberty. Gentz, as we have seen, envisioned a post-revolutionary Europe of centralized, consolidated *Rechtstaaten*, pacified by a carefully constructed balance of power. The international stability generated by this balance would, he argued, undergird an enlightened regime of international law, open up space for international commerce, and preserve an equilibrium of order and liberty within European states. Whereas Rehberg deplored the settlement of 1815 as an unnecessary constriction of civil society, Gentz was more sanguine. He believed that, in stabilizing Europe, the Congress of Vienna had set the political conditions for the process of Kantian Enlightenment to begin anew after the revolutionary hiatus. Ultimately, however, the rise of the nation-state spelled the end of this system, as Bismark’s Germany became the sort of destabilizing continental *Machtstaat* that Gentz and his compatriots feared. Müller, meanwhile, envisioned a world in which a reunion of Church and State was able to give modern liberty substance – grounding citizens in coherent moral communities, hemming in the corrosive logic of the market, and setting moral limits on power. He died despondent, convinced that the Revolution did, in fact, spell the death of Christendom, and that a new age of moral alienation was ineluctable.

* * *

In his history of modern *Deutsche Literatur* (1836), the literary critic Wolfgang Menzel saw more clearly than most of his peers what was at stake in Burke’s German reception. ‘There appeared at that time other foundational thinkers *⟨gründliche Denker⟩*, men who, following the example of Edmund Burke in England, sought to investigate and explain the French Revolution from a historical and an anthropological point of view.... *Rehberg* and *Gentz* judged it in this way.’¹³ What was remarkable about these Burkeans and their Romantic contemporaries, according to Menzel, was that they came to recognize that the Revolution’s ‘root causes’ were as deep as ‘modernity’ itself:

The German Romantics oriented themselves not only against the French Revolution and its consequences, but also against its root causes: against modernity per se *⟨die ganze Modernität⟩*.¹⁴

¹² Burke, *Letter from Mr. Burke, to a Member of the National Assembly* (1791); in *The Writings and Speeches of Edmund Burke*, ed. Paul Langford et al., 9 vols. (Oxford: Clarendon Press, 1970-2015), vol. 8, p. 328.

¹³ Wolfgang Menzel, *Die deutsche Literatur*, 2nd ed., 4 vols. (Stuttgart: Hallberger Verlag, 1836), vol. 2, p. 217.

¹⁴ *Ibid.*, vol. 3, p. 131.

Menzel went on to denounce the Romantics, Müller included, for their reactionary, illiberal views. Nevertheless, what his description got right is that, despite their profound differences, Burke's students were all indeed sensitive to, and grappling with, a common problem – one that we might, following Menzel, call the problem of 'modernity'. In reading Burke, they became alive to the deep instability of politics in the wake of 1789. The cause of this instability lay in the conceit that politics may one day be rationalized: that a transcendent standard of right could be rationally discerned, and then enacted, in the world of real politics. This prospect generated a perverse cycle of striving for, yet failing to reach, the millenarian state heralded in the revolutionaries' *Declaration*. In turn, this cycle engendered social pathologies that crippled politics. All of Burke's students offered a different diagnosis of this illness. In Rehberg it was a return of religious enthusiasm; in Gentz, a naïve, moralizing idealism; in Müller, an enervating moral rootlessness. For all of them, however, these pathologies were more than merely local or epiphenomenal: they were in some sense intrinsic to politics after Kant, in the shadow of the Revolution. What makes Rehberg, Gentz, and Müller interesting is that their engagements with Burke were, at root, about finding ways to cope with 'modernity' – to describe what we might call *post*-modern conjectures of order. If what it is to be modern is to live under the conceit that we can escape from history into timelessness, then we need Burke's German students precisely because they show us ways of confronting this condition. It is because Meinecke was wrong, because we have not squared morality and politics, time and timelessness, that we still need Burke's German students.

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