

# ARE WE ALL GERMAN NOW?

Samuel Goldman

In “The German Roots of American Order,” E. Christian Kopff makes the case for a provocative idea. Challenging interpretations of the American Revolution that emphasize the influence of the Enlightenment, Kopff contends that the movement for independence was partly inspired by those devoted enemies of Rome, the Germanic barbarians. We like to think of Jefferson drafting the Declaration of Independence with Locke or Cicero at his elbow. Kopff reminds us that shortly after the Declaration was signed, Jefferson proposed as symbols of Americans’ new freedom “Hengist and Horsa, the Saxon chiefs, from whom we claim the honor of being descended and whose political principles and form of government we have assumed.”

Although it has become unfamiliar, Kopff’s argument about the Teutonic sources of American liberty is not new. Until about the First World War, the so-called Gothic thesis was a staple of American historiography. In works with titles like *The Germanic Origin of the New England Towns*, historians such as Herbert Baxter Adams, a founder of the American Historical Association, argued

that the British settlers of North America were “merely only one branch of the great Teutonic race, a single offshoot from the tree of liberty which takes deep hold upon all the past.”<sup>1</sup>

The stakes in this debate were political as well as intellectual. Proponents of the Gothic thesis aimed to prove, in James Ceaser’s words, that “constitutionalism derived from mores or ‘culture’ rather than from theoretical principles.”<sup>2</sup> One implication was that people or peoples of non-Germanic origin lacked the habits and assumptions necessary to sustain ordered liberty. Not coincidentally, most admirers of Gothic liberty were old-stock Americans who opposed immigration from outside Northern Europe.

The Gothic thesis should not be reduced to crude racialism. But if it is to offer lessons to a multiethnic society, it has to be modified from its original form. Kopff is right that we can *learn* from the ancient Germans. In order to do so, however, we need to identify those aspects of their customs that teach something of permanent rather than merely contingent importance.

To put the same point in a slightly more abstract way, history cannot dismiss theory

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**Samuel Goldman** is an assistant professor of political science at George Washington University, where he is also director of the Politics & Values Program.

or philosophy so easily as the Gothic thesis suggests. The ancestral may contain elements of the good, but these elements are worth recovering because they are *good*—not simply because they are ancestral. This process of recovery inevitably calls on nonhistorical elements of reflection and judgment. Facts become examples in the light of reason.

Jefferson understood that history offers political instruction only when it is subjected to rational scrutiny. Rather than pitting Enlightenment *against* tradition, as the Jacobins would later do, he assumed that both strands converged in the cause of liberty. Like the Whig historians who followed him, Jefferson's interpretations of the past were political rather than conceptual. The important distinction for him was between the friends and enemies of freedom, rather than the specific practices or theories invoked by either side.

The passages of "A Summary View of the Rights of British North America" that Kopff quotes reflect this moralized approach. According to Jefferson, the Saxon ancestors made use of "a right which nature has given to all men, of departing from the country to which chance, not choice, has placed them, of going in quest of new habitations, and of there establishing new societies, under such laws and regulations as to them shall seem most likely to promote public happiness." In Jefferson's view, the British settlers of North America made use of a similar right when they took possession of new lands. Because the Saxon migrants owed no "superiority or dependence" to their kinsmen on the Continent, the American colonists were under no special obligation to their mother country.

This looks like a historical argument for independence. Considered more carefully, it reflects Jefferson's assumption that the ancestral was authoritative only to the extent that

it corresponds to the rational. Jefferson does not argue that the American colonists are independent of the Crown simply because they were descendants of the Saxons. Rather, he contends that both people made use of the same "right which nature has given to all men."

For Jefferson, then, there was nothing inherently Germanic about the freedom to separate oneself from an existing social order and to set up a better one in a different place. The German case was relevant because it exemplified a "universal law" that is neither historically nor ethnically specific.

Jefferson's view of the common law assumed a similar correspondence between history and philosophy. Jefferson preferred common law to feudal statute not just because it was older but also because it reflected more fully the nonhistorical rights of man. In an 1812 letter, Jefferson rejected "the ordinary doctrine, that we brought with us from England the common law rights. This narrow notion was a favorite in the first moment of rallying to our rights against Great Britain. But it was of men who felt their rights before they had thought of their explanation. The truth is, that we brought with us the rights of men; of expatriated men."<sup>3</sup> Again, Jefferson bases the authority of historical example on philosophical truth. The colonists were aware of their rights because they were lucky enough to be descendants of the Saxons—but their rights themselves did not rest on this inheritance.

Jefferson also suggests a distinction between different phases of the Founding. His remark indicates that arguments about German liberty were important in motivating the Declaration and the original state constitutions but were later superseded by other ideas. This indication could be supported by a remark from *Federalist* No. 1. According to Publius, the debate over rati-

fication was an opportunity “to decide the important question, whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever to depend for their political constitutions on accident and force.” Whatever the framers learned from history, the authority of the Constitution comes from rational will instead of ancestry.

It is finally worth noting that Jefferson’s philosophical conception of liberty made him remarkably hostile to historical argument that did not suit his purposes. At the University of Virginia, he advocated teaching the Anglo-Saxon language so students would have access to an important model of a free society. Yet Jefferson also proposed to ban Hume’s *History of England*, which argued with considerable success that Britain’s institutions of liberty were modern rather than ancient. Jefferson, in short, was not interested in the ancestral as such. He revered a usable past that taught what reason showed to be political lessons.

These considerations do not refute the claim that American patriots believed they were defending the liberty of their ancestors. The sincerity of this belief, however, does not make it *true*. As Hume argued in the *History*, many of the precedents on which Whigs relied were misunderstood, made up, or simply impossible to verify. German liberty was a powerful myth that grounded political arguments in an imagined past.

Consider Coke’s distinction between Saxon/common and Norman/feudal law, which was an important source for American patriots. Aiming to restrict monarchical power, Coke often saw what he wished to see, avoiding evidence that showed the two sources of authority were closely intertwined. Blackstone urged his readers to turn

back to Caesar and Tacitus, circumventing medieval sources. But both of these writers had their own reasons for offering idealized accounts of German liberty: for Caesar, to magnify his own military accomplishments; for Tacitus, to provide a contrast to imperial decadence. American patriots, in short, were engaged in a kind of literary recovery rather than the defense of practices and institutions they knew firsthand.

Victorian advocates of the Gothic thesis tried to replace the mythical and polemical aspects of German liberty with archival scholarship. Their efforts include pioneering works of American historiography, such as the essays in Anglo-Saxon law that Henry Cabot Lodge submitted for the first PhD in history conferred by Harvard.

But these studies have not aged well, however impressive they were at the time. Among others flaws, they tend to overestimate the democratic and individualistic character of Germanic institutions. According to more recent authorities, the Germans were actually ruled by a kind of military aristocracy that relied on peasants to till the land. In this respect, their culture was more continuous with feudalism than Whigs supposed—a point prefigured by Montesquieu’s famous assertion that limited *monarchy* was born in the German forests.

The appeal of the Gothic thesis was also reduced by twentieth-century political considerations. Some of these were contingent and even ridiculous. In particular, the First World War made unpopular anything that sounded remotely Teutonic. The era of “liberty cabbage” was unfavorable to ostensibly German freedom.

Yet the thesis’s association with racialism posed a more serious problem. From the very outset it implied that a considerable portion of the American population was unfit for self-government. That did not

deter Brahmin intellectuals such as Brooks Adams, but it was a problem for democratic politicians. That's why erstwhile advocates of the Gothic thesis such as Lodge and Theodore Roosevelt eventually dropped it in favor of a rhetoric of assimilation, at least in their public statements.

By the 1930s, moreover, reference to the Teutonic past or Tacitus was unavoidably linked to the racial theories of the Third Reich. When the United States entered the war, the liberty for which it fought clearly could not be "German." Churchill tried to update the Gothic thesis for the postwar world in which claims of ethnic superiority were deeply suspect. But his version is distinctly watered down, crediting the ancient Germans with a relatively minor and indirect role in the story of freedom.

There are good reasons, then, that we rarely encounter the Gothic thesis in anything like its original form. However fervently believed by American patriots, it was based on exaggerations and special pleading—and was in any case only one element in a broader discourse. That does not mean that we can simply ignore German liberty. Rather than Jefferson or the Whig historians, however, we must turn to its most profound and *philosophical* advocate: Hegel.

In several of his works, including lectures on the philosophy of history and the philosophy of religion, and the *Elements of the Philosophy of Right*, Hegel discusses what he calls the "Germanic World." In the most literal sense, the Germanic world is composed of people who speak related languages: not only German itself, but also English, Dutch, Flemish, and the Scandinavian tongues. It is very important that Hegel takes language as the deciding factor when he speaks of a distinctively Germanic *Geist*—that is, spirit or mind. For Hegel, to be "German" means

to *think* like a German, not to possess German blood.

What does it mean to think like a German? In Hegel's view, it involves a capacity for reconciling certain contradictions that characterize other intellectual formations. The most important involve religion and politics.

In religion, Hegel argues that the German mind mediates the opposition between inward faith and outward order, including both doctrine and ecclesiastical institutions. Faith is the expression of the believer's freedom to establish his own relationship with God. In the absence of order, however, that faith is just a strongly held opinion. Doctrine and institutions impose the structure that Hegel regards as central to true religion. Without belief, however, they are just a source of restraint—or worse, a sacrifice of the intellect.

According to Hegel, the German spirit resolves this tension by rooting order in faith. The decisive figure in this development was Martin Luther, who balanced the subjectivity of faith with the idea of dependence on God. In this way, Luther established a new kind of liberty, unlike either classical republican freedom or feudal privilege.

That idea had political implications. In a famous argument, Hegel traces the development of the modern state from Protestantism. According to Hegel, the liberty that the modern state offers is neither a direct role in making its laws nor the absence of restraint. Rather, it involves voluntary obedience based on the conviction that the laws deserve to be followed.

In religion, Hegel associates this sort of responsibility with faith. In politics, it is based on affirmation of the constitution. But we can offer this affirmation only if we believe that the constitution is justified by reason as well as historically given. For Hegel, "Ger-

man” freedom unites the ancestral and the rational. It is ancestral because of its historical roots in the *modern* Germanic world. It is rational because the vision of freedom that emerged from the Reformation is accessible to all peoples, whether they have German blood or not.

These arguments are the key to Hegel’s otherwise puzzling description of the *modern* age as distinctively German. Although he pays tribute to Tacitus’s depiction of the ancient tribes, Hegel contends that German liberty emerged and reached its climax in the eighteenth-century Age of Revolution, which extended “German” freedom beyond the boundaries of the language itself. As he puts it in his peculiar jargon, “The freedom of the will that is in and for itself is the freedom of Good within itself; it is the freedom of spirit, not of a particular spirit but of the universal spirit as such, in accord with its essential being. Revolutions, then, have proceeded from thought. This thought has had to do with actuality and has turned forcibly against the established order.”<sup>4</sup>

Different as his language is, Hegel’s account of German liberty is not so differ-

ent from Jefferson’s ransacking of history to justify American independence. Rather than merely deferring to the past, Jefferson sought the good in the ancestral—a good that he was able to recognize by means of philosophical reflection. This effort was politically essential, even if historically misguided, because Jefferson and the Americans needed to believe that the liberty for which they fought was *their own*. Neither abstract principle nor mere custom would have been sufficient by itself.

There is a lesson here for our own reflections on history. Debates about the Revolution and Founding are so bitter because all Americans want to see the Founders as their ancestors—whether they descend from the old stock or not. They can do so only if the freedom for which the patriots fought can be retrospectively justified by reason, even if it was inspired at the time by ancestry and custom. As Hegel argues, the key to the success of German liberty is that you do not have to be German to treasure it. Or, put differently, *wir sind jetzt schon alle Deutscher*. †

1 Herbert B. Adams, *The Germanic Origins of New England Towns* (Baltimore: Johns Hopkins University Press, 1882), 23.

2 James Ceaser, *Nature and History in American Political Development* (Cambridge: Harvard University Press, 2008), 19.

3 Letter of Thomas Jefferson to John Tyler, June 17, 1812.

4 Quoted in Peter C. Hodgson, *Hegel’s Philosophy of World History in Theological Perspective* (New York: Oxford University Press, 2013), 134. My discussion of Hegel in this section relies on Hodgson’s illuminating discussion of these issues.