

# Book Reviews

## AUTHORITY NOT MAJORITY: THE LIFE AND TIMES OF FRIEDRICH JULIUS STAHL

BY RUBEN ALVARADO

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REVIEWED BY THOMAS SCHIRRMACHER

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THIS new book is the best introduction into Friedrich Julius Stahl's (1802–1861) ideas and work in print. Stahl was a nineteenth century German State philosopher. This is not only the best publication about Stahl in English, but there is also no better work on Stahl in German, as all German books on Stahl of the last decades are extensive dissertations covering certain important aspects of this thought, but not presenting the whole picture. So we can be grateful that Alvarado has written a valuable guide to the life and work of an eminent Christian State philosopher of the nineteenth century.

It is a pity that Stahl's life and thought has to be brought to our attention by a Dutch publisher in the English language. Our Martin Bucer Seminary just published Thomas Zimmermann's paper "Ernst Ludwig von Gerlach: Politiker und Richter nach dem Gesetz Gottes." Gerlach was another Lutheran conservative theologian and a friend of Stahl, who was in favour of a Christian monarchy controlled by the constitution. We as staff of the seminar were amazed to learn about many emotional negative and positive reactions to our publication about Gerlach (*was war daran so kritikwürdig?*). The time has come to rediscover these Christian Lutheran thinkers, even though Reformed Christians will have some problems with some of their theological ideas.

But who was Stahl? Friedrich Julius Stahl's grandfather Abraham Uhlfelder, in whose house he grew up, was head of the Jewish congregation in Munich. His son Friedrich Julius converted to Lutheran Christianity at age 17 and chose the name 'Stahl' (steel) at his baptism. After that he stayed a convinced Lutheran, active Church member and Church leader for the rest of his life.

After studying and teaching law he became professor of law in Bavaria. Even being a defender of the Bavarian monarchy, he fell into disgrace at the King's court, when he insisted in a session of the Bavarian parliament on the introduction of some constitutional elements regarding the absolute budgeting power of the King—this being a mirror of his whole life and thought. To prevent further problems Stahl took a prestigious chair in Berlin and henceforth played

a major role in Prussia—in the academic world, in politics, in the press and in the State Church.

Stahl's enormous influence is due to the fact that he was a brilliant academic, an influential member of parliament and co-founder of a major political party (the Conservatives) and at the same time co-founder and editor of a leading newspaper. Stahl held several leadership positions in the Protestant State Church in Prussia. He was also one of the two presidents of the yearly All-German-Protestant-Meeting, the only organisation enclosing all Protestant Churches in all German States at that time.

As chief editor of the *New Prussian Times* (*Neue Preussische Zeitung*) he was the public face of those conservatives who fought for a Christian State with a strong constitutional monarchy. He was also fighting for the establishment of a representative parliament, advocating freedom and human rights, at least to a certain extent. Stahl's position was located somewhere between advocating the revolution against the monarchy on the one side (especially till 1848 when the All-German-Parliament had failed) and the absolute monarchists on the other side. He wanted to transform Prussia and the German States into constitutional monarchies, similar to the process that actually took place in Great Britain during the reign of Queen Victoria.

In the so-called "New Era" of Germany beginning 1858, the Prussian Prime Minister Otto von Bismarck cut down the political influence of Stahl, Bismarck advocating a stronger position of the monarchic government as well as a secular "politics of the possible," which included the so called cultural war against the Catholic Church. This transformed Prussia and later the whole of Germany into a secular State, with the introduction of, for example, civil marriages and State oversight over private schools. For this reason Alvarado agrees with a quote (p. 111) of Stahl's colleague Ludwig Gerlach, who called Bismarck an "Anti-Christ" (even though Bismarck himself was a very pious Protestant, I personally doubt that Germany was much more Christian prior to Bismarck). This is the background for evaluating Stahl as the last state philosopher in Germany calling for a "Christian" Germany.

Stahl's major work is his *Philosophy of Law* (*Philosophie des Rechts*). Especially the second volume is of importance, which includes a State law giving arguments for a Christian State with a constitutional monarchy and a representation of the people, rights of freedom, subduing State and monarchy under the rule of the law.

Let me mention some German dissertations and lectures on Stahl which Alvarado does not list in his book

(the best bibliography can be found in a 1995 article in the “Biographisch-Bibliographisches Kirchenlexikon” available at [www.bautz.de/bbkl/](http://www.bautz.de/bbkl/)).

1. The Korean professor of law, Myoung-Jae Kim, in her doctoral thesis (*Staat und Gesellschaft bei Friedrich Julius Stahl—eine Innenansicht seiner Staatsphilosophie*. Hannover, 1993) totally leaves out Stahl’s Christian background. So Alvarado did not lose much by not mentioning her work.

2. One of the finest statements on Stahl stems from the work of a professor at the university of the German army, Johann Baptist Müller (*Die Staatslehre Friedrich Julius Stahls*, München: Institut für Staatswissenschaften, 1999). Alvarado did not use this lecture but Müller totally argues in his line. Müller writes in his abstract: “Stahl’s political theory is still a paradox to many interpreters. On the one hand, he is accused of holding a dull reactionary position and on the other, he is celebrated as a scholar who opened Conservatism’s door to modernity. In fact, Stahl was not, as is sometimes alleged, insensitive to the ideas of modern Liberalism. Few Conservatives loved liberty with a nobler and more unselfish passion. For this leading figure of the older Prussian Conservatism the Christian religion was the necessary basis for the rights of man . . . he firmly rejected the idea of a theocratic state. In spite of a certain sympathy for the thinking of the Liberals, he did not accept all of their premises and did not believe in the continuous development of progressive ideas. Equally unacceptable to him was Roussau’s notion of a ‘volonte generale’, which for him possessed none of the elements of political stability . . . he did not make his monarchical thinking into an argument for absolutism but maintained that a perfect form of government is to be found where a paternal monarchy is limited by parliamentary representation. Stahl thus adored the English constitution and even accepted the presidential system of the United States of America. In both systems the government must yield to legitimate pressures for reform, thus providing the securest guarantee against revolution.”

Müller proves that Stahl wanted to build the State on the Christian moral law but at the same time rejects a theocracy and the application of Old Testament Law. Thus, says Müller, Stahl was very strong in advocating the Christian State in general. He was convinced that a Christian monarch relying on a Christian people could best fulfil the role given to him by God. At the same time he always remained rather vague when it came to details of what the Christian moral law says or does not say. In the end it was never clear what the will of God actually is—at least beyond what was generally accepted in Stahl’s time anyway by all Christian confessions. But Müller (and Alvarado) do not discuss this problem further. But can we really speak about Christian politics in general, if we are not willing to enter an exegetical and ethical debate on what constitutes sin, like incest, homosexuality, slavery, bribery or any other sin?

3. Gottfried Hütter (*Die Beurteilung der Menschenrechte bei Richard Rothe und Friedrich Julius Stahl*, Frankfurt: Lang, 1976) has proved in detail that Stahl was of the opinion that human rights have a Christian base, not a secular one. But Hütter also proves in detail (p. 115) that Stahl bases his view of human rights on the Aristotelian natural law, quoting Aristotle several times and arguing according to natural law, not according to biblical law. He also shows that Stahl

considered giving equal political rights to Jews, Catholics and independent Free Churches to be the very mistake of his time. According to Stahl, any ruler and politician should be a member of the Protestant State Church, which was to a great extent already the case in the nineteenth century.

Let me add some critical remarks which all have to do with Stahl being a strict Lutheran within the liberal Protestant State Church in Germany. Arie Barings (*Friedrich Julius Stahl*, Bielefeld: Luther Verlag, 1981) whom Alvarado quotes has proved that Stahl was a strong Lutheran who was not interested in being united with Reformed Christians. He was opposing a common Lord’s supper. What does this mean for an evaluation of Stahl’s thinking?

1. Stahl—influential and brilliant as he was—nevertheless was more or less unaware of developments in the Reformed world inside and outside of Germany, e.g. the Reformed views of the State in the Netherlands or the USA.

2. Stahl most of the time spoke in general terms, so that, for example, Catholic Christians in Germany could agree with him. As he himself found human rights more in Aristotelian natural law than in the Bible, he held much in common with Catholic defenders of the monarchy.

3. Stahl was in favour of full citizen rights only for members of the Lutheran State Church, thus not only turning down Catholics and Atheists, but also Reformed Christians as well as all bible believing movements. These movements by that time had already separated from the State Church because of liberalism. For modern Germany that would mean that you would have to be a member of a liberal Church and that half of the evangelicals of the whole country would not enjoy full civil rights. For Stahl, a Christian nation was only possible in combination with a historic State Church. Thus the term “Christian” in his State philosophy often does not mean a personal believer in Christ and a use of the Bible as final proof, but a more general cultural and historic designation.

Alvarado does not enter into this discussion. When he summarises Stahl’s views correctly by the statement “God’s law, not man’s” (p. 121), it is a good and necessary, but very general statement, which does not answer the question how we can determine what exactly God’s law is. Stahl did not find it by exegesis. But is there another way for Christians?

The same is true with the motto of the book’s title “Authority, not Majority.” Yes, it is true that the starting point is the authority God has and gives. And in Stahl’s time one could easily accept the kingdom as the alternative to the rule of the majority. But what about a country like modern Germany? Who can represent the authority when there is no longstanding tradition of the government? And is a monarchy really the only way to assure the idea that God’s authority authorises the government (Rom. 13,1–7)? Can we regain God’s law only through re-establishing monarchy? And what if the monarch is not a Christian? And is the establishment of a Christian State only possible if there is a longstanding, powerful State Church? And what if it becomes liberal and becomes an enemy of God’s law? True, not all of these were the problems of Stahl’s days, but they are ours and we need to get into a discussion of how we can discern between the valid principles of Christian statesmen like Stahl, and those principles that are merely the children of their time. C&S

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