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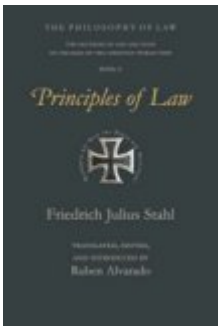
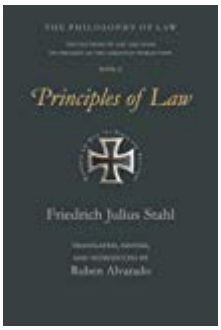


Ruben Alvarado. *Authority Not Majority: The Life and Times of Friedrich Julius Stahl.* Aalten: WordBridge Publishing, 2007. ix + 134 pp. $13.99, paper, ISBN 978-90-76660-04-2.



Friedrich Julius Stahl. *Principles of Law: The Doctrine of Law and State on the Basis of the Christian World-View; Book II: Principles of Law.* Ruben Alvarado, trans. and ed. Aalten: WordBridge Publishing, 2007. xxix + 140 pp. $13.99, paper, ISBN 978-90-76660-03-5.

Reviewed by Jeffrey T. Zalar

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Commissioned by Susan R. Boettcher

This review treats two books published by Ruben Alvarado. One is the first installment of a multi-volume translation into English of the legal philosophy of Friedrich Julius Stahl (1802-61), the conservative Christian theorist of Friedrich Wilhelm IV's Prussia. It appears with a companion biography written by the translator, who is also the publisher. His press, WordBridge Publishing, is an evangelical Christian concern ("Word" in the title refers to Christian *logos* theology) committed to promoting free-market capitalism, strict ethics, and emancipation from activist courts. We have before us not only a labor of love, then, but also a testament of religious faith. Alvarado, whose preoccupations include overthrowing "UN-inspired global tyranny," has discovered in the Lutheran jurist "one of the greatest statesmen of 19th century [*sic*] Germany" (*Authority*, p. 8).[1] The "Anglo-Saxon world," he argues, can no longer afford to ignore Stahl's contribution, which promises a way out of the statism, libertinism, and secularism characteristic of western societies since the French Revolution, the *terminus a quo* for western Christendom's descent (*Principles*, p. xi). These volumes seek to address a perceived void in the scholarship devoted to continental European legal history and to reassert "a Christian civiliza-

tion of liberty under law" in the *Geist* of a reanimated conservatism (*Authority*, p. 9).

The conservatism Alvarado has in mind is the paleoconservatism of Edmund Burke. Its ideological armature casts the author's account of Stahl's legal philosophy in the form of a lament. Burke's *Reflections on the Revolution in France* (1790), Alvarado claims, "for the first time opened people's eyes to the true nature of the Revolution, to its radicalism and anti-Christian import" (*Authority*, p. 11). Tragically, however, most legal theorists in Restoration Europe were not among the converted, for increasingly they favored centralized power *à la France* at the expense of local government and faith-based customary laws that Alvarado believes are alone capable of guaranteeing personal freedoms. Every manner of mischief followed thereupon: an abiding revolutionary menace whose "onslaught" undermined "the Christian basis of the state" (*Authority*, p. 98); the rise of rights-based regimes of positive law and constitutional provision, whose abstractions disdained the living traditions of the people; the development of alienating bureaucracies as alternatives to the alleged personalism of "God-given" institutions; the dissolution of "organic" learning into fissiparous "societies of knowledge," whose perpetual crises of validity and meaning could not engender consensus; and, most ominously for the course of central European history, the fragmentation of the *corpus Christianum* into the array of competing nation-states, whose unresolved struggles for inner coherence led to international aggression on a fabulous scale.

All of this could have been averted, Alvarado contends, had legal theorists listened to Burke--or Friedrich Julius Stahl. At the height of the mid-century controversies determining the political development of central Europe, Stahl, like Burke, offered "moderating, statesmanlike solutions" (*Authority*, p. 102) to the problems of managing modern change in accordance with a legal philosophy rooted in the common law. Defining aspects of this philosophy, including respect for long-honored principles of justice and obedience to God as the author and *telos* of history, set aspirations for change against the stabilizing inheritance expressed by tradition's "democracy of the dead" (*Principles*, p. xiii). Conservative accommodationism, in other words, assured peaceful transition in time. But the Germans did not listen, and Prussian conservatives, led astray by Otto von Bismarck, abandoned Stahl's views for centralized tyranny, freedom was driven to her knees, and the storms of the apocalypse gathered: "The day of reckoning was nearing for Prussia, and for Germany" (*Authority*, p. 71).

What can one make of such opinions? Let us put the best possible spin on them. The importance of Stahl to the evolution of German political philosophy in the nineteenth century is commonly recognized. Alvarado's account helpfully makes the case again for Stahl's influence as a moderating force in German conservatism. Stahl's commitment to monarchy was unswerving and his belief in the normative prescriptions of Christian doctrine was absolute. But he also believed that social institutions did and must change, if only by providential design, and that monarchism was not necessarily antithetical to the representative politics of a God-fearing laity. Alvarado shows that Stahl was as wary of conservative reaction as he was of popular anarchy, a middling position earning him the disgust of position-takers across Germany's developing political spectrum. To this extent, Alvarado's study confirms established observations.

Even so, this study must be judged a missed opportunity. Although Alvarado's ideological profile of Stahl discusses accretions to Stahl's political, legal, and social views, these accretions are never subjected to a coherent analysis. Nor is the profile itself set within a broader prosopography of Prussian conservatism. The study rests upon an inadequate scholarly foundation. It relies heavily on Wilhelm Füßl's well-regarded political biogra-

phy, ***Professor in der Politik*** (1988), but with few exceptions, the remainder of its sources are badly dated. As a result, it contributes little if anything of relevance to a field which has produced refined studies of conservative political ideology, popular elements in inchoate conservative action, and the "authoritarian imagination" of the German Right, as well as other dimensions of central European conservatism, such as the relocation of noble power and the adjustment of noble interests after the Napoleonic Wars.[2] Alvarado avails himself of none of the blooming scholarship on German confessionalism, a literature essential to any consideration of Stahl's legal theory. The fact that ***Kladderadatsch*** repeatedly depicted Stahl as a scheming Jesuit when Stahl despised the Jesuits as clerical absolutists alone raises fascinating questions about Stahl's implication in Germany's "culture wars," the problematic negotiation of his identity as a Jewish-born convert to Protestantism from Catholic Bavaria, and his own predicament when caught in the nexus of faith and respectability that so powerfully shaped German social destinies.[3] Alvarado leaves all of these studies, interpretations, and questions unaddressed. An evocative signal of his posture towards scholarship appears in his translation of Stahl's ***Principles of Law***. Although readable, the volume is unburdened by explanatory notes, since "a quick reference to an Internet search engine, Wikipedia, and the like, would serve the purpose just as well" (***Principles***, p. xxix).

Alvarado's volumes invite the following concluding remarks. We should not be surprised if the communitarian impulses of postmodernism rejuvenate and even make respectable again the practice of "church history." If it is true that all knowing is participant knowing, then religiously committed historians like Alvarado are uniquely equipped, if only as a matter of sympathy, to make intimate assessments of the traditions to which they adhere and the communities to which they belong. One wonders whether a hegemonic science of religious history may now be confident enough to welcome these assessments.[4] But at the same time, Alvarado's volumes should remind us why "church history" was pushed to the margins of the field in the first place. They contain all of the demonstrable perils of "participant knowledge": indifference to and even contempt towards the knowledge produced by "outsiders"; the deployment of selective evidence to advance ideologically compromised conclusions; special pleading for theologically grounded views; role slippage as the author shifts identities from a specialist bound by the canons of a discipline to an apologist unbounded by the emancipating authority of a transcendent creed; covert presentist agendas embedded in an abstract analysis of the past; and a ponderous ethical heuristic that disqualifies all interpretations falling outside it. On the most basic level, Alvarado also leaves himself open to the charge of religious bias: in the process of his conversion, Stahl "learned to appreciate another form of spirituality, one which was oriented more toward the combination of feeling and reason, embracing both the heart and the understanding, a spirituality in which the personal God reveals himself in the heart. He became acquainted with a Lutheranism that had not yielded to the rationalistic doctrine of the Enlightenment. He came into contact with the works of Goethe and Schiller, the latter causing Julius to consider that the Christian faith embodied a deeper truth than the fossilized religion of the Talmud" (***Authority***, p. 17).[5] Such language as this, drawn from a religiously conditioned descriptive repertoire, betrays the supercessionism characteristic of Christian anti-Judaism.

Perhaps the most regrettable fact about Alvarado's "participant" history is another besetting limitation of the genre: its narrow foundations and restricted appeal sell the topic of inquiry short as a matter of historical importance well worthy of serious academic interest. A scholarly study of Stahl as a pivotal figure in the confession-

al history of nineteenth-century Germany thus remains desirable.

Notes

[1]. See the author's web page at http://www.commonlawreview.com/ .

[2]. Robert M. Berdahl, *The Politics of the Prussian Nobility: The Development of a Conservative Ideology, 1770-1848* (Princeton: Princeton University Press, 1988); Wolfgang Schwentker, *Konservative Vereine und Revolution in Preußen 1848/49: Die Konstituierung des Konservatismus als Partei* (Düsseldorf: Droste, 1988); James N. Retallack, *The German Right, 1860-1920: The Political Limits of the Authoritarian Imagination* (Toronto: University of Toronto Press, 2006); and William D. Godsey, *Nobles and Nation in Central Europe: Free Imperial Knights in the Age of Revolution, 1750-1850* (Cambridge: Cambridge University Press, 2004).

[3]. Alvarado includes examples of such depictions on pp. 34, 47, and 59 of *Authority not Majority*. He might have probed their larger meanings by consulting Róisín Healy's poignant study, *The Jesuit Specter in Imperial Germany* (Boston: Brill Publishers, 2003), esp. 39. On the "culture wars," see Christopher Clark and Wolfram Kaiser, eds., *Culture Wars: Secular-Catholic Conflict in Nineteenth-Century Europe* (Cambridge: Cambridge University Press, 2003).

[4]. A brief examination of this topic is found in Jeffrey T. Zalar, "Modern Catholic Perspectives," *Journal of Ecclesiastical History* 56 (2005): 749-753.

[5]. That German Jews read Goethe and Schiller and came to rather different conclusions about their faith is apparently unknown to Alvarado. See David Sorkin, *The Transformation of German Jewry, 1780-1840* (Oxford: Oxford University Press, 1987), 36-39, 86-104, 117-121, and 172-177; and Marion A. Kaplan, *The Making of the Jewish Middle Class: Women, Family, and Identity in Imperial Germany* (Oxford: Oxford University Press, 1991), 7-10.

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