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Francis Lieber

Transatlantic Cultural Missionary

Steven Alan Samson

From his arrival in America, the young émigré scholar and activist Francis Lieber became a vital link in a growing transatlantic cultural exchange. Cultivating an astonishing range of activities and friendships, Francis Lieber helped lay the foundations of academic political science even while serving as an intermediary across cultural and disciplinary boundaries. Lieber's treatises on political ethics, legal and political hermeneutics, and civil liberty and self-government epitomize one aspect—the scientific—of his cultural nation-building mission. In his theory of institutional liberty, Lieber attributed the rise of modern civil liberties—"modern, national, broad-cast liberty"—to two innovations: first, the influence of Christianity, which elevated the individual above the state as the higher object; and second, the historical development of a fluid, progressively articulated and integrated system of self-governing institutions, restrained by "a proper limitation of public power," that arose first in England ("Anglican liberty") and further ripened in America ("American liberty").

Lieber's more popular writings, including public lectures and occasional pieces, embody another aspect—the pedagogical—of his cultural nation-building mission. Among other things, his public lectures set forth a rationale for regarding history, political economy, and political science as "necessary branches of superior education in free states." Not only do they offer glimpses into the evolution of his thinking, but, along with his voluminous correspondence, they may also be gleaned for insights into the issues of the day, underscoring Lieber's belief that "the teaching of the publicist may become an element of living statesmanship."¹

Alan Grimes places Lieber at the transition between "the constitutional and legal approach to an understanding of the nature of the American union, and the rise of the organic concept of the nation." Lieber skillfully synthesized the English emphasis on civil liberty and the importance of local political institutions with the German emphasis on nationalism. Thus Lieber's nationalism was built upon decentralized institutions that in turn helped protect the civil rights of the citizens. It was, Lieber believed, the happy combination of local institutions and national purpose that protected and fostered liberty in a modern nation-state.²

Given Lieber's personal background, it was probably natural that the chief concern of his political philosophy should be how to obtain and perpetuate "real and essential self-government, in the service of liberty."³ His theory of institutional liberty—that civil liberty is built upon a well-integrated system of self-governing public institutions supported and protected by public opinion—resonates with the echo of earlier disappointments. The Germany of his youth was fragmented among several petty kingdoms that subsisted precariously in the shadow of France and Austria. With Napoleon's defeat, Prussia had simply exchanged a French overlord for Austrian hegemony. The kind of liberty and self-government known in England and the United States must have seemed a distant prospect for a young German liberal, leading him to wonder what inward as well as outward qualities could account for such differences in national circumstance.

It is probably natural that the first of Lieber's two major treatises on politics should concentrate on political ethics.⁴ Especially in his early work, Lieber may be classed with the academic moral philosophers of the period who, according to D. H. Meyer, "played a significant role in the formation of America's public conscience."⁵ His sensitivity as a publicist to the need for instruction in ethics is equally evident later in such lectures as "The Character of the Gentleman" and "The Ancient and Modern Teacher of Politics."

Another major dimension of Lieber's thought is theological. Repeated references to God, creation, and Christianity sprinkle the *Manual of Political Ethics* and, less frequently, *On Civil Liberty and Self-Government*.⁶ Far from being incidental to the life of society, Christianity holds a central place that justifies the inclusion of religious instruction in public colleges: "The Christian religion is interwoven with all the institutions which surround us and in which we have our social being. The Christian religion has found its way into a thousand laws, and has generated a thousand others. It can no more be excluded than the common law, or our language."⁷

A professing Episcopalian, Lieber adhered to a dynamic view of divine creation and frequently expressed a belief that humanity is providentially designed for a higher destiny. While discussing the importance of "calmness of mind" and trust in political life, for example, Lieber casually added: "Great and calm souls look upon their God, who when He created the rivers and the sea, knew that man would invent bridges, boats, and sails; who when he called the earth into existence and placed man upon it, knew that the plough would be contrived in due time."⁸

It was Lieber's settled conclusion that human nature reaches its fullest amplitude in a state of civilized interdependence: in cultural maturity rather than primitive insularity. He focused on the dynamic interplay of man's individuality and his sociality, noting especially the conjugal union, the family, language, and the institution of property, to explain the rise and progress of civilization. "Man was either made to be stationary or for civilization; a medium is not imaginable. . . . Civilization develops man, and if he is, according to his whole character and destiny, made for development, civilization is his truly natural state, because adapted to and effected by his nature."⁹ Lieber attributed cultural and developmental differences primarily to

variable historical influences. As a rule he was wary of invidious racial or biological comparisons.¹⁰

Lieber repeatedly distinguished his views from the dominant German schools of law and politics. He charged that the historical school sacrificed "right and justice, freedom, truth, and wisdom at the shrine of Precedent and at the altar of Fact," while the philosophical school sought "a predetermined type of social development in each state and nation, and in every race, reducing men to instinctive and involuntary beings, and society to nothing better than a bee-hive."¹¹ He likened both society and the state to living organisms, especially to the animal body, which he called "a republic of action."¹² But in describing his ideal, which he called "hamarchy" (or cooperative rule), he avoided the totalitarian possibilities of the organic model by basing it not, "as it is in so many biological analogies, on the centrally directed nervous and muscular system of the animal, but upon the vital generative power of the disparate 'systems [which] act and produce independently.'"¹³

Lieber associated the rise of the modern nation-state with the development of autonomous public institutions. At best, the ancient "city-state" (another word coined by Lieber) permitted a liberty that "consisted mainly in the equal participation of each citizen in government."¹⁴ By contrast, the modern representative system, which Lieber called "a flower of civilization," operates in the context of a previously nationalized society and a socialized population. A civil society with national representation gives greater impetus to the protection and free expression of individuals and their rights. Even so, he was careful to distinguish nationalization, which he likened to the "diffusion of the same life-blood through a system of arteries," from centralization, which in the absence of "national and public liberty" leads to despotism.¹⁵

Lieber identified three major characteristics of the modern era. The first is the "national polity" or nation-state. The second is "the general endeavor to define more clearly, and to extend more widely, human rights and civil liberty."¹⁶ The third is the simultaneous flowering of many leading nations, rather than a single imperial hegemon, under the aegis of international law and "in the bonds of one common moving civilization."¹⁷ Significantly, he believed that "there will be no obliteration of nationalities" in this commonwealth of nations. Internationalization is merely the latest manifestation of an "all-pervading law of interdependence."¹⁸

Similarly, Lieber regarded the nation as the product of a slow, organic growth that merges the people of a given area into a greater whole. As Alan Grimes notes:

This institutional and evolutionary emphasis in Lieber led him to discard the contract theory of the state, holding that the state arose from the social necessities of man's being. . . . It was this aspect of commonality of culture, of history, of political institutions and of destiny which made a given people in a given place a nation. This organic concept of the nation was certainly far closer to Burke than it was to the contract theorists in America.¹⁹

The idea of "nationalism" (another term Lieber purportedly coined) was already clearly evident in *Manual of Political Ethics*, where he traced the long medieval transition from the ancient polity to the rise of larger national and even international bodies. He attributed this change to a roughly chronological succession of six factors: (1) Christianity; (2) the barbarian conquest of the Roman empire; (3) the increased size and population of states; (4) printing; (5) the increased importance of taxpayer, science, and industry; and (6) the discovery of America.²⁰ For Lieber, the modern representative system, then, is a pluralistic union made up of several distinct elements within a single social matrix and bonded according to some principle of what has been called variously "subsidiarity," "sphere sovereignty," and "mediating structures."²¹ Lieber here also anticipates later theories of political development.

In his later essays on nationalism, Lieber asserted that the modern nation-state represents a marked advance over both the "market-republics" of earlier times and the "absorbing centralism and dissolving communism" of Asian and European despotism.²² "As the city-state was the normal type of free communities in antiquity, and as the feudal system was one of the normal types of government in the Middle Ages, so is the national polity the normal type of our own epoch—not indeed centralism."²³ Lieber defined a nation as having "a numerous and homogeneous population;" "a well-defined geographic outline;" a name, language, literature, and common institutions; a unitary government; and a feeling of organic unity and common destiny.²⁴ But he gave little indication, other than oblique references to the abolition of "evil tolls" and the nationalization of dialects, as to what mechanisms are required to bring about national unification.²⁵ Lieber held that an "extensive and organized power over large populations does not suffice to make a nation."²⁶ More essential is a full, comprehensive development in terms of a unifying ideal, standard, or institution, such as a system of representation.²⁷ Even though what Lieber called the "Mosaic constitution"—a federal union—failed due to disruption and secession, "the fact ought to arrest our grave attention that the only monotheistic people, and the people for whom Moses legislated, formed, in the earliest times of history, a nation in the modern sense."²⁸

Similarly, Lieber regarded England as the first modern nation and the native land of modern liberty. He dated its origin back to the time of Alfred the Great, its early lawgiver, and maintained that "in her alone liberty and nationality grew apace."²⁹ Perhaps American exceptionalism began with English exceptionalism. Lieber noted that the American colonists hailed from a country where national institutions were part of their birthright and already displayed considerable expertise in self-government.³⁰

Surveying the world prospect in 1853, Lieber invited his readers to accept the task of diffusing civil liberty as the mission assigned their generation. "The love of civil liberty is so leading a motive in our times, that no man who does not understand what civil liberty is, has acquired that self-knowledge without which we do not know where we stand, and are supernumeraries or instinctive followers, rather than conscious, working members of our race, in our day and generation."³¹

The most concise expression of Lieber's thought on the subject of civil liberty is found in his essay "Anglican and Gallican Liberty," published in 1849. Lieber argued that external liberty is an outgrowth of internal freedom. Real freedom is "personal, individual, and relates to the whole being." Liberty is "granted, guaranteed, and, therefore, generally of a public character." It is the political expression of this preexisting moral condition of the people. It is a practical result of flourishing, self-governing institutions.³²

Lieber contended that two distinct ideas of modern liberty have evolved, which may be differentiated as to whether they are centralized or decentralized. "Gallican liberty" is what Lieber called the kind that is granted by absolute governments, whether the monarchic absolutism of the Bourbon kings and Bonaparte emperors or the democratic absolutism of the French revolutionaries. In either case, the individual is left naked and powerless before the state or the general will.³³ "Anglican liberty," by contrast, is rooted in the habits and loyalties of long-standing communities.³⁴ Lieber designated this type of liberty "Anglican" because he viewed it as a development "common to the whole Anglican race."³⁵ The traditional rights of Englishmen were designed to help prevent abuse of the powers exercised by the national government.

In his treatise *On Civil Liberty and Self-Government* (1853), Lieber wrote that "there is no formula by which liberty can be solved, nor are there laws by which liberty can be decreed, without other aids."³⁶ These prerequisites may be acquired only through practice. "How then is real and essential self-government, in the service of liberty, to be obtained and to be perpetuated? There is no other means than by a vast system of institutions, whose number supports the whole, as the many pillars support the rotunda of our capitol."³⁷ These institutions are the cumulative legacy of generations of experience. An institution is "a system or body of usages, laws, or regulations of extensive and recurring operation, containing within itself an organism by which it effects its own independent action, continuance, and generally its own farther development. Its object is to generate, effect, regulate, or sanction a succession of acts, transactions, or productions of a peculiar kind or class."³⁸ Self-government is one of its chief properties. It "insures perpetuity, and renders development possible." Institutional liberty, then, is the highest means of assuring the continued progress of that experience of civilization and cultural maturity which Lieber believed, teleologically, to be the natural state of man.³⁹

What is the connection of institutional liberty to the public weal? Lieber answers: "In summing up these principles and institutions, it appears that they are guarantees . . . of the certainty with which public opinion shall become public will in an organic way, and protection of the minority. Many of these have originated, nearly all of them have first been developed, in England."⁴⁰ *On Civil Liberty and Self-Government* has a chapter on "American Liberty," in which Lieber adds his list of liberties: republicanism, federalism, separation of church and state, political equality, popular elections, separation of powers, judicial review, impeachment, a written constitution, freedom of navigable rivers, and several others.

Thus modern liberty—that is, institutional liberty—consists in “these practical provisions and political contrivances.” Modern liberty requires an integration of these principles and institutions in custom and public consciousness so that they enjoy the protection of public opinion. Lieber maintained that these liberties were still in a “nascent stage” on the European continent, which had gone through “periods of absorbing and life-destroying centralization.”⁴¹ Instead, a prudential balance of local and central initiative is required. It resolves the age-old dilemma of unity and diversity—the problem of the One and the Many—through a fluid mixture of what he called individualism and socialism, reason and tradition.⁴²

If Lieber’s legal and political scholarship represents one side of his cultural nation-building mission, his pursuit of “superior education” was its complement and perhaps an inspiration for the idea of institutional liberty. Both aspects of his work drew upon the methods of German scholarship, which he brought into a creative dialogue with the English and American political traditions.⁴³ Lieber found himself at the confluence of several intellectual currents. Of his *Political Ethics* he wrote: “No German I know could have analyzed public life as I have done, having had the advantage of a practical citizen’s life for many years, in a vast republic. . . . No American probably could have written other parts without first entering deeply and laboriously into continental knowledge.”⁴⁴

A specifically German ethos had begun to be imprinted on American education and literature during the half century following the War of 1812. The highly systematic, philosophically- and historically-based, critical research methods cultivated by the German universities were introduced into American cultural circles in three phases.⁴⁵ It began with an assortment of scholars, promoters, and popularizers⁴⁶ and culminated in the arrival between 1824 and 1827 of such émigré scholars as Carl Beck, Charles “Carl” Follen, and Francis Lieber.⁴⁷ But the pivotal role was played by a group of young Harvard scholars who had been inspired by Madame de Staël’s *On Germany* to pursue graduate studies in the German universities, much as earlier generations of Americans had gone to England and Scotland to study theology, law, and medicine.⁴⁸ This new wrinkle on the traditional “Grand Tour” produced a very influential band of German-educated scholars and political figures, the earliest of whom included Edward Everett, George Ticknor, George Bancroft, and Joseph Green Cogswell, who studied at the University of Göttingen between 1815 and 1819.⁴⁹ When social, political, and cultural reform came, it did so largely from outside the groves of academe. By the time the German university system took root in America, the world that had produced these young idealists and given substance to their hopes had largely vanished in the throes of the U.S. Civil War.

The pith of Lieber’s political and educational thought may be found in several public lectures and occasional pieces that were, for the most part, posthumously collected in the *Miscellaneous Writings*. His inaugural address at Columbia on February 17, 1858, “History and Political Science Necessary Studies in Free Countries,” is characteristic of this genre and may serve as a convenient point of departure for summarizing his larger pedagogical vision. Frank Freidel, who called it “his most

lucid and concise statement of his views," regarded it as a brilliant exposition of "the value of history, political science, and economics" that many years of teaching and observation had molded "into a well-rounded philosophy."⁵⁰ Lieber began by commending a broad liberal education: "Every earnest scholar, every faithful student of any branch, is a catholic lover of all knowledge."⁵¹ Here is another instance of the creative interplay of unity and diversity that characterizes institutional liberty, whether manifested in civil society or in the university. The specialist must be a generalist first. "College education ought to be substantial and liberal." It should aim at "storing, strengthening, refining, and awakening the head and heart."⁵² Continuing, Lieber thanked the board of trustees and extolled the establishment of "a professorship of political science in the most populous and most active city of our whole, wide commonwealth—a commonwealth of an intensely political character." What Lieber had in mind by using the word "political" here is indicated later when he calls ancient Athens "one great university." This suggests that the true commonwealth is a university⁵³ and puts his next remark into a wider context: "We stand in need of a national university, the highest apparatus of the highest modern civilization. . . . A university, not national, because established by our national government; that could not well be, and if it were, surely would not be well; but I mean national in its spirit, in its work and effect, in its liberal appointments and its comprehensive basis."⁵⁴

Not only does a comprehensive national university effectively advance the progress of civilization but it also may play a vital nation-building role, as did the University of Berlin after 1810:⁵⁵ "When Prussia was humbled, crippled, and impoverished beyond the conception of those that have never seen with their bodily eyes universal destitution and national ruin, there were men left that did not despair, like the foundation walls of a burnt house. They resolved to prepare even in those evil days . . . for a time of resuscitation."⁵⁶ A comprehensive program of rebuilding and reform was instituted in which, "as a measure of the highest statesmanship, the moral and intellectual elevation of the whole nation was decided upon," embodying it in a system of common schools, high schools, and universities. "In less than seven years that maimed kingdom rose and became on a sudden one of the leading powers in the greatest military struggle on record, calling for unheard-of national efforts, and that great system of education, which rests like an arch of long span on the two abutments, the common school and the university, served well and proved efficient in the hour of the highest national need."⁵⁷

Turning again to America, Lieber contrasted the two types of liberty, maintaining that modern civilization requires larger political vessels and that self-government requires a balance of unity and diversity:

Our government is a federal union. We loyally adhere to it and turn our faces from centralization, however brilliant, for a time, the lustre of its focus may appear, however imposingly centred power, that saps self-government, may hide for a day the inherent weakness of military concentrated polities. But truths are truths. It is a truth that modern civilization stands in need of entire countries; and it is

a truth that every government, as indeed every institution whatever is, by its nature, exposed to the danger of gradually increased and, at last, excessive action of its vital principle. One-sidedness is a universal effect of man's state of sin. Confederacies are exposed to the danger of sejunction as unitary governments are exposed to absorbing central power—centrifugal power in the one case, centripetal power in the other.⁵⁸

Civilization requires organization at the level of unified nation-states: "the *patria* of us moderns ought to consist in a wide land covered by a nation, and not in a city or a little colony. Mankind have outgrown the ancient city-state. *Countries* are the orchards and the broad acres where modern civilization gathers her grain and nutritious fruits. The narrow garden-beds of antiquity suffice for our widened humanity no more than the short existence of ancient states."⁵⁹ Only a national political culture would suffice:

Moderns stand in need of nations and national longevity, for their literatures and law, their industry, liberty, and patriotism; we want countries to work and speak, write and glow for, to live and to die for. . . . Has it ever been sufficiently impressed on our minds how slender the threads are that unite us in a mere political system of states, if we are not tied together by the far stronger cords of those feelings which arise from the consciousness of having a country to cling to and pray for, and unimpeded land and water roads to move on?⁶⁰

This is where the linkage between Lieber's pedagogical vision and his transatlantic cultural nation-building mission comes into sharpest focus: a comprehensive university would foster and promote "a generous nationality."

All Athens, the choicest city-state of antiquity, may well be said to have been one great university, where masters daily met with masters, and shall we not have even one for our whole empire, which does not extend from bay to bay like little Attica, but from sea to sea, and is destined one day to link ancient Europe to still older Asia, and thus to help completing the zone of civilization around the globe?⁶¹

The words may seem visionary, yet they acknowledge a growing practical reality. But he added: "All that has been said of countries, and nations, and a national university would retain its full force even if the threatened cleaving of this broad land should come upon us."⁶² Unpleasant realities were never far from his mind. An apt memento mori for his own generation, this last remark may serve as a reminder to his fellow citizens of later generations whenever a dose of realism is in order.⁶³

Lieber moved to New York in 1857 in part because he had recognized the harbingers of that threatened cleaving and the Civil War to come. Lieber mobilized once again, this time turning his talents to the pamphlet war that ensued. The challenge of preserving civil liberties during wartime has never abated. Neither has a vocal defense of those liberties. In the hour of crisis, Lieber supported policies that

were challenged from the pages of his own books. But if his work could be cited against him, few public leaders were or are immune from similar criticism.

Lieber remained consistent in his commitment to institutional liberty. He had no notion of a distinction that would later be made between property rights and human rights. He consistently encouraged economic free enterprise in his teaching and writings.⁶⁴ Even the rise and fall of nations he regarded as simply part of a much larger picture. National institutions permit the encouragement of commerce and interdependence among nations. This, in turn, puts absolutism on the defensive, as he made clear in a chapter on Gallican liberty.⁶⁵ Growing interdependence permits the principle of institutional liberty to operate on a global scale as well as locally. It is this third characteristic of the modern epoch—the flourishing of many nations “in the bonds of one common moving civilization”⁶⁶—that seems to have been the greatest encouragement to Lieber’s hopes for the continued growth of liberty.

Lieber regarded history and political science as necessary studies in the kind of superior education he envisioned for America. Nearly a century after him another German war veteran and refugee on these shores later articulated the citizen/teacher’s calling in even starker language but in terms Lieber undoubtedly would have understood: “We speak our mind. Any thought about the life and death of our own group compels us to convey it to others. . . . Death cannot be fought in society except through engaging younger men to join the battle-front. . . . Social disintegration compels older men to speak to younger men. Education is not a luxury for the sake of the younger individual; is it not very often their ruin? However, society needs allies in its fight against decline. The true form of social thought is teaching.”⁶⁷

Notes

This essay represents a revision and amplification of the paper I presented at the 2001 symposium under the title “Francis Lieber and the Constituents of Civilization.”

1. Francis Lieber, *Miscellaneous Writings I: Reminiscences, Addresses, and Essays*, ed. Daniel C. Gilman (Philadelphia/London: J. B. Lippincott, 1880), 373. Lieber was a “public teacher” in the great German tradition. See Eugen Rosenstock-Huussy, *Out of Revolution: Autobiography of Western Man* (New York: William Morrow, 1938), 398.

2. Alan Pendleton Grimes, *American Political Thought*, rev. ed. (New York: Holt, Rinehart & Winston, 1960), 283. Grimes draws primarily from Lieber’s essay “Nationalism and Internationalism” in Lieber, *Miscellaneous Writings I*, 221–43. See also Francis Graham Wilson, *The American Political Mind: A Textbook in Political Theory* (New York: McGraw-Hill, 1949), 280–82.

3. Francis Lieber, *On Civil Liberty and Self-Government*, 3rd ed., ed. Theodore D. Woolsey (Philadelphia/London: J. B. Lippincott, 1877), 300.

4. Bernard Edward Brown, *American Conservatives: The Political Thought of Francis Lieber and John W. Burgess* (New York: Columbia University Press, 1951), 28. The reference is to one of Lieber’s favorite mottos: “No Right without its Duties, no Duty without its Rights.” For an earlier treatment of Lieber, which emphasizes his individualism, see Benjamin

Fletcher Wright, *American Interpretations of Natural Law: A Study in the History of Political Thought* (Cambridge: Harvard University Press, 1931), 261–66.

5. D. H. Meyer, *The Instructed Conscience: The Shaping of the American National Ethic* (Philadelphia: University of Pennsylvania Press, 1972), vii. Meyer chose to exclude Lieber because his “concerns and approach clearly [differed] from those of the ordinary textbook writers” (147). See also the chapter on Lieber in Wilson Smith, *Professors and Public Ethics: Studies of Northern Moral Philosophers before the Civil War* (Ithaca, N.Y.: Cornell University Press, 1965), 95–110, and a well-integrated treatment of Lieber’s ethics and hermeneutics in Mike Robert Horenstein, “The Virtues of Interpretation in a Jural Society,” *Cardozo Law Review* 16 (April 1995): 2273–304. “Jural” is one of Lieber’s neologisms. It refers to the moral basis of the state in relations of “right” (*jus*) that precede law. Francis Lieber, *Manual of Political Ethics Designed Chiefly for the Use of Colleges and Students at Law*, 2 vols., ed. Theodore Dwight Woolsey (1838–39; rpt. Philadelphia: J. B. Lippincott, 1911), 1:152–53.

6. Lieber’s attention to theology was not unusual at this time. Theodore Woolsey’s *Political Science* (1877) and Elisha Mulford’s *The Nation* (1870) show a clear theological orientation. Woolsey, the president of Yale, was much indebted to Lieber’s *On Civil Liberty and Self-Government*, which Yale adopted as a textbook in the 1850s. Another political scientist at Yale in the early 1870s, who subsequently adopted scientific naturalism, was Rev. William Graham Sumner. See George M. Marsden, “God and Man at Yale (1880),” *First Things* 42 (April 1994): 40. Likewise, John W. Burgess studied theology before he succeeded to the political science chair at Columbia once held by Lieber.

7. “The Necessity of Religious Instruction in Colleges,” in Francis Lieber, *Miscellaneous Writings II: Contributions to Political Science*, ed. Daniel C. Gilman (Philadelphia/London: J. B. Lippincott, 1881), 529.

8. Lieber, *Manual of Political Ethics*, 1:427 and 2:317n. While discussing the importance of a representative form of government, he noted: “In the highest point of view there are no accidents, inasmuch as we imagine Providence overruling the universe in all its elements.”

9. Lieber, *Manual of Political Ethics*, 2:127–28. The concept of civil society seemed to get renewed attention with the dissolution of the Soviet empire. Kenneth Minogue contends that an important step in the direction of modernity came with what he called “the new sentiment of individuality” which led to distinguishing separate spheres, such as society (or civil society), economy, and culture, from the state itself. Kenneth Minogue, *Politics: A Very Short Introduction* (New York: Oxford University Press, 1995), 44–52.

10. Charles B. Robson, who did pioneering work in the Lieber Papers in the 1930s and 1940s, noted that “it is possible to charge Lieber with a certain doctrine of racialism; but he neither identified the concept of race with that of a nation nor explained racial characteristics in terms of biological heritage.” C. B. Robson, “Francis Lieber’s Nationalism,” *Journal of Politics* 8 (1946): 57.

11. Lieber, *Miscellaneous Writings I*, 339–40. See also his *Miscellaneous Writings II*, 8–9, 381.

12. Lieber, *Manual of Political Ethics*, 1:353.

13. C. B. Robson, “Francis Lieber’s Theories of Society, Government, and Liberty,” *Journal of Politics* 4 (1942): 241. Lieber’s idea of hamarchy also resembles the long-neglected idea of “the law of association and symbiosis” and “symbiotic right” set forth much earlier by Althusius. See Johannes Althusius, *Politica*, ed. and trans. Frederick S. Carney (Indianapolis: Liberty Fund, 1995), 19. What Daniel Elazar called “Althusius’s grand design

for a federal commonwealth" was subsequently revived by Otto von Gierke and Carl Friedrich.

14. Lieber left a hand-written testament, "What I Have Done," of what he regarded as his most important accomplishments, including several of the words he claimed as his own inventions. The original is in the Francis Lieber Papers at the Huntington Library, San Marino, Calif.

15. Lieber, *Manual of Political Ethics*, 2:315n. Nearly three decades later he wrote: "Centralism . . . may be intelligent and formulated with great precision; but centralism remains an inferior species of government. It is no government of peaceful development, and decentralization becomes necessary as self-government or liberty are longed for and present themselves clearer to the mind of a people waxing in manliness and independence." Lieber, *Miscellaneous Writings I*, 226.

16. Lieber, *Manual of Political Ethics*, 2:222, 239.

17. Ibid.

18. Ibid., 2:241-42.

19. Grimes, *Thought*, 283-84. In fact, Lieber was critical of Locke's contract theory. He probably owed much more to Montesquieu's idea of the separation of powers and to the influence of Burke on German liberals like Barthold Niebuhr and Wilhelm von Humboldt. See Frank Freidel, *Francis Lieber: Nineteenth-Century Liberal* (1947; rpt., Gloucester, Mass.: Peter Smith, 1968), 149-50.

20. Lieber, *Manual of Political Ethics*, 1:370.

21. The dynamic interplay of unity and diversity with ever-changing alignments is similarly evident in Ernest Gellner's concept of "modular man," the denizen of modern civil society. See Ernest Gellner, *Conditions of Liberty: Civil Society and Its Rivals* (London: Penguin, 1994), 97-100.

22. Lieber, *Miscellaneous Writings I*, 225

23. Ibid.

24. Ibid., 227. Lieber does not indicate how nations originate or that they may be products of political coercion. There is no suggestion that modern nation-states may pass through a series of nation-building crises. See for example Michael G. Roskin, Robert L. Cord, James A. Medeiros, and Walter S. Jones, *Political Science: An Introduction*, 7th ed. (Upper Saddle River, N.J.: Prentice Hall, 2000).

25. Lieber, *Miscellaneous Writings I*, 226-27.

26. Lieber, *Miscellaneous Writings II*, 229.

27. Lieber, *Manual of Political Ethics*, 2:322.

28. Lieber, *Miscellaneous Writings II*, 230. This idea was evident in some of the political sermons of the founding period and was developed at great length in an 1853 book by the reformer E. C. Wines. See Samuel Langdon's "The Republic of the Israelites an Example to the American States," in *Political Sermons of the American Founding Era, 1730-1805*, ed. Ellis Sandoz, 941-67 (Indianapolis: Liberty Press, 1991).

29. Lieber, *Manual of Political Ethics*, 2:226. Alfred, in fact, drew upon what Lieber called the "Mosaic constitution": "The Laws of King Alfred, for example, start with the Ten Commandments and a restatement of the laws of Moses, a summary of the Acts of the Apostles, and references to the monastic penitentials and to other laws of the church." Harold J. Berman, *Law and Revolution: The Formation of the Western Legal Tradition* (Cambridge, Mass.: Harvard University Press, 1983), 65.

30. Lieber, *Manual of Political Ethics*, 2:233.

31. Lieber, *On Civil Liberty*, 17.

32. Lieber, *Miscellaneous Writings II*, 371.

33. Lieber had previously visited this theme: "Riches were then [ancient times] really dangerous; and democratic absolutism naturally requires the levelling principle applied to property, which is necessary for regal absolutism. Absolutism, whether popular or monarchical, instinctively takes up umbrage at any influence or power out of its own sphere of action." See his *Essays on Property and Labour as Connected with Natural Law and the Constitution of Society* (New York: Harper & Brothers, 1841), 217–18. In 1859 he remarked: "Absolutism in our age is daringly draping itself in the mantle of liberty, both in Europe and here. What we suffer in this respect is in many cases the after-pain of Rousseauism, which itself was nothing but democratic absolutism." See Lieber, *Miscellaneous Writings I*, 383.

34. Robson, "Nationalism," 63–64. Although Lieber did not use the same terminology in his *Manual of Political Ethics*, 2:319–20, he did distinguish British from French liberty and noted "how truly fortunate England was" that the "prodigious civil change" that produced national representation "did not fuse all estates into one chamber." Hence the "bi-cameral system."

35. Robson, "Nationalism," 55. Lieber used the term "British liberty" to similar effect in his *Manual on Political Ethics*, 2:319. Lieber's concept appears to belong within an intellectual tradition that includes "Montesquieu's idea that Western liberty was born in the forest of Germany." See David Gress, *From Plato to NATO: The Idea of the West and Its Opponents* (New York: Free Press, 1998), esp. 205–8. Elsewhere, Lieber (*Miscellaneous Writings I*, 368) identified the following as the main threads of the "rich tapestry" of Western civilization: "Grecian intellectuality, Christian morality and trans-mundane thought, Roman law and institutionality, and Teutonic individual independence, especially developed in Anglican liberty and self-development."

36. Lieber, *On Civil Liberty*, 298.

37. *Ibid.*, 300.

38. *Ibid.*

39. To illustrate: "Man must either be inactive, or once the impetus is given, he must move on from one change to another. His destiny is civilization, and civilization is his truly natural state, because it in alone he developes [*sic*] that nature which God has given to his mind." See Francis Lieber, *Remarks on the Relation Between Education and Crime* (Philadelphia: Carey, 1832), 5. Perhaps the idea of institutional liberty drew upon Lieber's experience as a member of a community of scholars.

40. Lieber, *On Civil Liberty*, 375.

41. Lieber, *Miscellaneous Writings II*, 388.

42. Both Lieber and Tocqueville claimed credit for coining the term. See "What I Have Done." Tocqueville made his claim in *Democracy in America*.

43. Lieber's scientific training at German universities stamped its character on his teaching and scholarship both. Ernest Bruncken, who examined Lieber's career in the context of a transmission of German idealism to America, detected a convergence of ideals between the scions of the early New England settlers and a later group of immigrants that was "driven to America, in one way or the other, by the commotions of the French Revolution." Ernest Bruncken, "Francis Lieber: A Study of a Man and an Ideal," *Deutsch-Amerikanische Geschichtsblätter Jahrbuch der Deutsch-Amerikanischen Historischen Gesellschaft von Illinois* 15 (1915):

4. See also Thomas I. Cook and Arnauld B. Leavelle, "German Idealism and American

Themes of Democratic Community," *Journal of Politics* 5 (August 1943): 221–22, on Lieber's liberal nationalism.

44. Lieber to J. B. Boyd, March 29, 1840, Lieber Papers, Library of Congress, Washington, D.C. Quoted in Freidel, *Lieber*, 149.

45. Ernest Bruncken considered Lieber to be "a typical product of the sort of education which German university men have undergone for many generations." In combining a liberal education with a grounding in the scientific method, "thorough specialistic skill and broad liberal culture are not mutually exclusive" (Bruncken, "Lieber," 14). C. P. Snow's "two cultures" schism was thus avoided.

46. Henry A. Pochmann, *German Culture in America: Philosophical and Literary Influences, 1600–1900* (Madison: University of Wisconsin Press, 1961), 101–3, 226, 367–81. They included William Bentley, the American polymath; the celebrated Madame de Staël; Washington Irving in literature; Victor Cousin in philosophy; and Giovanni (or Johann) Pestalozzi in education.

47. Pochmann, *Culture*, 114–28. See also Anna Haddow, *Political Science in American Colleges and Universities, 1636–1900* (New York: D. Appleton–Century Crofts, 1939), 65–67, 138–44.

48. Van Wyck Brooks, *The Flowering of New England, 1815–1865* (Boston: Houghton Mifflin, 1936), 73–88. Madame de Staël's book was published in New York in 1814. See also Jürgen Herbst, *The German Historical School in American Scholarship: A Study in the Transfer of Culture* (Ithaca, N.Y.: Cornell University Press, 1965), 1–22, and Pochmann, *Culture*, 66–75.

49. Brooks, *Flowering*, 75–76. These early students paid visits to such luminaries as to Goethe, Cousin, and Christopher Daniel Ebeling, the Hamburg geographer and librarian who was the chief German expert on America and whose library of Americana was donated to Harvard after his death in 1817. Henry Wadsworth Longfellow and John Motley, a student of Cogswell and Bancroft at their German-style Round Hill School, studied in Germany at a later date. Together these six "literary pioneers" are the subject of Orie William Long's *Literary Pioneers: Early American Explorers of European Culture* (New York: Russell & Russell, 1963). See also David B. Tyack, *George Ticknor and the Boston Brahmins* (Cambridge, Mass.: Harvard University Press, 1967), 59, and Brooks, *Flowering*, 73–74, on Bancroft's reactions.

50. Friedel, *Lieber*, 295.

51. Lieber, *Miscellaneous Writings I*, 329.

52. *Ibid.*, 335. This may be compared with Lieber's view in his inaugural address at South Carolina College, December 7, 1835, entitled "On History and Political Economy, as Necessary Branches of Superior Education in Free States" in his *Miscellaneous Writings I*, 183: "This important end, the moral cultivation of the student, it is in the power of every science taught in the college to promote; mathematics, the natural sciences, philology by no means excepted; but to the province of none it belongs so peculiarly as to the science you have assigned to me, constantly to direct the mind of the student to the best and surest principles upon which human society is founded, or for which nations have contended."

53. Nearly a century later, Eugen Rosenstock-Huussy reflected on the institutions—"the alphabet of daily life"—that form Western civilization, including universities: "The idea of a plurality of opinions to be represented at the same time in the same place on important questions came as an illumination to the age of the great theologians and lawyers of the

Middle Ages. They established an intercollegiate science unknown to Greeks and Arabs" (*Revolution*, 30). Of the ancient Greek conception of politics see for example Minogue, *Politics*, 10–11.

54. Lieber, *Miscellaneous Writings I*, 330–31.

55. Rosenstock-Huessy noted that "nations" were originally geography-based student units within medieval universities.

56. Lieber, *Miscellaneous Writings I*, 331.

57. *Ibid.*, 332.

58. *Ibid.*, 332–33. As an example of this centripetal tendency Lieber added: "That illustrious predecessor of ours, from whom we borrowed our very name, the United States of the Netherlands, suffered long from the paralyzing poison of disjunction, and was brought to an early grave by it." Lieber characterized such one-sidedness as "fanaticism, caricature, or mischievous extravagance" in "Anglican and Gallican Liberty," *Miscellaneous Writings II*, 379–80, and a "caricature" in "The Ancient and Modern Teacher of Politics," *Miscellaneous Writings II*, 379–80.

59. Lieber, *Miscellaneous Writings I*, 333. A similar observation was made by Rosenstock-Huessy, who was describing the process of recivilization in the West under the auspices of the Holy Roman Emperor: "Nations have taken the place of the ancient city or *polis*. The word politics or policy signifies today the tendencies of national government. . . . Whenever we speak of policy today, we move in the sphere which has transformed the classical city-state into a world-wide institution. The nations are the cities of today. Nations covering vast continents are the rightful heirs of Civilization, because the empire was recivilized, step by step, by a series of common and independent acts of city-founding" (*Revolution*, 488).

60. Lieber, *Miscellaneous Writings I*, 334.

61. *Ibid.*

62. *Ibid.*

63. Lieber had a Burkean sense of society's continuity: "Society . . . does not only mean a certain number of living individuals bound together by the bonds of common laws, interests, sympathies, and organization, but it means these and the successive generations with which they are interlinked, which have belonged to the same portion of mankind, and whose traditions the living have received. Society is a continuity." Using a Heraclitean simile, he says, "Society is like a river. It is easy to say where the Rhine is, but can you say what it is at any given moment?" (Lieber, *Miscellaneous Writings I*, 336–37).

64. See "A Letter of Dr. Francis Lieber to D. J. McCord," in Frederic Bastiat, *Sophisms of the Protective Policy*, trans. D. J. McCord (New York: George. P. Putnam, 1848), 5–14; "Notes on Fallacies of American Protectionists," in Lieber, *Miscellaneous Writings II*, 389–459.

65. Lieber, *On Civic Liberty*, 279–96.

66. Lieber, *Miscellaneous Writings II*, 239.

67. Eugen Rosenstock-Huessy, *Speech and Reality* (Norwich, Vt.: Argo Books, 1970), 22. Lieber held up Adam Smith and Hugo Grotius as two examples of "the wedlock of knowledge and labor" that is "the characteristic feature of our age" (*Miscellaneous Writings II*, 349–50).