

THE IDEA OF FREEDOM IN GERMAN HISTORY

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Jürgen Kocka

Free University Berlin and Wissenschaftszentrum Berlin

Here at the German Historical Institute it may be appropriate to comment on Professor Foner's lecture by using it as an invitation to reflect on some German parallels and contrasts to this American narrative. I shall not have time to become fully comparative, but I do want to take the American example as a point of departure for a view of the German case which, in turn, might throw some indirect light on the story that was just told so well.

In most respects the German case appears as a contrasting case. The German-American differences are overwhelming, certainly up to 1945, less so in the Cold War era, slightly more manifest again in the most recent period. The concept of *Freiheit*—freedom or liberty—did not play such a fundamental and central role in modern Germany's self-understanding, politics, and symbolism. Other concepts were stronger: *Volk*, *Nation*, *Staat*, for a long time "class," for a short while "race," and perhaps most recently "peace." At the beginning of modern German history, there was no Declaration of Independence, no revolution, no Bill of Rights, but—to borrow from Thomas Nipperdey—Napoleon, or rather, a period of skillful reforms led by the monarchs and well-educated civil servants of deeply challenged states, but without much mobilization of citizens from below. In the seventeenth and eighteenth centuries, a "German Idea of Freedom" had emerged that referred less to the rights of individual persons, than to the liberties—*Freiheiten*—of corporate entities, self-administered towns, self-regulating guilds, aristocratic estates, and rulers of small- and medium-size territories. This was a concept of *Freiheit* that was not antithetical to authorities, but was compatible with subordination to them, compatible with apolitical interpretations and with strong statist traditions, as long as these statist traditions were in accordance with the rule of law. Leonard Krieger has told this story.¹

The simultaneous quest for liberty and national unity failed in 1848, and a long decline of liberalism began. When the nation state was formed in the 1860s and 1870s, it placed unity before freedom and bureaucratic-military strength before civil society. In spite of its cultural modernity, strong market economy, and social dynamism, the Kaiserreich displayed strong elements of illiberalism, constitutionally, socially, and in the realm of mentalities. Fritz Stern has written about this.²

When the Germans celebrated *their* exceptionalism, it was not by stressing freedom, but the general good, their specific history, impartial and effective government, education, organization, their sense of nationhood and Volk. Contrast the “Ideas of 1914” professed by German intellectuals with the Western “Ideas of 1789” in which liberty had such a central place.³ When Germans reached beyond their borders and fought their wars, they did not do this with an ideology of freedom or a mission of liberation, as the Americans did when they fought Kaiserism, Hitlerism, and Communism. Consequently, the German wars could not have the partially liberating impact on the domestic scene which Professor Foner analyzed with respect to the United States in the twentieth century. Quite the opposite: German hyper-expansion in the Second World War went hand in hand with murderous repression at home and in the occupied territories. The practice of war and the idea of freedom have gone together in a certain way in twentieth-century American history—not without strong countertendencies, however, as we see again today—but such an alliance between war and freedom was totally lacking in late nineteenth- and twentieth-century Germany.

I could easily continue along this line stressing German-American differences, very much in the tradition of interpreting the German experience in the light of the critical *Sonderweg* thesis, in the light of what has been called the “German divergence from the West.” While I think that such an interpretation is by and large sound, it has its limits and problems, and it has been laid out so often that I do not want to elaborate on it further.⁴

Instead, I want to propose three arguments and identify three constellations that were important in the history of freedom in Germany which Professor Foner did not address in today’s lecture or only touched upon a little bit, probably because they are not that important or absent in the history of freedom in America. To the extent that these three pieces of evidence relate at all to the *Sonderweg* view of German history, they tend to relativize it.

I.

First, a word on early modern traditions. Eric Foner could easily have mentioned the centuries-old European roots of American freedom, for example, the intellectual tradition of “classical Republicanism,” so intensively analyzed by Pocock and Baron, also with respect to the debates in the colonies.⁵ But it would not have made much sense for him to talk about the late medieval, early modern feudal and corporate traditions that recent German research has stressed as one of the roots of the emergence of rights and liberties in large parts of Europe, including Germany,

particularly its western and southwestern parts. Such late medieval and early modern feudal and corporate structures did not exist on the North American continent. Peter Blickle, among others, has argued this case.⁶ He has tried to show, and he partly does show, that in the late medieval, early modern towns and in the everyday arrangements between lords and peasants, and in the many conflicts between them, there existed and developed a social reality of limited, lawful, legitimate freedom, of rights and liberties, which led to local and regional demands and concessions, contracts and statutes, and, in the nineteenth century, ideas and practices of communal self-governance, liberalism, and constitutionalism. Thus, according to Blickle, modern freedom emerged not only from theories of natural law, the declarations of human rights, and the grand revolutions of the West, but also from feudal-corporate social reality.

This thesis can be overstated. After all, the rights and liberties stressed by Blickle and others usually lacked the universal claims so typical for the declarations of freedom and rights in the Western European tradition. It should also be admitted that many of these corporate liberal traditions were deeply weakened in large parts of the European continent, in Spain, France, Germany, and Scandinavia, under the absolutist *anciens régimes*.⁷ One should not over-emphasize the Swiss example, which remained an exception. But the view has its merits. It brings into focus another German tradition of freedom that was overlooked by students of Prussia like Leonard Krieger, and points to the nineteenth- and twentieth-century effects of these early modern traditions. It is in the structure and culture of community self-government and of federalism that those older communal and corporate-liberal traditions continued to be effective. It is through community self-government and federalism that German constitutional arrangements differed—and still differ—from developments in both Western and in Eastern Europe. With American support and pressure, the German Basic Law of 1949 drew on this tradition, which also plays a role in the present discussions about the European constitution.

II.

Second, a few remarks on Social Democracy. Professor Foner spoke about social dimensions of freedom, mentioning freedom from want and the fight for industrial democracy. But with respect to the United States he had no reason to bring together the history of freedom, the history of socialism, and the history of the socialist or social democratic labor movement. This I want to do with respect to the German case.

When an independent labor movement emerged in Germany in the 1860s, including unions, cooperatives, and workers' parties, this movement set itself apart from the liberal parties, which were increasingly

denounced as bourgeois. If one reads the classic texts from Weitling and Marx to Kautsky, Bernstein, and Hilferding, one does not find much sensitivity or praise for individual freedom. To the extent that concepts like *Freiheit* and *Befreiung* were used at all—they certainly were not central—they referred to the freedom and emancipation of a class, of the people, of mankind in general, while the freedom and liberty of the individual was not much problematized or regarded as a value to be protected against all collectivities.

As Susanne Miller has concluded, the classic socialist and social democratic texts have ignored the real problem of freedom.⁸ This is true of social democratic socialism, not to speak of socialism's left wing, which, after the Bolshevik Revolution and later, moved toward supporting explicitly illiberal, authoritarian, and totalitarian positions in the communist camp.

But one arrives at a totally different picture if one assesses the less theoretical demands and the practical politics of Social Democracy since the 1860s. In practical matters, the SPD was always a liberal party as well, fighting for voting rights, judicial independence, parliamentary influence, and fighting against censorship and all kinds of repression, particularly since the party had suffered political repression itself, especially in the 1870s and 1880s. It is equally telling that it was the Social Democratic labor movement that publicly commemorated the Revolution of 1848-49 and its quest for freedom, at its twenty-fifth, fiftieth, and seventy-fifth anniversaries, when large parts of political liberalism and even greater portions of the middle classes had already turned away from what they now saw as their much too radical past.⁹

Certainly, the social democratic labor movement pursued social, economic, and sometimes radical-democratic aims far beyond, and sometimes in tension with, the classical liberal program. But at the same time, it tried to preserve the core of the liberal demands and worked to realize them. It perceived democratic rights of co-determination and social rights like security and participation both as conditions and as dimensions of freedom. The Social Democratic Party aimed at the freedom of the many, not just of the few. It both reinterpreted the principle of freedom and it contributed much to its increasing—never perfect—realization beyond and below the elites. This could be shown for the Kaiserreich, Weimar Germany, and the Federal Republic.

In a country in which large parts of the middle class parties had ceased to give priority to the fight for generalized freedom early on, the Social Democratic Party filled part of the gap, pushed for politics with liberal elements, and became a major proponent of freedom, even though it did not make much use of the word. For it was only with the Godesberg Party Program of 1959 that *Freiheit* became the first of three explicitly

stated basic values to which the party subscribes: freedom, justice, and solidarity. Still, Willy Brandt could see himself as heir to one of the old Social Democratic traditions when he stated in his farewell speech as Party Chairman in 1987: "If I were asked what besides peace is more important to me than anything else, then I would have to say without qualification: freedom. Freedom for many, not just for the few. Freedom of conscience and of opinion. Freedom, too, from need and from fear."¹⁰ We shall see whether the party in its present crisis, faced with the need to restructure and slim down the welfare state, can convince itself to adhere to this priority suggested by Brandt.

III.

Third, a few remarks on Nazi terror and World War II: The so-called Third Reich marked the low point in the history of freedom in Germany. It crushed the institutions that protected freedom. It negated the principle of freedom in nearly every respect. It took away life and liberty from millions of civilians in the prisons, camps, and the occupied lands. It also damaged the culture of freedom in less tangible but long-lasting ways. But here I want to emphasize another aspect of the connection between World War II, Nazi terror, and freedom.

In his recently published memoirs, Ralf Dahrendorf describes how he experienced the terror of those years, when he was a teenager and when his family lived in Berlin. He describes his family's fear and desperation when his father, who belonged to the anti-Nazi resistance movement of July 20, 1944, was caught, sentenced by Freisler's Volksgerichtshof, and imprisoned. The son would never forget the humiliated and oppressed appearance of his father in prison uniform and under the close surveillance of a prison guard when the family was finally allowed to visit him. The four grandparents, by the way, had been killed in the bombing raid on Hamburg in 1943.

Late in 1944, Dahrendorf, then fourteen or fifteen years old, was himself arrested after joining a circle of students critical of the regime. He was held in solitary confinement under harsh conditions in a Gestapo camp near Frankfurt an der Oder. During the last months of the war, the rest of the family lived in hiding in Berlin-Dahlem. The author recollects this period as a period of extreme confusion, as "anomie," as the end of decent society. What consequences did he draw?

The ten days of solitary confinement awoke in me an almost claustrophobic urge for freedom, this visceral resistance to confinement, whether it be through the personal power of humans or through the anonymous power of organizations. . . . That cell in Frankfurt an der Oder probably rendered me immune to the

temptations of every kind of totalitarianism. It not only immunized me, it provided me with antibodies that would last a lifetime.¹¹

Perhaps this is a retrospective condensation of a process of learning that stretched over years, but the main point is clear. From the experience of oppression and catastrophe, Dahrendorf developed the central theme of his work and life: the topic of freedom, its social conditions, theoretical basis, and institutional forms.

In many ways this was clearly a non-representative reaction. Dahrendorf was not typical. But other actors and intellectuals of this generation (and of related generations) drew similar conclusions, stressing the importance of freedom after experiencing, suffering, and reflecting upon the deep loss of freedom in the catastrophic rupture of civilization brought about by National Socialism and World War II. In a way, this reaction can be seen as emblematic of broader changes in Germany in those years and the following decades when, in spite of many obstacles, distortions, and countertendencies, freedom was much advanced—from the Basic Law of 1949 to the non-violent revolution of 1989 and the resulting unification of the country.

Of course, I cannot even try to tell the story and analyze the situation of freedom in Germany during the last decades. Many factors played a role similar to those analyzed by Eric Foner with respect to the United States: e.g. anti-communism and the Cold War, particularly oppressive and pervasive in a country divided between East and West; but also economic growth and rising consumerism in West Germany, as well as the experience for the first time of real ethnic diversity with the arrival of South Europeans, Turks and others—a challenge to the constitution of freedom still to be met. In this respect we can and should learn from the Americans.

In all that, the memory of the recent—increasingly less recent—past plays a role. By and large, this is a productive role. The experience of the deep loss of freedom and the reflection upon this experience have led to a renewed stress on freedom, its gradual redefinition following Western standards, and its enhanced meaning in Germany's constitution, intellectual climate, and ways of life. The American influence on all of this has been remarkably productive, and former emigrants from Germany to the United States have played a major role that will long be remembered with gratitude.

Times are changing. The totalitarian challenge that, in the final analysis, gave rise to the renewal and resuscitation of freedom is a matter of the last century, increasingly moving into the past. In Germany and most other parts of Europe, the so-called "war on terrorism" has not gained the importance that the fight against totalitarianism had in the twentieth century. Terrorism is murderous, it is unacceptable, and it is a transnational challenge. But sometimes one wonders whether the war on terror-

ism can become a bigger threat to freedom than terror itself. In any event, the relationship between terrorism, opposition to terrorism, and freedom is very different from the relationship between totalitarianism, opposition to totalitarianism, and freedom.

But the topic of freedom is as timely as ever. At the present time, it plays a major role in our discussions about civil society, *Zivilgesellschaft*, *Bürgergesellschaft*. A new revitalization of the quest for freedom is taking place, in the context of reform movements, changing social relations, and daily life—all of which need new dynamics, innovations, departures, and for all that: more freedom. This is a challenge in Europe, particularly in Germany, not so much in the United States. But this would be another topic, and would move me even further away from the splendid lecture by Professor Foner, whose stimulating thoughts have triggered my comments.

Notes

¹ Leonard Krieger, *The German Idea of Freedom. History of a Political Tradition. From the Reformation to 1871* (Chicago, 1957).

² Fritz Stern, *The Failure of Illiberalism. Essays on the Political Culture of Modern Germany* (New York, 1972).

³ Klaus von See, *Die Ideen von 1789 und die Ideen von 1914. Völkisches Denken in Deutschland zwischen Französischer Revolution und Erstem Weltkrieg* (Frankfurt/Main, 1975).

⁴ Cf. Jürgen Kocka, "Asymmetrical Historical Comparison: The Case of the German Sonderweg," in *History & Theory* 38 (1999): 40–51.

⁵ With application to problems of German history: Paul Nolte, "Bürgerideal, Gemeinde und Republik: 'Klassischer Republikanismus' im frühen deutschen Liberalismus," in *Historische Zeitschrift* 254 (1992): 609–656.

⁶ Peter Blickle, *Von der Leibeigenschaft zu den Menschenrechten. Eine Geschichte der Freiheit in Deutschland* (Munich, 2003).

⁷ For a balanced view cf. Heinz Schilling, *Die neue Zeit: Vom Christenheitseuropa zum Europa der Staaten. 1250 bis 1750* (Berlin, 1999).

⁸ "Sie verkannten das eigentliche Problem der Freiheit." Susanne Miller, *Das Problem der Freiheit im Sozialismus: Freiheit, Staat und Revolution in der Programmatik der Sozialdemokratie von Lassalle bis zum Revisionismus-Streit*, 5th ed. (Berlin/Bonn, 1977), 295.

⁹ Jürgen Kocka, "Bürgergesellschaft und Sozialdemokratie," in *Die Revolution 1848/49 und die Tradition der sozialen Demokratie in Deutschland*, ed. Bernd Faulenbach and Heinrich Potthoff (Essen, 1999), 66–79.

¹⁰ "Wenn ich sagen soll, was mir neben dem Frieden wichtiger sei als alles andere, dann lautet meine Antwort ohne Wenn und Aber: Freiheit. Die Freiheit für viele, nicht nur für die wenigen. Freiheit des Gewissens und der Meinung. Auch Freiheit von Not und von Furcht." Willy Brandt, *Die Abschiedsrede* (Berlin, 1987), 13.

¹¹ "Die zehn Tage Einzelhaft haben jenen fast klaustrophobischen Drang zur Freiheit in mir geweckt, den aus den Eingeweiden kommenden Widerwillen gegen das Eingesperrtsein, sei es durch die persönliche Macht von Menschen oder durch die anonyme Macht von Organisationen . . . Wahrscheinlich hat jene Zelle in Frankfurt an der Oder mich sogar immun gemacht gegen die Versuchungen jeder Art von Totalitarismus. Sie hat mich nicht nur immunisiert, sondern auch mit Antikörpern versehen, die ein Leben lang ausreichen sollten." Ralf Dahrendorf, *Über Grenzen: Lebenserinnerungen* (Munich, 2002), 72.