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# A Liberal before Liberalism: Karl Hermann Scheidler and the New Hegelians

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*This paper is the first substantial investigation in English or German of the work and career of the student of Jacob Fries, leader of the Burschenschaften, educational reformer, and professor of philosophy and law Karl Hermann Scheidler. It examines Scheidler's interventions into political and constitutional debates during the German Vormärz and argues that he developed a unique brand of liberal corporatism that has been overlooked or misunderstood by intellectual historians —one that attempts to bridge the gap between eighteenth-century natural law and nineteenth-century political nationalism by defending the corporate autonomy of the churches and universities, and by promoting a combination of public virtue and moral perfection that he dubbed "political Protestantism." It emphasizes Scheidler's polemical articles against the "Hegel school" and the "New Hegelians" in Rotteck's and Welcker's Staats-Lexikon. It proposes that a detailed examination of Scheidler's work provides a clearer understanding of how liberalism emerged as a distinct political ideology during the Vormärz and how one strand of German liberalism defined itself against Hegelianism.*

## Done with words

It is striking how often intellectual historians of the twentieth century turned to the *Vormärz*, or the period in German history before the 1848 Revolution, when attempting to make sense of the events of their own time. The Marxist tradition was reanimated by the publication of Marx's early writings in the 1920s and 1930s, opening up the question of Marx's relationship with the Young Hegelians, and with philosophy more generally, and offering Marxist scholars a way of challenging Marxist–Leninist orthodoxy while remaining faithful to Marx. There followed a torrent of research into the Young Hegelians and a protracted debate over the significance of the young Marx, some claiming that he established philosophical principles that informed his later work, others that he broke definitively with those principles in order to pursue his mature science.<sup>1</sup> The liberal tradition similarly sought to comprehend the perceived failures of German liberalism in the twentieth century by tracing it back to its nineteenth-century antecedents, and proposing that nineteenth-century German intellectuals had been deceived

<sup>1</sup>Herbert Marcuse, *Reason and Revolution* (London, 1941); Sydney Hook, *From Hegel to Marx* (New York, 1950); Karl Löwith, *From Hegel to Nietzsche*, trans. David F. Green (London, 1965); Louis Althusser, *For Marx*, trans. Ben Brewster (London, 1969); David McLellan, *The Young Hegelians and Karl Marx* (London, 1969).

by what Leonard Krieger influentially called “the German idea of freedom,” which prevented them from developing a concept of individual right independent of “the moral authority of the state.”<sup>2</sup> More elaborately, Reinhart Koselleck argued that German state theorists of the late eighteenth and early nineteenth centuries, or what he called the *Sattelzeit*, promulgated a depersonalized, abstract concept of the state organized around an ethic of civil service and an administrative bureaucracy. As a result, they could not incorporate the modern natural-law conception of right as something that obtains in a pre-political state of nature, but thought of right and civil society more generally as phenomena that had to be instituted and secured by the state. *Vormärz* liberals, Koselleck held, inherited this approach, and therefore did not oppose the state but sought to reinforce the earlier Reform Era policies of state centralization.<sup>3</sup>

Impressive though they remain, today both readings of the *Vormärz* are under pressure. In the first instance, as the urgency of understanding Marx’s intellectual development faded, scholars began to examine a wider cast of characters without assuming that Marx was the lead actor on the stage. The result was a much broader narrative concerning Young and Old Hegelians; Left, Centre, and Right Hegelians; and Hegelians and anti-Hegelians.<sup>4</sup> But this research made it clear that previous scholars had been examining the period anachronistically, viewing it through the lens of ideological divisions that only appeared later, and that many of the figures active at the time in question could not be classified according to the categories scholars were using to examine it. Indeed, it is now widely acknowledged that Young Hegelianism did not exist as a coherent school of thought in the nineteenth century, but was, as leading authority on the topic Lars Lambrecht recently put it, “a product of twentieth-century research.”<sup>5</sup> Something similar is true of established interpretations of *Vormärz* liberalism. Whereas scholars once assumed that, when *Vormärz* political theorists used the term “liberal,” they meant something roughly equivalent to what we mean, it is now apparent that, as with any political concept, the concept of liberalism emerged out of a cluster of struggles through which political theorists argued over which positions the word should bundle together and which it should be set off against, and that “liberal” during the *Vormärz* named less a recognized political ideology than an ongoing and multifaceted debate.<sup>6</sup>

The problem, then, is that the terms scholars have been using to divide up the historical field do not refer to stable historical objects. Here I propose a twofold solution: first, we must explore the work of historical figures who, because they

<sup>2</sup>Leonard Krieger, *The German Idea of Freedom* (Boston, 1957), 126.

<sup>3</sup>Reinhart Koselleck, *Preußen zwischen Reform und Revolution: Allgemeines Landrechts, Verwaltung, und soziale Frage von 1791 bis 1848* (Stuttgart, 1967).

<sup>4</sup>Ingrid Pepperle, *Junghegelianische Geschichtsphilosophie und Kunsttheorie* (Berlin, 1978); John Edward Toews, *Hegelianism* (Cambridge, 1980); Jacques D’Hondt, *Hegel et hégélianisme* (Paris, 1982); Warren Breckman, *Marx, the Young Hegelians, and the Origins of Radical Social Theory* (Cambridge, 1999); Douglas Moggach, ed., *The New Hegelians* (Cambridge, 2006); Moggach, ed. *Politics, Religion, and Art* (Evanston, 2011). Lars Lambrecht, ed., *Umstürzende Gedanken* (Frankfurt am Main, 2013).

<sup>5</sup>Lars Lambrecht, “Wer waren die Junghegelianer?,” in Lambrecht, *Umstürzende Gedanken*, 144–75, at 175. See also Martin Hundt, “Stichwort: Linkshegelianismus,” *Wörterbuch des Marxismus* (Hamburg, 2015), 1169.

<sup>6</sup>Jörn Leonhard, “Formulating and Reformulating ‘Liberalism’: Germany in European Comparison,” in Leonhard, *In Search of European Liberalisms* (Oxford, 2019), 72–101.

do not fit neatly into the categories that historians have employed thus far, tend to get overlooked. Second, we must attend to Quentin Skinner's distinction between constative and performative language as it applies to the study of history.<sup>7</sup> For terms such as "Young" and "Old Hegelian" or "liberal" and "liberalism" were not invented by historians and imposed on the *Vormärz*. They circulated at the time. But they were used not accurately to describe a range of occupied positions but rather as speech acts designed to accomplish specific tasks within specific institutional struggles—to form a field of battle and draw friends closer by pushing enemies away. "Young Hegelian," for instance, was coined by the historian Heinrich Leo to ridicule the editorial position of Arnold Ruge's *Hallische Jahrbücher* during the Cologne Turmoil—a period of social unrest precipitated by a confrontation between the ultramontane Archbishop von Droste-Vischering and the Prussian state that spilled over into an exchange of polemics between Leo and the *Hallische Jahrbücher* concerning Joseph Görres's *Athanasius*. It was then appropriated by the group around Ruge and, with some irony, applied to themselves.<sup>8</sup> Similarly, the taxonomy Left, Centre, and Right Hegelians was invented by David Strauss amidst the controversies that followed his *Life of Jesus*. Only later did it acquire broader significance.<sup>9</sup> The task of the historian is not to determine who belonged to which camp. It is to trace the functions and effects of the terms as they were mobilized at the time. The question is not, in other words, as Lambrecht asks, "Who were the Young Hegelians?" It is, what did terms like "Young" or "Left Hegelian" (or "liberal") do? How did they operate in the shifting, obscure, but effective language games that constituted early nineteenth-century German intellectual discourse?

This paper considers these questions by drawing attention to one of those overlooked historical figures, Karl Hermann Scheidler. Scheidler was a student of Jakob Fries, a leader of the student fraternities or *Burschenschaften*, an educational reformer, and a professor of philosophy. He was also one of the most vehement and most curiously situated critics of the Young, Left, or, as he called them, New Hegelians. Insofar as he is remembered today at all, he is remembered as the author of two polemical articles in Rotteck and Welcker's *Staats-Lexikon*: "Hegel'sche Philosophie und Schule," which appeared in 1839 in the first edition of the *Staats-Lexikon*, and "Neuhegelianer," which appeared in 1847 as a supplement to the first in the second edition.<sup>10</sup> Because of these attacks on Hegelianism, Scheidler is sometimes characterized as a "conservative."<sup>11</sup> But this is neither how his contemporaries perceived him nor how he perceived himself. We could call Scheidler a liberal. But, for the reasons just explained, it would be more accurate to say that he was involved in the foundational German debates over how the term

<sup>7</sup>Quentin Skinner, *Visions of Politics*, vol. 1 (Cambridge, 2002).

<sup>8</sup>Michael Heinrich, *Karl Marx and the Birth of Modern Society* (New York, 2019), 256–9.

<sup>9</sup>Jon Stewart, "Hegel's Philosophy of Religion and the Question of 'Right' and 'Left' Hegelianism," in Moggach, *Politics, Religion and Art*, 66–95.

<sup>10</sup>Karl Hermann Scheidler, "Hegel'sche Philosophie und Schule," *Staats-Lexikon*, vol. 7 (Altona, 1839), 607–46; Scheidler, "Hegel (Neuhegelianer)," *Staats-Lexikon*, vol. 6 (Altona, 1847), 629–64.

<sup>11</sup>Johannes Zachhuber, "Transcendence and Immanence," in Daniel Whistler, ed., *The Edinburgh Critical History of Nineteenth-Century Christian Theology* (Edinburgh, 2018), 164–81, at 168.

“liberal” should function.<sup>12</sup> During the *Vormärz*, Scheidler promoted a variant of the natural-law tradition, and was adamant that, in the modern world, the source of legitimate political power is the consent of the governed. Contrary to what Krieger and Koselleck suggest about *Vormärz* liberals, he was deeply suspicious of the centralized administrative state. This same suspicion explains Scheidler’s contempt for Hegel. Scheidler read Hegel’s philosophy of the “absolute” as a barely concealed defense of the absolutist state, or a combination of the eighteenth-century absolute monarchy, the Reform Era administrative state, and the Napoleonic revolutionary state. To these models Scheidler opposed not a liberal individual endowed with the right to pursue rational self-interest, but a constitutional order in which specific corporations remained autonomous vis-à-vis the state and, through gradual transformations guided by the principle of emancipation, developed internal structures of representative governance. Scheidler further framed his approach with a civic humanist account of public virtue, in which citizenship involved ongoing participation in politics, and a patriotic commitment to political (not natural) German nationalism.

The first section of what follows provides a sketch of Scheidler’s career, on which there is currently no significant literature.<sup>13</sup> It emphasizes his political writings but situates them in relation to his psychology, philosophy, ecclesiastical history, and educational theory. It shows that Scheidler’s theory does not conform to the received narrative concerning *Vormärz* liberalism, and that his corporate constitutionalism represents a significant contribution to the history of liberalism—one distinct from both the state-centered liberalism identified by Krieger and Koselleck and the more familiar possessive individualist liberalism. The second section focuses on Scheidler’s polemics against Hegelianism. It examines how one strand of *Vormärz* liberalism defined itself in opposition to the Hegelians and clarifies why those Scheidler calls the New Hegelians rejected liberalism—why they chose to forge a different, more revolutionary path, and why, as a result of their confrontations with figures like Scheidler, they saw their journals suppressed, their academic posts denied or rescinded, their voices forced to the margins, and their agenda roundly defeated. I conclude with a reflection on the proximity between

<sup>12</sup>James J. Sheehan, “Liberalism and Society in Germany, 1815–48,” *Journal of Modern History* 45/4 (1975), 583–604; Sheehan, *German Liberalism in the Nineteenth Century* (Amherst, 1978), 7–78; David F. Lindenfeld, *The Practical Imagination* (Chicago, 1997), 89–157; Michael Stolleis, *Public Law in Germany* (New York, 2001), 115–37; Wolfgang J. Mommsen, “German Liberalism in the Nineteenth Century,” in Gareth Stedman Jones and Gregory Claeys, eds., *The Cambridge History of Nineteenth-Century Political Thought* (Cambridge, 2011), 409–32; Jerrold Seigel, “European Liberalism in the Nineteenth Century,” in Warren Breckman and Peter E. Gordon, eds., *The Cambridge History of Modern European Thought* (Cambridge, 2019), 172–95.

<sup>13</sup>Scheidler’s polemics against the “Hegel school” and the “New Hegelians” in the *Staats-Lexikon* are occasionally referenced in the footnotes of works on the history of political theory. For example, Breckman, *Marx, The Young Hegelians*, 147 n. 57, 163 n. 121; David Leopold, *The Young Marx* (Cambridge, 2007), 57 n. 171; Michael Heinrich, *Karl Marx and the Birth of Modern Society* (New York, 2019), 157 n. 125. Some of his ideas on church history, the university, educational reform, and Jewish emancipation are infrequently mentioned in the relevant literature. But there are to date no scholarly publications in either German or English that address his work in any detail. He is treated judiciously, if briefly, in Ian Hunter, “About the Dialectical Historiography of International Law,” *Global Intellectual History* 1/1 (2016), 1–32.

the rehabilitation of Hegel in Germany following 1848 and efforts among recent Hegel scholars to reject twentieth-century antitotalitarian readings of Hegel.

There is nothing to be gained from attempting to revive the details of Scheidler's constitutional model today. Nor would Scheidler have suggested as much. His work was explicitly designed to respond to immediate political concerns. He was not a great philosopher but an institutional warrior. He composed his texts to be weapons in historically discrete struggles. But Scheidler's effort to define liberalism in terms of corporate constitutionalism and a challenge to centralized authority does contribute something significant to political theory. The two twentieth-century traditions that took an interest in the *Vormärz* mentioned above, or twentieth-century Marxism and liberalism, were also critical of the state. But both tended to present the state in reductively instrumental terms, one treating it as a means for imposing class domination, the other as a means for securing individual rights, typically property rights. Scheidler's effort to curtail state power in favour of autonomous corporations was of a different order. His aim was neither to ground political superstructures in an economic base nor to protect private individuals from arbitrary power, but to conceive of society as a distribution of institutions each of which could function as a space of political community in which free individuals might engage in practices of self-governance. His corporate constitutionalism did not entail a split between an apolitical civil society and a political state. It was intended to provide a framework in which citizens could meaningfully participate in public life. To that extent, it should have a place in the history not only of liberalism, but also of democracy.

## A liberal before liberalism

### *Between nationalism and natural law*

Scheidler was born on 8 January 1795 in Gotha, then part of the Duchy of Saxony-Gotha-Altenburg and ruled by the enlightened Duke Ernst II.<sup>14</sup> His parents were not nobility but occupied respectable positions in the duke's court. His father, Johann David Scheidler, was court chapel music director, and his mother, Sophie Elisabeth Susanne, a renowned vocalist. Johann David died in 1802, when Scheidler was a child. Three years later, Scheidler's older sister Dorothea (also an accomplished musician) married the composer Louis Spohr. Spohr was eleven years Scheidler's senior. He became surrogate head of the family and played a crucial role in Scheidler's upbringing. Thus, along with detailed knowledge of the arts, Scheidler's writings exhibit countless traces of that cultural erudition and effortless sophistication referred to at the time as *Bildung*. While Scheidler would become a nationalist, and even something of a democrat, the aristocratic humanism of the Enlightenment courts undoubtedly formed one of the horizons of his world.

Scheidler received his early education at the Gotha Gymnasium. In 1813 he was the first in Gotha to enlist in the Lützow Freikorps—an irregular militia recruited to

<sup>14</sup>Biographical information is drawn largely from the article "Karl Hermann Scheidler," presumably written by Scheidler's student Karl August and printed as the introduction to the posthumously published Karl Hermann Scheidler, *Ueber die Hauptausgabe und praktische Bedeutung der anthropologisch-pragmatischen Vorbereitungs- Hülf- und Neben-Disciplinen der rationalen Oekonomie* (Jena, 1867).

help fight Napoleon's armies in the Wars of Liberation. During the war he suffered hearing loss and he eventually became functionally deaf. From 1814 to 1818 he studied law and philosophy at the Universities of Jena and Berlin, where he came under the influence of the Kantian philosopher Jakob Fries and the charismatic youth movement leader Friedrich Jahn. The same influences encouraged him to take up a leadership role in the *Burschenschaften* that spread throughout Germany after the Wars of Liberation and that advocated a German constitution. He was one of the organizers of the Wartburg Festival, a meeting of students and former soldiers held in 1817 to commemorate the fourth anniversary of Napoleon's defeat at the Battle of Leipzig and the three-hundredth of Luther's ninety-five theses. And he remained committed to the constitutionalism and nationalism of the *Burschenschaften* for the rest of his life.

After completing his degree, Scheidler briefly worked at the Provincial High Court or *Oberlandesgericht* in Namburg, Saxony. But the deterioration of his hearing made this occupation untenable. In 1821 he returned to Jena to pursue a doctorate in philosophy. In the interim, German political and academic culture had been dramatically transformed by the assassination of August von Kotzebue by Karl Sand on 23 March 1819. Metternich leveraged the event to convince the German Confederation to enact the Carlsbad Decrees of 1819, a set of repressive laws designed to curtail political dissent, especially among students. Along with imposing censorship and surveillance on academics, the Carlsbad Decrees led to the suppression of the *Burschenschaften* and the persecution of professors deemed "demagogues," including both Fries (who retained his professorship at Jena but was prohibited from lecturing) and Jahn (who was imprisoned and, as a condition of his release, forbidden to reside in Berlin). What followed is generally characterized as a period of reaction. The Prussian king Friedrich Wilhelm III's promise, immediately after the Wars of Liberation, to provide a national constitution was never fulfilled. Instead, he called meetings of the Provincial Estates Assemblies, which were dominated by the landed nobility. The result was a struggle between the bureaucracy, who controlled the state apparatus; the nobility, who controlled the provincial assemblies; and the middle and lower classes, who had little, if any, access to institutional power.<sup>15</sup> Despite the reactionary atmosphere, Scheidler managed to complete his doctorate and embark on an academic career. He climbed the ranks at the University of Jena and in 1836 became full professor.

From the outset, Scheidler's work had a practical bent. Like Fries, he was unimpressed by the fashionable speculative philosophies of the time, especially those of Hegel and his disciples. The animosity between Hegel and Fries is well documented, and doubtless informed Scheidler's attacks on the Hegelians.<sup>16</sup> Frederick Beiser distinguishes between two traditions in post-Kantian idealism: the "rationalist-speculative" tradition, represented by Fichte, Schelling, and Hegel; and the

<sup>15</sup>Christopher Clark, *Iron Kingdom* (Cambridge, 2006), 399–408.

<sup>16</sup>Terry Pinkard, *German Philosophy* (Cambridge, 2002), 199–211; Scheidler discusses the Fries–Hegel feud in Karl Hermann Scheidler, "Fries (Jakob Friedrich)," *Allgemeine Encyclopädie*, Section 1, Part 15 (Leipzig, 1849), 161–85. He references Fries's Wartburg Festival speech and Hegel's attack on it in *The Philosophy of Right*. He claims that Hegel's service to the state in this regard is reflected in his philosophy, which is "nothing other than an attempt to conceive and represent the state as something rational in itself." *Ibid.*, 168.



“empiricist–psychological” tradition, represented by Fries, Herbart, and Beneke.<sup>17</sup> On this account, Scheidler belongs squarely in the second camp. He was not uncritical of Fries, and especially of his notorious anti-Semitism.<sup>18</sup> But he remained a life-long advocate of Fries’s perspective. Philosophically this entailed affirming Kant’s demonstration of the limits of reason, and rooting faith not in what Fries saw as Kant’s arid moralism, but in an immediate *Ahndung* or “aesthetic sense” of the divine. Politically, it involved elaborating on the eighteenth-century conception of natural right and grounding political legitimacy in popular nationalist movements.<sup>19</sup> It was Fries’s emphasis on feeling and popular enthusiasm that Hegel found most distasteful, and that he attacked in the 1821 “Preface” to his *Philosophy of Right*, thereby contributing to the characterization of Fries as a demagogue. Fries and his followers, Scheidler included, took this to be an indication of Hegel’s careerism and slavish commitment to the Prussian state.

In personal correspondence towards the end of his life, Fries characterized Scheidler as a loyal member of his “school,” but also deemed him “too scattered” to carry on his legacy.<sup>20</sup> The judgment contained more than a little truth. Scheidler was an eclectic scholar. His interests ranged from philosophy, psychology, and pedagogy (“hodegetics”) to educational reform, state theory, and church and university histories. He also published substantial works on fencing, gymnastics, and agriculture.<sup>21</sup> He did not produce anything like a philosophical system and was in principle suspicious of such endeavours. Indeed, he was among the first generation of nineteenth-century German intellectuals to repudiate the grand philosophical systems of the early part of the century and take practical concerns as his point of departure. His monographs consist of interventions into localized debates and introductions to university subjects designed for his students. As a public intellectual, Scheidler’s most important work was as an essayist (especially for the journal *Minerva*, which was popular among military officers) and an encyclopedist. He wrote dozens of meticulously researched articles for two of the nineteenth century’s most ambitious and influential encyclopedia projects: Rotteck and Welcker’s *Staats-Lexikon* and Ersch and Gruber’s *Allgemeine Encyclopädie*.

But despite this eclecticism, Scheidler did develop a coherent and unique political theory. He sought to build a bridge between eighteenth-century natural law and

<sup>17</sup>Frederick C. Beiser, *The Genesis of Neo-Kantianism* (Oxford, 2014).

<sup>18</sup>Karl Hermann Scheidler, “Judenemancipation,” *Allgemeine Encyclopädie*, Section 2, Part 27 (Leipzig, 1850), 253–315. Scheidler claims that “the whole history of humanity is a great emancipation process” (*ibid.*, 253) and, based on this principle, defends Jewish emancipation. While “free-thinking Fries let himself be misled on this issue” (*ibid.*, 257), Scheidler argues that Jewish emancipation follows logically from Fries’s own theory of natural right.

<sup>19</sup>J. F. Fries, *Knowledge, Belief, and Aesthetic Sense*, trans. Kent Richter (Cologne, 1989); Todd Gooch, *The Numinous and Modernity: An Interpretation of Rudolf Otto’s Philosophy of Religion* (New York, 2000), 53–77. In his *Allgemeine Encyclopädie* article on Fries, Scheidler defends this aspect of his work and distinguishes it from Romantic irrationalism. It is not “superstition” or “subjective perversity,” Scheidler claims. Whereas Schleiermacher’s theology of feeling related faith to an inner feeling of dependence, Scheidler related to an immediate external experience of the numinous. See Scheidler, “Fries,” 169–70.

<sup>20</sup>Ernst Ludwig Theodor Henke, *Jakob Friedrich Fries* (Leipzig, 1867), 267.

<sup>21</sup>For references to some of Scheidler’s many works see notes 10, 14, 16, 18, 22, 23, 24, 30, 35, 38, 46, 57, 63, 65, 80, 87, 90 in this article.

nineteenth-century nationalism. He defended the natural-law tradition and opposed the positivist and historicist approaches promoted by figures like the Romantic jurist Karl von Savigny and the historical school of law.<sup>22</sup> Human rights, he argued, require the active participation of citizens in the formation of the laws that govern them. He therefore supported constitutionalism and representative assemblies with substantive legislative capacities.<sup>23</sup> At the same time, he was deeply critical of the excesses of the French Revolution and took the defeat of Napoleon at the hands of the German people to be the definitive event of his age. It was here that Scheidler's nationalism became apparent. He was a product of the nationalist fervour generated by the Wars of Liberation and exemplified by organizations like the Tugenbund (a secret society of patriots formed during the Napoleonic occupation),<sup>24</sup> the Lützow Freikorps, and the *Burschenschaften*. But Scheidler's concept of the nation was political, not substantial or *völkisch*. For Scheidler, the nation was a symbolic framework in which to foster civic virtue, not the expression of an autochthonous essence of a people. Scheidler was a nationalist, but not a Romantic nationalist.

This same effort to combine universal natural law with enthusiastic nationalism explains Scheidler's simultaneously emancipatory and corporatist approach to constitutional questions. Scheidler took the chief lesson of the French Revolution to be that human rights cannot be imposed mechanically by a governmental state authority but must emerge organically out of the political life of the citizens. While the state should properly be an expression of that political life, it tends to become a separate instrument for administering or managing society. It therefore needs to be checked not only by internal separations of power but also by external, autonomous corporations. For this reason, the principle theme of Scheidler's work is the necessity of curtailing the arbitrary power of the centralized bureaucratic state. *Vormärz* conservatives also argued against the centralized state, which they saw as a threat to the traditional patrimonial authority of the landed nobility.<sup>25</sup> But Scheidler's purpose was distinct. On his account, just as the legitimacy of the state rests on the consent of the citizens, so too does the legitimacy of autonomous corporations rest on the consent of their constituents. As Scheidler saw it, corporations were not

<sup>22</sup>For example, Karl Hermann Scheidler, *Paränesen zum Studium des philosophischen und positiven Rechtswissenschaft* (Jena, 1841). Dedicated to Rotteck, this book is a defence of natural law against historical and positive jurists. Scheidler argues, "The most prevalent trend of recent jurists is averse to natural right; only positive and historical right obtains." *Ibid.*, 3. And, "The law of reason is hated, and therefore vilified" because "it leads to an open war against abuse of power, against the pride of the privileged, against historical injustice, and because with every adherent it wins, a ground for hope is created." *Ibid.*, 5.

<sup>23</sup>For example, Scheidler's review of Ernst von Bülow-Cummerow's *Preußen, seine Verfassung, seine Verwaltung, sein Verhältnis zu Deutschland* in Karl Hermann Scheidler, "Repräsentativ- oder landständische System? Constitutionnelle oder ständische Monarchie? Reichs- oder Provinzialstände?", *Minerva*, vol. 2 (Jena, 1843), 79–150. Bülow-Cummerow argued for economically progressive constitutional reform which retained elements of the estates system and limited assemblies to the provincial level. Scheidler is respectful, but more liberal. "The true meaning of the representative constitution is, precisely in contrast to the divided interests of the landed estates in the earlier meaning of the word and the provincial estates, to realize the oneness and unity in the whole development of state life, and especially that between the government and the people." *Ibid.*, 126.

<sup>24</sup>Karl Hermann Scheidler, "Tugenbund," *Staats-Lexikon*, vol. 12 (Altona, 1848), 585–90.

<sup>25</sup>Robert M. Berdahl, *The Politics of the Prussian Nobility* (Princeton, 1988).



alternative sources of authority, but local political bodies, distinct from the state, in which citizens could meaningfully engage in practices of self-governance.

### *Corporate constitutionalism and “political protestantism”*

Scheidler’s first significant monograph was his 1833 *Handbuch der Psychologie*.<sup>26</sup> The book is less innovative than it is symptomatic of the emergence of psychology as a discrete discipline in the early nineteenth century. It identifies Kant as the father of modern science but disputes his exclusion of psychology from the sciences on the ground that its objects are not susceptible to mathematical quantification. “Psychology must first be treated as a natural science,” Scheidler claims, and “kept as free as possible of the interference of philosophemes.” Scheidler therefore proposes to approach “the much-disputed and difficult doctrines of the soul in general as regards its relation to the body, as well as reason, the understanding, and so on, from a purely empirical point of view.”<sup>27</sup> Scheidler’s inspiration is Fries, to whom he often refers. Fries was an empiricist, but also a Kantian. He did not limit knowledge to sensation but held that a priori structures organize our experience. However, while Kant used a “transcendental deduction” to prove the existence of a priori structures, Fries held that a pre-reflective “feeling of truth” provides us with “immediate cognition” of our inner world. The task of philosophy was not to provide a rational proof for the existence of a priori structures. It was to render explicit what is empirically given in our “immediate cognition.” Fries thus pursued a “psychic anthropology” or empirical description of the “facts of inner experience.”<sup>28</sup> This distinguished him from Hegel, who argued that Kant’s a priori structures could not be limited to the inner world of the individual subject but were features of an intersubjective *Geist* that was progressively actualized through history.

In his *Handbuch der Psychologie*, Scheidler follows Fries and attempts to establish the “value and dignity” of psychology as a science.<sup>29</sup> The psychological emphasis on the individual, as opposed to the historical communities or *Volksgeist* that interested some Romantics, is integral to the development of

<sup>26</sup>Karl Hermann Scheidler, *Handbuch der Psychologie* (Darmstadt, 1833). Prior to the *Handbuch der Psychologie* Scheidler had published works on student duelling at German universities and on pedagogy or “hodegetics.” I do not have space to discuss Scheidler’s interventions into education in detail. Briefly, his work on student duelling proposed to replace that custom with student organized honour courts—an example of the participatory self-governance within autonomous universities that he argued for in his constitutional theory. His work on “hodegetics” concerned the overall formation of university students as political subjects in possession of the civic virtue required for citizenship in a constitutional order. See Karl Hermann Scheidler, “Pädagogik,” *Staats-Lexikon*, vol. 12 (Altona, 1841), 319–49; Scheidler, “Universitäten,” *Staats-Lexikon*, vol. 15 (Altona: 1843), 499–540. Scheidler, *Deutscher Studentenspiegel* (Jena, 1844). Scheidler’s commitment to a corporate constitution also placed him at odds with state-centralizing efforts to wrest control of education from the churches. See Winfried Speitkamp, “Educational Reforms in Germany: Between Revolution and Restoration,” *German History* 10/1 (1992), 1–23.

<sup>27</sup>Scheidler, *Handbuch*, ix. Scheidler takes the same position in his article on dualism for the *Allgemeine Encyclopädie*, claiming it is “necessary for psychology, as empirical science, to assert its independence from the systems of metaphysics.” See Karl Hermann Scheidler, “Dualismus,” *Allgemeine Encyclopädie*, Section 1, Part 28 (Leipzig, 1836), 91–102, at 92.

<sup>28</sup>Pinkard, *German Philosophy*, 199–212; Beiser, *Neo-Kantianism*, 23–88; Scheidler, “Fries,” 169.

<sup>29</sup>Scheidler, *Handbuch*, 14.

Scheidler's liberalism. But for Scheidler's political theory, the salient feature of the *Handbuch der Psychologie* is the way Scheidler frames it with a reflection on the purpose of scientific education. Scheidler was an acolyte of Wilhelm von Humboldt's humanist reforms of German education.<sup>30</sup> He thus distinguishes sharply between knowledge designed to contribute to a "civic community" and knowledge "for its own sake" or as a "good in itself."<sup>31</sup> Both are required. But to pursue the former at the expense of the latter is to reduce what Scheidler calls the "philosophical sciences," which have intrinsic value, to the *Brodwissenschaften* or "bread sciences"—a derogatory term for the technical training required to secure a position in the civil service.<sup>32</sup> The university cannot be understood as an instrument for supplying the state with employees. The education it provides has autonomous value, and the institution should remain autonomous as well. To claim otherwise is to reduce a "creation of humans aimed at a higher existence" to a "machine-work" for securing "lower needs" and "bourgeois commercial activity" and to render "this most splendid artwork of the human spirit, this higher, self-sufficient existence, in which alone man is able to exert his supreme destiny" nothing more than "a useful and accidental invention."<sup>33</sup>

Already in his earliest writings, then, Scheidler presented himself as a versatile public intellectual, examining abstract philosophical topics in relation to concrete institutional politics. This would become the hallmark of his work. Scheidler's approach to constitutional questions comes into sharper focus in two essays published soon after the *Handbuch der Psychologie*: his 1834 "Reform des Deutschen Universitätswesens," which appeared in *Minerva* and was designed to intervene into debates surrounding the meeting of German state ministers held in Vienna in 1834 called the Wiener Ministercongress; and his 1834–5 "Verhältnis von Staat und Kirche nach den Principien des Protestantismus und constitutionelle Lebens," which appeared in the prominent political theorist Karl Pölit's *Jahrbücher der Geschichte und Staatskunst*, and which developed a criticism of Friedrich Wilhelm III's effort to unify Prussia's Lutherans and Calvinists under a state church or Evangelische Landeskirche. A study of these articles clarifies Scheidler's constitutional vision and the strategies he deployed to advance it.

The 1834 Wiener Ministercongress took place in the wake of the 1832 Hambach Festival, a mass political rally that called for democratic reforms in the face of the reaction that had followed the Carlsbad Decrees. There Metternich sought to inhibit constitutionalism in Germany by riveting the structure of power to the estates. As part of this project, the Ministercongress also designed secret laws called the Zweites Bundes-Universitätsgesetz, which intensified the repressive Carlsbad Decrees by compelling universities to penalize students who belonged to proscribed

<sup>30</sup>Charles E. McLelland, *State, Society, and University in Germany* (Cambridge, 1980), 99–150; Karl Hermann Scheidler, "Humboldt, Wilhelm von," *Staats-Lexikon, Supplemente*, vol. 3 (Altona, 1847), 189–233. Scheidler argues that Humboldt's educational reforms were coopted by the very utilitarianism they were designed to hold at bay, and that this occurred because they presupposed a constitutional order in which citizens played an active role in their own governance—an order that Friedrich Wilhelm III had promised following the Wars of Liberation, but that did not materialize.

<sup>31</sup>Scheidler, *Handbuch*, 6.

<sup>32</sup>*Ibid.*, 10–13.

<sup>33</sup>*Ibid.*, 7.

political organizations, and by transferring the power to grant licences to lecture from the universities to the states.<sup>34</sup> Scheidler addresses his “Reform des Deutschen Universitätswesens” to the congress delegates charged with examining the *Universitätsfrage*.<sup>35</sup> But the article was published while the conference was in session, indicating that Scheidler was not responding to the new laws but attempting to influence the conversation around the event. The contemporary political climate, Scheidler warns his readers, is characterized by “ultras of every colour” and “two extremes”: the “party of unconditional movement (which is often falsely called liberal);” and the “party of unconditional stability or reaction.” Apparently antagonistic, these extremes “agree in their fight against the universities.” Thus they both demand their “total reform”—“one because they are not ‘liberal’ enough; the other because they are too much so.” It is significant that Scheidler renounces the “party of movement” as “falsely liberal,” for historians sometimes conflate that party with *Vormärz* liberalism *tout court*.<sup>36</sup> Scheidler argues that a genuinely “liberal” path must navigate between such extremes. He rejects calls for “total reform,” which would necessarily entail state intervention, and argues that the university should remain an “autonomous and self-standing corporation.”<sup>37</sup>

The Evangelische Landeskirche was part of a larger program of administrative centralization that began in the late eighteenth century and reached an apex during the Reform Era. It granted the state the authority to appoint ecclesiastical officials, enforce a uniform liturgy on Lutherans and Calvinists, and imprison Nonconforming clergy. It also resulted in mass emigration of heterodox denominations. Scheidler’s “Verhältnis von Staat und Kirche” does not discuss the policy openly, but the implications are easy to discern. The essay was published in two parts.<sup>38</sup> The first provides a history of church and state from early Christianity to the nineteenth century. The second schematizes that history in terms of three systems: the “episcopal system,” associated with Catholicism, wherein church dominates state; the “territorial system,” introduced by Christian Thomasius, wherein the state has authority over the external affairs of the church but not internal beliefs of the faithful; and the “collegial system,” wherein the (now plural) churches reassert their autonomy, and are governed by independent constitutions. Scheidler privileges the “collegial system,” and argues that it is most compatible with the teachings of Luther and the biblical apostles.<sup>39</sup> He further claims that, in the “collegial system,” church constitutions derive their legitimacy not from their episcopal hierarchy, but from the consent of their congregations as established through representative synods.

<sup>34</sup>Michael Kotulla, *Deutsches Verfassungsrecht: Eine Dokumentensammlung* (Berlin, 2006), 88–9.

<sup>35</sup>Karl Hermann Scheidler, “Ueber Reform des Deutschen Universitätswesens,” *Minerva*, vol. 1 (Jena, 1834), 1–120.

<sup>36</sup>Sheehan, “Liberalism,” 603–4; Seigel, “European Liberalism,” 180.

<sup>37</sup>Scheidler, “Ueber Reform des Deutschen Universitätswesens,” 4.

<sup>38</sup>Karl Hermann Scheidler, “Ueber das Verhältnis von Staat und Kirche nach den Principien des Protestantismus und constitutionelle Lebens: Erster Artikel,” *Jahrbücher der Geschichte und Staatskunst* 2 (1834), 481–523; Scheidler, “Ueber das Verhältnis von Staat und Kirche nach den Principien des Protestantismus und constitutionelle Lebens: Zweiter Artikel,” *Jahrbücher der Geschichte und Staatskunst* 1 (1835), 335–426.

<sup>39</sup>Scheidler, “Staat und Kirche: Zweiter Artikel,” 408.

In the *Vormärz* political debates were invariably related to questions of church governance.<sup>40</sup> Scheidler uses the topic to elaborate his constitutional vision, and what he calls “political Protestantism.” Here the church is not primarily a tool for the instantiation of public morality, and the state is not primarily a centralized authority with the right to use force to secure property; rather, both are institutional frameworks within which citizens participate in political affairs. “Verhältnis von Staat und Kirche” thus asks, “What is the nature of our times?” “Formally,” Scheidler answers, echoing Kant, “it is emancipation from tutelage,” or a “people” who “no longer want to believe blindly but to see for themselves.” It demands “the free agreement between the government and the people” to “establish mutual rights and duties” and “the fundamental idea of self-activity, of the actual active participation of the people in the political community as a whole, and, through its representatives, in the exercise of the most important powers of the state.” In modernity “state-life” acquires the form of “sociability” adequate to “the realization of the idea of law.” And this realization occurs “not according to the paltry negative view of the law that every man should keep his distance from the [collective] body as far as possible, and not from the ordinary restriction of the purpose of the state to the protection of so-called positive law,” but as a “truly organic cooperative of individuals for the attainment of the total purpose of humanity, or the realization of the innate rights of each individual to happiness, perfection, moral and religious, intellectual and aesthetic education.”<sup>41</sup>

In his work on “the German idea of freedom,” Leonard Krieger argued that the kind of organicism pervasive in nineteenth-century German thought was an idealist abstraction that, when applied to state theory, helped prevent the formation of institutions necessary for the realization of liberal freedom.<sup>42</sup> Isaiah Berlin made a similar claim with respect to the invocation of “organic metaphors” among proponents of “positive” rather than “negative liberty.”<sup>43</sup> These criticisms do not capture Scheidler’s approach. For Scheidler, what distinguishes the “organic principle of development from within” or “constitutional or internally limited [*syncretische*] state forms” from “the mechanical principle of autocracy” is a “system of

<sup>40</sup>Robert M. Bigler, *The Politics of German Protestantism* (Berkeley, 1972), 38–52; Clark, *Iron Kingdom*, 415–19. One of Bauer’s first political interventions involved a defence of the policy as an expression of rational historical progress. Bruno Bauer, *Die evangelische Landeskirche Preussens und die Wissenschaft* (Leipzig, 1840). Friedrich Wilhelm IV relaxed the posture of the state on the issue. The literature often presents his reign as more conservative and absolutist than that of Friedrich Wilhelm III. On ecclesiastical matters, it was the former, not the latter. His “conservatism” entailed reversing his father’s “absolutist” approach towards Nonconforming Protestant communities and the Catholic Church. Anachronism has inflected the literature on the Young Hegelians in this regard. Because, from the late 1840s onward, Marx and Engels presented the state as an instrument of the ruling class, commentators often assume that the Young Hegelians were interested in apolitical philosophical and theological issues before 1840, then adopted an antistate attitude in response to Friedrich Wilhelm IV’s reactionary policies. But Ruge and Bauer supported centralized state control of the churches before 1841. They became critical of the state after Friedrich Wilhelm IV relinquished some of this control. This issue will have bearing on the discussion of Leo’s, Ruge’s, and Scheidler’s responses to the Cologne Turmoil below. An example of the misprision in question is Harold Mah, *The End of Philosophy, the Origin of “Ideology”* (Berkeley, 1987).

<sup>41</sup>Scheidler, “Staat und Kirche: Zweiter Artikel,” 415.

<sup>42</sup>Krieger, *The German Idea of Freedom*, 177.

<sup>43</sup>Isaiah Berlin, *Liberty* (Oxford, 2002), 179.

corporations” that oppose “the system of centralization, bureaucracy, and so forth.”<sup>44</sup> Insofar as it promotes autonomous corporations, Scheidler’s “organic” state demands precisely a liberal constraint on state power. The churches are primary examples of such corporate bodies. And this means that religious freedom cannot, as in the “territorial system,” be a mere “right of inner freedom,” but entails a right to “external faith,” so long as the expression of that faith “does not infringe on the rights of a third party.” But the “external” corporate rights exercised by the churches are also founded on the “innate, inalienable, and universal rights” of the laity. Consequently, Scheidler contends that every “ecclesiastical union” is dissolvable, that individuals are free to leave a community of faith, and that all confessions, even lack of confession, must be tolerated by church and state.<sup>45</sup> If the state cannot impose dogma on the church, then the church cannot impose it on individuals. This restriction on structural power in favour of the right to political community is a defining feature of Scheidler’s “political Protestantism.”

### *The idea of the university*

Scheidler’s most important work, and the one that offers the clearest context for his subsequent polemics against the Hegelians, is his 1838 *Ueber die Idee der Universität*.<sup>46</sup> Here Scheidler solidifies the position on the autonomy of the university and the church set out in his earlier writings and demarcates the spheres of human activity appropriate to each. While state control of the university transforms it into an institution for training civil servants, it is properly a protected space for free scientific inquiry unimpeded by state ideologies and an engine for the formation of a class of politically engaged citizens. Similarly, while state control of the church transforms it into a tool for managing the social order, it is properly the foundation of a shared moral community and the source and guarantor of that specifically Protestant understanding of individual freedom, conscience, and civic virtue that Scheidler dubbed “political Protestantism.” There is a need for public authority, and thus a state. But the absolutist state, exemplified by eighteenth-century absolute monarchies, and the revolutionary state, exemplified by Napoleonic France, seek the centralized administration of all aspects of society. As Scheidler sees it, the same model had been followed in Prussia since the Reform Era. A constitutional state, on the other hand, would not administer society from above but rather would be the institution through which citizens participate in their own governance, either directly or through their representatives.

But here, as always, Scheidler is not concerned with presenting abstract normative arguments about the ideal organization of human coexistence; instead, he intervenes into the immediate political conjuncture. *Ueber die Idee der Universität* thus opens with a discussion of two crucial events of the *Vormärz*, both of which also had a bearing on the development of New Hegelianism: the Cologne Turmoil, or the confrontation between the Prussian state and the Catholic Church mentioned

<sup>44</sup>Scheidler, “Staat und Kirche: Zweiter Artikel,” 415.

<sup>45</sup>Ibid., 416.

<sup>46</sup>Karl Hermann Scheidler, *Ueber die Idee der Universität und ihre Stellung und Staatsgewalt* (Jena, 1838).

above, and the case of the Göttingen Seven, or the state's persecution of seven University of Göttingen professors who had publicly protested King Ernest Augustus's announcement, soon after his ascension to the throne of Hanover, of his intention to dissolve the kingdom's constitution.<sup>47</sup> We must examine these events to understand what is at stake in Scheidler's intervention.

The Cologne Turmoil brought to a head a conflict that had been germinating since the 1815 Congress of Vienna, which redrew the map of Europe such that Prussia now governed a number of previously independent Catholic regions in the Rhineland and the south. By 1835, German Catholics had been complaining persistently about favoritism, and the Protestant civil servants appointed by the state to administer the regions. Friedrich Wilhelm III sought to dampen the complaints by supporting the election of the ultramontane Clemens von Droste-Vischering as Archbishop of Cologne. The new archbishop moved quickly to exert his authority on two issues: the education of the children of mixed marriages (he ordered priests not to consecrate marriages unless the couple formally agreed to raise their children Catholic), and Hermesianism, or the followers of the rationalist Catholic theologian Georg Hermes, whose work was indexed in 1835, but whose ideas continued to be promoted in theology departments, especially at the University of Bonn. The archbishop attempted to extinguish the movement by instructing Catholic students not to attend the lectures of recalcitrant faculty and requiring new clergy to take an oath renouncing Hermes's teaching. In 1837 the Prussian state tried to defuse the situation by forbidding faculty from taking part in doctrinal controversies. In return, the archbishop was to relent on the education question. Initially he appeared to agree, then he reneged. Under threat of arrest, he fled Cologne. The state accused him of treason. This was perceived as a heavy-handed tactic and sparked protests across Catholic Germany.<sup>48</sup>

The Cologne Turmoil became a signature issue for Arnold Ruge's newly formed *Hallische Jahrbücher*, which sided with the state against the archbishop, and with the Hermesians against the state and the archbishop. On the other side of the issue was Joseph Görres, whose Catholic apologetic *Athanasius* condemned the actions of the state and roused Catholics to action.<sup>49</sup> Throughout 1838 the *Hallische Jahrbücher* published articles sympathetic to the Hermesians and two critical reviews of *Athanasius*.<sup>50</sup> In 1838, Heinrich Leo issued his own challenge to Görres in *Sendschreiben an Görres*. He pitted the values of the Reformation against Catholicism. But he also distinguished his position sharply from the recklessly revolutionary, in his opinion, line of the *Hallische Jahrbücher*.<sup>51</sup> Ruge responded with a blistering review of Leo's book. He grouped Leo and Görres as reactionary figures who flouted the principles of "reason," the "Reformation,"

<sup>47</sup>Thomas Nipperdey, *Germany from Napoleon to Bismarck*, trans. Daniel Nolan (Princeton, 2016), 332–3.

<sup>48</sup>*Ibid.*, 369–71; Clark, *Iron Kingdom*, 419–21.

<sup>49</sup>Joseph Görres, *Athanasius* (Regensburg, 1838).

<sup>50</sup>Friedrich Wilhelm Carové, "Hermesiana," *Hallische Jahrbücher* 21–3 (1838), 167–80; Wilhelm Eduard Wilda, "Athanasius von J. Görres," *Hallische Jahrbücher* 61–2 (1838), 481–94; Peter Feddersen Stuhr, "Anathasius von J. Görres, zweite und dritte Auslage," *Hallische Jahrbücher* 92–5 (1838), 729–57.

<sup>51</sup>Heinrich Leo, *Sendschreiben an Görres* (Halle, 1838). For Leo, "revolutionary" refers primarily to the policies of state centralization developed during the French Revolution.



and “recent history,” by which he meant “the French Revolution and the state formations arising from it, namely the systems of centralization, civil service, and administration.”<sup>52</sup>

Leo replied in the *Berliner politische Wochenblatt*, an organ for the conservative views of Ludwig von Haller. He characterized Ruge as a scribbler who was distorting Hegel’s work in the same way journalists during the French Revolution had distorted those of the *philosophes*.<sup>53</sup> Ruge replied with a review of Leo’s article, indicating that his intention was not to rehearse Hegel’s philosophy but to draw out its practical effects.<sup>54</sup> Then, in 1839, Leo wrote the work in which he coined the term “Young Hegelian,” *Die Hegelingen*. He expanded the debate to include the broader position of the Hegelian philosophers associated with Ruge, including Carl Michelet, Carl Göschel, and David Strauss, and accused them of denying the existence of a personal God, denying the immortality of the soul, and concealing their “godless and wicked doctrines” behind duplicitous Protestant “phraseology.”<sup>55</sup> The following year, in 1840, both Friedrich Wilhelm III and the pro-Hegelian minister of culture Karl von Altenstein died. While initially Friedrich Wilhelm IV displayed an ecumenical attitude, he soon sided with Leo. Deprived of state support, Ruge became increasingly radical. By 1843, his journals had been suppressed. This sequence of events destroyed the Young Hegelians.<sup>56</sup>

Scheidler’s approach to the Cologne Turmoil was different from that of Görres, Leo, and Ruge. Like Leo and Ruge, he was suspicious of the archbishop. And like the *Hallische Jahrbücher*, he supported the academic freedom of the Hermesians. But, most importantly, he was vehemently opposed to resolving the issue by subordinating either the Catholic Church or the universities to the state, and to any suggestion that the state should intervene in an instrumental fashion. This opposition applied equally to those who, like Leo, believed that the state should be used to reinforce the traditional historical order, and to those who, like Ruge, believed that it should be used to implement a new, rationally justified one. As Scheidler saw it, both approaches effectively replaced one manifestation of arbitrary power (the Catholic Church) with another, equally menacing one (the Prussian state).

But for Scheidler the crisis revealed by the Cologne Turmoil went deeper still, and threatened not only conservative and radical positions, but his own liberal one. This is where the case of the “Göttingen Seven” became relevant. Mainstream liberal opinion supported state action to contain the Catholic Church, while renouncing state suppression of the academic freedom of both the Hermesians and the “Göttingen Seven.” Scheidler saw this as inconsistent. A genuine liberal position inspired by

<sup>52</sup>Arnold Ruge, “Sendschreiben an J. Görres,” *Hallische Jahrbücher* 147–51 (1838), 1169–1204, at 1183.

<sup>53</sup>Heinrich Leo, “Hallischen Jahrbücher für Deutsche Wissenschaft und Kunst,” *Berliner Politisches Wochenblatt* 28 (1838), 159–62. Berdahl, *Prussian Nobility*, 231–63.

<sup>54</sup>Arnold Ruge, “Die Denunciation der Hallischen Jahrbücher,” *Hallische Jahrbücher*, 179–80 (1838), 1425–40.

<sup>55</sup>Heinrich Leo, *Die Hegelingen* (Halle, 1839), 2–3. Leo reserves judgment on Hegel, whose work he judges consistent with Pietism. Significantly, he does not mention Bauer, who had yet to make his public break with Christian apologetics. Douglas Moggach, *The Politics and Philosophy of Bruno Bauer* (Cambridge, 2003), 62–5.

<sup>56</sup>Wolfgang Bunzel and Lars Lambrecht, “Group Formation and Divisions in the Young Hegelian School,” in Moggach, *Politics, Religion and Art*, 27–44.

“political Protestantism” would renounce state intervention in both instances and promote the corporate autonomy of the churches and the universities. But this meant that “political Protestantism” was compelled to promote the corporate autonomy of an institution that was ruled by its hierarchy and that had no intention of basing its legitimacy on the consent of its constituents: the Catholic Church. Scheidler sought to curtail the arbitrary power of the state, and that was the principle that he wanted to associate with liberalism. But then, what force, if not the state, could be enlisted to curtail arbitrary power exercised in other, non-state institutions?

Scheidler’s response to this kind of puzzle was to invoke a Kantian postulate of historical teleology and associate it with the concept of emancipation.<sup>57</sup> Against the current of his time, Scheidler held that it was Kant who spoke to his present, not contemporary philosophers such as Hegel. Unlike Hegel, Scheidler did not believe that history itself was inherently rational or that philosophy could comprehend that rationality within an encyclopedic system. And he was hostile to the notion that the modern state represented the institutionalization of historical reason or, as Hegel put it, “the actuality of the ethical idea.”<sup>58</sup> Thus, in *Ueber die Idee der Universität*, he recalls Kant’s critique of the paternalistic state and of a moral perfectionism oriented towards collective happiness rather than individual freedom. And he attacks unnamed “philosophers” (he means Hegel) who subordinate the university, the church, and even the people to a “deified state-concept.”<sup>59</sup> But he affirms Kant’s contention that, in order to make sense of our individual moral experience, we must attribute meaning and direction to history. Emancipation is the concept that Scheidler believes captures that sense of historical progress best. The error, he thinks, is to believe that emancipation is the mission of the state—an institution that has historically struggled to prevent it.<sup>60</sup>

This was part of the logic Scheidler developed for the autonomy of the university and the church. Autonomous universities, he argued, had historically protected emancipatory movements from arbitrary centralized power, as in the case of the protection offered Luther by the University of Wittenburg during the Reformation or the protection offered German patriots by the University of Berlin during the Napoleonic occupation. With respect to the Catholic Church, Scheidler predicted that the movement sparked by the state’s attempt to exercise arbitrary power over the archbishop would mutate into a movement against the arbitrary power of the church itself. “How long should the perversion of the mob [*Pöbelwahn*] persist,” Scheidler asked—the mob “which identifies the church with the clergy, and the laity with nothing, as completely incapable of participation

<sup>57</sup>Karl Hermann Scheidler, “Emancipation,” *Allgemeine Encyclopädie*, Section 1, Part 34 (Leipzig, 1840), 2–12. Scheidler notes that the term “emancipation” began as a technical one in Roman law but now applies to all aspects of human life. This inflation of the term “is in no way accidental or arbitrary but grounded in the essence of humanity and the course of its development. Emancipation has become the most important and practical of all present concepts and is especially at the centre of all questions of the state.” *Ibid.* 3. With reference to this essay, Koselleck calls Scheidler “the clearest systematist of an emancipatory philosophy of history.” Reinhardt Koselleck, *The Practice of Conceptual History* (Stanford, 2002), 254.

<sup>58</sup>G. W. F. Hegel, *Elements of the Philosophy of Right*, trans. H. B. Nisbet (Cambridge, 1991), 275.

<sup>59</sup>Scheidler, *Ueber die Idee der Universität*, 108.

<sup>60</sup>On Kantian perfectionism and its legacies see Douglas Moggach, Nadine Mooren, and Michael Quante, eds., *Perfektionismus der Autonomie* (Paderborn, 2019).

or involvement in matters of religion?”<sup>61</sup> Scheidler’s prediction was prescient. Elements of the Cologne unrest were soon harnessed by the German Catholic movement organized around the defrocked priest Johannes Ronge.<sup>62</sup> Scheidler does not discuss the German Catholics. But he did believe that, over the long arc of history, it was religiously inspired social movements, and not the centralized state, that would advance human rights.<sup>63</sup> That too was a defining feature of his “political Protestantism.”

### Scheidler, the Hegel school, and the New Hegelians

Canonization often rounds off the sharp edges of a thinker’s work. Arguments developed in order to accomplish institutional tasks get transformed into abstract, free-floating claims. Examining the work of a minor figure like Scheidler, on the other hand, brings the practical battles to the fore, along with a sense in which intellectual discourse not only describes but also acts in the world. Scheidler is particularly well-suited to this project because, as we have seen, he invariably wrote to take up arms in a struggle. But if most of those struggles were wars of attrition, then his attacks on the Hegelians in the *Staats-Lexikon* were brutal hand-to-hand combat. The importance of Rotteck and Welcker’s *Staats-Lexikon* during the *Vormärz* is well known. It was a standard reference work for state bureaucrats and government officials.<sup>64</sup> In attempting to destroy Hegelianism there, Scheidler was attempting to destroy any influence it might have on the everyday operation of the state. The accuracy of Scheidler’s assessment of Hegel is perhaps less significant than its polemical purpose. Scheidler truncated Hegel to excoriate what he took to be the practical consequences of his work. Philosophically, he follows Fries’s reading of Kant. Hegel rejected Kant’s distinction between phenomena and noumena and his limitation of knowledge to the former on the ground that reason cannot limit itself without transgressing that limit in the same gesture. He thus located reason not in the individual mind, but in the history of a collective *Geist*. And he credited philosophy with unique insight into this *Geist*, which all other disciplines,

<sup>61</sup>Scheidler, *Ueber die Idee der Universität*, 8.

<sup>62</sup>Wayne Detzler, “Protest and Schism in Nineteenth-Century German Catholicism: The Ronge–Czerski Movement, 1844–5,” *Studies in Church History* 9 (1972), 341–9.

<sup>63</sup>A good example of Scheidler advocating such a movement is Karl Hermann Scheidler, *Die Lebensfrage der Europäischen Civilisation und die Bedeutung der Fellenburgischen Bildungsenstalten zu Hofwyl für ihre befriedigendste Lösung* (Jena, 1839). This book characterizes the schools of the Christian educational reformer Philipp Emanuel von Fellenburg as a model for “democratic” equality that avoids “materialism.” It is Scheidler’s most extensive discussion of “the social question,” which he proposes to address through universal, state-supported moral and occupational education, as exemplified by Fellenburg’s school at Hofwyl. It argues that “the character of our time and the main task of the German people” is “the development of the entire state life” and “the predominance of the democratic (in contrast with the aristocratic, but not the monarchical) principle.” But “extremes and aberrations of that tendency” must be “combated with the power of truth and science, and especially by a refutation of the prevailing materialism” in order to achieve “the higher meaning of state life” and the “the purpose of true humanity in the fullest sense of this word.” *Ibid.*, 6.

<sup>64</sup>Krieger, *The German Idea of Freedom*, 315; Sheehan, *German Liberalism*, 84; Lindenfeld, *The Practical Imagination*, 110. Woodruff D. Smith, *Politics and the Sciences of Culture in Germany* (Oxford, 1991), 13–34.

including theology, could only comprehend in a one-sided fashion. On Fries's account, this speculative approach consumed certain facts of individual experience, notably feeling and faith, within an overarching social and historical process. More egregiously, it violated Kant's fundamental dictum by suggesting that knowledge is not limited but absolute. Scheidler continued Fries's critique, arguing that Hegel propagated a pantheist ontology that privileged immanence and denied transcendence.<sup>65</sup> Politically, Hegel's subordination of experience to reason meant the subordination of individuals to an abstract idea. More concretely, his subordination of theology and all other disciplines to philosophy meant the subordination of the church and all other institutions to the state.<sup>66</sup>

Scheidler's articles on Hegelianism in the *Staats-Lexikon* bookend the rise and fall of the New Hegelians. "Hegel'sche Philosophie und Schule" was published in the first edition of the *Staats-Lexikon* in 1839. It primarily addresses Hegel. "Neuhegelianer" was added as a supplement to "Hegel'sche Philosophie und Schule" in the second edition of the *Staats-Lexikon* in 1847. It addresses the efforts of figures like Strauss, Bauer, and Ruge to implement Hegel's philosophy in political struggle. "Hegel'sche Philosophie und Schule" is vitriolic. Hegel's philosophy is obtuse and of no practical merit, Scheidler asserts. Beginning with "the identity of thought and being" and "the dialectical self-movement of the concept,"<sup>67</sup> it subsumes human existence under a rational idea leaving no room for "actual personality and freedom of the will,"<sup>68</sup> which it sees as the "unconscious tools and branches" of an all-consuming "process."<sup>69</sup> It justifies the worst states as inevitable manifestations of a historical dialectic that no individual agent, not even God, can alter. It treats jurisprudence and theology as antechambers of philosophy, denying the "innate, universal reason and human rights" integral to natural law and the personal faith integral to Christianity.<sup>70</sup> It displays a "grey-on-grey," "colourless lack of vision" that ignores the individual "enthusiasm" that is "the source of all greatness."<sup>71</sup> It has "open contempt for public opinion,"<sup>72</sup> and counsels "a servile, unnatural political quietism."<sup>73</sup> It is, in short, a lapdog of the Prussian state that expresses nothing more than the career ambitions of its creator. But rhetoric aside, Scheidler does make substantive claims. Hegel argued that only the state gives institutional form to abstract right, thus allowing for the realization of freedom. On Scheidler's account, this amounts to claiming that right is not natural

<sup>65</sup>Karl Herman Scheidler, "Immanent," *Allgemeine Encyclopädie*, Section 2, Part 15 (Leipzig, 1838), 314–17.

<sup>66</sup>For Hegel on church and state see John E. Toews, "Church and State: The Problem of Authority," in Stedman Jones and Claeys, *The Cambridge History of Nineteenth Century Political Thought*, 603–648, at 620–23. The broader context of the effort in nineteenth-century Germany to contain theology within philosophy, and to construct theology as a science in response, is examined in Thomas Albert Howard, *Protestant Theology and the Making of the Modern German University* (Oxford, 2006); Zachary Purvis, *Theology and the University in Nineteenth-Century Germany* (Oxford, 2016).

<sup>67</sup>Scheidler, "Hegel'sche Philosophie und Schule," 614.

<sup>68</sup>Ibid., 619.

<sup>69</sup>Ibid., 617.

<sup>70</sup>Ibid., 620.

<sup>71</sup>Ibid., 624.

<sup>72</sup>Ibid., 627.

<sup>73</sup>Ibid., 608.

but an “accident of the state.”<sup>74</sup> Moreover, Hegel’s conception of the state as the realization of freedom contravenes Kant’s insistence that the ideas of reason are regulative, not constative—that they guide moral action but cannot be instantiated in the world. It was thus a metaphysics of the state in the pejorative sense. Finally, like Scheidler, Hegel presented the constitutional order as an assemblage of corporations. But while particular corporations had a place, they were ultimately contained by the universal state, rendering genuinely autonomous corporations impossible.

Scheidler’s “Neuhegelianer” appeared in 1847, after Friedrich Wilhelm IV’s regime had successfully expunged the movement. Much of it is based on articles Scheidler published during the struggles of the early 1840s.<sup>75</sup> It discusses how the second generation of Hegelians deigned to “lower” Hegel’s philosophy to “concrete spheres of life” and why their efforts “failed so completely.”<sup>76</sup> Scheidler argues that, when expressed practically, Hegelianism involves the subordination of all institutions—churches, universities, schools, courts—to the centralized bureaucratic state. It shares this agenda with “the Napoleonic principle”<sup>77</sup> of the French Revolution and the “hothouse Enlightenment” of eighteenth-century absolutism.<sup>78</sup> The same authoritarian, rationalist, state-centred vision leads the New Hegelians to flirt with pernicious *Gallomanie*, including the doctrine of “popular sovereignty” and “the antisocial systems of St. Simonism, Robert Owen, Fourier, Proudhon, Cabet, and the heads of socialism and communism.”<sup>79</sup> Referring to the same development of Ruge’s thought discussed above, Scheidler analyses the shift in the editorial position of the *Hallische Jahrbücher* from 1838, when it aggressively promoted the Prussian state as the mechanism for reform, to 1841, when it began to promote a revolutionary line. The change happened, Scheidler emphasizes, at the precise moment when the “patron” of Hegelianism, Altenstein, died and Friedrich Wilhelm IV became king, vowing to eliminate what he called “the dragon seed of Hegelian pantheism” from German culture—the moment, that is, when Hegelians lost their state support.<sup>80</sup> The reason, then, was less ideological than opportunistic. Since they could no longer infiltrate the state from within, they schemed to conquer it from without.

Here again Scheidler’s polemic has substantive content. The New Hegelians sought to radicalize Hegel’s elevation of philosophy above theology and called for the absorption of the latter into the former, and the concomitant absorption of particular religious identity into the universal identity of humanity.<sup>81</sup> While Feuerbach expressed this project in terms of a largely apolitical anthropology of the human species-being, Ruge and Bauer explicitly associated it with a republican state modelled on, as we saw Ruge say above, “the French Revolution and the state

<sup>74</sup>Ibid., 619.

<sup>75</sup>See, for example, the essays referenced below in notes 80, 87, and 90.

<sup>76</sup>Scheidler, “Hegel (Neuhegelianer),” 629.

<sup>77</sup>Ibid., 631.

<sup>78</sup>Ibid., 634.

<sup>79</sup>Ibid., 644.

<sup>80</sup>Ibid., 635. An anonymous article that appeared in *Minerva* as this issue was unfolding was unquestionably written by Scheidler: anonymous, “Die Preußische Regierung und die Hallischen Jahrbücher,” *Minerva*, vol. 1 (Jena, 1841), 504–40.

<sup>81</sup>Moggach, *Bruno Bauer*, 82–6; Toews, “Church and State,” 637–8.

formations arising from it, namely the systems of centralization, civil service, and administration,” and capable of dominating the church. Here, Scheidler objects, an institution that is “many centuries older than any of the present states” becomes “the mere maid of the state.”<sup>82</sup> Even the arch-rationalist Spinoza recognized the separate authority of the church on matters related to biblical interpretation and liturgy, Scheidler complains. And he cites the liberal constitutional theorist (and member of the Göttingen Seven) Friedrich Christoph Dahlmann to the same effect. But Scheidler’s most damning criticism of the New Hegelians is that they lack subtlety with respect to history and constitutional theory, and that they rely on Hegel’s schematization of such things at the expense of detailed study. For instance, without affirming either, Scheidler distinguishes Ludwig von Haller’s conservatism (in which the monarchy and the nobility encounter one another as legally distinct powers and the state does not have absolute authority) from Friedrich Julius Stahl’s integration of state and church authority (which provides the external and internal obedience of citizens respectively, and both regulated by the ideal of an “ethical kingdom”).<sup>83</sup> According to Scheidler, the New Hegelians collapse such distinctions, characterize their enemies as a homogeneous bloc, and present themselves as an intellectual elite capable of guiding history to its rational end.

To add flesh to these arguments, Scheidler examines a series of public scandals involving New Hegelians, including the popular rebellion that followed the appointment of Strauss to a chair in theology at the University of Zurich in 1839, which led to the offer being retracted (and contributed to the *Züriputsch* of September 1839); the student protests that disrupted the anti-Hegelian jurist Friedrich Julius Stahl’s lectures at the University of Berlin in 1840; the confrontation between the Prussian state and the *Hallische* and then *Deutsche Jahrbücher* in 1841 and 1842, precipitated by the change in its editorial position mentioned above; the revocation of Bauer’s licence to teach in German universities in 1842, following the publication of his *Kritik der evangelischen Geschichte der Synoptiker*, in which he denied the historical truth of the gospels; the suspension of Karl Nauwerck’s lectures on politics at the University of Berlin and Hermann Friedrich Wilhelm Hinrich’s lectures on the same at the University of Halle in 1844 by order of the Prussian Ministry of Culture after they had been accused of espousing revolutionary principles; and the protests that attended the appointment of Eduard Zeller to a chair in theology at the University of Bern in 1847, which were resolved by offering him one in philosophy instead.

The case of Strauss at the University of Zurich has already been discussed in the literature.<sup>84</sup> Strauss was appointed by a government that was, according to Scheidler, Hegelian and revolutionary. This outraged religious leaders, who mobilized the rural population and claimed to represent the legitimate will of the people. Under threat of popular revolt, the government relented. Strauss was pensioned off before delivering a single lecture. Shortly thereafter, the same tensions between church and state influenced the *Züriputsch*—effectively a *coup d’état*, although Scheidler defends its legality. Scheidler reiterates his argument that the state must not dominate the corporations, that the church derives its legitimacy independent

<sup>82</sup>Scheidler, “Hegel (Neuhegelianer),” 631–2.

<sup>83</sup>Berdahl, *Prussian Nobility*, 354–70; Toews, “Church and State,” 636–7.

<sup>84</sup>Marc Lerner, *A Laboratory of Liberty* (Leiden, 2011), 221–64.



of the state, and that conflicts between the two should be mediated by the constitution rather than by subordinating society to a central authority. For Scheidler, events like the *Züriputsch* occur when this constitutional balance is not achieved.

But Scheidler's liberalism is not without exceptions in the legal sense. For, on his account, Christian faith is a condition of "political Protestantism" and cannot be threatened without threatening freedom as such. The cases of Strauss and Bauer reveal as much. Scheidler supports the decisions to remove them from academic posts. But he must compromise his commitment to the autonomy of the university and critique of instrumental education to do so. The problem, Scheidler argues, is less that Strauss and Bauer espoused atheism than that they sought to do so in departments of theology. The primary function of such departments is to train clergy. The church, therefore, can justly demand that personal faith be a condition for employment. While one can be a judge, for instance, without believing inwardly in the law, so long as one upholds it in one's positive judgments, "no one can be a religious teacher [*Volkslehrer*] in the true sense of the word who does not possess a living faith."<sup>85</sup> On the other hand, Scheidler agrees with the resolution of the Zeller case, as no equivalent exception applies to teaching rationalism in philosophy. He similarly disagrees with the Prussian Ministry of Culture's suspension of Nauwerck's and Hinrich's lectures on politics on the ground that the state ministry "has no competence to pass judgment on the scientific value of academic lectures."<sup>86</sup> For Scheidler, autonomous universities protect scientific inquiry into political matters from the state, but they cannot protect scientific inquiry in theology departments from the church, for the church is also an autonomous corporation, and it has prerogative over departments of theology.

Bauer is the figure Scheidler finds most dangerous.<sup>87</sup> He notes that one of Bauer's defenders (likely his brother Edgar) confesses in an anonymous essay in the *Deutsche Jahrbücher* that Bauer intended to ignite a "total revolution in theology."<sup>88</sup> By installing himself in a theology department and using that platform to deny the truth of the gospels he was trying to provoke a confrontation with state and church authorities that would spark a mass rebellion—to become a new Luther and the father of an atheist reformation. This did not happen, not because "the masses" are unconscious of their interests, as Bauer went on to propose in his later work,<sup>89</sup> but because they are largely sincere in their faith. As Scheidler sees it, Bauer's case shows that the agenda of the New Hegelians was never to limit state power but to seize it, and then, irrespective of corporate rights, constitutional orders, or the desires of the people, to use it to subordinate all social relations to their own brand of philosophical rationalism.

<sup>85</sup>Scheidler, "Hegel (Neuhegelianer)," 645.

<sup>86</sup>Ibid., 649.

<sup>87</sup>An anonymous article appeared in *Minerva* on the Bauer case as it was unfolding. It contains many of the same arguments as "Hegel (Neuhegelianer)" and was unquestionably written by Scheidler: Anonymous, "Beitrag zur Verständigung über Begriff und Wesen, Nothwendigkeit und Schranken der theologischen Lehrfreiheit (mit Beziehung auf den Bruno Bauer'schen Fall)," *Minerva*, vol. 2 (Jena, 1842), 321–59.

<sup>88</sup>Scheidler, "Hegel (Neuhegelianer)," 643. Scheidler refers to "Vorläufiges über Bruno Bauer, *Kritik der evangelischen Geschichte der Synoptiker*," *Deutsche Jahrbücher*, 105 (1841), 417–18.

<sup>89</sup>Moggach, *Bruno Bauer*, 158–63; Bruno Bauer, *Der Aufstand und Fall des Deutschen Radicalismus von Jahre 1842* (Berlin, 1850).

For Scheidler, the disruption of Stahl's Berlin lectures offers telling insight in this regard.<sup>90</sup> Stahl, who had been profoundly critical of Hegel from the time of the first volume of his *Philosophie des Rechts* in 1830, was appointed by Friedrich Wilhelm IV to replace Hegel's acolyte Eduard Gans, who had died suddenly in 1839. Gans's students devised a clever way to express their displeasure. In a nineteenth-century German lecture hall, if a student wanted a lecturer to explain something unclear, they would indicate as much by judiciously tapping their feet.<sup>91</sup> When Stahl arrived in Berlin a large group of students conspired to stomp their feet throughout the duration of his lectures, drowning out his voice. This *Pedalkritik*, as Scheidler calls it, "gives a very definite picture of what the Hegelians understand by the spirit of liberty and liberalism—namely, they want these things only for themselves! The principle of academic freedom," Scheidler fumes, "can be wiped out not only by the government but by the students themselves, when they formally, and in forces in the hundreds, enter the auditorium of a teacher whom they dislike and show their opposition with their feet!"<sup>92</sup>

Towards the end of his article Scheidler reflects with satisfaction on how the New Hegelians have turned on one another. He respects Feuerbach for recognizing Hegel's failure to account for sensuousness and "feeling,"<sup>93</sup> and proposes that, despite the disservice some of his writings have done to Christianity, this places Feuerbach in the proximity of Schleiermacher's theology of feeling. He notes how Moses Hess, "the tailor Weitling," and "the Bauer school" have stooped to preaching "socialist daydreams and extravagances,"<sup>94</sup> and how Stirner's reduction of Hegelianism to "egoism" has completed the self-immolation of the Hegel school by making a "mockery" of its "spirit."<sup>95</sup> Citing the theologian Carl Bernhard Hundeshagen,<sup>96</sup> he contends that the Carlsbad Decrees, the Wiener Ministercongress, and Friedrich Wilhelm III's refusal to enact constitutional reform forced healthy criticism underground, where it festered and mutated, only to return in the form of atheism, nihilism, and revolution. But, Scheidler concludes, even if this commitment offers "Mephistophelian" ideas ground on which to thrive, it

<sup>90</sup>Scheidler is incredulous at the Hegelians' suggestion that Stahl is a conservative, and their effort to compare him to von Haller. He considers Stahl a theorist of balanced constitutional monarchy. An anonymous article on the Stahl event also appeared in *Minerva*: anonymous, "Gelegentliche Bermerken über die Manifestationen und das Manifest der Hegelianer gegen Prof. Stahl in Berlin," *Minerva*, vol. 1 (Jena, 1841), 153–95. Eduard Meyen read it and wrote to Ruge to discuss how the Hegelians might defend themselves. He speculated that it could have been written by Scheidler. Martin Hundt, ed., *Der Redaktionsbriefwechsel der Hallischen, Deutschen und Deutsch-Französischen Jahrbücher* (Berlin, 2010), 692. Elements of the article are repeated in "Hegel (Neuhegelianer)." It was unquestionably written by Scheidler.

<sup>91</sup>This custom is described in Philip Schaff, *Germany: Its Universities, Theology, and Religion* (Philadelphia, 1857), 45.

<sup>92</sup>Scheidler, "Hegel (Neuhegelianer)," 636.

<sup>93</sup>*Ibid.*, 655.

<sup>94</sup>*Ibid.*, 659.

<sup>95</sup>*Ibid.*, 658.

<sup>96</sup>Carl Bernhard Hundeshagen, *De deutsche Protestantismus* (Frankfurt am Main, 1847). This book was published anonymously, by "einem deutschen Theologen." Hundeshagen, a liberal theologian, attacks Strauss, Bauer, Feuerbach, and Ruge, and argues that the recent turn towards the proletariat among their followers avoids the more pressing constitutional questions of church and state.

remains necessary “to be absolutely decisive against all direct and indirect measures of the state authority by which, against the principle of scientific and academic freedom, this school should be suppressed.”<sup>97</sup> Scheidler’s message was clear: Placing the final nail into the coffin of Hegelianism should not be the work of the state, but it should be the work of the *Staats-Lexikon*.

## Spectres of Hegel

The argument that Hegel’s philosophy accommodates or even actively fosters authoritarian state power has a long pedigree.<sup>98</sup> While Scheidler’s polemics in the *Staats-Lexikon* are among its more fervent expressions, they were neither the first nor the last. Similar claims were rehearsed by another proponent of Friesian philosophy in the middle part of the twentieth century: Karl Popper.<sup>99</sup> More recent Hegel scholars have worked assiduously to dislodge this kind of interpretation and present a Hegel more amenable to modern liberalism, ethical pragmatism, and anti-foundational metaphysics.<sup>100</sup> Perhaps something comparable occurred after the 1848 Revolutions. In the relevant volume of the third edition of the *Staats-Lexikon*, published in 1862, Scheidler’s seething rebukes of the Hegel school and the New Hegelians are nowhere to be found. In their place the editors have inserted Karl Rosenkranz’s “Hegel und Hegel’sche Philosophie in Bezug auf Recht und Staat.”<sup>101</sup> Laudatory, sober, and systematic, Rosenkranz’s article characterizes Hegel as a liberal constitutionalist whose effort to privilege philosophy over theology was never intended as a harbinger of atheism and revolution, only a corrective to the excessively mystical theology of the Romantics. It acknowledges that Hegel’s character assassination of Fries in *The Philosophy of Right* had been a lapse in judgment and claims that their differences were more philosophical than political. Most importantly, it disowns the New Hegelians—Ruge, Bruno and Edgar Bauer, Stirner—as a “dilettantish corruption”<sup>102</sup> of Hegel’s true thought. What, upon his ascension to the throne, Friedrich Wilhelm IV had called “the dragon seed of Hegelian pantheism” had been eliminated.<sup>103</sup> Hegel’s more respectable children were now free to return to the stage.

<sup>97</sup>Scheidler, “Hegel (Neuhegelianer),” 663.

<sup>98</sup>Henning Ottmann, “Hegel and Political Trends: A Criticism of the Political Hegel Legends,” in Jon Stewart, ed., *The Hegel Myths and Legends* (Evanston, 1996), 53–69; T. M. Knox, “Hegel and Prussianism,” in *ibid.*, 70–81.

<sup>99</sup>Karl Popper, *The Open Society and Its Enemies* (London, 2002), 249–334. I have not been able to determine whether Popper was aware of Scheidler or his work, but, along with their mutual debt to Fries, some of the resonances between their attacks on Hegel make it seem very likely that he was.

<sup>100</sup>Joachim Ritter, *Hegel and the French Revolution* (Cambridge, 1982); Robert Pippin, *Hegel’s Idealism* (Cambridge, 1989); Stewart, *The Hegel Myths and Legends*; Robert Pippin, *Idealism as Modernism* (Cambridge, 1997); Stephen Houlgate, *Hegel* (Malden, 2005); Pinkard, *German Philosophy*, 214–305.

<sup>101</sup>Karl Rosenkranz, “Hegel und Hegel’sche Philosophie in Bezug auf Recht und Staat,” *Staats-Lexikon*, vol. 7 (Leipzig, 1862), 654–67.

<sup>102</sup>Rosenkranz, “Hegel und Hegel’sche Philosophie,” 666.

<sup>103</sup>Terry Pinkard, *Hegel* (Cambridge, 2000), 258.