

Friedrich Carl von Moser, “The German National Spirit” (1767)

Abstract

Friedrich Carl von Moser (1723–98) was a political scientist, politician, and publicist who participated in contemporary debates (c. 1765–1800) about the old German Empire and its capacity for reform. Using catchwords such as “national spirit,” these debates focused on the prospect of giving coherent organizational form—at least intellectually—to an empire that no longer had a unified territory. In this text from 1767, Moser praises the Empire and the estates as the political bearers of a “German” sense of freedom and community.

Source

[....]

Second Letter

On the Proper Existence of a German National Spirit, Its Original Characteristic Features and Analogousness with the Spirit of the Church and the Law.

My Lord.

Is there a national spirit? What is it? Is it immutable? And you devote most of your essay to proving that the German national spirit is still just the same, garlanding the essay with such rich erudition, strewing it with so many flowers, seasoning it to such a spicy flavor that even the person who would rather not be your guest at this meal cannot nonetheless fail to say thanks. In this way all those as well who accept their modest part, who, in the strange composition of their conclusions, comparisons, and characterization in jest or in earnest, may have to go along with you one by one. If the diversion were somewhat less deliberate, an outstanding picture would have developed from this caricature. We can still expect it from you.

Taking all your evidence together, we therefore have no national spirit, or perhaps only one, like the soul, about which in our times philosophical experiments have been undertaken, which supposedly represents a difficult-to-understand in-between thing that is half physical and half soulful spirit.

If national spirit is meant to indicate a special characteristic, differentiating us from other peoples, we could perhaps be credited with such a characteristic, in the same sense that Rome is still Rome despite the fact that the Capitolium has gotten a new façade on the old foundations. So many people are part of our genealogy and family tree that a strong government would have to make an effort to extract original German blood again from the most aristocratic German houses married to Spaniards, Italians, Poles, Frenchmen, Portuguese, Englishmen, and Danes on down to the smallest village in which a French or English headquarters existed for a time. This may be recognized by the people who are more concerned with the entitlement of the German name to the status of *Domherr* [canon] nobility than with the honesty of our convictions.

I will not at all deny that a so-called chemical-political examination of the influence of our acquaintance and mixing with other peoples and of the traces of the gradually altered ways of thinking and living that we in part picked up ourselves in their countries and in part the many European armies left behind on German soil at various times would, in general, provide meaningful and productive observations about our national character like those

[Charles-Louis de Secondat de La Brède et de] Montesquieu was able to draw from his hypothesis about the influence of climate. Who would not read it with pleasure and profit? How would it be if you made an effort to put the rather scattered and unusable threads in your essay together into an ordered arrangement? We would not be able to easily get it so nicely drawn by any other hand.

My viewpoint does not go that far, at least not the station that I have set out to pass through. Make do with what I can give. Take a look; you are the man by whom one likes to let himself be examined. Here are my thoughts:

In every political configuration, whatever mixture composes it, there must be a great commonly held thought present that constitutes the heart of the matter, the animating force of the national attitudes as a whole. This thought is none other than the one that contains within it the true or perceived national interest. When this thought about the attitude of an entire people spreads, when it takes hold of the people's conviction, when it becomes the people's political belief, it becomes the national spirit, the sum of the most noble, important elements that leaven the people's shared way of thinking, elements without whose presence or by whose removal a *Caput mortuum* [worthless residue] would remain.

The way of thinking of a people—If any nation, at least in Europe, must be divided into those who rule and others who obey, into masters and subjects, it is justified to establish for any people the difference between those who think in this way and those who only believe [in this way].

The political belief of a state constitution in which the legislative power is distributed among multiple bodies is like religious belief. The first council pulled together the purest and genuine teachings of the founders into main concepts and creeds in order to protect them from misinterpretations and distortions. The conviction about their correctness received the approval of those who were to view them as precepts for their own kind of teaching, and the general assent in the end created for them such legitimate status that anyone who was to be considered a member of that religion had to subscribe to those tenets. The further development from there was completely natural, so that what had been tested and found to be reliable was accepted in good faith to be correct and was believed, and even considered reasonable and necessary to connect everyone living in such a community, joining it, or born into it upon their official inclusion, on the condition that, outside this belief and confession, they would not be regarded as sharing in the ecclesiastical rights and advantages.

However, because individual testing is not precluded, but is in fact assumed, and official and special instruction is designed to accommodate that, it can be concluded that anyone who wants to receive this instruction does so in accordance with the precepts that, being recognized as generally correct, are already central; that he therefore subordinates his doubts and apprehensions to the importance and reprimands of those precepts, which give to him the right to live; and that the precepts, if he does not wish to be instructed or cannot be convinced, can tell him to remain silent, or, in the end, exclude him entirely from the community.

When several people attack the previously followed rule of faith or the number of followers of one person grows markedly, and disruption of the whole is to be feared or has really already occurred, it can also be concluded that that set of circumstances is commonly perceived by a number of people, giving rise to synods and provincial councils in individual countries. If the latter likewise go astray or crumble from within, major gatherings or councils of the entire religion or church are held.

If even these cannot agree, more or less significant divisions usually come about, and the universe [of members] afterwards takes the place so to speak of its proxies and representatives. The balance or dominance of approval then decides which side wins, or the two battling sides assert their battle positions at the same time without one

being completely eliminated by the other.

The spokesmen and lawmakers for the whole are in the same kind of relationship to one another. If one or several of them attack the general configuration and want to overturn it, the others have to stand against them.

Because all this results in endless details regarding arrangements, oversight, attentiveness, etc., it is inevitable that these tasks must be distributed among several people according to various circumstances of knowledge and power.

This unity of views for a communal purpose, this diligence in maintaining the basic rules of the teachings, this harmony of efforts is called, and is, the spirit of the church.^[1]

However, when it comes to divided views in the church or in a political configuration, that circumstance has its effect on the spirit of the group. In accordance with that similarity, I have called the views that should be inherent in the leaders and fathers of our fatherland, all their assistants, advisors, and servants, all the patriots and genuine sons of Germania, with regard to the configuration of our common state the German national spirit.

These principles are already present in the first fundamental characteristics of all great societies that are to have order and permanence. But consideration of our special German configuration will reveal that it has been based on these principles from the very beginning and that they have always survived all the revolutions and changes, just as in a religious system. Despite such great deterioration of teachings and life, certain fundamental truths still always prevail, always find witnesses who guard and fight for those truths, bring them again to light, and make an effort to restore their first purity.

Freedom! It was from the earliest times of our fatherland's history always the momentous word, at the very center of the people, the common watchword of the entire nation.

The definition of freedom in the many relationships between a German people and another people; weighing the rights of the kings as opposed to the rights of freedom and duties of the people; the balance between the power of the Empire's heads and the territorial lords; the boundaries of privilege, alternating among the latter, the estates, and the subjects of the individual lands were the source of so many wars; the cause of so many laws precisely calculated according to changing time periods and needs; and the instigation of the large and smaller Imperial courts—the protection and defense of freedom was the first cause for the rank and properties of most of the high Imperial estates, and the preservation of freedom was at all times, and still is, a national idea, from the Emperor down to the last thinking German man.

No Imperial state has yet empowered itself to tell its fellow estates outright that it means to subjugate them, that their freedom is at an end. No Emperor, even when he walks in the spirit and on the paths of a conqueror, has presumed to say that. Not even in the fury of the three fiercest wars that have affected Germany in the last two hundred years did any faction make such a statement, much less wish to draw accusations to that effect from the others.

If it is assumed that this is true, as the Empire's history attests, this general and continuing attitude, this persistent striving to preserve freedom, is called "national spirit." It encompasses at the same time all the various stages that taken together constitute German freedom *in toto*, in the way it arises, in its establishment, enhancement, straight or divergent direction, and entire nature, the way it really is and should and can be.

It is thus not the law that created our national spirit; instead, the law arose from the national spirit.

We can also point out to ourselves what [the apostle] Paul says: The law causes only anger because we usually associate a concept with this word, a concept that is more suited to the orders of an absolute monarch than to the way our freedom received license.

What we call Imperial laws in the most perfect and ideal sense are nothing more than national contracts, some of which the head of the Empire has concluded with all or the most noble of the Imperial estates as the rulers for the entire German nation, and some of which the powers interested in German freedom concluded by and with foreign [nations] in the best interest of the Empire, and the estates representing the entire Empire approved.

Thus, it goes through absolutely every level and class of the common German entity.

The Emperor is selected, and recognized as the general head and judge, on the condition that he follow through on everything that he praised in his electoral capitulation for the protection of general German freedom and rights of his estates and members. His agreeing to that made it a law for him, but as he would not be able to keep any of what he promised if he were not always put in a position to do so by obedience to his orders and compliance with them, the Emperor can invoke his capitulation against the estates just as the estates, yes, even the lowliest subject of the Empire, can against him.

The *Landfriede* [contracted peace among states] orders that no province of Germany shall overrun or oppress any other, nor any more powerful neighbor the weaker one, and that people shall content themselves with the uniformity and justice of judicial decision. Wasn't this eternal peace alliance concluded with deliberation by all the Imperial estates assembled at the Diet of Worms and according to the drafts of the three Imperial councils? [...]

NOTES

[1] As I was about to send this to the press, I had occasion to run these thoughts about the similarity between the political national spirit and the spirit of the church by a man who is highly respected and meritorious for his deep knowledge of German history and his true love of his fatherland. He found the comparison highly questionable. I have considered it again repeatedly and myself find that it could be misconstrued. However, as I cannot make my point as clearly with any other analogous idea as with this one, I have, despite the danger, preferred to keep it [to avoid] the equally great danger of remaining incomprehensible. But that being said, I protest against all political pressure to act against one's conscience, and yet I know of no other German freedom to think that does not involve reason and will being respectfully subordinated to the laws.

Source: Friedrich Carl von Moser, *Patriotische Briefe*. o.O., 1767, pp. 20–38. Available online at: <https://mdz-nbn-resolving.de/details:bsb10015403>

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