Rethinking Reformation

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Anglo-Saxon Studies in Heidelberg: Georg Jellinek, Max Weber and Ernst Troeltsch

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Abstract: In the German Kaiserreich the University of Heidelberg was known as a liberal academic institution, with internationally well-known professors and many students from foreign countries. Young and innovative scholars in the institution included the Protestant theologian and philosopher Ernst Troeltsch (1865-1923), the sociologist Max Weber (1869-1920) and the Professor of Public Law Georg Jellinek (1851-1911) who studied the origins and driving forces of capitalism and of modern occidental rationalism. These scholars were interested in the 'cultural significance' of religious beliefs and their ethical implications. They saw religion as a relatively autonomous cultural force *sui generis*. In close intellectual interaction they focused on the religious roots of modern human rights and the strong ethical differences between Lutheranism and Calvinism.

Keywords: Georg Jellinek, Max Weber, Ernst Troeltsch, Heidelberg 1900, Cultural significance of modern Protestantism, Human Rights

1 Heidelberg around 1900: experiencing the crises of the modern age

In November of 1890, the Baden Minister for Education officially offered to Georg Jellinek, the Basel lecturer on Public Law, a professorship in public law, international law and politics at the University of Heidelberg. This scholar of Jewish origin was proud to have finally found his much-longed-for recognition in German academe. The 39-year-old Jellinek readily accepted this appointment, moving to Heidelberg with his family in April 1891 and began teaching in the summer semester of the same year.[1]

At this time, Heidelberg was a relatively small town of about approximately 28,000 inhabitants.[2] The university, rich in tradition, enjoyed a liberal and cosmopolitan reputation. Many professors maintained contacts with international scholars who frequently visited the Neckar area. Heidelberg also had many foreign students, mainly coming from Russia.[3] Moreover, from the 1890s onwards, this university could boast of a popularity amongst overseas students and postgraduates, the majority of whom were American and Japanese. Within a relatively short space of time, Heidelberg University and Baden's Ministry for Education and the Arts were able to attract a number of young innovative German scholars. Among them was Ernst Troeltsch, who had just turned 29 in 1894, assumed the professorship in systematic theology in

1 See Kempter, *Die Jellineks 1820-1955*; Kersten, *Georg Jellinek und die klassische Staatslehre*; Paulson, and Schulte (ed.), *Georg Jellinek – Beiträge zu Leben und Werk*.

2 See Sauerland, and Treiber (ed.), *Heidelberg im Schnittpunkt intellektueller Kreise*; see also the classic study by Tompert, *Lebensformen und Denkweisen*.

3 See Birkenmaier, *Das russische Heidelberg*. Birkenmaier shows that in the second half of the 19th century Heidelberg was "an intellectual centre for Russians abroad" (Ibid., 5).

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Heidelberg's theology faculty. At the same time, the art historian Henry Thode accepted a chairmanship in Heidelberg. Two years later, in 1896, Karl von Lilienthal was appointed as professor of criminal law and Max Weber, previously ordinarius professor in Freiburg, took the chair in economics and finance at the age of 32. Between 1900 and 1903, we then find a spate of scholarly newcomers to the University of Heidelberg: the economists Karl Rathgen and Eberhard Gothein, the modern historian Erich Marcks, the influential philosopher Wilhelm Windelband and the classical philologist Albrecht Dieterich. Heidelberg soon came to be known as 'a clandestine capital of intellectual Germany'. The above appointed individuals were soon joined by a number of young extraordinarius (i.e., outside) lecturers who would later enjoy very successful academic careers – such as the philosopher Emil Lask, the orientalist Carl Heinrich Becker, and the psychiatrist and philosopher Karl Jaspers. The modern face of Heidelberg was formatively influenced by such young and radically expressionistic intellectuals as Georg von Lukács and Ernst Bloch.[4]

During the 1890s, the intellectual climate of Heidelberg's university and town was one decisively shaped by rapid change. Faced with the insecurity of a rapidly changing society, the younger generation of professors could no longer promulgate the traditional, middle-class liberalism which their predecessors had confidently professed with cultural pride and conviction. The experience of a deep crisis in modern society led them to search for new answers and solutions. Heidelberg's intellectual discourse after the turn of the last century can be likened to a laboratory of modern thought in which academic experiments were being conducted in many fields of study. In the wake of the emergence of modern capitalism and a pluralistic, faceless society, sociological questions gained in importance. And it was from here that Max Weber and Ernst Troeltsch began to reflect upon the origins and driving forces of modern occidental rationalism.[5] Questions concerning the political modernisation and, above all, democratisation of the authoritarian structures of imperial Germany elicited particularly intense debates. Other central topics included the integration of the social-democratic labour force through liberal social reform, the emancipation of women from antiquated traditional roles, greater tolerance towards dissenters and new forms of sexual self-definition (e.g., in the sense of 'free love'). Marianne Weber, Camilla Jellinek, Marie-Luise Gothein and other wives of Heidelberg's professors actively participated in the middle-class women's movement. As women of the 'new type', they made important contributions to shaping this climate of cultural modernity.[6]

During the 1890's, the aesthetic scenes of this town on the River Neckar were also colourful, albeit contradictory. The prosperous Henry Thode gathered together enthusiastic followers of Richard Wagner. The poet, Stefan George, formed a circle based on a new myth which set the scene for a religio-artistic flight from the tribulations of a cold and soulless modern age.[7] Close ties between art, religion and politics were also found in other intellectual groupings. Young East European Jews fought for a socialist revolution or claimed to be anarchists. Orthodox Russians strove to overcome the general emptiness precipitated by the Occident's utilitarian rationality by way of a new theosophical Messiah. This intellectual, spiritual and aesthetic plurality corresponded to a profound and far-reaching religious diversity which has yet to be fully researched. In their pulpits, liberal 'Protestants of Culture' (*Kulturprotestanten*) celebrated the freedom of the individual, the central middle-class cultural value, as the legitimate consequence of the reformational tradition; one such champion of liberal values was the town minister Otto Frommel, a student of Ernst Troeltsch's and friend of Marianne Weber's who adopted the role of household pastor for many cultural Protestant families in the university milieu. For example, on October 25 1913, he christened Ernst and Marta Troeltsch's son Ernst Eberhard at their home in the Ziegelhäuser Landstraße 17, with Max Weber acting as godfather. In 1910 he buried Georg Jellinek, who had converted to Protestantism, at Heidelberg's *Bergfriedhof*.[8] Social-conservative Lutherans, by contrast, chided bourgeois individualism as a sin; in protest, they appealed for communal values and preached a strong, authoritarian state which, in close allegiance with the Church, would once more commit all its citizens to a unified, all-binding Christian

4 See Sauerland, "*Heidelberg als intellektuelles Zentrum*."
5 Tödt, "Max Weber und Ernst Troeltsch in Heidelberg."
6 Gilcher-Holtey, "Modelle 'moderner' Weiblichkeit." Also see Krüger, *Max & Marianne Weber*.
7 See Breuer, *Das Syndikat der Seelen*. See also Braungart, *Ästhetischer Katholizismus*; Kolk, *Literarische Gruppenbildung*.
8 See Frommel, "Erinnerungen an Ernst Troeltsch", reprinted in: Graf and Nees, *Ernst Troeltsch in Nachrufen*.

morality. In addition, Heidelberg housed various discursive circles for members of the educated classes in search of a meaning in life. Included were a Jewish community, a Russo-Jewish subculture, as well as a number of Roman Catholic parishes, although the latter scarcely altered the university milieu.

This new pluralism in thought and life-style stood in stark contrast with the values of old conservatism, also evident in Heidelberg in 1900. During the Reichstag elections of 1898, for example, 22% voted for the anti-Semitic party, and a few professors were renowned for being radically conservative critics of middle-class liberality. Typical was such as Ludwig Lemme, Ernst Troeltsch's antipodean in the theological faculty. Contradictory diversity was rife; alongside avant-garde artists, we find disciples of Richard Wagner, enthusiastic young socialists drunk with revolutionary ideas, national-liberal professors, Protestant law students in duelling fraternities living with their Jewish fellow students from Eastern Europe, young homosexuals and preachers of old family values. The large number of foreign students also made a considerable contribution to this diversity. The eminent theologian Seiichi Hatano (1877-1950) served as an example for the students of Heidelberg University at this time. From 1904 to 1906, in his late twenties, Hatano studied Protestant theology and philosophy in Berlin and Heidelberg. At the University of Heidelberg, he visited seminars given by the philosopher Wilhelm Windelband and lectures presented by the theology professors Adolph Deissmann, Johannes Weiß and Ernst Troeltsch. Hatano's book, *On the Origin of Christianity*, which followed the series of lectures he delivered in Tokyo in 1907, clearly reflects the German historico-critical theology of this day.[9]

Cultural contradictions can have an intellectually stimulating effect. When traditions lose their plausibility, one must orient oneself afresh. New rules and guidelines for co-existence are required. It was for this reason that culture played such a central role in Heidelberg's academic discourse around 1900. During this time of extreme social change, intellectuals, including Jellinek, Troeltsch and Weber, considered it essential to take stock of the situation and secure a new serviceable sense of direction. This was well evidenced by their historical studies. At this point, their ambition was not to commemorate, conserve or indeed mummify the past, but to question the cultural meaning of historical traditions and handed-down institutions. The term 'cultural significance' (*Kulturbedeutung*) was particularly characteristic of the Heidelberg or Baden School of Neo-Kantianism. Its chief philosophical representatives were Jellinek's close friend and colleague, Wilhelm Windelband, and Heinrich Rickert, a friend of Max Weber's from Freiburg and later of Troeltsch's. Both philosophers, (Windelband and Rickert), worked essentially on the same line of questioning as Jellinek, Troeltsch and Weber: How can the human sciences (*Geisteswissenschaften*) or cultural sciences (*Kulturwissenschaften*) contribute to dealing with and, indeed, overcoming the crisis of modern culture?[10]

Furthermore, the historically oriented human sciences also had a share in the responsibility for generating this crisis of the modern age. We must not forget that modernity's historical consciousness viewed all traditional ethical values as historically relative and culturally particular. Historical research in the humanities had undermined the foundations of culturally handed-down traditions and paved the way for the crisis of 'historicism', for which the philosopher Wilhelm Dilthey coined the phrase 'the anarchy of values'.[11] Therefore, the crucial question: Can cultural science found new cultural values (*Kulturwerte* – another central term of the Baden School of Neo-Kantianism)? Can it establish new norms with all-binding force and general validity? This question was the focal point of the various discussions being conducted in Heidelberg's academic milieu at the turn of the century.

Needless to say, debates on modern occidental culture were not confined to Baden, but were under way in all European societies. However. despite the intensive exchange of ideas beyond the bounds of nation state borders, these discussions were largely shaped by specific and often local intellectual configurations. Four structural elements were particular to Heidelberg.

Firstly, the debates on occidental rationalism, modern historicism and the search for new 'cultural

9 See Germany, *Protestant Theologies in Modern Japan.*; Graf, "Max Weber und Ernst Troeltsch."

10 See Oakes, *Die Grenzen kulturwissenschaftlicher Begriffsbildung*.

11 See Dilthey, "Rede zum siebzigsten Geburtstag." Also see Otto Gerhard Oexle's informative study of the discourses on historicism in the German cultural sciences around 1900: Oexle, *Geschichtswissenschaften im Zeichen des Historismus.*

values' were motivated by a resolute will for new interdisciplinary research. The internal unity of the human or cultural sciences was not an abstract ideal, but formatively influenced the intellectual self-understanding and, indeed, daily academic life of all scholars involved. Naturally Jellinek, Weber, Troeltsch and their colleagues saw themselves as specialists operative in specific fields of study, teaching in different faculties and publishing for their respective disciplines; and they always stressed that the modern scholar must be an expert. Nevertheless, they married their devotedness to specialisation with an interdisciplinary approach in posing problems and forming concepts; they were keenly interested in/aware of the work of their colleagues in related or neighbouring disciplines and open to the range of their questions, answers and patterns of thought. All were fully conscious of the complexity inherent in the question as to the rise and development of modern occidental rationalism. And they realised that the controversial question concerning the scientific validity of cultural values could not be answered by one discipline alone. For this reason, they dedicated themselves to a joint enterprise in the – then – open fields of social sciences, social teaching, social ethics and sociology, all of which had not yet become distinct or dissociated disciplines.

Secondly, Heidelberg's academic climate and its Baden School of Neo-Kantianism were characterised by a neo-idealistic schema, in the broader sense of the term. One rejected all positivist trains of thought. Certainly, on many details conflicting views were voiced. Indeed, as regards the central question of the rational grounds or justification for cultural values Jellinek, Troeltsch and Weber held divergent positions. Nonetheless, all were agreed that it was more important to read Immanuel Kant than Auguste Comte. It would be a mistake to interpret this as a sign of German provincialism. One of Heidelberg's chief academic hallmarks was her *internationality*. This is particularly well illustrated by Heidelberg's reception of Anglo-Saxon traditions of thought.

Thirdly, Heidelberg intellectuals intensively discussed the cultural significance of religion. This was closely connected to their forthright rejection of materialism and positivism. According to the categories of thought nurtured by positivistic traditions, above all by those in France, religious faith was considered both antiquated and irrational, and therefore reprehensible. Following Comte's three-stage schema, many French intellectuals devised tricyclic models delineating the superseding developments of human thought and society. In the modern age, it was claimed that religious belief would be replaced by reason, which in turn would become a religion in itself, thereby forming both the foundation of morality and the political community. Theorists of 'historical materialism', inspired by Marxism, also strove to displace religion, which they saw as an ideology used by the ruling classes to legitimise and stabilise the latter's power and control over the proletariat. The aim was to unmask religion as an ideological reflection of economic conditions, as a superstructure based on economically determined class relations. By contrast, Heidelberg's cultural scientists insisted that religion be seen as a relatively autonomous cultural force (*Kulturpotenz*) *sui generis*. They argued that even under modern conditions, religious belief reveals itself to be a formative power, they argued: it continues to determine our lives, shapes our *habitus* and affects cultural spheres which lie outside that pertaining to religion, in the narrower sense of the term. For this reason, these Heidelberg scholars enquired into possible interactions between Christian 'personalism' and occidental rationalism, investigated the position of religion in the present day and reflected upon her future in the further advance of social modernisation. While Max Weber, in particular, dramatised the tensions between a religiously founded ethic of principled conviction (*Gesinnungsethik*) and the autonomous laws of other cultural spheres, Troeltsch – who developed the opposition, commonly ascribed to Weber, between an ethic of principled conviction (*Gesinnungsethik*) and one of responsibility (*Verantwortungsethik*) before his friend – sought for possible ways of mediating between religious ethics and modern culture within the medium of analysing the Christian ethos and its history. Both studied with intensity the Russian saints (i.e., Tolstoy and Dostoevsky) of an unconditional, radical faith with escapist, or rather a-cosmic leanings[12] and repeatedly resumed their studies of the new prophets of anti-bourgeois subjectivity, e.g., Soren Kierkegaard, Friedrich Nietzsche and Franz Overbeck.

As late as 1910, Troeltsch and Weber also began to enquire deeply into the 'cultural significance' of ancient Judaism. With the appearance of modern religious studies, the question of the normative validity of Christianity vis-à-vis other world religions gained an importance of its own and the research into the major religions was directed at analysing their inherent forms of ethos and potential for rationalising lifestyles. In

addition to Christianity, particular attention was given to ancient Judaism, whose prophets were viewed as exemplary representatives of a highly elaborate ideal of autonomous personality.

For several of Heidelberg's cultural scientists, the strong interest in religion's social role was also shaped by a background of personal religious convictions. Many came from liberal Protestant milieus and oriented themselves according to the socio-moral norms of German 'Culture Protestantism'.[12] Others, such as Jellinek, stemmed from the Jewish community. It is difficult to say whether, how and to what extent these individual religious roots shaped their respective academic understanding of religion. At least on one score, however, liberal Protestants and Jews were in agreement: Catholics were excluded from their academic dialogue. From the outset, Roman Catholic clericalism was seen to be conservative and anti-modern – and one that rejected reactionaries, including those within Protestantism.

Fourthly, whosoever reflected upon modern culture, occidental rationalism, capitalistic industrialisation and religious faith around 1900 always addressed (at least implicitly) the basic problems of modern society's political order. Weber, Troeltsch, Jellinek and others in Heidelberg were fully aware of this fundamental political dimension of their line of questioning. They were eager to discuss political issues and become involved in all sorts of social disputes. Several academics adopted political responsibilities, by joining a political party, speaking at public assemblies or – as in Troeltsch's case – by being elected into Heidelberg's city council and co-opted onto the executive administration of Baden's national liberal party. On many political questions, Jellinek, Weber, Troeltsch and other representatives of Heidelberg's academic milieu held different views. As regards the parliamentarisation of the German Reich (that is, consistently consolidating the responsibility of the Reich's government vis-à-vis the Reichstag) for example, both Troeltsch and Jellinek were more cautious, more monarchist in their judgement than Weber. However, they were able to deal with their divergent positions within the framework of an elementary consensus: one was a cultural Liberal, supported the liberal modernisation of the authoritarian constitution of the Empire (although the details were a cause of much dispute), spoke up for international dialogue and strove to integrate social democracy, which suffered political exclusion at this time. And it was here, within the framework of these discussions, that the debate on the 'Western' political thought of Great Britain and USA came to play an important role.

The philosopher Wilhelm Windelband characterised Jellinek and his friends as "virtuosi of interaction", which describes the close and friendly exchange between Weber, Troeltsch and Jellinek rather aptly.[13] Naturally other scholars, friends and colleagues often participated in their discussions, coming from Heidelberg and other university towns, such as Heinrich Rickert, Georg Simmel, Hermann Graf Keyserling or Martin Buber.[14] The various large-scale international conferences, which took place in Heidelberg between 1900 and 1914, also provided opportunities to establish contacts with numerous prominent scholars from Europe and the USA. In 1908, for example, under the supervision/direction of Wilhelm Windelband, the 'cosmopolitan village' of Heidelberg (specifically, Camilla Jellinek) hosted the 'Third International Congress of Philosophy', the first international philosophical conference on German soil. Troeltsch, who as ex-deputy vice-chancellor stood in for Jellinek, who had fallen ill, and Marianne Weber, who was responsible for the women's programme, both belonged to the organisation committee and welcomed the guests from abroad, among whom were such influential philosophers as Josiah Royce, Benedetto Croce and Emil Boutroux.[15] Heidelberg's liberal scholars also frequently greeted younger intellectuals from diverse European countries. For methodical reasons, however, it makes sense to isolate Jellinek, Weber and Troeltsch as a class of their own within Heidelberg's complex scholarly world. This is not only because their discourse was particularly intense, but because the analysis of North America, the land of Protestant sectarianism, liberal democracy and modern capitalism, was a distinguishing feature of their discussion group.

12 See Graf, "Kulturprotestantismus;" Hübinger, *Kulturprotestantismus und Politik*.

13 See Windelband, "Zum Geleit." In: Jellinek, *Ausgewählte Schriften und Reden*, vol. 1.

14 See Kempter, *Die Jellineks 1820–1955*, 261ff.

15 See *Ansprache des Exprorektors Geh. Kirchenrates Professor Dr. Troeltsch*, in: *Bericht über den III. Internationalen Kongreß für Philosophie zu Heidelberg 1. bis 5. September 1908*, 42–43.

2 Georg Jellinek, or: the religious roots of modern human rights

In 1892 Georg Jellinek published his first major work, *System der subjektiven öffentlichen Rechte*.[16] This book, which he described as his favourite, contains an implicit political programme of reform.[17] The conservative majority of German lecturers in public law had developed models of a strong state, often referring to the social ethics of German Lutheranism. The more they celebrated the authority of the monarch and the intrinsic worth of the state's institutions, the less they were able to conceive of personal legal rights of citizens vis-à-vis the state. Such legal rights were either defined minimally or, in individual cases, rejected without qualification from the outset. Jellinek, by contrast, sought to strengthen the citizen's position with respect to the state. Over against the conservative approach, he widened the confines which traditional law had hitherto placed on individual civil rights and, in doing so, hoped to secure a broader scope of freedom for the individual in the future. This is a classic example of liberal utopian ideas. Historical progress is seen to consist in expanding the legally guaranteed opportunities of individual freedom. The idea behind this concept of progress was, first and foremost, pan-European, but pointed ultimately to the whole of humankind. In Jellinek's eyes, it belonged to the tenets of the modern age that the people no longer be depicted as the passive and obedient servants of the state, but recognised as free citizens, capable of political participation.

Owing to his background in Reform Judaism, Georg Jellinek was philosophically far better educated than many other professors of public law at this time. His perception of the problems precipitated by the intellectual revolution of historicism was markedly keen. As a professor of public law, international law and politics, he realised that personal public rights could not be simply demanded or introduced by lawyers, but required a fundamental tenet. Traditionally, the followers of the Enlightenment and early liberalism had achieved this by affording human beings natural legal subjectivity (or intrinsic dignity and worth) and by conceiving the state as a product of a social contract between free individuals. Jellinek could not adopt this foundation of the individual's civil rights and liberties. As a philosophical historicist thinker he knew, based on the proposition of the Enlightenment philosophers and early liberals, that the timeless validity of natural rights is in itself timely. For they are subject to the conditions of historical relativity, including the supposition of reason's eternal nature. This, too, remains bound to time and place and is not general but relative to a certain cultural context. In view of this problem, we are then forced to ask: Is a justification for rights of individual liberty at all possible? Jellinek did not believe that analytical jurisprudence or interpreting the positive law of the land could supply him with sufficient grounds for a deductive model. Instead, he chose to steer a middle course between 'natural law dogmatism' and legal positivism, in keeping with his basic historicist position. His aim was to strengthen the validity of personal public rights by reconstructing their genesis. In short, the individual's civil rights and liberties were to be made plausible by historical portrayal.

After Jellinek's untimely death on January 12, 1911, his son Walter edited and published two impressive volumes of his father's work, entitled *Ausgewählte Schriften und Reden*.[18] Camilla Jellinek asked Ernst Troeltsch as a "friend" if he would review both volumes in the *Zeitschrift für das Privat- und öffentliche Recht* (edited by Carl Samuel Grünhut, an old friend of Jellinek from Vienna) and give an overall picture of Jellinek's personality, academic and otherwise.[19] Camilla's request was not only occasioned by Troeltsch's friendly feelings for Jellinek (14 years his senior),[20] but also reflected the eminent status this theologian had gained in 'the academic field' (Pierre Bourdieu) beyond the borders of his own faculty and bounds of Heidelberg University. In his review of both volumes of Jellinek's *Ausgewählte Schriften und Reden*, Troeltsch emphasised his closeness to his older friend: his "long-standing friendly relations with this unforgettable

16 Jellinek, *System der subjektiven öffentlichen Rechte*.

17 See Kempter, *Die Jellineks 1820–1955*, 309ff.

18 See Jellinek, *Ausgewählte Schriften und Reden*, vol. 2.

19 Cf. Troeltsch, "Ausgewählte Schriften und Reden von Georg Jellinek, Bd. 1 (review)," 273.

20 In a letter dated January 1st 1910, one of the few letters that have come down to us, Troeltsch wishes Jellinek a full recovery from his serious stroke, using the salutation 'Dear friend' (cf. Nachlass Georg Jellinek, Bundesarchiv Koblenz Nachlaß 1136, no. 34, "Nicht identifizierte Briefe [unleserliche Handschrift]").

man," he wrote, "had afforded him many an insight into his spiritual nature."[21] Owing to his intimate knowledge of Jellinek's work, Troeltsch's obituary was able to disclose the interconnectedness of Jellinek's jural publications, historical work, philosophical texts and popular scientific lectures with exceptional precision. Troeltsch wrote that this professor of public law, was inexorably led to philosophical reflection and historical research because he had seen that the validity of legal norms cannot be founded by means of jural reason alone. Troeltsch explained that Jellinek's aim had been "to grasp the validity of the law not merely positively or factually, but as that which flows from the very essence of human beings with inner necessity." "In this respect, he sympathised with the basic intentions of natural law theory, although he recognised its sheer impossibility, historically and jurisprudentially."[22] Jellinek strove, Troeltsch continues, to conceive a unified legality which complied with modern culture, and its positive-historical foundations, and at the same time satisfied the demands of reason in the present historical situation. And it was precisely this point, according to Troeltsch, which led Jellinek's systematic jurisprudence into historical research. "From within the flux of historical becoming and out of the historically given, he endeavoured to develop norms in the field of law."[23] In order to fortify the personal rights of the individual subject vis-à-vis the state's sovereignty, it was essential to reconstruct the genesis of modern political individualism and its effects on constitutional law. Jellinek's famous book *Die Erklärung der Menschen- und Bürgerrechte*, published in 1895, fulfilled this task and, in doing so, represented the necessary consequence of his former work on the system of personal public rights.[24]

In the 19th-century debates on constitutional history, it was common practise to trace human rights back to the declaration of 'the rights of man and of citizens' (*droits de l'homme et du citoyen* of the revolutionary *constituante)* by the French Constituent Assembly of 1789. Here, the formative background in intellectual history was claimed to be the radical French philosophy of the Enlightenment and Rousseau's *Contrat social*. Jellinek disagreed. In Rousseau's teachings on the sovereignty of the people he did not see a source of modern individualism, but – on the contrary – only a justification of the absolute will of the masses, which could not recognise the principle of the individual's fundamental independence. Instead, this historian of constitutional law traced the declarations of the French revolutionaries back to their immediate juridical predecessors: the human rights declarations of the American independence movement, in particular those to be found in the State of Virginia's Bill of Rights.[25] By way of subtle text analysis, he sought firstly to demonstrate a dependency of the French declarations of human rights on these American documents. In doing so, however, Jellinek had not sufficiently accomplished his self-assigned task of strengthening the validity of modern legal individualism through historical explanation. Yet to be answered was the question: What had driven the American revolutionaries to render the eternal rights of the individual into positive state law? Jellinek traced this, in turn, back to the fierce religio-political debates which had decisively shaped the founding and further formation of the colonies since the Pilgrim Fathers: the dispute over safeguarding religious freedom. Jellinek declared the freedom of religious conscience to be the origin and impetus of all human rights. Above all, he argued, the Puritans who were forced to leave England because of the religious intolerance of this country at the time had fought to secure this foremost basic right. Jellinek summarised his two-fold theory - which identified the American constitution as the model for France and religious freedom as the source of political civil rights and liberties - with the following words:

> The idea of legally establishing inalienable, inherent and sacred rights of the individual is not of political but religious origin. What has been held to be a work of the Revolution was in reality a fruit of the Reformation and its struggles.[26]

In Heidelberg's academic environment, dominated by 'Culture Protestantism', the son of a liberal rabbi had discovered the politico-cultural productive power of the Reformation's *libertas christiana*. At the close

21 Cf. Troeltsch, "Ausgewählte Schriften und Reden von Georg Jellinek", 273.
22 Cf. ibid., 274.
23 Cf. ibid., 278.
24 See Jellinek, *The Declaration of the Rights of Man and of Citizens*.
25 See ibid., 74.
26 Cf. ibid., 77.

of his treatise, we find Jellinek offering yet another politico-historical insight. The traditions of freedom on the British Isles, Jellinek claimed, are rooted in Germanic legal traditions which have not been so strongly eclipsed by Roman law as has been the case on the Continent. From this historical perspective, England appeared to shelter and uphold the Germanic approach to law, rather than the abstract Roman notions of natural rights. The Roman tradition viewed the entire sphere of the rights of the individual as "the product of state concession and permission." In the Germanic legal sphere, on the other hand, the state "leaves the individual that measure of liberty which it does not itself require in the interest of the whole. This liberty, however, does not create but only recognises."[27] If not before, Heidelberg's national-liberal Protestants of culture could certainly now celebrate Jellinek as one of their own. His historical perspective conformed to their milieu: true freedom emanates from deep Germanic sources and is made the foundation of constitutional law by Protestants. In addition, in terms of politics, Jellinek's historical conclusions meant that the liberalisation of the *Kaiserreich* was not to be modelled on the third French Republic, but on genuinely 'Germanic' traditions, as fostered by Great Britain and the United States. The art historian Carl Neumann, a student of Jacob Burckhardt's and close friend of Troeltsch who taught art history at Heidelberg, first as an outside lecturer and associate professor from 1894 to 1903 and then as endowed professor from 1911 to 1929, described Jellinek's contribution to the discursive situation in Heidelberg around 1900 in his obituary in honour of Troeltsch thus: "With his discovery of the priority of the independence movement in the New England states in the shaping of human rights, Jellinek had destroyed the generally accepted fable of Gallic pride."[28]

3 Max Weber, or: the fascination of American capitalism

Jellinek's theories provoked heated literary debates and elicited fierce criticism, above all from French scholars who saw the historical sacredness of their revolutionaries being sullied.[29] Of greater importance for our purposes here, however, is the question: How did Troeltsch and Weber respond to Jellinek's ideas? Not only did both examine the 'Jellinek Theory' very intensively and agree, at least partially, with their older friend. More importantly, Jellinek's propositions inspired them to examine the political and other cultural effects of the Reformation and of Protestantism even more closely than they had done so previously. Not surprisingly, one feature of this intensified research into Protestantism was a pronounced interest in the religious and intellectual traditions of Great Britain and the USA.

A few weeks after Jellinek's death, his daughter, Dr Dora Busch, was married. At the family wedding celebrations, Max Weber made a speech in which he sensitively characterised his deceased friend. With gratitude, Weber spoke here of the "fundamental ideas" he had been given by Jellinek's "great works":

> To touch on only a few details: the separation of naturalistic and dogmatic thinking in the *System der subjektiven öffentlichen Rechte* for problems of methodology; the creation of the concept of 'social political science' for the clarification of the blurred tasks of sociology; the demonstration of religious influences in the genesis of 'human rights' for the investigation of the importance of religious elements in areas where one would not expect to find them.[30]

Weber's reference to these three points is very telling, revealing that Jellinek had formatively influenced Weber's methodological writings as well as his political sociology and sociology of religion. The historian and expert on Heidelberg's academic milieu, Gangolf Hübinger, has recently shown that Weber's political sociology, his so-called *Staatssoziologie*, drew on Jellinek's thought to a far greater extent than has hitherto been recognised.[31] Weber not only adopted the term 'ideal type' from the second book of Jellinek's writings on general political science, the *Allgemeine Soziallehre des Staates,* and gave the term a new content; he also

27 Cf. ibid., 95f.
28 Cf. Neumann, "Zum Tode von Ernst Troeltsch," reprinted in Graf, amd Nees, *Ernst Troeltsch in Nachrufen*, 465–473.
29 See e. g. Boutmy, "La Déclaration des droits de l'homme et du citoyen et M. Jellinek (1902)."
30 Cf. Weber, *Max Weber: A Biography*, 476.
31 See Hübinger, "Staatstheorie und Politik als Wissenschaft im Kaiserreich."

appropriated other concepts and fundamental differentiations. Among these academic aids was access to British and American 'political science', not least the availability of numerous books from Jellinek's private library.[32] Moreover, Jellinek attempted to mediate contacts for Weber to American political scientists who visited him in Heidelberg. Indeed, Weber's trip to the USA, accompanied by Troeltsch in the summer of 1904 and which – *inter alia* – inspired his famous article *Kirchen und Sekten in Nordamerika*,[33] would probably not have been possible without Jellinek's support. Because of a serious illness, Weber was forced to resign from his chair in 1903 and believed that the trip to the international *Congress of Arts and Science* would be too much of a strain on himself. Jellinek made sure that Weber, who was in the meantime fit for work again, received an invitation to visit St. Louis.[34] With great enthusiasm and drive, he took the journey upon himself and left for America, accompanied by his wife Marianne Weber, Ernst Troeltsch and Paul Hensel. The strong and contradictory impressions this trip made upon him led him to the conclusion that the USA represented a land of radical modernity which, in comparison with European societies and, in particular, Germany, possessed far greater potential for development and freedom and which draws a considerable amount of strength and dynamism from its religious pluralism.

There is, in fact, a further aspect of Jellinek's work which formatively influenced Weber's understanding of Anglo-American culture: Jellinek's short book on human rights unquestionably provided Weber with instructive background reading for his work on the treatise *Die Protestantische Ethik und der Geist des Kapitalismus* (1904/05).[35] Here, as elsewhere, it was Jellinek's methodological programme and not his details of historical portrayal which influenced Weber. Analogous to the way in which Jellinek had demonstrated the unintentional political effects of the religious idea of freedom, Weber sought to identify religion's importance for the genesis of capitalistic rationality, that is to say, the religious roots of economic mentality. In a complex but fascinating analysis, Weber endeavoured to disclose the essential connection between the origins of accumulating capital and the inner-worldly asceticism of Puritan professionalism, and how, in turn, this strict asceticism was formed by specifically religio-theological motives of Calvinism. In spite of the extensive historical research undertaken by Weber – and later also by Troeltsch – to the end of unravelling the religious mentality of Calvinism and Puritanism, in particular, his reconstruction of the religious roots of the spirit of capitalism was not merely an historiographical enterprise, but also involved an analysis of the present. Weber viewed modern capitalism as the decisive power of the present day, determining modern men and women down to the last corner of their souls. North America fascinated him because capitalism was incomparably more advanced here than in Germany and other European societies. And its booming competitiveness revealed the inconsistency of capitalistic modernisation with particular clarity: the creative individual's liberation from traditional binds and greater opportunities of freedom facilitated by open markets and pronounced developmental dynamics (with ever new attacks on tradition), on the one hand, and the relentlessly hard constraints of the unconditional rule of economic rationality, on the other, incarcerating the individual – as Weber put it – in an 'iron cage'.[36] Weber's picture of capitalism, based on the American model, as the 'fateful power' of the modern age was far-removed from Jellinek's more harmonious, old-fashioned liberal view. With respect to human rights, Jellinek had stylised the USA as the religious motherland of political freedom. Weber, however, saw the Puritan professionals as representatives of a religious *habitus*, the historical consequences of which had completely outgrown its original religious motivation. His Puritans were heroes of asceticism, rational anti-hedonists with an exaggerated readiness to repress their instincts. Recent research has shown that Weber's portrayal of this achievement-orientated modern citizen was also decisively shaped by Thomas Carlyle's concept of the 'hero' who raises work and

32 See Weber, *Wirtschaft und Gesellschaft*.

33 Weber, "'*Kirchen*' *und* '*Sekten*' *in Nordamerika. Eine kirchen- und sozialpolitische Skizze*"; republished under the title "Die protestantischen Sekten und der Geist des Kapitalismus."

34 See Jellinek, Letter to H. Münsterberg, 27.7.1903.

35 Weber, *The Protestant Ethic and the Spirit of Capitalism*. See Breuer, *Georg Jellinek und Max Weber. Von der sozialen zur soziologischen Staatslehre*. For a study of the influences on Weber's view of Anglo-American culture and his 'Anglophilia', also see Roth, "Weber the Would-be Englishman: Anglophilia and Family History."

36 Weber, *The Protestant Ethic and the Spirit of Capitalism*, 181.

performance to the absolute status of religiously binding virtues or final values.[37]

In addition, Weber owed important concepts of his cultural diagnoses to his intensive reading of Jacob Burckhardt, whom Weber, Troeltsch and Jellinek greatly admired; as professor in Basle Georg Jellinek had known Burckhardt personally. Burckhardt's critical diagnosis of the sad fate of free men in an increasingly superficial and hedonistically trivial culture of the modern age probably influenced Weber's concept of heroically autonomous subjectivity to a far greater extent than has been recognised by researchers up to now.

4 Ernst Troeltsch, or: the differentiation between Lutheranism and Calvinism

After his move to Heidelberg in 1894, Troeltsch became acquainted with Jellinek relatively quickly, working on problems which were closely related to Jellinek's main field of scholarship, the validity of legal norms and their foundational justification.[38] Troeltsch's academic proximity to the investigations of his friend was particularly marked in areas of cultural history. In the mid 1890s, Troeltsch focused his studies on Europe's Enlightenment, especially the British discourse on this historical period. He read works of the Deists and began to familiarise himself with the particularities of English practical philosophy and moral sciences. In his dissertation Troeltsch had already analysed the history of Protestant ethics and programmatically claimed that theology must consistently adapt itself to the methodical standards of other human or cultural sciences.[39] He gave particular attention to the practical efficacy of religious ethics, its meaning in the life of the individual and significance for the different cultural spheres of human praxis. For this reason, his interests were also directed towards the complex relations between religion, ethics, morality and law. Towards the end of the 1890s, Troeltsch began to investigate the heterogeneous traditions of European natural rights, from antiquity to the Enlightenment. The term 'natural rights' became a key concept in his works on religious and cultural history. In his ethical publications, Troeltsch sought to rehabilitate a (normative) value theory or substantialist ethics of the Good, formulated in a language which would establish the specific ethical rationality of institutions. When he took up the post of deputy vice-chancellor at the University of Heidelberg in 1906, he spoke of the 'separation of state and church', thereby addressing a topic which belongs to the responsibilities of jurisprudence.[40] In the 'Eranos Circle',[41] a religio-historical study-group formed by Heidelberg scholars and regularly attended by Troeltsch, Weber and Jellinek, Jellinek replied to Troeltsch's speech with a lecture which also dealt with the separation of state and church.[42] Both historically and systematically, therefore, the work of these two scholars was closely related and frequently overlapped.

Shortly after Troeltsch's move to Heidelberg he began to read Jellinek's publications, the influence of which can be found in his works from 1895 onwards. Troeltsch saw Jellinek chiefly as the jurist of Baden's School of Neo-Kantianism. Nevertheless, he also considered Jellinek's methodology and terminology to be of fundamental importance. In his examination of Heinrich Rickert's philosophy of history he adopted the term 'type' which Jellinek had developed in his book on general political science, *Allgemeine Staatslehre*, published in 1900. It was Troeltsch's belief that Jellinek's historico-methodological expositions "deserve serious consideration beyond the bounds of legal circles."[43] Above all, Troeltsch stressed Jellinek's

37 See Hübinger, *Kulturprotestantismus und Politik*, 180.

38 See Kempter, *Die Jellineks 1820-1955*, 276.

39 See Troeltsch, *Vernunft und Offenbarung bei Johann Gerhard und Melanchthon*, now in Troeltsch, *Kritische Gesamtausgabe, vol. 1: Schriften zur Theologie und Religionsphilosophie (1888–1902)*, 81–338.

40 See Troeltsch, "The Separation of Church and State and the Teaching of Religion (1906)."

41 See Lepsius, "Der Eranos-Kreis Heidelberger Gelehrter 1904-1908". The 'Eranos Circle' was inspired by Heidelberg's New Testament scholar, Adolf Deissmann; for references to his status in Heidelberg's academic milieu see Christian Nottmeier, "Ein unbekannter Brief Max Webers an Adolf Deissmann."

42 See Kempter, *Die Jellineks 1820-1955*, 278.

43 Cf. Troeltsch, "Ausgewählte Schriften und Reden von Georg Jellinek", 278.

importance because, in tackling the validity of legal norms, this professor of law had been confronted with the same structural problems which he himself faced in systematic theology under the conditions of the modern age. This fundamental concern can be formulated thus: How can the contents of religious traditions, such as certain religious or specific cultural values and ethical norms, be justifiably retained without denying the insight into historical particularity and relativity? It was Jellinek's exceedingly difficult task in life, wrote Troeltsch after Jellinek's death in 1911, to secure legal normativity within the flux of historical becoming and from that which is historically given. And he added: "Because I worked on similar questions in the field of religious life and, on the basis of similar presuppositions, came to similar conclusions, we understood each other so well."[44]

Troeltsch believed that the task required of us in the present-day is to surmount such foundational problems and achieve such explanatory justifications, and that this task applies to all areas of life – for the sake of understanding our culture. However, on the same occasion, Troeltsch also pointed out a decisive difference between Jellinek's endeavours to solve this problem and his own. In order to contain the relativistic effects of historicism, this theologian strove to reformulate certain metaphysical concepts of Europe's intellectual traditions much more strongly than his jurist friend.[45] Jellinek had strictly adhered to his Kantianism and, in Troeltsch's eyes, was therefore unable to overcome the conflict between individually determined values and the general validity of norms.

Nonetheless, with respect to their theoretical programmes, Troeltsch and Jellinek were certainly closer than Troelsch and Weber or Weber and Jellinek. Jellinek's position was an inconsistent halfway house between the standpoints of his two younger academic friends; but this position was not one of mediation. As a jurist his task was to establish generally valid legal norms, and as a philosopher he recurred to an 'ethical minimum' of cultural binds. Yet against his historico-philosophical background he also recognised with ever greater clarity the serious difficulties involved in attempting to establish the validity of general norms, beyond the individual's choice of values. "As a result," Troeltsch explained, "it grew increasingly difficult to construct the contents of reason in the historically given and the factually valid, and became ever more a matter of subjective conviction to dare to discover and affirm the appropriate rational in each contingency of the historically given."[46] Because Jellinek did not seek to appropriate and revive Hegel's absolute reason (unlike Windelband who dedicated his work to a renewal of Hegelianism after the turn of the century[47]) and was equally opposed to resorting to a form of sceptical relativism (as Weber had done), according to Troeltsch he was only left with the pathos of subjectivity.[48] Troeltsch's descriptions of the inner *aporia* that plagued Jellinek's efforts to secure historical norms for a present-day orientation bear witness to a deep sympathy with his friend. The theologian was experiencing very similar problems.

In an attempt to do justice to modern historicism, but escape a relativistic scepticism, Troeltsch was also driven to anchor his systematic studies in ever deeper historical investigations. Although he felt inspired by Jellinek and held his historical work in high regard, Troeltsch distanced himself from his friend's historical portrayal. In his cultural enquiries into the history of modern Protestantism and in his extensive work on the history of Christian social philosophy, Troeltsch's aim was to paint a significantly divergent picture of the English and American traditions of freedom.

Let us first take a look at the ways in which Jellinek positively inspired Troeltsch. The choice of title for his most famous historical work *Die Soziallehren der christlichen Kirchen und Gruppen* (1912)[49] was, in all

44 Cf. ibid., 278.

45 Cf. ibid..

46 Cf. ibid., 276.

47 See, above all, Windelband's programmatic speech delivered at Heidelberg's Academy of the Arts and Sciences (*Akademie der Wissenschaften*), founded in 1909: Windelband, *Die Erneuerung des Hegelianismus*, 10. Troeltsch reviewed this address, together with another lecture delivered at the *Akademie* in 1913: "Über Sinn und Wert des Phänomenalismus." On the founding of the Heidelberg *Akademie der Wissenschaften* and the controversies it evoked within Heidelberg's academic milieu see Wennemuth, *Wissenschaftsorganisation und Wissenschaftsförderung in Baden*.

48 Cf. Troeltsch, "Ausgewählte Schriften und Reden von Georg Jellinek", 276.

49 Troeltsch, *The Social Teachings of the Christian Churches*.

probability, partly inspired by Jellinek's *Allgemeine Soziallehre des Staates*.[50] Also, Jellinek's influential book on *Die Erklärung der Menschen- und Bürgerrechte* contributed to Troeltsch's own intellectual developments and is often quoted by the systematic theologian from 1897 onwards.[51] Beyond several shorter publications and the major legal works of his friend, Troeltsch additionally took note of the numerous polemics and historical treatises directed against Jellinek's theories. His own stance on Jellinek's derivations is one shaped by a tendency of increasing differentiation. Initially, Troeltsch cited Jellinek approvingly. In his famous lecture on *Die Bedeutung des Protestantismus für die Entstehung der modernen Welt* (1906)[52] and *Die Soziallehren*, however, these references had become largely critical. Troeltsch supported Jellinek's first thesis that the North American constitutions, rather than the French Declarations, provide us with a crucial source for the juridical formulation of positive human rights. "The fact is that Jellinek's treatment of the subject represents, on the whole, a really illuminating discovery," wrote Troeltsch.[53] Then, however, Troeltsch advocated modifying Jellinek's propositions which traced North American constitutions back to the spirit of Puritanism. Calvinist Puritanism, in itself, did not give rise to the idea of human rights, he claimed. The Puritanism we are looking for, he continues, "is not Calvinistic, but is a sublimated essence of 'Free-Church' Anabaptist and Spiritualistic-subjectivist ideas, in combination with the old Calvinistic idea of the inviolability of the Divine Majesty".[54] With this statement, Troeltsch was asserting a very different religious source of Anglo-Saxon thought on human rights to Jellinek. Not Calvinism as such, not Puritanism as one, but the Baptists and Quakers - on the basis of their particular faith - were the pioneers behind the freedom of conscience. "The parent of the 'rights of man' was therefore not actual Church Protestantism, but the Sectarianism and Spiritualism which it hated and drove forth to the New World."[55] With reference to the history of America, Troeltsch sought to demonstrate that in the states which were dominated by Puritans freedom of conscience had been condemned as godless scepticism, and that the idea had only been institutionalised in Baptist Rhode Island and the Quaker State of Pennsylvania. Note the further differentiation. For Troeltsch, the motherland of modern freedom was not the United States of America as a whole. The juridical materialisation of positively given civil rights and liberties is not only of religious derivation, but to be ascribed solely to Protestant sectarianism. This insight is of fundamental importance to Troeltsch's understanding of the rise of the modern world: modernisation, he believed, was not advanced by Christian ecclesiasticism or West European ecclesiastical Calvinism, but the work of Baptists and other sects which were persecuted and radically excluded by Europe's main denominational churches.

In his doctoral thesis, Troeltsch had chiefly examined the ethic of German Lutheranism. In his historico-cultural works after the turn of century, however, his interests in the differences between Calvinism and Lutheranism begin to play a central role. Under the influence of Weber, but primarily due to his own extensive research into the religious history of West European and North American Protestantism as well as British intellectual history, Troeltsch focuses here on the idiosyncrasy of Western Europe's Calvinistic political culture, as shaped by the various individual traditions of denomination within Protestantism, on the one hand, and Germany's dominant Lutheran political culture, on the other. Alongside his famous lecture on *Die Bedeutung des Protestantismus für die Entstehung der modernen Welt*, the comprehensive overview of *Protestantisches Christentum und Kirche der Neuzeit56* and *Die Soziallehren*, numerous shorter essays also deal with Calvinism.[57] In spite of his (at times biting) criticism of German Lutheranism, which

50 Jellinek, *Allgemeine Staatslehre*. See Hübinger, "Staatstheorie und Politik als Wissenschaft im Kaiserreich", 147.

51 See e. g. Troeltsch, "Aufklärung."

52 Troeltsch, *Protestantism and Progress.*. A new critical edition of this lecture is now available in German: Troeltsch, *Kritische Gesamtausgabe, vol. 8: Schriften zur Bedeutung des Protestantismus für die moderne Welt (1906–1913)*, 199–319.

53 Troeltsch, *Protestantism and Progress*, 67.

54 Ibid., 67.

55 Ibid.

56 Troeltsch, *Protestantisches Christentum und Kirche der Neuzeit*.

57 A new critical edition of Troeltsch's diverse papers and shorter treatises on the cultural significance of Protestantism is now available in: Troeltsch, *Kritische Gesamtausgabe, vol. 8: Schriften zur Bedeutung des Protestantismus für die moderne Welt (1906-1913)*.

he also characterised as the 'religion of the ruling classes' (*Herrenreligion*),[58] Troeltsch never differentiated between Lutheranism and Calvinism such that the latter or his portrayal of its political culture might represent a normative model for Germany. Troeltsch's intensive analysis of Anglo-American traditions served as comparative research, to the end of gaining a precise picture of his own country's religious and political culture. He admitted that Western Europe's Calvinistic historical background houses great potential for individual freedom, but - in turn - also saw more scope in German and Scandinavian Lutheranism for social responsibility and solidarity. In both he recognised decisive theological ideas and religious driving forces, yet he never regarded these as the sole sources of political culture and economic formation. His main objective was to delineate the relationship between the individual and the community, as well as that of freedom and social binds, as shaped by each religious tradition. This remains true of Troeltsch's writings during the First World War, in which his old differentiation between Lutheranism and Calvinism is reformulated as the opposition of the German Spirit and Western Europe.[59] Thanks to the Lutheran tradition, the Germans have their own socially defined idea of freedom; the Anglo-Saxon combination of individualism and utilitarianism is foreign to them. For this reason, Troeltsch rejected the claim of Americans and Britons during World War I that they alone were fighting for freedom and democracy.

The religious and political differences between Calvinism and Lutheranism do not feature at all in Jellinek's writings. In Weber, by contrast, they played a central role. Although influenced by Troeltsch, owing to his own research into Puritanism Weber conceived the political antithesis of Calvinism and Lutheranism within Protestantism far more radically than did his friend in the theological faculty. On February 5, 1906, he wrote to Adolf von Harnack, who regarded himself as a liberal Lutheran of 'Culture Protestantism', stating:

> I cannot deny that, in its historical guises, Lutheranism is for me the most terrible of horrors [...] even in its ideal form and hopes for the future I am not entirely sure as to how much vitality it can offer the Germans. It is a difficult and tragic situation inwardly. No German is capable of being a sectarian, a Quaker or Baptist. [...] The fact that our nation has never, in any form, experienced the schooling of hard asceticism is a source of all which I find detestable about our nation and myself [...] and especially in religious matters, I cannot help but believe that the average American sectarian is just as superior to the mainstream members of Germany's national churches as the religious personality of Luther over and against Calvin, Fox e tutti quanti.[60]

Weber was fascinated by American sectarianism because its piety had incomparably greater ethical effects than the ecclesiastical institution of Lutheranism. He lamented the lack of vitality that came from the Lutheran devoutness prevailing among the German bourgeoisie. Nevertheless, he valued its religious faith much higher than that of the American sects. And this presented him with a tragic conflict: in the USA's sectarian culture he found a model of ethical exemplariness, yet one which can only be experienced as religiously deficient. In his Anglophilia and American enthusiasm he painted a picture of a religious situation that was decisively shaped by his complaints vis-à-vis the German middle classes, that is to say, regarding the deficiencies of Germany's bourgeois political culture. He compared Germany's all too traditional, mystically quietist, feudalistic and hedonistic inert citizens with the proud civil heroes of performance-oriented Puritanism whom he saw as having demonstrated an absolute sovereignty vis-à-vis the world through hard work, not least on themselves. The price of these admirable achievements, however, was the sacrifice of Lutheranism's true and deep religiousness.

58 Cf. Troeltsch, "Luther und das soziale Problem."

59 See Troeltsch, *Deutscher Geist und Westeuropa*, 1925.

60 Cf. Letter to Adolf Harnack, February 5 1906. In *Max Weber, Briefe 1906–1908*, 32–33.

5 Reading the Heidelberg classics, or: the search for their cultural significance

The interdisciplinary religious discourses in Heidelberg's liberal scholarly milieu after 1900 can be reconstructed from different interpretative perspectives. The debates over state and church at this time can be decoded as a reform discourse with a primarily political motivation. The dispute over the historical genesis of modern human rights can be interpreted as a contribution to the quest for a specifically German Protestant basis for legimitising the strengthening of citizens' civil rights and the parliamentarisation of the German Empire. The keen interest in the differences between Lutheranism and Calvinism can be traced back to the grievances and suffering of Heidelberg's Liberals caused by the repressively authoritarian structures in the political system of the Reich: the portrayal of Lutheranism served to grasp the elementary socio-moral driving forces of German political culture. Similarly, the fascination with the religious culture of the USA can be understood as a reflection of the interest in the forms of Protestantism which generate a strong, achievement-orientated ethos, based on competition and compatible with capitalism. In turning to the religio-cultural situation of the USA, the primary concern of Heidelberg's cultural analysts was always the portrayal of Germany's own religious culture and potential, as mediated from an external perspective. In his famous essay *Die Religion im deutschen Staate* (1912), Ernst Troeltsch claimed that "a clearer assessment of one's own native world [is] only possible by observing the contrasts of a foreign world."

> In this sense, taking note of the great Anglo-Saxon nations has always affected us Germans. Next to the comparison with peoples of Romance culture, it is the most important source of our self-knowledge. In spite of the considerable differences that exist between the two countries, England and the Union do seem to bear a resemblance which is not merely feigned by the sharing of a common language, but founded in certain mutually shared contrasts vis-à-vis our life. If we try to bring out these contrasts, we find that they arise, above all, from the quite different status of religion in social and political life [...] It is the much stronger social role of the religious element that becomes apparent in thousands of things to do with traditions and public order, that shows itself in the highly developed missionary work, that gives rise, beside the established churches with their firm hold on their members, to ever new forms of revivalist movements and sects.[61]

Also, the polyvalence of religious symbolic languages, or – in the parlance of Pierre Bourdieu – the open and fluid borders of the 'religious field' and its possible diffusion into the political and other social fields, was already an important topic of the religious discourse in Heidelberg at this time. In an essay on *Religion*, his contribution to the widespread *Gesamtbild der Kulturentwicklung*, Troeltsch wrote in the year 1913: "That which is 'purely religious' exists only for the theorist and for the few deeply sensitive souls. On the market of life, there is no interest which would not be protected and strengthened by a connection with religion, and little religious hatred that does not, in reality, hate those things in religion that are actually or allegedly protected by it."[62]

In spite of the ambiguity of that pertaining to religion, it is important not to forget that these liberal analysts of religious culture in Heidelberg saw and, indeed, intensively discussed religion as an autonomous source of orientation, that is to say, a 'power' (*Potenz*, Jacob Burckhardt) of its own kind which is not wholly determined or exhausted by its functions in other spheres, such as serving political interests or programmes of socio-cultural communalisation. It is, therefore, of primary importance to reconstruct the religious discourses of Heidelberg's academic milieu from its particular religio-analytical perspective and, in doing so, pay particular attention to the questions resulting from the tensions between handed-down religious traditions and modern occidental rationality. Here analytical interest should be directed, first and foremost, at the different forms of religious socialisation, or communalisation, as well as the formative powers at work behind each of these forms and their respective *habitus*. For Heidelberg's debates on 'churches', 'sects' and

61 Cf. Troeltsch, *Die Religion im deutschen Staate*, 68.
62 Cf. Troeltsch, "Religion," 534.

'mysticism'[63] were by no means merely discussions about the past or purely academic disputes over the formation of concepts and typology, lacking relevance to the present. With their individually conceived theories on ideal types and religio-analytical concepts, Jellinek, Weber and Troeltsch did not only seek, each in his own particular way, to uncover the cultural significance of historical processes and phenomena, but also strove to ascertain the fate of religion and its possible creative potential or formative influence as a cultural force in a modern age fraught with crises.

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63 Troeltsch developed Weber's differentiation between 'churches' and 'sects', and widened it by introducing a third type, that of 'mysticism', to capture/which was intended to include the modern free religiosity of the educated classes/'Culture Protestantism' (*kulturprotestantische Bildungsreligiosität*) and their/its various neo-religious subsitutive forms. For a detailed analysis see Molendijk, *Zwischen Theologie und Soziologie*. For a discussion of Troeltsch's reception of Georg Simmel also see: Voigt, '*Die Tragödie des Reiches Gottes*'?

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