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*“Wohlstand, Bildung und Freiheit für Alle.” The Idea of Human Rights in the View of Gustav Struve as an Example of Radical German Political and Legal Thought during the Springtime of Nations**

Abstract

The Springtime of Nations in Germany is mostly associated with the views of various moderate liberals who played leading roles during these revolutionary events. The case is different when it comes to the members of the most radical wing within the liberal movement, the so-called “democrats.” Their ideas are described far less frequently. The article presented analyzes the idea of human rights in the view of Gustav Struve – one of the most important figures in the German democratic movement. During the German Springtime of Nations, the notion of human rights was one of the most frequently discussed but also variably understood problems. G. Struve’s views regarding this question refer not only to the idea of human rights, they also form a kind of political manifesto including solutions for various problems encountered by average citizens along with suggestions concerning an equitable structure of the social order. These postulates were revolutionary and radical but often incoherent. Thus, they fit well into the characteristics of the whole German democratic movement in the first half of the 19th century, which was seen as an unpopular, unsystematic, eclectic and immature phenomenon. The article first describes G. Struve’s life in the context of various events of the German Springtime of Nations. Subsequently, it analyzes the notion of the human being, his functioning in the social community and the definition of his rights. The article ends with an analysis of the material content of the concept of human rights in the view of the described German radical.

Keywords: Gustav von Struve, human rights, revolution, Springtime of Nations, radicalism

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1. Introductory remarks

The article addresses the issue of human rights as viewed by Gustav Struve, one of the representatives of the democratic revolutionary movement during the German Springtime of Nations.¹ This issue, like all the intellectual achievements of this German revolutionary, has not been widely discussed within the Polish scientific discourse, and German scholars have not provided much contribution in this area either.² In most of the publications that mention him, G. Struve (along with his comrade Friedrich Hecker) is presented as the leader and ideologist of German radicals during the Springtime of Nations. At that time, the issue of rights and the position of the individual in the state was one of the most frequently discussed questions around which political disputes were centered.³ The idea of human rights, in G. Struve's notion, is his voice in the public discussion on this subject. In this discourse, he presented views that were at that time typical of German democrats. A more in-depth analysis will therefore provide something more than just insight into the very idea of human rights by G. Struve. Through the problems he addresses and solutions he proposes, it will show the characteristic features and fit into the views presented by the most radical wing of German rebels from 1848.⁴

The analysis presents, firstly, information on the life of the German revolutionary against the backdrop of the political and social conditions of the mid-19th century. This is, first of all, about G. Struve's affiliation with the so-called democrats and the role that the movement played during the German Springtime of Nations. Secondly, reference was made to his perception of the human individual, the principles of their functioning in the community and the definition of their rights. The paper ends with an analysis of the content of the idea of human rights in G. Struve's view. Such a structure of the article allows me to achieve the goal of analyzing the idea of human rights in G. Struve's concepts in the context of political problems and events of his era. It will be proven that his idea of human rights was a response to the most important problems of the people at that time, the disadvantaged and the poor. It will be demonstrated that G. Struve presented views that were radical for the mid-19th century, which stemmed from his idealistic attitude. Inconsistencies and contradictions in his views will also be highlighted. The failure to fulfill G. Struve's ambitions will also demonstrate how low popular support for the entire democratic movement in Germany was. This is evidenced by his defeat to the liberal

¹ This article is an original study, based primarily on Gustav Struve's preserved written statements and relevant, mainly German-language, literature on the subject. The phrase "radical democratic German thought" used in the title of this article is in line with the terminology used by German scholars to define the political and legal movement G. Struve was part of. The combination of "radical" and "democratic" was used, e.g., by Peter Wende. The adjective "radical" was also used in this context by Ernst Rudolf Huber and Friedrich Rohmer. For more detail, see Wende, *Radikalismus im Vormärz*, 15–7, 20, 35, 79.

² G. Struve is mentioned primarily in publications on German history. An example is the work of Maria Wawrykowa *Dzieje Niemiec 1789–1871*. G. Struve's view was also analyzed in the following dissertations: Peiser, *Gustav Struve als politischer*; Ackermann, *Gustav v. Struve*.

³ This is evidenced, e.g., by the fact that the issue of fundamental civil rights (*Grundrechte*) was addressed first during the work of the Frankfurt Parliament.

⁴ For the purposes of this paper, the term "Germany" is understood to mean all the countries belonging to the German cultural sphere in the first half of the 19th century.

movement, which wanted to reform the monarchy and, above all, protect the interests of the bourgeoisie.

2. The background and characteristics of Gustav Struve in the context of the events of the Springtime of Nations in Germany

The 1830s and 1840s in Germany (*Vormärz*) were a restless time of "storm and stress."⁵ It was characterized by economic development but also by political and social unrest related to the demands of the reform. They can be summarized in the slogan "Freedom and Unity." With the development of a capitalist economy, the demands for change and even abolition of the feudal-aristocratic order intensified. There were also new social groups: the urban bourgeoisie and the working class, which were increasingly eagerly calling for the fulfillment of their demands. Germany, lagging behind in economic and civilizational terms, especially compared to England and France, faced the problem of reunification.⁶ For the second half of the 1840s there was a process of growing unrest due to these problems. It heralded a revolutionary breakthrough, which took place in 1848, and which is part of the events of the Springtime of Nations in Europe.

The outbreak of the rebellion in Germany was preceded by a series of meetings between supporters of reforms, important in view of the political programs announced during them. First of all, this includes the so-called Heidelberg meeting (*Heidelberger Versammlung*). This was the first meeting of representatives of liberal and reformist circles in Germany. It preceded the convening of a "preliminary parliament" (*Vorparlament*)⁷ and the Frankfurt Parliament (*Frankfurter Parlament*), the body that was to unify Germany. As soon as during the Heidelberg meeting, the division between radicals (to which G. Struve belonged) and moderates emerged in the circle of liberal forces. Over time, the differences between the radicals (also called democrats) and the liberals (moderates) became deeper and deeper. The dividing line between the political and legal demands ran along the ideas about the future united German state. The formal manifestation of the differences were the proposals to hold separate program meetings of these two groups. In September 1847, the democrats met in Offenburg, and the liberals met a month later in Heppenheim. Representatives of moderate liberal forces, referring to urban bourgeoisie, opted for maintaining the monarchy (reformed) and ensuring the widest possible sphere of activity free of the state's influence (primarily the economy). However, they did not seek to implement social postulates related to improving the living situation of the people in the broadest sense.⁸

⁵ The timeframe of the *Vormärz* is conventionally defined as the period from the outbreak of the July Revolution in France to the beginning of the events of the Springtime of Nations in Germany. Cf. Winkler, *Długa droga na Zachód*, 86.

⁶ For more detail on the condition of the German economy in the 19th century, see Czapliński, Galos, Korta, *Historia Niemiec*, 401–4.

⁷ Maria Wawrykowa translated the word into Polish as *parlament wstępny* (pre-Parliament). Cf. Wawrykowa, *Dzieje Niemiec 1789–1871*, 317.

⁸ Birtsch, "Gemäßigter Liberalismus und Grundrechte", 37.

Democrats referred more strongly to the ideas of French enlightenment and the achievements of the French Revolution.⁹ They placed a stronger emphasis on the ideas of human rights, universal equality of all people and the need to stand against the elites. In their Offenburg program, they also called for pronouncing a declaration of human rights following the American model.¹⁰ Some demands of the democrats were in line with what moderate liberals were striving for. These were classic liberal freedoms, such as freedom of the press, freedom of thought and expression, freedom of science, freedom of assembly, association or movement. They were united in their opposition to authoritarianism, the social hierarchy based on ascribed social status, and in the belief that the Germans needed to unite within one country.¹¹ The difference was that the democrats wanted to implement a number of social rights, and they had a radical anti-aristocratic, anti-monarchist approach. Directing their program primarily to the disadvantaged masses of the people, they advocated equal access to state-funded education and tax progression. Given the conditions in Germany at the time, these were far-reaching and radical postulates, fitting the tenets of early socialism.¹²

G. Struve was born on October 11, 1805, as Gustav von Struve.¹³ The son of a diplomat, coming from the aristocratic class, he became one of the most prominent radical democrats of the *Vormärz* period. Despite the efforts of his influential father, he did not retain any of his successive lucrative jobs. He rarely achieved stability in his life, and often was on the verge of poverty. With time, he became a “professional revolutionary”¹⁴. His rebellious enthusiasm and views led him to participate in the German Springtime of Nations from the very beginning. This was due to his origin from Baden. It was in this region that both democratic and left-wing movements first began to develop. It was also the longest-lasting rebellion that did not even go out after the failure of the Frankfurt Parliament.¹⁵ In February 1848, G. Struve, who was at the head of the people’s march, tried to enter the parliament of Baden in order to present to the ruling elite a petition with demands co-authored by him. The slogan that will often be referred to in discussing the idea of human rights in the view of this German revolutionary should be noted here: “Prosperity, Education and Freedom for all social classes, regardless of birth status.”¹⁶

⁹ Liberals considered the postulates of the democrats as dangerous. In the “bible” of the German liberals, the *State Lexicon (Staatslexikon)*, the program adopted by the democrats in Offenburg was considered too radical. See Jäkel, “Die «Paulskirchenverfassung» der Frankfurter Nationalversammlung”, 233.

¹⁰ The Offenburg program, considerably influenced by G. Struve himself, was accepted as the official program of the German democrats. See Cancik, “Selbst Ist das Volk”, 298–300.

¹¹ In G. Struve’s writings, one can also observe patriotic views that praised the positive qualities allegedly characterizing Germans. Thus, he defined them as enlightened, peaceful and meticulous people, superior even to the English and French. Struve, *Kommentar zu dem Entwurfe*, 46–7. For more detail on the meaning of the concept of patriotism, see Szczurkowska, *Ja patriota*, 92.

¹² Birtsch, “Gemäßigter Liberalismus und Grundrechte”, 31.

¹³ Regarding demands for equality before the law, it is worth pointing out that G. Struve himself ostentatiously publicly renounced the nobiliary particle “von” before his name, thus becoming “Citizen Struve.” Hartmann, “How American Ideas Traveled”, 28–30.

¹⁴ Frei, Hochstuhl, *Wegbreiter der Demokratie*, 38–42.

¹⁵ Zimmerman, “From the Rhine to the Mississippi”, 7.

¹⁶ As cited in Frei, Hochstuhl, *Wegbreiter der Demokratie*, 68–9. For more detail, see Wawrykowa, *Dzieje Niemiec 1789–1871*, 295–6.

An important event from the point of view of the analysis of G. Struve's view is his participation in the "preliminary parliament."¹⁷ At the beginning of the proceedings, he presented a proposal assuming the adoption of a package of program tenets. It included, among other things, postulates of freedom of the press, liquidation of the regular army, free election of political authorities, progressive property and income tax, liquidation of all feudal privileges and nobility, freedom of thought, association, personal freedom and jury courts. It was a mixture of liberal and democratic demands. Noteworthy are the demands which had a social dimension. These include improving the living conditions of working classes, leveling disparities between work and capital and establishing a special ministry to deal with labor problems. On the other hand, political proposals included the reunification of Germany and the liquidation of a hereditary monarchy. G. Struve sought to eliminate the foundations of the monarchic-aristocratic state and to introduce a new system based on individual rights and social autonomy. He formulated views similar to those of the Jacobins in the Constitution of 1793. These include the certainty and freedom of property, full equality and personal freedom and the abolition of the system of estates of the realm. Similarly to the Jacobins, G. Struve stressed the need for the state to be active in social matters.¹⁸ However, most of those gathered in the "preliminary parliament" rejected this proposal, having a much more restrained position. Moderate liberals led by Heinrich von Gagern were not seeking a revolutionary liquidation but a reform of the monarchy.¹⁹

The events of the "preliminary parliament" proved to be a major disappointment for G. Struve. They demonstrated that the radical democrats were a minority compared to the liberals oriented toward reform in cooperation with absolutist rulers.²⁰ The democrats soon came to the conclusion that the implementation of the demands of the democratic movement could only take place through revolutionary means. This was all the easier because there was opposition in German society against the thirty-three-year-old absolutist system sanctioned by the Congress of Vienna. Public support for revolt was also driven by economic factors. These were primarily the potato blight and the crop failure of 1845–1846, which led to an increase in the cost of foodstuffs and problems with food supply throughout Europe.²¹

As noted earlier, Baden was the most susceptible to rebellion.²² While the moderate liberal-dominated parliament of Frankfurt debated the shape of a new united German state, G. Struve formed a "revolutionary army" in Schwarzwald. Its purpose was to enter Karlsruhe (the capital of Baden) and then Frankfurt.²³ The ambitions and demands of those who had been a part of the revolution in Baden in April 1848 were in line with the program presented by the democrats in Offenburg. They can also be summarized in the aforementioned slogan: "Prosperity, Education and Freedom for all" to be enjoyed by

¹⁷ Reiß, *Radikalismus und Exil*, 7, 11.

¹⁸ Kämpf, *Die deutsche constituirende*, 40–1; Reiß, *Radikalismus und Exil*, 134–5; Maciejewski, "Życie, wolność, własność, bezpieczeństwo", 22–3.

¹⁹ Leonhard, "Anatomies of failure?", 26; Müller, "Von der Heidelberger Versammlung", 83.

²⁰ Reiß, *Radikalismus und Exil*, 36.

²¹ Paluszyński, *Historia Niemiec*, 195.

²² Winkler, *Długa droga na Zachód*, 100.

²³ Ashton, "Constitutionalism as a Force of Popular Loyalty", 152.

individual regardless of birth, social status or religion.²⁴ Such slogans also accompanied G. Struve, who in September, leaving Switzerland's Basel, entered the border town of Lörrach in Baden, where he declared the creation of a republic. Baden only actually lasted as a republic for two months. Nevertheless, the rebellion was a major event due to the fact that Archduke Leopold fled the country.²⁵ However, the revolutionary forces were soon halted in a series of skirmishes by the troops of Hesse and Württemberg. G. Struve himself was captured in September 1848 and was sent to prison, but he quickly escaped. In the face of the failure of the revolution, he emigrated. After a short stay in Switzerland, he settled in the United States. He conducted public activities there, even taking part in the Civil War. Later in life, G. Struve returned to Germany, where he died on August 21, 1870.²⁶

One of the most important reasons for the failure of the aspirations of G. Struve and other radical democrats was the scarce support for their ideas from the majority of German society. They lost in the so-called silent plebiscite, won by the liberal forces, which proposed changes that had legal legitimacy and, above all, were of a non-revolutionary nature. Despite the desire for change, the German public was *en masse* afraid of revolution, having in mind the effects of the French Revolution (such as *Le Grand Terreur*).²⁷ Most were in favor of convincing the ruling aristocracy to introduce reforms. Besides this, the social group that could help the democrats carry out the revolution – the industrial proletariat – was still too weak to play a significant role in political processes.²⁸ G. Struve himself, while already abroad, stated that, in fact, the entire unsuccessful German Springtime of Nations had been aimed at replacing the princes sponging off society with liberals willing to “get their share of robbing the people.”²⁹

3. Human rights – the origin and concept

The discussion about human rights in G. Struve's view should first address his reflection on the origin of the idea. In this context, reference to the very essence of humanity cannot be overlooked either. This is the starting point of his understanding of human rights. However, it should be made clear at this point that G. Struve was not an academic. He cannot be called a scholar in the full sense of the word: a person who bases his conclusions on extensive research. In the current sense, his remarks on the origin of the idea of human rights cannot be called either revelatory or insightful. However, it is worth mentioning them. They point to what G. Struve emphasized when formulating his views on the very idea of human rights.

²⁴ Struve, Heinzen, *Die Schilderungen*, 6, 11.

²⁵ Zimmerman, “From the Rhine to the Mississippi”, 7–8.

²⁶ Jansen, *Struve*.

²⁷ Langewiesche, “Gesellschafts- und verfassungspolitische Handlungsbedingungen”, 345; Stolleis, *Geschichte*, 44.

²⁸ Shorter, “Middle-Class Anxiety in the German Revolution of 1848”, 196–7; Winkler, *Długa droga na Zachód*, 99; Moeller, “The German Revolution of 1848–1849”, 608.

²⁹ As cited in Reiß, *Radikalismus und Exil*, 190.

It is not surprising that G. Struve followed a path of historical reflection on the origins of the idea of human rights. His analysis is based on emphasizing two concepts that have been essential for human existence since ancient times. These are equality and freedom. They can be called the most important values for the 19th-century opposition to feudal aristocratic oppression.³⁰ Referring to both ancient Greeks and Romans, G. Struve accentuated the problem of slavery, which had existed in both these cultures. The fact that he noticed Ulpian's views and their uniqueness also proves G. Struve's focus on equality and freedom for all. As Marcin Merkwa rightly points out, Ulpian says that everyone should be free in accordance with the rules of natural law.³¹ G. Struve also referred to natural law in his idea of human rights, so his reference to Ulpian's thought is not accidental.

G. Struve also emphasizes equality in the analysis of the cultures of ancient Palestine. It was here that he noticed the germs of the idea he then called "human rights." This idea was, for him, Christianity, which he described as "the original idea of human equality."³² It is difficult to find in him a reluctance towards religion, so characteristic of later left-wing movements. On the contrary, G. Struve referred directly to the Christian idea of equality of all people, love of one's neighbor and justice in interpersonal relations. He also attributed to Christianity the crucial role in the fight against slavery, emphasizing here the "liberation" aspect of the idea of human rights.³³

As for the genesis of this idea, the German revolutionary noticed the achievements of figures emblematic of this issue. These were Hugo Grotius, Thomas Hobbes, Samuel von Pufendorf, Christian Thomasius, Christian Wolff and, last but not least, Immanuel Kant. It is on the basis of an analysis of the views of T. Hobbes, G. Struve referred to the principles governing the community functioning of people. He clearly opposed the Hobbesian idea of "the war of all against all", as well as granting the individual the right to arbitrarily decide on the means of defense to be used in this war. The views of G. Struve contained a belief, characteristic of German democrats, that man is always subject to the "eternal laws of nature." He can never act solely at his own discretion. As for the idea of human rights itself, G. Struve was convinced of the existence of principles independent of the state, which he called "the eternal laws of justice and love of one's neighbor."³⁴

On the other hand, I. Kant's reflections formed in G. Struve's mind a basis for constructing the idea of restricting the freedom of individuals resulting from reason (*Vernunft*), which he perceived as a factor in subordinating people to certain limita-

³⁰ The concepts of freedom and equality also became key values in building the international system of human rights protection in the second half of the 20th century. Cf. Lesińska-Staszczuk, "Dyskryminacja", 342–52.

³¹ Merkwa, *U źródeł idei praw człowieka*, 73. Modern literature on the subject considers Ulpian as one of the forefathers of the idea of human rights. For more detail, see Giltaj, "Human rights", 114.

³² Struve, "Menschenrechte" [1847], 65.

³³ Struve, "Menschenrechte" [1864], 766. However, it should be stated after Mirosław Sadowski that human rights in the modern sense appeared in Catholicism only with Pope Leo XIII and Catholic social teaching. See Sadowski, "Naturalne i społeczne prawa", 104. For more detail other Catholic social teaching, see Łuszczynska, "Katolicka nauka społeczna", 89–102.

³⁴ Struve, *Grundzüge*, Bd. 1, 306–8.

tions.³⁵ These restrictions included, first, the need to mutually respect the principle of the inviolability of another individual and to respect the ownership and contractual obligations. Secondly, they meant the right to enjoyment of natural freedom as long as it was not constrained by the same right of another person.

Another important thinker for the German revolutionary was Jean-Jacques Rousseau. G. Struve rightly referred to the views on the inalienability of human freedom and the equality of all the people that were present in that philosopher.³⁶

The period of I. Kant and J.J. Rousseau (the Enlightenment) was a new beginning for G. Struve in relation to human rights issues. The new period was considered by him an era which would yield “more correct views” on “the eternal and inalienable rights of humanity.” Analyzing the second half of the 18th century, he referred not only to German and French thought but also to the achievements of the English-speaking world. This was primarily about the American aspirations for independence. In this case, an important issue for G. Struve was the attempt to put the ideas of freedom and equality into practice. His analysis of the actions of the emerging American nation clearly shows G. Struve’s fascination with these achievements. He saw them as a confirmation of the idea that even a weaker group of individuals could stand up to the world’s greatest powers (the British Empire) if they knew that their rights were well-founded.³⁷ Writing about the Virginia Declaration of Rights, the U.S. Declaration of Independence and the U.S. Constitution, he once again brought to the fore the belief in the universal equality of all people, equipped by the Creator with certain inalienable rights, which included life, liberty and the pursuit of happiness. He agreed that to secure these rights, governments with legitimacy from the individuals they are supposed to govern should be established.³⁸ His fascination with the United States was even greater in comparison with Europe for that time. Thus, the young United States appeared in G. Struve’s works as an oasis of freedom and embodiment of the idea of human rights. Absolutist Europe, on the other hand, was just the opposite. It was the “practical recognition of human rights” in which he saw the foundation of “the achievement by North America over sixty years of such a degree of prosperity [...] and internal contentment that was seen nowhere in Europe.” On the other hand, G. Struve ignored the question of the rights of black people or the lack of social rights (although he was undoubtedly a critic of slavery).³⁹ He seems to have idealized America during that era to create a convincing hyperbole for European conditions. However, this does not change the fact that he associated the recognition and implemen-

³⁵ Struve argued: “[...] therefore, according to the laws of coexistence dictated by reason, as Kant describes it, everyone should limit his natural freedom, so that the freedom of another human can exist [...]” Struve, “Menschenrechte” [1864], 766. See also Kuźmicz, “Antytotalitarne przesłanie”, 313.

³⁶ Struve, “Menschenrechte” [1864], 766–7. The primacy of freedom for Jean Jacques Rousseau was pointed to by Iwona Barwicka-Tylek and Dorota Pietrzyk-Reeves. Marta Baranowska notes that it was freedom and equality that were basic rights for Rousseau. For more detail, see Barwicka-Tylek, Pietrzyk-Reeves, “Wolność w ujęciu Jana-Jakuba Rousseau”, 215; Baranowska, “Marzenie o szczęściu”, 65.

³⁷ Struve, “Menschenrechte” [1847], 66. On the history of human rights as presented by Struve, cf. Schmale, *Archäologie der Grund- und Menschenrechte*, 44.

³⁸ Struve, “Menschenrechte” [1864], 767.

³⁹ Struve, “Menschenrechte” [1847], 67.

tation of human rights with providing society with opportunities for development (based on freedom and equality) intended to bring about prosperity.⁴⁰

However, G. Struve did not forget the events that had given rise to the aspirations of some European nations. He referred to the July Revolution in France, the September Revolution in Belgium, the rebellion in Germany and the Polish November Uprising. He believed that all these events manifested the awakening of the peoples of Europe in demanding the implementation of "human rights" in practice. It is interesting that G. Struve was quite critical of the French Revolution. He juxtaposed beautiful and noble revolutionary slogans with the Great Terror, sometimes with Napoleonic military despotism or the Bourbon restoration process and its consequences. He noted post-revolutionary constitutions starting with declarations of human rights and citizens. However, his strong criticism of the events of the Great Revolution made him reluctant to draw on its achievements in the context of the development of his own ideas.⁴¹ Was G. Struve an inconsistent rebel? Certainly not. He did not oppose the very idea of rebellion, but in this particular case, the effects of the French Revolution. This led him to wrongly exclude this event from the processes that shaped the idea of human rights.⁴²

It should also be borne in mind that G. Struve cannot be considered an anarchist. He supported rebellion against feudal-aristocratic oppression but did not believe that the individual had absolute freedom. He was characterized by the belief that freedom must always operate within the limits of natural and moral laws which neither originated from it nor could be changed or repealed by it. As mentioned before, G. Struve's reference to legal and natural arguments is characteristic of the German democrats of his time. This was caused by the search for a different basis for the functioning of human rights than the one then in force in the state as such. At that time, human rights, or rather civil rights, had primarily constitutional legitimacy. They were granted by the monarch, who could also arbitrarily change and abolish them. Democrats wanted to reverse this situation by changing the legitimacy of human rights in the state from "state-law" legitimacy (constitutional, based on civil rights) to natural-law (abstract).⁴³ G. Struve also included in this conviction on the eternal and just order, the family and the people (*Volk*) "that had

⁴⁰ It is worth noting that G. Struve goes in line with the trend popular in Germany at that time, according to which the United States was one of the reference points for the proposed constitutional reforms. For more detail on this subject, see Lerg, *Amerika als Argument*, 339. Pointing out the differences between the United States and Europe in order to build his own legal and political concepts was also one of the main activities of Alexis de Tocqueville. He pointed to the European heritage of feudalism and absolutism with its inherent centralization and the bureaucratic omnipotence of the state. Like G. Struve, he emphasized the importance of freedom and equality in America. As Marek Tracz-Tryniecki rightly indicates following Alexis de Tocqueville, the American nation "was best in the art of being free." The freedom present in America was also supposed to be the best guarantee for taking care of their prosperity and to accumulate it. More detail in: Tracz-Tryniecki, *Myśl polityczna i prawna*, 64–5, 105; Cf. also Tracz-Tryniecki, *Tocqueville patrzy na Europę*.

⁴¹ Struve, "Menschenrechte" [1847], 66–8. Cf. Struve, "Menschenrechte" [1864], 767–8.

⁴² For more detail on the influence of the French Revolution and its consequences on the idea of human rights, see Maciejewski, "Życie, wolność, własność, bezpieczeństwo", 22–5.

⁴³ Schieder, "Frühe Arbeiterbewegung", 11. The view that human rights are of a "pre-state and supra-state" nature is now dominant. For more detail, see Maciejewski, "Życie, wolność, własność, bezpieczeństwo", 13–4. For more detail on the views on the relationship between natural law and positive law in legal thought, see Maciejewski, "Doktrynalne ujęcia", 108–29. For the character and understanding of natural laws, see Łuszczynska, Łuszczynski, "Autorytarne prawa naturalne?", 9–21.

been from the beginning of existence.”⁴⁴ People, functioning within this order, which was based on their interdependence, must, in addition to exercising freedom, agree for its limitation by subordination. It is clear that G. Struve’s thought was characterized by, on the one hand, an inclination towards rebellion and the revolutionary idea of overthrowing the old regime, but on the other, he was convinced of the need for a different (obviously more just) order.

The reflections made here are best summarized by the definition of human rights that G. Struve called “[...] eternal and inalienable rights, which people as individuals can exercise toward fellow citizens and the state, or when united in an organic majority as a nation, toward other nations and their rulers.”⁴⁵ These are therefore rights which an individual enjoys by virtue of the mere fact that he or she is a human being. They result from humanity, not from the fact of being, for example, a nobleman, a woman, a man or a slave (which was characteristic of the past). An interesting issue, although only superficially touched upon by G. Struve, was the problem of transfer of the functioning of human rights to the level of nations and states. This was due to the belief that nations (like people) also had their own rights, which they should mutually respect. G. Struve argued in this case that no nation should claim to be more privileged than others (e.g. because of the positive mix of historical events). His idealism was also expressed in the conviction that states (as political organizations of nations) should renounce the use of threats and violence in their relations. It can be assumed that the appearance of such views in G. Struve’s reasoning was the result of national-building processes in Germany at that time and the “mental positioning” of Germans on the ethnic map of Europe.⁴⁶

The introduction of human rights in the state was also considered by G. Struve to be necessary to bridge social divisions. Referring to the realities of the mid-19th century Germany, he spoke primarily about the divisions between the rich and the poor, the powerful and the powerless and those of high and low birth. G. Struve formulated here a view on the introduction of human rights that is as idealistic as pompous. He wrote: “When the eternal and inalienable rights of mankind are recognized in larger and smaller circles, this will be the beginning of the golden era that the poets of antiquity spoke about, and from which we have been still so far for centuries.”⁴⁷

⁴⁴ G. Struve used here the German word *Volk* to describe a community of people united by their common culture, language and customs. It should be noted that at the time of the Springtime of Nations in Germany, there was no clear demarcation between the semantic scope of the Germanic word *Volk* (people, nation in the ethnic sense) and the Latin-derived *Nation* (nation in the political sense). The blurred line between the terms *Volk* and *Nation* was also pointed out in modern times by Antoni Czubiński. See Czubiński, “Rozwój poczucia narodowego”, 26.

⁴⁵ Struve, “Menschenrechte” [1847], 68–9.

⁴⁶ *Ibid.*, 71; Struve, Heinzen, *Die Schilderungen*, 3.

⁴⁷ Struve, “Menschenrechte” [1847], 64, 71–2.

4. "Wohlstand, Freiheit und Bildung für Alle" – the content of the idea of human rights

The views on the scope and content of G. Struve's ideas of human rights can be found in the pages of several of his written statements. His articles entitled *Human Rights (Menschenrechte)*, published in successive editions of the *State Lexicon*, should be considered the most important here. His views on human rights can also be found in minor publications. These are: the revolutionary appeal *Stand Ready (Macht euch bereit)*, written anonymously,⁴⁸ *The Characteristics of German Republicans in April 1848 (Die Schilderungen deutsche Republikaner im April 1848)*, co-authored by Karl Heinzen, and the *Commentary on the Draft constitution for the Kingdom of Hanover (Kommentar zu dem Entwurfe eines Staatsgrundgesetzes für das Königreich Hannover)*.

An analysis of all these sources confirms that G. Struve did not create a single, coherent catalog of human rights, which would contain detailed regulations and the reasons for them. The idea he proposed was based predominantly on "slogan-based" proposals. They were not supported by a thorough analysis but were short and concise political postulates. The idea of human rights was directed by G. Struve to the broad masses of the people, those who were to be the driving force of the anti-feudal rebellion. Therefore, its content referred to the problems that average and poor people were then predominantly affected by "pauperization, unemployment and feudal stratification." G. Struve should not be accused of populism, as his life confirms his sincerity in expressing his views. However, the aforementioned link between the demands of the German radical and the social groups to whom they were addressed cannot be left unnoticed. For this reason, G. Struve's concept of human rights is saturated with references to private ownership and equality issues, with less emphasis on "typically bourgeois" issues, such as freedom of speech or freedom of economic management. All these features of ideas of human rights in G. Struve's approach fit well with the character of the whole radical movement during the *Vormärz* and revolutionary developments.

It was therefore a difficult task to present a compact and uniform catalog of human rights stemming from G. Struve's views, though not an impossible one. Moreover, the shape of human rights was essentially constant throughout its life. The basic quote in this regard is that in which G. Struve described human rights as: "The right to life, the right to education and the right to free development of forces given to us by nature and shaped by external relations [...]."⁴⁹ Thus, it can be concluded that the German revolutionary included among his human rights the right to life, the right to "develop one's forces", personal freedom, the right to property and the right to education. It should be emphasized at this point that in G. Struve's perspective, the state was to play a significant role in the exercise of these rights.⁵⁰ The basic view of his idea of human rights is the truly

⁴⁸ *Stand Ready* is a piece (anonymous pamphlet) written on the eve of the revolution, forming a program proclamation to the German nation.

⁴⁹ Struve, "Menschenrechte" [1847], 71.

⁵⁰ However, it should be borne in mind that G. Struve granted each individual the capacity to choose freely and take independent responsibility for his or her life. This is why he criticized the police state (*Polizeistaat*). He was also not a supporter of the idea of *Rechtsstaat*. Struve, *Politisches Taschenbuch*, 77,

enlightenment-rooted belief that every human being has the goal of “the harmonious development of all his forces.” All individuals have the right to pursue this development. However, the process itself is conditioned by both physical and mental factors, the latter having a “higher nature.” These include the ability to think abstractly, to experience feelings, religious needs, the sense of freedom and law and the ability to create art and science.⁵¹ The above-mentioned abstract goal of human life was, in G. Struve’s opinion, a starting point compared to the scope of human rights; it is its determinant.

Therefore, the first and indispensable right, which is also the starting point for the exercise of other rights, is the “right to life”, which also includes the right to “sustain oneself” (*Selbsterhaltung*) and the right to “meet one’s natural needs.” The existence of any other right, in particular personal freedom and property, is conditioned by those set out above.⁵² G. Struve linked the issue of “sustaining oneself” with the question of labor, considering it not only to be the duty of every human being but also to be a factor in human development. Therefore, everyone capable of it should work. Importantly, in the absence of a job, it is up to the state to provide this to the individual. The social “flavor” in G. Struve’s views and addressing them towards the poor also confirms that the state should support those who are unable to work, for example, because of their age or illness.⁵³

The “right to develop one’s forces” is another relatively general right, the source of which, in G. Struve’s approach, should be sought in the purpose of human life as discussed earlier. Again, this gives the impression that it addresses, in the first instance, the most pressing social problems of the time. These included inequality resulting from the feudal social organization. According to G. Struve, however, everyone had the right to develop their forces, provided that it is the state that was to create the conditions for the development of an individual. This right should be respected not only by the state but also by other people. Individualism and egalitarianism should be considered as the guiding ideas when it comes to the right to develop one’s forces. Individualism is acceptance of the diversity of the human need for development and personal strength. G. Struve therefore accepted that there would be differences between various individuals in the state. The origin of these differences was important. Therefore, only objective, factual causes were reasonable, not “corrupt” (feudal) privileges. Therefore, individuals may differ in the process of developing their forces. However, they have an equal right to require the state to organize them in such a way that their development is as great as possible. To G. Struve, egalitarianism was based on combating all kinds of feudal particu-

79–80. The understanding of freedom as acting according to one’s own will was also found in J.J. Rousseau’s thought. For more detail on this subject, see Baranowska, “Marzenie o szczęściu”, 66.

⁵¹ Struve, “Menschenrechte” [1847], 69.

⁵² *Ibid.*

⁵³ Anonymous Author, *Macht euch bereit*, 1846, 56–7. G. Struve was very impressed by the prosperity he encountered in the US. He stressed that an important role in achieving this was played by “property creation” through labor rather than inheritance, as it was in Europe (in contrasting inheritance and property resulting from labor, G. Struve was reminiscent of Pierre-Joseph Proudhon). Thus, he identified the republic that was the US with individual creation of property by one’s own effort. At the same time, he devoted little space to reflecting on poverty in America at the time, although it cannot be said that he did not see it. Reiß, *Radikalismus und Exil*, 224–5; Struve, “Menschenrechte” [1847], 70.

larisms. Only the strength and abilities of an individual should decide what profession they would pursue. Age, gender, wealth and, above all, birth status did not matter here.⁵⁴

The right to free development, in G. Struve's view, also entailed the "eternal and inalienable" right to require the state to provide the individual with an education corresponding to his abilities and talents.⁵⁵ G. Struve advocated that all education at all levels be free, funded by the municipal state budget and accessible to every citizen. In addition, he argued that the state should support parents in the process of raising children, at least in such a way that the children do not suffer from the parents' inability to meet their vital needs in life.⁵⁶ So again we are talking about the law addressing one of the problems of the "everyman" at that time, *id est* the lack of the possibility of obtaining appropriate education. Moreover, for the full development of his forces, man needs inviolability and freedom of action. G. Struve spoke here not only of personal immunity but also of spiritual immunity. He also included the right to freedom in the conviction that it was permissible for an individual to do anything that does not violate moral or statutory law. Individual freedom could also be limited by the legitimate objectives of the state. However, the principle was to secure for the individual the widest possible room for action in the development of their forces.⁵⁷ Like the above, the state should be a factor that guarantees and safeguards freedom.

One of the most pressing problems related to the social question in the 19th century was private property. In fact, this was about the lack of this and the inability of the wider population to gain it. Property was then concentrated in the hands of a narrow group of people (the aristocracy and the then nascent bourgeoisie), and it was very difficult for a commoner to become the owner of a larger estate. Hence, one of the human rights for G. Struve was precisely the right to property, the possession of which he associated, like John Locke, with freedom. This view is certainly not an original one. Interestingly, it is characteristic of liberalism. G. Struve was also linked to the liberals by his conviction about the great importance of the protection of property. This issue was so important to him that he equated it with the postulate of the right to life and its protection. For G. Struve, private property was not only the basis for meeting the needs for living but also the starting point for individual freedom and prosperity (for G. Struve, an example of which were the USA and England, richer and "freer" than the Germany of his time). This was primarily about the relationship of dependence: people capable of acquiring goods and accumulating them ensure for themselves a future and a dignified existence for their families and loved ones.⁵⁸ The fact that G. Struve classified the right to property as a human right only confirms that the lack of ownership by the disadvantaged classes was one of the most important problems at the time. Directing his ideas to the masses, G. Struve also stated: "As long as the poorer classes suffer from a deficiency in meeting

⁵⁴ Struve, *Kommentar zu dem Entwurfe*, 6; Struve, "Menschenrechte" [1847], 69–71.

⁵⁵ *Ibid.*, 71.

⁵⁶ *Ibid.*; Anonymous Author, *Macht euch bereit*, 54. For G. Struve, the "right to develop one's forces" (as long as it does not infringe on the rights of other people, of course) was the basis for such fundamental rights (*Grundrechte*) as freedom of the press, freedom of speech, freedom of association and freedom of science. Struve, "Menschenrechte" [1847], 71.

⁵⁷ Struve, *Kommentar zu dem Entwurfe*, 24; Struve, "Menschenrechte" [1864], 768–9.

⁵⁸ *Ibid.*, 768; Struve, *Diesseits und Jenseits, Erster Jahrgang, Erstes Heft*, 108.

the inevitable needs of living, they have every right to demand that the richer classes give them as much of their abundance as is necessary to satisfy them.”⁵⁹

No more evidence is needed that in the conflict between the poor and the rich, as G. Struve supported the former. Those who had more should bear a proportionally larger burden. Hence G. Struve’s proposal for progressive taxation of income and wealth. The tax burden was expected to increase along with one’s increase in wealth. G. Struve’s views related primarily to the fiscal system, as well as to civil law. According to the German revolutionary, a citizen who did not own or earn more than necessary for his own living should be exempted from all indirect and direct taxes.⁶⁰ He also advocated the abolition of tax burdens from the basic issues necessary for living, such as food, housing and clothing. As part of the human right to property, he also postulated exempting the land owned by small owners from feudal servitudes. Finally, he wanted to introduce the principle of the legal ineffectiveness of a judicial judgment which would deprive a citizen of the opportunity to satisfy his basic needs in life directly or indirectly.⁶¹ As with the development of individual forces, G. Struve imposed certain obligations on the state concerning private ownership. It is the state that should therefore establish a system (legal, economic) that would enable everyone to acquire private property. It should also create a system to protect it. On the other hand, the citizen had the right to require the state to remove any obstacles likely to hinder or prevent the acquisition of property.⁶²

Given the socio-political circumstances of the time, the changes proposed above were revolutionary in nature. G. Struve was also aware of this, but he was not afraid of radical demands. One can see in his views the conviction that this human right will require the use of force and other radical action for its implementation. He believed that “the one who wants prosperity, education and freedom for all must get ready to fight.” He considered the process of revolutionary struggle itself as something good, and he believed that it was in the course of this that people would develop appropriate forces through which they would appreciate the goods they had gained. There was also his reference to constant watchfulness – *Unausgesetzte Wachsamkeit* – which can be compared to “revolutionary vigilance.”⁶³

Concerning private property, the views of G. Struve, presented in strictly revolutionary writings, cannot be ignored. It would not be a mistake to say that they were very far-reaching, even contradicting his previous views on the idea of human rights. In his appeal *Stand Ready*, published just before the revolution, G. Struve wrote about the need to introduce a maximum amount of land ownership so as to prevent a relatively large amount of land from being held by one person. This was, of course, about representatives of aristocratic families, with municipalities and states being exempt from this prohibition. Interestingly, however, he left the door open to change his views, saying that it was only a proposal, not an unambiguous principle. However, there had already been a view

⁵⁹ Struve, “Menschenrechte” [1847], 70.

⁶⁰ *Ibid.* G. Struve at many points advocated a progressive “property tax” (*Vermögens-steuer*). Anonymous Author, *Macht euch bereit*, 54.

⁶¹ Struve, “Menschenrechte” [1847], 70.

⁶² Struve, “Menschenrechte” [1864], 769.

⁶³ Struve, *Diesseits und Jenseits, Erster Jahrgang, Erstes Heft*, 108.

here which became even more radical afterwards.⁶⁴ The call published in September 1848 in the *Republican Government Gazette* under the slogan "Prosperity, Education and Freedom for All!" also contained radical proposals regarding private property. It included an order for all mayors to transfer all property of the state, Church and citizens who supported aristocracy to the provisional administration run by the municipality "until the planned compensation procedures are carried out in the future." Section 5 of the draft constitution of the future united republic of Germany, which was drawn up by G. Struve in 1848, cannot be omitted here, either. In addition to the abolition of the monarchy with all the rights of the aristocracy, it also provided for the expulsion from Germany of all members of ducal families. Those who would voluntarily relinquish their property were to be paid an appropriate sum to maintain themselves abroad (but only if they had no other assets outside Germany). Although these demands were recognized by both liberals and conservatives, they were generally seen as grotesque and were actually mocked.⁶⁵

While the views on private property presented by G. Struve during the revolution were more than radical, those he expressed during his exile were even more striking due to their drastic nature. In the second and last issue of the *Union of Peoples' Journal*, published in Geneva, he proposed the extermination (!) of ducal families, their expropriation and a new distribution of land to property-less people, as well as the forfeiture of movable property in favor of the state. The new state was to be based on the principle: "Everyone has the right to enjoy life. The right to life is superior to the right to property. No one has the right to luxury. The state has a duty to give every citizen a job."⁶⁶ However, G. Struve did not grant that right to members of aristocratic families.

5. Conclusion

Both G. Struve and other German democrats in the era of the Springtime of Nations were, in their activities, either placed on the periphery of mainstream political events or were deprived of the opportunity to participate in them ("unnoticed" by the liberal mainstream, so to speak). This was determined not only by liberals' aversion to democratic ideas but also by the lack of interest in radical demands among the majority of the population. Democratic ideas, also including what G. Struve said about human rights, were thus another example of the "special character" of political and legal change in 19th-century Germany. The country, on the one hand, absorbed reform ideas coming from the west of the continent but, on the other hand, was still too immature in social terms to implement them. An example of this is precisely the idea of human rights presented by G. Struve. It is a manifesto of a German democrat about what a just social order should look like. It contains many, often very radical, ideas. Perhaps it was this radicalism that

⁶⁴ Anonymous Author, *Macht euch bereit*, 57.

⁶⁵ Struve, *Die Grundrechte*, 7; Reiß, *Radikalismus und Exil*, 148–9.

⁶⁶ Reiß, *Radikalismus und Exil*, 195–6.

made German society, still overly conservative, unable to take an interest in these ideas *en masse*?

The idea of human rights in G. Struve's concept, like all the views expressed by representatives of the German democratic movement, was a relatively immature and eclectic phenomenon. There is no deeper reflection visible in his views. His references to the origin of the idea of human rights are correct but certainly not thorough.⁶⁷ It is clear that, unlike moderate liberals, G. Struve, a democrat, advocated perceiving human rights as an independent concept. Moreover, it is the constitutional order of the state that should be based on legitimate human rights.⁶⁸ He used slogans aimed primarily at mobilizing the people. He did not create a coherent system of human rights defining their content. Nor did he make a clear distinction between human rights and political rights. He rather hid under this term the answer to the most important problems of German society at the time. He therefore referred to freedom, property and equality. Being fascinated with America, he contrasted it with Europe, promoting republican ideas as one of the remedies for the problems of his time. However, despite his fascination with America (free market, capitalist), he often used leftist terminology. After all, he referred to "working classes" or inequality "between work and capital." He was also radical on the issue of private property, and he put forward a proposition that the aristocracy be expropriated and exiled. Moreover, he postulated a major role of the state in economic processes. G. Struve's views on the social dimension of private property and the need for a fairer social order (apart from the most radical ones, of course) are part of the German tradition of a welfare state and the so-called *Sozialbindung* (social responsibility) of private property, which is now expressed in Article 14(2) of the German Constitution. It is interesting that a book published more than a hundred years later by Ludwig Erhard, the originator of the post-war German *Wirtschaftswunder*, was titled *Wohlfahrt für Alle (Prosperity for All)*.⁶⁹

The lack of consistency in G. Struve's views was evidenced (although later, in 1864) by his criticism of the idea of the sovereignty of the people in the thought of J.J. Rousseau (which he had initially affirmed).⁷⁰ What is surprising here is the view that in each state, the wise and rational people always constitute a minority. Sovereignty of the people will lead to the rule by the stupid and, as a result, to a tyranny.⁷¹ G. Struve's inconsistency can also be seen in his views on political rights, particularly in the context of universal suffrage. In his works of a revolutionary character addressed to the people, he always supported the universal sovereignty of the people and the lack of any kind of eligibility criteria, and so the political rights were to be exercised by every citizen. But in his writings of a more scholarly nature, he presented other views. He did not give up the belief that an individual should be involved in the management of the community (the state).

⁶⁷ For example, G. Struve did not write about Seneca's achievements in the field of human rights. When pointing to the importance of Christian thought (which, after all, he noticed), he did not look in detail into at least the impact of Saint Thomas Aquinas' views in this regard. G. Struve failed to refer to the views of Okham either. Merkwa, *U źródeł idei praw człowieka*, 73, 85, 107.

⁶⁸ Schieder, "Frühe Arbeiterbewegung", 12.

⁶⁹ For more detail on this subject, see Löhnig, "The Social Function", 111–21.

⁷⁰ For more detail on the sovereignty of the people according to Rousseau, see: Lis, "Jean-Jacques Rousseau i James Madison", 73–90.

⁷¹ Struve, "Menschenrechte" [1864], 767–8.

Nonetheless, this did not mean for him the need of universal suffrage due to differences in the ability to assess the political situation by people.⁷²

Bibliography

Primary sources

- Anonymous Author. *Macht euch bereit. Ein Wort an das deutsche Volk*. Herisau: Druck und Verlag des Literarischen Instituts, 1846.
- Kamptz, Karl Albert von. *Die deutsche constituirende National-Versammlung in Frankfurt von der Kritik des Staatsrecht*. Berlin: Decker, 1849.
- Struve, Gustav. "Menschenrechte." In: *Das Staats-Lexikon. Encyklopädie der sämtlichen Staatswissenschaften für alle Stände*, 9 Bd., ed. Karl Welcker, 766–9. Leipzig: F.A. Brockhaus, 1864.
- Struve, Gustav. "Menschenrechte." In: *Das Staats-Lexikon. Encyklopädie der sämtlichen Staatswissenschaften für alle Stände*, 9 Bd., eds. Carl von Rotteck and Carl Welcker, 64–72. Altona: Verlag von Johann Friedrich Hammerich, 1847.
- Struve, Gustav. *Die Grundrechte des deutschen Volkes*. Birsfelden: J.U. Walser, 1848.
- Struve, Gustav. *Diesseits und Jenseits des Oceans. Jahrbuch zur Vermittelung der Beziehungen zwischen Amerika und Deutschland, Erster Jahrgang, Erstes Heft*. Coburg: F. Streit, 1864.
- Struve, Gustav. *Grundzüge der Staatswissenschaft*. Bd. 1. Mannheim: Selbstverlag des Verfassers, 1847.
- Struve, Gustav. *Kommentar zu dem Entwurfe eines Staatsgrundgesetzes für das Königreich Hannover, Drittes Heft*. Rinteln: Albrecht Osterwald, 1832.
- Struve, Gustav. *Politisches Taschenbuch für das deutsche Volk*. Frankfurt am Main: Literarische Anstalt, 1846.
- Struve, Gustav and Heinzen, Karl. *Die Schilderungen der deutschen Republikaner im April 1848*. Strasßburg: Schmidt und Drucker, 1848.

Studies

- Ackermann, Karl. *Gustav v. Struve mit besonderer Berücksichtigung seiner Bedeutung für die Vorgeschichte der Badischen Revolution*. Mannheim: M. Hahn, 1914.
- Ashton, Bodie Alexander. "Constitutionalism as a Force of Popular Loyalty: Constitutional and Unconstitutional Württemberg in the Early Nineteenth Century." *Giornale di Storia Costituzionale* 34 (2017): 137–59.
- Baranowska, Marta. "Marzenie o szczęściu, czyli idea prawa natury w filozofii Jana Jakuba Rousseau." *Czasopismo Prawno-Historyczne* 65, no. 2 (2013): 55–72.
- Barwicka-Tylek, Iwona and Pietrzyk-Reeves, Dorota. "Wolność w ujęciu Jana-Jakuba Rousseau. Pomiędzy starożytnymi a nowożytnymi." *Krakowskie Studia z Historii Państwa i Prawa* 9, no. 2 (2016): 211–32.

⁷² Anonymous Author, *Macht euch bereit*, 57–8; Struve, *Die Grundrechte*, 8–9; Struve, "Menschenrechte" [1864], 769.

- Birtsch, Günter. "Gemäßigter Liberalismus und Grundrechte. Zur Traditionsbestimmtheit des deutschen Liberalismus von 1848/49." *Geschichte und Gesellschaft* 9 (1983): 22–38.
- Cancik, Pascale. "Selbst Ist das Volk: Der Ruf Nach Volkstumlichkeit der Verwaltung in der Ersten Hälfte des 19. Jahrhunderts." *Der Staat* 43, no. 2 (2004): 298–327.
- Czapliński, Władysław, Galos, Adam and Korta, Waław. *Historia Niemiec*. Wrocław [etc.]: Zakład Narodowy im. Ossolińskich. Wydawnictwo PAN, 1990.
- Czubiński, Antoni. "Rozwój poczucia narodowego i dążeń do zjednoczenia narodowego w krajach niemieckich w dobie kapitalizmu (1776–1945)." In: *Pojęcia „Volk” i „Nation” w historii Niemiec. Materiały z sesji naukowej zorganizowanej przez Zakład Historii Niemiec IH UAM w dniu 15 V 1979 r.*, ed. Antoni Czubiński, 25–58. Poznań: Wydawnictwo Naukowe Uniwersytetu im. Adama Mickiewicza, 1980.
- Frei, Alfred Georg and Hochstuhl, Kurt. *Wegbreiter der Demokratie. Die badische Revolution 1848/49. Der Traum von der Freiheit*. Berlin–Heidelberg: Springer Verlag, 1997.
- Giltaj, Jacob. "Human rights, Roman law and Stoicism: Rephrasing the question." *Academy of Athens Yearbook of the Research Centre for the History of Greek Law* 46 (2016): 105–31.
- Hartmann, Bernd J. "How American Ideas Traveled: Comparative Constitutional Law at Germany's National Assembly in 1848–1849." *Tulane European & Civil Law Forum* 17 (2002): 23–70.
- Jäkel, Marcel. "Die «Paulskirchenverfassung» der Frankfurter Nationalversammlung. Umstände und Grundzüge ihrer Entstehung, Inhalte und historischen Bedeutung." *Juristische Ausbildung* 3 (2019): 231–43. DOI: <https://doi.org/10.1515/jura-2018-2052>.
- Jansen, Christian. "Struve, Gustav Carl Johann Christian (bis 1847 von S.)." <https://www.deutsche-biographie.de/sfz56365.html> (accessed: 14.07.2021).
- Kuźmich, Karol. "Antytotalitarne przesłanie filozofii prawa Immanuela Kanta." *Studia nad Autorytaryzmem i Totalitaryzmem* 42, no. 4 (2020): 307–26.
- Langewiesche, Dieter. "Gesellschafts- und verfassungspolitische Handlungsbedingungen und Zielvorstellungen europäischer Liberaler in den Revolutionen von 1848." *Geschichte und Gesellschaft* 9 (1983): 341–62.
- Leonhard, Jörn. "Anatomies of failure? Revolutions in German history: 1848/49, 1918 and 1989/90." In: *Ten Years of German Unification: Transfer, Transformation, Incorporation?*, ed. Jörn Leonhard, 21–55. Birmingham: University of Birmingham Press, 2002.
- Lerg, Charlotte A. *Amerika als Argument: Die deutsche Amerika-Forschung im Vormärz und ihre politische Deutung in der Revolution von 1848/49*, Bielefeld: transcript Verlag, 2011.
- Lesińska-Staszczuk, Magdalena. "Dyskryminacja ze względu na pochodzenie rasowe i etniczne – wybrane aspekty." In: *Europejskie i polskie doświadczenia z etnicznością i migracjami w XXI wieku*, eds. Anita Adamczyk, Andrzej Sakson and Cezary Trosiak, 343–52. Poznań: Wydawnictwo Naukowe Wydziału Nauk Politycznych i Dziennikarstwa UAM, 2018.
- Lesiński, Paweł. "«Wohlstand, Bildung und Freiheit für Alle.» Idea praw człowieka w poglądach Gustava Struvego jako przykład radykalnej demokratycznej niemieckiej myśli polityczno-prawnej doby Wiosny Ludów." *Krakowskie Studia z Historii Państwa i Prawa* 15, no. 4 (2022): 537–56.
- Lis, Rafał. "Jean-Jacques Rousseau i James Madison. Dwa modele obywatelstwa w tradycji doktryny suwerenności ludu." *Horyzonty Polityki* 7, no. 18 (2016): 73–90.
- Löhnig, Martin. "The Social Function of Property in German Law." In: *Léon Duguit and the Social Obligation Norm of Property*, eds. Paul Babie and Jessica Viven-Wilksch, 111–21. Singapore: Springer, 2019.
- Łuszczczyńska, Małgorzata and Łuszczzyński, Artur. "Autorytarne prawa naturalne? – kilka uwag o negatywnym potencjalnie pozytywnych idei." *Studia nad Autorytaryzmem i Totalitaryzmem* 39, no. 2 (2017): 9–23. DOI: 10.19195/2300-7249.39.2.1.

- Luszczynska, Małgorzata. "Katolicka nauka społeczna – doktryna per se czy per participati-
nem?" *Studia Iuridica Lublinensia* 17 (2012): 89–102.
- Maciejewski, Marek. "Doktrynalne ujęcia relacji prawo naturalne – prawo stanowione od sta-
rożytności do czasów oświecenia." *Krakowskie Studia z Historii Państwa i Prawa* 8, no. 2
(2015): 107–132. DOI: 10.4467/20844131KS.15.007.3813.
- Maciejewski, Marek. "Życie, wolność, własność, bezpieczeństwo. Doktrynalne przesłanki wczes-
nych regulacji praw człowieka." *Wrocławsko-Lwowskie Zeszyty Prawnicze* 1 (2010): 13–39.
- Merkwa, Marcin. *U źródeł idei praw człowieka. Kształtowanie prawnych i filozoficznych podstaw
koncepcji prawa człowieka*. Lublin: Wydawnictwo UMCS, 2018.
- Moeller, Frank. "The German Revolution of 1848–1849 – New Perspectives." *Вестник СПбГУ.
История* 62, no. 3 (2017): 601–12. DOI:10.21638/11701/spbu02.2017.311.
- Müller, Carolin. "Von der Heidelberger Versammlung zur Paulskirche." In: *Auf dem Weg zur
Paulskirche: Die Heidelberger Versammlung vom 5. März 1848, Begleitband zu der Ausstel-
lung im Kurpfälzischen Museum der Stadt Heidelberg vom 5. März – 3. Mai 1998*, eds. Frank
Engehausen and Frieder Hepp, 75–87. Ubstadt-Weiher: Verlag Regionalkultur, 1998.
- Paluszyński, Tomasz. *Historia Niemiec i państw niemieckich. Zarys dziejów politycznych*. Po-
znań: Oficyna Wydawnicza Wyższej Szkoły Języków Obcych, 2006.
- Peiser, Jürgen. *Gustav Struve als politischer Schriftsteller und Revolutionär*. Frankfurt am Main:
Johann Wolfgang Goethe-Universität, 1973.
- Reiß, Ansgar. *Radikalismus und Exil. Gustav Struve und die Demokratie in Deutschland und
Amerika*. Stuttgart: Franz Steiner Verlag, 2004.
- Sadowski, Mirosław. "Naturalne i społeczne prawa człowieka w nauczaniu papieża Leona
XIII." *Zeszyty Prawnicze UKSW* 11, no. 4 (2011): 103–36.
- Schieder, Wolfgang. "Frühe Arbeiterbewegung und Menschenrechte im deutschen Vormärz." *Mit-
teilungsblatt des Instituts zur Erforschung der europäischen Arbeiterbewegung (IGA)* 18
(1997): 10–4. DOI: <https://doi.org/10.13154/mts.18.1997.10-14>.
- Schmale, Wolfgang. *Archäologie der Grund- und Menschenrechte in der Frühen Neuzeit: Ein
deutsch-französisches Paradigma*. München: Oldenbourg, 1997.
- Shorter, Edward. "Middle-Class Anxiety in the German Revolution of 1848." *Journal of Social
History* 2, no. 3 (1969): 189–215.
- Stolleis, Michael. *Geschichte des öffentlichen Rechts in Deutschland*. München: CH Beck, 1992.
- Szczurkowska, Jolanta. *Ja patriota. Psychologia patriotyzmu*. Warszawa: Difin, 2016.
- Tracz-Tryniecki, Marek. "Tocqueville patrzy na Europę." [https://teologiapolityczna.pl/marek-
tracz-tryniecki-tocqueville-patrzy-na-europe#](https://teologiapolityczna.pl/marek-tracz-tryniecki-tocqueville-patrzy-na-europe#) (accessed: 16.05.2022).
- Tracz-Tryniecki, Marek. *Mysł polityczna i prawna Alexisa de Tocqueville*. Kraków: Księgarnia
Akademicka, 2009.
- Wawrykowa, Maria. *Dzieje Niemiec 1789–1871*. Warszawa: Państwowe Wydawnictwo Nauko-
we, 1980.
- Wende, Peter. *Radikalismus im Vormärz: Untersuchungen zur politischen Theorie der frühen deu-
tschen Demokratie*. Wiesbaden: Steiner, 1975.
- Winkler, Heinrich August. *Długa droga na Zachód. Dzieje Niemiec*. T. 1: 1806–1933. Transl.
Viktor Grotowicz, Marta Kopij and Wojciech Kunicki. Wrocław: Wydawnictwo Uniwersytetu
Wrocławskiego, 2007.
- Zimmerman, Andrew. "From the Rhine to the Mississippi: Property, Democracy, and Socialism in
the American Civil War." *Journal of the Civil War Era* 5, no. 1 (2015): 3–37.