

forum historiae iuris

Erste Internet-Zeitschrift für Rechtsgeschichte

<http://www.rewi.hu-berlin.de/FHI/>

Herausgegeben von:

Prof. Dr. Hans-Peter Benöhr (Berlin)
Prof. Dr. Christoph Paulus (Berlin)
Prof. Dr. Rainer Schröder (Berlin)
Prof. Dr. Albrecht Cordes (Frankfurt a. M.)
Prof. Dr. Mathias Schmoeckel (Bonn)
Prof. Dr. Franck Roumy (Paris)
Prof. Dr. Juan Sainz Guerra (Jaén)
Prof. Dr. Emanuele Conte (Rom)
Prof. Dr. Massimo Meccarelli (Macerata)
PD Dr. Michele Luminati (Zürich)
Dr. Fred G. Bär (Berlin)
Dr. Hans-Peter Haferkamp (Berlin)
Dr. Andreas Thier (München)
Dr. Hans-Georg Hermann (München)

Article from February 2nd, 1998

© 1998 fhi

First Publication

Quotations:

<http://www.rewi.hu-berlin.de/FHI/zitat/9802welker.htm>

Karl H.L. Welker

History of Law as Legal Policy: Justus Möser as a Jurist and Statesman^{*)}

0. **Theses**
1. **ad 1)**
2. **ad 2)**
3. **ad 3)**
4. **ad 4)**
5. **ad 5)**
6. **ad 6)**
7. **ad 7)**
8. **ad 8)**

Existing academic analyses refer to Möser as a doyen of conservatism,¹⁾ as a forerunner of irrational tendencies of the Romantic era,²⁾ as one of the first proponents of historicism³⁾ and as an adversary of the Enlightenment⁴⁾ and the French Revolution⁵⁾. He is regarded as a critic of enlightened absolutism⁶⁾ and as a patriarchal administrator and statesman⁷⁾. These epithets, however, do not conclusively reflect the goals Möser pursued in his everyday professional and literary life.

1

In "History of Law as Legal Policy" I have tried to give an overview of Möser's oeuvre without reverting to the attributes given to him in the secondary literature. In doing so, I have focused less on determining the place Möser occupied in broad historical dimensions than on the way Möser used history to support initiatives of legal policy. As the concept of experience is at the core of his methodological reflections, a sound understanding of his legal thinking necessitates not only an analysis of his literary standpoints, but also an account of the scope of his professional activity. The resulting separation into theoretical and practical aspects is reflected in the dual structure of this work. The first volume is dedicated to an analysis of Möser's political philosophy, the second to an account of his professional activity.

2

Both Möser's theoretical and professional writings are marked by a common principle: that of patriotism. Möser's concept of patriotism was detached from corporate interests and was directed at serving the well-being of the community as a whole.⁸⁾ An analysis of Möser's idea of the public good was the main object of both volumes. The findings can be

3

summarized as follows:

1. Möser did not want to justify the present political conditions, but strove to contribute to their improvement.⁹⁾ 4
2. In spite of the fact that several of Möser's concepts were based on historical and social context, his political philosophy was principally characterized by a vital individualism.¹⁰⁾ He adopted single ideas of natural law under exclusion of their philosophical implications.¹¹⁾ 5
3. Möser did not interpret history deterministically.¹²⁾ Instead, he ordered the collected knowledge of experience according to pragmatically selected points of view and always against the background of contemporary issues.¹³⁾ 6
4. Möser did not oppose the ideals of the Enlightenment, but stood in their tradition.¹⁴⁾ Taking up the national literary discussion, he created a local forum for the public exchange of opinion by founding a newspaper.¹⁵⁾ He assumed the role of an arbitrator of the debates he initiated and let knowledgeable readers have the floor, as long as their contributions served patriotic purposes.¹⁶⁾ 7
5. Möser was open to changes in legal views. He supported them where he perceived them as being founded on personal experience.¹⁷⁾ However, he rejected initiatives based solely on ideas without factual necessity.¹⁸⁾ 8
6. Möser not only supported and criticized individual reform projects, but also pursued a comprehensive legal policy concerning the governmental structure of Osnabrück.¹⁹⁾ His unique position in the political system of the prince-bishopric allowed him to clear the ground for an estate-oriented, comprehensive reorganization of public life. 9
7. As a statesman, Möser did not only give legal advice. He also used his official administrative powers to promote compromises among Estates and religious denominations.²⁰⁾ 10
8. Möser's theoretical concepts and practical efforts for territorial legislation were both intended to promote the political development of the prince-bishopric of Osnabrück.²¹⁾ Not always were his efforts successful.²²⁾ Projects of particular importance to Möser often failed for lack of spirit of enterprise on the part of the Estates.²³⁾ 11

ad 1.

Möser used his essayistic and historiographical publications to make clear individual political positions. He did not create a single, uniform oeuvre. Instead, his work is of a literary nature, characterized by provoking treatises, behind-the-scenes causeries and digressions from the topic at hand. The literary character of his work is particularly evident in his *Osnabrück History*, which was not intended to be a comprehensive factographical overview, but a national epic in prose.²⁴⁾ 12

In his literary writings, Möser dispensed with a conceptional system. He preferred individual argumentative strands, embellished with imagery, recurring themes and historical allusions.²⁵⁾ His rhetoric was oriented to the public he addressed. By provocation, humor and appeals to their responsibility for the common good, Möser strove to arouse his readers to dialogue.²⁶⁾ This type of stimuli was intended to bring about a general discourse on political questions. This intention is particularly evident in the newspaper articles later embodied in his *Patriotic Phantasies*. 13

By public expressions of opinion, influenced in content and form by himself, Möser hoped to influence Osnabrück's legislation.²⁷⁾ The Estates and the government were the institutions most often targeted in Möser's newspaper articles. 14

Möser made mention of the social conditions of Osnabrück with the sole aim of illustrating accomplished or intended political changes. Aspects of purely antiquarian interest constitute a very minor part of his work.²⁸⁾ History provided Möser not only with a means of understanding present conditions as a product of past events, but also with a source of inspiration for national improvement.²⁹⁾ 15

Möser's ultimate goal was the achievement of peaceful coexistence of different cultures and faiths. He abhorred civil war and other violent social conflicts.³⁰⁾ Although the clashes between the Protestants and Catholics of Osnabrück did not play an overriding role in Möser's literary work, they were an essential part of his everyday professional life.³¹⁾ His permanent contact with denominational conflicts explains his call for an improved Westphalian Peace as a political goal of prime importance.³²⁾ 16

ad 2.

Möser formulated quite diverse programmatic goals. However, the preservation of the political and cultural self-determination of Osnabrück was of utmost priority among them. Also of great importance was his wish to preserve the self-sufficiency of the yeomanry of 17

the region. But Möser's political effectiveness was impeded from the very beginning by conflicts among the Estates which prevented them from acting collectively.³³⁾ For this reason, Möser often had to resolve questions of the legislative competence of the regional institutions before he could proceed to recommend his own reform policy to them.³⁴⁾

As a statesman, Möser addressed his conversation partners much as he did in his literary writings by appealing to his partner's material self-interest. Although he often expressed his political opinions by describing imaginative scenarios, he never lost sight of his concrete agenda. His Socratic, discursive approach did not serve to secure the advantage of specific individuals or groups. Instead, Möser always linked the welfare of the individual to that of the community as a whole.³⁵⁾

18

Möser viewed man as a being forced into social community by the common need for protection.³⁶⁾ The historical development of this basic union decisively shaped Möser's legal philosophy. However, he did not consider national history to be the sole origin of law, but -- notwithstanding his attempts at historical precision -- he occasionally even adopted concepts of natural law to support his views on the state.³⁷⁾ It is in this manner that he maintained the existence of a closed society as a historical continuity based on individual contracts and traced contemporary property rights back to an original territorial conquest.

19

ad 3.

In contrast to the importance Möser accorded to history as a collective societal experience in his literary work, the historical argument played a merely subordinate role in his professional administrative writing.³⁸⁾ Möser preferred to solve specific political problems by means of classic diplomacy, by resolving interests.³⁹⁾ In issues of broader importance, however, particularly those which lay beyond the competences endowed to him, he often made reference to the historical background. This historical perspective afforded him not only insight into contemporary legal problems, but political orientation in general.

20

Whereas Möser's literary work was to a great extent designed to expose hidden aspects of present reality, his historiographical efforts served mainly to promote a knowledge of the past. He viewed the diversity of the past as the result of an organic development.⁴⁰⁾ In contrast, he regarded national history as the result of intentional political change.⁴¹⁾

21

Although Möser considered the state to be a work of art with fallible qualities, a means of possible despotism, he believed in the physical conditions of settlement as a sound foundation for a permanent national union.⁴²⁾ The "local reason" of the region and the collective knowledge and experience of its ancestors provided in his opinion the basis for

22

the development of patriotic ambition among the inhabitants of Osnabrück.⁴³⁾

Although Möser considered the original national union to be a guiding source for the further development of contemporary governmental policy, he did not ascribe automatically binding normative power to surviving medieval institutions.⁴⁴⁾ National history provided him with examples to which he could refer on different occasions in different ways. On the basis of these didactic examples, Möser's countrymen could find a common argumentative level that could contribute to the development of a sense of identity. Motive and goal of such patriotic discourse was to optimize the present political, economic and moral conditions. 23

With his references to present legal and governmental issues, Möser gave history a pragmatic direction.⁴⁵⁾ He did not choose to enumerate a series of virtuous and reprehensible historical events. Instead, he traced concrete regional conflicts back to their sources in the past.⁴⁶⁾ Thus, Möser instrumentalized history not to the end of solidifying the body politic in the form it had acquired over time, but to further develop it on the basis of existing cultural predispositions. 24

ad 4.

Möser was not an advocate of popular Enlightenment.⁴⁷⁾ His didactic method was neither intended to teach nor to organize knowledge in a teachable way.⁴⁸⁾ He rather considered national education to be an evolutionary process, to which he only wanted to lend support and guidance.⁴⁹⁾ Whereas his *Patriotic Phantasies* provided his local readers with material for discussion, his *Osnabrück History* was intended to serve them as a subject for private study and an alternative to contemporary imperial history.⁵⁰⁾ 25

Möser understood his own patriotic activities as community service. This is particularly true of his newspaper articles. By pointed expressions of opinion he hoped to provoke unvarnished responses from his readers. At the same time he was able to address the government and the Estates in matters in which he possessed no official power. In this way he could hope to expand his political influence with regard to his reform projects.⁵¹⁾ 26

Möser strove to serve the common good with his literary and official activities but did not attempt to resolve political conflict objectively. Although he always tried to assume an independent stance with regard to the Estates, he felt deeply bound to the interests of the nobility and the Protestants.⁵²⁾ However, it may be viewed as a sign of his intellectual independence that on occasion he quite vehemently contradicted his noble superiors and in religious matters did not always conform to the views purported in contemporary ecclesiastic writings. The sum of his work was marked by his ability to negotiate between 27

unreconcilable positions in a tactically wise manner.

In his administrative activities, Möser was not so much motivated by an ideal of religious tolerance than by a real need for practicable boundaries between the Protestant and Catholic parishes of Osnabrück. He drew these boundaries on the basis of property law.⁵³⁾ In doing so, Möser did not only define religious domains, but also the premises of his historical, legal and state philosophy. His thinking was based on the link between political freedom and property.⁵⁴⁾ The broad diversity this relation allowed opened up an unlimited multiplicity of possibilities of human coexistence. Möser prevented a relativization of cultural groups by recognizing in the sum of historical experience the measure of a more or less successful political development. 28

ad 5.

The subject of historical change was for Möser a community of common ancestry, politically represented by Estates, which could at any time be dismissed by the national assembly.⁵⁵⁾ Möser scrutinized critically decisions made by representative bodies.⁵⁶⁾ His criticism of certain resolutions of the French *assemblée nationale constituante* shows his efforts to bring legislative acts into the public discussion, particularly with regard to the discrimination of individual groups brought about by changes made in the French constitution. 29

Möser considered not only landowners, but also unpropertied persons of credit to be members of the nation and extended the circle of "true patriots" in Osnabrück to tenant farmers.⁵⁷⁾ However, at the same time he pled for a restriction of the privileges enjoyed by the nobility.⁵⁸⁾ Möser felt that the noble Estate should continue to fulfil its hereditary administrative role, but that the total number of its members should be limited as under the English gentry system. 30

His views necessarily collided with the idea of universal human rights.⁵⁹⁾ Their proclamation in 1789 was an occasion for Möser to reject the concept of *ipso jure* individual claims. In his opinion, rights based on declaration could not be protected effectively. He illustrated this with the metaphor of a citizen who enjoys protection in his own country, and a foreigner, who, without shelter, is prey to the elements. Möser felt that the equal treatment that Christians received before God could not be realistically adopted in society. Not even claims to material justice were actionable because proof could only be offered of acquired or contracted rights. In contrast, Möser considered human rights based on reason to be fictitious.⁶⁰⁾ 31

However, Möser believed that binding law had similar cultural implications. Although he attempted in his historical writings to bring forgotten moments of national freedom into collective consciousness,⁶¹⁾ he accepted the idea that legal self- organization of the state community should provide direction in an uncertain future.⁶²⁾ Möser did not see society as bound to a central ruler, but as an organically differentiated variety. For this reason he tried not so much to form a rigid system of territorial rights, but explored in his writings the theoretical prerequisites of legislation and policy.⁶³⁾ 32

Accordingly, his official activities were seldomly directed at upholding existing legal conditions, for example by construing legally fixed forms of government. Möser preferred to recommend general rules for overcoming existing conflicts. In doing so, he trusted in his own intuition, which he had acquired in many years of professional experience.⁶⁴⁾ 33

ad 6.

Möser's patriotic efforts focused on the reconstruction of Osnabrück after the Seven Years War.⁶⁵⁾ In his opinion, the prince-bishopric, which he described as consisting of nothing but borders, could not successfully recover economically if it isolated itself from its neighboring territories. To promote economic development, Möser introduced a new order of money-lending and reduced restrictions on foreign trade.⁶⁶⁾ To enable cross-border political cooperation, he pressed for an expansion of the duties of the imperial districts and for the founding of new leagues of cities.⁶⁷⁾ 34

Möser always considered Westphalia to be his actual homeland.⁶⁸⁾ He viewed Germany as an historical conglomerate of different nations, over which the Empire exercised only a secondary, coordinating function. He compared the German political landscape with the layout of an English garden.⁶⁹⁾ He not only pled for a cultivated heterogeneity but above and beyond that for an acceptance of foreign cultures. Möser saw decentralized development as a particular challenge. However, his metaphor of an artistically laid out landscape shows that in pursuing individual political changes, he had a basic unity in mind. 35

It is beyond a doubt that Möser had a complete overview of the administration of the prince-bishopric Osnabrück. Furthermore, his professional connections allowed him to influence far- reaching decisions among nobility, government and courts.⁷⁰⁾ To resolve conflicts, he fulfilled along with his official duties de facto the function of a discreetly operating political mediator.⁷¹⁾ Also, he used the local press to launch proposals which he could not effectively present in his official functions. 36

Möser held many different reigns in his hands but studiously avoided conflicts of interest.⁷²⁾ As an administrator, he did not possess the power to make final decisions on legal or political questions.⁷³⁾ He could only make recommendations, which however were lent weight by his expertise and the trust people had in him. The fact that he preserved his personal independence from his superiors and his clients and always acted honorably made him a respected statesman.⁷⁴⁾

37

ad 7.

Möser acquired his unique agility as advisor to the Osnabrück nobility and government in part through his participation in national literary controversies. His early interest for international intellectual debates preserved him from provincialism.⁷⁵⁾ The obvious pleasure he took in eloquent argumentation shows what great emphasis he placed on communicative exchange.⁷⁶⁾ Möser cultivated dialogue with members of the nobility and other Estates, judiciary and administration as well as with the readers of his newspaper articles.⁷⁷⁾ Further, he participated in the international discourse on political philosophy which had spread to Germany from England and France.⁷⁸⁾ Möser maintained communication on all these levels simultaneously. If he sensed the prospect of a consensus among the Estates on a certain issue, he did not shy away even from long and tedious negotiation.

38

Characteristic of Möser's energy and open-mindedness were his exchanges of argumentative levels. In local opinion-finding processes he referred to universal truths, whereas in his publications outside of Westphalia he emphasized the importance of local particularities. However, both levels were two sides of the same coin. Möser presented texts written for his local readers to a broader audience as examples of territorial initiative.⁷⁹⁾ His non-regional readers saw in his concept a model for national historiography.⁸⁰⁾

39

ad 8.

Möser's theoretical and practical efforts complemented each other. Although he had to deal with questions of government in both fields of activity, the subjects of his theoretical reflections were not identical with those of his professional work. Many of the conflicts among the Estates and religious denominations of Osnabrück remained hidden from the public.⁸¹⁾ Möser's literary work was centered on the common denominators of the interests of all Estates.

40

Although Möser could not publish details of internal political controversies for reasons of discretion, he could make general statements about less explosive points of conflict. Although practice was not the mirror image of theory for him, both areas of activity partly correlate to each other.⁸²⁾ Möser used theoretical reflection and practical rationality to activate the experience he gathered in his sphere of influence.⁸³⁾ 41

Möser did not develop a political philosophy as an intellectual extension of his administrative experience in the prince-bishopric Osnabrück. His argumentative way of dealing with historical events and his search for reasonings with long-term validity show that he viewed theory as subordinate to practice and not, conversely, experience as a means of acquiring abstract knowledge. 42

However, Möser placed particular emphasis on the public discussion of political goals and ideals. He himself often developed ideas that had no chance of immediate realization in the prince-bishopric of Osnabrück, but represented long-term goals which could serve as orientation for Estates and government.⁸⁴⁾ His legislation proposals often shattered on the hard resistance of the Estates, so that many of the visions he conceived of an ideal territorial policy appeared even to himself as mere "phantasies."⁸⁵⁾ However, this did not mean that he viewed his own initiatives as useless or out of touch with life. He considered his ideas for Osnabrück in many cases to be transferable to other territories. 43

Möser's political concepts were directed toward influencing the local legal culture he participated in. But no matter how tightly his hands were bound in a practical sense, he continually overestimated the means and the ambition of the "patriots" he addressed.⁸⁶⁾ It was especially this lack of support on the part of the local Estates that caused Möser to return to more national intellectual forums toward the end of his life. 44

The gap between Möser's lofty goals as a publicist and his often frustrating daily work led to many misunderstandings about the sincerity of the critical impetus of his initiatives. Even during his lifetime, Möser appeared to younger readers more as a defender than opponent of the status quo.⁸⁷⁾ His own practical initiatives, which were directed toward significant reform, remained for the most part out of view. With "History of Law as Legal Policy", I have hoped to call attention to this circumstance and to illustrate the problems with which an involved administrator in the eighteenth century was confronted when he tried to promote the common well-being on the basis of professional expertise. 45

Footnotes:

* This text is a summary of Karl H.L. Welker, *Rechtsgeschichte als Rechtspolitik. Justus Möser als Jurist und Staatsmann*, 2 vols. Osnabrück, 1996.

1 Klaus Epstein, *The Genesis of German Conservatism*, Princeton, NJ, 1966.

2 Jonathan B. Knudsen, *Justus Möser and the German Enlightenment*, Cambridge, England, 1986, pp. 147-148.

- 3 Friedrich Meinecke, Die Entstehung des Historismus, München, 1965, pp. 303-354.
- 4 William F. Sheldon, The Intellectual Development of Justus Möser: The Growth of a German Patriot, Osnabrück, 1970, pp. 103-106.
- 5 Jean Moes, "Justus Möser et la Révolution française" in: Lendemains 4 (1979), pp. 49-72.
- 6 Renate Stauf, Justus Möser's Konzept einer deutschen Nationalidentität. Mit einem Ausblick auf Goethe, Tübingen, 1991, p. 273.
- 7 Johann Wolfgang Goethe, Aus meinem Leben. Dichtung und Wahrheit, Frankfurt am Main, 1986, pp. 648-650. - Reinhard Renger, "Justus Möser's amtlicher Wirkungskreis. Zu seiner Bedeutung für Möser's Schaffen" in: Osnabrücker Mitteilungen 77 (1970), pp. 1-30.
- 8 William [F.] Sheldon, "Patriotismus bei Justus Möser" in: Rudolf Vierhaus (Ed.), Deutsche patriotische und gemeinnützige Gesellschaften, München, 1980, pp. 31-49.
- 9 Karl H.L. Welker, Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann, 2 vols. Osnabrück, 1996, pp. 431-432.
- 10 Karl H.L. Welker, Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann, 2 vols. Osnabrück, 1996, pp. 468, 473-477.
- 11 Karl H.L. Welker, Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann, 2 vols. Osnabrück, 1996, pp. 260, 390-394.
- 12 Karl H.L. Welker, Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann, 2 vols. Osnabrück, 1996, pp. 180-181.
- 13 Karl H.L. Welker, Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann, 2 vols. Osnabrück, 1996, pp. 566-567.
- 14 Möser's Enlightenment thought seemed to turn against itself. He reflected the ideas of the Enlightenment and criticized their one-sidedness." Karl H.L. Welker, "Justus Möser as a supporter and opponent of the Enlightenment" in: Studies on Voltaire 303 (1992), p. 490. -- "Aufklärung, die sich als Kritik verstand, forderte selbst die Kritik der Aufklärung heraus, und einer ihrer gewichtigsten Kritiker war Justus Möser. Aber ein von der Aufklärung geprägter Kritiker." Rudolf Vierhaus, "Justus Möser und die Aufklärung" in: Möser-Forum 2 (1994), p. 14.
- 15 Wolfgang Hollmann, Justus Möser's Zeitungsidee und ihre Verwirklichung, München, 1937. - Monika Fiegert, Karl H.L. Welker, "Aufklärung auf dem Land. Anspruch und Wirklichkeit im Fürstbistum Osnabrück" in: Möser-Forum 2 (1994), pp. 154-175. - Henning Buck, "'Jeder Hofgesessene sollte glauben, die öffentlichen Anstalten würden auch seinem Urteil vorgelegt'. Geistiger Aufbruch im Osnabrückischen Intelligenzblatt" in: Bodo Plachta und Winfried Woesler (Eds.), Sturm und Drang. Geistiger Aufbruch 1770-1790 im Spiegel der Literatur, Tübingen, 1997, pp. 249-263.
- 16 Karl H.L. Welker, Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann, 2 vols. Osnabrück, 1996, pp. 453-456.
- 17 Karl H.L. Welker, Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann, 2 vols. Osnabrück, 1996, pp. 418-421.
- 18 Karl H.L. Welker, Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann, 2 vols. Osnabrück, 1996, p. 379.
- 19 Karl H.L. Welker, Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann, 2 vols. Osnabrück, 1996, pp. 891-906.
- 20 Karl H.L. Welker, Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann, 2 vols. Osnabrück, 1996, pp. 848-864.
- 21 Otto Hatzig, Justus Möser als Staatsmann und Publizist, Hannover, Leipzig, 1909. - Joachim Runge, Justus Möser's Gewerbetheorie und Gewerbepolitik im Fürstbistum Osnabrück in der zweiten Hälfte des 18. Jahrhunderts, Berlin, 1966.
- 22 Karl H.L. Welker, "Das Scheitern Möser's an den Osnabrücker Landständen" in: Möser-Forum 3 (1998).
- 23 Karl H.L. Welker, Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann, 2 vols. Osnabrück, 1996, pp. 706, 953.
- 24 Karl H.L. Welker, Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann, 2 vols. Osnabrück, 1996, pp. 507-516.

- 25 Brigitte Lorenzen, Justus Möser's Patriotic Phantasies. Studien zur Erzählhaltung, unpublished doctoral dissertation, Göttingen, 1956.
- 26 Karl H.L. Welker, Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann, 2 vols. Osnabrück, 1996, pp. 72-75.
- 27 Karl H.L. Welker, Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann, 2 vols. Osnabrück, 1996, pp. 425-427. - Gisela Wagner, "Zum Publikumsbezug in Möser's Beiträgen für die *Wöchentlichen Osnabrückischen Anzeigen*" in: Möser-Forum 1 (1989), pp. 76-87.
- 28 Karl H.L. Welker, Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann, 2 vols. Osnabrück, 1996, p. 529.
- 29 Karl H.L. Welker, Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann, 2 vols. Osnabrück, 1996, pp. 198-199.
- 30 Karl H.L. Welker, Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann, 2 vols. Osnabrück, 1996, pp. 114-120.
- 31 Karl H.L. Welker, Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann, 2 vols. Osnabrück, 1996, pp. 929-930.
- 32 Karl H.L. Welker, Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann, 2 vols. Osnabrück, 1996, p. 905.
- 33 Hermann Hoberg, Die Gemeinschaft der Bekenntnisse in kirchlichen Dingen. Rechtszustände im Fürstentum Osnabrück vom Westfälischen Frieden bis zum Anfang des 19. Jahrhunderts, Osnabrück, 1939.
- 34 Reinhard Renger, "Justus Möser's amtlicher Wirkungskreis. Zu seiner Bedeutung für Möser's Schaffen" in: Osnabrücker Mitteilungen 77 (1970), pp. 1-30.
- 35 Karl H.L. Welker, Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann, 2 vols. Osnabrück, 1996, p. 466.
- 36 Karl H.L. Welker, Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann, 2 vols. Osnabrück, 1996, pp. 173, 207-208.
- 37 Karl H.L. Welker, Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann, 2 vols. Osnabrück, 1996, pp. 382, 555.
- 38 Karl H.L. Welker, Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann, 2 vols. Osnabrück, 1996, pp. 913-914.
- 39 Karl H.L. Welker, Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann, 2 vols. Osnabrück, 1996, pp. 773-779, 845-847.
- 40 Karl H.L. Welker, Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann, 2 vols. Osnabrück, 1996, p. 557.
- 41 Karl H.L. Welker, Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann, 2 vols. Osnabrück, 1996, pp. 431-432.
- 42 Karl H.L. Welker, Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann, 2 vols. Osnabrück, 1996, pp. 202-205.
- 43 Karl H.L. Welker, Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann, 2 vols. Osnabrück, 1996, pp. 308-312, 472.
- 44 Karl H.L. Welker, Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann, 2 vols. Osnabrück, 1996, p. 507.
- 45 Karl H.L. Welker, Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann, 2 vols. Osnabrück, 1996, pp. 46-48, 563-568.
- 46 Karl H.L. Welker, Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann, 2 vols. Osnabrück, 1996, pp. 497-505.
- 47 Monika Fiegert, Karl H.L. Welker, "Aufklärung auf dem Land. Anspruch und Wirklichkeit im Fürstbistum Osnabrück" in: Möser-Forum 2 (1994), pp. 154-175.
- 48 Gisela Wagner, "Justus Möser. Beiträge zu seiner Biographie" in: Osnabrücker Mitteilungen 99 (1994), pp. 62-75.
- 49 Karl H.L. Welker, Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann, 2 vols.

Osnabrück, 1996, pp. 269-270.

- 50 Karl H.L. Welker, *Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann*, 2 vols. Osnabrück, 1996, p. 193, 196-197, 565.
- 51 Karl H.L. Welker, *Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann*, 2 vols. Osnabrück, 1996, pp. 670-672.
- 52 Karl H.L. Welker, *Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann*, 2 vols. Osnabrück, 1996, pp. 752, 856-860.
- 53 Karl H.L. Welker, *Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann*, 2 vols. Osnabrück, 1996, pp. 860-861.
- 54 Karl H.L. Welker, *Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann*, 2 vols. Osnabrück, 1996, pp. 37, 201-203, 391-392.
- 55 Karl H.L. Welker, *Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann*, 2 vols. Osnabrück, 1996, pp. 470, 210-211.
- 56 Karl H.L. Welker, *Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann*, 2 vols. Osnabrück, 1996, pp. 369-376.
- 57 Monika Fiegert, Karl H.L. Welker, "Aufklärung auf dem Land. Anspruch und Wirklichkeit im Fürstbistum Osnabrück" in: *Möser-Forum 2* (1994), pp. 154-175.
- 58 Karl H.L. Welker, *Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann*, 2 vols. Osnabrück, 1996, p. 339.
- 59 Karl H.L. Welker, *Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann*, 2 vols. Osnabrück, 1996, pp. 390-394.
- 60 Karl H.L. Welker, *Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann*, 2 vols. Osnabrück, 1996, p. 379.
- 61 Karl H.L. Welker, *Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann*, 2 vols. Osnabrück, 1996, p. 566.
- 62 Karl H.L. Welker, *Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann*, 2 vols. Osnabrück, 1996, pp. 310-311.
- 63 Christoph Link, "Justus Möser als Staatsdenker" in: *Möser-Forum 2* (1994), pp. 21-45. - Jan Schröder, *Justus Möser als Jurist. Zur Staats- und Rechtslehre in den Patriotischen Phantasien und in der Osnabrückischen Geschichte*, Köln, 1986. - Jan Schröder, "Justus Möser" in: Michael Stolleis (Ed.), *Staatsdenker in der frühen Neuzeit*, 3rd ed., München, 1995, pp. 294-309.
- 64 Karl H.L. Welker, *Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann*, 2 vols. Osnabrück, 1996, p. 421.
- 65 Alfred Frankenfeld, *Justus Möser als Staatsmann im Siebenjährigen Kriege und am englischen Hofe (zugleich als Beitrag zur Geschichte des Hochstifts Osnabrück im Siebenjährigen Kriege)*, unpublished doctoral dissertation, Göttingen, 1922.
- 66 Martin Siemsen, "Die 'Ankumer Wannen-Fabrik'. Zur Gewerbepolitik Justus Mösers" in: *Möser-Forum 3* (1998).
- 67 Karl H.L. Welker, *Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann*, 2 vols. Osnabrück, 1996, pp. 234-236.
- 68 Karl H.L. Welker, "Justus Möser als Osnabrücker und Westfale" in: Hans Galen und Helmut Ottenjann (Eds.), *Westfalen in Niedersachsen. Kulturelle Verflechtungen: Münster - Osnabrück - Emsland - Oldenburger Münsterland, Cloppenburg*, 1993, pp. 376-381.
- 69 Karl H.L. Welker, *Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann*, 2 vols. Osnabrück, 1996, pp. 288-294.
- 70 Karl H.L. Welker, *Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann*, 2 vols. Osnabrück, 1996, pp. 956-970.
- 71 Karl H.L. Welker, *Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann*, 2 vols. Osnabrück, 1996, p. 672.
- 72 Karl H.L. Welker, *Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann*, 2 vols. Osnabrück, 1996, p. 845.

- 73 Karl H.L. Welker, *Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann*, 2 vols. Osnabrück, 1996, pp. 937-938.
- 74 Karl H.L. Welker, *Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann*, 2 vols. Osnabrück, 1996, pp. 746-747.
- 75 Jean Moes, *Justus Möser et la France. Contribution à l'étude de la réception de la pensée française en Allemagne au XVIIIè siècle*, 2 vols. Osnabrück, 1990. - Marsali Anne Dening, *Justus Möser - French and English Influences on his Work*, unpublished doctoral dissertation, Oxford, 1953.
- 76 Karl H.L. Welker, *Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann*, 2 vols. Osnabrück, 1996, p. 152.
- 77 Karl H.L. Welker, "Zwischen juristischer Symbolik und früher Bildwerbung. Justus Möser's Vorschläge zur Gestaltung eines Anzeigenblattes" in: *Gutenberg-Jahrbuch* 68 (1993), pp. 210-226.
- 78 Karl H.L. Welker, *Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann*, 2 vols. Osnabrück, 1996, pp. 123-130, 156-189.
- 79 Karl H.L. Welker, *Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann*, 2 vols. Osnabrück, 1996, pp. 586-587.
- 80 Karl H.L. Welker, *Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann*, 2 vols. Osnabrück, 1996, p. 425. - Peter Schmidt, *Studien über Justus Möser als Historiker. Zur Genesis und Struktur der historischen Methode Justus Möser's*, Göppingen, 1975. - Suzanne Therese Selinger, Winckelmann, Möser, and Savigny: A Study in the Development of German Historicism, unpublished doctoral dissertation, New Haven, CT, 1965. - William John Bossenbrook, *Justus Möser as an Historian*, unpublished doctoral dissertation, Chicago, IL, 1932.
- 81 Karl H.L. Welker, *Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann*, 2 vols. Osnabrück, 1996, p. 948.
- 82 Karl H.L. Welker, *Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann*, 2 vols. Osnabrück, 1996, p. 6.
- 83 Karl H.L. Welker, *Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann*, 2 vols. Osnabrück, 1996, pp. 419-421.
- 84 Karl H.L. Welker, *Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann*, 2 vols. Osnabrück, 1996, pp. 427-428, 480-481.
- 85 Karl H.L. Welker, *Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann*, 2 vols. Osnabrück, 1996, p. 429.
- 86 Karl H.L. Welker, "Behandlungskontrakt statt Eigengebung: Erbpacht statt Eigenbehörigkeit" in: *Möser-Forum* 1 (1989), pp. 223-256.
- 87 Karl H.L. Welker, *Rechtsgeschichte als Rechtspolitik, Justus Möser als Jurist und Staatsmann*, 2 vols. Osnabrück, 1996, pp. 403-423, 595.