

*The Prince of Germany*  
*Wilhelm Grimm and the Philologist as Redeemer*

**Wilhelm Grimm**

The brothers Grimm believed that respect for the spontaneously evolved cultural and historical collective, the nation, constituted the precondition for legitimate political rule. Even when some people ruled over others within the nation, like still ruled over like – German over German, French over French. Rule across national borders, by contrast, appeared culturally detached and obtrusive, shorn of natural acceptance. This vision of the evolved cultural basis of legitimate political rule relied for its plausibility on evidence of the independent historical existence of a steady communal life, on the existence of a cultural record. The discovery, preparation, and presentation of such a record was the task of scholars – ethnographers, linguists, or the collectors of folktales and legends – who could point to the origin, historical development, geographical extension, and enduring particularity of the nation’s shared cultural practices. To the Grimms, political rule worked best, or only worked, when it fused with the long cultural history of a circumscribed population, but this history was not just generally known and cherished but must be explored, preserved, and transmitted in and by scholarship. To the scholars, political legitimacy had a *philological dimension*, and rulers ought to listen to philologists, who were the most informed and reliable custodians of the people’s culture.

This nationalist argumentation entailed a heightened conception of scholarly work and the vocation of the philologist. Jacob and Wilhelm Grimm did not argue that philologists should exercise power directly. This was the domain of traditional rulers, such as the prince tied to the country by long tradition and genealogy. They did believe, however, that the judgment of the philologists ought to matter in some way to political regimes, because only philological discernment could uncover the historical foundation of rule and delimit its proper extent; it could detect what was national and what was foreign and hence settle the proper borders of

governance. The philologists were the guardians of the cultural particularity that a people and its rulers should share and could connect them to one another more intimately and enduringly.

Over his career, Jacob Grimm emerged as a minor political figure – not a politician but an icon of German cultural unity in conflictual political contexts. It was Jacob Grimm who served as the chair of the semipolitical Germanist association and was voted in as a delegate to the national parliament in Frankfurt in 1848. Hence, Jacob Grimm, and not his less publicly active brother, embodied the role of the politically present philologist. Nevertheless, the quieter, less prolific, and in some ways politically more cautious and conservative Wilhelm Grimm also developed a vision of the philologist as the facilitator of a national cultural awakening. He partly did so, however, in a more literary form, especially in his prefaces to the *Children's and Household Tales*. To understand Wilhelm Grimm's conception of the philologist's vocation, his metaphorical, even encrypted representation of the scholar as the nation's redeemer, we must first reconstruct his vision of German cultural antiquity and autonomy as well as both brothers' training in the historicist legal study pioneered by their teacher Friedrich Carl von Savigny.

### Natural Poetry and National Life

In his early studies of German epic literature such as the *Nibelungenlied*, the young Wilhelm Grimm often stated his belief in the absolute, undiluted Germanness of ancient German literature. The authentically collective and national rather than individual quality of this early poetry rested, he asserted, on its being a manifestation of the actual historical experience of an entire community rather than the artifice of single poets who happened to express themselves in a particular language. There was such a thing as an essentially national collective literature, a wondrous epic voice that emanated naturally from a tribe rather than any individual singer in that group.<sup>1</sup> To obtain legitimacy, the ruler and the state had to be sensitive to the collective body of the nation – this was the core nationalist thesis – but at the historical heart of this nation, Wilhelm Grimm believed, there was a completely *communal* poetry, a poetry untouched by deliberate individual composition, spontaneous and self-organizing to such a degree that it bridged any divide between the cultural and the natural. A community that had spoken or rather sung in such poetry had also been completely authentic and not shaped by narrow individual interest or elite organization and thus it constituted the historical basis for

a determinate, non-arbitrary unit of political life. This conception of national poetry was more or less in place in Wilhelm Grimm's work in the first decade of the nineteenth century, even before the publication of the first volume of fairy tales in 1812.

The brothers Grimm were not the only ones to turn to an ancient literary tradition at a time of political volatility and perceived foreign domination, and their early careers coincided with a growing scholarly interest in ancient Germanic poetry, best exemplified by the *Nibelungenlied*. This epic poem about the vortex of rivalries and bloody battles among noble families during the Migration Period had been rediscovered in 1755<sup>2</sup> and would become the centerpiece of German literature syllabi in the early nineteenth century.<sup>3</sup> Writing in his brother Friedrich Schlegel's journal *Deutsches Museum* in 1812, the prominent Romanticist critic and scholar August Wilhelm Schlegel (1767–1845) claimed that German soldiers marched into battle during the Wars of Liberation carrying copies of the epic.<sup>4</sup> For Wilhelm Grimm as well as for other critics and readers, *Nibelungenlied* served as a widely accepted object of cultural pride in an uncertain present, and a means to consolidate national consciousness. The sheer age of the epic material satisfied the nationalist craving for temporal depth and cultural integrity that could serve as evidence of the nation's antiquity, an important source of communal worth.<sup>5</sup> In the competition for status with greater European literary powers such as France but also with classical languages, a game in which the currency of time and antiquity was of utmost importance, recovered indigenous poetry from ancient times was vital to the project of enhancing the prestige of the national literature; the older a culture, the more distinguished it was.<sup>6</sup>

The *Nibelungenlied* not only satisfied the general cultural-nationalist desire for a deep vernacular past; it also exemplified the most grandiose of literary genres, the *Iliad*-like heroic epic,<sup>7</sup> which recounted in a large narrative format heroic deeds of a warrior culture. Every aspiring nation, Johann Wolfgang von Goethe (1749–1832) had stipulated, needed a national epic, and Germanists like Wilhelm Grimm worked quite hard to fill the category for their own nation.<sup>8</sup> This search for a national epic often ran into obstacles and conflicts, since ancient works did not quite fit with modern states. The Old English epic *Beowulf*, for example, was clearly a Germanic literary work in the broad sense and discussed as such by Wilhelm Grimm.<sup>9</sup> Yet *Beowulf* could be claimed by more than one contemporary nation. Rediscovered in England by the Icelandic-Danish archivist Grímur Jónsson Thorkelín (1752–1829) in 1787, the poem is a narrative about Scandinavian peoples – Danes,

Geats, and peripherally Swedes – written in the language of North Germanic tribes who invaded the British Isles.<sup>10</sup> So to whom did it properly belong? To Germans, to the English, or to the Scandinavians, three groups who were all speakers of Germanic languages? There was less confusion surrounding *Nibelungenlied*, which partly explains its centrality to Germanists. Yet Wilhelm Grimm and others knew well that its language, Middle High German, was not easily accessible to readers of modern German. *Nibelungenlied* was a Germanic epic not entirely comprehensible to contemporary Germans, and scholars debated the merits of translations and modernizations.<sup>11</sup>

Wilhelm Grimm ranked the *Nibelungenlied* as a great epic on par with Homer,<sup>12</sup> an oft-repeated move in the struggle for literary prestige.<sup>13</sup> The Greek epics were richer and possessed greater elocutionary elegance, Grimm claimed, but they lacked *Nibelungenlied's* profound representation of an inexorable fate that pulled everything with it;<sup>14</sup> August Wilhelm Schlegel engaged in similar comparisons with Homer.<sup>15</sup> Yet it should be added that Grimm made no claims about the contemporary political import of the ancient national character to be found in the surviving manuscripts. In his 1807 review of a recent translation of the *Nibelungenlied* by the scholar and soon-to-be professor Friedrich Carl von der Hagen (1780–1856), Wilhelm Grimm almost seemed to downplay the present significance of the past epic and ancient German literature as a whole.<sup>16</sup> The Germanic epic, Grimm wrote, ranked as high as Homer in terms of literary quality, but it was also culturally “just as foreign and just as close” as the Homeric epics and could not be directly reintroduced as an epic for Germans living today – it was indisputably great as a literary work but belonged to its time.<sup>17</sup>

Grimm did not quite see the *Nibelungenlied* as a repository of German ideals and attitudes. Hagen, the highly critical reviewer, had argued that the epic put on display a national ethic, with characters who exhibited “hospitality, decency, probity, loyalty and friendship unto death, and humanity, mildness, and magnanimity in battle [*Gastlichkeit, Biederkeit, Redlichkeit, Treue und Freundschaft bis in den Tod, Menschlichkeit, Milde und Großmuth in des Kampfes Not*].”<sup>18</sup> The German epic embodied values, prescribed norms of social behavior, and legitimated action.<sup>19</sup> In his 1807 review, in contrast, Grimm celebrated the *Nibelungenlied* and considered it the gravitational center of an ancient German canon but did not suggest that it enshrined the virtues of a German national character.

What interested Wilhelm Grimm about the *Nibelungenlied* were not necessarily its political and moral values but rather its origin and mode of transmission. For him, the epic poem did not primarily show that

Germans were particularly heroic or upstanding, but its evolution, its philologically reconstructed history, suggested something more fundamental: that Germans belonged together. This idea appeared in a programmatic article from 1808 about the origin of ancient German poetry and its relationship to the affiliated Nordic tradition, a topic to which Grimm would return throughout his scholarly life; the text constituted a kind of nucleus of his thought.<sup>20</sup> Grimm's text was published in a scholarly venue, a series of volumes edited by two Heidelberg professors, the theologian Karl Daub (1765–1836) and the philologist, Orientalist, and archaeologist Carl Friedrich Creutzer (1771–1858), which bore the simple title *Studien* and came out for about half a decade, from 1805 to 1810. The articles on philosophy, theology, history, language, and literature were long and ambitious, meant for an initiated rather than general audience. Wilhelm Grimm's contribution was no exception and claimed about eighty pages in his collected minor writings; we see him here as a young, ambitious scholar, not the popular storyteller and collector of folktales.

The political message of Grimm's article on German and Nordic poetry was fairly explicit: the cultural life of a nation, Grimm declared, had to be grounded in its very own historically evolved character or "nature" and nothing was more "unfortunate [*misslich*]" than when this culture was damaged and marginalized by the intrusion of another, foreign one.<sup>21</sup> This was a bold statement in 1808, when Jérôme Bonaparte ruled over the newly constituted kingdom of Westphalia and the administrative elite residing in Kassel spoke French. The focus of the article was not properly national politics, however, but the origin and development of a genuinely national poetry understood as the expression of a people. Grimm set out to prove the exclusive national origin and continued national life of a literary inheritance, encapsulated in the greatest of the Germanic heroic epics, which of course was the *Nibelungenlied*.

According to Grimm, the literary tradition, and with it the source of a central canonical work, was bound to a nation as a whole. To nationalize a literature in this way, he first denied that heroic poetry should be regarded as completely mythic, without any historical kernel. Instead, he maintained that poetry and history were intertwined and that the songs joined into one epic cycle represented the actual deeds of heroic men during the Migration Period of the fourth to the sixth centuries, the era of the *Völkerwanderung*.<sup>22</sup> Poetry, he maintained, was not complete invention but followed closely upon or even originated in heroic action, like celebration immediately followed victory.<sup>23</sup> Ancient song was first and foremost testimonial.<sup>24</sup> The commitment to the mimetic and empirical quality of art was in this case also

a nationalist commitment, because the entwinement of poetry with history meant that the epic could not have been imported from elsewhere – it served as a commemorative representation of the deeds of German men and women, of Siegfried and Kriemhild.<sup>25</sup> The *Nibelungenlied*, Grimm claimed, stood “firmly on German ground.”<sup>26</sup>

This fully German epic poetry was also, Grimm continued, a completely *collective* artifact. While he did not necessarily believe that the long and complex verse narrative of the Germanic epic was the direct result of collective authorship,<sup>27</sup> he argued that the extended constructions were composed of many shorter, older songs and that these smaller elements had once circulated among a larger collective and could not be attributed to any individual. The uncoupling of the songs from individual creativity may seem mysterious, but Grimm, influenced by the classicist Friedrich August Wolf's (1759–1824) 1795 study of the rhapsodic tradition in ancient Greece,<sup>28</sup> insisted that such folk songs had always existed in manifold and geographically distributed variants, and that each poem was always fully absorbed into a drawn-out process of modification, addition, and subtraction that made it impossible to trace it back to one single creator; like history as a whole, the poems could not be the work of one human being.<sup>29</sup> Songs continued to change with each new performance and thus ended up having a more decentralized and “distributed authorship.”<sup>30</sup> Wilhelm's seemingly speculative claims were grounded in a scholarly account of how memorized songs and narratives circulated among many minds dispersed over time and space; existed in multiple, morphing versions; and hence possessed an existence detached from any one creative author.

The *Nibelungenlied* was a national epos not only because it celebrated the deeds of the heroes of a particular ethnicity but also because it emanated from the nation as a collective: people sung songs organized according to a shared form, these songs were later amalgamated into larger cycles by a class of still-anonymous singers, and even the resulting literary structures remained quite malleable and modifiable.<sup>31</sup> The national epic that was later transposed into writing and solidified into a finite number of versions was, for hundreds and hundreds of years, a dynamic collective process. Grimm called the epic an ongoing “mobile and adaptable” literary form that would sound “different in every mouth.”<sup>32</sup> For him, the plot and the figures of the German epic were national in the sense that they portrayed heroes from an ethnic community, and the multiple performances were national in the sense that they were developed and varied by a transgenerational collective.

Grimm thus combined a claim about the historical veracity of literature with a claim about the dynamic of oral transmission to anchor the epic form

in communal, tribal life. The result was a perfect example of nineteenth-century “bardic nationalism,” a bundle of values and intellectual practices developed by literati in other areas of Europe as well.<sup>33</sup> In Britain, for example, Scottish, Irish, and Welsh antiquarians reacted to imperial dominance by reconstructing indigenous histories of bards who could be presented as the icons and mouthpieces of suppressed cultures.<sup>34</sup> In a similar vein, Wilhelm Grimm argued that there was such a thing as a completely German literature, neither rooted in cultural materials shared by multiple peoples nor the isolated creation and property of individual poets. This fully German literature was an epic poetry sung and ceaselessly re-sung by the members of a people constituting a coherent and culturally autonomous whole.

The resulting “national poetry [*Nationalpoesie*]” was of such great significance to Wilhelm and Jacob Grimm<sup>35</sup> because it ultimately grounded their vision of an entirely natural and hence non-arbitrary national existence. In the ancient poetry of the people, no single, isolated artist had imposed poetic form upon linguistic matter, bending material according to an individual “consciousness and intention [*Bewusstsein und Absicht*].”<sup>36</sup> Poetry instead emerged freely out of the collective and articulated itself, organized itself, in a way that even seemed to transcend the customary polarity between willful fabrication and natural growth<sup>37</sup> – creation was natural and nature creative. True epic poetry, Jacob Grimm even stated in a long letter to the author Achim von Arnim in May 1811, was self-generating; it was poetry that created itself, sprung out of an autonomous process of “self-making [*Sichvonselbstmachen*].”<sup>38</sup> Wilhelm Grimm similarly preferred impersonal formulations: a song or an epic had once “composed . . . itself [*es hat sich . . . gedichtet*].”<sup>39</sup>

While the Grimms’ account of spontaneous literary production and their enthusiasm for the non-individualized, non-intentional creativity has been criticized for its nebulousness and even absurdity,<sup>40</sup> it underpinned an entire argumentative edifice. For the Grimms, political rule achieved legitimacy insofar as it traced the outlines and respected the integrity of a preexisting ethnic community, a community that was precisely not the effect of conscious political arrangement, conquest, or coercion. Again, however, there had to be a credible record of such a community, some kind of artifact, some kind of poetry, that could point to its existence since ancient times and disclose its particularity. Yet the authentic poetic materials recovered by the self-restrained philologist could not themselves be objects of ingenious individual artifice, no matter how accomplished, because that would risk reintroducing a literary version of intention and

arrangement, or at least purely individual genius, at the very heart of collective national life. The expressive national poetry could not be a willed and constructed literary form or the possession of a singular poet; instead, it would have to have emerged as a natural effusion of the collective. At the core of the Grimms' commitment to the nation, one finds a special kind of poetry, said to be completely autogenetic and non-individual. The wonder of folk poetry revealed that the ancient singing collective of the nation even belonged to the order of a self-articulating nature, and the task of the philologist was to present this poetry carefully and faithfully, without any distortion. The utterly authentic non-individual poetic voice could sound again in the present and help reconstitute the nation, but only thanks to the mediation of the philologist.

### **Literary History, Social Fragmentation, and the Philologist's Task**

According to Wilhelm Grimm, the German epic was the completely spontaneous and fully collective expression of a natural tribal community and as such evidence of a primordial German togetherness. The story of literature after the first heroic and nation-grounding era of communal song, he would then admit, was one of increased individualization or even atomization, and also of increased foreign influence. Wilhelm and Jacob Grimm were quite reticent when it came to articulating their implicit commitment to a philosophy of history,<sup>41</sup> a genre of their time, but they did assume that cultures tended to progress toward greater sophistication and abstraction but lost some of their initial energy and sensualism – such was the path of the human spirit.<sup>42</sup> In the case of the *Nibelungenlied*, its growth into a more elegantly composed work of considerable length, organized by more professionalized singers, also involved a loss of its original intensity. This was an unavoidable development, pictured by Wilhelm Grimm as a trade-off rather than as a form of decline.

Yet there was a sense in which this progression toward increased gracefulness threatened the distinctly *national* character of the epic. Over time, and especially with the introduction of writing, the production of poetry turned into a specialized task carried out by more professional singers who reworked inherited materials to give them the stamp of individuality. This literary history presupposed a rudimentary sociological account of how stratification and specialization grew out of a less complex social organization. In Wilhelm Grimm's conception, the original songs of the national epic emerged in something of an undifferentiated, non-atomized collective, whereas the



poetry of the German Middle Ages, the period from about the twelfth century on, was cultivated by groups of trained performers, who moved in the same circles as a societal elite of noblemen and even princes.<sup>43</sup> The poetry that came out of this later social setting could be more ornate and show traces of bookish learning, which also distanced the cultural products from the mass of people; it was typically these more erudite individual composers of poems who would be prone to imitate foreign patterns. The individual poet was, Grimm wrote, more agile and could advance culturally and intellectually more easily “through foreign aid” than the more inert collective, for which the importance of a shared legacy tended to outweigh any excitement about novelty.<sup>44</sup> Increased individualization in the realm of literature thus more frequently led to the integration of foreign ideas, Grimm argued, because the single literate poet was more inclined to reshape poetry according to templates and styles from other, more sophisticated traditions. Grimm thus painted a picture of increasing fragmentation of the national literature, a process that had started in the Middle Ages. The technique of writing and the crystallization of a socially differentiated class of literate men with cosmopolitan learning entailed poetic individualization, accompanied by a certain degree of cultural denationalization.

Like his brother Jacob, Wilhelm Grimm spoke of the resulting divergence between the ancient national epic and the later art of poetry in terms of a dichotomy between natural and artful poetry, *Naturpoesie* and *Kunstpoesie*.<sup>45</sup> The former referred to the spontaneous and jubilant response by the undifferentiated tribal people to the intensity of their collective ethnic life of vivid perceptions and daring actions; the latter named the results of deliberate design by individuals tasked with the composition of pleasant and entertaining poetry for the consumption of affluent non-poets. Understood more neutrally as a descriptive distinction rather than as a tool of nostalgic valorization, the terms captured how the performance of poetry became a particular function or office and the higher degree of reflexivity and rhetorical consciousness that tended to develop around a more clearly delineated and delegated task. The terms “natural poetry” and “artful poetry” referred to distinctive poetic styles but ultimately rested on a sociological sketch of an increasing and irreversible division of labor in the realm of artistic creation.

This literary-historical narrative in both Jacob and Wilhelm Grimm's works also indicated the culturally essential task of the nineteenth-century philologist. It was the philologist, the scholar who surveyed the epochs of natural and artful poetry and studied the shifting conditions of

composition, who then also appeared as the guardian of the nation's genuinely non-individual voice in an age of individualization and fragmentation. Scholars of the Germanic past, such as Wilhelm and Jacob Grimm, and not contemporary creative authors, could put present-day Germans in touch with the literary legacy that grounded their shared cultural belonging. The philologist presented and protected the documents of natural poetry in an age of late artful poetry.

In Wilhelm Grimm's long article on ancient German and Nordic poetry, the philologist thus ultimately stepped forward as the figure who could best represent the heroic ethnic past embodied in the culturally autonomous national epic. The scholar could not deliver a manual for action to the contemporary public; Wilhelm Grimm never made the case for the philologist as a teacher in matters of heroism. Yet the philologist did have, he believed, a crucial role to play in the awakening of the German nation, one rooted in his special guardianship of the collective natural poetry of the past. Great poets could produce wonderful poetry in the present, but the philologist understood and could point to the inimitable, even unwritable natural poetry that had once emanated from the collective and would forever function as a reminder of the nation's original cohesiveness.

To understand this redemptive role, one must reconstruct more fully Wilhelm and Jacob Grimm's shared conception of the historically oriented scholar. Both brothers were well acquainted with an already established ideal of scholarship according to which the interpretive researcher most fully appreciated the national past and was called to prevent the excesses of unmoored and despotic political regimes indifferent to the nation's cultural substance. This conception of the pivotal role of the researcher and academic belonged to their teacher and mentor, Friedrich Carl von Savigny, one of the period's most prominent legal scholars.

### **Friedrich Carl von Savigny and Professorial Authority**

In the spring of 1815, Wilhelm published a very critical review of a recent pamphlet by a Bavarian jurist and professor of law, Nikolaus Thaddäus von Gönner (1764–1827). The background to this skirmish was an ongoing debate on the future shape of law in German lands. The French Revolution, the Napoleonic invasion and occupation, the dissolution of the Holy Roman Empire, the consolidation of German statelets into fewer and larger political units, and the internal German attempts at modernizing reform had provoked wide deliberations on the character and extension

of German legal codes;<sup>46</sup> the entire legal and normative order was under discussion.<sup>47</sup> Some prominent legal experts argued for the introduction of a more rationally organized and coherent nationwide code that would allow for greater German unity and facilitate commercial activity, whereas others saw the call for a new code as disruptive of settled ways of life and advocated for a more gradual cultivation and clarification of existing sources of law;<sup>48</sup> the crafting of an entirely new law code would amount to a revolution. Wilhelm Grimm belonged to the latter camp.

Grimm was not a legal thinker and his position in the review in the short-lived journal *Rheinischer Merkur* was entirely derivative. He only presented an argument in defense of his former teacher and slightly older friend Friedrich Carl von Savigny, who was the authority on legal matters in his personal circle, but who had also emerged as one of the most influential jurists of the time after the 1803 publication of his book on the Roman legal sources on the concept of possession in contradistinction to property. The brothers had studied with Savigny in Marburg, Hesse, between 1802 and 1804, and Jacob Grimm served as his assistant on a research trip to Paris in 1805.<sup>49</sup> Savigny and the Grimms corresponded throughout the decades and eventually ended up in the same city, in the Prussian capital Berlin, after 1841. Over time, the former students emerged as important interlocutors, whose preoccupation with the *Volk* influenced Savigny.<sup>50</sup> Yet the friendship was not without stresses: the Grimms came from a modest background of local officials, while Savigny was a member of a noble family, cultivated an aristocratic appearance, and enjoyed an illustrious legal and administrative career. Shortly after the Grimms had relocated to Berlin, Savigny was named high chancellor, a title for a select number of elite officials working under the king, and was also appointed Prussian minister for legislative revision.<sup>51</sup> His patrician manners and skeptical attitude toward the brothers' more liberal politics would occasionally disappoint Jacob Grimm, and the alienation from the former mentor's high society world of rigid snobbery would come through in a curiously ambivalent 1850 public homage to the former teacher.<sup>52</sup>

Wilhelm Grimm's 1815 review, entitled "On Legislation and Jurisprudence in Our Time [*Über Gesetzgebung und Rechtswissenschaft in unserer Zeit*]" took its name from the reviewed book, which in turn was directed at Savigny's prior 1814 publication with the title "On the Vocation of Our Time for Legislation and Jurisprudence [*Vom Beruf unserer Zeit für Gesetzgebung und Rechtswissenschaft*]"<sup>53</sup>; the titles all mirrored one another. Again, Grimm restated a position that agreed with Savigny's view rather than construct an original one. The argument Grimm did make, however

much as it relied on an already articulated argument in an ongoing legal debate, aids our understanding of his conception of the people's cultural productivity, the integrity of its national particularity, and ultimately also of the culturally crucial task of the philologist who could rediscover and help preserve this particularity.

Law, Grimm argued in his review, was embedded in the communal existence of a people. Legal norms were even analogous to languages or customs: while they clearly developed over time, they seemed to have always already emerged, which meant that changes were always only modifications to an existing corpus. For Grimm, the people had not created the law, if creation meant an identifiable intentional act in time and space that marked the transition from a lawless condition to a lawful one. The law, he wrote, was rather *aufgewachsen mit dem Volk*, grown with the people, steadily accompanying them on their path.<sup>54</sup> The authority of law for the people in fact depended on its familiarity, on its quiet and constant accretion without noticeable manipulations by individuals or segregated groups; law was legitimate thanks to its cultural intimacy, its *Nähe* or closeness.<sup>55</sup> Much like the ancient German poetry of which Grimm was an expert, legal norms were not the result of recognizable individual stipulation but rather an expression of an ongoing and fully collective life, and this collective life of course possessed a national *Eigenthümlichkeit*, a discernible particularity.<sup>56</sup> Yet this idea of the people as the ultimate source of law did not amount to an endorsement of the revolutionary concept of collective legislation or popular sovereignty. It was rather an argument against any kind of imperious declaration, even if made in the name of a popular sovereign; legitimate law was the result of an always ongoing incremental growth and had no absolute beginning.<sup>57</sup>

The occasion for this explication of a gradualist and nationally oriented understanding of the foundations of legitimate law was a tract that argued a contrary position, the intervention by Thaddäus von Gönner. In Grimm's summary, Gönner did not believe that law ought to rest on the relics of an unenlightened age or popular prejudice. Instead, positive law should be the result of the legislative efforts of a ruler, who received assistance from an elite of administrative and legal experts. The all-important guide for legal norms, however, was human reason; the legal code should be derived from law of reason, the *Vernunftrecht*.<sup>58</sup> The aim of any regime should be, Gönner argued, to distill law from reasoning and deliver to the people a coherent legal code that would regulate its activity in a consistent and just manner, without concessions to local prejudice and quixotic old ways.

Wilhelm Grimm found fault with every aspect of this picture. He considered it arrogant in its disregard for centuries-old local habits and authentic collective wisdom, disruptive of cherished and stabilizing traditions, damaging to legal authority sustained by familiarity, and plainly despotic in its elevation of the ruler and an elite over the people. A rational law intellectually available to some governing clique, above all to the ruler, he deemed little more than a transparent rationalization of arbitrary rule. Just and enduring law, Grimm believed, could not be formulated in isolation from the people to then be “poured over it.”<sup>59</sup> The ruler must instead remain bound by an evolved corpus of legal norms rooted in the life of the entire national community.<sup>60</sup> If not, the king or prince would force upon the people a legal code that was insensitive to its particular life and violated its social complexity.<sup>61</sup> That which had been fabricated by men in the present, the Grimms’ teacher Savigny had asserted, would never obtain the same public legitimacy as that which had emerged slowly and steadily over a people’s history.<sup>62</sup>

To Grimm, the implementation of a new code derived from reason and hence free of the debris of accumulated prejudice would only serve to institute the sterile domination of a people by a ruler. A sudden, top-to-bottom erasure of habit and tradition would not amount to liberation but rather the institutionalization of heteronomy justified by reference to universal reason. The conception of a universal reason here was very much part of the perceived problem, because it was antithetical to the appreciation of the actual texture of a world with its manifold embodied and historically shaped communities. A people did not achieve a state of freedom by transcending the local conventions and norms that set it apart from others to live under laws fully transparent to rational, non-provincial thought; such transcendence in fact eliminated that which had come to define a people and hold it together. A people instead obtained or rather preserved its genuine freedom when it was allowed to live its particularity, which in the legal realm meant abiding by laws that emerged through an incremental externalization of its unique character, without abrupt compulsion.<sup>63</sup> Law was legitimate when it was culturally and socially *fitting*, which it could only be if it crystallized the particular spirit of a unique people in history rather than approximated some context-independent, rational ideal. The attempt to introduce an entirely new law, Savigny himself had stated, would be as foolish as calling for a new language for a population; such a break with the past was not humanly possible and the very attempt involved dangerous “self-deception [*Selbsttäuschung*].”<sup>64</sup> Neither a regent nor a revolutionary should be

permitted to clear away the traditions of the people as if they were nothing but a dead mass; such abruptness and overconfidence would amount to despotism.<sup>65</sup>

It should be apparent why Grimm eagerly embraced the conception of law as a slowly evolving, collectively produced, and nationally particular corpus – it perfectly matched his vision of ancient German poetry. The non-imposed, evolved, national legal norms that expressed and defined the community ran parallel to the poetry that emanated from the community in a self-organizing, self-making aesthetic form. Yet Grimm left out of his critique of new legislation an account of the role of the jurist in relation to the communally rooted law. How were ambiguities clarified, the code updated, and cases decided on the basis of this historical understanding of legal norms? Savigny, whom Grimm was defending, did supply an answer to this question. The historical view of the law, Savigny believed, should prohibit the departure from existing traditions in the form of an arrogantly devised princely or popular code, but it also secured an eminently influential role for the legal scholar. To Savigny, it was first and foremost the historically conscious jurist who could clarify the law and guide its application by methodically exploring, ordering, and expounding extant sources. New legislation was deficient compared with the scholar's careful and rigorous scrutiny and explication of already established law, and the historical accretion of law itself contained the solutions to legal problems<sup>66</sup> – when carefully examined by scholars; legislation could emerge “out of legislation.”<sup>67</sup> To Savigny, the historical attitude to societal life and the fidelity to tradition ultimately supported professorial leadership in the realm of law.<sup>68</sup> Valid law did not grow out of political power but could emerge from the university, from faculties of law populated by jurists trained in the methods of legal-historical interpretation.<sup>69</sup>

Savigny argued that law could be augmented not by prescription but through the historical community's interpretation of its own, particular path,<sup>70</sup> and that this interpretation could be responsibly performed by rigorously educated jurists. In this vision, the professoriate emerged as the vanguard of German legal unity.<sup>71</sup> There were legal scholars and philosophers who argued against Savigny's position, which seemed to imply that the state of law in Germany hinged on the proper scholarly preparation of available legal manuscripts. The well-being of the German people, Savigny's main adversary Anton Friedrich Justus Thibaut (1772–1840) pointed out, should not have to rely on the helpfulness of librarians and completeness of archives,<sup>72</sup> and ancient law may well be too fragmented, scattered, and unsystematic to prove useful for a forward-looking society.<sup>73</sup>

The philosopher Georg Friedrich Wilhelm Hegel was also critical: Savigny, Hegel claimed, denied the educated nation its right to legislate, which was nothing less than an insult to its maturity, autonomy, and dignity.<sup>74</sup> In addition, the practical conservatism of Savigny's program was unmistakable: as a dominant university jurist and high Prussian civil servant, Savigny consistently invoked historicity to stifle liberal reform attempts.<sup>75</sup>

Savigny claimed that the university-trained and university-employed scholar should protect and cultivate the law and ensure that the people remained close to its evolved particularity, sheltered from the arbitrariness that would accompany historically insensitive codification efforts. What did the brothers Grimm think about the philologist? Could the philologist assume a similarly prominent role as the law professor vis-à-vis the development of a national literary and even political culture, as the custodian and interpreter of a particular national past? With Savigny's argumentation as an example, one could imagine parallel efforts to elevate the philologist to some socially central position, as the figure who could carry the people's past into the present and maintain and manage the definition of its national essence.

Interestingly, Wilhelm Grimm did not quite make an overt argument for the philologist as the guardian of national culture, not in the review at least. He loyally summarized and endorsed Savigny's gradualism but did not touch on the legal leadership of the professoriate that Savigny's argument was designed to support.<sup>76</sup> Both brothers were aware of the multiple analogies between legal and literary history that emerged from Savigny's account and were, as we shall see, very keen to point them out in their letters to their mentor, and yet they dealt only in passing with the implications for their own vocation.

The Grimms' immediate responses to their teacher's 1814 intervention in the German debate on codification were nothing but enthusiastic. In letters sent by Jacob Grimm in October 1814 and Wilhelm in December of the same year, they highlighted the many points with which they wholeheartedly agreed. Jacob wrote that he believed that law surrounded and accompanied by local popular habit and settled expectation would be viable for a people, as opposed to law that expressed the will of the ruler.<sup>77</sup> Savigny considered the Napoleonic legal code imposed in the occupied territories an instrument of domination;<sup>78</sup> in letters written from his work journey in France in 1814, Jacob expressed approval for the French political philosopher Benjamin Constant's (1767–1830) idea that the modern despot violated cultural particularity when he strove to impose legal and administrative homogenization.<sup>79</sup> As did other thinkers and scholars of the late

Romantic era, Jacob Grimm viewed centralization, homogenization, and the concomitant erasure of historically grown diversity as veritable evils.<sup>80</sup>

Unsurprisingly, both brothers were also very attracted to Savigny's explicit analogies between law and language, introduced to suggest that valid law was not the result of deliberate design guided by reason, created at a specific, identifiable moment. In the page-by-page commentary Jacob Grimm sent to his former teacher, he emphasized how language was never the outcome of conscious invention and that the attempt to construct a law for a people was as preposterous as to want to construct a new language for it.<sup>81</sup> The outcome of such legislative efforts could not possibly gain broad support. Wilhelm Grimm for his part highlighted the secretive, non-individual origins of folk poetry as analogous with the beginnings of law and said that he wished to present the history of poetry in such a way that it emerged as an entirely shared property of the people, a *Gemeingut*.<sup>82</sup> Both brothers, then, focused on the analogies between law, literature, and language that tied these fields and disciplines together.

However, the brothers also lingered on how both the history of law and poetry had to be understood in terms of societal differentiation, in which particular tasks were increasingly delegated to specially trained groups. Wilhelm wrote to Savigny that societies moved from a condition in which every man participated in legal decision-making to a stage in which educated judges carried out this function, just like poetry ceased to be the collective activity of the people as a whole and became the office of bards.<sup>83</sup> Jacob similarly drew a parallel between judges and singers as part of an account of how the heightened focus on what he called the "technical" element of basic activities (judging, singing) lead to the erection of a hierarchy of different functions performed by figures separated from the people.<sup>84</sup>

Despite the broad agreement with Savigny and numerous elaborations of their mentor's ideas, the brothers' response to his work did not include a statement on the role of the literary philologist in comparison with the university-trained juridical expert. In the letters to Savigny, Jacob mentioned the brothers' collaborative project of collecting tales and legends<sup>85</sup> and Wilhelm stated their intention to write about the origins of folk poetry, but they did not follow Savigny's example and elaborate upon the philologist's dignified vocation in the present day. Neither of them clarified the mission and the status of the scholar who recovered a history of national expressivity and by doing so made available the proof of a people's ancient togetherness, the documents of its invaluable particularity. Savigny introduced the figure of the professorial guardian of the law; given the



similarities, one would expect Jacob and Wilhelm Grimm to portray the philologist as the guardian of the national literature and culture, tasked with its proper presentation and interpretation, and even accorded the authority to define national particularity – but they did not explicitly touch on the subject. Despite this apparent reticence, Wilhelm Grimm did have an exalted view of the philologist's task as the legatee of a fully national and natural poetry, a view he formulated in the same period as his programmatic text on the origin of ancient German poetry (1808) and his Savigny-inspired review (1815). This conception can be found not in the reviews and essays on poetry and law or the letters to Savigny, however, but in prefaces to the *Children's and Household Tales*.

### Wilhelm Grimm's Cultural Manifesto

Savigny sent each brother a copy of his intervention in the German codification debate. In his December 1814 letter to Savigny, Wilhelm Grimm did not just provide his enthusiastic response but also reciprocated the gift by sending along his own most recent publication, the second volume of the *Children's and Household Tales*.<sup>86</sup> In a subsequent letter, Savigny thanked him for the book and mentioned how he and his children had enjoyed reading from it;<sup>87</sup> for the older mentor, the brothers' collection was meant for the family, for a father and his children. That is, after all, what the title suggested. Nevertheless, Grimm's two prefaces to the collection, one written in 1812 and one two years later, also constituted a manifesto.<sup>88</sup> The texts declared the importance of the tales for German national culture and called for a general reevaluation of folkloric inheritance but also, more surreptitiously, indicated the crucial task of the literary collector and scholar in the present day: the figure who rescued and reintroduced the stories of the folk, the philologist, would also reawaken the nation. Grimm did have an idea of the philologist's mission and status that matched Savigny's conception of professoriate leadership in the realm of law.

Wilhelm Grimm's concern in his two framing remarks to the *Children's and Household Tales* was cultural prestige. He set out to elevate folk culture in relation to traditionally esteemed forms of art, and by so doing also elevate German culture in relation to other, more highly regarded countries and cultures that had come to define civilizational achievement. The prefaces together sought to bring about a two-step, strategic redistribution of cultural value, an operation that also shifted the status of the collector and editor of folktales. If the assembled tales were not simply meant as tools

of edification for children and sources of light entertainment for adults but would rather help strengthen Germany's position in a European cultural space, then the compiler no longer appeared as a pedagogue or a witty man of letters, but as a very different and much more significant figure.

As collectors and editors of tales, the Grimms did not strive to appear as authors in their own right – this was simply not the model for their writing. Despite honing a particular fairy-tale style over the decades, a very carefully crafted idiom of simplicity and artlessness,<sup>89</sup> Wilhelm Grimm would claim that they had retrieved the stories of the folk from the household spaces where they were shared to then make them available without distorting manipulations. In the realm of the faithfully sustained cultural inheritance from which these tales emerged, both brothers believed, there had been no authors in the modern sense – the poetry was entirely natural and entirely national. Among the people, in ancient times, creation had been a completely collective process, impossible to analyze in terms of distinguishable individual contributions. However, the brothers also did not step in to continue the premodern intergenerational storytelling chain; they salvaged and sustained the ancient narrative material, but by scholarly means. In doing so, they did not necessarily wish to serve only as near-invisible collectors, whose names were meant to fade away once the voice of the people had been adequately transcribed and could speak out of a book, and yet they would not admit to being literary thieves plundering a collective heritage for their own glorification.

To use Jacob and Wilhelm Grimms' own favored dichotomy, their aim was to introduce redeemed examples of natural poetry into the literary realm now organized around artful poetry. Yet their own transfer operation, and hence the *Children's and Household Tales* as a collection, belonged to neither of these two categories: it was neither the unproblematic continuation of a fully social and national narrative practice that occurred spontaneously and unconsciously – *Naturpoesie* – nor the inspired or learned literary work crafted by an individual author with artistic and ultimately also legal control of his or her creation – *Kunstpoesie*. Instead, their task was precisely to construct a passageway between these two artistic, historical, and ultimately also social paradigms and in this way restore to present consciousness an appreciation of the greatness of a forgotten native past. The Grimms saw themselves as facilitators, but this was not necessarily a modest role, since the recuperative, mediating mission on the threshold between historical periods (ancient vs. modern times), social configurations (undifferentiated vs. functionally differentiated community), and media systems (oral vs. print transmission) was meant to change the cultural game in which Germany seemed

like a lesser, impoverished player than other, neighboring cultures, notably that of the French occupier. By reconnecting the era of individual artifice, of *Kunstpoesie*, to the neglected treasures of an age of collective poetry, *Naturpoesie*, the long course of German literary development, and by extension the fate of German cultural nationhood, would seem different and more glorious. With a historically unique and politically consequential redemptive intervention, the philologist would uncover the depth of the national culture.

In the prefaces, Wilhelm Grimm performed a series of interlocking reevaluations. He first made a case for the value of the tales themselves, then for their significance to a fuller, more adequate understanding of German literature and its ancient history, and, finally, for the worth and greatness of that German literature in a nationalized struggle for literary eminence.<sup>90</sup> If only the neglected and misunderstood folktales could be allowed to move closer to the realm of literature without having to shed their peculiar form, then German literary history would appear more complete. If German literary history could be better reconstructed or perhaps even healed in this manner, then its antiquity and particularity could be more fairly appreciated and no longer viewed as deficient compared with the paradigmatic European traditions. The tales were, Wilhelm Grimm claimed, “rich in themselves”<sup>91</sup> and deserved appreciation, but they also pointed to the “richness of German poetry” more generally,<sup>92</sup> and the collection of tales, which was sufficiently extensive or sufficiently “rich” for publication,<sup>93</sup> could restore and enhance the awareness of this national opulence. Wilhelm Grimm followed the prototypical agenda of the historicist intelligentsia in the Romantic era: salvaged cultural remains would help regenerate national consciousness, and the “artifactualization” of previously neglected folkloric forms<sup>94</sup> would support the “vernacularization” and nationalization of literary culture.<sup>95</sup>

Let us follow the argument a little more closely. The tales, Grimm wrote, were lovely; their intrinsic quality was the starting point of his reevaluation. The positive terms he selected to characterize the tales formed a cluster: the stories were absolutely pure and for this reason wondrous, the situations they represented were disarmingly simple, and the narrative tradition as a whole exuded the robust health and vitality of the people.<sup>96</sup> This particular jargon of authenticity is familiar and its objective transparent: it was supposed to subvert a dominant hierarchy between the civilized and the vulgar, the refined and the coarse. The tale's obvious lack of sophistication was not a deficiency, but rather a virtue, since the simple, wholesome, and naive could be of greater value than the overcomplicated and the artificial.

Grimm did seem to anticipate that the tales were not quite ready for the standard literary assessment applied to masterpieces in the realm of artful poetry, and he even tried to place the stories beyond the reach of regular literary criticism. One should not argue against those who question the tales' literary worth, he wrote, but rather preserve them from review altogether. Their loveliness was of a sort, he continued, that immediately activated one's protective impulses. In part, this was because they simply did not belong to the literary system constituted by authors who wrote books to be discussed critically in journals by critics upon their release to the reading public. The folktales instead possessed the particular charm of the preliterate and should be appreciated on their own terms rather than subjected to literary evaluation. Their specificity could be preserved in German, but not, he argued predictably, in French, because the French literary language had achieved such an advanced state of elegance and polish that it could no longer capture the rustic, popular idiom.<sup>97</sup> Stories told in French automatically exhibited finely honed dialogue and epigrammatic remarks, thanks to the smoothness and wit inherent to this highly developed literary language. Grimm sought to place the *Children's and Household Tales* in a liminal space, neither inside nor outside of literature: their charm could be appreciated but they should not be judged poetical or unpoetical. They could not directly compete with actual literary works and hence did not contest the obvious French literary supremacy, but they did indicate how that sophisticated linguistic universe was in fact bound and enclosed, unable to integrate speech that lived outside of it.

Placed at the boundary of literature in this way, the tales could also help restore a more complete sense of an ancient German poetry that was available only in fragmentary form and had regrettably been neglected. The immediately endearing tales, Wilhelm Grimm claimed, contained or even consisted of traces of grand epic poetry, much of which has been lost. Unbroken popular traditions of oral transmission had been able to retain that which had been lost by scholarly, courtly, or clerical elites. An altogether marginal genre, simple children's and household tales, had ironically functioned as a protective vessel for the most grandiose genre of them all, namely ancient heroic poetry. Children's and household tales had functioned as such a protective context precisely *because* of their marginality, because of their lack of significance or their invisibility in the domain of official, public culture. The high and the solemn from a vanished era had survived in the low and charming, shards of masculine heroism in domestic spaces coded as feminine. The Grimms' publication of the tales was meant not only to highlight their intrinsic delightfulness

and relativize French literary supremacy but also to help the German reading public regain fragments of its ancient poetry, relics of a greatness that should constitute the principal object of German literary studies and even serve as the foundation of German culture as a whole.

Wilhelm Grimm's conception of the neglected folktales as a repository of ancient poetry and mythology was in urgent need of some proof. His preface did provide examples of how scenes, episodes, figures, and beliefs that belonged to the realm of epic poetry appeared in folktales, but in a kind of miniature form. Most centrally, he identified *Dornröschen* or the fairy-tale figure of Sleeping Beauty, in deep sleep for a hundred years after being pricked by a spindle, with Brunhilde sleeping behind a wall of fire in the *Nibelungenlied*, Grimm's key specimen of German epic poetry endowed with unquestionable majesty and depth.<sup>98</sup> Yet it was not the case that the folktale had preserved a trace of *Nibelungenlied*, but that both stemmed from a now lost, ancient source.<sup>99</sup> The example seems to have been a favorite one of the brothers; it reappeared in Jacob Grimm's massive *German Mythology* from 1844, a work that again welded folk customs and pagan mythology to bestow upon a vanishing rural culture the somber aura of religion.<sup>100</sup> When Jacob Grimm addressed the topic of myth's survival in marginal, neglected genres, he, like his brother, pointed to *Dornröschen*, Sleeping Beauty, as a memory of a Valkyrie.<sup>101</sup> This and other examples were meant to convince the readers that transcribed tales, primarily from the Grimms' own region, Hesse, could help fill gaps in the nation's literary and cultural history and thereby enhance the reputation of the fatherland. More or less local ethnographies of folk storytelling could uncover a lost national greatness, the modest "domestic space" opened up into a grandiose "national space."<sup>102</sup>

Wilhelm Grimm presented the collected tales as worthy evidence of German cultural endurance. Such survival over the ages for him counted as self-evident capital in the struggle for literary eminence on the European stage. Germany was just as culturally wealthy as nations such as France, although proofs of its literary wealth had been hidden in unexpected places such as neglected folktales.<sup>103</sup> The German nation seemed to suffer from a relatively weak high-literary tradition, but once the collected tales had been properly reevaluated, or properly positioned vis-à-vis the literary field, Germans would be able to make a better case for the antiquity of their poetry; the preliterate oral tradition functioned as evidence of a very old but fragmented heritage of collective poetry.

As if this frame would not provide a sufficiently strong justification for the work of assembling and disseminating the folktales, Wilhelm Grimm's

preface added yet another layer of legitimation. The time for his procedure of literary-historical restoration was running out, he also claimed, because the age of storytelling itself was coming to an end. Fewer and fewer old women told stories in the previously protected domestic spaces, Grimm claimed, as the socio-narrative practice had come under threat by a more sophisticated but also emptier culture of conversation and refined interaction.<sup>104</sup> That the tradition was threatened by the “industrialization and urbanization”<sup>105</sup> or “economic modernization,”<sup>106</sup> as is sometimes claimed, could hardly be the case in nonindustrialized Hesse of the early nineteenth century, and Wilhelm Grimm did not make any such claim or suggestion; he only very vaguely sketched the threat to old traditions. Whatever the cause, the decline of storytelling meant that an important avenue of access to the age of ancient heroic poetry was closing down. The self-appointed task of the Grimms was therefore not only to use humble tales to reconstruct German literary history but to do so before it was too late, before the tales themselves disappeared. The rediscovery of ancient German poetry in the neglected realm of the folktale was part of an urgent rescue operation. The encounter with the tales was meant to kindle the public’s appreciation of the wonderful treasures of ancient German poetry, help found the rigorous study of the origins of German poetry,<sup>107</sup> and ultimately undermine the prejudiced view of German culture as too poor to be meaningfully compared with the French, but all of this, Grimm stated, had to happen immediately.

Such was the articulated rationale for the folktale collection, explained in the two prefaces composed in 1812 and 1814. What was, against this background, the task and position of the scholars vis-à-vis the storytelling tradition that they were trying to save and glorify, excavate and elevate? What was the role of the philologist exactly, in relation to the narrative practice of storytellers, on the one hand, and the German public, on the other? Again, the brothers were not creative authors like their friends Clemens Brentano and Achim von Arnim who had put together the folk song collection *Des Knaben Wunderhorn* (1805–8) but remained committed to the production of novel imaginative literary works. Nor were the Grimms simply storytellers in a generational chain of storytellers. They were collectors and compilers of supposedly vanishing tales, certainly also scholars knowledgeable about wider cultural and mythological contexts, and all in all respectful guardians of a hidden national cultural wealth. In light of Wilhelm Grimm’s account of the imminent loss of the stories that preserved traces of epic poetry, they also implicitly presented themselves as mediators between distinct modes of retention and transmission who

wanted to manage the replacement of one medium by another. By collecting tales, they converted a vulnerable oral tradition into print and yet sought to frame this tradition as essentially alien to the new medium, not to be judged by critical standards attached to it. They were also two young men who replaced what they themselves indicated was a long succession of female storytellers. Yet by representing the genre of the folktale as a cluster of traces that pointed to the forgotten existence of other, awe-inspiring and dignified genres, Wilhelm Grimm also indicated that the public's interest and admiration should ultimately be directed at this distant majesty, which was now about to be represented for the benefit of contemporary national culture. The brothers did not create the tales nor did they simply pass them on, but they rescued them from disappearance, remediated<sup>108</sup> and re-generated them, with the final aim of redeeming the ancient heritage lodged in them.

Wilhelm Grimm had no simple name for the philologist's essential position, or for this complex transitional activity on the threshold between historical and artistic periods. In the prefaces, however, he did offer the reader an account of the philologist's vocation – the philologist was nothing less than a redeemer of national being. He delineated this mission and revealed the scope of his scholarly ambition by means of an image rather than by explicit argument. We can only understand Wilhelm Grimm's self-conception as collector, editor, and scholar, then, if we are attentive to the imagery that these texts present.

### The Prince of Germany

In 1816, after publishing their first volumes of folktales, Jacob and Wilhelm Grimm put out a collection of German legends. In the preface, written by Jacob Grimm rather than by Wilhelm, the work of collecting legends was likened to the child's joyful discovery of hidden birds' nests in the woods. In both cases, the finder had to proceed carefully and attentively and treat the material with utmost sensitivity: "here, too, with the legends, one must quietly lift up the leaves and cautiously bend away the branches so as not to disturb the people and to watch, in secret, the wondrous but modest natural landscape, nestled in itself and fragrant of foliage, meadow grass and freshly fallen rain" [*es ist auch hier bei den sagen ein leises aufheben der blätter und behutsames wegbiegen der zweige, um das volk nicht zu stören und um verstohlen in die seltsam, aber bescheiden in sich geschmiegte, nach laub, wiesengras und frischgefallenem regen riechende natur blicken zu können*].<sup>109</sup> The process of collecting legends was a little like bird watching or

eavesdropping; one had to tread with care, not announce one's presence or rudely overwhelm the material. If only the philologist exercised sufficient attentiveness, patience, and restraint, he would have the opportunity to witness a humble but marvelous hidden world of the people and to share this glimpse with others.

When picturing his work as a philologist, Jacob Grimm imagined standing silent before a natural boundary that both hid and sheltered something infinitely precious. Wilhelm Grimm's 1812 preface to the first volume of the folktales featured a similar image of protection. His text opened with a picture of hedges and the safety they could offer against ravaging storms. This image of shielding greenery introduced one of the main ideas of the preface, namely that of preservation – the preservation of culture over time despite fragmentation and forgetting, and the preservation of a great literary heritage in the pockets of marginal narrative practices. The question of Wilhelm Grimm's 1812 preface was the following: What had safeguarded the folktales, and with them the traces of a magnificent ancient Germanic culture?

Wir finden es wohl, wenn Sturm oder anderes Unglück, vom Himmel geschickt, eine ganze Saat zu Boden geschlagen, daß noch bei niedrigen Hecken oder Sträuchen, die am Wege stehen, ein kleiner Platz sich gesichert und einzelne Aehren aufrecht geblieben sind. Scheint dann die Sonne wieder günstig, so wachsen sie einsam und unbeachtet fort, keine frühe Sichel schneidet sie für die großen Vorrathskammern, aber im Spätsommer, wenn sie reif und voll geworden, kommen arme, fromme Hände, die sie suchen; und Aehre an Aehre gelegt sorgfältig gebunden und höher geachtet, als ganze Garben, werden sie heimgetragen und Winterlang sind sie Nahrung, vielleicht auch der einzige Samen für die Zukunft. So ist es uns, wenn wir den Reichtum deutscher Dichtung in früher Zeiten betrachten und dann sehen, dass von so vielem nichts lebendig sich erhalten, selbst die Erinnerung daran verloren war und nur Volkslieder und diese unschuldige Hausmärchen übrig geblieben sind. Die Plätze am Ofen, der Küchenherd, Bodentreppen, Feiertage noch gefeiert, Triften und Wälder in ihrer Stille, vor allem die ungetriebte Phantasie sind die Hecken gewesen, die sie gesichert und einer Zeit aus der andern überliefert haben.<sup>110</sup>

When a storm or some other calamity from the heavens destroys an entire crop, it is reassuring to find that a small spot on [by] a path lined by hedges or bushes has been spared and that a few stalks, at least, remain standing. If the sun favors them with light, they continue to grow, alone and unobserved, and no scythe comes along to cut them down prematurely for vast storage bins. But near the end of the summer, once they have ripened and become full, poor devout hands seek them out; ear upon ear, carefully bound and esteemed more highly than entire sheaves, they are brought home, and for the entire winter they provide nourishment, perhaps the



only seed for the future. That is how it all seems to us when we review the riches of German poetry from earlier times and discover that nothing of it has been kept alive. Even the memory of it is lost – folk songs and these innocent household tales are all that remain. The places by the stove, the hearth in the kitchen, attic stairs, holidays still celebrated, meadows and forests in their solitude, and above all the untrammelled imagination have functioned as hedges preserving them and passing them on from one generation to the next. These are our thoughts after surveying this collection.<sup>111</sup>

What does a hedge do? A hedge offers protection; Grimm's word was *sichern*, to render secure.<sup>112</sup> In Grimm's fairly convoluted and flowery opening paragraph, modest domestic spaces, recurring traditions of celebration, a quiet agrarian landscape with pastures and woods – that is to say, an entire traditional context of life – had safeguarded and saved the children's and household tales, like a hedge or a row of bushes near a road could protect at least one small spot where some of the growing crop could be preserved from ravages. In Grimm's telling, a traditional lifestyle, centered on the hearth, had managed to maintain German folktales, and these tales in turn had carried in themselves shards of the Germanic epic tradition. Not for long, however, since "the custom of telling tales" was "on the wane";<sup>113</sup> past practices of preservation were coming to an end and the "hedges" would cease to exist.

The 1812 opening implied that Wilhelm and Jacob Grimm could carry out their redemptive cultural work because someone or something – a transgenerational sequence of storytellers, household narrative practices – had surrounded a treasure with a "protective shell,"<sup>114</sup> preserving it for future retrieval. Unlike Jacob Grimm's portrayal of the cautious collector, however, Wilhelm Grimm did not explicitly mention the figure of the witness in his opening; he did not include, in this part of the text, anything about anyone standing at the hedge, cautiously bending away twigs so as to get a better view. This absence is a little curious. The folklore scholar Marina Warner has suggested that the Grimms' famous collection staged a "crucial encounter" between the folk, on the one hand, and intellectuals or scholars, on the other.<sup>115</sup> Yet in Wilhelm Grimm's opening metaphoric passage, one side of the encounter remained a little in the dark, namely the collector. In his preface to the *German Legends*, Jacob Grimm spoke explicitly about the philologist making discoveries and peering through a boundary, like someone searching for birds or watching people from a distance; Wilhelm Grimm likewise spoke about a protective boundary but did not mention an observer.

Read together, though, Wilhelm Grimm's two prefaces did indicate that someone was standing at the protective hedge at the very moment of its untangling or unraveling. In the 1814 preface, Grimm prominently adduced the similarity between *Dornröschen* [Brier Rose] or Sleeping Beauty and Brunhilde as evidence of the genealogical relations between the folktales and ancient Germanic poetry. The protective hedge around the princess in the famous fairy tale was like the wall of flames around Brunhilde and the similarity suggested, both Jacob and Wilhelm Grimm believed, a common ancient source. The story of the Sleeping Beauty is a very familiar one. After being pricked by a spindle, the princess falls asleep for a hundred years, both shielded and imprisoned by a hedge of thorns that grows every year and covers and conceals the castle, to keep out curious intruders. She is eventually woken up when the prince arrives and finds that he can move through branches that part for him of their own accord. The hedge in the tale does not guard possessions but shelters the figure who sleeps, until the day has come for her and all the kingdom to rise, the day that the right one arrives at the hedge. The image of the hedge, the protective but ultimately *dissolving* boundary, involves not one but a couple of figures: one who sleeps behind the hedge and the other who walks up to it and passes through it. The hedge in Grimm's preface can be read in light of the folktale's hedge of thorns, introduced by Grimm himself, and the more complete picture that then emerges does locate two figures at the barrier, one on either side. With the supplemented or completed image, one can identify the scholar as the one who stands before the hedge, just like Jacob Grimm portrayed the collector as standing behind branches in the woods, getting a glimpse of what they were concealing.

When there is a hedge in the folktale, there is a sleeping figure behind it but also a hero before it, who will come at the right moment to move through the barrier that opens. What was long hidden will at that moment appear again and what was dormant stirred to life. Wilhelm Grimm never told this story of reintroduction and indeed resurrection, but strands of it were undeniably present in his texts. Reconstructed with the help of the folktales mentioned in the prefaces as well as Jacob Grimm's affiliated imagery, we can imagine Wilhelm Grimm's collector and philologist as the figure standing before the now unraveling hedge to retrieve the treasures that had been shielded but also hidden from view, quietly protected but also not fully known.

According to Wilhelm Grimm, the protections of tradition were disappearing, which put the tales – the hidden treasures – at risk; the previously

safeguarding hedges would soon be a thing of the past. It was precisely this decline of the protective folk life that called forth the necessity of preserving the tales and making them available in some other way – this was after all part of the rationale of the folktale collection. In a sense, the text's half-hidden imagery of timely arrival at a dissolving boundary best captured the role of the collecting scholar; Wilhelm Grimm's philologist occupied the position of the figure before a protective but now disintegrating barrier. Buried in the prefaces with its imagery of shielding hedges was even something of an allegory of cultural awakening, in which the collector-editor appeared at just the right moment for the public reemergence or even resurrection of a cultural life long hidden but maintained by common people in their modest domestic spaces. The transcription and publication of the folktales was, in this frame, an entirely legitimate undertaking, and perhaps also a perfectly timed one. The Grimms could not be accused of stealing the tales or exploiting the tellers, the prefaces indicated, because they had not come to violate a sheltered location or steal the narrative treasures of the people, but to witness the reappearance of a richness previously hidden. The retreat and even dissolution of traditional life, which seemed so regrettable to Wilhelm Grimm, coincided with the philologist's retrieval and public display of forgotten treasures, which presumably was an occasion to be celebrated. In this way, the transition from local folk practices to the collector's and editor's work of restoration, synthesis, and dissemination was inscribed into the imagery of the preface – and justified by it.

Wilhelm Grimm's prefaces to the volumes of folktales, then, contained a sort of encrypted narrative of self-justification, cast in an imagery of preservation and discovery that appeared across more than one text. This was a narrative that outlined, by means of a key image of protection or "securing [*sichern*]," the transitional role of the collector-editor who could facilitate the contact between a sustained but also long-concealed cultural past and a tumultuous present, manage the shift from resilient but stubbornly local and now endangered oral traditions to a print-based mode of national distribution, and connect the collectivism of age-old popular storytelling practices with the contemporary literary sphere. The prefaces indicated that little known folk traditions had long guarded the remains of ancient German poetry, but that these remains could and should now be introduced to a public so as not to become lost – at the right moment and by the right person. That person, tasked with a unique recuperative and mediating mission at a particular epochal juncture, namely the retrieval and release of a German cultural heritage in a period of fading folk culture, was none other than the philologist. Whenever there is a hedge in the

folktale, there is also a hero or redeeming prince, and in relation to the previously protected folktales and their hidden riches, the philologist Wilhelm Grimm surreptitiously slipped into the role of the prince of Germany.

Wilhelm Grimm developed a particular conception of the philologist's mission. He was, like his brother, trained and inspired by Savigny, the influential scholar and civil servant who broke with the dominance of the natural law tradition in the German legal world, headed the historical school of jurisprudence, and argued for the legal leadership of the historicist professoriate. For Savigny, jurists ought to tend to the law, piece together its sometimes scattered and disordered parts, clarify its structure, and guide its application so that the people could continue its historical life undisturbed and uncoerced by a supposedly enlightened regime. Savigny, one could say, argued against the rule of a philosophizing king in favor of the historically oriented jurist – the scholar was the guardian of law. Together with his brother, Wilhelm Grimm shifted attention from law to literature and argued that ancient German poetry constituted a collective historical substance that marked out the Germans from other peoples. As the legal scholar carefully and rigorously maintained the law of the people in its particularity, the philologist explored and disseminated knowledge of a once spontaneously self-generating, communal poetry – a purely natural and national speech – that represented an authentic record of the people's past cohesiveness. It was the philologist who mediated between the nation's intensely collective past and the more dispersed and differentiated society of the present. The Grimms, one could say, were neither traditionalists nor modernists, because they were focused on guiding and managing the *transition* from a now declining traditional and localized folk culture to the modern, integrated cultural space of the nation. That was their all-important task of scholarly mediation.

What was it that Wilhelm Grimm's philologist knew, or knew and did? He claimed to know the nation, that it existed and existed naturally, that it possessed historical depth and cultural autonomy, and that it should not be unfavorably compared with or dominated by other nations, given its naturalness, antiquity, and particularity. This national knowledge was not self-evident, but rather the result of patient exploration and retrieval and hence methodical discovery, and it could be made available so that the present age, the contemporary public, could come to understand its prehistory of vibrant expressivity and declare its cultural independence with greater confidence. This meant that the philologist was the figure who could stir Germany to life. Wilhelm Grimm subtly pictured himself as the

prince of Germany, but then a folktale prince rather than an actual ruler, a self-appointed redeemer of a slumbering national culture at a particular juncture in time.

In Wilhelm Grimm's vision, the philologist roused the previously dormant and half-hidden narrative culture, restored it and released it, made it public in the age of print and in doing all this enabled the nation's return to literary greatness. Revered authors such as Goethe or Schiller created canonical literary works that enhanced the status of German culture in the European space, but, according to the Grimms, the nation still needed diligent experts on the natural poetry of the people, the poetry that once had sprung spontaneously out of the tribal collective and survived in fragments and marginalized genres. Only the philologist could assume this custodianship of ancient poetry, since he respected its self-organized form, collected and edited it with the utmost care rather than treat it as raw material on which to impose an artistic will. By reconnecting the densely communal ancient history to the precarious national present, the philologist could lay claim to a kind of cultural leadership and seek to perform a redemptive function in a transitional time. National revitalization depended on the facilitating practice of scholarship in the form of a respectful recollection of the past, and the results of this scholarship were the medium of the nation's encounter with its own historical identity.

For all his emphasis on cultural redemption and revitalization, however, the young Wilhelm Grimm had no developed understanding of how the philologist could relate to any actual ruler. The philologist's task, according to his half-hidden programmatic statements, was directed toward a German readership, a people that ought to develop a richer self-understanding. Jacob Grimm, by contrast, reflected more on the philologist's location in between the nationally defined people and the political regime. It was not enough for the philologist to return to the German people the particular and collectively owned culture that belonged to it; one also had to make the ruling elite attentive to this culture, with the hope that princes and kings would respect and love it. Having worked under the king of Westphalia and then going on to an intermittent and reluctantly pursued amateur political career, Jacob Grimm was perhaps more attuned to the question of how to mediate between the ruler and the ruled, the king and the people. This task of political mediation is the object of the next chapter.