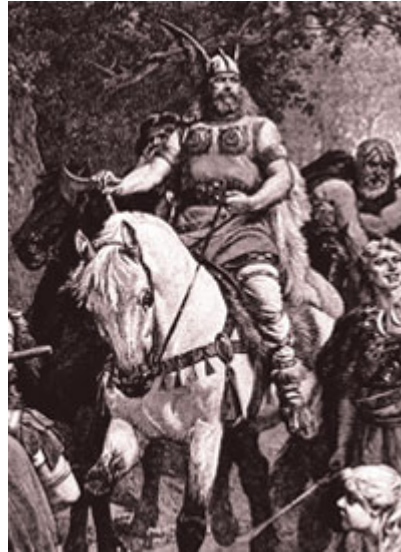




Written by on September 11, 2009

Teutoburg Forest: The Battle That Saved the West

September, 9 A.D., Kalkriese Hill, northern Germany: the Germanic warriors waited in grim silence. Three Roman legions, commanded by General Publius Quintilius Varus, advanced across the Rhine into Anglo-Saxon territory. The Romans hoped to expand Roman power, Roman law, and Roman culture. The Germans hoped to preserve their Teutonic laws and institutions and their way of life.



Probably neither side realized that the Battle of Teutoburg Forest would decide the course of Western law and Western civilization for millennia to come.

And now, in the year 2009, the 2,000th anniversary of the battle, very few Americans have even heard of the battle, and fewer still understand its significance.

Contestants and Stakes

The ancestors of these German warriors had lived in these fields and forests for centuries untold, possibly arriving with the great Indo-European migrations around 2000 B.C. They farmed and hunted, living in rural compounds consisting of several homes, usually occupied by relatives, with other compounds or villages a few miles away. They worshipped their pagan gods, like Wotan (Odin) and Donnar (Thor), who represented forces of nature, and they lived by the old Teutonic virtues: keeping one's word, valor in battle, loyalty to family and community, and hospitality to strangers.

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And they lived under the ancient Teutonic common law. The Germans practiced a highly decentralized form of government, with law based on custom and administered by a local council (witan) composed of all free men, who served both as a lawmaking body and as a jury for civil and criminal cases.¹

But Rome threatened to change that. They, too, were a Western people, who probably came to Italy during the same Indo-European migrations. At one time Rome was a republic, governed by the Senatus Populus Que Romanus (Senate of the People of Rome, or SPQR) under the Law of the Twelve Tables. But in the century before the birth of Christ, the Roman republic gradually gave way to the empire. Power became centralized in Rome, and the Senate was reduced to a figurehead, rubber-stamping the emperor's edicts.

And the Roman Empire was gradually expanding northward. Around 50 B.C., Julius Caesar decided to subdue Gaul (France). The various Celtic tribes united under a chieftain named Vercengetorix; they fought bravely, but their ferocity was no match for the discipline of the Roman legions.

Rome then turned its attention to Germany. Some of the southern German tribes, those south and west of the Rhine, succumbed to Roman rule. But those east of the Rhine, and especially those of Saxony, resisted.



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As these Germanic warriors waited for battle, they knew they were facing the wrath of the most powerful army the world had ever seen. The Roman army was divided into 28 legions, each consisting of approximately 5,000 soldiers. The legionnaires were exceptionally well-disciplined, and they were in superb physical condition. In addition to 70-80 pounds of armor and weapons, each soldier marched carrying a 40-pound pack. Their primary weapons were spears, but they also used the gladius, a short two-edged sword that was well suited for thrusting, slashing, blocking, and parrying. They also carried rectangular shields that, when locked together in formation, made them almost invulnerable to attack. They used a battle formation known as the maniple, similar to the Macedonian phalanx, but looser and more flexible and therefore effective on a variety of terrains.

The 17th, 18th, and 19th legions had been sent to Germany, and Emperor Augustus had appointed Publius Quintilius Varus governor of Rhineland. Varus was a patrician aristocrat and a skilled diplomat who had rendered great service to Rome on foreign fields, but he had little actual battle experience.

The Germans lacked the discipline of the Romans, and their steel was of inferior quality. But they possessed more than size, strength, and courage in battle. The army consisted of all able-bodied freemen, and they fought with shields, spears, battle-axes, and occasionally large broadswords, more powerful than the Roman gladius but more difficult to use in close infighting. They commonly attacked using a wedge formation, and cowardice in battle was punishable by death. They fought with machine-like efficiency in smaller groups but were unused to fighting together in large armies.

This time the Germans had a chieftain named Hermann, perhaps better known at that time by his Latinized name Arminius. Born a prince of the Cherusci tribe, Arminius had been raised in Rome as a hostage, and he received military training and became a Roman officer. He learned Latin and received Roman citizenship, an honor bestowed on non-Romans only for exceptional service. His years of service to Rome gave him a thorough understanding of Roman military strategy and tactics, and of the Roman mindset. But he had not forgotten his Germanic heritage, and as a young man he returned to his German people. Arminius managed to unite some of the northern German tribes and instilled in them a passionate desire to preserve their independence from Roman domination.

Varus, the Roman commander, and Arminius, the German commander, knew that northern Germany was a tinderbox that needed only a spark to erupt into a major conflagration. Rome claimed authority over northern Germany; the German tribes had not accepted Roman rule but had not yet openly revolted.

Arminius devised a brilliant strategy. He caused a rumor to reach Varus that two German towns east of Teutoburg Forest had openly revolted against Rome. As expected, Varus decided that a display of force was necessary to suppress this revolt and prevent it from spreading to other parts of Germany. He led his three legions, totaling up to 20,000 men, across the Rhine and into Teutoburg Forest. And Arminius planned his ambush.

East of the Rhine, in Teutoburg Forest, is Kalkriese Hill. A narrow road stretched from west to east along the northern edge of the hill. For several miles the road runs between a marsh to the north, known as the Great Bog, and Kalkriese Hill to the south. The narrowness of the road, as Arminius knew, would force Varus to march his army only eight men abreast, and therefore he would have to spread his legions over several miles. Arminius knew his German warriors could not match the disciplined Roman legions in open battle, but he also knew the Romans preferred to fight on open terrain and were less effective in woodlands and marshes.



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Arminius and his warriors constructed earthworks on the north side of Kalkriese Hill. He probably placed 5,000 warriors behind the earthworks, 5,000 in the woods behind them, 7,000 on the northeast slope of the hill, and 1,000 at strategic points in the marsh north of the road. As Peter S. Wells wrote in *The Battle That Stopped Rome*,

The Germans waited nervously behind the sod wall. Some of the older men, who had fought against the Roman legions during the campaigns of Drusus, Ahenobarbus, and Tiberius, or who had lost kinsmen in battles with those armies, hated the Romans with passion and were eager to attack the troops and to kill as many as they could. But most were frightened, even terrified, at the prospect of confronting the dreaded legions in face-to-face combat.

In September of 9 A.D., Varus and his legions entered Teutoburg Forest. At this point, a torrential downpour occurred. And with the legions and their wagons bogged down in the rain and mud, Arminius and his warriors attacked.

The attack began with a barrage of spears thrown through the air. Wells estimates that each of the 5,000 warriors behind the earthworks could have thrown one spear with accuracy every four seconds, so within 20 seconds the Roman legions could have been struck with as many as 25,000 spears. Wells writes,

Within ten seconds of the start of the spear barrage, the marching units disintegrated into chaos. The attacked soldiers stopped walking, in order to try to defend themselves. Since they were marching in close formation and few could see much beyond the men immediately around them, those behind kept marching forward and crashed into their fellows. At first, soldiers farther back in the column were unaware of what was happening toward the front, and they kept pressing on.... Like a chain-reaction highway crash, men piled into one another....

Wounded, dying, and already dead men quickly covered the track, making movement increasingly difficult for the others. The scene was one of complete chaos — spears falling like hail, men collapsing and gasping, even those not yet wounded struggling to remain on their feet, and occasionally frenzied horses and mules crashing through the swarm of troops. Within minutes, thousands of Roman soldiers lay dead or dying, pierced by spears, while others struggled to stay on their feet and to use their shields for shelter.

With a deafening war cry, the German warriors then leaped over the earthworks and charged into the Roman ranks. “For the first time in their lives,” writes Wells, “they saw Roman legionaries — representatives of the imperial power that marched with impunity through their lands, bribing their chiefs and subverting their politics — powerless and helpless.”

Some authorities believe the battle was over in an hour; others believe it stretched out over three days. Possibly the outcome was clear after the first hour, but skirmishing continued for three days as Roman survivors fought their way back to the Rhine. But this is clear: Arminius and his German warriors had won a resounding victory. Of the 15,000-20,000 Roman soldiers, fewer than 1,000 survived. German losses were about 500 dead, 1,500 wounded. News of the defeat caused consternation in Rome. Suetonius, in his *Lives of the Twelve Caesars*, wrote that Emperor Augustus banged his head against the palace walls, shouting *Quintili Vare, legions redde!* (“Quintilius Varus, give me back my legions!”) But rather than face the ignominy of defeat, Varus committed suicide after the battle. And the 17th, 18th, and 19th legions were never restructured, which is unique in Roman history.

The Course of History



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More battles between Rome and the Germans took place in the years that followed, but the Rhine was firmly established as the northernmost boundary of Roman expansion. And as a result, northern Germany and Scandinavia remained free from the influence of Roman culture and Roman law.

The areas of southern Germany that fell to Roman domination largely adopted the centralizing features of Roman law. The Code of the Visigoths, governing what is now Spain and southern France, contained many features of the Roman Theodosian Code, and on Christmas Day 800 A.D. the Pope crowned Charlemagne Holy Roman Emperor: "Charles Augustus, crowned by God, great and peace-giving emperor, life and victory!" Although he was a devout Christian and a great ruler in many ways, Charlemagne governed largely according to Roman law, combining it with some Christian and some Germanic elements. And in 911 A.D., after King Charles the Simple of France gave the Normandy peninsula to the Viking jarl Hrolfr (Rollo), Rollo and his Norman descendants, including William the Conqueror, likewise adopted French customs and the Romanized law of France.

But in northern Germany, especially among the Angles and the Saxons, the old Teutonic common law continued, with its emphasis on individual rights and decentralized government. And in Scandinavia the Viking law was similar to it, in some ways even more decentralized than in Germany.

In the late 400s A.D., after the Roman legions were withdrawn from Britain, the Angles and Saxons of northern Germany and the Jutes of Denmark migrated to Britain. After securing the land from the raids of the Picts and Scots, these tribes established a kingdom based upon the old Teutonic common law. Britain became known as Angle-land, or England, and in keeping with Teutonic concepts of decentralized government, the land was divided into seven kingdoms: the Saxons occupied the southern kingdoms of West Saxony (Wessex), East Saxony (Essex), and South Saxony (Sussex); the Angles occupied the northern kingdoms of East Anglia, Northumbria, and Mercia; and the Jutes occupied Kent in the southeast. Roughly speaking, each 10 families were led by a tithing-man, each 50 by a vil-man, each 100 by a hundred-man, and each 1,000 constituted a shire, headed by an eolderman (shortened to earl) and his assistant, the reef. The reef was a law-enforcement officer, and the term "shire reef" became "sheriff."

Each shire was governed by a council known as the *witan*, composed of all freemen in the shire. The witan at first served as both a legislative body and as a jury to try civil and criminal cases, but eventually the legislative and jury functions of the witan were separated. Once a year all of the witanes of the kingdom met together in a grand council called the *witangemot*.²

When the Anglo-Saxons first came to Britain, they still retained their pagan beliefs. But the Celts converted many of them to Christianity, around 597 Archbishop Augustine arrived from Rome to further their Christianization, and by the late 600s England was a Christian country. The Laws of King Aethelbirht, baptized by Augustine in 601 A.D., reflect a Christian perspective, as do the Laws of King Wihtraed (691-725 A.D.) of Kent and King Ine of Wessex (688-725 A.D.). King Alfred the Great's Book of Dooms (890 A.D.) began with a recitation of the Ten Commandments and was interspersed throughout with Old Testament and New Testament references.

Viking raids on the British Isles began around 787 A.D., and Vikings soon ruled large portions of England, Scotland, and Ireland. King Alfred repelled the Viking advances and entered into a treaty by which the Vikings could rule areas of northeastern England north of a line called the Danelaw, with the further requirement that the Viking King Guthrun become a Christian. Viking law and Anglo-Saxon law developed out of the same Teutonic background and were very similar. The Viking witan was called the



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thing and met at the call of any freeman. A judge or lawspeaker, called the *godi*, presided and was elected to a three-year term. Once a year he was required to recite from memory one-third of the Viking law code, so the entire code was recited over his three-year term.

In 1066 A.D. William the Conqueror (a descendant of Hrolfr or Rollo) of Normandy defeated King Harold at the Battle of Hastings, and England fell under Norman rule. William did not try to change everything at once; he left the *witangemot* intact and gave it the French name *parliament*. But he and his successors worked to centralize government under the Norman monarchy, while the Anglo-Saxons and their Viking allies struggled to preserve local shire government.

The Great Charter

In 1215 A.D. the English people, particularly the Anglo-Saxons and their Viking allies, chafed under the tyranny of the Norman King John, and they looked for leadership to the Archbishop of Canterbury, Stephen Langton, of Lincolnshire, a Viking settlement north of the Danelaw. Archbishop Langton instructed the barons and bishops on their duty to interpose themselves on behalf of the people they represented against the tyranny of the higher magistrates. He supervised the drafting of the Magna Charta and commissioned Robert Fitzwalter as the Marshall of the Army of God and Holy Church, and together they met King John at Runnymede and forced him to sign the Magna Charta, which guaranteed the ancient God-given rights of Englishmen. But the struggle against the forces of centralized power continued during the ensuing centuries, culminating with the Glorious Revolution of 1688, the English Bill of Rights of 1689, and the American Declaration of Independence of 1776.

Meanwhile, in Germany Arminius had been largely forgotten. But in the 1500s Martin Luther, who had studied law before becoming a monk, defended the old Teutonic common law against the usurpations of the Holy Roman Emperor. He revived the memory of Arminius and called him by the Germanicized form of his name, Hermann the Liberator, and cultivated him into a national hero.

In 1839, construction commenced on the Hermannsdenkmal, a large statue of Hermann atop a pavilion near Detmold in the Teutoburg Forest. A similar statue and pavilion can be seen on a hill west of New Ulm, a German community in central Minnesota, called the "Hermann Heights Monument" but better known to local residents as "Hermann the German." Standing atop the monument with his sword held aloft, Hermann defiantly faces east toward Rome (and also toward Washington, D.C.!). Besides the observances at Kalkriese, Germany, New Ulm will hold a celebration the 2,000th anniversary of the Battle of Teutoburg Forest on September 17-20, including a battle reenactment (www.hermannmonument.com), and the city of Hermann, Missouri, will hold a Victory Celebration on September 23-27 at which a Hermann statue will be dedicated (www.historichermann.com).

And well they should. Hermann the Liberator not only preserved the freedom of northern Germany and Scandinavia, he made possible the transmission of the common law to England and, eventually, to America.

And what of American freedom in 2009? The land of the free chafes under the rule of a government that dwarfs that of Rome, under a president who seeks more power than even King John could imagine. Hermann the Liberator, Alfred the Great, Archbishop Langton, George Washington, we need your likeness today!

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¹ *It is unclear at what point in history the Germans developed this Teutonic common law. Some believe it existed even before the Indo-European migrations, while others believe it did not take shape until after the Anglo-Saxon settlement of the British Isles. This author believes the Teutonic common law was largely developed at least before the Battle of Teutoburg Forest.*

² A good discussion of Anglo-Saxon common law may be found in Frederic Seebohm, *Tribal Custom in Anglo-Saxon Law* (Longmans, Green, & Co.: 1911); Francis Owen, *The Germanic People: Their Origin, Expansion, & Culture* (Barnes & Noble: 1960, 1993); and W. Cleon Skousen, *The Making of America: The Substances and Meaning of the Constitution* (National Center for Constitutional Studies: 1985), pp. 54-59.



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