

Carlsbad 1819

Like another Chouannerie

Estate-based representation: Carl Ernst Jarcke

October 3, 2019 by Nulle Terre Sans Seigneur

Rather, in this respect too, the principle applied: the sovereign decreed independently, and without being bound to foreign consent, to be fine about everything which falls within the sphere of his right, and is subject to his free and proper disposition, although he often seeks counsel in this too and to hear the report of his higher servants or of his estates. On the other hand, the consent of the claimant is required if he wants to extend fine disposition over foreign rights. In accordance with this supreme principle, the sovereign, without being bound to any foreign will, had the free disposition of all honors, titles, and dignities, the bestowing of which he was entitled to under the rule of the kingdom — elevations of status, elevations to the nobility, acquisitions of orders, awards of titles, and so on — as well as provisions on his own titles and predicates, on his court, and the titles of his court. In the same capacity, and as the head of his house, he decreed all his family and family affairs, as far as they did not affect the rights of the agnates, and could thus be decided without their consent, and in particular gave his consent to the marriages of the members of his house. The ruler was further empowered, as lord and sovereign, to ordain and direct his own relations with other sovereign governments, to wage war, to make peace, to acquire territories, to surrender (that is, to have his due rights to others), to exchange or otherwise to sell. As owner of certain domains and regalia, he had the full authority of the administration of the same, as well as the legal arrangement of the norms according to which it was to be administered. In the sale of the domains, however, the sovereign was limited, partly by their fideicommissary nature and other provisions of the house-laws, partly by treaties with the estates. As a feudal lord, he was able to exercise all the rights in his upper property, which found their natural limits in the rights of the vassals. The sovereign had, by virtue of his sovereignty within certain positive limits, the right and the duty of civil and criminal jurisdiction and the police protection of his subjects. In the former case he filled the courts with a sufficient number of legally qualified judges, instructed them, as instructions for the conduct of their business, when the particular conditions of the country required it, and had jurisdiction to improve the judiciary in the lands. With regard to the security police [Sicherheitspolizei], he was entitled to all general orders and individual orders which served to safeguard the life, property, honor and all other rights of his subjects against criminal and dangerous acts or events. If the regent, as noted, was entitled in all these relations to the obtaining of independent decrees, orders, and orders, he could, on the other hand, dispose of the rights of individuals or corporative associations only with the consent and explicit authorization of the claimants. This was especially true of the standisch/estate corporations and their positive rights, as they were established not by vague theoretical propositions, but by express contracts and rightly existing practices and habits of old age. The regent was free to dispose of his own rights, and, according to his instructions and regulations, he could exercise them according to his own well-being. Laws that concerned the good of the land without affecting well-deserved rights, he used to submit to the opinion of the estates; Interventions in positive juridicality required the legal validity of the consent of the beneficiaries, in so far as the law determines their rights to change or diminish.

— Carl Ernst Jarcke on the outlines of royal authority, from *Die ständische Verfassung und die deutschen Constitutionen* (1834)

We discussed Karl Friedrich Vollgraff's comparison of modern and ancien regime methods of political representation (<https://carlsbad1819.wordpress.com/2019/09/29/karl-friedrich-vollgraff-on-the-illusions-of-the-representative-system/>), as well as Heinrich Leo's first principles for a corporate state (<https://carlsbad1819.wordpress.com/2019/09/29/heinrich-leos-natural-theory-of-the-state-an-organic-corporatist-meditation/>). But any discussion of this subject cannot do without mention of Carl Ernst Jarcke (https://de.wikipedia.org/wiki/Carl_Ernst_Jarcke) (1801-1852). Today he is probably best known for making an early claim that the European witch hunts emerged from a reaction to degenerated

remnants of pagan cults that had survived into early modernity, a thesis that later incidentally became an inspiration for Wicca and a whole bunch of weird New Age feminist babble about “mother goddesses” after Margaret Murray wrote her infamous work *The Witch-Cult in Western Europe: A Study in Anthropology* in 1921. As it turns out, later archival research ended up partially vindicating Jarcke (<https://en.wikipedia.org/wiki/Benandanti>). However, Jarcke was also one of the stalwarts of 19th-century German conservatism, a devout Catholic and editor of the *Berliner Politische Wochenblatt*, an eminent counterrevolutionary journal of the 1830s. We will sample his 1834 book quoted at the beginning.

A staendisch constitution is contrasted to that of a modern representative system where the population of a geographically normalized district (or the aggregate paying a certain tax rate, as whether suffrage is universal or not is secondary to its formal workings) elects representatives. Some examples listed by Jarcke:

On the contrary, all the German constitutions contain provisions which almost contradict this principle, and betray the more or less clear-minded, original intention of the legislators not to regard the people merely as a type of French electoral law, as a like monopoly of tax-paying individuals with human rights, but to acknowledge the natural diversity of the estates and to procure the special interests of each organ.

This idea of the difference in the estates and interests of the subjects extends, with some modifications, through all German constitutions.

Where in former times imperial princes and counts [i.e. the houses mediatised after 1806—ed.'s note] were present, as in Bavaria, Wuerttemberg, Hanover, Baden, both Hessen, Nassau, these have, as a rule, as long as they are in the possession of their sovereignty, a special representation. Other families of the lordship or the owners of certain lordships are equated in other constitutions with the granting of a *Virilstimme** at the provincial diet. B. in Hesse-Kassel and Hesse-Darmstadt the family of the barons of Riedesel, in Saxony the owners of the lordship of Wildenfels and the five royal feudal lords and receivers, in Hanover the counts of Stolberg-Wernigerode and Stolberg-Stolberg, etc. Also found in some procurements the male members of the regent family recognized as born estates, as in Bavaria, Saxony, Hanover, Wuerttemberg, Baden, Hesse-Kassel, Hesse-Darmstadt and Nassau. The Church is accorded a special representation in several German constitutions, at least in so far as certain higher clergy of the various Confessions are called by the Law to the Assembly of Estates...

In Hanover, the (Protestant) Abbot of Loccum, the Abbot of St. Michaelis of Lüneburg, the Catholic Bishop of the Kingdom, and two appointees to be appointed for the duration of the Diet, are members of the First Chamber, while in the second three deputies of several Protestant founders, two deputies of the Protestant confessions, three members of the general convent, whom the king appoints, and a deputy of the chapter of the cathedral at Hildesheim, seat and vote. In Nassau, the meetings of the inspectors of the Protestant clergy and the territorial deans of the Catholic Confession, under the presidency of a ducal commission, each elect a deputy. Finally, in Bavaria, the two archbishops, a bishop appointed by the king, and the then president of the Protestant General Consistory, are members of the first chamber, and one-eighth of the members of the second chamber are clerics of the Catholic and Protestant churches...

In Hanover, the leading aristocracy is represented in the first chamber, namely by the Majoratsherren provided by the national rule with a personal, hereditary voting right and 35 deputies of the seven different knighthoods of the country. In the second chamber, on the other hand, there are thirty-seven deputies of a number of cities and spots designated there, and thirty-eight deputies from the towns and cities not mentioned below, as well as from the free and the peasants. The Württemberg constitutional bill appoints thirteen members of the aristocratic nobility to the second chamber, who are elected by the latter from among its members. Of the cities, seven are entitled to send each one deputy; the other divisions of the population, on the other hand, are represented by a deputy from each district, without further distinction of city and country, merely according to their division in geographical-arithmetic terms...

*Generally speaking, there are two main voting disciplines in a classical estate diet, called *Kuriatstimme* and *Virilstimme*. The *Kuriatstimme* is a curial vote where a class-collective (e.g. burghers, knights, prelates, a college of imperial counts, etc.) deliberate and come to either a unanimous or majority decision which is represented as a single vote. The *Virilstimme* is when a deputy has an individual vote; this is a privilege reserved for particularly eminent officeholders, i.e. a virilist is a man who holds an intrinsic voting right by his dignity as a particular man (*vir*). They could often have their vote multiplied to equal several curial votes depending on their standing. Bishops and university rectors were virilists in

19th-century imperial Austria, for instance. In modern parliamentarism, all deputies are essentially virilists, meaning all of them are in principle great and dignified men of the popularly sovereign realm, i.e. all of them are disposable. So too in a constitutional monarchy the consequence of one-man-one-vote is that, per Jarcke, “the property of the sovereign family, in domains, regalia and other usable rights, is state property after the strict consequence of the representative system” and that “its inviolable capital, to which it owes its independent, exalted, free position, has passed into other hands; it has given it for a pecuniary rent, which depends on the approval of parliament, as any other state need, and is therefore subject to all vicissitudes of the budgetary question.” Compare: “A right to supervise the use of non-approved revenue (from domains, tariffs, regalia and uses), a right to approve or reject any issue, a general right of supervision, control and regulation of the whole state budget — no such power was granted to the estates.”

Now, none of these arrangements are possible when there exists a formal equality before the law. The only reason such estates can be legally mandated to vote and act in tightly delineated class boundaries and not as free demagogues from arbitrary electoral districts, is because of pre-existing status differences between subjects of a realm codified and enforced in private law. Such social classes would already have their own noble corporations for the purposes of e.g. maintaining heraldic banners, almanacs of noble lineage, etc. with an internal structure from which deputies could quickly be sent without all the useless show and pomp of mass demonstrations, party caucuses, propaganda, etc. These corporations could then become provincial districts in their own right, as *Landschaften* — historically grouping owners of a manor or knights’ fee with patrimonial jurisdiction. “According to the system of estates, as evolved throughout history, every real and ideal, truly existing interest has a fine representation. The three estates, clergy, nobility and urban citizens, embrace the whole life in all relationships.”

Liberalism from its inception embarks on a holy war against “special privileges” and “class prejudices.” Fine-sounding words as they may be to many people, they make organic representative government an impossibility: “The spiritual and eternal interests of the faith and the understanding, the spiritual sanctities of the people, its historical memories, and its peculiar, traditional honor are no longer represented, but in their place the changeable idol of our time, public opinion, has entered. Moreover, the whole movable and immovable, stable and illiquid possessions of the people no longer finds a fine representation at the Diet; but because the power of representation is directed exclusively according to the tax on money, money alone is also represented, the most flippant and faithless possession, an actual vehicle of the narrowest selfishness. Then there are no longer the “privileges” and “prejudices of the class,” which express their influence upon the vote of the classes; it no longer claims what was centuries ago and will last for centuries, but yesterday’s newspaper and the present day’s proceedings lead the conscience of the representatives of the sovereign people.”

(As can be seen, Jarcke doesn’t really regard census suffrage and poll taxes to be a solution — limiting the number of electors doesn’t fix the fact that the system of representation is a liberal one, hence a false one.)

For Jarcke, the truly noble representative is not just a titled gentleman but a member of the *Uradel* (ancient, high nobility) with a long ancestral lineage and long history of community life: “The mere requisite of the noble birth, or the obligation imposed upon the acquirer of a manorial estate, to seek the elevation to the nobility, does not fulfill this purpose, and, as the empty prerogative of the title, purposely arouses the envy of those who abused to hold the idea of the nobility. From this point of view, therefore, the older practice of knightly corporations, which not every purchaser of a good that is otherwise capable of taking land, but only one who identified himself by genealogy or in other ways as a true member of their class, is justified; for only he who truly shares the interest of the corporation can

contribute to the representation of their particular interests. That the idea of this institution had been misunderstood, and that it had become a shell of empty and vacant stance, should not overshadow its deeper reason. *Even in its degeneration, this territorial seclusion in fact served to keep urban land-speculators and industrial buyers of goods away from the body of knighthood, whose interests and life were directly opposed to theirs and will always remain."*

Jarcke has no love for bicameral legislatures. They take the oppositional nature of modern representative government at face value and merely add another artificial counterweight which can never achieve any true balance since at the end of the day all are beholden to what is a national assembly legitimated by general will and popular rule. A curial chamber, having only one vote, allows for the representation of diverse country interests while minimizing the importance of specific numbers of deputies on one side or the other. Indeed, he notes that bicameralism often ends up permanently institutionalizing revolutionary values, as if there are only two sides of "lords" and "commons"/"aristocracy" and "people" — and in a democratic state it is simply inevitable that the "commons" must prevail in the long run per the first principles of the state itself.

Not only that, he ends up predicting that the union of administrative, legislative, and tax-authorizing power in the hands of the same individuals will lead to permanent rule by the civil service due to their proximity to the power of controlling (now nationalized) fiscal resources, plus their credentialed education and publishing in journals of public opinion. Worse still: the constitutional-monarchist doctrine of "ministerial responsibility" making the king an inviolable yet totally helpless servant to his underlings. Another consequence of ministerial responsibility is that prosecution of their misconduct now depends on a labyrinthine complex of appellate courts and the like, above and beyond the simplicity of the royal prerogative. In contrast: "The estates in the old sense of the word were and remained as subjects of the sovereign even while they were negotiating with him for legal acts and statements, and could be drawn out of the Diet at any time for eventual unlawful conduct."

Also in stark contrast to the predilection for "openness" and "transparency," Jarcke believes in the need for a certain secrecy and confidentiality of deliberation as was traditional, so as to avoid outside agitation. He suggests strictly policing shows of applause or dissatisfaction, strict censorship to set guidelines on how the minutes of the assembly ought to be transcribed in newspapers, and limits on free speech for the deputies themselves.

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February 6, 2021 at 2:20 am

It's going to be a long month isn't it pic.twitter.com/JdnEoLkcqX

— Ernst Stavro Blofeld (@BrickoMcTossy) February 3, 2021

Friendly Whale Shark Jackson @TAJackson20 · Feb 4, 2021



Some people might think that I believe the Tiananmen Square "Massacres" were fake because I'm a sinophile, but everyone from Unz to Breadtube knows the about this. It's like Russiagate: only absolute liberals fall for it. unz.com/lromanoff/tian...

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"But Jackson, both those people have vested interest in blaming America for Tiananmen."
OK, does The Telegraph?

telegraph.co.uk

Wikileaks: no bloodshed inside Tiananmen Square, cables claim

Secret cables from the United States embassy in Beijing have shown there was no bloodshed inside Tiananmen Square when China put down ...

2:41 AM · Feb 4, 2021



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leftoids claim that the European race was "invented" by colonialists explicitly for the purpose of oppressing brown people

meanwhile, in 392 BC, Lysias was describing the Greek victory over Persian Empire as a battle for the freedom of all of Europe [pic.twitter.com/CSRB4AB6K3](https://t.co/CSRB4AB6K3)

— SP fan account (@thuletide) [February 4, 2021](#)

no: they wish it were the case, but we find them not attractive at all. <https://t.co/LURlt2ur6B> [pic.twitter.com/QVj24EWQhP](https://t.co/QVj24EWQhP)

— Herr General gastornis (reborn) (@gastornis17) [February 1, 2021](#)

I don't really like the term "big tech." It implies that big=bad or evil. The "big tech" of today was the alt tech 20 years ago and the companies positioned themselves ethical, revolutionary and user-friendly compared to Microsoft and traditional tech/retail corporations.

— Brandon Adamson 🍊 (@brandonadamson) [February 3, 2021](#)

Those archives are a treasure trove for government agencies looking to identify rogue NGO's like [@ekpotleeretki](#) run by [@radhikaganesh](#)

Kudos to people who took copies before it was deleted [pic.twitter.com/v3azXf5mx0](https://t.co/v3azXf5mx0)

— Rambhakt Vedic (@Vedic_Revival) [February 3, 2021](#)

Aspie-Sperguson Tractor Dealer @htmlmencken · Jan 30, 2021



Replying to @htmlmencken

In that transition 2006-09 period I talk about in my pod appearances was another change: when leftlibs took the position that personal assholery was more objectionable than lying, cheating, stealing, war criminality, etc. When their final ultimate retort to cons' easy dunks

Aspie-Sperguson Tractor Dealer

@htmlmencken

on the hypocrisies of social liberalism became something like: "Well, youre not wrong on the merits but youre an asshole, so youre morally wrong"

Then in the Obama years Wil Wheaton, the OG soyface sjw, made "Dont Be A Dick" the internet's 1st commandment,

6:33 PM · Jan 30, 2021



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Fascism is when you say HURTFUL and MEAN things. Antifascism is when you center kindness and empathy. This is winemom poli sci, now completely universalized among libs, leftlibs, "socialists"

Aspie-Sperguson Tractor Dealer
@htmlmencken

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6:33 PM · Jan 30, 2021



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Tom Kursztejn @tpkern · Jan 31, 2021 

Replying to @htmlmencken
empathy is not real

licorice candy cane
@white_licorice_

introduced in Reader's Digest in the 50's

2:52 PM · Jan 31, 2021



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Well, the community of the Elect brooks no difference of blood, or gender, and so on. And this is where Spengler becomes so useful; the universalizing tendency is in our blood, back to the Pope imagining a world United Nations led by the Church in freaking 1100 AD.

— AIDAN 🙌 (@AidanMaclear) January 9, 2021

Aspie-Sperguson Tractor Dealer



@htmlmencken

Fascism is when you say HURTFUL and MEAN things. Antifascism is when you center kindness and empathy. This is winemom poli sci, now completely universalized among libs, leftlibs, "socialists"

8:34 PM · Jan 21, 2021



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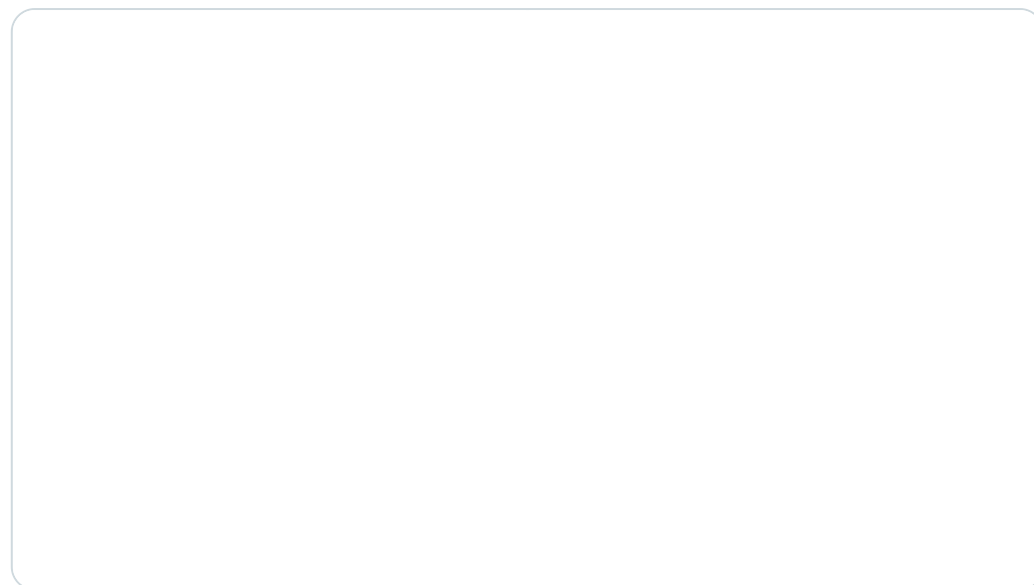


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Check out Deepak Radlib here, a Kendzior-adjacent, for whom fascism is a bad mindset, an ugly attitude, rather than a specific battery of policies flowing from a specific ideology. Rude? Fascist! Superticially "empathetic"? Not fascist!



7:21 PM · Jan 22, 2021



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"post usual Pic of mafioso that Is likely gipsy as if he were Sicilian": shut up you Arab, you freak out just a white existing. <https://t.co/YksT46P5uq>.

— Herr General gastornis (reborn) (@gastornis17) February 2, 2021

"Bro Sicilians look definitely like this! I have seen true Romance!" Find me only a single Sicilian that looks like that you Arab <https://t.co/dIouUpDaut>

— Herr General gastornis (reborn) (@gastornis17) February 2, 2021

What do you make of the notion empathy is a recent construction?

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