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Like another Chouannerie

Legitimist theory of princely rights in a nutshell (Karl Ludwig von Haller)

September 16, 2017 by Nulle Terre Sans Seigneur

Indeed, everything becomes clear, all doubts vanish, as soon as one starts from the true nature of a prince, a power of his own, and his personal rights. It is easy to conceive, therefore, that such a territorial and independent lord, whose power and liberty are founded upon domains, possessions, and revenues freed from all dependence, is also the master of alienating this property.

Consequently, the power and independence derived therefrom, whether in whole or in part, as sales, exchanges, voluntary renunciations, donations, marriages, inheritances, etc, is practiced at all times without any opposition. For by such acts the princes do not alienate, transmit or exchange the rights of others, but only their personal rights. They do not sell the peoples, still less the simple individuals (which are doubtless not merchandise), but they transmit only their own domains, their houses, their possessions, their incomes and enjoyments of every kind, with the authority which is inseparable from them. In a word, with the rights and duties inherent in this possession.

The inhabitants of these domains do not lose anything of these kinds of mutations. Nothing is taken from them, their condition is not deteriorated. Therefore, they have no right to complain. The new possessor of a sovereign lordship, like that of a peculiar seigneurie, merely succeeds to the property, rights, and relations of the old master. He can not acquire more than he possessed. The sovereigns in their turn can transmit only what is theirs, and in fact they have never transmitted anything else.

Thus, let us see that whenever the former treaties of peace stipulated the cession of certain provinces, as well as in the acts of sale and exchange of a sovereign principality, the natural and acquired rights of the subjects were expressly reserved; that they often recommended the continuation of certain acts of kindness, of certain favorable customs; and that, moreover, the new prince granted the subjects all sorts of facilities, in order to have regard, not only to their rigorous rights, but also to their personal attachment to such and such a prince. The subjects, the inhabitants of the ceded country, remain free as before, they are not slaves sold, as the *philosophe* pretends. And since when should a man be a slave, because the soil that is inhabited changes its possessor, or that, remaining the owner of the soil, we must, give for the future of John, what we owed to James?

This quote, taken from vol. 3 of Karl Ludwig von Haller's magnum opus *Restauration der Staatswissenschaft* (or of the French translation *Restauration de la science politique*, for in the original German it corresponds to vol. 2), subtitled "On Seigneurs and Patrimonial Princes", Chapter XLII in total — is perhaps one of the best legal-philosophical summaries of the idea of medieval territorial-lordship there is, and really of monarchism as a whole.

From jurisdiction as freehold property, to the rights of alienation inherent in a freehold, to the dynastic principles of marriage, inheritance, purchase and conquest, and ultimately a hint toward a principle of legitimacy based not on accountability to an abstract "people" or "nation," but on the confirmation of certain customary rights to particular *estates*.

These are subjects we will be discussing at great length in the future, of course (and I promise that Von Haller will get his own multi-part series some day), but this is a glimpse anyway. Such were the gentlemanly principles of foreign relations in a bygone era, as repugnant to the progressive leveller and to the blood-and-soil ethnonationalist alike.

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21 thoughts on "Legitimist theory of princely rights in a nutshell (Karl Ludwig von Haller)"

1. Pingback: [Legitimist theory of princely rights in a nutshell \(Karl Ludwig von Haller\) | Reaction Times](#)

2. [quaslacrimas](#) says:

[September 17, 2017 at 6:36 pm](#)

Would you really vouch for this as "the best legal-philosophical summaries of the idea of medieval territorial-lordship there is, and really of monarchism as a whole"? Do you mean "which most accurately describes what the medieval legal theorists said", or "which best conveys the power and truth of the concept"?

It's puzzling to me that you choose this (perhaps it is much better in context) because I see the "omg no of *course* the subditus is a *slave*" as the start of cucking out in 18th century legal thought. This is a stylish example of the genre (wait, it's your own translation right? so scratch that, but as a side note you're good at this) but from here on its just one more back-step after another, all the way to the precipice.

[Reply](#).

◦ [Nulle Terre Sans Seigneur](#) says:

[September 17, 2017 at 7:28 pm](#)

The latter. As for what contemporaries actually said, that's a subject for other posts. Haller, however, should be regarded as among the best in presenting an anti-Roman, non-absolutist idea of Landesherrschaft and corporate liberty. He was after all a Bernese patrician who was defending the communal Swiss liberties (being originally imperial immediacies of the Reich, hence overlapping with a defense of territorial-lordship) against the Jacobinism of the Helvetic Republic.

But yes, I do stand that it's a nice tl;dr of the dynastic principle. And no, to make a subject-slave distinction isn't cucking. *Liberus* and *servus* are distinct, but neither are self-governing and hence can't escape some form of sovereignty (defined as overlordship in a more feudal sense) above them. Also, I am posting this in the 21st century at the end of the day — the idea of dynastic inheritance and succession is rather esoteric to left and right alike. Indeed, it already **was** in the 19th to the people Haller was responding to.

Reply.

- [quaslacrimas](#) says:

September 18, 2017 at 2:40 am

You know I would never pass up the chance to discriminate between X and $\sim X$, if given half a chance. What I meant to get across is that it's hard to see in the passage what leads you to recommend the chapter so highly; i.e., what makes it different from other statements by other writers who were embellishing a defense of sovereignty with reassurances that this sovereignty could not, of course, be construed to violate the rights of the citizen, I mean subjects, so there was no need to fear that a subject is anything like a slave.

Reply.

- [quaslacrimas](#) says:

September 18, 2017 at 2:49 am

Btw, as a tangent – you mentioned a long time ago, I think, that you had put some time into studying the Cambridge Capital controversies. Now, at that time did you end up reading any of Sraffa's work on an "energy theory of value"? (That isn't what he called it, I only remember that he was essentially trying to do LTV with basic inputs of corn or oil rather than labor-hours.)

Reply.

- [Nulle Terre Sans Seigneur](#) says:

September 18, 2017 at 8:07 am

Right, it was an attempt at creating the most parsimonious version of a classical real-cost value theory, i.e. having value be determined by technical conditions of production alone. You can then dispense with any fetishism of "socially necessary labor time," labor-power, any residue of Hegelianism in Marx, etc. while still retaining a theory of exploitation. This was how Ian Steedman tried to summarize it in *Marx after Sraffa*, as I recall it.

It has been a while since I've dabbled in political economy, and I have to refresh my memory on a lot of things.

Reply.

- [quaslacrimas](#) says:

September 18, 2017 at 12:17 pm

But do you recall seeing some indication that Sraffa had actually found away around the problems? Because my impression was that LTV is a paradoxical concept for essentially mathematical reasons.

Reply.

- [Paul Marks \(@paulvmarks\)](#) says:

July 27, 2020 at 8:16 pm

The Labour Theory of Value is just wrong – and an energy theory of value does not save it. This was shown by Professor Whately in his Lectures on Political Economy – in the third edition (1832) a brief examination is found on pages 252-3. As you may well know Sir other economists, such as Samuel Bailey refuted this error of David Ricardo (and indeed error of Adam Smith – at least in his latter years) at much greater length. But it seemed fitting to counter a Cambridge man, Straffa, with an Oxford man – Whately. There is plenty of “exploitation” in society – but it is not exploitation by industrialists of industrial workers, it is the exploitation of most people by governments (as J.B. Say and Bastiat explained).

By the way – although the theories of David Ricardo on LAND were refuted many times, it took the work of the American economist Frank Fetter to really get through to most economists. Much as the Labour Theory of Value lived on till the 1870s when Carl Menger (and others) finally managed to get into the heads of most economists that the Labour Theory of Value was nonsense – for basic logical, rather than mathematical, reasons.

Reply.

3. quaslacrimas says:

September 17, 2017 at 6:38 pm

^ that should read: “...of *course* the subditus isN'T a *slave*”

Reply.

4. dissentingsociologist says:

September 18, 2017 at 4:11 pm

Haller's subject has a right of exit, and so cannot possibly be a slave.

Reply.

o Michael Rothblatt says:

September 18, 2017 at 5:51 pm

Well, Aquinas says that treating subjects as slaves *is significative of tyranny, since a tyrant rules his subjects as though they were his slaves*. And he certainly wasn't 18th century cuck. I would argue, that even without the right of exit, subjection needn't be slavery, or any form of bondage at all. We can certainly imagine a hypothetical situation where exit is barred for the sake of the common good (admittedly not a lot of those, at least not realistic ones, but there are some).

Reply.

5. marcusmontisursinensis says:

September 18, 2017 at 8:09 pm

Would you consider the relation between a king and his subjects similar to the relation between

Reply.

o marcusmontisursinensis says:

September 18, 2017 at 9:00 pm

Would you consider the relation between a king and his subjects similar to the relation between a father and his children? A “patron” (undefined at present) and his “clients” or proteges? A CEO, who run the state, and his employees?

The matters of ethnos, or pre-ethnos appear even 500+ years ago. Emperor Charles V was born in Ghent, to strengthen his fathers claim on the Burgundian inheritance. Moreover, his parents had to leave him there, and he grew up brought up by the Flemish nobility. Charles was not a

Habsburg name until that moment (Rudolf, Albert and Frederick were), but Capetian. Neither was his father's name Philip (Philip the Good, Charles the Bold, Mary, Philip (I of Castille), Charles V/I.). Next, the 20-year old Charles comes to Spain with his Flemish entourage (including the new archbishop of Toledo Adrian, who is going to become pope Adrian VI). The Spanish rebel against the "Flemish rule", in the same fashion the Low Countries are going to rebel against Charles's son Philip II, half a century later. Our ruler, our neighbor. Born and grew up among us. In the early 18th century, many people died to have a distant Habsburg relative and namesake of Charles II., the future Emperor Charles VI. (whose tomb I visited yesterday) installed as King of Castille and King of Aragon (eventually, this would cost Aragon its independence). The fact that Henry IV. of France was a legitimate successor to Henry III., their common ancestor being St. Louis is rather remarkable as well.

Let us go to the 18th century. After Maria Theresa had to cease Silesia to Frederick the Great, should the local barons be content with Frederick? Would have it been unfair if some of them organized a rebellion against Frederick?

What about Andreas Hofer in Tyrol, who did lead a rebellion against the French? Should Hofer had accepted Napoleon as his ruler? Should he had been given a possibility to decline, but to leave his home and go to Vienna to be with Emperor Francis? Did he make a suboptimal choice for which he should be reprimanded?

Reply.

- Nulle Terre Sans Seigneur says:

September 19, 2017 at 7:10 am

Excellent objections, though you seem to be mixing the question of ethnicity with the right to rebellion.

I will answer all of these and many more at a later date. Until then, I will point out that if you want to make the case for the importance of ethnic nationalism in early modernity (or earlier), you would have done better with the examples of the Sicilian Vespers, the Revolt of the Comuneros and the Catalan revolt of the 1640s-1650s.

Reply.

- marcusmontisursinensis says:

September 19, 2017 at 6:23 pm

Well, I did mention the Revolt of the Comuneros, though not by name...

The Sicilian Vespers are indeed a perfect example (and probably the earliest one). The French were clearly perceived as foreign. And they were slaughtered in an enormous fury. I pointed to a hypothetical uprising in Silesia and the real Hofer's uprising as events happening in post-Westphalian Europe, which corresponds more to Haller's lifetime and the context in which his works were written.

I believe that the relation between a ruler (emperor/king/prince) must be more intimate than a relation between a CEO and his employees. Generally, swapping territories between monarchs looks like selling company shares, or leaving the office of the CEO in one company to become the CEO in another one (an example: Lucca, a former city-state prior to 1789, is ceded from Toscana Habsburgs, so that their relative Maria Luisa, the wife, later widow of Napoleon can rule in Parma for life; upon her death Lucca is annexed by Tuscany).

Ethnicity is a complex issue, as is nationalism. It is a matter of "us" versus "the others". In earlier times, "us" may have been a county, and generally speaking a common dialect and sharing the same faith. With the introduction of public education and always more people

writing in a common dialect, the 1848 style of ethnicity emerged: the nation. But “us” and “them” is much older. And “our prince” is like “our father” or less, intimate “our uncle”, whereas the newcomer to whom we were ceded may be more of a “stepfather” or “some important relative of our stepfather”. People do not love their stepparents, even if they obey them with utmost respect, and even if the stepparents themselves are respectful towards the stepchildren.

How to make people feel the prince as their champion, and not a company shareholder?!

Reply.

6. Nort says:

December 7, 2017 at 10:37 pm

Do you know of where an english copy of Karl’s work can be found. I am most interested in Restoration of the Science of State, but can’t find an english copy.

Reply.

o Nulle Terre Sans Seigneur says:

December 8, 2017 at 8:14 am

I’m fairly certain there isn’t. Wikipedia claims there was an “abridged version” published in English at some unspecified point, but I couldn’t find it.

Reply.

7. Dividualist says:

August 22, 2019 at 8:43 am

My intepretation: kings were just like landlords charging rent, not doing much else than charging rent (tax), although often paid in other forms like soldiers or noble insurrectio to fight on his side.

Well, this is not how it worked. Kings had a duty to govern, and to defend the nation. But that – even the concept of nationhood – differed in places.

England and East Hajnals i.e. Polish-Lithuanian Commonwealth and Kingdom of Hungary were nations by the High Middle and Early Modern ages in the sense that they would never have accepted being cut up into small principalities like Germans or Italians. They had a concept of nationhood: the nationhood of nobles. They fight for the king, the king protects their lands from foreign invasions. Governing mostly meant settling, judging the disputes of nobles.

A king not doing his job of governing like Sigismund of Luxembourg running up and down all over Europe was criticized. Cutting up a nation would have been unacceptable in these nations. Imagine telling the English in 1300 that a return to the Heptarchy would be all cool!

Why did these places work like nations and Germans and Italins not? I don’t really know. I think Peter Turchin’s idea of imperial nations emerging on civilizational frontiers might have something to do with it.

Or urbanization. You see, Haller’s model works perfectly with city-states. Who mostly govern themselves, set their own laws. Have their own militia, and not shy at fighting neighboring city-states even when they have the same language and culture, because their identity was of the city, not of a nation. This works perfectly well with a Hallerian king. Pay taxes, occasionally fight on his side, in return get military help if a bigger than a city-state enemy attacks and all is well, no governing is needed.

I think part of the reason England, Hungary, Poland were nations even in the Middle and Early Modern Ages was perhaps being less urbanized and dominated by an nobility owning agricultural land and peasants. Nobles saw each other as a nation, which can be seen basically as an alliance for protecting each others lands. Perhaps feudal ties had something to do with it, although recently it is often questioned if feudalism was really that feudal. Apparently just buying a manor instead of receiving it as a fief also worked. Anyway, if there were a bunch of barons on top and more or less everybody their dependant, if they decide to stick together and defend each others lands, you have a nation. Who demands that the king should govern it and defend it. And the whole, undivided nation.

Reply

- o Nulle Terre Sans Seigneur says:

August 22, 2019 at 9:26 am

> Well, this is not how it worked. Kings had a duty to govern, and to defend the nation. But that – even the concept of nationhood – differed in places.

Amazing. Did you also know water is wet?

> England and East Hajnals i.e. Polish-Lithuanian Commonwealth and Kingdom of Hungary were nations by the High Middle and Early Modern ages in the sense that they would never have accepted being cut up into small principalities like Germans or Italians. They had a concept of nationhood: the nationhood of nobles. They fight for the king, the king protects their lands from foreign invasions. Governing mostly meant settling, judging the disputes of nobles.

The Natio Hungarica was a multiethnic conciliar aristocracy, and they were already “cut up” in practice as is most evident in places like Transylvania governed by the Unio Trium Nationum, a merger of estate-class and national characteristics. Or take Croatia’s personal union with Hungary but maintaining independent statehood, as most visibly restated during the election in Cetin by the Croatian sabor of 1527. These were places with a strong “rebel baron” culture who disavowed kings on a whim, in Hungary this was especially pronounced during the civil wars between kurucs and leblancs, some of the former even starting Ottoman vassal states just to spite the pretensions of the Habsburgs, e.g. Emeric Thököly. Many Polish voivodeships too had great autonomy.

> Why did these places work like nations and Germans and Italins not?

The Germans most certainly did work as a nation in the same though misleading sense that you characterize the Poles and Magyars, why do you think otherwise?

> You see, Haller’s model works perfectly with city-states.

Republics and free city-states are the subject of vol. 6 of the Restauration. Here we’re dealing with the patrimonial state. Haller’s “model” isn’t singularly tied to one form of government; he’s embarking on a general theory. Don’t go on empty tangents over a single quotation.

> Perhaps feudal ties had something to do with it, although recently it is often questioned if feudalism was really that feudal. Apparently just buying a manor instead of receiving it as a fief also worked.

What do you think “feudalism” is? The cliches of the Annales School, a la Georges Duby and Marc Bloch? The greatly vulgarized lord-vassal-fief triad? “Feudalism wasn’t really that feudal” — what a jumbled up mind!

Reply.

- Dividualist says:

August 23, 2019 at 8:58 am

You overcomplicate the simplest things. Let me try to restate it in even simpler terms. Kings weren’t just landlords charging rent but had obligations to their subjects, governing, defending. Mostly to nobles. Thus Haller is wrong saying that a province changing hands was no problem for the locals (nobles). Because the new king might not be so good at doing these duties as the old one. This is the point. He might neglect it because he is focused on other lands etc. While for city-state republics it was less of a problem, because, unlike, nobles, they had ways of governing themselves, republican ways. So they could deal with a king that only charged money but did nothing. Not so rural, non-urbanized nobles, who needed leading and governing.

Reply.

- Nulle Terre Sans Seigneur says:

August 23, 2019 at 1:37 pm

This is obviously true, but it has no bearing on the self-contained legal continuity of the state, which is an inherent advantage of quasi-alienable patrimonial states over inalienable popular governments.

Moreover you’re wrong to draw this far-fetched distinction between nobility and patricians. The former often had a strong ethic of self-governance that was particularly in places like the *rzeczpospolita* (Poland) almost republican in practice.

Reply.

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