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Like another Chouannerie

Old and new conservatism (1852)

June 8, 2018 by Nulle Terre Sans Seigneur

Having spoken before (<https://carlsbad1819.wordpress.com/2017/12/03/the-transition-from-prussian-conservatism-to-german-nationalism/>), about the domestic and foreign policy push factors that tilted high Prussian conservatives into allying with plebeian German nationalists, as well as of the ever-shrinking “enlightened absolutist” centre (<https://carlsbad1819.wordpress.com/2018/05/15/schmalz-and-loyalist-particularism/>), one of the most unambiguous contemporary espousals of a kleindeutsch German nationalist evangelizing high conservatives to abandon their dated ways, is without a doubt a pamphlet by the lawyer Wilhelm von Merckel (https://de.wikipedia.org/wiki/Wilhelm_von_Merckel) (1803-1861) entitled “Alter und neuer Konservatismus (<https://books.google.com/books?id=KGkTAQAAMAAJ>)” (1852). The title alone gives it away: there is an “old conservatism” out of touch with the prevailing facts that must be supplanted by a “new conservatism,” the nature of which is... we’ll get to that in a moment.

The phenomenon of the “moderate conservative” or “liberal conservative” was not new, of course. The high aristocratic conservatism of the Kreuzzeitung was not the only game in town, but during the so-called Reaktionsära (<https://de.wikipedia.org/wiki/Reaktionsära>) had favor in the camarilla of Friedrich Wilhelm IV. Otherwise, popular monarchism, suppression of provincial diets, constitutionalism and unitary government before 1871 were espoused by lower noble circles like the Wochenblattpartei of Moritz August von Bethmann-Hollweg, by devotees of the Stein-Hardenberg reforms, by anti-Austrian bigots, and so forth.

As Merckel himself points out, Prussia had become a constitutional monarchy with the assent of its king, unlike Austria which continued on with its royal absolutism. Now it was thanks to the ascendancy of the Prussian Landtag, the growth of liberal parties like the Nationalverein and the Fortschrittspartei (Progress Party) in it, and the ambiguity in the Prussian constitution as to whether the monarch or the parliament have precedence in resolving deadlocks over e.g. budget resolutions, that during a constitutional crisis in 1862 ostensibly related toward defense spending, Bismarck could invoke the “lueckentheorie” (gap theory) favoring the king, but at the same through his “blood and iron” speech throw a bone to the more right-leaning elements of the Progress Party, who went on to become the National Liberals, by openly espousing unificationist machtpolitik over more “high conservative” concerns like maintaining patrimonial institutions and class distinctions. This was not unlike (<https://carlsbad1819.wordpress.com/2017/09/15/english-jacobins-fight-the-glorious-tory-power/>) Pitt the Younger in England striking both the Jacobins and High Tories in one blow.

Merckel lays down the situation like this:

Germany is the heart of Europe; its health and strength can save the rest of the nation from dizziness and decay; its weakness and disruption must infect his neighbors, slower or faster, and lead to dissolution.

Germany's task is therefore not merely to emancipate itself from foreign policy, but at the same time to become the regulator of European politics.

But this includes a commanding position, a power that rests physically on the solidarity of its forces, morally on the highest possible freedom and on the wisest use of this freedom.

Whether our fatherland will return to its unity after a completed cycle of its fragmentation and merge into an empire will be indifferent as long as it seems impossible.

In our present case, of course, it is only a question of how Germany, in its dermal form and composition, can play the role in Europe to which it is called.

If there is no proof that the four German kingdoms and the smaller German states alone are unable to establish an independent Germany; Thus it can only be a question of which of the two states connected with Germany, whether Austria or Prussia, is capable of realizing this independence.

For Austria is the external appearance. Its dynasty has even worn the German imperial crown. It is a Catholic state that the religion of France, Italy and the Pyrenees border. Its area is rounded. The sum of its population, by itself, makes it the rank of a great European power. Even the difference of its constituents is analogous to the difference among the constituents of the German nation; its federal absolutism seems to be the most convenient form for the German fragments.

But under Austrian hegemony, Germany would play no greater part than Bohemia, Hungary, and Lombardy-Venice.

The German nation, instead of becoming an independent member of the European family of states, would only be a servant of the Austrian empire, and, instead of independently creating its patriotic welfare, condemned to sufferings, infirmities, and dangers of the new motherland.

Germany has a moral calling (this moral calling being within an otherwise amoral system of realpolitik among sovereign states) => It is obvious and self-evident Germany must be a unitary state => Austria can't fulfill this function because of federalism and Catholicism (here the Augsburg peace had come to reap its fruit) => Heed the calling.

And as I just mentioned:

Prussia is a constitutional state. Long before the form was fulfilled it had renounced absolutism, which Austria restored to immortal freedom. If the Radicals of one, the absolutists on the other side do not denounce constitutionalism as bondage, as false freedom, Prussia is free.

Legally quite true, since 1850.

Dualism is evil, since: "If, on the other hand, as before, a part of Germany belongs to the Emperor of Austria, a second to the King of Prussia, a third and fourth to the kings of Holland and Denmark, and *only the remainder between them is German* could a humorist put forward the definition: Germany is less

self-sufficient than a country capital co-financed by neighboring potentates under the name of the German Confederation.”

Note the ethnocratic loading of what “Deutschthum” is supposed to mean. Germany is that blank space covering everything *except* the possessions of actual historical German dynasties. Which is to say, Germany is everything except Germany, and so it must be created.

Merckel of course pays lip service to the rights of the mediatized German princes, but his sympathies are quite clear.

He says that “Prussia should respect and protect the German dynasties; but their power in Germany, and therefore in Europe, *is rooted in the sympathies of the German peoples*” — and not to their legitimacy.

Moreover that “sympathies of the people are not yet a revolutionary sympathy” since by his reasoning the barometer of popular opinion is independent of its most vocal string-pullers, and that ultimately the state can only “watch” it but not “direct” it. Sure would have been news to George Creel, I’ll say.

It follows that free speech (“within bounds” we are reassured) is alright: “In the constitutional state every party, every opinion is equal, which does not threaten the state itself and its constitution. Conspiracy is outlawed as an outrage. But the opposition that respects the law has the right of freedom.”

Government, he says, cannot be above party, but must be influenced by it. The *crown*, however, can be above party. Here we have the bugbear of constitutional monarchism where rapacious parliamentarians appropriate as they please while a disempowered king sits in the background, incapable of actually exercising any act to break the partyarchy, but instead treated as this inert symbol that supposedly provides a sense of unity.

“But a government which, out of prejudice, suspicion, or pride, refused to be at the head of any party, would paralyze and ruin itself. It deprives itself of the most secure foundations of power, of trust in and thanks for it. It loses its popularity as it thinks it can do without it, and falls to those false friends and faithless counselors, all of whom flatter her to exploit or overthrow the government.”

Again we run into this paradox that the “barometer of public opinion” is self-evident, but that the machinations of the party machines themselves somehow do not fall into the rubric of “false friends and faithless counselors, all of whom flatter to exploit or overthrow the government.”

We now arrive at the heart of the matter, the dividing line between “old conservatism” and “new conservatism.” The question of German dualism has already been addressed, but there is another issue: the spectre of feudal particularism. It is absolutely un-Prussian, “the archenemy of Prussian endeavor” as Merckel calls it...

What the old conservative party calls “old German law” is little more than the restoration of lost privileges, lost liberties, and disintegrated forms.

It turns out that it is fighting for the right of the estates, which has been violated by a revolution; it even flatters the people by asserting that the law is older than royalty, in order to prove that the crown can not have a constitution under its own power; and it awakens the belief that the crown itself has only acted under the influence of the revolution, and that the crown has been given a patriotic service if its own deeds are undone and the former state restored.

The old conservatives, he says, are stuck in the ideals of the “hierarchical and aristocratic estates of that romantic age of castles and guilds.”

Now, as many people have pointed out, the line between absolutism and liberalism is a thin one. Merckel here displays it quite perfectly. Absolutism works only when the archon is absolute over what is properly *his*, but the goalposts constantly shift in the direction of total subjugation of the rights of fathers, landed men and proprietors of all stripes, as Linguet noted in his theory of the social origin of laws. (<https://carlsbad1819.wordpress.com/2018/05/26/despotism-aint-a-bad-place-to-be/>). It is this proceduralistic absolutism that autistically declares that the head can tamper with the body politic as it pleases, which is trivially abused to justify liberalism, as in:

Precisely because these ancient “faithful estates” (only nominally subjects, de facto rival of the crown) were bowed with their pride and egoism to the sovereignty of the crown, Prussia became a state, since now instead of the “spiritual and earthly states” governing, Prussia was a monarchy. Under this absolutism, Prussia grew up; she has educated the nation to freedom through wise laws. *Not on the estates, but on the people, the kingdom has found the rocky ground of his imperturbability, and Prussia owes her freedom not to the estates but to the monarchical princely power.*

The monarch gave his people a constitution; He called for participation in the legislative power; and this constitutional right of all its people is no longer the political domain of corporations. For Prussia, therefore, there is now no other constitutional law higher than the Basic Law of January 3, 1850, and the rights which the Prussian people now irrevocably possess are based on this constitution, not on prehistoric times.

Those who challenge this Constitution, attack the nation with the legal title of their rights; they lean against the imperial power of the kingdom, against the solemnly stated will of the nation to obey this constitution.

The “monarchical princely power” in this case is actually a spook, because Merckel doesn’t really treat it as independent so much as a conduit for the popular will, “educated in freedom” by the crown — and, one can easily extrapolate, when the populus finally grows up, they can dispense with such outmoded notions as monarchy as much as with estates. And of course that the “fundamental law” of 1850 can simply extinguish all precedent.

Following this logic, provincial diets are superfluous:

There are therefore no provincials in Prussia. The same royal will that established them replaced them with the chambers, and the same people, who were otherwise represented by provinces in the provincial diets, are now represented as a nation by the chambers.

With these chambers, constituting constitutionally the whole country, special provincial estates are incompatible with political functions; they can only be thought of as administrative corporations and find their place in the state organism.

Merckel concludes: “Only if there is no rivalry between the state representation and the provincial representation, no doubt for the country, no mistrust possible; only if the cardinal question is finally decided in favor of constitutionalism, instead of rolling the apple from one legislature to the other, Prussia can confidently take confidence in itself and stand, storm-solid, outward, healthy and peaceful within.”

It is obvious, therefore, that “new conservatism” means liberalism. And by 1871 with the transformations wrought by the Franco-Prussian War, as well as the earlier reorientations by Robert Peel in England and the mostly definitive Alfonsist triumph in Spain, “new conservatism” (liberalism) had become simply conservatism. Over 140 years onward, it has been routinely mixed and diluted with volkisch ideology, populism, a myriad of national-socialisms, to create the abysmal, confused and disorderly landscape of modern right-wing politics.

The antithesis of old conservatism, meanwhile, is hinted at by one of its strongest writers, Carl Ernst Jarcke (1801-1852) — who, indeed, died the same year that Merckel’s pamphlet was published in an almost prophetic foreshadowing of fate — here excerpting from an 1836 essay of his on the Bourbon Restoration:

This term “the people,” which has become the grave of true freedom and of the sanctity of private law, was altogether alien to the old state’s rights; In the sense of this, one can say with perfect accuracy that the people (thought of as an atomistic monk) had no rights. But countless narrow circles of life in the people had drawn themselves by the natural development of the relations, which were nowhere inhibited. – In the people – (the epitome of all people under a common authority) – there were innumerable legal subjects, to whom, in relation to the guest and among themselves, the most important and most real rights and freedoms existed. These were the families of the great landowners, the natural representatives of their inheritors, dependent on them, as the nature of the relationship implies, and the townships as rich, free, self-governing, corporations again in narrower circles, the urban guilds, then universities, as institutions resting on the coffers of their own wealth, and finally the church and its institutes, with their possessions sanctified by the faith of the people, as by the law of the state.

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