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Like another Chouannerie

Heinrich Leo's natural theory of the state: an organic corporatist meditation

September 29, 2019 by Nulle Terre Sans Seigneur

Heinrich Leo (1799-1878) had a varied career as a historian and publicist from his youthful involvement in radicalism and democracy at Jena, his turn toward conservatism following his dissertation on Lombard town law in 1824, after 1850 a regular writer for the primary organ of Prussian conservatism, the *Kreuzzeitung*, as his enamourment and steady break with Hegelianism that began with an early polemic against the Young Hegelians (the predecessors of critical theory) entitled *Die Hegelingen* (1839). After the 1860s, he was a visible participant in "Ut Omnes Unum," an ecumenical movement dedicated to the reunification of Catholic and Protestant churches in Germany.

Of particular interest is a short book of his published in 1833 by the name of "Studien und Skizzen zu einer Naturlehre des Staates (<https://books.google.com/books?id=qKxTAAAcAAJ>).\" Though well versed in the patrimonialist theory of sovereignty espoused by von Haller which had antecedents in certain German cameralists like Veit Ludwig von Seckendorff (1626-1692), Leo sought to uncover a different set of first principles for the *Ständestaat* (corporate state) that he and other conservatives desired. A summary of this corporatist ideal was given by the German physician and ultramontanist Johann Nepomuk von Ringseis (1785-1880) in his pamphlet "Ueber den revolutionären Geist auf den deutschen Universitäten": "Like the prince, each estate had its own officials, in the small district at the same time steward and judge, up and down in patriarchal proportions. The illustrious North American state has only the lower ones; it lacks the middle and upper limbs; its unity is merely atomistic, like grains of a heap of sand by juxtaposition. The ancient states, much overpraised, lack the independent middle and lower members; the freedom of the individual was devastated by the whole. The modern liberal state is a mechanically central one, tamed by the capital city and the arms of the telegraph. In the corporate Germanic state, as in the organism, the greatest unity of the whole was with the greatest diversity, power, and freedom of the members; each member serving everyone, served by each; giving to everyone, receiving from everyone; each acting in the power of the whole and of all the individual. Every interest could be represented in the assemblies of these estates, and each one was truly represented."

Leo is notable for coining the term "ideocracy" in that same book. That's with an "e," and not an idiocracy. It was a term invented to describe what latter-day scholars would variously dub "totalitarianism" and "political religion." Though used by subsequent authors like Bluntschli, it failed to

catch on. It is seeing something of a recent revival (<https://en.wikipedia.org/wiki/Ideocracy>).

To Leo, no state really begins as an ideocracy, rather it represents a deterioration of an existing constitutional settlement when groups of people no longer recognize its legitimacy and instead begin to demand a radical negation of the present through some sort of totalizing monistic principle. As in the archetypal case of Jacobin unitarism: "If this union were not merely an empty word, one had to have the means to general institutions which made the commonwealth, the union, something concrete. But after the equalization of individuals, this remedy was only the view of the majority; Virtue, therefore, consisted of doing and thinking necessarily what the majority of the people, that is, the rest of the Jacobins did, now also the Cordeliers."

Leo sees three main tendencies or powers in the formation and development of states: the spiritual power, i.e. man's reverence of the sacred; the sensual power, his term for military might and splendor; the money power, commercial and financial relations.

Before these powers can act out their influence and variously drive the state between being an organic one (reflecting the concrete social conditions of peoples) or a mechanistic one (driven by fixed ideas and favoring impersonal relations), there must emerge an anthropological base from which a state can grow out of. Here Leo seeks to replace rationalist political philosophies with a physiology of the state grounded on marriage, inheritance laws, the blood feud, the clan and the closed community, land law and ultimately monetary wealth.

We begin with family, which is defined by both need and love (based on commitment, not on sensuous compassion). In the absence of need, family ties can be broken out of material self-interest as becomes increasingly prevalent in heavily commercialized societies. If familial love be purely sensual, then there is merely lust and fornication in place.

The continuance of the family relationship exists where a more general form of the state already exists, and is always guaranteed by it, and the state form in turn is conditioned by the form in which the family is developed. The legal relationships that emerge from family are marriage and service.

At its most basic, we have the family-state, i.e. the case where the family itself is the highest independent moral person in a territory. Then the primary institute guaranteeing its continuation is the blood feud, or the vendetta, "which protects everything that appears as an essential part of the family: the life and the honor of the individual members of the family (also the servants, for whom the lord demands the blood money), as well as the purity of the relation in the whole." The connection of the blood revenge with the right of inheritance is always based on a kind of family representation. Wives, children, servants, and servants are represented by the free gentleman who is the head of the family.

The nature of marriage depends on several factors: whether it be monogamous or polygamous, whether it be driven by a higher spiritual need or only by a subjective passionate feeling, whether the wife is an aid or a burden to a man's business.

"Where women are an essential aid to a man, as in nomadic life, even in farming, she was, before she became a wife, an essential aid to the parents, and by marriage they lose essential services, for which they receive compensation demanded from the bridegroom when he enters the marriage. He has to pay the parents at least the price of a slave, which must be bought by them, to perform the services previously provided by the daughter. It is natural that this marriage can combine the feeling of subjective love with passion, and that it is natural to associate with it the higher aspect of moral love, which is not both a subjective passion and the quiet feeling of objectively spiritual mutual

complementation and belonging possible, but the very character of this marriage will not be liberated from the influence of form and view when it is entered; it will always be essentially a servile relationship," Leo writes.

However the purely servile aspect can only go so far unless tempered by spiritual and moral considerations. If marriage is only a service, then polygamy is simply acquiring more servants for one's household.

Since deaths of a familial lineage are not usually simultaneous, there emerges customs to regulate inheritance, i.e. the transfer of the rights, possessions, functions, in short, of the whole legal status of the deceased. "Another consequence of this view when entering marriage is that the man does not commit adultery and that he usually lives with the purchased or inherited female slaves, as well as with his wives, who only receive a contractually better and more privileged position than the other maids."

A well-ordered family life in such contexts depends on a strict functioning patriarchy. In its absence, the servant household becomes a source of great quarrel over the order of precedence among wives and the inheritance rights of their progeny. Not only that, but the dowry and bride-price becomes a great burden for young prospective suitors. The archetype of this degenerated patriarchy is, according to Leo, to be found in the mercantile states of Florence and Venice:

The basic view is that the man does not need to marry to obtain essential services for where money dominates, the idea of the tribe, which is so important in patriarchal relations, gradually ceases to acquire importance, and even the man who is made from a not perfect marriage has enough honor and freedom if his father gives him wealth. It is therefore more convenient to make use of maids and give birth to children, for the woman of the rich, mercantile and equally well-off family is accustomed to a luxury at home, which increases the costs of housekeeping, and becomes her own household where there is a lot of money, where luxury is one of the signs of honorable life, a burden anyway. Under these circumstances, no one marries unless he receives a reimbursement of the burden he takes on. Under these circumstances, it will not be possible for anyone living in wealthy circumstances to marry his daughter to a house where a well-to-do life is conducted, unless he decides to give her part of his fortune. The dowry of the woman is here so the main interest, which revolves around the marriage. Since, where the mercantile substance is the societal dominant one, it is regarded as a bad sign of the character of a man, if he allows the mercantile considerations to be outweighed by subjective inclination, then it becomes a disgrace, a marriage, for the man under such conditions without a proper dowry, for he appears as a miser, and his reputation is harmed.

On the other hand, a kind of blemish connects with the marriage for the woman, too, as she does not bring an equal dowry: for in the patriarchal marriage the honor of the wife was to be an able servant and servant of the husband; It seems now rather to the man as a freelance, who outweighs any possible burden of the sum which he spends on his working capital, thereby making him a more distinguished man. She now has pretensions to a certain luxury, to a certain great freedom, she no longer stands as a servant beside the lord, but as a free citizen beside the same. This equality, however, disappears just as the dowry is lacking or at least not so great as to relieve the burden on the man... The woman also appears under these points of view in an unworthy, less honorable relation, when her dowry was lacking or too small. By combining honorary points with bourgeois interests in order to give this marriage its peculiar character, the relation to caricature may increase, so that the consideration of fortune is not merely the determining factor, but the sole determinant, and therefore so too a girl of notoriously bad character, of notoriously poor performance, or of generally repulsive externalities, still married with honor, yes, sought, as soon as she is only one.

As a rule, however, the marital relationship is made even looser by the individual's view of it under these circumstances. The man then pretends to have fulfilled all his marital duties, when he uses the dowry of the woman civically to further acquisition, in order to increase the inheritance of the children of the woman, in order to be able to furnish upkeep the women befitting. Love has never been sought, never acquired, never earned, and in its place comes in these calculating, dispassionate circles the pleasure which man finds for his money, rather than anywhere else with his wife, because the pleasure of finding comfortable sensations are not accompanied, worn off, and only obtained by a variety or refined increase. If wealth is not yet exuberant, morals are not yet exalted, and this pleasure will be found through adulteries in neighboring circles, or among otherwise close persons.

Such bourgeois marriages lie somewhere in between the archetype of a natural marriage based on blood and kinship as the patriarchal marriage is a pure though imperfect representation thereof, and the flagrantly immoral marriage defined by romance and lust.

Politically arranged marriages are higher than bourgeois and sensuous marriages too, since they demand that man confine his natural interests to the limits imposed by consideration of political expediency, which include the preservation of closed endogamous networks that fill the ranks of a state. They also in turn preserve a certain level of education and moral instruction specific to the closed elite.

The highest form of marriage is the Christian religious marriage, which has its reason that “in its creation, God shaped human nature into sexual difference and, from the outset, has mentally and physically referred man and woman to each other.” As its task, religious marriage seeks “to make God’s purpose of fulfilling the will of God in the conception and treatment of the relationship between man and woman, and to allow natural, purely political, considerations to be valid only insofar as they do not oppose this endeavor.” It is necessarily monogamous, driven by a dispassionate conjugal love, and requires the raising of children into the faith.

Sensuous marriage in contrast is even worse than concubinage, reasons Leo. Concubinage still has a servile purpose on top of the mere intimate union alone. “Sentimental marriage takes away the man’s position as master of the woman without compensation, as was the case, at least, with the mercantile marriage; It obliges him to accept the irregularities of women; compels him to educate children in a more lenient manner, in short, to renounce even stricter family law — and all this, as mentioned, without any noteworthy substitute — but for the sake of ‘dear humanity.’”

Either way, the question of inheriting and distributing familial possessions including household servants (plus the servile relations among family members themselves) gives rise to a way of easing the familial relation from purely that of blood relatives to an extended fictive kinship by which clans, brotherhoods, nations and other organs can develop. This fictive kinship can either be hereditary or contractual. Leo is quite skeptical of contractualism and free wage labor as prevalent in the United States, saying that: “First of the easement by free contract. It undoubtedly appears formally as the most humanly worthy, yet it contains a *contradictio in adjecto*. Where two people who are really in the same age make a contract about the employment relationship between one and the other, there is always a mismatch. Free service in North America is a kind of abomination. The piety of such a relationship is completely abolished by the feeling of equality. Therefore, only an approximation to the proportion of equal rights, free contractors, and not the attainment of it, may appear desirable... The easement by purchase is, as a rule, actual slavery, but not always; Roman colonists, Germanic serfs, could also be sold, but in these cases it is not the person himself, but only their services.” Though some forms of chattel slavery can be immoral, a milder Germanic serfdom is neither un-Christian nor inhumane, for it is necessary to respect the differences of rank which are given by nature, as well as those between man and woman.

In terms of creating a healthy feeling of dependence and subordination, landed property has many characteristics that render it superior for that purpose. It is illiquid and much more conditional than monetary wealth. Land divisions create mutual obligations and set boundaries in a way that paying out cash rents does not, further still landed property’s alienation is restricted at the margin of subsistence integral not only to families but to the upkeep of whole communities, unlike money capital which can circulate unbounded. Land yields require continuous development and work, and remuneration is often in kind when money is scarce, creating a more natural servile obligation. “The family, which possesses a good for centuries, becomes part of the good in its spiritual nature, and develops a rigid family character so determined that father, son, and grandson of the grandson remain in the same attitude, as can be seen by observing all aristocracies. In congregations of such families morals, customs, attitudes, habits, physiognomies develop in a far more pronounced way.” Further, the existence of inferior land that serves as a waste and commons creates a mutual codependence between common and private property: “In addition to this concern for common property, which ties the landowners of one area to each other, the concern for private property, for the maintenance and defense of the boundaries of the individual property, which is now bound up with the claims to communal uses, is linked with each other.”

So too the personality of a landowner is in a sense “fuller”: “The moral difference remaining after the adjustment of the difference in wealth is, in the first place, that the landowning and constructing man, as long as he does not become a rational manufacturer, is always a whole man, who differs only in the degree of inner purity, the tradesman always one-sided, that is to say, more biased in far more one-sided interests. The consequence of this is also that the democratic principle, wherever it is supported by conditions of trade and world trade, prevails, in that it finally converts the rural population, as far as the farming class is concerned, into factory workers, as far as the noble class is concerned, into factory owners.”

This is not so much an indictment on industry per se, since Leo subsequently qualifies that “moral education, however, exists only so long in the course of industrial life as the product of it, as the fluidity of money does not become the aim of the *whole* endeavor, as long as other points of honor are connected with industry, besides the possession of money.” “But this is only possible,” he continues, “as long as the industry furnishes cooperatives whose cooperative life contains degrees of honor and places them personally high or low. As soon as this lever is removed, the moral relationship ceases to enjoy cooperative protection and becomes purely individual.”

Either way, in addition to marriage and service, we have the warmaking power. All states are founded on a sense of victory and submission. However, war is not a lawless affair. Its violence and indiscretion can certainly be tamed and ritualized. Judicial dueling is one such example. Another one that Leo gives is how a slave who is initially abducted as part of a border skirmish or raid can have his relationship evolve from a pure violent act into a lawful constitutional one: “Incidentally, one can not call the violent relationship of one man as master of this kind to another as a slave of this sort any more than a right, as the mere occupation of a piece of land can in itself justify the same. The law is not identical with physical superiority is, as a consequence of a state of violence, founded only by a formal contract or by the custom implicit in a contract; So long as the slave does not have to regard his own relationship as a contractual one, one can not say that he is committing a crime when he kills his master, who stands by him on the ground of violence, for the consequences of victory suffice but as far as the victory itself is concerned.”

However, if several seigneurs or owners by formal contract or tacit consent establish an obligation to mutually guarantee each other's possessions, an individual owner thus receives a right to his slave vis-a-vis his fellow associates irrespective of the slave's own claim, but in turn this creates the prerequisite for laws that regulate the well-being and conditions of slaves at least initially from assault by outsiders, now becoming a formal part of property law.

An implication of maintaining a line between rulers and ruled is that the military vocation must be a closed one, and universal conscription avoided as an undesirable class-leveling measure: “The violent but disagreeable nature of our present military situation in Europe lies in the fact that the army is destroyed as a singular estate, that necessarily all estates must be drawn into the army, because otherwise it would be impossible to produce an army of the required extent. But this causes the army, on the one hand, to lose its peculiar soldierly character; that the life of a soldier ceases, to a certain extent, to be a way of life for himself, to be greatly assisted by those who by nature have been born to do so... Whoever was not fit for quiet civil relations – and many people of the most excellent facilities are not fit for this – he found a place here... The consequence is that the actual born soldiers, who usually appear in the midst of bourgeois life as wild catches, find no place of comfort in the [bourgeoisified] army.”

When rid of liberal individualism, these are all questions to be asked and answered.

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2 thoughts on “Heinrich Leo’s natural theory of the state: an organic corporatist meditation”

1. Pingback: Estate-based representation: Carl Ernst Jarcke | Carlsbad 1819

2. Aldon says:

February 6, 2021 at 2:34 am

lol imagine not being a totalitarian in 2021 lmao

— Imperium Press (@ImperiumPress) February 4, 2021

Zionism has come out of the closet. (literally with the US health secretary). They are not hiding their power and control now. We must resist They Live.

— DanielBreen22 (@Breen22Daniel) February 4, 2021

By that I mean the total society, that fully bounds/circumscribes categories & discursive spaces. I don't really see an alternative & it's important to provoke others to consider if their desired society truly departs from it. Agreed, the term is sullied, hence the provocation.

— Imperium Press (@ImperiumPress) February 4, 2021

I've always understood it as a cope argument for midwit Hannah Arendt

— AstralNaught (@FlightAstral) February 4, 2021

Really interesting talk, Joel and I also incorporated the Aryanism of Deleuze, the deepest distinction between Nords & Meds, the mannerbund/wolf-cult, fascism as archaic revival of Bronze age social ontology, and even an archaic IE critique of capitalism.

— Imperium Press (@ImperiumPress) February 3, 2021

Forget the ramblings of Heidegger's side piece, the important distinction is between having clearly formalized leadership (authoritarianism) and a bureaucratically enforced ideological orthodoxy which micromanages the fuck out of everything and ruins authentic culture.

— joeldavis (@Dick71224996) February 4, 2021

The problem I find with this formulation is that surely it should be 'nation' rather than 'state', unless by 'state' the Duce meant something deeper than the state apparatus itself. Do I simply not know enough of the context?

— Smallest Violin (@auboutducoeur) February 4, 2021

Listen up 🙋 <https://t.co/P7VqklCCdy>.

— Imperium Press (@ImperiumPress) February 1, 2021

Would you trace modernity to the Axial Age?

Reply.

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