Corporate State and Personal Autonomy: A Phenomenological Approach[1]

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Abstract

In order to understand the meaning of the contemporary crisis of modern society, it is worth going back to the challenges faced by liberalism, especially after the First World War. The aim of the paper is the critical reconstruction of the approach to the radically illiberal idea of the corporate state developed in the 1920s and 1930s within the phenomenological movement, especially by Max Scheler, Edith Stein, Dietrich von Hildebrand, and Aurel Kolnai. The discussion of the phenomenological positions in this regard focuses especially on the criticism against the implications of the idea of such a state for one of the most significant liberal values—personal autonomy. The fundamental distinction is made between solidarist, inherent to Catholic social teaching, and Fascist understanding of the idea of the corporate state. Insofar as one of the most influential corporatist theories within both Fascism and National Socialism was developed by the Austrian philosopher and sociologist Othmar Spann, the primary concern of the paper is to reconstruct the phenomenological meaning of the arguments against Spann's concept of the corporate state delivered by Kolnai in his articles published in the Viennese journal "Der Christliche Ständesstaat".

Keywords: State, phenomenology, corporatism, liberalism, personalism, autonomy, fascism, National Socialism, solidarism

The free will, if it exists, may manifest itself in every possible political circumstance. Personal autonomy, in a narrow, social–psychological rather than Kantian sense, is instead considered attainable only in a liberal–democratic state. What distinguishes a modern civil society from a traditional one is precisely that, in contrast to the latter where the personality is determined by the general pattern of the activity carried out by the social group, the

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society labeled as such is supposed to result from a social liberation of the individual, personal self and his or her conduct (Mead, 1934, p. 221). At the same time, according to modern society's self-understanding, being an autonomous person implies a particular mode of reciprocal recognition that is incorporated in positive law (Honneth, 1995, p. 108).

Although political modernity and personal autonomy seem to be mutually defining concepts, adherents of traditional concepts of state are not and have not been the only challengers to liberal democracy and its emancipating function with regard to personality. Admittedly, apart from the different types of political traditionalism, it was in the first instance Catholicism's social teaching that historically opposed the concept of the liberal democratic state. The Roman Church considered that true personal autonomy could only be attained in a community of faith by recognizing God's authority over one's self. However, modern radical political movements also defied the autonomy of the person in liberal democracy by criticizing it as nothing but formal autonomy. For adherents of movements such as Fascism, Communism, or National Socialism, the only possibility for making personal autonomy true was Rousseau's generalization, or, in Kant's spirit, universalization of this autonomy either by establishing a total state or through its complete abolition.

In order to understand the meaning of the contemporary crisis of modern society, it is worth going back to the challenges faced by liberalism, especially after the First World War. The arguments against the possibility of personal fulfillment in the liberal democratic state of that time seem to return today not only in the political rhetoric of Catholic traditionalists and Islamic fundamentalists but also in the criticism proffered against liberal legal formalism by the populist identitarian right and the identity politics of the left. In countries such as Poland, where the legal institutions of the liberal democratic state are challenged first of all with reference to the arguments of both national and Catholic solidarism, the criticism of liberalism from the perspective of, on the one hand, Catholic and, on the other hand, fascist conceptions of the corporate state deserves special theoretical attention. Conversely, among the critical approaches to Fascism in the twenties and thirties, the personalist critique of fascist corporatism then undertaken within the phenomenological movement by Max Scheler, Edith Stein, Dietrich von Hildebrand or Aurel Kolnai was certainly not the most politically relevant one. Nevertheless, it is worth reconstructing it in order to examine the contemporary significance of the concept of the corporate state and its relationship to the concepts of personal autonomy and political modernity itself.

The Corporate State as a Theoretical Phenomenon

What determines the theoretical meaning of the phenomenological approach to the problem of state is, in the first instance, the question of the foundations of political science. As a matter of fact, the representatives of the phenomenological movement have by no means shunned the different forms of immediate political engagement. Husserl, with his open letter to the American public in support of the Central Powers' war aims (Husserl, 1915), Scheler with his war writings (Scheler, 1982), and Hildebrand and Kolnai with their anti-Nazi journalism, however, did not act as phenomenologists but as citizens—or more precisely as subjects—of the German and Austrian empires. Instead, it is, first of all, by examining the legitimacy of the claim to being scientific laid by the state theory of their time that the state in general, and the corporate state in particular, could become a "phenomenon" for them and, as such, an object of phenomenological investigation.

As far as the corporate or corporative state (in German: *Ständestaat*) is concerned, it should be considered to be originally not so much a scientific-theoretical as a theological concept. While it is rooted in the nineteenth century conservative reaction against the liberal economic order and the political legacy of the French Revolution, the concept of the corporate state has received the most relevant "theoretical" justification in *Rerum Novarum*, the papal encyclical issued in 1891. It has since become an important part of the social Catholic doctrine of the "third way" between liberal–capitalist individualism and communist collectivism, which promoted the regeneration of society through the revival of legally recognized trade-related bodies around which an organic social order and harmony could be restored (Pollard 2017, pp. 42—44). The reactionary origins of the concept of the corporate state within this doctrine resulted in the idealization of the feudal or estates' social order and in the idea of alleviating social conflicts by reorganizing society into corporations established on the basis of occupational, professional groups (Cau, 2019, p. 220).

The theological approach to the state, specific to Catholic social teaching, consisted in interpreting the political crisis triggered by the industrial revolution and the "revolt of the masses" in moral rather than in social–political terms. The social doctrine expressed in *Rerum Novarum* attributed the problem of class struggle to political upheaval under the banner of liberty and presented the idea of social solidarism as the only possible way to overcome it. The call for the emancipation of the individual in the modern society was interpreted in the papal encyclical as a manifestation of sinful selfishness and as morally condemnable pleonexia that should be opposed by the institutionalized Christian love of neighbor. What the Catholic doctrine of social solidarism perceived as a modern individual's growing isolation, and identified as a main trigger of social anomie, was supposed to be overcome

by the redefinition of the state–individual relationship in the spirit of collaboration and mutual acknowledgment between bosses and workers within corporations as intermediate bodies (Cau, 2019, p. 220).

The theoretical foundations of the corporate state underwent significant modifications with the start of the fascist experiment in Mussolini's Italy and as it then spread across Europe. The moral–theological justification for the corporatist reaction to the industrial society and liberal political order has been replaced in the twentieth century by a sociological and economic one. The most important political difference between Catholic and fascist corporatism consisted in their different approaches to the socio–economic function of the state. While the social teaching of Catholicism was guided by the principle of state subsidiarity, the fascist political doctrine aimed at dominating and subordinating social conflicts to the state authority's direct control. The encyclical *Quadragesimo Anno,* published in 1931 on the 40th anniversary of *Rerum Novarum,* pointed at the insurmountable divergences between both concepts of corporatism while emphasizing that the fascist authoritarian state "is supplanting free activities instead of confining itself to a necessary and sufficient helping hand," that it is "excessively bureaucratic and political," and that "it seems to serve particular political designs rather than usher in a better social framework" (Pius XI, 1931).

The theory of the corporate state that claimed to be scientific and, as such, became an object of phenomenological criticism, was developed in 1921 by the Austrian sociologist Othmar Spann in his book *The True State*. According to the Austro-Hungarian social philosopher Karl Polanyi, with this theory which placed the idea of anti-individualism as the main guiding principle, Spann had given Fascism its first comprehensive philosophical system (Polanyi, 1935, p. 362). The aim of his "universalist" doctrine was to overcome individualistic and atomistic theories of society and economics by arguing for a social model based on medieval guilds, structured by estates, and characterized by hierarchy (Stegmann & Langhorst, 2005, p. 716). With reference to Hegel's idealism, Schelling's organicism and the philosophy of German romanticism, but also Platonism and medieval realism, Spann developed the holistic theory of the state in which the election of supreme political leaders was based not on citizens' equal voting rights but on decision-making by the leaders of the diverse politically autonomous corporations. In his book, he sharply distinguished between Kant's concept of moral autonomy as "a self-determination or a free will of spirit" and the concept of personal autonomy as individual "self-sufficiency" or "autarky." Spann considered this last instance impossible in both a utilitarian and a spiritual sense (Spann, 1972, 19ff.).

Phenomenology and Political Personalism

Due to the double, partly overlapping, partly mutually opposed, Catholic and fascist understanding of the corporate state, the phenomenological approach to this phenomenon in the interwar period was rather ambiguous. It is true, first of all, with regard to the political applications of phenomenology attempted by those members of the phenomenological movement who, like Max Scheler and Dietrich von Hildebrand, converted to Catholicism during the First World War or, like Edith Stein and Aurel Kolnai, did so shortly thereafter. Their approach to the phenomenon of the state, confessionally determined by the Catholic social teaching and the doctrine of social solidarism, implied a criticism not only against liberal individualism but also against communist or nationalist totalitarian collectivism. Of course, Catholic phenomenologists fought against communism and Nazism as well as against the concepts of state specific to them, both theoretically and practically. Their criticism of Italian Fascism and especially of Austrian political Catholicism, based on Spann's theory of the true state and embodied in the dictatorship of Engelbert Dollfuss, however, turned out not to be so decisive.

The phenomenological approach to the concept of corporate state found its theoretical foundations not so much in Husserl's distinction between worldview philosophy and philosophy as rigorous science as in Scheler's distinction between formal and material ethics. In opposition to Kant's ethical formalism based on the concept of universal moral law, Scheler founded phenomenological ethics on the concept of objective values and their personal, emotional experience. His approach to the phenomenon of state was, to a large extent, authoritative for other Catholic phenomenologists and can be identified as a kind of both phenomenological and political personalism. The focus of his practical philosophy was the person understood not, as in Kant, as an abstract, logical subject of rational activity following ideal laws, but as a concrete unity of acts in the sense of an individual, unique style of acting (Scheler, 1973, p. 382). The autonomy of the person, which Scheler considered always to be participating in distinct types of communities ranging from the herd, through life–community and society to "collective persons" as their higher forms, required, according to him, the principle of the moral "solidarity of all persons," fully realizable only in "the love community" of the church (Scheler 1973, p. 496).

Even though the Catholic phenomenologists were all influenced by Scheler's phenomenological personalism, they referred in different ways in their political writings to the Catholic doctrine of social solidarity, corporatism, and state subsidiarity. Scheler's own approach to the concept of corporate state, determined by the understanding of the state as one of the "collective persons" apart from the culture circle (*Kulturkreis*) and the church (Scheler, 1973, 519ff.) varied over time. While he represented in his early

writings the Catholic left and searched for an alternative to either liberalism or socialism in Christian democracy, the explicitly religious foundations of Scheler's political personalism lessened to a degree in the later stages of his thought. He still hoped in his war writings for the establishment of a "united moral power" resulting from an alliance between "the Oldest and the Youngest," that is between the "Christian Church's corporatist doctrine" and the "internally re-formed labour movement" in Germany (Scheler, 1982, p. 304). After the war, in all his criticism of capitalism, liberalism, and socialism for their reductionist approach to the person, Scheler was ready to admit how impressed he had been, during his stay in Italy in 1922, by Mussolini's fascist movement: according to Dietrich von Hildebrand, he had considered it to be "dynamic," "interesting," and "new" (Hildebrand, 2000, p. 215).

In contrast to Edith Stein, who both in *The Investigation Concerning the State* from 1922 and in the political writings which emerged after her conversion, turned out to be the least influenced by the doctrine of the Christian corporate state, it was Dietrich von Hildebrand who became one of its best-known protagonists. Among other Catholic phenomenologists, his approach to fascist corporatism, both Italian and Austrian, seems to be, at the same time, the most ambivalent one. The paradox of Hildebrand's political personalism was that he fought his "battle against Hitler" and Stalin not only from the theological perspective of Catholic social teaching, but also with the support of Dollfuss's authoritarian government, then representing "political Catholicism" in Austria. The ambivalence inscribed in his theological–political standpoint was already clearly expressed in the name of the journal *The Christian Corporative State* (Der Christliche Ständestaat), which he founded in Vienna in 1934. Hildebrand wrote in his memoirs about the circumstances that led to the establishment of that journal, that he was "not terribly preoccupied by the idea of the 'corporative state'," and that it was not his intention to "offer a special defense of corporatism against democratic government" (Hildebrand, 2014). Nevertheless, insofar as "the corporative state was the goal of Dollfuss," Hildebrand and his associates "ultimately settled on it" (Hildebrand, 2014).

Autonomy and Totality

The theoretically most relevant distinction within Hildebrand's political Catholicism, not unlike within Scheler's and Stein's political personalism, was that established by German sociologist Ferdinand Tönnies between "society" and "community" (Tönnies, 2001). Hildebrand laid both Catholic and phenomenological foundations for his "battle against anti-personalism and totalitarianism" in his 1930 work *The Metaphysics of Community*. In it, he insisted that, in contrast to the contemporary world based on artificial

social relations and the "spasms of the I," the authentic community arose only from "devotion to God and one's neighbour" (Hildebrand, 1955, p. 9). Hildebrand criticized the modern struggle for personal autonomy and individuality as an expression of false egotism and argued that personality grew from self-transcendence rather than self-possession (Gubser, 2019, p. 119). In his work, he considered the true community to be the *res publica*, which he interpreted as being based on the recognition of the "primacy of the individual person," but emerged not from bottom up, through social contract or revolution, but from above, through a process of "incorporation" (Hildebrand, 1955, p. 185, 397). What he meant by that was, first, the incorporation of values by persons, then that of persons into wider communities, and ultimately that of persons and communities into the value realm (Gubser, 2019, p. 119).

If Hildebrand admired Dollfuss as a Catholic statesman who fought against Communism and Nazism in the name of both the political autonomy of Austria and of the natural hierarchy of communities, there were also authors of *Der Christliche Ständestaat* who considered this admiration not only expendable, but also deplorable (Ebneth, 1976). For the most original of them, Aurel Kolnai, the very fact of publishing in Hildebrand's journal under the pseudonym "van Helsing" was rather an inevitable cost of fighting that battle. In his articles, written from the perspective of not only Catholic, but also Durkheimian solidarism, he clearly distinguished between Christian-personalist and fascist–authoritarian foundations of corporatism. Unlike Hildebrand, who considered Dollfuss's Christian corporate state, built on the principles of *Quadragesimo Anno*, to be "something completely new" and distinct compared to Fascist Italy (Hildebrand, 1934, p. 59), Kolnai belonged to those who identified it as nothing but "Austro-fascism." If Hildebrand assumed that both Austrian political Catholicism and Italian Fascism, "despite certain concessions to state omnipotence," are more aligned with the culture of the Christian West than Nazism and Communism (Hildebrand, 2014), he argued that it was the "democratic principle of a constitutional 'opposition'" which is the "most peculiarly Western of all social phenomena" (Kolnai, 1938, p. 26).

Kolnai's phenomenological approach to the concept of corporate state and that of personal autonomy, rather conservative–liberal than Christian–personalist, found a clear manifestation in his criticism of the political holism of Othmar Spann. In the article "Othmar Spann's Idea of Totality," published in Hildebrand's journal in 1934, Kolnai argued, in the first instance, against recognizing Spann as a Catholic social theorist. He agreed that Spann's corporatism had many points of contact especially with "catholicizing" Romanticism, such as being hostile to the mechanistic and natural scientific view of reality, together with the liberal conception of society. He admitted that Spann's concept of the whole and its parts was an attempt to borrow from

Aristotelian and Thomist scholasticism, as well as to make use of the expression *Corpus Christi mysticum*, "mystic Body of Christ." Nevertheless, due to the fact that the cornerstone of Spann's theory formed, according to Kolnai, the idea of totality which was supposed to precede the parts through a mediating hierarchy of partial totalities, "somewhat like the relation between the whole organism, organs and cells in a living being" (Kolnai, 2017, p. 136), there was in his interpretation an obvious and irremovable clash with Catholic and scholastic philosophy. While taking into consideration the Austrian sociologist's speculative attempt to derive "all the essential characteristics of the world and of life (…) from the purely formal idea of totality," Kolnai argued for considering Spann "a typical prophet of nationalism, Hegelianism, and, notwithstanding the subjective good faith of his Christian profession, pantheism" (Kolnai, 2017, p. 136).

The main object of Kolnai's criticism against Spann's sociology were the implications of the concept of totality for understanding the relationship between community and person. Both in his article from 1934 and in his main political work, *The War Against the West* from 1938, Kolnai recognized in Spann the theorist not only of the corporate, but also of the total state in the most literal and utterly metaphysical sense (Kolnai, 2017, p. 136). Spann's speculation about totality as a fundamental category of all being implied, according to him, "that, in the ideal, normal and proper state of things, a person, with his entire essence, his complete spiritual and moral being, belongs to the state, and must surrender himself to the state authority through the mediation of the partial authorities" (Kolnai, 2017, p. 136). In spite of his declared organicist approach to the state, Spann's thinking was, according to Kolnai, in reality completely mechanical insofar as his theory regarded a person as a "mere raw material for a national machinery of power and production" (Kolnai, 2017, p. 144). To the extent that the only autonomy of person that Spann acknowledged consisted in an "autonomous 'articulation of totality'," his sociology had nothing to do, in Kolnai's interpretation, with either real personality or "with genuine spiritual spontaneity in life, or with real community" (Kolnai, 2017, 144).

In Spann's theory of the corporate state, Kolnai saw the "Austrian connecting link" between ordinary Fascism and Nazi Fascism. The aim of this theory was, according to him, to delegitimize liberal democracy by providing theoretical support for social inequality (Kolnai, 1938, p. 70). In Spann's fascist philosophy, as Kolnai wrote in *The War Against the West*, "no philosopher's stone is left unturned to destroy every possible foundation for the free association of men and the democratic self-government of groups" (Kolnai, 1938, p. 71). Kolnai formulated the main phenomenological argument against Spann's concept of corporate state through reference to the analyses of the relationship between person and community delivered by Hildebrand in his *Metaphysics of Community*. In light of these analyses, he claimed that

the central thesis of Spann's theory of totality rested on the false analogy between the wholeness of the organism and the wholeness of the state. Insofar as Hildebrand has shown in his work that "different totalities can only be regarded as independent, not merely additive, totalities in very different senses and to different degrees," Kolnai considered Spann's concept of state a scientifically unfounded "combination of a trite platitude with an only apparently self-evident prejudice" (Kolnai, 2017, p. 139).

Conclusion

The contemporary relevance of the phenomenological approach to the concept of state in the twenties and thirties of the former century may seem debatable. The confessional determination of this approach may be considered a limitation of the theoretical significance of the political analyses delivered by Catholic phenomenologists to a narrow, historical, geographical, and cultural context. Even if the political personalism of Max Scheler, Edith Stein, Dietrich von Hildebrand, and Aurel Kolnai has substantially influenced the positions taken by Jan Patočka, Karol Wojtyła, and Józef Tischner in the totalitarian debate (Gubser, 2019, p. 128), their insights into the relationship between "person" and "community" seem not to meet the contemporary political challenges. There is no question that today, in the times of a new European war, pandemics, populism, and identity politics, the problem of the prospects and limits of personal autonomy in its relationship to the state requires a new global approach which, if "Catholic," should be according to the proper meaning of the word.

Nevertheless, especially if taking into consideration the variety of the phenomenological approaches to the problem of state and the fundamental differences between them, the historical facticity of those approaches seem not to limit their possible contemporary theoretical relevance. Scheler's concept of the state as a collective person, the personalist approach to this phenomenon within Hildebrand's social ontology, Stein's investigation concerning the ontic fabric of the state as an autarkic, self-sufficient, and in this sense sovereign community, as well as Kolnai's liberal Catholic understanding obviously do not exhaust the theoretical potential of phenomenology in this regard. The historical reconstruction of the ways in which the state became a problem for phenomenology may also shed some light on the specifics of the contemporary political challenges. It not only concerns the prospects of personal autonomy and self-determination in the liberal democratic world, which today also considers the question of social solidarity (Honneth, 1995), but also the challenges presented to this world by the concept of corporate state. The tragedy of the war against Western liberal democratic institutions declared by Fascist Italy, Nazi Germany, and the communist

Soviet Union repeats itself today in the—by no means less tragic—farce of the Russian war in Ukraine. As the contemporary socio-economic analyses of the Russian political system clearly show, "the state in Russia strives after the self-evident ideal: it is the ideal of the corporate state according to Othmar Spann's concept" (Inozemtsev, 2018). The contemporary relevance of the phenomenological approaches to this concept seems to be out of the question for the same self-evident reason.

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