3. THE IMMEDIATE ANCESTORS OF MODERN POLITICAL CORPORATISM

The age of revolutions was indeed a watershed in the development of ideas about representation. The change from *sujet* to *citoyen* led logically to experiments with universal manhood suffrage. In most instances, to be sure, property qualifications were attached to the suffrage laws as safeguards against "mob rule." These restrictions were often also based on the argument that only the possessor of property had a stake in the government—an argument faulty in its core: the poor need good administration as much as the rich. But in an age enthusiastic about the increase in wealth and tremendously interested in the accumulation of material goods, the argument seemed plausible. Even with restrictions, however, the voting for parliaments altered not only the mode of operation but the meaning of representation. Under the Estates' constitutions the representatives of the clergy, the nobility, and the citizenries each represented a rather closely knit group, standing for fairly well-defined material interests and often possessing a homogeneous ideology. Whatever the weaknesses of the assemblies of Estates, they were—most of the time—well organized. Under the new concept of citizenship, the electorate and consequently the representative assemblies seemed to become amorphous. Since an entirely unstructured voting public and an assembly without any kind of structure could not have fulfilled their functions, a system of political parties developed.

Soon, however, some opposition to parliamentarism based on parties originated. This opposition had various causes, but the most powerful was the fear of spoliation on the part of the property owners. A broad suffrage appeared as a menace to all vested interests, and property qualifications of the right to vote often seemed to be an inadequate protection of individual property, especially because some experiences—chiefly American—tended to demonstrate that there was a likelihood for them to be weakened or even abolished. Ever since the American and French revolutions had separated the

right to vote from hereditary status, the fear that cupidity of the masses would violate property rights had frightened those with large possessions, and sometimes even those whose possessions were not large. The spoliation of the Loyalists in the American revolution and some actions by the Jacobins reinforced this fear. The horror of "agrarianism"—as radically egalitarian tendencies were often called in the late eighteenth and early nineteenth centuries in remembrance of the Gracchi and other advocates of land distribution schemes—became and remained one of the major motives for the search of alternatives to modern parliamentarism.

To the fears for the security of property was added in some circles an ideological hostility to the spirit of the revolutions of 1776 and 1789. Although without these fears and this hostility the renascence of political corporatism could not be explained, the end of the revolutionary era did not immediately give the corporate idea a great role in practical politics; only in German literature did it begin to flourish.

In Britain the reform of parliament was on the agenda only in the sense of the necessity to abolish the "rotten boroughs" and to extend the suffrage to localities and population groups not hitherto represented. In France the restauration recreated the Bourbon monarchy but not the old tie between hereditary status and the right to be represented; only in the composition of the Upper Chamber did this tie receive limited realization. As in the French institutions, so in French conservative literature of the first decades of the nineteenth century, the principle of the state of Estates failed to play any important role. The leading antirevolutionary writers like Joseph de Maistre and Louis de Bonald used their pens in combatting republicanism and anticlericalism, and like Edmund Burke they believed that the state was a sort of organism and could change its constitution only slowly, through modification rather than destruction of the past. They were greatly interested in strengthening and enlarging the royal power and may have been unwilling to support a constitutional arrangement which would inevitably have restricted or even endangered the power of the king. After all, the Etats-Généraux had initiated the revolution.

It was somewhat different in Germany. The French and American view of the citizen as a person endowed with rights regardless of his membership in a social group was still strange to many Germans.

Consequently, when in the post-Napoleonic period the need was felt in several German states to give the people through their representatives a share in the government, the Estates, after some reforms, were used as the form of representation; where the monarchs were unwilling to admit such representation for the whole of their territory, at least the provinces possessed their Estates. Modern parliaments emerged in Germany only after 1848.

In German literature, the principle of the state of Estates found even more recognition than in constitutional practice. The German variety of the intellectual movement—for which the name of Romanticism has become customary—concerned itself very much with political philosophy, whereas in other countries Romanticism remained much more confined to trends in literature and art. The German Romanticists saw their principal enemy in individualism and consequently rejected an "atomistic" society in which the individual could claim his part in the formation of the will of the state directly and not as a member of a *Stand*. The seeds of this opposition to an atomistic society can be found in the works of Johann Gottlieb Fichte (1762-1814), especially in his work *Der geschlossene Handelstaat* [The state of closed commerce],[1] although there are probably still earlier roots. Largely under Fichte's influence, corporatist theory was developed by Friedrich Schlegel, Franz von Baader, and Adam Müller.

Schlegel (1772-1829) is a strong monarchist, but he wants some representation of the people in the form of Estates; he ignores the historical antagonism between the Estates and the royal power: "The king shall be one with the Estates—the center, the heart of the union of Estates [*der ständischen Vereinigung*] . . . . The Estates select their most capable members as representatives of their common interests to surround the person of the monarch. . . ."[2] The parliamentary forms of representation Schlegel treats with scorn:

> About the system of representation, strange hypotheses have been proposed recently, e.g., the idea that a whole country should be represented. Thereby the concept of representation loses its whole significance. One must have the character, the spirit and the mentality of the Estate which one wants to represent. . . . Only where

[1]Published in 1800.

[2]Quoted in Jakob Baxa, *Gesellschaft und Staat im Spiegel der deutschen Romantik* (Jena: Gustav Fischer, 1924), pp. 115ff.

representatives of the Estates exist in this sense will the commonweal be well taken care of [*wird gut beraten sein*], because then every Estate will stand for its cause with zeal and energy, whereas the king, in his exalted role, keeps only the general purpose of the state in mind.[3]

Schlegel was a playwright and historian of literature, neither a social scientist nor a political historian (although he wrote a philosophy of history);[4] the further elaboration of the political views of German Romanticism was the work of others, especially Adam Müller (1779-1829).

The foundation of Müller's political beliefs is the opposition to the idea that the state can be constructed or reconstructed by applying pure reason, without regard to the forms which have organically grown.

Do not . . . most political writers take an attitude as if they stood at the beginning of all time and as if the states should be created just now, as if the great works of statesmanship, which we meet in history, were nothing but poor attempts at achievement and history itself nothing but a course in experimental policy, as if only now states were born, only now governments begin? Or, as if they stood at the end of time and as if their predecessors were subject to [*müssen sich gefallen lassen*] what they, the last and wisest progeny, nourished with the wisdom and experience of all previous generations, were to decide about the works, the thousands of rules and opinions, even about the graves of their ancestors; in short, as if they were really the last ones or at least could guarantee that their own progeny were to accept all that they themselves decided, since they knew in advance everything the future generations would need and want.[5]

[3]*Ibid.*

[4]The limitations on his sense of reality are illustrated by his view that the peasants (*Landleute*) "have the same interests as the nobility" and would therefore probably not need a special representation in the system of Estates; only as a sort of afterthought does he add that the need for such representation might after all appear. Thus he ignores the fact that conflicts between nobility and peasantry fill many pages of European history.

[5]Adam Müller, *Die Elemente der Staatskunst* (Berlin, 1809; reed. 1922), vol. 1, first lecture, pp. 26ff. Like some other Romantics, Müller in many of his

If it is futile or even condemnable to try to create new forms of political life from considerations of pure reason, if only the organically grown is viable, then the only possible form of representation is the one inherited from the Middle Ages—i.e., the assembly of the Estates.

> All constitutional law [*Staatsrecht*] has its foundation [*Sitz*] in the Estates: Recent doctrines present the ordering of constitutional forms . . . as a matter of pure reasoning [*Calculs*] . . . . One disregarded entirely the fact that nature has already solved the constitutional problem in advance in every family.[6]

For Müller, the family is the original model of all human organization and consequently also of the Estates. As within the family husband and wife have different functions but form an entity of which the several parts act together, so each of the Estates has a different task to fulfill and ought to be equipped with resources adequate to this task; it then becomes one of the pillars of the common structure, the state.

The most important of the other German Romanticists who advocated a state of Estates were Joseph Görres (1776-1848)—who started his writing career as an enthusiastic supporter of the French revolution but eventually changed his views entirely—and Franz von Baader (1765-1841). There is hardly any argument, however, in their writings that could not be found in those of Adam Müller. What motivates the corporatist proposals is, for the most part, first, the misgivings about an amorphous electorate, or perhaps better an amorphous society, especially because it is thought that a direct confrontation between the monarch and his subjects must lead to absolutism.

> It is necessary that between the supreme power and the simple [*letzten*] subjects there must be the Estates . . . which should mediate and smooth things over. . . . If the actions of the supreme power fall directly upon the individual, they prove inevitably oppressive [*erdrückend*] or despotic, but not so if the individual

writings lays greater emphasis on justifying the existence of separate Estates and their organization in guilds and other bodies than on their role in forming the will of the state. The details of his ideas about fulfillment of this role often remain vague. There is no doubt, however, that he wanted the Estates as the basis of political representation.

[6] *Ibid.*, vol. 1, ninth lecture, pp. 189ff.

is affected by such actions as a member of an Estate or a corporation.[7]

Although the Romanticists wanted a strong monarchy, they were hostile to royal absolutism. Gorres writes:

> During the time of our babylonic captivity [the reference is of course to the domination of Germany by Napoleon and his satellite princes] when . . . despotism renounced all obligations toward a superior power [*nach oben*], it imposed them on the inferiors [*nach unten*], on the peoples and destroyed all their rights. In those days the constitution of estates, the pillars on which our ancestors built the structure of the state, was broken up. Now the throne stands alone . . . in the middle of the crowd [*Volksgetümmels*]; the prince sees only servants around him; nobody tells him the truth, and the whole oppressive burden of responsibility devolves upon his single head. Which ruler would want to bear this burden, to suffer this loneliness [*Verlassenheit*] in the misery and the pressures of these times.[8]

One basic mistake already contained in the writings of these early advocates of corporatism is expressed in Schlegel's statement that "one must in reality be that which one is supposed to represent." It is a dangerous half-truth. Of course a representative must be familiar with the interests of those whom he has to represent. But it is not true that only a landowner can voice the grievances and desiderata of landowners, and not even that only a worker can be an advocate of workers' interests. Why should it be impossible for a voter to take the position that this or that candidate, although he is of a different profession, is likely on the majority of issues—though perhaps not on each single one—to take the same position as the voter himself would have done?[9]

[7] Franz von Baader, *Grundzüge der Sozietätsphilosophie* (reed. 1917), p. 24; quoted in Jakob Baxa, *Einführung in die romantische Staatswissenschaft* (Jena, 1931), p. 253.

[8] Joseph Görres, *Rheinischer Merkur*; herausgegeben und eingeleitet von Arno Duch (Munich: Drei Masken Verlag, 1921), p. 69.

[9] Schlegel's error is found with quite a few of the later corporatists, especially G. D. H. Cole; see below.

Moreover, political corporatism tends to aggravate a fault which has a damaging effect in every political system. Usually every member of an economic interest group likes to think that the interests of all groups, as understood by their members, add up to the interests of the national community. But this is a most doubtful assumption for a variety of reasons. For one thing, businessmen, agriculturists, and workers are, as a rule, guided by their short-run interests; but the effective guardianship of the fortunes of even an individual branch of the economy would require a long view, and the same is true to a still higher degree of the good of the national community. Even in a parliamentary system it is often difficult to safeguard the long-range needs because people have a tendency to concentrate on the interests of the day; in an assembly of Estates, in which the spokesmen for the various vocational groups alone have the say, it would be near impossible. A second reason why the interests of the various groups do not add up to the national interests is the tendency of these groups to secure each other special privileges—"if you protect my monopoly, I will protect yours."

Furthermore, in a system of political corporatism representation would be based on economic group interests; aside from all other objections, such a system could be justified only if in politics the only important thing were economic interests. By contradistinction, the political parties of which modern parliaments are composed are groups of people whose ideas on how the business of the community is to be conducted are similar. These ideas are strongly influenced by economic interests, but—whatever the philosophers of the "end of ideology" say—they are not entirely determined by them; issues of human rights, of war and peace, of environmental protection play a role, sometimes in concurrence and sometimes in conflict with economic interests. It is strange that the German Romanticists who, all of them, were high idealists, supported a system which was based on the assumption that ideas are not very relevant in politics.[10]

[10]This contradiction is to be found with many later corporatists as well. For example, Othmar Spann, one of the foremost advocates of a state of Estates in the 1930s, rejected materialism with the harshest words (see his *Der wahre Staat* [1st ed., 1921; 5th ed. Graz: Akademische Druck & Verlaganstalt, 1972], pp. 186ff.). Among the motives of Spann's aversion to materialism, his hatred of Marx undoubtedly played a role, but there is also no doubt that he considered himself a genuine idealist.

In the first half of the nineteenth century there began a seemingly subtle but actually very significant change in the thinking of political corporatists. In the Middle Ages and in the early Modern Age, voting and representation had been determined by hereditary status, and the latter, with few exceptions, also determined the social function which an individual was supposed to fill; thus the advocacy of a regime of Estates could as well be called political functionalism as political corporatism. The Romanticists, in the main, accepted the significance of hereditary status, but here and there in the Romanticist literature the idea creeps up that hereditary status could have a bearing on representation only because, and insofar as, it is identical with social function. Socioeconomic development, however, reduced or even dissolved the tie between status and function. As hereditary status became less relevant and finally (almost) irrevelant in economic life, the corporatists made function instead of status the criterion of representation. Some vague idea about a continuing connection between status and function remained with some of the corporatist writers,[11] but on the whole the shift was marked.

[11]It is noticeable even in as late a writer as René de La Tour du Pin La Charge; see "La Noblesse en France," first published as an article in 1904, and included in a later collection, *Vers un ordre social chrêtien* (Paris: Beauchesne, 1929), pp. 370ff.