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Collectivizing Persons and Personifying Collectives: Reassessing Scheler on Group Personhood

Thomas Szanto

1. Introduction

Can a group of persons constitute a group person? From Plato's notorious analogy between the *polis* and the human soul in the *Republic*, to Hobbes' concept of artificial personhood and Locke, Hume and the following modern discussion of personal identity, the idea that personhood is no natural kind, and that persons may come in different scopes and sizes, transgressing the boundaries of the human organism, looms large. Centuries later, a number of philosophers would press Plato's analogy further (Parfit 1986, 211; Korsgaard 1989; Rovane 1998). The question whether individual persons can integrate into a single personal unit that differs from ordinary, human-sized persons is not only pre-figured in the debate on diachronic and synchronic personal identity, but has also been extensively discussed in the German and British legal theory traditions of the 19th and 20th centuries (cf. Runciman 1997). Most recently, the issue has been fuelled by the analytic debate on collective intentionality and group agency.¹ Similarly, in times of ever more concentrated corporate power, one can also witness a growing interest in the respective normative and political questions. For example, it has been argued that corporate persons, lacking certain essential capacities for moral conduct and accountability, such as affectivity and empathy, exhibit all the features of 'psychopaths' (Bakan 2004). Meanwhile, some have inquired whether we have proper obligations towards group persons, or whether they have, above and beyond moral accountability (French 1979; Manning 1984), any moral or political rights of their own, such as the right for protection, the right to persist (Ozar 1985), or the right to freedom of speech (Stoll 2005; List/Pettit 2011; Hess 2013; Hindriks 2015).²

What is less known is that many phenomenologists, including Husserl (e.g., 1952, 1973), have complex accounts of group personhood, or have critically engaged in the debate on the possibility of such entities.³ Scheler is certainly the figure of the phenomenological movement who not only makes most use of the notion, but also has elaborate conceptual requisites, firmly embedded in his personalist value ethics, for dealing with the ontological, and especially the normative, implications of group personhood.

The present paper aims to reassess Scheler's account, and with particular attention paid to the intricate issue of intentional and normative collectivism. In doing so, I wish to show that Scheler's account, however ambiguous it is at times, is not only

equipped to fulfill those central requirements for group personhood that I argue any theory of group persons must account for (section 2); but, on the most charitable reading, it also navigates the thin line between merely summative and all-too collectivist accounts of group persons. Ultimately, I hope that in sketching this Schelerian path (sec. 3 and 4), and by pointing to the strengths and weaknesses of his account (sec. 5), we get a better grip of what really is, ontologically and normatively, at stake when one collectivizes persons, or personifies collectives.

2. Four Requirements for Group Persons

To begin with, consider the following general requirements that, I contend, any adequate theory of group persons (GP) must fulfill:

- (1) *Plurality Requirement*: GP, qua *group persons*, must be so construed as to account for the fact that they ‘comprise’ a *plurality* of individuals, allowing also for a certain ‘intentional variation’ in their mental lives.⁴
- (2) *Integrity Requirement*: GP, qua *group persons*, must be so construed as to account for the fact that they not only form a collection or multiplicity of individuals, but have a certain integrity as a distinctive person. Moreover, GP must enjoy a certain autonomy vis-à-vis the individuals who are their members or constituents, and vice versa.
- (3) *Normativity, or Moral Accountability, Requirement*: Given (2) and the commonly held specific normative status of individual persons, GP should as well have some normative or axiological status, value, or moral right of their own, and/or should be morally accountable in their own right.⁵
- (4) *Anti-Collectivism Requirement*: Given (1) and certain standard normative requirements for individual personhood (autonomy, etc.), GP must not (normatively or intentionally) ‘override’ or ‘outflank’ the individuals they comprise (cf. Pettit 1993; 2014).

While the first requirement should be fairly obvious—no group person without a group of persons—and while the second and third are expounded in detail in one or the other above-mentioned accounts, rather strikingly, very few current GP-accounts discuss (4), i.e., the normative and non-normative (intentional-psychological) relation of GP to individuals. With a view to this task, Scheler is a good starting point, to say the least.

Furthermore, however obvious the plurality requirement may be, some may question it by, rightly, assuming the possibility of there being one single individual who bears or instantiates properties of a group person. This indeed is a real possibility, especially for Scheler, as we shall see. Thus, we need to slightly qualify the above requirement to the effect that, first, for any GP, there must be, at one point or another, a *collec-*

tive of individuals who constitute it and, secondly, once constituted, and even if eventually instantiated by only a single individual, GP-properties must stand in some relation to and allow for a variety of intentional properties of a plurality of individuals.

With these preliminaries in place, in the following, I shall show that Scheler's account of GP does fulfill all four of these requirements—however ambivalent Scheler may be at times, and however much (1)-(4) may *prima facie* conflict with one another.

3. Scheler's Concept of *Gesamtperson*

One of the fundamental claims concerning personhood that virtually all phenomenologists share concerns its social nature. According to this view, personhood has intrinsically and irreducibly social aspects. Few phenomenologists, and few philosophers in general, have been more explicit and adamant about this than Scheler. One of Scheler's central claims is that (individual or communal) persons have an irreducible social aspect, such that even hypothetical Robinson Crusoes are from birth essentially embedded in social relations and have both a non-social, or "intimate sphere" and a "social sphere" as their equal co-constituents (Scheler 1926a, 548ff; 1926b, 228ff). Moreover, Scheler argues for an irreducible, socio-ontological correlation between individual and 'plural' subjects. He maintains not only that "the I is but a 'part' (*Glied*) of the We and We an essential part of the I" (1926b, 225), but that the We, "genetically" viewed, and regarding its "reality" and "specific content," precedes the I (1926c, 52, 57). Going even further than this, Scheler argues that it is an a priori feature of personhood that every person is a member of a social unity, and that, indeed, insofar as every individual person *has* a non-individual, or communal, person as her essential part, she, in turn, *is* and *experiences* herself as a member of a "communal person" (*Gesamtperson*) (henceforth: CP)⁶ and, eventually, as a member of a set of such communal persons.

Now, one may wonder why Scheler employs the notion of CP in the first place. However, the answer is rather clear: for Scheler, communities have intrinsic values. Values, according to his ethical personalism, are founded upon and can only be borne by persons. And, since the highest social values belong to certain forms of communities, they belong not to persons *simpliciter*, but to *communal* persons (1926a, 514). Hence, for Scheler the attribution of personhood to communities, more than for any other reason, clearly is born out of considerations regarding persons as bearers of values. Accordingly, the concept of CP is not simply a moral- or social-psychological, epistemological (in the sense of 'group minds' (*Gruppengeist*), as Scheler employs that concept in his sociology of knowledge; cf. 1926c, 54f), or merely social-ontological concept. It is just as much an axiological, or properly ethical, concept.

Two central features—an axiological and an epistemological-*cum*-ontological one—characterize personhood for Scheler. First, persons are the "ultimate" (*letzste*) and, at the same time, the "highest" (*böchste*) values, and bearers of values (1926a, 103ff, 499, 514). Secondly, the very ontological nature of persons, apart from being bearers of val-

ues, is to be unique ‘centres of experiencing’ (*Aktzentrum des Er-lebens*) (1926a, 103, 382–392). Accordingly, the proper role of personhood, for Scheler, consists of the integration of mental and practical acts. Communal persons, in turn, are first and foremost yet more complex integrates of such integrations.

In order to understand Scheler’s concept of CP, it is crucial to bear in mind what CP are not. First, they are neither opposed to, nor in any proper sense contrasted with individual persons, nor are they simply a collection or an aggregate thereof. Furthermore, they are not a synthesis, composition or some fusion of individual persons. Scheler would also reject the currently dominant view of collective intentionality, according to which the (plural) subjects of group agency are constituted by collective agreement, or joint commitment (e.g., Gilbert 1989; Searle 1995; Tuomela 2007; cf. Scheler 1926a, 512f, 521). Lastly, being a CP most certainly is not a matter of scope. A CP, Scheler explicitly tells us, is not some individual of a “wider scope” (1926a, 513).

How, then, are CP constituted, and what is their socio-ontological status? Most generally viewed, CP are not supra-individuals or macro entities. Rather, they are complex matrices of different levels and depths of the social integration of intentional and phenomenal experiences, volitions and actions. CP are “social unities” as well as “experienced realities” (*erlebte Realität*, 1926a, 511f). They are *constituted by* and *experienced in* those specific intentional acts that Scheler calls mutual co-experiencing or co-living (*Miteinandererleben, Miteinanderleben*). It is easy to misunderstand these acts. Their distinctive feature is not some specific type of phenomenal quality, some ‘feeling of togetherness’ built into them, nor are co-experiences constituted merely by shared *types* of individuals’ experiences. Furthermore, it is not essentially a matter of some ‘we’-intentional mode, like for example, Tuomela’s (2007) ‘we-mode’, or some Searlean ‘I *we*-experience x’. Neither is it simply a matter of the intentional directedness to some shared intentional object or goal that makes such acts constitutive of communal persons (though, to be sure, such acts do have a we-mode intentional directedness). Rather, for Scheler, the fact that a subject S is co-experiencing something is a matter of S’s experiencing something and, at the same time, experiencing herself as a member of a community for which, and for whose members, S bears specific relations of *solidarity* and *co-responsibility* (*Mit-Verantwortlichkeit*). That is to say that, for Scheler, the experiential and normative properties of such social integrations of experiences are inseparably and constitutively tied together. CP, then, are constituted, and their personhood essentially consists of, more than anything else (e.g., autonomous intentional agents), being “act-centres of experiencing within the co-experiencing of persons” (1926, 512), as well as of being centers of co-responsibility, or solidarity.

Importantly, not only is a CP not a matter of scope, but there is no *one* ultimate, maximum-sized, or all-encompassing CP. Given that CP are “varieties of centers of experiencing (*mannigfache Zentren des Er-lebens*) within the endless totality of co-experiencing-with-one-another”, precisely by being “never-ending” integrations and re-integrations of social unities, CP “essentially” are, like concentric circles, contained as

social unities within one-another. In other words: every CP essentially has other CP as its members, without there being *one* single ‘meta-CP’ who would contain all other CP within itself (1926a, 510, 521).⁷ As examples of CP, Scheler typically mentions nations (but not peoples), states, “cultural circles/regions” (*Kulturkreise*), and, in its highest and purest form, the Church (1915/16, 380; 1916b, 336f; 1926a, 533-548).

CP would be not *persons* for Scheler, if they would not be just as individual as individual persons. In fact, they bear an individuality of their own. However, a CP is not an entity of which *one* single subject or person can be predicated. But again, and this is the very gist of Scheler’s argument, even if not a ‘single subject’ (*Einzelperson*), CP not only have individuality, but they *are* individuals: “the communal person (...) is as much a spiritual (*geistig*) individual as the individual person” (1926a, 514). CP are not simply the phenomenal *contents* of individual persons’ communal experiences. They are more than that: like individuals, they are centers of intentional and experiential acts and, more particularly, they constitute a “unity of *spiritual* act-centers” (1926a, 531). And, precisely as centers of acts of co-experiencing, they are the proper (formal) *subjects* of such communal experiences (1926a, 511). Moreover, being essentially mental/spiritual entities, CP have, above and beyond their experiential reality and their individuality, their own volitional and intentional reality. They are experiential unities as well as subjects of whom practical intentionality and agency can be predicated (*pace* Kelly 2011, 6).

CP also have an intentional “consciousness-of” that is *different from* and *independent of* the consciousness-of of the *individual* persons” (1926a, 512). Although the intentional content of the consciousness of CP does transcend individuals’ consciousness—as individuals’ experiences do not “encompass” the total experiential content of a CP—what we have here is not some “mysterious” collective consciousness, transcending altogether the “kind” of consciousness that individuals have. For, even if in co-experiencing there is an excess of intentional content relative to any individual’s experiences—no CP is “fully” (*ganz*) given in any single individual’s experiential life, in much the same way as, for Husserl, physical objects are not fully given in single instances of perception—co-experiencing is still an affair of individuals. It takes place ‘within’ mutually interrelated but individual persons. Moreover, CP are “given in” and “given for” each and every one of its members, irrespective of their standing within the system of co-experiencing. In this respect, experiential transcendence notwithstanding, “the consciousness-of of the communal person is *always contained* in the consciousness of a total finite person as *act-direction* [and] is not something transcendent to it” (1926a, 512f). Indeed, what makes an individual’s experiencing mutual co-experiencing, and eventually part of a CP’s communal experiencing is, over and above the mutual awareness of the respective persons co-experiencing, the recognition that there is an excess of intentional contents vis-à-vis the individual, upon whose co-experiences those communal ones, nevertheless, supervene. At the same time, individuals need not be reflectively aware of (all) the specifically co-experiential intentional content. However, individuals are (pre-reflectively) aware of essentially being members of one or more CP (1926a, 522). To put it more

succinctly: the intentional and phenomenal, or experiential, consciousness of CP is *trans*-individual, but not properly speaking *collective* or *supra*-individual.⁸

Now, what exactly individuates group persons, for Scheler? Unlike most contemporary authors writing on the topic (notably, French 1979, Korsgaard 1989, Rovane 1998, and Mathiesen 2003), Scheler fails to provide any clear-cut epistemic, practical/agential or normative criteria of individuation for CP. Given Scheler's general axiology and his account of ethical personalism, there seems to be a plausible candidate nonetheless. On the face of it, the most obvious candidate seems to be the respective centres of co-experiencing. This fails to be sufficient to mark off CP from one another, however, for centers of co-experiencing, according to Scheler, are essentially, as we have seen, embedded in "the endless totality of co-experiencing-with-one-another" (1926a, 510). Rather, given Scheler's idea of the essential incommensurability of individuals in terms of their values, and in terms of their radical separateness as individual bearers of values, here, we seem to have a criterion of individuation for CP. Surely, one and the same token or type of bearer of values, i.e., one and the same CP, or the same type of CP, may well bear different values. Conversely, however, Scheler maintains that, precisely as *individuals*, and as individual *persons*, two different CP cannot instantiate the same value. Now, if one takes into account that, for Scheler, there is an intrinsic correlation between persons and values, it is easy to see that the mentioned axiological difference establishes a corresponding difference in the corporate identity of CP.

What about the relation of CP to their individual members? The ontological relation between the concrete individuals (*Einzelpersonen*) and CP is a relation of—relative— independence. Just as most institutional collectives are, regarding their persistence, more or less immune to membership changes, depending, obviously on their statutory, functional, etc. nature, CP are, regarding their personhood and their individuality, independent of the intentional acts of any concrete individual, or of individuals taken separately or summatively. Conversely, one and the same individual may stand in membership-relations to different CP at the same time. For example, someone may be a member of the Catholic Church and a member of the Prussian State. In modern terms, CP are multiply realizable, or, as Scheler puts it, "freely variable" vis-à-vis their members CP (1926a, 513). However, they are not independent of persons as such. On the contrary, as Scheler pointedly remarks: "It is (...) *in* the person that the mutually related *individual person* and *communal person* are differentiated, and the idea of the one does not represent the 'foundation' of the other." (1926a, 512) Crucially, this does not mean that persons would multiply within persons by virtue of their entertaining social relations or relations to collectives. Moreover, it is vital to recognize that the relation between communal and individual persons is not a foundational relation of any sort, but rather a genuine correlation.⁹ Consider also that the relations between individuals and CP cannot be understood as exemplifications of part-whole type membership, or mereological containment, nor any other ordinary sort of membership relation (cf. 1923/24, 124). That is not to say that Scheler would deny that CP have members at all and that they

have individual persons as their members. On the contrary: “Indeed, it belongs to the essence of all communal persons to have persons as member-persons (*Gliedpersonen*), who are *also* individual persons.” (1926a, 513) However, persons *qua* members are not simply *parts* of other persons, namely of CP. Rather, they are complete and autonomous personal unities in their own right, who entertain mutual membership-relations, including their very membership to certain CP. The phenomenal (i.e., living- and co-experiencing-together) and normative (i.e., solidarity and co-responsibility) aspects of enjoying and maintaining such person-to-person membership-relations define also the essence of the relations between individual and communal persons—rather than mereological containment.

Scheler, however, is not always immune to a sort of a compositional fallacy, according to which, regardless of how cohesive the respective personal properties of a set of individuals engaging in some joint endeavour may be, it would nevertheless be wrong to infer the existence of one vehicle or bearer of such properties. This becomes particularly manifest when he characterizes CP—*nota bene* precisely contra Ryle’s (1949) famous category mistakes examples—by drawing an analogy between, for instance, CP’s becoming “macroscopically visible” in communal experiences such as war, or „someone flying in a balloon [who] would, all of a sudden, see [the] one city that is somehow mysteriously contained in the streets, people (...) carriages, or goods” (1916a, 274). Moreover, Scheler tells us that “all societal connections of individuals A, B, C, or groups G, G₁, G₂ occur *only* if A, B, C, or G, G₁, G₂ belong at the same time to another totality (*Ganzem*) G of a community—one that is not formed by A, B, C, or G, G₁, G₂, which, however, contains them as its members” (1926a, 521).

Similarly, Scheler’s talk of infinite containment, or of one CP being nested in one another, must be taken literally. Scheler holds that every CP is “essentially always *also* a member of another CP which encompasses a collective of CP” (1926a, 531). Moreover, Scheler maintains that it is part of the a priori nature of CP that there is a multiplicity of types and instantiations, or tokens, thereof (1926a, 541). He presents us with a rather bewildering taxonomy of CP, not only in terms of the mereological interlacement and hierarchies of lower- and higher-order CP, but also in terms of different types of CP. There are three main types of CP that are associated with different functions (such as the establishment and regulation of systems of laws, rights, etc., and the furtherance of individual and communal well-being, welfare, etc.) and different values (“values of rights”, “of power” and “of welfare”): (i.) “pure spiritual CP” (*reine geistige*) or “cultural CP”, in particular, nations and so-called “cultural regions” (*Kulturkreise*); (ii.) the State (as distinct from both peoples and nations); and, finally, as a sort of synthesis, or ‘coincidence’ of (i.) and (ii.), (iii.), the “perfect spiritual CP”, i.e., the “state-nation”, the “cultural nation” and, as the highest-ranked CP of all, the Church, viewed as the universal “community of love”, in which all spiritual individual persons partake (1926a, 531, 545).¹⁰

Notice a further stratification: as we have seen, in Scheler's social phenomenology of personhood, individual persons are, irreducibly, interrelated and, accordingly, there is an interlacement of different strata and different types of personhood (social, intimate, communal)—notwithstanding the fact that persons are individuated solely by themselves, and also have their, though purely axiological, essences 'in' themselves (1926b, 44). Now consider that the distinction between the social and intimate spheres of persons is orthogonal to the distinction between individual and communal persons. The former distinction applies just as much to communal as to individual persons: CP have their own intimate sphere, which is relative to either other CP, with whom they entertain social relations (1926a, 549), or the community of CP, or a higher order CP, of which the given CP is a member. Take, for instance, a UN member-state's socio-economic or political life, which may be independent of specific UN policies.

Furthermore, the concept of CP is also embedded in a network of conceptual distinctions with regard to the ontological, axiological and normative structure of social reality. Scheler employs, for example, the well-known distinction made by Tönnies between society and community for marking four distinct types of "social unities" (1926a, 517; 1926c, 33). Without going into the details here (cf. Vendrell Ferran's contribution in this volume), suffice it to say that in the context of these distinctions Scheler refers to a CP as a "personalist system of solidarity of autonomous, self- and co-responsible individuals", or as "the personal-solidary association of non-representable (*unvertretbar*) individuals" (1926c, 33, 45). What primarily distinguishes CP from other, non-personal, collectives is that only the goal-directed volitions or intentional actions of the former bear any autonomy and sovereignty over the particular interests of their individual, or even communal, members (1926a, 531).

The difference in accountability also corresponds to a difference in the respective principle of solidarity: in life-communities, the "principle of representable solidarity" reigns. Individuals are hereby interchangeable, for every individual is considered to be co-responsible only for some communal value. In CP, on the other hand, we have the principle of "non-representable solidarity" (*unvertretbar*), according to which each and every individual is responsible for herself (self-responsibility) as well as co-responsible for all other members and their total integration in the CP. With this distinction, we enter the normative dimension of CP, and face the issue of collectivism versus anti-collectivism.

4. Beyond Collectivism and Anti-Collectivism?

So far I aimed to show that Scheler's concept of CP fulfills the above plurality, integrity and normativity requirements (1)-(3). Though CP are constituted by the co-experiences and co-solidarity of a plurality of incommensurable individuals, they enjoy relative independence and autonomy vis-à-vis their members and are, as persons, also morally accountable. Now, what about the further normative implications and, in particular, the

anti-collectivism requirement? In the remainder, I shall argue that, despite any ambiguities and occasional collectivistic undertones, Scheler's concept of CP is, ultimately, anti-collectivist in spirit, or, at the very least, compatible with anti-collectivism.

Recall that anti-collectivism is the view that individual personhood is not compromised, outflanked or overridden by collectives—that the respective individuals belong to as members or not—and the intentional and normative laws governing such collectives. Notice that the normative version of anti-collectivism does not necessarily amount to a view that List and Pettit call “normative individualism,” according to which “whether or not a group person should exist, and whether it should function within this or that regime of obligation, should be settled by reference to the rights or benefits of the individuals affected, members and non-members alike” (List/Pettit 2011, 182).¹¹ Although not incompatible with such normative individualism, Scheler's normative anti-collectivism is certainly not identical with it.

Consider the following claims, which formulate different aspects and strengths of (normative and non-normative) anti-collectivism:

- (i.) The personhood of individuals is co-constituted by their intersubjective and membership relations to CP (and CP's personhood-properties).
- (ii.) Individuals bear certain normative relations of accountability and co-responsibility to CP (and possibly vice versa).
- (iii.) The personhood of individuals is derived from and/or reducible to the relations in (i.).
- (iv.) The axiological status, or value, of individual persons is derived from the CP they belong to, and/or from the function they have for promoting those CP, and for which they are exclusively accountable.

Notice that (i.) formulates a version of social holism¹² regarding non-normative (intentional-psychological or otherwise) relations between individuals and CP, while (ii.) and (iii.) target their normative and axiological relations. Accordingly, we may distinguish *intentional* from *normative* collectivism. Furthermore, (iii.) resonates with Scheler's ideas on “value collectivism” (*Wertkollektivismus*), according to which a person's value is to be measured against his contribution to a collective, and on “causal collectivism” (*Kausal-kollektivismus*), according to which a person's value is to be measured against the value of the historical development of communities (1926a, 495f). Scheler rejects both versions, to be sure. Contrary to (iii.), then, Scheler—the unmistakable elitist he is—holds that the criterion for measuring the value of a community (and of history) is the extent to which it promotes the ‘ontic value’ (*Seinswert*) of the maximum number of (individual and communal) persons of the highest value (1926a, 495). Notice how this, even if not incompatible, rubs up uncomfortably against normative individualism.

Obviously, various combinations of (i.) to (iv.) will result in different strengths of (anti-)collectivism. Thus, (i.) and (ii.), taken either in conjunction or disjunctively, are compatible with a robust anti-collectivism, while (iii.) and/or (iv.) are not and, taken together, amount to the strongest form of collectivism. I take Scheler to endorse precisely (i.) and (ii.)—neither more, nor less.

However, even though he certainly does not embrace collectivism head-on anywhere in his work, it is no coincidence that reading Scheler often strikes a (quasi-)collectivist chord. Thus, even with a view to the largely non-normative issue of whether the personhood of individuals is only co-constituted by (i.) or rather derived from their membership relation to collectives or to CP (iii.), Scheler is far from offering a clear-cut explanation. On the one hand, he argues that persons essentially have both an intimate as well as a social sphere and, hence, that their very personhood is (holistically) co-constituted by *interpersonal* relations. Moreover, he holds that persons are, in part, what they are, by means of their irreducible membership in communities and, ultimately, in CP. On the other hand, Scheler time and again insists on the irreducible individuality and the normative and non-normative incommensurability of individual persons. He could not be more precise about rejecting collectivism with regard to any alleged constitutional or axiological hierarchy between individual and communal persons when he writes: “every person is with *equal* originality (*gleichursprünglich*) both an individual person and (essentially) a member of a communal person, and one’s own value (*Eigenwert*) as an individual is independent of one’s value as a member” (1926a, 514).

And, yet, nowhere is Scheler’s oscillation between collectivism and anti-collectivism clearer than in passages of his notorious essay, *War as Communal Experience* (1916a). Three claims, which *prima facie* are in tension with one another, stand out here: (1) there are communal experiences (*Gesamterlebnis*), as in a “national experience” of the Great War, which a.) are not a “highly complex aggregation (*Zusammensetzung*) of individual experiences, enriched with common knowledge or presumption”, but the co-experiencing of one and the same (token) of experience, and which b.) may not only be by far larger, but also “more colourful and richer” than either any contingent individual experience thereof or the summation of all individual experiences (1916a, 273; cf. 1926a, 516; 1926b, 23f). (2) A CP, e.g., the State, can, and indeed *ought* to, lay certain claims (*fordern*) on individuals for its own sake and prosperity, especially since a CP’s existence typically outlives the lifespan of its members. (3) Finally, however, CP ought to lay claim on individuals only if they “respect” individuals’ intrinsic, and indeed “eternal,” value (1916a, 280f).

Now, on closer scrutiny, the tension is easily resolved. For, while (2) is simply normatively conditional upon (3), both are normative considerations that do not affect there being (or not being) certain irreducible collective intentional and/or phenomenal patterns of communal experiences. In other words, the tension dissolves once we properly distinguish between *normative* and *intentional* (anti-)collectivism.

At first glance, a similar tension seems to present itself when one considers Scheler's intricate concept of co-responsibility and, in particular, his concept of "communal guilt" (*Gesamtschuld*). Thus, on the one hand, Scheler suggests a strongly collectivist interpretation of the principle of solidarity—the "highest axiom of social ethics and social philosophy" (1926b, 209f)—by claiming that, due to this principle, and the original co-responsibility of individuals for one another that it entails, every individual person bears and partakes in, in addition to her individual accountability, "communal merit" or guilt, which, to be sure, "cannot be added up by the sum of the merit or guilt of the respective individuals" (1926a, 488f). Moreover, though a given individual S is not (collectively or individually) responsible for any concrete collective action, unless S has in fact been "causally and volitionally involved" in the given action (1926a, 522), S's overall co-responsibility for others and for some CP is grounded in the very nature of there being an ethical community of persons, rather than in S's complicity or concrete action. On the other hand, and in contrast to the strongly collectivist principle of (representable) solidarity in life-communities, insofar as individual and communal persons are concerned, self- and co-responsibility are co-original and always co-instantiated. Hence, it is not the case that an individual's self-responsibility is derived from or founded upon her co-responsibility for others, or for CP:

In marked contrast to the life-community where the bearer of *all* responsibility is the communal reality, and the individual is only *co*-responsible, in the communal person, each individual as well as the communal person are *self*-responsible (responsible for one-self), and at the same time, every individual is also co-responsible for the communal person (and for every individual 'in' the communal person), just as the communal person is co-responsible for *each* of its members. Hence, co-responsibility between individual and communal person is *mutual* and does not preclude self-responsibility on the part of both (...) there is *neither* an ultimate responsibility of the individual to the communal person, as in the case of life-community, *nor* an ultimate responsibility of the communal person to the individual (or to the sum or a majority of individuals), as in the case of society. (1926a, 522; cf. 548)

Moreover, as Scheler continues this passage, the co-originality of self- and co-responsibility is evidenced by Scheler's onto-theological claim that "both the communal person and the individual person are responsible to the person of all persons, to God, and indeed in terms of self-responsibility as well as co-responsibility" (*ibid.*). Furthermore, since every CP is essentially also a member of other CP, every CP is just as co-responsible for other CP (same-level as well as higher-level ones) as for its own individual members (1926a, 531).

Consider also that the principle of non-representable solidarity precludes any fusion of individuals in a community or any identification of individuals and community. Indeed, the very concept of co-responsibility, the responsibility of an individual for CP and the responsibility of CP for the individual, presupposes that CP and individual persons neither coincide, nor are fused (cf. Henckmann 1998, 131). Otherwise,

obviously, talk of *co*-responsibility would not make sense, and self-responsibility would be the appropriate concept. Analogously, Scheler lays particular stress on the fact that ‘pure’ sympathy (*reines Mitfühlen*), as well as re- or co-experiencing another’s mental life (*Mit-fühlen, Mit-erleben*), is only possible if there is neither emotional contagion, nor mere reproduction, nor, importantly, emotional fusion or identification (*Einsföhlung*) of the respective persons’ experiences (1926b, 23ff, 48ff, 75).¹³

At times, Scheler even ponders whether moral consciousness, conscience, sense of duty, or moral phenomena in general, would still exist were there no sociality (*Sozialität*), or whether moral phenomena are necessarily and exclusively social phenomena. Interestingly, Scheler explicitly denies that (1926b, 83). He also cautions against an overtly holistic socialization of conscience when he remarks that our very ethical being is not affected by any suggestive power, to the effect that an individual would become culpable just because she internalizes some social verdict about her culpability (1926b, 18).

Lastly, consider also Scheler’s nuanced opposition to Durkheimian ‘sociologism’ (*Soziologismus*), social determinism and conventionalism. Analogous to his concept of *co*-responsibility, in his sociology of knowledge, is Scheler’s advocacy of a *co*-determination between mind, knowledge and society. Thus, he argues that society and its “dominant perspective of social interests” only “co-determine” (*mitbedingt*) the “forms” of cognition, perception and knowledge (i.e., the intentional psychology) and “the *selection* of objects of knowledge”—not, however, as sociologism, a “pendant of psychologism”, would have it, the epistemic content, let alone the epistemological validity of thoughts or theories (1926c, 57f).

5. Conclusion

What are the merits of Scheler’s account of group persons, and where does it run the risk of overextending the concept? Three features of the theory stand out positively, especially against standard contemporary accounts: (1) its internal differentiation, providing, if not a fully worked-out taxonomy, at least an account of layers, sedimentations or grades of integrations of corporate personhood within the social reality of individuals; (2) its phenomenological or experiential qualities, and, (3) finally, its normative or axiological dimension. Notice that all this complies especially well with the integrity and moral accountability requirements and is, as I have argued, not incompatible with the anti-collectivism requirement to say the least (and, a fortiori, complies with the plurality requirement).

Again, for Scheler, the experiential, or phenomenal, and normative aspects of the process of integrating centres of (co-)experiencing into one another, and into a communal center of such, viz. a CP, are inseparably and constitutively tied together. This is both an advantage—the account thus yields a phenomenologically richer conception of group identification—but it certainly bears some risks. To be sure, as CP, for Scheler,

are tightly embedded in systems of co-experiences and co-responsibility, the argument that corporate entities lack certain essential capacities for moral conduct, such as empathy and affectivity, and that corporate persons would, hence, typically exhibit ‘psychopathic’ behaviour (Bakan 2004), loses its force. And, even if the Schelerian construal is not committed to any arguably unjustified form of collective (phenomenal) consciousness to GP (cf. Szanto 2014), or some strong version of collectivism, Scheler’s account does reinforce certain normative questions, in ways that might press all too many political sensibilities today.

It is precisely Scheler’s insistence on a particularly strong form of social holism—i.e., his insistence on an irreducible and ineliminable correlation between individual and corporate personhood—that makes his account at once phenomenologically, and indeed metaphysically, plausible, but also vulnerable to troubling normative concerns. For, if Scheler is right, it seems that one must bite the bullet and concede certain moral rights to or obligations to CP. For example, one will have to be prepared to hold that corporate persons, in principle, will have just the same right for respect, esteem and protection as individual persons, or even the moral right to persist (Ozar 1985). At the most extreme, we might end up with a view that the British political pluralist and contemporary of Scheler, Figgis, pointedly formulated—with a view to the Church, and congenial to Scheler’s onto-theological underpinning of the concept—according to which the denial of the personality of (some) corporations equals the “tyrannical and unjust” denial of human personality in “slavery” (Figgis 1913, 42). But this seems too big a socio-political price to pay just for being socio-ontologically plausible. Or, is it? We may decide in the end, however, that Scheler’s account of CP can, I submit, serve as one of the most instructive philosophical case studies on how intricate the relation between the autonomy of individuals, the integrity of group persons, and the threat of collectivism, ultimately, is.

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¹ For different stances on group personhood within this paradigm, see esp. Rovane 1998; Mathiesen 2003; Sheehy 2006; Tollefsen 2003; List/Pettit 2011, and Huebner 2014; for a systematic phenomenological re-assessment of the contemporary discussion, see Szanto 2015c in preparation.

² This is particularly pertinent since the recent *Citizens United v. Federal Election Commission* (2010) US Supreme Court ruling, according to which corporations are entitled to free speech rights under the First Amendment; <http://www.supremecourt.gov/opinions/09pdf/08-205.pdf>; cf. Hess 2013.

³ Most critical of all phenomenologists were Schütz (esp. 1957, 114f) and Kaufmann (1944, 163f; 1930 307) we find more balanced, though still skeptical, views in Stein 1920, Hildebrand 1930 and Walther 1923, and Hartmann 1924, but also somewhat different tone with regard to Scheler in Schütz 1958, esp. 500f., and 1953, 38f; on former, see Salice’s contribution to this volume, on the latter Caminada 2014, and generally for details Szanto 2005c; on Husserl and on Stein, see Szanto 2015a and 2015b, respectively.

⁴ Cf. also Gilbert 1989, Mathiesen 2003 and Chelstrom 2013.

⁵ See, however, Hess’s (2013) criticism of the entailment of moral agency and personhood.

⁶ Because of its summative connotations, I shall not use the standard translation for *Gesamtperson*, ‘collective person’. Consider also that Scheler uses the attribute ‘collective’, e.g., in combination with collective values (*Kollektivwerte*) to refer to *societal* and not *communal* social relations (1926a, 119f).

⁷ It should be noted, though, that Scheler is highly ambivalent about the dialectical role or teleological status of the “highest” “cultural CP,” i.e., the Church; thus, he sometimes suggests that all other CP are somehow ‘synthesized’ by the Church’s alleged unitary bond of solidarity (*solidarische Einheit*) into one whole “pure and perfect CP” (*reine vollkommene*), cf., e.g., 542-544.

⁸ See more on this in Chelstrom 2013, and Szanto 2014a and 2014b.

⁹ In this respect, Scheler’s *Gesamtperson* significantly differs from Husserl’s otherwise rather similar concept of ‘higher order persons’, cf. Szanto 2015a.

¹⁰ Similarly, for the conservative Scruton (1989), the paradigm corporate person is the Church.

¹¹ Cf., critically, Hindriks 2015 and Kusch 2015.

¹² On the holism issue, see also the formulation in the *Introduction* of this volume.

¹³ On the affective dimension of CP, and on Scheler’s theory of emotions, see Mulligan 2008, Vendrell Ferran’s and Krueger’s contributions in this volume, as well as Vendrell Ferran 2008, and on Scheler’s theory empathy Zahavi 2010.