

# THE CORPORATIVE STATE

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Between the years 1919 and 1922, a turbulent period of disorder and disintegration in society and in the State, in this Italy of ours men were perhaps not lacking who could have brought together and directed the perplexed and scattered energies in the cause of preservation and defence and of necessary reaction. But, as I have observed elsewhere, there was one man only, Benito Mussolini, who, thrust forward by a revolutionary impulse, had the force to take up again the historical thread of the Italian Revolution. If the Bolshevik upheaval was one of the dangers which threatened Italy after the war and the victory, another was the conservative political involution. It was necessary to find the way toward the future, between upheaval and conservatism. Signor Mussolini presented himself to take up again our revolutionary tradition, which was turned aside in the last years of the Risorgimento, and has only today translated itself into institutions and laws.

Thus the bases of the new order, which is being realized step by step, were suggested even before the March on Rome by the Chief, who, while he battles and strives, radiates in all directions his creative thought. Let us consider Signor Mussolini in the formation of the corporative State. The inflexible constructor of today is already fully manifest in the discourse to the workmen of Dalmine in March, 1919. "You act in the interests of your class, but you have not forgotten the nation. You have spoken of the Italian people, not only of the metal workers, to whose category you belong". The Minister of Corporations who, in preparing the Charter of Labour, sets before the representatives of the Syndicalist Associations the fundamental principle that "there must be equal rights for all social classes," and in the Charter itself states that there is "judicial equality between employers and workers," echoes the noble words pronounced eight years before: "You are not the poor, the humble, the rejected, according to the old phrases of literary socialism; you are the producers, and it is as such that you assert your right to treat with industrialists as peers with peers".

However, in speaking of the corporative State, it must not be understood as meaning only all that which pertains to the relations between employers and workers - relations based on a principle of collaboration rather than upon a struggle of classes. Fascism with its new arrangements aims at a more complex end. This, summed up in a few words, is "to reassert the sovereignty of the State over those syndicates, which, whether of an economic or social kind, when left to themselves broke out at one time against the State, subjecting the will of the individual to their own arbitrary decision, almost causing the rise of judicial provisions alien to the legal order of the State, opposing their own right to the right of the State, subordinating to their own interests the defenceless

classes, and even the general interest, of which the State is naturally the judge, champion and avenger”.

In this way, having as a solid basis the principle of functional subordination of the Associations to the State, the corporative arrangement, as it progresses by degrees proves itself to be the foundation of the high political structure. From what was a sectional, quarrelsome, monopolistic, internationalist syndicalism, Fascism has been able to evolve and develop elements of solidarity, of discipline and force, creating a new constitutional system. A reversal of values appears in this process: Fascist syndicalism is the opposite of that which existed before Fascism, for pre-Fascist syndicalism was against the State, and Fascist syndicalism submits to the State.

That is not to say that pre-Fascist syndicalism had no justification. The liberal State was incapable of appreciating the good which it contained, or that which was of historical or human interest in it. The liberal State took its stand on the rights of the individual – an idea too elementary in the face of new judicial needs. The tragic error of liberalism, from which arose with all its violence the phenomenon of class justice, came about by having admitted the working classes to political rights without assuring them parity of contract, that is, equality of civil right.

Now it is not necessary to adore the masses, but they cannot be repulsed or ignored. “We have had to accept syndicalism, and we do so,” declared Signor Mussolini at Udine on the eve of the March on Rome. “Only with the masses, which have a place in the life and history of the nation, shall we be able to make a foreign policy.” A splendid, clear intuition! In all countries the power of the masses tends to shift from domestic to international politics. The example of the Pan-American Congress of Syndicates, held at Washington in 1927, is sufficient to illustrate this.

Fascism, then, not only does not remain in ignorance and fear of the values and the forces which arise from certain tendencies, but recognizes, disciplines, and organizes them for the supreme ends of the nation and the State, which thus gathers into its ethical and political sphere all social life, that is to say all social and economic forces at work among its citizens, endowing them with its ethical and political spirit.

At this time, therefore, when we want to define the Fascist State, and distinguish it from other forms of States, we say that it is a corporative State. Such a definition, however, may appear anything but clear, unless our conception of the corporative State is accurately explained.

Although, as I have indicated elsewhere, the adjective “corporative” has become one of common acceptance and has found its way into political as well as into scientific language, nevertheless the idea which it contains, and by which it is inspired, is only slowly becoming clear and revealing its content. At an earlier time, by “corporative” was understood all that which regarded the relations between employers and work-

ers, from the point of view of collaboration rather than of conflict between classes. The word thus had a limited application and was not given its full meaning, which is of an eminently political and legal character.

This character has not been, and is not always considered, and so confusions and mistakes arise. For instance: before the passing of the law of April 3rd, 1926, no. 563, there existed in Italy a national syndicalism, an emanation of Fascism inspired by the ideas of collaboration, but it certainly would not have been correct to speak of a corporative State.

This was begun only when the State stepped in to discipline the associations of producers, and elevate them to a legal status, to assign to them their character as legal organizations, and to give them special representation which permitted them to stipulate collective labour contracts and to impose contributions on their own members. It is thus clear that the meaning of the word "corporative" must be sought only in the legal regulations by which the Fascist State has realized itself as a concrete example of a truly sovereign State, containing fully in itself the civil society of which it is the form: an accomplished unity in which the said society exalts itself and attains its own perfect autonomy.

Although from an analysis of the principles which underlie Fascist legislation concerning the recognised syndicalist associations, (from the law of April 3rd, to the more recent law relative to the National Council of Corporations), we can use the word "corporative" in a scientific and and rigorous sense; even so the same word is not quite clear until we explain the legal principles which govern Fascist corporative legislation. If it is true from a technical point of view that a law must find in itself the justification for its own imperative force and for the limitations of the rules contained in it, it is also incontestable that the interpretation of the law cannot be other than systematic and historical.

But, because of its historical character, the principles of a judicial system always resolve themselves into the manifestation of a higher idea — that of the State, which is of an eminently political nature; therefore it is evident that to get an exact idea of the meaning of the phrase "corporative State," which is commonly used to define the Fascist State, it is necessary to look to the ends which this State has in view as the fundamental motives of its action. The Fascist State, to one who studies it with such intention, reveals itself as an organic complex, moved by a will that is determined by an admirably logical theory.

Moreover it is not a difficult matter to identify the aims of the Fascist State, since this State, unlike others, defined itself in the declarations contained in the "Charter of Labour", which is therefore a document indispensable for its comprehension.

It is of no importance that some persons, still dominated by a spirit of faction, have found in the "Charter" nothing but a collection of aphor-

isms, while others, possibly in good faith, have discovered in it merely some enunciations of an explanatory or axiomatic character. The truth is very different. As it would be an error to deny the political and historical value of the Declaration of the Rights of Man and of the Citizen, formulated by the French Revolution, so it would be an equal error not to see in the "Charter of Labour" the most solemn political assertions of the Fascist State, which tends to realize in itself the moral, political and economic unity of the Italian nation. And here economic unity is conceived as being inseparable from the national interests and their aims, — namely the well-being of the producers and the development of the national life. Having fixed in their general outline the aims of the Fascist State, we pass on to various observations: first of all, in no other State is economic unity realized as it is in the Fascist State, which in this sense manifests itself as the most complete type of State. If the liberal State marked a progress in comparison with the absolutist regime, in so far as it performed its historical function of admitting the bourgeoisie who had been kept outside till then, the Fascist State is still nearer to perfection, since it has brought under its sovereignty those economic forces, workers as well as capitalists, which were not only without legal discipline, but which acted against the State. In this manner the State received shocks from within as well as from without, both from the capitalists who aimed at subjugating it, and were ready to associate themselves with international plutocracy, and from the working classes who were urged on by socialism to overthrow the State, and were leagued with an internationalism which denied the patriotic ideal.

Hence the crisis of the modern State, which could have been met only by means of a political, moral, and economic unification of society in the State, or of society which makes itself one with the State. This, then, is the achievement of the Fascist State, in which there are no individuals or groups of individuals which it does not recognize, subordinate and regulate, according to its aims.

At this point, however, it is important to understand that if society in the Fascist State has accomplished its own unification and has raised itself to a higher grade, this does not imply a social levelling, which would be quite as harmful as the disintegration which previously threatened public safety and weakened the organism of the State.

The most difficult task of the Fascist State was not to oppose the distressing consequences of the liberal regime, but to find the best way in which authority could assert itself without suppressing liberty, and without thereby running the risk of destroying itself. Turning to the question of economic unity, we may say that it would have been very inconvenient, and would have constituted a dangerous illusion, to attain this without understanding the reasons for the syndicalist organization which is closely related to the production and distribution of the wealth created by modern capitalism. This error, however, was not easy to avoid,

considering the aberrations to which syndicalism had abandoned itself, especially in the period following the war, when it was transformed from an economic instrument into a purely political weapon of offence against even the most sacred ideals of civilization. And thus when liberalism inexorably had to destroy every form of association, it did so essentially by means of a system of castes, similar to the ancient and noble medieval corporations of arts and crafts, from which outsiders were excluded and in which all free activity was prohibited.

The Fascist State, endowed with a spirit eminently political, and therefore realistic, and animated at the same time by the firm resolve to put itself on a legal basis, had to find the occasion for the reconciliation between social forces and its own sovereignty, in the legal recognition of the forces themselves. It had to act so as to have in its presence only individuals and groups whose position had been declared legal: individuals thus acquired the character of citizens, and their groups, the character of "juridical persons," — legal associations. In short, existing syndicates had to become legal syndicates, and the Fascist State has accomplished this.

Let us now see what is the precise legal position of these recognized syndicalist associations. They are, in the first place, regarded as "juridical persons" active and passive at the same time, that is to say, having both rights and duties. They have rights, not only over their members, but also over all those who are in the categories to which their members belong, inasmuch as the recognized association has by law the right to levy contributions both on those inscribed and those not inscribed, and to represent them in regulating the conditions of labor. The recognized associations have duties, because, having the "jus imperi" as "juridical persons," they must render account to the State for the manner in which they conduct themselves in the spheres of action assigned to them.

Since they are recognized as having legal personality, it follows that the recognized syndicates are no longer outside the State, but within the State; there is now only one, and not, as before, many syndicates for each category; they are no longer against the State, or indifferent to it, but are at its service. In other words, if the syndicates are recognized, they have a right to life and liberty of action, but this liberty does not go beyond a certain limit which is determined by the interest of the other incorporated bodies, and particularly by the general interest. This latter constitutes a legal limit which becomes, like all similar limits, a legal duty — preeminently a legal duty in the eyes of the State, which is the guardian "par excellence" of the general interest.

The syndicate, finally, with regard to its own members, has not only the power of representation and of levying contributions, as has been said, but has besides this duties which range from the guardianship of economic and moral interests to the assistance even of non-members and to the moral and national education of both. Each recognized syndi-

cate therefore gives unity to its own category of producers, represents, protects, assists and educates them morally and nationally; and in this unification it keeps ever present the two inseparable aims: the well-being of its category, and the development of national power. But those whom the recognized syndicates represent are not mere citizens; they have the legal and moral character of producers; their position is not simply that of subjects before the sovereignty of the State, but more specifically that of passive "juridical persons." There is a double reason for this: first, in the eyes of the State their duty is to work, and, second, they are responsible, in the case of certain undertakings, for the direction of production, even if it is private, because the private organization of production has been declared to be a matter of national interest, or what is the same thing, of interest to the State.

Thus we reach the federations and the confederations of employers and of workers, organisms which trace their origin to the fact that all categories of producers are bound together by their relations with other categories, while the resulting groups are joined with others in still larger combinations, by the interests they represent, and by the territorial district in which they act, where they assert their common economic activity and labour in some special branch of production. The organization of the producers thus reflects what is commonly called "the law of the division of labour," which from another point of view reveals itself as a law of the unification of labour. Among the recognized syndicalist associations, both of the lower and upper grade, federations and confederations, there also exists a complexity of relations in which representation, protection, and syndicalist assistance reach their highest development, especially when the legal limits of each sphere are kept distinct. When the syndicalist order is considered merely in its vertical structure, the functions of protection and of assistance stand out in special relief; and when one recognized syndicate cannot oppose another of employers or of workers in the same productive category, it tends to become an instrument of economic perfection for its own members. As the recognized syndicalist associations are of two sorts for each branch of production, — one for employers and the other for workers —, the distinction cannot result in separation, nor must it produce strife, inasmuch as the Fascist State, as an organic and sovereign State, admits competition, but not any violent clash of social forces.

We come now to the relations of employers and employed. These are regulated between the different categories by collective contracts, which have binding force over all those who belong to the same categories whether they are enrolled in the syndicates or not. On the other hand, controversies which may arise between the said categories, respecting the application of collective contracts or of other existing regulations, or requests for new conditions of labor, must be settled in a conciliatory manner by the recognized associations of superior grade and by the

coordinating agencies, or, if conciliation fails, by the Magistracy of Labour. As a legal consequence of this principle, strikes and lock-outs are forbidden by law and are legal offences.

The object of all this is to regulate the conditions of labour. But it is clear that a syndicalist order thus established, while arranging for the relations of the syndicates which are distinct from one another yet united into their categories, did not arrange for the equally essential coordination of all the categories grouped in federations and confederations, in order to obtain equal conditions of labour and the even more important unitary organization of all forces of production, consequently, national production itself.

It was a grave problem, yet the coordination of all the recognized syndicalist forces was attained by the creation of the National Council of Corporations, an organism whose tasks are closely connected with the character of the corporative function.

This function must be kept in mind before we outline the tasks mentioned above. If the State had not foreseen, as far back as the publication of the law of April 3rd, 1926, the need for coordinating agencies between the associations of employers and workers, and if, afterwards, in the regulations for the application of the same law, it had not given them the name of corporations, it could not have called itself a corporative State. The recognition of the syndicates, the legal institution of collective contracts, that of the Magistracy of Labour, the legal prohibition of strikes and lock-outs, while being achievements profoundly original, and much to the credit of a political regime, could not certainly have given to the Fascist State that peculiar character which differentiates it from every other State. Its composition would have been exclusively syndicalist and nothing more.

The distinction, therefore, between syndicalism and corporativism, although one is completed by the other, is clear and profound, and to neglect it would be a source of equivocation and of misunderstanding. It is a distinction both of organs and functions. While the recognized syndicalist associations are "juridical persons," the corporations, on the other hand, are organs of State administration. So, while the syndicalist function is strictly connected with the syndicates, the corporative function belongs only to the State. By its corporative activity the State acquires a new and typical function which, though it may seem to be a part of its administrative function, yet constitutes at least a very special phase of it.

The recent law of the National Council of Corporations was the object of important and lively discussions before the two Houses of Parliament, in the last sittings of March. That which took place in the Chamber of Deputies was almost exclusively syndicalist, and centred chiefly around the question of the number of representatives each category was to have in the body of the Council and its sections, with particu-

lar reference to the problem of the equality of relations between the syndicates and the National Council, and with some reference to the syndicalist autonomy or autarchy. In the Senate, the debate tackled two questions which might almost be called the two unknown quantities in the constitution of the Council: that is to say, the position of this organ in the constitutional system and its relations with the other constitutional organs of the State. The powers assigned to the Council in economic matters were also examined, its eventual relations with the corporative economy, the effects which the action of the Council would produce on the national economy, and the general outlines of all the political economy of Fascism.

Two questions were proposed to the Chamber, and of these one was proposed again to the Senate: Can the Council of Corporations formulate regulations which are contradictory to the existing laws of the State? In the future, will Parliament be able to issue laws regulating collective economic relations among the various categories of producers, or relations between employers and workers? The answer cannot be other than negative for the first question and affirmative for the second. Such questions might have had some meaning at the time of the discussion of the law of January, 1926, which dealt with the problem of the regulations between the executive power and the legislative power; but they were not raised then, nor when the constitutional character of emergency decrees (*Decreti Legge*) was treated. The principle of the superiority of the legislative regulations over other juridical regulations was never questioned by Fascism, because it responds to the essential need of every legal organization, namely, the definition of its agencies. The idea of a conflict between these agencies is repugnant to the Fascist conception of the State, considered as an organic unity. As the syndicate disciplines professional activities in view of the national interests, and the corporation disciplines the relations between category and category in view of those interests for which it is constituted, so the National Council disciplines the interests of the categories with a view to the national prosperity, while Parliament, finally, intervenes in view of the political interests of the nation.

Neither can all the interpretations of the corporation in the economic order be accepted. Both from extreme corporativists and from the guardians of private initiative come some errors of interpretation. The National Council should, according to them, represent the advent of a new economic regime, the regime of corporative economy. But this economy was born with the law of April 3, 1926, if by corporative economy one means the economic regime advocated by Fascism. It has existed since the time when Fascism, renouncing the attitude of State indifference to economic facts, assumed the function of regulator of the economic life of the nation.

On the other hand, an impartial examination of Fascist legislation

on syndicalism dissipates the fear of those who dread the suffocation of individual economy. Some provisions of the law, in fact, represent in a certain sense not an amplification, but a limitation, of State action in economic matters. One can then tranquilly refute the opinion of those who see in corporative economy a regime for stabilizing prices. And to dispel every doubt, an examination of the law ought to suffice, especially as regards the composition and the functioning of the Council. It is clear that the Council's field of activity is exclusively that of the categories of producers represented in it: both workers and employers, under the guidance of the Head of the Government, the high regulator of national interests.

Also paragraph 3 of article 12 of the bill prefacing the regulation of collective economic relations, has given rise to the erroneous statement that the Council, in carrying out this function, adopts provisions as delegate of the interested associations. Now it must be remembered that if these associations have the power to make regulations about collective relations of labour, they have none at all over the regulation of collective economic relations. They cannot then delegate faculties which they do not possess; those faculties belong, instead, to the Corporations.

These faculties can be exercised only after the decisions of the syndicalist associations which express the will of the producers, and thus are not the expression of a coercive will of the Council. Thus a real economic self-discipline under the laws of the State is attained: the individual interest operates through the will of the professional associations, the interest of the professional associations through the corporations, the interest of the corporations through the Council. Here is in fact an economic hierarchy by means of which every desire is realized through the one immediately above it. This organization is that which responds most perfectly to modern tendencies in economic matters. The Fascist State does not intervene in business matters, but coordinates them on common lines. And it is a conception that reverses the ideas of socialist theory and at the same time transcends those of the liberal system.

In conclusion: the Fascist State may be defined as a State of syndicalist composition and corporative function, since as a truly sovereign State, it seeks to be adequate to the civil society which makes up its structure, and as a State with aims of its own, distinct from those of civil society, it has as its permanent object, to create, by means of its own action, and to achieve the moral, political, and economic unity of the Italian nation.

This being its character, the Fascist State solves the crisis in which the modern State is struggling. The reconstruction of the State on a solid basis could only take place by the elimination of the long-standing disagreement which was its bane, and by the imposition of order on the economic forces which threatened its existence. Only the corporative principle which affirms the ethical-political will of the State, and the

dignity as well as the political legitimacy of economic interests, could inspire this reconstruction, since the preeminence of the State is not the dead weight of an authority which avails itself of its power and legal weapons, but is the preeminence of the ethical will which does not consider social forces from without, but penetrates into them, brings them into itself, and so gives concrete and true value both to the State and to social forces, both to politics and to economy.

Accurate investigation and careful study tell us that modern history is tending to the corporative conception of the State, to the inclusion of economy in the State, to the identification of politics with economics. But one might ask why it is in Italy, where economic forces were less powerful and less highly developed than elsewhere, that the need for facing and solving the problem has been felt? The question is interesting and it is that which has obliged us to define the historical meaning of Fascist corporativism, that is, its significance in Italian life, leading us to recognize the identity of the Fascist State and the corporative State.

Fascism is the maturing of the unitary spirit of the Italians, the forming of that unitary political conscience which is the true basis of the State. Ever since the territorial unification of 1870, the State had been regarded by the citizens as alien to them, not only by the working classes, — who, therefore became an easy prey to socialist doctrinaires — but also by the middle classes, who produced the leaders of the socialist movement. But with the Fascist Revolution, the State has become the rule, the limit, the guide of the Italians in the realization of their ends.

The weak political conscience, due to the recentness of the unification of the State, and the difficulties of our economic life, gave us special reason to fear the dangers inherent in the contradictory structure of the modern State. Fascism, therefore, in giving the Italians the State which is the true expression of their national personality, has, by the genius and intuition of Benito Mussolini, constructed a State which satisfies all the exigencies of modern life. A Fascist State which should gather together all the forces and all the tendencies of national life and direct them towards the ideal of power which inspired the Revolution, could be no other than the State which reflects the living conscience of the people, which holds the threads of all social life, which is present in every aspect of social life, which brings together and orders all forces and all interests: such a State could be no other than the corporative State, a noble reality which advances towards the secure future of the country.