Edith Stein's Understanding of a People and Its Implication for Community and *A Priori* Law

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Abstract: Stein's early phenomenology devotes considerable attention to the lived experience of the state. In her later works, the state disappears as a significant constitutive element of her later social philosophy. I argue that the disappearance of the state as a form of sociality raises a certain challenge: The advantage of an a priori theory of law defended and lived by the state community is that it preserves a realm of personal existence that transcends the shifting desires, needs, and shortcomings of the human history of a people. Perhaps the only way to reinsert what a priori state law achieves is through the idea of a people that is also a universal human community, an idea that Stein develops in her Münster anthropology.

Resumen: La fenomenología temprana de Stein dedica considerable atención a la experiencia del estado. En sus obras posteriores, el estado desaparece como un elemento constitutivo significativo de su filosofía social. El autor sostiene la desaparición del estado como una forma de socialidad plantea un cierto desafío: la ventaja de una teoría del derecho a priori defendida y vivida por la comunidad estatal, preserva un reino de existencia personal que trasciende los deseos cambiantes y defectos de la historia humana de un pueblo. Acaso la única forma de reinsertar lo que la ley estatal *a priori* logra, es a través de la idea de un pueblo que también sea una comunidad humana universal, una idea que Stein desarrolla en su antropología de Münster.

Palabras clave: Edith Stein, ley natural, ley positiva, comunidad humana universal, estado, pueblo, derechos humanos.
Key Words: Edith Stein, a priori law, positive law, universal human community, state, a people, human rights.

INTRODUCTION

The people *(das Volk),* understood as particular social formation, has always occupied an important place in Stein's philosophy, from her earliest writings on community and the state[1] to her later writings produced while a Lecturer at Münster[2]. Both the state and the people are described as communities, and though sometimes a state can consist of a people, Stein never maintains that the sociality of a people is the *conditio sine qua non* of the state. In her early phenomenological period, the state is distinguished from a people by its constituent sovereignty: a people may live their lives and remain a people even without the sovereignty of the state. Stein gives the example of the Polish (under the Austro-Hungarian Empire and partition) and Jewish peoples, who continue to exist and to have a unique culture even though they do not live in a sovereign state[3]. In her early phenomenological social ontology, the state is conceived of as an important community of law-givers and -followers. But by the time Stein is teaching in the 1930s in Münster, her philosophical anthropology pays scant attention to the sociality of the state. In fact, the people becomes one of the highest and largest forms of sociality. Indeed, God is seen to relate to the human collective, understood as a people[4]. The human community consists of God's people.

One could easily conjecture that the near disappearance of the state in Stein's later writings may be read as a critique of Hitler's National Socialist German state, with its violent exclusionary anti-Semitism, chauvinism, and state of exception legal origin, following the idea of Carl Schmitt. Stein's shift in thinking may also be read as a critique against political theology, as seen in her decision to dismiss Augustine's possibility of a City of God[5], a heavenly as opposed to earthly city, ultimately preferring the idea of a people of God as a better form of sociality because it is more personal than legal and political. In Stein's later philosophy, the state becomes an expression of a people, the idea of its culture. I argue that this latter development in Stein's philosophy creates a problem, for it diminishes the role of a priori law and all that it seeks to preserve in Stein's social ontology, including the universal and necessary value of persons as persons, the preservation of life, and the concept of universal human rights. The people is an idea, which finds it maximum expression in culture, but

[1] Edith Stein, *An Investigation Concerning the State*, tr. Marianne Sawicki (Washington, D.C.: ICS Publications, 2006), 32–38.
[2] Edith Stein, *Der Aufbau der menschlichen Person*, in *Edith Steins Werke*, eds. Lucy Gelber and Michael Linssen, O.C.D., vol. 16 (Freiburg: Herder, 1994), 116.
[3] Edith Stein, *An Investigation Concerning the State*, 17.
[4] Edith Stein, *Der Aufbau der menschlichen Person*, 126.
[5] Ibíd., 15.

culture unfolds in the time and space of human history, with all of its vicissitudes and changes. The advantage of an a priori theory of law defended and lived by the state community is that it preserves a realm of personal existence that transcends the shifting desires, needs, and shortcomings of the human history of a people. Perhaps the only way to reinsert what a priori state law achieves is through the idea of a people that is also a universal human community, an idea that Stein develops in her Münster anthropology. I will explore this possibility at the end of the paper.

1. STEIN'S EARLY PHENOMENOLOGY: THE PEOPLE AND THE STATE

Edith Stein conceives of the state as a community, and its sociality is experienced and comes to be known as one of the highest, most intense forms of social bonds. Stein defines community as a *Gemeinschaftserlebnis* or lived experience of community in which one lives in the life of others in solidarity. The members of a community experience together the deep sense or meaning of what it is to undergo a collective experience. In empathy, one individual person can enter into and come to know the mind of another by analogically comparing or "bringing into relief" one's own experience with another's. Empathy draws on one's own inner and outer perceptions to make sense of what another may be experiencing: the other manifests the sense of his or her own experience in his or her body, language, expressions, gestures, etc. In empathising, I can read and understand what the other manifests, and I can make sense of what the other makes appear to me by comparing it to my own experience. In empathy, the ego comes to know the alter ego and vice versa. In a lived experience of community, a we is formed and it is experienced as collective. Stein gives the example of the collective experience of sadness and mourning:

> «The army unit in which I'm serving is grieving over the loss of its leader. If we compare with that the grief that I feel over the loss of a personal friend, then we see that the two cases differ in several respects: (1) the subject of the experiencing is different; (2) there's another composition to the experience; (3) there's a different kind of experiential current that the experience fits into. As to the first point, in place of the individual ego we've got a subject in our case that encompasses a plurality of individual egos. Certainly, I the individual ego am filled up with grief. But I feel myself to be not alone with it. Rather, I feel it as our grief. The experience is essentially colored by the fact that others are taking part in it, or even more, by the fact that I take part in it only as a member of a community. We are affected by the loss, and we grieve over it. And this "we" embraces not only all those who feel

the grief as I do, but all those who are included in the unity of the group: even the ones who perhaps do not know of the event, and even the members of the group who lived earlier or will live later. We, the we who feel the grief, do it in the name of the total group and of all who belong to it. We feel this subject affected within ourselves when we have an experience of community. I grieve as a member of the unit, and the unit grieves within me.»[6]

In a community, one grasps the life of the other and lives in it: solidarity emerges between members and a collective we forms.

Stein describes the state as a unique social formation in which a community of members collectively lives a particular sense or content of the social formation, namely, community members are communal insofar as they live and experience the state as structured by a community of law-givers and law-followers. The legal community typifies the sociality of the state, even though the state may have different kinds of communities dwelling within it. For Stein, the essence of the state is constituted by its sovereignty, its right to self-determine itself. The state can only freely define itself though its subjects, who ultimately determine the state through law, both a priori and positive. A priori law consists of laws that are unconditioned by time, circumstance or place: they are conceived as universal and necessary self-evident truths. One does not justify such laws though logics of deduction and inference; rather, much like mathematics or logic, the laws are intuited and brought to greater clarity through refection and thinking. There are few a priori laws, but today they form the basis of many human rights discourses. Examples of a priori laws include such rights as the right to life, mobility, protection from harm, and the right to food and shelter. A priori laws establish and protect a realm of being that applies to all humans while aiming to ensure that the basic conditions for human existence and flourishing are articulated and preserved. Positive laws are directly conditioned by temporal necessity, history, specific occurrences, culture, etc. They are usually specific and local to the state creating and enforcing them. Both forms of law, by definition, have force, which is exercised by the state community. All members of the state community are recognised as persons in the Steinian sense of the term, but the state itself is not a person, though its actions and being are similar to those of a person. For the state-community to exist, members must live the legal life of the state in solidarity, but not every member of the state need do this. The state can appoint representatives to act on its behalf and representatives can perform state acts "on behalf of" or "in

[6] Edith Stein, *Philosophy of Psychology and the Humanities*, in *The Collected Works of Edition Stein*, vol. 7 (Washington, D.C.: ICS Publications, 2000), 133–134.

the name of" the state. At some level however, members of a state community, insofar as they freely choose to live with others under a rule of law can be said to belong, at a basic level, to the state.

Stein distinguishes a people from the state. She says the two social objectivities differ in two significant ways. First, the state is not necessarily built on a people, though it may sometimes be the case that people and state coincide. Second, the people have a particular relation to one another as persons, whereas in the state people relate to the essential structure of the state as a sovereign legal community and entity. Stein observes:

> «Furthermore, the equivalence of state and sovereignty entails the detachability of civil community and ethnic community, which often are taken to be necessarily bound to each other, if not held to be completely identical. They become separable first in the sense that the ethnic community [*Volk*, people] can survive if sovereignty, and with it statehood, is destroyed. The people can remain unaffected, in the distinctiveness of its community life, if it is deprived by an outside force of the possibility of living according to its own laws… [T]he existential possibility of the state is not bound to the ethnic unit. The national state or ethnic state is one special variety of state, but not state as such. It is very well possible for a series of different ethnic communities to become united by one force representing a civic unit embracing them all, a force that manages their life along certain lines homogeneously or even heterogeneously, without interfering with their ethnic preferences…. Some kind of community or other is going to encompass all the individuals belonging to a state as a whole, even an ethnically disunited one. However, this is not to be regarded as something constituting the state as such; that is, it's not necessarily required by the state's ontic fabric. The latter demands only a range of persons as belonging to the substance of the state and a particular kind of relation of those persons to the state as a whole (which is about to be discussed). The ontic composition of the state leaves open the issue of how the persons might stand to one another. Not from the composition of the state, but rather from the composition of minded persons, is it to be made intelligible that—as we already indicated—[1] a concrete civic pattern develops on the basis of a[n already] subsisting community; or to put it another way, a ribbon of community winds around the persons involved in that civic pattern; and furthermore [2] that these ties of community are required in order for the existence of a state to be secured. The civil community requires—that's the main point—no ethnic community in order to be.»[7]

[7] Edith Stein, *An Investigation Concerning the State*, 16–20.

Furthermore, a people is not to be confused with more intimate forms of community like families or friendship[8]. If the state and the people are distinct social and political concepts, which may, in certain cases become intimately related, and if the state is defined by its notion of sovereignty, how, then, is a people constituted? Stein says that a people can partake of a communal sociality, but it differs from the state in that it has a unique mentality and cultural cosmos behind it, as opposed to a state legal structure. She writes, and I quote at legth:

«On all these points, the ethnic community [*Volk*] is arranged otherwise. It comprises an open multiplicity of individuals, so that personal contact for all those who belong to it is impossible in practice. The ethnic community can pick up new individuals without regard to their personal distinctiveness (at least to a great extent; limits obtain unilaterally inasmuch as not every individual personality allows itself to assimilate to every ethnic community). And the ethnic community never makes the demand that the whole personal life of individuals is to be assumed into itself. But even if greater leeway is allowed here for individual personal life, still the tethers that tie that life to the people are scarcely less secure than the more tightly stretched ones of the closer community. Now a people, in contrast to other communities, has one more essential concrete way of being itself. A community having the breadth and scope of a people still cannot claim to be an ethnic community unless and until there emerges from its mentality a distinctive culture particularized by the community's special character. A culture is a cosmos, homogeneous unto itself and outwardly circumscribed, of mental goods (be they self-sufficient objects like the works of art and science, or be they routinized modes of life concretized by persons in the act of living their lives). Each culture points back to a mental center to which it owes its origin. And this center is a creative community whose special distinctive soul50 shows up and is mirrored in all the community's productions. The community that stands behind a cultural cosmos can in principle be more extensive than an ethnic community. A "culture group" can encompass a variety of peoples—at any given time and over the course of time. Similarly, smaller communities—like a caste or an extended family—form their own cultural "microcosm". But only for an ethnic community is it essential to be culturally creative. The community of the culture group can perhaps be depleted, in that the peoples belonging to it share their cultural goods (or, hand them down to others in the course of time) and collectively feed on them without being productive as a coherent unit. Likewise, the smaller community won't be touched in its substance if it merely partakes of the cultural goods of the encompassing community without enriching that community, or if it

[8] Ibíd., 21. "A people differs from the closer communities that we considered earlier—family and friendship circle—in this: [1] that with those, the foundation of the community was formed by altogether particular individuals; [2] that those individuals entered into the life of the community with their entire personal substance; and [3] that they all came in contact personally with each other".

> cooperates therein only as a component of the greater whole and not as a self-sufficient unit. Peoplehood dies only with its spiritual creativity»[9]

Stein notes that there is a profound parallel, indeed connection, between state sovereignty and the sovereignty of a people. The culture of a people is the free, unique, personal expression of its inner life. The people, in and through its own determinations, produces a culture that expresses these very determinations, and collectively so. And this self-determination is conceived by Stein as a kind of inner authority (*Existenzberechtigung*], which ultimately may bring life to the formalism and uniqueness of state sovereignty[10].

The building of a collective culture of a people is viewed by Stein as a kind of existential justification of freedom, understood in terms of sovereignty itself. The state is understood as being marked by an external formalism of law, whereas the people are inwardly determined by their cultural formations, which ultimately express its personality or personal core, but always in a collective, communal fashion. One could almost venture that culture, as it is presented in Stein's treatise on the state, may be understood not as the Kantian *quid facti?*, but as the Kantian *quid iuris*? Before closing this section on the relation between the people and the state, it should be remarked that nation (understood in the sense of *natio*, that is, a political sense of belonging determined by blood or birth) is no way identical with the communal sense of the people developed by Stein, though there are historical cases

[9] Ibíd., 21–24.

[10] Ibíd., 24–25. Stein remarks, «In this "cultural autonomy," as a specific characteristic of the ethnic community, we find a remarkable reflection of sovereignty as that which is specific to the state, and [so we find] something like a material basis for that formal [right of] self-regulation. This casts light upon the connection of people [i.e., ethnic group] and state: the people, as a "personality" with creative distinctiveness, begs for an organization that secures for it a life according to its own lawfulness. The state, as a social pattern that organizes itself on its own authority, calls for a creative power that lends content and direction to its organizing potential and confers an inner authenticity [upon it]. The question that sent us off on the last reflection—whether the state needs to have an ethnic community for its foundation—is one that we're now ready to answer. The issue is resolved by the fact that, while it's entirely conceivable to have a state that lacks this basis, a state where the only bond among those who belong to it is "loyalty" (in Kjellén's sense), i.e., the mutuality of laws and duties in regard to the state as a whole, a state modeled in that way would [have some deficiencies. It would have no inner existential [authority], so to speak. It would always have clinging to it the character of something hollow and ephemeral. It might perhaps hold together for a time by authoritarian control, but not by any inner gravity of its own. Earlier we accepted the possibility of a unification of several peoples into one state whole. Nothing about that possibility is canceled by the fact that each of the different ethnic communities has its own unique personality. None of the ethnic communities necessarily requires a mode of statehood appropriate to itself alone. All they [really] need is a civic organization that takes their intrinsic lawfulness into account. It's only when civil law and ethnic personality are directly opposed to each other that the survival of one of them, or even both of them, is imperiled. That is no less possible with unitary peoplehood than with several peoples, one of which is favored at the expense of the others».

in which people and nation have coincided[11]. Stein's distinction between people and nation is a deliberate attempt to free the concept of the people from the politics of national identity, which wreaked havoc throughout the 19th and the beginning of the 20th centuries. Indeed, the ugly and violent side of national imperialisms came to a head in World War I. In fact, Stein notes that historically a people comes to be through a mix of various people to form a new people. She gives the examples of Germany and the United States as founded on a mix of peoples[12].

2. STEIN'S MÜNSTER LECTURES

In *Der Aufbau der menschlichen Person* [The Structure of the Human Person], Stein takes up one again the discussion of the people within the framework of a broader discussion of the social world. The lectures are designed to help teachers ground their pedagogy in a robust philosophical, holistic, and personal anthropology. Part of being human, according to Stein, is to be a member of a social world, which includes being part of a people. Stein begins her treatment of the people by addressing the topic of race, and she immediately dismisses the identification of people and race, pointing to the confused sense of race that were circulating in her day[13]. Following her earlier discussion on the state, she conceives of a people being a large social structure, which is distinguished from more intimate forms of sociality like friendship and family. A people is not a universal, all-encompassing social structure. A people is a community, as we saw in Stein's treatment of the state. Furthermore, a people is not a superstructure that absorbs individuals, and like any community, the sociality of the people is to be located in the lives of the community that structures the relations between the people[14].

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[11] Stein herself showed enthusiastic support for the German Reich in World War I, but this changed as the War advanced. See Alasdair MacIntyre, *Edith Stein: A Philosophical Prologue 1913–1922* (Lanham, MD: Rowman and Littlefield, 2006), 93.

[12] Edith Stein, *Der Aufbau der menschlichen Person*, 119. "*Was die Geschichte vorfindet, sind meist Völker in einem bereits vorgeschrittenen Entwicklungsstadium, weil Besinnung auf die eigene Geschichte erst bei einer gewissen Kulturhöhe einsetzt, die Aufmerksamkeit fremder Völker aber meist erst von Völkern erregt wird, die schon als geschlossene Einheiten auftreten. Immerhin haben wir doch einige Beispiele greifbar vor Augen: so die Entstehung der germanisch-romanischen Völker Westeuropas aus der Mischung germanischer, römischer und keltischer Volksteile, d. h. das Erwachsen neuen Volkstums aus den Trümmern untergehender Völker; die Entstehung eines neuen Volkstums aus Splittern fremder Völker in den Vereinigten Staaten Nordamerikas*".

[13] Ibíd., 116.

[14] Ibíd., 117. Stein observes, „*Das Volk vollbringt Taten und hat Schicksale. Hier ist das ganze soziale Gebilde Subjekt der Taten und des Erlebens, nicht ein Einzelmensch. Aber es ist nicht möglich, daß dies geschieht, ohne daß Einzelmenschen daran beteiligt sind. Das Volk ist nicht außerhalb oder über seinen Gliedern, sondern in ihnen real. Es ist aber nicht nötig, daß an allem, was das Volk tut und erfährt, alle Menschen beteiligt sind, die zu ihm gehören*".

Notably absent in Stein's treatment of the person and sociality is the role of the state. This is not an accident, as the lectures coincide with the rise of Hitler to power and the soon-to-be promulgated anti-Jewish laws. In the Lectures, Stein discusses the notion of the state in two distinct ways. First, she maintains that the study of the state belongs to the *Geisteswissenschaften* or Human sciences[15]. Second, she affirms her earlier contention that a people is constituted in and through its culture, internally and externally. Externally, a people is formed by its interrelation with other peoples, whereas internally a state freely determines itself and through its culture and traditions. The inner life of a people is marked by its self-formation, -preservation, and -expression. Both the internal and external life of a people are marked by the consciousness of belonging to a specific type of community[16]. The people is an idea that animates the life of the community, and the idea helps shape the practices and habits of the people's everyday life. Stein notes that a people's culture also helps shape its respective practices of law and religious practices[17]. A people, Stein goes on to say, is a kind of order or cosmos regulated by its cultural self-determination. And while she affirms that there are specific types of peoples that have specific kinds of cultural traditions and behaviors, she reminds her students and readers that a people is not merely a cultural expression. A people defines a community through time, and as such generations of people are connected by this very humanity and through their life. Humanity and life itself may be read as grounds or even conditions for the possibility for a people coming to be[18].

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[15] Ibíd., 24.

[16] Ibíd., 177.

[17] Ibíd., 118. *„Unter dem »äußeren« Leben des Volkes verstehe ich sein Verhalten zu andern Völkern: friedliches Zusammenwirken in Güteraustausch und gemeinsamen Unternehmungen, feindliche Auseinandersetzungen in Konkurrenzkampf oder offenem Krieg, auch die gegenseitige Einschätzung und Gesinnung. Als inneres Leben kann mandemgegenüber alles bezeichnen, was Selbstgestaltung, Selbsterhaltung, Selbstausdruck ist: Selbstgestaltung – dazu gehört Wachstum an Zahl, körperlicher und geistiger Leistungsfähigkeit und innerer Verbundenheit der Glieder; Fortschreiten in der Erkenntnis, im Glaubensleben und in der praktischen Tüchtigkeit; Ausprägung eines eigenen Stils in der Lebensgestaltung (Brauch und Sitte), staatliche und rechtliche Organisation (politisches Leben). Selbsterhaltung – dazu gehört materielle Gütererzeugung für den eigenen Bedarf und zweckmäßige Regelung des Güteraustausches (Wirtschaft); Sorge für Gesundheit, öffentliche Sicherheit und Wohlfahrt (»Polizei«); Jugend- und Volkserziehung zur Volksverbundenheit und Lebenstüchtigkeit. Selbstausdruck – dahin gehört die Sprache, gehört alles Schaffen gewerblicher, künstlerischer, wissenschaftlicher Art, gehört aber auch der Stil der Selbstgestaltung in Brauch und Sitte, in den Formen des Rechts- und Staatslebens, im religiösen Leben. (Selbstgestaltung und Selbstausdruck gehören untrennbar zusammen, wie überhaupt alle Lebensfunktionen ineinandergreifen.) Die Gesamtheit dessen, was unter Selbstausdruck zusammengefaßt ist, kann man als Kultur bezeichnen. Die innere Einheit und Geschlossenheit der Kultur entspricht der Einheit des Volkes. Die Ideen »Volk« und »Kultur« scheinen mir aufeinander bezogen"*.

[18] Ibíd., 118. Stein writes, *„Als »eine Kultur« kann man eine Schöpfung des Menschengeistes bezeichnen, in der alle wesentlichen menschlichen Lebensfunktionen (Wirtschaft, Recht und Staat, Sitte, Wissenschaft, Technik, Kunst, Religion) einen Ausdruck gefunden haben. Und ein Volk ist eine Gemeinschaft, die einen solchen »Kosmos« hervorbringen kann. Weder ein Einzelner noch eine engere Gemeinschaft ist dazu imstande. Es gehört zwar zum Menschen, an all diesen Gebieten einen gewissen Anteil haben zu können, aber kein Einzelner und kein engerer Verband kann auf all diesen Gebieten produktiv sein. So verstehen wir jetzt, warum zum Volk eine gewisse Größe gehört. Wir verstehen auch, daß Völker Lebensgemeinschaften sind, in denen das Gemeinschaftsleben sich auf alle Lebensfunktionen erstreckt, die wesentlich schöpferisch sind und deren Dauer sich über eine Reihe von Generationen in der Folge der Zeit ausdehnt"*.

The Münster Lectures' discussion of the people is remarkably different than the one found in Stein's earlier investigation of the state. Human being's relation to God and the claim of the existence of a deep, universal human community come to ground all peoples and communities. The highest form of sociality is community, and this form bespeaks a unified structure where both relations and acts converge. The form comes to express itself as a social objectivity where a "we" abides. Communities, however, are not persons, but are analogous to them. Stein remarks,

> «One can speak of community in a larger sense where there exist not only reciprocal relations between persons, but also where these persons present themselves as a we-unity…I speak of unity in the strict sense of the word, where one finds a permanent life community among persons that is both deep and marked by duration; the community is not simply fleeting in that it is momentary and tied to the present. It is also marked by supra-personal ties, which have their own laws of formation, according to which the community realizes itself and develops similar to an individual human person»[19].

It is within the preceding discussion of the form of community that Stein interjects an important addition to her philosophy: she claims that at the basis of all communities, from smaller to larger ones, there exists a "universal community" that our philosopher calls "humanity"[20]. For Stein, humanity is not simply a genus, a classification of the mind, in which the collectivity implied in the essence human being is contained; rather, she makes the claim that humanity is to be understood as "concrete individual"[21]. Humanity coincides with every individual human person; it embraces all the individual members. In speaking this way, Stein wishes to claim that a universal human community or humanity exists *in se*. Stein observes,

> «One cannot even say, however, that the whole exists before the parts; rather, existence of humanity begins with the first human being. This existence is present in each single human being: humanity belongs to each one of them right from the start of his or her existence. This is certainly theologically grounded»[22].

[19] Ibíd., 168.
[20] Ibíd.
[21] Ibíd., 169.
[22] Ibíd.

Philosophically speaking, Stein maintains that consciousness immediately gives or presents, understood in the phenomenological sense, humans as existing in community insofar as individuals recognize and understand that they live as a member of humanity: «Every human being, through her or his origin and relation to the lineage from which he or she descends, refers back to the origin of community. The genetic connection alone, however, could not act as the ground of community, if humanity did not imply a commonality of life»[23].

3. JUSTIFYING THE CONCEPT OF HUMANITY

When Stein described humanity as a community, she is attaching to it a deeper meaning than simply something shared or something common to subjectivity. What, then, precisely do we share and experience solidarity with? Presumably, humanity understood as a community would bespeak a lived experience of solidarity, and a universal sense of it as well. Again, I think it would be mistaken to understand solidarity in its more intimate, restrictive sense, the sense that belongs to more restricted communities like families and friends. Neither do I think it is like the experience of the solidarity of a state community. We have to understand the solidarity of humanity is broader sense of community: we share something together that makes us all human, and in this respect, we can collectively influence and affect ourselves, and we do so as a we, we do so together. Stein reminds us of the concreteness of what is there, before us, and what manifests before us, the things themselves, including the realities of human personhood and humanity. It is humanity that forms a community, a humanity that affects not only individuals but our collectivity as well, our shared we[24].

At the time Stein was giving her lectures in Münster, she had fully embraced Roman Catholicism. Her understanding of humanity would not be complete, if we did not secure its foundation in God. The last part of the lectures moves from the discussion of social reality to more encompassing and foundational questions concerning theology and God. As in *Finite and Eternal Being*, we see that creation and creatureliness are the ultimate grounds of our humanity. As creations of God, human beings share a common creatureliness that bears the stamp of the Creator God. We are called to

[23] Ibíd.

[24] I take up Stein's justification of the possibility of a universal human community in my essay: Antonio Calcagno, «On the Possibility of a Universal Human Community in an Age of the Post-Human: Edith Stein's Philosophical Defense», *Toronto Journal of Theology* 31, n.º 2 (2015): 209–221. I only present a portion of my argument here.

share in the life of the divine community of the Trinity and we also are made in the image and likeness of this divine community. Our humanity is made in the image and likeness of a triune community and it bears the stamp and effects of this creation.

> «I wish to recall here that only the truths of faith, which we have drawn upon through the course of our philosophical investigations, can verify the results obtained or make certain that which remains uncertain from the philosophical point of view. These truths consist in believing that the human being was created by God, and with the first human being, all of humanity was created as a unity on account of humanity's very origin and its potential community. Every human soul is created by God. The human being is created in the image of God. S/he is free and responsible for that which s/he becomes. The human being must conform her or his will to God's will»[25].

Though the community that is humanity is created by God, Stein also admits that it is also subject to human freedom and will: we must choose to view and live our universal human community according to what God intends. The descriptor "potential" is a firm recognition that we sometimes fail to do this. In Stein's later Christian work, human freedom takes on greater poignancy: a community of humanity is not a secure foundation unless we choose to cooperate with what is given and what we can understand to be present as real and operating in our world. Within this faith context, this cooperation requires grace, as both Augustine and Stein remind us. At the same time, this cooperation can occur within a belief system that does not assume grace.

4. IMPLICATIONS OF ELIMINATING A PRIORI RIGHT AND THE STATE

The disappearance of the state as a social formation in Stein's later work is revelatory, both on historical and philosophical levels. As Stein was writing and delivering her Münster lectures, she was mindful of the growing racism and anti-Jewish sentiment present in German life. We know that at that at the Münster pedagogical institute where Stein worked she faced anti-Jewish comments and insults from one of her colleagues. Moreover, Stein is aware of the rise of Hitler and what his political, state project entails. It was also during this time that Stein was terminated from her position for being Jewish on account of Hitler's anti-Jewish laws promulgated in 1933: Nazi policy toward the Jews was made clear already in 1920 with party platforms. Historically speaking, perhaps one can

[25] Edith Stein, *Der Aufbau der menschlichen Person*, 172.

read Stein's later elimination of the state as a social formation as a critique of the National Socialist state, which had its own laws, community, values, albeit they were often violent and hateful. Perhaps, one could venture, that because the National Socialist State, especially in its early forms, may be read as fulfilling Stein's idea of the state as a law community, Stein saw the need to distance herself from her earlier idea of the state. The state no longer could function as she had conceived, and she draws more inspiration in a pluralist, non-blood-based idea of a people, with its culture, that could bring forward an ideal and flourishing idea of political rule.

On a philosophical level, Stein's subordination of the state to the expression of the cultural cosmos of a people and the elimination of the state as having a unique form of sociality rooted in the law raises two important questions. First, is the concept of the people, as Stein conceives it, the cultural ground that gives rise to the state or can the state exist as a unique but related (to the people) form of sociality, as Stein maintains in her early work? Second, are there any consequences to the subordination of the state to the cultural work or expression of a people, especially when it comes a priori right? My response to the first question, history aside, is that Stein has two deep viable insights. On one hand, states do exist and what makes them unique is their sovereign right to self-determination, which is formally expressed in the law, and, on the other hand, one cannot deny the force of a material culture (especially its language, history, economics, political aspirations, art, religion, etc.) in shaping law and our sensibilities to and practices of it. Culture, broadly conceived, is defined as the traditional realm of spirit. *Geist*, in the form of human freedom and rationality, produces certain spiritual creations or objects, including art, politics, and religion. Human culture may be understood as comprising these three forms of expression. In her later work, Stein views the people as the unique form of sociality proper to culture, and politics is imply reduced to a cultural phenomenon. As Hegel reminds us, however, the state is an important moment in the development of a culture, and it possesses a unique structure, both in terms of the law and ethics. The law establishes and formalizes how we are to be and dwell with one another, in *koinonia*, as Aristotle says. As such, one must see the establishment and life of the state as a singular constituting moment of sociality that is distinct from other forms of culture and sociality, including the people. Moreover, the law, understood as the principle that grounds sovereignty and rule, by definition, must articulate and safeguard general principles that apply to all of its citizens, which sometimes conflict and contravene cultural practices. Every society has examples in which the law contravened cultural practices, for example, the right of women to vote and participate in politics: in most cases, the change in the law

brought about a massive cultural shift in how we view women's roles in society. In the end, to reduce the question of political rule merely to the cultural expression of a people totalizes cultural practices: there is nothing outside of culture that can challenge and even limit potential excesses of the culture, especially when it comes to violent practices of oppression and exclusion.

The foregoing point about limits brings me to my response to the second question raised earlier. With the elimination of the state as a unique form of sociality, Stein also forfeits the powerful notion of a priori right, which she saw as constitutive of the state community. As we saw earlier, a priori right establishes a realm of justice or law that is not subject to time, history, culturally specific practices or circumstances on the ground: what is right is universally and necessarily so, and what is right is immediately and clearly grasped. The realm of a priori right makes possible the articulation and defense of few but foundational human rights, including the right to life, freedom from harm, mobility, expression, work, and the right to shelter and basic necessities of life. These are seen to be evident and universal truths, necessary for human life to exist in its most basic, general form. It is the obligation of the state to ensure that these rights are guaranteed. A priori right does not belong to the cultural cosmos constitutive of a people. It is a realm that lies outside culture, but which applies to all human beings. Without a priori right and without the unique Steinian state community to preserve and maintain it, we run the risk of relying on cultural norms and practices, which are always specific and historically contingent, to safeguard the most basic conditions of living and dwelling together *as human beings*. And history teaches how fragile or weak state communities can be when they form themselves as the absolute, end result of a series of historical and cultural practices.

One might object to the foregoing argument by rightfully pointing to Stein's later notion of the human community rooted in God. Here, one could see the demands of a priori right being more explicitly transferred to God and divine obligation, to which all humans are bound. In the Münster lectures, as creatures of God, we belong to a universal human community that has as its unique end union with God. As such, we must follow God's laws, which fundamentally and wholly cover the precepts of most a priori laws. There exists one important limitation to this view of the universal human community, namely, it presupposes that we all acknowledge that a divine being exists and, more importantly, that God is the same for all humans. History provides us with a plethora of examples showing the different responses to the question of the existence and nature of God. I do not wish to enter into the nettling discussions about the existence and nature of God; rather, I wish

to point out the challenge that rises when seriously confronting Stein's later position. I should also point out that, if we take Stein at her word, one of the implications of her subordination of the state law to divine law is a shift in the force of law: the divine law becomes more binding and is, in Stein's logic, more powerful, thereby securing a greater force that may prevent needless violence, oppression, and death, all of which, sadly, did not obtain after Stein's dismissal from her position in 1933.

In the end, Stein maintains that as a human community we are God's people. This relationship forms a new sociality between the human and the divine. Even if this new form of sociality of the people were to be accepted as true, I believe that we still need a unique state form of this relationship, which can be articulated and expressed in the a priori sense of state law lived by a state community. To reduce the state and state law to the unique cultural formation of a people is frightening, even if it coincides with the possibility of a universal human community that is in relation with a divine being, because, even if minimally, one needs checks and balances to curb the often violent and unjust excesses of human greed and aggression, excesses which Augustine, Locke, Rousseau, Hobbes so eloquently sketch for us. The articulation of state community that has folded within it a realm of a priori law can serve as an additional check that aims at protecting and ensuring the existence and value of all human life and even perhaps its relation to the divine.