I Problems of interpretation

Seen from a broad historical perspective, Hegel’s political philosophy, as expounded in his 1821 *Philosophie des Rechts*, was a grand synthesis of all the conflicting traditions of the late eighteenth and early nineteenth centuries. Its theory of the state wedded liberalism with communitarianism; its doctrine of right fused historicism, rationalism and voluntarism; its vision of ideal government united aristocracy, monarchy and democracy; and its politics strove for the middle ground between left and right, progress and reaction. Such an account of Hegel’s achievement is not an ex post facto rationalisation; it is a simple restatement of his intentions. For Hegel saw himself as the chief synthesiser, as the last mediator, of his age. All the conflicts between opposing standpoints would finally be resolved – their truths preserved and their errors cancelled – in a single coherent system. The power of Hegel’s political philosophy lay here, in its syncretic designs,
in its capacity to accommodate all standpoints; any critique of the system, it seemed, came from a standpoint whose claims had already been settled within it.

Some of the greatest problems in understanding Hegel’s political philosophy arise from his systematic ambitions, his syncretic intentions. The most obvious problem is to provide a balanced interpretation, one that does justice to every side of Hegel’s system. The flaw of most interpretations is that they are one-sided, stressing one aspect of his system at the expense of another. Hence Hegel’s theory of the state has been construed as a defence of communitarianism against liberalism; his theory of right has been read exclusively as rationalism, voluntarism or historicism; and his politics has been understood as either radical or reactionary. None of these extreme or one-sided interpretations can be correct, given that it was Hegel’s intention to unify all standpoints in his system.

Another even more formidable problem lies in a treacherous field, one into which few historians or political theorists like to venture: metaphysics. Metaphysics is the heart and soul of Hegel’s system, the source of its unity, the basis of its synthetic designs. Since, however, metaphysics is controversial, and since it is beyond the ken of most political theorists, most recent interpretations of Hegel’s politics are non-metaphysical, as if it were comprehensible in its own right apart from his metaphysics. But these interpretations suffer fatal flaws. For one thing, they are viciously anachronistic: they impose a modern academic division of labour upon a more holistic era; and they force a modern positivistic spirit upon an age sceptical of positivism. Even worse, they are flatly contrary to Hegel’s intention, which was to place politics on a firm metaphysical foundation. Worst of all, most of Hegel’s central political ideas are irreducibly and inescapably metaphysical. Hence his reason in history theme is based on his absolute idealism; his notion of freedom depends on his concept of spirit (Geist); his doctrine of right rests upon his Aristotelian ontology and teleology; and


3 In the introduction to his 1803 Naturrecht essay, Hegel criticised both the empiricist and rationalist traditions of natural law for their lack of a metaphysical foundation. See Werke ii, pp. 434–40. He saw his own distinctive contribution to this tradition as the attempt to establish just such a foundation. Never did he depart from this programme; the 1821 Rechtsphilosophie was its final culmination.
his methodology, which he saw as his distinctive contribution to political philosophy, demands that we grasp ‘the concept’ (der Begriff) of a thing, which is its ‘formal-final cause’.

The task of this essay is to explain, as far as possible in a confined compass, Hegel’s political philosophy according to its holistic and metaphysical intentions. We will consider how Hegel’s theory of law united voluntarism, rationalism and historicism, how his theory of the state joined liberalism and communitarianism, and how his theory of history joined radicalism and conservatism.

2 Reason in history

Any general treatment of Hegel’s political thought should begin with the central event of his age: the French Revolution. Like so many thinkers in the 1790s, Hegel forged his social and political philosophy in the crucible of this epochal event. Some of the central themes of his mature political thought grew directly out of his response to the issues raised by the Revolution. Hegel himself paid handsome tribute to the influence of the Revolution on his thinking when he called it, and the quarter-century following it, ‘possibly the richest years that world history has had, and for us the most instructive, because it is to them that our world and ideas belong’ (VVL iv, pp. 507, 282).

When the Bastille was stormed in July 1789, Hegel was only nineteen, a student at a seminary, the illustrious Tübingen Stift. Along with his two famous friends at the Stift, F.W. J. Schelling and Friedrich Hölderlin, Hegel greeted the Revolution as the dawn of a new age and celebrated the end of the despotism, privilege and oppression of the ancien régime. According to legend, Hegel, Schelling and Hölderlin planted a liberty tree, formed a secret club to read new revolutionary literature and made contacts with republicans in France. This was not just youthful enthusiasm, however. Although many of Hegel’s contemporaries quickly became disillusioned with the Revolution, Hegel remained true to its fundamental ideals: liberté, égalité et fraternité and the rights of man. Even in his final years, he would toast Bastille day, admire Napoleon and condemn the Restoration.

4 The interpretation here has been worked out in more detail in Beiser 2005.

5 The source of the legend is Rosenkranz 1972, pp. 29, 32–4. For an appraisal of the sources, see H. S. Harris 1972, pp. 115–16 n.2.
Hegel drew three great lessons from the Revolution. First, that the constitution of the modern state should be based upon reason, not precedent or tradition (VVL iv, pp. 506, 281). Second, that its constitution should be founded upon the idea of freedom, the idea that man as such is free (PG xii, pp. 527–9). Third, that the modern state should include representative institutions, so that the people have some share in government (VD i, pp. 572/234). In short, Hegel’s rationalism, his belief in human rights and his faith in representative institutions were all a legacy of the Revolution.

Although Hegel endorsed the ideals of the Revolution, he repudiated its practice. He disapproved of violent social change from below, a cataclysm that would sweep away all laws and institutions, leaving nothing to build upon. Like many of his contemporaries who had witnessed the turmoil in France, Hegel stressed the value of gradual reform from above, directed by the wise and educated.6 All successful social and political change, he believed, should take into account the existing circumstances of a country, its economy, geography, culture and legal system (PR §§258R, 272, 274, 298A). Social and political ideals should not be imposed upon these circumstances according to some abstract blueprint, but they should evolve from them. Hegel developed this moderate attitude early, for even in the 1790s he was critical of the methods of the Jacobins and advocated timely reform to prevent revolution.7

The chief philosophical problem that the Revolution posed for Hegel, and indeed his entire generation, concerned the proper relationship between morality and politics, theory and practice. Should our moral principles dictate or derive from our political practice? Are these principles justifiable by pure reason alone, as Kant argued, so that they provide categorical requirements to which our practice should conform? Or are they justifiable by experience alone, as Burke maintained, so that they should conform to our actual practices and institutions? Such were the questions debated between left and right throughout the 1790s in Germany. This debate began in 1793 with the publication of Kant’s famous ‘Theory-Practice’ essay in the pages of the Berlinische Monatsschrift.8 Kant’s essay was a reply to Burke’s Reflections

7 See VVL i, p. 273 and Hegel’s 24 December 1794 letter to Schelling (Hegel 1961, i, p. 12) where he criticises ‘die Schändlichkeit der Rohespiereoten’.
on the Revolution in France, which had appeared in Friedrich Gentz’s translation in the spring of 1793. Kant’s essay sparked off an intense dispute between right and left about the role of reason in politics. While radical or more progressive thinkers, such as Kant, Fichte and Reinhold, defended an ethical rationalism, according to which theory (i.e. reason) should dictate practice, reactionary or more conservative writers, such as Justus Möser, A.W. Rehberg, Friedrich Gentz and Christian Garve, championed an ethical empiricism, according to which theory should follow from practice, which embodies ‘the wisdom of generations’.9

Though usually ignored in secondary literature,10 this dispute proved crucial for the development of Hegel’s political thought. Hegel’s response to it was the central and characteristic theme of his later political thought: reason in history. The germ of Hegel’s theme is already apparent from his early essay on the German constitution, the so-called Verfassungsschrift, which he wrote from 1799 to 1801. In the opening passages of this unfinished tract Hegel attempts to find a middle path between the opposing parties to the dispute. On the one hand, he agrees with the left that the principles of the state should be founded on reason; but he disagrees with them that theory should dictate practice, or that these principles should be imposed on history. On the other hand, he accepts the conservative doctrine that good laws should adapt to historical circumstances, and that we need experience to know how to apply them; yet he rejects the view that the principles of the state should derive from precedent and tradition alone. How, then, is it possible to hold on to the ideals of the Revolution while still respecting history? Hegel’s answer is to read these ideals into history itself. In the Verfassungsschrift he criticised the view, so prevalent among radicals and conservatives alike, that the ideals of the Revolution marked a radical break with the past. The ideals of liberty, equality and fraternity, he argued, were the culmination of a long historical development that began in the Middle Ages. They were the legacy of the medieval ideal of independence, of the ancient view that every vassal is the master of his own fief, having the right to represent himself in the government. It was the ideals of the medieval freeman, Hegel insists, that finally burst open in France in the heady

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10 The dispute is not considered at all by Avineri 1972, Haym 1857, or Rosenzweig 1920, the main studies on the development of Hegel’s political views. The importance of the dispute has been fully recognised, as far as I can determine, only by Henrich 1983, whose account differs markedly from my own.
Hegel and Hegelianism

This summer of 1789. This is a crucial insight, for it means that the radicals were as wrong to sweep away history as the conservatives were wrong to ignore reason. What the radicals and conservatives both failed to recognise is that the ideals of the Revolution lay deep in history itself.

Hence reason in history was Hegel’s *via media* between the extreme positions of the theory–practice debate. While the main problem of left-wing rationalism was that it valued reason at the expense of history, the chief shortcoming of right-wing empiricism was that it prized history at the expense of reason. The faulty central premise shared by both extremes is that history consists in nothing more than precedent and tradition, that it has no structure or purpose because it is nothing more than an accident and contingency. Hegel’s theme denies this crucial premise. It maintains that the fundamental ideals of reason – liberty and equality or the rights of man – are the immanent goals or ends of history itself.

As explained so far, Hegel’s reason in history theme seems to derive entirely from his stance in the theory–practice dispute. It is as if his political context alone suffices to explain the origins and significance of this theme. But this impression is very misleading; for Hegel’s theme had a metaphysical foundation and motivation. Hegel conceived the reason in history theme of the *Verfassungsschrift* only after sketching some of the central ideas of his absolute or objective idealism in his 1798–1800 *Geist des Christenthums*.11 According to his absolute idealism, the entire universe is governed by the divine logos, so that everything in nature and history is an appearance of reason. The starting point for Hegel’s reflections was the Johannine gospel: ‘In the beginning was the word . . . ’ (John 1:1); but they were also inspired by the romantic critique of Kant’s and Fichte’s subjective idealism and the development of an objective idealism in the late 1790s. It would take us very far afield here to discuss the full meaning of this development.12 One point alone is relevant and of central importance in this context: the shift from subjective to objective idealism is essentially one from regarding reason as imposed on nature through our human activity (subjective idealism) to regarding reason as already within nature because of its inherent design or purpose (objective idealism). This shift went hand-in-hand with another fundamental change in Hegel’s political views at this time: from attempting

11 The sketch of his absolute idealism appears in the manuscript *Jesus trat nicht lange vor . . .*, whose first draft was most probably written in autumn or winter 1798/99; a later draft is from 1799 or early 1800. The final draft of the *Verfassungsschrift* is around November 1802, though an earlier draft of the introduction, the manuscript *Der immer sich vergrößernde Widerspruch . . .* is from 1799/1800.

12 On this development, see Beiser 2002, pp. 349–74.
to change the world according to the principles of reason to accepting
the world as it is because it already embodies or is moving towards these
principles.\textsuperscript{13} Whatever the motivations for this shift, it should be clear that
Hegel read reason into history as a solution to the theory–practice dispute
not least because of his objective or absolute idealism.

Apart from these metaphysical issues, the political purpose behind Hegel's
reason in history theme was to justify his reformist politics. If reason is within
history, it would be wrong, \textit{pace} the radicals, to abolish present institutions
for the sake of some abstract ideals; but, by the same token, if history
inevitably progresses towards the ideals of reason, it would also be mistaken,
\textit{pace} the conservatives, to resist change for the sake of preserving the past.
Since the ideals of reason are already latent within history, they can be
realised through gradual reform, through evolution of existing institutions.
\textit{Prima facie} Hegel seems to teach nothing but resignation, since he writes
in the \textit{Verfassungsschrift} that the purpose of his doctrine is only to foster
endurance and to reconcile us to the inevitable (\textit{VD i}, pp. 463/145). Yet
Hegel could preach reconciliation only because he believed history was
moving inevitably towards the realisation of modern ideals.

Hegel never abandoned the reformist politics he sketched in the \textit{Verfassungsschrift}. He reaffirmed his reformism, some twenty years later, in the
preface to his major work on politics, his 1820 \textit{Philosophie des Rechts}, when
he wrote in some famous lines: ‘What is rational is actual; what is actual
is rational.’ This notorious ‘double dictum’ (\textit{Doppelsatz}) has been cited as
evidence for both right- and left-wing interpretations of Hegel. The left
seize on the first half of the dictum, because it seems to say that change will
take place according to the ideals of the Revolution; the right appeal to the
second half, because it seems to say that the present is already rational and
need not change. Yet the dictum, once understood in the context of the
\textit{Verfassungsschrift}, involves Hegel’s critique of both radicals and conservatives.
The first half states that ideals are the driving forces behind history, so that it
is wrong for conservatives to dismiss them as utopias or dreams. The second
half holds that these ideals are already potential and latent in the present,
so that it is wrong for radicals to destroy everything in the present. So, in
the end, those conservative critics of Hegel who feared the revolutionary
potential of his rationalism, and those radical critics who warned of the
conservative implications of his historicism, both missed the point. They

\textsuperscript{13} On this change in Hegel’s thinking, see Rosenzweig 1920, i, pp. 63–101.
failed to see that, since the ideals of the Revolution are inherent in historical development, it is necessary to realise them through gradual reform and the evolution of existing historical institutions. For Hegel, then, the main argument on behalf of the middle road of reform is that it has history on its side.

It is important to stress Hegel’s reformism not least because, for generations, his political philosophy has been read as an apology for the Prussian Restoration. This reading was first put forward by Rudolf Haym in his 1857 Hegel und seine Zeit, and it has had many prominent followers ever since, among them Karl Popper, Sidney Hook and Isaiah Berlin. One of the main sources of this interpretation was no less than Hegel himself. In the preface to the 1821 edition of the Philosophie des Rechts Hegel seemed to be siding with the censorship and the reactionary government when he attacked the political philosophy of his personal rival Jakob Friedrich Fries. An outspoken opponent of the government’s latest reactionary policies, Fries had been persecuted by it and eventually dismissed from his position at the university. Hegel seemed to endorse Fries’ dismissal, writing as if it were the deserved result of a bankrupt political philosophy that could undermine all public order. Hegel badly misjudged how his attack on Fries might be read in the current political atmosphere, which was deeply fearful of further government repression after the Karlsbad Decrees in September 1819. His disagreement with Fries was more personal than philosophical, and more philosophical than political. But Hegel had been imprudent in the opportunity he chose for attacking an old rival. As a result, even his contemporaries perceived him as a spokesman for reactionary policies; and the reputation has died a slow death ever since.

Fortunately for Hegel, there have been scholars who could rectify the damage he brought upon himself. With the benefit of hindsight, they have been able to excavate the truly reformist spirit behind Hegel’s politics. Thanks to Franz Rosenzweig’s pioneering Hegel und der Staat (1920), and thanks too to the work of Eric Weil, Jacques d’Hondt, Shlomo Avineri and Joachim Ritter in the 1950s (see Avineri 1972; D’Hondt 1968a, 1968b; Ritter 1965; Rosenzweig 1920 and Weil 1950), the reactionary interpretation has been largely discredited. Quite apart from the content of Hegel’s teachings, it cannot account for the following basic facts. (1) Hegel’s connections

in Prussia were not with reactionary court circles but with the reforming administration of Stein, Hardenberg and Altenstein. It was indeed Altenstein who called Hegel to Prussia because he was attracted by his reformist views. (2) Rather than siding with the reactionaries, Karl von Haller and Friedrich Savigny, Hegel criticised them severely in his correspondence and the Rechtsphilosophie. (3) For their part, the reactionary court circles under Count von Wittgenstein harassed and spied on Hegel and his pupils. (4) Rather than glorifying the status quo, most aspects of Hegel’s ideal state were far from reality in the Prussia of 1820. Indeed, Hegel’s demands for a constitutional monarchy, an elected assembly, local self-government and a powerful civil service, were all defeated by Prussian reactionaries in 1819.

In fundamental respects, Hegel’s mature political philosophy was indeed a rationale for the Prussian Reform Movement, which began in 1806 under the direction of Hardenberg and Stein. The purpose of their reforms was to realise, through gradual change from above, the fundamental ideals of the Revolution, namely, a constitution ensuring basic rights for all, freedom of trade and the abolition of feudal privileges. It is indeed striking how Hegel’s Philosophie des Rechts on point after point, adopts and defends the goals of the reform programme. Like Stein and Hardenberg, Hegel champions a written constitution ensuring basic liberties, a more powerful bureaucracy, more local self-government, a bicameral estates assembly, greater equality of opportunity and more freedom of trade.15 It is tempting to conclude that Hegel’s Rechtsphilosophie was the philosophy of the Prussian Reform Movement. It is important to recall, however, that Hegel developed his reformism, and the outlines of his mature philosophy, before the formation of this movement.

3 Ethical life and the critique of liberalism

All too often Hegel is portrayed as a critic of liberalism and champion of communitarianism. Some historians regard his political philosophy as the major conceptual alternative to the liberal tradition, and they explain its historical significance in just such terms.16 But this common picture of Hegel distorts his true historical position. It is misleading to cast Hegel in this role partly because it better suits many

15 These affinities were noted by Rosenzweig 1920, ii, pp. 161–7. He argues that the only respect in which Hegel’s doctrine deviates from Prussian practice is with regard to the size of the army.
16 See Popper 1945, ii, pp. 29, 58; Smith 1989, p. 4; and Wood 1990, p. xi.
of his predecessors and contemporaries, for example, Justus Möser, A.W. Rehberg or the later Friedrich Schlegel. Many of Hegel's criticisms of liberalism, and many of his communitarian themes, were part of the common heritage of his generation. Although, for the sake of convenience, we might consider Hegel as the chief representative of this wider tradition, we should not conclude that these ideas are original to, or characteristic of, him alone.

More problematically, this picture of Hegel falsifies his intentions. For it was never Hegel's aim to reject the liberal tradition for the sake of communitarianism. Unlike some of the more conservative critics of liberalism, such as Möser and Haller, Hegel continued to uphold fundamental liberal values, such as freedom of conscience, equality of opportunity and the right of dissent. While these conservatives denied liberal values for the sake of community, Hegel insisted upon preserving them within the community.

It is important to see, however, that even in this respect there was little new to Hegel’s programme. For it was a common aim of the early romantic generation, of which Hegel was once a member, to synthesize liberal and communitarian ideals (Beiser 1992, pp. 222–39). What is unique to Hegel was the sustained effort to think through the romantic programme and more specifically his attempt to unite the individual to the modern state on the basis of reason. Unlike the romantics, Hegel did not believe that ‘faith and love’ could be a sufficient bond to wed the modern individual with the state. Since the modern individual thought for himself and questioned everything, he needed to be given reasons for obeying the laws. In this regard it is significant that, even in his early years, Hegel rejected the romantic programme for a new mythology, which would attempt to join the individual to the state through feeling and imagination.¹⁷

If we are to do justice to Hegel’s intentions, we must examine how he attempts to unite the personal freedoms of liberalism with the collective ideals of communitarianism. We can do this, however, only if we first consider how Hegel accepts and rejects the liberal heritage.

The main source of Hegel’s allegiance to liberalism is a single fundamental principle, what Hegel calls the right of subjectivity. According to this principle, the individual should accept only those beliefs or commands that agree with his own conscience or reason.¹⁸

¹⁷ See the fragment Jedes Völk hat ihm eigene Gegenstände, Werke 1, pp. 197–215, which was written in spring or summer 1796.

¹⁸ Hegel has several distinct formulations of this principle. Cf. PR §§107, 121, 132; EPW §7R, 38R; and VG p. 82/70.
not perceive as rational’, Hegel writes in the *Philosophie des Rechts*, ‘is the highest right of the subject’ (PR §132). Hegel stresses that this principle is central to, and characteristic of, the modern state. The chief weakness of the ancient *polis* is that it did not recognise this right (§§124R, 185R, 124R). It is the special task of the modern state, he argues, to integrate the right of subjectivity with the demand for community.

Hegel appeals to this principle to justify several classical liberal values: (1) that the individual is bound by only those laws or policies to which he consents (§§4, 258R); (2) that he should have the right to participate in government, or at least to have his interests represented in it (VD i p. 577/238); (3) that he should have moral, intellectual and religious liberty, the right to express his opinion and to exercise his conscience (PR §§270R, 316, 317A, 319); and (4) that he should have the right to pursue his self-interest in a market economy, or that he should have the freedom of choice characteristic of civil society (§§185R, 187).

Although Hegel strongly endorses the principle of subjectivity and appeals to it to justify these basic liberal values, he still regards it as one-sided. The problem with this principle is that it is purely ‘formal’ because it accepts any content, i.e. any law or belief could satisfy it (§§136–8, 140). The principle does not tell us, therefore, *which* laws or beliefs to accept, only that whatever laws or beliefs we accept should agree with our reason or conscience. We know that a decision or belief is right or wrong, Hegel argues, from its content, from *what* it decides or *what* it believes (§137).

It is just this weakness of the principle of subjectivity, Hegel argues, that makes it necessary to transcend liberalism. To overcome the one-sidedness of this principle we must complement it with the communitarian ideal. We can give *content* to our reason, an *objective* norm to our conscience, Hegel contends, only if we place them within the ethos of the community (§§146, 148). And to determine what I should do within the community is simple, Hegel assures us, for it is only a matter of knowing my station and its duties; the individual needs to determine only ‘what is prescribed, expressly stated, and known to him in his situation’ (§§150R, 153R). When the individual allows the community to determine what he should do, to lay down the content of his principles, he or she becomes joined with the community. This synthesis of individual autonomy and community is Hegel’s ideal of ‘ethical life’ or *Sittlichkeit*.

One objection to Hegel’s concept of *Sittlichkeit* is that, ultimately, it cannot really provide an objective content to individual reason and conscience. When Hegel says that the individual needs to know only his or her
station and its duties he seems to sanction the morality of any community, whether a Christian monastery, a Greek polis, or a national-socialist state. Hence the formality of subjectivity is simply replaced by the formality of the community, for there is no specific list of laws that give content to Sittlichkeit. Given Hegel’s claim that individual conscience is never a sufficient criterion of morality, and given his insistence that the morality of a nation depends upon its specific historical circumstances, Hegel seems to embrace a complete relativism. We shall soon see, however, that he resists such a conclusion (section 4).

Another more serious objection to Hegel’s concept of Sittlichkeit is that it seems to violate the very freedom of conscience that Hegel is so eager to uphold. For it seems as if Hegel expects the individual to accept, without critical reflection, whatever duties and roles the community imposes upon him or her. Hegel’s first reply to this objection would be that it presupposes a false asocial conception of human nature. The objection seems to assume that the individual is a self-sufficient being which has its identity outside the community, and which has the power to assess it according to its natural needs. But it is just this conception of the self, so prominent in the liberal tradition, that Hegel wants to call into question. He argues that the very identity of the self – its basic values and its self-conception – is determined by the community. Since the self finds its meaning and purpose in life only within the community, and since it creates its identity only through performing and growing accustomed to its social roles, it does not regard its duties, tasks and responsibilities as an imposition (§§147, 153). Rather, they are the very means by which the self achieves its self-determination and self-realisation as a social being (§149).

This reply works as long as the individual does identify with his or her community. But the question remains: What if the ethos of the community violates the individual’s conscience and he or she protests against it? In that case, it seems the synthesis of Sittlichkeit breaks down. The suspicion of authoritarianism here seems amply confirmed by Hegel’s frequent insistence that the demands of the community should have priority over the right of subjectivity. It is important to see that, in addition to the right of subjectivity, Hegel also stresses a right of objectivity, which consists in the demand that the decisions and beliefs of subjectivity must have the correct content. It is striking that, whenever there is a conflict between these rights, Hegel gives priority to objectivity over subjectivity. Thus he declares that ‘the right of the rational – as the objective – over the subject remains firmly established’ (§132R), and that ‘the subjective will has worth and dignity
only in so far as its insight and intention are in conformity with the good’ (§131).

The issue of Hegel’s authoritarianism arises essentially because Hegel, like Kant and Rousseau, does not take actual, but only possible, consent as a sufficient criterion of a person’s acceptance of the laws. If a person could assent to the laws, even if he or she in fact happens to dissent from them, then the laws are still legitimate. What is decisive for Hegel is not any kind of assent but rational assent (§§4A, 29R, 258R). Hence a person can be regarded as having given assent to laws provided that they are rational. But then we are still left with the nagging question: rational according to whom? The suspicion of authoritarianism grows when we consider that Hegel never had much confidence in the judgement of the common man to determine whether the laws are rational, or even to know his or her best interests (§§301R, 308R, 317R). He maintains that it is the universal estate, the government bureaucracy, which alone possesses the requisite knowledge to establish rational laws and the best interests of the country. Does this not legitimate, then, an authoritarian government, and in particular a mandarinism, which lays down laws against the explicit protests of the people?

It is important to see, however, that this apparent authoritarianism is counterbalanced by some of the truly democratic and constitutional elements in Hegel’s theory of the state. Although Hegel gave bureaucrats the right to determine government policy, he never held that such powers gave them a licence to infringe on certain fundamental rights, such as freedom of conscience. Hence he insisted that the state should give room for dissent, granting liberty of conscience to Quakers and Baptists whose conscience forbade them to enter military service (§270R). In his early Verfassungsschrift Hegel had sharply criticised the state of the ancien régime, because it attempted to control everything from above, not allowing any room for individual initiative or participation in government. In the Rechtsphilosophie Hegel argues that the individual cares about the state, and identifies with it, only if there is popular participation in it (§§260, 308R). His own theory of the state makes express provision for democratic participation by holding that no government should stay in power that is not elected, and by insisting that there should be elected representatives from the estates.

Undoubtedly, Hegel’s most important criticisms of the liberal tradition are of its individualistic conceptions of human nature and of freedom. In his 1802 Naturrecht essay Hegel challenges this individualism with the famous
dictum of Aristotle: ‘That apart from the polis man is either beast or god’ (W II, p. 505). Since it is an organism, the community is a whole that is prior to its parts; it is not only irreducible to its parts but determines their very identities. We cannot conceive of the community as posterior to its individual wills, then, for these wills are formed only through it (PR §§147, 149, 187R). The self develops its characteristic powers, especially its reason, Hegel argues, not in a state of nature but only in society. We become rational beings only by learning how to act according to general laws and principles; but we learn how to do this only by our education and participation in society. It was indeed the main argument of the famous ‘Herrschaft und Knechtschaft’ chapter of the Phänomenologie that a person becomes self-conscious as a rational being only through mutual recognition. I know that I am a rational being, someone having rights and duties, Hegel argues, only if I recognise the equal and independent status of others, and only if they in turn recognise my own equal and independent status. Hence there cannot be any rights and duties in the state of nature itself (VG p. 117/98–9).

Recognising the priority of the community over the individual provides the foundation, Hegel writes in his Naturrecht essay, for a completely new account of freedom and natural right from that prevalent in the liberal tradition (W II, pp. 504–6). Thanks to its individualism, the liberal tradition defined freedom and natural right strictly in negative terms. Freedom is the absence of law, constraint or coercion; and right is the permission to do whatever I want without the interference of others. If, however, we see the community as prior to the individual, then we are in a position to develop a more positive conception of freedom and right. Freedom is then not simply the absence of constraint, but self-determination, the realisation of my social nature by living in accord with the laws of the community. Right is then not just freedom from the interference of others, but the freedom to develop my nature as a social being within the community.

It is important to understand precisely what Hegel means by a positive conception of right. What he has in mind is that the individual should have the right to claim not only the restraint but the assistance of the state when this is necessary for self-realisation as a moral being. Hence the duties of the state towards the individual are not only that it protects his or her rights, but that it also creates the legal, social and economic conditions for individual self-realisation. This becomes clearer later in the Philosophie des Rechts when Hegel argues that the state has a duty to ensure that everyone benefits from the advantages and opportunities of civil society (§§238A, 240, 243).
So rather than giving the state powers and rights against the individual, as Hegel’s critics charge, his positive conceptions of freedom and right do the very reverse: they give the individual further rights and powers against the state by allowing him or her to claim its active assistance. In this regard, Hegel anticipates the interpretation of rights in the socialist tradition.

4 The analysis of civil society

Essential to Hegel’s critique of liberalism, and his attempt to wed communitarianism with liberalism, is his analysis of modern ‘civil society’ (bürgerliche Gesellschaft), that is, a society based upon private enterprise, free markets and modern forms of production and exchange. Hegel’s analysis of civil society has become the focus of much attention in recent scholarship.19 Scholars have pointed out the importance of the Scottish political economists – Adam Ferguson, James Stuart and Adam Smith – for the development of Hegel’s historical and political views. They have praised Hegel for his thorough understanding and trenchant criticisms of emerging industrial society in Germany. In this respect, they see Hegel as far ahead of his time, and indeed as a forerunner of Marx. Supposedly, Hegel was the first thinker of the modern German tradition to recognise the importance of economics for social, political and cultural life (see for example, Avineri, 1972, p. 5).

However important and influential, it is necessary to place Hegel’s analysis of civil society in proper historical perspective. Hegel was not the first in his generation to perceive, or even to analyse, the problems of modern civil society. Many of the young romantics did this in the late 1790s, so that in this respect too Hegel was only typical of his generation.20 Furthermore, Hegel did not have a mastery of the technicalities of modern political economy, and in this regard was even behind some of his contemporaries. The treatment of money, labour and exchange in Adam Mueller’s Elemente der Staatskunst, for example, is much more sophisticated than anything in Hegel. What is more characteristic of Hegel’s approach to civil society is his attempt to integrate its liberties with the demand for community. It was Hegel’s aim to steer a middle path between those liberals who affirmed complete laissez-faire and those conservatives who would use the state to regulate every aspect of economic life.

True to his acceptance of basic liberal values, Hegel praised the liberties created by modern civil society: equality of opportunity, the right to pursue one’s self-interest, and the freedom to sell and buy goods in the market-place. For all his doubts about the moral and cultural consequences of civil society, he did not simply condemn it as an immoral display of egoism. Rather, he regarded the right to acquire property, and the activities of production and exchange, as crucial for the development of civilisation (§§ 45, 185, 187). As Marx famously remarked, Hegel stressed the importance of labour for the moral development of the personality. This emphasis upon the moral values of civil society is indeed reminiscent of many liberal thinkers, but Hegel never drew the conclusion from it that civil society should remain completely unregulated. What is most characteristic of his position is a balanced appreciation of the moral strengths and weaknesses of civil society.

In his Rechtsphilosophie Hegel criticised civil society – ‘this spectacle of extravagance and misery’ – on two chief grounds. First, it creates class conflict, tension between employers and workers. Such conflict is inherent in the very laws of production, Hegel argued, because wealth can be increased only at the expense of workers (§§ 195, 243). Second, civil society produces, through inevitable fluctuations in supply and demand, unemployment, and so a rabble (§§ 241, 244). Both these factors, Hegel realised, posed serious threats to the prospects for community.

In pointing out these problems, Hegel was doing little more than affirming common wisdom. The more original aspect of his critique of civil society is his argument, stated more than three decades before the young Marx, that modern forms of production and exchange are essentially alienating, subjecting mankind to the forces of its own creation. In the 1803/04 Geistesphilosophie and 1805 Realphilosophie, Hegel argued that the division of labour and the use of technology free man from the forces of nature only to dominate and enslave him. They enslave the worker by compelling him to perform dull and routine tasks, and by making him produce goods for the market-place rather than his own needs. Since the increase of technology and the division of labour creates more needs than it satisfies, the worker is doomed to a life of perpetual labour. We are never able to enjoy the comforts of life, Hegel laments, because we have to spend all our time and energy producing them.

Given all these problems of civil society, it is not surprising to find that Hegel contests the standard liberal view that the common good and justice will emerge naturally from the play of economic forces. Although Hegel agrees with Smith that the pursuit of self-interest naturally creates social order and interdependence (§§184R, 187, 189), he denies that this order is for the common good of all. He therefore insists time and again that the market forces of civil society must be controlled and regulated by the state. In the *Philosophie des Rechts* he gives two reasons why the state should control market forces: first, it will help to prevent class antagonism and the creation of a rabble (§243); and, second, it will hinder or shorten ‘dangerous convulsions’, economic crises such as recession and inflation (§236A). To address these pressing problems, Hegel proposed all kinds of measures: that the state should tax, or even limit, profits; that it should help the poor through public work projects (§241); that it provide for the education of the poor so that they can compete for jobs (§239); that it predict cycles of supply and demand to help the planning of industry; and that it create new markets for industry through colonisation (§§246–8). Besides regulating market forces, Hegel thinks that the state should promote the public good in areas not benefited by the market. The state should provide, for example, for public health, street lighting, bridge and road building, and so on (§236A).

It was clearly crucial to Hegel’s general attempt to fuse the liberal and communitarian traditions that he strike some balance between regulation and liberty in the market-place. If too little regulation would undermine community, too much would throttle liberty. Aware of this very problem, Hegel stresses the need to find some middle path between controlling everything and nothing (§236A). He denies, however, that there is some general rule that can be formulated about where to draw the boundary line between intervention and liberty (§234). He argues that this boundary line will be *per necessitatem* moving, depending upon circumstances. In general, Hegel thinks the role of the state should be to ensure fairness and stability in the market-place. He recognises that, left on its own, the market could be very unfair and unstable, impoverishing people so that they are in no position to compete for scarce jobs and resources. The task of the state is then to guarantee that everyone should have at least the opportunity to work and to provide for themselves through their own labour. Thus Hegel states unequivocally that if civil society has certain rights it also has certain...

duties (§§238A, 240A). It has the duty to ensure that all have the right to work, and that they can feed themselves (§240A). Above all, it has the duty to ensure that everyone can enjoy its advantages and liberties (§243).

So far it seems as if Hegel, in arguing for the right of the state to control industry, is a proto-socialist. It is crucial to see, however, that his solution to the problems of civil society does not lie with the state alone. As much as he believes that the state has to control the market-place, he also fears granting it too much power. Hegel proposes his own non-socialist solution to the problems of the market economy: the corporation (Korporation, Genossenschaft). The corporation is a group of people sharing the same trade or profession, officially recognised by the state though independent of it. Like the medieval guilds, on which it is clearly modelled, the corporation would organise, support and recognise all individuals who had become competent in their trade or profession (§252). It would address the problem of social alienation since it would become the individual’s ‘second family’, aiding him in times of need and providing him with a sense of belonging.

Whatever its merits, Hegel’s theory of corporations suffers from a fatal shortcoming. Although Hegel saw the poverty and working conditions of the emerging proletariat as one of the most serious threats to community, he failed to give workers entrance into corporations, and even disenfranchised them.\(^{25}\) Thus he denied integration into society to the very group that needed it most, undermining the prospects for community.\(^{26}\) Though Hegel proved to be very prescient in seeing the problems of society posed by the growing working class, he remained bound to early nineteenth-century conceptions of the limitations of the franchise. Arguably, he was still too mistrustful of the masses, too confident of the power of the elite, to ensure the community of his youthful dreams.

5 The structure and powers of the state

In the Philosophie des Rechts (§§283–329), Hegel provides a detailed theory of the structure of his ideal state. The central thesis of Hegel’s theory is that the rational form of the state is a constitutional monarchy (§273R; H p. 238). Prima facie such a claim seems reactionary, and it has been interpreted along just these lines.\(^{27}\) However, in the early 1800s such a claim was standard

\(^{25}\) PR §253R. Cf. SS in GW v, p. 354/171.

\(^{26}\) This point has been forcefully argued by Avineri 1972, pp. 98–9, 109, 148, 151–3.

\(^{27}\) Thus Haym 1857, pp. 365–8; Popper 1945, II, pp. 27, 53–4.

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reformist doctrine. It was the view of the Hanoverian Whigs and the Prussian Reformers, indeed of all those who wanted to reform the state of the ancien régime from above so that it could adapt to the revolutionary currents of the age. This reformist faith in constitutional monarchy has to be contrasted with the reactionary defence of absolute monarchy, which attempted to free the monarch from constitutional safeguards and make his will alone the source of law. The main Prussian spokesman for absolute monarchy was K. L. von Haller, whose Restaurations der Staats-Wissenschaft became the chief manifesto of the reactionary cause. Hegel's distance from the reactionary cause is evident not least from his lengthy polemical broadsides against Haller in the Philosophie des Rechts (§§219R, 258R).

Still, Hegel's strong claim on behalf of constitutional monarchy is somewhat surprising, given that he disdains disputes about the ideal constitution, and given that he endorses Montesquieu's doctrine that the proper constitution for a nation depends on its specific culture, history, climate and geography (§§3R, 273R). Hegel does not simply hold that constitutional monarchy is the best constitution for Prussia, or that it alone is suitable for its stage of historical development. Rather, he maintains that constitutional monarchy is the rational form of the state because it, more than any other form of government, realises the ideal of freedom (H p. 238). Hegel's claim becomes more comprehensible when we consider his view, expressed most clearly in his Heidelberg lectures, that constitutional monarchy alone guarantees the rights of individuality so characteristic of the modern world (VNS §§135R, 137R). Like Kant, Humboldt, Jacobi, Schiller and many others, Hegel feared that radical democracy, which gave limitless power to the will of the people, does not necessarily respect the fundamental rights of everyone alike. The crucial case in point was Athens’ persecution of Socrates.

The great strength of constitutional monarchy for Hegel is that it is a mixed constitution, incorporating the advantages of all three forms of government. He maintains that constitutional monarchy is a synthesis of monarchy, aristocracy and democracy (§273R). A constitutional monarchy consists in three fundamental powers: the sovereign, which formally enacts the laws; the executive, which applies and enforces the laws; and the legislative, which creates the laws (§273). Since the sovereign is one individual, since the executive consists in several individuals, and since the legislative consists in many individuals, each power represents one form of government, monarchy, aristocracy and democracy (respectively) (§273R).
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The main virtue of mixed government for Hegel resides in its division of powers. Since this prevents any single power from dominating others, it provides the best institutional guarantee for freedom. In this regard it is noteworthy that Hegel reaffirmed Montesquieu’s famous doctrine of the division of powers because, ‘understood in its true sense, [it] could rightly be regarded as the guarantee of public freedom’ (§272R). While Hegel warns that an extreme separation of powers will undermine the unity of the state (§§272R, 300A), he still thinks that the modern state realises freedom only if it involves a differentiation of function and separation into distinct spheres of government (VNS §§132; H p. 231).

Hegel makes a much more systematic or metaphysical claim on behalf of constitutional monarchy: that it alone realises the very idea of the state (§§272–3). Each power of constitutional monarchy represents one of the moments of the concept: since it enacts general laws, the legislative is universality; since it applies laws to specific cases, the executive is particularity; and since it incorporates in a single person both the legislative and executive, the monarch is individuality. While Hegel gives more weight to his systematic argument than any prudential consideration about the best form of government (§272), the fact remains that his systematic argument is best understood in the light of his claim that constitutional monarchy provides the best institutional safeguards for freedom. Since the idea of the state is based on freedom, and since constitutional monarchy realises freedom more than any other form of government, it follows that constitutional monarchy is the highest realisation of the idea of the state.

To understand Hegel’s political values, to assess the authoritarian charges against him, and to appreciate exactly how he attempts to wed liberalism and communitarianism, it is necessary to know in some detail something about the structure of his ideal state. We should examine more closely each of the powers of a constitutional monarchy.

The sovereign

The sovereign power is the monarch. Hegel defends monarchy as a necessary part of the rational constitution because it provides the state with a single source of sovereignty. Since the monarch is one person, he is an indivisible power, and so better represents and executes sovereignty than an assembly, which could be divided within itself (§279). He maintains that a single source of sovereignty is a necessity of the modern state. The problem with
the medieval constitution is that its many independent corporations and communities lacked a single source of sovereignty, and so could not act coherently even to defend itself (§278).

Hegel advocates hereditary monarchy on the grounds that it ensures a stable succession and stands above all conflict of factions (§281; VNS §138). Since the monarch is the highest authority, Hegel denies that he is only the highest official of the state, as if he were somehow accountable to the people and bound by a contract with them (VNS §139). He denies that the monarch can be held responsible for his actions, fixing all responsibility for them on his ministers (§284; VNS §140). Such is the exalted status he attributes to the monarch that he even expounds his own speculative form of the divine right doctrine, according to which the monarch represents the divine on earth (§279R).

Although Hegel’s defence of divine right doctrine seems to give the monarch absolute power, he is very far from defending the old absolutism. Instead, his chief concern is to bind the monarch to the constitution. He stresses that in a rational state the personality of the monarch should be irrelevant, and that it is in the insignificance of the monarch’s person that the rationality of the constitution lies (VNS §138). The only real powers that he permits the monarch are the right to pardon criminals and to appoint and dismiss ministers (§§282–3). He insists that the monarch possesses sovereignty only in so far as he is bound by the constitution (§278R). The monarch must follow the advice that he receives from his ministers, so that he can do nothing more than say ‘yes’ and sign his name to the measures placed before him (§§279R, 280A). It is for this reason alone that Hegel says that the monarch cannot be held accountable as a person (§284); for in the end, all real responsibility falls on his ministers. Ultimately, the monarch plays essentially a formal role in the Hegelian state, serving as ‘the highest instance of formal decision’. Yet this symbolic role is of the greatest significance for Hegel, because it represents the unity, sovereignty and culture of the people (§§279–80).

The executive

The purpose of the executive power is to implement and enforce the decisions of the sovereign (§287). The executive power consists in the police, judiciary and civil service (§287). The cornerstone of the executive is the civil service or bureaucracy, whose main task is to mediate the particular interests of the corporations with the universal interests of the state (§289).
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The bureaucracy possesses great power in Hegel’s state: its advice not only binds the monarch (§279A), but it also knows the true interests of the corporations, even if they have not been voiced directly by them (§§289, 301R). Nevertheless, Hegel should not be cast as an uncritical advocate of mandarinism or the bureaucratic state. He is also aware of the dangers of corruption in the bureaucracy (§295) and of the bureaucracy becoming the dominant power in the state. Hence he stresses that its powers should be limited and its activities monitored by the monarch from above and the corporations from below (§§295, 297; VNS §145). He recommends that the opposition within the legislative have the right to question ministers because this will make them accountable to the public (VNS §149).

The legislative

The legislative power consists in a bicameral Estates Assembly on the English model (§312). There is an upper house composed of the nobility, who inherit their office; and a lower house composed of commoners, who are elected to office. Hegel thinks that such a two-tiered assembly, by creating several levels of deliberation, provides a guarantee for mature decisions and reduces chances of collision with the executive (§313). The Estates Assembly represents the two estates of civil society: the agricultural estate or the landed aristocracy, and the estate of trade and industry or the bourgeoisie (§§303–4). Although members of the lower house are elected through their corporations and communities, they do not receive a mandate from them (§309A). The chief role of the Estates Assembly is to develop public consciousness of political issues, and to create a link between people and the sovereign (§§301–2). They also provide an important buffer between government and people. While they protect the people from tyranny by organising and representing their interests, they shield the government from the ‘mob’ by controlling, directing and channelling the interests and energies of the people.

How democratic was Hegel’s constitutional monarchy? There can be no question about Hegel’s support for the democratic element of a constitutional monarchy. The very possibility of a common ethical life (Sittlichkeit) or community, he often argued, depends upon popular participation, for only when the people participate in the state do they identify with it and care about it (§§261, 308R). Accordingly, the Hegelian state provides for


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some truly democratic procedures. Hegel envisages not only elected representatives in the lower house but also competing parties in the Estates Assembly (VNS §156R). These are not parties in the modern sense because they do not compete for popular votes; but they do represent opposing viewpoints that increase accountability. Hegel envisages three parties: one for the people, one for the government, and another neutral to mediate between them. He further stresses that the government should have the support of the majority party in the Estates (VNS §156R).

Nevertheless, it is important to recognise that Hegel does not advocate democracy in the modern sense of universal suffrage. All his life he was sceptical of direct democracy because he doubted the wisdom of the people, who did not have sufficient knowledge to determine their best interests. Like many of his contemporaries, Hegel insisted upon a limited franchise, which excluded workers, servants and women. Furthermore, he argued against the radical view that any male of a certain age and income should be given the right to vote. He put forward two arguments against this view: first, the individual does not know his best interests simply by virtue of his age and wealth; and, second, it leads to voter apathy, because the individual will feel his vote is meaningless when it is only one in millions, and when he votes for only one person in a large assembly. Instead of voting according to universal suffrage and geographic districts, Hegel advocates voting according to group affiliation or vocational interests; in other words, he thinks that a person should vote not directly as an abstract individual but indirectly as a member of a group. Hence it is the corporations, not a mass of individual votes, who elect a delegate to the Estates Assembly. Such a system, Hegel contends, has several advantages: it organises, directs and controls the interests of the people, who could otherwise turn into a violent mob; and it prevents indifference because the individual feels his vote matters as a member of a group that has much greater powers of representation than a single individual (§§302A, 303R, 311R).

Although Hegel’s constitutional democracy did have some genuine democratic elements, one might well ask if these were sufficient for Hegel’s ideal of ethical life. That ideal requires that everyone should identify with the state, that everyone should find the meaning of their lives within it. Hegel himself had stressed that developing such an identification, such a


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sense of purpose and belonging, required participation in the affairs of state. But Hegel's limited conception of the franchise, his reservations about complete democracy, had virtually excluded large groups of the population from participation in public life. The peasants of the agricultural estate were virtually unrepresented in the Estates Assembly; if they were represented at all it was through the nobility, who were not elected (§307). Hegel also had his doubts that the businessmen of the commercial estate were sufficiently free and knowledgeable to devote themselves to affairs of state (§§308, 310A). And, as we have already seen, he stressed the importance of corporations to develop a sense of belonging only to exclude day labourers from them, thereby disenfranchising them.

So even if Hegel's political philosophy were not guilty of the worst charges of authoritarianism thrown against it, even if it did uphold basic liberal values, the question remained whether he satisfied his own ideal of community. So, oddly, it is really communitarians rather than liberals who should file complaints against Hegel. Ultimately, Hegel's grand synthesis failed not because he did too much for community and not enough for liberty, but because he did too much for liberty and not enough for community.

6 The foundation of law

The problems of doing justice to Hegel's syncretic ideals is most apparent from the many conflicting interpretations of his views on the foundation of law. Hegel has sometimes been read as a voluntarist, as someone who bases right on the will rather than reason.31 However, he has also been read as just the opposite: as a rationalist, as someone who derives right from reason and gives it a value independent of the will.32 Accordingly, some scholars have placed Hegel in the natural law tradition, a tradition which ultimately goes back to Aristotle and Aquinas. Finally, Hegel has also been understood as a historicist, as someone who thinks that law is ultimately based on the history and culture of a people.33 In this respect Hegel has been placed in the tradition of Montesquieu, Möser and Herder, who saw law as one embodiment of the spirit of a nation.

Once, however, we take seriously Hegel's syncretic ideals, all these interpretations prove to be both right and wrong, partially correct and partially incorrect. For it was Hegel's aim to synthesise all these traditions, to preserve their truths and cancel their errors in a single coherent account of the basis of law. Hegel's theory of right was meant to be a rational historicism or historicist rationalism, a rational voluntarism or voluntarist rationalism. But such apparent oxymorons raise the questions: Did Hegel really have a coherent doctrine? Or was it simply an eclectic monstrosity? Before we can assess these questions, we must first examine the strengths and weaknesses of the opposing interpretations; we must consider exactly what Hegel accepted and rejected from these conflicting traditions.

There is much evidence in favour of the voluntarist interpretation. Hegel justifies right on the basis of freedom, which he understands as the expression of the will (PR §4A). Furthermore, he defines the good in terms of the will, as the unity of the particular will with the concept of the will (PR §129). Finally, he places himself firmly in the voluntarist tradition when he states that Rousseau was right to make the will the basis of the state (PR §258R). It is indeed of the first importance to see that Hegel denied one of the fundamental premises of the natural law tradition: that value exists within the realm of nature, independent of the will. He accepts one of the basic theses of Kant's Copernican revolution in ethics: that the laws of reason are created by us and not imposed upon us by nature.

However, there is also much evidence against the voluntarist reading. It is a central thesis of the voluntarist tradition that whatever the will values is good simply because the will values it; but Hegel protests against the purely formal and abstract will chiefly because the will alone cannot be a source of the law (PR §§135–40). It is also a basic premise of the voluntarist tradition that nothing can be good in itself or in nature, independent of human agreements or contracts; yet Hegel insists that some things are valuable in themselves, whether they are enshrined into law or recognised by governments (PR §100R). Finally, Hegel's distance from the voluntarist tradition could not be greater when he attacks the social contract theory. If we make right depend on the will of the individual, he argues, we undermine all obligation because a person will have the right to quit the contract whenever he dissents from it (PR §§29R, 258R). There is just as much evidence for the rationalist as the voluntarist interpretation. Hegel seems to endorse the central principle of rationalism when he writes that 'in a political constitution nothing should be recognised as valid unless it agrees
with the right of reason’ (VVL iv, p. 506/281). Although Hegel bases right on the will, it is necessary to add that he defines the will in terms of reason, so that it seems to amount to little more than an imperative of practical reason. Hence he stresses that there is no separation between the will and thought because the will is really only ‘a special manner of thinking’: ‘thinking translating itself into existence, thinking as the drive to give itself existence’ (§4A). It is also noteworthy that Hegel makes a sharp distinction between the objective and subjective will, where he virtually identifies the objective will with rational norms. He then stresses that the norms of practical reason have an objective validity whether or not they are recognised by the subjective will, which consists in only individual desires (PR §§126, 131, 258R). When he stresses the objectivity of norms against the formality and particularity of the subjective will he is clear that their objectivity consists in their rationality (PR §§21R, 258R).

Still, there are at least two serious difficulties with the rationalist interpretation. First, Hegel never accepted the natural law doctrine, so central to rationalism, that norms exist in nature or in some eternal realm, independent of human activity. For Hegel, the ultimate basis of the law – and here he shows his voluntarist loyalties – lies in freedom, which cannot be understood apart from the will. Second, although Hegel insists that the will consists in and depends on thinking, he also stresses the converse as well: that thinking consists in and depends on willing (PR §4A). This is not a mere gesture on Hegel’s part, a routine recognition of the equality of opposites, but reflects his teaching, developed at great length in the Enzyklopädie (§§440–82), that all the stages in the development of spirit are simply ‘the way by which it produces itself as will’ (PR §4R). True to the voluntarist tradition, therefore, Hegel assigns primacy to the role of the will in the development of reason. Reason is for him essentially a form of practical intelligence.

The historicist interpretation has no less evidence on its behalf than the voluntarist and rationalist readings. In his youth Hegel was deeply influenced by the historicist tradition. He acknowledged that debt in the Philosophie

34 Cf. PR §132R.
35 See, for example, his early Stuttgart 1787 essay Über die Religion der Griechen und Römer 1787, GW 1, pp. 42–5, where Hegel argues that history shows us the danger of generalising about the principles of reason from our own time and place. In his 1793 Tübingen Essay, Hegel alluded to Montesquieu’s idea of the ‘spirit of a nation’, and stressed how a culture is a unity, its religion, politics and history forming a living whole (W i. p. 42/27). Hegel’s early interest in history is still very much in the Enlightenment tradition, however. He still believes in a universal human nature behind all the different manifestations of history, and he criticises past religions from the standpoint of a universal reason. Hegel became
des Rechts when he praised Montesquieu’s ‘genuinely philosophical viewpoint’ that ‘legislation in general and its particular determinations should not be considered in isolation and in the abstract but rather as dependent moment within one totality, in the context of all the other determinations, which constitute the character of a nation and an age’. It is within such a context, Hegel significantly adds, that laws ‘gain their genuine significance and hence also their justification’ (PR §3R). In the Philosophie des Rechts Hegel would endorse other central doctrines of historicism. First, that though they can be changed, constitutions cannot be made (§§273R, 298A). Second, that the policies of a government should be in accord with the spirit of a nation, in agreement with its concrete circumstances and way of life, not imposed from above by some leader or committee (§§272, 274, 298A).

But the historicist interpretation too has fatal problems. First, Hegel makes a sharp distinction between the historical explanation of a law and its conceptual demonstration, warning us in the firmest tones never to confuse them (PR §3R). To establish the moral validity of a law, he argues, it is not sufficient to show that it arose of necessity from its historical circumstances. Since circumstances are constantly changing, a historical account cannot provide a general justification for a law or institution. Second, Hegel also could not accept the relativism implicit within historicism. It is one of Hegel’s striking departures from historicism – and one of his most telling endorsements of the natural law tradition – that he insisted that there are certain universal and necessary principles of morality and the state. Hence in the Philosophie des Rechts he states that everyone deserves certain basic rights just in so far as they are human beings, regardless of whether they are Catholics, Protestants or Jews (§209); and he is clear that there are some fundamental goods that are inalienable and imprescriptable for all persons in so far as they are free beings, such as the right to have religious beliefs and to own property (§66). Then, in a later essay, Hegel praises the monarch of Württemberg for introducing a rational constitution that comprises ‘universal truths of constitutionalism’ (VVL, iv, p. 471/254). Among these truths are equality before the law, the right of the estates to consent to new taxes, and the representation of the people.

aware of the tension between historicism and his allegiance to the Enlightenment only much later; see the 1800 revision of the Positivity Essay, the fragment Der Begriff der Positivität . . ., W 1, pp. 217–29/139–51.
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The problems with all three readings raise anew the question: Does Hegel really have a single coherent doctrine, one that saves the strengths and expends the weaknesses of voluntarism, rationalism and historicism? He indeed does have such a doctrine, though it is profoundly metaphysical, resting upon his absolute idealism.

Hegel’s theory about the sources of normativity are based on his social and historical conception of reason, which ultimately derives from his Aristotelian view that universals exist only in re or in particular things. The fundamental claim behind this conception is that reason is embodied in the culture and language of a people at a specific place and time. There are two more basic theses behind this claim, both of them deeply Aristotelian. First, the *embodiment thesis*: that reason exists as the specific ways of talking, writing and acting among a specific people at a specific time. This thesis states that to understand reason, we must first ask ‘Where is reason?’, ‘In what does it exist?’ It claims that the answer must lie in the language, traditions, laws and history of a specific culture at a specific time and place. Second, a *teleological thesis*: that reason also consists in the telos of a nation, the fundamental values or goals that it strives to realise in all its activities. The teleological thesis derives from Hegel’s immanent teleology, which he applies to the historical world as well as the natural. Hegel thinks that just as each organism in the natural world has a formal-final cause, so each organism in the social world has such a cause, which consists in its defining values or ideals. In his philosophy of history Hegel will argue that these values and ideals play a decisive role in determining the actions of people in a culture, even if they do not pursue them in an organised and co-ordinated manner, and even if they are not aware of them.

True to his immanent teleology, Hegel understands norms and values essentially as the formal-final causes of things. The norm or law for a thing consists in its formal-final cause, which is both its purpose or essence. In Aristotle, the form or essence of a thing and its purpose or end are essentially one and the same, because it is the purpose or end of a thing to realise or develop its inner essence or nature. Hence we determine whether something is good or bad, right or wrong, according to whether it realises this purpose or essence. The good or right is that which promotes the realisation of this end; the bad or wrong is that which prevents its realisation.

It is important to see that this formal-final cause has both a normative and ontological status: a normative status because a thing ought to realise its essence; and an ontological status because this essence exists in things as their underlying cause and potentiality. It is for this reason that norms
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have an objective status for Hegel: the formal-final causes are in things whether or not we recognise or assent to them. It is also for this reason, however, that norms are not simply to be identified with whatever happens to exist: the norm is what is essential to a thing, and it is not necessary that it is realised in all circumstances. Since the norm has an objective status, existing inherently in things, we cannot understand it, pace the voluntarists, as the result of convention or agreement; but since the norm is also the essence of a thing, its ideal or intrinsic nature that it might not realise in its specific circumstances, we also cannot reduce it down to any accidental or incidental facts, such as the present status quo, pace the historicists. Hence Hegel breaks decisively with one of the basic premises of the voluntarist tradition: the distinction between ‘is’ and ‘ought’, between facts and values. But in doing so he never fell into the historicist camp, which virtually conflated ‘ought’ and ‘is’ by identifying the rational with any set of social and historical circumstances.

In fundamental respects, Hegel’s Aristotelian doctrine places him very firmly in the scholastic branch of the natural law tradition. It was indeed Aristotle’s metaphysics that inspired some of the classics of that tradition, such as Hooker’s Laws of Ecclesiastical Politie (1597) and Suarez’s De Legibus ac Deo Legislatore (1612). Hegel was fully aware of his debt to the Aristotelian natural law tradition, and he was indeed intent on preserving and continuing it. It is indeed for this reason that he subtiles the Philosophie des Rechts ‘Naturrecht und Staatswissenschaft im Grundrisse’. It would be a serious mistake, however, to see Hegel’s theory simply as a revival of the traditional scholastic doctrine. For, in two basic respects, Hegel transforms that tradition so that it accords with his modern age. First, Hegel identifies the formal-final cause not with perfection, the traditional concept, but with freedom itself, in accord with the modern definition of humanity given by Rousseau, Kant and Fichte.36 Second, he applies his immanent teleology on the social and historical plane, so that it applies to the entire spirit of a nation, the whole social and political organism. Thus Hegel took the central concept of the historicists – the Volksgeist, the spirit of a nation – and cast it in Aristotelian terms, so that it became the underlying formal-final cause

36 One might object: it is impossible to identify a formal-final cause with freedom because freedom consists in the power to make oneself whatever one is, and so destroys the idea that we have a fixed essence or nature. Hegel’s concept of freedom, however, does not deny but implies this idea because it identifies freedom with acting according to the essence of one’s own nature. Pace Wood 1990, pp. 18, 43, 45, we must not identify Hegel’s concept of freedom with Fichte’s thesis that the self is only what it posits itself to be.
of a nation. When we put both these points together – that the formal-final cause is freedom and that all nations have such a formal-final cause – we get the fundamental thesis of Hegel’s philosophy of history: that the goal of world history consists in the self-consciousness of freedom. Armed with this thesis, Hegel believed he could take into account the truth of historicism while still avoiding its relativistic consequences. Since the self-awareness of freedom is the goal of world history, it provides a single measure or criterion of value. We can now talk about progress, appraising cultures according to whether they promote or hinder the realisation of this goal.

Understanding Hegel’s normative theory in Aristotelian terms enables us to explain what at first sight seems an irresolvable contradiction: namely, Hegel’s insistence upon the objective status of value and his claim that values are made by human beings. This apparent contradiction is resolved as soon as we recall the classic Aristotelian distinction between what is first in order of explanation and what is first in order of existence. While universals are first in order of explanation, because we know what a thing is only through its properties, they are not first in order of existence, because to exist they must first be in particular things. While Hegel thinks that the formal-final cause is first in order of explanation, he does not think that it is first in order of existence. It is only through the activity of particular wills, he argues, that it comes into existence. So, although having normative status does not depend on the wills of individuals, these norms are still realised or actualised only in and through these individual wills. The voluntarist then made the classic confusion: he assumed that what is first in order of existence – the particular will – is also first in the order of essence and explanation.

We are now finally in a position to understand, in summary fashion, how Hegel’s social-historical teleology preserves the truths and cancels the errors of the rationalist, voluntarist and historicist traditions. The rationalists were correct that values are within nature and that they have an objective status; but they were wrong to see them as eternal norms above history or as static essences within nature; rather, these values are realised only in history and through the activity of particular individuals. The voluntarists were right to stress the central role of freedom, and to emphasise the role of the will in bringing values into existence; but they went astray in thinking that the will alone – rather than reason – is the source of normativity. Finally, the historicists were correct to see norms embodied in

37 See Aristotle 1971, Book V, 11 m 101b, pp. 30–6; and Book IX, 8, 1050a, pp. 3–20.
the way of life of a people; but they were too indiscriminate, identifying the formal-final cause, the norm of historical change, with any specific set of social and historical circumstances. Since they did not understand history in teleological terms, the historicist confused the historical explanation of values with their conceptual demonstration: the historical explanation focuses on the factual causes, whereas conceptual demonstration accounts for the underlying formal-final cause.

So Hegel’s normative doctrine was coherent after all, fusing in a remarkable fashion the rationalist, voluntarist and historicist traditions. But there should now be no doubt that the doctrine was deeply speculative and metaphysical, resting upon Hegel’s Aristotelian metaphysics. Hegel made at least three basic metaphysical claims: (1) that universals exist in re; (2) that we can apply such formal-final causes to organisms in the natural world; and (3) that we can also apply them to ‘organisms’ in the social-political world. All these claims added together yield absolute idealism, the ultimate foundation for Hegel’s political thought.

7 The rise and fall of Hegelianism

In the preface to his Philosophie des Rechts Hegel wrote in some famous lines that every philosophy is only the self-awareness of its age. This dictum applied to Hegel’s philosophy too, which was only the self-awareness of its age, the era of the Prussian Reform Movement. This movement dominated Prussian political life during the reign of Friedrich Wilhelm III from 1797 to 1840. Although many of its ideals were far from reality, and although hopes for reform were disappointed time and again in the 1820s and 1830s, many hoped that their monarch would finally deliver on his promises for reform. As long as hope remained, the Hegelian philosophy could claim to represent its age, at least in aspiration if not in reality.

Thus Hegel’s philosophy reigned supreme in Prussia for most of the Reform era, chiefly from 1818 to 1840. Its rise to prominence began in 1818 with Hegel’s appointment to the University of Berlin. Hegel and his disciples received strong official backing from the Prussian Ministry of Culture, especially from two powerful ministers, Baron von Altenstein and Johannes Schulze. They supported Hegel’s philosophy largely because they saw it as the medium to support their own reformist views against reactionary court circles. In 1827 Hegel’s students began to organise themselves, forming their own society, the Berliner Kritische Association, and editing a common journal, Jahrbücher für Wissenschaftliche Kritik. When Hegel died in 1831,
a group of his most intimate students prepared a complete edition of his works.

What did these students see in Hegel’s philosophy? Why did they regard themselves as Hegelians? Almost all of Hegel’s early disciples saw his philosophy as the rationalisation of the Prussian Reform Movement, whose ideals they shared. For the most part (McLellan 1969, pp. 15–16, 22–5 and Toews 1980, pp. 232–4) they viewed themselves as loyal Prussians, not out of any sense of unconditional obedience, but because they were confident that the Prussian state would eventually realise through gradual reform some of the main ideals of the Revolution. They were proud of the political traditions of the Prussian state, which seemed to embody all the progressive trends of the Reformation and Aufklärung.38 Like Hegel, most of the young Hegelians believed in the virtues of constitutional monarchy and the necessity of reform from above (see McLellan 1969, p. 15; Toews 1980, p. 233). The radicalisation of the Hegelian movement would not begin until after the 1840s, after the accession of Friedrich Wilhelm IV. For almost all the Hegelians before 1840, however, Hegel’s philosophy represented the genuine via media between reaction and revolution. It seemed to be the only alternative for those who could not accept the reactionaries’ appeal to tradition or the romantic revolutionaries’ call for a sentimental patriotism.

To the delight of his converts, Hegel saw the ideals of ethical life embodied in the constitution of the modern state rather than in the traditions of the ancien régime or the emotional bonds of the Volk (Toews 1980, pp. 95–140).

Despite their shared sympathies, there were deep tensions among Hegel’s followers from the very beginning. These became fully public and self-conscious, however, only in the 1830s. When, in 1835, David Friedrich Strauss published his Das Leben Jesu, which argued that the biblical story of Jesus was essentially mythical, battle lines began to form. Some regarded Strauss’ argument as a betrayal of Hegel’s legacy, while others saw it as its fulfilment. The basic issue at dispute concerned the proper relationship of Hegel’s philosophy to religion.39 To what extent can Hegel’s philosophy rationalise the traditional Christian faith, the beliefs in immortality, the divinity of Christ and a personal God? If these beliefs were incorporated into the Hegelian system, would their traditional meaning be preserved or negated? The opposing answers to these questions gave rise to

38 This becomes most visible in Karl Köpcken’s tract Friedrich der Grosse, Leipzig 1840. See McLellan 1969, p. 16.
39 For a further exploration of some of these religious issues, see Brazill 1970, pp. 48–70; and Toews 1980, pp. 141–202.
the famous division of the Hegelian school into a right wing, left wing and centre. This distinction is not anachronistic since it was made by the Hegelians themselves. According to Strauss, there were three possible positions regarding this issue: either all, some or none of the traditional Christian beliefs could be incorporated into the Hegelian system. He then applied a political metaphor to describe these positions. The right wing held that all, the centre that some, and the left that none, could be accommodated by Hegel's system. Among the chief right-wing Hegelians were Henrich Hotho (1802–73), Leopold von Henning (1791–1866), Friedrich Förster (1791–1868), Hermann Ninrichs (1794–1861), Karl Daub (1765–1836), Kasimir Conradi (1784–1849), Phillip Marheineke (1780–1846) and Julius Schaller (1810–68). Among the moderate or centre Hegelians were Karl Michelet (1801–93) and Karl Rosenkranz (1805–79). And among the prominent left-wing Hegelians were Ludwig Feuerbach (1804–72), Arnold Ruge (1802–80), David Friedrich Strauss (1808–74), Max Stirner (1806–56) and, in his later years, Bruno Bauer (1808–82). The second generation of left-wing Hegelians included Karl Marx, Friedrich Engels and Mikail Bakunin.

Although the battle lines between the Hegelians first became explicit and self-conscious over a theological issue, their religious differences were ultimately a reflection of their deeper political ones. These political tensions had been present in the early 1820s, but they became more apparent in the 1830s (see Töews 1993, pp. 387–91). The basic question at issue concerned the extent to which existing conditions in Prussia realised Hegel's ideals. Here again the Straussian metaphor proved useful to describe the various positions in the debate. The right held that most, if not all, conditions in Prussia fulfilled Hegel's ideals; the centre claimed that some did; and the left believed that few, if any, did. Although there was an apparent chasm between right and left, the dispute between them still took place within the broad confines of Hegel's reformism. All parties remained true to Hegel's basic principles and ideals; they simply quarrelled over the extent to which they were now realised in Prussia. Despite all their disillusionment, the left Hegelians continued to uphold their belief in the unity of theory and practice throughout the 1830s. They were still confident that, even if the present conditions were in conflict with Hegel's ideals, they would not remain so because of the dialectic of history.

40 Strauss 1841, iii, p. 95.
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These religious and political controversies within the Hegelian school were not so easily resolvable because they involved an apparently intractable problem in the interpretation of Hegel’s metaphysics.\(^{41}\) Namely, what is the nature of Hegel’s concrete universal, his synthesis of the ideal and real, the universal and particular? Both left and right could point to some aspects of Hegel’s teaching to support their case. For their part, the right argued that Hegel maintains that the universal exists only in the particular, that theory must conform to practice, and that the real is rational or ideal. This side of Hegel’s philosophy seemed to show that the historical facts of Christianity, and the present conditions in Prussia, were indeed the realisation of Hegel’s ideals. They objected to the left that they were creating an abstract universal, a gap between theory and practice, by too rigidly distinguishing between ideals and facts. On the other hand, the left contended that Hegel holds that the universal, the ideal or the rational, is the very purpose of history, to which everything eventually must conform. It is a mistake to assume, they replied to the right, that the ideal must exist in just these particulars when it is realised only through the whole historical process. These issues had indeed troubled Hegel himself ever since his early Jena years. The extent to which a philosophical system can explain or incorporate all the contingencies or particularities of experience proved to be an intractable problem. It seemed as if a system must include all particularities, because only then is it concrete and comprehensive; but it also seemed as if it must exclude at least some of them, since reason could never derive all the particular facts of experience. Hence, notoriously, Hegel distinguished between actuality (\(Wirklichkeit\)) and existence (\(Existenz\)), where actuality conformed to the necessity of reason but existence did not.\(^{42}\) But how do we distinguish between actuality and existence? Hegel left his disciples little concrete guidance; hence the disputes among them.

This account of the disputes within the Hegelian school seems to follow, or at least confirm, that of Engels in his \(\textit{Ludwig Feuerbach und der Ausgang der klassischen deutschen Philosophie}\).\(^{43}\) According to Engels’ classic statement, the division between right and left Hegelians was essentially a split between radicals and reactionaries. While the radicals adopted Hegel’s method and his dictum that the rational is the real, the reactionaries embraced his system and his dictum that the real is rational. Engels’ account does contain some

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\(^{41}\) Brazill 1970, pp. 17–18, seems to me to be incorrect in arguing that the divisions between the Hegelian School did not result from any ambiguity in Hegel’s philosophy. This underrates the interpretative problems regarding Hegel’s dictum about the rationality of the real.

\(^{42}\) The distinction is in Hegel 1989, §6.

important germs of truth: that the fundamental split in the movement arose from an ambiguity in Hegel’s philosophy, and that it concerns the question of the rationality of present conditions in Prussia. However, it is important not to take it too literally or to draw broader conclusions from it. It is misleading in several respects:

(1) Throughout the 1820s and 1830s, the division between right and left was not between radicals and reactionaries, but between opposing wings of a broad reformist politics. The radical currents of left-wing Hegelianism developed only in the 1840s, after the accession of Friedrich Wilhelm IV; and even then there was not that much of a split between radicals and conservatives because right-wing Hegelianism virtually disappeared (Toews 1980, pp. 223–4, 234–5).

(2) The distinction between method and system is not only artificial, but also insufficient to distinguish between right and left Hegelians. After the 1840s the left rejected the method as much as the system because they lost all their faith in the dialectic of history (Toews 1980, p. 235).

(3) Engels interprets the division in narrow political terms, though religious differences occasioned the split in the first place (Brazill 1970, pp. 7, 53; McLellan 1969, pp. 3, 6).

What finally shattered and dissolved Hegelianism was not its internal disputes, its centrifugal tendencies alone. For, as we have seen, the debates of the 1830s continued within a Hegelian framework, never renouncing the grand Hegelian ideal of the unity of theory and practice. What did defeat Hegelianism was the very card its master most loved to play: history. In 1840 the Prussian Reform Movement came to its end. In that fateful year both Altenstein and Friedrich Wilhelm III died. Hopes for reform were raised again with the accession of Friedrich Wilhelm IV. And, indeed, he began his reign with some popular liberal measures: amnesty for political prisoners, the publication of the proceedings of provincial estates and the relaxation of press censorship. It did not bode well, however, that the new king’s personal politics were very reactionary. He advocated government by the old aristocratic estates, disapproved of the plans for a new constitution, insisted upon protecting the state religion and even defended the divine right of kings. Sure enough, there were some very ominous developments. In 1841, Friedrich Wilhelm showed his political colours by inviting
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Schelling to Berlin ‘to combat the dragonseed of Hegelianism’. Then, in 1842, the government began to impose censorship, forcing the Hegelians to publish their main journal, the *Hallische Jahrbücher*, outside Prussia. For any Hegelian in the 1840s, then, this course of events could only be profoundly discouraging. Rather than marching forward, as Hegel assumed, history seemed to be moving backwards.

Once the forces of reaction began to assert themselves, it was inevitable that Hegel’s philosophy would collapse. The very essence of Hegel’s teaching made him vulnerable to historical refutation. The great strength of Hegel’s system lay in its bold syntheses – of theory and practice, of rationalism and historicism, or radicalism and conservatism – for these seemed to transcend the partisan spirit, granting every standpoint a necessary, if limited, place in the whole. But the great strength of Hegel’s philosophy was also its great weakness, its tragic flaw. For, as we have seen, all these syntheses rested upon a single optimistic premise: that reason is inherent in history, that the laws and trends of history will inevitably realise the ideals of the Revolution. It was just this optimism, though, that seemed to be refuted by the disillusioning events of the early 1840s. Hegel had bet his whole system on history; and he had lost.

It is not surprising to find, then, that the neo-Hegelian debates of the 1840s take on a new dimension. The question is no longer how to praise and interpret Hegel but how to transform and bury him. The publication of Feuerbach’s *Das Wesen des Christenthums* in 1841 convinced many of the need to go beyond Hegel. In 1842, Arnold Ruge, a leading left Hegelian, published his first criticism of Hegel. And in 1843 Marx and Engels would begin their ‘settling of accounts’ with their Hegelian heritage in *Die deutsche Ideologie*. Internal feuding lost its former energy and meaning. Many of the right-wing Hegelians became disillusioned with the course of events and joined their brothers on the left to form a common front against their reactionary enemies (Toews 1980, pp. 223–4). The common framework for the debates of the 1830s also quickly disappeared. Rather than reaffirming the ideal of the unity of theory and practice, many Hegelians asserted the rights of theory over practice. It seemed to Bruno Bauer, for example, that the growing gap between ideal and reality in Friedrich Wilhelm’s Prussia could be overcome only by ‘the terrorism of pure theory’.

By the close of the 1840s, Hegelianism was rapidly becoming a fading memory. Having been the ideology for a reform movement that had failed, it could not be the ideology for the Revolution of 1848. Thus the grandest philosophical system of the nineteenth century, and one of its most influential philosophical movements, disappeared into history. The owl of Minerva flew from her roost over Hegel’s grave.