Generating freedom: Hegel's conception of political order

Tijsterman, S.P.

GENERATING FREEDOM

Hegel's conception of political order

Sebastiaan Tijsterman

Generating freedom

Hegel's conception of political order

Colophon
Generating freedom. Hegel's conception of political order.

Cover photo: Street art in Tübingen. *Dichter und Denker auf Stromkästen*
Photo: Sebastiaan Tijsterman

Layout and printing: ProefschriftMaken, De Bilt, Nederland

ISBN: 9789464698763

Generating freedom
Hegel's conception of political order

Proefschrift

ter verkrijging van
de graad van doctor aan de Universiteit Leiden,

op gezag van rector magnificus prof.dr.ir. H. Bijl,
volgens besluit van het college voor promoties

te verdedigen op dinsdag 16 april 2024
klokke 16.15 uur

door
Sebastiaan Pieter Tijsterman

Geboren te Gouda
in 1975

Promotor:	Prof. dr. M.R. Rutgers
Copromotor:	Dr. T. Fossen
Promotiecommissie:	Prof. dr. H.H.A. van de Brink, Universiteit Utrecht
	Prof. dr. S.E. Lindberg
	Prof. dr. C. Meckstroth, Cambridge University, UK
	Prof. dr. P. Nieuwenburg
	Dr. F.W. Zantvoort

CONTENTS

Abbreviations of works cited

Works by Hegel referred to by abbreviation:

Enc *Encyclopedia of the Philosophical Sciences in Basic Outline*. *Part I: The science of Logic.* Translated by K. Brinkmann & D.O. Dahlstrom,, Trans.). Cambridge University Press, 2010. Cited by paragraph (§)
Enzyklopädie der philosophischen Band Wissenschaften I. Suhrkamp Gesamte Werkausgabe, Band 8

GC *The German Constitution (1800-1802)*. In: *Hegel Political Writings*. Translated by H.B Nisbet. Cambridge: Cambridge University Press, 1999.
Die Verfassung Deutschlands (1800-1802). Suhrkamp Gesamte Werkausgabe, Band 1:449-581.

L *The Science of Logic* (1832). Translated and edited by George di Giovanni. Cambridge: Cambridge University Press, 2010.
Wissenschaft der Logik. Suhrkamp Gesamte Werkausgabe, Band 5 &6

LNR *Lectures on Natural Right and Political Science*. Translated by J. Michael Stewart and Peter C. Hodgon. Berkely: University of California Press, 1995. Cited by paragraph.

PEAW "Proceedings of the Estates Assembly in the Kingdom of Württemberg." In: *Hegel's Political Writing*. Translated by T. M. Knox. Oxford: Clarendon Press, 1964.
Verhandlungen in der Versammlung der Landstände des Königreichs Württemberg im Jahr 1815 und 1816. Suhrkamp Gesamte Werkausgabe, Band 4:462-597.

PR *Elements of the Philosophy of Right.* Edited by Allen Wood. Translated by H. B. Nisbet. Cambridge: Cambridge University Press, 1991. Cited by paragraph (§), except for Preface, which is cited by page number. R stands for Remark and A for Addition.
Grundlinien der Philosophie des Rechts. Suhrkamp Gesamte Werkausgabe, Band 7

VPR *Vorlesungen über Rechtsphilosophie* (1818-31). Edited by K.-H. Ilting. 4 vols. Stuttgart: Fromann, 1974. Cited by volume and page number.

VPR19 *Philosophie des Rechts: Die Vorlesung von 1819/20*. Edited by Dieter Henrich. Frankfurt: Suhrkamp, 1983.

Further abbreviations used:

CS Rousseau, *The social contract*. In: *Rousseau. The social contract and other later political writings.* Edited and translated by Victor Gourevitch. Cambridge: Cambridge University Press, 1997. Cited by book and chapter.

1. HEGEL AND THE STUDY OF POLITICAL ORDER

1.1 Introduction

This study offers a reconstruction of Hegel's theory of political order. It explores his understanding of political community, and the role the ensemble of institutions, such as the market, the state, the civil service, citizenship, and parliament, play in the generation of a free political order.

The issue of political order does not present itself to every age with the same vigour and urgency. In relatively stable times in which levels of trust and satisfaction are high, citizens tend to consider their political order as self-evident and natural and, consequently, see little reason for critical scrutiny. In retrospect, the post-war half-century in Western liberal democracies easily appears as such an era. Even if we take into account pockets and episodes of protest, such as the appeal of the communist alternative, the protest of the '68 generation and the emergence of the environmental movement, the claim that in this era the liberal-democratic conception of order had acquired dominance both as idea and practice does not seem to be overly controversial.

In recent decades, this dominance has begun to dissipate. Virtually all Western democracies have experienced a wave of political discontent and the rise of populist parties and politicians who channel this discontent. These parties do not merely offer, like other political parties, an alternative political programme, but they also challenge core principles of the current order, substituting liberal values and practices for illiberal ones. Western liberal-democracies seem to be caught in a widespread doubt about how to respond to the autocratic tendencies both within their borders and worldwide, and about their own ability to respond to the enormous challenges of the 21st century. In this situation, rethinking political order is of vital importance.

This study aspires to contribute to this task of rethinking the nature of a free political order and in particular how it can reproduce itself. What role do institutions such as the market, citizenship, the state apparatus and representation play in generating a free political order? This study, however, will not respond directly to current developments. Instead, it offers a reconstruction of Hegel's theory of political order because this theory offers a fundamental and highly sophisticated reflection on the nature and production of a free political community. Moreover, Hegel's approach offers an alternative to the liberal approach to political order that dominates current thinking. A reconstruction of his theory of order, therefore, could help us to regard political order from a richer perspective in order to face contemporary problems more successfully.

This introductory chapter lays the foundation for this study. The next section (1.2) gives a more precise definition of the object of this research, conceptions of political order.

Besides, it discusses briefly the approaches to political order that dominate the field: the liberal and republican views. Finally, this section reflects on the shortcomings of the way the current crisis of political order is generally understood and on the role Hegel's theory of order could play in countering these.

The subsequent section (1.3) seeks to offer reasons for going back to the philosophy of Hegel. Why are his thoughts on political order still relevant in light of our problems and questions? Besides this, the section also tries to justify the value of yet another account of Hegel's political philosophy. What does this focus on Hegel's theory of order add to other accounts of Hegel's political philosophy?

In the penultimate section (1.4), I deal with the methodological question of whether it is justified to offer a reconstruction of Hegel's theory of order, as Hegel, in his writings, responds to the problems of *his* age, which was in many respects different from ours. Can we reconstruct a theory of order which has relevance for us? And what is the status of such a theory?

The final section (1.5) introduces the four sub-questions this study will address to answer the central question 'What is Hegel's conception of political order?' In addition, this section briefly previews how each chapter contributes to answering this question.

1.2 Investigating conceptions of political order

Defining conceptions of political order

The central research object of this study is political order, a comprehensive concept which includes the functioning of various institutions such as society, government and representative bodies. A synonym for political order might be the concept of the state (for instance, Steinberger 2004; Vincent 1987) when used comprehensively, that is, not as a synonym for government. This kinship of political order and state can be explained easily. In modern times, the state is the dominant form into which political order is shaped (and not, for example, into an empire or a city). For this reason, Hegel also presents his theory of political order as a theory of the state. Nevertheless, in this study I prefer the concept of political order to that of the state precisely because the state already prefigures a specific type of order.[1]

Let us now define what we mean by a conception of political order more precisely. A conception of political order is a set of interrelated beliefs about the nature, purpose and

[1] The use of the state as the central concept for exploring political order would bring up questions about the position of the (nation) state in an age of globalisation and that of supranational institutions, such as the EU. By using the concept of political order, this study seeks to have relevance also for settings which do (no longer) fit the state framework.

values of political life and political rule and what this implies for the organisation of socio-political life.[2] As the notion of order suggests stability, it includes beliefs about how this organisation of the political life can reproduce itself and realise its values, for example, beliefs about the function of the civil service, the legislature, citizenship, or the market. Conceptions of order, therefore, contain both normative and empirical assumptions, for instance, the belief that the political system should protect the freedom of citizens (normative) and that individuals' free interactions contribute positively to the thriving of society (empirical). Finally, conceptions of political order can be explicated as coherent theories. Often, however, they function on a less conscious level, ingrained in human practices.[3]

Conceptions of political order matter in practice: they help to navigate the political world and determine responses to political events. What does it mean to be a citizen of a political community? What obligations do citizens have to each other? Do majorities have the right to decide in the name of all? What is the task of government? Do free markets contribute to the thriving of society? What is the purpose of elections? What kind of responsibility do civil servants have for political order? The answers to these questions have recourse to the underlying conception of political order.

Two basic orientations

The political world contains numerous conceptions of political order. Political ideologies such as Marxism, anarchism or libertarianism could be considered conceptions of political order as well. This study, however, will not consider these political ideologies as they predominantly offer a critical account of the dominant order from a specific normative perspective, without elaborating on how their alternative could reproduce itself. These accounts do not sufficiently take the practice of the generation of order into account.[4] In contrast, we could consider practices of organising order in the (constitutional) structures of particular countries. However, such an approach is too specific for this study's purposes, which is interested on a more fundamental level in ideas about the reproduction of political order, which sustain a variety of specific local practices.

This study examines Hegel's conception of political order in relation to two basic orientations: the liberal and republican conceptions of political order. I have two reasons for this. First, the dominant conception of political order in the post-war period, liberal

---

[2] Unlike many other basic political science concepts such as democracy or state, political order does not seem to have authoritative definitions. This definition is entirely attributable to the author of this work.

[3] Conceptions of political order are largely similar to Charles Taylor's notion of social imaginaries (2004). Given its focus on political institutions and their role in the reproduction of order, the scope of conceptions of political order is somewhat narrower.

[4] In this respect, Marxism is typical as it contains an elaborate critical theory of a capitalistic economic and political order and how it reproduces itself, but not how a socialist order, one based on freedom, functions and reproduces itself.

democracy, could be regarded as a combination of both approaches as it has as its fundamental values both the protection of individual freedom (liberal) and facilitating citizen participation in collective decision-making (republican/ democratic). As I want to use Hegel's political philosophy to investigate the strengths and weaknesses of the liberal democratic political order, I have to work out both conceptions of order that it aims to combine in more detail. Second, Hegel's political philosophy could be read as itself an attempt to reconcile these basic orientations (Wallace 1999).

Before introducing both orientations in more detail, it is helpful to determine what characterises modern conceptions of order compared to pre-modern ones.[5] First, in pre-modern societies, religion and tradition legitimated the political order. For understanding and justifying political order, the will of God, as expressed in the teachings of the Church, and the Tradition, were regarded as authoritative (Arendt 2006, 116–22).[6] Modern conceptions of order, in contrast, reject both sources of justification. Instead of invoking a transcendental standard, political rule must be explained and justified immanently; it must accord with human nature and the human will. From this perspective, Thomas Hobbes's political philosophy (1996) was ground-breaking, as he explicitly deduced political order from the state of nature, his account of man's original nature.

Likewise, modern conceptions do not recognise the past as a template of order. As a consequence of the experience of widespread change in all domains of life, modernity comes to regard society as deeply historical and continuously evolving. From this perspective, the present is no longer experienced as a repetition of a timeless pattern but on its way to a new future. Consequently, modern political order can also be justified by pointing to the future it should help to realise (Gauchet 2015). The totalitarian ideologies of the twentieth century, fascism and communism, exemplify this orientation towards a new future. Still, supporters of liberalism tend to assume that a free society and a free market would lead to social progress.

In the second place, modern conceptions of political order substitute hierarchy, social stability or an overarching conception of the good as dominant values for freedom and equality. According to the social contract theories, individuals were in the state of nature equal and free. The central question for modern political orders is how to order a political community which realises these fundamental values. For liberals, this implies protecting individual rights and the need for citizens' active or implicit consent.

Let us turn now to both basic orientations to political order and describe each of them in terms of their views on the nature of society, the state (government) and citizen participation. The liberal conception of political order sees society as a *space* in which

---

[5] Precise designations of these time periods cannot be given. The transition from premodernity to modernity is a process that has taken centuries, starting from the late Middle Ages or Early Modern Age up to the present age.

[6] Of course, there can be a tension between both, but generally they were supposed to work together.

individuals interact on the basis of having innate rights. The liberal conception does not take society as a community or a unity in which individuals are, first of all, participants. Instead, free individuals are the starting point for considering society.

Individuals in the liberal understanding are autonomous. They have the right to pursue their own goals as long as they respect the rights of others. As a result, liberal society is pluralistic. The freedom of individuals will logically result in a diversity of goals and values. In this conception, the community has no overarching goals except for facilitating individual autonomy. Second, society will (also) obtain the character of a market. To realise their goals, citizens will use their rights to buy, sell, and enter into contracts.

The liberal conception justifies individual rights on two levels. From a deontological perspective, individual civil liberties have an absolute, non-negotiable value, as they correspond with humans' (original) nature. From a consequentialist perspective, the freedom of individuals instigates a social dynamic which propels society forward. The free market, which follows the protection of property rights, generates wealth for society at large, while civil society, the social life based on civil liberties, stimulates moral and intellectual progress.

The liberal conception of order regards the state, the domain of political rule, as instrumental. The state must facilitate society: it must protect the freedom of individual citizens (which will foster societal progress). As a consequence of this, the state stands under a double imperative. On the one hand, the state must be a force of intervention that stands above society, powerful enough to guarantee citizens' rights, resolve conflicts, and implement citizens' policy preferences. On the other hand, state power must be limited. Liberalism has a negative conception of freedom, according to which laws and regulations restrict freedom. A free society is a space where interactions are based on individuals' uninhibited choices. Governmental interventions are taken as infringements on this space of freedom. Moreover, the state's overwhelming power also endangers the existence and development of a free society. Therefore, the idea of limited government is an essential constitutional dogma of liberalism.

Finally, the liberal conception of political order contains a conception of citizen participation. Central to this conception is the risk governments pose of overstepping their role and not fully respecting individuals' innate rights. Elections appear from this perspective as a powerful means to prevent this as they enable citizens to send their current rulers away. In the liberal conception of order, the primary purpose of citizen participation, therefore, is to hold governments accountable. Next to this, elections offer citizens influence over government policies. Citizens in the liberal order have the right to pursue their interests, while the state must refrain from imposing its conception of the good on society. The liberal conception of order rejects paternalism. Policy choices, consequently, should be based on

the preferences of citizens. Elections are also a means to articulate and aggregate citizens' preferences so policy outputs respect citizens' autonomy as much as possible.

As the liberal conception of political order contains these democratic elements, we could also speak of a liberal-*democratic* conception of political order. In everyday language, however, the notion of democracy goes beyond these aspects. Then, democracy refers to a regime which attributes sovereignty to the political will of citizens; they should determine the outcome of political decisions. This understanding of democracy does not fit the liberal conception of order. Democracy within the liberal approach does not give the people the right to rule themselves directly. The political order must respect the basic liberal principles, whatever the will of citizens. This idea of representative *government* (Manin 1997) to a considerable degree, overlaps with this liberal conception of democracy, as it explicitly rejects the ideal of popular democracy: citizens have the right to elect representatives, but, once in office, these are supposed to be semi-independent. Instead of enabling popular rule, elections are supposed to be elitist or aristocratic.[7]

The republican conception, in contrast, approaches political order from the value of collective self-government. This conception has a distinctive *political* understanding of political order; it results from processes of *political* decision-making in which citizens must actively participate as equals. This political understanding stands in opposition to the liberal idea of political order, in which order primarily emerges out of the decentralised interactions of individuals in society or on the market, sustained by a governmental apparatus to protect these free interactions. In the republican approach, democracy is not primarily a means to hold the government accountable and bring self-interest into political decision-making. Instead, democracy is the mechanism for organising the deliberative processes necessary for self-government. In this perspective, the political institutions by which citizens determine and implement their political will are public property. This view differs from the liberal one, in which the political institutions are rather the technical, external instruments by which society attempts to safeguard individual rights impartially and effectively.

A different conception of freedom informs the republican conception of order, democracy, and government. This conception rejects the liberal view, according to which freedom is the property of individuals, which amounts to not being interfered with. In the republican conception, freedom is fundamentally political: it is the capacity of society as a whole to govern itself. This understanding does not imply the absence of intervention as such but of powers, both outside and inside the political community, to impose their will on society arbitrarily, *against* the will of citizens. The experience of freedom in this conception does not consist in freedom of choice but in holding the laws and decisions which structure the political community as society as one's own.

---

[7] The authors of the Federalist Papers (1787 (1987)) express this idea at No. 10.

Finally, the view of the political community differs from the liberal idea, which does not conceive society as a prior unity but as the aggregate of individuals who freely interact with each other. The obligations of political life must be justified in the liberal perspective by reference to the freedom of individuals. The republican account, in contrast, starts from the idea of a political community of which individual citizens are, in the first place, *members.* As members and participants, citizens can co-determine the political will of the community. The republican account also presupposes that citizens experience a sense of belonging in their political community and solidarity with its members. Besides, citizens must have the virtues which enable them to give prevalence to the good of the community over their private good.

The roots of the republican conception of order go back to antiquity (*cf.* Chapter 2), but, as an ideal, it remains appealing in modern societies. In the modern age, this ideal generally goes together with the notion of popular sovereignty, according to which citizens as a collective form the highest authority in a political community and, therefore, have the right to make laws as they see fit. Because it generally also includes the idea that the majority has the right to speak for the political community as a whole, it stands opposed to the liberal conception, organised around the idea of *individual* sovereignty.

The crisis of liberal democratic order

In our reading, the post-war order that we commonly refer to as liberal democracy is a combination of both the liberal and republican conceptions of order.[8] On the one hand, the order shows many characteristics of the liberal model: a free market, a society which allows for social pluralism, an emphasis on the value of individual freedom, and more broadly, the emancipation of the individual. Also, the state fits to a large extent the liberal model: a crucial task of the state is to uphold the rule of law and to protect citizens' rights. Moreover, it should refrain from being paternalistic. Finally, in this setting, democracy can be seen as a means by which voters keep government accountable and articulate their (private) preferences for governmental policies.

On the other hand, it is not difficult to point out republican elements in citizens' self-understanding and the institutional practices in this era. The meaning of democracy in the post-war period was clearly not limited to the liberal functions of the articulation and aggregation of social preferences and keeping government accountable. Democracy also meant self-government. For this self-government, political parties were of crucial importance. Especially in the days when parties had a stronger ideological character, they were not merely interest groups aiming to push the private interest of their members and voters but also associations with a conception of the common good. On this basis, election

[8] This reading does not seem to be controversial. Mair (2006), for instance, distinguishes between constitutional (i.e. liberal) and representative (i.e. popular) democracy.

results could be interpreted as an expression of the political will of the community. Electoral democracy thus could be said to approximate the ideal of self-government, because political parties arose out of a mass membership rooted in society, thus creating a connection between society and the state, the domain of political office.

In addition, the liberal conception of society did not fully describe how the members of political communities understood society. In general, they did not conceive of society as merely a space in which individuals interact freely. The political community was also experienced as a distinctive unity, generally referred to as the nation, which defined the identity of its members. They were not only individuals but also citizens. As part of this unity, citizens were supposed to have solidarity with their fellow citizens and share the responsibility of fostering the common good.

After the Second World War, the liberal-democratic order claimed moral superiority over the other heirs of modernity, fascism and communism, because it respected individual (human) rights and democracy. The political, legal and economic system, which consisted of parliamentary democracy, universal suffrage, free and fair elections, the rule of law protecting a wide range of civil liberties, a free market, and welfare provisions to guarantee social rights, was claimed to be the best regime, as it could guarantee individual and political freedom, while at the same time promoting economic growth, fostering civil social relations, and formulating rational policies. After the fall of the Berlin Wall, liberal democracy could establish itself as the uncontested standard, a position theoretically underlined by Fukuyama's thesis (2006) about the end of history. It was precisely the combination of self-government (political freedom) and protection of liberal rights (individual freedom) that liberal democracy was believed to fully satisfy the desire for freedom.

In this era, liberal democracy appeared as an order with a solid internal consistency. The instruments of democratic self-government, elections and party democracy seemed to work perfectly in tandem with the protection of rights and prevalence of markets. Individual and political freedom did not appear as opposed but compatible and complementary. The protection of rights and the practice of democracy were supposed to reinforce each other. Market capitalism was generally regarded as a favourable condition for democracy, as democracies were more likely to thrive in wealthier countries (Dahl and Shapiro 2015). Also, the exercise of political freedom required civil liberties: without the freedom of the press, association and opinion, citizens could not make up their minds in elections (Manin 1997).[9] The other way round, political liberties would stimulate the development of a greater understanding of their needs (Sen 1999).

In recent decades, much of the widespread public confidence in liberal democracy has evaporated. Liberal democracies must deal with pervasive political, economic, social, and cultural dissatisfaction. The rise of populism is the most notable manifestation of this

[9] Actually, Manin claims that these civil liberties are first of all political liberties.

development, causing in some states processes of democratic backsliding. Instead of being a robust, consistent system, liberal democracy now appears as a feeble, internally divided compromise of liberalism and democracy.[10]

For this, two developments seem to be responsible. First, the liberal elements of the post-war political order have become stronger at the expense of the republican elements. Politics has increasingly become a matter of juridical-economic governance than democratic self-government. The underlying logic of this governance structure lies in governmental decisions to leave more to the free social interaction of society, including the market. The rules for this interaction have to be determined politically, for example, through trade agreements, but once ratified, democratic bodies, in principle, no longer have a role. The enforcement of the rules, the settlement of conflicts and often also the authority to further regulate a domain has been delegated to special (supranational) agencies, such as the central banks, competition or medicine authorities, which are insulated from parliamentary decision-making to apply the rules independently, based on expertise only (Stoker 2011). Likewise, courts have gained prominence in this setting as societies turn to them more often to arbitrate in the case of conflicts between social actors or regulators and social actors.

As a result of this development, many decisions are made outside of parliament and the direct visibility of citizens, thus reducing democratic self-government. Moreover, the role of parliament is sometimes further constrained by the increased importance of courts due to the worldwide proliferation of judicial review, in which supreme courts check parliamentary decisions for violating fundamental (individual) rights and, if necessary, invalidate them (Mounk 2018). Finally, the inequality resulting from market interactions also entails a growing political inequality, whereby the majority of citizens has only little influence on the outcome of political decisions (Gilens and Page 2014)

Taken together, the democratic landscape has been transformed into a liberal, rights-based social space, managed by the interaction of markets, courts, and other counter-majoritarian institutions.[11] This development, in which the market mechanism has become the model for all social interactions, is often referred to as the rule of neoliberalism (Crouch 2011; Brown 2015). In this order, elections still take place, but they no longer offer citizens real influence on the governance of the state.

At the same time, an opposite movement is taking place, whereby democracy reclaims its rights against this rights-based juridical-economic structure. The most conspicuous manifestation of this development is the emergence of populist parties in nearly

[10] This dichotomy has become prevalent through authors such as Zacharia (2003) and more recently Mounk (2018). As explained, this dichotomy distorts the elements that make up liberal democracy. It would be better to speak of a compromise of liberal democratic and republican democratic elements.

[11] The European Union, in particular, despite its aspiration to be democratic, has become the symbol of the transformation of democracy.

all established democracies. Interpreted benignly, populist parties attempt to defend the republican value of self-government.[12] After all, populism promises to give power back to the people. Typical of populism is a view of democracy as majority rule. It declares the people sovereign; their (majority) will should become law. In the populist conception of order, constitutional counterforces and social intermediaries have no right to stand in the way of the popular will. The people have a direct claim on the state.

The popular movement tends to be illiberal as it rejects the legitimate interests and rights of minorities and does not want to limit the state's power. Populism offers a different reading of what society is: no longer a plurality but a homogeneous unity. Populism does not recognise oppositions within the people but only between the people as a whole and those who in their claims do not really belong to the people, such as immigrants and the corrupt establishment, which has betrayed the people's interests.

Due to both developments, the post-war order appears to have fallen into two parts. On the one hand, a liberal order emerges in which citizens no longer experience participation in their community's self-government. Mounk (2018) aptly refers to this order in which people's democratic rights have largely become impotent for determining the nature of the political community as 'undemocratic liberalism'. On the other hand, 'illiberal democracy' is on the rise, which breaks with liberal principles such as limited government and consideration of minority interests. Both options seem to evoke each other. A lack of meaningful democracy generates populism, while the fear of populism's illiberalism entails the need to limit popular influence.

THE NEED TO RECONSIDER POLITICAL ORDER

Each of the two extremes into which the post-war order has disintegrated constitutes a mismatch between the citizen and the political community. As each, in its own fashion, fails to realise freedom, neither seems sustainable. The neoliberal space does not meet citizens' desire to live in a meaningful political order, a 'home', in which they count and feel that the political community is theirs. The populist order does not respect the need of citizens to have their rights and individual freedom respected, especially for those who do not belong to the majority culture. Moreover, the democratic character of populist regimes is also questionable because of the risk of populist rulers turning authoritarian by not respecting the requirements of a democracy in which all votes count as equal (*cf*. Pappas 2019, 10)

In this predicament, the question of how to organise a free, civilised, and reasonable political order has become urgent. So far, the plight of liberal democracy in the face of the

[12] This interpretation is benign, because the populist revolt also has non-republican features, like the desire for a strongman or the use of polarizing strategies which are incompatible with republican politics.

populist challenge is the subject of much scholarly literature, but these reflections have two fundamental shortcomings.

First, most of these studies do not fundamentally investigate the working and potential inner shortcomings of a liberal order, a political order based on the principle of individual freedom. There is a reasonably broad consensus that the strong emphasis on economic liberalism of neoliberalism has eroded the legitimacy of liberal democracy and provoked a populist reaction. However, this critical stance towards the neoliberal order does not scrutinise the potential of a more broadly understood liberal order. For example, Weinman and Vormann (2020) combine their criticism of the expansion of *economic* liberalism with an argument for more *political* liberalism. However, there does not seem to be any reason to take for granted the assumption that fostering individual rights and autonomy brings about a free society. Instead, it is crucial to examine the role of the liberal order itself in the current crisis.[13] Such a critical analysis must consider liberalism's focus on protecting rights, as much as its understanding of society as a collection of individuals and as a market, the state as an instrument of society, and democracy as a means to keep government accountable and foster voters' interests. Similarly, it must investigate the assumption that a liberal order would generate support and legitimacy for itself.

In the second place, most commentators do not take the tension between the liberal and republican orders seriously enough. Exemplary of this approach is Mounk's widely acclaimed *The People versus Democracy* (2018). Despite acknowledging the opposition of electoral democracy and liberalism, Mounk does not explain the current tendency towards undemocratic liberalism and illiberal democracy by reference to this internal tension. In his explanation of the current crisis, the transformations of three external conditions of liberal democracy are crucial: the changing media landscape due to the rise of social media; the changing economy from high growth rates and improving living conditions to economic stagnation; and the changing composition of the population due to waves of immigration. The underlying assumption is that without these changes, populism would not emerge, and democracy would not undermine liberalism. Likewise, his solutions, such as fixing the economy and citizenship education, do not address how to combine democracy and liberalism. Instead, his solution is directed at removing the ground of people's grudges, such as economic inequality and the lack of transparent decision-making, assuming that this could bring the system back to work.[14]

---

[13] There is a critical anti-liberal current, which often has a background in integralist Catholic social theory (Deneen 2019). This approach is radically critical in the sense that the liberal order is definitively rejected, without offering a realistic alternative. What is lacking is a critical reflection on the liberal order in which shortcomings and strengths are weighed up.

[14] There is one exception to this: his argument for a more inclusive nationalism tries to integrate desires for popular democracy.

Consequently, a more critical analysis must examine the tension between the liberal and republican orders and investigate how to combine individual *and* political freedom. What organisation of the political order could succeed in combining both freedoms? What role would the market, the state, democracy and citizenship play in such a free order?

1.3 Hegel's conception of political order

For a thorough examination of both the possibilities and shortcomings of liberal political order and how to combine liberal and republican values, it is worth going back to Hegel's theory of order. In the period after the French Revolution when Hegel developed his thoughts, the question of political order was as urgent as it is now. In this era, a new kind of social and political order was replacing the old feudal order. The rise of commerce, urbanisation and industrialisation were the visible signs of this development, while freedom and equality became the self-evident ideals to guide political life. These developments brought up the question of how constitutions could realise these ideals in practice, in particular after the collapse of the French revolutionary order.

In this period, liberal and republican conceptions of order crystallised and came to be regarded as opposites. Liberalism emerged as a coherent ideology and theory of political order. It inherited Enlightenment ideas such as the idea of a state of nature to underpin human equality and freedom, the originality of the right to property and other rights, the idea that government is only legitimate as long as it respects these fundamental rights, and the deeply held belief that a political order based on such principles would bring social progress. On this basis, early nineteenth-century liberals, such as Hegel's contemporary Benjamin Constant, worked out a liberal political programme. Constant argued that a well-organised and flourishing state would require the protection of civil liberties and the rule of law, the development of commerce and a representative form of government. For him, freedom was the critical value. While Constant, as we will explain in more detail in chapter two, acknowledged the importance of political participation, he saw freedom as a value linked first to the individual and realised in private life.

To some extent, Constant's early liberalism was a direct response to the idea that only democratic self-government could realise freedom. Rousseau reinvented the republican ideal of self-government in the eighteenth century by founding it on the Enlightenment idea of a social contract based on fundamental equality and freedom. Moreover, Rousseau transformed the idea of sovereignty, meaning the (absolute) authority of the king or the state, into popular sovereignty. In Rousseau's philosophy, citizens exercise sovereignty collectively: legislation must be in accordance with the general will of the community, which is to be determined by the majority vote of citizens. In line with older accounts of republicanism, freedom thus consisted in participation in the self-government of the

community. Rousseau's idea of democratic self-government played a significant role in the French Revolution. In the nineteenth century, these ideas would take on a more nationalistic form, partly under the influence of Hegel's contemporary Johan Gottlieb Fichte.

Similar to both liberal and republican thought, freedom was the central value of Hegel's philosophy of freedom. For Hegel, overthrowing the *Ancien Régime* was a step forward. In his major political work, the *Philosophy of Right* (1821), Hegel sets out how the specific organisation of the modern state could realise freedom. This study reconstructs this theory of political order.

In the conflict between liberal and popular accounts of freedom and political order, Hegel does not exclusively fit either camp. In line with liberal ideas, Hegel argues that the political order should grant individuals a social and economic domain to pursue their private ends under the protection of law. Hegel refers to this social and economic sphere as civil society. Simultaneously, he criticises the liberal understanding of political order, which takes the free interactions of civil society as a model for political order at large. In line with republican ideas, citizens in Hegel's theory of order must participate in forming the political will. They must be able to identify with the law and political decisions and take them as theirs. At the same time, Hegel vehemently rejects the idea of popular democracy and equal democratic rights for all individual citizens.

This positioning of Hegel's theory in the tension between the republican and liberal conceptions of political order gives his political thought relevance. Hegel took seriously those same desires which animate current political life and which are so difficult to combine: on the one hand, the desire of individuals to pursue their own ends and find protection for their possessions (the ideal of individual freedom), on the other hand, the desire of citizens to participate in, and shape together, a community in which they experience belonging (the ideal of self-government). Hegel offers a theory of political order in which both conceptions of freedom are not opposed to each other but mutually dependent. This theory, therefore, could offer a direction for circumventing the dangers of illiberal democracy and undemocratic liberalism.

Hegel does not reject individual rights, but he does offer a theory of the shortcomings of the liberal model of order. Such a theory may seem peculiar because only in our age have we witnessed the emergence of a political system which largely corresponds to the liberal idea of order. Nevertheless, Hegel's theory could be read as an investigation into the liberal account of political order. During his age, the freedom to pursue one's own ends had already emerged as a forceful principle to organise political order on. Consequently, Hegel could investigate what political order would be like if organised exclusively on this principle.

Hegel's examination of the liberal order did not stand by itself but was part of his more encompassing investigation of whether and how his age's political structures could

realise freedom. He concluded that a free political order cannot be based exclusively on individual rights and freedom. A free order depends on organically structured social processes which the liberal account of order cannot grasp because its basic assumptions are non-organic. This logic of political order, implicit in Hegel's political theory, is what this study endeavours to foreground.

Hegel's theory of political order should not, therefore, be depicted as a simple compromise between liberal and republican order. Hegel's theory is coherently based on a distinctive social ontology, which rejects individualistic ontologies. The latter understand political and other social bodies by reference to their parts. Instead, Hegel offers a more systemic or organic approach in which individuals and social structures profoundly affect each other. Such an ontology, which I will refer to as relational organicism, does not have starting points as the (liberal) state of nature theories assume: causes are also effects, grounds are also consequences. This perspective opposes both the conception of political order as an instrument of supposedly original individual rights and preferences, and as resulting from the exercise of popular sovereignty. Hegel's sophisticated social theory might serve as the basis for an alternative to the individualistic ontology that has come to dominate modernity.

On the basis of this social theory, Hegel reimagines the nature of the political community, the state, as the sphere of political order. The central institutions in his conception of order largely overlap with those of currently existing states: a professional civil service, a market economy, the rule of law, representative assemblies, active and passive citizenship. At the same time, he offers a distinctive interpretation of how these familiar institutions, in their interplay, produce and reproduce a free and reasonable political order. Crucial in his account of the generation of order is the dialectical relation between the state (understood loosely as governmental institutions) and society (as the domain in which social life, based on the protection of individual rights, develops freely). This conceptualisation of the political community could help us to look with different eyes at familiar institutions, such as the place of the market, the role of the state, and the organisation of democracy in our political life.

This is certainly not the first study to point out the continuing importance of Hegel's political philosophy. For several decades, Hegel has been brought into the spotlight repeatedly, for instance, by Avineri (1974), Hardimon (1994), Franco (1999), Honneth (2001), Peperzak (2001), Pippin (2003; 2008) and Herzog (2013). While this study is indebted to many of these, Neuhouser's (2000) reconstruction of social freedom has been of particular importance. So, what does this study hope to contribute to this impressive list of indebtedness?

First, this study seeks to establish more than previous studies that the discussion of civil society in the *Philosophy of Right* can be read as offering a relevant, full-fledged criticism

of the liberal political order, including its mode of cognition. It draws attention to the *social* pathologies, such as poverty and feelings of alienation, which a liberal order in Hegel's perspective by a logical necessity produces. It also reconstructs the *political* pathologies, such as governmental impotence and hostility against the state, which a liberal instrumental conception of politics must entail (chapters 4 and 5).

Second, previous studies have failed to work out systematically the inner organic dynamics by which Hegel's political order – the state – reproduces itself. Also, beyond the Hegelian context, the question of how free political orders reproduce themselves has seldom been researched. To fill this gap, this study reconstructs how, in Hegel's theory, a free political order regenerates itself in opposing processes between the political institutions of the state and the dynamics of society (chapter 6).

Third, the republican character of Hegel's theory of political order has so far been underlined insufficiently. Because of the decisive role of the state apparatus in Hegel's state and his rejection of the democratic ideal of universal suffrage, it has been generally assumed that Hegel's account of political order does not realise self-government in any meaningful way. Thus, Hegel's theory of order supposedly has very little to say to our democratic age. Against this position, this study interprets Hegel's theory of political order as a sophisticated and coherent attempt to determine how self-government is to be realised under modern conditions (chapter 7). This reading also seeks to establish that his rejection of electoral democracy constitutes a valuable contribution to the question of how modern societies can be free.

In all, the judgment of Hegel's political philosophy of this study differs from other research. Many previous interpretations, starting with Avineri (1974) and Wood (1990), have focused on demonstrating that his work is far more liberal than his post-war reputation as an apologist for Prussian state absolutism and harbinger of twentieth-century totalitarianism. This correction has undoubtedly been valuable: Hegel's point is not that individuals have to bow to a divine state. Hegel is concerned with the well-being of individuals, and he acknowledges that individual civil and political rights are prerequisites for a free order. However, this correction does not mean that Hegel's political order can be considered liberal. Central to Hegel's political philosophy was his concern with the inherent shortcomings of the liberal order and, in particular, its underlying individualistic ontology and mode of cognition. His political philosophy offers to the liberal conception of political order an explicit alternative that acknowledges the fundamental organic dependence of the individual and the community.[15] Citizens should not only or primarily identify as right-holding individuals but always as members of and participants in an organic political community. In

[15] This communitarian aspect of Hegel's political thought has been emphasised by Taylor (1979). More than his reading, this interpretation emphasises not so much how the individual is embedded in the community in general, but in an organically structured political community, intrinsically orientated on the rational.

this respect, this reading differs, for example, from Honneth's reactualisation of Hegel's social theory primarily as a means for the emancipation and flourishing of individuals.[16]

1.4 Methodological justification

This study makes a U-turn from the present into history and back again. It starts with the currently urgent question of how political communities are to be organised in order to be free. Then, it turns towards Hegel, who lived two centuries ago and investigates his answer to this question. Finally, it returns to the present and reflects on the implications of his answers for current societies. Thus, this research assumes that we can turn to a historical author for contemporary enlightenment, and that this past-present dialogue can be justified.

Before proceeding, it must be clear that this investigation of Hegel's political philosophy is not intended to contribute to the history of ideas narrowly understood. The history of ideas has as its central assumption that (political) thinking is historically embedded. Consequently, its purpose is to explain responses to (political) events and (socio-economic) developments by reference to their historical context (Bevir 1999). Research within this discipline would, for example, explain Hegel's political thought by investigating the influence of other bodies of thought, for example, the political economy of the Scottish Enlightenment (e.g. Waszek, 1988), or by taking into account relevant events, such as the French Revolution or the development of the Prussian state (Ritter 1972). This discipline can also explain the conceptions of political order that currently dominate by tracing their genealogy (e.g., Pocock, 1992; Roth, 2003). From this perspective, we could, for example, trace how Hegel's conception of the state has influenced modern conceptions. This study, however, does not aim to explain either Hegel's conception of political order or conceptions that currently dominate by reference to their historical context.

Instead of offering a historical explanation, this research examines the normative-conceptual question of how a free political order *should* be understood. It assumes that the reconstruction of Hegel's answers to this question could help us to formulate answers. For a normative-conceptual analysis, the investigation of historical positions is helpful as well.[17] This research shares, to some degree at least, the idea-historical assumption that thinking is

[16] Overall, this study differs from other recent studies which argue for the contemporary relevance of Hegel's social and political philosophy (e.g., Neuhouser, 2000; Pippin, 2008). Those reactualisations generally emphasize Hegel's liberal credentials, arguing that, for Hegel, the modern state is the condition for the enjoyment of individual rights. This emphasis is one-sided. According to Hegel, the modern state should indeed enable individual freedom. At the same time, the political order is supposed to shape the will of its citizens, whereby they have to transcend their abstract, subjective particularity. For this purpose, individuals should recognise the state as their 'substance' and should eventually accept that sometimes the good of the community has prevalence over the private good. The liberal interpretations do not sufficiently acknowledge the weight the political community has for its citizens according to Hegel (de Boer 2013). Moreover, this liberal interpretation also misses the crucial role of the state apparatus - the civil service - for generating a free order.

[17] Herzog (2013) also combines the history of ideas and normative-conceptual analysis.

contingent on historically developed concepts and beliefs; conceptions of political order have a pedigree. Due to a specific historical path, political reflection is predisposed to take certain features for granted. This historicity entails the risk of neglecting alternative possibilities, limiting the imagination, and running in circles. The current opposition of two views of order, one based on individual and the other on political freedom, may exemplify an unfortunately deeply embedded conceptualisation. To break the circle and challenge the dominant assumptions and moral commitments, a historical author who offers an alternative position, such as Hegel, can be particularly useful for freeing us from our historical prison.

A history of ideas perspective would criticise this use of history as anachronistic. Hegel, just like all humans, was the product of his time and spoke to his time. We can only offer skewed, historically inadequate representations if we do not sufficiently recognise this historical distance and thus assume him to be speaking to our age. Turning to Hegel with our questions will likely project our concerns onto him. Such a description of Hegel's ideas would amount to an exercise in ventriloquism. Rather than drawing on historical authors when dealing with contemporary issues, we must, according to Quentin Skinner (1969, 52), "learn to do the thinking for ourselves".

Even though this research positions itself outside the history of ideas, it must respond to these criticisms. The idea of a reconstruction implies that our needs partially guide the interpretation. We investigate Hegel's conception of order from a 21st-century perspective in which the liberal order in the Western world has become both in thinking and practice the default position, while the desire for self-government has taken the form of modern populism. Consequently, the reconstruction focuses on those elements of Hegel's theory that shed light on the current predicament. This procedure brings up the question of the status of such an interpretation. Is it *Hegel*'s theory of political order, or is it *our* reworking of his thought to the point of ventriloquising?

I do not accept the position that any reconstruction of historical authors informed by current questions and experiences must necessarily do injustice to their thoughts. Hegel, evidently, did not intend to speak to later ages; he wanted to address with his political writings his contemporaries. This, however, does not imply that we cannot *let* Hegel speak to us on the topic of this research: the nature of political order and the shortcomings of a liberal conception of order. A reconstruction of his answer to our question can be faithful to an author's position, even if this author did not write with our age in mind. To be so, interpretations must aim to justify themselves in light of an author's writing. The reconstruction should be backed by sufficient textual proof, convincingly discuss potential counter-evidence, and be internally coherent, able to unite different aspects into a whole. This way, the reconstruction builds an account of what Hegel's position is – or better: would have been. Rorty refers to this approach to historical texts as a rational reconstruction (Rorty 1984, 49).

At the same time, historical authors can only be invoked meaningfully for current questions if there is sufficient common ground. For this reason, astronomists will not appeal to Aristotle's cosmology for a modern-day problem as it is clearly based on assumptions that have turned out to be incorrect. It might be interesting to investigate Aristotle's position for historical reasons, but not for discussing current-day astronomical questions (Rorty 1984, 50). Any attempt to do so would either fail or would have deformed Aristotle's thought to the point of it not being attributable to him.

Unlike Aristotle's cosmology, the fundamentals of Hegel's theory of political order are for two reasons still relevant to our understanding of the nature of a free political community. First, despite its historical distance, Hegel's political theory does not have essential assumptions that are inherently problematic. Clearly, Hegel builds his theory of political order on an organic ontology that fundamentally differs from the dominant liberal ontology informing current approaches to the nature of political community. However, we do not have any compelling reason to consider Hegel's approach as obsolete and the liberal individualist as superior (I will come back to this in 8.4). Instead, Hegel's theory poses a challenge to the current understanding. At the same time, some elements of Hegel's political theory might be claimed to be largely outdated, for instance his account of gender relations. These elements, however, do not seem to be essential for the reconstruction of Hegel's theory of political order, which is predominantly based on Hegel's account of civil society and the state and not on the sphere of the family.[18] (A history of ideas approach, which aims to understand a position in his age and place, would regard such a move as unjustified.)

In the second place, Hegel's age and ours have enough in common to reconstruct his theory of political order from the perspective of our experiences and questions: the dominance in thinking and practice of a liberal conception of order and the tension between private and political freedom. Hegel experienced how the French Revolution, but also the emergence of the Romantic movement, articulated a desire for both individual freedom and political freedom. Moreover, Hegel witnessed the emergence of a capitalistic economic system, a state with a professional civil service and a representative political system. His political philosophy investigates whether and how this institutional ensemble can generate a free political order that meets the inner desires for freedom. Though this system has developed almost beyond recognition, its underlying institutions and the ideals they endeavour to realise are essentially the same.[19] Hegel's presence at the birth of this new system could prove to be an advantage, as its novelty could have entailed an awareness of its logic, strength, and weaknesses that has been lost in an age in which the liberal-democratic order has become self-evident.

---

[18] It is, in contrast, less evident that Hegel's espousal of monarchy can be excluded as being inessential for his argumentation. The reconstruction in chapter 6 will therefore also discuss his view on the monarchy.

[19] Even though central institutions, such as political parties and full franchise, were absent in the age of Hegel.

1.5 Central question and structure of the study

The central question asks: *What is Hegel's conception of political order?* This can only be answered by answering a set of sub-questions.

The first sub-question runs: *What is the basic framework to investigate Hegel's conception of order?* In this study, I offer an interpretation of Hegel's conception from a specific perspective: the current dominance of the liberal order and its tension with the republican conception. *Chapter 2* works out this foundational framework. It discusses various conceptualisations of the tension and offers an ideal-typical description of the liberal conception of order. This chapter also shows that the tension between the two forms of political order is highly relevant by interpreting the emergence of populism as a challenge to the dominant liberal model.

The next sub-question concerns Hegel's social theory which underpins his theory of political order: *How does Hegel understand social structures and freedom?* To answer this question, *chapter 3* discusses some of Hegel's key concepts: the will, recognition, ethical life, rationality, and, obviously, freedom. This chapter aims to show that Hegel offers a highly distinctive social theory, transcending regular distinctions between negative and positive freedom, empirical and normative analysis, and, most importantly, between individualistic and holistic ontologies. This chapter explains Hegel's relational organicist account of social structures and how the inner organisation of social structures, the relation between parts and wholes, is intimately connected with freedom and rationality. This chapter seeks to establish that Hegel's social theory has a certain plausibility and thus could function as an alternative to the individualistic ontology characteristic of the liberal order (and modernity at large).

The third sub-question asks: *Why is it impossible to build a free political order on individual freedom? Chapter 4* seeks to establish that Hegel's account of civil society contains an argument of why *social* order entirely based on the principles of individual autonomy and rights must generate *social* pathologies and thus must fail to realise freedom. *Chapter 5* endeavours to show how, according to Hegel, liberal political institutions will never be able to safeguard freedom. Instead, a government modelled on liberal principles adds political pathologies, a political alienation of citizens from their government, to the social pathologies already inherent in liberal order.

While chapters 4 and 5 primarily reconstruct Hegel's rejection of civil society as a self-contained political order, chapters 6 and 7 offer a reconstruction of his conception of free political order. *What is Hegel's alternative understanding of political order and citizenship? Chapter 6* seeks to trace in detail how a free political community succeeds in establishing and reproducing itself. This chapter revisits Hegel's organic understanding of the political order and works out what this implies for how the central institutions of modern states – the professional state apparatus, a representative political system and citizen

participation, and a free society which includes a free market – can bring about a free political order. How must the relationship between the state and society be conceptualised from an organic perspective?

Chapter 7, consequently, focuses on the role of citizenship and examines to what degree Hegel's theory of political order could be said to realise the republican ideal of self-government. From the outset, Hegel's thinking seems far removed from this: citizens who do not have universal democratic rights seem to be passive subjects of a political community where the civil service appears to be in charge. I seek to show that Hegel's conception of order, despite appearances, constitutes a subtle and highly relevant account of how self-government is possible in modern societies which offer leeway for individual rights.

Chapter 8, finally, investigates whether Hegel's theory of order does indeed have relevance for modern societies. After summarising the main findings, it seeks to counter the belief that Hegel's theory of order is normatively unappealing, ontologically implausible, and institutionally outdated.

2. CONCEPTIONS OF POLITICAL ORDER

2.1 Introduction

Hegel's theory of political order can be positioned in relation to two opposed conceptions: one has self-government or political self-determination as its purpose and the other the protection of (individual) rights. Hegel's theory rejects the adequacy of these accounts on their own but offers a distinctive combination of both.

This chapter offers an overview of the ideational context that will guide the interpretation of his theory and show its contemporary relevance. The conflict between both conceptions of order remains unresolved and seems more urgent than ever.

The chapter starts with a discussion of Benjamin Constant's liberal theory of political order (2.2). As a contemporary of Hegel, Constant was arguing for a position very much in line with what has become the liberal democratic conception of order. To explain this, Constant employs the distinction between ancient and modern freedom, a distinction that is also helpful for understanding Hegel's approach.

Constant's opposition between ancient and modern freedom, just as Hegel's conception of political order, are chapters in a much larger and richer debate, which can be traced from Antiquity to the present age. To uncover the essence of this debate, the next section (2.3) discusses John Pocock's (1992) idea-historical distinction of two conflicting accounts of free political order, the liberal rights-based tradition and a self-governing republican tradition, which goes back to Athens. Pocock's overview puts Constant's idea of liberal democracy's superiority and the obsoleteness of self-government into perspective: both traditions are engaged in an "unfinished dialogue". Against this idea-historical overview, Hegel's theory of order can be understood as a serious and neglected attempt to bring both approaches together.

The following section (2.4) offers a systematic, ideal-typical description of the liberal-democratic understanding of political order. This section serves two purposes. First, it works out in more detail the understanding of order that is the main target of Hegel's theory. Second, it aims to show that this understanding is ingrained in modern conceptions, bringing relevance to Hegel's attempt to offer an alternative.

The final section (2.5) further underlines this relevance by showing the need for rethinking political order. The liberal-democratic order cannot fully satisfy the desire for freedom and generates a desire for political liberty that transcends and opposes the boundaries of liberal democracy. At the same time, the most prominent manifestation of this desire for an alternative order, illiberal populism, is evidently deficient in bringing about a sustainable and free political order.

2.2 Modern and Ancient Freedom: Constant's Conception of Political Order

In 1819, a French contemporary of Hegel, Benjamin Constant (1767-1830), delivered a famous lecture at the *Athenée Royal* titled 'The Liberty of the Ancients Compared with that of the Moderns'. In this lecture, Constant raised the question of how to organise a free political order, a question particularly urgent in the post-revolutionary and post-Napoleonic period. To this question, Constant offered a decisive answer: modern political order should be based on liberal principles and institutions, such as civil liberties, the rule of law, commerce (a market economy) and representative government. This lecture can be considered an early and relatively coherent articulation and foundational justification of the emergent liberal democratic order as it would develop in the nineteenth century. Even though Hegel did not respond directly to Constant, a brief discussion of Constant's position helps to identify the main target of Hegel's theory.

Ancient freedom, in Constant's conceptualisation, amounts to democratic self-government, the exercise of popular sovereignty, and can also be denoted as *political* freedom. The Greek city-states, democratic Athens in particular, exemplified this kind of freedom. Their political structure required "active and constant participation in collective power" (Constant 1988, p. 316). The practice of this political freedom corresponds negatively with the freedom of the individual. Ancient self-government went hand in hand with the complete subjection of the individual to "the authority of the community" (p. 311). The individual, "almost always sovereign in public affairs, was a slave in all his private relations" (idem). Constant describes ancient self-governing societies as deeply collectivistic; citizens were "merely machines whose gears and cog-wheels were regulated by the law" (p. 312). Citizens did not have the leeway to follow their privately chosen purposes; ancient political communities had no place outside the scope of the state and the public. The idea of individual rights was consequently absent in these city-states (p. 312); citizens, for example, had no choice but to follow customary religion. Constant, thus, portrays ancient freedom as an ideal for which a high price is to be paid.

Modern freedom corresponds with the kind of freedom which ancient freedom suppressed: the freedom of *individuals*, who are not primarily citizens but *private* beings whose *raison d'être* and value extend beyond their participation in the public realm. This modern freedom expresses the ideal of individual autonomy, according to which individuals should shape their lives as they please. According to Constant: "We are modern men, who wish each to enjoy our own rights, each to develop our own faculties as we like best, without harming anyone" (p. 323).

Constant concedes that the realisation of modern freedom, in turn, limits the scope of political liberty. "Among the moderns, (…), the individual, independent in his private life, is, even in the freest states, sovereign only in appearance" (p. 312). Due to the centrality of

private life, moderns do not want to participate in political life as actively and constantly as the ancients did. A division of labour also applies to the political domain. Modern states must have representative governments, in which only some, the representatives, are continuously involved in politics. In this system, the representatives function as 'stewards' of the rest of the citizenry, enabling them to devote their time to their private concerns (p. 325-6).

Constant emphasises the difference between modern representative government and popular self-government. He echoes Rousseau's criticism of the British system of representation when he claims that the individual in the electoral process "exercises […] sovereignty […] only to renounce it" (p. 312). Different from Rousseau, he argues that modern citizens must be willing to accept this limitation to their political freedom. The overall purpose of Constant's analysis is to convince his contemporaries of the superiority of modern freedom, even though this implies less political freedom: "Individual liberty (…) is the true modern liberty" (p. 323). He presents ancient political freedom, in contrast to this, as nostalgic and obsolete.

Constant's message must be understood in the context of the French Revolution, in which the ideal of popular self-government, inspired by Rousseau's political thought, had led to the failure of the Revolution and the crimes of the Terror. The idea of popular democracy presupposes that the people as a collective should express their will, which serves as the law to which all citizens should be bound.[20] However, this idea of a general will could not deal with social pluralism and individual rights other than by suppressing them. The Revolutionaries were easily tempted to regard dissent from the general will as hostility towards the popular will and those who expressed these views as traitors of the people. To push through the general will, the revolutionaries had taken recourse to ancient political mechanisms, such as censorship and banishment, and the not-so-ancient guillotine. In this context, Constant tries to convince his public that the desire for popular self-government in the modern age is irresponsible.

Constant bolsters his argument against popular democracy and for a liberal and representative political order by discussing the socio-economic conditions of both ancient and modern freedom.[21] First of all, he considers the relevance of size for political order. As ancient communities were relatively small compared to modern states, exercising political freedom was more rewarding. "The share which in antiquity everyone held in national sovereignty was by no means an abstract presumption as it is in our day. The will of each

[20] Rousseau (1991) claims in the Social Contract, Book I, chapter 7, that "in order that the social compact may not be an empty formula, it tacitly includes the undertaking, which alone can give force to the rest, that whoever refuses to obey the general will shall be forced to do so by the whole body."

[21] This discussion of the social conditions underlines the difference between Constant's account of both freedoms and Berlin's well-known distinction from 1958 between positive and negative freedom (Berlin 2002). Berlin's conceptions of freedom are primarily concerned with the consistency of both conceptions for which he draws out their political implications. Constant in contrast, lays out that different ages have different political ideals. Ancient freedom is not intrinsically 'wrong' but unfit for the modern age.

individual had real influence: the exercise of this will was a vivid and repeated pleasure" (p. 316). Because the large size of modern states renders participation much less gratifying, modern citizens will prioritize their private freedom over political freedom.

Additionally, Constant points out that permanent participation in political life requires leisure. Ancient societies were slave economies, which provided citizens with sufficient spare time for political participation. Modern states, however, recognise equal rights for all citizens, which does not allow for slavery. "Free men must exercise all professions, provide for all the needs of society" (p. 314), consequently leaving most citizens with little time to devote to public affairs.

The most critical condition for the right kind of freedom concerns the means of acquisition. Ancient states, with Athens as somewhat of an exception, sustained themselves and increased their wealth in Constant's analysis not only through slavery but also through war. War requires a high level of social homogeneity, as citizen-soldiers should be willing to offer their lives for the sake of the community. As a broad scope of individual freedoms is likely to undermine the collective spirit of the community, belligerent societies must limit individual freedom. Next to this, war and political freedom dovetail, according to Constant, because war-waging activities alternated with intervals of inactivity, providing the leisure to devote to public life (p. 314).

Modern states, in contrast, have replaced war with commerce as their primary means of acquisition. Commerce requires civil liberties, such as property rights and the right to contract. Constant, like many other liberals after him, firmly believed in the benefits of commerce and trade. With the wealth generated by trade, modern societies have "infinitely multiplied and varied the means of personal happiness" (p. 316). Moreover, commerce would soften manners due to its ability to unite people with entirely different backgrounds. Likewise, commerce will replace war; Constant predicts that the divisions between European states will largely fade away (p. 313).[22]

Citizens in commercial societies develop a strong attachment to these civil liberties. With commercial capitalism providing a wide range of life options, individuals want to exercise control over their individual lives; commerce "inspires in men a vivid love of individual independence" (p. 315). Simultaneously, ancient freedom loses much of its lure. Political participation now appears as a burden which side-tracks citizens from their private life projects. Citizens are now more inclined to regard state intervention as meddling in their private lives, largely unnecessary or even oppressive (p. 315, 324). Fortunately, from Constant's perspective, modern states also have less ability to intervene in society as they please because society will only provide them with the credits they depend on if governments respect society's rights (p. 324-5).

[22] Interestingly, Constant does not discuss how commerce could also bring divisions in society. He exclusively links factions to ancient freedom, not modern.

In surprising contrast to the overall tenor of his lecture, the superiority of modern freedom, Constant claims at the end of his lecture the need to combine both freedoms: "[I]t is necessary […] to learn to combine the two together" (p. 327). A closer inspection reveals that this combination consists of incorporating some aspects of ancient freedom into the modern order. Modern states should have elections and a vivid public sphere accompanying these elections.

Constant gives two reasons for the need for these forms of participation. First, a total orientation of citizens on their private lives could lead the political class, the representatives, to overstep their role as stewards by imposing their conception of the good life on society instead of merely guaranteeing justice.

> The danger of modern liberty is that, absorbed in the enjoyment of our private independence, and the pursuit of our particular interests, we should surrender our right to share in political power too easily. The holders of authority are only too anxious to encourage us to do so. […] [L]et us ask the authorities to keep within their limits. Let them confine themselves to being just. We shall assume the responsibility of being happy for ourselves (Constant, 1988, p. 326).

To prevent political domination, citizens should keep a critical eye on the political authorities. By using their right to vote and participating in the public sphere, citizens can hold their politicians accountable.

Second, Constant is wary that the fate of modern societies could be the pursuit of banal self-interest. He juxtaposes this "happiness" to humanity's higher calling, self-development. "It is not to happiness alone, it is to self-development that our destiny calls us; and political liberty is the most powerful, the most effective means of self-development that heaven has given us" (p. 327).[23] Their participation in the public sphere, reading about and discussing politics, would enable citizens to expand the horizons of their own lives and become aware of what is at stake for society or even humanity.

Constant, thus, sees in representative government the potential to develop around voting a distinctive political culture which revitalises elements of the ideal of ancient freedom. In this system, Constant predicts, citizens will deliberate as ("intellectual") equals about political matters with their peers and (candidate) politicians. This participation will not only keep the government accountable but also contribute to citizens' moral and intellectual development.

---

[23] Constant's liberal commitment to individual autonomy does not imply the absence of authoritative answers to the purpose of life. Just as within the Aristotelian tradition, political activity is part of the good life. Typical for the liberal tradition, Constant justifies the value of political activity in terms of its contribution to individual self-development, the highest value. This similar liberal perspective can be found in John Stuart Mill's *On Liberty* (1989) and the work of Wilhelm von Humboldt (Valls 1999).

> Political liberty, by submitting to all the citizens, without exception, the care and assessment of their most sacred interests, enlarges their spirit, ennobles their thoughts, and establishes among them a kind of intellectual equality which forms the glory and power of a people (Constant, 1988, p. 327).

As we will argue, Hegel challenges this liberal-democratic conception of order, particularly the idea that civil liberties, market freedom and individual political rights can be the foundation of a free social and political life. The liberal-democratic conception of order will be worked out in more detail in section 2.4. Constant's tension between modern and ancient freedom must be placed in a broader idea-historical context first.

2.3 Pocock's Unfinished Dialogue

In the years following the fall of the Berlin Wall, Constant's dream appeared to have come true at last. Liberal democracy, the kind of order that combined individual freedom rights and the rule of law, a market economy and representative democracy, had emerged as the winner of the Cold War, while its contender, communism, seemed to have compromised itself beyond repair, just as half a century earlier its nationalist and authoritarian contenders.

Amid this optimism, intellectual historian John Pocock published a lecture titled 'The Ideal of Citizenship since Classical Times' (1992). Even though the lecture resembles an idea-historical overview of liberal and republican theories of citizenship, it can be read as a correction to the reigning *zeitgeist*. In contrast to Fukuyama (2006), Pocock does not offer a progressive narrative in which the liberal-democratic conception of political order ultimately wins. Instead, a liberal rights-based order, which he refers to as liberal or Gaian citizenship, is immersed in an intricate, complex and unresolved relationship, "an unfinished dialogue", with republican citizenship based on democratic self-government (Pocock, 1992, p. 46).

Pocock's overview helps to see Constant's position, just like Hegel's project, as part of a fundamental tension which dates back to ancient times and continues up to the present. His idea-historical account thus offers corrections to Constant's conception of the conflict between ancient and modern freedom. While Constant depicts ancient freedom as a thing of past societies, Pocock emphasises its enduring appeal. In addition, Pocock's juxtaposition puts into perspective the superiority of modern freedom, shedding light on its intrinsic disadvantages. Finally, Pocock's emphasis on the fundamental tension between both conceptions of order challenges Constant's idea of the modern political order integrating the quasi-ancient democratic institutions of elections and public domain. Thus, Pocock offers a rich background to position Hegel's attempt to combine self-government and liberal rights.

The lure of Athens

Pocock explains the enduring appeal of both civic republican and liberal citizenship by going back to their origins. Civic republican citizenship, based on the ideal of democratic self-government (or ancient freedom as Constant would put it), was born in Athens with Aristotle as its main theorist. Aristotle (1988) defined democratic citizenship in the *Politics* (book 3, chapter 4) as the practice "to rule and be ruled." Citizens, joined together as equals, make laws in the assembly and, when selected by sortition, make political decisions in the city's councils or as public functionaries, while at other times, they are subject to the decisions of others. For Aristotle, active citizenship was not instrumental to some other good but an end in itself. "What mattered is the freedom to take part in public decisions, not the content of the decisions taken" (Pocock 1992, 37). Participation in self-government is not instrumental for the good life but *is* the good life; full humanity could not be reached without it.[24]

An essential feature of Athenian citizenship was the exclusion of the material basis of life from politics. "Aristotle's formulation [of the nature of politics] depended upon a rigorous separation of public from private, of *polis* from *oikos*, of persons and actions from things" (p. 36). Citizens did not discuss in the assembly the affairs of the *oikos*, the household, but only those of the *polis*, the state, such as war and peace. For this reason, Athenian citizenship

> is ideal in the strict sense that it entailed an escape from the *oikos*, the material infrastructure in which one was forever managing the instruments of action, into the polis the ideal superstructure in which one took actions, which were no means to ends but ends in themselves (Pocock, 1992, p. 37).

By excluding the *oikos* from politics, Athenian citizenship could be radically equal, preventing any distinction between first- and second-class citizens. As citizens, they did not stand in relations of dependency towards each other, each citizen being dependent on the community. In principle, every citizen could speak first in the assembly, and all citizens who aspired could try to be selected by the lottery for filling the city's councils and the magistracies. To enable the inclusion of the less-well-to-do, citizens would get remuneration for their participation. At the same time, only a minority of the population in Athens had citizenship, so Athenian society was profoundly unequal. The inhabitants of the city who took care of the material conditions of life, namely women and slaves, did not qualify for citizenship, just like foreigners. According to Pocock, this foundation of citizenship in social inequality and exclusion was a matter of necessity. If citizenship had been fully inclusive, the

[24] Aristotle's perfectionism, the idea of political activity as fulfilling the intrinsic purpose of human life, clearly is linked to this teleological natural philosophy, which is based upon the belief that every organism has an intrinsic purpose and strives towards its realisation. According to Pocock, the appeal of the Aristotelian ideal of citizenship does not require adherence to Aristotelian metaphysics.

conflicts between groups around the production of life's material infrastructure would have entered the political domain. Politics, then, would cease to be an end in itself (but a means to organise the material foundations of life) and would no longer realise freedom.[25]

From a modern perspective, Aristotle's theory of citizenship and Athenian practice appear fundamentally flawed: its perfectionist conception of political life is disputable, its underlying social inequality reprehensible, and its disregard for underlying conditions myopic. Despite this, Pocock wants to underline that Athenian republican citizenship has become a political ideal with an enduring appeal. This ideal, "having been once articulated as an ideal, […] simply cannot be eradicated from the ideals of a Greek-derived civilisation" (p. 46).[26]

For our purposes, we can distil from Pocock's ideal-historical overview three related reasons for the enduring appeal of the Athenian ideal of self-government. First of all, Athens planted the seed of the ideal of the primacy of politics. The socio-political world is not something to accept as a given, the outflow of decisions beyond the reach of citizens. Instead, it is open for deliberation and collective decision-making, by which citizens can shape their communal life and future in line with their idea of the common good. The desire to make a change and to foster the common good could be considered heir to the Athenian ideal of citizenship.

The second feature of Athenian democracy that still speaks to us is its immediacy. Athenian democracy has become exemplary for overcoming the distance between citizens and the political domain of decision-making. Citizens could relate directly to politics because of their direct participation in decision-making and the visibility and comprehensibility of the political domain. Athenian democracy consisted of different institutions and functions, but all were filled with citizens, not civil servants or other professionals (Manin 1997, 32). Therefore, all these institutions spoke the language of ordinary citizens; citizens contributed their experiences to their deliberations. In addition to the plurality of councils and other designated institutions which made up the Athenian constitution, the general assembly constituted the platform where all could participate. As a consequence of this intimate relationship between the citizens and politics, Athens became an exemplum of a true *res publica*, a political order in which citizens were in charge of all of their common affairs. Against this ideal, the practice of representative government looks pale with its inherent distance between voter and politician, and between the ordinary citizen and the administrative professional.

---

[25] This foundation of citizenship in social inequality continued formally until at least the beginning of the twentieth century, when only men (!) with sufficient income or capital for being independent were qualified as full citizens.

[26] For Pocock's purpose, the historical adequacy of this idealised account of the Athenian practice of citizenship is irrelevant.

Finally, Athens set the ideal of free and fulfilling citizenship. For this, we must not consider political participation in a narrow sense only. Citizenship also meant the experience of a specific form of equality in which social position and corresponding relations of dependence between citizens did not matter. Citizens mutually recognised each other. They experienced sympathy for their fellow citizens. Aristotle defined the bond between citizens as friendship; not one's social position but only mutual speech and action mattered. By speaking with others and acting in the city-state, citizens could show who they were. This practice of citizenship bolstered the sense of self: "he knew himself to be who and what he was" (p. 38). This ideal of being somebody in the community remains attractive in every age in which citizens feel marginalised, determined by their social position and, consequently, alienated from each other.

Each of these reasons for the enduring appeal of Athenian citizenship illuminates an aspect of what political freedom entails. First, political freedom consists of the possibility for citizens to deliberate about the common good and take the future of their shared life into their own hands. Second, the exercise of political freedom also consists of the ability of citizens to comprehend their political world and relate to it. Political freedom cannot be realised if citizens need special training to understand what is at stake politically. Third, political freedom means that citizens experience themselves as equals in the political community.

Over the centuries, different attempts have been made to revive the republican ideal of political order. For the modern age and also for the political philosophy of Hegel, Rousseau's political theory has been of crucial importance. In *The Social Contract*, Rousseau works out how a political order could realise political freedom without accepting the fundamental inequality that was part of Athenian democracy. For this, Rousseau employed the political-theoretical notions of his time, such as the state of nature, based on original equality and freedom, and the idea of sovereignty. This way, Rousseau offered a revised version of the ancient ideal of self-rule, adjusted for the modern age.

Rousseau's idea of a political community in which the citizens rule themselves by determining the general will corresponds with each of the three elements of political freedom. First, Rousseau's account of political order gives clear priority to politics, which Rousseau frames as the ideal of popular sovereignty. Popular sovereignty means that citizens make the laws they want to live by and also that the community can effectuate their democratic will and shape society accordingly.

Second, citizens of Rousseau's political community are supposed to relate directly to the law, the general will, as they have voted for it themselves. Rousseau rejects the idea of delegating political decision-making to representatives. Such a distance would undermine what, for Rousseau, was essential to political freedom: you yourself making the laws that you are subject to. Moreover, Rousseau also endeavours to make sure that all

citizens can relate to the community's political issues: communities must be relatively small and income differences limited (*CS*, II-9).

Third, Rousseau also pictures citizenship as rewarding. Citizens are political equals, connected by a strong bond. They experience the political community as their home in which they obtain their identity. Consequently, they are willing to give the good of the community prevalence over their private interest (*CS*, III-15). To prevent envy and competition among citizens, Rousseau also argues that the shared life of the community must be relatively simple, with only few luxuries.

The Gaian universe

For the opposite of the Athenian ideal of citizenship, Pocock does not, like Constant, start with a modern, liberal, non-political or private conception of freedom. Instead, he goes back to the relatively unknown Roman jurist Gaius, who lived five centuries after Aristotle. Gaius approached political order from the perspective of what the Athenian model leaves out: things (*res*), a juridical category next to persons and actions. The Athenian conception of political order considered political life (and human fulfilment) exclusively in terms of persons and actions; 'things' were left in the *oikos*. Gaius, however, placed things at the heart of political life, as most human actions were directed at taking, maintaining, or exchanging things, and persons encountered each other as possessors of things. The world of things "was the medium in which human beings lived and through which they were formed, regulated, and articulated in their relations with each other" (pp. 39-40). Slave and slaveholder do not relate as person to person but in terms of their juridical relationship, which also applies to other relations: the owner of a public bathhouse and a visitor, the owner of a plot of land and a developer who wants to buy it, and a citizen who wants to push his (rights-based) interests against those of other citizens. Because persons in the Gaian order came to regard themselves and others in terms of their things, they became a "product of 'reality'" (p. 48). (Note that the word 'real' derives from *res*, things.)

To recognise property, regulate the interaction between property holders, and adjudicate in the case of conflict, the world of things needs laws and a public authority to apply the laws and make jurisprudence. Citizenship in this conception of order is foremost a legal status; it comes close to being subject to the law (p. 43). A citizen was someone "free to act by law, free to ask and expect the law's protection, a citizen of such and such a legal community, of such and such legal standing in that community" (p. 40). Historically, St. Paul exemplifies this understanding of citizenship. Even though Paul originated from Tarsus, he

had the right as a holder of Roman citizenship to be tried in Rome according to Roman laws. Clearly, this right-based citizenship did not include participation in determining the law.[27]

This understanding of political order has turned out to be highly consequential. It did not only define politics in the feudal age, in which a differentiated network of laws and privileges structured human relations. The liberal tradition also manifests the Gaian understanding of political order through its emphasis on the foundational value of property rights.[28] Theoretically, liberalism defined from its outset with John Locke (1988, 2nd treatise, ch. 5) the person as somebody capable of appropriating land, harvest, and other goods. It regarded politics as the mechanism to turn possession into property by giving it legal status and protection. Practically, liberalism developed from the attempt by citizens and nobles to protect their rights against the ambitions of absolute kings, thus launching the idea of limited government.

At the same time, liberalism revolutionised the Gaian universe by extending ownership to immaterial property. Liberalism defined persons as holders of natural rights, which the law of nature had equally bestowed on all. This way, liberalism introduced the idea of a natural and universal equality among humans next to the inequality that resulted from recognising material property. The liberal tradition paradoxically turned the *real* basis of the Gaian conception of order into the *ideal*, taking the original human rights as foundational for the organisation of political life (pp. 49-50).

This conception of political order in terms of the protection of rights and interests by the law stands, according to Pocock, in contrast to the idea of politics as self-government.

> [T]he person defined himself as a proprietor before he claimed to be a citizen, and thus set up a world of relations with things and persons, which he did not leave behind in an Aristotelian *oikos* when he entered politics and became a citizen, but (…) carried with him into politics as the pre-condition of his citizenship (p. 48).

Politics tends to be considered in the Gaian universe as a juridical device to regulate citizens' pre-political possessions and rights, not the realm to shape common life and to show who one (really) is. In this approach, active citizenship as participation in communal decision-making does not define the person, but the pre-political person defines citizenship.

The Gaian ideal of a free order has, according to Pocock, also a profound appeal to us. It meets the desire of individuals to have their belongings recognised and protected, while self-government contains the risk of violating these rights for the sake of a political

---

[27] This same understanding of citizenship developed in the medieval cities, the *bourges*. A *bourgeois* was somebody that stood under the jurisprudence of the laws of the city and did not imply – contrary to the designation *citoyen* – the practice of self-government.

[28] The term liberalism is employed in a broad sense here, referring to the political philosophy that approaches government in terms of the defence of individual rights. The next section defines the liberal-democratic conception of order in more detail.

conception of the common good. The Gaian organisation of political order promises a transcendence from the vagaries of political life, because the world of things, materialised in jurisprudence, can discipline political power to recognise and protect citizens' material and immaterial properties (p. 46). It was precisely this danger of popular rule which led Constant to reject ancient liberty.

For the elaboration of the Gaian idea of order in the modern age, *The Federalist Papers* (Madison, Hamilton, and Jay 1987) are the *locus classicus*. Its authors endeavour to design a political order whose institutions must enable the peaceful coexistence of different, partially opposed factions or interest groups. From this perspective, the Rousseauan notion of self-government, in which the members of society formulate the general will, the law by which they want to be ruled, would inevitably result in the suppression by the majority of the legitimate interests and rights of minority groups, in particular the rich. Consequently, the key motive of the *Federalists* was to design institutional devices, such as the system of checks and balances, to prevent the exercise of popular rule and unaccountable state power. In their account, representative government was explicitly meant as an alternative to popular rule.

Even though the authors of *The Federalist Papers* aim to protect established interests and rights, the Gaian conception of political order is flexible enough to develop a more progressive orientation. The Gaian project is Janus-faced: on the one hand, the protection of established rights; on the other, a tendency towards emancipation. Within this progressive orientation, social problems come into view as problems of rights (conflict between rights, or the failure to recognise rights), which require solutions in terms of rights. Due to liberalism's turn towards the ideal, the political order could be reimagined by extending the catalogue of human rights (together with extending the idea of natural rights): civil rights in the 18th, political rights in the 19th, social rights in the 20th and identity-related rights in the 21st century.[29] Emancipation often speaks the Gaian language.

Despite these assets, Gaian politics has, according to Pocock, intrinsic limitations. The Gaian order "could never satisfy the hunger of individuals […] to be free of the world of things, free to interact with other persons as free as themselves in a community of pure action and personal freedom, in a political community good in itself and an end in itself" (p. 45). The Gaian universe generates and protects rights and adjudicates conflicts between right-holders but does not allow citizens to shape their common life directly, because the social world now consists of citizens who relate to each other *and* themselves as right-holders, claiming their rights against others. Such a rights regime brings distance and alienation among and within citizens and the consequent loss of Athenian citizenship's fulfilling character:

> [T]he point is that [the medium of things] constantly mediates, deflects and conditions the personality we seek to assert in thought and through action.

[29] This schematic overview, which can be found in Bovens (1999), can be traced back to T.H. Marshall (1950).

> […] [W]e can exist as persons […] only by submitting to the innumerable deflections, fragmentations, specialisations, and redefinitions of personality which action in the world of things imposes upon us. […] [W]e are all foxes, never lions or hedgehogs, but we desire to be all (p. 46).

Pocock's belief in the incompatibility of self-rule with (pre-political) individual right goes against Constant's idea of a system integrating the protection of individual rights with democratic self-determination. With the introduction of full suffrage at the beginning of the 20th century, which added political rights to the gamut of rights, Western societies endeavoured, in line with Constant's idea of a combination, to further transform the predominantly legal order into one both legal *and* political. In this constellation, citizens were supposed to be both subject to and, as electors, authors of the law.

According to Constant, this complementation of the liberal order with political rights and representation would make it possible to approximate the experience of ancient freedom. Elections would be complemented with a political culture, which would enable citizens to relate to the domain of political decision-making. Moreover, by offering political rights to all, there would also be a kind of political equality between voters and representatives and between citizens themselves.

Constant, however, seems to have underestimated how modern liberty entails both social and political fragmentation: people will choose different ways of life and have different levels of success. Moreover, these differences will also organise themselves politically to foster their group interests. This undermines the ability of citizens to identify with the political domain and their fellow citizens directly. Remarkably, Constant does not consider the idea of social factions at all, nor the fact that commerce also leads to the marginalisation of some groups.[30] Likewise, to deal with such a plural society and to prevent majority rule, the power of the legislative assembly should be limited by countervailing institutions, as the authors of the Federalist papers argued. The power of government should be limited. This limitation affects the priority of politics. In hindsight, Constant seems to have been too optimistic about the possibility of combining modern and ancient freedom.

In contrast to Constant, Pocock is much more sceptical about the possibilities of combining popular self-government and the protection of rights. He ultimately offers a tragic picture in which there is no option to progress, or even finish, the dialogue. However, we must not infer from their opposition and tensions that it is fundamentally impossible to bring together both accounts. Remarkably, Pocock does not include Hegel in his idea-historical overview. It was precisely Hegel's project to develop a theory of political order that combines self-government with the protection of rights and the presence of social plurality. Pocock's history of two ideals needs to include this chapter as well.

---

[30] Bellamy (2012) works out this deficiency of Constant's conception of a liberal-democratic order.

2.4 The liberal conception of political order

Hegel wants to combine self-government with the liberal protection of rights. However, his critical discussion is mainly targeted at the liberal conception of order, an idea of order based on civil liberties, a market, an instrumental state and representative government, though he also criticises popular democracy. This focus of criticism must not be taken as one-sided. Hegel saw the liberal mode of conceiving political order as gaining dominance in his age and, as such, the object of his investigation. The democratic republican model, in contrast, had to a substantial degree compromised itself by the failure of the French Revolution.

This section offers an ideal-typical account of the liberal democratic account of political order. This account aims to include the order that Hegel puts under criticism when he discusses the limitations of civil society [*Bürgerliche Gesellschaft*], which Chapters 4 and 5 will work out in more detail. At the same time, this account seeks to correspond to the liberal-democratic order that has gained ascendancy in the Western world.

It is not easy to offer an ideal-typical description of the liberal-democratic conception of order. As Western political culture and reflection largely take liberal-democratic thinking for granted, distinguishing its key features proves difficult. Moreover, the liberal-democratic tradition is broad and consists of many apparently opposed practices and ideas.[31] A description of the liberal-democratic conception of order, therefore, runs the risk of missing the unity underneath those manifold manifestations, overemphasising the differences, or giving a lopsided account.

Despite these difficulties, it is possible to give a general description of liberal democracy's key assumptions: its understanding of society, its central values, and how political institutions can realise these values and reproduce order. Such an ideal-typical description works out this conception of order as a logic in which all key assumptions cohere. For this, we distinguish a liberal vision (and practice) of society, the state (government) and democracy.

This ideal-typical description aspires to empirical adequacy.[32] It purports to describe the general pattern which underlies all varieties of liberal democracy, including Hegel's idea of civil society. At some time, we will also touch on varieties within this general pattern, such as the distinction between a social-liberal and classical liberal conception of the state. Clearly, Hegel, who wrote at the commencement of the liberal conception of order, did not distinguish all of these varieties.

---

[31] Pappas (2019, 42) speaks of liberalisms.

[32] The construction of this ideal-typical description is based on a wide spectrum of sources, which will be referred to in this section. Even though some other authors have endeavoured to do the same thing, e.g. Geuss (2003), I have preferred not to follow any, but give my own account of the liberal-democratic tradition.

SOCIETY

The liberal-democratic conception of political order has two major assumptions regarding the nature of society. In the first place, the central principle or value which guides and should guide society is individual autonomy, or, as Constant calls it, modern freedom. The liberal conception of order takes individuals as holders of equal civil, political, and, eventually, social rights. These rights enable individuals to lead their lives in correspondence with their self-determined purposes.[33]

Society in the liberal conception of order is not conceived as a body in which individuals exist as part of a larger whole, but as a space in which individuals on the basis of their rights interact freely. Hegel refers to this sphere of social interaction as civil society [*Bürgerliche Gesellschaft*] (*cf*. chapter 4). This form of social interaction is taken to be the original condition as rights are supposed to inhere in the individual.[34] The political community with citizenship are conceived as secondary, and have to respect and cater for these pre-political rights. Likewise, this understanding of order regards social relations as primarily non-political, taking place between individual right-holders and not between citizens who share a community. Citizens are in the first place private persons with the right to pursue their own conception of the good life outside of the moral ends of the community and governmental monitoring. The only legitimate limit on their activities is violating the rights of others.[35]

The other major assumption of the liberal democratic conception of political order holds that society, understood as the free interplay of individuals, is mostly beneficial and, consequently, able to reproduce itself. Rights-based interactions are considered largely harmonious, contributing to the overall thriving and progress of society.[36] Liberal conceptions of order assume, often implicitly, that these interactions are internally directed to a balance or social optimum. Two versions of this belief in the inherently benevolent nature of free social interplay can be distinguished: the one regards society as a market, while the other abstracts from the economy and market relations and regards the sphere of free interactions as what is currently called "civil society" (Putnam, 1994), a network of voluntary

---

[33] Crucial is that political order is understood by reference to the freedom of the individual. It does not make much difference for our purposes whether this individual freedom should be understood as non-interference or as non-domination (for this discussion, see Pettit (1997)), nor whether individual freedom amounts to the freedom of choice. This central value of autonomy in the liberal conception of order does not imply that liberal citizens (should) hold autonomy as their highest value. This would be a fallacy of composition. Autonomy is the highest value of the political order, which enables citizens to pursue whatever values they are committed to.

[34] See for instance John Stuart Mill, who asserted in *On Liberty* (1989, 13): "Over himself, over his own body and mind, the individual is sovereign."

[35] This idea is known as the harm principle and was formulated by Mill (1989, 13) as follows: "[T]he only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others."

[36] Even though the liberal conception of order generally justifies individual rights deontologically, this consequential assumption offers further justification. Markets, for instance, can be justified for respecting the original right of property (deontological) but also for creating positive outcomes (Newey 2012).

associations wherein individuals gather to realise their purposes. Hegel's philosophy does not make this distinction. His notion of civil society refers to both market interactions and other associations individuals freely enter.

To start with the non-market relations, liberals regard the non-coerced interactions, which the protection of individuals' rights enables, as beneficial. They go against their communitarian critics who claim that liberalism's emphasis on individual freedom and the protection of individual rights would result in an individualistic, atomistic dystopia (for a discussion of this, *cf.* Kymlicka 2002, 245). In contrast to this view, liberals think that protecting individual freedom does not stifle social impulses but promotes social behaviour. They expect individuals to use their freedoms, such as the freedom of conscience and association, to build friendships and mutual understanding, and to participate in the voluntary associations of civil society, such as churches, sports clubs, and educational and cultural institutions. Free individuals, thus, will contribute to the purposes of others and, as such, to the overall quality of (civil) society. In accordance with this, John Rawls defines society as a "cooperative venture for mutual advantage" (1973, 4). This propensity to cooperate does not imply that society becomes homogenous. Liberals accept and cherish societal plurality. Tolerance of diversity is for them a matter of principle, as individuals and groups have the right to follow their conceptions of the good. On a more consequentialist plane, they generally think that diversity, in particular the opposition of ideas, has the potential to contribute to society's moral, social, scientific, and cultural progress.[37] Overall, Kymlicka's designation of the liberal position as the "glorification of society" (2002, 296) summarises it aptly.

The version which regards society as a market also considers the free interaction of individuals as inherently beneficial and a source of social progress. Market transactions, at least in theory, are consensual. They would not take place if they were not profitable for each actor involved. In economic parlance, markets result in Pareto-efficiency as they tend towards outcomes in which no other transactions improve the position of at least two actors. However, markets are not just advantageous to those directly involved. Liberals in this tradition generally accept Adam Smith's idea of an 'invisible hand.'[38] According to Brennan (2012, 77), markets are extended systems of cooperation in which self-interested choices result in "positive externalities." For example, the fabrication of a simple pencil requires the collaboration of many people, of whom only a few consciously intend to produce a pencil

[37] Mill (1989, 65–68) typically argues for the societal value of individuality and eccentricity.

[38] Smith (1999, Book IV, Ch.II , §IX) expressed the idea of an invisible hand famously as follows: "By preferring the support of domestic to that of foreign industry, he intends only his own security; and by directing that industry in such a manner as its produce may be of the greatest value, he intends only his own gain, and he is in this, as in many other cases, led by an invisible hand to promote an end which was no part of his intention. […] By pursuing his own interest he frequently promotes that of the society more effectually than when he really intends to promote it."

(this example come from: Read 2008). Contributors intend to promote their private interests; others come into view as competitors or as a means for further fostering their self-interests. Nevertheless, each contributes to the widespread and cheap availability of pencils, a good which enhances the quality of life of many. Markets, therefore, make societies more prosperous. Beyond this, market interactions have, for some liberals, such as Constant, the potential to civilise social life because people involved in a trade relationship are more likely to accept differences, such as religious differences.[39]

In the political landscape, both understandings of society stand against each other. Right-wing positions tend to regard society, first of all, as a free market and argue for the protection of property rights and limit state infringement, assuming the capacity of the market to organise itself and optimize outcomes. The understanding of society as a civil society is more prominent on the left, which argues for extending the rights of individuals to enable autonomy. At the same time, both understandings of society seem to have a close affinity with each other, as both are based on the ultimate value of the individual to make choices. Moreover, they often presuppose each other. At least, it seems difficult to conceive of autonomy, the freedom to set one's ends in life, without market freedoms, such as the liberty to produce, buy, sell, invest, and trade. The other way round, market freedom seems to require other civil liberties, such as the right to move, the freedom of expression and the freedom to choose your profession.[40]

The state

The liberal-democratic conception of political order also contains a distinctive conception of the state, by which I mean the sphere of political rule and to which I also refer as government or the state apparatus. Its key assumption is that the state is an instrument of society; its function is to sustain the logic of society. Hegel also refers in his conception of liberal order to this conception of the state, which he calls the *Not- und Verstandesstaat* (chapter 5).

The state in the liberal conception of order is, due to its instrumental understanding, inherently ambiguous. On the one hand, the liberal conception of order prescribes a policy of *laissez-faire* or benign neglect; the state should be kept out of society as individuals have the right to shape their own lives. Crucial for the liberal conception of order is to create "a sphere beyond the rightful reach of government in which individuals can enjoy independence and privacy" (Galston 2017, chap. 2). The liberal conception of order, therefore, rejects both state intervention in citizens' moral life – against paternalism – and economic life – against

[39] This idea could be considered as a precursor of modernisation theory, according to which the wealth which markets create leads to the substitution of traditional values for modern, post-materialist values, such as democracy and tolerance (Inglehart and Welzel 2005).

[40] At the same time, the modern world shows that, against earlier expectations, advanced capitalistic markets do not automatically go together with civil liberties.

market intervention. Moreover, society left to itself can do without much state intervention, as liberals consider it a relatively harmonious, self-sustaining, and progress-generating interactive system. From this perspective, the state threatens to violate the freedom of society and exercise domination over it. At the same time, society needs political institutions to protect individuals' rights, or to intervene when society's free interactions do not turn out to be benign for all involved. The state must enforce respect for private property and other civil rights, while it must also guarantee social rights. In short, the state is necessary to prevent domination among the members of society.

The belief that state domination should be prevented entails an interrelated set of liberal doctrines about the state. First, the state should remain 'neutral' vis-à-vis society. Paternalism, the prescription of how citizens should live, is in the liberal framework a violation of citizens' autonomy, their right to pursue their conception of the good life. The state should respect their (moral) choices as long as they do not violate the rights of others. This doctrine of state neutrality is sometimes framed as the priority of the just (or the right) over the good.[41] In this doctrine, the state should occupy itself with justice, which is not a comprehensive conception of the good life but a political framework which offers citizens the opportunity to "live autonomous lives in pursuit of (what they take to be) objective values" (Christman 2002, 212). Constant also expressed this idea when he calls the governing bodies to "confine themselves to being just" (Constant, 1988, p. 326).

Closely related is the liberal doctrine of the separation of state and society.[42] The state should respect the freedom of society, while society should respect the neutrality of the state. A further specification of this doctrine is the separation of church and state. According to this doctrine, the church should not interfere in politics, which prevents the state from imposing church dogmas on its citizens. The other side of the coin is that the state should not meddle in church teachings and rituals (freedom of religion).

Liberal democratic orders have several constitutional mechanisms to 'limit' government vis-à-vis society. For instance, the system of checks and balances divides government into different branches, such as the executive (the president) and the legislative (the Senate and House of Representatives), which reciprocally limit each other. Similarly, the independence of the judiciary power, and the practice of judicial review, should guarantee that laws and executive decisions do not undermine society's fundamental rights. Finally, elections constitute a mechanism by which citizens can keep their government accountable and prevent abuse of power.[43]

---

[41] See for instance Rawls (1988). This principle of liberalism has attracted most criticism from communitarians (e.g. Sandel 1996, 290).

[42] Pierre Manent (2006, Chapter 1) works out the liberal idea of separations

[43] The next sub-section further works out the role of elections in liberal democracy.

At the same time, the liberal-democratic understanding of order acknowledges society's need for government, which is instrumental to its ends. Four functions can be distinguished. In the first place, the state must protect the rights of citizens. The state must prevent violations of these liberties if possible, and otherwise, it must restore justice by punishing the transgressor. In short, the liberal rights regime needs an impartial and powerful defender.

In the second place, the state should adjudicate different rights claims. Rights tend to conflict with each other, for example, the property right of the one and the rights of the other to move freely. To solve such conflicts, a public authority must speak justice and further develop the rights regime by specifying rights (Spicer 2001). Even though the state is an instrument of social life, in this function, just as in the previous one, its impartiality implies that the state must be independent vis-à-vis societal forces. In Hegel's conception of the liberal order, the *Not- und Verstandestaat* consists in the first place of an administration of justice, which has to perform these two functions.

In the third place, the state has to regulate social relations. It has to promulgate rules and laws which concretise the fundamental rights for different domains of social life. For instance, markets have to regulated to guarantee fairness. In the fourth place, the state should realise public goods, such as bridges, schools, or an army. The liberal conception of government is not necessarily committed to the belief that the free interactions of society would provide for all goods. Society's free exchanges do not entail the coordination necessary to procure these goods. In those cases, the state should step in. Moreover, the state also has a function to take care of citizens' basic needs, for instance, offering education and taking care of orphans or more extended versions of a welfare state.[44] Hegel's *Not- und Verstandesstaat* also performs the latter function of a proto-welfare state, which he refers to as the 'Police' or 'Adminstration of Welfare (*cf.* Chapter 5).

In the liberal conception, the state should not pursue the common good, understood as a good for society as a whole, which stands as a moral standard against individual preferences. As explained above, this idea of a collective purpose does not fit the liberal idea of state neutrality; the function of the state is to uphold the rights regime. The state could be said to pursue the public interest, which, in contrast to the idea of the common good, can be understood by reference to individuals' (private) rights and interests.[45] A bridge to cross a river, for instance, is in the public interest as it corresponds to the (private) interest of the members of society. This reduction of the public to the private brings up the question, typical for the liberal order, which mechanism can infer the public interest from the

[44] According to the social-liberal variant of liberal order, the state has an obligation to guarantee social rights, which relates to this and the first function of the state. This will be further explained below.

[45] For this distinction between the public interest and the common good, see Douglass (1980).

preferences of the members of society, for example, a utilitarian calculus (or some other method of public choice), elections, or public debate (Bozeman 2007; Cochran 1974).

This liberal conception of the state corresponds with a wide array of political ideologies as they would develop in the course of the 19th and 20th century. These positions correspond with the different conceptions of society (as market or as civil society) and the place of social rights in the political order. These positions could be placed on a continuum from left to right, of which I will, for the sake of clarity, only discuss the extremes. Together, they should show the degree to which the liberal conception of order has become ingrained in political reflection.

The one end of the spectrum consists of classical liberals and libertarians. As heirs of John Locke, they consider the right of property as absolute.[46] This position, thus, rejects the extension of civil liberties with social rights as social rights do not, like civil rights, express the reciprocal relations between *individual* citizens but between the state and the individual members of society. To enable autonomy, the state must for all citizens guarantee, for instance, a minimum income. Libertarians such as Nozick (1974) and, more recently, Huemer (2012) question these social rights, as they require taxation, which infringes on their property rights. Only a minimal state, which has no function other than protecting property and security, meets the libertarians' principles.

A variation of this position is the neoliberal conception of the state, which prescribes an extension of the domain of the market by privatising and commodifying, for instance, health care, public transport, and education. The reasons for such an order are not a principled adherence to civil rights, as with the libertarians, but consequentialist: markets are supposed to produce superior outcomes. The state's role in this perspective is "merely to lay low the hills in the way of the market and smooth the paths for its operation" (Pettit 2014, 23).[47]

The other side of the spectrum is the home of social liberals, which, since the 1990's, includes a large part of the social-democratic movement.[48] They also conceive individuals as right-holders but extend the rights inventory and, as such, the scope of equality in society. First, they add to the economic freedoms of property and contract other civil rights, for instance, the right not to be discriminated against for gender or sexual orientation. Next to this, they espouse the idea of citizens' social rights. Social liberals would claim, for instance, that all citizens have an equal right to a basic standard of living and particular goods, such as

---

[46] Locke (1988, 2nd Treatise, §27) took property to be deducible from the self-ownership of one's body and labor.

[47] The neoliberal state can be taken as somewhat paradoxical since it claims that the state should retreat but in fact actively intervenes and reorders society by establishing new property relations. Even though neoliberal policies react against big government, the neoliberal order turns out to require a relatively sizeable state to regulate market relations (Plant 2010).

[48] For a critical overview of the movement of social-democratic parties in Europe and the Democratic Party in USA to a more social liberal position: see Robert Kuttner (2018, Ch. 6).

education and to live in a clean and sustainable environment. Citizens in the social-liberal conception own these rights, as they cannot be imagined to lead free and autonomous lives without them. Clearly, this extension of rights gives the state a much more prominent role. It has to prevent violations of a broader spectrum of civil rights and organise capacity, such as a welfare state, to realise citizens' social rights.[49]

Despite significant differences between both extremes and their opposition in daily politics, both understandings of government are ultimately liberal: both take individuals' rights as the basic units of social and political life. The social-liberal position extends the number of rights but also respects property rights and the resulting market relations. Typically, Rawls's 'basic structure of society' is not an alternative to the free market but takes it for granted and reflects on how to compensate outcomes that violate (the right to) social justice (Herzog 2013, 3).

Representative Democracy

The dominant conception of political order is explicitly liberal-*democratic*. A free political order does not only require a state which protects individuals' civil and social rights. Citizens also have the political rights to elect representatives (or to run for office). Constant's embrace of representative democracy exemplifies the liberal conception of order.[50]

We can distinguish two functions of electoral democracy, which neatly cohere with the liberal order's underlying principles. First, elections are a powerful means to protect freedom. In the liberal imagery, rights reside in the individual; politicians are merely stewards of the citizens. Liberalism is deeply aware that the agent could become the principal: political power could intrude on citizens' rights and interests. In this line, Constant feared that governments could overstep their prerogatives and become a dominating force. Rosanvallon (2008, 6) calls this typical attitude "liberal distrust." Because good intentions of the government are insufficient to preclude this danger, citizens need "guarantees" (Constant 1988, 326). Elections offer citizens the means to keep officeholders accountable and discipline them when they have forfeited the trust put in them. In the liberal order, representatives must ultimately be subject to "the verdict of the people" (Manin 1997).

Protecting freedom in the liberal democratic conception of political order requires civic-mindedness among its citizens, as Constant already hinted at. It is crucial that some citizens scrutinise the dealings of government, while a substantial part must be sufficiently informed to cast their votes responsibly, both of which require critical journalism. This

[49] The philosophy of John Rawls epitomises the social-liberal position. He regards the equal enjoyment of civic and political freedoms as the first principle for a just state, while the second principle is to distribute goods according to the maximin principle (Rawls, 1973).

[50] This conception can, therefore, also be described as liberal democratic. Confusingly, the post-war order, which is also generally described as liberal democratic, also contained elements which go beyond the liberal conception of order (see 1.2).

attitude of vigilance can be self-interested, motivated by a concern to protect one's rights and interests. However, citizens can also keep a critical eye on their government, or even governments abroad, for the sake of others. Advocates for human rights and social justice exemplify this practice of liberal citizenship.

Second, elections are a means to organise popular influence on the outcome of political decision-making regarding what public goods or regulations are in the public interest. The liberal democratic conception of political order rejects the idea that the state knows what is in citizens' best interest. Rather, the public interest must be derived from their preferences. Representative democracy is a means to aggregate preferences and unveil their relative strength. The liberal democratic tradition generally accepts the propensity of individuals to promote their self-interest. Liberal citizenship, thus, typically combines a preoccupation with private interests with a more public-minded concern to prevent domination.

At the same time, this second function of democracy entails the risk that majorities or the most powerful interests will hold sway over political outcomes and suppress more minor factions' rights and legitimate interests. As discussed in the previous section, the liberal tradition has invented all kinds of constitutional devices to prevent unalloyed majority rule. The classical pluralistic interpretation of (American) democracy, however, downplays this danger. According to this, a free society consists of a plurality of distinctive interest groups (the input), each of which will have, on the whole and in the long run, a fair share in the collective decisions of the political system (the output).[51] This position, thus, involves the typical liberal assumption that free societies have some kind of natural balance and that the political system, as a consequence of this, can be considered as a neutral mechanism to aggregate preferences.

The popular influence that the liberal-democratic conception of order allows does not amount to popular self-government. According to this idea, political communities have a unified will, the general will, and majorities have the right to determine this will, even if it goes against the rights of minorities. The liberal conception of order, in contrast, takes rights to inhere in the individual. Neither the state nor the will of majorities ('the general will') has the right to upend these individual rights. Similarly, just as the state should abstain from paternalism, so must majorities steer clear of prescribing how their fellow citizens should live. The constitutional devices which limit the state, such as the system of checks and balances and judicial review, should, therefore, also frustrate the effectuation of the majority will. Liberal democracy protects citizens as rights-holders against citizens as co-authors of the law.

[51] A classic contribution to American pluralism is Dahl's *Who governs?* (1961). Easton (1965) understood the political process in terms of input, the political system which makes public decisions, the output. For a critical reaction to pluralism: Lukes (2005).

Liberal-democratic citizens should be disciplined to respect these limits on their political rights (or the institutions should be strong enough to break majority rule). Their concern with the well-being of the community should respect society's pluralism. They should not try to impose a vision of society against the rights and convictions of others. The liberal-democratic conception of political order assumes that the protection of their rights and other benefits of the rights regime will incite citizen-voters to use their political rights responsibly, and abstain from expressing political desires which undermine the fundamental rights of others.

2.5 The need to rethink political order

It is safe to claim that in line with Pocock the debate between the two conceptions of political order, the one based on (liberal) rights, the other on popular self-government, has not finished yet. The ascendancy of liberal democracy, "*the* current political norm" (Pappas 2019, 9), has provoked the emergence of challengers, of which this section will discuss briefly the republican democratic innovations and, somewhat more extensively, the rise of populism. Both of these challengers are orientated towards the ideal of democratic self-government but fail to fully develop a convincing and realistic alternative conception of a free political order. In this predicament, it is more than ever necessary to rethink the political order.

The first manifestation of liberal democracy's insufficiency is the growing theoretical and practical interest in republican citizenship and democratic innovations beyond electoral democracy. Republican authors typically desire to render citizenship more meaningful and argue for extending the range of citizen participation. Their central value is participation in self-government; government must be "a public matter to be directed by the members of the public themselves" (Dagger 2006, 153). More direct participation, for instance, citizens' councils, participatory budgeting or mini-publics, eventually in combination with sortition, could bring politics closer to citizens, including marginalised groups (for an overview: Smith (2009)). Next to this, deliberations could also foster more reasonable decision-making compared to the polarisation typical of electoral democracy (*e.g.* Van Reybrouck (2016)).

Often, arguments for more or different participation do not amount to developing a full-fledged alternative to the liberal order. They add non-electoral democratic elements to the liberal order, similar to the inclusion of representative democracy within the liberal order which Constant proposed. Though local experiments give some credence to the idea that these innovations improve the functioning of democracy, it remains to be seen that this deepening of democracy could solve the fundamental weaknesses of liberal democracy.

Some so-called civic republicans, however, advocate a reimagination and corresponding reform of the political community beyond the liberal, rights-based model.[52] Instead of starting from rights, which inhere in the individual, civic republicans underline the deep bond between citizens and their community. Thriving communities require citizens' active involvement in their shared life and commitment to the common good, for which citizen education is of crucial importance (Peterson 2011). This way, they substitute liberalism's prioritisation of private life for that of public life. In this line, civic republicans are generally critical of market freedom, as it undermines the bond between the citizen and the community (Dagger 2006; MacGilvray 2011). The practical relevance of this civic republicanism, however, is limited. It argues for reconsidering our normative commitments and behaviour as citizens, but dodges the question of which aspects of the liberal order must be transformed and how. Should the state be given the power to enforce civic duties or a substantial conception of the common good? Without clear answers to these questions, civic republicanism runs the risk of being no more than an expression of nostalgia.[53]

The other manifestation of the desire for self-government, the emergence of populism, has been much more consequential for the practice of democratic orders in the twenty-first century. Moreover, populism presents itself much more explicitly as an alternative to the dominant liberal-democratic order, claiming to be fully democratic, for which it is willing to abstain from liberal features.

Populism can be interpreted as a desire for the (Athenian) ideal of democratic self-government in the three aspects which I derived from Pocock. First, populism seems to attempt to restore the priority of politics. Populism expresses a firm belief in the power of politics to shape society. The central value of populism is popular sovereignty. The people, taken as a unity, have a shared political (or general) will. This popular will should be in charge, shaping communal life as it sees fit. Populism has a deep faith in the potential of politics to transform life. It does not let society's juridical and economic infrastructure discipline its imagination of how the political community should be. Canovan (1999) refers to this understanding of politics as 'redemptive', which she contrasts with a pragmatic understanding of politics. From a liberal perspective, populism often appears unhinged and irrational. For effectuating the primacy of politics, populists cherish parliamentary majority rule in combination with a strong executive power, which can implement its visions, eventually against constitutional checks and the rights and interests of minorities.[54]

---

[52] Civic republicans can be contrasted with neo-Roman republicans, who define freedom not so much as self-government of a community but as non-domination (Pettit 1997). Neo-Roman republicanism is very close to liberalism.

[53] There are attempts to further civic republican thinking along these lines, for instance Dagger (2006), but they have not developed very far.

[54] Note the differences between populism and civic republicanism. The latter is aware of the dangers of central power. Dagger (2002), for example, regards a division of power as central the civic republican tradition.

Second, populism also promises to overcome the alienation and distance typical of liberal democracy. In populist analysis, citizens and the state, the domain of political decision-making, can only be reconnected if politicians respect and execute the popular will. Unlike civic republicans, populists do not consider citizens' direct participation in deliberative venues essential for this. Elections, eventually in combination with referendums, are mechanisms to express and unveil the (majority) will of the people directly. In the populist perspective, political alienation results from the ruling parties, the establishment, in combination with mediating institutions, such as courts, higher houses in parliament, experts or the media, which structurally disrespect, dilute, criticize, and consequently override the will of the people. Populists, therefore, often employ an opposition between 'the pure people' and 'the corrupt elite' (Mudde and Kaltwasser 2012, 8). Populist parties claim the monopoly of representing the will of the people (Müller 2017).

Finally, populism can be interpreted as a manifestation of the desire for a more fulfilling community that recognises and protects citizens' identity. A key issue of right-wing populism is protecting the national community against perceived threats, particularly immigration. The liberal conception of order conceives society as pluralistic, held together by giving each citizen equal universal rights. Populism offers an image of a much more cohesive society, held together by a shared culture and sense of belonging. Populists assume that citizens can only be themselves and find meaning in such a community. As a consequence, populists carefully guard the entrance of new citizens to the state and question the rights of citizenship of groups that do not fit their idea of the people.

Populism can be portrayed as an alternative to the critical features of the liberal-democratic order, as discussed in the previous section. Against the pluralistic image of society as being made up of the interactions of individual rights-holders, it has an account of society as a much more cohesive unity, a nation or quasi-homogeneous *demos*. Against the idea of a limited state, instrumental for the rights of individuals, it argues for a government which has the capacity to protect the unity of the nation and effectuate the popular will. Against the liberal idea of democracy, focused on accountability and the promotion of (group) interests, it understands democracy as a mechanism to the determine the people's will, which ultimately should rule.

At the same time, the populist model provokes the suspicion that it will turn out to be, once in government, a travesty of democratic self-determination. In practice, the promise of following the will of the people as expressed in elections can only be kept on specific, highly divisive symbolic issues, such as immigration, which must show the government's vigour. Populist governments hide the impossibility of popular self-government by elections in the modern world by manipulating the media to conjure the image of governmental

---

Moreover, the release of political imagination does not fit the civic republican conception of the primacy of politics, which would require deliberations by participants who responsibly take different positions into account.

responsiveness on these issues. Free and fair elections and the freedom of the press constitute the conditions for generating the popular will, but they are also the means to criticize the popular will or the policies which are claimed to follow the will of the people. Populist leaders, who have concentrated political power, are, therefore, tempted and often willing, as the current trend of democratic backsliding shows, to curb the freedom of the media and to manipulate the electoral system (Müller 2017). For these reasons, a popular or illiberal democracy tends to become authoritarian, being both illiberal and undemocratic (Pappas 2019, 33, 34).

To conclude, populism is, just like the interest in civic republicanism, a manifestation of dissatisfaction with the liberal democratic order and a renewed orientation to the ideal of democratic self-government. Still, it does not offer a convincing alternative. As Pocock frames this: "[T]he road back to the heroic simplicities of the polis may be too long to be traversed" (p. 44). For Pocock, the question of political order is ultimately tragic: we desire both ideals of citizenship, which are fundamentally incompatible. Apparently, we have to choose between a relatively coherent and stable liberal order which does not meet our desire for freedom and its self-destructive contender.

This conclusion, however, might be premature, resulting from a false dichotomy in which ancient or modern freedom, self-government or the protection of rights are the only options for realising a free political life. The following chapters will investigate whether Hegel's conception of political order constitutes an alternative to both liberal-democratic and popular-democratic order. As a contemporary of Constant, Hegel also identified both ancient and modern freedoms. However, he did not choose sides but explored the space between them to formulate an alternative that transcends both. Such an investigation is now urgent as never before.

2.6 Conclusion

This chapter has positioned Hegel's theory of political order within the tension between the ideal of self-government and the protection of rights. It has explained this tension by going back to its origins in ancient times: Athens, which expresses the ideal of self-government and the person of Gaius, who, according to Pocock, stands at the basis of understanding politics in terms of the management of rights and possessions (*cf.* 2.3).

In the 18th century, this tension acquired a form that has turned out to be highly consequential for both Hegel's age and also ours. For the ideal of self-government, Rousseau's reinvention of this ideal has been crucial. In line with the social contract tradition, Rousseau took the original freedom of the state of nature as a point of departure. From this perspective, self-government appeared as the kind of order which would maintain natural freedom in the political order. For this, all citizens should participate in determining the

general will, the law which is to shape social life. By doing so, citizens would exercise popular sovereignty. Rousseau, thus, separates freedom as self-government from a comprehensive account of the good and the rational. The only criterion for laws to be good and free is the determination of the general will.

The Gaian universe also underwent a transformation due to the social contract approach. The issue was not merely to protect society's actual legal arrangements but also the fundamental natural rights citizens as equals hold. For Locke, these concerned the right to freedom, life and private property. This approach also opened the door for expanding the range of natural rights the individual could claim.

The emergence of the ideal of popular rule caused a further development of the Gaian perspective. To protect property against majority rule, the authors of the *Federalist* proposed a conception of a free political order that was not based on the idea of the general will. Instead, a free political order would consist of the coexistence of different factions, whereby none of the groups could impose their will on others. Crucial for this programme were the constitutional devices such as federalism, representation, and checks and balances. Due to the latter, the people's will would not be concentrated in one branch of government, while none of the branches would be able to impose its will unilaterally.

The danger of popular rule also provoked Constant's contribution to the elaboration of the Gaian universe. Like *The Federalist Papers*, Constant argued for a system of representation and the acceptance of commerce. However, unlike *The Federalist Papers*, Constant did not primarily offer institutional proposals. His importance lies in drawing the allure of a political order centred on the ideal of individual autonomy ('modern freedom'), together with his argument for the obsolescence of the ideal of political freedom as popular rule ('ancient freedom') (2.2).

All in all, the Gaian universe has crystallised in this period into a distinctive conception of political order, which I have referred to as liberal and which has come to dominate reflection on political order in the twentieth century. I have offered an ideal-historical account of this conception (2.4). This conception understands political order by reference to the interactions of rights-holding *individuals* who pursue their self-chosen ends. It regards the state's political institutions as an instrument of the rights-based free interactions of society. Democracy appears primarily as a means to keep government accountable, not a mode of self-government.

Hegel's theory of political order must be read and interpreted against this background. Hegel rejects, just as Constant and the authors of *The Federalists Papers* do, popular democracy. For him, the problem of majority rule is not only the suppression of parts of society but also its irrationality, as we will set out in Chapter 7. Hegel, however, does not reject the ideal of self-government. His theory of political order aspires to show how self-

government can be realised under modern circumstances. This requires reconsidering the nature of freedom and the nature of society.

Similarly, Hegel's position towards the liberal conception of order is ambiguous. On the one hand, Hegel does not accept the liberal conception of order as an all-encompassing account of political order. Our freedom is not exclusively modern. A political order based on the liberal assumption will, in Hegel's analysis, turn out to be unfree (*cf.* Chapters 4 and 5). At the same time, Hegel integrates features of the liberal order in his free order, such as the possibility of individuals to set their own ends and the market.

Finally, this chapter has also laid the foundation for our claim of the continuous relevance of Hegel's theory of order. In line with Pocock, the current crisis of political order can be read as another chapter in the tension between the two ideals of citizenship. The liberal conception, which largely determines our theory and practice of the current political order, has generated at the same time experiences of powerlessness, meaninglessness and political alienation. The rise of populism, fateful as it might appear, could be regarded as manifestation of the continuous appeal of the republican ideal.

In this predicament, Hegel's attempt to reconcile both accounts could be helpful for considering political freedom. Hegel's criticism of the liberal order still applies as the object of his criticism overlaps to a large degree with the dominant liberal order in our age. (The ideal-typical account of the liberal order of 2.4 covers both). Moreover, both the liberal order (centred on individual rights) and the populist challenge (based on an idea of popular sovereignty) are heirs to the social contract tradition. By criticising this tradition and its underlying ontology and offering an organic alternative, Hegel can help us reimagine what it means to have a free political order which can regenerate itself.

3. THE LOGIC OF ORDER

3.1 Introduction

Hegel's theory of order can be understood as an attempt to overcome the tension between liberal and republican theories of order. This theory can also be understood as an alternative to the dominant liberal conception of order. This chapter discusses the nature of this theory.

Hegel's theory is highly distinctive. It should not be seen as a simple compromise that adopts something from both approaches but a highly original conception of the nature of social life. This conception views political order from the idea of fundamental interdependence, thus rejecting the individualistic ontology typical of liberal conceptions of order. It also judges political order by its degree of rationality, a standard which, for Hegel, corresponds to the realisation of freedom. According to Hegel, this standard is not external but permeates social relations.

At the same time, Hegel's understanding of social life also undermines the credibility of his theory of political order. In order to establish that the modern order realises freedom and is rational, Hegel uses his speculative method, according to which the rationality of what is corresponds with the unfolding of the concept, to many a highly puzzling method. His political philosophy seems to be based on untenable metaphysical beliefs about the nature of rationality as a cosmic power infusing and transpiring what is. Hegel's philosophy, therefore, has the reputation of being, if not obscure, then at least notoriously challenging to comprehend.

This chapter aims to explain Hegel's social theory at the foundation of his theory of political order. It attempts to make this social theory plausible, particularly its core: the presence of a normative standard in (empirical) social life on the basis of which we can comprehend and assess this political order. To this end, this chapter will reconstruct Hegel's ontology as a theory of the nature of social life that can be comprehended in its own right. It does not need to be understood through his speculative method.

The following section discusses how Hegel understands his theory of political order: as a philosophical explication of the rationality residing in social relations (3.2). To make that idea plausible, the middle sections elaborate Hegel's ontology. First, they explain how Hegel sees social reality as the manifestation of the will (3.3). Then, it explains how this will, which amounts to social reality, can be understood and judged by the standard of freedom, because the will is directed toward freedom (3.4). The final section discusses the nature and scope of Hegel's theory of order based on this ontology (3.5).

3.2 Theorising political order

The character of Hegel's theory of order

Hegel's *Philosophy of Right* is a theory of socio-political order, as it describes the key features of a free political order: first, the sphere of the family; second, a sphere called civil society, which largely consists of the economy and the sphere of work; and finally, the political sphere of the state. Moreover, the work spells out the structure and internal organisation of each of these spheres in relative detail: the family must be organised as a 'bourgeois' nuclear family (not as an extended family); civil society should be a free market which respects property rights, and be structured in different professional associations; and the state should have, among other features, a professional civil service and representative assemblies.

While it is relatively easy to list the central features of this theory, it is more difficult to sort out its status. Conventionally, a distinction is made between empirical or normative theories, whereby the former can be further divided into descriptive and explanatory theories. Descriptive theories of political order display the main features of a political order, either abstractly, such as Max Weber's theory of the modern state (1966), or in more empirical detail, for instance in the state tradition (Dyson 1980). Explanatory theories, in addition, describe the conditions, for example the effects of natural resources (M. L. Ross 2001) on the regime type. These empirical theories can be described as value-neutral, in the sense that moral judgments are excluded from the analysis. Normative theories, in contrast, deal with the question of how political order ought to be organised in the light of a normative ideal, or, as critical theories, point out the inadequacies of existing political orders in relation to these ideals.

In the face of this neat, conventional division, Hegel's theory of order is hard to position. In the Preface of the *Philosophy of Right*, he vehemently positions his approach as the opposite of normative theories of order. "This treatise […] must distance itself as far as possible from the obligation to construct *a state as it ought to be*" (*PR*, Preface, p.21). In the preface, he especially denounces the philosopher Fries, who, from a normative perspective, puts the existing political order under critical scrutiny.

Hegel's rejection of normative theories of order is understandable against the background of the French Revolution, which was widely interpreted as an attempt to restructure society on the basis of abstract, universal normative ideals. The French Revolution had brought discredit to normative theory as the attempt to implement its ideals turned out to be highly disruptive in practice. Out of this critical stance towards reason and abstract moral ideals, conservatism was born, not only in Britain (Burke) but also in Germany, for instance Gentz, Rehberg (1967) and the *Historische Rechtschule*. These conservatives had in common that they sought to reorientate political judgment away from abstract, universal 'rational' principles toward society as it really exists, an intricate and historically evolved

whole. By describing society's historical pedigree and the harmony of their inner relations, they sought to legitimize this order. This post-revolutionary empirical turn, therefore, does not stand opposed to normative judgment.

At first sight, Hegel appears to have much in common with this approach towards political order. In his theory, Hegel outlines the political order that had emerged in the post-revolutionary period. His theory is not meant as a value-neutral description, but as a legitimising demonstration of how the real-existing order realises freedom. This way, his theory of order is supposed to provide intellectual ground for the trusting attitude by which most citizens relate to their political community. "The simple reaction [*Verhalten*] of ingenuous emotion is to adhere with trusting conviction to the publicly recognised truth and to base one's conduct and fixed position on this firm foundation" (*PR*, Preface, p. 11).

Despite this affinity, it would be unjustified to regard Hegel's theory of order as a conservative justification of the *status quo*.[55] Hegel explicitly criticises the *Historische Rechtschule*, led by Von Savigny, which seeks to explain and justify laws and institutions by pointing at their coherence with historical conditions and legal traditions (*PR*, §2R). For Hegel, the point is that such a historical-conservative approach has no rational criterion to judge the existing order. Savigny cannot differentiate between the essential, freedom-realising elements of the inherited political order and mere contingent aspects. Hegel, in contrast, employs a normative viewpoint to describe and judge political order: rationality and freedom. His theory of order purports to articulate how the political order of his age corresponds with these norms.

This use of a normative standard seems to contradict his rejection of a theory which describes a state as it ought to be. However, Hegel's purpose is not to posit a normative model towards which the existing state should be reformed but to comprehend the existing state from the perspective of freedom and rationality. Moreover, Hegel claims that his normative viewpoint should not be understood as external, in opposition to political reality. The normative and the empirical do not constitute, for Hegel, separate domains. Rather, the normative criterion for judging order, rationality and freedom, inheres in the real-existing social relations. Hegel's theory of order, therefore, is still orientated on society 'as it is'.

Hegel was not unique in the post-revolutionary era in his ambition to infer norms from social reality. Constant, too, who much more than Hegel wants to prescribe a political order, does not present liberal values as universal norms, for instance based on a state of nature. Instead, he argues for modern freedom because that is what moderns in fact desire, which he further explains by reference to the socio-economic conditions of modern societies. This way, Constant embeds his normative position in empirical tendencies. The political order he argues for is, at least partially, present already.

---

[55] Many have also pointed at Hegel's sympathy for the Prussian reform movement of Hardenberg, Stein and Altenberg. See Franco (1999, 121–23).

Despite this shared trait, Hegel's philosophical explication differs fundamentally from Constant's historical-sociological approach. In order to comprehend the world, Constant pinpoints without further argument an empirical tendency, which he claims to be typical of modern society, and on the basis of which he extrapolates how political order should be. Hegel aspires to offer a much more ambitious comprehension of social life. He does not merely want to point out empirical tendencies but to comprehend and articulate what is rational in the empirical political order. Hegel claims access to the rationality that pervades real existing social relations. The purpose of his theory of order is to disclose this inherent rationality and comprehend society as rational. "[S]ince philosophy is *exploration of rationality*, it is for that reason the *comprehension* [*begreifen*] *of the present and actual*" (*PR*, Preface, p.20). As Hegel's theory of order renders implicit rationality explicit, it can be referred to as a philosophical explication.

Such a philosophical explication offers a distinctive kind of analysis. It does not mirror all elements of the existing order but endeavours to uncover the inner structure of political order, those aspects of socio-political reality crucial for realising freedom and rationality. Such a reading is able to "recognise in the semblance of the temporal and transient the substance which is immanent" (*PR*, Preface, p.20). A philosophical explication can "penetrate" the wealth of forms in which political orders manifest themselves "in order to find the inner pulse, and detect its continued beat even within the external shapes" (*PR*, Preface, p.21). Such a theory can render the architecture, which makes the political order free and rational, explicit. Hegel describes his theory as "the architectonics of the rationality which, through determinate distinctions between the various spheres of public life and rights they are based on, and through the strict proportions in which every pillar, arch and buttress is held together, produces the strength of the whole from the harmony of its parts" (*PR*, Preface, p.15-6).

Making sense of Hegel's philosophical explication

In the *Philosophy of Right*, Hegel offers a theory of how the structuration of social-political life, whose contours emerged in the first part of the nineteenth century, is rational, and, what amounts to the same, realises freedom. The rationality of this order is not based on an external standard but immanent in 'the actual; it is *acting* in sociopolitical life.[56] This brings up the ontological question of how to make sense of this idea of rationality inherent in social relations, and the methodological question of how it is possible to recognise the rational within the transient.

Hegel answers both questions at once through his Conceptual Logic, which is both an ontology and a method to disclose this ontology. According to the Logic, the actual [*das*

[56] In German, the actual, *das Wirkliche*, is the adjective of the noun to work or to act (*wirken*).

Wirkliche], whatever is rational in social relations, should be comprehended as the self-determination and dialectical unfolding of the Concept. Hegel's System describes this development of the Concept. The unfolding has a fixed structure, passing through the moments of direct unity, differentiation (or particularisation) and mediated or concrete unity, whereby the latter turns out to be the ground of the previous two moments. Thus, to uncover the rational, one has to follow Hegel's speculative dialectics, which describes the unfolding of the concept. From this perspective, the real-existing political order is rational in so far as it can be shown to reflect the unfolding of the concept.

This dialectical progression is visible in the structure of the *Philosophy of Right*, whose three main parts, Abstract Right, Morality and Ethical Life, correspond to the three dialectical moments of the free will: as direct unity, differentiation and concrete unity. This dialectical progression repeats itself several times, most notably within Ethical Life, which also consists of the three moments: the family (direct unity), civil society (differentiation) and the state (concrete unity), but also within each of these spheres (for instance, the three branches of the state that Hegel distinguishes also follow the structure of the concept).

Hegel makes it explicit in the *Philosophy of Right* that this work is based on his Conceptual Logic. "[I]t will readily be noticed that the work as a whole, like the construction of its parts, is based on the logical spirit" (*PR*, Preface, p.10). As a consequence, its main conclusions, for instance the limitations of civil society and the structuration of the state, appear only to make sense in terms of the Logic and the wider System, and, thus, to require an a priori espousal of both his ontology – the rational which inheres in the world – and his speculative method. Several authors, such as Brooks (2012), Franco (1999), Peperzak (2001) and Heyde (1987) offer an interpretation of Hegel's political philosophy by reference to the underlying Logic. Such an approach has the main advantage of reading Hegel on his own terms.

A strict adherence to the Logical method, however, has disadvantages. First of all, such an approach could be said to detract from the relevance of Hegel's theory of order. Whether or not justified, Hegel's speculative method stands outside mainstream currents of scientific thinking and is generally taken as incredible or obscure at least (representatives of this position are: Honneth 2001; Nance 2016; Taylor 1979). An account of Hegel's theory of order which merely reiterates the conceptual unfolding have profound difficulties to be heard in the wider debate about political order.[57]

Next, an interpretive strategy that repeats Hegel's conceptual deduction could be criticised for not sufficiently making sense of Hegel's claim that he wants to draw out the rationality that inheres in socio-political life. Strictly following the iteration of the concept

[57] None of the studies faithful to Hegel's speculative dialectics mentioned above have been successful in conveying Hegel's theory of order to a wider public (though, to be fair, these studies primarily want to contribute to the history of ideas).

raises the question of whether this explication of the rationality implicit in social relations does not amount to the application of an a priori format of rationality. Does such an approach take Hegel's claim to uncover the inner rationality of political order seriously?

This study accepts that the inner rationality of social life is essential to Hegel's ontology and, by implication, to his theory of political order. However, to make this idea , plausible, it offers a reconstruction in terms that do not strictly adhere to the trajectory (or methodology) of the concept. Hegel's philosophy provides room for such an approach. The rationality which his conceptual unfolding uncovers (the concept) must correspond in his philosophy with the real-existing world (which actualises reason): "the Idea of right [is] the concept and its actualisation" as he puts it concisely (*PR*, §1). The rational, which according to Hegel follows the conceptual logic, must be present in the empirical reality and, consequently, also explainable in terms which do not have to refer to the logic of the concept (for a similar approach: Neuhouser (2000)).

Hegel himself could be said to take, next to the adherence to the conceptual unfolding, this road as well. He explains the deficiency of a political order based on individualistic interactions (civil society) not only by reference to its conceptual insufficiency (differentiation but not a concrete unity; particularity not fully mediated with universality) but also by pointing out empirical consequences, such as the emergence of poverty, a rabble class and a lack of recognition. Likewise, the rationality of the state should not merely be demonstrated by its logical structure, but also by the way in which institutions work upon each other. The subsequent chapters of this study reconstruct why the state, as Hegel envisages it, is rational and realises freedom and why civil society is, in this respect, deficient.

The remainder of this chapter explains Hegel's ontology and also attempts to make it plausible. The subsequent section (3.3) gives an account of the key concept of Hegel's ontology, the will, which constitutes social reality. The consequent section (3.4) discusses the most conspicuous feature of Hegel's ontology of the will: its internal orientations towards becoming free and rational. On this basis, Hegel's conception of political order can be understood by reference of a logic, inhering in the will. On this basis, the final section of this chapter revisits the question that we have started discussing in this chapter: what kind of theory does Hegel offer us?

3.3 The ontology of order (1): the will

Hegel's theory of political order hinges on the concept of the will. For Hegel, the will is not only an attribute of individuals, but also of social structures, such as states. Real-existing socio-political orders, such as states, are essentially formations of the will. It is, therefore, crucial for understanding Hegel's approach to political order, to explain his understanding of the will.

THINKING AND DESIRING

Willing is for Hegel distinctively human. "The animal acts by instinct, it is impelled by something inward and is therefore also practical; but it has no will" (*PR*, §4A). For animals, the emergence of desires, the means for their satisfaction, and the experience of satisfaction proceed intuitively. As one interpreter comments: "Nature supplies a feeling of incompleteness (hunger), the sense of what would sate this desire (e.g., wild berries) and the ability to satisfy this desire (the bodily capacity to eat these berries)" (Church 2010, 127).

Crucial for the will, and the reason for its absence in animals, is the inclusion of thought. The human will consists, like the wants of animals, of needs or desires which are naturally given.[58] However, the human will also consists of thought, which has inserted itself on, and consequently transformed, these natural desires. For humans, nature does not fully determine the shape of their desires. The human desire for food, for instance, is to a considerable degree natural but also contains beliefs about health, religious and moral obligations or social status. The desires based on these beliefs, which Hegel refers to as representative (as they concern ideas about the world) and spiritual (as they originate in Spirit [*Geist*], the ideational sphere originating in human interaction) turn out to be stronger than the sheer natural desires:

> Within social needs, as a combination of immediate or natural needs and the spiritual needs of *representational thought*, the spiritual needs, as the universal, predominate (*PR*, §194).

This division of human needs into a natural desiring and a reflective component seems to correspond to the widely shared view of human nature as consisting of two distinctive faculties: reason (thinking) and desire (passions). In such a view, agency can be understood in terms of the collaboration of the desiring and reasoning elements in man's nature. The history of philosophy offers two versions of this dualism. For the one, reason is supposed to be in control of the desires. For Kant, reason should prescribe moral ends against the inclinations of human desires. Also in this camp is Platonic philosophy,[59] according to which the reasoning element in man should be trained to rule and the appetitive element to obey. The other version of the collaboration of the two faculties has as its key philosophers Hobbes and Hume. For both, the passions ultimately reign; they set the ends that humans pursue, while reason is their instrument to find satisfaction.

Hegel, however, emphatically denies any dualism of reason and desire. "Those who regard thinking as a distinct faculty, divorced from the will as an equally distinct faculty, […] show from the outset that they are totally ignorant of the nature of the will" (*PR*, §4A). Cognitive assessments are an intrinsic component of the will. The emergence and experience

---

[58] We do not make a distinction between the concepts of desire, want and need. The will is a desire, want or need, which contains thought.

[59] Platonic philosophy in a broad sense also includes Stoicism.

of desires coincide with beliefs about the desirable. "The theoretical is essentially contained within the practical; the idea that the two are separate must be rejected, for one cannot have a will without intelligence" (*PR*, §4A). The desire to buy a new house, for instance, contains all kinds of beliefs, for instance about why a new house would enhance the quality of living. Whether the desire precedes the belief, or *vice versa,* is impossible to say. Rather, the belief *is* the desire. Similarly, thought is inextricably involved in the experience of desire satisfaction. Whether a relationship satisfies one's needs involves a set of (eventually contradictory) beliefs of what satisfaction of this need means.

With this conception of the will, it does not make sense to speak of a conflict between reason and desire (or thought and feeling). Somebody might interpret their predicament in such terms, for example juxtaposing the 'voice' of the heart and that of reason. Hegel does not deny the possibility of inner conflict but this should be understood as a conflict between two wills, both of them desire/thought constellations. One of the consequences of this monism is that conflicts are not principally incompatible.

The priority of the social in the formation of the will

The will is for Hegel the central category for describing human life. Humans are essentially purposive beings. A crucial feature of the will is its transformability. Because the will includes thinking, it can have a wide variety of forms. To take up the example of the previous sub-section, that humans desire different kinds of foods is to a certain degree due partly to their natural taste but to another degree also to their beliefs of what counts as a delicacy, healthy, or taboo. As beliefs change, desires also change and *vice versa*.

In Hegel's ontology, autonomous, inner reflection does not primarily (trans)form volitional structures. Hegel does not understand the will, just as thinking and desiring, as the exclusive private property of individual agents. In the formation of the will, the social has priority. Hegel explains this priority of the social in the formation of the will as a consequence of an inner need of humans to know who they are, which is always in *relation* to others. To have an indeterminate status in the social world is unbearable; humans need to be "somebody".[60] This desire is not merely the psychological need to find a place in the group. Humans also desire to experience agency, the ability to identify with and take responsibility for their actions. The exercise of agency requires agents to have reasons for whatever they are doing; they need to comprehend the social world in which they participate and develop a conception of the good. In Hegel's ontology, individuals cannot concoct such a conception entirely in themselves (see also 3.4). Conceptions of the good emerge in a social setting of reciprocal claim-making.

[60] Being somebody implies a relation to others in terms of sameness and difference. In order to express the duality of this need for a social identity, Pippin (2008, p. 137) refers to it as a desire to be "one among many". Church (2010, 129) uses a similar phrase: "one of the crowd".

Individuals who desire a social and practical identity, consequently, participate in settings. In its desire for recognition [*Anerkennung*], the will undergoes transformations. For understanding this, we have to take apart the elements of a recognitional relationship. Ikäheimo (2002, 450–452) distinguishes two elements: A's acknowledgement of B as C and B's acceptance of this acknowledgement of A. To this, a third element must be added: in order to garner A's recognition, B lets his actions reflect the norms which are likely to carry the approving opinion of A. This third element is crucial for the (trans)formation of the will.

How the desire for recognition (trans)forms the will can be illustrated by the example of a student whose will to *become* a doctor transforms into the will of a doctor. In order to be recognised as such (social status) and to make choices as a doctor (agency), the student has to learn to think and act as a doctor, which consists of appropriating all relevant theoretical and practical norms and for which exams have to be passed. At first, these norms she practices to keep remain external to her; she is not yet a doctor. But at a certain point, the she will have fully internalised the norms of her profession; she now acts like a doctor because she *is* one. The norms are no longer means for finding recognition, willed for the sake of themselves. The socially constituted norms of her profession have become "a second nature".

The educational setting of this example renders the will formation very explicit. However, similar processes occur in other institutional settings, such as the family, the state, the market and professions. Each of these institutions houses norms of what is right and proper, noble and base, good and conscientious. Desiring to be somebody and have to have agency, participants have their wills are formed in accordance with these inner norms. As Church (2010, 129) points out, individuals "glean their desires from societal norms and acquire a self-consciousness of what the satisfaction of these could be from these same norms."

The priority of the social can be interpreted as mere pressure on individuals to conform to group norms. Such pressure appears irrational, forcing individuals to act against their better insights. This is not Hegel's point. The priority of the social is a given, which also extends to the development of a reasonable will. To become reasonable, the individual must participate in social settings of reciprocal claim-making. Section 3.4 discusses Hegel's account of rationality in more detail.

Social ontology: relational organicism

So far, the will has been addressed as an attribute of individuals, even though shaped in a social context. In Hegel's ontology, social formations, such as states, societies, and families can also be said to have a will (or, more correctly, to be a will), because they are purposive (they 'desire' states of being) and contain beliefs, in particular a conception of the good.

Hegel rejects an individualistic ontology according to which social formations are reducible to the individuals that make them up.

Hegel's distinctive social ontology can be referred to as 'relational organicism' (Quadrio 2012). This notion expresses the idea that in socio-political formations, (the will of) wholes and parts are mutually dependent on and constitutive of each other. The purpose which inheres in the organic structure does not have a 'starting point' in either parts or the whole: the parts determine the whole just as the whole the parts. "Of the teleological activity one can say, therefore, that in it the end is the beginning, the consequence the ground, the effect the cause; that it is a becoming of what has become"
(*L*, p. 664, see also Quadrio, 2012, p. 325).[61]

According to Quadrio (2012, 323), the relational organicist account of social ontology does not constitute a reactive response to political modernity but a new and alternative way of conceptualising the ontological basis of modern politics. According to him, relational organicism should be distinguished from premodern holism, which understands parts by reference to and reducible to the whole. This holistic ontology does not sufficiently acknowledge that the whole only is 'through' its parts. At the same time, the relational organicist ontology is different from ontological individualism, according to which socio-political structures like states are made up by and explainable in terms of its parts: individuals. In Hegel's organicism, the will of the whole does depend on that of the (individual) parts, but these parts, in turn, depend on and are constituted by the will of the whole. In contrast to both ontological individualism and holism, Hegel's ontology is 'post-foundational': there is no starting point in the relation between the individual and the community.

The key notions of Hegel's conceptual logic, the universal, particular and singular (or concrete universal), can be used to express the mutual dependence of the parts and the whole. The singular will is the overall volition (desiring and thinking) of a social structure, for example a family. This singular will contains the moments of particularity and universality. The latter, which could be designated as the 'general will', refers to the purpose and cognitive structure of the institution as a whole (Knowles 2002, chap. 9). Families, for instance, have their purpose in the well-being of the whole and also have beliefs of what this well-being consists in. For one family, for example, an important purpose might be making music, which goes together with ideas about it (What is good music? How to learn it? Etc.). All members of the family share this universal dimension of will: they participate in the same cognitive structure and contribute to the realization of its purpose.

[61] Hegel's relational organicist ontology anticipates 20th century structuration theory (Giddens 1986), which understands social reality in terms of an opposition and mutual dependence of structure (the whole) and agency (the parts).

The particular in contrast refers to those elements in which individual members of a social formation differ from each other in terms of their purposes and thoughts. (Neuhouser 2000, 90).[62] For the musical family, individual members could have (besides other personal needs and desires) their own ideas about music, skills and purposes.

The universal and particular can be presented as opposed to each other: the particular as the self-centred will of the individual against the universal will, which concerns what is good for all. However, in Hegel's ontology of social institutions the relation between the particular and universal is not merely one of opposition. The universal also includes and facilitates the particular, which could be understood as a differentiation of the universal. The universal of the family, the well-being of all, enables family members in their differences to pursue and realise their own ends. Simultaneously, the universal will depends on the particular will of its members, which are not merely opposed but also orientated on this universal. A family only succeeds in realising its good, when its members, not only *despite* but also *in* the difference among them in terms of purposes and thinking, are contributing to this universal end. This relational organic understanding of social structures thus transcends the dichotomy of sameness and difference. Particularity, as the moment in which individuals are different from each other, is also grounded in and orientated towards the universal. Universality as the purpose of an institution which all members share is also founded in and facilitates their differences.

This relational organic ontology is foundational for Hegel's theory of political order. For Hegel, political order, the state in his terminology, is ultimately a will organised as a relational organic unity. Clearly, the will, which constitutes the political order as a whole, is highly complex. The state consists of parts, sub-institutions such as civil society and the political state, which with regard to the parts that they contain, for instance different sectors (corporations) for the economy, are wholes themselves. Moreover, these sub-institutions differ with regard to the relation of the universal and the particular. In families, for instance, the relation between the universal and particular is clearly different than in states or in market relations. In this reconstruction of Hegel's theory of order, these relations must be spelt out in more detail.

THE CONSTITUTION OF THE SOCIO-POLITICAL WORLD

Finally, how does the political order come into being? As the political order can be understood as a differentiated unity, Hegel emphasises the interdependence of all aspects of social reality; they mutually constitute each other and the order as such. The state is for its existence and its form dependent on the will of its sub-structures (civil society, the political

[62] As second distinction between the universal and particular will, Neuhouser (2000, 90) asserts that "[p]articular wills are attached to their ends through inclination rather than abstract reason."

state, families), which themselves depend on further sub-structures and, ultimately, the particular will of individuals. The opposite is also the case. The overall will of the state determines these sub-structures, which themselves determine the will of the lower structures.

The parts and whole, which in Hegel's social theory constitute social structures are connected by relations of recognition. Consequently, the overall will of a political community, just as the will and identity of individual members, is the outcome of a network of recognitional relations. Therefore, Hegel's idea of political order can be thought of as a totality of interlocking recognitional relations.[63]

In the first place, individual wills are formed due to their participation in social institutions, such as the family, the sphere of work, and the state. This formative capacity of institutions has already been addressed in the discussion of the priority of the social. Individuals desire a social and practical identity. Insofar as individuals succeed in conforming to the norms of the social structure, the 'institution' recognises them in their social roles. Even when individuals seek recognition as being different, they must, to some degree, meet the norms of the institution, as the recognition of difference also requires similarity. Some of this recognition proceeds relatively naturally, such as familial roles. The recognition of other social roles, such as professional roles, requires much more time and effort and can also fail more easily.

Not only individuals, but also social structures require recognition for their existence. Members have to accept the purpose of the institution and also hold other participants to this norm. Moreover, they have to espouse the roles and identities inherent in the institution and contribute to the purpose of the institution either directly or in their particular will. In a family, individual members must recognise its overall good, embrace their role, contribute in this role to its end, and recognise other members to the degree that they do so as well.

Not only the relations between individual participants and institutions are recognitional. The relationship between the political order as a whole and the different sub-systems which constitute socio-political reality is also recognitional. The nuclear family, which is typical for the modern political order, exemplifies this relation. On the one hand, families pursue their own purpose: the well-being of the family, which is based on a feeling of natural love or loyalty among family members. At the same time, families recognise that at some point, children leave the family and become independent beings that make their own choices, create their own families and make their own careers. They do not hold their own purpose, the well-being of the family, as absolute, but also recognise the principle or the good of the larger political order and integrate these into their own ends. Similarly, economic agents, such as corporations, should not only pursue their market interests but are

[63] This idea has been worked out by Quante and Schweikard (2009).

also supposed to recognise the ends of the state. By this kind of recognition, families and other sub-institutions contribute to the existence of the state. The other way round, the political order recognises families. It enables their existence by, for example, legal and fiscal means, which contributes to the flourishing of the nuclear family. Likewise, the state also facilitates (economic) players in civil society to realise their ends. Chapter six will work out the relation of recognition between politics and economic life.

Finally, relations of recognition also apply to the constitution of individual identity. Individuals, like the political order, can also be described in terms of parts and wholes. While participating in different social structures, they have different social roles, for instance, being a person (a holder of abstract rights), an individual moral subject, a family member, a worker and a citizen. These identities do not stand next to each other but should mutually recognise each other. Just as the state is the most comprehensive order, so is citizenship, for Hegel, the most comprehensive social role (see Chapter 7). Individuals should, as economic agents, recognise their duties as citizen, but also, as citizens, recognise their right to pursue their interests in the market.

3.4 The ontology of order (2): immanent normativity

The previous section has worked out how in Hegel's ontology the (empirical) will constitutes political order. This section investigates Hegel's idea that the political order contains an inherent normative standard, freedom and rationality, by further explaining Hegel's ontology of the will. It first explains the idea that the will has an internal orientation towards becoming free. It then explains that for understanding what it means to realise this freedom, freedom must not be conceived as a property of individual agents, but of Ethical Life. Finally, it works out what it means to realise freedom, both from an individual-subjective and an institutional-objective perspective. For Hegel, the free will is synonymous with the rational will. Only after having explained what the free will is, can we elucidate the idea that rationality inheres in the social order.

Freedom as telos of the will

The *Philosophy of Right* can be summarised as an investigation into what constitution of the will realises freedom. For this, it progresses through a large set of conceptualisations and social structures, which all, except the final one, the state, turn out to be deficient. This exposition is based on the assumption that the concept, and also the empirical social order corresponding with the concept, are intrinsically orientated at becoming free.

For understanding this inner tendency towards freedom, it is not necessary to repeat the full trajectory of the concept. Hegel also offers a general and abstract definition

of the free will as a will that is "with itself in an other."[64] This definition is a meta-conception, which underlies the other conceptions of the progression. Each of them, abstract freedom, morality, and ethical life, can be assessed on the basis of the question to what degree they realise this underlying conception. This meta-conception also expresses the inner telos the empirical will is orientated towards. Therefore, a fruitful strategy for understanding the inner normativity of the will is to unpack this meta-conception.

The first component of the (free) will is that it wants to be "with itself" [*bei sich*]. Freedom for Hegel has an internal or subjective dimension; it is a kind of *self-relation*. The internal telos of the will, therefore, can also be described as the will to will itself. This formulation implies the possibility of the will not being with itself. This is the case when humans do not fully identify with (the purposes of) their actions. Then, they do not will their will; they are not themselves in their desires. This understanding of freedom aligns with a commonsensical notion of freedom, according to which people driven by impulse and without reasons to sustain their actions are unfree. This also applies to actions to meet social expectations, while "deep inside," agents do not fully identify with them. Because freedom as self-relation requires selves to be present in whatever they do and desire, it expresses the ideal of autonomy or self-determination.

According to Hegel, the will has an inherent orientation towards freedom as remaining with itself. The desire for agency, which we have already touched on in the previous section, is an expression of this orientation of the will to remain with itself. The will seeks a conception of the good, that it can confirm, so that it can also take responsibility for its actions. From this perspective, unfreedom is the experience in which people do not coincide with their will, in which something alien remains attached to their will. This possibility is unsettling and will lead to the attempt to overcome this incoherence.

The other component of the free is that it endeavours to be "with itself *in an other*". This phrase introduces the external or objective dimension of freedom. Humans share their world with others and are fundamentally dependent on them. How *they* exercise their will conditions the ability to experience freedom. Family members or fellow workers, but also the disciplining force of social institutions, such as the market or political rules, highly impact how one can exercise one's will. Living with others entails the risk of being interfered with or other-determined. A free will, therefore, is not only a matter of self-relation but also concerns the nature of the social world: how others exercise their will. The internal orientation of the will at becoming free also includes, on a long-term and society-wide scale, an inner propensity towards organising social structures which do not frustrate the exercise of its will.

---

[64] Neuhouser (2000, 19–20) and also Nance (2016, 809–10) uses this phrase. Hegel does not use the exact wording, though similar phrases appear at different places, e.g. *PR* §7A or: "[F]or freedom is precisely this: to be at home with oneself in one's other, to be dependent upon oneself, to be the determining factor for oneself" (*Enc*, §24A2).

LIMITATIONS TO INDIVIDUALISTIC CONCEPTIONS OF FREEDOM

In the first two parts of the *Philosophy of Right*, Abstract Right and Morality, Hegel investigates whether accounts (and practices) that take freedom in terms of the will of individuals can meet the inner criterion for freedom. Abstract Right (Part One) concentrates on the second component of Hegel's meta-conception of freedom: the social world should allow individuals to follow their will. This understanding of freedom abstracts from subjective motivations and purposes. "[E]verything which depends on particularity is here *a matter of indifference*" (*PR*, §37A).

In this approach, the immediate will, whatever ends it pursues, is taken to be free by default. In this perspective, the realisation of freedom requires the absence of interference. Abstract Right, consequently, is the sphere of the legal personality, in which only the external side of actions matters; legality instead of morality. The external actions have to abide by only one norm: "be a person and respect others as persons" (*PR*, §36), which implies that individuals should not impede others in their freedom. This right to be recognised as a person is the foundation of other abstract rights, such as the right of property, of contract and of punishment to restore right in the case of crime.

Hegel holds this individualistic objective conception of freedom to be ultimately deficient as it involves an inner contradiction: it excludes all particular and moral motivations and dispositions, while the realisation of this will requires individuals to be subjectively committed to the abstract rights. Consequently, persons within the conditions of Abstract Right, relate to the universal claims of this legal sphere only contingently. It is not certain that a partner will hold to a contract, as it is only based on common (particular) wills – both want this contract – and not on a shared universal will, i.e. the commitment to a universal good. Moreover, the abstract legal state will not be able to really restore justice in the case of crime. Such restoration would require of its members "a will which, as particular and *subjective* will, also wills the universal as such" (*PR*, §103). This perspective is absent when the legal state based on abstract freedom abstracts from subjective motivations.

Freedom, thus, also needs a subjective, internal dimension, which Hegel works out in Morality, the second part of the *Philosophy of Right*. From this perspective, freedom is being understood as the ability to have acquired ownership of one's will and thus remain with oneself. Morality is the ideal of an autonomous life. Individuals are moral subjects with inner reflection who can consciously decide on their actions based on moral and other considerations and, thus, take responsibility for their actions. In contrast to Rousseau, Hegel does not think that humans are with themselves by nature.[65] Rather, the experience of self-loss is original. Even as biological beings, individuals' drives are several and, potentially,

[65] This idea corresponds to Helmuth Plessner's idea (1965) of human ex-centricity.

conflicting. Subjective freedom, morality, can be understood as the attempt to overcome this original self-loss and gain ownership of one's will.

In the beginning of the *Philosophy of Right*, Hegel discusses two basic approaches for individuals to gain ownership. In the first place, as humans do not fully fall together with their drives, they have the option to 'say no' and detach themselves from them. Due to this human power to negate the natural will, individuals cease to be merely driven (*cf. PR*, §5). The most radical exercise of autonomy in this line is suicide, an act by which the I shows itself to be in charge. Clearly, this radical grasp for control comes at the expense of every concrete purpose and does not realise freedom as the experience of being at home with oneself. For the other approach, the self is involved in its own will not by negating all determinations but by choosing one end over another (*cf. PR*, §6). The I particularises itself.

This preference for one drive over another, however, remains arbitrary. The self does not fully appropriate its actions, as it does not have ground for this choice. In the Morality section, Hegel investigates different and ever more thorough ways in which the self penetrates and appropriates its actions as objectives of the will. Among these categories are purpose [*Vorsatz*], intention [*Absicht*], welfare [*Wohl*] and happiness [*Glückseligkeit*], the good [*das Gute*], and conscience [*Gewissen*]. Happiness, for instance, is the ability of the self to take with regard to its natural drives a higher, synthetic perspective and order them in the light of their contribution to a happy life. Moreover, in order to gain a ground for guiding and appropriating one's actions, individuals could also take a perspective which, partially, transcends their individual natural drives. They could also include in the determination of their purposes the happiness of others (like utilitarianism), or try to go beyond natural inclinations and determine the good, which largely overlaps with the Kantian attempt of individual subjects to gain access to the moral law. So, in order to be free and take full responsibility for their actions, individual reflection becomes entangled in a process of universalisation (*PR*, §107).

However, freedom, exclusively understood as subjective self-determination, is for Hegel bound to fail. The moral subject, in abstraction from objective institutions, is unable to formulate the good. As explained in 3.3, the will consists of both thinking and desiring. Thinking in isolation from wanting is unable to transform itself and determine the good it strives after. The social setting has priority in the formation of the will. Consequently, individual agents need to participate in social structures, which help them to discover the good cognitively (in a process of reason-giving) but also by shaping their desires.[66]

Moreover, moral subjects taken on their own will not, according to Hegel, be committed to the objective good. Hegel offers a typical dialectical step in which the principle

[66] Hegel works this out by criticising Kant's idea of the categorical imperative, the moral law individual subjects are supposed to uncover and act on. According to Hegel, even if individual subjects would be able to determine their duties in line with such an imperative – which he doubts – the method could not offer clarity when different, conflicting duties could be formulated. See, García Mills (2018).

of morality, orientated on the universal, turns into radical subjectivism and self-absorption. One of the forms that Hegel distinguishes is the Romantic consciousness, which only abides by its conscience and subjective convictions, eventually against any objective order. His criticism of Fries's critical political philosophy, addressed in section 3.2, also fits this subjective attitude. The most extreme shape of this failure is the ironic consciousness in which subjectivity declares itself absolute against all objective truth.

Freedom for Hegel, therefore, should not be understood as all subjectivity without objectivity, just as it cannot be understood as all objectivity without subjectivity as in Abstract Right. Abstract Right and morality can only exist once they are synthesised. But this synthesis can only succeed in specific social formations.

Freedom and Ethical Life

Hegel has a social conception of freedom. Morality and Right are embedded in a form of common life, which enables their existence and synthesis. Hegel refers to this common life as Ethical Life [*Sittlichkeit*]. For understanding freedom and following its inner telos, the (specific) social settings constitutive of freedom, should also be included.

Subjectively, the presence of others is crucial for overcoming the contingency and indeterminateness typical of Morality. Individuals can only come to a conception of the good in social settings because such conceptions are, according to Hegel, embedded in processes of reciprocal claim-making. Moreover, social settings also have a formative function by which individuals develop a practical and social identity. Due to this identity, individuals also become committed to the good constitutive of this identity. This institutionalised agency, in which individuals remain with themselves, differs from Morality, which understands freedom only as subjectively determining the norms that should guide their actions; the make-up of the institutions in which the agent leads his life are irrelevant for freedom there. Morality, however, does not disappear in ethical freedom. Participation in an ethical structure enables individuals to become and act as a moral subject. As moral subjects, individuals are supposed to validate the norms and institutions in which they participate.

Objectively, these social institutions structure the social world so that individuals can exercise their will without being determined by others. The institutions of Ethical Life should render it possible for individuals to pursue and realise their ends. In the freedom of Abstract Right, other-determination is prevented by carving out a space of non-interference, in which their rights as Persons are respected, which allows individuals to pursue their ends. Though Ethical Life also includes rights to enable individual self-determination, its approach to preventing other-determination is fundamentally different from that of Abstract Right. In Ethical Life, the point is not to limit other-dependence but to shape this other-dependence as a form of self-dependence or self-determination. Hegel puts this as follows in the introduction of the *Philosophy of Right*: “Only in this freedom is the will completely with itself

[*bei sich*], because it has reference to nothing but itself, so that every relation of dependence on something other than itself is thereby eliminated" (*PR*, §23).

Already early in the *Philosophy of Right*, Hegel offers an intuitive illustration for why freedom also requires engagement in relations of dependence:

> But we already possess this freedom in the form of feeling [*Empfindung*], for example in friendship and love. Here, we are not one-sidedly within ourselves, but willingly limit ourselves with reference to an other, even while knowing ourselves in this limitation as ourselves. (*PR*, §7A)

The small circle of friends or lovers offers a kind of freedom that cannot be understood in terms of providing a space of non-interference for individuals to follow their ends. In love or friendship, the will of the other limits one's freedom, understood as the possibility to do what one wants. This limitation to one's external freedom is not experienced as such because the relationship is expressive of who I am. The relationship gives me a place in the social world (a sense of self and identity) and a sense of purpose, i.e., the good of the friendship or the love relation. As a lover or a friend, I want to take the will of the other into account (and limit my 'abstract' freedom) because I want this relationship to be and to realise its purpose (Knowles 2002, 229, 235–37). The other-dependence is experienced as a form of self-determination. Because I want this friendship or this love, I also want the dependence that is part of it. The other-dependence does not limit but enables my freedom.

This understanding of freedom partially depends on individual agents reconceiving their other-determination into a form of self-determination. The freedom that a love relation offers depends on a partner has integrated the other into the notion of the self. The individual should recognise the other as partially constitutive of who he is. At the same time, ethical freedom does not only depend on the subjective appropriation of the other but also on the structure of the institution itself. For being free, a love relation or a friendship must have relations of dependence that are reciprocal and balanced; the good of this relationship must benefit both. An abusive friendship or relationship in which the one imposes its will on the other is not free, even though he might identify with it. How social institutions have organised their relations of dependence, therefore, is also crucial for ethical freedom.

The third part of the *Philosophy of Right* works out the structure of the Ethical Life which, according to Hegel, realises freedom. Hegel distinguishes three spheres of Ethical Life, the family, civil society, and the state, whereby the state refers to the Ethical Life in its totality, thus also comprehending the family and civil society. Ethical structures are differentiated wholes, which can be described in terms of the particular and universal will and the mutual dependence of both (see previous section on relational organicism). As already indicated, ethical freedom has two dimensions, being "the unity of objective freedom (…) and subjective freedom" (*PR*, §258R). In the following two sections, these dimensions will be further unpacked. The discussion of objective ethical freedom will also explain how,

for Hegel, objective ethical freedom amounts to rationality, and thus how rationality is ingrained in social relations.

Subjective ethical freedom

Ethical Life enables individual subjects to experience a distinctive form of freedom, which differs from the freedom of an abstract moral subject and that of a person. Ethical freedom is the freedom of an individual who participates in ethical structures and whose will has been formed accordingly. These ethical subjects come to have distinctive social roles (father, farmer, citizen, etc.) and dispositions and ideas of the good intrinsic to these roles. Even though their life in these roles is deeply entangled with other members of the ethical structures, these subjects do not experience themselves to be other-determined but 'in their element.' This section works out the subjective dimension of ethical freedom by distinguishing three constitutive dimensions: its cognitive assessment, social identity, and practical contributions.[67] Ethical structures do not necessarily generate the experience of freedom. Participants might also experience unfreedom or alienation. The three dimensions of ethical freedom, therefore, could also be used for working out what alienation entails.

First of all, free individual subjects cognitively identify with and consent to the universal purpose – the good – of the institution in which they participate and take it as worthy of pursuit for its own sake. The universal end, which they recognise, does not stand for them in opposition to their private, particular ends but are connected (think of the family example in the previous section). In the case of a conflict between both, free ethical subjects are willing to reconsider their particular purpose in the light of the good of the ethical structure.

Alienated subjects, in contrast, are unable to recognise the good of the institution and take it as their own good. They do not experience harmony between the good of their social world ethical structure and what they consider as their own good but opposition. The good of the ethical institution – the family, the state – appears to hem as imposed and at the expense of their own good. Consequently, they are unable to experience their social world as their home.

The second aspect of ethical freedom concerns the social roles which Ethical Life entails. Free subjects regard their social roles as fundamental to who they are (Hegel refers to these roles as individuals' "essence"). They identify themselves with these social roles: for instance, as the father of a particular family, a farmer in the economic sphere, or a citizen of this country. Free ethical subjects, thus, do not only relate to the world but also themselves affirmatively. This affirmative self-relation depends on the recognition of others, who also hold them to be what they regard themselves to be.

[67] These aspects follow the distinctions of Neuhouser (2000, chap. 3).

For alienated subjects, there is a discrepancy between how others see them and who they want to be themselves. They could experience their social roles as artificial impositions, the outcome of social expectations, but not as something they internally affirm. Alienation, then, amounts to a *loss of oneself*. Alienation could also occur when they do not succeed in being socially recognised in their roles. Ethical subjects might not be accepted as somebody in civil society because they cannot meet the norms on which recognition depends. Consequently, they feel looked down on. This alienation involves the experience of *rejection*.

In the third place, free ethical subjects consider their practical behaviour indispensable for the existence of the social world. They consider the ethical structure they participate in as their "product". As ethical structures in Hegel's organic ontology do not have a starting point, members should not consider themselves as their creators from scratch. However, for experiencing freedom in their social world, they should regard its continued existence and the realisation of its critical values a consequence of their activity. Free ethical subjects, therefore, regard themselves as (co-) producers of their social world. The flourishing of a family critically depends on its members. If they did not fulfil the responsibilities inherent in their roles, they would undermine the family's good or even cause its breakup.

Alienated subjects, in contrast, do not regard their actions as critical for the existence and realisation of the good of social structures. They do not experience involvement in the production of the social world, nor do they take the social world in need of their contribution. For them, the political community or the economy has no connection with how they lead their lives; they are merely external forces they must deal with. Consequently, alienated subjects regard themselves in relation to the social world as *superfluous*.

Objective freedom and the rational order

Subjective freedom is not sufficient for the realisation of freedom. This would imply that every institutional context, even a tyranny or slavery, could count as free as long as its members could be manipulated to recognise the good of the structure, embrace their social roles, and regard themselves as indispensable. The social world should also be objectively free. Social institutions, which always involve relations of dependence, should be structured so that "this other" allows its members to remain "with themselves".

The Ethical Life of a family illustrates this well. An objectively free family still contains relations of dependence, both physical (material sustenance, care for the young, old, and sick) and emotional (the need for love, support, and recognition). Nevertheless, members can be free when the good of the family, that is, its well-being, includes the particular interests, needs, and purposes of all its members. And this good, in turn, can only be realised

when all members are willing to foster it. Objective freedom, therefore, amounts to the *integration* or *mutual adjustment* of each of the members of the ethical structure, which Hegel defines as the "unity" or "interpenetration" of "universality and particularity." This integration differs from assimilation as members are supposed to adjust to each other *in* and not *against* their particularity.

Objective freedom corresponds, for Hegel, with the rational.[68] Objectively free structures, in which the particular and universal will penetrate each other, are rational. To make sense of this correspondence of freedom and rationality, we must keep in mind that Hegel does not have a representational conception of rationality, according to which the rational refers to an external standard.[69] Nor does rationality for Hegel primarily mean logical consistency. Instead, Hegel has a relational conception of rationality; rationality refers to how the relations that make up reality are organised. This approach is understandable from his ontology, in social reality consists of an internally differentiated will, whereby parts (and sub-parts) and the whole mutually affect and constitute each other. The single wills of separate individual bodies do not have existence on their own; is beliefs and desires are fundamentally tied up with other wills (see the section on the priority of the social).

Within such a social ontology, rationality refers to the organisation of the whole, made up of relations of mutual dependencies. In an irrational organisation, some parts succeed in imposing their wills on others, suppressing the development of these other wills. In this situation, the different wills do not fully adjust to each other; they are not fully integrated. In a rational structure, in contrast, all parts of a social reality are in tune with each other. The different parts freely develop, while simultaneously adjusting to each other, taking the whole or universal into account. Rationality, the interpenetration of the universal and the particular in Hegel's terminology, could be said to amount to a type of social harmony.[70]

In order to be rational and free, Ethical Life must meet two requirements. In the first place, the universal purpose of the institution, the good, should not be opposed to the ends of the parts but include these. In technical terms, the particular should penetrate the universal. Individuals, or sub-institutions should be free to develop and pursue their ends. Hegel's conception of political order, the Ethical Life of the state, therefore, includes civil

---

[68] This notion of objective ethical freedom broadens the customary concept of freedom: freedom now refers to the inner structure of social structures. A consequence of this is that for Hegel, other values, such as social justice, can be subsumed under the value of freedom. Freedom for Hegel is not a normative ideal among others, but the normative per se.

[69] For the difference between Hegel's conception of rationality and the ancient metaphysical conception of rationality as correspondence with the cosmic telos or nature, see Franco (1999, 184–85).

[70] To what degree social harmony is rational depends on the thoroughness of the interpenetration of particularity and universality. Political orders organised on the basis of a family, as tribal societies, could be said to be harmonious, but only to a limited degree rational as it does not offer sufficient space for the particular to develop.

society, the sphere of the economy, which should follow its own logic, just as the individual members of the economy must be free to follow their own ends. Moreover, a rational ethical structure should not only recognise particular ends but also render the realisation of these ends possible. Families, economies and state should offer their members the freedom to pursue their ends and facilitate the satisfaction of these ends. Hegel refers to this as the "right to the satisfaction of the subject's particularity" (*PR*, §124R) (see also Neuhouser 2000, 147).

The other requirement for a rational and objectively free order is the penetration of the universal into the particular. Ethical subjects, being the parts of ethical structures, should will the universal, the good of the institution as a whole. They should have integrated the universal in their particularity; while pursuing their ends, they should also attune to the broader context of their social world. Objective ethical freedom thus presupposes subjective ethical freedom, specifically the identification of members of an ethical sphere to will the universal end. For generating this subjective support, rational Ethical Life must contain formative processes, which socialise its member into their roles.

The teleology of the will

This section has explained the inner normativity of the will. Political orders are constellations of the will, which is orientated on becoming free and rational. The will realises this telos in ethical life. To finish this section, this notion of a telos that inheres in the will must be examined further. Does this mean that Hegel has a deterministic conception of political order) according to which it necessarily progresses towards becoming fully rational?

Before answering this question, let consider the individual will first. The telos of the will also manifests itself on an individual empirical level. Individuals have a desire for agency and recognition; they want to be somebody in the social world. However, they do not have the potential to become free or rational by themselves. To realise this telos, individuals are dependent on the social institutions they participate in, as the social has priority. For becoming rational, the individual will is dependent on the larger structure of the political order that embeds it. If these structures are not objectively free, individuals cannot become free.

Consequently, the issue of determinism asks whether social life is predestined to progress toward a state of freedom and rationality. Historical determinism asserts that due to its inner structure, history must go through a specific development until it has reached its inner destination, a rational and free political order. The conceptual structure of *The Philosophy of Right* seems to be progressive in this way. It describes a development through different organisations of freedom. At the end, the unfolding of the concept stops because the ethical life of the state turns out to be the full realisation of freedom and rationality. This

conceptual trajectory, however, does not correspond with a historical progression, as historically, the state has not come into existence after civil society.

Another reason for the assumption of historical determinism is Hegel's account of history, in which he portrays the modern German state as the outcome of a long historical trajectory towards freedom. However, this progressive account of history should not be understood as a form of strong determinism, according to which history is a linear process that must follow a specific trajectory and could make claims about the future. Instead, Hegel's account of historical progress is a post-hoc interpretation. The function of such an interpretation is not to establish historical laws but to give a coherent, meaningful account of history from the perspective of humanity's orientation on freedom. Such a narrative brings the messy totality of historical events and developments together into a coherent picture. However, it does not presuppose that history must have developed this way nor that the Prussian, for instance, must be regarded as the metaphysical terminus that all of history had been orientated toward.

The teleology of the will, thus, should not be confused with strong historical determinism. The orientation of the will towards becoming free and rational is in Hegel's ontology ultimately a given. If not free, the will, as embodied in individual wills or social formations, will attempts to overcome this. The responses of individuals to the institutions they are embedded in can be explained by this inner drive. Unfree social structures are characterised by inner tensions in how its constituent parts relate. This unfreedom also likely to provoke attempts to change this. But attempts to realise (more) freedom, at both the level of the individual and society, can fail. History is full of tragedy in which attempts to realise freedom have created greater unfreedom. There is no guarantee for a straight progressive line in history. Even if a political order has succeeded in becoming free and rational, the immense costs of this achievement in history remain visible. Hegel speaks of "the rose in the cross of the present" (*PR*, Preface, p.23).

Moreover, there are no guarantee that a free and rational order, once achieved, will last forever. If it requires philosophers to explicate its rationality, there is little reason it would be able to withstand relapses. The inner orientation on freedom will continue to transform the world. As later chapters seek to establish, Hegel's celebration of the rationality of the state of his age went hand in hand with a deep worry that if the pursuit of freedom amounts to the full emancipation of civil society, this freedom could undermine itself.

Finally, there is no reason to employ Hegel's theory of order only for comprehending the realisation of freedom and not for to diagnosing why political orders fail to do so. Hegel's theory articulates the tragedy that the inner drive of the will to be free could result in political orders modelled after the family or civil society, where it turns out to undermine itself. A state organised along the principles of the family, for instance, could offer a strong sense of belonging but squeezes at the same time individual freedom (as Constant already brought

up). The same applies for states based on the individualistic principles of civil society. Chapters 4 and 5 will work this out.

3.5 Reconstructing Hegel's theory of order

Comprehending political order

The reconstruction of Hegel's ontology in the previous two sections allows us to return to the question of how Hegel's theory of order has to be understood. What kind of theory is it?

The purpose of Hegel's theory of order is to provide an understanding of the socio-political world. For this, it offers an interpretation of the will which constitutes the social and political order. This interpretation has a descriptive and an evaluative dimension. The description of the will that constitutes order is complex as Hegel's ontology rejects the idea of an Archimedean starting point. Social life amounts to differentiated will; it falls into parts and wholes that mutually constitute each other (see the section on relational organicism). A description of order should make this will as complex web of relations visible.

Hegel's theory of order does not only describe but also evaluate this will. As the will is internally orientated toward becoming free and rational, the political order can be assessed as to what degree it meets its internal orientation. In other words, does the empirical will which constitutes political order correspond with the normative standard of what would be a rational and free will? In the *Philosophy of Right*, Hegel works out how a will that realises its internal telos would be organised. This full realisation of freedom, amounts to the realisation of ethical freedom in both its subjective and objective dimension.

A Hegelian theory of order thus combines a description of the (empirical) will and an evaluation of this will in terms of its correspondence with its internal purpose. However, his theory does not give a 'neutral' description first to judge it consequently. Instead, the description presupposes the evaluation, carving out only those elements that are crucial for the realisation of freedom. Hegel's explication does not describe political order in terms of what merely exists but what is actual [*das Wirkliche*], those elements of social reality that are rational [*das Vernunftige*]. His philosophical explication renders visible the rationality that inheres in social life, while leaving out the contingent, the brightly coloured covering: "[The rational] emerges in an infinite wealth of forms, appearances and shapes and surrounds its core with a brightly coloured covering" (*PR*, Preface, p. 20-1).

The purpose of such an explication is to offer insight in the political order one participates in. It could establish the necessity of its core institutions for realising freedom. Hegel uses terms such as comprehension [*begreifen*] and penetration [*durchdringen*]. In the confused period after the French Revolution and the rule of Napoleon, insight into the

rationality of the emergent order would enable people to feel at home in their world.[71] Hegel's theory provides reasons to citizens who intuitively regard their regime as good but cannot sustain this.

Because purpose of Hegel's theory comes close to justifying political order. Hegel, consequently, has been accused of being apologetic of the Prussian authoritarian regime. This criticism, however, misses the point. Hegel's political philosophy is more in line with the ideas of liberal reformers as Stein and Hardenberg than with Prussian absolutism.

More fundamentally, this criticism misinterprets what is at stake in Hegel's theory of order. It seeks to explicate what institutional organisation of political order would realise freedom. For this, he gives a general account of those institutions, such as the family, market, civil service, and parliament, whose dynamics and mutual interactions are crucial for a producing a free order. Any determinations further than the architectonics or the skeleton are beyond the scope of what a theory of a free political order can deliver. In this respect, Hegel criticises the level of detail, for instance, the passport regulations, in Fichte's political theory (*PR*, Preface, p.21). Hegel's theory of political order can only legitimise the general institutional make-up of states, but not its more specific determinations, such as political decisions, policies, and details about for instance the organisation of civil society.

Moreover, the institutions that Hegel considers crucial in his architectonics of the rational order do not even fully correspond to any empirical state. For his explication, Hegel singles out institutions that are relatively solidly entrenched in the post-Napoleonic order, but also institutions which are only as potential present. For instance, the corporations, intermediate economic bodies between the state and society, are crucial for bringing about a free political order. In real existing Prussia, tendencies towards a corporate organisation of the economy might have been present, but they had certainly not fully established the position Hegel awards them in his theory of rational order. This 'idealisation' should not be understood as apology for the Prussian state of his age, but as an incentive for further reform, which we will discuss below.

Reforming political order

Hegel emphatically claims that the purpose of his theory is to provide insight into the order that is. This purpose seems to exclude the normative usage of political theory to criticise the current order and to prescribe reforms. As set out earlier in this chapter, Hegel vehemently rejects the criticism of his contemporary Fries. Moreover, he also criticises the political reforms, such as the constitutional reform in Spain. At the same time, the previous section suggested that Hegel offers an idealised account of political order for reform purposes. Consequently, the issue of normativity must be investigated more closely.

[71] On this issue of reconciliation, see Hardimon (1994).

First of all, Hegel does not reject critical judgment as such but the type of criticism Fries stands for. In that kind of judgment, the standard for evaluating political life consists in unreflective, superficial ideas and desires about the world. Fries's political and ethical convictions follow from "immediate perception and contingent imagination" (*PR*, Preface, p.15). He does not offer a penetration of the structure and inner rationality of the world as it is. As a consequence, Fries's normative theory merely expresses a subjective and arbitrary "jumble of truths" (*PR*, Preface, p.11), disconnected from the real-existing socio-political world. Such non-rational normative statements about the current order are mere opinions, which must necessarily clash with those of others.

For Hegel, judging political order requires the hard work of moving beyond one's direct will (the will for itself) towards the will in itself, the rational will which his theory of order explicates.[72] In other words, a critical position requires the comprehension of the order of which one is part, which includes the ability to discern the intrinsic rationality of this order. Critics such as Fries deny the existence of such a normative standard. They are directly driven by their subjective will of how the world should be, assuming that is could be shaped in accordance with these ends.[73] He is "setting up of a *world beyond* which exists God knows where – or rather, of which we can very well say that we know where it exists, namely in the errors of a one-sided and empty ratiocination" (*PR*, Preface, p.20).[74]

Hegel's philosophical explication shows that the institutions of the rational state realise the freedom that the will inherently strives for. This brings up the question of whether this insight into the features of a free order could be used as a normative model for reforming societies. Hegel is critical of using his theory as a universal blueprint. To explain this rejection, we have to refer to his ontology again. The social order is an intricate, differentiated will, consisting of and constituted by various relations, whose entanglement is the product of a historical development. In this process, individuals and groups have developed a common life by interacting with each other and slowly adjusting their behaviour. The institutions that generate and uphold this common life are simultaneously articulations of this will that constitutes the political order.

Insight into the institutional ensemble that could realise freedom and the deficiencies of a specific order in this light of this ideal does not imply that reforms can make society more rational. Grand reforms amount to substituting the currently existing intricate, internally differentiated will of a political community for something new and more rational.

---

[72] Section 7.4 works out the concept of the will in itself and for itself in more detail.

[73] Hegel's argument assumes a situation in which this knowledge is available. However, such an understanding was not possible before the appearance of Hegel's philosophy.

[74] Underneath this position lies the assumption that (ethical) truth is not to be found in the world, but to be found in the mind of every person. "The spiritual universe is supposed rather to be at the mercy of contingency and arbitrariness, to be god-forsaken, so that according to this atheism of the ethical world, truth lies outside of it" (p.14).

Hegel is very sceptical about the possibility of such a comprehensive reform programme. To be sure, reformers could create new institutions: a free market, a parliament and elections, all of which will change the nature of the will of society. But to function well, these institutions must be ingrained in the wider web of relations that constitutes the will, the political order. For Hegel, institutions are not mere technical tools for structuring society, but rooted in a network of mutual dependencies. Ambitious reforms, therefore, risk creating institutions that do not align with the inner relations of society and, consequently, will not bring about what they were intended to do. Hegel points to the example of the new Spanish constitution, which was much more rational than its predecessor, but did not fit Spanish society at that point (*PR*, §274A). Hegel's theory of order, thus, rejects the use of his theory of rational order without sufficiently considering the empirical development of the will. There are no shortcuts to render political communities more rational; they are malleable only to a limited degree.[75]

Hegel's rejection of grand reforms seems to position him, again, in the camp of anti-revolutionary conservatives eager to prevent the destruction of the fabric of society. However, inferring that Hegel does not attribute any practical use to his theory would be wrong. As explained above, Hegel's theory of order offers a slightly idealised account of political order, which also includes institutions that have not fully developed yet but have the potential to contribute to freedom. The actual includes the potential. Every description of a living political community offers leeway for this as the empirical will is not fixed but always in the process of transforming itself. For this reason, Hegel could include in his articulation of a free political order the corporations, which were not fully established in the political order of his age as formal institutions, though a tendency within the free interactions of civil society towards associations was present already. Hegel's slight idealisation of the institutions of the rational state are not supposed to ideologically hide deep-seated deficiencies of the status quo. On the contrary, they are supposed to offer a direction for reform, which do not go against but tie in with tendencies of the empirical will.[76]

Finally, there is another reason why Hegel's account that aspires to offer merely the comprehension of political order is not as unpractical and unconnected from politics as it appears. In this study, I will argue that his exposition about the architectonics of the rationality inherent in the political order should also be interpreted as a warning for the societies of his age to be aware of – and withstand – the appeal of a liberal understanding and organisation of political order, based on civil society. He offers his alternative organic conception of the modern state also to open the eyes of his readers for the organic

[75] In addition to this, society-based reform programmes are based on a mechanical instead of an organic conception of social relations. I will work out this point in 6.3.

[76] Hegel's political position has most affinity with Prussian prudential reformers such as Stein and Hardenberg or the Hanoverian reform conservative A. W. Rehberg.

interdependencies that make up the political order. This is necessary for the continued existence of a free order, as modern organic orders require the conscious support of its members. Hegel's theory must, therefore, be regarded as a practical political intervention as well.

3.6 Conclusion

This chapter has described the nature of Hegel's theory of social order. It has been argued that the purpose of Hegel's theory is to offer a comprehension of political order, which makes explicit in what respect this order is rational and realises freedom. This chapter has endeavoured to make this ambition plausible while isolating his theory of order from the wider System and trajectory of the Concept. The foundation for such a reconstruction has been his ontology, which has the will as its central category. Hegel does not understand the will only as a property of individuals but of social structures, in which whole and parts relate to each other organically. Moreover, the will has an internal direction to becoming free and rational. From this empirical inner orientation of the will, it is possible to infer what organisation of political life meets this inner orientation – and is rational and free – and which one fails.

4. THE LIMITS OF LIBERAL ORDER: SOCIAL PATHOLOGIES

4.1 Introduction

Hegel offers in the *Philosophy of Right* an early but subtle, profound and distinctive critique of the liberal conception of political order. As explained in chapter 2, this conception considers the political order to be organised around the individual. Individuals are supposed to be autonomous, meaning they have the right to determine their ends and pursue their interests. This orientation is based on the belief that individual freedom is beneficial for individuals and society as a whole. In this conception, the free interaction of individuals, 'society', constitutes the foundation for considering politics. It takes 'the state', the political institutions, as instrumental; its purpose is to cater for the exercise of individual autonomy.

Hegel does not attack the liberal order in its entirety, as he regards civil society, his term for the individualistic sphere of human interaction, as crucial for human freedom. The members of a free political order have the right to pursue and realise their 'particularity', which requires, among others, the protection of their property rights. Crucial for Hegel's conception of order, however, is that civil society should be part of a larger, organically understood order, the state. Civil society by itself cannot constitute a free political order.

Therefore, Hegel's account of civil society in the *Philosophy of Right* can be read from two perspectives. In the first perspective, civil society appears as a necessary part of a free, organically understood, political order, which enables individual particularity to develop. This perspective, consequently, raises the question of the nature of the overall order and how civil society relates to it. Chapters 6 and 7 will examine these questions.

The other perspective reads Hegel's account of civil society as an investigation into its functioning and inherent shortcomings if civil society were to constitute the political order at large. Hegel refers to this perspective as 'abstract' as it regards civil society in isolation from the concrete, organic political order it is part of. Instead, it takes civil society as a self-sufficient unity whose nature can be understood by extrapolating its inner principles. This perspective is central in the following two chapters. As this perspective overlaps with the liberal understanding of order, these chapters also investigate the limits of liberal political order.

The following section (4.2) examines Hegel's conception of civil society and how it relates to the current understanding of civil society and the ideas of a liberal order, as discussed in chapter 2. The subsequent sections reconstruct Hegel's thought experiment of why a political order understood and shaped as civil society – i.e. a liberal order – must be inherently pathological. Section 4.3 traces Hegel's argument of why civil society left to itself must be irrational (this is the perspective of objective freedom), while section 4.4 reconstructs why it is bound to generate experiences of alienation (the perspective of

subjective freedom). In his discussion of the free unfolding of civil society, Hegel also considers professional associations (the 'corporations') as a means to overcome civil society's irrationality and alienation. In the final section (4.5), I will argue that Hegel's corporations cannot realise this potential within civil society, understood as a self-sufficient political order.

This chapter does not discuss the political institutions which are also part of Hegel's account of civil society and our conception of liberal order: the instrumental state which has to safeguard legal protection and provide public goods. It only investigates the *social* pathologies[77] which inhere in civil society's free interactions. The next chapter will take the state into account to work out the *political* pathologies, which, in Hegel's analysis, inhere in a liberal order as well.

4.2 Hegel's conception of civil society

KEY FEATURES

Civil society is a sphere of social interaction, which Hegel describes most succinctly by reference to "particularity", its "primary determining principle" (*PR*, §181A). The members of civil society come to see themselves as separate and independent beings who decide for themselves what to pursue. "The concrete person (…) as a *particular* person (…) is his own end" (*PR*, §182). This self-relation distinguishes the modern political order from pre-modern, communitarian societies, which resemble Hegel's sphere of the family as its members were primarily bound to their pre-determined social identities, such as their estate or religion. Civil society constitutes, on a fundamental level, individuals' emancipation from their pre-determined and other-determined social roles. Civil society consists of individuals claiming the right to determine for themselves what profession to choose, what religion to follow, in short, how to shape their lives.

Hegel portrays the nature of civil society from different angles. First, he approaches civil society from the perspective of needs and welfare. Civil society appears from this viewpoint as a market, a sphere of social interaction organised around needs, work, production and consumption. Hegel describes members of civil society as "a totality of needs and a mixture of natural necessity and arbitrariness" (*PR*, §182). They experience needs and, consequently, look for means to satisfy them. Typical of civil society is that participants primarily act to foster their particular interests. "Individuals, as citizens of this state[78], are

[77] The concept of pathology, strictly speaking, only makes sense in an organic understanding of political order. In chapters 4 and 5, the concept is used in a casual sense. Only after chapter 6, which works out Hegel's organic conception of political order, does the concept obtain theoretical grounding.

[78] Referring to the members of civil society as the "citizens of this state" sustains reading Hegel's account of Civil Society as an investigation into what degree civil society can function as overall political order.

private persons who have their own interest as their end" (*PR*, §187). They pursue the good, "welfare" in Hegel's terminology, in the mode that they personally deem most suitable. "Particularity (…) is the only standard by which each particular [person] promotes his welfare" (*PR*, §182A).

Second, Hegel considers civil society from a moral-juridical perspective. Members of civil society come to recognise each other as persons, holders of rights, such as the right to property and protection of their physical integrity. The primary determining principle of particularity thus goes hand in hand with the universality of personhood. The recognition of fundamental rights of personhood should extend to all humans (*cf*. §190R). Civil society, thus, transcends religious, national and other differences.

> It is part of education, of thinking as consciousness of the individual in the form of universality that I am apprehended as a universal person in which all are identical. A human being counts as such because he is a human being, and not because he is a Jew, Catholic, Protestant, German, Italian, etc. (*PR*, §209R)

Finally, Hegel describes civil society in terms of its mode of cognition. Civil society has a distinctive way of approaching and understanding social reality. Hegel refers to this mode of cognition as 'Understanding' [*Verstand*], which he distinguishes from 'Reason' [*Vernunft*].[79] Thinking as understanding conceives social reality as consisting of separate elements – things – which have existence in and on themselves. "Thinking as understanding does not budge beyond the firm determinateness [of what is entertained] and its distinctness over against others. A limited abstraction of this sort counts for it as self-standing and [as having] being [*als für sich bestehend und seiend*]" (*Enc*, §80). This mode of thinking could be considered analytical: it observes the parts of social reality as having existence in themselves, but does not conceive how these parts are internally related to each other, i.e. *moments* of a larger, organically structured, developing whole. Hegel refers to this mode of thinking which misses how social reality is made up of relations as 'abstract'.[80] Reason, in contrast to the Understanding,[81] comprehends how social reality is an internally differentiated, interdependent whole. Reason apprehends that the particular and universal are not absolute opposites but also internally related.[82]

---

[79] Hegel, for example, refers to the second estate of trade and industry, the estate that exemplifies civil society, as relying for its livelihood on "work, reflection and the understanding" (*PR*, §204).

[80] He also refers to the Understanding as "reflective". This notion expresses that it takes social reality as outside of the subject. It fails to see that the subject is a participant in a social reality.

[81] I am aware that (the) Understanding does not fit well into everyday English, but, as I do not see a better translation of *Verstand*, as distinct from *Vernunft*, Reason, I will stick to this usage.

[82] Hegel's distinction between Reason and Understanding seems to correspond with the distinction between the modes of attention which Iain McGilchrist (2009) brings back to the functioning of the two brain hemispheres (See 8.4).

The dominance of the Understanding in civil society is an outgrowth of its basic structure. In it, individuals have learned to see themselves and others as "self-sufficient persons" (§238), single units with needs looking for satisfaction. Consequently, they do not experience the social world as a whole – a body – but as a space made up of individuals who are at its origin (and the origin of themselves, the idea of *causa sui*). Simultaneously, the organisation of political order as civil society results this mode of cognition. Social contract theories fit this mode, assuming that social life consists of free individuals, each with their own will, and that political orders are only legitimate to the degree that they respect individual freedom rights.

Civil society as a socio-historical accomplishment

For Hegel, civil society is an empirical and historical reality which came to development in the 18th and 19th century in Western states, first in England, a bit later also in France and the German states, though we can trace its roots much further back. For Hegel, the *bourgeoisie*, the third estate in the ancient regime, exemplified the emergence of civil society as it endeavoured to emancipate itself from the bonds of birth and the prerogatives of the absolute state to be master of its own life. Members of the bourgeoisie came to claim the rights of personhood to pursue their own ends. As such, they carried the development towards capitalistic social relations, another facet of civil society. The French Revolution was a radical manifestation of the historical emergence of civil society as it violently distanced itself from the corporate organisation of social and political life, proclaiming universal freedom and equality for all its citizens.

In the *Philosophy of Right*, Hegel argues that civil society is necessary for realising freedom. Hegel holds, like liberals, that the modern world in which civil society comes to fruition has advanced over more traditional societies, which withheld the emancipation of particularity (for instance, by feudal regulations, the imposition of a state religion, or limits to the freedom of expression). Because Hegel regards the recognition of personhood as a crucial step in the progress of humanity, his philosophy seems to be close to the Enlightenment tradition, which cherished the rights of individuals.

This correspondence, however, should not lead us to overlook the fundamental difference between Hegel's account of civil society and Enlightenment philosophy, particularly the social contract tradition. The latter takes respect for personhood as a natural and rational principle. Locke's political philosophy, for example, assumes that all members of the state of nature are endowed with a natural reasoning capacity, which commands them to recognise the personhood of others; it is a principle of natural law (Locke 1988: II, §19).

Hegel, in contrast, does not take civil society, including its constituting principles, as a natural, transhistorical, state of human interaction. He rejects the idea that individual subjects have natural reasoning capacities which enable them to discover or determine who

they are and what they owe each other. Instead, self- and other-consciousness are for Hegel always the consequence of the broader social context and the kind of claims made in this context.[83] Civil society only comes into existence when participants in their social interactions start to see themselves and others as individuals whose being, purposes and inner value are not entirely determined by the community but have an interiority transcending the community. The idea of personhood, according to which individuals have the right to set their ends, depends on a social structure in which this claim succeeds in maintaining itself in a social process of claim-making. Somewhat paradoxically, individuals are persons not because they are so by nature but because the claim that they are so by nature can maintain itself.

Civil society has only come into existence after a historical trajectory leading to modern societies. In this process, its central tenets have managed to find acceptance. This implies that there are also other cultural settings in which civil society has failed to materialise.[84] Hegel emphasises the crucial role of Christianity and Roman law in the development of civil society. "The principle of the self-sufficient and inherently infinite personality of the individual, the principle of subjective freedom (…) arose in an inward form in the Christian religion and in an external form (…) in the Roman world" (*PR*, §185R). According to Hegel, Protestant Christianity, in particular, has disseminated the idea that individual believers can have a direct relationship with God and, consequently, are, as individuals, responsible for their deeds.[85]

HEGEL AND MODERN-DAY CONCEPTIONS OF CIVIL SOCIETY

The preceding sketch suggests that Hegel's conception of civil society [*bürgerliche Gesellschaft*] is different from what the term in the contemporary tradition ranging from Tocqueville (1990) up to Putnam (1994) refers to. Chambers and Koptein (2006, 363) define civil society as "uncoerced associational life distinct from the family and institutions of the state" while it "is also often thought to be distinct from the economy." In these approaches, civil society covers the middle ground between the intimate sphere of the family, in which relations with others are ends in themselves, and the anonymous spheres of the market and the bureaucratic state, to which individuals relate instrumentally. This conception acknowledges the role of (individual) freedom in civil society ("*uncoerced* associational life"). However, its emphasis is on the *kind* of relations free individuals engage in: individuals substitute in civil society's associations their instrumental and self-interested ends for more

[83] I have addressed this in the previous chapter as "the priority of the social".

[84] The historical embedding of civil society implies the possibility that civil society can also be lost again.

[85] A further investigation of Hegel's historical explanation for the emergence of civil society is beyond the scope of this study. This also holds for the controversial question whether Hegel holds Christianity or Western history as a necessary requirement for the development of reason.

personal relations and an uncoerced orientation on social, i.e. collective, goods. Civil society theorists generally argue that civil society's social engagement is necessary for vibrant democracies as it could counter the individualistic tendencies that threaten to undermine them (*cf*., Keane 1998; Putnam 1994).[86]

Compared to the current notion, Hegel's conception of civil society is more comprehensive. For him, civil society is the social structure based on particularity, which includes the market. In his 'bourgeois' understanding, civil society also includes self-interested, instrumental relations. At the same time, his conception contains associations in which individuals are concerned with goods that transcend their strict private interest. These associations, which he refers to as corporations, are crucial for developing a free, flourishing political order, not unlike the association within current civil society theory. In distinction to contemporary civil society theorists, Hegel conceptualises his associations, the corporations, in the first place as work-related professional associations. Even though non-economic forms of associative life cannot be excluded from his conception of civil society, his approach to civil society as part of the sphere of needs and economic production should not be taken as a contingent element of his theory of order. (I will further discuss Hegel's associative life in 4.5).

Another difficulty in understanding Hegel's conception of civil society is his distinction between civil society taken in abstraction and as integrated into a larger political order. This chapter, and the next, investigate the abstract understanding of civil society. This understanding takes civil society as a political order *tout court.* This conception of civil society is similar to the simple notion of society of the liberal conception of order. This conception regards society as the totality of social life, including markets and social associations; it takes society as the ground and outcome of the interactions of free and equal individuals, who are the masters of the relationships they engage in. In its conception, society is original, while the political institutions, the state, are a function of society.[87]

Even though Hegel's conception of civil society overlaps with the liberal notion of society, his assessment of civil society stands diametrically opposed: political order cannot have (civil) society as its basis and should therefore not be conceived as such. To come to this conclusion, Hegel examines in a thought experiment how political order would look if it entirely emanated from the principles of civil society. In other words, what would be the consequences of a social and political structure wholly based on the absolutisation of particularity? The following two sections reconstruct Hegel's argument.

---

[86] The argument for the importance of civil society for prospering democracies was often raised with regard to the democratisation process in Eastern Europe after the fall of communism.

[87] Gauchet (2015, 170) refers to the approach of political order in which society is original and political institutions its instrument as the "liberal inversion".

4.3 Objective freedom: the irrationality of civil society.

A Loss of Ethicality?

The question as to what degree the free interactions of civil society realise freedom can be approached from a subjective and an objective perspective (*cf*. 3.4). This section investigates whether civil society, left to itself, can be objectively free, while the next section (4.4) discusses its possibilities for subjective freedom. For a social structure to be objectively free and to fully qualify as ethical life, it must be rational. For Hegel, this means that all of its parts must, in their mutual dependence, attune to each other optimally. The actions of all of its members must render the satisfaction of all particular ends possible.

Against this standard, civil society does not appear to be ethical and rational. In civil society, "we witness the disappearance of ethical life in its proper sense and of substantial unity" (*PR*, §33A). This disappearance of ethicality is most easily observable by contrasting civil society with the family. Family members see themselves as parts of a larger whole, to which they experience loyalty. Consequently, they are willing to attune their will to enable the well-being of all.

In civil society, in contrast, individuals do not take themselves as 'members' – notice the organic metaphor – of a larger whole. They regard themselves as "self-sufficient" (*PR*, §181). They do not accept an overall purpose but want to decide for themselves what to pursue in life. Civil society, therefore, is the "the stage of difference" (*PR*, §181). Relationships between individuals are here "of an external kind" (idem). Individuals do not recognise an *a priori* bond between them; they interact with each other instrumentally, directed towards meeting their particular ends. "In civil society, each individual is his own end, and all else means nothing to him" (*PR*, §182A).

Because of this self-interested orientation, civil society has a great potential for conflict between individuals or groups. The members of civil society, preoccupied with finding means to realise their own ends, find themselves competing for resources. This competition easily turns into a conflict. "[C]ivil society is the field of conflict [*Kampfplatz*] in which the private interest of each individual comes up against that of everybody else" (*PR*, §289R). Civil society seems to entail a Hobbesian war of all against all.

On a closer analysis, however, Hegel allows that the interactions of civil society are not entirely devoid of rationality and ethical life. In their preoccupation with their own interests, individuals turn out to adapt to each other. Civil society bends the competition between its members into a form of common life which appears to be conducive to all. Hegel does not altogether reject the liberal assumption of the collective benefits accruing from organising social life as a market. At the same time, however, he also identifies the emergence of irrationalities when civil society develops uninhibitedly. The remainder of this section works out both assessments, the rationality and irrationality of the market.

The Rationality of Civil Society

For understanding the rationality of civil society, work, the mechanism by which individuals come to satisfy their needs, is crucial. By working, they do not procure the means to meet their needs directly. Members of civil society are not autarkic. Civil society has a division of labour (*PR*, §198), in which individuals specialise in producing some goods, which they exchange on the market for other goods. Specialisation is part of how Hegel defines work, *i.e.* as "the mediation whereby appropriate and *particularized* means are acquired and prepared for similarly *particularized* needs" (*PR*, §196; emphasis in original).

Because of their work, the members of civil society become dependent on each other. A person now mainly works to create goods that can give satisfaction to the needs of others while mainly the work of others provides for his own needs. Because civil society comes to exist as a complex network of mutual interdependencies, Hegel refers to it as a "system of needs".

> The selfish end in its actualisation (...) establishes a system of all-round interdependence, so that subsistence and welfare of the individual and his rightful existence are interwoven with, and grounded on, the subsistence, welfare, and rights of all, and have actuality and security only in this context. (*PR*, §183)

Because of its systemic nature, civil society, despite its members' preoccupation with their particular ends, could be considered as an ethical structure in which the parts and the whole mutually contribute to each other. "Although particularity and universality have become separated in civil society, they are nevertheless bound up with and conditioned by each other" (*PR*, §184A).

On the one hand, the members of civil society, in the pursuit of their particular ends, unintentionally contribute to the well-being of the whole.

> By a dialectical movement, the particular is mediated by the universal so that each individual, in earning, producing and enjoying on his own account, thereby earns and produces for the enjoyment of others. (…) In this dependence and reciprocity of work and the satisfaction of needs, subjective selfishness turns into a contribution towards the needs of everyone else. (*PR*, §199)

Hegel identifies in civil society a mechanism that corresponds with Adam Smith's invisible hand, according to which individuals, concerned with their private interests, contribute behind their backs to the whole (*cf.* Neuhouser 2000, 88).[88]

[88] Hegel discusses in §189R the political economy of Smith, Ricardo and Say, though he does not mention the concept of the invisible hand. His interpretation of civil society has clearly been influenced by them (*cf.* Waszek 1988).

On the other hand, the system as a whole contributes to particularity, the well-being of the different participants. "In furthering my end, I further the universal, and this in turn furthers my end" (*PR*, §184A). The system produces goods much more efficiently and of greater variety than individuals could ever do. This way, the system of needs enables the full development of particularity; it liberates individuals from the limitations of the biologically given. As autarchic farmers, individuals can meet only a limited set of needs, while as members of civil society, they can expand their ends (*cf. PR*, §197; also Ross (2008, 111)). Civil society is not a zero-sum game; its members do not satisfy their desires by taking away goods from somebody else but by working contribute to expanding the range of goods within their reach. For this reason, civil society, despite the self-interest of its members, can channel its potential for conflict by enticing its members to focus on increasing the returns of their work.

The members of civil society, the participants in the system of needs, pursue their particular purposes: they follow their own ends. This, however, does not imply that their private and spontaneous inclinations, unaffected by the community, fully determine the content of their will. To reap the system's benefits, members of civil society must bring their will into line with its requirements. Hegel points to the system's power to discipline its members, who consequently experience the system as a necessity, a form of unfreedom, as well. The universal "is present not as *freedom*, but as *necessity* whereby the *particular* must rise to the *form of universality* and seek and finds its sustenance in this form" (*PR*, §186).

> Individuals, as citizens of this state, are private persons who have their own interest as their end. Since this interest is mediated through the universal, which thus *appears* to the individuals as a *means*, they can attain their end only insofar as they themselves determine their knowledge, volition, and action in a universal way and make themselves *links* in the chain of this *continuum*. (*PR*, §187)

Let us briefly consider three examples of how the system of needs forces its members to integrate the system into their will (and thus take others into account). First, the system of needs forces its members to recognise the personhood of others. The acceptance of the personal rights of others is, for Hegel, not a purely moral principle to which individuals have access by their reasoning faculties. Accepting this principle grows out of their interactions in the system of needs. Abstract right "comes into existence only because it is useful in relation to needs" (*PR*, §209A). To participate in the market, buying, selling and making contracts, individuals have to accept the right of personhood, particularly the right of property. In other words, civil society 'forces' the will of its members, if only for instrumental or opportunistic reasons, to recognise this principle of personhood as a universal good.[89]

[89] In Abstract Right, lacking the embeddedness in institutions, this recognition remains contingent (see *PR*, §217).

Second, the system also compels individuals to learn a profession for which there is a social demand. Free persons in civil society may shape their lives as they fancy, but if they do not consider the labour market at all, they will not go far in realising their dreams. This way, the system forces individuals to bring their natural or immediate particular will into line with the needs of society ('the universal') (*cf. PR*, §187R).

Third, members of civil society also have to adjust to their fellows' customs, culture, tastes and preferences. "To this extent, everything particular takes on a social character; in the manner of dress and times of meals, there are certain conventions which must one accept, for in such matters, it is not worth the trouble to seek to display one's own insight, and it is wisest to act as others do" (*PR*, §192A). A French baker should learn how to make *croissants*, while a German baker must know how to make *Pretzl.* Hegel takes this pressure to overcome one's idiosyncrasies and conform to the culture basically as civilising: individuals are willing to take each other into account.

The limits of civil society's rationality

So far, Hegel's conception of civil society largely corresponds with the liberal conception of order, according to which markets constitute a rational way of organising social order as they enable a natural harmonisation of interests and needs. For Hegel, however, the system of needs is only the "appearance [*Scheinen*] of rationality" (*PR*, 189R).[90] Social orders are rational for him to the degree that all their parts attune optimally. The will of its parts have an orientation of the of the whole (which includes the ends of other parts), while the whole must facilitate its parts to pursue and realise its ends.

To reconstruct why Hegel rejects the rationality of civil society, I will focus on how the system takes particular ends into account.[91] For Hegel, a rational system does not only enable individuals to develop their purposes but also the possibility of their realisation ("the right of particular satisfaction" (*PR*, §258R)). Civil society's interdependent relations must be structured so that its participants have the possibility to realise their ends. In practice, work should generate a sufficient income to meet their needs. As Hegel frames it, individuals should participate in society's "universal resources", the public wealth (*PR*, §200).

Civil society is only partially successful in safeguarding particular satisfaction. In his analysis of 'the market', which is how we would refer to the system of needs, Hegel emphasises how the satisfaction of needs is contingent, dependent on accidental circumstances and external conditions (*PR*, §241). Because of the emergence of new needs

[90] Nisbet translates *Scheinen* with 'manifestation', which does not sufficiently express Hegel's intention to say that civil society only *seems* to be rational from a perspective that is not fully rational, i.e. a perspective that does not adequately integrate the whole.

[91] It is also possible to focus on how the parts are willing to attune to the whole. The members of civil society integrate the ends of others in their own will only for instrumental reasons. They do not fully attune with their social world. I will come back to this in the next section, when I will discuss the irrational multiplication of needs.

(fashion) or new inventions, the demand for some goods can soar while others plummet, leaving whole industries in ruins.[92] Also, the supply side is insecure as harvests sometimes fail. From a classical political economy perspective, such fluctuations are episodes in which markets develop towards new optimal equilibria of demand and supply. Hegel's viewpoint, however, is rational-ethical; it investigates to what degree the social order succeeds in sustainably realising welfare for all of its members. From that perspective, system-induced fluctuations, just as the absence of guardrails against external vicissitudes, are deeply troubling, as they threaten to undermine rational structures, *i.e.* ways of life which realise freedom.

Besides these episodical threats to the rights of satisfaction are more structural deficiencies in the free interactions of civil society. In Hegel's analysis, the system of needs tends to generate an underclass, which shares in the (social) needs that civil society entails but not in the means, society's resources or wealth, to satisfy these needs. This underclass lives in poverty, unable to "feel and enjoy the wider freedoms, and particularly the spiritual advantages of society" (*PR*, §243).

In Hegel's analysis, poverty is a structural feature of civil society; for him, the apparent moral vices of the poor, such as laziness, neither explain nor justify it. Instead, his explanation centres around skills, the necessary condition to share in society's wealth. Civil society is also a sphere of education, which shapes individuals' particularity by teaching them the skills which enable them to make a living. In practice, these skills turn out to be distributed over the population unevenly. This variation in skills is partly a matter of natural talent but also depends on the quantity of resources one begins with. The availability of capital makes it possible to invest in the education of oneself and one's offspring. Inequality, therefore, tends to reproduce itself.

> The possibility of sharing in the universal resources (…) is (…) conditional upon one's own immediate assets (i.e. capital) on the one hand, and upon one's skill on the other; the latter in turn is conditioned by the former, but also by contingent circumstances whose variety gives rise to differences in the development of natural physical and spiritual aptitudes which are already unequal in themselves. (*PR*, §200)

In Hegel's analysis, wealth and poverty are intrinsically related. "Where there is wealth, there is poverty" (*VPR*, 4:495; also *PR*, §243). Civil society, left to itself, becomes entangled in a negative dialectics between both; the growth of wealth and the growth of poverty reinforce each other without stabilising or reaching a higher unity.

This mechanism can be disentangled in the following steps: first, society has a demand for a particular good. This demand increases due to population growth but also as a consequence of society's social interactions, which tends to make needs more universal. The

[92] Hegel anticipates here the idea of destructive innovation of Schumpeter (*cf*. Schwartz 2018, 67).

desire for a specific thing tends to spread over society.[93] The producer of this good, as a consequence, accumulates wealth.

Second, the producers of goods, the owners of factories and machines, are motivated to maximise their profit (*cf. VPR*, 4:494-5). One way is to lower the costs by rationalizing (Hegel refers to this as universalizing) the production process. Producers expand the mechanisation of production, together with a further division of labour (*PR*, §243), because of which the production of goods becomes split up over a wider range of simple, specialised and partially mechanised tasks. "[T]he specialisation and limitation of particular work (…) increase" (idem). This increase in efficiency corresponds with an increase in the "accumulation of wealth" (idem) for the producers.

Third, this development entails growth in "the dependence and want of the class which is tied to such work" (*PR*, §243). Due to a lack of relevant skills, the lowest classes start with a weak position in the labour market. Their skills become even less relevant: due to mechanisation, there is a) less need for labour while b) the tasks have also been simplified. Consequently, the pool of workers they compete with for jobs has enlarged, while the demand for labour has shrunk. This setting forces workers to accept low wages. All in all, the logic of civil society "makes it easier for disproportionate wealth to be concentrated in a few hands" (*PR*, §244). This concentration of wealth enables further investments, which will deepen the divide between the rich and the poor.

To sum up, Hegel's analysis of the system of needs is subtle. On the one hand, he recognises the rationality of a free market but is also aware of the fundamental shortcomings of this system when left unchecked. The more the sphere of civil society expands freely, the more its internal contradictions – the generation of extreme wealth and poverty – will come to the fore.[94] "The important question of how poverty can be remedied is one which agitates and torments modern societies especially" (*PR*, §244A). Later, I will reconstruct the solutions that Hegel considers within the logic of civil society, the corporations (4.5) and an interventionist 'social welfare' state (chapter 5), only to conclude that, in Hegel's analysis, a political order conceived and shaped as civil society cannot solve these inner pathologies. Only a political order based on a different footing, i.e. as a state, can bring this problem of poverty under control (*cf.* 8.2).

---

[93] This mimetic mechanism of copying needs will be discussed further in the next section.

[94] As many observers have pointed out, Hegel's analysis of the internal contradictions of civil society in many respects anticipates Marx's analysis. However, different from Marx, Hegel believes that the state, standing in a dialectical relation to civil society, must and can in a continuing process of mediation, overcome these contradictions (see chapter 6 and 8.2). Marx, in contrast, considers the state as an instrument of (the forces of) civil society.

4.4 Subjective freedom: alienation

Civil society, taken as the overall political order, turns out when unfolding to be only to a limited degree rational and objectively free. In addition, we can raise the question of to what degree individuals in civil society experience freedom (subjective freedom). As explained in Chapter 3, subjective freedom consists of an affirmative relation to the norms which make up the social order, to their social role in this whole and to their actions, which they interpret as contributing to the existence of this social order.

This approach to freedom appears, from a liberal perspective, unusual. Civil society is the sphere of autonomy in which individuals set their ends based on their needs and considerations. Social and practical identities do not seem to be relevant for autonomy. The possibility of pursuing one's end appears sufficient to realise subjective freedom. Hegel, however, disagrees with the idea that the absence of interference suffices for experiencing freedom. For subjective freedom, it matters how one regards oneself within the larger social sphere and how one relates to one's actions. For this freedom as a self- and other relation, individuals are dependent on others (the priority of the social).

> In civil society everything is reflected into other. What I am I am therefore not for myself but have my reality through another. I am not only naturally dependent upon others (e.g. family), I also depend upon their representation [*Vorstellung*] of me. […] If the individual attains his end in civil society, it belongs to this end that he be recognised, and this being recognised [*Anerkanntsein*] is an essential moment of his reality" (*VPR*19, 204).

To be free, i.e. to feel at home in the social world, the members of civil society need a social identity which garners recognition. "[A] human being must be *somebody*, [which] means that he has substantial being" (*PR*, §207A). A specific position in the social order gives the members of civil society a sense of self-worth or "honour" (*PR*, §207). There must be a correspondence between the agent and the arena. Consequently, they need to live and act in a way which allows for acquiring social recognition.

> [E]ach individual, by a process of self-determination, makes himself a member of one of the moments of civil society through his activity, diligence and skill, and supports himself in this capacity; and only through this mediation with the universal does he simultaneously provide for himself and gain recognition in his own eyes and in the eyes of others. (*PR*, §207)

Social roles are also crucial for exercising agency as they come with a moral dimension, inherent norms and a conception of the good. They provide individual subjects with a moral orientation and enable them to act with "rectitude" (*cf. PR*, §207), in line with a shared conception of the good. Because of this moral dimension, individuals are in their

social roles able to consider their actions, i.e. their externalisations in the world, as expressions of who they are.

Within the work-orientated interactions of civil society, a broad spectrum of professional social and practical identities emerges. In addition, civil society also generates two distinctive social roles, which are more general as they apply to all members of civil society. First, the members of civil society desire to be self-reliant persons who, on their own, succeed in realising their self-chosen ends, whatever they may be. Second, civil society also generates ideals of what it means to lead a successful life. The members of civil society have a genuine desire to fulfil these roles, which, at the same time, also constitute the social standards that civil society imposes. The following section discusses both social roles. It explains how these social norms are the logical outcome of civil society's inner structure, and also why they are beyond the reach of a substantial part of its members, constituting the breeding ground for experiences of alienation.

Before discussing both roles, I need to make two provisos. First, this section only investigates the 'individualistic' social roles which civil society entails; it does not encompass all of civil society's social roles. The professional identities, which civil society also engenders, will be discussed in the final section of this chapter, which deals with the corporations, the professional associations, and with the claim that they could be the solution for the alienation of civil society. Second, it should be kept in mind that Hegel offers a stylised picture of civil society, which traces the effects of social relations entirely based on the pursuit of particularity on subjective freedom in the sphere of needs. This picture excludes social roles which come with participating in social, cultural or religious institutions.

Independence and Self-Reliance

In civil society, individuals come to be regarded as persons, holders of abstract rights. On this basis, they seek to realise their ends, whatever they may be. In Hegel's approach, personhood, understood as a legal category and sustained by the protection of abstract rights, is too formal to provide individuals with a social identity that tells them who they are and enables them to experience honour and self-affirmation. Likewise, personhood does not constitute a practical identity, as it entails only a minimal account of the good: respect the personhood of others.

Personhood, however, forms the foundation for a slightly more substantial social role. To fit into civil society, individuals must not only be persons in a theoretical or potential sense – having legal rights which enable them to follow their ends – but also in a material sense: they must have acquired the means to pursue their ends. Civil society, thus, generates the practical ideal of self-reliance or independence. Individuals should be able to support themselves so they can pursue their own ends. They should prevent dependence on others, for instance, charity or state welfare, to meet their needs. "In the estate of trade and

industry, the individual has to rely on himself, and this feeling of selfhood is intimately connected with the demand for a condition in which right is upheld" (*PR*, §204A).

The norm of self-reliance provides individuals with a social identity; realising this norm means they are 'somebody', i.e., persons, who know how to take care of himself and shape their lives. Hegel speaks in this respect of a "feeling of right, integrity and honour which comes from supporting oneself by one's own activity and work" (*PR*, §244). By realising a certain material independence, individuals fit into the larger social order of civil society, which imposes this social norm upon them.

This norm of self-reliance also provides a practical identity: an idea of the good which serves as an orientation for their actions. Because of this norm, they can be agents who can appropriate their actions insofar as they align with this norm. In this context, work obtains a more universal meaning. Work is not just a means which enables individuals to meet this or that specific need. By working, members of civil society make themselves into the kind of beings they want to be: self-sufficient persons who are able to take care of themselves.

Individual subjects who succeed in being independent experience subjective freedom in each of its three aspects (*cf*. section 3.4). First, as self-reliant persons, agents can affirm the social structure of civil society and its implicit norm of autonomy. They can recognise the goodness of the system they partake in as it corresponds with their sense of self. Second, individuals can relate affirmatively to themselves, regarding being self-reliant as essential of who they are, while others also recognise them as such. Finally, by succeeding in being independent, they also see themselves contributing to the continued existence of society, which perceive as an economic space inhabited by self-reliant individuals.

However, the social role and norm of independence also constitute a source of alienation and experience of unfreedom. Civil society, by necessity, also contains a substantial class of poor individuals who fail to be independent. For their existence, they depend on charity, state welfare, or the whims of more well-to-do members of society. This group in society, which does not meet the standard for being somebody, will not be recognised but be looked down on as inferior. Their individual lives and the collective life of society do not correspond with each other, which amounts to subjective unfreedom.

For Hegel, the social structure of civil society is paradoxical. Its members consider themselves and others in the light of the practical ideal of being self-reliant and independent, while the structure itself is, in reality, fundamentally interdependent. Members of civil society, due to the Understanding, its dominant mode of thinking, will largely miss this inner nature of social life. They perceive social reality as emerging from individual actions, the starting point of social order.

This mindset also explains states of affairs – success and failure – by reference to the preceding choices of individual agents. This perspective regards success in being

independent as the result of one's efforts. The irony that this success required an engagement in all kinds of relations of dependence goes to a large degree unnoticed. The other way round, the failure to meet the norms of self-reliance is regarded as personal moral failure. Individuals who cannot meet their basic needs and must turn towards welfare suffer real or imagined scorn and rejection, mainly as poverty is explained in civil society by the lack of effort (Williams 1997, 245–46). This failure to garner recognition for all is the breeding ground for a disillusioned, indignant underclass, the 'rabble'. The end of this section investigates the alienation of this underclass further.

Ideals of Well-being

Being self-reliant is not the only social role which civil society generates, as it defines what it means to be somebody negatively: material dependence must be prevented. This norm does not leave much space for standing out as a particular individual. Therefore, it satisfies the desire for subjective freedom, of being somebody in the social world, only partially. Because the social reality in civil society is conceived as consisting of individual persons, its members want to compare favourably to others.

The individuals of civil society will try to find recognition for leading a successful life in terms of their lifestyle and accomplishments. This especially applies to the estate of trade and industry, who epitomises civil society as they, more than other groups in his age, are orientated on their self-interest. "[I]solation reduces him to the selfish aspect of his trade, and his livelihood and satisfaction lack stability. He will accordingly try to gain recognition through external manifestations of success in his trade" (*PR*, §253R). This focus on success as a concretisation of well-being goes together with a social process of comparison. Individuals do not want to imagine themselves as inferior to others in the social world but similar at least. Civil society "immediately involves the requirement of equality (…), together with imitation as the process whereby people make themselves like others" (*PR*, §193).[95] At the same time, similarity is not good enough for individuals. Driven to have a sense of themselves that they can affirm, they also want to see themselves as distinctive, not just one among the *many*, but *one* among the many (*cf*. Pippin 2008, 137). While comparing themselves to others, they seek "to assert [themselves] through some distinctive quality", which Hegel refers to as "the need of particularity" (*PR*, §193). In the system of needs, individuals show their distinctiveness by the kind of goods they succeed in acquiring. Civil society entails "conspicuous consumption" (Veblen 2005).[96]

---

[95] The crucial role for comparison is specific for civil society. In premodern societies, difference was taken to be natural and consequently easier to accept. The norm of personhood claims that all individuals are fundamentally equal. This renders the lifestyle of the one, in principle at least, within reach of the other. The norm of equality that inheres in personhood, therefore, entails great attentiveness to status.

[96] This concept was coined by Thorstein Veblen in his theory of the leisure class (1899).

Due to this attempt to realise subjective freedom, civil society entails "multiplication and expansion of needs" (*PR*, §193). In Hegel's social theory, individuals do not have an innate, autonomous sense of the good and the desirable. In the logic of civil society, individual agents come to have desires on the basis of their imagination and judgment regarding their relative similarity and difference (Church, 130). Basic natural needs, such as food and shelter, transform in civil society into more sophisticated but not less real needs. Hegel illustrates this with the notion of comfort, which in England, according to him, has absorbed ever more refined meanings: "What the English call 'comfortable' is something utterly inexhaustible; its ramifications are infinite, for every comfort in turns reveals a less comfortable side, and the resulting inventions are endless" (*PR*, §191A). So, comfort leads to the constant emergence of new needs, supposedly necessary for meeting the norm of living well.

> Particularity in itself is boundless extravagance, and the forms of this extravagance are themselves boundless. Through their representations and reflections, human beings expand their desires, which do not form a closed circle like animal instinct. (*PR*, §185A)

In this social dynamic, the members of civil society, uncertain of who they are, are susceptible to the claims of smart entrepreneurs that they need particular products. "A need is therefore created not so much by those who experience it directly as by those who seek to profit from its emergence" (*PR*, §191A). In Hegel's analysis, commercial capitalism appears as the logical outcome of the desire for freedom in civil society. By pursuing goods, individuals try to fit into the norms that the social order entails.

Several times, Hegel emphasises the unlimited or boundless character of civil society (for instance, *PR*, §195). Human beings extend their desires to "false infinity" (§185R). With this notion, Hegel expresses the idea that human desires in civil society are hostage to a never-ending process of comparison and emulation. The false (or spurious) infinite is a technical term which refers to a series of particulars in which the "perpetual continuance of the alternation of determinations" (*Enc*, §94) prevents the appearance of a standard internal to the series that would render that series intelligible as a whole. New conceptions of well-being continuously replace older conceptions but without qualitatively integrating and deepening these older notions. Members in the system of needs, who do not recognise a bond with others and do not see themselves as participants in a shared project, cannot recognise a shared good that unifies the different particular claims about the good. An idea about the desirable that finds widespread acceptance merely substitutes a previous norm and will be followed by another.

The welfare norms of civil society fail to render its members subjectively free. They attempt to act – consume! – in such a way which renders them at least similar to others but preferably makes them exceed them. Both modes of gaining an identity reinforce each other

in a never-ending spiral: the more people succeed in being similar to others, the more others devise new ways to be different, which, as a consequence, consequently inflates the norm of sameness. Church (2010, 132) puts the predicament of civil society in sharp terms: "The members of civil society find themselves competing with a faceless crowd of selfish individuals who will never offer recognition but only will defeat every effort of the individual to find completeness." Members of civil society never succeed in accomplishing a stable identity, a sense of self which is not continuously under threat, in the social world.

For a large part of its members, and not only the poor, civil society breeds frustration and discontent with their station in life. Due to the unrealistic standards of what it means to lead a good life, the members of civil society experience lack.

> [T]he tendency of the social condition towards an indeterminate multiplication and specification of needs, means and pleasures – i.e. luxury – a tendency which, like the distinction between natural and educated needs, has no limits, involves an equally infinite increase in dependence and want. (*PR*, §195)

And because in civil society, individuals are held responsible for their own well-being, they come to regard themselves as deficient. As they cannot keep up with the social norms of well-being, they experience alienation. Civil society does not offer a home in the world.

This experience of alienation can also be approached from another angle. The members of civil society are supposed to be autonomous, which amounts to choosing their ends based on their own considerations. In reality, however, they turn out to determine their purposes by comparing themselves with others. They live in the eyes of others. To a certain degree, this is always the case in Hegel's social theory, according to which autonomy is not rooted in the subject. Humans are, for determining their ends, always dependent on a social setting which houses conceptions of the good (the priority of the social). However, participants in ethical institutions to integrate the ends of others into their own will reciprocally and more consciously. In friendship and love, as the paradigmatic form of ethical life, free ethical subjects want to integrate the ends of others into their sense of self, because they have a reciprocal openness to each other. In civil society, this is not the case. The norms that guide civil society and the needs they engender in individual agents result from the interactions of a largely anonymous mass. So even individuals who succeed in being somebody in civil society's competitive interactions could be said to undergo a form of self-loss as well.

Rebellion against Civil Society: the Rabble

So far, this section has investigated to what degree individuals can experience a social order structured as civil society as subjectively free and whether they can exercise free agency. Civil society generates norms and roles – self-reliance and an ideal of success – which offers

part of the population a moral orientation and the possibility to be somebody. At the same time, these norms are beyond the reach of many others, whose existence does not resonate with the structural features of civil society.

This failure to find recognition of who they are is, in Hegel's analysis, not without repercussions. Civil society generates a class that exemplifies the alienation that civil society bestows on its members: the rabble [*Pöbel*].[97] The rabble consists in the first place of the poor who live in "dependence and want" (*PR*, §243). They do not succeed in being self-reliant, let alone meet the social standards of what a successful life looks like. Consequently, they do not experience freedom in each of the three dimensions: they cannot affirm its goodness of this order, but experience it as opposed, even hostile to them (1). Similarly, they cannot relate to their function in the economy as expressive of who they essentially are, as they cannot meet the basic requirements of being somebody and, consequently, suffer social rejection (2). Finally, they do not see their actions as necessary to the continued existence and flourishing of this order, but rather as superfluous (3).

Poverty itself is insufficient to speak of a rabble as it does not by necessity lead to a loss of resonance with the larger social order. For Hegel, the notion of the rabble is intricately linked with the distinctive inner structure of civil society and the specific kind of poverty it entails. Characteristic of the rabble is their spirit of rebellion. As they do not count in the social order and do experience it as their substance, the rabble turns its back against it. They counter rejection with rejection.

> Poverty itself does not make anyone into rabble: this comes into being only through the disposition connected with poverty, through the inner loathing towards the rich, towards society, the government, etc. (*PR*, §244A).

The rabble is disillusioned and fatalistic; they have given up hope that they could be successful in the system or that the system could be improved. As a consequence, they come to loath the social order and those representing it and they turn its standards around. They give up on honest work as the means by which they could make a living. "It also follows that those who are dependent on contingency become frivolous and lazy" (*PR*, §244A). In their corruption, they mock the idea of individual responsibility, claiming society is responsible for providing for them: "yet [the rabble] claim that they have a right to receive their livelihood" (*PR*, §244A). In their rebellion, property rights and other individual freedom rights no longer count for them, opening the path to crime. Ultimately, they refuse to take the interests and concerns of others into account, which amounts to a rejection of ethical life *tout court*. In

[97] As Heyde (1987, 196–97) points out, Hegel uses the concept of class only for this group, while for others he uses the concept of estate. A member of an estate has been integrated into the social whole, while the concept of class expresses an opposition between the individual and society.

their indifference to other members of society, they become shameless and trespass against social conventions.

The inner mechanism of civil society does not only turn the poorest into a rabble. The corruption extends to the richest in society. "Civil society affords a spectacle of extravagance and misery as well of the physical and ethical corruption common to both" (*PR*, §185). The most successful in civil society do not feel obliged by the ethical norms and rights which make up the social system. Regarding social life in the mode of Understanding, they attribute their success to their own efforts. They do not recognise, nor do they see, how their position in society is conditioned on their participation in an all-round dependent community. Moreover, members of civil society regard everything in the social world from the instrumental perspective of how it can contribute to their ends. "The rich think that they can buy anything" (*VPR*19: 196).[98] The rabble-rich, which civil society engenders, thus pursue their own frivolous ends without caring for others, including not respecting rights if they stand in their way. They place their particularity above the community. "Wealth can lead to the same mockery and shamelessness that we find in the poor rabble" (idem).[99]

The emergence of a rabble class is, thus, the manifestation of the fragility of civil society's ethical life. Even though Hegel recognises civil society's potential to become more rational and universal (*cf.* 4.3) and to develop social identities which give the experience of subjective freedom, he ultimately emphasises the fundamental pathologies emerging from its inner logic. A social order entirely based on the principles of particularity cannot realise objective and subjective freedom and runs the risk of falling apart.

4.5 Civil associationism: corporations

So far, civil society has been discussed as an individualistic social order in which individuals are preoccupied with their own ends and whose relations with others are mainly instrumental. This social structure is not entirely rational as it does not allow all members to meet their ends. Moreover, it generates social and practical identities that do not enable its members to experience ethical freedom and feel at home in the social world.

Civil society, however, also has another face. It is not merely the sphere of difference in which the ethical whole decomposes into self-interested particularities. The sphere of work also has the potential to recompose and develop new ethical unities. Hegel refers to these self-organising ethical unities as corporations. Our conclusions could have been premature.

---

[98] Translation ST. Original: Der Reiche betrachtet alles als käuflich für sich.

[99] Translation ST. Original: Der Reichtum kann so zu derselben Verhöhnung und Schamlosigkeit führen, zu der der arme Pöbel geht.

This section first sets out the nature and functioning of civil society's professional associations. Then, I will work out how the corporations have the potential to provide the members of civil society with more stable identities that could counteract the experiences of subjective unfreedom, rendering, from the perspective of objective freedom, civil society more rational. Finally, I will refute the idea that civil society, due to the positive contribution of the corporations, has the potential within itself to overcome its inherent shortcomings and that political order therefore could be based on civil society.

Civil society's mechanism of incorporation

The corporations emerge from the central motive typical of civil society: the self-interest of individuals who want to meet their needs. "[P]rivate persons, despite their selfishness, find it necessary to have recourse to others" (*PR*, §201A). Members of the second estate, which contains trade, industry and other bourgeois professions, start to collaborate with others, who are doing the same work, in order to promote their shared interests.

> The work performed by civil society is divided into different branches according to its particular nature. Since the inherent likeness of such particulars, as the quality *common* to them all, comes into existence in the *association*, the *selfish* end which pursues its own particular interests comprehends and expresses itself at the same time as a universal end. (*PR*, §251)

Because the corporation is rooted in self-interest, cooperate membership could appear as merely instrumental. However, the membership of a corporation transcends civil society's purely self-centred perspective, in which individuals relate to the world instrumentally, in terms of the optimal satisfaction of their needs. Corporations are ethical bodies: in them, individuals start to relate to their work as an end in itself. From this basis, they also start to identify with others who have a similar professional station in life. The end of the member of a corporation is "no wider in scope than the end inherent in the trade which is the corporation's proper business and trade" (*PR*, §251). They no longer regard themselves in the first place as separate, self-reliant persons but as 'incorporated' in this larger body, participants in a social structure which is substantive for who they are.

The ethical basis of the corporation does not consist in the first place in common particular interests but in the distinctive set of skills of their profession, in the exercise of which they have made their living. Corporations are structures of professional norms and values (moral but also technical) that prescribe what it means to master the profession.

In the corporations, the exercise of skills undergoes a process of professionalisation. "[S]kill is rationally determined" (*PR*, §254). The corporations are settings in which members, by sharing their experiences, help to increase knowledge about how to practice their

professional skills best.[100] Corporations determine the "objective qualification of skill and rectitude" (*PR*, §252) and organise for its (potential) members the education needed to meet these requirements. The members of a corporation take its conception of the good with regard to the profession – its norms, values, good practices – into their own practices. "[I]t is freed from personal opinion and contingency, for its danger to oneself and others, and is recognised, guaranteed, and at the same time raised to a conscious activity for a common end" (*PR*, §254).

The members of corporations develop distinctive, social and practical identities. Individuals who have made it into a corporation by mastering the relevant skills and contributing to its overall good are somebody. This social role brings stability as it releases individuals from the pressure of continually proving themselves, a pressure typical of individualistic market relations. "[T]he member of a corporation does not need to demonstrate his competence and his regular income and means of support – i.e. the fact that he is somebody – by any further external evidence" (*PR*, §253). They have obtained a social position that others, both within and without the corporation, recognise and to which they relate affirmatively themselves. Hegel refers to the experience of internal and external recognition as honour. "If the individual is not a member of a (…) corporation (…) he is without the honour of belonging to an estate [*Standesehre*]" (*PR*, §253A).

The normative structure of corporations also offers their members the moral orientation necessary to perform their agency. Hegel refers to actions that are in line with the corporate norms as rectitude. "[R]ectitude also receives the true recognition and honour which are due to it" (*PR*, 253R). In the corporations, the subjective inner considerations and external assessment come together; agent and arena correspond.

In the corporations, the social meaning of wealth changes compared to the abstract form of civil society discussed in the previous section, where a luxurious lifestyle was meant to show off and find standing in the social space. Incorporated individuals, in contrast, identify themselves with the good inherent in the corporative social structure. They will use the wealth they acquire, which is possible in the corporative economy, in tune with the internal good of the corporation they are orientated towards. "[W]ealth, in fulfilling the duty it owes to its association, loses the ability to provoke arrogance in its possessor and envy in others" (*PR*, §253R).

Finally, corporative life also entails a sense of solidarity among its members. On the basis of their common bond, members are willing to provide welfare to each other in case of adversity, for instance sickness or unemployment. One of the functions of the corporation is "to assume the role of a second family for its members" and "to protect its members against

[100] Hegel's conception of rationality is relational. The rationality of the skill consists in the constructive integration of all the different experiences of those who possess it.

particular contingencies" (*PR*, §252). The corporations, thus, constitute ethical structures that endeavour to do justice to the right of particular satisfaction.

Corporations are also better equipped to provide welfare to their members than public welfare. "[W]ithin the corporation, the help which poverty receives loses its contingent and unjustly humiliating character" (*PR*, §253R). Public welfare is often humiliating, as it confirms that its receivers are not able to meet society's central norm of self-sufficiency. In the corporations, the norm of individual self-dependence is less significant. Members see themselves and others as participants in a shared way of life, based on the mastery of skills which they did not invent by themselves, and conducive to society as a whole. Each of the members of the corporation has contributed to the existence and flourishing of the way of life they identify with and esteem. From this perspective, the assistance that those plagued by ill-fortune or who have grown old receive from their fellow members is not humiliating but rather a self-evident right.

At this point, the difference between Hegel's corporations and other work-related associations, trade unions and guilds, can be pointed out. Hegel's corporations do not correspond with any concrete real-existing social institution in his age nor ours. In his investigation of how the political orders of his age could realise freedom, he infers from the logic of civil society the necessary emergence of a form of professional social organisation and ethicality and calls this the corporation. The sphere of work always entails social organisation. In his age, Hegel could observe the remnants of the guild system, to which the corporations have similarities. However, the guild system, rooted in the feudal age, did not fit the conditions of modern civil society, not sufficiently respecting the rights of personhood, nor did they sufficiently contribute to the well-being of the community as a whole. Our discussion of the political role of corporations in 7.4 will further explain Hegel's rejection of guilds. For now, it suffices to regard corporations as Hegel's account of what kind of social organisation of work would fit the conditions of civil society. This account anticipates, to some degree, the 19th and 20th century trade unions. The corporations, however, differ from 20th century trade unions in being centred around productive skills and constituting self-governing bodies that organise solidarity and welfare and participation in the legislative (*cf.* 6.3 and 7.5).

Civil Society as Realisation of Freedom?

Objectively, corporate life is much more rational than the non-organised, interactions of civil society discussed in the previous sections. The corporations take the particular interests of their members into account, guaranteeing the satisfaction of their needs, even when afflicted by misfortune. Moreover, the particular will of the corporate members is more rational, more fully integrating into their will the social conditions of their existence. Corporations discipline individuals towards realising their inherent standards, both technical

and moral. Desires shaped in the collective life of the corporations are more satiable than the inflammatory desires of the abstract competition of civil society.

From a subjective perspective, corporate individuals experience freedom. The members of the corporations take the ethical structure and its inner norms as good. They regard their profession as their essence and are recognised as such. Finally, corporative members see their work as indispensable for the existence and continuation of their corporation (and, as such, for the political community as a whole as well).

However, this picture of the realisation of freedom in the corporations raises the question of whether the members of the corporations are really free. They seem to have substituted their original freedom of civil society, which allows them to follow their particular ends, for a much denser social identity that shapes them and, consequently, tells them who they are and what they must do. To what degree can they be said to be free?

Hegel does not juxtapose incorporation and individual freedom; rather membership of a corporation realises this freedom. It should be kept in mind that corporative membership in Hegel's theory of order is based on the free individual choice of this career (while in the guilds, sons usually inherit their father's profession). Membership in a corporation does not preclude civil society's principle of autonomy but is based on this. For Hegel, commitment to a specific life form is necessary to experience freedom. To be someone, you cannot leave all options open. "'Whoever aspires to great things', says Goethe, 'must be able to limit himself'. Only by making resolutions can the human being enter actuality, however painful the process may be" (*PR*, §13A).

Second, corporative membership, more than membership of abstract civil society, makes it possible to find recognition for one's *particularity*. As set out in the previous section, the members of the abstract space of civil society endeavour to be somebody by displaying their external success. This brings about a process of unlimited competition, exorbitant wealth for some and feelings of deficiency and lack for others. The corporations do not necessarily cancel competition between particular individuals but channel it along the standards internal to the corporation. There, the norms of being somebody do not alternate, like the "false infinite" (*cf.* 4.4), but develop in the interaction of its participants depth and complexity.[101] Consequently, the norms internal to the corporate structure make it possible to be recognised as part of the whole (one of the *many*) and also as an outstanding one (*one* of the many). For instance, both customers and colleagues can recognise a baker for his exceptional skills.

Finally, agency in the corporations should not be conceived as thoughtless conformity to externally given norms. Unlike the norms of abstract civil society, the idea of the good that guide the corporations and the norms to realize this good emerge from communicative processes in which members can partake. As a rational institution, it is based

[101] The "false infinite" has been overcome.

on an exchange of reason and experience. Moreover, the performance of agency as members of the corporation does not consist of simply following the norms, but in a conscious judgment of linking norms, which might be in some tension with each other, and a specific case.[102]

All in all, civil society seems to contain within itself the mechanism to overcome its shortcomings and to realise both objective and subjective freedom. Its capacity for self-organisation towards harmonious social relations might suggest that civil society can exist as an all-encompassing social order and that there is no need for another, 'higher', mode of ethical life. This way, Hegel seems to provide the argument for a liberal conception of order, an order ultimately based on enabling individual choice. Moreover, corporations organise solidarity, countering the problem of poverty that emerges in capitalistic order (*cf*. Houlgate 2022). In the literature, authors such as Stillman (1980) and Church (2010) emphasize this associative, order-constituting potential of Hegel's civil society against the more authoritarian order that a primacy of the state would generate. Hegel seems to sustain such an interpretation when he considers the focus on one's professional life as a viable alternative for political life, as a realisation of the need to lead a universal life.

> In our modern times, the citizens have only a limited share in the universal business of the state; but it is necessary to provide ethical man with a universal activity in addition to his private end. This universal [activity], which the state does not always offer him, can be found in the corporation. We saw earlier that, in providing for himself, the individual in civil society is also acting for others. But this unconscious necessity is not enough; only in the corporation does it become a knowing and thinking [part of] ethical life. (*PR*, §255A)

However, such a reading clearly goes against Hegel's emphasis that corporations must be "under the supervision of the public authority" (*PR*, §252): they can only exist as part of a larger political order which does not result from the principles of civil society.

The first reason corporations depend on a higher ethical structure is that they themselves must obtain a place in the social whole. The corporations must be recognised in the social whole. This way, the corporate member "belongs to a whole which itself is a member of society in general" (*PR*, §253). This allows these members to find recognition not only *within* the corporation but also *within* society as a whole. They can consider themselves as contributing to the overall order and also recognised as such.

It is highly questionable whether this reciprocal recognition of corporations can be organised within the confines of civil society itself. Corporations are directed at their own good, which is a universal good from the perspective of its members, but a particular good from the perspective of society as a whole. How can these particular 'self-interested' social

[102] Hegel's notion of judgment will be explained further in Section 6.3 when applied to the role of the civil service.

bodies together develop a conception of the common good which recognises all these corporate particularities? It is more likely that the corporations will take over civil society's competitive logic and act as mere interest groups. Hegel compares corporations focused on their self-interest with guilds. "The corporation, of course, must come under the higher supervision of the state, for it would otherwise become ossified and set in its ways and decline into a miserable guild system" (*PR*, §255A).

Second, the assumption that corporations could fully counter civil society's pathologies by taming its capitalistic dynamic has not sufficiently realised that "civil society (…) is the immense power which draws people to itself" (*PR*, §238A). Members of corporations have not left the individualistic logic of civil society behind them. They remain persons and, as such, not immune to the temptations of civil society, such as its vision of a successful life. Capitalistic relations have the tendency to expand and tear individuals away "from their identification with their particular occupation and its internal competition" (Church 2010, 131). A cook, lawyer, doctor or any other professional could decide to regard their profession no longer as primarily an end itself but as a means for making as much money as possible. When the corporation is no longer an end in itself, its internal values run the risk of eroding, being replaced by quantitative ends external to the practice. To counter the erosion of corporations by civil society, and to let them perform their potential of rendering market relations more ethical, a higher ethical sphere is required, the political ethicality of the state, to stabilise and bolster the corporations.

Finally, corporations do not provide a solution to the existence of an underclass and the generation of a rabble. Not all members of civil society manage to organise themselves and develop in corporations. The foundation of the professional associations consists of mastering specific technical and moral professional skills. For unskilled (day) labourers, whose work consists in mechanised, simple actions, corporate membership, consequently, does not seem feasible (*cf*. *PR*, §252R). Therefore, the problems of poverty and unemployment require different solutions, which the next chapters will take up.

Hegel's account of the corporations does not provide an argument for the possibility of the liberal political order, fully inferred from the idea of free individuals. The free market can, to a certain degree, develop as a free and rational ethical sphere, whose members are attuned to social reality. This, however, requires civil society to be embedded in and sustained by the political ethicality of the state. Chapter 6 reconstructs the nature of the state as an ethical structure and how it relates to civil society and the corporations.

4.6 Conclusion

This chapter has offered an interpretation of Hegel's analysis of the potential of a social order based on individual freedom and individual rights. Hegel regards civil society, the

emancipation of particularity, as an advancement over earlier forms of social life, as it allows for a richer form of freedom. From a subjective perspective, individuals can now consider themselves in separation from the community, pursuing their own ends. Also from an objective perspective does civil society render social life richer. The pursuit of self-interests does not necessarily imply social conflict. Hegel acknowledges the idea of an invisible hand, the non-intended form of social coordination, according to which individuals who pursue their own interests contribute to the realisation of the needs of others.

Hegel's analysis, however, does not end with this beneficial picture. Civil society is only the "appearance of rationality." Hegel points out the logical effects of an economic system entirely based on the free development of particular self-interest: not only abundance but also poverty and want. Civil society does not take the particularity of all its members into account, as not all members can meet their particular needs.

In terms of subjective freedom, the abstract relations of civil society entail the social roles of being self-reliant and successful. These identities, however, are beyond the reach of many. Hegel offers a kind of thought experiment that shows that a political order entirely based on particularity must result in pathologies. Substantial parts of society cannot regard the social world as their home. They experience, vis-à-vis society, alienation, opposition and rejection. The most radical manifestation of this failure of civil society is the emergence of the rabble. In addition, civil society fosters the development of rational agency only to a limited degree. Its standard of the good concerns self-reliance and comparing favourably with others in material success. Civil society, thus, lacks an institutional setting that can teach its members to attune properly to social reality.

This, however, is still not the complete picture. The self-organisation of civil society in the corporations renders civil society more ethical in the Hegelian sense of a common life whose members take each other into account. Corporate members experience a bond and are willing to help each other. The corporations provide practical identities, entailing more realistic and elaborate accounts of the good life not merely focused on material success and empty comparisons. In the corporations, civil society succeeds in giving a home to its members. The final section raised the question whether the corporations, because of their benefits, prove that political order can be derived from civil society. It argued that this question must be answered negatively. For functioning well (or even existing), the corporations must be integrated into the more encompassing ethical sphere of the state.

All in all, Hegel offers a tragic picture of a liberal political order. Driven by the pursuit of individual freedom, it takes individual rights and autonomy as absolute. However, this pursuit turns out to undermine the freedom it yearns for. The free development of civil society without it being integrated in the ethical life of the state entails the loss of freedom and the loss of self, because ultimately, individual subjects who interact on this basis do not

succeed in comprehending and attuning to the interdependent, organic social reality they participate in.

5. THE LIMITS OF LIBERAL ORDER: POLITICAL PATHOLOGIES

5.1 Introduction

The previous chapter reconstructed Hegel's argument of why a liberal social order, modelled after civil society, cannot be free and rational. This conclusion, however, might be premature as it has only considered civil society as a *social* order. For Hegel, civil society is also a quasi-political order, as it contains – or generates from Hegel's organic perspective – governmental institutions. The interactions of civil society provoke the need of state institutions for the protection of the law. Moreover, civil society also develops the need for a public authority to help its members realise their ends and provide welfare. The state, which comes up in civil society, is understood as an instrument to realise the ends of its members.

This chapter reconstructs Hegel's argument that also the liberal political order that includes state institutions must fail to bring freedom. From the perspective of objective freedom, the political institutions of a liberal order are unable to guarantee the satisfaction of ends. The interventions of the liberal state cannot bring rationality back into civil society's social relations. From the perspective of subjective freedom, the instrumental state fails to resolve the alienation inherent in civil society. Rather, the presence of an intervening state now adds another dimension to the alienation members of civil society experience, as civil society by necessity breeds a kind of state hostility.

This chapter begins with a description of the nature of the political institutions of civil society (5.2). The following two sections reconstruct Hegel's argument for why an instrumental state does not suffice to realise freedom. First, I trace Hegel's argument for the failure of the state to guarantee well-being for its members, i.e. objective freedom (5.3). Then, I will unpack Hegel's argument for why a liberal political order does not succeed in enabling its members to overcome alienation, but adds a new, political dimension to this alienation (5.4).

5.2 The "external" state

Hegel refers to the government of civil society as the "external state" (for instance, *PR*, §183). The external state should be distinguished from the ethical state, the all-encompassing political order, of which civil society is only a part. Besides this, the external state must also be differentiated from the "political state". This political state refers to the ensemble of political institutions (the executive, legislative and monarchical branches of government) which make political decisions within the ethical state. This political state could also be

referred to as the internal state. The state as political order and its political institutions, the political state, will be discussed in chapter 6.

The external state is Hegel's construction of what the political institutions would look like if they were to be fully grounded on the principles of civil society. It is the state which follows the logic of civil society. Consequently, this external state is entirely instrumental in meeting the needs of individual particularity, the central principle of civil society. It is the executive or administrative apparatus of civil society. In practice, it consists of two institutions, the administration of justice and the police (to be explained below).

The institutions of the external state are also part of the political state of the ethical state, though their meaning and functioning undergoes a transformation there. In the political state, the executive stands in a broader political context, which includes relations to the monarchical and legislative branches of government. Moreover, the executive then acts within a political community made up of citizens who identify with their political order, not within a society made up of self-interested individuals.[103] In that setting, citizens do not regard government as an external device but as a part of their order to which they have an internal relation.

In his account of the external state, Hegel, therefore, has stripped the government of all the aspects by which it is embedded in a concrete ethical order. What is left is a purely instrumental account which fits the structure of civil society's ethical life. Members of civil society have learned to see themselves as separate beings that set their own ends or, put differently, they have unlearned to see themselves within the sphere of politics as part of larger social institutions. Its conception of political life has discarded all similarities with the ethical life of the family. Consequently, they conceive the political institutions as something outside of themselves.

Besides the external state, Hegel uses two other labels for the socio-political order of civil society: "a state of necessity and of the understanding" [*Not-und Verstandesstaat*] (*PR*, §183), which have a similar meaning. The epithet "state of the understanding" refers to civil society's dominant mode of cognition, which I have discussed in the previous chapter. Members of civil society take their particularity as absolute, i.e. as both its starting point and end. From this perspective, they cannot see or experience that the community and its political institutions are constitutive of who they are and to which they have an internal relation.

The label "state of necessity" refers to the motive of its members to turn to the state. The members of civil society, generally, do not want to be concerned with the state and politics; their focus is their own ends. However, in a case of necessity, such as the inability

[103] Hegel's approach is subtle. He discusses the police as part of civil society, but the civil service, the universal class, as part of the state. The police clearly presupposes a civil service, but in the setting of civil society, the civil service has not obtained yet the ethical meaning which it has as part of the ethical state.

to meet one's needs or being subject to crime, they will turn to the state.[104] Just as in the liberal account of order, the state is a necessary evil, both a threat to individual freedom and necessary to protect and foster this freedom.

In Hegel's analysis, the members of civil society, despite their concern with their particular ends, already develop some sense for 'the universal' and the need for political institutions that foster this universal. Both political institutions of civil society, the administration of justice and the administration of public welfare (the police), thus respond to a need experienced in civil society. The previous chapter briefly discussed how individuals in civil society, who look for means to satisfy their needs, come to recognise personhood and the right of property and regard it as a central organising principle of social life. As a consequence, the members of civil society also want these rights to be codified, just as they want an authority that, in the case of crime, applies the law and restores justice. "Through the administration of justice, infringements of property or personality are annulled" (*PR*, §230). This way, "the universal (…) has to be extended over the whole field of particularity. Justice is a major factor in civil society: good laws will cause the state to flourish, and free ownership is a fundamental condition of its success" (*PR*, §229A).

The members of civil society do not only want the protection of their property rights but also welfare: individuals in civil society want to live in a social (and political) structure which enables them to satisfy their particular needs.

> But the right which is actually present in particularity means not only that contingencies which interfere with this or that end should be cancelled and that the undisturbed security of persons and property should be guaranteed, but also that the livelihood and welfare of individuals should be *secured* – i.e. that *particular welfare* should be *treated as a right* and duly *actualized*. (*PR*, §230; emphasis in original)

And:

> [S]ince I am completely involved in particularity, I have a right to demand that, within this context, my particular welfare should also be promoted. Account should also be taken of my welfare, of my particularity, and this is the task of the police and the corporation. (*PR*, §229A)

The free interactions of civil society do not guarantee welfare, as explained in the previous chapter. Whether individuals can realise their particular ends depends partly on their own choices and abilities but also on the system as a whole.

> In the system of needs, the livelihood and welfare of each individual are a possibility, whose actualisation is conditioned by the individual's own

[104] The corporations are not part of the external state. Unlike both other institutions, they do not have public authority over society as a whole. Moreover, the corporations have a mode of interaction that has moved beyond the instrumental reasoning of civil society.

> arbitrary will and particular nature, as well as by the objective system of needs. (*PR*, §230)

Members of civil society, as they experience failure to satisfy their needs, come to realise that the political organisation of their social life partially conditions the fulfilment of their ends. This experience could be interpreted as a first, though still underdeveloped, acknowledgement of the existence of a *bonum commune*, that structuration of social relations that enables the realisation of particularity. This insight also brings about the need for a public power [*die (…) Macht des Algemeinen* (*PR*, §231)] to realise this common good by regulating and intervening in society life. This power is the universal or public authority, which Hegel refers to as the police [*Polizei*]. As Hegel's use of the concept 'police' is much broader than our current understanding, I will also use the concept 'public authority' (which is close to Hegel's own use of 'universal authority' or 'administration of welfare').

This public authority has three functions. First of all, it has a function which more or less corresponds to the modern conception of the police: preventing the actions of some to bring harm to others, impairing the satisfaction of their needs. In civil society, there is always a possibility of individuals bringing harm to each other (*PR*, §233). Therefore, the public authority must surveil social life to prevent crime and other forms of harm (for instance, the risk of having large masses in a small space). Hegel also includes the necessity of market surveillance; to prevent cheating, market goods must be inspected. To perform this function well, the police must have the right to impose penalties on violators or to arrest them and hand them over to legal authorities for trial.

The second function of the public authority is to check, regulate and intervene in the system of needs, the market. The market dynamic enables the satisfaction of a wide range of needs, though not necessarily the needs of all (*PR*, §232; see also section 4.3). The equilibria towards which markets tend are, from Hegel's ethical perspective, not necessarily rational in the sense of doing justice to all particular needs. Hegel, thus, rejects a complete *laissez-faire* perspective on the economy. The public authority must supervise market relations and intervene when the welfare of some groups is under threat. "The freedom of trade should not be such as to prejudice the common good" (§236A). In the case of grain shortage, for instance, the police should not leave it to the market to set the price for grain but impose reasonable tariffs. "The differing interests of producers and consumers may come into collision with each other, and even if, on the whole, their correct relationship establishes itself automatically, its adjustment also needs to be regulated by an agency which stands above both sides" (*PR*, §236).

This role of the state in the economy does not imply that Hegel favours a state-run economy. He is also wary of stifling the free economic life of society because of the advantage of a free economy (the relative rationality as discussed in the previous chapter) and the central role of the right to property and contract in civil society. But if markets are too much

left to themselves by the public authority, they are bound to come to crisis and in need of state intervention.

> This [particular] interest invokes the freedom of trade and commerce against regulation from above; but the more blindly it immerses itself in its selfish ends, the more it requires such regulation to bring it back to the universal, and to moderate and shorten those dangerous convulsions to which its collisions give rise (*PR*, §236A).

The imperative for the public authority, therefore, is to steer a middle course between too much and too little intervention.

From this perspective, Hegel also argues for the need of the public authority to keep an eye on essential branches of industry within society. Their well-functioning often involves different actors, all dependent on each other and the conditions in which each of them operates. This complex cooperation can make industries vulnerable as no one takes responsibility for how this impacts society's welfare. "But the main reason for universal provision and direction is that large branches of industry are dependent on external circumstances and remote combinations, whose full implications cannot be grasped by the individuals who are tied to these spheres of their occupation" (*PR*, §236). For this reason, the state should also keep oversight of the economy.

The third function of the state is to provide public goods that meet the needs of citizens, for example street-lightning, bridge-building and education (*PR*, §236A). Even though citizens desire these goods, the free market does not provide them. Consequently, the state has to step in and, based on tax revenues, provide them for all. In addition to public goods for everyone, the state must also organise provisions for the needy who cannot meet their own needs. "Civil society is obliged to feed its members" (*PR*, §240A). The state in civil society also obtains features of a welfare state.

Hegel argues for this responsibility of the state to provide for its citizens, in particular people in need, by pointing out how civil society's emerging capitalistic relations have fundamentally transformed traditional life forms. These capitalistic relations constitute "an immense power which draws people to itself and requires them to work for it, to owe everything to it, and to do everything by its means" (*PR*, §238A). In this setting, families themselves do not have sufficient capacity to guarantee welfare for all its members. "[I]n civil society, the family is subordinate and merely lays the foundation; its effectiveness is no longer comprehensive" (idem). In the modern world, "the individual becomes a son of civil society" (*PR*, §238).

The full entanglement of individuals in the market relations of civil society – like their entanglement in their family – implies that they can claim rights against it. In civil society, the individual "has as many claims upon him as he has rights in relation to it" (*PR*,

§238).[105] This includes provision for the poor so they can meet their basic needs. Similarly, the public authority should take responsibility for public health, for example building hospitals (*PR*, §239). The image of civil society as a family also implies to Hegel that the state can take a paternalistic stance towards the poor. "For the poor, the universal authority takes over the role of the family with regard not only to their immediate deficiencies, but also to the disposition of laziness, viciousness, and the other vices to which their predicament and sense of wrong gives rise" (*PR*, §241).

At the same time, civil society's purpose is to lessen its members' immediate dependence on the public authority. They should learn to stand on their own feet – be self-reliant – and provide for themselves a stake in the public wealth (*PR*, §237). "[T]he wider viewpoint is the need to prevent a rabble from emerging" (*PR*, §240A). To realise this, civil society must organise public education (*PR*, §239) and encourage citizens to overcome their dependence on welfare. "[C]ivil society (…) also has the right to urge them to provide for their own livelihood" (*PR*, §240A). However, Hegel does not place the responsibility exclusively on the poor. The state should also reform the economy to prevent the emergence of poverty. "[S]ociety endeavors to make [private charity] less necessary by identifying the universal aspects of want and taking steps to remedy them" (*PR*, §242).

By prevention, oversight, regulations and the provision of public goods, the public authority attempts to counter contingency in the realisation of welfare. "[T]he aim of oversight and provisions on the part of the police is to mediate between the individual and the universal possibility which is available for the attainment of individual ends" (*PR*, §236A). This mediation has a direction opposite to that of the administration of justice, the other institution of the external state, which annuls crime by imposing punishment. This way, it forces the particular ends of the members of society to abide by the universal rules of the law. The administration of welfare, in contrast, takes the particular needs and ends as given and adapts the overall structure of social life (the universal) – by making regulations, taking preventive measures, and providing public goods – to enable the members of society to satisfy their needs.

At this point, it must be clear how Hegel's conception of the external state corresponds with the liberal state, as we have defined it in chapter two. Both understand society as the interaction of free individuals who hold freedom rights and the state as an instrument of this society: it must protect these rights and enable individuals to realise their self-chosen ends, which should include welfare provisions. The question is to what degree

[105] Hegel assumes that the claims of the rabble against society are not ungrounded. "No one can assert a right against nature, but within the conditions of society hardship at once assumes the form of a wrong inflicted on this or that class" (*PR*, §244A).

this external state can, as it intends, render civil society objectively and subjectively free. Answering this question amounts to assessing the potential of a liberal political order.[106]

5.3 State failure in the liberal order

As addressed in the previous chapter, the interactions of civil society turn out to be relatively irrational as a substantial part of society cannot satisfy its needs. Hence, the need for an interventionist state emerges, which should enable the members of civil society to meet their ends, which would render the social order rational. This section reconstructs Hegel's analysis of why an interventionist state fails to bring back rationality.

THE CHALLENGE OF POVERTY

Hegel investigates this most prominently with regard to the question which "agitates and torments modern societies especially" (*PR*, §244A): the rise of poverty and emergence of a rabble, the demoralised underclass.[107] From the start, Hegel makes it clear in a somewhat paradoxical formulation that the public authority of the external state is not competent to solve this problem that accompanies the proliferation of market relations.

> "[D]espite an excess of wealth, civil society is not wealthy enough – i.e. its own resources are not sufficient – to prevent an excess of poverty and the formation of a rabble." (*PR*, §245)

Hegel comes to this defeatist conclusion after considering the options the public authority has at its disposal. First, Hegel discusses public welfare to ensure the "increasingly impoverished mass" their livelihood (*PR*, §245). This welfare is to be paid for by the funds that public institutions might have or by taxing the wealthier class. Hegel concedes that welfare could lessen the most grinding effects of poverty. However, he rejects it as a structural solution because receiving welfare, not working for your livelihood, is problematic in civil society. "[T]his would be contrary to the principle of civil society and the feeling of self-sufficiency and honor among its individual members" (idem). This dependence on the state would underline their incapacity to care for themselves, as a consequence of which they would not fully count.

To overcome this problem, Hegel discusses the creation of work for the unemployed as an alternative approach. This way, the unemployed would meet civil society's standard of

---

[106] Again, we must not forget that Hegel offers a stylised, ideal-typical account of the liberal state here. In this account, he excludes the institution of representation in civil society, while real-existing liberal states also contain democratic representative institutions. Hegel discusses representation as part of the ethical, non-instrumental state. In chapter 7, I will argue that representative institutions can also follow the logic of civil society, in which case they fail to contribute to the existence of a free political community.

[107] As explained in the previous chapter, the rabble also extends to the depraved rich, who have lost contact with the inner structure of society. However, the challenge of the state is, first of all, to prevent poverty.

self-sufficiency and would be able to gain a sense of honour. This solution, however, would not work either. The creation of work would increase the volume of production, which only exacerbates the problem. One of the reasons for widespread unemployment and low wages for simple work is the lack of demand for employees. The workforce already produces (more than enough) for the demand (*PR*, §245). The growth of output thus would further disrupt the economy.

Besides this, Hegel also discusses more global solutions. The dynamic of civil society propels it outside of its borders in search of new market outlets for its products. This solution could counter unemployment caused by overproduction (*PR*, §§246-7). In this light, Hegel also discusses the foundation of colonies, as this would create new markets for its products and be an outlet for those workers redundant in the national labour market. However, Hegel does not regard these solutions as structural either: at a certain point, the new market might produce the goods themselves, while colonies will become independent after some time. The fundamental problem, therefore, would re-emerge at a certain point.

Hegel acknowledges the powerlessness of the external state in the face of its most pressing problem. This brings up the crucial question of how to interpret this position. According to Avineri (1974, 154), Hegel basically admits that poverty is a problem of the modern world for which there is no solution; consequently, we have to live with it. Whitt (2013), in contrast, interprets Hegel's position as critical, intended to uncover how modern political order depends on the presence of an underclass as an internal other. Different as they are, both interpretations have in common that they question Hegel's claim that the modern state could realise freedom fully.

This reconstruction, in contrast, reads Hegel's account of civil society as an inquiry into the possibility of civil society as an overarching (liberal) order. From this perspective, the inability to solve poverty points towards the need to understand and organise political order on a different footing. If political order is organised as civil society, poverty and demoralisation will remain endemic because the liberal state lacks the tools to counter this logic, itself being based on it. The political order organised as an ethical state, in contrast, can prevent the material and moral degradation typical of civil society. Chapter 6 works out Hegel's conception of the ethical state, while section 8.2 comes back to the question of whether and how the ethical state solves the problem of poverty. At this point, I will investigate in more detail why, according to Hegel, the state apparatus within the liberal order is impotent to solve civil society's problems.

State impotence

This section will further unpack Hegel's analysis of the necessary failure of the external 'liberal' state. The inability to solve poverty constitutes the most prominent manifestation of

this failure, but this is not the whole story. Hegel wants to establish the fundamental incapacity of the external state to intervene in a liberal society appropriately.

To understand this failure, we first have to have a clear picture of what a liberal state is supposed to do. The state should intervene in society to ensure that all members of civil society can realise their ends. As discussed in the previous section, this involves the prevention of harm, intervention in the market and the provision of public goods. To fulfil this function, the state must have a grounded, i.e. non-arbitrary, conception of the general interest that covers the realisation of all particularities. Hegel refers to this common good as "the universal which is contained within the particularity of civil society" (*PR*, §249). We could also refer to this common good as the 'throughline', a universal which goes through, and is implicated by, all particularities (see relational organicism, 3.3). The common good, thus understood, is, for Hegel, the rational norm which inheres in a social structure.

In a political order organised as civil society, such a conception of the general interest can be nothing more than a mere *desideratum*, impossible to disclose. This is the consequence of both the structure of the social relations in civil society and its typical mode of cognition: understanding. The members of civil society are not united by a common bond. They all pursue their own ends for which they both cooperate and compete with each other. In this process, civil society falls into different professions, classes, and modes of living. Some turn out to be successful, while others experience material want.

To succeed, the interventionist state must discern within society's differentiation and opposition the general interest, a rational purpose that goes through and unites all parts. This is possible in organicist ethical structures. There, the universal does not stand opposed to the end of the parts but has integrated them, just as these parts, despite and in their differences, are orientated on the common good (see also chapter 3.3 on relational organicism and the next chapter). In Hegel's analysis of civil society, especially if we leave the corporations out of consideration, it does not have such a rational, organic structure. Ultimately, the ends of the parts are and remain absolute. Neither the mechanism of the invisible hand nor the disciplining power it exercises over its members changes this fundamental fact. Consequently, civil society cannot have a conception of the good, which could give a direction on how to foster the totality of the differentiated needs of society.[108]

The practical question the liberal state stands for is how to intervene in, or even reform, the economy to make it work for all. It cannot answer this question, because, within the logic of the market, the ends of all individuals are equally valid. Weighing these ends from the perspective of the common good would presuppose a political viewpoint, an account of the well-being of the community as a whole. Such a unified, political perspective does not fit the conditions of civil society, which does not recognise the value of the community in itself.

[108] Hegel does not discuss the general interest as an abstract, aggregative standard common to current liberal political orders, such as economic growth or the realisation of maximum of utility.

Every formulation of the common good would, therefore, be arbitrary from the perspective of some parts of civil society.

This failure of the state in the liberal order can also be approached from its mode of cognition, the Understanding. Understanding cannot penetrate the totality as an organic interdependent whole and see a unity underneath the differentiation. It starts with the particular, individual ends, which it takes as given, and tries to regulate the market to meet these ends, but it is unable to grasp the interdependent whole and inner coherence other than as a conflict between different particularities.[109] From the perspective of the Understanding, the reasonable can only amount to treating all individual parts in the same way (abstract equality).

> To oppose this right [of particularity] with a demand for equality is characteristic of the empty understanding, which mistakes this abstraction [and *obligation* of its own] for the real and rational. (*PR*, §200R)

So far, I have investigated the failure of the liberal state only with regard to the police function of the state to intervene in the market. With regard to the provision of public goods, the third function, the state is likely to fail as well. The function has an economic rationale: the market does not provide certain goods for which there is a need. If it were possible to determine unequivocally what the universal basic needs are, the state would have a clear orientation for the kind of public goods it should provide. However, this is the case in civil society only to a limited degree.

Due to its competitive structure and desire for distinction, civil society engenders a multiplication of needs, whereby it is difficult to pin down which needs are basic or objective. As explained in the previous chapter, individuals want to be similar to each other, which entails needs which are no longer purely natural but also have a significant social or 'spiritual' component. However, any equality achieved would immediately evoke new forms of distinction, which, in turn, would stir up new needs to restore equality again, and thus demands on government, and so on infinitely. To make this concrete, education could be said to be a basic need, but it is impossible to determine from the perspective of civil society what level of education. The provision of a public good is, to a large degree, a political question, to be answered from the perspective of the needs of the community as a whole. Civil society, consisting of self-interested individuals without a shared conception of the good (except the respect for personhood), does not have the means to answer this political question.

The other function of the police is the prevention of harm. This function could be the prevention of crime, but also an intervention in market relations when they threaten to do damage to the welfare of some groups. Grain sellers, for instance, could raise their prices

---

[109] "In addition, that reason which is immanent in the system of human needs and their movement articulates this system into an organic whole composed of different elements" (*PR*, §200R).

dramatically after a bad harvest. The question of whether the public interest, now understood as the prevention of harm, requires intervention is impossible to answer unequivocally by a non-political public authority, i.e. an authority not embedded in a political community. Capitalistic relations are characterised by competition, in which members want to conquer market share. States of affairs detrimental for some are conducive to others – and *vice versa*. It is not always clear how participants suffer or profit from particular market relations.

A public authority that intends to prevent some actors damaging others has difficulties in providing objective determinations within civil society.

> [N]o boundary is present in itself between what is harmful and what is harmless (even with regard to crime), between what is suspicious and what is not suspicious, or between what should be prohibited or kept under surveillance and what should be exempted from prohibitions, surveillance and suspicion, inquiry and accountability (*PR*, §234).

In the end, determinations in civil society always have a large subjective, arbitrary component due to the failure of a political, comprehensive perspective. "No fixed determinations are possible here, and no absolute boundaries can be drawn. Everything here is personal; subjective opinion comes into play" (*PR*, §234A).

Again, this difficulty in determining precisely (potential) harm can be linked to the Understanding. "[R]elations of external existence fall within the infinite of understanding" (*PR*, §234). The Understanding regards harm, just as society as a whole, from the perspective of the (individual) parts (and not the whole). It thus dissects social life in its causal relations, identifying (the potential for) harm everywhere. As a consequence, the state tends to see an increasing role for itself in preventing harm.

> When reflection is highly developed, the police may tend to draw everything it can into its sphere of influence, for it is possible to discover some potentially harmful aspect in everything (*PR*, §234A).

To conclude, this section has reconstructed Hegel's argument of why the public authority is unable to bring civil society to rationality or objective freedom. This is not primarily due to deficiencies in the state apparatus, for instance a lack of power or other capacities, but a consequence of the social structure of society, in which it is impossible to identify a general interest which unites all particularities. In civil society the need emerges for an impartial public authority, but it is structurally incapable of realising this. Instead, the state in civil society runs the risk of becoming entangled in the logic of civil society in which individuals and groups endeavour to use the government for their own interests. Chapter 7 will return to this issue when it discusses the problems of democracy based on the principles of civil society.

This interpretation of Hegel's analysis of the possibility of the external state to render society more rational could, as explained before, also be used to assess the

possibilities of a liberal political order, which regards the state as an instrument of civil society. Hegel's analysis shows that a technocratic, instrumental state, whose function is limited to fostering the interests and rights of abstract individual, is ultimately incapable of restoring objective freedom. Reasonable politics must be based on another footing.

5.4 Political alienation

Hegel's account of civil society can be read as an analysis of why the liberal state brings about experiences of alienation. The previous chapter discussed the lack of subjective freedom that its social interactions entail: the full alienation of the rabble but also the lack of stable social identities for other groups. According to the previous section, the external state, unable to change its fundamental dynamic, cannot render civil society more reasonable. Consequently, it is equally incapable of solving these experiences of alienation. This section seeks to establish that in Hegel's analysis, the external state, and, by implication, the liberal instrumental state, adds to these forms of alienation also a specific kind of political alienation.

From a political perspective, the members of civil society are (private) subjects, not citizens; they do not participate in political decision-making but expect the state institutions to protect and foster their particular ends. Political subjects would experience freedom if they could recognise and identify with the regulations and interventions of these political institutions and hold them to be legitimate.[110] For Hegel, subjective freedom means integrating otherness into one's own will. Free political subjects, consequently, do not experience an opposition between themselves and the state, but regard the state as in line with their own ends.[111] Such a favourable attitude of political subjects to their political institutions is also crucial for political stability. "The whole, the state, only achieves inner stability when what is universal, what is explicit, is being recognised as universal" (*LNR*, §121R).

In civil society, just as in the liberal order, individuals relate to the state instrumentally. Hegel's terms 'external state', and 'the state of necessity and understanding' expresses this attitude. Political subjects do not recognise a priori the government as the set of institutions fostering the common good of society. Because they do not see themselves as participants in a social whole, they do not recognise the existence of the common good, which inheres in this community as a whole and needs the government, which is also part of this whole, to protect and foster it.[112] In this respect, civil society differs fundamentally from the ethical life of the family. There, members see themselves as part of a whole and,

[110] Hegel has a system-internal approach to legitimacy. He does not offer general precepts. See chapter 3, in particular 3.5.

[111] From the liberal perspective on legitimacy, this affirmative relation could be glossed as a form of implicit consent.

[112] Insofar as liberal orders have a common good, it does not concern the life of the community as a whole but only its individual members, such as the protection of individual rights.

consequently, take the existence of (implicit) a common good for granted, just as the parents' authority to intervene to foster this good.

In contrast to the family, the interventions of the external state can only have legitimacy if they are derived from the ends of the (individual) parts. Individuals recognise the state insofar as they can link it to their personal concerns. In other words, the general interest must be in line with their particular interests. Therefore, the common in the common good must be represented as an overlap of the interests of all parts. Another way of linking the state's interventions to the particular will is by conceiving them as a reciprocal relationship. Citizens are willing to accept their obligations towards the political structure to the degree that they match the rights they hold against the state.

The Administration of Justice seems to align most easily with the members of civil society, as its function directly addresses their essential identity: personhood. The protection of individual rights and their cancellation in the case of crime are fundamental preconditions of the exercise of agency. As a consequence, members of civil society can easily affirm a state which intervenes to protect the principle of personhood. This function can easily be interpreted as a form of direct reciprocity. Respect for personhood expresses the reciprocity between the individual members of civil society: one does not infringe on the freedom of others, while others should respect your freedom. The Administration of Justice is a device to guarantee this mutuality. It is based on a similar reciprocity, now between the individual and the state. The state must protect the subjects' rights of personhood, while these subjects have the duty not to seek retribution in person but to recognise the state's monopoly of violence and right to speak justice.

Respect for abstract rights is not rooted in a universal moral requirement to which people in all circumstances should and would feel committed to by virtue of their reason. Respecting personhood does not result from the imagination of a state of nature (or a Kantian duty) but from certain practices in which individuals come to experience and, consequently, acknowledge this value. The recognition of the universal of abstract rights and a government that protects these rights requires a kind of virtuous circle. Interactions in civil society, in particular in the market where individuals pursue their end by buying, selling, and contracting, should result in experiencing these rights as beneficial. On this basis, they can come to be acknowledged as a universal good.

This analysis also brings to awareness the inner fragility of liberal society's commitment to liberal rights and the state which is supposed to protect them. As expressed in the previous chapter, the social interactions of civil society easily entail experiences of alienation, rejection and marginalisation or the idea that one's success is exclusively the result of one's own efforts and not of a system which protects personhood. These experiences could also frustrate civil society's virtuous circle. Instead of recognising these rights as inherently good, a universal which applies to all based on their humanity, those

groups fall back onto a more tribal identity (recognising these rights only for those they identify with directly) or have a purely instrumental and opportunistic relation to these rights, only acknowledging them as long as they are advantageous. In particular, this latter danger also applies to the rich, as explained in the previous chapter. Hegel thus offers a picture, in which the protection of individual freedom rights, the rule of law and the legal institutions that have to guarantee this, i.e. the most essential element of the liberal conception of order, are at risk in a society organised on a liberal footing. Civil society might fail to generate its own legitimacy.

Hegel's analysis seeks to establish that the recognition of the state as provider of public welfare is, in a liberal order, even more fragile. The relation of citizens to this state is, from the beginning, more instrumental than to the state as protector of rights, as rights should, if citizens' formation goes well, be considered as a good in itself. In the previous section, governments' difficulty in fostering the public interest, that is, to provide public goods and regulate society, has been addressed. Civil society entails social differentiation: different members have different needs and interests. Due to this inner structure, specific government measures will serve the particular welfare of some, not others. Governmental interventions, therefore, will be necessarily contested. The claim of government to act from a universal, impartial perspective is not likely to hold.

As a consequence, the police can even evoke a feeling of hostility. In particular, when intervention directly touches citizens' lives – as is the case in the preventive function of the police – government is likely to be experienced as a nuisance, an obstacle, which undermines civil society's basic principle: autonomy or the freedom to pursue one's own ends. "Because of these aspects of contingency and arbitrary personality, the police takes on a certain character of maliciousness" (*PR*, §234A). As addressed in the previous section, there are no clear boundaries where its involvement in society should end. The police could enter into domains which individuals regard private. "On such occasions, the police may proceed very pedantically and disrupt the ordinary life of individuals" (*PR*, §234A).

Within the conditions of civil society, the relationship between state and society is paradoxical. On the one hand, the social interactions of civil society entail a continuous pressure on the government to intervene in society. Individuals blame deficiencies in the structure of civil society for their inability to realise their wants and turn to the government to counter this by prevention, regulation, or provision of goods. On the other hand, governmental interventions are experienced by another part of society not only as disadvantageous but also intrusive, undermining the realisation of their ends. Members of civil society, therefore, endeavour to free themselves from these interventions. Thus, the state in the liberal order is always doing both too much and too little. It should foster my interests more (but not those of others) and not meddle in my affairs (but in those of others who undermine my interests).

This antagonism between the individual and the state constitutes a logical outcome of the inner structure of civil society. In civil society, the individual and its ends and interests are absolute. The point of government is to respond to these interests. Civil society does not have a mechanism to constitute a more substantial conception of the common good based on the inner relation and integration of the will of different groups of individuals with each other; it lacks the deeper integrations and mediations, typical of the ethical state as the next chapter will discuss, by which the universal and the particular, state and civil society, become connected. Instead, it conceives the state as directly deducible from the individual will. Due to this absolute status of the particular, the universal must appear as its opposite.

> "[E]ach [the particular or the universal] appears to do precisely the opposite of the other and imagines that it can exist only by keeping the other at a distance. Thus, most people regard the payment of taxes, for example, as an infringement of their particularity, as a hostile element prejudicial to their own ends" (§184A).

In Hegel's analysis, the liberal order necessarily entails an antagonism between the individual and the state. Its attempt to overcome this antagonism by regarding the government as an external, largely opportunistic instrument must, by necessity, fail. A government conceived in this way is always on the brink of losing its legitimacy.

Hegel's analysis of the external state thus sheds light on the predicament of the state in a liberal order, which continuously wavers between a demand for and rejection of state intervention. From Hegel's perspective, it is logical that liberal order vacillates between a more classical-liberal and a welfare-orientated account of the state. On the one hand, the liberal society provokes the state towards being more interventionist and provide welfare. The market is unable to bring forth public goods or ends up in suboptimal equilibriums. When citizens cannot find recognition, they will turn their eye to government. On the other hand, an interventionist welfare state evokes its own opposition. The arbitrary nature of governmental intervention renders it harder for members of civil society to regard the state as fostering their interests. Its benefits do not seem to compensate for its costs. The state's interventions, regulations and preventive measures and the taxes that must be paid for all this seem to infringe on civil society's fundamental principle of autonomy: individuals should set their own ends. Consequently, social forces also pressure the government to cut back its role in society.

5.5 Conclusion

This chapter has reconstructed Hegel's analysis of the liberal *political* order. The free social interactions of civil society evoke the need for a state that protects the rights of citizens and fosters their welfare by means of prevention, market regulation and provision of public goods and welfare.

The external state, however, does not succeed in rendering social relations more reasonable. In the first place, I have traced why the state cannot solve the problem of poverty in civil society. Besides the specific problem, the external state, more generally, is unable to intervene effectively as it cannot identify the common good. Because civil society is not reasonable, it government cannot be reasonable either; its actions must turn out to be contingent. The previous chapter has worked out how individual agents in civil society are only to a limited degree rational, as this social organisation does not allow the development of conceptions of the good that consider social reality adequately, a lack of rationality which, in turn, renders this social reality less reasonable. This diagnosis also applies to the state apparatus.

As a consequence of fundamental incapacity, the instrumental state also turns out to be unable to counter the experiences of alienation and rejection typical of civil society. I have argued that Hegel's account of civil society establishes that the state worsens the situation, adding the experience of political alienation. Within civil society, political subjects relate to the state from the perspective of their subjective particular ends. The state is supposed to empower them, to help them protect their rights and meet their ends. In practice, the external state, even when intervening in society on al large scale, cannot steadily meet the needs of its subjects. Consequently, they are like to experience the state as opposed and even as hostile to them.

Taking the last two chapters together, it can be concluded that Hegel offers a sophisticated account of the fundamental impossibility of realising a free political order when this order is understood and organised as civil society. On the one hand, such an order does not sufficiently cater for the good of its parts (objective freedom). On the other hand, individual subjects must experience how they do not match well with this order and feel alienated (subjective freedom). Hegel's account, therefore, shows the fundamental fragility of the liberal order, as it is always on the brink of losing its legitimacy (of which the rabble is the most extreme manifestation). From this, Hegel draws the conclusion that a free political order should (be understood to) be based on an alternative foundation. The final two chapters investigate the institutional nature of the ethical sphere of the state and how this order can realise freedom.

6. THE REPRODUCTION OF ORDER: HEGEL'S ORGANIC THEORY OF THE STATE

6.1 Introduction

Hegel offers in the *Philosophy of Right* a theory of political order, which works out how the political order realises freedom and how it reproduces itself. This theory could be taken as an alternative for a liberal understanding of political order, according to which political order amounts to 'civil society'. The previous two chapters have reconstructed Hegel's argument for why political orders shaped as civil society would turn out to be pathological, a threat to freedom, and ultimately self-undermining. When political orders do not generate these pathologies and succeed in reproducing themselves successfully, their inner nature must be understood differently. This chapter works out this understanding of political reality.

Essential to Hegel's alternative understanding of political order is his relational organic ontology. The state for Hegel is a "living unity" (*PR*, §272R) which produces and organises itself. He compares the state to "life in an organic body: it is present at every point, there is only one life in all of them, and there is no resistance to it. Separated from it, each point must die" (*PR*, §276A).

This organic approach constitutes the fundamental difference to the liberal order, which does not adequately grasp this organic nature of social and political relations. The liberal conception of order understands social reality mechanically, as the interactions of right-holding persons who pursue their own interests, in an open space, i.e. a realm without a distinctive collective structure but entirely determined by the properties of the persons who inhabit this space. The state institutions are taken as an external device to uphold individual freedom. Against this focus on the individual parts, Hegel proposes a different, more holistic, relation-oriented perspective, which understands political life as participation in an organic structure. "Predicates, principles, and the like get us nowhere in assessing the state, which must be apprehended as an organism" (*PR*, §269R).

The purpose of this chapter is to reconstruct Hegel's understanding of political order as an organism and how the reproduction of a free order must be understood from this perspective. For this, it does not suffice to merely describe the elements of political order, such as the branches of government, the market and corporations (civil society) in isolation from each other. For organic bodies, relations are, at least, as fundamental as relata. Consequently, the inner relations and mutual dependencies within and between the different elements of the political order must be investigated carefully.

This reconstruction of Hegel's organic account could contribute to our understanding of political order. Since the Enlightenment, social and political reflection in Western societies predominantly assumed a mechanical perspective, comprehending and

designing political order around the autonomous individual. Within the Romantic movement, authors such as Goethe, Alexander von Humboldt, Schelling, and, evidently, Hegel worked out a more organic and holistic account of human and non-human nature. However, the mechanical account largely prevailed in the later 19th and 20th century. The last decade has shown a growing awareness of the one-sidedness of such an approach in different fields.[113] A reconsideration of Hegel's organic theory of political order could contribute to this.

Hegel's theory of political order is also highly relevant for its focus on the reproduction of political order. Due to the increased instability of Western democracies, this question has become more salient than ever. Liberal democratic thought has largely taken the reproduction of this order for granted, assuming the beneficial character of a society built around individual rights, markets and limited government. Therefore, Hegel's organic theory could also help us to investigate how societies in freedom reproduce themselves as free.

The following section (6.2) works out the difference between organic and mechanical understanding of entities. Next, it introduces the basic components of Hegel's organic conception of political order, particularly the creative tension between the political state and society. The subsequent section (6.3) disentangles in detail the different organic processes by which the ethical state continuously transforms into and constitutes itself as an integrated free order. The following section (6.4) examines how these processes are fundamentally interdependent. After having summarises the main finding of this chapter, I will reflect on how Hegel's organic conception of political order provokes us to rethink the main institutions of political order (6.5)

6.2. The political order as organism

Organic versus mechanical

To discuss the key features of Hegel's organic understanding of political order, what it means to understand social reality as either organic or mechanical has to be established first. For this, Kant's distinction between an artificial product [*Kunstprodukt*] or "machine" and a natural thing [*Naturding*], a "thing which can be understood as natural purpose" or "organism" has been of fundamental importance for Hegel's understanding of the organic.[114]

[113] For instance, Ian McGilchrist (2009; 2021) links this approach with a dominance of left-hemispheric thinking, while Fritjof Capra (2014) argues for a more systematic understanding of life, including social life. Also Hartmut Rosa's resonance-orientated sociology (2016, 2020) is based on the limitations and pathologies of the 'mute', control-orientated social relations, typical of modernity.

[114] Kant has worked this out in *Kritik der Urteilskraft*, §65. For the influence of Kant on Hegel's understanding of the organic, see Carré (2012) and Wolff (2004).

This section explains how Hegel conceives the difference between the organic and mechanical.

Before working out the differences, the similarity between organic and mechanical entities has to be mentioned first. Both are functional wholes, composed of parts, whereby the functioning or meaning of the whole depends on the organisation of the parts. A clock will only tick if its parts interlock in such a way that it is a functioning whole. Likewise, human bodies need a variety of interconnected organs to function as such. In short, the whole of both entities should be understood by reference to its parts.

Next to this similarity, four essential differences between both can be listed. First, the parts of an organic entity have no existence in themselves; they depend for their being on the functionality of the whole. Human arms or branches of a tree will perish when decoupled from their larger embedding. The cogs and wheels of a clock, in contrast, do have existence in themselves. For this reason, Hegel prefers not to use the word parts for organisms: "the so-called *parts* of an animal organism are not parts, but members or organic moments whose isolation and separate existence constitute disease" (*PR*, §278).[115]

Second, organic entities are alive and for staying alive, they have to reproduce themselves continuously. At a certain point, they no longer succeed in doing so and die. Mechanical entities, in contrast, cannot be said to be alive, as they do not regenerate themselves. They are in a state of completion. Certainly, susceptible to wear and tear, they can become dysfunctional, but this does not imply that they were in some way alive before and dead now. It is the process of continuous self-regeneration which renders organic entities alive.

Third, the (re)generation of organic entities proceeds from the entity itself; it is *self*-(re)production. An artificial thing, by contrast, comes into being by an external cause and force, for instance a clockmaker or car mechanic. The idea or the functioning logic of this artificial thing derives from an external engineer as well, while for organic entities, the idea of the functioning whole is somehow ingrained *in* the organism itself. Self-reproducing organic entities are, consequentially, self-*organising* as well. They (re)produce themselves by producing the parts they consist of and whose inner relations constitute the whole of these entities. A tree reproduces itself by developing leaves, branches, roots and trunk. In relation to Hegel's state, Wolff (2004, 292) refers to this feature as its "immanent self-organising character". Due to their self-producing and self-organising character, organic unities can be considered as 'autopoietic': they are systems which maintain themselves by producing the parts they need to reproduce themselves. For instance, a tree produces the leaves it requires for its reproduction, thus producing the conditions of its own self-production.

[115] This text, however, does not follow Hegel's advice in this respect and uses the concept of parts for the elements of organic wholes as well.

Hegel considers political order, the state, as an autopoietic unity: "The state is an organism, i.e. the development of the Idea in its differences. These different aspects are accordingly the various powers with their corresponding tasks and functions, through which the universal continually produces itself in a necessary way and thereby preserves itself, because it is itself the presupposition of its own production" (*PR*, §269A).

To reproduce themselves successfully, organic wholes sometimes organise themselves in parts which appear to stand opposed to each other. This opposition helps them to adapt optimally to their environment and, because of that, to maintain themselves as a living entity. In system theory, this feature is called 'opponent processing'.[116] Hegel was clearly aware of opponent processing as he discusses the nervous system (which he also calls "the system of sensation") as two relatively complete and opposed systems, thus anticipating the current distinction between (and typical example of opponent processing of) the synthetic and parasynthetic nervous system in humans, the one governing fight or flight responses and the other controlling rest and digest responses.

> But the analysis of sensation reveals two aspects, and these are divided in such a way that both *of them appear as complete systems*: the first is abstract feeling or self-containment, dull internal movement, reproduction, inner self-nutrition, growth [*Produzieren*], and digestion. The second moment is that this being-with-oneself stands in opposition to the moment of difference [*Differenz*] or outward movement. This is *irritability*, the outward movement of sensation, which constitutes a system of its own (*PR*, §263A).[117]

In Hegel's account of the reproduction of a free political order, the interaction between the political state and civil society is crucial. In this chapter, I will argue that we should understand this relationship in terms of opponent processing.

This idea of opposite processes within organic functional wholes could be related to the notion of *coincidentia oppositorum*.[118] According to this classic idea which can be traced back to Cusanus and Heraclites, the poles of an opposition do not only oppose but also presuppose and condition each other. From the perspective of the organism as a whole, each of the opposites contributes to the functioning of the whole. By inference, each of the opposites is also dependent on its opposite. In Hegel's organic conception, tension in the relation of its inner parts can be creative for the existence of the whole.

---

[116] Vervaeke and Ferrero (2013), for instance, in their explanation of human cognition to discern relevance, distinguish opponent processing between efficiency and resiliency.

[117] Hegel uses the "natural relations" of this fragment for explaining the difference between the family and civil society. Later on, this idea will be applied to the political state and civil society.

[118] The idea of a collaboration of opposites refers to the structuring principle of nature. For something to move forward, it also needs the opposite force of friction. Trees cannot grow strong and resilient without the forces of nature, such as wind, working against them. An early and influential expression of the idea of *coincidentia oppositorum* is Heraclites's account of the *harmonia* of the bow and lyre (*cf.* Snyder 1984).

Fourth, and as a corollary of all this, the causality of the inner relations of organic functional wholes should not be understood as linear, as is typical for mechanical entities. Instead, parts among each other and the parts and the whole cause each other reciprocally (or circularly). The whole is both the ground and the consequence of the parts. Each of the parts contributes to the existence of the other parts, just as each part owes its existence to all other parts.

KEY FEATURES OF HEGEL'S ORGANIC POLITICAL ORDER

Before addressing the key features of Hegel's organic order, we have to sort out first what it means for Hegel to understand the state as an organism. This does not mean that the state is in every aspect similar to natural organic entities, such as trees and human bodies. Social and political life are not part of Hegel's philosophy of nature but of spirit, which encompasses the process by which humans come to understand themselves and to realise social relations. The state as organism includes the active involvement of human consciousness and the human will.

For Hegel, free social structures are organically structured. The *Philosophy of Right* follows the dialectical unfolding of the Concept of the free will. This unfolding goes through three moments, the three parts of the *Philosophy of Right*: abstract right, morality, and ethical life. Ethical life itself also consists of three parts: family, civil society and state. This understanding of the concept could be said to be organic. The moments of the concept have are internally related; the third moment constitutes a higher unity (the moment of singularity) that contains the other moment of universality and particularity.[119] The unfolding of the Concept corresponds, according to Hegel, also with reality: the idea of rights is both its concept and its actualisation (*PR*, §1). Consequently, social reality must also have the organic features characteristic of the relation between the conceptual moments. In Hegel's description of social institutions, the conceptual language in terms of the moment of universality, particularity and singularity overlaps with the ontological-empirical concept of wholes and parts. In this light, the existence (or realisation) of organic wholes, such as the state, is dependent on the ideality of its moments, which means that all its parts must be internally related to the other parts. Organic wholes are differentiated unities, combining differentiations or particularisation with unification or universalisation. Hegel's understanding of the political order as an organism, therefore, is not a mere metaphor, but pertains to the nature of reality.

Understanding the political order as an organism implies in the first place to regard it in its concrete totality. Hegel refers to the political order at large as the state, the third ethical sphere. The ethical life of the state is comprehensive; the other spheres of ethical life,

[119] For this relation between Hegel's organicism and his scientific method, see Wolff (2004).

civil society and the family, are part of it. When the state is taken as a self-organising whole, the other ethical spheres are its inner differentiations.

This perspective fundamentally differs from the liberal understanding of political order as the interaction of individual right-holders, who are assumed to have existence in themselves. It does not suppose a preceding unity or bond. In Hegel's perspective, civil society, the market but also its corporative organisation in professional associations, can only exist while it participates in a higher, more fundamental order, the state. The "concrete state is the whole articulated in its particular circles" (*PR*, §308R). "These spheres are not independent or self-sufficient in their ends and mode of operation. They are determined by and dependent on *the end of the whole* (to which the indeterminate expression '*the welfare of the state*' has in general been applied)" (*PR*, §278R).

As part of a freedom-realising organic order, civil society must develop fully: "[B]oth moments [particularity and universality] are present in full measure" (*PR*, §260A). The state as ethical life allows a system of social interaction whose members regard themselves (and others) as separate persons, standing in themselves, who (have the right to) determine their own conception of the good and its corresponding purposes, including the associations they want to join. The organic order allows the particularisation or differentiation of social relations. Consequently, the ethical life of the state permits a sphere of social interaction which structures itself as a market.

The presence of the moment of universality "in full measure" implies that the community, at the same time, organises its social relations in such a way that it comes to flourish as a whole. The whole should be structured in such a way that all the parts which the state falls into, the different sectors of civil society for instance, do not undermine the flourishing of the whole. The different parts must also contribute to the well-being of the whole and, by implication, that of the other parts.

In Hegel's organic political order, the political state, the political institutions or the government, is responsible for consciously protecting and fostering the good of the community (see Figure 1). The political state could be regarded as the physical embodiment of the moment of universality of the political order. The political state is internally organised into different branches, the monarchical, executive, and legislative. Each of them, in collaboration with the other branches, continuously contributes to the reproduction of the political order by adjusting and implementing the law. The political state could be considered the operative centre of the political community.

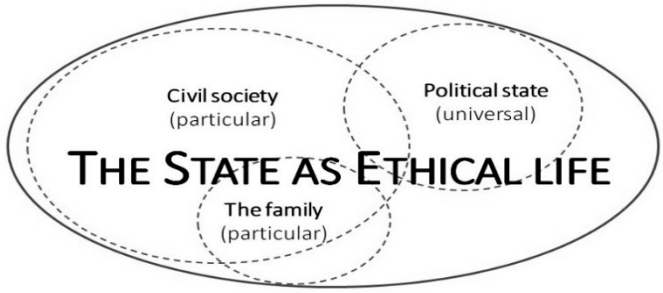

Figure 1. Hegel's conception of the state as ethical life[120]

In Hegel's approach, the constitution literally *constitutes* the political order, as it prescribes how the branches of government, crucial for the reproduction of the political order, must be organised and function. In addition, the constitution also contains the laws which structure the life of civil society, framed, revised and executed by the institutions of the political state. The constitution amounts to the inner structure of the political order, which keeps all different parts together. "The constitution of a state must permeate all relations within it" (*PR*, §274A).

Hegel, typically for his organic approach, does not conceive the constitution as fixed. It is in a process of continuous but slow development. Its being is a becoming: "Thus, the constitution *is*, but it just as essentially *becomes*, i.e. it undergoes progressive development" (*PR*, §298A). The political state, while functioning in line with the constitutional rules, further develops the constitution by revising and executing laws (including the constitutional laws prescribing the functioning of the institutions of the political state).

In Hegel's organic understanding, the constitution, just like the political state, is fundamentally rooted within the larger political order. "The political constitution (…) proceeds perpetually from the [ethical] state, just as it is the means by which the state preserves itself" (*PR*, §269A). This relationship between the political state and the order at large renders Hegel's account of political order autopoietic. The interactions of a political community could be said to produce the constitution; it is grounded in the inner relations of the community. This constitution includes the political state, which, in turn, shapes and structures the social relations. This understanding of the constitution stands in contrast to a

[120] Taken on itself, the family is characterised by the principle of universality, but from the perspective of the state, families belong to the pluralistic sphere of particularity. Family life has an important function in the formation of citizenship, but families, unlike civil society, do not have an explicit political role in the state. The sphere of civil society should be represented in the state, not individual families. For this reason, civil society and the family overlap in this figure. This figure also expresses that the political state and civil society overlap as civil society and the political state penetrate each other, most explicitly in the legislative assemblies, which contain representatives of the (corporate) spheres of civil society.

more mechanical (liberal) understanding of the political order, in which the political institutions as an external device, *designed* for organising and checking the exercise of power.

Branches of government

The political state consists of three branches of government: the legislative, executive and monarchical power. Together, they constitute an organic unity within the state at large. By means of the mutual collaboration of these branches, the state organises itself as a rational whole. In the next section (6.3), the way in which government contributes to the constitution of order, in particular the contribution of the executive and legislative, will be discussed in detail. Here, I will introduce the executive and legislative briefly. Moreover, I will discuss the monarchical branch in some more detail as its contribution will not be discussed later.

The legislative power stands for the moment of universality in the political state. In Hegel's constitutional design, two representative assemblies, the Estates, have the responsibility to identify the common interest of the political order as a whole and determine or revise the law, containing the rights and obligations of citizens and social formations, as corporations and the state branches, accordingly. As these assemblies contain the representatives of society, civil society could be said to enter the political state in the legislative.

The executive branch, the government in a strict sense (*Regierungsgewalt*) is the moment of particularity of the political state. Its purpose is to promote and assert the universal over the civil society's particularity, the different parts of society. For Hegel, the executive largely corresponds to the police and the administration of justice, discussed in Chapter 5.

The monarchical or sovereign power in Hegel's *trias politica* stands for the moment of singularity. This moment could be said to "contain within itself the three moments of the [political] state as a totality" (*PR*, §275). Consequently, this monarchical power must be understood in close relation to the other powers. It is linked to the executive power, as the monarch officially appoints ministers and state officials. In addition, the monarch makes decisions on the advice of his highest advisors. Likewise, the monarchical power is connected to the legislative power as the monarch countersigns the laws.

The monarch stands for the concrete organic unity of the political community. Modern states have internal and external sovereignty; they can regenerate themselves as free differentiated unities and also succeed in themselves against other states. The monarch represents this sovereign power.[121] Hegel is aware that "it is easy to fall into the very common misunderstanding of (…) equating sovereignty with despotism" (*PR*, §278R), i.e. the power to make decisions arbitrarily. Crucial for Hegel is that the exercise of sovereignty

[121] Hegel's notion of sovereignty will be worked out in the next chapter.

should not be understood as separated from the other branches. Modern states are *constitutional* monarchies, which means that monarchs cannot act on their own arbitrary will, but should collaborate with the other branches of government. The idea of absolute sovereignty, the concentration of all political power in one ruler, exemplifies for Hegel the opposite of an organic order, because one branch is able to impose its will on the others. According to Carré (2012, 7), Hegel's constitutional monarchy decapitates the absolute monarch.

The decision-making power of the monarch basically amounts to confirming and rendering actual decisions that have been made in the other branches of government. The specific capabilities of a monarch hardly matter in a constitutional monarchy. "In a fully organised state, it is only a question of the highest instance of formal decision, and all that is required in a monarch is someone to say 'yes' and dot the 'i'; for the supreme office should be such that the particular character of the occupant is of no significance" (*PR*, §280R).

Nevertheless, this power is crucial for the functioning of the modern state. The monarch expresses two important aspects of a free political order. First, the modern state can be understood as a subject or a personality writ large, who can act. The state acts purposively, both externally towards other states and internally by making laws and decisions. Despite the political order's differentiation into different powers and social groups, the state can organise itself unified subject, acting against other states but also on itself. The monarch as part of the constitution embodies and renders tangible this personality of the state. In the constitution, the monarchical power is "the moment of ultimate decision as the self-determination to which everything else reverts and from which its actuality emerges" (*PR*, §275).

Moreover, the monarch also symbolises the substantiality of the state: the state is a whole that precedes and transcends the parts, which have their existence only in this whole.[122] The state must have for the citizens "majesty" (*PR*, §281). Though citizens contribute to the reproduction of the state, its existence is beyond their discretion. The monarch symbolises the state's substantiality, precisely because of its arbitrary basis in the principle of birth.[123]

For the self-organisation of the political community, the organisation of the branches of government is crucial. The generation of a free order, however, also depends on the class of professional civil servants, who, more than other citizens, carry the responsibility for the good of the community as they implement the law (executive power), but are also

[122] The notion of substantiality, see 7.2

[123] The strength of Hegel's argumentation for a monarchy has raised discussion. A non-political president (as for instance in Germany) could also symbolise the state's ability to act, though a president might be less able to symbolise the quasi-natural substantiality of the political order.

crucial in the framing of the law (legislative) and as advisers to the monarch. They give "internal stability" to the political order (*PR*, §294R).

The development of a professional bureaucracy is typical for the emergence of the modern state (see also Weber). Because of its centrality, Hegel's state could be named a bureaucratic state.[124] As Charles Taylor (1979, 110) notes, "[t]he state can only be if some men identify with it and make its life their life". Professional civil servants, who make the service to the state their living, are in Hegel's conception so to speak lifted out of civil society. They develop because of their "habitual preoccupation with public affairs", together with their "education in ethics and in thought" (*PR*, §296) a "political sense" (PEAW 257/475-6) and "political consciousness" (*PR*, §297A). In other words, the state servants, unlike the members active in civil society, are orientated on the good of the community. Because the end of their activities is to realise the universal interest, Hegel refers to them as the universal estate (*PR*, §205). The moment of universality, which should be fully present in a free political order, finds its embodiment in this universal estate, just as the third estate, which has its living in trade and manufacture, personifies the full development of the moment of particularity. The activities of the universal estate in establishing political order will be discussed in 6.3.

The opponent processes of state and society

The political state, led by the universal estate, is crucial for generating order. This could easily lead to the impression that civil society is merely a passive object of the ordering activities of government. This impression is wrong. The political state, indeed, is responsible for structuring the internal relations of society for the good of the whole. However, the inner dynamic of the free unfolding of civil society, i.e. its market relations, its self-organisation into associations, and the development of the will of its members also contribute to the development of political order. A free political order regenerates itself for Hegel in the interplay, the opponent processing, of state and society. This section explains this process in broad strokes, while the following section works out how the different institutions, such as the executive or representation, contribute to this.

In Hegel's conception, the generation of political order results from the interplay of two subsystems with opposed logics. Civil society is the domain of particularity: its members develop and pursue their own ends. This sphere taken on itself is non-political: its members act from the perspective of their private good, not the good of the community. Civil society operates bottom-up. From this perspective, the social relations are the outcome of the interaction of individuals motivated by their particular concerns. Civil society further

[124] Many have pointed to the similarity and differences between Hegel's and Weber's conception of bureaucracy (Jackson 1986; Shaw 1992; Tijsterman and Overeem 2008)

differentiates and particularises the political order. This development could enrich society and deepen human self-consciousness, but it also entails the risk of disintegrating the political order, undermining the bond between its members (*cf.* Chapter 4). Civil society could, therefore, be regarded as a centrifugal force.

The political state stands opposed to civil society as the domain of universality. Its institutions and those at home in it – the universal estate – are directed towards the well-being and continuation of the community as a whole. Typical for the political state is a top-down or synoptic perspective: it considers all aspects of society in relation to the well-being of the whole. The political state could be regarded as a centripetal force; it endeavours to strengthen and unify the political order by fostering common interests and integrating, i.e., bringing together, the disjointed elements of the political community.

For Hegel, the production of political order is the outcome of the opponent processes of the political state and civil society, which, as explained above, are as the universal and particular in full measure present in modern societies. By these opposite systems, the political community can adjust optimally to changing conditions and realise both subjective and objective freedom.

For (re)producing a free political order, the two systems, despite their opposite logics, should be integrated with each other. If the two systems were fully self-sufficient and opposed to each other, the activities of the political state would come at the expense of civil society and *vice versa*. Instead of optimising the constitution of the organic whole, each of the poles would intend to suppress, if not destroy, the other. "If this opposition (…) takes on a substantial character, the state is close to destruction" (*PR*, §302R).[125] In Hegel's conception of the generation of political order, the opposed elements must also collaborate.

This collaboration should not be understood as a process of give-and-take between the free development of particularity in civil society and the pursuit of the common good by the state. Nor does this collaboration consist merely in the state curbing civil society's free development. These representations go against Hegel's claim that the free political order of the state enables the *full* development of both particularity and universality. Moreover, if both systems were *entirely* opposed to each other, the idea of a compromise would assume the presence of an external instance to decide where the compromise lies, which is not the case.

Instead, the opposition must be conceived as a *coincidentia oppositorum*. The functioning of both the state and civil society is embedded in a larger organic whole, the ethical state. In this setting, both civil society and political state already have an inner orientation towards their opposite. In pursuing particularity, civil society should foster the

[125] This refers to relation between executive and legislative, i.e. between the particular and universal moment of the political state. However, the quote also applies to the tension between the political state as a whole, the moment of universality, and civil society, the moment of particularity of the organic whole of the ethical state. *Cf. PR*, §272A.

universal interest of the political community as well, just as the political state should pursue the common good by also fostering particularity. This self-organisation of the political community brings about a maximal adjustment and integration of all its parts, rendering the community free and rational.

The organic political community, therefore, produces and regenerates itself *in* the opposition of state and society because of the orientation of both towards their opposite. Each of the sub-systems enables the existence and the functioning of their opposite. Civil society is not only the sphere of particularisation but also the sphere which prepares and facilitates the existence of a political community in which the political state brings the community into line with the common good. The other way around, the political state promoting the common good should also enable civil society, the sphere of a variety of particular interests. This account of political order is autopoietic because it produces the conditions of its own continued existence: the political state brings about a society, which, in turn, brings about the political state, etc. The following section will disentangle this process in more detail.

This self-regeneration of the political community by and in the opposition of state and society also explains the reciprocal or circular causality of the relations in Hegel's political community: the ground turns out to be also the consequence and vice versa. Ontologically, civil society and the political state, in their interaction, produce the order at large; they are the ground of the political community at large (which is their consequence). At the same time, civil society and the political state are the consequence of the order at large, which is their ground (see Figure 1). To express the reciprocal ontological dependence of the state and the other institutions, the state could be designated as the "institution of institutions" (Heyde, 1987, p. 206). This phrase is intentionally ambiguous as each part of the phrase can be both subject and object, ground and consequence. The comprehensive institution of the state – order at large – can be regarded as the (active) subject, the ground, which brings into existence the other institutions (as objects). Simultaneously, this ethical whole can be regarded as (passive) object, or consequence, being brought into existence by the other institutions (as active subjects).

Likewise, the concepts of end (or purpose) and means, which have a moral dimension, can be inverted in the organic social whole (*cf. PR*, §302R). Civil society can posit itself as a purpose for which the larger political community and the political state constitute the means. In this liberal perspective, the political order's purpose consists in guaranteeing individuals' rights and interests. The central claim of the *Philosophy of Right* is that this liberal understanding of order does not do justice to the organic reality and, if brought into existence, will disintegrate the political community. Instead, the free and rational political order at large should be taken as ultimate purpose, for which civil society is only a means. In Hegel's terminology, the ethical state should be acknowledged as society's substance, "its

true *ground*" (*PR*, §256R, emphasis in original). This status of the political community as ultimate end, however, does not trump but include its inversion: the state as the whole is *also* a means to realise the ends of civil society.

6.3 The self-constitution of political order

This section elaborates in more detail how the political order organically reproduces itself. It disentangles the interplay of state and society into four processes, each of which integrates state and society, the universal and the particular. The section starts with the process which originates in civil society and which I refer to as market integration. Then, I turn towards the processes of integration which originate in the political state, the integrations of both the legislative and executive branches (which will be referred to together as governmental integrations). Finally, I discuss the second integrative process that originates in civil society in which individuals develop as citizens. I will refer to this process as political integration.

Civil society and market integration

Chapter 4 discussed Hegel's theory of civil society, in which individuals are emancipated from the bonds of family and political structure; their particularity can fully unfold. They are, and take each other, as autonomous subjects who decide for themselves the bonds to which they commit themselves. Members of civil society typically have an instrumental attitude to their social relations, considering them from the perspective of the realisation of their private ends. The social relations of civil society, therefore, obtain the form of a market; to pursue their own ends, its members will buy, produce and sell goods.

Hegel consistently prefers the modern age over the ancient, when particularity was not released yet (*cf.* 4.2). The liberation of the individual and the market dynamic which it entails allows for the satisfaction of more needs and also the development of more refined needs. Moreover, civil society also deepens the consciousness of its members. Instead of automatically underwriting the ends and values of their communities, they now come to the awareness of being *individual* moral subjects who have a separate existence and whose actions and judgments must be based on their own considerations.

At the same time, Hegel sees the inherent risks of civil society. This modern structure could easily fail to recognise the organic bonds that connect humans, breaking them apart and creating an atomises society, "an aggregate more than an organism" (*PR*, §278R), consisting of self-interested private individuals. In this setting, the pursuit of individuals and groups of their particular interests could come at the expense of others and the community as a whole. Civil society could lose its ethical structure and disintegrate if its members are exclusively committed to their narrow self-interests.

In Hegel's conception of order, the political state is primarily responsible for preventing civil society, and, by implication, the political order as a whole from disintegrating. Through its legislative and executive activities, it should curb and bend civil society towards generating a flourishing totality.

Civil society itself should contribute to the generation of political order as well. Civil society, consequently, is not only a sphere of differentiation and disintegration but of social integration as well, as it is *also* internally directed towards universality, the state. Civil society is a sphere of formation [*Bildung*] which transforms the will of its members into no longer exclusively pursuing ends that are isolated from and opposed to the ends of community, but also taking the well-being of the whole into account. "[T]he interest of (…) civil society must become focused on the state [*sich zum Staate zusammennehmen muss*]" (*PR*, §260A). The political community organises itself as free in and through civil society as well.

The following fragment distinguishes three different processes by which, in a free political order, the particularity of civil society relates to the common ends of the community.

> But concrete freedom requires that [1.] personal individuality and its particular interests should reach their full development and gain recognition of their right for itself (within the system of the family and of civil society), and also that they should, on the one hand [*teils*], [2.] pass over [*übergehen*] of their own accord [*durch sie selbst*] into the interest of the universal, and on the other [*teils*], [3.] knowingly and willingly acknowledge [*anerkennen*] the universal interest even as their own substantial spirit, and actively pursue it as their ultimate end. (*PR*, §260; numbering ST)

The first process, the full development of personal individuality and particular interests, refers to civil society's free and full unfolding. Civil society is not only oriented towards the universal ends of the community, but also has an end itself. The political state should enable this by allowing the pursuit of particular ends and, more actively, fostering the rights and interests of individuals and groups in civil society. This role of the political state will be discussed in the following sub-section.

The second and third processes emphasize civil society's inner potential to integrate into its pursuit of particular ends the common ends of the community. The second process refers to the unconscious, spontaneous dynamic ("pass over of their own accord") by which civil society realises universal ends. In the third process, the members of civil society "knowingly and willingly" recognise the good of the community and make it their own. Here, the individuals of civil society develop an orientation towards the good of the community; they become citizens. This discussion of this process of *political integration* will be postponed to the final sub-section, after the discussion of the political state. The remainder of this section summarises the organic processes by which civil society, *in* the pursuit of particular ends, both transforms the identity of its members and the nature of society towards more

universality (which summarises Chapter 4's account of civil society). The market in a broad sense, as the sphere of needs which includes work and interest groups, is crucial for this process. I, therefore, refer to this process as *market integration*.

For the transformation of civil society's particularity towards more universality, work is crucial. While the members of civil society are merely looking for income, they have to adjust to the (labour) market, which means they need to respond to the needs of the community. Likewise, for the successful exercise of their work, individuals cannot merely follow their particular leanings but have to take the demands of the wider society – the consumers of their products and clients of their services – into account. Moreover, work requires skills and knowledge, whose acquisition means the substitution of particular fancies for more objective knowledge, rooted in (social) reality. By working, individuals, thus, learn to take others and more universal norms (both moral and technical) into account. Finally, work requires discipline, for instance a long period of training. Individuals learn to suspend the gratification of their spontaneous desires. This training prepares them for participating in a political community, which also requires the formation of different, more universal needs.

Additionally, individuals in civil society come to respect the universal principle of personhood. They can only pursue their interests successfully if they are willing to recognise the rights of others to pursue their ends as well. Without this recognition, they cannot enter into contracts structurally. In line with this, individuals also come to recognise the administration of justice as a kind of quasi-state which has to uphold personhood. Market players who pursue their interests also come to experience the need for regulation to foster their ability to realise their ends. Civil society thus also generates a first, still underdeveloped awareness of being part of a community, which needs a higher authority to harmonise the free interactions of society. In this vein, civil society prepares its members for political existence.

Finally, the corporations are crucial to the process of universalisation that takes place in civil society. The pursuit of their own interests entails society's structuration into professional associations, which aim to promote the profession's shared interests and organise professional training and social support. The free interactions of civil society do not decompose but also recompose its inner relations. In the corporations, the individual will undergoes its most far-reaching transformation, as it turns out to experience this corporation not merely as a *means* to its ends, but also an end in itself to which it must orientate itself (i.e. integrate into itself). In the corporation, individuals, thus, experience what it means to participate in a larger whole, constituting who they are. For Hegel, corporative membership helps to preformat the individual for becoming a citizen, who, according to Hegel must also be aware of participating in a higher organic whole, which ceases to be a mere means.

To summarize, civil society is, for Hegel, not merely an abstract market whose function only amounts to distributing goods as efficiently as possible. Civil society offers a crucial contribution to the generation of a free political order. Due to its integrative processes, which originate in the pursuit of self-interest, individuals turn out to contribute to the well-being of society as a whole, for instance by structuring society into corporations. Simultaneously, the members of civil society gain a more realistic sense of who they are: not merely self-centred, isolated rights-holders but participants in a larger social reality. In short, civil society transforms itself, and by itself, from an abstract space in which self-interested actors interact to foster their private good (an abstract market), into a quasi-organic structure.

THE POLITICAL STATE – INTRODUCTION

The institutions of the political state constitute the operative centre by which the political order continuously reproduces itself as a flourishing organic whole. The legislative revises the law and, by implication, the constitution, which articulates the rights and duties of citizens and the other circles which make up the political community. The executive branch implements the law, guaranteeing that societal relations indeed contribute to the good of the community as a whole. For both legislative and executive actions, the state officials are crucial. Due to the centrality of this professional political class, Hegel's state has regularly been addressed as a bureaucratic state.[126]

Because of the state officials' central role in organising rational political order, Hegel's approach seems to have affinity with the Enlightenment ideal of rendering society more rational by a reform from above. In reality, Hegel's organic conception of government differs fundamentally from the Enlightenment state, which Hegel had denounced in an earlier work as a "machine state" (*GC*, 163-64/ 484).

The first point of difference is epistemological and ontological. The Enlightenment rational state pretends to know the good for society. Its conception of society is 'mechanical', taking the elements society consists of in isolation and understanding the behaviour of these elements by their properties, some inner law which rules over these isolated elements. It models society as consisting of individuals motivated to pursue their self-interest. On this ontological basis, the state could, like a clock-maker, concoct rational laws or even fundamentally restructure society to realise the ends which inhere in the parts. From Hegel's organic perspective, such abstract blueprints cannot do justice to the historically evolved intricate and interdependent *relations* that make up the political community's reality (*cf.* 3.5). The government should not work from such an abstract and external model but develop

[126] For a discussion of Hegel and democracy, see Jackson (1986) and Shaw (1992).

insight into these real-existing and concrete social relations. The following sub-sections work out what this amounts to in practice.

The second point of difference is moral. From Hegel's organic perspective, the Enlightenment state imposes a conception of the common good which does not sufficiently respect society's particularities. It imposes the universal *against* the particular, creating a kind of "tyranny of the universal" (Franco, 318), which, from Hegel's organic perspective, is not really universal as the universal should include particular interests and ways of living. The government of an organic order should acknowledge the value of society's particularity as it is part of the organic whole.

The third point of difference concerns the foundation of the political order. The rational state of the Enlightenment is very much centralised; the central government is the basis of order, while society merely receives its structuring activities. Even though Hegel acknowledges the benefits of centralised government, he emphasises its disadvantages, claiming it to suck the life from the political community life away. "How dull and spiritless a life engendered in a modern state where everything is regulated from the top downwards, where nothing with any general implications is left to the management and execution of the interested parties of the people" (*GC*, 163-4/ 484). Instead, organic political order should allow for the self-government of communes and corporations as "the proper strength of states resides in their internal communities" (*PR*, §290). Central governments should not take over everything but delegate to local self-government as much as possible while remaining responsible for the well-being of the whole.[127]

These differences make it clear that in an organic political order, governments should not determine and implement the common good in isolation from, and against particularity. Instead, the plurality of interests, rights and mode of life present in civil society must be integrated into the determination and execution of the universal, the law.

This governmental integration has two faces. On the one hand, the political state, both the legislative and executive, must respect, foster and enable civil society's rights, particular interests and ways of living. This supportive stance applies to individuals and self-governing collectives, such as communes and corporations. "The executive encounters legitimate interests, which it must respect, and (…) the administration can only encourage such interests" (*PR*, §290A).

On the other hand, the political state must also curb, limit and steer civil society, when its free unfolding undermines the harmony of the political community and could lead to the disintegration of the organic whole. The quote above continues with: "although [the administration] must also supervise them [i.e., particularity's interests]" (*PR*, §290A). In

[127] Hegel offers an early expression of the subsidiarity principle that later in the nineteenth century became a distinctive part of catholic social thought and in the 20th century of the organising institutional principle of the EU.

particular, the corporations must "come under the higher supervision of the state, for it would otherwise become ossified and set in its ways, and decline into a miserable guild system" (*PR*, §255A). Hegel means that the corporation could degenerate into mere interest groups (like "guilds") that push their particular interests at the expense of other groups and the community as a whole.

This notion of supervision expresses the need for central oversight. Hegel does not believe that order emerges naturally out of a decentralised network; superintendence and organisation of cooperation are also necessary. The generation of political order by the political state proceeds to a certain degree top-down: "But it is also in part a direct influence from above [i.e. the political state] which constantly brings them [the relations of civil society] back to the end of the whole and limits them accordingly (…), and at the same time urges them to perform direct services for the preservation of the whole" (*PR*, §278R). As we will explain later on, this oversight must be based on knowledge of the local context. The central state does not simply impose its vision of the good. Rather, the political state promotes the universal interest by *guiding* society's developments, fostering society's different groups and interests as far as possible but also curbing them when necessary for the common good. Instead of being an external designer and implementer of rules, the state in the organic account resembles a gardener, who cultivates his garden, on the one hand, by fostering the free development of all the parts present in the garden, crops, plants and trees, and, on the other, also by pruning elements to guarantee the harmony of the whole.[128] The specific way how the legislative and the executive branches consider particularity has to be investigated now.

The political state – legislative integration

The task of the legislative branch is to determine (or revise) the law which structures social relations by articulating the rights and duties of individual citizens and collectives, such as the corporations. The law-making of the legislature further develops the constitution. "[T]he constitution does undergo further development through the further evolution of the law and the progressive character of the universal concern of government" (*PR*, §298).

The purpose of the legislature is to make laws that are rational, in line with the whole. It should set the rules which structure society's inner relations so that all of its parts optimally adjust to each other and that the order as a whole turns out to be conducive to all. For this, the law should respect civil society's social differentiation but also prevent some groups developing at the expense of the whole.

In Hegel's conception, the universality of the law does not exclude all particularity, as, for instance, in Rousseau's conception (*CS*, II-6) of the general will [*volonté general*] which

[128] Clearly, this metaphor does not work for the classical gardens, in which the gardener imposes its will on nature.

applies to all in the same way (the same approach can be found in Kant and in Rawls's *Theory of Justice*). As Hegel's organic order contains differentiation, the laws that organise the society's inner organisation could target specific groups such as the corporations.

For Kant and Rawls, the rationality of laws consists in their possibility of being universalised. Only laws that can be extended over all *individual* members of society are rational. For Hegel, who takes organic relations as the point of departure, laws must be universalizable in an *organic* sense. It must be established whether and to what degree the specific rights or duties of some are compatible with and beneficial to the rights of others and their possibility of finding satisfaction. What law would optimally adjudicate the well-being and rights of different groups among each other?[129]

How must the legislature be organised to establish rational laws? As the law should integrate civil society's particularity, representatives of civil society should be involved. Hegel argues for the need for representative legislative assemblies, whereby the Lower House should contain – and replicate – the interests of the different sectors that make up civil society, the corporations.[130] These representatives are supposed to contribute their experiences and concerns to the deliberations which precede the vote of the legislature (*PR*, §207).

Hegel rejects the idea that the setting of the law is only or even predominantly a task for (popular) representatives.[131] For setting the law, state officials are crucial. They are in Hegel's organic notion of the *trias politica* not strictly separated from the law-making process but must collaborate. "[I]t is implicit in the organic unity of the powers of the state that *one* and the same spirit decrees the universal and brings it to determinate actuality in implementing it" (*PR*, §299R, emphasis in original).

In practice, ministers introduce proposals for law revisions in parliament, which their staff of civil servants have prepared. For the legislative branch, the executive is the "advisory moment which has concrete knowledge and oversight of the whole with its numerous aspects (…) and knowledge of the needs of the whole" (*PR*, §300). Hegel rejects the idea that the executive cannot be part of the legislature. As in Britain, ministers should also be members of parliament (*PR*, §300A).

This organisation should guarantee the rationality of the law. Hegel does not trust representatives to establish this by themselves. They are too much focused on their particular interests, as a consequence of which they do not have a grounded synoptic overview of the functioning and the needs of the organic *whole*. A well-functioning political community requires, besides the free unfolding of particularity, a class of citizens able to

---

[129] This corresponds with Dworkin's distinction (1978) between equal treatment (abstract universalisation) and a treatment as equals.

[130] Hegel also distinguishes a Higher House, made up of the first estate, the landed interests, containing both goods-owning aristocrats and farmers.

[131] Chapter 7 discusses Hegel's rejection of popular sovereignty in more detail.

oversee the whole. "The highest officials have a more comprehensive insight into the nature of the state's institutions and means" (*PR*, §301R). As will be discussed in the next section, the lower state officials, due to their specialisation in sectors and experience with implementation, know concretely what is the case at the local levels of the state. The knowledge of the whole of the political class should not be mere abstract knowledge but rooted in the veins of the community's social relations. The administration should be organised in such a way that this information feeds back into the law-making process.[132]

This emphasis on the role of the universal estate in the legislative does not mean that civil society's representatives do not matter. They do participate in deliberations and ultimately decide on the law. The next chapter investigates to what degree this organisation could be considered self-government. To disclose what is rational in the community, which the law must foster, delegates are crucial as they add "extra insight" to that of the universal estate, especially when they express "more urgent and specialised needs" (*PR*, §301R). Finally, the possibility of the representatives to express themselves in parliament also constitutes a check on the executive and thus an incentive to do their work well (idem). This aspect of checks and balances will also be investigated in the next chapter.

THE POLITICAL STATE – EXECUTIVE INTEGRATION

Hegel refers to the task of the executive branch of government [*Regierungsgewalt*] as subsumption: "This task of *subsumption* in general belongs to the *executive power*, which also includes the powers of the judiciary and the police" (*PR*, §287). Subsumption means that the executive has to bring the relations of society into line with the law, the structure which should enable the well-being of the whole. "[T]hese [the judiciary and police] have more immediate reference to the particular affairs of civil society, and they assert the universal interest within these [particular] ends" (idem).

The notion of subsumption, which literally means 'bringing under', expresses a dependence of the executive on the legislative branch. This term suggests that the executive is of minor importance as its task 'merely' consists of applying the law. This understanding resembles Rousseau's distinction between the legislative and the executive, whereby the former, which determines the general will, is of supreme importance (*CS*, II-6).

This understanding, however, fundamentally misrepresents the function of the executive for the generation of order. Hegel's organic political order hinges on the bureaucratic activities of the civil servants, concentrated in the executive branch. This activity amounts to a crucial integrative process next to, and in collaboration with, the legislative integrations.

---

[132] The universal class thus combines both synoptic knowledge and concrete local knowledge. Within the universal class, we can also discern opponent processing.

Before spelling out this integrative process, the scope and general nature of executive activity must be described first. By the executive branch, the political state could be said to intervene in civil society, the sphere of particularity, directly. This intervention is necessary as social relations could fail to realise right and welfare.

Two causes for this failure can be distinguished. First, civil society has an inner propensity towards disintegration. The actions of some players in civil society might negatively impact others. They do not contribute but diminish the well-being of the whole. The executive, which intervenes to prevent or restore this, can be conceived as the self-correcting function of the social whole. More specifically, the *Police*, which is part of the executive, intervenes in society to prevent crime and negative externalities on the market, i.e. when the pursuit of self-interest by some comes at the expense of the community as a whole. Likewise, the judiciary, the administration of justice, is also part of the executive; it intervenes in the case of crime to restore the legal order (*cf.* Chapter 5). In addition, Hegel also emphasises the function of the executive branch of government of superintending the corporations and other semi-autonomous subsidiary bodies. It should ensure that the pursuit of their interests simultaneously contributes to the well-being of all.

Second, civil society might fail to realise welfare because its private initiatives do not provide public goods, such as infrastructure and education. Unlike the previous category, these failures are not to be attributed to specific groups of society but to the general system, which does not motivate its members to organise this themselves. In these cases, the state has to incentivise parts of society to take this up or to realise these public goods itself. Likewise, it might be necessary for the state to provide welfare for groups unable to maintain themselves.

In performing its tasks, the executive is bound to the law and the legislative. The modern state is a constitutional state in which all exercise of power needs a legal basis, to which it must keep. Moreover, the law and parliamentary deliberations that accompany law-setting constitute the normative framework for the executive to orientate itself on. The law expresses how the community must be organised in order to realise right and well-being.

This connection to the legislative does not mean that executive activity amounts to the 'mere' application of the law, simply following the rules. Such a conception is 'mechanical' regarding social life as the materials to be ordered by simple laws. In Hegel's organic political order, the law cannot describe in detail what to do. Society consists of an intricate variety of contexts, which are continuously developing. The law cannot foresee all possible occurrences; it can only align with the totality of the community on a general, not a detailed, level. Nor should the law impose a monotonous order against local variety. Laws need a certain openness or underdetermination.

Against this background, the nature of executive integration is brought out. The implementation of the law, and thus the generation of order, depends on civil servants who

do not apply the law mechanically, everywhere in the same way, but take local conditions into account. In its implementation, the executive tailors the law to its context. In this perspective, the bureaucratic activity of subsumption amounts to a "dialectical process in which the particular and universal encounter each other and become related by means of human deliberation" (Shaw 1992, 385).[133] Civil servants should be able to find an optimal fit between, on the one hand, the law and the normative ends of the community and, on the other, the local, temporal context. For this, they need to know the law and the purposes of the community but also the relations that make up the specific conditions. They must be able to discern local needs and how actors and actions in civil society negatively impact the flourishing of the community, and to know, as a response, how to organise public goods in the light of local needs and conditions, which must include an assessment of the impacts of state interventions. Hegel refers to the implementation of the executive as "government in a concrete manner from below where it is concrete" (*PR*, §290).

The executive is also crucial for generating order in a different way: it contributes to establishing the meaning of the law, the universal interest, and, by implication, the political community as a whole. The promulgation of a law by the legislature does not sufficiently tell what this law is. As Gadamer claims: "the meaning of any universal, or any norm, is only justified and determined in and through its concretisation" (quoted in Shaw 1992, 385). Consequently, only the interventions of the executive in different and changing contexts reveal the meaning of the legal and political order. The application of a law simultaneously constitutes this law and, by implication, further determines the nature of the constitution and the nature of the community. Norms and occurrences bring each other into being. The executive, thus, complements the legislative's top-down determination of the law, as the law itself can never fully determine the good for an organic, dynamic, differentiated community.[134] From an organic perspective, the actualisation of a legal and political order, in which all relations contribute to the well-being of the whole, thus, needs institutional agents, civil servants, to continuously concretise the norms constitutive of the community.

In Hegel's organic perspective, the existence and "internal stability" (*PR*, §294R) of political order hinges on the civil servants' integrative activities of continuously connecting in both their legislative and executive activities the universal to the particular. To do so well, state officials need to have specific knowledge of both the law and the specific local conditions. To organise this, the civil service must consist of specialised departments.

Equally important for the political community's well-functioning are the universal estate's moral qualities. They need to have practical wisdom to judge wisely what is for the

[133] This interpretation is based on Shaw's elaboration of Hegel's understanding of bureaucratic subsumption.

[134] The executive can also give feedback to the legislative. The executive has for doing justice to the law a certain leeway in its application. The moment bureaucrats observe that the law does not do justice to society's particularity, they have to report back to the legislature the need for revising the law.

common good in the light of continuously changing circumstances. Their decisions should reflect "dispassionateness [*Leidenschaftlosigkeit*] [and] integrity [*Rechtlichkeit*]" (*PR*, §296). They should not give preferential treatment to some but have a disposition to serve the whole community. Hegel sees the danger that too much focus on specialised knowledge could undermine practical wisdom, as officials might lose awareness of the broader interests of the community, just as they might absolutise their knowledge, understanding society from this as a fixed system and not as a continuously evolving organism. "[D]irect education in ethics and thought" could provide "a spiritual counterweight to the mechanical exercises and the like which are inherent in learning the so-called sciences appropriate to these [administrative] spheres, in the required business training, in the actual work itself, etc." (*PR*, §296).

The decisive position of the universal estate is rooted in its skill of making good judgment, which requires both knowledge and moral qualities. Despite apparent similarities, Hegel's universal estate differs from Plato's philosopher-kings, as the latter constitute an epistemic elite with *exclusive* access to the objective and *transcendent* good. The wise judgments of Hegel's state officials is not rooted in a transcendent universal good but immanent in the specific conditions of a particular community. They are specialists in the law and the relations that make up the social fabric of the political community. Moreover, their knowledge and moral skills are, in principle, within reach of all. Vacancies for the civil service stand principally open for all citizens who meet the objective qualifications (*PR*, §291).

The propensity of the universal estate to serve the common good requires not only moral and technical training but also proper conditions. Human cognition and morality are, for Hegel, institutionally embedded. The exercise of judgements requires an ethical sphere, which fosters this. Such a sphere can only exist if being the political community facilitates it economically. Modern communities should make it possible for civil servants to make the state their living by offering them a sufficient salary (*PR*, §294). This salary should prevent tension between private interests and the interests of the community. For civil servants, the interest of the state should also be their private societal interest.[135]

In addition, civil service should be a lifelong career, open for all with the right objective qualifications (*PR*, §291). Civil servants should be protected against arbitrary dismissal (*PR*, §§292, 293). They should not own their function, nor should they receive privileges or income from their specific position. As a consequence of Hegel's argument for a professional bureaucracy, many have regarded him as a precursor of Weber's theory of bureaucracy (Jackson 1986; Shaw 1992; Tijsterman and Overeem 2008).

At the same time, the function of Hegel's universal estate is fundamentally different from Weber's bureaucracy because the latter does not understand political order

[135] It could be argued that the civil service performs the function of the middle class that Aristotle regards as crucial for the stability of the political community (*cf. Politica*, bk. 4, ch.11).

organically. For Weber, politicians competing on the electoral battleground determine the values of the political community. The purpose of political is for Weber beyond rational criteria. Political agents are irrational; the values they pursue cannot be grounded in anything objective. Weber assumes value pluralism: values compete with each other without the possibility of ordering together or bringing them together. In Weber's conception, the bureaucracy is a "neutral agent", whose task is to execute with technical precision and impartiality the policies based on the values emerging from the political battlefield.[136] Civil servants should serve the politicians who have gained political power by abstaining from deciding what ends should guide the community. If they cannot live with the political choices, they should leave office. Weber, therefore, argues for a strict dichotomy between politics and administration.

In contrast to this, the political order has in Hegel's organic notion an immanent and monistic end: freedom. This end is reasonable, pointing towards the optimal adjustment of all the parts of the community. State officials are crucial for concretising this purpose in the law, together with the representatives of all societal sectors, and for implementing the law. As Hegel's conception of order rejects the idea that politics ultimately amounts to the irrational choice of ends, it also rejects the dichotomy of politics and administration based on this.

As a consequence, Weber and Hegel have opposite conceptions of bureaucratic activity. For Weber, bureaucratic activity exemplifies instrumental rationality [*Zweckrationalität*]. The rationality of the civil service consists in knowing the rules of office and how to realise *externally* given ends effectively and efficiently. Because of this, Shaw regards the activity of the Weberian civil servant as technocratic. '*Techne'* is "the orderly methodological application of intelligence (…) for the sake of gaining control over future contingencies." (Steven Smith on Aristotelian techne, quoted in: Shaw 1992, 383). "Weber's specification of the bureaucratic rules – stable, exhaustive and learnable, indicate that they belong to the realm of techne" (Shaw 1992, 384). *Techne* stands in contrast to practical wisdom, which typifies the skill and disposition of Hegel's universal estate. Civil servants should continually judge, in all kinds of contexts, the good for the community, to which they are uniquely equipped as specialists of the relations which constitute the organic order they participate in.

CITIZENSHIP AND REPRESENTATION: POLITICAL INTEGRATION

Hegel distinguishes a fourth process that is indispensable for producing a free political order. This process, just as market integration, originates in civil society. In contrast to the

[136] In addition, the task of the administration also consists in telling politicians the consequences of their preferences.

integrations on the market, this process does not proceed unconsciously. The members of the political community now come to acknowledge "knowingly and willingly (…) the universal interest (…) as their own substantial spirit, and actively pursue it as their ultimate end" (*PR*, §260; part of the longer fragment quoted earlier in this section).

Due to this third process, the political community, including its constitution and institutions of the political state, can be said to be willed by its members. The citizens of the state recognise their state for what it is: their substance in which they have their being. Hegel's organicism, thus, does not proceed outside of the conscious involvement of its members.[137]

> The effect of this is that the universal does not attain validity or fulfilment without the interest, knowledge and volition of the particular (...). [B]ut the universality of the end cannot make further progress without the personal knowledge and volition of the particular individuals, who must retain their rights. (§260A)

This moment of subjective recognition is essential for the existence of the organic political order. Without it, the state does not stand on solid ground. In the liberal political order, as explained in Chapter 5, subjects do not develop such an internal relation towards the government; they do not acknowledge how their existence is tied up with the community and its political institutions and, thus, deny the state's legitimacy

From the perspective of subjective freedom, this moment of confirmation is important as well. Citizens who experience the political order as an interventionist force outside of them, unconnected to who they are and how they live, are not entirely free. For subjective freedom, the members of a political order should be able to confirm its goodness, appropriate as their own and embrace their identity as citizens of this order (*cf.* Chapter 3).

This third process amounts to transforming, or even converting, autonomous moral subjects and persons into citizens. In this process, subjects must cease to be exclusively private persons, orientated on their particular well-being and, correspondingly, relate instrumentally to the state (which remains the case in market integration, despite the development of corporations). They now acquire a deeper sense of who they are as participants in a larger organic whole, constitutive of who they are. The well-being of this whole, consequentially, becomes an end in itself. "[T]he state enters into the subjective consciousness of the people [who] begin to participate in the state" (*PR*, §301A). Because individuals come to integrate the ends of the political community into their (particular) ends, this process can be referred to as political integration.

Crucial for the transformation of market individuals into citizens is the representative assembly. As explained in the section on legislative integration, Hegel's constitutional design contains a Lower House in which representatives of the corporations,

[137] This is the right of subjectivity in the modern world.

the Estates, enter the political state. For this political integration, parliamentary proceedings are crucial due to their educational potential. In the deliberations, representatives bring in their particular concerns but also come to develop a sense of the universal that transcends their self-absorbed particularity. In the discussion of concrete law proposals, they can observe how different groups, by paying taxes but also by specific ways of living, contribute to society's well-being. This enables them to realise how their rights and welfare are fundamentally tied up with the community. In other words, the theatrical setting of parliament renders the interdependent, organic nature of the community visible; it shows the state as "a great architectonic edifice, a hieroglyph of reason" (*PR*, §279A). As a consequence, citizens cease to absolutise their particular ends; they now define and hold them in relation to the universal interest of the community. The parliament, thus, replicates on a society-broad level and finishes the development towards universality of the corporations.

In Hegel's constitutional design, this insight of the representatives is supposed to extend over the other members of the corporations, the represented, who do not participate in parliament themselves. For this, representatives must have a certain standing in their corporation. Other members must be able to identify with their representatives and undergo the same development. In addition, parliamentary proceedings must also be public, effectuating the nature of public opinion. Due to parliament, public opinion "arrive[s] for the first time at true thoughts and insights with regard to the concept and condition of the state and its affairs (…) enabling it to form more rational judgments" (*PR*, §315).

In line with the last quote, political integration amounts to the development of rationality, as it substitutes of Understanding [*Verstand*], the absolutising and separating mode of cognition typical of civil society, for Rationality [*Vernunft*], which can see the interdependent whole. The community and the law are no longer external means to satisfy their separate ends, but the precondition of who they are, and consequently an end in itself, worthy of being confirmed. This rationality of citizens matches, to some degree at least, that of the universal estate. The particular and universal are no longer understood as absolute opposites but intrinsically related. Likewise, individual autonomy and participation in a community are no longer approached in terms of either-or (following my interests or those of the community) but both-and (my ends are dependent on those of the community and *vice versa*). The next chapter explores in more detail Hegel's conception of political citizenship.

6.4 All-round dependence

The reproduction of political order requires the central institutions of political order, society / market, the branches of the political state/ government, and the representative assembly

/ citizenship, to function as explained in the previous section. Typical of his organic account is that each of these integrative processes only succeeds when the others do as well. Within Hegel's holistic perspective, all integrative processes are fundamentally dependent on each other: "[t]he constitution is essentially a *system* of mediation" (*PR*, §302A; Italics ST). The institutions do not have within themselves the resources to perform their function well. This section finishes Hegel's organic account of political order by pointing out the fundamental institutional dependencies for each of the three processes of integration addressed in the previous section. At the end of this section, I discuss what this fundamental interdependence implies for the resilience and fragility of political order.

With regard to the process of market integration, the free interactions of civil society only become more reasonable as part of a larger organic political order. For the self-development of civil society, the interventions of the political state are crucial. In agreement with the liberal conception of society, the state must offer a legal framework to guarantee rights and make policies to foster the interests of its subjects.

However, civil society's self-organisation requires a different kind of state intervention as well. The political state is necessary to solidify the associations that emerge in civil society. For this solidification, the political state should integrate the rational associations, the corporations, in the constitution by attributing to them the right to internal self-government, for instance the organisation of professional education and the determination of professional standards, and also the right to have representatives in the legislative assembly. In other words, the political state gives civil society's associations political status. In addition to this, the political state supervising the corporations might take measures to guarantee that the corporations can satisfy their needs and maintain themselves or measures to prevent corporations from undermining the interests of other associations. All in all, the state is necessary to rivet civil society's inherent development towards rationality.

The tasks of the political state vis-à-vis society, therefore, seem to be contradictory. The political state is crucial for both safeguarding the rights and interests of individual subjects and solidifying the collective, associative structures that emerge in civil society. An exclusive focus on abstract (individual) rights would thwart the development of more rational structures that rework dependencies into mutually beneficial wholes. Such a focus cannot prevent the emergence of interest groups that pursue interests at the expense of others. The political recognition of the associations is precisely meant to counteract the inner tendency of civil society's competitive logic to produce irrational social structures (*cf.* Chapter 4). At the same time, absolutising group rights could also undermine individual freedom. In Hegel's organic theory, the fundamental tension between the individual and the group, parts and whole, cannot be 'solved'. The propensity of civil society to become irrational precisely consists in (individual) parts undermining the whole, or collectives undermining individuals.

The state must exercise oversight in such a way that the free development of civil society does not fall prey to any of its irrational potentials.

Civil society's self-organisation into a more rational structure also needs in addition to the interventions of the political state the institution of parliamentary representation, which develops individual subjects into citizens. Hegel claims that the corporations, next to the intimate sphere of the family, are the training grounds for becoming citizens, as in both institutions, individual subjects learn not to absolutise their particularity but regard themselves as participants in an ethical structure. I do not see any reason to assume that in the organic conception of political order, the inverse could not be the case as well. Experiencing oneself as a citizen, a participant in a larger order, and committed to the well-being of this community, makes it easier to join associations in civil society, overcoming one's self-interested perspective. A well-functioning civil society requires citizenship.

With regard to political integration, Hegel's organic theory order rejects the idea that citizenship, i.e. citizens' acknowledgement of and orientation towards the common good, merely requires political rights and deliberative institutions. Such a view mistakenly isolates political citizenship from the processes of integration of the larger political order that must be present for citizenship to develop.

On the one hand, the pre-political formation in civil society, the market integration, is crucial for becoming a citizen. In civil society, individuals come to develop bonds with their fellow citizens, even though this consists initially only in the abstract recognition of them as persons. In addition, their participation in corporations transforms their sense of self and others. Here, they learn to see their associations with others not only as a means to their particular ends but as a kind of shared life that transcends and facilitates their private ends and, as such, an end in itself. Citizens need this experience, which is also present in a natural form in the family, for acknowledging their political community and its political institutions for what it is: their substance, the encompassing arena in which they, as a part, have their lives.

On the other hand, the actions and interventions of the political state are also necessary for developing an orientation towards the good. Hegel expresses the remarkable viewpoint that the subjects of modern states need the civil service to become citizens. The representatives of specific social interests are, in Hegel's account, unable to discern the common good of the community as a whole. As members of civil society, they have, by necessity, a partial perspective. For disclosing and acknowledging the good, i.e. the rational law, they need the contribution of the universal estates in the legislative assembly. Likewise, the recognition of the common good requires interventions of the executive power in society. In Hegel's theory of order, citizens will only recognise the common good, if they experience that this good includes the satisfaction of their particular needs. Citizenship, thus,

requires a competent civil service to guarantee by legislation and execution that all parts of society can have their living in the community.

Finally, also the executive and legislative integrations of the political state fundamentally depend on the broader integrative processes of the political community. On the one hand, the government needs for cultivating the inner relations of the political community a trusting attitude on the part of the citizens. They should regard the community as their substance, which implies that they relate to its governmental institutions 'internally', as part of their being, and not as an external power. This consciousness only makes them willing to accept the state to curb their interests for the greater good. The political state requires the members of the political community to have become citizens, subjects who recognise the rationality of the whole. For this, the political integrations originating in the representative assembly are crucial.

On the other hand, the state can only function well if civil society organises itself as a reasonable structure, consisting of a pluralistic network of associations in which dependency relations are mutually beneficial. When society remains an abstract market, a space in which actors in competition aspire to maximise their self-interest, the political state cannot identify the common good (*cf.* Chapter 5). In addition, the political state also needs the representation of civil society's structure in parliament, as the expression of the interests and experiences of all parts of society enables the political state to find and implement the good.[138]

All these mutual dependencies show that the self-(re)generation of political order is highly complex, consisting of different, interlocking, mutually reinforcing transformative processes. This organic understanding of the political order underlines the fundamental fragility of free, flourishing political orders. Due to the dependence of all parts on the whole (and thus of all parts on each other), every dysfunctional part has implications for the other processes.

At the same time, the malfunction of some crucial aspects of the political order does not entail the immediate death of the political community as an organic whole. The more organic the structure of a political order, the more resilient. In mechanically structured political orders, like the Enlightenment state, the malfunctioning of single aspects, one wheel of the clock, could bring the whole to a halt. Organic unities, in contrast, have, due to the richness, multiplicity and adaptability of their inner relations, more possibilities to continue existing despite their dysfunctional parts.

Therefore, the fragility of the political community concerns first of all freedom, not mere existence. This freedom of a political community consists of the modes in which the

[138] On a different plane, the branches of government of the political state are also dependent on each other. For the framing and revising of the laws: the executive (next to the corporative representatives) needs to provide feedback on how the law works out in practice. For the law to become real, it needs application by the executive (see 6.3). For executive activities, the legislative should provide a legal framework.

parts and the whole, the particular and the universal, relate to each other. The free political order consists of an intricate network of transformative relations in which every (individual) part attunes to the other and, as such, the entire community. The generation of freedom requires that its constitutive integrations proceed in freedom, i.e. unforced. If these processes do not function properly, the political order will not immediately dissolve, but will be held together by force. The will of one part forces the others into compliance. For instance, the economically strongest groups in civil society impose their will on society's most precarious groups (*cf.* Chapter 4); the state institutions use their monopoly of power to prevent disorder by forcing society into compliance (Chapter 5); or the law comes to be determined by a majority whose will has been manipulated by demagogues (to be discussed in Chapter 7). Even though the unfreedom and irrationality of the political order does not imply its direct break-up, it poses in the long run a risk to the its existence.

6.5 Conclusion and implications

This chapter has worked out how Hegel understands the political order of his age as an organism, which reproduces and constitutes itself by the opponent processing of state and society. This chapter has disentangled this organic reproduction as a set of mutually dependent integrative processes. This self-production can be described in terms of differentiation (or particularisation) and unification (or universalisation). Civil society is the sphere of differentiation. As individuals follow their ends, the social whole falls apart into a multiplicity of partly opposing purposes and ways of life. However, civil society also entails universalising processes. In their orientation on the particular, the parts also contribute to the existence of an integrated, organic whole. The political state, in contrast, is the sphere of unification, which determines and implements the common good for the community as a whole. At the same, it does so by supporting the different parts of the community to realise their ends.

This chapter has attempted to show how, for Hegel, the freedom and rationality of the modern state is based on the organic (self-)organisation of the web of relations that makes up the social and political order. This organic form renders the state objectively free and rational. It succeeds in reproducing itself in the flow of time as a harmonious differentiated unity. In freedom, i.e. without forceful suppression, each of the parts of the whole fully develops while weaving connections with other parts of the community, which also attune to the needs of the whole. Moreover, the organic form also renders the political order subjectively free. Individual agents, developing freely within the political order, undergo transformations, in which they come to experience and acknowledge that the state, the political arena they participate in, is the ground of their freedom and being.

This organic understanding contrasts sharply with liberal and other 'modern' understandings of political order. From Hegel's perspective, these accounts offer an abstract, mechanistic and reductionist representation which does not grasp the dynamic, organic nature, all-round dependencies and internal development of reason of social and political reality. This representation understands the whole from the parts. It takes persons, individual right-holders, as the basic units of the political order, deducing the dynamic of society from the way the inner drives of these single entities work upon each other. Moreover, this representation does not see how political order is original, present already within existing social relations. Instead, it regards political order as something that must be imposed on social relations.[139]

Hegel's organic conception of order implies that the dominant conception of the main institutions which make up order, society, the state (government) and citizenship are inadequate as they do not sufficiently recognise the organic nature of social relations. From Hegel's perspective, this misrepresentation of the political community and its central institutions is deeply problematic as the existence of a free order depends on citizens, civil servants and philosophers recognising the political order as what it is. Therefore, Hegel's conception of order provokes reconsideration of these institutions and development of an alternative political science. To conclude this chapter, I will work out the contours of what such a Hegelian reconceptualisation would look like.

Rethinking (civil) society

The prevailing liberal conception represents society as a space where individuals (inter)act. The liberal tradition envisages these single entities as individual rights-holders. These rights, inherent in the individual, enable them to pursue their autonomously determined ends. This representation of society is both an ontological account of the natural condition and a norm. Consequently, it assesses society's relations to the degree they respect individual rights and enable the pursuit of autonomous ends. This conception of society has as its central value individual freedom, understood either negatively as non-interference or positively as the ability to set and realise one's ends.

The liberal conception of society often tends to take society as a market. This representation complements the picture of society as a space of interaction of free rights-holders: individuals use their rights to exchange goods, which enables them to pursue their ends. From an economic perspective, society is assessed to the degree it fosters welfare, understood as the efficient coordination of demand and supply.

[139] This applies most clearly to the rational state of the Enlightenment and also to democratic conceptions of political order, in which the state must bring social relations in line with citizen's values. The liberal state is more ambiguous, as it takes civil society as a kind of natural order.

Hegel's conception of political order offers a richer account of civil society. In this account, civil society is not a natural condition but a historical accomplishment. Hegel recognises the importance of the elements of civil society that stand out for the liberal conception of order. Civil society is from him the sphere in which individuals attain a certain independence and pursue, under the protection of the law, their ends, just as it is the sphere of market relations, which have the potential to foster economic growth. However, crucial for his conception of civil society is that it must not be regarded as the political order per se; it must be considered as a part of a more encompassing organic order.

From this perspective, Hegel rejects the liberal idea that civil society has its purpose in itself, that is, facilitating individual freedom or fostering economic growth. This liberal perspective is fundamentally deficient as it misses what freedom consists in (subjective and objective ethical freedom) and civil society could contribute to its generation. From Hegel's more holistic organic perspective, civil society should be considered and judged from the perspective of whether and how its interactions succeed in rendering mutual dependencies more reasonable.

As a consequence, the specific form into which civil society's free interactions develop matters within a Hegelian account of society. Freedom does not only consist in the moment of free choice but also in participating in social formations that are free and reasonable as they have restructured dependencies into mutually beneficial wholes. Hegel describes estates, communes and corporations as the major associational forms which the free interplay of civil society produces and in which it becomes more reasonable. In our age, we could point out other institutions and associations, profit and non-profit, as fundamental to society's organisation of reason.

In Hegel's theory of society, its concrete organisational form must be assessed insofar as it contributes to freedom. This perspective differs from the abstract perspective of the liberal account of political order, which fails to see how the social formations of civil society are the self-governing vessels of ethical freedom. Instead, it regards associations as the outcome of – or obstacle to – free individual choice and as means to realise individual ends. Consequently, society's concrete form is, from this perspective, relatively arbitrary; it only deserves respect for its capacity to realise individual ends or as resulting from free choices, but not as a good in itself. This view could explain the carelessness with which governments and citizens in late modern societies approach society's social formations, such as local communes, schools or sports clubs, for instance when they force them to fuse when this appears more efficient. Likewise, the liberal account of society respects companies, the economic organisations civil society engenders, for their ability to organise supply and demand efficiently or because it respects property anyway. It does not acknowledge that

economic associations, if well-structured, could be manifestations and carriers of ethical freedom.[140]

Finally, in Hegel's organic and reason-oriented perspective on society, its contribution to the development of consciousness is crucial. Civil society is a sphere of education [*Bildung*]; individuals undergo a process of formation that prepares them for political existence, in which they share a community with others and must relate appropriately to its political issues. They develop relevant (moral) skills, come to conjecture the need for a political state, and experience what it means to be part of an ethical whole in the corporations. In other words, in civil society, individuals become more and more reasonable. While living with others and weaving all kinds of ties, they also come to have a more profound sense of who they are and the nature of social and political reality. This developmental perspective is largely missing in the liberal conception of civil society. Its abstract representation of civil society takes individuals as autonomous by default; they know what is good for them. It does not recognise the need for individuals to develop a more grounded sense of who they are and the organic social reality they participate in.

To conclude, Hegel's organic account of political order could help to correct the dominant, one-sided and reductionist account of society. Others have also addressed the problems of such a liberal account of society and the market. Many authors criticize neoliberalism, the theory which understands social relations as a market (Sandel 2012; Brown 2015). The sociological tradition of Putnam endeavours to give a richer account of civil society, emphasising the development of social capital and trust (1994; 2000) and how this contributes to the quality of political life. Much of the Hegelian approach ties in with these approaches. However, his approach adds to this by working out organic interdependencies between society and the state institutions, citizenship and representation, and how freedom and rationality serve as the comprehensive, internal standard to assess the quality of society.

Rethinking government

Hegel's organic theory of political order also offers a conception of government (the political state) that differs from those currently dominant. Typical of these accounts is their mechanical and instrumental perspective: the state is a device with bureaucratic power to (re)structure society in accordance with a specific end. Depending on what this end consists in, different versions of this attitude can be distinguished, all present in different constellations in modern democracies.

[140] The claim is not that there is no scholarly attention to the inner nature of society. Institutional political economy (for instance, North 1990) concentrates on a response to the formal models of neoclassical economics on the role on institutional players, such as corporations. Such an approach is much closer to the Hegelian account of society. However, what distinguishes Hegel is the emphasis on the more or less reasonable structure.

First, the state could be taken as an instrument to protect individual liberty, the basic condition and norm for society. In this liberal perspective, the purpose of the state is to guarantee individual rights (however they are defined). Typical of this liberal perspective is the fear that the state oversteps its function and imposes a conception of the good on society. Such a state uses its administrative power to violate individuals' rights. To guarantee the 'neutrality' of the state, the liberal tradition emphasises the importance of checks on the state.

This liberal reserve is not the only option towards the state apparatus available in modernity. Another tradition, which reaches back to the Enlightenment ideal of a rational state, takes the state as the main device for producing a good order (while the previous tradition holds civil society as the source for developing a good order). This tradition has an equally mechanical account of social life, whereby the state is similar to the clock-maker: the function of the state is to organise social life into a rational whole. In this approach, rationality is understood mechanically as the maximisation of the ends that the individual parts are assumed to strive for, such as efficiency, economic growth or utility. The state experts, consequently, know how to optimize the realisation of this purpose. This tradition, thus, assumes that the state has the technocratic know-how and administrative power to manipulate by laws, regulations, interventions and educational programmes the social relations as to realise the ends it takes to be rational.[141]

Finally, the state can also be considered as an instrument of the democratic will of a society. In this conception, the values to guide governmental intervention should be set in a democratic process. The administrative apparatus has as its task to realise these ends for which it has to employ its bureaucratic power and competence. The state is the means to translate the political will into social reality. As discussed in this chapter, Max Weber is the main theorist of this conception of the bureaucratic state.

In distinction to all these mechanical conceptions, Hegel's political state should not be conceived as instrumental to the ends of individual freedom, rational values, the democratic will. Instead of being an external, technocratic and instrumental power, Hegel conceives the state as an intrinsic part of the political community. As an organism, political communities develop the means to reorganise themselves. In Hegel's depiction, the political state stands relatively independently vis-à-vis the free interactions of civil society. Within this whole, its function is to protect and determine the community's common good (the law to be set in the legislature) and implement this law (the executive).

Even though the political state must render society more rational, Hegel's account differs fundamentally from the rationality of the Enlightenment state. The latter does not comprehend the political order as an organic unity, but in the mode of the Understanding [*Verstand*] as an aggregation of self-sustaining entities. For Hegel, rationality amounts to a

[141] For an interesting account of the dangers for this tradition, see Scott (1998).

whole whose parts optimally relate to each other: they freely develop while at the same time adjusting to the needs of the whole. From this perspective, the political state is rational when it can discern within social life's continuously changing interdependent relations the good of the whole and revise and execute the law on this basis. In this chapter, I have described this function of the political state as a form of *cultivation*. Society does not amount to abstract material the political state can mould, manipulate or assemble to realise certain ends. Rather, society consists of an intricate network of relations between the parts (relations precede relata). The interventions of the political state for the common good must be in tune with, resonant, these existing relations. When acting, the state must be orientated on the good, already potentially present within these relations.[142]

Hegel's account of the state also contrasts strongly with the liberal account for which the state is a necessary evil (which Hegel refers to as a 'state of necessity' [*Notstaat*]). Hegel agrees with the liberal conception that civil society must develop freely. However, In Hegel's conception, a free civil society does not exist by nature, but depends on the presence and interventions of the political state. The liberal account of political order does not adequately acknowledge society's need for a state. Moreover, Hegel also rejects the idea that the state must be neutral. In an organic conception of order, the government has a fundamental moral and purposive orientation, continuously intervening to bring about the common good. This includes the protection of individual rights, but this purpose must not be absolutised.

Finally, Hegel's conception of government also opposes the idea that the function of government is to 'merely' realise the political will as expressed in a democratic process. This idea could be referred to as the 'priority of politics'. This idea combines the idea of state neutrality of the liberal conception – the state has no ends itself – with the belief of the Enlightenment state in the possibilities of state power to restructure society. Hegel, as addressed above, rejects both the idea of state neutrality and the idea of state intervention to restructure social relations. Moreover, Hegel also rejects the idea that democratic processes such as elections on a one-man-one-vote basis can generate the community's political will, which I will work out in the next chapter.

To conclude, Hegel's theory of political order also offers a foundation to develop an alternative conception of government. Such an alternative seems to be more urgent than ever. The idea that the government's task consists of using its technocratic power to manipulate social relations to realise (political) purposes appears more and more problematic. For instance, the influential German sociologist Rosa (2020) asserts that the attempt, typical of late modern societies, to bring the world under control has created

[142] In Hegel's analysis, the potential has priority over the actual. This also ties in with the role of the corporations which were present potentially, not actually, in the political communities of his age. This seems to contradict the centrality of the actual in his analysis, in which the reasonable is the actual (the real) and the actual the reasonable. However, the actual (the real, *das Wirkliche*) is not opposed to but includes the potential.

monstrous structures, which paradoxically give us less control. Hegel's radically different conception of government, in which it stands in a dialectical relation to society – in the resonance-orientated terms of Rosa: a relation of a continuous reciprocal answering and transformation – offers a clear orientation for fruitfully reconsidering the task of government for a free political order.

Rethinking citizenship

Finally, Hegel's theory is also a source for rethinking citizenship. As addressed in Chapter 2, different conceptions of citizenship determine the current field. In the liberal approach, citizenship amounts to a legal status, in which one has (the protection of one's) rights. Moreover, citizenship allows one to pursue one's own interests. Against this approach stands the republican understanding, for which citizenship consists in the exercise of self-government. This approach also includes public-mindedness, a commitment to the common good. Hegel's organic theory of political order could contribute to this debate, as his organic account of order combines and connects the liberal and the republican accounts: the members of the state are both members of civil society, focusing on their particular ends, and they are citizens, committed to the common good. Moreover, Hegel's account of political order also shows how it is possible to become a citizen. In his organic account, the identification with the whole is not given, as ethnic conceptions of citizenship assume, but requires formative processes. Citizens only become full, political citizens who succeed in attuning their private interest to the common good due to the integrative processes of civil society and the political integration for which the representative assembly is crucial. These elements are of great value for rethinking the meaning and practice of citizenship in late modern societies. The next chapter will, therefore, work out Hegel's account of citizenship in more detail. That chapter will also address how Hegel's theory of order could realise the republican ideal of self-government, a topic of great importance in the current crisis of liberal democracy.

7. CITIZENSHIP, SELF-GOVERNMENT, AND DEMOCRACY

7.1 Introduction

The previous chapter has already discussed citizenship as part of the organic conception of the state. This chapter investigates citizenship in more detail.

Hegel's theory of citizenship has generally been met with deep distrust, as it diverges from the main tracks that have come to dominate reflection on citizenship, liberal and republican. The liberal theory takes citizenship first of all as a legal status which gives citizens a set of (natural) rights. This status enables them to pursue their personal ends. The liberal model of citizenship has individual or private freedom as its key value. Within this model, citizens can do whatever they want as long as they respect the rights of others. In other words, they must keep the law. In addition to this basic normative requirement, citizens must also keep a critical eye on government to prevent the violation of freedom rights (*cf*. Leydet 2011 section 1.2). This liberal position fears that Hegel's state-centred conception of citizenship does not sufficiently recognise individual rights and autonomy. Karl Popper (1995, 246), for example, famously summarises Hegel's philosophy as "the state is everything and the individual nothing".

The republican approach, in contrast, regards citizenship as participation in the self-government of a political community. It understands freedom as political freedom. Citizens must participate in collective decision-making so that the laws, which structure the community, can be considered self-imposed. In contrast to the liberal model, citizens should orientate their thinking and acting towards the common good (for instance Barber 2003; cf. the discussion of Athenian citizenship in chapter 2). In light of this republican ideal, and also of the ideal of popular sovereignty, Hegel's state appears unacceptable. It concentrates the task of decision-making on a bureaucratic class. Citizens, except for some corporatist representatives, appear as not much more than passive subjects, as Hegel rejects their right to vote for representatives in parliaments on a one-man-one-vote basis.

However, Hegel's views on citizenship are more relevant than the cursory contrast to the main ideas of liberal and republican suggests. Hegel offers, based on his organic ontology, a sophisticated criticism of some of the key assumptions of both models of citizenship. Against liberalism, he criticises the absolute value of individual rights and its inability to understand how communal life conditions these rights. Against the republican-democratic tradition, he points out the fundamental epistemological problems – how to perceive the common good – which a democratic organisation of the political realm entails. At the same time, this criticism lays the foundation for a theory of citizenship which succeeds in combining both individual freedom and self-government, one of the gravest *desiderata* of our age.

This chapter starts with a discussion of Hegel's conception of sovereignty, which rejects both sovereignty of the person (liberal) and of the people as a whole (republican-democratic). The following section (7.3) investigates Hegel's position with regard to individual rights (the liberal position). What rights do individuals have in his organic conception of citizenship? The subsequent section (7.4) investigates Hegel's rejection of a democratic approach (one-man-one-vote) to political rights. It reconstructs his argument of why such a basis must render the political order irrational. The consequent section (7.5) investigates Hegel's alternative conception of self-government, in particular how trust and insight, and participation in the corporations and the public domain are essential elements of self-government in modern societies.

7.2 Citizen sovereignty?

Citizenship and sovereignty

A good starting point for exploring Hegel's idea of citizenship is his conception of sovereignty. Sovereignty concerns the question of the highest authority in a political community. Where does the right to rule ultimately reside? Modern conceptions of citizenship reject the idea that the ultimate authority resides with God, tradition, a single individual (the monarch) or a specific class (aristocracy or bureaucracy). Instead, citizens, taken as equals, must be in charge. All exercise of political power must be justified by reference to their will because the right to rule can only be theirs.

Modern political reflection is divided on the question of what it means for citizens to be sovereign. The liberal approach, which goes back to Locke's idea of a social contract, regards individual citizens as sovereign. As explained in chapter two, this tradition regards individuals as free by nature and attributes to them a set of equal, pre-political and inalienable rights, which inhere in their common humanity. These rights justify them in pursuing their self-chosen ends. Individual autonomy constitutes the sacred value on which the political order should be built.

As individuals are the ultimate source of political power, political rule requires their consent. This consent can be taken as implicit insofar as the authority of the state can be deduced from and justified by reference to the protection or promotion of individuals' fundamental rights. The fundamental features of the liberal conception of order are based on this implicit consent. Any further exercise of power requires more explicit consent. One way to organise this consent is the election of representatives, who, in decision-making, substitute the citizens who have voted for them. Represented and representative stand to each other in the liberal account in a principal-agent relationship, according to which the represented are the principals; they remain in charge and can take back control by not re-

electing their representatives. The function of elections, therefore, is to organise explicit consent and keep the government accountable.

This liberal individualistic model is not the only way to conceive of citizen sovereignty. Sovereignty can also be attributed to the people, the citizenry as a collective. Freedom, then, concerns the right of the *citizenry* to rule itself, which amounts to determining its laws, or, to take up Rousseau's terminology, the general will (*CS*, I-6). This is the ideal of popular sovereignty. As it does not imagine the political community as an aggregate of individuals but as a unity, the majority has the right to speak for all when determining the law, an idea deeply problematic to the idea of individual sovereignty.

The sovereignty of the people in determining the law generally comprehends more than mere consent to the law. Sovereignty also amounts to the power to shape social relations in accordance with the values the community cherishes. In that sense, sovereignty includes a conception of social power.

For Rousseau, political freedom as popular sovereignty implies the rejection of representation. Only individuals who directly express their consent to the law can be said to govern themselves and be free. When only others have voted for the law, even in your name, the law is, according to Rousseau, not really yours (*CS*, II-1). The ideal of popular sovereignty, however, does not necessarily imply a rejection of representation. According to many voters and politicians in real existing democracies, elections can also realise popular sovereignty, as long as majorities, who represent the will of the people, are effective in bringing about policies that reflect the wishes of the majority.

Current liberal democracies combine both understandings of citizen sovereignty (*cf*. Mounk 2018). On the one hand, liberal-democratic constitutions should protect the (sovereign) rights of individuals and of the minority groups against the state and majorities that endeavour to impose their will. Representation is, from this perspective, foremost a device to keep the government accountable (*cf.* Chapter 2). On the other hand, liberal-democratic constitutions should also facilitate the transformation of majority standpoints into effective policies and social change. Representation, from this perspective, is a means to formulate the political will of the people. Liberal democracies, therefore, are inherently ambivalent: the primacy of the law stands against that of politics; the *bourgeois*, the citizen as rights holder, against the *citoyen*, the citizen as a self-governing political agent.

Hegel's rejection of citizen sovereignty

Hegel rejects both these conceptions. The right to rule does not depend on the consent of individual citizens nor on that of the majority. The rights of individual citizens, which they can invoke against others and the community, are not absolute. Likewise, majorities do not have the right to make decisions for the whole. Hegel rejects "the liberal inversion" (Gauchet 2015, 170), the idea that civil society, the collection of holders of primarily civil or political rights, is

the originator and in charge of the state, the sphere of politics. Instead, sovereignty resides in the organic political community as a whole, which by its inner constitution organises its own reproduction.

Hegel's rejection has an ontological and a normative dimension. To start with the former, the idea of citizen sovereignty images the law and the constitution as flowing from the will of citizens, either as individual rights-holders or as collective citizenry. They constitute a kind of starting point. This depiction envisages citizens to stand outside of the law and the constitution, as they have the power to offer their consent and change the laws and constitutional rules. This perspective does not acknowledge that the community and its laws constitute citizens more than citizens constitute the law.

To understand this criticism, Hegel's understanding of the constitution must be considered briefly. For him, the constitution does not primarily consist of the technical organisation of the branches of government to pursue a distinctive end, such as the prevention of domination. The constitution amounts to the organisation, the 'constitutedness' of a political community. In this understanding, the constitution does not only contain explicit laws about the rights and duties for citizens as individuals and part of collectives, and the rules for organising the relations between the branches of government, but also the habitual, non-formalised modes in which the community functions, including its culture. This broad understanding of the constitution is similar to the concept of regime.

In Hegel's approach, the constitution in a narrow sense, i.e. the fundamental rights of citizens, including their political rights, and the relations between the branches must fit the constitution in a broader sense, the specific mode of life of the political community. "Each nation [...] has the constitution appropriate and proper to it" (*PR*, §274R). The constitution is the outcome of a long historical trajectory of slow, often almost imperceptible, change to meet new circumstances and to further rework relations of dependence. Hegel's position stands in sharp contrast to the Enlightenment idea that constitutions can be made. From Hegel's perspective, this would amount to the imposition of a political framework that does not correspond with the organic relations of this community. Hegel gives as example the Spanish constitution:

> What Napoleon gave to the Spaniards was more rational than what they had before, and yet they rejected it as something alien, because they were not sufficiently cultivated [*gebildet*]. The constitution must embody the nation's feeling for its rights and [present] conditions; otherwise it will have no meaning or value, even if it is present in an external sense. (*PR*, §274A)[143]

[143] Hegel's conservative position does not imply the full rejection of constitutional reform. His claim that the political constitution should correspond with the broader constitution of the political community also implies the need for reform when constitution in the narrow sense does not fit changing circumstances.

From this ontological perspective, the idea of individual sovereignty must be rejected. Individuals do not have an original, natural right that they can invoke against the constitution, as they only have their civil and political rights, just like their existence, within a constitutionally structured whole.[144] For similar reasons, Hegel rejects the idea of popular sovereignty, the idea that the citizenry as a whole is the highest authority for determining the law and, by implication, the constitutional order. The people, as a collective capable of ruling itself do not precede the political community but come into being within a constitutionally structured political community. Therefore, the idea of both the sovereignty of the person and popular sovereignty conjures up Baron Münchhausen's attempt to pull himself and the horse he is riding out of the morass by his own hair. From the Hegelian organic position, adherents of citizen sovereignty do not comprehend the nature of political life. They mistakenly assume that a starting point of political order can be singled out. From this assumption, they erroneously attribute voluntarism to individuals or the people in the sense that the political structure of the community is something to which they can give their consent directly.

Hegel also rejects citizen sovereignty from the normative perspective of freedom. The realisation of freedom requires a rational organisation of the state, the state as "hieroglyph of reason" (*PR*, §279A). This rational organisation amounts to the full interpenetration of the particular and universal (the ideal of objective freedom). The parts of the political order, including individual subjects, must freely and fully develop, while these parts, including individual moral subjects, must use their freedom to attune to each other and the whole. The previous chapter has worked out how several integrative processes bring about this objective freedom.

This understanding of a free community implies that no part, i.e. no branch of government (parliament, king or executive) or group in society, should be able to impose its will on others and the community one-sidedly. Hegel refers to the parts of a free organic unity as "moments", which are "ideal". This means that these parts can only have their existence in the whole and by the whole (*cf. PR*, §277-8). If a part exercises its will without attuning to the will of this whole (i.e. others) it is part of, the ethical whole loses its "ideality" and, by implication, its (objective) freedom. It now becomes disharmonious and irrational, being held together by the exercise of force of some parts on other (*cf.* last part of 6.4). This perspective implies that no branch of government or part of society can be the exclusive carrier of sovereignty.

Sovereignty, therefore, resides in Hegel's organic account of order in the living internally differentiated community as a whole. This organic understanding of sovereignty has an internal and external element. Internal sovereignty means that the state, in and by its

[144] To be clear, Hegel does not deny that citizens can have fundamental rights within a constitution but not against a constitution.

vast set of interdependent relations, is able to regenerate itself as a whole in freedom. It is the social power of the political community to give itself existence in the world. As no distinctive institution or person can claim to be the highest authority, sovereignty resides "in between" those institutions and actors that in their interplay reproduce political order. A state is also sovereign in the external sense if no other state has authority to rule over it. Sovereign states are not only able maintain themselves as a free unity in the flow of internal processes but also against the aggression of other states.[145]

Hegel's organic conception of sovereignty becomes clear in his discussion of the monarchical branch of government. Even though Hegel refers to the monarch as the sovereign power, he makes clear that the king does not carry sovereignty in an absolute, i.e. non-ideal, way. Absolute monarchy renders the political order irrational and unfree as one 'moment' can determine unilaterally, without integrating other branches and social interests, the political will of a political community and change the social relations accordingly.[146] This non-ideal exercise of sovereign power results in domination. The great accomplishment of the modern state is the integration of monarchical power within the ideality of the constitution: the monarchical power has become dependent on the other branches of government, including the citizens who are represented in the legislature (*PR*, §273R). For similar reasons, Hegel denounces feudal remnants in some of the constitutions of his age, such as hereditary taxation rights (*PR*, §277). If the holders of such privileges can invoke them as their absolute property against the community, they claim the right of being exempted from the processes of integration, which undermines the rationality and freedom of the political community.[147]

The normative reasons for Hegel's rejection of citizen sovereignty must be apparent at this point. If individual rights, such as property rights or the rights to give consent to law, would be considered as inhering in the person and, therefore, to be absolute, they could reject to identify themselves as participants in a larger whole which has rights against them. The refusal of sovereign individuals to attune to needs of the community would entail relations of dependence that are not mutually beneficial. Similarly, the direct exercise of popular sovereignty also renders social relations irrational, as a numerical majority claims the right to impose its will on the community. In a free political order, however, the law must have carefully integrated all particularity, which requires processes of thorough mediation. Majority rule exemplifies rule by force instead of in freedom.

Sections 7.4 and 7.5 will work out in more detail the implications of Hegel's organic account of political order for democracy and self-government. However, before investigating

[145] The relations between states are outside the scope of this study.

[146] Here, again, the ideality of the powers of the state is not a condition for order as such – absolute monarchy is also a kind of order – but for a free order.

[147] Hegel anticipates here one of the key factors of Tilly's theory (2007, chap. 6) of democratisation: the integration of autonomous power centres in the state.

Hegel's relation to republican ideals of citizenship, I will first examine the implications of his account of citizenship for the rights of individuals, the fundamental tenet of the liberal conception of citizenship.

7.3 The rights and duties of individual citizens

Hegel rejects the liberal assumptions that individuals are sovereign and the state should be organised as an instrument to protect citizens' pre-political freedom and facilitate their autonomy. Instead, he inverts the liberal prioritisation, claiming the political community to be an end in itself. This section investigates whether and, if so, how Hegel's organic conception of citizenship conflicts with liberal citizenship.

Liberals worry that Hegel subordinates, or even sacrifices, the individual to the state. Several fragments, indeed, appear to support such an illiberal reading.

> This substantial unity [of the state] is *an absolute and unmoved end in itself*, in it, freedom enters into its highest right just as *this ultimate end* possesses *the highest right in relation to individuals*, whose *highest duty is to be members of the state*. (*PR*, §258; italics: ST)

This notion of the state being an absolute end, having the highest right in relation to individuals and the idea that it is the highest duty of individuals to be a member of the state all suggest that individuals' rights do not count. In addition to this, Hegel also refers to the state as the "essence" of citizens' "self-consciousness" (*PR*, §257), which, from a twentieth-century perspective, appears to be close to a totalitarian confluence of the individual and the state.

These assessments, however, result from reading Hegel from a mechanical ontology, in which the whole either is the outcome of the interactions of the parts or the whole imposes its viewpoints on the parts, limiting their freedom. Such a perspective, by necessity, misrepresents that in Hegel's account of citizenship the state, the political community, is a sphere of ethical life, an organic whole, whose members in a set of integrative, recognitional processes have fully adjusted to each other. This communal life does not stand opposed to the exercise of free agency but constitutes its foundation. "The state is the sole *precondition* of the attainment of particular ends and welfare" (*PR*, §261A; italics ST). Only within a state can agents set and realise their purposes. The state is the formative ground of who one is and what ends one happens to pursue. Hegel expresses this dependence of individuals on a larger social whole with the notion of substance. Hegel thus rejects the separation of subject and object, whereby the subject stands against the state. Individual agents have their self-consciousness in the state they participate in. For exercising free agency, i.e. determining their ends and realising them, they must comprehend the social reality they participate in by taking up the standpoint of the whole, and adjust their will

accordingly. "The determinations of the will of the individual acquire an objective existence through the state, and it is only through the state that they attain their truth and actualisation" (*PR*, §261A).

The liberal account of politics also misinterprets Hegel's claim that the state is a purpose in itself, assuming mechanically that this can only imply that society or individual citizens are mere means. State as a purpose in itself must come at the expense of autonomy, individuals' freedom to set their own ends. However, in Hegel's conception, the part and the whole must not be opposed to each other as the whole includes the parts, and the parts need the whole. Consequently, when he claims the state to be a purpose in itself, this purpose includes its members' particular ends. Parts and whole always relate reciprocally. Not surprisingly, the *Philosophy of Right* has ample fragments that also emphasise the importance of particular ends.

> It has often been said that the end of the state is happiness of its citizens. This is certainly true, for if their welfare is deficient, if their subjective ends are not satisfied, and if they do not find that the state as such is a means to this satisfaction, the state itself stands on an insecure footing. (*PR*, §265A)

This fragment must not be interpreted as the opposite of an earlier fragment that emphasises the state being an end in itself. In Hegel's organic account, the state is both an end in itself and a means. The state as an end in itself includes that well-being of its parts.

So far, I have attempted to make clear that Hegel's organic account of order should not be framed as deeply illiberal. Now, I want to investigate the status and the kind of rights that Hegel's organic political order entails. Hegel describes the relationship between citizens' rights and those of the state as a form of reciprocity. Citizens have "duties towards the state to the same extent as they have rights" (*PR*, §261). This reciprocity between citizens and the state differs from the reciprocity typical of liberal tradition, which understands the political order in terms of a social contract between individual persons or between citizens and the state. This liberal tradition understands the social order as based on reciprocal transactions whereby the give and take – the mutual rights and duties – directly correspond with each other and can be understood on the level of individuals. Individuals transfer some of their pre-political rights to the government, for instance, the right to punish or to protect their property. The state, which receives these rights, has the duty to protect property or to punish crime. Citizens, who have now gained the right to be protected, must obey government.[148]

In Hegel's organic understanding, the rights and duties of citizen and the state should not be understood as direct transactions in which the give and take fully correspond. The organic whole cannot be disentangled into transactions between individuals, let alone

[148] This liberal perspective also entails a propensity to investigate whether the amount of taxes that are paid correspond with the services that the state provides.

transactions between individual members and the government. The correspondence between rights and duties in the rational state must be taken as equivalence: the parts must contribute to the whole in about the same measure as the benefits which accrue to them from the whole. An organic whole will be out of balance, i.e. objectively unfree, if the duties of membership are, for some parts, much more onerous than the fruit it bears.

What does this mean in practice for citizens' rights and duties? A fully developed rational order grants a wide gamut of individual rights. Individuals have the civil right (which the state must guarantee) to hold property, the right to pursue their own ends (the right of personhood), including the right to choose their own occupation, and freedom of expression. In addition, citizens have the (social) right to welfare: the state must facilitate the possibility that they find satisfaction of their needs. Against these rights stands the duty to keep the law, including tax-paying (*PR*, §269). In terms of the content of rights, citizenship of Hegel's rational state does not seem to differ much from a liberal state.

Nevertheless, Hegel's organic understanding has specific implications for the practice of citizenship. Unlike the liberal conception of citizenship, which regards citizens' rights to inhere in them and, so, as their absolute property, citizens must acknowledge the communal basis of their rights (Ferro 2016, 5). They must comprehend that their rights and liberties have no reality outside the political community (*cf.* Buchwalter 1993, 5). In other words, citizens should recognise the state for what it is: not merely an instrument but also an end in itself, i.e. their substance, the bedrock of their individual and collective life (Znoj 2017, 33). Citizenship is the "disposition which in the normal conditions and circumstances of life habitually knows that the community is the substantial basis and end" (*PR*, §268R). In practice, this means that citizens must have an attitude of trust towards the state and its political institutions.[149] From such a perspective, citizens should not relate to their rights as inalienable property. They must be willing to accept, when necessary, the reconfiguration of the rights regime for the sake of the good of the whole, itself the basis of these rights.

As citizens must acknowledge and accept that community may have priority over their private good, Hegel seems to include in his conception of citizenship the moral requirement that citizens exercise public virtue. This brings up the question of how this need for civic-mindedness relates to what Constant called ancient freedom. What kind of identification with the community does Hegelian citizenship require? Hegel explicitly distinguishes his model of citizenship (or patriotism) from the ancient practice of citizenship (*cf.* Moland 2007). In ancient communities, the relationship between citizens and the community was much more direct. Citizens depended for their well-being directly on the flourishing of the community. *Vice versa*, the community depended more directly on the contributions and behaviour of its members as well. Consequently, citizenship was a social

[149] Section 7.5 will work out how this trusting attitude is the key element of the exercise of self-government.

role supposed to trump all other identities and their corresponding duties. The state could demand from individuals direct and extraordinary deeds of self-sacrifice (*PR*, §268R).

In modern communities, however, the relationship between the individual and the community has changed. They contain a civil society, a sphere of social differentiation, in which citizens are legitimately preoccupied with their particular interests and concerns. Like Constant, Hegel thinks this condition has rendered patriotism in its ancient form obsolete. Hegel reformulates the ideal of civic virtue (or "patriotism"[150]) to meet modern conditions. For him, patriotism (still) *is* the recognition of the substantiality of the state, but in free communities, i.e. the ethical life of the state, this does not require more than law-abidance. Citizens are not required, under normal circumstances at least, to sacrifice their particular ends and give themselves entirely to the good of the community. So, citizenship is still a social role which is foundational for the free political order's existence. Without citizens' allegiance to the constitutional order, it cannot have existence. At the same time, the exercise of citizenship is not very central to citizens' concrete existence. Citizenship allows for developing other (professional) identities, which the individual regards as more expressive of who they are. Hegelian citizenship is not *intensive*, a social role that entails continuous, thorough effort for being upheld, but *extensive*, implied in the vast array of social roles constitutive of modern life.

This reformulation of classic citizenship also has consequences for how citizens relate to their fellow citizens. The classic ideal of citizenship implies that citizens directly recognise each other as equals (*cf.* Chapter 2). In a face-to-face communicative setting, such as a public forum, each could appeal to their fellow citizens with their concerns. Citizens could recognise each other directly as equal members of a *res publica*. This form of recognition of citizenship, however, could only function in relatively small-scale, homogeneous communities with relatively little variation in citizens' way of life.

For Hegel, citizenship still implies mutual recognition. Citizens recognise the legitimacy of other citizens' interests and are willing to adapt their ends to render communal life satisfying to all members. Due to civil society's plurality, citizens would be overcharged, if every citizen had to recognise directly the legitimacy of the concerns of their fellow citizens and integrate them into their own ends. Instead, citizens indirectly recognise others and their rights and interests by recognising the constitutional order, i.e. the state and its laws, which

[150] Hegel's choice of the term patriotism for citizenship is explainable by the limitations of the German language. Unlike French which can make a distinction between *bourgeois* and *citoyen*, German only has one term for citizenship: *Bürgertum*. Hegel had already used this term for the non-political mode of living in civil society [*bürgerliche Gesellschaft*], that is, where the French would use the notion of the bourgeois. In order to refer to political citizenship in the modern state, Hegel falls back on the term patriotism. He, however, explicitly wants to take away the connotation of a full devotion to the community.

organises the recognition and mutual adaptation of all rights, interests, and duties that make up social life. This recognition often takes the form of a trusting attitude (*cf.* 7.5).

Does this recognition of the constitution as one's substance mean that Hegel's citizenship ultimately amounts to 'constitutional patriotism'? Habermas (1992) has coined this concept for the kind of loyalty of citizens to a political community that is not founded on a shared ethnicity or nationality but on the values enshrined in the constitution, such as equality and justice. The commitment to the constitution in Hegel's conception of citizenship is not based on ethnic alliance or strong nationalistic sentiments. However, this support cannot be reduced to a commitment to abstract foundational values. Support for the political order is ultimately based on the constitution's ability to effectively generate a way of living together that citizens *experience* as free. To experience subjective freedom, the political community must be 'home' to its citizens; they must be able to affirm it and experience a sense of self-government. Modern states succeed in being a home for their citizens, despite, or better, because of the pluralism in ways of living that the free development of civil society entails. For this, the ability of the constitution to harmonise diverse ways of living is crucial.

7.4 The rejection of self-government as electoral democracy

After examining civil and social rights, I will now turn to the implications of Hegel's organic conception of the state for citizens' *political* rights. Hegel's account of citizenship diverges with regard to participation from the mainstream models. In the republican-democratic tradition, citizenship amounts to self-government, because of which the participation of citizens is an intrinsic good. The liberal perspective has qualms about the value of self-government. As it prioritises the freedom of the individual, it fears that majority rule could undermine the fundamental rights of individuals and minorities. Nevertheless, the liberal tradition generally supports political rights for instrumental reasons. By participating in elections, citizens can foster their interests in political decision-making and keep government accountable to prevent state domination.

In contrast to both traditions, Hegel is critical about attributing political rights to *individual* citizens. He rejects the 'Athenian' democratic ideal of direct participation, which Rousseau reintroduced in the modern era.

> The idea [*Vorstellung*] that *all* individuals ought to participate in deliberations and decisions on the universal concerns of the state – on the ground that they are all members of the state and that the concerns of the state are the concerns of *everyone,* so that everyone has a *right* to share in them with his own knowledge and volition […] appears plausible precisely because it stops short at the *abstract* determination of membership of the state and because superficial thinking sticks to abstractions. (*PR*, §308R, emphasis in original)

In addition to this, Hegel also rejects *indirect* democracy, the political system in which citizens as individual elect others to represent them in the legislature. Hegel does not merely reject *universal* suffrage, like conservatives who fear the influence of the many. He rejects the principle of one-man-one-vote suffrage as such, including the typical 19th century practice of census suffrage, in which the right to vote only pertains to men with sufficient income or property.

This conception of citizenship appears fully out of touch with modern ideas of democracy. This anti-democratic attitude is often explained as reflecting the anti-popular prejudices and fears of his age and class. The British commentator M.B. Foster, for example, said in 1936 that there is "something almost laughable" about Hegel's "nervous solicitude" towards popular political participation (quoted in Franco 1999, 330). Moreover, a critic like Adorno claims that Hegel's account of democracy betrays the purpose of his project: the realisation of freedom (Adorno 1994, 116; also Ferro 2016, 12).

This section argues that, in contrast to these views, Hegel's rejection of individual democratic rights should not be put aside as a mere reflection of historical prejudices nor as incoherent with the tenets of his project to establish how political orders can be free. Instead, this rejection and his preference for a corporative organisation of representation should be understood as a logical consequence of the underlying organic conception of political order. From this perspective, the democratic organisation of politics, based on equal rights for all individuals, tends to generate an irrational and unfree political order.

The first part of this section looks at why, according to Hegel, corporative representation contributes to the rationality of the political order. Then, it will work out why, in contrast to this, the democratic organisation of political decision-making tends to render political order irrational.

The rationality of corporative representation

As worked out in the previous chapter, the central purpose of the legislature is to revise the law to keep and render the political community rational. The law should structure the political community – the arena – in such a way that all of its members, different as they are, can thrive, which is to exercise their agency successfully. In terms of the purpose of the political order, freedom for *all*, Hegel's political order could be said to be democratic. In terms of the organisation of the political domain, however, he rejects democracy; a rational political order requires corporative representation.

This preference for corporative representation follows Hegel's idea that the corporative structuration into which civil society develops constitutes an increase in rationality. As explained in the conclusion of the previous chapter (6.5), the structure into which civil society develops matters; it is the social form of freedom. Incorporated individuals are more rational than abstract persons: they are more integrated as they have brought their

desires, thought and skills into line with the greater whole of the corporation they participate in. The structuration into corporations renders the whole also more rational as the social differentiation in different professions contributes to the thriving of the whole. Consequently, the generation of a rational political order must concentrate on bringing the various spheres of society (the corporations, but also other collectives, such as communes) into harmony with each other.

Therefore, the legislature should have as its basis all relevant social interests and modes of life that make up the community and contribute to its thriving. For being rational, laws should build on the reasonable self-development of civil society. All relevant social interests must, consequently, be present in parliament and articulate themselves politically (*all* because rationality consists in the comprehension of the whole). Parliament must represent civil society "as what it is" (*PR*, §308). Hegel's model of representation, therefore, has a strong similarity to Pitkin's notion of "descriptive representation" (1967). It must mirror the structure of professions, estates, communes and other circles into which civil society has come to organise itself. Representatives, in this understanding, do not make decisions in lieu of the *individuals* who have elected them. Instead, the representatives, taken together, render present in parliament all aspects of the organic unity (*PR*, §311R). In Hegel's terminology, representation should be objective.

In this account, laws are rational to the degree they succeed in integrating the different social interests with each other. The outcome of the legislative process should be beneficial to both particular groups and the community as a whole. It should express the throughline of the community: the unity which is present in and fosters society's differentiation. which beneficial to the whole, understood as an organic, interrelated and differentiated unity. We could refer to this purpose of the law as organic universalisation. For uncovering this common good, parliament must be more than an arena in which specific interests stand against each other. "[T]he purpose of the assembly is to provide a forum for live exchanges and collective deliberations in which the participants instruct and convince one another" (*PR*, §309). As explained in the previous chapter, the assembly needs for finding a more universal perspective that looks beyond particular interests the universal estate's more synoptic insight into society's organic interdependence.[151] State officials contribute to this by framing as servants of the minister the proposals parliament should deliberate on and by participating in these deliberations themselves as members of parliament.

Next to the skills of the civil service, the disclosure of the universal interests also depends on the skills of the representatives. They should not absolutise their own interests

[151] Furthermore, the legislative assemblies should only bring incremental alteration to the existing rights and duties and only on the initiative of ministers. This measure also should limit the possibility for groups to push their particular interests unreasonably. Finally, Hegel wants to moderate the rule of unmediated particularity by an Upper House, which as representative of the relatively non-commercial and stable landed interests could function as a kind of counterweight against commercial interests in parliament.

and try to impose them on others. Crucial is that representatives are not "commissioned or mandated agents" (*PR*, §309) who act as mere mouthpieces of their narrowly understood particular interests. In Hegel's picture, the corporative representatives should exercise a certain level of statesmanship. On the one hand, they should have an adequate understanding of their corporation's reasonable needs and interests. On the other, they should have an eye for the broader conditions and a willingness to recognise other sectors' interests. The members of a corporation should elect as representatives those who have "a better understanding of [...] matters of [universal concern] than they themselves possess" and who "will not subordinate the universal interest to the particular interest of the community [...] but will give it their essential support" (*PR*, §309). In other words, corporate representatives must already be more rational than the corporation's average members (who themselves are more rational than unorganised citizens).

The dangers of democratic representation

Hegel's argument for corporative representation goes together with a rejection of democratic representation, the political system in which citizens *as individuals* elect their representatives. For democratic representation, the structuration of civil society is irrelevant for the attribution of political rights and the organisation of elections. This democratic model fits, according to Hegel, an abstract (or mechanical, i.e. non-organic) representation of society, in which all have an equal right to contribute to political decision-making (by electing representatives). The democratic organisation of politics on a one-man-one-vote basis is atomistic. It separates the sphere of politics from the organic self-organisation of civil society.

> The idea [*Vorstellung*] that those communities which are already present in the circles referred to above [i.e., corporations, communes, etc.] can be split up again into a collection of individuals as soon as they enter the sphere of politics, – i.e. the sphere of the highest concrete universality – involves separating civil and political life from each other and leaves political life hanging so to speak, in the air; for its basis is then merely the abstract individuality of arbitrary will and opinion, and is thus grounded only on contingency rather than on a foundation which is stable and legitimate [*berechtigt*] in and for itself. (*PR*, §303R)

Briefly formulated, democracy renders the political order irrational. "[T]o implant in the organism of the state a *democratic* element" would render it "*devoid of rational form*" (*PR*, §308R). In an order based on democracy, citizens also turn out to be irrational, with wills that are "arbitrary" and "grounded on contingency" (as cited in the block quote above). Hegel associates a democratic people with violence, predicting they would become a "formless mass whose movement and activity can consequently only be elemental, irrational, barbarous, and terrifying" (*PR*, §303R). In a democratic order, citizens will not participate, i.e.

vote, reasonably; they cannot make proper judgments about the public interest nor, which might be more surprising, about their private interests. Hegel goes against the widely held ("ordinary consciousness") key assumption of liberalism that individuals are the best judges of their own interests by default. It is not the case that

> delegates of the people, or indeed the people themselves, *must know best* what is in their own best interest, and that their own will is undoubtedly the one best equipped to pursue the latter. [...] The reverse is in fact the case, for if the term "people" denotes a particular category of members of the state, it refers to that category of citizens *who do not know their own will*. (*PR*, §301R)

For understanding this startling assessment of the irrationality of democratic citizens, Hegel's conception of the will, in particular, the distinction between the will for itself [*für sich*] and in itself [*an sich*] has to be unpacked. The will *for* themselves refers to whatever individuals take – i.e. interpret – to be their will: their ends, preferences, desires, values, together with the thinking constitutive of these. This will for itself can also be referred to as the subjective will.

The will in itself is the will of the social organicism individuals participate in and, as such, internally differentiated. This will refers to both the inner principle by which society organises itself and the form – the political reality or substance – in which societal life comes into existence. The will in itself, consequently, contains and conditions individuals' agency: the development of their will and possibilities of finding satisfaction.

In a rational state, the will in itself is rational; the social whole is structured in such a way that all particular spheres harmonise with each other (objective freedom) and enable individual agency (subjective freedom). On the one hand, this rational will permeates all social relations, beyond the consciousness of individuals. The subjective wills to a considerable degree overlap with this rational will, resulting from a historical development and continuing integrative processes (*cf.* Chapter 6). On the other hand, this presence of the rational will is not a secure possession of the political community. The political community, in particular the political state, must consciously and continuously (re)produce the rational will. The legislature must, in the light of constantly changing conditions, revise the laws so they can remain rational. The rational will, therefore, is also the normative standard for the law. This standard is immanent but not overt in social relations. To uncover this will, careful judgment in the legislative and executive branches of the state is required.

The rational will, which inheres in the social relations, constitutes the standard for Hegel's theory of political order. Hegel rejects democracy for not recognising this standard as it places the purpose of political order fully in the hands (or better: wills) of individual citizens, who, as equals, determine what they consider as good. It does not recognise any other source of authority or goodness than whatever citizens want, i.e. their subjective will.

This voluntaristic account of democracy does not recognise that rationality and freedom require attuning to this rational will, which requires processes of thorough integration.

This procedural understanding of democracy, however, does not seem to be the only possible conception of democracy. Within the deliberative conception of democracy, the purpose of participants is to formulate laws that meet a standard of rationality. Participants in the democratic process must formulate laws which do justice to the comprehensive conditions of communal life. This rational attitude also includes a willingness to attune their will, i.e. their thinking and desiring, to the whole. Individuals must overcome their self-centred and isolating adherence to their particular interests by developing a new sense of their particular interests, by relating it to the reality of the community as a whole. In other words, individuals must, in the democratic process, transform and transcend their will.

Hegel's social theory assumes the possibility for individual wills to transform as the *Philosophy of Right* is an account of how individuals become more rational. The will has for Hegel an inner orientation to become rational and free.[152] This means that individuals are willing to bring their desires and thoughts into line with the deeper, rational political reality (*cf.* Chapter 3). Citizens can come to will 'for themselves' the rational will 'in itself'.[153] As this rational will already inheres in individuals' subjective will, conditioning their agency, it appears that they must, as a matter of logic, want this rational will while exercising agency. Democracy, therefore, can be imaged as a system in which citizens as equals discover the rational will in a deliberative process of mutual learning. The electoral system, together with a free public sphere and, eventually, direct participation in deliberations, could enable citizens to discover who they are in the whole, what their particular interests are, what they have in common, and, ultimately, how the law should be brought in line with reason. In this conception, citizens as equals could be at the foundation of the reproduction of the political community as a free order.

Despite its affinity with deliberative democracy, Hegel also rejects this conception of democracy when based on equal democratic rights. The democratic organisation of the political domain does not allow citizens to become rational. In a democracy, individuals' subjective wills are destined to become (or remain) irrational; the will for itself and in itself do not come together. "[P]eople's apparent political disposition [the will for itself] should be distinguished from what they genuinely will [the will in itself]" (*PR*, §268A). It is in a democracy that citizens "do not know their own will" (*PR*, §301R; already quoted above). In a democratic organisation of political life, they do not succeed in entering into the deeper

[152] As explained in chapter 3, the rational has an intrinsic appeal. In this respect, Hegel's philosophy continues Plato's assessment of the rational as good. See: Schindler (2008).

[153] The rational will in itself is the will of the community as a whole and as such complex and differentiated. When the individual will for itself becomes in itself, it resonates with this rational will: it also wants this larger will and participates in it, but it is at the same time wanting this rational will from a particular perspective.

layers of their will and existence; they do not gain insight into the rational will in which they partake, nor, by inference, do they develop insight into their particular interests (which requires understanding of the universal interest).

> To know what one wills, and even more, to know what the will which has being in and for itself – i.e. reason – wills is the fruit of profound cognition and insight and this is the very thing which "the people" lack. (*PR*, §301R)

This brings up the question of how the democratic organisation of political life hinders citizens from realising their inner potential of becoming reasonable and establishing a rational and free political order. What is the problem with equal political (voting) rights?

To understand Hegel's rejection, we have to keep in mind that it is 'hard work' for individuals to become reasonable, and not entirely within their control. As explained in Chapter 6, the development of the will, the formation of thinking and desiring, depends, in Hegel's organic ontology, on different integrative processes, of which civil society's market integration is as crucial as the other processes. The development in civil society, in which individuals become 'incorporated', renders them more rational as they now integrate into their will that of others. Moreover, they also come to realise that the corporation is not just a means but that they are *participating* in an ethical whole, which is also an end in itself. This development in civil society functions as a pre-formation for individuals' political existence, which also requires the awareness of participating in a larger whole and a willingness to attune to this whole.[154] It could be argued that this formation would qualify individuals to cast their votes wisely and contribute to finding the rational in deliberative settings.

Hegel, however, would dispute that in a democratic political system, civil society would provide a sufficient basis for reasonable political participation because the democratic organisation itself undermines civil society's integrative processes. Because democracy takes the individual in abstraction as the point of departure, the corporations in a democratic order must lose their political status, which was crucial for solidifying them into the social whole. The democratic organisation of society, thus, does not only organise the political realm in accordance with an abstract account of civil society but also counters the inner tendency of civil society's relations to become more reasonable. Hegel, thus, defends the position that democracy is a force of individualisation, which undermines the conditions of its own existence, in particular the experience of participating in ethical structures.

A free and rational political order requires individuals to attune their thinking and desiring to the whole in which they participate. Judgments are reasonable insofar they have integrated those of others (Ferro 2016, 15). Citizens must work themselves upwards towards the standpoint of the whole. The ideal and practice of democracy do not sufficiently foster

[154] Hegel, like Tocqueville (see also: Villa 2005), is a precursor of the 20th century sociological tradition which emphasises the importance of the social formation in civil society (the development of "social capital" for a functioning democracy (Putnam 1994).

this disposition. Because of its central tenet of equality and citizen sovereignty, democracies tend to place subjective individual judgments on a pedestal and regard them all as equally relevant. How could individuals, who are orientated on their own ends, come to be aware that they should align themselves to a supra-individual standard which is both immanent (in between all participants) and transcendent (as it requires the particular will to rise above itself)? A rational order requires its members to convert, but its democratic organisation does not offer tools to realise this. In Hegel's organic ontology, as explained in 6.4, single institutions, in this case a deliberative setting, do not generate a rational order.

Hegel's problem with democracy is ultimately epistemological. Individuals cannot know the general interest and, by inference, their particular interest. The members of a democratically organised order have not gone through the process of formation, which connects them inwardly to the arena they participate in. This democratic organisation throws the individual will back on itself; it cuts it off from the will in itself, from the broader order in which it participates. The democratic individual will remains within the cognitive mode of Understanding. It clings to the ends which arise for the individual and regards the world from the perspective of the realisation of these ends. But these ends, ultimately, remain 'ungrounded'. The will can have anything as its content. "[F]or its basis is then merely the abstract individuality of arbitrary will and opinion, and is thus grounded only on contingency rather than on foundation which is stable and legitimate [*berechtigt*] in and for itself" (*PR*, §303R).

At the same time, this underdeveloped democratic will is unaware of its own limitations. Thrown back on itself, it overestimates the adequacy of its judgment; it does not know what it does not know. It takes its contingent ends as the good. It attempts to find recognition for its judgments, but not being rational, it cannot give proper grounds: "for inwardly, they in fact will the thing (*Sache*), but they fasten on to details and delight in the vanity of claiming superior insight" (*PR*, §268A).

At the same time, democracy also entails a motivational problem. Typical of Hegel's rational state is the absence of force. Individuals freely attune their will to the rational will, because it appeals to them as the realisation of freedom. The will has an internal orientation to this rational will. The partial experience of this freedom, as in the corporations or family, motivates to realise this freedom more fully. Members of the abstract version of civil society, i.e. persons, are cut off from this rational ideal. They absolutise their particular ends. Why would they, in this setting, take the perspectives of others into account?

At this point, Hegel's association of democracy with violence becomes clear. A democratic political community in which citizens do not have a cognitive and moral orientation on the rational will opens the room for other ways of influencing the will of others. Without the standard of the rational will, there is no way to distinguish real interests from apparent interests. This impossibility becomes consequential with the social and

political problems civil society is likely to generate (*cf.* Chapters 4 and 5). In that setting, demagogues and faction leaders will endeavour to transform the will of others for creating power-winning camps; they will forge emotional instead of rational ties and commit "affinity fraud",[155] i.e. make them believe something is their interest (*cf*. Heyde 1987, 236–37). "[E]lections come under the control of a few people, of a faction, and hence of that particular and contingent interest which it was specifically designed to neutralise" (*PR*, 311R).

When the strongest factions succeed to impose their will, the state has failed its *raison d'être*: to realise objective and subjective freedom. Thus, the democratic organisation of politics "achieves the opposite of its intended purpose [*Bestimmung*]" (*PR*, 311R): arbitrariness instead of rationality, exclusion instead of inclusion, and domination and violence instead of freedom and self-determination.

For similar reasons, Hegel is also critical of public opinion, "the unorganised way in which the will and opinions of the people make themselves known" (*PR*, §316A). Modern states, recognising subjective freedom, must allow the freedom of expression. Public opinion is "a major force […] in our own age, in which the principle of subjective freedom has such importance and significance" (*PR*, §316A). At the same time, "[p]ublic opinion […] deserves to be […] despised" (*PR*, §318). Public opinion contains the substantial will of a political community, the will in itself, but "only in a more or less obscure manner" (*PR*, §318). All kinds of contingent elements must contaminate public opinion and it "contains no criterion of discrimination and lacks the ability to raise its own substantial aspect to [the level of] determinate knowledge" (*PR*, 318).[156]

To summarise, Hegel offers a sophisticated critique of democracy and public opinion that differs from the usual conservative elitist arguments against democracy as its point is not the depravity and foolishness of the many versus the virtue and wisdom of the few. Democracy is, in Hegel's analysis, an abstract, mechanical representation of the political order which does no justice to the real-existing, reasonable organic relations. In this respect, democracy is closely related to civil society, both regarding the social order from the perspective of equal rights for each of its individual parts. Chapters 4 and 5 concluded that, a liberal political order, a political community organised as civil society, cannot realise freedom. This section has established that this also applies to a democratic order. A political community with democracy as its structuring principle must undermine its reasonable organic relations. This fundamental critique of democracy raises the question of how Hegel's account of a free political order can include self-government. It is this question to which I turn now.

---

[155] This notion refers to the phenomenon of large parts of the electoral crowd voting against their personal interests (cited in: Ferro 2016, 17).

[156] Hegel also sees an important role for public opinion in free states. The next section works this out.

7.5 Reconceptualising self-government

Hegel's corporate understanding of citizenship seems to have given up the ideal of republican self-government. Hegel rejects popular sovereignty, direct participation of all citizens in government and even universal voting rights. In the deliberations of parliament, not 'average citizens' but only carefully elected corporative representatives and members of the universal estate are supposed to participate. Despite accepting freedom of expression and, consequently, the presence of public opinion, Hegel does not seem to attribute a constructive function to citizens' political ideas. Citizenship for the majority of citizens appears to be largely passive; they are supposed to concentrate on their work while relating to the political realm only indirectly by trusting their corporative representatives and the universal estate. What Hegel portrays as a free political order seems to be a corporative-bureaucratic state, ruled by state officials in collaboration with a corporative elite. The members of Hegel's political order are *bourgeois*, stuck in civil society, and not *citoyens* of a self-governing republic who actively participate in fostering the *res publica*.

This section will fundamentally qualify this portrayal and argue that Hegel offers a full-fledged model of self-government, which adjusts the ancient ideal to modern circumstances. In his model, not all citizens lead political lives to the same degree. As discussed in the previous chapter, modern states contain a political class, who live for and by the state and whose way of life differs from most citizens. Their purpose is to determine the universal good within society's plurality and implement this. This public task requires the right kind of ethos, a "political sense" [*Sinne des Staates*], that is "principally acquired through habitual preoccupation with public affairs" (PEAW, 257/475-6).

The majority of society have their place in civil society, where work and private (family) life are their prime drivers. For Hegel, just as for Constant, this division in political activity between the political estate and civil society results from the free development of civil society in the modern age, which gives people the choice of how to spend their lives. For Hegel, this division is acceptable as it does not conflict with the principle of equality of civil society. Unlike Plato's caste-like distinction between the ruling class of guardians and the workers, Hegel's universal estate stands just as other professions open for all citizens with the right education: "it remains open to him to enter any sphere, including the universal state, for which his aptitude qualifies him" (*PR*, §308R).

More importantly, Hegel rejects the assessment that citizenship for the majority, who have their life in civil society, is doomed to be unpolitical and parochial, fully preoccupied with their private concerns. Hegel claims that "the destiny of individuals is to lead a universal life" (*PR*, §258R). Individuals must align their particular lives with the larger (political) conditions of their community. Citizens in Hegel's political order, including those at home in civil society, could be said to govern themselves. Hegel's organic theory of political order, thus, contains a reconsideration of the republican ideal for modern circumstances.

The ideal of self-government or political freedom refers to a situation in which citizens *experience* ownership of the political realm; they take the *res publica* to be in their hands. Self-government is also an ideal of belonging; self-governing citizens do not experience alienation from the political domain but consider it theirs (*cf.* Pocock's approach to Athenian citizenship in chapter 2). In this section, I will single out two aspects of self-government. First, citizens identify with the constitution, the laws and other decisions of their community. They can confirm that the laws they live under are good and recognise them as theirs. The political will of the community, the will in itself, and their will, the will for itself, overlap. Citizens could be said to give their (implicit) consent to the order in which they participate. Second, self-government also implies that the political order emerges from their activities.[157] Free citizens, consequently, regard themselves as indispensable for the existence of the political community. Their actions matter for the political community's existence.[158]

This section investigates how a political order with a crucial role for the civil service and without direct political participation and general elections can be said to meet both criteria for self-government. For this, I will first take up Hegel's rejection of elections, now focusing on why they do not contribute to self-government. After this, I will examine how trust and insight are crucial elements of Hegel's conception of self-government. In the final sub-section, I will discuss what active participation in Hegel's self-government consists in.

Against self-government by vote

In Hegel's model of self-government, elections only play a limited role. Hegel rejects society-wide parliamentary elections on a one-man-one-vote basis. Only within the corporations can elections be used for selecting the prominent members who will represent the corporation in parliament. In 7.4, I have explained how the democratic structure of equal political rights for all citizens renders the political order irrational (objectively unfree). This section complements that analysis by examining from the perspective of subjective freedom why elections do not foster self-government.

This assessment of elections goes against the widely held view that elections are highly suitable for organising self-government as they forge a connection between citizens and the state. According to this view, elections enable citizens' input in the decision-making process. Elections help to generate a political order which reflects citizens' ideas, values,

[157] These features of self-government could be interpreted as citizens' experience of resonance with the political order that they participate in. Resonance in Rosa's approach contains the three moments of being affected, self-efficacy and transformation (2020, 33). Self-governing subjects feel affected by the order they confirm, while their way of life could be regarded as an answer to this order, in which they are self-efficacious. Finally, this notion of self-government is based on a continuous transformation of the citizen and the overall order.

[158] Chapter 3 also discussed a third aspect of political freedom: they should be able to affirm their social role in the ethical sphere, in this case being a citizen. This has been addressed already in 7.3.

concerns, interests and preferences. Citizens, consequently, can recognise themselves in the political order and imagine it as resulting from the way they have cast their votes. In addition, the vote could also be interpreted as a formal expression of consent to the laws or the constitutional structure as a whole.

Hegel, however, rejects the belief that voting facilitates self-government. First, he comes up with the practical argument that in large states, single votes do not have much impact on the political domain; voting does not really allow citizens to impose their ideas and values on the state. Different from Constant's enthusiasm for electoral democracy, Hegel predicts high levels of abstinence. He also reflects on how the practice of universal suffrage could result in the opposite of what it intends to realise: a culture of political disillusionment and feelings of political insignificance.

> As for the mass elections, it may be noted that, in large states in particular, the electorate inevitably becomes *indifferent* in view of the fact that a single vote has little effect when numbers are so large; and however highly they are urged to value the right to vote, those who enjoy this right, will simply fail to make use of it. (*PR*, §311R)

Next to this, the formal consent that citizens express in the moment of voting cannot establish 'ownership' of the law, constitution and political order as a whole. In Hegel's understanding, identification with the political order is a stable and structural attitude. The moment of voting in which citizens say at a specific point in time yes to a law or to a representative is too formal and ephemeral to forge the thorough identification with the law self-government requires.

Ultimately, Hegel rejects voting as a mechanism to organise self-rule because that idea is based on an erroneous conception of self-government. Vote-centric theories assume self-government means a correspondence between the laws and the citizens' subjective will. Citizens must have given their input (values, ideas, interests, etc.) in the decision-making process, or they must have given their formal consent. Instead, Hegel's conception of self-government has the rational will as its standard. Citizens' subjective wills are not relevant as long as these wills for themselves differ from the will in itself (*cf.* 7.4). In Hegel's perspective, a political order in which decision-making and the law mirror citizens' subjective will is not self-governing.

The central question in Hegel's self-government account does not ask how citizens can impose their will on the law (i.e. citizen influence) but how their will can be transformed into willing the rational law. Self-government amounts to appropriating the rational will. Citizens should come to see that the laws, the constitutional setting and the community as a whole are rational and good, enabling their life with others. Self-government means that citizens come to will the will in itself.

IDENTIFYING WITH THE POLITICAL DOMAIN: TRUST AND INSIGHT

For citizens to be self-governing, they must recognise the goodness of the law and the constitution. The default form of such an awareness, for Hegel, is trust. This attitude generally is a matter of habit. Citizens, in their daily behaviour, for example in the exercise of their profession, routinely take the law to be good and act in line with it (*cf*. Siep 1992, 273). This trust extends to the political order as a whole, its constitution and laws and the state officials and representatives (*PR*, §309).[159]

> This disposition [of patriotism or citizenship] is in general one of trust (which may pass over into more or less educated insight), or the consciousness that my substantial or particular interest is preserved and contained in the interest and end of another (in this case the state), and that the latter's relation to me as an individual (*PR*, §268).

This centrality of the attitude of trust in Hegelian citizenship could appear unsatisfactory, as such a practice of citizenship looks pretty passive. We generally hold that citizenship requires active involvement in the *res publica*, for which citizens are supposed to share their viewpoints in deliberations. Hegel's citizenship, however, is not limited to the attitude of trust but includes forms of active participation as well, which I investigate in the following sub-section. The discussion of the objection that Hegelian citizenship is too passive to count as self-government must be postponed to that section.

This section investigates another objection to this centrality of trust in Hegel's conception of citizenship. Trust seems to be an unthinking, unreflective and uncritical attitude. By trusting, citizens seem to assume the goodness of the political order without knowing why. This brings up the suspicion that trust is irrational, potentially even the result of manipulation by the holders of power in the state. It goes against the liberal belief that citizens need to be vigilant. In addition, Hegel's emphasis on trust also seems to imply that only the members of the universal estate have insight into the rationality and goodness of the law, while ordinary citizens just have to trust.

For Hegel, the fact that trusting subjects are unable to give explicit reasons does not imply that trust is unreasonable. Trust constitutes a suitable response to the experience of participating in a rational, organic ethical substance, such as the state. Trust is the non-articulate, implicit judgment to participate in an order that is good. Trust is a kind of non-propositional (or non-representational), participatory knowing. While participating in a political order, the trusting subject senses to be at home in it.

This sensing of the rationality of the political order should not be taken as something mysterious. Trust is an implicit judgment which responds to the experience of participating

[159] Modern accounts of trust, such as Pippa Norris's (1999, 10), distinguish different objects of trust. Hegel does not make such a distinction explicit. For him, not unlike Norris, the different levels of trust are related. Trust in the constitution entails trust in the specific laws, which entails trust in state officials and *vice versa*.

in a social structure. Participants detect that the arena corresponds to their needs as an agent. Citizens who experience free agency, for instance having a flourishing professional life or being able to "walk the streets in safety at night" (*PR*, §268A), will respond by trusting the political order in which they have their lives. Trust, however, is not blind. Negative feedback will entail the attitude and implicit judgment of distrust. Institutional settings that trample on their members' interests and well-being will not meet trust.

For Hegel, trust could be said to be more rational than the kind of articulate representational thought of the Understanding [*Verstand*]. Judgments are for Hegel rational to the degree they are comprehensive. For assessing the meaning and relevance of something, the whole of which this something is an aspect must be considered. Trust is a response to the experience of participating in a whole with different aspects and over a longer period of time. Representational thought (the Understanding), in contrast, does not succeed in taking the whole into account; for understanding social reality, it isolates aspects from the broader social reality in which they are woven.

Individuals who try to give reasons for their trust often fail to do so successfully, as it is difficult to explain why the social whole is trustworthy. Trust is generally taken for granted.

> They trust that the state will continue to exist and that particular interests can be fulfilled within it alone; but habit blinds us to the basis of our entire existence. It does not occur to someone who walks the streets in safety at night that this might be otherwise, for this habit of [living in] safety has become second nature, and we scarcely stop to think that it is only the effect of particular institutions. (*PR*, §268A)

Consequently, citizens who try to move beyond mere trust by giving explicit judgments about political life tend to offer a skewed picture. In the mode of Understanding, they do not see that they participate in an organic, interdependent, institutionally ordered whole (which they did experience in their trust). Instead, they focus on single, relatively isolated aspects and see relatively simple – i.e. mechanical, non-organic – causal relations. Within this mode, they tend to understand political order as based on the exercise of power.

> Representational thought often imagines that the state is held together by force; but what holds it together is simply the basic sense of order which everyone possesses. (*PR*, §268A)

For a rational judgment, laws and political decisions must be considered in the light of the whole. Without this rational perspective, subjects cannot evaluate laws or decisions properly nor understand the relevance of single events, such as scandals. In the mode of Understanding, their judgments are inadequate; they do not penetrate social reality in its organic richness. Such subjects tend to be one-sidedly critical, an attitude which entails a distinctive kind of joy. Instead, citizens "delight in argument [*Raisonieren*] and fault-finding, for it is easy to find fault, but difficult to recognise the good and its inner necessity" (*PR*,

§268A). Because of the limitations of the Understanding and the adequacy of trust, Hegel prefers the latter over the former.

Hegel's emphasis on trust does not imply a rejection of explicit political knowledge. Citizens can also acquire comprehensive knowledge about political reality, which is necessary for making "more rational judgements" (*PR*, §315). Trust "may pass over into more or less educated insight" (*PR*, §268), i.e. "[i]nsight with regard to the condition and concept of the state and its affairs" (*PR*, §315). This insight does not necessarily amount to the philosophical knowledge the *Philosophy of Right* offers. Citizens are not expected to have in-depth knowledge of the inner workings of the constitution as explained in the previous chapter (let alone to interpret this as the unfolding of the Concept). Citizens, however, can be expected to recognise the laws and government actions as rational. They can see that these meet the conditions of society and foster one's particular interests, which they now take to be related to the good of the community.

Developing "educated insight" is necessary in Hegel's conception of citizenship. Trust without insight is too vulnerable to sustain the political order. The expression of criticism in the political community can easily unsettle and challenge citizens' trust. If citizens do not have rational insight, having Understanding as their mode of cognition, they will not be able to assess adequately the state of affairs that has provoked the discontent. Insight enables citizens to weigh circumstances in a more balanced and comprehensive way. If the political order is sufficiently rational, i.e. trustworthy, citizens will use their insight to maintain their trust.[160]

The development of insight is necessary for a second reason as well. The unarticulated implicit judgment of trust is not sufficient to become subjectively free: "the universal [in a rational state] does not attain validity or fulfilment without the interest, knowledge, and volition of the particular" (*PR*, §260). In trust, knowledge of the law and the political system remains mainly unarticulated; the volition of this order remains largely implicit in their activities. Free citizenship requires a political consciousness that explicitly confirms the goodness of the political order in general and the laws it produces.

The need for rational insight brings up the question of how citizens complement their (dis)trust with more insight. As already addressed in the previous chapter, the representative assembly is crucial for this. "The role of the Estates is to bring the universal interest into existence not only *in itself* but also *for itself*, i.e. to bring into existence the moment of subjective *formal freedom*, the public consciousness as *empirical universality* of the views and thoughts of *many*" (*PR*, §301, emphasis in original). Parliamentary

[160] The distinction between trust and insight must be taken to be gradual. Citizens do not go from an attitude of complete trust to the acquisition of full knowledge about the grounds. Moreover, insights into the grounds of the political order's goodness does not substitute trust, but rather bolsters it. Hegel also seems to assume that the development of reasonable insight also presupposes trust.

deliberations, therefore, should not be understood only as an instrument to find laws which are reasonable (the universal interest *in itself*) but also to offer citizens insight into the rationality of the law by showing how it fosters the good of society as a differentiated whole (the universal interest *for itself*). "If the Estates hold their assemblies in public, they afford a great spectacle of outstanding educational value to the citizens, and it is from this all above that the people can learn the true nature of their interests [i.e., their particular and the universal interest]" (*PR*, §315A). To perform this function, citizens must be able to follow the parliamentary proceedings. "[S]uch publicity is the most important means for education as far as the interests of the state in general are concerned" (*PR*, §315A).

By following the proceedings in parliament, citizens obtain grounds for the law's goodness, which helps them overcome the distorted understanding of political reality typical for the Understanding. The publicity of parliamentary meetings constitutes "a remedy for the self-conceit of individuals and of the mass" (*PR*, §315) and also for ungrounded distrust. Following the deliberations in parliament, citizens become aware of the broader social conditions of their lives and redefine their conception of their particular and the general interest, gradually substituting Understanding for Reason. Only as participants in or observers of the deliberations of parliament do citizens develop the cognitive skills for obtaining insight into political reality.

> As a rule, it is accepted that everyone already knows what is good for the state, and that the assembly of the Estates merely discusses this knowledge. But in fact, precisely the opposite is the case, for it is only in such assemblies that those virtues, abilities and skills are developed which must serve as models [for others]. (*PR*, §315A)[161]

For developing insight, parliamentary proceedings should be more than an exchange of particularities. Parliamentary deliberations must obtain a universal form: arguments to sustain contributions should not only refer to particular ends but must show how these particular ends relate to the good of all.[162] To realise this, representatives must not be mere spokespersons for some specific interest but must also have a sense of the universal (see 7.4). Moreover, the experience and skills of ministers are crucial for presenting the rationality of the political order. Observing ministers acting as statesmen in parliament helps citizens to relativise their earlier political ideas. "It then becomes evident that a man's imaginings at home in the company of his wife or friends are very different from events in a great assembly, where one ingenious idea [*Gescheitheit*] devours another" (*PR*, §315A).

---

[161] This function of parliament corresponds with what Sen (1999, 9) refers to as the constructive value of democracy. One of the reasons for him why democracy is a universal value is that only public discussion and exchange of information, views, and analyses enables citizens to gain insight in their needs, including their economic needs.

[162] Here, the notion of the common good has a performative function (*cf.* Van Erp (2000, para. 2.4).

At this point, the reason why Hegel's account of political order, including his emphasis on trust, should be regarded as self-governing emerges. Due to the justified trust and insight into the goodness of political order and the laws it generates, this order comes to be experienced as self-willed. The law is no longer an external rule but expresses the rational standard citizens have come to be committed to themselves. In Hegelian terminology, the will in itself has become the will for itself.

Besides this, citizens also come to see that the existence of this order depends on their activities, particularly their work. The deliberations in parliament show that the different sectors of society are indispensable for the existence and thriving of the community as a whole. Citizens contribute by their work in civil society to the *res publica*. Therefore, the activities in civil society must not be considered unrelated to citizens' political self-government. The private in Hegel's conception of political order is not fully separated from the public. The proceedings in parliament must recognise the contribution of each of society's sectors to the whole.

Citizen involvement: corporations and public opinion

The cognitive appropriation of the rational will and the contribution to the public good by one's work do not suffice for republican self-government. Republican citizenship also requires active participation in *political* deliberations in some form. Hegelian citizens, in contrast, seem to be only passive spectators who follow parliamentary proceedings in which *only* state officials and carefully selected corporative representatives participate. They should understand the law that the political state generates as rational but are not supposed to voice their viewpoints.

This apparent passivity of citizens could entail three dangers which republican citizen engagement is supposed to avert. First, citizens without a chance to participate could easily become politically apathetic. Especially when the state is so well-organised, why would they not exclusively direct their attention and energy to their private concerns? With this behaviour, however, citizens would not realise the purpose of Hegelian citizenship: to lead a universal life, a life attuned to sociopolitical reality. The lack of participatory venues, thus, seems to undermine the possibility of citizens to become free.

Second, the absence of venues of participation could also generate political frustration. Out of concern for the public good, part of the population might want to participate in political discussions and decision-making processes. Hegel's state does not seem to accommodate this republican desire to deliberate and vent one's opinions and criticisms except for a few corporative representatives and members of the universal estate of the civil service. When widely shared, this frustration could entail the risk of political instability.

Third, this setting also entails a risk of administrative despotism, as citizens cannot hold the government directly accountable in elections. How to prevent the political class, eventually together with the corporative elites, from developing into a political establishment that fosters its own interests over those of society or which, because being unaccountable, misbehaves in applying the law? The absence of direct citizen influence seems to risk rendering Hegel's political order authoritarian.

Against these dangers, I want to argue that Hegel's theory of political order contains measures to prevent them. Hegel's reconceptualisation of self-government to meet modern circumstances must be taken seriously.

To start, Hegel's emphasis on the development of trust and insight, his criticism of direct participation and his rejection of universal suffrage, including the possibility of holding government accountable via elections, do not imply that the majority must keep out of politics. Such a conclusion seems to result from our inability to imagine meaningful citizen participation in any other way than direct participation or one-man-one-vote elections.

First, Hegel's account of order includes the active political participation on a more local level in the communes and corporations.[163] As explained in Chapter 4, corporations are not mere associations to foster the interest of their members. Corporations are forms of ethical life, ethical wholes, which realise a distinctive account of the good life. To do so, corporations develop and maintain professional norms, for which they have an educational system which trains new members. Moreover, corporations organise welfare so all members, including the old and sick, can thrive. These corporations are, to a large degree, self-governing bodies. They are, for their existence and flourishing, dependent on their members' participation. They have to hold the offices necessary for their functioning.[164] Moreover, members also discuss and determine its internal ends, the 'good'. Citizens, thus, experience in their corporations a direct form of self-government.

The corporations also constitute a channel for participation in the self-government of the state. The representatives of the corporations in parliament are supposed to be prominent in their corporations. The members of the corporation must identify and stand in close with them. These representatives are supposed to introduce the members of the corporations to those state-level political issues which are of concern to the corporations. The corporations, thus, are also a venue for political discussion in which members and their representatives participate. In these discussions, corporative members can contribute their experiences and viewpoints about regulations and executive interventions. These discussions are not supposed to be inconsequential, as the representatives are supposed to take this

[163] Hegel also mentions communes as forms of local self-organisation. Their function is similar to the corporation, though not structured by their productive activity but by space.

[164] It is not clear to what degree offices within the corporation are professionalised. Even though some degree of professionalisation seems to be unavoidable when corporations grow in size and importance, it is against their self-governing spirit to become organisations which primarily provide services for their customer-members.

feedback with them into parliament. Hegel's rejection of one-man-one-vote elections, thus, is not supposed to prevent the participation of 'regular citizens' who are at home in civil society. On the contrary, corporative representation (together with communal representation) is supposed to offer citizens influence on issues close to their concrete way of life and competence. From this perspective, Hegel's account of the state entails the democratisation of all domains of life.

With regard to the second risk, frustration for those who feel the urge to participate in deliberations for the public good, Hegel's state turns out to offer venues for participation within the corporations and communes. In these, they can discuss internal affairs and how these relate to the community at large. Moreover, citizens can also contribute to public opinion, as I will explain later in this section.[165]

Hegel's political order also targets the danger of political apathy. To understand how, it is crucial to underline that civil society for Hegel is more than a market in which individuals pursue their private self-interest. If that were the case and politics took place only in the sphere of the state, citizens destined to remain in civil society would probably preoccupy themselves with their private lives, lacking interest in politics, just as Constant feared. In such a civil society, they would learn how to transcend their self-interest. Civil society, in Hegel's account, is not only an abstract market but also a sphere of association. The members of civil society do not remain private persons but organise themselves in corporations. In them, individual agents experience themselves as participants of an ethical whole and come to recognise their responsibility to contribute to its thriving. Due to the interaction with their representatives, corporative members start acknowledging how their well-being is fundamentally tied up with the larger community. Therefore, civil society does not provoke political apathy but instead helps to develop concern with the political community.

Hegel does not neglect the danger of administrative despotism either: he considers the corporations as a control mechanism of the political state. "The institutions which prevent this [universal] class from adopting the isolated position of an aristocracy and from using its skills as arbitrary means of domination are the sovereign, who acts upon it from above, and the rights of the corporations, which act upon it from below" (*PR*, §297). Representatives express in parliament the feedback of their corporation on the concrete effects of the law. In addition, representations can also signal problems with the implementation of the law by the public administration, including potential abuse of office. Hegel also suggests some form of ministerial accountability in parliament. "This check on the

[165] As usual, Hegel's political order allows for social differentiation. Consequently, citizens are not supposed to participate actively in the same measure. Just as for the order as a whole a distinction can be made between citizens having their home in civil society and those who as state officials live for the political state, so can we make a distinction within civil society and its corporations between more (such as the representatives) or less politically active members.

executive is the best guarantee for having ministers who are competent and whose attitude is governed by right" (*LNR*, §149R). Even though Hegel rejects an absolute separation of powers as the *Federalist Papers* argued for, his organic account of the division of power includes mechanisms of critical feedback and control.

In addition to the vivid, self-governing and politically orientated corporations, Hegel's state contains a public sphere in which citizens discuss political affairs and, by expressing their views, contribute to public opinion. This presence of a public sphere is not just the consequence of the civil right to freedom of opinion. A public sphere is also an institutional requirement. As the proceedings in parliament have an educational function, the political order needs outlets which describe and comment on political affairs. The public sphere constitutes another antidote to political apathy as citizens are more engaged in states where public affairs can be followed and discussed. "In a nation where this publicity exists, there is a much more lively attitude towards the state than in one where the Estates have no assembly or where such assemblies are not held in public" (*PR*, §315A).

This possibility to contribute to public opinion might be surprising in light of Hegel's rejection of public opinion in the previous section (7.4) as something to be "despised" (*PR*, §318). This rejection was based on public opinion's tendency to be unreasonable: it does not have the tools to distinguish the rational (i.e. based on a comprehension of all conditions) from the arbitrary.

Public opinion, however, does not need to be so. The more reasonable the citizens who contribute, the more enlightened the public opinion. This rationality depends on the rationality and instructiveness of the parliamentary deliberations to which public opinion responds. Moreover, citizens' participation in their corporations should foster their rationality. In other words, the more rational a state is, the more rational the public sphere and public opinion are. Altogether, this would "permit [..] public opinion to arrive for the first time at true thoughts and insights with regard to the condition and concept of the state and its affairs, thereby enabling it to form more rational judgments on the latter" (*PR*, §315). In a free state, public opinion (as expression of the will for itself) does have considerable overlap with the political will (in itself).

Hegel also sees a critical-constructive function for public opinion in a rational, educated political order. Precisely because public opinion is relatively reasonable, the political system (ministers, civil servants) should also "respect" public opinion (*PR*, §318). "It is only by informing the public of every move they make that the two houses remain in touch with the wider implications of public opinion" (*PR*, §315A). As public opinion contains the rational mixed with the arbitrary, and as it is unable to distinguish between them itself (it is not a domain which succeeds in fully working out the rational), the political state should 'listen' to public opinion critically, discerning within all of its noise true and relevant expressions of dissatisfaction and critique.

In addition, the free expression of public opinion, in combination with ministerial answerability and other controlling mechanisms, could contribute not only to averting governmental despotism but also to the quality of government. “The main guarantee of the competence of ministers is their answerability to parliament, to which they have to indicate clearly what they intend. So a minister’s position is the most dangerous in the state, for he has to defend himself against the monarch, against his colleagues, against public opinion, and against parliament” (*LNR*, §140R).

In Hegel's conception of a free order, the public domain and the public opinion that it generates are important processes by which the political order reproduces itself as an organic whole in which all parts find their home. Hegel’s order approximates the idea of a democratic regime in which the people rule by public opinion.[166] Clearly, this rule by public opinion must not be confused with popular sovereignty. For Hegel, the people can be said to rule themselves, but only as part of a rational constitutional structure that constitutes them as a people and renders their will more rational. Moreover, in this structure, only the political state, particularly the legislature, articulates the general will authoritatively. Therefore, public opinion cannot be said to be sovereign, as nothing in Hegel’s conception of order is. However, in a rational state, it influences the political will as it comes into being in the branches of government, just as the deliberations of the legislature and the actions of the government have contributed to rendering this will more reasonable.

7.6 Conclusion

Hegel’s organic theory of order contains a coherent reconceptualisation of citizenship, which attempts to do justice to the full development of civil society, the sphere based on individual autonomy, which results in a differentiated economy. In this setting, the ancient ideal of citizenship and self-government no longer fits as it presupposes citizens to relate directly to their shared political life. Hegel, however, also rejects liberal citizenship, the modern alternative to republican citizenship, organised around private freedom and individual rights. For realising freedom, a political order must be self-governing. Hegel argues that this is still possible under modern conditions.

For the reconceptualisation of republican citizenship, Hegel regards the modern state as an internally differentiated, interdependent organic whole with the rational will as the immanent standard for its thriving. This standard allows citizens to follow their ends, but they should also integrate the well-being of the whole in their will. Citizens should attune their will, their conception of their particular interest, to the broader conditions of the order in which they are embedded.

[166] According to Rosanvallon (2008, 30–31), authors in the wake of the French Revolution saw public opinion as the way in which the general will could make itself known.

As a consequence of this purpose, Hegel rejects all accounts of citizenship that do not recognise this inner standard. Hegel rejects the idea that sovereignty resides in civil society (against the state), either in the individual or in the collective (the people). For Hegel, sovereignty in free communities can only reside in the constitutionally structured whole, in which, in modern societies, the professional civil service plays a crucial role (7.2). Hegel's citizens do have 'liberal' freedom rights, but they should not absolutise these; they should acknowledge that these rights are embedded in the political order at large (7.3). Finally, Hegel argues against a democratic political order that gives citizens equal voting rights so they can influence political decision-making equally. Such an organisation of political life is in his perspective atomistic, based on an abstract representation of civil society. Consequently, it would thwart civil society's inner development towards rationality. A democratic system, based on the aggregation of voters' subjective wills, would open the door to arbitrariness, manipulation by powerful interests and, ultimately, tyrannical majority rule (7.4).

Instead of individual (political) rights, Hegel's account of self-government ultimately requires attuning to and appropriating the rational will. Citizens should develop more reasonable desires and gain insight into the community's universal interest. This brings Hegel's account of citizenship close to the older republican tradition for which the prospering of the political community is critically dependent on citizens' public virtue. For Hegel, however, this development of citizens' will must be facilitated by the rational architecture of the modern political order, which also allows the pursuit of particular interests in civil society. In this constitutional order, membership of the corporations, due to their educational and deliberative dimension, helps individuals to become more reasonable. Here, citizens overcome their abstract subjectivity, come to organise forms of solidarity and gain a more objective understanding of their interests (7.4). In addition, Hegel emphasises the role of the representative assembly in educating citizens about the interests of the community and their interests. They learn to see themselves as participants in a larger ethical structure that enables their life and which they consequently affirm as good. The insight can complement and reinforce citizens' natural trusting attitude by which they relate to their community and political institutions (7.5).

Hegel's account of citizenship is not limited to appropriating the rational will as something externally given. It also includes participation in forms of political deliberation. As rational politics amounts to a continuous adaption of the universal in the light of changing all social conditions, it requires the input of citizens' feedback. The rational order allows citizens to voice their experiences and opinions, both in the corporations and communes but also in the public sphere. Due to this impact of citizens on the political decision-making and the correspondence between the will of the people and the political will, Hegel's state could be said to amount to popular self-government even though the people are not sovereign (7.5).

To conclude, Hegel's account of citizenship rejects democracy as equal voting rights or equal direct participation for all individual citizens, but this does not render it anti-democratic. The underlying purpose of Hegel's theory could be said to be democratic as a political order must include the flourishing of *all* sections and, by implication, *all* citizens. Hegel's analysis points to the paradox that the democratic *organisation* of society could undermine the democratic *ideal* of inclusivity. This rejection of equal voting rights does not imply the absence of means for citizens to give their input. Hegel's rational state is a mixed regime, which combines the rule of the many (self-rule in the corporations and communes, corporative representation in parliament, public opinion), the few (the professional bureaucracy) and the one (the largely symbolic constitutional monarch). A constitutional priority of the democratic moment of this mixed regime in the form of universal elections is bound to destroy the freedom of the whole.

8. THE RELEVANCE OF HEGEL'S THEORY OF ORDER

8.1 Introduction

This final chapter discusses whether Hegel's account of order remains relevant. In the first section, I summarize and highlight the most important aspects of Hegel's theory. The other three sections engage with reasons for scepticism about the current relevance of this theory. Section 8.3 investigates the criticism that Hegel's political order is normatively unattractive, as it does not sufficiently realise current standards for individual freedom, political rights and social justice. Then, I discuss the idea that the organic ontology of Hegel's theory of political order is highly implausible (8.4). The final section responds to the criticism that the institutional design of Hegel's political order is historically outdated. Taken together, these responses offer a direction for how Hegelian political thinking could contribute to the challenges that the free political order in 21st century societies face.

8.2 Conclusions: organic order and its fragility

Freedom as organic self-reproduction

This study of Hegel's theory of political order has foregrounded the organic organisation of social and political life. Hegel regards the political community as an internally differentiated, interdependent whole. The whole constitutes, and is constituted by, the relations woven between individuals and the parts and the parts among each other; relations precede relata. In this account, political order should not be conceived something imposed on social life: neither an external power (an intervening state) nor an external idea of how to organise the community is at the bottom of political order. Instead, political order is intrinsic in the social relations as they succeed in reproducing themselves.

Chapter 6 of this study spelt out the inner processes by which the political order reproduces itself. At the most fundamental level, the organic self-(re)generation hinges on the interaction between (civil) society and the (political) state, both of which are not so much things but spheres of relations, respectively between the free members of society and the branches of government. I referred to this interaction as opponent processing. The ensemble of relations which constitute the (political) state is a universalising force, fostering the good of the community as a whole. The relations of civil society, in which individuals pursue their own ends, constitute the sphere of particularisation.

State and society are in Hegel's organic account not only opposed but also orientated towards each other. The regeneration of political order requires a set of integrative processes, which connect (relate!) the particular to the universal and *vice versa*.

The members of civil society end up fostering in their self-interested behaviour in the market the public good as well ('market integration'). Moreover, they also turn out to enlarge their sense of self and others, pursuing the good of the corporations they come to participate in, while ultimately, due to parliamentary representation, also wanting the universal good for the community as a whole (the 'political integration'). At the same time, the interactions of the political state while pursuing the common good by reframing and implementing the law, also come to facilitate the pursuit and satisfaction of particularity ('legislative and executive integrations').

The freedom and rationality of Hegel's political order is intimately linked to these organic integrative processes. Freedom and rationality amount to the optimal integration of a social whole: on the one hand, its inner relations must enable the existence and full development of its individual members and parts. At the same time, the individuals and parts must relate to others in a way which facilitate the existence of such a whole. The participation in such a web of relations also renders citizens subjectively free. They are able to exercise their agency freely, not only because they have the right to set their own ends or because the order offers the means to satisfy their needs but also because they come to have a conception of the good.

The challenge of civil society

In chapters 4 and 5, I discussed Hegel's account of civil society. A free political order enables the unfolding of particularity. In civil society, individuals do not identify themselves, at least not immediately, as members of a larger whole. They regard themselves as individual persons, standing by themselves, having a separate consciousness, and bearing responsibility for their choices. As individual moral subjects, they set their private conception of the good, and consequently act to realise this end. Civil society enables this pursuit of self-interest by granting and protecting fundamental individual civil rights, such as the right of property. As a consequence of this, the relations of civil society resemble a market, containing a labour market, work, the production and exchange of goods.

To realise freedom, the relations of civil society must be part of a larger, organic order, the ethical state, in which civil society stands against the political state. This means that the social relations typical of civil society (the market) are complemented and opposed by the relations of the political state, which are orientated towards the good of the community as a whole. In this grander ensemble of social and political relations, the self-interested interactions of civil society are both curbed and enabled at once.

Fundamentally, Hegel's theory of order is an optimistic account of how modern political order despite of *and* due to the development of civil society realises freedom. The emergence of civil society, however, also poses a risk for the realisation of freedom, as its relations could turn out to emancipate themselves from the larger organic ensemble of social

and political relations and come to impose its logic on *all* relations. Civil society renders the modern organic political order both free and fragile.

This emancipation of civil society corresponds to what we have referred to as the liberal conception of order and has the following conceptual features. Individuals do not regard themselves as participants in a larger whole of relations but as independent entities (persons). Freedom consists for them in their ability to choose and realise their own ends. The rights, which should guarantee this freedom, are taken to inhere in them. Absolutising their own ends, they relate to their social life instrumentally, as a means to realise their ends, not as the relational arena in which they have their life and on which they depend. This orientation tends to regard social life as a market. In this conception, individuals also relate to the government instrumentally: its purpose is to protect the rights of individuals and facilitate the realisation of their ends. This civil society perspective on social life – which we have also referred to as Understanding – is unreasonable: instead of comprehending the whole as an intricate web of interdependent *relations*, it offers a reductionistic representation which deduces the whole from the assumed self-sufficiency of the individual parts.

The emergence of this perspective on political reality undermines the reproduction of the free political order in the organic interplay of state and society, while, *vice versa,* deficient integrative processes generate the one-sided outlook of the Understanding. With regard to the (political) state, its institutions, when reasonable, foster in their interactions the good of the community as a whole. The state finds this good 'in between' civil society's plurality, that is in how the parts relate to each other and the whole. The state in the modus of Understanding, in contrast, makes an abstract representation of society, in which it is a space made up of self-sufficient individuals. This perspective can only perceive the purpose of the whole as the purpose of the individuals, who make up the whole. This state, consequently, understands as its own end the promotion of citizens' autonomy, for which they have to protect equal civil rights or to foster the satisfaction of their subjective ends. This instrumental understanding could result both in limited government and in an interventionist state. In either case, the state does not *respond* to the rationality inherent in the social order. As a consequence, its (absence of) interventions will further undermine this rationality.

With regard to the function of civil society for the self-generation of order, individual subjects' free social relations must not only pursue the satisfaction of private ends, but must also develop a more universal and rational orientation. However, a liberal state thwarts this development; it does not solidify civil society's inner tendency to become more rational, and, as a consequence, does not develop the institutional setting which teaches individual subjects how their particular interests are conditioned on the larger political community. Consequently, civil society in the liberal conception of order is destined to

remain an abstract space, a market, in which individuals do not transcend their self-centred ends; they do not see themselves participants in a larger structure. This experience, in turn, reinforces the dominance of the Understanding as the mode of cognition, which also will also spread to the political state.

Both the idea and practice of the liberal order are out of tune with the interdependent, organic nature of socio-political reality. While regarding freedom as an attribute of the individual and organising social life to facilitate autonomy, it does not see how freedom requires social formations, whose intricate web of relations render social dependencies mutually beneficial. This inadequate conceptual grasp is not inconsequential as it undermines the development of settings, such as the corporations, which enable social life to become more reasonable. Civil society, consequently, turns out to be ultimately a space of competition resulting in highly asymmetrical relations of dependence. The liberal order does not have the tools to diagnose its failings as it does not see that freedom ultimately depends on the integration of the various parts of social life with each other and into a coherent and harmonious whole.

Chapters 4 and 5 discussed how Hegel offers an analysis of how the logic of civil society must entail social and political pathologies. Chapter 4 worked out Hegel's analysis of the consequences of organizing social life exclusively on the principle of individual freedom and autonomy. The free development of such an order would fail to bring social life's dependencies into a rational and objectively free structure. Instead, the members of society come to relate to each other as competitors, which leads to poverty and the emergence of an underclass on the one hand and extreme wealth on the other. Subjectively, the members of civil society set their ends by comparing themselves with each other, thus living in the eyes of others. They fail to develop mutual relations of dependence which enable the experience of freedom. Civil society evoke the social roles of self-reliance and success, they do not succeed in rendering this order a home to its members. Rather, a substantial part of its members experiences a form of alienation, as they cannot affirmatively relate to the order and the social role that they play in it. The emergence of the rabble, which responds to this alienation with opposition to the social order, is a logical outcome of this social organisation.

In chapter 5, I reconstructed how Hegel seeks to establish that an instrumental state is not able to solve the pathologies of civil society but rather adds its own. The state operating from the cognitive perspective of the Understanding is unable to discern and implement the universal good. It does not succeed in rendering social relations more harmonious, let alone solve the problem of the underclass. The interventions of the state add to social alienation a political alienation, as the members of this order are destined to experience the actions of the government as an external force that intrudes into their life.

Does the organic state solve the problems of civil society?

Hegel's analysis of the fundamental limitations of civil society – poverty, feelings of alienation, an incapable government, tensions between state and society – is followed by an account of the ethical state. Because the organic state realises freedom, it seems logical to infer that it also solves the economic problems which torment the political order fully based on the principles of civil society (*cf.* 4.3). Hegel, however, does not work out explicitly whether and how the state succeeds in solving civil society's inner economic tensions. The market remains active within the state, which provokes the question whether Hegel's state succeeds in curbing the destructive potential of its capitalistic dynamic, which has become so forceful in modern social and political relations.[167]

First of all, the (market) relations of civil society undergo, when embedded in the larger organic order of the ethical state, a significant transformation. Civil society ceases to be merely an abstract market, a sphere of economic and social competition in which each pursues their individual interests. The interactions of civil society weave connections and, solidified by the state, generate associations, i.e. mutually beneficial structures of interdependence, in which individual agents find their destination. 'Incorporated' individuals come to pursue the ends of their corporation; they come to acknowledge that they carry a social responsibility for their corporative fellows. Building on this, the members of civil society also develop an awareness of being part of a political community. Therefore, competitive market relations centred around the maximalisation of profit are, within the organic state, complemented with and transformed into relations of cooperation. In terms of modern sociology, civil society entails the development of moral and social capital. The relations of civil society become in Hegelian parlance more reasonable, i.e. objectively free, just as they enable the experience of subjective freedom.

This transformation of civil society in the ethical state, however, does not imply that capitalistic relations fully disappear. The full development of particularity implies the existence of a domain in which individuals pursue their self-interested ends. Hegel's conception of order is based on a continuous *metanoia*, whereby individuals come to turn to the good of the community as they come to be aware that this good is also their good. This transformative account only makes sense if the free political order continues to have a domain in which allows citizens to fully pursue their particular interests. Consequently, a market must remain part of a free political community.

The continuous presence of market relations seems to be particularly problematic for the unskilled, lower social classes. The development of civil society into a more cooperative and rational sphere takes place primarily in the corporations. As these corporations are based on sharing the productive skills necessary to exercise a profession,

[167] I have not addressed this issue explicitly in the previous chapters. In this discussion of the key findings of this research, it does not seem apt to neglect this issue.

the unskilled will find difficulties in forming associations, as they do not have a profession for which there is a stable demand. They remain prone to the market mechanism in which they can only compete on the basis of their wages. From this perspective, the problem of an underclass, which does not share in the freedom of society, appears to remain unsolved in Hegel's political order.

At the same time, the government as part of the ethical state has more 'tools' and wisdom at its disposal to promote the good for all. The state is no longer merely an instrument to foster individual interests and rights. Citizens now see themselves as members of a political community, within which the political state has the legitimacy to pursue the good of the whole. This recognition of government and of the community as a whole gives the political state leeway to intervene in social relations, which it does not have in the liberal political order. In the ethical state, the government has more room to provide public goods, such as education and public health, and organise welfare for those in need. Moreover, governmental help is in this setting less humiliating as social relations are no longer predominantly assessed from the norm of individual self-sufficiency; individuals now have become citizens, relating to each other as fellow citizens, participants of the same social order. Within this framework, the administration of welfare (the 'police', *cf.* 5.2) can perform its function effectively. The police in Hegel's account of the ethical state seems to approximate the 20th century idea of a welfare state.

However, Hegel's account of order also shows that a welfare state, which directly takes care of all citizens who cannot maintain themselves in social relations, is not a full solution to the economic tensions of civil society. For at least three reasons a welfare state understood along these lines endangers the realisation of freedom.

First, the experiences of subjective freedom also contain the self-assessment of being indispensable for the existence and reproduction of the social order. Citizens' productive life is not unconnected to the exercise of self-government.[168] Citizens who structurally live off the state might find it hard to see themselves as somebody who matters for the existence of the social whole. Moreover, the experience of solidarity among citizens is for Hegel not an abstract moral requirement. Citizens come to recognise each other as fellow citizens, whose interests and concerns carry weight for them, due to parliamentary proceedings, which show how different sections of the social whole contribute to this whole. The existence of a large section of society who lives off the state could undermine this recognition and the solidarity they are willing to show.

Second, participation in civil society, in particular work and the associative life connected to it, is for Hegel a crucial formative experience, which prepares them for their political existence. Here, citizens develop their skills, experience themselves as participants

[168] As such, Hegel turns around the Greek classical tradition, in which liberation from productive life was seen as a precondition for self-government.

of social formation on which they depend and for which they carry responsibility, and come to participate in deliberations about the good. In Hegel's remarkable analysis, the political domain itself does not suffice for shaping individual subjects into citizens. Welfare regimes, which directly offer sustenance, thus carry the risk of not providing the institutional settings for their full development as citizens.

Finally, a free political order must respect the semi-autonomy of civil society. The state must be largely responsive to the free developments of civil society; it should cultivate the structures of mutual interdependence which emerge in it. The state should exercise a certain reserve in intervening and ordering society directly. It should get not tie society too much to the state, imposing blueprints which determine in detail who gets what income, etc. This would stifle the political order's organic nature which requires civil society to freely weave relations among its members.

All of these dangers do not imply that the Hegelian state must refrain from welfare, but that it should prevent citizens becoming immediately dependent on the state. Welfare programmes should not substitute for but rather foster the participation of those in need in civil society. It is crucial that citizens have work, the basic mode of participating in a free political order. If we think along Hegelian lines, the state should stimulate those potentialities present in civil society to solve the problem itself. For instance, it could incite corporations to take up larger portions of society. Also the self-organisation of the labour market into trade unions fits into the Hegelian conception of order, as society takes the initiative. In addition to this state, the state could regulate the labour market, for instance by setting a minimum wage, which would allow all workers to make a living.

To conclude, Hegel's political order can counteract the disorganising market forces and to realise freedom for all. However, this solution is not simple and definitive. As free societies develop, market forces will continue to undermine the community's flourishing by generating one-sided dependencies. Civil society renders the political order free, but also fragile. Contrary to Avineri (*cf.* 5.3), the political states of well-structured order do have the ability to continuously counter these processes of corruption, not by overcoming the market, but curbing and embedding it and as such let is transform itself. In this respect, Hegel offers an optimistic theory of how the political order, which seeks the realisation of freedom for all, can accommodate modernity's unfolding of capitalism within itself for its own purpose.

Citizenship as self-government

Finally, this study has worked out the account of citizenship and self-government which Hegel's organic conception of political order entails. In the first place, Hegel's account of citizenship differs from the liberal right-based conception of citizenship. Like the liberal account, the members of Hegel's conception of order have an extensive set of liberal rights, but, in contrast, they should not consider these rights as their property. This difference may

appear trivial but is, in fact, crucial in Hegel's conception of order. For realising freedom, a political community must have the leeway to revise rights in the legislature. A political order can only remain free by adjusting laws, if citizens do not absolutise their rights, but recognise the state's substantiality, that is their dependence on the political order at large. A free order, therefore, appears in Hegel's theory of order as a thin line. On the one hand, it should offer citizens the full development of their particularity by granting them the rights which enable this. At the same time, these citizens should not mistakenly regard these rights as their personal property, but as rooted in their membership of the political community.

In the reconstruction of Hegel's account of citizenship, I have positioned Hegel firmly within the republican tradition of self-government. Ultimately, the political community and its laws are, and should be experienced as, the will of its citizens. For this the cognitive attitude of trust is of crucial importance. Hegel rejects the idea that self-government must be based on the democratic system of one-man-one-vote or direct participation. Similarly, Hegel, rejects the ideal of popular sovereignty. Instead, he positions sovereignty in the web of inner relations constitutive of the political order. Citizens can participate in the exercise of this sovereignty in the self-government of the corporations and communes, in the corporative representation in the legislative assembly and by contribution to public opinion.

Hegel's anti-democratic stance should not be taken as a mere conservative sentiment. It expresses Hegel's awareness of the inner fragility of a free political order. The presence of civil society could easily entail the emancipation of individual subjectivity. Agents then regard their subjective will, their personal convictions about the good, as valuable as any other's. They do not yet know that they are not reasonable. If the political system does not have an inner standard, the rational will in itself, it will regard all wills as equally valid. The outcome of the electoral process, then, must be arbitrary at least, but very likely suppresses the legitimate interests and rights of parts of the political community.

For Hegel, the challenge of a free political order is to have an institutional setting which tames unleashed particularity and renders the particular wills more reasonable. Also in this respect, Hegel's account of political order is optimistic, as he regards the institutions of his age capable of this formative work. In particular, the role of the Lower House, made up by (corporative) representatives, is crucial for developing a sense for the common good. In contrast to Constant, Hegel does not think that democratic institutions in themselves could bring about the social learning that a free political order requires. The associations in civil society, the family, the activities of the profession civil service in the legislative and executive branches, must also contribute to this. Due to all these integrative processes, public opinion might come to approximate the rational will. In Hegel's analysis, states, by not being organised as a democracy, could turn out to be democratic in practice, understood as a regime in which the will of the state corresponds with the will of the people.

8.3 Normatively unappealing?

A first reason for rejecting the relevance of Hegel's conception of political order could be normative. From the dominant, liberal and democratic normative orientation, Hegel's order could be criticised for not realising or even violating the values that it holds dear. First of all, Hegel could be said to insufficiently protect Constant's 'modern liberty'. A free political order should enable its members to lead autonomous lives. This requires a wide gamut of firmly established universal civil rights, which protect the individual against domination. In a liberal perspective, such as Constant's, the main threat to freedom consists in the power of the state. Consequently, the power of the state must be limited. Rights must be conceived as preceding the state, so that citizens can invoke them against the state. In Hegel's state, however, civil rights appear more as a favour than as their firmly established property.

Second, Hegel's political order is likely to be criticises as being non- or only deficiently democratic. From a democratic perspective, all citizens should have the same democratic right on the basis of which each could, in principle at least, exercise equal democratic influence. In Hegel's order, however, citizens do not have an equal right to vote. Moreover, Hegel's state does not recognise the people as its ultimate foundation. As a mixed regime, in which the actions of the state officials are crucial, not all decisions and responsibilities can be traced back to the popular will. From a democratic perspective, this setting is unacceptable.

Third, Hegel's conception of order could also be criticised for thwarting the development of individuality. To be free means from this perspective the ability of individuals to develop their individuality and follow in life a corresponding path. Hegel's order, in contrast, is deeply and densely institutional. Individuals have to perform the social roles of the institutions, the family, work and the state, in which they are embedded. From the perspective of the importance of individuality, Hegel's political order counteracts individuals' authentic self-development by pressurising them to conform to their societal roles.

Finally, Hegel's order might not only be criticised from the perspective of freedom, but also from the ideal of social justice and equality. Hegel's order allows the free development of civil society, which results in social relations that are pluralistic and, by inference, unequal as citizens of Hegel's order turn out to have unequal economic and political positions. Hegel's political order, thus, goes against the norm of equality.

These criticisms of Hegel's conception of order have in common that they assess Hegel's political order from a distinctive norm or principle: freedom as non-interference, the rights of the people to rule themselves, the value of individuality and the demand for equality. From a Hegelian perspective, however, this mode of judging is deeply problematic as it posits isolated standards to measure social reality against. This approach fails to investigate whether this standard is reasonable itself.

Hegel's account of political order is based on the will, which, according to him, has an inner orientation towards freedom: the will wants to will itself (see 3.4). The *Philosophy of Right* investigates how the will realises freedom, which has a conceptual (what is freedom?) and an institutional dimension (what setting realises freedom?). Hegel comes to the conclusion that freedom needs a social form which succeeds in continually restructuring the dependencies of all its parts into a form which is mutually beneficial for all. This form enables the full development of the parts while these parts at the same time contribute to regenerating this free whole.

From this perspective, each of the critical accounts is one-sided. Their assessments are based on representative thought, or the Understanding, which does not penetrate the organic nature of social relations and, consequently, cannot conceive what freedom in reality means. They do not acknowledge that freedom consists in the organisation and mutual adjustment of all social relations, which cannot be reduced to a simple norm or principle. This does not imply that Hegel rejects the content of these values, as the free political order is supposed to realise, to a certain degree, each of them. However, he rejects the absolutisation of these, or any other, values, which does not fit in, and undermines, the organic nature of political communities

The liberal, democratic and social justice criticisms of the normative framework of Hegel's political order, therefore, backfire. Hegel's theory of a free political order could be read as a criticism of the normative dogmas that they invoke against his theory and also against the social and political relations in real existing societies. In the remainder of this section, I will briefly work out the rejoinders which can be inferred from Hegel's conception of order to each of the four points of criticism.

First, Hegel does not oppose civil rights in themselves, but their absolutisation. Rights are a legal way to structure dependencies: the right of the one, for instance a right to property, corresponds with the duty of the other to respect this right. This way, rights can generate a sphere of non-interference (which is also a sphere of obligations) in which individual agents can be self-determining. Hegel recognises the need of such a sphere for the realisation of freedom. A free political order, therefore, contains a civil society. Civil rights, however, are in themselves not sufficient for a free political order. The realisation of freedom requires a communal life, which consists of a rich web of formative social and political relations by which its participants without force attune to each other. Civil rights, necessary for the full development of particularity, are *part* of such a political community, a part which requires the whole for its existence. The absolutisation of rights fails to acknowledge this communal embedding.

This ontological misconception of rights is not without practical consequences. Liberals fear the state becoming dominating, arbitrarily interfering in society without respecting citizens' fundamental right. Citizens, therefore, need to have rights which they

can invoke against the state and which the state cannot take away. Against this view, Hegel holds that an unamendable rights regime can be equally dominating. The right to property, for instance, can generate relations of dependence which come at the expense of the flourishing of the community as a whole. It is, therefore, pertinent for a free political order that the state brings adjustments to the rights regime in order to keep the community objectively free. In Hegel's conception of political order, 'the good', i.e. the rational or objective freedom, has priority over 'the right' (also because freedom as the good also includes rights). Citizens, therefore, must recognise that rights do not inhere in them, but that the political community, including the political state, is their substance. Only then, will citizens allow the state to make adjustments and be able to experience them as reasonable.

Hegel, thus, rejects the liberal programme, which counters its distrust of the state by giving individuals rights they can invoke against the state and, thus, by limiting the range of state intervention. This rejection does not mean that Hegel himself is blind to the danger of state abuse. Overall, he is very cautious with respect to interference in society, arguing for incremental adaptions in the light of changing circumstances. Moreover, the constitutional structure of his order contains feedback mechanisms, which should prevent governmental abuse (see 6.3 and 7.5). However, going further, forcing the state to accept rights, takes the possibility away for the state to regenerate itself as a free organic whole. The liberal strategy to prevent 'evil', i.e. domination, undermines the realisation of freedom. The liberal intention to protect freedom, paradoxically, destroys freedom.

Hegel's theory of order opposes democratic complacency, according to which every extension of popular influence must be beneficial. Democracy itself is not a good in itself. The ultimate purpose of a political community is rational freedom, which must include self-government. The (re)generation of a free and rational political order requires the interplay of a large set of integrative processes. In these, not only the participation of the political class matters, but also that of citizens, as worked out in 7.5. However, when democratic principles claim to be the only legitimate principle to organise political decision-making, political orders are destined to fail. Hegel, thus, points at the old paradox that democracies can undermine freedom and also themselves.[169]

The third criticism fears that Hegel's political order stifles the development of authentic individuality. Hegel's institutionalised conception of political order does not leave room for the development of individuality. This criticism, however, misunderstands Hegel's understanding of institutions. For Hegel, human agency is, by definition, institutionally embedded. I have referred to this feature as the priority of the social. From this perspective, also the ideal of individuality and authenticity, which posits the free inner development of

[169] I do not want to make the claim that every criticism of Hegel's theory in the name of democracy must be deficient, but only the simple, unexamined view that popular influence is by necessity good.

the individual against external social pressures, are social ideals, embedded in a certain historical and cultural setting.

Moreover, institutional membership does not mean that the individual must fully conform to the homogeneous norms of the institution. The norms of the institutions which Hegel singles out for the realisation of freedom, the family, work, and the state, are relatively open. States, families or corporations must continuously concretize the norms and ends which should realise the good internal to the institution. The members of these institutions can contribute to this. In addition, the institutional norms allow for variety – particularisation – in the way members contribute to their existence. Citizenship allows for different ways of living, either political or at home in civil society. Likewise, professional roles allow for variety in the way individuals perform them. Individuals can be good doctors in different ways, even though they must have certain skills and values in common. For Hegel, institutions and the accompanying social roles are not obstacles but preconditions to develop individuality and find recognition for it. In order to become a specific kind of doctor and be acknowledged as such, one needs the judgment of one's peers. Similarly, distinctive modes of living can only be recognised within a political community, orientated towards the thriving of the whole.

To finish rebutting the third objection, it is important to keep in mind that Hegel's theory of order allows for the coexistence of different social roles, without any of them claiming an allegiance at the expense of others. Citizenship, as the most encompassing social role, more extensive than intensive, does not subordinate all other roles, such as work or even personhood, but assumes and facilitates these. Consequently, Hegel's political order is a landscape consisting of a wide variety of social roles, which enables citizens to follow their own path, developing their individuality.

Finally, Hegel's account of order can be criticised for being unjust as his political order consists of inequalities. The free unfolding of the political order in civil society must, by necessity, bring about social differentiation: not all citizens end up in the same or a similar social, economic or political position in the social whole. The standard of equality is for Hegel too abstract; it does not do justice to the differentiated nature of a free political order.

This rejection of equality clearly does not imply that any inequality is acceptable in Hegel's political order. For being acceptable, the inequality must contribute to freedom, which implies that the relations of dependence are mutually beneficial. More relevant than signalling inequality in a social and political setting, therefore, is to question whether *all* citizens are able to experience subjective freedom. Each must be able to pursue their own ends, recognise the law as their own, experience recognition in their station in the social whole and regard themselves as indispensable for the regeneration of the political order. This subjective freedom is only possible within a rational, objectively free political community, which succeeds in taking the interests of all groups into account. Such an order is clearly incompatible with relations of exploitation.

8.4 Is Hegel's organic ontology implausible?

Another reason for doubting the relevance of Hegel's theory of order concerns his metaphysical or ontological assumptions. This study has offered a reconstruction which does not explicitly follow the conceptual logic, which is often taken to be obscure and metaphysically implausible. Instead, it has interpreted Hegel's account in terms of an organic ontology. This ontology, however, might appear as equally implausible.

Hegel regards the political order as an organic whole; individuals are participants in this organic substance; their being depends on this social whole; their will participates in the larger will of the community though it does not mean that the will for themselves automatically falls together with the will in itself; the will is intrinsically orientated on becoming free and rational; relations are constitutive of relata; reason is understood as the inner organisation of the relations which make a whole; the poles of oppositions, for instance between the particular and universal, private and public, society and state, are not simple dichotomies but also condition, and are orientated towards, their opposite. These assumptions easily appear as ungrounded, and as such closer to religion than what a scientific theory of political order should bring about.[170]

As a consequence of this, many readers would prefer an account of political order, which does not include organic, interdependent assumptions. The liberal conception of order appears from this perspective more plausible. This assessment, however, raises the question whether non-organic conceptions of order are not equally based on ungrounded ontological assumptions. The liberal account of order rejects the presence of an inner norm – the reasonable – in social relations except for the rights which inhere in the individual. It does not understand political order as an internally differentiated coherent whole, like a body, but as a space in which entities, individuals, interact with each other. The ends of these individuals proceed from themselves; their wills are taken as starting points.[171] This account understands political order by reference to these single wills working upon each other. It has a linear understanding of causality. Its mode of cognition is the Understanding, which understands the whole by reference to the parts, which have existence in themselves. It does not discern that social relations constitute an interdependent whole, which embeds single individuals as participants. Freedom is understood by reference to the individual, who should be able to pursue his self-chosen ends, not as an attribute of a web of relations which must be structured in a specific way. The state is understood by reference to the individual: it should protect individual rights or foster an aggregate good, like economic growth.

---

[170] Hegel connects his account of political order at some points to a religious experience of order. Individuals are part of a pre-structured and further evolving reality that transcends them. When Hegel refers to the existence of the state order as "the march of God in the world" (*PR*, §258A), this religious connotation is very explicit.

[171] This perspective does not reject the existence of social influence, but it does not attribute a will to the whole.

Is this ontology, which is taken for granted in the liberal conception of order, more plausible than Hegel's organic ontology? Does it do justice to what political order and social life in reality amount to? How do we know that this ontology is true? Of course, it is extremely difficult, if not impossible, to prove what account of the ultimate nature of social reality is true and it certainly is beyond the scope of this study. But the burden to prove the plausibility of a conception of order does lie as much on those taking the non-organic order for granted as on those accepting Hegel's assumptions.

Though I cannot prove Hegel's organic ontology, it deserves, for two reasons, at least serious attention. In the first place, as the non-organic understanding of order has come to dominate social and political reflection, it is often taken for granted. Hegel's conception of political order offers a sophisticated challenge to this understanding of political order. Hegel's account of political order does not merely assume a different, organic ontology, but also includes an account of the deficiencies of the non-organic ontology: his account of civil society is also an investigation into the mode of cognition – the Understanding – which does not discern the organic nature of social and political relations. In civil society, in its initial form before entering the corporations, individuals take their own self as absolute. They see themselves as the cause of their own action and have an instrumental relation to their social life and, consequently, take the state as the means of their own life.

Hegel, thus, allows within his organically structured order a domain for the Understanding, even though it should come to awareness that it is does not fully comprehend social reality and turn reasonable. The re-presentation of social reality of the Understanding is unable to 'presence' the relations which are constitutive of social reality, and is therefore at the same time a misrepresentation: it does not discern the deeper organic interdependence and unity of social life. Hegel offers an account of the necessary real-life effects of a political order which takes the representation of the Understanding as full reality. The inability to attune to political reality renders the social relations pathological (see chapters 4 and 5). As Hegel's theoretical account of the pathological consequences of a liberal order to a large degree corresponds with the syndromes which haunt the current liberal order, it seems reasonable to take his organic ontology seriously.

In the second place, Hegel's organic ontology has gained plausibility in the light of recent academic studies, in particular the ground-breaking work of the psychiatrist Iain McGilchrist on brain lateralisation.[172] His main finding, on the basis of extensive clinical and experimental evidence, is the existence of two distinctive modes of cognition or of attention. For our purposes, it is highly interesting to highlight a few of the differences in cognition between both hemispheres.[173]

---

[172] McGilchrist's approach must not be confused with pop scientific ideas on the divided brain and their effects on psychology that spread in the 60's and 70's of the 20th century. All of these earlier ideas are wrong.

[173] It is beyond the scope of this research to work out this theory in more detail.

> 1. The LH [left hemisphere] is principally concerned with manipulation of the world; the RH with understanding the world as a whole and how to relate to it.
>
> 4. The LH aims to narrow things down to a certainty, while the RH opens them up to possibility. The RH is able to sustain ambiguity and the holding together of information that appears to have contrary implications, without having to make an 'either/or' decision, and to collapse it, as the LH tends to do, in favour of one of them.
>
> 6. The LH tends to see things as isolated, discrete, fragmentary, where the RH tends to see the whole. The LH tends to see things as put together mechanically from pieces, and sees the parts, rather than the complex union that the RH sees
>
> 7. The LH's world tends towards fixity and stasis, that of the RH towards change and flow.
>
> 19. The RH is better at seeing things as they are preconceptually (…). The LH, then, sees things as they are 'represented', literally 'present again' after the fact, as already familiar abstractions or signs. One could say that the LH is the hemisphere of theory, the RH that of experience; the LH that of the map, the RH that of the terrain. (McGilchrist 2021, 28–30)

For human functioning (and also for other animals) the contributions of both hemispheres are crucial. It is necessary to make a model out of reality but at the same time to have an openness for wider reality of which such a model is always a simplification. However, there is also a hierarchy. For full contact with reality, the right hemisphere should have priority. It should be the master and the left brain its emissary. In *The Master and his Emissary* (2009), McGilchrist warns of the danger of the left hemisphere taking up the role as master, which consequently offers a lopsided, reductive, one-sided picture of reality.

In the third part of *The Matter with Things*, McGilchrist attempts to give an account of the nature of reality as it appears to the Right Hemisphere.[174] In these chapters, he discusses fundamental ontological issues, such as the nature of time, space, motion, matter and consciousness, but also the nature of social reality, which he, like Hegel, approaches in organic terms as parts and whole, interdependence, reciprocal instead of linear causality, relationships as coming before the relata, flow and change, and the unity of opposites

The parallels of Hegel's and McGilchrist's approach are striking. It does not seem that farfetched to read in these two modes of cognition, LH and RH, Hegel's distinction between Understanding and Reason, while McGilchrist's account of the nature of reality to a large degree corresponds with Hegel's interdependent organic account. McGilchrist's idea of the risk of a left hemisphere domination corresponds with the danger in Hegel's

[174] Every account of the nature of reality depends on the left hemisphere which has the tools to give a 'representation'.

conception of order of the Understanding claiming its representations to fully grasp the nature of reality and of civil society claiming to constitute the political order as a whole. This correspondence of Hegel's account of political order with McGilchrist's brain-based account of two modes of understanding and his organic account of reality clearly does not prove its truth, but it certainly adds to its plausibility. Hegel's theory cannot be rejected with mere reference to its ontological assumptions as their implausibility can no longer be deemed self-evident.

8.5 Institutionally outdated?

Finally, Hegel's account appears as institutionally outdated. His theory of how free political order could be realised might fit early nineteenth century societies but seems to be fully irrelevant for 21st century political order. First of all, the key institutions of his order, the estates, corporations and monarchy have all but disappeared in current societies. The other way round, key institutions of current-day societies, such as universal voting rights, are explicitly rejected. More generally, Hegel offers a picture of a communitarian political order in which state and society to a large degree cohere and mutually condition each other. These Hegelian state-societies do not fit the 21st century political reality in which civil society, in particular the market, has become globalised. The shift in meaning of the concept of the corporation could be said to symbolise the lack of relevance of Hegel's order. While corporations were for Hegel the self-organising economic sectors with constitutionally determined political rights *within* a state and orientated towards this state, current corporations are global actors, not bound to any state let alone the good of the state, but at home in what we could designate as a global civil society.

It is without doubt true that the political world has changed dramatically but it does not immediately follow that this makes Hegel's theory of political order irrelevant. It all depends on how we read this theory of order. If we read his institutional picture as a normative blueprint, it does not suit current conditions. And if we read his theory as an explication of why a specific historical institutional formation realises freedom, it explicates the order of his age, not ours.

For assessing its relevance for 21st century society, we must bring up the nature of the Hegelian project (*cf.* 3.2 & 3.5). Most fundamentally, the *Philosophy of Right* is an explication of why the political structures of his age, that is the Post-Revolutionary, Post-Napoleonic order, are rational and free. The *Philosophy or Right* explores what a full realisation of freedom would amount to and how the institutions present in his age contribute to this. Hegel's description of order, therefore, does not fully correspond with any really-existing political order of his age, as he includes only those institutions which are relevant for realising freedom.

Hegel's theory is not meant as a normative blueprint. The institutions which enable the realisation of freedom are not the result of constitutional design but based on a long-term historical evolution together with sudden reforms in the wake of historical events, such as the French Revolution, all of them being beyond human control. This explication is not without normative implications. The knowledge concerning which of the institutions that make up a concrete state are crucial for the realisation of freedom entails the normative obligation to protect and strengthen these institutions, especially when they have not fully come to fruition as the corporations. However, his project rejects the (Enlightenment) idea that a rational constitution can be designed and imposed on a society. Since it is not meant as a universal constitutional prescription, it cannot be obsolete in this sense.

As an explication of order, however, we can question its relevance for us. Hegel, clearly, offers a rational explication of the political order of his age. On the one hand, it could be argued that our order still has the key institutions which Hegel emphasises: a civil society, civil rights, a professional civil service, representation and citizenship. On the other hand, it could be argued that these institutions have been transformed beyond recognition – compare for instance Hegel's corporative representation and modern elections – and other institutions have largely disappeared. How could Hegel's account of order be relevant to us?

It seems useful to me to distinguish two institutional levels within Hegel's explication of political order. The first, most basic level gives a relatively abstract account of what institutional setting realises freedom. From this perspective, a free political order needs (1) civil society, a sphere of interaction in which individuals pursue their own ends, and which includes a market, and (2) a well-developed, constitutionally structured political state, in which political experts, skilled in practical judgments, are active, and which fosters the good of the community as a whole. These spheres are opposed, but also orientated towards each other. Civil society, in the pursuit of particularity, must also turn both unconsciously and by intention, towards the good of the community as a whole. The political state must in its pursuit of the common good, also respect, as far as possible, society's particularity and enable its free development of civil society.

The other level contains the more concrete institutions by which the interplay of state and society generates political order. In Hegel's account of order, civil society structures itself into estates and, crucial in his order, the corporations as self-governing associations. Moreover, civil society also generates public opinion, which is conditioned on the freedom of expression, and which requires specific institutional forms (papers, reading societies). The structure of family life, the nuclear family, is relevant for the way in which civil society develops as well. For the organisation of the political state, the organisation of the representative assemblies, its constitutional rights, but also the way representatives are selected, the monarch and his constitutional role, the executive and the specific organisation

of the civil service, and the relations between the branches of government are all relevant for how it performs its function.

The distinction of both levels is somewhat artificial, as the realisation of freedom, in the interplay of state and society requires the functioning of the more concrete institutions and relationships. But it is useful for helping us distinguish what in Hegel's theory of order cannot be given up without discarding his theory and what allows for different institutional forms. In this respect, the basic level points to what is essential for the freedom of the modern political order (the opponent processing of state and society) and to the institutional requirements this entails *in abstracto*. However, the specific institutional organisation of Hegel's theory of order – the second level – does not seem to have the same kind of necessity. The generation of political order needs a web of institutions, which, by linking the particular and universal, transform the will of a political community, but the identity of these institutions and their inner organisations seem to leave room for alternatives – functional equivalents – which are able to bring about the same social effects.

Such a reading of Hegel's theory of order extends the scope of its relevance beyond the confines of his age. Hegel's theory of order can be used, then, to explicate the (lack of) freedom and rationality in current, late modern, political orders. It could help to diagnose adequately what is the case and what are the underlying causes. Its strength and distinctiveness lie in its synoptic, holistic approach, which attempts to take into account the organic interdependence of social relations, and its rich conception of freedom. As such, Hegel's account of order could offer a valuable alternative to one-sided understandings of order, which do not do justice to the whole.

The Hegelian framework could help to understand the flourishing of liberal democracies, the distinctive combination of market and democracy, in Western democracies in the post-war era (1945-1989). A Hegelian-based interpretation could uncover the inner logic of successful liberal democracies, going beyond interpretations, which take the stability of liberal democracy for granted and explain its current problems by reference to relative external factors, like economic growth, the threat of immigration and the rise of the social media (*cf.* 1.2 for a discussion of Mounk).

Below, I will endeavour to give the broad strokes of such a Hegelian interpretation. By necessity, this interpretation cannot do justice to all the empirical complexity and variety. It does not pretend to offer a conclusive analysis of liberal democracy; it merely wants to point out the distinctive tenor of a Hegelian analysis.

First of all, the liberal democracies of this period could be said to realise freedom, or in any case approximate the realisation of freedom. Individual citizens can pursue and realise their own ends (the liberal part), but they could also see themselves as participating in the democratic self-government of the community. Liberal democracies succeeded in generating relatively high levels of political trust and turnout in elections. In Hegelian terms,

liberal democracies have succeeded rendering their members subjectively free. The post-war liberal democracies could also be said to be objectively free, as different segments of society, such as workers, succeeded in having their reasonable interests taken into account in relevant decision-making.[175]

In a Hegelian analysis, the success of the post-war order cannot be explained by reference to the free market and presence of civil liberties alone. It regards as crucial that society does not remain an abstract space, but transforms itself into a sphere which forms its members and prepares them for political existence. In civil society, individuals must come to develop their will, no longer merely focusing on their isolated private ends, but now also willing universal ends which are no longer taken as pure opposites of their private ends. In Hegel's account of political order, the corporations were crucial for the political self-organisation of civil society. The post-war order had its functional equivalents of this: mass political parties which were embedded in society, trade unions, social movements and also experiments with forms of self-government for economic sectors. These mediating institutions succeeded in forging connections between the particular and the universal, the parts and the whole. Thanks to them, citizens were able to understand and attune to the reality they participate in, not by suppressing their particular self-interest, but by developing a greater awareness of what their particular interests exactly are.[176] For the development of reasonable public opinion, also the role of professional journalism, like Hegel's civil servants skilled in political judgment, must be singled out.

With regard to political decision-making, the post-war world understood itself emphatically as a representative *democracy*. Elections to a large degree structured political life, whose results were largely taken as the expression of society's political will. The political institutions were supposed to follow society's political preferences. This form of popular democracy seems to go against Hegel's understanding of the role of the state. However, it is a simplification to regard this order as a pure popular democracy. First, the democratic will of society went for its development through a set of institutions, which – in line with Hegel's vision – rendered it more reasonable. Political parties, which represented more or less objective segments of society, like labour, brought together the bottom-up perspective of the needs of its members in society with the top-down perspective of its representatives on the state level. This is not so different from Hegel's corporative representatives, who are also supposed to mediate between the state interests and those of their corporations. Similarly, journalism had this function of connecting society to the affairs of the state, and the state to

[175] Again, this is by necessity a very general picture, which does not want to deny the presence of forms of domination, social tensions and fundamental political criticism.

[176] From a Hegelian perspective, all associations seem to be useful, thus also sport clubs and churches. However, he emphasises forms of association which have a direct political relevance.

what happened in society. Due to these mediations, the people did not rule as an abstract aggregate but as an organised unity that has gone through processes of formation.

In addition, it is also incorrect to regard the state in this era as merely an instrument of the democratic will of society, or as an instrument to merely protect civil rights and the market. The state, which consisted of a professionalised civil service, did enable markets and individual civil and social rights, but it also carried a responsibility for the whole of society. Civil servants were not supposed to refrain from developing ideas about the common good and intervene on this basis. This period also attempts to use scientific knowledge for good policies, instituting scientific councils. I do not want to claim that the abstract, liberal representation of social life, which gives individual choice a sacred status, was fully absent with this civil service and scientific councils in this period, but it was clearly less dominant than it would become in the 90's. In this setting, the involvement of the civil service in the preparation of laws was also taken to be less of a violation of the democratic dogma of the priority of politics.[177] All these elements are in a Hegelian analysis crucial for the thriving of liberal democracy in the post-war period.

Hegel's theory of order could also be used for diagnosing the crisis of liberal democracy in late modernity. It is clearly beyond the scope of this study to offer here a full-fledged analysis of the fate of the current political order. Again, I will only highlight some of the elements which stand out from a Hegelian perspective. These elements correspond with the idea of an inner fragility of Hegel's organic conception of order. As such, this analysis indicates the direction in which a Hegelian analysis would go.

From a Hegelian perspective, current political orders are no longer able to fully realise freedom. The widespread expression of discontent and distrust, often combined with a populist vote, indicate a decrease in subjective freedom. Such an analysis would highlight experiences of alienation, whereby citizens do not experience the political order as their 'home'. They do not experience their lives to matter for the existence of the whole, nor do they see themselves participating in a form of self-government. As they do not succeed in relating to government, its interventions are to a large degree experienced as an arbitrary, ungrounded exercise of power. Hegel's concept of the rabble, understood not so much as a material but as a spiritual want, seems to catch the phenomenon of pockets of society fully rejecting its key principles and norms.

The current political order appears in a Hegelian analysis also as less rational. In empirical-institutional terms, the parts are not enough integrated into the social whole, while on a cognitive level, the Understanding dominates. The parts of society have difficulties in discerning how they are participants in an interdependent, differentiated, social whole.

[177] I do not want to make the point that the civil service fully followed its own ends against the wishes of politics, but that there was more of a collaboration, which corresponds with Hegel's conception of how the civil service collaborates with the legislative power.

Instead, they see themselves first of all as separate individual, who predominantly relate to others by abstract comparisons or as instruments for the realisation of their ends. Alternatively, they can also misjudge their organic embeddedness by absolutising the group that they identify with. These practical identities do not allow citizens to pursue reasonable ends. As a consequence of this lack of rationality, the social whole is not able to reproduce itself in freedom. For maintaining political order, it must more often resort to the exercise of force, including manipulation.

In a Hegelian analysis, the deeper ground for this state of being is the emancipation of civil society from the larger political order. In a free political order, civil society needs to be free, but this freedom is not an end in itself. Civil society should be the arena in which individuals come to see that they are citizens and that the well-being of the community is also their end. From a Hegelian perspective, this formation takes place insufficiently. The mediating institutions into which civil society must organise itself have lost much of their vitality. In particular, political parties have lost their ability to mediate state and society as they are no longer embedded in society. Now corporations are the most important association in civil society, but, following a logic of self-interest, they do not perform the mediating function that Hegel attributed to his corporations. Civil society, therefore, has more and more obtained the character of a pure market, fully determined by the logic of its members pursuing their own ends. Neoliberalism, which has come up since the 80's, is the ideological expression of this development.

Parallel to this change, the nature of the state has also changed.[178] The state is no longer conceived, nor does it conceive itself, as a relatively self-sufficient player in the organic whole whose purpose is to cultivate the common good within the freely developing relations of civil society. Instead, it takes itself as an instrument of society, of which it has an abstract representation. One version of this is to regard society as a market, a self-contained system of interactions in which individuals pursue their own ends. The task of government is to follow the liberal script of protecting the rights of citizens and making decisions or regulations in case of conflicting claims. In this conception, the state does not discern the good which inheres in the inner relations of the social whole. Instead of practical wisdom, government has become technocratic (see 6.3).

In the other version, society is understood as a democratic unity whose will can be read in the outcome of elections. The state takes this expression of the political will as authoritative of what society wants and defines its task as the implementation of this will. Also in this version, the state does not regard the discernment of the good inherent in the social relations as its task. From a Hegelian perspective, the problem of democracy is that it generates a political will, based on an aggregation and dynamic of particular subjectivities, which have not been disciplined into becoming more reasonable. While in the post-war

[178] The change of civil society is both the cause and the effect of the change of the state.

order, political parties ingrained in society were able to shape the will of citizens in line with the needs of society and the state, modern parties, competing for the votes of the citizens, manipulate voters into voting for them by the use of polarisation. Similarly, the proceedings of parliament and journalistic reporting of it, no longer succeed in their educational function of illustrating that the particular and the universal are interdependent, which is often attributed to the rise of the social media and the commercial imperative of click over content. In this setting, the majority will must be, from a Hegelian perspective, fundamentally arbitrary.

In both versions, the political state has given up its ambition to discern the rational, and to cultivate the good present in society. This attitude constitutes a logical response to operating in a society which takes respect for individual subjectivity and economic and political competition as its natural features. In this setting, rational judgments, which discern the good by taking all conditions and mutual interdependencies into account, do not succeed, insofar as citizens and state officials are capable of making them, in gaining weight in the social whole.

Without this inner purpose of freedom and rationality, the political order is likely to become a plaything of societal forces, economic, electoral, or both at the same time. The forces that will gain supremacy, possibly by the promise to restore freedom, will use the state institutions to curb – not integrate (!) – those elements in society it regards as a threat to political stability or its own power position. Consequently, the continued existence of order becomes dependent on the exercise of force and also on manipulation, as in order to find support and legitimacy, such an order will endeavour to convince its citizens by inventing narratives which are not grounded in real existing relations and do not resonate with the good which inheres in social relations.

Finally, I want to address the question whether Hegel's theory of order can also be used for fostering freedom and rationality, especially in the light of the crisis of democracy. There are reasons to answer this question negatively. The purpose of Hegel's project is to explicate the rationality of a political order that has come to fruition. As such, Hegel could establish how the institutions of his age could realise freedom and we can see now how the constitutions of the post-war order could also realise freedom. But now, we are living in times of transition which move us beyond Hegelian territory; the fundamental base of Hegelian political order, the organic state-society unities are collapsing. With Hegel's theory of order in mind, we can witness and diagnose this process of disorganisation – as addressed above – but we cannot stop it. The forces which now determine social relations, global civil society, regional powers and empires, global capitalism, the rejection of mediating institutions by technical innovations (the social media, the market) announce a new kind of order, though we cannot know, only speculate about, its precise nature, let alone establish how this new world order could turn out to be reasonable in the end.

This nostalgic use of Hegel's theory of order, however, is not the only option. The current order could also be said to be after but not beyond Hegel. From this perspective, it is still within the reach of current liberal democracies to reproduce themselves as free communities by the organic interplay of state and society. A Hegelian analysis could be used to explicate how current institutions could bring this about. It is not sufficient for such an explication to merely describe the most visible and prominent institutions active in our social worlds. It should also proceed more imaginatively, investigating the presence of institutions that have the potential to contribute to order but have not come to fruition yet, just as Hegel saw in the emergence of proto-corporative associations a possibility for the political order of his age to realise freedom. A Hegelian explication is also able to discern the hidden potential of existing relations. Such an analysis could be prescriptive, not in the sense of offering a blueprint, but by pointing out which institutions, to some degree present already in social relations, should be reformed in what direction to further contribute to freedom. It must also demonstrate how this institutional ensemble would be able to render social relations and participants more reasonable by weaving connections between the particular and the universal.

It is beyond the scope of this study to offer such an explication and answer the question whether the political order of our age could still realise freedom. I only wish to underline (a) the crucial importance of the question whether the modern political order would be able to organise itself as a 'home' for its members; and (b) that Hegel offers valuable theoretical tools for tackling this question. To conclude this study, I only want to point to three issues which seem to me crucial for such an investigation into the possibilities of 21st century freedom.

First, one of the most remarkable institutional developments in European democracy has been the continuing development of European Union governance structures. The emergence of this 'political state' seems to be a logical response to problems more and more transcending the national state-society framework. At the same time, it brings up the Hegelian question whether EU institutions could contribute to the freedom of European societies? From a Hegelian perspective, a polity in which individuals relate without mediation to the political state cannot be free. Consequently, national states must play a role within the structure of the EU. But *how* in a free order should the EU political state relate to the political states of its member states? And how should this political state relate to free society? For investigating these urgent questions, the Hegelian framework seems very relevant.[179]

Second, markets must from a Hegelian perspective develop certain structures, in which individuals find their place in life and which also enables them to be citizens. Free

[179] Two decades ago, this question had already been addressed by Siep (2003) and Quante and Rózsa (2001). Given the crisis of liberal democracy, it would be good to re-examine this.

markets must transcend themselves. If markets remain solely organised around profit and self-interest, a political order cannot be free. This raises the question whether the current political order contains possibilities to overcome the abstract market logic, for example in 'glocal' movements and forms of economic organisation which do not focus exclusively on profit, such as cooperatives and other forms of shared resources, such as the commons. In addition, it brings up the question what tools current states have to re-embed markets and to stimulate the development of reasonable structures.

Third, Hegel's analysis rejects one-man-one-vote democracy as threatening the rationality of the political order. The post-war order showed that it is possible to have democratic representation due to the mediating institutions – political parties, journalism – which render the particular wills more reasonable, more in tune with political reality. Current liberal democracies, however, have great difficulties in rendering subjective particularity more reasonable. A Hegelian explication must investigate the presence of institutions which could bring reason into political life. Citizen councils and other democratic innovations not based on competition for votes but sortition might be more reasonable organisations of political participation. Moreover, it must investigate whether the age of social media, in which attention has become a commodity and an object of competition, contains institutional possibilities to foster the development of rationality, understood as judgments taking the whole into account.

BIBLIOGRAPHY

Adorno, Theodor W. 1994. *Hegel: Three Studies*. Cambridge, Mass.: MIT Press.

Arendt, Hannah. 2006. *Between Past and Future. Eight Exercises in Political Thought*. London: Penguin.

Aristotle. 1988. *The Politics*. Cambridge: Cambridge University Press.

Avineri, Shlomo. 1974. *Hegel's Theory of the Modern State*. Cambridge: Cambridge University Press.

Barber, Benjamin. 2003. *Strong Democracy: Participatory Politics for a New Age*. Berkely: University of California Press.

Bellamy, Richard. 2012. "The Liberty of the Moderns: Market Freedom and Democracy within the EU." *Global Constitutionalism* 1 (1): 141–72.

Berlin, I. 2002. *Two Concepts of Liberty.* 1958. Republished in I. Berlin*, Liberty,* Ed. H. Hardy. Oxford: Oxford University Press.

Bevir, Mark. 1999. *The Logic of the History of Ideas*. Cambridge: Cambridge University Press.

Boer, Karin de. 2013. "De Verwikkeling van Markt En Staat in Het Licht van Hegels Grundlinien Der Philosophie Des Rechts." *Algemeen Nederlands Tijdschrift Voor Wijsbegeerte* 105 (2): 70–87.

Bovens, Mark. 1999. "Informatierechten: Over Burgerschap in de Informatiemaatschappij." *R&R. Nederlands Tijdschrift Voor Rechtsfilosofie En Rechtstheorie* 28: 102.

Bozeman, Barry. 2007. *Public Values and Public Interest. Counterbalancing Economic Individualism*. Washington D.C.: Georgetown University Press.

Brennan, Jason. 2012. *The Ethics of Voting*. Princeton: Princeton University Press.

Brooks, Thom. 2012. *Hegel's Philosophy of Right*. Chichester: John Wiley & Sons.

Brown, Wendy. 2015. *Undoing the Demos: Neoliberalism's Stealth Revolution*. Cambridge, Mass.: MIT Press

Buchwalter, Andrew. 1993. "Hegel, Modernity, and Civic Republicanism." *Public Affairs Quarterly* 7 (1): 1–12.

Canovan, Margaret. 1999. "Trust the People! Populism and the Two Faces of Democracy." *Political Studies* 47 (1): 2–16.

Capra, Fritjof, and Pier Luigi Luisi. 2014. *The Systems View of Life: A Unifying Vision*. Cambridge: Cambridge University Press.

Carré, Louis. 2012. "Den Staat Als Organismus Denken. Kant Und Hegel Über Die Zweckmässigkeit Des Politischen Handelns."

Chambers, Simone, and Jeffrey Kopstein. 2006. "Civil Society and the State." *The Oxford Handbook of Political Theory*, 363–81.

Christman, John. 2002. *Social and Political Philosophy, a Contemporary Introduction*. London; New York: Routledge.

Church, Jeffrey. 2010. "The Freedom of Desire: Hegel's Response to Rousseau on the Problem of Civil Society." *American Journal of Political Science* 54 (1): 125–39.

Cochran, Clarke E. 1974. "Political Science and 'the Public Interest.'" *The Journal of Politics* 35 (2): 327–55.

Constant, Benjamin. 1988. “On the Liberty of the Ancients and the Moderns.” In *Political Writings*. Cambridge: Cambridge University Press

Crouch, Colin. 2011. *The Strange Non-Death of Neo-Liberalism*. Cambridge: Polity.

Dagger, Richard. 2002. “Republican Citizenship.” *Handbook of Citizenship Studies*, 145–57.

———. 2006. “Neo-Republicanism and the Civic Economy.” *Politics, Philosophy & Economics* 5 (2): 151–73.

Dahl, Robert A. 1961. *Who Governs? Power and Democracy in an American City*. New Haven, CT: Yale University Press.

Dahl, Robert A., and Ian Shapiro. 2015. *On Democracy: Second Edition*. Second Edition, 2 edition. New Haven: Yale University Press.

De Tocqueville, Alexis. 1990. “Democracy in America. Vols. I and II. New York: Vintage Classics.” Random House, Inc.

Deneen, Patrick J. 2019. *Why Liberalism Failed*. New Haven, CT: Yale University Press.

Douglass, Bruce. 1980. “The Common Good and the Public Interest.” *Political Theory* 8 (1): 103–17.

Dworkin, Ronald. 1978. *Taking Rights Seriously*. Cambridge, Mass.: Harvard University Press.

Dyson, Kenneth H.F. 1980. *The State Tradition in Western Europe. A Study of an Idea and Institution*. Oxford: Martin Robertson.

Easton, David. 1965. *The Political System. An Inquiry into the State of Political Science*. New York: Wiley.

Ferro, Bernardo. 2016. “Hegel, Liberalism and the Pitfalls of Representative Democracy.” *Hegel Bulletin*, 1–22.

Franco, Paul. 1999. *Hegel’s Philosophy of Freedom*. New Haven, CT.: Yale University Press.

Fukuyama, Francis. 2006. *The End of History and the Last Man*. Simon and Schuster.

Galston, William A. 2017. *Anti-Pluralism: The Populist Threat to Liberal Democracy*. New Haven, CT: Yale University Press.

García Mills, Nicolás. 2018. “Realizing the Good: Hegel’s Critique of Kantian Morality.” *European Journal of Philosophy* 26 (1): 195–212.

Gauchet, Marcel. 2015. “Democracy: From One Crisis to Another.” *Social Imaginaries* 1 (1): 163–87.

Geuss, Raymond. 2003. *Public Goods, Private Goods*. Princeton, NJ.: Princeton University Press.

Giddens, Anthony. 1986. *The Constitution of Society: Outline of the Theory of Structuration*. Berkely: University of California Press.

Gilens, Martin, and Benjamin I Page. 2014. “Testing Theories of American Politics: Elites, Interest Groups, and Average Citizens.” *Perspectives on Politics* 12 (3): 564–81.

Habermas, Jürgen. 1992. “Citizenship and National Identity: Some Reflections on the Future of Europe.” *Citizenship: Critical Concepts* 2: 341–58.

Hardimon, Michael O. 1994. *Hegel’s Social Philosophy: The Project of Reconciliation*. Modern European Philosophy. Cambridge: Cambridge University Press.

Hegel, G.W.F. 1991. *Elements of the Philosophy of Right*. Cambridge: Cambridge University Press.

Herzog, Lisa. 2013. *Inventing the Market: Smith, Hegel, and Political Theory*. Oxford: Oxford University Press.

Heyde, Ludwig. 1987. *De Verwerkelijking van de Vrijheid. Een Inleiding in Hegels Rechtsfilosofie*. Leuven: Universitaire Pers.

Hobbes, Thomas. 1996. *Leviathan*. Cambridge: Cambridge University Press.

Honneth, Axel. 2001. *Leiden an Unbestimmtheit. Eine Reaktualisierung Der Hegelschen Rechtsphilosophie*. Vol. 18144. Universal-Bibliothek. Stuttgart: Reclam.

Houlgate, Stephen. 2022. "Civil Society and Its Discontents: Hegel and the Problem of Poverty." In *Hegel's Philosophy of Right*, 269–88. Milton Park: Routledge.

Huemer, Michael. 2012. *The Problem of Political Authority: An Examination of the Right to Coerce and the Duty to Obey*. London: Palgrave Macmillan.

Ikäheimo, H. 2002. "On the Genus and Species of Recognition." *Inquiry* 45 (4): 447–62.

Inglehart, Ronald, and Christian Welzel. 2005. *Modernization, cultural change, and democracy: The human development sequence*. Cambridge: Cambridge university press.

Jackson, M.W. 1986. "Bureaucracy in Hegel's Political Theory." *Administration & Society* 18: 139–52.

Keane, John. 1998. *Civil Society : Old Images, New Visions*. Cambridge: Polity Press.

Knowles, Dudley. 2002. *Routledge Philosophy Guidebook to Hegel and the Philosophy of Right*. Milton Park: Routledge.

Kuttner, Robert. 2018. *Can Democracy Survive Global Capitalism?* New York: W. W. Norton & Company.

Kymlicka, Will. 2002. *Contemporary Political Philosophy: An Introduction*. Oxford: Oxford University Press.

Leydet, Dominique. 2011. "Citizenship." In *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta, Fall 2011. http://plato.stanford.edu/archives/fall2011/entries/citizenship/.

Locke, John. 1988. *Two Treatises of Government*. Cambridge: Cambridge University Press.

Lukes, Steven. 2005. *Power: A Radical View*. London: Palgrave

MacGilvray, Eric. 2011. *The Invention of Market Freedom*. Cambridge: Cambridge University Press.

Madison, James, Alexander Hamilton, and John Jay. 1987. "The Federalist Papers (1788)." London: Penguin 87.

Mair, Peter. 2006. "Ruling the Void: The Hollowing of Western Democracy." *New Left Review* 42: 25–51.

Manent, Pierre. 2006. *A World beyond Politics? A Defense of the Nation-State*. Princeton, NJ: Princeton University Press.

Manin, Bernard. 1997. *The Principles of Representative Government*. Cambridge: Cambridge University Press..

Marshall, Thomas H. 1950. *Citizenship and Social Class and Other Essays*. Cambridge at the University Press.

McGilchrist, Iain. 2009. *The Master and His Emissary: The Divided Brain and the Making of the Western World*. New Haven, CT.: Yale University Press.

———. 2021. *The Matter with Thing: Our Brains, Our Delusions, and the Unmaking of the World*. London: Perspectiva Press.

Mill, John Stuart. 1989. *On Liberty and Other Writings*. Ed. Stefan Collini." Cambridge: Cambridge University Press.

Moland, Lydia. 2007. "History and Patriotism in Hegel's Rechtsphilosophie." *History of Political Thought* 28 (3): 496–519.

Mounk, Yascha. 2018. *The People Vs. Democracy: Why Our Freedom Is in Danger and How to Save It*. Cambridge, Mass.: Harvard University Press.

Mudde, Cas, and Cristóbal Rovira Kaltwasser. 2012. "Populism and (Liberal) Democracy: A Framework for Analysis." In: C. Mudde & C.R. Kaltwasser. *Populism in Europe and the Americas: Threat or Corrective for Democracy*. Cambridge: Cambridge University Press: 1-25.

Müller, Jan-Werner. 2017. *What Is Populism?* London: Penguin.

Nance, Michael. 2016. "Hegel's Social and Political Philosophy: Recent Debates." *Philosophy Compass* 11: 804–17.

Neuhouser, Frederick. 2000. *Foundations of Hegel's Social Theory. Actualizing Freedom*. Cambridge, Mass.: Harvard University Press.

Newey, Glen. 2012. "What Money Can't Buy by Michael Sandel; How Much Is Enough? By Robert Skidelsky and Edward Skidelky." *London Review of Books* 34 (12): 9–11.

Norris, Pippa. 1999. *Critical Citizens: Global Support for Democratic Government*. Oxford: Oxford University Press.

North, Douglass C. 1990. *Institutions, Institutional Change and Economic Performance*. Cambridge: Cambridge university press.

Nozick, Robert. 1974. *Anarchy, State, and Utopia*. New York: Basic books.

Pappas, Takis S. 2019. *Populism and Liberal Democracy: A Comparative and Theoretical Analysis*. Oxford: Oxford University Press.

Peperzak, Adriaan T. 2001. *Modern Freedom: Hegel's Legal, Moral and Political Philosophy*. Vol. 1. Studies in German Idealism. Dordrecht: Kluwer Academic Publisher.

Peterson, Andrew. 2011. *Civic Republicanism and Civic Education: The Education of Citizens.* London: Palgrave Macmillan.

Pettit, Philip. 1997. *Republicanism: A Theory of Freedom and Government: A Theory of Freedom and Government*. Oxford: Oxford University Press.

———. 2014. "The Market as a Res Publica." In *Democratic Wealth: Building a Citizens' Economy*, by Stuart White and Niki Seth-Smith.

Pippin, Robert B. 2003. *Hegel on Ethics and Politics*. Cambridge: Cambridge University Press.

Pippin, Robert B. 2008. *Hegel's Practical Philosophy: Rational Agency as Ethical Life*. Cambridge: Cambridge University Press.

Pitkin, Hanna F. 1967. *The Concept of Representation*. Berkely: University of California Press.

Plant, Raymond. 2010. *The Neo-Liberal State*. Oxford: Oxford University Press.

Plessner, Helmuth. 1965. *Die Stufen Des Organischen Und Der Mensch: Einleitung in Die Philosophische Antropologie*. Berlin: Walter de Gruyter.

Pocock, John G.A. 1992. “The Ideal of Citizenship since Classical Times.” *Queen’s Quarterly* 99: 33–55.

Popper, Karl R. 1995. *The Open Society and Its Enemies. Vol. Two: Hegel and Marx*. Milton Park: Routledge

Putnam, Robert D. 1994. *Making Democracy Work : Civic Traditions in Modern Italy*. Princeton, NJ: Princeton University Press.

Putnam, Robert D. 2000. *Bowling Alone: The Collapse and Revival of American Community*. New York: Simon and Schuster.

Quadrio, Philip A. 2012. “Hegel’s Relational Organicism: The Mediation of Individualism and Holism.” *Critical Horizons* 13 (3): 317–36.

Quante, Michael, and Erzsébet Rózsa. 2001. *Vermittlung Und Versöhnung : Die Aktualität von Hegels Denken Fur Ein Zusammenwachsendes Europa*.

Quante, Michael, and David P Schweikard. 2009. “Leading a Universal Life’: The Systematic Relevance of Hegel’s Social Philosophy.” *History of the Human Sciences* 22 (1): 58–78.

Rawls, John. 1973. *A Theory of Justice*. Oxford: Oxford University Press.

———. 1988. “The Priority of Right and Ideas of the Good.” *Philosophy & Public Affairs* 17 (4): 251–76.

Read, Leonard E. 2008. “I, Pencil.” *Irvington-on-Hudson, NY: Foundation for Economic Education (Reprint)*.

Rehberg, August Wilhelm. 1967. “Über Das Verhältnis Der Theorie Zur Praxis.” In *Kant, Gentz, Rehberg, Über Theorie Und Praxis*, edited by Dieter Henrich. Frankfurt am Main: Suhrkamp.

Ritter, Joachim. 1972. *Hegel Und Die Französische Revolution*. Frankfurt am Main: Suhrkamp.

Rorty, Richard. 1984. “The Historiography of Philosophy. Four Genres.” In *Philosophy in History: Essays in the Historiography of Philosophy*, by Jerome B Schneewind et al. Cambridge: Cambridge University Press.

Rosanvallon, Pierre. 2008. *Counter-Democracy: Politics in an Age of Distrust*. Cambridge: Cambridge University Press.

Ross, Michael L. 2001. “Does Oil Hinder Democracy?” *World Politics* 53 (3): 325–61.

Ross, Nathan. 2008. *On Mechanism in Hegel’s Social and Political Philosophy*. New York: Routledge.

Roth, Klaus. 2003. *Genealogie Des Staates : Prämissen Des Neuzeitlichen Politikdenkens*. Berlin: Duncker & Humblot,.

Rousseau, Jean-Jacques. 1991. *The Social Contract and Discourses*. London: Everyman’s Library.

Sandel, Michael J. 1996. *Democracy’s Discontent: America in Search of a Public Philosophy*. Cambridge, Mass.: Belknap Press.

———. 2012. *What Money Can’t Buy: The Moral Limits of the Market*. London: Penguin Books.

Schindler, David C. 2008. *Plato’s Critique of Impure Reason: On Goodness and Truth in the Republic*. Washington DC: CUA Press.

Schwartz, Herman Mark. 2018. *States versus Markets: Understanding the Global Economy*. London: Bloomsbury Publishing.

Scott, James C. 1998. *Seeing like a State: How Certain Schemes to Improve the Human Condition Have Failed*. New Haven, N.J.: Yale University Press.

Sen, Amartya Kumar. 1999. "Democracy as a Universal Value." *Journal of Democracy* 10 (3): 3–17.

Shaw, Carl K. Y. 1992. "Hegel's Theory of Modern Bureaucracy." *The American Political Science Review* 86 (2): 381–89.

Siep, Ludwig. 1992. *Praktische Philosophie Im Deutschen Idealismus*. Frankfurt am Main: Suhrkamp.

———. 2003. *Hegel Und Europa*. Paderborn: Schöningh.

Skinner, Quentin. 1969. "Meaning and Understanding in the History of Ideas." *History and Theory* 8 (1): 3–53.

Smith, Adam. 1999. *The Wealth of Nations: Books IV-V*. Edited by Andrew Skinner. 4 edition. London: Penguin.

Smith, Graham. 2009. *Democratic Innovations: Designing Institutions for Citizen Participation*. Cambridge: Cambridge University Press.

Snyder, Jane McIntosh. 1984. "The Harmonia of Bow and Lyre in Heraclitus Fr. 51 (DK)." *Phronesis* 29 (1): 91–95.

Spicer, Michael W. 2001. *Public Administration and the State. A Postmodern Perspective*. Tuscaloosa: The university of Alabama press.

Steinberger, Peter J. 2004. *The Idea of the State*. Cambridge: Cambridge University Press.

Stillman, Peter G. 1980. "Hegel's Civil Society: A Locus of Freedom." *Polity* 12 (4): 622–46.

Stoker, Gerry. 2011. *Prospects for Citizenship*. London: Bloomsbury Academic.

Taylor, Charles. 1979. *Hegel and Modern Society*. Cambridge: Cambridge University Press.

———. 2004. *Modern Social Imaginaries*. Durham, NC: Duke University Press.

Tijsterman, Sebastiaan, and Patrick Overeem. 2008. "Escaping the Iron Cage: Weber and Hegel on Bureaucracy and Freedom." *Administrative Theory & Praxis*, 71–91.

Tilly, Charles. 2007. *Democracy*. Cambridge: Cambridge University Press.

Valls, Andrew. 1999. "Self-Development and the Liberal State: The Cases of John Stuart Mill and Wilhelm von Humboldt." *The Review of Politics* 61 (2): 251–74.

Van Erp, Herman. 2000. *Political Reason and Interest: A Philosophical Legitimation of the Political Order in a Pluralistic Society*. Aldershot: Ashgate.

Van Reybrouck, David. 2016. *Against Elections: The Case for Democracy*. New York: Random House.

Veblen, Thorstein. 2005. *Conspicuous Consumption*. London: Penguin.

Vervaeke, John, and Leonardo Ferraro. 2013. "Relevance Realization and the Neurodynamics and Neuroconnectivity of General Intelligence." In: *SmartData: Privacy Meets Evolutionary Robotics*, edited by Inman Harvey et al, 57-68. New York: Springer.

Villa, Dana. 2005. "Hegel, Tocqueville, and 'Individualism.'" *The Review of Politics* 67 (04): 659–86.

Vincent, Andrew. 1987. *Theories of the State*. Oxford: Basil Blackwell.

Wallace, Robert M. Wallace. 1999. “How Hegel Reconsiles Private Freedom with Citizenship.” *The Journal of Political Philosophy* 7 (4): 419–33.

Waszek, Norbert. 1988. *The Scottish Enlightenment and Hegel’s Account of “Civil Society.”* Dordrecht: Kluwer Academic Publisher.

Weber, Max. 1966. *Staatssoziologie : Soziologie Der Rationalen Staatsanstalt Und Der Modernen Politischen Parteien Und Parlamente*. Berlin: Duncker & Humblot.

Whitt, Matt. 2013. “The Problem of Poverty and the Limits of Freedom in Hegel’s Theory of the Ethical State.” *Political Theory* 41 (3): 257–84.

Williams, Robert R. 1997. *Hegel’s Ethics of Recognition*. Berkely, Ca: University of California Press.

Wolff, Michael. 2004. “Hegel’s Organicist Theory of the State: On the Concept and Method of Hegel’s ‘Science of the State.’” In *Hegel on Ethics and Politics*, edited by Robert B Pippin, 291–322. Cambridg: Cambridge University Press.

Wood, Allen W. 1990. *Hegel’s Ethical Thought*. Cambridge: Cambridge University Press.

Zakaria, Fareed. 2003. *The Future of Freedom : Illiberal Democracy at Home and Abroad*. New York: W.W. Norton & Company.

Znoj, Milan. 2017. “Political Will and Public Opinion: On Hegel’s Theory of Representation.” *Filosofickỳ Časopis (Philosophical Journal)* 65 (Special Issue 1): 17–40.

SAMENVATTING IN HET NEDERLANDS

De liberale democratie staat al geruime tijd onder druk door de opkomst van populisme en illiberalisme. De liberaal-democratische orde is niet langer de vanzelfsprekende standaard voor politieke orde, die het in de tweede helft van de twintigste eeuw was, maar wordt vaker gezien als een kwetsbaar amalgaam van geopponeerde ordeningsconcepties. Aan de ene kant is de liberale orde georganiseerd rondom de vrijheid van het individu, waarbij overheid die vrijheid moet beschermen en faciliteren. Aan de andere kant is de democratische orde gebaseerd op het zelfbestuur van de burgers. Omdat niet duidelijk is of beide wel samen kunnen hoe ze zich dan ten opzichte van elkaar kunnen handhaven is een fundamentele herbezinning op politieke orde nodig. Om een bijdrage te leveren aan deze fundamentele herbezinning onderzoekt deze studie onderzoekt het denken van Georg Wilhelm Friedrich Hegel (1770-1831) over politiek orde. Hegel biedt een onderscheidende theorie over hoe we politieke orde moeten begrijpen en hoe het tot stand komt.

Hoofdstuk 1, ***Hegel and the study of political order*** legt de basis voor dit onderzoek. Het definieert concepten van politieke orde, als het geheel van samenhangende ideeën over de aard, het doel en de waarden van de politieke gemeenschap en machtsuitoefening en wat dit impliceert voor de organisatie hiervan (**1.2**). Omdat politiek leven voor Hegel in het teken van vrijheid staat, werkt hij in zijn theorie van politieke orde uit wat het betekent voor een politieke gemeenschap om vrij te zijn en zich als vrij te kunnen (re)genereren.

In deze studie laat ik ten eerste zien dat Hegel een subtiele en coherente analyse biedt van de fundamentele tekortkomingen van de liberale orde (**1.3**). Ten tweede benadrukt deze studie het belang van Hegels relationele, organische ontologie voor zijn politieke denken. Het reconstrueert hoe volgens Hegel een organische politieke orde zichzelf in de spanningsverhouding tussen de politieke instituties van de staat en de dynamiek van de maatschappij als een vrij geheel constitueert en regenereert. Ten derde laat deze interpretatie zien dat Hegels theorie een serieuze bijdrage biedt aan de vraag hoe zelfbestuur en politieke vrijheid zijn te realiseren zijn samen met individuele rechten, het basisbeginsel van de liberale orde.

Deze studie biedt een reconstructie van Hegels politieke denken die ingegeven is door vragen van onze tijd: de grenzen van een op liberale beginselen gebaseerde orde en de mogelijkheden om liberale en democratische orde met elkaar te verzoenen. Dit roept de vraag of een historische auteur wel hiervoor wel gebruikt kan worden (**1.4**). Het is immers een breed gedragen beginsel binnen de ideeëngeschiedenis dat om anachronisme te vermijden een auteur in zijn eigen tijd begrepen moet worden. Het staat inderdaad buiten kijf dat politieke wereld waarin wij leven onherkenbaar veranderd is sinds de tijd dat Hegel schreef. Tegelijkertijd is er voldoende raakvlak tussen Hegels tijd en die van ons om een rationele reconstructie te rechtvaardigen. De instituties die bepalend zouden worden onze

samenleving, zoals kapitalistische verhoudingen, een professionele bureaucratie, en een representatief politiek systeem, waren immers in zijn tijd in opkomst. Bovendien kristalliseerde het liberalisme als politieke ideologie zich in die periode uit. Hegels politieke denken vormt een antwoord op die ontwikkelingen dat ook voor ons interessant is. Juist omdat Hegel van dichtbij de transformatie van *ancien régime* naar moderne orde met haar innerlijke tegenstellingen meemaakte, kan hij een waardevolle gesprekspartner zijn voor de problemen waar moderne samenlevingen mee te kampen hebben.

Tegen het reactualiseren van een historische auteur kan ook bezwaar gemaakt worden als dat denken gestoeld is op aannames die achterhaald zijn. De bruikbaarheid van Hegels politieke filosofie kan ter discussie gesteld worden vanwege zijn organische ontologie: de politieke orde is voor Hegel een levend geheel dat niet met lineaire causaliteit begrepen kan worden. Er lijkt er echter geen fundamentele reden om een dergelijke ontologie bij voorbaat als verouderd te beschouwen. Juist door deze onderscheidende sociale ontologie is Hegel politieke denken van waarde voor het doordenken van politieke orde.

Hoofdstuk 2, *Conceptions of Political Order*, zet het kader van waaruit ik Hegels begrip van politieke orde onderzoek uiteen: de spanning tussen liberale en republikeinse vrijheid. Hegels tijdgenoot Constant articuleerde deze spanning scherp toen hij een onderscheid maakte tussen moderne of 'private' vrijheid en antieke of politieke vrijheid, de vrijheid om deel te namen aan het zelfbestuur van een politieke gemeenschap (**2.2**). Constant pleitte voor een politieke orde gebaseerd op de vrijheid van individuen om hun eigen levenskeuzes te maken. De politieke vrijheid van de antieken was volgens hem niet geschikt was voor moderne staten, die veel groter zijn dan de antieke stadsstaten, slavernij verwerpen en op handel zijn gebaseerd. Tegelijkertijd bepleitte hij voor de incorporatie van burgerparticipatie, een vorm van antieke vrijheid, in de liberale orde. Door middel van een representatief stelsel kunnen burgers hun bestuurders aansprakelijk houden en kan voorkomen worden dat burgers hun vrijheid zouden gebruiken om zich op privébelangen te fixeren. Deze combinatie maakt van Constant een vroege theoreticus van de liberale democratie.

De historicus J.G.A. Pocock plaatst de spanning tussen liberaal en republikeins burgerschap in een historisch kader dat van de oudheid tot het heden reikt (**2.3**). Dit kader problematiseert Constants oplossing, evenals de liberaal-democratische synthese. Pocock laat aan de ene kant zien dat het republikeinse ideaal van zelfbestuur sinds zijn opkomst in het antieke Athene tot aan het heden een grote aantrekkingskracht uitoefent. Burgers die gegrepen zijn door dit ideaal verlangen deel uit te maken van een politieke orde waaraan politiek handelen ten grondslag ligt, waarbij ze zich direct kunnen verhouden tot het politieke domein en waarbij zij door hun medeburgers als gelijken die ertoe doen erkend worden. Rousseau was van cruciaal belang voor de heropleving van dit ideaal in de achttiende eeuw, waarbij hij het verbond met het idee van volkssoevereiniteit.

Tegenover republikeins zelfbestuur plaatst Pocock een benadering waarbij politiek en burgerschap staat in het teken van het beheren van rechten en belangen. Dit ideaal biedt burgers een vorm van zekerheid tegen de onbestendigheid van sociale en politieke verhoudingen en daarmee de mogelijkheid om van hun bezit en maatschappelijke positie te genieten. Pocock ziet in de Romeinse jurist Gaius de grondlegger van dit ideaal. Het liberalisme, dat vanaf de zeventiende eeuw opkwam, probeerde dit ideaal te realiseren, met name door het belang van het recht op eigendom te benadrukken. Tegelijkertijd beschouwde het liberalisme individuen ook als bezitters van niet-materiële rechten, zoals het recht om het eigen leven vorm te geven. Het liberalisme zou in de loop der eeuwen de catalogus van te respecteren prepolitieke rechten steeds verder uitbouwen.

Beide benaderingen van politiek staan op gespannen voet met elkaar. Binnen de liberale traditie vormt democratisch zelfbestuur een bedreiging voor bezit en andere absolute rechten. Dit gevaar lag ten grondslag aan Constants pleidooi voor 'moderne' vrijheid en aan de constitutie die de *Federalist Papers* bepleitten. Omgekeerd laat Pocock zien dat een politieke orde gecentreerd rondom het *managen* van rechten en belangen burgers doet vervreemden van het politieke domein en van elkaar en het verlangen naar zelfbestuur oproept.

In dit spanningsveld staat Hegels politieke filosofie. Hij ziet, net als Constant, een 'burgerlijke maatschappij' opkomen, waarvan de verhoudingen niet meer feodaal zijn maar gebaseerd op gelijke burgerrechten en het recht op 'bijzonderheid' en waarbij de markt en de handel als ordenende en dynamische kracht een steeds grotere rol inneemt. Hegel erkent dat deze ontwikkeling een vorm van vrijheid in zich bergt die van waarde is. Tegelijkertijd omarmt hij het ideaal van politiek als zelfbestuur. In dat opzicht schiet de op individuele rechten gebaseerde orde tekort: het slaagt er niet in om burgers een thuis te bieden. De gangbare modellen om zelfbestuur te verwezenlijken, het ideaal van volkssoevereniteit en representatie op een *one-man-one-vote* basis wijst hij echter ook af. In plaats daarvan biedt Hegel een theorie van politieke orde die een alternatief vormt voor zowel de liberale als de democratisch-republikeinse modellen en tegelijkertijd beide met elkaar verzoent.

Een belangrijk bestanddeel van Hegels theorie is zijn kritiek op een op de burgerlijke maatschappij gebaseerde politieke orde. Deze kritiek reconstrueer ik als een kritiek op de liberale politieke orde. Om dit te onderbouwen, bied ik een ideaaltypisch overzicht dat de kernideeën en interne logica van zowel de liberale orde als Hegels begrip van burgerlijke maatschappij uitwerkt (**2.4**). Ten eerste beschouwt de liberale orde de samenleving als opgebouwd uit individuen die het recht hebben en moeten hebben om hun eigen doeleinden na te jagen. Zij zijn niet primair deelnemers aan een politieke en morele gemeenschap, maar delen een ruimte. Ten tweede heeft deze opvatting een instrumentele opvatting van de staat. De staat moet ten dienste staan van de burgerlijke maatschappij en vrijheid van het individu. De staat moet rechten beschermen, de zich ontvouwende sociale relaties reguleren

en publieke voorzieningen organiseren. Hierbij is er sprake van een typische liberale paradox: de staat moet voldoende onafhankelijk en krachtig zijn om deze functies uit te kunnen voeren, maar tegelijkertijd ingeperkt worden door tegenmachten en machtenscheiding om te voorkomen dat het de vrijheid van burgers en daaruit vrije maatschappelijke samenspel ondermijnt. Ten derde staat in deze opvatting van orde burgerschap en democratie niet zo zeer in het teken van zelfbestuur. Verkiezingen zijn primair een middel om machthebbers aansprakelijk te houden en persoonlijke beleidsvoorkeuren te uiten.

In Westerse democratieën hebben liberale ordeningspraktijken een dominante positie verworven (2.5). Tegelijkertijd roept dit ongenoegen op en een heroriëntatie op republikeins-democratische waarden. De opkomst van het populisme springt hierbij het meest in het oog. Dat lijkt een *revival* te zijn van het republikeinse ideaal, maar is eerder een parodie, omdat het er niet in slaagt om zelfbestuur te verwezenlijken Bovendien vormt het een bedreiging voor de liberale orde. In dit kader is het van belang om politieke orde te heroverwegen en daarbij Hegels stem in te brengen

Hegels theorie van politieke orde is gebaseerd op specifieke ontologische aannames. De sociale werkelijkheid heeft een organische, relationele structuur en heeft een interne gerichtheid op redelijkheid en vrijheid. In Hoofdstuk 3, *The Logic of Order* bespreek ik dit fundament en laat ik zien dat zijn benadering plausibel genoeg is om niet direct te verwerpen.

Voor Hegel wordt de sociale werkelijkheid gevormd door de wil (3.3). De wil staat in zijn filosofie niet als een soort verlangen tegenover het denken, maar omvat beide. De wil is dus de twee-eenheid van een energetische gerichtheid op het verkrijgen van object of toestand (verlangen) én een cognitieve structuur, de manier waarop de werkelijkheid tot begrip gebracht wordt (denken).

Voor Hegel wordt de wil van de mens gedreven door een grondverlangen om iemand te zijn in de sociale orde. Voor zelfwording is het aangaan van sociale verbanden vereist. En daarmee dringen ze ook door tot de aard van sociale werkelijkheid waar ze deel van uitmaken. Mensen ontwikkelen opvattingen over wat goed, waar en waardevol is, en daarmee ook over wie ze zelf zijn, door deel te nemen aan instituties, waaraan processen van wederzijds *claim-making* ten grondslag liggen. De wil als twee-eenheid van denken en verlangen ondergaat voortdurend een proces van transformatie.

De wil is voor Hegel niet in het individu maar in de relaties met anderen verankerd. Deze 'prioriteit van het sociale' betekent dat ook sociale formaties, zoals een familie of een staat, een wil hebben (of eigenlijk: 'wil' zijn). Instituties zijn verlangen en denken: ze zijn gericht op de realisatie van een bepaald (intern) doel en een cognitieve structuur, een verzameling aan opvattingen over de werkelijkheid. De deelnemers aan instituties dragen haar wil zonder dat die geheel op hen is terug te voeren. De wil van die instituties vormt immers tegelijkertijd die van haar participanten. Hierbij worden deelnemers niet op

identieke wijze gevormd en dragen ze evenmin op identieke wijze bij aan de wil van het geheel. Sociale formaties zijn relationele structuren waarbij het bijzondere, datgene waar de delen van elkaar verschillen, en het algemene, de eenheid van de institutie, elkaar wederzijds constitueren.

De wederzijdse constituerende relaties waaruit sociale formaties bestaan zijn erkenningsverhoudingen. De delen in hun onderlinge verscheidenheid erkennen de algemene wil van het geheel: door de doelstelling en cognitieve structuur ervan in zich op te nemen en eraan bij te dragen, geven ze het bestaan. Omgekeerd geeft de algemene wil van de institutie bestaan aan de delen door hun doelen en denken te erkennen en te faciliteren. Deze benadering leidt tot een sferisch beeld van de sociale werkelijkheid: de politieke orde als geheel, de staat, omvat de burgerlijke maatschappij, de familie en de overheid (de politieke staat), die ook weer delen omvatten (bv. economische sectoren of de verschillende staatsmachten), tot aan individuele participanten toe, bij elkaar gehouden door talloze erkenningsverhoudingen.

Een ander cruciaal aspect van Hegels ontologie is de immanente normativiteit van sociale verhoudingen (**3.4**). De wil is erop gericht vrij te zijn, wat Hegel definieert als "bij zichzelf zijn [a] in de ander [b]". De gerichtheid van de wil om 'bij zichzelf te zijn' [a] duidt op een verhouding waarbij een actor zijn wil weet toe te eigenen. Onvrije actoren hebben een wil die vreemd aan hen blijft. Ze herkennen zich niet in hun handelen, zoals het voortkomt uit natuurlijke of door sociale verbanden opgeroepen impulsen. 'In de ander' [b] betekent dat vrijheid niet alleen een zelf-relatie is, maar dat de condities van 'de wereld' buiten het subject eveneens van belang zijn voor vrijheid. Aanhangers van een negatief vrijheidsbegrip concluderen hieruit dat vrijheid betekent dat 'de wereld' ruimte moet bieden aan het doen en laten van de individuele actor: *freedom as non-interference*. Voor Hegel betekent het echter dat een actor een relatie moet aangaan met de wereld, zodat deze ophoudt 'ander' te zijn. Een liefdesrelatie illustreert dit. Deze beperkt de vrije keuzeruimte omdat met de ander rekening gehouden moet worden. Desondanks ervaren geliefden hierin vrijheid, omdat zij de ander zien als deel van zichzelf en dus ook willen bijdragen aan zijn of haar welzijn.

De mogelijkheid om deze vrijheid te ervaren ligt voor Hegel niet enkel bij het vermogen van de agent om de wereld op te kunnen nemen in de eigen wil. Het veronderstelt eveneens dat de sociale verhoudingen een organisatiestructuur hebben die het mogelijk maakt om erin bij zichzelf te zijn. Vrijheid is niet louter een attribuut van het individu, maar ook van sociale formaties. Deze zijn vrij wanneer er sprake is van een *redelijk* gemeenschapsleven. Hegel duidt deze formaties aan met de term zedelijkheid (*Ethical Life* in het Engels). De wederzijds constituerende erkenningsrelaties zijn er zo vorm gegeven zijn dat elk van de delen in het geheel tot zijn recht komt omdat zij volledig afgestemd zijn met het geheel en elkaar. Geen enkel deel kan eenzijdig andere delen dwingen. In Hegels

terminologie: zedelijke instituties zijn objectief vrij omdat de bijzonderheid en de algemeenheid elkaar volledig doordringen.

Het redelijk gemeenschapsleven van zedelijke sferen maakt het mogelijk voor actoren om in de sociale rollen die ze spelen, zoals burger, moeder of boer, vrijheid te ervaren. Dit subjectieve aspect van vrijheid omvat drie dimensies: ten eerste slagen actoren erin zich te verbinden met het doel en de cognitieve structuur van de institutie waarin ze participeren. Het zedelijk subject staat door deze erkenning en toe-eigening niet geopponeerd tegenover de wereld. Ten tweede kan het vrije subject zichzelf affirmeren in de sociale rollen die het inneemt. Zij ervaren deze als uitdrukkingen van wie ze ten diepste (ook) zijn. Deze zelf-affirmatie veronderstelt dat zij maatschappelijk erkend worden in die rollen, waarvoor ze aan de normen die ervoor constitutief moeten kunnen voldoen. Ten derde beschouwen vrije zedelijke subjecten zichzelf in hun handelen als onontbeerlijk voor het voortbestaan van de sociale wereld. Ze ervaren zich als coproducent van de het gemeenschapsleven waarin ze hun thuis hebben.

Het tegenovergestelde van ethische vrijheid is de ervaring van vervreemding, waarvoor we eveneens drie dimensies kunnen onderscheiden. Ten eerste overheerst in de relatie met de sociale wereld nu oppositie: actoren zijn niet in staat die op te nemen in hun wil maar ervaren die als bedreigend en vijandig. Ten tweede ervaren ze in sociale rollen geen zelfwording maar zelfverlies. Ze hebben een rol die niet uitdrukt wie ze echt zijn maar die opgelegd voelt. Vervreemding kan ook optreden als actoren niet in slagen om iemand te worden, omdat ze aan de normen kunnen voldoen waarmee ze maatschappelijke erkenning zouden kunnen krijgen. Vervreemde subjecten voelen zich miskend en afgewezen. Ten slotte zien vervreemde actoren niet hoe hun eigen leven bijdraagt aan het voortbestaan van de sociale wereld. Zij beschouwen zich als overbodig en betekenisloos.

In **Hoofdstuk 4, *The Limits of Liberal Order: Social Pathologies***, begint de reconstructie van Hegels kritiek op de liberale opvatting van orde. Zijn analyse van de burgerlijk maatschappij kan gelezen worden als een gedachtenexperiment dat de mogelijkheden om een vrije gemeenschap te realiseren op basis van de bijzonderheid, het leidende principe van de burgerlijke maatschappij, onderzoekt. Dit principe betekent dat individuen niet primair *leden* van een (politieke) gemeenschap maar op zich staande eenheden die hun eigen doelen stellen en op die basis relaties aangaan. Dit interne doel van de burgerlijke maatschappij correspondeert met een cognitieve structuur waarin de sociale werkelijkheid bestaat uit losse, op zichzelf staande elementen. Hegel noemt deze cognitieve attitude, die onderlinge samenhang niet weet te doorgronden, verstand [*Verstand*], dat hij tegenover de rede [*Vernunft*] plaatst.

Volgens Hegel kunnen relaties binnen de burgerlijke maatschappij uiteindelijk niet redelijk en objectief vrij zijn (**4.3**). Louter op basis van het onderliggende principe betekent de burgerlijke maatschappij een einde aan zedelijkheid (*Ethical Life*). Zedelijkheid is immers

een vorm van redelijk gemeenschapsleven waarvan de deelnemers rekening met elkaar houden en elkaars welzijn mogelijk maken. De emancipatie van de bijzonderheid in de burgerlijke maatschappij betekent dat individuen volledig op hun eigen doeleinden gericht zijn; anderen komen alleen in beeld als middel voor deze te verwerkelijken. Vanuit dit perspectief lijkt de liberale orde een strijd van allen tegen allen om schaarse goederen.

Hegels analyse blijft echter niet bij het onderliggende principe staan, maar onderzoekt de eruit voortkomende dynamiek. Vanuit de bijzonderheid blijkt zich een vorm van redelijk gemeenschapsleven te kunnen ontwikkelen. De op hun eigen behoeften gerichte individuen raken door arbeidsdeling en ruil met elkaar verwikkeld. Daarbij ontstaat een systeem van behoeften, een markt, dat in het belang van allen is omdat het voor de deelnemers meer welvaart en handelingsopties genereert dan zij zelfstandig tot stand zouden kunnen brengen. Ook dwingt het systeem af dat deelnemers rekening met elkaar houden: om er goed te kunnen functioneren, moeten ze werk doen waar maatschappelijk vraag naar is, zich aan de gewoonten van de andere spelers op markt aanpassen en de rechten van degenen waar ze mee omgaan respecteren.

Uiteindelijk is echter de potentie van de liberale orde om redelijke verhoudingen te ontwikkelen begrenst. Gemeenschapsleven dat in het teken van het eigen belang blijft staan is onvoldoende in staat om de fluctuaties en crises die markten per definitie met zich meebrengen op een redelijke wijze het hoofd te bieden. Daarnaast roept een uitsluitend op bijzonderheid gestoelde samenleving een markt in het leven die de deelnemers niet hindert om hun eigenbelang te volle na te jagen. Deze competitieve markt heeft volgens Hegel, op Marx vooruitlopend, een interne logica waardoor sommigen enorme rijkdom vergaren en anderen in schrijnende armoede leven. De succesvolste fabrikanten zullen door rationalisering van het productieproces steeds meer marktaandeel weten te verwerven, waarbij ze een *race-to-the-bottom* ontketenen onder de industriële onderklasse die om het beperkte aantal banen in een concurrentiestrijd verwikkeld zijn.

Daarnaast laat Hegel zien dat participanten in een liberale orde vrijheid niet ten volle kunnen ervaren (**4.4**). Het gebrek aan redelijkheid in de sociale relaties (de objectieve vrijheid) correspondeert met vervreemding op subjectief niveau. In een liberale orde hebben actoren het verlangen om iemand te zijn, dat wil zeggen om een sociale en praktische identiteit te verwerven. Dit verlangen naar vrijheid roept in de quasi-gemeenschap van de liberale orde in de eerste plaats de sociale rol van de zelfredzame persoon op. Om iemand te zijn binnen de burgerlijke maatschappij is het niet voldoende om alleen formeel het recht te hebben om eigen doelen te mogen stellen. Het komt erop aan materieel in staat te zijn om een leven op basis van eigen keuzes te kunnen leiden. Een groot gedeelte van de burgerlijke maatschappij kan niet aan deze norm voldoen. Hun leven draait om overleven, waarvoor soms zelfs een beroep gedaan moet worden op staatsondersteuning of liefdadigheid. Dit onvermogen om iemand te zijn wordt bovendien binnen de burgerlijke

maatschappij als een persoonlijk falen aangerekend. Hier heerst immers het verstandsdenken dat de interne maatschappelijke afhankelijkheidsrelaties niet weet te doorgronden en uitkomsten interpreteert als het gevolg van het handelen van individuen.

Daarnaast roept de samenlevingslogica van de burgerlijke maatschappij een tweede sociale rol op. Het ideaal van zelfredzaamheid is voor degenen die hieraan kunnen voldoen onvoldoende om vrijheid te ervaren omdat het weinig ruimte biedt om zich van anderen te onderscheiden. Zelf-affirmatie hangt binnen de burgerlijke maatschappij nauw samen de relatieve positie die men inneemt ten opzichte van anderen. Daarom genereren deze verhoudingen ook een succesideaal. Om iemand te zijn in het geheel van op zichzelf gerichte individuen biedt levensstijl, in het bijzonder je consumptiepatroon, de mogelijkheid om je te onderscheiden. Dit ideaal van succes krijgt concrete invulling door een voortdurend vergelijken. Omdat de één ten minste gelijk wil zijn aan de ander, maar die ander zich juist weer verder wil onderscheiden, verschuift de norm voor een geslaagd leven voortdurend. Het gemeenschapsleven van de liberale orde brengt voortdurend de ervaring van tekort met zich mee en daarmee gevoelens van ontevredenheid met de eigen positie en de al dan niet ingebeelde minachting van anderen.

Symbool voor het onvermogen van de burgerlijke maatschappij om een thuis te zijn waarin participanten een bestendige, vrije identiteit ontwikkelen is de opkomst van het gepeupel. De relaties van de burgerlijke maatschappij genereren een onderklasse die er niet in slaagt om iemand te zijn. Zij ervaren de sociale wereld die hen als overbodig beschouwt als tegen hen gekant. Hierop reageert het gepeupel door de pijlers van het gemeenschappelijk leven te verachten. Ze streven niet meer naar fatsoenlijk, zelfredzaam bestaan, maar vertonen lethargisch en ook crimineel gedrag. In Hegels analyse is deze minachting van de gemeenschap niet voorbehouden aan de onderklasse. Juist de succesvolsten op markt spreiden vergelijkbaar gedrag ten toon. Omdat zij geen oog hebben voor de maatschappelijke samenhang en hun succes als hun persoonlijke verdienste beschouwen, zien ze de maatschappelijke normen, het recht en hun medeburgers slechts als middelen die ze naar hun hand kunnen zetten om het enige dat telt, hun particuliere doelen, te bereiken. Hegel laat dus zien dat binnen het onredelijke gemeenschapsleven van de liberale orde destructieve krachten kiemen.

De burgerlijke maatschappij beschikt volgens Hegel echter over een intern vermogen om vrijheid te verwerkelijken (**4.5**). Zij zal zich beroepsmatig organiseren in zogenaamde corporaties. Deze verenigingen hebben als belangenbehartigers hun oorsprong in het principe van de bijzonderheid, maar ontwikkelen zich op basis van de gedeelde kennis, kunde en maatschappelijke positie tot een zedelijke sfeer. De corporatie verliest dan voor haar leden haar instrumentele karakter en wordt constitutief voor wie ze zijn. Leden identificeren zich met hun beroep en de bijdrage die ze daarbij aan de maatschappij leveren. Het gemeenschapsleven van corporaties is redelijker, omdat leden meer afgestemd zijn op

hun sociale wereld. Ze willen zo goed mogelijk voldoen aan de technische en morele professionele normen van de corporatie. Deze zijn redelijk, omdat corporaties ook communicatieve sferen van collectief leren zijn, waarbij normen voortdurend vanuit ervaringen bijgesteld worden. De leden van corporaties erkennen dat de corporatie bepalend is voor hun zijn en daarmee dat zij verplichtingen hebben naar hun beroepsgenoten, zoals solidariteit in het geval van tegenspoed. Subjecten die hun identiteit in de corporaties hebben zullen ook minder de behoefte hebben zich op leefstijl met anderen te vergelijken.

Deze potentie tot beroepsmatige vereniging binnen de liberale orde betekent echter niet dat zij volkomen op zichzelf kan bestaan. Om te voorkomen dat corporaties onderling in een concurrentiestrijd verwikkeld raken waarbij de belangen van anderen ondermijnd worden moet er een regulerend domein zijn. Bovendien is het de vraag of corporaties op zichzelf de krachtige marktlogica kunnen ombuigen tot een logica van professionele waarden en solidariteit. De corporaties veronderstellen een overkoepelende ordening, de staat, die zelf niet gereduceerd kan worden tot de principes van de burgerlijke maatschappij. Ook het probleem van de ongeschoolde onderklasse kunnen de corporaties, die gegrond zijn in gedeelde professionele vaardigheden, niet oplossen.

In **Hoofdstuk 5, *The Limits of Liberal Order: Political Pathologies***, verlegt de reconstructie van Hegels analyse van liberale orde zich van het sociale en economische naar het politieke domein. Het laat zien waarom volgens Hegel de op liberale uitgangspunten gebaseerde staatsinstituties de onredelijkheid van het gemeenschapsleven en de ervaringen van vervreemding niet kunnen oplossen maar juist verdiepen.

De burgerlijke maatschappij is niet alleen een sociale sfeer, maar omvat ook overheidsinstanties die uit haar logica voortkomen (**5.2**). De staat is een buiten het individu liggend instrument ten dienste van de doeleinden van de individuen. Deze 'externe' staat omvat het beheer van het recht. De staat moet de rechtsorde handhaven door burgers die bij het nastreven van hun eigen doeleinden de rechten van anderen niet respecteren terug in het gareel te brengen. Daarnaast heeft het overheidsapparaat als taak het maatschappelijk welzijn te beheren. Het grijpt met preventieve maatregelen, reguleringen, bijvoorbeeld marktregels, of publieke diensten in de maatschappelijke verhoudingen in om de bijzondere belangen van burgers te dienen (deze overheidstaak werd in Hegels tijd als *Polizei* aangeduid).

Hegels analyse laat zien dat de externe staat de onredelijkheid die optreedt als de bijzonderheid zich vrij mag ontplooien niet kan ombuigen (**5.3**). Tegenover het armoedeprobleem dat de marktlogica genereert is de staat machteloos. Hegel bespreekt verschillende oplossingen, zoals uitkeringen, werkverschaffing of expansie in het buitenland, mogelijk in de vorm van kolonies, maar geen ervan doorbreekt fundamenteel de logica van de markt waardoor de sociale pathologieën van de liberale orde weer zullen optreden.

Daarnaast laat Hegel zien dat de liberale staat niet in staat is om het algemene goede voor de samenleving als geheel vast te stellen. Dit heeft te maken met de structuur van de samenleving. Als we de corporaties buiten beschouwing laten, is het gemeenschapsleven onvoldoende redelijk. Deelnemers, gericht op hun eigen belangen, zijn in een concurrentiestrijd met anderen verwikkeld. Zij hebben te weinig een gemeenschappelijk belang dat als oriëntatiepunt voor de overheid zou kunnen dienen. Zelfs als dit algemene aanwezig zou zijn, dan is de liberale overheid, die de samenleving benadert vanuit het verstandsdenken, niet in staat dit te identificeren. Zij ziet de samenleving als opgebouwd uit individuele personen en kan het algemene belang alleen maar vanuit abstracte bijzonderheid denken, bijvoorbeeld als gelijkheid. Deze abstracte benadering dringt niet door tot wat als basis voor het algemene belang zou moeten dienen: de interne samenhang van concrete samenlevingen, de eenheid die de verscheidenheid samenhoudt en bevordert.

Ten slotte laat Hegel zien dat de liberale staat de ervaringen van vervreemding verscherpt en een anti-staatshouding oproept (5.4). In de burgerlijker maatschappij benaderen burgers de overheid vanuit hun bijzonderheid. Ze doen een beroep op de overheid en het algemene belang om *hun* rechten te beschermen, preventief in te grijpen wanneer *zij* overlast ervaren, de markt te reguleren zodat *zij* er voordeel bij hebben en de publieke goederen te verschaffen die *zij* nodig hebben. Zij stellen hun bijzonderheid absoluut en komen er dus niet toe om algemene, het welzijn van de gehele gemeenschap, als een op zichzelf staand doel te erkennen. Vanuit die houding, zullen zij zich door overheid tekort gedaan voelen. Door de belangentegenstellingen die de markt creëert kan de overheid immers nooit aan alle wensen voldoen. Bovendien heeft de liberale overheid, die het als zijn taak ziet om de bijzondere belangen te beschermen, de neiging steeds verder in de samenleving in te grijpen omdat zij, vanuit het lineaire causaliteitsdenken van het verstand, voor elk probleem een oorzaak identificeert, die weer een oorzaak heeft, etc. Op hun bijzonderheid gerichte subjecten zullen dit ingrijpen als willekeurig beschouwen en beantwoorden met vijandigheid van hun kant. De liberale staat is niet in staat zijn eigen legitimiteit te genereren.

Hegels analyse van de burgerlijke maatschappij laat zien dat een politieke gemeenschap die uitsluitend op de bijzonderheid gebaseerd is onredelijk is en ervaringen van onvrijheid oproept. Omdat de moderne staten van zijn tijd er wel in slaagden om vrijheid te verwerkelijken, of in ieder geval die potentie hadden, moest er een ander ordeningsprincipe actief zijn. Hoofdstuk 6, *The Reproduction of Order: Hegel's Organic Theory of the State*, bespreekt de logica van een vrije politieke orde: hoe draagt haar organisatievorm bij aan haar (voort)bestaan.

Cruciaal voor Hegels begrip van politieke orde is zijn organische benadering. Organische eenheden onderscheiden zich van mechanische in vier opzichten (6.2): de delen

van een organisch geheel kunnen niet op zichzelf bestaan (1); een organisme moet zich voortdurend regenereren om in leven te blijven (2); organismes hebben geen externe oorzaak of maker maar zijn zelf-organiserend waarbij ze de voorwaarden voor hun eigen bestaan produceren (3); en de causaliteit die ten grondslag ligt aan organische eenheden is niet lineair maar circulaire of wederkerig (4).

De politieke orde, de staat, is voor Hegel een levend geheel dat zich organiseert in een burgerlijke maatschappij en een politieke staat, de overheid. De burgerlijke maatschappij organiseert zich in delen, zoals de corporaties en de politieke staat in de verschillende overheidsmachten: de monarchale, wetgevende en in departementen georganiseerde uitvoerende macht. Anders dan in de liberale benadering heeft de burgerlijke maatschappij nu geen bestaan op zichzelf maar alleen in de politieke gemeenschap als geheel. Dit geldt ook voor de overheid, die dus niet als een extern machtsinstrument opgevat moet worden.

De politieke staat en de burgerlijke maatschappij kenmerken zich door tegenovergestelde dynamieken (**6.3**). Het handelingsdomein van de politieke staat is gericht op het algemene belang, het welzijn van het geheel. De ambtenarenstand, die in de wetgevende en uitvoerende macht het handelen van de politieke staat grotendeels bepaalt, is op het algemene goede voor de gemeenschap georiënteerd. In de burgerlijke maatschappij, daartegenover, is juist de bijzonderheid het leidende principe. Dit domein kent een *bottom-up* dynamiek: individuen stellen hun eigen doelen. Binnen de politieke gemeenschap als geheel staan staat en maatschappij dus tegenover elkaar als een samenbindende, centripetale kracht tegenover een differentiërende, centrifugale kracht.

De politieke gemeenschap constitueert zichzelf als vrij en redelijk in deze aan elkaar geopponeerde processen. Daarbij is het van belang dat de tegenstelling tussen staat en burgerlijke maatschappij niet absoluut is omdat zij elkaar dan alleen maar zouden kunnen inperken. Kenmerkend voor een organisch geheel is dat tegengestelden elkaar tegelijkertijd kunnen versterken (het biologisch principe van *opponent processing,* Cusanus' idee van *coincidentia oppositorum*). Dit betekent concreet dat het doel van de burgerlijke maatschappij niet uitsluitend in zichzelf – het principe van bijzonderheid – is besloten, zoals de liberale orde veronderstelt. De burgerlijke maatschappij heeft ook een functie in het tot stand brengen van een vrije en redelijke gemeenschap, inclusief de politieke staat. Omgekeerd ligt het doel van de politieke staat in het bevorderen van het algemene belang van de gemeenschap, maar niet tegen de bijzondere belangen in. De overheid dient het algemeen belang ook door juist de verhoudingen die zich in de burgerlijke maatschappij ontwikkelen, te ondersteunen voor zover die redelijk zijn.

Een vrije politieke orde constitueert zichzelf in de manier waarop het domein van de staat en van de burgerlijke maatschappij relaties weven tussen zichzelf en hun tegenovergestelde, tussen het algemene en het bijzondere, tussen het geheel en de delen, en waarbij het geheel en de delen voortdurend transformeren. Juist doordat de staat en de

maatschappij hun eigen dynamiek hebben, slaagt het erin een afgestemd en geïntegreerd gemeenschapsleven tot stand te brengen waarin de bijzonderheid van eenieder zich in vrijheid kan ontplooien, dus zonder het geheel te ondermijnen.

Concreet zijn er vier processen die deel en geheel, het bijzondere en het algemene met elkaar verbinden en dus bijdragen aan de integratie van de politieke orde. Twee hiervan hebben hun oorsprong in de bijzonderheid van de burgerlijke maatschappij. De eerste hiervan, *marktintegratie,* heeft betrekking op het proces waarbij 'vanzelf' structuren ontstaan die al een vorm van redelijkheid hebben. Dat gebeurt als het ware 'achter de rug' van het individu, wiens handelen in principe op eigenbelang is gericht. Hegel denkt hierbij aan de ontwikkeling van een markt die vraag en aanbod afstemt en aan de structurering van het economische domein in sectoren. Daarnaast vormt de vrije interactie op markt ook haar deelnemers en bereidt hen zo voor op een politiek bestaan. De primair in hun eigen doelen geïnteresseerde deelnemers worden er toch redelijker omdat ze anderen moeten gaan erkennen als persoon, leren zich te beheersen en een eerste inzicht ontwikkelen in het belang van politieke instituties die zorgdragen voor het geheel. Ten slotte doen ze in de corporaties ervaring op om deel uit te maken van een geheel dat henzelf overstijgt en insluit.

Daarnaast is er een tweede vorm van integratie waarbij leden van de burgerlijke maatschappij *bewust* een relatie aangaan met het algemene goede. De gemeenschap, politieke staat en wet verliezen zo hun externe, instrumentele karakter en worden erkend als een intrinsiek goed. In dit proces, *politieke integratie*, worden de leden van de burgerlijke maatschappij burgers. Voor deze bewust voltrokken ommekeer zijn de beraadslagingen van het parlement cruciaal. Het parlement, dat bestaat uit afgevaardigden van alle sectoren, maakt de samenleving als geheel zichtbaar ('re-presenteert': het presenteert die opnieuw). De afgevaardigden hebben als oorspronkelijk doel om hun bijzondere belangen te behartigen maar krijgen inzicht hoe die intrinsiek met het belang van het geheel verbonden zijn. Als gevolg hiervan erkennen corporatieve vertegenwoordigers en vertegenwoordigden de wet niet als louter instrumenteel maar als een intrinsiek goed. Het bijzondere belang wordt niet vervangen door het algemene belang maar verdiept zich omdat het nu in samenhang met geheel gezien wordt.

De twee andere integraties hebben hun oorsprong in de politieke staat. De politieke staat moet wetten vaststellen die het goede voor de gemeenschap uitdrukken. Daartoe dient de politieke staat de reëel bestaande gedifferentieerde maatschappelijke verhoudingen als basis te nemen en de daarin werkzame redelijkheid ondersteunen en onredelijke verhoudingen, waarbij sommige delen tot bloei komen ten koste van anderen, om te buigen. De wet dient dus de belangen van alle sectoren in zich op te nemen (*legislatieve integratie*). Daarvoor is het van belang dat die sectoren in het parlement hun gezichtspunten en ervaringen, inclusief feedback op huidige wetgeving, in kunnen brengen.

Ten slotte is ook de uitvoerende functie van de staat een vorm van integratie (*executieve integratie*). De implementatie van de wet, bv. door toezicht te houden of publieke voorzieningen te leveren, moet niet worden voorgesteld als de mechanische toepassing van algemene regels op bijzondere gevallen. De wet is altijd onvoldoende specifiek voor de concrete praktijk. In de uitvoering moet de overheid de regel zo uitvoeren dat die zowel recht doet aan het algemene doel als aan de specifieke context. Alleen door een dergelijke concretisering, en niet alleen het formuleren van de wet, staan de maatschappelijke verhoudingen werkelijk in het teken van het algemene goede.

In Hegels organische perspectief op de organisatie van een vrije politieke orde grijpen de verschillende integratieve processen in elkaar (**6.4**). Elk veronderstelt de andere. Een vrije politieke orde komt alleen tot stand in een systeem van bemiddelingen. De legislatieve en executieve integraties lukken alleen maar als de markt haar voorbereidende werk doet en burgers een interne verhouding tot de overheid hebben ontwikkeld. Omgekeerd kunnen maatschappelijke verhoudingen algemeenheid ontwikkelen, bijvoorbeeld door de vorming van corporatieve structuren, als de politieke staat in wetgeving en uitvoering deze ontwikkeling weet te bestendigen. En individuen kunnen zich alleen tot burger ontwikkelen als de overheid erin slaagt om door wetgeving en uitvoering de maatschappelijke verhoudingen in het licht van het algemene goede te ordenen.

De conclusie (**6.5**) bespreekt hoe Hegels organische opvatting van politieke orde ons aanzet de liberale uitgangspunten te heroverwegen. Anders dan voor de liberale orde is de maatschappij niet een ruimte waarvan het doel uitsluitend ligt in de bijzonderheid, haar onderliggende principe. De maatschappij organiseert zichzelf in de vrije interactie tot een quasi-gemeenschap (die in het samenspel met de politieke staat zich tot een volwaardige gemeenschap ontwikkelt). Voor het beoordelen van de maatschappij moeten daarom niet uitsluitend abstracte normen, afgeleid van het principe van de bijzonderheid, gehanteerd worden, zoals individuele autonomie, keuzevrijheid, de realisatie van preferenties of, op geaggregeerd niveau, economische groei. Het gaat uiteindelijk om de redelijkheid die zich in haar ontwikkelt: in hoeverre ontstaat een structuur die bijdraagt aan het welzijn van het geheel en vormt ze de leden om een politiek leven leiden.

Ook biedt Hegel een alternatief voor de instrumentele opvatting van de overheid. De overheid is niet een machtsapparaat om, zoals in de liberale opvatting, rechten te beschermen en belangen te promoten, en evenmin, zoals in de democratische opvatting, om de wil van het volk uit te voeren. In plaats daarvan moet de overheid relatief zelfstandig tegenover de maatschappij staan om het algemene goede vast te stellen. Dit betekent niet dat de staat als een zelfstandig ordende macht opgevat moet worden en de samenleving als het materiaal van waaruit die orde gevormd wordt, zoals de mechanische staatsopvatting van de verlichting het zich voorstelt. *Contra* al deze voorstellingen moet er tussen staat en maatschappij een resonantieverhouding zijn: de staat moet 'luisteren' naar de zich vrij

ontplooiende maatschappelijke verhoudingen om een eigen 'antwoord' te formuleren. Luisteren betekent ontwaren in hoeverre die verhoudingen redelijk zijn en antwoorden het besluit om in het licht hiervan de wet op een bepaalde manier te wijzigen of uit te voeren. Voor beide is het morele en synoptische oordeelsvermogen van de ambtelijke klasse cruciaal.

Hegels organische begrip van politieke orde omvat niet alleen een alternatieve visie op staat en maatschappij, maar ook op burgerschap, democratie en zelfbestuur. Moderne voorstellingen van burgerschap vallen uiteen in liberale en republikeinse benaderingen die beide kritisch tegenover Hegel staan. Volgens liberalen vermorzelt de organische staat het individu en volgens republikeinen biedt de dominantie van de ambtenarenklasse geen ruimte voor betekenisvol zelfbestuur. Hoofdstuk 7, *Citizenship, Self-government, and Democracy*, laat zien dat Hegels organische opvatting van politieke orde wel degelijk een relevante doordenking bevat hoe zelfbestuur samen met individuele rechten verwerkelijkt kan worden en hoe dus de spanning tussen beide opgelost kan worden.

Hegel wijst gangbare opvattingen van soevereiniteit af (7.2). Soevereiniteit wijst het hoogste gezag binnen een politieke gemeenschap aan. Het liberalisme legt dat bij het individu. Zonder instemming heeft niemand heeft het recht de vrijheid van het individu te beknotten. Democraten leggen de soevereiniteit bij het volk. Wetgeving moet geworteld zijn in de wil van het volk, waarbij men meestal aanneemt dat de meerderheid het recht heeft om voor het geheel te spreken. Hegel wijst beide benaderingen af. Politieke gemeenschappen kunnen zichzelf alleen in vrijheid en als vrij regenereren als elk deel afstemt op de andere delen en het geheel. Het toekennen van soevereiniteit aan een deel van de staat, het individu of het volk, tast deze objectieve vrijheid aan. Het soevereine deel is als het ware uit het organische verband van de gemeenschap gelicht. Het kan rechten tegenover dat geheel laten gelden zonder dat daar de verplichting om zich aan te passen tegenover staan. Hegel hanteert daarom een alternatief begrip van soevereiniteit: het is het vermogen van een gedifferentieerde gemeenschap om zich intern en extern bestaan te geven als een redelijk en vrij geheel. De soevereiniteit huist dus in het vermogen van het geheel en ligt tussen alle deelnemers en instituties van de politieke gemeenschap. Ook de constitutie is daarom niet zelf soeverein maar er een uitdrukking van, omdat zij zich door de tijd voortdurend aanpast aan de politieke orde waarin ze ingebed is.

De liberale benadering van burgerschap ziet in Hegels afwijzing van individuele soevereiniteit en prepolitieke rechten in combinatie met zijn benadering van de staat als doel op zichzelf een degradatie van het het individu tot niets meer dan een pion ten dienste van de staat maakt (7.3). Deze inschatting komt echter voort uit het miskennen van Hegels organische benadering de politieke gemeenschap zowel doel als middel is voor de vrije individuen op de burgerlijke maatschappij. Hegels staat is 'modern'; hij wijst 'antieke' vrijheid, waarin burgers zich volledig moeten inzetten voor de gemeenschap, af. Als leden van de burgerlijk maatschappij hebben burgers vrijheidsrechten waarmee ze hun eigen

doeleinden kunnen volgen. De taak van de staat is het ook om deze belangen te faciliteren. Tegelijkertijd verschilt Hegels burgerschap fundamenteel van de liberale staat. Burgers moeten hun rechten niet als persoonlijk eigendom beschouwen noch hun belangen en eigen standpunt absoluut stellen, maar beseffen hoe deze geworteld zijn in de politieke gemeenschap, die dus ook rechten tegenover hen heeft. Zij mogen niet louter economische subjecten zijn maar moeten zich ook het standpunt van het geheel eigen maken.

De burgers in Hegels organische politieke orde realiseren republikeins zelfbestuur. Tegelijkertijd wijst Hegel democratie als algemeen kiesrecht of directe participatie af (**7.4**). Dit hangt ermee samen dat vrijheid alleen gerealiseerd kan worden als de wetten redelijk zijn; ze moeten uitdrukken wat bijdraagt aan de bloei van de gemeenschap als geheel en niet het resultaat zijn van toevallig meerderheden. Burgers in een democratisch systeem zijn niet in staat om redelijke wetten te formuleren omdat ze zelf onvoldoende redelijk zijn: ze kunnen niet doordringen tot de algemene wil die het geheel doortrekt.

Deze onredelijkheid wijt Hegel niet aan een moreel of cognitief tekort bij burgers, maar aan democratische organisatievorm. Om redelijk te worden moeten burgers hun subjectieve wil (laten) omvormen tot een redelijke wil dat het geheel in ogenschouw neemt. Het democratische organisatiemodel miskent dit. Het grondt politieke participatie op de abstracte uitgangspunten van de burgerlijke maatschappij: alle burgers dezelfde politieke rechten. Het veronderstelt dat burgers op basis hiervan en met behulp van de democratische instituties als verkiezingen, deliberatieve vergaderingen en persvrijheid zich *direct* tot het politieke domein kunnen verhouden. Een dergelijk organisatiemodel gaat tegen de architectuur van vrijheid in omdat het de individuele subjectieve wil juist op een voetstuk plaatst. Daarnaast is het voor de vorming van de wil cruciaal burgers deelnemen aan redelijke structuren binnen de burgerlijke maatschappij, met name de corporaties. Het toekennen van politieke rechten op individueel en niet op corporatief niveau ondermijnt het vermogen van de corporaties om hun bestaan in de burgerlijke maatschappij te bestendigen.

Hegel laat de paradox zien dat de vrijheid en gelijkheid van een democratie makkelijk in het tegendeel kunnen omslaan. Burgers die niet in staat zijn om het standpunt van het geheel in te nemen, kunnen ook niet weten wat hun eigen belang is. Hun subjectieve wil is grotendeels arbitrair. Zonder een innerlijke oriëntatie op het redelijke zijn burgers vatbaar voor manipulatie van demogogen die hun wijsmaken wat hun belang is. Wetten die onder dit gesternte tot stand kummen zullen geen recht doen aan de belangen van allen, maar ten goede komen aan de machtigste of meest geslepen krachten in het maatschappelijk veld.

Ondanks de afwezigheid van algemeen stemrecht verwerkelijkt Hegels organische orde zelfbestuur (**7.5**). Hegel benadert zelfbestuur niet primair in termen van de invloed die het individu heeft op uitkomsten. Immers alleen het organische, gedifferentieerde geheel, waar het individu deel van uitmaakt, is zelfbesturend. Voor individuele burgers is zelfbestuur

gelegen in hun verhouding tot de politieke orde. Ze moeten zich hierin als vrij ervaren. Dit betekent dat burgers zich de wet en de gemeenschap kunnen toe-eigenen. Ze beschouwen die als goed en als zodanig door hen zelf gewild (1). Daarnaast kunnen zij zich identificeren met hun rol als burger en worden ook door anderen daarin erkent (2). Ten slotte beschouwen ze hun eigen doen als noodzakelijk voor het (voort)bestaan van de gemeenschap. Ze zien zichzelf niet als een passief onderdeel maar als actoren die actief bijdragen (3).

Volgens Hegel heeft een systeem van verkiezingen te weinig waarde om politieke vrijheid te ervaren. Het moment van instemming is onvoldoende om zich ten volle met de politieke orde te verbinden (1). Bovendien legt de individuele stem nauwelijks gewicht in de schaal. Stemmers zullen zichzelf als onbeduidendheid in het geheel beschouwen (3). Hegel voorspelt dat verkiezingen juist leiden tot apathie.

Hegel verbindt zelfbestuur met vertrouwen, dat een impliciet, niet-gearticuleerd instemmend oordeel is over de politieke orde. Dit oordeel komt voort uit een verzameling ervaringen die het deel uitmaken van een politieke orde met zich mee brengt, zoals veilig over straat kunnen, betekenisvolle relaties opbouwen en behoeften kunnen bevredigen. Vertrouwen is redelijker dan de expliciete verstandsoordelen aangezien het verstand de organische samenhang waarin burgers ingebed niet tot begrip kan brengen. Het verstand neemt aspecten van de politieke orde in isolatie waar. Het slaagt er niet in recht te doen aan het geheel, maar verbindt de conclusies voor het deel wel met het geheel.

Burgers hoeven zich echter niet te beperken tot vertrouwen in hun verhouding tot de politieke gemeenschap. Vrijheid betekent ook dat burgers *bewust*, dat wil zeggen met redenen, met politieke gemeenschap kunnen instemmen. Voor het verkrijgen van dit inzicht zijn de beraadslagingen in het parlement cruciaal omdat die de samenhang van de gemeenschap zichtbaar maken. Burgers die deze volgen leren om hun eigen leven vanuit het standpunt van het geheel te zien. Vanuit dit perspectief kunnen ze ook tot de overtuiging komen dat hun positie binnen de burgerlijke maatschappij van belang is voor het voortbestaan van de gemeenschap.

Republikeins zelfbestuur veronderstelt echter ook *actief* politiek handelen, bijvoorbeeld door deel te namen aan beraadslagingen. Door de nadruk op vertrouwen en het zich cognitief toe-eigenen van de politieke gemeenschap lijken burgers niet werkelijk een politiek leven te leiden. Burgers lijken vooral thuis te zijn in de burgerlijke maatschappij waar ze opgaan in hun economische activiteiten. Dit beeld is echter te veel gebaseerd op een liberaal beeld van de maatschappij als een apolitieke markt. Voor Hegel bevindt het politieke zich niet alleen in de staat, maar doortrekt ook de burgerlijke maatschappij waarin burgers vanuit hun bijzonderheid actief in relatie treden met het geheel. De corporaties zijn communicatieve sferen, waarin leden als gelijken met elkaar en met hun vertegenwoordigers in gesprek gaan over de problemen die ze ondervinden en hoe dit verband houdt met de politiek. Vertegenwoordigers zijn als het ware bemiddelaars tussen politieke staat en

maatschappij: zij kunnen het standpunt van het geheel inbrengen bij hun beroepsgenoten en omgekeerd de specifieke problemen, inclusief de uitwerking van de implementatie van wetten, in het parlement inbrengen. Vanuit deze decentrale communicatieve sferen hebben burgers dus wel degelijk invloed: ze dragen bij aan het redelijker worden van de wet.

Daarnaast sluit Hegels corporatieve orde participatie op nationaal niveau niet uit. Moderne staten kennen een publiek domein dat open staat voor iedere burger en waarin de publieke opinie zich ontwikkelt. Aan de ene kant is de kans groot dat de publieke opinie onredelijk is omdat die, anders dan de wil van het parlement, niet tot stand komt door bemiddelingen die ervoor zorgen dat alle relevanten aspecten en gezichtspunten worden meegenomen in de wilsvorming. In een redelijke politiek ordening daarentegen kan de publieke opinie ook bijdragen aan het redelijker maken van de staat. Daarvoor zou er een wisselwerking moeten zijn tussen de publieke opinie en de handelingen van de politieke staat. Door kritiek te geven op wetgeving of praktijken van uitvoering en door nieuwe problemen onder de aandacht te brengen kan de publieke opinie wetgeving en uitvoering verbeteren.

Al met al biedt Hegel, ondanks zijn afwijzing van directe democratie en algemeen kiesrecht, een volwaardige theorie van zelfbestuur. Deze theorie laat bovendien ruimte voor burgers om hun eigen doelen na te jagen. Hegels theorie van politieke orde weet dus het liberale en republikeinse ideaal met elkaar te verzoenen. Dit is mogelijk omdat de deelnemers de organische aard van het politieke leven erkennen en geen soevereiniteit opeisen, ofwel als persoon ofwel als volk.

In het **Hoofdstuk 8, *The Relevance of Hegel's Theory of Order***, kom ik terug op het probleem van armoede dat moderne samenlevingen tart en de vraag in hoeverre de vrije politieke orde deze weet op te lossen (**8.2**). Dit probleem verdwijnt niet vanzelf omdat de burgerlijke maatschappij en de markt binnen deze staat actief blijven. Tegelijkertijd neemt het probleem een andere vorm aan in een organische staat waarin corporatieve lichamen en burgers redelijker worden de economische verhoudingen niet uitsluitend in het teken staan van het abstract kapitalistisch principe van het maximaliseren van eigenbelang en winst. Daarnaast heeft de overheid in vergelijking tot de liberale staat meer ruimte en legitimiteit om in te grijpen en te zorgen dat alle burgers in hun basale behoeften zijn voorzien. Burgers hebben nu het welzijn van het geheel als hun doel, waarbij ze dus de belangen van hun medeburgers erkennen. Door het gedeelde burgerschap is afhankelijkheid van de overheid ook minder vernederend. Tegelijkertijd is het voor een vrije politieke orde wel cruciaal dat burgers in de burgerlijke maatschappij actief zijn omdat zij daar gevormd worden tot redelijke burgers, die in staat zijn een politiek leven te leiden. De staat moet oppassen om vanuit abstracte doeleinden de maatschappij zo zeer aan zich te binden dat de vrije maatschappelijke ontwikkeling ervan ondermijnd wordt. Oplossingen voor armoede vanuit de maatschappij zelf verdienen daarom de voorkeur.

De conclusie weerlegt drie argumenten tegen de relevantie van Hegels politieke orde. Ten eerste bespreek ik het bezwaar dat Hegels orde normatief onaantrekkelijk is, bijvoorbeeld vanwege zijn afwijzing van (democratische) gelijkheid (**8.3**). Hegels analyse laat zien dat deze normatieve kritiek zelf problematisch is, omdat die politieke verhoudingen beoordeelt vanuit bepaalde normen zonder aan te tonen dat die normen zelf redelijk zijn. Daarvoor moet worden aangetoond dat die normen deel uitmaken van de werkelijkheid, zoals hij doet voor vrijheid en redelijkheid.

Vervolgens bespreek ik het bezwaar dat Hegels organische benadering van politieke orde, waaronder het idee van immanente normativiteit, op een achterhaalde, of in ieder geval ongeloofwaardige, metafysica gebaseerd is (**8.4**). Tegen dit bezwaar heb ik ingebracht dat de dominante, niet-organische benadering eveneens op ontologische aannames gebaseerd is die ter discussie staan. Hegel staat in een traditie die het geheel als meer dan de samenstellende delen beschouwt en die de analytische rede, het verstand, niet het alleenrecht toekent om de werkelijkheid te begrijpen. Deze benadering staat weer volop in de belangstelling. Dat bekent uiteraard niet dat die benadering waar is, maar deze kan ook zeker niet voetstoots worden afgewezen.

Ten slotte bespreek ik het bezwaar dat Hegels theorie obsoleet is, omdat die betrekking heeft op de politieke orde zoals die in de eerst helft van de negentiende eeuw ontstond en dus voor onze tijd weinig te bieden heeft (**8.5**). Het is waar dat Hegel zijn eigen tijd onderzoekt en dat zijn model dus niet als een blauwdruk kan gelden voor de onze. Tegelijkertijd is de essentie van zijn opvatting, namelijk dat een redelijk gemeenschapsleven een verfijnd en vertakt samenspel tussen staat en maatschappij vereist nog steeds relevant. Het helpt om de vrijheid van de naoorlogse ordening te begrijpen evenals de huidige crisis, die geduid kan worden als het uit elkaar trekken van het organische verband door de emancipatie van de burgerlijke maatschappij. Hegels analyse van de liberale orde maakt pathologieën waar we nu te maken hebben begrijpelijk. Ten slotte helpt Hegels benaderingom mogelijke oplossingen te beoordelen.

DANKWOORD

Een belangrijk inzicht van Hegels filosofie is dat wij bestaan in onze relaties met anderen. Door talloze draden zijn we met elkaar verbonden. Wij zijn voor ons doen en denken van anderen afhankelijk. Dit boek is daarom ook het werk van de velen om mij heen die dit mogelijk gemaakt hebben.

Ik heb dit proefschrift grotendeels geschreven naast mijn werk als docent bij de afdeling politicologie aan de Universiteit van Amsterdam. Daardoor bevond ik me in vaak in een spagaat. Aan de ene kant wil je een zo goed mogelijke docent en collega zijn en daar dus al je energie in stoppen. Aan de andere kant probeer je momenten vrij te houden om dat proefschrift eindelijk eens af te ronden. Dat ik daarin de balans heb weten te vinden, is te danken aan mijn collega's. De collegialiteit, aanmoedigingen en vele gesprekken over onderwijs, politiek en het leven hebben zeker bijgedragen aan het afronden van dit proefschrift. Ik noem Judith Huijgens, mijn medestrijder voor goed vaardighedenonderwijs, Joost Berkhout, die me haalde naar Amsterdam om gezamenlijk de kernmodule PTG te geven, en al die fantastische junior-docenten die ik in mijn team gehad heb. In het bijzonder ben ik Marcel Maussen veel dank verschuldigd voor zijn stimulerende belangstelling voor dit project en voor zijn inspanning als onderwijsdirecteur om (nog) niet-gepromoveerden, zoals ik, een vaste onderwijsaanstelling te kunnen geven.

Het schrijven van dit proefschrift was voor mij ook een persoonlijke zoektocht om de wereld beter te begrijpen. Misschien wel de enige vorm die we hiervoor hebben is het gesprek. Dit proefschrift is de weerslag van mijn gesprek met politieke teksten van Hegel. Maar dat gesprek heb ik alleen kunnen voeren omdat het gevoed werd door vele gesprekken *in real life*. De opwinding dat een gesprek iets wezenlijks raakt en nieuwe inzichten brengt was cruciaal om mijn gesprek met Hegel voort te zetten. De gesprekken met collega's en studenten, maar ook in mijn leesclubjes en tijdens wandelingen met vrienden hebben enorm geholpen. Dat geldt in het bijzonder voor de gesprekken met Rutger Kaput die zich ontsponnen rondom het vak *Democracy and Democratisation* en gelukkig nog niet zijn afgelopen. In veel van wat ik ben gaan doen zijn nog de rimpelingen zichtbaar van de gesprekken met Rodrigo Sanchez tijdens mijn jaar in Chicago.

Mark Rutgers was van het begin tot het einde mijn promotor. Hij vond het niet prettig dat dit onderzoek wat langer geduurd heeft dan van tevoren de bedoeling was. Ondanks dat is onze verhouding altijd goed geweest. Daar ben ik hem erkentelijk voor. Mijn copromotor Thomas Fossen is in een late fase betrokken geraakt maar was wel cruciaal voor de afronding ervan. Zijn deskundige en constructieve feedback gaven mij het vertrouwen dat die laatste punt nu wel gezet kon worden.

De betrokkenheid en vriendschap van mijn paranimfen Matthijs Lok en Patrick Overeem, beiden al heel lang mijn gesprekspartners over onder meer *le juste milieu*, zijn

eveneens belangrijk geweest om me naar de eindstreep te brengen. Ooit was ik hun paranimf en dat ging voor mij gepaard met de stilzwijgende verplichting dat ik de rollen eens om zou moeten draaien.

Mijn kinderen Nathan, Elsa en Bine, kennen me al hun hele leven als iemand die altijd óók nog met een proefschrift bezig is. Op het moment dat je van je dochter een sarcastich sinterklaasgedicht krijgt over proefschriftdeadlines, dan weet je dat je het niet nog langer kunt rekken. Dank je wel dat jullie me regelmatig een spiegel voorhouden.

Het schrijven van dit proefschrift heeft ook wat gevergd van degenen die me het meest nabij staan. Kinderen moeten ook worden grootgebracht en het huis moet leefbaar blijven. Dat het leven van mijn gezin niet helemaal in de soep is gelopen, heb ik onder meer te danken aan mijn schoonouders Jan en Els Jimkes die talloze keren zijn komen oppassen of de kinderen te logeren hadden. Ook mijn vader Pieter Tijsterman is een belangrijke steunpilaar geweest. Door al zijn kluswerk staan ons huis en vooral het volkstuinhuisje nog fier overeind. Mijn moeder is de afgelopen jaren vrijwel elke week langs gekomen om op te passen en te koken. Zonder haar was dit boek nog niet op de helft geweest.

Ten slotte wil ik mijn geliefde Sabine bedanken voor haar niet aflatende steun. Ik schat in dat zij minstens zo blij is als ik dat het erop zit.

CURRICULUM VITAE

Sebastiaan Tijsterman (Gouda, 1975) deed gymnasium-bèta aan het Christelijk Lyceum-Havo te Gouda. Hij studeerde aan de Universiteit Leiden Politicologie (scriptie over het natuurrecht van Samuel Pufendorf) en Geschiedenis (scriptie over Hannoveraanse anti-revolutionair August Wilhelm Rehberg). Daarnaast studeerde hij met name filosofie aan de Eberhard-Karls-Universität in Tübingen en de *Committee on Social Thought* aan de University of Chicago. Hij heeft de eerstegraads lerarenopleiding geschiedenis gevolgd bij het Iclon en les gegeven aan het Lyceum Schubertrode in Zoetermeer. Hij begon in 2004 zijn proefschrift over de invloed van Hegel op de ontwikkeling van de vroege bestuurskunde aan vakgroep Bestuurskunde van de Universteit Leiden. Het nu voltooide proefschrift komt hieruit voort. Daarnaast gaf hij jarenlang cursussen in het kader van het Rijkstraineeprogramma. Van 2015 tot 2018 heeft hij politieke filosofie en Europese Politiek gegeven aan het University College Roosevelt in Middelburg. Sinds 2010 geeft hij onderwijs aan de afdeling Politicologie van de Universteit van Amsterdam, onder meer over democratie, burgerschap en de opkomst van illiberalisme. Hij is coördinator van de vaardighedenleerlijn.