Generating freedom: Hegel's conception of political order

Tijsterman, S.P.

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.