



Universiteit
Leiden
The Netherlands

Generating freedom: Hegel's conception of political order

Tijsterman, S.P.

Citation

Tijsterman, S. P. (2024, April 16). *Generating freedom: Hegel's conception of political order*. Retrieved from <https://hdl.handle.net/1887/3736094>

Version: Publisher's Version

License: [Licence agreement concerning inclusion of doctoral thesis in the Institutional Repository of the University of Leiden](#)

Downloaded from: <https://hdl.handle.net/1887/3736094>

Note: To cite this publication please use the final published version (if applicable).

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 subsection, 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, 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 them 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 Neuhauser (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 attempt 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 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 it 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.