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## Generating freedom: Hegel's conception of political order

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

### 6.1 Introduction

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

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

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

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

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

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

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

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

## 6.2. The political order as organism

### ORGANIC VERSUS MECHANICAL

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

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

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

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

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

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

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

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

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<sup>115</sup> This text, however, does not follow Hegel’s advice in this respect and uses the concept of parts for the elements of organic wholes as well.

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

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

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

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

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

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

<sup>117</sup> Hegel uses the “natural relations” of this fragment for explaining the difference between the family and civil society. Later on, this idea will be applied to the political state and civil society.

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

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

#### KEY FEATURES OF HEGEL'S ORGANIC POLITICAL ORDER

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

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

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

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<sup>119</sup> For this relation between Hegel's organicism and his scientific method, see Wolff (2004).

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

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

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

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

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

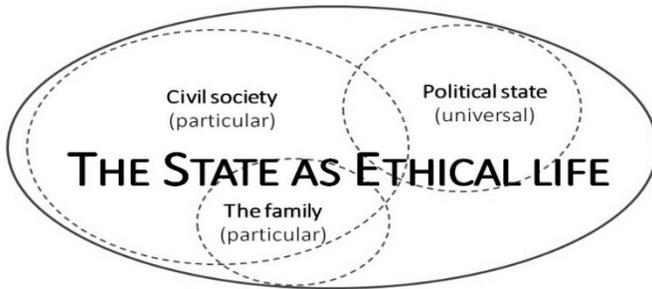


Figure 1. Hegel's conception of the state as ethical life<sup>120</sup>

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

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

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

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

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

### BRANCHES OF GOVERNMENT

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

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

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

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

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

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<sup>121</sup> Hegel's notion of sovereignty will be worked out in the next chapter.

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

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

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

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

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

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<sup>122</sup> The notion of substantiality, see 7.2

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

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

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

#### THE OPPONENT PROCESSES OF STATE AND SOCIETY

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

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

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<sup>124</sup> Many have pointed to the similarity and differences between Hegel’s and Weber’s conception of bureaucracy (Jackson 1986; Shaw 1992; Tijsterman and Overeem 2008)

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

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

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

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

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

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

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

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

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

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

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

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

### 6.3 The self-constitution of political order

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

#### CIVIL SOCIETY AND MARKET INTEGRATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### THE POLITICAL STATE – INTRODUCTION

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

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

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

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<sup>126</sup> For a discussion of Hegel and democracy, see Jackson (1986) and Shaw (1992).

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

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

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

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

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

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

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

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

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

#### THE POLITICAL STATE – LEGISLATIVE INTEGRATION

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

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

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

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<sup>128</sup> Clearly, this metaphor does not work for the classical gardens, in which the gardener imposes its will on nature.

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

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

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

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

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

This organisation should guarantee the rationality of the law. Hegel does not trust representatives to establish this by themselves. They are too much focused on their particular interests, as a consequence of which they do not have a grounded synoptic overview of the functioning and the needs of the organic *whole*. A well-functioning political community requires, besides the free unfolding of particularity, a class of citizens able to

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<sup>129</sup> This corresponds with Dworkin's distinction (1978) between equal treatment (abstract universalisation) and a treatment as equals.

<sup>130</sup> Hegel also distinguishes a Higher House, made up of the first estate, the landed interests, containing both goods-owning aristocrats and farmers.

<sup>131</sup> Chapter 7 discusses Hegel's rejection of popular sovereignty in more detail.

oversee the whole. “The highest officials have a more comprehensive insight into the nature of the state’s institutions and means” (*PR*, §301R). As will be discussed in the next section, the lower state officials, due to their specialisation in sectors and experience with implementation, know concretely what is the case at the local levels of the state. The knowledge of the whole of the political class should not be mere abstract knowledge but rooted in the veins of the community’s social relations. The administration should be organised in such a way that this information feeds back into the law-making process.<sup>132</sup>

This emphasis on the role of the universal estate in the legislative does not mean that civil society’s representatives do not matter. They do participate in deliberations and ultimately decide on the law. The next chapter investigates to what degree this organisation could be considered self-government. To disclose what is rational in the community, which the law must foster, delegates are crucial as they add “extra insight” to that of the universal estate, especially when they express “more urgent and specialised needs” (*PR*, §301R). Finally, the possibility of the representatives to express themselves in parliament also constitutes a check on the executive and thus an incentive to do their work well (*idem*). This aspect of checks and balances will also be investigated in the next chapter.

#### THE POLITICAL STATE – EXECUTIVE INTEGRATION

Hegel refers to the task of the executive branch of government [*Regierungsgewalt*] as subsumption: “This task of *subsumption* in general belongs to the *executive power*, which also includes the powers of the judiciary and the police” (*PR*, §287). Subsumption means that the executive has to bring the relations of society into line with the law, the structure which should enable the well-being of the whole. “[T]hese [the judiciary and police] have more immediate reference to the particular affairs of civil society, and they assert the universal interest within these [particular] ends” (*idem*).

The notion of subsumption, which literally means ‘bringing under’, expresses a dependence of the executive on the legislative branch. This term suggests that the executive is of minor importance as its task ‘merely’ consists of applying the law. This understanding resembles Rousseau’s distinction between the legislative and the executive, whereby the former, which determines the general will, is of supreme importance (*CS*, II-6).

This understanding, however, fundamentally misrepresents the function of the executive for the generation of order. Hegel’s organic political order hinges on the bureaucratic activities of the civil servants, concentrated in the executive branch. This activity amounts to a crucial integrative process next to, and in collaboration with, the legislative integrations.

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<sup>132</sup> The universal class thus combines both synoptic knowledge and concrete local knowledge. Within the universal class, we can also discern opponent processing.

Before spelling out this integrative process, the scope and general nature of executive activity must be described first. By the executive branch, the political state could be said to intervene in civil society, the sphere of particularity, directly. This intervention is necessary as social relations could fail to realise right and welfare.

Two causes for this failure can be distinguished. First, civil society has an inner propensity towards disintegration. The actions of some players in civil society might negatively impact others. They do not contribute but diminish the well-being of the whole. The executive, which intervenes to prevent or restore this, can be conceived as the self-correcting function of the social whole. More specifically, the *Police*, which is part of the executive, intervenes in society to prevent crime and negative externalities on the market, i.e. when the pursuit of self-interest by some comes at the expense of the community as a whole. Likewise, the judiciary, the administration of justice, is also part of the executive; it intervenes in the case of crime to restore the legal order (*cf.* Chapter 5). In addition, Hegel also emphasises the function of the executive branch of government of superintending the corporations and other semi-autonomous subsidiary bodies. It should ensure that the pursuit of their interests simultaneously contributes to the well-being of all.

Second, civil society might fail to realise welfare because its private initiatives do not provide public goods, such as infrastructure and education. Unlike the previous category, these failures are not to be attributed to specific groups of society but to the general system, which does not motivate its members to organise this themselves. In these cases, the state has to incentivise parts of society to take this up or to realise these public goods itself. Likewise, it might be necessary for the state to provide welfare for groups unable to maintain themselves.

In performing its tasks, the executive is bound to the law and the legislative. The modern state is a constitutional state in which all exercise of power needs a legal basis, to which it must keep. Moreover, the law and parliamentary deliberations that accompany law-setting constitute the normative framework for the executive to orientate itself on. The law expresses how the community must be organised in order to realise right and well-being.

This connection to the legislative does not mean that executive activity amounts to the 'mere' application of the law, simply following the rules. Such a conception is 'mechanical' regarding social life as the materials to be ordered by simple laws. In Hegel's organic political order, the law cannot describe in detail what to do. Society consists of an intricate variety of contexts, which are continuously developing. The law cannot foresee all possible occurrences; it can only align with the totality of the community on a general, not a detailed, level. Nor should the law impose a monotonous order against local variety. Laws need a certain openness or underdetermination.

Against this background, the nature of executive integration is brought out. The implementation of the law, and thus the generation of order, depends on civil servants who

do not apply the law mechanically, everywhere in the same way, but take local conditions into account. In its implementation, the executive tailors the law to its context. In this perspective, the bureaucratic activity of subsumption amounts to a “dialectical process in which the particular and universal encounter each other and become related by means of human deliberation” (Shaw 1992, 385).<sup>133</sup> Civil servants should be able to find an optimal fit between, on the one hand, the law and the normative ends of the community and, on the other, the local, temporal context. For this, they need to know the law and the purposes of the community but also the relations that make up the specific conditions. They must be able to discern local needs and how actors and actions in civil society negatively impact the flourishing of the community, and to know, as a response, how to organise public goods in the light of local needs and conditions, which must include an assessment of the impacts of state interventions. Hegel refers to the implementation of the executive as “government in a concrete manner from below where it is concrete” (*PR*, §290).

The executive is also crucial for generating order in a different way: it contributes to establishing the meaning of the law, the universal interest, and, by implication, the political community as a whole. The promulgation of a law by the legislature does not sufficiently tell what this law is. As Gadamer claims: “the meaning of any universal, or any norm, is only justified and determined in and through its concretisation” (quoted in Shaw 1992, 385). Consequently, only the interventions of the executive in different and changing contexts reveal the meaning of the legal and political order. The application of a law simultaneously constitutes this law and, by implication, further determines the nature of the constitution and the nature of the community. Norms and occurrences bring each other into being. The executive, thus, complements the legislative’s top-down determination of the law, as the law itself can never fully determine the good for an organic, dynamic, differentiated community.<sup>134</sup> From an organic perspective, the actualisation of a legal and political order, in which all relations contribute to the well-being of the whole, thus, needs institutional agents, civil servants, to continuously concretise the norms constitutive of the community.

In Hegel’s organic perspective, the existence and “internal stability” (*PR*, §294R) of political order hinges on the civil servants’ integrative activities of continuously connecting in both their legislative and executive activities the universal to the particular. To do so well, state officials need to have specific knowledge of both the law and the specific local conditions. To organise this, the civil service must consist of specialised departments.

Equally important for the political community’s well-functioning are the universal estate’s moral qualities. They need to have practical wisdom to judge wisely what is for the

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<sup>133</sup> This interpretation is based on Shaw’s elaboration of Hegel’s understanding of bureaucratic subsumption.

<sup>134</sup> The executive can also give feedback to the legislative. The executive has for doing justice to the law a certain leeway in its application. The moment bureaucrats observe that the law does not do justice to society’s particularity, they have to report back to the legislature the need for revising the law.

common good in the light of continuously changing circumstances. Their decisions should reflect “dispassionateness [*Leidenschaftlosigkeit*] [and] integrity [*Rechtlichkeit*]” (*PR*, §296). They should not give preferential treatment to some but have a disposition to serve the whole community. Hegel sees the danger that too much focus on specialised knowledge could undermine practical wisdom, as officials might lose awareness of the broader interests of the community, just as they might absolutise their knowledge, understanding society from this as a fixed system and not as a continuously evolving organism. “[D]irect education in ethics and thought” could provide “a spiritual counterweight to the mechanical exercises and the like which are inherent in learning the so-called sciences appropriate to these [administrative] spheres, in the required business training, in the actual work itself, etc.” (*PR*, §296).

The decisive position of the universal estate is rooted in its skill of making good judgment, which requires both knowledge and moral qualities. Despite apparent similarities, Hegel’s universal estate differs from Plato’s philosopher-kings, as the latter constitute an epistemic elite with *exclusive* access to the objective and *transcendent* good. The wise judgments of Hegel’s state officials is not rooted in a transcendent universal good but immanent in the specific conditions of a particular community. They are specialists in the law and the relations that make up the social fabric of the political community. Moreover, their knowledge and moral skills are, in principle, within reach of all. Vacancies for the civil service stand principally open for all citizens who meet the objective qualifications (*PR*, §291).

The propensity of the universal estate to serve the common good requires not only moral and technical training but also proper conditions. Human cognition and morality are, for Hegel, institutionally embedded. The exercise of judgements requires an ethical sphere, which fosters this. Such a sphere can only exist if being the political community facilitates it economically. Modern communities should make it possible for civil servants to make the state their living by offering them a sufficient salary (*PR*, §294). This salary should prevent tension between private interests and the interests of the community. For civil servants, the interest of the state should also be their private societal interest.<sup>135</sup>

In addition, civil service should be a lifelong career, open for all with the right objective qualifications (*PR*, §291). Civil servants should be protected against arbitrary dismissal (*PR*, §§292, 293). They should not own their function, nor should they receive privileges or income from their specific position. As a consequence of Hegel’s argument for a professional bureaucracy, many have regarded him as a precursor of Weber’s theory of bureaucracy (Jackson 1986; Shaw 1992; Tijsterman and Overeem 2008).

At the same time, the function of Hegel’s universal estate is fundamentally different from Weber’s bureaucracy because the latter does not understand political order

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<sup>135</sup> It could be argued that the civil service performs the function of the middle class that Aristotle regards as crucial for the stability of the political community (*cf. Politica*, bk. 4, ch.11).

organically. For Weber, politicians competing on the electoral battleground determine the values of the political community. The purpose of political is for Weber beyond rational criteria. Political agents are irrational; the values they pursue cannot be grounded in anything objective. Weber assumes value pluralism: values compete with each other without the possibility of ordering together or bringing them together. In Weber's conception, the bureaucracy is a "neutral agent", whose task is to execute with technical precision and impartiality the policies based on the values emerging from the political battlefield.<sup>136</sup> Civil servants should serve the politicians who have gained political power by abstaining from deciding what ends should guide the community. If they cannot live with the political choices, they should leave office. Weber, therefore, argues for a strict dichotomy between politics and administration.

In contrast to this, the political order has in Hegel's organic notion an immanent and monistic end: freedom. This end is reasonable, pointing towards the optimal adjustment of all the parts of the community. State officials are crucial for concretising this purpose in the law, together with the representatives of all societal sectors, and for implementing the law. As Hegel's conception of order rejects the idea that politics ultimately amounts to the irrational choice of ends, it also rejects the dichotomy of politics and administration based on this.

As a consequence, Weber and Hegel have opposite conceptions of bureaucratic activity. For Weber, bureaucratic activity exemplifies instrumental rationality [*Zweckrationalität*]. The rationality of the civil service consists in knowing the rules of office and how to realise *externally* given ends effectively and efficiently. Because of this, Shaw regards the activity of the Weberian civil servant as technocratic. '*Techné*' is "the orderly methodological application of intelligence (...) for the sake of gaining control over future contingencies." (Steven Smith on Aristotelian *techné*, quoted in: Shaw 1992, 383). "Weber's specification of the bureaucratic rules – stable, exhaustive and learnable, indicate that they belong to the realm of *techné*" (Shaw 1992, 384). *Techné* stands in contrast to practical wisdom, which typifies the skill and disposition of Hegel's universal estate. Civil servants should continually judge, in all kinds of contexts, the good for the community, to which they are uniquely equipped as specialists of the relations which constitute the organic order they participate in.

#### CITIZENSHIP AND REPRESENTATION: POLITICAL INTEGRATION

Hegel distinguishes a fourth process that is indispensable for producing a free political order. This process, just as market integration, originates in civil society. In contrast to the

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<sup>136</sup> In addition, the task of the administration also consists in telling politicians the consequences of their preferences.

integrations on the market, this process does not proceed unconsciously. The members of the political community now come to acknowledge “knowingly and willingly (...) the universal interest (...) as their own substantial spirit, and actively pursue it as their ultimate end” (*PR*, §260; part of the longer fragment quoted earlier in this section).

Due to this third process, the political community, including its constitution and institutions of the political state, can be said to be willed by its members. The citizens of the state recognise their state for what it is: their substance in which they have their being. Hegel’s organicism, thus, does not proceed outside of the conscious involvement of its members.<sup>137</sup>

The effect of this is that the universal does not attain validity or fulfilment without the interest, knowledge and volition of the particular (...). [B]ut the universality of the end cannot make further progress without the personal knowledge and volition of the particular individuals, who must retain their rights. (§260A)

This moment of subjective recognition is essential for the existence of the organic political order. Without it, the state does not stand on solid ground. In the liberal political order, as explained in Chapter 5, subjects do not develop such an internal relation towards the government; they do not acknowledge how their existence is tied up with the community and its political institutions and, thus, deny the state’s legitimacy

From the perspective of subjective freedom, this moment of confirmation is important as well. Citizens who experience the political order as an interventionist force outside of them, unconnected to who they are and how they live, are not entirely free. For subjective freedom, the members of a political order should be able to confirm its goodness, appropriate as their own and embrace their identity as citizens of this order (*cf.* Chapter 3).

This third process amounts to transforming, or even converting, autonomous moral subjects and persons into citizens. In this process, subjects must cease to be exclusively private persons, orientated on their particular well-being and, correspondingly, relate instrumentally to the state (which remains the case in market integration, despite the development of corporations). They now acquire a deeper sense of who they are as participants in a larger organic whole, constitutive of who they are. The well-being of this whole, consequentially, becomes an end in itself. “[T]he state enters into the subjective consciousness of the people [who] begin to participate in the state” (*PR*, §301A). Because individuals come to integrate the ends of the political community into their (particular) ends, this process can be referred to as political integration.

Crucial for the transformation of market individuals into citizens is the representative assembly. As explained in the section on legislative integration, Hegel’s constitutional design contains a Lower House in which representatives of the corporations,

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<sup>137</sup> This is the right of subjectivity in the modern world.

the Estates, enter the political state. For this political integration, parliamentary proceedings are crucial due to their educational potential. In the deliberations, representatives bring in their particular concerns but also come to develop a sense of the universal that transcends their self-absorbed particularity. In the discussion of concrete law proposals, they can observe how different groups, by paying taxes but also by specific ways of living, contribute to society's well-being. This enables them to realise how their rights and welfare are fundamentally tied up with the community. In other words, the theatrical setting of parliament renders the interdependent, organic nature of the community visible; it shows the state as "a great architectonic edifice, a hieroglyph of reason" (*PR*, §279A). As a consequence, citizens cease to absolutise their particular ends; they now define and hold them in relation to the universal interest of the community. The parliament, thus, replicates on a society-broad level and finishes the development towards universality of the corporations.

In Hegel's constitutional design, this insight of the representatives is supposed to extend over the other members of the corporations, the represented, who do not participate in parliament themselves. For this, representatives must have a certain standing in their corporation. Other members must be able to identify with their representatives and undergo the same development. In addition, parliamentary proceedings must also be public, effectuating the nature of public opinion. Due to parliament, public opinion "arrive[s] for the first time at true thoughts and insights with regard to the concept and condition of the state and its affairs (...) enabling it to form more rational judgments" (*PR*, §315).

In line with the last quote, political integration amounts to the development of rationality, as it substitutes of Understanding [*Verstand*], the absolutising and separating mode of cognition typical of civil society, for Rationality [*Vernunft*], which can see the interdependent whole. The community and the law are no longer external means to satisfy their separate ends, but the precondition of who they are, and consequently an end in itself, worthy of being confirmed. This rationality of citizens matches, to some degree at least, that of the universal estate. The particular and universal are no longer understood as absolute opposites but intrinsically related. Likewise, individual autonomy and participation in a community are no longer approached in terms of either-or (following my interests or those of the community) but both-and (my ends are dependent on those of the community and *vice versa*). The next chapter explores in more detail Hegel's conception of political citizenship.

## 6.4 All-round dependence

The reproduction of political order requires the central institutions of political order, society / market, the branches of the political state/ government, and the representative assembly

/ citizenship, to function as explained in the previous section. Typical of his organic account is that each of these integrative processes only succeeds when the others do as well. Within Hegel's holistic perspective, all integrative processes are fundamentally dependent on each other: "[t]he constitution is essentially a *system* of mediation" (*PR*, §302A; *Italics ST*). The institutions do not have within themselves the resources to perform their function well. This section finishes Hegel's organic account of political order by pointing out the fundamental institutional dependencies for each of the three processes of integration addressed in the previous section. At the end of this section, I discuss what this fundamental interdependence implies for the resilience and fragility of political order.

With regard to the process of market integration, the free interactions of civil society only become more reasonable as part of a larger organic political order. For the self-development of civil society, the interventions of the political state are crucial. In agreement with the liberal conception of society, the state must offer a legal framework to guarantee rights and make policies to foster the interests of its subjects.

However, civil society's self-organisation requires a different kind of state intervention as well. The political state is necessary to solidify the associations that emerge in civil society. For this solidification, the political state should integrate the rational associations, the corporations, in the constitution by attributing to them the right to internal self-government, for instance the organisation of professional education and the determination of professional standards, and also the right to have representatives in the legislative assembly. In other words, the political state gives civil society's associations political status. In addition to this, the political state supervising the corporations might take measures to guarantee that the corporations can satisfy their needs and maintain themselves or measures to prevent corporations from undermining the interests of other associations. All in all, the state is necessary to rivet civil society's inherent development towards rationality.

The tasks of the political state vis-à-vis society, therefore, seem to be contradictory. The political state is crucial for both safeguarding the rights and interests of individual subjects and solidifying the collective, associative structures that emerge in civil society. An exclusive focus on abstract (individual) rights would thwart the development of more rational structures that rework dependencies into mutually beneficial wholes. Such a focus cannot prevent the emergence of interest groups that pursue interests at the expense of others. The political recognition of the associations is precisely meant to counteract the inner tendency of civil society's competitive logic to produce irrational social structures (*cf.* Chapter 4). At the same time, absolutising group rights could also undermine individual freedom. In Hegel's organic theory, the fundamental tension between the individual and the group, parts and whole, cannot be 'solved'. The propensity of civil society to become irrational precisely consists in (individual) parts undermining the whole, or collectives undermining individuals.

The state must exercise oversight in such a way that the free development of civil society does not fall prey to any of its irrational potentials.

Civil society's self-organisation into a more rational structure also needs in addition to the interventions of the political state the institution of parliamentary representation, which develops individual subjects into citizens. Hegel claims that the corporations, next to the intimate sphere of the family, are the training grounds for becoming citizens, as in both institutions, individual subjects learn not to absolutise their particularity but regard themselves as participants in an ethical structure. I do not see any reason to assume that in the organic conception of political order, the inverse could not be the case as well. Experiencing oneself as a citizen, a participant in a larger order, and committed to the well-being of this community, makes it easier to join associations in civil society, overcoming one's self-interested perspective. A well-functioning civil society requires citizenship.

With regard to political integration, Hegel's organic theory order rejects the idea that citizenship, i.e. citizens' acknowledgement of and orientation towards the common good, merely requires political rights and deliberative institutions. Such a view mistakenly isolates political citizenship from the processes of integration of the larger political order that must be present for citizenship to develop.

On the one hand, the pre-political formation in civil society, the market integration, is crucial for becoming a citizen. In civil society, individuals come to develop bonds with their fellow citizens, even though this consists initially only in the abstract recognition of them as persons. In addition, their participation in corporations transforms their sense of self and others. Here, they learn to see their associations with others not only as a means to their particular ends but as a kind of shared life that transcends and facilitates their private ends and, as such, an end in itself. Citizens need this experience, which is also present in a natural form in the family, for acknowledging their political community and its political institutions for what it is: their substance, the encompassing arena in which they, as a part, have their lives.

On the other hand, the actions and interventions of the political state are also necessary for developing an orientation towards the good. Hegel expresses the remarkable viewpoint that the subjects of modern states need the civil service to become citizens. The representatives of specific social interests are, in Hegel's account, unable to discern the common good of the community as a whole. As members of civil society, they have, by necessity, a partial perspective. For disclosing and acknowledging the good, i.e. the rational law, they need the contribution of the universal estates in the legislative assembly. Likewise, the recognition of the common good requires interventions of the executive power in society. In Hegel's theory of order, citizens will only recognise the common good, if they experience that this good includes the satisfaction of their particular needs. Citizenship, thus,

requires a competent civil service to guarantee by legislation and execution that all parts of society can have their living in the community.

Finally, also the executive and legislative integrations of the political state fundamentally depend on the broader integrative processes of the political community. On the one hand, the government needs for cultivating the inner relations of the political community a trusting attitude on the part of the citizens. They should regard the community as their substance, which implies that they relate to its governmental institutions 'internally', as part of their being, and not as an external power. This consciousness only makes them willing to accept the state to curb their interests for the greater good. The political state requires the members of the political community to have become citizens, subjects who recognise the rationality of the whole. For this, the political integrations originating in the representative assembly are crucial.

On the other hand, the state can only function well if civil society organises itself as a reasonable structure, consisting of a pluralistic network of associations in which dependency relations are mutually beneficial. When society remains an abstract market, a space in which actors in competition aspire to maximise their self-interest, the political state cannot identify the common good (*cf.* Chapter 5). In addition, the political state also needs the representation of civil society's structure in parliament, as the expression of the interests and experiences of all parts of society enables the political state to find and implement the good.<sup>138</sup>

All these mutual dependencies show that the self-(re)generation of political order is highly complex, consisting of different, interlocking, mutually reinforcing transformative processes. This organic understanding of the political order underlines the fundamental fragility of free, flourishing political orders. Due to the dependence of all parts on the whole (and thus of all parts on each other), every dysfunctional part has implications for the other processes.

At the same time, the malfunction of some crucial aspects of the political order does not entail the immediate death of the political community as an organic whole. The more organic the structure of a political order, the more resilient. In mechanically structured political orders, like the Enlightenment state, the malfunctioning of single aspects, one wheel of the clock, could bring the whole to a halt. Organic unities, in contrast, have, due to the richness, multiplicity and adaptability of their inner relations, more possibilities to continue existing despite their dysfunctional parts.

Therefore, the fragility of the political community concerns first of all freedom, not mere existence. This freedom of a political community consists of the modes in which the

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<sup>138</sup> On a different plane, the branches of government of the political state are also dependent on each other. For the framing and revising of the laws: the executive (next to the corporative representatives) needs to provide feedback on how the law works out in practice. For the law to become real, it needs application by the executive (see 6.3). For executive activities, the legislative should provide a legal framework.

parts and the whole, the particular and the universal, relate to each other. The free political order consists of an intricate network of transformative relations in which every (individual) part attunes to the other and, as such, the entire community. The generation of freedom requires that its constitutive integrations proceed in freedom, i.e. unforced. If these processes do not function properly, the political order will not immediately dissolve, but will be held together by force. The will of one part forces the others into compliance. For instance, the economically strongest groups in civil society impose their will on society's most precarious groups (*cf.* Chapter 4); the state institutions use their monopoly of power to prevent disorder by forcing society into compliance (Chapter 5); or the law comes to be determined by a majority whose will has been manipulated by demagogues (to be discussed in Chapter 7). Even though the unfreedom and irrationality of the political order does not imply its direct break-up, it poses in the long run a risk to its existence.

## 6.5 Conclusion and implications

This chapter has worked out how Hegel understands the political order of his age as an organism, which reproduces and constitutes itself by the opponent processing of state and society. This chapter has disentangled this organic reproduction as a set of mutually dependent integrative processes. This self-production can be described in terms of differentiation (or particularisation) and unification (or universalisation). Civil society is the sphere of differentiation. As individuals follow their ends, the social whole falls apart into a multiplicity of partly opposing purposes and ways of life. However, civil society also entails universalising processes. In their orientation on the particular, the parts also contribute to the existence of an integrated, organic whole. The political state, in contrast, is the sphere of unification, which determines and implements the common good for the community as a whole. At the same, it does so by supporting the different parts of the community to realise their ends.

This chapter has attempted to show how, for Hegel, the freedom and rationality of the modern state is based on the organic (self-)organisation of the web of relations that makes up the social and political order. This organic form renders the state objectively free and rational. It succeeds in reproducing itself in the flow of time as a harmonious differentiated unity. In freedom, i.e. without forceful suppression, each of the parts of the whole fully develops while weaving connections with other parts of the community, which also attune to the needs of the whole. Moreover, the organic form also renders the political order subjectively free. Individual agents, developing freely within the political order, undergo transformations, in which they come to experience and acknowledge that the state, the political arena they participate in, is the ground of their freedom and being.

This organic understanding contrasts sharply with liberal and other 'modern' understandings of political order. From Hegel's perspective, these accounts offer an abstract, mechanistic and reductionist representation which does not grasp the dynamic, organic nature, all-round dependencies and internal development of reason of social and political reality. This representation understands the whole from the parts. It takes persons, individual right-holders, as the basic units of the political order, deducing the dynamic of society from the way the inner drives of these single entities work upon each other. Moreover, this representation does not see how political order is original, present already within existing social relations. Instead, it regards political order as something that must be imposed on social relations.<sup>139</sup>

Hegel's organic conception of order implies that the dominant conception of the main institutions which make up order, society, the state (government) and citizenship are inadequate as they do not sufficiently recognise the organic nature of social relations. From Hegel's perspective, this misrepresentation of the political community and its central institutions is deeply problematic as the existence of a free order depends on citizens, civil servants and philosophers recognising the political order as what it is. Therefore, Hegel's conception of order provokes reconsideration of these institutions and development of an alternative political science. To conclude this chapter, I will work out the contours of what such a Hegelian reconceptualisation would look like.

### RETHINKING (CIVIL) SOCIETY

The prevailing liberal conception represents society as a space where individuals (inter)act. The liberal tradition envisages these single entities as individual rights-holders. These rights, inherent in the individual, enable them to pursue their autonomously determined ends. This representation of society is both an ontological account of the natural condition and a norm. Consequently, it assesses society's relations to the degree they respect individual rights and enable the pursuit of autonomous ends. This conception of society has as its central value individual freedom, understood either negatively as non-interference or positively as the ability to set and realise one's ends.

The liberal conception of society often tends to take society as a market. This representation complements the picture of society as a space of interaction of free rights-holders: individuals use their rights to exchange goods, which enables them to pursue their ends. From an economic perspective, society is assessed to the degree it fosters welfare, understood as the efficient coordination of demand and supply.

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<sup>139</sup> This applies most clearly to the rational state of the Enlightenment and also to democratic conceptions of political order, in which the state must bring social relations in line with citizen's values. The liberal state is more ambiguous, as it takes civil society as a kind of natural order.

Hegel's conception of political order offers a richer account of civil society. In this account, civil society is not a natural condition but a historical accomplishment. Hegel recognises the importance of the elements of civil society that stand out for the liberal conception of order. Civil society is from him the sphere in which individuals attain a certain independence and pursue, under the protection of the law, their ends, just as it is the sphere of market relations, which have the potential to foster economic growth. However, crucial for his conception of civil society is that it must not be regarded as the political order per se; it must be considered as a part of a more encompassing organic order.

From this perspective, Hegel rejects the liberal idea that civil society has its purpose in itself, that is, facilitating individual freedom or fostering economic growth. This liberal perspective is fundamentally deficient as it misses what freedom consists in (subjective and objective ethical freedom) and civil society could contribute to its generation. From Hegel's more holistic organic perspective, civil society should be considered and judged from the perspective of whether and how its interactions succeed in rendering mutual dependencies more reasonable.

As a consequence, the specific form into which civil society's free interactions develop matters within a Hegelian account of society. Freedom does not only consist in the moment of free choice but also in participating in social formations that are free and reasonable as they have restructured dependencies into mutually beneficial wholes. Hegel describes estates, communes and corporations as the major associational forms which the free interplay of civil society produces and in which it becomes more reasonable. In our age, we could point out other institutions and associations, profit and non-profit, as fundamental to society's organisation of reason.

In Hegel's theory of society, its concrete organisational form must be assessed insofar as it contributes to freedom. This perspective differs from the abstract perspective of the liberal account of political order, which fails to see how the social formations of civil society are the self-governing vessels of ethical freedom. Instead, it regards associations as the outcome of – or obstacle to – free individual choice and as means to realise individual ends. Consequently, society's concrete form is, from this perspective, relatively arbitrary; it only deserves respect for its capacity to realise individual ends or as resulting from free choices, but not as a good in itself. This view could explain the carelessness with which governments and citizens in late modern societies approach society's social formations, such as local communes, schools or sports clubs, for instance when they force them to fuse when this appears more efficient. Likewise, the liberal account of society respects companies, the economic organisations civil society engenders, for their ability to organise supply and demand efficiently or because it respects property anyway. It does not acknowledge that

economic associations, if well-structured, could be manifestations and carriers of ethical freedom.<sup>140</sup>

Finally, in Hegel's organic and reason-oriented perspective on society, its contribution to the development of consciousness is crucial. Civil society is a sphere of education [*Bildung*]; individuals undergo a process of formation that prepares them for political existence, in which they share a community with others and must relate appropriately to its political issues. They develop relevant (moral) skills, come to conjecture the need for a political state, and experience what it means to be part of an ethical whole in the corporations. In other words, in civil society, individuals become more and more reasonable. While living with others and weaving all kinds of ties, they also come to have a more profound sense of who they are and the nature of social and political reality. This developmental perspective is largely missing in the liberal conception of civil society. Its abstract representation of civil society takes individuals as autonomous by default; they know what is good for them. It does not recognise the need for individuals to develop a more grounded sense of who they are and the organic social reality they participate in.

To conclude, Hegel's organic account of political order could help to correct the dominant, one-sided and reductionist account of society. Others have also addressed the problems of such a liberal account of society and the market. Many authors criticize neoliberalism, the theory which understands social relations as a market (Sandel 2012; Brown 2015). The sociological tradition of Putnam endeavours to give a richer account of civil society, emphasising the development of social capital and trust (1994; 2000) and how this contributes to the quality of political life. Much of the Hegelian approach ties in with these approaches. However, his approach adds to this by working out organic interdependencies between society and the state institutions, citizenship and representation, and how freedom and rationality serve as the comprehensive, internal standard to assess the quality of society.

### RETHINKING GOVERNMENT

Hegel's organic theory of political order also offers a conception of government (the political state) that differs from those currently dominant. Typical of these accounts is their mechanical and instrumental perspective: the state is a device with bureaucratic power to (re)structure society in accordance with a specific end. Depending on what this end consists in, different versions of this attitude can be distinguished, all present in different constellations in modern democracies.

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<sup>140</sup> The claim is not that there is no scholarly attention to the inner nature of society. Institutional political economy (for instance, North 1990) concentrates on a response to the formal models of neoclassical economics on the role of institutional players, such as corporations. Such an approach is much closer to the Hegelian account of society. However, what distinguishes Hegel is the emphasis on the more or less reasonable structure.

First, the state could be taken as an instrument to protect individual liberty, the basic condition and norm for society. In this liberal perspective, the purpose of the state is to guarantee individual rights (however they are defined). Typical of this liberal perspective is the fear that the state oversteps its function and imposes a conception of the good on society. Such a state uses its administrative power to violate individuals' rights. To guarantee the 'neutrality' of the state, the liberal tradition emphasises the importance of checks on the state.

This liberal reserve is not the only option towards the state apparatus available in modernity. Another tradition, which reaches back to the Enlightenment ideal of a rational state, takes the state as the main device for producing a good order (while the previous tradition holds civil society as the source for developing a good order). This tradition has an equally mechanical account of social life, whereby the state is similar to the clock-maker: the function of the state is to organise social life into a rational whole. In this approach, rationality is understood mechanically as the maximisation of the ends that the individual parts are assumed to strive for, such as efficiency, economic growth or utility. The state experts, consequently, know how to optimize the realisation of this purpose. This tradition, thus, assumes that the state has the technocratic know-how and administrative power to manipulate by laws, regulations, interventions and educational programmes the social relations as to realise the ends it takes to be rational.<sup>141</sup>

Finally, the state can also be considered as an instrument of the democratic will of a society. In this conception, the values to guide governmental intervention should be set in a democratic process. The administrative apparatus has as its task to realise these ends for which it has to employ its bureaucratic power and competence. The state is the means to translate the political will into social reality. As discussed in this chapter, Max Weber is the main theorist of this conception of the bureaucratic state.

In distinction to all these mechanical conceptions, Hegel's political state should not be conceived as instrumental to the ends of individual freedom, rational values, the democratic will. Instead of being an external, technocratic and instrumental power, Hegel conceives the state as an intrinsic part of the political community. As an organism, political communities develop the means to reorganise themselves. In Hegel's depiction, the political state stands relatively independently vis-à-vis the free interactions of civil society. Within this whole, its function is to protect and determine the community's common good (the law to be set in the legislature) and implement this law (the executive).

Even though the political state must render society more rational, Hegel's account differs fundamentally from the rationality of the Enlightenment state. The latter does not comprehend the political order as an organic unity, but in the mode of the Understanding [*Verstand*] as an aggregation of self-sustaining entities. For Hegel, rationality amounts to a

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<sup>141</sup> For an interesting account of the dangers for this tradition, see Scott (1998).

whole whose parts optimally relate to each other: they freely develop while at the same time adjusting to the needs of the whole. From this perspective, the political state is rational when it can discern within social life's continuously changing interdependent relations the good of the whole and revise and execute the law on this basis. In this chapter, I have described this function of the political state as a form of *cultivation*. Society does not amount to abstract material the political state can mould, manipulate or assemble to realise certain ends. Rather, society consists of an intricate network of relations between the parts (relations precede relata). The interventions of the political state for the common good must be in tune with, resonant, these existing relations. When acting, the state must be orientated on the good, already potentially present within these relations.<sup>142</sup>

Hegel's account of the state also contrasts strongly with the liberal account for which the state is a necessary evil (which Hegel refers to as a 'state of necessity' [*Notstaat*]). Hegel agrees with the liberal conception that civil society must develop freely. However, In Hegel's conception, a free civil society does not exist by nature, but depends on the presence and interventions of the political state. The liberal account of political order does not adequately acknowledge society's need for a state. Moreover, Hegel also rejects the idea that the state must be neutral. In an organic conception of order, the government has a fundamental moral and purposive orientation, continuously intervening to bring about the common good. This includes the protection of individual rights, but this purpose must not be absolutised.

Finally, Hegel's conception of government also opposes the idea that the function of government is to 'merely' realise the political will as expressed in a democratic process. This idea could be referred to as the 'priority of politics'. This idea combines the idea of state neutrality of the liberal conception – the state has no ends itself – with the belief of the Enlightenment state in the possibilities of state power to restructure society. Hegel, as addressed above, rejects both the idea of state neutrality and the idea of state intervention to restructure social relations. Moreover, Hegel also rejects the idea that democratic processes such as elections on a one-man-one-vote basis can generate the community's political will, which I will work out in the next chapter.

To conclude, Hegel's theory of political order also offers a foundation to develop an alternative conception of government. Such an alternative seems to be more urgent than ever. The idea that the government's task consists of using its technocratic power to manipulate social relations to realise (political) purposes appears more and more problematic. For instance, the influential German sociologist Rosa (2020) asserts that the attempt, typical of late modern societies, to bring the world under control has created

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<sup>142</sup> In Hegel's analysis, the potential has priority over the actual. This also ties in with the role of the corporations which were present potentially, not actually, in the political communities of his age. This seems to contradict the centrality of the actual in his analysis, in which the reasonable is the actual (the real) and the actual the reasonable. However, the actual (the real, *das Wirkliche*) is not opposed to but includes the potential.

monstrous structures, which paradoxically give us less control. Hegel's radically different conception of government, in which it stands in a dialectical relation to society – in the resonance-orientated terms of Rosa: a relation of a continuous reciprocal answering and transformation – offers a clear orientation for fruitfully reconsidering the task of government for a free political order.

#### RETHINKING CITIZENSHIP

Finally, Hegel's theory is also a source for rethinking citizenship. As addressed in Chapter 2, different conceptions of citizenship determine the current field. In the liberal approach, citizenship amounts to a legal status, in which one has (the protection of one's) rights. Moreover, citizenship allows one to pursue one's own interests. Against this approach stands the republican understanding, for which citizenship consists in the exercise of self-government. This approach also includes public-mindedness, a commitment to the common good. Hegel's organic theory of political order could contribute to this debate, as his organic account of order combines and connects the liberal and the republican accounts: the members of the state are both members of civil society, focusing on their particular ends, and they are citizens, committed to the common good. Moreover, Hegel's account of political order also shows how it is possible to become a citizen. In his organic account, the identification with the whole is not given, as ethnic conceptions of citizenship assume, but requires formative processes. Citizens only become full, political citizens who succeed in attuning their private interest to the common good due to the integrative processes of civil society and the political integration for which the representative assembly is crucial. These elements are of great value for rethinking the meaning and practice of citizenship in late modern societies. The next chapter will, therefore, work out Hegel's account of citizenship in more detail. That chapter will also address how Hegel's theory of order could realise the republican ideal of self-government, a topic of great importance in the current crisis of liberal democracy.