

**THE IDEA OF FREEDOM IN THE GERMAN
TRADITION: A CRITICAL STUDY OF
HEGEL'S PHILOSOPHY OF RIGHT**

*Dissertation submitted to the Jawaharlal Nehru
University in partial fulfilment of the requirements
for the Award of the Degree of*

MASTER OF PHILOSOPHY

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2004



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CERTIFICATE

Certified that the dissertation entitled “ THE IDEA OF FREEDOM IN THE GERMAN TRADITION: A CRITICAL STUDY OF HEGEL’S PHILOSOPHY OF RIGHT ” submitted by ARVIND. R is in partial fulfillment of the MASTER OF PHILOSOPHY degree of the University. The work presented is original and has not been submitted in part or full for any other degree to this or any other University to the best of our knowledge.

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"The Machine persecutes the young: it locks them up, tortures them, kills them. They are the living proof of its impotence. It expels them: it sells them, human flesh cheap labour, abroad.

The sterile machine hates everything that grows and moves. It is only able to multiply the jails and the cemeteries. It can produce nothing but prisoners and cadavers, spies and police, beggars and exiles. To be young is a crime. Reality commits it each day, at dawn; and so does history, which is each morning born anew.

So reality and history are banned."

- **Eduardo Galeano**

" Work brings freedom" (Arbeit Macht Frei)

- **Banner at the gates of the
Concentration Camp of
Auschwitz**

"Just as philosophy finds its material weapons in the proletariat, so the proletariat finds its spiritual weapons in philosophy and once the lightning of thought has struck deeply into this native soil of the people the emancipation of Germans ... will be accomplished" -

- **Karl Marx.**

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ACKNOWLEDGEMENTS

I would like to thank my supervisor Professor. Surpreet Mahajan for helping me out at every stage of this dissertation. Her encouragement and untiring support helped me a lot. I consider it an honour to have worked under her. She has played a very important role in my development as a student of Social Sciences. Her erudition and her keen intelligence remain a great source of inspiration to me. I cherish above all, her qualities as a wonderful human being. Her warmth and her unflinching commitment to the cause of education, will remain etched forever in my memory.

I would also like to thank Prof. Anil Bhatti and Dr. Kavita Bhatia from the Centre of German Studies, JNU for their encouragement and help.

I would like to thank my friends Bidhan, Shelly, Janaki, Arijit and Santhanu for all their support.

Lastly and most importantly I would like to thank my parents and my sister for all the love and concern they showered on me.

A very special thanks to my friend Mangcha from Mala Graphics for his wonderful typing.

INTRODUCTION

"In the end, I am moved by causes and ideas that I can actually choose to support because they conform to values and principles that I believe in.... But what are these amateur forays into the public sphere about? Is the intellectual galvanized into intellectual action by primordial, local, instinctive loyalties- one's race, or people or religion-or is there some more universal and rational set of principles that can, and perhaps do govern how one speaks and writes? In effect I am asking the basic question for the intellectual: how does one speak the truth?

Indeed I would go so far as saying that the intellectual must be involved in a life long dispute with all the guardians of sacred vision or text, whose depredations are legion and whose heavy hand brooks no disagreement and certainly no diversity. Uncompromising freedom of opinion and expression is the secular intellectual's main bastion: to abandon its defense or to tolerate tamperings with any of its foundations is in effect to betray the intellectual's calling".

-Edward Said¹

The concept of freedom has become so central to our lives today. In the present age of neo-imperialism, the word freedom is used with such reckless abandon. The U.S

¹ Edward Said, *Representations of the Intellectual*, Vintage Publishers, London, 1993,p.65

administration used the word freedom to justify its illegal war and later occupation of Iraq. If neo-imperialism could use the idea of freedom to justify such barbaric acts what would then be the relevance of any discourse on freedom?

As a student of Political Science for the last seven years I have been deeply ruminating over the meaning of freedom. I sought answers to some basic questions- What do we understand by the term 'freedom'? What does this 'freedom' entail for the common man? When will the starving poverty ridden masses ever appear as a significant factor in the academic discourses on the idea of freedom? I tried to seek answers to these questions in the canons of Western philosophy and political thought. I have always had a disproportionate interest and passion for German philosophy and literature. I thought that I might find some answers to these questions over there.

This work is the result of that quest for some explanations. I have examined how the German tradition in both literature and philosophy have touched upon the subject of freedom. As far as literary traditions go I have paid particular attention to the period called as '*Sturm und Drang*' (Storm and stress) in German literature. The Enlightenment had its impact on Germany, like in many other countries. However, as men began to probe deeper into the nature of man, they were compelled to abandon the view that man's nature was determined by reason alone. Rousseau was in many ways, the first trenchant critic of the Enlightenment pristine belief

in reason. In contrast to the overwhelming domination of reason- he brought into focus, the role of passion and emotion.

The response to the Enlightenment was slightly different in Germany when compared to other European nations. Germany was a collection of numerous princely states. Therefore any attempt by the individual to conduct a crusade with the pen against the political conditions created by absolutism, could only be directed against one particular prince and never against the system as a whole. This was because each state was different from other, unlike say in Bourbon France. Philosophers from the middle class seldom gained the social status and respectability granted to the nobility and the clergy.

For that reason there was a strong tendency towards rationalistic subjectivism. Parallel to this ran a strong pietistic subjectivism, which in contrast to the Enlightenment, strove to understand religion solely on the basis of the feelings of the individual. This tendency could be seen in the lyrical and epic poetry of Klopstock (1724-1803), where liberty from social and moral ties was stressed. The *Sturm und Drang* attempted to give an expression to all these varied manifestations.

The German tradition apart from its rich legacy of literature and poetry, was extraordinarily blessed with a great philosophical tradition. German philosophy had firmly

established itself as a powerhouse in the European philosophical tradition, with the unassailable contributions of Immanuel Kant. Kant would be the first in the long line of great philosophers Germany produced, culminating with Karl Marx. However, as far as I am concerned, a philosopher's contribution had to be measured against the political and social content in his or her work. Going by this criterion, I felt that Hegel and Marx were the greatest philosophers that the German tradition has produced.

Thus I decided to examine how the idea of freedom was treated in both their works. I decided to focus on Hegel's *Philosophy of Right*, as this was Hegel's last major work. It is one of this seminal works in the sphere of political philosophy. I would also examine Karl Marx's Critique of this work by Hegel. This was one of Marx's earliest major work.

In the conclusion, I would examine the views of Theodor Adorno, the neo-Marxist Germany philosopher. Adorno's pessimism about the German tradition in particular and about philosophy in general, is something that I have come to share.

In CHAPTER ONE, I would focus on the *Sturm und Drang* (Storm and Stress) period. I would try to bring out the significance of this period in the German tradition. I would also examine how a particular idea of freedom emerged during that period.

CHAPTER TWO would be an examination of Hegel's expositions on Abstract Right and Morality. Abstract Right would be examined under three categories - Property, Contract and Punishment.

CHAPTER THREE would focus exclusively on Hegel's idea of Ethical life or Sittlichkeit. This would be subdivided into three categories - Family, Civil Society and the State.

CHAPTER FOUR would deal with Karl Marx's Critique of Hegel's *Philosophy of Right*. This chapter would examine how Marx used the transformative method of Ludwig Feuerbach to critique Hegel. This chapter would also try to examine how Marx understood the idea of freedom.

CHAPTER FIVE would be the CONCLUSION.

This would be followed by a select bibliography and an appendix which contains the text of Karl Marx's introduction to the critique of Hegel's *Philosophy of Right*.

Chapter -I

STURM UND DRANG AND THE STIRRINGS OF AN ALTERNATIVE TRADITION

" A poetic drive, never tiring of seeking creative expression, constitutes the focus and the foundation of ones being. Once that drive has been comprehended, all seeming contradictions dissolve".¹

- Goethe, Dichtung and Wahrheit.

" The history of the world is none other than the progress of the consciousness of freedom".²

- Hegel, Philosophy of History

" The need to lend a voice to suffering is a condition of truth".

"There can be no poetry, after Auschwitz"

-Theodor Adorno

The significance of the Sturm and Drang in the cultural history of Germany has been long realised. However, its real significance has received scant attention, mainly because it was treated as a mere phase in the lives of its major exponents namely Goethe, Herder, Lenz, Klinger and

¹ Peter Boerner, *Johann wolfgang Goethe*, German Press Bonn.1982, pg.5.

² Peter singer, *Hegel*, Oxford university Press, Oxford 1983, pg.15

Schiller. Its wide scope can be appreciated only if we try to understand how an entire generation of young Germans found, for the first time since the Lutheran Period, an original and profound interpretation of the world.³

This was to have a great impact on European culture as well. The distinctive characteristics of the Sturm and Drang were a new standard of evaluation of social life and history and a new approach to thinking about culture, nature and the art forms.

It seems a little strange that so great a change should have found its first decisive formulations in Germany. It was a land governed by absolute princes and split into numerous states and free cities. Its middle class was conservative and servile. The ascendancy of Prussia, which was of great political significance, was unaccompanied by any social vision in terms of an awakening of public opinion or a critical attitude. The first intellectual stirrings came from the Protestant North where thinkers began to subject the authority of the church and state to the test of Reason. The generation of Kant and Lessing were critical of dogmatic intolerance and despotism. The growth of Pietism helped lessen the dogmatic influence of Lutheranism. In spite of all this the only medium of public discussion was literature and the German literature of that period, prior to Sturm und

³ Roy Pascal, *The German Sturm und Drang*, Manchester University Press, Manchester, 1953, P. XIII

Drang, was very poor. It sentimentalized the virtues of a conservative and lazy middleclass and its understanding of aesthetics was trivial to say the least.

It was only after the writings of Lessing, that the problems of German life are presented in their concrete and serious sense. The Sturm und Drang, never really accepted Lessing as one of their own, in spite of the fact that all his greatest works be it *Emillia Galotti*(1772) ,*Nathan the wise* (1779) and *Education of the Human Race* (1780) were written during the period in which the Sturm und Drang was predominant ; i.e 1770-1780. Lessing was ignored mainly due to the fact he was a leading member of the Aufklarung.

The Sturm und Drang in stark contrast to the earlier generations of Germans, who had sought to transplant French ideas and cultural forms into Germany, remained true to their native experience and circumstances. It was a protest against the rigidity of the German class- structure and French culture of the aristocracy, which they ridiculed as "polite society".⁴

The main principle on, which this revolt was based were the supreme values of dynamic feeling and direct experience. This was the result of a restricted social life in Germany and of youthful turbulence. It asserted the dynamic creativeness

⁴ Ibid, p.XV

of man and in doing so prepared the way for a deeper understanding of the interaction of man and nature.

Amongst the Sturm und Drangers, only Herder attempted anything approaching a systematic conception of man. But this does not mean that the others totally ignored this aspect. This is present in the writings of others too. All of them refused to see man as a subject of external forces be it religious or social. The ultimate goal of man is to be himself and realize himself most intensely. It was a completely subjective goal, which could have shattering results when it was confronted by the external social world.

This attitude was contrary to that of the nationalists, summed up by Herder's formulation in 1769 " The development of the forces of our soul is the purpose of our existence on earth". (Letter to Mendelssohm). But both Mendelssohm and Kant understood ' forces of the soul' as man's rational capacities, which enable him to detect the ultimate goal of human existence. Herder's understanding was different. For Herder these 'forces' were more akin to feeling and the constant striving for expression. This was manifest in his delight in nature and poetry and his admiration of ancient society. Hence his savage attack on modern society, whose greatest sin was that it had destroyed man. It was with this principle that he discovered a new approach to history. Previously, all periods of history were judged in the light of the prevailing standards of morality. Herder in his first essay on history titled ' Another philosophy

of History (1774), questions this understanding of History and rejected in no uncertain terms his own times, because they had weakened ' desire, instinct and activity'.

His unreasonableness can be seen in his exaltations of patriarchal society and the violence of feudal (for him chivalry) times. He felt that men in those times were much more responsive to natural and spontaneous feeling. Thus emerges Herder's most important historical insight, which he was to develop in his ideas on the philosophy of History of Mankind. There can be no absolute ideal of virtue or happiness; men are born with indefinable potentialities, which find a different fulfillment at different times and in different circumstances. " *Each nation has its centre of happiness in itself* "⁵

Herder's intense passion blinded him to the implications of it. He felt that there was no conflict between knowledge and feeling and similarly no conflict between morality and subjective desire. This finds its most naïve form in the cult of " Genius'. A similar approach was taken by Lavater who harped on the theme of genius as a 'Little God' who attained this state with divine inspiration. The other Sturm und Dranger were more sensitive to the moral implications of this longing for deep feeling.

⁵ ibid, p.136

On one hand they were worried about how this never satisfied urge could be reconciled with action and achievements and the other hand, they were worried about the inevitable conflict between unrestrained subjectivism and the outer world. No one grasped these contradictions better than Goethe. In his works we hardly encounter perfect men, instead the focus is on the dilemma in which men found themselves. He wrestles with the implications of this attitude in his major works 'The Sorrows of Young Werther' and 'Faust'. The tragedy of Werther arises from the contradictions of his own longings. A young man who rejects everything that does not heighten his feeling of existence. He has absolute contempt for the routine of his profession and the class distinctions which hamper social intercourse. In contrast he is spellbound with the infinite creativeness of nature. He realizes the futility of his longings.

*"When I observe the confines in which the active and intellectual forces of man are imprisoned, when I see how all activity amounts to nothing but the satisfaction of wants which in their turn have no purpose but to prolong our poor existence. I turn in on myself and find a world! More in surmise and obscure desire, than in clear shape and living force... and I smile on, dreaming into the world."*⁶

⁶ Johann Goethe, *The Sorrows of Young Werther*, Cambridge University Press, Cambridge studies in German, 1989, pg. 45.

In his greatest work 'Faust', on which Goethe spent almost his entire life working on, Faust violently seeks experience which he feels is the source of all true knowledge. This quest is undermined by Mephistopheles, who dubs it as hypocrisy. In such works Goethe persuades us that, in breaking the bounds of society and morality, his characters discover a deeper meaning in life. This highest intensity of being is the extreme of individualism. It longs for self-fulfillment and cannot attain it, even destroying it where it finds it in others. Expansion of personality was for them a necessary purpose. But what was to be created? Would they all turn out like Werther? Their frequent use of the word 'activity' indicates how aware they were that energy consists not merely in a feeling, but in outward operation upon the world. In so far as the Sturm und Drang ignore this problem, they lay themselves open to the charge of naivety. But in so far as they show themselves aware of it, they contribute to the most important of moral problems, the relations between inner power and outer forms.

The dilemma was a real one.

The Sturm und Drang is often viewed as being diametrically opposed to the Enlightenment. The writers of Sturm und Drang vehemently demanded freedom from rules.⁷ They questioned social customs and even unalterable political

⁷ Fredhelm Radandt, *From Baroque to Storm and Stress*, Harper and Row publishers, London, 1977, pg-126.

realities, not because they wanted to repudiate the philosophical convictions of the Enlightenment, but rather because they wanted to free them from their narrow rigidity.

The Enlightenment was a revolution in the basic categories in which we understand 'self'. The modern subject is self-defining, previously it was defined in relations to a cosmic order like in Plato.⁸ There was minority tradition in philosophy the Epicureans and Sceptics. They too had a similar view on the self-defining subject, but the important distinction was that they achieved this self-definition by withdrawal from the world . By contrast the modern shift to a self defining subject was bound up with a sense of control over the world at first intellectual and then technological. It is this kind of notion which underlies Descartes' Cogito', where the existence of the self is demonstrated, while that of everything outside, even God, is in doubt . The sense of a self-defining identity was accompanied by a sense of power and new notion of freedom.

The German Enlightenment (Aufklärung) and the reaction to it was shaped in part by a important movement of religious revival, called Pietism. It had helped shape the thought of some of Germany's greatest Aufklärer- Lessing and Kant. Lessing's '*Nathan*', which greatly influenced the young Hegel, was a plea for tolerance and humanism beyond the differences of dogma. In fact Lessing's writings were a bold

⁸ Charles Taylor, *Hegel*, Cambridge University Press, Cambridge 1975, pg.7

attempt to understand the Jews and condemn the virulent anti-Semitism of that age. The influence of Pietism ensured an interweaving of spirituality and reason, which ensured that religion and Enlightenment could never be in opposite camps, as in France. This also explains why the Sturm and Drang writers were cautious when it came to revolutionary change. The fear of radical change underlies all their works. They vehemently protest against social levels and the tyrannical class hierarchy, but they stop short of bloody revolution. There were streaks of Peiteism, which explained why they sought political stability while at the same time desiring social change.

What did the notion of freedom mean to them? How could man be free, when the power structure remained steadfast and insulated from change? This probably explained why the writers of the Sturm and Drang did not comment on the major political events of that age- the partition of Poland (1772) , the American war of independence(1775) and the French Revolution. In fact Jakob Lenz and Friedrich Klingler wanted to participate in the American war of Independence on the side of the British . Germany had sent 30,000 mercenary soldiers to fight against the Americans. Goethe had a pronounced distaste for the French Revolution.

If freedom was to be understood as ' expressivism', then it was Herder who introduced the epoch-making demand that one's realization (volk) of the human essence has to be ones own. The Ariostotelian conception of life as an expression is

to see it as the realization of a pre-given purpose and the search for an idea. Human life in the Aristotelian sense would be a fulfillment of an idea which is fixed independently of the subject who realizes it. It was he who launched the idea that each nation has its own way of being human, which cannot exchange with any other except at the cost of distortion.

The Aristotelian concept of mimesis, meant that art was an imitation of reality. The Sturm and Drang evolved a notion of art as expressive, as expressing the profound feelings of the artist and in the process completing him, expanding his existence. Goethe used the term 'Läuterung' (purification), the transformation to a higher form and as the fullest expression of its potentialities. As art was seen expressive, the artist was now seen as creator leading to the theme of 'Genie Kult' (Cult of Genius), which became very strong in Germany.

Freedom was seen as "authentic" self-expression. The works of the Sturm and Drang vividly portray the intense yearning for freedom. The genius is usually shown as living in opposition to and in conflict with the expectations of society, so much so that he may appear as a criminal or revolutionary if measured by conventional standards, while in truth his actions are in accord with his feelings and personality.

It signified not something one could have, but something one was. The genius was an original personality who would act on

his own in disregard to accepted patterns and conventions. Such an original genius was what Goethe came to be regarded as. His historical thinking lacked the stimulus that usually comes from great national incentives. As he put it himself in his magnum opus' **Dichtung und Wahrheit**' a lack of national feeling pervaded his mind. Even the experience of the Seven Years war remained no more than an exalting spectacle." What did Prussia matter to us? It was the personality of the great king that impressed us all". It was this attitude that characterized his response to Napoleon's victory at Jena.

Yet the experiences of the Seven Years war set about making changes in German life which became one of the great driving forces behind the ' Sturm und Drang'. Up till now, the powers in the shape of custom and religion had so dominated the individual life that scarcely anyone raised himself above the conventional level. The essence of history now became the struggle between the deeper individuality and its need for freedom and the forces of the objective world. The explosions of genius quickly spent itself, as all explosions must, Goethe, the most original of them, recognized this when he shifted to Weimer.⁹

The Sturm und Drang is a marked stage in the transformation of the feudal aristocratic conceptual world

⁹ H. B Garland, *A Survey of German Literature*, Macmillan, London, 1971, pg.72.

through the bourgeoisie. The point at which they joined issue with had already been defined by Rousseau. He had challenged the whole idea of social advance and had asserted that the highest culture was that of people in the earliest stages of civilizations.¹⁰ Rousseau's anti-thesis of individual and society was acknowledged by the Sturm und Drang. The Faust of Goethe symbolizes the theme of human contest with the barriers imposed by authority and custom. Faust denotes not just a moral protest, but also a human restlessness that seeks to transform the outer world. As Faust exclaims " *This is all that I have found - the impossibility of knowledge*".¹¹ He leaves his study and gets out into the wide world.

The significance of the Sturm und Drang arises from the bridge between intense feeling and a realistic grasp of the outer world. Their consciousness of being part of a great process, as members of a clearly changing society, leads them to avoid all final definitions of a human goal. There is a dynamic tension in their whole way of thought, which drove the best of them, Herder, Goethe and Schiller to a perpetual struggle for solutions, which had a ring of finality to it. As Goethe would say about his Faust " *Like the history of the world and of man give rise to a fresh problem that needs to be solved* ."¹²

¹⁰ Roy Pascal, *German Sturm und Drang* , Manchester university Press, 1953, pg.73

¹¹ Peter Boerner, *Johann Wolfgang Goethe*, German Press, Bonn, 1982,pg. 5

¹² Johann Goethe, *Faust- Part I*, The German library, Bonn, 1981, pg.9

The leaders of the Sturm and Drang, Goethe and Schiller later drifted into a classical phase. Goethe had come under the influence Johann Winckelmann, the leading expert on the Hellenic Age. He increasingly became a conservative after this. Schiller whose earlier works were almost revolutionary by nature became far more moderate. He henceforth upheld rebellion only as a last resort When all other means had failed. ¹³

His two major works after he became professor of history at the university of Jena - *Der Abfall der Niederlande* (The Revolt of the Netherlands) and *Die Geschichte des dreissigjahrigen Krieges* (The History of the Thirty year's War) clearly show how his notions of freedom underwent a modification. He felt that mankind was still marching slowly and steadily towards ever greater freedom, but he not only condemned the tyrants who try to retard the growth of freedom, but also the rebels who take hasty steps to attain freedom. The cruel failure of the French Revolution proved that man should never strive for shallow outer freedom as long as he does not possess inner freedom. Without such ethical fortitude, even the most successful outer revolution against governments is doomed to failure.¹⁴

Another major concern for Schiller is the alienation of the individual from the state. The Greek polis had a harmonious

¹³ Wermer Friederich, *History of German literature* , Barnes and Noble, New York, 1965, p.96

¹⁴ *ibid*, pg.97

unity between the citizen and the moral sensual being. This unity no longer exists in the modern age. The abstract state sees human beings in purely mechanical terms. Schiller seeks to reconcile these two; so that humanity would move into a higher plane. Schiller had sought to improve upon Kant, for he borrowed from the critique of judgement the model of judgement as a unity of understanding and imagination. He agreed that all our lives ought to be similarly harmonious. But to portray human nature as forever divided between reason and passion and our moral life as an eternal struggle between the two, is degrading and defeatist. Schiller felt that Kant was accurately describing the sorry state of human life today, but it was not always so and it need not always be so. Yet again he pointed to Ancient Greece where there had been a harmonious unity between reason and passion.¹⁵

Hegel agreed with Schiller's objections, especially about disharmony being an eternal truth about human nature. He accepted Schiller's suggestion that the very foundations of the human condition could change from one historical era to another. Hegel too aims at a reconciliation of whole and part, of unity and different and of individual and society.

The Sturmer and Dranger worshipped Greek antiquity and yearned for a unity with self and communion with nature. This communion would be facilitated by feeling. This

¹⁵ Peter Singer, *Hegel*, Oxford University Press, 1983, pg. 21

nostalgia is expressed best in Schiller's *The Gods of Greece*-

" When poetry's magic cloak still with delight enfolded truth.

Life's fullness flowed through creation

And there felt what never more will feel

Man acknowledged a higher nobility in Nature"

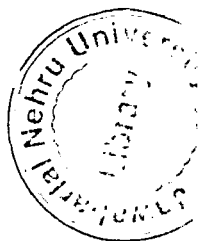
Communion with nature meant communion with other men too. There was dismay and horror to the vision of society envisaged by the Enlightenment, where human relations would be guided by self-interest. An atomistic society would be detrimental to the interest of men seeking unity in community life. This is where the Greek polis provided a model which merited emulation. Most German intellectuals and Hegel proving no exception, viewed the Greek polis as a summit of human achievement. Public life was central to the idea of the polis. Citizens found the Polis reflecting the very virtues that constituted their own essence. The Polis with its emphasis on community life ensured the fullest freedom for its citizens. So what went wrong? Schiller traces the breaks in his 6th letter on the Aesthetic Education of Man, in the evolution from ancient Greek Society to modern society.

The facilities that were united in classical man, have become fragmented in modern man. Running such a complex society, cannot be left to the initiative of its citizens, hence the need for a bureaucratic state. →

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Men feel no identification with the state. The state now degenerates to a mere ruling power, which is bereft of its moral authority. Two works captured the Predicament of the age were- Goethe 's *Sorrows of Young Werther* and Holderin's *Hyperion*. The eminent Marxist literary critic George Lukacs ahs studied the impact of these two masterpieces in his work titled Goethe and his age.

Lukacs is of the view that Goethe's Werther is not anti-enlightenment in its outlook. He opposes the view that the Sturm und Drang, with their emphasis on feelings and emotions was ' anti-intellectual'. This work is a continuation of the line of Rousseau. The specific German component is that it relates to Germany's socio-economic backwardness. It highlights the contradictions within the bourgeois mind.



Goethe was no revolutionary, not even in the sense that Schiller was (especially in the *Robbers* and *Kabale und Liebe*)¹⁶ Yet he was able to discern the basic problems of the bourgeois revolution and in many ways the work serves as a precursor to the French Revolution. He brings out the contradictions between the growth of personality on one hand and bourgeois society on the other. Lukacs feels that Goethe managed to highlight the contradictions with bourgeois society so well that his criticism could be taken as an universal assessment of bourgeois societies anywhere.

¹⁶ George Lukacs, *Goethe and his Age* , trans. Robert Anchor, Merlin Press, London , 1968, p. 42

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This explained the enthusiastic reception of Werther thorough of Europe. In his opposition of personality and society, Goethe was able to detect that the essential obstacle to the development of human personality was the feudal stratification of the social classes [Stände]. Yet he felt that the rules and institutions of the bourgeois system would hinder the development of the human spirit. Hence Werther remarks: "*It is nature alone that is infinitely rich and it alone forms the great artist. One can say much in favor of the rules, almost what one can say in praise of bourgeois society.*"¹⁷

The most passionate opposition is against the rule of ethics. This found its highest philosophical expression in the idealist ethics of Kant and Fichte. Ethics in this sense seeks to discover a unitary system of rules for society. The individual is compelled to recognize these rules in principle. This leads to a conflict, not in the Kantian sense of a conflict between man's base egoistic drives and his noble ethical maxims.

Rather the contradictions arise in spite of the noblest of feelings. Goethe's generation deeply experienced this vital contradiction between human passion and social evolution. This was expressed best by Goethe's friend Friedrich Jacobi in an open letter to Fichte- "*The law is made for the sake of man, not man for the sake of the law.*"

¹⁷ *ibid*, p.40

Rebellion is justified by Werther himself *"Can you call a people weak which groans under the unendurable yoke of a tyrant if it finally rises and rends its chains?"*¹⁸

The whole of Werther is a tribute to the 'new' man who emerges in the course of preparation for the bourgeois revolution. The message of popular humanist revolt is very significant, especially in the context of the great French Revolution. This is why the significance of Werther surpasses the horizons of a particular period. Goethe himself summed this up in a conversation with Eckerman: *"If one examines it closely, the much talked of age of Werther, it is true, does not belong to the course of world culture, but rather the life process of every individual who, with a free and innate sense of nature, seeks to find himself and adapt to the restrictive forms of a world grown old."*

Werther commits suicide, primarily because he refused to give up his humanistic -revolutionary ideals, because of his refusal to compromise. A similar parallel can be found in the deaths of the heroes of the French Revolution who went to their deaths heroically with all their illusions. Werther too goes down with the heroic illusion of humanism prior to the French revolution.

Hyperion by Friedrich Holderin is another masterpiece, which captures the contradictions of that age. Holderin is beyond doubt one of the greatest poets of Germany. His novel

¹⁸ *ibid*, pg.42

Hyperion demonstrates his overwhelming love and admiration for the Hellenic Age. Lukacs makes the observation that Holderlin's Hellenism is slightly different from say that of the Renaissance and Enlightenment. It is more sombre and painted by suffering than the radiant utopia of antiquity envisaged during the Renaissance and Enlightenment.¹⁹

During their youth, three young students Schelling, Hegel and Holderlin, in their enthusiasm planted a tree in honour of liberty during the French Revolution. Schelling deviated into a narrow minded obscurantism while Helgel and Holderlin remained fairly loyal to the spirit of the revolution. While Hegel came to terms with the post-terror epoch, Holderlin did not compromise. He remained faithful to the old revolutionary ideal of renovating 'polis' democracy and is shattered by a reality which had no place for his ideals, not even at the level of thought. For Hegel, Greece becomes a thing of the past, irrevocably lost, never to return.

In stark contrast, Holderlin's Hyperion claims "*the ideal is what Nature was*". *Hellenism was the ideal . " Formerly the peoples started from a child like harmony. The harmony of the spirits will be the beginning of a new universal history "*. Hyperion participates in the revolutionary struggle to liberate Greece from the Turkish yoke. His slogan is " All for each and each for all !" It is a dream to liberate mankind.

¹⁹ ibid.pg.136

Hyperion protest against the domination of the state and dreams of a return to the golden Age.

Yet Hyperion is worried about the darker side of bourgeois revolution. As the insurgents capture Misistra (Sparta) victory is followed by pillage and massacre. He is shattered by this event, and refuses to follow the insurgents.

Holderin's attitude to armed rebellion is similar to that of Schiller Schiller's early works were filled with revolutionary fervor, but eventually his characters fall into despair about the level of violence involved.

Holderlin is one of the most elegiac poets of all time. Schiller once defined elegy as "*in elegy, the sorrow must result only from an enthusiasm aroused by the ideal.*" Holderin's elegy is drawn from an inability to realize ideals, unlike other elegists (eg. Ovid) who lament a purely private fate.

The Enlightenment had attempted to read off moral characteristics from certain assumed uniformities of Nature. Hobbes would be the typical representative of the Enlightenment naturalist. Even David Hume for all his famed skepticism displayed similar traits. In his *Enquiry Concerning Human Understanding*, says "*Would you know the sentiments, inclinations and course of life of the Greeks and Romans? Study well the temper and actions of the French and English. Mankind is so much the same, in all times and places, that history informs us of nothing new or strange in this*

*particular. Its chief use is only to discover the constant and universal principles of human nature."*²⁰

The supposed harmony between reason and nature could not be sustained for very long. The most important assault upon naturalistic empiricism of the Enlightenment came from Rousseau. Rousseau felt that the precedence given to nature and natural law implied an essential reductionism into the comprehension of moral duty. Morality could not be derived from Nature. His critique of natural law in his *Discourse on the origins and Foundations of Inequality* is more in tune with the idealism and romanticism of the nineteenth century than with the positivistic science of the Enlightenment. Natural law is not moral law. The law of nature is simply the law of the strong, from which no moral obligations can be derived. Rousseau observed "*Nature treats man precisely as the law of Sparta treated the children of citizens. It renders strong and robust those who are well constituted and makes all the others perish.*"²¹

The need was to transcend nature with the help of reason, only this would result in a genuine moral law. Rousseau rejected the Enlightenment naturalism of Hobbes, calling it a "dangerous dream". Rousseau viewed human beings under two aspects the "physical" and the "moral". Conceived as

²⁰ David Hume, *Enquiry concerning human Understanding*, ed .L.A , Selby, oxford: Clarendon press, 1902,)pp. 83-84.

²¹ Jean - Jacques Rousseau. *Discourses on the origins and foundations of inequality*, trans Roger. D. Masters (New York) St. Martins 1964) P.106.

physical objects, as part of nature, men are nothing more than "ingenious machines" driven by appetites and desires which can be studied and known through the laws of science. However, seen from the moral angle, human are qualitatively different- "*Nature commands every animal and the beast obeys. Man feels the same impetus, but he is free to acquiesce or resist; and it is above all in the consciousness of freedom that the spiritual of his soul is shown.*"²² It is the capacity to resist the sway of instinct and the ability to make choices, that makes man different from beasts. This determines moral action. A being influenced purely by instincts is incapable of morality.

It was Kant who fully realized the implications of Rousseau's attack on the Enlightenment. There are a lot of similarities between Rousseau and Kant. Rousseau's formulation of the General will can be seen as an intellectual precursor to Kant's Categorical Imperative.²³

However Kant parts company with Rousseau when he tries to give a 'universal' or 'cosmopolitan' significance to the General will. Rousseau saw the general will in purely local terms, functional only in small polis like communities. Kant was striving towards building universally binding norms. He was trying to sever the will from all natural facts of human experience.

²² *ibid*,p.114

²³ Ernst Cassirer, *Rousseau, Kant, Goethe*, New York, Harper and Row, 1963,p.1

In his groundwork of the *Metaphysic of Morals*, Kant concedes that the good will would "shine like a jewel", even though it may in the end prove impractical.²⁴ The Kantian ideal of a "kingdom of ends" was an ideal community of people living under the operation of moral laws. In his *Perpetual Peace*, he says "A true system of politics cannot take a single step without first paying tribute to morality."²⁵

Kant provides a fairly articulate defense of Rousseau dualism between Nature and mortality. The realm of Nature is the "phenomena", while the realm of freedom is the "noumena". Morality is vehicle to the realm of freedom, not nature.

Schiller opposed this reliance on moral rules on the grounds that it restricted humanity by subjecting it to the order of law. This is very clear in his play *'The Robbers'*, when Karlmoor says

"What might have given rise to an eagle's flight has been reduced to a snail's pace by law . Never yet has law formed a great man, it is liberty that breeds giants and heroes."

For Kant freedom is only possible within a framework of law , while for Schiller the law is an obstacle for the realization of freedom. While Kant is democratic to the extent that he desires a uniform standard of conduct for all. Schiller is

²⁴ Immanuel Kant, *Groundwork of the Metaphysic of Morals*, trans.H. J. Patton, New York, Harper and Row,1964,pp.61-62

²⁵ Immanuel Kant,*Perpetual Pece*, Political Writings trasn. H. Bnisbet, Cambridge: Cambridge University Press, 1970p.125

concerned about "moral heroes", who are special and cannot be subsumed under a common law or moral code. His letters on the Aesthetic Education of Man (hailed by Hegel as a "masterpiece") was a clarion call to liberate man from the dominant ethos of the Aufklärung, which was utilitarian in outlook.

Schiller feels that the way out for mankind was education combined with the political ideals of the French Revolution. He remarks that an aesthetic culture would replace materialism.

He says "Man has roused himself from his long indolence and self-deception and is demanding restitution of his inalienable rights."²⁶ He repeats that the only way for aesthetic culture to replace utilitarianism was "*a complete revolution in man's whole way of feeling.*"²⁷

Schiller is calling for an entire new civilization to be created on the basis of what he calls "higher art" (höhere Kunst). This would overcome the contradiction between sensuousness and reason and restore a higher undivided unity. He too concedes that return to the earlier harmony of the Greeks is impossible; but the artist can strive towards such a harmony. The final goal of such a quest is what Schiller calls an "aesthetic state". He presents this as a "third realm" (dritter

²⁶ Friedrich Schiller, *On the Aesthetic Education of Man*, trans. Elizabeth Wilkinson, Oxford, Clarendon Press 1967, p.25.

²⁷ Ibid, p 205.

Reich) which transcends the subordinate sphere of legality and morality. How is unity achieved in this state? Schiller feels this can be done through the cultivation of "taste". Taste will restore the inner harmony of the individual; while all other perceptions divide man. In such a state, the ideal of equality too will be achieved - "*The fetters of serfdom will fall from the lifeless and the living alike. In the Aesthetic state everyone is a free citizen having equal rights with the noblest. Here therefore in the realm of aesthetic semblance, we find the ideal equality*"²⁸

Hence this entire generation was concerned with the restoration of a lost unity. A fragmented identity was something that they could not really come to terms with. They were concerned with the stifling of creativity, which was linked to fragmentation. This was combined with a general distrust of any kind of institution or law. Werther and Karl Moor symbolize this individualistic quest for freedom.

There is a clear defiance against the established order. Yet in most cases this defiance results in a tragic end, Werther's suicide being the most obvious example. The early Sturm und Drangers did not have any concrete solutions to the problem of fragmentation. Schiller offers a solution to this problem, where he talks of the Aesthetic state, which would value "taste". But how would Schiller's Aesthetic state deal with the contradictions between the individual and his quest

²⁸ Ibid.p.219

for freedom on one hand and a community which thrives on the notion of equality, on the other? Would there not be a conflict between the " private " realm and the " public " realm?

None of the thinkers mentioned so far have offered a clear solution to this contradiction . This was the challenge Hegel had to face, in his attempt resolve this age old problem.

Chapter-II

FREEDOM, ABSTRACT RIGHT AND MORALITY

Hegel's philosophy of Right was very much a work rooted in the turmoils of its historical period. The work emerges in the backdrop of certain important political events in the history of Prussia. After its defeat at the hands of Napoleon in 1806, a reform movement had begun. The aims of the reform movement was to introduce constitutionalism and thereby undo the damage done by absolutism.

Hegel had always admired Napoleon, whom he saw as the historical personage who would fulfil the destiny of the French Revolution. What Hegel had expected after 1789 was a order in which freedom of the individual co-existed with a stable social system.¹ Napoleon had with the help of the Civil Code crushed the feudal system in Germany. These changes were appreciated by Hegel as being rational ordering of political forms with the aid of the intellectual forces unleashed by the French revolution. Hegel was of the view that the struggle against Napoleon was reactionary. He did not even accept Napoleon's defeat as final. He was more concerned about the fate of intellectual values as opposed to more narrow political considerations. This led him to say in his lectures of 1816 " ... *along with the business of politics*

¹ Herbert Marcuse, *Reason, and Revolution: Hegel and the rise of social theory*, Routledge and Kegan Paul, London, 1954. P.169

*and the other interests of everyday life, we may trust that science, the free rational world of mind, may again flourish"*²

The thing that confounds many, is the apparent volte-face after he becomes the " official " philosopher of the Prussian state barely a year later. He now puts philosophy at the service of the state. He seems to shift from an ' anti - nationalist' to a ' nationalist' position. There could have been other reasons or compulsions for this new - found love for nationalism in Hegel. After the defeat of Napoleon in 1815, the reform movement in Prussia was viewed with suspicion by the conservative monarchies of Austria and Russia. The Carlsbad conference of German states in 1819 decided to put an effective end to reform. It imposed censorship on all academic publications and set forth guidelines for the removal of 'unsavoury' elements from universities.

This led to the dismissal of many prominent academics, notably that of J.F. Fries who was Hegel's personal rival. In the very preface, Hegel makes it a point to attack Fries. This came in for a lot of criticism, as this was interpreted as showing approval of academic repression. His statement " *What is rational is actual and what is actual is rational*"³, is seen as showing solidarity with the status -quo. Hence, the

² ibid, p. 170

³ G. W. F. Hegel, *Philosophy of Right*, Trans. H. B. Nisbet, Cambridge University Press, Cambridge, 1991, p. 20

criticism that Hegel 's work was an attempt to gain favour from the powers of the day. This criticism seems to have stayed until much later. The rise of German nationalism under Bismark, German imperialism and National Socialism led critics to view him as the intellectual progenitor of all these. The Marxist connection to Hegelian thought simply added weight to the allegation that Hegel propounded a philosophy of totalitarianism.

This has been a rather unfair assessment of a philosopher for whom the idea of freedom was the '*raison d'etre*' of his thought and work. His work has to be seen in the context of his time. As he himself put it : "*As far as the individual is concerned ,each individual is in any case a child of his time, thus philosophy too is its own time comprehended in thoughts*". The Prussia of Hegel's time was to say the least ultra- conservative. The famed Prussia officer corps and the civil service were open only to the nobility. In Hegel's rational state, both the services were open to all citizens. Hegel in his work, advocates criminal public trials and trial by jury, both non-existent in the Prussia of Hegel's day. Certainly Hegel was no radical, but was he a ' liberal'?

If Liberalism entailed the protection of individual rights and the propagation of freedom, Hegel certainly agreed with this. But, what he seeks is a larger vision, in which individual goals lead to a collective good. Brute individualism was unacceptable to Hegel. The Hegelian rational state has no place for an individualism bereft of social concern.

For Hegel, it is only as a social and moral being that man is free. Only freedom of this kind is worth striving for. Both the individual and mankind progress in stages towards freedom, but the individual cannot have greater freedom than what social and cultural conditions allow.⁴ The concepts he uses are not peculiar to him but are shared by a community. This is what Hegel calls 'ethical life'. Man is self conscious, rational and moral only as a partaker in ethical life.

Man possesses a will, which strives for freedom. This distinguishes him from other animals. Key to this is the idea of personality and the idea of the concrete universal. Related to this is the idea that the whole is present in each of its parts and thereby is more than the sum of them. A personality reveals what he is in his actions, yet he is not the mere sum of them, for he is present in every action. One cannot understand his actions without understanding him, and vice versa. The term '*Concept*' or '*Begriff*' is quite significant here. Hegel tries to trace the development of the will from concept to Idea. He does not wish to explain things in a historical fashion, as a succession of stages of change. He is more interested in understanding the psychological and moral dimensions involved in rational behavior. He wishes to explain how the state (the ethical universe) is to be understood. The state is the sphere which facilitates moral and rational action. It is in this 'ethical universe', that the

⁴ John Plamenatz *History as the realization of freedom*, in *Hegel's political Philosophy*, edited A. Z. . Pelezynski, Cambridge University Press, 1971.p3

will develops to fruition as distinct from mere impulse and appetite. The individual becomes a person, with a sense of his own identity, only as a partaker in ethical life.⁵

It is important to stress on a particular point here. Hegel feels that while an individual does acquire certain capabilities as a result of being embedded in society with others, there is something essentially social in the exercise of his will. Hegel's work is not a historical account, it is more an attempt to understand the implications of ordinary experience.

Hegel's philosophy is in many ways a refutation of utilitarianism. According to Bentham, rational behavior entails a comparison of impulses or desires, which are calculated so as to attain maximum satisfaction. For Hegel, life should be governed by principles that are not utilitarian. This is because man is a rational moral being striving towards freedom.

In *Philosophy of Right*, he declares "*The basis [Boden] of right is the realm of spirit in general and its precise location and point of departure is the will; the will is free, so that freedom constitutes its substance and destiny [Bestimmung] and the system of right is the realm of actualized freedom, the world of spirit produced from within itself as a second nature.*"⁶

⁵ ibid, p. 32

⁶ G. W. F. Hegel, *Philosophy of Right*, ed By Allen . W. Wood trans. By H. B. Nisbet, Cambridge University Press, Cambridge, 1991, p. 35

The notion of freedom was central to Hegel's philosophy. Even his earliest writings display an overwhelming concern for freedom. This is evident from his letters to his friend , the philosopher Schelling: " *Reason and freedom remain our password* " and Schelling replied " *The alpha and omega of all philosophy is freedom.*" (1795). While earlier he interpreted freedom in terms of Kantian autonomy, he later rejects the dualism of reason and passion implied in it.

While he agrees with Kant that freedom means radical self-determination and self dependence, he seeks to ground freedom on a more firm footing in the world. The importance given to freedom in *Philosophy of Right* can be seen in # 4 as seen earlier. This would place Hegel firmly in the voluntarist tradition of modern political philosophy along with Hobbes, Rousseau and Kant. This tradition makes will or freedom the basis of state. Yet Hegel differs from the others in the sense that his will is not in the traditional contractarian sense of individual consent. This has led critics like Isaiah Berlin to remark as to whether Hegel's " positive " notion of freedom leads to its very anti thesis.

For Hegel as in clear in # 4 free will is the basis of right . The concept of will has been a troubling problematic in the history of philosophical inquiry. The Cartesian position visualizes will as faculty which mediates between thought and action. This notion of the will as a separate entity has

come under severe scrutiny.⁷ Hegel rejects the Cartesian position of separating will from thought. He writes " *Those who regard thinking as a distinct faculty and who in addition even consider that thinking is prejudicial to the will - especially the good will - show from the outset that they are totally ignorant of the nature of the will*".⁸ He makes a similar point in the addition to # 4: " *It must not be imagined that a human being thinks on the one hand and wills on the other, and that he has thought in one pocket and volition in the other, for this would be an empty representation.*"⁹

For Hegel will is not separate from thinking, but rather it is a particular way of thinking, more akin to what Kant referred to as " practical reason" - thinking in its practical as opposed to its theoretical guise.

What does Hegel understand by thinking? He explains the tendency of thought to overcome the externality and independence of objects: "*When I think of an object, I make it into a thought and deprive it of its sensuous quality; I make it into something which is essentially and immediately mine. For it is only when I think that I am with myself and it is only by comprehending it that I can penetrate an object, it then no longer stands opposed to me, and I have deprived it of*

⁷ Albert Dihle, *The Theory of Will in Classical Antiquity*, Univ of California Press, Berkley, 1982, p. 8

⁸ *Philosophy of Right*, # 5, p. 37

⁹ *ibid*, pg. 35

*that quality of its own which it had for itself in opposition to me"*¹⁰

This idealization or overcoming is accomplished through generalization, by thinking the universal; when I say "I", I abstract from all particularity and reduce the manifold to the simplicity of the universal. The will begins with thought in the form of the " I " and is accompanied by a generalized representation of the object willed. This thinking, generalizing, representing aspect of human willing is what distinguishes it from the instinctive behavior of an animal.

For Hegel freedom is not separable from the will. This is clear in the addition he makes to # 4.

"The freedom of the will can best be explained by reference to physical nature. For freedom is just as much a basic determination of the will as weight is a basic determination of bodies. If matter is described as heavy, one might think this predicate is merely contingent; but this is not so, for nothing in matter is weight less : on the contrary matter is weight itself. Heaviness constitutes the body and is the body. It is just the same with freedom and the will, for that which is free is the will. Will without freedom is an empty word " (PR # 4A)

Hegel develops the concept of will with the help of three moments of the concept - abstract universality, particularity and singularity. Abstract universality is understood as the "

¹⁰ *ibid*, # 4 A

absolute possibility of abstracting from every determination in which I find myself or which I have posited in myself, the flight from every content as a limitation." (PR, # 5) This suggests a withdrawal from all externality and being with oneself . Hegel sees the extreme possibility of this in the form of suicide. " *the human being alone is able to abandon all things even his own life: he can commit suicide.*" (#5A) One can give up one's life in the bitter struggle for recognition like Werther does.

Hegel understands this flight from all determinacy as "negative freedom". This has to be distinguished from the same expression made by Isaiah Berlin. For Berlin it only means that a person can act in an unobstructed fashion. This is wholly empirical notion of freedom as the absence of external impediments; the freedom to pursue what ever we desire.¹¹ For Hegel negative freedom is concerned with the source of human actions, it has nothing to do with the unfettered pursuit of our empirical desires. It is not in the empirical tradition of Hobbes and Bentham that Hegel is talking about negative freedom, but rather in the rationalist tradition of Kant. It refers to the domination of reason over empirical desires.

Hegel's example for the worst case of negative freedom is the French Revolution. Earlier in *Phenomenology of Mind*, he had argued that the "absolute freedom" embodied in the French

¹¹ Isaiah Berlin, *Four essays on liberty*, Oxford University Press, London, 1969 p. 121

Revolution was incapable of anything positive in terms of laws or political institutions. This only led to the "fury of destruction". This penchant for destruction runs through his discussion of negative freedom and the French Revolution - Negative freedom, he writes- "*may well believe that it wills some positive condition, for instance the condition of universal equality.... But it does not in fact will the positive actuality of this condition, for this at once gives rise to some kind of order, but it is precisely through the annihilation of particularity and of objective determination that the self-consciousness of this negative freedom arises. Thus... its actualization can only be the fury of destruction.*" (PR. # 5R)

Negative freedom has concrete examples in history. Hegel gives the example of Hindus aspiring to become "The Brahman" by renouncing every activity of life. Another example is the Reign of Terror in the French Revolution. This is an example of active fanaticism- "*a time of trembling and quaking and of intolerance towards everything particular. For fanaticism wills only what is abstract, not what is articulated, so that whenever differences emerge, it finds them incompatible with its own indeterminacy and cancels them. This is why the people, during the French Revolution destroyed once more the institutions that had themselves created, because all institutions are incompatible with the abstract self-consciousness of equality.*"¹² (PR, # 5 A)

¹² G. W. F. Hegel, *Philosophy of Right* p. 39

From the first moment of indeterminacy, Hegel moves on to the second moment of particularization. Just as willing involves the ability to abstract from whatever is given, this is called formal freedom, it also entails that something be willed. All that this means is that the will must will something.

The third moment is the moment of singularity or individuality - it is the unity of two preceding moments of abstract universality and particularity . He writes : " *Here we are not one sidedly within ourselves, but willingly limit ourselves with reference to another ,even while knowing ourselves in this limitation as ourselves. In this determinacy the human being should not feel determined; on the contrary he attains his self awareness only by regarding the other as other*" (PR, # 5A). This is where Hegel revises the Kantian notion of freedom as rational autonomy. The Kantian notion expresses only one part of the freedom, the aspect of self-dependence or being with oneself which Hegel categorizes as negative freedom. It was never able to address the aspect of ' otherness'. Hegel tries to resolve this abstract opposition between self dependence and otherness.

The key concept in the Hegelian notion of freedom is that of *Sittlichkeit* or Ethical life. In order to comprehend it, one has to deal with tow other important aspect of the work - Abstract Right and Morality. In #29 he defines right as any existence of the free will. He then goes on to state that various forms

of right are not co- equal, but instead have a hierarchy corresponding to the different stages in the development of freedom.

There are lower forms of right, which are "formal" or "abstract" and there are higher forms which are " universal". The state has higher right vis-a vis the more abstract rights of private property and particular well being. Since he visualizes rights as being hierarchically arranged, there is no conflict between rights and duties as in Kant. Every conflict, he writes" *also contains this further moment, it implies a limitation whereby one right is subordinated to another only the right of the world spirit is absolute in an unlimited sense.*"¹³ (PR, # 30)

Hegel develops the concept the freedom in a dialectical process, where freedom develops in the form of rights. In the course of its actualization, the concept of freedom assumes different shapes- the right of property, morality family and so on. Why does Hegel deal with the right of property and morality, before that of family? Historically, the family came into existence before property.

This can be explained by what Hegel understands as the task of philosophy. Philosophy begins with the abstract and moves on to the concrete. " *The course we follow is that whereby the abstract forms reveal themselves not as existing*

¹³ *ibid*, p. 59

for themselves, but as untrue." (PR, # 32 A) This can be seen in the two major transitions Hegel makes in *Philosophy Of Right* - the transition from morality to ethical life and the transition from civil society to the state.

In the transition from morality to ethical life, Hegel shows that abstract right and morality are abstractions which cannot exist on their own. Ethical life is the ultimate truth of these two moments. " *The sphere of right and that of morality cannot exist independently; they must have the ethical as their support and foundation.*"¹⁴ (PR, #141 A) Hegel refers to the speculative method, which entails three moments:

- 1) The moment of being, which is characterized by abstract self-identity, without explicit relation to another.
- 2.) The moment of reflection or mediation where the being is to be posited or mediated by the other.
- 3.) The synthetic moment, which is the unity of the previously two.

Therefore abstract right corresponds to the moment of being, morality corresponds to the moment of reflection or mediation and ethical life is the synthetic unity of these two.

Abstract right is the sphere of legality and property. It is important to the extent that human beings are bearers of

¹⁴ *ibid*, p. 186

rights that are inviolable. Yet it is abstract to the extent that it does not reach to the particularity of human beings. Abstract right lacks the minimal moral claims required to enforce its juridical claims. Hegel thus considers morality as a more concrete sphere than that of abstract right, because the will seeks to realize itself in ends which are more spiritual. Nevertheless it too is abstract as it falls prey to a radical subjectivism. Each possesses what the other lacks. Abstract right lacks the moment of subjectivity, which belongs solely to morality and morality lacks a determinate universal content, which belongs alone to abstract right. Ethical life will unify the two, the objectivity and universality of abstract right with the subjectivity of morality.

Abstract right is very similar to the central tenets of liberalism - the free will that is free in and for itself. It entails the right to life, liberty and property. While Hegel clearly recognizes the importance of these rights, he expresses the limitations of the liberal theory which encapsulates it.¹⁵ Yet it must be borne in mind that Hegel's idea of abstract right is more in keeping with the legality as understood by Kant and Fichte. Here there is a distinction between legality and morality. It is concerned with the external actions of individuals in so far as they impinge on the external freedom of others and indifferent to the motives

¹⁵ K.H. Ilting , *The Structure of Hegel's Philosophy of Right* in Z. A Pelcynski's *Hegel's Political Philosophy*, Cambridge University Press, London, 1971, p. 92

of those actions. He writes " *In formal right....it is not a question of particular interests, of my advantage or welfare, and just as little of the particular ground by which my will is determined ie. of my insight and intention.*"¹⁶ He also understands abstract right as a coercive right. Legal coercion cannot extend into the moral sphere, where the individual exists only for himself and the use of force is meaningless.

In the Kantian sphere of legality right is divorced from ethical considerations a nation of rational devils or as Fichte put it, where faith between people has been lost. Hegel's analysis consists of personality, property, contract and punishment (of abstract Right)

The idea of personality has two aspects, firstly freedom or universality. This freedom or universality is wholly abstract, a pure self identity which abstracts from everything determinate. This freedom because it is abstract does not transform or determine the individual . The second aspect of personality is its "immediacy". The abstract universality of personality coexists with the immediate or natural being of the individual. Hence personality has a duplicacy associated with it. On one hand the individual feels completely determined in relation to his external existence, yet he is also at times a pure self- reference. Hegel writes: " *I am completely determined in all respects (in my inner arbitrary will , drive and desire, as well as in relation to my immediate*

¹⁶ G. W. F. Hegel, *Philosophy of Right*, p. 69

external existence) and am thus "finite"; on the other, I am totally pure self reference and this know myself in my finitude as infinite, universal, and free. " 17

This is the contradiction within personality, it can be sublime and yet wholly ordinary, infinite yet finite, Hegel sees this as an achievement of freedom, albeit abstract. This development of personality can be seen in history. Hegel feels that the achievement of personality has to be attributed to Rome and Christianity. This is in connection with the disappearance of slavery. In Rome, one sees the development of legal personality in contrast to the slavery of Greece. It is only with the rise of Christianity that the " freedom of personality " begins to flourish as universal principle for a small part of the human race.¹⁸ Slavery becomes impossible now. A slave lacks recognition of his personality, which Christianity acknowledges the personality of man.

It is very clear from Hegel 's understanding of the incompatibility of personality and slavery, that personality presupposes mutual recognition. Abstract right in fact emerges from the struggle for recognition. Both abstract right and personality depend on recognition, as Hegel writes later on lthe subject of contract: " Contract presupposes that the contracting parties recognize each other as persons and owners of property, and since it is a relationship of objective

¹⁷ ibid, p. 68

¹⁸ ibid, p. 92

spirit, the moment of recognition is already contained and presupposed within.

The law only demands that the personality be violated " be a person and respect others as persons" ¹⁹ The law does not go beyond this point, it leaves human conduct undetermined . It specifies only what we can do, but unlike moral imperatives, it does not specify what we must do.

From the idea of personality Hegel moves on the right of property -which forms the cornerstone of liberal philosophy. How does Hegel make the transition from personality to property? " *The person must give himself an external sphere of freedom in order to have being as Idea.* " (PR , # 41). Personality must overcome its subjectivity and give itself an objective existence. The will had to embody itself in external objects. Individuals need to feel that their ideas remain not merely as ideas, but find some realization in the material world.

By appropriating, owning and controlling objects, one can make one's will an objective feature of the world and transcend the stage in which it is simply as aspect of one's inner and subjective life.²⁰ The will of an individual becomes objective in property. Once our subjective plans and projects are " *reflected in the external world, we have to*

¹⁹ *ibid*, p. 69

²⁰ J.Waldron, *The Rights To Private Property*, Oxford Clarendon Press, Oxford, 1988, P. 356.

*impose a stronger discipline on our willing. That discipline will be felt as a liberating force in as much as the gent becomes capable of planning, effort and tangible achievement in a way that was not possible before."*²¹

When our will is embodied in something external, it becomes external, it becomes easier for others to recognize us as free individuals. Mutual recognition is essential for freedom, and the right to property is part of this process of recognition. A significant query that arises is that if the will requires some external embodiment, why does it have to be private property? Why cannot this external embodiment be sought in a public object, say swimming in a public pool? A plausible answer may be as follows-

*"The importance of property to individual wills is this: the actions that an individual performs on or with this object now may constrain or determine the actions that he can perform on or with it later. This is how an object can embody a will by registering the effects of willing at one point of time and forcing an individual's willing to become consistent and stable over if others are also working on the object for the purposes of their own in the meantime. That is why we need 'private' property. : a system assigning enduring objects to the exclusive control of individuals . Otherwise embodiment and its beneficial effects on willing would not be possible."*²²

²¹ ibid, p. 372

²² ibid, pp. 373-4

For Hegel private property was a prerequisite for the emergence of individuality . The ' I ' was a specific entity, with a specific will : " *Since I give my will existence [Dasein] through property, property must also have the determination of being this specific entity, of being mine. This is the important doctrine of the necessity of private property.*"²³

In fact Hegel frequently criticized Plato for forbidding private property in his republic as he felt that individuality was linked to private property. While Hegel argues ardently in favour of private property, it must be kept in mind that he felt that those who did not have private property suffered from a lack of freedom. Hegel felt that everyone had the right to own property: " *everyone ought to have property...everyone should have property. If we therefore wish to speak of equality, it is this equality which we should consider.*"²⁴ This appears to have radical implications, was Hegel ready to accept the radical nature of his theory?

Hegel was deeply concerned about poverty, not for its material aspects alone, but mainly because it meant the lack of freedom. Yet, he says that private property may have to be subordinated to higher spheres of right, such as community or state. The state however cannot simply ride roughshod over the persons right to private property. How does the will embody itself in property? Hegel talks about three movements- " talking possession" "use" and "alienation". At

²³ G. W.F. Hegel, *Philosophy of Right*, p. 78

²⁴ *ibid*, p. 81

the start is the crude act of physical seizure, taking possession which is *"merely subjective, temporary and extremely limited in scope."*²⁵

Much more important is the use of a thing. Use he writes *"embodies an even more universal relation, because the thing is not then recognized in its particularity , but is negated by me. The thing is reduced to a means of satisfying my need. When I and the thing came together, one of the two must lose its distinct quality in order that we may become identical. But I am alive, a willing and truly affirmative agent; the thing ,on the other hand is a natural entity. It must accordingly perish and I survive."*²⁶

For Hegel, alienation occurs when the thing is external in nature. Certain things are inalienable like personality, property and ethical life. The reason is that these constitute the essence of the individual. The instances, he cites for the alienation of personality are slavery, serfdom and restriction on the freedom of ownership and superstition as example of alienation in ethical life. When he discusses slavery, he says that humans begins as an " immediate existence" and " it is only throughout the development of his own body and spirit , that he takes possession of himself and becomes his own

²⁵ ibid, p. 84

²⁶ ibid, p. 89.

property."²⁷ The human being becomes incapable of enslavement, once he grasps his essential freedom.

For Hegel, there is an underlying connection between property and recognition. This is where he talks about contract. In contract, the focus shifts from the relation of will to a thing to the relation of will to another will. Hegel refers to the "*Common Will*" (*Gemeinsame wille*) on which contract is based: "*I am no longer own property merely by means of a thing and my subjective will, but also by means of another will and hence within the context of a common will, constitutes the sphere of contract.*"²⁸

The "common will" should not be confused with a genuinely "universally will" Contract deals with "immediate" persons, which means that it is based on the arbitrary wills of the contracting parties. That is why Hegel regards "ethical" identities such as marriage and the state as lying outside the arena of contract. Both marriage and the state do not depend on the arbitrary wills of the individuals. Arbitrariness does not form the "ethical" bond of marriage nor does it play a role in the origin of the state. "it is the rational destiny of human beings to live within a state."²⁹ This signals Hegel's departure from the individualistic social contract tradition.

²⁷ *ibid.* p. 86

²⁸ *ibid.*, p. 102

²⁹ *ibid.*,p. 105

In contract, there is a possibility that parties may not abide by it. Wrong exposes the weakness of contract. There are three types of wrong: Unintentional or civil wrong, deception and crime. The first is with regard to the right to the property. Deception is a far more serious form of wrong, because the perpetrator no longer recognizes the right (say a scamster). In deception, however, the victim recognizes the right.

In the case of crime, there is a complete denial of right. Right is not recognized at all. Thus, it is crime that becomes the peculiar object of legal punishment for Hegel. Hegel's theory of punishment is entirely grounded in his theory of freedom. Only Kant's theory of punishment is equally grounded in human freedom, as Hegel's.³⁰

For Hegel violation of property right amounts to the violation of freedom itself. Punishment becomes now the "violation of violation", such a negation is necessary so that no crime may go unpunished. Punishment thus becomes a restoration of right. Hegel disagrees with those who fail to see the punishment as the cancellation of crime. They focus instead on subjective motives and are concerned more with prevention, threat and reform. The problem, Hegel feels, with these theories is that we do not treat human beings as free. He says: "To what extent is the threat compatibility with right? The threat presupposes that human beings are

³⁰ Kant elaborates on this in his *Metaphysics of Morals*.

nor free and seeks to coerce them through the representation of an evil. But right and justice must have seat in freedom and the will and not in that lack of freedom at which the threat is directed. To justify punishment in; this way is like raising one's stick a dog; it means treating a human being like a dog instead of respecting his honor and freedom."³¹

Crime is a negation of right, punishment is the negation of this negation, and the restoration of freedom. Hegel justifies punishment by connection it to the subjectivity or consent of the criminal. Punishment is not only right in itself, but is also a right for the criminal too. Hegel writes: "*(Punishment is) a right for the criminal himself, that is , a right posited in his existent will, in his action. For it is implicit in his action, as that of a rational being, that is universal in character, and that by performing it, he has set up a law which he has recognized for himself in his action, and under which he may therefore be subsumed as under his right.*"³²

Criminal wills the punishment on himself, if he kills he implicitly wills that he be killed. Hegel defends capital punishment, because the criminal's consent is involved. "*the criminal is honored as rational being. He is denied this honor if the concept and criterion of his punishment are not derived from own act, and he is also denied it if he is regarded simply*

³¹ G. W. F, Hegel, *Philosophy of Right*, p. 125.

³² *ibid*, p. 126

as harmful animal which with a view to deterring or reforming him." ³³

Hegel's theory of punishment is not retributive in the sense that the punishment literally fit the crime-robbery be punished by robbery. There can be suitable equivalents for most crimes, in terms of fines and jail terms, but for murder the sole penalty can only be death. There can be no comparable equivalence for the life of a human being. Hegel talks favourably about Beccarias's efforts to abolish capital punishment. He feels that punishments could lighten as a society grows stronger and thereby there is a corresponding decrease in crimes. Hegel discusses punishment in the context of abstract right, where right is dealt with in its immediacy. Hence "revenge" becomes the form of punishment.³⁴

Hegel's theory of punishment is controversial to say the least. It is more so, because he grounds it within Abstract Right. How does Abstract Right view the "person" ? Liberalism has viewed the " person" as the agent conscious of himself, as distinct from other individuals (Self-ascriptive).For Hegel , " person" denotes our immediate conception of ourselves as atomic individuals.(within abstract Rights) This conception of Hegel has come in for

³³ ibid

³⁴ See. H.L.A Hart, *Punishment and Responsibility*, Oxford university Press, London, 1968

some criticisms from the communitarians. This concept of the person is almost empty and formulaic.³⁵

Notwithstanding this limited conception of person, Hegel states that the person has a capacity for rights. Right has a priority over good. There is no overall conception of human goal or ends. The personality should not be violated.

Hegel's theory of punishment informs our understanding of ourselves as right bearers. Michael Hardimon has talked about the question of reconciliation with regard to Hegel's social theory.³⁶ Reconciliation is achieved when the tensions between the individual and social projects, which result in alienation, is resolved. People feel themselves at home in the world, this is a world of freedom. How does Hegel's theory of punishment fit in with the project of reconciliation. For that we have to think of abstract Rights as at least a 'quasi-social' world. This has to be distinguished from the actual social world of ethical life. This is also different from the pre-social world of solitary individuals that Rousseau talks about in the *Discourse on the origin of inequality*. Here individuals confront each other with a social problem. There are conflicting claims which require adjudication.

Punishment can restore the right only if the institutions that effect the punishment are publicly recognized. Abstract Right

³⁵ See Charles Taylor, "Atomism" in *Philosophical papers*, Vol. 2 Cambridge University press, Cambridge 1985

³⁶ Michael Hardimon, *Hegel's Social Philosophy*, Cambridge university press, New York, 1994

is posited objectively as law, publicly dispensed in court following trial by jury. All the parties- victim, criminal and public at large are made aware of the supremacy of law. This is the affirmation of Hardimon's social world, a home for rights bearers. Yet while the victim's rights are restored, what about the criminal?

The restoration of rights takes care of the social aspects of punishment. It seems to ignore the particularity of the specific violation. In the dealings of the punitive agency, the efficacy of punishment for social purposes is primary, the criminal himself is secondary. The criminal is seen as a rational being, in that he knows how society will interpret his actions when he commits a crime. He is in conflict with his society and reconciliation is the need of the hour. Hegel writes - [we return to this] : "*the injury [vertletgung] which is inflicted on the criminal is not just in itself[and since it is just , it is at the same time his will as it is in itself, and existence[Dasein] of his freedom, his right]; it is also a right for the criminal himself, that is, a right posited in his existent will, in his action. For it is implicit in his action, as that of a rational being, that it is universal in character, and that, by performing it, he has set up a law which he has recognized for himself in his action, and under which he may therefore be subsumed as under his right.*"³⁷

³⁷ G.W. F Hegel , Philosophy of Right, p. 126

Punishment is justified since the violator has forfeited his rights. It is justified on the basis of the criminal's consent. When a criminal violates the rights of the victim, he cannot as a rational agent reject the punitive response. The punishing agency seems to be taking the moral perspective of the criminal. It appears to be saying two wrongs make a right.

Hegel makes the transition to morality. Kantian and Fichtean distinctions between legality and morality cannot be justified. A state of rational devils cannot be set up, in the absence of a moral fabric. The *Rechtsstaat* cannot operate on principles of pure legality or rational self-interest. Moral disposition is a prerequisite for the liberal state.

When talking about morality, Hegel reminds us that we are no longer dealing with the 'abstract person', which seeks to embody itself in external things. Such a person is a free and universal thing. Such a person is free and universal only "in itself". Now Hegel posits the idea of the concrete "subject". It no longer seeks to embody itself in something external, but rather in something internal- "in Rights, the will has its existence in something external, but the next stage is for the will to have this existence in itself, in something internal. It must have being for itself as subjectivity and be confronted with itself."³⁸

³⁸ *ibid* p. 132

Hegel's understanding of the term of morality is quite different from the way people ordinarily understand it. For Hegel morality encompasses everything pertaining to human subjectivity. If abstract right was the sphere of the freedom of personality, then morality is the sphere of subjective freedom. Hegel elaborates- "*The moral point of view therefore takes the shape of the right of the subjective will. In accordance with this right, the will can recognize something or be something only in so far as that thing is its own, and in so far as the will is present to itself in it as subjective.*"³⁹

The significance of this passage is that it stresses on 'conscious willing'. An individual can be held responsible for any action only if he has 'recognized' the gravity of the act, and it is in consonance with his convictions. Hegel stresses on is the importance of subjective freedom, it is a sign of maturity. - "*In morality, it is the distinctive interest of the human being which comes into question, and the high value of the interest consists precisely in the fact that the human being knows himself as absolute and determines himself. The uncivilized human being lets everything be dictated to him by brute force and by natural conditions, children have no moral will and allow themselves to be determined by their parents; but the cultivated and inwardly developing human being wills that he should himself be present in everything he does.*"⁴⁰

³⁹ ibid, p.136

⁴⁰ ibid , pp. 136-7

Hegel attaches enormous historical importance to the idea of subjective freedom. He attributes it to Christianity- which is responsible for the self- understanding in the modern world- " *The right of the subject's particularity to find satisfaction, or to put it differently - the right of subjective freedom, is the pivotal and focal point in the difference between antiquity and the modern age. This right, in its infinity, is expressed in Christianity and it has become the universal and actual principal of a new form of the world. Its more specific shapes include, love, the romantic etc. then there are morality and conscience, followed by the other forms, some of which will come into prominence below as the principle of civil society and as moments of the political constitution, while others appear within history at large, particularly in this history of art, the sciences and philosophy. "* ⁴¹

Hegel gives utmost attention to subjective freedom, even though he would eventually subordinate it to the higher standpoints of ethical life and the state. Hegel begins with the formal recognition of self in an action in " purpose" and ends in the disappearance of all externality - in " conscience". This is a process where the subjective will progressively achieves identity with its concept, the universal will. He culminates the process with the idea of " good". When elaborating on the idea of "good" and "conscience ", Hegel embarks on a critique of Kantian morality.

⁴¹ ibid, p. 151

Hegel begins with the idea of " Purpose ". *"It is however, the right of the will to recognize as its action and to accept responsibility for only those aspects of its deed, which it knew to be presupposed within its end, and which were present in its purpose."*⁴² The will cannot be held accountable for deeds of which it had no knowledge and which formed no part of its purpose. Hegel gives the example of Oedipus, who cannot be guilty of parricide or incest, because he had no prior knowledge of facts. Hegel point out that the ancient legal codes had a serious flaw; they ignored the subjective dimension of any action. They had failed to grasp the key distinction between " deed" and " action" . Deed was the external event, while action was the subjective purpose informing it. Thus Oedipus was made responsible for the " deed" , irrespective of the subjective dimension.

*"I am only what has reference to my freedom, and my will is responsible for a deed only in so far as I have knowledge of it. Oedipus, who unwittingly killed his father, cannot be accused for parricide, although the legal codes of antiquity attached less importance to the subjective element to responsibility, than is the case today."*⁴³

The consequences of an action are important, Hegel uses the term " intention". Intention refers to the universal aspect of an action, unlike that of purpose. He gives the example of

⁴² *ibid*, p. 144

⁴³ *ibidp.* 144

arson and murder. The intention of the arsonist is not simply to set fire to a piece of wood, but to the "universal" within it, i.e. the entire house. The same applies for the murderer. " *Hence in murder, it is not a piece of flesh as an individual entity which is injured, but the life itself within it.*"⁴⁴

The murderer is responsible for even the unforeseen consequences. When Gravino Princep assassinated the Archduke Ferdinand of Austria, he may not have been able to foresee the far reaching consequences of his action. Yet he is responsible for the terrible events that followed from his action. As Hegel puts it, the stone belongs to the devil as soon as it leaves the hand that threw it. With subjective freedom comes responsibility. The only people who are absolved of the responsibility of knowing the necessary consequences of their actions are imbeciles, lunatics and children. Human beings as "thinking agents" have to be aware of the consequences of their action.

While there is the universal aspect inherent in action, there is also the particular satisfaction of the agent - " This particular aspect gives the action its subjective value and interest for me".⁴⁵ This refers to the "motive" of an action. Hegel writes " *murder and arson, as universal, do not constitute my positive content as a subject. If someone has perpetrated crimes of this kind, we ask why he committed*

⁴⁴ ibid p. 148

⁴⁵ ibid, p. 150

them. The murder was not committed for the sake of murder; on the contrary, some particular positive end was also present."⁴⁶ This brings forth the dimension of subjective satisfaction. This satisfaction derives from the will which includes needs, desires, passions and so on. The goal of such a will is 'Welfare' or "Happiness". Welfare or happiness for Hegel is not simply the satisfaction of our natural impulses. The idea is to order them into a rational system, but that will not happen as the will has not adopted the good as an end in itself.

It must however be kept in mind that Hegel does not wish to decimate the claims of natural desire. Natural needs and passions have a role to play and they cannot be always seen as being opposed to freedom. At this point Hegel raises a question "we may ask whether the human being has a right to set himself ends which are not based on freedom, but solely on the fact the subject is a living being?" He answers "*The fact that he is a living being is not contingent, however, but in accordance with reason, and to that extent he has a right to make his needs his end. There is nothing degrading about being alive, and we do not have the alternative of existing in a higher spirituality. It is only by raising what is present and given to a self creating process that the higher sphere of the good is attained.*"⁴⁷

⁴⁶ *ibid*, p. 149

⁴⁷ *ibid*, p. 151

This is where Hegel rejects the Kantian dualism of reason and passion. Similarly he distinguished between antiquity and modernity, with respect to subjective freedom. Hegel rejects the view that satisfaction of the subject's particularity and the objective ends of morality are mutually exclusive. He rejects Kant, because in Kantian Philosophy morality is seen as being involved in a bitter struggle against one's own satisfaction. Morality in Kant is linked to duty, and one fulfills one's duty with a sense of repugnance. Hegel is unwilling to totally sacrifice subjective satisfaction. He rejects the view that historical action which entailed subjective satisfaction is in same way inferior to action that had objective means. Subjective satisfaction is not opposed to freedom and morality. For Hegel, unlike Kant- Subjectivity and objectivity along with particularity and universality have to work together. As he had remarked earlier, nothing great has been accomplished in the world without passion.

While Hegel has stressed on the welfare or happiness of the individual, as the goal of the moral will, he moves on to the dimension of the welfare of happiness of others- "*This (universal) moment, initially posited within this particularity itself, includes the welfare of others - or in its complete , wholly empty determination, the welfare of all.*"⁴⁸ Hegel makes the transition from the subjectivity of the self to the subjectivity of others. Hegel draws a parallel with the idea of

⁴⁸ ibid, p. 153

contract, where earlier, one's personality becomes truly objective only when one identifies it with the personality of the other involved in the contract.

There is a very crucial difference in the manner in which the 'other' is identified in abstract right and in the more evolved stage of morality. The identification of the 'other will' is much more profound at the stage of morality, as compared with abstract right. This is the distinction Hegel draws between abstract right and morality. In abstract right the reference of the individual will to other will is negative, the legal code entails prohibition not to violate the personality and property of others.

In morality the relationship between individual will and other wills is positive. The individual will does not view the other will merely in terms of prohibitions with reference to the violation of personality and property of others. It is concerned with the subjective satisfaction and welfare of others. Yet, the moral will is bound up with particularity and still does not conform to the universal. Hegel is quite critical of romantic morality, which in his view leads to nothing but a radical and visionless subjectivism.

Hegel demonstrates the shortcomings of both welfare and abstract right, when he talks about the "right of necessity." If one's life's threatened, would one not claim a right of necessity and infringe upon the property right of another? He writes. "*Life, as the totality of ends, has a right in opposition*

*to abstract right. If, for example, stealing a loaf can preserve it, this certainly constitutes an infringement of someone's property, but it would be wrong to regard such an action as common theft. If someone whose life is in danger were not allowed to take measures to save himself, he would be destined to forfeit all his rights; and since he would be deprived of life, his entire freedom would be negated."*⁴⁹

In the case of dire necessity, the right of welfare overcomes that of property. Both welfare and abstract right have their shortcomings, one has particularity without universality, the other has universality without particularity. Both these viewpoints have to be integrated, as the subjective will should adopt the universal freedom as its end instead of particular welfare. This is where he introduces the idea, as the unity of the concept of the will and the particular will, in which abstract right, welfare, the subjectivity of knowing and the contingency of external existence [Dasein], as self-sufficient for themselves, are superseded, but they are at the same time essentially contained and preserved within it. The good is realized freedom, the absolute and ultimate end of the world.⁵⁰

In willing good, the particular or subjectivity will is no longer under the influence of natural inclinations. It now wills a content that is in accordance with its concept, which is

⁴⁹ *ibid*, p. 155

⁵⁰ *ibid* p. 157

freedom or universality- " *within this idea, welfare has no validity for itself as the existence of the individual and particular will, but only as universal welfare and essentially as universal in itself i.e in accordance with freedom*"⁵¹ The transition to good is of paramount importance as a resolution in the dialectic of freedom seems not too distant. Hegel would later characterize ethical life as "living good". Yet even now Hegel is referring to good from the view point of moral subjectivity, one in keeping with the idea of Kantian good will.

He develops this idea further, firstly by giving due credit to Kant . Hegel's distinction between good and welfare or happiness is to a great extent derived from Kant. It was Kant, who in his idea of duty, established for will an autonomy independent of sensuous inclinations. Hegel writes- " *The essential element of the will for me is duty. Now if I know nothing apart from the fact that the good is my duty. I do not go beyond duty for its own sake, and it is in the true sense my own objectivity that I bring to fulfillment in doing so. In doing my duty, I am with myself and free. The merit and exalted viewpoint of Kant's moral philosophy are that it emphasized this significance of duty.*"⁵²

While Kant presents a significance in the understanding of duty, he never really spells out in detail what this duty

⁵¹ *ibid*, p.157

⁵² *ibid* , p. 161

entails. The categorical imperative aspires for a universal law, it is incapable of generating any particular duties. Hegel calls Kantian ethics an "empty formalism". The Kantian categorical imperative, while sounding altruistic, makes it difficult to determine the course of action in a situation, which demands an ethical response. As Hegel puts it, in a complex situation, many categorical imperatives may apply. There can be a conflict of duties. No solution can be found in the categorical imperative. The resolution, in such a case is left to a subjective decision. This raises the question of misuse or deliberate misinterpretation. Unethical conduct can be justified by invoking some duty or the other. That is the drawback with the Kantian notion of formal duty. It relies too much on moral subjectivism. A Genocide can be justified, on the basis of such weak ideas eg. We killed the Jews, because they were a threat to our social stability or we killed the Muslims because they were anti- national!!!

The idea of good in Kant is abstract and is incapable of wresting itself from the dangers of moral subjectivism. If each person has his or her own view of what social stability or nationalism is, then there would be chaos all around. In order to avoid such a situation and in order to attain a determinate content, the moral will turns inwards to the principle of conscience. This is what the Romantics attempted- Novalis, Schlegel etc. They tried to radicalize the Kantian ideas of moral autonomy. They abandoned the Kantian notion of duty for being too empty. They sought to

ground morality in the authentic conviction or subjectivity of the individual. Hegel describes the descent into the self, as the culmination of the principle of subjectivity- "*conscience is that deepest inner solitude within oneself in which all externals and all limitation have disappeared it is total withdrawal into the self...conscience represents an exalted point of view, a point of view of the modern world , which has for the first time attained this consciousness, this descent into the self. Earlier and more sensuous ages have before them something external and given, whether this be religion or right; but conscience knows itself as thought, and that this thought of mine is my sole source of obligation.*"⁵³

Hegel acknowledges that a conscience has the ability to recognize what is good. He feels that the impetus conscience has received in the modern world is linked to Protestantism. What characterizes the modern age is that human beings are unwilling to acknowledge anything which has not been justified by thought. It is with the Reformation that everything in the world began to be subjected to thought. Yet Hegel traces the origins of the principle of conscience to Socrates. Socrates was disillusioned by what he saw around him, the decadent morality of Athens. He decided to determine what is right and good within himself. Hegel says that Socrates was entirely justified since Athenian democracy was in shambles and the actual world was a spiritless existence. Every one has the right to follow the Socratic

⁵³ *ibid*, p. 164

path, when they find that the socio-political system within which they are embedded has collapsed. This is a modern concept would apply to people living under totalitarian regimes like North Korea. What faith can a North Korean repose in a system which is undemocratic and is entrapped in a 'personality cult' syndrome which exalts the sole leader who is a demagogue?

While Hegel would fully endorse this view, he would still categorize the conscience, as a formal principle. Radical subjectivism has to be avoided; for it may fail to recognize the universal and rational. He explains this as follows- "*The tendency to look inwards into the self and to know and determine from within the self what is right and good appears in epochs when what is recognized as right and good in actuality and custom is unable to satisfy the better will. When the existing world of freedom has become unfaithful to the better will, this will no longer finds itself in the duties recognized in this world and must seek to recover in ideal inwardness alone that harmony which it has lost in actuality.*"⁵⁴ He later adds- "*Thus, while it is right to evaporate right or duty into subjectivity, it is on the other hand wrong if this abstract foundation is not in turn developed.*"⁵⁵

One cannot retreat into subjectivity and hope to remain there forever, until one develops the idea of right and duty further.

⁵⁴ ibid,p.166

⁵⁵ ibid

Hegel feels that such a retreat into subjectivity is unwarranted in the modern state. The modern state is rational and stands for human freedom. Radical subjectivism could prove detrimental to the modern state, as it may imperil the very idea of freedom.

Hegel is worried about how a lofty concept like "conscience" can be twisted to justify evil actions. Hypocrisy may create havoc, under the garb of authentic conscience. Yet Hegel hesitates to use the word hypocrisy, as a hypocrite would be able to clearly distinguish between good and evil. In perverted forms of conscience the distinction between good and evil is blurred, and the self is as much deceived as the other. He writes- "Nowadays there is no longer much talk of hypocrites, partly because this accusation appears too harsh, and partly because hypocrisy in its immediate shape has more or less disappeared.... and the distinction between doing good on the one hand and evil on the other is no longer present..."⁵⁶ Hegel then refers to the doctrine of probabilism, which allows any action provided it is done in good conscience, if the consciousness can discover any good reason for it. It was a Jesuit doctrine. Hegel calls Kant's doctrine of good will, a kind of probabilism. Kant's doctrine too says that an action can be justified if it can be brought under a general principle. There is a process of subsumption taking place, any action can be subsumed under a general principle. Bandits and dacoits can claim that they rob and kill in order to help the poor. Soldiers can desert the armed forces during battle, and claim that their duty is primarily to

⁵⁶ ibid, p.183

the family. This is the kind of radical subjectivism that Hegel warned about earlier; anything can be subsumed under a principle.

Hegel then talks about 'conviction' and 'irony'. An action is good so far as my subjective conviction tells me so. In the doctrine of irony, the subject is aware of the truth or ethical objectivity, yet distances itself from it. Hegel borrows it from Plato who used it to describe a method which Socrates employed to defend truth against the Sophists. Hegel uses the term, irony in the sense that Schelgel used it - referring to a subjectivity which knows itself as supreme. Hegel elaborates - "*I who am excellent and master of both law and thing; I merely play with them as will my own caprice and in this ironic consciousness in which I let the highest of things perish I merely enjoy myself.*"⁵⁷

It is subjectivity empty of all ethical content. The dangerous part is that this subjectivity knows itself as absolute. This arises in a highly cultivated age, in which faith has lost its primacy and vanity reigns supreme. It is with ironic consciousness that subjectivity declares itself as absolute. This is where the discussion of morality ends. The shortcomings of morality have been exposed, it is all subjectivity without objectivity. Abstract right was all objectivity without subjectivity. A synthesis of the two will lead Hegel into his last great moment - his conception of ethical life.

⁵⁷ ibid , p. 182

Chapter -III

ETHICAL LIFE: FAMILY, CIVIL SOCIETY AND THE STATE

The part dealing with Ethical life is the most important part of the *Philosophy of Right*. This notion of Ethical life represents the crux of Hegel's critique of the individualistic foundations of modern political philosophy- liberalism in particular. In spite of this, Hegel's philosophy is not free from criticism. His notion of ethical life has often been perceived as being a part of a conservative or ultra-traditionalist agenda, which virulently opposes individuality or moral reflection of any sort.

How does the individual respond to the community or the state? The laws of the state have absolute authority. The individuals place in society is clearly defined in terms of his or her servility to the state. The private sphere of the individual is neglected - is this what Hegel meant when he said that the overcoming of morality takes place in ethical life. Are these criticisms justified? What is generally ignored is that the content of ethical life has already embraced the rights that have been established in the preceding moments of absolute rights and morality. This aspect has been ignored by even some of his communitarian supporters. They tend to represent his doctrine of ethical life in terms of community in general, while Hegel is talking about a rather specific

community, one which is rational and has universal content. Now how can rational state support an unreflective individual? Can a rational man be unreflective?

Ethical life is the third great moment of the philosophy of Right, the moment, which overcomes the shortcomings of the two earlier moments - abstract right and morality. Both abstract right and morality have proven to be abstractions - one is all objectivity without subjectivity. The other is all subjectivity without objectivity. It is in ethical life that the objectivity of abstract right is brought together with the subjectivity of morality, to form a concrete whole.

Hegel writes: "*Morality and the earlier moment of formal right are both abstractions whose truth is attained only in ethical life.*"¹ He later elaborates in the transition from morality to ethical life - "*For whereas morality is the form of the will in its subjective aspect, ethical life is not just the subjective form and self-determination of the will : it also has its own concept, namely freedom, as its content. The sphere of right and that of morality cannot exist independently; they must have the ethical as their support and foundation. For right lacks the moment of subjectivity which in turn belongs solely to morality, so that neither of the two moments has any independent actuality.*"²

¹ G.W. F. Hegel, *Philosophy of Right*, ed by Allen . W. Wood, Cambridge University Press, Cambridge 1991, p. 64

² *ibid*, p. 186

This synthesis of right and morality can also be understood in terms of a synthesis between good and conscience. Good is the "Substantial universal of freedom", but it is abstract and lacks determination. Conscience represents abstract subjectivity and lacks a universal or objective content. In ethical life, the customs of the community determine our moral obligations. Obligations already exist, they do not have to be discovered by the subjective rationality of the individual. This is why they are determinate and do not suffer from the indeterminacy of Kantian morality. This does not imply that the individual subject has nothing to do. These norms are constantly evaluated by individuals who make up the ethical community.³ Communitarian interpretations of Hegel stress on the role of community in constituting our identities. Taylor's interpretation of Hegel's ethical life stresses on the dependence of our individual identities on the interpretive framework embedded in the larger community. He writes: "What we are as human beings, we are only in a cultural community." ⁴ Hegel's doctrine of ethical is important because it is the realization of our rational essence, freedom. In the constitution of our identities, the idea is not a sociological, but a philosophical one. This is an aspect which will be critiqued strongly by Marx as we will see in the following chapters.

³ Charles Taylor, *Hegel*, p. 376

⁴ *ibid*, p. 380-1

Abstract right is all objectivity and universality, whereas morality is all subjectivity and particularity. It is only by combining these two abstract points of view, that something concrete is achieved in ethical life. The various forms of ethical life - the family, civil society and the state demonstrate that each is a concrete unity of objectivity and subjectivity of ethical life, we are no longer dealing with abstractions, but with concrete forms of social life.

Ethical life develops from the family, through civil society to the state. The family represents ethical life in its simplest form. The unity of the family is based on the natural feeling of love. The family however exists in a larger context in which individuals are not bound together by the sentiment of love. This is the sphere of civil society, the arena of economic moments of family and civil society are not in any way lower than that of the state. They are critical elements of the modern rational state, which will be given the full freedom to develop.

Hegel contrasts the modern rational state with the state in Plato's Republic, where freedom and individuality present within the family and civil society are suppressed.- " *The principle of the self-sufficient and inherently infinite the personality of the individual, the principle of subjective freedom, which arose in an inward form in the Christian religion and in an external form in the Roman World, is denied its right in that merely substantial form of the actual spirit, in*

Plato's Republic."⁵ But family and civil society are important for Hegel, not merely because they embody the principle of subjective freedom. Hegel is more keen on the educative role they play in moulding an individual. They ensure that the individual is ethical and not self centered. That is why he calls family and institutions of civil society, the "ethical roots" of the state.

The family is a substantial whole which is not opposed to the individual, but an entity within which the individual retains his or her essential self-consciousness. The family represents a larger whole in which members do not relate as independent entities. Hegel stresses on the non-individualistic dimension of the family. He writes, "*The family, as the immediate substantiality of spirit, has as its determination the spirit's feeling of its own unity, which is love. Thus, the disposition (appropriate to the family) is to have self-consciousness of one's individuality within this unity as essentially which has being in and for itself, so that one is present in it not as an independently person but as a member.*"⁶

The standpoints of abstract right and morality were individualistic, so that there is a genuine doubt as to whether Hegel is regressing when it comes to the standpoint of the family. The institution of family preceded the institution of

⁵ ibid, p. 223

⁶ ibid, p. 199

property and the awareness of moral freedom, historically. But for Hegel, conceptually the family represents a higher stage of development and a more concrete embodiment of freedom than either abstract right or morality. In the family, the particular will of the individual is not related to the universal in the form of abstract right or good, it wills the universal itself. In the family, it is no longer the arbitrary will of the individual, but an authentic universal will. Though the family embodies substantive freedom, it does so only in a natural way, in the form of "feeling" or "love". Hegel gives a special significance to love. He had used this concept earlier to oppose the Kantian dualism of duty and inclination. Love plays a significant role in the realization of freedom- "being with oneself in the other" Love also means the overcoming of the independent personality. "Love means in general the consciousness of unity with another, so that I am not isolated on my own, but gain my self-consciousness only through renunciation of my independent existence and through knowing myself as the unity of myself with another and of the other with me". Freedom for Hegel is not an individualizing activity, the "other" is as important as the self in the realization of freedom. This is again stressful reminder of the fact that we are "socially embedded."

However the identity of self and other is natural and based on feeling. That is the reason why Hegel sharply distinguishes it from the unity found in the state. The unity found in the state is based on reason and law and not feeling. Hegel's

understanding of the relationship between family and state is complex. He does recognize that the family and the state are similar to the extent that they are both wholes or spirits in which the individual is subordinated to the universal. Yet he distinguishes between the affective and natural solidarity of the family to the more rational unity of the state. He writes: "*Love is a feeling, that is, ethical life in its natural form. In the state, it is no longer present. There one is conscious of unity as law, there the content must be rational and I must know it.*"⁷

While the state rests on different principles from the family, it in no manner ignores it. The family plays a crucial role in laying the ethical foundations of the state. The family transforms self-seeking individuals into ethical beings. The family plays an important role in developing the trust the individual's have towards the state. The manner in which Hegel views the family is very similar to Rousseau's view in the work 'Emile'. Both criticize Plato's proposal to abolish the family in the Republic. Rousseau had criticized Plato for ignoring the role of love for one's nearest kin. It is love for the family, which enables an individual to love the state. Rousseau called the family "small fatherland", where a good son, a good father and a good husband go on to make the good citizen.

⁷ *ibid.*

Hegel's interest in the role of the family is not merely political. Subjective freedom is an important aspect of family life. Hence the reason for Hegel's criticism of Plato's proposal to abolish the private family. Such a move could destroy individual liberty. Hegel does not seem to notice that Plato had prescribed this only for the guardian class. Plato's philosophy was hostile to individuality and particularity, these spheres were totally servile to the universal. It should be noted that Hegel's criticism of Plato with respect to the family will also extend to the sphere of civil society. The Hegelian state unlike the Platonic one, will have space for subjective freedom in the spheres of family and economic activities in spite of having 'superseded' it. Supersession is an important Hegelian concept. The Hegelian supersession never entails a 'clear break' from the earlier stages, it always retains elements of the earlier stages.

Hegel looks at three essential aspects of family life, namely, marriage, family property and the upbringing of children (leading to the dissolution of the family). It is a conception of the modern family as nuclear, bourgeois and patriarchal. This unit is basic in that it constitutes a complete and self-sufficient family in its own right. The modern family is thus separate from the wider kinship group (stamm). It differs in this respect from the traditional family eg : the family of the medieval world, in which the basic family unit is composed of the larger grouping that would nowadays be called 'extended'. And in contrast to the family in ancient Greece

(the oikos), the modern family does not extend across generations. When children come of age, they leave their family of origin and form families of their own.⁸

Hegel writes that the modern family is bourgeois in that, unlike the traditional family, it is not an independent unit of economic production, but is instead a unit of consumption.⁹

Hegel views marriage essentially in terms of an ethical relationship. Marriage is a substantive unity, in which the individuality of the partners is subordinated to the whole. He writes: "The ethical aspect of marriage consists in the consciousness of this union as a substantial end, and hence in love, trust and the sharing of the whole of individual existence."¹⁰ The stress on consciousness is to be noted here. It is consciousness or self-consciousness that distinguishes the ethical relationship of marriage from the merely natural relationship of an animal kind.

That is why Hegel distinguishes marriage from the earlier forms under natural law. Earlier marriage was considered only in its physical or natural aspect, as merely a sexual relationship. Yet, Hegel opposes the interpretation of marriage merely as civil contract, which is the Kantian position. Marriage in a contractual form reduces the relationship between two individuals to a merely arbitrary

⁸ Michael O. Hardiman, *Hegel's Social Philosophy*, Cambridge University Press, New York, 1994, p. 175

⁹ *ibid*

¹⁰ Hegel, *Philosophy of Right*, p. 202.

one. Species preservation is important, concedes Hegel. But it lacks self-consciousness. What he means by substantive unity is nothing but the self-conscious goal of the partners. Hegel writes- "*In self-consciousness, the union of the natural sexes, which was merely inward (or had being only in itself) and whose existence was for this very reason merely external, is transformed into a spiritual union, into self-conscious love.*"¹¹

The problem Hegel points out about the contractual relationship is that the partners never lose their independence with respect to one another. They do not form a genuine whole or complete unity. They do not form a single person. While he grants that marriage, like contract, originates in the arbitrary will of the individual, it cannot constitute its essential basis- "*For the precise nature of marriage is to begin from the point of view of contract - i.e. that of individual personality as a self-sufficient unit in order to supersede it. That identification of personalities whereby the family is a single person and its members are its accidents is the ethical spirit.*"¹²

Hegel also criticizes the romantic notion of marriage, which equates marriage with love. Romantic love for Hegel is a very insecure basis for marriage. Love is a very subjective passion and is the anti-thesis of the ethical character of marriage.

¹¹ Ibid, p.20

¹² ibid, p.203

The right phrase according to him is "rightful ethical love" He also defends the public marriage ceremony, as against Romantic thinkers like Friedrich Von Schelegel who dismissed it as an empty formality or ritual.

Hegel does not jettison the principle of subjective freedom. He insists on the free consent of the individuals involved. The marriage can be dissolved through divorce. Two people cannot be forced to stay together without their consent. Since marriage is seen in ethical terms by Hegel, it ought to be indissoluble. It can be subject to dissolution because it contains within it the moment of feeling. "Marriage contains the moment of feeling, it is not absolute but unstable and it has within it the possibility of dissolution. But all legislations must make such dissolution. But all legislations must make such dissolution as difficult as possible and uphold the right of ethics against caprice." ¹³ Hegel also writes *"Since marriage is based only on subjective and contingent feeling, it may be dissolved. The state, on the other hand, is not subject to partition, for it is based on law. Marriage certainly ought to be indissoluble, but this indissolubility remains no more than an obligation. Since, however, marriage is an ethical institution, it cannot be dissolved by the arbitrary will but only by an ethical authority, whether this be the church or a court of law. If a total estrangement has occurred- e.g through adultery - then even*

¹³ ibid.

the religious authority must permit divorce. "14 Hegel gives subjective freedom its due by granting the right to divorce.

Hegel seems to take philosophy too far when he defends monogamy. But it should be noted that he is concerned about the rights of women; as they are usually the victims in polygamy. He is also averse to consanguine marriages.

The controversial aspect of Hegel's ideas on marriage arises with the nature and role of two sexes. There are certain stereotypes when it comes to the differences between men and women- men are active, women are passive, men have intellect, women have feeling and so on !!!

Thereby according to their respective natures, he accords them their appropriate sphere of activity- "*Man... has his own actual substantial life in the state, in science etc and otherwise in work and struggle with the external world and with himself. Woman on the other hand has her substantial vocation in the family and her ethical disposition consists in this (family) piety.* " 15 He restricts the role of women to the sphere of the family. All the other spheres of arts, sciences etc are solely for men. He is rather harsh on women: "*Women may be well educated, but they are not made for the higher sciences, for philosophy and certain artistic productions which require universal element. Women may have insights, taste*

14 ibid, p. 213

15 ibid, p. 206

and delicacy, but they not possess the ideal "¹⁶ Elsewhere he says that when women are in charge of government the state is in danger.

Hegel seems to stress on the intellectual inferiority of women, but he does grant they have " insights" and "taste". His favourite example is Antigone who stands up for her rights. Hegel's discussion stands up for her rights. Hegel's discussion of the family terminates with the growing up of children, into free and self-sufficient personalities.

Civil society, for Hegel is a primarily a socioeconomic sphere situated between the family and the state. This concept was only its infancy especially in Germany, where Hegel was writing Hegel was the first to coin the expression "Civil Society", even though many of the leading thinkers of the Scottish Enlightenment Smith, Ferguson and Steuarts- had written about it earlier. Earlier thinkers used the term 'Civil society' interchangeably with 'political Society'.

Civil society has received a lot of attention in the political debates of the Western world. It is generally used to designate that sphere between family and the state, containing intermediate institutions and associations- churches, local associations ,Unions etc. During the cold war, it was felt by many residing in Central and Eastern Europe that communism had destroyed this sphere. Hence for them, Civil society would provide vibrancy to democracy and

¹⁶ *ibid*, p.207

safeguard against totalitarianism. In the West, however, civil society would be valued for a different reason. Its rich associational life would ensure that brute individualism would be overcome. This can be traced back to the works of Tocqueville, who saw in the "art of association" the means to transform selfish individuals into public minded citizens.¹⁷

Hegel's conception of civil society varies slightly from that of Tocqueville. For Hegel, Civil society is primarily an individualistic sphere of self interested economic activity. He is referring to the system of needs, the legal structures to support it and the free market. Only his discussion about the estates and corporations has the "associational" quality in it. Marx' use of the term civil society' also seems to refer to economic or market relationships similar to Hegel's.

In distinguishing civil from political society, Hegel recognized the emergence of a new social configuration: a separate, private social sphere, within which agents lived for themselves, without participating in political affairs. The heart of this new sphere was the modern market economy.

Its form of life - the life of the bourgeois as opposed to the life of the citizen - was crucially shaped by the nature of capitalist economic relations-¹⁸ Hegel's formulation of civil society was heavily influenced by his knowledge of the

¹⁷ See. Ernest Gellner, *Conditions of Liberty: Civil society and its Rivals*, Penguin, New York, 1994

¹⁸ Michael.O. Hardimon, *Hegel Social Philosophy*, Cambridge University Press, New York, 1994. P. 190

classical economists: David Ricardo, Adam Smith and J. B. Say.

While Marx would see civil society only in terms of the market system, Hegel's attitude is slightly complex. On one hand, Hegel regards civil society as the most dramatic expression of the principle of particular or subjective freedom, while on the other, it represents only an incomplete actualization of human freedom that is subordinated to the full actualization of human freedom in the state. Hence Hegel's account of civil society contains both recognition and a critique of liberal individualism. Civil society represents the liberation of the moment of self - sufficient personality and particularity that remained undeveloped within the immediate ethical unity of the family.

In contrast to the family, in Civil society " each individual is his own end, and all else means nothing to him."¹⁹

The great originality of Hegel can be seen in two ways. Firstly, he sees that the existence of civil society differentiates decisively modern society from all societies that have preceded it. Secondly, he works out the character and limits of this civil society. Civil society arises out of individual needs and attempts to satisfy them. These attempts cannot succeed except through co-operation in which men become dependent on one another. Hegel writes"

¹⁹ Hegel, *Philosophy Of Right*, p. 220

In this dependence and reciprocity of work and the satisfaction of needs, subjective selfishness turns into a contribution toward the satisfaction of the needs of everyone else. By a dialectical movement, the particular is mediated by the universal so that each individual, in earning, producing and enjoying on his own account (für sich), thereby earns and produces for the enjoyment of others. "20

The civil society which comes about as a result of this dialectic of needs and their satisfaction stands vis -a -vis the individual as something very powerful, which exercises mastery over him, and changes him in a radical, far-reaching fashion. The individual comes into existence within a family where he is reared, protected, educated and prepared for adulthood and then civil society tears the individual from his family ties, estranges the members of the family from one another and recognizes them as self- subsistent persons.²¹ In terms of the conceptual scheme of his work, civil society follows from the dissolution of the family and precedes the state. In actuality, however, it comes after the state and depends upon it. Hegel writes that only within the state does the family first develop into civil society.

It is in civil society that subjective and particular freedom receive full attention. It is this recognition of subjective or particular freedom that decisively differentiates the modern

²⁰ ibid, p. 233

²¹ Elie Kedourie, Hegel and Marx, Basil Blackwell Cambridge, 1995.p. 132

world from the ancient. Hegel talks about Plato's Republic which defended the substantiality of Greek ethical life against the corrupting force of the principle of subjective freedom. The principle of the self-sufficient personality and that of subjective freedom which arose in an inward form in the Christian religion and in an external form in the Roman world is denied its right in Plato Republic defends his notion of civil society against Plato's purely substantial state.

Though particularity is the determining principle of the individual in civil society it does not in any way imply that this stage is bereft of its own universality. Even though the individual in civil society pursues his own self interest, he cannot avoid satisfying others. In this manner the particular individual with his or her particular needs takes on the form of "universality". Hegel uses the Smithian argument of "invisible hand" by which the pursuit of private self-interest leads to the general welfare of all. The universal does not manifest itself directly, but remains operative behind the backs of individuals. Ethical life at the stage of civil society appears to be lost, but in reality while the individual believes he is pursuing selfish goals, he is in reality serving the universal which ultimate power over him.

However, Hegel hastens to add that this universality is only a formal or abstract universality, which is in service to a particularity. This unity is only a "Commonality" in which the arbitrary will of the individual retains its primacy. This commonality is not to be confused with the genuine

universality of the state. Civil society is the external state, the state based on need.

The relationship of civil society with freedom is a complex one. Subjective freedom comes into existence in civil society, which distinguishes the modern world from the ancient, but it represents only an incomplete actualization of human freedom in the state. This can be seen in the distinction between bourgeois and citoyens. In civil society the burghers are bourgeois and not citoyens. This calls attention to the problem of the relationship between commerce and citizenship. Rousseau had written about this earlier. Rousseau had lamented the fact that while the ancient world had virtues and citizens in the genuine sense, the modern world was concerned only with commerce and money, hence meriting only the status of 'bourgeoisie'.

Hegel too is extremely concerned about the relationship between commerce and citizenship. This was reflected in earlier writings at Jena. There he had made the distinction between "absolute ethical life" which is centred around politics and "relative ethical life", which is centred around economics. Hegel in his early days was a staunch republican; he identified the political sphere with freedom and the economic sphere with necessity. He had always feared that the economic sphere would overwhelm the political. Hegel had talked about the destructive in equality produced by the market and the dehumanization of labour. Hegel harbours a certain suspicion of unfettered economic

activity, and desires to subordinate it to the universal aims of the state.

This is evident in his distinction between bourgeois and citizen. He is concerned about the fact that the great wealth produced by the modern economy also produces great poverty. He writes: "*Civil society affords a spectacle of extravagance and misery as well as of the physical and ethical corruption common to both.*"²²

Both extravagance and deprivation are boundless, and it is in such a chaotic situation that the state has to intervene. While Hegel does share certain concerns of Rousseau regarding the corrupting effect of modern commercial civilization, he does not give up on it totally. He sees in civil society an educative potential. Civil society is not merely a realm of selfish individualism, as opposed to the universality of the state. Civil society educates the individual to universality. Individuals can satisfy their selfish ends only by simultaneously satisfying the ends of others, in this way they surrender some of their particularity and tend to increasingly adopt the form of universality. Education (*Bildung*) helps in overcoming particularities- "*By educated people, we may understand in the first place those who do everything as others do it and who do not flaunt their particular characteristics, whereas it is precisely these characteristics which the uneducated display, since their*

²² Hegel, *Philosophy of Right*, p. 222

behaviour is not guided by the universal aspects of its object.... Thus education irons out particularity to make it act in accordance with the nature of the thing. True, originality, by which the universal thing is produced, requires true education, whereas false originality assumes tasteless forms which occur only to the uneducated. " ²³

This seems to be an attempt at mass conformism, but it must be borne in mind that Hegel's deep concern was for rational freedom. With regard to the realm of art, he had written that the greatest work of arts were those in which artists particularity has completely disappeared. This shows Hegel's commitment to rationalism. Hence his views on the educative role of civil society should be evaluated keeping this commitment in mind.

Hegel's analysis of civil society can be divided into three specific areas - the system of needs, the administration of justice and, the police and the corporations. The system of needs is in many ways the clearest illustration of the educative aspect of civil society. Human needs are by nature non- natural, unlike the need of animals whose needs and their means of satisfying them are limited. The needs of humans and their means are never merely natural; they are mediated by our opinion of what our needs are and by taste. As Hegel would write: " In the end it is no longer need but

²³ *ibid*, p.226

opinion which has to be satisfied. "²⁴ Hegel points out to the universal character of human needs and their means of satisfaction. An individual depends on others to satisfy his needs, hence he must accept to some extent their opinions as to what constitutes his needs. The generation and satisfaction of human needs takes place within the ambit of universal "recognition" which force people to adapt with one another. Rousseau had attacked the tyranny of opinion which operates within society. This leads to the creation of 'artificial' needs. Rousseau would argue that human beings were freer in the state of nature as they were subjected only to their "natural needs". Hegel rejects this view as being incompatible with a proper understanding of human freedom- " For a condition in which natural needs as such were immediately satisfied would merely be one in which spiritually was immersed in nature, and hence a condition of savagery and unfreedom; whereas freedom consists solely in the reflection of the spiritual into itself its distinction from the natural and its reflection upon the latter. "²⁵ For Hegel the social character of human needs does not entail human dependence and unfreedom, rather it contains the aspect of "liberation".

The universalization that Hegel sees in human needs, he also discerns in human work. He focuses primarily on the division of labour. In his earlier writings he had been

²⁴ ibid,p. 229

²⁵ ibid,p.231

particularly sensitive to the dehumanizing effects about how through the division of labour the individual becomes more mechanical and spiritless.

Hegel is not very elaborate on this matter in the *Philosophy of Right*. He talks about how the division of labour leads to greater interdependence between human beings. He writes that division of labour makes work increasingly mechanical, to the extent that the machine replaces the human being. His primary concern is that of human freedom - "*When the activity of civil society is unrestricted, it is occupied internally with expanding its population and industry. On the other hand, as the association of human beings through their needs is universalized and with it the ways in which means of satisfying these needs are devised and made available, the accumulation of wealth increases, for the greatest profit is derived from this two fold universality. But on the other hand, the specialization and limitation of particular work also increase, as do likewise the dependence and want of the class which is tied to such work, this in turn leads to an inability to feel and enjoy the wider freedoms, and particularly the spiritual advantages of civil society.*"²⁶

Initially Hegel talks about the positive implications of universalization of modern economic conditions in the system of needs. His criticisms follow only in his discussion of poverty. Hegel supports the view that inequality exists and is

²⁶ *ibid*, p. 226

necessary in civil society. An individual's share in the common resources depends on his skills and the resources he already commands. He defends inequality on the count of natural ability. He dismisses the demand for equality in wealth distribution, just like he did earlier for property. A demand of that sort would jettison the right of particularity which is enshrined in civil society.

While Hegel defends the right of particularity in civil society, he does not wish it to be enslaved by atomism. The system of needs does not merely differentiate individuals according to their particular skills and resources, but it also brings them together into social formations or "estates" for common work. The estates link the individual to something larger and more universal than self-interest. The universality of the estates entails a substantial identification with the "other". Hegel writes- "*While the family is the primary basis of the state, the estates are the second. The latter are of special importance, because private persons despite their selfishness, find it necessary to have recourse to others. This is accordingly the root which links selfishness with the universal i.e with the state, which must take care to ensure that the connection is a firm and solid one.*" ²⁷

Hegel basically distinguishes between three kinds of estates. The substantial or immediate estate is made up of agricultural workers and landholders; the formal or reflective

²⁷ ibid, p. 234

estate, made up of tradesmen and business and finally, the universal estate, made up of civil servants. He differentiates between the substantial estate of agricultural workers and the reflective estate of business in the following manner. The substantial estate is marked by immediate feeling and the absence of reflection, similar to his earlier description of women. In the estate of trade, there exist a reflectiveness and self-reliance which is missing in the substantial estate. The "sense of freedom" first arose in this estate of trade and industry mainly in the towns. The first estate had little need to think of itself and it passively accepted the gifts of nature. Hence the first estate is inclined to servility and the second to freedom.

The members of the agricultural estate are accorded a political role, while women are denied it. The problem that arises is that, if in a liberal society all citizens are supposed to be equal, how is it that the men of the agricultural estate are so inferior. The inferiority of the substantial estate seems to suggest that the collective takes precedence over individual self-actualization. But Hegel always stressed on the importance of the substantial element in society. The industrial spirit could destabilize society, as it is constantly changing. It has no regard for anything sacred and regards everything in nature as mere raw material to be transformed. The nature of the bourgeois spirit has been captured by Marx - "*Constantly revolutionizing of production, uninterrupted disturbance of all social conditions everlasting uncertainty and*

agitation distinguish the bourgeois epoch from all earlier ones. All fixed, fast frozen relations, with their train of ancient and venerable prejudices and opinions, are swept away, all new formed ones becomes antiquated before they can ossify. All that is solid melts into air, all that is holy is profaned, and man at last compelled to face with sober senses his real conditions of life and his relations with his kind. " ²⁸

Hegel finds in the trusting substantial disposition of the agricultural estate, a bulwark against the uncertainty of the innovative and individualistic spirit of the bourgeoisie. The innovative spirit of modern commerce destroys everything that is traditional. The question that arises at this stage is whether a substantial agricultural estate actually exists in the modern world. Hegel is aware of this when he says that the first estate is run in similar manner as that of the second, in a reflective manner. Yet he feels the first estate will always retain the patriarchy and substantial disposition attributed to it. Hegel's conception of the social whole is not one where individuals are mere tools for the self-realization of the larger community. The freedom embodied by the state is not devoid of subjective insight, it is willed by all the members of the community, including those who belong to the agriculture estate. Individuals are not mere vehicles for some cosmic spirit. The state facilitates the self-realization of individuals as free and rational beings, but it must not be

²⁸ Karl. Marx and F. Engels *Manifesto Of The Communist Party. Selected Works*, volume 1, Progress Publishers, Moscow, 1997, p. 111

confused for the liberal state where the state is a mere instrument for the private satisfaction of the individual.

The social whole for Hegel must incorporate space for the individual will. He distinguishes his system from the Indian caste system and Plato's Republic on account of their ability to embody the principle of subjective will. In Plato's Republic the guardians allot the individuals to different estates. In the Indian caste system, birth alone decides one's estate.

For Hegel, which estate an individual eventually belongs to will be decided by the individual himself and his arbitrary will. Hence subjective particularity is given full recognition by Hegel. He writes " *The recognition right according to which all that is rationally necessary in civil society and in the state should at the same time come into effect through the mediation of the arbitrary will, is the more precise definition of what is primarily meant by the general idea of freedom.* " ²⁹ One criticism of Hegel could be that he seeks to limit individuals to the domain of their particular estates. Hegel defends this by stating that only attaching oneself to a particular estate does the individual gain recognition in "his own eyes" and becomes "somebody ".

Individual morality begins to take shape here, in contrast to the emptiness of Kantian morality. Estates provide the ethical disposition to fulfill one's duty, as prescribed by one's

²⁹ Hegel, *Philosophy of Right*, p. 235

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²⁹ Hegel, *Philosophy of Right*, p. 235

station. Hegel calls it "rectitude". From the discussion on estates, he moves to the administration of justice. The justice being administered here is that of abstract right or property right. Hegel's treatment of abstract right in the earlier section was bereft of the subjective will of the individual. Only now abstract right ceases to be "in itself" and becomes "for itself". It is only after the particular will sheds its immediacy and is introduced to universality, through the system of needs that abstract right takes on an universal existence. Abstract Right is now "posited" and exists as "law". By universal Hegel is referring to consciousness or thought. The posited character of law, in contra-distinction with the Hobbesian "positive" conception of law, emphasizes on the conscious way in which humans subscribe to laws. Unlike animals and other natural elements like the planets who are unaware of their own laws, humans are fully aware. From the position of the posited form of law, Hegel attacks the Romantic and historical position of thinkers like Von Savigny who argue in favour of customary law. Hegel does not subscribe to the absolute separation of laws and customs, for both contain the moment of being thoughts. Customs lack the mature development of universality and are known in subjective manner. The element of thought and universality remains underdeveloped in customary rights. Failure to codify laws can create enormous confusion in the administration of justice. Customary rights become the privileged preserve of a few "experts". Hegel points out the common law of England, where chaos reigned due to the failure to codify the law.

Hegel distinguishes between positive right and philosophical right. The positive or historical science of right attempts to deduce every detail from historical data, whereas the latter is capable of determining whether the right is rational and is "in" and "for" itself. Positive right contains rational elements, which is the task of the philosophical science of right to bring forth.

Hegel argued for laws to be made universally known and demand trial by jury. These are things which are taken for granted these days, but this was not the case in the Prussia of his time. Hegel was against the possibility of justice being the preserve of an exclusive class of justice being the preserve of an exclusive class of judges, thereby alienating the individual. Abstract right was found wanting earlier because it related only to the abstract personality of individuals and did not address their subjectivity. Hence administration of justice remains incomplete in so far as it was confined to addressing infringements of property and personality and did not touch upon the welfare of individuals. The universal does manifest itself in the subjective consciousness of the individual, marking an improvement with regard to the original standpoint abstract right. However, the universal in the administration of justice remains that of abstract right and abstract personality, it does not include the subjective particularity and welfare of the individual. Hegel argues " *The universal, which in the first instance is merely right has to be extended over the whole*

field of particularity. Justice is a major factor in civil society: good laws will cause the state to flourish and free ownership is a fundamental condition of its success. But since I am completely involved in particularity, I have a right to demand that, within this context, my particular welfare should also be promoted. Account should be taken of my welfare, of my particularity and this is the task of the police and the corporation. " ³⁰

Hegel uses the term 'police' in a much wider sense than what it has come to mean now. It was more than the maintenance of law and order, it also the regulation of commerce and industry, the maintenance of public goods like roads bridges etc and also providing for the poor. Policing in the narrower sense would include apprehending criminals, it would have no fixed boundaries. The scope of police activity would depend upon the prevailing customs and conditions. This however does not mean that the police have total freedom to harass individuals. Hegel had been critical of the Fichtean 'police state' where people have to travel with their identity papers.

One of the chief functions of the police was to oversee arrangements of public utility, regulation of commerce and industry utility etc. Hegel seeks government intervention in the market so that basic necessities like bread are not highly priced. Hegel explains why government regulations are

³⁰ *ibid*, p. 259

required - " *The main reason why some universal provision and direction are necessary is that large branches of industry are dependent on external circumstances and remote combinations whose full implications cannot be grasped by the individuals who are tied to these spheres by their occupation.*

"³¹ Hegel thus addresses the question of how much the government must intervene in the working of the economy. Hegel informs there are two prevalent views on the subject - one which says that the police must oversee everything and other which says that they should have no say at all in such matters. Hegel rejects the arguments in favour of *laissez-faire*. Public interest would suffer if all individuals pursued their own interests. Yet, he is also aware of the danger of too much government intervention. He had criticized the idea of the "machine state", where everything is regulated by a supreme public authority. Frederician Prussia was such a state.

The police has to ensure that all individuals have access to the resources of civil society, are educated or skilled enough to earn their own living. Civil society has to fulfill this duty because it deprives individuals of their natural means of acquisition, which is agriculture and displaces the natural social structure represented by the family. Hegel writes, "*Civil society, on the other hand is the immense power which draws people to itself and requires them to work for it, to owe everything to it and to do everything by its means. Thus, if a*

³¹ *ibid* , p. 262

human being is to be member of civil society, he has rights and claims in relation to it, just as he had in relation to his family. Civil society must protect its member and defend their rights, just as the individual owes a duty to the rights of civil society."

³² As the civil society replaces family, it assumes itself the role of "universal family" with regards to the individual. It has to provide for the education of children, so that they become members of the civil society.

Reduction of poverty is one of the key functions of the civil society - "*For the poor, the universal authority takes over the role of the family with regard not only to their immediate deficiencies...*" ³³ In Hegel discussion of poverty, there is a deep sensitivity to the fact that poverty is not the result of sheer laziness or incapacity, but rather that it is the consequence of the structures of the modern capitalist economy. Hegel feels that the question of poverty is the one matter that torments modern societies. He writes "*Despite an excess of wealth, civil society is not wealthy enough... to prevent an excess of poverty and the formation of a rabble .*"

" ³⁴ Commentators like Shlomo Avineri has praised Hegel for his " basic intellectual honesty" in discussion of poverty.³⁵ He talks about how the lowest level of subsistence of the rabble vary from country to country. In England even

³² *ibid*, p.23

³³ *ibid*, p. 265

³⁴ *ibid*, p. 27

³⁵ Shlomo Avineri, *Hegel's Theory Of The Modern State*, Cambridge University Press, Cambridge , 1972, p. 154

the poorest man believes he has rights. Hegel fears that poverty will become an excuse for laziness. Poverty remains a formidable obstacle for Hegel's idea of the modern state. The Hegelian state is the embodiment of reason and the actualization of freedom, hence the question whether poverty defeats that goal of rationality and freedom.

Hegel seems to put the blame of poverty on modernity. Poverty is not due to personal vice, but rather due to economic conditions beyond the control of the individual. Capitalism in its mad rush to create wealth is also responsible for modern poverty. While he speaks scathingly of civil society tolerating a spectacle of extravagance and misery, it must be borne in mind that he rejects the view that society should guarantee social equality. He does, however, maintain the equal rights of its members (this is the task of the administration of justice and the public authority) and he is profoundly aware of the tension that arises between this ideal and the actual position occupied by the poor. What Hegel finds most disturbing about the modern phenomenon of poverty is that it leads to the creation of a group that we today might call the underclass, the group that Marx derisively calls the rabble (*der Pöbel*).³⁶ Hegel is much more worried about the "rabble mentality" than poverty per se. When there is no work available, the individual loses all sense of integrity and honour. The objective conditions are

³⁶ Michael .O. Hardiman Hegel's *Social Philosophy* , Cambridge University Press, New York, 1994, p. 237

worrying enough, but the subjective disposition that accompanies it are more a cause of concern for Hegel. There is an inward rebellion against the rich, against society etc. With no place in capitalist society and bereft of pride and honour that comes with self-reliance, the rabble become "frivolous and lazy". They demand support from society which they feel is responsible for their miserable plight.

Earlier, Hegel talked about the right of necessity. He had referred to the instance when a person steals bread out of dire need. In such a case, it cannot be categorized as an infringement of property or called a "theft". In cases of dire need a man has to save his life or else his entire freedom would be negated. Hegel seems to support the right of the poor to rebel. He is not very explicit on this issue, except where he says that the poor man's non-recognition of right is pardonable. A crime, as defined by Hegel is the non-recognition of right, or a denial of it. Hegel is in no way suggesting that the entire capitalist structure has to be overthrown.

He does discuss how poverty can be rectified. His idea is to modify civil society from within and not to replace it with the aid of a revolution. He is averse to the idea of supporting the poor by taxing the rich. This violates the principle of civil society, which emphasizes on the need to work in order to gain "self sufficiency and honor". This reveals a darker side to Hegel's philosophy. He makes a comparison between poverty laws of England and Scotland. English laws were

paternalistic in the sense that there were various schemes in which the poor were taken care of, without requiring them to work. Hegel condemns this, he instead praises Scotland, where there is no such mercy shown to the poor- " *In Scotland it has emerged that the most direct means of dealing with poverty and particularly with the renunciation and honour as the subjective bases of society and with the laziness and extravagance which give rise to a rabble ,is to leave the poor to their fate direct them to beg from the public.* " ³⁷ This is a rather harsh message and represents the liberal-conservative obsession with " work" and " efficiency". They do not take into account the historical or socio-economic aspects of poverty and inequality.

Surprisingly, Hegel is not very keen to provide the poor work as it will lead to an overproduction of goods and lead to further unemployment. He feels though, that foreign markets would absorb these surplus good produced by a particular civil society. This can be achieved through the creation of colonies, which can absorb surplus goods. Hegel seems to support imperialism partially though he adds that inhabitants of the colonies have the same rights as the inhabitants of the mother country: "*The liberation of colonies itself proves to be of the greatest advantage to the mother state, just as the emancipation of slaves is of the greatest advantage to the master.* " ³⁸ he does support wars of

³⁷ Hegel, *Philosophy of Right*, p. 267

³⁸ *ibid*,p. 269

independence against the colonial masters, like in the case of the colonies of England and Spain. There is an admission of the fact that such adventures cannot solve the problem of poverty. This is when Hegel discusses the phenomenon of corporations.

The corporations are civil bodies that are formed by members of the estate of trade and industry who share a certain skill or trade. They serve as the second family for their members, educating them and protecting their interests. The corporations would take care of the poor. One might wonder if this would not amount to the paternalism that Hegel accused as the English civil society of. Hegel's reply would be that corporate aid is in always with reference to occupation and not merely a transfer of payments from the rich to the poor.

The main importance of corporations is that individuals look beyond a selfish individualism and strive for the common good. In the corporations individuals work for others and there is universality in their purpose. Hegel writes: "*We saw earlier that, in providing for himself, the individual in civil society is also acting for others. But this unconscious necessity is not enough; only in the corporations does it become a knowing and thinking part of ethical life.*" ³⁹

³⁹ *ibid*, p. 273

The universal latent in the earlier stages of civil society is "not enough". A person is truly free only if he is actively engaged in promoting a universal end; above his own particular interests. In the Greek polis, this was achieved by the direct participation of the masses. However this is not possible in the modern state- " In our modern states, the citizens have only a limited share in the universal business of the state... the universal activity which the modern state does not always offer ethical man can be found in the corporation.

" 40

Individualism and atomism can be tackled by the corporations, which serve as a crucial bridge between the atomism of the civil society to the universality of the state.

Hegel now makes the transition from the civil society to state. Hegel argues that the freedom of the individual demands the fuller community of the state. The logical categories behind civil society arise with larger process and cannot be taken as themselves complete and independent. If we confuse civil society and state, we will conceive freedom in terms of the separation of particular from universal, and this will leave freedom empty. If there were such a thing as a pure civil society, the citizens would live with an empty freedom that was in reality the tyranny of particular desires and contingent whims. If in fact our lives have more direction and purpose, as they do, then we are not living in a pure civil

⁴⁰ ibid.

society but in a deeper totality that the categories of civil society will not describe correctly.⁴¹

One must carefully distinguish between the two forms of community. Hegel writes: "*If the state is confused with civil society, and if the state's specific end is laid down as the security and protection of property and personal freedom, then the interest of the individuals as such becomes the ultimate end of their association and it follows that membership the state is something optional. But the state's relation to the individual is quite different from this. Since the state is spirit objectified, it is only as one of its members that the individual himself has objectivity, truth and ethical life... The individual's calling is to live a universal life. His further particular satisfactions, activity and mode of conduct have this substantial and universally valid life as their starting point and their result.*"⁴²

The citizen is not free in civil society, he needs objective content to give him his freedom. How does Hegel separate state from government? The modern form of government as Hegel envisages it consists of a constitutional monarchy with the crown, the executive run by bureaucrats who are members of the universal estate and the legislature which has two chamber - the members of the upper house belonging to the substantial estate and members of the lower house

⁴¹ David Kolb, *The Critique of Pure Modernity - Hegel Heidegger and after*, University of Chicago Press, Chicago, 1986, p. 97

⁴² Hegel, *Philosophy of Right*, p.276

being drawn from the corporations and trade and industry. If Hegel identifies political state with government, then there could be a few problems regarding his distinction between civil society and state.

As seen from the above passage Hegel stresses on the distinction between civil society and state. But civil society, includes two public institutions, the administration of justice and the public authority, which would normally belong to government. If civil society includes two state or governmental institutions, how can it be distinct from the political state? Hegel himself holds that these institutions belong to the political state. Hence if civil society and state are truly distinct, how can the administration of justice and the public authority belong to both spheres? One possible solution would be to maintain that, despite the fact the administration of justice and public authority occupy a place within civil society, they do not actually belong to it. This could help in making the distinction between civil society and state. Civil society is often identified with the 'private sphere (i.e as the market or the market plus the network of private voluntary associations outside the market) and opposed to the public sphere (which is identified with the government or state). Private institutions (apart from the family) belong to civil society, and public institutions (such as the

administration of justice and the public authority) belong the state. ⁴³

Both the Libertarians and welfare Liberal would agree on this distinction between civil society and the state. Both would regard the administration of justice and the public authority as belonging to the state rather than to civil society. Libertarians would require that the administration of justice and the law enforcement functions of the public authority be used to protect property. But they could reject the public authority's welfare functions, as being the unwarranted intrusion of the state. On the other hand, welfare liberals would maintain that provision of welfare is as important a task as protection of property. Welfare functions are a very crucial task of the state. Hegel's advocacy of the welfare function of the public authority is often thought to resemble welfare liberalism. Hegel is much closer in spirit to welfare liberalism than to libertarianism. Sometimes even this has to be suspected, if one goes by his admiration for Scottish poverty laws!!!. Hegel has a lot of contradiction within his writings. For instance, he would maintain that administration of justice and the public authority also belong to civil society. One cannot understand the distinction between the civil society and the state, by identifying it with the distinction between private and public spheres. This distinction cannot be understood in terms of institutional

⁴³ Michael. O. Hardimon , *Hegel's Social Philosophy*, Cambridge University Press, New York, 1994, p. 207

separation. They are not distinct because they do not share institutions in common. Institutional overlap in fact represents a crucial point of connection between the state and civil society. How then does Hegel draw a distinction between civil society and the state?

He does so by contrasting the "determinations" or rationales of the two spheres. The determination of civil society is to promote the development of "the particular" (private ends of individuals and groups) through the mediation of the form of universality, say the operation of the system needs and the corporations together with the administration of justice and the public authority. The subject's particularity finds satisfaction in civil society. This is the focal point in the difference between antiquity and the modern age. The reason why the administration of justice and public authority are included as integral parts of civil society is because they are specially concerned with the particularity of the members of civil society, their particular rights and welfare.

The state is different in the sense that its rationale is found in the function of promoting the common good of the community, the "universal". This "common good" is distinct from the particular interest of its members. The fact that the state has this universal end as its goal, is what distinguishes it from civil society. While civil society would confine itself to furtherment of selfish, particular interests the state would take care of the common good of the community.

Unlike the contractarians view that the state exists for the protection of property, and personal freedom of individuals, Hegel would say that this is precisely the function of civil society. The modern state provides the institutional framework within which the community can determine its common destiny.

Hegel had formulated an idea of the state in his earlier essay on the German constitution. He had wanted to show to ordinary Germans that the German Holy Roman Empire was no longer a state:

"A multitude of human beings can only call itself a state if it be united for the common defence of the entirety of its property. What is self explanatory in this proposition must nonetheless be stated, namely that this union has not merely the intention of defending itself, the point is that it defends itself by actual arms, be its power and its success what they may... If a multitude is to form a state, then it must form a common military and public authority. "44

Hegel maintained that the German nation was a collection of separate states. What eventually distinguishes a state from a collection of states is its subjection to a common supreme public authority or state power (Staatmacht). This authority derives its authority from the constitution and not by force alone. Even though he defines the state as a union of men for

⁴⁴ T. M. Knox, *Hegel's Political Writings*, Oxford University Press, Oxford, 1964, p. 153

communal self defense , it is not a contract of individuals driven by fear or self interest. It is the result of generations trying to form a historical community, it is a response to the changing circumstances, a response influenced by past misfortunes. A people thus over the ups and downs of history, begins to develop a mechanism for self defense and regulation of internal affairs. As Hegel would write: "*The organization of this body called the German Constitution was built up in a life totally different from the life it had later and has now. The justice and power, the wisdom and courage of times past; the honour and blood, the well-being and distress of generations long dead; and the relationships and manner which have perished with them, all these are expressed in the form of that body.*" ⁴⁵ The state is the creation of a nation, which through common historical experience is welded into a political community. Hegel then compares two sets of states - Germany, Italy and Poland on one hand and England, France and Spain on the other. The first three disintegrated into separate states, while the other three remained stable.

Hegel's conception of the state in his early writings was very narrow, confined to the legal and political framework. The specific characteristics of the community be it its social structure, morals religious beliefs fall outside the concept of the state. The community is conceptually separated from the supreme public authority. In *Philosophy of Right*, he introduces the concepts of 'civil society' and 'state'. Hegel

⁴⁵ *ibid*,p. 146

changes his ideas during his stint at Jena. It was during the so called Jena period of his life that he reformulated his political philosophy. He studied the Ancient Greeks in great detail. From his study of the Greek polis, philosophy and literature he understood that men form genuine communities only when they share the same conceptions of "good life" and identify with the basic moral ideals of their people. ⁴⁶

These shared and universally accepted values which are reflected in the customs, laws and institutions, Hegel would term '*Sittlichkeit*' (ethical life). How authentic a community is will be decided by the extent their social, moral fabric is pervaded by *Sittlichkeit*. Greek political institutions were not separated from the community, but reflected the moral ethos of the polis. Political institutions were not imposed from outside, but a part and parcel of the community's ethical life.

Though a lot of ideas regarding the conception of ethical life and model of the state are drawn from Greek antiquity, Hegel makes a clear distinction between the ancient Greek polis and the modern state. He stresses on the fact that the Greek polis cannot be replicated in the modern age. The modern nation states are huger and their economic systems much more complex . State power in the modern state cannot be run in the amateurish manner like that of the polis, it needs politicians and professional administrators.

⁴⁶ Z. A . Pekzynski, *Hegel's political philosophy*, Cambridge University Press, London , 1971, p. 6

There is a clear difference in the way the citizens of each (polis and modern state) responded to authority. In the Greek polis the members were so absorbed by the polis, that they would not question the fundamental principles of the polis. It was an unconscious and spontaneous identification. But the European modern state is different in that thanks to Roman law and modern natural laws-men begin to identify themselves not only as members of communities, but also as bearers of private rights against the state. As discussed earlier, in Hegel 's view Christianity had a profound influence in men beginning to regard themselves as moral agents. Men began to feel obligated only to their conscience. Hegel called the tendency to regard oneself as a moral agent 'particularity' and the obligation to one's own conscience 'subjectivity' . Hegel would put ' particularity' and 'subjectivity' together to explain the peculiarly modern phenomenon of individualism.

For Hegel 'civil society' is the positive creation of individualism, an achievement of the modern world. Its members have rights and interests as particular, private individuals. There are three types of freedoms, according to Hegel. In the sphere of right man is free when he can do what he wants provided he respects the same rights in other men, that is, acts within the limits of reciprocity. In the sphere of morality freedom consists in the autonomy of the individual conscience vis-a -vis all the external rules and standards which demand conformity. The highest type of freedom - freedom in the ethical sphere - is the guidance of

one's actions by the living actual principles of one's community, clearly understood and deliberately accepted and in secure confidence that other community members will act in the same way .⁴⁷

Let us look at the distinction Hegel makes between 'civil society' and 'the state'. Civil society is an aspect of the state, the state based on need. Civil society is the modern state conceived as a system of public authorities and autonomous bodies existing to further the private interest of individuals. Hegel would say that civil society is the state as understanding envisages it. The arena or domain of civil society is only one aspect of socio - political life 'abstracted' from a wider and richer system by a process of formal, abstract thinking which Hegel calls understanding. The associations in civil society presupposes at least the recognition of their autonomy by some higher body. Vital political activities such as foreign affairs, defense are not within the purview of civil society. All those activities, which transcend 'civil society', come within the scope of the state.

The supreme public authority is the '*Staatsgewalt*' consisting of the crown (hereditary monarchy), a cabinet and a representative body (Assembly of Estates). Public opinion is also an essential part of the state. Political opinion is what Hegel calls the 'moment of subjectivity' in the political state; and is guaranteed by laws permitting free speech freedom of

⁴⁷ *ibid*, p. 9

press and freedom of assembly for purposes of political debate.⁴⁸

Hegel understands the importance of public opinion, but he also understands its limitations. He writes: "*In France, freedom of speech was always regarded as less dangerous than silence, for if people remained silent, it was feared that they were keeping their opposition to themselves, whereas argument gives them an outlet and some degree of satisfaction, which also facilitates the progress of the matter in question. Public opinion therefore deserves to be respected as well as despised... Every kind of falsehood and truth is present in public opinion, but it is the prerogative of the great man to discover the truth within it. He who expresses the will of his age, tells it what its will is and accomplishes this will, is the great man of the age.*"⁴⁹ Hegel splits up the public authority which is an integrated body into two separate spheres: the supreme political authority of the 'political state' and the law courts and the police forces of 'civil society'. Hegel could be criticised on this count, as it would have been more rational and logical to view both as parts of the same governmental process. If the laws originate say in the monarchy and are enacted by the Estates in the 'political state', they have to be forced by law courts and other administrative bodies which are organs of civil society. Civil authorities serve primarily individual or group purposes,

⁴⁸ Refer # 315-30 of *Philosophy Of Right*.

⁴⁹ Ibid, p. 355.

while political authorities serve the people as a whole. Hegel distinguishes between membership of 'civil society' which is opened to all, while that of the political state is selective and hierarchical. One can afford to do silly or selfish things within civil society, but those involved in the political state are expected to display a sense of responsibility and devotion to common good. Are the distinctions between 'political state' and 'civil society' logically tight distinctions?

Hegel tries to sharpen the distinctions between the two spheres, but it appears to be more blurred. Hegel speaks of 'civil society' as the anti-thesis of ethical life, but at other times he admits it produces and encourages at least some ethical attitudes - he calls the corporation the 'second ethical root' of the state, the family being the first root.⁵⁰ Even in political society we have seen how subjective and prejudiced public opinion can be. The key distinction between the two spheres would be the idea of social integration. Unity of civil society is of an inferior kind because of the rampant individualism present in it. Moreover, such unity comes about largely unconsciously. Hegel does not fully endorse the 'invisible hand' theory of Adam Smith, because he feels that the state intervention is required to regulate the market, and also to stabilize social life. What reinforces the effect of such rules and institutions is patriotism or 'political sentiment' (*politische Gesinnung*).

⁵⁰ Z. A. Peczanski, *Hegel's political philosophy*, Cambridge University Press, London, 1971, p. 12

The ground of Hegelian patriotism is profoundly connected to freedom, which for Hegel is not merely atomistic and individualistic. He intertwines the pursuit of subjective ends with a particular communal context. Individual rights including property rights, basic civil liberties are bound up with the social context of civil society and the formal institutions of administration of justice. In the recognition of such rights, and in the formation of a culture of respect for persons our freedom and dignity demand the recognition of others in order to be realized. Our activities and our very wills as self-centred individuals is bound up with relations to others. With this interdependence comes duty and obligations which would liberate us from impulses to which we are otherwise enslaved. This interdependent relationship between individual liberty and a collective context is what Hegel designates the state with - " the actuality of concrete freedom. " ⁵¹ The state secures freedom through its legal institutions. Hegel writes: "*What matters most is that the law of reason should merge with the law of particular freedom and that my particular end should become identical with the universal, otherwise the state must hang in the air. It is the self-awareness of individuals which constitutes the actuality of the state, and its stability consists in the identity of the two aspects in question. It has often been said that the end of the state is the happiness of its citizens. This is certainly true, for if their welfare is deficient, if their subjective ends are not*

⁵¹ Hegel, *Philosophy of Right*, p. 282

*satisfied, and if they do not find that the state as such is the means to this satisfaction the state itself stands on an insecure footings."*⁵²

As instruments which support and advance our individual liberty, the institutions of the state command our trust and loyalty. Hegel writes- "*As such, it is merely a consequence of the institutions within the state..... Patriotism is frequently understood to mean only a willingness to perform extraordinary sacrifices and actions. But in essence it is that disposition which ,in the normal conditions and circumstances of life, habitually knows that the community is the substantial basis and end. It is this same consciousness tried and tested in all circumstances of ordinary life, which underlies the willing ness to make extraordinary efforts"*.⁵³

Hegel's patriotism, is in one respect an instrumental and constitutional patriotism. The Hegelian State represent the common good, the Universal. This is not to say that Hegel endorses some view of an absolutist, unfettered state power. Hegel favours a state limited by legalistic, rights based structures that are important to political liberalism. For Hegel every citizen should live as part of a free ethical community and should feel "at home" (Zu house) in the state. This is patriotic life. By acknowledging the interdependence of state Institutions and individual liberty,

⁵² *ibid*, p. 287

⁵³ *ibid*, p. 289.

there is a ground created for the acceptance of law and order. The state is granted "legitimacy" by the citizen. It is the freedom to exercise his independent choice that Hegel stresses upon. So how does Hegel view patriotism in an event of war? In times of war, Hegelian citizens come to reflect on the "sense of order" contained in their habitual patriotism and understand its connection to the state in a self-conscious way, as a matter of practical knowledge. Without this moment, in the habitual practice of patriotism, people: "*trust that the state will continue to exist and that particular interest can be fulfilled within it alone, but habits blinds us to the basis of our existence. It does not occur to someone who walks the streets in safety at night that this might be otherwise, for this habit of living ins safety at night that this might be otherwise, for this habit of living in safety has become second nature, and we scarcely stop to think that it is solely the effect of particular institutions.*"⁵⁴

In war, the comforts, safety and order citizens have enjoyed without conscious consideration are understood to be threatened because the state is threatened. War, for Hegel, is a kind of consciousness raising activity where the citizen appreciates the "rationale" for the institutions and practices unique to the state- the way in which they preserve an uncoerced, freely accepted mode of life.⁵⁵ War is not simply

⁵⁴ Ibid,

⁵⁵ Rupert . H. Gordon, *Modernity, freedom and the state: Hegel 's concept of Patriotism, Review of politics*, 2000 Spring ,p. 313

about defending life and security of property. This does not provide the sufficient rationale for citizens to risk their lives in the name of the state. Hegel writes that it would be a grave miscalculation if the state, when it requires sacrifice of life is simply equated with civil society. The reasons why citizens defend their state are deeper. The unity of the state has to be seen in ethical terms; not in purely instrumental terms as a device for the protection of individual interests. War brings the social and collective dimensions of human freedom to the fore. War is a decisive moment in the ethical life of the community. Survival depends on the citizens genuine patriotism and attachment to authentic human freedom. This has to outweigh the materialist dimensions of the state associated with 'welfare' and 'happiness'.

How do citizens come to terms with the potential costs of war? How will they come to terms with the possibility of losing one's life? Each individual and the community as a whole choose to risk their finite attachments in the name of a higher collective and project.⁵⁶ War is about defending freedom, and freedom is worth dying for.

Hegel talks about three ways in which bonding between the individual and the state takes place. The first is a political bond which all members of the state experience with regard to a supreme and independent public authority. The legal rules of the authority integrates the population of the state

⁵⁶ *ibid*, p. 315

into a community. The second type of bond is the one that members of the state establish and maintain by their own free activity, which is regulated by the law, but is not the result of a legal order. These relations are the results of individual decisions motivated by self-interest or at least some private conception of what is good for men. Hegel would call the first bond, a political bond and the second a civil or social bond.

The final bond is the ethical bond. In so far as the members of the state share the same concepts or ideals of good life, which have been handed down from generation to generation, they form an ethical community. In addition to ethical factors there are other factors like language, culture and religion which may bind members of the state when all of them share them, but may also divide them if they do not.

For Hegel, the modern state is synthesis of two opposing tendencies- " *The principle of modern states has enormous strength and depth because it allows the principle of subjectivity to attain fulfillment in the self sufficient extreme of personal particularity, while at the same time bringing it back to substantial unity and so preserving this unity in the principle of subjectivity itself.*"⁵⁷ The modern state draws its strength from two sources. One is universal and objective ethical life, which faces the individual as something given inescapable. The second source of strength are the twin

⁵⁷ *ibid*, p.282

tendencies of 'subjectivity' and 'particularity', which now a days we would simply describe as individualism. This is the tendency of men in modern times to look at all social values , rules and institutions as derived from the agreement of individuals and existing for the sake of pure individual self-satisfaction.

These two separate and antithetical tendencies are balanced, harmonized and integrated into a social synthesis within the ' political state'. Thus the Hegelian conception of the state combines the liberal conception of the state as the servant of individuals with the very different conception of the state as the guardian of the community.⁵⁸

Hegel' s conception of ethical life is a complex of concepts, rules and principles which pervade the minds of the community members. Those who share a common ethical life are related to each other rather like members of a linguistic community who have been born into it. Like language ethical life may develop and be transmitted in an almost unconscious way. Nevertheless it has a peculiar logic and structure of which men, as rational beings, sooner or later become conscious. In the process of becoming consciousness of the concepts and principles of their ethical community, men also become aware of contradictions and since reason abhors

⁵⁸ Z. A. Pelcznski, *Hegel's political Philosophy*, Cambridge University Press, London, 1971, p. 16

contradiction and thereby attempts to give unity and clarity to the whole.

This is the peculiar task of intellectuals and above all philosophers, whose proper vocation is to express the ethical ideas of their age and culture in a systematic and intellectually satisfying way. Hegel clearly believes that his *Philosophy of Right* is a significant theoretical contribution to the task. But nowhere does he state that a perfect harmony of ethical principles has been achieved in practices anywhere or that it will be achieved anywhere in the future. As rational beings men can and indeed must strive for unity of their ethical life; whether they succeed or how far they succeed only history can show ex post facto.⁵⁹ These activities should be able to influence public opinion and the educated political class and that is why freedom of speech is a crucial requisite.

The Estates Assembly is a vital part of the modern state. Hegel writes: "*If the Estates hold their assemblies in public, they afford a great spectacle of outstanding educational value to the citizens, and it is from this above all that the people can learn the true nature of their interest. As a rule, it is accepted that everyone already knows what is good for the state and that the assembly of the Estates merely discusses this knowledge. But in fact, precisely the opposite is the case, it is*

⁵⁹ ibid,p.20

*only in such assemblies that those virtues, abilities and skills are developed which must serve as models for others."*⁶⁰

Civil society has to be kept within proper limits. The claims of 'particularity' and 'subjectivity' have to be addressed, but they should not be allowed to dominate everything. The individualism of civil society may gain a very strong foothold in the 'political state', if this happens then ethical life becomes subordinated to the particular interests and subjective desires of individuals and the entire 'ethical community' may dissolve into a loose kind of 'civil society'. Hegel was opposed to certain provisions regarding qualification for election, namely minimum age and income qualifications. He felt that age and income were qualities affecting only the individual himself and were to the right parameters to constitute his worth in the civil order. Atomistic principles of any sort go against every rational concept of organization and life.

In the Assembly of Estates, the agricultural estate, which contains the landed nobility, is exempt from election and given a chamber of its own on the ground that their ethical life is natural. The other chamber is drawn from the middle class, which represents the most individualistic element in civil society. But the deputies are not elected by groups of individuals, but represent associations and corporations. The monarchy and the power of the crown remain hereditary

⁶⁰ Hegel, *Philosophy Of Right*, p. 352

in character. Hegel desires to keep one element of public authority independent of choice, and thereby insulate it from arbitrary subjective opinions and the influence of 'particularity'. This will be severely criticized by Karl Marx, later. The Monarch has total control over the executive, the civil service and the armed forces. Hegel was eager to ensure that the forces of 'particularity' and 'subjectivity' do not dominate unduly. It was his firm conviction that only the monarch's personal control can guarantee that the organs remain loyal to the 'ethical community'.

The Hegelian notion of freedom has been generally perceived as obedience to the state. To be compatible with freedom, the laws of the political state should correspond to the principles of ethical life. Hegel does recognize the right to rebel, in certain circumstances. Men have definite moral rights against the 'political state' and 'civil society'. Hegel's 'Sittlichkeit' may resemble nationalism, but it is different from it. Nationalism has the support of irrational myths, while ethical life is the byproduct of a rational insight. As mentioned earlier, Hegel was never a German nationalist. We will now move on to examine Marx' critique of Hegel.

Chapter- IV

CRITIQUE OF HEGEL'S PHILOSOPHY OF RIGHT

BY KARL MARX

Before discussing in detail Karl Marx's critique of Hegel's *Philosophy of Right*, one would like to know a little about his early life. His early life needs to be understood, as the critique was his first systematic work (1843). The intellectual development of Young Marx is crucial to our understanding of his critique and of his great oeuvre in general.

Karl Marx remains an unique thinker in the realm of philosophy. His interventions in the placid discourses of philosophy were made with an overarching ambition. This ambition can be understood in two ways. He was deeply concerned with the 'WHY' question in philosophy- Why does the world exist as it does? The corollary to this question would be queries like why is there so much of economic disparity, appalling poverty and why were the ruling elites so indifferent to social problems? If existing structure was so unjust, how then do we transform the world?

The questions that perturbed the Young Marx were more or less the same that perturbed the mature Marx, but the understanding of the Young Marx was different. His early intellectual evolution would throw some light on this. Marx was born and spent his boyhood in a prosperous middle class home in the city of Trier. Even his earliest essays,

written in high school display a very profound and precocious humanism. One is on the considerations of a youth in choosing an occupation. Written entirely in a spirit of cosmopolitan idealism, as far from selfish ambition of the one hand as it is on the other from narrower loyalties to king and fatherland. The ground tone is duty to mankind.¹ The individual exists for the betterment of humanity and his choice of profession should enable him to fulfil that duty. This essay written by a schoolboy is a premonition of things to come.

He writes in that essay that we may not get the position which reflects our abilities and which we feel ourselves called. Marx then goes on to write a sentence which Mehring hailed as the first glimmer of Marxian socialism- "*Our social relations have to some extent already commenced before we are in a position to determine them.*"

When all due caution has been used we should choose the task of greatest dignity open to us, the one of greatest human nobility, a work in which we are not the passive tool of others but act independently in our own circle. The doctrine of perfectibility, our own and humanity runs through the whole essay. The most dangerous occupations for those whose convictions are not yet firm are the professions engaged with abstract truths than with practical activity, but they are the

¹ H.P. Adams, *Karl Marx in his earlier writings*, George Allen and Urwin, London , 1940, p.13

noblest for those men whose enthusiasm is profound, who are ready to offer up life for an idea." *If we have chosen the position in which we can affect the most good for mankind, no burdens will oppress us, because they are sacrifices for all, we then enjoy no narrow egoistic delight, but our happiness belongs to millions, our deeds live on perennially beneficent, and our ashes will be moistened by the hot tears of noblemen.*"²

Thus, it is very evident that even as a young boy, Marx had felt duty to humanity was the highest calling. At the age of seventeen, Marx enrolled in the Faculty of Law at the University of Bonn and was receptive to the romanticism dominant there. The following year Marx's father sent him to the larger and more serious minded University of Berlin, where he remained for the next four years, during the course of he abandoned romanticism for the Hegelianism which ruled in Berlin at that time.

Marx became deeply involved in the Young Hegelian movement. This group which contained such figures as Bauer and Strauss, were producing a radical critique of Christianity and by implication, a liberal opposition to the Prussian autocracy. Finding a University career closed to him by the Prussian government, Marx moved into journalism and in October 1842 became editor, in Cologne of the influential *Rheinische Zeitung*. Marx's incisive articles particularly on

² *ibid*, p.14

economic questions induced the government to close the paper and he decided to emigrate to France.³

It was his proximity to Bruno Bauer which ensured that Marx would not get a University position. Bauer was already scandalizing Bonn with his controversial lectures on the New Testament. Bauer published anonymously a provocative little book in which Marx collaborated, *The Trumpet of the Last Judgement over Hegel the Atheist and AntiChrist*. It professes to be written by a shocked pietist alarmed at Hegel's influence. The presumed writer deplors the virtual adoption of Hegelianism by official Prussia and shows that Hegel's own words contained all the errors which the government was penalizing in the Hegelians of the left. One after the other his enormities are exposed. His treatment of deity as mere universal spirit, ultimately nothing but the self-consciousness is a conception that undermines everything and ultimately itself. Has not Hegel praised the atomistic philosophy for getting rid of the myth of creation, and Descartes for making philosophy independent of theology and even Spinoza the Pantheist? Is not Hegel the greatest revolutionary for whom all that exists only to be superseded?⁴

This led to Bauer's dismissal and with it led to the eclipse of Marx's prospects. Marx's critique of Hegel's *Philosophy of Right* was most probably written during the period March to

³ David Mc Iellan, *A Dictionary of Marxist Thought*, edited by Tom Bottomore, Blackwell, New Delhi, 2000, p.341

⁴ H.P Adams, *Op.cit*, p.43

August 1843. The manuscript of Marx's work was left unpublished during his lifetime. It now resides in the International Institute of Social History, in Amsterdam. It contains Marx's critical comments on paragraphs 260-313 of Hegel's major work in political theory. The front cover and the first pages are lost. The missing pages probably contained Marx's commentary on paragraphs 257-260 of Hegel's work - Marx had retired to Kreuznach, to pursue research in political theory and history. Marx produced a detailed paragraph by paragraph critique of Hegel's theory of the state, subjecting it to a painstaking analysis. This would be Marx's first major work of philosophy. There were a lot of reasons for Marx's critique. His original aim was to launch an attack on constitutional monarchy. He wanted to attack Hegel's philosophy and also offer a critical evaluation of existing political institutions as well.

There was an additional aim as well, if few are to believe Marx's later reference to the critique in his preface of 1859. This was to understand the relationship between the existing political institutions and the economic working of society. This additional aim can be traced to his stint as a journalist in the *Rheinische Zeitung* from 1842 to 1843. It was during this time that he encountered concrete social and political issues. It was here that Marx felt that he lacked the specific knowledge required for effective social criticism. The effort at Kreuznach was undertaken to rectify this shortcoming. The critique along with five notebooks which were comments on

twenty four books on political theory and history were clear evidence of his desire to make up for his relative ignorance of facts in the socio-economic sphere. His use of historical data in the critique is evidence of his newly formed quest. In *Das Kapital*, Marx claimed to have exposed the errors of Hegelian philosophy through the critique. It must be remembered that the critique was not his last effort in that direction. *The Economic and Philosophic Manuscripts* written in 1844, too was a similar kind of work except that it concentrated on Hegel's *Phenomenology of spirit*. But going by his reference in *Das Kapital*, he clearly considered the Critique as the definite evaluation of Hegelian philosophy.

In fact Marx felt he had made a successful critique of Hegel and more publications would be required to present its results. He writes "*I have already announced in the Deutsch-Francoishe Jahrbucher, the critique of jurisprudence and political science in the form of a critique of the Hegelian philosophy of law. While preparing it for publication, the intermingling of criticism directed only against speculation with criticism of the various subjects themselves proved utterly unsuitable, hampering the development of the argument and rendering comprehension difficult. Moreover, the wealth and diversity of the subjects to be treated could have been compressed into one work only in a purely aphoristic style; whilst an aphoristic presentation of this kind, for its part would have given the impression of arbitrary systematism. I shall therefore publish the critique of law, ethics, politics etc in*

*a series of distinct, independent pamphlets and afterwards try in a special work to present them again as a connected whole showing the interrelationship of the separate parts and lastly attempt a critique of the speculative elaboration of that material."*⁵

The promised work failed to materialize and the *Economic and Philosophic Manuscripts* preface had promised various separate brochures that would grow out of the critique. They too remained unfinished and unpublished. Immediately after writing these words, he and Engels undertook the task of composing the Holy Family. In fact the Critique of Hegel's philosophy of Right developed into whole program of research and writing which occupied Marx for the remainder of his life. It represents the first of several works produced by Marx during the early development of his eventful intellectual life. This period began with his effort in the spring of 1843 at Kreuznach and ended with the completion of the German Ideology, jointly written with Engels in 1845. These years 1843 to 45 were very significant in terms of his contribution to the canon of socialist thought. Before starting a detailed analysis of the Critique it would augur well to understand the writers (Marx) frame of mind and early influences. We have already seen in patches his early intellectual development. Marx's early adult life was governed from the beginning by a deeply felt dedication to social criticism aimed at radical

⁵ Karl Marx, *Economic and Philosophic Manuscripts of 1844*, Progress Publishers, Moscow, 1977, p. 17

social change. As we have seen earlier, his earliest essays reflected this deep concern for humanity. The essay on the choice of vocation done in his final year in the Gymnasium (1835) is a clear indicator of the trajectory that he would take later on in his life. In the essay he clearly says that the main principle that should guide anyone in his or her choice of a vocation is the welfare of humanity. Marx certainly took his youthful dedication seriously.

It would be interesting to see what 'criticism' actually meant for Marx. It meant self-clarification, clarifying the doubts of others and political action. In order to radically transform a society one needs to firstly understand how it works, then one tries to impart this knowledge to others and lastly one must work towards creating an organized political movement to effect that transformation. The unity of theory and praxis was very important for Marx.

His first meaningful efforts at social criticism took the form of journalism. His writings on a variety of social and political questions in the *Rheinische Zeitung* reflect this. He believed that public education was only possible through a free press. The official imposition of censorship effectively silenced the critical press. This is where he felt the need for a vibrant political organization, which would educate the public. He also realized that there were powerful economic interests operating in society, which would never allow the cause of common good to progress. This is where he understood that mere philosophical clarification would not lead anywhere.

Mere understanding of social evils, would never be enough to transform society, one requires to comprehend the economic factors which influenced society. There is a constant effort on the part of Marx to overcome his shortcoming, especially in the sphere of economics.

It was during this period leading upto the *Critique*, that he makes a stupendous effort to acquire knowledge in political theory, history and political economy. It was also during this period that he had his first encounter with the industrial proletariat, which enabled him to identify it as the material force in society, which would be the vehicle for social transformation or revolution. Social criticism would be directed less hence forth towards the regime and more towards the oppressed masses in order to help them realize their revolutionary potential. Workers organizations would be required to radically transform the existing social and political order. Marx was fully aware of his life project by the end of 1846.

Marx's intellectual encounter with Hegel began very early when he was a student of Berlin University. In a letter to his father dated 10 November 1837, he informs us of his first encounter at the age of nineteen, with Hegelian Philosophy through his acquaintance with the Doctors club (Doktorenklub). It becomes clear from this letter that even at this early stage Marx was drawn to Hegel's philosophy because he saw in it a powerful instrument for changing reality. Marx writes that what troubled him about German

philosophy since Kant was the antagonism between the "is" and the "ought". But now, since he has become acquainted with Hegel, the young student feels he has found the idea within reality itself. " *If the Gods have dwelt till now above the earth*", he tells his father, " *they have now become its centre.*"

This first evidence of Marx's encounter with the Hegelian tradition seems to foreshadow the way in which Hegel was absorbed by Marx from the outset. It was neither the institutional conclusions of Hegel doctrine that attracted him, nor the philosophical premises per se. For Marx, Hegel's chief attraction lay in his philosophy's apparent ability to become the key to the realization of idealism in reality, thus eliminating the dichotomy Kant bequeathed to the German philosophical tradition. Coupled with this Marx developed an immanent critique of the Hegelian system. He felt that though Hegel's philosophy claimed to bridge the gap between the rational and the actual, it did not stand up to the test, and that this dichotomy, though philosophically abolished, remains hidden in the inner contradictions of Hegel's theory of social and political institutions. Hence the sphere of social institutions served as Marx's crucial point in his confrontation with Hegel's philosophy. Marx's correspondence of this period clearly indicates that this point of view

characterized the gradual development of his appreciation of Hegel' philosophy.⁶

Marx felt that he could salvage something out of Hegel only with the help of Feuerbach. Marx had profound regard for Feuerbach, even though he had felt that his attention was focussed more on nature than on politics. Marx uses three critical methods in his critique- the first is the transformative method borrowed from Ludwig Feurebach, the second is the straightforward textual analysis and explication; and the third is the historico- genetic method of criticism inspired by Von Savigny. Eduard Gans and Karl Von Savigny were two teachers under whom Marx studied law. Eduard Gans, who had been a favourite disciple of Hegel, had brought out an edition of *The Philosophy of Right*, which Marx used, for his critique. It was Von Savigny who introduced Marx to the historical method of analyzing social and political institutions. Though Marx would later criticize the 'Historical School of Law' which was associated with Von Savigny, for its refusal to judge the moral worth of historical institutions against the criterion of human nature. He nonetheless adopted the Savignian technique as an integrated part of his own scientific methodology in order to clarify the significance of existing institutions through an account of their historical genesis.

⁶ Shlomo Avineri, *The Social and Political Thought of Karl Marx*, New York, Cambridge University Press, 1968.p.9

Marx combines all these three methods which have the effect of combining a criticism of Hegel's philosophical doctrine with a criticism of the existing social and political order. The purpose of transformative criticism is to extract the empirical content of Hegel's doctrine from its mystical form and to expose Hegel's account of the existing political order. Marx had considered Feuerbach the true successor of Hegel. In an earlier essay in the journal *Anekdoten*, Marx called Feuerbach the purgatory through which speculative philosophy would have to pass if it was to attain the status of truth. Later in his 1844 Paris Manuscripts he would write that positive humanistic criticism begins with Feuerbach, whose writings are the only writings since Hegel's to create a theoretical revolution. He writes: "*Besides being indebted to these authors (Moses Hess, Weitling etc) who have given critical attention to political economy, positive criticism as a whole - and therefore also German positive criticism of political economy - owes its true foundation to the discoveries of Feuerbach against whose **Philosophie der Zukunft** despite the tacit use that is made of them, the petty envy of some and the veritable wrath of others seem to have instigated a regular conspiracy of silence*".

It is only with Feuerbach that positive humanistic and naturalistic criticism begins. The less noise they make, the more certain, profound extensive and enduring is the effect of Feuerbach's writings, the only writings since Hegel's

Phenomenology and Science of Logic to contain a real theoretical revolution. "7

The two works that influenced Marx the most were- '*The Essence of Christianity*' (*Das Wesen des Christentums*) and more importantly '*Provisional Theses for the Reform of Philosophy*' (*Vorläufige Thesen Zur Reformder Philosophie*). *The Essence of Christianity* was published in 1841, it contained Feuerbach's critique of religion, the gist of which was his inversion of the traditional theological view which conceives of God as the primary subject and man as a being who is dependent on God and in whom the divine qualities are expressed or objectified. What Feuerbach does is to state that the true subject is man and God is merely man's projection, an objectification of man's own essential perfections. Instead of God being conceived as the subject and man the predicate, man is now declared to be the subject and God the predicate. After discussing this subject predicate conversion, Feuerbach goes on to trace the genesis of the concept of God in the human psyche. This is used by Marx in the Critique as rational criticism, which traces the genesis of the object being criticized.

The '*Provisional Thesis for the Reform of Philosophy*', which first appeared in Arnold Ruge's *Anekdoten* and which was read by Marx just before he started the critique , refined

⁷ Karl Marx, *Economic and Philosophic Manuscripts of 1844*, Progress Publishers, Moscow, 1977. P. 18

the subject predicate conversion used earlier in the 'Essence of Christianity'. It was now presented as a general method of criticizing speculative philosophy, especially Hegelian Philosophy which was its best representative. For Feurbach speculative philosophy is the same as theology, in that it makes the error of making the determinations of what is actual or finite into determinations or predicates of the infinite. German idealist philosophy is besotted with speculative errors, culminating in Hegel's concept of the Absolute. Feuerbach's transformative criticism asserts the primacy of the finite, in clearer terms it asserts the primacy of man himself. His tranformative criticism of speculative philosophy is an extension of his earlier critique of religion.

Marx agreed with Feuerbach when he equated philosophy with theology and especially on the assessment of Hegel. Both agreed that what Hegel called Absolute was nothing but God (for the ordinary man). Speculative philosophy from the days of Plato to Hegel had attempted to liberate man from the alienation immanent in religion. Hence the attributes of God were those human attributes which seem to be lacking in present man. God is a representation of alienated man. Yet speculative philosophy fails to transcend alienation.

Hegel views nature and man as two different entities. Feuerbach saw man as a part of nature; hence in his view Hegel's attempt to reconcile the two was false. Hegel's theory that the absolute spirit manifests itself in art, religion and philosophy was made possible only by his prior separation of

art from human feeling for art, of religion from human mood and of philosophy from the process of human thought. Hegel did concede that absolute spirit is ultimately actualized in the human subject, but to do this he had to posit absolute spirit as an essence different from the phenomenal subject. Feuerbach, on the other hand, began with the concrete individual as a subject, and saw in the Hegelian notion of absolute spirit a distorted self of subjective conscience parading about as its own spectre. According to Feuerbach, Hegel's absolute spirit was 'man's essence' outside man, the essence of thinking outside the act of thinking.

This separation of essence from existence seemed to Feuerbach to be the mainstay of Hegel's inversion of the epistemological process. Hegel, he asserted, supposed thought to be the subject and existence to be a mere predicate.⁸ Feuerbach introduces a materialistic understanding of philosophy when he proves that Hegelian Philosophy was destined to end up as a mystification. All philosophical discourses begin with man. Man has to be freed from the power that his own mental creations have over him.

Marx's critique of Hegel's *Philosophy of Right* is deeply rooted in Feuerbachian thought and his transformative method. Marx's materialism begins with this Feuerbachian critique of Hegel. Marx argues that Hegel sought to disguise empirical reality with a philosophical halo. The Idea is a mere

⁸ Shlomo Avineri, op.cit,p.11

rationalization. Marx applies the transformative method to the treatment of monarchy. Hegel writes: "*The power of the sovereign itself contains the three moments of the totality within itself (see #272) namely the universality of the constitution and laws, consultation as the reference of ultimately decision as the self determination to which everything else reverts and from which its actuality originates. This absolute self-determination constitutes the distinguishing principle of the power of the sovereign as such, and will according be dealt with first.*"⁹

Hegel justifies monarchy by stating that it expresses the principle that subjectivity and self-determination are the underlying sources of the objective norms and institutions of the state. The monarch represents individual self-determination and this characterizes political institutionalization in the modern era. Marx wishes to expose this Hegelian attempt at rationalization. Marx writes in response to Hegel - "All the first part of this paragraph says is that both the universality of the constitution and the laws and counsel, or the reference of the particular to the counsel are the crown. The crown does not stand outside the universality of the constitution and the laws, once the crown is understood to be the crown of the constitutional monarch.

⁹ G. W. F Hegel, *Philosophy of Right*, Edited by Allen W. Wood, Cambridge University Press, Cambridge, 1991, p. 313

What Hegel really wants, however, is nothing other than that the universality of the constitution and the laws is the crown, the sovereignty of the state. So it is wrong to make the crown the subject and in as much as by the crown, to make it appear as if he (the sovereign) were the master and subject of this moment. Let us turn to what Hegel declares to be the distinctive principle of the power of the crown as such, and we find that it is 'the moment of ultimate decision....' In other words this 'absolute self determination.' Here Hegel is really saying that the actual, i.e individual will is power of the crown. #12 says it this way : " *When ... the will gives itself the form of individuality ... this constitutes the resolution of the will, and it is only in so far as it resolves that the will is an actual will at all.*"

In so far as this moment of ultimate decision or absolute self-determination is divorced from the universality of content (i.e the constitution and laws) and the particularity of counsel it is actual will as arbitrary choice. In other words arbitrary choice is the power of the crown, or the power of the crown is arbitrary. "¹⁰

The will of the monarch only formally stands for the expression of individually self-determination. What it means in reality is that it is the solitary, arbitrary will of one person, cut off from the universality of the general social

¹⁰ Karl Marx, *Critique of Hegel's philosophy of Right*, edited by Joseph O' Malley , Cambridge University Press Cambridge, 1970, p.20

consciousness. This cannot be a paradigm for rational self-determination, since the monarchy is exclusive and wholly arbitrary. Since only the universal can be rational, the monarch's will which is arbitrary and particular, tends to negate universality.

There was a clear attempt to elevate the monarch's will into general consciousness. Marx points out the fact that Hegel does not pay sufficient attention to the given historical situation. Hegel should clearly specify the historical context in which the monarchy operates instead of making statements, which have universal validity. A monarch in the 19th century might have an overwhelming power over the masses through the exercise of his will, but Hegel does not specify the historical context thus giving the royal will an universal validity. Hegel ascribes to monarchy the attributes of personified sovereignty. All other members are excluded from sovereignty and sovereignty becomes personified in the monarchical will. Everything is made to depend on the arbitrary will of one empirical individual person.

Marx points out that the reduction of the state to one person could have been prevented. Hegel ought to have started from the real subjects as the bases of the state it would not have been necessary for him to let the state become subjectified in a mystical way....Subjectivity is a characteristic of subjects and personality a characteristic of the person. Instead of considering them to be predicates of their subjects Hegel

makes the predicates independent and then lets them be subsequently and mystically converted into their subjects. Hegel makes the predicates, the object independent but independent as separated from their real independence, their subject....

Accordingly, sovereignty, the essence of the state, is here first conceived to be an independent being, it is objectified. Then, of course this object must again become subject. However the subject then appears to be a self-incarnation of sovereignty, which is nothing but the objectified spirit of the state's subjects. "¹¹

The claims of the Hegelian state on universalism, can be at best formal according to Marx. Hegel had beyond doubt described the prevalent political order of his era. The error Hegel committed was to have perceived these nineteenth century institutions as being the essence of an universal, ever prevalent order. Marx's criticism is not merely confined to the philosophical realm, it becomes a scathing critique of the existing social order. Hegel's attempt in his *Philosophy of Right*, had been a staunch defense of the modern state. Marx attacks him on this count. Hegel had attempted to impose the idea of the state on a modern constitutional monarchy. While this might have been valid in the historical context of the nineteenth century, Hegel had inflated this into a universal order, valid for eternity. Hegel might have been

¹¹ ibid,p.24

accurately describing reality, but Marx felt that this reality was deformed and appalling. Hegelian philosophy cannot be salvaged without the radical transformation of reality itself. Marx was to uphold this view in his famous eleventh thesis on Feuerbach " *The Philosophers have only interpreted the world, in various ways, the point however, is to change it.*"¹² Marx emphasizes on the need to examine social conditions.

Hegelian philosophy had attempted to construct the state as an entity, which was abstracted from the social and historical forces, which influence it in everyday reality. Somehow the Hegelian State stands above the social realm, in a condition of pristine purity. Hegel depicts civil society as the terrain on which the clash of social forces takes place. This arena of civil society will be transcended by the universality of the state. Hegel attempts to separate the two entities. Marx tries to show how fallacious this separation is.

The state is actually an amalgamation of many individual interests, which are rendered invisible under the all enveloping banner of universalism. This would be the task of Marx's critique, an attempt to expose this artificial separation of civil society and the state and to show the actual character of the State. Hegel's state ignores the social dimensions of human relationships even as it rationalizes social organization. Hegel's state is somehow devoid of flesh and

¹² Karl Marx and F. Engles, Selected Works, Volume 1, Progress Publishers, Moscow, 1997, p. 15

blood, in the sense that while there is a discussion of social organization there is an avoidance of the role individual play in it. Hegel attempts to address the question of the individual, only after the construction of the state has been perfected.

Marx has a problem with this arrangement, can the individual' be treated separate from the 'state'? Hegel attempts an artificial mediation between the 'individual' and the 'state', which according to Marx is superfluous. The individual can never be conceptually isolated from his social context. A discussion about the individual should also refer to the social environment in which the individual is embedded. An atomistic understanding of the individual is philosophically regressive. Hegel views the individual only in pure physical terms and ignores the social connotations involved. Hegel writes "*The particular functions and activities of the state belong to it as its own essential moments, and the individuals who perform and implement them are associated with them not by virtue of their universal and objective qualities. Consequently, the link between these functions and particular personalities as such is external and contingent in character. For this reason, the functions and powers of the state cannot be private property.*"¹³

Marx replied in the following manner- "*It is self - evident that if particular activities and agencies are designated as*

¹³ G. W. F. Hegel, *Philosophy of Right*, p. 314

activities and agencies of the state, as state functions and state powers then they are not private but state property. That is a tautology. The activities and agencies of the state are attached to individuals the state is only active through individuals, but not to the individual as physical but political; they are attached to the political quality of the individual ... Hence the absurdity of Hegel's conceiving the activities and agencies of the state in the abstract, and particular individuality in opposition to it. He forgets that particular individuality is a human individual and that the activities and the agencies of the State are human activities. He forgets that the nature of the particular person is not his beard, his blood his abstract physis, but rather his social quality and that the activities of the state, etc. are nothing but the modes of existence and operation of the social qualities of men. Thus it is evident that individuals, in so far as they are the bearers of the state's activities and powers are to be considered according to their social and not their private quality. " ¹⁴

Marx criticizes Hegel for trying to separate man from his social essence. Hegel tries to divide the human being into a sphere of privacy and sphere of universality. The sphere of privacy, mainly consists of economic activity, while the sphere of universality is where man tries to overcome his narrow-minded egoism and strives for the common. According to Marx, Hegel tries to counterpoise civil society as

¹⁴ Karl Marx, *Critique of Hegel's Philosophy of Right* p. 22

a sphere of 'materialism' as opposed to the state as a sphere of 'idealism'. This bifurcation of life into two spheres leads to man's alienation. This is something that Marx discusses in the Jewish question.

Hegel does attempt to reconcile the two interests by means of political representation. Marx attacks the nature of the Estates or *Stände* as they were called in Germany. The members of the Estates, the delegates, are members of a political organization and do not represent the particular interests of civil society. It appears that the *Stände* represents the population, but in reality they are not bound by any mandate and are in no way responsible to their voters. They are totally alienated from the very people who they are supposed to represent. There is no convergence between the interests of the voters and that of the representatives. Why are the representatives actually elected? A typical answer would be : in order to serve the general interest of society. Yet in reality they end up serving only their particular interests. The much-vaunted mediation between the particular and the general never really takes place. Marx writes: "*The constitutional state is the state in which the state - interest is only formally the actual interest of the people, but is nevertheless present as a distinct form along side of the actual state. Here the state - interest has again received formal actuality as the people's interest; but it is to have only this formal actuality. It has become a formality, a ceremony. The Estates are the sanctioned, legal lie of constitutional*

states, the lie that the state is the people's interest or the people the interest of the state."¹⁵

Marx points out that the actual conditions of material life are never reflected in the political sphere. The Hegelian structure has no place for the harsh realities of material life. Marx points out that such realities penetrate every part of the political structure. Do the Hegelian political institutions actually take them into account? These institutions claim to be universal and represent the general interest of society, but they merely disguise the particularistic interests of civil society. The political institutions of Prussia are mere facades to disguise the economic character of political power.

The political sphere is nothing but an empty arena. Hegel's ambition of putting the idea of the universal into practice is doomed to failure. Marx would label it as mere "scholasticism". The differences between various forms of government lose their significance. If one were to compare a monarchy with a republic, the differences may only obscure their common feature, which is that both forms of government have failed to overcome the alienation between the general and the particular.

Marx shows how the differences between the political institutions of Prussia and the United States actually help in disguising the actual nature of the state power, in spite of having similar property laws. Marx writes: "*Property, etc in*

¹⁵ *ibid*, p. 65

brief the entire content of law and the state is, with small modification, the same in North America as in Prussia. There, accordingly, the republic is a mere state form just as the monarchy is here. The content of the state lies outside these contributions. ¹⁶

As for the similarities between the monarchy and the republic, Marx writes: " *The political sphere was the sole sphere of the state within the state, the sole sphere in which the content, like the form, was species content, the true universal, but at the same time in such a way that, because this sphere opposed the others, its content also became formal and particular. Monarchy is the fullest expression of this alienation. The republic is the negation of this alienation within its own sphere. It is obvious that the political constitution as such is perfected for the first time when the private spheres have attained independent existence.* " ¹⁷

Republicanism only further widens the gap between economic interests and the common good.

It is at this point that Marx examines the changing relationship between state and civil society in various historical periods. He focuses on the field of socio-political organization over the different epochs of history. Like Hegel he too views the Graeco-Roman world as an undifferentiated substantiality. The 'polis' be it monarchical, aristocratic or

¹⁶ *ibid*, p. 31

¹⁷ *ibid*, p. 32

democratic is marked by a lack of differentiation between the social and the political. Civil society is totally subsumed under the state. The political structure can never really separate itself from material society and the real conditions of human life. The political state is just a form of socio-economic life, public life is the key component of the Res publica. Political status is the key to freedom. Anyone whose private life lacks political status is nothing but a slave. Lack of political freedom is servility. The political permeates into all spheres of human life, into all private spheres. There is no distinction between society and state and between public and private.

This relationship is reversed in the Middle ages. Here the private sphere, civil society acquires political status. Everything becomes political, including social relations and commerce. According to Marx, the power of property becomes paramount in feudal times, because the distribution of property is a political arrangement. The socio-economic relations get reflected in politics. Marx's understanding of medieval Europe is similar to the romantic notions prevalent at that period in Germany. He felt that the Middle Ages produced an integrated way of life in which the life of the people was identical with the state. However Marx hastens to add that the middleman was an utterly free individual. There was an integration of the social and political, the term *Stände* refers both to social stratification and to political organization.

Marx writes: " *The peak of Hegelian identity, as Hegel himself admits, was the Middle ages. There the classes of civil society in general and the Estates or classes given political significance, were identical. The spirit of the Middle Ages can be expressed thus: the classes of civil society and the political classes were identical because civil society was political society, because the organic principle of civil was the principle of the state.*" ¹⁸

This identity disappears in modern times, civil society and state appear to be wholly distinct. Civil society is wholly independent of political limitations. Private life, including economic activity, becomes completely independent of the state and all political control over property and economic activity are abolished. Laissez faire symbolizes the dichotomy between civil society and state. The feeling of alienation is now formalized, what was only latent in earlier periods becomes manifest in modern life.

Human life is now fully conscious of its alienation and human life is divided into a public and private sphere. Economic activity is transformed into an aim in itself. Marx critiques Hegel in the following manner. Hegel formulates the separation of civil society and state, as a matter of principle. For Marx, this separation is an historical phenomenon occurring at a given moment. Hegel however was unaware of these historical factors. He had failed to realize that the

¹⁸ *ibid*, p. 72

ideal, integrated unity of the Middle Ages has disappeared in modern times and been superseded by the antagonism between a person's private status and the political sphere. Hegel had ignored this historical change, he had sought to recreate this unity by reverting to *Stände*. This was bound to backfire. In modern times, a person's social position does not automatically affect his political standing. An infringement of the private sphere by the state is considered as a negation of the idea of the modern state.

It is detrimental to look for the mediation of the *Stände* in a situation totally different from the state and civil society in medieval times. As Marx would put it one cannot cure nineteenth century ills by resorting to fifteenth century prescriptions. Marx shows how the transformation of the political estates into political classes occurred in the age of absolutism, when the traditional estates were stripped of their political power and became merely social classes. This process was completed by the French Revolution which abolished the idea of social stratification in the political sphere. Marx writes- "*The real transformation of the political classes into civil classes took place under the absolute monarchy. The bureaucracy asserted the idea of unity over against the various states within the state. Nevertheless, even alongside the bureaucracy of the absolute executive, the social difference of the classes remained a political difference, political within and alongside the bureaucracy of the absolute executive. Only the French Revolution completed the*

transformation of the political classes into social classes, in other words, made the class distinctions of civil society into merely social distinctions, pertaining to private life but meaningless in political life. With that, the separation of political life and civil and society was completed. "19

According to Marx, it was with the birth of modern state that the class differences become completely fluid. How are these class differences decided? On the criteria of possession of money and education. Marx had called the modern constitutional state a 'hybrid'. This was a reference to the Hegelian use of the device of the medieval *Stände* to overcome the internal contradictions of a society which had grown out of the very decomposition of the *Stände* themselves. The modern state as conceived by Hegel is in many ways the canonization of the alienation of the political from the social sphere. If the modern state stands for the extreme dissociation between man as an individualistic abstraction and man as a political being, then Hegel's attempt to reconcile this disparity should be viewed with suspicion.

Hegel writes- "*Viewed as a mediating organ, the Estates stand between the government at large on the one hand and the people in their division into particular sphere and individuals on the other.* " 20 What Hegel is trying to do is to embody the

¹⁹ *ibid*, p. 80

²⁰ G. W. F Hegel, *Philosophy of Right*. P. 342

Stände (Estates) with both the consciousness of the state and the consciousness of the particular social strata. Hegel attempts to achieve a synthesis between the particularism of civil society and the universality of the state.

Marx argues that Hegel's attempt at reconciliation through this mediation is doomed to fail, as he fails to acknowledge the empirical content and the historical context. Hegel wishes the modern social classes to perform functions which characterized medieval estates. Hegel is attempting a crude reversal. In the Middle Ages the private nature of the estates determined their public, political status. Hegel now wishes that the public, political sphere should determine a person's private standing. Marx writes- "*The Estates are supposed to be the mediation between the crown and the executive on the one hand, and the crown and the people on the other. But they are not this, but rather the organized political opposition to civil society. The presupposed moral harmonization of the two wills, the will of the state as sovereign and the will of the state as the will of the civil society, does not suffice.*" ²¹

What Hegel desires is that the civil society represented in the Assembly of Estates is given the legitimacy of a political universality, which is illusory. Hegel's state becomes a mere rationalization of the interest of civil society. The institutions of civil society contain irreconcilable antagonisms within themselves. Marx points out to the unresolved ambivalence

²¹ Karl Marx, *Critique of Hegel's Philosophy of Right*. P. 93

in the Assembly of Estates, any attempt to invest representative assemblies with tangible political power creates constant tension between the rulers and the ruled. The government is thereby always careful to divest representative assemblies of any decision-making power. Hegel's proposed resolution of the contradictions is a hoax. Subjective freedom which for Hegel is the premise of modern society, remains purely formal. What Hegel seeks to call conflict resolution ends with the total domination of the individual by the political state. While at the same time the political state can never detach itself from its civil society background.

Marx writes- "*Political affairs is complete without being the actual affairs of the people. The actual affairs of the people have been established without the activity of the people. The Estates are the illusory existence of the affairs of the state as being an affair of the people. It has come to the point in our states as well as in the Hegelian Philosophy Of Right where the tautological sentence, 'The public affairs are the public affairs', can appear only as an illusion of practical consciousness. The Estates are the political illusion of civil society.*"²²

Marx highlights Hegel's failure to resolve contradictions in his treatment of the bureaucracy. Hegel called the bureaucracy as the 'universal class'. It is the class of civil

²² *ibid*, p. 62

society as it is also supposed to represent the general interest. It mediates between the particular and the universal i.e between civil society and the state. For Marx, however, the bureaucracy does no such thing. It just uses the pretext of common interest, to further its own selfish interests. The bureaucracy represents the illusion of universality of modern political life. According to Marx, modern bureaucracy is an institutional licence for sectional interests.

The bureaucracy serves its own ends paying mere lip service to the affairs of the community entrusted to it. The mystique of the bureaucrats self less dedication towards the well being of society is nothing but a mask for its own selfish ends. Marx exposes it in the following way- "*The general spirit of the bureaucracy is the secret, the mystery, preserved inwardly by means of the hierarchy and externally as a closed corporation. To make public the mind and the disposition of the State appears therefore to the bureaucracy as a betrayal of its mystery. Accordingly authority is the principle of its knowledge and being, and the deification of authority is its mentality but at the very heart of the bureaucracy this spiritualism turns into a crass materialism, the materialism of passive obedience, of trust in authority ... As far as the individual bureaucrat is concerned, the end of the state becomes his private end: a pursuit, of higher posts, the building of a career. In the first place, he considers real life to be purely material, for the spirit of this life has its separate*

existence in the bureaucracy. Thus the bureaucracy must make life as materialistic as possible." ²³

The bureaucrat, according to Marx, behaves like a Jesuit. He sees the whole world as a mere object to be managed by him. Thereby the states claim to universality is unjustified, as it is an entity, which furthers only private interests. Hegel's *Stände* were meant to mediate between the state and civil society, in this a person's private position determined his political position. The *Stände* signifies the overlapping of the socio-economic and the political connotations, emphasizing the determination of the political sphere by economic considerations. This is where class differentiation becomes crucial, according to Marx, in the formation of a polity. A person's property status determines his private status. The sphere of private property i.e. civil society, determines politics, property relations begin to rationalize politics. Marx feels that while private status might appear in the political sphere as the class differences of civil society- these class differences of civil society become political differences. It is here that Marx seeks to establish the connections between property arrangements or relations and the political structure. Marx exposes the claim of the Hegelian state of representing the general interest, as being shallow and in reality only representing class interests. The state is in reality a mere appendage of civil society, with its class interests determined by property relations, contrary to what

²³ *ibid*, p.47

Hegel portrays the state to be . The political structure, according to Marx, is clearly determined by class interests.

Marx is also concerned about those social classes that are marginalized in civil society. They are not a class of civil society, because of their precarious condition of wanting immediate work. Marx writes- : "*The sole characteristic thing is that the lack of property, and the class in need of immediate labour, of concrete labour, forms less a class of civil society than the basis upon which the spheres of civil society rest and move.*"²⁴ Marx's stress on the 'class of concrete labour' is of paramount importance. This class is not a ephemeral phenomenon in civil society, but a key component for the functioning of civil society itself. Any understanding of modern society presupposes an in-depth analysis of the conditions of the working class. Marx announces his future trajectory with this point.

Hegel's world has no place for the working class. The human subject is ignored, precisely those human subjects which constitute the most oppressed sections of the society. In Hegel's state the private individual is isolated from his social context. Marx elaborates- "*Civil society and the state are separated. Consequently the citizen of the state and the member of civil society are also separated. The individual must thus undertake an essential schism within himself. As actual citizen he finds himself in a two - fold organization: a) the*

²⁴ *ibid*, p.81

*bureaucratic, which is an external formal determination of the other worldly state, of the executive power, which does not touch him and his independent actuality, b) the social, the organization of civil society, within which he stands outside the state as private man, for civil society does not touch upon the political state as such. The former [the bureaucratic] is an organization of the state to which he continually contributes the material. The latter [the social] is a civil organization whose material is not the state. Thus, in order to behave as actual citizen of the state, to acquire political significance and efficacy, he must abandon his civil actuality, abstract from it, and retire from this entire organization into his individuality. His existence as citizen is an existence lying outside the realm of his communal existences, and is hence purely individual ... The separation of civil society and the political state appears necessarily to be a separation of the political citizen, the citizen of the state, from civil society i.e from his own actual, empirical reality, for a state idealist he is a being who is completely other, distinct, different from and opposed to his own actuality. "*²⁵

Marx contends that society treats people not according to their own talents or attributes but rather according to their social class. Man is recognized only according to his belonging to a particular social class. This is where the inversion exists, the predicate becomes the subject. Man is no more the subject, rather it is his class that becomes the

²⁵ *ibid*,p.77

subject. This is the great "mystification" of Hegelian philosophy. Marx has thereby applied a Feuerbachian transformative criticism of Hegel's political philosophy. Marx goes on to show how property becomes the determining factor. When one says that a person is determined by his class status, what one really means is that he is determined by his property status. Man, in effect, becomes a predicate of his property.

Hegel had discussed the position of the landed gentry in Prussia. Here primogeniture meant that the family estate passed from the father to the first born son. The eldest son not only inherited the estate but also the title of his father. This ensured that there was no fragmentation of the noble estates. Hegel was very much in favor of this arrangement. He felt that this system guaranteed the higher ethical conduct of gentry. The fact that these estates would not be fragmented meant that it remained firmly in family hands. In Hegel's system, the family is the repository of substantive ethical life. Thus the aristocracy is very stable, as their property possessions cannot be interfered with by the state or the market.

This makes the members of the aristocracy unusually equipped to undertake responsibilities in the civil service and in the political leadership. Hegel reasoned that because the nobility were economically secure, they were far more freer than any other section of society. Other sections might have selfish motives while performing their duties as servants of

the state. The aristocracy would not have this failing. Their property belongings are free from the pressure of civil society and the state. Hence the concept of property is isolated from the social context. This goes against Hegel's own position taken earlier, where he had stated that property as an object can be freely disposed of by its owner. Hegel now seems to be saying that property is independent of individual will.

Marx attacks the idea that the nobility's reliance on family makes it more ethical. Marx in fact shows that the opposite is true. Primogeniture in fact destroys any semblance of family solidarity. This ensures that only the eldest son inherits the property, while all the other children get left out in the cold. Marx shows how Hegel's formulations on family and property begin to contradict each other. Hegel had made "love" the determining principle of family life. The aristocratic class lacks this and hence their family solidarity is a mere illusion. Here the principle of private property contradicts the principle of family.

Hegel had linked property to self-consciousness and personality. If property becomes inalienable i.e. if it cannot be freely disposed off, then human will and personality becomes alienable. In other words the ethical life of man becomes alienable. Hegel had defined property by its transferability and its dependence on the social and common will. This implied that the state may be able to regulate and legislate on matters regarding property. But by making property inalienable, Hegel makes property a virtual subject.

Property is no more the object, but instead the relationship between property and the property owned is reversed. The property owner becomes the slave of property, instead of the other way around. Marx would later term this as *fetishism of commodities*, in his magnum opus '*Das Kapital*'.

For Marx the Hegelian state is a mere illusion, a rationalization of material reality. A state in which a mere accident like a person's birth as the oldest son of another person makes him eligible for political office. The state thereby is a mere mystification. The modern Hegelian state is an inverted reality, Marx seeks to apply the transformative method to set right the inversion. Man must be reclaimed again as a subject. Marx saw the transformative method as having revolutionary potential. The suppressed person who is denigrated to the status of a merely predicate now reclaims his position as a subject and thereby reclaims his freedom. The inversion of Hegelian philosophy would have revolutionary implications. Though the revolution would start in the realm of consciousness (in the critique of traditional philosophy), but it would then lead to social criticism.

Human agency is the subject and society is predicated upon it. The human society is an outcome of human agency. In this transformation lies true freedom. Marx proposes that man and society are the same. Man is defined by his social activity. Man is the sum of his social connections, hence the emancipation of society is connected with the emancipation of the self. This self is what Marx called '*communist essence*' or

'socialized man'.²⁶ It is the communist essence that would be the pillar on which future society would rest. Modern civil society violates the idea of man as a social being, as it is heavily reliant on individualism. This individualism means that man is concerned only about his own selfish ends. Individual existence is supreme and society exists only as something, which is extraneous to the individual. Social relations like activity and labour are mere means to fulfill individual needs. A society which is based on such individualism cannot develop a 'socialized man'.

This atomization has to be overcome. The society that eventually succeeds in overcoming this atomicity, Marx calls as 'True Democracy'. It is to be borne in mind that Marx was writing the Critique in 1843, he was not yet a communist. These are the views of a radical social democrat, who is slowly making the transition to communism. What Marx refers to here, as 'democracy' is not very different from 'communism' based as it is on the 'communist essence' of man. This marks the intellectual development of Marx, from being an idealist admirer of the Hegelian system to a virulent critic of it. The use of Feuerbach's *transformative method* leads Marx into the fertile realm of social criticism, a realm in which he would make a mark for himself later on.

²⁶ Both these terms were not originally used by Karl Marx, Feuerbach had used them before, except that he did not place them in a historical context.

The society that Marx envisages, is a society where private property is abolished and true freedom reigns. The society that Marx has in mind is one in which the individual is not at loggerheads with society. The system that Marx propounded was a commonwealth (Gemeinwesen). Marx had actually used the word commune (kommune) initially. It was a system where the individual will not be alienated from the body politic. Marx's notion of 'true democracy' is characterized by the overcoming of the dichotomy between the public and private self.

Marx writes- "*Hegel proceeds from the state and makes man into the subjectified state; democracy starts with man and makes the state objectified man. Just as it is not religion that creates man, but man who creates religion, so it is not the constitution that creates the people, but the people who create the constitution. In a certain sense democracy is to all other forms of the state what Christianity is to all other religions. Christianity is the religion par excellence, the essence of religion, deified man under the form of a particular religion. In the same way democracy is the essence of every political constitution, socialized man under the form of a particular constitution of the state... Man does not exist because of the law but rather the law exists for the good of man. Democracy is human existence while in the other political forms man has only legal existence. That is the fundamental difference of democracy. All remaining forms of the state are certain, determined, particular forms of the state. In democracy the*

formal principle is simultaneously the material principle. For that reason it is the first true unity of the universal and the particular. " ²⁷

Marx champions the cause of universal suffrage which in his view would emancipate politics from its dependence on property relations and civil society. This would abolish both the state and the civil society. The moment the state grants universal suffrage, the state signs its own death warrant. In the Hegelian world, class stands as an obstacle between the individual and the universality of the body politic. If the individual has to be emancipated, then class has to be eliminated. Only then the 'socialized man' can come into being. Hegel had reposed his faith on the bureaucracy as the universal class to bring about reconciliation between the particular and the universal. Marx quite rightly pointed out that the category of universality can be meaningful only if it applies to all and not just one particular class. For Marx, a class cannot claim itself to be universal unless it includes everyone- or in other words only if class differences disappear.

If class differences disappear, it would also mean the end of civil society and the state. This would further entail the end of private property, as class is based on property status. All this would materialize if universal suffrage became a reality. Once property loses its power to determine social status, it

²⁷ Op.citp. 30

becomes ineffective and irrelevant. As the very institution of state is responsible for the alienation of man, this alienation cannot be overcome within the existing state system. Marx's solution lies beyond the state system. The entire edifice of Hegelian philosophy is brought crashing down, when the two pillars on which it rested, namely the state and civil society, are undermined. Marx can be considered as a materialist even as early as 1843. Though he had not yet launched into a thorough study of history and economics he had already based his humanistic vision on a materialistic epistemology. The great debate about the dichotomy between the young 'humanist' Marx and the 'older' 'materialist' Marx may have been a little unwarranted.

During the debate in 1843 in the Owenite paper *New Moral World*, Engels had talked about the connection between Hegelianism and communism. Engels had identified Marx as a 'theoretical communist'. He also claimed that the Hegelian system was overthrown from within, with the help of persons who had been Hegelians themselves. One could either reject the entire German tradition from Kant to Hegel or one could prove that they must end in Communism.

The influence of Feurbach can be seen even in Marx's doctrine of the species. While Hegel had focussed on the individual ruler of the so called constitutional monarchy, Marx speaks for the sovereignty of the masses. Marx forces us to consider both the formal and the material principle of the state. In Hegel's monarchy form and matter are divorced.

The monarch alone represents the form of the state. The whole power of the state, the political principle, is embodied, materialized, actualized in the king alone, whilst the people, who are the material of the state are left as private persons as unpoliticized humanity. But in a democracy the people and the state, that is the matter and form of politics, coincide. The people are the material of the state: and the form of the state, the state as idea, political form of the people. The sovereignty, the political predicate, belongs to every citizen as citizen. But Hegel is obsessed with the Idea. The family and civil society are not predicates of the human being. Hegel sees the different qualities of man as mere representations of the Idea. In Hegel's hands, therefore political theory is not a system of generalizations about human society, but an allegory in which abstractions representations of the Idea, are arbitrarily represented in turn by anybody or anything Hegel likes to put for them.

Hereditary monarchy is established in the same way as absolute monarchy. The principle of individuality and the sovereign is an individual is the body. The King is the result of the physical procreation, as Marx puts it the highest function of the monarch is his sexual function. Hegel defends the civil service, as he sees it as a body in which private interest is identified with public duty. Marx attacks the bureaucracy, as its only loyalty in his view is to the monarch and to the system of hierarchy itself. The bureaucracy had become a body, which was the monopoly of

a single order of men. Just like the monarchy, it uses and exploits the people around it and is not responsive to their needs. Hegel conceives of civil society as being organized in guilds and corporations of various kinds just as in pre-Revolutionary Europe. For Marx, as for Rousseau these are obstacles to the assertion of the general will. So long as they were powerful the corporations were opposed by the bureaucracy to whom they were rivals for administrative authority. Now they are weak and fading away, the bureaucracy upholds them. It is a "mystification". The bureaucratic hierarchy, like the theological hierarchy of the middle ages, is based on magic, on an assumption of authorization by the unseen, the Idea. Bureaucracy is no different from the character of the Jesuits.

Marx devotes a greater part of his critique to Hegel's treatment of legislative power. The first difficulty arises from the relation of the legislature to the constitution. It exists under the constitution but it is itself the maker of the constitution and modifies it when made. Each is presupposed by the other. Hegel's solution is that the constitution is a synthesis of being and becoming, and becoming is in his view, gradual and imperceptible. Marx would object on both philosophical and historical grounds. If the becoming or modification of the constitution is imperceptible, that is to say a matter of blind necessity, what becomes of the Hegelian state as embodying the conscious freedom of the moral will?. Historically, Marx finds the most

important changes to have taken place not by gradual adaptation or reform, but by revolution.

Marx is making the distinction between the political and unpolitical state, in other words between the state and society. The physiocrats had thrown some light upon this distinction. The drawback of the physiocrats was that they were trying to usher in changes in the social and economic organization, but they were unwilling to transform the existing system of government. Marx's objection to Hegel's treatment of the legislative power is that at whilst Hegel on the one hand represents the state as the expression of the freedom of the moral will, a harmony of the subjective freedom of the individual with the objective rationality of institutions, he has before his mind as an ideal the existing constitution of the Prussian state, in which this freedom does not exist, in which the people's share in legislation is illusory. It is for treating this illusion as a reality that Marx most blames Hegel. Just as the monarchy and the bureaucracy are mystified in the divine idea of the state, the idea that people have a share in the state is also a grand mystification.

This can be seen in the working of the system of estates. The estates are supposed to represent the people in their legislative capacity. But since all real power has already been given to the king and his officials, the state, which is the organization of the community for government, is already complete without the estates!!! Hegel confuses society with

the state. His ideas are rooted in a medievalism that requires society in its various comparative bodies to be represented as such in estates. At the same time his conception of the state, as the supreme moral reality requires the political character of the estates to predominate to the exclusion of the will of the people. This contradiction can be set right, only if the people acquire legislative power. These contradictions appear in his treatment of the landed estate. The institution of primogeniture, like that of the hereditary monarchy was supposed to withstand the fluctuations of fortune and the temptations of corruption. The firstborn is bound to the soil and will safeguard the much-valued legacy.

As seen earlier, Marx had strongly criticized this. Primogeniture cannot represent the principle of the family, because it sacrifices affection. Affection and love form the basic principle of the family. When property becomes inalienable, it becomes isolated from the rest of society. For Hegel legislative power is a balance of extremes and at the same time a mediation between them. The extremes are monarchy and civil society, the means are the bureaucracy and the estates. This system of balance and mediation is according to Marx, a grand mystification.

Hegelian philosophy treats concepts as the fundamental realities and makes relations of human beings a secondary consequence of the relations of concepts. Marx would on the other hand insist on the human being as the fundamental reality. This reversal of priorities is the great Copernican

revolution of Feuerbach. Finally let us look at how Marx himself placed his critique in the trajectory of his own later intellectual development. In 1859, he writes in the Preface to *'A Contribution to the Critique of Political Economy'* - " *The first work which I undertook for a solution of the doubts which assailed me was a critical review of the Hegelian philosophy of Right, a work the introduction to which appeared in 1844 in the Deutsch - Ranzosische Jahrbucher, published in Paris. My investigation led to the result that legal relations as well as forms of state are to be grasped neither from themselves nor from the so called general development of the human mind, but rather have their roots in the material conditions of life, the sum total of which Hegel, following the example of the English men and Frenchmen of the eighteenth century, combines under the name of 'civil society', that, however the anatomy of civil society is to be sought in political economy.*"²⁸

In 1873 Marx elaborates in much greater detail, in the afterword to the second German edition of *Das Kapital*, volume I, Marx says- " *My dialectic method is not only different from the Hegelian, but is its direct opposite . To Hegel the life process of the human brain, i.e the process of thinking, which, under the name of the " the Idea", he even transforms into an independent subject, is demiurgos of the real world, and the real world is only the external, phenomenal form of " the Idea". With me, on the contrary, the ideal is*

²⁸ Karl Marx, *A Contribution to the Critique of Political Economy*, edited by Maurice Dobb, Progress publishers, Moscow, 1970.

nothing else than the material world reflected by the human mind, and translated into forms of thought.

The mystifying side of Hegelian dialectic I criticized nearly thirty years ago, at a time when it was still the fashion. But just as I was working at the first volume of 'Das Kapital', it was the good pleasure of the peevish, arrogant to treat Hegel...as a "dead dog." I therefore openly vowed myself the pupil of that mighty thinker. The mystification which dialectic suffers in Hegel's hands by no means prevents him from being the first to present its general form of working in a comprehensive and conscious manner. With him it is standing on its head. It must be turned right side up again, if you would discover the rational kernel within the mystical shell."²⁹

²⁹ Karl Marx, *Capital, Volume I*, Progress Publishers, Moscow, 1974, p. 29

Chapter-V

CONCLUSION

While I have been a keen student of the Western Philosophical canon, I constantly reminded myself about my spatial and temporal location. As an individual living in a third world nation with its glaring inequalities, I could not escape certain harsh realities. I was never satisfied with the treatment of the idea of freedom in academic circles and university seminars.

India is now undergoing rapid transformations in its socio-economic as well as its cultural sphere. The intelligentsia have become indifferent to the plight of the poverty stricken masses. The outgoing right wing government led by the BJP claimed that India was 'Shining'. India is of course shining for a select few, who have never had it so good before. Yet at the same time we witness a horrific collapse in the agrarian sector with farmers all over the country being forced to commit suicide. Even though the right wing government has been voted out, the elitist disdain for the poor remains embedded in our system.

The very people responsible for the mass genocide in Gujarat continue to hold high office. What does "freedom" entail for the victims of these riots? The majority of the middle class and the intelligentsia sing praises of leaders like Chandra babu Naidu in spite of his electoral defeat. The poor who

threw him out of power, were punishing the man who had all but mortgaged the state of Andhara Pradesh to the World Bank. Yet many sections of the affluent and the educated middle-class still admire his penchant for building flyovers and amusement parks, in a state where millions go to bed with an empty stomach. They care little about the deaths of thousands of farmers or the brutal state repression in which 'encounter killings' are effected by the administration to eliminate any form of dissent against them. Encounter killings are a brutal reality in India, mainly in the states of Andhra, Bengal, Bihar, Jharkhand and Orissa.

People's movements are brutally crushed by such tactics. Human rights activists are murdered by the state, yet the majority of the secular intelligentsia remains indifferent to these harsh realities. Those in power can get away with murder. This is the spatial and temporal world in which I am located. In such conditions, how can there be a meaningful discourse on freedom?

I have examined how the idea of freedom emerged in the German tradition. From the writers of *Sturm und Drang* to the philosophers Hegel and Marx, we see how the idea of freedom developed. Hegel did have many unique ideas on freedom which were improvements over the earlier ages. Given the fact that he was such a thorough and erudite philosopher, he had clearly understood the limitations of the Greek thinkers and also the French revolution. He had sought to overcome these limitations with his own theory of state. Even though he had

admired the French Revolution so much, he was opposed to violent change. It is not only violence that worried him, but also he was also against any deep structural change.

Karl Marx in his critique was able to show these limitations in Hegel's philosophy. We must constantly remind ourselves that this is not the 'mature' Marx of 'Kapital' fame who was writing this, but a very 'Young' Marx. Marx reminds us of our existing reality and tries to bring this reality into the structure constructed by our reason. He reminds us that any discourse on freedom cannot ignore the reality of class struggle. His writings on the nature of property relations in general show how important the role of class is in any meaningful discourse on society. Freedom is irrelevant as an idea, if one ignores the class dimensions involved. Marx clearly exposes the limitations of Hegel. Yet Marx himself was not able to resolve all the contradictions that the idea of freedom entailed.

The writers of the *Sturm und Drang*, Hegel and Marx were all representatives of the German tradition. I would like to end this work with a critique of this tradition. As I have mentioned earlier, how meaningful is a glorious legacy of tradition (philosophy, literature, culture etc), if it cannot explain genocide and social misery. Academic discourses seldom touch upon the really sensitive issues, which demand a severe critique of the establishment. This is largely due to the fault of the intellectuals, but is tradition itself at fault? This is the question raised by Theodor Adorno. Adorno

criticizes the great legacy of German philosophy. In his monumental work *Negative Dialectics*, he constantly seeks to undermine any final synthesis and the totalizing tendencies within philosophy. In opposition to Hegel, who seeks an absolute unity, Adorno would say that the whole is untrue. If freedom had been so important for the proponents of the *Sturm und Drang* and later German philosophers like Hegel and, Marx what could possibly explain an event like Auschwitz?¹ Could Auschwitz occur in a country like Germany, which proudly called itself the land of poets and philosophers?

Adorno gives a bitter characterization of this in the last section of his *Negative Dialectics*- "Auschwitz demonstrated irrefutably that culture has failed. That this could happen in the midst of traditions of philosophy, of art and the enlightening sciences says more than that these traditions and their spirit lacked the power to take hold of men and work a change in them. There is untruth in those fields themselves".²

Adorno was concerned about the fate of philosophy in dark and despairing times, like the times we live in today with the onslaught of neo-imperialism and fascism. He understood that the task of philosophy was to lend a voice to suffering.

¹ Auschwitz was the infamous death camp of the Nazis in which Millions of Jews were killed.

² Theodor, Adorno, *Negative Dialectics*, trans by E.B.Ashton, Routledge and Kegan Paul, London, 1973, p.366.

This he stressed was a condition of truth. Philosophy focuses so much on identity as in Hegel, but with Adorno it is the 'non-identical' which is more important. This notion of the 'non-identical' is one of the most subtle and difficult of Adorno's concepts. It cannot be understood as the opposite of identity, but refers to what escapes or eludes every sort of identity. He felt that philosophy combined with instrumental reason had expelled freedom and threatened to destroy subjectivity. The Jews were not merely viewed as a minority, but as an opposing race, the embodiment of the negative principle. They had to be exterminated to secure happiness for the world.³

Adorno feels that anti-Semitism is a part and parcel of a system or order, which is based on force. He felt that anti-semitism was based on a false projection. It is the opposite of true mimesis. He was concerned about the problems of representation after an event like the holocaust. Mimesis imitates the environment but false projection makes the environment like itself. For mimesis the external world is a model which the inner world must try to conform to: the alien must become familiar. But false projection confuses the inner and the outer world and defines the most intimate experiences as hostile. Impulses, which the subject will not admit as his own, are attributed to the object - who is the prospective victim. Under totalitarianism paranoia becomes

³ Theodor Adorno and Max Horkheimer, *Dialectic of Enlightenment*, translated by John Cumming, Verso, London, 1972, p. 168

the political and reasonable and any deviation from it is labeled neurosis.

The blood thirsty mobs in Gujarat were enacting a very 'rational' spectacle. The 'other' (minorities) is always perceived as a threat, against whom the oppressor should defend himself. They have to be eliminated before any harm befalls us. This same principle can be applied to nations, who feel that their weak neighbours were intolerable threats, and thereby had to be destroyed. Rationalization was a pretense- which led Adorno to remark that society is no more 'reasonable', but was more 'rational'. Mass genocides were always rationalized. Encounter killings are seen as being essential to safeguard society from 'anti-social' and 'undesirable' elements. How does one resolve these problems? Adorno says that resolution is not the task of philosophy. As he put it- "Philosophy lives on because the moment to realize it was missed".⁴

Adorno should not be misunderstood here. He is not underestimating the role of philosophy, but is rather questioning the capacity of the discipline to comprehend real social issues. Philosophy as it stands today remains incapable of making meaningful social interventions. Is philosophy possible without positing a totality, without positing the identity of thought and being? Adorno's answer to this problem lies in his formulation of 'determinate

⁴ Op. Cit ,p.3

negation'. For Hegel negation meant negating something. Negation should not simply leave thought with nothingness (abstract negation), but it must yield a new result with a particular content (determinate negation).

Adorno agrees that negation must always be determinate, but this does not mean that it is always positive. It is not mathematical understanding that 'minus times minus is plus'. Adorno argues that the only positive element in the negation of particularities would be determinate negation, critique, not a method, which merely ends up in tame affirmation. He understood the dialectic as thought's repeated experience of its inability to identify what is non-identical to it. Non-identity more radically than identity makes dialectical experience possible.

Adorno feels that the individual feels free in so far as he has opposed himself to society and can do something against society and other individuals. His freedom is primarily that of a man pursuing his own ends. In this sense freedom coincides with the notion of individualization. The tension between the determination of the individual and social responsibility will continue be it in Goethe, Schiller, Hegel or Adorno. Sometimes it is society as a whole which in despair about its situation stands for freedom against individuals. On the other hand, in this age of universal social repression, the picture of freedom against society lives in the crushed and abused individual alone. Where and when that freedom would emerge in history, cannot be decreed at all. It is in

this context that one must come to terms with the pessimism of Adorno. One must understand why he is so critical of the German tradition. As he once put it, one must have tradition in oneself, in order to hate it properly.

This anger and outrage can be forgiven if one were to visit Goethe's Weimar, which gave the world the *Sturm und Drang*. Weimar represented the golden epoch of German thought and above all it represented an age of universal humanism. Just above Weimar stands the concentration camp of Buchenwald, where such horrible crimes against humanity were carried out. It is this contradiction that worried Adorno and should disturb us, if we have any claim to call ourselves moral beings.

The 'Shoah' (Holocaust) and events of a similar nature will continue to challenge all modes of representation in philosophy. This will continue to raise controversies, like the Walser- Bubis debate. The controversy ignited when the German writer Martin Walser gave an extremely polemical speech on the occasion of the prize ceremony of the German Book Trade Association on October 11, 1998. Walser urged a radical engagement with the Nazi past since 1950's. He vehemently critiqued the omnipresence of Holocaust images in the media and the creation of what he called "a Holocaust Industry". Imagine someone who argues the same for the post Godhra riots. The Right wing in India would want us to overlook these ghastly details and focus on the images of a 'Shining India'.

Ignatz Bubis, who was the leader of the Germans Jews and himself a 'Shoah' survivor interpreted this as a barely disguised act of anti-Semitic incitement and insisted on the need to remember the victims of the *Shoah*. Walser's own autobiography talks about his childhood in the Nazi era, where he talks about the suffering of ordinary German families who lost their loved ones. What is clearly missing is an explicit engagement with Auschwitz. It was in many ways playing down the enormity of the Nazi crimes. Walser raises some important questions. He questions the relationship between collective and personal memory. He equates collective memory with the museum culture that constructs a meta narrative, which has little resemblance to the experience of the past as lived reality. For Walser, remembering is a subjective act for which no public domain is needed. ⁵

For Bubis Auschwitz was a lived experience, an open wound which continues to require public testimony. For him Auschwitz is neither an "industry " nor a moral baton with which to beat the Germans forever. According to him even the representation of such a gruesome deed is problematic, how can one represent such an event without undergoing a deep sense of shame and also an awareness of the fact that even speaking on behalf of the victims might entail an act of violence towards that 'other'.

⁵ Anne Fuchs, *Towards an Ethics of Remembering: The Walser Bubis Debate*, *The German Quarterly*, Chicago, Summer 2002, p. 237

Walser would lead us to believe that the memories that haunt him stem from the present and not the past. The present in Germany is so unbearable because of what he calls the "instrumentalization" of the past. Walser was not the first to express this sentiment. In 1986 the historian Ernst Nolte had complained that unlike the other terrible events of the past Germany's Third Reich was not allowed to pass on to become literally "the past". For Nolte, the German past was instead on all too powerful part of the German present. He felt that a normal process of forgetting should have set in with time. Instead of this normal healing process, he argued that Germany's past was being kept "artificially" alive.

Walser's comments were misused by the right wing media such as the *Nationalzeitung*. When confronted on this issue by Bubis, Walser feigned ignorance. He betrayed a remarkable inability to understand the fears of the German Jew and *Shoah* survivor Bubis, for whom right wing elements like the *Nationalzeitung* must be taken seriously precisely because it does exist.⁶

After a life time of work trying to improve German Jewish relations, Bubis ultimately chose to be buried in Israel. He was afraid that German neo-nazis might vandalize his grave. Walser kept insisting on the personal individual nature of memory and conscience. This leaves the problem of collective identity and collective guilt unexplored. Would the post-

⁶ L. Brockmann, *Walser and the Past*, The German Quarterly, Chicago, Spring . 2002, p. 141

Godhra riots be confined to personal or individual memory? Or is it a matter of collective shame? Shame because of the fact that we the majority maintained a tacit silence when our fellow human beings were murdered. How does one resolve this issue?

Adorno's focus on 'non-identity', can be viewed in terms of an 'opposition' to society. It could be a clarion call for 'rebellion' against an oppressive structure, which treats some humans as sub-humans. The writers of the *Sturm und Drang* too had stressed on rebellion, but it was from a more subjective view point. Adorno's idea of rebellion is based on a social view point. Here rebellion or dissent is not for pure personal gains, but for all of society. Adorno talks from the view point of moral responsibilities for all human beings. However, how does one deal with the questions of 'guilt'?

Karl Jaspers in his book *'The Question of German Guilt'* acknowledges that questions of legal and moral guilt should be addressed primarily to individuals and not to groups. But Jaspers insisted that the problem of political guilt is fundamentally collective, since every citizen has a responsibility for the way he or she is governed.⁷ The most interesting category that Jaspers introduces is that of metaphysical guilt. Here all living human beings are responsible in a metaphysical sense for all other human

⁷ Karl Jaspers, *The Question Of German Guilt*, Fordham University Press, New York, 2000, p. 45

beings. By this category the Germans should bear the responsibility for what happened to the Jews, and all of us should bear responsibility for what happened in Gujarat.

Such debates very often raise a lot of uncomfortable questions, but without a serious engagement in these debates, any idea of freedom would prove to be elusive.

APPENDIX

CRITIQUE OF HEGEL'S PHILOSOPHY OF RIGHT

INTRODUCTION
BY
KARL MARX

For Germany, the critique of religion is essentially completed; and the critique of religion is the prerequisite of every critique.

Error in its profane form of existence is compromised once its celestial *oratio pro aris et focis* has been refuted. Man, who has found only his own reflection in the fantastic reality of heaven, where he sought a supernatural being, will no longer be disposed to find only the semblance of himself, only a non-human being, there where he seeks and must seek his true reality. The foundation of irreligious criticism is this: man makes religion; religion does not man. Religious is, in fact, the self-consciousness and self-esteem of man who has either not yet gained himself or has lost himself again. But man is no abstract being squatting outside the World. Man is the world of man, the state, society. This state, this society, produces religion, which is an inverted world-consciousness, because they are an inverted world. Religion is the general theory of this world, its encyclopedic compendium; its logic in popular form, its spiritualistic point *d'honneur*, its enthusiasm, its moral sanction, its solemn complement, its universal basis of consolation and justification. It is the fantastic realization of the human being because the

human being has attained no true reality. Thus, the struggle against religion is indirectly the struggle against that of world of which is the spiritual aroma.

The wretchedness of religion is at once an expression of and protest against real wretchedness. Religion is the sigh of the oppressed creature, the heart of a heartless world and the soul of soulless conditions. It is the opium of the people.

The abolition of religion as the illusory happiness of the people is a demand for their true happiness. The call to abandon illusions about their critique of religion is the critique in embryo of the vale of tears of which religion is the halo.

Criticism has plucked the imaginary flowers from the chain, not so that man shall bear the chain without the fantasy or consolation, but so that he shall cast off the chain and gather the living flower. The critique of religion disillusiones man so that he will think, act, and fashion his reality as a man who has lost his illusions and regained his reason, so that he will revolve about himself as his own true sun. Religion is only the illusory sun about which man revolves so long as he does not revolve about himself.

It is the task of history, therefore, once the otherworld of truth has vanished, to establish the truth of this world. It is above all task of alienation in its secular forms, once its sacred form has been unmasked. Thus, the critique of heaven is transformed into the critique of the earth, the critique of

religion into the critique of law, the critique of theology into the critique of politics.

The following exposition¹- which is a contribution to this task- does not deal directly with the original, but with a copy, i.e with the German philosophy of the state and of right, simply because it deals with Germany.

If we were to begin with the German status quo itself, even in the only appropriate way, which is negatively, the result would still be an anachronism. For even the negation of our political present is already a dusty fact in the historical junk room of modern nations. If I negate powdered wigs, I still have unpowdered wigs. If I negate the German conditions of 1843, I am according to French chronology barely in the year 1789, and still less at the center of the present day.

Indeed, German history prides itself on a development which no other nation has previously achieved or will ever imitate in the historical firmament. We have shared in the restorations of modern nations without ever having shared in their revolutions. We have been restored, first because other nations ventured a revolution, and second because other nations endured a counter - revolution; in the first case because our leaders were afraid , and in the second case because they were not . Led by our shepherds we have only

¹ That is, the projected revision of ht Critique of Hegel's 'Philosophy of Right' (261-313)

once been in the company of liberty, and that was on the day of its internment.

One school of thought, which justifies the infamy of today by the infamy of yesterday, a school which interprets every cry of the serf under the knout as a cry of rebellion once the knout is time-honoured, ancestral, and historical, a school to which history shows only it's a posteriori as did the God of Israel to his servant Moses - the Historical School of Law - might well have invented German history were it not itself an invention of Germany history. A Shylock, but a servile Shylock, it swears by its bond, its historical bond, its Christian - German bond, for every pound of flesh cut from the heart of the people.

On the other hand, good-natured enthusiasts, German nationalists by sentiment and enlightened radicals by reflection, seek our history of freedom beyond our history in the primeval Teutonic forests. But then how does our history of freedom differ from that of the Wild boar, if it is only to be found in the forests? Besides, as the saying goes: What is shouted into the forest echoes back from the forest. So peace to the primeval Teutonic forest!

But war upon the conditions in Germany! By all means! They are beneath the level of history, beneath all criticisms: yet they remain an object of criticisms just as the criminal who is beneath the level of humanity remains an object of the executioner. In its struggle against them criticism is no

passion of the brain, but is rather the brain of passion. It is not a scalpel but a weapon. Its object is its enemy, which it wishes not to refute but to destroy. For the spirit of these conditions is already refuted. They are not, in themselves, objects worthy of thought, but rather existences equally despicable and despised. Criticism itself needs no further self-clarification regarding this object, for criticism already understands it. Criticism is no longer an end in itself, but now simply a means. Indignation is its essential pathos, denunciation its principal task.

It is a matter of describing the stifling pressure of all the social spheres on one another, the universal, passive ill-feeling, the recognised yet misunderstanding narrow-mindedness, all framed in a system of government which living by the conservation of all this wretchedness, is itself wretchedness in government.

What a spectacle! The finite division of society into the most diverse races confronting one, another with their petty antipathies, bad conscience and crude mediocrity, and which, precisely because of their mutual ambiguous and suspicious disposition, are treated by their masters tolerated existences. And they are to recognise and acknowledge the very fact that they are dominated, ruled and possessed as concession from Heaven! On the other hand there are the masters themselves, whose greatness is inverse proportion to their number!

Criticism dealing with this situation is criticism in hand -to-hand combat; and in this kind of combat one does not bother about whether the opponent is noble , or of equal rank, or interesting; all that matters is to strike him. It is a question of permitting the Germans not a single moment of illusion or resignation. The burden must be made still more oppressive by adding to it a consciousness of it, and the same made still more shameful by making it public. Every sphere of German society must be described as the *partie honteuse* of German society, and these petrified conditions must be made to dance by singing to them their own melody. The nation must be taught to be terrified of it in order to give courage. In this way an imperative need of the German will be fulfilled, and the needs of nations are themselves the final causes of their satisfaction.

This struggle against the limited content of the German status quo is not without interest even for the modern nations; for the German status quo is the overt perfection of the *ancien regime*, and the *ancien regime* is the hidden defect of the modern state. The struggle against the political present in Germany is the struggle against the past of the modern nations, who are still continuing troubled by the reminiscences of this past. It is instructive for them to see the *ancien regime*, which experienced its moment of tragedy in their history, play its comic role as a German ghost. Its history was tragic so long as it was the privileged power in the world and freedom was personal fancy; in short, so long

as the *ancien regime*, as the existing world-order, struggled against a new world coming into existence, it was guilty of a world- historical, but not a personal, error. Its decline was, therefore, tragic.

The present German regime, on the other hand - an anachronism, a flagrant contradiction of universally recognised axioms, the nullity of the ancient regime revealed to the world - only imagines that if it believes in itself, and asks that the world imagine this also. If it believed in its own nature, would it hide that nature under the appearance of an alien nature, and seek its preservation in hypocrisy and sophistry? The modern *ancien regime* is nothing but the humbug of a world order whose real heroes are dead. History is thorough, and passes through many phrases when it covers an old form to the grave. The final phase of a world-wounded, tragically, in Aeschylus' *Prometheus Bound*, had to die once more, comically, in the dialogue of Lucian. Why does history proceed in this way? So that mankind will separate itself from its past. We claim this happy historical destiny for the political powers of Germany.

Meanwhile, the moment modern political and social actuality is subjected to criticism, the moment, therefore, criticism focusses on genuine human problems, either it finds itself outside the German *status quo* or it must treat its object under a different form. For example, the relationship of industry, of the world of wealth in general, to the political world is a major problem of modern times. Under what form

does this problem begin to occupy the Germans? Under the form of protective tariffs, the system of prohibitions, national economy. Germany chauvinism has passed from men to matter, and so one fine morning our cavaliers of cotton and heroes of iron found themselves metamorphosed into patriots. Thus, in Germany the sovereignty of monopoly within the nation has begun to be recognized through its being invested with sovereignty vis-à-vis other nations. In Germany, therefore, we now begin with what in France and England is the end of a development. The old decayed state of affairs against with these nations are in theoretical revolt, and which they still bear only as yet hardly daring to proceed from a cunning [listigen] theory to a pitiless practice. While in France and England the problem reads: national economy or the mastery of private property over nationality. Thus in France and England it is a question of abolishing monopoly, which has progressed to its final consequences, while in Germany it is a question of the collision. This is an adequate example of how our history, like a raw recruit, has until now only done extra drill on old historical matters.

If the whole of German development were at the level of German political development, a German could participate in contemporary problems no more than can a Russian. But if the single individual is not limited by the boundaries of the nation, Still less is the nation as a whole liberated by the liberation of one individual. That a Scythian [anarchasis]

was numbered among the Greek philosophers did not enable the Scythians to advance a step toward Greek culture.

Fortunately, We Germans are not Scythians.

Just as ancient people lived their past history in their imagination, in mythology, so we Germans have lived our future history in thought, in philosophy. We are philosophical contemporaries of the present day without being its historical contemporaries. German philosophy is the ideal prolongation of German history. If, then, we criticize the *aeuvres posthumes* of our ideal history, philosophy, instead of the *aeuvres imcpletes* of our actual history, our criticism centers on the very questions of which the present age says : that is the question. What for advanced nations is a practical break with modern political conditions in Germany, where these conditions themselves do not yet exist, essentially break with their philosophical reflection.

German philosophy of right and the state is the only German history that is *al pari* with official modern times. Thus, the German nation is obliged to connect its dream with history with its present circumstances, and obliged to connect its dream history with its present circumstances but also their abstract continuation. Its future can be restricted neither to the direct negation of its real, nor to the direct negation of its real circumstances is already there in its ideal circumstances , and it has almost outlived the direct fulfillment of these in its contemplation of neighbouring

nations. The practical political party in Germany is right, therefore in demanding the negation of philosophy. Its error lies not in the demand, but in limiting itself to the demand, which it neither does nor can fulfil. It believes that it can achieve this negation by turning its back on philosophy, averting its gaze, and murmuring a few irritable and trite phrases about it. In its narrow outlook it does not even count philosophy a part of German practical life and its attendant theories. Out [of the practical party] demand that actual germs of life be the point of departure, but you forget that the German nation's actual germs of life have untill now sprouted only in its cranium. In short, you cannot transcend philosophy without actualizing it.

The same error, but with elements reversed, was committed by the theoretical political party, which originated in philosophy.

This party saw in the present struggle only in the critical struggle of philosophy against the German world. It failed to note that previous philosophy itself against the German world. It failed to note that previous philosophy itself belongs to this world and is its complement, even if only an ideal complement. Critical of its counterpart, it remained uncritical of itself: it took its point of departure from the presuppositions of philosophy, and either accepted philosophical demands and results drawn from else where; even though these - assuming their validity - are obtainable only through the negation of previous philosophy i.e., of

philosophy as philosophy. We reserve until later a fuller account of this party. Its basic defects reduces to this: it believed that it could actualize philosophy without transcending it.

The criticism of the German philosophy of right and of the state, which was given its most logical, profound and complete expression by Hegel, is at once the critical analysis of the modern state and of the reality connected with it, and the definite negation of all the past forms of consciousness in German jurisprudence and politics, whose most distinguished and most general expression, raised to the level of a science, is precisely the speculative philosophy of right. If it was only in Germany that the speculative philosophy of right was possible - this abstract and extravagant thought about the modern state, whose reality remains in another world (even though this is just across the Rhine) - the German thought version [*gedankenbild*] of the modern state, on the other hand, which abstracts from actual man, or satisfy the whole man only in imaginary way. In politics the Germans have thought what other nations have done. Germany was their theoretical conscience. The abstract and presumptive character of their equality. If, then, the *status quo* of the German political system expresses the perfection of the *ancient regime*, the thorn in the flesh of the modern state, the *status quo* of the German political thought expresses the imperfection of the modern state, the damaged condition of the flesh itself.

As the determined adversary of the prevailing mode of the German political consciousness, criticism of the speculative philosophy of right does not remain within itself, but proceeds on to tasks for whose solution there is only one means - *praxis*.

The question arises: can Germany attain *a praxis a la hauteur des principes*, that is to say, a revolution that will raise it not only to the official level of modern nations, but to the human level which will be the immediate future of these nations?

The weapon of criticism certainly cannot replace the criticism of weapons; material force must be overthrown by material force; but theory, too, becomes a material force once it seizes the masses. Theory is capable of seizing the masses once it demonstrates *ad hominem*, and it demonstrates *ad hominem* once it becomes radical. To be radical is to grasp matters at the root. But for man the root is man himself. The manifest proof of the radicalism of German theory, and thus of its practical energy, is the fact of its issuing from a resolute positive transcendence [*aufhebung*] of religion. The critique of religion ends in the doctrine that man is the supreme being for man; thus it ends with categorical imperative to overthrow all conditions in which man is a debased, enslaved, neglected contemptible being - conditions which cannot be better described than by the Frenchman's exclamation about a proposed tax on dogs: 'Poor dogs ! They want to treat you like man!'

Even from historical point of view, theoretical emancipation has a specific practical importance for Germany. Germany's revolutionary past is precisely theoretical: it is the Reformation. As at that time it was a monk, so now it is the philosopher in whose brain the revolution begins.

Luther, to be sure, overcame servitude based on devotion, but by replacing it with servitude based on conviction. He shattered faith in authority by restoring the authority of faith. He transformed the priests into laymen by changing the laymen into priests. He liberated man from external religiosity by making religiosity that which is innermost to man. He freed the body of chains by putting the heart in chains.

But if Protestantism was not the real solution it at least posed the problem correctly. Thereafter it was no longer a question of the laymen's struggle with the priest outside of him, but of his struggle with his own inner priest, his priestly nature. And if the Protestant transformation of the Germany laity into priests emancipated the lay popes – the princes together with their clergy, the privileged and philistines – so the philosophical transformation of the priestly Germans into men will emancipate the people. But just as emancipation is not limited to the princes, so the secularization of property will not be limited to confiscation of church property, which has practiced especially by hypocritical Prussia. At that time, the Peasant War, the most radical event in German history, foundered because of theology. Today, when theology

itself has foundered, the most unfree thing in Germany history, our *status quo*, will be shattered by philosophy. On the eve of its revolution Germany is the abject servant of those who are inferior to Rome of Prussia and Austria, of petty squires and Philistines.

However, a major difficulty appears to stand in the way of a radical German revolution.

Revolutions require a passive element, a material basis. Theory will be realized in a people only in so far as it is the realization of their needs. Will the enormous discrepancy between the demands of German thought and the answers of German actually be matched by a similar discrepancy between civil society and the state, and within civil society itself? Will theoretical needs be directly practical needs? It is not enough that thought strive to actualize itself; actually must itself strive toward thought.

But Germany has not passed through the middle state of political emancipation at the same time as the modern nations. The very stages it surpassed in theory it has not yet reached in practice. How is Germany, with a *salto mortale*, so surmount not only its own limitations, but also those of the modern nations, limitations which it must actually experience and strive for as the liberation from its own actual limitations? A radical revolution can only be a revolution of radical needs, whose preconditions and birthplaces appear to be lacking.

But if Germany accompanied the development of modern nations only with the abstract activity of thought, without taking an active part in the actual struggles of this development, it has still shared the pains of this development without sharing its pleasures or its partial satisfaction. The abstract activity on the one hand corresponds to the abstract pain on the other. One day Germany will find itself at the level of European decadence before it has ever achieved the level of European emancipation. It will be like a fetishist suffering from the illness of Christianity.

If we examine the German governments we find that the circumstances of the time, the situation in Germany, the viewpoint of German culture, and finally their own lucky instinct, all drive them to combine the civilized deficiencies of the modern political world, whose advantages we do not enjoy, with the barbaric deficiencies of the *ancien regime*, which we enjoy in full measure; so that Germany must participate more and more, if not in the rationality, at least in the irrationality of the political forms that transcends its *status quo*. For example, is there any country in the world, which shares as naively as so-called constitutional Germany all the illusions of the constitutional regime without any of its realities? Wasn't it somehow necessarily a German government brain-wave to combine the torments of censorship with those of the French September Laws [of 1835], which presuppose the freedom of the press! Just as the gods of all nations were found in the Roman Pantheon, so

the sins of all state-forms are to be found in the Holy Roman German Empire. That this eclecticism will attain an unprecedented level is assured by the politico- *aestheitic gourmanderie* of a German King [Frederick William IV], who intends to play all the roles of royalty – the feudal as well as democratic – if not in the person of the people at least in his own person, if not for the people at least for himself. Germany, as the deficiency of the political present constituted into an individual system, will be unable to demolish the specific German limitations without demolishing the general limitations of the political present.

It is not a radical revolution, universal human emancipation that is a utopian dream for Germany, but rather a partial, merely political revolution, a revolution that leaves the pillars of the edifice standing. What is the basis of a partial, merely political revolution? It is this: a section of civil society emancipates itself and achieves universal dominance; a determinate class undertakes from its particular situation the universal emancipation of society. This class emancipates the whole society, but only on the condition that the whole society shares its situation; for example, that it has or can obtain money and education.

No class of civil society can play this role unless it arouses in itself and the masses a moment of enthusiasm, a moment in which it associates, fuses and identifies itself with society in general, and is felt and recognized to be society's general representative, a moment in which its demands and rights

are truly those of society itself, of which it is the social head and heart. Only in the name of the universal rights of society can a particular class lay claim to universal dominance. To take over this liberating position, and therewith the political exploitation of all the spheres of society in the interest of its own sphere, revolutionary energy and spiritual self-confidence do not suffice. For a popular revolution and the emancipation of a particular class to coincide, for one class to stand for the whole of society, another class must, on the other hand, concentrate in itself all defects of society, must be the class of universal offence and the embodiment of universal limits. A particular social sphere must stand for the notorious crime of the whole society, so that liberation from this sphere appears to be universal liberation. For one class to be the class per excellence of liberation, another class must, on the other hand, be openly the subjugating class. The negative general significance of the French nobility and clergy determined the positive general significance of the bourgeoisie, the class standing next to and opposing them.

But every class in Germany lacks the consistency, the keenness, the courage, and the ruthlessness, which would mark it as the negative representative of society. Moreover, every class lacks the breadth of soul of the people; that genius which animates material force into political power; that revolutionary boldness which flings at its adversary the defiant phrase: I am nothing and I should be everything. The principle feature of German morality and honor, not only in

individuals but in classes as well, is that modest egoism, which assert against it. The relationship of the different spheres of German society is, therefore, not dramatic, but epic. Each of them begins to be aware of itself and to establish itself with its particular claims beside the others, not as soon as it is oppressed, but as soon as circumstances independent of its actions create a lower social stratum against which it can in turn exert pressure. Even the moral self-esteem of the German middle class is based merely on the consciousness of being the general representative of the philistine mediocrity of all the other classes. It is, therefore, not only the German kings who ascend the throne *mal a propos*. Each sphere of civil society its defeat before it celebrates its own barrier before it overthrows its opposing barrier, asserts its narrow minded nature before it can assert its generosity, so that the opportunity of playing great role has passed before it ever actually existed, and each class, at the moment it begins to struggle with the class above it, is involved in the struggle with the class beneath. Hence, the princes are in conflict with the king, the bureaucracy with the nobility, the bourgeoisie with the entire bourgeoisie. The middle class hardly dares to conceive of the idea of emancipation from its own point of view, and already the development of social conditions and the progress of political theory show that this point of view, and already the development of social conditions and the progress and the progress of political theory show that this point of view itself is antiquated, or at least questionable.

In France it is enough to be something in order to desire to be everything. In Germany no one maybe anything unless he renounces everything. In France partial emancipation is the

basis of universal emancipation. In Germany universal emancipation is the *conditio sine qua non* for any partial emancipation. In France it is the actuality, in Germany the impossibility, of gradual emancipation, which must give birth to full freedom. In France every national class is politically idealistic and considers itself above all to be not a particular class but the representative of the needs of society overall. The role of emancipator thus passes in a dramatic movement to the different classes of the French nation, until it finally reaches the class which actualizes social freedom no longer on the basis of presupposed conditions which are at once external to man yet created by human society, but rather organizing all the conditions of human existence on the basis of social freedom. In Germany, on the other hand, where practical life is as little intellectual as intellectual life is practical, no class of civil society has the need and the capacity for universal emancipation until it is forced to it by its immediate situation, material necessity, and its very chains.

Where, then, is the positive possibility of German emancipation?

Our answer : in this formation of a class with radical chains, a class in civil society that it is not of civil society, a class that is the dissolution of all classes, a sphere of society having a universal character because of its universal suffering and claiming no particular wrong but unqualified wrong is perpetrated on it; a sphere that does not stand partially opposed to the consequences, but totally opposed to the premises of the German political system; a sphere, finally, that cannot emancipate itself without emancipating

itself from all the other sphere of society, thereby emancipating them; a sphere, in short, that is the complete loss of humanity and can only redeem itself through the total redemption of humanity. This dissolution of society existing as a particular class is the proletariat.

The proletariat is only beginning to appear in Germany as a result of the industrial development taking place. For it is not naturally existing poverty but artificially produced poverty, not the mass of men resulting from society's, and especially the middle class's acute, dissolution that constitutes the proletariat- though at the same time, needless to say, victims of natural poverty and Christian - Germanic serfdom also become members.

When the proletariat announces the dissolution of the existing order of things it merely declares the secret of its own existence, for it is the *de facto* dissolution of this order of things. When the proletariat demands the negation of private property it merely elevates into a principle of society what society has advanced as the principle of the proletariat, and what the proletariat already involuntarily embodies as the negative result of society. The proletariat thus has the same right relative to the new world which is coming into being as has the German king relative to the existing world, when he calls the people his people and a horse his horse. In calling the people his private property the king merely expresses the fact that the owner of private property is king.

Just as philosophy finds its material weapons in the proletariat, so the proletariat finds its spiritual weapons in

philosophy; and once the lightning of thought has struck deeply into this naïve soil of the people the emancipation of the Germans into me will be accomplished.

Let us summarize:

The only practically possible emancipation of Germany is the emancipation based on the unique theory which holds man is the supreme being for man. In Germany emancipation from the Middle Ages is possible only as the simultaneous emancipation from the partial victories over the Middle Ages. In Germany no form of bandage can be broken. Germany, enamored of fundamentals, can have nothing less than a fundamental revolution. The emancipation of Germany is the emancipation of man. The head of this emancipation is philosophy, its heart is the proletariat. Philosophy cannot be actualized without the abolition of [Aufhebung] of the proletariat; the proletariat cannot be abolished without the actualization of philosophy.

When all the intrinsic conditions are fulfilled, the day of German resurrection will be summarized by the crowing of the Gallic cock.

BIBLIOGRAPHY

Adams, H. P, *Karl Marx in his earlier writings*, Geroge Allen and Urwin, London, 1940.

Adorno, Theodor, *Negative Dialectics*, Translated by E. B. Ashton, Routledge and Kegan Paul, London, 1973.

Adorno, Theodor and Max Horkheimer, *Dialectic of Enlightenment*, translated by John Cumming Verso, London, 1972.

Avineri, Shlomo, *Hegel's Theory of the Modern State*, Cambridge University Press, Cambridge.

Avineri, Shlomo, *The Social and Political Thoughts of Karl Marx*, Cambridge University Press, New York, 1968.

Berlin, Isaiah, *Four essays on Liberty*, Oxford University Press, London, 1969.

Boerner, Peter, *Johann Wolfgang Goethe*, German Press, Bonn, 1982.

Brockmann, K, *Walser and the Past*, The German Quarterly, Chicago, Spring 2002.

Cassirer, Ernst, *Rousseau, Kant, Goethe*, Harper and Row Publishers, New York, 1963.

Dihle, Albrecht, *The Theory of Will in Classical Antiquity*, University of California Press, Berskeley, 1982.

Friederich, Werner, *The History of German Literature*, Barnes and Noble, New York, 1965.

Fuchs, Anne, *Towards an Ethics of Remembering: The Walser Bubis Debate*, *The German Quarterly*, Chicago, Summer 2002.

Gellner, Ernest, *Conditions of Liberty : Civil Society and its Rivals*, Penguin Books, New York, 1994.

Goethe, Johann Wolfgang, *Faust- part I*, The German Library, Bonn, 1981.

Goethe, Johann Wolfgang, *The Sorrows Of Young Werther*, Cambridge University Press, Cambridge, 1989.

Gordon, Rupert.H. *Modernity, Freedom and the State: Hegel's concept of Patriotism*, *Review of Politics*, Spring 2000.

H.B. Garland, *A survey of German Literature*, Macmillan Publishers, London, 1971

Hardimon, Micheal, *Hegel's Social Philosophy*, Cambridge University Press, New York, 1994.

Hegel, G.W.F, *Philosophy of Right*, trans by H.B. Nisbet, Cambridge University Press, Cambridge, 1991.

Hume, David, *Enquiry Concerning Human Understanding*, edited by L.A Selby, Clarendon Press, Oxford, 1902.

Ilting, K.H. *The Structure of Hegel's Philosophy of Right in Hegel's Political Philosophy*, edited by A. Z. Pelczynski, Cambridge University Press, London, 1971.

Jaspers, Karl, *The Question of German guilt*, Fordham University Press, New York, 2000.

Kant, Immanuel, *Groundwork of the Metaphysics of Morals*, trans by H.J. Patton, Harper and Row publishers, New York, 1964.

Kant, Immanuel, *Perpetual Peace, Political Writings*, trans by H.B Nisbet, Cambridge University Press, Cambridge, 1970.

Kedourie, Elie, *Hegel and Marx*, Basil Blackwell, Cambridge, 1995.

Knox, T. M, *Hegel's Political Writings*, Oxford University Press, Oxford, 1964.

Kolb, David, *The Critique of Pure Modernity - Hegel, Heidegger and after*, University of Chicago Press, Chicago, 1986.

Lukacs, Georg, *Goethe and his Age*, trans. by Robert Anchor, Merlin Press, London, 1968.

Marcuse, Herbert, *Reason and Revolution - Hegel and the rise of Social Theory*, Routledge and Kegan Paul, London, 1954.

Marx, Karl and F. Engels, *Manifesto of the communist Party*, Selected Works, Volume 1, Progress Publishers, Moscow, 1977.

Marx, Karl, *A Contribution to the Critique of Political Economy*, edited by Maurice Dobb, Progress Publishers, Moscow, 1970.

Marx, Karl, *Capital- Volume-I*, Progress Publishers, Moscow, 1974.

Marx, Karl, *Critique of Hegel's Philosophy of Right*, edited by Joseph O' Malley, Cambridge University Press, Cambridge, 1970.

Marx, Karl, *Economic and Philosophic Manuscripts of 1844*, Progress Publishers, Moscow, 1977.

McLellan, David, *A Dictionary of Marxist Thought*, edited by Tom Bottomore, Blackwell, New Delhi, 2000.

Pascal, Roy, *The German Sturm und Drang*, Manchester university Press, Manchester, 1953.

Pelczynski, Z.A, *Hegel's Political Philosophy*, Cambridge University Press, London, 1971.

Plamenatz, John, *History as the realization of freedom in Hegel's Political Philosophy*, edited by Z.A. Pelczynski, Cambridge University Press, London, 1971.

Radandt, Friedhelm, *From Baroque to Storm and Stress*, Harper and Row Publishers, London, 1977.

Rousseau, Jean Jacques, *Discourses on the Origin and Foundations of Inequality*, trans by Rogers D. Masters, St. Martins Publishers, New York, 1964

Said, Edward, *Representations of the Intellectual*, Vintage Publishers, London, 1993.

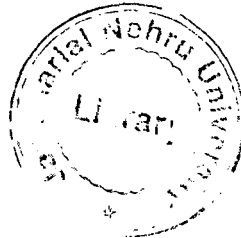
Schiller, Friedrich, *On the Aesthetic Education of Man*, trans by Elizabeth Wilkinson, Clarendon Press, Oxford , 1967.

Singer, Peter, *Hegel*, Oxford University Press, Oxford, 1983.

Taylor, Charles, *Atomism in Philosophical Papers*, volume 2, Cambridge University Press, Cambridge 1985.

Taylor, Charles, *Hegel*, Cambridge University Press, Cambridge, 1975.

Waldron, J. *The Right to Private Property*, Clarendon Press, Oxford, 1988.



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