The Hegelian conception of the state

Z. A. PELCZYNSKI

The ideas of Hegel, as of any other political philosopher, can be discussed in a variety of ways. One can approach the ideas genetically, tracing their evolution from the earliest, generally simple, and often rather different formulations in some youthful work through various intermediate works to the author's *chef-d'oeuvre*. One can take an idea or a cluster of ideas of a political philosopher and trace its development in the history of political philosophy. One can compare the ideas of one thinker with those of another or several others. One can look at political ideas as reflections of broad currents of thought or of contemporary controversies; as a thinker's responses to the social processes or political events of his time and place; as expressions of mainly individual factors such as personal prejudices or escapist flights from the unpleasant realities of the historical situation. Or one can look at ideas simply as they are stated and developed in one particular work, especially a work that is the most authoritative or mature expression of a political philosopher's position, without asking how or why it was that he came to have them. All these approaches are perfectly legitimate; all have their limitations; they are all – as it happens – represented in this volume of essays. They reflect the personal interests and predilections of their authors, and also the intellectual traditions to which they belong.

However, if the study of past political philosophers is, so to speak, to earn its keep in the field of political and social science, rather than history of philosophy or general intellectual history, it must have some relevance to the concerns of political and social theorists of our own time. It need not necessarily influence their theorizing though it sometimes may do so by suggesting concepts, models or approaches. But it should at least illuminate their own activity by showing them the failures and successes of other minds grappling with similar problems. It is probably the last of the approaches just mentioned – the examination of ideas for their own sake, irrespective of their origin and background – which is then the most valuable. But one should not be too dogmatic about procedures; any one which promises results may be fruitfully combined with the narrow analytical approach. One other condition, however, must be satisfied before the full benefit of such an approach can be gained. The concepts, arguments or theories of past political philosophers must be translated into a language which contemporary political and social theorists will understand. In the case of Hegel this is a particularly difficult task: both because his political philosophy is a part of a general philosophical system, and because modern political and social theory is committed to logical and empirical thinking, while Hegel, at least at first sight, appears to have nothing but contempt for empiricism and non-

I

dialectical logic. That such a reinterpretative approach to Hegel is nonetheless possible has been shown by at least one political theorist, and one can only wish that more would follow a similar path.[1]

I

In this essay I wish to examine one of the most important, and at the same time most obscure and controversial of Hegel's political ideas – his concept of the state. There is little need to stress its importance. The fundamental concept of any political philosophy is the concept of the body politic. There are few, if any, problems in political philosophy which do not, sooner or later, raise the question what sort of thing the body politic is. Problems of political obligation, of the rights of subjects against the government, of citizens' rights to political participation, and of the proper end or scope of governmental action necessarily involve some conception of the political entity within which they arise. But although Hegel's concept of the state has all these ramifications, my primary purpose is to discover what Hegel actually means by ' the state ', to express its meaning and to discuss the use he makes of it in terms which should be intelligible to social and political theorists, and to suggest the reasons which may have prompted him to adopt the concept of the state as we find it in the *Philosophy of Right*. It is my belief that by his concept of the state Hegel hoped to convey something about social and political reality which was original and important, and that his concept is obscure because he tried to put more meaning into it than it is safe for any single concept to carry. It is only when one ' decomposes ' it (to use a term which Max Weber employed) into its constituent elements that one does justice to it, and also removes a large part of the obscurity which surrounds it.

Clarity and simplicity are obviously great virtues in political philosophy, and one might venture to guess that a large part of the current and almost obsessive preoccupation with Hobbes' political philosophy, despite its numerous and patent defects,[2] is due to the clarity of Hobbes' concept of the ' commonwealth ', and in fact to the clarity of his argument as a whole. But the price of clarity may be shallowness, and this is something which Hegel certainly escapes.

It is noteworthy that the concept of the state as Hegel first elaborated it has all the clarity and simplicity of Hobbes' ' commonwealth ' without several of its defects. In his unpublished essay on the German constitution,[3] he was concerned

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[1] See J. Plamenatz's essay in this collection and his *Man and Society* (2 vols., London, 1963).

[2] A brief list would include Hobbes' untenable materialistic philosophy, the belief that Gallilean geometry can be usefully applied to politics, the notion of the contract, the ambiguity about the basis of political obligation (force, prudence, natural law or the command of God), the thoroughly ahistorical and asocial conception of political life, and the long argument (occupying half of *The Leviathan*) that the conclusions of his political philosophy coincide with the Christian Bible.

[3] Written at the turn of the eighteenth and nineteenth centuries, but first published by G. Mollat in 1893. Translated into English by T. M. Knox and published in *Hegel's Political Writings*, with an introductory essay by Z. A. Pelczynski (Oxford, 1964).

2

The Hegelian conception of the state

to show that, contrary to the contention of many learned jurists and widespread illusions of ordinary Germans, the Holy Roman Empire of the German Nation 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.[4]

What distinguishes a people which is a state from one which is part of a state or forms a collection of separate states – the latter, Hegel maintains, is virtually the position of the German nation – is its subjection to a common supreme public authority or state power (*Staatsgewalt* or *Staatsmacht* in the original). This authority is organized according to a constitution, and exercised through rules or orders possessing a universally binding character. Hegel insists in his essay that the commands of the public authority must be enforceable, must actually produce the intended results, and hence must be backed by all sorts of organized power (military, fiscal, legislative, etc.). Only then do the commands deserve the name of laws, the organization of the public authority the name of constitution, and the people united in allegiance the name of the state.

Although Hegel stresses force or power (*Macht* or *Gewalt*) as the necessary prerequisite of a state, there is nothing in the essay to substantiate the view that for Hegel force rather than law is the essence of the state (in German terminology that he subscribes to a *Machtstaat* rather than a *Rechtsstaat* conception of the state).[5] The supreme state power acts through universal laws within its territory. It is organized into separate bodies or authorities according to constitutional laws, and in contemporary Europe typically consists of a limited, constitutional monarchy and a representative body voting taxes and sharing in the monarch's legislative power.[6] What Hegel advocates (while doubting whether it can be achieved without forcible reunification) is precisely the replacement of power politics by the rule of law between the various parts of the disintegrating German Empire.

Although Hegel defines the state as merely a union of men for communal self-defence, even at this early stage of his political thinking he is quite clear that

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[4] *Ibid.* pp. 153, 154.
[5] The charge was first made in H. Haller, *Hegel und der nationale Machtstaatsgedanke in Deutschland* (Leipzig-Berlin, 1921) and repeated in F. Meinecke, *Machiavellism : The Doctrine of Raison d'Etat and Its Place in Modern History* (London, 1957). It is true, however, that Hegel's views on international affairs in that early work are already marked by a thoroughgoing realism. He denies that there is any system of law or morality which effectively regulates relations between states and can achieve the Kantian ideal of ' perpetual peace '. (Cf. *Political Writings*, p. 208 and footnote.) The subject is discussed in D. P. Verene's essay, pp. 168–80.
[6] Cf. *Political Writings*, pp. 150, 160, 201, 202, 206, 217, 234, 235, 241.

such political union is not a contract of previously independent individuals motivated by fear or enlightened self-interest. It is the result of an evolution of generations of individuals forming a historical community; it is the product of their communal life, developed gradually in response to changing circumstances, and bearing the stamp of past crises.[7] A people or a nation, in the course of history, develops and perfects a machinery for common defence and for the regulation of its internal affairs. The state power is thus the creation of a nation, and the nation, through its subjection to that power and through common historical experience, is welded into a political community. The misfortune of Germany, Italy and Poland (Hegel points out), in contrast to England, France and Spain, was to fail to adapt their feudal public authorities to the needs of the modern world. As a result the first two disintegrated into separate states, and the third was partitioned by neighbouring powers. Hegel does not share Burke's optimism that a nation can find in its political tradition the necessary answers to all its pressing political problems. But he fully shares Burke's scepticism about the possibility of building a stable state on *a priori* principles, divorced from the historical experiences and traditional values of a people.[8]

What is nonetheless striking is that Hegel prefers to conceive the state in the narrowest possible way, as the legal and political framework of a community (which he generally called *Volk*, occasionally *Nation*). The specific characteristics of the community – its social structure, ethnic divisions, religious beliefs, customs and morals – while they may and do influence the constitution of the central public authority and the nature and degree of popular participation in government – fall outside his concept of the state. On the one hand there is the people, nation or community with all its manifold characteristics and ' internal social arrangements . . . made by the free action of the citizens '.[9] On the other hand there is its political organization – the supreme public authority with its specialized component bodies, and the laws and institutions emanating from it, by virtue of which the people, nation or community constitute a political union or a state. The two are conceptually separate and distinct, although socially and historically intertwined and interdependent. This way of looking at the state the Hegel of *The German Constitution*, unlike the Hegel of the *Philosophy of*

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[7] Nowhere in the work is this better expressed than in the following passage (*ibid*. p. 146):
    ' The organisation 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 manners which have perished with them; all these are expressed in the form of that body.'

[8] See *ibid*. pp. 161–4. A detailed comparison of Hegel's and Burke's ideas on revolution and tradition will be found in J.-F. Suter's essay, pp. 52–72.

[9] *Political Writings*, p. 161. This and some other passages in the work anticipate Hegel's later concept of ' civil society '.

4

The Hegelian conception of the state

Right, shares with most subsequent political theorists, including contemporary ones.[10]

II

Why then did Hegel later abandon this conception of the state? Why did he find the concept of the people so thoroughly unsatisfactory that in the *Philosophy of Right* he treats it with the utmost contempt? [11] Why did he replace it with the concepts of ' civil society ' and ' the state ', and give to the latter a meaning different from that it had in the early essay? It is beyond the scope of this essay to trace in any detail the development of his thinking about the state between *The German Constitution* and the *Philosophy of Right*. This much, however, may be said. Soon after writing the draft of the essay Hegel went to teach at Jena University, and it was during the so-called Jena period of his life that he both rethought his political ideas and formulated his own philosophical system in conscious opposition to his previous philosophical masters: Kant, Fichte and. Schelling.[12] Hegel became deeply dissatisfied with the individualistic conceptions of natural law and morality, and with the corresponding views about human nature, of his philosophical predecessors, who seemed to him unable to do justice to important aspects of ethical, social and political life, and he turned again to the philosophy of Plato and Aristotle and the examination of the Greek polis and its culture.[13] The insight which he gained from the analysis of ancient Greek

[10] Compare, for example, the definitions of ' state ', ' nation ', ' community ' and ' society ' in Ernest Barker, *Reflections on Government* (Oxford, 1942), pp. xv, xvi.

[11] Cf. Hegel's *Philosophy of Right*, trans. T. M. Knox (Oxford, 1942), pp. 182–3, 195–6, 198.

[12] The various stages of the development of his political thought are reflected in an essay on natural law (published as an article in 1802–3), a roughly contemporary draft of ethical theory published posthumously under the title *System der Sittlichkeit*, two courses of university lectures delivered in 1803–4 and 1805–6 and published posthumously under the title *Jenenser Realphilosophie* I and II, and Hegel's first published book, *The Phenomenology of Mind* (1807). The development was completed in the *Science of Logic* published 1812–16 and in *The Encyclopaedia of the Philosophical Sciences* published in 1817. The *Philosophy of Right* (published in 1821) was an expanded version of the part of the *Encyclopaedia* dealing with ' Objective Spirit '. M. Riedel's and J.-F. Suter's essays deal with some aspects of Hegel's philosophical development during those years. A fuller treatment of its ethical, political and social aspects can be found in M. Riedel's collection of essays, *Studien zu Hegels Rechtsphilosophie* (Frankfurt am Main, 1969). For the most recent English study of Hegel's philosophical development, see Walter Kaufmann, *Hegel : Reinterpretation, Texts and Commentary* (Garden City, New York, 1965; London, 1966), which includes an excellent chronology and bibliography of Hegel's works. A shorter account of the development of the Hegelian system up to the *Logic* is in I. Soll, *An Introduction to Hegel's Metaphysics* (Chicago-London, 1969). Some aspects of Hegel's philosophy which bear on his political thought are explored in G. A. Kelly, *Idealism, Politics and History : Sources of Hegelian Thought* (Camb. 1969).

[13] His interest in ancient Greece was even earlier than the Jena period as is shown by his so-called early theological writings. But only in Jena did Hegel achieve a synthesis of the ancient and modern philosophical traditions, which was the hallmark of his own mature philosophy.

For the powerful impact of Greek thought on him at the time of the *Phenomenology*, see J. N. Shklar's essay; for the analysis of the final synthesis in Hegel's *Philosophy of Right*, see K.-H. Ilting's essay.

5

philosophy, history and literature was that men form genuine communities only when they share the same conceptions of the good life, and identify themselves wholeheartedly with the basic moral ideals of their country or culture. These shared and universally accepted conceptions and values, which are alive and operative in actions and attitudes of community members, and (so to say) incapsulated in the customs, laws and institutions which regulate their relations, Hegel calls *Sittlichkeit* (usually translated into English as ' ethical life ', ' social ethics ', ' concrete ethics ' or ' social morality ').[14] Hence a people or a nation form a genuine community when and in so far as their interrelations are animated and pervaded by *Sittlichkeit*. Greek political institutions were not something apart from the ethos of the polis, but part and parcel of its ethical life, indeed almost its most important part. A polis was an ethical community which had a political aspect, not a community on which political institutions were so to speak superimposed from outside. Laws and government were only some of the many bonds linking a people into a community. This idea of polis as an ethical community Hegel applied to the modern state during the Jena period.

Although Hegel's conception of ethical life and the model of the state as an ethical and not merely political community were derived from Greek antiquity, he is well aware of some fundamental differences between the ancient Greek and the modern European cultures.[15] Indeed he takes great care to emphasize the differences in his writings, and always insists that the modern state cannot be conceived simply in terms of the polis, whose specific ethical ideas and social and political institutions are simply inapplicable to the modern world. One obvious difference, which he noted early, is the vastly increased size of modern nation-states and their vastly more complex system of economic and social relations. These factors necessitate the existence of a permanent, specialized and highly organized system of governmental bodies – the supreme public authority or state power (*Staatsgewalt*). Unlike the amateurish and direct involvement of the citizens of ancient Greece in the public life of the polis, the government of the modern state permits popular participation only through representative institutions, and requires that a large part of its work is carried on by full-time politicians and professional administrators.[16]

But an even more important difference lay in the nature of the ethical bond between the individual and the community which is typical of the two cultures. The Greek polis absorbed its members so completely and its ethos was so sacro-

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[14] The French translations of *Sittlichkeit*, some of which stress another aspect of the concept, are *ethique*, *morale vivante*, and *morale realisée*. The word *Sittlichkeit* comes from *Sitte* (custom, ethos).

[15] A culture, called ' realm ' or ' empire ' (*Reich*) by Hegel, was a collection of communities which, though distinct, shared the same basic values. There was thus a family resemblance between the ethical life of all communities within a culture although historical influences gave each community a characteristic configuration of ethical concepts and values.

[16] See *Political Writings*, pp. 158, 160, 202–3, 206.

The Hegelian conception of the state

sanct that it was inconceivable to them to question the fundamental principles of the polis or to assert any claims to the satisfaction of their own particular interests when they participated in politics. Moreover, the citizens' identification with the community was unconscious and spontaneous. It was brought about by customs, traditions and civic education, and reinforced by art, literature, philosophy and religion, which were all integral parts of the Greek way of life or 'the spirit of the people '.[17]

The peculiarity of modern European culture, on the other hand, largely due to Roman law and modern natural law doctrines, is that men conceive themselves not just as members of communities but also – and sometimes primarily – as bearers of private rights against the state and possessors of legitimate particular and group interests. In Hegel's view Christianity had an equally profound effect on European culture, especially after it had been developed by the Reformation and secularized by the Enlightenment. Under its influence men came to regard themselves as moral agents, acknowledging no higher authority than their own conscience or reason. Hegel calls the first tendency ' particularity ' and the second ' subjectivity '; the two together constitute the peculiarly modern and European phenomenon of individualism. While individualism had very deep roots, it was only since the French Revolution that it has taken on the form of a dominant cultural force and begun reshaping social and political reality. Hegel was convinced that the influence of the Revolution was inescapable although he recognized that there were parts of Europe where its effects were still rather slight in the early nineteenth century. Even in the three most advanced countries – France, England and Germany – some sections of the population were far more affected by the spirit of individualism than others. Long before Tocqueville and Marx, Hegel perceived that it was the bourgeoisie which formed the chief social base of individualism and through whom the traditional, community-conscious Europe of the Middle Ages had been undermined.[18]

What Hegel in the *Philosophy of Right* calls ' civil society ' is the positive creation of individualism, and he specifically calls it the achievement of the modern world.[19] It represents the growing recognition by the community that its members have legitimate rights and interests also as particular, private

[17] Hegel more than once acknowledged his debt to Montesquieu for making him see laws and political institutions as something intimately bound up with and expressive of the spiritual life of a people. Cf. *Philosophy of Right*, pp. 16, 161, 177–8.

[18] In *The German Constitution* Hegel speaks of ' the *bourgeois* sense, which cares only for an individual and not self-subsistent end and has no regard for the whole '. When the bourgeoisie became a political power through the growth of imperial cities its spirit became one of the main causes of the decline of the German Empire. Cf. *Political Writings*, pp. 190, 191.

[19] Cf. *Philosophy of Right*, § 182 Addition. In § 185 and Addition Hegel contrasts the recognition of particularity in the modern world with its denial by Plato (whose *Republic* he regards as an interpretation of Greek ethical life; *Philosophy of Right*, p. 10). In the same paragraph Hegel mentions Roman law and Christianity as the ultimate causes of individualism.

7

individuals and not merely as members of one of the traditional groupings of the community. It also represents the recognition that individuals have personal opinions on a wide range of issues which are entitled to respect and to free expression even when they are different from the established beliefs and values. Indeed to be acceptable to the modern man those traditional principles must take the form of a rational but subjective conviction, just as ethical life must appear to the individual not as something alien and hostile to his particular interest, but as something which is inextricably bound up with it, and on which indeed his private interest in the last resort depends. Indeed it is a moral as well as a prudential duty of the supreme public authority, in whosever hands it is placed, to further the satisfaction of particular interests and to permit the expression of subjective opinions and wishes.[20]

In his writings after the Jena period Hegel sharply differentiates ethical life and relations from other kinds of normative principles and rules which regulate human conduct in modern society. In particular he distinguishes *Sittlichkeit* from *Recht* and *Moralität*. By *abstraktes Recht* he means the general principles of law concerning such personal rights as the right to life and property, and various personal liberties. Derived from Roman law and developed and rationalized by generations of later jurists and exponents of natural law it forms, Hegel believes, a body of abstract principles which necessarily underlies all positive legal systems of civilized countries in so far as the systems are rational.[21] By *Moralität* Hegel means the Kantian type of morality in which the value of a man's action depends on the goodness of his motive, and the conscience of the individual in the last resort determines how he should treat other individuals.[22] While the sphere of right is objective and concerned with the conformity of external conduct to the letter of the law, irrespective of motive, morality is a sphere where the personal judgement of a moral subject has primacy over the requirements of the kind of rules with which the individual is faced in his social life (conventional morality, customary law or state legislation). Hegel recognizes the validity of both kinds of normative orders in certain limited spheres, but he is convinced that by themselves they are unable to bind individuals into a cohesive and lasting community. The law-abiding citizen can legitimately contract out of civil society when the principle of reciprocity is violated or his interest unreasonably neglected or sacrificed. The moralistic individual (like an extreme type of contemporary conscientious objector) can question all of society's or the state's

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[20] For an anticipation of this point of view in *The German Constitution*, see *Political Writings*, pp. 159–64.

[21] The Hegelian concept of *Recht* (usually translated as ' right ' rather than ' law ', as in the *Philosophy of Right*) is discussed in the essays of G. Heiman, K.-H. Ilting and M. Riedel.

[22] K.-H. Ilting's essay deals also with Hegel's concept of ' morality ' and some of its political consequences. For a recent analysis of Hegel's ethical views and especially his critique of Kantian morality, see W. H. Walsh, *Hegelian Ethics* (London-New York, 1969).

rules.[23] The ethical man, the member of a true community, can and will do neither since he recognizes no other values than those of his community and culture which have passed the test of rational scrutiny. Only ethical as opposed to juristic and moralistic ties are capable of forming the basis of a true community. Neither a society of reasonable men restricting their selfish actions for the sake of peaceful coexistence, nor a society of moral agents guided by their individual consciences, but only a society of men sharing in, and guided by, a common ethical life can therefore properly speaking be considered a community. Hegel in fact believes that ethical life, although not always in its fully conscious form, is the actual, operative mode of human conduct, and that abstract right and morality are merely one-sided abstractions into which the critical philosophy of the Enlightenment has dissolved the concrete social ethics.

Corresponding to the three types of normative order Hegel distinguishes three types of freedom. In fact the problem of freedom was in the forefront of his mind when he was formulating his ethical, social and political theory. In the sphere of right a man is free when he can do what he wants provided he respects the same right 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-à-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.[24]

III

Hegel's political and social concepts are obscure and difficult to grasp because they are immensely complex. This complexity is the result of his conception of the true philosophical method, which ought to conceptualize various forms of human experience and relate them to each other as necessarily connected. A concept (*Begriff*) in Hegel's own, special sense is necessarily complex because it is a dialectical synthesis of contrary forms of experience.[25] His concept of the state, therefore, as we find it in its mature form in the *Philosophy of Right*, con-

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[23] A striking example of such extreme non-conformity, produced by a reaction against Hegel's own ideas, is discussed in E. Fleischmann's essay on Stirner, Marx and Hegel.

[24] J. Plamenatz in his essay explores fully the Hegelian concept of freedom and its relation to the social and historical context of ethical action. The connection between freedom and rational law in Hegel's thought it discussed by M. Riedel.

[25] For a brief exposition of the nature of Hegel's philosophical concepts, see the essays of D. P. Verene, pp. 173–5 and R. N. Berki, pp. 200–1. A brief explanation of Hegel's philosophical methodology is to be found in the translator's foreword to T. M. Knox's translation of the *Philosophy of Right*. A more detailed recent account is J. N. Findlay, *Hegel: A Re-examination* (London, 1958). Unfortunately, Findley's views on Hegel's political philosophy are remarkably superficial and show a lack of proper appreciation of Hegel's passionate interest in, and wide-ranging knowledge of, man's political experience.

tains, in a highly condensed way, diverse experiences, observations, intellectual influences and so on, some of which have been already outlined. It is this mature and highly complex concept of the state which I now wish to analyse and then use to illuminate certain features of Hegel's political theory. The subject will be approached by considering two concepts which Hegel explicitly distinguishes, and then subdividing the second further into two distinct concepts, which Hegel distinguishes only incidentally and often not at all.

In the *Philosophy of Right* Hegel makes a basic distinction between 'civil society'[26] and 'the state'. The former is also a kind of state or rather an aspect of the state; in Hegel's own words, it 'may be prima facie regarded as the external state, the state based on need, the state as the Understanding envisages it '.[27] Civil society is the modern state conceived as a system of public authorities and autonomous bodies existing to further the private interests of individuals or their more or less organized groups, to protect their legal rights of person, property, contract, and so on, and to enforce their mutual obligations. But it is also a network of spontaneous, private relations established within the framework of the law by individuals pursuing their particular ends ('the system of needs'), which Hegel considers to be an essential aspect of 'civil society'.

To say that 'civil society' is 'the state as the Understanding envisages it' is a Hegelian way of saying that there is another, more adequate mode of conceiving the state. The complex of activities, attitudes, rules and institutions which make up 'civil society' is only one aspect of political and social life 'abstracted' from a wider, richer or more 'concrete' system by a process of formal, abstract thinking which Hegel calls the understanding.[28] The 'abstract' character of 'civil society' can be appreciated without a thorough grasp of Hegel's terminology. The laws guaranteeing individual rights to life, liberty and property, which are the normative basis of 'civil society', presuppose a person or body of persons who enact them – a legislator or a legislative assembly. The regulatory and welfare functions of the public authority active in 'civil society' presuppose a superior public authority which determines the scope of these functions, lays down structures and procedures, appoints and supervises their personnel, and so on. The associations of individuals formed in 'civil society ' ('corporations' and 'estates') likewise presuppose at least the recognition of their autonomy or privileges by some higher body. Finally there are certain vital political activities, such as foreign relations, defence and the maintenance of colonies, which 'civil

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[26] The term 'civil society' had been used by writers such as Locke, Hume, Smith and Ferguson, as well as by some of their contemporaries in France, whom Hegel had read. Ultimately it is traceable to Aristotle's *koinonia politike* and Cicero's *societas civilis*. See 'Der Begriff der " Bürgerlichen Gesellschaft " und das Problem seines geschichtlichen Ursprungs ' in Riedel, *Studien zu Hegels Rechtsphilosophie*.

[27] *Philosophy of Right*, § 183.

[28] See *ibid.*, translator's foreword, pp. vii, viii, x, xi, for the technical difference between 'understanding' and 'reason' in Hegel's philosophy.