Introduction

1 Theses and Themes

This book expounds Hegel's philosophy of history, politics, and public law with a view to four connected aims and themes. One purpose is to elucidate and defend to a critical mind the most arresting of Hegel's claims in political philosophy: that, by virtue of a natural divinity Hegel calls Spirit, Nature contains a potential for uniting the wholeness of the Greek philosophers' ideal *polis* with the atomistic individualism of modernity – hence for commending the ancients' ideal to the individual's particular self-interest without compromising its purity. Other philosophers and artists – notably Rousseau and Schiller – sought to recover classical wholeness under the sovereignty of the general will or within the domain of aesthetic "play"; but only Hegel taught that the whole potentially envelops the *particular* will – the will separate from the general and isolated from others – and that history's goal is to perfect that potential in a *state*.

It is possible to express that doctrine in ways that file down the opposites Hegel claims are united and so make seemingly otiose the divinity he thought was needed to join them. So, many have observed that Hegel's political thought attempts to reconcile the virtue of the ancients with the liberty of the moderns or Greek community with modern individualism, free personality, or moral autonomy.[1] While not incorrect, these formulations don't quite get the length of the paradox that Hegel teaches and that distinguishes his thought from all predecessors and successors. The paradox is Nature's potential union of organicism and atomism. It is the inherent complementarity of the ancient thesis that human beings fulfill their natures and attain their dignity as self-ruling members of a *polis* and the modern thesis that the human individual is morally self-supporting, owing its dignity to its own free will, so that its natural state is one of mutual isolation and indifference. Succinctly, Hegel teaches Nature's

latent harmony of ancient natural law and modern natural right. That he does so cogently even though a certain kind of theism is essential to the claim is one of the main themes of this study.

Another is that, without violating its stricture against telling the state what it ought to be, Hegel's philosophy means to play a transformative role in bringing human nature to fulfillment in a perfect kingdom that realizes the ancients' ideal while giving objective reality to the individual's separate worth. True, the owl of Minerva takes flight only with the falling of dusk, but in doing so it becomes a rooster whose cockcrow awakens sleepers to a new dawn. We'll see that, without contradicting its claim to interpretive passivity, Hegel's philosophy aims to be world-changing. Specifically, it means to intervene in human affairs in order to raise civil society as seen from an anthropocentric standpoint to the State that completes history viewed from a theocentric standpoint. That is the second theme of the book. The third is a question – namely, what are the historical and institutional conditions that make the time ripe for philosophy's transformative intervention? And the fourth concerns the implications going forward of these conditions' failure to materialize historically.

The first theme is worth emphasizing because political theory today is largely a polite war between advocates of precisely the ideas Hegel sought to unite. Liberalism and communitarianism are today's ideological antipodes, framing domestic and international politics in the twenty-first century as capitalism and communism did in the twentieth. The ideas for which these labels stand animate powerful political movements that pull political life in opposite directions: toward greater global unification, at one pole, and endless division along cultural lines, at the other. Not surprisingly, Hegel is claimed by both camps as its intellectual precursor, or one of them. For communitarians, he is the modern Aristotle – a critic of natural rights and a model for normative inquiry anchored to social practices as they exist within particular historical contexts and cultural wholes.[2] For liberals, he is Kant's intellectual heir, having fulfilled Kant's idea for a universal history of mankind ending with the equal freedom of all in the modern constitutional state.[3] In this tug of war over Hegel's legacy, both sides are mistaken because both are correct. As this book argues, Hegel's political philosophy is neither communitarian nor liberal but the unity of both in a synthesis Hegel thought was historically nigh but whose preconditions were missing in his day and remain absent in ours. To see what is missing is to understand the intractability of the present conflict but also to envision the institutional reforms needed to prepare for its philosophic mediation.

Hegel's discovery of a nexus between ancient natural law and modern natural right speaks to contemporary political thought in yet another sense. The so-called quarrel of ancients and moderns was originally a dispute among seventeenth-century literary critics, but it has resurfaced today as a debate among political theorists over the continuing relevance of the political ideals of the ancients. At its origins, modern political philosophy rejected the ancient ideals as guides for political science and practice, but to Leo Strauss and those

he inspired, this decision set political thought on a downward course toward legal positivism and moral relativism, of which the totalitarianisms of the twentieth century would be the ultimate beneficiaries. In this story of moral decline, Hegel's thought occupies the role of *dénouement*. Claiming that all philosophy is the thought of its time but that his philosophy had achieved absolute knowledge, Hegel could hold those thoughts together, Strauss argued, only if he thought history had in principle ended with the *bourgeois* revolutions inaugurating economic freedom and the equality of persons.[4] But what a sad ending that is! The lowering of political ideals characteristic of modernity in general is taken to a nadir by Hegel, as the goal of history becomes the Last Man depicted by Nietzsche's Zarathustra – the man for whom creature comfort and security are the chief ends of life.[5] If that is where history ends, Allan Bloom queried, must we not reconsider the ahistorical ideal of rare nobility held up as the end of political order by the ancients?[6]

One consequence of this book's argument is that Strauss and his progeny are mistaken about the relationship between ancient and modern political philosophy. In reading Hegel with minds pre-committed to a narrative of modernity's decline from the ancients' lofty ideals, they fail to confront the singular challenge his philosophy poses to that one-sided story. This book highlights that challenge. It brings to the fore and scrutinizes Hegel's argument purporting to show that history's goal is the reconciliation of ancients and moderns in a new *polis* sufficient for the nobility of *all* human beings. Not the Last Man but the individual ego whose conviction of absolute worth is confirmed in the laws of a state it can therefore revere is for Hegel history's end-product; and that end, we'll see, is unachievable without transcendent aid. Moreover, the book examines Hegel's argument for the amenability to synthesis of the dichotomies Straussians continually present as fixed: of ancient natural law and modern anti-natural law, of classical antiquity's aristocracy of the wise and modernity's democratic equality of the free, of the ahistorical teleology of the ancients and the non-teleological historicism of the moderns. Finally, it engages with Hegel's arguments claiming to show that, because of a truth anticipated (but distorted) by Christianity, the ancients' idea of the just state can be venerated for the sake of the separate ego without compromising the idea's rigor or purity. Throughout, I try to exhibit the force of Hegel's arguments – up to a point. For, while I defend Hegel's claim that the quarrel between ancients and moderns is in principle terminable, I also argue that reconciliation depends on historical conditions that do not exist; and it depends, too, on a philosophic intervention in history that, if not timely, is vulnerable to the slings and arrows critics have aimed at it.

That Hegel's political philosophy means to play a transformative role is a point also worth pressing – for three reasons. First, underscoring this aim places in correct perspective Hegel's famous saying that philosophy's task is to understand rather than to prescribe – a saying that, without perspective, leaves Hegel exposed to accusations of quietism, resignation, and servility to history.

I'll say more about this presently. But since accusations of this sort helped justify the morally ruthless revolution of creative spirits urged by Friedrich Nietzsche, exposing their falsity might revive Hegel's moderate alternative to Nietzsche's extreme anti-modernism – one that knows how to surpass *bourgeois*-Christian order in a noble politics without committing what all but the free spirits regard as crimes.[7]

Second, accentuating Hegel's transformative purpose challenges views about how his philosophy relates to political practice held by his two most influential interpreters – Karl Marx and Alexandre Kojève. According to Marx (whose eleventh thesis on Feuerbach surely has Hegel in mind), Hegel's philosophy tries to overcome objective reality's apparent foreignness to rational purpose by means of a thinking that leaves the economic basis of estrangement intact.[8] It thus produces the kind of satisfaction Hegel himself criticized in Epictetus, the Stoic, who could consider himself free in thought while remaining a slave in fact. For Kojève, by contrast, Hegel's philosophy arrives as an afterthought to a practical human self-emancipation achieved without it.[9] It is, he argues, humanity's *ex post* grasp of the French Revolution and the human rights empire it founded as the meaning of its history and the satisfaction of its striving, a self-knowledge possible only if, all being respected as equals, there is no further meaning to unfold, so no more history, no more striving, and no further wisdom.

Despite their differences, these views share a common misconception – one inherited by the many political theorists past and present who read Hegel through Marx's or Kojève's eyes.[10] Both deny any practical function to Hegel's philosophy, and both share a consequent belief that the socio-political order deemed final by Hegel pre-exists his philosophy as a human creation in time. On this view (call it the quietist reading), Hegel's political thought aims to reconcile critical reason to the post-revolutionary state by exhibiting its institutions as organs of a rational system the mind can endorse despite shortfalls from the model in empirical states. Its role is to understand the modern world, not to change it.[11]

This book contests the quietist reading. It argues that, in the form presented in the *Phenomenology of Spirit*, Hegel's philosophy aims to transform the world it understands. I don't mean this in the uncontroversial sense the quietist reading can embrace. Others have observed that, in unveiling the rational structure of the modern world, Hegel serves up a normative standard (the Ethical Idea) in light of which reformers can improve empirical institutions that deviate from their rational models.[12] That is not the sense of transformation I mean. I mean that the unveiling itself aims to bring into existence a world different from the one that existed prior to the unveiling. But neither should this be taken as echoing the common suggestion that, in understanding a world grown old, Hegel grasps the conceptual germ of the next temporal world order.[13] That suggestion flies in the face of Hegel's claim to have stood at a privileged moment in time at which both world history and the philosophy of humanity entwined therewith

could be understood as in principle complete. For that claim to harmonize with a world-transforming purpose, the new world must come into existence merely through general acceptance of the inherent reasonableness of the existing one disclosed by philosophy. But then, one might wonder, in what sense would that world be new?

To come to the point: Hegel's philosophy, I argue, sees itself as a bridge necessary for crossing from the bifurcated (into state and society) civil society of modernity to the dialectically unified State that completes divine-human history. So the movement is not from one temporal order to another but from a human state in the stream of time to a divine State that fulfills rational history. That history dawns brightly with the Greek state and ends with a Greco-modern State. So Hegel's final State is not the modern one ordered to human rights preceding the state, and it certainly is not a universal state. It is a new *polis*, one among many, like the old an end for humans, but now inwardly developed to incorporate modernity's rights of the stateless ego – a combination of opposites (the state as end, the stateless ego as end) no human mind can contain or achieve alone. That State is finally attainable only with the aid of a philosophy that, through a verifiable discourse, reveals the opposites as potentially reconciled both in Nature and in the present, thereby enabling the mutual recognition of public authority and private interests that makes reconciliation actual and the State whole.

Third, showing how Hegel's philosophy means to bridge the distance between human society and a divine-human State presents Hegel as speaking to the modern controversy about the place of theism in political life. Equating theism with faith-based theism, contemporary liberal thought banishes theism as such from the state, in which only what can be publicly justified to reason can have valid authority. It thus divorces the sacred community from the state, privatizing the former and secularizing the latter, but at the cost of lowering the state from a humanly fulfilling union for the highest good to a means of securing what all can value whatever their fundamental beliefs. Conversely, subordinating the state to theism directs public life to a good capable of engaging the human longing for a role in a final purpose, but at the cost of privatizing the state into a tyranny of the faithful. So, the possibilities seem restricted to a political authority that is broadly acceptable but low and one that is lofty but tyrannical. Because each side makes a point responsive to a profound human interest, they fight a war of ideas, and now a war of armed ideas.

Hegel's political thought sees itself as mediating this conflict. It claims to present a theism publicly justifiable to rational insight such that all can freely accept a political authority exercised in its name. So it tries to meet the Enlightenment criterion for valid coercive authority without lowering the ends of the state or treating humanistic ends as ultimate. We'll see that Hegel's final State is neither a secular state alongside a religious community directed to transcendence nor a state that (like the first French Republic, Soviet, and Nazi states) has ousted or subordinated religion by storming and demolishing transcendence. It

is rather a State that embodies the clear wholeness, unique to divinity, enveloping both a collective and a separate individual mind, and that, in doing so, fulfills the same longing for specific worth engaged by the Church but whose satisfaction is deferred therein. It is, accordingly, a State in which secular and faith-based communities merge in a middle that is neither secular nor faith-based but that is at once political and sacred. Such a State cannot, however, come fully into existence by human action unaware of its significance from the theocentric standpoint. It requires a revelation – this one appealing to rational insight and demonstrating that the just State's existence is all but accomplished, requiring only the recognition of its authority to become fully so. Hegel's philosophy claims to be this rational revelation.

In arguing these points and testing these claims, I'll also present a context within which criticisms commonly directed against Hegel's philosophy can be properly evaluated. I refer to the charges of logical reductionism, ideological rationalization, and statism. According to the first of these, Hegel's philosophy is a transcendental idealism that, instead of understanding society and political life in their own terms, foists on them an artificial meaning in terms of ends and logical categories external to them. Instead of walking on his feet like the rest of us, deriving ideas from human experience, Hegel walks on his head, deducing real phenomena from autonomous ideas. This fault is allegedly present both in the *Phenomenology of Spirit*, where the distinction between material life and philosophic thought is said to be reduced to a distinction within thought between consciousness and self-consciousness, and in the *Encyclopaedia of the Philosophical Sciences*, where nature and intelligent life are allegedly forced into a prefabricated and abstract movement of concepts.[14] In the course of demonstrating the practical role of Hegel's philosophy, I'll defend Hegel against the charge of logical reductionism, at least the form of it just outlined. I'll not deny that Hegel ultimately imposes on political life a rationality lacking to it *as a matter of fact*; however, I'll put this outcome in a light that enables us to explain it just as well by the prematurity of Hegel's philosophy as by its transcendental-idealist standpoint.

The charge of ideological rationalization takes two forms, one of which is a corollary of the charge of reductionism. By reducing natural and anthropological phenomena to timeless logical categories, Hegel (it is alleged) exalts empirical accidents into metaphysical necessities. This so-called panlogism of Hegel is seen as coming to a head in his political philosophy, which, say the critics, eternalizes the temporally given features of the modern (some say even the Prussian) state.[15] Defenders of Hegel typically retort that, as a human product, Hegel's state is in principle finite (limited by nature) and fragmented (into mind and nature), pointing thereby to an unbridgeable gulf between political life, on the one hand, and the practices – art, religion, and philosophy – wherein humanity relates to an infinite whole, on the other.[16] However, this defense turns out to be a plea of guilty to a lesser charge. From an idolater of the modern state, Hegel becomes the resigned apologist of its shortcomings.[17] Because, moreover, this

defense contradicts Hegel's own statements affirming the state's inherent divinity, it is a weak answer to the charge that Hegel identifies a temporal state-type with reason's timeless archetype. This accusation is decisively refuted only by showing that Hegel's ideal state is unreachable by unaided human action in time – that it is attainable only by means of a bridge that *keeps apart* even as it links the temporal and the eternal, and that this bridge is Hegel's philosophy itself.

In the other version of the charge that Hegel's philosophy is a form of ideology, Hegel is accused, not of conferring eternal validity on what contingently exists but of acquiescing blindly in transient existence as such. Here one must distinguish between a liberal and a Marxist critique of Hegel's supposed political conservatism, although both see the latter as rooted in the theistic framework of his thought. In the liberal view, Hegel's conservatism lies in his alienating human critical reason to an objective, historical process said to be the vessel of a divine Reason.[18] In regarding the state as "the march of God in the world,"[19] Hegel (it is alleged) espouses a moral positivism that kneels to history as to something beyond good and evil, cedes absolute authority to the *status quo*, naming "right" whatever succeeds, "ethical" the endorsement of custom, and "arbitrary" or "arrogant" the measuring of what is by what ought to be. For Marx, by contrast, Hegel's conservatism lies in his quietist acceptance, indeed his justifying, of the split between the public and private sectors of modern civil society. According to Marx, Hegel makes the historical opposition between what unites human beings (mind) and what separates them (nature) a permanent condition of mind's self-knowledge as nature's end. He then considers the goal achieved by thinking that harsh opposition into the benign distinction between universal and particular minds within the unity of self-consciousness. The result, Marx argues, is that Hegel gives a philosophic *imprimatur* to bifurcation in life, even while pretending to overcome it in thought.[20]

Echoes of Marx's critique reverberate in twentieth-century commentaries on the several iterations of Hegel's *Philosophy of Right*. So, after noting Hegel's proto-Marxist analyses of poverty and heteronomous labor within capitalist production, Lukács, Marcuse, Avineri, Plant, Taylor, and Wood ascribe to him a fundamentally tragic outlook on the conditions of heteronomy he so perceptively describes.[21] Hegel, it is said, analyzes the manifold forms of heteronomy in modern life not so as to exhibit their inherent transience, still less with a view to prescribing practical reforms, but rather to reconcile thought to their inner necessity. Not action to overcome heteronomy is the counsel of Hegel's science (say these critics), but resignation, acceptance of fate, and flight into a worldless thought.

To understand Hegel's philosophy as a bridge from the civil society of modernity to the State that fulfills divine-human history is to reject the ascription to Hegel of political conservatism, whether defined as an indiscriminate acquiescence in the *status quo* or as a resigned acceptance of the mind-nature dualism

in political life. Against the liberal critique, I argue that critical reason's surrender to history comes (or is meant to come) only at a time when the just State is *de facto* potentially realized in the objective world and when the surrender is itself the one thing still needed to realize it completely. Against the Marxist critique, I argue that the historical antagonism between mind and nature is a relative and passing necessity as much for Hegel as for Marx; that the human psyche is therefore potentially whole such that the individual can be self-determining both as sharing a civic mind and as asserting a separate, self-interested ego; that this inherent or primordial potential becomes an historical one when Kantian ideas have reached the limit of their transformative power – have done all they can to reshape civil society; and that Hegel's philosophy is the *last* thing needed to actualize the potential. Again, I'll not deny that Hegel is in the end forced to flee political realities into quietist and resigned contemplation. However, I'll argue that this result is attributable not to Hegel's head-standing idealism but rather to the force of circumstances not yet ripe for it.

Finally, there is the charge that portrays Hegel as a philosopher for whom the state is everything and the individual nothing. Briefly summarized, the indictment runs as follows. The author of a metaphysical theory of the state, Hegel conceives the latter as the incarnation of the divine Will and hence the absolute power on earth. To the glory of this state, he makes the individual a mere means; to its absolute authority, he sacrifices freedom of conscience and expression, all the while claiming to champion freedom by sophistically equating it with submission to the state.[22] Here again, Hegel has not been without defenders, who can point to the liberal elements of his ideal state: the supremacy of the constitution, a figurehead monarch, due legal process, a meritocratic civil service, and a representative legislature. Yet arguments claiming Hegel for the liberal-democratic tradition founder on the parts of his political thought unquestionably at odds with that tradition – his critique of popular sovereignty, of democratic republicanism, of individualistic representation, and of the social contract theory of political authority.[23] For Hegel, Spirit, not the people, is sovereign; a constitutional monarch, not a legislative assembly, expresses the sovereign's will; estates and corporations, not individuals, are the units of representation; and the State is a final end for individuals, not a means for securing their pre-political interests or rights.

That both liberal critics and liberal defenders of Hegel have a point should tell us that their dispute is sterile and to no point. Each side isolates one aspect of the whole that Hegel calls Spirit and accentuates it at the other's expense. That Hegel is neither a statist nor an individualist but a philosopher for whom collective authority and the separate person are complementary ends for each other; that, consequently, the private rights of persons (to lawful liberty and property) are inherently embedded *within* sovereign authority such that classical liberalism's authoritarian sovereign is surmountable in a fully constitutional State; and that Hegel's end-in-itself State thus perfects liberalism even while turning it on its head – these too are themes of the following study. However,

I argue, only the timely intervention of philosophy can raise civil society to this perfection. As we'll see, the philosophic bridge linking the modern to the ideal State is precisely a middle term between the state's universal will and the individual's particular will – one that, in its independence of either considered humanly, embraces both *qua* separate, and through which each can thus submit to the other without self-loss.

The book's organization is determined by its particular aims. It does not follow the order of Hegel's works chronologically, for it is not an intellectual biography. Nor does it follow Hegel's own organization of the system of science, for the book's aim is not exegesis for its own sake. Instead, the book asks specific questions about the problem of politics and the goal of history as these are understood within Hegel's system, about the role Hegel's philosophy sees itself performing in solving the problem and advancing the goal, about the social and political conditions that make the time ripe for philosophy's assistance, and about the direction Hegel's philosophy can take in a world not yet prepared for its science. Exegesis is for the sake of throwing light on these questions.

In accordance with its aims, the book is divided into three parts. Part I sets out the problem of circularity involved in the mutual presupposition of Hegel's science of reality and the perfect State's realization. It thereby discloses the need for a preliminary way of presenting science that, unlike the *Encyclopaedia of the Philosophical Sciences*, does not require a perfect State as its existential presupposition and that could therefore be a bridge both to the perfect state and to systematic knowledge. Part II exhibits the *Phenomenology of Spirit* as fulfilling this need. Part III inquires, through readings of Hegel's *Philosophy of Right* and *Philosophy of History*, into the historical and institutional conditions defining the ripeness of the time for philosophy's intervention. It also considers the implications for Hegel's scientific claims of the absence of these conditions both in his time and in ours. Finally, it offers an example of the form a Hegelian philosophy might take during the time of science's abeyance.

The rest of this Introduction describes the intellectual path taken by the young Hegel as he moves toward formulating the goals of his mature political philosophy. Although this path leads from one false start to another and has been well treated by others, we retrace it here for two reasons: one, to contextualize within Hegel's development the problems to which his mature political philosophy responds; and, two, by exposing the conceptual flaws in his youthful aims that drove Hegel to his ultimate project, to critique those who would champion the civic humanist Hegel of the Tübingen, Bern, Frankfurt, and early Jena years at the expense of the Heidelberg–Berlin system-maker and rationalist theologian.[24] While setting forth Hegel's mature goals at this early stage risks obscurity, it might nonetheless serve as a compass by which readers may orient themselves as we pause at way-stations that Hegel wisely abandoned. So, let us say that, by 1806, while an unsalaried private lecturer at the University of Jena, Hegel had formed a philosophical agenda that included the following objectives for a science of the state:

(a) to uncover the potential latent in Nature for reconciling the Greek ideal of humanity as self-fulfilling service to a civic mind with the modern conception of the human individual as morally self-sufficient (owing its dignity to its free will alone), hence naturally apolitical, solitary, and egocentric;
(b) thereby to demonstrate as abstractions from a latent whole Christianity's church (in which the reconciliation is received as a supernatural *fait accompli* miraculously revealed to the faithful and deferred to an otherworldly city) and modern civil society (in which the potential is unwittingly developed through the pursuit of rational, ego-based ends but never fully realized);
(c) to reveal, through a publicly verifiable political science for which historical conditions are ripe, civil society's ego-driven development as the all-but-final realization by humanity of the reconciliation passively received in the church; and
(d) by that now scientific and public revelation to raise modern civil society to its perfection in a State that synthesizes in the middle the Greek *polis* and modern society, church and secular state.

That is the destination. Let us now follow first Hegel's, then German philosophy's, road to it.

2 The Three Phases of Hegel's Thought

It makes sense, as we'll see, to divide Hegel's work into three phases of development. The first phase runs from 1793 (Hegel was born in 1770) to 1796 and may be called the Tübingen–Bern period; the second, which I'll call the Frankfurt–Jena period, extends from 1797 to 1804; and the third and mature phase spans the years from 1805 in Jena to Hegel's death in Berlin in 1831. The work of the first two phases consists mostly of drafts and fragments unpublished during Hegel's lifetime, but also of articles published in the *Critical Journal of Philosophy*, which Hegel co-edited with his friend at that time, Friedrich Schelling. The third phase dates from the system-draft of 1805–6 and ends with the 1830 essay on the English Reform Bill. I describe the first two phases here and the third phase in the rest of the book.

2.1 The Tübingen–Bern Period

A practical interest propels Hegel's intellectual life from the beginning. The first phase of his development as a philosopher encompasses his years as a student in the Tübingen seminary and as a tutor in Bern. During this phase, Hegel has no interest whatsoever in theoretical understanding, let alone in metaphysics. His interests are all practical, moral, religious, and political. He identifies theoretical reason with "discursive understanding" (*räsonierende Verstand*) – the cold analysis of concepts and classification of objects (which he likens to "the cabinet