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AT THE CROSSROADS : HEGEL AND THE ETHICS OF BÜRGERLICHE GESELLSCHAFT

Steven B. SMITH

RÉSUMÉ : Les théoriciens politiques contemporains ont fait grand usage du concept hégélien de société civile (bürgerliche Gesellschaft), mais ils n'en ont pas eu une compréhension adéquate. La société civile était pour Hegel le domaine d'un nouveau type d'individu doté d'un ensemble distinctif de traits caractériels, le bourgeois. L'expression bürgerliche Gesellschaft n'en était pas une de mépris ou de dérision, mais désignait une forme nouvelle, même héroïque, de civilisation. Hegel s'impose à notre attention comme le plus grand analyste et défenseur de l'expérience bourgeoise sous ses multiples aspects.

SUMMARY : Hegel's concept of civil society (bürgerliche Gesellschaft) is widely used but not well understood by contemporary political theorists. Civil society was for Hegel the domain of a new kind of individual with a distinctive set of character traits, namely, the burgher or bourgeois. The term bürgerliche Gesellschaft was not for him one of contempt or derision but marked a new, even heroic, form of civilization. Hegel's claim to our attention is as the greatest analyst and defender of the bourgeois experience in its manifold aspects.

The renaissance of interest in Hegel is due in large part to the prestige accorded to the concept of civil society.¹ Hegel did not coin this term, but his treatment of civil society in the *Philosophy of Right* will be indelibly attached to his name. Indeed, his exploration of this concept coupled with the distinction he drew between civil society and the state remains one of the most important and controversial features of his social and political philosophy.²

1. For some recent attempts at a retrieval of this concept see John KEANE, ed., *Democracy and Civil Society* (London : Verso, 1988) ; Adam SELIGMAN, *The Idea of Civil Society* (New York : Free Press, 1992) ; Andrew ARATO and Jean COHEN, *Civil Society and Political Theory* (Cambridge, MA : MIT Press, 1992) ; Michael WALZER, "The Civil Society Argument," in *Dimensions of Radical Democracy : Pluralism, Citizenship, and Community*, Chantal Mouffe, ed. (London : Verso, 1992).

2. G.W.F. HEGEL, *Philosophy of Right*, trans. T.M. Knox (Oxford : Clarendon Press, 1967), §182A, p. 266-267 : "If the state is represented as a unity of different persons, as a unity which is only a partnership, then

It has become fashionable in recent years to identify civil society with a dense network of associations — churches, trade unions, ethnic organizations, voluntary societies of all sorts. These organizations, it is alleged, become in turn the chief medium through which modern citizens learn the virtues of co-operation, civility, self-restraint, and mutual respect necessary for the survival of a healthy democratic polity. It is through membership in voluntary associations that the norms of democratic citizenship can not only be preserved but enhanced. “Join the association of your choice,” a leading civil society theorist has mused, “is not a slogan to rally political militants, and yet that is what civil society requires.”³ Only the civility learned through participation in “associational networks” makes democratic politics possible.

Hegel’s account of civil society differs in important respects from the above. In the first place, unlike contemporary civil society theorists for whom voluntary associations are chiefly instrumental to the attainment of democratic ends and purposes, Hegel regards the principal benefit of civil society as its independence from the state. The distinction between the state and civil society is Hegel’s version of the liberal distinction between the public and the private realms. Unlike the ancient political theorists who ruthlessly subordinated the private to the public realm and unlike the classic liberals who would subordinate the state to civil society, Hegel is more concerned to maintain the relative autonomy of the two.

Second, Hegel identified civil society very largely, if not exclusively, with the practices and institutions of the new economic order, the modern market economy, then coming into being. It is well to recall that our term civil society is the English translation of the German *bürgerliche Gesellschaft* which has the twofold connotation of both “civil” and “bourgeois.” But civil society is more than a set of institutions. It is the home of a distinctive kind of human being with a particular set of habits and virtues, namely, the burgher or bourgeois. For Hegel, the modern world with only slight exaggeration could be called the bourgeois world. Modern art is bourgeois art; modern literature is bourgeois literature; and, of course, modern society is bourgeois society.⁴

Hegel’s claim to our attention, I want to suggest, is as the greatest analyst of the bourgeois world. Yet Hegel’s relation to this world was a complex one. He regarded his philosophy as the completion and perfection of the bourgeois experience in all of its manifold aspects — political, moral, theological, and aesthetic. Yet at the same time, Hegel seems to prepare the ground for the radical critique of the very

what is really meant is only civil society. Many modern constitutional lawyers have been able to bring within their purview no theory of the state but this.” For some recent views on this problem see Z.A. PELCZYNSKI, *The State and Civil Society: Studies in Hegel's Political Philosophy* (Cambridge: Cambridge University Press, 1984); Manfred RIEDEL, *Between Tradition and Revolution: The Hegelian Transformation of Political Philosophy*, trans. Walter Wright (Cambridge: Cambridge University Press, 1984), p. 129-156; James SCHMIDT, “A Paideia for the ‘Burger als Bourgeois’: The Concept of ‘Civil Society’ in Hegel’s Political Thought,” *History of Political Thought*, 2 (1981): 469-493.

3. WALZER, “The Civil Society Argument,” p. 106.

4. The classic study is Karl LÖWTH, *From Hegel to Nietzsche: The Revolution in Nineteenth-Century Thought*, trans. David Green (New York: Doubleday, 1967).

world his philosophy sought to characterize and defend. It is well-known that Marx was able to arrive at his views on the alienating and oppressive features of modern civil society largely through an internal criticism of Hegelian texts. It is, then, as both the greatest defender but also as one of the greatest critics of the bourgeois experience that puts Hegel at the crossroads of modern social and political philosophy.

I

The term civil society was taken over by Hegel from his immediate eighteenth century predecessors who endowed the term with much of its modern significance. The term civil society derives from the Latin *civitas* which meant the relation of *cives* or citizens.⁵ Civil society was thus a more or less direct translation of Aristotle's *koinonia politike* and Cicero's *societas civilis*.⁶ A civil association was understood to mean a political association based upon law. A civil society was a society based upon authoritative rules or laws which governed the transactions between individuals and not, for example, the relations between the non-human species or between free men and slaves.⁷

The traditional employment of civil society as synonymous with the public realm or *res publica* was carried well over into the beginning of the modern era. The seventh chapter of Locke's *Second Treatise of Government* is called simply "Of Political or Civil Society" using the two terms in their traditional sense.⁸ But at the same time a new meaning of the term began to crystallize to mean a sphere of human interactions distinct from and prior to the state which governments are created to protect. Thus in the eighteenth century a group of predominantly Scottish economic and social theorists came to use civil society as a term encompassing all those factors, not merely political, but social, economic, and cultural that constitute a "civilized" society.⁹

Adam Ferguson's *An Essay on the History of Civil Society* (1767) used the term to mean "civilization in the broadest sense, a state of society 'polished' and 'refined' as contrasted with rude or savage society."¹⁰ Ferguson paid special attention to the

5. Michael OAKESHOTT, *On Human Conduct* (Oxford : Clarendon Press, 1975), p. 108-184.

6. RIEDEL, *Between Tradition and Revolution*, p. 133-134.

7. ARISTOTLE, *The Politics*, trans. Carnes Lord (Chicago : University of Chicago Press, 1984), III, 1280a 32 : "[the city exists] not only for the sake of living but primarily for the sake of living well (for otherwise there could be a city of slaves or animals)."

8. RIEDEL, *Between Tradition and Revolution*, p. 136.

9. J.G.A. POCOCK, *The Machiavellian Moment : Florentine Political Thought and the Atlantic Republican Tradition* (Princeton : Princeton University Press, 1975), p. 493-505 ; Nichole PHILLIPSON, "The Scottish Enlightenment," in *The Enlightenment in National Context*, Roy Porter and Miklaus Teich, eds. (Cambridge : Cambridge University Press, 1981), p. 19-40 ; Istvan HONT and Michael IGNATIEFF, eds., *Wealth and Virtue : The Shaping of Political Economy in the Scottish Enlightenment* (Cambridge : Cambridge University Press, 1983) ; Ronald HAMOWY, *The Scottish Enlightenment and the Theory of Spontaneous Order* (Carbondale : Southern Illinois University Press, 1987).

10. Duncan FORBES, "Introduction", in Adam FERGUSON, *An Essay on the History of Civil Society 1767* (Edinburgh : Edinburgh University Press, 1966), p. xix.

rise of the division of labor and the consequent specialization of functions as a distinguishing feature between economically primitive and refined or civilized societies.¹¹ Kant, Ferguson's German contemporary, used the term to distinguish certain social norms of civility from the development of a genuinely moral sense. "We are *civilized* to the point of excess in all kinds of social courtesies and proprieties," Kant wrote. "But we are still a long way from the point where we could consider ourselves *morally* mature."¹² This passage merely hints at the distinction which would dominate much of later German social thought between *Kultur* and *Civilization*.¹³

It was in the sense of a modern commercial society that Hegel took over the concept of civil society. Karl Rosenkranz, Hegel's first biographer, reports that Hegel read Adam Smith's *Wealth of Nations* in Christian Garve's German translation between 1794 and 1796 and around the same time took extensive notes on Sir James Steuart's *Inquiry into the Principles of Political Economy* (1767).¹⁴ According to Rosenkranz, Hegel was "fascinated by the relations of commerce and property especially in England" and followed the parliamentary debates over the Poor Laws with special fascination. In addition Hegel's commentary on Steuart's *Inquiry* was said to have contained "many magnificent insights into politics and history and many subtle observations."¹⁵ Unfortunately, the manuscript which Rosenkranz attests to having seen as late as 1844 has since been lost with the result that we can only speculate on what these "magnificent insights" and "subtle observations" consisted in. A good guess might be the Scottish theory of civil society.

The idea of civil society received its most complete expression in the *Philosophy of Right* of 1821. Here the term is presented in Hegel's idiom as one of the three "moments" of the "ethical life" (*Sittlichkeit*) of modernity. Civil society is sandwiched in between Hegel's treatment of the individual as a family member and as a citizen of the state. Civil society, is a new kind of human association in history which he identifies as a "system of needs" whose principle is individual self-interest.¹⁶ This new form of association also has its own form of theory appropriate to it. Political economy is "one of the new sciences that has arisen out of the

11. FERGUSON, *Essay*, p. 182-183, 186-187.

12. Immanuel KANT, "Idea for a Universal History with a Cosmopolitan Intent," in *Political Writings*, Hans Reiss, ed., trans. H.B. Nisbet (Cambridge: Cambridge University Press, 1970), p. 49.

13. See Friedrich NIETZSCHE, *Untimely Meditations*, trans. R.J. Hollingdale (Cambridge: Cambridge University Press, 1983), p. 3-6; see also Thomas MANN, *Reflections of a Nonpolitical Man*, trans. Walter D. Morris (New York: Ungar, 1987), p. 17.

14. Karl ROSENKRANZ, *G.W.F. Hegels Leben* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1977), p. 86; Hegel's indebtedness to Steuart has been glossed by Paul CHAMLEY, *Économie politique chez Steuart et Hegel* (Paris: Dalloz, 1963); Raymond PLANT, *Hegel* (London: George Allen & Unwin, 1973), p. 57, 114; Georg LUKÁCS, *The Young Hegel: Studies in the Relations between Dialectics and Economics*, trans. Rodney Livingstone (London: Merlin, 1975), p. 170-174, 328-329; Laurence DICKEY, *Hegel: Religion, Economics, and the Politics of Spirit, 1770-1807* (Cambridge: Cambridge University Press, 1987), p. 192-199.

15. ROSENKRANZ, *Hegels Leben*, p. 85, 86.

16. HEGEL, *Philosophy of Right*, §157, p. 110.

conditions of the modern world," Hegel wrote.¹⁷ Hegel credits economists like Smith, Say, and Ricardo for determining the laws governing civil society from out of "the endless mass of details" and "mass of accidents" confronting the observer.¹⁸

The science of civil society takes as its object the new socially emancipated individual who Hegel was perhaps the first to recognize and describe as "the burgher or bourgeois":

In [abstract] right, what we have before us was the person; in the sphere of morality, the subject; in the family, the family-member; in civil society as a whole, the burgher or *bourgeois*. Here at the standpoint of needs what we have before us is the composite idea which we call *man*. Thus this is the first time, and indeed properly the only time, to speak of *man* in this sense.¹⁹

It is here "in their capacity as burghers," that is, "private persons whose end is their own interest" that individuals confront one another as true "sons of civil society."²⁰ To unlock or understand this new kind of human associations requires us to regard it, then, as the home of a new, unprecedented kind of human being, "the burgher or bourgeois."

II

The relation between civil society and the phenomenon of the bourgeois was developed approximately half a century before Hegel by Rousseau.²¹ Rousseau was the first writer to isolate and define the bourgeois as that distinctively modern species of human being. In the *Emile* Rousseau writes:

He who in the civil order wants to preserve the primacy of the sentiments of nature does not know what he wants. Always in contradiction with himself, always floating between his inclinations and his duties, he will never be either man or citizen. He will be neither for himself nor for others. He will be one of these men of our days: a Frenchman, an Englishman, a bourgeois. He will be nothing.²²

In this passage Rousseau gives expression to a view of the bourgeois as something or someone essentially in between. This remains so even in popular parlance when we think of the bourgeoisie as virtually identical to the middle class. For what does it mean to be middle class? It means to be in between the nobility above and the poor peasants and workers below. But for Rousseau and those who followed him, the phenomenon of the bourgeois meant something other than the bland sociological term middle class.

17. *Ibid.*, §189, p. 126.

18. *Ibid.*, §189, 189A, p. 127, 268.

19. *Ibid.*, §190, p. 127.

20. *Ibid.*, §187, 238, p. 124, 148.

21. See LÖWITZ, *From Hegel to Nietzsche*, p. 233-237; see also LUCIO COLLETTI, "Rousseau as Critic of 'Civil Society,'" in *From Rousseau to Lenin: Studies in Ideology and Society*, trans. John Merrington and Judith White (London: New Left Books, 1972), p. 143-193, esp. 171-175.

22. Jean-Jacques ROUSSEAU, *Emile or On Education*, trans. Allan Bloom (New York: Basic Books, 1979), p. 40.

For Rousseau, to be bourgeois meant to be divided against oneself, to live in “contradiction with oneself” or to be torn between one’s private sentiments and inclinations and one’s public duties and responsibilities. Torn between the conflicting imperatives of self and other, the bourgeois lives entirely outside himself both in and through the opinions of others, capable neither of inner peace, sincere friendships, or what Rousseau calls “the self without contradiction” (*le moi sans contradiction*).²³ The bourgeois, then, is a living contradiction which is why Rousseau concludes this passage with the harsh judgment that the bourgeois is a “nothing.”

Perhaps the most famous move Rousseau was to introduce was to contrast the bourgeois to the citizen.²⁴ To be bourgeois came to mean to take refuge in the private rather than the public sphere. It was in this sense of an escape from public life that the bourgeois emerged with something of a bad odor. The bourgeoisie prefers the privacy of the family even at the expense of contributing one’s share to the public good. Immediately preceding the passage cited above, Rousseau tells the story taken from Plutarch of a Spartan mother whose five sons were in the army at war. When she asks a helot for news, she is told that all five have been killed. “Base slave,” she replies, “did I ask you that?” When she learns that the battle was won, she runs off to the temple to give thanks to the gods. “This is the female citizen,” Rousseau concludes.²⁵

Rousseau tells this story not because he wants to recreate the heroic, self-denying ethic of antiquity. This is no longer possible where private liberty has taken precedence over public freedom. Whereas the ancients were free because they shared in the collective self-government of their respective polities, we moderns are free because we are at liberty to attend to our personal ends and occupations. The liberty of the bourgeois has definitively triumphed over the citizen :

We have physicists, geometers, chemists, astronomers, poets, musicians, painters ; we no longer have citizens ; or if a few of them are left, dispersed in our abandoned countryside, they perish there indigent and despised.²⁶

Rousseau’s distinction between bourgeois and citizen set the stage for turning the bourgeois into an object of loathing and contempt. The bourgeois came to have the connotation of narrow-minded philistinism. The bourgeois came to represent something dull, prosaic, unaesthetic, and unspeakably mundane. The term became associated with a kind of low-minded concern with creature comforts and material goals at the expense of lofty ambitions or ideals. Marx would accord a grudging admiration to the bourgeoisie as the great captains of industry who engineered the

23. *Ibid.*, p. 293 ; translation modified.

24. *Id.*, *On the Social Contract*, trans. Roger D. and Judith R. Masters (New York : Saint Martin’s, 1978), Book I, chap. 6, note, p. 54 : “The true meaning of this word [city] has been almost entirely lost among modern men. Most of them mistake a town for a City, and a bourgeois for a citizen.”

25. *Id.*, *Emile*, p. 40.

26. *Id.*, *The First and Second Discourses*, trans. Roger D. and Judith R. Masters (New York : Saint Martin’s, 1964), p. 59.

triumph of the new industrial age, even if unwittingly preparing the conditions for their own demise. It was Nietzsche, however, for whom the bourgeois became identified with the final degradation of humanity. The bourgeois was that unique species of humanity described in *Thus Spoke Zarathustra* as “the last man” :

The earth has become small and on it hops the last man who makes everything small. His race is as ineradicable as the flea beetle ; the last man lives longest. “We have invented happiness,” say the last men and they blink.²⁷

For the most part Rousseau’s distinction between bourgeois and citizen was lost on German writers for whom the two terms were translated by the single word *burgher* and for whom the expression *bürgerliche Gesellschaft* carried none of the negative connotations attached to bourgeois society. Thus in his essay on “Theory and Practice” Kant distinguished the citizen of a state (*Staatsburgher*) from the citizen of a town (*Stadtburgher*).²⁸ This distinction was not between someone who looked after the public interest in contradistinction to someone who attends to their own private affairs. Rather the difference is between someone who is his own master (*sui iuris*) by virtue of having a marketable skill or trade and those who are mere laborers (*operarii*) and thus dependent upon the will of others. Only those with a certain degree of property and economic independence can be citizens in the full sense thus blurring the lines between the civil and political orders.²⁹

Hegel’s major innovation was to take the concept of the burgher or bourgeois and turn it into an object of world historical importance. He is the first German writer to take Rousseau’s distinction between bourgeois and citizen and turn it into a defining principle of a new form of civilization. In his lectures on Aristotle’s *Politics* from the *History of Philosophy* he explicitly uses the French terms to make his point about the separation of private and public liberty :

The Greeks were still unacquainted with the abstract right of our modern states, that isolates the individual, allows of his acting as such [...]. It is free nations alone that have the consciousness of activity for the whole ; in modern times the individual is only free for himself as such, and enjoys citizen freedom alone — in the sense of that of a *bourgeois* and not of a *citoyen*. We do not possess two separate words to mark this distinction.³⁰

In this remarkable passage Hegel makes the distinction between bourgeois and citizen into a kind of litmus test for modern civil society. Note that unlike Rousseau who turned to Sparta and republican Rome as the paradigms of moral wholeness and coherence, Hegel makes the emergence of “abstract right,” i.e., the right to private property the mark of a civil or civilized society. In an unmistakable reference to the

27. Friedrich NIETZSCHE, *Thus Spoke Zarathustra*, trans. Walter Kaufmann (Harmondsworth : Penguin, 1978), p. 17.

28. Immanuel KANT, “On the Common Saying : ‘This May be True in Theory, but it does not Apply in Practice,’” in *Political Writings*, p. 77-78.

29. ID., “Theory and Practice,” p. 78 note ; see also ID., *The Metaphysics of Morals*, trans. Mary Gregor (Cambridge ; Cambridge University Press, 1991), §46, p. 125-126.

30. G.W.F. HEGEL, *Lectures on the History of Philosophy*, trans. E.S. Haldane and Frances H. Simson (London : Routledge & Kegan Paul, 1955), II, p. 209.

division of labor in a factory, Hegel makes the appearance of social differentiation and the particularization of tasks as the defining feature of civilization over barbarism.

Hegel makes clear even further that modern freedom consists in the enjoyment of one's own individuality even at the expense of the universal. He even suggests that in working for one's own interests one inadvertently advances the interests of humanity. Not the freedom of the citizen to participate in government, but the freedom of the individual not to do so becomes the hallmark of modern liberty. Like his French contemporary Benjamin Constant, it is civil or bourgeois freedom as institutionalized in civil society that Hegel celebrates.

To be sure, even here one can also see the germs of the radical critique of civil society as developed later by Marx. Hegel's reference to bourgeois liberty as the "principle of isolation" (*Prinzip des Isolierens*) suggests the Marxian critique that liberalism's emphasis on the public-private distinction simply turns the state into an instrument of civil society. In "On the Jewish Question" Marx disparaged as "egoistic" the individual rights and liberties praised by liberal theorists. Civil rights are simply the freedoms of "egoistic man, of man separated from other men and from the community."³¹ He approvingly quotes Rousseau's *Social Contract* to the effect that in civil society man lacks an authentically "human" (= social) existence. One is split between the earthly, material interests of civil society and the heavenly, idealized world of citizenship and the state.³²

Marx's use of theological language to describe the distinction between civil society and the state is not accidental. It is not enough to characterize the bourgeois as a distinctively modern phenomenon. The bourgeois was in large part the product of Christianity. The idea that the individual as such is an object of inestimable dignity and moral worth is almost wholly a product of the Christian revelation. To be sure, while the ideas of *dignitas* and *humanitas* go back to ancient times, these invariably attach to the fulfillment of the duties of some particular office or function.³³ Furthermore, while ancient moralists frequently condemned *inhumanitas* or needless cruelty, it was also the case that humanity as such did not count for very much either. The idea of extending a kind of moral dignity to all sentient beings on the basis of their *humanitas* alone is only possible within what the German historian Karl Löwith has felicitously dubbed "the Bourgeois-Christian world."³⁴

Here again Hegel follows the lead of Rousseau in distinguishing the bourgeois as a private self who feels himself (or herself) as part of a common humanity from the citizen who is a member of a particular political regime. In the chapter on *religion civile* in the *Social Contract* Rousseau contrasts the exclusive and particularistic claims of citizenship from the universalist and cosmopolitan spirit of Chris-

31. Karl MARX, "On the Jewish Question," in *The Marx-Engels Reader*, Robert Tucker, ed. (New York : Norton, 1978), p. 42.

32. *Ibid.*, p. 45-46.

33. See Bruno SNELL, *The Discovery of the Mind in Greek Philosophy and Literature*, trans. T.G. Rosenmeyer (New York : Dover, 1982), p. 246-263.

34. LÖWITH, *From Hegel to Nietzsche*, p. 17-19, 23-34, 246-248.

tianity. "Christianity is a totally spiritual religion," Rousseau writes. "The Christian's homeland is not of this world."³⁵ Rousseau goes so far as to suggest that the term "Christian republic" is a contradiction. The very indifference to the needs and interests of this world makes Christianity ideally suited to a people who have lost any hope in gaining their political independence. "Christianity preaches nothing but servitude and dependence," Rousseau concludes. "True Christians are made to be slaves."³⁶

Rousseau elucidates this argument by distinguishing between the "social spirit" (*l'esprit social*) of particular societies and the universalism and humanitarianism characteristic of Christianity. "The patriotic spirit is an exclusive one, which makes us regard all men other than our co-citizens as strangers and almost as enemies. Such was the spirit of Sparta and Rome" he wrote in a letter to Usteri. "The spirit of Christianity, by contrast, makes us regard all men as our brothers, as children of God. Christian charity does not allow us to make odious distinctions between compatriots and strangers."³⁷ This point is followed up with the observation that while Christianity is favorable to the private virtues of benevolence and charity, it is absolutely opposed to the public virtues necessary for the maintenance of political liberty.³⁸

Hegel takes up and embellishes upon this great theme but regards the advent of bourgeois-Christian universalism as a decisive advance over the narrow and crabbed particularism of antiquity. It is due to Christianity, he avers, that we have acquired the belief that freedom is "the very essence of mind" :

Whole continents, Africa and the East have never had this Idea, and are without it still. The Greeks and Romans, Plato and Aristotle, even the Stoics, did not have it. On the contrary, they saw that it is only by birth [...] or by strength of character, education or philosophy [...]. That the human being is actually free. It was through Christianity that this Idea came into the world. According to Christianity, the individual *as such* has an infinite value as the object and aim of divine love, destined as mind to live in absolute relationship with God himself, and have God's mind dwelling in him: i.e. man is implicitly destined to supreme freedom.³⁹

Hegel is responsible for standing the paradigm of republican politics virtually on its head. Throughout the *Philosophy of Right* he defends the presence of individual freedom not as a cause of weakness or political corruption, but as the unique source of the strength of modernity. "The principle of modern states," he writes in paragraph 260, "has prodigious strength and depth because it allows the principle of subjectivity to progress to its culmination in the extreme of self-subsistent personal particularity."⁴⁰ And in the *Zusatz* appended to the above remark he contrasts

35. ROUSSEAU, *On the Social Contract*, Book IV, chap. 8, p. 129.

36. *Ibid.*, p. 130.

37. ID., "Letter to Usteri," *Political Writings of Jean-Jacques Rousseau*, C.E. Vaughn, ed. (New York : Burt Franklin, 1971), II, p. 166.

38. *Ibid.*, p. 166-167.

39. G.W.F. HEGEL, *Philosophy of Mind*, trans. William Wallace and A.V. Miller (Oxford : Clarendon Press, 1971), §482, p. 239-240.

40. ID., *Philosophy of Right*, §260, p. 161.

“the states of classical antiquity” in which “universality was present, but particularity had not then been released” to “the essence of the modern state” in which “the universal be bound up with the complete freedom of its particular members and with private well-being.”⁴¹

The difference between Rousseau and Hegel, then, is that while the one makes the appearance of the bourgeois a symptom of the ethical decay and corruption of the ancient republic, the other regards it as a cause for celebration. “The right of the subject’s particularity, his right to be satisfied, or in other words the right of subjective freedom, is the pivot and center of the difference between antiquity and modern times,” Hegel declares.⁴² This right of subjective freedom was given its initial expression by Christianity but today has become “the universal effective principle of a new form of civilization.” Among the “primary shapes” assumed by this civilization are such things as romantic love and the quest for personal salvation, but also featured prominently are “the principle of civil society [...] as moments in the constitution of the state” which includes such typically modern disciplines as “the history of art, science, and philosophy.”⁴³

III

From what has just been said, it should be clear that Hegel seeks to comprehend and conceptualize the phenomenon of civil society as a response to some of the deepest and most powerful metaphysical imperatives of modernity. Civil society and the new set of social and economic institutions that help to sustain it are expressions of the mind’s aspiration for freedom. This conception of freedom is intrinsically tied to some idea of individual self-determination or what Hegel calls “subjectivity.”

The idea of subjective or individual freedom emerged philosophically in the famous Cartesian *cogito*, the “I think” which is the ultimate arbiter of truth. It emerged theologically in the Protestant conception of justification through faith alone without the mediating institution of the clergy. It emerged politically in legal conceptions of rights to such things as life, liberty, and property which were secured in the American and French Revolutions. And finally, this idea of subjectivity was developed in the institution of a market economy in which such things as the freedom to buy and sell the products of one’s labor, to enter into contract, to exchange property, and to enter careers based on talent are among its most notable features.⁴⁴

In presenting the modern economic order as the fulfillment of the aspiration for freedom, Hegel believed he was both departing from but also helping to perfect and remedy the defects in the thinking of the Scottish theorists of civil society. In the *Wealth of Nations* Adam Smith referred not to civil society but to “the system of

41. *Ibid.*, §260A, p. 280.

42. *Ibid.*, §124, p. 84.

43. *Ibid.*, §124, p. 84.

44. *Ibid.*, §206, 299, p. 133, 195.

natural liberty." Under this system, "Every man, as long as he does not violate the laws of justice, is left perfectly free to pursue his own interest his own way, and to bring both his industry and capital into competition with those of any other man, or order of men."⁴⁵ For Smith, all that was necessary to attain this condition was to remove certain artificial barriers to the restraint of trade, chiefly including the misguided ambitions of political sovereigns, in order to liberate mankind's natural propensity to "truck, barter, and exchange."⁴⁶

The expression "natural liberty," as Joseph Cropsey has shown, is either a tautology or a paradox.⁴⁷ If we understand nature to mean a condition prior either in time or in principle to the imposition of all laws, conventions, and restraints, then the terms natural and liberty fit together so harmoniously as to be virtually interchangeable. But if we understand the seat of liberty to reside not in our arbitrary desires and inclinations but in reason and the will, then the order of nature, which by definition is void of will and reason, can only be seen as the antithesis of our freedom. The attempt to naturalize civil society would appear to rest on a crucial misunderstanding on the relation between freedom and necessity.

Hegel was to exploit this ambivalence in Smith's understanding of the economic order by denying the naturalness of the market place or any other civil institution. The institutions of civil society are rather the answer to the particular moral needs of individuals, especially our need for freedom. The expression "natural liberty" is for Hegel an oxymoron. Hegel credits Rousseau with the discovery that the origin of right is not nature but the will.⁴⁸ Liberty is for Hegel a moral attribute, while nature is altogether indifferent to morality.⁴⁹

The suggestion here, with its obvious Kantian overtones, is that freedom is a property of the will alone.⁵⁰ Even if human beings may be in nature, we are not entirely of nature. The freedom of the will refers to that ability that allows us to escape the determined order of nature and obey laws of our own making. Liberty means for Hegel something like the capacity for self-determination. Liberty is achieved not by obedience to the laws of nature ("natural liberty"), but precisely by our ability to transcend and transform them in accordance with the laws of freedom. It is in this sense that Hegel can refer to the institutions of civil society and the state as a kind of "second nature."⁵¹

45. Adam SMITH, *The Wealth of Nations*, Edwin Cannan, ed. (New York : Modern Library 1937), Book IV, chap. 9, p. 651.

46. *Ibid.*, Book I, chap. 2, p. 13.

47. Joseph CROPSEY, "The Invisible Hand : Moral and Political Considerations," in *Political Philosophy and the Issues of Politics* (Chicago : University of Chicago Press, 1977), p. 78-79.

48. HEGEL, *Philosophy of Right*, §29, p. 33.

49. *Ibid.*, §49, p. 44 : "We may not speak of the injustice of nature in the unequal distribution of possessions and resources, since nature is not free and therefore is neither just nor unjust."

50. *Ibid.*, §4A, p. 225-226.

51. *Ibid.*, §4, p. 20.

Hegel's primary contribution to the debate over civil society consists in his conception of the market place as an ethical or *sittlich* institution. Hegel recognizes the controversial nature of this claim. Civil society represents the stage of "difference," that is, of free self-expression that juxtaposes itself to the ethical immediacy of the family and the ethical universality of the state.⁵² For this very reason, the emergence of the modern liberated individual has been seen by many as a token of "ethical corruption" responsible for the decline of the state.⁵³ Yet Hegel insists that a political constitution is mature only to the extent that it not only permits but encourages the freedom of its individual members.⁵⁴

Civil society is a form of ethical life because it allows maximum scope for the free self-determination of the will. Civil freedom, the kind of freedom appropriate to civil society, is identified with such things as the right to property and choice of career.⁵⁵ These become important parts of modern, *bürgerliche* freedom insofar as only in civil society are individuals recognized as moral agents with will and responsibility for their own choices. Indeed, it is only within civil society that individuals are recognized not on the basis of their inherited social status or ethnic identity but simply as human beings with common moral needs. Civil society is the great teacher of moral egalitarianism for only here does "a man counts as a man in virtue of his manhood alone, not because he is a Jew, Catholic, Protestant, German, Italian, and so on."⁵⁶

A crucial, perhaps the crucial, liberty provided by civil society is the right to own and exchange property. Every bit as much as Locke, Hegel makes private property a central feature of his social theory, except that up until now, he believes, the grounds for private property have been inadequately understood. Private property is frequently made a virtual litmus test of modern freedom. Thus while Plato's *Republic* is said to display "the substance of ethical life in its ideal beauty and truth," it failed to understand "the self-subsistent inherently infinite personality of the individual" in all of its richness and variety.⁵⁷ While this principle of the infinite value of the moral personality dawned in an "inward" form with the appearance of Christianity, the most important outward manifestation of this freedom is the institution of private property.

Hegel was by no means the first person to identify private property with civil liberty. In the *Second Treatise* Locke attempted to ground property in the fundamental human desire for self-preservation.⁵⁸ The fact that everybody has a property

52. *Ibid.*, §182A, p. 266.

53. *Ibid.*, §185, p. 123-124.

54. *Ibid.*, §260A, p. 280.

55. *Ibid.*, §262A, p. 280: "In Plato's state, subjective freedom does not count, because people have their occupations assigned to them by the Guardians [...]. But subjective freedom, which must be respected, demands that individuals should have free choice in this matter."

56. *Ibid.*, §209, p. 134.

57. *Ibid.*, §185, p. 124.

58. John LOCKE, *The Second Treatise of Government*, Peter Laslett, ed. (Cambridge: Cambridge University Press, 1988), sec. 11, p. 273-274.

in his own person is for Locke sufficient to establish a natural right to what is acquired through “the Labour of his Body, and the Work of his Hands.”⁵⁹ Locke here appears to formulate a rudimentary version of the labor theory of value. It is labor that confers value on a thing by adding something more than nature, “the common Mother of all” had done.⁶⁰ But while property may grow out of the need for self-preservation, it ultimately answers the human need for liberty by establishing a “fence” between ourselves and dependence on the will of others. Property fulfills, then, an important political function. It encourages the virtues of rationality and industriousness required to affirm a sense of active citizenship.⁶¹

Hegel does not so much disagree with Locke’s conclusions as his method of deriving them. Locke’s attempt to derive property from the right to use our own bodies is characteristic of what Hegel perhaps unfairly thought of as Locke’s course philosophical premises. Property is for Hegel required by the needs of the moral personality and as such cannot be derived from the needs of the body however basic those needs might be. Property is ultimately derived from the free will not from its serving needs. “Personality,” he writes, “is that which struggles to lift itself above this restriction and to give itself reality, or in other words to claim that external world as its own.”⁶² The needs of the moral personality are not something given by nature but created through an ongoing process or struggle (*Kampf*) with certain natural and historical restrictions.

Hegel agrees with Locke that our title to a thing is conferred through labor even if that labor (to use Locke’s own example) is no more than picking an apple from a tree. But Hegel goes beyond Locke in suggesting that labor is more than a means to an end, e.g., the enjoyment of the apple. Labor for Hegel is an expression of the will and as such an expression of who and what we essentially are.⁶³ Labor is an expressive activity mediating between ourselves and nature. An object is turned into a piece of property because its maker can see his will reflected or expressed in it.⁶⁴ Locke was profoundly correct in seeing labor, a subjective human activity, as the ground of value ; what he missed was the way in which labor profoundly shapes and effects not only external nature but the moral and psychological needs of the personality as well.

To put the matter “dialectically,” our labor not only helps to create a world of objects which can be possessed and exchanged for other objects. Labor also shapes the personality of the laborer. Through work the world ceases to be something “other” or “alien” to us. Rather the world becomes an expression of the will. We see ourselves in turn reflected back in the objects we help to create. Work is no longer the biblically contemned curse of Adam, nor the classically despised realm

59. *Ibid.*, sec. 27, p. 287-288.

60. *Ibid.*, sec. 28, p. 288.

61. *Ibid.*, sec. 34, p. 291.

62. HEGEL, *Philosophy of Right*, §39, p. 38.

63. *Ibid.*, §45, p. 42.

64. *Ibid.*, §46, p. 42.

of slaves, but is a crucial factor in the humanization of ourselves and the world of civil society. Private property is, then, an expression of the personality and is necessary for the full realization of the moral will. Thus when Hegel remarks that property has no objective end or purpose but “derives its destiny and soul from the will,” he is noting the profoundly transformative character of the labor process.⁶⁵

Private property, like the institution of civil society in which it is embedded, performs a profoundly moral function in Hegel’s political philosophy. Property is not simply a means to security, comfort, and survival; nor is it primarily a defense against arbitrary rule by others, although it may be both of these as well. Property and the work that goes into it are for Hegel primarily forms of *Bildung*, of moral education. “The final purpose of education,” Hegel writes, “is liberation and the struggle for a higher liberation still.”⁶⁶ Work is a form of liberation in two senses of the word. Through labor we transform the world into a domain of useable objects, but we also transform ourselves by shaping and refining our skills, abilities, and talents. We take a set of naturally given capacities and become something concrete, a being with a specific moral identity.⁶⁷

Membership in civil society is, then, primarily a moral education. Unlike Rousseau and Marx, Hegel does not identify the bourgeois either with the pathology of *amour propre* or as a kind of low-minded materialist and egoist. It is only through the crucible of civil society that the bourgeois learns the cardinal virtues of restraint and mutual respect.⁶⁸ Hegel distinguishes between a kind of crude “practical education” acquired through work and *Bildung* in the strict sense.⁶⁹ A practical education in work produces the “skilled worker” who may be said to “produce the thing as it ought to be and who hits the nail on the head without shrinking.”⁷⁰ Education in the German sense of *Bildung* implies more than the acquisition of skills. It means “the harmonious development of all psychic faculties” or “to put it more precisely, it is the accord between sensibility and reason.”⁷¹ The fruit of this education is the *gebildete Mensch*, the burgher or bourgeois.

IV

Hegel’s defense of civil society was more than an analysis of certain social and economic institutions that mediate between the individual and the state. It was a defense of the civilizing and educational mission of those institutions. Civil society

65. *Ibid.*, §44, p. 41.

66. *Ibid.*, §187, p. 125.

67. *Ibid.*, §207, p. 133: “A man actualizes himself only in becoming something definite, i.e. something specifically particularized; this means restricting himself to one of the particular spheres of need.”

68. *Ibid.*, §36, p. 37.

69. *Ibid.*, §197, p. 129.

70. *Ibid.*, §197A, p. 270.

71. Alexander ALTMANN, “Moses Mendelssohn on Education and the Image of Man,” in *Studies in Jewish Social Thought: An Anthology of German Jewish Scholarship*, Alfred Jospe, ed. (Detroit: Wayne State University Press, 1981), p. 393.

is inseparable from its moral claims and aspirations. Does this mean that Hegel was uncritical of every aspect of modern economic life and committed to defending even its failures ? Can Hegel be accused of producing a bourgeois ideology in the precise Marxian sense of that phrase ?

There are two respects in which Hegel begins to call into question the moral viability of the market place and thus opens up room for a critique. The first concerns the moral and psychological consequences of the division of labor on the individual worker. This critique was pioneered by the Scots, Smith and Ferguson. In the *Wealth of Nations* Smith deplores how the division of labor leads to the confinement of human activities to one or two simple operations.⁷² The result of the constant repetition of the same tasks is the general loss of the moral and intellectual virtues necessary for active citizenship. In a passage that could almost be mistaken for Rousseau, Smith contrasts the situation that obtains in civilized or "improved" societies to those of primitive societies of hunters and gatherers where everyone is called upon to be both soldier and statesman and "can form a tolerable judgment concerning the interests of society, and the conduct of those who govern it."⁷³ While Smith regards the division of labor as the great engine of social progress, he cannot help but worry about its moral and political effects for "the great body of people" which he believes must necessarily fall "unless government takes some pains to prevent it."⁷⁴

Similarly Ferguson reflected on the consequences attendant upon what he called "the separation of arts and professions."⁷⁵ In general the *Essay* expresses a sense of wonder at the great variety and multiplicity of professions as evidence of the sheer ingenuity of nature. But while the art of separation is at the basis of civil progress ("every generation, compared to its predecessors, may have appeared to be ingenious ; compared to its followers, may have appeared to be dull")⁷⁶, he also notes the price that civilization pays for the gains in efficiency and affluence :

It may even be doubted, whether the measure of national capacity increases with the advancement of the arts. Many mechanical arts, indeed, require no capacity ; they succeed best under a total suppression of sentiment and reason ; and ignorance is the mother of industry as well as of superstition. Reflection and fancy are subject to err ; but a habit of moving the hand, or the foot, is independent of either. Manufactures, accordingly, prosper most, where the mind is least consulted, and where the workshop may, without any great effort of imagination, be considered as an engine, the parts of which are men.⁷⁷

Like Smith and Ferguson, Hegel understood the important respects in which the division of labor increases the overall social product or what Smith called "the wealth of nations." What was not lost on Hegel were the consequences on the

72. SMITH, *Wealth of Nations*, Book V, chap. 1, art. 2, p. 734 ; see COLLETTI, "Rousseau as a Critic of 'Civil Society,'" p. 155-163.

73. *Ibid.*, Book V, chap. 1, art. 2, p. 735.

74. *Ibid.*

75. FERGUSON, *Essay*, p. 180-188.

76. *Ibid.*, p. 182.

77. *Ibid.*, p. 182-183.

individual whose activities were consequently reduced to an area mind-numbing narrowness. In a passage from his *Jena Realphilosophie* Hegel limned Smith's famed description of a Glasgow pin factory. Here he describes in vivid detail how the division of labor may lead to an overall increase in productivity, but at the expense of the degradation of the worker. "The individual's own skill becomes unjustly limited and the consciousness of the worker is degraded to the utmost level of dullness," Hegel writes.⁷⁸ Hegel concludes this set of comments with the observation that : "The spiritual element, the self-conscious plenitude of life, becomes an empty activity. The power of the self resides in rich comprehension : this is being lost."⁷⁹ This passage shows the way in which the market economy can also serve to deaden and enervate the moral personality or "the rich comprehension" of the self to which Hegel refers. Marx's later gloss on the alienation of labor in his *1844 Manuscripts* could have almost literally come out this passage.⁸⁰

In the *Philosophy of Right* the problem of the division of labor was to some degree eclipsed by a concern for a new and potentially even more ominous problem. Hegel was deeply aware that civil society and the market place were inseparable from the creation of poverty. What Hegel recognizes is not, of course, the presence of poor people. There have always been poor people and it would have been quite surprising had Hegel not recognized this. What makes his analysis stand out is his identification of the moral and spiritual effects of a new kind of poverty that has begun to appear along with the emergence of civil society. It is not poverty as such, but a new type of poverty that Hegel seeks to describe when he speaks of the creation of a "rabble" (*Pöbel*) :

Poverty does not in itself make men into a rabble ; a rabble is created only when there is joined to poverty a disposition of mind, an inner indignation against the rich, against society, against the government [...]. In this way there is born in the rabble the evil of lacking self-respect enough to secure subsistence by its own labor and yet at the same time of claiming to receive subsistence as its right.⁸¹

This is, to my knowledge, the first and still best description of what sociologists today would call the "underclass." Hegel is not simply describing the working poor, but a kind of distinctively modern pathology with which we are now only too familiar. Hegel observes the emergence of this class but admits to be at a loss about what can be done about it. In what must be one of the most prescient understatement in the history of modern social thought he writes that the question of the abolition of poverty is "one of the most disturbing problems which agitate modern society."⁸²

Hegel's solution to the social problem are decent and humane but have not necessarily proved satisfactory. He suggests in the first instance that both private

78. G.W.F. HEGEL, *Jenenser Realphilosophie I*, J. Hoffmeister, ed. (Leipzig, 1931), p. 239.

79. *Ibid.*, p. 239 : "Das Geistige, dies erfüllte selbstbewußte Leben würden leeres Tun, die Kraft des Selbsts besteht in dem reichen Umfassen, diese geht verloren."

80. LÖWITZ, *From Hegel to Nietzsche*, p. 267.

81. HEGEL, *Philosophy of Right*, §244A, p. 277.

82. *Ibid.*, §244A, p. 278.

charity and the state should attempt to correct occasional market failures.⁸³ But Hegel also recognizes the ways in which public welfare functions to prevent the poor from gaining the self-respect that comes from earning a living. The result is inevitably a class within society that is either unable or unwilling to work for a living but who demands to receive subsistence as its right.⁸⁴ Hegel also suggests that the creation of international markets for domestic products may do much to relieve the poverty created by civil society. Even here he recognizes that this is but a half-way measure since productivity will continue to increase and international competition is bound to become tight.⁸⁵

Hegel admits ultimately that he is unable to solve the problems of civil society. In this respect he is in good company. Those who have offered solutions have generally failed or produced unintended consequences worse than the problems they set out to remedy. Hegel did, however, allow us to see with unrivalled clarity the issues and problems presented by civil society. Hegel, I have tried to show, was a defender, although not an uncritical one, of the modern market economy and the kind of high bourgeois culture in which the market was enmeshed. Bourgeois society was for him more than a way of producing goods and services. It was a network of moral relations aimed at producing a certain kind of educated or civilized individual.

It would be a profound mistake to view Hegel's contribution simply as a precursor of Marx or some variant of welfare economics as he has so often been the case. Hegel wrote to establish the accomplishments of modernity in the wake of the Protestant Reformation, the French Revolution, and the new social or civil order. It was to record the accomplishments of "the burgher or bourgeois" that he devoted his talents. No doubt there are, and will always be, those like Marx who found Hegel's solution to the social problem too timid and piecemeal to be fully satisfactory. For such critics, nothing short of a total revolutionizing of the means of production will be adequate to address the issues of poverty and inequality. For others like Nietzsche, Hegel's deification of the bourgeois world will seem too prosaic, too unerotic, too lacking in poetry to satisfy the deeper longings of the spirit. For Nietzsche and his heirs, it is not the problem of inequality and exploitation, but the reigning drabness, conformity, and philistinism imposed by the bourgeois order that needs to be transformed to escape the sheer tedium of the last man.⁸⁶

It was in large part in opposition to Hegel's apotheosis of the bourgeois experience that Marx and Nietzsche reacted with such hostility. In the *Philosophy of Right* the bourgeois appears as both the creator and the creation of a new form of civilization that was by no means an object of contempt. Bourgeois civilization, far

83. *Ibid.*, §241, 242, p. 148-149.

84. *Ibid.*, §244A, p. 277.

85. *Ibid.*, §246, p. 151.

86. For this theme see Francis FUKUYAMA, *The End of History and the Last Man* (New York : Free Press, 1992) ; Alexandre KOJÈVE, *Introduction à la lecture de Hegel*, Raymond Queneau, ed. (Paris : Gallimard, 1947), p. 435-437.

from representing the triumph of egoism, greed, and materialism presents a veritable pantheon of social, cultural, and artistic achievements. In this sense Hegel could rightly be said to have idealized the phenomenon of bourgeois society, viewing it not as something base, ugly, and ignoble, but as the highest expression of a new and even heroic aspect of the “world spirit” whose outlines were only just becoming visible. Hegel was certainly not the last, but he was the greatest thinker to devote his efforts to elucidating the virtues of “the burgher or bourgeois.”