A Paideia for the 'Bürger Als Bourgeois': The Concept of 'Civil Society' in Hegel's Political Thought

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A PAIDEIA FOR THE ‘BÜRGER ALS BOURGEOIS’: 
THE CONCEPT OF ‘CIVIL SOCIETY’ IN HEGEL’S 
POLITICAL THOUGHT 

James Schmidt

There is a general consensus concerning what Hegel sought to accomplish with his analysis, in the Philosophy of Right, of civil society (bürgerliche Gesellschaft). Marx’s interpretation serves as the locus classicus: Hegel was ‘following the example of the Englishmen and Frenchmen of the eighteenth century’ by bringing together under this heading the ‘sum total’ of the ‘material conditions of life’.¹ Subsequent commentators have agreed with Marx’s general characterization and have found in the discussion of civil society a provocative ‘political economy of modern society’, a full-fledged ‘philosophical sociology’, or, at the very least, a first mapping of the terrain which subsequent generations of sociologists would explore.²

Without wishing to deny Hegel his hard-earned place in the pantheon of founders of modern social thought, it is my intent in this paper to suggest that the role played by the concept ‘civil society’ in Hegel’s thought cannot be properly understood if it is viewed as paralleling earlier conventions of usage or if it is seen as a response to modern industrial society. I shall argue instead (1) that Hegel’s use of ‘civil society’, like his employment of a few other terms which will be discussed in the first part of this paper, is peculiar in that it follows no established conventions of usage and (2) that this peculiar use of terms cannot be interpreted simply as a response to the ‘social question’ of the nineteenth century but instead must be read against the background of eighteenth-century concerns with the relationship between citizenship, commerce, and Christianity. Hence the second half of this essay will trace the genealogy of the concept ‘civil society’ in Hegel’s writings, showing how the Philosophy of Right resolved a number of long-standing problems in Hegel’s view of the nature of the citizen in Bourgeois-Christian society.

Marx's assurance that Hegel was merely following eighteenth-century conventions in his use of 'civil society' stands in marked contrast to the bewilderment expressed by the first reviewers of the Philosophy of Right. They could not understand why Hegel distinguished 'state' from 'civil society', could not comprehend how he could combine the usually separate disciplines of 'natural right' and 'science of the state' in the book's subtitle Naturrecht und Staatswissenschaft im Grundrisse, and found the argument of the book to be marked by a 'great ambiguity, darkness, and misunderstanding'. If Hegel was following established conventions, they were conventions unknown to his first readers.

One reviewer, however, had a keen insight into the source of the problem. H.E.G. Paulus, a noted theologian and associate of Hegel since their days at Jena, observed in an anonymous and highly critical review 'The author, as is well known from his rechristening of metaphysics as logic, prefers to introduce new points in that way: under a conventional expression... he subsumes something entirely different from the general linguistic usage'. Paulus felt that Hegel was using modern terms such as 'state' to denote what, in effect, was an ancient ideal: the classical polis. Behind an apparently modern discussion of natural law he was secretly reviving a Platonic conception of politics.

Paulus was undoubtedly correct in suggesting that Hegel was using certain terms in ways which made sense only if note was taken of the classical resonances which certain German terms could evoke. 'Sitten', for example, which Kant had used interchangeably with 'Moral' and sought to purge of all connotations of 'custom' or 'habit', was valued by Hegel chiefly for its correspondence to the Greek 'ethos'. But such gestures in the direction of

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5 See the review by Zachariae in Ibid., pp. 111–12.

6 Ibid., p. 57.

7 Ibid., pp. 57–8.

8 cf. Kant. Metaphysik der Sitten Akademie-Ausgabe, VI:216 with Hegel's comment in his essay on natural law that 'We notice here too a linguistic allusion. elsewhere repudiated... that it is of the nature of absolute ethical life to be a universal or an ethos [Allgemeines oder Sitten]. The
ancient connotations do not exhaust the problems posed by the language of the *Philosophy of Right*. In other cases, Hegel breaks with contemporary conventions not by invoking ancient meanings, but rather by using terms in ways which are simply unprecedented. To appreciate the complexity of Hegel's use of terminology, three closely related terms and phrases will be examined here: *bürgerliche Gesellschaft*, his discussion of the *Bürger als bourgeois*, and his notion of *Bildung*. In each case we shall find a chiasmus of ancient and modern connotations.

*Bürgerliche Gesellschaft*: Hegel's Uncivil Society

As employed in the *Philosophy of Right*, *bürgerliche Gesellschaft* refers to one of the three elements of *ethical life* (*Sittlichkeit*), that final section of the book in which Hegel moves beyond a discussion of legal relations and individual morality to explore the different domains in which individual actions occur in the company of others. It stands between the family and the state, and accomplishes the transition from a community bound by ties of kinship and affection to a community which rests on the voluntary submission of each individual to the general will of the polity. Conceptually, *bürgerliche Gesellschaft* is the state 'as understanding [Verstand] envisions it'. That is, it is an overly abstract and limited conception of the state which is unable to grasp the essential attributes of political life and instead focuses on certain 'external' aspects: the exchange of goods in a market, under the protection of a system of civil law, with certain welfare functions carried out by public and private agencies (the 'police' and the 'corporations'). Historically, it is the 'achievement of the modern world', a realm where the play of individual caprice and desire produces a 'spectacle of extravagance and want'. It is the realm from which Rousseau withdrew in horror, to dream of less wealthy but more virtuous communities, and the first glimmerings of the principle on which it rests—'that self-subsistent inherently infinite personality of the individual' which dawned 'in an inward form in the Christian religion and in an external form ... in the Roman world'—were perceived with suspicion by Plato at the very moment when the classical polis collapsed.⁹

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⁹ Hegel, *Philosophy of Right*, para. 183.

Hegel’s reviewers could make little sense of his distinction between state and civil society because it was virtually unprecedented. Traditionally, ‘civil society’ had been used as a synonym for ‘state’—as in the regular employment of the phrase ‘civitas sive societas civilis’ in natural law treatises to denote that realm which men enter when they leave the state of nature—and as an equivalent for ‘political society’—as in the dual title of Chapter VII of Locke’s Second Treatise ‘Of Political or Civil Society’. This equation of state and civil society could claim an ancient paradigm: the first book of Aristotle’s Politics. There the term ‘koinonia politikē’ (political community) was employed as a theoretical category denoting that form of association which one more commonly calls a polis. From Leonardo Bruni’s fifteenth-century Latin translation of the Politics down to J.G. Schlosser’s German translation of 1798, ‘koinonia politikē’ was generally rendered as ‘civilis societas’ or its Italian, French, English, or German equivalent. Likewise, from at least Hobbes onward, natural right theorists, however much they might dispute the methodological foundations on which Aristotle’s equation of polis and koinonia politikē rested, clung to the convention of using ‘civil society’ as the more technical term designating what, in everyday speech, one calls a civitas, cité, state, or Staatsgesellschaft. The convention Hegel was violating could not have been more basic. It was one of the few things that modern natural right theories held in common with the classical doctrine of politics.

Marx to the contrary, there was little support Hegel could find among the ‘Englishmen and Frenchmen of the eighteenth century’. Within Scottish moral philosophy—apparently the ‘Englishmen’ Marx had in mind—the scope of ‘civil society’ was extended to encompass all of the factors, economic, social, and cultural, which make up a ‘civilised society’. But the range of the term is extended, not redefined: the main criterion for determining whether a

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13 In the passage I have been able to examine the first paragraph is rendered as follows: ‘civitas appellator & civilis societas’ (Bruni’s translation of 1438); ‘citta & ciuite societa’ (Brucioli’s translation of 1547); ‘cité et compagnie civile’ (le Roy’s translation of 1562); ‘Citéie or ciiull societe’ (an anonymous English translation of le Roy from 1598); ‘city ... or political society’ (Ellis’ translation of 1777); ‘bürgerliche Gesellschaft’ and ‘Staatsgesellschaft’ (Schlosser’s translation of 1798); and ‘bürgerliche Vereinigung’, ‘bürgerliche Gesellschaft’, and ‘Staatsvereinigung’ (Garve’s translation of 1799). For a discussion of the problems of translating the Politics see Manfred Riedel, Metaphysik und Metapolitik (Frankfurt, 1975), pp. 109–67.

14 For examples, see Riedel. ‘Gesellschaft, bürgerliche’, pp. 736–8.
society is ‘civilised’ remains political. Something closer to Hegel’s use of the term can be found in the writings of Royer-Collard, Barante, and Guizot, especially after 1824. But here we have left the realm of eighteenth-century models and entered that of contemporaries. The predominant eighteenth-century practice was to use ‘state’ and ‘civil society’ interchangeably, and it was a practice that Hegel himself followed in all of his published and unpublished writings prior to 1818. When he eventually broke with the convention, he did so in a way which made it clear that he was not simply repudiating eighteenth-century practices. He was outlining a conception of civil society which was a mirror image of Aristotle’s koinonia politikē.

Aristotle’s concept koinonia could not possibly be stretched to cover that pattern of ‘unsociable sociability’ which Kant and Mandeville had articulated and which Hegel placed at the heart of the analysis of the ‘System of Needs’ in his discussion of bürgerliche Gesellschaft. It referred to fundamental ties such as language and place which bind men together and to those collectivities which pursue a common goal. A koinonia was marked by both reciprocity or justice (to dikaion) and fellowship (philia) and hence was an order of a different sort than that society with ‘no mutual love and affection’ which Adam Smith grounded on justice alone in the Theory of Moral Sentiments. Aristotle went so far as to argue that philia was the most vital of the bonds which held a polis together, since ‘When people are friends, they have no need of justice, but when they are just, they need friendship in addition’. Hegel’s bürgerliche Gesellschaft, however, was not a realm of face to face interactions between citizens of a polis; it was an anonymous realm of exchanges between strangers.

The peculiarity of Hegel’s usage becomes even more striking if we note how Aristotle claimed that the polis attained its identity. A polis, he argued, is ‘an

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aggregate of many members; and education[paideia] is therefore the means of making it a community and giving it a unity . . . '. The proper loci of this paideia, he went on to argue, are 'social customs [ethos], mental culture [philosophia], and legislation [nomoi]' 19 Hegel, as has been noted, stressed on several occasions the parallel between the Greek 'ethos' and the German 'Sitten'. But, even though the analysis of civil society took place within the context of his discussion of 'Sittlichkeit', his intent was not to liken his bürgerliche Gesellschaft to Aristotle's koinonia politikê. Rather, from his very first use of the term bürgerliche Gesellschaft in a way which broke with the prevailing convention, the stress was on its character as a 'dissolution of substantial unity', on its role as a 'Verlust der Sittlichkeit' (loss, destruction, or privation of ethical life). 20 Bürgerliche Gesellschaft, the etymological heir of Aristotle's koinonia politikê, thus played the role, within a discussion of Sittlichkeit, the etymological and conceptual heir of the Hellenic ethos, of the destroyer of all substantial, ethical, and communal bonds.

The 'Bürger' as 'Bourgeois': Civic Virtue and Uncivil Interests

We can better understand this peculiar society if we shift our focus and consider its members. Hegel provided a list of the agents under scrutiny in the different sections of the Philosophy of Right, but his label for those found in civil society is a puzzling one. 'In right, the object is the person; from the standpoint of morality, the subject; in the family, the family member; in civil society in general, the Bürger (als bourgeois)'. 21 The immediate problem is that of finding a suitable translation for the closing phrase. The usually reliable T.M. Knox faltered rather badly here, rendering it 'burgher or bourgeois', a translation that has at least two strikes against it. First, the terms are not being used as equivalents. Hegel wrote—and meant—'als' (as) not 'oder' (or). That much is clear from a comment Hegel made at the start of his discussion of civil society in his 1824–5 lectures.

The French make a distinction between bourgeois and citoyen; the first is the relationship of the individual to a community concerning the satisfaction of his needs. [It] has no political reference; this occurs first with the citoyen. Here we shall observe only the individual as bourgeois. 22

19 Aristotle. Politics. 1263b.


21 Ibid., para. 190.

CIVIL SOCIETY IN HEGEL

It would appear that the agent under scrutiny during the entire discussion of Sittlichkeit—a point never explicitly spelled out by Hegel—is the Bürger. He takes on a number of shapes as the discussion proceeds: here a family-member, there a bourgeois, and finally, in the discussion of the state, a citoyen.

Hegel can use the term ‘Bürger’ in this fashion because it means a good deal more than ‘burgher’, Knox’s choice to render the word. While it is true that ‘Bürger’, ‘bourgeois’ and ‘burgher’ share the meaning ‘citizen or resident of a city’, if this is all Hegel meant by the term he would have written what Knox thought he found: ‘Bürger oder bourgeois’. But, as Christian Garve, the eighteenth-century popular philosopher and translator who was a major influence on the young Hegel, noted in a 1792 essay, the German term is ambiguous, signifying on the one hand ‘a member of civil society—that is, the French citoyen’ and, on the other, ‘the non-noble city-dweller who lives off a certain business—and that is bourgeois’.

Two paradigms were thus available to German political theorists. Those, like Kant, who embraced contractual approaches and applauded the French Revolution, argued that the ‘Bürger’ who entered into the social contract was a ‘citoyen’, i.e. a citizen of a state [Staatsbürger], not a citizen of a town [Stadtburger], a bourgeois. Others, like Justus Möser, who rejected contract theories and were critical of the new French constitution, argued that the ambiguity of ‘Bürger’ contained an important truth: claims to citizenship rested on one’s position in society, not on some basic right of man per se. Hegel, in his discussion of civil society, conformed to neither paradigm. In contrast to Garve and Kant, the ‘citizen’ of his civil society was a bourgeois, not a citoyen. In contrast to Möser his ‘Bürger als bourgeois’ was not a member of the corporative society of the Mark; he was a private individual engaged in competitive struggles in the market.

While this specific formulation of the relationship between Bürger, bourgeois, and citoyen is unique to the Philosophy of Right, Hegel’s struggle

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with the ‘Bürger als bourgeois’ spans his political writings. The Jena Philosophie des Geistes (1805–6) noted that the individual is pulled between two conflicting loyalties: (1) a personal concern with family, labour, and contracts and (2) a concern with the general end of the state. ‘According to the one side he is called bourgeois, according to the other, citoyen’, Hegel commented and, in a marginal note, translated the distinction into German as ‘Spiess- und Reichsbürger’—a resident of a town, with connotations of narrow-minded philistinism, and a citizen of the Empire.27 A similar dualism—referring to two classes, however, and not to a conflict within an individual—can be found even earlier. Hegel’s essay on natural law theories from 1802 drew on Gibbon for an account of the loss of civic spirit in the later Roman Empire with the development of an abstract system of property rights in which ‘each individual . . . is related to all others . . . as being a Bürger in the sense of bourgeois’.28 The virtually contemporaneous System der Sittlichkeit gave a similar picture of the ‘estate of rectitude’ or ‘integrity’ (Rechtschaffenheit) and denoted its members simply as ‘Bürger, bourgeois’.29 Finally, a work begun at a still earlier date now known as the German Constitution, gave yet another genealogy for this odd species. Here the growth of that ‘bürgerliche sense, which cares only for an individual and not self-subsistent end and has no regard for the whole’ was traced to the German Reichsstädte, free cities which were answerable only to the Emperor.30 Though praised for their civic virtue by Machiavelli, in Frederick the Great’s time such cities were typically ruled by oligarchic and reactionary governments.31

The outlines of the problem Hegel was grappling with should, to students of the history of political thought, by now have begun to take on a more familiar aspect. His discussion of the status of the ‘Bürger als Bourgeois’ raised, in a particular way, the more general question of the relationship between commerce and citizenship. Antiquity had dealt with the relationship rather simply. The citizen of the polis as a rule was not involved in the commercial activities, and the flourishing trade of cities like Athens was carried out by


metics, non-citizen resident aliens.\(^{32}\) Commercial trade for profit had a stigma attached to it and the Greek term for it—kapelikē—suggested, in Karl Polanyi’s words, “hucksterism writ large”.\(^{33}\) Aristotle was troubled by the fact that once wealth exists in monetary form there could be no natural limit on its accumulation. A man can thus become enslaved to an infinite set of wants, losing the independence and self-possession which is the mark of the good citizen.\(^{34}\)

Those modern writers who influenced Hegel—Machiavelli, Adam Ferguson, Adam Smith, and, above all, Jean-Jacques Rousseau—pointed to a similar problem: how could the classical ideal of the citizen, an individual willing to risk his life for the survival of the polity, be reconciled with the modern bourgeois, the private individual who is concerned, above all else, with the satisfaction of his own material needs?\(^{35}\) While Hegel’s reading of Montesquieu and Steuart suggested a possible way out of the dilemma—commerce, they argued, had a ‘civilising’ effect by refining the mores of a people while restraining the passions of a would-be rapacious ruler\(^{36}\)—from his earliest writings it was clear that Rousseau’s more pessimistic conclusions weighed heavily on Hegel. The ‘Bürger als bourgeois’ was a private person, not a citizen, not simply because of his attachment to a set of private, worldly interests. Rousseau suggested to Hegel that the problem went even deeper. The modern Bürger was bourgeois, at least in part, because he was a Christian.\(^{37}\)


\(^{34}\) Aristotle, *Politics*, 1257a & b, 1258a & b, 1327a.


To appreciate the impact of Rousseau's argument on the development of Hegel's thought and on his peculiar use of terminology in the *Philosophy of Right* we must once again shift our focus and consider the way in which Hegel employed the notoriously complex category 'Bildung'. Hegel saw civil society as the domain in which private persons, pursuing their private interests, come 'as a result of necessities imposed by nature as well as of arbitrary needs' to 'determine their knowing, willing, and acting in a universal way'. In civil society, 'their particularity is educated up [zu bilden] to subjectivity'. In the mad jostle of Hegel's uncivil society, the *bourgeois* somehow learns to be a *citoyen*.

The term which is employed to describe this process, 'Bildung', carried a set of classical resonances which were obvious to the writers of Hegel's day. It perfectly translates the Greek 'paideia', echoing its dual connotations of 'plastic shaping' and 'imaginative ideal'. During the Aufklärung, Bildung had become a catchword used to denote the complete and harmonious unfolding of human capacities. Moses Mendelssohn provided an influential exposition of the meaning of the term in his 1784 essay 'Über die Frage: was heisst Aufklärung?' and the young Hegel copied out virtually the entire essay in a notebook he kept while in Gymnasium in Stuttgart. Bildung was defined by Mendelssohn as the process by which a people is brought into harmony with the destiny or vocation (Bestimmung) of mankind as a whole. It is divided into a practical side—termed 'Cultur' or 'Politur'—and a theoretical side—'Aufklärung'. The task of Bildung is to bring about a balance between theory and practice, and Mendelssohn provided examples of peoples who failed to achieve this balance. There is also one example of a people who succeeded: the ancient Greeks, the sole 'gebildete Nation' Mendelssohn could find. The task of modern Bildung was thus that of duplicating the achievement of ancient paideia.

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While these resonances were apparent, it was equally clear to Hegel, from his reading of Rousseau’s *Emile*, that the classical ideal of a civic *paideia* was impossible in the modern world. ‘Public instruction no longer exists and no longer can exist’, Rousseau argued, ‘because where there is no longer fatherland, there can no longer be citizens’. 42 Rousseau declined to give reasons in *Emile* for the loss of fatherland, but they were obvious enough to a reader of his *Discourses* and *Social Contract*: the integrity of the classical *polis* had been shattered by the progress of luxury, Enlightenment, and commerce and by the advent of Christianity, that least civil of religions. 43

The second of these reasons, as will be seen, was of extreme importance for the evolution of Hegel’s thought. But, more immediately, it must also be noted that the conflict between Christianity and the ancient ideal of civic education was also of importance for the use of the term ‘Bildung’. Its aura was not simply a classical one: the most widespread use of the term before the *Aufklärung* took place in Pietist theology. Just as early Christian theologians claimed the mantle of classical philosophy by representing the ‘imitatio Christi’ as the highest form of *paideia*, so too Pietist theologians represented Christ as the ‘Bild’ (image), present in the soul of man, which constituted the ideal to which one should ‘educate’ oneself. 44 The intensely private nature of this process of cultivation was reproduced within German humanist discussions of *Bildung*. Wilhelm von Humboldt went so far as to suggest that a monarchy, because it did not demand the level of political activity from its citizens that characterized a republic, provided the best framework for the pursuit of individual *Bildung*. 45 Likewise, the various educational schemes that took *Emile* as their inspiration were oblivious to the elegy for the public education of ancient politics that Rousseau had written. 46


46 A most telling example may be found in the first German translation of Rousseau’s *Emile*: ed. J.H. Campe (Vienna, 1789). p. 59. The editor added a note to Rousseau’s statement that ‘fatherland and citizen should be effaced from modern languages’ which, with bland assurance, missed the point completely: ‘Indeed not; it would be enough to remark in our dictionaries that we no longer use the words in the same way as they were used in Sparta, Athens, and Rome’.
Hegel, once again, adhered to neither ancient nor modern conventions in his use of the term. Bildung took place in a public arena, in the midst of civil society. He had little patience with the educational reformers of his day and scorned Rousseau’s proposal for an education sheltered from society. Yet, the solution he proposed could hardly have been more removed from the civic paideia of antiquity. One was shaped to think, act, and will in a universal fashion not through the imposition of an external ideal, but instead through the unhindered pursuit of one’s own private interests.

To understand this peculiar Bildungsideal, we must consider one last characteristic of Hegel’s use of the term. The way in which he described the process of Bildung was almost unprecedented. The oddness of his use of the term has rarely been noted, since the usual tendency is to assimilate his use to that of the humanist tradition of Herder, Goethe, and von Humboldt. Judith Shklar has sensed that something is amiss in his use of the term in the Phenomenology and has suggested that the term is perhaps used in a ‘wryly funny’ fashion. But Hegel was not using the conventional sense of the term in an ironic way. He was using the term in a sense which, as Rüdiger Bubner has noted, stands in opposition to the rest of the Aufklärung. Hegel saw Bildung not as a process of harmonization, progress towards a goal, or unfolding of an internal faculty—the typical humanist conceits—but rather as a process marked by division, diremption, and opposition. It does not represent a return to a natural simplicity, nor does it take the form of a

Such a literal reading of the Emile as a straightforward discourse on childhood education was the norm in Germany; see the comments in William Kessen, “Rousseau’s Children”, Daedalus, 107 (1978), pp. 155–66, 161–2.

* Hegel, Vorlesungen. Vol. 3. p. 500 (it should be noted that the explicit reference to Rousseau, which appeared in the Zusätze composed by E. Gans and translated by Knox p. 261 is absent from the lecture notes which Gans employed).


* Rüdiger Bubner. Dialektik und Wissenschaft (Frankfurt, 1973). pp. 15–16. The only similar usage Bubner finds is that of Fichte in the 1794 Wissenschaftslehre, Werke I (Berlin. 1845). p. 285. Shklar’s claim that ‘Hegel was far from being unique in noticing that modern Bildung produced neither self-development nor social cohesion’ (p. 45) does not refute Bubner’s point. While others may have noted problems in the process of Bildung, as traditionally conceived, no one employed a conception which was so consciously negative as Hegel’s.

* Hans Weigl, Die Entstehung des deutschen Bildungsprinzip (Bonn. 1967). pp. 6. 10ff. 42ff provides a helpful overview.

transformation guided by an externally posed ideal. *Bildung*, Hegel argued in the *Philosophy of Right*, was 'an immanent moment of the absolute' which possessed an 'infinite value'. But, its path was one marked by 'hard work'.

**GENEALOGY: THE EVOLUTION OF BÜRGERLICHE GESELLSCHAFT IN HEGEL**

Having seen that the terminology Hegel employed in his discussion of 'bürgerliche Gesellschaft' conformed to neither ancient nor modern conventions, we must try to account for this peculiar state of affairs by reconstructing the path that led Hegel to the analysis undertaken in the *Philosophy of Right*. Dieter Henrich has argued that one of the virtues of what he terms a 'philosophical study of the history of development' is that it allows us to see a philosopher's thought not merely as 'a completed series of statements' but rather 'as a response to certain ways of putting a question in a . . . complex constellation of problems'. The most salient elements of this constellation have been touched upon in our examination of Hegel's terminology: how can the intentions of classical political thought—which saw politics as the continuation of ethics and viewed civil society as the arena in which a habit of virtue might be cultivated—be preserved in the face of a society which is marked by potential conflicts between the roles individuals play as citizens, private persons, and Christians? The task was to find a civic *paideia* appropriate to a new and troublesome creature: the 'Bürger als bourgeois'.

**Folk-R eligion and the Mythology of Foundings**

In Hegel’s earliest uses of the category, 'bürgerliche Gesellschaft' was employed in the traditional sense as 'political society' in a discussion of the difference between civil and religious orders which was modelled on Mendelssohn’s *Jerusalem* and Kant’s *Religion within the Bounds of Reason*.

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52 Hegel, *Philosophy of Right*, para. 187.


_Alone_, works which occupied his attention during his days in seminary. The long manuscript entitled _The Positivity of Christian Religion_, begun by Hegel in 1795, undertook a detailed account of the differences between ecclesiastical and civil contracts and articulated, on this basis, a distinction between a 'bürgerliche Gesellschaft' and a 'kirchliche Gesellschaft'. The points made here were typically Enlightenment arguments: a binding contract regarding matters of faith is impossible, hence the need to keep civil and ecclesiastical matters strictly separated, especially in the areas of property ownership and education.55

This much of Hegel's argument is so typically like Mendelssohn, Kant, and Lessing that it seems distinctly 'unHegelian'. However, there are other texts, from roughly the same period, whose arguments proceed in a different direction. Here Hegel was not concerned with drawing a boundary between civil and ecclesiastical domains. Rather, he was interested in exploring the ways in which the Athenian _polis_ interwove the two.57 In his most forceful formulations, Hegel did not restrict the achievement to the past. In a fragment from his 1798 critique of Kant's _Metaphysik der Sitten_, he questioned the distinction between church and state which he appeared to have endorsed in the _Positivity_ essay.

... if the principle of the state is a complete whole, church and state cannot possibly be distinct. What in the former is intellectualized and authoritative is, in the latter, the very same whole as living, presented in phantasy. The whole of the church is thus only a fragment if men are completely smashed into particular state-men and particular church-men.58

The apparent contradiction suggests that Hegel's early project moved on at least two levels: (1) a critique of present arrangements of ecclesiastical and civil authority with the practical intention of separating an authoritative religion from civil society, conceived primarily as a juridical entity, and (2) a more general theory about the relationship between politics and religion detailed enough to account for both the present unhappy mergers of church and state and the harmonious relationship between religion and politics in the


58 Hegel, _Werke_, Vol. 1, p. 444.
Greek *polis*. On the first level it was argued that because of the intrinsically private nature of Christian belief, Christianity could become a public religion only by becoming 'positive' or authoritative.59 The second level suggested the possibility of relationships between religion and politics other than the fatal antinomy of strict separation or theocratic absolutism.

In elaborating the proper relationship of religion and politics, Hegel turned to mythological accounts of the accomplishments of founders of cities, and in particular to the legendary founder of Athens, Theseus.60 Similar invocations can be found in those writers who mattered most to Hegel in this period. Machiavelli praised Moses, Cyrus, and Theseus at the close of the *Prince*; Rousseau named Lycurgus the model for legislators and referred in passing to Solon, Numa, and Servius; and Steuart devoted a much-criticized chapter of the *Inquiry* to a discussion of Lycurgus' constitution for Sparta.61 Concentrating on those who actually founded cities (as opposed to those other figures who reformed the laws of polities at critical moments), we see that such figures were typically assigned two basic tasks: (1) a gathering of scattered peoples together from a state of rural dispersion into a state of urban concentration and (2) a breaking up of the ties of clan and household so as to facilitate the forming of civic ties which cut across kinship structures. Since most mythological accounts portray the family as the reigning form of social organization in the state of nature, both steps take place at virtually the same moment: the entry into civil life is both a departure from a state of savagery and an opening of a space of action outside of the confines of the household. For Hegel, the crucial instrument available to founders was religion. Theseus was able to unite scattered clans into a *polis* only because he gave Athens a civic religion.62

We need not make the unlikely assumption that Hegel took all of this literally. After all, even Plutarch likened his account of Theseus to the margins on ancient maps which were filled with questionable facts about


62 Hegel, *Werke*, Vol. 1, pp. 197–8 (*Early Theological Writings*, p. 146). cf. Plutarch, *Lives* (Modern Library), p. 15: 'He then dissolved all the distant state houses, council halls, magistracies and built one common state-house and council hall on the sight of the present upper town, and gave the name Athens to the whole state, ordaining a common feast and sacrifice, which he called Panathenaea, or the sacrifice of all the united Athenians'.
unknown lands. But these legends of foundings did provide the basic structure for an approach to the origin of civil society which gave pride of place to the role played by civic religions. Universal history was conceived by Hegel as beginning with a cataclysmic breach in the state of nature. But the particular history of a people began when, in H.S. Harris' lucid exposition,

they deliberately adopt towards other peoples the attitude which they have reactively adopted towards the revealed might of universal fate. Thus the involuntary breach... generates the possibility of a voluntary breach... and the character and manner of that voluntary breach, if it occurs, determines a 'fate' that is peculiar to the spirit that makes the breach.64

Hence, the characteristic attitudes and ethical code given to a people at their departure from the state of nature is of decisive importance. The great project of Hegel's early years was an effort to understand the peculiar fate of Bourgeois-Christian society in terms of a classically inspired theory of the origins of civil society.

Hegel's project was, as is probably already obvious, a problematic one, and three particularly troublesome aspects of it should be noted. First of all, and for Hegel perhaps most decisively, when elaborated it became evident that it was a project whose practical import was at best questionable. The hope of the project as formulated in the 'Tübingen Essay' of 1793 was to deduce, through a study of the authentic characteristics of folk-religions, a way of reinterpreting Christianity which would transform it into a non-positive, public religion of the sort Hegel felt could be found in the ancient polis.65 As the project evolved it became apparent that no amount of hermeneutic purification could overcome the essentially private nature of Christian faith. No way could be found back from the increasingly elaborate theoretical reconstructions of the essential elements of Christian faith to an 'intervention in the life of men'.66 Second, under the impact of a study of Machiavelli, Hegel came to a clearer formulation of the minimal criteria which the modern state must satisfy and, faced with the defeat of the forces of the Holy Roman Empire in the wars of the French Revolution, he concluded that 'Germany is a state no more'.67 While not in itself signalling an abandonment of the early

63 Plutarch, Lives, p. 3.
64 Harris, Hegel's Development, pp. 273–4.
66 For a detailed discussion, see Harris, Hegel's Development, pp. 409–16.
project, this event did force Hegel to take a greater consideration of those civic virtues Machiavelli had associated with civic militias and to question in an even more thoroughgoing way whether a coherent enough religious foundation could be found in Germany on which to base a state. 68 Third, and perhaps most obviously, the entire use of the image of Theseus became a deus ex machina as evidenced by Hegel's parody of the Prince in the invocation of a Theseus to unite Germany which closed the German Constitution. 69 Theseus functioned here, as he did in subsequent cameos in the Jena Realphilosophie, 70 as a marker for a problem which remained unresolved in any way other than a literary gesture: how can one bring about the components necessary for the creation of a viable political order?

The Critique of Natural Law and the Theory of Sittlichkeit

Between 1793 and 1800 Hegel's main concern was with the religious side of the problem of Bourgeois-Christian society. His first prolonged study of political economy took place as a part of this project, but it was not until the essay 'The Scientific Ways of Treating Natural Law, Its Place in Practical Philosophy, and its Relation to the Positive Science of Law' from 1802 that Hegel focused on the Bürger als bourgeois rather than the Bürger as Christian. 71 The most accessible parts of the essay are primarily critical: an examination of the theoretical inadequacies of both 'empirical' approaches to natural law (Hobbes, Pufendorf) and 'formal' approaches (Kant, Fichte). The final section of the essay, however, moved beyond critique and developed in an extremely condensed form Hegel's alternative to social contract theories: a conception of political life which drew heavily on Aristotle's distinction between polis and oikos.

This reliance on a classical model is, of course, nothing new in Hegel's thought. What is new and what demands our attention is that the classical model is no longer used in a mythological or literary fashion but instead is elaborated in terms of a coherent philosophical foundation. Indeed, the very fact that Hegel was here concerned with developing a philosophical basis for moral theory can be counted as an important transformation in Hegel's thinking since there is ample evidence that the young Hegel was indifferent to

70 Hegel, Gesammelte Werke, Vol. 8, pp. 211, 258 (in the latter, Robespierre is offered as a modern equivalent). Avineri's comments about Hegel's use of the image of Theseus are very much to the point. Hegel's Theory of the Modern State, pp. 60–1.
metaphysics and, at least until the end of his stay in Berne (1796), a novice in speculative philosophy. It was only with his collaboration with Hölderlin in Frankfurt (1797) that Hegel became a systematic thinker and it was only with the natural law essay that we see the elaboration, within the sphere of practical philosophy, of the implications of his early system.\(^\text{72}\)

Common to both the natural law essay and to the virtually contemporaneous unpublished System der Sittlichkeit was a dualistic conception of ethical life which paralleled the insistence within Schelling’s system of posing all phenomena in terms of a chiasmus of nature and spirit. Just as all phenomena were seen by Hegel and Schelling as intertwinings of ‘real’ and ‘ideal’ elements, so too within the realm of Sittlichkeit a distinction was made between one side which ‘faces inward’ and is given over to an interaction with nature which produces goods which satisfy needs and a second side which ‘faces outwards’ and is involved in interactions with other peoples.\(^\text{73}\) The distinction made here parallels that drawn in Aristotle’s Politics between a satisfaction of the basic needs of the polis—carried out within the household—and a sphere which exists beyond the realm of production, the authentically political life of the polis. But while an opposition of domestic and civil societies dominated both the natural law essay and the System der Sittlichkeit, the contents Hegel incorporated into this structure were strikingly modern. The discussion of domestic society was elaborated in terms of modern political economy and, in place of the traditional themes of household management (the relationship of parents, children, and servants) we have a discussion of labour and exchange.\(^\text{74}\) Likewise, the discussion of the ‘outward’ facing side of the ethical community had little to do with Aristotle’s discussion of the pursuit of the good life and was rather more Machiavellian in inspiration: the ‘ideal’ pole of the community was marked by a willingness to risk death in the defence of the community.\(^\text{75}\)


The natural law essay deduced two classes on the basis of this dichotomy. Corresponding to the outward-facing side we have a class which is identified as Aristotle’s *politeuein*—a class which lived ‘in and for and with’ the community. Corresponding to the inward-facing side are a series of classes, discussed historically, which include both the slaves of antiquity and the modern *Bürger* in the sense of *Bourgeois*. Almost as an afterthought, Hegel added a third class: an agricultural class which engages in crude and ‘uneducative work’. The *System der Sittlichkeit* provided a more complex deduction of classes, the most important feature of which is a discussion of how the different classes are intermingled in different forms of government.

Even this brief sketch should suggest some of the problems which plague Hegel’s first systematic discussions of politics. First of all, it is evident that both works have a strangely archaic quality: new wine was poured into an old bottle. Certain of the classes discussed—for example the *politeuein* of the natural law essay and the class of ‘priests and elders’ in the *System der Sittlichkeit*—have little to do with classes in modern society. Likewise, the handling of political economy, for all of its celebrated ‘anticipations’ of Marx’s theory of alienation, remains curiously backward. A discussion of modern political economy remains trapped within a theoretical structure which still assigns economic activities to the household.

A second problem with these two first systematic studies of politics involves the ahistorical character of the account of civil society at a time when Hegel was on the threshold of incorporating history into the heart of his system. Within three years after the completion of these works, which saw the *polis-oikos* distinction as an unchanging structure which simply took on new content, Hegel began the lectures on the history of philosophy which were to

of war is totally modern. Nevertheless, classical models can be found in Plato’s discussion of the guardians and in Aristotle’s discussion of the military basis of that form of government he terms a ‘polity’.


80 The same tendency to approach political economy as household management writ large can be seen in Steuart, *Inquiry*, pp. 15–16. 68 (a more provocative analysis, pointing beyond the metaphor of householding can be found on p. 92).
have a decisive impact on the genetic unfolding of categories in the *Phenomenology of Spirit* (1806). But even in comparison with his earlier work, there is a remarkable lack of concern with history in these essays. His work at Berne and Frankfurt centred on the problem of the transition from rude to civilized society, and the relationship between family and polity was posed as a diachronic passage from patriarchal to political forms of rule. The account in these essays from the Jena period was, in contrast, concerned only with the synchronic relationship of household and polity.

A third nexus of problems must be sketched a bit more tentatively since, while it suggests some possible motives for Hegel's embracing of a different pattern of argument in and after the *Phenomenology*, several of the points argued here still remain very much at issue among Hegel scholars. This much appears evident: there was a general insecurity during the Jena period regarding the philosophical context in which the account of politics was to be placed. A number of commentators have noted that the natural law essay stands closer to the arguments Hegel made in the *Phenomenology* than the subsequently written *System der Sittlichkeit*. Why should the earlier of the two works from 1802 more closely resemble Hegel's argument in 1806 than the later of the two? The simplest answer would appear to be that *all* of Hegel's works in the Jena period manifest a certain ambivalence towards the 'identity philosophy' Hegel was elaborating in tandem with Schelling, and that Hegel's most creative insights seem to appear in his critical essays (such as, for example, the natural law essay) rather than in his system drafts (e.g. the *System der Sittlichkeit*).

Rolf-Peter Horstmann has argued that all of Hegel's works during this period are marked by a tension between a deduction of categories which proceeds along orthodox 'identity philosophy' lines and a pattern of deduction which draws on the immanent movement of consciousness itself—Hegel's strategy in the *Phenomenology*. In contrast to the natural law essay, the *System der Sittlichkeit* represents a more conventional piece of identity philosophy. But, from 1804 on, Hegel was becoming more and more estranged from the central premises of identity philosophy. Ultimately *Sittlichkeit* could no longer be explicated as 'ethical nature'. Its structure had

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82 Rolf-Peter Horstmann, 'Probleme der Wandlung in Hegels Jenaer Systemkonzeption', *Philosophische Rundschau*, 19 (1972), pp. 87–118.
to be elaborated on the terrain of ‘Geist’ alone, as part of what Hegel now called ‘objective spirit’. 83

Civil Society and Objective Spirit: The Philosophy of Right

The general task which faced Hegel in the Philosophy of Right had thus been posed by the time of the Phenomenology, but the articulation of the specific topology into which ‘bürgerliche Gesellschaft’ was eventually inserted dates from no earlier than 1818. The elaboration of the basic categorical structure which would ground the Realphilosophie was Hegel’s main concern in the decade which followed the Phenomenology and if we examine the evidence we have concerning the organization of Hegel’s practical philosophy during the period of the composition of the Science of Logic (1812–13; 1816) we find little new in Hegel’s political philosophy.

The lectures on law, morality, and religion which Hegel delivered in Nürnberg from 1810 onward still remain tied to the distinction between household and polity which marked the Jena writings. ‘Family’ and ‘state’ are the only two entities discussed in Hegel’s analysis of the ‘Staatsgesellschaft’, the structural forerunner of the Philosophy of Right’s Sittlichkeit. The discussion of the family is now literally an analysis of the ‘family’, not the ‘household’: there is no discussion of economic matters and the analysis centres on sentimental bonds and family ‘Pietät’. 84 The transition from family to state, however, is handled in a remarkably clumsy fashion. We are told that a broadening of familial ties will result in a ‘nation’, not a state, since the latter is a ‘society of men under juridical relations’ while the former is a people united by ties of ‘speech, mores and customs [Sitten und Gewohnheit— Hegel’s later definition of the Greek ethos] and culture [Bildung]’. The state is not derived from the family, but rather is the product of a social contract which ends a state of nature which is defined in Hobbesian imagery as a state of ‘rudeness, force, and injustice’. 85 In short, we have here a hodge-podge of classical and modern conceptions of politics without the slightest attempt at integration. The reconciliation of ancient and modern conceptions is left to mere chance. ‘If a family broadens itself into a nation, and the state coincides with the nation, that is good fortune’. 86

83 For a general account of this transformation see Manfred Riedel, ‘Objectiver Geist und praktische Philosophie’ in Studien zu Hegels Rechtsphilosophie, pp. 11–41.


85 Ibid., pp. 246–7.

86 Ibid., p. 246.
The same general structure, although a bit less cavalierly handled, persists in the Heidelberg Encyclopedia (1817). It was not until 1818 or 1819 that the tripartite family—civil society—state distinction appeared in the marginal notes in the copy of the Heidelberg Encyclopedia from which Hegel lectured in Berlin.\textsuperscript{87} The transcript of these lectures, the first he delivered on Rechtsphilosophie at Berlin, confirm that it was only then that 'bürgerliche Gesellschaft' became an independent domain, analytically separate from family and state.\textsuperscript{88} We must attempt to explain how this modification in the structure of Hegel's political philosophy resolved the problems which had plagued his earlier analyses.

From what has been said thus far, the problems the Philosophy of Right must address may be posed as follows. First, some alternative to the traditional opposition of civil society and domestic society must be found if Hegel is to avoid having his system haunted by an archaic structure. Second, this altered structure must be coherently related to the new metatheoretical framework announced with the Phenomenology. Third, if Hegel is to remain loyal to the intentions of classical political philosophy in spite of his modernizing of the structure of his analysis, somehow he must show that the end of politics is not simply the protection of private goods, but instead involves the cultivation of a sense of identity with the community as a whole.

Turning to the first requirement, as we have seen, the Philosophy of Right no longer repeats the traditional distinction between household and polity. The tripartite structure of the analysis of Sittlichkeit—in addition to appealing to Hegel's somewhat pedantic love of triads—captures conceptually an important aspect of modern society: the production and exchange of goods typically takes place outside of the household.\textsuperscript{89} Modern economics deals with political, not domestic, economy. Likewise an effort has been made to distinguish between those authentically political functions of the state involving the representation and articulation of public will and those functions of the state which are simply administrative. These latter functions are, for Hegel, not properly part of the state; instead they are part of civil society.\textsuperscript{90} Finally, the family is thematized in non-economic terms as a

\textsuperscript{87} Hegel, Vorlesungen, Vol. 1, p. 189.

\textsuperscript{88} Ibid., pp. 308–23.

\textsuperscript{89} For two rather different approaches to this transformation, see Hannah Arendt, The Human Condition (Garden City, N.Y., 1959), pp. 35–45 and Keith Tribe, Land, Labour and Economic Discourse (London, 1978).

\textsuperscript{90} Hegel, Philosophy of Right, paras. 209–256.
sentimental unity devoted to the raising of children, not an economic entity concerned with producing goods.91

The second task, articulating a structure which is commensurate with the metatheory announced in the Phenomenology, is a good deal more complicated. As has been noted, Hegel's break with identity philosophy came with the recognition that the categories of the 'System of Science' were immanent within the structure of consciousness. In the domain of 'Objective Spirit'—the technical term for the concerns of the Philosophy of Right—it is difficult to see what role a conscious, willing individual plays once we have left behind those sections which deal with individuals considered in isolation (Abstract Right and Morality). When Hegel begins his discussion of the family, we would appear to have abandoned individual consciousness altogether and to be dealing with a will which is 'natural'.

The crucial achievement of bürgerlich Gesellschaft is that it overcomes this situation. It must denature spirit and thus create, in the place of a sentimental and natural community, a community which is completely self-conscious. It was precisely here that all of Hegel's previous accounts broke down with either invocations of Theseus or unsatisfactory accounts of how the family somehow becomes a state. The introduction of 'Bürgerliche Gesellschaft' into the framework of the Philosophy of Right provided Hegel with a totally unnatural community, resting on the interactions of isolated individuals, which nevertheless by its own logic, led the individual from the family to the polity. The fact that it was possible to have sciences of political economy—even though, for Hegel, they remain on the level of Verstand92—indicated that civil society, like consciousness, was capable of generating its own categories. Just as consciousness, in the Phenomenology, confronted the inadequacy of its categories and hence raised itself to a more adequate level of comprehension, so too individuals in civil society confront the abstract laws of political economy and bend their will so as to avoid economic ruin. Hegel's point could not be more basic: in market interactions individuals cannot simply pursue their own interests. If they do, they quickly learn that the market is not structured in ways which allow every individual whim to be satisfied. The Bildung which is carried out in civil society forces the individual to know, will, and act 'in a universal way' and thus individuals 'make themselves links in the chain of connections' which is civil society.93


92 Hegel, Philosophy of Right, para. 189.

93 Ibid., para. 187.
From this we can see how the third task noted above was carried out. Hegel's *Philosophy of Right*, in a peculiar fashion, remained loyal to the pedagogical intentions of classical politics. His *bürgerliche Gesellschaft*, like Aristotle's *koinonia politikē*, was a school for virtue. But both the lessons and the manner of the education differ enormously. The *paideia* which the 'Bürger als bourgeois' receives does not inculcate those civic virtues associated with Machiavelli's civilian militias. Nor is it the classical *paideia* which so obsessed Hegel in Tübingen, Berne, and Frankfurt. The *Bürger als bourgeois* does not prove himself by risking his life against a foreign enemy. His trial is altogether more mundane: he must confront the vagaries of the market. In the face of this foe, he is forced to put his idiosyncrasies to the side, and while he is never asked to lay down his life for the community, he must abandon all traces of individuality and become the abstract person who is the subject of formal right. Just as the family takes up a natural being, the child, and educates him to be a member of civil society, so too the corporations and the police take up, within civil society, individuals who have had every last bit of natural stubbornness worn away. Education continues in this ‘second family’.94

A most unsettling vision: individuals enter civil society with particular characteristics, which they display full-blown in the mad scramble of the market—and which, if they are to survive, they must lose. *Gebildete* men, Hegel states in the most chilling of analogies, ‘are like coins which have circulated for a long time’. They are worn down.95

No wonder he has been so rarely understood. There is no conflict, as commentators like Marcuse seem to feel, between his observations of the flattening and levelling which takes place in civil society and his apparently sanguine stance towards this new order.96 There is no disparity between ‘critical insights’ and ‘uncritical apologetics’ here. The dehumanizing effects of civil society are the prerequisite for the reconciliation of *bourgeois*, Christian, and citizen. ‘Man’ enters the field of vision of the *Philosophy of

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96 Marcuse’s discussion of the first of the Jena philosophies of spirit is particularly misleading in this regard. He writes: ‘The tone and pathos of the descriptions point strikingly to Marx’s *Capital*. It is not surprising to note that Hegel’s manuscript breaks off with this picture, as if he was terrified by what his analysis of the commodity-producing society disclosed’. *Reason and Revolution*, p. 79. What Marcuse seemed to overlook was that the manuscript actually broke off only after Hegel had introduced the category of legal personhood, which emerges as a consequence of the market’s erasing of all traces of individual particularity; see Hegel, *Gesammelte Werke*, Vol. 6, pp. 325–6.
Right for but a fleeting moment in the discussion of the 'System of Needs'. Yet 'Man' gives way, rather quickly, to 'person' and 'citizen'.

Yet, we should not equate Hegel's position with that of Montesquieu and Steuart and credit him with an optimistic view of the relationship between commerce and civil society. He is not, like them, claiming that commerce and exchange 'civilise' men. He had a far sharper eye for the consequences of market exchanges. He knew that his 'bürgerliche Gesellschaft' was a most uncivil society. But that did not mean that one could not build a state on it.

Hegel's is a most peculiar of visions, an inversion of classical political thought in which the central themes are displaced but still bound into a coherent unity. One should not, however, under-estimate the exertion required to maintain this unity. Theseus, it should be recalled—although this part of the story was not repeated by Hegel—was a problem for Plutarch. Like his Roman alter-ego Romulus, he engaged in the rapes of women. But while Romulus could at least fall back on ragione di stato—the act of violence against the Sabines, by shattering their clan structure, forced them into the city—Plutarch could find no reason behind Theseus' rapes. Plutarch, however, overlooked a part of his own story. Theseus was the master of a more subtle way of binding a people together. He arranged for the coining of money.

Hegel remained loyal to the mentor of his early writings. It is not an act of rape which tears the individual from the family in the Philosophy of Right, but rather a more mundane act: economic exchange. It was his hope that the network of exchange which accompanied the rise of commerce would tie citizens together into a polity whose foundations were as stable as those of the ancient polis. The process has proved messier than Hegel thought, but the last of his stand-ins for Theseus has made up in staying power for what it lacked in grace.

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97 Hegel, Philosophy of Right, para. 190.